

EXTERNAL (for general distribution)

AI Index: AMR 46/26/92
Distr: CO/SC

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JUNE 1992

PERU: @"DISAPPEARANCES" IN JUNIN DEPARTMENT

Amnesty International has received reports on 12 people who "disappeared" following their arrest by the army or army-organized civil defence patrols in the department of Junín. The reported detentions took place in three separate incidents during February and March 1992.

In one case the "disappearances" followed the joint arrest of ten peasants, including three minors; in the two other cases the victims - a student and a builder - were detained individually. In all three the authorities are reported to have denied the detentions, in spite of them having taken place in the presence of witnesses.

TEN PEASANTS "DISAPPEARED" BY CIVIL DEFENCE PATROL

Percy BORJA GASPAS (14)
Angel ZANABRIA UBALDO (16)
Gumerindo UBALDO ZANABRIA (16)
Apolonio LAZO RODAS (25)
Herminio BORJA RIOS (25)
Fredy GASPAS RIOS (22)
José NUÑEZ HUALLPA (18)
Ernesto SALOME BRAVO (27)
Jesús PUMAHUALI SALOME (40)
César SANCHEZ CASTRO (25)

According to the text of a habeas corpus petition cited by a human rights organization, on 27 February 1992 an army supported civil defence patrol (ronda campesina) of between 30 and 50 men armed with shotguns, entered the Paccha peasant community, in El Tambo district, province of Huancayo, Junín department. After allegedly beating men and women, names from a list were called out. Those identified were accused of being "subversives". The above listed seven men and three boys were reportedly then ordered to lie on the floor, beaten, tied up and taken away by the patrol. The community members who remained were threatened with death if they were to follow them. The civil defence patrol, which at the time apparently conducted the operation on its own, was reportedly commanded from the Concepción military base located in the province of the same name, department of Junín. Community members failed to obtain any information as to the whereabouts of their relatives; the detentions were denied at the army barracks and civil defence bases in the vicinity when approached by relatives inquiring as to the fate of the detainees.

The following day, on 28 February, members of the Paccha community denounced the detentions to a representative of the Public Ministry at the Fiscalía Especial de la Defensoría del Pueblo y Derechos Humanos, Office of the Special Attorney for the Defence of Human Rights. A petition of habeas corpus was filed on 4 March 1992 at the Tercer Juzgado de Instrucción de Huancayo, a lower court in Huancayo. This petition was apparently forwarded on 5 March to a court in the province of Concepción which, without acting on it, returned it to the former court on 11 March. The Huancayo court is also reported to have subsequently not acted on the petition.

On 24 March the president and other members of the Paccha community submitted a written request to the head of the Political-Military-Command of Huancayo asking for safe-conducts in order to carry out a search for the victims of the "disappearance". We don't know if the safe-conducts were granted by the Political Military Command. As of late May 1992 the detainees remained unaccounted for.

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 Alberto Fujimori, the press reported an announcement made by the Ministry of Defence 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.

BUILDER "DISAPPEARED" BY THE ARMY

Moisés Poma Ordoñez, a 30-year-old builder, father of four children, was reportedly detained in the early hours of the morning on 10 March 1992 by soldiers from the local "9 de Diciembre" army base. The soldiers reportedly burst into his home in the Túpac Amaru neighbourhood, located on a hill known as La Libertad, in the city of Huancayo, capital of Junín department.

According to reports, the soldiers beat Moisés Poma and his wife, Enriqueta Córdova Aliaga, while they searched the house. The soldiers then left the house taking Moisés Poma with them, leaving his wife lying on the floor with her hands and feet tied. Neighbours later informed Enriqueta Córdova that an army lorry carrying hooded soldiers stationed itself near their home shortly before Moisés was detained.

The case was denounced by the builder's wife to the Public Ministry's Fiscal Especial de Defensoría del Pueblo y Derechos Humanos de Huancayo, Huancayo Special Attorney for the People's Defence and Human Rights. As of late May Moisés Poma remained unaccounted for.

STUDENT "DISAPPEARED" BY THE ARMY

On 11 March 1992 Yolanda Yauri Arias, aged 22, a student of computer sciences was reportedly detained on the road to the town of Jauja, Junín department, by soldiers stationed at the "9 de Diciembre" army base, located in the town of Huancayo. The reports indicate that a friend who witnessed the detention informed Yolanda Yauri's parents of her arrest. All efforts to obtain information as to her whereabouts proved fruitless: members of the security forces reportedly denied her detention at army bases and police establishments. The father of the victim and a human rights organization denounced the case to the Public Ministry's Fiscal de la Nación, Attorney General in Lima, the capital. As of late May Yolanda Yauris remained unaccounted of.

BACKGROUND

Since President Alberto Fujimori assumed power in July 1990 he has repeatedly promised to respect human rights. In his inaugural speech he stated the "unconditional respect for human rights will be a firm line of action during my government". The President and other state officials have since repeated these sentiments on numerous occasions.

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 the official newspaper 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 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".

Amnesty International has documented over 4,000 cases of "disappearances" since 1983. The vast majority of these cases remained unaccounted for. Of the unaccounted cases, 392 were documented between 28 July 1990, when President Fujimori took office, and 30 April 1992.

On 5 April 1992 President Fujimori announced the dissolution of Congress, a reform of the Constitution and a reorganization of the judiciary and the Public Ministry. The dissolution of Congress has meant that all congressional commissions working on human rights issues have been forced to stop their work. These include the Justice and Human Rights Commissions in the Senate and Chamber of Deputies and the Special Senate Investigative Commission inquiring into specific cases of alleged human rights violations. As an initial step towards the reorganization of the judiciary, the government closed down in practice all tribunals and Public Ministry offices for a period of four weeks from 6 April. During this period human rights violations could not be denounced and habeas corpus petitions could not be filed before judicial officials and representatives of the Public Ministry.