

addendum to the main report deals with seven decisions involving 17 individuals.

In those cases where proceedings were initiated, the defendants were accused of terrorist offences, having links to the Sendero Luminoso (Shining Path) or the offence of high treason. The decisions reflect the WG's concern over a number of practices and irregularities in the system of justice in Peru, including: provisions under emergency legislation that deny release on bail in all cases, including those in which an acquittal is pending approval; stipulation under law 26,248 of 24 November 1993, that decisions to grant unconditional release-where non-culpability is fully demonstrated- must be sent for review to the higher court and release from custody cannot occur until the review has been completed; continued detention of persons in custody for more than two years after deprivation of liberty, and for more than eight months after a decision in first instance calling for their unconditional release following establishment of non-culpability; use of preventive detention as a general rule rather than solely as a means of guaranteeing an accused's appearance for trial; and procedural irregularities affecting the independence of judges and lawyers and the conduct of trials.

Disappearances, Working Group on enforced or involuntary: (E/CN.4/1997/34, paras. 272-281, 392, 393)

The report of the Working Group (WG) notes that 122 newly reported cases of disappearance were transmitted to the government, all but one of which allegedly took place between 1989 and 1995, mostly in Ucayali, and were imputed to members of the navy or the army. The report also notes that four cases previously considered had been clarified on the basis of information provided by the government and 13 cases were re-transmitted on the basis of new information received from the source. In terms of human rights abuses committed by non-state actors, the report observes that allegations of disappearances imputed to such groups were received but that the WG does not consider cases of abductions which are not directly or indirectly attributable to the state.

A review of disappearances in Peru notes that the vast majority of the 3,001 reported cases occurred between 1983 and 1992 in the context of the government's fight against terrorism, and especially Sendero Luminoso, partly as a result of the generous latitude given to the armed forces counter-insurgency campaign and efforts to restore public order. The majority of reported disappearances took place in areas of the country in which a state of emergency was in force and which were under military control, but some incidents also took place in other parts of the country. Some 20 other cases reportedly occurred in 1993 in the department of Ucayali and largely concerned the disappearance of peasants.

The report addresses concerns that were expressed over the adoption of an amnesty law in Peru, which granted a general amnesty to all those members of the security forces and civilians who were the subject of a complaint, investigation, indictment, trial or conviction, or who were serving prison sentences, for human rights violations committed between May 1980 and 15 June 1995. This law resulted in total impunity for the perpetrators of disappearance and other human rights violations and contravenes articles in the Declaration on the Protection of All Persons from Enforced Disappearance. The report notes that efforts by human rights

organizations to seek a repeal of the articles of the amnesty law granting a pardon to human rights violators and the law prohibiting judges from deciding on the legality or applicability of the amnesty law have resulted in death threats against some members of these organizations.

It is acknowledged in the report that the number of disappearances in Peru has decreased but that cases reportedly still occur; the National Registry of Detainees is said to be ineffective in preventing such disappearances. There is a total of 2,371 cases of disappearance in Peru that are outstanding and remain to be clarified.

Extrajudicial, summary or arbitrary execution, Special Rapporteur on: (E/CN.4/1997/60, paras. 16, 18, 19, 32, 35, 51, 52, 57, 58, 66, 95; E/CN.4/1997/60/Add.1, paras. 382-392)

The report outlines cases of death threats in Peru that were transmitted to the government and involved human rights activists, trade unionists, community workers, religious activists, writers and journalists. Cases related to deaths in custody and life-threatening conditions of detention were also transmitted as were allegations of violations of the right to life as a consequence of excessive use of force by police and security officers in various circumstances. Others related to death threats and harassment against women and, in this regard, the report notes that the under-representation of women in the political and economic life of many countries implies that they are less perceived as a threat and therefore less exposed to acts of violence by governments. The report states further, however, that in areas where women participate actively in public life, they appear to be in a similar position as their male counterparts. Still other cases involved violations of the right to life of children, including death threats and harassment, because of their link to an adult, for example, in cases in which threats directed against human rights activists, lawyers or trade unionists also included their children.

The report also refers to the concern of organizations and institutions in Peru over the possible consequences of the application of the amnesty law, and the impunity it entails and cites the importance placed on the need to shed light on the human rights violations in Peru and provide justice for the families of victims of actions by the security forces, and by Shining Path and other armed groups. Details of individual cases include references to deaths in custody, death from gunshot wounds sustained as a result of police actions during civil disturbances and random acts of violence by the armed forces.

In response to some of the cases transmitted to it, the government offered assurances that incidents involving excessive use of force by police were being investigated and that those responsible were being charged; the government also stated that investigations had been carried out in reported cases of death threats but that proceedings against some members of the military had been dropped following annulment of criminal action under the amnesty law.

The Special Rapporteur expressed continuing concern about the death threats against lawyers who represent victims of violations of the right to life and urged the authorities to take all necessary measures to ensure that all those directly involved in legal proceedings are able to perform their duties freely and, if necessary, be given state protection. In response