

EXTERNAL

AI Index: AMR 46/21/95

3 October 1995

Further information on UA 146/95 (AMR 46/10/95, 23 June 1995) - Fear for safety

PERUGeneral Rodolfo Robles Espinoza, army officer, and his family

In the early evening of 26 September dissident army officer General (EP) Rodolfo Robles Espinoza received a phone call at his home, in Lima, which was answered by one of his sons. The anonymous caller, possibly believing he was speaking to General Robles, said: *"te vamos a matar por traicionero, ..., a tu familia, a tu esposa la vamos a matar, así que déjate de joder, porque si no vas a ver"*, "we are going to kill you because you are a traitor, [we are going to kill] your family, we are going to kill your wife, so stop messing about, otherwise you will see what will happen to you". The following day General Robles received two similar anonymous telephone death threats which he himself answered. Amnesty International fears for the safety of General Robles and his family.

FURTHER BACKGROUND INFORMATION

On 5 May 1993 General Robles made public a written statement, in which he accused a *"destacamento especial"*, "special detachment", within the *Servicio de Inteligencia del Ejército*, Army Intelligence Service, of having abducted and killed one professor and nine students from La Cantuta University in July 1992. Immediately prior to making his statement public, General Robles sought refuge in a foreign embassy and subsequently flew to Argentina. Prior to his departure, General Robles was threatened by telephone that he would be killed.

While in exile a military court charged him with insubordination, disobedience and other military offences. These charges hinged on General Robles' public accusations relating to the La Cantuta University case.

On 15 June 1995, President Alberto Fujimori promulgated an amnesty law which came into effect on 16 June. The law closed all investigations and judicial proceedings linked to past human rights violations. Since 1983 these have included thousands of cases of alleged "disappearance", extrajudicial execution, and torture, the vast majority of which have never been resolved.

The amnesty law also rendered ineffective those few sentences handed down for such crimes. For example, the law served to bring about the immediate release of those officers sentenced to terms of imprisonment for their part in the killings at La Cantuta University.

Peruvian and international human rights organizations, including Amnesty International (see News Service 112/95, NWS 11/112/95, 16 June 1995), in addition to a wide spectrum of Peruvian popular opinion as tested in opinion polls, strongly condemned what in effect is an impunity law which prevents the emergence of the truth. In addition, on 1 August 1995 the UN Special Rapporteur on torture, the UN Special Rapporteur on extrajudicial, summary or arbitrary executions, the UN Special Rapporteur on independence and impartiality of the judiciary, and the President of the UN Working Group on Enforced or Involuntary Disappearances, jointly wrote to the Peruvian Prime Minister. In their letter they stated that the amnesty law favours *"...la impunidad al negar recursos eficaces a quienes hayan sido víctimas de violaciones de derechos humanos y, que por consiguiente, son contrarias al espíritu de los instrumentos de derechos humanos, incluida la Declaración de Viena aprobada por la Conferencia Mundial de Derechos Humanos el 25 de junio de 1993."*, "... impunity by denying effective redress to those who are victims

of human rights violations and, therefore, contravene the spirit of human rights instruments, including the Vienna Declaration, approved by the World Conference on Human Rights on 25 June 1995" (unofficial translation).

General Robles returned to Peru on 16 June 1995, following the promulgation of the amnesty law, which he believed to also cover the charges against him. Since his return General Robles has requested the Ministry of Defense that he be reinstated in the army. In addition, General Robles has also been an outspoken defender of Peruvian human rights organizations and a critic of human rights violations in Peru. In an article published by the Peruvian magazine *Caretas* on 22 June 1995, he wrote: "*En el destierro, he comprobado cómo se sataniza a los organismos de DDHH, por su admirable labor en defensa de las víctimas de las violaciones de los DDHH*", "In exile I have realised how human rights organizations have been vilified because of their admirable work in defending the victims of human rights violations".

RECOMMENDED ACTION: Please send telegrams/telexes/faxes/express/airmail letters in Spanish or your own language:

- expressing concern that General Rodolfo Robles and his family have received telephone death threats on 26 September and 27 September 1995;
- expressing dismay at the failure of the authorities to halt repeated death threats made against General Rodolfo Robles and his family;
- urging that all necessary steps be taken to ensure that General Rodolfo Robles and his family are given adequate protection;
- urging the Attorney General to ensure that a prompt and thorough investigation into the reported death threats is conducted, the findings are made public and the perpetrators brought to justice.

APPEALS TO:

Minister of Defence

General EP Víctor Malca Villanueva
 Ministro de Defensa
 Ministerio de Defensa
 Avenida Boulevard y Monterrico
 Lima 33, PERU

Faxes: +5114 35997/334470 (if voice, ask "me da tono de fax, por favor")

Telexes: 25438 comgregj

Telegrams: Ministro de Defensa, Lima, Peru

Salutation: Sr. Ministro / Dear Minister

Minister of Interior

General EP Juan Briones Dávila
 Ministro del Interior
 Ministerio del Interior
 Plaza 30 de Agosto 150
 San Isidro
 Urb. Córpac
 Lima 27, Peru

Faxes: +5114 415128/752995

Telegrams: Ministro del Interior, Lima, Peru

Salutation: Sr. Ministro / Dear Minister

Attorney General

Dra. Blanca Nélica Colán Maguiño
 Fiscal de la Nación

Fiscalía de la Nación
Av. Abancay, 5 cuadra, s/n
Lima 1, PERU

Faxes: +5114 332773/262474

Telegrams: Fiscal de la Nacion, Lima, Peru

Salutation: Sra. Fiscal de la Nación / Dear Attorney General

COPIES TO:

Human rights organization

APRODEH

Jr. Pachacútec 980

Jesús María

Lima 11, 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 20 November 1995.