

PERU

The Cayara massacre: the cover-up

Amnesty International has received new information surrounding the Cayara massacre, in which the army is alleged to have extrajudicially executed some 30 peasants in May 1988. The information points to a cover-up having been coordinated by several high level officials and one civilian. The information includes allegations that the officials and the civilian were involved in preparations which led to the alleged extra-judicial execution of witnesses to the massacre.¹

In March 1994 Dr Carlos Escobar Pineda, the former special prosecutor who investigated the Cayara massacre, wrote to Amnesty International informing the organization that in November 1988 he was approached in the city of Ayacucho by Martha Crisóstomo García, one of the witnesses to the massacre, with a request for further protection. Martha Crisóstomo had previously been transferred for her own security from Cayara to Ayacucho. Martha Crisóstomo asked Dr Escobar that she be transferred to Lima, the capital, since she still feared she would be killed in Ayacucho in reprisal for having testified before him during his investigations. Dr Escobar claims that he submitted Martha Crisóstomo's request to the headquarters of the Public Ministry in Lima, and that he was subsequently informed by a highly placed official within the Public Ministry that the request had been passed on to his superior. However, Dr Escobar claims in his letter that no concrete steps were taken to ensure that the request was implemented and that, as a consequence of this dereliction of duty, the killing of Martha Crisóstomo was killed.²

In the summer of 1994 Gustavo Gorriti, a Peruvian investigative journalist, had an article published in the United States of America, in the magazine Covert Action Quarterly. A Spanish translation of the article was published by the Peruvian newspaper *La República* on 4 July 1994. In the article Gustavo Gorriti addresses the Cayara massacre and the cover-up which followed, including the subsequent killing of key witnesses.

According to the article, between 1990 and 1992 Gustavo Gorriti interviewed high-ranking members of Peru's military in which they gave him information about the Cayara case. According to Gustavo Gorriti, the army high command "stepped in to help with the cover-up". Those alleged to have been implicated in planning the cover-up include two high level officials in the Ministry of Defence; three high level officials in the Public Ministry; three army officers, including General José Valdivia Dueñas; and one civilian, a former army captain and at the time private lawyer. Gustavo Gorriti claims this civilian was an advisor to General Valdivia. General Valdivia was eventually judicially accused by Dr Escobar of bearing responsibility for the killing of Jovita García Suárez (one of the Cayara victims); for crimes against the personal liberty of 29

¹For a detailed account of the Cayara massacre, the subsequent "disappearance" or extrajudicial execution of nine witnesses, and the impunity that surrounded the case, see Peru: The Cayara massacre, AI Index AMR 46/56/89, September 1989; Peru: Human rights in a climate of terror, AI Index: AMR 46/56/91, November 1991, pages 46-51; Amnesty International Report 1993, AI Index: POL 10/01/93, page 38; Amnesty International Report 1994, AI Index: POL 10/02/94, page 40; and the report of the Inter-American Commission on Human Rights, Demanda e Informes Sobre el Caso Cayara - Peru, OEA/Ser.LV/II.83, 12 March 1993.

²For an account of the circumstances surrounding the killing of Martha Crisóstomo, see Peru: Martha Crisóstomo García - Extrajudicial execution, Urgent Action 348/89, AI Index AMR 46/68/89, September 1989. Amnesty International November 1994 AI Index: AMR 46/15/94

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other victims whose bodies were not located; of abuse of authority; and of systematically obstructing Dr Escobar's investigations. Despite these accusations, the case against General Valdivia was eventually closed without him ever having been brought to justice.

Gustavo Gorriti reports that the overall objective of the cover-up was discussed at two meetings, and was designed to secure "the removal of Escobar from the case and engineer impunity for General Valdivia". The first of those meetings was held in a restaurant in Lima in July 1988, and the second "on army grounds", on an unspecified date.³

Gustavo Gorriti described the consequences of the plan as "direct and brutal". Dr Escobar, despite having managed to submit his report accusing General Valdivia and recommending he be brought to trial, "was ordered to hand over all information and was removed from the case". According to Gustavo Gorriti, the report was then "surreptitiously" taken by General Valdivia's civilian advisor from an office located in the headquarters of the Public Ministry and handed over "to officers of Valdivia's staff, who copied it, made some changes, and planned their actions".⁴

Gustavo Gorriti concludes his account of the cover-up with the following words:

"In December 1988, three witnesses essential to the case were assassinated by hooded men at a highway roadblock. Another witness managed to survive a while longer. Martha Crisóstomo García was assassinated in Ayacucho in September 1989. A little earlier, a [Public Ministry] prosecutor almost as ductile as his boss conducted a new review and closed the case. Prosecutor Escobar, who was persistently followed and threatened, asked the US government for asylum."

Amnesty International is unable to verify the accuracy or otherwise of these claims about a concerted and systematic cover-up of the Cayara massacre, including the killing of witnesses, made by former prosecutor Dr Escobar and journalist Gustavo Gorriti. However, these serious

³Claims about these two meetings are consistent with an interview given to Cecilia Valenzuela, a Peruvian journalist, by one of the high level officials from the Public Ministry identified by Gustavo Gorriti. Cecilia Valenzuela's interview, which was apparently taped, was published on 5 November 1992 in the Peruvian magazine *Caretas*. Cecilia Valenzuela quotes the official as saying that there were two meetings at which the Cayara case was discussed. The Public Ministry official claimed that at the first meeting those present included, apart from himself, one high level official from the Ministry of Defence, General Valdivia Dueñas and his civilian advisor, and other military officers. The second meeting took place at *El Pentagonito*, the headquarters of the Ministry of Defence. This meeting, according to the Public Ministry official, included himself, the same high level official from the Ministry of Defence, and "many more [army] officers [than had been present at the first meeting]".

⁴Gustavo Gorriti's claim that the civilian advising General Valdivia was able to have access to Dr Escobar's report is consistent with information supplied to Amnesty International by Dr Escobar himself. At the end of July 1994 Dr Escobar, having read the article written by Gustavo Gorriti, once again wrote to Amnesty International. In this second letter Dr Escobar stated that he saw the civilian advising General Valdivia in the headquarters of the Public Ministry on 13 October 1988, the day that he was to hand in his report on the massacre to the Attorney General. Dr Escobar claims that on the morning of that day he left the report in the hands of an official at the headquarters of the Public Ministry and retired from the building. When Dr Escobar returned to the headquarters later in the day he found General Valdivia's advisor reading the report. On asking the official to whom he had entrusted the report why the advisor was reading it, Dr Escobar was told by the official that he (the official) had been given instructions for General Valdivia's advisor to have access to it.

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accusations are consistent with Amnesty International's own research into the Cayara case, as well as with the body of evidence prepared by the Inter-American Commission on Human Rights and submitted to the Inter-American Court of Human Rights in February 1992.⁵

Amnesty International believes that governments should ensure that those responsible for gross human rights violations are brought to justice. The perpetrators should not benefit from any legal measures exempting them from criminal prosecution or conviction. These principles should apply no matter how much time has elapsed since the commission of the crime. It is in the context of these principles that Amnesty International has appealed to the Peruvian authorities to conduct a prompt, full and independent investigation into the above allegations.

GENERAL BACKGROUND

Since January 1983 Amnesty International has obtained information, including detailed reports and testimonies, of widespread "disappearances", extrajudicial executions and torture by members of the security forces. The organization has documented the cases of at least 4,200 people who "disappeared" after having been detained by the security forces. Thousands more have been killed by government forces in extrajudicial executions, including at least 500 people in 19 separate massacres documented by the organization.

The pattern has been evident during the administrations of former presidents Fernando Belaúnde Terry (1980-85) and Alan García Pérez (1985-90), and the current administration of President Alberto Fujimori. All three administrations have failed to take steps to investigate impartially and thoroughly the vast majority of these violations and to bring those responsible to justice. Amnesty International believes that the phenomenon of impunity is one of the key factors contributing to the pattern of human rights violations in Peru.

The pattern of gross human rights violations by the security forces has occurred against a background of widespread abuses by the clandestine armed opposition groups *Partido Comunista del Perú (Sendero Luminoso)*, PCP, Communist Party of Peru (Shining Path), and the *Movimiento Revolucionario Túpac Amaru*, MRTA, Túpac Amaru Revolutionary Movement. Since

⁵In February 1992 the Inter-American Commission on Human Rights (IACHR) submitted a report on the Cayara case to the Inter-American Court on Human Rights (IACourtHR). The report concluded that the Peruvian army was responsible for the extrajudicial execution of 26 peasants on 14 May 1988; the extrajudicial execution of three peasants on 20 May 1988; and the enforced disappearance of five witnesses on 29 June 1988. The IACHR also concluded that agents of the state carried out the extrajudicial execution of three witnesses on 14 December 1988 and the extrajudicial execution of one further witness (Martha Crisóstomo García) on 8 September 1989. The IACHR also concluded that "throughout the entire procedure relating to the Cayara events there has been a systematic obstruction of justice conducted through the whole of the state apparatus, including by the Public Ministry, the Armed Forces and the majority of members of the Senate Commission of Inquiry." (unofficial translation).

In March 1992 the Government of Peru filed 12 preliminary objections to the case submitted by the IACHR. In February 1993 the IACourtHR, following an examination of the objections, ordered that the case be dismissed on the grounds that the IACHR filed the complaint before the IACourtHR after the expiration of the period provided for in the American Convention on Human Rights. This ruling meant that the substance of the allegations against the Peruvian state in relation to the Cayara case were never heard.

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1980 Amnesty International has received thousands of reports of abuses by the PCP. These abuses have included cases of torture and of the deliberate and arbitrary killing of civilians and members of the security forces who were *hors de combat*. Such abuses have also been occasionally attributed to the MRTA. Amnesty International is unequivocally opposed to and condemns these abuses.