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Public

# AMNESTY INTERNATIONAL

## PERU - APPEAL CASE

### FREE THE «INNOCENT PRISONERS» NOW!



Relatives of «innocent prisoners» demand their release - 1999

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#### FREE THE «INNOCENT PRISONERS» NOW!

*“I was tortured by the Intelligence Service (...) they smashed my teeth in, these ones are false, they broke one of my ribs (...) they threatened to arrest my wife, my parents who are elderly and my son who was only just nine months old”.* Testimony from an «innocent prisoner» given to the Truth and Reconciliation Commission.<sup>1</sup>

Over the past two decades, especially since 1992 when «anti-terrorist» legislation came into force, hundreds of men and women in Peru have been unjustly accused of «terrorism» and spent long periods in prison in conditions often amounting to cruel, inhuman or degrading treatment.

These people, who have not used violence and against whom there is no evidence linking them to armed opposition groups, are considered by Amnesty International to be prisoners of conscience. In Peru they are known as «innocent prisoners».

Some of these men and women are well-known public figures, journalists, community leaders and trades unionists who have been arbitrarily detained in reprisal for their criticisms of the government. Others were arrested simply because they were studying in universities that were considered to be under the control of armed opposition groups. Most of them, however, belong to sectors of the population which have historically been most vulnerable and suffered the greatest discrimination, men and women from the poorest groups within society: indigenous peoples, peasants, unskilled workers and students from the lower social classes, all from rural areas. They were often defended by court-appointed lawyers of which there are few in Peru and many of whom have not had the same level of training as paid lawyers.

In addition, the trials of people accused of «terrorism» have failed to comply with fair trial guarantees, as reflected in the testimonies obtained by the Truth and Reconciliation Commission: “[A]t 10 o’clock in the morning they started calling us one by one. Each interview lasted five to seven minutes. Once we had been interviewed (...) what the judge did was to get us together in a room where he read out to us that we had been sentenced to life imprisonment, solely based on the police statement, because our lawyers were never involved, something which was arbitrarily denied to us from the time of our arrest”.<sup>2</sup>

Many of them were also subjected to torture and ill-treatment while in custody in order to force them to confess or to implicate relatives or acquaintances.

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<sup>1</sup> *Final Report* of the Truth and Reconciliation Commission, Volume VI, ‘Violation of due process’, p. 431. The Truth and Reconciliation Commission was set up in 2001 with a mandate to establish the circumstances surrounding the human rights abuses and violations committed between May 1980 and November 2000 by the State and armed opposition groups.

<sup>2</sup> *Ibidem*, p. 432.

Back in 1996, the government of Alberto Fujimori acknowledged the need to release these people and, between 1996 and 2003, several pardon commissions were set up to review the cases of people who had been unjustly arrested and as a result hundreds of «innocent prisoners» were released. However, under the presidency of Alejandro Toledo, there has been a gradual reduction in the number of people appointed to carry out reviews of the cases of people falsely accused of «terrorism».

In 2003, under the government of Alejandro Toledo, a series of decrees were issued overturning some of the sentences passed on people tried under the 1992 «anti-terrorist» legislation and ordering new trials to be held in the ordinary courts.<sup>3</sup>

Amnesty International is concerned that, owing to the slowness of trial proceedings in the Peruvian justice system, it may take years for «innocent prisoners» to be released as a result of a retrial, thereby prolonging the unjust detention of the people concerned.

It is imperative for the Peruvian State to implement the recommendations made by the Truth and Reconciliation Commission in its *Final Report*, one of which was that the Peruvian Government should "review those cases [of «innocent prisoners»] still pending" and compensate the victims.

At the moment 13 prisoners of conscience are still in prison, some of them having been there for over ten years. They are probably only a fraction of the total number of prisoners still in detention on false «terrorism» charges.

All of these prisoners should be released immediately and unconditionally, be granted appropriate compensation and immediately have their criminal record expunged. Amnesty International also urges the Peruvian Government to adopt a policy within the prisons of actively identifying the cases of «innocent prisoners» so that they can be released immediately and unconditionally.

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<sup>3</sup> For further details of the 1992 "anti-terrorist" legislation, see the Amnesty International document: *Peru - The "anti-terrorism" legislation and its effects - an unfinished business in the transition to democracy*, AMR 46/001/2003, 12 May 2003.

**GET INVOLVED IN THIS ACTION:**

**WHAT CAN YOU DO?**

*\* Write letters to the Peruvian authorities and/or the Peruvian Embassy in your country highlighting the following points:*

- Expressing concern that people are still unjustly imprisoned in Peru for «terrorist» offences;
- Calling on them to ensure that all prisoners of conscience are released immediately and unconditionally [include a copy of the attached list of prisoners with your letters];
- Requesting them to adopt a policy within Peruvian prisons of actively identifying all cases of «innocent prisoners» so that they can be released immediately and unconditionally; and
- Urging them to ensure that all necessary measures are taken to expunge the criminal records of all those who have been unjustly imprisoned on «terrorist» charges and who have been pardoned, and to grant them appropriate financial compensation to enable them to make a new start in life.

**ADDRESSES FOR APPEALS**

President of the Republic of Peru  
Presidente Alejandro Toledo  
Presidente de la República  
Palacio de Gobierno, Plaza Mayor  
Lima 1, PERÚ  
Fax: + 51 1 311 3913

Minister of Justice  
Dr. Carlos Alberto Gamarra Ugaz  
Ministro de Justicia  
Ministerio de Justicia  
Scipion Llona 350, Miraflores  
Lima 18, PERÚ  
Fax: + 51 1 422 3577

*⇒ Publicize this issue in the national and international press in your country*



**PERU****PRISONERS OF CONSCIENCE ADOPTED BY AMNESTY INTERNATIONAL  
STILL IN PRISON AS OF 3 FEBRUARY 2005**

<b>PRISONER'S NAME</b>	<b>DATE OF DETENTION</b>	<b>PRISON</b>
ALVARADO ALVA, Justo Dagoberto	Jul. 1996	Penal de Sentenciados de Pucallpa, Ucayali.
ARÉVALO CASTRO, Víctor	Jun. 1992	Penal Miguel Castro Castro, Lima.
CAMPOS QUISPE, Teodoro Wilfredo	Jun. 1995	Penal Miguel Castro Castro, Lima.
CARHUALLAY CRUZ, Francisco Valencio	Aug. 1999	Penal de Sentenciados de Piscu, Chiclayo.
CUBAS BALTAZAR, Walter	Feb. 1993	Penal Miguel Castro Castro, Lima.
ORTEGA LÓPEZ, Carlos	Nov. 1996	Penal Miguel Castro Castro, Lima.
PALMA SUÁREZ, Víctor Paul	Jan. 1995	Penal Miguel Castro Castro, Lima.
PALOMINO SOTO, Herminio	Feb. 1993	Penal Miguel Castro Castro, Lima.
POMA TORVISCO, Bruno Percy	Oct. 1996	Penal Miguel Castro Castro, Lima.
QUISPE VEGA, Luis Enrique	Nov. 1992	Penal El Milagro, Trujillo.
RUIZ GARCÍA, Iván	Jun. 1996	Penal de Pucallpa, Ucayali.
VILCA GALINDO, Lucio	Apr. 1995	Penal Miguel Castro Castro, Lima.
VILCAPUMA HUAMAN, Apolinario	Jun. 1991	Penal Miguel Castro Castro, Lima.