

# AMNESTY INTERNATIONAL

## PUBLIC STATEMENT

31 March 2011  
AI Index: AMR 46/003/2011

### **Peru: Bagua victims still waiting for justice**

Over 20 months since the tragic events in Bagua, the victims are still waiting for their right to truth, justice and reparation, said Amnesty International on receiving news that two generals from the National Peruvian Police and a senior army officer had been convicted by a military-police court.

The convictions relate to matters apparently connected with their involvement in the dispersion operation in Bagua in which 33 people, including 23 police officers, died and at least 200 people were injured.

Amnesty International has so far been unable to obtain a copy of the recent judgment. However, it is concerned that the verdict handed down by the military-police court could be used to block the proceedings being pursued in the ordinary courts against members of the armed forces in relation to human rights violations committed during the eviction operation in Bagua – including the deaths of civilians and serious injuries to dozens of demonstrators. The case, to be heard by the Bagua Temporary Criminal Court (*Sala Penal Liquidadora Transitoria de Bagua*), is currently waiting for a decision by the judge to open proceedings.

In the past, the parallel prosecution of alleged perpetrators under military-police jurisdiction has been one of the main factors contributing to the perpetuation of the impunity that has prevailed in Peru for decades.

Amnesty International trusts that the errors of the past are not being repeated in the Bagua case and that the ordinary courts will assume their responsibility to investigate and punish all those responsible for human rights violations.

The organization points out once again that the Peruvian State is still failing to guarantee the right to truth, justice and reparation for all the Bagua victims and their relatives.

The Peruvian State has an obligation to conduct prompt, independent and impartial investigations into human rights violations and to bring those responsible to justice in independent and impartial courts.

The use of military-police jurisdiction to investigate and punish common law offences such as human rights violations is inconsistent with the international human rights standards and treaties to which the Peruvian State is a party. Military-police jurisdiction helps to perpetuate impunity because of the lack of independence stemming from the hierarchical subordination to which all or some of its members are subjected. Its sphere of competence should be confined to infringements of a specifically military or police nature committed by members of the forces of order. These do not include human rights violations, which come under the jurisdiction of the ordinary domestic courts.

Amnesty International believes that if a recurrence of the tragic events in Bagua is to be avoided, it is essential to clarify what happened and to determine responsibility for the human rights violations committed during the eviction operation, including the deaths of the 23 police officers. All necessary measures should also be taken, as a matter of urgency, to guarantee the

rights of the Indigenous peoples of Peru, thereby putting an end to decades of discrimination and abuse.

It should be noted that the Peruvian State has still not addressed the legitimate demands of the Indigenous people which gave rise to the Bagua protest in the first place.

Not only has the Peruvian State not yet taken the necessary steps to guarantee the rights of the Indigenous Peoples of Peru, especially their right to participate in decision-making and to be consulted with a view to obtaining their free, prior and informed consent before adopting any administrative or legislative measures that might affect them, it is still granting concessions to extractive companies and passing legislation that could affect the lands and way of life of those peoples.

**Additional information**

On 5 June 2009, the police intervened to disperse a blockade organized by the Awajún and Wampís Indigenous communities on a stretch of the Belaúnde Terry highway known as “*Curva del Diablo*” (“Devil’s Bend”) in the department of Amazonas.

For over 50 days, thousands of Indigenous people had been peacefully blockading the road in protest at a series of decree laws relating to the use of land and natural resources which they claimed posed a threat to their rights to their ancestral land and livelihood. During the police operation serious acts of violence and human rights violations were committed.

In March 2011, the two generals from the National Peruvian Police and the senior army officer in charge of the operation were reportedly convicted by a military-police court on a charge of ‘dereliction of duty while in an operational role’ (*‘Omisión del cumplimiento del deber en función operativa’*) and given suspended sentences ranging from 12 to 36 months, together with payment of varying amounts in civil damages to the State.

END/