



January 2008

country summary

Peru

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

The efforts of Peruvian prosecutors to bring former President Alberto Fujimori to justice in Peru finally bore fruit in September 2007, when the Chilean Supreme Court, in a landmark decision, authorized his extradition on charges of human rights abuse and corruption.

A law endangering the autonomy of nongovernmental organizations (NGOs) was approved by Congress in 2006 but declared partially unconstitutional in 2007 by the Constitutional Court.

Confronting the Past

The government Truth and Reconciliation Commission estimated in 2003 that almost 70,000 people died or “disappeared” during the armed conflict. Many were victims of atrocities committed by the Shining Path and another insurgent group, and others of human rights abuses by state agents.

At this writing, former president Fujimori was imprisoned in Lima, awaiting trial. He had been in self-imposed exile in Japan for five years, before traveling to Chile, where he was arrested in November 2005. The crimes for which he faces prosecution in Peru include his alleged involvement in the extrajudicial execution of 15 people at a barbecue in the Barrios Altos district of Lima in November 1991 and the forced

disappearance and murder of nine students and a teacher from La Cantuta University in July 1992.

Efforts have been underway to investigate and prosecute former officials and military officers implicated in scores of other killings and “disappearances” dating from the beginning of the armed conflict. For example, at least 50 alleged members of the Colina Group, the death squad directly responsible for the human rights crimes for which Fujimori was extradited, have been on trial in Lima since August 2005. Yet, at this writing, only 17 former military officers and civilians had been convicted for abuses attributed to state actors by the truth commission.

Lack of cooperation by the armed forces has hampered the investigations of these cases. The military has often failed to provide information needed to identify potentially key witnesses who served in rural counterinsurgency bases during the conflict. It has also declined to identify military officials known to witnesses only by their aliases.

Attacks on Journalists

Journalists who publicize abuses by local government officials are vulnerable to intimidation in some parts of the country. In March 2007, Miguel Pérez Julca, who worked for a news program on a local radio station in Jaén, Cajamarca province, was shot twice in the head by two gunmen in front of his wife, who was also injured, and two sons. He died while being rushed to hospital. Pérez had been reporting on police corruption and problems of public security in the city. Four days after Pérez’s murder, three other journalists from Jaén received death threats in text messages on their cell phones. Pérez was the third Peruvian journalist killed in similar circumstances since 2004.

Torture

Torture and ill-treatment of criminal suspects continues to be a problem in Peru. The Human Rights Commission (Comisión de Derechos Humanos, COMISEDH)—an NGO that represents torture victims in court proceedings—recorded 78 complaints of torture between January 2005 and October 2007. In recent years, Peruvian courts

have made some progress in holding accountable police who abuse detainees. Since 2000, the Supreme Court has confirmed prison sentences against 15 police officers, military agents, and prison guards for torture in seven cases. In July 2007, two policemen received eight-year and four-year sentences for a beating that led to the death of Ricardo Huaranga Félix in 2004. In September 2006, Peru ratified the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment.

Death Penalty

The death penalty in Peru is restricted to cases of treason in wartime, and has not been applied since the 1970s. However, following an armed attack in Ayacucho in December 2006 in which eight people were killed, President Alan García presented a bill to Congress to reintroduce the death penalty for terrorist crimes. The constitution already contemplates the death penalty in such circumstances, but it has not been incorporated into the Criminal Code. In January 2007, a bill to do so was defeated in Congress by a substantial majority.

Human Rights Defenders

In November 2006, President Alan Garcia supported legislation that would allow the government to “supervise” the activities of Peruvian NGOs that receive foreign funding. After strong protests by civil society groups, an amended version of the bill was passed that limited its application to organizations that receive government funding or tax benefits. Privately-funded NGOs would still be required to register their activities and expenditures with the government aid agency. In September 2007, the Constitutional Court ruled that this requirement to report expenditures was unconstitutional.

Key International Actors

In November 2006, the Inter-American Court of Human Rights ruled on a case involving the indiscriminate killing in 1992 of 41 Shining Path prisoners at the Miguel Castro Castro prison in Lima. The court ordered the government to pay compensation of about \$20 million to the families of the dead and to individuals tortured during

the operation. President García said that he could not accept paying compensation to “terrorists,” and said he would ask the court for “interpretation” of its decision.