

20 January 1999

Further information on UA 318/98 (AMR 46/23/98, 23 December 1998) -Cruel, inhuman or degrading treatment or punishment

PERU Lori Helene Berenson (f)

Lori Helene Berenson, a US citizen convicted of the terrorism-related crime of treason and sentenced to life imprisonment by a Peruvian military court in January 1996, has now been in solitary confinement since 7 October 1998 in Socabaya prison, in Arequipa department.

Amnesty International has been urging the Peruvian authorities since 23 December 1998 to bring Lori Berenson's total isolation to an end immediately. Prolonged solitary confinement can cause severe and lasting physical and psychological damage and amounts to cruel, inhuman or degrading treatment or punishment.

In addition, the organization has now learnt that since January 1999, when there was a changeover of prison personnel, the guards who bring her food and escort her daily to her one hour yard time will not speak to her.

Amnesty International believes that Lori Berenson is being subjected to cruel and inhuman punishment. Her transfer from Yanamayo prison last October appeared to be because of her poor health and her need of medical attention. However, she has not yet received the medical tests that she needs. Thus the organization believes that the Peruvian authorities have singled her out for punishment.

In February 1998 Congress approved a law on crimes against humanity, including torture, which states that "*El funcionario o servidor público o cualquier persona, con el consentimiento o aquiescencia de aquél, que inflija a otro dolores o sufrimientos graves, sean físicos o mentales, o lo someta a condiciones o métodos que anulen su personalidad o disminuyan su capacidad física o mental...con el fin...de castigarla por cualquier hecho que haya cometido o se sospecha que haya cometido...será reprimido con pena privativa de libertad...*" (Any civil servant, public official or person acting with the consent or acquiescence of the former, who inflicts pain or suffering to others, be they physical or mental, or who subjects a person to conditions or methods which deny their personality or diminish their physical or mental capacity ...in order to...punish them for anything they have done or are believed to have done...will be imprisoned...")

Amnesty International believes that the conditions under which Lori Berenson is imprisoned contravene this law and the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, to which Peru is a state party. If the Peruvian authorities are serious about following both the spirit and the letter of international as well as domestic law then Lori Berenson's isolation has to end immediately.

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

- expressing concern that Lori Berenson is still in solitary confinement in Socabaya Prison, which amount to cruel, inhuman or degrading punishment;
- urging that Lori Berenson's total isolation be brought to an end immediately;

- reminding the government of Peru of its commitment to the Universal Declaration of Human Rights, in particular Article 5: "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment".

APPEALS TO:

Minister of Justice

Sra María Carlota Valenzuela de Puelles
Ministra de Justicia
Ministerio de Justicia
Scipión Llona 350
Lima 18, PERU

Telegrams: Minister Justice, Lima, Peru

Faxes: + 511 422 3577

Salutation: Dear Minister/Sra. Ministra

President of the National Penitentiary Institute

General PNP Juan Nakandakari Kanashiro
Presidente del Consejo Penitenciario
Instituto Nacional Penitenciario
Jr. Carabaya 456
Lima 1, PERU

Faxes: + 511 427 0624

Salutation: Dear President / Sr. Presidente del INPE

Prison Governor

Sr. Director
Establecimiento Penal de Socabaya
Arequipa
PERU

Telegrams: Prison Governor, Socabaya, Arequipa, Peru

Salutation: Dear Governor/Sr. Director

COPIES TO:

Human Rights Organization

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 4 March 1999.