

# One-way mirror protects 'faceless' judges but risks justice in Peru

By **TIFFANY WOODS**  
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LIMA, Peru — Defense attorney Jorge Vega entered the narrow, unpainted, cement courtroom in the prison just outside Lima. The hot, intense lights startled him and made him feel as if he were on an operating table.

In front of him he saw his reflection in a partition of one-way glass. Several judges sat behind, their identities hidden.

Then out of two speakers came the anonymous voice that echoed so strongly he felt as if it were touching him. To answer, he hunched over a small cement block on the floor that contained a microphone shielded by a metal grid.

Shortly after, Vega, who won his case, left the courtroom depressed and unable to forget the experience. It was his first time before Peru's *jueces sin rostros*, or "faceless judges."

The system, which is used to prosecute accused terrorists, was

scheduled to expire this October but is likely to continue, said Congressman Daniel Espichán Tumay, a former attorney general for terrorism cases.

"We are going to present a bill to extend it, and I think that the president is going to approve it," Espichán said.

Government officials argue that the system must continue. Although greatly weakened since the 1992 capture of its leader Abimael Guzman, the Maoist Sendero Luminoso, or Shining Path, guerrilla group has shown increasing signs of life in recent weeks with a series of car bombs, assassinations and clashes with security forces.

Guerrilla conflicts sparked by Sendero and the smaller Tupac Amaru Revolutionary Movement have cost 30,000 lives since 1980.

The "faceless" courts were created in 1992 to protect judges from death threats. In Peru, judges investigate, process and sentence prisoners.

Since the law's enactment, hundreds of people have been tried

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attorney **Luis Lamas Puccio**

under the system, which is used in military and civil courts for cases of terrorism and high treason, an aggravated form of terrorism.

The majority of them have been alleged guerrillas of Sendero and the Cuban-inspired Tupac Amaru group.

The trials, which are closed to the public, occur in specially built rooms in prisons where the judges, prosecutors and courtroom guards conceal their identities by wearing black ski masks or by sitting behind partitions of one-way glass. In addition, their voices are distorted by special microphones.

But human rights groups want to abolish the courts, which they con-

demn as unconstitutional.

A report published this year by the National Coordinator of Human Rights says that since 1992, at least 1,390 people have been wrongly imprisoned for terrorist crimes. So far, 760 of them have been freed.

Last week, another report by the U.S.-based group Human Rights Watch said that at least 500 innocent people had been jailed on false charges of terrorism.

Some opponents say the system is illogical because during preliminary hearings for terrorism suspects, judges and prosecutors, who decide whether the cases move forward, are seen.

Lawyers say the identities of at

least some judges become known during the proceedings. Vega mentioned an occasion in which a judge's voice modifier was not functioning properly, and the lawyer was able to identify the voice of one of the judges.

Critics say that only one of the five judges in a military court is a lawyer. The others are career officials with no legal training.

In addition, some doubt the military's ability to try suspected terrorists objectively, considering that the military's job is to eliminate them.

Terrorism legislation and trials are given special treatment in Peru's judicial system, which has its origins in the Napoleonic Code.

Anti-terrorism laws are created and cases are tried according to the circumstances of a specific moment, even though it may be unconstitutional. In the case of "faceless judges," the laws were adjusted to adapt to a reality that demanded drastic measures, said attorney Luis Lamas Puccio, an expert in terrorism legislation.

"It is a system that seems to

violate a series of rights recognized in international norms, but given the conflictive situation in Peru, they had to resort to a law of this type," Lamas said. "For a European or American citizen, this sounds unthinkable, but understanding what has happened in Peru, it is understandable."

The future of the military courts will be decided this October. The approach had been scheduled to end in October 1995 but was renewed by President Alberto Fujimori for another year.

But public statements by high-ranking legislative and judicial officials in the past few weeks have suggested that the courts may be renewed.

In the meantime, the system is all Peru has, said attorney William Casaj Bustamante.

"This system of unidentified judges is not perfect," he said. "But at the same time, you can't throw it out."

Free-lancer Tiffany Woods is based in Lima.