

to the government's admission that some cases have been dropped under the provisions of the amnesty law, the report recalls to the government its obligation to investigate alleged violations of the right to life thoroughly and impartially, to identify those responsible and bring them to justice, and to provide appropriate compensation to the victims or their families.

**Freedom of opinion and expression, Special Rapporteur on:** (E/CN.4/1997/31, Section II)

The report on freedom of opinion and expression notes that the Special Rapporteur has requested an invitation to visit Peru and that, to date, no positive response has been received from the government.

**Independence of judges and lawyers, Special Rapporteur on:** (E/CN.4/1997/32, paras. 10, 12, 17, 18, 21, 25, 35-40, 148-155)

The report on the independence of judges and lawyers notes that the Special Rapporteur (SR) undertook a mission to Peru from 9 to 15 September 1996. A report of that visit will be prepared for the 1998 session of the Commission.

During 1996 the SR transmitted to the government several cases. Among them was the November 1996 attempt against the life of the President of the Constitutional Tribunal and information related to disciplinary measures taken by the Supreme Council of Military Justice against a lawyer who had made public statements concerning the composition of the Supreme Council and, in particular, the fact that some members of the Council were not lawyers and therefore not familiar with the content of the law. In response to these two communications, the government informed the SR that protection measures had been taken to ensure the safety of the President of the Constitutional Tribunal and that the lawyer against whom disciplinary actions had been taken had subsequently been appointed as a judge of the High Court of the judicial district of Puno by a resolution of the National Council of the Judiciary.

Considerable attention is given in the report to the use of "faceless" judges and secret witnesses in court proceedings in Peru. The SR acknowledged that the use of "faceless" tribunals was intended to protect the judiciary from acts of terrorism but maintained the view that these procedures violate the independence and impartiality of the justice system. The report further notes that the practice had led to trials that were conducted with disregard to the rules of due process and, in several cases, the wrongful conviction and sentencing of innocent people. The report notes that these wrongful convictions had prompted the government to set up the Ad Hoc Commission on Pardons to evaluate those cases of miscarriage of justice and to advise the President to pardon those wrongly convicted and sentenced. The SR called for the immediate abolition of the "faceless" tribunals and the transfer of all cases pending before them to the ordinary courts. In recommending abolition, the report notes that the security situation in Peru which gave rise to the creation of these courts had improved and that continuation of such tribunals made a mockery of the reforms undertaken by the government to enhance respect for human rights.

[In late September 1997 Peru's Justice Minister, Alfredo Quispe, announced that the use of "faceless tribunals" would

be discontinued as of 15 October 1997. In making the announcement Quispe stated that the system had been useful at one time but no longer made sense in light of the reduced rebel threat and, further, that "The faceless tribunals have been subject to permanent criticism. They have been accused of having committed errors and exaggerations and not fulfilling the process established in the constitution." Associated Press wire story, 30 September 1997.]

**Sale of children, child prostitution, child pornography, Special Rapporteur on:** (E/CN.4/1997/95, para. 65)

The report notes that in Peru boys 8 to 20 years old, known as "fleeteo", live at home but work as prostitutes to supplement the family income or buy drugs or new clothes. The report notes that some of these boys sell themselves only to men while others offer themselves as clients to either men or women.

**Torture, Special Rapporteur on:** (E/CN.4/1997/7, Section III; E/CN.4/1997/7/Add.1, paras. 375-387)

The report indicates that nine new cases alleging torture were transmitted to the government as well as one case that had been updated on the basis of new information provided by the sources. In addition, urgent appeals were sent on behalf of two individuals, with one of those appeals sent in conjunction with the Special Rapporteur (SR) on the independence of judges and lawyers. The report notes that the government provided a reply to information on one case that had been transmitted to it in 1995.

The incidence of allegations of torture in Peru remain a concern for the SR. With regard to abuses perpetrated against detainees, the report welcomes steps taken by the government which suggest that police officials may not enjoy impunity from criminal or disciplinary action. The report requests information from the government indicating that members of the armed forces involved in similar activities do not enjoy such impunity. On this latter point, the report notes the comment of the Human Rights Committee, following consideration of Peru's third periodic report. The Committee expressed its concern over cases of torture, ill-treatment and arbitrary arrest and detention by members of the army and security forces, and the government's failure to investigate fully these cases, to prosecute alleged offences, to punish those found guilty and provide compensation to the victims and their families (A/51/40, para. 354).

**Toxic wastes and products, Special Rapporteur on:** (E/CN.4/1997/19, para. 72)

The report includes information on practices by the oil industry in Ecuador that have led to the destruction of some 1 million hectares of the country's forest and affected the health of the people living in the areas of operation. The report notes that some 30,000 Ecuadorian victims sued Texaco in its home State of New York, asking it to stop dumping waste and to invest in new technology. In 1994, Texaco reached an agreement with the government of Ecuador for the company to remedy any damage caused by its drilling operations. Following this agreement, the plaintiffs' litigation team filed a complaint on behalf of approximately 25,000 Peruvians living along the Napo River. In 1995, the judge ordered consolidation of the two suits. The report does not include information on the current state of the law suit in terms of