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## PERU CSW and European NGOs express concern at amnesty legislation

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Christian Solidarity Worldwide (CSW) has joined a coalition of NGOs across Europe to release a statement criticizing a series of laws passed without warning by the Peruvian Government last week that effectively allow state agents who have been accused of human rights violations to evade justice.

CSW and other members of The Peru Europe Platform (PEP), a coalition of NGOs across Europe focused on human rights issues in Peru, have expressed concern that the set of four laws institutionalize impunity for crimes against humanity committed during the 20-year internal conflict.

According to news reports, President Garcia today called for Congress to revoke the legislation that stipulates that members of the police and military cannot be tried on criminal charges categorized as crimes against humanity if the crime in question was committed before 2003.

Legal experts have expressed concern that while the law currently only applies to the military and armed forces, it opens a door for other Peruvians, including former President Alberto Fujimori and leaders of the leftist guerrilla groups, already convicted of crimes against humanity, to appeal their sentences.

PEP is also gravely concerned that the laws impose a time limit on investigations and judicial processes involving members of the military and police. This would mean that high profile cases like the Putis massacre, where 123 men, women and children were murdered by the Peruvian military in 1984, would be thrown out.

The prosecution of crimes committed during the civil war is often drawn out due to the slow-moving Peruvian justice system and the inherent difficulties in investigating crimes committed twenty years ago. The Ministries of Defense and the Interior and the Peruvian Armed Forces have been consistently criticized by human rights organizations, as well as Peruvian state prosecutors, for their refusal to turn over files and documents that would identify perpetrators of human rights atrocities.

CSW-UK's Chief Executive Mervyn Thomas said, "CSW welcomes the news that President Garcia is considering the repeal of this legislation, which would be a major step backwards for national reconciliation and a repudiation of the victims of the violence. We call on the Peruvian government to immediately repeal these laws, which were not approved through Congress but by executive order. We also call on the international community, in particular the European Union, to strongly condemn this legislation."

### **Notes to Editors**

1. A full copy of the statement is available on request and on the CSW-UK website at [www.csw.org.uk](http://www.csw.org.uk).
2. The internal conflict in Peru lasted from 1980 to 2000 as government forces battled far left guerrilla groups, the Shining Path and the MRTA. The Truth and Reconciliation Commission (TRC) published a final report on the violence in 2003 which found there had been around 70,000 victims. The TRC

also found that the Shining Path was responsible for the majority of the cases while the Peruvian security forces were responsible for a significant percentage, around 37%.

3. The laws, 1094, 1095, 1096 and 1097 were adopted by the Peruvian Government using a legal loophole that allows the executive power to legislate directly on matters pertaining to the military and police, circumventing Congress. Some members of the Peruvian Congress have strongly criticized the laws and have called for the government to immediately repeal them.
4. In 2003 the Peruvian government signed the International Convention on the Non-applicability of Statutory Limitations to War Crimes and Crimes against Humanity. Human rights observers believe that the new legislation is a thinly veiled attempt to give members of the Peruvian security forces amnesty for human right atrocities committed during the 20 years of violence.
5. The new laws state that investigations and judicial processes involving members of the military and police which take more than one and a half years for "simple crimes" and three years for "complex crimes" will be automatically archived.