

EXTERNAL (for general distribution)

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UA 190/92 Fear of "Disappearance"/Fear of Extrajudicial Execution

PERU: Dionisio ROJAS QUISPE

Amnesty International is seriously concerned for the physical safety and life of Dionisio Rojas Quispe from the San Rosa settlement, district of Pichanaqui, Chanchamayo province, Junín department, following his apparent unacknowledged detention by members of the security forces.

According to reports, on 11 May 1992, 44-year-old Dionisio Rojas travelled to the town of La Merced for business reasons. Inquiries carried out by the victim's relatives indicate that although Dionisio Rojas arrived in La Merced, he did not reach his destination, the Juzgado de Tierras de San Ramón, a court dealing with property rights. In answer to relatives' enquiries, the police authorities in La Merced denied detaining Dionisio Rojas. However, the circumstances of his "disappearance" have led his relatives to believe that he was detained by the security forces.

On 25 May 1992, relatives of the victim reported the apparent detention to the Fiscal Provincial de La Merced, La Merced provincial attorney. In a document submitted by relatives to the Fiscal Provincial, the relatives claimed that Dionisio Rojas may be held in detention in the Ollantaytambo military base. On 28 May, an independent human rights organization in Lima, the capital, filed a petition of habeas corpus before a juez instructor, examining magistrate, in La Merced, in favour of Dionisio Rojas. Also on 28 May, the same organization sent a telex to the Ollantaytambo military base requesting that Dionisio Rojas' rights be respected and that he be brought before a judge or released.

BACKGROUND

President Alberto Fujimori and his government assumed power on 28 July 1990. The government inherited a legacy of gross human rights violations dating back to January 1983, including thousands of cases of "disappearance" and extrajudicial execution. In his inaugural speech the President stated that his government would fully respect human rights. On a number of subsequent occasions President Fujimori and representatives of his government have repeated that pledge.

The cases documented by Amnesty International between 28 July 1990 and 30 April 1992, include 392 cases of people who reportedly "disappeared" after arrest and remained unaccounted for, and 169 were extrajudicially executed. Dozens of cases of torture, and of death threats and attacks on human rights defenders, have also been documented by the organization since July 1990.

On 5 April 1992, President Fujimori announced the immediate dissolution of

Congress and a wholesale reorganization of the judiciary and the Public Ministry. Following the announcement, congressional commissions investigating human rights violations were stopped from working. In addition the judiciary and many of the Public Ministry offices were brought temporarily to a halt. This meant that alleged human rights violations were not officially documented and investigated, and that detainees, their relatives and human rights defenders did not have access to judges and representatives of the Public Ministry during this period.

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Since early May, the courts and offices of the Public Ministry have reopened. President Fujimori's Government has appointed new Supreme Court judges, and a Fiscal de la Nación, Attorney General, as head of the Public Ministry. Some jurists have questioned the independence of the judiciary since President Fujimori announced his Government of Emergency and National Reconstruction.

RECOMMENDED ACTION: Please send telegrams/telexes and airmail letters:

- expressing concern for the safety of Dionisio Rojas Quispe following his apparent unacknowledged detention by members of the security forces;
- asking that if he is in custody he be either brought before a judge and charged with a recognizable criminal offence or be released immediately;
- urging that if he is retained in custody he be humanely treated and given access to an independent lawyer, doctor, relatives and a representative from the Public Ministry.

APPEALS TO:

1) President

Presidente Alberto Fujimori
Palacio de Gobierno
Plaza de Armas
Lima 1 PERU

Telegrams: Presidente Alberto Fujimori, Lima, Peru

Telexes: 20167 PE PALACIO

Salutation: Señor Presidente/Dear President

2) Minister of Defence

General EP Víctor Malca Villanueva
Ministro de Defensa
Ministerio de Defensa
Avda. Boulevard
Monterrico,
Lima 33. PERU

Telegrams: General Defensa, Malca, Lima, PERU

Telexes: 25438 PE CONGREGJ

Salutation: Sr. Ministro/Dear Minister

COPIES OF YOUR APPEALS TO:

Human Rights Organization

Señores
APRODEH
Jirón Pachacutec 980
Jesús María
Lima, PERU

and to diplomatic representatives of Peru in your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat or your section office, if sending appeals after 17 July 1992.