

UA 212/99

Fear for**PERU** Julio Cesar Mendivil Trelles, musician

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Julio Cesar Mendivil Trelles was detained on suspicion of the terrorism-related crime of treason on 13 August 1999. Those suspected of terrorism-related offences can be held without charge by police for 15 days, extendable to 30 days for those suspected of treason. During this time they are frequently tortured and ill-treated. Amnesty International is seriously concerned for his safety, and considers him a prisoner of conscience.

Julio Cesar Mendivil Trelles, a Peruvian, has lived in Germany, where he has refugee status, since 1989. He was detained as he arrived in Peru from Chile, and is now held at the police station in the town of Tacna, Tacna department. He had previously visited Peru several times to give concerts.

Amnesty International is concerned that he will be falsely charged with terrorism-related offences, because there appears to be no evidence linking him to the armed opposition.

Julio Cesar Mendivil's brother Jorge Luis Mendivil was one of eight journalists massacred in Uchuraccay, Ayacucho department, in 1983. Since then his family has been threatened and harassed by the police during their campaign for justice for the killing of his brother. In 1993 the *Dirección Nacional contra el Terrorismo* (DINCOTE), the antiterrorist branch of the police, detained his sister Rosario Mendivil for 15 days, but released her without charge.

**BACKGROUND INFORMATION**

Since 1992 over 1,500 women and men have been falsely charged under anti-terrorism legislation. This legislation falls short of international standards for fair trial in many ways, and allows for civilian charged with "treason" to be tried by military courts. In 1996 the government established a special commission charged with reviewing cases of prisoners falsely charged or convicted of crimes of terrorism. The commission has the power to propose to the President those prisoners who have evidently been victims of miscarriages of justice. Since the commission was established 473 prisoners have been pardoned and released. Others have been acquitted by the courts. However, Amnesty International is concerned that since November 1998 President Alberto Fujimori has pardoned only 14, despite the fact that during this period the commission has recommended to him that at least a further 50 prisoners should be released. Local human rights organizations consider that at least a further 400 people are falsely imprisoned for terrorism-related offences.

President Fujimori's lack of commitment to improving the human rights situation in the country is underlined by his recent move to withdraw Peru from the jurisdiction of the Inter-American Court of Human Rights. On 7 July 1999 Congress debated and passed a law proposing that the State withdraw with immediate effect from the jurisdiction of the Inter-American Court. The bill was proposed by President Fujimori with the unanimous support of his Council of Ministers. The decision followed a May 1999 Inter-American Court ruling that four Chileans sentenced to life imprisonment under Peru's anti-terrorism legislation in 1984 had not had a fair trial, and should be retried.

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

- expressing concern about the detention of Julio Cesar Mendivil Trelles on 13 August 1999;
- urging the authorities to ensure that he is not ill-treated or tortured while he is detained at Tacna police station;
- expressing concern that he has been falsely accused of terrorism-related offences, stating that Amnesty International considers him to be a prisoner of conscience, and urging that he is immediately and unconditionally released.

**APPEALS TO:**

Minister of the Interior  
(new appointment imminent)

Ministro del Interior  
Ministerio del Interior  
Plaza 30 de Agosto s/n  
Urb. Córpac  
Lima 27  
PERU

**Faxes: + 51 1 224 2407**

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

**COPIES TO:**

Human rights organization  
IDL  
Jr. Toribio Polo 248  
Lima 18  
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 29 September 1999.