

PERU

Raúl Teobaldo Miguel Andahua Another victim of torture

Amnesty International is seriously concerned about the torture endured by Raúl Teobaldo Miguel Andahua. Raúl Teobaldo Miguel Andahua, a local businessman, was stopped on 18 December 1998 in the town of Aguaytía, Padre Abad province in Ucayali department, by an individual who, after forcing him into a car by beating him, drove him to the *Base Militar de la Marina de Guerra del Perú*, a nearby naval base.

According to reports, at the base Raúl Teobaldo Miguel Andahua was tortured by being beaten by at least eight officers and having a 30cm-long stick put in his anus. Raúl Teobaldo Miguel Andahua lost consciousness and when he recovered found himself in a cell naked and wet. The following day electric shocks were applied to his back and he was forced to sign a statement in which he confessed to crimes of terrorism.

In addition, he was threatened with death if he stated that his injuries were the product of the torture he endured instead of having sustained them in a motorcycle accident.

By 23 December 1998 Raúl Teobaldo Miguel Andahua had been handed over to the police in Aguaytía. The Public Ministry's representative who took up his case ordered an immediate medical examination. On 28 December 1998 the examination was carried out in the town of Tingo María, Huánuco department, where he was transferred to and was being investigated by the anti-terrorism branch of the police. Days later Raúl Teobaldo Miguel Andahua had been released unconditionally because the police found no evidence of him having been implicated in terrorism-related offences.

Raúl Teobaldo Miguel Andahua has filed a complaint at the Public Ministry's Attorney General's office giving the name of one of the officers whom he recognised as having tortured him at the naval base in Aguaytía. Amnesty International has no knowledge of whether an investigation has been carried out or if anybody has been brought to justice for Raúl Teobaldo Miguel Andahua's ordeal.

Background information

Amnesty International has received persistent reports of torture and ill-treatment of detainees by members of the Peruvian armed forces and the police in the context of the internal armed conflict between the security forces and the armed opposition groups *Partido Comunista del*

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

In November 1994 the United Nations Committee against Torture recommended to the government of Peru incorporating the term "torture" in Peru's criminal code, and ensuring that those found guilty of torture were punished according to the gravity of the crime.

Four years later, in February 1998, the Peruvian Congress approved a law on crimes against humanity, including torture, which states that "*El funcionario o servidor público o cualquier persona, con el consentimiento o aquiescencia de aquél, que inflija a otro dolores o sufrimientos graves, sean físicos o mentales, o lo someta a condiciones o métodos que anulen su personalidad o disminuyan su capacidad física o mental... con el fin... de castigarla por cualquier hecho que haya cometido o se sospecha que haya cometido... será reprimido con pena privativa de libertad...*" (Any civil servant, public official or person acting with the consent or acquiescence of the former, who inflicts pain or serious suffering to others, be they physical or mental, or who subjects a person to conditions or methods which deny their personality or diminish their physical or mental capacity... in order to... punish them for anything they have done or are believed to have done... will be imprisoned...). The law also stipulates that those accused of these crimes will be dealt with by civilian courts.

Amnesty International has welcomed this law and believes it to be a step forward in the eradication of torture. However, if the Peruvian authorities are serious about implementing both the spirit and the letter of this law then full and impartial investigations into allegations of torture have to be carried out and those responsible brought to justice.

WHAT YOU CAN DO:

Please send faxes/express and airmail letters preferably in Spanish to the authorities listed below:

- Expressing concern that **Raúl Teobaldo Miguel Andahua** was allegedly tortured at the Naval Base of Aguaytía, Padre Abad province in Ucayali department, after having been detained on 18 December 1998.
- Calling for a full and impartial investigation into these allegations, that the results be made public and those responsible brought to justice.
- Reminding the authorities that in February 1998 they passed a law which penalises torture and urging them to take this new law seriously both in spirit and in letter.

Please send appeals to:

President

Ing. Alberto Fujimori
Presidente de la República
Palacio de Gobierno
Plaza Mayor

Lima , PERU

Fax: + 511 426 6770

Salutation: Sr. Presidente/Mr President

Head of the Public Ministry

Dr. Miguel Aljovín Swayne

Fiscal de la Nación

Fiscalía de la Nación

Av. Abancay, cuadra 5 s/n

Lima 1, PERU

Fax: + 511 426 4860

Salutation: Sr Fiscal de la Nación/ Dear Attorney General

Minister of Defence

General EP Carlos Alberto Bergaminos Cruz

Ministro de Defensa

Ministerio de Defensa

Av. Arequipa 291

Lima 1, PERU

Fax: + 511 433 6906

Salutation: Sr. Ministro/Dear Minister

This document has been sent to Amnesty International South Andean RAN Coordinators for action by groups as well as to Amnesty International Sections. Please check with the South America Team at the address below if sending appeals after November 1999.

INTERNATIONAL SECRETARIAT, 1 EASTON STREET, LONDON WC1X 8DJ, UNITED KINGDOM