

INTERNAL

AI Index: AMR 46/27/93
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To: Medical professionals
From: Medical Office / Research Department - Americas
Date: 23 July 1993

MEDICAL ACTION

**PERU: Public Ministry rejects assistance of forensic experts
in death investigations**

Summary

Attached is a paper on the discovery of common graves on the outskirts of Lima thought to contain the remains of nine students and a university lecturer abducted by members of the army in July 1992. An Amnesty International delegation was present in Peru in July 1993 when the graves were found and called on forensic experts to join the delegation to assist the Peruvian authorities in investigations into the remains. Following discussion with the Peruvian Attorney General, however, permission for the forensic experts to aid investigations was denied. AI believes that in having proceeded with poorly executed excavation of the site of the graves, local authorities may have destroyed or damaged evidence which would be of importance in identification of the remains. AI is calling on the Peruvian authorities to reverse their decision to allow internationally recognized forensic experts to assist in investigations and further believes that the authorities should permit outside forensic experts to assist in the investigation of any further unmarked graves which may be uncovered. Please see the details attached.

Recommended Actions

Urgent faxed appeals from medical professionals are requested to the Attorney General of Peru with copies as indicated below:

- expressing the concerns outlined at the end of the attached paper
- calling for the reversal of the Public Ministry's decision not to allow outside forensic experts to assist in the excavation and post-excavation analysis of the grave site
- urging that such outside expertise should be called upon in the event of the discovery of further common graves

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Copies to any of the following newspapers and magazines:

Newspapers:

Alejandro Sakuda

Director

La República

Jr. Camana 320

Lima 1

Peru

Fax: (+51) 14.33.56.78 or 14.31.20.45

Director

El Comercio

Alejandro Miro Quesada G.

Jr. Antonio Miro Quesada 300

Lima 1

Peru

Fax: (+51) 14.31.08.10

Magazines:

Enrique Zileri

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Revista Caretas

Camana 615, Of. 308

Lima 1

Peru

Fax: (+51) 14.33.25.24

Ricardo Uceda

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Revista Sí

Raymundo Morales de la Torre 295

Lima

Peru

Fax: (+51) 14.62.36.24

EXTERNAL

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 Amnesty International
 International Secretariat
 1 Easton Street
 London WC1X 8DJ
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Date: 22 July 1993

PERU: Public Ministry rejects assistance of forensic experts in death investigation
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Amnesty International is extremely concerned about the Peruvian Public Ministry's decision to reject the advice of two forensic anthropologists who joined an Amnesty International delegation to carry out investigations into human remains buried in four unmarked graves discovered on 8 July 1993 on the outskirts of Lima, the capital. The graves were believed to contain the remains of nine students and a lecturer from La Cantuta University who were abducted by members of the army on 18 July 1992, during a night-time raid on the university campus (See *Peru: "Disappearance" of a lecturer and nine students*, AI Index: AMR 46/45/92, September 1992 and *Peru: Army seeks cover-up of summary killings*, AI Index, AMR 46/12/93, April 1993).

Contrary to Amnesty International's advice, local authorities carried out inadequate excavations of the sites which almost certainly have destroyed or damaged important evidence. AI has urged the Public Ministry to reverse its decision and to grant international forensic experts the facilities necessary to examine the site of the graves and the human remains retrieved from them.

Background

On 4 July 1993 two AI delegates, accompanied by a professional photographer and film maker, arrived in Lima on a two-week mission to carry out investigations on AI's human rights concerns in Peru.

Four days later, on 8 July, the delegation was present at a site known as Km 14 on the highway to Cienaguilla, located on the outskirts of Lima. The delegates were invited by a *Fiscal Superior del Ministerio Público* (senior public prosecutor attached to the Public Ministry) to visit the site where, according to a formal complaint by the editor of the weekly magazine *Sí*, four clandestine graves were located. Hasty excavations followed which confirmed the allegations, and fragments of human remains were removed from the graves.

Four members of the Public Ministry, including the Public Ministry's *Fiscal Especial para los Derechos Humanos y Defensoría del Pueblo* (Special Attorney for the Human Rights and People's Defence) were present during the initial excavations.

The following day, 9 July, AI faxed an urgent letter to the Attorney General recommending that the excavations be immediately halted until such time as forensic

anthropologists of international recognition arrive in Peru. The organization also recommended that the site be adequately secured to prevent tampering with evidence.

On 12 July two forensic anthropologists attached to the *Equipo Argentino de Antropología Forense* (EAAF: Argentine Team of Forensic Anthropology), a non-governmental organization, arrived in Lima, at the invitation of AI. EAAF expertise in the field of the scientific documentation of human rights abuses has been recognized by the United Nations Economic and Social Council during the 49th session of the UN Human Rights Commission in February 1993¹. The purpose of the forensic anthropologists' visit was to observe investigations and to offer expert advice to the Peruvian authorities on the exhumation of the remains and on the analysis of the remains transferred to the *Morgue Central de Lima*, Lima's Central Morgue, and the *Departamento de Criminalística de la Policía Nacional del Perú*, Department of Criminal Investigation of the Peruvian National Police. Their expertise includes the application of methods and techniques presently unavailable in Peru, such as the recovery of genetic material from buried remains to aid in the identification of the deceased.

On 16 July, eight days after the graves were discovered, the Attorney General met the AI delegation, which included the two forensic anthropologists. The Attorney General informed AI that the foreign experts could not be given permission to assist in the investigation of the grave site because the *Código de Procedimientos Penal* (Code of Penal Procedures), the *Ley Orgánica del Ministerio Público* (the Rules of the Public Ministry), and the Peruvian Constitution only permitted the participation of Peruvians in such investigations. However, according to independent Peruvian lawyers consulted by AI these claims are not correct. The Attorney General added that the expertise required for the exhumation and analysis of the human remains is already available in Peru; AI's forensic experts were prevented from visiting the graves or studying the remains already recovered from them. The Attorney General also rejected an offer made by the anthropologists to use DNA analysis techniques to help identify the remains.

Despite the recommendations made by AI on 16 July in a letter to the Attorney General (and made public by AI) — that the site be protected and the excavations be halted till appropriate forensic experts arrived in Peru — the authorities proceeded with the excavations of the graves and the retrieval of human remains and other evidence using inadequate procedures. Amnesty International fears that substantial evidence might have been lost or destroyed.

Amnesty International respectfully urges the Public Ministry to reverse its decision not to allow forensic anthropologists to work on the Cienaguilla graves and the remains recovered from them. The organization also strongly recommends that, in the event of further graves being uncovered, the Public Ministry takes all the necessary steps to include internationally-recognized and independent forensic anthropologists in the excavations and post-excavation analysis.

Summary of AI's concerns:

- No independent forensic anthropologist supervised or participated in the excavations;
- An unscientific approach was used in the recovery of the human remains and other evidence;
- Evidence was almost certainly destroyed, lost or damaged in the process of excavation;

¹ See UN Economic and Social Council, E/CN, 4/1993/20, 5 February 1993)

- The possibility of conducting appropriate analysis of the recovered remains was severely restricted as a result of inadequate excavation and on-site investigations.
- The possibility of identifying victims of a major human rights violation and gathering evidence relevant to the investigation of the crime may have been badly affected.

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