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PERU

@Human rights since the suspension of constitutional government: a summary of Amnesty International's concerns

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Since 5 April 1992, when President Alberto Fujimori suspended constitutional rule, Amnesty International has continued to document a pattern of human rights violations by the security forces which first became evident in 1983, and which the organization believes to be systematic¹. The pattern is systematic because the overall number of reported cases of "disappearance", extrajudicial execution and torture remains persistently high; the authorities consistently tolerate such abuses by not fully investigating the vast majority of cases; and, with rare exceptions, the authorities fail to bring the perpetrators to justice. During the 13 months from April 1992 through to April 1993 Amnesty International documented the cases of 209 people who "disappeared" following detention by the security forces. The fate of 139 of these people remain unknown and 28 were subsequently found dead. During the same period Amnesty International documented 57 extrajudicial executions and at least 40 cases of torture.

According to reports, the number of "disappearances" fell significantly in the initial months of 1993. The Ministry of Justice reportedly informed the Inter-American Commission on Human Rights that by the end of April 28 people were documented as having "disappeared", of which 18 were subsequently accounted for and 10 remained "disappeared". The *Coordinadora Nacional de Derechos Humanos* (CNDDHH), an organization

¹ This document was written in June 1993 and is based on information received by Amnesty International until 31 May 1993.

bringing together several independent human rights groups in Peru, has reported nine "disappearances" for the first five months of the year.

Although the Peruvian authorities are not known to have issued figures for the number of alleged extrajudicial executions between January and May 1993, the CNDDHH documented eight summary killings by the security forces during this period.

Amnesty International has noted this recent reduction in the reported number of "disappearances" and extrajudicial executions. The organization, however, does not at this stage regard these figures as a definitive improvement on the long track record of widespread and systematic "disappearances" and summary killings by the security forces. Throughout the past ten years Amnesty International has noted similar reductions in the statistics regarding these gross abuses. The last of these, during the present government's term of office, was between August and December 1991. However, from January 1992 onwards the figures for "disappearances" once again rose significantly, only for them to fall again during the first five months of 1993.

Several factors, all or some of which may be present, may help explain the present reduction in the "disappearance" and extrajudicial execution statistics. Among them are a relatively high degree of international pressure on the Peruvian government to improve its human rights record, particularly in the context of the government's efforts to secure economic aid from industrialized countries; the under-reporting by the victims' relatives to local military, police and civilian authorities of "disappearances", extrajudicial executions and other gross human rights violations, for fear of reprisals by the security forces; the difficulties, in some remote rural areas in emergency zones under military control, for independent human rights defenders to work in and monitor violations, once again for fear of reprisals from the security forces; and the lack of a single, comprehensive and publicly available official register which records all detentions, however temporary, and all complaints of "disappearances" and extrajudicial executions.

Amnesty International believes that a sustained improvement in Peru's human rights record on enforced disappearances and extrajudicial killings may be secured by the implementation of the following minimum set of practical measures. These measures should ensure that:

- independent human rights monitors are granted access to work and travel in the emergency zones;
- the safety of relatives wishing to file complaints of human rights violations is guaranteed;
- a single, regularly updated official register, combining information on detentions, alleged "disappearances" and extrajudicial executions, is implemented. The register should be made available to relatives, lawyers, judges, and official bodies trying to trace people who have been detained, or investigate alleged summary killings;
- prisoners are held in publicly recognized places of detention and are brought before a judicial authority without delay. Relatives, lawyers and doctors should have prompt access to such prisoners;
- all complaints and reports of "disappearances", extrajudicial executions and other human rights violations, including those alleged to have occurred under previous

governments, are investigated promptly, impartially and effectively by a body which is independent of those allegedly responsible. The investigators should be given all the necessary powers and resources to carry out the investigations;

- those responsible for "disappearances", extrajudicial executions and other human rights violations are brought to justice, and that trials be conducted by civilian courts;
- those responsible for human rights violations are convicted and punished with sanctions commensurate with the gravity of the crime, and the perpetrators do not benefit from any legal measures exempting them from criminal prosecution or conviction.

Amnesty International is also concerned about the serious erosion of human rights standards which followed the issuing of wide-ranging anti-terrorism decree laws between May and December 1992. The organization believes these decrees fall short of international human rights treaties ratified by Peru. By the end of May 1993 the new anti-terrorism decrees had not been reformed or replaced with legislation which conformed to international standards.

The organization has learned of at least 4,200 prisoners charged with terrorism-related offences, all of whom have been tried or are awaiting trial under procedures which fail to satisfy international human rights standards. Amnesty International believes that scores of these prisoners are prisoners of conscience² or possible prisoners of conscience. The organization also believes that the emergency government, by having introduced special pre-trial and trial procedures for terrorism-related cases which fall short of international standards, extended the means by which human rights are systematically violated in Peru.

Amnesty International is also concerned that the newly established Democratic Constituent Congress is to debate and vote on proposed legislation designed to extend the death penalty beyond current provisions for cases of treason in times of external war. The proposals presently before Congress seek to extend capital punishment to the terrorism-related crime of treason. The organization is concerned that, should the proposed legislation be approved, prisoners could be executed for such a crime following conviction in military trials which fall short of international standards. Amnesty International believes that, in the event of this legislation being passed, Peru would be contravening its obligations to abide by the American Convention on Human Rights.

Amnesty International is further concerned about extensive abuses perpetrated by 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 has continued to torture captives and carry out hundreds of deliberate and arbitrary killings of defenceless civilians and members of the security forces who were *hors de combat*. Such abuses have also been attributed to the MRTA.

² The term 'prisoners of conscience' refers to persons detained or otherwise physically restricted by reason of their political, religious or other conscientiously held beliefs, or by reason of their ethnic origin, sex, colour or language, provided they have not used or advocated violence.

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