

**PERUMartha Cueva Muñoz (f), human rights defender**

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A landowner has filed charges against Martha Cueva Muñoz, legal adviser to a church-run human rights organisation, under Peru's wide-ranging anti-terrorist legislation. People facing such charges are swiftly arrested, and are often tortured in detention. Amnesty International believes these charges are unfounded, and would consider Martha Cueva Muñoz a prisoner of conscience if she were arrested.

Martha Cueva Muñoz is the legal adviser of the *Comité Vicarial de Derechos Humanos del Vicariato Apostólico de Pucallpa*, Human Rights Committee of the Apostolic Vicarage of Pucallpa, based in Ucayali Department in eastern Peru. In December 1998 10 families living on land claimed by a sawmill owner asked her to intervene to stop them being evicted.

When she arrived, police attempting to evict the families were being attacked with stones and bottles, and were using teargas. One sawmill worker had apparently been killed. A brush fire was burning, and both the sawmill owner and the families asked Martha Cueva Muñoz to act as a mediator so that firemen could get the fire under control and the two sides could negotiate. No agreement was reached, and the 10 families were eventually evicted.

The owner of the sawmill company, *Aserradero Yansen S.A.*, of Pucallpa, reportedly filed charges against the people living on the land, including murder, arson, crimes against public security and public disorder.

On 20 March 2000, the owner also filed charges against Martha Cueva, under Peru's 1992 Anti-Terrorism legislation, as she had been present and acted as a mediator during the December 1998 incident. Because the scope of this legislation is so wide, and the police act on accusations very quickly, such charges are an effective way to intimidate enemies. The owner apparently has a grudge against her and other human rights defenders, because neither the *Comité Vicarial de Derechos Humanos del Vicariato Apostólico de Pucallpa*, nor other human rights organisations, had taken up the case.

The Provincial Prosecutor in charge of the case ruled on 4 May that there was no evidence to support the charges against Martha Cueva, and ordered the case closed. However, the State Prosecutor (*Procurador del Estado*) has filed a complaint against this ruling. The Superior Prosecutor (*Procurador Superior*) of Ucayali department will decide in due course whether the complaint against the provincial prosecutor's decision should stand, and whether Martha Cueva should face charges.

**BACKGROUND INFORMATION**

Human rights defenders in Peru are constantly harassed, intimidated and threatened. The Peruvian authorities have taken few, if any, steps to stop such attacks, bring those responsible to justice and ensure human rights defenders are able to carry out their legitimate activities without fear.

In June 1999 the General Assembly of the Organization of American States adopted a resolution stating their intention to implement the United Nations *Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms*, which the UN passed on 9 December 1998, and agreed to "recognize

and support the work carried out by Human Rights Defenders and their valuable contribution to the promotion, observance, and protection of fundamental rights and freedoms in the Americas". The resolution called on state members to provide "Human Rights Defenders with the necessary guarantees and facilities to continue freely carrying out their work of promoting and protecting human rights" as well as to adopt "the necessary steps to guarantee their life, liberty, and integrity".

If the Peruvian authorities are serious about allowing human rights defenders to carry out their work, they have to abide by the letter and spirit of international human rights standards. By doing so they would be sending a clear signal that intimidation of human rights defenders will not be tolerated.

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

- expressing serious concern that human rights activist Martha Cueva Muñoz could be falsely charged with terrorism-related offences on account of her human rights activities;
- stating that Amnesty International would adopt her as a prisoner of conscience if she were detained;
- expressing concern that if she were detained she could be at serious risk of torture and ill-treatment in police custody;
- urging the authorities to ensure that the charges against Martha Cueva are dropped, in accordance with the provincial prosecutor's ruling of 4 May 2000, and that she is allowed to exercise her right to defend human rights in accordance with the principles of the United Nations *Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms*, of 9 December 1998.

**APPEALS TO:**

Justice Minister

Señor Alberto Bustamante Belaúnde  
Ministro de Justicia  
Ministerio de Justicia  
Scipión Llona 350  
Miraflores, Lima 18  
PERU

**Fax:+ 511 422 3577**

**Salutation:Dear Minister/Sr.Ministro**

Attorney General

Dr. Blanca Nélide Colán  
Fiscal de la Nación  
Fiscalía de la Nación  
Av. Abancay, cuadra 5 s/n  
Lima 1  
PERU

**Fax: + 511 426 4620/5011/5010**

**Salutation:Dear Attorney General/Sra. Fiscal de la Nación**

**COPIES TO:**

Non-governmental human rights organisation

Coordinadora Nacional de Derechos Humanos, CNDDHH  
Jr. Túpac Amaru 2467  
Lince,

Lima, 14  
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 21 July 2000.