

PERUISSUE:

Peru has strengthened its constitutional and institutional framework for dealing with human rights questions in recent years and the number of alleged human rights violations is declining. However, the threat of violence due to terrorist activities and narco-trafficking remains high and the government is reluctant to abolish the exceptional measures promulgated to combat these problems.

BACKGROUND:

President Fujimori inherited a legacy of violence and insecurity when he took office and he reacted by adopting a series of exceptional measures to combat terrorism. These included the establishment of extensive emergency zones controlled by the military, secret courts and military trial for civilians accused on charges of terrorism, as well as an amnesty law for military and police officers. The government has been reluctant to dismantle antiterrorism measures as they have been generally successful in reducing terrorist activity and they enjoy popular support. The hostage-taking incident at the Japanese Ambassador's residence in December 1996 is a powerful reminder that terrorist groups are still able to organize and carry out important operations. However, the exceptional measures also raise serious human rights concerns. Arbitrary arrests, torture and brutality in the penal system and impunity for agents of the state are all problems which must be addressed.

The government response has included several significant steps. Two important provisions of the 1993 Constitution were finally implemented. In May 1996, the President named a capable and influential ombudsman who, it is believed, will be able to advocate in favour of better protection of human rights and build a credible and effective office in spite of serious financial limitations. In July 1996, the Constitutional Tribunal, an independent body which rules on challenges to citizens' rights, was also established. Further measures which reinforce constitutional rights include the establishment of a register of those detained on charges of terrorism, the promotion of police/military cooperation, the more expeditious review of cases, and the transfer of detainees to civilian authorities. Police forces have continued with steps to improve performance and to address charges of corruption and impunity. In 1996, over 900 officers were dismissed for wrongdoing and the more serious cases were brought to trial. Courts are still criticized for lack of transparency and accountability. They also suffer a serious backlog of cases, in spite of efforts to treat cases more expeditiously. As a result, citizens accused on charges of terrorism are detained for lengthy periods without trial.

Peru is a signatory to all of the key international and regional conventions on human rights and, even though it has traditionally been fiercely resistant to outside interference, there is a growing sensitivity to international opinion. Recent elections in Peru were judged free, fair and in accordance with international standards. Nonetheless, the Fujimori administration is highly authoritarian and the opposition is weak and ineffective. Although the administration is taking some corrective measures, corruption remains endemic. It is generally felt that the executive branch still holds undue sway over the judiciary. Peruvian