

# PERU

## Summary of Amnesty International's concerns 1980 - 1995

Since 1980 Amnesty International has reported on human rights violations committed by Peru's security forces in the context of the counter-insurgency policies of four successive governments. The organization has also reported on human rights abuses by the *Partido Comunista del Perú (Sendero Luminoso)*, PCP, Communist Party of Peru (Shining Path), and the *Movimiento Revolucionario Túpac Amaru*, MRTA, Túpac Amaru Revolutionary Movement (see Endnote 1). The PCP and the MRTA initiated their armed campaigns in May 1980 and June 1984 respectively. The pattern of human rights abuses by government and armed opposition forces were confined for a number of years, almost exclusively, to zones declared under a state of emergency. However, between 1988 and 1992 the pattern of abuses spread to areas not declared under a state of emergency.

Since 1980 Amnesty International has also appealed to the Peruvian authorities to bring to a halt the pattern of systematic human rights violations which have persisted in Peru up to the present. The organization has on several occasions made recommendations to the Government designed to uphold international and regional human rights standards ratified by Peru.

The pattern of systematic human rights violations summarized below spans a period of 16 years. This period consists of three distinct phases:

- a) May 1980 to December 1982, during which Amnesty International documented cases of torture by members of the Peruvian National Police;
- b) January 1983 to December 1992, during which Amnesty International documented thousands of cases of "disappearance", extrajudicial execution and torture by members of the armed forces and the police;
- c) May 1992 to December 1995, during which Amnesty International documented thousands of cases of unfair trial. The organization also documented during this period hundreds of cases of prisoners of conscience and possible prisoners of conscience, and of torture and ill-treatment.

In addition, throughout these 16 years Amnesty International has documented thousands of cases of human rights abuses by members of the PCP and the MRTA.

### **Enforced disappearances**

Between May 1980 and December 1982 the *Policía Nacional del Perú*, PNP, Peruvian National Police, had operational responsibility for counter-insurgency operations directed against members of the PCP, and activists in political, trade union and community organizations whom the authorities perceived as bearing responsibility for PCP attacks. During this period Amnesty International did not document any complaints of enforced disappearances. However, the organization did document numerous cases of torture and arbitrary detention by the police. The victims, detained in zones declared under a state of emergency, were held on suspicion of committing terrorism-related offences.

At the end of December 1982 the government transferred operational responsibility for combatting the PCP from the PNP to the *Fuerzas Armadas del Perú*, Peruvian Armed Forces. With the exception of the region in and around Lima, the capital, zones declared under a state of emergency were placed under the political-military command of the Peruvian Armed Forces. In the wake of this transfer Amnesty International began to receive reports of hundreds of cases of enforced disappearance.

Between January 1983 and December 1993 – a span of 11 years – Amnesty International documented at least 4,200 cases of enforced disappearance. During the same period the UN Working Group on Enforced or Involuntary Disappearances documented 2,847 cases under the terms of its mandate, of which 2,240 remained outstanding by the end of December 1993. Amnesty International has received official documents from the Peruvian *Ministerio Público*, Public Ministry, showing that between 1983 and 1990 it received at least 5,000 complaints of enforced disappearance.

Relatives of the victims and Peruvian human rights organizations attributed responsibility for these violations mainly to members of the *Ejército del Perú*, Peruvian Army, although members of the *Marina de Guerra del Perú*, Peruvian Navy, and the PNP were also held accountable.

Between January 1993 and December 1995 – a span of three years – Amnesty International documented 123 cases of enforced disappearance. Although Amnesty International has not yet had access to statistics compiled by the UN Working Group on Enforced or Involuntary Disappearances for the years 1993 to 1995, the figure is expected to reflect a marked reduction in “disappearances. This reduction follows the implementation by the Government of Peru of policies and measures designed to tackle the country’s long-standing pattern of enforced disappearances.

### **Extrajudicial executions and death threats**

Amnesty International did not document any extrajudicial executions between May 1980 and December 1982 when the PNP were responsible for counter-insurgency operations.

Between January 1983 and December 1992 Amnesty International documented at least 1,000 reported extrajudicial executions, including the cases of at least 500 victims killed in 18 separate massacres. In the vast majority of these cases members of the Peruvian Army were held responsible, although a significant number were attributed to members of the National Police and the Navy.

Between January 1993 and December 1995 Amnesty International documented a sharp decline in the number of reported extrajudicial executions, although the organization received compelling evidence that members of the Peruvian Army had extrajudicially executed at least 30 peasants in April 1994, during a single counter-insurgency operation on the left bank of the Alto Huallaga river, in the department of Huánuco.

Throughout the years 1983 to 1995 the organization also documented hundreds of cases of attempted killings and acts of intimidation, including death threats.

No precise statistics on reported extrajudicial executions, attempted killings and acts of intimidation are known to have been kept by the Peruvian Public Ministry, or by international and regional government organizations monitoring Peru's human rights record.

Again, it was the implementation by the Government of Peru of policies and measures designed to tackle Peru's long-standing pattern of human rights violations that resulted in a significant reduction in the number of reported extrajudicial executions from 1993 onwards.

### **Torture and ill-treatment**

The welcome reduction in enforced disappearances and extrajudicial executions over the past three years has not been matched by a parallel reduction in the cases of reported torture. Indeed, reports of the torture and ill-treatment of prisoners accused of having links to the PCP and the MRTA have persisted between 1980 and 1995.

Amnesty International has no precise statistics on complaints of torture and ill-treatment over these years. Similarly, no precise figures on cases of torture and ill-treatment are known to exist on the files of the Peruvian Public Ministry, or those of international and regional government organizations.

However, torture is reported to be routinely practised on detainees suspected by the security forces of having links to the PCP and the MRTA. In many of the cases of extrajudicial execution referred to above, the victims showed signs consistent with torture. In addition, since May 1992, when the Government of Peru brought into force a new set of anti-terrorism laws, Peruvian human rights organization documenting cases of arbitrary detention began to receive hundreds of testimonies that detainees had been tortured and ill-treated following detention by members of the Armed Forces or National Police, or during interrogation, when the suspect was under the custody of the *Dirección Nacional Contra el Terrorismo*, National Anti-terrorism Directorate, a branch of the Peruvian National Police.

Indeed, in the initial report sent by the Government of Peru to the UN Committee against Torture (CAT) in February 1994, the Government of Peru informed the CAT “that agents of the State still resort to [torture]”. The CAT concluded, after having examined Peru’s initial report in November 1994, that there exists a widespread practice of torture during the interrogation phase in terrorism-related cases, and that impunity is enjoyed by the perpetrators.

### **Impunity**

The vast majority of the cases of enforced disappearance, extrajudicial execution, and torture and ill-treatment, filed before the Public Ministry and other authorities during the years 1980 through to 1995, have never been effectively investigated, the perpetrators have not been brought to justice, and the victims and their relatives have received no compensation. The impunity surrounding widespread and systematic human rights violations in Peru led the UN Special Rapporteur on extrajudicial, summary or arbitrary executions to state, in his report following a visit to Peru in 1993, that “the institutionalization of impunity in Peru [is one of] the main problems with regards to [a lack of respect for] the right to life”.

That “institutionalized impunity” to which the UN expert referred was made legal in June 1995, when the Government of Peru promulgated two amnesty laws. These laws effectively closed all unresolved cases of human rights violations committed by the military, the police and other authorities, between May 1980 and mid-June 1995. In addition, the first of the two laws rendered void the few prison sentences handed down by the military and civil courts to members of the Armed Forces and the National Police convicted of human rights-related crimes.

## **The death penalty**

The 1979 Constitution of Peru made provision for the death penalty for the crime of treason committed during times of war with a foreign power. Acts of treason committed in this context remain included in Peru's Code of Military Justice and carry the death penalty.

In 1993 the Peruvian Congress approved a new Constitution which widened the scope of the death penalty. Under the 1993 Constitution the death penalty was extended to include "the crime of terrorism". However, by the end of December 1995 no article has been incorporated into Peru's Criminal Code which makes provision for what effectively remains a constitutional law.

The article on the death penalty remains enshrined in the 1993 Constitution despite a Consultative Opinion issued by the Inter-American Court of Human Rights (IACHR) in December 1994, in which the IACHR ruled that: "the promulgation of a law in manifest conflict with the obligations assumed by a State upon ratifying or acceding to the [American] Convention [on Human Rights] is a violation of that treaty."<sup>1</sup>

Amnesty International opposes the death penalty in all cases without exception. The organization believes the death penalty to be the ultimate denial of human rights. It violates the right to life as proclaimed in the Universal Declaration of Human Rights and other international and regional human rights instruments. Amnesty International opposes the death penalty totally and unconditionally and demands the worldwide abolition of this form of punishment.

## **Unfair trials**

Amnesty International is also concerned about the thousands of prisoners in Peru charged with terrorism-related offences who have been denied the fundamental right to a fair trial. Almost coincidental with the significant reduction in widespread enforced disappearances and extrajudicial executions referred to above, a new "model" of extensive and systematic human rights violations appeared in 1992.

Anti-terrorism laws passed in that year have resulted in the detention, between May 1992 and December 1995, of at least 5000 prisoners accused of terrorism-related offences who have been tried or are awaiting trial under procedures which fall far short of

---

<sup>1</sup> See Inter-American Court of Human rights (IACHR), Consultative Opinion OC-14/94 of 9 December 1994.

international fair trial standards. Hundreds of these prisoners -- all of them civilians -- have been charged with the terrorism-related crime of treason and tried by military courts which are neither competent, impartial nor independent, when hearing cases in which civilians face such a charge.

Congress passed positive amendments to these laws in November 1993, November 1994 and April 1995. However, by the end of December 1995 the laws had not yet been brought fully into line with international fair trial standards.

### **Prisoners of conscience and arbitrary detentions**

The present anti-terrorism laws have also given rise to the detention of prisoners of conscience and possible prisoners of conscience. Since the anti-terrorism legislation came into effect in May 1992 the organization has adopted 86 prisoners of conscience. These prisoners have all been falsely accused of terrorism-related offences. Amnesty International believes there is no credible evidence to link them to the political beliefs and actions with which they have been imputed, and the charges they face appear to be politically motivated. Amnesty International considers all prisoners of conscience to be arbitrarily detained.

The organization has also documented the cases of at least 1,000 possible prisoners of conscience, 600 of whom remained in prison at the end of December 1995.

### **Abuses by the armed opposition**

The pattern of gross human rights violations by the security forces described in this report has occurred against a background of widespread abuses by the PCP, and to a lesser scale by the MRTA. Over the past 16 years Amnesty International has received regular reports of human rights abuses attributed to the PCP. Most of the victims have been members of peasant communities who were either suspected of collaboration with the military or else refused to join or support the PCP. They have often been killed after mock trials conducted before forcibly assembled villagers. The victims have included hundreds of mayors and other local state authorities, community leaders, agronomists, engineers, and administrators working on government and independent development projects. Political and trade union activists who do not support the ideology and practices of the PCP have also been systematically threatened and killed.

Amnesty International has repeatedly and unequivocally condemned the grave human rights abuses by the PCP and the MRTA. The organization's condemnation of such abuses is based on principles derived from international humanitarian law, in

particular humanitarian standards enshrined in Common Article 3 of the Geneva Conventions of 1949. The organization has consistently urged the PCP and MRTA to fully respect and abide by Common Article 3, paragraph 1(a), (b), and (c), of the Geneva Conventions which protect people taking no part in the conflict from “violence to life and person”, being taken hostage, and “outrages on personal dignity, in particular humiliating and degrading treatment”.

Amnesty International believes that the type of abuses committed by the PCP and the MRTA can never justify the violation by the authorities of fundamental human rights. In the words of the UN Human Rights Committee: “Recognizing that the Government has a duty to combat terrorism, the Committee considers that the measures taken to do so should not prejudice the enjoyment of fundamental rights enshrined in the [International] Covenant [on Civil and Political Rights]...”<sup>2</sup>

---

<sup>2</sup> UN Doc. CCPR/C/79/Add.23, paragraph 8.

**ENDNOTE 1.**

Amnesty International's concerns about the human rights situation in Peru since 1980 have been reported in the following major publications:

*Peru: Torture and extrajudicial executions - Amnesty International's letter to President Fernando Belaúnde Terry*, AI Index: AMR 46/29/83, August 1983

*Peru: "Disappearances", torture and summary executions by government forces after the prison revolts of June 1986*, AI Index: AMR 46/03/87, February 1987

*Peru: Human rights in a state of emergency*, AI Index: AMR 46/49/89, August 1989

*Peru: The Cayara Massacre*, AI Index: AMR 46/56/89, September 1989

*Peru: Continuing human rights violations 1989 - 1990*, AI Index: AMR 46/23/90, April 1990

*Peru: Attacks on human rights defenders 1988 - 1990*, AI Index: AMR 46/39/90, June 1990

*Peru: Eight years of "disappearances"*, AI Index: AMR 46/36/91, July 1991

*Peru: Mass human rights violations continue under new government*, AI Index: AMR 46/37/91, July 1991

*Peru: Human Rights in a climate of terror*, AI Index AMR 46/56/91, November 1991

*Peru: Human rights during the government of President Alberto Fujimori*, AI Index AMR 46/18/92, May 1992

*Peru: Human rights since the suspension of constitutional government*, AI Index: AMR 46/13/93, May 1993

*Peru: Death penalty proposal violates the American Convention on Human Rights*, AI Index: AMR 46/18/93, June 1993

*Peru: La Cantuta killings and other human rights violations not yet fully investigated*, AI Index: AMR 46/03/94, March 1994

*Peru: Anti-terrorism laws continue to fall short of international human rights standards.* AI Index: AMR 46/05/94, April 1994



***Peru: Amnesty International's concerns on torture and ill-treatment, AI Index: AMR 46/19/94, November 1995***

***Peru: Reforms of anti-terrorism laws fail to match international human rights standards, AI Index: AMR 46/06/95, October 1995***

***Women in Peru - Rights in jeopardy, AI Index: AMR 46/19/95, 8 November 1995***

***Peru: Amnesty laws consolidate impunity for human rights violations, AI Index: AMR 46/03/96, 23 February 1996***