

PUBLIC

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Prisoners of conscience

4 May 2006

PERU

Herminio Palomino Soto (m)
Julia Natividad Rodríguez Suárez (f)

On 10 April, the Peruvian Supreme Court ordered the re-detention of the two former prisoners of consciences named above. They were in the past unfairly charged with “terrorism” related offences and should they be re-detained Amnesty International would once again consider them to be prisoners of conscience and call for their immediate and unconditional release.

Herminio Palomino Soto was unfairly charged with “terrorism” related offences in February 1993 and convicted to life imprisonment by *faceless military judges* (this term refers to judges whose identity is kept secret during proceedings). Amnesty International adopted Herminio Palomino Soto as a prisoner of conscience as the organization considered that there is no evidence that he had used or advocated violence. The main evidence against him was the testimony of a *repentant* or person accused of “terrorism-related” offences who obtained a reduced sentence in exchange for giving information. However, at the trial the *repentant* denied knowing Herminio Palomino Soto and stated that he had signed documents given to him by the police under duress, without even reading them. A medical report confirmed that the *repentant* had been tortured. Other incriminating documents allegedly found at Herminio Palomino Soto’s home were discredited by an expert at the trial.

Herminio Palomino Soto was retried by a civil court and acquitted in March 2005. However, on 22 July 2005, the Supreme Court annulled the sentence and ordered his re-detention on 10 April 2006. However, Amnesty International believes that there is no evidence that he had any links to the armed opposition group Shining Path.

Julia Rodríguez Suárez was unfairly charged with “terrorism” related offences in April 1994 and convicted to 12 years imprisonment by *faceless civilian judges*. Amnesty International adopted her as a prisoner of conscience. She had been detained when she went to visit her sister at the Chorrillos Women’s Prison, *Prision de Mujeres de Chorrillos* in Lima. It was alleged that statements from the armed opposition group, Shining Path were found on a piece of paper in a pair of trousers she had brought her sister. However, Julia Rodríguez Suarez was not present during the search when the police allegedly found the piece of paper these statements were said to have been on. During a subsequent police interrogation, Julia Rodríguez Suárez was threatened that her mother and younger sister would be detained if she did not confess to the allegations against her. At the trial, the piece of paper was not presented as evidence.

Julia Rodríguez Suárez was acquitted by the Court on 29 October 2004 and released. On 6 December 2005, the Supreme Court annulled her sentence and ordered her re-detention on 10 April 2006. However, Amnesty International believes that there is no evidence that she had any links to the armed opposition group Shining Path.

BACKGROUND INFORMATION

Since 1992 when “anti-terrorism” legislation came into effect, hundreds of women and men have been falsely charged under this legislation. People in detention, who have not used violence and against whom there is no evidence linking them to armed opposition groups, are considered by Amnesty International to be prisoners of conscience. In Peru they are known as “innocent prisoners”.

The 1992 “anti-terrorism” legislation fell short of international standards for fair trial and allowed for civilians charged with “treason” to be tried by military courts. People charged under “anti-terrorism” legislation were imprisoned in conditions often amounting to cruel, inhuman or degrading treatment. Many of them were also

subjected to torture and ill-treatment while in custody in order to force them to confess or to implicate relatives or acquaintances.

Between 1996 and 2003, several commissions were set up by different governments to review these cases and as a result hundreds of prisoners were released after being pardoned. In 2003, the Constitutional Court ruled that life imprisonment sentences and the use of military courts to try civilians were unconstitutional and the executive issued, a series of decrees overturning some of the sentences passed on people tried under the 1992 "anti-terrorist" legislation and new trials were ordered to be held in the ordinary courts. Hundreds of prisoners are now being retried.

However, Amnesty International is concerned that, owing to the slowness of trial proceedings in the Peruvian justice system, it may take years for "innocent prisoners" to be released as a result of a retrial, thus prolonging the unjust detention of the people concerned. Amnesty International is urging the Peruvian Government to immediately and unconditionally release of all these prisoners, grant them appropriate compensation and immediately expunge their criminal record, as well as to adopt a policy within the prisons of actively identifying the cases of "innocent prisoners", so that they can be released immediately and unconditionally.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in Spanish or your own language:

- stating that Herminio Palomino Soto and Julia Rodríguez Suarez have been unjustly accused of being members of the armed opposition group Shining Path;
- expressing concern that there is no evidence that they had used and/or advocated violence;
- expressing concern that a warrant of arrest was issued against them;
- stating that should they be re-detained on "terrorism" related charges Amnesty International will once again adopt them as Prisoners of Conscience and call for their immediate and unconditional release;
- calling for the unconditional and immediate release of all prisoners of conscience in Peru.

APPEALS TO:

Minister of Justice

Dr. Alejandro Tudela Chopitea

Ministro de Justicia

Ministerio de Justicia

Scipión Llona 350

Miraflores

Lima 18

PERÚ

Fax: + 51 1 422 3577

Salutation: Dear Minister/Sr. Ministro

COPIES TO:

Asociación Ministerio Diaconal Paz y Esperanza

Oficina Nacional

Jr. Hermilio Valdizan 681

Jesus Maria

Lima

PERÚ

Email: lima@pazyesperanza.org

and to diplomatic representatives of Peru accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 15 June 2006.