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## PERU:TWO TEENAGE GIRLS ABUSED BY THE ARMY

Amnesty International is concerned about the reported abuse of two teenage girls by soldiers based in separate barracks in the department of San Martín. Olivia Pérez Fernández, aged 15, and Froily Mori Vela, aged 14, were abused at their homes on 28 April 1992 and 7 June 1992 respectively.

### FROILY MORI VELA

On the night of 7 June 1992, Froily Mori Vela, a 14-year-old school girl, was at her parents home in the hamlet La Unión, Nueva Lima district, Bellavista province, San Martín department. According to reports, a group of six soldiers from the Bellavista barracks, led by a lieutenant, entered and searched the Mori Vela household. When they finished with the search, Froily Mori was ordered to accompany the soldiers, saying they had to talk to her. When she and her parents opposed the order, they were threatened with guns. Froily Mori was then reportedly forced outside into the garden. In a sworn affidavit Froily Mori is reported to have stated: "They took me to the far end of the vegetable garden, where one after another they raped me, starting with the lieutenant. The seven [soldiers] abused me".

According to reports, in a medical certificate No. 021-D-UTES -B-92 issued on 10 June 1992 from the *Unidad Técnica de Salud de Bellavista*, Bellavista Health Clinic, a forensic doctor diagnosed that Froily Mori presented signs consistent with her allegations.

### OLIVIA PEREZ FERNANDEZ

Olivia Pérez, aged 15, and seven months pregnant, lived with her partner Ennegardo Pua Vela at his home in Ramón Castilla Avenue, in the neighbourhood of Mayco, Tarapoto town, province and department of San Martín. On 28 April 1992, Ennegardo Pua's home was reportedly raided by soldiers stationed at the Tarapoto military barracks and headquarters of the Huallaga Front Political-Military Command. According to reports, during the raid Olivia Pérez had a firearm held against her and was beaten. Her partner was said to have been beaten in her presence before been taken away.

During the afternoon of the same day Olivia Pérez suffered a haemorrhage and was hospitalized in the Tarapoto *Hospital de Apoyo*. She was discharged the following day. Four days later, on 3 May 1992, she lost her baby. A duty doctor at the *Hospital de Tarapoto*, Tarapoto Hospital, is reported to have issued a certificate stating the baby to have died.

On 12 May 1992 in a written statement submitted to the head of the Political-Military Command of the Huallaga Front, Olivia Pérez's father denounced the treatment his daughter received at the hands of the soldiers and claimed that she lost her baby "as a result of the beatings and emotional impact of seeing her partner taken away".

### REPEATED SEXUAL ABUSES AGAINST WOMEN BY SECURITY FORCES

Amnesty International believes that rape of detainees by members of the security forces is a form of torture. However, the shame and fear suffered by the victims of rape often stops them from denouncing the fact to the authorities. In other cases, victims denounce rape to human rights and church organizations but specifically request that their case be not divulged to the authorities for reasons of security. Both factors make it difficult to determine the real extent of rape being carried out by the Peruvian security forces and to bring the perpetrators to justice.

During the past 12 years of political violence in Peru Amnesty International has received numerous denunciations of girls and women being raped at the hands of the security forces. To Amnesty International's knowledge the authorities have not brought to trial and convicted any member of the security forces accused of rape.

Peruvian human rights organizations have said that most rape abuses remain unreported. According to a member of the Peruvian military stationed in the Andean town of Ayacucho and interviewed by an Amnesty International delegation in 1986, rape was to be expected when troops were conducting counter-insurgency operations.

Among the many denunciations of alleged rape by members of the security forces received, Amnesty International has published at least two cases alleged to have taken place during the administration of President Alberto Fujimori. The first case is reported to have taken place during an army patrol operation in which 16 men were detained in the province of Vilcashuamán, department of Ayacucho, in September 1990. The men were tortured in a church in the community of Pacchahualhua.

According to reports, in addition to the torture that took place in the church, several unidentified women and schoolgirls were raped by soldiers involved in the manoeuvres. On the way to Pacchahualhua three women who were grazing their sheep were reportedly raped by five of the soldiers escorting three men previously detained in Pucapaccana, a nearby community.

Later on, several other women and schoolgirls were raped at the local government centre in Pacchahualhua. It was here that, according to the recorded and transcribed testimony of the brother of one of the eye-witnesses: " they began to rape them, they raped the schoolgirls just as they raped the community women, but they won't report it because they are frightened, they won't talk..." . (See Peru: Mass Human Rights Violations Continue Under New Government, AI Index: AMR 46/37/91).

The second case concerns the reported detention and rape of a young woman and a teen-age girl travelling with three companions to Tingo María, department of San Martín. In September 1990, 21-year-old Amanda Guerra was reportedly detained by members of the army while travelling in a bus from Pucallpa to Tingo María. Travelling with her were 23-year-old Lester Mozombite Cartagena, two unnamed boys aged 15 and 16, and a 15-year-old girl also

unnamed. They were reportedly stopped at a military checkpoint near the army base at Km. 86 of the Federico Basadre Highway. According to reports, Amanda Guerra and the 15-year-old girl were raped by several soldiers. Amanda Guerra and Lester Mozombite were subsequently reported to have been "disappeared". The three youngsters were released four days later, after soldiers threatened them with the killing of their two travelling companions if they reported the incident (See Peru: Torture and "Disappearances" at Km. 86 Military Base Federico Basadre Highway AI Index: AMR 46/06/91).

### The Universal Declaration of Human Rights

Art.3 Everyone has the right to life, liberty and security of person.

Art.5 No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

American Convention on Human Rights Peru ratified the ACHR in 1978.

Art. 4. 1. Every person has the right to have his life respected. This right shall be protected by law and, in general, from the moment of conception. No one shall be arbitrarily deprived of his life".

Art.5 1. Every person has the right to have his physical, mental and moral integrity respected.

2.No one shall be subjected to torture or to cruel, inhuman, or degrading punishment or treatment. All persons deprived of their liberty shall be treated with respect for the inherent dignity of the person.

### Peruvian Constitution of 1979

Art. 21. "Every person has the right to life, a proper name, physical integrity and the free development of their personality. For the purpose of everything that favours him or her, a child about to be born is considered as having been born".

## 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.

In spite of the pledges, between 28 July 1990 and 30 April 1992, Amnesty International documented the cases of 392 people who reportedly "disappeared" and remained unaccounted for, and a further 169 who were extrajudicially executed. All of these people were "disappeared" or summarily executed following their detention by the security forces, or by so-called paramilitary groups and civil defence patrols acting with their support. 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 setting up of a Government of Emergency and Natural Reconstruction, the 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 to a halt for a period of four weeks. This meant that during this period 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.

Many of the human rights violations in Peru documented by Amnesty International since 1983 have occurred in the context of successive governments' counter-insurgency operations directed against two armed opposition groups: the *Partido Comunista del Perú*, (*Sendero Luminoso*), PCP, Communist Party of Peru (Shining Path) and the *Movimiento Revolucionario Túpac Amaru*, (MRTA), the Túpac Amaru Revolutionary Movement. Amnesty International is concerned about the deliberate and arbitrary killing by the armed opposition of defenceless people not directly involved in the internal conflict which has affected Peru since 1980.

The clandestine PCP is the largest of the armed opposition groups and is active throughout much of the country. Thousands of its victims have been defenceless civilians not involved in the armed conflict. Police and military personnel whom it captured or who laid down their arms, were incapacitated by wounds or surrendered, have also been killed.

The MRTA has also occasionally killed defenceless civilians not involved in the conflict and is also reported to not always respect the rights of members of the security forces who have laid down their arms or who are *hors de combat*.