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@COMMUNITY LEADERS ARE PRISONERS OF CONSCIENCE

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Further to Amnesty International document Peru: Torture of Community Leaders (AI Index: AMR 46/58/92, December 1992), which focused on the alleged torture and ill-treatment of the first ten of the 11 men listed above, Amnesty International is concerned about their continuing detention. The first ten people listed were detained on 27 June 1992. Manuel Bure Camacho was detained on 30 October 1992. All of them have been charged with terrorism-related crimes. However, Amnesty International considers all of them to be prisoners of conscience, detained solely for their organized and peaceful opposition to the industrial exploitation of the San Ignacio forest.

The 11 detainees are members of the *Comité de Defensa de los Bosques de San Ignacio*, Committee for the Defence of the San Ignacio Forest, an organization created to oppose the felling of a forest by INCAFOR S.A., a timber producing enterprise operating in San Ignacio province, Cajamarca department. In July 1992, the detainees, together with others who by the end of January 1993 had evaded arrest, were charged by a Public Ministry provincial prosecutor with the killing of two workers during a night-time attack on the company's lumber camp in

June 1992. The accused were also charged with causing grievous bodily harm, bodily harm, and theft and damages arising from the attack. The men were charged under Article 2 of Peru's anti-terrorism Decree Law N°25475, issued in May 1992. Amnesty International believes that the provisions enshrined in this decree fall short of international standards for a fair trial.

In October 1992 Judge Margarita Zapata Cruz, the examining magistrate responsible for studying the case, concluded in her report that none of the accused were responsible for any of the offences they had been formally charged with. In her report the examining magistrate stated: "... from the judicial investigation it has not been possible to conclusively assert that the accused participated in the events ... or that such events constitute the crime of terrorism." However, despite her conclusions, the examining magistrate did not order the defendants to be freed.

Amnesty International has been unable to determine on what legal basis the examining magistrate did not order the release of the defendants. Neither is it clear on what legal basis the case was then referred to the *Corte Superior*, Superior Court, for the public prosecutor to recommend that the accused be tried. However, according to defence lawyers working on terrorism-related cases under the decree laws issued in 1992, in practice provincial prosecutors and examining magistrates do not file such cases and order the detainees be freed, when the evidence merits it. Rather, defence lawyers have claimed that provincial prosecutors and examining magistrates, in practice, refer all terrorism-related cases for a trial hearing before Superior Court judges.

On 30 October 1992, the public prosecutor attached to the Superior Court reportedly requested that the 11 detainees and the other people against whom there are detention orders, be sentenced to 30 years imprisonment. A tribunal attached to the *Corte Superior de Chiclayo*, Superior Court of Chiclayo, is to decide on the case.

Amnesty International has received extensive documentation from a variety of sources, including testimonies by some of the accused, relatives of the defendants, journalists reports, trade union leaders and human rights activists, all claiming that the accused did not at any time participate in any of the criminal activities with which they have been charged. In addition, during a visit to Peru in December 1992, Amnesty International delegates had an opportunity to closely discuss these claims with human rights activists involved in the case, and with close relatives of the defendants. On the basis of the information obtained, Amnesty International believes the defendants were not implicated in any of the criminal offences for which they were detained. Amnesty International also believes that the claims by the police and upheld by the examining magistrate that three of the men stored explosives and other material linking them to the *Partido Comunista del Perú (Sendero Luminoso)*, Communist Party of Peru (Shining Path), but for which they have not been formally charged, are false.

In the light of the above Amnesty International believes the 11 community leaders to be prisoners of conscience and is appealing to the authorities that they be immediately and unconditionally released.

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