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Peru: Prisoners of conscience - every day in prison is one day too many

Every day a prisoner of conscience spends in a Peruvian jail is one day too many, Amnesty International said today, in a new report describing the situation of hundreds of prisoners falsely accused of terrorism-related offences.

The human rights organization is calling on the Peruvian authorities to release -- immediately and unconditionally -- all prisoners of conscience named in it.

Scores of prisoners of conscience adopted by Amnesty International -- known in Peru as "innocent prisoners" -- are currently in detention. But this is only a tiny fraction of those falsely accused of "terrorism". Peruvian human rights organizations quote a figure of at least 600. All of them were detained under legislation which falls short of international fair trial standards.

"For each prisoner of conscience that becomes news, many others remain in the shadows," Amnesty International said. "It is high time the Peruvian authorities ensured that every 'innocent prisoner' in jail is promptly released."

The authorities have taken a significant step to bring about the release of those falsely accused of "terrorism". The creation of an *ad hoc* Commission charged with proposing a presidential pardon for those falsely accused has so far resulted in the release of 226 prisoners.

Amnesty International welcomes their release, but is concerned that they have not benefitted from a judicial review leading to the annulment of the charges they faced while awaiting trial, or the quashing of convictions for those already tried. The failure to annul charges or quash convictions has continued implications for their civil status, since those released retain an unwarranted criminal record.

The organization also remains concerned that no provision has been made for all those who have been arbitrarily detained to receive adequate compensation for the ordeal they suffered during their detention. "As expressed by the UN Human Rights Committee last November, 'the pardoning of prisoners does not offer full reparation to the victims'," Amnesty International said.

Peru's current anti-terrorism legislation continues to render all terrorism-related trials unfair. For example, civilians accused of the terrorism-related crime of treason are still tried by military courts. Trials -- whether under civilian or military jurisdiction -- continue to be heard by "faceless judges" in secret (their identity is concealed by a screen during trials), and police and military personnel involved in the detention and questioning of the accused are still prohibited from appearing as witnesses before civilian or military courts.

"Until Peru's current anti-terrorism laws are brought into line with international fair trial standards, further "innocent prisoners" will continue to be detained for crimes they have not committed," Amnesty International said.

Illustrative case

Prisoners of conscience Carlos Florentino Molero Coca and Marco Antonio Ambrosio Concha are two university students who have now spent over five years in prison for a crime they did not commit. They were detained in Lima in April 1992 and unjustly accused of possessing explosives and “subversive” literature. Both claim to have been tortured while being interrogated by agents attached to the DINCOTE, Peru’s special anti-terrorism police force. A judge examining their case ruled there was insufficient evidence to prosecute them. However, despite this ruling, in October 1994, a *Corte Superior*, High Court, sentenced Molero and Concha to 12 and 10 year’s imprisonment respectively. They are both currently held in Castro Castro Prison in Lima.

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