

EXTERNAL (for general distribution)

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Further information on UA 109/94 (AMR 46/04/94, 17 March 1994) - Arbitrary detention / Fear of unfair trial / Prisoner of Conscience

PERU            Santosa LAYME BEJAR (f), community activist

Ten months after her detention on 26 February 1994, Santosa Layme Bejar remains imprisoned on charges of "terrorism".

Amnesty International continues to believe that Santosa Layme Bejar is a prisoner of conscience as there still seems to be no evidence linking her to the armed opposition group *Partido Comunista del Perú (Sendero Luminoso)*, PCP, Communist Party of Peru (Shining Path). She has neither used nor advocated violence and the charges against her appear to be politically motivated. These charges of "terrorism" are based solely on an accusation made against her by an armed opposition member who made use of Peru's anti-terrorism *Ley de Arrepentimiento*, Repentance Law. The Repentance Law was applied in Peru from May 1992 to October 1993 (see below).

Following appeals from Urgent Action participants calling for her release, Peruvian Embassies in the United Kingdom, Belgium, Sweden and Italy wrote to Amnesty International informing the organization that, by mid-November 1994, the *juzgado de instrucción*, lower court, presided over by an examining judge, was still carrying out the necessary investigations and had not yet decided whether there was sufficient evidence to link Santosa Layme Bejar to the PCP.

By 5 January 1995, Amnesty International was unaware of any decision having been taken by the lower court.

Under Peru's anti-terrorism legislation, should the examining judge rule that there is no evidence to link Santosa Layme Bejar to the PCP and that she be unconditionally released, the ruling must then be referred to the *Corte Superior*, higher court, at which the defendant is to be tried. The higher court must then ratify or veto the lower court's ruling. However, in Peru, defendants facing terrorism-related charges have, in many cases, waited at least 12 months for their case to reach a higher court. In some cases, defendants wait up to 4 years.

Santosa Layme Bejar is currently in the *Establecimiento Penal de Alta Seguridad de Mujeres*, Chorrillos (Chorrillos Women's High Security Prison), in Lima. Amnesty International continues to call for her immediate and unconditional release.

#### BACKGROUND INFORMATION

Since Peru's anti-terrorism legislation came into effect in 1992, Amnesty International has adopted 70 prisoners of conscience, 39 of whom have been released. The organization has documented at least another 300 possible prisoners of conscience.

Amnesty International has evidence of prisoners of conscience and possible prisoners of conscience being detained solely on the basis of accusations made against them by members of the armed opposition who made use of Peru's anti-terrorism Repentance Law, which was repealed on 1 November 1994. The Repentance Law included among its provisions clauses which benefitted members of the armed opposition who supplied information leading to the capture of other alleged members of the armed opposition. Independent human rights organizations have frequently claimed that "*arrepentidos*" (repentants who make

use of the Repentance Law), have sometimes falsely accused leaders of popular organizations who opposed the activities of the armed opposition, rather than identify actual members of it.

Human rights violations in Peru occur in the context of the government's counter-insurgency operations directed against the clandestine armed opposition groups, the PCP and the *Movimiento Revolucionario Túpac Amaru*, MRTA, Túpac Amaru Revolutionary Movement. Amnesty International has consistently and unequivocally condemned widespread abuses by the armed opposition, including the deliberate and arbitrary killing of people not directly involved in the armed conflict.

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

- reminding the authorities that Amnesty International believes Santosa Layme Bajar to have been falsely accused of terrorism-related offences and considers her to be a prisoner of conscience;
- expressing concern that Santosa Layme Bajar remains imprisoned 10 months after her detention on 26 February 1994;
- calling for her immediate and unconditional release.

**APPEALS TO:**

1. President

Presidente Alberto Fujimori  
 Presidente de la República del Perú  
 Palacio de Gobierno  
 Plaza de Armas  
 Lima 1, PERÚ

**Telegrams: Presidente Fujimori, Lima, Peru**

**Faxes: +5114 337020 (if voice line, ask "me da tono de fax, por favor")**

**Salutation: Sr. Presidente/Dear President**

2. Minister of Justice

Sr. Fernando Vega Santa Gadea  
 Ministro de Justicia  
 Ministerio de Justicia  
 Av. Emancipación y Lampa  
 Lima, PERÚ

**Telegrams: Ministro de Justicia, Lima Peru**

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

3. Attorney General

Dra. Blanca Nélida Colán Maguiño  
 Fiscal de la Nación  
 Fiscalía de la Nación  
 Avenida Azángaro  
 Lima, PERÚ

**Telegrams: Fiscal de la Nación, Lima, Peru**

**Faxes: +5114 334457 (if voice line, ask "me da tono de fax, por favor")**

**Salutation: Sra Fiscal de la Nación/Dear Attorney General**

**COPIES OF YOUR APPEALS TO:**

Human Rights Organizations

Grupo de Acción Solidaria  
 c/o Centro de la Mujer Peruana "Flora Tristán"  
 42 Parque Hernán Velarde  
 Lima 1, PERÚ

**Faxes: +5114 339060**

APRODEH  
Jr. Pachacutze 980  
Lima 11, 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 22 February 1995.