

DECISION No. 45/1996 (PERU)

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

Concerning: Lori Berenson, 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 paragraph 3 of Decision No. 37/1996.)

4. In the light of the allegations made, the Working Group welcomes the cooperation of the Government of Peru. 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 source, Lori Berenson, an American citizen, was sentenced on 11 January 1996 by a "faceless" military tribunal to life imprisonment for the crime of "betraying the country". It is alleged that Ms. Berenson was kept for more than five weeks in solitary confinement, without access to a lawyer, and that during this time she was subjected to intensive psychological manipulation.

(b) Having been consulted, the Government informs the Group that the person on behalf of whom the appeal is made was arrested on 30 November 1995 together with other persons, all members of the Tupac Amaru Revolutionary Movement, during an armed confrontation with the police. The persons arrested were preparing to engage in subversive acts, namely, breaking into the National Congress in order to take some of its members hostage so as to obtain the freedom of the group's militants. It adds that Ms. Berenson was tried by a military court, which fully respected the rules of due process, and sentenced for the crime of betraying the country, covered by and punishable under Decree-Law 25659.

(c) The Working Group has received an invitation from the Government of Peru to visit the country. This visit is of vital importance for the adoption of a decision in this case, since it will be possible to evaluate the

functioning of the so-called "faceless" tribunals and the guarantees of due process which might have been violated, even if the explanations provided by the Government are valid.

(d) As on previous occasions, the Group decided to leave the decision on this case pending until after its visit to Peru, which will provide it with the necessary background information, in accordance with its methods of work.

6. In the light of the above, the Working Group decides to keep the case pending until it has carried out its planned visit to the Republic of Peru.

Adopted on 3 December 1996.