

# Drugs and Human Rights Research Center (CIDDH)

# THE GREEN LINE



## 1. INTRODUCTION

Since 2011, CIDDH has implemented a hotline called The Green Line (or Línea Verde in Spanish) which provides legal information and assistance to all Peruvians who are questioned and arbitrarily arrested for drug use (mostly cannabis). They are provided with personalized information and legal advice in order to avoid persistent abuse and corruption on behalf of law enforcement officers. The educational component holds a very important place as it establishes guidelines for CIDDH's operators, law enforcement officers, and especially drug users. As a matter of fact, it allows them to find a common ground when faced with issues such as arbitrary detention of drug users and pretrial detention. It also allows law enforcement officers to better interpret the criminal and constitutional law in terms of proportionality and rationality.

## 2. LEGAL ISSUES

Even though Peru's Criminal Code does not criminalize the possession of small amounts of drugs for personal use (art. 299) – up to 8 gr. of cannabis, Law Enforcement Officers frequently detain drug users by virtue of the Constitution (art. 2.24.f) which states that in cases Illicit Drug Trafficking pretrial detention in Police Stations is effective for up to 15 days – 24 hours for other offences. Law Enforcement Officers threaten drug users based on the latter as a means of achieving a twofold objective: 1) acts of corruption and/or 2) investigate drug users so that they “rat out” petty dealers. As a result of this malpractice, detentions for possession of small amounts of drugs account for roughly 60% of all drug-related detentions. Moreover, law enforcement officers' actions often result in a threat to a person's physical or psychological integrity.

1. Sistemas Sobrecargados. Leyes de drogas y cárceles en América Latina. TNI/WOLA 2010

### 3. EMERGENCY RESPONSE

In terms of statistics (from August 2011 till May 2012), CIDDH has received 70 phone calls, mostly young people between 20-30 years old. We also attended 29 cases of arbitrary and illegal detention of cannabis users and managed to keep 47 people out of pretrial detention. In this line, CIDDH's Green Line acts as a law-enforcement emergency response that protects the rights of drug users and prevents police corruption.

CIDDH's hotline acts at four different levels in case of arbitrary detentions – the first one (in bold) being more sustainable with minimal investment.

**Table 1: The Green Line's emergency response at four levels of action**

CIDDH	Interlocutor	Level	Mean	Outcome
<b>Coordinator</b>	<b>User/Law Enforcement Officer</b>	<b>At street level</b>	<b>Phone</b>	<b>Immediate resolution of the intervention</b>
Coordinator/Lawyer	Law Enforcement Officer	At Police station level	Phone	Immediate release of detainee and archiving of the case
Lawyer	Law Enforcement Officer	At Police station level	In person	Immediate release of detainee and archiving of the case
Lawyer	Public Prosecutor	At Public Prosecution level	In person	Immediate release of detainee and archiving of the case

**Table 2: Total number of detentions at the four levels of action**

Resolution at street level (phone)	Resolution at Police station level (phone)	Resolution at Police station level (in person)	Resolution at Public Prosecution level (in person)	No news	Total cases of detention	Nº of people attended
7	6	8	5	3	29	47

From August 2011 till May 2012, we have received 41 phone calls requesting information on several subjects such as the possession of small amounts of cannabis for personal use, general information on drug use, the number of plants for personal use, pretrial detention, etc. Most people who called The Green Line were young males aged between 18 and 29 years.

**Table 3: Age distribution of callers**

Under 18	Between 18 and 29	Over 29	Unknown	Number of calls attended
3	30	3	5	41

**Table 4: Sex distribution of callers**

Male	Female	Number of calls attended
40	1	41

**Table 5: Area distribution of callers**

Peruvians	Foreigners	Number of calls attended
40	1	41

**Table 6: Type of information requested (Marihuana)**

Drug use	Plants	Drug sale	Pretrial detention	Possession of small amounts	The Green Line	Total information provided
2	1	1	20	3	20	47

[Note: In some cases, people ask for different types of information]

As a watchdog, CIDDH has filed several formal complaints to law enforcement officers regarding the arbitrary detention of drug users, acts of corruption and intimidation, as well as physical abuse. Furthermore, these complaints have been sent to the Ombudsman for further investigation. In this line, CIDDH's hotline acts as a watchdog at law enforcement level as it prevents such illegal acts.

Even though CIDDH's Hotline has managed to provide legal assistance 47 people, it is challenging to resolve the cases at street level. Despite CIDDH's efforts to avoid acts of corruption on behalf of law enforcement officers, it has been particularly difficult to achieve this goal as this is a mainstream cultural practice both in Peruvian institutions and society. CIDDH has been able to change Police practices and administrative procedures in some cases as several of Lima's Police Stations have been acquainted with CIDDH's hotline and therefore know that when someone who is being arrested at street level for possession of small amounts of drugs for personal use calls CIDDH's Hotline they do not proceed with the detention.

### 4. MOVING FORWARD

In order to meet the growing demand of legal information and services at national level, CIDDH on expanding its legal and paralegal services to other cities in Peru. This is why CIDDH is planning on organizing workshops in three different cities – Arequipa, El Agustino (Lima), and Trujillo. These workshops aim at training a lawyer and empower activists in charge of disseminating The Green Line and distributing advocacy material so as to provide legal information and services to cannabis users.