

EXTERNAL (for general distribution)

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UA 343/93 Arbitrary detention/ Fear of unfair trial 29 September 1993

PERU: Lily Maribel OLANO ELERA, human rights activist

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Amnesty International is seriously concerned about the reported arbitrary detention on 24 September 1993 of human rights activist Lily Maribel Olano Elera. The organization is also concerned that Lily Oleano may be falsely charged under Peru's anti-terrorist legislation. In the event of such a charge, Amnesty International believes she would not be given a fair trial, and that she may be eventually be given a prison sentence.

According to reports, Lily Maribel Olano was detained by members of the police in a street near the Picsi prison in Chiclayo, Chiclayo province, department of Lambayeque. After her detention she was taken to the Chiclayo branch of the *Dirección Nacional Contra el Terrorismo*, DINCOTE, the anti-terrorist unit of the national police and was later transferred to the *Comisaría de Mujeres de Chiclayo*, Women's police station of Chiclayo. She is under investigation on suspicion of terrorism-related crimes.

Lily Olano was in contact with most of the major human rights organizations in Lima such as the *Instituto de Defensa Legal*, IDL, (Institute of legal Defence), *Asociación pro Derechos Humanos*, APRODEH, Association for Human Rights, *Fundación Ecuménica por el Desarrollo y la Paz*, FEDEPAZ, Ecumenic Foundation for Peace and Development, *Comisión Ecuménica de Acción Social*, CEAS, Ecumenic Commission for Social Action. These organizations have consistently made public their unqualified opposition to the activities of the armed opposition in Peru.

#### BACKGROUND

President Alberto Fujimori and his government assumed power on 28 July 1990. Since then the President has repeatedly stated that his government is pursuing a policy of unrestricted respect for human rights. In April 1992 President Fujimori suspended constitutional rule, closed Congress, introduced new wide-ranging anti-terrorist legislation and appointed new judges.

A new Congress was opened in December 1992 and finally reinstated the 1979 Constitution. In January 1993 the legislative ratified all the anti-terrorism decrees issued by the executive between May and November 1992. Amnesty International believes that these decrees are sufficiently wide and imprecise to allow for the detention of individuals critical of the political, social and economic system in Peru; of the Government, security forces and other authorities; and of political and military measures to control the armed opposition. Indeed, since new anti-terrorist laws came into effect, journalists, human rights defenders, lawyers, political activists and other critics with no links to the armed opposition in Peru, have been detained and charged with terrorism-related offences. Independent human rights

organizations in Peru have claimed that since May 1992 at least 100 people arrested under such decrees have been falsely charged. Some of these were released after months in prison; others remain in prison awaiting trial; and still others have been convicted and sentenced, in some cases to life imprisonment. Amnesty International believes that many of these people are prisoners of conscience or possible prisoners of conscience.

Human rights violations in Peru occur in the context of the government's counter-insurgency operations directed against the clandestine armed

**Page 2 of UA 343/93**

opposition group *Partido Comunista del Perú*, (*Sendero Luminoso*), PCP, Communist Party of Peru, (Shining Path) and the *Movimiento Revolucionario Túpac Amaru*, MRTA, Túpac Amaru Revolutionary Movement. By the end of 1993 Peru had failed to reform the laws such that they conform to international fair trial standards.

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

- Expressing concern about the reported arbitrary detention by members of the police of human rights activist Lily Maribel Olano Elera;
- Stating that Amnesty International believes her to have no links whatsoever with the armed opposition;
- Asking for her immediate release as a prisoner of conscience as she has not used nor advocated violence.

**APPEALS TO**

1) Attorney General of Chiclayo  
Dr. Nicanor de la Fuente  
Fiscal Superior Decano de Chiclayo  
Chiclayo  
Lambayeque  
PERU

**Telegrams: Dr. Nicanor de la Fuente, Fiscal Superior Chiclayo, Lambayeque, Peru**

**Faxes: 5174 23 2659**

**Salutation: Sr Fiscal Superior / Dear Attorney General**

2) Public Ministry's Attorney General  
Dra. Blanca Nélica Colán Maguiña  
Fiscal de la Nación  
Fiscalía de la Nación  
Avda. Azángaro  
Lima, PERU

**Telegrams: Dra Colán Maguiña, Fiscalía de la Nación, Lima, Peru**

**Faxes: + 5114 334457**

**Salutation: Estimada Señora Fiscal de la Nación / Dear Attorney General**

**COPIES OF YOUR APPEALS TO:**

Human Rights Association  
Señores  
Instituto de Defensa Legal

José Toribio Polo 248  
Sta Cruz, Miraflores,  
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 10 November 1993.