

# PERU

## Civil Society and Democracy Under Fire

### I. INTRODUCTION

**At 10:30 p.m. on April 5, Peru's elected president, Alberto Fujimori, appeared on national television to announce the dissolving of the Congress, the "reorganization" of the judiciary, and the suspension of the Constitution.<sup>1</sup> Military and police units rounded up political opponents, journalists, and trade union leaders. Congressional leaders were subjected to house arrest, while soldiers surrounded and occupied the offices and printing presses of the news media, both domestic and foreign.**

**The joint command of the armed and police forces immediately announced support for President**

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<sup>1</sup> Also placed under "reorganization" were the National Council of Magistrates, the Court of Constitutional Guarantees, the Attorney General's office, and the Comptroller General of the Republic.

Fujimori's coup d'etat.<sup>2</sup> The cabinet was granted legislative powers,<sup>3</sup> and quickly began issuing decrees intended to lay the groundwork for what the president called "real democracy," which in fact looked more like dictatorship with each new decree. Peru's twelve-year-long experience in representative, constitutional government was over.

In the months before the coup, Peru's civil society and democratic institutions were buffeted with greater intensity than ever by the vicious and fanatical armed group Shining Path (*Sendero Luminoso*). The assassination on February 15, 1992, of María Elena Moyano, a popular organizer who had been elected deputy mayor of one of the largest poor *barrios* of Lima, dramatized the subversives' deadly campaign against the leaders of women's groups and other popular organizations in the shantytowns surrounding the capital, home to one-third of the population of Peru. Other Shining Path targets include local authorities, development workers, members of the Church, and reporters. According to the *Coordinadora Nacional de Derechos Humanos* in Lima, a highly respected umbrella organization of human rights groups, the Shining Path was responsible for 842 political assassinations in 1991 alone, and 217 in the first four months of 1992. In the last three years, the Coordinadora states, Shining Path has carried out 3,600 assassinations; eighty percent of its victims have been civilians.<sup>4</sup>

The objective of these murders, by the logic of the Shining Path, is to sweep away all democratic and independent organizations, leaving the population with only two alternatives: Shining Path or the army. To convince the population to join its side, Shining Path has long denounced Peru's elected governments as puppets of the military. Now, by removing the mantle of democratic legitimacy, Fujimori's coup has played into the Shining Path strategy. Now more than ever, the independent-minded people and organizations which constitute Peru's civil society and democratic institutions are under attack by both Shining Path and the government, producing a deepening polarization that makes solving the crisis an ever more distant dream.

There is good reason to doubt that abandoning Peru's democracy—deeply flawed as it was—will enable the armed forces to combat Shining Path more effectively. Giving an already abusive military a freer hand is more likely to accentuate its failings. Indeed, twelve years of counterinsurgency strategy based on granting the military exceptional powers in "emergency zones" has produced not only systematic and egregious human rights abuses, but also the steady growth of insurgency. Indeed, the only effective way for the army to root out a clandestine force like the Shining Path (or the less powerful Tupac Amaru Revolutionary Movement, or MRTA)—short of a massive scorched earth campaign claiming hundreds of thousands of civilian lives—is to secure the cooperation of average citizens: the people who live with the rebels, witness their crimes, and endure their intimidation. These

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<sup>2</sup> President Fujimori's actions were clearly illegal under Peruvian law. The president has no authority to dissolve the Congress. The Peruvian Constitution grants the president the authority to dissolve the Chamber of Deputies when the Chamber "has censured or denied confidence to three Councils of Ministers," (Article 227), but explicitly states that the Senate cannot be dissolved under any circumstances (Article 230). The Constitution establishes a mechanism for constitutional reform (Article 306), and for the suspension of certain constitutional guarantees during a state of emergency. However, there is no authority for declaring in suspension, as President Fujimori's new government did, unspecified articles of the Constitution "and the legal norms which are opposed to" the new government (Article 8, Decree Law 25418). Nor does the Constitution contemplate the unilateral "reorganization" of the judiciary and other branches of government by the president. Moreover, Article 82 of the Constitution holds that:

No one owes obedience to a usurper government...The population has the right of insurgency in defense of the constitutional order. (*Americas Watch translations*).

<sup>3</sup> The president of the cabinet, or Council of Ministers, Alfonso de los Heros, resigned on April 6 in protest. He was replaced by Oscar de la Puente.

<sup>4</sup> Coordinadora Nacional de Derechos Humanos, *Informe Sobre la Situación de los Derechos Humanos en el Perú en 1991* (Lima: 1991), p. 9; and *Boletín Informativo* (Lima: May 1992), Number 14, p. 1.

**average Peruvians are the ones who can warn the army of impending attacks and identify the assailants.**

**But the army's tactics have had the opposite effect. Its systematic use of execution, disappearances, and torture has bred widespread revulsion. Arbitrary arrests and searches have fostered alienation, if not hostility. The impunity granted abusers—and worse still, the promotion of abusive officers to the highest levels of the armed forces—further tarnishes the army's image.<sup>5</sup>**

**The lifting of restrictions on military actions represented by suspension of the Constitution, the dissolution of the Congress, and the "reorganization" of the judiciary and attorney general's office raises the specter of unbridled human rights violations in the future. This would meet another long-term Shining Path objective: to provoke ever-greater repression from the security forces. The authorities' slaying of 39 Shining Path inmates in the Miguel Castro Castro prison between May 6–9, 1992, an operation which President Fujimori praised as marked by restraint on the part of the security forces,<sup>6</sup> raises serious questions about the new regime's human rights conduct at the same time that it presents a propaganda coup for the Shining Path, which once again has accused the regime of "genocide." Reports of disappearances, targeted assassinations, torture, and arbitrary detentions since April 5 make it clear that the Peruvian security forces continue to systematically violate the most fundamental human rights of Peruvian citizens.**

**Meanwhile, there is little indication that Fujimori's coup has hindered Shining Path's ability to sow terror. To the contrary, guerrilla violence appears to have grown since the coup, especially in the capital. In a concentrated campaign in April and May, Shining Path exploded nine car or truck bombs at police stations or military barracks in Lima and Callao, as well as dynamiting buildings, barracks, and electric towers in Huancayo. On May 22, rebels detonated a car bomb in a major Lima banking district, killing a taxi driver and wounding a dozen passersby.<sup>7</sup> On June 5, they exploded a truck bomb outside a television station considered sympathetic to the military. The producer of the station's nightly news program and two security guards were killed in the blast and twenty others were wounded. Although Shining Path has killed journalists before, the explosion marked the insurgents' first attack on a television station. And on July 16, the guerrillas launched a series of explosive and armed attacks in Lima and Callao, including the detonation of two huge car bombs in Lima's Miraflores district, claiming the lives of dozens of civilians and wounding hundreds more. The campaign of car bombs, and especially those directed at civilian targets, clearly violates the laws of war. Shining Path has continued its assassination campaign without letup as well. In Lima alone, Shining Path assassinated Juan Carlos Antúnez de Mayolo Doimi, son of a retired army general on April 7; congressman Roberto Luy Wu on April 11; educator René Luz Montesinos on May 19; and Francisco Caverro, a former prison worker on May 13; among others.**

**The first section of this report describes human rights concerns prompted by Fujimori's seizure of dictatorial powers on April 5, 1992. Subsequent sections document human rights violations by government forces between July 1991–March 1992, the violent campaign of the Shining Path against Peru's civil society and its former**

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<sup>5</sup> Emblematic is the continued promotion by Fujimori of General José Valdivia Dueñas to ever-higher positions. Valdivia, who is implicated in the May 1988 massacre in Cayara of at least twenty-eight peasants, the disappearance of dozens more, and the subsequent murder of nine witnesses, was promoted in January 1992 to Chief of the General Staff of the Armed Forces Joint Command, the second-most important position in the military. Valdivia and Vladimiro Montesinos, a former military officer whose star has risen under Fujimori, participated in the subsequent cover-up of the crime. [See Americas Watch, *Into the Quagmire*, p. 32; Americas Watch, *Tolerating Abuses: Violations of Human Rights in Peru*, (October 1988), pp. 42–43 and 49–51; and "Como se Hizo," *Caretas*, (Lima: April 10, 1992), Number 1206, p. 11.]

<sup>6</sup> Kevin Galvin, "Official Death Toll Climbs to 38, Including Several Shining Path Leaders," Associated Press, May 12, 1992.

<sup>7</sup> "La 'III Campaña'," *Caretas*, Number 1212, (May 25, 1992), p. 37.

democratic institutions since last July, and abuses by the MRTA.<sup>8</sup> A final chapter analyzes United States policy towards Peru. The report is based on a March 1992 mission to Peru by Americas Watch Chairman Peter Bell, Associate Director Anne Manuel, and Representative Cynthia Brown; and a May 1992 mission to Peru in which Americas Watch Executive Director Juan E. Méndez was joined by Paulo Sérgio Pinheiro, director of the Núcleo de Estudos da Violencia at the University of Sao Paulo, Brazil, Gustavo Gallón, director of the Colombian section of the Andean Commission of Jurists, and Mariclaire Acosta, president of the Mexican Commission for the Defense and Promotion of Human Rights. Further fact-finding was carried out in Peru by Americas Watch consultant Robin Kirk in July. The report was written by Anne Manuel, with research assistance from Luis Felipe Polo. Special thanks are due the Coordinadora Nacional de Derechos Humanos and the Andean Commission of Jurists, without whom little would be known about human rights in Peru.

## **II. HUMAN RIGHTS CONCERNS SINCE THE COUP**

With the announcement that all articles of the Constitution and regulations contrary to the actions of the new government were suspended, President Fujimori abruptly dispensed with the rule of law in Peru by effectively removing all limits to the power of the executive. Overnight, all legal restraints against the actions of the security forces disappeared. On April 6, the government decreed all judicial and prosecutors' offices closed for ten days, except for criminal court judges and public prosecutors on duty at the time of the coup. The decree placed the armed forces and police in charge of guarding all judicial premises "to prevent the loss of documents, arms, evidence, jewelry, and other goods deposited in them."<sup>9</sup> In a mockery of the reassuring language of the decree, soldiers raided the Palace of Justice over the course of several days after the coup, dumping sacks full of documents into pickup trucks and hauling them off to an unknown destination.<sup>10</sup>

In spite of the government's order that some judges and prosecutors remain on duty, occupation of judicial offices by the military and police effectively prevented normal judicial activity for at least a month, especially in terms of human rights protection. Even after the courts and prosecutors resumed activity, their ability to act as a check on the actions of the executive branch was severely reduced.

In the early days of the coup, the government summarily fired thirteen Supreme Court magistrates, as well as all judges on the Tribunal of Constitutional Guarantees.<sup>11</sup> On April 24, a decree ordered massive arbitrary dismissals of trial and appellate court judges and prosecutors in Lima and Callao, without any explanation of cause or opportunity for defense. Among those removed were highly respected jurists known for their willingness to take up human rights cases. Clearly President Fujimori's notion of "moralizing" the judicial branch meant bringing it under the control of the executive and guaranteeing that it would not challenge the army's actions. To the extent that a judicial system continues to exist in Peru, it is completely lacking in independence.

### **A. Arbitrary Detentions**

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<sup>8</sup> Our last report on Peru, *Into the Quagmire: Human Rights and U.S. Policy in Peru*, was published in September 1991.

<sup>9</sup> Decree Law 25419 (translation by Foreign Broadcast Information Service, Latin America Daily Report, April 13, 1992, p. 59).

<sup>10</sup> "Poder Judicial: El Gran Saqueo," *Caretas*, Number 1207, (April 20, 1992), pp. 48-40.

<sup>11</sup> Although new Supreme Court magistrates have since been named, as of early July the Tribunal of Constitutional Guarantees remained effectively disbanded.

In the first hours and days of the coup, the regime conducted massive detentions of outspoken political opponents in Lima, most of them from the APRA party of former president Alan García Pérez, as well as 20 radio journalists and investigative reporter **Gustavo Gorriti**, whose computer was also seized. A handful of trade unionists and congressional employees were also detained. Since the coup, information from areas outside of Lima has been extremely limited. Although massive detentions have been reported in San Martín and Huacho, detailed information is unavailable.

With a few exceptions, opposition politicians detained in the first days of the coup in Lima were freed within days or weeks, following a sharp international outcry. Nevertheless, the detentions were alarming in several respects.

Out of more than 50 politicians, journalists, and unionists detained in the capital during the first weeks of the new regime, only a handful, including former Interior Minister Agustín Mantilla Campos and several National Police officials, were charged with a crime. The government announced its intention to try former President Alan García for illegal arms possession, but he managed to elude capture, obtained asylum in an embassy, and eventually fled to Colombia. The vast majority of the detainees were held from less than a day to several weeks in clandestine detention centers without charges. APRA party activist **Andrés de los Ríos Bernardini** was held the longest, from April 7 until April 29. After their release, the detainees told of having been held in various military installations, including a ship belonging to the Navy, in and around Lima. Although the government officially acknowledged most of the detentions within a few days, it refused to inform relatives or even the detainees themselves of their location. The detention of de los Ríos Bernardini constituted a temporary disappearance, as the government refused to acknowledge his capture. After their liberation, the government ordered that the former legislators and Gorriti be barred from leaving the country, although many of them eventually were able to travel.

With the judicial system shut down by the government, there was no possibility of filing *habeas corpus* petitions on behalf of the detainees. Nor was it possible to mount any legal defense on their behalf. Despite the April 6 decree ordering some judges and prosecutors to continue to work, *habeas corpus* was effectively denied. Americas Watch knows of only one case in which a judge accepted a *habeas corpus* writ in the weeks after the coup; Judge Ricardo Chúmbez Paz, who processed the writ which freed three National Police generals, was summarily fired on April 24. Meanwhile Pilar Nores de García, the wife of former president Alan García, was frustrated on four successive days in which she attempted to file a *habeas corpus* on her husband's behalf by troops who prevented her from entering the courthouse.<sup>12</sup>

## **B. Censorship and Intimidation of the Press**

As Fujimori and the military shut down all independent branches of government on the night of April 5, the army began a massive show of force against the press. Troops occupied newsrooms, both domestic and foreign, and warned reporters not to criticize the new regime. On television stations, soldiers reviewed videos before they aired; while radio stations were barred from conducting live interviews or call-in shows. *Radio Red* and *Radio Antena Uno* were closed on April 6 for 24 hours for their refusal to cooperate with military censors. Managers of *Radio Antena Uno* and all employees of *Radio Red* were detained by the military. Troops also closed the highly respected news magazines *Caretas* and *Si*, marking the seventh government-imposed shutdown of *Caretas* in 42 years.<sup>13</sup> *La República* came out with three blank pages in protest of the censorship. And as noted above, investigative reporter Gustavo Gorriti was seized from his home by army intelligence agents.

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<sup>12</sup> Comisión de Derechos Humanos (COMISEDH), "Notas Sobre la Detención de Opositores Políticos Durante el Golpe del 5 de Abril," (Lima: April 23, 1992), p. 6.

<sup>13</sup> "¡Abren la Casa!", *Caretas*, Number 1206, (April 10, 1992), p. 23.

Strong international condemnation of the coup and the actions against the press prompted an abrupt about face by the regime. President Fujimori visited the newspaper *El Comercio* in an apparent effort to soothe, and announced the withdrawal of troops from media establishments, adding the improbable explanation that they had been there only "to provide protection."<sup>14</sup> By the afternoon of April 8, the media had resumed normal functions.

With the withdrawal of troops, Lima's free press began lambasting the government's actions. *Caretas* devoted an entire issue of its weekly to protest the coup, with a picture of Fujimori's face blotted out with a giant red X on the cover. Nonetheless, the massive military intervention and the suspension of constitutional guarantees has undoubtedly chilled press freedom. The issuance of a new anti-terrorist law, described below, has intensified fears of government interference. And the June 5 explosion by Shining Path of a truck bomb outside Channel Two TV, described above, has dramatically deepened the insecurity.

Many reporters genuinely do not know who to fear more, Shining Path or the security forces. Although the truck bomb constituted a terrifying blow from the guerrillas, it was followed by a series of threats which apparently originated from within the security forces. Hours after the attack on Channel Two, the station managed to resume broadcasting from the only studio whose walls remained standing. It came back on the air with testimony from victims as well as expressions of solidarity from journalists and human rights groups. At about 7:00 p.m., **Gustavo Gorriti** spoke about the importance of the press as a guarantor of freedom and democracy, calling on Channel Two to become the standard-bearer for the "reconquest of [Peru's] lost democracy." As Gorriti was speaking, an unidentified woman called his home and vowed that Gorriti, his wife, and two young girls would be killed. Sources close to the security forces have told Gorriti that the threat originated with the National Intelligence Service (of the armed forces) and its de facto director, Vladimiro Montesinos.<sup>15</sup>

The call appears to have been one of a string of attacks on Montesinos's critics. At 5:00 a.m. the same day, unidentified individuals threw explosives at the house of retired general **Luis Cisneros Vizquerra**, a well-known hardliner on counterinsurgency who is also said to be a Montesinos critic. At 9:00 a.m., the magazine *Caretas*—which has published articles by Gorriti criticizing Montesinos and the agents at his disposal—received an anonymous call saying "you will be next."<sup>16</sup>

### **C. Decrees of Special Concern**

A number of the decrees issued by the government since April 5 raise fundamental human rights considerations, including modification of the regulations for appealing government actions that infringe basic rights, criminalizing the "usurpation" of government office—a measure aimed at legislators who have tried to continue congressional activities despite the dissolution of the congress—and arbitrary dismissals of judges and prosecutors.

**Most threatening to fundamental human rights is the new anti-terrorist law. On the night of May 5, President**

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<sup>14</sup> "Fujimori hizo retirar tropas de diarios y afirmó respetará libertad de prensa," *El Comercio*, April 8, 1992; and Mary Powers, "Fujimori Removes Troops From Press Offices," Reuters, April 7, 1992.

<sup>15</sup> Gustavo Gorriti, "Amenazan de muerte al corresponsal de EL PAIS en Lima y a su familia," *El País*, (Madrid), June 8, 1992. Although President Fujimori has stated that Montesinos is only an adviser to the chief of the SIN, it is widely understood that he is in charge. (Sam Dillon, "Dark past of Peru's drug czar," *Miami Herald*, May 30, 1992; and Dillon, "Peru adviser linked to drug cartels," *Miami Herald*, April 18, 1992.)

<sup>16</sup> June 22, 1992 letter to Americas Watch from Gorriti and Centro de Estudios y Acción para la Paz.(CEAPAZ).

Fujimori appeared on television to announce the promulgation of Decree Law 25475 regarding the crime of terrorism and related acts, as well as new procedures for investigation and trial of terrorist suspects. The law imposes harsh penalties for those belonging to terrorist organizations, including life sentences for national leaders.<sup>17</sup>

There is no doubt that Peru's system for prosecuting terrorism needed reform; the judiciary was clearly vulnerable to pressures and intimidation by Shining Path and the MRTA (although the police must shoulder a good part of the blame for failing to produce evidence that is usable in court). However, the new legislation seeks to overcome this weakness by a series of measures which severely restrict due process rights and limit freedom of expression. Of serious concern to Americas Watch are the following aspects:

- **The definition of terrorism is broadened in the law, as compared with its previous definition in the Penal Code. Prior to May 5, Article 319 of the Penal Code defined as guilty of terrorism:**

**He who provokes, creates, or maintains a state of anxiety, alarm, or terror in the population or a sector of the population, *by carrying out* acts against the life, the body, the health, the liberty, the personal security or physical integrity of people...employing for those ends violent methods, weapons, materials or explosive artifacts or whatever other means capable of causing damage or serious disturbance of public tranquility or affecting international relations or social security... (emphasis added, Americas Watch translation)**

This definition is dramatically altered in Decree Law 25475, which simply removes the words "by carrying out" and replaces them with "carries out."<sup>18</sup> This sleight of hand changes the meaning of the entire paragraph by making the creation of a state of anxiety and the use of violence independent categories. Whereas the definition of terrorism had previously been limited to violent acts, it is now redefined to include the creation of a state of anxiety *by any means, including nonviolent ones*. Under this new definition, journalists or human rights activists could be charged with creating a state of anxiety or affecting Peru's international relations through their writings and could face prison terms of *not less than twenty years*.

- **Article 7 of the law provides for a prison sentence of six to twelve years for anyone guilty of "apology for terrorism," a crime which is not defined. Any Peruvian living outside the country who engages in "apology" will lose his or her nationality. This article clearly threatens freedom of expression: it could be used to penalize legitimate journalistic activities, human rights work, and legal defense. (President Fujimori has repeatedly accused human rights organizations of "apologizing" for terrorism.) Peruvian human rights monitors report that in the weeks since enactment of the anti-terrorism law, investigating human rights**

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<sup>17</sup> Of particular concern to Americas Watch was Article 22 of the new law, which repealed Article 323 of the Penal Code which had established that the "disappearance" of an individual by a government agent was punishable by no less than 15 years prison. In an interview with Americas Watch on May 28, Vice-Minister of Interior David Mejía explained the repeal of this article as necessary to prevent army officers from being frequently dragged into court. However, on July 2, the government reversed itself and issued Decree Law 25592, which once again criminalized disappearances.

<sup>18</sup> **He who provokes, creates, or maintains a state of anxiety, alarm, or terror in the population or a sector of the population, *carries out* acts against the life, the body, the health, the liberty, the personal security or physical integrity of people...employing for those ends violent methods, weapons, materials or explosive artifacts or whatever other means capable of causing damage or serious disturbance of public tranquility or affecting international relations or social security... (emphasis added, Americas Watch translation)**

**cases has become extremely difficult because of its chilling effect.**

- **Article 18 provides that in cases of terrorism, defense attorneys may not represent more than one client simultaneously nationwide. Article 12 establishes that the police may hold terrorism defendants for 15 days *incommunicado*. Defendants are only granted access to counsel at the time that they render their statement after the period of incommunicado detention is over. These restrictions greatly limit defendants' right to counsel.**
- **Article 13 mandates pretrial detention of all those accused of terrorism.**
- **Those accused of terrorism are to be tried in closed hearings by prosecutors and judges whose identities will be secret. While we understand the need to provide security for judges and prosecutors in these cases, the measures in this new decree remove elements of accountability which are fundamental to due process of law and constitute a grave threat to freedom of expression.**

#### **D. Canto Grande Prison Incident**

**Shortly after the coup, the armed forces and police surrounded the Miguel Castro Castro prison at Canto Grande on the outskirts of Lima and replaced the civilian prison administrators with the military. The government aimed to regain control of the interior of the prison's two cellblocks which held 534 prisoners from the Shining Path.<sup>19</sup> These cellblocks had for years been controlled by the inmates, who did not permit the authorities to enter. The prison also held common criminals and inmates accused of belonging to the MRTA.**

**On May 6, the police and army began an operation to transfer the female Shining Path inmates to the Santa Monica prison in Chorrillos. Both male and female prisoners fiercely resisted the move, which resulted in a pitched battle leaving 39 inmates and three policemen dead. The inmates have accused the security forces of summarily executing a number of prisoners, an accusation which the government has yet to address satisfactorily. Although the facts remain unclear, the government's refusal to allow independent observers to enter the prison or to mediate in the standoff between the security forces and the inmates suggests it did not want witnesses to its actions inside. And the high proportion of casualties among the prisoners compared with the security forces strongly indicates that, at a minimum, excessive force was used. For their part, the prisoners apparently murdered at least one policeman after he had been captured.**

**The government has insisted that the prisoners' rights were respected and that it prohibited mediation by the International Committee of the Red Cross (icrc) and others for their own security. Americas Watch met with Vice Minister of Interior David Mejia and several other government officials on May 28, 1992. Mr. Mejia said the deaths were caused by the inmates' riot and that there had been no violations committed by the security forces. The Americas Watch delegation urged the government to make public all results of investigations conducted into the affair, since the circumstances under which so many inmates died remain in doubt. The incident unfolded over the**

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<sup>19</sup> **Figures on the Shining Path prison population and casualties were provided in a May 27, 1992 letter to the Inter-American Commission on Human Rights by the Committee of Political Prisoners and Prisoners of War of Canto Grande. According to this source, on May 6 there were 131 female Shining Path prisoners in cellblock 1A and 403 Shining Path men in cellblock 4B. At the time of this writing, this letter is the only available source of information on the Shining Path prison population on the eve of the incident.**

**course of three days in May:**

**At about 4:00 a.m. on Wednesday, May 6, hundreds of police and soldiers surrounded the prison. Using explosives, the authorities blasted a hole in a wall of the women's cellblock, through which members of the Public Ministry and police entered, informing the prisoners that they would be transferred to another prison. "Transfer is genocide!", the prisoners responded. A battle commenced, under circumstances which remain unclear. Some sources (including the government) state that the police entered without arms and were fired on by inmates armed with automatic weapons as well as home made dart guns, acid, and explosives. Other credible sources believe that the inmates had no firearms until they captured weapons from the police who entered the compound. Three policemen and nine or ten inmates died during the initial confrontation, although the circumstances of their deaths remain murky. According to the Coordinadora Nacional de Derechos Humanos, police sergeant **José Idrogo Olano** fell from the fourth to the third floor of the women's cellblock where he was captured and then murdered by the inmates. The other two policemen died of gunshot wounds; one of them also was burned with a kind of acid used as insecticide.**

**By the end of the day, the police had taken control of the women's cellblock and captured several female inmates, while the others fled through tunnels into the men's cellblock.**

**Over the next two days, May 7 and 8, the inmates sought to negotiate their surrender, insisting that the icrc, the Inter-American Commission on Human Rights, and a group of defense attorneys known as the Association of Democratic Lawyers be present. However, the authorities refused to allow neutral observers to enter the prison except for one occasion, when, on the night of May 8, the icrc was allowed inside. On at least one occasion, negotiations were frustrated when the police detained the inmates' negotiators. One was returned to the cellblock badly beaten. And although international and domestic humanitarian organizations repeatedly offered to intercede to prevent further bloodshed, their appeals were ignored.**

**On Saturday, May 9, the authorities attacked the prison with explosives, rockets, and mortars. The final assault lasted approximately four hours, until the prisoners surrendered without conditions at 6:00 p.m. Hours before, the security forces had tightened their control of access to the prison, removing journalists from observation posts outside.<sup>20</sup>**

**In a televised appearance on Sunday, President Fujimori toured the prison while heavily armed policemen and Doberman dogs watched over the remaining prisoners, who were lying face down on the ground in the prison yard. The president announced that the operation had resulted in 28 dead, 13 missing, and 20 wounded. However, the Vice-Minister of Interior later told Americas Watch that 39 inmates had died. In its letter to the Inter-American Commission, the inmates remaining at Canto Grande named 39 dead and more than 60 wounded by bullets or shrapnel.**

**Some inmates have stated that the security forces executed leaders as they attempted to surrender. Among those killed were all but one of the most important Shining Path leaders in the prison. President Fujimori has suggested that the fact that the most important Shining Path prisoner, Osmán Morote, survived, proves that the security forces did not use excessive force. Nonetheless, the fact that leaders **Tito Valle Travezano, Yovanka Pardavó Trujillo, Janet Talavera Sánchez, and Elvia Zanabria** were among the dead, together with the government's refusal to provide explanations for their deaths, prompts suspicion that they were the victims of extrajudicial executions. The refusal to allow observers into the prison during or after the incident only deepens these**

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<sup>20</sup> **Coordinadora Nacional de Derechos Humanos, "Resumen de la Cronología Preliminar Sobre Sucesos del Penal Miguel Castro Castro en los Meses de Abril y Mayo de 1992."**

suspicious.<sup>21</sup> The government delivered the bodies of the victims to their families, and most have been cremated. The autopsies appear to have been hasty, and the government has not released the reports. The bodies of some of the victims presented multiple bullet wounds, which suggest an inconsistency with death in combat.

Americas Watch calls on the government to appoint an independent commission to conduct a thorough, impartial, and transparent investigation into the slayings at Canto Grande. The commission should be fully empowered to carry out the task and should have access to the prison, all inmates, the members of the security forces involved in the incident as well as their commanders, and all the available forensic evidence.

Americas Watch was able to visit the inmates who had been transferred to the Santa Monica prison in Chorrillos on May 29 and again on July 9. The conditions of detention we found there were shocking.

- Family visits have been denied since the transfer from Canto Grande in early May; access to fresh clothing or food supplements which family members usually provide have thus been prohibited. On some days, the prison has provided only soup and tea. Prisoners are dressed in the same clothes in which they left Canto Grande, with only one change of underwear.
- Visits by attorneys have also been barred, even though some inmates have been taken to courts for judicial procedures.
- The prisoners spend all day in cells of two or three occupants, without the opportunity to leave for fresh air or to see other inmates.
- In the three weeks between the transfer and our May 29 visit, the prisoners had only been allowed to shower twice. During our July 9 visit, inmates reported that shower access remained severely limited.
- The inmates are not allowed to read books, newspapers, or listen to the radio.
- The prisoners complain of health problems which are not receiving proper treatment. At the time of our May 29 visit, one prisoner had recently given birth and was caring for her baby under these grave conditions.
- The ICRC has been denied regular access to the prisoners, preventing it from carrying out its regular program of private interviews and medical and other assistance.

During our July 9 visit to Chorrillos, Americas Watch interviewed two inmates who had been brought to the prison after their arrest in June on charges of membership in a subversive organization. **Armida Valladares Jara** and **Rosa Neyra** belong to a political group known as *Patria Libre*, which has ties to the MRTA. Neither Valladares nor Neyra are charged with acts of violence, yet both are being subjected to the same draconian measures described above. This hardship is particularly acute in Neyra's case, who is three months pregnant and suffering from inadequate diet and medical attention. Prison authorities confiscated four novels Neyra attempted to bring with her, three of them by the Nobel prize winning author Gabriel García Márquez.

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<sup>21</sup> Americas Watch was denied access to the Canto Grande prison during a visit to Lima three weeks after the massacre. The ICRC was denied access to the prisoners for more than five weeks after the incident. And although Americas Watch was granted access to the Santa Monica women's prison in Chorrillos, where many of the women inmates were transferred, Peruvian human rights monitors have not yet been permitted to visit them.

Although Americas Watch was not allowed to visit the prisoners who remain in Canto Grande, we have been told that conditions there are even worse than those in Chorrillos. The Shining Path prisoners had reportedly been forced to stay in an outdoor prison yard, lying on the floor under watch by armed men with dogs for several days. They, too, along with common criminals and prisoners from the MRTA, were denied visits from family, attorneys, or human rights groups. ICRC access to the prison was cut off for more than five weeks after the May 6–9 incident.

Americas Watch wrote to Vice-Interior Minister David Mejía on June 1 about these conditions. We expressed our understanding that security concerns mandate certain restrictions in the prison regime, while insisting that these restrictions be proportional and have a reasonable relation with legitimate security objectives, so that they do not constitute indiscriminate punishment imposed without due process. We see no security justification for the denial of family visits, for example, nor for the denial of ICRC access. In our letter, we asked for quick steps to correct these deficiencies and for the immediate restoration of unrestricted access for the ICRC to all prisons in the country. As of early July, we had received no reply.

### **E. Violent Abuses**

Although the coup has made communication with rural areas far more difficult, scattered reports indicate that serious human rights violations—including disappearances, extrajudicial executions, torture, and sexual abuse—persist at a high level. As of late June 1992, the Coordinadora Nacional de Derechos Humanos had received 21 complaints of disappearances since the coup. On July 16, Americas Watch received an additional 27 complaints of disappearances in the department of San Martín alone, all of which occurred in the months since the coup. The following are a few of the violent abuses that have been reported:

- On May 4, 1992, National Police agents detained eight men following several terrorist attacks in the village of Huaca, district and province of Santa, in Ancash department. The eight victims—**Jesús Noriega Ríos, Pedro López Gonzales, Denis Castillo Chávez, Gilmer León Velásquez, Roberto Barrientos Velásquez, Carlos Barrientos Velásquez, Carlos Tarazona More, and Jorge Tarazona More**—were last seen being pushed into National Police vehicles.

Relatives have presented a complaint with the public prosecutor's office and filed a habeas corpus with judicial authorities in Chimbote, the provincial capital. They have also inquired about the eight men in various police stations, where agents have denied the detentions. The judge in Chimbote declared the habeas corpus unfounded (*improcedente*), and the prosecutor did not go to the village to gather testimony until six weeks after the disappearance, according to the Coordinadora Nacional de Derechos Humanos. As of this writing, the victims remain disappeared.

Americas Watch wrote to President Fujimori about this case on May 12, 1992, calling for urgent action to determine the whereabouts of the disappeared and to safeguard their physical integrity if indeed they are in custody. As of late July, we had received no reply to our letter.

- On June 7, 1992, 14-year-old **Froyli Mori Vela** traveled to the hamlet of La Unión, district of Nueva Lima, in Bellavista province, San Martín department, to spend the day with her parents. Around midnight, her parents' home was searched by an army lieutenant and six soldiers, according to CEAPAZ. When they had finished their search, the soldiers told Froyli to come with them, as they needed to talk to her. When the girl and her parents refused, the soldiers threatened them with their arms. Then one soldier guarded Froyli's parents at gunpoint while the others dragged the youth behind the house and raped her one by one, beginning with the lieutenant.<sup>22</sup>

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<sup>22</sup> Letter to Americas Watch from CEAPAZ, July 1, 1992.

- **At about 9:00 p.m. on June 22, soldiers under the command of a captain from the San José de Sisa military base seized from his home Ricardo Salazar Ruíz, in the district of San José de Sisa, Lamas province, San Martín department. Salazar Ruíz's body was discovered on the doorstep of his sister's house early on the morning of June 24. The body had four bullet wounds—two in the back, one in the left leg, and another in the right thigh. Hematomas on the face, arms, and chest suggested he had been tortured, according to CEAPAZ.<sup>23</sup> Also on June 22, soldiers from the San José de Sisa military base captured Wilger Saldaña Cotrina, José Vela Riva, Gibson Tuanama Fasabi, Limber Tuanama Fasabi, and Luis Alberto Gonzales Rucoba. They have not been heard from since.<sup>24</sup>**
- **Americas Watch also learned of violent abuses by Shining Path and the army in the hamlet of San José de Ticlias, an annex of San Pedro de Cachi in the department of Ayacucho, from residents who recently fled the area. Shining Path cadres arrived at San José de Ticlias in March and assassinated the local authorities (see below), including the lieutenant governor, whose wife told Americas Watch she was raped at the same time. In mid-June, the army came to the village in helicopters, accompanied by civil defense patrolmen. According to the witnesses, the troops rounded up the villagers, separating the men from the women. They forced the men to lie on the ground while they walked on them and beat them and bound the village women and gang-raped them. The soldiers also ransacked the peasants' houses and defecated in their grain bins.**

### **III. ABUSES BY SECURITY FORCES, PARAMILITARY GROUPS AND RONDAS CAMPESINAS JULY 1991 - MARCH 1992**

#### **A. Security Forces**

**The response of the armed forces to Shining Path terror has been brutal and indiscriminate. All too often, entire families or communities have been massacred on mere suspicion that some among them supported Shining Path. Dozens of Peruvians have been assassinated and hundreds more disappeared by the security forces each year over the past decade for similar reasons.**

**Conditions on U.S. military aid imposed by the U.S. Congress in mid-1991 led the Fujimori government to institute important measures designed to produce concrete improvements in the human rights situation, including unrestricted access by the ICRC to military and police detention centers, the decision to create a central registry of detainees, and authorization for public prosecutors to enter military barracks; and indeed the number of disappearances fell in the second half of 1991.<sup>25</sup> Nonetheless, the number of extrajudicial executions rose during the same period, and figures provided for 1991 as a whole showed a higher number of both extrajudicial executions and disappearances than that registered in 1990.<sup>26</sup>**

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<sup>23</sup> **Ibid.**

<sup>24</sup> **July 13, 1992 letter to Americas Watch from CEAPAZ.**

<sup>25</sup> **There has been some backtracking on these measures since the coup: ICRC access has been restricted at the Miguel Castro Castro and other prisons and the work of prosecutors thrown into chaos with massive dismissals.**

<sup>26</sup> **According to the Coordinadora Nacional de Derechos Humanos, 246 individuals were disappeared in Peru in 1990**

### Disappearances by Month in 1991<sup>27</sup>

January.....19	May.....51	September.....8
February.....21	June.....26	October.....21
March.....23	July.....45	November.....11
April.....44	August.....26	December.....5
<b>TOTAL 1991.....300</b>		

### Extrajudicial Executions by Security Forces and Paramilitary Groups by Month in 1991<sup>28</sup>

	JAN	FEB	MAR	APR	MAY	JUN
<b>Security Forces</b>	4	3	6	0	13	10
<b>Paramilitary Groups</b>	3	2	0	0	1	4

	JUL	AUG	SEP	OCT	NOV	DEC	TOTAL 1991
<b>Security Forces</b>	17	10	1	35	0	0	99
<b>Paramilitary Groups</b>	1	0	0	1	16	2	30

The following cases are examples of the pattern of abuse by the security forces:

#### 1. Santa Bárbara Massacre, July 1991

Fifteen peasants, including seven children, were detained and later murdered by army soldiers who seized them in the highland community of Santa Bárbara in the department of Huancavelica in July 1991. The case is unusual in that a group of soldiers and a lieutenant have been charged in military court with various crimes from the civilian penal code, including homicide and rape, in connection with the case.<sup>29</sup> This development reflects the extraordinary domestic and international attention to the case; it is one of nine cases whose progress is monitored by the U.S. Congress as a condition for the release of military aid to Peru. Nonetheless, the security forces and some

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compared with 300 in 1991. The Coordinadora held the authorities responsible for 82 extrajudicial executions in 1990 compared with 99 in 1991. Preliminary figures for 1992 show sixty-three disappearances in the first six months (January–June), and 24 extrajudicial executions from January 1–April 20.

<sup>27</sup> Source: Coordinadora Nacional de Derechos Humanos.

<sup>28</sup> Source: Coordinadora Nacional de Derechos Humanos.

<sup>29</sup> As these crimes are not contemplated in the military code of justice, members of the military involved in human rights abuses have generally been charged only with abuse of authority. Application of the civilian penal code is an innovation.

government officials have systematically harassed relatives of the victims, witnesses, and officials attempting to investigate the case.

On July 4, 1991, soldiers from the "Santa Teresita" military base in Huancavelica and from a base in Lircay, together with members of the *ronda campesina*<sup>30</sup> of Lircay, traveled to the Rudiopampa area of Santa Bárbara and raided the homes of Francisco Hilario Torres and Ramón Hilario Morán, capturing everyone they encountered inside. Those detained included Francisco Hilario Torres, 60, and Dionisia Quispe Mallqui, 57; their daughters Antonia Hilario Quispe, 31, and Magdalena Hilario Quispe, 26, and daughter-in-law Mercedes Carhuapoma De la Cruz, 20; and their grandchildren Ysonia Osnayo Hilario, Mirlam Osnayo Hilario and Roxana Onayo Hilario (all minors). Also seized were minors Wilmer Hilario Carhuapoma and Alex Jorge Hilario, as well as Ramón Hilario Morán, 26, Dionisia Guillén Riveros, 24, and their children Raúl Hilario Guillén, 1 1/2 years and Héctor Hilario Guillén, 6.

The same day, a military patrol of fifteen soldiers detained Elihoref Huamani Vergara, 22, as he was leaving Santa Bárbara, heading for Acobamba, according to his father, who witnessed the capture.

Witnesses immediately reported the captures to the public prosecutor (*fiscal provincia*) in Huancavelica. Prosecutor Luz Gladys Roque Montesillo then went to the Santa Teresita military base to determine whether the captives were being held there. A military officer, Jesús Rodríguez Franco, barred her from the base, saying he needed authorization from a higher officer at a different base, and that the military operation underway had not been finished.

On July 11, Viviano Hilario Mancha, whose son, daughter-in-law and two grandchildren had been among the fifteen detained by the army one week earlier, was searching for his loved ones near the "Mysterious" mine in a place called Chunumayo in the community of Huachocolpa. There he noticed a dog with blood stains on its snout coming from the mine. Hilario Mancha approached the entrance to the mine and from the door, he saw the body of his six-year-old grandson Héctor Hilario Guillén, whom he recognized by his clothing. Seeing several half-buried bodies, he fled in terror.

The next day, July 12, Hilario Mancha informed the prosecutor's office and the judge in Huancavelica of what he had seen, and the following Sunday, July 14, was set as the date for the judge to collect the bodies and other evidence at the mine. On July 14, a group of 18 Santa Bárbara residents arrived for the judicial procedure, only to be detained by soldiers. During the five and one-half hours they were held, the peasants heard four explosions from the direction of the mine. The judge did not arrive at the site that day, having gotten lost on the way.

On July 18, when the judge finally arrived to collect the bodies, he found only pieces of bodies, hair, and clothing, including a baby's shoe, interspersed with dynamite cartridges and fuses.<sup>31</sup>

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<sup>30</sup> Rondas campesinas, or village self-defense patrols, have traditionally served to protect peasants in remote peasant communities in northern Peru from cattle thieves. Beginning in 1982, the military began promoting the formation of patrols in Ayacucho as a means of combatting Shining Path (see below).

<sup>31</sup> CEAPAZ, "Informe Sobre Los Hechos Ocurridos en la Comunidad Santa Bárbara," (Lima: July 31, 1991). Although there is little doubt that the remains belonged to at least some of the 15 peasants detained on July 4, the judge could not identify the bodies from the fragments at the mine. Technically, the victims remain disappeared.

Upon their return to Huancavelica following the judge's visit to the mine, Viviano Hilario Mancha, Lorenzo Quispe Huamán, Zósima Hilario Quispe, Moisés Hilario Quispe, Pascual Mancha Hilario, Bonifacio Cusi Huamani, and Nicolás Huamán Chumbes were detained by the Technical Police. They were held until July 19, except for the last two, who were held several days more. All were released without charges.

On October 31, 1991, several Peruvian newspapers carried the news that then-Defense Minister General Jorge Torres Aciego had told Senator Enrique Bernaldes that six soldiers would be tried in military court for the massacre of the fifteen peasants on the following counts:<sup>32</sup>

**Infantry Lieutenant Javier Bendezú Vargas:** aggravated murder and abuse of authority

**Non-commissioned officer Duilio Chipana Tarqui:** offenses against public duties and against the administration of justice

**Non-commissioned officer Fidel Auseblo Huaytalla:** offenses against public duties

**Sergeant Oscar Carrera Gonzales:** abuse of authority

**Sergeant Carlos Prado Chinchay:** aggravated murder, theft, and rape of two women in his custody

**Sergeant Denis Pacheco Zambrano:** theft of cattle and rape

The decision to try the case in military court, which in almost every case has exonerated those charged with human rights abuses, is discouraging, but typical. The filing of charges in military jurisdiction acts to thwart civilian inquiry through a jurisdictional challenge. The result has been a near-perfect record of impunity for military abusers of human rights. To the best of our knowledge, in 12 years, there are only two cases in which members of the military have been convicted of a human rights offense.<sup>33</sup> Proceedings in military tribunals are secret, as are the outcomes, unless the army decides to publicize them.

In light of this near iron-clad guarantee of impunity in the military court jurisdiction, human rights groups and others in Peru pressed for the Santa Bárbara case to be tried in the civilian court system. To this end, a criminal charge was brought before the prosecutor's office in Huancavelica on November 29, 1991. On February 26, 1992, the district court in Huancavelica initiated proceedings against several members of the military in the Santa Bárbara case. Public prosecutor Eduardo Rojas Leysequía appealed the decision on the grounds that there was evidence to hold army commanders responsible as well, including the chief of the political-military command of Huancavelica

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<sup>32</sup> The case is before the *Consejo de Guerra Permanente de la Segunda Zona Judicial del Ejército Peruano*.

<sup>33</sup> In January 1992, a military court in Lima sentenced retired army major Luis Angel Morillas Céspedes to fifteen years in prison for having ordered his subordinates to murder a civilian and hide his body. More recently, former army officer Telmo Hurtado was sentenced to six years in jail for the murder of at least 30 peasants—including six children—in Accomarca, Ayacucho, in August 1985 (see Americas Watch, *Human Rights in Peru After President García's First Year*, September 1986, pp. 5–8). However, Hurtado remains at liberty while his appeal is heard by the Supreme Council of Military Justice (*Ideéle*, [Lima: Institute for Legal Defense] Number 37, Año 4, [May 1992], p. 34.) Six years is an extremely light sentence given the gravity of Hurtado's crime. Equally shocking is the fact that after the massacre, Hurtado was promoted from second lieutenant to captain.]

at the time, Colonel Fernando Lizarzaburu Corte, Lieutenant Jesús Rodríguez Franco, and Commander Alfredo Corzo Fernández. As of late June, there had been no ruling on this appeal. Meanwhile, the conflict between civilian and military court jurisdictions may ultimately have to be decided by the Supreme Court, which has repeatedly ruled in favor of military jurisdiction in human rights cases. There has been no progress reported in the military court jurisdiction in the case.

In addition to presenting a jurisdictional challenge, the security forces and some allied civilian officials have launched a systematic effort to derail the civilian investigation through intimidation, threats, and violence.

On November 8, police detained Nicolás Hilario Morán and Lorenzo Quispe Huamán, two of the community members who have insisted that the crime be investigated and punished, when they presented themselves at the office of the public prosecutor in Huancavelica to provide testimony about the case. In a telephone conversation with an attorney from CEAPAZ, the chief prosecutor (*fiscal superior*), Pedro Sandoval Fonseca, stated that he had requested that the two be arrested for falsely accusing the armed forces of the disappearances. This accusation flies in the face of the announcement by Defense Minister Torres Aciego that the army was indeed responsible. Moreover, this all-too-common practice of arresting people who come forward with information about crimes constitutes a particularly crude form of obstruction of justice. Obviously, it intimidates the victims and discourages others who might provide evidence.

On July 10, a member of the Security Police in Huancavelica fired on the mother and infant daughter of the prosecutor Luz Gladys Roque Montesillo, who was in charge of the initial stages of the investigation into the disappearance of the fifteen peasants. Roque's 20-month-old daughter was injured in the incident, which occurred as the prosecutor's mother was taking the baby to the prosecutor's office in Huancavelica.

On July 26, a secretary in the prosecutor's office in Huancavelica, Inés Sinchitullo Barboza, was obliquely threatened by prosecutor Sandoval when she was typing the complaint against the military for the massacre. "Don't get involved with them, because they will give you a little present," he warned. Two days later, the secretary's house was damaged in an explosive attack, which caused her to miscarry and damaged the hearing of her four-year-old son.<sup>34</sup>

The prosecutors reported these incidents to their superiors. In addition, they reported that some officials in the office, namely prosecutor Pedro Sandoval and the adjunct provincial prosecutor Lidia Espinoza Chávez, were providing information to the military so as to frustrate the civilian investigation.<sup>35</sup> A police investigation into the accusations by the prosecutors failed to find any individual responsible.

On February 19, 1992, prosecutor Manuel Córdova Polo, who had twelve days earlier presented the criminal complaint against the members of the army for the massacre, was threatened by Lieutenant Jesús Rodríguez Franco, alias Captain Sadam, who entered the prosecutor's office with two soldiers. Córdova Polo wrote to his superior, the chief prosecutor (*Fiscal Superior Decano*) of Huancavelica, Humberto Parejas Raymundo, about the threat and requested police protection for the office. Parejas reportedly responded that Córdova Polo

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<sup>34</sup> Asociación Pro Derechos Humanos (APRODEH), *Nota Informativa*, "Militares Amenazan a Fiscal Encargado del Caso Santa Bárbara," (Lima: March 24, 1992); and CEAPAZ, letter to Americas Watch, March 11, 1992.

<sup>35</sup> Informe 22-MP-FPRPD-Hvca., September 3, 1991, cited by CEAPAZ in its March 11, 1992 letter to Americas Watch.

should forget the whole thing and criticized his complaint against the military.<sup>36</sup>

## **2. Massacres in the Alto Huallaga, October and March 1992**

At about 8:00 p.m. on October 15, 1991, soldiers from the army base in Aucayacu, in the province of Leoncio Prado, department of Huánuco, detained 32-year-old peasant **Rafael Magallanes Huaman** in front of his house, placing him in a truck and driving him to their base. Inquiries were made repeatedly at the military base in Aucayacu, at the Los Laureles base in Tingo María—where according to one testimony, the victim was later transferred—and with the provincial prosecutor of Leoncio Prado, and a habeas corpus was presented against the chief of the political-military command of Tingo María. Although the habeas corpus had been ruled unfounded, the second criminal chamber of the Supreme Court overturned this ruling on January 28, 1992, and ordered a new investigation into the case. Despite these efforts, Rafael Magallanes Huaman remains disappeared.

The same day that Magallanes was seized, soldiers from the Aucayacu military base captured teacher **Ricardo Saavedra Fernández** along with **Isabel Lozano Ríos** and **Lupe Angulo Vela** from a bus in which they were traveling from Aucayacu to Anda. These three were also taken to the Aucayacu base, where they were seen on October 16. On October 18, the body of Isabel Lozano Ríos was found with the head and extremities removed. Her body was recognized by the clothing. There is no further information as to the whereabouts of Saavedra Fernández and Angulo Vela.

Also on October 15, at 5:00 p.m., about fifteen soldiers under the command of Lieutenant Iván Lagos Céspedes arrived at the hamlet of Pueblo Nuevo, on the road between Aucayacu and Tingo María in a white truck. They took from their houses **Ely Sifuentes**, his wife, **Susy**, an individual identified only as **Wily**, and two men whose names are not known, and cut their heads off with bayonets. Soldiers also are reported to have entered Campo Grande that day (which lies at the entrance to Pueblo Nuevo) where they murdered four individuals, leaving a fifth whose last name is Salas seriously wounded.<sup>37</sup>

Americas Watch received a detailed report of a massacre carried out on March 10, 1992, by combined troops of the army and navy of fourteen people, six of them minors, from a village in the Alto Huallaga area in the province of Leoncio Prado. Because the witnesses and relatives fear reprisals from the security forces, we cannot release the names of the victims or the precise location of the massacre.

The slaying came four days after an army helicopter was fired on by guerrillas in the area. The army retaliated with a bombing raid, and two days later, Shining Path guerrillas ambushed an army column. On March 9, the victims were captured by army and navy troops as they traveled on the Huallaga river. On March 10, they were all slain, according to CEAPAZ.

## **3. Chavín Massacre, February 1992**

Police forces have also carried out serious abuses, including torture, extrajudicial executions, and the use of excessive force in handling disturbances. One such case cost the life of five peasants in the district of Chavín, province of Huari, department of Ancash, on February 8, 1992.

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<sup>36</sup> Ibid.

<sup>37</sup> Letter to Americas Watch from CEAPAZ, November 7, 1991.

According to an investigation by the Lima-based *Asociación Pro Derechos Humanos* (APRODEH), the conflict leading up to the incident was sparked on January 26, when members of a local *ronda campesina* captured Román Gonzales Leyva, whom they accused of repeatedly stealing their cattle. The *ronderos* turned Gonzales over to the police in Chavín, who immediately let him go. On February 3, the *ronderos* again captured Gonzales, but decided to hold him in their own improvised jail in the community of Chahuayaco. Early on the morning of February 8, police came to Chahuayaco to free Gonzales; taking him with them to their post in Chavín, after savagely beating three *ronderos* who were guarding him.

The local authorities from Chahuayaco and the nearby communities of Huaripampa and Rancash decided to travel to the police post in Chavín to demand the return of their captive, whom they wanted to punish according to local custom. At 11:00 a.m., some 100 *ronderos* from Chahuayaco approached the police post in Chavín, stopping about 100 meters away. The police demanded that the president of the community come forward. Fearing that the police would harm him, the *ronderos* responded that a group of representatives should go forward. Without further communication, the police then threw tear gas at the crowd, followed by two grenades and gunfire. Chahuayaco residents Paulina Ramírez Mejía, who had her two-month-old baby strapped to her shoulder, and Wilma Ramírez Medina, who was seven months pregnant, fell dead. At this point, witnesses told APRODEH, the *ronderos* began throwing stones at the police, as the *ronderos* retreated and the police sought shelter inside their post.

On the other side of town, the *ronderos* from Huaripampa and community leaders from Huichin and Rancash, totalling about 120 people, arrived. Hearing gunfire, the marchers came to a halt about 150 meters from the post, where they sat down in a circle around the president of Huaripampa, Manuel Palacios Gomero. When he began to speak, Palacios Gomero received a bullet in the chest, killing him instantly. The police then renewed their attack with tear gas, hand grenades, and gunshots, killing Arnulfo Acovedo Paucar, the lieutenant governor of Rancash, and Vicente Mejía Salazar from Rancash. Twenty-one others were wounded.

In a March 11, 1992 interview with Americas Watch, National Police director Lieutenant General Adolfo J. Cuba y Escobedo defended the police actions in Chavín, saying that they had saved Gonzales from assassination by the *ronderos*. He further stated that the *ronderos* had attacked the police post with bottles, molotov cocktails, and dynamite, injuring four of the ten policemen at the post. Police are allowed to use firearms when surrounded, he noted.

Certainly the police were carrying out their duty in rescuing Gonzales from private justice at the hands of the *ronderos*, although the *ronderos'* action arose from the apparent failure by the police to investigate the accusations lodged against Gonzales in the first place. And it is not surprising that ten policemen might feel threatened by an angry crowd of *ronderos* marching on their post. Yet the testimony taken by APRODEH from witnesses, prosecutors, and judicial personnel affirms that the *ronderos* were not armed and that they approached the post peacefully until fired on by the police, at which point they picked up rocks from the road and threw them at the post. The three peasants from Rancash were not even approaching the post when the police shot them dead, according to this testimony. This information supports the conclusion that the police used excessive force in repressing the protest as well as summarily executing three of the victims. Yet instead of investigating these apparent crimes by the police, the local prosecutor immediately wrote up a criminal complaint against the five deceased peasants, the wounded marchers, and other community officials on charges of terrorism, disturbing the peace, and other offenses. A commission of attorneys from the Episcopal Commission for Social Action (CEAS) then

lodged a criminal complaint against the police for homicide and injuries.<sup>38</sup> The judge has turned the case against the police over to the military jurisdiction, while at the same time opening proceedings in civilian court against the marchers.

## **B. Paramilitary Groups**

Several massacres by unidentified agents in which the victims' real or imagined ties to Shining Path were the motive for the attack have provoked speculation that the authorities have chosen to rely increasingly on covert killings in response to international pressure to reduce abuses. The most chilling of these cases was the **Barrios Altos** massacre in the heart of downtown Lima.

### **1. Barrios Altos Massacre, November 1991**

At about 10:30 p.m. on November 3, 1991, a group of six to twelve men in civilian clothes, two of them hooded, entered an apartment at 840 Huanta Street in the Barrios Altos neighborhood in downtown Lima where a group of men, women, and children (most of them street vendors) were attending a chicken barbecue to raise funds for repairs in the apartment. Ordering those present to lie down, the armed men fired on them with automatic weapons, apparently equipped with silencers.<sup>39</sup> Fifteen of the partygoers died, including an eight-year-old boy, and four were wounded by gunshots.

The attackers arrived and fled the scene in two trucks with sirens, apparently a jeep Cherokee and a Mitsubishi which the police said had been stolen from President Fujimori's brother, Santiago, and the vice minister of interior, David Mejía. One policeman on duty at a nearby precinct told a congressional investigating commission he saw a troop transport vehicle following the Cherokee and the Mitsubishi.

Although officials have attributed the massacre to Shining Path,<sup>40</sup> circumstantial evidence, outlined below, suggests security force culpability.

- The crime took place in an area of strong police control; abutting the headquarters of the intelligence division of the National Police and a short distance from another police precinct.

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<sup>38</sup> APRODEH, *Nota Informativa*, "No Fue Ataque Terrorista, Matanza de Campesinos en Chavín es Injustificada," March 10, 1992.

<sup>39</sup> The police told a commission of the Peruvian Congress assigned to investigate the case that all the ammunition fired was 9 mm. The type of weapons used, however, has not been determined. An anonymous source provided the commission with an advertisement for Heckler & Koch (HK) submachine guns. In response to the commission's query, DIRCOTE said it had no information on the HK. Yet there is reason to believe the weapon is used by army intelligence agents. Journalist Gustavo Gorriti, who was detained by army intelligence agents the morning after the April coup, said his captors were armed with HK submachine guns with silencers. (Sarah Kerr, "Fujimori's Plot: An Interview with Gustavo Gorriti," *New York Review of Books*, June 25, 1992, p. 18.) It is believed that silencers were used in the Barrios Altos case because witnesses interviewed by the police—with one exception—said they heard nothing, despite the fact that as many as 100 shots were fired. A street vendor who was selling her wares outside as the assailants arrived told police she heard about 80 detonations which sounded like popcorn popping.

<sup>40</sup> Most recently, Defense Minister General Víctor Malca Villanueva told a closed session of the Defense Commission of the Peruvian Chamber of Deputies on April 2, 1992, that "a terrorist command" was responsible for the massacre. (APRODEH, *Nota Informativa*, "Ministro Exculpa a Militares de Matanza en Barrios Altos," April 3, 1992.)

- **Initial reports that one of the killers was a woman and that a variety of ammunition was used—both typical Shining Path methods—were later dismissed by the police.<sup>41</sup> All of the assailants were men and the ammunition used was all 9 mm.**
- **Some of the victims of the massacre were members of Shining Path's "Metropolitan Committee."**
- **The site of the massacre, 840 Huanta Street, had been under surveillance by the Army Intelligence Service (SIE) since 1989, according to secret documents leaked to Senator Javier Diez Canseco, a member of the congressional investigating commission. The operation was initiated following reports of a Shining Path presence at that address. The intelligence unit—which took the name *Operaciones "Ambulante"* in reference to the suspicion that Shining Path was organizing street vendors (*vendedores ambulantes*) in Lima—operated from a post nicknamed "Sheraton" because of its proximity to the downtown hotel, the documents show. On April 8, 1991, agents of the National Police Intelligence Directorate (DIRIN), unaware of the army intelligence operation directed at 840 Huanta, arrested two of the army intelligence agents, thinking they were taking pictures of the DIRIN headquarters. Police seized film from one of the agents, non-commissioned officer Yoni César Berríos Rojas, including twenty-two shots apparently taken of the premises. According to the DIRIN report on the incident, the two agents said they were on a special mission for the National Intelligence Service (SIN).<sup>42</sup> Indeed, Berríos's name reportedly appears on the list of agents assigned to the "Sheraton" intelligence post.<sup>43</sup> Testifying before the Peruvian Senate after the massacre, Interior Minister Juan Briones Dávila stated that the "Sheraton" post did not exist; that the intelligence operation revealed by Senator Diez Canseco was directed at a different house on the block; and that the surveillance operation was conducted by DIRCOTE, the police anti-terrorism branch, rather than army intelligence. He did not explain why Berríos, when captured by the police, stated that he was on a special mission for military intelligence, not DIRCOTE.**

**DIRCOTE turned over a report on the case to the congressional commission on December 19. Although several leads remain to be followed up, the police have not taken action since that time. The dissolution of the Congress by President Fujimori has prematurely ended the congressional investigation as well. And the prosecutor working on the case, Pablo Livia, who reportedly planned to visit military special forces units with ballistics experts to search for a possible match with the crime weapons and ammunition, was abruptly transferred and then fired.<sup>44</sup> The prospect that the largest massacre in recent memory in downtown Lima will go unpunished, as have dozens of rural massacres in 12 years of conflict in Peru, looms very large.**

## **2. Massacres In the Norte Chico, January 1992**

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<sup>41</sup> **Shining Path assassination squads often include women. Most of its weapons and ammunition are stolen, and thus are generally a mixture.**

<sup>42</sup> **SIN technically coordinates the intelligence activities of the armed forces, including the Army Intelligence Service, SIE. It is also charged with conducting strategic, or international, intelligence activities. During the Fujimori government, the two agencies are said to have been working hand in hand.**

<sup>43</sup> **"La Masacre de los Barrios Altos: Pista Caliente," *Caretas*, Number 1186 (November 18, 1991), p. 32.**

<sup>44</sup> **"Castigando el Cielo," *Caretas*, Number 1208, (April 27, 1992), p. 51.**

In the second half of 1991 and early 1992, Shining Path has increased its presence in an area north of Lima known as the Norte Chico, where a breakaway faction of the MRTA has also been active. Among the high-profile assassinations which have rocked the area in the last year are the slaying of the mayor of Huaura and his municipal director on August 10, 1991, and murder of Major General Julián Olivera Angeles on December 16, 1991, on the road between Huaura and Huacho. In addition to targeted assassinations by the guerrillas, there have been several violent incidents by paramilitary groups believed to be linked to the security forces.

### **Pampa San José y Caraqueño Slayings**

One community buffeted by both sides in the conflict is the "annex" of Pampa San José and Caraqueño, in the province of Barranca, department of Lima. For the last three years, the area has become a Shining Path base for youth training, according to a resident interviewed by Americas Watch. Shining Path carried out a number of assassinations in 1991, including the murder of the mayor of nearby Pativilca in August.

On January 29, 1992, at about 3:00 a.m., a group of about 20 armed men with their faces painted red entered the community. A hooded man pointed out the houses from which the others violently seized six men.<sup>45</sup> They vowed to return for another twelve whom they were seeking. The assailants, who came and left in two trucks, are said to have carried army weapons. The bodies of the six men were found that evening in a sugarcane field near Upacá, a few miles away. The bodies, identified as **Pedro Agüero Rivera, Toribio Aponte Ortiz, Jhon Calderón Ríos, Castillo Manrique F., César Rodríguez Esquivel, and Nieves Ernesto Arias Velásquez**, bore signs of torture, a witness told Americas Watch.

Although the assailants painted Shining Path graffiti on a wall in the community before leaving, there is reason to doubt the guerrillas were responsible. A police commander in Barranca confidentially told a community member after the slayings that the army had been responsible. After the January 29 incident, Shining Path held a meeting in the community of El Molino to deny involvement and promise to avenge the murders.

### **3. Huaura Massacre, January 1992**

On the night of January 23, 1992, two cars arrived at the home of Gualberto Rodríguez Páucar, a well-known activist with the left-of-center Movement of Socialist Affirmation, in the Señor de los Milagros development in Huaura. Eight men with machine guns and bullet-proof vests forced open the door of the house, while another kept watch outside. Neighbors heard screams and, after the men left, discovered five people shot dead inside the house. The victims were **Gualberto Rodríguez Páucar**, his wife, **Sara Cautín Mallqui** (who was eight months pregnant), his mother, **María Páucar**, and two visitors identified as **Javier Montes Solórzano** and **Raymunda Jara Muñoz**. Rodríguez's body reportedly had 24 bullet wounds, his mother's had 18, and his wife 14. Several factors suggest security force involvement in the slaying:

- The weapons used are believed to have had silencers, judging from neighbors' statements. Unlike the security forces, Shining Path is not known to have used silencers, as it is usually eager to publicize, not hide, its crimes;
- the ammunition used was all 9 mm. As noted above, Shining Path is said to use a mix of ammunition

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<sup>45</sup> Residents' versions vary as to whether the attackers included a woman or a man dressed as a woman.

because its weapons are stolen;

- the victims had more than 15 bullet wounds each. Shining Path is said to avoid wasting ammunition; whereas the security forces may have wanted to do away with witnesses;
- Gualberto Rodríguez's father told Americas Watch that in one of the police photographs of the crime scene, he saw a military cap hanging on the wall. He said he had never before seen such a cap in the house;
- according to the Institute for Legal Defense (IDL), witnesses saw one of the vehicles used in the massacre parked at the entrance to the police commissary in Huacho. A group of armed civilians were inside.<sup>46</sup>

Interior Minister General Juan Briones Dávila told Americas Watch in a March 11, 1992 interview that Shining Path was responsible for the slayings. He denied that the use of silencers indicated paramilitary or security force involvement.

Nonetheless, the investigation into the case has not progressed.

### **C. Rondas Campesinas**

Perhaps the single innovation in counterinsurgency policy which President Fujimori has contributed has been a sharply increased emphasis on the role of village self-defense groups known as rondas campesinas in the war against Shining Path. As noted above, rondas have existed in some areas of Peru for decades as a communal measure against crime. Beginning in Ayacucho in 1982, the military has reshaped and expanded the rondas, bringing many under military control and placing them on the front lines of the conflict.

In November 1991, Fujimori issued a package of legislative decrees concerning pacification. Three of these decrees expanded the use of rondas campesinas in counterinsurgency. Decree Law 740 authorized the rondas to use 12 gauge shotguns; Decree Law 741 established for the first time that the rondas operate "...to support the Armed Forces and National Police of Perú in the tasks of pacification...." (*Americas Watch translation*) Decree Law 759 holds that ronda duty can be used to substitute for military service.

While the expansion of the rondas in conflict zones such as Ayacucho has been widely credited with weakening Shining Path in those areas, Americas Watch sees this policy as extremely dangerous for human rights. The use of civilians in counterinsurgency diversifies the sources of violence and lessens accountability for violations. Moreover, it makes ronderos a military target in the war without granting them the protections afforded the military such as barracks, military arms and equipment, and safety in numbers. It essentially provides the army with cheap soldiers. Thus patrollers become cannon fodder for the Shining Path, as was the case in the Andean village of Santo Tomás, in Ayacucho, where Shining Path cadres massacred 37 patrollers on November 3, 1991. Equally troubling, civil defense members have themselves become the authors of egregious human rights abuses, as is evident from the fate of ten peasants from the community of Paccha, in the district of Tambo, in Huancayo province in the department of Junín.

On February 27, 1992, about forty hooded ronderos armed with rifles entered Paccha, firing into the air, beating men, women, and children, and calling out names from a list. Capturing ten residents whom they

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<sup>46</sup> "La 'guerra' en el norte chico," *ideéle*, Number 35, Year 4, (March 1992), p. 18.

accused of belonging to Shining Path, they threw them on the ground, beat them with their arms and kicked them. They tied the ten captives and marched them away in the direction of the patrollers' base in Colpar, according to witness testimony taken by CEPAZ. The victims were identified as Percy Borja Gaspar, 14, Angel Zanabria Ubaldo, 16, Gumerclindo Ubaldo Zanabria, 16, Apolonía Lazo Rodas, 25, Herminio Borja Ríos, 25, Fredy Gaspar Ríos, 25, José Núñez Huallpa, 18, Ernesto Salomé Bravo, 27, Jesús Pumahuall Salomé, 40, and César Sánchez Castro, 25. The patrollers responsible for the capture and subsequent disappearance of the ten villagers operate under the command of the army base at Concepción, capital of the province by the same name, in Junín, according to CEPAZ. Although villagers presented a habeas corpus on behalf of the ten peasants and placed a complaint with the special human rights prosecutor in Huancayo, the ten remain disappeared.

## **IV. ASSASSINATIONS AND THREATS BY INSURGENTS**

Since our first report on human rights in Peru in 1984, Americas Watch has reported on violations of the laws of war by the armed opposition as well as government forces. The standards set forth in Common Article 3 of the four Geneva Conventions of 1949 explicitly address conflicts that are not of an international character. Americas Watch applies these standards where guerrilla forces do not exercise formal, consistent control over population or territory, as is the case in Peru.<sup>47</sup> Common Article 3 prohibits mistreatment of individuals taking no active part in hostilities, including combatants who have laid down their arms or have been placed *hors de combat* for any reason. Strictly prohibited are: violence to life and person, in particular murder, mutilation, torture; humiliating or degrading treatment; the passing of sentences and carrying out of executions without previous judgment pronounced by a regularly constituted court affording guarantees of due process.

The application of Common Article 3 does not affect the legal status of parties to a conflict, nor does it confer any special status on the armed opposition.

Both the MRTA and Shining Path have violated Common Article 3. Shining Path has done so with remarkable abandon and cruelty. The section below focusses on the systematic practice by the Shining Path of assassinating civilians in an effort to eradicate Peru's civil society and its former democratic institutions, a practice which shocks the conscience and unquestionably violates the laws of war. The recent campaign of car bombs in Lima by the Shining Path is described in the introduction. An additional section describes abuses by the MRTA.

### **A. Shining Path**

#### **1. Against Women's Groups**

The combination of a tremendous influx of displaced persons fleeing war in the countryside with an economic "shock" program with severe consequences for the poor has led the Peruvian women's movement to intensify humanitarian efforts in Lima's exploding shantytowns, whose inhabitants now outnumber the rest of the capital's population. Within the poor neighborhoods, women lead many neighbors' associations and soup kitchens, grassroots organizations that are largely responsible for winning for Peru's poor access to light, water, and other

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<sup>47</sup> Protocol II of 1977, which is a more detailed instrument covering internal conflicts, contains rigorous requirements as to control of population and territory by armed opposition. Essentially, Protocol II is applied only where the guerrillas replace state authority in the areas they control and function as an alternative state.

basic services. Many of these survival organizations are allied with political groups which Shining Path considers enemies, such as APRA and the United Left. Women who lead these organizations have come under intense pressure from Shining Path to align themselves and their organizations with the guerrillas. Those who have refused have become prime targets of Shining Path violence.

In a February 1992 issue of its clandestine newspaper *El Diario*, Shining Path took aim at women's rights organizations, which, it said, "serve as an instrument of oppression and retardation of the woman with the goal of removing them from the path which the proletariat and the people have chosen with the popular war."<sup>48</sup> María Elena Moyano, a feminist leader who would later be assassinated by Shining Path, succinctly described the guerrillas' logic in an interview in October 1991: "While they are arousing a revolution, we are extinguishing it."<sup>49</sup> The Shining Path campaign against women's groups began in earnest in August 1991.

\* On the morning of August 31, while she and other women were preparing breakfast in the Juan Pablo II soup kitchen in Callao, Juana López León, 44, was shot dead by four members of Shining Path—three men and a woman. López was the coordinator of the "Glass of Milk" program in the Néstor Gambetta settlement in Callao. López was also an active promoter of the electrification committee in her neighborhood. Days before her death, López had received threats from Shining Path saying she would be killed if she did not give up her work. Beside her corpse was found a dead dog and a sign reading "This is how female traitors die."<sup>50</sup> Claiming credit for the act in *El Diario*, Shining Path accused López of having collaborated with the police by denouncing presumed Shining Path members.<sup>51</sup>

Following the assassination of Juana López, feminist leaders in Lima's shantytowns began receiving frequent death threats from Shining Path. Among those threatened were María Elena Moyano, the socialist deputy mayor of Villa El Salvador, Emma Hilario Chuquipoma, President of the National Commission of Soup Kitchens, and Teresa Aparcana, president of the Metropolitan Coordinating Group of the Glass of Milk. Two National Police bodyguards were assigned to protect Moyano.

On September 10, Shining Path allegedly blew up the food warehouse of the Popular Women's Federation of Villa El Salvador.<sup>52</sup> With more than 350,000 inhabitants, Villa El Salvador has been known for its strong popular organizations. Its administration has been clearly identified with leftist political parties which Shining Path opposes. Following the dynamite attack, Moyano led a march against Shining Path and became one of the group's most outspoken critics.

- On December 20, Shining Path again targeted a woman noted for her organization in poor urban districts. In

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<sup>48</sup> (*Americas Watch translation*) The women's groups named by *El Diario* were the Flora Tristán Center for Peruvian Women, the Arequipa Women's Center, the Association for Development and Integration of Women (ADIM), Peru-Woman, and "especially" the Manuela Ramos Movement. (*El Diario*, February 21, 1992.)

<sup>49</sup> Inter-Church Committee on Human Rights in Latin America, *Alerta* (Toronto: 1992), Number 2, p. 2.

<sup>50</sup> Centro Flora Tristán, "The Assassination of María Elena Moyano: Chronicle of a Death Foretold," (Lima: February 18, 1992).

<sup>51</sup> "En la mira del terror," *ideéle*, Number 30, Year 3, (October 1991), p. 18.

<sup>52</sup> Shining Path denied responsibility for the attack, instead blaming Moyano who, the rebels asserted, sought to discredit them.

addition to leading the National Commission of Soup Kitchens, Emma Hilario Chuquipoma directed several other popular organizations in the *pueblo joven* Ollantay in Pamplona Alta, district of San Juan de Miraflores in Lima. Five attackers entered Hilario's home at approximately 6:00 a.m., shooting Hilario, her brother-in-law, Nelson López Baca, and her husband Alfredo López Baca. The guerrillas left, apparently thinking Hilario was dead.<sup>53</sup> Hilario was seriously wounded, and subsequently fled the country. Shining Path claimed credit for the assassination attempt.

- Also that month, a leader of the Glass of Milk program in the José Carlos Mariátegui settlement of San Juan de Lurigancho, Lima, Doraliza Espejo Márquez, was assassinated by Shining Path.<sup>54</sup> In addition to her work with Glass of Milk, Espejo was an activist with the United Left political party. On December 4, three Shining Path guerrillas shot Espejo to death in her home, leaving behind a sign reading "death to the army collaborators." The guerrillas had accused Espejo of collaborating with the army in distribution of food in the neighborhood, according to IDL.
- On January 6, 1992, alleged Shining Path members threw dynamite at the Glass of Milk center in the district of El Agustino, also in Lima. This program provides food for some 85,000 children of the district.<sup>55</sup>
- At 7:30 p.m. on February 15, 1992, the day after Shining Path had declared an "armed strike" in Lima, a guerrilla hit squad shot dead María Elena Moyano as she attended a fund-raising activity for the women's committee of Villa El Salvador. Her assailants then dragged her corpse to the door and, in an act of exceptional cruelty, exploded it with dynamite in plain view of her two children and a nephew, who was injured in the explosion.

The day before, Moyano had organized a March for Peace in Villa El Salvador to counter Shining Path's armed strike. A statement released on February 29, 1992, by the *Movimiento Clasista Barrial*, a Shining Path front group, hailed the assassination of Moyano:

On February 15, 1992, the PCP [Communist Party of Peru—the formal name of Shining Path] applied a just sanction to María Elena Moyano for her counterrevolutionary role as agent of imperialism and functionary of the old State ...and because she sought a confrontation of masses against masses during the Armed Strike of February 14 proposing the formation of urban self-defense groups...

The statement, as well as an account published in the clandestine Shining Path newspaper, *El Diario*, threatened other feminists and popular leaders of Villa El Salvador, including Esther Flores, the president of the Popular Women's Federation of Villa El Salvador (FEPOMUVES), and Esperanza de la Cruz, another FEPOMUVES leader, Jalmo Navarro, community leader Michel Azcueta, and Villa's mayor, José "Yoni" Rodríguez. "Be aware that the Party has one thousand eyes and one thousand ears and all those who have debts with the party will receive a just and exemplary sanction," the statement warned.

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<sup>53</sup> "Marcados por el Terror," *Caretas*, Number 1191, (December 23, 1991), pp. 30-31; "Peru: Buildings bombed, charity leader attacked," *Miami Herald*, December 22, 1991; *Signos*, (Lima: January 17, 1992), Number 12, Year XII, p. 1.

<sup>54</sup> *Ibid.*, p. 7.

<sup>55</sup> *Ibid.*

- On February 25, 1992, a leader of the Glass of Milk program in the Tambo district of Huancayo, **Marina Oroña Barbarán**, was also shot dead by five alleged Shining Path militants.<sup>56</sup>

## **2. Against the Church**

Members of the Evangelical churches have been under fire from Shining Path for some time. According to the Coordinadora Nacional de Derechos Humanos, more than 300 of their members, 10% of them pastors, have been slain by the subversives since 1980. Especially targeted are foreign religious workers engaged in development or humanitarian work. As noted in our last report on Peru, Shining Path assassinated Australian Sister Irene McCormack in May 1991, as well as shooting and seriously wounding Spanish priest Miguel Company in July. The following cases occurred more recently.

- On August 9, 1991, a Shining Path column entered the Andean village of Pariacoto, in the province of Chimbote, department of Ancash, and seized two Polish priests, **Zbigniew Strzalkowski** and **Michał Tomaszek**, along with a Peruvian nun and the town mayor, **Justino León Maza** of the United Left. The guerrillas loaded their captives—except for the nun, whom they freed—into a jeep belonging to the parish, and drove them out of town. Before leaving, they dynamited the town hall and the Caritas warehouse. Shots were heard and the bodies of the three were found in the road about an hour later. Strzalkowski is reported to have inaugurated potable water and public health projects in the parish. Both priests were known for their strong anti-Marxist views.<sup>57</sup> The Polish priests had been sent to Peru because of a special request made to Pope John Paul II by the bishop of Chimbote. This may have been a factor in their targeting by Shining Path, which reviles the Vatican.
- Two weeks later, on August 25, hooded Shining Path rebels pulled Italian priest **Alessandro Giuseppe Dordi** from his pickup truck and shot him dead on the road linking the towns of Vinzos and Santa, also in Ancash department. The rebels shot the priest three times in the head. They forced two seminarians traveling with Reverend Dordi to accompany them, but later released them unharmed.<sup>58</sup>

In addition to the slayings, Shining Path has delivered death threats to many foreign church workers. In January 1992, church officials reported that eight Irish priests serving in shantytowns in the northern city of Trujillo fled the country after receiving threats from Shining Path.<sup>59</sup>

Shining Path spokesman Luis Arce Borja was quoted in an interview with a Lima daily in November denouncing the church for "using the religiosity of the people to confront" Shining Path. "All great revolutions have to confront the most rightist clergy," he continued, "and that is what is happening now."<sup>60</sup>

<sup>56</sup> "Asesinan a dirigente del Vaso de Leche," *El Comercio*, (Lima), February 27, 1992.

<sup>57</sup> Sam Dillon, "Missionaries in Peru fear guerrillas' wrath," *Miami Herald*, August 14, 1991.

<sup>58</sup> "Peru church rejects Shining Path threats," *Miami Herald*, August 30, 1991; Lucien Chauvin, "Church workers fall victim to Peru's internal war," *Latinamerica Press*, (Lima: September 5, 1991) Vol. 23, No. 32, p. 1; Coordinadora Nacional de los Derechos Humanos, *Boletín Informativo*, June - August 1991.

<sup>59</sup> *Miami Herald*, January 8, 1992.

<sup>60</sup> James Brooke, "Peru's Rebels Driving Church Underground," *New York Times*, December 10, 1991.

### **3. Against Development Organizations**

Shining Path denounces development and popular organizations in similar terms to those reserved for women's groups and the church, calling them cushions which prevent the awakening of the masses. Since 1988, Shining Path has killed more than a dozen aid workers, many of them foreign. In 1991, their victims included three Japanese engineers working on an agricultural research station in Huaral in the Norte Chico. In March 1992, Shining Path for the first time killed a development worker in the capital:

- On March 30, 1992, at 7:45 a.m., a Shining Path annihilation squad shot dead **Zacarías Magallanes**, a well-known community leader and worker with the private development group known as the IDEAS Center. Magallanes was heading for a bus on Central Avenue in the district of Ate-Vitarte in Lima when he was slain.<sup>61</sup>

### **4. Against Community Leaders**

Local community leaders and civilian authorities have also been consistently targeted in recent months. According to the Coordinadora Nacional de Derechos Humanos, Shining Path assassinated 69 local officials in 1991.<sup>62</sup> In the first three months of 1992, Shining Path killed 24 officials, according to CEARPAZ.

- On September 14, 1991, Shining Path members shot and killed community leaders **Fortunato Collazos** and **Alfredo Aguirre**, assistant secretary general and press officer, respectively, of the Juan Pablo II settlement in Lima. Both had been leaders in attaining services for their community. A group of some sixty people armed with sticks, knives, stones, and one firearm, surrounded Collazos's house and dragged him out and shot him, despite his wife's cries for mercy. The group killed Aguirre as he tried to help Collazos, according to IDL.
- On January 12, 1992, Shining Path reportedly killed **Ernesto López de la Cruz**, leader of the Lima slum community Atocongo.
- On February 17, 1992, the day that Villa El Salvador Deputy Mayor María Elena Moyano was buried, presumed Shining Path guerrillas killed **Andrés Dávila**, general secretary of the Nocheto neighborhood in El Agustino, one of Lima's shantytowns. Dávila had promoted the formation of neighborhood self-defense groups (*rondas urbanas*) as a measure against crime, which prompted threats from the guerrillas.

Shining Path has slain dozens of local government officials in the last year, often subjecting them to what it terms "popular trials" before their execution. Most recently, guerrillas reportedly killed the mayor and two local officials in the town of Paucartambo in this fashion on the 12th anniversary of the launching of the guerrilla war on May 17, 1992.<sup>63</sup> Local authorities are systematically targeted for two fundamental reasons: to create a power

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<sup>61</sup> *Signos*, Number 18, Year XII, (April 10, 1992): p. 8; *Andean Newsletter*, (Lima: Andean Commission of Jurists), April 6, 1992, pp. 5-6.

<sup>62</sup> Coordinadora Nacional de Derechos Humanos, *Boletín Informativo*, May 1992, p. 1.

<sup>63</sup> "Shining Path Kills Eight Peruvians to Mark 12th Anniversary," Reuters, May 18, 1992.

vacuum, to be filled subsequently by Shining Path leaders, and to prevent the holding of local elections, such as those for municipal posts held on August 18, 1992. Some of those killed in the last eight months include the following:

- **Carmen Velásquez de Albújar**, mayor of Pativilca, province of Barranca, Lima; August 12, 1991
- **Juan Carlos Casavilca**, mayor, **Isidro Rojas**, deputy mayor, and **Antonio Castillo**, governor of Laramarca, in the province of Huaytará, Ayacucho; August 28, 1991
- **Máximo Ureta**, lieutenant governor, and **Antonio Porras**, President of the *Junta de Comunidades*, annex Yapacmarca, district of Ulcumayo, Junín; August 1991
- **Gregorio Vargas**, judge, Ulcumayo, August 1991
- **Ubaldo Quinto Arbleto**, a district mayor, **Gabriel Aybar Sotomayor**, governor, and **Jesús Torres Quinto**, district mayor, Aymaraes, Apurímac; October 2, 1991
- **Wilfredo Rojas Parra**, mayor, and **Godofredo Marín Vega**, district of Huancaní, department of Junín, October 24, 1991
- **Romualdo Julcarima**, deputy governor, and **Agustín Naupari Aylas**, councilman, Monobamba, province of Jauja, Junín, November 6, 1991
- **José Macera Tito**, provincial prosecutor, Ayacucho, November 8, 1991
- **Constantino Landa Ricaldi**, governor, and **Alejandro Quispe Torres**, justice of the peace, Tarma province, Junín, November 11, 1991
- **Wilfredo Macedo Sandoval** and **Garmo Ponce Almonacid**, councilmen, district of San Luis de Shuaro, province of Chanchamaya, Junín, November 15, 1991
- **Herminio Artonales Vivanco**, district mayor, Pancan, Jauja province, Junín, November 16, 1991
- **Gregorio Julián Suche**, councilman, Huamancaca Chico, Huancayo province, Junín, November 18, 1991
- **Cipriano Balbuena Díaz**, justice of the peace, Huancayo, November 19, 1991
- **Víctor Poves Quinto**, lieutenant governor, Chanchamayo province, Junín, November 20, 1991,
- **Nicóforo Monterola Salvatierra**, municipal authority, Cajas Chico, Huancayo, December 18, 1991
- **Néstor Landeo López**, mayor, district of Mantaro, province of Jauja, department of Junín, December 28, 1991
- **Alcides Zúñiga Acosta**, justice of the peace, Pallasca, Ancash department, January 14, 1992
- **Fidencio Durand Huincho**, mayor, district of Santa Inés, province of Castrovirreyna, department of

**Huancavelica, January 11, 1992. University student Jorge Cárdenas was also killed in this incident.**

- **Miguel Calderón Yanac and his wife, district mayor of Ihuari in the department of Lima, February 26, 1992**
- **Alcibiades Mueras Lazo, governor, and Samuel Vilchez Castro, lieutenant governor, district of Huáchac, Huancayo, March 11, 1992**
- **Máximo Pérez Rojas, mayor, Huancán, Junín, March 8, 1992**
- **Alfonso Córdoba, lieutenant governor, Angel Valenzuela, mayor, Rodolfo Paz, secretary, Leonardo Bendezú, secretary, Juan Gálvez, secretary, Teodosio Montero, secretary, and Víctor Bendezú, secretary, San José de Ticllas, Ayacucho, March 12, 1992**
- **Arturo Chipana, brother of community leader in the "Esmeralda de los Andes" settlement, San Juan de Lurigancho, April 28, 1992**
- **Carlos Harrison Castro, secretary general of the "Proyectos Especiales" settlement, district of San Juan de Lurigancho, Lima, April 29, 1992**
- **Verónica Pérez, president of neighborhood organizations, district of Chilca, Huancayo, May 2, 1992**

### **5. Against the Press**

Out of concern for the way in which its actions are represented, Shining Path has also waged a deadly campaign against the press, killing journalists **Antonlo Huacachi** and **Cirilo Oré Enríquez** in October 1991 and threatening many more whose coverage of the conflict did not meet the rebels' criteria. In February 1992, Shining Path and its front group, the *Movimiento Revolucionario de Defensa del Pueblo*, made threatening phone calls to a number of foreign news agencies, including Agence France Press, EFE, ANSA, ECO TELEVISION, and Newsweek, according to the Foreign Press Association of Peru. In several cases, callers demanded that journalists "report the truth" about the armed strike called by the rebels for February 16. And on June 5, 1992, Shining Path detonated a truck bomb outside of the headquarters of Lima's Channel 2 television station, killing a news producer, **Alejandro Pérez**, and two security guards. Another twenty people were injured in the blast.

### **6. Against Human Rights Activists**

As we have reported previously, Shining Path has publicly attacked human rights groups for providing an "escape valve" for the frustrations of the people "based on a bourgeois conception of the world..."<sup>64</sup> As noted above, other groups which Shining Path has denounced as obstacles to the revolution have suffered targeted assassinations, intimidation, and threats. On May 13, 1991, Shining Path murdered human rights advocate **Porfirio Suni Quispe**.<sup>65</sup>

### **B. Abuses by the MRTA**

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<sup>64</sup> *El Diario*, June 18, 1991.

<sup>65</sup> Americas Watch, *Into the Quagmire*, p. 27.

**The MRTA is a much smaller group than Shining Path and follows a more traditional pursuit of power through armed struggle. In recent months, it has suffered from internal divisions which are believed to have greatly weakened the organization. The MRTA has frequently violated international humanitarian law through indiscriminate bombings that endanger civilian lives, kidnappings-for-ransom, and political assassinations. In 1991, the Coordinadora Nacional de Derechos Humanos held the MRTA responsible for 27 political assassinations. On January 25, 1992, MRTA guerrillas shot dead Andrés Sosa Chanamé, a former MRTA member who was engaged in a political struggle with the insurgency over control of the political grouping known as *Patria Libre*. Sosa had been threatened by MRTA leaders over the course of several months and had told human rights monitors that he feared assassination because of his differences with the MRTA leadership. According to *Caretas*, the MRTA claimed credit for the assassination in an issue of its newspaper *Cambio*. Other dissidents, including Lucas Cachay and Cecilia Oviedo were also threatened by the rebel group's leaders, according to *Caretas*.<sup>66</sup>**

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<sup>66</sup> "Cuando los Muertos Acusan, *Caretas* Number 1196, (February 3, 1992), pp. 51-54.

## V. UNITED STATES POLICY

In 1991, the Bush Administration, eager to involve the Peruvian military in its Andean drug interdiction and eradication campaign, began the first military and security assistance program to Peru in decades. As a matter of principle, Americas Watch has opposed United States' aid to Peru's security forces because of their systematic practice of gross violations of human rights, violations to which the U.S. becomes party through the provision of aid. We supported congressional conditions placed on this aid which were intended to eliminate human rights violations on the part of the security forces. It is apparent that this pressure from the U.S. Congress has indeed brought about a reduction in the number of disappearances, although the horrendous practice has by no means ended. At the same time, the continuing high rate of extrajudicial executions suggests that one form of repression is being substituted for another.

Of particular concern to Americas Watch are reports that the Central Intelligence Agency has assisted in the founding of a special anti-drug unit run by presidential adviser Vladimiro Montesinos through the National Intelligence Service. According to the *Miami Herald*, this assistance has included the donation of vehicles and the training of personnel in the United States.<sup>67</sup> Any United States support of Montesinos would appear highly inappropriate given the allegations of his links to powerful drug traffickers and his recent role as intelligence chief, in which he has acted in disregard for fundamental civil liberties. Of greater concern, however, is the possible use of U.S.-donated vehicles in human rights violations attributable to the National Intelligence Service, such as the detention of journalist Gustavo Gorriti<sup>68</sup> and the Barrios Altos massacre in downtown Lima on November 3, 1991, described above. Spokesmen for the Bush Administration have declined comment on CIA links to Montesinos and the SIN. In an interview with Americas Watch in late May, U.S. Ambassador Anthony Quainton said that Montesinos is not an agent of the CIA.

Despite Washington's ties with the Peruvian military, the State Department, and particularly Assistant Secretary of State Bernard Aronson, played an important and positive role after the April 5 coup. The rapid and forthright condemnation of the coup by the State Department and the U.S. Embassy in Lima—and the announcement that all assistance programs were under review—apparently surprised President Fujimori, and most likely was decisive in prompting him to remove troops from the streets, newsrooms, and homes of congressional leaders. Both the Embassy and State Department issued statements on April 6 calling the coup "unjustified" and demanding "the full and immediate restoration of constitutional democracy." In addition, they insisted upon:

- immediate freedom for those detained and full respect for human rights;
- immediate restoration of a free and independent press and civil liberties; and
- immediate reestablishment of independent legislative and judicial branches of government.<sup>69</sup>

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<sup>67</sup> Dillon, "Peru adviser linked to drug cartels,"; and Dillon, "Dark past of Peru's drug czar".

<sup>68</sup> Kerr, "Fujimori's Plot," *New York Review of Books*, p. 20.

<sup>69</sup> By contrast, the White House issued a relatively weak statement on April 6, describing President Bush as "very disappointed" by President Fujimori's "regrettable" action. President Bush continued to sound less than convinced of the need for a tough response to the coup when he said on the eve of a crucial OAS meeting on Peru that he would favor only "some outside pressure." Moreover, comments by unnamed administration officials indicating that Washington's position

Later that day, the State Department announced a suspension of all new aid to Peru, excepting humanitarian aid channeled through private voluntary organizations and some anti-narcotics assistance. (The continuation of anti-narcotics assistance at a time when all other government-to-government assistance had been suspended was unfortunate, in our view, sending a mixed signal to the Fujimori government.) The aid suspension affected \$30 million in economic aid and \$15.4 million in military aid from fiscal 1991 funds as well as \$100 million in economic support funds, \$19 million in police training funds, and \$220,000 for military training in fiscal 1992. Moreover, subsequent legislation definitively prohibited all military assistance to Peru for fiscal year 1992.

In the immediate aftermath of the coup, the State Department also left open the possibility that it would oppose loans to Peru from international financial institutions such as the World Bank, Inter-American Development Bank, and International Monetary Fund, which Fujimori is counting on for the success of his economic program.

Curiously, the coup was launched only hours after Assistant Secretary Aronson arrived in Lima to hold high-level meetings about U.S.-Peruvian anti-drug programs, apparently indicating that Fujimori expected a sympathetic response from Washington's emissary. But Aronson cancelled scheduled meetings with Fujimori and others and instead met with the Coordinadora Nacional de Derechos Humanos. The meeting was widely covered by the press, sending a powerful signal of disapproval to the new regime. Aronson also telephoned the foreign minister, interior minister, and defense minister to press for the release of journalist Gustavo Gorriti, lobbying which, together with the intense efforts of the Spanish Embassy in Lima, won Gorriti's release on the afternoon of April 7. Aronson tried to meet with the president of the dissolved Senate, but was prohibited from doing so by the authorities. He did, however, speak with him by telephone, according to State Department spokeswoman Margaret Tutwiler.<sup>70</sup>

Aronson again traveled to Lima in May to press upon President Fujimori and his cabinet the Bush Administration's insistence upon a return to democracy. The administration stopped short, however, of recognition of the parallel administration established by the ousted Congress under a constitutional formula. Nor did it press for the type of sanctions it had promoted when the military ousted Haiti's elected president, Jean-Bertrand Aristide, under arguably similar circumstances last September.

Pressure from the United States and the Organization of American States seems to have turned what started off as a hard-line military coup into a far more cautious undertaking.<sup>71</sup> The first 24 hours of the coup—with tanks in the streets, policemen beating protesting legislators, and reporters filing dispatches at gunpoint—gave way to the relative air of normalcy evident today, in which some media loudly criticize the regime and the political opposition is ignored instead of being jailed. And this same pressure prompted President Fujimori to reverse course in a surprise visit to the meeting of the OAS General Assembly in Nassau in late May, where he promised to hold elections under OAS observation of a "Democratic Constituent Congress" within five months, a considerable

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was far more sympathetic to Fujimori than its public statements would suggest undermined the strength of the State Department's official pronouncements. (See "Get Tougher With the Tyrant in Peru," *New York Times*, April 13, 1992; Leslie Gelb, "Peru: Ideals in Hell," *New York Times*, April 13, 1992; and Thomas L. Friedman, "U.S. Is Shunning Sanctions Against Peru," *New York Times*, April 14, 1992.)

<sup>70</sup> State Department Regular Briefing, April 7, 1992, transcription by Federal News Service.

<sup>71</sup> A mission to Peru by Americas Watch and several Latin American human rights leaders in May analyzed the role of the OAS in the wake of the coup. A forthcoming report on this mission will discuss the efforts of the OAS and Inter-American Commission on Human Rights regarding human rights and the restoration of constitutional government.

**acceleration in earlier timetables he had offered for new elections.<sup>72</sup>**

**It has been reported that Fujimori's Nassau speech prompted the United States to resume some aid which had been suspended,<sup>73</sup> although a State Department desk officer for Peru, in response to a query from Americas Watch, denied that any of the suspended aid had been resumed. Further, on June 17, the United States joined a unanimous World Bank board of directors in approving a \$400 million loan to Peru's financial sector. Americas Watch sees no justification for the resumption of non-humanitarian aid or loans to Peru as long as the Congress remains dissolved and the judiciary effectively dependent on the executive. The compelling human rights arguments against such assistance which existed before the coup have only been strengthened by the government's actions since April 5.1**

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*Americas Watch* was established in 1981 to monitor and promote the observance of internationally recognized human rights. *Americas Watch* is one of five regional divisions of Human Rights Watch. The Chair of *Americas Watch* is Peter D. Bell; Vice Chairs, Stephen L. Kass and Marina Pinto Kaufman; Executive Director, Juan E. Méndez.

*Human Rights Watch* is composed of five regional divisions—Africa Watch, Americas Watch, Asia Watch, Helsinki Watch and Middle East Watch—and the Fund for Free Expression. Its Chair is Robert L. Bernstein; Vice Chair, Adrian W. DeWind; Executive Director, Aryeh Neier; Deputy Director, Kenneth Roth; Washington Director, Gara LaMarche; Associate Director, Holly J. Burkhalter; California Director, Ellen Lutz; Press Director, Susan Osnos; Counsel, Jemera Rone.

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<sup>72</sup> Fujimori has since backtracked somewhat on this commitment, changing several times the date for the election, most recently to November 22, 1992. He also announced the apparent indefinite postponement of municipal and regional elections which were to have been held on November 8, again raising doubts as to his intentions.

<sup>73</sup> Norman Kempster, "U.S. Relaxes Freeze on Funds for Peru," *Los Angeles Times*, June 4, 1992; and Alan Elsner, "U.S. Resumes Some Aid Programmes With Peru," Reuters, June 3, 1992.