

DECISION No. 33/1996 (PERU)

Communication addressed to the Government of Peru on
20 February 1996.

Concerning: César Augusto Sosa Silupú, on the one hand, and the
Republic of Peru, on the other.

1. The Working Group on Arbitrary Detention, in accordance with the revised methods of work adopted by it and in order to carry out its task with discretion, objectivity and independence, forwarded to the Government concerned the above-mentioned communication received by it and found to be admissible, in respect of allegations of arbitrary detention reported to have occurred.

2. The Working Group notes with appreciation the information forwarded by the Government concerned in respect of the case in question within 90 days of the transmittal of the letter by the Working Group.

3. (Same text as para. 3 of Decision No. 35/1995.)

4. In the light of the allegations made, the Working Group welcomes the cooperation of the Government of Peru. In the context of the information available to it, the Working Group believes that it is in a position to take a decision on the facts and circumstances of the case.

5. The Working Group considers that:

(a) According to the communication, César Augusto Sosa Silupú was detained on 16 November 1995 by members of the police at Piura National University, his place of work. He had already been detained between August 1992 and July 1993 on charges of terrorism, of which he was acquitted. However, on 6 June 1995 the Supreme Court quashed the judgement acquitting him and ordered a new trial, which is under way. The detainee denies any links with Sendero Luminoso.

(b) The Government of Peru merely states that the judgement of acquittal was quashed on 6 June 1994.

(c) Since, as may be noted, neither the complainant nor the Government provides any information whatsoever about the acts for which the person in question has been tried, it is impossible for the Working Group to reach a decision as to whether or not the detention is arbitrary.

(d) The Working Group has received numerous communications alleging inconsistencies within Act No. 25,475, in respect of which it will make a determination after it visits Peru, as it has already been invited to do by the Government.

6. In the light of the above, the Working Group decides to keep the case pending until it receives fuller and more up-to-date information, under the terms of paragraph 14.1 (c) of its methods of work.

Adopted on 17 September 1996.