

**EXTERNAL (for general distribution)**

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**Torture/Fear for Safety**

**30 July 1993**

**PERU: Juan Abelardo MALLEA TOMAILLA, aged 34**

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Amnesty International is concerned about the reported torture by the police of Juan Abelardo Mallea Tomaila. According to the information received by the organization, Juan Mallea was tortured on 21 July 1993 by members of the Dirección Nacional Contra el Terrorismo, DINCOTE, the anti-terrorism branch of the Policía Nacional del Perú, Peruvian National Police. Juan Mallea was arrested by the DINCOTE in Lima, the capital, on 10 July.

According to reports, Juan Mallea, a taxi driver, was arrested when driving a passenger in Lima. The taxi was stopped by members of the DINCOTE and the passenger, Juan de la Mata Jara Berrospi, a suspected member of the clandestine armed opposition group Partido Comunista del Perú (Sendero Luminoso), PCP, Communist Party of Peru (Shining Path), was also arrested.

Juan Mallea and Juan de la Mata Jara were taken to the headquarters of the DINCOTE. According to press reports, on 13 July the DINCOTE announced that both men, plus four other men and two women, had all been arrested on suspicion of having links to the PCP.

The reports indicate that in the early hours of the morning of 21 July Juan Mallea was "torturado ... por oficiales de la DINCOTE y bajo esa presión ha firmado un acta de autoinculpación" ("tortured ... by officers attached to the DINCOTE and under such pressure signed a document of self incrimination"). A lawyer attached to an independent human rights organization, and who is representing Juan Mallea, interviewed him on 26 and 27 July. The lawyer was able to confirm the veracity of his client's account of his torture.

To-date Juan Mallea continues to be in detention. Amnesty International is concerned for his physical safety.

#### **BACKGROUND INFORMATION**

According to the reports received by Amnesty International, Juan Mallea has been accused of being the author of a hand-written text which appeared on a map found in the possession of Juan de la Mata Jara, as he was being driven by Juan Mallea.

The DINCOTE claim that this map is one of two original hand-drawn maps prepared by members linked to the PCP, and which showed the location of four unmarked graves on the outskirts of Lima alleged to contain the remains of one professor and nine students abducted from the University of La Cantuta in July 1992. A dissident Peruvian army general subsequently claimed, in May 1993, that the professor and students had been extrajudicially executed by members of the army's intelligence services (see Peru: Army seeks a cover-up of summary

killings, AI Index AMR 46/12/93, April 1993).

The other map came into the possession of the weekly magazine "Sí", and was used on 8 July 1993 to publicly announce that it had located the four unmarked graves. Five days later, on 13 July, when the DINCOTE announced it had arrested Juan Mallea and the other seven suspected members of the PCP referred to above, the DINCOTE claimed that the discovery of the common graves on 8 July were part of a plan by the PCP to discredit the Peruvian government.

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According to reports, an expert's examination ordered by the DINCOTE of the hand-writing on the map found in the possession of Juan de la Mata Jara, is that of Juan Maella. However, according to the reports of independent hand-writing experts contracted by two Peruvian television channels and the magazine "Sí", Juan Maella's handwriting does not correspond to that on the map which the DINCOTE claim they found in the possession of Juan de la Mata Jara.

The television channels, the head of the evangelical church of which Juan Maella is an active member, and the Fundación Ecuménica para el Desarrollo y la Paz, FEDEPAZ, have made it public that Juan Maella has been falsely accused of being involved in the preparation of the maps, and of having links to the PCP.

**RECOMMENDED ACTION: Please send telegrams/telexes/faxes and airmail letters either in Spanish, English or in your own language:**

- expressing concern about the alleged torture of Juan Abelardo Mallea Tomaila, and of him signing a self-incriminating confession under torture;
- urging that the alleged torture of Juan Abelardo Mallea Tomaila be immediately and thoroughly investigated, the findings made public, and the perpetrators brought to justice;
- urging that Juan Mallea's physical integrity be respected, and urging that he be given access to an independent lawyer and doctor;
- urging that the prosecution in his case must not present any evidence which may have been extracted under torture;
- urging that if such evidence is presented in court, the court should declare it inadmissible;
- urging that he be promptly brought to trial and, if found not guilty, immediately released;
- reminding the authorities that Peru has ratified the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment, and that Article 15 expressly prohibits any statement obtained under torture from being used in court proceedings, except against a person accused of torture as evidence that the statement was made.

**APPEALS TO:**

1) President:

Presidente Alerto Fujimori  
Presidente de la República  
Palacio de Gobeirno  
Plaza de Armas  
Lima 1, Peru

**Telegrams: Presidente Fujimori, Lima, Peru**

**Telexes: 20167 PE PALACIO**

**Salutation: Señor Presidente/Dear Mr. President**

2) Public Ministry's Attorney General:

Dra Blanca Nélide Colán Maguiña

Fiscal de la Nación

Fiscalía de la Nación

Centro Cívico

Lima, Peru

**Telgrams: Fiscal de la Nación, Lima, Peru**

**Faxes: +5114 334457**

**Salutation: Estimada Señora Fiscal de la Nación/Dear Attorney General**

**COPIES OF YOUR APPEALS TO:**

Human Rights Organisation:

FEDEPAZ

Av. Comandante Espinar 266

2ndo piso B

Lima 18, Peru

and to diplomatic representatives of Peru accredited to your country.

**PLEASE SEND APPEALS IMMEDIATELY.** Check with the International Secretariat, or your section office, if sending appeals after 10 September 1993.