

DECISION No. 34/1996 (PERU)

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

Concerning: Margarita M. Chuquiure Silva, 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, Margarita M. Chuquiure Silva, a lawyer, was detained on 28 February 1994 as she left her office, where she had gone on business. She was accused by a detainee who had benefited from the repentance law of having links with Sendero Luminoso.

(b) The Government states that a decision by the Supreme Court is pending with regard to the 20-year prison sentence handed down against the lawyer for the crime of terrorism.

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

(d) Regarding the alleged procedural irregularities, the same complaint has been made to the Special Rapporteur on the independence of judges and lawyers.

(e) 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.