

# Human Rights Watch

## Torture, Former Combatants, Political Prisoners, Terror Suspects, & Terrorists

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Events of 2004

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Peru's progress in carrying out the recommendations of its truth commission, which reported in August 2003 on human rights violations committed during the country's twenty-year internal conflict (1980-2000), has been disappointingly slow. Movement toward prosecuting state officials responsible for the worst human rights violations has been obstructed by military courts. Civilian prosecutors have advanced significantly in only a small number of cases.

The inefficiency and inaccessibility of Peru's justice system, coupled with local government corruption and lack of transparency, have contributed to outbreaks of violence in rural areas, such as the lynching of a controversial mayor. Police use lethal force unjustifiably in dealing with public protests, sometimes with fatal consequences. Longstanding problems like torture and inhumane prison conditions continue to give cause for concern. Journalists in provincial towns and cities are vulnerable to physical attack and intimidation for criticizing local authorities.

#### *Confronting the Past*

Military courts insist on retaining jurisdiction over cases in which military personnel are implicated, a major obstacle to justice. In June 2004, the prosecutor investigating the disappearance and extrajudicial execution in 1992 of nine students and a teacher from the University of La Cantuta stated that military courts should have jurisdiction in the trial of Gen. (Rtd.) Nicolás Hermosa Ros, who was army commander at the time of the crime. In August 2004 the Supreme Council of Military Justice, Peru's highest military tribunal, affirmed its prior ruling in August 1994, acquitting Hermosa, another military official, and former intelligence chief Vladimiro Montesinos of the crime. The following day, the Constitutional Court ruled that Peru's Constitution did not permit violations of human rights committed by military personnel to be judged in military courts. Human rights lawyers are now pressing for the Cantuta case to be reopened in the ordinary courts.

In other cases, bureaucratic inefficiency, insufficient resources, and a lack of skilled investigators have contributed to delays. For example, a protracted investigation into circumstances of the 1986 prison massacre of El Frontón, which began in October 2002, continues to face serious difficulties two years later. Human rights lawyers representing relatives of the 122 prisoners who died in the massacre have questioned the identification of twenty-six bodies carried out by the Medical Legal Service (SML). Due to these delays, as of November 1, 2004, the prosecutor had yet to open a criminal investigation.

The special prosecutors office mandated to investigate 159 cases of disappearance under a friendly settlement with the Inter-American Commission on Human Rights, as well as forty-three cases referred to it by Peru's truth commission, has filed charges in only five cases. None of the defendants is currently in detention. A local prosecutor in Junín charged General Prez Documet, then military chief of Junín province, with the abduction and torture in 1991 in Huancayo of Luis Alberto Ramírez Hinostroza. Ramírez subsequently received repeated death threats and, in August 2004, was shot and wounded by unidentified assailants close to his home.

Another prosecutor charged with investigating human rights violations committed during the government of President Fujimori (1990-2000) has made greater progress. More than forty former agents of the Colina group, a death squad responsible for disappearances and extrajudicial executions in the early 1990s, are currently detained awaiting trial.

#### *Local Corruption and Access to Justice*

Although Peru is largely free of the political violence which wracked the country in the 1980s, there were serious outbreaks of violence in 2004 when irate townspeople vented their grievances against controversial local authorities, or when supporters of the authorities attacked critics. In a report published in September 2004, Perus national human rights ombudsman named seventy-seven municipalities affected by conflicts between townspeople and local governments. In April 2004, a furious mob lynched Cirilo Robles, the mayor of Ilave, Puno, who was accused of corruption. Another government official was seriously injured. During the same month, men armed with planks, machetes, and other weapons attacked townspeople in Lagunas, on the Peruvian Amazon, injuring more than forty, some seriously. The townspeople had surrounded the town hall to prevent the mayor from evading an accounting audit. Local government corruption and the failure of the Peruvian justice system to investigate effectively allegations of corruption and abuse of power were contributory factors in such outbreaks of violence.

#### ***Use of Excessive Force to Quell Demonstrations***

According to the nongovernmental National Human Rights Coordinating Group, eleven demonstrators have died as a result of excessive use of lethal force by the police and army since the government of President Toledo took office in 2000. In October 2004, members of the national police shot and killed two coca growers in San Gabn, Puno who were protesting the governments failure to pay coca producers for the cultivation of alternative crops. Eight others suffered gunshot wounds.

#### ***Torture and Prison Conditions***

Criminal suspects held for interrogation in police stations are frequently tortured. Conditions in some prisons continue to be harsh. The Peruvian nongovernmental human rights group COMISEDH (Comisin de Derechos Humanos) documented thirty-three cases of torture between January and November 2004. Nine of the victims died.

Human rights groups have urged the government to close down the remote, high-altitude prisons of Challapalca, in Tacna, and Yanamayo, in Puno. After a visit to Challapalca prison in August 2002 the Inter-American Commission on Human Rights published a damning report stating that conditions there were inhumane, and that among other physical abuses new arrivals had been beaten and tortured with electric prods. So far, the Peruvian government has failed to implement the commission's long-standing recommendation that the prison be closed, although the number of prisoners held there has been reduced. About eighteen were still being held there as of November 2004.

#### ***Attacks on Journalists***

Journalists and radio commentators in Perus provinces are vulnerable to physical attack, intimidation, and harassment for criticizing local authorities. This pattern of abuse has been constant for many years and shows the precariousness of respect for press freedom in many Peruvian cities. In February 2004, Antonio De La Torre Echeanda, a journalist for Radio Orbita, was stabbed to death by two men who attacked him with knives while he was returning from a party in the town of Yungay. A few days earlier, De la Torre had broadcast accusations against local government officials. In March, the mayor, who was suspected of having ordered the assassination, was arrested and detained in the Huaraz prison. However, police delayed carrying out arrest warrants against two others implicated in the murder, including the mayors daughter. In September, journalist Csar Castro Cano was stabbed and wounded in Cusco, where he had been investigating alleged mismanagement by a local government official.

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