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PERU

@ILL-TREATMENT AND DEATH-THREATS AGAINST PEASANT LEADERS

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Amnesty International is concerned for the physical safety of Lorenzo Ccapa Hilachoque and Juan Huarca Saico, secretary general and secretary respectively, of the Federación Unificada de Campesinos de Espinar (FUCAE), Espinar Unified Federation of Peasants. The Federation offices are located in Yauri, Espinar province, Cuzco department. Lorenzo Ccapa is alleged to have been subjected to death threats and Juan Huarca to ill-treatment by members of the security forces.

According to a report written by the Federación Departamental de Campesinos del Cuzco (FDCC), Cuzco Department Peasants Federation, between March and July 1991 the premises of FUCAE were repeatedly watched over by members of the army and police and frequently visited by them. At the time the province of Espinar, was under a state of emergency. On two occasions during this period Lorenzo Ccapa is alleged to have received death threats: on the first occasion from a member of the army escorting a colonel; and on the second from an army captain. The FDCC report states that between March and July 1991 army and police personnel publicly claimed that the FUCAE leaders were implicated in "terrorist" activities. However, the FDCC report indicates that it, together with the FUCAE, have repeatedly made their position public regarding their attitude to the Partido Comunista del Perú (Sendero Luminoso), PCP (Communist Party of Peru (Shining Path)). Through public statements and activities they have rejected the armed attempts by the PCP to impose their will on the local peasant communities.

The leaders of FUCAE are reported to have written a memorandum addressed to the regional prefect (prefecto regional), a local government official, denouncing abuses committed by the police and requesting the dismissal of Yauri's police chief (comisario). According to the FDCC's report, the FUCAE's request resulted in the "valuable intervention of the provincial prefect and deputy prefect" [for trans. "la valiosa intervención del Prefecto y Subprefecto de la provincia"], leading to the removal of the comisario and other police members. However, in mid-February 1992 leaders of the FUCAE and local peasant organizations were summoned to the Yauri police station and were intimidated for having signed this memorandum.

On 21 April 1992 the premises of FUCAE were searched by a combined army and police force patrol who stated that the purpose of the search was to look for "subversive materials"[for

trans. "materiales subversivos"]. Juan Huarca Saico, the secretary of FUCAE was reportedly pushed and kicked by members of the security forces who also reportedly beat him with the butt of their firearms. Many of the organization's documents were taken away. On 26 April another search was reportedly carried out by the security forces on the FUCAE premises, this time in search of Lorenzo Ccapa who was not present at the time.

According to additional information received by Amnesty International, a human rights defender who visited Yauri in early June indicated that the police continued to harass Lorenzo Ccapa and accused him of having links with armed opposition groups.

BACKGROUND

President Alberto Fujimori and his government assumed power on 28 July 1990. The government inherited a legacy of gross human rights violations dating back to January 1983, including thousands of cases of "disappearance" and extrajudicial execution. In his inaugural speech the President stated that his government would fully respect human rights. On a number of subsequent occasions President Fujimori and representatives of his government have repeated that pledge.

The cases documented by Amnesty International between 28 July 1990 and 30 April 1992, include 392 people who reportedly "disappeared" after arrest and remained unaccounted for, and 169 who were extrajudicially executed. Dozens of cases of torture, and of death threats and attacks on human rights defenders, have also been documented by the organization since July 1990.

On 5 April 1992, President Fujimori announced the immediate setting up of a Government of Emergency and Natural Reconstruction, the dissolution of Congress and a wholesale reorganization of the judiciary and the Public Ministry. Following the announcement, congressional commissions investigating human rights violations were stopped from working. In addition the judiciary and many of the Public Ministry offices were brought to a halt for a period of four weeks. This meant that alleged human rights violations were not officially documented and investigated, and that detainees, their relatives and human rights defenders did not have access to judges and representatives of the Public Ministry during this period.

On 9 April 1992 the Government of Emergency and National reconstruction in three separate decree laws (Decree Laws 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. Decree Law 42425 dated 10 April 1992, announced the removal from office of Dr Pedro Méndez Jurado, the Public Ministry's Attorney General. On 23 April 1992 the government issued Decree Law 25426 by which it removed from office over 120 judges and public prosecutors in the judicial districts of Lima and Callao.

In early May the courts and offices of the Public Ministry were reopened. President Fujimori's Government appointed new Supreme Court judges, and a Fiscal de la Nación, Attorney General, as head of the Public Ministry. Some jurists have questioned the independence of the judiciary since President Fujimori announced the new appointments.

Many of the human rights violations documented occurred in the context of the government's counter-insurgency operations directed against two armed opposition groups in

Peru: the Partido Comunista del Perú, (Sendero Luminoso), PCP, Communist Party of Peru (Shining Path) and the Movimiento Revolucionario Túpac Amaru,(MRTA), the Túpac Amaru Revolutionary Movement.

The clandestine PCP, is the largest of the armed opposition groups and is active throughout much of the country. Thousands of its victims have been defenceless civilians not involved in the armed conflict. Victims include members of the legally registered political parties, agronomists, engineers working on government or 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 MRTA is a smaller armed group which has been active in Lima and in several areas of the eastern slopes of the Andes, particularly in the department of San Martín. The MRTA is also known to be responsible for the planting of bombs in public places and for selective assassinations.

Amnesty International is concerned about the deliberate and arbitrary killing by the armed opposition of defenceless people not directly involved in the internal conflict which has affected Peru since 1980. Over the past 12 years the clandestine opposition group, PCP, in killing such people, has mostly targeted peasants and activists from a wide 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.

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