

EXTERNAL (for general distribution)

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UA 146/95 Fear for safety

23 June 1995

PERU **Dr. Antonia E. Saquicuray Sánchez, judge (f)**
 Dr. Ana Cecilia Magallanes, public prosecutor (f)
 Relatives of the victims of the Barrios Altos massacre
 Relatives of the victims of the La Cantuta massacre
 General (rtd.) Rodolfo Robles Espinoza, army officer

Amnesty International fears for the safety of Judge Antonia E. Saquicuray Sánchez, public prosecutor Ana Cecilia Magallanes, relatives of the victims of the Barrios Altos and La Cantuta massacres, and dissident army General Rodolfo Robles Espinoza. According to reports, over the past few weeks all have publicly expressed fears that they may suffer reprisals, for having spoken out in favour of clarifying past human rights violations. Judge Saquicuray is reported to have received anonymous death threats.

On 15 June 1995, President Alberto Fujimori promulgated Law 26479, an amnesty law which closed all investigations and judicial proceedings linked to past human rights violations. The law, which came into effect on 16 June 1995, also rendered ineffective those few sentences handed down for such crimes.

On 16 June, Judge Saquicuray ruled that the amnesty law was inapplicable to the investigations already initiated into the November 1991 Barrios Altos massacre (see Urgent Action 401/91, AMR 46/75/91, 15 November 1991). As a result of this ruling, the judge is reported to have received several anonymous telephone death threats. These threats have been denounced to the press by relatives of the judge.

Ana Cecilia Magallanes was the public prosecutor who recommended to Judge Saquicuray that the amnesty law should not be applied in relation to members of the army implicated in the Barrios Altos massacre. The *Coordinadora Nacional de Derechos Humanos*, an independent human rights organization, has issued a public statement asking that the physical integrity of Judge Saquicuray and public prosecutor Ana Cecilia Magallanes, be guaranteed.

Relatives of the victims of the Barrios Altos and La Cantuta massacres have also publicly expressed fears for their lives. In statements given to journalists, they have made clear their opposition to the amnesty law. They expressed particular concern about the release of members of the army who had already been sentenced for the murder of nine students and a professor from La Cantuta University in July 1992 (see *Peru: La Cantuta killings and other human rights violations not yet fully investigated*, AMR 46/03/94, March 1994). Some of those sentenced were being investigated by Judge Saquicuray and public prosecutor Ana Cecilia Magallanes for the killing of 15 people in the Barrios Altos case.

Dissident army general Rodolfo Robles, who returned to Peru as a result of the promulgation of the amnesty law, is also feared to be at risk. General Rodolfo Robles fled to Argentina in May 1992, after making public the fact that a "*destacamento especial*", "special detachment", known as the *Grupo Colina*, and linked to the *Servicio de Inteligencia del Ejército* (SIE), Army Intelligence Service, had been responsible for the Barrios Altos and La Cantuta massacres. At the time, General Rodolfo Robles claimed that he and his family had received death threats.

Amnesty International believes that the death threats received by Judge Saquicuray and the fears expressed by her family and by the others named above are a direct consequence of the amnesty law. The organization reiterates its unequivocal condemnation of the law, in effect an impunity law which is designed to protect those responsible for thousands of human rights violations committed in Peru during the past 15 years. Amnesty International believes that those responsible should not benefit from any legal measure exempting them from criminal prosecution or conviction, no matter how much time has elapsed since the commission of the crime.

BACKGROUND INFORMATION

Impunity in Peru has been a hallmark of the abject failure by the authorities to effectively investigate, prosecute, convict and sentence those responsible for thousands of cases of torture, enforced disappearance and extrajudicial execution, committed by the security forces since 1980. In early 1994, the United Nations Special Rapporteur on extrajudicial, summary or arbitrary executions, stated, in a report on his mission to Peru in 1993, that there was compelling evidence of an "institutionalization of impunity in Peru", and that this was one of "the main problems with regard to [a lack of respect for] the right to life."

Such impunity, and the systematic pattern of gross human rights violations that lie behind it, has arisen in the context of efforts by three successive governments to combat the armed opposition groups *Partido Comunista del Perú (Sendero Luminoso)*, (PCP), Communist Party of Peru (Shining Path) and *Movimiento Revolucionario Túpac Amaru (MRTA)*, Túpac Amaru Revolutionary Movement. Since the early 1980s the PCP, and to a lesser extent the MRTA, have tortured and deliberately and arbitrarily killed thousands of civilians and members of the security forces who are *hors de combat*. Amnesty International reiterates its unequivocal condemnation of these atrocities. However, the organization believes that the actions of the PCP and the MRTA do not justify under any circumstances the violation by the security forces of fundamental human rights.

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

- expressing concern that Judge Antonia E. Saquicuray has received death threats since her ruling that the amnesty promulgated on 15 June 1995 is inapplicable to those implicated in the November 1991 Barrios Altos massacre;
- expressing concern that public prosecutor Ana Cecilia Magallanes, relatives of the Barrios Altos and La Cantuta massacres and General Rodolfo Robles have all expressed fears for their lives since the amnesty law came into effect on 16 June 1995;
- urging that all necessary steps be taken to ensure that the above persons are given adequate protection;
- condemning the amnesty law which grants total impunity to those responsible for past human rights violations in Peru;
- urging President Fujimori to take all necessary measures to have the amnesty law immediately annulled.

APPEALS TO:

President
 Presidente Alberto Fujimori
 Palacio de Gobierno

Plaza de Armas

Lima 1, PERU

Faxes +5114 326535/337020 (if voice line, ask "me da tono de fax")

COPIES OF YOUR APPEALS TO:

Human Rights Organization

Coordinadora Nacional de Derechos Humanos

Túpac Amaru 2467

Lince

Lima 14, 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 4 August 1995.