

# *amnesty international*

PERU

## @TEN SETTLERS MASSACRED BY CIVIL DEFENCE PATROL

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Juan ASCUY, aged 20	Edgar BARRETO HUAYNAPOMA, aged 20
José VARGAS LOPEZ, aged 40	Teodosio PEÑA GUTIERREZ, aged 24
Juan LOPEZ BUJAICO, aged 29	Máximo ANTEZANA ESPEZA, aged 50
Mario VARGAS ALEJO, aged 12	Hernán LOPEZ ANTEZANA, aged 14
Alberto CUSI CCANCCE, aged 19	Javier LOPEZ ANTEZANA, aged 16

Amnesty International is gravely concerned about the reported massacre on 10 September 1993 of the above listed *colonos* (settlers) living in Delta, district of Pichanaqui, Chanchamayo province, department of Junín. According to reports, all ten were extrajudicially executed by a local *Comité de Autodefensa* or *ronda campesina*, a civil defence patrol linked to the army's command structures. There is no evidence to suggest that members of the army were accompanying the civil defence patrol at the time of the killings. However, Amnesty International believes that *rondas campesinas* linked to the security services must at all times fully comply with the same national laws and international human rights standards and conventions which apply to the military and police forces.

During the morning of 10 September 1993 a *Comité de Autodefensa* from the nearby neighbourhood of San Fernando de Meritori was said to have entered the Delta settlement and killed seven men and three boys aged 12, 14 and 16 years respectively. The massacre was reported to the police by eye-witnesses, including one who was seriously injured during the attack. The massacre was also reported by the police based in Pichanaki to a provincial prosecutor attached to the Public Ministry's offices in the town of La Merced, capital of Chanchamayo province. Settlers from the community of Delta who travelled to Lima, the capital, were reported to have also informed Congress' Commission for Human Rights and Pacification.

In an official report issued on 13 September 1993 by the Peruvian National Police based in Chanchamayo, the police stated that the witnesses had informed them that "the settlers were first hand-bound", and were then hacked to death with arrows, machetes and axes "for not belonging to the *ronda campesina*". The bodies were buried in the locality where they were found, in the presence of the police and local authorities. The police report also states that the settlers claimed their attackers to have been members of the indigenous Asháninka tribe from the neighbourhood of San Fernando de Meritori and, at the time of the attack, "were partly wearing military clothing" .

An article published in the Peruvian national newspaper *La República* on 6 October 1993 indicated that the *Comité de Autodefensa* which carried out the alleged killings consisted of 21 armed *ronderos* led by a commander apparently named " Nicolás" or "Calvo". Of the 21 *ronderos*, 13 were later detained by the police after having been identified by witnesses. However, *La República* stated that nine of the *ronderos* were subsequently released by an examining magistrate in La Merced. The other four were held in a local prison. The newspaper article quoted a police report as stating that the motive behind the killing was that: "All [the *ronderos*] ... said they had to complete a test of their courage, as part of a military command course" .

## BACKGROUND

### a) *Rondas campesinas*

*Rondas campesinas* have increasingly been used by the authorities as part of a counter-insurgency strategy to defeat the 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.

Peruvian civil defence patrols or *rondas campesinas*, have a tradition which date back to a period long before the initiation of armed attacks by the PCP and the MRTA in the first half of the 1980s. Those patrols, previously known officially as *Rondas Campesinas, Pacíficas, Democráticas y Autónomas*, Peaceful, Democratic and Independent Civil Defence Patrols, were legally registered grass roots organizations which served to protect isolated peasant communities, particularly from cattle-rustlers. Until January 1993 they did not have any formal, legal or official links to the Peruvian security forces.

With the spread of the internal armed conflict in Peru, the government of former president Alan García Pérez (1985-1990) established *rondas campesinas* in some parts of the central Andean region which were under a state of emergency. These *rondas campesinas* differed markedly from those designed to protect local communities from cattle-rustlers. Instead, they were established, sometimes by the peasantry, sometimes by the authorities, but always registered and recognized by the latter, as primarily complementing the counter-insurgency role of the security forces. The president armed some of these *rondas campesinas* and gave them the authority, in conjunction with the local political-military commands, to repel incursions by the PCP and MRTA.

This strategy was considerably strengthened, both militarily and legally, after President Alberto Fujimori came to power in July 1990. On several occasions President Fujimori and the armed forces have handed out thousands of firearms to the *rondas campesinas*. In November 1991

the government issued Legislative Decree 741, by which it sought to strengthen the self defence capabilities of local rural communities, particularly in zones declared under a state of emergency.

The decree specified that the self defence patrols were to detain the PCP's and MRTA's efforts to infiltrate local communities, defend them from attacks by these groups, and support the armed forces and police in its "pacification work" .

A year later, in November 1992, President Fujimori and his Council of Ministers issued Supreme Decree N° 077/DE-92. The decree spelt out in detail the organization and functioning of the *Comités de Autodefensa*. Article 12 of the Decree states: "The Committees, in fulfilling their mission of self defence, will be advised, supported and controlled by the Military or Police Authority, with whom they will coordinate all the necessary actions."

In January 1993 a further decree, Supreme Decree N° 002-93-DE/CCFFAA, was issued by President Fujimori and the Minister of Defence. This decree specifies that **all** the *Rondas Campesinas, Pacíficas, Democráticas y Autónomas*, that is all the *rondas campesinas* recognized by law as the independent creation of local rural communities and not subject to the control of the security forces, must "adapt their organization and functions" to the *Comités de Autodefensa* run by the armed forces and the police.

## **b) A pattern of gross human rights violations**

Since early 1983 the Peruvian security forces, in particular the army, have been accused of the enforced disappearance and extrajudicial execution of thousands of people, the vast majority of them peasants. Between 28 July 1990 and 30 April 1993, during the present government of President Alberto Fujimori, Amnesty International has documented at least 560 enforced disappearances and 228 extrajudicial executions. The vast majority of these have not been thoroughly and independently investigated, and the perpetrators have not been brought to justice.

These human rights violations have occurred in the context of a 13-year internal armed conflict between the security forces and 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.

Since the early 1980s the PCP and the MRTA have conducted widespread attacks on military and civilian targets. Many of these attacks have involved atrocities which have cost the lives of thousands of Peruvians. Amnesty International has received thousands of reports of abuses attributed to the PCP. These abuses have included cases of torture and of the deliberate and arbitrary killing of civilians and of members of the security forces who were *hors de combat*. Such abuses have also been attributed to the MRTA.

Amnesty International is fully aware of the extent of political violence in Peru, including extensive abuses by the PCP and MRTA. The organization, which has repeatedly condemned such abuses, first condemned the PCP's abuses in August 1983, in a letter directed to former president Fernando Belaúnde Terry expressing concern about evidence of human rights violations by the armed forces in the emergency zones. Since then the organization has explicitly condemned abuses by the PCP in its publications, submissions to international human rights organizations and letters to successive Peruvian governments. Amnesty International has

also expressed publicly its condemnation of the PCP through interviews broadcast internationally and within Peru, and through letters and extensive interviews published in the Peruvian press.

For instance, in July 1992 Amnesty International publicly condemned the PCP car bomb attack in Miraflores, Lima, which killed some 22 civilians; in December 1992, during the visit of an Amnesty International delegation to Peru which included investigating human rights violations by the government's security forces and abuses by the armed opposition, *La República* and *Caretas* published extensive interviews with Amnesty International's delegates in which the organization expressed its condemnation and opposition to the thousands of abuses perpetrated by the PCP; and in August 1993 the organization publicly condemned the massacre of at least 62 men, women and children, all of them members of several Asháninka ethnic communities resident in the rainforest region of the department of Junín.

**KEYWORDS:** EXTRAJUDICIAL EXECUTION / FARMERS / CHILDREN / JUVENILES / CIVIL DEFENCE /

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