

PUBLIC

AI Index: AMR 46/08/98

UA 143/98 Fear for safety / Fear of arbitrary detention /
Legal concern

6 May 1998

PERU Heriberto Benitez Rivas, human rights lawyer
Isabel Rivas Ramirez (f), mother of above

Serious concerns for the physical safety of Heriberto Benitez Rivas and his mother Isabel Rivas Ramirez have arisen following numerous telephone death threats made to their home in Lima on and around 28 April 1998.

On 28 April, Heriberto Benitez also learnt that an appeal has been filed at the *Sexta Sala Penal de la Corte Superior de Lima*, Criminal Court number six of the High Court of Lima against a ruling which acquitted him of fraud charges five years ago. There are fears that he could be arbitrarily detained as a result of the appeal being brought.

These events are believed to be linked to Heriberto Benitez' work as a human rights lawyer. He is currently representing Leonor La Rosa Bustamente, an ex-agent of the *Servicio de Inteligencia del Ejército* (SIE), Army Intelligence Service, who was tortured by SIE members for allegedly leaking security plans (see UA 98/97, AMR 46/11/97, 11 April 1997). He is also representing Gustavo Adolfo Cesti Hurtado, a retired army captain sentenced to four years' imprisonment for fraud by a military court in February 1997. This was despite strong evidence showing that the allegations against him were related to his denunciation of corruption in a partly state-owned insurance company.

Heriberto Benitez has also recently brought the case of Delia Revoredo Marsano and her husband Jaime Mur Campoverde (see UA 135/98, AMR 46/07/98, 29 April 1998) before the UN Special Rapporteur on the independence of judges and lawyers and before the UN Working Group on arbitrary detentions.

Delia Revoredo, a prominent former judge and human rights advocate, recently fled Peru following repeated death threats, which occurred after she publicly stated her opposition to President Alberto Fujimori standing for a third term of office.

BACKGROUND INFORMATION

Over the past years Amnesty International has documented numerous acts of intimidation, including armed attacks, short-term abductions, death threats and other forms of harassment against human rights defenders, journalists, judges, opposition parliamentarians and critics of President Alberto Fujimori's government. This intimidation has taken place in the context of revelations about human rights violations by members of SIE, allegations of corruption by individuals linked to the government and armed forces, and opposition to what is widely perceived by many sectors in Peruvian society as "*un gobierno cívico-militar*", an authoritarian civil-military government".

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

- expressing concern for the safety of human rights lawyer Heriberto Benitez Rivas and his mother Isabel Rivas Ramirez, following the death threats they received on and around 28 April 1998;
- calling on the authorities to ensure the full protection of Heriberto Benitez Rivas and Isabel Rivas Ramirez;
- calling for an immediate, full, and independent investigation into the death threats, for the findings to be made public, and for those responsible to be brought to justice;

- expressing concern at the possibility that Heriberto Benitez Rivas could be falsely imprisoned on criminal charges of which he has already been acquitted, a move which appears to be related to his work as a human rights lawyer;
- stating that if falsely imprisoned, Heriberto Benitez Rivas would be considered a prisoner of conscience, prompting calls for his immediate and unconditional release.

APPEALS TO:

Attorney General

Dr. Miguel Aljovin Swayne
Fiscal de la Nación
Fiscalía de la Nación
Av. Abancay, Cuadra 5
Lima 1, PERU

Telegrams: Fiscal Nación, Lima, Peru

Fax: + 511 426 2474

Salutation: Dear Attorney General / Sr. Fiscal de la Nación

Minister of the Interior

General (EP) Jose Villanueva Ruesta
Ministro del Interior
Ministerio del Interior
Plaza 30 de Agosto 150
Lima 27, PERU

Telegrams: Ministro Interior, Lima, Peru

Fax +511 224 2407 (if voice, say "me da tono de fax por favor")

Salutation: Dear Minister/Sr. Ministro

Minister of Justice

Sr. Alfredo Quispe Correa
Ministro de Justicia
Ministerio de Justicia
Scipion Llona 350
Lima 18, PERU

Telegrams: Ministro Justicia, Lima, Peru

Fax: + 511 422 3577

Salutation: Dear Minister/Sr. Ministro

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 19 June 1998.