

PUBLIC

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Fear for safety

4 May 1999

PERU

Edwin BENITES GONZALES

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There are fears for the safety of former military conscript Edwin Benites Gonzales, who has been taken into custody by the army, apparently in connection with charges of which he had been acquitted. There are fears that he may suffer reprisals as a result of recent complaints that his detention is arbitrary.

In December 1998, shortly before completing his military service, Edwin Benites Gonzales was reportedly detained and charged under the Military Penal Code (*Código Penal Militar*) with the theft (*delito de hurto*) of a firearm. He was acquitted by a military court, and released on 29 January 1999. As he had now completed his military service, he returned to civilian life.

On 1 February he went back to the base where he had been detained, to have his military service papers updated (*tramitar su libreta militar*). While he was there he was detained again, although there was no warrant for his arrest. He has since been transferred to the Desagravio army base in the city of Huacho, department of Lima.

A *habeas corpus* petition to secure his release was rejected by a lower court (*corte penal*). On 21 April a human rights lawyer working on his case argued before the Huaura High Court, *Corte Superior de Huaura*, that the lower court decision should be overturned. The High Court judge has yet to issue a ruling.

#### BACKGROUND INFORMATION

Amnesty International receives frequent reports of torture, ill-treatment and death threats by members of the Peruvian security forces, but this is one of only a handful involving ill-treatment of conscripts or dissidents within the army. The vast majority involve detainees suspected of terrorism-related crimes.

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

- noting that Edwin Benites Gonzales, a former conscript, is being held in the Desagravio army base in the city of Huacho, department of Lima, apparently in connection with charges he faced when a conscript regarding the theft of a military firearm;
- noting that on 29 January 1999 he is reported to have been acquitted by a military court of having stolen the firearm and released from custody;
- noting that on 1 February, despite the acquittal, Edwin Benites Gonzales was apparently again taken into custody by the military;
- requesting that all the necessary steps be taken to guarantee his safety;
- requesting that he be released immediately, unless he is to be charged with a recognizable criminal offence before a civilian court.

#### APPEALS TO:

Minister of Defence

General EP Carlos Bergaminos

Ministro de Defensa

2

Ministerio de Defensa  
Av. Arequipa 291  
Lima 1  
PERU

**Telex: 25438 comgregj**

**Fax: + 511 422 3577**

**Salutation: Dear Minister/Estimado Ministro**

**COPIES TO:**

Human rights organization

CEAPAZ

Gral. Santa Cruz 635

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 15 June 1999.