

EXTERNAL (for general distribution)

AI Index: AMR 46/21/93

Distr: UA/SC

UA 190/93

Death Penalty

14 June 1993

PERU: New death penalty law imminent

Amnesty International is deeply concerned that the scope of the death penalty in Peru may be extended in the forthcoming new Constitution and is calling on the international community and all governments throughout the world to repudiate this move by the Peruvian authorities. The organization is further urging that the death penalty be definitively abolished in Peru in the forthcoming Constitution.

On 10 June 1993, the Comisión de Constitución, a commission set up by Congress to draft a new Constitution, approved an article which reads: "The death penalty may only be applied for the crimes of treason and terrorism, in accordance with national laws and international treaties to which Peru is party." Congress is expected to approve this clause sometime in July 1993. This proposal has been put forward in the context of an internal armed conflict which has afflicted Peru since 1980. Under the present Constitution capital punishment may only be applied for the crime of treason in times of war with a foreign power.

Should the new Constitution include such a clause, Peru would be violating the American Convention on Human Rights. The Convention, which Peru ratified in 1978, explicitly prohibits any extension of the death penalty (Article 4.2), and prohibits its application for political offences or related common crimes (Article 4.4). State parties cannot derogate from Article 4, on the right to life and one of the central tenets of the Convention, under any circumstances whatsoever.

Amnesty International believes that by widening the scope of the death penalty the Government of Peru would be seriously undermining the spirit in which the American system for the protection of human rights has been strengthened over the past two decades.

BACKGROUND INFORMATION

Amnesty International opposes the death penalty as a matter of principle, considering it to be a violation of the right to life and the ultimate form of cruel, inhuman and degrading punishment inflicted by the State. The organization considers it to be a penalty which is not justified under any circumstances. The organization also believes the death penalty does not fulfil any penal objectives which could not be achieved equally by less severe penalties.

Amnesty International is fully aware of the extent of political violence in Peru, including thousands of cases of enforced disappearances, extrajudicial executions and torture by the security forces. The vast majority of these have never been thoroughly investigated and the perpetrators have not been brought to justice.

The organization is also aware of widespread atrocities by the clandestine armed opposition groups Partido Comunista del Perú (Sendero Luminoso), Communist Party of Peru (Shining Path). These include thousands of cases of deliberate and arbitrary killing of defenceless civilians and of members of the security forces who have laid down their arms, or through sickness, wounds, detention, or any other cause, are hors de combat. Similar abuses have been perpetrated by the Movimiento Revolucionario Túpac Amaru, Túpac Amaru Revolutionary Movement. Amnesty International has expressed its unqualified condemnation and opposition to such abuses.

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

- expressing concern at the proposal by the Peruvian Comisión de Constitución, the commission drafting Peru's new Constitution, to extend the scope of the death penalty;
- stating your opposition to the death penalty, considering it to be a violation to the right to life and the ultimate form of cruel, inhuman and degrading punishment by the State;
- recognizing the acts of terror unleashed by the Communist Party of Perú (Shining Path) and the Túpac Amaru Revolutionary Movement, but noting that the death penalty has not proved effective in preventing political violence elsewhere;
- recalling that in 1978 Peru ratified the American Convention on Human Rights and that to extend the scope of the death penalty would be to violate the Convention;
- urging the President of Peru and the Peruvian Congress to maintain Peru's past record of opposition to the death penalty and to abolish it definitively.

APPEALS TO:

1) President:

Presidente Alberto Fujimori
Presidente de la República
Palacio de Gobierno Plaza de Armas
Lima 1, PERU

**Salutation: Señor Presidente /
Dear President**

Telegrams: Presidente Fujimori, Lima, Peru
Telexes: 20167 PE PALACIO

2) President of Constitution Commission:

Carlos Torres y Torres Lara
Presidente Comisión de Constitución
Palacio Legislativo
Plaza Bolívar
Lima, PERU

**Salutation: Sr. Presidente /
Dear President**

Telegrams: Sr. Carlos Torres y Torres Lara, Palacio Legislativo, Lima, Peru

3) President of Congress:

Sr. Jaime Yoshiyama
Presidente del Congreso Constituyente
Democrático
Palacio Legislativo
Plaza Bolívar
Lima, PERU

**Salutation: Sr. Presidente /
Dear President**

Telegrams: Sr. Jaime Yoshiyama, Palacio Legislativo, Lima, Peru

COPIES OF YOUR APPEALS TO:

Dra. Edith Márquez
Inter-American Commission for Human
Rights
Organization of American States
Washington, DC 20006, USA

Human Rights Organization:
Campaña contra la pena de muerte
Coordinación Pastoral de Dignidad Humana,
CEAS, Av. Salaverry 1945
Lince, Lima 1, PERU

Faxes: + 1 202 4583992

and to diplomatic representatives of Peru accredited to your country. The World Conference on Human Rights is being held in Austria this month and you can enhance the power of your appeals by also sending copies to the diplomatic representative of Peru in Austria during June at the following address:

PERUVIAN EMBASSY:

The Ambassador
Botschaft der Republik Peru
Gottfried-Keller-Gasse 2.8 Stock
1030 Wien, Austria

Faxes: + 43 1 712 77 04

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 28 July 1993.