

a member of Congress from the United Left party, who was reportedly shot at by a group of heavily armed men who identified themselves as police officers; defence counsel for an Army Intelligence Service agent who was allegedly tortured by members of the same service, after receiving death threats; and, the torture and death, reportedly at the hands of the Army Intelligence Service, of an individual who had given the media valuable information on human rights violations committed by the Army Intelligence Service and Grupo Colina.

The government's replies variously indicated that: investigations had concluded that the threats were a case of common crime; relevant members of the National Police had been appropriately disciplined; the relevant member or members of the National Police responsible were tried and sentenced; and, no criminal complaint had been filed by those alleging threats against them.

The Special Rapporteur (SR) expressed regret that the government had not replied to the allegations related to the attack on the Japanese Embassy and called on the authorities to undertake the necessary investigations in order to establish whether there was any illegality in the conduct of the armed forces. The SR welcomed the decision to end the system of faceless judges, whose ability to guarantee the rights of persons on trial under their jurisdiction had been vigorously questioned.

**Freedom of opinion and expression, Special Rapporteur on:** (E/CN.4/1998/40, paras. 8, 56, 89–92)

The report notes that the government had not yet responded positively to the request of the Special Rapporteur (SR) for an invitation to visit. In commentary providing an overview on the issue of women and freedom of expression, the report refers to a case of death threats against a woman because of her activities in a women's group that organizes educational programmes and provides legal and social assistance to working women. With regard to recent cases, the report notes communications sent to the government related an individual who was the majority owner of the Frecuencia Latina/Channel 2 television network. Information received by the SR stated that the Peruvian citizenship which this individual had acquired in 1984, had been revoked by the government, threatening his ownership of the network, since foreigners cannot be majority shareholders in the communications industry. It stated further that broadcasts of this network had cited corruption and mismanagement on the part of the State and had reported on human rights violations, implicating public officials, members of the army and army intelligence. The government informed the SR that the individual's citizenship was invalidated simply because he had not met all legal requirements, and that, as the licence of the Frecuencia Latina / Channel 2 was not affected, and its usual programmes continued to be broadcast, the case cannot in any way be considered a violation of freedom of expression.

**Independence of judges and lawyers, Special Rapporteur on the:** (E/CN.4/1998/39, paras. 15, 19, 134–142; E/CN.4/1998/39/Add.1)

The report notes that in September 1997 an urgent appeal was sent to the government concerning a judge against whom the government took action, allegedly related to a *habeas corpus* writ she had issued ordering the release of a person in detention. According to the government, the writ was unlawful because it had been issued without a request by the person concerned or another acting on his/her behalf and without the intervention of the prosecutor, as required by law. The government further stated that the judge had ordered the release of an individual who was under investigation for crimes of terrorism and/or treason, before issuing a judicial decision, which constitutes the crime of abuse of authority, or violence against and resistance to the authorities.

Several of the government's replies to various other communications related to states of emergency declared and/or extended in the Department of Lima and in a number of Provinces; and the fact that under the states of emergency a number of rights were suspended. The government also replied to the case of a defence lawyer who was acting on behalf of clients before all instances of the Supreme Council of Military Justice and had been suspended by the military prosecutor for three months. The lawyer's appeal of the suspension was dismissed by the Superior Military Tribunal and subsequently he was sanctioned for five months during which he was not able to represent his clients before military instances. Early in 1997 the government informed the Special Rapporteur (SR) that the lawyer had been granted and given amnesty under Law No. 26700.

With regard to previously expressed concerns over the attack on the President of the Constitutional Tribunal, the government replied that the attack which took place was directed not against the President of the Constitutional Tribunal but against an unidentified person whom criminals were trying to attack and/or kidnap. According to the government these individuals shot at the policemen, killing two and injuring another. The Directorate against Terrorism (DINCOTE) indicated that there was no evidence of a terrorist attack against the President of the Constitutional Court.

The SR visited Peru from 9 to 15 September 1996 but the report of that mission was not available for the 1997 session of the Commission on Human Rights. The report was prepared and distributed at the 1998 session, however, and was strongly criticized by the government as being out-of-date and, in some respects, no longer relevant.

The report includes information on, *inter alia*: the human rights situation prior to 5 April 1992 when the democratically elected President Alberto Fujimori established a Government of Emergency and National Reconstruction and began a major restructuring of the judicial system; events following 5 April 1992 related to the functioning of the judiciary; judicial