

TABLE OF CONTENTS

I. INTRODUCTION..... 2

II. LA CANTUTA—CASE SUMMARY ..... 4

    A. The Army Occupies the Campus..... 4

    B. The "Disappearance" ..... 4

III. LEAKS, INVESTIGATIONS, AND COVERUP..... 7

    A. Sleeping Lion ..... 7

    B. Congressional Investigation Launched, Thwarted..... 8

        1. The Tank Parade ..... 8

        2. A General Defects..... 9

        3. CCD Majority Blocks Inquiry ..... 11

    C. ...And Rejected ..... 12

    D. A Grave is Found..... 13

    E. The Role of the Press ..... 16

IV. U.S. ROLE ..... 17

V. CONCLUSION AND RECOMMENDATIONS ..... 18

APPENDIX — Americas Watch Press Release on Massacre of  
Asháninkas by Shining Path

THE

GA

*"Why did they kill him? Whatever he did, the military didn't have to kill him."*

- Raida Córdor de Amaro, mother of disappeared La Cantuta student Armando Amaro Córdor. Her outcry was prompted upon seeing a prosecutor open the door to her home with a key found amongst the charred human remains from a clandestine grave on the outskirts of Lima. The opening of her door with the key retrieved from the grave was the first real confirmation that her son, last seen in the custody of armed plainclothesmen thirteen months earlier, was dead.

*"The hypothesis of voluntary disappearance is probable, given the information available to this commission which shows that there are many cases of people denounced as disappeared who later have been found in other places where they have moved to avoid being identified and to carry out terrorist activities..."*

- Minority Report submitted by pro-government congressmen regarding the disappearance of nine students and one professor from the La Cantuta University.

## I. INTRODUCTION

On July 18, 1992, nine students and a professor were "disappeared" from the Enrique Guzmán y Valle University outside Lima, widely known as "La Cantuta," in circumstances that suggest the participation of the Peruvian army and a secret death squad operated by the National Intelligence Service (SIN). This death squad, known as the "Colina" squad, has been implicated in other serious human rights violations, including the November 1991 massacre of 15 people attending a chicken barbecue in the Barrios Altos neighborhood of Lima. It is reportedly run by SIN advisor Vladimiro Montesinos, President Fujimori's most trusted counselor.

Despite a body of persuasive evidence linking this latest disappearance to the security forces, no credible effort has been made by the government to launch an impartial investigation in order to find and punish those responsible. To the contrary, government authorities—including the head of the army joint chiefs of staff, the president of the Democratic Constituent Congress (CCD),<sup>1</sup> the head of the SIN, the attorney general (*Fiscal de la Nación*), and the National Police—have put obstacles in the way of a search for justice. Indeed, from the moment these ten people vanished, the government has done its best to keep the truth from public view. In this way, it has deepened its institutional culpability for the crime.

Far from an isolated incident, Americas Watch sees this case as an appropriate measure of the Fujimori administration's commitment to human rights. Although President Fujimori himself has repeatedly proclaimed his government's eagerness to uphold the highest human rights

---

<sup>1</sup> **The CCD is a unicameral assembly charged with writing a new Constitution and serving as an interim legislature. It was installed as a result of November 22, 1992 elections called by President Fujimori to replace the 240-member bicameral Congress dissolved by decree in his April 5, 1992 coup.**

standards, there remains a high tolerance of abuse.<sup>2</sup> And despite a significant decrease in the number of reported disappearances in the first seven months of 1993 (at the same time that arbitrary detentions soared), the coverup of the La Cantuta case suggests the government is unwilling to relinquish the use of disappearances as a secret tool in its battle against the armed Communist Party of Peru-Shining Path.<sup>3</sup>

Along with the government's already shocking record of abrogating basic rights—from the "self-inflicted coup" of April 5, 1992, which gutted the judicial system, to the hundreds of innocent Peruvians jailed on the flimsiest of evidence and prosecuted without regard for their right to a fair trial—the La Cantuta case is emblematic of the Fujimori government's continued unwillingness to carry out real reforms.<sup>4</sup>

Americas Watch has decided to focus this report on the La Cantuta case for two fundamental reasons: there is a tremendous amount of evidence regarding the crime, and there are clear signs of a government coverup. In issuing a study of this case alone, we in no way seek to minimize the importance of other human rights violations by the government nor of violations of international humanitarian law by the insurgent groups Shining Path and MRTA. Indeed, the Shining Path, despite being severely weakened by the government's arrests of the majority of its leaders since September 1992, has continued to systematically violate the laws of war through indiscriminate attacks, including the detonation of car bombs in densely populated areas and targeted assassinations of civilians deemed to present a political threat to the organization. Most recently, the guerrillas massacred 62 Asháninka Indians in several communities in the department of Junín on August 19, wounding dozens more, including 14 children whose ears were mutilated.<sup>5</sup> About half of those killed were children (see Appendix). On June 16, a Shining Path hit squad shot and seriously injured Michel Azcueta, a teacher and former mayor of Villa El Salvador, as he was entering a school with a group of children. Several of the children were also seriously wounded. No repressive action by the government can justify the targeting of civilians by the guerrillas, nor can any atrocity committed by the insurgents provide an excuse for government abuses.

---

<sup>2</sup> **President Fujimori set such a tone when he joyfully recounted to a radio interviewer the psychological torment of a captured combatant from the *Movimiento Revolucionario Tupac Amaru* (MRTA). Arguing that the threat of facing the death penalty would deter Peruvian guerrilla leaders, President Fujimori told listeners: "It has been proven that terrorists, some of them, fear punishment, drastic punishment, and quiver. We have seen that in cases involving chieftains! One of them was being taken away on an Antonov helicopter. He was told: Get ready, do you know how to jump? I asked him if he knew how to jump with a parachute from a helicopter [chuckles]. He was scared to death. We are talking about a high-ranking MRTA leader. He left the helicopter all wet. [laughs]." ("Saturday Focus" program, *Radio Programas del Perú*, Lima, June 12, 1993, transcribed in Foreign Broadcast Information Service (FBIS) Latin America Daily Report, June 15, 1993, p. 61.)**

<sup>3</sup> **According to statistics compiled by the *Coordinadora Nacional de Derechos Humanos*, a federation of respected Peruvian human rights groups, which include cases reported to the public prosecutors' office, 42 individuals have been the victim of disappearances in the first eight months of 1993, compared with 150 in the same period last year. In addition, twenty individuals have been the victim of extrajudicial executions between January and mid-August 1993. Anti-terrorist decrees promulgated after the April 5, 1992 presidential coup have brought about hundreds of arbitrary detentions in which defendants on charges of terrorism or treason are stripped of any possibility of mounting a meaningful defense.**

<sup>4</sup> **See Americas Watch, *Human Rights in Peru One Year After Fujimori's Coup* (New York: April 5, 1993).**

<sup>5</sup> **Letter from *Centro de Estudios y Acción para la Paz* (CEAPAZ) to Americas Watch, (Lima: August 24, 1993).**

## II. LA CANTUTA—CASE SUMMARY

### A. The Army Occupies the University

La Cantuta was occupied by the army in May 1991 as part of President Fujimori's effort to combat the Shining Path. Located in Chosica, just east of Lima, La Cantuta is the country's leading teachers' college. It has been long suspected by the security forces of being a guerrilla training ground.

A military base was set up on campus on May 21, 1991. For a time, the university was closed, as soldiers set up more permanent lodgings and vigilance points on campus. When classes resumed, strict controls were put on student movement in and out of campus. At the campus's two entryways, students had to show identification to soldiers and were often searched. Soldiers also repainted graffiti-scarred walls and tore down abandoned buildings that were believed to shelter roving guerrilla bands. Soldiers were posted as guards at key points and patrolled constantly, especially at night during the eight-hour curfew beginning at 10:00 p.m.

Six months later, the government legalized the incursion of the security forces onto formerly autonomous university campuses with Decree Law 726, promulgated on November 12, 1991. The law authorized the armed forces to occupy campuses with the sole order of the minister of defense, interior, or the military or police high command. According to the law, such intervention is warranted "when they are made aware that terrorist elements or groups disturb peace and internal order."<sup>6</sup> The decree was controversial because under Peruvian and Latin American law, autonomy statutes regulating the governance of universities establish that only the university authorities are empowered to allow police or the military to enter a campus.

Along with these public measures, the government apparently also authorized military intelligence to infiltrate the student body in search of Shining Path sympathizers.<sup>7</sup> It is this infiltration that allegedly led to the events of July 18, 1992, a little over a year after the army's arrival.

### B. The Disappearance

Information about the disappearance of the victims of La Cantuta has emerged from a variety of sources including press accounts—some of them based on information from self-professed participants in the crime and witnesses to the detentions—, communiques released by the clandestine army group "Sleeping Lion," the testimony of army defector General Rodolfo Robles, and an investigation by the Peruvian CCD. The leads provided by these sources have gained credibility with the discovery on July 8, 1993, of four clandestine graves on the outskirts of Lima, which appear to include the remains of some of the victims. The evidence amassed so far would provide fertile ground for further investigation and prosecution of those responsible, were the

---

<sup>6</sup> "Gobierno legaliza incursión militar y policial a campus universitarios," *La República*, (Lima: November 13, 1991).

<sup>7</sup> This allegation was made by a clandestine army group which calls itself "Sleeping Lion" (*León Dormido*) in a summary of the events of July 18, 1992, which was first made public in April 1993 (see below). Later, journalists from independent media also published investigative articles based on interviews with death squad members who said they captured certain students on the basis of a list prepared by undercover agents living in the residence halls.

government willing to do so.

In the early hours of Saturday, July 18, 1992, eyewitnesses say that about 30 hooded soldiers burst into the male student dormitory at La Cantuta and forced the 60 students inside into the hallways with threats and blows.<sup>8</sup> The students were forced to lie face down on the floor. One of the armed men went through the group with a list in hand, ordering that certain students be pulled out. Apparently, the list had been prepared by military intelligence officers who had infiltrated the university as students.<sup>9</sup>

Soldiers covered the detainees' heads with hoods and forced them into double-cabin pick-up trucks with smoked-glass windows. All the vehicles, according to the newsmagazine *Sí*, bore license plates with the initials KQ, used exclusively by military intelligence.<sup>10</sup> Before leaving, soldiers tied the remaining students to their beds and left two guards beside them.

A similar operation took place in the female student dormitory. The gunmen then proceeded to capture Hugo Muñoz in the professors' residence in front of his wife and a neighboring couple. The entire operation took about two hours and was carried out with the acquiescence, and at some moments, the active support, of the military forces occupying the campus. Nonetheless, it did not have the characteristics of a legal arrest: at no point did the plainclothesmen identify themselves or explain why they were seizing the students.<sup>11</sup>

Those detained were **Roberto Edgar Teodoro Espinoza, Luis Enrique Ortiz Perea, Armando Richard Amaro Córdor, Marcelino Manuel Rosales Cárdenas, Heráclides Pablo Meza, Juan Gabriel Mariños Figueroa, Dora Oyague Fierro, Bertila Lozano Torres, Felipe Flores Chipana,** and professor **Hugo Muñoz Sánchez**. The army, police and the special anti-terrorist police unit (DINCOTE), each denied having detained the victims when questioned by relatives in the morning. Despite the fact that the campus was heavily militarized, with soldiers guarding all available entryways, no record was made available to the relatives of the entrance of so many men equipped with weapons and vehicles.<sup>12</sup> Instead, the SIN suggested to the press, in a thesis echoed by pro-government legislators, that guerrillas had staged a "self-kidnapping," an opinion to be repeated later in a dissent from the congressional investigation commission's report on La Cantuta.<sup>13</sup> For the public and the victims' families, all 10 had vanished.

---

<sup>8</sup> **According to press accounts and the report of a CCD commission's investigation, witnesses described the men who captured the victims as wearing military-style dress—including black jackets with high collars, boots, and hoods—but not uniformed. These men were assisted at several points by uniformed soldiers from the military post at the university. (Report of the Special Investigative Commission of the Democratic Constituent Congress, (Lima: June 24, 1993), p. 35 [Hereinafter "Commission Report"]; and Mónica Vecco, "Sí, Hermoza Ríos conocía secuestro de 10 estudiantes," *La República*, April 11, 1993.)**

<sup>9</sup> **Vecco, "Sí, Hermoza Ríos conocía secuestro"; and Commission Report, pp. 27-28, 38; "La Cantuta: Como fue," *Sí* (Lima: May 31, 1993), pp. 15-16.**

<sup>10</sup> **"La Cantuta: Como fue," *Sí*, p. 16.**

<sup>11</sup> **Commission Report, pp. 27-28, 37; Vecco, "Sí, Hermoza Ríos conocía secuestro," and *Oiga* (Lima: April 12, 1993), p. 26.**

<sup>12</sup> **Vecco, "Sí, Hermoza Ríos conocía secuestro."**

<sup>13</sup> **"Los dos dictámenes," *Caretas*, (Lima: June 10, 1993), pp. 24-26; and Minority Report of congressional commission**

A total of three writs of *habeas corpus* were presented by family members to the courts, none of which resulted in decisive action to protect the disappeared. To the contrary, the legal process served to convince relatives that they would not find justice by using regular legal channels, prompting them eventually to appeal to sympathetic members of the recently-elected CCD.

The writ filed by Raida C6ndor de Amaro merits special scrutiny, since it went the furthest in forcing military officials implicated in the disappearance to give an accounting for the activities of their subordinates that night. Filed in Lima's 14th Criminal Court on August 20, the writ named, among others, General Nicol6s de Bari Hermoza R6os, president of the joint command of the armed forces; the military chief responsible for the zone including La Cantuta; and the base commander.

The base commander never appeared to testify. General Hermoza, appearing on August 25, denied that there had been any detentions at La Cantuta that night and refused to authorize the testimony of any of the military personnel present at La Cantuta that night, citing "security reasons." Two days later, Judge Luis Vargas upheld only the section of the writ pertaining to unnamed individuals who carried out the disappearance, finding no merit to further investigate General Hermoza or the other named officers.

In September, the writ was appealed and transferred to a different court, which ordered a new investigation. In his second testimony, on November 4, General Hermoza acknowledged that there had been a military incursion into the student residence at La Cantuta the night of July 18 and that such operations are carried out on orders from his command, but claimed that no one had been detained. Judge Cayo Rivera V6squez concluded that the family members had failed to prove a kidnapping, and therefore nullified the writ. A higher court, noting contradictions in the statements of the military chiefs called to testify, reopened the case on November 30, 1992, and ordered Judge Rivera to broaden his interviews.

General Hermoza was interviewed a third time on December 16, adding nothing new. On January 8, Judge Rivera again declared the writ against General Hermoza without merit, a decision which was upheld by a higher court, which added that "the physical existence of the citizens whose constitutional guarantees were supposedly harmed has not been proven (*Americas Watch translation*). In other words, the courts ended by questioning the very existence of the 10 people. This decision was upheld by the Supreme Court on March 29.<sup>14</sup>

In October, three more La Cantuta students disappeared only to turn up alive later. Nelson Echegaray reported being held in the "Las Palmas" Air Force base in Surco for four hours. A second disappeared student, Mar6a Magdalena Monteza Benavides, was formally charged with terrorism by DINCOTE after a period of clandestine detention.<sup>15</sup> Education student Nancy Pimentel Cu6llar was detained in secret and tortured for 22 days, before being released without charge, a fact still not acknowledged by either the military or police.<sup>16</sup>

---

**investigating the La Cantuta affair, p. 32.**

<sup>14</sup> **Information provided by the Institute for Legal Defense, Lima.**

<sup>15</sup> **"Aparecen dos estudiantes de La Cantuta," *Expreso*, (Lima: November 1, 1992).**

<sup>16</sup> **Americas Watch, *Human Rights in Peru One Year After Fujimori's Coup*, pp. 12-13.**

### III. LEAKS, INVESTIGATIONS, AND COVERUP

#### A. The Sleeping Lion

The disappearance of Professor Muñoz and nine students from La Cantuta regained national attention on April 1, 1993, when Henry Pease, a member of the CCD, revealed an apparent internal army intelligence document indicating that the ten victims had been executed the night of their detention and secretly buried, with the approval of the highest levels of the military. The document was signed *León Dormido*, or Sleeping Lion.

Sleeping Lion describes itself as a group of active-duty mid-level officers, some of whom were eyewitnesses to the information contained in the document. They identify themselves as supporters of human rights.

The Sleeping Lion document claims to outline a step-by-step history of the kidnapping, beginning with its planning by General Hermoza Ríos, intelligence chief Vladimiro Montesinos,<sup>17</sup> General Juan Rivero Lazo, head of the army's Directorate of Intelligence (DINTE),<sup>18</sup> and General Luis Pérez Documet, head of the Army Special Forces (DIFE) based in Lima.

The document asserts that the task of "disappearing" the students and professor was given by these four top officials to Infantry Commander Carlos Infante Miranda Balarezo, at that time responsible for the army occupation of La Cantuta under the command of General Pérez Documet. According to Sleeping Lion, the disappearance was meant to stem a wave of Shining Path bombings in residential Lima in early July.

Miranda was ordered to coordinate with Infantry Commander Manuel Guzmán Calderón, head of Commandos Battalion No. 19, a unit of an army specialized counterinsurgency force (modelled on the U.S. Rangers). In turn, Guzmán and his men were ordered to hand over the detainees to a Special Operation Team of the DINTE, commanded by Major Santiago Martín Rivas. Martín Rivas's unit, also known as the Colina squad, is said to carry out covert actions ordered by the SIN, including the Barrios Altos massacre of November 3, 1991.<sup>19</sup> The operation

---

<sup>17</sup> Montesinos, a secretive army captain cashiered in the late 1970s under charges of selling military secrets, has been described by Fujimori as a personal advisor to the president and an advisor to the SIN, although knowledgeable sources concur that Montesinos is the spy agency's *de facto* chief. During questioning by the congressional commission investigating the La Cantuta case, the nominal head of the SIN, General Julio Salazar Monroe, added to the mystery surrounding Montesinos when he acknowledged that Montesinos serves as a high level SIN adviser but insisted the intelligence service does not pay Montesinos's salary and that he did not know the source of Montesinos's income.

<sup>18</sup> The SIN technically coordinates the intelligence activities of the armed forces, including the DINTE and its subordinate agency, the Army Intelligence Service (SIE).

<sup>19</sup> According to press investigations, the Colina squad was named after an army officer who infiltrated the Shining Path but was apparently caught by an army patrol in 1984 while in the department of Huánuco and executed on the spot, before he could identify himself. The Colina squad allegedly consists of DINTE officers who are said to have a *rabo de paja*—that is, a skeleton in their closet, or a record blemished by murder or corruption in service. In return for having their records cleared and receiving higher pay, they were recruited to take part in illegal clandestine actions. Formed in late 1990 and containing 20-25 officers, the Colina squad was apparently meant to combat guerrillas through disappearance and murder. ("El Topo," *Caretas*, April 1, 1991, pp. 42-47; "Barrios Altos y La Cantuta: Los Crímenes," *Caretas*, April 22, 1993, pp. 12-14, 72; "Trabajo

was apparently closely coordinated with the army's Civic Action Base at La Cantuta, and soldiers were ordered to allow the Special Operation Team to enter and exit without being searched.

After the nine students and professor were separated out, they were apparently given by Guzmán to the Colina squad, which loaded them into several vehicles, some of them Cherokees. According to Sleeping Lion, the detainees were executed at some point along the central highway and buried in shallow graves in the area known as Huachipa.<sup>20</sup> But because the burial had taken place at dawn, when there was a risk that passers-by had witnessed the activity, the Colina squad returned the next night, dug up the remains, and transferred them to another undisclosed location.

Although unsigned and not a definitive piece of evidence, the Sleeping Lion document contains highly specialized information that lends credence to its claim of authenticity. Nevertheless, the government immediately attacked it. General Hermoza, implicated in the formation and deployment of the Colina squad, called the Sleeping Lion document "apocryphal" and "crudely falsified" (*burdamente falseado*), without supplying any evidence that any information contained in the document was false.<sup>21</sup>

## **B. Congressional Investigation Launched, Thwarted...**

The day after the Sleeping Lion document was made public, the congress formed a special investigating commission to study the matter. The commission gave itself a 30-day deadline for submitting a report; that deadline was eventually extended for another twenty days.<sup>22</sup> The commission interviewed more than a dozen witnesses from the university as well as senior military and police commanders. It traveled to the university to study the scene of the crime as well as going to Buenos Aires to take the testimony of General Rodolfo Robles (see below).

Almost as soon as the commission began its work, the army and Fujimori government officials began placing obstacles in its path—from the parading of tanks down Lima's streets to the shunting of all responsibility onto the military courts, the ultimate guarantor of human rights violators' impunity.

### **1. The Tank Parade**

On April 20, the congressional commission heard testimony from the president of the joint command of the armed forces, General Nicolás de Bari Hermoza. He had been cited twice

---

**sucio," *Caretas* May 13, 1993, p. 12-13; and "El Tercer Hombre," *Caretas*, June 3, 1993, pp. 26-31, 76.]**

<sup>20</sup> **A discrepancy has surfaced over the circumstances of the executions of the ten victims. Sleeping Lion states that they were killed the night of their detention. However, a chronology of the disappearance published by the newsmagazine *Sí* which relied in part on the testimony of witnesses from within the army, stated that the ten were tortured for two days in the basement of the Army Intelligence Service, which is located inside the General Army Barracks, before being murdered in a safe house on the outskirts of Lima. ("La Cantuta: Cómo fue," *Sí* p. 16.)**

<sup>21</sup> **"Hermoza Ríos acusa a parlamentarios de elaborar documentos falsos," *Expreso*, April 21, 1993.**

<sup>22</sup> **The commission was presided by Roger Cáceres Velásquez and included Gloria Helfer Palacios and Carlos Cuaresma Sánchez, from opposition political parties, and Gilberto Siura Céspedes and Jaime Freundt-Thurne Oyanguen from the government's Change 90 party.**

before, but refused to appear. According to members of the committee, Hermoza refused to answer key questions and denied the commission's requests to interview any other member of the armed forces, including those named as participants in the La Cantuta operation. Upon leaving the interview, General Hermoza angrily accused the lawmakers of relying on fraudulent documents, and of acting in "collusion with the homicidal actions of terrorism." Their actions, General Hermoza stated, endangered the stability of the country. "We will not permit that game," Hermoza declared.<sup>23</sup>

In the following days, the army carried out frequent and massive tank movements in Lima in an effort to intimidate the congressional investigating committee. On April 21, a communique was published by the commanders of all the military regions of the country vowing to prevent actions aimed at "defaming the army."<sup>24</sup>

Following a telephone call from then-Assistant Secretary of State for Inter-American Affairs Bernard Aronson on April 22, President Fujimori publicly promised to guarantee the CCD's "legitimate right to investigate...as an autonomous branch within a system of balance of powers and a participative [sic] democracy."<sup>25</sup> No steps were taken, however, to discipline General Hermoza for his crude effort to block the CCD investigation. And it became increasingly clear as the investigation proceeded, mostly at the hands of journalists whose leads have been ignored or denounced by the authorities, that the tank parade had produced the intended intimidating effect.

## 2. A General Defects

Congressman Pease's revelations were echoed by a letter released on May 6 by General Rodolfo Robles Espinoza, the third in command of the armed forces, shortly after he took the dramatic step of seeking asylum in the United States Embassy in Lima.<sup>26</sup> In his letter, General Robles accused the army of running a death squad under the leadership of Vladimiro Montesinos and under the operational command of Major Santiago Enrique Martín Rivas of the DINTE. Robles accused the clandestine army unit of responsibility for the La Cantuta disappearances as well as the 1991 Barrios Altos massacre.

In his open letter, Robles described the Colina squad as "a group of hired killers" which, under the direct orders of Montesinos and with the tacit approval of Hermoza Ríos, "is committing crimes that are unjustly smearing with mud all the glorious Peruvian army." He said he learned the details of the La Cantuta case from DINTE officers who knew intimate details about the Colina squad. They confided in him after his move to COINDE, between the months of

---

<sup>23</sup> ***Lima Global de Televisión*, April 21, 1993, as transcribed in the FBIS Latin America Daily Report, April 22, 1993, p. 37.**

<sup>24</sup> **Official Communique No. 6 issued by the Peruvian army on April 21. Reported on *Radioprogramas del Perú* on April 21 and reproduced in FBIS Latin America Daily Report, April 22, 1993, p. 31.**

<sup>25</sup> **"Message to the Nation by President Alberto Fujimori," April 22, 1993, reprinted in FBIS Latin America Daily Report, April 23, 1993, p. 25.**

<sup>26</sup> **As the commander of the army's School of Instruction (COINDE) and former head of the third military region based in Arequipa, Robles was technically the third most powerful man in the army at the time of his open break with the military leadership.**

February and April.<sup>27</sup>

Robles stated that he had approached Brigadier General José Picón Alcalde, who was in charge of the military court investigation into the La Cantuta case, to offer evidence about the death squad. The general replied, according to Robles, that he had already received instructions from his army superiors to sit on the investigation until people forgot about it. Shortly after this conversation, General Robles began to receive death threats, prompting him and his family to enter the U.S. Embassy. He has since been granted asylum in Argentina.

In an interview with Americas Watch on June 2, 1993, General Robles was more explicit about his sources:

One of the principal ones was Brigadier General Willy Chirinos Chirinos, director of military intelligence from mid-November 1992 to late December... The list of names I cite in paragraph 1 of my May 5 letter were given to me by Chirinos in a written document in my office on April 26. We had already talked about the charges that Senator (sic) Henry Pease had made and had been published in the newspapers... And I asked (Chirinos) if he knew something about this matter since he had been the director of intelligence until December. He told me that it was indeed true and that's when he told me in general how the operation had been carried out. He also told me that the Sleeping Lion document was very close to the truth...<sup>28</sup>

Before his transfer to the DINTE, Brigadier General Chirinos had worked for General Robles as the inspector of the third military region. According to Robles, however, Chirinos was removed from his post after recommending that the Colina squad be deactivated:

He had presented a list of recommendations, among them that this intelligence unit-death squad be expressly deactivated because it was already a group that lacked military discipline. It didn't obey the normal controls of the army. Because they depended almost exclusively on Vladimiro Montesinos, they felt superior and above all the rules, and didn't really want to obey their superiors... At first, when General Hermoza realized this he wanted to deactivate it and almost approved it. But later when Martín Rivas found out that things were changing, he told Montesinos, who got in touch with General Hermoza and there everything stayed.<sup>29</sup>

---

<sup>27</sup> **Robles asserts that in addition to La Cantuta and Barrios Altos, the Colina squad was responsible for the 1988 murder of lawyer Manuel Febres, who was representing Shining Path second-in-command Osmán Morote. At the time of the murder, human rights groups had attributed the crime to the *Comando Rodrigo Franca*, which was linked to elements of the then-governing APRA party. This allegation conflicts with other information indicating that the Colina squad was not formed until 1990, two years after Febres was slain. In addition, Robles laid responsibility at Colina's feet for the murders of three Japanese engineers in Huaral in 1991, murders that have been attributed previously to the Shining Path, in part because the insurgents claimed credit for the slayings. These last two allegations were offered without further explanation or detail which would lend them credibility.**

<sup>28</sup> **Personal interview with General Rodolfo Robles in Buenos Aires, June 29, 1993.**

<sup>29</sup> **See also "Confesiones de un General," *Caretas* May 13, 1993, pp. 20-23; "Chirinos: Otro detonante," *Caretas* May 27, 1993, pp. 10-14, 16-17, 72; and "Robles sigue firme," *Caretas* June 3, 1993, pp. 30, 31, 76.**

After his brief stay as head of military intelligence, General Chirinos returned to Robles' command as inspector of COINDE. After similar declarations of General Robles were published in the Peruvian press, General Picón and General Chirinos each denied having supplied him with information. A handwriting analysis provided by the government rejected the possibility that a document which Robles attributed to Chirinos bore the latter's handwriting. General Robles says other sources for his information include army officers who work in the DINTE and SIN, but are afraid to go public for fear of risking their lives and jobs. He also suggested to Americas Watch that the La Cantuta disappearance was later reviewed within the SIN and DINTE in order to improve procedures for subsequent abductions and that the DINTE retains control of written documentation.

### 3. CCD Majority Blocks Inquiry

The investigating commission also saw its efforts frustrated by the governing majority in the CCD, which argued that the existence of an investigation by a military tribunal, even though it had been opened *after* the congressional inquiry, ought to preempt all other investigations. This follows a long tradition in Peru whereby the military has used its own court jurisdiction—where soldiers and officers are effectively guaranteed friendly treatment by an institution determined to protect its own—to thwart investigations by the regular court system or by the congress.

Named to the five-member congressional commission on April 2 were two CCD members—Gilberto Siura and Jaime Freundt-Thurne—who strongly support Fujimori and doggedly tried to block the commission's work. (Freundt-Thurne has since been promoted to health minister.) Their bias was evident when the commission interviewed witnesses to the detention and others. Instead of questioning them about what they had seen, Siura and Freundt-Thurne would thinly veil accusations about loyalty and sympathies for the Shining Path as questions. Ultimately, Siura and Freundt-Thurne declined to sign the commission's report, insisting, against all contrary evidence, that the Cantuta victims had kidnapped themselves.

In addition, the commission's authority was severely undermined by CCD President Jaime Yoshiyama, who publicly stated that the CCD had no authority to investigate a matter that was already being viewed in the military courts.<sup>30</sup> In fact, Article 180 of the Constitution states that "the Congress and each chamber can name Commissions of Investigation regarding any subject of public interest." Such investigations are designed to delineate *political* responsibility for crimes linked to public officials, have a long history in Peru and have often resulted in the resignation of ministers and others found responsible for transgressions. Their function is clearly distinct from judicial investigations designed to determine criminal culpability.

When the commission decided to travel to Buenos Aires to interview General Robles, Yoshiyama delayed approving the trip and then allowed the commissioners to spend no more than eight hours in the Argentine capital.<sup>31</sup>

---

<sup>30</sup> ***Lima Panamericana de Televisión* broadcast on May 24, 1993, as quoted in *FBI Latin America Daily Report*, May 28, 1993, pp. 42-43. Yoshiyama made similar comments during a May 11, 1993 meeting with human rights groups in Washington. During an interview with *Univisión* television on May 12, he prejudged the commission's investigation, saying that Hermoza and Montesinos were not involved in any death squad.**

<sup>31</sup> **"Lo Que Pasó en Buenos Aires," *Caretas*, May 20, 1993, pp. 12-14.**

Further hampering the investigation, the CCD majority on May 24 voted a restriction into its capacity to mount human rights investigations, limiting its powers only to calling armed forces top commanders to testify and not lower-level officers who may have taken part in illegal activities, in stark contrast to previous practice. Article 180 of the Constitution grants the congress the power to compel testimony from whomever it chooses, subject to the same sanction for failure to appear as that imposed by a criminal court. The same authority is vested in the CCD by article 35 of its regulations.<sup>32</sup>

Disgusted by his colleagues' approval of the restriction on military citations, Congressman Henry Pease told them, "You have blessed the fact that the military is a separate State within the State."<sup>33</sup>

Less than two months later, General Hermoza appeared a second time before the commission, but was equally unresponsive to questions, arguing that information about the case was unavailable since the case was being heard in military courts.

### **C. ...And Rejected**

After interviewing many witnesses to the kidnapping, as well as General Robles, General Hermoza, and SIN director Julio Salazar Monroe, the CCD subcommission voted 3 to 2 to approve the majority report, which concluded that members of the armed forces participated in the disappearance.<sup>34</sup>

The report based its conclusion on a step-by-step analysis of available evidence and eyewitness testimony. Not only were the nine students and professor acknowledged members of the La Cantuta university community, but they had been in the area scant hours before the detention took place. Since the Civic Action Base run by the army had control of the campus, the majority concluded that it was impossible for a group of armed men to enter and detain students without the base's knowledge and consent.

The men were described by witnesses as wearing army-style clothing and carrying army-issue weapons, and even as filming some of the detentions with a video camera. The local army base helped round up the students and provided other support. At no moment were civilian authorities called to register the detentions, which the military subsequently denied having carried out.

The commission majority also asserted that General Hermoza had deliberately covered up important evidence including the identities of the army officers who had participated in the "disappearance." By presenting the La Cantuta case in military court, "he has put obstacles in the way of the completion of this parliamentary investigation," the report stated.<sup>35</sup>

---

<sup>32</sup> **Commission Report, p. 6.**

<sup>33</sup> **"Punto Crucial," *Caretas*, May 27, 1993, pp. 15-16.**

<sup>34</sup> **Commission Report, p. 44.**

<sup>35</sup> **Ibid, p. 39.**

The commission found fault not only with the army, but with the Attorney General's office (*Ministerio Público*) for its failure to formalize a criminal complaint in the case. And despite repeated requests, the commission had not received any information from the military courts, which had yet to name any of the men alleged to be responsible for the crime. In addition, the military courts barred Vladimiro Montesinos from complying with a commission citation to testify, despite the fact that top military officials repeatedly assured the commission that Montesinos did not work for the army and was not a paid employee of the SIN.<sup>36</sup>

The three majority members who voted for the report were the subcommission (and human rights commission) president, Roger Cáceres; Gloria Helfer; and Carlos Cuaresma. Siura and Thurne wrote a dissenting report, which sought to discredit the witness testimony and exonerate all government and military officials. In its conclusions, the minority report highlighted the victims' alleged connections with the Shining Path, implausibly suggesting that despite tight military control of the campus, the two-hour operation involving dozens of armed plainclothesmen "...could have been carried out by rival terrorist groups who disagreed with the disappeared ones." On the other hand, the report concludes, "[t]he hypothesis of voluntary disappearance is probable, given the information available to this commission which shows that there are many cases of people denounced as disappeared who later have been found in other places where they have moved to avoid being identified and to carry out terrorist activities..."<sup>37</sup> The minority report failed to mention any examples to bolster this contention..

The majority report was hailed by local human rights monitors as a good faith attempt to investigate the disappearance despite the obstacles the commission faced. However, when it was forwarded to the full CCD for a vote on June 26, it lost, 39-13.

More damaging still to the prospects for prosecution of those responsible, was the decision made public in the last week of August 1993 that the public prosecutor in the case (the *Octava Fiscalía Provincial en lo Penal de Lima*) would close the investigation, turning all responsibility over to the military court jurisdiction.<sup>38</sup> If the Attorney General's office were interested in prosecuting those responsible in the case, rather than abetting the coverup of their crimes, it would proceed with its own investigation while presenting a jurisdictional claim before the Supreme Court, which would ultimately resolve the conflict between civilian and military court jurisdictions. However, the Attorney General's office has been an active participant in obstructing justice for the victims of La Cantuta, as is illustrated below.

#### D. A Grave is Found

---

<sup>36</sup> **Commission Report, pp. 40-42, 46.**

<sup>37</sup> **Minority Report, June 24, 1993, p. 32 (*Americas Watch translation*).**

<sup>38</sup> **Military court jurisdiction, which fails to meet international standards of impartiality and independence, has been a key element in protecting human rights violators from punishment in Peru. Despite thousands of cases of disappearance and extrajudicial executions over the past decade, Americas Watch is aware of only three cases in which members of the military have been convicted for violating human rights (See Americas Watch, *Human Rights in Peru One Year After Fujimori's Coup*, pp. 39-40; and "Peru: Civil Society and Democracy Under Fire," note 33). Meanwhile, military courts have sentenced 200 alleged terrorists to life imprisonment in the past year alone. (General Jaime Salinas Sedó, "Jueces Digitados," *Caretas*, August 19, 1993, p. 41.)**

Following up on a tip provided from a "notorious public figure and not a member of Shining Path,"<sup>39</sup> the director of *Sí* magazine, Ricardo Uceda, took a group of reporters to a rocky hillside above kilometer 14 on the road to Cieneguilla, on the outskirts of Lima, before dawn on July 8, 1993. *Sí* had received from the source a map accompanied by a package of burned human remains. The map purported to show the location of four secret graves, which were said to contain the remains of the Cantuta victims.

To determine the veracity of the information, Uceda and a group of reporters, accompanied by a pathologist and an archeology student, began digging in the location indicated by the map. Upon reaching the first remains, some loose, others in boxes, the reporters stopped digging and informed the Attorney General's office of their discovery. Prosecutors and a forensic doctor from the Legal Medical Institute began exhuming the four gravesites that day, a process that would continue in fits and starts over the next week.<sup>40</sup>

From the moment the graves were discovered, government efforts to block their investigation, coupled with steady harassment of those pressing for an accounting, were clear.

Despite the fact that discovery of the remains was immediate front-page news in Lima, attracting hundreds of journalists and curiosity seekers, Attorney General Blanca Nélica de Colán refused to seal the site for six days after the discovery. How much evidence was lost or destroyed during that period will never be known. As the magazine *Caretas* noted, "leaving the site of the discovery unguarded is inviting the assassins to erase their last traces."<sup>41</sup>

Attorney General Colán refused to meet with Amnesty International and the Argentine Forensic Anthropology Team, which had come to Peru to offer assistance in the scientific exhumation and identification of the remains, until five days after the team's arrival. When she finally granted them a meeting, she turned down their offer of assistance on the grounds that the Peruvian Code of Criminal Procedures barred foreign experts from assisting in exhumations. When asked which article of the code barred their participation, Colán told the delegation to look for the information themselves in a bookstore which sells the Code of Criminal Procedures.<sup>42</sup> Americas Watch has found no article in the Criminal Procedures Code which supports Colán's position. One week later, when Americas Watch Executive Director Juan Méndez interviewed Colán, she said that Peru did not need the help of foreign experts. Not only Amnesty International, but the U.S. Embassy as well, had offered technical assistance and been rebuffed.<sup>43</sup>

---

<sup>39</sup> **Andean Commission of Jurists, "Cieneguilla Graves," Andean Newsletter, (Lima: No. 80, p.4.**

<sup>40</sup> **"Historia de las fosas," *Sí* July 12, 1993.**

<sup>41</sup> **"Las Llaves del Horror," *Caretas*, July 15, 1993, p. 78.**

<sup>42</sup> **"Justicia al revés," *Sí* July 19, 1993, p. 23.**

<sup>43</sup> **The Peruvian Embassy in Washington, D.C. issued misleading information on the case, reporting in its "Perú Newsletter" July 16, 1993, that "two experts on forensic medicine from Argentina and one from the US, Clyde Snow, arrived in Lima to assist the Coroner's office" in the investigation of the remains found at Cieneguilla. In fact, the Argentines were barred from providing any assistance whatsoever, and as a result, Clyde Snow did not travel to Lima.**

The Argentine Forensic Anthropology Team has provided expertise in exhumations in countries all over the world, at times under contract for the United Nations, including Argentina, Chile, Bolivia, Brazil, Venezuela, Colombia, El Salvador, Guatemala, Iraq, the Philippines, and Croatia. Peru is the first government to bar their assistance.<sup>44</sup>

In the absence of expert assistance, the public prosecutors carried out the exhumation in an unprofessional way, using heavy instruments, leaving the site unprotected, and failing to establish a chain of custody. As a result, the possibility of recovering evidence regarding the identification of the remains, as well as the time, manner, and cause of death, was minimized.

Meanwhile, on July 13, the police launched a propaganda offensive intended to discredit the discovery at Cieneguilla. The DINCOTE called a press conference to present a group of alleged Shining Path guerrillas detained on July 10 in the process of putting together a new edition of the clandestine Shining Path newspaper *El Diario*. According to the DINCOTE, among the documents found in the house were photographs of the area where the graves were found and a map similar to that which had been published in *Sí* the week before and which had led *Sí* director Ricardo Uceda to the graves. The map found in the Shining Path house, according to the police, was written by the same person who wrote the map for *Sí*. According to the DINCOTE, the author of both maps is Juan Abelardo Mallea Tomaila, who was captured with the presumed insurgents rounded up on July 10.<sup>45</sup> DINCOTE public relations chief Hugo Sayers told the press:

It has been clearly demonstrated, from a strictly police perspective and independent of the investigations which are being carried out in the 16th prosecutor's office of Lima regarding the graves found in Cieneguilla, that this is a typical Shining Path maneuver of agitation and propaganda, oriented to confuse national and international public opinion and try to discredit the government and its forces of order.<sup>46</sup>

The DINCOTE proposition is entirely implausible. All credible evidence indicates that Juan Mallea Tomaila is neither a Shining Path supporter nor the author of the maps. Mallea is a taxi driver, who was captured while dropping off a Shining Path member at the house in which *El Diario* was secretly being prepared. According to his wife, Mallea had only once before given a fare to Juan Jara Berrospi, and he had no way of knowing the Jara was a member of the Shining Path. Those who know Mallea well are confident that he is not a member of the Shining Path. According to his wife, Mallea lost his closest friend, an air force driver, to a Shining Path assassination team in 1991. After the assassination, Mallea told his wife the guerrillas who killed his friend "don't deserve to live." Moreover, Mallea is a dedicated evangelical Christian, which makes him an unlikely candidate to be sympathetic with Shining Path; Shining Path has reportedly assassinated 446 evangelicals over the past ten years.<sup>47</sup>

Although a DINCOTE official told Mallea's wife on July 13 that her husband would be cleared

---

<sup>44</sup> "Justicia al revés," p. 23.

<sup>45</sup> Policía Nacional del Perú, Dirección Nacional Contra el Terrorismo, "Nota de Prensa," July 13, 1993.

<sup>46</sup> "Policía reitera que Sendero hizo croquis para hallar restos óseos de Cieneguilla," *El Comercio*, July 23, 1993.

<sup>47</sup> "Se presume inocente," *Sí* July 26, 1993, p. 29.

of all charges, the police changed their position later that day, after determining that of all the detainees, only Mallea's handwriting bore any resemblance to the writing on the captured map of Cieneguilla.<sup>48</sup> However, a handwriting expert in the United States consulted by Americas Watch found that Mallea was not the author of the map.<sup>49</sup>

The DINCOTE assertion that the Cieneguilla grave discovery is nothing more than Shining Path agitation and propaganda received another blow on August 20, when a group of keys found in the Cieneguilla graves were found to open the wardrobes and doors of two of the disappeared students. The keys were fished from the graves on July 8, the day the site was discovered. And although one of the victims' relatives, Raida Cóndor, immediately recognized one of the key chains as that of her disappeared son, the prosecutor in charge of the case did not attempt to open any of the missing student's doors with the keys until August 20, more than six weeks later. Once the keys were found to belong to students Armando Amaro Sáenz Cóndor and Juan Mariños Figueroa, there was little room for doubt that the remains found at Cieneguilla were those of the La Cantuta victims.

### **E. Role of the Press**

Throughout this period, the press—particularly Ricardo Uceda, director of *Sí*, Cecilia Valenzuela of *Caretas* and Mónica Vecco of *La República*—has led the discovery of details about the case. Harassment of these journalists has been persistent and at times intense.

Valenzuela and other *Caretas* journalists have been following the story of the intelligence service death squad for several years and have faced numerous death threats and legal sanctions. In November 1992, Valenzuela and *Caretas* editor Enrique Zileri received a telephoned death threat.<sup>50</sup> Then in February 1993, Valenzuela was sent an envelope containing a chicken's head with a black cord around the neck and a blood-smeared picture of herself. On April 22, a caller to the magazine reported that Zileri had been jailed (it was not true.) That same day, another anonymous caller said that Valenzuela had been shot (also not true). And later that day, someone called Valenzuela's cellular phone number, which is unpublished, and threatened to kill her. Finally, on Saturday, May 1, Valenzuela was at a friend's house in Lima when a bouquet of flowers was delivered for her. The card stated, among other things, "You are going to die."

*Sí* director Ricardo Uceda has suffered legal harassment from the government since he began investigating the death squad as well. When *Sí* published information linking the death squad to the Barrios Altos massacre in December 1992, Defense Minister General Víctor Malca ordered a criminal investigation against Uceda. After Uceda discovered the clandestine cemetery at Cieneguilla, Attorney General Colán reportedly told lawmakers during a CCD hearing that Uceda had committed crimes against the administration of justice.<sup>51</sup> When Americas Watch

<sup>48</sup> "Se presume inocente," *Sí* p. 24, 27-29; and Americas Watch interview with Mallea family, July 24, 1993.

<sup>49</sup> Document Report by Lyndal L. Shaneyfelt, Examiner of Questioned Documents, Alexandria, Virginia, September 13, 1993. This opinion was sought by Americas Watch at the request of the *Fundación Ecuemenica para el Desarrollo y la Paz* (FEDEPAZ), a Lima-based human rights organization that has taken up Mallea's defense.

<sup>50</sup> On August 3, 1992, the Supreme Court found Zileri guilty of defaming SN director Vladimiro Montesinos, subjecting him to monetary damages and restrictions on publishing material deemed offensive to the powerful official. (See Americas Watch, *Human Rights in Peru One Year After Fujimori's Coup*, p. 41)

<sup>51</sup> "Justicia al revés," *Sí* p. 18.

Director Juan Méndez asked Colán on what basis Uceda was being questioned by prosecutors, she said that Uceda would not be charged with any crime but would be obliged to provide all the information he had about the case. Nonetheless, the government's attempts to intimidate these journalists have been far more energetic than its efforts to investigate the graves at Cieneguilla.

#### IV. U.S. ROLE

As the La Cantuta case has developed, the U.S. Embassy and State Department have shown their concern through behind the scenes representations to "the highest levels" of the Peruvian government, according to the State Department. U.S. officials have shown an openness and spirit of cooperation with Peruvian and international human rights groups, which underscores the U.S. government's interest in human rights generally and provides important symbolic protection to human rights monitors, who face considerable hostility from the Fujimori government.

However, the administration has refrained from publicly criticizing the government's handling of the case. Administration statements on the case offer no hint that the Fujimori government shares any blame for the crime or the coverup. In an interview with the Lima daily *La República*, U.S. Charge d'Affaires Charles Brayshaw noted that "we haven't seen an investigation which determined what happened" in the La Cantuta case and expressed hope that the military tribunal "treats it with the seriousness it deserves."<sup>52</sup> A written "press guidance" prepared one month later in answer to a reporter's question call for a "full investigation into the circumstances" of the graves; and stated that the Clinton administration had discussed the matter with the Fujimori government; and that the U.S. had offered technical assistance from international experts. The guidance, issued on August 13, 1993, failed to note that the Peruvian government had turned down the U.S. and other offers of international assistance.

Clearly the administration's bland public statements and its private expressions of concern have been ignored by the Fujimori government, which has continued to block investigation of the crime without pause.

The gentle treatment of the government regarding the La Cantuta case comes as the Clinton administration appears to be warming relations with Peru on all fronts, after Washington had shunned the government following the April 5, 1992 presidential coup. Public statements by U.S. officials in recent months portray a human rights situation improving on several fronts, despite serious and systematic abuses.<sup>53</sup> In the press guidance issued on August 13, the State Department offered the following comments on the human rights situation in Peru:

We raise the issue of human rights regularly with the Peruvian government. It is important to note that some progress is being made. The incidence of disappearances and extrajudicial executions is down, according to information from respected human rights observers; the International Red Cross has access to prison facilities; and the

---

<sup>52</sup> Mariella Balbi, "Sin democracia, no hay ayuda," *La República*, July 11, 1993.

<sup>53</sup> See Americas Watch, *Human Rights in Peru One Year After Fujimori's Coup*.

government is taking steps to improve its relations with local human rights groups.

Yet there is clearly much more to do. The level of reported abuses is among the highest in this hemisphere. The government has so far had little success in bringing to justice those responsible for major abuses, such as last year's disappearances at the La Cantuta University.

We will continue to raise human rights with the Peruvian government and help it work to improve human rights performance.

Those human rights violations which are acknowledged are presented as something the Peruvian government is earnestly combatting. However, the La Cantuta case reveals precisely the opposite. Disappearances were carried out by a death squad operating at high-level direction and the government engaged in efforts on several fronts to derail the investigation and protect those responsible. Both the Attorney General's office and the new congress demonstrated their lack of independence from the executive by refusing to exercise their proper oversight role. These institutions appear incapable of challenging the executive since Fujimori's self-inflicted coup of April 5, 1992.

## V. CONCLUSION AND RECOMMENDATIONS

### CONCLUSION:

1. *On July 18, 1992, nine students and a professor were kidnapped from the La Cantuta University—under tight military control at the time—most likely by a secret death squad operated by the military National Intelligence Service (SIN). They were never seen alive again. Senior government officials, including SIN advisor Vladimiro Montesinos and the president of the joint chiefs of staff of the armed forces, General Nicolás de Bari Hermoza Ríos, are reportedly implicated in the death squad's operations.*

2. *The government of Alberto Fujimori has covered up the truth about the disappearances at La Cantuta. The coverup has involved:*

- ◆ the burning and secret burial of the victims' bodies;
- ◆ the public threats by General Hermoza against those legislators who sought to investigate the case as well as the parade of dozens of tanks in the streets of Lima as an effort at further intimidation;
- ◆ efforts by the government's majority in the congress to derail the congressional investigation of the case;
- ◆ refusal of military leaders and the military tribunal to provide information to the congressional investigating committee;
- ◆ refusal by the military tribunal to permit Montesinos to testify before the commission despite the fact that he was cashiered from the army in 1976;
- ◆ the public prosecutors' abdication of responsibility to investigate the crime;

- ◆ the Attorney General's failure to seal off the site where the remains of some of the La Cantuta victims were found for six days, while hordes of people trampled the site and disturbed the evidence;
- ◆ the refusal by the Attorney General to accept international assistance in the exhumation and forensic analysis of the remains;
- ◆ the police mounting of a propaganda operation intended to discredit the discovery of the remains;
- ◆ the harassment of journalists who have investigated the case.

3. *La Cantuta is not an isolated case, but rather an appropriate measure of the government's approach to human rights.* Although the number of reported disappearances has decreased in the first months of 1993 compared with the same period last year, the government's protection of the authors of the La Cantuta disappearances demonstrates that it is unwilling to relinquish the use of disappearances as a secret tool in its counterinsurgency efforts.

4. *Formerly independent institutions such as the Attorney General's office and the congress have demonstrated their lack of independence by their failure to exercise oversight in the case of La Cantuta.* Fujimori's 1992 coup, in which the Attorney General, the Supreme Court, and dozens of prosecutors and judges were summarily fired and the congress was shut down and replaced by one elected under rules designed by Fujimori over protests by the major political parties, has left these once independent institutions dependent on the Executive.

5. *The insurgent group Shining Path, while severely weakened by the capture of many top leaders, continues to commit horrendous violations of the laws of war, including the recent massacre of more than 60 Asháninka Indians, many of them children.* No repressive action by the government can justify the targeting of civilians by the guerrillas, nor can any atrocity committed by the insurgents provide an excuse for government abuses.

6. *The Clinton Administration has used "quiet diplomacy" rather than public criticism to pressure the Fujimori government on the La Cantuta case. This diplomatic pressure has been ignored by the government.*

#### **RECOMMENDATIONS:**

1. *The government should assign a respected independent jurist to act as a special prosecutor to investigate and prosecute those responsible for the La Cantuta affair within the civilian court jurisdiction.* The jurist should not come from the ranks of the public prosecutors' office, as that institution has abdicated its responsibility to pursue the case. The prosecutor should also be assigned to investigate possible obstruction of justice by government and military officials and should order prosecutions if the evidence so warrants.

2. *The government should seek the assistance of respected international forensic experts to analyze the remains discovered at Cieneguilla.* Experts could help determine the identity of the victims as well as the cause and manner of death. The families of the disappeared have a right to know the fate of their loved ones in detail and to receive fair compensation for their disappearance or murder.

3. *The Clinton administration should publicly press the Fujimori government to conduct a thorough and impartial investigation of the La Cantuta case and should withhold all security assistance, including economic support funds, until the government has made genuine progress in prosecuting the case, along with other egregious human rights violations such as the Barrios Altos massacre of November 1991 and nine cases singled out by the U.S. Congress that year.*

\* \* \*

This report was written by Robin Kirk, Andean Researcher for Americas Watch, and Anne Manuel, Associate Director. Research assistance was also provided by Juan Méndez and Patricia Valdez in Argentina. It is based on three trips to Peru, in February and April (by Kirk) and July 1993 (by Méndez).

\* \* \*

*The 21-page report is available through the Publications Department, Human Rights Watch, 485 Fifth Avenue, New York, NY 10017, (212) 986-1980.*

*Americas Watch* was established in 1981 to monitor and promote the observance of internationally recognized human rights. *Americas Watch* is one of the 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; Associate Directors, Cynthia Arnson and Anne Manuel.

*Human Rights Watch* is composed of five regional divisions, *Africa Watch*, *Americas Watch*, *Asia Watch*, *Helsinki Watch* and *Middle East Watch*, and four collaborative projects, the *Arm Projects*, *Prison Project*, *Women's Rights Project*, and the *Fund for Free Expression*. Its Chair is Robert L. Bernstein; Vice Chair, Adrian W. DeWind; Acting Executive Director, Kenneth Roth; Washington Director, Holly J. Burkhalter; Associate Director, Gara LaMarche; Press Director, Susan Osnos; California Director, Ellen Lutz; and Counsel, Jemera Rone.