

Peru

Justice for past abuses continues to be a leading human rights concern in Peru. While authorities have made some progress in holding accountable those responsible for abuses committed during its 20 year armed conflict (1980-2000), most perpetrators continue to evade justice. Investigations of massacres and “disappearances” by government forces have been held up by lack of military cooperation and insufficient funding.

Cases of torture and police brutality continue to occur. Victims and witnesses in torture cases are vulnerable to intimidation and reprisals. Journalists reporting on corruption in Peru’s provincial cities face harassment and physical attacks, apparently instigated by local authorities.

Confronting the Past

In 2003 the Truth and Reconciliation Commission reported that left-wing insurgents and government forces committed grave abuses during the 1980s and 1990s. Peru has made significant progress in prosecuting former members of insurgent groups for their past crimes. After annulling in 2003 the sentences of more than 700 prisoners convicted without due process for crimes under Peru’s antiterrorism law, the state has conducted new trials that have resulted in the conviction of more than 450 people for killings, attacks with explosives, and other violent crimes. In October 2006, the National Criminal Court sentenced Abimael Guzmán, leader of the Shining Path, an armed group notorious for atrocities, and his partner Elena Iparraguirre, to life in prison. The court held them responsible for a 1983 massacre of 69 peasants at Lucanamarca and numerous killings and car-bombings. Nine other Shining Path leaders received lesser prison sentences.

Peru has also made some progress in bringing to justice those responsible for abuses committed by state agents during the rule of Alberto Fujimori (1990-2000).

More than 50 alleged members of the Colina Group, a specialized squad of military and intelligence officers which was created in 1991 to “eliminate” suspected terrorists, are on trial in Lima. An ad-hoc solicitor’s office, created by Fujimori himself before he abandoned the country and backed at the outset by former President Toledo, has played a vital role in these investigations.

Altogether, more than 1,780 individuals implicated in abuses and corruption during this period are facing charges.

Based on evidence collected by the ad-hoc solicitor, numerous charges have been brought against Fujimori himself since he left office and took up residence in Japan in 2000. In November 2005 Fujimori left Japan and arrived unexpectedly in Santiago, Chile, evidently intending to return to politics in Peru. As of October 2006 a Chilean Supreme Court justice was still considering the Peruvian government’s request for him to be extradited to Peru. More than sufficient grounds exist to justify Fujimori’s extradition for the killing of 25 people in two separate incidents in 1991 and 1992 attributed to the Colina Group (the Barrios Altos and La Cantuta cases). Additionally, abundant evidence has been presented to support other charges of corruption and abuse of authority. In May 2006 a Supreme Court panel granted Fujimori pre-trial release, but barred him from leaving the country. The Criminal Chamber of the Chilean Supreme Court is expected to make a final decision on the extradition request in 2007.

Compared with the record of the ad-hoc solicitor’s office, advances in the prosecution of former military and police personnel for human rights violations committed during the first decade of the conflict have been far more modest. As of July 2006 judges had filed charges in at least 37 cases and at least 188 others were still under preliminary examination by prosecutors, but there were only a handful of convictions, only one of them involving a commanding officer. In March 2006 a Lima court sentenced a police colonel to 16 years of imprisonment and three junior officers to 15 years for the “disappearance” in October 1990 of student Ernesto Castillo Paez—the first ever sentence in Peru for a forced disappearance.

Peru's new president, Alan García Pérez, who took office in July 2006, served an earlier term during the second half of the 1980s, at the height of the country's political violence. During his first presidency killings and "disappearances" were widespread and went almost completely unpunished. President García's responsibility for a 1986 massacre at El Fronton, a maximum security jail—for which the Truth Commission considered him politically responsible—has been scrutinized by prosecutors, although no criminal charges have been brought against him. Investigations currently pending in the courts include this case and two army massacres that occurred during García's first term in office, in which scores of soldiers face charges. In September 2006 the government passed a decree committing the state to cover the legal fees of police and military defendants in human rights cases.

Up until now, lack of cooperation by the armed forces has hampered faster progress of these investigations. The Ministry of Defense has consistently failed to provide information needed by prosecutors and judges to identify men who served in rural counterinsurgency bases during the conflict and who are potentially key witnesses. It has also failed to identify servicemen known only by their aliases, while denying that official records of this information exist.

The probe currently underway into the alleged responsibility of former presidential candidate Ollanta Humala for the torture and "disappearance" of civilians while he was stationed in the Madre Mia counterinsurgency base in 1992 exemplifies this lack of military cooperation. In August 2006 a Lima court charged Humala with the "disappearance" and killing of two people and the wounding of a third and banned him from leaving the country. The prosecutor was unable to obtain from the former minister of defense a list of the men stationed at the base at the time, and the investigating judge had to repeat the request. Its outcome was not known at this writing.

The failure of successive governments to provide enough resources for these investigations has made it difficult for prosecutors to process cases swiftly. The special prosecutor in Ayacucho, who is responsible for investigating around 200 cases, has insufficient staff and equipment. In other districts prosecutors have to deal with complex human rights cases along with their regular workload, all without additional assistance.

Torture and Police Brutality

Torture and police brutality continue to be a problem. The Human Rights Commission (Comision de Derechos Humanos, COMISEDH), a human rights NGO that has monitored the issue over many years, documented 11 such complaints in the first six months of 2006.

Witness Protection

Victims pursuing complaints of torture in the courts, as well as their relatives, are sometimes attacked and intimidated. In April 2006 for example, Juan Fidel Zamudio Bocánel, a victim of a police beating whose case was being tried, was reportedly confronted in the street by men who tried to force him into a station wagon. He fought them off, but one pulled a gun and shot him in the back as he was running away. Although he survived, the bullet perforated his lung.

Attacks on Journalists

Journalists who publicize abuses by local government officials are vulnerable to intimidation, assault, and even murder by individuals acting in support of, or hired by, municipal authorities.

During 2005 and 2006 courts made some progress in solving past killings of journalists. In December 2005 a court in Ancash sentenced the mayor of Yungay, Amaro León León, and two accomplices to 17 years in prison for the 2004 murder of radio journalist Antonio de la Torre Echeandía after he had broadcast accusations against local government officials. However, the defendants appealed and in July 2006 the First Transitory Criminal Bench of the Supreme Court absolved and released León and the other two defendants. According to local human rights groups, the Supreme Court panel disregarded a large body of evidence incriminating the three.

Human Rights Defenders

Peru's human rights organizations are frequently criticized and accused of bias in their legal work on behalf of victims. In September 2006 Vice-President Luis Giampetri, whose alleged role in the El Fronton prison massacre has also been investigated by prosecutors, convened a meeting of the congressional intelligence

committee (which he chairs) to scrutinize the work of the Legal Defense Institute (Instituto de Defensa Legal, IDL). Lawyers from IDL, a well-respected human rights organization which specializes in justice issues, represent relatives of one of the El Fronton victims. Giampetri claimed that IDL was interfering in trials affecting the military and affecting the morale of the armed forces.

In November 2006, Peru's congress approved the first draft of a bill that would allow the government to "supervise" the activities of Peruvian NGOs that receive foreign funding. The bill, which posed a major threat to the independence of the country's human rights NGOs, was on the brink of final approval but was returned for further debate after strong protests from civil society groups.

Key International Actors

In April 2006, the Inter-American Court of Human Rights ordered Peru to "identify, judge and punish" those responsible for the torture and death of Bernabé Baldeón García, a peasant who died after torture by an army patrol in 1990.

In July 2006 the United Nations Committee against Torture issued its concluding observations on Peru's periodic report on the implementation of the UN Convention against Torture. The Committee noted that complaints of torture continue to be received. It expressed concern that victims or witnesses seeking redress in court are sometimes threatened and intimidated and urged Peru to set up an appropriate mechanism to protect them.