

**PUBLICAI Index: AMR 46/18/99**

**EXTRA 83/99 Threat of withdrawal from the Jurisdiction  
of the Inter-American Court on Human Rights 7 July 1999**

**PERU**

Today, 7 July 1999, the Peruvian National Congress is debating a draft bill proposing that the State withdraw with immediate effect from the jurisdiction of the Inter-American Court on Human Rights. The draft bill was sent to Congress yesterday by President Alberto Fujimori with the unanimous support of his Council of Ministers.

Peru accepted the jurisdiction of the Inter American Court in 1981 and so agreed to be bound by its rulings on all matters relating to the interpretation or application of the American Convention on Human Rights, which it had ratified in 1978. The American Convention covers a range of fundamental rights and freedoms, including the right to a fair trial, the right not to be tortured, the right to life and the right to freedom of expression, among many others. Having accepted the jurisdiction of the Court, Peru provided its citizens with the benefit of independent judicial scrutiny in cases where their rights under the American Convention had been violated and where domestic courts did not provide effective remedies.

If Congress adopts the draft bill, inhabitants of Peru will have no recourse to this international and independent tribunal. The inter-American system for the protection and promotion of human rights would be seriously undermined by this retrograde step.

This decision follows a 30 May ruling by the Inter-American Court that the 1994 trial of four Chileans under Peru's anti-terrorism legislation had not been fair and that those concerned, who had been sentenced to life imprisonment, should be retried. On 1 July, the Peruvian Government informed the Secretary General of the Organization of American States (OAS) that they would not comply with the Court's ruling in this case because it set a precedent for other similar cases to be retried.

Other Peruvian cases are currently pending before the Inter American Court.

**BACKGROUND INFORMATION**

Since President Alberto Fujimori assumed office in 1990, human rights violations in Peru have been of serious concern to Amnesty International. In 1992 new anti-terrorism laws came into effect which do not comply with international fair trial standards and which provide a framework for falsely charging people with terrorism-related offences. Thousands of Peruvians have subsequently been charged and convicted without a fair trial, and hundreds of innocent people falsely charged and convicted. In 1995, Congress passed a law granting a general amnesty to all members of the security forces who were the subject of

complaints, investigations, indictments or trials, whether convicted or not, or who were serving prison sentences for human rights violations committed between May 1980 and June 1995. Impunity was effectively legalised with the approval of this law.

Although "disappearances" and extrajudicial executions have decreased under President Fujimori's rule, torture continues to be widespread. Since 1996, threats and intimidation against journalists, opposition leaders and human rights defenders have increased.

If the Peruvian authorities withdraw from the jurisdiction of the Inter-American Court on Human Rights this will close a door for opportunities of redress by victims of human rights violations, their relatives and human rights defenders, all of whom have campaigned for many years for a halt to human rights violations.

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

- urging Congress members not to approve the draft bill proposing to withdraw from the jurisdiction of the Inter-American Court on Human rights;
- expressing concern that if they withdraw they are effectively denying inhabitants of Peru recourse to international judicial scrutiny;
- pointing out that such a step would seriously undermine the inter-American system for the protection and promotion of human rights;
- urging them to respect and to implement the decisions of the Inter-American Court on Human Rights.

**APPEALS TO (please note that fax tones may be difficult to obtain. If a person answers please request fax tone: "me puede dar tono de fax por favor):**

President of Congress

Señor Ricardo Marcenaro Frers

Presidente Interino del Congreso

Congreso de la República, Plaza Bolívar s/n, Lima 1, PERÚ

**Telegrams: Sr Presidente del Congreso, Lima, Perú**

**Faxes: + 511 427 0195**

**Salutation: Dear Minister / Sr Ministro**

President of Congress' Human Rights Commission

Señor Dennis Vargas Marín

Presidente de la Comisión de Derechos Humanos del Congreso

Congreso de la República

Plaza Bolívar s/n, Lima 1, PERÚ

**Telegrams: Presidente Comisión Derechos Humanos Congreso, Lima, Perú**

**Faxes: + 511 426 5252 / 427 8181**

**Salutation: Dear President / Sr Presidente**

President of Congress Justice Commission

Oscar Medelius Rodríguez

Presidente de la Comisión de Justicia del Congreso

Congreso de la República, Plaza Bolívar s/n, Lima 1, PERU

**Telegrams:Presidente Comisión Justicia Congreso, Lima, Perú**

**Salutation:Dear President / Sr Presidente**

and to diplomatic representatives of Peru accredited to your country

**COPIES TO:**

Human Rights Organization

Coordinadora Nacional de Derechos Humanos, CNDDHH, Jr. Túpac Amaru 2467

Lince, Lima 14, Perú

**OPTIONAL FURTHER RECOMMENDED ACTIONS:**

Please notify the press in your country of Peru's threat to withdraw from the jurisdiction of the Inter-American Court.

Please express concern to your own government (eg: Ministry of Foreign Affairs, parliamentarians) about Peru's threat to withdraw from the jurisdiction of the Inter-American Court and asking them to urge the government of Peru not to do so.

**PLEASE SEND APPEALS IMMEDIATELY.**