

# The new Peruvian Amnesty Law of August 2025: Old Wine in New Bottles

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## Background

On August 13, 2025, Peruvian President Dina Boluarte enacted [Law 32419](#) with the [support of right-wing political parties](#), including “Popular Force” (“Fuerza Popular”), the party led by the daughter of former President Alberto Fujimori. It is important to recall in this context that Boluarte herself has been severely criticized and even investigated for the deaths during the 2022 and 2023 protests against her government (although the Peruvian Constitutional Court has suspended this and other investigations until the end of her term considering a possible interference with the exercise of her functions, s. [here](#)). Thus, the Amnesty Law is considered by many (s. [here](#) minutes 28:46–31:00) as a move to prepare the ground for similar legislation impeding a proper investigation and prosecution of State violence during the 2022/2023 unrest. It should also be recalled in this context that in August 2024 [Law 32107 was adopted](#), providing for a statute of limitation for crimes against humanity and war crimes committed before July 1, 2002.

While Law 32419 is a short law of two articles, it has serious implications for the investigation and prosecution of human rights violations. It grants a full amnesty to members of the Armed Forces and the National Police as well as to former members of the so-called Self-Defense Committees (i.e. organizations that, pursuant to [Art. 2 of Law 31494](#), carried out self-defense activities) for crimes committed in the “fight against terrorism between 1980 and 2000” (Art. 1.1.). The amnesty is only excluded if these persons themselves are reported or charged for terrorism or corruption offences (Art. 1.2.). In addition, Art. 2 grants an amnesty for persons over seventy years on humanitarian grounds (s. also Art. 3 [Draft Law 7549/2023-CR](#)) unless these are convicted for terrorism or corruption.

The historical context of the criminal acts covered by the amnesty is the “fight against terrorism between 1980 and 2000”. This refers to the armed conflict between the Peruvian State and several armed groups, especially the Shining Path (Sendero Luminoso, SL) and the Túpac Amaru Revolutionary Movement (Movimiento Revolucionario Túpac Amaru, MRTA) (see [Comisión de la Verdad y Reconciliación \(CVR\), Report of the Truth Commission, Vol. I and II](#)). According to the CVR this conflict resulted in more than 60,000 deaths, either caused by acts of the armed groups and or by State forces (s. [CVR, Report, Annex 2](#), p. 13). Several emblematic cases have been prosecuted, e.g. the murders of Lucanamarca – leading to the conviction of SL leader Abimael Guzman (see [here](#) and [here](#)) – and acts related to Barrios Altos and La Cantuta cases – leading to the conviction of former President Alberto Fujimori (see [here](#) and [here](#)).

## **Another amnesty law incompatible with the American Convention on Human Rights (ACHR)**

Apart from structural deficiencies of the Peruvian justice system (s. [Ambos/Urquiza, Göttingen Handbook, p. 762-64](#)), the prosecution of human rights violations had always to cope with obstruction in normative and factual terms. One of the most well-known normative examples are the self-amnesty laws of 1995 ([Law 26479](#) and [Law 26492](#)), adopted during the Fujimori government. The Inter-American Court of Human Rights (IACtHR) declared these laws in [Barrios Altos v. Peru](#), an important precedent for subsequent case law going beyond the Americas, to be incompatible with the ACHR. The Court held that all “amnesty provisions, provisions on prescription and the establishment of measures designed to eliminate responsibility are inadmissible, because they are intended to prevent the investigation and punishment of those responsible for serious human rights violations” (s. para. 41); in addition, it stated that “[S]elf-amnesty laws lead to the defencelessness of victims and perpetuate impunity; therefore, they are manifestly incompatible with the aims and spirit of the Convention” (ibid., para. 43). Consequently, these laws “lack legal effect” (para. 44). While this view has been confirmed in other cases before the IACtHR, including in [La Cantuta v. Peru](#) (para. 152), the Court clarified that not only self-amnesties, but also amnesties that generally cover human rights violations are incompatible with the ACHR (s. [Gomes Lund v. Brazil](#), para. 175).

Thus, it is not surprising that the new Law 32419 has been criticized even before it was enacted by the Inter-American Commission on Human Rights (IACHR), requesting Peruvian judges to exercise their conventionality control and declare it void (s. [here](#)). Subsequently, on 24 July 2025, the Court made the same request (s. [here](#), para. 1). Following its [hearing of 21 August 2025](#) to discuss the issuing of provisional measures, the Court ordered in its [decision of 3 September 2025](#), as an urgent measure, that the law not be applied. Beyond the Americas, during the 60<sup>th</sup> Session of the United Nations Human Rights Council (UNHRC), Volker Türk, the UN High Commissioner for Human Rights, stated that the law “is backsliding for justice and truth” (s. [here](#), minutes 27:15–27:25).

At the national level, the Public Prosecutor's Office (Ministerio Público) has announced that [it intends to file](#) a constitutional challenge against the Law. Also, [two Draft Laws have already been introduced to repeal it](#). Meanwhile, Peruvian Judges have started refusing to apply the law. Using their judicial review powers and conventionality control, and relying on, among other things, the case law of the IACtHR, they have ruled that the law is incompatible with both the Peruvian Constitution and the ACHR (s. [here](#) and [here](#)).

## **Amnesty as solution to the structural deficiencies of the Peruvian justice system?**

The supporters of Law 32419 point to the above-mentioned structural deficiencies of the Peruvian justice system, especially the excessive length of criminal proceedings.

Indeed, an excessive length of (criminal) proceedings may violate the “reasonable time” guarantee of Art. 8(1) ACHR (albeit to be assessed case specific, cf. [IAcHR, Genie Lacayo v. Nicaragua](#), para 77 and [IAcHR, Suárez Rosero v. Ecuador](#), para. 72; followed by the Peruvian Constitutional Court in [Chacón Málaga](#) para. 20) Apparently, an amnesty addresses this problem for it impedes any investigation or prosecution in the first place.

However, an amnesty must not forego the accountability requirements for serious human rights violations and the victims’ rights of access to justice as established in the above mentioned IAcHR’s case law. Even if a legislator shows a genuine interest to address the problems of the criminal justice system by way of an amnesty it must not ignore the human rights standards and limits to blanket amnesties well established in international law (see [Ambos, Treatise ICL 2, 2<sup>nd</sup> ed. 2021](#), pp. 546 ff.). In addition, as to the length of proceedings, one must distinguish between the abstract or theoretical possibility of a prosecution and its actual and effective undertaking. In other words, a potential prosecution is not the same as an actual prosecution. The reasonable time guarantee only applies from the moment such an actual prosecution started, e.g. with the arrest of the suspect (s. [IAcHR, Suárez Rosero v. Ecuador](#), para. 70; s. also the Peruvian CC in [Chacón Málaga](#), para. 28). Also, the reasonable time criterion must always be assessed taking the particularities of the respective case into account (the complexity of the facts, the applicable law, evidentiary aspects etc.).

Law 32419 does not account for any of these problems. It simply grants an amnesty for any crime (except terrorist and corruption offences) for a 20-year period and thus amounts to a classical blanket amnesty. It does not consider alternative sanctions (as e.g. the [Colombian Amnesty Law](#) adopted within the framework of the Jurisdicción Especial para la Paz, JEP, s. on this Ambos/Cote (eds.), [Ley de Amnistía](#), 2019).

Now, what about the supposedly humanitarian character of the amnesty under Art. 2 for those over 70 years of age? Arguably, this measure is motivated by concerns regarding the well-being and health of prisoners, caused by the [deplorable conditions of the Peruvian penitentiary system](#) (that is, yet another deficiency of the justice system). In fact, the State has a duty to protect the rights and dignity of its prisoners (s. [IAcHR, “Juvenile Reeducation Institute” v. Paraguay](#), para. 152-3). However, as shown [elsewhere](#), in order to prevent the arbitrary exercise of power, it is not sufficient to merely invoke certain circumstances (such as age or conditions of imprisonment). Rather, what is required is to demonstrate, at least minimally, how these circumstances render criminal prosecution incompatible with the protection of the inmates’ integrity, health or dignity and, that, therefore, these inmates should be released.

## **Conclusion**

While an amnesty law may address structural problems of a criminal justice system, e.g. the length of proceedings and the inhuman prison conditions, such a law must be much more detailed and sophisticated than the new Peruvian Law 32419. In fact, the primary or even only reasons for this Law seems to have been to create a generalised

impunity for all crimes committed during Peru's armed conflict, thus amounting to an inadmissible blanket amnesty. While the above-mentioned Law 32107 is currently subject to a [constitutional challenge](#) and has already been declared inapplicable in at least one case (s. [here](#)), it clearly shows the intent of the current legislator to basically prevent any accountability of State forces. At the same time, the legislator seems to want to prepare the ground for a possible further amnesty for State officials for the violent repression of the protests against the current government between 2022 and 2023 (s. [here](#)).

Notwithstanding the well-known deficiencies of the Peruvian criminal justice system, attempts to shield those responsible for serious human rights violations and possible international crimes or complaining of an intervention in internal affairs by the Inter-American Human Rights System (as done by President Boluarte, s. [here](#), minutes 1:18–2:08) and questioning the further participation in that system (s. Peru's statement at the 60<sup>th</sup> Session of the UNHRC [here](#), 2:45:30–2:47) neither strengthens the national criminal justice system nor contributes to Peru's compliance with international (human rights) law. On the contrary, it rather indicates a lack of willingness to investigate and prosecute international core crimes and may trigger the (complementary) intervention of the International Criminal Court.