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EVARISTO QUISPE OCHATOMA AND FLORENTINO BERROCAL AMBAS

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Community leaders Evaristo Quispe Ochatoma and Florentino Berrocal Ambas were detained on 5 December 1989, following an accusation made by a small landowner (gamonal) with whom the community was in a land dispute.

Evaristo Quispe is a well-known leader of the Confederación Nacional Agraria (National Agrarian Confederation) and was its representative at the management committee of the Instituto Nacional de Desarrollo de las Comunidades Campesinas (National Institute for the Development of Peasant Communities), an organization of the Ministry of the Presidency. He is currently President of the peasant community Santa Rosa de Huatatas in the province of Huamanga, Ayacucho department. In 1987 he was detained by the police shortly before he was to attend a forum on human rights. He was reported to have been badly tortured. He is married and has five children.

Florentino Berrocal Ambas, is Secretary of the Santa Rosa de Huatatas community and is a member of the Evangelical church. He is married and has seven children.

Both men are reported as being held in the Huamanga jail in Ayacucho city.

Amnesty International is concerned that both men may have been imprisoned due to their legitimate work as leaders in the dispute the Santa Rosa de Huatatas community is having with a gamonal, over the ownership of some plots of land.

According to reports the judge has until 4 April in which to decide whether the detainees are guilty or innocent, but this date could also be indefinitely postponed. All requests for the provisional or conditional liberty of the two men submitted by their lawyers up to 6 March have been rejected by the judge. The cases are now to be heard by the Superior Court of Ayacucho.

CASE BACKGROUND

The above mentioned gamonal used to be a member of the Santa Rosa de

Huatatas Community. Around mid 1988, a General Meeting of the Community agreed to expel him from it for his efforts in appropriating land belonging to the community. He is reported to have gained ownership of 14 hectares of land in a community in which the other members owned between 0.5 and 1 hectares, apparently in breach of a provision in the General Law on Peasant Communities forbidding the monopolizing of community lands.

Although he had been expelled from the Community, around the middle of 1989 the gamonal applied for a bank loan as if he were a member of the Santa Rosa de Huatatas Community. On 15 October Evaristo Quispe, as President of the Community, wrote to the bank asking them to reject this loan on the grounds that the gamonal was no longer a member of the community. Evaristo Quispe also denounced the gamonal to the provincial attorney for feigning membership of the Community.

Against this background, it would seem that the gamonal complained to the police that on 14 November 1989 a group of 15 people, three of them in uniforms and led by Evaristo Quispe, burst into his house at 10 pm and carried out acts of assault, armed robbery and rape. He reportedly attributed direct responsibility to Evaristo Quispe, Florentino Berrocal and Marcial Berrocal Ambas (who has not been detained), for the alleged crimes. This denunciation states that two of the three men in uniform had raped his young daughter "at the instigation and indication of Evaristo Quispe" (a instigación e indicación de Evaristo Quispe). Of the whole group of 15, the gamonal could only recognize the three accused.

The police detained Evaristo Quispe but released him 15 days later after carrying out the relevant investigations and reportedly after concluding that it was a false denunciation.

Shortly afterwards, reportedly following pressures from the gamonal, the Provincial Attorney filed charges of "delito contra el patrimonio" (crime against property) and "delito contra las buenas costumbres, en la modalidad de violación sexual" (crime against commonly accepted moral standards in the form of rape) against Evaristo Quispe, Florentino Berrocal and Marcial Berrocal. A judge of the Segundo Juzgado de Instrucción, then issued detention orders.

Amnesty International has received frequent reports of trade union and community leaders being imprisoned for political reasons. While in most cases these people are charged with terrorism, in many others they are being charged with common crimes such as theft or stealing cattle. After several months, sometimes years in prison, the prisoners are released for lack of evidence.

Several of the local human rights organizations have claimed that the allegations against Evaristo Quispe Ochatoma and Florentino Berrocal Ambas are false. Although the gamonal's daughter, the victim of the alleged rape, has reportedly claimed to have been raped by three men dressed in army uniform, she has never claimed to have been raped by the accused.

Amnesty International believes that Evaristo Quispe and Florentino Berrocal may have been detained solely because of their work as leaders of a peasant community and representing the interests of its members. The organization is asking the authorities on what basis the charges are being made and requesting that they be either promptly brought to trial or released.