

COTE), who was subsequently accused of terrorism on the basis of a denunciation made under the Repentance Law by a student at the same university where she taught. The precise charge was militancy of behalf of Sendero Luminoso and, specifically, being the militant known as "Rita", an important leader of Sendero Luminoso. The WG noted that the statements made by the student were not verified as required by law and the professor was arrested, held incommunicado for 10 days and, according to the allegations, raped and ill-treated. The initial charge against her was the crime of betraying the country. The case was heard before the Special Naval Court under military law. In 1993 the professor was acquitted. However, on appeal by the Military Prosecutor she was sentenced to 30 years' imprisonment. This sentence was later set aside by the Supreme Council of the Military System of Justice which ordered her to be tried by the ordinary courts for the crime of terrorism. A "faceless" court then sentenced her to 20 years' imprisonment for terrorism. The WG noted that appeal proceedings were initiated before the Supreme Court of Justice. The government initially responded that the custodial penalty of 20 years for the crime of terrorism could not be set aside but later informed the WG that the professor had been released.

Decision No. 47/1996 related to an earlier decision (No. 12/1995) to keep a case pending until further information was received from the government. The Decision notes that the person concerned had been released. Decision No. 48/1996 also referred to a previous case (No. 22/1995) and noted that the person concerned had been released. Decision No. 49/1996 also referred to a previous case (No. 42/1995) and the fact that the person concerned was no longer in detention.

Disappearances, Working Group on enforced or involuntary: (E/CN.4/1998/43, paras. 13, 24, 25, 33, 37, 45, 54, 296–307)

The report notes that new cases were transmitted to the government and some outstanding cases had been clarified. The report also notes that the government had provided information on the question of compensation for victims or relatives of victims of enforced or involuntary disappearances, noting, *inter alia*, that: there was no specific provision for the payment of compensation to the victims of enforced disappearance or their families; the procedures provided for in the legal system, however, are applicable; with regard to presumption of death, there is a stipulation that 10 years must have passed before a court may issue a notice of death, two years when the circumstances involved grave danger of death, or five years if the person was over 80 years old; any individual may initiate proceedings leading to a declaration or presumption of death; a prior notice of presumed death would not be necessary for the payment of compensation in the case where a person has been legally declared to have disappeared; on the question of exhumations, this may take place only in accordance with a court order, the government may not order exhumations; and, the specialized criminal courts have the general power to order exhumations

and frequently do when judges consider it necessary, and not only for cases of disappearances.

With regard to the cases handled by the Working Group (WG) the report notes that the vast majority of the 3,004 cases of reported disappearances occurred between 1983 and 1992 in the context of the government's fight against terrorist organizations, especially Sendero Luminoso. The three newly reported cases involved an abduction from a private home in 1997 by members of the military and two cases which reportedly occurred in 1996.

The WG reiterated its concern that the adoption in 1995 of the amnesty law had resulted in total impunity for the perpetrators of disappearance and other human rights violations. The WG noted the concerns of others related to the fact that: while fewer, cases of disappearance continue to be reported; and a vast number of cases remain unclarified; the government is unable to carry out investigations into disappearances in a prompt and thorough manner; and, adequate compensation has not been granted to the victims of acts of enforced disappearance and their families.

The government provided the WG with information on individual cases and forwarded a lengthy report prepared by the Permanent Secretariat of the Peruvian National Human Rights Commission of the Ministry of the Interior. On the issue of the general amnesty, the government stated that the Peruvian Congress had passed the law in the general interest of the state, the amnesty was not a declaration of innocence and administrative penalties against those convicted remained intact. The government denied allegations regarding the ineffectiveness of the National Registry of Detainees in preventing disappearances. The government stated that the implementation of the Registry throughout the country, together with a reduction in the number of armed confrontations, had been a decisive element in the reduction of the number of cases of disappearance.

The WG acknowledged the information provided by the government but reiterated its opinion that the amnesty law, which resulted in the closing of all investigations into outstanding cases of disappearance, violates articles 17 and 18 of the Declaration on the Protection of All Persons from Enforced Disappearance and creates an atmosphere of impunity which could be conducive to further acts of disappearance and other similar human rights violations.

Extrajudicial, summary or arbitrary execution, Special Rapporteur on: (E/CN.4/1998/68, paras. 12, 14, 15, 17, 29, 32, 39, 57, 66, 69, 70; E/CN.4/1998/68/Add.1, paras. 319–331)

Cases and concerns were transmitted to the government related to, *inter alia*: allegations of a general nature concerning the attack by the armed forces on the Embassy of Japan in Lima in which a Supreme Court Judge, two army officers and all the members of the Tupac Amaru Revolutionary Movement (MRTA) guerrilla group died;