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Peru: Justice for all

The declaration of unconstitutionality with regard to a number of measures of the 1992 anti-terrorist legislation, issued by the Peruvian Constitutional Court on 3rd January this year, is an essential step towards overcoming the serious injustices and human rights violations this law made possible, Amnesty International today declared.

"It is now essential that, when replacing the previous anti-terrorist legislation, international human rights instruments should be strictly adhered to, in particular the standards for guaranteeing fair trials," added the organisation, expressing its satisfaction at the declaration of unconstitutionality with regard to the practice of judging civilians in military courts, which runs contrary to principles of international law.

Amnesty International urged the Peruvian authorities, and in particular President Alejandro Toledo, to ensure that new legislation does not place undue restrictions on human rights. One particular feature the organisation would wish to see in the new regulations is a clear and unequivocal definition of the crime of terrorism, a definition not open to subjective interpretations that could give rise to abuse.

"Anti-terrorist legislation enacted by the Fujimori government led to seriously marred trials taking place in Peru for years, with thousands of innocent people being unjustly imprisoned," recalled Amnesty International.

Given the concerns expressed by various sectors of Peruvian society, the organisation stressed the fact that the Constitutional Court's ruling must not lead to the automatic release of those responsible for crimes but to a recognition of the right of each and every person to receive fair treatment before the courts, as this is one of the fundamental principles of the rule of law.

"Over the last few months, Peru has taken significant steps to put its past lack of respect for human rights, as demonstrated by previous governments, behind it. The principles of international law can guide it in the right direction," stressed Amnesty International.

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