

PUBLIC

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16 November 2006

Further Information on UA 250/06(AMR 46/024/2006, 21 September 2006) Death Penalty

PERU

Proposed extension of death penalty laws

On 11 November, a draft law to increase the sentences for those convicted under the 1992 terrorism legislation was submitted for consideration by the Peruvian Executive to Congress. The draft bill regulates the enforcement of the death penalty in cases of terrorism recognised in article 140 of the 1993 Constitution. The draft bill proposes to enforce the death penalty against those convicted of belonging to the leadership or being members of an armed opposition group involved in the killing of defenceless population, and to those convicted of terrorism related offences who re-offend.

The draft law also proposes life imprisonment for some terrorism related crimes. In January 2003, the Constitutional Tribunal ruled that some articles of the 1992 terrorism legislation were unconstitutional, including life imprisonment sentences without the possibility of parole. The Constitutional Tribunal ruled that life imprisonment sentences should be reviewed every 30 years. Following this ruling the Executive issued a series of decree laws to reform the anti-terrorism legislation and to conform to the Constitutional Tribunal ruling. This new bill goes against the ruling of the Constitutional Tribunal.

This is the fourth draft bill submitted to Congress proposing to introduce the death penalty for some crimes, since President Alan García came to office in July 2006. Two draft bills introduced by the Executive and the ruling *APRA* party, propose a reform of Article 140 to extend the use of the death penalty for those convicted of the rape of children under the age of seven, when the perpetrator goes on to kill the victim. A third draft bill introduced by the National Unity, *Unidad Nacional*, party, proposes a reform of Article 140 to extend the use of the death penalty for those convicted of the rape of children under the age of nine, the rape of mentally or physically disabled people, or of children between nine and 18 years old, where the perpetrator of the rape goes on to kill the victim.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in Spanish or your own language:

- expressing sympathy for the victims of rape and killing of children as well as for the victims of terrorism and their families;
- expressing deep concern, however, that Peru is considering introducing the death penalty for some terrorism related crimes;
- urging them to vote against these draft bills for the following reasons: the death penalty is the ultimate form of cruel, inhuman or degrading treatment or punishment; the draft bills run counter to international standards seeking to narrow the scope of the death penalty, and contradict the global trend towards eradication of capital punishment, with an average of two to three countries per year abolishing capital punishment in the last two decades; it has not been shown to have a special deterrent effect, and to end the death penalty is to recognize that it is a destructive, diversionary and a divisive public policy that is not consistent with widely held values; courts in Peru can protect society from violent offenders by ensuring that the perpetrators of such violent crimes are brought to justice and punished according to the severity of their crimes;
- expressing serious concern that two of the draft bills propose the withdrawal from the American Convention on Human Rights, thus denying the inhabitants of Peru ways to obtain meaningful remedies from the Inter-American System when domestic courts do not provide effective remedies for human rights violations.

APPEALS TO:

Prime Minister

Sr. Jorge Alfonso del Castillo Gálvez
Primer Ministro
Av. 28 de Julio 878, Miraflores,
Lima 18, PERÚ

Fax: + 51 1 610 9680

Salutation: Dear Prime Minister/Sr. Primer Ministro

Minister of Foreign Affairs

Sr. José Antonio García Belaunde
Ministro de Relaciones Exteriores
Ministerio de Relaciones Exteriores
Jirón Lampa 535, Lima 1, PERÚ

Fax: + 51 1 311 2410

Salutation: Dear Minister/Sr. Ministro

President of the Congress

Sra. Mercedes Cabanillas Bustamente
Presidenta del Congreso
Congreso de la República, Plaza Bolívar s/n – Av. Abancay, Lima 1, PERÚ

Fax: + 51 1 311 7703

Salutation: Dear President/Sra. Presidenta

President of the Congressional Justice and Human Rights Commission

Dr. Raúl Castro Stagnaro
Presidente de la Comisión de Justicia y Derechos Humanos
Congreso de la República, Plaza Bolívar s/n – 2º Piso – Of. 213, Lima 1, PERÚ

Fax: + 51 1 311 7797 (if someone answers, say “me da tono de fax por favor”)

Salutation: Dear President/Sr. Presidente

President of the Constitution and Congress Regulations Commission

Dr. Aurelio Pastor Valdivieso
Presidente de la Comisión de Constitución y Reglamento del Congreso
Palacio Legislativo, Av. Abancay s/n, Lima 1, PERÚ

Fax: + 51 1 311 7767 (this is a very busy fax so you may want to send letters instead)

Salutation: Dear President/Sr Presidente

COPIES TO:

Human Rights Organization

Coordinadora Nacional de Derechos Humanos
Calle Pezet y Monel (ex Tupac Amaru) 2467, Lince, Lima 14, PERÚ

Fax: + 51 1 702 2500 (Dial ‘122’ to get fax tone)

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 28 December 2006.