

PUBLIC

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Fear of torture/Fear of unfair trial

6th July 1998

**PERUCecilia Rosana NÚÑEZ CHIPANA (f)**

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Cecilia Rosana Núñez Chipana, a Peruvian citizen and alleged member of the *Partido Comunista del Perú (Sendero Luminoso)*, PCP(SL), Communist Party of Peru (Shining Path), was extradited by the Venezuelan authorities to Peru on 3 July 1998. Amnesty International is concerned that she is at risk of being tortured and of not receiving a fair trial.

Following a request by Peru to Venezuela for the extradition of Cecilia Nuñez Chipana, on 11 June 1997 Venezuela's Supreme Court of Justice ruled that she be returned to Peru. The request was apparently made on the basis that Cecilia Nuñez Chipana was implicated in armed attacks by Shining Path, including the Calle Tarata car bomb attack in 1992 in Miraflores, a district in Lima, the capital. The attack, which left at least 22 civilians dead and many more injured, received world-wide condemnation, including by Amnesty International (see Amnesty International *Annual Report 1993*).

Amnesty International takes no position on the extradition request. However, the organization is concerned that certain fundamental rights of prisoners, as enshrined in international human rights treaties to which Peru is a State Party, should be adhered to at all times and in all places, no matter how serious the crimes of the accused. These fundamental rights include the right not to be subjected to torture or to cruel, inhuman or degrading treatment or punishment, and the right to a fair trial.

#### **BACKGROUND INFORMATION**

For the past 18 years the Peruvian authorities and Shining Path have been engaged in an armed conflict. Throughout this period both parties have systematically violated the most fundamental human rights of thousands of men, women and children in Peru.

Between 1980 and 1993 the Peruvian authorities tortured, "disappeared" and extrajudicially executed thousands of Shining Path suspects. Since 1992 the authorities also tried and convicted at least 5,000 prisoners accused of terrorism under proceedings which contravene international fair trial standards. The majority of these prisoners claim to have been tortured.

Since May 1980, when Shining Path initiated its campaign of armed attacks, the organization has taken captive, tortured and killed thousands of civilians, including peasants, local government officials, community leaders and political activists. Shining Path has also killed members of Peru's security forces who surrendered, were incapacitated or were taken captive during armed confrontations with the Peruvian security forces.

Amnesty International has repeatedly condemned these abuses and urged both parties to fully respect international human rights and humanitarian standards.

**RECOMMENDED ACTION: Please send telexes/faxes/express/airmail letters in Spanish or your own language:**

- noting that Peruvian citizen Cecilia Nuñez Chipana was taken into the custody of the DINCOTE, Peru's anti-terrorism police, following her extradition from Venezuela to Peru on 3 July 1998;

- urging the Peruvian authorities that Cecilia Núñez be guaranteed the right not to be tortured or subjected to cruel, inhuman or degrading treatment or punishment;

- urging the Peruvian authorities that, in the event of Cecilia Núñez being charged with a terrorism-related offence, she be guaranteed the right to a fair trial.

**APPEALS TO:**

Prime Minister

Señor Javier Valle Riestra

Primer Ministro

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**Salutation: Dear Minister/Señor Ministro**

Minister of the Interior

General EP José Villanueva Ruesta

Ministro del Interior

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**Salutation: Dear Minister/Señor Ministro**

Minister of Justice

Señor Alfredo Quispe Correa

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**Salutation: Dear Minister/Señor Ministro**

**COPIES TO:**

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Jr. Túpac Amaru 2467

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PERU

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 17 August 1998.