



HUMAN  
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WATCH

# Deadly Decline

## Security Force Abuses and Democratic Crisis in Peru



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# Map



Protesters and bystanders who died of injuries suffered during demonstrations from December 2022 through February 2023.



## Summary

“My husband loved life. He was full of life. He did not deserve to die. They took away my daughter’s right to have a father.”

– Ruth Bárcena Loayza

At 2:50 p.m. on December 15, 2022, Ruth Bárcena Loayza saw on social media that her husband had been shot. Leonardo David Hancco Chacca, a 32-year-old heavy machinery operator, had left home that morning to join a wave of demonstrations that were rocking Peru’s impoverished and heavily Indigenous south. The couple lived in Ayacucho, a town high in Peru’s Andes where the population had suffered both the extreme violence of the Maoist armed group Shining Path and the indiscriminately brutal response of state forces in the 1980s.

The demonstration that afternoon took place near the airport, about two kilometers from the military barracks, Los Cabitos, where security forces had tortured and murdered people during their campaign against the Shining Path in the 1980s and 1990s, and about three kilometers from the barren area where they buried more than a hundred bodies.

Bárcena Loayza, who was pregnant at the time, ran to the hospital, then to the airport, in search of her husband. “Bullets were flying over me, beside me,” she recalled. Those shooting were military personnel, she said. At one point she said she saw a military officer grabbing a young man by the hair as he fled the area near a Primax gas station 430 meters south of the airport entrance. She said the officer hit him with the butt of his rifle and stepped on his back after he fell to the ground. “The officer said: ‘Terrorist, you are going to die. What are you coming here for?’” The officer then shot him in the leg, Bárcena Loayza said.

Bárcena Loayza found her husband in the Ayacucho Regional Hospital with severe internal injuries from bullet wounds. The next day an ambulance took him and two other injured people to the nearby airport, where medical staff asked military officials to fly them on a small military plane to a hospital in Lima. “Fuck him,” Bárcena Loayza recalled a military

officer responding. “Terrorists deserve to die like that.” The ambulance took the wounded back to the hospital. Hancco Chacca died in the early hours of December 17.

Military forces killed 10 people and injured scores on December 15, 2022, in Ayacucho. These 10 are among the 49 demonstrators and bystanders—including 8 children under 18—who died after being injured during protests across Peru from December 7, 2022, through February 2023. More than 1,000 others were injured, including hundreds of police officers.

This report investigates these killings and injuries against the backdrop of deteriorating democratic institutions, corruption, impunity for past abuses, and persistent marginalization of rural and Indigenous Peruvians.

It finds that the Peruvian military and police used disproportionate and indiscriminate force against protesters and bystanders, in clear violation of international law. The vast majority of fatal victims died of gunshot wounds caused by assault rifles and handguns. The report also finds that in some locations, police fired lead pellets, which are prohibited by the police’s internal rules, against protesters. These killings are likely to amount to extrajudicial or arbitrary killings under international human rights law, for which the state is responsible. Prosecutors should investigate the officers who fired on peaceful protesters and engaged in other disproportionate use of force as well as their superiors and civilian authorities.

The report is based on interviews with more than 140 people, including witnesses, injured protesters and bystanders, relatives of those killed, police officers, prosecutors, government officials, and others during a trip to Peru in January and February 2023, and remotely from February through April. Human Rights Watch also verified over 37 hours of video footage and 663 photographs of the protests, and reviewed autopsy and ballistics reports, health records, and other documentation.

## Political Instability, Corruption and Marginalization

Peru has endured years of political instability and increasing polarization. The country has had six presidents in six years. Corruption is a major factor in the deterioration of public institutions. It has engulfed successive governments, regardless of political ideology, as well as many members of Congress and regional governments.

Political dysfunction and neglect have resulted in a lack of effective policies to address stark, longstanding inequalities in the realization of economic, social, and cultural rights. Poverty levels spiked sharply with the start of the Covid-19 pandemic, affecting 30 percent of the population in 2020. Peru has had the highest rate of reported Covid-19 deaths in the world to this day, in part due to its weak public health system.

Rural populations in the country's interior, many of whom identify as members of the Indigenous Quechua and Aymara peoples, lack adequate access to health care, education, and other services, resulting in much higher rates of poverty, child malnutrition, and lack of literacy and internet access.

For many of those in marginalized communities, the 2021 election of Pedro Castillo, a former elementary school teacher from a rural community, was a moment of hope. But his administration failed to take effective measures to address these and other social problems and was soon embroiled in corruption scandals.

Congress was scheduled to vote on Castillo's removal from office, based on the corruption allegations, on the afternoon of December 7. The morning of the vote, Castillo attempted to dissolve Congress, rule by decree, and take over the judiciary. Those actions, which were effectively a failed coup, triggered a crisis that continued at the time of writing.

Democratic institutions, the armed forces, and members of Castillo's cabinet swiftly rejected the president's actions. Congress removed Castillo from office and Vice President Dina Boluarte became president, as provided in Peru's constitution. That same day, Boluarte announced she would govern until the end of Castillo's term in 2026, even though polls at the time showed more than 80 percent of Peruvians wanted early elections.

Thousands of protesters took to the streets, calling for early elections among other demands. Although President Boluarte changed her position and supported holding early elections, Congress has repeatedly voted to reject them. Many Peruvians believe that many members of Congress refuse to move elections up because they want to preserve their own jobs, as a constitutional amendment bans their immediate reelection.

Rejection of Congress, which faces overwhelming public disapproval, became a rallying cry for protests; so did calls for Boluarte to resign, which would trigger new presidential

elections. Some protesters told Human Rights Watch that their outrage over the government's repressive response to the protests, including the killings of demonstrators starting in December, drove them to the streets. People from Indigenous and rural communities also told us that their frustration at being unable to provide a better life for their children, and lack of access to quality education and health care, prompted them to travel to regional cities to protest. Working-class people in some of those cities joined them.

Many of those who took to the streets over the following weeks and months were seriously injured or killed.

## Protesters' Violence

Peru's Ombudsperson's Office recorded 1,327 protests from December 7, 2022, to February 20, 2023, in which thousands of people participated peacefully. However, it also reported 153 incidents of violence by protesters. Some protesters hurled rocks at security forces and, in some locations, launched homemade devices that, according to police, combined explosives with fireworks. Hundreds of police officers were injured; most were bruised by rocks that protesters threw at them and a few had serious injuries such as organ damage. One officer was murdered in the town of Juliaca, although the motivations and other circumstances surrounding his death remain unclear.

Protesters damaged hundreds of public and private buildings and tore down fences and entered airports' tarmacs, interrupting their operations in five cities.

Roadblocks set up by protesters led to 11 deaths of people who could not reach hospitals or who had car accidents, as of March 16, 2023, according to the Ombudsperson's Office. Roadblocks caused shortages of fuel and food in some areas, and contributed to the deaths from respiratory ailments of seven Haitian migrants, including a child, who were forced to remain in a high-altitude border town with low temperatures at night.

Governments have a responsibility to protect people from violent acts by private actors, including by protesters, and it is appropriate for authorities to hold those actors accountable in line with international due process standards. But the government, including security forces, also has an obligation under international human rights law to

protect free expression and peaceful assembly. Authorities should always distinguish between those responsible for violence and those who are demonstrating peacefully, and adhere to the principles of necessity, legality, and proportionality. The failure of the military and police to abide by those principles led to serious human rights abuses.

## Brutal State Response to the Protests

Witnesses and the ombudsperson told Human Rights Watch of instances in which police used less-lethal weapons, such as tear gas and pellet shotguns, to disperse peaceful assemblies, in violation of these international human rights standards. In other instances where some protesters became violent, the police and military response was excessive and indiscriminate, and there is strong evidence of prohibited use of firearms in response to protests.

In at least 39 of the 49 civilian deaths reported by the Ombudsperson's Office in connection with security force response to the protests, the cause of death was gunshot wounds, according to autopsy and ballistics reports and health records reviewed by Human Rights Watch. In a 40th case, a health document listed the cause as "probably" a gunshot wound. Five people were killed by pellets fired from a shotgun and one protester was likely killed by a tear gas cannister fired at close range, according to those documents as well as videos verified by Human Rights Watch. Human Rights Watch could not ascertain the cause of death for the remaining three cases.

At least another 125 people were injured by gunshots, according to a Ministry of Health database, although the actual number is likely to be higher. Human Rights Watch reviewed medical records provided by relatives of victims that referenced gunshot wounds in several cases that were not included in the ministry's list.

The use of lethal force with firearms, including assault rifles as well as handguns, by military and police to shoot at protesters and bystanders, and the use of shotguns to fire potentially lethal pellets at close range, in some cases lead pellets, account for the very high death toll.

The 34 autopsy reports that Human Rights Watch obtained of people who died from gunshot wounds show that 14 victims were struck by bullets to the torso, 11 to the head,

and 9 to the back. A forensic expert told Human Rights Watch that gunshot wounds to the upper body, including the head, are consistent with targeting.

Peru's police chief said police had not confiscated any firearms from protesters anywhere in the country as of February 7, 2023. Human Rights Watch did not identify any protester holding firearms in the more than 37 hours of video footage and 663 photographs of demonstrations that it reviewed.

Six military registries reviewed by Human Rights Watch showed military personnel were equipped with Galil series assault rifles in Ayacucho on December 15, 2022. A ballistics report by a police forensic expert said that a 5.56mm projectile “for Galil rifle” was found in the body of one of the fatal victims. In the cases of eight other victims, the ballistics reports said the entry wounds were caused by projectiles of similar caliber (a measurement of size referring to the diameter of the bullet).

Ballistics analysis reports by forensic experts at the prosecutor's office show that bullets and bullet fragments recovered from three victims in the town of Juliaca have the same caliber as those fired by assault rifles seen carried by police and military officers there that day. Two photographs verified by Human Rights Watch show a used cartridge of this caliber of bullet labeled PNP, for Peruvian National Police, in Juliaca on the day of the shootings.

In several cases, security personnel appear to have killed people at a distance, sometimes more than 100 meters away, undermining the possibility that they fired in self-defense.

Three other victims in Juliaca had 9mm bullets or bullet fragments recovered from their bodies. The same type of ammunition is used in Peru's standard police handguns.

At least 15 of those killed were passersby, another three were watching protests, and three were trying to help those injured, according to interviews and videos collected by Human Rights Watch. Their killings are indications of the indiscriminate nature of the response by police and the military.

The use of lethal weapons by the police and military forces to respond to protests made the loss of life or serious injury very likely and foreseeable. It was grossly disproportionate to the threat faced.

Inappropriate use of less-lethal weapons also resulted in serious injuries and killings. Eight videos and five photographs verified by Human Rights Watch show officers shooting tear gas projectiles horizontally toward protesters—contravening Peru’s police internal rules and international best practices on their use to reduce the risk of serious injury or death. In Juliaca, officers shot tear gas in an area where medical personnel were treating the wounded and from an army helicopter. In Lima, three CCTV videos appear to show a police officer shooting a tear gas canister from a riot gun directly and at close range at a group of protesters, one of whom died.

Ballistics analysis and other evidence suggest that police in some locations used lead pellets fired from shotguns, a means that is prohibited by national police regulations, but which Human Rights Watch documented that police already used in Lima in November 2020.

Pellets that police fired from shotguns caused injuries in January 2023 that killed at least five people in Juliaca, Arequipa, and Cusco. Victims were hit by multiple pellets, indicating they were shot at close range, as this type of projectile scatters with distance. In one case, CCTV footage verified by Human Rights Watch shows a police officer shooting at a young man from roughly seven meters away, as he fled. An X-ray showed about 30 pellets in his body. He died in March 2023. At least 71 people were injured by pellets, Ministry of Health data show.

In total, about 1,300 people—including at least 39 children—were treated in public and private health facilities for injuries they received during protests between December 7, 2022, and March 2, 2023, Ministry of Health data show. Of those, about 380 were police officers.

About 70 percent of those injured were men between the ages of 18 and 40. As of March 2, 2023, 22 people remained hospitalized, including 2 for serious injuries they received in December.

Journalists were attacked by both protesters and security forces. The Peruvian National Association of Journalists documented 155 cases of harassment, threats, beatings, and arbitrary detentions from December 7, 2022, through January 2023. In December, most of the aggressors were demonstrators and in January, they were security forces, the association said.

## Abuses Against Detainees

Human Rights Watch also documented due process violations and abuses against detainees. Police appear to have misused an overbroad legal provision allowing them to take people into custody to verify their identity in an attempt to intimidate protesters and keep them in custody temporarily.

On January 21, 2023, police conducted an abusive mass detention of local students and people from the provinces who had traveled to the capital to demonstrate and were staying overnight at San Marcos National University in Lima. As of April 5, prosecutors continued a preliminary investigation into 192 of those arrested at the university for *usurpación* (“usurpation” or “seizing property”), the crime of taking possession of a building, punishable by up to five years in prison.

The Ombudsperson’s Office also documented cases of beatings and other physical and psychological mistreatment of protesters in police custody around the country. In Lima, police separated some groups of detainees by gender, then made them strip naked for searches, one witness said.

Police do not provide food, menstruation products, or medicines to people they detain at police stations, even though the law allows them to hold suspects for up to 48 hours before a prosecutor decides whether the person should be released or brought before a judge. Family members are expected to bring the detainees such necessities.

## Investigation of Abuses and Acts of Violence

The police’s disciplinary system lacks transparency and independence. It failed to hold anyone accountable for the abuses against protesters committed in 2020. The director of investigations at the police internal affairs office told Human Rights Watch they had

opened investigations into the deaths of people in the context of the current wave of protests, but he refused to provide any other details. He did say that no police officer had been disciplined or removed from duty.

Attorney General Patricia Benavides told Human Rights Watch her office had opened 189 investigations into deaths and injuries of protesters and bystanders, and into acts of violence by protesters, as of February 8, 2023.

Specialized human rights prosecutors lead some of those investigations but have very little presence in the south of the country, where most of the abuses occurred. Human Rights Watch has identified serious flaws in some of these criminal investigations, including failures to collect key initial evidence, which can compromise the investigation. For example, authorities failed to secure crime scenes and collect bullet casings. Prosecutors failed to order gunshot residue tests on military and police officers, which need to be conducted in the hours following a shooting.

In two cases in Andahuaylas, prosecutors failed to arrange autopsies before burials, so they were only done months later. More than six weeks after the killings of demonstrators and bystanders in Ayacucho, Andahuaylas, and Juliaca, prosecutors still had not seized any guns for ballistics analysis, victims' attorneys and a prosecutor said. In Cusco and Arequipa, prosecutors did not seek CCTV footage of the locations where people were injured or killed, according to attorneys representing the victims.

Human rights prosecutors in Peru do not have forensic experts assigned to their cases, but rather request forensic analysis from any expert working for the prosecutor's office in all kinds of cases. That impedes specializing in investigations into abuses by security forces. Rather than seek to improve forensic analysis nationwide, on February 27, 2023, the director of forensic analysis at the prosecutor's office in Lima ordered the immediate suspension of the activities of the core group of forensic analysts in the capital. He said the suspension was caused by "a process of reorganization" ordered by his superiors. The chief of a provincial prosecutor's office told Human Rights Watch that the order "effectively" suspends forensic analysis in the provinces because they do not have the budget to pay for it.

On March 31, 2023, the attorney general created a special team of eleven prosecutors and a coordinator to investigate human rights violations and acts of violence during protests from December 2022 through March 2023.

Associations of victims complained that they had not been consulted about the creation of the group and that its members had little or no experience investigating human rights abuses. In addition, local non-governmental organizations are concerned that by appointing prosecutors just until June 2023, the attorney general will be able to influence the trajectory of the investigation since she could decide not to renew the appointment of some prosecutors.

The team should take advantage of centralizing all cases to trace the chain of command and investigate the responsibility of police and military commanders and civilian authorities in the abuses nationwide.

## **Senior Officials’ Responsibility for the Abuses**

In January 2023, the attorney general launched a preliminary investigation against President Boluarte, Prime Minister Otárola, Defense Minister Jorge Chávez, former Interior Ministers Víctor Rojas and César Cervantes, and former Chief of Staff Pedro Angulo, including for homicide and serious injuries committed during protests.

Prosecutors have an obligation to investigate not just the military and police officers who committed crimes but also their superiors and civilian authorities, who may have ordered the abuses, failed to stop them despite having a responsibility to do so, or not responded adequately to prevent further abuses and ensure accountability.

Evidence that the police and the military were engaging in excessive use of force emerged as early as mid-December 2022. From December 11 through December 14, 2022, eight people were killed during protests, at least six of them after suffering gunshot injuries, according to autopsy and health records reviewed by Human Rights Watch. Witnesses said police used lethal weapons against protesters. On December 15, the military fired assault rifles against protesters and bystanders in Ayacucho, killing 10 and injuring scores.

On December 17, the then-minister of defense, Luis Alberto Otárola, said in a press conference with President Boluarte that the events in Ayacucho were “a deplorable series of failed actions by violent people,” that the armed forces had “scrupulously respected” the rules for the use of force, and promised them “the legal protection of the State.” Four days later, President Boluarte appointed Otárola as prime minister.

Protests halted during the Christmas holidays, but they resumed in January—and so did the killings.

Prime Minister Otárola has, according to news accounts, told prosecutors that President Boluarte stated in a WhatsApp message, without clarifying the date, that the use of force should comply with the law and that citizens’ lives were the priority, and he has said that he, in turn, forwarded the message to the leadership of Armed Forces.

Prosecutors should verify this claim by Prime Minister Otárola. But even accepting it as true, Human Rights Watch has seen no evidence of actions by President Boluarte or her ministers to ensure that that directive was followed, despite repeated instances in which it was clear that security forces were violating the law and putting citizens’ lives at risk.

Nor have we seen evidence that the government took action to hold those responsible to account. On the contrary, officials were dismissive about the abuses, often denying they occurred, while repeatedly expressing offensive opinions about protesters and disparaging them, insinuating that they are “terrorists.” The government’s rhetoric that appeared to excuse or minimize the abuses, combined with the apparent inaction of the highest civilian authorities overseeing security forces in the face of strong evidence of abuses, raises questions as to possible negligence or even complicity in the abuses.

As of early February, the Ministry of the Interior had not opened any investigation into police conduct and no police officer had been disciplined or removed from duty.

## Intensifying Threats to Democratic Institutions

Authorities in Lima have failed to address, or even discuss, the roots of the unrest, including the marginalization of rural and Indigenous populations, as well as the public disgust with government officials whom many Peruvians perceive as governing for their

own profit and as taking advantage of the change in the presidency to further entrench themselves in power.

In the months since Boluarte took office and the protests began, there have been new corruption scandals implicating members of Congress and Boluarte herself.

Sectors of Congress seem to be moving rapidly to weaken democratic institutions that could serve as checks on their power. In 2022, Congress replaced six of the seven members of the Constitutional Tribunal in a process that was widely criticized for lack of transparency and failure to ensure that candidates were selected based on merit. In February 2023, that tribunal issued a sweeping ruling that appears to grant Congress wide-ranging authority with minimal oversight from the courts. In particular, on the basis of that ruling, Congress is now poised to move forward with the selection process for a new ombudsman—a crucial role in holding the government to account on human rights issues—despite concerns that its past efforts to do so threatened the independence of that office. Also, the ruling opens the door to Congress investigating and removing the heads of the country’s electoral bodies, which some sectors of Congress that falsely claimed electoral fraud after Castillo’s election are eager to do.

## The International Response to the Crisis

Foreign governments have largely failed to robustly and consistently speak out or take action to defend human rights during the current crisis in Peru. In particular, the US and Canada did not denounce the killings and other serious abuses by state forces for months.

Meanwhile, Argentina, Bolivia, Colombia, Honduras, and Mexico have defended Castillo and ignored his attempt to dissolve Congress and take over the judiciary.

Few governments seem to have focused on the new threats to democratic institutions, including to the electoral authorities, coming from Congress.

## Key Recommendations to the Peruvian Government

### *Ensure Proper Investigations and Accountability*

The Peruvian government should ensure prompt, independent, and thorough investigations into all abuses by state police and military forces, and acts of violence, prosecuting those responsible as appropriate. Prosecutors should investigate and charge as appropriate not just the military and police officers who committed abuses but also their superiors and government authorities, who may have ordered them, failed to take effective action to stop them, or not responded adequately to prevent further abuses and ensure accountability.

### *Promote National Dialogue*

The Peruvian government should take concrete actions to regain public trust and pave the way for dialogue with protesters and affected communities, including by:

- Stopping stigmatization of protesters through language falsely linking them to terrorism or otherwise denigrating them.
- Unequivocally condemning the killings and other abuses.
- Taking clear action to promote accountability for abuses.
- Ordering that security forces protect the right to peaceful protest.
- Adopting measures, including by working with Congress, to address deep inequalities in people's ability to realize their economic, social, and cultural rights, and the marginalization of Indigenous and rural populations, such as universal social protection and access to quality public services.

Given the distrust on all sides, eventual dialogue that addresses people's legitimate political, economic, social and cultural concerns should be facilitated by independent and credible mediators with the support and participation of UN or regional agencies and the international community.

### *Invite a Commission of International Experts*

The Peruvian government should invite an independent commission of international experts and grant it access to government information and case files to support ongoing investigations and report on the current crisis and human rights violations, in a manner

that is complementary to existing criminal investigations. The commission should investigate the factors leading to the crisis, the causes of protests, acts of violence committed in the context of protests, and abuses by security forces. The commission could act to support ongoing criminal investigations through fact-finding, arranging for additional forensic and other expert analysis, and advising on investigative strategies, or propose opening new investigations. It should also issue recommendations to strengthen accountability, the rule of law, independent democratic processes, and the protection of human rights.

The most recent examples of such commissions in the region are the interdisciplinary groups of independent experts created through agreements between the Organization of American States (OEA), the Inter-American Commission on Human Rights, and the governments of Mexico, Nicaragua, and Bolivia. Those groups carried out important work to investigate serious human rights abuses in those countries.

### *Reform the Police*

The Peruvian government should work with Congress to secure a police reform that involves improvement in equipment and training for crowd control and use of force, a review of protocols, a review of the power to conduct identity controls, and an overhaul of the disciplinary system to ensure independence and transparency, among other measures.



A woman looks at a memorial in Arequipa in honor of civilians killed during the protests from December 7, 2022 to February 4, 2023, when the photo was taken. © 2023 César Muñoz Acebes/Human Rights Watch

## Methodology

In researching this report, Human Rights Watch interviewed more than 140 people, including witnesses of abuses by security forces and of violence by protesters, people who were injured, relatives of those killed, police officers, prosecutors, attorneys, non-governmental organization (NGO) and United Nations representatives, journalists, and experts. We also met with the ministers of defense and the interior, the then-commander of the national police and the police's inspector general, the attorney general, and the ombudswoman.

In addition, we verified over 37 hours of video footage from 269 videos and 663 photographs showing peaceful protests, acts of violence by demonstrators, and illegal or improper use of force by security forces, including killings.

Human Rights Watch representatives traveled to Peru from January 29 through February 9, 2023. We conducted interviews in Spanish in the cities of Lima, Ayacucho, Cusco, and Arequipa. We conducted remote interviews, mostly with people in Andahuaylas and Juliaca, some in Quechua through a translator, from December 2022 through March 2023.

Human Rights Watch identified interviewees through NGOs, officials, attorneys, and witnesses, who referred us to other people with whom we could speak.

We reviewed autopsy and ballistics reports, hospital records, and other documents, and consulted with forensic experts. We visited Antonio Lorena hospital in Cusco and the Police Hospital in Lima.

Human Rights Watch has withheld publication of the identities of relatives of victims and witnesses who requested that their names be kept confidential for fear of reprisals.

Human Rights Watch informed all participants of the purpose of the interview, its voluntary nature, and the ways in which information would be collected and shared publicly. Interviewers assured participants that they could end the interview at any time or decline

to answer any questions, without any negative consequences. All interviewees provided informed consent orally. No interviewee received compensation for providing information.

Interviews were semi-structured and covered topics related protests, acts of violence during demonstrations, abuses by security forces, and the political and social context in Peru. Most interviews lasted 30 to 60 minutes. Care was taken with victims of trauma to minimize the risk that recounting their experiences could further traumatize them.

## I. An Entrenched Political and Social Crisis

Peru has experienced an erosion of the rule of law and democratic institutions in recent years, in part due to pervasive corruption and a Congress dominated by petty personal agendas. Then-president Pedro Castillo triggered the current crisis in December 2022 by announcing measures that amounted to a failed coup. The ensuing protests were driven not just by a desire of early elections, but by frustration at persistent inequality and marginalization of rural and Indigenous communities, who catalyzed much of the unrest. The Boluarte administration responded by stigmatizing protesters and, just like the government led by Castillo, deploying the armed forces for law enforcement.

### Political Instability and Corruption

Peru has endured years of political instability, in a context of increasing polarization and fragmentation of its political parties. While the 1993 Constitution provides for presidential terms of five years, six different presidents have led the country from July 2016 through March 2023.<sup>1</sup>

Political parties are generally weak, and many members of Congress appear more interested in pursuing petty personal agendas than in addressing the country's problems.<sup>2</sup> Since Keiko Fujimori, the daughter of the autocratic and now imprisoned former President Alberto Fujimori, lost the 2016 presidential election, her party and supporters in Congress have repeatedly sought to undermine whoever holds the presidency. In 2020, they ousted President Martín Vizcarra on questionable legal grounds.<sup>3</sup>

Corruption is a major factor in the deterioration of public institutions. Five former presidents have been charged with corruption; one of them has been convicted.<sup>4</sup> A sixth

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<sup>1</sup> Pedro Pablo Kuczynski, Martín Vizcarra, Manuel Merino, Francisco Sagasti, Pedro Castillo, and Dina Boluarte.

<sup>2</sup> See, for instance, the approval of an unpopular law weakening the university accreditation system: “Sunedu: ¿Qué congresistas están relacionados con universidades sin licenciamiento?,” *La República*, May 6, 2022, <https://larepublica.pe/politica/2022/05/06/sunedu-que-congresistas-estan-relacionados-con-universidades-sin-licenciamiento-congreso> (Accessed March 8, 2023).

<sup>3</sup> “Peru: Ousting of President Threatens Rule of Law,” Human Rights Watch news release, November 12, 2020, <https://www.hrw.org/news/2020/11/12/peru-ousting-president-threatens-rule-law>.

<sup>4</sup> Alberto Fujimori, Alejandro Toledo, Ollanta Humala, Pedro Pablo Kuczynski, and Pedro Castillo.

died by suicide when he was about to be arrested for corruption.<sup>5</sup> As of March 2023, at least 37 of the 130 members of Congress, as well as Keiko Fujimori, were under criminal investigation for various offenses.<sup>6</sup> Regional governments, too, have been embroiled in corruption scandals; news media have reported that 84 percent of the governors elected in 2018 were under investigation or convicted, mostly of corruption-related offenses, as of September 2022.<sup>7</sup>

This has translated into high levels of citizen disaffection and distrust in public institutions. Several polls in 2022 and 2023 showed up to 85 percent of the population disapproving of Congress, with that number climbing to 91 percent in March 2023.<sup>8</sup> A 2022 Ipsos survey of 25 countries found 69 percent of Peruvians agreeing that traditional parties and politicians do not care about ordinary people, the highest level among several Latin American countries surveyed.<sup>9</sup> Another poll showed that only 21 percent of Peruvians were satisfied with democracy in 2021, the lowest percentage in Latin America and the Caribbean, after Haiti.<sup>10</sup> In addition, 88 percent of Peruvians said in the same poll that more than half of all politicians were corrupt, the highest percentage in the region.<sup>11</sup>

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<sup>5</sup> Alan García

<sup>6</sup> Cesar Romero, “Bajo sospecha: 16 congresistas tienen investigaciones en Fiscalía,” *La Republica*, January 22, 2023, <https://larepublica.pe/politica/2022/01/29/procuraduria-anticorrupcion-bajo-sospecha-16-congresistas-tienen-investigaciones-en-fiscalia-congreso> (accessed March 9, 2023); Caso ‘Los Niños’: 41 domicilios y oficinas parlamentarias allanadas en megaoperativo ‘Los pequeños II,’ *Infobae*, March 25, 2023, <https://www.infobae.com/peru/2023/03/24/caso-los-ninos-en-vivo-fiscalia-megaoperativo-allanamiento-viviendas-oficinas-congresistas-corrupcion-pedro-castillo/> (Accessed April 6, 2023).

<sup>7</sup> Fiorella Montaño, “Corrupción descentralizada: 84% de gobernadores regionales son investigados,” *Ojo Publico*, September 20, 2022.

<sup>8</sup> “El 85 % de los peruanos desaprueba el Congreso, según encuesta,” *Swiss Info*, August 7, 2022, [https://www.swissinfo.ch/spa/per%C3%BA-crisis\\_el-85--de-los-peruanos-desaprueba-el-congreso--seg%C3%BAn-encuesta/47810526](https://www.swissinfo.ch/spa/per%C3%BA-crisis_el-85--de-los-peruanos-desaprueba-el-congreso--seg%C3%BAn-encuesta/47810526) (accessed March 8, 2023); “IEP Informe de Opinión – Enero I 2023,” *Instituto de Estudios Peruanos*, January 14, 2022 <https://iep.org.pe/noticias/iep-informe-de-opinion-enero-i-2023/> (accessed March 8, 2023); “Congreso de Perú es desaprobado por 91%, peor cifra desde 2021, según sondeo,” *EFE*, March 26, 2023, [https://www.swissinfo.ch/spa/per%C3%BA-crisis\\_congreso-de-per%C3%BA-es-desaprobado-por-91---peor-cifra-desde-2021-seg%C3%BAn-sondeo/48393474](https://www.swissinfo.ch/spa/per%C3%BA-crisis_congreso-de-per%C3%BA-es-desaprobado-por-91---peor-cifra-desde-2021-seg%C3%BAn-sondeo/48393474) (accessed March 29, 2023).

<sup>9</sup> “Broken-system sentiment in 2022,” *IPSOS*, December 2022, <https://www.ipsos.com/sites/default/files/ct/news/documents/2022-12/Global%20Advisor%20-%20Broken-System%20Sentiment%20-%202022%20-%20Graphic%20Report.pdf> (accessed March 20, 2023).

<sup>10</sup> “Barómetro de las Américas,” *Instituto de Estudios Peruanos*, April 18, 2022, p.19, <https://iep.org.pe/wp-content/uploads/2021/04/AB-Peru-2021.-Cultura-politica-de-la-democracia-abril-2022-1.pdf> (accessed March 20, 2023).

<sup>11</sup> “Cultura política de la democracia en Perú y en las Américas 2021: Tomándole el pulso a la democracia,” *USAID, LAPOP, Americas Barometer, Vanderbilt University, IEP*, April 2021, (accessed April 4, 2023).

## The Castillo Presidency

In 2021, Pedro Castillo, a little-known schoolteacher and union leader from the rural region of Cajamarca, without political experience, won the presidential election, thanks to strong support from rural areas—where his promise of greater inclusion resonated. In the second round of voting, he obtained the support of those who rejected Keiko Fujimori, his rival. She unsuccessfully tried to use spurious litigation and political pressure to annul the election results.<sup>12</sup> To this day, her allies in Congress repeat baseless claims of electoral fraud.<sup>13</sup>

Castillo’s presidency was characterized by frequent shifts in policies and in his cabinet—78 ministers served in the 19 posts over 16 months.<sup>14</sup>

Prosecutors opened six investigations into corruption and other crimes against Castillo, his relatives and members of his administration while he was president.<sup>15</sup> He called the investigations politically motivated.<sup>16</sup>

In July 2022, a former interior minister said that Castillo had dismissed him after the minister created a police unit to work with prosecutors investigating corruption in the administration.<sup>17</sup> He had been in office for two weeks. The attorney general accused the Castillo administration, in August, of “constant obstruction” of the investigations.<sup>18</sup>

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<sup>12</sup> Human Rights Watch, *World Report 2022* (New York: Human Rights Watch, 2022), Peru chapter, <https://www.hrw.org/world-report/2022/country-chapters/peru>.

<sup>13</sup> Mitra Taj and Julie Turkewitz, “Fraud Claims, Unproved, Delay Peru’s Election Result and Energize the Right,” *The New York Times*, July 4, 2021, <https://www.nytimes.com/2021/07/04/world/americas/peru-president-election-right-wing.html> (accessed March 20, 2023).

<sup>14</sup> Valeria Coca Pimental, “Los polémicos gabinetes de Pedro Castillo: nombró a 78 ministros en 495 días de gobierno,” *Infobae*, April 4, 2023, <https://www.infobae.com/america/peru/2022/12/08/los-polemicos-gabinetes-de-pedro-castillo-nombro-a-78-ministros-en-495-dias-de-gobierno/> (accessed April 2, 2023).

<sup>15</sup> Franklin Briceno, “Fiscal inicia sexta investigación contra presidente de Perú,” *AP News*, August 11, 2022, <https://apnews.com/article/noticias-4ffd6a981a0b02d1e99fd8d33c6348f5> (accessed March 8, 2023).

<sup>16</sup> “Acorralado por varios denuncias, Pedro Castillo pasa a la ofensiva en Perú,” *La Nacion*, August 20, 2022, <https://www.lanacion.com.ar/el-mundo/acorralado-por-varios-denuncias-pedro-castillo-pasa-a-la-ofensiva-en-peru-nid20082022/> (accessed March 8, 2023).

<sup>17</sup> “Fiscal cita a exministro destituido por presidente en Perú,” *Associated Press*, July 20, 2022, <https://apnews.com/article/noticias-f893f18dc56e63e67d74d0902d99f807> (accessed March 20, 2023).

<sup>18</sup> “Patricia Benavides denunció “constante obstrucción” en investigaciones contra Pedro Castillo,” *Infobae*, August 22, 2022, <https://www.infobae.com/america/peru/2022/08/22/patricia-benavides-denuncio-constante-obstrucion-en-investigaciones-contra-pedro-castillo/> (accessed March 8, 2023).

In September, the head of the National Police Search Unit, who had led a search in the presidential palace as part of a corruption investigation, was removed, a decision that the chief anti-corruption prosecutor described as retaliatory. In response to criticism, the administration reinstated the head of the search unit.<sup>19</sup>

In October 2022, the attorney general charged then-president Castillo and two former cabinet members with collusion, influence peddling, and belonging to a criminal organization.<sup>20</sup>

Congress was scheduled to vote on President Castillo’s removal from office, based on the corruption allegations, in the afternoon of December 7. He had survived two earlier attempts to remove him, one in late 2021, another in March 2022.

On the morning of the vote, Castillo announced the temporary dissolution of Congress and the “reorganization” of the judiciary, among other measures. These are the same measures that former President Fujimori took in 1992, when his administration took complete control of government in what is now widely described as a “self-coup.”<sup>21</sup> In Castillo’s case, it was effectively a failed coup. Peru’s then-police chief later said that President Castillo ordered him to remove everyone from the buildings of Congress and to detain the attorney general, but he did not carry out those orders.<sup>22</sup>

Democratic institutions and civil society quickly rejected President Castillo’s actions, most members of his cabinet resigned, and the armed forces issued a statement calling for

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<sup>19</sup> “¿Quién es Harvey Colchado y por qué Pedro Castillo busca su pase al retiro en la PNP?,” *La Republica*, August 26, 2022, <https://larepublica.pe/politica/actualidad/2022/07/14/quien-es-harvey-colchado-el-hombre-que-desarticulo-a-los-cuellos-blancos-ministerio-del-interior-pedro-castillo-diviac-lava-jato-keiko-fujimori-atmp> (accessed March 10, 2023).

<sup>20</sup> Renzo Gómez Vega, “President Pedro Castillo of Peru faces new corruption accusation,” *El País*, October 12, 2022, [https://english.elpais.com/international/2022-10-12/president-pedro-castillo-of-peru-faces-new-corruption-accusation.html#?prm=copy\\_link](https://english.elpais.com/international/2022-10-12/president-pedro-castillo-of-peru-faces-new-corruption-accusation.html#?prm=copy_link) (accessed March 9, 2023).

<sup>21</sup> Human Rights Watch, *Peru – Probable Cause: Evidence Implicating Fujimori*, Volume 17, No.6 (B), December 2005, <https://www.hrw.org/report/2005/12/21/probable-cause/evidence-implicating-fujimori#:~:text=Fujimori%20has%20repeatedly%20claimed%20that,close%20personal%20advisor%2C%20Vladimiro%20Montesinos>.

<sup>22</sup> “Comandante general de la PNP confirma que Pedro Castillo le ordenó detener a fiscal de la Nación,” *Gestión*, December 10, 2022, <https://gestion.pe/peru/politica/pedro-castillo-comandante-general-de-la-pnp-revela-que-expresidente-le-ordenó-detener-a-fiscal-de-la-nación-patricia-benavides-golpe-de-estado-congreso-rmmn-noticia/> (accessed March 8, 2023).

respect for the constitution.<sup>23</sup> Congress approved President Castillo's removal within the next few hours, and Vice President Dina Boluarte assumed the presidency. Police detained Castillo, and prosecutors charged him with rebellion, conspiracy, and abuse of power.<sup>24</sup> He remained in pretrial detention as of April 18, 2023.

In a televised message to the nation on the evening of December 7, 2022, President Boluarte said she would govern until 2026, the end of Castillo's term.<sup>25</sup> But polls in December showed that more than 80 percent of Peruvians wanted early elections.<sup>26</sup>

Thousands of protesters took to the streets calling for early elections, among other demands. President Boluarte changed her position and called on Congress to approve early presidential and legislative elections. This would have made serving legislators jobless, since a constitutional amendment approved in 2018 bans their immediate reelection.<sup>27</sup>

Despite protests and a mounting death toll, Congress had, as of April 18, 2023, voted five times to reject bills calling for early elections.<sup>28</sup>

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<sup>23</sup> "Pedro Castillo es vacado del cargo y detenido por la Policía luego de intentar golpe de Estado," *Ojo Publico*, December 7, 2022, <https://ojopublico.com/ultimas-noticias/3933/castillo-es-vacado-y-luego-detenido-al-intentar-cerrar-el-congreso> (accessed March 8, 2023).

<sup>24</sup> Marco Aquino, "Peru's Castillo detained in same jail as ex-leader Fujimori, source says," *Reuters*, December 8, 2022, <https://www.reuters.com/world/americas/perus-castillo-detained-same-jail-ex-leader-fujimori-source-says-2022-12-08/> (accessed March 8, 2023).

<sup>25</sup> "Dina Boluarte dejó de lado el llamado a nuevas elecciones y espera gobernar hasta 2026," *Infobae*, December 7, 2022, <https://www.infobae.com/america/peru/2022/12/07/dina-boluarte-dejo-de-lado-el-llamado-a-nuevas-elecciones-y-espera-gobernar-hasta-2026/> (accessed March 8, 2023).

<sup>26</sup> David Pereda, "Un 83% a favor de adelantar elecciones generales, según IEP," *La República*, December 17, 2022, <https://larepublica.pe/politica/actualidad/2022/12/17/dina-boluarte-un-83-a-favor-de-adelantar-elecciones-generales-segun-iep-congreso> (accessed March 10, 2023).

<sup>27</sup> Ley de reforma constitucional que prohíbe la reelección inmediata de parlamentarios de la República, *El Peruano*, January 9, 2019, <https://busquedas.elperuano.pe/normaslegales/ley-de-reforma-constitucional-que-prohibe-la-reeleccion-inme-ley-n-30906-1730158-3/> (accessed April 4, 2023).

<sup>28</sup> Wilber Huacasi, "Por quinta vez el Parlamento archiva adelanto de elecciones," *La República*, March 15, 2023, <https://larepublica.pe/politica/congreso/2023/03/15/congreso-por-quinta-vez-el-parlamento-archiva-adelanto-de-elecciones-comision-de-constitucion-hernando-guerra-1234560> (accessed March 20, 2023).



A peaceful protest in the main square in Arequipa on February 4, 2023. © 2023 César Muñoz Acebes/Human Rights Watch

## Protesters' Demands and Roots of Discontent

### *Demands*

The protests that started after December 7, 2022, were organized through social media and lacked visible leaders. They continued throughout January and February 2023, and remained sporadic as of this writing, in April 2023.

The protesters' demands gradually evolved and broadened. In December 2022, some protesters pressed for the release of Castillo, a demand that weakened with time and all but disappeared. Besides calling for early elections, protesters called for Boluarte to resign, particularly as the death toll mounted—her resignation would trigger presidential elections.<sup>29</sup> Some protesters also asked that Congress be closed, and some have insisted

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<sup>29</sup> Peruvian Constitution, art. 115, <https://lpderecho.pe/constitucion-politica-peru-actualizada/> (accessed April 4, 2023).

on establishing a constituent assembly to overhaul the 1993 Constitution, although there has been little public discussion of what a new constitution should include.

These demands reflect popular disenchantment with both the executive and legislative branches of government, which are seen as corrupt and driven by individuals looking after and protecting their own interests.

In addition, protesters interviewed by Human Rights Watch in Ayacucho, Cusco, and Arequipa cited killings by security forces as a major driver of further protest. “A sense of impunity in the face of the deaths [of protesters and bystanders] has led to a greater escalation in the demonstrations,” Ombudsperson Eliana Revollar said.<sup>30</sup>

#### *Marginalization of Rural, Indigenous People and Inequality in Fulfillment of Economic, Social, and Cultural Rights*

People from rural regions of southern Peru, who have long experienced marginalization, including many Indigenous people, catalyzed much of the unrest. Some identified with Castillo as a man of humble origins from the provinces, although their hopes that it would lead the government to take meaningful steps to address the country’s inequality never materialized.

Protesters mentioned to Human Rights Watch that frustrations stemming from not being able to provide a better life for their children, lack of access to quality education and health care, and a sense of being forgotten by the political elite who rule the country from Lima were major motivations for demonstrating.

For over a decade starting in the early 2000s, Peru made important economic progress, including in reducing the proportion of people living in poverty from more than half of the population in 2003 to around 20 percent in 2016.<sup>31</sup> The poverty rate remained at around 20

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<sup>30</sup> Human Rights Watch interview with Ombudswoman Eliana Revollar, Lima, February 8, 2023.

<sup>31</sup> Peru’s statistics agency, INEI, considers that people are poor if they live in households whose per capita income is insufficient to purchase a basic basket of food and non-food items (house, clothing, education, health, transportation, etc.). “Pobreza afectó al 25,9% de la población del país en el año 2021,” INEI, May 5, 2022, <https://cdn.www.gob.pe/uploads/document/file/3288633/Nota%20de%20Prensa%20.pdf?v=1655994670> (accessed March 8, 2023); “Concepto de Pobreza Monetaria,” INEI, [https://www.inei.gob.pe/media/MenuRecursivo/publicaciones\\_digitales/Est/Lib1425/capo3.pdf](https://www.inei.gob.pe/media/MenuRecursivo/publicaciones_digitales/Est/Lib1425/capo3.pdf) (accessed March 23, 2023).

percent through 2019. Income inequality also fell from 2003 to 2019, although at a slower rate, and it remained high.<sup>32</sup> Despite these improvements, 80 percent of Peruvians worked in the informal sector in 2021.<sup>33</sup>

The Covid-19 pandemic had a particularly devastating toll in Peru. The country had the highest rate of reported deaths in the world as of March 2023, in part due to the weakness of its public health system.<sup>34</sup> Poverty increased 10 percentage points in 2020, with 30 percent of the population below the poverty line.<sup>35</sup> Food insecurity has been on the rise, with record levels—more than half of all Peruvians—facing moderate or severe food insecurity between 2019 and 2021, double the numbers recorded in 2014-2016, the last time period that the Food and Agriculture Organization (FAO) collected data.<sup>36</sup> In 2020 and 2021, about 370,000 students stopped their primary and secondary school studies.<sup>37</sup>

There are deep disparities in people’s ability to realize their economic and social rights that are not apparent in national data. Peru’s urban and coastal communities have historically benefited much more from economic growth than the rural and Indigenous

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<sup>32</sup> “Gini Index - Peru,” *The World Bank Data*, n.d., <https://data.worldbank.org/indicator/SI.POV.GINI?locations=PE> (accessed March 10, 2023). Despite income inequality decline, in 2020 the richest 20 percent of the Peruvian population held the 49 percent of national income. “Percentage of income held by the richest 20 percent of the population in Peru from 2011 to 2021,” *Statista*, April 4, 2023, <https://www.statista.com/statistics/1075303/peru-income-inequality/> (accessed April 4, 2023).

<sup>33</sup> “Producción y empleo informal en el Perú Cuenta Satélite de la Economía Informal 2007-2021,” *INEI*, December 2022, <https://cdn.www.gob.pe/uploads/document/file/3993636/Producción%20y%20Empleo%20Informal%20en%20el%20Perú%20Cuenta%20Satélite%20de%20la%20Econom%C3%ADa%20Informal%202007-2021.pdf?v=1672236939> (accessed March 20, 2023).

<sup>34</sup> Peru had a rate of 665 deaths per 100,000 people, almost double the rate of the next country, the United States. “Mortality Analysis,” *John Hopkins University & Medicine*, n.d., <https://coronavirus.jhu.edu/data/mortality> (accessed March 8, 2023); The Conversation, “How Peru became the country with the highest COVID death rate in the world,” *GAVI The Vaccine Alliance*, November 21, 2022, <https://www.gavi.org/vaccineswork/how-peru-became-country-highest-covid-death-rate-world> (accessed March 10, 2023).

<sup>35</sup> “Poverty headcount ratio at national poverty lines (% of population) - Peru,” *The World Bank*, n.d., <https://data.worldbank.org/indicator/SI.POV.NAHC?locations=PE> (accessed March 8, 2023).

<sup>36</sup> “El Perú es el país con la Inseguridad Alimentaria más alta de Suramérica,” *FAO Peru*, August 25, 2022, <https://www.fao.org/peru/noticias/detail-events/es/c/1603081> (accessed March 8, 2023);

FAO, IFAD, UNICEF, WFP and WHO, “The State of Food Security and Nutrition in the World 2022: Repurposing food and agricultural policies to make healthy diets more affordable,” *FAO*, 2022, <https://www.fao.org/documents/card/en/c/cco639en> (accessed March 13, 2023).

<sup>37</sup> In 2020, 245,152 children stopped their studies—3 percent of all children in school. In 2021, it was 124,533 children—1.5 percent of all children. “124,533 estudiantes interrumpieron su educación en el 2021 debido a la pandemia,” *Plataforma del Estado Peruano*, May 17, 2022, <https://www.gob.pe/institucion/minedu/noticias/607069-124-533-estudiantes-interrumpieron-su-educacion-en-el-2021-debido-a-la-pandemia> (accessed March 8, 2023).

populations of the interior of Peru, where the state continues to fail to deliver adequate access to health care, education, and other public services.<sup>38</sup>

In Ayacucho, a largely rural state in the southern Andes region, 10 percent of the population has low to no literacy, double the national average; and up to 8 percent lives in extreme poverty, also double the national average.<sup>39</sup> In Apurímac, nearly 20 percent of children under the age of 5 suffer from chronic malnutrition, double the national average; and only 31 percent of homes have access to the internet, compared to 49 percent nationwide.<sup>40</sup> In Puno, 70 percent of 6- to-35-month-old children are anemic, compared to 39 percent country-wide; and 40 percent of the population live in households with incomes below the poverty line, compared to 26 percent nationwide.<sup>41</sup>

These are some of the areas where the protests were largest and most persistent. They are also areas where the response by security forces was most abusive, as detailed later in this report.

Census data indicates that nearly six million of Peru's 32 million people (about 19 percent of the population) identified as Indigenous in 2017.<sup>42</sup> Most are Quechua or Aymara people, and they make up more than 44 percent of the population in rural areas.<sup>43</sup> In some of the southern and Andean regions where the protests and the government's repression have

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<sup>38</sup> In 2021, 39.7 percent Peruvians in rural areas lived in poverty, compared to 22 percent in urban areas. According to the latest census data (2017), 82 percent of Peruvians lived in urban areas and 18 percent of Peruvians in rural areas. "Pobreza afectó al 25.9% de la población del país en el año 2021," *INEI*, May 5, 2021, <https://m.inei.gob.pe/media/MenuRecursivo/noticias/nota-de-prensa-no-072-2022-inei.pdf> (accessed March 20, 2023); "Censos 2017 Peru: Perfil Sociodemográfico," *INEI*, August 2018, [https://www.inei.gob.pe/media/MenuRecursivo/publicaciones\\_digitales/Est/Lib1539/libro.pdf](https://www.inei.gob.pe/media/MenuRecursivo/publicaciones_digitales/Est/Lib1539/libro.pdf) (accessed March 20, 2023).

<sup>39</sup> "Perú en cifras," *INEI*, 2021, [https://www.inei.gob.pe/peru\\_en\\_cifras/](https://www.inei.gob.pe/peru_en_cifras/) (accessed March 8, 2023).

<sup>40</sup> Ibid.

<sup>41</sup> Ibid.

<sup>42</sup> "Población indígena originaria de los Andes," *INEI*, 2017, [https://www.inei.gob.pe/media/MenuRecursivo/publicaciones\\_digitales/Est/Lib1642/capo3\\_01.pdf](https://www.inei.gob.pe/media/MenuRecursivo/publicaciones_digitales/Est/Lib1642/capo3_01.pdf) (accessed March 20, 2023).

<sup>43</sup> In rural areas, 36.1 percent of the population identified as Quechua, as compared to 18.9 percent in urban areas. Also, 4.6 percent of people identified as Aimara, compared to 1.8 percent of people in urban areas. In total, more than 44 percent of people in rural areas identified as Indigenous. See: PERÚ - INEI, "Perú: Resultados Definitivos de los Censos Nacionales," October 2018, p. 51, [https://www.inei.gob.pe/media/MenuRecursivo/publicaciones\\_digitales/Est/Lib1544/ooTOMO\\_01.pdf](https://www.inei.gob.pe/media/MenuRecursivo/publicaciones_digitales/Est/Lib1544/ooTOMO_01.pdf) (accessed April 5, 2023).

been most intense, people who identify as Indigenous make up a substantial majority of the population.<sup>44</sup>

Peru's Indigenous people disproportionately lack access to the services required to enjoy economic, social, and cultural rights. For instance, only 52 percent of Indigenous people had access to a public sewage system in 2017, when the latest national census was conducted, compared to 75 percent of the general population.<sup>45</sup> Equally, healthcare delivery to Indigenous communities is inadequate, with only a third of those in the Amazon, for example, having a health facility in the community in 2017.<sup>46</sup>

There are also significant gender disparities in Peru, that often intersect with ethnicity. For instance, women earn on average 30 percent less than men with the same level of education.<sup>47</sup> Peru ranked 90th out of 170 countries in UNDPs 2021 Gender Inequality Index, whereby a high GII rank indicates high level of inequality.<sup>48</sup> Gender disparities are more acute for Indigenous women. Self-identified Indigenous women had an illiteracy rate of 16.3 percent in 2017, the latest data available, compared to 5.5 percent among non-Indigenous women, 4.9 percent among Indigenous men, and 2.3 percent among non-Indigenous men.<sup>49</sup>

These persistent failures to fulfill economic, social, and cultural rights, and the stark disparities in their fulfillment, have fueled popular discontent, expressed in part in the election of Castillo, and later in the protests.

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<sup>44</sup> Indigenous people make up 84.1 percent of the population of Apurímac, 81.2 percent in Ayacucho, 74.7 percent in Cusco, and 57.5 percent in Puno. See PERÚ - INEI, "Perú: Resultados Definitivos de los Censos Nacionales," p. 51, October 2018, [https://www.inei.gob.pe/media/MenuRecursivo/publicaciones\\_digitales/Est/Lib1544/ooTOMO\\_01.pdf](https://www.inei.gob.pe/media/MenuRecursivo/publicaciones_digitales/Est/Lib1544/ooTOMO_01.pdf) (accessed April 5, 2023).

<sup>45</sup> "La Autoidentificación Étnica. Población Indígena y Afroperuana," INEI, December 2018, pp. 56, 67, [https://www.inei.gob.pe/media/MenuRecursivo/publicaciones\\_digitales/Est/Lib1642/](https://www.inei.gob.pe/media/MenuRecursivo/publicaciones_digitales/Est/Lib1642/) (accessed April 6, 2023).

<sup>46</sup> "Resultados definitivos del III Censo de Comunidades Nativas - Tomo I," INEI, 2017, pp. 28, 70, [https://www.inei.gob.pe/media/MenuRecursivo/publicaciones\\_digitales/Est/Lib1598/](https://www.inei.gob.pe/media/MenuRecursivo/publicaciones_digitales/Est/Lib1598/).

<sup>47</sup> "Estadísticas con Enfoque de Género," INEI, March 2023, <https://cdn.www.gob.pe/uploads/document/file/4242538/Estad%C3%ADsticas%20con%20Enfoque%20de%20G%C3%A9nero%3A%20Octubre%20-%20Noviembre%20-%20Diciembre%202022.pdf> (accessed March 20, 2023).

<sup>48</sup> Human Development Reports, "Gender Inequality Index (GII)," UNDP, 2021, <https://hdr.undp.org/data-center/thematic-composite-indices/gender-inequality-index#/indicies/GII> (accessed March 13, 2023).

<sup>49</sup> "La Autoidentificación Étnica. Población Indígena y Afroperuana," INEI, December 2018, p. 56, [https://www.inei.gob.pe/media/MenuRecursivo/publicaciones\\_digitales/Est/Lib1642/](https://www.inei.gob.pe/media/MenuRecursivo/publicaciones_digitales/Est/Lib1642/) (accessed April 6, 2023).



A roadblock in Cusco on February 2, 2023. © 2023 César Muñoz Acebes/Human Rights Watch

These disparities in many cases amount to structural discrimination, in violation of international human rights law. The International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) specifically states that racial discrimination includes policies that have either the purpose “or effect” of impairing the equal exercise or enjoyment of rights.<sup>50</sup> It also states that governments may not ignore the need to secure equal treatment of all racial and ethnic groups, but rather must act affirmatively to prevent or end policies with unjustified discriminatory impacts.<sup>51</sup> In 2018, the UN Committee on the Elimination of Racial Discrimination, which monitors the implementation of the convention, said Indigenous people and Afro-Peruvians in Peru faced “persistent structural racial discrimination,” which affects the enjoyment of their rights to work, education, and

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<sup>50</sup> International Convention on the Elimination of All Forms of Racial Discrimination, adopted December 16, 1965, G.A. Res. 2106 (XX), 20 U.N. GAOR Supp. (No.14) at 47, U.N. Doc. A/6014 (1966), entered into force January 4, 1969, ratified by Peru on September 29, 1971, Art. 1.

<sup>51</sup> ICERD, Art 2(1)(a).

health, and called on the state to adopt measures “at all levels of the civil service” to end the discrimination.<sup>52</sup>

Under the International Covenant on Economic Social and Cultural Rights, Peru is also obligated to progressively realize economic, social, and cultural rights, including the rights to an adequate standard of living, to the highest attainable standard of health, to safe and affordable drinking water and sanitation, to food, and to education.<sup>53</sup> In its concluding observations on Peru in 2012, the UN Committee on Economic, Social and Cultural Rights, which is charged with monitoring implementation of the covenant, expressed concern at “the high incidence of poverty and extreme poverty in sierra and jungle regions, where indigenous communities are concentrated.”<sup>54</sup> It also flagged the importance of improving access to health care, drinking water, education, housing, and other rights, particularly in rural and Indigenous areas.<sup>55</sup>

Similarly, the UN Committee on the Rights of the Child, which monitors implementation of the Convention on the Rights of the Child, expressed concern in 2016 at “[t]he lack of information on budgetary resources for children in vulnerable and marginalized situations, including indigenous children” in Peru and “[t]he high corruption index in the State party and its negative impact on public resources, including resources allocated for children.” The committee called on Peru to allocate resources to “children in disadvantaged or vulnerable situations that may require affirmative social measures, including indigenous children,” and to “[s]trenthen its measures to combat corruption, including with regard to

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<sup>52</sup> UN Committee on the Elimination of Racial Discrimination, “Concluding observations on the combined twenty-second and twenty-third periodic reports of Peru,” CERD/C/PER/CO/22-23, May 23, 2018, paras. 12 and 13, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G18/138/59/PDF/G1813859.pdf?OpenElement> (accessed April 4, 2023).

<sup>53</sup> International Covenant on Economic, Social and Cultural Rights (ICESCR), adopted December 16, 1966, G.A. Res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 49, U.N. Doc. A/6316 (1966), 993 U.N.T.S. 3, entered into force January 3, 1976, ratified by Peru on August 11, 1977, art. 11, art. 12. Convention on the Rights of the Child (CRC), adopted November 20, 1989, G.A. Res. 44/25, annex, 44 U.N. GAOR Supp. (No. 49) at 167, U.N. Doc. A/44/49 (1989), entered into force September 2, 1990, ratified by Peru on January 26, 1990, art. 24, art. 28, art. 29.

<sup>54</sup> UN Committee on Economic, Social, and Cultural Rights, “Consideration of reports submitted by State parties under Articles 16 and 17 of the Covenant, Concluding observations Peru,” E/C.12/PER/CO/2-4, May 12, 2012, para. 17, [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2FC.12%2FPER%2FCO%2F2-4&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2FC.12%2FPER%2FCO%2F2-4&Lang=en).

<sup>55</sup> Ibid.

its institutional capacity to detect, investigate and prosecute corruption effectively,” to better protect children’s rights.<sup>56</sup>

## The Boluarte Administration’s Response to the Protests

### *Stigmatizing Speech*

President Boluarte often said she was willing to talk to protesters but has failed to take any steps to express serious intention to engage in a genuine dialogue that takes into account their legitimate demands. Instead, government officials repeatedly expressed offensive opinions about protesters and disparaged them, insinuating that they were “terrorists.”<sup>57</sup>

In her public statements, President Boluarte has insisted that the demonstrations are driven by a small group of people who manipulate protesters to commit acts of violence, create “chaos,” and pursue a political agenda.<sup>58</sup> In January 2023, she said that “Puno is not Peru,” in reference to the department—as Peru’s regional government divisions are called—with the highest number of killings of protesters.<sup>59</sup> After criticism, her office tweeted: “If it was misinterpreted, we apologize.”<sup>60</sup> In March 2023, President Boluarte described the protests as “a coup” financed by “narcotrafficking” and other “illegal” elements.<sup>61</sup>

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<sup>56</sup> UN Committee on the Rights of the Child, “Concluding observations on the combined fourth and fifth period reports of Peru,” CRC/C/PER/CO/4-5, March 2, 2016, para. 13, [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2FC%2FPER%2FCO%2F4-5&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2FC%2FPER%2FCO%2F4-5&Lang=en).

<sup>57</sup> For instance, on March 16, 2023, the minister of education compared Aimara Indigenous women to “animals.” “Lamentable declaración del ministro de Educación contra mujeres aimaras,” *Infobae*, March 16, 2023, <https://www.infobae.com/peru/2023/03/06/lamentable-declaracion-del-ministro-de-educacion-contra-mujeres-aimaras-ni-los-animales-exponen-a-sus-hijos-asi/> (accessed March 16, 2023); On December 15, 2022, President Boularate said participants in protests were committing acts of terrorism. “Dina Boluarte tras oír testimonio de policía herido: ‘Eso ya no es protesta, eso es terrorismo,’ *Infobae*, December 15, 2022, <https://www.infobae.com/america/peru/2022/12/15/dina-boluarte-tras-oir-testimonio-de-policia-herido-eso-ya-no-es-protesta-eso-es-terrorismo/> (accessed March 16, 2023).

<sup>58</sup> TV Perú Noticias Facebook page, <https://www.facebook.com/noticias.tvperu/videos/889139429028212/>, (accessed March 20, 2023); “En Vivo: Dina Boluarte Mensaje a la nación desde el palacio hoy 10/02/2023,” February 10, 2023, video clip, Youtube, <https://www.youtube.com/watch?v=cKOojbUzJ5Y> (accessed March 20, 2023).

<sup>59</sup> TV Peru Noticias, “Actividad Oficial | 24/01/2023,” January 24, 2023, video clip, Youtube, <https://www.youtube.com/watch?v=mbBKxvfQbHc> (accessed March 24, 2023).

<sup>60</sup> After criticism, the office of the president apologized for the statement “if it was misinterpreted.” Tweet by Presidencia Peru, January 24, 2023, <https://twitter.com/presidenciaperu/status/1618061655656787969?lang=en> (accessed March 24, 2023).

<sup>61</sup> “No hemos recibido un sol,” *RPP Noticias*, March 21, 2023, <https://rpp.pe/politica/gobierno/dina-boluarte-deslindo-de-la-denuncia-de-supuesto-financiamiento-a-su-campana-del-2021-noticia-1473909> (accessed March 24, 2023).

While President Boluarte has rightly condemned acts of vandalism during protests, she has failed, even amid reports of excessive use of force and mass detention, to unequivocally call on security forces to respect protesters' rights. Despite undisputed evidence that military forces opened fire with assault rifles against protesters at the Ayacucho airport on December 15, 2022, killing 10, she said merely that, "the deaths of some compatriots occurred."<sup>62</sup>

While all available evidence indicates police killed 18 protesters in Juliaca on January 9, 2023, President Boluarte said the "majority" of those who died were killed by homemade weapons. In another assertion that she failed to back with evidence, she suggested that firearms and ammunition entering Peru from Bolivia may be causing the deaths of protesters.<sup>63</sup> Similarly, Prime Minister Otárola sought to divert blame from police officers, saying the killings "are the direct responsibility of those who want to carry out a coup d'état."<sup>64</sup>

During a televised press conference on February 10, President Boluarte acknowledged only a possibility of police misbehavior, saying, "if there have been some excesses by police in detentions and other areas, we regret those actions."<sup>65</sup> She then highlighted violence by protesters and insinuated that their acts amounted to terrorism. "We, as citizens who have overcome twenty years of terror generated by the Shining Path, don't want to go back to that period of dark history," she said, in reference to the Maoist group that killed thousands in the 1980s and 1990s. In Peru, the label of "terrorism" is often used to stigmatize protesters, activists, Indigenous people, or left-leaning politicians or organizations.<sup>66</sup>

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<sup>62</sup> TV Peru Noticias, "Actividad Oficial | 24/01/2023," January 24, 2023, video clip, Youtube, <https://www.youtube.com/watch?v=mbBKxvfQbHc> (accessed March 24, 2023).

<sup>63</sup> Julie Turkewitz, "Peru's Foreign Minister Concedes There's No Evidence Criminals Are Behind Protests," *The New York Times*, February 2, 2023, <https://www.nytimes.com/2023/02/02/world/americas/peru-protests.html> (accessed March 8, 2023).

<sup>64</sup> Miguel Ángel Candia, "Dina Boluarte se ausentó de la conferencia del Ejecutivo a pesar de 45 fallecidos en protestas," *La Republica*, January 10, 2023, <https://larepublica.pe/politica/actualidad/2023/01/10/dina-boluarte-se-ausento-de-la-conferencia-del-ejecutivo-a-pesar-de-45-fallecidos-en-protestas-alberto-otarola-juliaca-puno-pcm> (accessed April 17, 2023).

<sup>65</sup> "En Vivo: Dina Boluarte Mensaje a La Nación Desde Palacio Hoy 10/02/2023," February 10, 2023, video clip, Youtube, <https://www.youtube.com/watch?v=cKOojbUzJ5Y> (accessed March 20, 2023).

<sup>66</sup> Luisa Feline Freier and Soledad Castillo Jara, "Terruqueo" and Peru's Fear of the Left," *Americas Quarterly*, January 13, 2023, <https://www.americasquarterly.org/article/terruqueo-and-perus-fear-of-the-left/> (accessed March 20, 2023).

Officials’ use of this language to refer to the protesters is particularly perverse given that Ayacucho and the Andahuaylas region of Apurímac—two of the places where repression of protests has been harshest—were also, according to Peru’s Truth and Reconciliation Commission, “the principal scene of the conflict between the government and the Shining Path.<sup>67</sup> The Commission concluded than more than 60,000 people died or “disappeared” during the 1980s and 1990s—more than 25,000 of them in Ayacucho.<sup>68</sup> The Shining Path killed about half the victims, government security forces roughly one-third, and the rest died at the hands of a smaller armed group or local militias or remained unattributed.

Despite the administration’s allegations and innuendo, the foreign minister conceded in an interview with *The New York Times* in February 2023 that the government had no evidence that criminal groups were behind the protests.<sup>69</sup>

### *Impact of Stigmatizing Speech*

Human Rights Watch interviews with relatives of victims show that stigmatizing speech used by the government is replicated at the local level. For instance, Guillermina Mendoza Vargas, mother of a protester who was severely injured, said health workers at a public hospital in Lima told her that “ayacuchanos are all terrorists,” in reference to people from Ayacucho.<sup>70</sup> Karina Hancoc Arapa, whose husband was hospitalized in Arequipa, said health workers at another public institution accused them of being “troublemakers.”<sup>71</sup>

Ruth Bárcena Loayza recounted the response of a military officer when health workers took three injured people, including her husband, to the airport in Ayacucho and asked military officials to fly them on a small military plane to a hospital in Lima. “Fuck him,” Bárcena

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<sup>67</sup> Comisión de la Verdad y Reconciliación, *Final Report - Volume IV Chapter 1: La Violencia en las Regiones*, August 28, 2003, <https://www.cverdad.org.pe/ifinal/>; “Anexo 2 - ¿Cuánto Peruanos Murieron? Estimación del total de víctimas causadas por el conflicto armado interno entre 1980 y el 2000,” p. 19, <https://www.cverdad.org.pe/ifinal/pdf/Tomo%20-%20ANEXOS/ANEXO%202.pdf>.

<sup>68</sup> “Peru: Prosecutions Should Follow Truth Commission Report,” Human Rights Watch news release, April 28, 2003, <https://www.hrw.org/news/2003/08/28/peru-prosecutions-should-follow-truth-commission-report>.

<sup>69</sup> Julie Turkewitz, “Peru’s Foreign Minister Concedes There’s No Evidence Criminals Are Behind Protests,” *The New York Times*, February 2, 2023, <https://www.nytimes.com/2023/02/02/world/americas/peru-protests.html> (accessed March 8, 2023).

<sup>70</sup> Human Rights Watch interview with Guillermina Mendoza Vargas, Lima, February 6, 2023.

<sup>71</sup> Human Rights Watch interview with Karina Hancoc Arapa, Arequipa, February 4, 2023.

Loayza recalled a military officer responding. “‘Terrorists deserve to die like that.’”<sup>72</sup> The ambulance took the wounded back to the hospital in Ayachucio, where her husband died.

Fears of facing stigmatization and criminalization deter some people from seeking medical attention in hospitals, giving testimonies to authorities, and reporting abuses.<sup>73</sup>

### *Rewarding Police and Targeting Protesters*

As of early February 2023, the Ministry of the Interior had not launched any investigation into police conduct during the most recent wave of protests, the ministry told Human Rights Watch.<sup>74</sup> This contrasts with the ministry’s response to the 2020 protests during the administration of Interim President Francisco Sagasti, when the ministry’s Office of Institutional Integrity conducted an investigation on police conduct as a whole, and a second one on the responsibility of police commanders for abuses.<sup>75</sup>

Not a single officer had been disciplined in connection with the current protests, as of February 7, 2023.<sup>76</sup> Instead, the government announced in January 2023 that it would ask Congress to approve a loan to pay police officers a bonus for their response to the protests.<sup>77</sup> “Obviously, we cannot show indifference to these heroes of the homeland who are giving up their health and their lives for public order,” Prime Minister Otárola said.<sup>78</sup>

In February 2023, the government sent a bill to Congress to substantially increase punishment for at least 15 crimes committed during states of emergency, which were in effect in several areas of the country during the protests. If approved, “impeding or

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<sup>72</sup> Human Rights Watch interview with Karina Hanco Arapa, Arequipa, February 4, 2023.

<sup>73</sup> Human Rights Watch interview with Ombudswoman Eliana Revollar, Lima, February 8, 2023.

<sup>74</sup> Héctor Loayza, former chief of Peru’s police and an advisor to Interior Minister Vicente Romero, told Human Rights Watch staff there was no ongoing investigation at the Interior Ministry into police conduct during the protests, at a meeting in which the minister was present on February 7, 2023.

<sup>75</sup> Luis Alberto Naldos Blanco, director of the Office of Institutional Integrity, “Informe de Evaluación de las operaciones policiales realizadas con ocasión de las marchas convocadas entre el 10 y el 14 de noviembre de 2020 en la ciudad de Lima, en protesta por la vacancia presidencial y juramentación del nuevo presidente de la república,” Ministry of the Interior, January 29, 2021, p. 61, on file at Human Rights Watch. Administrative Disciplinary Report Number 001-2021-OGII-OAI, June 1, 2021.

<sup>76</sup> Human Rights Watch interview with police general M. Cayetano, director of investigations at the inspector general’s office, Lima, February 7, 2023.

<sup>77</sup> “Alberto Otárola sobre bono PNP: ‘No podemos ser indiferentes ante estos héroes de la Patria,’ RPP, January 26, 2023, <https://rpp.pe/politica/gobierno/alberto-otarola-sobre-bono-pnp-no-podemos-ser-indiferentes-ante-estos-heroes-de-la-patria-noticia-1462602> (accessed March 8, 2023).

<sup>78</sup> Ibid.

hindering normal transportation”—a common occurrence during protests—would be punishable with up to 10 years in prison.<sup>79</sup> The government said the bill is aimed at protesters.<sup>80</sup>

### *Assistance to Victims*

On February 21, 2023, the government established a payment of 50,000 soles (US\$13,150) to the families of people killed in the protests between December 8, 2022, and February 10, 2023, and 25,000 soles (US\$6,575) to those who sustained serious injuries. These payments apply to both civilians and police officers.<sup>81</sup>

However, civilians injured during protests face stigmatization at hospitals and delays in accessing health care and rehabilitation services, given Peru’s weak public health system.<sup>82</sup>

### **Militarization and Lack of Support for Police**

In 2022, then-president Castillo declared several states of emergency without clear justification. The states of emergency permitted arbitrary home searches and arrests—and suspended freedom of movement, peaceful assembly, and other rights—in certain areas.<sup>83</sup> They allowed deployment of the armed forces to support the police in maintaining “internal order.”

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<sup>79</sup> Bill 4271/2022-PE, art. 283, <https://img.lpderecho.pe/wp-content/uploads/2023/02/Proyecto-de-ley-04271-2023-LPDerecho.pdf> (accessed April 17, 2023); “Las claves del Proyecto de ley que busca endurecer las penas por delitos en estado de emergencia,” *Gestión*, February 23, 2023, <https://gestion.pe/peru/politica/gobierno-las-claves-del-proyecto-de-ley-que-busca-endurecer-las-penas-por-delitos-en-estado-de-emergencia-noticia/> (accessed March 8, 2023).

<sup>80</sup> “Ministro de Justicia justifica proyecto que buscaría endurecer penas por delitos que afectan la vida y bienes,” *RPP*, February 23, 2023, <https://rpp.pe/politica/gobierno/ministro-de-justicia-justifica-proyecto-que-buscaria-endurecer-penas-por-delitos-que-afectan-la-vida-y-bienes-noticia-1468420> (accessed March 8, 2023).

<sup>81</sup> “Decreto de Urgencia,” *El Peruano*, n.d., <https://busquedas.elperuano.pe/normaslegales/decreto-de-urgencia-que-autoriza-el-otorgamiento-de-un-apoyo-decreto-de-urgencia-n-006-2023-2153889-1/> (accessed March 8, 2023); “Minjusdh: 91 deudos de personas fallecidas en movilizaciones recibirán apoyo,” *El Peruano*, February 23, 2023, <https://elperuano.pe/noticia/206240-minjusdh-91-deudos-de-personas-fallecidas-en-movilizaciones-recibirian-apoyo> (accessed March 8, 2023).

<sup>82</sup> Human Rights Watch phone interview with Mar Pérez, attorney at the Coordinadora Nacional de Derechos Humanos, April 12, 2023.

<sup>83</sup> “Peru: Revoke Emergency Decrees,” Human Rights Watch news release, April 11, 2022, <https://www.hrw.org/news/2022/04/11/peru-revoke-emergency-decrees>.

The use of the armed forces for law enforcement has continued during the Boluarte administration, despite international standards that clarify that the military should not carry out this function.<sup>84</sup> President Boluarte has declared at least 12 similar states of emergency at various times in various regions,<sup>85</sup> and the armed forces have been deployed in ways that exceed what is legally allowed under the states of emergency. For example:

- In **Ayacucho**, while an emergency decree said, in effect, that the armed forces would act to support police, military personnel set up controls around the city's main square on their own, Ayacucho's chief of police told Human Rights Watch.<sup>86</sup> He said police were not involved in the military forces' shootings of protesters and bystanders that left 10 dead and scores injured near the airport on December 15. Fifteen videos, including livestreams broadcast via Facebook, all verified by Human Rights Watch, supported the police chief's assertion. They showed a small police presence near the airport dissipating as military personnel began firing assault rifles at protesters and bystanders.
- In **La Joya**, in Arequipa province, two witnesses said air force personnel from a nearby base were deployed near a police station, which was surrounded by protesters, on January 22, 2023.<sup>87</sup> A witness said the air force personnel fired assault rifles at protesters, while police opened fire with handguns. Six protesters and bystanders were shot and injured.<sup>88</sup> Human Rights Watch verified a video showing five men wearing military camouflage –one showing a Peruvian Air Force insignia—at that location with Galil SAR assault rifles. Four other videos show officers who were wearing military camouflage participating in crackdowns on protesters near the police station throughout the day and into the night. At the time of the events, no emergency decree allowing deployment of the armed forces to support police was in effect in Arequipa.

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<sup>84</sup> See, for example, Inter-American Court of Human Rights, Case Espinoza v. Mexico, Judgement of November 28, 2018, [https://www.corteidh.or.cr/docs/casos/articulos/seriec\\_370\\_esp.pdf](https://www.corteidh.or.cr/docs/casos/articulos/seriec_370_esp.pdf) (accessed March 20, 2023).

<sup>85</sup> Decrees 139, 141, 142, 143, 144, 146, and 147 from December 2022; decrees 2, 9, and 13 from January 2023; and decrees 18 and 23 from February 2023. All decrees establish that police remain responsible for "internal order, with support from the Armed forces" in the areas affected, except for decree 18, which places the Armed forces in charge of "internal order" in Puno.

<sup>86</sup> Human Rights Watch interview with José Zapata, Ayacucho police chief, Ayacucho, January 31, 2023.

<sup>87</sup> Human Rights Watch interviews with Bernardino Fortunato Catasi and Karina Hancoc Arapa, Arequipa, February 4, 2023. Catasi, a bystander, was shot in the arm with a firearm.

<sup>88</sup> Human Rights Watch interview with Wilmer Aranzamendi, acting Arequipa ombudsperson, Arequipa, February 4, 2023.

The government appears to have prioritized funding for the armed forces over funding for the police's capacity to respond to potential violence in protests in rights-respecting ways. In February 2023, Peru's minister of defense told Human Rights Watch that the government had allocated 81 million soles in new funding (US\$21 million) to equip and train military forces to respond to protests.<sup>89</sup> Meanwhile, General Víctor Zanabria, chief of police in Lima, said police officers had to be deployed to protests without adequate protective equipment because the state had not purchased enough.<sup>90</sup>

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<sup>89</sup> Human Rights Watch interview with Jorge Chávez Cresta, Minister of Defense, Lima, February 8, 2023.

<sup>90</sup> Human Rights Watch interview with general Víctor Zanabria, chief of the Lima police region, Lima, February 6, 2023. Ombudswoman Eliana Revollar also highlighted the lack of proper police equipment to respond to protests. Human Rights Watch interview with Ombudswoman Eliana Revollar, Lima, February 8, 2023. A 2021 government report said police radios were 30 years old and 70 percent of police computers were non-functional, forcing police to use their personal computers. Interior Ministry, "Bases para el fortalecimiento y la modernización de la policía nacional del Perú," *Gobierno de Perú*, 2021, <https://cdn.www.gob.pe/uploads/document/file/1694214/Base.Fortalecimiento.Modernizaci%C3%B3n-PNP.pdf> (accessed February 25, 2023).

## II. Violence by Protesters

Protests across Peru were, by most independent accounts and the extensive video footage reviewed by Human Rights Watch, generally peaceful. Some protesters threw rocks or fireworks at security forces. In at least five cases, violence by protesters left police with serious injuries. One officer was killed in unclear circumstances. Some groups of protesters attacked buildings and airports. Roadblocks led to 11 deaths of people and caused fuel and food shortages.

While some people involved in crime may be taking advantage of the crisis to pursue their interests in certain locations, Human Rights Watch found no evidence that criminal organizations had orchestrated the protests. Police, government officials, and experts mentioned the possible participation of people involved in illegal mining in the roadblocks in Madre de Dios department and other areas to pressure the Boluarte administration not to take measures that would hurt their interests.<sup>91</sup> They also cited the illegal practice of charging cars to pass through a roadblock on the Panamerican highway in Ica.

The Ombudsperson's Office registered 1,327 protests from December 7, 2022, to February 20, 2023, in which thousands of people participated peacefully.<sup>92</sup> However, it also registered 153 incidents of violence. Some protesters hurled rocks at security forces, using their hands or traditional slings (*huaracas*). They also launched homemade devices that, according to police, combine explosives with fireworks (*avellanas*). Human Rights Watch verified videos and photos that showed protesters using fireworks against officers in Juliaca and, to a lesser degree, in Ayacucho, Andahuaylas, and Lima.

One police officer had been killed, as of April 17, 2023. Officer **José Luis Soncco Quispe**, 29, and another officer in Juliaca were patrolling in a vehicle on January 9, 2023, when a group of people intercepted them and forced them out of the vehicle, Peru's chief of police said.<sup>93</sup> Human Rights Watch verified a video shared on Facebook showing a group of

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<sup>91</sup> Human Rights Watch interviews with general Víctor Zanabria, chief of the Lima police region, Lima, February 6, 2023; and general Raúl Alfaro, then-commander of Peru's police, Lima, February 7, 2023.

<sup>92</sup> "Crisis política y protesta social: Balance defensorial tras tres meses de iniciado el conflicto," Ombudsperson's Office report number 190, March 2023.

<sup>93</sup> Human Rights Watch interview with general Raúl Alfaro, then-commander of Peru's police, Lima, February 7, 2023.

roughly 15 people in civilian clothing beating one of the police officers by the side of a building 185 meters northeast of Juliaca’s San Martin School, as well as a video showing civilians attacking the patrol vehicle one block to the southwest. Soncco Quispe died from a blow to the head with “a blunt object,” the autopsy report said.<sup>94</sup> His charred remains were found alongside the burned patrol vehicle at the location shown in the video. **Ronald Villasante Toque**, 23, escaped with a head injury. On March 25, 2023, police detained a former police officer and another man whom they accused of committing the killing. Local press said the two men were members of a criminal group.<sup>95</sup>

Ministry of Health data show that 383 police officers and 4 military personnel were treated in public and private health facilities for injuries they received during protests between December 7, 2022, and March 2, 2023. Police data, which include cases of injuries that did not require treatment in health facilities, showed 889 police officers had been injured, as of February 6, 2023.<sup>96</sup> The vast majority suffered contusions from rocks thrown at them, the director of the Police Hospital in Lima said.<sup>97</sup>

At least five police officers were gravely injured, the director explained: One suffered damage to several organs from a gunshot, and three suffered eye injuries that caused vision loss.<sup>98</sup> The fifth was officer **David Chávez Cabezas**, a 40-year-old member of a special operations unit who was hit by an explosive. He was deployed near the tarmac at the airport in Juliaca, on January 7, 2023, as protesters pushed against the fence to try to get in, he recalled at the Police Hospital in Lima.<sup>99</sup> At around 1 p.m., he saw someone shooting a homemade device he described as a “tube.” An *avellana* hit him on the right shoulder and he lost consciousness, he said. When he woke up, he thought he was going to die. “I thought of my children’s names,” he said. The impact of the *avellana* broke two of his vertebrae, ruptured both of his eardrums, and caused intercranial bleeding and lung contusion.<sup>100</sup>

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<sup>94</sup> “Informe Pericial de Necropsia Médico Legal Número 019-2023,” Public Ministry, no date. On file at Human Rights Watch.

<sup>95</sup> “Expolicía está implicado en crimen de suboficial calcinado en Juliaca,” *La Repùblica*, March 24, 2023, <https://larepublica.pe/sociedad/2023/03/24/puno-expolicia-esta-implicado-en-crimen-de-suboficial-calcinado-en-juliaca-protestas-9-de-enero-lrsd-783816> (accessed March 30, 2023).

<sup>96</sup> “Reporte de conflictos a nivel nacional,” February 6, 2023, on file at Human Rights Watch.

<sup>97</sup> Human Rights Watch interview with police general Moisés Salvador Rojas Arcos, director of the Police Hospital in Lima, February 7, 2023, Lima. The Police Hospital in Lima receives the most serious cases from around the country.

<sup>98</sup> *Ibid.*

<sup>99</sup> Human Rights Watch interview with police officer David Chávez Cabezas, Police Hospital, Lima, February 7, 2023.

<sup>100</sup> Human Rights Watch interview with police general Moisés Salvador Rojas Arcos, Lima, February 7, 2023.



Officer David Chávez Cabezas at the Police Hospital in Lima on February 7, 2023. © 2023 César Muñoz Acebes/Human Rights Watch

Peru's police chief told Human Rights Watch that in only one incident police officers were injured by gunshots, which took place in Pichanaki, in Junín department, on December 16, 2022.<sup>101</sup> Two officers were taken to Lima for treatment of serious injuries and another three suffered minor injuries.<sup>102</sup> In the same incident, three civilians were killed by gunshots.<sup>103</sup>

Police told Human Rights Watch that protesters detained 24 police officers for various periods, in several locations.<sup>104</sup> In one such case, on January 22, 2023, protesters held a police officer, who was dressed in plainclothes and had infiltrated the protest near the police station in La Joya, a district in Arequipa province, a witness and the commander of

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<sup>101</sup> Human Rights Watch interviews with general Raúl Alfaro, then-Peru's chief of police, Lima, February 7, 2023.

<sup>102</sup> Human Rights Watch interviews with general Raúl Alfaro, then-Peru's chief of police, and general Moisés Salvador Rojas Arcos, director of the Police Hospital in Lima, Lima, February 7, 2023. Óscar Chumpitaz, "Dos policías están hospitalizados en UCI por graves heridas de bala," *La Repùblica*, December 19, 2022, <https://larepublica.pe/sociedad/2022/12/19/protestas-en-peru-dos-policias-estan-hospitalizados-en-uci-por-graves-heridas-de-bala-pnp-jhus-marin-junin> (accessed March 10, 2023).

<sup>103</sup> Alexandra Ampuero, "Necropsias confirman: las tres vícimas de Pichanaki recibieron disparos por la espalda", *La Repùblica*, January 28, 2023, <https://larepublica.pe/politica/actualidad/2023/01/28/paro-nacional-necropsias-confirman-las-tres-victimas-de-pichanaki-recibieron-disparos-la-espalda-protestas-en-peru-junin-94944> (accessed March 10, 2023); Human Rights Watch interviews with Christopher Huzco Soto, Lima, February 6, 2023. Human Rights Watch interviewed a 15-year-old child, Christopher Junior Husco Soto, who was shot as he was crossing a street on his way home in Pichanaki on December 16, 2022. A bullet coming from the area where the police were deployed hit him in the ribs and another destroyed his right elbow, he said.

<sup>104</sup> "Reporte de conflictos a nivel nacional," February 6, 2023, on file at Human Rights Watch.

Peru's police said.<sup>105</sup> The witness said that the officer had been taking pictures of the protesters, and that a second officer escaped. Protesters demanded that police release five detainees—including a 17-year-old child—in exchange for the officer.<sup>106</sup> “They have just sprayed me with fuel,” the detained officer told a staff member of the Ombudsperson’s Office, who acted as mediator, on the phone.<sup>107</sup> The officer was also beaten, a prosecutor said.<sup>108</sup> Police agreed to the exchange, which happened on the street in front of the station and was documented in two videos shared on Facebook.<sup>109</sup>

Roadblocks led to 11 deaths of people who could not reach hospitals or who had car accidents, as of March 16, 2023, according to the Ombudsperson’s Office. For instance:

- In Cusco, in December 2022, two patients died after an ambulance was unable to continue to a hospital because of roadblocks and had to turn around. Another person who had had a car accident and was transported in a police patrol car died because of a delay of hours in reaching a hospital.<sup>110</sup> In January 2023, a baby died on the way to a hospital for emergency care, because of the delays.<sup>111</sup>
- Prosecutor **Marizel Leonize Chamana López** and her 4-year-old son died, on December 12, 2022, in a car accident when she tried to avoid rocks put on the road by protesters in Caylloma, Arequipa department.<sup>112</sup>

Roadblocks caused shortages of fuel and food in some areas. Six Haitian adults and a child, whose names have not been released, died in Desaguadero, Puno department, of respiratory ailments in January 2023, the International Organization for Migration (IOM)

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<sup>105</sup> Human Rights Watch interview with Isaac Javier Quilla, Arequipa, February 4, 2023; and general Raúl Alfaro, then-Peru’s chief of police, Lima, February 7, 2023.

<sup>106</sup> Human Rights Watch interview with Isaac Javier Quilla, Arequipa, February 4, 2023.

<sup>107</sup> Human Rights Watch interview with Wilmer Aranzamendi, acting Arequipa ombudsperson, Arequipa, February 4, 2023.

<sup>108</sup> Human Rights Watch phone interview with María del Rosario Lozada Sotomayor, chief prosecutor in Arequipa, February 20, 2023.

<sup>109</sup> Human Rights Watch interview with Isaac Javier Quilla, Arequipa, February 4, 2023.

<sup>110</sup> Human Rights Watch interviews with Rosa Emperatriz, director of the Ombudsperson’s Office in Cusco, Cusco, February 2, 2023; and with Griselda Venero, chief prosecutor in Cusco, Cusco, February 3, 2023.

<sup>111</sup> Ibid.

<sup>112</sup> Human Rights Watch interview with Wilmer Aranzamendi, acting Arequipa ombudsperson, Arequipa, February 4, 2023; “Fiscal y su hijo de 4 años mueren en accidente de tránsito en Arequipa,” *La República*, December 14, 2022, <https://larepublica.pe/sociedad/2022/12/14/fiscal-y-su-hijo-de-4-anos-mueren-en-accidente-de-transito-en-arequipa-lrsd> (accessed March 30, 2023).

reported.<sup>113</sup> The IOM said roadblocks contributed to their deaths because they forced the Haitian migrants to remain in Desaguadero, a high-altitude border town with low temperatures at night where there was scarcity of food. Those conditions aggravated their vulnerability, particularly for people with hypertension, diabetes, and other ailments, IOM said.

In addition, six soldiers drowned while trying to cross the Ilave River on March 6, 2023, in Puno. The Ministry of Defense said that “violent protesters” had blocked the way, and the soldiers crossed the river “to avoid a clash.”<sup>114</sup> However, a surviving member of the patrol said that protesters did not attack them or push them into the river, and that their superior ordered them to cross. A reporter who witnessed the event corroborated the patrolman’s version.<sup>115</sup>

Police reported damage to 43 police buildings, 102 other public buildings, 106 private buildings, and 215 public and private cars, as of February 6, 2023.<sup>116</sup> Protesters jumped over or tore down fences and entered airports’ tarmacs, interrupting their operations in five cities.<sup>117</sup> In Arequipa, they broke runway lights, forcing the airport to operate only during the day. They threw rocks at and damaged 15 police stations, including burning stations in Zepita and Macusani, in Puno department, and they attacked 19 offices of prosecutors and

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<sup>113</sup> Human Rights Watch remote interview with María Fernanda Hurtado, IOM coordinator in Tacna, Peru, March 31, 2023. “Pronunciamiento de la OIM ante la pérdida de vidas de migrantes en la ciudad de Desaguadero, Puno,” *International Organization for Migration*, February 9, 2023, <https://peru.iom.int/es/news/pronunciamiento-de-la-oim-ante-la-perdida-de-vidas-de-migrantes-en-la-ciudad-de-desaguadero-puno> (accessed April 4, 2023).

<sup>114</sup> “Ilave: fallecieron seis soldados,” *El Peruano*, March 7, 2023, <https://elperuano.pe/noticia/207071-ilave-fallecieron-seis-soldados> (accessed March 17, 2023).

<sup>115</sup> “Soldado sobreviviente en río Ilave desmiente versión del Ejército sobre muerte de 6 militares,” March 7, 2023, video clip, Youtube <https://www.youtube.com/watch?v=yAStai7r8ls> (accessed March 17, 2023); “Los oficiales no quieren hacerse cargo,” *La Republica*, March 7, 2023, <https://larepublica.pe/sociedad/2023/03/07/puno-protestas-los-oficiales-no-quieren-hacerse-cargo-soldado-sobreviviente-en-rio-ilave-desmiente-version-del-ejercito-lrnd-677404> (accessed March 17, 2023).

<sup>116</sup> “Crisis política y protesta social: Balance defensorial tras tres meses de iniciado el conflicto,” Ombudsperson’s Office report number 190, March 2023.

<sup>117</sup> Huamanga, Arequipa, Cusco, Juliaca and Andahuaylas. “Crisis política y protesta social: Balance defensorial tras tres meses de iniciado el conflicto,” Ombudsperson’s Office report number 190, March 2023.



Some demonstrators hurl rocks at police during a protest near Congress in Lima on December 12, 2022. The writing over the red and white paint—the colors of Peru's flag—says “No to Corruption.” © 2023 Ernesto Benavides/AFP via Getty Images

other justice officials.<sup>118</sup> They also occupied a natural gas plant for 12 days in December in Cusco.<sup>119</sup>

Some attacks were carried out by small groups of people separate from the main protests. In Ayacucho, a small group set fire to several public offices, including the prosecutor's

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<sup>118</sup> “Crisis política y protesta social: Balance defensorial tras tres meses de iniciado el conflicto,” Ombudsperson’s Office report number 190, March 2023; “Puno: manifestantes incendiaron la comisaría de Zepita en la provincia de Chucuito,” *RPP Noticias*, January 20, 2023, <https://rpp.pe/peru/puno/puno-manifestantes-incendiaron-la-comisaria-de-zepita-en-la-provincia-de-chucuito-noticia-1461466> (accessed April 4, 2023); “Puno: Vándalos queman comisaría de Macusani y policías tuvieron que ser rescatados en helicópteros [VIDEO],” *Perú 21*, January 18, 2021; <https://peru21.pe/peru/puno-vandalos-queman-comisaria-de-macusani-y-policias-tuvieron-que-ser-rescatados-en-helicopteros-video-puno-incendio-comisaria-de-macusani-policias-manifestantes-vandalos-pnp-dina-boluarte-noticia/> (accessed April 4, 2023).

<sup>119</sup> Human Rights Watch interview with Rosa Emperatriz, director of the Ombudsperson’s Office in Cusco, Cusco, February 2, 2023; “Cusco: fuerzas del orden recuperaron planta de gas natural de Kepashiato que había sido tomada por manifestantes,” *RPP Noticias*, December 25, 2022, <https://rpp.pe/peru/actualidad/cusco-fuerzas-del-orden-recuperaron-planta-de-gas-natural-de-kepashiato-que-habia-sido-tomada-por-manifestantes-noticia-1455888> (accessed March 13, 2023).

office, a day after military personnel shot at protesters with assault rifles.<sup>120</sup> For instance, at around 4 p.m., about 10 to 15 people set fire to the public records office, a witness said.<sup>121</sup> Neighbors came out to put out the fire. The buildings were not protected by police. The Ayacucho police chief said their priority was protecting the police station, which had also been attacked.<sup>122</sup>

Some people took advantage of protests—in Arequipa, Cusco, and Puno—to engage in looting.<sup>123</sup>

Under international human rights law, states have an obligation to ensure the right to life and exercise “due diligence to protect the lives of individuals against deprivations caused by persons or entities whose conduct is not attributable to the State.”<sup>124</sup> However, it also has obligations to protect the right of peaceful assembly, and the actions it takes in response to violence in the context of protests—particularly the use of force—need to meet basic standards of necessity and proportionality.<sup>125</sup>

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<sup>120</sup> Redacción RPP, “Ayacucho: manifestantes quemaron y saquearon dos dependencias del Ministerio Público,” *RPP*, December 16, 2022, <https://rpp.pe/peru/ayacucho/ayacucho-manifestantes-quemaron-y-saquearon-dos-dependencias-del-ministerio-publico-noticia-1454092> (accessed March 20, 2023).

<sup>121</sup> HRW interview with Richard Sarmiento, Ayacucho, February 1, 2023.

<sup>122</sup> Human Rights Watch interview with José Zapata, Ayacucho police chief, Ayacucho, January 31, 2023.

<sup>123</sup> Videos verified by Human Rights Watch showed looting in Arequipa and Puno. The Ombudsperson’s Office reported looting in Cusco. “Crisis política y protesta social: Balance defensorial tras tres meses de iniciado el conflicto,” Ombudsperson’s Office report number 190, March 2023.

<sup>124</sup> UN Human Rights Committee, General Comment 36, Non-discrimination (One hundred twenty-four session, 2018), UN Doc. CCPR/C/GC/36 (2019), p. 2, para. 7; International Covenant on Civil and Political Rights (ICCPR), adopted December 16, 1966, G.A. Res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171, entered into force March 23, 1976, art. 6.

<sup>125</sup> UN Human Rights Committee, General Comment 37, Civil and political rights (One hundred twenty-ninth session, 2020), Compilation of General Comments and General Recommendations Adopted by Human Rights Treaty Bodies, UN Doc. CCPR/C/GC/37 (2020), pg.13, para 78, pg.14, para 79, pg.15. para. 85, para.88; International Covenant on Civil and Political Rights (ICCPR), adopted December 16, 1966, G.A. Res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52; U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171, entered into force March 23, 1976, art. 21.

### **III. Use of Disproportionate Force by Security Forces**

#### **Illegal Use of Lethal Force by Security Forces**

Peru’s then-police chief told Human Rights Watch that security forces are only allowed to use firearms “when there is imminent risk to life.”<sup>126</sup> Police officers may not use firearms “for dissuasion,” he said, or to defend airports, police stations, or other buildings, absent an imminent threat to life. Similarly, the chief of the Lima police region said that a team of police officers armed with lethal weapons is on standby during protests and is deployed only to respond to a firearm attack.<sup>127</sup>

Those statements are consistent with Peruvian law and international standards. Yet, military and police forces have used firearms beyond what is legally permissible. Witness testimony, corroborated by hours of videos reviewed by Human Rights Watch, show security forces were equipped with firearms and used them against protesters in some locations outside of Lima. All the types of bullets identified in ballistics and autopsy reports as cause of death can be fired with the assault rifles and handguns that security forces were seen with. Police did not apprehend any firearm, homemade or not, in the hands of protesters, nor did Human Rights Watch find any image of a protester holding a firearm.

Human Rights Watch obtained the autopsy results for 41 of the 49 civilians killed during the protests from December 2022 through February 2023. In 34 of the 41 autopsies to which Human Rights Watch had access, the cause of death was gunshot wounds. Health documents and a list from a prosecutor’s office that has autopsy results, reviewed by Human Rights Watch, cite gunshot wounds as the cause of death of an additional five victims.<sup>128</sup> In total, at least 39 civilians out of the 49 fatal victims died from gunshot wounds. In a 40th case, a health document said it was “probably” a gunshot wound.<sup>129</sup>

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<sup>126</sup> Human Rights Watch interview with general Raúl Alfaro, Peru’s then-chief of police, Lima, February 7, 2023.

<sup>127</sup> Human Rights Watch interviews with general Víctor Zanabria, chief of the Lima police region, Lima, February 6, 2023.

<sup>128</sup> On file at Human Rights Watch.

<sup>129</sup> Case of Beckham Romario Quispe Garfias. “Reporte de pacientes por manifestaciones sociales - Hospital Subregional de Andahuaylas,” Health Ministry, no date, on file at Human Rights Watch.

At least another 125 people were injured by gunshots, according to a Ministry of Health database, although the actual number is likely to be higher. Human Rights Watch reviewed medical records that indicated gunshot wounds in several cases not included in the list.

Peru's then-police chief said police had not confiscated any firearms from protesters anywhere in the country as of February 7, 2023.<sup>130</sup> Human Rights Watch did not identify any protester holding firearms in the over 37 hours of video footage and the 663 photographs of demonstrations that it reviewed.

Witnesses in Ayacucho and Arequipa told Human Rights Watch they saw military forces using assault rifles to fire at protesters, and other witnesses said they saw police shooting firearms in Arequipa, Andahuaylas, Pichanaki, and Juliaca.<sup>131</sup> Videos verified by Human Rights Watch show security forces armed with firearms in those locations and, in some cases, aiming and firing at protesters. In contrast, there are no reports or videos showing the use of lethal weapons by police against protesters in Lima, suggesting a different response to the protests in the capital.<sup>132</sup>

The 34 autopsy reports that Human Rights Watch obtained of people who died from gunshot wounds show that 14 victims received bullets to the torso, 11 to the head, and 9 to the back. Gunshot wounds to the upper body, including the head, are consistent with targeting.<sup>133</sup> In Ayacucho, two witnesses said they saw the red beams of laser sights from the assault rifles used by military personnel, seeking targets.<sup>134</sup> A Facebook livestream verified by Human Rights Watch also shows the laser sights in use near an area in Ayacucho where at least three people were shot and killed.

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<sup>130</sup> Human Rights Watch interviews with general Raúl Alfaro, Peru's chief of police, Lima, February 7, 2023.

<sup>131</sup> Human Rights Watch interviews with Ruth Bárcena Loayza, Ayacucho, February 1, 2023; Christopher Huzco Soto, Lima, February 6, 2023; and Bernardino Fortunato Catassi and Karina Hancó Arapa, Arequipa, February 4, 2023; and remote interviews with Maritza Tomalla Maucaylle, February 12, 2023; Demetrio Aroquipa, February 15, 2023; and Rosa Luque Mamani, February 20, 2023.

<sup>132</sup> Human Rights Watch interview with Ombudswoman Eliana Revollar, Lima, February 8, 2023.

<sup>133</sup> Baraybar JP. Variation of gunshot injury patterns in mortality associated with human rights abuses and armed conflict: an exploratory study. *Sci Justice.* 2015 Sep;55(5):355-62. doi: 10.1016/j.scijus.2015.03.003. Epub 2015 Apr 18. PMID: 26385719; Baraybar JP, Gasior M. Forensic anthropology and the most probable cause of death in cases of violations against international humanitarian law: an example from Bosnia and Herzegovina. *J Forensic Sci.* 2006 Jan;51(1):103-8. doi: 10.1111/j.1556-4029.2005.00035.x. PMID: 16423232.

<sup>134</sup> Human Rights Watch separate interviews with two injured persons, Ayacucho, February 1, 2023. Both asked that their identity not be revealed for fear of retaliation.



REGISTRO DE ENTRADA Y SALIDA DE ARAMHETO DEL BING C/M Nº 2 DEL FUERTE LOS PODRAS DEL 15 AL 16 DE DICIEMBRE DEL 2022

N/D	GRADO	APELLIDOS Y NOMBRES	FECHA INICIA	FECHA TERMINA	T/ARMTO	Nº ARMTO	FIRMA	CRS
01	S10				GALIL	98101539		✓N
02	CABO				GALIL	98101511		✓N
03	CABO				GALIL	98101535		✓N
04	S100				GALIL	98101525		✓N
05	CABO				GALIL	98101524		✓N
06	S2E 2 <sup>a</sup>				GALIL	98101530		✓N
07	S2E 1 <sup>a</sup>				GALIL	98101551		✓N
08	S2E 2 <sup>a</sup>				GALIL	98101523		✓N
09	S2E 2 <sup>a</sup>				GALIL	98101522		✓N
10	S100				GALIL	98101555		✓N
11	S2E 2 <sup>a</sup>				GALIL	98101514		✓N
12	CABO				GALIL	98101515		✓N
13	S2E 1 <sup>a</sup>				GALIL	98101425		✓N
14	CABO				GALIL	98101426		✓N
15	CABO				GALIL	98101526		✓N
16	S100				GALIL	98101417		✓N
17	S2E 2 <sup>a</sup>				GALIL	98101545		✓N
18	S2E 2 <sup>a</sup>				GALIL	98101557		✓N
19	S100				GALIL	98101449		✓N
20	S100				GALIL	98101462		✓N
21	S100				GALIL	98101452		✓N
22	S100				GALIL	98101566		✓N
23	S100				GALIL	98101475		✓N

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The registry of weapons checked out by members of the military deployed in Ayacucho on December 15 and 16, 2022 shows they were deployed with Galil assault rifles. Source: Ayacucho killings criminal case file.

Six military registries reviewed by Human Rights Watch showed military personnel were equipped with Galil series assault rifles on December 15, 2022.<sup>135</sup> A ballistics report by a police forensic expert said that a 5.56mm projectile “for Galil rifle” was found in the body of one of the fatal victims.<sup>136</sup> In the cases of two other victims, the ballistics reports said the entry wounds were caused by a 5.56mm projectile, and in another five they said the entry wounds were caused by projectiles “approximately 5mm” in diameter.<sup>137</sup> Human Rights Watch did not have access to the ballistics report of the tenth fatal victim in Ayacucho.

Autopsies for two victims in Juliaca report the recovery of 7.62mm bullets from the bodies.<sup>138</sup> A ballistics report found that a bullet fragment recovered from a third victim was from a 7.62mm bullet “fired by a rifle.”<sup>139</sup>

<sup>135</sup> Registry of entry/exit of weapons from the Second Infantry Brigade, Ayacucho, December 15, 2022, on file at Human Rights Watch.

<sup>136</sup> Case of Edgar Wilfredo Prado Arango. Ballistics report on file at Human Rights Watch.

<sup>137</sup> Cases of Raúl García Gallo, José Sañudo Quispe, Leonardo David Hanco Chacca, Luis Miguel Urbano Sacsara, José Luis Aguilar Yucra, Cristopher Michael Ramos Aime, Jhon Jerry Mendoza Huarancca, and Clemer Fabricio Rojas García. Ballistics reports on file at Human Rights Watch.

<sup>138</sup> Autopsy reports of Reynaldo Illaquita and Emer Zolano, on file at Human Rights Watch.

<sup>139</sup> “Informe pericial de balística forense No. 04/2023-MP-FN-GG-OPERIT-ABF-ELC,” January 16, 2023.

The Kalashnikov-pattern rifles seen carried by police and military officers respectively in videos and photographs taken that day in Juliaca and verified by Human Rights Watch use 7.62mm ammunition. Two photographs taken in Juliaca near where officers were stationed and verified by HRW show 7.62x39mm cartridges made for Kalashnikov-pattern rifles and marked with a PNP headstamp, standing for Peruvian National Police.

Ballistics analysis reports for three victims in Juliaca identified a fragment of a 9mm bullet and two full 9mm bullets in their bodies, fired by handguns.<sup>140</sup> In addition, an autopsy report of a victim in Arequipa said that the entry and exit wounds were “consistent with a .38- [caliber] or 9-millimeter” bullet.<sup>141</sup> Peru’s police use either 9mm semi-automatic handguns or .38-caliber revolvers.<sup>142</sup>

In several cases, security personnel appear to have killed people at a distance, further undermining the possibility they fired in self-defense. In Ayacucho, military personnel killed protesters and bystanders with bullets fired from Galil series assault rifles, which have an effective range of up to 400-500 meters. For instance, **Leonardo David Hancco Chacca** was killed by a shot fired from roughly 90 meters away in Ayacucho based on CCTV footage obtained by *IDL-Reporteros* and verified by Human Rights Watch. In Juliaca, **Christian Mamani Hancco** and **Heliot Cristhian Arizaca** were killed by “long-distance” gunshot wounds, the autopsy reports said. In Andahuaylas, **Jhon Erick Enciso Arias** was standing on a hill about 30 meters above and 110 meters away from the area where police were when he was shot and killed, according to a video and a Facebook livestream of the moment of his death that Human Rights Watch verified.

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<sup>140</sup> Jhamileth Nataly Aroquipa, Eberth Mamani Arqui, and Edgar Jorge Huarancca Choquehuanca. The ballistics analysis report of the bullet confirmed it was a 9mm parabellum. “Informe pericial de balística forense No. 05/2023-MP-FN-GG-OPERIT-ABF-ELC,” January 18, 2023; “Informe pericial de balística forense No. 06/2023-MP-FN-GG-OPERIT-ABF-ELC,” January 18, 2023; and “Informe pericial de balística forense No. 06/2023-MP-FN-GG-OPERIT-ABF-ELC,” January 19, 2023.

<sup>141</sup> Autopsy report of Miguel Arcana, Arequipa.

<sup>142</sup> Human Rights Watch interviews with Gen. Víctor Zanabria, chief of the Lima police region, Lima, February 6, 2023.

At least 15 of those killed were, like Enciso Arias, bystanders,<sup>143</sup> another three were watching protests,<sup>144</sup> and three trying to help those injured,<sup>145</sup> according to testimonies and videos collected by Human Rights Watch. Their killings show the indiscriminate nature of the response by police and the military.

The use of lethal weapons by security forces to respond to protests made the loss of life or serious injury very likely and foreseeable. It was grossly disproportionate to the threat faced. As such, the killings are likely extrajudicial or arbitrary killings.

### *Juliacá, Puno (January 9, 2023)*

In the early days of 2023, hundreds of people from rural areas, many of them Indigenous people, travelled to Juliaca, in the rural, deeply impoverished southern state of Puno, to demonstrate. After days of marches, on January 9, 2023, police used indiscriminate force against protesters, leading to the killing of 18 demonstrators and bystanders, including three children under 18 and seven young people ages 18 to 22, according to testimonies collected by Human Rights Watch, health records, autopsy reports, and videos and photographs. Autopsy reports show at least 15 were killed by gunshots and three by pellets. More than 100 people were injured.<sup>146</sup>

Police officer **José Luis Soncco Quispe**, mentioned earlier in this report, was murdered that night after assailants intercepted his patrol car a block and a half northeast of the San Martin School, over three kilometers away from the airport and the location of the documented nighttime protests.

While hundreds of protesters remained peaceful, some groups entered the Juliaca airport's tarmac after noon on January 9. Protesters also threw stones with *huaracas* and *avellanas* in the direction of the police, which were deployed mostly at the east end of the airport.

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<sup>143</sup> Gabriel Omar López Amanqui, Roger Rolando Cayo Sacaca, Reynaldo Illaquita Cruz, Christian Armando Mamani Hanco, Heder Jesús Mamani Luque, Paul Franklin Mamani Apaza, Jhamileth Nataly Aroquipa, Elmer Zolano Leonardo Huanca, Heliot Cristhian Arizaca Luque, Brayan Apaza Jumipiri, Wilfredo Llazarme Barbosa, Cristhian Alex Rojas Vásquez, José Luis Aguilar Yucra, Christopher Michael Ramos Aime, and Xavier Candamo Dasilva.

<sup>144</sup> Marcos Quispe Quispe, Beckham Romario Quispe Garfias, and John Erik Enciso Arias.

<sup>145</sup> Marco Antonio Samillán, Jhonatan Tello Claudio, and Edgar Wilfredo Prado Arango.

<sup>146</sup> Red de Salud San Román Facebook page,

<https://www.facebook.com/photo?fbid=487427973571711&set=pcb.487428456904996> (accessed March 13, 2023).

A smaller group of military officers were deployed further inside the airport. Three Facebook livestreams verified by Human Rights Watch recorded at the northeast corner of the airport demonstrate a rapid rise in the level of force, from infrequent warning shots to widespread use of tear gas and frequent gunfire. At around 1:40 p.m. an officer began firing what appears to be tear gas from an army helicopter at protesters down below.<sup>147</sup>

Human Rights Watch documented the cases of eight people who were hit by gunfire and died in the next four and-a-half hours on Avenida Independencia on the eastern side of the Inca Manco Capac airport, in a range of three blocks to the north and three blocks to the south of the airport. There were hundreds of demonstrators in that area, mostly peaceful, while many closest to the airport fences threw rocks at security forces. There were also many passers-by, as it is a busy throughway.

The first fatal victim was **Reynaldo Illaquita Cruz**, 19, who worked at a sawmill to save money to go to university.<sup>148</sup> At around 1:30 p.m. he left work on Avenida Independencia to go for lunch and was shot in the thorax with a 7.62mm bullet.<sup>149</sup>

**Edgar Jorge Huarancca Choquehuanca**, a 22-year-old gastronomy student who was demonstrating, was shot in the head and chest as he was walking along Avenida Independencia just before 2:56 p.m. He was taken to a makeshift medical station set up at the Ollanta gas station, where a medical volunteer administered CPR, to no avail.<sup>150</sup>

At around 3:30 p.m., **Christian Mamani Hancco**, 22, was shot in the thorax as he was walking home with a friend along Avenida Independencia after a music rehearsal. The autopsy report said the injury was caused by a “long-range firearm.”<sup>151</sup>

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<sup>147</sup> At approximately 1:40 p.m., three different Facebook live streams showed the helicopter, labeled "Ejército del Perú" and with the tail number EP-684, beginning to fly over the area. Two videos shared on Facebook and TikTok show the officer firing. Human Rights Watch verified the videos.

<sup>148</sup> Human Rights Watch phone interview with a victims' relative, February 15, 2023. She asked not to be identified.

<sup>149</sup> Autopsy conducted by Paul Artemio Mamani, January 10, 2023, on file at Human Rights Watch; Necropsy diligence certificate conducted by provincial deputy prosecutor Rolando Agramonte Ramos, January 10, 2023, on file at Human Rights Watch.

<sup>150</sup> Human Rights Watch phone interview with Edgar's uncle, Pedro Luque, February 15, 2023. The autopsy concluded he sustained three gunshots. Autopsy conducted by Milton Edgar Condori, January 10, 2023, on file at Human Rights Watch. Human Rights Watch verified a video of Samillán performing CPR.

<sup>151</sup> Human Rights Watch phone interview with victims' relative, February 14, 2023. She asked not to be identified; Autopsy conducted by Paul Artemio Mamani, January 10, 2023, on file at Human Rights Watch.

At around 4 p.m., Samillán was shot in the back while he was providing first aid to a young man injured in the vicinity of the airport.<sup>152</sup> Samillán later died at the hospital. At around 4 p.m., demonstrator **Nelson Huber Pilco**, 22, was shot and killed 12 meters inside of the airport's eastern fence.<sup>153</sup>

At 4:30 p.m., police were firing tear gas canisters and gunfire at civilians on Avenida Independencia, according to a witness.<sup>154</sup> Three people were hit by bullets around that time and died: **Jhamileth Nataly Aroquipa**, 17, a psychology student who was out grocery shopping with her family;<sup>155</sup> **Marcos Quispe Quispe**, 54, a bricklayer and grandfather who was watching the protests;<sup>156</sup> and **Heder Jesús Mamani Luque**, 37, a father of three who was walking along the avenue.<sup>157</sup>

An hour later, **Heliot Cristhian Arizaca**, 18, who planned on joining the army, was on his way home after grocery shopping with his family when he was shot on Avenida Independencia.<sup>158</sup> The cause of death was a long-range gunshot wound to the thorax, according to his autopsy report.

That evening, hundreds of demonstrators protested near the police station between Moquegua and Ramón Castilla streets, just under two kilometers southeast of the airport. A video shared on TikTok and verified by Human Rights Watch shows police officers running on 8 de Noviembre street after 7 p.m. and firing shotguns at protesters. At 7:35 p.m., about 300 meters west of that location, a man *IDL-Reporteros* identified as **Héctor**

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<sup>152</sup> Human Rights Watch phone interview with Marco Samillán's sister Milagros Samillán, February 14, 2023; Autopsy conducted by David Chuquipoma Pacheco, January 10, 2023, on file at Human Rights Watch.

<sup>153</sup> Human Rights Watch phone interview with victims' relative, February 17, 2023. He asked not to be identified; Autopsy conducted by Milton Edgar Condori, January 10, 2023, on file at Human Rights Watch; A video verified by Human Rights Watch shows him on the ground past the airport's fence.

<sup>154</sup> Human Rights Watch phone interview with a witness, February 15, 2023. He asked not to be identified for fear of reprisals.

<sup>155</sup> She was hit in the stomach. Human Rights Watch phone interview with victim's relative, February 15, 2023. He asked not to be identified for fear of reprisals. Autopsy conducted by David Chuquipoma Pacheco, January 10, 2023, on file at Human Rights Watch.

<sup>156</sup> He was shot in the thorax with a lead pellet and elbow. Human Rights Watch phone interview with Marcos Quispe's daughter Vilma Quispe February 17, 2023. Autopsy conducted by Milton Edgar Condori, January 10, 2023, on file at Human Rights Watch. Public Ministry, Forensic analysis Office, forensic ballistics expert report, January 23, 2023, signed by Augusto Antonio Bambaren on file by Human Rights Watch.

<sup>157</sup> He was shot in the head. Human Rights Watch phone interview with victims' relative, February 15, 2023. She asked not to be identified. Autopsy conducted by David Chuquipoma Pacheco, January 10, 2023, on file at Human Rights Watch.

<sup>158</sup> Human Rights Watch verified a video shared on Twitter and two photographs uploaded to Facebook that show Aricaza 50 meters east of the airport bleeding from a wound to his neck and being carried away to the south. Human Rights Watch phone interview with Heliot Cristhian Arizaca's mother Rosa Luque Mamani, February 20, 2023. Autopsy conducted by Feliz Uscamayta Chipana, January 10, 2023, on file at Human Rights Watch.

**Quilla Mamani**, 38, was fatally shot with gunfire.<sup>159</sup> Twenty minutes later, **Brayan Apaza Jumpiri**, 15, a high school student, and **Paul Franklin Mamani Apaza**, 20, a construction worker, were fatally shot in the same location.<sup>160</sup>

Six videos and three photographs verified by Human Rights Watch and recorded around 7:50 p.m. on January 9 show at least two other men were shot within 550 meters of the police station. One of the videos, recorded on the corner of Jirón San Román and Bolívar, shows a group of protesters facing east in the direction of the police station. Six seconds into the video a gunshot is heard and a man, whom the *New York Times* identified as **Eberth Mamani Arqui**, 40, falls to the ground. He died. The cause of death was a gunshot wound to the head, according to his autopsy report.<sup>161</sup> A video recorded in the same location moments later shows another man bleeding profusely from his foot. Another video, first shared on TikTok at 8:34 p.m., shows police on the corner Mamani Arqui was killed firing 37mm riot guns to the north.

#### *Ayacucho (December 15, 2022)*

Seven men and a 15-year-old boy were killed on December 15, 2022, in Ayacucho, and two other men died of their injuries the following days—all from gunshot wounds inflicted by firearms, according to the autopsy reports.<sup>162</sup> At least 72 civilians were injured.<sup>163</sup> Ten police and military officers were slightly injured.<sup>164</sup>

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<sup>159</sup> Human Rights Watch verified a video uploaded to Facebook that shows a person in black on the corner of Jirón Moquegua and Ramón Castilla shot to the ground around 7:35 p.m. IDL-Reporteros identified this man as Héctor Quilla Mamani. Homicides in Juliaca, “Homicidios en Juliaca,” *IDL-Reporteros*, April 9, 2023, [https://www.youtube.com/watch?v=eV\\_sotoKYg4](https://www.youtube.com/watch?v=eV_sotoKYg4) (accessed on April 10, 2023). Autopsy conducted by Yuriza Karol Neyra Flores, January 10, 2023, on file at Human Rights Watch.

<sup>160</sup> Human Rights Watch phone interview with Brayan Apaza’s mother, Asunta Jumpiri Olvea, February 17, 2023. Human Rights Watch phone interview with Paul Franklin Mamani’s father, Mateo Mamani Tito, February 17, 2023. Human Rights Watch verified four videos recorded on Jirón Moquegua and Ramón Castilla shortly after Brayan Apaza and Paul Franklin Mamani were shot showing them bleeding from their head and mouth respectively. Apaza Jumpiri died days later, on January 12, 2023, of a shot to the head and Mamani Apaza of a shot to his thorax. Autopsy conducted by David Chuquipoma, January 10, 2023, on file at Human Rights Watch. Autopsy certificate signed by Edward Israel Menai, January 12, 2023, on file at Human Rights Watch.

<sup>161</sup> Autopsy conducted by David Chuquipoma, January 10, 2023, on file at Human Rights Watch.

<sup>162</sup> Human Rights Watch reviewed the autopsy reports of the 10 people killed in Ayacucho.

<sup>163</sup> Human Rights Watch interview with David Gustavo Pacheco, director of the Ombudsperson’s Office in Ayacucho, Ayacucho, January 31, 2023.

<sup>164</sup> Human Rights Watch interview with José Zapata, Ayacucho police chief, Ayacucho, January 31, 2023.

The Minister of Defense told Human Rights Watch that the military report he received about the incident stated that a military patrol was “ambushed” by protesters and the soldiers opened fire in self-defense.<sup>165</sup> The chief of police in Ayacucho told Human Rights Watch that a military patrol of about 50 soldiers was coming from the center of town toward the airport, when “it was attacked with blunt objects and *huaracas*, and they had to defend themselves.”<sup>166</sup>

Nonetheless, videos and witness testimonies collected by Human Rights Watch contradict that narrative. The killings occurred over several hours in different locations. The security forces did not seize any firearms from protesters.<sup>167</sup> The armed forces were deployed with their Galil assault rifles.<sup>168</sup>

Some protesters threw rocks at security forces. The military responded with disproportionate and indiscriminate force, causing injuries and killing protesters who posed no threat to them as well as bystanders.

Members of the armed forces were deployed with minimal police presence to block access to Ayacucho’s central square, the Plaza de Armas, where protests traditionally take place, on the morning of December 15.<sup>169</sup> At 10:25 a.m., a Facebook livestream showed at least 27 members of the armed forces accompanied by two police officers setting off red smoke—which is used for marking and signaling rather than crowd control—about 90 meters north of the plaza in front of a group of protesters. The police officers appear to tell the armed forces to allow the protesters into the Plaza de Armas, and at 10:29 a.m., the protesters enter the square, where they demonstrate peacefully.

CCTV footage obtained by *IDL-Reporteros* showed protesters reached the airport’s main entrance, which was guarded by both police and military personnel, around 12:38 p.m.

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<sup>165</sup> Human Rights Watch interview with Jorge Chávez Cresta, Minister of Defense, Lima, February 8, 2023.

<sup>166</sup> Human Rights Watch interview with José Zapata, Ayacucho police chief, Ayacucho, January 31, 2023.

<sup>167</sup> Human Rights Watch interviews with general Julio Óscar Mariño Ripa, chief of the Ayacucho police macro region, Ayacucho, January 31, 2023; and a human rights prosecutor who asked not to be identified, Ayacucho, February 1, 2023.

<sup>168</sup> Human Rights Watch interviews with colonel Daniel Wenceslao Hernani Álvarez, chief of the Ayacucho police region, Ayacucho, January 31, 2023; and David Gustavo Pacheco, director of the Ombudsperson’s Office in Ayacucho, Ayacucho, January 31, 2023.

<sup>169</sup> Human Rights Watch interviews with José Zapata, Ayacucho police chief, Ayacucho, January 31, 2023; and David Gustavo Pacheco, director of the Ombudsperson’s Office in Ayacucho, Ayacucho, January 31, 2023.

Around the same time, a group of protesters at the southern end of the airport brought down a fence and stood on the runway.

Two videos show protesters at a location about 300 meters south of the airport entrance throwing rocks toward the tarmac and being fired on with tear gas by police sometime between 12:45 and 2 p.m.<sup>170</sup>

A few minutes later, military officers aimed and fired at the protesters using their Galil assault rifles. Bullets hit **Leonardo David Hancco Chacca**, 32, in the chest. The sound of these gunshots was captured at 2:05 p.m. in a Facebook livestream recorded 950 meters south on the tarmac.

At roughly 2:21 p.m., this livestream showed a protester approaching military personnel stationed further north on the tarmac to ask for permission to demonstrate at the airport. The military officers agreed to give the demonstrators 30 minutes to protest, but the protesters reacted angrily to this time limit. A subsequent Facebook livestream started at 2:38 p.m. shows the protesters fleeing from tear gas while a line of military personnel walked towards them firing their rifles into the air.

Hancco's wife, Ruth Bárcena Loayza, learned at 2:50 p.m. on social media that he had been shot, she said.<sup>171</sup> She ran to the airport and saw military personnel shooting at people. An hour later she saw a military officer grabbing a young man by the hair as he was running away near a Primax gas station 430 meters south of the airport entrance. The officer hit him with the butt of his rifle and stepped on his back once he fell on the ground. Bárcena told us: "He said: 'Terrorist, you are going to die. Why are you here?'" Then the officer shot him in the leg, Bárcena said. She found her husband in the Ayacucho Regional Hospital with severe internal injuries. He died in the early hours of December 17.

Human Rights Watch verified 17 videos shared on social media and recorded between 3 p.m. and 4 p.m. near this gas station that demonstrated a coordinated effort by the military to corral and shoot protesters. Rather than pushing protesters away from the airport, two

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<sup>170</sup> The first video was uploaded to Facebook and recorded inside the *Complejo Arqueológico de Conchopata*, sometime between 12:45 and 1:30 p.m., [https://twitter.com/Estacion\\_Wari/status/1603463107132678146](https://twitter.com/Estacion_Wari/status/1603463107132678146). The other video was CCTV footage obtained by IDL-Reporteros, recorded at around 2 p.m.

<sup>171</sup> Human Rights Watch interviews with Ruth Bárcena Loayza, Ayacucho, February 1, 2023.

videos recorded around 3 p.m. show that soldiers approached the protesters at the gas station on Via Evitamiento, blocking off roads to the southwest and firing at protesters while other officers remained stationed at the airport to the northeast.<sup>172</sup> CCTV footage shows Clemer Rojas, 22, and Josué Sañudo Quispe, 31, being shot by the military at 3:15 and 3:28 p.m. respectively.<sup>173</sup> Both died. A video recorded shortly after 3:23 p.m. shows military personnel shoving a protester to the ground by his head and holding him down by his neck near the entrance to the Primax gas station.<sup>174</sup> Two other videos recorded around the same time show protesters carrying an unidentified person with a severe facial wound south, away from the gas station while gunshots ring out. A similar video shows an unidentified woman with blood on her face being carried south, away from the gas station.<sup>175</sup> A witness on a rooftop told Human Rights Watch he saw this woman being shot in the face.<sup>176</sup>

At 3:30 p.m., a **25-year-old university student** was passing by a park in front of the General Cemetery, around one kilometer south of the Primax gas station, on his way to a friend's home.<sup>177</sup> He heard shots and hid behind a tree, he said. He saw people running away as military officers advanced. He saw the red beam of a laser sight in the shade of the tree. The military officers were about 20 meters away from him when he tried to flee, he said. He was shot in the right buttock. The bullet exited through his stomach. He held his intestine in his hands. He was in the hospital for 11 days and remained bed-ridden in a dark bedroom with an earthen floor and adobe walls lined with shelves full of schoolbooks when Human Rights Watch visited him on February 1, 2023.<sup>178</sup>

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<sup>172</sup> Twitter video by 3Yedidyah, December 15, 2022, <https://twitter.com/3Yedidyah/status/1603495620798472217>; Tiktok video by Gina Huaman, December 15, 2022, <https://www.tiktok.com/@ginahuaman/video/7177514249583971590>

<sup>173</sup> Both were shot in between where the officers arrived in the southwest and the entrance to the airport. CCTV footage obtained by IDL Reporteros; “Ayacucho: Radiografía de homicidios,” February 12, 2023, video clip, Youtube, [https://www.youtube.com/watch?v=OJIEWGgz\\_\\_4&t=113s](https://www.youtube.com/watch?v=OJIEWGgz__4&t=113s) (accessed April 4, 2023).

<sup>174</sup> Pepa-Noticias-Ayacucho's Facebook page, video clip, <https://www.facebook.com/watch/?v=689974386083931> (accessed April 4, 2023).

<sup>175</sup> Dan Dany Facebook page, video clip, <https://www.facebook.com/pechito.quispe/videos/693353908982103> (accessed April 4, 2023).

<sup>176</sup> Human Rights Watch with a witness, Ayacucho, January 31, 2023. He asked not to be identified for fear of reprisals.

<sup>177</sup> Human Rights Watch interview with an injured person, Ayacucho, February 1, 2023. He asked that his identity not be revealed for fear of retaliation.

<sup>178</sup> Human Rights Watch reviewed a medical document that said that the university student had suffered open abdominal trauma by firearm projectile. He had surgery on December 15, 2022, and was recovering when Human Rights Watch visited him. Human Rights Watch interview with university student, Ayacucho, February 1, 2023.

Over the next hours the armed forces killed another six people—another would die in the hospital on December 21. Of the 10 fatal victims, four were people who lived around the airport, including **Edgar Prado Arango**, 51, who was shot and killed at 5:45 p.m. when trying to help an injured person 75 meters west of the southwest corner of the airport, as CCTV footage obtained by Reuters shows.<sup>179</sup>

Human Rights Watch verified three videos showing military personnel shooting assault rifles near the southwest corner of the airport and the front gate of the General Cemetery between 5 and 8 p.m. Nine additional videos recorded in the same area and time frame show at least five people severely wounded or killed. One video recorded before 5:45 p.m. shows protesters carrying an unidentified man dressed in black away from the southwest corner of the airport as gunfire rings out. He is later shown motionless and bleeding profusely from the chest. Soon after this video was captured, another video was recorded in roughly the same location showing multiple military officers aiming Galil assault rifles and firing them west toward protesters. A video and a Facebook livestream, both recorded between 6:30 and 8 p.m., show that military personnel advanced away from the airport toward the protesters in the west while continuing to fire at protesters with red targeting lights and assault rifles. At 6:58 p.m., the person recording the Facebook live stream walks to where the military personnel were shooting and shows multiple 5.56mm bullet casings lying on the ground next to puddles of blood, consistent with one of the types of ammunition used with Galil rifles.

**Christopher Michael Ramos Aimé**, 15, who worked at the cemetery, was shot at 6:35 p.m., only 60 meters west from the corner of the cemetery where soldiers were stationed. A bullet entered through his back and exited through his left arm, security camera footage and medical documents verified by Human Rights Watch show.<sup>180</sup> He died an hour later. “When I pass by places where we have walked, where we have been together, tears come to my eyes. I feel that my son is going to appear, but I know that he is not coming back,” his mother said.<sup>181</sup>

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<sup>179</sup> Human Rights Watch interview with David Gustavo Pacheco, director of the Ombudsperson’s Office in Ayacucho, Ayacucho, January 31, 2023. The video of the killing of Prado Arana is available here: [https://www.youtube.com/watch?v=OJIIEWGgz\\_\\_4](https://www.youtube.com/watch?v=OJIIEWGgz__4).

<sup>180</sup> The video of the killing of Christopher Michael Ramos Aimé is available here: [https://www.youtube.com/watch?v=OJIIEWGgz\\_\\_4](https://www.youtube.com/watch?v=OJIIEWGgz__4). Human Rights Watch interview with Hilaria Aimé Gutiérrez, Christopher’s mother, Ayacucho, February 1, 2023.

<sup>181</sup> Human Rights Watch interview with Hilaria Aimé Gutiérrez, Christopher’s mother, Ayacucho, February 1, 2023.



Edith Aguilar Yucra shows a picture of her son, José Luis Aguilar Yucra, who was killed in Ayacucho on December 15, 2022. Photo taken in Ayacucho, February 1, 2023. © 2023 Santiago Menna/Human Rights Watch

**José Luis Aguilar Yucra**, 20, was walking back home from work, where he operated a machine to clean soda bottles.<sup>182</sup> Just after 6:30 p.m., 70 meters south of the corner of the cemetery where soldiers were firing from, he was shot in the head and killed, a video verified by Human Rights Watch shows.<sup>183</sup>

At around the same time, a projectile hit **Miguel Angel Yucra Mendoza**, a 22-year-old student, on the back of his head. It appeared to have been fired from the area around the entrance of the cemetery where military forces were deployed. A video shows him on the ground, face down, in the park in front of the cemetery. The projectile shattered his skull

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<sup>182</sup> Human Rights Watch interview with Edith Aguilar Yucra, Ayacucho, February 1, 2023.

<sup>183</sup> The video of the killing of José Luis Aguilar Yucra is available here: [https://www.youtube.com/watch?v=OJIIEWGgz\\_\\_4](https://www.youtube.com/watch?v=OJIIEWGgz__4).

and caused bleeding in his brain.<sup>184</sup> He was in a coma for almost a month, but survived.<sup>185</sup> A 28-year-old demonstrator who asked not to be identified saw the red beams of laser sight from the assault rifles used by military officers in the park.<sup>186</sup> “They fired at anyone who ran. People were desperate,” he said. At around 7 p.m. he ran towards a house that was letting in fleeing protesters when he was shot in the back of the thigh. The demonstrator said that a bullet was still lodged in his thigh when Human Rights Watch interviewed him on February 1, 2023.

Another man appears to have been wounded near the cemetery on the night of February 15, according to videos verified by Human Rights Watch.

Others were injured in nearby locations. **Leandro Rojas**, a 24-year-old mechanic, went to the protest after he heard a friend had been killed. At around 5:30 p.m., military personnel opened fire from inside the airport against protesters outside, Rojas said.<sup>187</sup> He was hit on his lower back as he was trying to throw himself to the ground. Hospital documents said he suffered abdominal trauma caused by a firearm.<sup>188</sup>

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<sup>184</sup> Human Rights Watch interview with Guillermina Mendoza Vargas, mother of Miguel Angel Yucra Mendoza, Lima, February 6, 2023.

<sup>185</sup> Wilber Huacasi, “Masacre en Ayacucho: hablan los sobrevivientes,” *La República*, March 31, 2023, <https://larepublica.pe/politica/actualidad/2023/03/27/protestas-en-peru-masacre-en-ayacucho-hablan-los-sobrevivientes-dina-boluarte-fuerzas-armadas-ejercito-peruano-marchas-en-peru-1108485> (accessed April 5, 2023).

<sup>186</sup> Human Rights Watch interview with 28-year-old demonstrator, Ayacucho, February 1, 2023.

<sup>187</sup> Human Rights Watch interview with Leandro Rojas, Ayacucho, February 1, 2023.

<sup>188</sup> “Indicaciones de alta,” Ayacucho Regional Hospital, December 17, 2022; “Hoja de referencia,” Health Ministry, December 19, 2022, copies on file at Human Rights Watch.

### *Andahuaylas (December 10-12, 2022)*

Three young men, ages 18 to 19, along with two boys, 15 and 16, died of injuries they suffered between December 10 and 12, 2022, in Andahuaylas province, Department of Apurímac. Autopsy reports stated that three died of gunshot wounds and a health report said a fourth “probably” died from a gunshot wound. An autopsy report is pending for the fifth. More than 55 people were injured, including some from gunshot wounds.<sup>189</sup>

On December 10, **Cristian Alex Rojas Vásquez**, a 19-year-old pharmacy student, was on his way to the market when he walked near the José María Arguedas park, where police were using tear gas to disperse demonstrators, according to a witness and a video verified by Human Rights Watch.<sup>190</sup> At around 1:50 p.m. a projectile hit him in the head. He died of his injuries four days later. He was buried without an autopsy.<sup>191</sup>

On December 11, protesters assembled on the tarmac of the Andahuaylas airport, where police were deployed. A relative of **David Ezequiel Atequipa**, 15, who was demonstrating with him on the tarmac, said police opened fire against protesters.<sup>192</sup> A bullet hit Atequipa



Janet Vianca Ramón Pareja holds a picture of her husband, Raúl García Gail, who was killed in Ayacucho on December 15, 2022. Photo taken in Ayacucho, February 1, 2023. © 2023 César Muñoz Acebes/Human Rights Watch

<sup>189</sup> Human Rights Watch interview with Luis Enrique Valdivia, then coordinator of human rights prosecutors’ offices, Lima, February 8, 2023.

<sup>190</sup> Human Rights Watch phone interview with a witness, who requested that he not be identified, February 13, 2023.

<sup>191</sup> Human Rights Watch remote interview with attorney Julián Águila, who provides legal advice to the family, March 14, 2023.

<sup>192</sup> Human Rights Watch phone interview with Celia Victoria Quispe, February 10, 2023. Human Rights Watch verified three videos that show Adequipa being carried on the west side of the Andahuaylas tarmac toward an ambulance.

in the chest. **Beckham Romario Quispe Garfias**, an 18-year-old soccer player and coach, was hit on the head. A witness later told his family that a police officer shot him with a “long weapon.”<sup>193</sup> Both died.

In the afternoon of December 12, demonstrators protested near a police station. In Huayhuaca Hill, groups of people watched, including **Jhon Erick Enciso Arias**, 18, who was about 30 meters above and 110 meters away from the main protest, according to a video and a Facebook livestream.<sup>194</sup> At 4:25 p.m. a man who was on the hill about 20 meters above Enciso Arias used a slingshot to launch rocks towards the street. At 4:27 p.m. a barrage of gunfire rang out and Enciso Arias fell to the ground, bleeding from his head and lying motionless in the bushes. Three minutes later, another barrage of gunfire followed by nearby screaming is heard. The camera showed **Wilfredo Lizarme Barbosa**, 18, laying on the ground roughly 25 meters above where Enciso Arias was killed. Lizarme was just passing through the hill on his way to give financial assistance to the family of his friend Rojas Vásquez, killed the day before.<sup>195</sup> The autopsy reports concluded that Enciso Arias died of spinal cord trauma, and Lizarme Barbosa of lung trauma caused by a gunshot wounds.<sup>196</sup>

**Maritza Tomaylla Maucaylle**, 31, said police officers opened fire from the rooftop of a private home toward the hill, where she was with her husband. She was hit by a bullet in the back, medical documents show.<sup>197</sup> At least one more person was wounded in this same section of the hill, as shown by a video verified by Human Rights Watch. Prosecutors later found bullet casing and tear gas cartridges on the rooftop of the private home according to an attorney of the case.<sup>198</sup>

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<sup>193</sup> Human Rights Watch phone interview with a relative, who requested that they not be identified, February 10, 2023. Four videos circulated on social media and verified by Human Rights Watch show protesters carrying Quispe to the west of the Andahuaylas tarmac and loading him into an ambulance. In a public statement, the Andahuaylas health authorities said he died of head trauma “probably” caused by firearm. “Reporte de pacientes por manifestaciones sociales - Hospital Subregional de Andahuaylas,” Health Ministry, no date, on file at Human Rights Watch. The autopsy said he died of severe head trauma but did not identify the cause. Autopsy signed by forensic expert José Ángel Chalco Valenzuela, December 12, 2023, on file at Human Rights Watch.

<sup>194</sup> Location based on two videos verified by Human Rights Watch and identified with satellite imagery and Google Earths elevation feature.

<sup>195</sup> Human Rights Watch remote interview with Wilfredo Lizarme’s father Antonio Lizarme Romero, February 13, 2023.

<sup>196</sup> Autopsies signed by Wilber Huamán Mendoza, December 13, 2023, on file at Human Rights Watch.

<sup>197</sup> Human Rights Watch remote interview with Maritza Tomaylla Maucaylle, February 13, 2023. Copies of medical documents of her case on file at Human Rights Watch.

<sup>198</sup> Human Rights Watch remote interview with attorney Julián Aguila, who provides legal advice to families of victims, February 2, 2023.



Less-lethal munitions approved for use in Peru, exhibited to Human Rights Watch by police in Lima on February 6, 2023.

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## Improper and Dangerous Use of Less-Lethal Weapons

Witnesses and the ombudsperson told Human Rights Watch of instances in which police used less-lethal weapons to disperse peaceful assemblies, in violation of international standards.<sup>199</sup> In other instances where there were some acts of violence by protesters, the response by police and military forces was excessive and indiscriminate. Improper and reckless use of less-lethal weapons resulted in serious injuries and killings.

### Tear gas

Peru's internal police regulations prohibit shooting tear gas canisters "at people's bodies." The regulations warn of "lethal risk and serious harm" from the use of tear gas.<sup>200</sup> The chief of the Lima police region said officers should fire tear gas canisters at the sky or the ground, never horizontally at people.<sup>201</sup> Yet, eight videos and six photographs verified by Human Rights Watch show officers shooting tear gas projectiles horizontally in a flat trajectory, in Juliaca, Lima, Chala, Cusco, and Arequipa. Videos from Juliaca show officers shooting tear gas from an army helicopter and clouds of tear gas surrounding medical personnel who were treating the wounded.

Three CCTV videos recorded at around 7:30 p.m. on January 28, 2023, on Avenida Abancay in Lima show a police officer shooting a 37mm riot gun directly at a group of protesters only about 10 meters away.<sup>202</sup> One of them, **Víctor Santisteban Yacsavilca**, 55, collapsed

<sup>199</sup> Human Rights Watch interview with Ombudswoman Eliana Revollar, Lima, February 8, 2023; and remote interviews with Diego Quevedo, February 8, 2023; and Paola Ugaz, February 9, 2023.

<sup>200</sup> Manual de derechos humanos aplicado a la función policial, August 14, 2018, [https://static.legis.pe/wp-content/uploads/2018/08/Manual-de-derechos-humanos-policia-nacional-Legis.pe\\_.pdf](https://static.legis.pe/wp-content/uploads/2018/08/Manual-de-derechos-humanos-policia-nacional-Legis.pe_.pdf) (accessed April 17, 2023), p.39.

<sup>201</sup> Human Rights Watch interviews with general Víctor Zanabria, chief of the Lima police region, Lima, February 6, 2023.

<sup>202</sup> María Espinoza Facebook Page, "Video de Canal N muestra como murió Victor Santiseban Yacsavilca. Víctima de una bomba lacrimógena disparada por la Policía Nacional del Perú a menos de 5 metros de distancia."

immediately after the blast, and someone kicked away what appears to be the tear gas cannister that the officer shot.<sup>203</sup> A video recorded moments later shows **Santisteban Yacsavilca** bleeding from a wound to the head. The projectile fired by the officer appears to have killed him. The autopsy cited as cause of death the impact of a “hard blunt object.”<sup>204</sup>



An Indigenous woman looks at a memorial to Víctor Santisteban Yacsavilca on January 30, 2023, at the site where he was killed in Lima on January 28, 2023. © 2023 César Muñoz Acebes/Human Rights Watch

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<https://www.facebook.com/watch/?v=3507669296131213> (accessed April 10, 2023); Valeria Coca, “Caso Víctor Santisteban: nuevo video evidencia disparos de miembros de la PNP a manifestante,” *Infobae*, February 16, 2023, <https://www.infobae.com/peru/2023/02/16/caso-victor-santisteban-nuevo-video-evidencia-disparos-de-miembros-de-la-pnp-a-manifestante/> (accessed April 5, 2023).

<sup>203</sup> Alexandra Ampuero, “Protestas: cartucho de lacrimógena fue causante de la muerte de Víctor Santisteban,” *La República*, January 31, 2023, <https://larepublica.pe/politica/actualidad/2023/01/31/protestas-cartucho-de-lacrimogena-fue-causante-de-la-muerte-de-victor-santisteban-pnp-marchas-en-peru-violencia-centro-de-lima-126146> (accessed April 5, 2023).

<sup>204</sup> “Informe pericial de necropsia médica legal,” signed by forensic expert David Chuquipoma Pacheco, January 29, 2023, on file at Human Rights Watch.

### *Pellets*

Peruvian police also used 12-gauge shotguns against protesters. The police's internal manual of regulations for less-lethal weapons mentions shotguns firing pellets, but does not provide guidelines on how to use them or specify what type of ammunition or size of pellets are allowed.<sup>205</sup> The chief of the Lima police region said they should aim shotgun pellets at the lower body. He said police have not established a minimum allowed distance for shooting shotguns.

Pellets caused at least five deaths. Victims were hit by multiple pellets, indicating they were shot at a relatively close range, as pellets scatter with distance.

At least 71 people were treated in private and public health facilities for injuries caused by pellets fired from shotguns, Ministry of Health data show.

The chief of the Lima police region said the police used cartridges that contain 12 or 16 balls made of hardened rubber.<sup>206</sup>

Yet, ballistics analysis of pellets recovered from two victims in Juliaca, conducted by forensic experts at the Attorney General's Office, said they were made of lead. One report said the recovered lead pellets weighed 3.1 grams, were 8.56 millimeters in diameter, and could be shot by a 12- or a 16-gauge shotgun, or a homemade weapon.<sup>207</sup> Shotgun ammunition with those kinds of pellets contain nine pellets, the report added. The other report said the five recovered pellets each weighed 0.8 grams, were 3.22 millimeters in diameter, and could be shot by a 12-gauge shotgun or a homemade weapon.<sup>208</sup> Cartridges with pellets of this size contain about 200 pellets, the report added.

In addition, X-rays of pellets found in the body of one person killed and one person injured in Cusco show they are metallic, a forensic expert who reviewed the X-rays for Human

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<sup>205</sup>Manual de derechos humanos aplicado a la función policial, August 14, 2018, [https://static.legis.pe/wp-content/uploads/2018/08/Manual-de-derechos-humanos-policia-nacional-Legis.pe\\_.pdf](https://static.legis.pe/wp-content/uploads/2018/08/Manual-de-derechos-humanos-policia-nacional-Legis.pe_.pdf) (accessed April 17, 2023), p.39.

<sup>206</sup> Human Rights Watch interview with general Víctor Zanabria, chief of the Lima police region, Lima, February 6, 2023.

<sup>207</sup> Case of Marcos Quispe Quispe. "Informe pericial de balística forense No. 08/2023-MP-FN-GG-OPERIT-ABF-ELC," January 19, 2023.

<sup>208</sup> Case of Omar López Amanqui. "Informe pericial de balística forense No. 09/2023-MP-FN-GG-OPERIT-ABF-ELC," January 19, 2023.

Rights Watch said.<sup>209</sup> “High density objects appear white (in X-rays). If it has high density, it is metallic,” she said.

Peru’s police use 12-gauge shotguns and 37mm riot guns. Police did not seize any homemade shotguns. Human Rights Watch did not identify any firearm in the hands of protesters in the more than 37 hours of video footage and more than 600 photographs it reviewed.

The evidence suggests that police in some locations used lead pellets, which are prohibited by police regulations.<sup>210</sup> It would not be the first time that police used prohibited munition against protesters. Human Rights Watch found strong evidence that police fired glass marbles and lead pellets from shotguns against protesters in Lima in November 2020, killing two people.<sup>211</sup>

Below are examples of the use of pellets in Juliaca, Cusco, and Arequipa:

- In Juliaca, Puno, police used shotguns at short range near the airport, according to a witness, on January 9, 2023, which appear to have caused two deaths.<sup>212</sup> **Gabriel Omar López Amanqui**, 35, was making his way home past the airport when he was fatally shot.<sup>213</sup> An autopsy report identified 72 holes in his body and said “small white metallic spheres were extracted.”<sup>214</sup> **Roger Rolando Cayo Sacaca**, 25, had been watching the protests in Juliaca’s Plaza de Armas and was walking home near the airport when he was hit in the eye.<sup>215</sup> The autopsy said the cause of death was a

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<sup>209</sup> Human Rights Watch remote interview with Carmen Rosa Cardoza, forensic anthropologist and founder of the Peruvian Team of Forensic Anthropology, April 12, 2023.

<sup>210</sup> “Peru— Serious Police Abuses Against Protesters: Ensure Accountability: Prevent Future Abuses,” Human Rights Watch news release, December 17, 2020, <https://www.hrw.org/news/2020/12/17/peru-serious-police-abuses-against-protesters>.

<sup>211</sup> Ibid. Our findings were confirmed by an Interior Ministry investigation. See: Luis Alberto Naldos Blanco, Director General de la Oficina General de Integridad Institucional, “Informe de Evaluación de las operaciones policiales realizadas con ocasión de las marchas convocadas entre el 10 y el 14 de noviembre de 2020 en la ciudad de Lima, en protesta por la vacancia presidencial y juramentación del nuevo presidente de la república,” Ministry of the Interior, January 29, 2021, p. 61, on file at Human Rights Watch.

<sup>212</sup> Human Rights Watch phone interview with a victim’s relative, February 15, 2023. He asked not to be identified for fear of reprisals.

<sup>213</sup> Human Rights Watch remote interview with victim’s family member, February 15, 2023. He asked not to be identified.

<sup>214</sup> Autopsy conducted by Julio Wilbert Barrio Nuevo, January 10, 2023, on file at Human Rights Watch.

<sup>215</sup> Human Rights Watch phone interview with Mauro Cayo Sacaca, February 20, 2023.

pellet “with metallic density.”<sup>216</sup> A third unidentified man was treated for at least 25 similar small wounds to his right arm nearby at the same time, according to ten photographs and a video verified by Human Rights Watch.



Gabriel Omar López Amanqui lies on the ground, after being shot in the back with pellets in Juliaca, Puno, on January 9, 2023. © 2023 Max Nina

- In Cusco, Antonio Lorena hospital treated six civilians who had been injured by pellets during protests in January 2023.<sup>217</sup> One of them was **Edgar Quispe Palomino**, a 25-year-old man from a rural community.<sup>218</sup> At around 4 p.m. on January 11, 2023, Quispe was watching a protest at 28 de Julio Avenue in Cusco, he said. As he crossed the street to get a better view, three police officers appeared, and one fired a shotgun. Five pellets hit him, from less than 10 meters away, he estimated. “They destroyed most of his intestine,” the surgeon who treated him said.<sup>219</sup> He remained hospitalized as of February 3, 2023.

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<sup>216</sup> Autopsy conducted by Paul Artemio Mamani, January 10, 2023, on file at Human Rights Watch.

<sup>217</sup> “Reporte de ocurrencia diaria,” Antonio Lorena Hospital, Cusco, January 12, 2023, on file at Human Rights Watch. Human Rights Watch interview with Rubén Porcel, director of the Antonio Lorena Hospital, Cusco, February 3, 2023.

<sup>218</sup> Human Rights Watch interviews with Edgar Quispe Palomino and Felipe Quispe, his father, Cusco, February 3, 2023.

<sup>219</sup> Human Rights Watch interview with Rubén Porcel, director of the Antonio Lorena Hospital, Cusco, February 3, 2023.



Edgar Quispe Palomino in the Lorena Hospital, Cusco, on February 3, 2023. © 2023 César Muñoz Acebes/Human Rights Watch



An X-ray shows three of the five pellets that hit Quispe.

- At the same protest, at 4:39 p.m., **Rosalino Florez**, a 21-year-old gastronomy student from a rural community, was fatally injured. As police advanced, protesters pulled back, his brother, Juan José, who witnessed the incident, said. Florez stayed behind a tree, CCTV footage verified by Human Rights Watch shows.<sup>220</sup> As a police officer approached, pointing a shotgun at him, he ran. The officer opened fire at Florez from roughly seven meters away, hitting him in the left side of his body. He

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<sup>220</sup> Human Rights Watch interviews with Juan José Florez, Rosalino's brother, Lima, February 6, 2023; and José Florez, Rosalino's father, Cusco, February 2, 2023.

fell, writhing on the ground. The officer did nothing to help him. An X-ray showed about 30 pellets in his body. They injured his stomach, intestine, lungs, and kidneys, a medical report said.<sup>221</sup> Florez died of his injuries on March 21, 2023.



Rosalino Florez in the hospital after being shot by police in Cusco. © 2023 Private



X-ray showing pellets in the body of Rosalino Florez.

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<sup>221</sup> “Informe médico,” Antonio Lorena Hospital, January 19, 2023; Human Rights Watch interview with Rubén Porcel, director of the Antonio Lorena Hospital, Cusco, February 3, 2023.



Screenshot from CCTV footage showing the moment when a police officer shot Rosalino Florez on January 11, 2023, in Cusco.

- **Jhan Carlos Condori Arcana**, a 30-year-old demonstrator, died at a protest in Cerro Colorado, Arequipa, where police were using pellet antiriot guns on January 19, 2023.<sup>222</sup> Doctors found three full pellets and four fragments of pellets in his body, one of which pierced his heart.<sup>223</sup> A photograph taken moments before he was shot shows Arcana sheltering from a line of police officers 45 meters away.

## Use of Force under International and Peruvian Law

As a party to the International Covenant on Civil and Political Rights, the American Convention on Human Rights, and other international human rights treaties, Peru has obligations to respect human rights, including the rights to life, to assemble peacefully, to freedom of expression and of the press, to bodily integrity and freedom from torture, inhuman and degrading treatment, and to liberty.

Under international law, the authorities are obligated to protect peaceful assemblies, and may only restrict them to the extent it is necessary and proportionate to fulfill a legitimate goal, such as protecting the rights of others. Law enforcement agents should avoid the use

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<sup>222</sup> Human Rights Watch interviews with lawyer Carlos Arturo Salas, Arequipa. February 5, 2023; and Manuel Condori, a relative of the victim, Arequipa. February 5, 2023.

<sup>223</sup> The autopsy certificate says his death was caused by “pellets.” See: “Certificado de necropsia signed by forensic expert Fresia Alejandra Hidalgo, Arequipa,” January 20, 2023, on file at Human Rights Watch.

of force to disperse peaceful protests, even if they deem them unlawful, and should prioritize and plan for nonviolent means and de-escalation as much as possible.

The Inter-American Court of Human Rights has repeatedly ruled that the military should only be used for law enforcement tasks in extraordinary circumstances, to assist but not replace civilian officials, and subject to strict monitoring to ensure accountability.<sup>224</sup>

Law enforcement agents may only make lethal use of firearms when strictly unavoidable to protect human life. The United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials call on authorities to promptly report all uses of firearms by security forces and conduct independent investigations of all killings or injuries.<sup>225</sup>

Two Peruvian laws do not comply with these international standards and should be repealed. The first is a 2014 law that grants legal immunity to police and military personnel who kill or injure people in “fulfillment of their constitutional duty,” language that is so broad that it could encompass actions that may constitute human rights violations.<sup>226</sup> The second is a 2020 law that revoked a legal provision that established that any use of force by police must be proportionate to the threat it is meant to counter.<sup>227</sup>

Despite these problems in its internal legal framework, Peru is bound by international law requiring that security forces observe the principles of legality, necessity, and

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<sup>224</sup> Inter-American Court of Human Rights, Case Espinoza v. Mexico, Judgement of November 28, 2018, [https://www.corteidh.or.cr/docs/casos/articulos/seriec\\_370\\_esp.pdf](https://www.corteidh.or.cr/docs/casos/articulos/seriec_370_esp.pdf) (accessed March 20, 2023).

<sup>225</sup> Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, 27 August to 7 September 1990, U.N. Doc. A/CONF.144/28/Rev.1 at 112 (1990).

<sup>226</sup> Ley 30151 - Ley que modifica el inciso 11 del artículo 20 del código penal, referido al uso de armas u otro medio de defensa por personal de las fuerzas armadas y de la policía nacional del Perú, January 13, 2014, <http://www.leyes.congreso.gob.pe/Documentos/Leyes/Textos/30151.pdf> (accessed March 20, 2023).

<sup>227</sup> Law No. 31012 – Police Protect Act, <https://busquedas.elperuano.pe/normaslegales/ley-de-proteccion-policial-ley-no-31012-1865203-1/> (accessed February 26, 2023). The law also established a presumption that police actions are lawful by binding judges to interpret “in favor of the police” the determination of whether the police actions were “reasonable,” given the circumstances and what the officer knew at the time. The law also limits judges’ authority to order the pretrial detention of police officers accused of causing injuries or deaths through the illegal use of force. Yet, in a September 2019 ruling, Peru’s Constitutional Court had held that officers must follow proportionality and the other principles of the use of force established by international legal instruments and that it would not be appropriate to establish “particular criteria” for police officers when determining whether pretrial detention is justified. “Acuerdo plenario número 05’2019/CJ-116,” September 2019, [https://static.legis.pe/wp-content/uploads/2019/10/Acuerdo-Plenario-5-2019-CJ-116-Legis.pe\\_.pdf](https://static.legis.pe/wp-content/uploads/2019/10/Acuerdo-Plenario-5-2019-CJ-116-Legis.pe_.pdf) (accessed February 26, 2023).

proportionality when using force. Those principles are incorporated in the police's operations manual and in the law that regulates the use of force by the armed forces.<sup>228</sup> In addition, the law establishes that police must conduct itself "with full respect for fundamental rights."<sup>229</sup>

There is no law or regulation establishing specific rules for operations by the armed forces to support the police in maintaining "internal order" during states of emergency, marking another problematic legal gap.<sup>230</sup>

Peruvian law allows the police to use lethal force only in cases of "real and imminent risk of death or serious injuries" to themselves or another person.<sup>231</sup> Similarly, it establishes that the military can only use lethal force when there is "imminent risk of death or serious injuries" and cannot "shoot indiscriminately."<sup>232</sup>

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<sup>228</sup> "Manual de Operaciones de Mantenimiento y Restablecimiento del Orden Público," March 22, 2016, on file at Human Rights Watch. Decree 1095, art.16., [https://www2.congreso.gob.pe/sicr/cendocbib/con2\\_uibd.nsf/4E2FCC17050A1136052577910065602D/\\$FILE/DECR\\_LEGISLATIVO\\_PR\\_1095.pdf](https://www2.congreso.gob.pe/sicr/cendocbib/con2_uibd.nsf/4E2FCC17050A1136052577910065602D/$FILE/DECR_LEGISLATIVO_PR_1095.pdf) (accessed April 18, 2023).

<sup>229</sup> Ley de la Policía Nacional del Perú, decree 1267, art. 51.

<sup>230</sup> Human Rights Watch interview with Percy Castillo, director of human rights at Ombudsman's Office, Lima, February 8, 2023.

<sup>231</sup> Decreto Legislativo que regula el uso de la fuerza por parte de la Policía Nacional del Perú August 15, 2015, <https://busquedas.elperuano.pe/normaslegales/decreto-legislativo-que-regula-el-uso-de-la-fuerza-por-parte-decreto-legislativo-n-1186-1275103-2/> (accessed April 10, 2023), art. 8.3.

<sup>232</sup> Reglamento del Decreto Legislativo N° 1095, Decreto Legislativo que establece reglas de empleo y uso de la fuerza por parte de las Fuerzas Armadas en el territorio nacional, <https://busquedas.elperuano.pe/normaslegales/reglamento-del-decreto-legislativo-n-1095-decreto-legisla-decreto-supremo-n-003-2020-de-1864943-1/> (accessed April 10, 2023), art. 26.

## IV. Due Process Violations and Abuses Against Detainees

### Abuse of Identity Controls

Police appear to have misused an overbroad legal provision allowing them to take people into custody to verify their identity to intimidate protesters and keep them in custody temporarily.

Peru’s Code of Criminal Procedure gives police the authority to ask for identification when “necessary to prevent a crime or obtain useful information to investigate a crime.” Under the Code, police officers can take people to a police station if they do not carry valid identification “for the exclusive purpose of identification,” though the police should take into consideration the “seriousness of the crime under investigation or the police operation in question.”<sup>233</sup> The police protocol on identity control, which is issued by a commission made up of representatives of the government and the judiciary, interprets the law expansively, providing that the police may take people to the police station if there are doubts about the authenticity of their identification documents.<sup>234</sup> The law says that the process should take no more than four hours from the moment the police request an identification document and that people held for identity checks should not be taken into cells or held with detainees.<sup>235</sup>

While police include people they detain in a digital database that prosecutors have access to, people taken to police stations for identity control are registered in “a physical notebook,” police said.<sup>236</sup> Police told us they were unable to say how many people were taken into custody for identity controls but said it was “thousands.”<sup>237</sup>

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<sup>233</sup> Article 205 of Code of Criminal Procedure. “Nuevo Código Procesal Penal peruano,” *LP Derecho*, October 27, 2022, <https://lpderecho.pe/nuevo-codigo-procesal-penal-peruano-actualizado/> (accessed March 20, 2023).

<sup>234</sup> Protocolo de actuación interinstitucional específico de control de identidad, *LP Derecho*, September 9, 2018, [https://static.legis.pe/wp-content/uploads/2018/09/Protocolo-2-Control-de-identidad-Legis.pe\\_.pdf](https://static.legis.pe/wp-content/uploads/2018/09/Protocolo-2-Control-de-identidad-Legis.pe_.pdf) (accessed April 2, 2023); Human Rights Watch interview with Percy Castillo, director of human rights at Ombudsperson’s Office, Lima, January 30, 2023.

<sup>235</sup> The Criminal Procedure Code, October 27, 2022, <https://lpderecho.pe/nuevo-codigo-procesal-penal-peruano-actualizado/> (accessed March 20, 2023), art.205.

<sup>236</sup> Human Rights Watch interviews with general Víctor Zanabria, chief of the Lima police region, Lima, February 6, 2023.

<sup>237</sup> Ibid.

Below are some examples of abusive use of identity controls:

- On January 6, 2023, police rounded up about 270 people who were protesting outside of the Superior Court of Justice in downtown Lima.<sup>238</sup> General Víctor Zanabria, who ordered the operation, said they had been gathering there to protest for some days and “some of them” had been throwing rocks. Police took them to a police station for identity controls even though “almost all of them had identification,” General Zanabria said. They were all released within a few hours. The Ombudsperson’s Office said police did not allow those in custody to communicate with their families.<sup>239</sup>
- At around 4 p.m. on January 19, 2023, police detained eight adults, four 17-year-olds, and a 14-year-old at the site of a protest in Cusco.<sup>240</sup> Most were bystanders, a defense lawyer said. Police took them to a nearby police station, where the lawyer saw them at 10:30 p.m. Police had not registered them as detainees in their database by the time that an organized crime prosecutor arrived. The prosecutor determined they should be registered as people taken for identity control and be released, even though all adults had their identification, the lawyer said. Police let the adults go at around 11:30 p.m., but kept the children in custody until their parents arrived. The last child left at 2 a.m.–around 10 hours after arrest.

## Mass Detention

State of emergency decrees issued by both then-President Castillo and President Boluarte granted police the power to conduct home searches and arrests without a judicial order, but did not suspend other due process rights.<sup>241</sup>

On January 21, 2023, police conducted a disproportionate operation at San Marcos National University in Lima, apparently based on those emergency powers. Starting on

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<sup>238</sup> Human Rights Watch interviews with general Víctor Zanabria, chief of the Lima police region, Lima, February 6, 2023. General Zanabria said that from every 100 people subjected to an identity control, police would identify one who had a pending arrest warrant.

<sup>239</sup> “Crisis política y protesta social: Balance defensorial tras tres meses de iniciado el conflicto,” Ombudsperson’s Office report number 190, March 2023, p. 44.

<sup>240</sup> Human Rights Watch interviews with attorney Helio Cruz, Cusco; and Rosa Emperatriz, director of the Ombudsperson’s Office in Cusco, Cusco, February 2, 2023.

<sup>241</sup> “Peru: Revoke Emergency Decrees,” Human Rights Watch news release, April 11, 2022, <https://www.hrw.org/news/2022/04/11/peru-revoke-emergency-decrees>. Emergency decrees issued by President Boluarte: decrees 139, 141, 142, 143, 144, 146, and 147 from December 2022; decrees 2, 9, and 13 from January 2023; and decrees 18 and 23 from February 2023.

January 18, 2023, groups of people who had travelled to Lima from the provinces to demonstrate stayed in the campus of San Marcos National University, the country’s most prominent public university, at the invitation of students living there.<sup>242</sup> In the early morning of January 21, 2023, the university’s lawyer sent a letter to police claiming that students and others had taken control of the access gates “using violence” against security guards.<sup>243</sup> That same morning, hundreds of officers<sup>244</sup> used an armored vehicle to smash down a gate, fired tear gas, entered university dorms, forced dozens to lie face down on the ground for hours, and detained 193 people—including a pregnant woman and her 7-year-old child.<sup>245</sup> Police did not warn prosecutors in advance. They did not allow attorneys and a team of the Ombudsperson’s Office to enter the university campus to help detainees.<sup>246</sup> After the raid, the university said that it had only asked police to retake control of the gates and that the operation had been “abuse of authority” and caused physical and psychological harm to students.<sup>247</sup> Police kept people in custody until the next day.<sup>248</sup> Initially, police questioned people without the presence of Quechua or Aymara interpreters, even though some of the protesters had difficulty speaking Spanish.<sup>249</sup> A detainee told Human Rights Watch police questioned her and her mother about why they were at the university and “who was paying them” without a lawyer present.<sup>250</sup> Police

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<sup>242</sup> “Manifestantes se tomaron la Universidad Nacional de San Marcos en Lima,” January 18, 2023, video clip, Youtube, [https://youtu.be/\\_9X7rc9wCvo](https://youtu.be/_9X7rc9wCvo) (accessed March 20, 2023).

<sup>243</sup> Letter sent on January 21, 2003, signed by Abelardo Rojas Palomino, on file at Human Rights Watch.

<sup>244</sup> “Policía interviene San Marcos,” *El Peruano*, January 22, 2023, <https://www.elperuano.pe/noticia/202720-policia-interviene-san-marcos> (accessed March 20, 2023).

<sup>245</sup> Nancy Crispín, 30, said police forced her and her parents, Yolanda Enríquez Vargas, 62, and Esteban Crispín Alavya, 68, to lie down on the floor for two hours. Human Rights Watch remote interview with Nancy Crispín Enriquez, March 14, 2023; Tweet by Policia Nacional del Peru, January 21, 2023, <https://twitter.com/PoliciaPeru/status/1617003896920068096?s=20> (accessed March 20, 2023). Human Rights Watch remote interview with Esteban Godofredo, a witness, February 2, 2023. “Crisis política y protesta social: Balance defensorial tras tres meses de iniciado el conflicto,” Ombudsperson’s Office report number 190, March 2023, pg. 42.

<sup>246</sup> Human Rights Watch remote interview with attorney Cruz Silva, February 7, 2023. Andrea Jara “Intervención policial en San Marcos: ¿fue legal?,” *Perú Legal*, January 23, 2023, <https://perulegal.larepublica.pe/peru/politica/2023/01/23/intervencion-pnp-en-san-marcos-fue-legal-65474/> (accessed March 20, 2023); “San Marcos: Defensoría del Pueblo garantizará que detenidos tengan garantías,” *Andina*, January 21, 2023, <https://andina.pe/agencia/noticia-san-marcos-defensoria-del-pueblo-garantizara-detenidos-tengan-garantias-926182.aspx> (accessed March 20, 2023).

<sup>247</sup> “Intervención policial en San Marcos: ¿fue legal?,” *Perú Legal*, January 23, 2023, <https://perulegal.larepublica.pe/peru/politica/2023/01/23/intervencion-pnp-en-san-marcos-fue-legal-65474/> (accessed March 20, 2023).

<sup>248</sup> Tweet by Fiscalía Peru, January 22, 2023, <https://twitter.com/FiscaliaPeru/status/1617306864093655040?s=20>

<sup>249</sup> “Defensoría del Pueblo envió al Ministerio del Interior documento sobre operativo realizado en la UNMSM,” *Defensoría del Pueblo*, January 24, 2023, <https://www.defensoria.gob.pe/defensoria-del-pueblo-envio-al-ministerio-del-interior-documento-sobre-operativo-realizado-en-la-unmsm/> (accessed March 20, 2023).

<sup>250</sup> Human Rights Watch remote interview with Nancy Crispín Enriquez, March 14, 2023.

released some detainees without many of their belongings, the Ombudsperson’s Office said.<sup>251</sup>

Prosecutors opened preliminary investigations for the crime of *usurpación* (“usurpation” or “seizure”) against 192 people detained. Under Peruvian law, *usurpación* is the crime of taking possession of a home or building, punishable with up to five years in prison. The prosecutors also opened a preliminary investigation into one student for allegedly belonging to a “terrorist” organization, an offense that carries a prison sentence of up to 10 years. A police report states that the investigation was warranted because security forces found documents “of a terrorist nature” during the search of the student’s room.<sup>252</sup> The lawyer representing the student told Human Rights Watch that the documents were personal poems, lecture notes, and books by Friedrich Hegel and Karl Marx—ordinary materials for a university student.<sup>253</sup>

## Abusive Treatment

The Ombudsperson’s Office documented cases of beatings and other physical and psychological mistreatment at the time of arrest and at police stations in Apurímac, Cusco, Puno, and Lima.<sup>254</sup>

For instance, several people detained in the San Marcos University raid reported that police beat them and made discriminatory comments against Indigenous people and rural residents who were arrested.<sup>255</sup> **Esteban Godofredo**, 20, a student who lived in the university dorm, was in the social sciences building when he heard tear gas shotguns

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<sup>251</sup> “Defensoría del Pueblo envió al Ministerio del Interior documento sobre operativo realizado en la UNMSM,” *Defensoría del Pueblo*, January 24, 2023, <https://www.defensoria.gob.pe/defensoria-del-pueblo-envio-al-ministerio-del-interior-documento-sobre-operativo-realizado-en-la-unmsm/> (accessed March 20, 2023);

Tweet by Defensoría Perú, January 24, 2023, [https://twitter.com/Defensoria\\_Peru/status/1618012640600788992?s=20](https://twitter.com/Defensoria_Peru/status/1618012640600788992?s=20) (accessed March 20, 2023); Renzo Gomez Vega, “Los detenidos en la Universidad de San Marcos de Lima: ‘Pensé: ‘Es mi fin, nos van a matar,’” January 31, 2023, <https://elpais.com/internacional/2023-01-31/los-detenidos-en-la-universidad-de-san-marcos-pense-es-mi-fin-nos-van-a-matar.html> (accessed March 20, 2023),

<sup>252</sup> “Notificación N°004-2023-DIRCOTE-PNP/DIVITM/DEPITM ESTE,” signed by police mayor Cesar Enrique Campos Gonzales, January 22, 2023, on file at Human Rights Watch.

<sup>253</sup> Human Rights Watch interview with Jimmy Sotomayor, Lima, February 2, 2023.

<sup>254</sup> “Crisis política y protesta social: Balance defensorial tras tres meses de iniciado el conflicto,” Ombudsperson’s Office report number 190, March 2023, p.43.

<sup>255</sup> “Crisis política y protesta social: Balance defensorial tras tres meses de iniciado el conflicto,” Ombudsperson’s Office report number 190, March 2023.

being discharged. He was trying to leave campus when an officer intercepted him at gate nine, beat him with his police baton, threw him to the floor and kicked him, Godofredo said. Three videos verified by Human Rights Watch of the police's confrontation with Godofredo and his ensuing injuries confirm this account. Police released him without charges. Medical records show he suffered a muscle tear in his right calf and bruises all over his body.<sup>256</sup> Cruz Silva, 42, lawyer at the Institute of Legal Defense, a legal aid group, said that police pushed and harassed a journalist who was recording a detention at a gate.<sup>257</sup> Silva had turned her back to the police to talk to the journalist when one of the officers hit her with his baton on her right calf, she said. A medical document shows she suffered a muscle tear.<sup>258</sup>

The Ombudsperson's Office reported that in Cusco two women were held in the same holding cell as men, putting them at risk of violence.<sup>259</sup>

The 193 people detained in San Marcos University were taken to three police facilities without adequate space to hold them, resulting in overcrowding, the Ombudsperson's Office said.<sup>260</sup> In one of those locations, police separated detainees into groups of eight, by gender, Nancy Crispín Enriquez, 35, a demonstrator from the Huancavelica region, said. Two female police officers ordered the members of her group, including her 62-year-old mother, to strip in the bathroom and searched them.<sup>261</sup> Police also forced groups of male detainees to strip naked and searched them, the Office of the High Commissioner for Human Rights in Lima said.<sup>262</sup>

Police do not provide food and other necessities to people they detain at police stations because they have no funds from the Ministry of the Interior for that purpose, the

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<sup>256</sup> Human Rights Watch remote interview with Esteban Godofredo, February 2, 2023.

<sup>257</sup> Human Rights Watch remote interview with Cruz Silva, February 7, 2023. The video recorded by the journalist, reviewed by Human Rights Watch, shows the pushing and harassment.

<sup>258</sup> "Examen RM de pierna derecha," signed by radiologist Auguato Huaira, January 26, 2023, on file at Human Rights Watch.

<sup>259</sup> Ibid.

<sup>260</sup> "Defensoría del Pueblo envió al Ministerio del Interior documento sobre operativo realizado en la UNMSM," *Defensoría del Pueblo*, January 24, 2023, <https://www.defensoria.gob.pe/defensoria-del-pueblo-envio-al-ministerio-del-interior-documento-sobre-operativo-realizado-en-la-unmsm/> (accessed March 20, 2023).

<sup>261</sup> Human Rights Watch remote interview with Nancy Crispín Enriquez, March 14, 2023.

<sup>262</sup> Human Rights Watch interview with staff of the Office of the High Commissioner for Human Rights, who documented the case, Lima, January 30, 2023.

Ombudsperson's Office said.<sup>263</sup> The law allows police to hold suspects for up to 48 hours before a prosecutor decides whether the suspect should be released or brought before a judge.<sup>264</sup> Family members are expected to bring them food, water, menstrual supplies, and medicine. Detainees who have no family members nearby often go without these essentials.

**Cipriano Quispe Laura**, 36, who was arrested for allegedly throwing stones at a police station, said that he was in detention for 48 hours in a police station in Cusco without food or water on December 14, 2022.<sup>265</sup> He also said police did not allow him to make a call. In another case also in Cusco on January 11, 2023, the ombudsperson said that police ate the food relatives brought to people detained in protests.<sup>266</sup>

## International Standards on Due Process and Detention Conditions

Peru has binding obligations as a party to the International Covenant on Civil and Political Rights (ICCPR), the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Convention against Torture), and the American Convention on Human Rights, which prohibit arbitrary arrest and detention as well as torture and other ill-treatment of detainees.<sup>267</sup> International standards also require that violations be effectively investigated, when appropriate prosecuted, and that victims have access to a remedy.

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<sup>263</sup> Human Rights Watch interview with Percy Castillo, director of human rights at Ombudsman's Office, Lima, February 8, 2023.

<sup>264</sup> Peru's Constitution, article 2, <https://lpderecho.pe/constitucion-politica-peru-actualizada/> (accessed April 4, 2023).

<sup>265</sup> Human Rights Watch interview with Cipriano Quispe Laura, Cusco, February 8, 2023.

<sup>266</sup> The case occurred in the Tío police station on January 11, 2023. Forty-three detainees spent three days there. "Crisis política y protesta social: Balance defensorial tras tres meses de iniciado el conflicto," Ombudsman's Office report number 190, March 2023, p. 42.

<sup>267</sup> International Covenant on Civil and Political Rights (ICCPR), adopted December 16, 1966, G.A. Res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171, entered into force March 23, 1976, ratified by Peru on April 28, 1978; Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Convention against Torture), adopted December 10, 1984, G.A. res. 39/46, annex, 39 U.N. GAOR Supp. (No. 51) at 197, U.N. Doc. A/39/51 (1984), entered into force June 26, 1987, ratified by Peru on July 7, 1988; American Convention on Human Rights ("Pact of San José, Costa Rica"), adopted November 22, 1969, O.A.S. Treaty Series No. 36, 1144 U.N.T.S. 123, entered into force July 18, 1978, reprinted in Basic Documents Pertaining to Human Rights in the Inter-American System, OEA/Ser.L/V/II.82 doc.6 rev.1 at 25 (1992), ratified by Peru on July 12, 1978.

In addition, the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Mandela Rules) establish that people in the custody of the state must be provided with adequate space, appropriate ventilation, lighting, heat, sanitation, clean water, adequate and nutritious food, and a clean environment.<sup>268</sup>

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<sup>268</sup> UN Commission on Crime Prevention and Criminal Justice, United Nations Standard Minimum Rules for the Treatment of Prisoners (the Mandela Rules), E/CN.15/2015/L.6/Rev.1, [https://www.unodc.org/documents/commissions/CCPCJ/CCPCJ\\_Sessions/CCPCJ\\_24/resolutions/L\\_6\\_Rev1/ECN152015\\_L6Rev1\\_e\\_V1503585.pdf](https://www.unodc.org/documents/commissions/CCPCJ/CCPCJ_Sessions/CCPCJ_24/resolutions/L_6_Rev1/ECN152015_L6Rev1_e_V1503585.pdf) (accessed April 4, 2023).

## V. Harassment and Violence Against Journalists

While in office, former President Castillo repeatedly lashed out at and insulted journalists.<sup>269</sup> Press associations blamed his rhetoric for various instances of violence against journalists by his supporters.<sup>270</sup>

Harassment and attacks against reporters intensified during the current wave of protests. The Peruvian National Association of Journalists documented 155 cases, including harassment, threats, beatings, and arbitrary detentions, from December 7, 2022, through January 2023.<sup>271</sup>

In most of the 59 cases in December, the aggressors were demonstrators, the association said. In more than 70 percent of the 96 cases in January, security forces were the aggressors. For example:

- On December 15, 2022, protesters at the Ayacucho airport harassed journalist **Natali Loayza**, 31, who was livestreaming from the tarmac. “You’ll face the consequences,” a protester threatened Loayza. They broke her glasses, Loayza recalled. She stopped recording but resumed later.<sup>272</sup>
- On January 7, 2023, police threatened to kill photojournalist **Aldair Mejía**, 24, as he took pictures of an arrest in Juliaca, he recalled. Officers hit him with a shield and tried to take away his press credential. He ran away. Hours later, as he continued covering the protests, an unidentified projectile broke his right tibia.<sup>273</sup>

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<sup>269</sup> See, for instance: “Perú: periodistas rechazan “ataques” de Pedro Castillo,” *DW*, July 30, 2022, <https://www.dw.com/es/per%C3%BA-periodistas-rechazan-ataques-de-pedro-castillo/a-62656568> (accessed March 13, 2023); “Pedro Castillo y los ataques a la prensa en sus 497 días de gobierno,” *Infobae*, December 20, 2022, <https://www.infobae.com/america/peru/2022/12/20/pedro-castillo-y-los-ataques-a-la-prensa-en-sus-497-dias-de-gobierno/> (accessed March 13, 2023).

<sup>270</sup> “Perú: agreden a periodistas en evento de Pedro Castillo,” *DW*, May 20, 2021, <https://www.dw.com/es/per%C3%BA-agreden-a-periodistas-en-evento-de-pedro-castillo/a-57603722> (accessed March 13, 2023).

<sup>271</sup> “Ataques a periodistas durante cobertura de movilizaciones en el contexto de crisis política y social,” *Asociación Nacional de Periodistas del Perú and Oficina de Derechos Humanos del Periodista*, document provided to Human Rights Watch.

<sup>272</sup> Human Rights Watch interview with Natali Loayza, Ayacucho, February 1, 2023.

<sup>273</sup> “El fotógrafo de EFE Aldair Mejía, herido mientras cubría las protestas en Perú,” *EFE*, January 8, 2023, <https://efe.com/mundo/2023-01-08/periodistas-peruanos-denuncian-la-agresion-a-un-fotografo-de-efe-en-las-protestas/> (accessed March 13, 2023).

- On February 4, a police officer punched journalist **Paola Ugaz**, 49, in the chest, she said. Ugaz had been covering the protests in Lima when groups of police officers appeared at street corners surrounding the demonstrators and rounded them up, Ugaz told Human Rights Watch. When an officer approached, Ugaz showed the press credential hanging around her neck, but it did not dissuade him from landing the punch.<sup>274</sup> A medical document reviewed by Human Rights Watch shows that Ugaz suffered thoracic contusion.<sup>275</sup>
- On February 28, outside Grau hospital in Lima, where injured protestors were being taken, journalist **Valia Aguirre**, 27, broadcasted live as police officers attacked her with their shields and took her mobile phone. She repeatedly identified herself to them as press. “It was a humiliation, I was just doing my job,” Aguirre told Human Rights Watch.<sup>276</sup>

Right-wing politicians and supporters also targeted journalists before and during the current protests.<sup>277</sup> A right-wing group called *La Resistencia* has publicized the addresses and met outside the homes of journalists and the offices of human rights defenders. The group’s members have insulted, harassed, and physically attacked journalists, press associations said.<sup>278</sup>

On March 1, 2023, the government issued a protocol “for coordination and attention to journalists ... during alterations of public order” that violated international standards on press freedom.<sup>279</sup> It said anti-riot police would “suggest” to reporters where to station

<sup>274</sup> Human Rights Watch remote interview with Paola Ugaz, February 9, 2023.

<sup>275</sup> “Clínica Anglo Americana. Descanso médico,” signed by Doctor Diana Matos Zegarra, Lima, February 6, 2023, on file at Human Rights Watch.

<sup>276</sup> Human Rights Watch remote interview with Valia Aguirre, February 7, 2023.

<sup>277</sup> “El Consejo de la Prensa Peruana rechaza recientes ataques de simpatizantes de Fuerza Popular,” *Consejo de la Prensa Peruana*, July 15, 2021, <http://consejoprensaperuana.org.pe/comunicado/el-consejo-de-la-prensa-peruana-rechaza-recientes-ataques-de-simpatizantes-de-fuerza-popular/> (accessed March 13, 2023); “Periodistas en Perú sufrieron 206 ataques durante el 2021,” DW, January 1, 2022, <https://www.dw.com/es/periodistas-en-per%C3%BA-sufrieron-206-ataques-durante-el-2021/a-60310317> (accessed March 13, 2023).

<sup>278</sup> Alertas, “Perú: grupo extremista La Resistencia agrede e insulta a periodistas,” IPYS, February 27, 2023 <https://ipys.org/libertad-de-expresion/alertas/peru-grupo-extremista-la-resistencia-agrede-e-insulta-a-periodistas> (accessed March 13, 2023); Carlos Oré Arroyo, “Asociación Nacional de Periodistas se pronuncia ante agresiones por parte de grupos extremistas,” Infobae, February 28, 2023, <https://www.infobae.com/peru/2023/02/28/asociacion-nacional-de-periodistas-se-pronuncia-ante-agresiones-por-parte-de-grupos-extremistas/> (accessed March 13, 2023).

<sup>279</sup> Ministerio del Interior, “Mininter pone en consulta protocolo de actuación para atención a periodistas en el contexto de alteración al orden público,” *Gobierno de Perú*, March 1, 2023, <https://www.gob.pe/institucion/mininter/noticias/719174-mininter-pone-en-consulta-protocolo-de-actuacion-para-atencion-a-periodistas-en-el-contexto-de-alteracion-al-orden-publico> (accessed March 13, 2023).

themselves during protests. If they did not follow the “suggestion,” any harm to them would be “their responsibility,” it said.

The protocol did not detail what police officers should do to protect reporters covering protests. It said that when police officers detect an act of violence against reporters, they should report it to prosecutors, but does not say what should happen when it is police who threaten and attack reporters, or try to impede their work or destroy their audiovisual material. The protocol did not establish measures to facilitate journalists reporting police abuses to authorities or to ensure that such reports lead to criminal or internal affairs investigations.

## **VI. Investigation of Abuses and Acts of Violence**

### **Impunity for Previous Abuses Breeds New Abuses**

In November 2020, thousands of mostly peaceful demonstrators took to the streets in Lima to protest the ousting of then-President Martín Vizcarra on questionable legal grounds and his replacement by the president of Congress, Manuel Merino.<sup>280</sup> After six days of protests, President Merino resigned.

Two protesters were killed and over 200 were injured, some seriously, between November 9 and 15, 2020. In a report published in December 2020, Human Rights Watch concluded, based on witness statements and other evidence, that police repeatedly used excessive force against protesters, such as shooting tear gas straight into crowds. In addition, the evidence strongly suggested that officers fired lead pellets and glass marbles at people.<sup>281</sup>

In November 2021, a report by the Office of Integrity of the Ministry of Interior, which cited internal police documents and evidence collected by Human Rights Watch, among other sources, identified serious wrongdoing by police in response to the 2020 protests.<sup>282</sup> It found that officers did not attempt to communicate or negotiate with protesters and instead used force “unnecessarily,” provoking a reaction by protesters that worsened the situation. It also found that police used less-lethal weapons “in an intensive and indiscriminate manner ... not in order to disperse the crowd, but to attack protesters, even people who did not pose any danger,” resulting in many injuries. Such use, which violated Peru’s laws and regulations for the use of force, was ordered or, at the very least, allowed by commanders, the report concluded.

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<sup>280</sup> “Peru — Serious Police Abuses Against Protesters,” Human Rights Watch news release, December 17, 2020, <https://www.hrw.org/news/2020/12/17/peru-serious-police-abuses-against-protesters>.

<sup>281</sup> Ibid.

<sup>282</sup> Luis Alberto Naldos Blanco, Director General de la Oficina General de Integridad Institucional, “Informe de Evaluación de las operaciones policiales realizadas con ocasión de las marchas convocadas entre el 10 y el 14 de noviembre de 2020 en la ciudad de Lima, en protesta por la vacancia presidencial y juramentación del nuevo presidente de la república,” Ministry of the Interior, January 29, 2021, on file at Human Rights Watch; “Peru — Serious Police Abuses Against Protesters,” Human Rights Watch news release, December 17, 2020, <https://www.hrw.org/news/2020/12/17/peru-serious-police-abuses-against-protesters>.

Yet, to this day, nobody has been held accountable for the 2020 abuses.<sup>283</sup>

The Interior Ministry’s Office of Internal Affairs, which sits within the Office of Integrity, recommended disciplinary action against 11 police commanders for “serious and/or very serious infractions.”<sup>284</sup> However, the office’s recommendations are non-binding. The Inspector General of the Police, who is a police officer, makes the final decision. In July 2021, the then-inspector general absolved them all of any responsibility. In February 2023, the current inspector general reaffirmed that decision, concluding there was no evidence of “illegal or excessive use of force by police” during the 2020 protests.

Nor has there been criminal accountability. In Peru, Congress needs to approve the prosecution of a former president and other high-level officials for actions undertaken while in office.<sup>285</sup> In June 2022, a congressional subcommittee approved a deeply flawed report written by a member of Congress that ignored the evidence of abuses against protesters, thus rejecting the attorney general’s request to prosecute former President Merino and the prime minister and the interior minister at the time of the facts.<sup>286</sup> An investigation of lower-level police officers for their responsibility for abuses remained ongoing in February 2023.<sup>287</sup>

Human Rights Watch included a series of recommendations, in the 2020 report, to prevent future abuses by police, including an overhaul of the disciplinary system, which lacks transparency and independence.<sup>288</sup> The 2021 report also called for improvements in protocols and training.

The government led by Interim President Francisco Sagasti in the nine months after Merino’s resignation created a working group that put forward a report, which also cited

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<sup>283</sup> Human Rights Watch interview with Luis Enrique Valdivia, then coordinator of human rights prosecutors’ offices, Lima, February 8, 2023.

<sup>284</sup> Resolution Number 04 -2023-IGPNP/SEC/UNIEIE, Surquillo, February 10, 2023, on file at Human Rights Watch.

<sup>285</sup> Article 99 of Peru’s Constitution.

<sup>286</sup> Martha Valencia, “Aprueban informe Cavero y archivan denuncia contra Merino por muerte de Inti y Bryan,” *El Búho*, June 17, 2022, <https://elbuho.pe/2022/06/aprueban-informe-cavero-y-archivan-denuncia-constitucional-contra-merino/> (accessed March 17, 2023).

<sup>287</sup> Human Rights Watch interview with Luis Enrique Valdivia, then coordinator of human rights prosecutors’ offices, Lima, February 8, 2023.

<sup>288</sup> “Peru — Serious Police Abuses Against Protesters,” Human Rights Watch news release, December 17, 2020, <https://www.hrw.org/news/2020/12/17/peru-serious-police-abuses-against-protesters>.

Human Rights Watch’s work, with about 90 measures to “strengthen and modernize” the police in 2021.<sup>289</sup> Yet, those measures were never implemented. President Castillo, who succeeded Sagasti, did not make any effort to reform the police.

## Internal Affairs Investigations

Unlike after the 2020 abuses, the Office of Integrity at the Ministry of the Interior has not launched any investigation into police conduct during the current wave of protests, the ministry told Human Rights Watch.<sup>290</sup>

The director of investigations at the police internal affairs office told Human Rights Watch researchers on February 7, 2023, that it had opened 47 preliminary investigations, corresponding to each case, as of that date, that had resulted in the death of a civilian.<sup>291</sup> When asked if there were investigations into injuries to protesters or bystanders, he answered “I suppose so.” But he was unable to provide a number or any more details. He later said injured people did not file complaints against police, because the injured people were, in his view, all involved in violence.

No police officer has been disciplined or removed from duty, the internal affairs office said.<sup>292</sup>

## Criminal Investigations

Attorney General Patricia Benavides told Human Rights Watch her office had opened 189 investigations into deaths and injuries of protesters and bystanders, and also into acts of violence by protesters, as of February 8, 2023.<sup>293</sup>

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<sup>289</sup> “Bases para el fortalecimiento y la modernización de la policía nacional del Perú,” Peru’s *Interior Ministry*, 2021, <https://cdn.www.gob.pe/uploads/document/file/1694214/Base.Fortalecimiento.Modernizaci%C3%B3n-PNP.pdf.pdf> (accessed February 25, 2023).

<sup>290</sup> Héctor Loayza, former chief of Peru’s police and an advisor to Interior Minister Vicente Romero, told Human Rights Watch staff there was no ongoing investigation at the Interior Ministry into police conduct during the protests, at a meeting in which the minister was present on February 7, 2023.

<sup>291</sup> Human Rights Watch interview with police general M. Cayetano, director of investigations at the inspector general’s office, Lima, February 7, 2023.

<sup>292</sup> Ibid.

<sup>293</sup> Human Rights Watch interview with Peru’s attorney general, Patricia Benavides, Lima, February 8, 2023. The attorney general’s office had not responded to a request from Human Rights Watch to specify how many investigations were for

Human rights prosecutors had opened ten investigations into possible abuses by police and military officers, involving 18 killings and 96 people injured, one case of torture, and five cases of abuse of authority for facts that occurred in December 2022 and January 2023.<sup>294</sup> Those investigations were in locations where there are human rights prosecutors. For other locations, criminal prosecutors were leading the investigations.

There are 47 human rights prosecutors in Peru.<sup>295</sup> In the south, where most of the abuses have occurred, there were only four, all in Ayacucho, until March 3, 2023 when the attorney general opened one human rights prosecutor position in Juliaca.<sup>296</sup> An attorney representing the families of many of the 18 people killed in Juliaca said that the prosecutor was transferred from a regular prosecutor's office elsewhere and did not have a human rights background.<sup>297</sup>

In December 2022, the attorney general ordered prosecutors specializing in organized crime to respond to any possible crime during protests—including possible abuses by law enforcement—even in locations where there were human rights prosecutors. The order implicitly put the focus of investigations on violence by protesters and suggested they were linked to organized crime. In practice, when police detain someone in protests, they call the organized crime prosecutor, who reviews the case and sends it to a criminal prosecutor if there is no evidence of organized crime involvement.<sup>298</sup>

As of early February 2023, prosecutors had launched two investigations against criminal organizations in connection with protests, one against several people charged with

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possible abuses by security forces and how many for violence by protesters, as of March 28, 2023. However, the Ombudsperson's Office reported the attorney general's office had opened 105 investigations into crimes by protesters, such as disobedience to authority, rioting, and disturbing public order. "Crisis política y protesta social: Balance defensorial tras tres meses de iniciado el conflicto," Ombudsperson's Office report number 190, March 2023, p. 41.

<sup>294</sup> "Cuadro de casos sobre presunta grave vulneración de derechos humanos en el arco de las protestas sociales (diciembre 2022 y enero 2023)," provided to Human Rights Watch by Luis Enrique Valdivia, then-coordinator of human rights prosecutors' offices, Lima, February 8, 2023.

<sup>295</sup> Human Rights Watch interview with Luis Enrique Valdivia, then-coordinator of human rights prosecutors' offices, Lima, February 8, 2023.

<sup>296</sup> Human Rights Watch interview with a human rights prosecutor who asked not to be identified, Ayacucho, February 1, 2023; Tweet by Ministerio Público, March 3, 2023.

<sup>297</sup> Human Rights Watch phone interview with attorney Wilmer Quiróz, March 8, 2023.

<sup>298</sup> Human Rights Watch interview with Rosa Emperatriz, director of the Ombudsperson's Office in Cusco, Cusco, February 2, 2023.

belonging to a criminal organization in Cusco and one against people accused of charging vehicles for passing through a roadblock in Lima.<sup>299</sup>

The lack of human rights prosecutors creates challenges for investigations related to the protests, since in some locations the same criminal prosecutor who is in charge of investigating possible abuses may also be in charge of investigating violence by protesters. For instance, in Arequipa, where there was no human rights prosecutor, a criminal prosecutor opened an investigation into both injuries suffered by demonstrators and bystanders, and riots “against police officers” by demonstrators in La Joya on January 22, 2023.<sup>300</sup> In such circumstances, witnesses may be afraid of coming forward to provide testimony to the abuses and thus admit they were at the protest.

Human Rights Watch has identified serious flaws in some criminal investigations, including failures to collect precious initial evidence that can compromise the investigation. Authorities failed to secure crime scenes and collect bullet casings and other evidence even when, as in the case of Juliaca, one of the crime scenes was two blocks from a police station.<sup>301</sup> In several investigations, prosecutors failed to order gunshot residue tests on military and police officers. Such tests, which are intended to determine if a person fired a firearm, need to be done in the hours following shooting.<sup>302</sup>

For instance, videos and testimonies show police officers using firearms against protesters in **La Joya**, in Arequipa province, on January 22, 2023, but prosecutors did not conduct gunshot residue tests on them. Instead, a forensics team sent by prosecutors tried to conduct gunshot residue tests on at least two people injured by gunshots, while they were medicated at the hospital, in February 2023, those two people said.<sup>303</sup> A video obtained by Human Rights Watch shows the forensic team trying to conduct a gunshot residue test at

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<sup>299</sup> Human Rights Watch interview with Peru’s attorney general, Patricia Benavides, Lima, February 8, 2023; “Fiscalía pide 18 meses de prisión preventiva contra Rocío Leandro Melgar,” *El Peruano* January 28, 2023, <https://elperuano.pe/noticia/203210-fiscalia-pide-18-meses-de-prision-preventiva-contra-rocio-leandro-melgar> (accessed April 5, 2023).

<sup>300</sup> Octavo Despacho Fiscal, Primera Fiscalía Provincial Penal Corporativa de Arequipa, Carpeta Fiscal No. 331-2023, January 23, 2023.

<sup>301</sup> Human Rights Watch remote interview with attorney Wilmer Quirós, who represents some of the victims, March 8, 2023.

<sup>302</sup> Prosecutor Luis Enrique Valdivia said gun residue tests should be conducted “urgently and immediately.” Human Rights Watch interview with Luis Enrique Valdivia, then coordinator of human rights prosecutors’ offices, Lima, February 8, 2023.

<sup>303</sup> Human Rights Watch interviews with Bernardino Fortunato Catasi and Giovanni Ulises Macedo Cerrato. Arequipa, February 4, 2023. A video obtained by HRW shows the forensic team trying to conduct a gunshot residue test at the hospital.

the hospital. Authorities did not seize firearms from protesters and none of the videos reviewed by Human Rights Watch show protesters using firearms.

In two cases in Andahuaylas, prosecutors failed to arrange autopsies before burial.<sup>304</sup> Almost three months later, the bodies were exhumed and autopsies conducted.<sup>305</sup>

In Ayacucho, Andahuaylas, and Juliaca prosecutors had not yet seized any guns for ballistic analysis more than six weeks after the killings of demonstrators and bystanders.<sup>306</sup> In Arequipa, homicide police investigating the killing of **Miguel Arcana**, 38, who died of a gunshot wound in Cerro Colorado on December 12, 2022, ordered officers at the police station near where he was killed to hand over their lethal weapons but only “gradually.”<sup>307</sup> The order does not clarify who decides which weapons should be handed over and in what order or timeline.

In Cusco and Arequipa, prosecutors did not seek CCTV footage of the locations where people were injured or killed, according to attorneys representing the victims.<sup>308</sup> CCTV footage is typically deleted after between 30 or 90 days, although it depends on the owner’s settings.

In several cases, prosecutors did not interview military and police officers for months after the events. In Juliaca, where 18 people died of injuries sustained on January 9, 2023, prosecutors had not taken statements from security officers as of early March, according to a lawyer representing many of the victims.<sup>309</sup>

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<sup>304</sup> Human Rights Watch phone interview with Pablo Angel Medina Garcia, February 10, 2023; with Silverio Rojas Vásquez, February 10, 2023; and Carmen Rosa Cardoza, forensic anthropologist and founder of the Peruvian Team of Forensic Anthropology, April 12, 2023.

<sup>305</sup> Bodies were exhumed on March 9 and 10, 2023. Human Rights Watch phone interview with attorney Julián Águila, who represents families of the victims, February 2, 2023.

<sup>306</sup> Human Rights Watch interviews with a human rights prosecutor who asked not to be identified, Ayacucho, February 1, 2023; attorney Julián Águila, who represents families of the victims in Andahuaylas, February 2, 2023; and attorney Wilmer Quiróz, who represents families of the victims in Juliaca, March 8, 2023.

<sup>307</sup> “Oficio Número 2158-2022,” December 16, 2022, on file at Human Rights Watch.

<sup>308</sup> Human Rights Watch interviews with attorney Haroldo Vera, Cusco, February 2, 2023; and attorney Carlos Arturo Salas, Arequipa, February 5, 2023. Both represent victims.

<sup>309</sup> Human Rights Watch phone interview with attorney Wilmer Quiróz, who represents families of the victims in Juliaca, March 8, 2023.

Human rights prosecutors do not have forensic experts assigned to their cases, but rather request forensic analysis from any expert working for the prosecutor's office in all kinds of cases. That impedes specializing in investigations into abuses by security forces.

The attorney general's office has a core group of forensic experts in Lima who support investigations nationwide. Prosecutors' offices in the provinces relied on those services because they lack enough budget to pay for all the forensic analysis they need.<sup>310</sup> Instead of seeking to improve forensic analysis nationwide, on February 27, 2023, the director of forensic analysis at the prosecutor's office in Lima ordered the immediate suspension of the activities of the core group of forensic analysts. He explained that it was due to "a process of reorganization," ordered by his superiors. The director said that if prosecutors in the provinces need forensic analysis that is a "priority and urgent," they should request it of the chief prosecutors in their region. The chief of a provincial prosecutor's office told Human Rights Watch that the order "effectively" suspends forensic analysis in the provinces because they do not have the budget to pay for it.<sup>311</sup>

On March 31, 2023, the attorney general created a special team of prosecutors to investigate human rights violations, crimes against human rights defenders, and certain serious crimes against journalists during protests from December 2022 through March 2023.<sup>312</sup> The group will also investigate acts of violence during protests and any cases of organized crime involvement. The attorney general appointed eleven prosecutors to serve in the team, coordinated by the chief human rights prosecutor, until June 2023, and ordered all cases to be moved to Lima, including those being investigated by human rights prosecutors in Ayacucho and Juliaca.<sup>313</sup> Associations of victims in those two cities

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<sup>310</sup> Human Rights Watch phone interview with Griselda Venero, chief of prosecutor's office in Cusco, March 13, 2023.

<sup>311</sup> Ibid.

<sup>312</sup> The team's mandate is investigating crimes against humanity, human rights violations and connected crimes; all crimes against human rights defenders for their work as defenders; homicides, serious injuries and extortion against journalists for their work as journalists; as well as the crimes of "rioting" (art.315 of the Penal Code), "serious disturbance of public tranquility" (art.315-A), "criminal organization" (art.317), "criminal group" (art. 317-B), and connected crimes. The attorney general created the special group. See: Attorney General's Office Resolution Number 790-2023-MP-FN, March 31, 2023, <https://busquedas.elperuano.pe/normaslegales/conforman-equipo-especial-de-fiscales-para-casos-con-victima-resolucion-n-790-2023-mp-fn-2166028-1/> (accessed April 9, 2023); "Fiscal de la Nación presenta Equipo Especial para casos con víctimas durante las protestas sociales," Attorney General's Office new release, April 4, 2023, <https://www.gob.pe/institucion/mpfn/noticias/737979-fiscal-de-la-nacion-presenta-equipo-especial-para-casos-con-victimas-durante-las-protestas-sociales> (accessed April 9, 2023).

<sup>313</sup> The appointments are included in Attorney General's Office Resolution Number 792-2023-MP-FN, March 31, 2023, <https://busquedas.elperuano.pe/normaslegales/aprueban-nombramientos-y-designaciones-de-diversos-fiscales-resolucion-n-792-2023-mp-fn-2166029-1/> (accessed April 9, 2023).

complained that they had not been consulted about the creation of the group and that moving the cases to Lima would make it harder for them to monitor progress and participate in the investigation.<sup>314</sup> Local non-governmental organizations have also expressed concern that prosecutors who are members of the team have little or no experience investigating human rights abuses.<sup>315</sup> In addition, local non-governmental organizations are concerned that by appointing them just until June 2023, the attorney general will be able to influence the trajectory of the investigation since she could not renew the appointment of some prosecutors.

The special team of prosecutors should take advantage of centralizing all cases to trace the chain of command and investigate the responsibility of police and military commanders and civilian authorities in the abuses nationwide.

On March 31, the attorney general also said in a news release that she had requested additional funds from the Ministry of Economy to open human rights prosecutors' offices in all 34 prosecutorial districts in Peru.<sup>316</sup>

## Senior Officials' Responsibility for the Abuses

In January 2023, the attorney general launched a preliminary investigation against President Boluarte, Prime Minister Otárola, Defense Minister Jorge Chávez, former Interior Ministers Víctor Rojas and César Cervantes, and former Chief of Staff Pedro Angulo for crimes, including homicide and serious injuries, committed during protests.<sup>317</sup>

Prosecutors should investigate and, as appropriate, prosecute not just the military and police officers who committed abuses but also their superiors and civilian government authorities who may have ordered them, allowed them to happen or not responded

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<sup>314</sup> Press conference organized by the Coordinadora Nacional de Derechos Humanos, Lima, April 4, 2023, <https://fb.watch/jOz92JGHFo/> (accessed April 4, 2023).

<sup>315</sup> Statements by Carlos Rivera, director of the Instituto de Defensa Legal, during press conference organized by the Coordinadora Nacional de Derechos Humanos, Lima, April 4, 2023, <https://fb.watch/jOz92JGHFo/> (accessed April 4, 2023).

<sup>316</sup> "Fiscal de la Nación presenta Equipo Especial para casos con víctimas durante las protestas sociales," *Attorney General's Office news release*, April 4, 2023, <https://www.gob.pe/institucion/mpfn/noticias/737979-fiscal-de-la-nacion-presenta-equipo-especial-para-casos-con-victimas-durante-las-protestas-sociales> (accessed April 9, 2023).

<sup>317</sup> The preliminary investigation is for the crimes of genocide, homicide, and serious injuries. "Fiscalía inicia investigación contra Dina Boluarte y Alberto Otárola por presunto genocidio y homicidio calificado," *Infobae*, January 11, 2023, <https://www.infobae.com/america/peru/2023/01/10/fiscalia-inicia-investigacion-contra-dina-boluarte-y-alberto-otarola-por-presunto-genocidio-y-homicidio-calificado/> (accessed April 4, 2023).

adequately to prevent further extrajudicial killings and other human rights violations by military and police, and ensure accountability after they happened.

President Boluarte has insisted that prosecutors should investigate the facts. But her government appears to have taken no step to launch internal investigations into what happened or to prevent the death toll from rising.

There are strong reasons to believe that President Boluarte, Prime Minister Otárola, and other senior officials failed to take effective action to stop the killings, despite being aware of security force responsibility for them.

Evidence that the police and the military were engaging in excessive use of force emerged publicly as early as mid-December 2022. From December 11 through December 14, 2022, six people were killed during protests in Andahuaylas province, at least four of them after being shot with live ammunition, according to autopsy and health records reviewed by Human Rights Watch. Witnesses said police used lethal weapons against protesters there. In the same time period, another man was killed in Arequipa and another in La Libertad, and both died from gunshot wounds.

On December 15, the military fired assault rifles against protesters and bystanders in Ayacucho, killing 10 and injuring scores. On December 17, the then-minister of defense, Luis Alberto Otárola, said in a press conference with President Boluarte that the events in Ayacucho were “a deplorable series of failed actions by violent people, while national police and the armed forces protected a critical asset... the Ayacucho airport.”<sup>318</sup> He added that the armed forces had “scrupulously respected” the “adequate use of force,” expressed support for the armed forces, and promised them “the legal protection of the State.” Four days later, President Boluarte appointed Otárola as prime minister.

The new defense minister, Jorge Chávez, told Human Rights Watch in early February 2023 that the military report he received about the events in Ayacucho stated that a military patrol was “ambushed” by protesters and the soldiers opened fire in self-defense.<sup>319</sup> Yet,

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<sup>318</sup> Press conference by President Dina Boluarte and members of her cabinet, December 17, 2023, [https://www.facebook.com/watch/live/?ref=watch\\_permalink&v=541025141257530](https://www.facebook.com/watch/live/?ref=watch_permalink&v=541025141257530) (accessed April 13, 2023).

<sup>319</sup> Human Rights Watch interview with Jorge Chávez Cresta, Minister of Defense, Lima, February 8, 2023.

videos and witness testimonies collected by Human Rights Watch contradict that account. The killings occurred over a time period of more than four hours in different locations. The security forces did not seize any firearms from protesters.<sup>320</sup> Commanders deployed soldiers to engage protesters on their own, not in support of police, with no less-lethal weapons or shields, just their Galil assault rifles.<sup>321</sup>

In total, 22 demonstrators and bystanders were killed in December 2022. Human Rights Watch and other international organizations publicly warned that month about the evidence of excessive use of force by security forces and called on Peru's authorities to conduct thorough investigations.<sup>322</sup>

Protests halted during the Christmas holidays, but they resumed in January—and so did the killings.

Meanwhile, the government's rhetoric often appeared to excuse or minimize the abuses. During a televised press conference on February 10, President Boluarte acknowledged only a possibility of police misbehavior, saying, “if there have been some excesses by police in detentions and other areas, we regret those actions.”<sup>323</sup> She then highlighted violence by protesters and insinuated that their acts amounted to terrorism.

The government also sought to divert attention from security forces and blame others for the killings without providing any proof. While all available evidence indicates police killed 18 protesters in Juliaca on January 9, 2023, President Boluarte said the “majority” of the those who died were killed by homemade weapons. In another assertion that she failed to back with evidence, she suggested that firearms and ammunition entering Peru from Bolivia may be causing the deaths of protesters.<sup>324</sup>

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<sup>320</sup> Human Rights Watch interviews with general Julio Óscar Mariño Ripa, chief of the Ayacucho police macro region, Ayacucho, January 31, 2023; and a human rights prosecutor who asked not to be identified, Ayacucho, February 1, 2023.

<sup>321</sup> Human Rights Watch interviews with colonel Daniel Wenceslao Hernani Álvarez, chief of the Ayacucho police region, Ayacucho, January 31, 2023; and David Gustavo Pacheco, director of the Ombudsperson’s Office in Ayacucho, Ayacucho, January 31, 2023.

<sup>322</sup> “Peru: Investigate Killings, Injuries During Protests,” Human Rights Watch news release, December 22, 2022, <https://www.hrw.org/news/2022/12/22/peru-investigate-killings-injuries-during-protests>.

<sup>323</sup> “En Vivo: Dina Boluarte Mensaje a La Nación Desde Palacio Hoy 10/02/2023,” February 10, 2023, video clip, Youtube, <https://www.youtube.com/watch?v=cKOojbUzJ5Y> (accessed March 20, 2023).

<sup>324</sup> Julie Turkewitz, “Peru’s Foreign Minister Concedes There’s No Evidence Criminals Are Behind Protests,” *The New York Times*, February 2, 2023, <https://www.nytimes.com/2023/02/02/world/americas/peru-protests.html> (accessed March 8, 2023).

Similarly, Prime Minister Otárola said the killings “are the direct responsibility of those who want to carry out a coup d’état,”<sup>325</sup> while he called police “heroes of the homeland.”<sup>326</sup>

The Ministry of the Interior had not opened any investigation into police conduct, as of early February. No police officer had been disciplined or removed from duty at the time.

Under international human rights standards, superiors can be held accountable for abuses if they knew or if they should have known about crimes committed by those under their authority, or if they failed to take all necessary and reasonable measures to prevent them from happening, or to have the facts investigated and prosecuted.<sup>327</sup>

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<sup>325</sup> Miguel Ángel Candia, “Dina Boluarte se ausentó de la conferencia del Ejecutivo a pesar de 45 fallecidos en protestas,” *La República*, January 10, 2023, <https://larepublica.pe/politica/actualidad/2023/01/10/dina-boluarte-se-ausento-de-la-conferencia-del-ejecutivo-a-pesar-de-45-fallecidos-en-protestas-alberto-otarola-juliaca-puno-pcm> (accessed April 17, 2023).

<sup>326</sup> Ibid.

<sup>327</sup> Rome Statute of the International Criminal Court (Rome Statute), A/CONF.183/9, July 17, 1998, entered into force July 1, 2002, art. 28.

## **VII. Deteriorating Rule of Law and Worsening Threats to Democratic Institutions**

Authorities in Lima have failed to address, or even discuss, the roots of the unrest.

While public disgust with Congress and the presidency was high under Castillo, the problem has worsened and may have been compounded not only by the repression of the protests, but also by the perception that many officials—regardless of their political affiliation—are governing for their own profit and taking advantage of the change in the presidency to further entrench themselves in power.

To many Peruvians, the repeated refusal by Congress to approve moving up the next elections—a main demand of the protesters—reflects their personal interest in staying in their jobs, as members of Congress may not run for reelection. Peruvian political analyst Paula Muñoz notes that there has been a “continual degradation of the democratic process” in which very weak, inexperienced political actors disconnected from the population are now there “to get their salary... to exploit [their position] to the maximum.”<sup>328</sup> Walter Alban, a former ombudsperson, minister of interior and head of Proética, the Peruvian chapter of Transparency International, said that although politicians and the media often frame public debate in terms of the political left or right, in reality there is often an “alliance” among politicians of many different stripes dressed up in a political left-versus-right discourse that is not based in real ideology or programs, but in reality reflects naked economic and personal interests.<sup>329</sup>

Meanwhile, sectors of government have been taking action to weaken checks on their power.

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<sup>328</sup> Human Rights Watch phone interview with Paula Muñoz, March 3, 2023.

<sup>329</sup> Human Rights Watch phone interview with Walter Alban, March 9, 2023.

## New Allegations of Private Interests Driving Policy

Congress and the Executive Branch have for years been embroiled in scandals over corruption and petty or special interests driving policy. These have continued to mount since December 2022, with parts of Congress repeatedly taking actions that seem designed to limit accountability within the legislature.

Twenty-three members of Congress, along with three former cabinet members and former president Castillo are now under criminal investigation for influence peddling with the Castillo administration, in the so-called “Los Niños” case.<sup>330</sup> President Boluarte herself is under investigation, alongside former President Castillo, in connection with allegedly receiving illegal campaign contributions from a businessperson.<sup>331</sup> Boluarte has denied the allegations.

In just the first quarter of 2023, there have also been new allegations or reports about questionable uses of state funds by congressmembers. According to news media, Congress decided in December 2022 to more than quadruple the amount of money it spent on daily lunches for congressmembers.<sup>332</sup> And several congressmembers were reported to have used state funds for what appear to have been personal trips over the New Year’s holiday.<sup>333</sup>

Also in early 2023, a law went into effect that undermined the independence of the system providing oversight and accreditation of institutions of higher education. A previous

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<sup>330</sup> “Fiscal Huamán sobre CASO LOS NIÑOS: “Se investiga a Pedro Castillo, 23 congresistas y 3 ministros,” March 30, 2023, video clip, Youtube, <https://www.youtube.com/watch?v=hruFhh9FmXY> (accessed April 10, 2023).

<sup>331</sup> “Fiscalía abre investigación a Dina Boluarte, Pedro Castillo y Henry Shimabukuro por financiamiento prohibido,” *El Peruano*, March 28, 2023, <https://elcomercio.pe/politica/actualidad/dina-boluarte-pedro-castillo-henry-shimabukuro-fiscalia-les-abre-investigacion-por-financiamiento-prohibido-peru-libre-los-dinamicos-del-centro-noticia/> (accessed April 10, 2023); Perú: Presidenta Dina Boluarte es investigada por presunto financiamiento ilegal y organización criminal,” *CNN Chile*, March 29, 2023, [https://www.cnnchile.com/mundo/peru-boluarte-castillo-financiamiento-ilegal-organizacion-criminal\\_20230329/](https://www.cnnchile.com/mundo/peru-boluarte-castillo-financiamiento-ilegal-organizacion-criminal_20230329/) (accessed April 10, 2023).

<sup>332</sup> “El costoso buffet del comedor del Congreso que pagamos todos los peruanos,” *Canal N*, February 21, 2023, <https://canaln.pe/actualidad/costoso-buffet-comedor-congreso-que-pagan-todos-peruanos-n458713> (accessed April 10, 2023); Ricardo Guerra Vásquez, “Congreso aprobó construcción de nuevo polyclínico en su interior con presupuesto inicial de S/2 millones,” *Infobae*, March 27, 2023, <https://www.infobae.com/peru/2023/03/27/congreso-aprobo-construcion-de-nuevo-policlinico-en-su-interior-con-presupuesto-inicial-de-s2-millones/> (accessed April 4, 2023).

<sup>333</sup> “Congresistas viajaron en año nuevo con pasajes pagados por el Congreso,” *Gestión*, February 12, 2023, <https://gestion.pe/peru/politica/congresistas-viajaron-en-ano-nuevo-con-pasajes-pagados-por-el-congreso-noticia/> (accessed April 11, 2023).

Congress had provided for the establishment of that system, the National Superintendency of Superior University Education (SUNEDU, *Superintendencia Nacional de Educación Superior Universitaria*), by law in 2014 after numerous scandals over the proliferation of private colleges and universities that provided diplomas, often charging high sums to low-income people, but failed to meet minimal standards for a quality education. In subsequent years, politicians—including several who were reported to own or otherwise have close ties to universities that had lost their accreditation—repeatedly attempted to undermine that system, finally succeeding when the current Congress passed a law in 2022 that dramatically weakened the SUNEDU’s independence from the universities it oversees. In February 2023, based on this law and a Constitutional Tribunal ruling allowing it to go into effect, a new governing board took over SUNEDU amid criticism over links between its members and the educational institutions it is supposed to oversee.<sup>334</sup> Low-quality education perpetuates inequalities in Peru.

## Weakening of Checks and Balances

### *The Constitutional Tribunal*

For years, there have been concerns in Peru about sectors of Congress—particularly those tied to Keiko Fujimori—seeking to gain control over the country’s Constitutional Tribunal. In 2019, Congress engaged in a rushed, opaque, and irregular process to attempt to select six out of seven justices to serve on the tribunal, which led to a statement of concern by the Inter-American Commission on Human Rights and a confrontation with then-President Vizcarra that led to that legislature’s dissolution.<sup>335</sup>

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<sup>334</sup> Milagros Berrios, “La captura de la Sunedu: los licenciaminetos y sanciones que deberá ver el nuevo consejo directo,” *Ojo Público*, February 21, 2023, <https://ojopublico.com/4313/la-captura-la-sunedu-licenciamientos-y-sanciones-proceso> (accessed April 18, 2023); Rodrigo Chillitupa, “Nuevo jefe de la Sunedu estuvo involucrado en nombramientos irregulares,” *Infobae*, March 1, 2023, <https://www.infobae.com/peru/2023/03/01/nuevo-jefe-de-la-sunedu-estuvo-involucrado-en-nombramientos-irregulares/> (accessed April 18, 2023); “TC Publicó sentencia que declara infundada demanda de inconstitucionalidad sobre el caso Sunedu,” *Tribunal Constitucional*, January 2, 2023, <https://www.tc.gob.pe/institucional/notas-de-prensa/tc-publico-sentencia-que-declara-infundada-demanda-de-inconstitucionalidad-sobre-el-caso-sunedu/> (accessed April 18, 2023).

<sup>335</sup> “CIDH urge transparencia en el proceso de selección de seis magistrados del Tribunal Constitucional del Perú y hace un llamado a garantizar su independencia,” *OEA*, September 19, 2019, <https://www.oas.org/es/cidh/prensa/comunicados/2019/241.asp> (accessed April 10, 2023); Jacqueline Fowks, “El presidente de Perú disuelve el Parlamento en medio de un choque con la oposición fujimorista,” *El País*, September 30, 2019, [https://elpais.com/internacional/2019/10/01/america/1569885710\\_959879.html](https://elpais.com/internacional/2019/10/01/america/1569885710_959879.html) (accessed April 10, 2023).

In 2021, ahead of a new selection process, civil society groups successfully pressed for the establishment of an international independent panel of experts, chaired by former Inter-American Commission on Human Rights president Carlos Ayala, to monitor the process. Over the course of more than a year, the panel commented on various steps Congress was taking in the selection process, repeatedly making recommendations to ensure judicial independence and the selection of qualified candidates, though Congress never met with them, despite the panel’s repeated requests.<sup>336</sup>

In May 2022, in the midst of criticism over alleged poor qualifications of some candidates and a lack of transparency in the process, Congress elected six new members of the Constitutional Tribunal.<sup>337</sup> The congressional committee leading the selection process had presented the full Congress with six candidates for six vacancies, preventing the full legislature from making a genuine selection.<sup>338</sup> Congress voted to approve all six without holding a debate on the nominations, in a session that was closed to the public.

In its final report on the process, the international panel of experts described multiple irregularities and weaknesses in the process, including the lack of transparency that others had flagged, inadequate interviews with candidates, as well as wide discrepancies in the criteria being applied to evaluate candidates—noting that a process with such wide discretion “ceases being based in meritocracy, but rather allows for questioning of the impartiality of the evaluators.”<sup>339</sup> The weaknesses in the process left many observers in Peru concerned about the tribunal’s independence.

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<sup>336</sup> This initiative was promoted by the Foundation for Due Process (DPLF), the International Commission of jurists, the Ibero-American Institute of Constitutional Law and allied organizations of Peru. Wilber Huacasi, “5 juristas internacionales evaluarán a los candidatos para el Tribunal Constitucional,” *La República*, November 16, 2021, <https://larepublica.pe/politica/2021/11/16/tribuna-constitucional-cinco-juristas-internacionales-evaluaran-a-los-candidatos-congreso> (accessed April 6, 2023).

<sup>337</sup> “Congreso eligió por mayoría a los seis nuevos miembros del Tribunal Constitucional,” *Infobae*, May 10, 2022, <https://www.infobae.com/america/peru/2022/05/10/congreso-elige-a-miembros-del-tribunal-constitucional-en-vivo-son-6-los-candidatos/> (accessed April 11, 2023); Heber Joel Campos Bernal, “El proceso de selección de magistrados del tribunal constitucional del Perú en la encrucijada,” *Agenda Estado De Derecho*, October 13, 2022, <https://agendaestadodederecho.com/seleccion-de-magistrados-del-tribunal-constitucional-del-peru/> (accessed April 11, 2023).

<sup>338</sup> “Congreso define nuevos magistrados del Tribunal Constitucional,” *Gestión*, May 10, 2022, <https://gestion.pe/peru/politica/congreso-define-nuevos-magistrados-del-tc-este-martes-rmmn-noticia/> (accessed April 11, 2023); “Tribunal Constitucional: ¿quiénes son los nuevos magistrados elegidos por el Congreso?,” *La República*, May 10, 2022 <https://larepublica.pe/politica/2022/05/10/tribunal-constitucional-quienes-son-los-nuevos-magistrados-elegidos-por-el-congreso-del-peru-manuel-monteagudo-valdez-francisco-morales-saravia-atmp> (accessed April 11, 2023).

<sup>339</sup> Informe Final del Panel Independiente para la elección de magistrados y magistradas al Tribunal Constitucional del Perú, June 30, 2022, section 2.1C.

These concerns were made more acute in January 2023, when the new Constitutional Tribunal ruled against a challenge by 33 members of Congress to the problematic law the congressmembers themselves had passed to weaken the SUNEDU.<sup>340</sup> By challenging the law as unconstitutional—even though they supported it—and securing a ruling that upheld the law, the lawmakers were able to ensure the law would no longer face other challenges in the courts.<sup>341</sup> One justice dissented, arguing, among other points, that if the congressmembers who filed the challenge had set forth their “true intentions,” the tribunal would have had to refuse to hear the case, and calling their behavior “highly questionable.”<sup>342</sup>

In February 2023, the new Constitutional Tribunal issued another ruling—without initially publishing the decision—in favor of a challenge by Congress to a series of lower court rulings that legislators claimed improperly interfered with their powers.<sup>343</sup> The lower court rulings at issue included a decision to stay or suspend Congress’s selection of the next ombudsperson while various challenges to it were resolved and a ruling stopping congressional efforts to investigate and remove electoral authorities who were not listed as subject to congressional investigation and removal in the Constitution.<sup>344</sup> Experts said that the Constitutional Tribunal ruling effectively meant that Congress could operate without judicial oversight.<sup>345</sup> Former Constitutional Tribunal President Marianella Ledesma went so far as to say in the media that, with this ruling, the Constitutional Tribunal was “destroying” Peru’s institutions, noting that the tribunal was establishing that “Congress

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<sup>340</sup> “TC Publicó sentencia que declara infundada demanda de inconstitucionalidad sobre el caso Sunedu,” *Tribunal Constitucional*, January 2, 2023, <https://www.tc.gob.pe/institucional/notas-de-prensa/tc-publico-sentencia-que-declara-infundada-demanda-de-inconstitucionalidad-sobre-el-caso-sunedu/> (accessed April 18, 2023).

<sup>341</sup> Milagros Berrios, “Tribunal constitucional oficializa sentencia y cede ante el congreso para cambios en Sunedu,” *La Republica*, January 4, 2023, <https://larepublica.pe/sociedad/2023/01/04/ley-universitaria-sunedu-tribunal-constitucional-oficializa-sentencia-y-cede-ante-el-congreso-para-cambios-en-la-institucion-congreso-defensoria-del-pueblo> (accessed April 18, 2023).

<sup>342</sup> Voto Singular del Magistrado Monteagudo Valdez, *Tribunal Constitucional*, <https://tc.gob.pe/jurisprudencia/2023/00008-2022-AI%20VotoSingular.pdf> paras. 40, 41.

<sup>343</sup> Pleno Sentencia 74/2023, Razón de Relatoría, March 3, 2023, <https://tc.gob.pe/jurisprudencia/2023/00003-2022-CC.pdf> (accessed April 18, 2023).

<sup>344</sup> “Tribunal Constitucional Resolvió el conflicto de competencias interpuesto por el congreso de la República contra el poder judicial,” *Tribunal Constitucional*, February 23, 2023, <https://www.tc.gob.pe/institucional/notas-de-prensa/tribunal-constitucional-resolvio-el-conflicto-de-competencias-interpuesto-por-el-congreso-de-la-republica-contra-el-poder-judicial/> (accessed April 10, 2023).

<sup>345</sup> Cesar Romero, “Tribunal Constitucional falla a favor del Congreso, que tendrá un poder absoluto y sin control judicial,” *La Republica*, February 28, 2023, <https://larepublica.pe/politica/congreso/2023/02/24/tribunal-constitucional-falla-a-favor-del-congreso-que-tendra-un-poder-absoluto-y-sin-control-judicial-poder-judicial-defensoria-del-pueblo-sunedu-1427472> (accessed April 10, 2023).

can no longer be subject to judicial oversight in the exercise of its functions. Also, this breaks the balance of power and all the power becomes concentrated in Congress. It becomes untouchable.”<sup>346</sup>

### *Election of the Next Ombudsperson*

Congress is actively moving toward selecting a new leader for the Ombudsperson’s Office, which has played a key role in documenting abuses in the context of the protests and beyond. Congress had sought to name a new ombudsperson in 2022 in another process that civil society groups had criticized and the workers’ union for the Ombudsperson’s Office had challenged in court for lack of transparency and public participation, as well as concerns about the selection criteria, among others.<sup>347</sup> A court ruled that the process should be suspended while the union’s challenge proceeded in court, but the Constitutional Tribunal’s February 2023 ruling struck down that challenge, paving the way for Congress to now move forward, now with no judicial review if they engage in a selection process that fails to ensure the Ombudsperson’s independence.<sup>348</sup>

### *Attacks on the National Electoral System*

Sectors of Congress—including many who were falsely claiming electoral fraud after Castillo’s election—have been taking steps to undermine the independence of the national electoral system.

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<sup>346</sup> Cesar Romero, “El Tribunal Constitucional está destruyendo el régimen democrático del país,” *La Republica*, February 25, 2023, <https://larepublica.pe/politica/judiciales/2023/02/25/el-tribunal-constitucional-esta-destruyendo-el-regimen-democratico-del-pais-congreso-poder-ejecutivo-poder-judicial-1500875> (accessed April 10, 2023); “Marianella Ledesma: ‘Hay una dupla Congreso-Tribunal Constitucional que está destruyendo el país,’” *La Republica*, February 28, 2023, <https://larepublica.pe/politica/actualidad/2023/02/24/marianella-ledesma-hay-una-dupla-congreso-y-tribunal-constitucional-que-esta-destruyendo-el-pais-2043072> (accessed April 10, 2023).

<sup>347</sup> “Presentan acción de amparo contra el proceso de elección del defensor del Pueblo por ‘vulneración al debido proceso,’” RPP Noticias, May 31, 2022, <https://rpp.pe/politica/congreso/defensoria-del-pueblo-presentan-accion-de-amparo-contra-el-proceso-de-eleccion-del-titular-de-la-institucion-noticia-1408886> (accessed April 10, 2023); Michelle Chamaya, “¿Por qué el PJ suspendió el proceso de elección del nuevo defensor del Pueblo?,” Perú Legal, June 9, 2022, <https://perulegal.larepublica.pe/judiciales/2022/06/09/congreso-por-que-el-poder-judicial-suspendio-el-proceso-de-eleccion-del-nuevo-defensor-del-pueblo-3171/> (accessed April 10, 2023).

<sup>348</sup> Miguel Ángel Candia, “Fallo del TC es definitivo y Congreso podrá elegir al nuevo defensor del Pueblo en su tercer intento,” *La Republica*, February 23, 2023, <https://larepublica.pe/politica/congreso/2023/02/23/fallo-del-tribunal-constitucional-es-definitivo-y-congreso-podra-elegir-al-nuevo-defensor-del-pueblo-en-su-tercer-intento-defensoria-del-pueblo-711988> (accessed April 10, 2023).

The Constitutional Tribunal’s February 2023 ruling has opened the door for them to do so, as the court ordered Congress to amend article 99 of the constitution to grant Congress the power to investigate and remove various electoral authorities.<sup>349</sup>

Several bills now pending in Congress would do just that.<sup>350</sup> The head of the National Elections Tribunal has publicly warned about the “enormous risk that has as its objective the subjugation of the [tribunal’s] independence with the goal of obtaining political results at any cost.”<sup>351</sup>

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<sup>349</sup> Article 99 of the Constitution provides that Congress may charge various authorities--the President, members of Congress and the Constitutional Tribunal, among others--with these offenses. Constitution of Peru of 1993, Art. 99. See also: Rodrigo Chillitupa, “Jurado Nacional de Elecciones rechaza fallo del Tribunal Constitucional que le permite al Congreso acusar a su presidente,” Infobae, March 7, 2023, <https://www.infobae.com/peru/2023/03/07/jurado-nacional-de-elecciones-rechaza-fallo-del-tribunal-constitucional-que-le-permite-al-congreso-acusar-a-su-presidente/> (accessed April 10, 2023).

<sup>350</sup>“Ya son cuatro proyectos de ley para acusar a jefes de JNE, ONPE y Reniec,” Perú 21, March 17, 2023, <https://peru21.pe/politica/ya-son-cuatro-proyectos-de-ley-para-acusar-a-jefes-de-jne-onpe-y-reniec-acusacion-constitucional-congreso-denuncia-constitucional-denuncia-noticia/> (accessed April 11, 2023).

<sup>351</sup> Rodrigo Chillitupa, “Presidente del Jurado Nacional de Elecciones denuncia reiterados ataques políticos,” Infobae, March 16, 2023, <https://www.infobae.com/peru/2023/03/16/presidente-del-jurado-nacional-de-elecciones-denuncia-que-reiterados-ataques-politicos/> (accessed April 6, 2023); Redacción EC, “Salas Arenas: Que el Congreso haga control político sobre el JNE y jueces es peligroso para la democracia,” *El Comercio*, March 28, 2023, <https://elcomercio.pe/eldominical/actualidad/jorge-luis-salas-arenas-que-el-congreso-haga-control-politico-sobre-el-jne-y-jueces-es-peligroso-para-la-democracia-jne-noticia/> (accessed April 6, 2023).

## VIII. The International Response to the Crisis

While some foreign governments have condemned abuses by security forces, others have not consistently defended human rights.

Chile, Ecuador, the United States, the European Union, Canada, and others rightly spoke in defense of the rule of law after Castillo’s failed coup.<sup>352</sup>

On December 19, 2023, the European Union said it was “very concerned” about the killings of civilians, some by firearms; condemned any use of violence and excessive use of force; and defended the right “to peaceful protest.”<sup>353</sup> By that time, 21 demonstrators and bystanders had already been killed. In January and February, the European Union continued to condemn “disproportionate” and “excessive” use of force by security forces.<sup>354</sup>

Similarly, Chile called for Peruvian authorities to respect fundamental rights and the principle of proportionality when using force, and to ensure proper investigations into the killings.<sup>355</sup>

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<sup>352</sup> “Comunicado de Prensa,” Chile’s Ministry of Foreign Relations, December 7, 2022, <https://www.minrel.gob.cl/noticias-anteriores/comunicado-de-prensa-12> (accessed March 20, 2023); Tweet by Ecuador’s Foreign Affairs Ministry, December 7, 2022, <https://twitter.com/cancilleriaec/status/1600563252895059974?s=4&t=BtLFKMcCY3VloE3ZqoivJw>; Tweet by US Embassy in Peru, December 7, 2022, <https://twitter.com/usembassyperu/status/1600560167409442817?s=4&t=Sm9RJ9rtQINZO-JCAnoYcQ>; Tweet by the European Union embassy in Peru, December 7, 2022, <https://twitter.com/UEenPeru/status/1600616999649943559/photo/1>; Canada: Tweet by Louis Marcotte, December 7, 2022, <https://twitter.com/louismarcotte/status/1600579868735012864>.

<sup>353</sup> “Peru: Statement by the Spokesperson on the Ongoing Protests,” December 19, 2022, [https://www.eeas.europa.eu/eeas/peru-statement-spokesperson-ongoing-protests\\_en?s=162](https://www.eeas.europa.eu/eeas/peru-statement-spokesperson-ongoing-protests_en?s=162) (accessed April 5, 2023); “Answer given by High Representative/Vice-President Borrell I Fontelles on behalf of the European Commission,” February 6, 2023, [https://www.europarl.europa.eu/doceo/document/E-9-2022-004068-ASW\\_EN.html](https://www.europarl.europa.eu/doceo/document/E-9-2022-004068-ASW_EN.html) (accessed April 5, 2023).

<sup>354</sup> EEAS Press Team, “Peru: Statement by the Spokesperson on the ongoing protests in the country,” EEAS, January 21, 2023, [https://www.eeas.europa.eu/eeas/peru-statement-spokesperson-ongoing-protests-country\\_en?s=162](https://www.eeas.europa.eu/eeas/peru-statement-spokesperson-ongoing-protests-country_en?s=162) (accessed March 3, 2023).

<sup>355</sup> “Gobierno de Chile expresa su alarma por la situación de derechos humanos y crisis institucional en Perú,” Chile’s Ministry of Foreign Relations, December 16, 2022, <https://www.minrel.gob.cl/noticias-anteriores/gobierno-de-chile-expresa-su-alarma-por-la-situacion-de-derechos-humanos> (accessed April 5, 2023); “Gobierno de Chile expresa su preocupación por la crisis política que está viviendo la República del Perú,” Chile’s Ministry of Foreign Relations, January 11, 2023, <https://www.minrel.gob.cl/noticias-anteriores/gobierno-de-chile-expresa-su-preocupacion-por-la-crisis-politica-que%20text=El%20Gobierno%20de%20Chile%20expresa,de%20ellas%20fallecidas%20el%20lunes> (accessed April 5, 2023).

But the US did not publicly comment on the security forces' use of force until January 19, 2023, ten days after the Juliaca killings, when the US ambassador in Lima issued a tweet urging security forces to respect human rights and the right to protest.<sup>356</sup> The US avoided referring to possible abuses and excessive use of force by security forces for months. On January 27, 2023, the US expressed concern about "violent demonstrations," while calling for investigations into the deaths.<sup>357</sup> In a meeting on February 2, 2023 between US Deputy Secretary of State Wendy Sherman and Peru's foreign minister, Ana Cecilia Gervasi, Deputy Secretary Sherman encouraged Peru's government to hold "those responsible for acts of violence accountable."<sup>358</sup> The readout did not indicate any mention of abuses by security forces.

The US Department of State issued a direct, public reference to possible abuses by security forces in Peru in the 2022 *Country Report on Human Rights Practices*, released on March 20, 2023. It said: "There were reports that the government or its agents committed arbitrary or unlawful killings."<sup>359</sup>

The foreign minister of Canada called for respect for human rights during a conversation with her Peruvian counterpart on December 18, 2022, and expressed condolences for those who died "due to the social unrest," but did not reference specific abuses in her statement.<sup>360</sup> In response to the killings in Juliaca, the Canadian ambassador in Lima highlighted "the need for a proportional response by the security forces."<sup>361</sup>

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<sup>356</sup> Tweet by US ambassador Lisa Kenna, January 19, 2023, <https://twitter.com/USAmbPeru/status/1616207895330230291> (accessed April 5, 2023).

<sup>357</sup> "State Department Press Briefing," January 27, 2023, <https://www.state.gov/briefings/department-press-briefing-january-27-2023/> (accessed April 5, 2023).

<sup>358</sup> A February 2, 2023, readout of a meeting between US deputy secretary Wendy Sherman and Peru's foreign minister Ana Cecilia Gervasi issued by the US state department said Sherman had encouraged Peru's government to hold "those responsible for acts of violence accountable," without any reference to abuses by security forces. See: "Deputy Secretary Sherman's Meeting with Peruvian Foreign Minister Gervasi," US Department of State, February 1, 2023, <https://www.state.gov/deputy-secretary-shermans-meeting-with-peruvian-foreign-minister-gervasi/> (accessed March 3, 2023).

<sup>359</sup> US State Department, Bureau of Democracy, Human Rights, and Labor, "Country Reports on Human Rights Practices – 2022: Peru," March 2023, <https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/peru/> (accessed April 10, 2023).

<sup>360</sup> Tweet by Canada's foreign ministry, December 18, 2022, <https://twitter.com/CanadaFP/status/1604504556859260931> (accessed March 3, 2023).

<sup>361</sup> Tweet by Canadian ambassador Louis Marcotte, January 10, 2023, <https://twitter.com/louiscmarcotte/status/1612810020948680710> (accessed March 3, 2023).

On February 23, 2023, the US, UK, and Canada issued an important joint statement expressing concern about threats and violence against journalists, two days after right-wing group *La Resistencia* harassed two journalists at their homes.<sup>362</sup>

Meanwhile, Argentina, Bolivia, Colombia, and Mexico issued a joint statement defending Castillo on December 12, 2022, and made no reference to his illegal attempt to dissolve Congress and take over the judiciary.<sup>363</sup> Peru withdrew its ambassadors from Honduras in January, from Mexico in February and from Colombia in March, after those governments refused to recognize that Boluarte assumed the presidency in accordance with Peru's constitution.<sup>364</sup>

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<sup>362</sup> “Embajadas de Estados Unidos, Canadá y el Reino Unido condenan ataques a periodistas,” *IDL-Reporteros*, February 23, 2023, <https://www.idl-reporteros.pe/embajadas-de-estados-unidos-canada-y-el-reino-unido-condenan-ataques-y-amenazas-a-periodistas/> (accessed April 3, 2023).

<sup>363</sup> “Joint Statement on the Situation in Peru, Argentina-Bolivia-Colombia-Mexico,” *Gobierno de México*, December 12, 2022 <https://www.gob.mx/sre/prensa/joint-statement-on-the-situation-in-peru?idiom=en> (accessed March 20, 2023).

<sup>364</sup> “Peru recalls ambassador to Honduras for ‘unacceptable interference’ as diplomatic spat deepens,” *Reuters*, January 6, 2023, <https://www.reuters.com/world/americas/peru-recalls-ambassador-honduras-unacceptable-interference-diplomatic-spat-2023-01-26/> (accessed March 3, 2023); Carlos S. Maldonado, “López Obrador redobla las críticas al Gobierno de Perú: ‘La destitución de Pedro Castillo fue una farsa,’” *El País*, February 27, 2023, <https://elpais.com/mexico/2023-02-27/lopez-obrador-redobla-las-criticas-al-gobierno-de-peru-la-destitucion-de-pedro-castillo-fue-una-farsa.html> (accessed March 3, 2023). Renzo Gómez Vega, “Perú retira definitivamente a su embajador en Colombia tras acusar a Petro de ‘injerencias,’” *El País*, March 29, 2023, <https://elpais.com/america-colombia/2023-03-30/peru-retira-definitivamente-a-su-embajador-en-colombia-tras-acusar-a-petro-de-injerencias.html> (accessed April 3, 2023).

# Recommendations

## To the Boluarte Administration

### *Address the Root Causes of Discontent*

- Take concrete actions to regain public trust and pave the way for dialogue with protesters and affected communities, including by:
  - Stopping stigmatization of protesters through language falsely linking them to terrorism or otherwise denigrating them.
  - Unequivocally condemning the killings and other abuses by security forces.
  - Taking clear action to promote accountability for abuses.
  - Ordering security forces to protect the right to peaceful protest.
  - Adopting measures, including by working with Congress, to address deep inequalities in people’s ability to realize their economic, social, and cultural rights, and the marginalization of Indigenous and rural populations, such as universal social protection and access to quality public services.
- Given the distrust on all sides, eventual dialogue that addresses people’s legitimate political, economic, social and cultural concerns should be facilitated by independent and credible mediators with the support and participation of UN or regional agencies and the international community.

### *Investigate What Happened*

- Invite an independent commission of international experts, as also recommended by other civil society groups, and grant it access to government information and case files to support ongoing investigations and report on the current crisis and human rights violations, in a manner that is complementary to existing criminal investigations.<sup>365</sup> The commission should investigate the factors leading to the crisis, the causes of protests, acts of violence committed in the context of protests, and abuses by security forces. The commission could act to support ongoing

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<sup>365</sup> Letter to President Boluarte by DPLF, WOLA, CEJIL, and Robert F. Kennedy Human Rights, March 29, 2023, [https://dplf.org/sites/default/files/carta\\_a\\_presidenta\\_peru\\_-giei\\_peru\\_-crisis\\_politica.pdf](https://dplf.org/sites/default/files/carta_a_presidenta_peru_-giei_peru_-crisis_politica.pdf) (accessed April 13, 2023).

criminal investigations through fact-finding, arranging for additional forensic and other expert analysis, and advising on investigative strategies, or propose opening new investigations. It should also issue recommendations to strengthen accountability, the rule of law, independent democratic processes and the protection of human rights.

The most recent examples of such commissions in the region are the Interdisciplinary groups of independent experts created through agreements between the Organization of American States (OAS), the Inter-American Commission on Human Rights, and the governments of Mexico, Nicaragua, and Bolivia. Those groups carried out important work to investigate serious human rights abuses in those countries.

- Open government investigations, led by the Ministry of the Interior in the case of police and the Ministry of Defense in the case of the military, into abuses by police and military during the current wave of protests.

#### *Help Victims*

- Provide reparations and ensure adequate health care for civilians and police officers who have been injured, including psychological support for them and for families of victims.

#### *Reform Law Enforcement*

- Seek police reform that involves improvement in equipment and training for crowd control and use of force, a review of protocols, a review of the power to conduct identity controls, and an overhaul of the disciplinary system to ensure independence and transparency, among other measures.
- Require that the police provide the Ministry of the Interior and prosecutors with incident reports each time officers use lethal and less-lethal weapons. The Ministry of the Interior should launch investigations into those incidents if there is any indication of inappropriate use.
- Refrain from using the armed forces for law enforcement or crowd control. If in extraordinary circumstances they are used, they should be barred from conducting operations on their own and should not engage with protesters.

- Reallocate to the police any funds directed to the armed forces for crowd control or law enforcement.
- Allocate funds to police so that they can provide food, water, menstruation supplies, and medicine to people held in police stations.
- Submit bills to Congress to repeal laws that protect abusive policing, including the 2020 “Police Protection Act” and a 2014 law that grants legal immunity to police who kill or injure people in “fulfillment of their duty.”

## To the Attorney General

### *Strengthen Human Rights Investigations*

- Ensure prompt, independent, and thorough investigations into all abuses by state police and military forces, and acts of violence, prosecuting those responsible as appropriate. Prosecutors should investigate and charge as appropriate not just the military and police officers who committed abuses but also their superiors and government authorities, who may have ordered them, failed to take effective action to stop them, or not responded adequately to prevent further abuses and ensure accountability.
- Issue an internal regulation establishing a short time frame for taking urgent investigative steps in any probe of possible human rights abuses, such as securing the crime scene, collecting ballistic evidence, conducting an autopsy or medical exam of surviving victims, performing gunshot residue tests, apprehending weapons from security personnel or others, seeking CCTV footage, and taking initial statements from security personnel and key witnesses. In cases where those investigative steps cannot be conducted without delay, for security or other reasons, prosecutors should provide an explanation in writing to superiors and spell out how they intend to take those steps without delay.
- Appoint more human rights prosecutors outside of Lima, particularly in the south of Peru, and provide them with the necessary resources to conduct adequate investigations.
- Resume forensic analysis from the national forensics office and designate forensic experts to specialize in human rights cases.

### *Improve Transparency*

- Collect and publish data on the number of people injured and killed during the protests, the number of detentions, and the number and types of investigations opened; and provide updates on the investigations without making public information that might jeopardize them.

### *Strengthen Oversight of Police*

- Arrange for testing of munitions, particularly pellet rounds for shotguns, and less-lethal weapons used by police to assess their damage.
- Review police incident reports and open investigations in cases of suspicion of police misconduct.

### **To Congress**

- Shift focus away from petty and personal interests and toward addressing the needs of Peruvians, including by taking concrete and prompt steps to address the deep marginalization of Indigenous and rural Peruvians, including through measures to end disparities and improve access to basic economic and social rights protections, including access to affordable health care, education, food, water, sanitation, and other public services.
- Cease efforts to undermine the independence of other state institutions, including the Ombudsperson's Office and the national electoral system.
- Work with the executive branch to approve a police reform that makes the force more effective, transparent, and accountable.
- Amend use of force laws to comply with international standards.
- Amend or reject a bill submitted by the government to increase punishment for crimes committed during states of emergency that is directed at protesters to ensure it does not violate the right of assembly, free speech, and other basic rights.
- Members of Congress should press for meaningful accountability—including within the Ethics Committee—for members of Congress who engage in abuses or corruption that undermines the fulfillment of human rights for Peruvians.

## To the Police

### *Strengthen Transparency and Training*

- Provide prosecutors and the Ministry of the Interior with operations plans in response to protests, and with incident reports, including each time police use lethal and less-lethal weapons.
- Provide prosecutors, the Ombudsperson’s Office, and the Ministry of the Interior with updated data on identity controls. Refrain from using identity controls to disperse protests or intimidate protesters.
- Improve training on the use of lethal and less-lethal weapons, not just for specialized units but for the whole police force.

### *Ensure Accountability*

- Provide full cooperation to prosecutors investigating police conduct.
- Open internal investigations into inappropriate use of lethal and less-lethal weapons, into injuries caused to protesters, and harassment and violence by police against journalists.
- Make a clear statement that lethal weapons are not to be used to defend buildings or property, only in defense of life.

## To the Armed Forces

- Provide prosecutors, the Ministry of Defense, and the Ministry of the Interior with operation plans and incident reports, when deployed for law enforcement.
- Provide full cooperation to prosecutors in connection with investigations of the response to protests, including by making military personnel available to prosecutors for interviews.
- Make a clear statement that lethal weapons are not to be used to defend buildings or property, only in defense of life.

## To Foreign Governments

- Call for prompt, thorough, impartial investigations that reach the highest levels of responsibility—including the presidency and cabinet members, as well as security

force commanders—into abuses with the view to hold those responsible to account.

- Condemn abuses by security forces, as well as violence by some protesters.
- Withhold assistance to units of Peruvian security forces credibly alleged to be responsible for killings in the context of protests, until effective and thorough investigations are completed and those responsible are held to account.
- Call for the protection of journalists, human rights and others from harassment and attacks in retaliation for their activities.
- Call on Congress to respect the separation of powers, protect democratic institutions, including the electoral system, and ensure that the selection process for the next ombudsperson is transparent, grounded in candidates' qualifications, and ensures the office's continued independence.
- Strongly urge the Boluarte administration and Peruvian Congress to take concrete steps to regain public trust including by addressing corruption and deep inequalities in the realization of economic, social, and cultural rights, ensuring accountability for abuses related to the protests, and protecting the independence of democratic institutions.
- Support initiatives to establish dialogue between the government and protesters and affected communities, and to establish an independent investigative commission.
- Direct foreign assistance to projects that address structural discrimination and inequalities in the realization of economic, social, and cultural rights, corruption, and the deterioration of democratic institutions in Peru.
- Governments participating in the EU-CELAC summit in July 2023 should assert, in bilateral and multilateral discussions and in their joint declarations, a commitment to preventing excessive use of force against protesters, condemn abuses by security forces when they occur and pledge to defend the rule of law and secure accountability for grave human rights violations.

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Peru has experienced an erosion of the rule of law and democratic institutions in recent years, in part due to pervasive corruption and a Congress dominated by petty agendas and intent on eliminating checks on its power. On December 7, 2022, then-President Pedro Castillo attempted to close Congress, rule by decree, and take over the judiciary. Congress removed him from office and Vice President Dina Boluarte became president.

Thousands of mostly rural and Indigenous people took to the streets, calling for early elections, among other demands. Many were also frustrated by persistent inequality and marginalization.

While most protests were peaceful, some protesters engaged in violence. Security forces responded with grossly disproportionate force, including firing assault rifles and handguns against demonstrators.

*Deadly Decline* documents security forces' indiscriminate use of force and abuses against detainees, in the context of an entrenched political and social crisis. It draws upon interviews with more than 140 people—including victims, witnesses, and officials—verification of more than 37 hours of video and 600 photographs of the protests, and review of autopsy, ballistics and medical reports.

Forty-nine protesters and bystanders, including 8 children, died of injuries sustained from December 2022 through February 2023. Most of these deaths are likely extrajudicial or arbitrary killings under international human rights law, for which the state is responsible. More than 1,300 people, including hundreds of police officers, were injured. A police officer was killed in unclear circumstances.

Criminal investigations of the abuses have had serious flaws, including failures to collect key initial evidence.

Prosecutors should thoroughly investigate, focusing not only on the officers who committed abuses but also their superiors and the civilian authorities they answer to.

(above) Mourners gather at the Plaza de Armas in Cusco for the funeral procession for community leader Remo Candia, who was killed during a protest on January 11, 2023.

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(front cover) Relatives and friends of people killed during demonstrations in Juliaca, Peru, carry pictures of their loved ones at a February 9, 2023, march commemorating one month since their deaths.

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