

5 June 2006

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## PERU: Preventing Impunity Case Sheet:

Amnesty International is concerned that the kidnapping and “disappearance” of Samuel Ramos Diego, Jesús Liceti Mego and Esaú Cajas Julca, by members of the military in 1990, may be left unpunished. Seven military officers were accused of the crime in June 2004. However, days before the case was due to be transferred to a different court, the judge closed the case in March 2006, alleging that forced disappearance was not a crime under Peruvian legislation at the time of the events.

This ruling is contrary to international human rights standards. The Inter-American Convention on Forced Disappearance of Persons, of which Peru is a state party, states in article 3 that the offence of forced disappearance “shall be deemed continuous or permanent as long as the fate or whereabouts of the victim has not been determined”. Also, as stated by the Inter-American Court of Human Rights, the European Court of Human Rights, the UN Human Rights Committee and the Inter-American Commission on Human Rights “disappearances” per se violate the right of the relatives of the “disappeared” not to be subjected to torture or ill-treatment.

In May 1990, Samuel Reynaldo Ramos Diego and Jesús Liceti Mego were detained in Picuruyacu, Tingo Maria, Huánuco Department by armed men in plain clothes driving a van with polarized windows. According to witnesses’ reports, they were taken to the military base in Tingo María. Esaú Cajas Julca was also reportedly detained at the base by military officers in November 1990. He was reportedly tortured and later killed. The three men were accused by the military of belonging to the armed opposition group Shining Path. To this date their whereabouts remain unknown.

The men's “disappearance” is among 43 cases of human rights violations documented by the Peruvian Truth and Reconciliation Commission. In 2003, the cases went sent to the Public Prosecutor’s office for investigation.

### **BACKGROUND INFORMATION**

The Truth and Reconciliation Commission was set up in 2001 to establish the circumstances surrounding the human rights abuses and violations committed in the context of the internal armed conflict (1980-2000), by the armed opposition groups and the Peruvian state. The Truth Commission received reports of 23,969 cases of people who were killed or “disappeared” during the internal armed conflict, and thousands of other cases of gross human rights violations and abuses, including torture, sexual violence, unfair trials, kidnapping and hostage taking, and violations to children’s and indigenous peoples’ human rights.

*For more information see The Truth and Reconciliation Commission – a first step towards a country without injustice, (AMR 46/003/2004, August 2004)*

## **ACTION!**

### **Please write to the authorities:**

- expressing concern that one of the 43 cases documented by the Peruvian Truth and Reconciliation Commission, the kidnapping and “disappearance” of Samuel Ramos Diego, Jesús Liceti Mego and Esaú Cajas Julca, by members of the military, in 1990, may be left unpunished;
- expressing concern at the court's ruling that this case be closed stating that forced disappearance was not a crime under Peruvian legislation at the time of the events in 1990;
- stating that this ruling is contrary to international human rights standards which state that this offence shall be deemed continuous or permanent as long as the fate or whereabouts of the victim has not been determined;
- urging the authorities to carry out an independent and impartial investigation into these crimes to determine the fate and whereabouts of the victims and to bring the perpetrators to justice;
- stating that Peru must show a real commitment to end two decades of impunity by investigating independently and impartially all human rights violations, including the 43 cases of grave past human rights violations documented by the Truth and Reconciliation Commission, and bringing the perpetrators to justice.

### **Please send appeals in spanish or your own language to:**

#### Minister of Justice

Dr. Alejandro Tudela Chopitea

Ministro de Justicia

Ministerio de Justicia

Scipión Llona 350

Miraflores

Lima 18

PERÚ

**Fax: + 51 1 422 3577**

**Salutation: Dear Minister/Sr. Ministro**