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PERU:"DISAPPEARANCE" OF A LECTURER AND NINE STUDENTS

Amnesty International is concerned about the reported "disappearance", following detention on 18 July 1992 by members of the army, of a lecturer and nine students at the *Universidad Nacional de Educación Enrique Guzmán y Valle*, Enrique Guzmán y Valle National University of Education, in Lima, the capital. The college is also known as *Universidad de La Cantuta*.

Reports indicate that in the early hours of 18 July a group of soldiers entered the students' residence on the university campus and detained the following nine students:

Bertila LOZANO TORRES (21)
Dora OYAQUE FIERRO (21)
Robert Teodoro ESPINOZA (23)
Marcelino ROSALES CARDENAS (22)
Juan MARIÑO FIGUEROA (29)
Felipe FLORES CHIPANA (23)
Luis Enrique ORTIZ PEREA (20)
Armando AMARO CONDOR (21)
Heráclides PABLO MEZA (29)

According to a denunciation made by an independent human rights association in Peru, the *Asociación Pro Derechos Humanos, APRODEH*, to a Public Ministry provincial attorney, the soldiers entered the students' residence, forced all the occupants to leave the dormitories and ordered them to lie face down on the floor. While in this position, the soldiers selectively identified the nine students and then forcibly took them away.

Around the same time a group of hooded men entered the campus home of 47-year-old lecturer Hugo Muñoz Sánchez and detained him. In a written denunciation to a provincial attorney in Lima, made on 21 July 1992, the wife of Hugo Muñoz Sánchez states that her husband was taken away gagged, without being given time to get dressed. She further states: "...with the pretext of seeking terrorists the members of the armed forces act with violence, protected by hoods, without considering who they detain. In this context I fear for the life of my husband, who is a person not involved in politics...."

On 24 July 1992 a *habeas corpus* petition was filed before a judge on behalf of the ten "disappeared" persons. On 5 August the judge issued a resolution stating that the petition was inapplicable (*improcedente*) on the grounds that officers based at the Fuerte Rímac military base

claimed the lecturer and students were not being held there or at the Fuerte Rafael Hoyos Rubio, nor were their names entered in the registers of detainees at either base.

On 1 August 1992, Rafael Laynes Bastante, rector of the *Universidad Nacional de Educación Enrique Guzmán y Valle*, wrote to a provincial attorney in Lima denouncing the army officer who was in charge of the military detachment at the university. In his denunciation he states that the lecturer and students were violently forced out of their dormitories by armed and hooded soldiers, who detained and abducted them "...all this with the endorsement or complicity of the head of the military detachment that guards *La Cantuta*, and who were on duty that day. This is proven by the fact that no person can enter the university, least of all at the time the incidents we are denouncing took place, without being controlled and identified by the military that guard the university. It follows, therefore, that the responsibility [for the "disappearances"] lies with the officer referred to above".

The *Universidad Nacional de Educación Enrique Guzmán y Valle* had an army unit installed in its premises following Decree-Law No. 726 approved on 12 November 1991. This law states that "...with the authorization of the Ministers of Defence or Interior, or the police or military commands, the armed forces and the Peruvian National police may enter university premises if it comes to their attention that terrorist groups or elements are disturbing the peace or public order..." ("*...previa autorización del Ministerio de Defensa, del Interior, o de los comandos militares o policiales, en su caso, las Fuerzas Armadas o la Policía Nacional del Perú podrán ingresar a los locales universitarios cuando tomen conocimiento que elementos o grupos terroristas perturban la paz o el orden interno....*"). Since the enactment of this decree some Peruvian state universities have had army detachments based inside their precincts.

By mid September 1992 the whereabouts of the ten people cited above remained unknown.

BACKGROUND

President Alberto Fujimori's government assumed power on 28 July 1990. It 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.

In spite of the pledges, human rights violations have continued to take place. During the first two years of the present government Amnesty International received information on 566 "disappearances" following detention by the security forces, although the true figure may be far higher. By the end of this period the fate of 426 of these victims remained unknown, 55 had been found dead, four were to face trial and 81 were released. During the same period Amnesty International documented over 150 cases of extrajudicial execution and dozens of cases of torture. As far as is known, in the great majority of these cases of human rights violations no investigations have been initiated and Amnesty International knows of no case in which the perpetrators have been convicted under the present government. While the majority of the victims are peasants living in the highlands, a large number of teachers and students have suffered from human rights violations.

On 5 April 1992, President Fujimori announced the immediate setting up of a Government of Emergency and National Reconstruction, (*gobierno de emergencia y*

reconstrucción nacional) 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 during this period 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.

On 2 July 1992 Decree Law No. 25592 on "disappearances" was published in the official paper *El Peruano* and came into force immediately. It punishes any authority who orders or carries out a "disappearance" and legislates for the setting up of a Register of Denunciations of "Disappeared" Persons. Although Amnesty International welcomes the measure, the organization remains concerned at continuing reports of "disappearances" in Peru. Also, the organization believes that the impunity enjoyed over the years by the security forces in the face of thousands of unresolved "disappearances" must be brought to a halt. In this respect the authorities and the security forces continue to disregard the national and international human rights standards to which the government has declared its adherence.

Many of the human rights violations in Peru documented by Amnesty International since 1983 have occurred in the context of successive governments' counter-insurgency operations directed against two armed opposition groups: 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. Police and military personnel whom it captured or who laid down their arms, or were incapacitated by wounds have also been killed.

The MRTA has also sometimes deliberately killed defenceless civilians not involved in the conflict as well as members of the security forces who have laid down their arms or who are otherwise *hors de combat*.

Amnesty International unequivocally condemns abuses, torture and arbitrary killings by the armed opposition.

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