

# PERU

## @Human rights

### during the government of President Alberto Fujimori

#### 1. Summary

Despite repeated statements by President Alberto Fujimori and representatives of his administration that human rights standards are to be fully respected, and the issuing of directives and the implementation of reforms designed to reverse the pattern of abuses extending back to January 1983, Amnesty International has continued to document gross human rights violations throughout the Republic of Peru<sup>1</sup>. Widespread "disappearances" and extrajudicial executions by the security forces (see Appendix 1, Tables 1 and 2), as well as torture continued to be the organization's principal concerns in Peru. The vast majority of victims were peasants suspected of sympathizing or collaborating with armed opposition groups and living in areas declared under a state of emergency. Amnesty International is also concerned about repeated death threats, attacks and killings of independent and official human rights defenders. Among the victims were journalists, members of independent human rights organizations and representatives of the Public Ministry.

Amnesty International is further concerned about the apparently arbitrary detention of at least 50 people shortly before or in the wake of an announcement by President Alberto Fujimori on 5 April 1992 immediately dissolving Congress and establishing an executive-led transitional Government of Emergency and National Reconstruction. The detainees included ministers under the government of former president Alan García Pérez, politicians, parliamentarians, regional government representatives, a Supreme Court judge, lawyers, journalists and trade unionists. The vast majority of those detained were subsequently released without charges within days of being held. Amnesty International believes that many of those persons detained and subsequently released, and who were held in their work places, homes, or in military and police centres of detention, were prisoners of conscience detained because of their opposition to the government, trade union activities or attempt to exercise the right to freedom of expression.

Amnesty International is also concerned about the deliberate and arbitrary killing by the armed opposition of hundreds of defenceless people not directly involved in the internal conflict which has affected Peru since 1980. Over the past 12 years the clandestine armed opposition group Partido Comunista del Peru (Sendero Luminoso), (PCP), Communist Party of Peru (Shining Path), in killing such people, has mostly targeted peasants and activists from a wide

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<sup>1</sup>This document was written in April 1992 and is based on information received by Amnesty International until 30 April

range of political and trade union organizations critical of or refusing to support the PCP, municipal mayors and other officials, and people working on social and economic development projects. The MRTA has also occasionally killed defenceless civilians not involved in the conflict.

## 2. Introduction

Over the past nine years - between January 1983 and April 1992 - Amnesty International has documented the cases of at least 4,000 people who have "disappeared" in Peru after having been detained by the security forces. According to the Public Ministry, an autonomous government institution headed by the Attorney General and charged with investigating human rights violations, 5,419 "disappearances" were denounced to the Ministry during the 11-year period 1981 through 1991. By January 1992, over 4,000 of these remained unresolved. Thousands more appear to have been killed since 1983 by government forces in extrajudicial executions, including some 500 people in 18 separate massacres documented by Amnesty International. Reports of torture and ill-treatment by the security forces have also been frequent throughout the period.

The vast majority of human rights violations - up to 85% of them, according to human rights organizations in Peru - have been committed by the armed forces, especially the army, in areas declared under a state of emergency. The police have also been implicated in numerous cases of "disappearance", extrajudicial execution and torture. From 1988 onwards these practices spread beyond areas declared under a state of emergency and military control, to which they were originally confined, to nearly all parts of the country. Between 1988 and 1990, during the government of former president Alan García Pérez, threats, attacks and selective killings were also attributed to so-called paramilitary death squads said to be acting with the support of the authorities. Since June 1991, during the present government of President Alberto Fujimori, threats and killings by such paramilitary groups reemerged in Ayacucho department and in Lima, the capital. Throughout the nine-year period since 1983 peasant-based civil defence patrols, officially known as Comités de Autodefensa, Self Defence Committees, have been officially organized and directed by the military administering the emergency zones. Such Comités de Autodefensa have also committed human rights violations.

A campaign of assaults, sabotage and execution-style killings 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, a high incidence of narcotics-related crime and a severe economic crisis, have formed the context of gross human rights violations during the governments of former presidents Fernando Belaúnde Terry (1980-85), Alan García Pérez (1985-90), and that of the present government led by President Alberto Fujimori, installed in July 1990. All three governments' response to proliferating political violence has been the imposition of regularly renewed states of emergency restricting civil rights and delegating political and military authority to the armed forces in areas declared under a state of emergency.

The first state of emergency was declared in 1981 in response to increasing armed attacks by the clandestine PCP. In October 1981 the government of former president Fernando Belaúnde Terry invoked Article 231 of the Constitution, and placed five provinces of Ayacucho department under emergency regulations. The Ministry of the Interior and the Policía Nacional del Perú, Peruvian National Police, jointly assumed direct control over the five provinces. Responsibility for counter-insurgency was placed in the hands of the Guardia Civil, Civil Guard, a branch of the police force. In December 1982 the state of emergency was renewed in seven provinces in Apurímac, Ayacucho and Huancavelica departments, and extended to one further province in Huancavelica department. Responsibility for internal order and counter-insurgency was transferred to the armed forces, under the overall direction of the Ministry of Defence.

States of emergency are imposed by presidential decree for periods of between 30 and 60 days, after which they can be renewed. At various times states of emergency have been terminated in some provinces only to be reintroduced later, in a regular pattern of imposition, renewal, termination and re-imposition. During significant periods of 1983 and 1984 the entire country was placed under a state of emergency.

Military control over the emergency zones was formalized on 6 June 1985, when Congress passed Law 24,150. Responsibility for maintaining internal order in the emergency zones was placed directly under Political-Military Commands responsible to the Comando Conjunto de las Fuerzas Armadas, Armed Forces Joint Command. However, the government retained ultimate responsibility for internal order, under Article 3 of Law 24,150, which states: "The planning, preparation, direction and execution of the control of internal order are conducted by the executive through the system of National Defence." All the emergency zones have been administered by the specially-created Political-Military Commands, except for the province of Lima and the Constitutional Province of Callao. In these two provinces, which contain the 7.3 million inhabitants of metropolitan Lima, the police forces, under the Minister of the Interior, are responsible for counter-insurgency operations.

Law 24,150 provides the Political-Military Commands with extraordinary powers which are used to sidestep important human rights safeguards in Peru. The Commands control all security forces – the armed forces, police and the civil defence patrols – in the emergency zones, with the exception of the provinces of Lima and Callao; they also implement all executive policies and orders, coordinate the functions of the civilian authorities, and propose further emergency measures to the executive.

Law 24,150 also places members of the security forces in the emergency zones under military jurisdiction – subject to the Code of Military Justice – for all disciplinary offences committed in the line of duty. Such offences are defined as falling "within the jurisdiction of exclusive military law, except those having no relation to service." This enables the military to claim jurisdiction over cases of human rights violations, a prerogative they have exercised in every case where proceedings have been initiated against members of the security forces for offences committed in the emergency zones.

The suspension of rights guaranteed under the Peruvian Constitution in areas declared under a state of emergency has resulted in the military having sweeping powers. The emergency regulations allow them to enter and search people's homes without a court order, and restrict freedom of movement and the right to peaceful assembly. Crucially, during a state of emergency they are also permitted to carry out detentions without a warrant. The practice of widespread unacknowledged detention has been an underlying cause of the high level of "disappearance", extrajudicial execution and torture in the emergency zones.

In theory, detainees do retain specific constitutional rights under emergency regulations. They have the right to be informed immediately and in writing of the reason for their detention, and must have access to a lawyer. They may not be held incommunicado except where the investigation of an offence requires it, and then only within the terms and form specified by the law. They may not be held clandestinely: the authorities must reveal their whereabouts without delay. Finally, detainees must not be forced to make statements through violent means. However, in the emergency zones the military have frequently failed in practice to respect these rights.

By July 1990, when the government of President Fujimori took office, 54 provinces in 11 departments were under a state of emergency. In November 1990 the authorities lifted the state of emergency in the province of Huamanga, Ayacucho department, which is traditionally regarded as the stronghold of the PCP. However, according to reports, the suspension, which was maintained unbroken for 15 months until 25 February 1992, did not lead to the reimposition of full civilian authority. Death squad-style actions by so-called paramilitary groups working with the support of the armed forces and "disappearances" and extrajudicial executions by army-organized civil defence patrols have been reported in the area. By the end of April 1992 states of emergency covered extensive areas of the Andean highlands, rainforest and coastal regions.

In a surprise speech broadcast to the nation on 5 April 1992 President Fujimori announced the immediate dissolution of Congress and stated that the country was to be ruled by a transitional executive-led Government of Emergency and National Reconstruction. He also announced a reform of the Constitution, and of Congress, the judiciary and the Public Ministry, all of which have a responsibility for investigating human rights violations. (See below, pages 11-13, for a fuller account of the measures implemented by the Government of Emergency and National Reconstruction, and their implications for human rights standards).

A high incidence of human rights violations has continued to be reported since the government of President Alberto Fujimori was installed in July 1990. (See [Peru: Human rights in a climate of terror](#), AI Index: AMR 46/56/91, published in November 1991, for a fuller account of human rights violations during the first year of President Fujimori's government, and of the human rights legacy the government inherited). According to the cases documented by Amnesty International, between 28 July 1990 and 30 April 1992 - the first 21 months of President Fujimori's government - 392 people reported as "disappeared" remained unaccounted for after arrest and 169 were extrajudicially executed. Torture, including rape, by the military

and police has continued to be reported and many prisoners were held on charges of "terrorism" often said to be based on statements extracted under torture. Independent and official human rights defenders have suffered death threats, attacks and killings at the hands of the security forces or by so-called paramilitary groups working with their support.

### **3. The present Government of Peru and human rights**

#### *3.1 Human rights developments: July 1990 - March 1992*

The respect for and promotion of human rights is enshrined in the Political Constitution of Peru. Indeed, the full text of the 1948 Universal Declaration of Human Rights is appended to the Constitution and given legal force. The international and regional treaties ratified by Peru include the International Covenant on Civil and Political Rights, ratified in 1978, the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, ratified in 1988, and the American Convention on Human Rights, ratified in 1978. Article 101 of the Peruvian Constitution specifies that, in the event of a conflict between international and national law, international human rights instruments ratified by the Peruvian state have precedence over domestic legislation. Furthermore, Article 105 grants such treaties the status of constitutional law.

Since the present government took office it has repeatedly promised to respect human rights. In his inaugural speech, on 28 July 1990, President Fujimori made specific reference to the implementation of a broad human rights policy. The President stated: "The unrestricted respect and promotion of human rights will be a firm line of action by my government ... The terrorist violence our fledgling democracy currently faces cannot justify, in any way, the occasional or systematic violation of human rights. The counter-insurgency policy which my government is to launch will be conducted within the principles enshrined in the Constitution and laws of Peru. This perspective will be applied, with justice and fairness, both to those who currently seek to attack our society as well as those who seek to defend it." In addition to pledging to respect human rights, President Fujimori also proposed in July 1990 the creation of a national human rights commission, headed by a presidential commissioner invested with sufficient authority to guarantee respect for them. By the end of April 1992 such a commission had yet to be established. A policy of respect for human rights was reiterated by the Peruvian Government in February 1991, and again in February 1992, in statements to the 47th and 48th sessions respectively of the United Nations (UN) Commission on Human Rights. The government has also acknowledged that members of the security forces had committed human rights violations, which it described as "the consequence of mistakes and excesses", and has assured the Commission on both occasions that such violations would be punished.

The government again outlined its human right policy in May 1991, in a major statement on the need for a new strategy to bring about a lasting peace in Peru. The statement, entitled "Bases de una Acción Multipartidaria para la Pacificación Nacional", "Basis of a Multi-Party

Action for National Pacification", was published on 12 May 1991 in the official government newspaper El Peruano. In introducing its proposals for a National Pacification Plan the government analyzed the impact of violent opposition groups over the past 11 years, and stated that "the fight against insurgency ... can only be legitimized insofar as it is executed in strict observance of constitutional standards and through a scrupulous respect for human rights. The massive and insensitive abuse of human rights by subversive groups does not justify violations committed by agents of the State". The government identified an urgent need "to eliminate every form of excess by the security forces in fulfilment of their duties, and to punish those responsible".

In its May proposals for a National Pacification Plan, the government proposed the creation of a "high level commission", headed by a Presidential Representative for Human Rights and Pacification, who would make urgent inquiries "before the competent authorities (the military, police, judiciary, etc.) on cases in which there is reasonable evidence that a serious human rights violation has been perpetrated". The commission's members would include representatives from the Ministries of Interior and Defence, the Fiscalía Especial de Defensoría del Pueblo y Derechos Humanos del Ministerio Público, the Public Ministry's Office of the Special Attorney for the Defence of the People and Human Rights, the churches, non-governmental organizations, and "publicly recognized personalities". The government stated that the commission would conduct "without delay, preliminary investigations of serious human rights violations perpetrated in the future" on the basis of which it would refer cases for investigation by the Public Ministry. The commission "would not infringe the independence of the Public Ministry and the judiciary". The government also stated that it intended to give the Special Attorney's Office for the Defence of the People and Human Rights the resources necessary to increase its effectiveness.

At the end of May 1991 the government issued a decree transferring all powers from Congress to the executive for a period of 150 days, allowing it to legislate on matters concerning national pacification. The first such legislative decree was issued on 30 July 1991, and ordered that a Comisión de Paz, Peace Commission, be set up to assist the executive in implementing the National Pacification Plan and to support the Public Ministry and other structures in their efforts to defend human rights. Also in July 1991 the Ministry of Defence announced the formation of a human rights committee comprising representatives of the Ministries of Justice, Interior and Defence, and the Armed Forces Joint Command, and informed journalists at a press conference that 48 military personnel had been sanctioned for violating human rights during the first year of President Fujimori's administration. However, the Ministry of Defence gave no details of any charges faced by the accused, whether they had been brought before a military court, or the nature of their punishment. In the same month the Ministry of the Interior issued a resolution proposing the creation of number of local human rights offices charged with receiving complaints and denunciations from citizens who consider their rights have been violated, and overseeing the processing of these complaints and the sanctioning of the perpetrators.

On the first anniversary of his government coming to office, 28 July 1991, President Fujimori again affirmed his government's full respect for and promotion of human rights.

President Fujimori acknowledged that human rights violations were committed by the security forces and added that his government strongly condemned such excesses, and that the perpetrators would be judicially sanctioned. The President restated the proposal contained in his inaugural speech of appointing a national human rights commission headed by a presidential commissioner, and added that such a commission would be established during his second year of office.

On 2 September 1991 new legislation was passed, made effective two days later, giving prosecutors attached to the Public Ministry full authority to enter all detention centres, including military installations in the emergency zones, to investigate the condition of detainees and alleged "disappearances". A similar agreement for representatives of the International Committee of the Red Cross (ICRC), to investigate the conditions of detainees, was reached between the government and the ICRC in late September 1991. In an official document entitled "Directiva presidencial sobre respeto a los Derechos Humanos", "Presidential directive on the respect for Human Rights", published on 13 September 1991 in El Peruano, President Fujimori and the Council of Ministers acknowledged that, according to Public Ministry statistics, "a total of 5,000 'disappeared' persons had been reported since 1981" and outlined the measures it had taken so far to respect human rights. The government, however, indicated that "the results are not yet as pleasing as we would wish.... But the figures are going down markedly and... we are firmly determined... not to have one single 'disappearance' more and that torture and extrajudicial execution be definitely eliminated".

In the official document the government announced that it would be establishing a police Unidad de Investigaciones Especiales, Unit of Special Investigations, for the exclusive use by the judiciary and the Public Ministry. As of April 1992 the Unit had not been established. It also announced that it intended to apply to the United Nations for assistance on a human rights education program directed at the security forces, and to invite the Inter-American Commission on Human Rights to visit Peru and to formulate recommendations for improving human rights. In an apparent reference to the national human rights commission headed by a presidential commissioner, the government stated that it would be setting up an office for ensuring respect for human rights and receiving denunciations of human rights violations from national and international organizations for their urgent investigation. The office would be responsible for implementing the government's human rights policy.

The document also stated that President Fujimori, as Commander-in-Chief of the security forces, "had reiterated the obligation of all members of the Armed Forces and the National Police to respect nationally and internationally recognized human rights ... [and had] declared that members of the government forces who do not comply with their obligations, especially in relation to 'disappearances', extrajudicial executions and cases of torture, will be severely punished".

In November 1991, the executive, under the special powers granted to it in May 1991 by Congress, issued some 30 decrees relating to counter-insurgency and pacification as part of a strategy to create a new legal and institutional framework for combatting the armed opposition.

The decrees, which in addition to granting new powers to the military to enter prisons, universities and regions not declared under a state of emergency, also made provision for the restructuring of the Sistema de Defensa Nacional, National Defence System, Sistema de Inteligencia Nacional, National Intelligence System, and Movilización Nacional, National Mobilization. Critics, including many opposition parliamentarians and human rights activists, claimed that the decrees militarized the Government's strategy of defeating the armed opposition and could potentially create the conditions for worsening human rights violations. The critics further claimed that the decrees ran counter to the political participation of civilian organized groups, including the recently created Comisión de Paz, in the formulation of an effective counter-insurgency policy.

Although the decrees became effective in early December 1991, Congress – before it went into recess from mid-December through to early April 1992 – called for a special reconvening of parliament in January and February 1992 in order to approve, modify, or repeal them. Congress, in considering the executive's decrees, did not fully complete its work during the special sessions of parliament, although some of the decrees were repealed and are therefore no longer effective. Congress was expected to resume its work on the remaining decrees when it reconvened in early April. However, on 5 April 1992 President Fujimori announced that he was taking steps to immediately dissolve Congress, thus effectively stopping parliament from resuming its work on the decrees.

A register of detentions detailing detentions in the military bases in the zones declared under a state of emergency has been kept by the Human Rights Office of the Ministry of Defence, reportedly since early 1990. From September 1991 onwards representatives of the Public Ministry and the ICRC were given access to the register on a daily basis. However, according to reports, the measures taken on 6 April 1992 by which the Government of Emergency and National Reconstruction suspended the civil courts and the Public Ministry in Lima for ten working days, but which in effect brought to a halt virtually the entire judicial and Public Ministry systems, resulted in the register of detentions not being inspected by the latter authority.

The register is reported to be compiled on the basis of information transmitted by military bases in the emergency zones up through the structures of the Political-Military Commands at zone, region and division levels to the Comando Conjunto de las Fuerzas Armadas, Armed Forces Joint Command, who then transmit it to the Ministry of Defence. The Ministry of Defence's register is not currently available to domestic human rights organizations, independent lawyers, and relatives of detainees. In July 1991 a representative of the Human Rights Office at the Ministry of Defence explained to an Amnesty International delegation that a formal request as to the fate of an alleged "disappeared" person could take up to six months before the Ministry received the relevant information with which it could respond to the request. No terms of reference by which the register is kept, including its supervision, and disciplinary measures for failure to register detentions, are known to exist.



On 23 January 1992 a document entitled Carta de Entendimiento, Letter of Agreement, was signed by the governments of Peru and the United States of America and the United Nations Latin American Institute for Crime Prevention and Treatment of Offenders, by which Peru was to receive financial aid and technical assistance in setting up a computerized Registro Nacional de Detenidos del Perú, Peruvian National Register of Detainees, administered by the Public Ministry. The long-term objective of the Register was described in the Carta de Entendimiento as developing "the capacity of the Public Ministry to investigate alleged human rights abuses, particularly "disappearances", and thus improve the human rights record of the Government of Peru". The document stated that the Register "would be composed of two separate registries: one provided by the military (and already in existence in at least a partially acceptable form) and the other to be provided by the police. It is the latter registry that is to be designed and implemented ... under this programme activity". The Register will detail information on "persons accused of terrorism and/or other crimes against national security". The document also sets out in detail a 12-month programme description for the operational implementation of the Register. Although the programme involves "coordination with the Ministry of Defence to assure delivery of their existing registry of security detainees to the Public Ministry", Amnesty International has noted that the Carta de Entendimiento does not place any obligations on the Ministry of Defence to effect such a delivery, obligations which are formally recognized in the document in relation to the Ministry of the Interior delivering to the Public Ministry the register kept by the police.

The setting up of the Registro Nacional de Detenidos was suspended in early April 1992 as a result of the decision by the Government of the United States of America to withdraw financial aid to Peru following President Fujimori's announcement, on 5 April 1992, that Congress was to be dissolved and the country was to be ruled exclusively by the executive.

Amnesty International, during the first 21 months of the present government, has on several occasions welcomed the positive statements and measures proposed to protect and promote human rights, which if implemented in full, could result in significant improvements to Peru's human rights record. However, the organization remains concerned that the above statements and measures, announced prior to the steps taken by the Government of Emergency and National Reconstruction established on 6 April 1992, do not by themselves constitute a fully coordinated strategy to end human rights violations in Peru. For example, the government has given no indication that it intends to bring abuses to an end by transferring jurisdiction in cases of human rights violations from the military to independent civilian courts. As the Working Group on Enforced or Involuntary Disappearances of the UN Commission on Human Rights recommended in its latest report on the phenomenon of "disappearances" by government authorities:

"Abuses of power ... would be severely curtailed if there existed an independent and efficient judiciary capable of investigating accusations promptly and of giving adequate protection to individual rights... In this context, the Working Group wishes to reiterate that military tribunals should be reserved exclusively for those members of the security forces who commit military crimes, a category from which such serious human rights violations as

enforced disappearances must be clearly and explicitly excluded." (UN Doc. E.CN.4/1992/18, 30 December 1991, page 90, para 367).

The fact that military courts in Peru have retained jurisdiction over members of the armed forces accused of human rights violations has been a major obstacle to bring those involved to justice. Amnesty International believes this to be a major contributory factor in perpetuating the sense of impunity which appears to pervade the armed forces.

### *3.2 Human rights since the dissolution of Congress: April 1992*

On 6 April, in the wake of the surprise speech delivered by President Fujimori to the nation the previous day in which he announced the dissolution of Congress and major reforms, the government issued Decree Law N° 25418 setting out in detail the aims of the newly created Government of Emergency and National Reconstruction. Among the aims stated were a reform of the Constitution and the administration of justice and institutions linked to it, including the overall reform of the judiciary, the Tribunal of Constitutional Guarantees, the National Council of Judges and the Public Ministry. In the Decree the government also made provision for the dissolution of Congress until such time as a new structure was established for the legislature, and suspended all those articles of the Constitution and laws – which remained unspecified – that stood in contradiction to the measures announced in Decree Law N° 25418. The Decree Law established that the country was to be ruled by the executive through decree laws issued by the President and approved by majority vote of the Council of Ministers.

The dissolution of Congress, and the placing of the Congress buildings under the control of the security forces, although challenged by parliamentarians, effectively put an official stop to the work of parliamentary commissions, including commissions with a human rights brief. Among the commissions so affected were the Justice and Human Rights Commissions of the Chamber of Deputies and of the Senate, and the Special Commission of Investigation headed by Senator Gustavo Mohme Llona. The latter Commission, with a mandate to inquire into several cases of alleged human rights violations, was in the process of compiling evidence and was about to publish its findings in relation to some of the cases, when Congress was dissolved.

Also on 6 April 1992 the Government of Emergency and National Reconstruction issued Decree Law N° 25419 immediately suspending, for ten working days, all civilian courts and the Public Ministry in Lima, the capital. The Palace of Justice, which houses the Supreme Court, other courts and the Public Ministry headquarters were all placed under the control of armed troops and police. Human rights defenders and jurists reported that virtually the entire judicial system was brought to a halt and the right to *habeas corpus* had been suspended in practice. Amnesty International learned, in the days following 5 April 1992, of several attempts to submit

writs of *habeas corpus* before the courts. However, security forces prohibited entry into court buildings and officials refused to receive the petitioners. In 1987 the Inter-American Court of Human Rights ruled that the right to *habeas corpus* cannot be suspended under any circumstances, even under a state of emergency. By 30 April 1992 – 10 days beyond the period stipulated by Decree Law N° 25419 – the judiciary and the Public Ministry remained virtually at a complete standstill.

Such a closure of the judicial system and the Public Ministry meant that alleged human rights violations were not being officially documented and investigated, and that detainees did not have access to judges and representatives of the Public Ministry.

On 9 April 1992 the Government of Emergency and National Reconstruction, in three separate decree laws (Decree Laws N° 25422, 25423 and 25424 respectively) removed from office all the members of the Tribunal of Constitutional Guarantees, 13 judges attached to the Supreme Court of Justice, and all the members of the National Council of Judges and the District Councils of Judges. Decree Law N° 42525, dated 10 April 1992, announced the removal from office of Dr Pedro Méndez Jurado, the Public Ministry's Attorney General. Dr Clodomiro Chávez, Special Attorney for the Defence of the People and Human Rights, resigned from this office following the government's closure of the Public Ministry's headquarters. On 23 April 1992 the government issued Decree Law N° 25446 by which it removed from office over 120 judges and public prosecutors in the judicial districts of Lima and Callao.

Amnesty International is concerned that the above measures, decreed by the newly created Government of Emergency and National Reconstruction, seriously undermined the structures and procedures by which the Peruvian state makes provision for the protection of human rights. For example, on 27 April 1992 eight men – six of them farmers and two teachers – from the community of Cejetuto, district of Santa María, province of Huaura (formerly Chancay), department of Lima – were reported to have "disappeared" following their detention by troops. The military authorities in the area were said to have denied the detentions. Relatives of the detainees who reportedly travelled to Lima, the capital, to denounce the "disappearances" before the authorities were unable to do so. The closure of the courts and headquarters of the Public Ministry in the capital effectively meant that a petition for *habeas corpus* could not be presented before a judge and a complaint against the alleged perpetrators could not be lodged before a public prosecutor. Relatives informed journalists of the alleged "disappearances".

Article 6 of the Decree Law N° 25418, referred to above, also stated that the "Government of Emergency and National Reconstruction ratifies and respects the treaties, covenants, pacts, agreements, contracts and other prevailing international obligations subscribed to by the state of Peru." The international and regional treaties on human rights ratified by Peru include the International Covenant on Civil and Political Rights (ICCPR), ratified in 1978, the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, ratified in 1988, and the American Convention on Human Rights (ACHR), ratified in 1978. These treaties define certain rights as non-derogable: no exceptional circumstances

whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency can justify the suspension of these rights. They include the right to life, the right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment, the right to recognition as a person before the law, and the right to freedom of thought, conscience and religion. The Government of Peru is obliged, in all cases, to ensure that these rights are respected by the security forces, and indeed that members of the security forces are aware of the contents and application of these standards.

#### **4. Human rights violations during the present government**

The high level of human rights violations, including "disappearances", extrajudicial executions, torture, and death threats, attacks and killings of human rights defenders, which Amnesty International has documented during the present government's term of office, is testimony to the grave human rights situation which continues to afflict Peru.

##### **4.1 "Disappearances"**

"Disappearances" perpetrated by members of the security forces have continued to be reported since the government of President Fujimori was installed on 28 July 1990. During 1991 alone the Public Ministry documented 395 cases, of which 279 remained under investigation. The majority of victims continue to be members of peasant communities, apparently targeted because they live in areas where members of armed opposition groups are active. During the first 21 months of the new government - up to the end of April 1992 - Amnesty International received information on 495 "disappearances" following detention by the security forces, although the true figure may be far higher. By the end of this period the fate of 392 of these victims remained unknown.

Detentions leading to "disappearances" in emergency zones under military control have generally been carried out by uniformed troops acting on their own or in conjunction with military-led civil defence patrols. Most "disappearance" victims are never seen again; others are transferred to the police or are freed, sometimes after being tortured; and still others are later found dead. In some cases the armed forces claim that detainees have been released, but there is often no independent or official witness to corroborate the release and the individual does not reappear. "Disappearances" are difficult to quantify, given the problems facing those who wish to denounce violations and those who seek to investigate them.

A number of "disappearances" have been reported from the department of San Martín in 1991. Health worker Isaac Guzmán Casanova, was reportedly detained by troops at a house in Sión, Campanilla district, Mariscal Cáceres province, on 27 January 1991 and taken to the Sión military base. In response to a writ of *habeas corpus*, a Public Ministry provincial prosecutor reportedly sought access to the base but permission was denied. Although Isaac Guzmán's

relatives have reportedly received indications from soldiers at the base that he was still alive, the army authorities continued to deny his detention.

On 14 March 1991 four members of a peasant community in the Chuschi district of Cangallo province, Ayacucho department, were detained by the Chuschi Detachment of the Peruvian National Police (PNP). They were later transferred to the custody of soldiers who took them to the Pampa Cangallo military base. The four, Manuel Pacotaype Chaupín, Martín Cayllahua Galindo, Marcelo Cabana Tucno, respectively mayor, secretary and lieutenant governor of the Chuschi District Council, and Isaías Huamán Vilca, subsequently "disappeared". When their relatives went to the Pampa Cangallo military barracks to make inquiries, the military authorities refused to acknowledge that they had been detained. The "disappearances" were denounced to the Public Ministry's Cangallo provincial prosecutor, Guillermo García Zamora, who opened an investigation into the case. He concluded that the four men had been detained for refusing to cooperate with the formation of army-organized civil defence patrols, and for their denunciation of robbery, ill-treatment and the rape of women, by members of the PNP in the district. However, he was unable to establish the whereabouts of the men who had "disappeared". This case is now the subject of a Senate commission of inquiry, but the commission had not published its findings by the end of April 1992. The men who "disappeared" remain missing.

On 19 April 1991 seven individuals reportedly "disappeared" in the town of Huancapi, Víctor Fajardo province, Ayacucho department, after their detention by soldiers from the Huancapi army base. They included a pregnant woman, Honorata Oré de Arotoma. All seven were members of the Izquierda Unida, United Left, a legal political coalition, and were detained as they left the party's local offices. According to reports, on 14 October 1991 a lower court judge in the judicial district of Víctor Fajardo initiated a judicial inquiry into the "disappearances". By April 1992 the case was not known to have progressed.

In April and May 1991 some 19 individuals were reportedly detained in separate incidents in Moyobamba and San Martín provinces, San Martín department. Eight were reportedly detained by members of the army in Tarapoto, San Martín province, and taken to the Mariscal Cáceres military base there. Eleven others were reportedly detained by police officers from the Dirección de Operaciones Especiales, Special Operations Division, in the district of Habana, Moyobamba province, on 13 May 1991. The bodies of three of the 19 detainees were discovered shortly after their arrest: Juan Flores Vela, a teacher reportedly detained by the army at his home in Tarapoto on 17 April, was found dead a few hours after his detention; and Dorlis Montalvan Vargas and Lorenzo Vásquez Fernández, allegedly detained by a combined army and police patrol, were found dead on 29 May in the city of Rioja, Moyobamba province. In early July it was reported that six of the remaining detainees had been released and a seventh had been turned over to the public prosecutor. As of April 1992 the fate of the other nine detainees remained unresolved. There are fears that they may have been killed.

Reported "disappearances" following detention by the security forces have fallen since 1 August 1991. The number of cases documented by Amnesty International in the nine month period between 1 August 1991 and 30 April 1992 amount to 123 "disappearances". The vast

majority of these cases remain unresolved. The reduction in the number of reported "disappearances" for this period followed national and international pressure on the Government concerning the persistent and widespread pattern of human rights violations since 1983, and the implementation of some of the concrete measures proposed by the Government designed to reverse the pattern (see above, "Human rights developments: July 1990 - March 1992", pages 5-10).

Amnesty International has welcomed those measures. However, the organization believes that they do not go far enough to halt human rights violations, as is evidenced by at least 25 "disappearances" and 26 extrajudicial executions allegedly carried out between August 1991 and April 1992 by the military in the region of the Upper Huallaga alone (see below, pages 19-20, for a description of some of the alleged extrajudicial executions in the area since August 1991). The Alto Huallaga is a remote rainforest region on the eastern slopes of the Andean highlands which extends across parts of two departments - Huánuco and San Martín. In the context of a heavy presence in the area of organized drug traffickers and of both the clandestine PCP and the MRTA, the government of President Fujimori has sought to make the Alto Huallaga one of the main areas in its fight against drug trafficking and the armed opposition. During 1991 Huánuco and San Martín were among the departments with the highest figures for political killings in Peru. According to the Senate Commission on Violence, one-third of all political killings in 1991 - 1,062 all told - were registered in those two departments alone. The judicial districts of Huánuco and San Martín made up the area where, according to official figures released by the Public Ministry, the highest number of "disappearances" were denounced during 1991 - one-half of the 395 for the country as a whole.

Soldiers stationed at the military base in the riverside town of Aucayacu, province of Leoncio Prado, Huánuco department, were thought to be responsible for 14 of the "disappearances" allegedly perpetrated by the security forces in the Alto Huallaga between August 1991 and April 1992. At the time the area was under emergency regulations and administered by the military. Among those persons said to have been detained and subsequently "disappeared" are Rafael Magallanes Huamán, secretary of the Parents Association at a local school; Lupe Angulo Vela and Isabel Lozano Ríos, both mothers; and Ricardo Saavedra Fernández, a teacher. According to the reports, all four were detained on 15 October 1991 in the hamlet of Pueblo Nuevo, near Aucayacu, by an army patrol led by an officer. The detainees were taken to the Aucayacu military barracks and subsequently some of them were apparently transferred to the "Los Laureles" base in Tingo María. The severely mutilated body of Isabel Lozano was found three days later.

"Disappearances" are also reported to have taken place in an area at the time not under a state of emergency. On 11 February 1992 Roberto Rojas Rodríguez, Anatolio Rojas Sánchez, Horacio Montenegro Ramos, Isabel Gómez Lucas and Fanol Rojas Sánchez, all of whom are leaders of rondas campesinas, independent and legally registered peasant organizations established to control local crime, from the hamlet of Chimchimbara, district of Huaso, Otuzco province, La Libertad department, "disappeared" after their detention by the Policía Técnica, the investigative branch of the Peruvian National Police. The detentions apparently took place in the

presence of witnesses from the community of Chimchimbara. However, the police authorities have denied their detention and as of April 1992 their whereabouts remained unknown. The detentions and subsequent "disappearance" of the five men has been denounced to the provincial prosecutor and the examining magistrate in Otuzco.

#### *4.2 Extrajudicial executions*

Extrajudicial executions, like "disappearances", are difficult to quantify, given the high number of deaths reported as occurring in clashes between the security forces and armed opposition groups, and the isolation of the areas in which these confrontations take place. As with "disappearances", the number of extrajudicial executions reported may well not reflect the true total, particularly in the emergency zones. The bodies of the dead are rarely returned to their relatives or released for independent autopsy, thus impeding still further either an accurate estimate of the actual numbers of extrajudicial executions or investigations which might lead to prosecution of those responsible. Journalists, human rights activists and military strategists have called attention to the low numbers of captives, injured or otherwise, that are detained by the security forces following clashes with the clandestine Partido Comunista del Perú (Sendero Luminoso), (PCP), or the Movimiento Revolucionario Túpac Amaru, (MRTA). Most official and media reports of military engagements in the emergency zones between the security forces and armed opposition groups specify the numbers killed on either side, but rarely give any indication of captives being taken. Official reports also frequently attribute killings to members of the PCP or the MRTA, though the lack of independent reporting and the fact that these armed groups rarely confirm or deny their responsibility make these statistics, too, difficult to verify.

In July 1991 further insight into the armed forces' approach to counter-insurgency was provided by a secret military document which was leaked to a national television programme. The document, Directiva No. 01-CCFFAA-JICS, Directive No. 01-CCFFAA-JICS, dated June 1991, contained a set of orders on the conduct of counter-insurgency operations. These orders permitted troops to "carry out killings without trace", and instructed them not to take prisoners during counter-insurgency operations based on prior intelligence reports. The document observed that "the only good subversive is a dead subversive". The Minister of Defence admitted to the existence of the document but claimed it was the work of an unnamed officer who had acted in error, and had not been approved by the Armed Forces Joint Command. According to reports, the government ordered an inquiry into the issuing of the Directive and an officer responsible for it was subsequently sanctioned. Irrespective of its status, the document reflects what has occurred in practice.

During the first 21 months of President Fujimori's administration - up to 30 April 1992 - Amnesty International had compiled evidence of 169 extrajudicial executions in some 43 separate incidents, including eight massacres (see Appendix 2, "Massacres between 28 July 1990 and 30 April 1992 documented by Amnesty International"). As far as is known, in the great majority of individual cases no investigations have been initiated and Amnesty International knows of only two cases in which the alleged perpetrators have been brought to justice.

The most detailed reports on the extrajudicial execution of peasants resident in isolated rural communities within the emergency zones involved individuals who were detained at their homes, during community assemblies, or at roadblocks by members of the armed forces acting on their own or in conjunction with civil defence patrols. Killings of large groups of men, women and children as reprisal for the actions of the PCP or because they refuse to join the military-run civil defence patrols, continue to be reported.

In the department of Puno, four peasants were reportedly found dead in May 1991 at the army base in Ayaviri the day after their detention by troops. According to reports, the four members of the peasant community of Sillota, district of Asillo, province of Azángaro, declared an emergency zone in February 1991, were detained by a combined force of police and soldiers on 20 May in the peasant community of Chilliutira. The peasants had reportedly gone to Chilliutira in pursuit of four members of the PCP who had stolen their bicycles. In a confrontation, two of the PCP members were killed by Chilliutira residents, and the security forces reportedly took the two bodies as well as the four peasants, identified as Juan Hualla Choquehuanca, Francisco Atamari Mamani, Feliciano Turpo Valeriano and Roberto Quispe Mamani, to Ayaviri. On the way there they stopped at an agricultural cooperative in Posoconi, where witnesses – including police guards – saw the four peasants in the custody of the security forces.

On 21 May an officer from the Ayaviri base informed the judge in Ayaviri that there were six bodies at the army base. According to the army's official statements, four of the six had been killed in an armed clash, and the other two had been shot trying to escape. However, autopsy reports revealed that four of the bodies – those of the peasants detained on 20 May – had injuries consistent with torture and had been shot dead at close range. The Puno Prosecutor for the Prevention of Crime attached to the Public Ministry initiated an investigation into the case, in which he concluded that the four men had been detained by members of the security forces and later killed. However, no member of the security forces is known to have been charged with the killings.

On 4 July 1991, 15 members from the Santa Bárbara peasant community, in the province and department of Huancavelica, were abducted by a combined force of soldiers and members of civil defence patrols. The 15, who included children, had been detained when the combined force entered the village and threatened to kill the residents if they did not give them food and livestock; several hundred head of cattle, sheep and alpacas were said to have been stolen and later sold in other villages. The detentions were denounced to a Public Ministry provincial prosecutor in Huancavelica, but when she made inquiries at the military base the provincial prosecutor was denied entry to the military base and told that none of the "disappeared" had been detained.

On 11 July 1991 the father of one of the "disappeared", a six-year-old boy, claimed to have found the child's body in an abandoned mine in Huachocollpa with a number of bodies of the others who had "disappeared". The discovery of the bodies was reported to the provincial



prosecutor and the judge in Huancavelica the following day. Arrangements were reportedly made for the judge to initiate an investigation. On 14 July a delegation of members of the Santa Bárbara community attempted to visit the mine, but were prevented from doing so by a group of armed men in civilian clothing who, according to one witness, identified themselves as military personnel. According to another witness, the delegation heard a series of explosions inside the mine. They returned to their community without having gained access to the mine. Four days later, on 18 July, the Huancavelica judge visited the mine, accompanied by the provincial prosecutor, members of the police, the armed forces, and journalists. Although they found no bodies, according to the judge's report various human remains, items of clothing, used explosives and other items were found in the mine. These were retrieved by the judge for analysis.

In October 1991 the Ministry of Defence announced that an officer and five soldiers had been charged with the killing of 14 of the members of the Santa Bárbara community and that the case was to be heard by a military court. Such military courts are known for holding their hearings in secret. According to reports, on 7 February 1992 the Public Ministry office in Huancavelica, in an attempt to have the case heard before a civilian court, charged the head of the Huancavelica Political-Military Command and other members of the military with the homicide of 14 people from the community of Santa Bárbara. On 28 February the judiciary, through the Juzgado de Instrucción de Huancavelica, a civilian lower court in Huancavelica, initiated proceedings against several members of the military but did not include charges against the head of the Political-Military Command. The Public Ministry office in Huancavelica has reportedly appealed against the decision of the lower court for having excluded the head of the Political-Military Command from the list of those charged. By the end of April 1992 it was unclear as to whether a military court or civilian court would be trying the officers accused.

In Peru, if two judicial systems - the military and the civilian - seek to hear a case which includes similar charges against the same individuals, the Supreme Court is required to decide which system will deal with the case. Until such a decision is taken, the case may formally remain open under both jurisdictions. On some occasions where the Supreme Court has taken a decision, the Court has almost invariably decided in favour of the case being heard by a military court. On other occasions the military system of justice has completed its hearings and declared the case closed, prior to the Supreme Court having reached a ruling on the appropriate jurisdiction. In such an event the military judicial system has forestalled completion of the hearings before the civilian courts on the grounds that the case is "cosa juzgada" - the case has already had judgment passed on it - and therefore cannot be heard in a court under civilian jurisdiction.

Investigations conducted by the Public Ministry in Huancavelica with a view to bringing the Santa Bárbara killings before a civilian court have allegedly been met by intimidation, attacks and death threats directed against representatives of the Ministry. In reports dated 3 September and 7 October 1991 submitted by representatives of the Public Ministry in Huancavelica to the Fiscal de la Nación, Attorney General, it is stated that on 28 July 1991 the home of Inés Sinchitullo Barboza, legal assistant working on the case, was attacked with explosives. According to the testimony of a prosecutor attached to the Public Ministry in Huancavelica, on 19 February

1992 Dr Manuel Antonio Córdova Polo, provincial prosecutor in Angaraes, was visited in his provisional offices in Huancavelica by three armed military personnel who threatened him with death. The threat followed Dr Córdova laying charges of homicide against the Political-Military Commander of Huancavelica and other officers for their alleged responsibility for the Santa Bárbara killings.

In the nine months August 1991 to April 1992, the period which coincides with the reduction in the number of "disappearance" cases reported, Amnesty International documented 81 extrajudicial executions throughout Peru. At least 20 of these killings were reported to have taken place in the Alto Huallaga province of Leoncio Prado, Huánuco department. For instance, on 15 October 1991, near the riverside town of Aucayacu, Leoncio Prado province, Abel Santa María and Rafael Ortiz Gonzáles were allegedly killed by the army patrol which on the same day had detained Rafael Magallanes, Lupe Angulo, Isabel Lozano and Ricardo Saavedra, and who were later "disappeared" (see above, pages 15-16). Later that day the same patrol allegedly extrajudicially executed Ely Sifuentes, aged 40; his wife, Susy de Sifuentes; a person identified as Willy; and two other unidentified men. All these victims had been initially detained in Pueblo Nuevo, a hamlet near Aucayacu. The violations, including the "disappearances", were denounced by relatives and human rights defenders to a Public Ministry provincial prosecutor and to the Office of the Public Ministry's Attorney General in Lima, but Amnesty International does not know of an effective investigation having been initiated into these cases.

According to a detailed report by human rights defenders, on 10 March 1992, 14 people were reportedly extrajudicially executed in a massacre in Leoncio Prado province. Amnesty International has been informed that the victims' relatives have not denounced the killings to the authorities in the area and the organization has been expressly requested not to divulge the names of the victims "because of the widespread fear that exists in the area [and] the serious risks to the security of the victims' families". In a letter to Amnesty International dated 10 February 1992 by a relative of a man who was "disappeared" in October 1991 in Leoncio Prado province, the relative wrote that "the massacre [in the Alto Huallaga area] continues, not only at the hands of the army but also at the hands of terrorism. However, for the safety of their lives, the people practice 'the law of silence'".

Summary killings by the police include the reported massacre of five peasants in the district of Chavín, Huari province, Ancash department. At the time the area was not under a state of emergency. According to eyewitnesses, on 8 February 1992 members of the police opened fire on two separate groups of unarmed peasants, each of approximately 100 men and women, as they peacefully approached a police station in the district of Chavín. The two groups were accompanying a delegation chosen to inquire at the police station as to why the police had freed a cattle-rustler who had earlier been detained by ronderos, members of the San Marcos district ronda campesina, an independent and legally registered peasant organization established to control local crime. The delegates were accompanied by the two groups because on a previous occasion, on 31 July 1989, two ronderos, Pedro Valenzuela Tamayo and Manuel Mejía Contrina, had been to the same police station on their own, where they were reportedly detained and "disappeared". They were subsequently found dead.

As the two groups of unarmed peasants approached the police station on 8 February, the police opened fire on the defenceless civilians. As a result, five peasants were killed. Eight others were wounded and were transferred to a hospital in the town of Huaraz. Some peasants reportedly attempted to take away the injured, one of whom, Vicente Mejía Salazar, died on the way to hospital. The bodies of Vilma Ramírez Medina, Arnulfo Acevedo Paucar, Paulina Ramírez Mejía and Manuel Palacios Gomero were left behind; they were later reportedly retrieved by the police and a judge. On 20 February 1992 the killings were denounced by four delegates from local communities to the Justice and Human Rights Commissions of the Senate and the Chamber of Deputies and to the Ministry of the Interior.

### **4.3 Torture and ill-treatment**

Amnesty International has continued to receive persistent reports of torture and ill-treatment by members of the Peruvian security forces. During the first 21 months of President Fujimori's administration, Amnesty International received information on 62 cases of alleged torture, including rape. These figures, however, do not reflect the real level of torture, any more than the figures for reported "disappearances" and extrajudicial executions can be assumed to represent the full pattern of these abuses. Many torture cases are never reported because the victims fear reprisals, while others, documented as cases of "disappearance" or extrajudicial execution rather than torture, include evidence of the victim also having been tortured.

Systematic beatings, near drowning, electric shocks, hanging by the arms for prolonged periods, and threats of mutilation or death, are the forms of torture most commonly reported. Sexual abuse by soldiers has become common in the emergency zones; there have been many reports of soldiers having tortured women and young girls by raping them, sometimes repeatedly, in peasant communities or when detained in military bases.

Torture is used by members of the armed forces and by the police, both as a means of interrogation and as a form of punishment. It is often reported to be inflicted on members of peasant communities detained by the armed forces in the emergency zones and held illegally in military installations. It is also reported to occur in police premises in urban areas, where it has been used on criminal suspects, suspected members of armed opposition groups, trade unionists, students and other activists. Many of the victims have died as a result. Many of those subsequently released were threatened with death if they reported their experiences to the authorities.

Juan Apolinario González, a 37-year-old trade union leader at a Lima paper mill, was detained on 10 March 1991 by members of the Policía de Seguridad, the Security Police, in Paramonga, a Lima neighbourhood. The detention occurred during a strike at the paper mill. He was reportedly beaten in a police vehicle, and then taken to the headquarters of the Policía de Seguridad where he claims to have suffered further beatings, electric shocks and to have had his head submerged in water. He was transferred to the custody of the Policía Técnica, the

investigative police, the following day, and was released on 12 March without charge. Juan Apolinario González denounced the torture to the Public Ministry's Barranca joint provincial prosecutor and to the Fiscalía Especial de Defensoría del Pueblo y Derechos Humanos, the Office of the Special Attorney for the Defence of the People and Human Rights in Lima.

Juan Arnaldo Salomé Aduato, a 22-year-old student, was reportedly detained by men dressed in civilian clothing in the city of Huancayo, Junín department, on 24 April 1991. He was apparently taken first to a police station and then transferred to the 9 de diciembre barracks, where his detention was denied by the authorities. Juan Arnaldo Salomé apparently managed to escape on 10 June from the barracks, after which he gave a detailed account of the torture he had suffered to the Huancayo provincial prosecutor. According to his testimony, his torturers beat him, held him up by his feet, submerged him in water and applied electric shocks to his body. After his case was denounced, the Political-Military Command based in Huancayo published an official communique claiming that Juan Salomé had never been detained by the military, and that he and civilian investigators were being manipulated by "subversive elements, as one of the methods of the campaign to discredit the forces of order".

Limber García Mozambique was reportedly detained on 15 September 1991 in the main square in Tarapoto, San Martín province, San Martín department, by a member of the Policía Técnica, the investigative branch of the Peruvian National Police, who allegedly impaled his left hand on the iron railings of a church. He was then taken to the headquarters of the Policía Técnica, where he was reportedly beaten on his body, arms and head in an effort to extract a confession of involvement with the armed opposition. According to a relative's written testimony, Limber García was later transferred to a hospital in Tarapoto, where his hand had to be operated on.

Also in Tarapoto, on 18 September 1991, 35-year-old health worker Carlos Vásquez Reinell and 20-year-old Salvador Carrasco Gómez were reportedly detained by members of the police. According to witnesses, the detentions were carried out by a patrol of the Policía de Seguridad, Security Police, led by a second lieutenant known by the pseudonym "Tony". A denunciation made by relatives to the Public Ministry's Segunda Fiscalía Provincial Mixta de San Martín, the Office of the Second Provincial Prosecutor of San Martín, states that after being detained by the police, the two men were forced into large sacks and then thrown into a police vehicle where they were beaten with guns and trampled on. On the following morning the tortured and bullet-ridden bodies of Carlos Vásquez and Salvador Carrasco were found on the Marginal Norte highroad. The case was also denounced to the Fiscalía Especial de Defensoría del Pueblo y Derechos Humanos.

On 6 October 1991 Enrique Quispe Huaraca, a 28-year-old teacher, was reportedly detained by members of the armed forces thought to be stationed at the military base in Wilcashuamán province, Ayacucho department. According to witnesses, he was detained in the main square of Pujas district, where he was tied to an electricity post and beaten until he was unconscious. According to relatives, he was then taken to a hill called Cerro Potambo, where he

was killed. On 16 October, his body was found on the hill, hidden beneath some rocks. The case was denounced to the Fiscalía Especial de Defensoría del Pueblo y Derechos Humanos.

In January and March 1992 respectively, two brothers, Jorge Nabid León Ramírez and César Augusto León Ramírez, were reportedly tortured and ill-treated in their homes in the city of Ayacucho, province of Huamanga, Ayacucho department. According to reports, on the night of 12 January 1992 Jorge Nabid León, on entering his home, was attacked by four armed men who identified themselves as members of the Los Linces army unit. He was allegedly beaten while being asked as to the whereabouts of his brothers. He was left with several broken ribs and needed hospitalisation. On the night of 6 March 1992 César Augusto León was also attacked on entering his home, this time by a group of unidentified men in circumstances suggesting that they were linked to the security forces. He was allegedly hit across the nose with an iron bar and lost consciousness immediately. The two men alleged that the attacks were linked to members of the army seeking to discover the whereabouts of Américo León Ramírez, one of their brothers, following his denunciation to the authorities and to the Inter-American Commission of Human Rights, of his detention and torture by army personnel in Ayacucho city in April 1989.

#### ***4.4 Threats, attacks and killings by paramilitary groups***

Threats, attacks and selective assassinations attributed to so-called paramilitary groups working with the support of the security forces and operating anonymously or under a variety of names, have been documented by Amnesty International since March 1991. The victims have included human rights defenders, journalists and suspected sympathisers of the clandestine Partido Comunista del Perú (Sendero Luminoso), (PCP) and Movimiento Revolucionario Túpac Amaru, (MRTA).

On 15 March 1991, Dr Augusto Zúñiga Paz, legal adviser of the non-governmental Commission of Human Rights, COMISEDH, was working on the case of student Ernesto Castillo Páez, who was "disappeared" by the police in Lima in October 1990. Following his successful presentation of a *habeas corpus* petition on behalf of Ernesto Castillo before a lower court, Dr Zúñiga received several death threats. In early February, during an unsuccessful attempt to prevent the Supreme Court annulling the petition, he informed the Court of the threats he had received. However, no protection was offered to him. On 15 March Dr Zúñiga received a letter bomb which exploded and severed his left forearm. Those who sent the package made use of an envelope which reportedly bore the stamp of the Offices of the Secretary to the President of Peru. As of April 1992 no progress is known to have been made in investigations to identify and apprehend those responsible.

Since June 1991, threats and killings have been carried out by a group calling itself the Comando de Liberación Antiterrorista (CAT), the Anti-Terrorist Liberation Command. Most of the threats and killings by the CAT have been attributed by human rights defenders and journalists to members of the army. They have been carried out in the city of Ayacucho, Huamanga province, during a period when a state of emergency was not imposed on the area.

Journalists investigating human rights violations in the department of Ayacucho have been targeted by the CAT. For example, on 10 June 1991 workers at Radio Wari in Ayacucho city were reportedly forced by the CAT to transmit a message threatening journalists Magno Sosa Rojas and Necías Taquiri with death. Both journalists are known locally for their professional integrity and have denounced human rights violations carried out by the security forces in the area.

A third journalist who denounced threats made in the name of the CAT, Luis Antonio Morales Ortega, was shot dead in the street by two youths in Ayacucho city on the morning of 13 July 1991. He had earlier reported receiving threats issued in the name of the group. Days later, on the night of 18-19 July, Celestina Huallanca Hinostriza, who was apparently an eye-witness to the killing of Luis Morales, was shot dead, allegedly by gunmen who broke into her home. Her husband, Francisco Solier, and two other members of her family were also killed. The assailants were thought to be using firearms fixed with silencers.

On 24 October 1991 eight people, including a family of five, were killed in a massacre in circumstances that suggest that they may have been extrajudicially executed by members of the security forces or people acting with their support. The killings took place in a house located in the Villa de Santa Rosa neighbourhood, San Juan Bautista district, in the city of Ayacucho. According to reports, about eight hooded men entered the home of Félix García Mansilla and Agripina Cabrera Morote and shot dead the couple and their three children, a relative and two members of a civil defence patrol who were staying at the García Cabrera's home. The reports indicate that the assailants were carrying firearms fixed with silencers and that at the time of the attack military vehicles were stationed in the vicinity of the house. Neighbours also claimed that the house had been watched over by people in civilian clothing but thought to be members of the security forces.

A similar massacre took place on 3 November 1991 in which 12 men, three women and one child were killed during a social gathering held in a house in the Barrios Altos district in the centre of Lima. According to witnesses, during the gathering which was attended by a large number of people, about 10 assailants entered the room, shouting and ordering everybody to lie on the floor, before proceeding to shoot them, reportedly with firearms fixed with silencers. Neighbours stated that the assailants arrived in two vehicles of the kind used by the authorities. Further reports indicate that one of the vehicles belonged to the vice-Minister of the Interior and the other to the Office of the Presidency. The authorities said that the vehicles had been stolen some time ago. The killings took place within the close vicinity of the Dirección de Inteligencia de la Policía Nacional, the Intelligence Division of the National Police, the Cuartel del Escuadrón Águilas Negras de la Policía General, the barracks of the Águilas Negras Squadron of the General Police, as well as of an army patrol. According to official documents made available by a Peruvian Senator to the Ministers of Defence and the Interior, the house in Barrios Altos where the killing took place had been watched over since 1989 by a special police intelligence group which believed that the house was being frequented by sympathisers of the PCP. On 2 April 1992 the president of the Defence Commission of the Chamber of Deputies told journalists that the Minister of Defence had informed the Commission, in a secret session, that

the Barrios Altos killings had been the work of a "subversive" commando. A Senate commission appointed to investigate the killings was apparently unable to continue its work as a result of the measures taken by President Fujimori on 5 April 1992 to immediately dissolve Congress.

#### ***4.5 "Disappearances" and extrajudicial executions by civil defence patrols***

Since 1983 Amnesty International has received numerous detailed accounts of human rights violations committed against villagers during counter-insurgency operations jointly conducted by the armed forces and civil defence patrols, officially referred to as Comités de Autodefensa, Self Defence Committees. According to reports, a policy by the armed forces of organizing peasants in the emergency zones into civil defence patrols to combat the armed opposition, was first implemented in the department of Ayacucho in 1982, although the policy was not made public until 1984. These patrols were expanded during the administration of former president Alan García Pérez; some of them were reported to have been supplied with firearms.

In January 1991, under the administration of President Fujimori, the Ministry of Defence announced that the government was to launch a campaign to further stimulate and strengthen the Comités de Autodefensa as part of a new counter-insurgency policy. In April, and again in June and October 1991, civil defence patrols under the command of the armed forces in Ayacucho and Junín, were handed several hundred firearms.

Following implementation of the policy of the present government to arm the patrols, Amnesty International has documented some 25 "disappearances" and 26 extrajudicial executions committed by army-organized civil defence patrols apparently conducting operations on their own. For instance, the organization received detailed documentation, including signed testimonies, of a series of 24 alleged extrajudicial executions perpetrated between May 1991 and January 1992, in the district of Quinua, Huamanga province, Ayacucho department. Among the reported victims were Francisco Humareda Rojas, Victor Robles Lope and Lucio Oriundo Humareda, detained on 30 November 1991 in the community of Llamahuilca and subsequently driven to a place called Palca, where they were shot dead; and Isaac Huamancusi Mitay and an unidentified young man, detained on 17 December 1991 in Pampachacra, and whose burned bodies were subsequently found beneath a pile of rocks. All these killings were allegedly perpetrated by a civil defence patrol under the direction of a peasant with the pseudonym "Comandante Lobo" and organized by the armed forces stationed in the city of Ayacucho. The patrol is said to include members who occupy official positions in the district. The killings have been denounced by the Governor of the District of Quinua to representatives of the Public Ministry, but as of April 1992 those held to be responsible have not been brought to trial.

An instance of enforced "disappearances" by army-organized civil defence patrols is given by the case of ten peasants who were abducted by such a patrol in February 1992. According to reports, seven men and three boys – Percy Borja Gaspar, aged 14, and Angel Zanabria Ubaldo and Gumerindo Ubaldo Zanabria, both aged 16 – from the Paccha peasant community, El

Tambo district, province of Huancayo, Junín department, were detained on 27 February 1992 by members of an army-organized civil defence patrol. The patrol was reportedly commanded from the Concepción military base located in the province of the same name. Eyewitnesses, in a *habeas corpus* petition filed on 4 March 1992 before the Tercer Juzgado de Instrucción de Huancayo, a lower court in Huancayo, claimed that some 30 to 50 members of the patrol, armed with shotguns, arrived at a place called Suiitucancha, where the peasants were resting after having worked in the fields. After calling out names from a list and accusing the peasants of being "subversives", the detainees were beaten, tied up, and taken away by the patrol. Inquiries by relatives of the "disappeared" at the Concepción military base and at two civil defence bases as to their whereabouts, were met with denials that the ten peasants were detained. The alleged detentions were denounced by the president of the Paccha community to the Fiscalía Especial de la Defensoría del Pueblo y Derechos Humanos, the Public Ministry's human rights office, in the town of Huancayo. On 24 March 1992 the president of the community and other peasants submitted a written request to the head of the Political-Military Command in Huancayo asking for safe-conducts in order to carry out a search for the victims of the "disappearance".

#### **4.6 Arbitrary detentions and prisoners of conscience**

At least 50 people, including ministers during the government of former president Alan García Pérez, parliamentarians, trade unionists, journalists, representatives of regional governments, and a Supreme Court judge, were apparently arbitrarily detained by the security forces, immediately preceding, or in the wake of, the speech by President Fujimori on 5 April 1992 (see above, pages 11-13). The detainees, most of whom were released without charges within days, were held in military or police establishments, their work places, or in their homes.

Amnesty International believes that many of those persons detained and subsequently released without charges were prisoners of conscience detained solely because of their opposition to the government, trade union activities or attempt to exercise the right to freedom of expression.

Among those persons detained and subsequently released were Felipe Osterling Parodi and Roberto Ramírez del Villar, presidents of the Senate and Chamber of Deputies respectively; members of parliament Eugenio Chang Cruz, Aurelio Loret de Mola, César Barrera Bazán, Fernando Olivera Vega, Alberto Quintanilla Chacón, Jorge del Castillo and Luis Negreiros Criado; political activists Abel Salinas, Remigio Morales Bermúdez, Jorge Luis Mantilla, José Barsallo Burga and Alberto Kitazono, all from the opposition party Alianza Popular Revolucionaria Americana (APRA); Gustavo Gorriti Ellenbogen, journalist and researcher into the clandestine Partido Comunista del Perú (Sendero Luminoso), and 20 other journalists; five other trade union leaders; and Supreme Court judge Horacio Valladares Ayarza.



## **5. Amnesty International and the present Government of Peru**

In anticipation of the President's inaugural speech in July 1990, Amnesty International wrote to the President-elect Alberto Fujimori requesting that he use the opportunity to state that human rights violations in the context of counter-insurgency operations would not be tolerated under his administration, and outlined a set of reforms designed to reverse the spiral of human rights violations in Peru. After the new government took office Amnesty International continued to monitor the human rights situation and repeatedly called on the government to investigate human rights violations and bring the perpetrators to justice.

Amnesty International again wrote to President Fujimori in April 1991, detailing its concerns about a continuing pattern of "disappearances", extrajudicial executions and torture, and of threats and attacks on human rights defenders, during the first nine months of his government. Amnesty International again outlined a set of specific measures aimed at preventing human rights violations and bringing to justice those responsible.

In May 1991 Amnesty International wrote to the Minister of Defence drawing attention to the gross human rights violations which continued to be perpetrated by the armed forces in the emergency zones, including "disappearance", and threats and attacks by troops on Public Ministry prosecutors investigating alleged "disappearances". The organization urged the Minister of Defence to take all the necessary steps to ensure that members of the security forces cooperate fully with the investigations carried out by the Public Ministry and other authorities.

An Amnesty International delegation, including the organization's Secretary General, an officer of the Spanish Army and two members of Amnesty International's Research Department, visited Peru between 1 and 5 July 1991. The delegation met President Alberto Fujimori, Prime Minister and Minister of Foreign Relations Carlos Torres y Torres Lara, the Minister of Justice and the Vice-Minister of the Interior. Amnesty International's delegates also met the Attorney General and the Special Attorney for the Defence of the People and Human Rights in the Public Ministry. Meetings were also held with the Armed Forces Joint Command, the Director of Human Rights in the Defence Ministry and the Director General of the Police. Amnesty International welcomed the opportunity to meet President Fujimori and high-level government officials, and was encouraged by the government's stated willingness to continue a dialogue with the organization and to cooperate in the resolution of individual cases of human rights violations submitted to it by Amnesty International. However, the organization was left with the overwhelming impression, reinforced by the observations of non-governmental organizations working in Peru, that the emphasis placed by the government during its first 12 months in office on the reform of the economy and the defeat of armed opposition groups had marginalised human rights as a political issue.

In October and November 1991 Amnesty International wrote to President Fujimori expressing concern at his public statements, made before the different branches of the security services, in which he claimed that human rights organizations in Peru were colluding with the armed opposition. No response has been received to these or previous communications. Also in November, the organization wrote to the President enclosing a copy of the report Peru: Human rights in a climate of terror and invited comments on it. The Ministry of Foreign Affairs issued a communique in response to the report in which it stated that the report reflected "a positive position by Amnesty International which coincides with the national position of presenting the problem of violence that afflicts Peru as arising from the activities of terrorist groups". However, the Ministry added that it "is unacceptable [for Amnesty International] to claim that ... the security forces in Peru have "disappeared" or extrajudicially executed thousands of people in the emergency zones."

In April 1992 Amnesty International wrote to President Fujimori urging the government to take all the necessary steps to guarantee the safety of all those people detained immediately preceding and following the measures announced by the President on 5 April 1992. The organization called on the government to immediately and unconditionally release anyone arrested for their conscientiously held political beliefs, and who were known not to have used or advocated violence. Amnesty International also urged the government to immediately reestablish the functions of the judiciary, Public Ministry and legislature designed to protect human rights.

Since the present government was installed in July 1990 Amnesty International has appealed to the authorities to account for the many prisoners detained who have subsequently "disappeared" and to investigate the numerous cases of alleged torture and apparent extrajudicial executions. The organization has urged the government to comply with its obligation to investigate all past abuses, both with a view to informing the families of victims of the fate of their relatives and bringing to justice those responsible for human rights violations, and to avoid creating the impression that further abuses may be committed with impunity in the future. These appeals have received few formal responses from the government, although some Peruvian embassies have acknowledged receipt of copies of letters sent to the authorities.

## **6. The armed opposition.**

The most comprehensive and systematic compilation of statistics on the number of deaths as a result of political violence in Peru has been published annually, since 1989, by the Senate Special Commission on Violence. The commission drew its statistics on the number of political deaths between 1980 and 1987 exclusively from Ministry of Defence figures. Since 1987 it has also compiled statistics from media reports and denunciations by witnesses. Its last report, Violencia y Pacificación en 1991, Violence and Pacification in 1991, gives a total of 22,443 killings in the context of political violence between 1980 and 1991. Of these 11,143 were presumed members of armed opposition groups, 9,257 were non-combatant civilians, and 1,789

were members of the security forces. The remaining 254 were drug traffickers. The Commission estimated that these figures under-reported the number of killings by 10 per cent.

The Senate Special Commission on Violence reported a total of 3,180 deaths in political violence during 1991 (as opposed to a total of 3,452 during 1990). The Commission put the number of "subversives" killed last year by the security forces at 1,395, although some of these may have been non-combatant civilians. The commission also attributed 1,314 killings to the PCP and 139 to the MRTA.

The clandestine Partido Comunista del Peru (Sendero Luminoso), PCP, remains active throughout much of the country. No prisoners are acknowledged to be held by its forces, which have continued regularly to murder captives in summary, execution-style killings, sometimes after torture and mock trials. Thousands of its victims have been defenceless civilians not involved in the internal conflict. Victims include members of legally registered political parties, agronomists, engineers working on government and foreign aid sponsored projects, and members of peasant communities, cooperatives and labour organizations who refused to support them. Police and military personnel whom it captured or who were incapacitated by wounds or surrendered were also killed. The PCP has demanded boycotts of municipal, parliamentary and presidential elections and threatened to murder candidates and voters alike: over 100 mayors have reportedly been killed by them since 1982.

There has also been an increase in the violent activities of the smaller MRTA, which has been active in Lima and in several areas on the eastern slopes of the Andes, particularly in the department of San Martín. The MRTA has reportedly been responsible for the planting of a number of bombs in public places and for selective assassinations.

Amnesty International is fully aware of the context in which gross human rights violations by the security forces occur. The organization works within the framework of international law as it concerns the human rights obligations of governments and of principles derived from humanitarian law which all parties involved in internal armed conflict must respect. Amnesty International condemns the abuses of armed opposition groups responsible for the torture or deliberate and arbitrary killing of civilians not involved in the conflict and members of the security forces who are hors de combat.

On 14 July 1989 Peru ratified the two Protocols additional to the Geneva Conventions which relate to the protection of victims of international and non-international armed conflicts (Protocols I and II respectively). Amnesty International welcomed this step as a sign that the government intends to ensure that its security forces conduct themselves in accordance with the international humanitarian obligations imposed by the Protocols. However, to date there has been no evidence to suggest that this intention has been translated into a program to combat those human rights violations carried out in the course of the counter-insurgency operations, including torture, "disappearance" and summary execution, which can never be justified, even by the abuses of armed opposition groups.

## 7. Abuses by the armed opposition

Abuses by the clandestine Partido Comunista del Perú (Sendero Luminoso), (PCP), and the Movimiento Revolucionario Túpac Amaru, (MRTA), including torture, mutilation and murder of defenceless civilians, have risen over the past years. Amnesty International continues to receive numerous reports from independent human rights organizations, journalists and government sources of hundreds of deliberate and arbitrary killings allegedly carried out by the PCP and the MRTA. Many of the victims were said to have been defenceless civilians not directly involved in the internal armed conflict which has afflicted Peru since 1980. Other victims were reported to have been members of the security forces who had been taken captive, had surrendered or had been incapacitated by wounds.

On 13 May 1991 the PCP was reportedly responsible for the killing of former Amnesty International prisoner of conscience Porfirio Suni Quispe, an elected deputy to the regional government of Puno. In 1988 he had been detained by the police on suspicion of "terrorist" activities and was apparently tortured. He was cleared of all charges and released in March 1989. Porfirio Suni was killed at the Manco Cápac market in Juliaca, San Román province, department of Puno.

Members of religious orders have also been killed by the PCP, sometimes after being detained. Sister Irene McCormack, an Australian nun who worked in the village of Huasahuasi, Junín department, was killed on 21 May 1991 with four other villagers. According to press reports, a unit from the PCP raided the village and read out the victims' names from a list. The victims were first subjected to a two-hour mock trial, which the entire village was forced to attend, before being shot in the back of the neck. In August 1991 members of the PCP killed three Catholic priests in the province of Santa, Ancash department. On 10 August 1991, in Chimbote, two Polish Franciscans, Fr Zbigniew Strzalowski and Fr Michal Tomaszek, were reportedly killed while speaking with a group of young Peruvians. The two churchmen were responsible for work in a number of villages. On 25 August 1991 an Italian priest, Alessandro Dordi Negroni, was reportedly shot in the face three times by members of the PCP. He died instantly. He and two lay workers were apparently intercepted as they were returning to Chimbote in a van. In September, the newspaper El Diario Internacional, reportedly a PCP mouthpiece, claimed that "Maoist forces executed [the] three priests [because] they had been participating in the counterinsurgency struggle designed by the government and the armed forces".

According to reports, on 23 July 1991 members of the PCP ambushed an official vehicle and killed a doctor and three health technicians who had just finished participating in a vaccination campaign, a 10-year-old child, two older students and the driver. A Public Ministry provincial prosecutor charged with the protection of human rights was reported to have said that the clandestine PCP was responsible for these killings, which took place in the province and department of Apurímac.

Between June and October 1991 the PCP reportedly carried out a series of incursions in and around the town of Aucayacu, Leoncio Prado province, Huánuco department. During these attacks PCP combatants reportedly committed a series of abuses against defenceless civilians. For example, on the night of 26 June 1991 Obdulia Angulo was taken from her home in Aucayacu and shot dead; and on 22 October 1991 Fernando Ramos was shot dead while working on the family small holding.

On 15 February 1992 Maria Elena Moyano, known popularly as La Madre Coraje de Lima, Lima's Mother Courage, was gunned down and then dynamited by members of the PCP. She was killed in Villa El Salvador, one of the largest and most organized shanty towns in Lima. The 33-year-old mother had apparently been repeatedly threatened by the PCP. At the time of her death she was deputy mayor of Villa El Salvador. She had also been president of a women's organization, the Federación Popular de Mujeres Villa El Salvador, the Women's Popular Federation of Villa El Salvador, which actively supports welfare aid projects for the poor, such as soup kitchens and the Glass of Milk Programme.

In April 1992, within days of President Fujimori dissolving the legislature and announcing that the country was to be run by an executive-led government, the PCP appeared to step up their attacks on police and military establishments in metropolitan Lima. According to reports attacks, using vehicles packed with explosives, were launched against such establishments in Villa El Salvador, Callao and Pueblo Libre. On 13 April, in the district of Bellavista, Callao, a van packed with explosives was detonated in front of a police station. This attack, reportedly the work of the PCP, left three civilians dead.

Amnesty International has repeatedly condemned abuses by the armed opposition in Peru. The organization first condemned the PCP's actions in 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. In the letter, Amnesty International also condemned the reported killing by the PCP of 67 people taken captive in the Ayacucho's Lucanamarca district, Victor Fajardo province. Since then the organization has explicitly condemned abuses by the clandestine PCP in its publications, submissions to international human rights organizations, and letters to successive Peruvian governments.

On 21 November 1991 Amnesty International published an advertisement in three Peruvian national daily newspapers calling on the government's security forces and the armed opposition to respect human rights. In the advertisement Amnesty International stated that it "unequivocally opposes and condemns deliberate and arbitrary killings by Sendero Luminoso and the MRTA of defenceless civilians not involved in the hostilities, and of members of the security forces who have been incapacitated, have surrendered or are detained by such groups."

**APPENDIX 1****SUMMARY STATISTICS OF "DISAPPEARANCES" AND  
EXTRAJUDICIAL EXECUTIONS IN PERU: JULY 1990 - APRIL 1992****Table 1**

**Peru: Number of people documented by Amnesty International as "disappeared"  
between 28 July 1990 and 30 April 1992**

Period	Number of people				
	Total documented	Later released	Later acknowledged in detention	Later found dead	Remained unaccounted for
28 July 1990 - 31 July 1991 (12 months)	372	79	4	17	272
1 August 1991 - 30 April 1992 (9 months)	123	1	-	2	120
Totals	495	80	4	19	392

**Table 2**

**Peru: Number of people documented by Amnesty International as extrajudicially  
executed between 28 July 1990 and 30 April 1992**

Period	Number of People
28 July 1990 - 31 July 1991 (12 months)	88
1 August 1991 - 30 April 1992 (9 months)	81
Total	169

## **APPENDIX 2**

### **MASSACRES BETWEEN 28 JULY 1990 AND 30 APRIL 1992** **DOCUMENTED BY AMNESTY INTERNATIONAL**

Between July 1990 and April 1992 Amnesty international documented eight massacres in which 99 people were killed by the security forces or by so-called paramilitary groups or civil defence patrols working with their support.

As of April 1992, in none of these massacres have members of the security forces been convicted for their participation in the killings. In only two cases where members of the armed forces have been accused of mass killings – the Chilcahuaycco massacre in September 1990 and the Santa Bárbara killings in July 1991 – have criminal charges been laid against those allegedly responsible for the killings.

The massacres during the administration of President Alberto Fujimori documented by Amnesty International between 28 July 1990 and 30 April 1992 were the following:

1. The apparent summary killing of 16 men, women and children from the community of Iquicha, near Uchuraccay, Huanta province, Ayacucho department, on 22 August 1990. According to reports the community members were killed by some 50 soldiers from the Machente and Ccano military bases during a joint operation with some 100 members of a civil defence patrol. The killings were denounced to the Public Ministry's provincial and departmental prosecutors in Huanta and Ayacucho respectively, but no official investigation is known to have been initiated.
2. The exhumation in the presence of a prosecutor, judge and two doctors, together with journalists and relatives, of 18 bodies found in mass graves in Chilcahuaycco, in the district of San Pedro de Cachi, Huamanga province, Ayacucho department, on 18 October 1990. According to reports, on 21 and 22 September 1990 members of a civil defence patrol and soldiers from the Castropampa military base detained at least 16 men, women and children in a combined patrol extending through several villages in the province of Huamanga. Their bodies were alleged to be among those found in the grave. In May 1991, a Senate commission of inquiry concluded that the killings at Chilcahuaycco had been committed by members of the army acting in concert with members of a civil defence patrol. Noting that charges had been brought against an army sergeant in both civil and military courts, and that the Supreme Court would have to decide which forum would have jurisdiction, the commission observed that "the fact that this is a common

crime is sufficiently proved, such that there is no valid legal basis to have opened a parallel proceeding in the military forum." The report also concluded that the policy of organizing civil defence committees has resulted in violations of human rights against peasants who refuse to join them.

3. The alleged extrajudicial execution by soldiers on 4 July 1991 of 15 men, women and children from the community of Santa Bárbara, Huancavelica province, department of Huancavelica. (See pages 18-19 above for fuller details).
4. The reported extrajudicial execution of seven people, and the "disappearance" of a further four, by an army patrol, following their detention on 15 October 1991 in the hamlet of Pueblo Nuevo, near Aucayacu, Leoncio Prado province, department of Huánuco. (See pages 19-20 above for fuller details).
5. The killing of eight people, reportedly by members of the security forces or a so-called paramilitary group acting with their support, on 24 October 1991 in Villa de Santa Rosa, San Juan Bautista district, Ayacucho city, department of Ayacucho. (See page 24 above for fuller details).
6. The killing of 12 men, three women and one child, reportedly by a paramilitary group acting with the support of the security forces, on 3 November 1991 in the Barrios Altos neighbourhood in Lima, the capital. (See pages 24-25 above for fuller details).
7. The reported extrajudicial execution of three men and two women by the police in the district of Chavín, Huari province, Ancash department, on 8 February 1992. (See page 20 above for fuller details).
8. The reported extrajudicial execution of 14 people by the military in the Alto Huallaga area, Leoncio Prado province, Huánuco department, on 10 March 1992. (See page 20 above for fuller details).



**SPANISH LANGUAGE TEXT OF QUOTATIONS CITED IN DOCUMENT**

- 1." El planeamiento, preparación, dirección y ejecución del control del orden interno, son conducidos por el Poder Ejecutivo por medio del sistema de Defensa Nacional"
2. "son de competencia del fuero privativo militar, salvo aquellas que no tengan vinculación con el servicio."
3. "El irrestricto respeto y promoción de los derechos humanos será una firme línea de acción de mi gobierno ... La violencia terrorista que enfrenta actualmente nuestra joven democracia no puede justificar, de manera alguna, la violación sistemática o esporádica de los derechos humanos. La lucha antisubversiva que emprenderá mi gobierno se enmarcará y ejecutará conforme a los principios consagrados por la Constitución y las leyes de la República. Esta perspectiva será aplicada con equidad y justicia tanto para aquellos que hoy agreden nuestra sociedad como para los que la defienden."
4. "que resultan del error y exceso"
5. "La lucha contra la subversión... sólo puede tener legitimidad en tanto se realice en estricta observancia de las normas constitucionales y mediante el respeto escrupuloso de los derechos humanos. La violación masiva e inmisericorde de los derechos humanos por parte de los grupos subversivos no justifica la comisión de abusos por parte de agentes estatales."
6. "eliminar toda forma de exceso en el cumplimiento funcional por parte de las fuerzas del orden y de sancionar a los autores".
7. "comisión de alto nivel"
8. "ante las autoridades competentes (militares, policiales, judiciales, etc.) frente a casos en los que exista evidencia razonable de estarse perpetrando una grave violación a los derechos humanos".
9. "algunas prestigiadas personalidades"
10. "investigar preliminar y sumariamente los casos de grave violación a los derechos humanos que ocurran en el futuro"

11. "no afectaría la autonomía funcional del Ministerio Público o del Poder Judicial".
12. "se han reportado un total de 5.000 desaparecidos desde 1981"
13. "Los resultados no son aún todo lo halagadores que queremos ... Sin embargo, los números se van reduciendo notablemente y ... tenemos el más firme propósito de lograr que ... no haya un solo desaparecido más y que se elimine definitivamente la tortura y la ejecución extrajudicial."
14. "ha reiterado la obligación de todos los miembros de las fuerzas armadas y la policía nacional de respetar los derechos humanos nacional e internacionalmente reconocidos .. haciendo presente que los miembros de las fuerzas gubernamentales que incumplan sus obligaciones, en especial con relación a desapariciones, ejecuciones extrajudiciales y torturas, serán severamente sancionados".
15. "la habilidad del Ministerio Público para investigar supuestos abusos de derechos humanos, particularmente desaparecidos, y así mejorar los ... Derechos Humanos del Gobierno del Perú".
16. "estará compuesto de dos registros separados, uno provisto por las fuerzas militares (ya en existencia al menos en una manera parcial aceptable) y, el otro al ser provisto por la policía. En este último registro el que será diseñado e implementado ... bajo esta actividad del programa".
17. "concerniente [a personas] acusadas de delitos de terrorismo y seguridad nacional"
18. "coordinar con el Ministerio de Defensa para asegurar la entrega de su registro de seguridad de detenidos existente al Ministerio Público".
19. "por el temor generalizado existente en la zona [y] el grave riesgo a la seguridad de los familiares de las víctimas".
20. "la masacre [en el Alto Huallaga] continúa, ya sea por parte del Ejército como del terrorismo. Sin embargo, por seguridad de su vida la gente practica la "ley del silencio".
21. "Elementos subversivos, como uno de los medios en la campaña de desprestigio mentada contra las fuerzas del orden".

22. "una posición positiva de Amnistía Internacional que coincide con la posición nacional de presentar la situación de violencia que afecta al país como producto de la acción de los grupos terroristas".
23. "es inaceptable que [Amnistía Internacional] diga que ... las fuerzas de seguridad hayan desaparecido o ejecutado extrajudicialmente a miles de personas en las zonas de emergencia".
24. "está suficientemente acreditada la naturaleza del delito, por lo que no existe fundamento jurídico válido que se haya abierto un proceso paralelo en el Fuero Privativo Militar."