

PERU

@Human rights violations in the department of San Martín

Amnesty International is concerned about reports of continuing torture, "disappearance" and extrajudicial executions since April 1992 in the department of San Martín. The majority of these violations are believed to have been carried out by members of the armed forces stationed at the Mariscal Cáceres military base which is the headquarters of the *Comando Político-Militar del Frente Huallaga*, the Huallaga Front Political-Military Command, and is situated in Tarapoto city, Morales, San Martín. The base is one of a number in the Alto Huallaga (Upper Huallaga) region concerned with controlling armed opposition groups and organised drug-trafficking.

The cases described here include 23 "disappearances", three extrajudicial executions and four cases of torture and ill-treatment, and were reported in San Martín, Lamas, Bellavista and Tocache provinces, all in San Martín department.

Provincial prosecutors investigating human rights violations by the security forces based at the Mariscal Cáceres military base in Tarapoto have reportedly asked the *Fiscalía de la Nación*, Office of the Attorney General, for guarantees that they may carry out their investigations in safety and without obstruction. They have also asked that the *Fiscalía Especial*, the Special Prosecutor's Office, set up to investigate human rights violations in the department of San Martín, be transferred from the capital, Moyobamba, to Tarapoto, due to increasing abuses by soldiers stationed at the Mariscal Cáceres base. In addition, they wrote to the Political-Military Command of the San Martín region, demanding that entry by prosecutors into the region's military barracks not be obstructed.

On 22 July 1992 the Ministry of Defence wrote to an independent human rights organization based in Lima, which is looking into these violations in San Martín, stating that they were investigating the allegations. As far as Amnesty International is aware no concrete steps to this end had been taken by mid-August.

Alto Huallaga Area

In the Alto Huallaga area reports of "disappearances" and extrajudicial executions carried out by the military have continued to be received. The Alto Huallaga is a remote rainforest region on the eastern slopes of the Andean highlands which extends across parts of two departments - Huánuco and San Martín. This is a major centre for the illegal cultivation of coca and operations by heavily armed narcotics traffickers - as well as forces of both the

clandestine *Partido Comunista del Perú (Sendero Luminoso)*, PCP, Communist Party of Peru (Shining Path) and the *Movimiento Revolucionario Túpac Amaru*, MRTA, Túpac Amaru Revolutionary Movement. The government of President Fujimori declared it would make the Alto Huallaga one of the main areas in a fight against drug trafficking and the armed opposition. During 1991 Huánuco and San Martín were among the departments with the highest numbers of political killings in Peru. According to the Senate Commission on Violence, one-third of all political killings in 1991 - 1,062 all told - were registered in those two departments alone. The judicial districts of Huánuco and San Martín made up the area where, according to official figures released by the Public Ministry, the highest number of "disappearances" were denounced during 1991 - one-half of the 395 for the country as a whole.

Amnesty International has received reports of nine extrajudicial executions and 101 "disappearances" in the department of San Martín during the first two years of the Fujimori administration (since July 1990). Of the people who "disappeared", one was reportedly found dead, 14 were released and four were ultimately acknowledged in detention and are to stand trial. The remaining 82 are unaccounted for. The true level of human rights violations in this area may be far greater: in a letter to Amnesty International dated 10 February 1992 by a relative of a man who "disappeared" in October 1991 in Leoncio Prado province, Huánuco department, the relative wrote that "the massacre [in the Alto Huallaga area] continues, not only at the hands of the army but also at the hands of terrorism. However, for the safety of their lives, the people practice `the law of silence`".

Reported human rights violations since April 1992 in the department of San Martín are detailed below under the following headings:

1. **Extrajudicial Execution in Lamas Province**
2. **Extrajudicial Executions in San Martín Province**
3. **"Disappearances" in Lamas Province**
4. **"Disappearances" in San Martín Province**
5. **"Disappearance" in Bellavista Province**
6. **"Disappearance" in Tocache Province**
7. **Torture and Ill-Treatment**

1. **Extrajudicial Execution in Lamas Province**

Ricardo SALAZAR RUIZ, 38, trader

According to reports, on the evening of 22 June 1992 an army patrol, led by a captain from a military base in the district of San José de Sisa, Lamas province, detained Ricardo Salazar Ruíz at his home in the district of San José de Sisa.

On the morning of 24 June the body of Ricardo Salazar was found in the doorway of his sister's home in San José de Sisa. His body, which was recovered by the San José de Sisa *juez de paz*, justice of the peace, reportedly had four bullet wounds as well as signs of torture.

A formal denunciation has been made to the Public Ministry's *fiscal provincial*, provincial prosecutor, of Lamas about the case.

2. Extrajudicial Executions in San Martín Province

Erick ROJAS LLANCA, 16, student
Rafael NAVARRO PISANGO, 20

Erick Rojas Llanca and Rafael Navarro Pisango were reportedly detained in the town of Los Jardines de Tarapoto, San Martín province, on 21 June 1992 by members of the armed forces stationed at the Mariscal Cáceres base. The detention reportedly took place in the street, in the presence of witnesses. The following day their bodies, bearing signs of torture, were found floating in the river Mayo in the hamlet of Shapaja.

3. "Disappearances" in Lamas Province

3.1 Werlin GARCIA ISUIZA, 19, peasant

According to reports, Werlin García Isuiza was detained by members of the armed forces in Pongo de Caynarachi, on the banks of the river Lamas, on 29 June 1992. His detention was not acknowledged.

3.2 Wilger SALDAÑA COTRINA, 40, mechanic
José VEGA RIVA, 22, peasant
Gipson TUANAMA FASABI, 22, peasant
Limber TUANAMA FASABI, 19, peasant
Luis Alberto GONZALES RUCOBA, 23, peasant

On the 22 June 1992, Wilger Saldaña Cotrina, José Vega Riva, Gipson Tuanama Fasabi, Limber Tuanama Fasabi and Luis Alberto González Rucoba were reportedly detained by soldiers from the San José de Sisa military base. By mid-August their detentions had not been acknowledged and it was still unknown where they were being held. Formal denunciations have been made to the Public Ministry's provincial prosecutor of Lamas about these cases.

3.3 Valentín ARMIJOS ROJAS

Valentín Armijos Rojas was reportedly detained by members of the armed forces on 13 June 1992 in San Juan de Talliquihua, Zapatero district, Lamas province. According to his brother's written denunciation to the provincial prosecutor of San Martín, dated 7 July, Valentín Armijos was seen by his brother who spoke to him inside the military base on 2 July. However, the military authorities subsequently denied his detention. Formal denunciations were made to the provincial prosecutor of Lamas and to the Ministry of Defence and a petition of *habeas corpus* was submitted.

3.4 Violeta CAMPOS LINARES, 16, student

According to reports, Violeta Campos Linares was detained on 12 June 1992 by members of the armed forces in Las Flores del Río Mayo, Lamas province. She was reportedly held at the Tabalosos military base until 17 June, when she was transferred to the Rioja military base in Rioja province, although the military authorities denied holding her. Formal denunciations were made to the provincial prosecutor of Lamas and to the Ministry of Defence and a petition of *habeas corpus* was submitted.

3.5 Rafael TELLO ACOSTA, 31, trader

Also on 12 June 1992, Rafael Tello Acosta was reportedly detained by members of the armed forces in Cuñumbuque, Las Flores del Río Mayo, Lamas province.

According to a denunciation, made by Rafael Tello's aunt to the provincial prosecutor of San Martín on 7 July, he was being held at the Mariscal Cáceres base, but the authorities denied the detention. The case was also denounced to the Ministry of Defence and a *habeas corpus* petition was submitted.

3.6 Julio César RODRIGUEZ ALTAMIRANO, 22, peasant

According to reports, Julio César Rodríguez Altamirano was detained by members of the armed forces on 13 April 1992 in Agua Blanca, Lamas province. He is believed to have been held at the Mariscal Cáceres base where the authorities denied the detention. The case was denounced to the provincial prosecutor of San Martín on 4 May.

4. "Disappearances" in San Martín Province

4.1 Marcos Abel BARDALES VIENA, 18, student

According to reports, on 2 June 1992 Marcos Abel Bardales Viena, a student at the *Instituto Superior Tecnológico*, Superior Technological Institute, was detained by members of the armed forces in the *Plaza de Armas*, main square, of the district of Banda de Shilcayo, San Martín province. At the time of the detention he was reportedly not carrying any personal identification documents and was taken to the Mariscal Cáceres base, where the authorities denied his detention. The case was denounced to the provincial prosecutor of San Martín on 4 June.

4.2 Manuel VASQUEZ PIZANGO, 26, worker

According to reports, Manuel Vásquez Pizango was detained by members of the armed forces on the evening of 31 May 1992, near the *Mercado Central*, Central Market, in the city of Tarapoto, San Martín province. He was apparently taken to the Mariscal Cáceres base, where the authorities subsequently denied the detention. The case of Manuel Vásquez Pizango was denounced to the provincial prosecutor of San Martín on 2 June.

4.3 Rafael GRANDEZ SAAVEDRA, 28, peasant

Rafael Grandez Saavedra was reportedly detained by members of the armed forces on the morning of 30 May 1992 at his family's farm in San Martín de Cumbaza, not far from Tarapoto. According to witnesses, he was taken to the Mariscal Cáceres base. However, when his mother went to the base to enquire as to his whereabouts, the authorities denied the detention. The case was denounced to the provincial prosecutor of San Martín on 1 and 11 June, and to the Ministry of Defence. A *habeas corpus* petition was also submitted.

4.4 Mauricio JAVA GARCIA, 19, carpenter and farmer

On the evening of 29 May 1992 Mauricio Java García was reportedly detained by members of the armed forces at his home in Tarapoto. According to a denunciation made by his father, the soldiers searched the house and stole various items, before taking Mauricio Java to the Mariscal Cáceres base. The military authorities, however, have refused to acknowledge the detention. A formal denunciation was made to the provincial prosecutor of San Martín on 1 June and to the Ministry of Defence. A *habeas corpus* petition was presented to the *juez instructor*, examining magistrate, of San Martín on 23 June.

4.5 Ramón CACHIQUE SANGAMA, 33, peasant

On the night of 18 May 1992 Ramón Cachique Sangama was reportedly detained by members of the armed forces at his home in the locality of Juan Guerra in San Martín province. By mid-August his whereabouts remained unknown. The case was denounced to the provincial prosecutor of San Martín on 19 May.

4.6 Rudy PISCO SABOYA, 17, peasant

According to reports, Rudy Pisco Saboya was detained by soldiers from the Mariscal Cáceres base on the morning of 16 May 1992 near the Morales health centre. He was reportedly taken to the military base, where the authorities subsequently denied the detention. The case was denounced to the provincial prosecutor of San Martín on 21 May.

4.7 Alfonso DEL AGUILA LOPEZ, 26, worker

Alfonso Del Aguila López was reportedly detained on 29 April 1992 in the city of Tarapoto, by members of the armed forces. He was believed to be held at the Mariscal Cáceres base, although the authorities denied the detention.

4.8 Segundo Nerio AREVALO GRANDE, 20, worker

In the early hours of the morning of 28 April 1992 Segundo Nerio Arevalo Grande was reportedly detained by soldiers stationed at the Mariscal Cáceres base, who took him from his home in Morales district to the base. However, his detention was denied by the authorities. On 30 April the case was denounced to the provincial prosecutor of San Martín.

4.9 Arturo DEL AGUILA TUESTA, 22, trader

According to reports, on 19 April 1992, in the very early hours of the morning, Arturo Del Aguila Tuesta was detained with student Adolfo Vergara Fasanando by members of the armed forces, who took them to the Mariscal Cáceres base. They were reportedly on their way home after a family party in the town of El Fonavi. In August a human rights organization reported that Adolfo Vergara was awaiting trial, but that Arturo Del Aguila remained unaccounted for. The case of Arturo Del Aguila was denounced to the provincial prosecutor of San Martín on 24 April.

**4.10 Julio Angel LUNA-VICTORIA HUAMAN, 37, peasant
Efraín DEL CARMEN ODAR PEÑA, 23, peasant**

According to reports, Julio Angel Luna-Victoria Huáman and Efraín Del Carmen Odar Peña were detained together in April 1992 by members of the armed forces. They were reportedly detained in Tarapoto as they made their way to Bagua Chica. They were both believed to be held at the Mariscal Cáceres base, although the authorities denied the detentions. A formal denunciation was made on their behalf to the provincial prosecutor of San Martín on 28 April.

5. **"Disappearance" in Bellavista Province**

Jorge RUIZ SOLSOL, 18, worker

According to reports, on 6 June 1992 Jorge Ruiz Solsol was detained by the *Policía Nacional del Perú*, Peruvian National Police, who subsequently handed him over to the armed forces in the locality of Bellavista, Bellavista province. He was then reportedly taken to the Mariscal Cáceres base, but the authorities denied holding him.

The case was denounced to the provincial prosecutor of San Martín on 9 June.

6. **"Disappearance" in Tocache Province**

Homero OSTOS LOPEZ, 20, student

Homero Ostos López was reportedly detained at his home in Uchiza on the morning of 21 April 1992 by soldiers stationed at the Uchiza military base in Tocache province. His detention was apparently part of a huge operation which involved the detention of some 300 people. According to his mother, when she went to the military base in Leoncio Prado province, Huánuco department, where her son was believed to be held, the military authorities denied the detention. However, Homero Ostos had been detained with his cousin and other friends who were later released from this base and claimed to have seen him inside it.

On 3 May the provincial prosecutor of Uchiza reportedly went to the Uchiza base, where he learnt unofficially that Homero Ostos had been transferred to the Mariscal Cáceres base on 22 May. However, the military authorities at Mariscal Cáceres denied his detention.

Formal denunciations were made to the provincial prosecutor of San Martín on 22 June and to the Ministry of Defence. Also on 22 June, a *habeas corpus* petition was submitted to the examining magistrate of San Martín.

7. Torture and Ill-Treatment

7.1 Rolyn CACHIQUE AMASIFUEN, 17, peasant

According to reports, on 4 June 1992 Rolyn Cachique Amasifuen was detained by members of the *Servicio de Inteligencia*, Intelligence Service, of the Mariscal Cáceres base. The detention reportedly took place at a car park in Tarapoto.

Initially, when his mother and his sister went to the Mariscal Cáceres base, the authorities denied the detention and he was considered to be "disappeared". According to

reports, one of the soldiers who was guarding his cell, took pity on Rolyn Cachique and handed a letter from the detainee to his sister. His sister then took the letter to the provincial prosecutor of San Martín, who went in person to the barracks. In spite of the evidence presented by the provincial prosecutor, the head of the human rights office of the San Martín political-military command, a captain known by the pseudonym 'Coco', denied the detention of Rolyn Cachique. However, ten days later the detainee appeared in the Tarapoto Hospital. According to doctors' statements to the press, Rolyn Cachique was brought to the hospital by soldiers who claimed that he was "a terrorist who had fallen in a confrontation". His secret detention at the military barracks lasted for a total of 50 days, during which time he had reportedly been subjected to torture.

7.2 Marcos GONZALES TUANAMA, 24

According to reports, on 29 April 1992 Marcos Gonzales Tuanama was detained by a military patrol who took him to the Mariscal Cáceres barracks. During his interrogation he was reportedly subjected to torture. He was freed after a month in detention. Subsequently, in a statement to the press, Marcos Gonzales claimed:

"I was hung up, they applied electricity to all parts of my body and they beat me without compassion".

"Fui colgado, me pusieron electricidad por todas partes del cuerpo y me golpearon sin compasión".

7.3 Froily MORI VELA, 14, schoolgirl

On the night of 7 June 1992, Froily Mori Vela was at her parents' home in the hamlet of La Unión, Nueva Lima district, Bellavista province. According to reports, a group of six soldiers from the Bellavista barracks, led by a lieutenant, entered and searched the Mori Vela household. After the search, Froily Mori was ordered to accompany the soldiers, who claimed they had to talk to her. When she and her parents refused to comply with the order, they were apparently threatened at gunpoint. Froily Mori was then reportedly forced outside into the garden. In a sworn affidavit Froily Mori is reported to have stated: "They took me to the far end of the vegetable garden, where one after another they raped me, starting with the lieutenant. The seven [soldiers] abused me".

According to reports, in a medical certificate issued on 10 June 1992 from the *Unidad Técnica de Salud de Bellavista*, Bellavista Health Clinic, a forensic doctor who examined her found physical evidence consistent with her allegations.

7.4 Olivia PEREZ FERNANDEZ, 15

Olivia Pérez was seven months pregnant when she was beaten by soldiers stationed at the Mariscal Cáceres base. According to reports, on 28 April the home of her partner, Ennegardo Púa Vela, in the neighbourhood of Mayco, Tarapoto, was raided. During the raid Olivia Pérez reportedly had a firearm held against her and was beaten. Her partner was also said to have been beaten in her presence before being taken away. His current situation is not known.

During the afternoon of the same day Olivia Pérez suffered a haemorrhage and was hospitalized in the Tarapoto *Hospital de Apoyo*, Support Hospital. She was discharged the following day. Four days later, on 3 May, she lost her baby. A duty doctor at the *Hospital de Tarapoto*, Tarapoto Hospital, is reported to have issued a certificate stating that the unborn baby had died.

On 12 May 1992, in a written statement submitted to the head of the Huallaga Front Political-Military Command, Olivia Pérez's father denounced the treatment his daughter received at the hands of the soldiers and claimed that she had lost her baby "as a result of the beatings and emotional impact of seeing her partner taken away".

BACKGROUND

Human Rights Violations under President Alberto Fujimori

President Fujimori took office on 28 July 1990, inheriting a legacy of gross human rights violations dating back to January 1983, including thousands of cases of "disappearance", extrajudicial execution and torture. In spite of the government's pledges to respect human rights, violations perpetrated by members of the security forces have continued to be reported. The majority of victims are members of peasant communities, apparently targeted because they live in areas where members of armed opposition groups are active. During the first two years of the present government Amnesty International received information on 566 "disappearances" following detention by the security forces, although the true figure may be far higher. By the end of this period the fate of 426 of these victims remained unknown, 55 had been found dead, four were to face trial and 81 were released. In the same period Amnesty International has compiled evidence of 151 extrajudicial executions. As far as is known, in the great majority of cases no investigations have been initiated and Amnesty International knows of no case in which the alleged perpetrators of human rights violations have been convicted under the present government.

In November 1991 Amnesty International published an extensive report entitled Peru: Human rights in a climate of terror, AI Index: AMR 46/56/91, which detailed specific recommendations to the government. However, the vast majority of these have not been implemented.

On 5 April 1992 President Alberto Fujimori broadcast a surprise speech to the nation in which he announced the immediate dissolution of Congress and stated that the country was to be ruled by a transitional executive-led Government of Emergency and National Reconstruction. For further details of the dissolution of Congress and its implications for human rights, please see Peru: Human rights during the government of President Alberto Fujimori, AI Index: AMR 46/18/92, May 1992.

Armed Opposition Groups

Human rights violations occur in the context of the government's counter-insurgency operations directed against 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.

The PCP remains active throughout much of the country. Prisoners are rarely acknowledged to be held by its forces, which have continued regularly to murder captives in summary, execution-style killings, sometimes after torture and mock trials. Thousands of its victims have been defenceless civilians not involved in the internal conflict. Victims include members of legally registered political parties, agronomists, engineers working on government and foreign aid sponsored projects, and members of peasant communities, cooperatives and labour organizations who refused to support them. Police and military personnel whom it captured or who were incapacitated by wounds or surrendered were also killed.

There has also been an increase in the violent activities of the smaller MRTA, which has been active in Lima and in several areas on the eastern slopes of the Andes, particularly in the department of San Martín. The MRTA has reportedly been responsible for the planting of a number of bombs in public places and for selective assassinations.

Amnesty International is fully aware of the context in which gross human rights violations by the security forces occur. The organization works within the framework of international law as it concerns the human rights obligations of governments and of principles derived from humanitarian law which all parties involved in internal armed conflict must respect. Amnesty International condemns the abuses of armed opposition groups responsible for the torture or deliberate and arbitrary killing of civilians not involved in the conflict and members of the security forces who are *hors de combat*.

