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PERU

CONTINUING HUMAN RIGHTS VIOLATIONS 1989 - 1990

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SUMMARY

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In the past year human rights violations in Peru have remained at a consistently high level, especially in areas under state of emergency and military control. During 1989 alone some 450 people "disappeared" after arrest, and numerous lawyers, teachers, trade unionists and peasant community leaders were said to have been extrajudicially executed. Nearly 700 deaths in political violence were reported in the first three months of 1990. Torture, including rape, by the security forces continues to be frequently reported, and many prisoners are held on charges of "terrorism" said to be based on statements extracted under torture. Recently, there has also been an escalation in attacks directed at human rights monitors, both in the emergency zones and in the capital, Lima.

This high incidence of violence has occurred in the context of a campaign of assaults, sabotage and execution-style killings by armed opposition groups, especially the Partido Comunista del Perú "Sendero Luminoso" (Communist Party of Peru "Shining Path"). Shining Path is active throughout much of the country and is frequently reported to murder its captives, including members of peasant communities, members of the security forces, agronomists, engineers and members of legal political parties. Human rights groups estimate that as many as half of the 3,198 deaths in political violence which were reported in 1989 were attributable to Shining Path. An increase in the group's violent activities was reported before the November 1989 municipal elections and the April 1990 general elections; Shining Path called for a boycott of the electoral process and has threatened to kill candidates who do not resign.

Amnesty International is aware of the gross abuses by Shining Path, including torture and killing of prisoners, and unequivocally condemns such practices. However, it works within the framework of international law as it concerns the human rights obligations of governments, and does not treat non-governmental groups as if they had the status of governments unless they have de facto attributes of a government, including the exercise of effective power over territory and population. While this in no way exonerates opposition groups from a responsibility to respect human rights, under international law the obligation for ensuring that respect falls upon governments.

The official response to proliferating political violence has been the imposition and expansion of states of emergency restricting civil rights and delegating to the Armed Forces Joint Command political and military authority in areas under the emergency measures. Although under the Constitution rights such as the right to habeas corpus, the right to communicate with a lawyer and the right to demand an immediate medical examination may not be suspended under emergency regulations, in practice these rights are not observed, and representatives of the Public Ministry (headed by the Attorney General) appear increasingly unwilling or unable to discharge their responsibility to protect human rights. The armed forces routinely deny access by public prosecutors and the judiciary to military camps and bases in which prisoners are known to be held. Military courts exercise jurisdiction over police and military personnel but are not known to have punished gross human rights violations by forces on active service in the emergency zones, even in cases of mass killings where investigators have concluded that the armed forces were responsible.

General elections will take place in Peru on 8 April 1990. Amnesty International has called on all presidential candidates to make a public commitment to the protection of human rights, stressing that the activities of violent opposition groups can never serve to justify gross violations of human rights by members of the security forces seeking to control them.

This summarizes a 14-page document, PERU: CONTINUING HUMAN RIGHTS VIOLATIONS 1989-1990 (AI Index: AMR 46/23/90), issued by Amnesty International in APRIL 1990. Anyone wanting further details or to take action on this issue should consult the full document.

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PERU: CONTINUING HUMAN RIGHTS VIOLATIONS 1989-1990

1. Introduction

Over the past seven years at least 3,000 people have "disappeared" in Peru after having been detained by the security forces. Thousands more appear to have been killed outright by government forces in extrajudicial executions, often mass executions and selective assassinations, and sometimes after being detained and tortured. Violent abuses by armed opposition groups, including torture, mutilation and murder of captives, often after mock trials, have also risen. Official statistics put the number of dead in the ongoing conflict at some 17,000, a figure which includes many civilians caught between government and insurgent violence. A high proportion of the dead have been victims of alleged extrajudicial execution by government forces.

Since December 1982 suspected sympathizers with left-wing opposition groups, both violent and non-violent, have regularly been subjected to "disappearance" or extrajudicial execution. These practices have recently spread beyond the "emergency zones", provinces under states of emergency and military control, to which they were originally confined, to all parts of the country.

A high incidence of violence continued to be reported throughout 1989 and into 1990. During 1989 alone some 450 people "disappeared" after arrest, and numerous human rights lawyers, teachers, trade unionists and peasant community leaders were said to have been extrajudicially executed. Torture, including rape, by the military and police has continued to be reported throughout the country, and many prisoners are held on charges of "terrorism" often said to be based on statements extracted under torture. The past year has also witnessed a disturbing rise in attacks on human rights monitors.

A campaign of assaults, sabotage and execution-style killings by clandestine opposition groups, a high incidence of narcotics-related crime and a severe economic crisis have provided the context of gross human rights violations as President Alan García approaches the end of his six-year term. National elections will take place on 8 April 1990; a second round of elections is expected to take place in late May or early June if no presidential candidate wins a clear majority. The government's response to proliferating political violence has been the imposition of regularly renewed states of emergency restricting civil rights and delegating to the Armed Forces Joint Command political and military authority in areas under the emergency measures. States of emergency were in force in the departments of Ayacucho, Apurímac, Huancavelica, San Martín, Huánuco, Pasco and Junín, as well as the provinces of Lima and Callao, in January 1989.

By the end of 1989 the state of emergency had been extended to the department of Ucayali and the provinces of Oyón, Barranca and Huaura in Lima department.

The norms under which armed forces' political-military commands assumed virtual autonomy from civil authority, are set out in Law 24.150 of June 1985. In practice the broad powers extended to the armed forces allow them to carry out detentions without notifying civil authorities or accounting for the fate of prisoners. The armed forces routinely deny access by public prosecutors and the judiciary to military camps and bases in which prisoners are known to be held. Military courts exercise jurisdiction over police and military personnel but are not known to have punished gross human rights violations by forces on active service in the emergency zones.

Legal machinery to redress gross human rights violations has become increasingly inoperative. Under the Peruvian Constitution the rights which may not be suspended under states of emergency include the right to be informed immediately and in writing of the reasons for detention; the right to communicate with a lawyer; the right of the detainee's relatives to be informed of his/her place of detention; the right to demand an immediate medical examination where there are claims that ill-treatment may have taken place; and the right not to be compelled to make statements against oneself or one's relatives. In practice, however, these provisions are not observed. Although the right to habeas corpus remains in force, the courts in the emergency zones generally do not implement habeas corpus even to safeguard the non-derogable rights to life and personal security. The Public Ministry, headed by the Attorney General, has been increasingly reluctant to discharge its constitutional responsibility to defend human rights, fulfilled in the past largely through its public prosecutors who receive complaints and are empowered to take steps to remedy abuses. Indeed, it seems sometimes to have actively prevented the discharge of that responsibility: since 1988 two successive Attorney Generals have withdrawn resources and political support for investigations in the emergency zones and transferred or dismissed prosecutors who have brought criminal charges against army officers.

The brother of one man detained by the security forces during 1989 reported that, when he tried to denounce his brother's "disappearance" to the provincial public prosecutor, he was told that the case was outside the prosecutor's competence because the army was involved. He told an Amnesty International delegation visiting Peru:

"The ones who are paying now are the ones on the margins, like us We are the victims. In fact we are between the sword and the wall. If the authorities do not eliminate us, we are eliminated by Sendero Luminoso.

"There is no authority in this area. None. ... there is no mayor, there are no police. There are no public prosecutors, no councillors, there is nothing. The only authority there is the army, but doing evil things, in an anti-constitutional way. This is resented by the people So terrorism is going to continue spreading It will get worse."

Access to the emergency zones has increasingly been denied and the work of human rights groups based within the zones obstructed by arrests, death threats, bombings and, in some cases, extrajudicial executions. In January 1989 the United Nations Special Rapporteur on torture observed that in areas administered by the military the machinery of the law "had ground to a halt".

2. The Context of Violence

The clandestine Partido Comunista del Perú "Sendero Luminoso", Communist Party of Peru "Shining Path", remains active throughout much of the country. No prisoners are acknowledged to be held by its forces, which continue regularly to murder captives in summary, execution-style killings, sometimes after torture and mock trials. Many of its victims have been civilians, including prominent members of the ruling Alianza Popular Revolucionaria Americana (APRA) and the opposition left-wing Izquierda Unida (United Left) coalition, agronomists, engineers and others working on government-sponsored projects, and members of peasant communities, cooperatives and labour organizations who refused to support them. However, others killed out of combat have included police and military personnel whom it captured or who were incapacitated by wounds.

Shining Path demanded a boycott of the November 1989 municipal elections and threatened to murder candidates and voters alike: over 300 people were reported to have been killed by them in October alone. In September 1989 the group assassinated Fermín Azparrent, the mayor of Ayacucho city, who was said to have been the target of several previous threats and attacks by Shining Path and also by members of the army, the latter apparently as a result of his public statements condemning abuses by the armed forces. Shining Path is said to have murdered over 50 mayors in the emergency zones since 1982. In the run up to the April 1990 general elections several parliamentary candidates were reportedly assassinated by Shining Path, and a number of bombs were planted in public places, causing a number of casualties. It was claimed that 39 people had been killed by Shining Path during the last week of March alone.

The Senate Commission on National Pacification reported a total of 3,198 deaths in political violence during 1989 (as opposed to a total of 1,986 during 1988). Human rights groups in Peru attributed as many as half of these deaths to the activities of Shining Path. The Defence Ministry put the number of "subversives" killed in the first eleven months of 1989 at 1,170, although many of these are believed to have been non-combatant civilians. The president of the Senate Commission stated that, as of 20 March 1990, 642 deaths in political violence had already been reported in 1990 alone.

Amnesty International is fully aware of the context in which gross human rights violations occur. In Peru, this includes escalating violence on the part of armed opposition groups, a high incidence of criminality related to narcotics trafficking, and a severe economic crisis. Amnesty International, however, works within the framework of international law as it concerns the human rights obligations of governments. The organization reports on situations in which non-governmental groups are responsible for the torture or killing of prisoners, and it unequivocally condemns such practices. However, it does not treat non-governmental groups as if they had the status of governments or address them unless they have de facto

attributes of a government, including the exercise of effective power over substantial territory and population. While this in no way exonerates opposition groups from a responsibility to respect human rights, under international law the obligation for ensuring such respect falls upon governments.

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 obligations imposed by the Protocols and other international instruments to which Peru is a party. However, to date there has been no evidence to suggest that this intention has been translated into a program to combat human rights violations carried out in the course of the counterinsurgency campaign. Amnesty International does not question the right of the Peruvian Government to take action to control the activities of armed opposition groups; however, abuses by the security forces such as torture, "disappearance" and summary execution violate fundamental rights which can never be suspended, whatever the behaviour of armed opposition groups.

3. "Disappearances"

Amnesty International has records of a total of over 3,000 "disappearances" since the phenomenon was first reported in January 1983, although the true number may be much higher. Of these, 359 are people who "disappeared" after arrests during 1989 and who remain unaccounted for. Approximately 90 other people who "disappeared" in 1989 were later released, transferred into police custody or found dead. A commission formed by the Peruvian Congress in 1988 to investigate "disappearances" announced in September 1989 that 5,877 people had "disappeared" over the previous nine years, although its terms of reference are not known to Amnesty International. The former special commissioner to investigate "disappearances" in Ayacucho, prosecutor Carlos Escobar Pineda, who was transferred from the post in November 1988 and in August 1989 was dismissed by the Attorney General, told the press that his team had proven army responsibility for some 500 cases of "disappearance" in 1987 and 1988 and prepared charges based on these cases against army commanders, which had been stopped by higher authorities.

According to the 1990 report of the United Nations Working Group on Enforced or Involuntary Disappearances, the Group acted on cases of 404 "disappearances" reported to have occurred in Peru during 1989. The Working Group reported that it has records of a total of 1,734 unclarified "disappearances" in Peru on which it has taken action in the past.

"Disappearance" continues to be reported throughout the emergency zones. Amnesty International believes this is greatly facilitated by the armed forces' policy of denying holding prisoners in the emergency zones. Increasingly, the phenomenon has also been reported in urban areas. However, the vast majority of the "disappeared" are members of isolated peasant communities, often apparently targetted solely because they are residents of areas in which armed insurgents are active.

Seven people are reported to have "disappeared" near the village of Los Molinos, Jauja province, Junín department, after they were detained by members of the army on 28 April 1989. Army helicopters reportedly arrived in Los Molinos and the nearby village of Coriac and soldiers detained a number of the residents. The detainees were, according to witnesses, taken away in helicopters, first to the army base in Jauja and later to the "9 de diciembre" army base in the city of Huancayo. Seven of those detained, Raúl Salas Chocas, Wilson Salas Huanuco, Nicolás Chocas Caverro, Freddy Félix Flores Salas, Teódulo Simeón Yaringana, Jaime Jesús Montalvo, and José Camareña Peña, were said to have been seen in detention there two months after the events, but military authorities continued to deny holding them.

The detentions in Los Molinos followed an apparent confrontation between the security forces and members of the Movimiento Revolucionario Tupac Amaru (MRTA, Tupac Amaru Revolutionary Movement) in the area several hours before, in the course of which all the guerrillas who took part -- about 60 individuals -- were said to have been killed. Eyewitnesses later claimed that some who were wounded were later shot dead by troops. Members of the Policía Técnica reportedly took fingerprints for purposes of identifying the remains. However, on 2 May most of the bodies were apparently buried in a common grave by military personnel, before their identities or the cause of death could be established and before a group of civilian investigators could reach the area.

In San Martín department, another area where armed insurgents have been active, 23 people reportedly "disappeared" followed two separate incidents in Tocache province on 14 and 27 August 1989. On 14 August members of the army reportedly entered the village of Ishanga, searched houses and detained 10 people, including a 15-year-old schoolboy, Diva Luis Pinedo Collazos; a teacher, Vicente Bocanegra Espinoza; and eight peasant farmers. The troops are also alleged to have taken away a variety of personal belongings, including motorcycles and electric generators. Nearly two weeks later, on 27 August, army patrols reportedly entered the villages of Acceso Limón and La Esperanza, looted houses and detained 13 people, one of them a 14-year-old boy, Antonio Santiago Chávez Ruiz. In both cases the detainees were taken away in army helicopters to an unknown destination.

Nineteen people reportedly "disappeared" in the Alto Cunas region of Junín department following their detention there on 26 March 1990. According to reports, the 19 members of the Chucupata community were detained by members of the army at 9.00 am on 26 March and taken to the Asac-Bellavista military base. However, the detentions have been denied, although the cases have been denounced to the Attorney General and to the Political-Military Command.

"Disappearances" have also been reported in areas where guerrilla activity has been less long-standing. On 24 October 1989 eight members of the Peruvian Evangelical Church were apparently detained by uniformed soldiers in the Atcas locality, Huantan district, province of Yauyos, Lima department in the course of an army sweep of the area. The soldiers were reportedly on the point of killing Jorge Parraga Castillo, Guzmán Estrada, Incías Estrada Pascual, Herberth Estrada Pascual, Alinio Torrealba, Herberth Santos, Andrés Estrada and Rafael Castillo Mendoza, but instead took them away to an unknown location. Relatives have gone to several army barracks but have failed to obtain any information on their whereabouts, and their detention has not been acknowledged.

Javier Alarcón Guzmán, a university lecturer and trade union leader, has been missing since mid-December 1989. He apparently "disappeared" while travelling from Lima to Huancayo, a road which is controlled by the security forces, on trade union business. Javier Alarcón, a lecturer at the Universidad de Ingeniería in Lima, is a leader of the Peruvian General Workers Confederation (Confederación General de Trabajadores del Perú) and President of the Peruvian branch of the World University Service. According to reports, he had previously been harassed by the police in Lima. In light of the pattern of "disappearances" in the country there are grave fears that his "disappearance" was politically motivated.

A 21-year-old student at the Central National University in Junín department, Simerman Rafael Antonio Navarro, reportedly "disappeared" following his detention on 7 March 1990. According to reports, approximately twelve uniformed members of the armed forces broke into his house, near the "9 de diciembre" barracks in Huancayo, and forced him into a waiting vehicle. When his parents went to the barracks shortly afterwards, military officers there denied that he had been detained.

According to witnesses, Simerman Rafael Antonio Navarro was taken from the "9 de diciembre" barracks to the Todoro Peñaloza barracks in the city of Jauja. He was last seen there on 13 March. Since then his whereabouts have been unknown.

Falconieri Saravia Castillo, president of the Huancavelica Agrarian Confederation, was reportedly detained on 16 March 1990 by an armed man in plain clothes recognized by witnesses as a member of the army. He was seen being taken to the office of the Political-Military Command in the city of Huancavelica, but authorities there refused to acknowledge his detention. On the morning of 19 March his wife wrote to the Provincial Attorney of Huancavelica about the case, but on the afternoon of the same day the letter was returned to her and no action was taken. Falconieri Saravia, a municipal agent of the Santa Barbara community, was on his way to a municipal meeting when he was detained.

Scores of children and young people -- the age groups from which Shining Path is known to concentrate its recruiting -- "disappeared" after being detained in army raids during 1989 alone, although under Peruvian law minors can only be detained on the basis of an order from a juvenile judge. Minors are frequently said to be held in unacknowledged detention in military bases for long periods, during which time they may be forced to work or to act as guides. Young girls are often reported to have been repeatedly raped and subjected to other sexual abuse while held in such conditions.

Relatives of three young people detained on 21 June 1988, Santiago Ñaupari Chavez, aged 21, Marcelino Clemente Ñaupari Chavez, aged 16, and Angelino Ñaupari Espinoza, aged 8, were reportedly told in May 1989 that the three might still be in military custody. According to reports, relatives were told by members of the army that the three were "serving the state" ("sirviendo al estado"), although the legal age for conscription is 18 and there is no apparent legal basis for the two minors to be held by the army for that purpose. Relatives were given no indication of their whereabouts or legal situation, and still consider the three to be "disappeared."

Elisa Allca Lima, aged 15, was reportedly detained on 8 June 1989 in Atocacha, Abancay province, by members of the army. Also detained were Rosaura Huaman Jara, aged 13, and Rosario Condori Alzamora, aged 18. Although their detentions have not been acknowledged, they are reported to have been seen within military bases in Abancay. Elisa Allca is said to have been seen by several detainees since released, including her sister, at the army base at Ccapaya, where Elisa and another young girl were said to be forced to cook for the troops. When her parents attempted to visit her there they were prevented from entering.

Juan Carlos Pocco Contrera, aged 10, was reportedly detained by troops on 6 July 1989 in Pachaconas in Apurímac's Antabamba province. Although he is said to have been seen in army custody at the Santa Rosa Base Contra-Subversiva, Counter-Subversive Base, his fate is not known.

"Disappearance" is often reported in conjunction with extrajudicial execution. Fourteen-year-old Rita Marlene Valer Munalla was detained in Ayacucho city by the army on 11 October 1989. Another schoolgirl saw her being forced into an army vehicle but her detention was denied and she remains "disappeared". Her brother, Walter Wilfredo Valer Munalla, aged 20, "disappeared" after detention by troops on 29 September 1989 but his body, marked by torture, was found dumped at the door of his place of employment in Ayacucho on 7 October.

4. Extrajudicial executions

Extrajudicial executions are another method by which either opponents or alleged opponents of the government are eliminated. The numbers of extrajudicial executions reported since January 1983 may equal or exceed the estimated figures for "disappearances". Although the nature of such killings in an armed conflict situation does not permit the compilation of comprehensive case information, extrajudicial executions, often following unacknowledged detention, have continued to be reported regularly since January 1983. The most detailed reports received by Amnesty International involved individuals who were detained at their homes, during community assemblies or at roadblocks by members of the army, and were later found dead. Killings of large groups of prisoners or peasant communities, often apparently as reprisals for the actions of Shining Path, continue to be frequently reported. In the capital, Lima, and elsewhere, some selective assassinations of lawyers, trade union leaders and human rights activists are believed to have been attributed to a so-called "death squad", the Comando Rodrigo Franco (see below).

Investigations into cases of multiple killings have included the killing of 69 people, including 23 children, at Accomarca, Vilcashuamán province, Ayacucho department on 14 August 1985; an estimated 50 people in the adjoining communities of Umaru and Bellavista, Vilcashuamán province, Ayacucho, on 24 August 1985; 13 people at Parcco Alto, Huanta province, Ayacucho, on 23 October 1986; and some 32 people in Cayara, Víctor Fajardo province, Ayacucho, on 14 and 19 May 1988. Although in many cases investigators have recommended prosecutions of individual army officers in these cases, no one has been tried and convicted for any of these killings.

Amnesty International has repeatedly expressed the concern that this effective impunity enjoyed by members of the security forces may contribute to further serious violations of human rights. The organization has in several cases called upon the Peruvian authorities to ensure that those responsible for extrajudicial executions are held accountable before the law, to avoid creating the expectation that such gross abuses may continue to be committed with impunity in the future.

In December 1989 it was announced that a military court had convicted two members of the Republican Guard (the prison police service) in connection with the unlawful killing of 124 prisoners at Lurigancho prison following the riots there of 18-19 June 1986. However, none of the other 76 military and police personnel also charged in the case was convicted.

In the highly-publicized Accomarca case, a Senate commission of inquiry established in September 1985 concluded that on 14 August 1985 troops had detained some 69 men, women and children, interrogated them, and then killed them and burned their bodies. A sub-lieutenant who commanded the operation told the Senate commission that even Accomarca's infants had been "dangerous": "They begin to indoctrinate them from age two, three, four years old ... little kids have told all of the things they have them do." In March 1986 the Supreme Court resolved that the case should be investigated and tried by a military court, setting aside a case already opened against Sub-Lieutenant Telmo Hurtado Hurtado by the Ayacucho Provincial Public Prosecutor. In September 1987 it was reported that Telmo Hurtado had been promoted and transferred temporarily to the Peruvian Embassy in Washington; he was subsequently found to be working as an army instructor. Judicial proceedings have still not gone forward.

The same has been true in cases of killings by the police. On 9 February 1989 police of the Special Operations Division disguised with hoods and camouflage paint opened fire on several thousand demonstrating farmers as they approached the town square of Pucallpa, in Ucayali department. At least 29 people are believed to have been killed, although precise numbers have not been determined because police reportedly removed the bodies to an unknown location. In September 1989 a provincial prosecutor told the press he had brought charges against police for the murder (homicidio calificado) of 23 farmers but protested that none had been detained and the case had not gone forward.

Often whole communities appear to be collectively punished for the activities of Shining Path, regardless of whether or not there is any evidence linking them to those actions. On 17 May 1989 some 100 troops of the army's Battalion No. 3 "Ollantaytambo" detained 20 residents of the peasant community of Calabaza in Junín's Satipo province in the wake of a number of clashes between troops and armed insurgents in the area. The troops were reportedly led by two officers identified only by noms de guerre. On the following day the bodies of 11 of the detainees, including three schoolchildren, were found on the banks of the Calabaza river. Others managed to escape or were later released, allegedly after being subjected to torture. The killings in Calabaza have been denounced to the Attorney General, but as yet no investigation is known to have been initiated.

According to reports, on 13 June 1989 troops raided the Santa Ana community, in Ayacucho's Lucanas province, but found that all but the elderly had fled into the mountains. They then killed Natividad Quispe (90), Domingo Quispe (about 95), Crisóstomo Condori Quispe (58) and Alejandro Quispe Condori (60). On 26 June troops returned in a night raid before residents could flee, illuminating the village with flares. Three elderly men whose names are not known to Amnesty International were killed and young women were reportedly taken into the church and raped: 14-year-old Casimira Quispe Condori was raped and then severely wounded in the back with a bayonet. On 27 June troops moved into the nearby community of Pampamarca, where a temporary military headquarters was established in the church while residents were screened as potential subversives; ten people were then said to have been killed on the spot. No investigations are known to have begun into these cases.

Prosecutions for the killings by the army of at least 32 villagers in and around Cayara, Ayacucho in May 1988 now appear to have been suspended. The case was ordered "archived" (*archivado*) by the Attorney General's office in November 1988. In May 1989 it was reported that the military judge before whom the case was brought had found that no military personnel were responsible for any criminal act at Cayara and had also recommended that the case be "definitively archived".

At least 29 villagers were killed in Cayara on 14 May 1988, including two schoolboys and a woman of 80, after Shining Path had ambushed an army convoy in the area the night before. Most of the victims were reportedly tortured with spiny cactus and then hacked to death with machetes and agricultural tools. The bodies of the dead, buried by their families, were reportedly exhumed by troops immediately before a team of civilian investigators arrived and their whereabouts are now unknown. Three other victims, detained in neighbouring Erusco on 19 May, were found in a common grave on 10 August 1988, but their bodies too disappeared. Since the May 1988 massacre nine witnesses have "disappeared" or have been killed; in all cases eyewitnesses report that members of the army were responsible.

Amnesty International has concluded that there is overwhelming evidence to support the accusation that the army deliberately carried out the killings and that both military and civilian authorities had sought to cover up the events. The military authorities in Ayacucho department systematically obstructed attempts by judicial authorities to investigate the killings, impeded access to the area and prevented residents from leaving the community. Death threats were persistently sent to witnesses and to the Attorney General's special commissioner, Dr Carlos Escobar Pineda, and his team. In November 1989 Dr Escobar left the country for his safety.

Progress in the Cayara case was also halted through death threats and the murder of witnesses. A 22-year-old nurse who gave widely-reported testimony to investigators about the case, Marta Crisóstomo García, was shot dead by men in army uniform on 8 September 1989, together with a friend with whom she was living. She was the ninth witness to the killings to fall victim to extrajudicial execution or "disappearance". Marta Crisóstomo was reportedly killed by the uniformed gunmen when they burst into her home in the city of Ayacucho in the early hours of the morning. A native of Cayara, she had left the village because of fears for the safety of witnesses to the Cayara massacre. A tenth witness was reportedly being

sought by troops after the killing of Marta Crisóstomo; she has now left the area.

On 22 September 1989 the Attorney General ordered that the Cayara investigation be reopened, and delegated this task to the Public Prosecutor of Víctor Fajardo province, where Cayara is situated. There is no evidence that new information was sought or witnesses were called, nor were attempts made to identify the troops responsible for the killings (who had been identified only by pseudonyms). On 30 January 1990 the Provincial Public Prosecutor again ordered the case "definitively archived".

Also in January 1990, the case was reportedly heard in camera by a military court, which dismissed charges against unidentified officers and issued an order suspending the case (auto de sobreseimiento). This was upheld by the Consejo Supremo de Justicia de las Fuerzas Armadas (Supreme Council of Justice of the Armed Forces) on 31 January 1990. The case is now considered to have been decided (cosa juzgada, or res judicata) in the military forum, and does not appear likely to be brought before the ordinary courts. All domestic remedies would now seem to have been exhausted and there would appear to be little likelihood that the case will be reopened.

Further information on the Cayara massacre and its sequel is contained in Amnesty International's September 1989 report, Peru: The Cayara Massacre (AI Index: AMR 46/56/89) and a March 1990 update, Peru: The Cayara Massacre - Recent Developments (AI Index: AMR 46/13/90).

The vast majority of victims of extrajudicial execution in Peru have been peasant families from remote areas, areas in which Shining Path has been particularly active. Recently, however, others are increasingly believed to have been targeted for extrajudicial execution, including journalists, lawyers, human rights activists, leaders of women's groups, trade unionists and political opposition leaders.

5. Attacks on human rights activists

In recent months there has been a disturbing rise in the number of attacks and threats directed at human rights activists or the premises of human rights organizations. While over the past year the majority of such attacks have taken place in the emergency zones, recently they have spread to Lima, where several threats and attacks have been reported since the beginning of 1990.

Human rights lawyer Fernando Mejía Egocheaga was, according to his wife, taken barefoot from his home in Oxapampa by uniformed troops of the local garrison on the night of 15 June 1989. His detention was witnessed by his wife and four-year-old daughter; his wife, who has now fled the country, was reportedly raped twice by soldiers after the arrest and threatened with death should she make a formal complaint. Dr Mejía had provided legal aid to peasant and indigenous communities in the region and was one of Pasco's leading human rights lawyers. On the same night Aladino Melgarejo Ponce, the head of the Oxapampa branch of the national teachers' union, SUTEP, was allegedly seized by troops. Both men were reportedly taken to the army base at Oxapampa, although their detentions were denied by the army. On 18 June 1989 the bodies of the two men were found, bearing apparent signs of torture and bullet wounds, on the banks of the Santa

Clara river in Oxapampa. Investigations of the killings have not gone forward.

Dr Coqui Samuel Huamaní Sánchez, a lawyer and newly-appointed director of the Cerro de Pasco Comisión de Derechos Humanos (CODEH, Human Rights Commission), was found dead on 23 August 1989, some hours after being seized at his home by armed men believed to be members of the security forces. According to witnesses, Dr Huamaní was taken from his home in Cerro de Pasco, the capital of Pasco department, at 1.20 on the morning of 23 August by armed men wearing army uniforms and balaclavas (pasamontañas). His detention was witnessed by several people, including the owner of the house in which he was living. At about 2.00 the same afternoon his body was found, together with a note which read "thus die traitors" ("así mueren los traidores"), an apparent attempt to make it appear that members of Shining Path were responsible for his abduction and killing. An investigation has been initiated by the public prosecutor, but no results have yet been published and no charges are known to have been brought.

The secretary of the Comisión de Derechos Humanos de Huancavelica, Angel Escobar Jurado, "disappeared" in the city of Huancavelica on 27 February 1990. According to reports, he was detained by five men in plain clothes as he left the office of the Human Rights Commission at 7 pm on 27 February; the men were described by witnesses as being "of military appearance". The detention of Angel Escobar, who is also a leader of the local Federation of Peasant Communities, has been denied by police and military authorities.

In Lima, in the early hours of the morning of 18 February 1990 grenades were thrown at the headquarters of the Andean Commission of Jurists (an affiliate of the International Commission of Jurists). There were no injuries. Official inquiries attributed the attack to the Movimiento Revolucionario Tupac Amaru, which has taken the unusual step of denying responsibility; initially investigators reportedly observed that the explosive device was of a type used by the military.

On 4 March 1990, also at about 2.30 am, an explosion badly damaged the offices of Amnesty International's Peruvian Section in Lima, although there were no casualties. Official investigators later stated that two charges of dynamite had been placed on the balcony of the building, one of which exploded. The perpetrators have not yet been identified. Amnesty International has called on the authorities to investigate these incidents.

The human rights organization Asociación pro Derechos Humanos (APRODEH) reportedly received a telephone call on 28 February 1990, warning them that "you had better take care of yourselves and your families instead of the people that come to you in search of help". The caller identified himself as a member of the Comando Rodrigo Franco, a so-called "death squad" believed to be linked to the ruling APRA party and the security forces. A second telephone call referred to the "disappearance" of Angel Escobar Jurado and warned that "you will be next".

6. Detention and torture of prisoners

Abusive treatment continues to be reported as a normal procedure during criminal and political investigations in both rural and urban areas. Torture, including rape, appears to be widespread during army operations in rural areas, with reports frequently describing systematic beatings, near drowning, electric shocks, hanging by the arms and threats of mutilation or death. Sexual abuse by troops has reportedly become routine in the Quechua-speaking peasant communities of the emergency zones -- but has also been reported by other women after periods in army custody. No army personnel stationed in the emergency zones are known to have been prosecuted for the rape of women in their custody and investigations into charges of torture are not known to have been instituted. In 1986 Amnesty International was told by legal officials in Ayacucho that rape by troops in rural areas was to be expected, that it was "natural" and that prosecutions could not be expected.

A recent torture victim, who did not wish to be identified because of threats to himself and his family, told Amnesty International that he had been subjected to protracted beatings, electric shocks and near-drowning (submarino) while held for over two weeks in secret military custody.

"When they brought me back they began firing at me, but with an unloaded gun, and they told me I was lucky; they insulted me, anything they wanted. They said if I didn't tell them a name, hand over more people, they would have to kill me and they would feed my body to the pigs.

"Because of the beatings they gave me I had swollen feet, I had no feeling in parts of my body, in my knees and my leg, my hand, they are still numb. My toes also. I had pains in my lower back, at the level of my kidneys, there was blood in my urine. This was where they beat me most."

Dr Wilfredo Saavedra, President of the Cajamarca Comité de Defensa de los Derechos Humanos (CODEH, Committee for the Defence of Human Rights) was reportedly asked to report to the headquarters of the Policía Técnica (the Peruvian Investigative Police, formerly known as PIP) on 19 September 1989 in connection with offering legal advice to a detainee. However, when he arrived at the police headquarters he was detained; on the same day his home was searched by police. The following day several other members of CODEH were detained but were later released.

Dr Saavedra is said to have been subjected to severe beatings. In a written complaint to the provincial prosecutor he said he had been tortured in order to force him to confess to being a member of a guerrilla group. On 26 September 1989 a special commission travelled to Cajamarca to interview several prisoners alleged to have been subjected to torture. They stated that Dr Saavedra's wrists showed signs of having been tied and that his body appeared to be bruised. Other detainees examined were said to have been subjected to electric shocks and beatings. Three days later Dr Saavedra was transferred to the Santa Isabel Prison in Cajamarca, and is reportedly to be charged under anti-terrorist legislation.

Alberto López Bautista, a construction worker in Ayacucho city, reported how he was detained at his home at about midnight on 5 October 1989:

"They entered, armed and hooded, and then without saying anything tied my hands behind my back and then began beating me, blows to the stomach ... I was in agony and could do nothing."

Alberto López was reportedly taken to Los Cabitos barracks in Ayacucho, where he was again ill-treated and slashed with knives. He managed to escape three days later and entered the Hospital Base de Ayacucho to receive treatment for injuries suffered in detention. While in hospital, he was reportedly threatened with death by members of the armed forces. He has now left the area.

7. Amnesty International and the Government of Peru

In recent years Amnesty International has investigated the cases of possible prisoners of conscience in Peru and called for the release of prisoners of conscience. It has pressed the authorities to account for the many prisoners detained who have subsequently "disappeared" and to investigate the numerous cases of 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 no formal response from the government of Alan García, although some Peruvian embassies have acknowledged receipt of copies of letters sent to authorities.

In August 1989 the organization wrote to the government inviting its comments on the report Peru: Human Rights in a State of Emergency (AI Index: AMR 46/49/89). No response has been received to this communication. A Briefing entitled Caught Between Two Fires, which the organization published in November 1989, elicited a statement from the Minister of Defence rejecting Amnesty International's findings and asserting that the counterinsurgency campaign "was based at all levels on respect for the norms established by the Constitution, the application of the Republic's laws and the strict observance of the fundamental rights and duties of the human person."

In February 1990 Amnesty International directed an "open letter" to the candidates in Peru's April 1990 presidential elections. In the letter, the organization urged the candidates to make the protection of human rights central to their electoral program and made a number of recommendations for the investigation and prevention of future violations. These included:

- appointment of and support for special prosecutors to investigate alleged violations;

- reinforcement of their right of access to all places of detention;
- provision of effective protection for human rights defenders, and for witnesses or victims wishing to testify on alleged human rights violations before investigators and courts;
- the restoration in practice of rights of detainees such as the right to habeas corpus;
- a central system of records of all detentions;
- jurisdiction of the ordinary courts over members of the security forces alleged to have committed criminal violations of human rights; and
- compensation to victims of human rights violations or their surviving relatives.

The letter called on all candidates to make a clear statement that human rights violations would not be tolerated under an incoming administration. Although the letter received considerable attention in Peru, and drew criticism from representatives of several of the political parties, Amnesty International has received no direct response from any of the presidential candidates.