

UA 206/96

Ill-treatment/torture/fear for safety/
death threats

15 August 1996

PERU **Juan Gutiérrez Silva and his family**
Luis Zambrano Morales, human rights defender

Amnesty International fears for the safety of Juan Gutiérrez Silva, his family, and human rights defender Luis Zambrano Morales who last week received public death threats allegedly from members of the *Jefatura Provincial de la Policía Nacional de Tocache*, the Tocache National Police Provincial Headquarters in the department of San Martín.

According to reports, at around midnight on 6 July 1996, in a discotheque in Tocache, a member of the Peruvian army accused Juan Gutiérrez of attempting to murder his girlfriend, Genith Zubiata, who had been shot at on 27 May 1996. The soldier took Juan Gutiérrez to the police station, where he was beaten while being asked where he kept the gun used in the murder attempt.

On the morning of 7 July, while still in police custody, he was allegedly beaten in the stomach and head with a sharp object and told, "*que no iba a salir vivo y que en las noches lo iban a matar poco a poco*", "that he was not going to come out alive and that during the night they would kill him little by little".

As a result of the beatings, he suffered serious injuries, including, according to a hospital report, trauma to the skull and abdomen and multiple stab wounds, which required emergency surgery. On 7 July, he was transferred to the UBASS Rural Hospital in Tocache. Due to the seriousness of his injuries, on 10 July, he was again transferred to the Hipólito Unanue Hospital in Lima, where he remained until 16 July 1996. Amnesty International is not aware of any charges having been brought against him. Following a public outcry over the incident, the Tocache National Police Headquarters issued a press release stating that the injuries were self-inflicted.

Juan Gutiérrez and his family have since filed complaints with the Peruvian authorities, calling for a full investigation and the punishment of those responsible. The case has been taken up by Luis Zambrano Morales, a lawyer working with the *Asociación Pro Derechos Humanos*, a national human rights organization. Over the past week, Juan Gutiérrez, his family, and Luis Zambrano Morales have reportedly received public death threats from those members of the police who inflicted the torture.

BACKGROUND INFORMATION

In the past year, reports of cases of torture and ill-treatment, including death in custody, unrelated to Peru's internal armed conflict, have increased.

On 23 March 1996, Mario Jesús Palomino García was detained by members of the National Police in the Breña district of Lima, the capital, allegedly because he was not carrying identity documents. He was severely beaten on the way to the police station and died before reaching hospital.

In September 1991, an official document entitled *Directiva presidencial sobre respeto a los Derechos Humanos*, Presidential Directive on the Respect for Human Rights, stated that the government's policy was that "[entre otras violaciones a los derechos humanos también] se elimine definitivamente la tortura", "torture [among other human rights violations, was also to] be definitively eliminated".

However, Amnesty International believes that torture remains endemic. The organization is concerned that cases of alleged torture and ill-treatment by the security forces are not being thoroughly, impartially and independently investigated; the perpetrators are not being brought to justice and the victims or their relatives are not being compensated.

On 25 July 1996, the United Nations Human Rights Committee issued its preliminary observations on the Government of Peru's third periodic report on the Peruvian State's responsibilities as a party to the International Covenant on Civil and Political Rights. The Committee was "deeply concerned by persistent reports of torture or cruel, inhuman or degrading treatment of persons detained". It urged the Government of Peru, *inter alia*, "to take effective measures to investigate allegations of [...] cases of torture and ill-treatment, [...] to bring the perpetrators to justice, to punish them and to compensate victims." (See UN Doc. CCPR/C/79/Add.67, para. 23, 25 July 1996)

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

- expressing concern at the death threats against Juan Gutiérrez Silva, his family, and human rights defender Luis Zambrano Morales;
- urging the authorities to take immediate measures to guarantee their safety;
- calling for immediate steps to be taken to identify those responsible for the threats and for them to be brought to justice;
- urging the authorities to carry out a thorough, impartial and independent investigation into the alleged torture of Juan Gutiérrez Silva, to make the findings public and to bring those responsible to justice;

if possible also:

- urging the authorities immediately to investigate all cases of alleged torture and ill-treatment by the security forces, to bring those responsible to justice and to compensate the victims or relatives;
- urging the authorities to ensure that the government's policy "that torture be definitively eliminated" is confirmed and implemented.

APPEALS TO:

Minister of the Interior

General EP (rtd.) Juan Briones Dávila
 Ministro del Interior
 Ministerio del Interior
 Plaza 30 de Agosto No.150
 San Isidro, Córpac
 Lima 27, PERU

Faxes: + 511 224 2407

Telegrams: Ministro del Interior, Lima, Peru

Salutation: Sr. Ministro/Dear Minister

Head of the National Police

General PNP Ketín Vidal
 Director Superior de la Policía Nacional del Perú
 Ministerio del Interior
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Telegrams: General Vidal, Policía Nacional, Lima, Peru

Salutation: Sr. Director/Dear Director

Attorney General

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Fiscal de la Nación

Fiscalía de la Nación

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Faxes: + 511 426 4429/433 2773/426 2474

Telegrams: Fiscal General, Lima, Peru

Salutation: Sra. Fiscal General/Dear Attorney General

COPIES TO:Human Rights Organization

APRODEH

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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 19 September 1996.