

DECISION No. 43/1996 (PERU)

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

Concerning: Sybila Arredondo Guevara, 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. This case, described below, was presented to the Working Group as follows: Sybila Arredondo Guevara, an anthropologist of dual Chilean and Peruvian nationality, born in 1935, was allegedly detained in 1983 in Lima and accused of collaboration with Sendero Luminoso, terrorism, assisting Sendero Luminoso and financing subversive activities. Ms. Arredondo was allegedly sentenced to 12 years' imprisonment; the judges who tried her case, as well as the prosecutor, were hooded; the prison terms to which she was sentenced were to be served consecutively and no release date was fixed. The Group was also informed that Ms. Arredondo has been cleared of two of the three legal proceedings still pending. According to the source, Ms. Arredondo is detained in extremely harsh conditions in the women's prison "Penal de Santa Mónica" in Chorrillos, Lima, and her state of health is a source of considerable concern.
6. Having been consulted, the Government informs the Group that Matilde María Sybila Arredondo's state of health is normal. This is the conclusion reached by Dr. Aldo Poma Torres, the forensic physician who visited her in the company of Dr. Ana María Calderón Boy, Provincial Prosecutor of the 30th Provincial Criminal Prosecution Office of Lima, on 23 August 1996.
7. 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.

8. As on previous occasions, the Group decides 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.

9. 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.