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PERU CAMPAIGN - @APPEAL CASES

The following appeal cases are for use in external material accompanying the November 1991 Peru Campaign.

Marcela Valdéz de la Cruz

teacher and trade union member "disappeared"

On the morning of 17 May 1991, 34 year-old Marcela Valdéz de la Cruz, a teacher and trade union member, left her house in the La Magdalena area of the city of Ayacucho, and started out across Magdalena Square towards the local chemist.

As she was walking across the square, witnesses saw her being detained and taken away by members of the Peruvian armed forces. Her family, friends and colleagues have not seen her since.

Human rights workers were confident that Marcela Valdéz had been taken to *Los Cabitos* military barracks. The army denied all knowledge of her detention. She remains "disappeared".

Since 8 May 1991 Marcela Valdéz had stopped work as a part of a national strike by her union, the *Sindicato Único de Trabajadores en la Educación del Perú (SUTEP)*, the national teachers union. The Minister of Labour had decreed the strike illegal and outlawed any public demonstrations by striking teachers. The leadership of *SUTEP* has been very concerned about their members being targeted either by the government and army who accuse them of being subversives, or by *Sendero Luminoso*, Shining Path, the main armed opposition group, who have recently become increasingly active within the union.

However, in the case of Marcela Valdéz, the fact that she was last seen being taken away by members of the armed forces seems to indicate that in this case she fell victim to the forces who are supposed to protect her.

Background

"Disappearance"

Detentions leading to "disappearances" in emergency zones under military control have generally been carried out by uniformed troops acting on their own or, increasingly, in conjunction with military-led civil defence patrols. According to figures given to Amnesty International in July 1991 by the Public Ministry, over 5,000 people were reported as "disappeared" since 1981, of which over 4,000 are still unaccounted for.

Most "disappearance" victims are never seen again; others are transferred to the police or are freed, sometimes after being tortured; and still others are later found dead. In some cases the armed forces claim that detainees have been released, but there is often no independent or official witness to corroborate the release and the individual does not reappear.

Impunity

The central issue which underlies the continuing pattern of human rights violations is that members of the armed forces are rarely brought to justice for the crimes they commit and therefore act with impunity.

Human rights violations have continued despite the legal safeguards enshrined in the Constitution and in international human rights standards which Peru has pledged to uphold.

Although thousands of civilians have been reported extrajudicially executed or "disappeared" in the emergency zones during the past decade, no members of the armed forces are known to have been convicted for their part in these violations.

Teachers

Teachers have been one of the professional sectors most seriously affected by human rights violations in Peru, especially in areas that are under state of emergency. Many of the teachers work in rural areas, but a significant number are from towns in the emergency zones. School teachers have frequently played an important role in opposing human rights violations and defending the rights of local communities.

The national leadership of the *SUTEP* has usually been identified with opposition parties to the left of the political spectrum. Local activists of the union have been frequent victims of "disappearance" or of extrajudicial execution after detention by members of the security forces. The leadership has claimed that while they have been accused by the government of subversion, they are also attacked by *Sendero Luminoso* for refusing to take part in or support their actions.

Trade Unionists

Trade unionists have traditionally been associated with political opposition. Amnesty International has received scores of denunciations of trade union leaders harassed, tortured, murdered or "disappeared" by the security forces for no other reason than their legal work on behalf of their unions.

Like other sectors of society which do not support *Sendero Luminoso*, trade-unionists also risk being victims of intimidation, threats, and killing by members of this armed opposition group.

Abuses by armed opposition groups

Much of the political violence in Peru takes place in the context of the government's counter-insurgency operations against armed opposition groups such as *Sendero Luminoso* and the *Movimiento Revolucionario Túpac Amaru (MRTA)*. The tactics of *Sendero Luminoso* include the sabotage or destruction of public utilities and community development projects, and the intimidation and killing of anyone who refuses to support them, including trade unionists.

Amnesty International, as a matter of principle, condemns the killing and torture of prisoners, other deliberate and arbitrary killings and the taking of hostages by political opposition groups. It does not treat such groups as if they had the status of governments. It is governments who are obliged to uphold international human rights standards. However, Amnesty International promotes minimum international standards of humane behaviour, such as the principles contained in humanitarian law by which any opposition group should abide.

points to make in a letter

- Write about your concern as to the "disappearance" of Mariela Valdéz de la Cruz. (Please cite her full name, the date of the incident and where it took place)
- Ask that she be able to see and speak to relatives, medical and legal experts
- State that she should be brought before the civilian courts if she is thought to have committed a crime, or that otherwise she be released
- Ask to hear about what has been done to judicially investigate this case and to bring to justice those responsible
- Explain that you know of the difficulties faced by the authorities in controlling the activities of *Sendero Luminoso*, but that these in no way justify the human rights violations perpetrated by the security forces
- Point out that you welcome the Peruvian Government's pledges to protect and uphold human rights and that they should do everything possible to keep to those pledges
- Write that no circumstances justify the "disappearance" of individuals
- Ask whether the Peruvian authorities intend to adopt and implement Amnesty International's recommendations to the Peruvian Government

Magno Sosa Rojas Necías Taquiri

journalists death threats

Magno Sosa Rojas and fellow journalist, Necías Taquiri, are frightened for their lives. They have good reason to be. On 10 June 1991 workers at Radio Wari, in the city of Huamanga, province of Huamanga, Ayacucho department, reported that they were forced by a para-military group to broadcast threats to kill Magno Sosa Rojas and Necías Taquiri.

Listeners to the radio station heard the announcement which was made on behalf of the *Comando de Liberación Antiterrorista* (Anti-terrorist Liberation Command). Peruvian human rights organizations have expressed concern that the organization which forced the broadcast may be acting with the direct support or acquiescence of the Peruvian armed forces. The broadcast included the following threats:

"...we tell this rat, delinquent, terrorist, disguised as a journalist... this bloody dog Magno Sosa Rojas that he will die like a beheaded dog... we are following his steps very closely, his days are numbered and just as terrorists did we will hang his black head from one of the posts of our heroic town".

In the same message Necías Taquiri was warned:

"...if this dog doesn't stop misinforming the population... the same fate will befall him as that of the one known as journalist Magno Sosa Rojas... to both of them we say that for us to kill them is like killing a rat or a mouse".

The two journalists are both known and respected for their work which has included denouncing human rights violations by the military in Ayacucho. At the time the threats were broadcast, Magno Sosa was the correspondent of *Si* magazine in Ayacucho, worked for *Agence France Press* and was the director of the news programme *Propósito* at the satellite radio station in the city of Huamanga. Necías Taquiri was the director of the news programme *Alternativa* at Radio Wari where the para-military group forced the broadcast to be made.

Background

Threats and attacks on human rights defenders

Throughout the years of political violence in Peru both independent and official human rights defenders have played a crucial role in denouncing, investigating and reporting violations carried out by the security forces. Their human rights work has been particularly valuable in the emergency zones administered by political-military commanders.

Since 1983 journalists, lawyers, members of human rights organizations and other defenders of human rights have increasingly been faced by threats and attacks from members of the security forces and para-military groups thought to be operating with the acquiescence of the authorities. Some prosecutors investigating human rights violations

for the government's Public Ministry have also been the target of similar actions. Since 1988 these threats and attacks have increased significantly.

In July 1991 the newspaper *El Diario*, associated with the armed opposition group *Sendero Luminoso*, Shining Path, published an editorial attacking the work of human rights defenders, claiming that their work is an integral part of the government's counter-insurgency policies.

Impunity

The central issue which underlies the continuing pattern of human rights violations is that members of the armed forces are rarely brought to justice for the crimes they commit and therefore act with impunity.

Human rights violations have continued despite the legal safeguards enshrined in the Constitution and in international human rights standards which Peru has pledged to uphold.

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Journalists

In areas that are under a state of emergency, a large number of journalists who have been outspoken critics of military or police human rights violations, have been threatened and harassed by members of the security forces or paramilitary groups acting with their acquiescence. In some cases, journalists have later been killed or "disappeared".

Journalists who have been victims of human rights violations during the last nine years include eight journalists who were killed in Uchuracay, Huanta, Ayacucho department on January 1983 in what appears to have been an extrajudicial execution; Jaime Ayala Sulea, a reporter for the Lima daily *La República*, "disappeared" after detention at the navy's provincial headquarters in the Huanta stadium on August 1984; Hugo Bustíos Saavedra, a correspondent for the magazine *Carpetas*, reportedly killed in November 1988 in Huanta by the armed forces; and Luis Antonio Morales Ortega, shot dead on 13 July 1991, in circumstances suggesting the involvement of the security forces.

Abuses by armed opposition groups

Much of the political violence in Peru takes place in the context of the government's counter-insurgency operations against armed opposition groups such as *Sendero Luminoso* and the *Movimiento Revolucionario Túpac Amaru (MRTA)*. The tactics of *Sendero Luminoso* include the sabotage or destruction of public utilities and community development projects, and the intimidation and killing of anyone who refuses to support them, including trade unionists.

Amnesty International, as a matter of principle, condemns the killing and torture of prisoners, other deliberate and arbitrary killings and the taking of hostages by political opposition groups. It does not treat such groups as if they had the status of governments. It is governments who are obliged to uphold international human rights standards. However, Amnesty International promotes minimum international standards of human behaviour, such as the principles contained in humanitarian law by which any opposition group should abide.

points to make in a letter

- Explain that you are concerned about threats made to the lives of Magno Sosa Rojas and Néscias Taquiri. (Please cite their full names and the date and location of the incident described)
- Ask that the authorities grant full protection to both journalists
- Write that you have reason to believe that the para-military group which made the threats may have been acting with the direct support or acquiescence of the Peruvian military
- Ask that the authorities fully investigate the activities of the para-military group which call themselves the *Comando de Liberación Antiterrorista*
- Ask to hear about what has been done to judicially investigate this case
- Explain that you know of the difficulties faced by the authorities in controlling the activities of *Sendero Luminoso*, but that these in no way justify the human rights violations perpetrated by the security forces
- Point out that the Peruvian Government has made pledges to protect and uphold human rights and that they should do everything possible to keep to those pledges by implementing concrete measures
- Ask whether the Peruvian authorities intend to adopt and implement Amnesty International's recommendations to the Peruvian Government

Ernesto Rafael Castillo Páez

student
"disappeared"

Ernesto Rafael Castillo Páez, a 22-year-old sociology student, was last seen being bundled into the boot of a police car. It was on 21 October 1990 that eye-witnesses in the Parque Central of the Villa El Salvador district of Lima, the capital, saw police officers detain, handcuff and force him into the boot of their car. The car was driven away, and since that day Ernesto Rafael Castillo has remained "disappeared".

The missing student's parents made inquiries of the police, who denied all knowledge of his detention. Four days after the incident his father submitted a petition of *habeas corpus* before a tribunal. Within Peruvian law this petition requires the authorities responsible for the detention of a person to bring the detainee before a judge on the same day that it is presented. If the judge believes the detention to be unlawful, they have the authority to order the immediate release of the person.

Amnesty International regrets that Peruvian courts have rarely accepted petitions for *habeas corpus* in apparent "disappearance" cases. When, in this case, the judge did uphold the petition it was seen as exceptional. The judge upheld the petition because she said there was evidence that Ernesto Rafael Castillo had been detained by the police. During her inquiries, officers at the police station where Ernesto Rafael Castillo had been detained told the judge that the register recording detentions had been lost. When the missing register was eventually found and handed over to the court the judge reported that some of the entries had been tampered with.

On 27 November 1990, a higher court confirmed the judge's ruling. Peruvian law states that a successful *habeas corpus* petition cannot be overruled if it has been upheld by two courts. Despite this, on 1 February 1991 the Supreme Court overruled the *habeas corpus*.

Ernesto Rafael Castillo remains "disappeared". His lawyer received death threats throughout the proceedings and was later severely injured in a bomb attack. However, the search for the truth about what happened to Ernesto Rafael Castillo continues.

Background

"Disappearance"

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Most "disappearance" victims are never seen again; others are transferred to the police or are freed, sometimes after being tortured; and still others are later found dead. In some cases the armed forces claim that detainees have been released, but there is often no

independent or official witness to corroborate the release and the individual does not reappear.

Impunity

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Students

Students have been victims of frequent abuse on the part of the authorities in Peru, especially in the areas that are under state of emergency. Students are believed to be targeted by the authorities because *Sendero Luminoso*, Shining Path, the main armed opposition group, is active in higher education centres and their combat and political units include young men and women of college age.

On numerous occasions Amnesty International has received reports from university authorities describing police or military raids of university buildings in search of members of *Sendero Luminoso*. The reports referred to hundreds of students being arbitrarily detained. Many of them were ill-treated, killed or "disappeared" for no other reason than being suspected of sympathizing or actively participating in *Sendero Luminoso* activities.

Abuses by armed opposition groups

Much of the political violence in Peru takes place in the context of the government's counter-insurgency operations against armed opposition groups such as *Sendero Luminoso* and the *Movimiento Revolucionario Túpac Amaru (MRTA)*. The tactics of *Sendero Luminoso* include the sabotage or destruction of public utilities and community development projects, and the intimidation and killing of anyone who refuses to support them, including trade unionists.

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points to make in a letter

- Write about your concern as to the "disappearance" of Ernesto Rafael Castillo Páez (Please cite his full name and the date and location of the incident described)
- Ask that he be able to see and speak to relatives, medical and legal experts
- State that he should be brought before the civilian courts if he is thought to have committed a crime, or that otherwise he be released
- Ask to hear about what has been done to judicially investigate this case and to bring to justice those responsible
- Explain that you know of the difficulties faced by the authorities in controlling the activities of *Sendero Luminoso* but that these in no way justify the human rights violations perpetrated by the security forces
- Point out that the Peruvian Government has made pledges to protect and uphold human rights and that they should do everything possible to keep to those pledges by implementing concrete measures
- Point out that nothing justifies the "disappearance" of individuals
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Dr. Augusto Zúñiga Paz

human rights lawyer attack on human rights defender

Dr. Augusto Zúñiga Paz lost his left arm in a letter bomb attack on 15 March 1991. The attack came after he had received a series of death threats relating to his work on the case of student Ernesto Rafael Castillo Páez who was "disappeared" by the police in Lima, the capital.

The bomb arrived in a large envelope with a stamp on it which said that it was from the office of the Secretary of the President of Peru. It detonated when Dr Augusto Zúñiga opened the envelope and his left forearm was blown off. There was also considerable damage done to the office of the independent *Comisión de Derechos Humanos (COMISEDH)* - the Commission of Human Rights for whom he worked.

Dr Augusto Zúñiga has been active for many years in the defence of human rights. At the time of the attack he was working on several human rights cases, including that of Ernesto Rafael Castillo Páez, who was last seen being bundled into the boot of a police car. During the Supreme Court hearings in this case, Dr Augusto Zúñiga informed the court that he had received death threats relating to his work.

Despite the fact that the authorities were warned of such threats, they took no special steps to guarantee the personal safety of Dr Augusto Zúñiga and other workers at the Commission of Human Rights (*COMISEDH*).

Background

Threats and attacks on human rights defenders

Throughout the years of political violence in Peru both independent and official human rights defenders have played a crucial role in denouncing, investigating and reporting violations carried out by the security forces. Their human rights work has been particularly valuable in the emergency zones administered by political-military commanders.

Since 1983 journalists, lawyers, members of human rights organizations and other defenders of human rights have increasingly been faced by threats and attacks from members of the security forces and para-military groups thought to be operating with the acquiescence of the authorities. Some prosecutors investigating human rights violations for the government's Public Ministry have also been the target of similar actions. Since 1988 these threats and attacks have increased significantly.

In July 1991 the newspaper *El Diario*, associated with the armed opposition group *Sendero Luminoso*, Shining Path, published an editorial attacking the work of human rights defenders, claiming that their work is an integral part of the government's counter-insurgency policies.

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Lawyers

Lawyers working on human rights have played a particularly important role in monitoring and reporting human rights abuses by the security forces and in pressing the police and armed forces to respect the rule of law. Many lawyers working on human rights issues have been victims of intimidation, threats, and sometimes attack by members of the army, police or paramilitary groups acting with their acquiescence. There have been reports of lawyers working in areas that are under state of emergency who, for reasons of security, were forced to move to other areas, leaving their home and practice behind. Others did not feel safe in Peru and have left the country.

Lawyers have been victims not only of government forces but also of *Sendero Luminoso*, the main armed opposition group. In a document called "The Harassment and Persecution of Judges and Lawyers", the International Commission of Jurists states:

"the lack of protection for members of the legal profession from attacks by guerrilla groups, coupled with the impunity with which attacks and assassinations against the legal profession have been carried out by paramilitary forces, has left judges and lawyers to work in conditions that seriously undermine the independence of their profession".

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points to make in a letter

- Write of your concern about the attack on Dr Augusto Zúñiga Paz
- Ask to hear what developments there have been in investigating and bringing to justice those responsible for planning and carrying out the attack
- Explain that you know of the difficulties faced by the authorities in controlling the activities of *Sendero Luminoso*, but that these in no way justify the human rights violations perpetrated by the security forces.
- Point out that you welcome the Peruvian Government's pledges to protect and uphold human rights and that they should do everything possible to keep to those pledges.
- Write that no circumstances justify human rights defenders being exposed to threats to their lives and attacks on them and their offices
- Ask whether the Peruvian authorities intend to adopt and implement Amnesty International's recommendations to the Peruvian Government

Angel Escobar Jurado

human rights defender
"disappeared"

Angel Escobar Jurado is the secretary of the Huancavelica Commission of Human Rights. He is also the leader of the *Federación de Comunidades Campesinas de Huancavelica* - the local federation of peasant communities in Huancavelica department. However, since 27 February 1990 he has been unable to do either job because he "disappeared".

A neighbour described how on that day five men dressed in civilian clothing searched her house in Huancavelica city, looking for Angel Escobar Jurado. She told them he did not live there and asked them why they were looking for him. They answered that they had a letter of authority to detain him. The neighbour said that some time later she saw one of these men, but this time he was with a group of soldiers passing through the town.

Later that day the five men detained Angel Escobar Jurado. The last person in Huancavelica to see him said he was being taken by the five men across a bridge in the direction of the military barracks. Angel Escobar Jurado is said to have shouted out that he was being forcibly taken away.

The security forces deny all knowledge of Angel Escobar Jurado's whereabouts. His wife, Felicita Quispe, decided to go to Lima to see if she could gain the support of national human rights organizations and appeal directly to the national authorities. By then she was beginning to fear for her own life because it is not unknown for those searching for the "disappeared" to "disappear" themselves.

Unable to find out more in Lima, Felicita Quispe returned to Huancavelica where the local prosecutor refused to reopen his investigations. The local prosecutor did, however, admit that in the past he has received death threats and agreed that it was impossible to administer the law and stay alive in Huancavelica.

Angel Escobar Jurado remains "disappeared". His wife and family are frightened for their own personal safety and the local prosecution system seems unable or unwilling to fully investigate the case. She does not know whether to grieve her husband's death or hope for his return.

Background

"Disappearance"

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Human Rights Defenders

The role of human rights workers in Peru has been extremely important in recording human rights violations perpetrated by the armed forces and in bringing them to the attention of the authorities and public opinion.

Over the past three years human rights organizations and their staff, in upholding national and international human rights standards, have been increasingly targeted because of their work on behalf of victims of human rights violations. Their work has been obstructed by arrests, death threats, "disappearances" and, in some cases, extrajudicial executions. In some of the areas under state of emergency the vacuum left by human rights workers fleeing from the area has not been filled and local people are left without any independent human rights activists to protect their rights.

Since 1983 journalists, lawyers, members of human rights organizations and other defenders of human rights have increasingly been faced by threats and attacks from members of the security forces and para-military groups thought to be operating with the acquiescence of the authorities. Some prosecutors investigating human rights violations for the government's Public Ministry have also been the target of similar experiences. Since 1988 these threats and attacks have increased significantly.

In July 1991 the newspaper *El Diario*, associated with the armed opposition group *Sendero Luminoso*, Shining Path, published an editorial attacking the work of human rights defenders, claiming that their work is an integral part of the government's counter-insurgency policies.

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points to make in a letter

- Explain that you are concerned about the "disappearance" of Ángel Escobar Jurado (Please cite his full name and the date and location of the incident described)
- Ask that he be able to see and speak to relatives, and medical and legal experts
- State that he should be brought before the civilian courts if he is thought to have committed any crime, or that otherwise he should be released
- Ask to hear about what has been done to judicially investigate this case and bring to justice those responsible
- Explain that you know of the difficulties faced by the authorities in controlling the activities of *Sendero Luminoso*, but that these in no way justify the human rights violations perpetrated by the security forces
- Point out that you welcome the Peruvian Government's pledges to protect and uphold human rights and that they should do everything possible to keep to those pledges
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**Manuel Meneses Sotacuro
Félix Inga Cuya**

**church members
"disappeared"**

Manuel Meneses Sotacuro was only 17-years-old when he and a 19-year-old friend, Félix Inga Cuya, were detained by police officers in the Chilea district of the town of Huancayo, capital of the department of Junín. Since then the young men, both active members of the Peruvian Protestant Church, have "disappeared".

They were detained early on the morning of 20 May 1991 as they stood outside the bookshop of the Protestant Mission in Huancayo. According to witnesses, police officers from the nearby Millotingo police station forced them into the back of a red van without asking them to explain what they were doing or to identify themselves. That same morning two young men with similar characteristics but different names were registered as detained at the Millotingo police station.

On the afternoon of their detention, six armed and uniformed men wearing balaclavas and driving a police van returned to Chilea with Manuel Meneses. Witnesses testifying before the Special Attorney for the Defence of Human Rights reported that he showed signs consistent with having been tortured. The security forces searched Manuel Meneses' room for incriminating evidence but were seen to leave empty-handed. He was then driven off. This was the last time any friends or relatives saw him. Félix Inga Cuya has not been seen since he was first detained. It is said that lower ranking police officers later confirmed that Manuel Meneses Sotacuro was taken to *9 de Diciembre* army barracks.

Both men remain "disappeared". Witnesses who made statements about their detention have received threatening phone calls. The army and police still refuse to clarify the whereabouts of the two young men.

Background

"Disappearance"

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Church Members

Religious freedom in Peru is protected by the Constitution. Throughout the country a wide range of churches and sects practice their beliefs without religious persecution. However, church members in their role as activists and defenders of the interests of local communities are sometimes harassed by local government officials and targeted by members of the security forces in the context of land disputes.

The community development work of church members, including priests and nuns, has recently been specifically targeted by *Sendero Luminoso*, Shining Path. As part of its overall policy and practice to intimidate, attack and sometimes murder community activists working on development projects, including projects led by members of church groups, a number of priests and nuns have fallen victim to the violence of *Sendero Luminoso*.

Abuses by armed opposition groups

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points to make in a letter

- Write about your concern as to the "disappearance" of Manuel Meneses Sotacuro and his friend Félix Inga Cuga (Please cite their full names and the date and location of the incident described)
- Ask that they be able to see and speak to relatives, and medical and legal experts
- State that they should be brought before the civilian courts if they are thought to have committed a crime, or that otherwise they should be released
- Explain that you know of the difficulties faced by the authorities in controlling the activities of *Sendero Luminoso*, but that these in no way justify the human rights violations perpetrated by the security forces
- Point out that you welcome the Peruvian Government's pledges to protect and uphold human rights and that they should do everything possible to keep those pledges by implementing concrete measures
- Write that nothing justifies the "disappearance" of individuals
- Ask to hear about what has been done to judicially investigate these cases and to bring to justice those responsible
- Ask whether the Peruvian authorities intend to adopt and implement Amnesty International's recommendations to the Peruvian Government

Amanda Guerra López Lester Mozombite Cartagena

**raped and "disappeared"
"disappeared"**

On 25 September 1990, 21-year-old Amanda Guerra López, her friend, Lester Mozombite Cartagena, aged 23, and three teenagers - two boys aged 15 and 16 and a girl aged 15 - boarded a bus in Pucallpa, department of Ucayali, Peru. Their destination was the town of Tingo María, but before the end of the day Amanda Guerra López and the 15-year-old girl had been raped and the two adults, Amanda Guerra López and Lester Mozombite Cartagena, had "disappeared".

The incident began when the bus was stopped at a check point next to the Km. 86 military base on the Federico Basadre Highway. Witnesses say that a lieutenant ordered Amanda Guerra López and her four companions to get off the bus. They were taken into the base where the teenagers were separated from the adults. Neither Amanda Guerra nor Lester Mozombite have been seen since. To Amnesty International's knowledge, they remain "disappeared". The youngsters were beaten by soldiers, had water thrown over them and the 15-year-old girl was raped by eight soldiers from the base. The youngsters reported that Amanda Guerra López was raped as well.

The three youngsters were then transferred to the Km. 11 military base on the Federico Basadre Highway. They remained in detention until 29 September 1990. Before being released soldiers threatened that they would be killed if they reported the incident to the authorities.

The authorities denied any knowledge of the detentions. Nor have they opened an independent judicial inquiry into the allegations of rape and "disappearance". The youngsters are frightened to reveal their names in case they are detained, tortured and possibly "disappeared" by the military as a result.

Background

"Disappearance"

Detentions leading to "disappearances" in emergency zones under military control have generally been carried out by uniformed troops acting on their own or, increasingly, in conjunction with military-led civil defence patrols. According to figures given to Amnesty International in July 1991 by the Public Ministry, over 5,000 people were "disappeared" since 1981, of which over 4,000 are still unaccounted for.

Most "disappearance" victims are never seen again; others are transferred to the police or are freed, sometimes after being tortured; and still others are later found dead. In some cases the armed forces claim that detainees have been released, but there is often no independent or official witness to corroborate the release and the individual does not reappear.

Impunity

The central issue which underlies the continuing pattern of human rights violations is that members of the armed forces are rarely brought to justice for the crimes they commit and therefore act with impunity.

Human rights violations have continued despite the legal safeguards enshrined in the Constitution and in international human rights standards which Peru has pledged to uphold.

Although thousands of civilians have been reported extrajudicially executed or "disappeared" in the emergency zones during the past decade, no members of the armed forces are known to have been convicted for their part in these violations.

Women

Since December 1982, when areas under a state of emergency were placed under the control of political military commands, Amnesty International has received a large number of denunciations regarding women being raped by members of the security forces. Rape is a form of torture or ill-treatment. In spite of reports, to the knowledge of Amnesty International no investigation into the alleged rape of women by troops has been initiated since a state of emergency was first declared in October 1981. On occasions, when journalists and human rights activists have asked about this issue army officers have replied that rape was to be expected when troops were conducting counter-insurgency operations. In March 1991 the mayor of Chuschi, together with two other local authority officials and a local resident in Cangallo province, Ayacucho department, were "disappeared" apparently for, among other things, their denunciation of the rape of women in the community by members of the district's police.

Abuses by armed opposition groups

Much of the political violence in Peru takes place in the context of the government's counter-insurgency operations against armed opposition groups such as *Sendero Luminoso* and the *Movimiento Revolucionario Túpac Amaru (MRTA)*. The tactics of *Sendero Luminoso* include the sabotage or destruction of public utilities and community development projects, and the intimidation and killing of anyone who refuses to support them, including trade unionists.

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points to make in a letter

- Write about your concern as to the rape and "disappearance" of Amanda Guerra López and the "disappearance" of Lester Mozombite Cartagena (Please cite their full names and the date and location of the incident described)
- Ask that they be able to see and speak to relatives, and medical and legal experts
- State that they should be brought before civilian courts if they are thought to have committed any crimes, or otherwise that they should be released
- Ask what the government is doing to prevent the rape of women by members of the security forces
- Ask to hear about what has been done to judicially investigate these cases and to bring to justice those responsible
- Explain that you know of the difficulties faced by the authorities in controlling the activities of *Sendero Luminoso*, but that these in no way justify the human rights violations perpetrated by the security forces.
- Point out that you welcome the Peruvian Government's pledges to protect and uphold human rights and that they should do everything possible to keep those pledges
- Write that nothing justifies the torture and "disappearance" of individuals
- Ask whether the Peruvian authorities intend to adopt and implement Amnesty International's recommendations to the Peruvian Government

Manuel Pacotaype Chaupín
Martín Cayllahua Galindo
Marcelo Cabana Tucno
Isaías Huamán Vilca

local authorities
"disappeared"

On the night of 14 March 1991, a detachment of the *Policía General del Perú*, Peruvian General Police, from the district of Chuschi, Cangallo province, Ayacucho department, detained the mayor, Manuel Pacotaype Chaupín, two other local officials, Martín Cayllahua Galindo and Marcelo Cabana Tucno and a local citizen, Isaías Huamán Vilca.

According to a report prepared by the provincial prosecutor:

"the 'disappeared' persons had been illegally detained for refusing to cooperate with the formation of civil defence patrols incorporating council members from the Chuschi district and for their denunciation of robbery, ill-treatment and rape of women by members of the General Police in the district."

Over the past few years the security forces have increasingly been organizing and directing civil defence patrols in their operations against armed opposition groups such as *Sendero Luminoso*, Shining Path. However, not everyone wants to join such patrols.

After the four men were detained by the police it is believed they were handed over to the armed forces at the Pampa Cangallo military base.

On 26 March a delegation of nine people, including the provincial prosecutor, went to the Pampa Cangallo military barracks to inquire after Manuel Pacotaype Chaupín and the three others. The delegation was denied access to the base. An explosive device was detonated near them by three soldiers as the delegation withdrew from the base.

Background

"Disappearance"

Detentions leading to "disappearances" in emergency zones under military control have generally been carried out by uniformed troops acting on their own or, increasingly, in conjunction with military-led civil defence patrols. According to figures given to Amnesty International in July 1991 by the Public Ministry, over 5,000 people were "disappeared" since 1981, of which over 4,000 are still unaccounted for.

Most "disappearance" victims are never seen again; others are transferred to the police or are freed, sometimes after being tortured; and still others are later found dead. In some cases the armed forces claim that detainees have been released, but there is often no independent or official witness to corroborate the release and the individual does not reappear.

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Local Authorities

Local authorities play a particularly important role in the life of the communities they represent. In Peru, especially in the remote rural areas that are under state of emergency, local authorities have often been the first to investigate and document cases of human rights violations and other abuses committed by the security forces engaged in counter-insurgency operations.

Mayors and other local government authorities have not only been intimidated and sometimes "disappeared" by the security forces, they have also been targeted by the main armed opposition group *Sendero Luminoso*, Shining Path. During the last ten years this group has tried to prevent local elections taking place by threatening, harassing and in many cases murdering candidates.

Abuses by armed opposition groups

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points to make in a letter

- Write that you are concerned about the "disappearances" of Manuel Pacotaypa Chaupín, Martín Cayllahua Galindo, Marcelo Cabana Tueno and Isaías Huamán Vilela from the district of Chuschi (Please cite their full names and the date and location of the incident described)
- Ask that they be able to see and speak to relatives, and medical and legal experts
- State that they should be brought before civilian courts if they are thought to have committed any crimes, or otherwise that they be released
- Ask to hear about what has been done to judicially investigate these cases and bring to justice those responsible
- Explain that you know of the difficulties faced by the authorities in controlling the activities of *Sendero Luminoso*, but that these in no way justify the human rights violations perpetrated by the security forces.
- Point out that you welcome the Peruvian Government's pledges to protect and uphold human rights and that they should do everything possible to keep those pledges
- Write that nothing justifies the "disappearance" of individuals
- Ask whether the Peruvian authorities intend to adopt and implement Amnesty International's recommendations to the Peruvian Government

Julia Mendoza Gómez

woman
extrajudicial execution

On 22 September 1990 Julia Mendoza Gómez, a 21-year-old travelling trader is said to have been detained and taken away by members of the army from the village of Pongoyoco in the district of Santiago de Pischa, Huamanga province, Ayacucho department. A month later her body was found in a secret grave in a ravine called Chileahuayeco. The bodies of 17 others who had been detained with her were also buried there.

Julia Mendoza was selling supplies in the village Pongoyoco when members of a civil defence patrol and soldiers led by an officer, known only by the pseudonym of *Centurión*, detained her.

The armed forces and civil defence members were involved in a two-day operation in which it is believed nearly 40 men, women and children were detained. The operation is said to have taken place in the wake of an attack by members of *Sendero Luminoso*, Shining Path, against a civil defence patrol in the region.

Along with the others detained, Julia Mendoza was taken to a place called Putucasa where all but 18 of them were released. On 23 September friends and relatives went to the Castropampa military base to find out what had happened to those not released. They say they spoke with *Centurión*, the officer who had been in command of the patrol. He denied all knowledge of the detentions. The relatives then reported the "disappearance" of the 18 people to the provincial prosecutor in Huamanga. Afterwards they went back to the military base where they were once again told that their relatives had not been detained.

The relatives did not stop their investigations there. On 6 October 1990 they located three mass graves in Chileahuayeco. It was not until 18 October 1990 that the 18 bodies were exhumed in the presence of the president of the local regional government, a judge, police officers, two doctors and the friends and relatives of the victims. Of the 18 bodies exhumed, 17 - including that of Julia Mendoza - were identified as people who had been detained in the two-day security operation. Because of the lack of adequate transport and equipment, the bodies were reburied.

On 28 May 1991 a Senatorial Commission concluded that the army was responsible for the killing of Julia Mendoza and 16 others identified in the mass grave at Chileahuayeco.

Background

Extrajudicial Executions

The exact number of extrajudicial executions in Peru since political violence emerged in 1980 is impossible to determine accurately. The bodies of the dead are rarely returned to their relatives or released for independent autopsy following counter-insurgency operations especially in isolated rural areas within the emergency zones. Extrajudicial executions at the hands of the security forces, in particular the armed forces in the emergency zones, are of two kinds. Firstly, they consist of the killing of captives taken in confrontations with armed opposition groups. Secondly, they are non-combatants who, following detention, are killed for being suspected "terrorists". Throughout the years of political violence Amnesty International has documented over a dozen massacres

perpetrated by the security forces in which large numbers of men, women and children were killed.

Impunity

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Although thousands of civilians have been reported extrajudicially executed or "disappeared" in the emergency zones during the past decade, no members of the armed forces are known to have been convicted for their part in these violations.

Women

Since December 1982, when the areas declared under a state of emergency were placed under the control of political military commands, Amnesty International has received a large number of denunciations of women "disappeared", extrajudicially executed or tortured, including raped, by members of the security forces. Women who stand out in defence of their rights or who have become leaders of their communities appear to be particularly exposed to human rights violations. Women are also targeted by the security forces in their counter-insurgency operations because a relatively high proportion of *Sendero Luminoso* activists and combatants are women.

Abuses by armed opposition groups

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points to make in a letter

- Write that you are concerned about the extrajudicial execution of Julia Mendoza Gómez and the 17 others found in the mass grave at Chilcahuayeco
- Welcome the fact that a judicial investigation has been initiated into the alleged responsibility of an army sergeant for the killings and ask for information on advances made in bringing the officer concerned to trial
- Explain that you know of the difficulties faced by the authorities in controlling the activities of *Sendero Luminoso*, but that these in no way justify the human rights violations perpetrated by the security forces
- Point out you welcome the Peruvian Government's pledges to protect and uphold human rights and that they should do everything possible to keep those pledges.
- Write that nothing justifies the "disappearance" or extrajudicial execution of individuals
- Ask whether the Peruvian authorities intend to adopt and implement Amnesty International's recommendations to the Peruvian Government

Bernabé Baldeón García

peasant farmer died under torture

In the early hours of 25 September 1990, two officers known only by the pseudonyms of *Morano* and *Gitano* led soldiers from the Aecomarea military base into the community of Pucapaccana in the province of Vileashuamán, Ayacucho department. The local people say they were called together and forced to hand over cattle, money and belongings to the soldiers.

Apparently such incidents have become common since the military base was first established at Aecomarea in 1985. The villagers also say they knew that if they did not do as they were told, reprisals would follow. Despite the fact that the soldiers got what they demanded that morning, they called out the names of Bernabé Baldeón García, Jesús Baldeón Zapata and Santos Baldeón Palacios. The three men were taken away along with the cattle and belongings.

The soldiers are then said to have taken the three detainees to Paehahuallhua, Independencia district, where they were held in a local government centre. In the centre there were other men, women and children who said they had been detained in similar circumstances. Many of the women said that they had been raped.

Later, 16 men out of the group were taken to a nearby church. In testimonies written by those representing them it is reported that:

"...they were tied up with wire and hung upside-down from a beam and whipped. Afterwards they were made to lie on the floor, one on top of another, forming a pile of human bodies... the soldiers jumped on top of them. They were submerged in hot water contained in drums... and then they were moved to another drum full of cold water and submerged until they were dying..."

Witnesses stated that Bernabé Baldeón García and two other unidentified victims died as a result of this torture. His son told a human rights organization:

"...they say his head was split, his nose broken...My father is completely in pieces sir, in pieces."

When the military authorities were asked for an explanation of his death they said that he had died from a heart attack. There was no autopsy and his body was said to have been buried on the day he died.

On 26 September 1990 the 13 surviving torture victims were released. As they were released, they were told that their lives would be in danger if they informed the authorities about what had happened. Despite this they approached the *Federación de Instituciones de la Provincia de Vileashuamán*, the Federation of Institutions of the province of Vileashuamán, who took their testimonies and pursued the case. However, to Amnesty International's knowledge no judicial investigation into these cases of death under torture has been initiated.

Background

Torture

Torture is used by members of the armed forces and by the police, both as a means of interrogation and as a form of punishment. It is often reported to be inflicted on members of peasant communities detained by the armed forces in the emergency zones either while on patrol or when held illegally in military installations. It is also reported to occur in police premises in urban areas, where it has been used on criminal suspects, suspected members of armed opposition groups, trade unionists, students and other activists.

Systematic beatings, near drowning, electric shocks, hanging by the arms for prolonged periods, and threats of mutilation or death, are the forms of torture most commonly reported. Sexual abuse by soldiers has become common in the emergency zones; there have been many reports of soldiers having tortured women and young girls by raping them, sometimes repeatedly, in peasant communities or when detained in military bases.

Impunity

The central issue which underlies the continuing pattern of human rights violations is that members of the armed forces are rarely brought to justice for the crimes they commit and therefore act with impunity.

Human rights violations have continued despite the legal safeguards enshrined in the Constitution and in international human rights standards which Peru has pledged to uphold.

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Peasant Farmers

Peasant farmers are amongst the largest number of victims of human rights violations in Peru. Amnesty International has described their situation as being caught between two fires; on the one hand threatened, intimidated and sometimes tortured and killed by *Sendero Luminoso*, Shining Path, and on the other suffering the same fate at the hands of the security forces. Peruvian armed groups are mainly active in the countryside and frequently force local peasant farmers to provide them with food. The security forces also believe that the local peasants hold useful information about the activities of the armed opposition groups. Peasants are the sector of society with the least resources to report human rights violations: not all of them are literate, many do not speak Spanish, the official language, and they usually live in isolated rural areas.

Members of peasant communities are also consistently intimidated, threatened and sometimes tortured and killed by members of *Sendero Luminoso*. In rural areas peasants are forced to destroy surplus crops and livestock as part of a strategy by *Sendero Luminoso* to prevent urban centres being supplied with food. Members of rural communities active in village and district political affairs have been forced to abandon their posts in the face of threats and intimidation by *Sendero Luminoso*.

Abuses by armed opposition groups

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points to make in a letter

- Write that you are concerned about the reported death under torture of Bernabé Baldzón García and mention the 15 other individuals who were tortured in the same incident, two of whom have not been identified but are also said to have died under torture (Please cite his full name and the date and location of the incident described)
- Explain that you know of the difficulties faced by the authorities in controlling the activities of *Sendero Luminoso*, but that these in no way justify the human rights violations perpetrated by the security forces
- Point out that you welcome the Peruvian Government's pledges to protect and uphold human rights and that they should do everything possible to keep those pledges
- Write that nothing justifies the torture or extrajudicial execution of individuals
- Ask to hear about what has been done to judicially investigate the case of Bernabé Baldzón García and the 15 others who were alleged to have been tortured, and what has been done to bring to justice those responsible
- Ask whether the Peruvian authorities intend to adopt and implement Amnesty International's recommendations to the Peruvian Government

Fidel Intusca Fernández

mine worker
tortured

Fidel Intusca Fernández has described how, during one week in August 1990, he found himself a victim both of *Sendero Luminoso*, Shining Path, the main armed opposition group, and of the Peruvian authorities. He was abducted by one and tortured by the other.

Fidel Intusca Fernández was a truck driver in the San Juan de Lucanas mine in the province of Lucanas, department of Ayacucho. He was also a member of the miners union. On the evening of 2 August 1990 the mine was raided by a group of 30 armed men thought to have been members of *Sendero Luminoso*. Fidel Intusca and other workers in the mine were forced to load a lorry with explosives. The armed men then forced him to drive the lorry out of the mine area. He was later set free; however, his ordeal did not end there.

Four days later, on 6 August, he and another worker from the mine were told that they had to make a statement about the incident at the local military base at Puquio. They went to the base with two trade union officials and two representatives from the mining company. Fidel Intusca and his colleague made their statements and were allowed to leave.

The six men started back to the mine. They had not gone far when they were halted by hooded and armed soldiers. The soldiers detained Fidel Intusca. The union officials, the company representatives and the other mine worker were allowed to continue their journey back to the mine. Fidel Intusca was taken back to the Puquio military base but later escaped.

At a press conference Fidel Intusca described how he had been tortured at the military base. He had been hung from the ceiling and beaten; submerged in water until he thought he was about to drown; and burned on the back and neck. He also told journalists that he had been told he was going to be killed.

In September 1990, the Senate Commission on Justice and Human Rights constituted itself into an investigative commission to inquire into the Fidel Intusca case. In November, the Commission concluded that there was sufficient evidence to suggest that he had been tortured, presumably by the military, and recommended that a judicial investigation be conducted. To Amnesty International's knowledge no such investigation has been initiated.

Background

Torture

Torture is used by members of the armed forces and by the police, both as a means of interrogation and as a form of punishment. It is often reported to be inflicted on members of peasant communities detained by the armed forces in the emergency zones and held illegally in military installations. It is also reported to occur in police premises in urban areas, where it has been used on criminal suspects, suspected members of armed opposition groups, trade unionists, students and other activists.

Systematic beatings, near drowning, electric shocks, hanging by the arms for prolonged periods, and threats of mutilation or death, are the forms of torture most commonly reported. Sexual abuse by soldiers has become common in the emergency zones; there have been many reports of soldiers having tortured women and young girls by raping them, sometimes repeatedly, in peasant communities or when detained in military bases.

Impunity

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Miners

The leadership and rank and file members of the mining unions in Peru have a long tradition of opposition to the policies of both private and state-run mining companies, and of economic measures implemented by governments which affect their living standards. Throughout the years this opposition has led to the harassment by the security forces of the leadership and ordinary members engaged in legitimate trade union activities. Since the beginning of a violent campaign of opposition by *Sendero Luminoso*, Shining Path, the mining sector has been targeted by this organization through political work and as a source of dynamite for use in their violent activities. The leadership of the mine workers' trade unions have consistently challenged the policies and practices of *Sendero Luminoso*.

Abuses by armed opposition groups

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behaviour, such as the principles contained in humanitarian law by which any opposition group should abide.

points to make in a letter

- Write what you have read about the case of Fidel Intuseca Fernández (Please cite his full name and the date and location of the incident described)
- Explain that you know of the difficulties faced by authorities in controlling the activities of *Sendero Luminoso*, but that these in no way justify the human rights violations perpetrated by the security forces.
- Explain that you are concerned that there appears to have been no judicial investigation initiated into the events surrounding the alleged torture of Fidel Intuseca at the Puquio military base in August 1990
- Point out that you welcome the Peruvian Government's pledges to protect and uphold human rights and that they should do everything possible to keep those pledges
- Write that nothing justifies the torture of individuals
- Ask whether the Peruvian authorities intend to adopt and implement Amnesty International's recommendations to the Peruvian Government

**Honorata Ore de Arotoma
Julio Arotoma Cachahuaray
Zenón Huamani Chuchón
Eleuterio Fernández Quispe
Luís Amaru Quispe
Napoleón Quispe Ortega
Onofredo Huamani Quispe**

**political activists
"disappeared"**

On 19 April 1991, Honorata Ore de Arotoma went with the six other political activists named above to register electoral candidates with the authorities in Huancapi, province of Victor Fajardo in the department of Ayacucho. All six are political activists for the *Izquierda Unida* (United Left), a legally recognized political party. Over the past ten years candidates and supporters of this party have been targeted by the Peruvian military and the main armed opposition group *Sendero Luminoso*, Shining Path.

As Honorata Ore and her colleagues left the office where they had registered the candidates they were seen being detained and taken away by soldiers from the Huancapi military base.

When inquiries were made at the Huancapi military base, officials denied any knowledge of their detention or whereabouts. Human rights organizations have followed up these inquiries, but friends, relatives and political colleagues still do not know what has become of Honorata Ore and her six companions. Honorata Ore and her colleagues have been "disappeared" by the armed forces for doing nothing more than displaying their support for a legally recognized political party.

Background

"Disappearance"

Detentions leading to "disappearances" in emergency zones under military control have generally been carried out by uniformed troops acting on their own or, increasingly, in conjunction with military-led civil defence patrols. According to figures given to Amnesty International in July 1991 by the Public Ministry, over 5,000 people were "disappeared" since 1981, of which over 4,000 are still unaccounted for.

Most "disappearance" victims are never seen again; others are transferred to the police or are freed, sometimes after being tortured; and still others are later found dead. In some cases the armed forces claim that detainees have been released, but there is often no independent or official witness to corroborate the release and the individual does not reappear.

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Although thousands of civilians have been reported extrajudicially executed or "disappeared" in the emergency zones during the past decade, no members of the armed forces are known to have been convicted for their part in these violations.

Local Political Activists

Local political activists play a particularly important role in the life of the communities they represent. In Peru, especially in the areas that are under state of emergency, local political activists have been frequent victims of human rights violations.

Local political activists have not only been victims of government agents. They have also been targeted by the main armed opposition group *Sendero Luminoso*. During the last ten years this group has tried to prevent local elections taking place by threatening, harassing and in many cases murdering candidates.

Abuses by armed opposition groups

Much of the political violence in Peru takes place in the context of the government's counter-insurgency operations against armed opposition groups such as *Sendero Luminoso* and the *Movimiento Revolucionario Túpac Amaru (MRTA)*. The tactics of *Sendero Luminoso* include the sabotage or destruction of public utilities and community development projects, and the intimidation and killing of anyone who refuses to support them, including trade unionists.

Amnesty International, as a matter of principle, condemns the killing and torture of prisoners, other deliberate and arbitrary killings and the taking of hostages by political opposition groups. It does not treat such groups as if they had the status of governments. It is governments who are obliged to uphold international human rights standards. However, Amnesty International promotes minimum international standards of humane behaviour, such as the principles contained in humanitarian law by which any opposition group should abide.

points to make in a letter

- Write that you are concerned about the "disappearance" of Honorata Orz de Trotoma, Julio Trotoma Cachahuaray, Zenón Huamani Chuchón, Elzuterio Fernández Quispe, Luis Amaru Quispe, Napoleón Quispe Ortega, and Onofredo Huamani Quispe who "disappeared" after being detained by the military in Huancapi on 19 April 1991. (Please cite their full names and the date and location of the incident described)
- Ask that they be able to see and speak to relatives, and medical and legal experts
- State that they should be brought before the civilian courts if they are thought to have committed any crime, or that otherwise they should be released
- Ask to hear about what has been done to judicially investigate these cases and bring to justice those responsible
- Explain that you know of the difficulties faced by the authorities in controlling the activities of *Sendero Luminoso*, but that these in no way justify the human rights violations perpetrated by the security forces.
- Point out that you welcome the Peruvian Government's pledges to protect and uphold human rights and that they should do everything possible to keep those pledges
- Write that nothing justifies the "disappearance" of individuals
- Ask whether the Peruvian authorities intend to adopt and implement Amnesty International's recommendations to the Peruvian Government