

EXTERNAL

AI Index: AMR 46/08/97

UA 87/97 Torture, including attempted rape/Possible
prisoners of conscience/Fear of unfair
trial

27 March 1997

PERU Aurelio Leiva Barboza)
Lauro Aguije Lizana)
Jacobo Véliz Chuquín)
Arturo Villaizán Contreras)
Inés Marilú Avila Gálvez (f)) peasants
Teófilo José Huamán Navarro)
Augusto Elguera Machari)
Alfonso Rojas Colca)
Darío Vargas Martínez)
Juan Vargas Martínez)

Seventeen other peasants

Eight peasant minors (aged 14 to 17)

Four army conscripts

Amnesty International is seriously concerned about the reported torture of several peasants detained by members of the Peruvian army on suspicion of having links to the armed opposition group *Movimiento Revolucionario Túpac Amaru* (MRTA), Túpac Amaru Revolutionary Movement. The peasants were detained between 24 February and 11 March 1997 in or near the village of Alto Yurinaki, situated on a tributary of the river Perené, in the province of Chanchamayo, Junín department. The eight minors were eventually released, following their transfer into police custody. The four army conscripts, detained at the nearby Pachanaki Military Base on suspicion of being MRTA infiltrators, are not known to have been tortured. Amnesty International believes those who remain detained - 27 peasants and four conscripts - to be possible prisoners of conscience. The organization is also concerned that these detainees may be brought to trial under procedures which fall short of international standards for fair trial.

On 18 March, the Ministry of Defence issued a communiqué in which it claimed that the army had dismantled an MRTA unit operating in the region of the river Perené, detaining 38 MRTA combatants. The communiqué stated that the army respected the human rights of the detainees. However, a report issued by the non-governmental organization *Asociación pro Derechos Humanos* (APRODEH), Human Rights Association, indicates that the peasants were tortured and appeared to have no links to the MRTA.

According to APRODEH, Aurelio Leiva Barboza was detained at a military control point between Alto Yuranaki and Villa Rica and transferred to the Pichanaki Military Base, where he was tortured. Arturo Villaizán Contreras was detained while he waited for a bus in Alto Yurinaki. He was ill-treated at his home, then while being transferred to the village of Alto Chicaramas, and again at a military post in a locality known as La Florida. On the way to La Florida, the patrol detained Lauro Aguije Lizana and Jacobo Véliz Chuquín. The brothers Juan and Darío Vargas Martínez, Teófilo José Huamán Navarro and Augusto Elguera Machari were also arrested in Alto Yurinaki. Amnesty International does not have information as to precisely where Inés Marilú Avila Gálvez, Alfonso Rojas Colca, and the other 25 peasants were detained. However, the organization has been informed that Inés Marilú Avila was the victim of an attempted rape by two officers.

According to APRODEH, while in Alto Yuranaki, members of the army "tortured the detainees with an electric current in a tank of water [...] in which they were repeatedly immersed. As a result of the torture the villagers were forced to make confessions and accuse others." [*"torturaron a los detenidos con corriente eléctrica [en un] tanque de agua [...] donde los sumergían y sacaban repetidas veces. A raíz de las torturas los pobladores se inculpaban y culpaban a otros."*]

Many of the peasants were transferred into the custody of the anti-terrorism police in La Merced, capital of Chanchamayo province. There, in the presence of members of the army, the detainees apparently ratified their "confessions" without a Public Ministry prosecutor being present, contrary to a requirement enshrined in Peruvian law. An APRODEH lawyer subsequently visited the anti-terrorism police station in La Merced. However, the Public Ministry prosecutor refused him access to the detainees, although he did eventually manage to speak with Inés Marilú Avila.

Fourteen of the peasants and the four conscripts were subsequently transferred to the anti-terrorism police in Lima, the capital. According to APRODEH, it was here that a military prosecutor usurped the powers of a Public Ministry prosecutor in an attempt to have the suspects charged with the terrorism-related crime of "*traición a la Patria*", treason. In Peru, those charged with treason, including civilians, are tried under the jurisdiction of the military courts.

APRODEH claims there is no evidence which links 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.

BACKGROUND INFORMATION

The MRTA and the *Partido Comunista del Perú (Sendero Luminoso)*, Communist Party of Peru (Shining Path), another armed opposition group, launched their campaigns in the first half of the 1980s. Amnesty International has repeatedly and unequivocally condemned human rights abuses by these groups.

It is in the context of Peru's internal armed conflict that Amnesty International has documented systematic human rights violations by the Peruvian authorities, including thousands of cases of torture, "disappearance", and extrajudicial execution. The vast majority of these abuses have never been satisfactorily resolved. The organization has also documented systematic unfair trial procedures and the prolonged imprisonment of hundreds of prisoners of conscience and possible prisoners of conscience (see Amnesty International's Annual Reports 1981 to 1996, *Peru: Prisoners of conscience*, AI Index: AMR 46/09/96, May 1996, and *Peru: Human rights in a time of impunity*, AI Index: AMR 46/01/96, May 1996).

This pattern of human rights violations has prompted United Nations (UN) human rights experts to express concern that the Government of Peru is failing to uphold standards enshrined in UN human rights instruments. Despite a significant reduction in the number of "disappearances" and extrajudicial executions since 1993, the UN experts have continued to draw the attention of the government to its poor human rights record. Many of the experts' recommendations to the government have gone unheeded (see, for example, the reports on Peru of the UN Human Rights Committee, UN Doc. CCPR/C/79/Add.67, 25 July 1996, and UN Doc. CCPR/C/79/Add.72, 8 November 1996).

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

- expressing concern that several of the peasants detained between 24 February and 11 March 1997 in or near Alto Yurinaki, Chanchamayo province, Junín department, were reportedly tortured by members of the army;
- calling on the authorities to conduct a prompt, independent and effective judicial inquiry into the torture allegations;
- calling on the authorities to suspend the members of the army who participated in the detention of the Alto Yurinaki residents, pending the outcome of the enquiry;
- urging that the results of the inquiry be made public and that those found responsible be brought to justice;
- urging that all those who remain detained are charged with a recognizable criminal offence or are promptly released;
- urging the authorities to take all the necessary measures to prevent torture and implement trial procedures which comply with internationally recognized human rights standards;
- urging the authorities to implement the recommendations of the UN Human Rights Committee to the Government of Peru contained in their July and November 1996 reports.

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, Peru

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, Peru

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 8 May 1997.