

PROFILE SERIES

PERU

**HUMAN RIGHTS AND POLITICAL
DEVELOPMENTS THROUGH DECEMBER 1994**



JUNE 1995

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EXECUTIVE SUMMARY

Peru is a country experiencing profound economic and political transition. Of the calamities that may befall a nation, Peru has suffered a disproportionate share over the past fifteen years, falling victim to a cycle of political upheaval and economic disruption. More than half of the population suffers extreme poverty. Fourteen years of political violence have taken over 20,000 lives, caused billions of dollars in material damage, and displaced more than half a million people. A cholera epidemic has killed thousands of Peruvians since 1991. Peru has been labeled one of the poorest and most violent nations in South America^{1/}

Since 1980, successive Peruvian governments have fought a brutal war against *Sendero Luminoso* (Shining Path), a violent, self-proclaimed Marxist movement which seeks to overthrow the government. In the course of the conflict, both the guerrillas and government security forces have committed grave violations of human rights. *Sendero* has employed both targeted and indiscriminate violence to terrorize the government and the population. Despite the September 1992 capture of *Sendero's* leader, Abimael Guzmán, the guerrillas continue to carry out attacks, though at a significantly reduced level^{2/}

The Peruvian government's response to the threat posed by *Sendero* has been similarly brutal. Disappearances, extrajudicial executions, and torture have proliferated as the government security forces have used broad powers to combat the insurgent movement. In April 1992, President Alberto Fujimori suspended the Peruvian Constitution in a "self-coup" (*autogolpe*) that strengthened the executive and military at the expense of democratic institutions and human rights. Abuses perpetrated by the security forces, particularly arbitrary arrest and prolonged detention generally accompanied by torture or other brutal treatment, have continued since Fujimori's coup.

^{1/} The World Bank, *World Bank Development Report 1993* (Washington, D.C.: 1993), p. 238. Among South American nations, only Ecuador and Bolivia have per capita GNP that is lower than Peru. Human Rights Watch, *Human Rights Watch World Report 1992* (New York: December 1991), p. 309. National Coordination Committee for Human Rights, *Peru 1990-1991: Report of the National Human Rights Coordinator* (Lima: 1991) p 1-9. "Shining Path Remains Force to be Reckoned With in Peru," Report by Lucia Newman, *CNN* (transcript #455-4, 28 September 1993).

^{2/} U.S. Department of State, "Peru," *Country Reports on Human Rights Practices for 1994* (Washington, D.C.: U.S. Government Printing Office, February 1995), p. 481. Human Rights Watch, *Human Rights Watch World Report 1993* (New York, December 1992), p. 138.

The population of Peru has been caught between the guerrilla insurgency and the government counter-insurgency. The victims of the abuses perpetrated by both sides in the conflict are many: elected and appointed government officials; members of political parties; trade unionists; human rights activists and lawyers; witnesses to human rights abuses and family members of victims; members of non-governmental organizations; community leaders; members of civil defense patrols (*rondas campesinas*); academics and students; journalists; judges, prosecutors, and other court officials; relatives of members of the security forces; displaced people and forced migrants; members of religious groups; health professionals; women; homosexuals; and residents of the Emergency Zones^{3/}.

Amid this tragic recent history are some hopeful signs that the cycle of economic and political calamity may have been broken. The economic situation has improved considerably since 1990. Inflation dropped from 7,650 per cent in 1990 to 15 per cent (est.) annually in 1994, economic growth rose from -20 per cent to +12 per cent, foreign reserves increased from under \$500 million to almost \$6 billion, net capital flows increased from -\$600 million to +\$2 billion, and the country has successfully rejoined the international financial community. Nevertheless, despite these impressive economic achievements, over half the population remains in absolute poverty and 70-80 per cent of Peruvians are under- or unemployed^{4/}.

Since 1992, political violence has decreased substantially, from close to 4,000 deaths in 1992 to fewer than 1,700 in 1993; this downward trend continued at almost the same rate in 1994. Over 5,000 guerrilla sympathizers turned themselves in under the limited amnesty law, which expired on November 1, 1994, and some 1,500 leaders and militants have been captured^{5/}. Disappearances are down dramatically since 1992, from around 200 to fewer than 40 in 1994. Peruvians are returning to areas formerly under attack by the guerrillas, and the number of departments under emergency provisions has been significantly reduced (from over 80 -- of 185 -- to approximately 60).

^{3/} A more complete discussion of these groups at risk is included in Section V. Groups at Risk, below.

^{4/} Brooke, James, "Peru: On the Very Fast Track," *New York Times* (New York: 31 January 1995), p. D1. Bowen, Sally, "Peru Steps Out to Woo Investors," *Financial Times* (London: 7 November 1994), p. 23. *Latin American Weekly Report* (London: 29 December 1994), p. 592-595. Vogel, Thomas, "Peru's Big Rebound Sets Off Foreign Investors' Enthusiasm," *Wall Street Journal* (New York: 15 September 1994), p. C1.

^{5/} Escobar, Gabriel, "Peru's Shining Path Maoists: Leaderless, Decimated, Divided," *Washington Post* (Washington, D.C.: 21 November 1994), p. A1. For earlier estimates, see "Toll in Peru's War with Rebels is Down By Half," *New York Times* (New York: 7 January 1994). "Hundreds of Peruvian Rebels Surrender under Leniency Law," *United Press International* (21 October 1993) - as reported on NEXIS database.

Nevertheless, disturbing levels of violence persist, with the government demonstrating greater willingness to sacrifice the rights to due process and civil liberties of citizens -- and to tolerate abuses committed against them by security forces -- in order to advance its military and related political objectives. Despite these apparent improvements, Peruvians continue to suffer one of the worst situations of political violence in the hemisphere.^{6/}

I. POLITICAL AND ECONOMIC BACKGROUND

A. Introduction

Since the Republic of Peru, South America's third-largest country, achieved independence from Spain in 1826, its political history has oscillated between constitutional civilian rule and extra-constitutional military dictatorship.

Peru is made up of twenty-four political departments (states) containing more than 170 provinces. Political and economic power in Peru has remained in the hands of the white landowning class based in urban areas along the coast, who compose no more than 15 per cent of the country's 23 million inhabitants. Indians, who constitute 45 per cent of the population *mestizos* (individuals of mixed Caucasian and Indian ancestry), who form 37 per cent, and other ethnic groups (of African, Asian or Middle Eastern ancestry) who fill out the balance, have traditionally wielded little political power. Legal obstacles to voting were removed only gradually in Peru: women received the right to vote in 1955, and only in 1980 was literacy removed as a prerequisite to voting right.^{7/}

If economic and political power has historically been exercised by Peru's economic elite, the country's military is drawn primarily from the middle and working classes. The Peruvian armed forces, which in 1991 totaled more than 100,000 soldiers and officers, constitute a tightly organized institution which has jealously guarded its institutional autonomy and its monopoly on weapons.^{8/}

^{6/} Washington Office on Latin America, *After the Autogolpe: Human Rights in Peru and the U.S. Response* (Washington, D.C.: July 1994), p. 8, 10.

^{7/} Klaren, Peter F., "The Origins of Modern Peru," *The Cambridge History of Latin America* (Cambridge: Vol. 5, 1986), p. 587.

^{8/} "Peru," *Kaleidoscope: Current World Data 1992* - as reported on NEXIS database. Mauceri, Philip, "Military Politics and Counter-Insurgency in Peru," *Journal of Interamerican and World Affairs* (Vol. 33, 1991), p. 83. Villanueva, Victor, "Military Professionalization in Peru," and "The Military in Peruvian Politics, 1919-45," *The Politics of Antipolitics: The Military in Latin America* (Lincoln and London: University of Nebraska Press, 2nd ed., 1989), p. 75, 126.

The rural, predominantly *mestizo*, population historically has been permitted to play only a marginal role in Peruvian society. Shut out of their country's attempts at economic development, many have turned to growing coca for the drug trade or have migrated to urban areas looking for work. According to recent estimates, 70 per cent of Peru's population now lives in urban areas. Lima, the capital, has mushroomed to become a city of over six million inhabitants.^{9/} Denied meaningful access to their country's political process, Peruvians have been attracted by -- or forced into -- the armed insurgency movements that launched campaigns in the 1980's.

The consequences of the economic, political and military struggles have been particularly severe for Peru's poor. Peru has remained one of the poorest countries in Latin America. Per capita income stagnated at around \$1,000 for the entire decade of the 1980's and has not improved in the 1990's. Income distribution has been traditionally one of the most unequal in the world; the wealthiest 20 per cent of the population receive more than 50 per cent of the nation's income, while the poorest 20 per cent receive less than 5 per cent. A World Bank report in September 1990 found that 55 per cent of all Peruvians live in extreme poverty. A United Nations sponsored study in October-November 1991 found that more than a third of the population lives in "critical poverty."^{10/}

^{9/} The World Bank, *World Bank Development Report 1993* (Washington, D.C.: 1993), p. 298. Banks, Arthur S., ed., *Political Handbook of the World 1992* (Binghamton, NY: CSA Publications, 1992), p. 601-608. "Peru," *Kaleidoscope: Current World Data 1992* - as reported on NEXIS database.

^{10/} The World Bank, *World Bank Development Report 1993* (Washington, D.C.: 1993), p. 296 (income distribution data for 1986). U.S. Department of State, "Peru," *Country Reports on Human Rights Practices for 1990* (Washington, D.C.: U.S. Government Printing Office, February 1991), p. 754. 1993 National Trade Data Bank, "Peru-Country Marketing Plan FY 93," *Market Reports* (16 February 1993) - as reported on NEXIS database.

B. Recent Political History

1. 1968-1980

The ongoing conflict between military and civilian rule in Peru erupted in 1968 when a military coup led by General Juan Velasco Alvarado deposed President Fernando Belaúnde Terry. Velasco's government, reflecting the military's distrust of civilian politicians and political parties, adopted "depoliticization" reforms that established local popular organizations to support the national "revolution," while rejecting national elections.^{11/} This period was marked by an explosion of new grassroots organizations -- such as peasant federations, shantytown associations and trade unions -- created with the encouragement of the new government. The military-controlled administration was notable for its leftist policies in the 1968-76 period, which included expanded contacts with communist countries, collective state/worker management of virtually all enterprises, a sweeping agrarian reform, and the expropriation of foreign investment.^{12/} Under the military regime, Marxism more widely entered popular culture, the public education system, and popular organizations.

In 1975, General Francisco Morales Bermúdez ousted Velasco in a bloodless coup. Morales gradually moved away from Velasco's radical policies and ultimately handed power back to civilians, following the election of a Constituent Assembly in 1978. By the end of the military administration, right-wing officers had pushed out all of the reformist officers who had assumed power under Velasco.^{13/}

A worsening economic situation contributed to the fall of Velasco. The industrial growth rate fell by 50 per cent between 1973 and 1975, foreign debt rose to \$3.1 billion, and the cost of living rose 139 per cent while real wages fell more than 11 per cent between 1968 and 1975. Austerity measures implemented by Morales in 1976 precipitated a series of popular uprisings, riots, and strikes which led to the military's decision to allow national elections.^{14/}

^{11/} McClintock, Cynthia; Lowenthal, Abraham, *The Peruvian Experiment Revisited* (Princeton, NJ: Princeton University Press, 1983), p. 460, 469-74.

^{12/} Gorman, Stephen M., "Antipolitics in Peru 1968-80," *The Politics of Antipolitics: The Military in Latin America* (Lincoln and London: University of Nebraska Press, 2nd ed., 1989), p. 456.

^{13/} Gorman, Stephen M., "Antipolitics in Peru, 1968-80," *The Politics of Antipolitics: The Military in Latin America* (Lincoln and London: University of Nebraska Press, 2nd ed., 1989), p. 456.

^{14/} Poole, Deborah; Rénique, Gerardo, *Peru: Time of Fear* (London: Latin America Bureau, 1992), p. 120-122.

2. 1980-1985

In 1980, democratic elections returned President Fernando Belaúnde Terry and the moderately rightist *Acción Popular* (AP, Popular Action Party) to power in Peru. At the same time, Marxist parties and alliances emerged as a major political force. By 1982, a member of the *Izquierda Unida* (IU, United Left) coalition had been elected mayor of Lima, and scores of other provinces and districts had elected left-wing mayors and council members.

Peru's economic crisis continued during this period. From 1980 to 1985, Peruvian GNP per capita decreased by 16 per cent, while military expenditures increased by 17 per cent.^{15/}

In 1980, *Sendero Luminoso* launched its violent campaign against the government. In 1983, Peruvian government security forces were deployed in rural areas to directly engage the insurgents. Shortly thereafter, the first cases of disappearance perpetrated by the security forces were reported.^{16/}

3. 1985-1990

When democratic elections were held in Peru in 1985, Alán García Pérez of the moderately leftist *Alianza Popular Revolucionaria Americana* (APRA, American Popular Revolutionary Alliance) was elected President and the IU became the second largest political bloc in Congress.

García's government faced increasingly adversarial relations with the United States and the International Monetary Fund due to García's initial refusal to pay interest greater than ten per cent of export earnings on Peru's foreign debt. The Peruvian economy worsened following severe austerity measures adopted by the government in September 1988. Annual inflation, which had averaged 287 per cent from 1980 to 1991 reached a high of 7,650 per cent in 1990.^{17/}

During this period, *Sendero* broadened its attacks against the government and population. By 1990, some commentators felt that the guerrillas were in a position to take control of the Peruvian state

^{15/} Wilke, James W.; Ochoa, Enrique, eds., "U.S. Data on Military Expenditures, Armed Forces, GNP, and Central Government Expenditures, 20 LRC, 1975-85," *Statistical Abstract of Latin America* (1989), p. 265.

^{16/} U.S. Department of State, "Peru," *Country Reports on Human Rights Practices for 1987* (Washington, D.C.: U.S. Government Printing Office, February 1987), p. 589. ECO-Andes, *A Call to Action* (February 1984). Americas Watch, *Human Rights in Peru: After President García's First Year* (New York: Human Rights Watch, September 1986), p. 16, 19. Amnesty International, *Violations of Human Rights in the Emergency Zones* (London: AMR 46/25/88, August 1988). For additional information on *Sendero*, see Section I.D.1. *Sendero Luminoso* (Shining Path) below. For additional information on the phenomenon of disappearance, see Section IV.A.1., Forced Disappearances, below.

^{17/} The World Bank, *World Bank Development Report 1993* (Washington, D.C.: 1993), p. 238.

in the near future.^{18/}

The improvements in the human rights situation in Peru that followed García's election to the presidency in 1985 were short-lived. With a 96 per cent public approval rating in Lima, García was initially able to exert strong leadership from the executive branch over the military, and human rights abuses by the security forces decreased.^{19/} However, as *Sendero* intensified its attacks and the security forces asserted broad powers in the emergency zones, the deterioration in human rights quickly resumed. The Washington Office on Latin America (WOLA), a non-governmental organization, found in 1987 that "[i]n practice,...[the] security forces regularly deny all aspects of due process including habeas corpus and the very right to life and physical integrity." In 1988, WOLA concluded that "President Alán García has been unable to reign in military forces responsible for many of these violations."^{20/}

García's public statements between 1985 and 1989 reflect his government's changing commitment to control the military and promote respect for human rights. In his inaugural address in 1985, President García declared, "The law will be strictly applied to those who violate human rights by killings, extrajudicial executions and torture through the abuse of their functions, for it is not necessary to fall into barbarism to fight barbarism."^{21/}

In his 1988 State of the Union address, García included no mention of human rights. He praised the military's counter-insurgency efforts and called for broader measures to be used against the guerrillas. Moreover, despite the country's historic conflict between civilian and military authority, García declared his support for taking responsibility for investigating crimes away from the public prosecutor and placing it with police authorities.^{22/}

By 1989, García favored expanding the military's control over civilian authority. In his final

^{18/} McCormack, Gordon, *Hearings Before the House Committee on Western Hemispheric Affairs: The Threat of the Shining Path to Democracy in Peru* (Washington, D.C.: U.S. Government Printing Office, 1992), p. 9-23.

^{19/} "Peru: State of Fear," *The New Internationalist* (Vol. 197, July 1989), p. 24. Americas Watch, *Human Rights in Peru: After President García's First Year* (New York: Human Rights Watch, September 1986), p. 2-3.

^{20/} Washington Office on Latin America, *Peru in Peril* (Washington, D.C.: November 1987), p. 22. Washington Office on Latin America, *Latin American Update* (Washington, D.C.: Vol. 13, No. 3, June 1988), p. 3.

^{21/} Washington Office on Latin America, *Peru in Peril* (Washington, D.C.: November 1987), p. 1.

^{22/} Washington Office on Latin America, *Latin American Update* (Washington, D.C.: Vol. 13, No. 4, July-August 1988), p. 1.

State of the Union Address, the President pleaded for national conciliation and called for a more central role for the military in combatting the alleged link between *Sendero* and drug traffickers. He removed the prohibition on military involvement in the drug war and endorsed military trials for suspected guerrillas.^{23/}

4. 1990-Present

In Peru's 1990 national elections, Alberto Fujimori, the son of Japanese immigrants, ran for president as a political outsider with no clear base among any of the country's traditional political parties. In a result that surprised observers, Fujimori led his *Cambio 90* (Change 90) movement to victory over Peruvian novelist Mario Vargas Llosa and the right-wing *Frente Democrático* (Democratic Front).^{24/} Marxist and other parties lost seats in the elections.

Fujimori had campaigned for office on a populist platform that opposed Vargas Llosa's harsh economic proposals and called for moderate economic measures that would fight inflation, maintain job stability, improve social services, renegotiate the foreign debt with the IMF, and provide incentives for the informal sector, entrepreneurs, and small industry. Once elected, the Fujimori government reversed its position and implemented a stringent austerity program to reinsert Peru into international markets, regain its good standing with international credit organizations, and attract foreign investment.^{25/}

Lacking any clear connection to Peru's political establishment, the new government was forced to look elsewhere for legitimacy and support. Fujimori showed an increasing reliance on the armed forces because of his lack of an organized political backing. In effect, the army became his political party.^{26/}

^{23/} Americas Watch, *Peru Under Fire: Human Rights Since the Return to Democracy* (New Haven and London: Yale University Press, 1992), p. 24, 128-133.

^{24/} *Acción Popular* supported Vargas Llosa as part of the *Frente Democrático* in the 1990 election.

^{25/} Poole, Deborah; Rénique, Gerardo, *Peru: Time of Fear* (London: Latin America Bureau, 1992), p. 146. Immigration and Refugee Board, Documentation Centre, *Peru: Impact of the April 1992 Coup*, Question and Answer Series (Ottawa: August 1992), p. 9.

^{26/} Von Hagen, Adriana, "Fujimori Bows to Peru's Army in Handing Over Rights Case," *Los Angeles Times* (Los Angeles: 18 February 1994), p. 4. Brooke, James, "18 Months Later, 10 Killings Haunt Peru's Army," *New York Times* (New York: 12 January 1994), p. A3. Bowen, Sally, "Human Rights Case in Peru Comes to Controversial Close," *Christian Science Monitor* (Boston: 24 February 1994), p. 7.

During the first twenty months of his administration, Fujimori was unable to solve the institutional crisis brought about by ten years of escalating violence, increasing inflation and unemployment, and deteriorating social services. Though Fujimori's economic measures began to control inflation, unemployment and poverty increased, and *Sendero* became stronger than ever before.

In May 1991, Congress granted Fujimori extraordinary power to enact legislation in the areas of national pacification, employment law, and promotion of private investment. Two days before this extraordinary legislative power was to expire, Fujimori proposed a package of decrees which would restructure the economy, place all international aid and non-governmental organizations under direct government control, expand the power of the armed forces in the emergency zones, impose criminal penalties on journalists for reporting on counter-insurgency operations and on all citizens for publishing abroad any criticism of the counter-insurgency operations, and give the President sole authority to appoint top military officers. In a special January 1992 session, Congress approved Fujimori's economic proposals, but amended or rejected the decrees which would have concentrated power in the executive or expanded the role of the military. In subsequent months, Fujimori publicly confronted Congress and the opposition over the budget, judicial nominations, and investigations into corruption by members of the president's family, past human rights abuses by General José Valdivia Dueñas, then chief of the General Staff, and undue influence in military appointments by the president's personal advisor, Vladimiro Montesinos.^{27/}

On April 5, 1992, Fujimori declared to the nation that he had assumed exclusive control of the government in a "self-coup" (*autogolpe*) with the support of the military. His government moved quickly to shut down all independent branches of the government, dissolving Congress, eviscerating the justice system, and summarily firing thirteen Supreme Court justices as well as all the judges on the Tribunal of Constitutional Guarantees. The regime detained more than 50 politicians, journalists and unionists, holding the vast majority of them without charge in clandestine detention centers for periods ranging from less than a day to several weeks. Following the disruption of constitutional government, Fujimori ruled by executive decree, implementing the measures previously rejected by the Peruvian Congress.^{28/}

^{27/} Poole, Deborah; Rénique, Gerardo, *Peru: Time of Fear* (London: Latin America Bureau, 1992), p. 157-159.

^{28/} Freedom House, "Peru," *Freedom in the World 1993-1994* (New York: 1994), p. 452-454. Americas Watch, *Peru: Civil Society and Democracy Under Fire* (New York: Human Rights Watch, August 1992), p. 5-6. Immigration and Refugee Board, Documentation Centre, *Peru: Impact of the April 1992 Coup*, Question and Answer Series

The Peruvian public responded with apparent support. Fujimori's approval rating rose 15 percentage points in Lima following the coup to more than 60 per cent. To some observers, this acceptance indicated that the public wanted an "exceptional response to a crisis situation," due to the threat from *Sendero Luminoso* and the weakened economy.^{29/}

Military support for the *autogolpe* was not universal, however, and opposition burst into the open on November 13, 1992, when a small group of military officers were arrested and accused of planning a *coup d'etat*. The plotters were apprehended after their plan to arrest the chief of the armed forces and assassinate Fujimori was uncovered by the military intelligence network, headed by Vladimiro Montesinos.^{30/} The coup leaders claimed that their intention was to restore the constitutional order which existed prior to Fujimori's dissolution of Congress. The government claimed that the revolt was an attempt to block the November elections. Observers noted that the coup may have been precipitated more by self interest, pointing to a decree that gave Fujimori control over the firing and assignment of all military officers above the level of lieutenant.^{31/}

The two national elections held after April 1992 solidified Fujimori's power while demonstrating that Peru's traditional political establishment had lost the confidence and support of the electorate. As a result of international pressure, Fujimori authorized popular elections for a unicameral *Congreso Constituyente Democrática* (CCD, Democratic Constituent Congress), consisting of 80 members elected at large. The November 1992 elections gave Fujimori's *Cambio 90/Nueva Mayoría* alliance (Change 90/New Majority) a majority with 44 seats. The *Partido Popular Cristiano* (PPC, Popular Christian Party), led by Lourdes Flores Nano, became the largest opposition group with 8

(Ottawa: August 1992), p. 11. Amnesty International, *Peru: Human Rights During the Government of President Alberto Fujimori*, (London: AMR 46/18/92, May 1992), p. 10-11.

^{29/} *Estudios de medios, opinión y mercado datum* (Lima: May 1992). Ames, Rolando, "Fujimori's Peru: Between the Real Powers and the People," *Prospects for Democracy and Peace in Peru: Briefing Papers* (Washington, D.C.: George Washington University & Washington Office on Latin America, 1993), p. 3.

^{30/} "Reportage on 13 Nov Army Officials' Coup Attempt," *Radio Programas del Peru* (Lima: 13 November 1992), as reported in Foreign Broadcast Information Service, *Daily Report: Latin America*, 16 November 1992, p. 31. Johnson, Marguerite, "The President's Shadow: Controversy Gathers Around the Second Most Powerful Figure in the Country," *Time* (New York: 23 August 1993), p. 31. Inter-Church Committee on Human Rights in Latin America, *Human Rights Situation in Peru: 1992 Annual Report, January - December* (Toronto: January 1993), p. 4-5.

^{31/} Inter-Church Committee on Human Rights in Latin America, *Human Rights Situation in Peru: 1992 Annual Report, January - December* (Toronto: January 1993), p. 4-5.

seats. The two largest opposition parties, APRA and *Acción Popular* (AP, Popular Action Party), refused to participate in the elections, in protest of their extra-constitutionality. Opposition groups also alleged fraud in the tabulation of the election results.^{32/}

The results of municipal elections held in January 1993 also indicated the extent of voter disenchantment with traditional political parties. APRA, the PPC, the IU, and even Fujimori's *Cambio 90/Nueva Mayoría* did poorly at the polls, losing many races to independent candidates. Independent candidates were elected in important cities such as Cuzco, Arequipa, and Juliaca. Ricardo Belmont, an independent, was reelected as mayor of Lima.^{33/}

The CCD was charged with drafting a constitution to consolidate Fujimori's power and institutionalize many of the actions taken by Fujimori after he had disbanded Peru's legislature. Fujimori had attempted to justify his self-coup by pointing to the inability of traditional political parties to respond to national crises.^{34/} The new Constitution reduces the role of political parties, dissolves regional assemblies, and (of great concern to human rights monitors inside and outside the country) places jurisdiction for the crimes of terrorism and treason in military courts. The new Constitution also removes the restrictions of the preceding one that prohibited a president from running for a second five-year term -- a liberty Fujimori is expected to exercise in 1995.^{35/}

The 1993 Constitution was narrowly approved by a margin of 53 per cent to 47 per cent in a national referendum on October 31, 1993 and went into effect on December 31, 1993. More than 30 per cent of the population did not participate in the constitutional referendum. The new Constitution clearly threatens respect for human rights in Peru. By strengthening the executive at the expense of the legislature, it significantly reduces the voice of opposition in Peru's political process. By strengthening the role of the military at the expense of the civilian authorities, it facilitates military impunity for

^{32/} U.S. Central Intelligence Agency, "Peru," *The World Factbook 1994* (Washington, D.C.: 1994), p. 313. Many opposition groups believe that the voting results suffered from significant "irregularities" and they do not accept them as valid. *Letter from Professor Cynthia McClintock, George Washington University, to John D. Evans, Director, INS Resource Information Center*, (Washington, D.C.: 13 November 1994), p. 1.

^{33/} Inter-Church Committee on Human Rights in Latin America, *Systematic Violations and a New Legal Order: Human Rights in Peru* (Toronto: December 1993), p. 5.

^{34/} "Message to the Nation by Peruvian President Alberto Fujimori," *Televisión Panamericana* (Lima: 6 April 1992), British Broadcasting Corporation, *Summary of World Broadcasts* (7 April 1992).

^{35/} Freedom House, "Peru," *Freedom in the World - 1993-1994* (New York: 1994), p. 454.

violations of human rights.^{36/}

C. Economic Conditions

The severe structural adjustment measures adopted by the Fujimori government have helped to stem the economic crisis -- high inflation, low growth, inability to pay foreign debt, and large balance of payment deficits -- that Peru has experienced since 1974. However, these measures have not succeeded in remedying the critical social situation in which more than half of Peruvians live in extreme poverty.

After his election, President Fujimori instituted a severe economic stabilization and structural adjustment program. Fujimori's economic measures have reduced inflation, which had declined to 139 per cent in 1991, to approximately 39 per cent in 1993, and to less than 2 per cent per month since September 1993. Peru enjoyed a growth rate of 7 per cent in 1993 and was expected to grow by 9 per cent in 1994.^{37/}

The Fujimori government began a drastic privatization program in 1991 and announced plans to remove the state from all productive activities by 1995. Approximately 30 government-run companies have been sold to private investors. Enterprises slated for sale include state mining, oil, electricity, steel, banking and railroad companies. The number of government employees has been drastically reduced. These measures could lead to higher rates of unemployment.^{38/}

The severe structural adjustment programs put in place by the Fujimori government have resulted in a dramatic impoverishment of all strata of Peruvian society, with the poor affected most severely. This decline has been even more dramatic in per capita terms. Per capita income has

^{36/} Inter-Church Committee on Human Rights in Latin America, *Systematic Violations and a New Legal Order: Human Rights in Peru* (Toronto: December 1993), p. 11. Washington Office on Latin America, *After the Autogolpe: Human Rights in Peru and the U.S. Response* (Washington, D.C.: July 1994), p. 35. For additional information on the 1993 Constitution and its impact on the protection of individual freedom and liberties, see Sections III.D., The 1993 Constitution, and III.E., *De Facto* and *De Jure* Impunity for Human Rights Abuses, below.

^{37/} 1993 National Trade Data Bank, "Peru - Country Marketing Plan FY 93," *Market Reports* (February 1993) - as reported on NEXIS database. U.S. Central Intelligence Agency, "Peru," *The World Factbook 1994* (Washington, D.C.: 1994), p. 314. "Toll in Peru's War with Rebels is Down by Half," *New York Times* (New York: 7 January 1994).

^{38/} Brogan, Chris, "Peru - Europe: Government and Industry Aim for European Investment," *Inter Press Service* (6 October 1993) - as reported on NEXIS database. Long, William R., "Telecom Sale Gives Boost to Peru's Privatization Plans," *Los Angeles Times* (Los Angeles: 28 April 1994). 1993 National Trade Data Bank, "Peru-Country Marketing Plan FY 93," *1993 Market Reports* (16 February 1993) - as reported in NEXIS database.

remained around \$1,000 since 1980. Malnourishment and declining family incomes resulted in a public school drop out rate of 50 per cent in 1991. Many children left school to supplement their family income.^{39/}

A World Bank report in September 1990 found that 55 per cent of all Peruvians live in extreme poverty. A United Nations sponsored study in October-November 1991, found that more than a third of the population lives in "critical poverty." The report concluded that "[a]t least 68 per cent of the rural highland population falls into this group, as do 55 per cent of the rural coast population and 47 per cent of those in highland cities. Those in critical poverty make up 49 per cent of Lima residents, up from 44 per cent in 1990."^{40/}

Such extreme poverty has led to dramatic increases in death, disease and illness. According to the World Bank, Peruvians have among the lowest life expectancies of residents of South America. A major cholera epidemic has killed 2,000 Peruvians since 1991 and more than 500,000 cases have been reported. One million Peruvian children under five years of age suffer chronic malnutrition.^{41/}

D. The Guerrilla Insurgencies

The economic hardship experienced by Peru's poor and their historic lack of meaningful participation in the political direction of their country facilitated the emergence of armed guerrilla movements seeking to overthrow the government. Since 1980, the government of Peru has fought a fierce battle against the radical guerrilla group *Sendero Luminoso* (Shining Path). A smaller guerrilla organization, the *Movimiento Revolucionario Túpac Amaru* (MRTA, Túpac Amaru Revolutionary Movement), has also been active.

The losses resulting from armed conflict have devastated Peru. According to Enrique Bernales

^{39/} Paredes, Carlos E.; Sachs, Jeffrey D., *Peru's Path to Recovery: A Plan for Economic Stabilization and Growth*, (Washington, D.C.: Brookings Institution, 1991). 1993 National Trade Data Bank, "Peru-Country Marketing Plan FY 93," *Market Reports* (16 February 1993) - as reported in NEXIS database. Poole, Deborah; Rénique, Gerardo, *Peru: Time of Fear* (London: Latin America Bureau, 1992), p. 152.

^{40/} U.S. Department of State, "Peru," *Country Reports on Human Rights Practices for 1992* (Washington, D.C.: U.S. Government Printing Office, February 1993), p. 483. 1993 National Trade Data Bank, "Peru-Country Marketing Plan FY 93," *Market Reports* (16 February 1993) - as reported in NEXIS database.

^{41/} The World Bank, *World Bank Development Report 1993* (Washington, D.C.: The World Bank, 1993), p. 238. Kirk, Robin, *To Build Anew: An Update on Peru's Internally Displaced People* (Washington, D.C.: U.S. Committee for Refugees, October 1993), p. 6. Inter-Church Committee on Human Rights in Latin America, *Systematic Violations and a New Legal Order: Human Rights in Peru* (Toronto: December 1993), p. 14.

of the *Instituto Constitución y Sociedad* (Constitution and Society Institute), the war has cost more than 27,000 lives and billions of dollars. Four thousand people are missing, more than half a million have been displaced from their homes, and nearly 90,000 children have been orphaned due to the conflict. The *Instituto Constitución y Sociedad* reported that, in 1993 alone, 1,692 people died in political violence that caused \$1 billion of damage in Peru. Virtually all observers agree that the guerrilla insurgencies are weaker now than ever before and less active in battling the government. Nevertheless, these movements continue to use violent means to demonstrate their opposition to the Fujimori government, violence which fans the fears of Peruvian civilians and which the government has used to justify its harsh restrictions on civil liberties and due process and to excuse abuses of human rights by Peruvian security forces.^{42/}

1. Sendero Luminoso (Shining Path)

Sendero Luminoso was founded as a political party in 1970 by Abimael Guzmán, a philosophy professor at San Cristóbal de Huamanga University in Ayacucho. The party is a descendant of the *Bandera Roja* faction of the *Partido Comunista Peruano* (PCP, Peruvian Communist Party). In 1964, the PCP split into pro-Soviet (PCP-*Unidad*) and pro-Chinese (PCP-*Bandera Roja*) factions; six years later, Guzmán broke away from the pro-Chinese party and formed his own -*Sendero Luminoso*.^{43/} After a decade of political organizing in the central highlands department of Ayacucho -- one of the poorest Andean regions of Peru -- Guzmán launched *Sendero's* armed campaign against the Peruvian state in 1980.

Sendero has followed a classic Maoist strategy for guerrilla war, concentrating their efforts in rural areas in hopes of eventually encircling and isolating the cities. The guerrilla organization includes a central committee, regional committees for each of the five strategic zones into which *Sendero* has

^{42/} U.S. Department of State, "Peru," *Country Reports on Human Rights Practices for 1994* (Washington, D.C.: U.S. Government Printing Office, February 1995), p. 481. Human Rights Watch, "Peru," *Human Rights Watch World Report 1995* (New York: December 1994), p. 114-117. Human Rights Watch, *Human Rights Watch World Report 1992* (New York: December 1991), p. 309. National Coordination Committee for Human Rights, *Peru 1990-1991: Report of the National Human Rights Coordinator* (Lima: 1991), p. 1-9. "Shining Path Remains Force to be Reckoned With in Peru," Report by Lucia Newman, *CNN* (transcript #455-4, 28 September 1993). "Toll in Peru's War with Rebels is Down by Half," *New York Times* (New York: 7 January 1994).

^{43/} Poole, Deborah; Rénique, Gerardo, "The Shining Path," *Peru: Time of Fear* (London: Latin America Bureau, 1992), p. 30. Gorriti, Gustavo, "The War of the Philosopher King," *The New Republic* (Washington, D.C.: 18 June 1990), p. 15.

divided Peru, and local cells made up of *Sendero* militants. In party manifestos, Guzmán outlined a strategy that targets followers of rival communist and leftist parties as well as any group connected to the government as enemies of the people.^{44/}

Sendero began its violent campaign against the Peruvian state by burning ballot boxes in Chuschi, Ayacucho during Peru's 1980 presidential election. Adopting a strategy of guerrilla warfare, sabotage, selective assassinations and propaganda, *Sendero* began a series of operations throughout Peru. *Sendero's* first civilian targets for torture and assassination, frequently in the form of public execution, were village authorities considered to have abused their power, and local criminals. *Sendero's* imposition of "justice" and "new morals" gained significant initial support from the peasants of the impoverished department of Ayacucho.^{45/} Building on its political work in the area, *Sendero* made surprising headway against the police forces deployed from Lima, which initially regarded the fighting as a minor distraction. In December 1982, the government deployed treasury forces in the Ayacucho area in response to *Sendero's* advances.^{46/} Despite the government's counter-insurgency operations and the guerrillas own tactics, *Sendero* grew in numbers and strength throughout the 1980's. *Sendero* gradually extended the focus of its military operations to surrounding areas, especially the departments of Puno along the Bolivian border and Junín towards Lima. In 1986, one analyst declared *Sendero* to be "virtually ineradicable" and argued that in the next three years the guerrillas could be in a position to destroy the democratic state.^{47/}

The government appeared to retake the initiative in 1985-87, but the relative drop-off in subversive activity and casualties merely covered up the nationwide expansion of *Sendero*. Bombings, murders, and the destruction of property increased steadily. By 1989, *Sendero* had spread beyond its

^{44/} Americas Watch, *Abdicating Democratic Authority: Human Rights in Peru* (New York: Human Rights Watch, October 1984), p. 62. Poole, Deborah; Rénique, Gerardo, "The Shining Path," *Peru: Time of Fear* (London: Latin America Bureau, 1992), p. 30, 43, 48.

^{45/} Poole, Deborah; Rénique, Gerardo, "The Shining Path," *Peru: Time of Fear* (London: Latin America Bureau, 1992), p. 30, 57-65.

^{46/} Degregori, Carlos Iván, *Ayacucho 1969-79: El surgimiento de Sendero Luminoso: Del movimiento por la gratitud de la enseñanza al inicio de la lucha armada* (Lima: Instituto de Estudios Peruanos, 1990). Gorriti, Gustavo, *Sendero: Historia de la guerra milenaria en el Perú* (Lima: APOYO, 1990).

^{47/} Americas Watch, *Abdicating Democratic Authority: Human Rights in Peru* (New York: Human Rights Watch, October 1984), p. 68. Anderson, James, "Peru's Maoist Guerrillas," *Control Risks Information Services Study* (August 1986).

mountain stronghold to become a national threat. In addition to the southern highland departments, *Sendero* developed strongholds in the Upper Huallaga River Valley and in the Central Valley departments of Pasco, Junín, and Huánuco. *Sendero* increased its attacks on Peru's urban centers. The group's estimated 4,000 armed members launched a campaign to disrupt the November 1989 municipal elections and have been blamed for the assassination of more than 120 mayors, local officials, political leaders, and candidates during the campaign. More than 500 municipal candidates were forced to withdraw from the 1989 election.^{48/}

Sendero has been credited with an acute skill for nosing out conflicts and utilizing them to create a social and political dynamic which serves its political goals. While the insurgents have no links with any foreign government, *Sendero* reportedly has formed an alliance with Peru's coca-growers and, according to one estimate, receives between \$20 million and \$100 million per year from taxes on coca sales and transport. The guerrillas have gained control of some coca-growing areas in the Upper Huallaga Valley.^{49/}

Popular support for the guerrillas declined as *Sendero* employed increasingly brutal tactics. *Sendero* escalated its attacks on the police and armed forces, conducted bombing campaigns against electric power stations, bridges and mines, and employed indiscriminate violence against civilians as part of its strategy to "sabotage the national economy, disrupt provision of food and energy to Lima and undermine the viability of independent peasant and labor movements."^{50/}

In 1991 and early 1992, *Sendero* comprised more than 5,000 combatants and represented a major threat to the viability of effective government in Peru.^{51/} The apparent public support for Fujimori's April 1992 self-coup seemed to fulfill one analyst's pre-Fujimori prediction that *Sendero* "might indirectly achieve the overthrow of the elected regime by making people perceive democracy as

^{48/} Treaster, Joseph B., "Rebels Step Up Killings in Peru to Disrupt Election," *New York Times* (New York: 26 October 1989), p. A6. "Peruvian Rebels Said to Kill 2 Mayors in Andean Region," *New York Times* (New York: 21 September 1989), p. A5. Treaster, Joseph B., "Despite Guerrillas Threats, Elections Go On in Peru," *New York Times* (New York: 12 November 1989), p. A3.

^{49/} Smith, Michael L., "Shining Path's Urban Strategy: Ate Vitarte," Palmer, David Scott, ed., *The Shining Path of Peru* (New York: St. Martins Press, 2nd ed., 1994), p. 145-165. Gonzales, José E., "Guerrillas and Cocoa in the Upper Huallaga Valley," Palmer, David Scott, ed., *The Shining Path of Peru* (New York: St. Martins Press, 2nd ed., 1994), p. 139. Day, Mark, "Cocaine Country," *The New Internationalist* (Vol. 197, July 1989), p. 13-15.

^{50/} Poole, Deborah; Rénique, Gerardo, *Peru: Time of Fear* (London: Latin America Bureau, 1992), p. 80.

^{51/} Poole, Deborah; Rénique, Gerardo, *Peru: Time of Fear* (London: Latin America Bureau, 1992), p. 30.

ineffectual in dealing with an extreme threat.^{52/} At the height of its military strength, in the months of June and July 1992, the group targeted Lima itself, bombing residential and commercial areas, attacking police posts, and assassinating government officials and grassroots leaders. In July 1992, *Sendero* also staged a nationwide "armed strike" against the Peruvian government and military. Large parts of the interior were under guerrilla control. Some foreign analysts felt that the Peruvian armed forces and government were incapable of halting *Sendero's* offensive.^{53/}

In September 1992, the Peruvian anti-terrorist police dealt a severe blow to *Sendero* by capturing its leader, Abimael Guzmán, in Lima. On October 7, 1992, Guzmán was convicted of treason by a military tribunal and sentenced to life imprisonment and a fine of the equivalent of \$20 million. Central Committee members and cadres belonging to urban support organizations were subsequently arrested, tried, convicted, and given long sentences by military tribunals.^{54/}

The capture of Guzmán and other top *Sendero* leaders dismembered *Sendero's* urban network and seriously impaired the guerrilla's nationwide organization. According to Carlos Tapia, an expert on *Sendero*, the guerrilla organization lost 3,000 militants and cadres -- approximately half its ranks -- in the year after Guzmán's capture.^{55/} The government claims that more than 6,000 guerrillas and sympathizers took advantage of the provisions of the "Law of Repentance" (which offered reduced sentences to rebels who turned themselves in and cooperated with the government) from the time it was enacted in 1992 until it expired on November 1, 1994.^{56/}

^{52/} Gorriti, Gustavo, "The War of the Philosopher King," *The New Republic* (18 June 1990), p. 15, 22.

^{53/} Federation of American Scientists, *The Sendero File No. 2* (August 1992), p. 1-3. McCormack, Gordon, *Hearings before the House Committee on Western Hemispheric Affairs: The Threat of the Shining Path to Democracy in Peru*, (Washington, D.C.: U.S. Government Printing Office, 1992), p. 9-23.

^{54/} Brooke, James, "Fugitive Leader of Maoist Rebels is Captured by the Police in Peru," *New York Times* (New York: 14 September 1992), p. A1. Federation of American Scientists, "Guzmán's Speedy Conviction Sends Harsh Message to Followers," *The Sendero File No. 3* (November 1992). "Edición Especial," *Caretas* (Lima: 17 September 1992), p. 10-32, 80-81. "Rigor Non Mortis," *Caretas* (Lima: 15 October 1992), p. 26-31, 78-79. Brooke, James, "Peru Convicts Maoist Rebel Leader and Sentences Him to Life," *New York Times* (New York: 7 October 1992). Smolowe, Jill, "His Turn to Lose," *Time* (New York: 28 September 1992), p. 47-48.

^{55/} Brooke, James, "Leader's New Image Saps Shining Path's Strength," *New York Times* (New York: 27 November 1993), p. A3.

^{56/} Escobar, Gabriel, "Peru's Shining Path Maoists: Leaderless, Decimated, Divided," *Washington Post* (Washington, D.C.: 21 November 1994), p. A. Note that this figure undoubtedly includes individuals linked with the MRTA as well as those affiliated with *Sendero*. For earlier estimates, see "Toll in Peru's War with Rebels is Down by Half," *New York Times* (New York: 7 January 1994). "Hundreds of Peruvian Rebels Surrender under Leniency Law," *United Press*

Some analysts argue that the failure of *Sendero* to stage a major bombing on the anniversary of Guzmán's arrest in September 1993 indicated that the group has been significantly weakened. Fujimori himself has publicly heralded the defeat of *Sendero Luminoso*.^{57/} While many experts agree that there is now no chance of *Sendero* seizing power, the insurgents may still pose a serious threat to Peruvian institutions and individuals. The operational capacity of the guerrillas has been reduced, but not destroyed. According to Enrique Obando Arbulu, a specialist on *Sendero* and a researcher with the Peruvian Center for International Studies, *Sendero* "is no longer a strategic danger as it was in 1992...There is no possibility of destabilizing the government or putting in danger the security of the state."^{58/} While it may no longer be strong enough to attack the security forces directly, however, *Sendero* is still capable of executing destructive operations such as assassinations and bombing attacks.^{59/}

Sendero can still exert pressure because of the unique characteristics of the organization and its following. Because *Sendero* is divided into small, quasi-independent "cells," Guzmán's capture has not devastated the guerrillas as it would have an organization with a more heavily centralized structure. It is believed that *Sendero's* committees continue to function throughout the country.^{60/}

Since the arrest of Guzmán, *Sendero* appears to have divided into two factions, one led by Guzmán and the other headed by Oscar Ramírez Durand, the former third-in-command of the guerrilla organization. Guzmán has penned a series of letters from prison calling for the guerrillas to suspend

International (21 October 1993) - as reported on NEXIS database.

^{57/} Bowen, Sally, "Reign of Terror Over in Seat of Peru's Maoist Revolution," *Christian Science Monitor* (Boston: 29 April 1993), p. 7. Brogan, Chris, "Peru - Europe: Government and Industry Aim for European Investment," *Inter Press Service* (6 October 1993) - as reported on NEXIS database. "Fujimori Claims Sendero is Beaten," *Latin American Weekly Report* (London: 15 July 1993), p. 322.

^{58/} Escobar, Gabriel, "Peru's Shining Path Maoists: Leaderless, Decimated, Divided," *Washington Post* (Washington, D.C.: 21 November 1994), p. A1.

^{59/} Shining Path analyst Raúl González predicts that the Shining Path has no chance of coming to power, but will continue terrorist attacks for a few years. "Sendero Back on Offensive," *Latin American Weekly Report* (London: 23 September 1993), p. 436-37.

^{60/} Poole, Deborah; Rénique, Gerardo, *Peru: Time of Fear* (London: Latin America Bureau, 1992), p. 100. Escobar, Gabriel, "Peru's Shining Path Maoists: Leaderless, Decimated, Divided," *Washington Post* (Washington, D.C.: 21 November 1994), p. A1. "Lima Magazine Says Shining Path Split into 2 Groups," *EFE* as reported in *BBC Summary of World Broadcasts* (12 January 1994). "Expert Predicts Continuing Shining Path Operations," *EFE* as reported in Foreign Broadcast Information Service, *Daily Report: Latin America*, 7 September 1993. "Sendero Back on Offensive," *Latin American Weekly Report* (London: 23 September 1993), p. 436-37.

armed actions. The new group, according to the Lima news magazine *Si*, claims to reject the leadership of Guzmán and advocates the continuation of violent attacks.^{61/} Attacks in Lima during the last week of 1993 and throughout 1994 were attributed to this faction.^{62/}

Governmental and non-governmental sources confirm that *Sendero* is still actively recruiting, organizing and working politically, especially in its rural strongholds. Guzmán left the guerrilla organization with a firm ideology, a military organization capable of operating nationwide, a multi-faceted/multi-front strategy, a reliable source of funding, and penetration into urban areas.^{63/}

[T]he underlying causes for revolt -- deep-seated poverty, wildly unequal distribution of income, hidden racism-- remain untouched. Though gravely wounded, the Shining Path retains some organizational strength. Its last member may not yet have been born.^{64/}

2. Movimiento Revolucionario Túpac Amaru (MRTA)

The *Movimiento Revolucionario Túpac Amaru* (MRTA, Túpac Amaru Revolutionary Movement) launched an armed campaign against the state in the northeast jungle department of San Martín in 1984, and it remains strongest in this region -- the Central Huallaga valley. Modeled on Latin American leftist guerrilla movements in Cuba, Nicaragua and El Salvador, MRTA views itself as the

^{61/} Other observers believe that their position is more nuanced, designed to continue pressure on the Fujimori government in order to strengthen Guzmán's ability to negotiate a political solution. *Letter from Robin Kirk, Research Associate, Human Rights Watch/Americas to U.S.I.N.S. Resource Information Center* (New York: 8 November 1994), p. 1.

^{62/} *EFE News Agency* (Madrid: 11 January 1994) as reported in *BBC Summary of World Broadcasts* (London: 12 January 1994). "Interview with Fujimori," *Televisión Panamericana* (Lima: 25 October 1993) as reported in *BBC Summary of World Broadcasts* (London: 29 October 1993). Fujimori asserts that Guzmán maintains the political leadership of the Shining Path despite the existence of two factions. For examples of specific incidents, see Section II.B.1., *Sendero Luminoso*, below.

^{63/} U.S. Department of State, "Peru," *Country Reports on Human Rights Practices for 1994* (Washington, D.C.: U.S. Government Printing Office, February 1995), p. 481, 488, 489. "Peru: El Chino or Chinochet," *The Economist* (London: 30 October 1993), p. 44. Federation of American Scientists, "Guzmán's Legacy Makes Sendero an Enduring Threat," *The Sendero File* (October 1992), p. 3. Bernal, Enrique, "Confronting Political Violence," *Prospects for Democracy and Peace in Peru* (Washington, D.C.: Washington Office on Latin America & George Washington University, 28 April 1993), p. 6.

^{64/} Interview with Coletta Youngers, Washington Office on Latin America (Washington, D.C.: 26 July 1994).

armed wing of the Soviet-style left^{65/} this contrasts with *Sendero Luminosa*, which follows a Chinese Maoist model. MRTA guerrillas have clashed with *Sendero* columns in rural areas.^{66/}

The MRTA has been implicated in cases of torture and deliberate and arbitrary killings of civilians and members of the security forces. According to the *Coordinadora Nacional de Derechos Humanos* (CNDH, National Human Rights Coordinating Committee), the MRTA was responsible for 18 political assassinations in 1992. Unlike *Sendero*, the MRTA does not target leaders of grassroots movements or local politicians, although it has been responsible for assassinations of high-level armed forces personnel and other public figures.^{67/}

In April 1991, MRTA guerrillas attacked Petro-Peru's oil operations in the Upper Huallaga valley, and in May 1991, the MRTA carried out military operations in the cities of Rioja, Moyobamba, Tarapoto, and Saposoa, provincial capitals in San Martín.^{68/}

By 1993, the MRTA was reportedly close to political extinction because of feuding among its leadership, the capture of top leaders like Víctor Polay, and corruption due to the organization's reliance on drug money. The 1992 Law of Repentance has led to wholesale desertions within its ranks. Only one known leader is still thought to be active.^{69/}

^{65/} Smith, Michael L., *Rural Development in the Crossfire* (Ottawa: International Development Research Centre, 1991), p. 23-25. González, Raúl, "MRTA: La historia desconocida," *Quehacer* (Lima: No. 51, March-April 1988), p. 32-44.

^{66/} Washington Office on Latin America, *Peru Under Scrutiny: Human Rights and U.S. Drug Policy*, WOLA Briefing Series: Issues in International Drug Policy (Washington, D.C.: Issue Brief #5, 13 January 1992), p. 14-15.

^{67/} Amnesty International, *Peru: Human Rights Since the Suspension of Constitutional Government* (London: AMR 46/13/93, May 1993), p. 41. Human Rights Watch/Americas, *Human Rights in Peru One Year After Fujimori's Coup* (New York: April 1993), p. 17. Washington Office on Latin America, "Human Rights Atrocities Committed by Rebel Forces," *Peru Under Scrutiny: Human Rights and U.S. Drug Policy*, WOLA Briefing Series: Issues in International Drug Policy (Washington, D.C.: Issue Brief #5, 13 January 1992), p. 14-15.

^{68/} Washington Office on Latin America, "Human Rights Atrocities Committed by Rebel Forces," *Peru Under Scrutiny: Human Rights and U.S. Drug Policy*, WOLA Briefing Series: Issues in International Drug Policy (Washington, D.C.: Issue Brief #5, 13 January 1992), p. 14-15. World Council of Churches, "Violence by Insurgent Forces," *Peru One Year Later: Report of an International Ecumenical Delegation to Peru* (Geneva: 7 October 1991), p. 10-11.

^{69/} Instituto de Defensa Legal, "MRTA: El final del juego," *Ideéle* (Lima: Vol. 52, June 1993), p. 17. "Surrendered Leaders Say Peru's MRTA is on the Verge of Total Defeat," *Latin American Regional Reports - Andean Group* (London: 29 July 1993), p. 1. "Sendero Squads Keep on Killing," *Latin American Weekly Report* (London: 28 October 1993), p. 495.

II. PERPETRATORS OF HUMAN RIGHTS ABUSES

While observers dispute whether government security forces or guerrillas are responsible for more abuses, three facts about responsibility for repression in Peru find common agreement:

- Both the Peruvian security forces and the guerrilla insurgencies are responsible for grave violations of human rights The *Coordinadora Nacional de Derechos Humanos* (CNDH, National Human Rights Coordinating Committee), an umbrella organization of human rights groups in Peru, claimed that 26,149 people had been killed by political violence in the period 1980-1992. Of these, the CNDH found that 45 per cent were killed by *Sendero Luminoso*, 1 per cent by the MRTA, and 53 per cent by the government's security forces. Citing independent human rights organizations in Peru, Amnesty International reported that the vast majority (up to 85 per cent) of disappearances, extrajudicial executions, and cases of torture between 1983 and 1993 had been committed by the armed forces. The U.S. Department of State reported that the chief sources of abuses in 1992, 1993, and 1994 were the guerrilla activities of *Sendero Luminoso* and, "to a lesser degree," the excesses of the security forces. By the end of 1994, more than 27,000 Peruvians had died due to actions and abuses by both sides.^{70/}
- The level of the most violent forms of abuse, extrajudicial execution and disappearance dropped substantially in 1993 and 1994, but political violence and abuses of basic rights perpetrated by guerrillas and security forces persist Human Rights Watch/Americas, for example, reported that "political violence decreased markedly" in 1994, including a fall in disappearances from 168 in 1993 to 8 in the first eight months of 1994. Nevertheless information collected by independent non-governmental sources documents that elements of the military and police continue to carry out disappearances, extrajudicial executions, torture, rape, arbitrary arrests, and prolonged detention. Members of the security forces responsible for such violations continue to act with impunity from civilian authority. Though its ranks have been depleted since the arrest of its leader and the Law of Repentance, *Sendero* continues to be responsible for assassinations and acts of terror against civilians.^{71/}

^{70/} U.S. Department of State, "Peru," *Country Reports on Human Rights Practices for 1994* (Washington, D.C.: U.S. Government Printing Office, February 1995), p. 481. U.S. Department of State, "Peru," *Country Reports on Human Rights Practices for 1993* (Washington, D.C.: U.S. Government Printing Office, February 1994), p. 530. U.S. Department of State, "Peru," *Country Reports on Human Rights Practices for 1992* (Washington, D.C.: U.S. Government Printing Office, February 1993), p. 472. Amnesty International, *Peru: Human Rights Since the Suspension of Constitutional Government* (London: AMR 46/13/93, May 1993), p. 2.

The CNDH is a respected independent Peruvian human rights monitoring committee made up of local private human rights organizations including the Commission for Human Rights (COMSEDH), the Institute for Legal Defense (IDL), the Association for Human Rights (APRODEH), the Catholic Church's Episcopal Commission for Social Action (CEA), the Center for Studies and Action for Peace (CEAPAZ), and several smaller regional groups.

^{71/} Human Rights Watch, *Human Rights Watch World Report 1995* (New York: December 1994), p. 114, 115. U.S. Department of State, "Peru," *Country Reports on Human Rights Practices for 1994* (Washington, D.C.: U.S. Government Printing Office, February 1995), p. 481.

- The legacy of Peru's armed struggle is a climate of fear and insecurity that crosses all strata of citizens. Fifteen years of violence have taken a devastating toll on all Peruvians, cutting a wide swath of bloodshed and brutality which has left an impact on virtually every economic and social sector of the country. Many of the institutions critical to developing and maintaining civil society became politicized or were viewed as politicized by one side or another to the conflict. The leaders or active participants of those institutions also became politicized or were viewed as political actors and remain targets for retribution.^{72/}

A. Peruvian Government and Security Forces

Successive civilian governments have progressively ceded control of counter-insurgency operations against *Sendero Luminoso* to the Peruvian military.^{73/} In the course of their battle against *Sendero*, the Peruvian security forces have committed summary executions, disappearances, torture and rape.^{74/} Death squads linked to the military have operated with impunity. Civil defense patrols (*rondas campesinas*), armed by the Fujimori administration and supported by the military, have also committed serious human rights abuses.^{75/}

The original counter-insurgency strategy of the Peruvian military grew out of a combination of national security doctrine, longstanding racist hostility towards Peru's indigenous population, and an apparent disregard for human rights. The military targeted the civilian population and popular

^{72/} For a discussion of the groups at risk, see Section V., Groups at Risk, below. For a discussion of the impact of the government's counter-insurgency campaign on non-combatants, see Section II.A., Peruvian Government and Security Forces, below. For a discussion of the impact of the guerrilla insurgency on non-combatants, see Section II.B., Guerrilla Movements, below.

^{73/} U.S. Department of State, "Peru," *Country Reports on Human Rights Practices for 1993* (Washington, D.C.: U.S. Government Printing Office, February 1994), p. 534 (1992 law giving counterterrorism police the power to decide whether defendants are tried before civilian or military courts), p. 533 (judicial protections suspended in emergency zones). Amnesty International, *Violations of Human Rights in the Emergency Zones* (London: AMR 46/25/88, August 1988), p. i, 2-3 (President García expands powers of the military in the emergency zones). Washington Office on Latin America, *Latin American Update* (Washington, D.C.: Vol. 13, No. 4, July-August 1988). Americas Watch, *Human Rights in Peru: After President García's First Year* (New York: Human Rights Watch, September 1986), p. 39-43, 85-86. Washington Office on Latin America, *Peru in Peril* (Washington, D.C.: November 1987), President Belaúnde deploys security forces in rural areas and declares emergency zones.

^{74/} U.S. Department of State, "Peru," *Country Reports on Human Rights Practices for 1993* (Washington, D.C.: U.S. Government Printing Office, February 1994), p. 530, 531, 533, 535. Organization of American States, *Report on the Situation of Human Rights in Peru* (Washington, D.C.: OEA/Ser.L/V/II.83 doc. 31, 12 March 1993), p. 25, 26. Gonzales-Lara, Jorge, *Human Rights Violations in Peru against Women* (New York: 1992), p. 1-16. For additional information, see Section IV.A., Abuses Committed by Government Security Forces, below.

^{75/} For more information on *Rondas Campesinas*, see Section II.A.3., "Civil Defense Patrols (*Rondas Campesinas*)," below.

organizations from which they believed *Sendero* drew its support. Moreover, the military's counter-insurgency strategy reflected the doctrine of "collective responsibility" in which communities are held responsible for *Sendero* operations. This approach has led to widespread abuses against civilian populations in areas where *Sendero* or the MRTA is active. Human rights abuses were justified, in the eyes of the military, if the repressive measures ultimately led to the defeat of *Sendero*.^{76/}

This military strategy in many ways complemented the strategy of *Sendero*, which included the provocation of human rights abuses by the security forces as an important element. Abuses committed by security forces serve to promote general distrust of the governmental/legal system, and in turn ultimately help to create the impression that *Sendero* is the only alternative. The armed forces made a deliberate decision to use terror as the principal weapon against *Sendero Luminoso's* terror.^{77/}

Under the Fujimori regime, counter-insurgency operations involving violence have become somewhat more selective. As the former commander-in-chief of the Ayacucho military zone described the Army's strategy in 1993, "We're not using repression anymore -- instead, 80 percent of our time and effort is spent on pacification and winning the confidence of the population."^{78/} Rather than targeting the general population, the military forces systematically focus on suspected guerrillas. The criteria by which individuals are labeled suspect, however, remains broad. Membership in or association with any group whose work bears any direct connection to the military struggle, indirectly touches the political life of the country, or which is the subject of general public mistrust or discrimination invites targeting by the military authorities. The affected groups include residents of the Emergency Zones, displaced persons and forced migrants, witnesses to human rights abuses and family members of victims, health professionals, judges, prosecutors, lawyers and human rights activists, government officials, trade unions, political parties, journals and magazines, community groups, religious groups, ethnic groups,

^{76/} Poole, Deborah; Rénique, Gerardo, *Peru: Time of Fear* (London: Latin America Bureau, 1992), p. 6, 7. International League for Human Rights, *Peru: Human Rights Under States of Emergency* (New York: March 1992), p. 6. "MRTA Activity in Huallaga Investigated," *Quehacer* as reported in Foreign Broadcast Information Service, *Daily Report: Latin America*, 22 June 1993, p. 68-79.

^{77/} Washington Office on Latin America, *Peru in Peril* (Washington, D.C.: November 1987), p. 22, 23. Brown, Cynthia, ed., *With Friends Like These* (New York: Human Rights Watch, 1985).

^{78/} Bowen, Sally, "Reign of Terror Over in Seat of Peru's Maoist Revolution," *Christian Science Monitor* (Boston: 29 April 1993), p. 7.

universities and student groups, environmental groups, women, homosexuals, and ethnic minorities.^{79/}

Human rights organizations have reported on the components of the current counter-insurgency strategy under Fujimori. These include:

- impunity for military personnel from political or legal reprisals for their actions;
- the adoption of harsh legislation and a reorganization and politicization of the judiciary, both to ensure that suspected members of insurgent groups will not be released;
- the use of *rondas campesinas* (civilian patrols) to contain the advancement of *Sendero Luminoso* in the countryside;
- improved police intelligence work;
- aggressive public relations to link human rights abuses to the insurgents and to show that the government is winning the war against terrorism;
- covert operations against individuals believed to be linked to *Sendero*.^{80/}

1. Security Forces

The Peruvian security forces are made up of the armed services and police forces.^{81/} Military units under the control of the Army carry out counter-insurgency operations in the emergency zones. The *Servicio de Inteligencia Nacional* (SIN, National Intelligence Service) is devoted to combating terrorism. The *Dirección Nacional Contra el Terrorismo* (DINCOTE, National Directorate Against Terrorism) is a special anti-terrorist police unit. Under the provisions of a December 1991 law,

^{79/} Bowen, Sally, "Reign of Terror Over in Seat of Peru's Maoist Revolution," *Christian Science Monitor* (Boston: 29 April 1993), p. 7. Human Rights Watch/Americas, *Human Rights in Peru One Year After Fujimori's Coup* (New York: April 1993), p. 10. For a detailed discussion, with examples, of these groups at risk, see Section V., Groups at Risk, below.

^{80/} U.S. Department of State, "Peru," *Country Reports on Human Rights Practices for 1993* (Washington, D.C.: U.S. Government Printing Office, February 1994), p. 529-533. Human Rights Watch, *Human Rights Watch World Report 1995* (New York: December 1994), p. 114-117. Washington Office on Latin America, *After the Autogolpe: Human Rights in Peru and the U.S. Response* (Washington, D.C.: July 1994), p. 10-31. Chipoco, Carlos, "Peru 1980-1991: More than Ten Years of Violence and Human Rights Violations," *Informativo* (No. 12-13, March-April/May-June 1991), p. 4-6. Organization of American States, Inter-American Commission on Human Rights, *Report on the Situation of Human Rights in Peru* (Washington, D.C.: OEA/Ser.L/V/II.83, Doc. 31, 12 March 1993), p. 16-26.

^{81/} Iglesias, Carlos Basombrió, "La Estrategia," *Ideéle* (Lima: Instituto de Defensa Legal, No. 55-56, September 1993), p. 22-28, as cited in Inter-Church Committee on Human Rights in Latin America, *Systematic Violations and a New Legal Order: Human Rights in Peru* (Toronto: December 1993), p. 16-17.

President Fujimori was given the authority to name top military and police officers. Fujimori now has the authority to appoint the Chairman of the Joint Chiefs of Staff, as well as to intervene in personnel and promotion issues.^{82/}

The SIN has become increasingly powerful under Fujimori. Vladimiro Montesinos, a former army captain, is Fujimori's unofficial national intelligence service chief and key personal advisor. Montesinos is widely believed to be responsible for military promotion decisions.^{83/}

Two lists of alleged *Sendero* sympathizers prepared by the SIN in September 1992 included human rights defenders, journalists, academics, popular leaders, and Peruvians residing abroad. The first list of "Sixty-Seven Sendero Luminoso Ambassadors" included **Angélica Mendoza Almeida de Ascarza**, a respected human rights activist. A second list included 190 neighborhood activists and community leaders. A few days after the second list was published **Hector Medina Bonnet**, a Lima shantytown leader identified in the document, was disappeared by members of the security forces.^{84/}

2. Death Squads Linked to the Security Forces

The escalating insurgency and counter-insurgency activities in Peru have been marked by the operation of paramilitary "death squads" which commit abuses with the support or acquiescence of the official security forces. Death squads are frequently formed by active members of the security forces.

Paramilitary groups believed to have ties to the military and police first appeared during the García Administration (1985-90). On July 28, 1988 (Peruvian Independence Day), the Rodrigo Franco Command, a death squad linked to the police and to García's APRA party, murdered Manuel Febres Cordero, a lawyer who had defended a *Sendero* leader. The death squad subsequently targeted lawyers, journalists, judges, union leaders, church members, and congressmen throughout Peru. No suspects were ever identified in the group's activities.^{85/}

^{82/} "President Will Name Top Military in Peru," *Reuters* (London: 10 August 1993) - as reported on NEXIS database. de Althaus, Jaime, *Prospects for Peace and Democracy in Peru* (Washington, D.C.: Washington Office on Latin America & George Washington University, 28 April 1993).

^{83/} Nash, Nathaniel C., "Fugitive General Accuses Peruvian Army, Saying Officers Run Hit Squad," *New York Times* (New York: 12 May 1993), p. A10. Bowen, Sally, "Peru's President Faces Challenges on Rights Abuses," *Christian Science Monitor* (Boston: 18 May 1993), p. 1 - as reported on NEXIS database.

^{84/} Human Rights Watch/Americas, *Human Rights in Peru One Year After Fujimori's Coup* (New York: April 1993), p. 3-4.

^{85/} Poole, Deborah; Rénique, Gerardo, *Peru: Time of Fear* (London: Latin America Bureau, 1992), p. 9.

Since Fujimori took office, death squads linked to military intelligence and the police have been implicated in death threats, disappearances, bombings, and assassinations. In early 1990, the Lima offices of both Amnesty International and the Andean Commission of Jurists were bombed. Although no organization claimed responsibility, human rights sources suspect paramilitary groups.^{86/}

A number of letter bombs were used by paramilitary groups between 1990 and 1992. Dr. Augusto Zúñiga Paz, Director of the Office of Legal Affairs of the Human Rights Commission of Peru, lost his forearm to a letter bomb in March 1991.^{87/} Another letter bomb killed Melissa Alfaro, Senior Editor of the newspaper *Cambio*, on October 10, 1991.^{88/} Neither incident has resulted in an investigation that identified suspects or led to any arrests.

A 25-man anti-terrorism unit named *Grupo Colina* has been linked to a string of killings in Lima between 1991-1993, including:

- The disappearance and extrajudicial execution of **Professor Hugo Muñoz Sánchez** and nine students from **La Cantuta** University in July 1992. In 1993, there were "credible and detailed" accusations that the La Cantuta disappearances, as well as the **Barrios Altos** massacre (described below), had been committed by a SIN death squad formed in 1991 to combat *Sendero* in Lima. The third-ranking general of the Peruvian Army, **Rodolfo Robles**, publicly accused presidential intelligence advisor **Vladimiro Montesinos** of operating an execution squad of 20 to 25 officers. Robles further claimed that Peru's Army Commander in Chief, **General Nicolás de Bari Hermoza** had approved its operations in advance. Senior government and army officials were alleged to have known of the unit's existence. In February 1994, a military court found nine army officials guilty of the killings and sentenced them to terms ranging from four to twenty years.^{89/}

^{86/} Poole, Deborah; Rénique, Gerardo, *Peru: Time of Fear* (London: Latin America Bureau, 1992), p. 17.

^{87/} U.S. Department of State, "Peru," *Country Reports on Human Rights Practices for 1992* (Washington, D.C.: U.S. Government Printing Office, February 1993), p. 474. Poole, Deborah; Rénique, Gerardo, *Peru: Time of Fear* (London: Latin America Bureau, 1992), p. 17. Though responsibility was never determined, suspicion focused on the police since Zúñiga had assumed the case of a disappeared student thought to have been killed by an elite anti-terrorist squad. *Letter from Robin Kirk, Research Associate, Human Rights Watch/Americas, to U.S.I.N.S. Resource Information Center* (New York: 8 November 1994), p. 1.

^{88/} Organization of American States, Inter-American Commission for Human Rights, *Report on the Situation of Human Rights in Peru* (Washington, D.C.: OEA/Ser.L/V/II.83, Doc. 31, 12 March 1993), p. 12, para. 38.

^{89/} U.S. Department of State, "Peru," *Country Reports on Human Rights Practices for 1993* (Washington, D.C.: U.S. Government Printing Office, February 1994), p. 529, 530, 531. Americas Watch, *Peru: Anatomy of a Cover-Up, the Disappearances at La Cantuta* (New York: Human Rights Watch, September 1993), p. 7-8. Washington Office on Latin America, *After the Autogolpe: Human Rights in Peru and the U.S. Response* (Washington, D.C.: July 1994), p. 24-28. "Victims of 'Army Death Squad' Found," *The Guardian* (London: 26 November 1993). Nash, Nathaniel C., "Fugitive General Accuses Peruvian Army, Saying Officers Run Hit Squad," *New York Times* (New York: 12 May

- The June 24, 1992 disappearance of **Pedro Yauri Bustamante**, a left-wing radio journalist, in **Huacho**, Lima Department.^{90/}
- The November 3, 1991, massacre of seventeen suspected *Sendero* fund-raisers attending a barbecue in the **Barrios Altos** neighborhood of Lima.^{91/}

On June 24, 1993, the majority of a Special Commission of Inquiry established by the CCD to investigate the *La Cantuta* disappearances presented its report to the full Congress. The report documented the formation and operation of the *Colina* group and its connection to the military hierarchy. Subsequent inquiry by human rights groups and journalists also connected the squad to the disappearance of at least 35 students from Huancayo, the killing of six members of the Ventocilla family in Santa Maria de Huara, and the disappearance of nine persons from the Santa province in Ancash.^{92/}

3. Civil Defense Patrols (*Rondas Campesinas*)

Community self-defense has a long tradition in Peru and the Andes. The historic indifference of the central government to Peru's Indian communities has led residents to form village patrols for protection against strangers, robbers, cattle rustlers, and neighboring communities with scores to settle. In the northwest of Peru, *rondas campesinas* have existed for many years as an important expression of

1993), p. A10. Bowen, Sally, "Peru's President Faces Challenges on Rights Abuses," *Christian Science Monitor* (Boston: 18 May 1993), p. 1. For additional information on the *La Cantuta* case, particularly as it demonstrates military impunity from any serious accountability for abuses, particularly from civilian judicial authority, see Sections III.E.1., Military Impunity, and III.E.2., The Absence of Judicial Protection, below.

^{90/} U.S. Department of State, "Peru," *Country Reports on Human Rights Practices for 1992* (Washington, D.C.: U.S. Government Printing Office, February 1993), p. 475. Human Rights Watch/Americas, *Human Rights in Peru One Year After Fujimori's Coup* (New York: Human Rights Watch, April 1993), p. 14. Organization of American States, Inter-American Commission on Human Rights, *Report on the Situation of Human Rights in Peru* (Washington, D.C.: OEA/Ser.L/V/II.83, Doc. 31, 12 March 1993), p. 26, para. 90. Washington Office on Latin America, *After the Autogolpe: Human Rights in Peru and the U.S. Response* (Washington, D.C.: July 1994), p. 26.

^{91/} U.S. Department of State, "Peru," *Country Reports on Human Rights Practices for 1992* (Washington, D.C.: U.S. Government Printing Office, February 1993), p. 474. Washington Office on Latin America, *After the Autogolpe: Human Rights in Peru and the U.S. Response* (Washington, D.C.: July 1994), p. 26.

^{92/} Washington Office on Latin America, *After the Autogolpe: Human Rights in Peru and the U.S. Response* (Washington, D.C.: July 1994), p. 26. Speck, Mary, "Swift Military-Court Trial Seen as Cover-Up in Peru," *Miami Herald* (Miami: 18 March 1994), p. 18A. "Army Officers' Trials to Test Democracy in Peru," *New York Times* (New York: 12 January 1994).

community self-rule.^{93/}

As early as 1982, evidence existed that the military was using this model of self-protection to enlist peasants in the counter-insurgency campaign. Many of the newer *rondas* were organized under the direction of military authorities. As part of this initiative, the military began to register, train, and drill *ronda* groups. In 1991, the government began to supply them with weapons. Because these militias differ so greatly from traditional *rondas campesinas*, they are occasionally referred to by the name *montoneras*, or, as the campesino population nicknames them, *montos*. Another colloquial name for them is *defensistas*.^{94/}

In many areas, *rondas* have become a vital element of counter-insurgency operations. The military has used *rondas* to collect information on the guerrillas. In some instances, peasants have been coerced into participation by the military -- those who refuse to serve in the patrols are suspected of *senderista* sympathies; they may be jailed for a few days or forced to work in the camps established by the *rondas*. As the militia gained greater importance in counter-insurgency activities, and as they were supplied with increasing quantities of weaponry, violence associated with *rondas* also increased. *Rondas* have been linked to disappearances and extrajudicial executions in the countryside.^{95/}

- Human Rights Watch/Americas reported that on February 12, 1994, friends of **Hugo Zapata Gutiérrez**, a teacher in **Ulcumayo**, Junín, found his body with other burned remains in a gorge two hours from the village. Gutiérrez had been detained and threatened by members of the local civil patrol at his home two months earlier. According to one of the five patrol members accused of killing Zapata, they murdered suspected subversives

^{93/} Americas Watch, *Peru Under Fire: Human Rights Since the Return to Democracy* (New Haven and London: Yale University Press, 1992), p. 104. U.S. Department of State, "Peru," *Country Reports on Human Rights Practices for 1993* (Washington, D.C.: U.S. Government Printing Office, February 1994), p. 530, 535.

^{94/} U.S. Department of State, "Peru," *Country Reports on Human Rights Practices for 1993* (Washington, D.C.: U.S. Government Printing Office, February 1994), p. 530, 531, 535. U.S. Department of State, "Peru," *Country Reports on Human Rights Practices for 1992* (Washington, D.C.: U.S. Government Printing Office, February 1993), p. 475-78. Americas Watch, *Peru Under Fire: Human Rights Since the Return to Democracy* (New Haven and London: Yale University Press, 1992), p. 104. Bowen, Sally, "Reign of Terror Over in Seat of Peru's Maoist Revolution," *Christian Science Monitor* (Boston: 29 April 1993), p. 7. Instituto de Defensa Legal, "Militarizan rondas sin consultar a campesinos," *Ideéle* (Lima: February 1993), p. 21.

^{95/} U.S. Department of State, "Peru," *Country Reports on Human Rights Practices for 1993* (Washington, D.C.: U.S. Government Printing Office, February 1994), p. 530, 531, 535. U.S. Department of State, "Peru," *Country Reports on Human Rights Practices for 1992* (Washington, D.C.: U.S. Government Printing Office, February 1993), p. 473, 475. Bowen, Sally, "Reign of Terror Over in Seat of Peru's Maoist Revolution," *Christian Science Monitor* (Boston: 29 April 1993), p. 7.

on orders from the local base commander.^{96/}

- On September 11, 1993, *ronda* members reportedly used bows and arrows, knives, and machetes to kill 10 residents of the jungle village of **Delta-Pichanaki**. Despite being identified by survivors of the massacre, all but 4 of the 21 alleged perpetrators were released by local authorities after questioning.^{97/}
- Ten residents of **Paccha, Huancayo**, Department of Junín, were beaten and subsequently disappeared by forty hooded members of a civil defense patrol on February 27, 1992.^{98/}
- On August 22, 1990, at least 16 campesinos from **Iquicha**, a community near **Uchuraccay** in **Huanta**, Ayacucho, were reported killed by members of civil defense groups accompanied by security forces. Iquicha leaders had refused to cooperate with the military in confrontations with *Sendero*.^{99/}

B. Guerrilla Movements

1. Sendero Luminoso

Sendero Luminoso shares responsibility with the Peruvian government for the serious human rights abuses committed against the country's citizens. *Sendero's* tactics include bombings, assassinations and torture carried out against members of the security forces and civilians. The CNDH reports that *Sendero* was responsible for 516 assassinations of noncombatants in 1993, down from 958 in 1992. Eighty per cent of *Sendero's* victims have been civilians. "The objective of these murders is to sweep away all democracy and independent organizations, leaving the population with only two alternatives: the Shining Path or the army."^{100/}

Sendero rarely takes prisoners or attends to the wounded in armed confrontations and, according to Amnesty International, has "routinely tortured, mutilated, and murdered" captives.

^{96/} Human Rights Watch, *Human Rights Watch World Report 1995* (New York: December 1994), p. 115.

^{97/} U.S. Department of State, "Peru," *Country Reports on Human Rights Practices for 1993* (Washington, D.C.: U.S. Government Printing Office, February 1994), p. 531.

^{98/} Americas Watch, *Peru: Civil Society and Democracy Under Fire* (New York: Human Rights Watch, August 1992), p. 24.

^{99/} Burt, Jo-Marie; Panfichi, Aldo, *Peru: Caught in the Crossfire* (Jefferson City, MO: Peru Peace Network USA, 1992), p. 32.

^{100/} U.S. Department of State, "Peru," *Country Reports on Human Rights Practices for 1993* (Washington, D.C.: U.S. Government Printing Office, February 1994), p. 530-532. Americas Watch, *Peru: Civil Society and Democracy Under Fire* (New York: Human Rights Watch, August 1992), p. 4.

Sendero has coerced peasants, both adults and children, to join its military ranks, often for extended periods, forcing them to participate in guerrilla attacks and assassinations.^{101/}

Victims of *Sendero's* attacks have included government leaders and officials, community leaders, trade unionists, ethnic minorities, religious workers, human rights activists, and foreign tourists. Among the civilians assassinated by *Sendero* in 1992 were 29 neighborhood leaders, 28 peasant activists, ten political leaders, and eight trade union organizers.^{102/}

- In attacks in December 1993 and January 1994, *Sendero* targeted military and police installations, banks, and groups working to solve war-related problems, such as the Lima-based *Centro de Promoción de Desarrollo Poblacional* (CEPRODEP, Center for Promotion of Population Development), whose officials have publicly opposed *Sendero*.^{103/}
- Renewed bombings in Lima in November 1993 left 6 dead and more than 60 injured following televised calls for peace talks by the imprisoned leaders of *Sendero Luminoso* in the days leading up to the constitutional referendum.^{104/}

In many cases, *Sendero's* attacks target specific individuals. Anyone linked to the state or leftist political parties -- *Sendero's* declared enemies in its "people's war" -- as well as anyone who refuses to cooperate with *Sendero's* demands and policies -- is subject to attack.

- More than a dozen candidates were killed by *Sendero* in the days before municipal elections in January 1993. **Humberto Pantigoso**, a municipal candidate in the Lima shantytown of **Villa El Salvador**, was killed with his wife in front of several of their eleven

^{101/} U.S. Department of State, "Peru," *Country Reports on Human Rights Practices for 1994* (Washington, D.C.: U.S. Government Printing Office, February 1995). Amnesty International, *Peru: Human Rights in a State of Emergency* (London: August 1989).

^{102/} "Bomb on Tourist Train Kills 7 in Peru," *Miami Herald* (Miami: 26 June 1986). Human Rights Watch/Americas, *Human Rights in Peru One Year After Fujimori's Coup* (New York: April 1993), p. 15.

^{103/} Powers, Mary, "Shining Path Shows It Can Still Strike Despite Setbacks," *Reuters* (London: 30 December 1993) - as reported on NEXIS database. "Lima Magazine Says Shining Path Split into 2 Groups," *EFE* - as reported in *BBC Summary of World Broadcasts* (London: 12 January 1994).

^{104/} Brooke, James, "Vote for Constitution in Peru Buttresses its Leader," *New York Times* (New York: 1 November 1993), p. A6. Coad, Malcolm, "Peruvians Give Fujimori's New Constitution the Go-Ahead," *The Guardian* (London: 1 November 1993), p. 11.

children.^{105/}

- On February 15, 1992, **María Elena Moyano**, founder of the Lima shantytown women's movement and an advocate of peaceful opposition to *Sendero*, was shot dead and her body blown to pieces by dynamite in front of her children.^{106/}

In other cases, *Sendero* has engaged in collective punishment against entire communities. The guerrillas regularly attack villages and neighborhoods which have resisted *Sendero* control or have formed civil defense patrols (*rondas*) against them.

- In April 1994, a *Sendero* column entered the village of **Monterrico** in the **Mazamari** district of Junín department, burned down houses, and tortured and beheaded 8 residents.^{107/}
- Between September 4 and 6, 1993, a *Sendero* column killed 25 civilians -- many of them *ronda* members -- and two policemen in several towns in Huánuco department.^{108/}
- On August 18-19, 1993, *Sendero* units massacred at least 60 **Asháninka** Indians, an indigenous community that lives on the Ene river in the **Satipo** region of Junín, an area under military control. Many of the victims were reported to be children. Of the adult victims, many were members or supporters of *rondas*.^{109/}
- On October 10, 1992, a Shining Path unit killed 48 peasants, including the elderly, women, children, and infants, in the village of **Huayllao**, Ayacucho, in retribution for its formation of a civil defense patrol. Eleven people in nearby **Rumi-Rumi**, which had also formed a

^{105/} Americas Watch, *Human Rights in Peru One Year after Fujimori's Coup* (New York: Human Rights Watch, April 1993), p. 6.

^{106/} U.S. Department of State, "Peru," *Country Reports on Human Rights Practices for 1992* (Washington, D.C.: U.S. Government Printing Office, February 1993), p. 472. Americas Watch, *Untold Terror: Violence against Women in Peru's Armed Conflict* (New York: Human Rights Watch, December 1992), p. 46-57.

^{107/} U.S. Department of State, "Peru," *Country Reports on Human Rights Practices for 1994* (Washington, D.C.: U.S. Government Printing Office, February 1995), p. 489.

^{108/} U.S. Department of State, "Peru," *Country Reports on Human Rights Practices for 1993* (Washington, D.C.: U.S. Government Printing Office, February 1994), p. 532.

^{109/} Inter-Church Committee on Human Rights in Latin America, *Systematic Violations and a New Legal Order: Human Rights in Peru* (Toronto: December 1993), p. 19. Coad, Malcolm, "Sendero Luminoso Back; Sendero Slaughters 62," *The Guardian* (London: 21 August 1993), p. 12. "Victims in the Forest," *The Economist* (London: 28 August 1993), p. 37. U.S. Department of State, "Peru," *Country Reports on Human Rights Practices for 1993* (Washington, D.C.: U.S. Government Printing Office, February 1994), p. 530, 532. Reports on the number of dead vary between 60 and 63.

ronda, were killed by a *Sendero* unit two weeks later.^{110/}

- On May 17, 1990, *Sendero* massacred 30 men, women and children who lived in a communal indigenous family house in the district of **San Martín de Pangoa, Satipo** province, Junín department.^{111/}

2. MRTA

MRTA actions in 1993 included attacks on police stations, selective assassinations and kidnappings, and forcing radio stations to broadcast their messages.^{112/}

- On February 24, 1993, the MRTA killed businessman **David Ballón Vera**, whom they had kidnapped and held for ransom for five months.^{113/}

C. Drug Traffickers

Peru is the world's top producer of coca leaf for cocaine -- about 65 per cent of the world's total. Peruvian coca leaf, grown primarily in the Huallaga Valley, is converted into approximately 600 metric tons of cocaine annually. The dollars generated by the drug trade are Peru's primary source of foreign exchange.^{114/}

Over the past decade, drug trafficking has become a primary concern of U.S. foreign policy towards Peru. Since 1991, coca production has spread into new areas of the country and Peruvian

^{110/} U.S. Department of State, "Peru," *Country Reports on Human Rights Practices for 1992* (Washington, D.C.: U.S. Government Printing Office, February 1993), p. 472. Americas Watch, *Human Rights in Peru One Year after Fujimori's Coup* (New York: Human Rights Watch, April 1993), p. 16. Kirk, Robin, *To Build Anew: An Update on Peru's Internally Displaced People* (Washington, D.C.: U.S. Committee for Refugees, October 1993), p. 11.

^{111/} Amnesty International, *Peru: Human Rights since the Suspension of Constitutional Government* (London: AMR 46/13/93, May 1993), p. 39.

^{112/} Inter-Church Committee on Human Rights in Latin America, *Systematic Violations and a New Legal Order: Human Rights in Peru* (Toronto: December 1993), p. 20.

^{113/} Inter-Church Committee on Human Rights in Latin America, *Systematic Violations and a New Legal Order: Human Rights in Peru* (Toronto: December 1993), p. 20. Americas Watch, *Human Rights in Peru One Year after Fujimori's Coup*, (New York: Human Rights Watch, April 1993), p. 17.

^{114/} Washington Office on Latin America, *Clear and Present Dangers: The U.S. Military and the War on Drugs in the Andes* (Washington, D.C.: November 1991). González, Jose, "Guerrillas and Coca in the Upper Huallaga Valley," *The Shining Path of Peru* (New York: St. Martins Press, 2nd ed., 1994), p. 138-139. Bowen, Sally, "Fujimori Claims Successes; Critics See Long-Term Rule," *Christian Science Monitor* (Boston: 5 April 1993), p. 7.

cartels have become involved in the drug trade.^{115/} Narco-trafficking groups frequently ally themselves with guerrillas or the military for control of coca-growing areas and clandestine airports.^{116/} Drug traffickers often use violence and intimidation to secure supplies, and bribery to assure compliance from local authorities. There have also been reports that Vladimiro Montesinos, the head of the SIN (National Intelligence Service), has used his position to shield drug traffickers.^{117/}

III. LEGAL STRUCTURE AND CONSTITUTIONAL DEVELOPMENTS

A. The 1979 Constitution

Prior to Fujimori's April 1992 coup, the 1979 Constitution defined the structure of the government and the rights of Peruvian citizens. The 1979 Constitution detailed the independent powers of the legislative, executive, and judicial branches. A popularly elected president, two vice-presidents, and a 240-member bicameral Congress (the Senate and the Chamber of Deputies) were elected for five-year terms. The president appointed cabinet members and Supreme Court judges, with Senate approval required for judges. The president could not be re-elected to a consecutive term.^{118/}

The 1979 Constitution also guaranteed broad rights for Peruvian citizens. It protected the right to life, to freedom from torture, to equality before the law, and to personal liberty and security. Neither searches nor arrests could be conducted by government officials without a written warrant issued by the appropriate authority. Persons arrested were to be considered innocent until proven guilty, had to be informed immediately of the reason for their detention, were to be given access to a defense lawyer,

^{115/} Washington Office on Latin America, *WOLA Policy Recommendations for Peru: Memo from George Vickers and Coletta Youngers to Dr. Richard Feinberg, Ambassador Alexander Watson and Mark Schneider* (Washington, D.C.: 11 January 1994). Poole, Deborah; Rénique, Gerardo, *Peru: Time of Fear* (London: Latin America Bureau, 1992), p. 174-175.

^{116/} Long, William R., "Did Peru Army Alter Case to Hide Drug Role?," *Los Angeles Times* (Los Angeles: 19 March 1994), p. 2. "Arrested Peruvian Journalist Beaten by Military," *United Press International* (21 September 1993) - as reported on NEXIS database. Bowen, Sally, "Fujimori Claims Successes; Critics See Long-Term Rule," *Christian Science Monitor* (Boston: 5 April 1993), p. 7.

^{117/} Poole, Deborah; Rénique, Gerardo, *Peru: Time of Fear* (London: Latin America Bureau, 1992), p. 174. Dillon, Sam, "Peru Advisor Linked to Drug Cartels," *Miami Herald* (Miami: 18 April 1992).

^{118/} *Constitución Política del Peru, promulgada 12 de Julio de 1979* (Lima: Edición Oficial, Julio de 1985).

and could not be held *incommunicado*.^{119/} The 1979 Constitution also extended to citizens the civil liberties of free expression and association and the freedom to travel within national territory.

The 1979 Constitution permitted the suspension of some rights under tightly prescribed circumstances. The armed forces could assume control in times of emergency to maintain internal order and certain rights could be suspended during states of emergency or siege: the requirement of a search warrant to enter a private dwelling, the requirement of a warrant to make an arrest, freedom of movement within the national territory, and the right to hold a public meeting.^{120/} The constitution, however, prohibited any further derogations of rights, such as the right to be immediately informed of the reasons for detention and the rights of *habeas corpus* and *amparo*, and the military was prohibited from exceeding its constitutional limits.^{121/}

The provisions of the 1979 Constitution were subverted as the government progressively augmented the power of the military in the course of implementing and expanding its counter-insurgency strategy.

B. Suspension of Guarantees in the Emergency Zones

In 1982, President Belaúnde designated portions of the departments of Ayacucho, Huancavelica, and Apurímac as an "emergency zone."^{122/} When the military was deployed in Ayacucho in December of that year, civilian control of the emergency zone passed to a "political-military" command with broad powers. The central command over the zone was transferred from civilian authority to the armed forces in July 1984. By 1985, the government had declared six provinces threatened by *Sendero*, including parts of the departments of Pasco and Huánuco, to be emergency

^{119/} *Constitución Política del Perú, promulgada 12 de Julio de 1979* (Lima: Edición Oficial, Julio de 1985), art. 2(20).

^{120/} *Constitución Política del Perú, promulgada 12 de Julio de 1979* (Lima: Edición Oficial, Julio de 1985), arts. 231, 275.

^{121/} *Constitución Política del Perú, promulgada 12 de Julio de 1979* (Lima: Edición Oficial, Julio de 1985), art. 278. Amnesty International, *Peru: Violations of Human Rights in the Emergency Zones* (London: AMR 46/25/88, August 1988), p. 15-17. *Amparo* is an action brought by an individual seeking judicial protection from the unconstitutional actions of government officials. *Habeas corpus* is an action brought by an individual seeking judicial protection from illegal imprisonment or detention.

^{122/} U.S. Department of State, "Peru," *Country Reports on Human Rights Practices for 1983* (Washington, D.C.: U.S. Government Printing Office, February 1984), p. 673.

zones.^{123/}

The provision for emergency zones controlled by military units was formalized by Law 24.150 in June 1985. Elaborating Articles 231 and 275 of the 1979 Constitution, broad powers were granted to the political-military commands to battle the insurgents. These were elaborated further with the promulgation of Law 24.700, which allowed for up to ten days of incommunicado detention and the suspension of *habeas corpus*; it also established special tribunals for those accused of acts of terrorism.^{124/}

As *Sendero's* activities escalated, more and more areas were declared emergency zones, and constitutional guarantees were suspended for ever-increasing numbers of Peru's citizens. At its peak, more than 11 million Peruvians, fully 59 per cent of the country's population, lived in emergency zones.^{125/}

Since the arrest of the leadership of *Sendero Luminoso* and the resulting decline in guerrilla activity, the Fujimori government has moved to reduce the number of territories designated as emergency zones. As of August 30, 1994, a total of 62 provinces were declared emergency zones in the following departments: Apurímac, Huánuco (all but one district), Loreto, Lima (every province), Ucayali, Puno, Cuzco, Ayacucho, Huancavelica, Junín, Pasco (every province), Piura and San Martín (every province). The U.S. Department of State reported in January 1995 that "48 percent of Peru's 22 million people currently live" in emergency zones.^{126/}

^{123/} Amnesty International, *Peru: Violations of Human Rights in the Emergency Zones*, (London: AMR 46/25/88, August 1988), p. 2-3. Americas Watch, *Human Rights in Peru: After President García's First Year* (New York: Human Rights Watch, September 1986), p. 39.

^{124/} Americas Watch, *Human Rights in Peru: After President García's First Year* (New York: Human Rights Watch, September 1986), p. 39-40. Amnesty International, *Peru: Violations of Human Rights in the Emergency Zones* (London: AMR 46/25/88, August 1988), p. 16. Americas Watch, *Tolerating Abuses: Violations of Human Rights in Peru* (New York: Human Rights Watch, October 1988), p. 26-27.

^{125/} Cirulizza, Javier, *Coordinadora Nacional de Derechos Humanos*, personal interview, 28 September 1993.

^{126/} Human Rights Watch, *Human Rights Watch World Report 1995* (New York: December 1994), p. 115. U.S. Department of State, "Peru," *Country Reports on Human Rights Practices for 1993* (Washington, D.C.: U.S. Government Printing Office, February 1994), p. 529. Some observers argue that any gains in civil liberty protections Peruvians might have obtained from the lifting of emergency legislation have been taken away as a result of the adoption (since the self-coup) of legislation granting the military broad powers over the administration of justice nationwide. *Letter from Robin Kirk, Research Associate, Human Rights Watch/Americas, to John D. Evans, Director, U.S.I.N.S. Resource Information Center* (Washington, D.C.: November 8, 1994). U.S. Department of State, Bureau of Democracy, Human Rights and Labor, *Peru - Profile of Asylum Claims & Country Conditions* (Washington, D.C.: January 1995), p. 6.

As a practical matter, constitutional guarantees have virtually no meaning in the emergency zones. Illegal searches, restrictions on freedom of movement, and limitations on expression and association are routine. The incommunicado detention of suspects -- which can lead to disappearance and extrajudicial execution -- is also a common practice of the security forces in these areas.^{127/}

Military practices in the emergency zones have gone unchecked by civilian authority. Once the government declares an emergency zone, security forces interpret this authorization as a complete suspension of legal guarantees. The declaration of a state of emergency subordinates civilian institutions to military authorities, and the military has consistently failed to cooperate with civilian prosecutors investigating disappearances.^{128/}

Most human rights abuses committed by the security forces have historically occurred in the emergency zones. According to reports by independent human rights organizations in Peru, 85 per cent of disappearances, extrajudicial executions, and torture cases have been committed by the armed forces in areas under a state of emergency. Since 1988, however, these practices have spread to nearly all parts of the country.^{129/}

C. Effect of the Fujimori Coup on Constitutional Rule in Peru

On April 5, 1992, President Fujimori, with the support of the army, dissolved Congress and declared a state of emergency. He announced a "Government of National Emergency and Reconstruction" and suspended all articles of the 1979 Constitution that were "not compatible with the government's goals." As justification for his "self-coup," Fujimori cited the corruption of the legislative and judicial branches of government, which he claimed were thwarting his economic reforms, the counter-insurgency efforts, and the fight against narco-trafficking.^{130/}

^{127/} U.S. Department of State, "Peru," *Country Reports on Human Rights Practices for 1993* (Washington, D.C.: U.S. Government Printing Office, February 1994), p. 533, 535-537. Human Rights Watch, *Human Rights Watch World Report 1995* (New York: December 1994), p. 114, 115.

^{128/} Smith, Michael L., *Rural Development in the Crossfire* (Ottawa: International Development Research Centre, 1991). Human Rights Watch, *Human Rights Watch World Report 1995* (New York: December 1994), p. 114, 115.

^{129/} Amnesty International, *Peru: Human Rights since the Suspension of Constitutional Government* (London: AMR 46/13/93, May 1993), p. 1.

^{130/} *Televisión Panamericana* (Lima: 6 April 1992) - as reported in *BBC Summary of World Broadcasts* (London: 7 April 1992). Americas Watch, *Peru: Civil Society and Democracy Under Fire* (New York: Human Rights Watch, August 1992), p. 5-6. Immigration and Refugee Board, Documentation Centre, *Peru: Impact of the April 1992 Coup*,

The leaders of both houses of Congress (Senator Felipe Osterling and Deputy Roberto Ramírez del Villar) and Supreme Court Justice Horacio Valladares were placed under house arrest. Government critics, including journalist Gustavo Gorriti, were detained by members of the security forces. Former president Alán García was forced into hiding. Those attempting to present writs of *habeas corpus* for individuals detained in the coup were turned away from courthouses by soldiers. Pilar Nores de García, wife of former president Alán García, was among those turned away. Following international protest, most detainees were released within 48 hours.^{131/}

Within weeks of the self-coup, Fujimori disbanded regional assemblies throughout Peru and replaced them with handpicked officials. Fujimori effectively destroyed the intra-governmental system of checks and balances by a series of decrees which reorganized many government institutions. Thirteen of twenty-eight Supreme Court justices were replaced by Fujimori appointees. Fujimori also disbanded the Tribunal of Constitutional Guarantees, the Attorney General's Office, the Central Reserve Bank, and the Comptroller General's Office. In its report on the judicial system in Peru, the Commission of International Jurists on the Administration of Justice in Peru found that Fujimori's "reorganization" of the judiciary has "grievously eroded, if not eliminated, the institutional independence of the judiciary."^{132/} All of Fujimori's actions were illegal under the 1979 Constitution.^{133/}

Question and Answer Series (Ottawa: August 1992), p. 11. Amnesty International, *Peru: Human Rights during the Government of President Alberto Fujimori* (London: AMR 46/18/92, May 1992), p. 10-11.

^{131/} Organization of American States, Inter-American Commission on Human Rights, *Report on the Situation of Human Rights in Peru* (Washington, D.C.: OEA/Ser.L/V/II.83, Doc. 31, 12 March 1993), p. 22-25. Americas Watch, *Human Rights in Peru One Year after Fujimori's Coup* (New York: Human Rights Watch, April 1993), p. 19.

^{132/} Commission of International Jurists on the Administration of Justice in Peru, *Press Statement of the Commission of International Jurists and Executive Summary of its Report* (Washington, D.C: 31 March 1994), p. 5. The Commission was created as the result of an agreement between the U.S. and Peruvian governments and included a professor at American University School of Law, a former Minister of Justice of Argentina, an Italian Congressman and former judge, and a U.S. Navy Commander and lawyer with the Pentagon's Judge Advocate General's office. The Commission's mandate was "[i] to evaluate all legal measures and procedures in force affecting the independence of the Peruvian judiciary; [ii] to determine the extent to which defendants are accorded basic due process rights, particularly in the case of persons prosecuted by "faceless" civilian courts and "faceless" military tribunals for the crimes of terrorism and treason; and [iii] to determine the manner in which [the new Constitution] addresses the concept of judicial independence and safeguards due process rights." *ibid*, p. 2. See also International Commission of Jurists, "Coup d'Etat in Peru," *The Review* (Geneva: No. 48, June 1992), p. 1-11.

^{133/} Americas Watch, *Peru: Civil Society and Democracy Under Fire* (New York: Human Rights Watch, August 1992), p. 2.

1. Decree Laws since the Fujimori Self-coup and the Deterioration of Civil Liberties and Freedom

Following the April 1992 coup, Fujimori ruled Peru by decree. His post-coup declarations concentrated power in the executive and facilitated the detention and conviction of suspected terrorists by the security forces. Forty-seven of Fujimori's first seventy-two decrees fired members of previously autonomous government institutions. Several hundred judicial officials were dismissed in 1992. After the coup, Fujimori, via decree, implemented the platform which he had not been able to persuade Congress to vote for in 1992.^{134/}

Between May and November 1992, when the reconstituted *Congreso Constituyente Democrático* (CCD, Democratic Constituent Congress) was elected, Fujimori issued eleven anti-terrorism decrees. These decrees removed fundamental protections for citizens from government authority and severely restricted freedoms guaranteed to Peruvians by the 1979 Constitution and by international human rights standards. The dismissal of many members of the judiciary had already severely weakened the remedies of *amparo* and *habeas corpus*. Together with the debilitating restructure of the judicial branch, the decrees created a framework for the systematic violation of basic rights. In many ways, the regime of emergency legislation for selected regions was supplanted by a new nationwide regime that removed fundamental protections from all Peruvians.^{135/}

Decree Law 25.475 defines the crime of terrorism.^{136/} The broad language of the decree can be interpreted so as "to permit law enforcement officials to regard almost any violent act as a crime of terrorism."^{137/} "Terrorism" may encompass peaceful dissent, human rights advocacy, and investigative

^{134/} U.S. Department of State, "Peru," *Country Reports on Human Rights Practices for 1993* (Washington, D.C.: U.S. Government Printing Office, February 1994), p. 529, 534. Americas Watch, *Human Rights in Peru One Year after Fujimori's Coup* (New York: Human Rights Watch, April 1993), p. 1.

^{135/} Letter from Robin Kirk, Research Associate, Human Rights Watch/Americas to John D. Evans, Director, U.S.I.N.S. Resource Information Center (New York: 8 November 1994), p. 1. Lawyers Committee for Human Rights, *Peru: Lawyers Committee Concerns Regarding Anti-Terrorism Courts and the Administration of Justice since April 1992* (New York: July 1993), p. 1-2. Coordinadora Nacional de Derechos Humanos, *En Nombre de los Inocentes* (Lima: October 1993). Organization of American States, Inter-American Commission on Human Rights, *Report on the Situation of Human Rights in Peru* (Washington, D.C.: OEA/Ser.L/V/II.83, Doc. 31, 12 March 1993), p. 19, para. 61.

^{136/} Decree Law 25.475 (May 6, 1992). Legislative Decree 046 of March 1981 first defined terrorism as a special crime subject to military jurisdiction. Any act of "apology or support" for terrorism was also prosecutable as terrorism. Poole, Deborah; Rénique, Gerardo, *Peru: Time of Fear* (London: Latin America Bureau, 1992), p. 59.

^{137/} Commission of International Jurists on the Administration of Justice in Peru, *Press Statement of the Commission of International Jurists and Executive Summary of its Report* (Washington, D.C: 31 March 1994), p. 5.

reporting. Individuals who unwittingly assist a guerrilla risk being accused of "collaborating" with terrorism. Police investigations are carried out by the anti-terrorist branch, DINCOTE. The decree allows 15-day incommunicado detention of suspected "terrorists" and eliminates the requirement that an attorney be present during police interrogation. Police are permitted to move detainees without notifying judicial authorities. The identities of prosecutors, "faceless" judges and other officials in the civilian terrorism proceedings are kept secret.^{138/}

Decree Law 25.659 (August 7, 1992) defines the crime of treason. Because its provisions are also broad, many acts which might be considered "terrorism" according to Decree Law 25.475 also constitute "treason" under the terms of Decree Law 25.659. A major difference between the decrees is that civilians charged with terrorism are tried in "faceless" civilian courts, while those accused of treason are brought before military tribunals. As a practical matter, DINCOTE, the counterterrorism police unit

formalizes the charges which are then invariably endorsed by the [civilian] prosecutor. Thus, DINCOTE ultimately decides whether the prisoner will be tried by a civilian court for terrorism or by a military court for treason.^{139/}

Treason convictions generally carry a sentence of life imprisonment, although the death penalty is now possible under the 1993 Constitution.^{140/} The reach of this decree is potentially vast. Teachers and professors suspected of influencing students to hold anti-government opinions can be charged with treason, tried by a military court, and sentenced to life imprisonment.^{141/}

^{138/} Coordinadora Nacional de Derechos Humanos, *En Nombre de los Inocentes* (Lima: October 1993), p. 33. Lawyers Committee for Human Rights, *Peru: Lawyers Committee Concerns Regarding Anti-Terrorism Courts and the Administration of Justice since April 1992* (New York: July 1993), p. 4-9. Organization of American States, Inter-American Commission on Human Rights, *Report on the Situation of Human Rights in Peru* (Washington, D.C.: OEA/Ser.L/V/II.83, Doc. 31, 12 March 1993), p. 20, para. 67.

^{139/} Commission of International Jurists on the Administration of Justice in Peru, *Press Statement of the Commission of International Jurists and Executive Summary of its Report* (Washington, D.C: 31 March 1994), p. 6. U.S. Department of State, "Peru," *Country Reports on Human Rights Practices for 1993* (Washington, D.C.: U.S. Government Printing Office, February 1994), p. 534. Lawyers Committee for Human Rights, *Peru: Lawyers Committee Concerns Regarding Anti-Terrorism Courts and the Administration of Justice since April 1992* (New York: July 1993), p. 9-11.

^{140/} U.S. Department of State, "Peru," *Country Reports on Human Rights Practices for 1993* (Washington, D.C.: U.S. Government Printing Office, February 1994), p. 535.

^{141/} Decree Law 25.880 (18 November 1992).

In November 1993, the CCD took steps to correct some of the most egregious abuses of the previous decrees. It amended anti-terrorist legislation to reincorporate writs *of habeas corpus*, provide a procedure for the release of persons whose investigation produces no evidence, and establish procedures for the review by a military court of treason convictions if there is evidence of a procedural error. It also rescinded Decree Law 25.728, which allowed those charged with terrorism or treason to be tried *in absentia* and limited defense lawyers to one case of terrorism or treason per year.^{142/}

2. Effect of the Decrees on Civil Liberties and Due Process

Under the anti-terrorism decrees, thousands of individuals have been detained by the authorities for alleged "terrorism" offenses. As of April 1993, Amnesty International reported that at least 2,000 people who had been detained on charges of terrorism since the April 1992 coup either awaited trial or had been convicted and sentenced under "procedures which fell short of international standards."^{143/} In September 1993, the head of the Peruvian Joint Chiefs of Staff claimed that more than 4,000 suspected terrorists had been detained since the coup.^{144/} In December 1994, Human Rights Watch/Americas reported that in the twenty months following their implementation, 7,667 people were arrested pursuant to the terrorism and treason laws. "Of that number, 1,219 individuals were sentenced by secret, or 'faceless,' military and civilian courts."^{145/} The vast majority of defendants brought before military courts are convicted -- estimates range from approximately 75 per cent to more than 95 per cent.^{146/} More people have been arrested and convicted in Peru under the antiterrorist legislation since the coup

^{142/} U.S. Department of State, "Peru," *Country Reports on Human Rights Practices for 1993* (Washington, D.C.: U.S. Government Printing Office, February 1994), p. 535. "Peru Congress Backs Changes in Anti-Terrorist Laws," *Reuters* (London: 12 November 1993) - as reported on NEXIS database.

^{143/} Amnesty International, *Peru: Human Rights since the Suspension of Constitutional Government* (London: AMR 46/13/93, May 1993), p. 2.

^{144/} Bowen, Sally, "Survey of Peru," *The Financial Times* (London: 29 September 1993).

^{145/} Human Rights Watch, *Human Rights Watch World Report 1995* (New York: December 1994), p. 116.

^{146/} U.S. Department of State, "Peru," *Country Reports on Human Rights Practices for 1993* (Washington, D.C.: U.S. Government Printing Office, February 1994), p. 534. "Toll in Peru's War with Rebels is Down by Half," *New York Times* (New York: 7 January 1994). Americas Watch reported that in 1993 the rate was closer to 97 per cent. Human Rights Watch, *Human Rights Watch World Report 1994* (New York: December 1993), p. 128. Its estimate for 1994 is 95 per cent. Human Rights Watch, *Human Rights Watch World Report 1995* (New York: December 1994), p. 116.

than during the previous ten years.^{147/}

Additionally, the removal of all institutional checks and balances on the executive has left innocent persons detained by security forces under the broad anti-terrorism laws with no effective recourse to protect their rights. According to the Inter-American Commission on Human Rights:

In consequence of elimination of the separation of powers, the remedies instituted to protect and guarantee the exercise of rights by individuals have been weakened, which situation has been made worse by the promulgation of decree laws whose provisions have placed the exercise of human rights in an extremely precarious situation. The result is increasing uncertainty and insecurity among large segments of the Peruvian population.^{148/}

Terrorism and treason proceedings in Peruvian courts do not meet internationally accepted standards for due process. In practice, DINCOTE formalizes charges of terrorism which are then endorsed by the civilian prosecutor. Defense attorneys in both terrorism and treason trials do not have access to the evidence or to witnesses before the trial. "Faceless" judges deny defendants the right to challenge a biased or partial court.^{149/}

Military trials and those before "faceless" civilian courts are secret and brief. Decree Law 25.659 effectively "militarize[s] the entire administration of criminal justice in treason cases." In the military courts, only one of the five judges on the panel is an attorney; the other four members are career military officers with no legal training. Military justice, therefore, "becomes a derivative of the policies inspired and directed by the military command." DINCOTE, as well, is headed by a police general who reports to an army general. Consequently, personnel under the control of the armed forces "arrest, interrogate, gather evidence against, accuse, try and sentence persons suspected of treason."^{150/}

The nature of [military] trials -- secret, brief, with little apparent time for the defense to

^{147/} Human Rights Watch, *Human Rights Watch World Report 1995* (New York: December 1994), p. 116. Inter-Church Committee on Human Rights in Latin America, *Systematic Violations and a New Legal Order: Human Rights in Peru* (Toronto: December 1993), p. 23.

^{148/} Organization of American States, Inter-American Commission on Human Rights, *Report on the Situation of Human Rights in Peru* (Washington, D.C.: OEA/Ser.L/V/II.83, Doc. 31, 12 March 1993), p. 24, para. 85.

^{149/} Commission of International Jurists on the Administration of Justice in Peru, *Press Statement of the Commission of International Jurists and Executive Summary of its Report* (Washington, D.C: 31 March 1994), p. 6.

^{150/} Commission of International Jurists on the Administration of Justice in Peru, *Press Statement of the Commission of International Jurists and Executive Summary of its Report* (Washington, D.C: 31 March 1994), p. 8, 9.

act and limited ability to cross examine or impeach witnesses -- combined with a system in which the military makes arrests, prosecutes, and passes judgment raises serious questions about Peru's ability to ensure due process for persons who...plead innocence."^{151/}

The decree laws may also help to explain the decrease in the number of reported disappearances in 1993. With broad discretion to detain and try individuals secretly, the Peruvian security forces have less need to disappear their perceived enemies by extra-legal means; they can legally place them in military detention. As the Commission of International Jurists on the Administration of Justice in Peru concluded, "DINCOTE, in theory, can hold suspects incommunicado indefinitely, since no maximum period of detention is specified in the governing law."^{152/}

More generally, the decrees have politicized the judicial process in Peru. Human Rights Watch/Americas charges that the decree laws have been used to threaten and imprison human rights monitors, journalists, and lawyers who defend human rights monitors or those accused of terrorism, as well as environmental activists, the political opposition, health professionals, and common citizens with no previous contact with subversive groups.

The corrupt and ineffective Peruvian judiciary has been transformed into a highly politicized weapon of the executive branch deployed not only against suspected members of the armed opposition, but also against the unarmed opposition and various sectors of civil society.^{153/}

On several occasions, Fujimori has publicly expressed his opinions on appropriate verdicts or results for specific defendants and investigations prior to their conclusion.^{154/}

^{151/} U.S. Department of State, "Peru," *Country Reports on Human Rights Practices for 1992* (Washington, D.C.: U.S. Government Printing Office, February 1993), p. 478.

^{152/} Commission of International Jurists on the Administration of Justice in Peru, *Press Statement of the Commission of International Jurists and Executive Summary of its Report* (Washington, D.C: 31 March 1994), p. 5, 9.

^{153/} Americas Watch, *Human Rights in Peru One Year after Fujimori's Coup* (New York: Human Rights Watch, April 1993), p. 19, 20.

^{154/} Inter-Church Committee on Human Rights in Latin America, *Systematic Violations and a New Legal Order: Human Rights in Peru* (Toronto: December 1993), p. 7.

D. The 1993 Constitution -- Codification of Strong Executive Authority and Weakened Individual Protections against Government Abuse.

In October 1993, Peruvians went to the polls to vote on a new constitution written by a Constitutional Commission controlled by Fujimori.^{155/} Though President Fujimori's approval ratings averaged close to 70 per cent, the referendum passed by a very narrow margin, 52.2 per cent to 47.7 per cent, and the results were disputed by opposition groups.^{156/} When the absentee rate of more than 30 per cent is taken into account, the "yes" vote won with little more than 30 per cent of the possible vote.^{157/} Divisions in Peruvian society are reflected by the fact that the Constitution was supported by voters in the capital by a margin of 60 to 40 per cent, while majorities in 14 of Peru's 24 departments opposed the new Constitution.^{158/}

The 1993 Constitution ratifies many of the provisions of the decree laws by strengthening the executive branch and weakening the power of the legislature. It reduces the size of the legislature to one chamber containing 100 members and grants the President the power to dissolve Congress once, as long as it is not the first or last year of his or her term.^{159/} It permits the President to make military

^{155/} Coad, Malcolm, "Peruvians Give Fujimori's New Constitution the Go-Ahead," *The Guardian* (London: 1 November 1993). Human Rights Watch, *Human Rights Watch World Report 1994* (New York: December 1993), p. 127.

^{156/} "New Peruvian Constitution Approved," *Agence-France Presse* (Paris: 12 December 1993) - as reported on NEXIS database. Many opposition groups believe that the referendum results suffered from significant "irregularities" and they do not accept them as valid. *Letter from Professor Cynthia McClintock, George Washington University, to John D. Evans, Director, U.S.I.N.S. Resource Information Center* (Washington, D.C.: 13 November 1994).

^{157/} Inter-Church Committee on Human Rights in Latin America, *Systematic Violations and a New Legal Order: Human Rights in Peru* (Toronto: December 1993), p. 11. Washington Office on Latin America, *After the Autogolpe: Human Rights in Peru and the U.S. Response* (Washington, D.C.: July 1994), p. 35. The result is even more remarkable given that voting is mandatory for all Peruvians between the ages of 18 and 70. U.S. Department of State, "Peru," *Country Reports on Human Rights Practices for 1993* (Washington, D.C.: U.S. Government Printing Office, February 1994), p. 537.

^{158/} Schmidt-Lynch, Corinne, "Peru's New Constitution: A Half Win for Fujimori," *Washington Post* (Washington, D.C.: 2 November 1993), p. A16.

^{159/} "Constitution of the Republic of Peru," *El Peruano* (Lima: 7 September 1993), p. 3-16 - as reported in Foreign Broadcast Information Service, *Daily Report Supplement: Latin America: Constitution of the Republic of Peru*, 5 January 1994, p. 11, 12, 17.

promotions and appoint ambassadors without congressional approval.^{160/} The 1993 Constitution also gives the President broad law-making power and provides for the frequent use of public referendums.^{161/}

Under the 1993 Constitution, an incumbent president may be re-elected once.^{162/} Members of the pro-government party in Congress have argued that Fujimori's re-election in 1995 would count as his first term under the new constitution.^{163/} This raises the possibility of Fujimori maintaining control of the executive through 2005.^{164/}

The 1993 Constitution also reverses the 1980's trend of decentralizing representative government in Peru. Members of the CCD will be elected not as local representatives, but in a single national constituency.^{165/} The new constitution eliminates regional presidents and representative assemblies, which had provided a measure of political power to the traditionally marginalized rural population. Critics have charged that these provisions, combined with revised land tenure provisions that allow for unused lands to be declared "abandoned" and therefore property of the state, will severely limit indigenous political participation.^{166/}

In the economic and social sphere, the 1993 Constitution restricts free education, limits labor

^{160/} "Constitution of the Republic of Peru," *El Peruano* (Lima: 7 September 1993), p. 3-16 - as reported in Foreign Broadcast Information Service, *Daily Report Supplement: Latin America: Constitution of the Republic of Peru*, 5 January 1994, p. 15.

^{161/} "Constitution of the Republic of Peru," *El Peruano* (Lima: 7 September 1993), p. 3-16 - as reported in Foreign Broadcast Information Service, *Daily Report Supplement: Latin America: Constitution of the Republic of Peru*, 5 January 1994, p. 5, 15.

^{162/} This provision will allow Fujimori to run for another five-year term in July 1995. "Constitution of the Republic of Peru," *El Peruano* (Lima: 7 September 1993), p. 3-16 - as reported in Foreign Broadcast Information Service, *Daily Report Supplement: Latin America: Constitution of the Republic of Peru*, 5 January 1994, p. 14.

^{163/} Bowen, Sally, "Peru's New Constitution Seems Sure to Satisfy the President's Desires," *Christian Science Monitor* (Boston: 27 July 1993), p. 6.

^{164/} Freedom House, *Freedom in the World 1993-1994* (New York: 1994), p. 454.

^{165/} "Constitution of the Republic of Peru," *El Peruano* (Lima: 7 September 1993), p. 3-16 - as reported in Foreign Broadcast Information Service, *Daily Report Supplement: Latin America: Constitution of the Republic of Peru*, 5 January 1994, p. 12.

^{166/} Van Cott, Donna Lee, "In Peru, A Lack of Debate Obscures Referendum Issues," *Christian Science Monitor* (Boston: 29 October 1993). "Constitution of the Republic of Peru," *El Peruano* (Lima: 7 September 1993), p. 3-16 - as reported in Foreign Broadcast Information Service, *Daily Report Supplement: Latin America: Constitution of the Republic of Peru*, 5 January 1994, p. 11.

rights, and opens the Peruvian economy to privatization and foreign investment.^{167/}

The 1993 Constitution reduces the individual freedoms and liberties guaranteed in previous constitutions. It permanently grants jurisdiction over crimes of terrorism and treason to military courts and reinstates the death penalty for crimes of terrorism "that result in death."^{168/} Amnesty International warns that this provision, in conjunction with secret military trials, could result in executions following military trials that fall short of international standards. Moreover, if the death penalty provision is enacted, Peru will have to withdraw from the American Convention on Human Rights, which prohibits signatories from expanding the application of the death penalty.^{169/}

The Andean Commission of Jurists concluded that the 1993 Constitution

does not contribute to the strengthening of Peru's democratic institutions. While it does contain some positive elements, these are minimized, subordinated or deformed within an overall project which is oriented to formalize and legitimize a model which is markedly authoritarian and centralist. This project responds above all to the political interests of the present regime.^{170/}

Some commentators question the viability of Peru's latest constitution. "Because the dominant force behind the new Constitution is President Fujimori himself and some provisions are so closely

^{167/} "Constitution of the Republic of Peru," *El Peruano* (Lima: 7 September 1993), p. 3-16 - as reported in Foreign Broadcast Information Service, *Daily Report Supplement: Latin America: Constitution of the Republic of Peru*, 5 January 1994, p. 3-5, 8-10.

^{168/} "Constitution of the Republic of Peru," *El Peruano* (Lima: 7 September 1993), p. 3-16 - as reported in Foreign Broadcast Information Service, *Daily Report Supplement: Latin America: Constitution of the Republic of Peru*, 5 January 1994, p. 17, 18.

^{169/} "Constitution of the Republic of Peru," *El Peruano* (Lima: 7 September 1993), p. 3-16 - as reported in Foreign Broadcast Information Service, *Daily Report Supplement: Latin America: Constitution of the Republic of Peru*, 5 January 1994, p. 21, 22. Commission of International Jurists on the Administration of Justice in Peru, *Press Statement of the Commission of International Jurists and Executive Summary of its Report* (Washington, D.C.: 31 March 1994), p. 10-11. Peru ratified the American Convention on Human Rights in 1978. The Fujimori government has sought to obstruct cases that have reached the Inter-American Court of Human Rights under the American Convention. In a pending case based on disappearances following a government prison crackdown, for example, the Peruvian-appointed justice, after failing to convince the sitting justices of the Inter-American Court to dismiss the case on procedural grounds, in an unprecedented maneuver, refused to hear the merits of the case and asked the OAS to intervene in the proceedings.

^{170/} Comisión Andina de Juristas, *Analysis del Proyecto de la Constitución* (Lima: July 1993), p. 1, cited in Inter-Church Committee on Human Rights in Latin America, *Systematic Violations and a New Legal Order: Human Rights in Peru* (Toronto: December 1993), p. 9-10.

identified with him, it may last only as long as he does.^{171/}

E. De Facto and De Jure Impunity for Human Rights Abuses

The Peruvian judiciary has failed to protect the Peruvian population from human rights violations by both guerrillas and the security forces. Since the coup, the reorganization of the judiciary and the severe anti-terrorist decrees have resulted in the detention of thousands of suspected terrorists. Many innocent people have been detained, tortured or brutalized while waiting to be freed. The security forces have continued to commit abuses without suffering any sanction.

1. Military Impunity

The Peruvian security forces have acted with impunity throughout their counter-insurgency campaign. The attitude of judicial subordination to the military has in fact been codified by many of the laws and decrees instituted by Fujimori and his predecessors. Impunity is considered by many commentators and experts to be the primary cause of human rights abuses committed by the security forces.^{172/}

The broad powers ceded to the military in the emergency zones have prevented prosecutors and judges from addressing abuses perpetrated by members of the security forces. In areas subject to emergency controls, for example, the Public Ministry and civil courts receive no reports of arrest from the political-military commands and have only limited access to their detention facilities or barracks. The U.S. Department of State found in 1989 that "[t]here is little oversight of military activities in the emergency zones by civilian judges or prosecutors, and the constitutional rights of persons detained by

^{171/} de Zevallos, Felipe Ortíz, "Peru's Economy: Is Optimism Warranted?," *Prospects for Peace in Peru* (Washington, D.C.: Washington Office on Latin America and George Washington University, 28 April 1993). "Interview with Marcial Rubio, Constitutional Law Professor," *Peru Report* (Lima: July 1993), p. 1-3.

^{172/} U.S. Department of State, "Peru," *Country Reports on Human Rights Practices for 1994* (Washington, D.C.: U.S. Government Printing Office, February 1995), p. 481, 482. Americas Watch, *Human Rights in Peru One Year after Fujimori's Coup* (New York: Human Rights Watch, April 1993), p. 39-40. Amnesty International, *Peru: Human Rights since the Suspension of Constitutional Government* (London: AMR 46/13/93, May 1993), p. 32-35. Organization of American States, Inter-American Commission for Human Rights, *Report on the Situation of Human Rights in Peru* (Washington, D.C.: OEA/Ser.L/V/II.83, Doc. 31, 12 March 1993), p. 8, para. 26. Freedom House, *Freedom in the World 1993-1994* (New York: 1994), p. 454-455.

the military are routinely ignored.^{173/}

Even outside emergency zones, however, human rights violations committed by members of the security forces are either ignored or not seriously investigated by the Peruvian Government. Official inquiries into government abuses are infrequent and prosecutions are rare.^{174/} On the rare occasions when judicial authority -- either civilian or military -- has attempted to reign in excesses committed by the security forces, those responsible have largely escaped serious punishment. This has been particularly true when evidence has indicated the involvement of senior military officials in authorizing, participating in, or attempting to cover up alleged abuses.

During the first five years of the counter-insurgency campaign (1982-87), a few cases, which had received much national and international publicity, were tried in civilian courts. In October 1987, the Supreme Court upheld the conviction of 11 members of the Civil Guard responsible for the November 1983 massacre of 33 peasant farmers in Soccos, Ayacucho. In 1986, the former political-military commander of Huanta, Ayacucho, Naval Captain Alvaro Artaza Adrianzen was charged with gross abuses of human rights. The charges were based on the 1984 discovery of 50 bodies in a mass grave at Pucayacu, the disappearance of a journalist, and the killings of six members of the Calqui Presbyterian Church. After the judicial proceedings were initiated, Artaza was allegedly taken out of the country by friends.^{175/}

On November 9, [1993], a criminal court in Lima convicted several police agents of aggravated homicide for the June 1991 murder of three young men. Three of the policemen were sentenced to eighteen years each; two accomplices were sentenced to five and six years respectively. A major implicated as the intellectual author of the crime was not tried.^{176/}

Military courts currently try all crimes committed by active duty personnel. The military has

^{173/} U.S. Department of State, "Peru," *Country Reports on Human Rights Practices for 1989* (Washington, D.C.: U.S. Government Printing Office, February 1990), p. 708. Amnesty International, *Violations of Human Rights in the Emergency Zones* (London: AMR 46/25/88, August 1988), 21 p.

^{174/} U.S. Department of State, "Peru," *Country Reports on Human Rights Practices for 1993* (Washington, D.C.: U.S. Government Printing Office, February 1994), p. 529, 530. U.S. Department of State, "Peru," *Country Reports on Human Rights Practices for 1992* (Washington, D.C.: U.S. Government Printing Office, February 1993), p. 472-473.

^{175/} Amnesty International, *Violations of Human Rights in the Emergency Zones* (London: AMR 46/25/88, August 1988), p. 17.

^{176/} Human Rights Watch, *Human Rights Watch World Report 1994* (New York: December 1993), p. 128.

typically neither investigated nor prosecuted its own members for human rights violations.^{177/} "The military has repeatedly used its court system to preempt civilian investigation and prosecution of cases involving military abuses..."^{178/} Moreover, military courts have considered charges of rape, torture, and the murder of children as having been carried out legally by its members in the line of duty.^{179/}

There have been only three confirmed cases in the past 10 years in which members of the Peruvian army have been tried, convicted and sentenced by military courts for the deliberate and arbitrary killing of civilians:

- On February 21, 1994, a military tribunal found nine army personnel guilty of the July 18, 1992, disappearance and extrajudicial execution of nine students and a professor from **La Cantuta** University. They received sentences ranging from four to twenty years. The convictions only came about after the notification of the press by a dissident army faction concerning the location of the bodies, intense international pressure to try those responsible, and the intervention of the Fujimori government to prevent the Supreme Court from turning the case over to a civilian court, which, it was feared, would have meted out harsher penalties. According to Human Rights Watch/Americas, the convicts, dubbed "Los Cantutos," received special treatment not accorded others convicted of similar crimes, including privileges such as color television, a bar, daily family visits, regular salary payments, cellular telephones, and free run of the prison tennis and indoor soccer courts.^{180/}
- In February 1993, six members of the army were tried for crimes including homicide and rape committed during the July 4, 1991 massacre near **Santa Bárbara**, Huancavelica. The bodies of 14 peasants were found in an abandoned mine. A military court absolved army **Lieutenant Javier Bendezú Vargas** of the crime of aggravated homicide

^{177/} U.S. Department of State, "Peru," *Country Reports on Human Rights Practices for 1993* (Washington, D.C.: U.S. Government Printing Office, February 1994), p. 529-531.

^{178/} U.S. Department of State, "Peru," *Country Reports on Human Rights Practices for 1992* (Washington, D.C.: U.S. Government Printing Office, February 1993), p. 473.

^{179/} Amnesty International, *Caught between Two Fires: Peru Briefing* (London: August 1989), p. 8.

^{180/} U.S. Department of State, "Peru," *Country Reports on Human Rights Practices for 1993* (Washington, D.C.: U.S. Government Printing Office, February 1994), p. 529-531. Human Rights Watch, *Human Rights Watch World Report 1995* (New York: December 1994), p. 115. Washington Office on Latin America, *After the Autogolpe: Human Rights in Peru and the U.S. Response* (Washington, D.C.: July 1994), p. 24-28. Americas Watch, *Peru: Anatomy of a Cover-Up, the Disappearances at La Cantuta* (New York: Human Rights Watch, September 1993), p. 7-8. "Victims of 'Army Death Squad' Found," *The Guardian* (London: 26 November 1993). Nash, Nathaniel C., "Fugitive General Accuses Peruvian Army, Saying Officers Run Hit Squad," *New York Times* (New York: 12 May 1993), p. A10. Bowen, Sally, "Peru's President Faces Challenges on Rights Abuses," *Christian Science Monitor* (Boston: 18 May 1993), p. 1. Speck, Mary, "Swift Military-Court Trial Seen as Cover-Up in Peru," *Miami Herald* (Miami: 18 March 1994), p. 18A. For additional information on the steps taken by the government to avoid public inquiry and civilian prosecution, see Section III.E.2, The Absence of Judicial Protection.

convicting him of abuse of authority and perjury and sentencing him to 10 years in jail. Two subordinates were also convicted but received light sentences.^{181/}

- In a case stemming from the August 1985 massacre of 69 peasants in **Accomarca** by an army patrol, **Captain Telmo Hurtado**, who commanded the patrol, was sentenced to six years in prison for abuse of authority. A military appeals court affirmed the sentence in February 1993 following years of international pressure, during which time Hurtado had been twice promoted. In its 1994 Country Report, the U.S. Department of State indicated that it had received credible reports that Hurtado was free and back on active duty in the army.^{182/}

The two February 1993 convictions marked the first time that the Peruvian military had publicly announced the conviction of military personnel on charges related to human rights abuses. The charges were for "abuse of authority," because the military justice code does not include murder as a crime. One human rights organization commented:

While the Peruvian government has used these verdicts as showpieces of its commitment to sanction military personnel responsible for human rights abuses, the light sentences handed down in no way correspond to the gravity of the crimes committed. Moreover, they stand in sharp contrast to the twenty to thirty year sentences or terms of life imprisonment given to hundreds of civilians in [1993] under anti-terrorist legislation. In both cases, military personnel responsible for the slaying of defenseless peasants were acquitted of murder charges and sanctioned instead for "abuse of authority."^{183/}

2. The Absence of Judicial Protection

Even in cases where the law would permit civilian justice to hold members of the security forces accountable for human rights abuses, judges and prosecutors have failed to act. The response of civilian authorities to cases of disappearance in which military complicity is suspected is revealing. In

^{181/} U.S. Department of State, "Peru," *Country Reports on Human Rights Practices for 1993* (Washington, D.C.: U.S. Government Printing Office, February 1994), p. 531. Inter-Church Committee on Human Rights in Latin America, *Systematic Violations and a New Legal Order: Human Rights in Peru* (Toronto: December 1993), p. 29. U.S. Department of State, "Peru," *Country Reports on Human Rights Practices for 1992* (Washington, D.C.: U.S. Government Printing Office, February 1993), p. 474. "Model Sentence," *Andean Newsletter* (22 February 1993), p. 5.

^{182/} U.S. Department of State, "Peru," *Country Reports on Human Rights Practices for 1993* (Washington, D.C.: U.S. Government Printing Office, February 1994), p. 531. Inter-Church Committee on Human Rights in Latin America, *Systematic Violations and a New Legal Order: Human Rights in Peru* (Toronto: December 1993), p. 29.

^{183/} Inter-Church Committee on Human Rights in Latin America, *Systematic Violations and a New Legal Order: Human Rights in Peru* (Toronto: December 1993), p. 29.

cases of disappearance the victims' rights may be protected by submitting *habeas corpus* or *amparo* petitions to a public prosecutor. The prosecutor then attempts to find the individual and to identify his abductors. According to law, the prosecutors have investigatory power, and the civil judiciary may try and convict those responsible for rights violations. Yet despite their legal authority, Peruvian courts have only infrequently used writs of *habeas corpus* as a means of defending human rights. Over a seven and one half year period, only 7 per cent of all *habeas corpus* cases were accepted by judges, with a decline in the acceptance rate from 25 per cent in 1984 to only 3 per cent in 1990.^{184/}

To some extent, this reflects the historical weakness of judges and prosecutors in a society dominated by military institutions. Scarce resources, corruption, and inefficiency have traditionally hampered the Peruvian court system. Out of the Peruvian prison population of 17,000 in 1991, only a quarter were serving their sentence; the majority was awaiting trial. Of the 696 people in prison on terrorism charges, only 25 had been convicted and the remaining detainees were awaiting trial.^{185/} Moreover, judges and prosecutors have been threatened by both *Sendero* and members of the security forces or death squads linked to the military.^{186/}

Rather than strengthen the civilian justice system and acknowledge the supremacy of the rule of law, the Fujimori government has acted to undermine it. While publicly recognizing the need to stem human rights abuses by government agents, the Fujimori government has consistently acted contrary to its public statements. Fujimori's dissolution of Congress in April 1992 ended the work of congressional commissions investigating human rights abuses. The Fujimori administration has criticized local and international human rights organizations, calling them apologists for terrorists. Following the arrest of Abimael Guzmán, the government published a list of alleged *Sendero* leaders living both in Peru and abroad. Among those identified was Carlos Chipoco, a respected human rights activist who has

^{184/} Praeli, Francisco Eguiguren; Sumar, Milagros Maraví, "Análisis de las principales tendencias cuantitativas en la jurisprudencia de *habeas corpus* en Perú (1983-1990)," *Boletín Comisión Andina de Juristas* (Lima: no. 28, March 1991), p. 9-21.

^{185/} Americas Watch, *Human Rights in Peru One Year after Fujimori's Coup* (New York: Human Rights Watch, April 1993), p. 19. Comisión Especial de Investigación y Estudio sobre la Violencia y Alternativas de Pacificación, *Violencia y pacificación en 1991* (Lima: Senado de la República, 1992), p. 108-16. Smith, Michael L., "Beset Peru Seeks to Strengthen Courts," *Washington Post* (Washington, D.C.: 20 March 1987).

^{186/} U.S. Department of State, "Peru," *Country Reports on Human Rights Practices for 1994* (Washington, D.C.: U.S. Government Printing Office, February 1995), p. 487. Organization of American States, Inter-American Commission on Human Rights, *Report on the Situation of Human Rights in Peru* (Washington, D.C.: OEA/Ser.L/V/II.83, Doc. 31, 12 March 1993), p. 7, para. 24.

represented the Inter-American Commission on Human Rights in international cases against the Peruvian government. High-ranking government officials have also attacked human rights organizations.^{187/}

In contrast, the Fujimori government has rewarded elements of the military closely linked to human rights abuses. Fujimori has steadily increased the power of the SIN (National Intelligence Service), a branch of the armed services notorious for its involvement in human rights abuses,^{188/} and promoted two generals who have been implicated in human rights abuses.^{189/}

The failure of the government to investigate the disappearance and extrajudicial execution of nine students and a professor from **La Cantuta** University, an incident in which the army and the SIN were implicated, demonstrates the *de facto* impunity enjoyed by members of the Peruvian security forces and the lengths the government and military will go to avoid public scrutiny of, or accountability for, military violations of human rights.

On July 18, 1992, Professor **Hugo Muñoz Sánchez** and nine students -- **Roberto Edgar Teodoro Espinoza, Luis Enrique Ortiz Perea, Armando Richard Amaro Córdor, Marcelino Manuel Rosales Cárdenas, Heráclides Pablo Meza, Juan Gabriel Mariños Figueroa, Dora Oyague Fierro, Bertila Lozano Torres** and **Felipe Flores Chipana** -- disappeared from **Enrique Guzman y Valle University** outside Lima, widely known as "**La Cantuta**," while the campus was occupied by the military. In response to an official inquiry, the Peruvian Government informed the UN Centre for Human Rights on October 28, 1992, that following an army investigation, the Ministry of Defense had concluded that the individuals "had not been detained or captured by members of the army

^{187/} U.S. Department of State, "Peru," *Country Reports on Human Rights Practices for 1992* (Washington, D.C.: U.S. Government Printing Office, February 1993), p. 481. Organization of American States, Inter-American Commission on Human Rights, *Report on the Situation of Human Rights in Peru* (Washington, D.C.: OEA/Ser.L/V/II.83, Doc. 31, 12 March 1993), p. 12-13, para. 40. Washington Office on Latin America, *After the Autogolpe: Human Rights in Peru and the U.S. Response* (Washington, D.C.: July 1994), p. 14, 28-29. Such official criticism has exposed human rights monitors and activists to violent retribution at the hands of government or quasi-government authority. See Section V.C., Human Rights Activists and Lawyers, below.

^{188/} Americas Watch, *Human Rights in Peru One Year after Fujimori's Coup* (New York: Human Rights Watch, April 1993), p. 3.

^{189/} General Rabanal (crimes committed in 1986) and General Valdivia (Cayara massacre). Organization of American States, Inter-American Commission on Human Rights, *Report on the Situation of Human Rights in Peru* (Washington, D.C.: OEA/Ser.L/V/II.83, Doc. 31, 12 March 1993), p. 12, para 38.

under any circumstances.^{190/}

In 1993, there were credible and detailed accusations that the La Cantuta disappearances had been committed by a SIN death squad. The third-ranking general of the Peruvian Army, Rodolfo Robles, publicly accused presidential intelligence advisor Vladimiro Montesinos of operating an execution squad of 20 to 25 officers; Robles further claimed that Peru's Army Commander in Chief, General Nicolás de Bari Hermoza had approved its operations in advance. Senior government and army officials were alleged to have had knowledge of the unit's existence.^{191/}

When called before the CCD in April 1993, General Hermoza denied military involvement in the Cantuta case and accused a group of legislators of aiding guerrilla organizations. Hermoza sent tanks into the streets of Lima on April 21 and 22 as a show of force and warning against a proposed congressional investigation. Despite the intimidation, a congressional subcommittee continued its investigation. The majority's report concluded that the army was responsible for the massacre and accused General Hermoza of attempting to cover up the activities of a military death squad. It also found evidence of criminal wrong-doing by General Luis Pérez Documet, head of the army's special forces division (DIFE, *División de Fuerzas Especiales*), General Juan Rivero Lazo, head of the army intelligence service (DINTE, *Dirección de Inteligencia del Ejército*); General Luis Salazar Monroe, commander of the Second Military Region; General Julio Salazar Monroe, official head of the SIN; and others. However, President Fujimori had expressed his opposition to the majority report, and the CCD rejected it in favor of the minority's report, which exonerated the army.^{192/}

^{190/} Amnesty International, *Peru: Army Seeks a Cover-Up of Summary Killings* (London: AMR 46/12/93, April 1993), p. 1. Americas Watch, *Peru: Anatomy of a Cover-Up, the Disappearances at La Cantuta* (New York: Human Rights Watch, September 1993), p. 5.

^{191/} U.S. Department of State, "Peru," *Country Reports on Human Rights Practices for 1993* (Washington, D.C.: U.S. Government Printing Office, February 1994), p. 531. Americas Watch, *Peru: Anatomy of a Cover-Up, the Disappearances at La Cantuta* (New York: Human Rights Watch, September 1993). Washington Office on Latin America, *After the Autogolpe: Human Rights in Peru and the U.S. Response* (Washington, D.C.: July 1994), p. 24-25. Nash, Nathaniel C., "Fugitive General Accuses Peruvian Army, Saying Officers Run Hit Squad," *New York Times* (New York: 12 May 1993), p. A10. Bowen, Sally, "Peru's President Faces Challenges on Rights Abuses," *Christian Science Monitor* (Boston: 18 May 1993), p. 1.

^{192/} U.S. Department of State, "Peru," *Country Reports on Human Rights Practices for 1993* (Washington, D.C.: U.S. Government Printing Office, February 1994), p. 529. Washington Office on Latin America, *After the Autogolpe: Human Rights in Peru and the U.S. Response* (Washington, D.C.: July 1994), p. 25-26. "Army Officers' Trials to Test Democracy in Peru," *New York Times* (New York: 12 January 1994). Amnesty International, *Peru: Army Officers Charged With Murdering La Cantuta University Lecturer and Students* (London: AMR 46/12/93, January 1994), p. 3. Nash, Nathaniel C., "In Peru, A 'Second Coup' Reveals the Upper Hand," *New York Times* (New York: 2 May 1993), p.

In May 1993, General Robles sought exile in Argentina following death threats against himself and his family. On July 8, 1993, after an anonymous tip to journalists, human remains subsequently identified as the La Cantuta victims were discovered in a series of shallow graves near Lima. According to congressional documents, Hermoza had ordered the bodies exhumed and disposed of permanently.^{193/}

Despite the discovery of this important evidence, the Fujimori government hampered efforts by civilian authorities to investigate the case. The judiciary ignored writs of *habeas corpus* and offers of help from international forensic experts were rejected. General Hermoza was accused of telling the investigating judge to disregard the case, and refused to allow army personnel to testify in civilian court or before congressional investigators. While the civilian judge investigating the case was on vacation toward the end of August, his temporary replacement closed the investigation and handed it over to the military court. Under intense international pressure, the government reopened the case in November, and in December charges were brought against eleven members of the armed forces, although not against most of the higher ranking officials implicated. A civilian trial would have assured that senior military officers would be summoned as witnesses to testify publicly and would have provided for a public airing of the facts.^{194/}

As the civilian investigation reached its climax, military authorities were holding their own investigation. At the end of October, the Fujimori government first publicly acknowledged that four soldiers were being held by the military in the case; in late November, just before criminal charges were brought by the civilian judiciary, the military identified the accused. The Supreme Council of Military Justice did not issue arrest warrants until mid-December. In January 1994, the government announced that a military court had indicted 11 military personnel in the case. Eight officers, including General Juan Rivero Lazo and Majors Santiago Martín Rivas and Carlos Pichilingue were under barracks arrest.

D6. "Military Absolved in La Cantuta Case," *Latin American Weekly Report* (London: 8 July 1993), p. 303.

^{193/} Washington Office on Latin America, *After the Autogolpe: Human Rights in Peru and the U.S. Response* (Washington, D.C.: July 1994), p. 25. Nash, Nathaniel C., "Fugitive General Accuses Peruvian Army, Saying Officers Run Hit Squad," *New York Times* (New York: 12 May 1993), p. A10. Bowen, Sally, "Peru's President Faces Challenges on Rights Abuses," *Christian Science Monitor* (Boston: 18 May 1993), p. 1.

^{194/} U.S. Department of State, "Peru," *Country Reports on Human Rights Practices for 1993* (Washington, D.C.: U.S. Government Printing Office, February 1994), p. 531. "Army Officers' Trials to Test Democracy in Peru," *New York Times* (New York: 12 January 1994). Nash, Nathaniel C., "Fugitive General Accuses Peruvian Army, Saying Officers Run Hit Squad," *New York Times* (New York: 12 May 1993), p. A10. Bowen, Sally, "Peru's President Faces Challenges on Rights Abuses," *Christian Science Monitor* (Boston: 18 May 1993), p. 1.

All had been previously charged by the civilian judiciary.^{195/}

Under Peru's Constitution, the Supreme Court resolves jurisdictional disputes. In the past, the Court had ruled for military jurisdiction in such cases, and there was little reason to suspect that it would do otherwise since most members of the court had been selected as Fujimori loyalists following the *autogolpe*. As the Court's deliberations proceeded on the La Cantuta case, however, it appeared as though the case could end up before a civilian court. Unexpectedly, on February 6, 1994, the CCD bypassed all normal congressional procedures to enact law 26291, which reduced the votes necessary to resolve jurisdictional disputes and effectively insured that the case would be heard in a military court. Fujimori signed the law a few days later. The justification offered for the legislation was the protection of the human rights of the members of the military accused in the case. Peruvian Prime Minister Alfonso Bustamante resigned in protest over the enactment of the law.^{196/}

According to the Andean Commission of Jurists, law 26291 (or the *La Cantuta* law," as it became known) violates at least three articles of the new 1993 Constitution: article 139.2, which prohibits direct interference in judicial matters; article 103, which prohibits legislation from being applied retroactively; and article 139.4, which guarantees public processes for judicial procedures involving state employees or fundamental rights. The *La Cantuta* law eliminates public accountability by permitting secret votes to resolve jurisdictional conflicts. Despite these apparent illegalities, no legal recourse is available to contest the law. The Tribunal of Constitutional Guarantees, which heard such cases in the past, was suspended by Fujimori at the time of the *autogolpe*, and no new court has ever been installed.^{197/}

Within days of the passage of the *La Cantuta* law, the military court passed down a verdict against nine military personnel, with sentences ranging from four to twenty years. The military judge

^{195/} U.S. Department of State, "Peru," *Country Reports on Human Rights Practices for 1993* (Washington, D.C.: U.S. Government Printing Office, February 1994), p. 531. "Army Officers' Trials to Test Democracy in Peru," *New York Times* (New York: 12 January 1994). Von Hagen, Adriana, "Fujimori Bows to Peru's Army in Handing Over Rights Case," *Los Angeles Times* (Los Angeles: 18 February 1994), p. 4. "Remains are Those of Missing Students," *Reuters* (London: 1 December 1993) - as reported on NEXIS database. "Missing Students Haunt Peruvian Government," *Latinamerica Press* (2 December 1993), p. 1-2.

^{196/} Washington Office on Latin America, *After the Autogolpe: Human Rights in Peru and the U.S. Response* (Washington, D.C.: July 1994), p. 27. See also: Human Rights Watch, *Human Rights Watch World Report 1995* (New York: December 1994), p. 115. "Peru's Prime Minister Quits," *Washington Post* (Washington, D.C.: 17 February 1994), p. A36. Von Hagen, Adriana, "Fujimori Bows to Peru's Army in Handing Over Rights Case," *Los Angeles Times* (Los Angeles: 18 February 1994), p. 4. Bustamante was replaced by Foreign Minister Efraín Goldenberg.

^{197/} Washington Office on Latin America, *After the Autogolpe: Human Rights in Peru and the U.S. Response* (Washington, D.C.: July 1994), p. 27.

accepted jurisdiction for the case since the actions took place in the context of a counter-insurgency operation, but absolved both the military high command and the one General indicted of responsibility for actions carried out by subordinates, claiming that the group operated "on its own." As indicated earlier, there are reports that those convicted continue to receive full salaries and benefits and enjoy special privileges and lenient prison conditions.^{198/}

No case has been initiated in a military or civilian court regarding the cover-up that occurred. On the contrary, nine military personnel -- including three colonels and two lieutenants -- are under military investigation for leaking the information on the military operation that led to the La Cantuta killings.^{199/}

The unwillingness of any branch of the Peruvian government to exercise effective oversight of the military in the La Cantuta case illustrates the lack of independence of the Attorney General's Office, the judiciary, and Congress. Indeed, the contortion of the legislative process and the 1993 Constitution (in order to assure the ultimate transfer of the case to a military court) demonstrates the strength of military interests within the executive branch and over Congress and the judiciary. The government and military conducted an active campaign to cover up and discredit the facts of the case. According to the Washington Office on Latin America, "[t]he La Cantuta case [took] on great symbolic importance in measuring the Peruvian government's political will to rein in human rights violators, given the overwhelming evidence pointing to high-level military and intelligence services' involvement in that case." Following the promulgation of the special law giving a military court jurisdiction over the politically sensitive case, Alexander Watson, the U.S. Assistant Secretary of State for Inter-American Affairs, commented that President Fujimori's handling of the La Cantuta case constituted a "major setback" to efforts to end military impunity and foster judicial integrity in Peru. The Commission of International Jurists labeled the La Cantuta case Peru's most recent manifestation of "institutionalized impunity."^{200/}

^{198/} Washington Office on Latin America, *After the Autogolpe: Human Rights in Peru and the U.S. Response* (Washington, D.C.: July 1994), p. 26-7. Human Rights Watch, *Human Rights Watch World Report 1995* (New York: December 1994), p. 115-116.

^{199/} Washington Office on Latin America, *After the Autogolpe: Human Rights in Peru and the U.S. Response* (Washington, D.C.: July 1994), p. 27-8.

^{200/} Washington Office on Latin America, *WOLA Policy Recommendations for Peru*, Memo from George Vickers and Coletta Youngers to Dr. Richard Feinberg, Ambassador Alexander Watson and Mark Schneider (Washington, D.C.: 11 January 1994). Marquis, Christopher, "U.S. Denounces Peru's Decision to Try Rights Case in Private," *Miami Herald*

IV. HUMAN RIGHTS ABUSES

Governmental, intergovernmental and nongovernmental bodies have reported on and condemned human rights abuses in Peru committed by both government security forces and the armed opposition, *Sendero Luminoso* and the MRTA. The abuses fall into five main categories: (1) forced disappearance; (2) extrajudicial execution and assassination; (3) arbitrary arrest and detention, and kidnapping; (4) torture, including rape; and (5) forced enlistment in civil defense patrols and guerrilla units. The majority of abuses occur in the emergency zones. The number of the most violent forms of abuse has decreased since 1993.^{201/}

A. Abuses Committed by Government Security Forces

1. Forced Disappearances

The UN Working Group on Enforced or Involuntary Disappearances considers a disappearance to have occurred when:

a clearly identified person is detained against his will by officials of any branch or level of government or by organized groups or private individuals allegedly acting on behalf or with the support, permission or acquiescence of the government. These forces then conceal the whereabouts of that person or refuse to disclose his fate or to acknowledge that the person was detained.^{202/}

Disappearance victims are frequently tortured and killed.

(Miami: 12 February 1994), p. 25A. Commission of International Jurists on the Administration of Justice in Peru, *Press Statement of the Commission of International Jurists and Executive Summary of its Report* (Washington, D.C.: 31 March 1994), p. 11.

^{201/} U.S. Department of State, "Peru," *Country Reports on Human Rights Practices for 1994* (Washington, D.C.: U.S. Government Printing Office, February 1995), p. 481. Human Rights Watch, *Human Rights Watch World Report 1995* (New York: December 1994), p. 114-117. Amnesty International, *Peru: Amnesty International's Concerns about Torture and Ill-Treatment* (London: AMR 46/19/94, November 1994), p. 1, 17.

Organization of American States, Inter-American Commission on Human Rights, "Peru," *Annual Report of the Inter-American Commission on Human Rights 1993* (Washington, D.C.: OEA/Ser.L/V/II.85, Doc. 9 rev, 11 February 1994), p. 478-479.

^{202/} Working Group on Enforced or Involuntary Disappearances, *Report of the Working Group on Enforced or Involuntary Disappearances* (Geneva: UN Commission on Human Rights, E/CN.4/1988/19, 1988), p. 5. The practice of covert detention and execution of persons as a deliberate policy of governments first gained international attention in Guatemala in the 1960s and then in Chile and Argentina in the 1970s. Livermore, J. Daniel; Ramcharan, B.G., "Enforced or Involuntary Disappearances: An Evaluation of a Decade of United Nations Action," *Canadian Human Rights Yearbook* (Vol. 6, 1989-90), p. 217, 218.

The Peruvian government is accused of being responsible for thousands of disappearances since it began its counter-insurgency operations. The UN Working Group on Disappearances has received information on approximately 2,640 specific cases of disappearance linked to the Peruvian security forces between 1982 and 1992. The CNDH estimates 2,957 unresolved disappearances over the same period. Americas Watch cites 4,200 unresolved disappearances from 1980 to 1993.^{203/}

Most disappearances have occurred in the rural emergency zones. The victims are predominantly peasants. More than 150 children have been disappeared. Some individuals have disappeared after being formally detained by authorities.^{204/}

Disappearances first occurred in Peru after the security forces were deployed in the emergency zones to combat *Sendero Luminosa*.^{205/} In 1984, the District Attorney's Office in Ayacucho reported that 1,500 people had been reported missing by relatives. Later that year it was reported that disappearances in Peru were increasing at a faster rate than in any other Latin American country. Americas Watch reported that over 1,600 disappearance cases had been recorded in Peru between 1983 and 1986. When President Belaúnde left office in July 1985, the Washington Office on Latin America reported that approximately 660 disappearances occurred annually in Peru. After a decrease in the first two years of the García administration, the disappearance rate rose again in 1987.^{206/}

After gaining the infamous distinction of being the country with the highest number of

^{203/} British Broadcasting Corporation, *Summary of World Broadcasts* (10 August 1993). Americas Watch, *Peru Under Fire: Human Rights since the Return to Democracy* (New Haven and London: Yale University Press, 1992). Working Group on Enforced or Involuntary Disappearances, *Report of the Working Group on Enforced or Involuntary Disappearances* (Geneva: UN Commission on Human Rights, E/CN.4/1993/25, 7 January 1993), p. 92. U.S. Department of State, "Peru," *Country Reports on Human Rights Practices for 1993* (Washington, D.C.: U.S. Government Printing Office, February 1994), p. 532. Human Rights Watch, *Human Rights Watch World Report 1994* (New York: December 1993), p. 127.

^{204/} Working Group on Enforced or Involuntary Disappearances, *Report of the Working Group on Enforced or Involuntary Disappearances* (Geneva: UN Commission on Human Rights, E/CN.4/1993/25, 7 January 1993), p. 92. Gonzales-Lara, Jorge, "Niños Desaparecidos en el Perú," *Informativo* (No. 12-13, 1991), p. 9-12.

^{205/} Amnesty International, *Violations of Human Rights in the Emergency Zones* (London: AMR 46/25/88, August 1988). No cases of disappearance were reported in Peru during the first two years of *Sendero's* military activities. Díaz Canseco, Javier, "The Situation of Human Rights in Peru," *Peru Solidarity* (May 1982).

^{206/} ECO-Andes, *A Call To Action* (February 1984). ECO-Andes, *Human Rights Week* (10 December 1984). Americas Watch, *Human Rights in Peru: After President García's First Year* (New York: Human Rights Watch, September 1986), p. 16. Americas Watch, *A Certain Passivity: Failing to Curb Human Rights Abuses in Peru* (New York: Human Rights Watch, December 1987). Amnesty International, *Violations of Human Rights in the Emergency Zones* (London: AMR 46/25/88, August 1988).

disappearances worldwide from 1987 to 1989, the annual rate overall in Peru began to decrease in 1992.^{207/} Disappearances dropped substantially in 1993 and still further in 1994.^{208/} One Peruvian human rights organization reported that after 556 disappearances in the first three years of the Fujimori administration, only 58 had been recorded in the first eight months of 1993.^{209/} The CNDH reported 24 disappearances during the first seven months of 1993, down from 150 during the same period in 1992.^{210/} However, the numbers for 1993 turned out to be higher than initially reported. According to the U.S. Department of State, the number of recorded disappearances rose when provincial human rights prosecutors based in the cities of Huánuco and Huancayo reported their findings to the Attorney General. Based on the new figures, the CNDH concluded that the numbers of unresolved cases may have been as many as 168 in 1993. For 1994, the *Coordinadora* registered only 25 disappearances attributable to the security forces." Human Rights Watch/Americas, which reported 168 cases of "disappearance" in 1993, identified only eight cases in the first eight months of 1994. According to the U.S. Department of State, disappearances were more difficult to track in 1994 because the Public Ministry human rights offices were closed for most of the year.^{211/}

Despite the significant reduction, the phenomenon of disappearance persists. According to the Public Ministry, the proportion of disappearances in Lima dramatically increased following Fujimori's self-coup, from 3 per cent of all disappearances in 1991 to 15 per cent in 1992. Amnesty International

^{207/} According to the CNDH, there were 246 disappearances reported in 1990, 301 in 1991, and 176 in 1992. Most occurred in the first nine months of each year, with a sharp drop off in the last quarter. Instituto de Defensa Legal, *Ideéle* (Lima: No. 48, March 1993), p. 28.

^{208/} In 1993, there were 75, according to "Army Officers' Trials to Test Democracy in Peru," *New York Times* (New York: 12 January 1994). U.S. Department of State, "Peru," *Country Reports on Human Rights Practices for 1994* (Washington, D.C.: U.S. Government Printing Office, February 1995), p. 482.

^{209/} Inter-Church Committee on Human Rights in Latin America, *Systematic Violations and a New Legal Order: Human Rights in Peru* (Toronto: December 1993), p. 26. Bowen, Sally, "Survey of Peru," *The Financial Times* (London: 27 September 1993).

^{210/} Most of these cases (seventeen) occurred in the department of Ucayali, where the Peruvian Navy's Marine detachments had been trying to control the zone. Coordinadora Nacional de Derechos Humanos, "A pesar de la disminución, continúan produciéndose desapariciones forzadas de personas en el país," *Nota de Prensa* (Lima: 3 August 1993).

^{211/} U.S. State Department, "Peru," *Country Reports on Human Rights Practices for 1994* (Washington, D.C.: U.S. Government Printing Office, February 1995), p. 483. British Broadcasting Corporation, *Summary of World Broadcasts* (London: 10 August 1993). Human Rights Watch, *Human Rights Watch World Report 1995* (New York: December 1994), p. 115. "Army Officers' Trials to Test Democracy in Peru," *New York Times* (New York: 12 January 1994).

reported that the departments of Huánuco and San Martín have also suffered high numbers of disappearances since the Fujimori self-coup. Many of these abuses were reported to have been carried out by soldiers stationed at the Mariscal Cáceres military base in the town of Tarapoto.^{212/}

More than 36 students from the *Universidad Nacional del Centro* (National University of Central Peru), in Huancayo, Junín have disappeared since July 1992.^{213/} The students have been abducted by armed masked men, frequently in broad daylight. Twenty-two of the students have been found dead, with many bodies bearing signs of torture.^{214/}

Under the post-coup Fujimori regime that gives the military broad power to detain and convict suspected terrorists, there has been a trend away from disappearances towards arbitrary arrests and prolonged detention.^{215/}

2. Extrajudicial Executions

Both the government security forces and the guerrilla groups *Sendero Luminoso* and the MRTA, have killed noncombatants. Most killings attributed to the security forces have occurred in emergency zones. Where the level of conflict has been the highest, civilians suspected of being subversives or of being affiliated with the guerrillas have been targeted for extrajudicial execution by both the military and the *rondas campesinas*.^{216/}

The first reports of extrajudicial executions by the Peruvian security forces coincided with the first reported disappearances in 1983. Amnesty International reported that the military killed hundreds of civilians during the Belaúnde administration. The rate of extrajudicial executions decreased briefly

^{212/} Instituto de Defensa Legal, *Ideéle* (Lima: No. 48, March 1993), p. 28. Amnesty International, *Peru: Human Rights since the Suspension of Constitutional Government* (London: AMR 46/13/93, May 1993), p. 19.

^{213/} Human Rights Watch, *Human Rights Watch World Report 1994* (New York: December 1993), p. 127. Amnesty International, *Peru: Human Rights since the Suspension of Constitutional Government* (London: AMR 46/13/93, May 1993), p. 22.

^{214/} U.S. Department of State, "Peru," *Country Reports on Human Rights Practices for 1993* (Washington, D.C.: U.S. Government Printing Office, February 1994), p. 532.

^{215/} For additional information, see Section IV.A.3., Arbitrary Arrests and Prolonged Detention, below.

^{216/} U.S. Department of State, "Peru," *Country Reports on Human Rights Practices for 1994* (Washington, D.C.: U.S. Government Printing Office, February 1995), p. 482. U.S. Department of State, "Peru," *Country Reports on Human Rights Practices for 1993* (Washington, D.C.: U.S. Government Printing Office, February 1994), p. 531. U.S. Department of State, "Peru," *Country Reports on Human Rights Practices for 1992* (Washington, D.C.: U.S. Government Printing Office, February 1993), p. 473, 474.

in 1985, but then increased along with disappearances under García.^{217/} In 1988, Americas Watch concluded that "while indiscriminate killings are not necessarily being used by the Peruvian government as a tactical weapon of counter-insurgency, the fate of many of the disappeared is to be killed by their captors."^{218/}

With the success of the government's counter-insurgency campaign and the decline of guerrilla activity, the extent of extrajudicial executions by the security forces has declined substantially. The CNDH estimated that the security forces *androndas* were responsible for 41 extrajudicial executions in 1993, down from 114 cases in 1992. The number increased again in 1994 partly due to a military sweep in Huánuco department in April, but remained less than in the years prior to 1993.^{219/}

Despite the reduction in such politically motivated violence, a series of massacres committed by the security forces demonstrates that extrajudicial executions continue to be a by-product of the military's counter-insurgency strategy. The government's failure to prosecute the perpetrators in these cases illustrates the official subordination of human rights to military objectives. Amnesty International has documented eighteen separate massacres attributed to government forces between 1983 and early 1993 in which a total of 500 people were killed. Eight of these occurred during the Fujimori administration.^{220/}

- In April 1994, the army mounted a large-scale action, "Operation Aries," near **Tingo María**, Huánuco. The affected region is a declared emergency zone where *Sendero* is active. When the operation concluded, according to newspaper accounts, the CNDH accused government security forces of killing 71 peasants in the villages of **Ganadería**, **Moena**, **Molluna** and **Cayumba Chico** in the **Leoncio Prado** province, during their counter-insurgency operations. The U.S. Department of State reported that the "*Coordinadora* decided to list only 25 persons as victims of the army operation -- the only

^{217/} U.S. Department of State, "Peru," *Country Reports on Human Rights Practices for 1988* (Washington, D.C.: U.S. Government Printing Office, February 1989), p. 681-685. Amnesty International, *Violations of Human Rights in the Emergency Zones* (London: AMR 46/25/88, August 1988), p. 1, 9.

^{218/} Americas Watch, *Tolerating Abuses: Violations of Human Rights in Peru* (New York: Human Rights Watch, October 1988), p. 48-51.

^{219/} U.S. Department of State, "Peru," *Country Reports on Human Rights Practices for 1994* (Washington, D.C.: U.S. Government Printing Office, February 1995), p. 482. U.S. Department of State, "Peru," *Country Reports on Human Rights Practices for 1993* (Washington, D.C.: U.S. Government Printing Office, February 1994), p. 531. The CNDH reported 99 in 1991 and 82 in 1990. Instituto de Defensa Legal, *Ideéle* (Lima: No. 48, March 1993), p. 28.

^{220/} Amnesty International, *Peru: Army Seeks a Cover-Up of Summary Killings* (London: AMR 46/12/93, April 1993), p. 4.

ones who could be identified by name, based on eyewitness reports and identified remains." According to the Department of State, the CNDH, and Peruvian Congressman **Roger Cáceres**, soldiers raped women, burned homes, and bombed and machine-gunned villages from helicopters. The dead included elderly persons and a two-year-old child. Fifteen soldiers were reported to have gang-raped and killed a thirteen year old girl named **Lourdes** on April 8. The woman who testified about this incident also told the CNDH that soldiers knifed her husband to death and beheaded him. She said six others were also murdered.^{221/}

- In September 1993, witnesses claimed police detained 17-year-old **Jessica Chávez** and her uncle, **Javier Cruz**, while they were leaving a barbecue in the north coast city of **Trujillo**. The following morning, police brought their bodies to the morgue, claiming the two were terrorists killed in a police shoot-out. Jessica's mother claimed there were clear signs of torture on both corpses, which the autopsy report failed to mention.^{222/}
- On July 18, 1992, nine students and a professor were abducted from the **La Cantuta** teacher's college and executed at a Peruvian Army firing range. On February 21, 1994, a military court found 9 army officials guilty of the La Cantuta killings. Those convicted were part of a death squad formed in 1991 by the SIN to combat *Sendero* in Lima that has been linked to numerous other atrocities and deaths.^{223/}
- On May 14, 1988, twenty-nine people, including elderly persons and infants, were killed by a military unit in the village of **Cayara**, Ayacucho. Several villagers apprehended by the military, as well as a number of surviving witnesses, subsequently disappeared. **Carlos Escobar**, the special prosecutor appointed to investigate the massacre, was fired from his post in August 1989. Escobar continued to work on behalf of the surviving witnesses until the principal remaining witness was killed and Escobar himself received threats against his

^{221/} U.S. Department of State, "Peru," *Country Reports on Human Rights Practices for 1994* (Washington, D.C.: U.S. Government Printing Office, February 1995). Human Rights Watch, *Human Rights Watch World Report 1995* (New York: December 1994), p. 115. "Access is Sought to Site of Alleged Peruvian Abuses," *Miami Herald* (Miami: 28 April 1994), p. 18A. "Peru's Army Accused of Killings, Torture," *Chicago Tribune* (Chicago: 22 April 1994), p. 17. "Peru's Army Accused of Atrocities," *San Francisco Chronicle* (San Francisco: 21 April 1994), p. A14. "Peru's Army Says it Killed 14 Rebels but Denies Harming Nearby Towns," *Miami Herald* (Miami: 21 April 1994), p. 15A.

^{222/} U.S. Department of State, "Peru," *Country Reports on Human Rights Practices for 1993* (Washington, D.C.: U.S. Government Printing Office, February 1994), p. 531.

^{223/} U.S. Department of State, "Peru," *Country Reports on Human Rights Practices for 1993* (Washington, D.C.: U.S. Government Printing Office, February 1994), p. 531. Washington Office on Latin America, *After the Autogolpe: Human Rights in Peru and the U.S. Response* (Washington, D.C.: July 1994), p. 26. Americas Watch, *Peru: Anatomy of a Cover-Up, the Disappearances at La Cantuta* (New York: Human Rights Watch, September 1993). Speck, Mary, "Swift Military-Court Trial Seen as Cover-Up in Peru," *Miami Herald* (Miami: 18 March 1994), p. 18A. "Army Officers' Trials to Test Democracy in Peru," *New York Times* (New York: 12 January 1994). For a detailed description of the La Cantuta killings and subsequent attempts to bring the perpetrators to justice, see Section III.E.2., The Absence of Judicial Protection, above.

life. Escobar sought political asylum in the United States in November 1989.^{224/}

3. Arbitrary Arrests and Prolonged Detention

The rule of law has been a casualty of political violence in Peru. The broad power given the security forces to combat terrorism has resulted in arbitrary detentions and summary trials. Many of the legal safeguards that existed to protect innocent detainees have been removed by Fujimori since the coup. According to Human Rights Watch/Americas, "though the number of disappearances fell in 1994, the number of arbitrary detentions skyrocketed."^{225/}

The U.S. Department of State reported that 80 per cent of the Peruvian prison population, or 16,000 of the 20,000 prisoners, consists of detainees awaiting trial. In 1994, nearly 5,000 political prisoners were being held in Peru.^{226/} According to Human Rights Watch/Americas, "in the twenty months after the terrorism and treason laws were implemented in mid-1992, 7,667 people were arrested."^{227/} If past history is any indication, at a minimum one-third of the political prisoners currently in detention are innocent of the charges that will be brought against them.^{228/}

The CNDH reports that anti-terrorism laws have led to an alarming number of arbitrary arrests and that these laws constitute a source of permanent human rights violations. According to the U.S. Department of State, in 1993:

many people were arrested and convicted for terrorism without due process and without provisional liberty in cases in which evidence against them was lacking; police

^{224/} Amnesty International, *Peru: Human Rights in a State of Emergency* (London: August 1989). Washington Office on Latin America, *Latin American Update* (Washington, D.C.: Vol. 13, No. 3, June 1988), p. 3. Washington Office on Latin America, *Latin American Update* (Washington, D.C.: Vol. 13, No. 4, July-August 1988), p. 5. Burt, Jo-Marie; Panfichi, Aldo, *Peru: Caught in the Crossfire* (Jefferson City, MO: Peru Peace Network USA, 1992), p. 31. Americas Watch, *In Desperate Straits: Human Rights in Peru after a Decade of Democracy and Insurgency* (New York: Human Rights Watch, August 1990), p. 92.

^{225/} Human Rights Watch, *Human Rights Watch World Report 1995* (New York: December 1994), p. 116.

^{226/} U.S. Department of State, "Peru," *Country Reports on Human Rights Practices for 1994* (Washington, D.C.: U.S. Government Printing Office, February 1995), p. 485.

^{227/} Inter-Church Committee on Human Rights in Latin America, *Systematic Violations and a New Legal Order: Human Rights in Peru* (Toronto: December 1993), p. 23. Human Rights Watch, *Human Rights Watch World Report 1995* (New York: December 1994), p. 116.

^{228/} *Memo from George Vickers and Coletta Youngers, Washington Office on Latin America, to Dr. Richard Feinberg, Ambassador Alexander Watson, and Mark Schneider, U.S. Department of State* (Washington, D.C.: 11 January 1994), p. 2.

or judicial errors kept innocent people in jail for lengthy periods. In some military trials, lack of due process and procedural errors led to defendants being given lengthy prison sentences under questionable circumstances.^{229/}

Journalists, human rights defenders, lawyers, political activists, academics, environmentalists, doctors, and common citizens with no links to the armed opposition in Peru have been detained and charged with terrorism-related offenses. The CNDH received 87 reports of arbitrary arrest in 1993, of which only 20 cases have been resolved.^{230/}

- **Antero Peña Peña**, a peasant leader from the department of Piura, was detained on May 27, 1993, by soldiers who claimed to have found a subversive leaflet in his home. Police tortured Peña over the course of four days. Although the public prosecutor found no merit to the case, Peña remained imprisoned for more than six months.^{231/}
- **Juan Carlos Chuchón Zea** and **Pelagia Salcedo Pizarro** settled in Lima in 1982 after fleeing their Ayacucho village because of threats from *Sendero*. On December 11, 1992, police broke into their house. Without the prosecutor required by law to be present, police beat the couple, forcing Salcedo to sign a declaration admitting that weapons planted in the home by the police were theirs. Chuchón refused to sign until he was taken to DINCOTE headquarters and tortured with blows, electric shocks to the genitals, and death threats. Chuchón stated that before concluding their report, DINCOTE agents offered to let him go in exchange for money. Despite illegalities and the documented use of torture in the case, the couple was sentenced to thirty years in prison.^{232/}
- **Darnilda Pardavé Trujillo** was arrested in October 1992 when she tried to leave the country; she did not know that there was an arrest warrant out for her. Although her late sister had been a high-ranking member of *Sendero Luminoso*, there was no evidence that Darnilda Pardavé ever belonged to the organization; police interrogation and a search of her house turned up nothing. Pardavé was declared innocent by the district attorney and a lower court judge, and the superior court prosecutor. Nevertheless, she was not released

^{229/} U.S. Department of State, "Peru," *Country Reports on Human Rights Practices for 1993* (Washington, D.C.: U.S. Government Printing Office, February 1994), p. 530.

^{230/} Human Rights Watch/Americas, *Human Rights in Peru One Year after Fujimori's Coup* (New York: April 1993), p. 22-35. Amnesty International, *Peru: Human Rights since the Suspension of Constitutional Government* (London: AMR 46/13/93, May 1993), p. 13. EFE News Agency (Madrid: 13 January 1994) cited in *BBC Summary of World Broadcasts* (15 January 1994). For additional information on specific groups at risk, see Section V., Groups at Risk, below.

^{231/} Coordinadora Nacional de Derechos Humanos, *En Nombre de los Inocentes* (Lima: October 1993), p. 104-105.

^{232/} Human Rights Watch, *Human Rights Watch World Report 1995* (New York: December 1994), p. 116, 117.

until October 29, 1993, over a year after she was first arrested.^{233/}

- **Magno Sosa Rojas**, Ayacucho correspondent for *La República*, was arrested on September 5, 1992 on charges of terrorism and imprisoned for five months before being released for insufficient evidence. Sosa was detained upon his return to Peru after receiving a human rights award from PEN Club International (a worldwide association of writers). A letter to *Sendero* leaders allegedly typed by Sosa was not turned over to the court by the police until two months after his arrest. Following his release, Sosa left the country for Venezuela.^{234/}
- Human rights monitor and writer on political violence, **José Manuel Ramírez García**, was detained on August 17, 1992 by police in Cuzco for having *Sendero* literature in his home. Ramírez was tried and released on December 22, 1992.^{235/}

4. Torture

The problems associated with escalating rates of arbitrary arrest and detention are seriously compounded by the widespread practice of torture of detainees employed by the military and police in Peru. Common methods of torture include electric shocks, water torture, asphyxiation, and being hung on a hook from a rope attached to hands tied behind the back. Methods of psychological torture include sleep deprivation, taunting, and death threats against the victim and the victim's family members. Cases in which members of the security forces have raped detainees have also been well documented.^{236/}

^{233/} U.S. Department of State, "Peru," *Country Reports on Human Rights Practices for 1993* (Washington, D.C.: U.S. Government Printing Office, February 1994), p. 534. Washington Office on Latin America, *After the Autogolpe: Human Rights in Peru and the U.S. Response* (Washington, D.C.: July 1994), p. 20.

^{234/} Coordinadora Nacional de Derechos Humanos, *En Nombre de los Inocentes* (Lima: October 1993), p. 77-78. U.S. Department of State, "Peru," *Country Reports on Human Rights Practices for 1993* (Washington, D.C.: U.S. Government Printing Office, February 1994), p. 536. Americas Watch, *Human Rights in Peru One Year after Fujimori's Coup* (New York: Human Rights Watch, April 1993), p. 24. Amnesty International, *Peru: Human Rights since the Suspension of Constitutional Government* (London: AMR 46/13/93, May 1993), p. 31. U.S. Department of State, *Country Reports on Human Rights Practices for 1992* (Washington, D.C.: U.S. Government Printing Office, February 1993), p. 479.

^{235/} Coordinadora Nacional de Derechos Humanos, *En Nombre de los Inocentes* (Lima: October 1993), p. 95-97. U.S. Department of State, "Peru," *Country Reports on Human Rights Practices for 1992* (Washington, D.C.: U.S. Government Printing Office, February 1993), p. 481. Americas Watch, *Human Rights in Peru One Year after Fujimori's Coup* (New York: Human Rights Watch, April 1993), p. 3.

^{236/} U.S. Department of State, "Peru," *Country Reports on Human Rights Practices for 1994* (Washington, D.C.: U.S. Government Printing Office, February 1995), p. 484. U.S. Department of State, "Peru," *Country Reports on Human Rights Practices for 1993* (Washington, D.C.: U.S. Government Printing Office, February 1994), p. 532-533. Amnesty

Torture has been common in Peru throughout the counter-insurgency against Sendero, particularly in, but by no means limited to, the emergency zones. Suspected guerrillas held by government security forces are routinely tortured at military detention centers. In 1982, a member of the CCD acknowledged evidence of torture in police interrogations. In 1988, Americas Watch reported that torture was regularly used against the disappeared. The CNDH documented 70 cases of torture in 1992.^{237/}

The United Nations Special Rapporteur on Torture reported in 1993:

Torture was used by the army and police as a tool in interrogations and as a punishment. Members of Indian communities were subjected to torture in military installations in the areas under a state of emergency. In towns, suspected criminals, suspected members of armed opposition groups, trade unionists, students and other activists were subjected to torture...In the areas where a state of emergency was in effect the military frequently resorted to rape [as a form of torture].^{238/}

- In September 1994, **María Elena Foronda**, an environmentalist detained on suspicion of terrorism, reportedly was beaten and subjected to psychological torture in an attempt to force her to confess that she was a terrorist.^{239/}
- In March 1994, five grassroots leaders were detained, beaten, and/or tortured. They were all released by the end of July, but Amnesty International considered their case unresolved.^{240/}

International, *Peru: Amnesty International's Concerns about Torture and Ill-Treatment* (London: AMR 46/19/94, November 1994), p. 1-6.

^{237/} U.S. Department of State, "Peru," *Country Reports on Human Rights Practices for 1993* (Washington, D.C.: U.S. Government Printing Office, February 1994), p. 532. Díaz Canseco, Javier, "The Situation of Human Rights in Peru," *Peru Solidarity* (May 1982). Americas Watch, *Tolerating Abuses: Violations of Human Rights in Peru* (New York: Human Rights Watch, October 1988), p. 43. U.S. Department of State, "Peru," *Country Reports on Human Rights Practices for 1988* (Washington, D.C.: U.S. Government Printing Office, February 1989). Amnesty International, *Peru: Violations of Human Rights in the Emergency Zones* (London: AMR 46/25/88, August 1988), p. 18-21. Lawyer's Committee for Human Rights, *Comments on the Peruvian Government's Report to the UN Human Rights Committee* (New York: April 1983). Americas Watch, *Human Rights in Peru: One Year after Fujimori's Coup* (New York: Human Rights Watch, April 1993), p. 9.

^{238/} United Nations Special Rapporteur on Torture, *Report of the United Nations Special Rapporteur on Torture* (Geneva: U.N. Commission on Human Rights, E/CN.4/1993/26, 1993).

^{239/} U.S. Department of State, "Peru," *Country Reports on Human Rights Practice for 1994* (Washington, D.C.: U.S. Government Printing Office, February 1995), p. 483.

^{240/} Amnesty International, *Peru: Amnesty International's Concerns About Torture and Ill-Treatment* (London: AMR 46/19/94, November 1994), p. 32-33.

- **Rafael Flores Vela**, a sixteen-year-old, claimed that, during detention in **Tarapoto** on suspicion of terrorism on September 13, 1993, police beat him with an iron bar for five hours during interrogation. The police spent the next five days, Flores charged, trying to heal his wounds with anti-inflammatory drugs. They then released him without charges. Flores had to be hospitalized immediately thereafter because both his shoulders were broken.^{241/}
- On March 16, 1993, the military acknowledged that two peasants who had been detained at the **Angamarca** military base in **Santiago de Chuco** province, La Libertad department, had died as a result of ill-treatment.^{242/}
- Four army officers jailed following the November 1992 coup plot have claimed that they were tortured in the SIN headquarters and that **Vladimiro Montesinos** participated in their torture, which was employed to coerce them to implicate opposition political and military figures in the coup plot.^{243/}

a. Rape as Torture in Peru

The rape and sexual abuse of detainees in emergency zones is a common practice of the security forces.^{244/} As Amnesty International reported in 1993:

Sexual abuse by soldiers has become common in the emergency zones: there have been many reports of soldiers having tortured women and young girls by raping them, sometimes repeatedly, in peasant communities or when detained in military bases. Many of those subsequently released were threatened with death if they reported their

^{241/} U.S. Department of State, "Peru," *Country Reports on Human Rights Practices for 1993* (Washington, D.C.: U.S. Government Printing Office, February 1994), p. 533.

^{242/} Amnesty International, *Peru: Human Rights since the Suspension of Constitutional Government* (London: AMR 46/13/93, May 1993), p. 26.

^{243/} Americas Watch, *Human Rights in Peru: One Year after Fujimori's Coup* (New York: Human Rights Watch, April 1993), p. 9-10.

^{244/} U.S. Department of State, "Peru," *Country Reports on Human Rights Practices for 1994* (Washington, D.C.: U.S. Government Printing Office, February 1995), p. 484. U.S. Department of State, "Peru," *Country Reports on Human Rights Practices for 1993* (Washington, D.C.: U.S. Government Printing Office, February 1994), p. 530, 533. Kirk, Robin, *To Build Anew: An Update on Peru's Internally Displaced People* (Washington, D.C.: U.S. Committee for Refugees, October 1993), p. 5. "Women Raped by Both Army and Rebels in Peru," *Agence-France Presse* (Paris: 7 January 1993) - as reported on NEXIS database. International League for Human Rights, *Peru: Human Rights under States of Emergency* (New York: March 1992). Gonzales-Lara, Jorge, *Human Rights Violations in Peru against Women* (1992). Americas Watch, *Untold Terror: Violence against Women in Peru's Armed Conflict* (New York: Human Rights Watch, December 1992). Amnesty International, *Peru: Human Rights in a Climate of Terror* (London: AMR 46/56/91, November 1991).

experiences to the authorities.^{245/}

Family members of suspected guerrillas are also frequent victims. Rapes go unreported for fear of further retribution by the security forces. There are no known cases in which a member of the security forces has been punished for rape.^{246/}

Following the alleged army indiscriminate killings of civilians in Molluna and Moena in April [1994], survivors claimed to have witnessed army personnel committing numerous rapes of local women and girls...According to eyewitnesses, on September 22, security forces raided the village of Paraíso in San Martín department and raped a woman and a 14-year-old girl...the lieutenant who conducted the raid reportedly admitted that he ordered the rapes, but he has not been charged in this crime.^{247/}

- In January 1993, **María de la Cruz Pari**, detained by police on terrorism charges, was taken to a beach at night and raped during the 15-day interrogation period. Forty members of DINCOTE have been implicated. When de la Cruz discovered she was pregnant, police claimed that her cousin, also accused of terrorism, was responsible. However, highly credible sources corroborated de la Cruz's story, and the initiation of pregnancy coincided with the period of her detention.^{248/}
- An army lieutenant and six soldiers raped 14-year-old **Froyli Mori Vela** in 1992 after searching the house in which she and her parents were staying.^{249/}
- **Raquel Martín Castillo de Mejía**, who was raped by soldiers in 1989, has submitted her case to the Inter-American Commission of Human Rights.^{250/}

^{245/} Amnesty International, *Peru: Human Rights since the Suspension of Constitutional Government* (London: AMR 46/13/93, May 1993), p. 25.

^{246/} U.S. Department of State, "Peru," *Country Reports on Human Rights Practices for 1993* (Washington, D.C.: U.S. Government Printing Office, February 1994), p. 533.

^{247/} U.S. Department of State, "Peru," *Country Reports on Human Rights Practices for 1994* (Washington, D.C.: U.S. Government Printing Office, February 1995), p. 484.

^{248/} U.S. Department of State, "Peru," *Country Reports on Human Rights Practices for 1993* (Washington, D.C.: U.S. Government Printing Office, February 1994), p. 533.

^{249/} U.S. Department of State, "Peru," *Country Reports on Human Rights Practices for 1992* (Washington, D.C.: U.S. Government Printing Office, February 1993), p. 475.

^{250/} Americas Watch, *Human Rights in Peru: One Year after Fujimori's Coup* (New York: Human Rights Watch, April 1993), p. 23.

b. Prison Conditions

Prison conditions in Peru are appalling and have been the focus of international concern. The government restricted the access of the International Committee of the Red Cross (ICRC) to all prisons administered by the Ministry of Justice between September 1992 and February 1993. Again in April 1994, authorities prevented the ICRC from conducting its work in the Upper Huallaga, where gross human rights violations were reported during the same period. Prisoners are subjected to beatings, torture, unsanitary facilities, poor nutrition, and poor health care. Moreover, the government has a history of brutally repressing prisoner uprisings in prisons where alleged terrorists are held. Though some improvements were made in prison conditions in 1994, the U.S. Department of State reported that prisoners claim that they continue to be subjected to beatings, torture, and degrading treatment.^{251/}

On May 6, 1992, when female inmates resisting transfer were aided by male prisoners, security forces launched an operation to regain control over two wings of the **Miguel Castro Castro Prison** in Lima. At that time, the prison housed approximately 530 inmates linked to *Sendero Luminoso*. The assault left two policemen and 42 inmates dead. Surviving inmates claim that at least 10 of the victims were deliberately killed after surrendering.^{252/}

5. Forced Participation in Civil Defense Patrols

The military has often coerced peasant participation in civil defense patrols (*condas*), in some cases forcing peasants to take part at gunpoint. While the government has insisted that the *condas* are traditional organizations in the countryside, a significant number have been created by the Peruvian

^{251/} U.S. Department of State, "Peru," *Country Reports on Human Rights Practices for 1994* (Washington, D.C.: U.S. Government Printing Office, February 1995), p. 484. Amnesty International, *Peru: Amnesty International's Concerns about Torture and Ill-Treatment* (London: AMR 46/19/94, November 1994), p. 9. U.S. Department of State, "Peru," *Country Reports on Human Rights Practices for 1993* (Washington, D.C.: U.S. Government Printing Office, February 1994), p. 533. U.S. Department of State, "Peru," *Country Reports on Human Rights Practices for 1992* (Washington, D.C.: U.S. Government Printing Office, February 1993), p. 475. Inter-Church Committee on Human Rights in Latin America, *Systematic Violations and a New Legal Order: Human Rights in Peru* (Toronto: December 1993), p. 25-26. Organization of American States, Inter-American Court of Human Rights, "Peruvian Prisons Case," *1992 Annual Report* (Washington, D.C.: OAS/Ser.L/V/III.27, 25 January 1993), p. 26, 27.

^{252/} International League for Human Rights, *Peru: Human Rights under States of Emergency* (New York: March 1992), p. 7. Organization of American States, Inter-American Commission on Human Rights, *Report on the Situation of Human Rights in Peru* (Washington, D.C.: OEA/Ser.L/V/II.83, Doc. 31, 12 March 1993), p. 94.

armed forces as part of the government's counter-insurgency strategy.^{253/}

B. Abuses Committed by Guerrilla Forces

1. Assassinations

Sendero Luminoso and the MRTA have employed assassinations to eliminate perceived opponents. In 1993, *Sendero* was responsible for 516 assassinations of noncombatants and the killing of another 38 persons in bomb attacks. In 1994, as government forces captured more *Sendero* leaders, the number of killings by the armed group declined to 215. Eighty per cent of *Sendero's* victims have been civilians. The MRTA committed 24 political assassinations in 1993 and 22 in 1994. Both armed groups were responsible for bomb attacks in 1993 and 1994.^{254/}

- In June 1994, *Sendero* militants killed **David Chacaliza García**, a long-time activist in the Lima shantytown of **Huaycán**.^{255/}
- Between September 4 and 6, 1993, a *Sendero* column killed 25 civilians -- many of them *ronda* members -- and two policeman in several towns in Huánuco department.^{256/}
- More than a dozen candidates were killed by *Sendero* in the days before municipal elections in January 1993. **Humberto Pantigoso**, a municipal candidate in the Lima shantytown of **Villa El Salvador**, was killed with his wife in front of several of their eleven children.^{257/}

^{253/} U.S. Department of State, "Peru," *Country Reports on Human Rights Practices for 1994* (Washington, D.C.: U.S. Government Printing Office, February 1995), p. 488. U.S. Department of State, "Peru," *Country Reports on Human Rights Practices for 1993* (Washington, D.C.: U.S. Government Printing Office, February 1994), p. 535. Kirk, Robin, *To Build Anew: An Update on Peru's Internally Displaced People* (Washington, D.C.: U.S. Committee for Refugees, October 1993), p. 5-6.

^{254/} U.S. Department of State, "Peru," *Country Reports on Human Rights Practices for 1994* (Washington, D.C.: U.S. Government Printing Office, February 1995), p. 482. U.S. Department of State, "Peru," *Country Reports on Human Rights Practices for 1993* (Washington, D.C.: U.S. Government Printing Office, February 1994), p. 531, 532. Kirk, Robin, *To Build Anew: An Update on Peru's Internally Displaced People* (Washington, D.C.: U.S. Committee for Refugees, October 1993), p. 11.

^{255/} Human Rights Watch, "Peru," *Human Rights Watch World Report 1995* (New York: December 1994), p. 117.

^{256/} U.S. Department of State, "Peru," *Country Reports on Human Rights Practices for 1993* (Washington, D.C.: U.S. Government Printing Office, February 1994), p. 532.

^{257/} Americas Watch, *Human Rights in Peru: One Year after Fujimori's Coup* (New York: Human Rights Watch, April 1993), p. 6.

- On October 10, 1992, a *Sendero* unit killed 48 peasants, including elderly persons, women, children, and infants, in the village of **Huayllao**, Ayacucho in retribution for its formation of a civil defense patrol.^{258/}
- On February 15, 1992, **María Elena Moyano**, founder of the Lima shantytown soup kitchen movement and an advocate of peaceful opposition to *Sendero*, was shot dead and her body blown to pieces by dynamite in front of her children.^{259/}

2. Torture

According to the U.S. Department of State and Amnesty International, *Sendero* rarely takes prisoners or attends to the wounded in armed confrontations, and Amnesty has reported that the armed group "routinely tortured, mutilated, and murdered" captives.^{260/}

- In August 1994, *Sendero* sympathizers tortured four people they accused of cooperating with the police in the town of **Llhuari**, Huánuco department, for three days before killing them.^{261/}
- On April 16, 1994, an estimated eighty members of *Sendero* took over the hamlet of **Monterrico** in the **Mazamari** district of Junín, forcing all residents from their homes in the middle of the night. The hamlet was burned and eighteen community members were tortured and beheaded. The guerrillas then cut up the bodies of their victims with machetes and axes.^{262/}
- On August 18-19, 1993, *Sendero Luminoso* killed at least 60 members of the **Asháninka**

^{258/} U.S. Department of State, "Peru," *Country Reports on Human Rights Practices for 1992* (Washington, D.C.: U.S. Government Printing Office, February 1993), p. 472. Americas Watch, *Human Rights in Peru: One Year after Fujimori's Coup* (New York: Human Rights Watch, April 1993), p. 16. Kirk, Robin, *To Build Anew: An Update on Peru's Internally Displaced People* (Washington, D.C.: U.S. Committee for Refugees, October 1993), p. 11.

^{259/} U.S. Department of State, "Peru," *Country Reports on Human Rights Practices for 1992* (Washington, D.C.: U.S. Government Printing Office, February 1993), p. 472. Americas Watch, *Untold Terror: Violence against Women in Peru's Armed Conflict* (New York: Human Rights Watch, December 1992), p. 46-57.

^{260/} U.S. Department of State, "Peru," *Country Reports on Human Rights Practices for 1994* (Washington, D.C.: U.S. Government Printing Office, February 1995), p. 484. Amnesty International, *Peru: Human Rights in a State of Emergency* (London: August 1989).

^{261/} U.S. Department of State, "Peru," *Country Reports on Human Rights Practices for 1994* (Washington, D.C.: U.S. Government Printing Office, February 1995), p. 484.

^{262/} U.S. Department of State, "Peru," *Country Reports on Human Rights Practices for 1994* (Washington, D.C.: U.S. Government Printing Office, February 1995), p. 484. Washington Office on Latin America, *After the Autogolpe: Human Rights in Peru and the U.S. Response* (Washington, D.C.: July 1994), p. 9, citing Instituto de Defensa Legal, "Sendero: la matanza incesante," *Ideéle* (Lima: Vol. 6, No. 63-64, May 1994), p. 63.

tribe, an indigenous community that lives on the Ene river in the **Satipo** region of **Junín**, an area under military control. According to survivors, the guerrillas killed their victims with machetes. A local government leader, **Lucila Shinzato**, reported that 14 children were hospitalized with severe wounds, including severed ears. An estimated 700 people fled the region in fear following the attacks.^{263/}

- On May 17, 1990, *Sendero* massacred 30 men, women and children who lived in a communal indigenous family house in the district of **San Martín de Pangoa, Satipo** province, Junín department.^{264/}

3. Kidnapping

On February 24, 1993, the MRTA killed businessman **David Ballón Vera**, whom they had kidnapped and held for ransom for the previous five months.^{265/}

4. Forced Enlistment in Guerrilla Units

Sendero Luminoso has forcibly recruited both adults and children, some as young as ten, into its military units for extended periods, and coerced their participation in guerrilla attacks and assassinations.^{266/}

^{263/} U.S. Department of State, "Peru," *Country Reports on Human Rights Practices for 1993* (Washington, D.C.: U.S. Government Printing Office, February 1994), p. 530, 532. Washington Office on Latin America, *After the Autogolpe: Human Rights in Peru and the U.S. Response* (Washington, D.C.: July 1994), p. 9. Inter-Church Committee on Human Rights in Latin America, *Systematic Violations and a New Legal Order: Human Rights in Peru* (Toronto: December 1993), p. 19. Coad, Malcolm, "Sendero Slaughters 62," *The Guardian* (London: 21 August 1993), p. 12. "Victims in the Forest," *The Economist* (London: 28 August 1993), p. 37. Reports on the number of dead vary between 60 and 63.

^{264/} Amnesty International, *Peru: Human Rights since the Suspension of Constitutional Government* (London: AMR 46/13/93, May 1993), p. 39.

^{265/} Inter-Church Committee on Human Rights in Latin America, *Systematic Violations and a New Legal Order: Human Rights in Peru* (Toronto: December 1993), p. 20.

^{266/} U.S. Department of State, "Peru," *Country Reports on Human Rights Practices for 1994* (Washington, D.C.: U.S. Government Printing Office, February 1995), p. 488. U.S. Department of State, "Peru," *Country Reports on Human Rights Practices for 1993* (Washington, D.C.: U.S. Government Printing Office, February 1994), p. 535.

V. GROUPS AT RISK^{267/}

Perceived enemies of both sides of the violent political conflict in Peru are potential victims of human rights abuses. Many groups in Peruvian society have been specifically targeted by either *Sendero Luminoso* or the security forces -- frequently by both. Family, friends, and associates of victims frequently become targets themselves in the self-sustaining spiral of violence.^{268/}

A. Government Officials and Members of Political Parties

1. Targeting By Guerrilla Forces

Sendero Luminoso has systematically assassinated government officials and members of political parties regardless of ideology or orientation. Party members are viewed as enemies of the "people's war." Local political leaders "are systematically targeted for two fundamental reasons: to create a power vacuum, to be filled subsequently by Shining Path leaders, and to prevent the holding of local elections."^{269/}

- On October 14, 1993, **Domingo Sánchez**, governor of the village of **Pampash**, Huaraz, and **Eugenio Quispe**, justice of the peace of **Orurillo** District, Puno department, were killed by guerrilla units.^{270/}
- On October 15, 1993, **Mayor Rogelio Huamán** and **Governor Aurelio Bacafuerte** were shot in **Accha** District in **Paruro** Province by a suspected *Sendero* column.^{271/}
- According to the Washington Office on Latin America, in June 1993, a *Sendero* hit squad

^{267/} The order in which the groups are listed is arbitrary does not indicate the relative degree to which each is at risk of human rights abuse. The specific cases cited are intended to be illustrative and are neither comprehensive nor exhaustive. Individuals who do not fall into any of the groups listed may still be at risk if they are suspected by government security forces or armed opposition groups to be associated with the other side.

^{268/} Americas Watch, *Human Rights in Peru: One Year after Fujimori's Coup* (New York: Human Rights Watch, April 1993), p. 29-35.

^{269/} U.S. Department of State, "Peru," *Country Reports on Human Rights Practices for 1994* (Washington, D.C.: U.S. Government Printing Office, February 1995), p. 481, 482, 492. Americas Watch, *Human Rights in Peru: One Year after Fujimori's Coup* (New York: Human Rights Watch, April 1993), p. 16. Americas Watch, *Peru: Civil Society and Democracy Under Fire* (New York: Human Rights Watch, August 1992), p. 29-30.

^{270/} *Agence France-Presse* (Paris: 16 October 1993) - as reported in *BBC Summary of World Broadcasts* (18 October 1993).

^{271/} *Agence France-Presse* (Paris: 16 October 1993) - as reported in *BBC Summary of World Broadcasts* (18 October 1993).

attempted to assassinate the popular ex-mayor of **Villa El Salvador**, **Michel Azcueta**, who survived but was badly wounded. He continued to receive death threats after the attack and, following another attempt on his life at the hospital where he was receiving treatment, Azcueta was forced to flee the country.^{272/}

- **Luis Rolando Galinda Echenique**, the deputy mayor of **Villa El Salvador**, was shot dead on January 11, 1993, in an attack linked to *Sendero*.^{273/}

2. Targeting By Peruvian Security Forces

The military and security forces have also targeted government officials and members of parties opposed to President Fujimori or the *autogolpe* which expanded his power. In particular, they are highly suspicious of and show animosity toward any form of political organization, including leftist organizations, that support neither the government nor the guerrillas.^{274/}

- **César Augusto Sosa Silupú**, a student and regional director of the leftist *Partido Unificado Mariateguista* (PUM, Mariateguist Unified Party), was arrested in Piura on August 27, 1992, and charged with "apology for terrorism" for possessing political literature in his home.^{275/} The "faceless" prosecutor requested a sentence of 20 years in prison. Sosa was declared not guilty by a "faceless" tribunal and released on July 27, 1993, after 11 months in detention.^{276/}
- **Senator Alberto Borea** (*Partido Popular Cristiano*), an outspoken critic of the government who was elected president of the Senate after the coup, was forced to seek asylum in Costa Rica after being accused of involvement in the November 13 coup plot. At the time, Borea was serving as defense lawyer for General Jaime Salinas, one of the admitted coup plotters.^{277/}

^{272/} Washington Office on Latin America, *After the Autogolpe: Human Rights in Peru and the U.S. Response* (Washington, D.C.: July 1994), p. 9.

^{273/} Amnesty International, *Peru: Human Rights since the Suspension of Constitutional Government* (London: AMR 46/13/93, May 1993), p. 40. Inter-Church Committee on Human Rights in Latin America, *Systematic Violations and a New Legal Order: Human Rights in Peru* (Toronto: December 1993), p. 19.

^{274/} "MRTA Activity in Huallaga Investigated," *Quehacer* (Lima: March-April 1993).

^{275/} Amnesty International, *Peru: Human Rights since the Suspension of Constitutional Government* (London: AMR 46/13/93, May 1993), p. 29-30. Americas Watch, *Human Rights in Peru: One Year after Fujimori's Coup* (New York: Human Rights Watch, April 1993), p. 35.

^{276/} Coordinadora Nacional de Derechos Humanos, *En Nombre de los Inocentes* (Lima: October 1993), p. 91-94.

^{277/} Americas Watch, *Human Rights in Peru: One Year after Fujimori's Coup* (New York: Human Rights Watch, April 1993), p. 36-37. Cam, Hubert, "Peruvian General Who Sentenced Guzmán Seeks Asylum," *United Press*

- Former president **Alán García** (APRA) was pursued by the military following the April 5, 1992, coup. García sought asylum in Colombia shortly thereafter, and the Peruvian government tried to extradite him on charges of graft. The Colombian Supreme Court rejected the petition.^{278/}
- Immediately following the April 1992 coup, a number of deputies were arrested by the military. Personal guard service was withdrawn from all legislators who had not expressed support for the Fujimori government.^{279/}

B. Trade Unionists

Labor organizers and trade unionists have inevitably become victims of the conflict in Peru. By seeking to organize workers to act collectively, Peru's labor movement represents a non-violent alternative to armed revolt that might sap the guerrilla movements of support. At the same time, the labor movement presents a clear challenge to the longstanding economic interests that have historically exerted great power in Peru in general, and to the Fujimori government's economic program in particular. Both government and guerrilla forces have targeted labor organizers and union officials for harassment and violence.^{280/}

1. Targeting By Guerrilla Forces

Sendero has harassed and assassinated union leaders. Between January and May 1989, *Sendero* shot 51 union leaders, mainly mine workers in the central highlands.^{281/}

Pedro Huilca, general secretary of Peru's largest trade union federation, the *Confederación General de Trabajadores del Perú* (CGTP, General Confederation of Workers of Peru), was gunned

International (New York: 5 January 1993) - as reported on NEXIS database.

^{278/} Organization of American States, Inter-American Commission on Human Rights, *Report on the Situation of Human Rights in Peru* (Washington, D.C.: OEA/Ser.L/V/II.83, Doc. 31, 12 March 1993), p. 22-24.

^{279/} Organization of American States, Inter-American Commission on Human Rights, *Report on the Situation of Human Rights in Peru* (Washington, D.C.: OEA/Ser.L/V/II.83, Doc. 31, 12 March 1993), p. 16-17, para. 54.

^{280/} Washington Office on Latin America, *After the Autogolpe: Human Rights in Peru and the U.S. Response* (Washington, D.C.: July 1994), p. 32-34. Burt, Jo-Marie; Panfichi, Aldo, *Peru: Caught in the Crossfire* (Jefferson City, MO: Peru Peace Network-USA, 1992), p. 42-43.

^{281/} Sulmont, Denis; Mujica, Javier; Otta, Vicente; Aramendy, Raúl, "Violencia y movimiento social," *Red Peruana de educación popular y sindicalismo* (Lima: 1989), p. 34.

down by a *Sendero* hit squad in Lima on December 18, 1992.^{282/}

2. Targeting By Peruvian Security Forces

The Fujimori government has expanded government restrictions on labor freedoms and invited increased control over union-related activity. Though the 1979 Constitution guaranteed the right to form trade unions freely and to bargain collectively, a 1992 decree law restricted these rights by expanding conditions under which a strike may be declared illegal and by mandating the procedures and certain terms of collective bargaining agreements.^{283/}

Consequently, most strikes in Peru in recent years have been determined to be illegal. The police have used force to disperse demonstrations by striking public service workers. A 1992 report by the U.S. Embassy in Lima cites allegations of the arbitrary detention, kidnapping, and murder of union organizers.^{284/}

In March 1994, **Teódulo Hernández**, president of the *Confederación General de Trabajadores del Perú* (CGTP), was warned that he would be killed if he testified as part of a delegation of labor leaders traveling to Washington, D.C. to speak about labor rights in Peru. Before, during, and after the delegation's visit, members of the Peruvian government — including Congresswoman Martha Chávez, head of the Congressional Oversight Committee and a member of Fujimori's party, and Absalón Vásquez Villanueva, Minister of Agriculture — publicly denounced the delegation, calling the participants "traitors and accomplices to terrorism." Congresswoman Chávez introduced legislation calling for anyone who "criticizes Peru before foreign governmental bodies or the international press" to be tried on the ground of treason, punishable by 20 years in prison.^{285/}

^{282/} Amnesty International, *Peru: Human Rights since the Suspension of Constitutional Government* (London: AMR 46/13/93, May 1993), p. 40. Americas Watch, *Human Rights in Peru: One Year after Fujimori's Coup* (New York: Human Rights Watch, April 1993), p. 15. *Agence-France Presse* (Paris: 19 December 1992) - as reported on NEXIS database.

^{283/} Freedom House, *Freedom in the World 1993-1994* (New York: 1994), p. 455.

^{284/} *Peru -- Economic and Trade Policy, Market Reports* (March 1992) - as reported on NEXIS database.

^{285/} Washington Office on Latin America, *After the Autogolpe: Human Rights in Peru and the U.S. Response* (Washington, D.C.: July 1994), p. 32. "Denuncia ante E.U. es traición a la patria," *Gestión* (Lima: 9 March 1994).

C. Human Rights Activists and Lawyers

Over the last decade, human rights monitors have been targeted by both guerrillas and government forces. For example, **Norma Cáceres**, of the *Vicaría de Solidaridad* in the **Ayaviri** prelatore in the Puno department of the Peruvian Human Rights Education Network, survived two *Sendero* attacks targeting her. Yet on May 4, 1993, she was detained by government security forces in Calapuja for her work with the *Vicaría* and for participating "in suspicious meetings with teachers." She was eventually released.^{286/}

1. Targeting By Guerrilla Forces

Fear of physical attack by guerrilla forces has severely limited the work of human rights monitors.^{287/} *Sendero* characterizes human rights activists as dupes of the Peruvian government and "imperialist powers." In a two-page flyer distributed in Puno in mid-May 1994, *Sendero* supporters delineated its positions on human rights:

For these reasons, our position is very clear. We reject and condemn human rights because they are bourgeois, reactionary, counter-revolutionary rights; today they are the arm of revisionists and imperialists, principally yankee imperialism. To hoist the human rights banner in Peru is...to support imperialism against the Peruvian nation, the large bourgeoisie and the land-owners against the popular masses...the infamous past against the brilliant future.^{288/}

2. Targeting By Peruvian Security Forces

While allowing human rights groups to function, successive Peruvian regimes have consistently equated human rights defense with subversion. Human rights lawyers and activists have long been targeted by the security forces for disappearance or detention under the anti-terrorist laws. For example, over a 12 month period (ending in December 1989), Americas Watch documented 19 cases

^{286/} Washington Office on Latin America, *After the Autogolpe: Human Rights in Peru and the U.S. Response* (Washington, D.C.: July 1994), p. 30.

^{287/} U.S. Department of State, "Peru," *Country Reports on Human Rights Practices for 1994* (Washington, D.C.: U.S. Government Printing Office, February 1995), p. 492.

^{288/} *Pronuncimiento de Derechos Humanos* translated in Washington Office on Latin America, *After the Autogolpe: Human Rights in Peru and the U.S. Response* (Washington, D.C.: July 1994), p. 28.

of government security forces targeting Peruvians engaged in the defense of human rights.^{289/}

This targeting takes many forms. The Fujimori government has portrayed human rights groups as dupes of the guerrillas. On April 28, 1994, the CCD approved a resolution condemning Peru's leading human rights coalition for its "irresponsible" reporting which "unfortunately has damaged the image and prestige of Peru." In Peru's tense political situation, "[s]uch language can be interpreted as giving a green light to the persecution of human rights monitors."^{290/} In 1993 and 1994, government forces continued to harass or detain local human rights leaders.^{291/}

- Human Rights activist **Lily Maribel Olano Elera** was arrested for "terrorism-related" crimes by police on September 24, 1993, outside **Picsi** Prison in **Chiclayo**, Lambayeque department. She was released on September 29 following international protests.^{292/}
- **Angélica Mendoza Almeida de Ascarza**, the founder of the Ayacucho-based **ANFASEP**, was charged with "apology for terrorism" under Decree Law 25.475 as an alleged "Shining Path Ambassador" in France, a country she visited once for three days in 1985 as a guest of Amnesty International. While she was in hiding, her youngest daughter, **Maribel**, along with two friends, was picked up on February 3, 1993, by men they believed to be working for military intelligence at the **Los Cabitos** military base in **Huamanga**. The three were taken to Los Cabitos, where Maribel, 24, says she was forced to strip and was beaten. Some of the questions they were asked concerned Mendoza's whereabouts and the identity of her lawyer. After six hours, the three were released after signing a paper promising not to report the detention.^{293/}
- **Samuel Ghia**, a Peruvian human rights activist living in the United States who organized

^{289/} Americas Watch, *In Desperate Straits: Human Rights in Peru after a Decade of Democracy and Insurgency* (Washington, D.C.: Human Rights Watch, August 1990), p. 91-98.

^{290/} Washington Office on Latin America, *After the Autogolpe: Human Rights in Peru and the U.S. Response* (Washington, D.C.: July 1994), p. 14, 28-29.

^{291/} U.S. Department of State, "Peru," *Country Reports on Human Rights Practices for 1994* (Washington, D.C.: U.S. Government Printing Office, February 1995), p. 492, 493. U.S. Department of State, "Peru," *Country Reports on Human Rights Practices for 1993* (Washington, D.C.: U.S. Government Printing Office, February 1994), p. 538.

^{292/} Lawyers Committee for Human Rights, "Peru," *Shackling the Defenders: Legal Restrictions on Independent Human Rights Advocacy Worldwide* (New York: March 1994), p. 80-81. Human Rights Watch, "Peru," *Human Rights Watch World Report 1994*, (New York: December 1993), p. 129. Inter-Church Committee on Human Rights in Latin America, *Systematic Violations and a New Legal Order: Human Rights in Peru* (Toronto: December 1993), p. 32.

^{293/} Coordinadora Nacional de Derechos Humanos, *En Nombre de los Inocentes* (Lima: October 1993), p. 74-76. Americas Watch, *Human Rights in Peru: One Year after Fujimori's Coup* (New York: Human Rights Watch, April 1993), p. 23. Kirk, Robin, *To Build Anew: An Update on Peru's Internally Displaced People* (Washington, D.C.: U.S. Committee for Refugees, October 1993), p. 10.

a 1990 event in San Francisco to raise funds for a health clinic in a Lima shantytown and burned his voting card at the Peruvian Consulate in San Francisco during the April 8, 1990 presidential election, was included on the September 1992 SIN list of 67 alleged Shining Path leaders outside of Peru. On January 26, 1993, a "faceless" prosecutor accused Ghia of terrorism and requested a twenty year prison term if he were to return to the country.^{294/}

- Human rights monitor and writer on political violence, **José Manuel Ramírez García**, was detained on August 17, 1992, by police in **Cuzco** for having *Sendero* literature in his home. Ramírez was tried and released on December 22, 1992.^{295/}

Any lawyer who has defended accused terrorists is at risk of retribution from the security forces.

- **Dr. Jorge Cartagena Vargas** was arrested on April 5, 1992, along with **Alfredo Crespo**, who had defended **Abimael Guzmán**, and four other lawyers. All were later released for lack of evidence. On July 20, 1992, Cartagena was shot in his office and left, seriously injured, with a letter pinned to his body claiming that *Sendero* was responsible for the shooting. Paramilitary groups with ties to security forces are suspected in the assassination attempt.^{296/} On January 11, 1993, Cartagena and Crespo were arrested again and accused of treason. The case against them involved a *Sendero* "hit list" that may have been planted by the security forces as part of a plot to implicate Crespo and Cartagena. Both were tried by military courts and sentenced to life in prison.^{297/}
- In July 1988, **Manuel Febres Cordero**, an attorney who defended accused members of *Sendero* was abducted and killed by the **Rodrigo Franco Command**.^{298/}

Members of the *Asociación de Abogados Democráticos* (AAD, Association of Democratic

^{294/} Americas Watch, *Human Rights in Peru: One Year after Fujimori's Coup* (New York: Human Rights Watch, April 1993), p. 30-31.

^{295/} Coordinadora Nacional de Derechos Humanos, *En Nombre de los Inocentes* (Lima: October 1993), p. 95-97. U.S. Department of State, "Peru," *Country Reports on Human Rights Practices for 1992* (Washington, D.C.: U.S. Government Printing Office, February 1993), p. 481.

^{296/} Organization of American States, Inter-American Commission on Human Rights, *Report on the Situation of Human Rights in Peru* (Washington, D.C.: OEA/Ser.L/V/II.83, Doc. 31, 12 March 1993), p. 26, para. 91.

^{297/} Lawyers Committee for Human Rights, "Peru," *In Defense of Rights: Attacks on Lawyers and Judges in 1993* (New York: 1994), p. 171-172. Americas Watch, *Human Rights in Peru: One Year after Fujimori's Coup* (New York: Human Rights Watch, April 1993), p. 28-29.

^{298/} Americas Watch, *Human Rights in Peru: One Year after Fujimori's Coup* (New York: Human Rights Watch, April 1993), p. 28.

Lawyers), an organization of lawyers which seeks to represent members of *Sendero Luminosa*, have also been targeted by the authorities.^{299/}

- **Martha Huatay Ruiz**, an AAD lawyer and a member of *Sendero*, was detained on October 17, 1992, and reportedly tortured at **DINCOTE** headquarters prior to being sentenced to life imprisonment by a military tribunal.^{300/} Four law students at the **University of San Marcos**, whose names were found on a torn-up notebook page in Huatay's office, were detained on November 18, 1992, and accused of forming part of a *Sendero* legal defense team.^{301/}
- **Dr. Wilfredo Terrones Silva**, an AAD attorney, was abducted on August 26, 1992.^{302/}

D. Witnesses to Human Rights Abuses and Family Members of Victims or Targets

Abuses are not simply directed against suspected guerrillas or those suspected of supporting guerrilla organizations (in the case of the security forces), or against persons favoring the government or opposing *Sendero* (in the case of the guerrillas). Rather, anyone connected to the struggle, as a witness to human rights violations or as a relative of a target, can quickly become enmeshed in the violence.

1. Targeting By Guerrilla Forces

Sendero has pursued a clear policy of ensuring that witnesses to its violence are kept to a minimum by either enlisting them as supporters or eliminating them. The group rarely takes prisoners or attends to the wounded in armed confrontations and has "routinely tortured, mutilated, and murdered" captives. *Sendero* has forced peasants, both adults and children, to join its military ranks,

^{299/} Amnesty International, *Peru: Human Rights since the Suspension of Constitutional Government* (London: AMR 46/13/93, May 1993), p. 14. Americas Watch, *Human Rights in Peru: One Year after Fujimori's Coup* (New York: Human Rights Watch, April 1993), p. 28-29.

^{300/} Amnesty International, *Peru: Human Rights since the Suspension of Constitutional Government* (London: AMR 46/13/93, May 1993), p. 25-26.

^{301/} Americas Watch, *Human Rights in Peru: One Year after Fujimori's Coup* (New York: Human Rights Watch, April 1993), p. 29-30.

^{302/} Organization of American States, Inter-American Commission on Human Rights, *Report on the Situation of Human Rights in Peru* (Washington, D.C.: OEA/Ser.L/V/II.83, Doc. 31, 12 March 1993), p. 26, para. 90.

often for extended periods, coercing their participation in guerrilla attacks and assassinations.^{303/}

Similarly, the guerrilla organization has specifically directed its violence in rural areas against communities believed to be collaborating with government authorities or participating in *irondas*; all community members -- men, women, parents, children -- are held responsible regardless of their actions. Such collective punishment inevitably injures the innocent.

In April 1994, a *Sendero* column entered the village of **Monterrico** in the **Mazamari** district of Junín department, burned down houses, and tortured and beheaded 18 residents.^{304/}

- On August 18-19, 1993, *Sendero Luminoso* killed at least 60 members of the **Asháninka** tribe, an indigenous community that lives on the Ene river in the **Satipo** region of Junín, an area under military control. According to survivors, the guerrillas killed their victims with machetes. A local leader reported that 14 children were hospitalized with severe wounds, including severed ears. An estimated 700 people fled the region in fear following the attacks.^{305/}
- On October 10, 1992, a Shining Path unit killed 48 peasants, including elderly persons, women, children, and infants, in the village of **Huayllao**, Ayacucho, in retribution for the latter's formation of a civil defense patrol.^{306/}

2. Targeting By Peruvian Security Forces

The taint of connection to an individual targeted by the security forces also poses a danger to the innocent. Witnesses of human rights violations and family members of targets themselves often

^{303/} Amnesty International, *Peru: Human Rights in a State of Emergency* (London: August 1989). U.S. Department of State, "Peru," *Country Reports on Human Rights Practices for 1993* (Washington, D.C.: U.S. Government Printing Office, February 1994), p. 533, 535.

^{304/} U.S. Department of State, "Peru," *Country Reports for Human Rights Practices in 1994* (Washington, D.C.: U.S. Government Printing Office, February 1995), 484, 489.

^{305/} U.S. Department of State, "Peru," *Country Reports on Human Rights Practices for 1993* (Washington, D.C.: U.S. Government Printing Office, February 1994), p. 530, 532. Washington Office on Latin America, *After the Autogolpe: Human Rights in Peru and the U.S. Response* (Washington, D.C.: July 1994), p. 9. Inter-Church Committee on Human Rights in Latin America, *Systematic Violations and a New Legal Order: Human Rights in Peru* (Toronto: December 1993), p. 19. Coad, Malcolm, "Sendero Slaughters 62," *The Guardian* (London: 21 August 1993), p. 12. "Victims in the Forest," *The Economist* (London: 28 August 1993), p. 37. Reports on the number of dead vary between 60 and 63.

^{306/} U.S. Department of State, "Peru," *Country Reports on Human Rights Practices for 1992* (Washington, D.C.: U.S. Government Printing Office, February 1993), p. 472. Americas Watch, *Human Rights in Peru One Year after Fujimori's Coup* (New York: Human Rights Watch, April 1993), p. 16. Kirk, Robin, *To Build Anew: An Update on Peru's Internally Displaced People* (Washington, D.C.: U.S. Committee for Refugees, October 1993), p. 11.

become victims in their own right, regardless of their interest or involvement in the armed struggle. In several cases, family members seeking information from government authorities about disappearance victims have become victims of disappearance themselves.^{307/}

- On October 5, 1993, student leader **Martín Javier Roca Casas** was disappeared. He had reportedly been under surveillance by Navy intelligence following an incident at a student protest march the previous August at the **National Technical University** in **Callao** in which he destroyed a video tape of student leaders which a presumed Navy intelligence officer was filming. In Mid-May, a civilian court initiated proceedings against two Navy officials for his disappearance. A friend of Roca's, fellow student **Kenneth Ney Ansulado Castro**, was also disappeared on December 16, 1993, just days after agreeing to present testimony on Roca's behalf in the case being prepared by the Peruvian human rights group, the *Asociación Peruana Pro Derechos Humanos* (APRODEH).^{308/}
- **Cruz Velásquez**, from **Santa**, Ancash, had two sons, **Roberto** and **Carlos Barrientos Velásquez**, who were disappeared on May 2, 1992. On November 17, her daughter **Maribel**, was arrested and charged under the treason law. In January 1993, a third son, **Edwin**, was also arrested and charged with treason. As a result of the disappearances and arrests, Velásquez has been forced to support ten grandchildren on the salary of her one remaining daughter and that of a daughter-in-law.^{309/}
- **Raquel Martín Castillo de Mejía's** husband, a human rights lawyer, was murdered by soldiers in 1989. The soldiers raped Martín, and she has submitted the case to the **Inter-American Commission on Human Rights**. On January 26, 1993, a "faceless" prosecutor formally charged Martín, who is living in exile in Sweden, with terrorism.^{310/}
- On May 14, 1988, twenty-nine people, including elderly persons and infants, were killed by a military unit in the village of **Cayara**, Ayacucho. Several villagers apprehended by the military, as well as a number of surviving witnesses, subsequently disappeared.^{311/} **Carlos Escobar**, the special prosecutor appointed to investigate the massacre, was fired

^{307/} Amnesty International, *Peru: Human Rights in a State of Emergency* (London: August 1989).

^{308/} Washington Office on Latin America, *After the Autogolpe: Human Rights in Peru and the U.S. Response* (Washington, D.C.: July 1994), p. 11-12.

^{309/} Americas Watch, *Human Rights in Peru: One Year after Fujimori's Coup* (New York: Human Rights Watch, April 1993), p. 13.

^{310/} Americas Watch, *Human Rights in Peru: One Year after Fujimori's Coup* (New York: Human Rights Watch, April 1993), p. 23.

^{311/} Amnesty International, *Peru: Human Rights in a State of Emergency* (London: August 1989). Washington Office on Latin America, *Latin American Update* (Washington, D.C.: Vol. 13, No. 3, June 1988), p. 13. Washington Office on Latin America, *Latin American Update* (Washington, D.C.: Vol. 13, No. 4, July-August 1988), p. 5.

from his post in August 1989. Escobar continued to work on behalf of the surviving witnesses until the principal remaining witness was killed and Escobar himself received threats against his life. Escobar sought political asylum in the United States in November 1989.^{312/}

- Individuals with any knowledge of the facts surrounding the disappearances of nine students and a professor carried out by a military death squad at **La Cantuta** University in 1992 were harassed, threatened, and forced into exile. Perhaps the most prominent was **Rodolfo Robles**, the third-ranking general in the Peruvian army, and members of his family who remained in the country following his departure.^{313/}

E. Community Leaders and Active Members of Non-Governmental Organizations

Non-governmental organizations which are engaged in rural and urban development and other activities like human rights, education, communication, and environmental issues are frequently targeted by both *Sendero* and the security forces. *Sendero Luminoso* has targeted such community leaders in the countryside as well as in the cities.^{314/}

1. Targeting By Guerrilla Forces

Rather than making alliances with other groups and individuals who oppose the government, *Sendero* seeks to destroy independent organizations, leaving the population with no choices other than the military or *Sendero*. *Sendero* routinely threatens civilians deemed "ideological enemies," including grassroots leaders and community activists. At least five community leaders from shantytown districts in the city of Huancayo, Junín department have been summarily killed by *Sendero*. In 1993, guerrilla threats forced Pascuala Rosado, the elected leader of the Lima shantytown of Huaycán, to flee the

^{312/} Burt, Jo-Marie; Panfichi, Aldo, *Peru: Caught in the Crossfire* (Jefferson City, MO: Peru Peace Network USA, 1992), p. 31. Americas Watch, *In Desperate Straits: Human Rights in Peru after a Decade of Democracy and Insurgency* (Washington, D.C.: Human Rights Watch, August 1990), p. 92.

^{313/} Washington Office on Latin America, *After the Autogolpe: Human Rights in Peru and the U.S. Response* (Washington, D.C.: July 1994), p. 25. Americas Watch, *Peru: Anatomy of a Cover-Up, the Disappearances at La Cantuta* (New York: Human Rights Watch, September 1993), p. 9-11. "Army Officers' Trials to Test Democracy in Peru," *New York Times* (New York: 12 January 1994). For a detailed description of the La Cantuta killings, and subsequent attempts to bring the perpetrators to justice, see Section III.E.2., The Absence of Judicial Protection, above.

^{314/} U.S. Department of State, "Peru," *Country Reports on Human Rights Practices for 1994* (Washington, D.C.: U.S. Government Printing Office, February 1995). Amnesty International, *Peru: Human Rights since the Suspension of Constitutional Government* (London: AMR 46/13/93, May 1993), p. 23-24. Americas Watch, *Human Rights in Peru: One Year after Fujimori's Coup* (New York: Human Rights Watch, April 1993), p. 15. Smith, Michael L., *Rural Development in the Crossfire* (Ottawa: International Development Research Centre, 1991), p. 23-25.

country for exile in Sweden.^{315/}

- The offices of the *Centro de Promoción de Desarrollo Poblacional* (CEPRODEP, Center for Promotion of Population Development), a Lima-based organization working to solve war-related problems, were bombed on December 29, 1993. CEPRODEP officials have publicly opposed *Sendero*.^{316/}
- **Bernardina Maldonado Quispe**, an organizer for the "Glass of Milk" program in the Lima shantytown of **El Agostino**, was assassinated by *Sendero Luminoso* on July 21, 1992.^{317/}
- As deputy mayor and founder of the soup kitchen movement in **Villa El Salvador**, **María Elena Moyano** was a prominent women's leader in the southern shantytowns of Lima. She became an outspoken adversary of *Sendero*, organizing opposition to the guerrilla movement. She was killed by *Sendero* in February 1992, in the presence of her children.^{318/}

2. Targeting By Peruvian Security Forces

The broad anti-terrorism laws can be used against any form of government opposition, regardless of whether there is any clear connection with the legitimate military or political objectives related to counter-insurgency. Environmentalists and leaders of peasant groups and community development organizations have all fallen victim to broad interpretations of treason and terrorism as interpreted and enforced by the security forces.

- In September 1994, **María Elena Foronda**, an environmentalist, was detained on suspicion of terrorism, beaten, and subjected to psychological torture in an attempt to force

^{315/} Americas Watch, *Human Rights in Peru: One Year after Fujimori's Coup* (New York: Human Rights Watch, April 1993), p. 15. Amnesty International, *Peru: Human Rights since the Suspension of Constitutional Government* (London: AMR 46/13/93, May 1993), p. 39-40. Kirk, Robin, *To Build Anew: An Update on Peru's Internally Displaced People* (Washington, D.C.: U.S. Committee for Refugees, October 1993), p. 12.

^{316/} Washington Office on Latin America, *After the Autogolpe: Human Rights in Peru and the U.S. Response* (Washington, D.C.: July 1994), p. 9. Human Rights Watch, *Human Rights Watch World Report 1995* (New York: December 1994), p. 117. "Shining Path Shows it Can Still Strike Despite Setbacks," *Reuters* (London: 30 December 1993) - as reported on NEXIS database.

^{317/} Americas Watch, *Human Rights in Peru: One Year after Fujimori's Coup* (New York: Human Rights Watch, April 1993), p. 15.

^{318/} Americas Watch, *Untold Terror: Violence against Women in Peru's Armed Conflict* (Washington, D.C.: Human Rights Watch, 1992), p. 46-57.

her to confess that she was a terrorist.^{319/}

- In late June 1992, eleven members of a "**Forest Defense Front**" opposed to logging in the **El Chaupe** forest, were arrested in **San Ignacio**, Cajamarca as suspected "terrorists." They were held in detention until March 1993, when they were acquitted following international protests.^{320/}
- **Segundo Centurión Pérez** and **Lorenzo Izquierdo Regalado**, peasant activist leaders of the San Martín branch of the *Federación Agraria de la Selva Maestra* (FASMA, Selva Maestra Agrarian Federation), were called to the **Morales** army base in **Tarapoto** and arrested in September 1992. They were charged with "apology for terrorism" under Decree Law 25.475.^{321/} They were still in prison six months later. Any connection with this organization has become risky for local leaders.^{322/}
- **Antero Peña Peña**, a peasant leader from the department of Piura, was detained on May 27, 1993, by soldiers who claimed to have found a subversive leaflet in his home. Police tortured Peña over the course of four days. Although the public prosecutor found no merit to the case, Peña remained imprisoned for more than six months.^{323/}
- Eleven peasant community leaders from the department of Cajamarca, who (according to Americas Watch) had been falsely charged with terrorism-related crimes, were finally released on March 4, 1993.^{324/}

^{319/} U.S. Department of State, "Peru," *Country Reports on Human Rights Practices for 1994* (Washington, D.C.: U.S. Government Printing Office, February 1995), p. 483.

^{320/} Americas Watch, *Human Rights in Peru: One Year after Fujimori's Coup* (New York: Human Rights Watch, April 1993), p. 26. Instituto de Defensa Legal, *Ideéle* (Lima: April 1993), p. 35. Amnesty International, *Peru: Community Leaders are Prisoners of Conscience* (London: AMR 46/04/93, April 1993), p. 2.

^{321/} Amnesty International, *Peru: Human Rights since the Suspension of Constitutional Government* (London: AMR 46/13/93, May 1993), p. 30. Americas Watch, *Human Rights in Peru: One Year after Fujimori's Coup* (New York: Human Rights Watch, April 1993), p. 25.

^{322/} "MRTA Activity in Huallaga Investigated," *Quehacer* (Lima: March-April 1993).

^{323/} Human Rights Watch, *Human Rights Watch World Report 1994*, (New York: December 1993), p. 126. Coordinadora Nacional de Derechos Humanos, *En Nombre de los Inocentes* (Lima: October 1993), p. 104-105.

^{324/} Americas Watch, *Human Rights in Peru: One Year after Fujimori's Coup* (New York: Human Rights Watch, April 1993), p. 3. Amnesty International, *Peru: Human Rights since the Suspension of Constitutional Government* (London: AMR 46/13/93, May 1993), p. 17.

F. Civil Defense Patrols (*Rondas Campesinas*)

The original Peruvian *rondas* (civilian defense patrols) were formed at the initiative of local residents in the northern departments of Cajamarca and Piura in order to control cattle rustling and robbery. In 1983, the Peruvian army implemented a "fortified hamlet" strategy against *Sendero* in the emergency zones. Peasants were relocated and forced to stand duty in local patrols. In 1989, many communities began to form *rondas* in response to guerrilla attacks. *Rondas* now function under the supervision of military commands.^{325/}

The formation of a *ronda* may result in *Sendero* retribution against the members of the *ronda*, their families, or the community as a whole. According to the CNDH, there were 215 such killings in 1992. While killings by *Sendero* diminished somewhat in 1993, and considerably more in 1994, the numbers are thought to be under-reported "because of the remoteness of many of the incidents and widespread distrust of the authorities and the judicial system."^{326/}

- On August 15, 1993, twelve peasants, including six children, were killed by *Sendero* in the **Matucana Alta** community in **La Mar**, Ayacucho. The massacre was in retaliation for activity in the area by *rondas*. Thirty-two homes were burned in the attack, along with the school, health clinic, and a Protestant church.^{327/}
- Five members of a rural *ronda* were shot dead by a *Sendero* column in the village of **Chuquibamba**, Cajamarca on October 14, 1993.^{328/}

^{325/} U.S. Department of State, "Peru," *Country Reports on Human Rights Practices for 1993* (Washington, D.C.: U.S. Government Printing Office, February 1994), p. 530, 531, 535. U.S. Department of State, "Peru," *Country Reports on Human Rights Practices for 1992* (Washington, D.C.: U.S. Government Printing Office, February 1993), p. 475-78. Americas Watch, *Peru Under Fire: Human Rights since the Return to Democracy* (New Haven and London: Yale University Press, 1992), p. 104. Bowen, Sally, "Reign of Terror Over in Seat of Peru's Maoist Revolution," *Christian Science Monitor* (Boston: 29 April 1993), p. 7. Instituto de Defensa Legal, "Militarizan rondas sin consultar a campesinos," *Ideéle* (Lima: February 1993), p. 21.

^{326/} U.S. Department of State, "Peru," *Country Reports on Human Rights Practices for 1994* (Washington, D.C.: U.S. Government Printing Office, February 1995), p. 482. U.S. Department of State, "Peru," *Country Reports on Human Rights Practices for 1993* (Washington, D.C.: U.S. Government Printing Office, February 1994), p. 530. U.S. Department of State, "Peru," *Country Reports on Human Rights Practices for 1992* (Washington, D.C.: U.S. Government Printing Office, February 1993), p. 473. Kirk, Robin, *To Build Anew: An Update on Peru's Internally Displaced People* (Washington, D.C.: U.S. Committee for Refugees, October 1993), p. 5.

^{327/} Washington Office on Latin America, *After the Autogolpe: Human Rights in Peru and the U.S. Response* (Washington, D.C.: July 1994), p. 9.

^{328/} *Agence-France Presse* (Paris: 16 October 1993) - as reported in *BBC Summary of World Broadcasts* (London: 18 October 1993).

- Forty-seven members of the peasant community of **Huayllao** were massacred by a *Sendero* unit on October 10, 1992, in retribution for forming a civil defense patrol.^{329/}

G. Academics and Students

The security forces have targeted academics and students. For nearly 15 years, Abimael Guzmán, the founder of *Sendero Luminoso*, taught at the Education Department of the National University of Huamanga (Ayacucho). Guzmán helped train several generations of public school teachers in the central highlands of Peru and pedagogy was an important element of his political strategy.

Since the start of its insurrection, *Sendero* has been associated with the public education system. This linkage has meant that all public school teachers find themselves under extreme pressure both from *Sendero*, to slip its alternative curriculum and recruiting into the classroom, and from security forces to prove that they do not belong to *Sendero*.^{330/} Academics were included in an SIN list of suspects accused of "apology for terrorism."^{331/}

- **Rony Guerra Blancas** and **Milagros Flor Túpac González** were disappeared on February 11 and 12, 1993, respectively. Both had recently been elected as student representatives to the University's 1993 admissions commission. They were abducted in similar fashion by men dressed in plain clothes and believed to be linked to the security forces.^{332/}
- **Alvaro Villavicencio Whittembury**, a university professor, was arrested on December 12, 1992, under Decree Law 25.475. A "faceless" prosecutor asked for a 20-year sentence for terrorism based on the fact that Villavicencio's name appeared on a **DINCOTE** list.

^{329/} Americas Watch, *Human Rights in Peru: One Year after Fujimori's Coup* (New York: Human Rights Watch, April 1993), p. 16.

^{330/} Ansión, Juan; del Castillo, Daniel; Piqueras, Manuel; Zegarra, Isaura, *La escuela en tiempos de guerra: Una mirada a la educación desde la crisis y la violencia* (Lima: Centro de Estudios y Acción para la Paz, TAREA and Instituto Peruano de Educación en Derechos Humanos y Paz, 1992). Portocarrera, Gonzalo; Oliarte, Patricia, *El Perú desde la escuela* (Lima: Instituto de Apoyo Agrario, 1989). Biondi, Juan; Zapata, Eduardo, *El discurso de Sendero Luminoso: Contratexto educativo* (Lima: Consejo Nacional de Ciencia y Tecnología, 1989).

^{331/} For further information, see Section II.A.1., Security Forces, above.

^{332/} Amnesty International, *Peru: Human Rights since the Suspension of Constitutional Government* (London: AMR 46/13/93, May 1993), p. 22. Americas Watch, *Human Rights in Peru: One Year after Fujimori's Coup* (New York: Human Rights Watch, April 1993), p. 11. Inter-Church Committee on Human Rights in Latin America, *Systematic Violations and a New Legal Order: Human Rights in Peru* (Toronto: December 1993), p. 27.

Villavicencio taught with the captured *Sendero* leader, Abimael Guzmán, between 1961 and 1965.^{333/} He has opposed *Sendero Luminoso*, and his land in Cajabamba has been attacked by *Sendero* units.^{334/} Villavicencio remained in detention until December 12, 1993, when a civilian "faceless" court ordered that he be released for insufficient evidence.^{335/}

- **Nancy Luz Pimentel Cuéllar**, a student, was detained on October 10, 1992, and tortured at **DINCOTE** headquarters by members of the police before being driven blindfolded and left in **Miraflores** on November 2, 1992.^{336/}
- Between April and October 1992, at least twenty-six students were reported to have been abducted from the **National University of Central Peru** in **Huancayo**, Junín department. Twenty-two of these students were later found dead, some with signs of torture.^{337/}
- **Professor Teresa Díaz Aparicio** of the *Universidad Mayor de San Marcos* was reportedly abducted by army troops on August 18, 1992.^{338/}
- On July 18, 1992, nine students and a professor were abducted from the **La Cantuta** teacher's college and executed at a Peruvian Army firing range. On February 21, 1994, a military court found 9 army officials guilty of the La Cantuta killings. Those convicted were part of a death squad formed in 1991 by the **SIN** to combat *Sendero* in Lima that has been linked to numerous other atrocities and deaths.^{339/}

^{333/} Americas Watch, *Human Rights in Peru: One Year after Fujimori's Coup* (New York: Human Rights Watch, April 1993), p. 24-25.

^{334/} Coordinadora Nacional de Derechos Humanos, *En Nombre de los Inocentes* (Lima: October 1993), p. 65-67.

^{335/} Manuel, Anne, Research Associate, Human Rights Watch/Americas, personal interview, 10 September 1994. Committee to Protect Journalists, *Attacks on the Press in 1993: A Worldwide Survey* (New York: March 1994), p. 144.

^{336/} Amnesty International, *Peru: Human Rights since the Suspension of Constitutional Government* (London: AMR 46/13/93, May 1993), p. 25. Americas Watch, *Human Rights in Peru: One Year after Fujimori's Coup* (New York: Human Rights Watch, April 1993), p. 12.

^{337/} U.S. Department of State, "Peru," *Country Reports on Human Rights Practices for 1992* (Washington, D.C.: U.S. Government Printing Office, February 1993), p. 473. Amnesty International, *Peru: Human Rights since the Suspension of Constitutional Government* (London: AMR 46/13/93, May 1993), p. 23. Americas Watch, *Human Rights in Peru: One Year after Fujimori's Coup* (New York: Human Rights Watch, April 1993), p. 10-11. Washington Office on Latin America, *After the Autogolpe: Human Rights in Peru and the U.S. Response* (Washington, D.C.: July 1994), p. 11.

^{338/} Organization of American States, Inter-American Commission on Human Rights, *Report on the Situation of Human Rights in Peru* (Washington, D.C.: OEA/Ser.L/V/II.83, Doc. 31, 12 March 1993), p. 26, para. 90.

^{339/} U.S. Department of State, "Peru," *Country Reports on Human Rights Practices for 1993* (Washington, D.C.: U.S. Government Printing Office, February 1994), p. 531. Washington Office on Latin America, *After the Autogolpe: Human Rights in Peru and the U.S. Response* (Washington, D.C.: July 1994), p. 26. Americas Watch, *Peru: Anatomy*

- Police used force to disperse a student protest against the 1993 Constitution at **San Marcos University** in Lima on September 18, 1993;^{340/} and again on October 26, 1993, to disperse a student demonstration against the constitutional referendum.^{341/}

H. Journalists

1. Targeting By Guerrilla Forces

- On March 14, 1994, a bomb exploded outside of the home of **Patricio Ricketts**, editor of *Expresso*, a Lima daily newspaper. The explosion killed one person and wounded more than thirty others, including Ricketts' daughter. The night before the attack, Ricketts had published an article entitled, "The Shining Path, Annihilated," about the defeat of the guerrilla movement. He had previously received written death threats from *Sendero*.^{342/}
- *Sendero* attacked the **Channel Two** broadcasting station with a truck car bomb in June 1992, killing a news producer and two security guards. Another 20 people were injured by the explosion.^{343/}
- In 1991, **Mónica Chang**, a well-known television correspondent, was forced to flee the country following death threats by *Sendero*, which accused her of responsibility for the death of one of its members.^{344/}

of a Cover-Up, the Disappearances at La Cantuta (New York: Human Rights Watch, September 1993), 20 p. Speck, Mary, "Swift Military-Court Trial Seen as Cover-Up in Peru," *Miami Herald* (Miami: 18 March 1994), p. 18A. "Army Officers' Trials to Test Democracy in Peru," *New York Times* (New York: 12 January 1994). For a detailed description of the La Cantuta killings and subsequent attempts to bring the perpetrators to justice, see Section III.E.2., The Absence of Judicial Protection, above.

^{340/} *Televisión Global* (Lima: 18 September 1993) - as reported in *BBC Summary of World Broadcasts* (London: 21 September 1993).

^{341/} British Broadcasting Corporation, *Summary of World Broadcasts* (London: 29 October 1993).

^{342/} Washington Office on Latin America, *After the Autogolpe: Human Rights in Peru and the U.S. Response* (Washington, D.C.: July 1994), p. 9. Human Rights Watch, *Human Rights Watch World Report 1995* (New York: December 1994), p. 117.

^{343/} Americas Watch, *Peru: Civil Society and Democracy Under Fire* (New York: Human Rights Watch, August 1992), p. 31.

^{344/} Washington Office on Latin America, *Peru Under Scrutiny: Human Rights and U.S. Drug Policy*, WOLA Briefing Series: Issues in International Drug Policy (Washington, D.C.: Issue Brief #5, 13 January 1992), p. 14-15.

2. Targeting By Peruvian Security Forces

The 1993 Constitution provides for freedom of speech and the press. Many sources of information are available in Peru, yet the government and military have exerted forceful control over the Peruvian media.^{345/}

Many journalists have been disappeared or imprisoned under Peru's anti-terrorism laws. According to the *Centro de Estudios y Acción por la Paz* (CEAPAZ, Center for Study and Action on Peace), 14 journalists were detained and charged with "apology for terrorism" in 1993.^{346/}

Following the coup, the government occupied broadcast and media offices, closed a radio station and newspaper, and briefly jailed 24 journalists. While these measures were withdrawn within 48 hours, members of the press have expressed concern over these actions, unidentified threatening phone calls, and a decree law promulgated in 1992 that would criminally prosecute journalists for assisting "seditious forces."^{347/}

- **Oscar Tercero Cárdenas Bartra**, director of the regional weekly *Selva*, was detained by police while waiting to board a flight at Lima airport on July 17, 1994. The arrest order accused Cárdenas of "contempt." He is currently being held in a Lima prison and is said to be fearful for his safety because of his vehement public criticism of official corruption.^{348/}
- On April 30, 1994, army personnel arrested and beat radio journalist **César Flores** in **Huanta**, Ayacucho department, after he denounced the army's mistreatment of another journalist. He was detained for six days on false charges that he had not fulfilled his military duty.^{349/}
- Beginning on March 25, 1994, **Mariano Paliza Mendoza**, host of "**Urgent Action**," a radio program sponsored by the human rights group **APRODEH**, began receiving death threats. Over the same period, the show, which offers air time to human rights activists

^{345/} U.S. Department of State, "Peru," *Country Reports on Human Rights Practices for 1994* (Washington, D.C.: U.S. Government Printing Office, February 1995), p. 489.

^{346/} Human Rights Watch, *Human Rights Watch World Report 1994* (New York: December 1993), p. 129.

^{347/} U.S. Department of State, "Peru," *Country Reports on Human Rights Practices for 1992* (Washington, D.C.: U.S. Government Printing Office, February 1993), p. 478-79. Committee to Protect Journalists, "Peru," *Attacks on the Press 1992* (New York: 1992), p. 119-122.

^{348/} "Peru," *Index on Censorship* (London: No. 4/5, September/October 1994), p. 246.

^{349/} U.S. Department of State, "Peru," *Country Reports on Human Rights Practices for 1994* (Washington, D.C.: U.S. Government Printing Office, February 1995), p. 490.

and the relatives of victims of violations, suffered persistent electronic interference with the apparent purpose of stopping its transmission.^{350/}

- **María Carlin Fernández**, former anchorwoman for a local TV channel, died after being shot in the back 11 times in a restaurant in **Chimbote**. She had received threats in connection with her investigation of a cousin's death involving an army intelligence officer.^{351/}
- **Danilo Quijano Silva**, journalist and economist, was arrested on May 13, 1992, for alleged links to the **MRTA**. Quijano was convicted and sentenced to five years imprisonment and a one million *soles* fine. The Supreme Court overturned the decision in May 1993. Human rights groups claim that Silva was detained solely because of his former business relationship with **Mari Luisa Benza**, who was subsequently arrested for operating a computer center for the guerrillas.^{352/}
- Free-lance journalist and writer **Gustavo Gorriti** has been an outspoken critic of both Fujimori and security advisor **Vladimiro Montesinos**. Gorriti was detained by **SIN** agents on April 5, 1992, and held for 48 hours. Strong international pressure from the U.S. and Spanish governments gained his prompt release. Gorriti has lived in the United States since mid-1992.^{353/}
- **Francisco Reyes**, a journalist with *La República* who uncovered connections between Peruvian drug traffickers and thesecurity forces, was arrested on September 19, 1993, by members of the **Peruvian Air Force**, who allegedly tortured him in custody. Reyes was subsequently turned over to the police and released.^{354/}
- **Juan Guerra Cruz**, a journalist for *Radio Vecinal* in **Piura**, was detained and allegedly beaten by police for 13 days in June 1993, following his reports on police brutality in Piura

^{350/} Human Rights Watch, *Human Rights Watch World Report 1995* (New York: December 1994), p. 118.

^{351/} Committee to Protect Journalists, "Peru," *Attacks on the Press in 1993* (New York: March 1994), p. 144.

^{352/} Committee to Protect Journalists, "Peru," *Attacks on the Press in 1993* (New York: March 1994), p. 141. Coordinadora Nacional de Derechos Humanos, *En Nombre de los Inocentes* (Lima: October 1993), p. 102-103. Americas Watch, *Human Rights in Peru: One Year after Fujimori's Coup* (New York: Human Rights Watch, April 1993), p. 24. *Resumen Semanal* (Lima: Vol. 16, No. 719), p. 6.

^{353/} U.S. Department of State, "Peru," *Country Reports on Human Rights Practices for 1992* (Washington, D.C.: U.S. Government Printing Office, February 1993), p. 478. Committee to Protect Journalists, "Peru," *Attacks on the Press 1992* (New York: 1992), p. 120.

^{354/} Human Rights Watch, *Human Rights Watch World Report 1994* (New York: December 1993), p. 129. Inter-Church Committee on Human Rights in Latin America, *Systematic Violations and a New Legal Order: Human Rights in Peru* (Toronto: December 1993), p. 32. "Arrested Peruvian Journalist Beaten by Military," *United Press International* (21 September 1993) - as reported on NEXIS database.

department.^{355/}

- **Magno Sosa Rojas**, Ayacucho correspondent for *La República*, was arrested on September 5, 1992, on charges of terrorism, imprisoned for five months, and tortured before being released for insufficient evidence. Sosa was detained upon his return to Peru after receiving a human rights award from PEN Club International (a worldwide association of writers). A letter to *Sendero* leaders allegedly typed by Sosa was not turned over to the court by the police until two months after his arrest. Following his release Sosa left the country for Venezuela.^{356/}
- The June 24, 1992, disappearance of **Pedro Yauri Bustamante**, a left-wing radio journalist, in **Huacho**, Lima department, has been linked to an anti-terrorist death squad that operated within the **SIN**.^{357/}
- Soldiers and police attacked a peaceful march convened by the **Peruvian College of Journalists** on September 10, 1993. When the march was violently dispersed, several people were wounded, including **Miguel Calderón Paz**, **Juan Carlos Hernández Caycho**, and **Carlos Ramosa Nique**.^{358/}

I. Judges, Prosecutors, and Court Officials

The civilian justice system has also been a casualty of the ongoing struggle between the guerrillas and the military. Apart from the institutional weakness perpetuated by military control over

^{355/} Human Rights Watch, *Human Rights Watch World Report 1994* (New York: December 1993), p. 129. Inter-Church Committee on Human Rights in Latin America, *Systematic Violations and a New Legal Order: Human Rights in Peru* (Toronto: December 1993), p. 31. Committee to Protect Journalists, *Attacks on the Press in 1993: A Worldwide Survey* (New York: March 1994), p. 142.

^{356/} Coordinadora Nacional de Derechos Humanos, *En Nombre de los Inocentes* (Lima: October 1993), p. 77-78. U.S. Department of State, "Peru," *Country Reports on Human Rights Practices for 1993* (Washington, D.C.: U.S. Government Printing Office, February 1994), p. 536. Amnesty International, *Peru: Human Rights since the Suspension of Constitutional Government* (London: AMR 46/13/93, May 1993), p. 31. Americas Watch, *Human Rights in Peru One Year after Fujimori's Coup* (New York: Human Rights Watch, April 1993), p. 24. U.S. Department of State, "Peru," *Country Reports on Human Rights Practices for 1992* (Washington, D.C.: U.S. Government Printing Office, February 1993), p. 479.

^{357/} U.S. Department of State, "Peru," *Country Reports on Human Rights Practices for 1992* (Washington, D.C.: U.S. Government Printing Office, February 1993), p. 475. Americas Watch, *Human Rights in Peru One Year after Fujimori's Coup* (New York: Human Rights Watch, April 1993), p. 14. Organization of American States, Inter-American Commission on Human Rights, *Report on the Situation of Human Rights in Peru* (Washington, D.C.: OEA/Ser.L/V/II.83, Doc. 31, 12 March 1993), p. 26, para. 90. Committee to Protect Journalists, "Peru," *Attacks on the Press 1992* (New York: 1992), p. 121.

^{358/} Inter-Church Committee on Human Rights in Latin America, *Systematic Violations and a New Legal Order: Human Rights in Peru* (Toronto: America, December 1993), p. 31.

emergency zones, Fujimori's reorganization of the judiciary has reinforced the impunity enjoyed by members of the security forces.^{359/} All judicial officials must cope with the fear that by doing their job, they are challenging the authority of the military or inviting retribution by the guerrillas.

1. Targeting By Guerrilla Forces

In 1992, Supreme Court Justice **Guillermo Cabala** claimed that the biggest danger to the judiciary stemmed from threats made by insurgent groups. A case in point is that of Judge **Arturo Zapata Carvajal**, one of the judges assigned responsibility for handling the cases of prisoners in Lima's Miguel Castro Castro Prison. He claimed that his house had been under machine gun fire and that he had received death threats from the insurgents. Zapata Carvajal later became notorious for granting freedom to more than 100 detainees accused of terrorism or involvement in drug trafficking.^{360/}

2. Targeting By Peruvian Security Forces

- **General Alberto Arciniega**, President of the **Supreme Court of Military Justice**, was indicted by a military court for defamation and dismissed from the army after he expressed concerns regarding the treatment of military officers involved in the November 1992 coup plot. He sought asylum in Argentina in January 1993. Arciniega served on the tribunal which convicted *Sendero* leader Abimael Guzmán and previously had gained notoriety in 1989 as a commander of counter-insurgency operations in the **Upper Huallaga Valley**.^{361/}
- The most prominent case of government harassment of a civilian judicial official is that of **Carlos Escobar**, a special prosecutor who investigated the **Cayara** massacre committed by government security forces in the department of Ayacucho. After being fired from his post in August 1989, Escobar continued to work on behalf of the surviving witnesses of the massacre. Escobar sought political asylum in the United States in November 1989 after the principal remaining witness was killed and Escobar himself received threat

^{359/} For further information, see Section III., Legal Structure and Constitutional Developments, above.

^{360/} Andean Commission of Jurists, *Andean Newsletter* (Lima: No. 64, 9 March 1992), p. 4-6.

^{361/} Inter-Church Committee on Human Rights in Latin America, *Systematic Violations and a New Legal Order: Human Rights in Peru* (Toronto: December 1993), p. 8. González, Raúl, "Las Heridas del Ejército Peruano," *Quehacer* (Lima: Vol. 81, January-February 1993), p. 8-15.

against his life.^{362/}

J. Members of the Security Forces Who Criticize Military Impunity and Their Families

Members of the Peruvian security forces are also targets for abuse. Military officials who have challenged the continued authority of the military, either legally or illegally, or the notion of impunity for human rights abuses, have faced reprisals at the hands of their colleagues. Military officers who have opposed or criticized the government have been detained or forced to flee the country.

- In May 1993, **General Rodolfo Robles Espinoza** sought asylum in Argentina after implicating **General Nicolás de Bari Hermoza** and **Vladimiro Montesinos** in death squad activities. General Robles and his family allegedly received death threats. Family members who remained in Peru after the General fled the country continued to receive threats.^{363/}
- In early 1993, **Retired Army General Luis Cisneros** was convicted of offending the armed forces and insulting a superior officer because he publicly criticized the government and the military command. Cisneros was cleared of the charges later that year.^{364/}
- **General Alberto Arciniega**, President of the **Supreme Court of Military Justice**, was indicted by a military court for defamation and dismissed from the army after he expressed concerns regarding the treatment of military officers involved in the coup. He sought asylum in Argentina in January 1993. Arciniega served on the tribunal which convicted *Sendero* leader Abimael Guzmán. Arciniega gained notoriety in 1989 as commander of counter-insurgency operations in the **Upper Huallaga Valley**.^{365/}

^{362/} Burt, Jo-Mari; Panfichi, Aldo, *Peru: Caught in the Crossfire* (Jefferson City, MO: Peru Peace Network USA, 1992), p. 31. Americas Watch, *In Desperate Straits: Human Rights in Peru after a Decade of Democracy and Insurgency* (New York: Human Rights Watch, August 1990), p. 92.

^{363/} Human Rights Watch, *Human Rights Watch World Report 1995* (New York: December 1994), p. 118. Nash, Nathaniel C., "Fugitive General Accuses Peruvian Army, Saying Officers Run Hit Squad," *New York Times* (New York: 12 May 1993), p. A10. Bowen, Sally, "Peru's President Faces Challenge on Rights Abuses," *Christian Science Monitor* (Boston: 18 May 1993), p. 1.

^{364/} U.S. Department of State, "Peru," *Country Reports on Human Rights Practices for 1993* (Washington, D.C.: U.S. Government Printing Office, February 1994), p. 536. Americas Watch, *Human Rights in Peru: One Year after Fujimori's Coup* (New York: Human Rights Watch, April 1993), p. 43.

^{365/} Inter-Church Committee on Human Rights in Latin America, *Systematic Violations and a New Legal Order: Human Rights in Peru* (Toronto: December 1993), p. 8. González, Raúl, "Las Heridas del Ejército Peruano," *Quehacer* (Lima: Vol. 81, January-February 1993), p. 8-15.

K. Displaced People and Forced Migrants

In 1993, there were an estimated 600,000 internally displaced Peruvians. At least 90 per cent of these came from the four departments of Ayacucho, Huancavelica, Apurímac, and Junín.^{366/}

Once relocated, internal refugees come under severe pressures. On the one hand, they are suspected by security forces of being guerrilla sympathizers because they come from "red zones." They frequently do not have identification documents and are forced to scrape a livelihood from the streets. On the other hand, *Sendero* has consistently targeted refugees as a recruitment pool because they are frequently repressed by government security forces.^{367/}

In 1993, some internal refugees tentatively began to return to rural areas. The government has cited this as another sign that it has gained the upper hand against *Sendero* and the MRTA. However, this trend may also result from increased government harassment of the internally displaced. Since the coup, the government has stepped up security force sweeps through shantytowns. Displaced persons without voting cards are automatically labelled "suspicious" and are at risk of arrest under Decree Law 25.475 (terrorism).^{368/}

L. Members of Religious Groups

Freedom of religion is guaranteed by the Peruvian constitution. Both the 1979 and 1993 Constitutions recognize Catholicism as important in the historical, cultural, and moral development of Peru, but also establish the separation of church and state. More than 90 per cent of Peruvians are Roman Catholic. Protestant groups, such as the Methodist and Anglican churches, and other religious faiths, such as the Baha'i, are active in Peru and have small followings. Some members of religious groups, however, have suffered abuses by government forces and the guerrillas, usually because of a

^{366/} Inter-Church Committee on Human Rights in Latin America, *Systematic Violations and a New Legal Order: Human Rights in Peru* (Toronto: December 1993), p. 20. Kirk, Robin, *To Build Anew: An Update on Peru's Internally Displaced People* (Washington, D.C.: U.S. Committee for Refugees, October 1993), p. 2.

^{367/} Kirk, Robin, *To Build Anew: An Update on Peru's Internally Displaced People* (Washington, D.C.: U.S. Committee for Refugees, October 1993), p. 1, 3.

^{368/} U.S. Department of State, "Peru," *Country Reports on Human Rights Practices for 1993* (Washington, D.C.: U.S. Government Printing Office, February 1994), p. 535. "Peru's Peasants Head Home to Ruins of Hardscrabble Life," *Miami Herald* (Miami: 22 November 1993), p. 1A. Kirk, Robin, *To Build Anew: An Update on Peru's Internally Displaced People* (Washington, D.C.: U.S. Committee for Refugees, October 1993), p. 8. Burt, Jo-Marie, "The Dispossessed Look Homeward: Peru's Internal Refugees Organize for Return," *Report on the Americas* (July/August 1993), p. 8-11.

perceived political opinion or affiliation.^{369/}

1. Targeting By Guerrilla Forces

Sendero Luminoso has targeted church groups, threatened priests and other religious workers, and destroyed church property.

- *Sendero* used small explosives to bomb Mormon churches in **Cuzco** in February 1993.^{370/}
- Italian lay missionary **Giuliani Rocca Oriana** was kidnapped and killed by *Sendero* in the **Jangas** community near **Huaraz**, Ancash on October 2, 1992.^{371/}

2. Targeting By Peruvian Security Forces

According to the U.S. State Department, religious rights are respected by the Peruvian government in practice.^{372/} Nonetheless, when church leaders or organizations become involved in what government officials might view as political activity, they have been targeted for abuse.

- Protestant Pastor **Juan Mallea** was arrested in July 1993 and charged with collaborating with *Sendero*; he was accused of drawing a map which led reporters to the bodies of some of the victims of the **La Cantuta** massacre. President Fujimori publicly declared his guilt. Although handwriting experts verified that he could not have drawn and written the words on the map, and though both a judge and two prosecutors declared his innocence and recommended that he be released, a "faceless" court ruled against him in March. Mallea was finally freed in late April 1994, after spending 10 months in prison.^{373/}

^{369/} U.S. Department of State, "Peru," *Country Reports on Human Rights Practices for 1994* (Washington, D.C.: U.S. Government Printing Office, February 1995), p. 491. "Peru," *The Europa World Yearbook* (London: Europa Publications Ltd., 1991), p. 2138-2139.

^{370/} U.S. Department of State, "Peru," *Country Reports on Human Rights Practices for 1993* (Washington, D.C.: U.S. Government Printing Office, February 1994), p. 537.

^{371/} Americas Watch, *Human Rights in Peru: One Year after Fujimori's Coup* (New York: Human Rights Watch, April 1993), p. 16. U.S. Department of State, "Peru," *Country Reports on Human Rights Practices for 1992* (Washington, D.C.: U.S. Government Printing Office, February 1993), p. 474.

^{372/} U.S. Department of State, "Peru," *Country Reports on Human Rights Practices for 1993* (Washington, D.C.: U.S. Government Printing Office, February 1994), p. 537.

^{373/} Washington Office on Latin America, *After the Autogolpe: Human Rights in Peru and the U.S. Response* (Washington, D.C.: July 1994), p. 20. U.S. Department of State, "Peru," *Country Reports on Human Rights Practices for 1994* (Washington, D.C.: U.S. Government Printing Office, February 1995), p. 485. For a detailed description of the La Cantuta killings and the attempts to bring the perpetrators to justice, see Section III.E.2., The Absence of Judicial

- **Father José Manuel Miranda**, a Spanish Catholic priest and member of the CNDH's board of directors, was listed in a report by the **Interior Ministry** as "the *Sendero Luminoso* coordinator in Ica department." Police reportedly tried to implicate Father Miranda in subversive activities in Ica, where he regularly visits prisoners in his capacity as both priest and human rights activist. The Spanish Embassy protested the government's treatment of Father Miranda, and the CNDH requested that the government and the police specify what evidence or charges they had against Miranda.^{374/}

M. Health Professionals

Decree Law 25.475 has been applied to doctors who assist wounded guerrillas. Health professionals who provide emergency assistance to wounded combatants can be charged with voluntary collaboration with terrorism, a crime that carries a twenty-year prison sentence.^{375/}

- Doctors **Alberto Figueroa Gutarra, Santiago Chalán Murillo, Víctor Manuel Resurrección Sánchez, Claudio Enrique Guevara, Nicolás Sánchez Caballero, Jaime Walter Cotos Reyes**, and nurse **Virginia Orfelinda Carhuas Capcha** were arrested in late 1992/early 1993 and accused of terrorism for treating wounded guerrillas. Although they were threatened into performing this treatment, a "faceless" court sentenced them each to twenty years in prison. Their convictions were overturned on appeal, and they were released in March 1993, over a year after their arrest.^{376/}
- **Dr. Ricardo Bautista Palomino, Lina Mori Mendoza** (nurse), **Wagner Manuel Cruz Mori**, and **Rómulo Mori Zavaleta** were arrested on May 22, 1992, in **Chachapoyas**, Amazonas and accused of voluntary collaboration with terrorism for having given emergency medical aid to an **MRTA** combatant. The detained individuals had been threatened with death unless they cooperated with the guerrillas. Dr. Bautista and Lina Mori Mendoza were released a year later when they were found innocent. Rómulo Mori

Protection, above.

^{374/} U.S. Department of State, "Peru," *Country Reports on Human Rights Practices for 1993* (Washington, D.C.: U.S. Government Printing Office, February 1994), p. 538. Washington Office on Latin America, *After the Autogolpe: Human Rights in Peru and the U.S. Response* (Washington, D.C.: July 1994), p. 30. Human Rights Watch, *Human Rights Watch World Report 1994* (New York: December 1993), p. 64.

^{375/} Americas Watch, *Human Rights in Peru: One Year after Fujimori's Coup* (New York: Human Rights Watch, April 1993), p. 26-28.

^{376/} Washington Office on Latin America, *After the Autogolpe: Human Rights in Peru and the U.S. Response* (Washington, D.C.: July 1994), p. 21.

and Wagner Cruz Mori were each sentenced to twenty years in prison.^{377/}

- **Dr. Alberto Figueroa Gutarra** was arrested on February 10, 1993, and accused of collaborating with *Sendero* by treating four wounded combatants between 1985 and 1987. Dr. Figueroa insists that he was forced to do so because of death threats made against him and his family.^{378/}
- **Dr. Luis Williams Polo Rivera**, a surgeon suspected of belonging to a medical organization attached to *Sendero Luminoso* and accused of amputating the leg of *Sendero* member **Blas Ccori Bustamante Polo**, was detained on November 4, 1992, and sentenced on November 26 to life imprisonment for treason by a military tribunal after being given 10 minutes to present a defense. Bustamante has affirmed in writing that the police pressured him into falsely implicating the doctor.^{379/}

N. Women

Both guerrilla and security forces have targeted women for abuse. Americas Watch and the Women's Rights Project have characterized rape as a weapon of war in the Peruvian armed conflict. A study by the two groups indicates that, while many women may be at risk, being poor, brown-skinned, young, and belonging to suspect groups puts women at a greater risk of being targeted.^{380/}

1. Targeting by Guerrilla Forces

Sendero Luminoso has targeted women's organizations, claiming that they have links with the government and act as oppressive forces. Women are induced to abandon their feminist or community improvement goals and join the guerrillas. If they refuse, they are threatened and risk rape, other torture, and possibly death. Although *Sendero's* code of conduct forbids sexual molestation, rape of

^{377/} Americas Watch, *Human Rights in Peru: One Year after Fujimori's Coup* (New York: Human Rights Watch, April 1993), p. 27-28. Inter-Church Committee on Human Rights in Latin America, *Systematic Violations and a New Legal Order: Human Rights in Peru* (Toronto: December 1993), p. 24-25.

^{378/} Americas Watch, *Human Rights in Peru: One Year after Fujimori's Coup* (New York: Human Rights Watch, April 1993), p. 27.

^{379/} Americas Watch, *Human Rights in Peru: One Year after Fujimori's Coup* (New York: Human Rights Watch, April 1993), p. 27. Caretas, *Casos Dudosos* (Lima: 21 January 1993), p. 40-48. "Jailed Peruvian Officers Defend Coup," *Miami Herald* (Miami: 28 June 1993), p. 4A. Amnesty International, *Peru: Human Rights since the Suspension of Constitutional Government* (London: AMR 46/13/93, May 1993), p. 28.

^{380/} U.S. Department of State, "Peru," *Country Reports on Human Rights Practices for 1994* (Washington, D.C.: U.S. Government Printing Office, February 1995), p. 484, 493. Americas Watch/Women's Rights Project, *Untold Terror: Violence Against Women in Peru's Armed Conflict* (New York: Human Rights Watch, 1992), p. 16.

female civilians by male cadres has been documented.^{381/}

- In 1992, guerrillas murdered **Marina Oroña Barbarán**, a "Glass of Milk" committee president from **Saños Grande, El Tambo**, Junín; **Verónica Pérez de Mantari**, president of a neighborhood group in **Chilca, Huancayo**; and **Rebeca Fernández Cartagena**, the secretary general of Lima's "**Villa Solidaridad**."^{382/}
- In September 1991, guerrillas reportedly bombed a food warehouse administered by the **Popular Federation of Women of Villa El Salvador** and again in October, guerrillas bombed the "**Ana Jarvis**" **Mothers' Club** in **El Agustino**.^{383/}

2. Targeting by Peruvian Security Forces

The security forces have employed rape and other forms of sexual abuse against female detainees and female relatives of suspected guerrillas. Women who live in the emergency zones are particularly at risk of suffering sexual violence perpetrated by state agents.^{384/} As Amnesty International reported in 1993:

Sexual abuse by soldiers has become common in the emergency zones: there have been many reports of soldiers having tortured women and young girls by raping them, sometimes repeatedly, in peasant communities or when detained in military bases. Many of those subsequently released were threatened with death if they reported their

^{381/} U.S. Department of State, "Peru," *Country Reports on Human Rights Practices for 1994* (Washington, D.C.: U.S. Government Printing Office, February 1995), p. 494. Americas Watch/Women's Rights Project, *Untold Terror: Violence against Women in Peru's Armed Conflict* (New York: Human Rights Watch, 1992), p. 44.

^{382/} Americas Watch/Women's Rights Project, *Untold Terror: Violence against Women in Peru's Armed Conflict* (New York: Human Rights Watch, 1992), p. 56.

^{383/} Americas Watch/Women's Rights Project, *Untold Terror: Violence against Women in Peru's Armed Conflict* (New York: Human Rights Watch, 1992), p. 53.

^{384/} U.S. Department of State, "Peru," *Country Reports on Human Rights Practices for 1993* (Washington, D.C.: U.S. Government Printing Office, February 1994), p. 533. U.S. Department of State, "Peru," *Country Reports on Human Rights Practices for 1992* (Washington, D.C.: U.S. Government Printing Office, February 1993), p. 475. Kirk, Robin, *To Build Anew: An Update on Peru's Internally Displaced People* (Washington, D.C.: U.S. Committee for Refugees, October 1993), p. 5. "Women Raped by Both Army and Rebels in Peru," *Agence-France Presse* (Paris: 7 January 1993) - as reported on NEXIS database. International League for Human Rights, *Peru: Human Rights under States of Emergency* (New York: March 1992). Gonzales-Lara, Jorge, *Human Rights Violations in Peru against Women* (1992). Americas Watch/Women's Rights Project, *Untold Terror: Violence against Women in Peru's Armed Conflict* (New York: Human Rights Watch, December 1992), 62 p. Amnesty International, *Peru: Human Rights in a Climate of Terror* (London: AMR 46/56/91, November 1991), p. 39-41.

experiences to the authorities.^{385/}

Rapes go unreported for fear of further retribution by the security forces. There are no known cases in which a member of the security forces has been punished for rape.^{386/}

- In January 1993, **María de la Cruz Pari**, detained by police on terrorism charges, was taken to a beach at night and raped during the 15-day interrogation period. Forty members of **DINCOTE** have been implicated. When de la Cruz discovered she was pregnant police claimed that her cousin, also accused of terrorism, was responsible. However highly credible sources corroborated de la Cruz's story, and the initiation of pregnancy coincided with the period of her detention.^{387/}
- An army lieutenant and six soldiers reportedly raped fourteen-year-old **Froyli Mori Vela** outside her home in **La Unión, Bellavista** province, San Martín department on the night of June 7, 1992, after searching the house in which she and her parents were staying.^{388/}
- **Raquel Martín Castillo de Mejía**, who was raped by soldiers in 1989, has submitted her case to the **Inter-American Commission of Human Rights**.^{389/}

The Peruvian government has also failed to protect women from what appears to be widespread domestic violence. Sexual violence, including spouse abuse, is a chronic problem in Peru. A survey by a women's rights group in San Martín department indicated that 94 per cent of adult women there had been battered. There were over 10,000 official complaints of mistreatment of

^{385/} Amnesty International, *Peru: Human Rights since the Suspension of Constitutional Government* (London: AMR 46/13/93, May 1993), p. 25.

^{386/} Americas Watch/Women's Rights Project, *Untold Terror: Violence against Women in Peru's Armed Conflict* (New York: Human Rights Watch, 1992), p. 10.

^{387/} U.S. Department of State, "Peru," *Country Reports on Human Rights Practices for 1993* (Washington, D.C.: U.S. Government Printing Office, February 1994), p. 533. Human Rights Watch, *Human Rights Watch World Report 1994* (New York: December 1993), p. 359.

^{388/} U.S. Department of State, "Peru," *Country Reports on Human Rights Practices for 1992* (Washington, D.C.: U.S. Government Printing Office, February 1993), p. 475. Amnesty International, *Peru: Human Rights since the Suspension of Constitutional Government* (London: AMR 46/13/93, May 1993), p. 25.

^{389/} Americas Watch, *Human Rights in Peru: One Year after Fujimori's Coup* (New York: Human Rights Watch, April 1993), p. 23.

women in Arequipa, Peru's second-largest city, during the first seven months of 1993.^{390/}

Judicial authorities do take action against perpetrators of domestic violence; however, special women's police stations were established because policemen often do not take seriously accusations by women against their husbands. Police in Lima estimate that less than 10 per cent of rapes are reported. Of the 2,800 rape cases tried in Lima in 1991, only 340 resulted in convictions. Reports indicate that "approximately half of all rapes are perpetrated against minors."^{391/}

O. Residents of the Emergency Zones

Because of the *de facto* suspension of all guaranteed rights, the severe anti-terrorism decree laws, and the impunity government forces enjoy for human rights violations, every resident of an emergency zone is potentially at risk of suffering abuses at the hands of the security forces. Emergency zones correspond to areas of guerrilla activity, and emergency zone residents are therefore also likely victims of abuses committed by *Sendero* and the MRTA.^{392/}

1. Targeting By Guerrilla Forces

- In April 1994, *Sendero Luminoso* tortured and murdered 19 residents of the village of **Monterrico** in the **Mazamari** district of Junín department.^{393/}
- On October 10, 1992, a Shining Path unit killed 48 peasants in the village of **Huayllao**, Ayacucho as retribution for its formation of a civil defense patrol. The victims included elderly persons, women, children, and infants. Eleven people in nearby **Rumi-Rumi**,

^{390/} U.S. Department of State, "Peru," *Country Reports on Human Rights Practices for 1993* (Washington, D.C.: U.S. Government Printing Office, February 1994), p. 539.

^{391/} U.S. Department of State, "Peru," *Country Reports on Human Rights Practices for 1994* (Washington, D.C.: U.S. Government Printing Office, February 1995), p. 494. U.S. Department of State, "Peru," *Country Reports on Human Rights Practices for 1993* (Washington, D.C.: U.S. Government Printing Office, February 1994), p. 539. U.S. Department of State, "Peru," *Country Reports on Human Rights Practices for 1992* (Washington, D.C.: U.S. Government Printing Office, February 1993), p. 481;. Americas Watch/Women's Rights Project, *Untold Terror: Violence against Women in Peru's Armed Conflict* (New York: Human Rights Watch, 1992), p. 10.

^{392/} Amnesty International, *Violations of Human Rights in the Emergency Zones* (London: AMR 46/25/88, August 1988), 21 p.

^{393/} U.S. Department of State, "Peru," *Country Reports on Human Rights Practices for 1994* (Washington, D.C.: U.S. Government Printing Office, February 1995), p. 489.

which had also formed a *ronda*, were killed by a *Sendero* unit two weeks later.^{394/}

2. Targeting By Peruvian Security Forces

- The *Coordinadora* accused government security forces of killing 71 peasants in the villages of **Ganadería, Moena, Molluna, and Cayumba Chico** in the **Leoncio Prado** province, department of Huánuco during counter-insurgency operations in April 1994. According to the **CNDH** and Peruvian Congressman **Roger Cáceres**, soldiers raped women, burned homes, and bombed and machine-gunned villages from helicopters. The affected region is a declared emergency zone where *Sendero* is active.^{395/}
- Fourteen peasants were tortured and killed on July 4, 1991, in **Rodeopampa, Huancavelica** by members of an army patrol operating in the emergency zone.^{396/}
- On May 14, 1988, 29 people, including elderly persons and infants, were killed by a military unit in the village of **Cayara, Ayacucho**, within an emergency zone. Several villagers apprehended by the military, as well as a number of surviving witnesses subsequently disappeared.^{397/}

P. Homosexuals

Governmental and guerrilla forces have been charged with targeting homosexuals for abuse, harassment, and discrimination. Officially, homosexual behavior is not illegal in Peru; however the U.S. Department of State has reported that discrimination based on sexual orientation is pervasive, and

^{394/} U.S. Department of State, "Peru," *Country Reports on Human Rights Practices for 1992* (Washington, D.C.: U.S. Government Printing Office, February 1993), p. 472. Americas Watch, *Human Rights in Peru One Year after Fujimori's Coup* (New York: Human Rights Watch, April 1993), p. 16. Kirk, Robin, *To Build Anew: An Update on Peru's Internally Displaced People* (Washington, D.C.: U.S. Committee for Refugees, October 1993), p. 11.

^{395/} "Access is Sought to Site of Alleged Peruvian Abuses," *Miami Herald* (Miami: 28 April 1994), p. 18A. "Peru's Army Accused of Killings, Torture," *Chicago Tribune* (Chicago: 22 April 1994), p. 17. "Peru's Army Accused of Atrocities," *San Francisco Chronicle* (San Francisco: 21 April 1994), p. A14. "Peru's Army Says it Killed 14 Rebels but Denies Harming Nearby Towns," *Miami Herald* (Miami: 21 April 1994), p. 15A.

^{396/} U.S. Department of State, "Peru," *Country Reports on Human Rights Practices for 1992* (Washington, D.C.: U.S. Government Printing Office, February 1993), p. 474. "Model Sentence," *Andean Newsletter* (Lima: 22 February 1993), p. 5.

^{397/} Organization of American States, Inter-American Commission on Human Rights, *Report on the Situation of Human Rights in Peru* (Washington, D.C.: OEA/Ser.L/V/II.83, Doc. 31, 12 March 1993), p. 3, para. 10. Amnesty International, *Peru: Human Rights in a State of Emergency* (London: August 1989). Washington Office on Latin America, *Latin American Update* (Washington, D.C.: Vol. 13, No. 3, June 1988) p. 13. Washington Office on Latin America, *Latin American Update* (Washington, D.C.: Vol. 13, No. 4, July-August 1988), p. 5.

that the general attitude toward homosexual men and women is hostile.^{398/} In 1993, the president of Peru, Alberto Fujimori, fired 117 top civil servants because of their alleged homosexuality.^{399/}

Although homosexual behavior cannot be tried as a criminal offense, laws referring to public morality have been used against gays and lesbians. For those in the military, "dishonorable acts of carnal knowledge against the order of nature" can be punished with sixty days' to twenty years' imprisonment, and in some cases with discharge from the forces (Section 269 of the Military Penal Code of 1980).^{400/}

1. Targeting by Guerrilla Forces

Sendero Luminoso and the *Movimiento Revolucionario Túpac Amaru* (MRTA) have threatened and killed homosexuals. Both groups claim they are upholding public morals by their actions, helping clean up society, and/or preventing the corruption of youth. The MRTA's leader, Víctor Polay, was reported to have said that homosexuals represent a danger to society.^{401/} MRTA distributed flyers in the cities of Tarapoto and Pucallpa threatening death to all homosexuals, drug addicts, and prostitutes, and during the summer of 1990, allegedly assassinated seven homosexuals in Tarapoto and Pucallpa.^{402/} On September 11, 1992, the MRTA threatened to bomb the offices of the *Movimiento Homosexual de Lima* (MHOL, Homosexual Movement of Lima). The threat was never carried out, but is an indication of the harassment faced by homosexuals in Peru.^{403/}

^{398/} U.S. Department of State, "Peru," *Country Reports on Human Rights Practices for 1993* (Washington, D.C.: U.S. Government Printing Office, February 1994), p. 539.

^{399/} Hendriks, Aart; Tielman, Rob; van der Veen, Evert, *The Third Pink Book* (Buffalo, NY: Prometheus Books, 1993), p. 315.

^{400/} Hendriks, Aart; Tielman, Rob.; van der Veen, Evert, *The Third Pink Book* (Buffalo, NY: Prometheus Books, 1993), p. 315.

^{401/} Amnesty International, *Breaking the Silence: Human Rights Violations Based on Sexual Orientation* (New York: February 1994), p. 37. Hendriks, Aart; Tielman, Rob; van der Veen, Evert, *The Third Pink Book* (Buffalo, NY: Prometheus Books, 1993), p. 315. Chauvin, Lucien, "Struggling in Peru: A Steady Diet of Oppression Fails to Extinguish the Gay and Lesbian Movement in Peru," *Gay Community News* (18-24 March 1991), p. 8.

^{402/} Immigration and Refugee Board, Documentation, Information, and Research Branch, *Peru: Information on Who is at Risk from Political Violence*, Response to Information Request (Ottawa, Canada: PER14377, 16 June 1993) - as reported on the UNHCR/CDR database. Chauvin, Lucien, "Struggling in Peru: A Steady Diet of Oppression Fails to Extinguish the Gay and Lesbian Movement in Peru," *Gay Community News* (18-24 March 1991), p. 8.

^{403/} "Gays in Peru Threatened," *San Francisco Bay Times* (San Francisco: Vol. 13, No. 27, 24 September 1992).

2. Targeting by Peruvian Security Forces

The small but active gay and lesbian rights group called *Movimiento Homosexual de Lima* (MHOL, Homosexual Movement of Lima), organized in 1983, has claimed that gays and lesbians are often targeted by police and that hate crimes against them are rarely investigated.^{404/} According to Oscar Ugarteche, one of the founders of the MHOL, police regularly surround homosexual bars in the capital and demand money for free passage from the patrons. Gay bars can be closed because they are considered immoral by authorities.^{405/}

^{404/} U.S. Department of State, "Peru", *Country Reports on Human Rights Practices for 1994* (Washington, D.C.: U.S. Government Printing Office, February 1995), p. 493.

^{405/} "Activists: Peru Police are Blackmailing Gays," *The Washington Blade* (Washington, D.C.: Vol. 24, No. 38, 3 September 1993), p. 7.

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