

EXTERNAL

AI Index: AMR 46/09/97

3 April 1997

Further information on UA 87/97 (AMR 46/08/97, 27 March 1997) - Torture, including rape / Possible prisoners of conscience / Fear of unfair trial

**PERURELEASED:** Aurelio Leiva Barboza, Lauro Aguije Lizana, Jacobo Véliz Chuquín, Arturo Villaizán Contreras, Inés Marilú Gálvez (f), Darío Vargas Martínez, Juan Vargas Martínez and 13 other peasants

**STILL DETAINED:** Teófilo José Huamán Navarro, Augusto Elguera Machari, Alfonso Rojas Jollca (previously identified as Colca), Fermín Corahua Orihuela, Javier Aguilar Mansilla, Teófilo Huamán Navarro, Augusto Elguera Machari, Paulino Solís Taype, Carlos González Pérez and a further six unidentified peasants

**STILL DETAINED:** Six (previously four) army conscripts: José Urdanibia Arellano, Carlos Ramírez Polanco, Elmer Vásquez Entrega, Hugo Matute Rodríguez, Julio Ureta Cuchisaca, and Francisco Palomino Laura

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According to the independent human rights organization *Asociación pro Derechos Humanos*, APRODEH, Association for Human Rights, the seven peasants named above and another 13 peasants not named above have been released. All had been detained during the operation conducted by the army in the Alto Yurinaki region between 24 February and 11 March 1997.

APRODEH has also informed Amnesty International that 13 peasants detained during the Alto Yurinaki operation remain in the custody of the anti-terrorism police, either in the capital Lima, or in the town of La Merced, Junín department.

APRODEH further reports that the army conscripts, apparently accused of being MRTA infiltrators and originally thought to be four in number, are now six. They remain in the custody of the anti-terrorism police in Lima.

APRODEH claims to have found no compelling evidence linking the detainees to the MRTA and considers them possible "*presos inocentes*", "innocent prisoners", unjustly accused of terrorism-related offences. Amnesty International considers them to be possible prisoners of conscience and fears that the 13 peasants and six conscripts may not receive a fair trial.

Amnesty International has also received further information surrounding allegations about the torture of two of the peasants. According to a Reuters report, **Augusto Elguera Machari** was arrested on 11 March 1997. His sister told of him having been immersed in water mixed with gasoline and detergent, having needles stuck into his fingers and an electrical current discharged into his anus by inserting wires. He was allegedly tortured to force a confession from him that he was a "terrorist". Augusto Elguera remains in detention.

According to reports filed by Lima-based journalists, **John Izurraga Soto** (15), one of the eight peasant minors previously released, was detained on 10 March by soldiers near the village of Eneas. John Izurraga spoke of how he was forced into an army helicopter and tied up. The soldiers tried to force him to implicate others by sliding his body along the floor of the helicopter until half of his body hung out over the jungle below. The youngster said he spent most of the night tied up at an army post where soldiers beat him and others.

Amnesty International has also received information about **Fortunato Chipana**, a peasant who was shot dead by a soldier on 25 February, during the army operation which led to the detention of the other peasants. The reports do not indicate where precisely the killing took place. The wife of Fortunato Chipana told journalists of how soldiers detained and ill-treated him, and that he was killed when shot at, probably as he tried to escape.

#### **FURTHER BACKGROUND INFORMATION**

President Alberto Fujimori backed the Ministry of Defence communique issued on 18 March by saying that allegations of human rights violations by soldiers conducting counter-insurgency operations against an MRTA unit in the river Perené region, were "irresponsible" and meant to discredit the armed forces. In addition, Raúl González, a Peruvian political analyst and sociologist, expressed scepticism about the allegations, suggesting that accusations by local residents as to abuses by the army was a way of halting army operations, thereby protecting the peasants' links with rebels and drug-traffickers operating in the area.

However, according to Reuters, in interviews with *Televisión América*, America Television, villagers claimed that the soldiers detained peasants unconnected with the MRTA and that the detainees were tortured. This version is in keeping with declarations as to the "innocence" and torture of the suspects, made by APRODEH, on the basis of its own independent inquiries.

#### **FURTHER RECOMMENDED ACTION: Please send telegrams/telexes/faxes/express/airmail letters in Spanish or in your own language:**

- welcoming the release of **20 peasants** detained by the army during the Alto Yurinaki military operation between 24 February and 11 March 1997;
- urging that the **13 peasants** and **six army conscripts** who remain detained be charged with recognizable criminal offences or promptly released;
- calling for a prompt, independent and effective judicial inquiry into the reported torture of **Augusto Elguera Machari** and **John Izurraga Soto**, that the results be made public, and that those found responsible be brought to justice;
- urging a prompt, independent and effective judicial inquiry into the circumstances, manner and cause of death of **Fortunato Chipana**, shot dead by members of the army, and that the findings be made public.

#### **APPEALS TO:**

President of the Republic  
 Presidente Alberto Fujimori  
 Presidente de la República  
 Plaza de Armas, Lima 1, Perú  
**Fax: + 511 426 6770**  
**Telegrams: Presidente Fujimori, Lima, Perú**  
**Salutation: Dear President/Señor Presidente**

Minister of Defence  
 General EP Tomás Castillo Mesa  
 Ministro de Defensa  
 Ministerio de Defensa  
 Avenida Boulevard y Monterrico  
 Lima 33, Perú  
**Fax: + 511 435 9567/433 4650**  
**Telegrams: Ministro de Defensa, Lima, Perú**

**Salutation: Dear Minister/ Señor Ministro**

**COPIES TO:**

Human rights organization  
APRODEH, Jr. Pachacutec 980  
Jesús María, Lima 11, Perú

and to diplomatic representatives of Peru accredited to your country.

**PLEASE SEND APPEALS IMMEDIATELY.** Check with the International Secretariat, or your section office, if sending appeals after 17 May 1997.