
AMNESTY INTERNATIONAL NEWS SERVICE 82/93

TO: PRESS OFFICERS
FROM: IS PRESS OFFICE
DATE: 16 JULY 1993

AI INDEX: NWS 11/82/93
DISTR: SC/PO
NO OF WORDS: 556

NEWS SERVICE ITEMS: External - Peru

NEWS INITIATIVES - INTERNAL

INTERNATIONAL NEWS RELEASES

Indonesia (Aceh) - 28 July - SEE NEWS SERVICE 79

TARGETED AND LIMITED NEWS RELEASES

Taiwan - 22 July

News Service item to go with report: Taiwan: Ill-treatment on "Death Row", AI Index: ASA 38/02/93. The report was sent in the Weekly Mailing on 14 July - if you do not receive it in time, please call IS Press Office. News Service item will be sent to sections on Monday 19 July and will be sent to international media by IS Press Office embargoed for 22 July.

FORTHCOMING NEWS INITIATIVES

Saudi Arabia - 14 September

Sudan - 29 September

Myanmar - 6 October

EJEs and "Disappearances" - 20 October

AI INDEX: AMR 46/WU 03/93

16 JULY 1993

PERU: DEATH PENALTY PROPOSAL VIOLATES HUMAN RIGHTS CONVENTION

Amnesty International is deeply concerned that Peru's Congress is debating extending the scope of the death penalty in the Constitution to include "crimes of terrorism and treason". Under the present Constitution, capital punishment may only be applied for the crime of treason in times of war with a foreign power.

The organization calls on the international community and all governments to communicate to the Peruvian authorities their rejection of the proposal, and further urges that the death penalty be absolutely abolished in Peru.

By incorporating a broadened death penalty into the Constitution, Peru would be violating the American Convention on Human Rights. The Convention, which Peru ratified in 1978, explicitly prohibits any extension of the death penalty (Article 4.2), and prohibits its application for political offences or related common crimes (Article 4.4). Both these prohibitions are enshrined within the Convention's Article 4, regarding the right to life. State parties cannot derogate from Article 4, one of the central tenets of the Convention, under any circumstances whatsoever.

Amnesty International believes that by widening the scope of the death penalty the Government of Peru would also be seriously undermining the spirit in which the American system for the protection of human rights has been strengthened over the past two decades. The inclusion of the death penalty in the new Constitution would mean a step backwards in a long-standing tradition within Latin America, which has led the world's abolitionist movement.

Amnesty International opposes the death penalty as a matter of principle, considering it to be a violation of the right to life and the ultimate form of cruel, inhuman and degrading punishment inflicted by the State. The organization considers it to be a penalty which is not justified under any circumstances. The organization also believes the death penalty does not fulfil any penal objectives which could not be achieved equally by other forms of punishment.

Proposals to extend the death penalty have been argued for in Peru against a background of widespread and repeated atrocities by the clandestine armed opposition group Partido Comunista del Perú (Sendero Luminoso), PCP, Communist Party of Peru (Shining Path). These include thousand of cases of deliberate and arbitrary killing of defenceless civilians and of members of the security forces who have laid down their arms, or who, through sickness, wounds, detention, or any other cause, are hors de combat. Similar abuses have been perpetrated by the Movimiento Revolucionario Túpac Amaru, MRTA, Túpac Amaru Revolutionary Movement. Amnesty International has repeatedly expressed its unqualified condemnation and opposition to such abuses.

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