

UA 134/01

Fear for safety / Death in custody/ Torture and ill-treatment

1 June 2001

PERU

The family of Jenard Lee Rivera San Roque
Gina Requejo (f), lawyer
Inhabitants of San Bartolomé, Lima department

Killed: Jenard Lee Rivera San Roque (m)

Police officers have been harassing the family of Jenard Lee Rivera San Roque, who died in police custody on 9 May as a result of torture and ill-treatment, their lawyer and others protesting at his death. Amnesty International is concerned for their safety.

On 10 May, the family of Jenard Lee Rivera San Roque and others from the shanty town of San Bartolomé in Lima department, where he lived, organized a demonstration in front of the Cruz Blanca Town police station in protest at his killing. During the protest, police officers reportedly took pictures of the demonstrators. The following day, officers from the same police station reportedly began asking questions about those who took part in the demonstration. Amnesty International believes these actions are meant to deter the Rivera family and protestors from seeking to bring to justice the police officers who allegedly tortured and killed Jenard Lee Rivera.

On 19 May Dr. Gina Requejo, the lawyer representing Jenard Lee Rivera San Roque's family, received a phone call from an anonymous caller, who told her to stop the investigation into Jenard Lee Rivera's death, saying "No averigues más, no indagues más" ("stop the enquiries, stop the investigation").

Jenard Lee Rivera San Roque, a former member of the Peruvian army, was initially detained on suspicion of robbery on 5 May, and was taken to the police station in Cruz Blanca town. The following morning, 9 police officers, 8 of them in plain clothes, reportedly brought Jenard Lee Rivera to his home in San Bartolomé. They entered the house, although they had no search warrant. Witnesses have reported that the police kept Jenard Lee Rivera in the house all day while torturing him and beating him with a chain. His family were prevented from entering the house, and when they complained to the police about what was happening, they were told "*lo que le estamos haciendo ahora no es nada, lo que le vamos a hacer pasar después es peor*" ("what we are doing to him now is nothing, what we'll do to him later will be worse"). In the evening, Jenard Lee Rivera was brought back to the Cruz Blanca police station, where he reportedly continued to be tortured and ill-treated. He was found dead in his cell on 9 May. The police have said that he hanged himself. However, he had injuries on his face and body that are consistent with torture.

BACKGROUND INFORMATION

Although the number of reported "disappearances" and extrajudicial executions have fallen in recent years, torture and ill-treatment, including death in custody, remains widespread in Peru. The police and security forces frequently threaten or harass victims, their relatives and witnesses in an attempt to make them drop the charges against alleged perpetrators of human rights violations. A number of people have reportedly received death threats, or have been subjected to other forms of harassment and intimidation. In many cases this has meant that victims of human rights abuses have been too frightened to continue the legal proceedings against the perpetrators, who as a result have been released without charge.

The Peruvian authorities have passed legislation making torture a punishable offence. However, since the legislation was adopted in February 1998, only two police officers have been brought to justice under this law.

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

- expressing concern for the safety of the family of Jenard Lee Rivera San Roque, their lawyer and those inhabitants of San Bartolomé who took part in the demonstration in protest at his death;
- urging the authorities to guarantee their safety;
- noting that these incidents appear to be an attempt to frighten and intimidate the family, the community and the family's lawyer in order to stop the investigation into Jenard Lee Rivera San Roque's torture and death;
- expressing concern about the torture and death in custody of Jenard Lee Rivera San Roque, asking that it is promptly and thoroughly investigated, that the findings of the investigation are made public, that those found to be responsible are brought to justice and that the victim's family receive adequate redress.

APPEALS TO:

Minister of Justice
Dr Diego García Sayán
Ministro de Justicia
Ministerio de Justicia
Scipión Llona 350
Miraflores
Lima 18
PERU

Fax: + 511 422 3577

Salutation: Dear Minister / Sr. Ministro

Minister of the Interior
Gral. Antonio Ketín Vidal
Ministro del Interior
Ministerio del Interior
Plaza 30 de Agosto s/n
Urb. Córpac
San Isidro
Lima 27
PERU

Fax: + 511 224 2405

Salutation: Dear Minister / Sr. Ministro

Attorney General
Dr Nelly Caldern Navarro
Fiscal de la Nación
Fiscalía de la Nación
Av. Abancay, Cuadra 5, s/n
Lima 1
PERU

Fax: + 511 427 1792 / 511 426 2800 (If a voice answers, say 'fax, por favor')

Salutation: Dear Attorney General / Sra. Fiscal de la Nación

COPIES TO:

Human Rights Organization
Comisión de Derechos Humanos (COMISEDH)
Av. Horacio Urteaga 704
Jesús María
Apartado Postal 11-0237
Lima
PERU

Fax: + 511 423 3876 (If a voice answers, say 'fax, por favor')

Representative of the Ombudsman in El Callao
Dra. Cecilia Barbieri Quino
Plaza Gálvez
Av. Saénz Peña 207 -209

El Callao
PERU

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 13 July 2001.