

PERU

Amnesty International urges President Fujimori to release “innocent prisoners”

On 23 February 1999 Amnesty International made public a letter to President Alberto Fujimori urging him to ensure that all prisoners falsely charged with terrorism-related offences in Peru are released.¹

Since 1992, when the Government of Peru introduced a new set of anti-terrorism laws, hundreds of people have been falsely charged with terrorism-related offences. Amnesty International believes that the new legislation laid the foundations for the unjustified arrest, conviction and prolonged imprisonment of hundreds of “innocent prisoners”². In the drive to demonstrate the effectiveness of this legislation, the authorities became more determined with securing convictions than with strictly following fair trial procedures enshrined in international law.

In August 1996, following national and international pressure, the government established a special Commission charged with reviewing cases of prisoners falsely charged or convicted of crimes of terrorism. The Commission has the power to propose the President pardon those prisoners where it is evident that there has been a miscarriage of justice.

Since the Commission was established 444 “innocent prisoners” have been pardoned and released. Amnesty International welcomes their release but is concerned that there are hundreds more who remain in prison without there being evidence of their having links to the armed opposition. Furthermore, the organization is concerned that, according to reports, the Commission has recommended to President Fujimori that at least a further 30 “innocent prisoners” be pardoned, but only seven have benefited from this recommendation since November 1998.

It is in this context that the following public appeal was sent to President Fujimori on 22 February 1999³:

¹ See Appendix 1 for the full text of the letter in Spanish.

² “Innocent prisoners” is the term used in Peru for those prisoners who have been falsely imprisoned for terrorism-related offences. These prisoners fall within Amnesty International’s definition of prisoner of conscience. Amnesty International defines prisoners of conscience as those persons detained or otherwise physically restricted by reason of their political, religious or other conscientiously held beliefs, or by reason of their ethnic origin, sex, colour, language, national or social origin, economic status, birth or other status, provided they have not used or advocated violence. This includes those prisoners which Amnesty International believes to have been falsely imprisoned for criminal offences for which there is no credible evidence to link them to the political beliefs and actions with which they have been imputed.

³ The original letter in Spanish appears in Appendix 1

"Dear President,

22 February 1999

As you know, since 1992 Amnesty International has expressed deep concern about those persons who have been falsely detained, charged and/or convicted of terrorism-related offences, and has appealed for their immediate and unconditional release, as there is no credible evidence to link them to Shining Path or the Tupac Amaru Revolutionary Movement. Their detention violates their human rights as stipulated in national legislation and in international standards to which Peru is party.

In this context the organization welcomed your government's decision to establish in August 1996 an *ad-hoc* Commission charged with formulating recommendations for these prisoners to be granted a presidential pardon. The Commission has received over 2000 applications for a pardon and Congress has extended its mandate on several occasions, the last having been granted until December 1999.

Up to date 444 prisoners arbitrarily detained for up to six years have been pardoned and released. While in detention their families have had to survive economic hardship; young children have lived without the support of their imprisoned mother or father; and parents have suffered the arbitrary detention of a son or daughter. In short, those who have suffered arbitrary detention, as well as their relatives, have also carried the stigma that goes with it.

Mr. President, there are still many more persons in this situation in Peru. Amnesty International is concerned that since November of 1998 only seven prisoners have been pardoned and there are hundreds more who have been falsely charged with terrorism-related offences who should not be in jail. Furthermore, according to reports the *ad-hoc* Commission sent you over 30 files of persons whom it considers to be innocent and who have to this date not yet been pardoned.

Bearing in mind the situation these persons are facing, Amnesty International respectfully appeals to you publicly so that each and every one of those falsely charged with terrorism related offences are released, compensated and fully reintegrated into society.

Yours sincerely,

Pierre Sane
Secretary General"

Appendix 1

Excmo. Sr Ing. Alberto Fujimori
Presidente de la República del Perú
Palacio de Gobierno
Plaza Mayor
Lima 1, PERÚ

Londres, 22 de febrero de 1999

Sr. Presidente:

Como es de su conocimiento, desde 1992 Amnistía Internacional ha expresado su honda preocupación por las personas que han sido detenidas, acusadas y/o sentenciadas en base a falsas acusaciones de delitos de terrorismo y ha pedido su liberación inmediata e incondicional en cuanto no existe evidencia fehaciente que los vincule a Sendero Luminoso o al Movimiento Revolucionario Túpac Amaru. Su permanencia en detención vulnera sus derechos humanos amparados tanto por tratados internacionales de los cuales Perú es parte, como de la propia legislación nacional.

En este contexto la organización recibió con beneplácito la encomiable decisión de su gobierno de constituir en agosto de 1996 una Comisión *ad-hoc* encargada de formular recomendaciones para que estos presos se beneficien de un indulto presidencial. Hasta la fecha esta Comisión ha recibido más de 2000 peticiones de indulto y el Congreso de la República ha tenido a bien extender su mandato en varias ocasiones, la última extensión habiendo sido otorgada hasta diciembre del año en curso.

Son ya 444 los presos que han sido liberados a través de un indulto presidencial después de haber estado arbitrariamente detenidos hasta por seis años. Tiempo en el que familias enteras han tenido que subsistir sin el ingreso de uno de los padres, en el que niños y adolescentes han vivido sin el apoyo cotidiano de una madre o de un

padre, en el que padres de familia han sufrido la detención arbitraria de uno de sus hijos, en fin, años de sufrimiento por un delito no cometido y que ha afectado la honra y el buen nombre al que tienen derecho frente a la sociedad.

Sr. Presidente, son todavía muchas las personas que se encuentran en esta situación en el Perú. Preocupa a Amnistía Internacional que desde noviembre del año pasado sólo siete presos hayan sido indultados y son todavía cientos los presos acusados falsamente de delitos de terrorismo que no deberían de estar en la cárcel. Es más, según informes periodísticos la Comisión *ad-hoc* le envió hace unos meses mas de 30 expedientes de personas que considera son presos inocentes y que aún no han sido indultados.

Considerando la situación que vienen sufriendo estas personas, Amnistía Internacional respetuosamente le hace este llamamiento público para que todos y cada uno de los presos falsamente acusados de delitos de terrorismo sean puesto en libertad, compensados debidamente, así como rehabilitados ante la sociedad.

Muy atentamente.

Pierre Sané
Secretario General