

PERU

The collapse of the Government of Alberto Fujimori prompted the country to take steps towards the re-establishment of the rule of law, including the dismantling of the system that had allowed for the proliferation of untenured judges. The transitional Government once again confirmed Peru's recognition of the contentious jurisdiction of the Inter-American Court of Human Rights and allowed the Constitutional Tribunal to resume its functions by reinstating the three justices who had been dismissed by the Fujimori-controlled Congress. The Inter-American Court ruled that the 1995 amnesty laws lacked judicial effect. A Truth Commission with the mandate to report on human rights violations and abuses which had occurred since 1980 was established. Former Presidential advisor, Vladimiro Montesinos, as well as a number of other military officers were arrested on charges of corruption and human rights violations. A unanimous Congress indicted former President Fujimori for crimes against humanity. He has remained in Japan, where the authorities have not responded favourably to Peru's extradition requests. Military courts, which offer few guarantees of due process, remained in some instances competent to judge civilians under the law.

BACKGROUND

The Constitution establishes Peru as a democratic, independent and unitary State and provides for the separation of powers. Peru's legal system stems from the civil tradition. The President, elected for a renewable five-year period through direct vote, is head of State and Head of Government and exercises executive power. Legislative power is vested in a 120-seat unicameral Congress, which is elected for a five-year term. In December 2000, the election procedure of the Congress was amended so that beginning with the 2001 elections, its seats are filled by simple majority vote in the 25 geographic constituencies. The judicial branch of power carries out the administration of justice.

During the period under review, Peru experienced its greatest political upheaval since 1992, when President Alberto Fujimori dissolved Congress and assumed dictatorial powers. In May 2000, President Fujimori won a third five-year term in elections that national and international observers considered to be fraught with irregularities. The National Intelligence Service (*Servicio de Inteligencia Nacional SIN*), headed *de facto* by the President's advisor, Vladimiro Montesinos, was accused of harassing opposition candidates and manipulating the press, the courts and the electoral bodies. In September 2000, revelations that Montesinos had bribed opposition senators, and that the armed forces had been smuggling arms to the Colombian armed opposition, forced Fujimori to dismiss Montesinos and announce new elections in April 2001, in which he would not be a candidate. However, in November 2000, mounting political pressure led to the collapse of the regime. President Fujimori sent his resignation to Congress while visiting Japan and Congress refused to accept his resignation and proceeded to remove him from office for "moral incapacity". The President of the Congress and member of the Popular Action Party (*Acción Popular*), Valentín Paniagua, was appointed as President on 22 November 2000. Congress ratified amendments to the Constitution that ended the term of the President and Congress in July 2001, thus making new elections possible.

The Transitional Government accelerated democratic reforms based on the *Mesa de Diálogo* (see below) and carried out democratic, independent and fair elections. The Government also brought Peru back under the jurisdiction of the Inter-American Court of Human Rights, and restored three Constitutional Court judges, who had been dismissed for opposing Fujimori's attempt to run for President for a third time in November 2000. The Transitional Government also took decisive steps to bring to account those responsible for corruption during the Fujimori regime (1991-2000).

On 8 April 2001, general elections were held in Peru. Alejandro Toledo, candidate for the moderate Peru Possible party, won a first round vote and in a runoff on 4 June 2001, defeated former President and liberal Aprista Party candidate, Alan García. On 28 July 2001 he assumed office, pledging to fight poverty, to root out corruption, to care for the indigenous peoples of the country and to investigate claims of human rights abuses. The elections resulted in the following distribution of seats in the Congress: President Toledo's party, Peru Possible, obtained 33 per cent, the Aprista Party got 25 per cent and the National Unity Party gained 12.5 per cent of the positions.

HUMAN RIGHTS ISSUES

The Organisation of American States (OAS) undertook a mission to the country in June 2000, resulting in a number of recommendations, including the strengthening of the independence of the judicial branch of power. The OAS, the Peruvian Government, opposition parties, the Ombudsman and members of civil society established a dialogue known as the *Mesa de Diálogo* to discuss the implementation of the recommendations. Following the collapse of the Fujimori Government, important democratic reforms, based on the *Mesa de Diálogo's* recommendations, were carried out, which brought improvements in the human rights situation in the country.

Freedom of expression was severely infringed during the 2000 elections process. Harassment and death threats against journalist were not adequately addressed by a non-independent judiciary, which instead served as an instrument to consolidate the abuses of the executive against the media. In May 2000, journalist Fabián Salazar, was tortured after he had received material containing information against the Government. The Fujimori Government exercised repressive measures against demonstrations and on 28 July 2000, a protest against him was dispersed by excessive force, resulting in the death of six persons and wounding of 80 others. On a positive note, the Transitional Government returned *Frecuencia Latina*, a television channel, to its owner, Baruch Ivcher, who had been stripped of his nationality in 1997 following opposition to the regime. Genero Delgado also recovered his channel *Global Televisión*, confiscated by the prior regime.

On 23 December 2000, the Transitional Government created a working group in order to evaluate the human rights recommendations issued by bodies of the Inter-American system. On 29 December 2000, Congress unanimously approved the abrogation of the 1999 legislative resolution by which Peru had withdrawn from the contentious jurisdiction of the Inter-American Court of Human Rights (See *Attacks on Justice 2000*). On 9 January 2001, Peru signed the Inter-American Convention on Forced Disappearances. The Transitional Government also established an *ad hoc* Pardons Commission to review all pardon petitions of persons sentenced for terrorism and treason. By the end of 2000, the new Commission had recommended 33 pardons, which were granted by the Paniagua Government. The Commission is also poised to review the 200 cases that could not be resolved by prior commissions due to lack of time.

According to NGO sources, some 200 people falsely charged with terrorism-related offences remained in prison by the end of 2000 and non-impartial military courts had tried at least 1,800 people since 1992. After their joint visit, the ICJ and Amnesty International called upon Peruvian

authorities to release immediately and unconditionally all “innocent prisoners” with prompt and appropriate redress.

In 2000, President Fujimori announced the dismantling of the Service of National Intelligence (SIN). The SIN, directed *de facto* by Vladimiro Montesinos, was the agent of many human rights violations and wide-scale corruption. The Paniagua Government considered President Fujimori’s attempts to dismantle the SIN as an attempt to erase the information that this office possessed. A new Commission has been established to deal with the SIN.

The Paniagua Government started a process of restructuring within the armed forces, dismissing 50 Generals, 20 Navy Officers, and 14 Generals of the Air Force. A similar process was carried out within the National Police, whereby 170 officers were dismissed. The armed forces expressed its impartiality in the 2001 electoral process and pledged to return to its proper institutional role after years of undue interference in the democratic process and clear support of the 1992 Fujimori *coup d’état*.

In November 2000, the ICJ and Amnesty International (AI) carried out a visit to Peru. The delegates visited Peru before Fujimori’s dismissal and met with members of the *Mesa de Diálogo*. The Minister of Justice and the Minister of Defence refused to meet the delegation. The joint mission called upon the Peruvian Government to break the cycle of impunity and restore the rule of law.

Impunity

On 28 August 2001, Congress unanimously approved the lifting of former President Fujimori’s immunity and the commencement of criminal proceedings against him for homicide and forced disappearance. President Fujimori was accused of being a co-author of the killings in two army death-squad (*Colina*) operations in the early 1990s, known as the Barrios Altos and Cancuta massacres (*see below*). The accusation quoted testimony from former intelligence chief, Vladimiro Montesinos, as well as laws signed by Fujimori in which congratulations, amnesties and promotions were granted to the members of the death squad. According to the accusation, President Fujimori “established a clandestine policy of systematic violations of human rights as an ingredient of the counter-insurgency efforts”. It added that a death squad composed of 35 military officers, “*Colina*”, had been created and had carried out its activities under the direct control of Vladimiro Montesinos. The Supreme Court has issued two international warrants of arrest against the former President, one for dereliction of duty and the other for the Barrios Altos and Cancuta massacres.

The Peruvian Government sought the extradition from Japan of Fujimori, who after fleeing was granted citizenship there on the basis of Japanese parentage. Japan does not extradite its nationals, has no extradition treaty with Peru and has so far resisted Peru’s efforts to bring to account Mr. Fujimori. Because the charges against him related to violations of international law, it may be possible to overcome the non-existence of an extradition treaty between Peru and Japan. Human rights charges also allow Japanese courts to start proceedings against Fujimori, based on the principles of universal jurisdiction. The Peruvian Minister of Foreign Affairs has asserted that the extradition of Fujimori is a top priority for the Government. On 23 June 2001, Vladimiro Montesinos was captured in Caracas, Venezuela and immediately deported to Peru. He was being held in a high-security jail in the capital, Lima.

Barrios Altos Case and the 1995 amnesty laws

In 1995, the Government adopted amnesty laws 26479 and 26497, which granted immunity from prosecution to those who had committed human rights violations between 1980 and 1995. In October 2000, the Fujimori Government proposed to broaden and extend these amnesty laws by extending them to those guilty of human rights violations, drug-trafficking and corruption during President Fujimori's terms in power (1990-2000). However, the *Mesa de Diálogo* refused this proposal. The joint visit of the ICJ and AI called upon the Government to endorse the recommendations of the United Nations Human Rights Committee, the Committee against Torture and the Inter-American Commission of Human Rights (IACHR) to repeal these amnesty laws.

In November 1991, armed men wearing masks burst into a party in the Barrios Altos district of Lima and shot to death 15 people, wound another four. In 1995, General Julio Salazar Monroe and General Juan Rivera Lazo were charged in connection with the massacre, but two months later, proceedings were interrupted due to the amnesty laws. The 26497 and 26492 laws also amnestied Generals Salazar and Rivera for another massacre. They had already been found guilty for the 1992 abduction and secret execution of nine students and a teacher from La Cancuta University. On 14 March 2001, the Inter-American Court of Human Rights, in reviewing the Barrios Altos Case, ruled that the 1995 amnesty laws lacked judicial effect and were incompatible with the Inter-American Convention on Human Rights. The Court determined that the amnesty laws should not impede the investigation or judgement in this and similar cases. Two days prior to the Court's ruling, the two Generals and another two alleged members of the death-squad were arrested. In September 2001, the Inter-American Court of Human Rights declared that "taking into consideration the violation constituted by the amnesty laws 26479 and 26492, the decision on the Barrios Altos Case has general effect". This statement made clear that the ruling of the Inter-American Court of Human Rights did not apply exclusively to the Barrios Altos case, but to all human rights violations that had occurred during the concerned period. Therefore, the Peruvian Congress was obliged to repeal the laws, and judges, by exercising the constitutional control power they have in each particular case (*control difuso*), can initiate and continue investigations on crimes committed during the period covered by the amnesty laws. The Ombudsman had already interpreted the Court's ruling in this direction and encouraged judges and prosecutors to put aside the amnesty laws (Report 57 "Amnesty and Human Rights").

In October 2001, the highest military court overturned the amnesty law in accordance with the Inter-American Court on Human Rights ruling. This move will open the way for the prosecution of the paramilitary death squad *Colina* within the military judiciary.

Truth Commission

According to the Ombudsman's Office, from 1980 to 1996, there were 7382 cases of disappearance and 514 extrajudicial executions. The cases that took place after 1996 were still under investigation. These crimes took place in the context of the counter-terrorism efforts of the State when fighting armed opposition groups such as the Shining Path (*Sendero Luminoso*) and the Revolutionary Movement Tupac Amará, MRTA.

In June 2001, Transitional Government President Valentín Paniagua issued the decree 065-2001-PCM, by which a Truth Commission was established, mandated to clarify the development, facts and responsibilities of the terrorist violence and human rights violations that took place from May 1980 to November 2000. Among other objectives, the Truth Commission is to collaborate with the

judiciary in the judgement of members of terrorist organisations and State agents responsible for human rights violations and other crimes. The Truth Commission will focus on murders, kidnappings, forced disappearances, violations of collective rights of Andean and native communities, and other gross crimes and violations of human rights, as long as they may be attributed to terrorist organisations, State agents and paramilitary groups. The Truth Commission does not have judicial powers and may not displace the judiciary and the Public Ministry in their functions. In July 2001, then President Paniagua established the Commission and appointed its members. In August 2001, President Toledo expressed support for the Truth Commission, appointed an observer within it and broadened its membership from seven to twelve commissioners.

JUDICIARY

During the past eight years, a program was carried out in Peru ostensibly directed toward strengthening the judiciary. Among the positive effects were decreases in judicial workloads, the opening of new courts and modernisation of the infrastructure. On the other hand, the Fujimori Government sought to undermine the independence of the judiciary by establishing a widespread system of provisional judges. The judiciary was placed under control of the executive and served as an instrument for the persecution of political opponents. The Executive Commissions of the judiciary and the Public Ministry carried out this task.

The two Commissions, created in November 1995 and 1996 under laws 26546 and 26623, were mandated to carry out and oversee the reform programme for the judiciary and the Public Prosecution Service respectively. The Government and Congress appointed the members of both Commissions. These Commissions had power not only to organise and manage resources within the judiciary, but also to appoint, transfer and dismiss judges and prosecutors working on a temporary basis. They were also empowered to create and merge tribunals and establish specialised tribunals or chambers for certain kinds of offences. Politically sensitive cases were frequently assigned to certain courts and not to others, or assigned for prosecution to prosecutors commissioned on an *ad hoc* basis for that purpose. A superstructure was created to make possible the institutional control of the judiciary by the executive, and to effect direct pressure on judges by manipulating the selection, ratification and appointment of judges and prosecutors. The IACHR determined that these transitory provisions had become permanent and obliterated the autonomy of the judiciary. (*See Attacks on Justice 2000*). Both Commissions were to be dismantled in December 2000, when judicial power was to be returned to the ordinary courts.

The irregular re-election of President Fujimori called into question the reform process. As the end of the Commissions' terms was approaching, the Government proposed bills to review the reform process, which were perceived as an attempt to maintain the political control over the judiciary. However, the collapse of the Fujimori government brought about the elimination of this political control. Law 27367 created two new Transitory Councils in order to re-establish the rule of law in Peru. These Councils exercised their function until March 2001. The Transitory Council of the Judiciary (*Consejo Transitorio del Poder Judicial*) was composed of three justices and three jurists. It had as its primary functions the dismantlement of former Commissions, the reorganisation of the administration of the judiciary, the evaluation of judicial reform and the investigation of the ultimate destiny of the resources used during the judicial reform process. The findings of this Council were presented to the Congress in order to be taken into account when drafting mid- and long-term policies. The Council proposed the establishment of a permanent working group to be in charge of the application, monitoring and study of public policies regarding the moralisation of the judiciary. The Council also recommended that the judiciary be democratised, including direct election of some of its officers, in compliance with the 1993 Constitution.

During the 90 days of its existence, the Transitory Council of Public Ministry (*Consejo Transitorio del Ministerio Público*) exercised the administrative powers of the Council of Supreme Prosecutors (*Consejo de Fiscales Supremos*) and the Attorney General (*Fiscal General*). Its work was also directed toward dismissing provisional prosecutors, whose qualifications did not meet the requirements of the Law of the Public Ministry (*Ley Orgánica del Ministerio Público*). The work of this council improved the independence of the prosecution services.

Structure

Article 1 of the Law of the Judiciary (*Ley Orgánica del Poder Judicial*) provides for the political, administrative, economic, disciplinary and jurisdictional independence of the judicial branch. The judiciary is composed of a Supreme Court as the highest judicial authority in the country, High Courts in each of the 25 different judicial districts and lower courts (first instance judges and Justices of the Peace). The military justice system is a separate judicial branch, although its rulings are subject to review by the Supreme Court. There is a Constitutional Tribunal and a Public Prosecution Service (*Ministerio Público*), which according to the Constitution is independent and autonomous.

In 1998, the Executive Commission of the Judicial Branch created two specialised chambers of the Supreme Court. These chambers, composed of provisional, temporary and untenured judges, assumed control over tax, customs and narcotics crimes. In December 2000, the Supreme Court eliminated these two chambers (resolution No 008-2000-SP-CS). Evidence emerged showing that former intelligence advisor Montesinos had influenced cases through provisional judges.

The Constitutional Tribunal exercises control over the constitutionality of laws and other norms of a general character. It is also the last instance of review of sentences on petitions of *habeas corpus* and *amparo* (special actions to protect constitutional rights). In 2000, the three justices who had been dismissed by Parliament were reinstated (Legislative resolution 007-2000-CR). In 1997, three of the seven members of the Constitutional Tribunal had been dismissed on the alleged grounds of misconduct and usurpation of functions, as the three judges voted to declare unconstitutional, and therefore non-applicable, the law permitting President Fujimori to run for a third term in office.

The reinstatement of the three justices allowed the Constitutional Tribunal to resume its duties with regard to the control of the constitutionality of laws. The tribunal had not been able to take such decisions because, according to its statutory regulations, it requires six votes out of seven to take a decision on the matter. The Tribunal began to study the 23 petitions challenging laws for unconstitutionality, which had been pending since May 1997. On 6 September 2001, Congress adopted legislation reducing to five the number of votes necessary to declare a law unconstitutional. The bill was opposed by the Government and at the time of this writing was under study by a Senate Commission.

Administration

In 2000, only 1.43 per cent of the national budget was assigned for the judiciary. The reforms carried out by the Fujimori government, while unfavourable regarding the independence of the judiciary, did result in the acquisition of improved computer equipment for the courts, construction of new facilities and improvements in infrastructure, and training for administrative staff and judges. However, according to the report of the Executive Commission of the Judiciary, the reforms created debts for the judiciary and bloated the bureaucracy.

Following the collapse of the Fujimori Government, the Law of the Judiciary was amended in order to insure the constitutional independence of the judicial branch (Law 27465). Article 72 of the Law of the Judiciary establishes that the President of the Supreme Court, the Executive Council of the Judiciary (*Consejo Ejecutivo del Poder Judicial*) and the Supreme Court as a plenary will oversee the administration of the judiciary. The President of the Supreme Court represents the judiciary, and the Supreme Court as a plenary approves the general policy of the judiciary proposed by the Executive Council of the Judiciary.

The Executive Council of the Judiciary is composed of six members and headed by the President of the Supreme Court. It has wide administrative powers. The Executive Council of the Judiciary elaborates the budget of the judiciary and executes it once it has been legally ratified. It also determines the number of justices of the Supreme Court. Additionally, the Executive Council establishes the number of specialised chambers, either transitory or permanent, of the Supreme Court and decides on transfer of judges. It is also a second instance for disciplinary measures imposed against judges by the Office for the Control of the Judiciary (*see below*). The Executive Council of the Judiciary has a General Manager, appointed by the Council, whose duty is to execute, coordinate and oversee the administrative activities of the judiciary.

Appointment and security of tenure

Article 146 of the Constitution guarantees judges independence and security of tenure, provided that they carry out their work efficiently and observe good conduct. Judges may not be transferred without their consent and their remuneration must ensure a living standard appropriate to their position and function.

One of the greatest challenges for the present government will be to address the lack of security of tenure for the members of the judiciary. After the 1992 coup, many judges were dismissed in a process ostensibly designed to rid the judiciary of corruption. Their positions were filled with provisional appointments and alternates, resulting in a judiciary in which 80 per cent of its members lack security of tenure and are therefore susceptible to external pressure. In 1995, once the reform process was under way, new courts and positions were created, which increased the number of judges working provisionally and allowed the now defunct Executive Commissions (*see above*) to usurp the appointment powers of the National Council of the Judiciary. Both the IACHR and the Human Rights Committee (HRC) highlighted the necessity of addressing this problem (*see Attacks on Justice 2000*).

In October 2000, Congress approved provisions directed at restoring the judiciary's independence from the executive. Laws 27368 and 27362 re-established the constitutional appointment, promotion and training systems, thereby restoring proper functions to the National Council of the Judiciary (*Consejo Nacional de la Magistratura*). The reform also abolished the system which allowed the widespread use of provisional and alternates judges. The National Council of the Judiciary, established by the 1993 Constitution to replace a less effective body, selects, appoints and ratifies the justices of the Supreme Court as well as judges of the other high and lower courts from among candidates who have graduated from the Judicial Training Institute (*Academia de la Magistratura*). The ratification of judges and prosecutors takes place every seven years. Those who are not ratified may not become members of the judiciary or the Public Ministry. Decisions on dismissals by the National Council of the Judiciary are final.

The Supreme Court, the Board of Supreme Prosecutors, the Bar Association, the deans of the public and private universities and two representatives of the professional associations each appoint a

member of the National Council of the Judiciary. Principals and alternates of the Council are appointed for a five-year period. Since October 2000, the Council has worked to recuperate the functions that it was unable to perform during the last years. Hundreds of provisional judges and prosecutors were reassigned to positions more appropriate to their actual rank. Many provisional judges and prosecutors resigned or were removed from their positions permanently or were not reassigned. In May 2001, Congress approved Law 27466, which authorised the Council to call for public contests to fill positions of provisional judges and prosecutors.

In June 2001, Congress approved the election through popular vote of some 1,800 judges of peace (Law 27539). These elections will take place in June 2003. Candidates will not be allowed to carry out political campaigns. The judges of peace will be elected for a renewable four-year term.

Corruption

The widespread corruption that afflicted the judiciary during the Fujimori era came to full public knowledge once the regime collapsed. The Congress systematically used corrupt means to exercise control over the judicial branch. According to the Ministry of Justice, 872 million US dollars were expropriated from the country's accounts because of corruption. The judiciary is investigating some 624 persons allegedly involved in these acts, including Fujimori and Vladimiro Montesinos. With regard to the judiciary itself, several penal investigations are being carried out against members at all levels, which have already resulted in several prosecutions. In July 2001, Blanca Colan, a former Attorney General, was arrested for corruption charges. Ms. Colan headed the most important cases of corruption for the Fujimori administration, and in several of the most high-profile cases she found no wrongdoing.

The Office for the Control of the Judiciary (*Oficina de Control de la Magistratura - OCMA*), which has the power to impose disciplinary sanctions, with the exception of dismissal, on judicial officers failed to address the problem of corruption. Although the Office has taken steps towards the decentralisation of its functions, transferring some of these to the District Offices for the Control of the Judiciary, it has remained largely ineffective during the transitional period.

Military Courts

The Constitution (Article 173) provides for military jurisdiction for crimes committed by members of the armed forces while carrying out their functions, and for crimes of treason and terrorism committed by civilians. This recognised a *de facto* extension of jurisdiction by military courts over civilians as an outcome of the 1992 coup. The 1992 decrees on terrorism and treason granted military courts jurisdiction over civilians accused of such crimes. Some of these decrees were repealed in 1997, such as those regarding the institution of “faceless judges”, but the jurisdiction of the military justice system was expanded again in 1998 when several legislative decrees were approved to fight common criminality. A new crime was added to the list of vague crimes of terrorism and treason: the crime of “aggravated terrorism” (*see Attacks on Justice 2000*). In December 1999 new legislation (Law 27235) repealed some of the provisions of these decree laws, but failed to change the formulation of the crime of “special terrorism”, which remains poorly defined.

Military tribunal proceedings are summary and a number of guarantees of due process of law are restricted or disrespected. The capacity of lawyers to exercise their professional functions is therefore impeded. The investigation is carried out by a military prosecutor, thus limiting the powers

of the civilian prosecution, which does not play any role in the procedure. Legislative Decree 897 makes it compulsory for the military prosecutor to issue an indictment, even if evidence is insufficient. Similarly, the military investigating judge is required to authorise the police to maintain a suspect under arrest for investigation and to order the detention of the accused while awaiting trial. In both instances, the discretion inherent in the prosecution and judicial functions is diminished. This legislation has permitted military tribunals to try at least 1,800 persons in recent years. Apart from the powers given to it by law or decree law, the military judiciary has assumed *de facto* additional powers to try retired military officers for common crimes such as fraud and robbery in prejudice to the army, not only crimes of terrorism, treason or “aggravated terrorism”.

Following the November 2000 ICJ and AI joint visit to Peru, both organisations urged the Peruvian authorities to abolish the provision that allows civilians to be judged by military courts, as the practice was in contravention of international obligations of Peru. The HRC, the Inter-American Court of Human Rights and the Special Rapporteur on the Independence of Judges and Lawyers have also recommended that Peru abolish this practice.

The Government has expressed its intention to reform the military justice system. There are several proposals concerning the powers that the military judiciary should retain. The Lima Bar Association’s Commission for the reform of the Armed Forces and the Ministry of Justice’s Commission of Judicial Reform agreed on the following aspects: It is necessary to maintain the concept that military justice is a specialised jurisdiction; civilians or retired military officers must not be judged by the military judiciary under any circumstance; military justice should be exercised only in crimes related to the military service; and rulings by military justices should be subject to review by the Supreme Court, in compliance with the principles of jurisdictional unity and exclusivity.

CASES

Jorge Santiestevan de Noriega {Ombudsman}: Mr. Santiestevan was the human rights ombudsman of Peru. He was attacked in the media sympathetic to President Fujimori in March 2000, after he had transmitted allegations to the Elections Board relating to the forgery of signatures and had asked it to investigate these irregularities. Congressmen and ministers allied with President Fujimori contended that Mr. Santiestevan had sought to discredit the elections and hinted that they might press for his impeachment. Subsequently, President Fujimori acknowledged that the Constitution empowers the monitoring of the actions of public entities, including election authorities. Following intervention by the OAS and the US Department of State, the pressure against Mr. Santiestevan abated.

Gorge Farfán Martínez {lawyer} and Higinio Castillo Calle {judge}: Mr. Farfán is a member of the rural development centre “Villa Nazareth” of the Chuculanas diocese, institutional member of the national Coordination of Human Rights. Mr. Castillo is a judge of peace from the Frías District. On 3 April 2000, the Bishop of Chuculanas was given a copy of police document no. 05-2000-C-PNP by the Prosecutor of Morropón, Julio Vargas Valer. This document accuses Mr. Farfán and Mr. Castillo of being at the head of an initiative to hold a peasant’s cooperative march “El Común” of Frías, against the provincial Prosecutor to protest the trials against the peasant cooperatives and their members.

Martha Cueva Muñoz {lawyer}: On 7 June 2000, Ms Cueva, human rights defender and legal adviser to the *Comité Vicarial de Derechos Humanos del Vicariato Apóstolico de Pucallpa*, department of Ucayali, was falsely accused of acts of terrorism in an attempt to implicate her in a

case involving other persons accused of terrorism and several other crimes. In December 1998, during the eviction of ten families that had occupied a property on the Yansen sawmill, the persons concerned and the owners of the sawmill requested that Ms. Cueva intervene. Subsequently, the owners of the sawmill commenced penal proceedings against the evicted families for crimes against public order, public safety, arson, homicide and abuse of authority. They attempted to broaden the charges by including terrorism and implicating Ms. Cueva. Although the provincial prosecutor refused the request, the Attorney General filed an appeal procedure, which has been submitted to the Superior Prosecutor of Ucalayi.

Association of Defence of Human Rights of Tacna {ADDSH}: On 12 June 2000, the wife of Mr. Jesús Agreda Paredes, President of ADDSH, received an anonymous phone call to her home. A man's voice said: "Tell your husband not to meddle in the Pachia case, because otherwise we shall kill him". This death threat is related to the legal defence carried out by ADDSH in the case of the torture and death of Mr. Nelson Tiburcio Díaz Marcos, detained in Pachia on 12 May 2000 at approximately 3:00 p.m. by a police officer. A penal complaint was lodged with the provincial prosecutor of Pacna for homicide against Police officers Victor Oachs Manani and Carlos Laqui. ADDSH requested a broadening of the complaint to include the crimes of torture followed by death.

Rosalía Stork Salazar {lawyer}: Ms. Stork is the President of the Human Rights Commission "Alto Huallaga" (CODHAH), Huanuco department. She was alerted in August 2000 to the possible destruction of her home and office, a decision allegedly taken by Major Fernando Quipes, Aucayu's Commissioner. The official assured her that he would discover evidence implicating the association in terrorist activities. The threats seemed to be a response to the complaints made by CODHAH against Major Quispe for crimes including abuse of authority, acts of torture, violation of a home, illicit appropriation and diverse threats.

Gina Requejo {lawyer} Ms. Requejo is the lawyer representing Jenard Lee Rivera, who died in police custody on 9 May 2001, allegedly as a result of torture and ill-treatment. On 10 May 2001, Mr. Lee's family and others from the impoverished town of San Bartólome in Lima department, where he lived, carried out a demonstration in front of the Cruz Blanca Town Police station in protest at his killing. During the demonstration, police officers allegedly took pictures of the demonstrators. On 19 May 2001, Ms. Gina Requejo received a phone call from an unknown person saying "stop the inquiries, stop the investigation".