

PUBLIC

AI Index: AMR 46/16/98

6 October 1998

Further information on UA 279/97 (AMR 46/34/97, 20 August 1997) and follow-up (AMR 46/37/97, 22 September 1997) - Fear for safety

PERUElba Greta Minaya Calle, judge [f]

Peruvian judge Elba Greta Minaya Calle continues to be a target of intimidation. Amnesty International believes the latest incident experienced by judge Minaya is one of a series which add up to a systematic campaign of intimidation against her for the independent exercise of her professional duties, and in particular for upholding the rule of law and the defence of human rights. The organization fears for her safety.

According to a complaint filed before the authorities by the Lima Bar Association, (*Colegio de Abogados de Lima*), on 22 September 1998 the car in which judge Minaya was being chauffeured in Lima, the capital, was forced to stop by a car with tinted windows. At the time judge Minaya was being accompanied by a bodyguard, assigned to her by the National Police of Peru, *Policía Nacional del Perú* (PNP), and by a colleague.

A man who got out of the second car approached judge Minaya's bodyguard and identified himself as a police officer based at the Cotabambas Police Station (*Delegación de Cotabambas*). He claimed to be engaged in "surveillance" ("*seguimiento*"), but offered no further reason for stopping the judge's car.

Due to the series of past threats suffered by judge Minaya, on 29 September a complaint about the incident was filed by the Lima Bar Association before the General Inspectorate of the PNP (*Inspectoría General de la PNP*).

BACKGROUND INFORMATION

The latest incident experienced by judge Minaya comes at a time when the government of President Alberto Fujimori is increasingly being criticized for undermining democracy and the rule of law (*Estado de Derecho*) in Peru. Critics claim that Peru is being ruled by "a civic-military government" ("*un gobierno cívico-militar*"). The executive power, on occasions directly and on others with the connivance of the legislature, are accused of interfering in the decision-making processes of the judiciary, often in violation of the Constitution and the upholding of human rights. As a result, for example, three Constitutional Tribunal judges (*Tribunal Constitucional*) were dismissed by Congress in 1997 for declaring it unconstitutional for President Fujimori to stand for a third term of office.

Against this background, and despite repeated attempts to threaten judge Minaya or obstruct her judicial decisions (see Urgent Action 279/97, AI Index AMR 46/34/97, 20 August 1997), she has steadfastly sought to maintain her independence of action.

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

- reminding the authorities that judge Elba Greta Minaya Calle has repeatedly faced threats and other acts of intimidation for her attempts to uphold the rule of law and defend human rights;

- expressing concern at the latest act of intimidation against judge Minaya when, on 22 September 1998, the car in which she was travelling in Lima was forced to stop by the police without giving any explanation;
- urging the authorities to ensure the safety of judge Minaya and ensure that she can exercise her judicial duties independently and impartially;
- calling on President Alberto Fujimori to issue a directive affirming the independence and impartiality of the judiciary and the rule of law;
- reminding the government of Peru of its commitment to the Universal Declaration of Human Rights, in particular Article 8: "Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law."

APPEALS TO:President of the Republic

Presidente Alberto Fujimori

Presidente de la República

Palacio de Gobierno

Plaza de Armas

Lima 1, PERU

Fax: + 51 1 426 6770 / 426 1120 (if someone answers, say "por favor, me puede dar tono de fax")

Telegrams: Presidente Fujimori, Lima, Perú

Salutation: Sr. Presidente/ Dear President

Minister of Justice

Alfredo Quispe Correa

Ministro de Justicia

Ministerio de Justicia

Scipión Llona 350

Miraflores

Lima 18, PERU

Fax: + 51 1 422 3577 (if someone answers, say "por favor, me puede dar tono de fax")

Telegrams: Ministro de Justicia, Lima, Perú

Salutation: Sr. Ministro/ Dear Minister

COPIES TO:Lima Bar Association

Colegio de Abogados de Lima

Av. Santa Cruz 255

Esquina Jirón Santander

Miraflores

Lima, 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 November 1998.

" Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law. "

Article

8, Universal Declaration of Human Rights

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