

# **UNTOLD TERROR**

## **Violence Against Women in Peru's Armed Conflict**

**Human Rights Watch/Americas  
Human Rights Watch Women's Rights Project**

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Without the generosity, trust and courage of the women who agreed to tell their stories, this report would not have been possible.

*"The boys played her like a yo-yo. Then we wasted her."  
"Pancho," Peruvian soldier*

*"Our objective is to seize power. Only then will the deaths cease."  
Luis Arce Borja, Shining Path spokesperson*

## I. INTRODUCTION

Throughout Peru's 12-year internal war, women have been the targets of sustained, frequently brutal violence committed by both parties to the armed conflict often for the purpose of punishing or dominating those believed to be sympathetic to the opposing side. Women have been threatened, raped and murdered by government security forces; and women have been threatened, raped and murdered by the Communist Party of Peru-Shining Path. Often, the same woman is the victim of violence by both sides.

Yet an examination of what has been written about human rights abuses in Peru reveals a glaring omission. Abuses against women figure only briefly in most reports, including those published by Americas Watch. In particular, rape by the security forces has been at best overlooked, at worst virtually ignored. Neither the state-run Human Rights Defenders Office nor independent human rights groups consistently monitor reports of rapes committed against civilian non-combatants. Despite the numerous accounts of rape detailed in this report, including for 1991, the Human Rights Defenders Office lists only one case for that year -- the rape of 17-year-old Zumilda Pineda Flores and her mother, Marina Flores Valenzuela, described in these pages. In a similar manner, although Shining Path attacks on women have drawn the attention of the national and international press, the underlying motivation for such violence -- to suffocate dissent and force collaboration -- remains little examined, or condemned. While this insurgency professes abroad to represent the poor and disenfranchised, at home it systematically threatens, persecutes and murders women committed to feminism and non-violent social change.

This is the first Americas Watch/Women's Rights Project report to focus on violence against women by both parties to the conflict in Peru. It is part of a broader effort by the Women's Rights Project to focus on the role of violence against women in internal and international conflicts in other parts of the world as well, and is meant to complement local efforts to bolster reporting on abuses against women. It sheds light on the particular character and function of such abuse in Peru's internal conflict, focussing on the security force's use of rape and other forms of violence against women, the Shining Path's use of murder and intimidation of female non-combatants, and the Peruvian government's failure to prosecute the agents of abuse and guarantee women equal protection under the law.

Information on rape by government security forces was gathered for this report during a three-week mission to Peru in July 1992. Interviews were held with victims and their families, the military, judicial and Public Ministry officials, journalists, human rights monitors, social workers and women's rights groups. Information on Shining Path threats and attacks was gathered during the same mission and from the same sources mentioned

above, as well as from interviews with women who belong to the Shining Path.<sup>1</sup>

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From the beginning of the government's campaign against armed insurgents, rape has been a ghastly reality for women.<sup>2</sup> Not only forced sex is involved. The central element of rape by the security forces is power. Soldiers use rape as a weapon: to punish, intimidate, coerce, humiliate and degrade. Especially in Peru's southern highlands, just living in a certain area can put women at risk of rape, often because of suspected sympathy with the insurgency or simply because of being in the wrong place at the wrong time.

In one case described in this report, a combined army-civil defense patrol entered a hamlet near Tarma, Junín, on May 27, 1991, invaded Amparo's<sup>3</sup> home, executed her husband as a "terrorist" and then hung her from the ceiling and raped her repeatedly.<sup>4</sup> That July, soldiers gang-raped 39-year-old Luzmila, whose son had reportedly been murdered by civil defense men months earlier near their home in San Pedro de Cachi, Ayacucho. She told us "[t]hey said my husband was with the terrorists, so I had to pay the price." Even in cases in which the soldiers' intent is not overtly political -- as when two women said they were abducted from a bus stop in Lima in August 1991 and gang-raped by 12 soldiers -- the effect is the same: women are terrorized by government security forces and rape is the method of choice.

No statistics exist on how many rapes by the security forces occur annually. However, local human rights monitors agree that the number is very high. This report documents more than 40 cases of rape during interrogation or in the emergency zones, and many others that occurred during security force sweeps or massacres. Reported cases often

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<sup>1</sup> Because of the current political upheaval -- which has resulted in mass firings and resignations of judges and other public officials -- as well as the by-now infamous disorganization of Peru's judicial system, in some older cases, it was impossible to determine the outcome of formal reports of rape, especially if they occurred outside Lima.

Another, more pernicious obstacle exists to obtaining reliable information. Military courts hear cases against police and military men accused of rape and other human rights violations in secret and their outcome often is not made known. Even in instances where the results are announced, the charges are not detailed. For example, in 1991, Defense Minister Jorge Torres Aciego announced that 48 officers had been punished by military courts for crimes in 1991. However, he never specified the types of crimes, rank, institution, individual involved or penalty.

<sup>2</sup> Few men report rape while in detention. Human rights groups have documented many cases where torture has focused on male genitals, including blows, cuts and the application of electric charges to the testicles, but rape of men appears to be uncommon. However, in 1987, two official investigations did find evidence that several men detained and tortured in the city of Cuzco by members of the police had wounds in the rectum from rape with metal objects.

<sup>3</sup> In this report, some of the women's names have been changed at their request. These names are marked with asterisks (\*).

<sup>4</sup> In Peru, these civilian groups -- known as *rondas campesinas*, peasant patrols, or civil defense committees -- vary in purpose and conformation according to region. In the north, most *rondas* were formed by peasants to protect their holdings against thieves and corrupt police and judges. In the south, some communities formed civil defense committees in the mid-1980s first at the army's behest and later some voluntarily, to defend against Shining Path incursions. In recent years, the army has also encouraged -- and sometimes forced -- peasants to form committees, which are then used in joint army-civil defense operations, to attack alleged guerrilla columns. Some anti-guerrilla committees have been implicated in human rights violations, acting either alone or with the army.

involve the insertion of foreign objects into the vagina and anus, combined with other forms of torture including electric shock to the genitals and breasts; rape of pregnant women and of minors; and gang rape by police or security force personnel. Often, women are raped while blindfolded, so they cannot identify their attackers. Usually, they are told they or their family members will be killed if they report rape. In some instances, groups of women have reportedly been raped by the security forces and then killed. Family members are often forced to witness such abuse.

Although we found no evidence showing rape is a matter of security force policy, the rape of women is common practice. In its 1991 report on human rights in Peru, the US State Department notes that "there continue to be credible reports of rape by elements of the security forces in the emergency zones," reports that in 1990 were described as "so numerous that such abuse can be considered a common practice, condoned -- or at least ignored by -- the military leadership."<sup>5</sup> In a recent report on Peru, Amnesty International concluded that "rape is widespread, a routine accompaniment to military incursions into peasant communities."<sup>6</sup>

Despite the pervasiveness of the abuse, few police officers and even fewer members of the security forces have been prosecuted for such abuse, even when the cases are reported to the appropriate authorities.<sup>7</sup> To the contrary, evidence gathered for this report demonstrates that far from punishing rapists in uniform, both the police and army actively protect them and continue to promote them within the ranks, implicitly condoning their crimes. In one infamous case involving the murder and rape of 69 peasants in Accomarca in 1985, only the most junior officer involved, Lt. Telmo Hurtado, was eventually charged, and whether rape was included in the charge is unknown. Moreover, even though Hurtado was found guilty by a military court of "disobeying orders," he never served time in prison. In fact, he was promoted normally during his "sentence" of six years, and is currently a captain. This is one of only two cases we are aware of in which an officer has been found guilty of a human rights related offense.<sup>8</sup>

Until April 1991, rape was treated as a crime against honor under Peru's civilian penal code, not against a woman's body. According to local attorneys, this emphasis puts female rape victims, particularly if they are adult and sexually active, at a marked disadvantage when seeking to prosecute such abuse. Unless a rape victim can prove she is "honorable," it is unlikely that her allegation will be taken seriously by the authorities. In one rape case we investigated, an assistant to the public prosecutor allegedly said to the victim: "Are you a virgin? If you are not a virgin, why do you complain?" Although

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<sup>5</sup> See U.S. Department of State, *Country Reports on Human Rights Practices for 1990 and 1991*, Washington, DC, February 1991 and 1992.

<sup>6</sup> Amnesty International, *Peru: Human Rights in a Climate of Terror*, (London, 1991) p. 7.

<sup>7</sup> From 1985 to 1990, only 10 police officers were formally sanctioned and dismissed from the force for rape. Local human rights groups suspect most of the cases involved officers who committed rape while off-duty and in circumstances unrelated to a detention or counterinsurgency operations. Statistics from the Department of Statistics, National Police, and elaborated by the Instituto de Defensa Legal.

<sup>8</sup> The second case involved retired army major Luis Angel Morales Céspedes, who was sentenced to 15 years in prison for having ordered his subordinates to murder a civilian and hide his body.



women's rights activists successfully pushed to modify the definition of the crime of rape when a new penal code was adopted in 1991, attorneys maintain that biased attitudes about women's honor continue unfairly to influence rape's prosecution, and are revealed in inadequate penalties and a low conviction rate. Only an estimated 14 percent of reported rape cases ever end in punishment of the accused.

While sustaining a charge of rape under Peru's civil law is difficult at best, proving rape against a member of the police or security forces is next to impossible. Emergency legislation<sup>9</sup> mandates that offenses committed in the line of duty be placed under military jurisdiction, subject to the Code of Military Justice. Despite the fact that rape and murder are common crimes and should be subject to the civilian penal code, we are aware of no case in over 12 years of internal conflict in which the civil courts have exercised jurisdiction. In only one case we are aware of, a military court adopted clauses from the civilian penal code to try soldiers for murder, theft and rape. This case has yet to be resolved. Instead, as in the Hurtado case described above, human rights related cases are tried in military courts and soldiers accused of rape are never made available to civilian courts for prosecution. To our knowledge, in no case has an officer ever been punished for rape. For women, this impunity is grim proof of their powerlessness against a state that turns a blind eye to rape.

As far as the military is concerned, rape is an occasional, regrettable "excess." Gen. EP Petronio Fernández Dávila, Sub-Secretary of Human Rights and Pacification in the Defense Ministry, told us in July "[t]hese boys are far from their families and suffer a great deal of tension because of the nature of combat." He went on to say that many of the women who report rape are "subversives" who seek to damage the image of the armed forces.

Rape of women by the Shining Path is much less common, perhaps due to explicit prohibitions within the ranks and the high number of women militants. More often, the Shining Path threatens and murders women activists with the express purpose of intimidating them and their peers, terrorizing their families and communities and destroying what the Shining Path perceives as competing organizations.

The Shining Path targets women more because they are activists than because they are women. Moreover, the type of violence used against women is used against male non-combatants as well. Women activists are Shining Path targets primarily because of their role in founding and participating in survival organizations, like community soup kitchens and mothers clubs. Since 1989, as the rural-based insurgency has increasingly moved to urban Peru, these groups have been seen by the Shining Path as a potential urban base. Guerrillas begin by demanding collaboration, either with food, medicine or the loan of a meeting place. Those who hesitate are threatened. Those who refuse have been killed.

To some extent, women activists are also targeted by the Shining Path because of their efforts on behalf of women's rights. Shining Path literature argues that certain women's rights issues, like equal pay for equal work and freedom of choice, are international

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<sup>9</sup> See section on emergency legislation in this report.

conspiracies aimed at derailing revolution. Insurgents have denounced women's rights groups as "madam feminists [and] sleep-inducing mattresses...who serve as an instrument of oppression and retardation of women with the goal of leading them from the path of the people's war...."<sup>10</sup> Some women community activists killed by the Shining Path have been leading feminists as well.

Since 1985, ten female grassroots leaders have been killed by the Shining Path. One of the most brutal attacks was against María Elena Moyano, the vice-mayor of Villa El Salvador, a Lima municipality of 300,000, and a founder of the Villa Women's Federation. Moyano was shot by a Shining Path assassination squad on February 15, 1992. In front of her two sons and a nephew, guerrillas blew up her body with dynamite. In the weeks before her murder, Moyano strongly condemned guerrilla attempts to bully others into joining them. To our knowledge, the Shining Path has taken no action to discipline those responsible. To the contrary, they have hailed the assassination as "exemplary punishment."<sup>11</sup>

In fact, the Shining Path, far from prohibiting such violence, actively encourages it. After a July bombing in the Lima municipality of Miraflores that killed 22 and injured more than 200, Shining Path spokesperson Luis Arce Borja told journalists:

We know that many innocent people are dying. But history is written with blood. We will never attain power if we are tormented by the deaths. The price is high, but without bloodshed and violence, there is no revolution. Our objective is to seize power. Only then will the deaths cease."<sup>12</sup>

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In the absence of accountability in Peru's armed conflict, murder, torture and the ill-treatment of women are commonplace. In fact, these abuses could now be considered tried tactics of war. The silence surrounding such violence is one measure of its effectiveness. Women themselves are terrified to come forward or organize in opposition to such practices by both sides. Women who consider reporting rape by the security forces are deterred by the dual prospects of public humiliation and impunity for their attackers. In addition, they are threatened with retaliation against themselves and their families. While María Elena Moyano and women like her are revered as symbols of courage and independence in many parts of Peru and internationally, they are also an object lesson in what not to do: publicly confront the Shining Path. Since her murder, many women activists have taken temporary leaves from their duties as soup kitchen leaders or have simply quit, fearing for their lives and the lives of their families. Others have gone underground. Ominously, still others have reluctantly agreed to cooperate with guerrilla demands by donating food and other supplies. Few women activists trust or expect the government to come to their aid.

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<sup>10</sup> See "Más hambre y desocupación sobre la mujer," in *El Diario*, February 21, 1992.

<sup>11</sup> Flyer, "Neighborhood Class Movement-Base Villa El Salvador," March 15, 1992, p. 1.

<sup>12</sup> Interview with Luis Arce Borja in *Der Spiegel*, July 1992.

Women in Peru are not silent by choice. Even in the face of considerable fear and danger, many continue to resist. Women courageously came forward to speak with us as we collected information for this report. Nevertheless, Peruvian women are clearly under siege. At any moment, a guerrilla band can enter their houses or threaten them or their children. Yet if they appear not to criticize the guerrillas, they risk the wrath of the security forces with little hope of protection from civilian authorities. Forced to choose between sides, women try to placate both. It is a dangerous game, and one that they are almost certain to lose.

Americas Watch and the Women's Rights Project call on both parties to the conflict in Peru to honor their international obligations to prohibit murder, torture and ill-treatment of non-combatants, including women, and urge the international community, in particular the United States, to integrate a strong condemnation of violence against women and sex-discrimination into its human rights policy concerning Peru.

## II. INTERNATIONAL LAW

Common Article 3 of the four Geneva Conventions of 1949, which applies to "armed conflict not of an international nature," clearly prohibits murder, torture and ill-treatment of non-combatants by both the Peruvian government and the Shining Path. Its application to both sides of the conflict does not confer any special status on the armed opposition. Common Article 3 explicitly provides that its application "shall not affect the legal status of Parties to the conflict."

Common Article 3 obliges all parties to a conflict to prohibit, "without any adverse distinction founded on race, color, religion or faith, sex...", certain acts against civilians and combatants *hors de combat* through injury or capture, including *inter alia*

(a) violence to life and person, in particular murder of all kinds,... cruel treatment and torture;

....

(c) outrages upon personal dignity, in particular humiliating and degrading treatment.

Common Article 3 also prohibits the passing of sentence or carrying out of punishment without judgment from a regularly constituted court.

There can be no doubt that the Shining Path violates with remarkable cruelty and abandon the prohibition of Common Article 3 against violence to life and person, murder and the passing of sentences and carrying out of executions without previous judgment by a regularly constituted court. As Americas Watch has documented in several reports, people who disagree with the Shining Path's political project, or simply choose to remain silent, have been threatened with death and killed.<sup>13</sup> Many killings take the form of so-called "popular trials," the insurgents' euphemism for a public killing. As this report details, these killings have victimized women activists.

When the state engages in murder of any non-combatant, it is accountable under Common Article 3 as well as the International Covenant on Civil and Political Rights ("the Covenant") and other treaties of international human rights law. In the course of researching this report, we did not find that security forces murder women in particular with anywhere near the frequency or specific intent of the Shining Path. Nonetheless, even when the state does not itself perpetrate the abuse, it is obligated under the Covenant, to which Peru is a party, to protect its citizens against arbitrary deprivation of life and to punish such abuse when it occurs.

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<sup>13</sup> See the following Americas Watch publications: "El Perú de Fujimori: Golpe a la Democracia y a los Derechos Humanos" (August 30, 1992); "Perú: Civil Society and Democracy Under Fire" (August 1992); *Peru Under Fire: Human Rights Since the Return to Democracy* (Human Rights Watch and Yale University Press, June 1992), *Into the Quagmire: Human Rights and US Policy in Peru* (September 1991), *In Desperate Straits: Human Rights in Peru after a Decade of Democracy and Insurgency* (August 1990), "Wave of Violence Against Peru's Human Rights Community" (March 1990), *Tolerating Abuses: Violating of Human Rights in Peru* (October 1988), *A Certain Passivity: Failing to Curb Human Rights Abuses in Peru* (December 1987), *Human Rights in Peru After President Garcia's First Year* (September 1986), *A New Opportunity for Democratic Authority: Human Rights in Peru* (September 1985), *Abdicating Democratic Authority: Human Rights in Peru* (October 1984).

Although rape is not explicitly prohibited by Common Article 3, it is commonly understood to constitute both cruel treatment and an outrage on personal dignity. For example, in the 1982 decision of the European Court of Human Rights in *Cyprus v. Turkey*, where the Cypriots alleged systematic rape of women by Turkish soldiers, the Court held that Turkey was accountable for the abuse and that it constituted ill-treatment.<sup>14</sup> Worldwide, rape is condemned as cruel and degrading treatment. Peru's own criminal law prohibits rape as an assault on the victim's right freely to choose a sexual partner.

While in our view Peru's internal conflict does not currently meet the conditions necessary for the application of Protocol II to the Geneva Conventions, which also governs internal conflict but of a different character,<sup>15</sup> we believe Protocol II is a pertinent authority for interpreting Common Article 3's prohibition on outrages against personal dignity. Protocol II outlaws "outrages upon personal dignity, in particular humiliating and degrading treatment, rape, enforced prostitution and any form of indecent assault." The commentary of the International Committee of the Red Cross explains that this article "reaffirms and supplements Common Article 3...[because] it became clear that it was necessary to strengthen...the protection of women...who may also be victims of rape, enforced prostitution or indecent assault."<sup>16</sup> Peru ratified the two protocols additional to the Geneva Conventions in July 1989.<sup>17</sup> Although the line between cruel and inhuman treatment and torture is not well defined in either humanitarian or human rights law, rape by either side in certain circumstances also violates the Common Article 3 prohibition on torture. Rape by the security forces is also prohibited by the United Nations Convention against Torture and Other Cruel, Inhumane or Degrading Treatment or Punishment (the Torture Convention), to which Peru is a party.

The Torture Convention distinguishes cruel and inhuman treatment or punishment from torture by setting them out in separate articles.<sup>18</sup> The Convention defines torture as:

any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a

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<sup>14</sup> 4 E.H.R.R. 482 (1982)

<sup>15</sup> Article 1, para. 1 of Protocol II limits that instrument's application to non-international armed conflicts "... which take place in the territory of a High Contracting Party between its armed forces and dissident armed forces or other organized armed groups which, under responsible command, exercise such control over a part of its territory as to enable them to carry out sustained and concerted military operations and to implement this Protocol." Thus, the objective conditions which must be satisfied to trigger Protocol II's application contemplate a situation of classic civil war, essentially comparable to a state of belligerency under customary international law.

<sup>16</sup> ICRC Commentary to Optional Protocol II, Article 4, p. 1375, par. 4539.

<sup>17</sup> See Protocol additional to the Geneva Conventions of 12 August 1949, and relating to the protection of victims of non-international armed conflicts (Protocol I and II).

<sup>18</sup> The Torture Convention does not define cruel and inhuman treatment, but states in Article 16 that "each state party shall undertake to prevent...other acts of cruel, inhuman or degrading treatment or punishment which do not amount to torture as defined in Article 1." The distinction between torture and cruel and inhuman treatment or punishment appears to rest in part both on the specific intent and severity of the pain and suffering inflicted and the purpose of the act.

third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is

inflicted by or at the instigation of or with the acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.<sup>19</sup>

Under this definition of torture, when rape is used by Peru's security forces<sup>20</sup>, as it often is, to inflict severe pain or suffering and to obtain information or a confession, or to punish, coerce or intimidate, and is performed by state agents or with their acquiescence, it constitutes torture. Although Common Article 3 does not spell out the definition of torture in this same manner, the Torture Convention is the leading authority in this area and, as such, is applicable to the prohibition on torture in Common Article 3. Thus, when any party to an internal conflict uses rape, or acquiesces to the use of rape by its combatants, with the intention of inflicting severe pain or suffering and for the purposes or motives set out above, it must also be understood to constitute torture and should be condemned as such by the international community.

Until recently, rape has often escaped international scrutiny and condemnation, whether as torture, cruel and inhuman treatment or punishment or an outrage on personal dignity. In a 1991 report on torture and ill-treatment of women in detention, Amnesty International concluded that:

When a policeman or a soldier rapes a woman in his custody, that rape is no longer an act of private violence, but an act of torture or ill-treatment for which the state bears responsibility....Yet, many governments persistently refuse to recognize that rape and sexual abuse by government agents are serious human rights violations.<sup>21</sup>

This neglect is partly attributable to the failure by governments and the international community both to understand the substantive nature of the violation and to grasp its function, particularly when used or tolerated by agents of the state and insurgents. A thorough analysis of the past treatment of rape falls outside the scope of this report. However, it is clear that the level of physical and mental suffering inflicted by rape has not always been well understood. Nor has rape's function as a politically motivated form of punishment rather than as, for example, a wholly sexual or privately motivated abuse, been fully appreciated.<sup>22</sup>

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<sup>19</sup> Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Article 1.

<sup>20</sup> The insurgency is not accountable under human rights treaties, which apply only to state parties.

<sup>21</sup> Amnesty International, *Rape and Sexual Abuse: Torture and Ill-Treatment of Women in Detention*, (London: December 1991) pp. 1-3.

<sup>22</sup> For a more detailed discussion of the past failure by both governments and the international human rights community to treat rape accurately under international law, see Amnesty International, *Rape and Sexual Abuse: Torture and Ill-treatment of Women in Detention*, (New York, January 1992); Deborah Blatt, "Recognizing Rape as a Method of Torture," to appear in the *New York Review of Law and Social Change*, Volume 19.4; and Rhonda Copelon, "Recognizing the Egregious in the Everyday: Gender-Based Violence and Human Rights" (forthcoming).

Both sides in this conflict must observe Common Article 3, which unequivocally prohibits murder, torture and ill-treatment of non-combatants "without any adverse distinction founded on...sex...." Both parties to the conflict are responsible for ensuring that all their members abide by the laws of internal armed conflict and that equal protection against abuse is guaranteed to all civilians and combatants who are *hors de combat*.

In addition, we urge the government of Peru to honor its obligations under the International Covenant on Civil and Political Rights to protect its citizen's rights not to be arbitrarily deprived of life, and not to be subjected to torture or cruel, inhuman, degrading treatment or punishment and to be guaranteed equality before and equal protection under the law. We further urge Peru to uphold its obligations under the Torture Convention to prevent acts of torture "in any territory under its jurisdiction" and to ensure that allegations of torture are promptly and impartially investigated.

### III. RAPE -- A PRACTICAL IMPUNITY

Rape prosecutions are among the most difficult cases to attempt to win in Peru, even when the alleged rape is committed by common criminals, not members of the security forces. For women who decide to prosecute their attackers, the path to the judge's bench is long and fraught with traps. Common attitudes, social relations and their reflection in the law often work to stigmatize the victim, not her attacker, and reduce the likelihood of a fair trial. Moreover, inadequate medical facilities, cumbersome and negligent police procedures and popular distrust of the judicial system further complicate women's search for justice.

These factors often inhibit women from reporting rape. Peruvian legal experts and police estimate that reported cases represent less than ten percent of the rapes that actually occur. Moreover, once rape is reported, there is no guarantee that such abuse will be prosecuted or the accused rapist punished. Of the 1,810 formal charges of rape filed with the police in 1988, 257 resulted in convictions (about 1490) according to Peru's National Institute of Statistics.<sup>23</sup> By comparison, the United States had a conviction rate for rape of 23 per cent in 1988.

No statistics exist on how many rapes by the security forces occur annually. However, human rights monitors agree that the number is very high. A review of the major massacres that have preoccupied the international community -- Accomarca, Cayara, Chumbivilcas, Santa Bárbara -- demonstrates that rape is almost always an element. This report documents more than 40 cases of rape during interrogation or in the emergency zones, and many others that occurred during security force sweeps or massacres. Yet, despite the pervasiveness of the problem, we are aware of no case in which an active member of the security forces has been punished for rape.<sup>24</sup>

To understand why rape has been met with such impunity, one must first examine the status of women in Peru. Society's perceptions of women, and the reflection of these attitudes in civil rape law and modern jurisprudence, play a largely hidden, yet powerful role in determining how rape is perceived and prosecuted. Only against this background is it possible to grasp the impact of rape by the security forces or insurgents on women and the obstacles women face in gaining justice against uniformed rapists.

#### A. A Question of Honor?

*For a Peruvian woman, to have been raped is a great shame which she must hide from*

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<sup>23</sup> Similar figures were reported for 1991, although at the time of the writing of this report they remained incomplete. See *Peru: Compendio Estadístico, 1990-1991*, Dirección Técnica de Indicadores Económicos del Instituto Nacional de Estadísticas; Bureau of Justice Statistics: The Uniform Crime Reports published by the Federal Bureau of Investigations, 1988; "Dan apoyo legal..." in *El Comercio*, July 9, 1991; and Department of State, *Country Reports on Human Rights Practices for 1991*, p. 719.

<sup>24</sup> From 1985 to 1990, 10 police officers were formally sanctioned and dismissed from the force for rape, a minuscule number given the pervasiveness of the problem. Moreover, human rights groups suspect most of the 10 cases involved officers who committed rape while off-duty and in circumstances unrelated to a detention or counterinsurgency operation. Statistics from the Department of Statistics, National Police, and elaborated by the Instituto de Defensa Legal.



*society and especially her family. In society's eyes, she has been dirtied and perhaps wanted it to happen. Gossip and machismo combine to make life hard for the husband*

*as well, who is ridiculed by people who say the rapist is more macho than him. All the weight of the act, the blame, falls on the woman.*

-- Benedicta Quintanilla, a community activist in Huamanga, Ayacucho, who works with rape victims.<sup>25</sup>

Most Peruvian women work -- in the fields, as "informal" street vendors or maids, or in offices -- and an increasing number raise their families alone.<sup>26</sup> Nevertheless, society's perception remains that women should stay home after marrying and attend to their families. The man is considered "chief" of the family, while the woman is his subordinate, supposed to obey without comment. Psychologist Carmen Pimentel terms this the "authoritarian family," where the male head of household can resort to violence to control his wife, and through her the children.<sup>27</sup>

Domestic violence is common, largely accepted and lightly punished, if at all. In a 1989 study of 104 cases of spouse abuse in one Lima neighborhood, investigators discovered that only 11 cases ended up before a judge. Of those, two resulted in a conviction. The rest never progressed beyond the reporting stage, often because police officers failed to investigate or the aggressor, in all cases a man, refused to appear at the station or before a judge to respond to a charge.<sup>28</sup> In the latter case, usually nothing was done to obligate the accused's presence and the case would be dropped.<sup>29</sup>

The stiffest sentence possible for spouse abuse in Peru is thirty days of community service. In practice, lawyers who represent battered women say the state rarely enforces even this minimal penalty. Until 1991, when a new penal code was adopted, rape in marriage was not considered a crime, but rather a fulfillment of the wife's conjugal obligation.<sup>30</sup>

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<sup>25</sup> Personal interview, July 4, 1992.

<sup>26</sup> The most recent census was held in 1981, and revealed that more than half of the female population 15 and older works, mostly in service jobs that include nursing and domestic labor. Unrecorded, however, were women whose principal work is agriculture. See *Censo Nacional de 1981*, Instituto Nacional de Estadística, pp. 170-177.

<sup>27</sup> For a detailed discussion of the social and legal implications of domestic violence in Peru, see *Violencia Doméstica: Paquete Informativo*, compiled by the Center for Documentation on Women (CENDOC-Mujer), (Lima: 1991).

<sup>28</sup> A pertinent discussion of Brazil's experience with domestic violence and law is contained in *Criminal Injustice: Violence Against Women in Brazil* (New York: Women's Rights Project/Americas Watch, 1991).

<sup>29</sup> See Burgos, Hernando, "¿Ni con el pétalo de una rosa?" in *Quehacer*, April 1990, pp. 82-88.

<sup>30</sup> In many countries and some North American states, there is no legal concept of marital rape. Only last year did the United Kingdom outlaw marital rape. See "Judges Nail 'Lie' That Husbands Cannot Rape," *The Independent*, October 24, 1991, p. 3.

As with domestic violence, in Peru rape is a risk for all women regardless of class, race or economic status. However, wealthy women are better able to combat obstacles to prosecution by obtaining legal representation and by being in a position to pressure the police and other authorities to identify and prosecute their attackers. In contrast, lower middle-class and poor women are cruelly handicapped. They have limited to no access to legal representation and little influence with the authorities. Often, they even lack an understanding of rape that puts the blame where it belongs -- with the attacker. Instead, they blame themselves.

For most of this century, rape was defined by law in Peru as a crime against honor, not a woman's body. Although the law has recently been changed to define rape as a crime against *libertad sexual* (the freedom to choose a sexual partner), according to local attorneys the concept of the victim's honor still remains a key element in the judicial process.<sup>31</sup> Neither evidentiary rules nor judicial practice do not effectively confine the introduction of information about the victim's "honor" to its relevancy to the specific case and, as a result, an emphasis on "honor" is often introduced into the proceedings in a manner clearly prejudicial to the victim.

The link between rape and honor has nefarious consequences both for the victim and for the crime's prosecution. Raped women often believe their honor has been fatally compromised, and with it, their right to seek justice. This notion of the compromising effect of rape also was reflected in the old penal law, under which the penalty for the murder of a woman who had been raped was five years less than if the assailant had killed his victim without raping her. Feelings of shame and guilt often lead women to keep the attack secret.

Lawyers who defend rape victims say the continued emphasis on "honor" places a female victim at a legal disadvantage in prosecuting the case. Her age and her sexual past can be as important as the details of the attack. We recognize that a discussion of these factors might in certain limited instances, -- such as in cases where that the same woman consented to sexual intercourse in identical circumstances -- be relevant to establishing consent. However, in Peru we found that irrelevant information about the victim's sexual past is often introduced into rape trials and often serves to fuel a highly prejudicial presumption of consent that preempts a fair hearing of the allegation. Moreover, this undue emphasis on the victim's "honor" often serves to divert judicial scrutiny away from the accused rapist to the alleged victim.<sup>32</sup>

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<sup>31</sup> The new penal code does make some improvements in punishing rape. For instance, husbands who rape their wives can be prosecuted under Article 170, which defines rape as "with violence or a serious threat forces someone to perform a sex act or its analog." The old penal code exempted from this ban rape within marriage. Rapists who kill their victims are subject to a 20-year sentence under Article 177. Under Article 203 of the old code, the sentence was five years, less than if the assailant had killed his victim without raping her. *Also*, interviews with feminist groups, Lima, June 23-24, 1992.

<sup>32</sup> In the United States, until the 1970s, a woman's chasteness was considered by the courts to be indicative of whether she had consented to sexual activity and whether she made a credible witness. By contrast, inquiry into a defendant's sexual history has been generally impermissible on grounds of prejudice. The realization that evidence of victims' sexual histories was both irrelevant and prejudicial in light of societal attitudes regarding women's sexuality, prompted the enactment of rape-shield laws which block the introduction of evidence of a rape victim's prior sexual conduct. Most states now allow admission of such evidence only after a pretrial determination by a judge of its relevance.

Betty Fernández, a nursing student who was arrested on a terrorism charge in the department of Ayacucho in 1989, told us that Investigative Police officers threatened to rape her on three separate occasions while she was detained.<sup>33</sup> The first threat occurred soon after her arrest, when they forced her to disrobe, but did nothing. When she informed the assistant to the public prosecutor of the attempt, she says he replied: "Are you a virgin? If you are not a virgin, why do you complain? This is normal."<sup>34</sup>

Far from unusual, this attitude on the part of authorities, including judges, appears common. "Rape is a brutal crime that many judges nevertheless consider a minor infraction, above all when the victim is an adult," points out Dr. María Isabel Rosas Ballinas, who has defended many rape victims for the non-profit legal aid law group DEMUS.<sup>35</sup>

The unfair effects of the emphasis on "honor" is also evident in the distinctions made in sentencing rapists based on the age of their victims. According to Article 173 of the penal code, the rape of a minor under seven years of age is punishable with a minimum of 15 years of prison. However, if the girl is seven to nine years old, the minimum penalty is *reduced* two years. Punishment for the rape of a ten to 13-year-old girl is reduced yet again, to five years. The penalty for raping a female 14 and older, considered an adult, is a minimum of three years. While a government might well impose higher penalties for younger victims, this significant reduction of penalties as the victim's age increase reflects the judgement that the closer a rape victim is to sexual maturity, the less grave is the offense committed against her. Even in instances where the perpetrator is the same and commits a crime in identical circumstances, the punishment varies solely on the basis of the age of a victim who is in both cases a minor. The penalty at the age of majority is clearly inadequate for such a serious crime.

To have a chance of convicting her assailant, an adult woman must be able to demonstrate visible and serious physical injuries, according to Dr. César San Martín, a former justice in the Lima Superior Court. A threat with a weapon, like a gun, is not sufficient. Psychological trauma, like a threat against a family member, if the woman refused to comply, is not admissible evidence.

"There are no psychologists trained to evaluate this for a court, but even if they were it would rarely if ever be allowed as part of the case," explains Dr. San Martín. "The [rape] cases that have the best chances involve minors under 14, women who were seriously injured or killed or women who were gang-raped. Otherwise, the possibility of a conviction is near zero."<sup>36</sup>

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<sup>33</sup> Throughout the 1980s, what is now known as the Technical Police (PT) was called the Investigative Police (PIP), a national force similar in terms of jurisdiction to the United States Federal Bureau of Investigation (FBI). References to the PIP correspond to testimonies about events that took place before the change in name. Technical police are now part of the General Police (PG), a unified body.

<sup>34</sup> Personal interview, July 5, 1992.

<sup>35</sup> See interview in *Caretas*, May 20, 1991.

<sup>36</sup> Personal interview in Lima, July 7, 1992.

Dr. Sylvia Loli defends rape victims and the victims of spouse abuse for the Lima-based Flora Tristán Women's Center. For her, the disadvantages women face in pursuing legal action begin with the initial report and persist throughout the procedure leading to trial. To report rape, women must go either to the Technical Police (PT) or to a district attorney (*fiscal*).

"The treatment is always with a great lack of confidence in the woman's story, except when the report is made immediately and the woman goes to the station still showing the evidence of what happened," she told us. "The lack of confidence increases as the judicial procedure advances."<sup>37</sup> Even when an investigation is done, Dr. Loli asserts, the language in the police report is often crafted to put the woman's story in doubt. "For example, they write that the investigation 'seems to suggest' or 'it makes one presume,'" she told us. "They never use affirmative words."<sup>38</sup>

Collecting direct, physical evidence of violence is a crucial first step. Nevertheless, there is a great deal of ignorance among the general population about the value of preserving it, Dr. Loli believes. Many women, horrified by the act, bathe and throw away their torn clothing. Using current techniques, sperm samples must be taken within eight days of a rape, or are useless. Adult women especially must have such evidence taken immediately, or risk being accused of having sex with someone else in the interim because of their "less honorable" status before the law.

However, few medical or police professionals are trained or equipped to collect such evidence. For instance, in Lima, there are only five doctors in the Judicial Palace who examine all victims of violent crime, Dr. Loli told us.

"There is always a crush of people demanding attention," Dr. Loli added. "So the corresponding exam is necessarily superficial and hurried, and only collects the most

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<sup>37</sup> Personal interview in Lima, June 23 and 30, 1992.

<sup>38</sup> In 1991, an attempt by feminists to legalize "sentimental abortion" -- abortion in the case of rape -- failed in the face of stiff opposition from conservative legislators and the Catholic Church. The reasoning behind the campaign to keep abortion in rape cases illegal illustrates another way women's testimonies are put in doubt. Opponents to "sentimental abortion" charged that "with the excuse of having been raped," women would be allowed to abort. This assumption -- that women would lie about being raped in order to abort -- remains common. The ban on abortion also means that a woman who becomes pregnant as the result of rape is trapped in a ferocious dilemma. Therefore, lawyers point out, women who become pregnant must choose between pressing the case against their assailant *or* obtaining an abortion. If she reports the rape, she will be forced to bear the child or face prosecution for illegal abortion. In one case handled by the Flora Tristán Women's Center Legal Clinic, a 16-year-old accused her father, a police officer, of raping her. Before making a formal charge, however, her lawyer counseled the girl to get a pregnancy test, which was positive. The lawyer reasoned that if, during court proceedings, the girl discovered she was pregnant and wanted an abortion, she risked having the same judge charge her with a crime -- obtaining an illegal abortion. Part of the proof would be her own rape case. The girl's father later committed suicide, and the case was dropped.

Despite the ban, illegal abortion is common in Peru. A high percentage of abortions are performed on rape victims, often minors abused by fathers, stepfathers or other family members according to medical studies and family planning groups. According to Peru's Health Ministry, 43 percent of all maternal hospitalizations in 1990 were due to botched abortions. Botched abortion is the leading cause of maternal death. *See* Robin Kirk, "Family Planning seen as top priority..." in the *National Catholic Reporter*, November 8, 1991.

visible aspects of violence. If the woman is not a virgin, and she does not have serious vaginal damage, the rape becomes more difficult to prove."

Women who are raped on the weekend or holidays -- the most common time according to police -- must wait until a working day for attention. By then, much evidence can disappear. Some women are assigned doctors attached to police clinics. However, when the police themselves are implicated in a rape, this can be a risky move. In Huamanga, the capital of Ayacucho, all exams of rape victims are performed by police doctors, although the police often are implicated in rape.

In the case of virgins, the case often rests on the ability to demonstrate medically that the hymen was ruptured. However, it is not unusual for the hymen to stretch during intercourse, even when it is forced, remaining unbroken. For instance, Dr. Loli cites the case of a minor who said her father had raped her repeatedly. Thinking his daughter pregnant, he forced her to insert a plastic straw in her vagina to provoke a miscarriage. Three days later, the girl fainted in school, wracked by a massive infection. However, the medical examiner declared that she had a *hymen complaciente*, an intact hymen, and therefore had not been raped.

In rural areas, building a case can be especially difficult. Often, rape occurs when a woman is alone in an isolated place, unable to call for help. The nearest police station can be days of hard trekking away. In any case, most department capitals lack the tools or trained professionals to collect admissible evidence. Given these difficulties, and a widespread distrust of police and judges, many choose instead to bring rape cases before community government or the local peasant patrol. *Rondas campesinas*, or peasant patrols, are the cornerstones of an alternative justice system common throughout northern Peru, where they have virtually monopolized the resolution of rural disputes. Patrols have ordered that rapists be physically punished with whipstrokes or freezing water baths, pay reparations and do community work.<sup>39</sup> In more extreme cases, disgust with the official justice system has led the families of rape victims to other acts of violence.

Although by law, police and judicial authorities are responsible for investigating rapes, in practice the victim or her family must often locate the accused if they desire formal proceedings. If they cannot find or identify the suspect, the case is usually dropped. Increasingly common in Lima's shantytowns are self-appointed neighborhood "justice-makers," who capture and torture suspected thieves, drug addicts and rapists. In 1992, two men suspected of theft and rape were killed in separate incidents in Lima's shantytowns, their nude bodies left in public places as a grisly message to other wrongdoers.<sup>40</sup>

Far from unique, police performance on rape cases mirrors the general attitude many police have toward aggressively investigating local crime. Underpaid, understaffed and

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<sup>39</sup> See Orin Starn, *Con los llanques todo barro: Reflexiones sobre rondas campesinas, nuevos movimientos sociales y protesta campesina*. (Lima: Instituto de Estudios Peruanos, 1991). In addition, personal interviews, December 1991.

<sup>40</sup> See a series of cases reported in the press in late June and July 1992. For instance "Torturan y matan a delincuente que secuestró e intentó violar a colegiala," in *La República*, on June 26, 1992; and "Detenidos por dos linchamientos...." in *La República*, July 15, 1992.

undertrained, Peru's National Police argue that they have little incentive to do their jobs when salaries don't cover the needs of their families. Despite yearly "moralization" purges, the police remain an institution dogged by accusations of ineptitude, widespread graft and corruption. On the part of the public, distrust and open fear of the police is so common as to be considered a normal part of daily life.<sup>41</sup>

If a suspect is identified, the rape victim must make a second formal accusation, called the *ratificación*, or reaffirmation. This time, however, the accusation is made in public and facing the accused. Without it, no case can proceed. Girls as young as 14 must make a *ratificación* alone before the judge, whose office is usually a busy room shared with other judges, lawyers, other litigants and the press. Occasionally, rape cases are dismissed at this point, because the victim decides not to go public with the charge.<sup>42</sup>

"Rape is not perceived as something very serious," Dr. Loli stressed to us. "So it is very difficult to win cases when everything, from common perceptions to procedural norms and even general law principles, favor the man."

Peru's feminists have fought to change these attitudes through education, organization and stiffer penalties for crimes against women. They successfully pushed to get a special "Women's Police Station" (*Comisaría de Mujeres*) established in Lima in 1988, to attend the victims of domestic violence. From 1988-1991, the station received 10,444 complaints, one for every 600 Lima residents.<sup>43</sup> However, the station does not attend rape victims and rape remains a difficult and little-discussed issue.

"If this is the picture when the perpetrator is a civilian," Dr. Loli told us, "what about a police officer or soldier on active duty? Forget it."

## **B. A Weapon of War**

Information collected for this report suggests that rape by the security forces threatens all women equally, but that four elements characterize women who are at greater risk of actual attack: race, social class, occupation and the explosive mix of gender and armed insurgency particular to the Shining Path and its female cadre. These elements combine to put certain women -- poor, brown-skinned (or *cholo* in the Peruvian racial argot), young

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<sup>41</sup> Wealthier Lima municipalities, like Miraflores, Jesús María and San Isidro, have attempted to deal with this problem by avoiding it altogether. They have hired private police forces, called *serenazgo*, which residents pay for in addition to police service. See "Dan de baja y expulsan a 33 policías corruptos," in *La República*, October 17, 1991; "Los CENIN son 'cárceles doradas' para policías," in *La República*, October 12, 1991; "Walkover judicial frente a los abusos policiales," in *Expreso*, October 2, 1991; and "Serenazgo en toda la ciudad," in *Expreso*, August 6, 1992.

<sup>42</sup> In March 1991, a man who ran newspaper ads identifying himself as a "personal trainer" (*instructor de educación física*) admitted to raping three young women who he had recruited for fictitious jobs. Nevertheless, the man was freed when a judge concluded that the women had not "reaffirmed" their charge. Despite their willingness to do so, Judge Benjamín Enríquez Colfer, of the 27th Court in Lima, upheld his decision, defending it to reporters by claiming the crime was not "serious" because the victims were adults and the rapist was not accompanied by a gang and did not use a gun.

<sup>43</sup> See "Durmiendo con el Enemigo," in *Caretas*, September 23, 1991. Also "Hay más de 10 mil denuncias...," in *El Comercio*, May 6, 1991 and "Cien denuncias diarias...," in *Expreso*, May 6, 1991.

and belonging to certain "suspect" groups, like students or teachers' unions -- at greater risk.<sup>44</sup>

Rape by the security force is strongly coded by race and class. During our investigation, we discovered no case in which wealthy or white women reported such treatment. Almost all the women who told us they had been raped by the security forces were lower middle-class to poor *mestizas*<sup>45</sup> and *cholas*.

For example, Ruth\* was detained by police during a routine document check of city bus passengers in Lima in 1991. No guerrilla activity had occurred recently in the area, and her documents were in order. Ruth, a mestiza, believes she was detained for two reasons: her lower middle-class appearance and her student identification card from the National University of San Marcos (UNMSM), Peru's largest public university. The government frequently accuses the universities of being centers for guerrilla activity, although the great majority of students have no connection with the insurgents.<sup>46</sup> Also, Ruth wore what is considered by the security forces to be the "typical" uniform of a female urban Shining Path militant: short hair, a t-shirt, pants, a small day-pack and sneakers.

Ruth says she was blindfolded, beaten and threatened with death within minutes of exiting the city bus. In the police station, the beating continued.

They asked me as if they were making fun of me if I were a man or woman because I had short hair, and I answered: I am a woman. They said we'll see, let's see, and they ordered me to take off my pants and underwear. Because it was the third day of my period, I said I wouldn't, and they hit me in the head with a revolver, I think. They took off my pants and underwear by force and said: all of these assholes have their period... These are the *senderistas* who give us the coup de grace.<sup>47</sup>

Although Ruth was not raped, the threats were constant. At one point, Ruth says an officer told her: "I'll make sure you're still alive the first time they rape you."

The police comment to Ruth about the "coup de grace," the death blow, suggests the

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<sup>44</sup> Among the most disturbing human rights violations registered in 1992 have been the "disappearance," torture and extrajudicial executions of students at the University of the Center in Huancayo in circumstances that suggest the activity of an army-linked paramilitary death squad. As of this writing, 31 students, including eight women, were "disappeared" between July and September. The bodies of 19 have so far been found, some showing signs of brutal torture. On August 20, student Juana Nahui Vilcas was detained with her fiancée, Zózimo Curasma Sulla. Their bodies were found on September 10. Curasma's brother and sister-in-law, María Sánchez de Curasma, were "disappeared" on September 22 and their bodies found in early October. Along with four others, Gladys Espinoza León and Judy Huamán Quispe were "disappeared" in July. Their bodies were found on September 19. Still "disappeared" are Elizabeth Mendoza Medina, Marilú (no last name available), Alida Pérez Valle and Miriam Navarro Canchari.

<sup>45</sup> A mestiza is a woman of mixed white and Indian blood. This race is the majority in Peru.

<sup>46</sup> See Robin Kirk, "Peru's President, Wielding Paintbrush...", in *The Chronicle for Higher Education*, August 7, 1991.

<sup>47</sup> This information is contained in a confidential document provided by a reliable source. Further footnotes from this source will be identified as "internal document."

explosive gender twist to Peru's internal conflict. The Shining Path is fairly unique among armed insurgencies for the high number of women in its ranks, particularly in leadership positions. Often, women take part in the assassination squads that the guerrillas send to kill local authorities, government officials and police and military officers, and give the "coup de grace" during public executions.

For Peruvian society, this violation of gender stereotypes -- not peace-loving girls, but women who kill -- provokes an intense fear of and anger against women suspected of participating in armed actions. In the press, women *senderistas* are frequently described as monsters, killing machines and crazed automatons, qualities less frequently ascribed to their male counterparts.<sup>48</sup> These fears are incorporated into special police training courses, which claim that women are more dangerous, fierce and bloodthirsty than men. One 1990 National Police training manual describes "female subversives" as "more determined and dangerous than men, (they have) extreme conduct.. (and are) very severe."<sup>49</sup>

Rape in this context takes on a special ferocity, a sexual punishment for the trespass of a perceived gender boundary. The rape of female militants by police and soldiers is so accepted a feature of the conflict that the Shining Path has incorporated the risk into its training for young recruits. Women militants are told to expect to be raped, and exhorted to consider it a political test that transforms them into more perfect cadres.<sup>50</sup>

Rape also tends either to be perpetrated down Peru's race and class ladder or within a racial group. In other words, whites rape *cholitas*, not the other way around, or mestizos rape mestizas. In most cases, women identified as *chola* or Indian receive the most brutal treatment. Mestizo or *criollo*, (white) policemen tend to rape mestiza or *chola* detainees. *Cholo* soldiers rape *chola* women. Mestiza women are raped individually, while *cholitas* are raped en masse. Class taboos would cause a *cholo* soldier to think twice before raping a white woman; but white officers routinely rape *cholitas*. We have documented several cases where a light-skinned officer demands to rape "first," and is followed by his darker-skinned men in order of rank. "*Tumbachola*," to knock down a peasant woman and rape her, remains a common barroom joke.<sup>51</sup>

The attitudes and official acceptance that make rape by the security forces possible are clear in the following story told by "Pancho," an ex-navy soldier who was sent to Ayacucho in 1982, just after the first "state of emergency" was declared in nine provinces.<sup>52</sup>

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<sup>48</sup> For a fuller discussion of these issues, see "Recorded in Stone," ("*Grabada en Piedra*") by Robin Kirk, forthcoming in a collection of essays on women and violence from the Institute for Peruvian Studies.

<sup>49</sup> "... más determinadas y peligrosas que los varones, tienen conductas totalizantes.. y son bastante severas." See "VI Curso Superior de Guerra Política y Seguridad del Estado: Participación de la Mujer en la Subversión y en las Fuerzas Antisubversivas," (Surquillo: National Police Criminalistic Institute, 1990), p. 15.

<sup>50</sup> Personal interview in Castro prison, February 1991.

<sup>51</sup> The Shining Path is itself divided racially. Guerrilla field commanders and political chiefs, male or female, tend to be mestizo or white, while "the masses" -- the people they claim to represent -- are *cholo* and Indian.

<sup>52</sup> Emergency provisions are contained in Article 231 of the Peruvian Constitution, first invoked by President Fernando Belaúnde Terry in October 1981 and since renewed and extended by Presidents Alan García and Alberto



When Pancho, an urban mestizo, arrived in Ayacucho, the navy controlled the northern part of the department, where he and his unit were on a 15-day patrol. Pancho spoke with researchers at the Institute of Peruvian Studies on the condition of anonymity.

Whenever I searched a woman the first thing I did was force her to undress. Old or young, I stuck my fingers inside her... One day, they gave us a *chola* to waste (kill). Great, and now where, we looked around and found an abandoned shack... We all did the poor *chola* one after the other. I remember that my buddies dressed her up nice with a little dress and they made the *chola* look good. I remember too that the patrol commander didn't want us to touch her and I said to him, you're an asshole, the order's been given, we've been told to waste this *chola* and that's that. I remember she kept saying: I'm a virgin, I'm a virgin. Give me a break, *chola*! Of course she wasn't a virgin. (In Ayacucho) you learned to be a shit. The boys played her like a yo-yo. Then we wasted her.<sup>53</sup>

An army soldier calling himself "Alberto" told researchers at the Center for the Study and Promotion of Development (DESCO) that murder, rape and torture was an everyday occurrence during counterinsurgency operations in 1983. Told to remove any signs of rank and adopt a "war name," Alberto was assigned to a patrol of 18 men commanded by a captain called "Jackal" (*Chacal*). Although he knew the things he saw were wrong, he says officers punished severely soldiers who protested.

... one guy found out about something bad and he went up to the officer and he told him, "Look, sir, these guys have raped a woman and her daughter and robbed their valuables." "Oh, so you're a snitch!" (the officer responded). The next morning, the soldier was dead... They don't accept this kind of person in the ranks, because it's dangerous for the officers... We raped in all the villages. We would grab a girl, and we were five, six for every one... We would pin them with the FAL (automatic weapon) and that's how we passed the time. It's because the officers told us we shouldn't find a girlfriend because there you'd be and she'd stick a knife in you, so you have to be in a gang to be able to have sex.<sup>54</sup>

Although a decade has passed, the attitudes these men express appear little changed. As far as the military is concerned, rape is an occasional, regrettable "excess."

"These boys are far from their families and suffer a great deal of tension because of the nature of combat," Gen. EP Petronio Fernández Dávila, the former Political-Military Chief of the Huamanga Front, told Americas Watch in July. At the time, he was the

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Fujimori through executive decree for thirty- to sixty-day periods up to the present. Military control over the emergency zones was made law on June 6, 1985, with the passage of DL 24150. This law established what is known as a "Political-Military" command, to be led by a general whose authority supersedes that of civilian elected or appointed officials. The exception is metropolitan Lima, which although officially an emergency zone, is administered by police under the direct authority of the Interior Minister.

<sup>53</sup> See Degregori, Carlos Iván and José López Ricci, "Los Hijos de la Guerra," in *Tiempos de Ira y Amor* (Lima: DESCO, 1990) pp. 204-205.

<sup>54</sup> See "Confesiones de un contrainsurgente," in *Quehacer*, July-August 1991, pp. 54-62.

Subsecretary of Human Rights and Pacification in the Defense Ministry. Gen. Fernández has since been transferred to the command of the Fifth Military Region, which includes the departments of Cuzco, Apurímac and Madre de Dios.<sup>55</sup> He suggested that many of the women who report rape are in fact "subversives" who seek to damage the image of the armed forces. "I believe rape is rare. In my year in Huamanga in 1990 and last year here, I have not seen one case."

Nevertheless, during his term as Political-Military Chief, there were many credible reports of rape by the army committed within the region known as the Huamanga Front, which includes the departments of Ayacucho, Huancavelica and Apurímac. They included two highly publicized cases: the Santa Bárbara case and the Chilcahuayco case, both described in the following pages.

### **1. Emergency Legislation and the Military Code of Justice**

Special provisions included in "state of emergency" legislation protect rapists in uniform and create the conditions under which rape can occur with impunity. Although some provisions were designed to streamline the government's fight against guerrillas, in practice they propagate human rights abuse and institutionalize impunity. As importantly, the security forces are routinely protected by authorities from the law or allowed to avoid prosecution or its consequences. Independent human rights groups like Amnesty International have estimated that up to 85 percent of the human rights violations that take place in the areas declared emergency zones are the work of the armed forces, particularly the army.<sup>56</sup>

Under state of emergency legislation, the military is given control of a defined region, and is the ultimate authority over civilian elected and appointed officials. Certain rights, like freedom of assembly and movement, the inviolability of the home, freedom from arrest without a judicial warrant and bans on incommunicado detention, are suspended. Anyone living in an emergency zone can be arrested without warrant and kept 15 days in incommunicado detention, typically the time when torture, including rape, and "disappearance" and extrajudicial execution occur. Although by law any detention must be reported to civilian authorities within 24 hours, formal charges made and a lawyer notified, in practice the military routinely ignores these fundamental protections. Currently, about one-quarter of the country and just under 50 percent of the population live under state of emergency legislation.

While in the "Emergency Zone," police and soldiers are ordered to assume "war names" to hide their identities. On patrol, officers purposefully avoid using uniforms that display rank. Often, arrests or patrols are carried out while personnel are masked. Military authorities claim anonymity protects them from later attack by guerrillas. However, women who have been raped say they cannot then identify their attackers by name or rank, a legally required first step to prosecution.

In the few cases where an accused rapist has been identified, he is not put at the

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<sup>55</sup> Personal interview in Lima, July 1, 1992.

<sup>56</sup> See Amnesty International, *Peru: Human Rights During the Government of President Alberto Fujimori*, May 1992.

disposition of civilian courts for investigation and trial. Even if a woman remembers a face, she is rarely allowed to look at the soldiers on patrol that day to make an identification. Although military authorities told us that women who say they are abused can initiate proceedings through the courts, many women who made the attempt reported that they faced threats, ridicule and even attacks for their efforts, which never resulted in proceedings.

Emergency legislation mandates that offenses committed in the line of duty be placed under military jurisdiction, subject to the Code of Military Justice. Despite the fact that murder and rape can hardly be considered offenses against a military code -- they are common crimes and subject to the civilian penal code -- Americas Watch and the Women's Rights Project are aware of no case in over 12 years of internal conflict in which civil courts have exercised jurisdiction. To the contrary, the few formal charges levelled against military and police officers for rape are treated as a *delito de función* (a crime committed in the course of duty) and sent to military court.

The competence and impartiality of military courts is highly suspect. Military judges are not legal professionals, but officers drawn from the ranks to serve set terms. According to Peru's military code, they are charged with hearing only cases involving soldiers accused of military-specific crimes. Prior to 1991, courts judged those accused of human rights-related offenses on only two grounds: negligence and "abuse of authority." Sessions of the military court are held in secret. Even the victims or their surviving family members do not participate and are usually not informed of the verdicts.

### **Accomarca**

We are aware of only two cases in which an officer has been found guilty. One involved the massacre of 69 peasants, including six children, in Accomarca, Ayacucho, on August 14, 1985 by members of four army patrols.<sup>57</sup> It remains the largest single massacre of civilians in Peru's emergency zone. Witnesses later asserted that soldiers raped numerous female victims before killing them.<sup>58</sup> Despite evidence and eyewitness testimony linking five officers to murder, torture and rape, in 1987 a military court sentenced only one man, Sub-Lieutenant Telmo Hurtado, to four years in prison and immediate dismissal on the charge of "abuse of authority with disobedience."

Nevertheless, although Hurtado was detailed to a Lima army base where a military prison is located, he was never confined. Indeed, he was never even dismissed from active duty, and was promoted during his supposed "sentence." In a rare move, the General Prosecutor of the Military Supreme Court, Gen. Luis Carnero Debernardi, questioned the leniency and irregularities of the decision and filed an appeal on December 3, 1987. A subsequent army investigation, later leaked to the Lima daily *La República*, demonstrated how all five officers and their men engaged in rape, the burning alive of captured peasants, on-the-spot executions, the murder of witnesses and the wanton destruction of houses.

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<sup>57</sup> The second case involved retired army major Luis Angel Morales Céspedes, who was sentenced to 15 years in prison for having ordered his subordinates to murder a civilian and hide his body.

<sup>58</sup> Department of State, *Country Reports* for 1985, p. 666.

In 1988, only the most junior of the officers involved -- Hurtado -- was again found guilty. The others were absolved on the grounds that they were only following higher orders.<sup>59</sup> Lieutenant Guillermo Paz Bustamante was absolved of failing to inform his superiors of the deaths of two peasants, on the grounds that the officer "lacked time, was tired and was experiencing a very tense situation." Although the sentence against Hurtado was confirmed and increased to six years in March, 1992, he was never dismissed and now has the rank of captain.<sup>60</sup>

### **Santa Bárbara**

The military court made a change in the past pattern of adjudication of human rights cases in 1991, when it adopted part of the civilian penal code to try officers accused of theft, rape and murder in the department of Huancavelica in 1991. According to witnesses, on July 4, a combined civil defense-army patrol from the Pampas, Huancavelica, military base beat and detained villagers in Rodeopampa, Pallccapampa, Huaraccopata and Miguelpata. Houses were destroyed, animals stolen and women raped. Then, about 15 villagers were taken to the Farallón mine near Rodeopampa and killed, their bodies later blown up with grenades.

The case, known as the Santa Bárbara massacre, resulted in formal charges against six officers.<sup>61</sup> For the first time, a military court adopted sections from the civil penal code to convict the military men. According to the army, Second Sergeant Carlos Prado Chinchay was charged with aggravated murder, theft and the rape of two women in his custody. Second Sergeant Dennis Pacheco Zambrano was charged with cattle theft and rape. The adoption of such serious charges reflects extraordinary domestic and international attention to the case. It is one of nine currently monitored by the US Congress as a condition for the release of military aid to Peru.

However, only one woman -- Isabel Quispe Hilario -- was willing to testify to a public prosecutor about her rape. Other witnesses who agreed to testify, relatives of the victims, and government officials attempting to investigate were subsequently harassed by the security forces and some government officials. Although civil authorities attempted to wrest the case from the military courts, they have so far been unsuccessful. The battle over jurisdiction is currently before the Supreme Court, which has repeatedly ruled in favor of the military.<sup>62</sup>

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<sup>59</sup> The Code of Military Justice exempts military personnel from criminal responsibility for acts carried out under orders, provided "the order is not notoriously illicit" according to Article 9(7). Repeatedly, military courts have absolved officers of wrongdoing with the argument that abuses are consequences of military operations carried out in accordance with standing orders so do not constitute crimes. In June 1988, a military court ruled that the killing of 13 civilians in Parcco Alto, Ayacucho, in 1986 was such a consequence, even though it acknowledged that seven of the victims were executed while in custody. See Amnesty International, *Peru: Human Rights in a Climate of Terror*, (London, 1991), p. 62-66.

<sup>60</sup> See "Accomarca," in *La República*, July 4, 1992.

<sup>61</sup> They included Lieutenant Javier Bendezú Vargas, Third non-com officer Duilio Chipana Tarqui, Second Suboficial Fidel Ausebio Huaytalla, First Sergeant Oscar Carrera Gonzalez, and Second Sergeants Carlos Prado Chinchay and Dennis Pacheco Zambrano. For a more detailed discussion of this case, see Americas Watch, *Peru: Civil Society and Democracy Under Fire*, August 1992, pp. 14-18.

<sup>62</sup> See judicial documents from Huancavelica containing the initial charges. In several cases since 1983, the Supreme

Fear of retaliation from the security forces remains one of the prime reasons why so few rape cases involving the security forces become public. Witnesses courageous enough to come forward have been harassed, threatened and killed, creating a climate of fear. While many women give their testimonies to local human rights groups, few take the next step and make a formal charge.

"Many women will report the disappearance of a loved one or the killing of a family member, but not report the fact that they were raped," Joffré Depaz, coordinator of the Committee of Family Members of the Detained/Disappeared (COFADER), told us. "They consider themselves lucky just to get out alive."<sup>63</sup>

For instance, in the office of the Ayacucho Public Prosecutor, there was only one rape case reported in 1991. "People don't come to report such cases anymore out of fear," Dr. Luis Toscano, the acting public prosecutor for human rights in Ayacucho, told us, adding that he believes there are many unreported cases. "There are only eight days to do the medical test, and even that is not with a civilian doctor, but the Police Clinic. We have no budget for travel to do investigations, so the family must also provide transportation and food. Not many have these kinds of resources."<sup>64</sup>

A dramatic blow against human rights was struck on April 5, 1992, when President Alberto Fujimori violated Peru's constitution by dissolving the Congress, suspending the judiciary, jailing members of the opposition and assuming dictatorial powers. He defended this "self-inflicted coup" as necessary to pursue government reforms, combat widespread corruption and bolster the war against the Shining Path. However, despite repeated pledges to strengthen respect for human rights, his administration has not taken steps to end impunity. To the contrary, President Fujimori has gutted the independent judiciary and Public Ministry, and promulgated a series of new laws that further insulate the security forces from prosecution for human rights abuses, including rape. These laws do not protect women, but rather the men who abuse them.

In fact, the case can now be made that the entire country exists under an "official" state of emergency due to the promulgation of a series of decrees beginning with Decree Law (DL) 25475, known as the "Anti-terrorism Law." It employs a vague definition of terrorism, authorizing the prosecution of anyone who "provokes anxiety" or "affects international relations" by any means, including nonviolent ones. The crime of "*apology for terrorism*" -- in effect, seeming to excuse, justify or rationalize the activity of insurgents, a charge that President Fujimori has leveled frequently at human rights groups -- is never defined, but carries a sentence of between six and twelve years imprisonment.

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Court has awarded jurisdiction over police officers accused of extrajudicial executions to the ordinary courts. However, only in one case has it overruled military claims to jurisdiction over military personnel in cases of gross human rights abuse. The case was that of a naval officer charged with responsibility for the "disappearance" of journalist Jaime Ayala Sulca in August 1984. The navy, however, failed to release the officer to the court and the proceedings came to a halt in 1987.

<sup>63</sup> Personal interview in Lima, June 25, 1992.

<sup>64</sup> Personal interview in Huamanga, Ayacucho, July 5, 1992.

In addition, Article 12, Section C, allows detainees to be held up to 15 days in incommunicado police detention. Article 18 severely restricts the right to a defense, prohibiting lawyers from representing more than one client accused of terrorism at a time. According to DL 25744, police need the permission of only a military court to carry out "preventive detention" of suspects and hold them incommunicado indefinitely. This means that women charged under this law, and subjected to incommunicado detention, risk having no lawyer available to defend them or to pursue a charge of rape if it occurs. They can be kept long enough to ensure that any evidence of rape disappears. When they go to trial, it will be before "faceless judges"<sup>65</sup> in circumstances that seriously violate the right to due process.<sup>66</sup>

DL 25659, promulgated on August 13, 1992 and known as the "Treason Law," defines "treason" as certain acts contained within the Anti-Terrorism Law, like leading terrorist groups or participating in armed attacks. Prosecutions for treason are held in secret, military courts. Those convicted in these summary courts-martial are subject to life imprisonment and severe restrictions on their subsequent ability to confer with lawyers or receive family visits. Since the Treason Law also abolished the right to *amparo*<sup>67</sup> and *habeas corpus* for those accused of terrorism and treason, citizens can be held for long periods with no legal recourse or access to counsel. Draconian in and of themselves, these restrictions are also alarming because the period of incommunicado detention is typically when detainees are tortured, raped and forcibly disappeared.

The combined effect of these laws is that anyone can be arrested at any time, on charges that no one has a responsibility to make public, and held indefinitely. To be arrested under these circumstances means to descend into a legal wasteland where the most basic rights vanish. Women accused of terrorism or treason and who say they have been raped are now held in circumstances that violate their rights and severely handicap any attempt to obtain justice.

In late 1992, the police made public a list of "suspected Shining Path sympathizers abroad" that included three women well-known for their work in popular and human rights groups: Raquel Martín Castillo de Mejía, Angelica Mendoza de Ascarza, the founder and long-time president of the Ayacucho Association of the Family Members of the Detained and Disappeared (ANFASEP) and Pascuala Rosado, secretary general of the Lima municipality of Huaycán. None is known to have connections to guerrillas. As a measure of the absurdity of the list, Ms. Mendoza, a native Ayacuchan whose commitment to the cause of human rights is unquestioned internationally, was accused of being the *senderista* ambassador in France, a country she visited once for three days in 1985.

Raquel Martín is pursuing a case before the Inter-American Commission of Human

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<sup>65</sup> Normally, defendants both see the judge responsible for their case and know her or his name. Faceless judges sit behind special protective glass and use microphones to disguise their voices. Military faceless judges wear hoods.

<sup>66</sup> See Decree Law 25475, promulgated May 5, 1992.

<sup>67</sup> This word is untranslatable directly into English, but in essence it refers to the state's obligation to protect the physical integrity of its citizens against abuse committed by state agents.

Rights involving her rape by members of the security forces. The publication of her name in this manner constitutes a threat to her life and the lives of other human rights monitors, as well as an unacceptable reprisal for her decision to seek redress through the Inter-American system of protection of human rights. In September, the government formally charged Martín and Mendoza and ordered their arrest.

## IV. RAPE BY THE SECURITY FORCES

*They put me alone in a room, bound and naked. Whenever they wanted ... [they] did with me what they wanted... Sometimes they were two, sometimes three. Sometimes, my feet were bound, but when they came they untied my feet. They forced me and told me I would die because I was a terrorist. If I didn't bring in five more people, the group they said I belonged to, I would be brought to the army barracks... so the soldiers could rape me as well. I never knew if it was day or night because I was always blindfolded... They beat me often, they would cover my body with a wet blanket [to reduce bruising]. Sometimes each hour first one would come, then another. I didn't know who they were... Only when they took me out [to identify other detainees] did they let me dress. The moment I returned to the PIP they took my clothes. Two or three times I heard them say that the public prosecutor was going to come and that I shouldn't be brought out, because I was really in bad shape. My lips were swollen and bleeding because when they took me out, blindfolded and bound, they would shove me against the wall... I saw the public prosecutor only twice, when I was arrested and when I was called to testify. Then, they forced me to bathe and they gave me clean clothes that weren't mine... When they took me to the Police Clinic, they didn't even examine me. I think they all work together. They are all accomplices, that's what I call them... I never reported this because I don't think they would do anything. It's not just my case. I have talked to several women in the same situation, maybe even worse... Any official here says, 'How are you?' They don't see anything, therefore nothing happened.<sup>68</sup>*

-- Testimony of Olga Mendoza, 27. Held in PIP-Ayacucho 16 days in 1989 and currently serving a 10-year sentence in the CRAS-Ayacucho

Far from rarities, the events described by Olga Mendoza are common denominators in testimonies about rape by the security forces. Women do not see the men who rape them because they are blindfolded or the men wear masks. They are kept naked, blindfolded and bound. They are raped during interrogation, as punishment, coercion or just because they are around when officers are drunk and want sex they do not have to pay for. They are raped, then threatened with more rape. Evidence of rape is often eliminated before the woman is presented to judicial authorities; or the authorities themselves already know and either do not care or are too afraid themselves to sign a document that proves rape. Although Peru's security forces officially prohibit rape, in practice it is as common -- and sanctioned -- as setting up camp at night.

This section examines Peru's failure effectively to prohibit and sanction rape by the security forces. For the purpose of clarity, rape by the security forces is divided into two categories: rape during interrogation and rape in the Emergency Zones, in the midst of armed conflict. Rape during interrogation is committed in order to get information or frighten and intimidate an individual into complying with the wishes of her captors. Frequently, it is combined with other forms of torture: beatings, "the submarine" (near-drowning in a bucket of water), electric shocks, and the "little bird" (*periquito*), when detainees are hung from ceiling hooks with their arms bound behind their backs. It can

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<sup>68</sup> Personal interview in Huamanga, Ayacucho, July 5, 1992.



occur within or outside an emergency zone.

Rape in the Emergency Zones is committed in the course of armed conflict, usually in order to punish a group, the civilian population, for perceived sympathies with armed insurgents, and to demonstrate domination of a people long considered backwards and of little importance.

The distinctions between rape during interrogation and in the emergency zones easily blur in real life and serve at best only as a means to organize a wide range of cases. What unites both categories of rape is that women are silenced. They are bound and gagged physically and symbolically. They are threatened with death for reporting rape, or simply killed, to eliminate the risk that they will talk. They are terrorized with impunity. Neither extreme youth nor advanced years protect them. Nor does their appearance, or the presence of a husband, children or a father. The case of Raquel Martín Castillo de Mejía, currently before the Inter-American Commission on Human Rights, is discussed in the final part of this section. It deserves special attention not only for the bravery of Ms. Martín in coming forward, but also because it gives a detailed look at why it is so difficult to prosecute rapists in uniform.

Although human rights and feminist groups agree that the numbers of rapes have fluctuated over the past 12 years of conflict, with periods of greater and lesser frequency, it is clear that it remains a common abuse. This section documents more than 40 cases of rape by police and security force personnel, and many others in the course of military sweeps or massacres, but in our view this represents only a small fraction of the actual number of cases. According to one social worker we interviewed who works with refugees from the emergency zones, less than 10 percent of women ever make a final report. Illness, innocence, education -- even the global condemnation of rape -- has been, for these women, a fragile protection, as easily destroyed as their own clothing.

"They have raped these girls as if it were nothing," Angélica Mendoza de Ascarza, the founder of ANFASEP, told us. "One mother went to the bases afterwards asking, 'Why have you done this to my girl?' They always say they punish the soldiers, but no one knows the truth."<sup>69</sup>

### **A. Rape During Interrogation**

Research carried out for this report suggests that rape during interrogation occurs most frequently when women are in police detention. In these cases, the victims are generally mestizo Spanish-speaking women from urban areas. Arrested as "suspected subversives," they are incarcerated alone or in small groups, and are systematically denied access to the public prosecutors whose job it is to ensure their well-being. Often, they are raped until shortly before their appearance in front of civil judicial authorities, when they are forced to wash away evidence and threatened not to talk about the torture and ill-treatment.

For the purpose of thoroughness and clarity, these cases are presented in chronological order, beginning with 1981, the year a special anti-terrorism unit of the police called the

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<sup>69</sup> Personal interview in Huamanga, Ayacucho, July 5, 1992.

Sinchis was dispatched to Ayacucho to combat the Shining Path, which began its war to seize power in 1980. In December 1982, command of the counterinsurgency war was given to the military, which set up its field headquarters in the "Los Cabitos" army base in Huamanga, the capital of Ayacucho. Later, command was divided into five "fronts." Huamanga became the seat of the "Huamanga Front." The cases documented here span the country, from the northern town of Cutervo, Cajamarca, to Azángaro, Puno, from La Unión, San Martín, in the jungle to Lima itself. Some of these rapes were formally reported; most were not.

### **Carola**

Carola is now 25, with three small children. Like many shantytown dwellers in Lima, she is a recent migrant from her native Puno, and lives with a family member. Despite the passage of time, the memory of what happened to her at age 14 remains vivid. Along with her mother, she was detained in a police raid on her Puno village in 1981. Her mother was later released, but Carola was transferred first to Azángaro, then the Investigative Police (PIP) station in Juliaca.

There, she says some of her clothes were taken. She was tortured with beatings and her head was shoved into a pail of filthy water until her lungs screamed for air. At night, two policemen took her to a cell containing a metal bed with a bare mattress.

One had on a ski-mask. There were two policemen. Well, I had never been with a man before, never. They said to me, 'Take off your clothes.' I had left just a bra and underwear. One began to grab me, and the other tied me to the bed. I was screaming, but they put a cloth in my mouth. They covered my head with a piece of plastic. Since I couldn't breathe, I could no longer scream... So the police raped me... When I awoke, I was back in the cell, wrapped in a jacket. But I was still naked. I couldn't walk or stand. I was all bloody.<sup>70</sup>

As a result of the torture, Carola spent a year in a Puno hospital, where she underwent surgery to remove an ectopic pregnancy. She never reported the rape. "It was because of fear," she told us. "They said they would kill my mother and siblings."

Since, Carola has suffered recurrent physical ailments she believes stem from the torture. She says the father of her girls left her after she told him about the rape. Unemployed, she depends on a local soup kitchen to survive. She describes herself as "still traumatized." "My body hurts, my head hurts, I am not normal," she told us, weeping. "When I am worried, my head pounds. When I am afraid, I grab my girls and hold them until it passes."

### **Georgina Gamboa**

One of the first rape cases to provoke national outrage was that of Georgina Gamboa, who says she was raped by Sinchis in January 1981. According to her testimony, she was raped first in her house, then in the Vilcashuamán, Ayacucho, police station. Gamboa was 16 at the time.

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<sup>70</sup> Personal interview on July 7, 1992.

The rape left Gamboa with a severe infection and an unwanted pregnancy. When she gave birth, a foreign couple was waiting to adopt the baby. But like many women left pregnant in Peru after a rape, she decided to keep the child. In the Lima shantytowns where many war refugees flee violence, a significant number of children were born after their mothers were raped.<sup>71</sup>

Gamboa spent five years and three months in prison before being found "not guilty" of terrorism. During that time, her father was "disappeared." Her mother was detained and raped, and later gave birth to a girl. Despite the fact that Gamboa identified the 11 officers and one civilian who raped her and filed formal charges, they were found not guilty.

The decision was confirmed in 1986 by Peru's Supreme Court. In the decision, Judge Guillermo Hermoza Moya echoed the common perception that women lie about being raped:

...the allegations against the police officers, in this case rape and mistreatment, are nothing more than the already familiar reaction of violence against order, crime against the law, in order to in this way invalidate the evidence found in the area."<sup>72</sup>

### **Dina**

The question of rape was left unanswered for the family of Dina Cresencia Sinchituyo Rojas, detained in Huanta, Ayacucho, near midnight on November 11, 1983. Members of the Civil Guard forced the family to line up outside their house. They detained Dina, 17, and took her away, barefoot and clad only in underwear and a t-shirt. Dina's mother and sister brought her clothes to the police station the next day:

They told us she wasn't there. That they had not gone out that night. But I knew it was them because in one moment I turned my head and saw, and one of them hit me with the butt of his rifle. [Afterwards, we discovered] that she had been sent to the Navy barracks with a vaginal hemorrhage. The other people detained that night were released, but they kept Dina because of the hemorrhage.<sup>73</sup>

Dina became one of the "disappeared." Although the family examined many bodies found over the next several years, they have not seen or heard from Dina since.

### **Gladys Espinoza and Elizabeth Gonzalez Otoyá**

For Gladys Espinoza, torture began with the beating she received in a Lima prefecture<sup>74</sup> by masked men who accused her of acting as the link between communist countries and

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<sup>71</sup> See "Hijos de la Violencia," by Mabel Barreto in *Sí*, September 21, 1987, pp. 77-83.

<sup>72</sup> Ibid.

<sup>73</sup> Personal interview in Huanta, Ayacucho, July 4, 1992.

<sup>74</sup> A prefect is much like a United States state Governor in terms of duties, although prefects are appointed by the president, not elected. Sub-prefects are appointed at the provincial, or county level, and must report to the prefect at his offices in the prefecture.

the Túpac Amaru Revolutionary Movement (MRTA).<sup>75</sup> A lawyer, Dr. Espinoza had studied in the Soviet Union and was an active member of the Communist Party.

She was arrested on March 28, 1984, and kept in police detention for almost a month. Transferred to the anti-terrorism police (DIRCOTE), Espinoza says she was placed in a dark room with Elizabeth Gonzalez Otoya, who was also accused of subversion.<sup>76</sup> Both were beaten and raped by seven officers. Espinoza says she was raped again on April 20, this time after being forced to drink an alcoholic beverage.

### **Flora Elisa Aliaga**

On August 17, 1984, Flora Elisa Aliaga, 29, was detained by Civil Guard officers for allegedly carrying explosives and guerrilla propaganda in Lima, a charge which she denied. In the 71st Comandancia in Breña, she says police forced her to take off her clothes, then wrapped her sweater around her head, covering her eyes. After they pushed her to the ground, about eight men in turn pushed their hands into her vagina.

She says they forced her to take her earrings off, and began puncturing her buttocks with the posts. An officer inserted the barrel of a machine gun in her anus. Aliaga says police forced her to put her thumbprint on a document despite her protests.

Aliaga, married and pregnant at the time, was examined five days later by a doctor in the offices of the DIRCOTE. In a sworn statement, she noted that the exam, performed with two other female detainees present, was cursory. Despite telling the doctor that she had been raped, she says he "gave it no importance." In fact, in the examination report, no mention is made of rape and Aliaga's body is reported to have "no significant marks." The case against her was later dismissed for lack of evidence, and she pressed no charges against the police.<sup>77</sup>

### **Juana Lidia Argumedo**

Many women report being raped after pressing for the release of family members, or pursuing legal action against members of the security forces on behalf of their families. For instance, the 1983 murder of eight journalists and their guide in Uchuraccay, Ayacucho was what initially brought Juana Lidia Argumedo into the spotlight. Her half-brother, Octavio Infante, was one of the journalists, while her full brother, Juan Argumedo, was their guide.

The journalists were on a trek to an isolated hamlet near Uchuraccay to investigate reports of a military massacre when they were murdered. Investigations later pointed to the presence of soldiers in the area, who had exhorted villagers to kill any strangers who came by, on the presumption that they were members of the Shining Path. Juana Lidia

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<sup>75</sup> The MRTA is a small Marxist insurgency inspired by the Cuban and Nicaraguan revolutions. At the time of this writing, most of its leaders, including Victor Polay Campos, were jailed, and the group was largely inactive.

<sup>76</sup> In 1992, the acronym DIRCOTE was modified to DINCOTE. The institution remains the same.

<sup>77</sup> Court documents, including Aliaga's testimony, medical report and the judge's decision.

Argumedo traveled to Uchuraccay immediately after the massacre, and was determined to prove that the security forces had a hand in it. She became one of the key witnesses in the case and accused the government of helping to cover up the military's role. On September 15, 1984, she was detained while shopping in an Ayacucho market and was "disappeared" for 21 days.

During that time, she says she was blindfolded, bound and deprived of food and water. Later, she realized she was being held in the Tambo Navy barracks.

I was raped and tortured for 21 days... I did not know where I was, thrown every night on a damp blanket... I could not identify the men who raped me because I was blindfolded and bound. I do not remember how many times I was raped, but it was many times, always with blows and mistreatment. I lost consciousness... I was awaiting my death.<sup>78</sup>

Upon her release, Argumedo was treated for a serious vaginal hemorrhage. She made a formal report about the rape and torture, but the case never progressed because she was unable to identify her captors. Also, she became afraid. "If I insisted, they could once again harm me," she says. "That's why I no longer insisted."

### **Balbina**

The case of Balbina\* is similar. A teacher, Balbina traveled to the city of Cuzco to vote in 1986. There she discovered that her brother had just been detained for not having his identity papers in order. After pressing for his release, Balbina says a pregnant family member was detained, and police threatened to shoot her through the womb, provoke an abortion, then force her and her husband to eat the fetus.<sup>79</sup>

Days later, Balbina was approached by three Civil Guard (GC) officers who promised to take her to see her brother. In Peru, the GC were responsible for maintaining order at the local level, much like city police. Once she joined them in a taxi, however, they blindfolded and handcuffed her, and beat her when she protested. Later, she learned nine other people, including two women, had also been arrested by the GC and were accused of forming a Shining Path assassination squad with her. All were held in the GC's 11th Comandancia.

As I insisted that I had done no one any harm, much less of this type, they proceeded with more force, tearing my clothes until I was completely nude. Not content with this, they lifted me by the handcuffs and threw me against something hard, and then several of them grabbed me and began to beat me with some sort of stick, which they also put inside me.

The torture continued for several hours, punctuated by the application of electric shocks to her breasts and labia, the submarine, hanging her from the ceiling "little bird"-style and threats to her family. At one point, Balbina says her father was brought in to witness the torture, in an attempt to force him to confess a crime. Although he wept uncontrollably,

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<sup>78</sup> Personal interview on July 2, 1992.

<sup>79</sup> Internal document.

they forced him to watch. Several times, metal objects, Balbina says she could not identify, were used to rape her. Her physical state was so bad that when the GC officers tried to transfer her to the local PIP station for further questioning on Nov. 11, the PIP officers refused to accept her, for fear that they would be later held accountable for the torture.

A day before they wanted to transfer us to the PIP, they concentrated on curing us, giving us pills and massages with special ointments, cleaning us and changing our clothes, but it didn't matter, the PIP still wouldn't receive us. So the PIP called a doctor [to do a report] so that they wouldn't be found responsible. Later, the PIP did its own investigation and found us innocent.

When family members reported the torture in December, the case provoked outrage and mass protests in Cuzco and Lima. Two separate investigations -- by the Ministry of the Interior and the Senate Human Rights Committee -- confirmed the torture and identified the three officers responsible: GC Coronel Antonio Ruiz Caycho, GC Lt. Col. Edgard Sánchez Bedoya and GC Captain Oscar Collantes. After examining them later, the medical examiner reported that both women had perforations in the vagina, uterus and rectum. Some of the men also had wounds in the rectum from rape with metal objects.

However, despite an arrest order issued soon after the incident, none of the officers was arrested. While the eight detainees who remained in custody were formally charged with terrorism in a civil court, the accusation of torture, including rape, was sent to a military court. To our knowledge, the police officers ultimately were tried in civil court, but given light sentences that included brief suspension from their duties. They were not dismissed from the force. In contrast, the female lawyer who represented some of the victims, Dr. Martha Luza, was attacked for assuming the prosecution and was forced to leave the country for her safety.<sup>80</sup>

### **Maria Guinarita Pisco Pisango**

Amnesty International documented the case of María Guinarita Pisco Pisango, who was pressing for the release of her husband, "disappeared" in the department of San Martín. On January 27, 1988, five soldiers forced their way into her home at night, tied up her parents and took her. Two days later, her body was found, still blindfolded and bound and her mouth stuffed with filthy rags. She had been tortured, raped and murdered with a shot to the forehead. Although a public prosecutor was informed of the case, four years later there is still no progress.<sup>81</sup>

### **Constanza**

Sometimes, just the threat of rape is used against female detainees. Although no physical harm is done, the threat can leave severe psychological trauma. For instance, Constanza\* was detained in a police sweep on May 1, 1989, on her way to visit friends just south of Lima. Minutes earlier, guerrillas had attacked an area police station. In the ensuing shoot-out, Constanza was picked up as a suspected participant. Kept for 10 days in DIRCOTE, Constanza, 20, says she was blindfolded and repeatedly beaten, especially around the pelvis. Just as constant were the threats of rape. Twice, she says all her clothes were

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<sup>80</sup> Interview with APRODEH, December 1992.

<sup>81</sup> See Amnesty International, *Women in the Front Line* (London: 1990), p. 22.

removed as the threats were made. "The language they used was sickening and they also touched me all over my body," Constanza told a social worker. She was released, innocent. However, she continues to suffer severe depression and lingering medical problems. "I feel filthy," she added.<sup>82</sup>

### **Iris Yolanda Quiñones Colchado**

Iris Yolanda Quiñones Colchado, 27, was detained under similar circumstances on November 3, 1989, when she says she was on her way to buy fish at a Lima market. Members of the police blindfolded her with her sweater, and took her to a police station she never saw. There, she says she was forced to take off her clothes. The following is testimony she gave to a public prosecutor six days later, after being transferred to DIRCOTE.

They forced me against my will to take off my clothes, and then pushed my head down, and then every officer who passed stuck his hand inside my vagina, then they took one of my earrings and punctured my bottom with it and then placed the barrel of a machinegun in my anus, then pulled me up and just like that, naked with my face blindfolded took me to a desk in the same room where they wanted to force me to sign a declaration where I said that they had found on me an explosive, a notebook and a fuse, which I refused to do...<sup>83</sup>

### **Pilar Coqchi**

Pilar Coqchi was arrested on January 23, 1990 in Huamanga, Ayacucho. A nursing student, she was accused of leading Shining Path actions in the Belén neighborhood. In the PT station, she says the rape began right way, and was accompanied by other forms of torture: beatings, the "little bird" and the submarine.

My hands and mouth were tied, and my eyes blindfolded. The first time (they raped), they grabbed me by the hair and it was while standing up, in a very sudden way. There was even one guy who... hit you and then raped you. During this time, I didn't know if it was day or night, if it had dawned or was the next day.<sup>84</sup>

The officers who raped her rarely spoke, but she says she could identify some of them by their cologne or their habits, like putting on loud music before the rape. Once, she says she asked a female secretary who worked in the station for a shower, and there told her about the torture. But the intensity and frequency of the torture and rape increased, causing Coqchi to suspect that the woman told the police. To take a shower, Coqchi told us, came to mean getting raped in the stall.

Despite threats made against her, Coqchi reported the torture to the public prosecutor, who ordered an examination. However, police waited five days before complying, enough time for the worst bruises to fade and the evidence of rape to disappear. Coqchi

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<sup>82</sup> Internal document.

<sup>83</sup> From the *manifestación* de IYQC, taken in DIRCOTE on November 9, 1989.

<sup>84</sup> Personal interview in Huamanga, Ayacucho, July 5, 1992.

was later sentenced to 15 years in prison, and is currently serving time in the CRAS-Ayacucho. No formal charges were made against the police for lack of evidence.<sup>85</sup>

(The Party) always taught us that, woman or man, you have to know what you are getting into. And you must understand that you pay with your life. But I never even imagined they would rape me... I would have preferred death.

### **Flor Torres Estela and Delia Cansino Carranza**

Flor Torres Estela and Delia Cansino Carranza, both 20, had similar experiences when they were arrested in 1990 and accused of trying to blow up a municipal-owned Caterpillar in the northern department of Cajamarca. Nursing students also, Torres and Cansino were taken to the local PIP station for interrogation. Both say they were repeatedly raped by police during their 12-day detention. Attacks included rape with metal objects, they charge. Cansino, three months pregnant, began hemorrhaging so heavily that when the pair was finally brought to the Chiclayo Women's Prison, guards feared she would abort.<sup>86</sup>

### **Amanda Guerra López**

Amnesty International documented the case of Amanda Guerra López in 1990, after her arrest by army soldiers on September 25. Along with four companions, including a 15-year-old girl, Guerra, 21, boarded a bus in Pucallpa, Ucayali headed for Tingo María, Huánuco. At an army base at Km. 86 on the Federico Basadre Highway, a lieutenant ordered Guerra and her companions off the bus. They were taken inside the base, where Guerra and the other adult, 23-year-old Lester Mozombite, were separated from the teenagers.

Reportedly, Guerra was raped as was the teenage girl. The teenagers remained in custody for four days. Before their release, they were threatened with death if they reported the incident. Guerra and Mozombite remain "disappeared."<sup>87</sup>

### **María Flores Valenzuela and Zunilda Pineda Flores**

Four days before Guerra's detention, soldiers from the Julcamarca base in Huancavelica detained María Flores Valenzuela and her 17-year-old daughter, Zunilda Pineda Flores, peasants from the village of Carcosi. Flores, a widow, has seven children, is illiterate and speaks only Quechua. Soldiers accused her of being a guerrilla because they found military-style boots and a blanket in her house. According to the family, the articles belonged to Flores' uncle, an army veteran. The two women were taken to the Julcamarca base and tied to stakes in the central plaza, where they were left in the full sun for several hours. The next day, they were again tied to the stakes.

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<sup>85</sup> Sexual harassment, abuse and rape by Republican guards in Peru's women's prisons is apparently common. In some cases, however, women also use their bodies as a bargaining chip for favors, like extra food, access to the telephone and help in bringing in and selling liquor and drugs. See "Tráfico de drogas, venta de licor y abuso sexual denuncian reclusas," in *La República*, February 22, 1991. The Republican guards are part of the National Police.

<sup>86</sup> Personal interview in Chiclayo, May 1990.

<sup>87</sup> See Amnesty International, *Rape and Sexual Abuse*, September 1990, p. 6.



When María fainted, she was dragged to a room. There she says three soldiers who appeared to be drunk raped her. Then they raped her daughter. That night the two were released. Eight days later, a family member visited the pair in Carcosi and found the two still suffering.

When I arrived, (María) was in very bad health, she was traumatized, suffering, not normal. She looked sick, and (Zunilda) was not well either, she was traumatized. All she did was cry and cry and she ate nothing and at night could not sleep.<sup>88</sup>

Almost two weeks after the rapes, the family contacted Lima human rights groups. However, filing a formal charge was impossible. After such a period, no physical evidence of rape remained. In addition, the pair believed they were still under army surveillance and could not leave Carcosi.

### **Betty Fernández**

The often indifferent attitude of the civilian authorities charged with protecting detainees from rape is what characterizes the case of Betty Fernández, mentioned earlier. After the first attempt to rape her, she says PT officers took her, blindfolded, bound and clad only in a rough blanket, to an isolated spot just outside the city, where they beat her and threatened to take her to the army barracks to be raped. The third attempt occurred on July 28, Peruvian Independence Day, when she says three PT officers who had been drinking at a barbecue took her from her cell. When she began to scream, they threatened to put her in the *pozo*, a hole in the ground used for solitary confinement. They doused her with dirty water and applied electric shocks.

They said, 'Here is a *terruca* (terrorist) who must be killed'... They said that they were going to take my statement downstairs. They began to hit and mistreat me. They wanted to take off my pants, but I said no, why are you abusing me in this way? Since the zipper in my pants was broken, I gripped it with my hands. They said to me, 'Who raped you last night, then?' I cried and begged them, and later they let me go.<sup>89</sup>

## **B. Rape in the Emergency Zones**

Unlike rape committed in the context of interrogation or detention, in rapes in the Emergency Zones often no questions are asked. No arrests are made. Rape is an arbitrary punishment for whom and where these women are. Women who are victims of rape in the Emergency Zones tend to be brown-skinned, poor, Quechua speakers, often monolingual.<sup>90</sup> They are forced to provide soldiers at local bases with meals, cleaning services and their bodies; or they are raped during military incursions into their villages.

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<sup>88</sup> APRODEH testimony.

<sup>89</sup> Personal interview in Huamanga, Ayacucho, July 5, 1992.

<sup>90</sup> Quechua is the Inca language still spoken by Andean peasants throughout the central and southern highlands.

More than any other factor, what distinguishes these rapes is the almost casual nature of the brutality involved.

One local authority from Huancavelica describes how soldiers threatened local women after a base was established in Acobamba in 1983. If the women or their families refused to provide certain services, they risked arrest:

To save their lives, the women put themselves at the service of the soldiers, even if they are good girls, and also the soldiers are leaving the women pregnant and when the children are born, no one accepts paternity. Even if the woman has principles and is married, the soldiers ignore it, they have their list, "No, you must join us tonight, let's see, we're going to take your statement." So there are 300 or 400 fatherless children... (then) the soldiers go to another base, who can you complain to, they are the only ones because they are the highest authorities.<sup>91</sup>

During armed incursions, the chain of events rarely varies. Civilians are rounded up by the army or a combined army-civil defense force days or weeks after guerrillas have been active in the area. To the beat of helicopter blades and the crack of automatic weapons fire, men and women are separated. Women are either raped in front of the men or taken into a building to be raped. Women have reported being raped by 20 men before they lose consciousness. Since soldiers in the Emergency Zones use "war names" and often go without any symbols of rank on their uniforms, it is virtually impossible to identify them afterwards.

On the rare occasions women press for justice, they are met with silence or open ridicule. In 1991, María went with her father to ask an army commander to muster his troops so that she could identify the soldiers who raped her near Pampa Cangallo, Ayacucho. He complied. However, instead of assisting her in identifying suspects, he began to make fun of her in front of the troops. His scorn was so intense -- including suggesting that she call her gestating baby "Navyman" if the rapist was a sailor, or "Little Soldier" if it was an army recruit -- that she gave up in tears.<sup>92</sup> The very nature of the counterinsurgency war allows rapists wearing uniforms to rape when and where they choose, with complete impunity. Above all, these rapes occur because the men involved know they *can* -- grab a woman, beat her into submission, rape her and walk away, free from punishment.

Unlike rape in interrogation, rape in the emergency zones has a regional character, concentrated in the southern highlands of Ayacucho and Huancavelica. Only rarely does it occur in urban centers or very populated areas (although some exceptions are detailed here). Often, it involves large numbers -- many women are gang-raped by 20 or more men. Frequently, the rape occurs in the context of a running confrontation between the security forces and armed insurgents, when troops are moving from village to village in search of a guerrilla column that has mounted an ambush or executed local authorities. Finally, these rapes often occur in front of their families, including children. In some cases, the women have been left pregnant, and must raise the children of rape.

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<sup>91</sup> See COFADER testimony from Acobamba, Huancavelica.

<sup>92</sup> Personal interview in Huamanga, Ayacucho, July 5, 1992.

Although every effort has been made to verify and double-check the information contained here, the very nature of Peru's conflict combined with the current political upheaval makes absolute precision an impossibility. Little information gets out of the Emergency Zone. In many areas, there is no longer a human rights group or a dedicated lawyer willing to risk arrest under the new anti-terrorism law. The law defines as "terrorist" anyone who "creates a state of anxiety" by any means, including non-violent ones, a vague definition that is easily stretched to include journalists, lawyers and human rights activists who collect information critical of the security forces and send it abroad.<sup>93</sup>

There is also the trauma of what some of these women have lived through. Far from a calendar, traumatized, often unclear on the difference between *senderistas*, civil defense men, the police and the military, many prefer to bury, not re-live, what they have experienced.

"Probably less than 10 percent of the women who are raped in the emergency zones, especially in Ayacucho and Huancavelica, ever make a formal report," Sabina Villarroel, a social worker who helps internal refugee women, many of whom are rape victims, told us. "The main reasons are fear and shame, as if talking would advertise the terrible thing that happened to them."<sup>94</sup>

If they do decide to prosecute, there is usually little evidence. One lawyer who counsels many such women estimates that less than 1 percent actually have enough to go to court.<sup>95</sup> These testimonies must be seen as messages from a kind of hell, impure and fragmented, but demanding of attention, compassion and, most importantly, action.

### **Eugenia Gutiérrez**

Eugenia Gutiérrez was herding her cattle above Vilcashuamán, Ayacucho, when Sinchis appeared over the horizon in September 1981. Slightly retarded, Gutiérrez was 18, unmarried and illiterate, although she spoke Spanish fluently. She says one of the Sinchis grabbed her and threatened her with a knife.

I saw his face. The others raped other women who were also herding their cattle. He told me his name was Gamboa. He raped me three times in different places. They knew I walked alone, but (the rapes) were always with blows and kicks.<sup>96</sup>

Nine months later, Gutiérrez gave birth to a boy. Although her family formally reported

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<sup>93</sup> We have documented several cases where this law has been used to threaten lawyers and known defenders of human rights, including José Ramírez García, who at the time of this writing has been jailed for more than three months because of published materials found in his library, including human rights documents. Respected human rights attorney Carlos Chipoco now faces criminal charges of "apology for terrorism" solely because he worked for Americas Watch in Washington, D.C. and was responsible for bringing two cases against Peru to the attention of the Inter-American Court of Human Rights, a judicial organ of the Organization of American States whose compulsory jurisdiction Peru has recognized.

<sup>94</sup> Personal interview in Lima, July 6, 1992.

<sup>95</sup> Personal interview in Lima, July 8, 1992.

<sup>96</sup> Personal interview in Lima, July 7, 1992.

the rape, they say no investigation was ever done.

### **Lorenza Quispe**

For Lorenza Quispe, searching for her "disappeared" husband was what led to her rape by a soldier near Tambo, Ayacucho. Quispe, 38, is originally from Tinquoy, where she and her husband had a piece of land. In 1983, she says soldiers came to their house and obligated him to accompany them, ostensibly to learn how to use a weapon. Later, Quispe learned he was being held in the Tambo military base.

Despite her efforts over the years to find him, she was unsuccessful. Nevertheless, she kept pressuring soldiers at the base for information. In 1986, she says she left some papers related to her husband's "disappearance" when two soldiers began following her:

They said to me, "Your husband's body was put there, in the gorge." Innocently, I thought it could be true. I followed them. And there they caught me, saying, "Why are you always bothering us? I don't know where your husband is. Do you want to live or will you die?" There is where they raped me. One stood watch, it was just him... (Afterwards) people have asked me why I went with them, but I reply that it was a rape.<sup>97</sup>

However, Quispe told us she never reported the rape. She says they told her that if she talked they would kill her or "disappear" her like her husband. "Who would care for my children?" Quispe asks. "I am their father and mother." Her youngest son was born after the rape.

### **Rumilda**

One exceptional case was recorded by the lawyers working with the Flora Tristán Women's Center<sup>98</sup> in 1988. Rumilda\*, 16, says she was picked up and detained by Civil Guardsmen along with seven boys who studied at a night technical school. The detention was part of a routine sweep in the Lima neighborhood of El Agustino. The boys were put into the bed of a covered truck, while Rumilda was put in the cab with an officer and two policemen. The truck left El Agustino for Canto Grande, and finally parked in an isolated area, where there were only dunes. Another police car preceded them.

The policemen forced Rumilda out and raped her, first the officer then the two subalterns. She knew other officers were watching, and that all were armed, so did not scream. They left her there -- penniless, raped and lost. She managed to return home hours later and told her mother what had happened. Immediately, they reported the rape at the local PIP station. Although the PIP commander tried to discourage them, arguing that such a report would harm the reputation of the police and ruin this officer's career, they insisted. Lawyers at Flora Tristán managed to identify the officer and prepared to proceed with legal action.

"The tragedy of this case is that once the implicated officer read the mother's declaration,

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<sup>97</sup> Personal interview in Huamanga, Ayacucho, July 3, 1992.

<sup>98</sup> The "Flora Tristán" Center for Peruvian Women, an independent and non-profit research and advocacy group, was founded in 1981 to press for women's rights and a better understanding of women's place in Peruvian society.

which he obtained from the PIPs and on which Rumilda is obligated to include her address, he went to her house to make a deal," Dr. Sylvia Loli told us. "The mother was extremely poor, dying of hunger as we say. He told her how tragic this would be not only for him but for her -- so many trips to the PIP, bus fare, statements, etc. He offered her food: a sack of sugar, a can of cooking oil, for three months. Although Rumilda wanted to prosecute, she was a minor and could not. Her mother prohibited her from continuing. So the case was shelved."<sup>99</sup>

That year, there were many additional reports of rape in Ayacucho:

### **Cayara**

The massacre of 29 villagers and "disappearance" of 44 more in Cayara, Ayacucho, on May 14, 1988 was preceded by the rape of female detainees according to human rights monitors. Afterwards, at least one of the female witnesses -- nurse Martha Crisóstomo García -- was reportedly raped before being brutally murdered. The Cayara case is currently before the Inter-American Commission on Human Rights.

### **Julia Ticlla Chávez**

In June, Julia Ticlla Chávez of Chamana, Huanta reported being raped by the military patrol that detained her husband, Valentín Montes Quispe, then the head of a civil defense patrol.<sup>100</sup>

### **Nilda**

On June 5, Nilda\*, 14, says she left her Huamanga home early to visit the market. A truckload of soldiers picked her up, demanding identity documents. They forcibly dragged her into the truck, gagged her, then held her down as four soldiers raped her. They left her lying in the street. According to a doctor interviewed by the reporter who collected Nilda's testimony, in less than a month he had treated four women raped by soldiers.<sup>101</sup>

In none of these cases is there any indication that any legal action taken resulted in punishment for a soldier.

### **Chumbivilcas**

In April 1990, an army patrol made up of about 25 soldiers from the base of Huaquirca, Apurímac, made a week-long patrol that carved a swath of destruction and terror through the countryside. At its finish, 12 peasants from Chumbivilcas, Cuzco, were dead, others were "disappeared" and tortured and a number of women were raped.<sup>102</sup>

A Senate Investigative Commission found that among the women were a mother and daughter, who were raped by the patrol leader and various officers, then forced to drink

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<sup>99</sup> Personal interview in Lima, June 30, 1992.

<sup>100</sup> See *Sí*, July 18, 1988.

<sup>101</sup> See Mariella Balbi, "Ayacuchanos viven entre dos fuegos," in *La República*, June 27, 1988.

<sup>102</sup> See "La Matanza de Chumbivilcas," by the Liga Agraria "Arcadio Romero"/APRODEH, 1990.

liquor until they were drunk.<sup>103</sup> Isabel Leocalla de Alccahuamán, forced to travel with the patrol, was released after being raped. Wives who pleaded for their husbands were also raped. Although some women testified about the rape before the public prosecutor, no officers were later identified or punished. To the contrary, ex-Minister of Defense Gen. EP Jorge Torres Aciego asserted that the men involved were guerrillas and refused to guarantee the lives of legislators who planned an investigative visit. Two years later, there has been no further action.

### **Chilcahuayco**

Sometimes, public prosecutors fail adequately to investigate cases that may involve rape. For example, on October 19, 18 bodies were found in a mass grave in a gorge known as Chilcahuayco, in the province of Huamanga, Ayacucho. The Public Prosecutor in charge of human rights determined that the majority were female minors. Journalists who covered the case say there was reason to suspect that some if not all of them had been raped before being executed. However, no autopsies were ever done.<sup>104</sup>

Investigations into the murders implicated soldiers at the Castropampa base in Huanta, particularly an officer whose "war name" is Centurión. Johnny José Zapata Acuña, a.k.a. Centurión, was a first sergeant and right-hand man of the then-base commander. According to area residents, Centurión would lead raids on villages around Huanta and steal goods like radios and clothes with area civil defense patrols. Along with soldiers and civil defense men, Centurión would pick out girls as young as 13 for arrest. To protest was to risk a beating, arrest or death.

For a time, Centurión's control over Huanta was total. Women told us that he would suddenly appear at houses and stores and fondle the young women present, accusing them of carrying weapons.<sup>105</sup> On January 29, 1991, the Huamanga Public Prosecutor formally charged Centurión with having directed the massacre at Chilcahuayco between September 21 and 22, 1990. According to military authorities, Centurión was put under arrest and is awaiting trial in a Lima military prison. However, the military courts are fighting for jurisdiction over the case, and it threatens to end like the rest -- in impunity.<sup>106</sup>

### **Vilcashuamán**

According to Amnesty International, several women and schoolgirls were raped during an army operation carried out in the province of Vilcashuamán, Ayacucho in September, 1990. During the operation, witnesses told authorities that at least 16 men had been severely tortured; three later died of their injuries. As soldiers moved toward the village of Paccahualhua, three women were raped by five soldiers from one patrol. In the district capital, other women and schoolgirls were separated from the men and also raped. One witness later testified that "...[the soldiers] began to rape the schoolgirls, just as they had

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<sup>103</sup> Informe Final de la Comisión Investigadora de los Sucesos de Chumbivilcas y San Pedro de Cachi, Capítulo III, Letra B sobre Hechos Demostrados, Punto 1, del Atestado Policial 43-79-CPG-JLS.

<sup>104</sup> Personal interviews in Huanta and Lima, July 4 and July 7, 1992.

<sup>105</sup> Personal interviews. See also Reyes, Francisco, "Sí, él es Centurión" in La República, December 7, 1990.

<sup>106</sup> Interview with Gen. EP Petronio Fernández Dávila.

raped the community women, but they won't report it because they are frightened, they won't talk..."<sup>107</sup>

### **Amparo**

On May 27, 1991, a combined army-civil defense patrol entered a hamlet near Tarma, Junín and detained Amparo\* together with her infant daughter. Soldiers executed her husband as a "terrorist" and robbed the house. Kept for four days, Amparo was beaten with sticks and chains, hung from the ceiling and raped repeatedly.<sup>108</sup>

### **Luzmila and six others**

Luzmila\*, 39, says she was raped by soldiers near the village of San Pedro de Cachi, Ayacucho, in July 1991. Earlier that year, she says her 18-year-old son was murdered by civil defense men from another village. The soldiers divided the men from the women, and forced seven women, including Luzmila, into a communal building. There, Luzmila says more than 20 men raped her, beginning with a captain and ending with the enlisted men.

"They said my husband was with the terrorists, so I had to pay the price," she told us. The next day, Luzmila abandoned her house. However, she never reported the rape for fear she would be found and punished. She is now an internal refugee in Lima.<sup>109</sup>

### **Virginia Huamaní Garay and Luz María Blas Sánchez**

On August 15, 1991, two women -- Virginia Huamaní Garay, 20, and Luz María Blas Sánchez, 16 -- told police they had been waiting for a bus on Lima's Central Highway when an army patrol picked them up about 11 p.m., then forced them into a factory guarded by the army where they were raped by 12 soldiers. Afterwards, they told police the soldiers threatened them with death if they reported the incident. Despite their testimony, police later claimed that the rapes had been perpetrated by common criminals.<sup>110</sup>

### **Florencia**

Florencia\*, 39, says she not only lost her husband to a Shining Path execution squad on March 12, 1992, but also was raped by guerrillas and then, a week later, raped by the army. She says the guerrillas killed her husband and six others because they were local authorities in San José de Ticllas, Ayacucho. When the army arrived a week later, they accused the villagers of having collaborated with guerrillas. The soldiers arrived by helicopter and immediately separated the men and women. Florencia told us the men were made to lie face down in the dirt while soldiers marched over them, beating them with their rifles. Other soldiers began pulling at her skirt. Her children, watching, screamed and cried.

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<sup>107</sup> Amnesty International, *Peru: Human Rights in a Climate of Terror* (London: Amnesty International, 1991, pp. 40-41.

<sup>108</sup> Personal interview in Lima, July 7, 1992.

<sup>109</sup> Personal interview in Lima, July 6, 1992.

<sup>110</sup> See *El Nacional*, August 15 and 16, 1992.

She doesn't remember how many raped her. "*Bastante*," so many, is all she remembers. "Why didn't the soldiers kill me and my children?" she adds, weeping, in Quechua. "At least, we would then be with my husband wherever he is."<sup>111</sup>

### **Pilar**

Pilar\*, 36, says she was also raped by guerrillas and the army. She came with Florencia to Lima. She says that the soldiers were accompanied by *montoneros*, civil defensemen, who also participated in the rape.

"They told us that because we had already lain with the terrorists, we would have to serve them as well," Pilar told us. Before the soldiers left, they defecated in their grain stores. Terrified, Florencia and Pilar abandoned their farms and animals and fled to Lima. There they have no jobs and live in a borrowed shack. They lack the money even to buy their children meals in a community soup kitchen. Every night, the Shining Path holds marches and meetings in their neighborhood. Florencia fears they will find her and kill her like they did her husband. The army has also established a base in the shantytown where they live. When Pilar sees the uniforms, she says a sickness grabs her stomach and head that she cannot cure.

### **Olivia Pérez Fernández**

On April 28, 1992, human rights groups in San Martín reported that one minor, 15-year-old Olivia Pérez Fernández, was detained by an army patrol in Tarapoto, capital of the department of San Martín, and brutally searched. Several soldiers raped her by shoving their hands into her vagina, supposedly looking for concealed evidence. Then they forced her to lie prone and walked on her. The treatment was so rough that Pérez, seven months pregnant, miscarried, and the baby died. Although the case was reported by Pérez' father to Gen. EP Eduardo Bellido, commander of the Huallaga Front, which includes San Martín, there is no evidence any action was taken to investigate the charge.<sup>112</sup>

### **Froyli Mori Vela**

One of the most recent cases registered by human rights groups is that of 14-year-old Froyli Mori Vela. On June 7, 1992, Mori reported to the public prosecutor that she was raped after soldiers searched her family's home in the hamlet of La Unión, Nueva Lima district, San Martín. They say a Lieutenant "Juan" and six soldiers entered the house around midnight.

After searching the house, they insisted that I accompany them, because they needed to talk to me. When both my parents and I refused this request, they threatened my parents with their weapons and made a soldier guard them so they couldn't leave the house while they dragged me outside. They took me to the back of the garden behind the house and there they raped me one after the other, beginning with the lieutenant. All seven raped me.<sup>113</sup>

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<sup>111</sup> Personal interview in Lima, July 6, 1992.

<sup>112</sup> See testimony collected by the Pro-Human Rights Committee of San Martín and "Tarapoto: Atropellos," in *Caretas*, August 6, 1992, pp. 38-43, 89.

<sup>113</sup> Sworn testimony of Froyli Mori Vela.



A medical exam requested by the local priest and performed three days later found that Mori had a serious vaginal infection, inflamed labia and a broken hymen. However, the doctor's inexperience with rape cases was evident. He took no note of any presence of sperm, focusing primarily on the infection. A week later, Teresa\*, from Partido Alto, Tarapoto reports she was raped by two members of the military intelligence service. Although the men, known as "Yuyo" and "Chino" were identified by her family to Gen. Bellido, no action appears to have been taken to punish them.<sup>114</sup>

### C. The Case of Raquel Martín Castillo de Mejía

This history of impunity, and the shame and guilt associated with rape, were what initially convinced Raquel Martín Castillo de Mejía to hide the rape she suffered in 1989, when her husband was abducted by members of the army from their home in Oxapampa, in the department of Pasco. Her case is important for many reasons. It forcefully illustrates many of the obstacles to prosecuting cases of rape by the security forces. At the same time, it is the only rape case from Peru to have been presented to an international legal body, in this instance the Inter-American Commission on Human Rights. As importantly, Ms. Martín is one of the few women whose conscience and bravery have compelled her to speak publicly about the rape, in the hopes of raising the issue within the human rights community and Peruvian society and stopping what amounts to state-sanctioned rape.

Ms. Martín's husband was Dr. Fernando Mejía Egocheaga, 41, a journalist, lawyer and chairman of the Oxapampa Provincial Committee of the United Left, a coalition of leftist political parties. At the time, Ms. Martín, 43, was a school teacher with a specialty in the education of the disabled. The couple has a daughter, then three. Dr. Mejía was also a legal adviser to several peasant communities in Pasco and a well-known defender of the rights of the poor.<sup>115</sup>

On the night of June 15, 1989, the Mejía family was in their Oxapampa home. Days earlier, some skirmishes between the Shining Path and the military nearby had prompted the army to send reinforcements by helicopter from the "9 de Diciembre" base in Huancayo, headquarters of the Mantaro Front, which includes Pasco. At about 11 p.m., as the Mejías slept, hooded men bearing machine guns and wearing military uniforms pounded on their door. Dr. Mejía, clad in pajamas, answered. He was beaten and forced from the house.

Six men entered, and barred Ms. Martín from passing her husband shoes or other clothing. One of the men, stocky, brown-skinned and over six feet tall, (1.85 meters), seemed to be directing the operation. In the bright moonlight, Ms. Martín saw her husband blindfolded and forced into one of the waiting vehicles which departed.

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<sup>114</sup> See "Tarapoto: Atropellos," in *Caretas*, August 6, 1992.

<sup>115</sup> The following information is taken from sworn statements by Ms. Martín and witnesses to the events described, personal interviews with her and the petition for relief filed on her behalf by the law firm of Arnold and Porter before the Inter-American Commission for Human Rights on October 17, 1991.

About 15 minutes later, the tall man who had given the orders again pounded on the door. Ms. Martín remembers seeing about six to ten men behind him. To her, the man smelled of liquor. He demanded her husband's identity documents and followed her into the bedroom as she searched for them. Then he showed her a list of names of supposed members of the MRTA, including her husband and Professor Aladino Melgarejo, the president of the local branch of the National Teachers Union (SUTEP). Unbeknownst to her, Prof. Melgarejo had been detained under similar circumstances the same night.

The man told her ominously that she too was on the list as a "suspected subversive." However, he asked no questions. Instead, he talked about "having a good time." He sprayed himself with her perfume and told her she was "pretty." Then he removed his munitions belt, tore off her pants and raped her.

(Afterwards) I was in a state of shock and sat in my bedroom. I had no telephone and no family nearby, and I didn't want to leave in case they brought back my husband. Around 11:45 p.m., I heard another blow on the door. When I opened it, the man who had raped me entered... He said my husband would be taken to Lima by helicopter the next day. Then he raped me again and left. I washed myself and sat speechless in my room.<sup>116</sup>

Ms. Martín says she put up little physical resistance out of fear for her husband's safety and that of her daughter, asleep in the next room. Before leaving, the rapist vowed to return and repeat the rape. Later, information on the abductors pointed to the "9 de Diciembre" battalion, then garrisoned in the Oxapampa library. When Ms. Martín went to the library to ask after her husband, she recognized the soldiers' uniforms as the ones the abductors had been wearing. Along with Haydee Verde, Prof. Melgarejo's wife, Ms. Martín was prevented from speaking with the army commander. Nevertheless, she recognized a soldier as the one who had guarded the bedroom door the first time she was raped.

Despite Ms. Martín's efforts over the next three days to locate her husband, she was unsuccessful. Even town authorities, including the mayor and local judge, appeared to be avoiding any connection to such a controversial case. On June 18, two bodies were reported found on the banks of the Santa Clara River. Both her husband, still blindfolded, and Professor Melgarejo had been brutally tortured before being summarily executed.

Ms. Martín reported her husband's murder but not her own rape. "What the military did to me they do wherever they go," Ms. Martín told us. "Victims do not report the rapes because in a sense we are humiliated. Besides no one is going to publicly admit this happened to them. It's the horror of how their husbands will respond. The physical integrity of the family is at stake, the humiliation for the children to know that this happened to their mother."

Little action has been taken in the investigation of Dr. Mejía's murder. In 1990, the Permanent Military Court in Huancayo asserted its jurisdiction and ordered the civilian courts to desist from any action. To date, there is no indication that formal charges have

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<sup>116</sup> Petition before the Inter-American Commission, p. 5.

ever been brought against any of the soldiers implicated. Although civilian courts have directed the Political-Military Chief responsible for the Mantaro Front to identify the officials involved, to date no response has been received.<sup>117</sup>

Soon after her husband's murder, Ms. Martín received three threatening phone calls, and was forced to leave Peru for exile in Sweden. Only then did she feel safe enough to talk about the rape.

Independent of Ms. Martín's efforts, a petition was filed on behalf of her husband before the Inter-American Commission on Human Rights on September 25, 1989. The Government of Peru did not respond to the allegations. In January 1990, the Commission declared, *inter alia*, that it presumed the allegations of human rights violations against Dr. Mejía by the armed forces to be true.

Following that decision, Ms. Martín formally filed a new petition for relief before the Commission on October 17, 1991, asking that it be incorporated into the previous one. Her petition details the rape and asks for a full consideration of this aspect of the case. Her lawyers argue that a special consideration must be made for rape, on the grounds that local legal action constitutes a remedy that is "totally inadequate and ineffective."

"The climate of fear engendered by the death threats against Ms. Martín and those who have provided assistance to her has prevented effective continuation of efforts... in light of the manifest lack of effective remedies and the failure to investigate the murder of her husband, disclosure of the sexual crimes against Ms. Martín would plainly not have led to the apprehension of her assailants."<sup>118</sup>

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<sup>117</sup> For a more detailed description of the obstruction of justice that occurred during the investigation into Dr. Mejía's murder, see the APRODEH report filed before the Inter-American Commission on September 25, 1989, and the subsequent decision, Report No. 83/90 (Case 10,466).

<sup>118</sup> Petition before the Inter-American Commission, p. 20.

## V. RAPE BY THE SHINING PATH

*I did not tell the police this because I was afraid they would arrest me. One judge said to me, "Why pick a fight with them? Just report the things that were stolen..." When I realized I was pregnant, I wanted to throw myself into the gorge.*

-- Marcelina, an Ayacucho farmer raped by a Shining Path militant

Within the framework of Shining Path ideology, sex discrimination is prohibited. Men and women are considered equal, the only distinction being class -- whether or not an individual has accepted a role in the so-called "people's war." In addition, an informal Shining Path "code of conduct" explicitly forbids "men to sexually molest women and women should also avoid sexually molesting men."<sup>119</sup>

Nevertheless, rape by male cadres of female civilians has been documented. Generally, it occurs in areas contested by guerrillas and the security forces, when women believe they have to submit because of threats or overwhelming armed might. To refuse would risk being labelled uncooperative and potentially hostile to the guerrillas' political project. Few want to report rapes afterwards, fearing retaliation or, worse, that their neighbors or the security forces might assume they are also *senderistas*.

That was the case for Marcelina\*, who lives with her aged father and two children near Huamanga, Ayacucho. For years, the tiny villages dotting these broad slopes have been the backdrop of attacks and counterattacks between the government and insurgents. For non-combatants, the key to remaining on their farms is silence and accommodation with the force in ascendance.

A farmer, Marcelina wears the wool skirt and felt hat typical of the Ayacucho highlands. She speaks only Quechua, and has never travelled further than Huamanga, the department capital. One day, while she was at her daughter's school, she told us guerrillas stole blankets, pots and other goods from her house. Fearing for her life, she moved into town. During the day, she would return to tend her fields, occasionally sleeping in a makeshift hut there if darkness fell before she could return to town.

One night in 1989, a man forced his way into the hut and threatened her with a knife. He claimed he was a member of the Shining Path, and that his fellow cadres, waiting outside, would kill her if she screamed. He told her that their commander wanted her to climb to the *puna*, the high-altitude desert, and cook for the unit, which was preparing to celebrate his birthday. Then he raped her.

Through an interpreter, Marcelina told us what happened next:

That morning, I went and told my father what had happened. I was afraid too that they would find my 12-year-old daughter [and rape her]. I reported this to the local authorities, but they said to me, "What can we do?"... I did not tell the police this because I was afraid they would arrest me. One judge said to me, "Why pick a fight

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<sup>119</sup> These rules, however, are not necessarily distributed to all militants nor equally enforced. See Juan Lázaro, "Women and Political Violence in Peru," in *Dialectical Anthropology*, 15:233-247, 1990.

with them? Just report the things that were stolen..." When I realized I was pregnant, I wanted to throw myself into the gorge.<sup>120</sup>

Instead, Marcelina gave birth to a boy. In 1991, the civil defense patrol in her town captured two *senderistas*, one of whom was the rapist. The civil defense patrol leader who questioned the man says he admitted the rape and paternity of the boy. However, he later escaped and to their knowledge has never been punished.

Florencia and Pilar, mentioned above, also told us they were raped by the Shining Path. Pilar says the guerrillas accused her husband, who was in hiding, of collaborating with the army. To atone, she had to sleep with a guerrilla leader and cook his food.

Florencia was raped while her husband was forced to watch, she says. Then he was executed. When the army repeated the rape a week later, forcing her to leave, she says she was completely "traumatized." "Now, when I look at people, I wonder, 'Are they guerrillas and will they hurt me?'" Florencia told us. "I'll never forget all that we have lost."

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<sup>120</sup> Personal interview in Ayacucho, July 4, 1992.

## VI. THREATS AND MURDER OF WOMEN LEADERS

*I have received serious threats from the Shining Path, and I am very afraid. I've received written threats, asking for food from the kitchen. If I deny them totally, they tell me there will be consequences. They say, 'Obey or else'... So I said to them, 'Why are you forcing me? Am I a businessperson? Why do you hate me?' Because I don't agree with what they have done. They have already sent two guys [to my house] to kill me. I believe they will come again soon.<sup>121</sup>*

-- soup kitchen president, July 1992

Women have come under special fire from the Shining Path because they belong to women's groups or are feminists.<sup>122</sup> Far from "excesses," these attacks are the bitter fruit of a strategy guerrillas believe will bring them to power: the deliberate use of intimidation, violence and terror, often ending in murder.<sup>123</sup>

The reasoning behind these attacks is rooted in the Shining Path's ideology. A Maoist insurgency, they believe that anything not related directly to their struggle is a diversion. Once an individual recognizes her class background, the thinking goes, she is compelled by force of logic to join this struggle. Other struggles -- for instance, to abolish racism or sex discrimination -- are to be postponed until after a guerrilla victory.

In fact, Shining Path literature argues that feminist issues like equal work for equal pay and freedom of choice are international conspiracies aimed at derailing the revolution. According to *El Diario*, the clandestine pro-Shining Path newspaper, family planning is a sinister plot to deprive guerrillas of armed strength and "lash women to a competition for

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<sup>121</sup> Personal interview in Ayacucho, July 5, 1992.

<sup>122</sup> Like men, women have also fallen victim to the Shining Path because of activities unrelated to survival groups or feminism. Female mayors, state employees, teachers and religious leaders have been killed. Teacher Emilia Linares Camones was assassinated as she was teaching class in Huaura for belonging to Fujimori's political party, Change 90, this year. Women have been killed as "snitches" or for failing to heed the call for an armed strike, as in the case of three women killed outside the city of Huancayo on July 28, 1992. Women have also been killed as a way of punishing the political activities or affiliations of their male associates or family members. Especially in rural areas, where the conflict has three sides -- guerrillas, security forces and civil defense patrols -- women have been captured as stand-ins for their male relatives. In April 1991, Shining Path guerrillas attacked the hamlet of Urpay, Ayacucho after the men belonging to the civil defense patrol had left. Killed were eight women and two elderly men. In May 1992, guerrillas killed Yolanda Amarillo Meneses, 44, and Sabina Meneses Luna, 65, wife and mother-in-law respectively, of a man who is the vice-president of the civil defense patrol based in Huacas, Junín. Reportedly, the two women were executed after refusing to disclose his whereabouts. On September 29, guerrillas killed Francisca Huamán for belonging to a civil defense patrol near Huamanguilla, Ayacucho. See "Terroristas matan a mujeres," in *Ojo*, April 11, 1991; "Terroristas asesinan campesinas," in *El Comercio*, May 28, 1992; "Reporte Especial No. 15" p. 20, 22, and "Reporte Especial No. 17" by DESCO, p. 20.

<sup>123</sup> In the past, women's groups have been targeted by the Comando Rodrigo Franco, a paramilitary group with ties to the administration of ex-President Alan García. For instance, the murder of Consuelo García Santa Cruz, 33, and Saúl Cantoral, president of the Mining and Metalworkers' Federation, in 1988 was linked to CRF. García was a founder of the Filomena Tomaira Women's Center, a feminist group that works with miners' wives. In 1989, a number of Peruvians received threats from Rodrigo Franco, including Cecilia Olea, who works on violence issues for the Flora Tristán Women's Center. See Consuelo García dossier, "Las Filomenas, and Amenazados," *Sí*, May 22, 1989.

new and better contraceptive and synthetic hormone industrial products, all of this clothed as 'demands' and 'against men,' not to destroy and transform society but to perfect the exploitation of salaried work."<sup>124</sup>

Far from unusual, this thinking was common among Peruvian socialist and communist parties until the mid-1980s, when feminists within the left forced change. The Shining Path's brutal innovation, however, was to harness these absolutist beliefs to the systematic use of terror and murder to force women to abandon their activism or join guerrilla ranks. Those who hesitate are threatened. Those who refuse are often killed.

Groups like the Flora Tristán Women's Center, the Manuela Ramos Movement, the Women's Center-Arequipa, the Association for the Development and Integration of Women (ADIM) and Perú-Mujer have been accused of being "madam feminists (who are) sleep-inducing mattresses... that serve as an instrument of oppression and retardation of women with the goal of leading them from the path of the peoples' war that the people and proletariat have chosen."<sup>125</sup>

These groups also come under special fire as non-governmental organizations (NGOs), among the estimated 3,000 independent centers in Peru dedicated to education, health, the arts and development. Such groups, the Shining Path insists, only defend the existing order, are in reality government collaborators and suffocate revolution. On numerous occasions, guerrillas have accused NGOs of "pimping off" the poor.<sup>126</sup> Since many NGOs also receive funds from abroad, guerrillas link them to other international conspiracies -- allegedly conceived of by European social democrats, the World Bank, the Protestant Church and the United States, among others -- to pit capitalism against their "New Society."

Far from idle talk, feminists view these assertions as serious threats. In the past, the Shining Path has underscored its belief in such conspiracies with murder. In 1991, for instance, assassination squads killed an Australian nun, two Polish and one Italian priests, and attempted to kill a Spanish priest, to underscore their opposition to what they believe is Pope John Paul's plot to defeat them through church aid projects.<sup>127</sup> Women's groups have been forced to take special security measures and have curtailed projects in shantytowns where guerrillas have a strong presence.<sup>128</sup> The Manuela Ramos Movement instituted new precautions after receiving suspicious visits by men identifying themselves as journalists interested in writing about a Manuela-sponsored event. Neither turned out to be employed by a media outlet.

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<sup>124</sup> See "El Nuevo Tipo de Mujeres," in *El Diario*, May 1, 1990.

<sup>125</sup> See "Más hambre y desocupación sobre la mujer," in *El Diario*, February 21, 1992.

<sup>126</sup> See "Between political parties and NGOs: The untold story of Mother Courage," in *El Diario Internacional*, April 1992, pp. 10-14.

<sup>127</sup> The Shining Path this year followed this murder spree by killing another Italian priest, Giulio Rocca Olliani, on October 2, 1992 near Huaraz, Ancash.

<sup>128</sup> Interviews held with representatives of various centers in Lima, June 24, 1992.

"A street vendor we know who works nearby told us the pair had been talking about the *perras feministas* (feminist bitches) before approaching the door, which is typical Shining Path language," Dr. Teresa Hernández, a lawyer who directs a Manuela legal aid service for female victims of violence, told us.<sup>129</sup>

The Flora Tristán Women's Center, concerned for the safety of their members, has restricted their work with women's groups in Villa El Salvador. Several of "the Floras," as they are known, have also been singled out by the Shining Path for threats. Other NGOs with strong feminist beliefs must also rethink projects. For instance, the Center for Population Development (CEPRODEP) works with internal refugees and grassroots organizations in the Eastern Cone, the triangle-shaped sweep of shantytowns that juts east from Lima's center. After criticizing the Shining Path's methods, CEPRODEP director Isabel Coral received numerous death threats. Now, when she takes a bus to and from her Ate-Vitarte home, she worries about being attacked. Despite the danger, however, she has never asked the government for a bodyguard.

"The minute the Shining Path sees me with someone suspicious, they will accuse me of having ties to the government and want to kill me even more," she told us matter-of-factly.<sup>130</sup> Several CEPRODEP shantytown projects have closed in the wake of increased security concerns. "It appears that the Shining Path decided to let these groups develop to a point, then attempt to take them over or shut them down," Coral notes. "For us, it has become extremely dangerous even to go anymore to certain shantytowns."

Celia\* is a former university professor and city council member forced to abandon her posts because of threats by the Shining Path. Involved with urban mothers' clubs in a department capital, Celia is a feminist active in leftist politics. She believes guerrillas targeted her because they perceived her as a competitor, drawing women away from a rhetoric of violence to one of independence, organization and self-help. After one attempt to kill her, she told us guerrillas tried to kill her brother, a government official. Having failed both times, she believes they killed a family member as a warning. The family member was ambushed and shot to death in 1991.

Several weeks later, Celia received another threat.

(I received) a letter asking for money and participation in pro-Shining Path activities. If I chose not to comply with about three or four monthly quotas of S. 150 (about \$130), the sentence was death. Also my office was to be used as a meeting place and they ordered me to take part in armed actions. So then, I decided to leave for Lima... All it takes is for them to locate me physically and see what I'm doing, if I am definitely proposing things that go against their plan, wherever I am they will always try to liquidate me.<sup>131</sup>

As she feared, the threats followed her to Lima. Recently, Celia told us she answered a call

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<sup>129</sup> Personal interview in Lima, June 24, 1992.

<sup>130</sup> Personal interview in Lima, June 24, 1992.

<sup>131</sup> Personal interview in Lima, June 30, 1992.



only to hear her own voice echoing back, through a device she thinks the caller held up to the receiver.

"It had a very chilling effect," she remembers, "because they are using your own voice to let you know they know where you are, and can get you any time." However, Celia never considered asking the state for help. "The state isn't even able to guard people much more important than me," she points out. "How can I be sure they would make an effort to protect me?"

In fact, far from protecting women from Shining Path attacks, the government has -- wittingly or not -- often put them in more danger. Rather than seeing women-led organizations like soup kitchens as valuable tools to reestablish democracy, current state counterinsurgency policy seeks to convert them into components of a militarized civil society whose sole aim is to combat guerrillas. These groups, the thinking goes, should pronounce on public occasions their willingness to confront the Shining Path. One way groups are encouraged to demonstrate support is by participating in army-led "civic action" events, like food distributions and vaccinations, which have an explicit anti-guerrilla component. In addition, the government has encouraged such organizations to join in supporting anti-guerrilla civil defense patrols.

This attitude was painfully clear on July 15, 1992, when President Fujimori spoke in the Lima municipality of Huaycán, where the Shining Path has long had a significant presence. Pascuala Rosado, the secretary general of Huaycán elected in 1990, has attempted to remain in the post by navigating a delicate course between the government and guerrillas. Nevertheless, Fujimori energetically praised a newly-formed neighborhood anti-crime association as the "first urban citizen's patrol" organized to combat guerrillas. For Fujimori, the group was a "nexus" between the armed forces and society.

Horrified, members of the patrol stripped off their uniforms. Their intention, they hurriedly told reporters, was simply to organize against drunks, drug addicts and pickpockets. Identifying them with the military put their lives in immediate danger, they stressed. Rosado later clarified the patrols' purpose as unrelated to any counterinsurgency activity. Four days later, she told reporters a Shining Path activist had handed her a written ultimatum. She had 10 days to declare the total neutrality of the patrols or be murdered. The army was obligated to assign 20 soldiers to protect her.<sup>132</sup>

Absurdly, Rosado's name was included on a list of "suspected subversives" circulated in September by police, along with Raquel Martín Castillo de Mejía and Angélica Mendoza de Ascarza.<sup>133</sup>

In fact, popular organizations have long been the target of the police and military, not their ally. There remains a high level of distrust of the motives of the security forces in carrying out civic actions. In fact, these groups were formed precisely because the state

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<sup>132</sup> See "Reconocen ronda urbana en Huaycán" in *Expreso*, July 16, 1992 and Sam Dillon, "Fujimori's call to battle..." in the *Miami Herald*, July 25, 1992.

<sup>133</sup> See "¡Cuidado con la caza de brujas!" in *Ideéle*, Año 4, No. 42-43, October 1992, pp. 35-36.

has failed to provide for their most basic needs: water, food, jobs, justice, health care. "These groups are neither the creation of the State nor is their duty to protect the national status quo," pointed out the former mayor of Villa El Salvador, Michel Azcueta, in one editorial.<sup>134</sup>

### A. Attacks on survival organizations

In urban areas, most grassroots organizations are run by poor women. As Peru's economy has floundered, these so-called "survival organizations" -- soup kitchens, "common pots," mothers' clubs and "Glass of Milk" committees -- have expanded dramatically, keeping hundreds of thousands from starvation. Although political parties, the Catholic Church and development groups have organized and run "client" groups -- for instance, when the American Popular Revolutionary Alliance (APRA) set up a patronage system based on "Mothers Clubs" during the term of ex-President Alan García -- most "survival groups" have profoundly democratic roots. Many feminists work with survival groups to press for legal reforms to benefit women, education and family planning.<sup>135</sup>

When President Alberto Fujimori instituted harsh economic austerity measures, known as the "Fujishock," on August 8, 1990, survival groups skyrocketed in number. In Lima, for example, the number rose from 2,800 to over 7,000 in a few short weeks. In Villa El Salvador, one of Lima's largest and poorest municipalities, approximately one-third of its 300,000 residents benefit in some way from these programs.<sup>136</sup> Despite government promises to fund a "Social Emergency" program to help Peru's poorest, less than half of the neediest ever received a government allotment. Particularly hard-hit were families in rural areas, far from food distribution centers.<sup>137</sup>

The Shining Path has criticized the humanitarian nature of these groups as hiding a sinister plan "to maintain an enormous, extremely impoverished mass of people as beggars, without a critical spirit, without the will to fight, who think of nothing more than the next plate of food to be given" and thus propagate oppression.<sup>138</sup> Instead, guerrillas

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<sup>134</sup> See "Senderos diferentes" in *La República*, October 5, 1991.

<sup>135</sup> Soup kitchens are associations of families that set up a kitchen, buy food and serve it for a nominal price to association members and neighbors who need food. Many receive outside donations, but most kitchens buy and scavenge the bulk of their own food. "Common pots" are less formal, and often become soup kitchens after neighbors register for donations from the Church or development groups. Mothers' Clubs often organize around an employment project, like sewing, and work in association with school parents' committees and soup kitchens. The "Glass of Milk" program was set up in 1983 by the then-mayor of Lima, Alfonso Barrantes, with the goal of providing each school-aged child with a glass of milk a day. These groups now feed, clothe, house and give work to millions of Peruvians.

<sup>136</sup> See "Ollas Comunes y Vaso de Leche..." in *La República*, June 2, 1992; and "Terrorismo no se apoderará..." in *La República*, September 15, 1991.

<sup>137</sup> See *Perú en Cifras*, (Lima: Cuánto, 1991) p. 38.

<sup>138</sup> See "Between political parties and NGOs: The untold story of Mother Courage," in *El Diario Internacional*, April 1992, p. 12.

see "survival" groups as a key element in their strategy to seize power. An important stage in their step-by-step plan is "strategic equilibrium," which rests on converting the guerrilla war into a "war of movements" (*guerra de movimientos*) that puts insurgents on par with government forces. For *senderistas*, "survival groups" are the seeds of what they call *comités de lucha*, battle committees, indoctrinated in the "people's war" and able to feed, house and protect armed militants.

Following this logic, once these committees are in place, a final insurrection would be guaranteed victory. In May 1991, the guerrilla's central committee apparently declared in a clandestine meeting that "strategic equilibrium" had been achieved, an event equal in importance to the beginning of armed struggle in 1980. One reflection of the momentum of the Shining Path's plans is in numbers. The 24 community leaders killed by guerrillas in the first two months of 1992 was more than triple the number killed in 1990.<sup>139</sup>

Certain areas of Lima are of vital importance according to this strategy. Studies done of guerrilla activity demonstrate that they act differently depending on the social make-up or strategic importance of neighborhoods. For instance, guerrillas appear to use older slums as refuges for important cadres, so refrain from directly confronting the authorities. In contrast, shantytowns along the Central Highway, which connects the capital with its main source of food, hydroelectric power and mining wealth, are where guerrillas have actively tried to form "battle committees," preparing to cut the city off. In shantytowns closely allied with rival political groups, like the APRA or left, or with a strong NGO presence, the strategy appears to be to provoke chaos, assassinate leaders and sow terror, to defuse any effort at opposition. "It's necessary to snatch these organizations from the claws of imperialism," reads a common Shining Path graffito.<sup>140</sup>

In the latter two areas, "survival group" leaders have only two options: pledge to the guerrilla cause or become enemies -- anyone who attempts to claim neutrality or openly oppose them. Since 1985, at least 10 female leaders of "survival groups" have been assassinated. Hundreds more have been threatened with death or harm to their families, and have felt forced to collaborate or flee. Not only individuals are targets. Food warehouses and mothers' club meeting places have also been invaded and bombed.

### **Juana López León**

The attack that is generally recognized as the first of major importance was the murder of "Glass of Milk" activist Juana López León on August 31, 1991. Months earlier, López, 44, had received written threats from the Shining Path ordering her to abandon her post, including an envelope containing a bullet hand-delivered to her home in the "Juan Pablo II" settlement of Callao.

On that Sunday, an assassination squad caught her as she was ladling out milk to neighbors. She was shot four times. Later, guerrilla broadsides and *dazibaos*, hand-lettered posters, accused her of being a "snitch" and "attempting to form neighborhood patrols."<sup>141</sup>

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<sup>139</sup> See "Sendero: Informe de Lima," in *Quehacer*, March-April 1992, pp. 34-55.

<sup>140</sup> See "En Tierra de Nadie: Organizaciones femininas y violencia en Lima," by Cecilia Blondet, forthcoming from the Institute of Peruvian Studies.

<sup>141</sup> See "Pateando la Olla," *Caretas*, September 9, 1991; and "Madres de Lima...," in *Expreso*, September 27, 1991.

### **María Antonieta Hilario de Olimpia and Margarita Estrada de la Cruz**

López was not the first "survival group" leader to be killed by the Shining Path. Between 1985 and 1991, there have been at least three others, including María Antonieta Hilario de Olimpia, 37, an activist in Horacio Zevallos, a Lima shantytown, and Margarita Estrada de la Cruz, 54, a neighborhood leader also from Callao killed on June 23, 1991.

However, López' murder opened what appeared to be a concerted guerrilla campaign to win political control over a significant number of "survival groups" by putting militants in leadership posts or convincing existing leaders to follow their orders. It also set a pattern that was repeated frequently in the following months. Guerrillas began by inviting a "survival group" leader to attend talks or participate in "mass actions," like marches or the blockading of roads. Demands increased in number and danger. Women were asked to give food and shelter to guerrillas, and to take part in violent actions, like bombings or attacks on the police. Women who refused or publicly criticized the insurgency became targets. Armed cadres forced their way into their houses at night and delivered written death threats. Guerrilla sympathizers distributed anonymous broadsides accusing women of theft, adultery, giving information to the armed forces and setting up anti-guerrilla self-defense groups to sow doubt in the minds of neighbors who might offer protection.

At the same time, guerrillas convinced their own supporters to join existing "survival groups," and compete for positions of importance. Infiltration serves several purposes. Infiltrated groups are pressured into providing support services such as food and medical care to the armed guerrilla units operating in the area. Guerrilla-linked groups also begin to militate within the larger area of national associations of soup kitchens and mothers' clubs, dividing the membership and chipping away at the credibility of key leaders. In some cases, "parallel" leaders appear, claiming to represent the community when they in fact are only backed by a shadowy guerrilla front group.

Meanwhile, freely-elected leaders are "warned" that they are being evaluated and are told that if discrepancies are found in the accounting of donations, a public execution will be held. Soon, distrust is rampant, and everyone is afraid that speaking out will result in a new threat. This strategy has worked in the past with other organizations, including the Miners' and Metalworkers' Federation and various peasant groups.<sup>142</sup> In a short time, the group is either fatally weakened or breaks up, leaving only the Shining Path-controlled fragments.

If an individual resists, *reglaje* -- when cadres follow a target in order to plan an attack -- begins. After a murder, insurgents repeat accusations of wrong-doing through graffiti and broadsides, and vindicate the murder as "popular justice."

Within two weeks of López' murder, guerrillas began distributing threats against María Elena Moyano, vice-mayor of Villa El Salvador and ex-president of the Villa El Salvador Women's Federation (FEPOMUVES); Emma Hilario Chuquipoma, President of the National Commission of Self-Organized Soup Kitchens; and Teresa Aparcana, president

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<sup>142</sup> For another analysis of this strategy, see Peru Peace Network, *Peru: Caught in the Crossfire* (Jefferson City, MO: Peru Peace Network, 1991) pp. 41-48.

of the Metropolitan Coordinating Group of the "Glass of Milk" program. Other women began to receive visits and were told to hand over records of expenditures and donations for guerrilla "audits."

Ceferina\* is a community activist in Ate-Vitarte. Like hundreds of thousands of others, she was forced to flee her Ayacucho home several years ago because of threats from the army. Now it is the Shining Path giving her nightmares.

"In Ayacucho, most abuses by guerrillas and the army took place in the countryside, so if you lived in the city you were probably alright," she told us. "Now, it's worse than ever in Lima. What is left for us? Keep our mouths shut."<sup>143</sup>

In her settlement, guerrillas began with the soup kitchens and community-run pharmacies (*botiquines comunales*), threatening them until they shut down. She told us that out of a total of 30 soup kitchens, only two remain. The army, which established a base near her home recently, only patrols during the day, leaving guerrillas free to hold obligatory public meetings at night. Ceferina has received several unannounced visits from armed guerrillas. Once, she says 30 people, some masked, forced their way into her small house after midnight to browbeat her into taking part.

It was midnight, just after a municipal meeting had ended. If I didn't open the door, they shouted, they promised to kick it in. If I didn't agree, they said I would have to leave the settlement. None of my neighbors came out to help me, even though I used my whistle when they first beat at the door. It was as if the whole thing had been planned. They know perfectly well who organizes things in each settlement, and these are the people they pressure to join or resign.

Guerrillas allegedly dynamited a food warehouse administered by the Popular Federation of Women of Villa El Salvador (FEPOMUVES) on September 9, 1991, leaving over 90 Villa kitchens without supplies. FEPOMUVES represents over 10,000 women, and is considered one of the largest and most active women's groups in Latin America. The reaction was immediate. On September 27, "survival groups" convoked a city-wide march against hunger and terror. Later, in an effort to escape condemnation for the attack, the Shining Path circulated conflicting broadsides blaming it on a never-before-seen paramilitary squad and, absurdly, Moyano.

On October 15, guerrillas bombed the "Ana Jarvis" Mothers' Club in the "7 de Octubre" settlement of El Agustino. In these weeks, many soup kitchen leaders reported receiving threatening visits from people who identified themselves as members of the Shining Path.

### **Doraliza Espejo Márquez**

Another march to protest terror was called in San Juan de Lurigancho for October 27. Despite several small explosions, it drew thousands. One of the leaders who helped coordinate the march was Doraliza Espejo Márquez, 38, a "Glass of Milk" coordinator from the "José Carlos Mariátegui" settlement. An activist in the United Left, Espejo had been threatened several times in open community meetings by Shining Path

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<sup>143</sup> Personal interview in Lima, July 8, 1992.

sympathizers.

On December 6, four men and a woman arrived at her door, asking to register to receive "Glass of Milk" benefits. Instead, they shot Espejo three times, killing her. Before fleeing, they left a sign that read: "This is how traitors who collaborate with the army die."<sup>144</sup>

### **Emma Hilario Chuquipoma**

A similar attack failed against Emma Hilario Chuquipoma on December 20, 1991. Although five intruders shot Hilario, her husband and his brother, all survived. The year before, Hilario had accepted the "Angel Escobar" award from Peru's Human Rights Coordinating Committee on behalf of the National Commission Self-Organized Soup Kitchens, which includes 9,000 kitchens nationwide. Hilario later left the country for her safety.

At least one NGO that works with "survival groups" has been forced to take a program that assists women threatened by the Shining Path completely underground, to avoid being themselves targeted and killed. Several times, the rescue of shantytown leaders has taken on spy-movie suspense, as leaders are spirited away from safe houses with assassination teams on their heels. Now, NGOs that used to work with "survival groups" are finding they can no longer even enter certain areas, controlled by Shining Path sentries.

"It makes me feel like a foreigner within my own neighborhood," one pastoral worker told us. She considers herself lucky to have received only one visit so far.

### **B. Murder of María Elena Moyano**

Since well before the attack on the FEPOMUVES warehouse, María Elena Moyano, 33, knew her ties to the left, popularity as Villa's vice-mayor and feminist beliefs made her a prime Shining Path target. But perhaps what angered them the most was the simple fact that she refused to be intimidated into resigning.

A Villa native, Moyano founded FEPOMUVES when she was 24 and was for many years its president. She represented a new generation of "popular" feminists: no longer mostly white, middle-class professionals, these women are born in the shantytowns and trained in "survival groups," which they have transformed into a powerful way to promote feminist and social justice issues.<sup>145</sup>

In one interview with Lima daily *La República*, Moyano admitted that for some years she did not publicly criticize guerrillas even though she disagreed with their methods. She said she believed that although wrong, they were committed to bettering society. However, as guerrillas trained their sights on her colleagues, she did not hesitate to speak out. Despite constant threats, Moyano insisted on remaining in Villa.

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<sup>144</sup> See "Madres no se doblegan...", in *La República*, December 11, 1991.

<sup>145</sup> See "The Assassination of María Elena Moyano: Chronicle of a Death Foretold," by the Flora Tristán Women's Center; and Virginia Vargas, "Women: Tragic Encounters with the Left," in *NACLA*, Volume XXV, Number 5, May 1992.

"We are not with those who murder community leaders, and massacre soup kitchen and "Glass of Milk" leaders," she said the day before her murder. "We are not with those who smother grassroots initiatives and who try to impose themselves by force and brutality."<sup>146</sup>

Moyano was the final speaker at the September 27 march to protest Shining Path threats, and gave a series of interviews to newspapers and magazines in which she called on the Shining Path to give up its violent attacks. Convinced by colleagues that her life was in danger, she left the country briefly in November. On her return, she asked for and was assigned two police bodyguards. She varied her schedule constantly, to derail any ambush attempt. Each time the Villa "Neighbors' Class Movement," a Shining Path front group, distributed a broadside accusing her of wrongdoing, she replied in kind, pointing out falsehoods. At year's end, she was honored by *La República* as the "Personality of the Year."

On February 14, 1992, Moyano was one of the only well-known public figures publicly and energetically to protest against the Shining Path armed strike called for that day. With a handful of others, she led a march in Villa distinguished by the white banners carried by the participants. The next day, an assassination squad trapped her at a chicken barbecue held to raise funds for a local women's committee in Villa. Guerrillas seriously wounded the one bodyguard who was with her, shot Moyano, then destroyed her body with dynamite as Moyano's two sons and a nephew watched.<sup>147</sup>

The murder caused outrage and anger. Thousands packed her funeral. "The Shining Path will try to continue eliminating our grassroots nutrition centers, but they still don't understand that Villa's mothers want our children well-fed and we reject violence," Esther Flores, the FEPOMUVES president, told the press.<sup>148</sup>

However, the murder also marks a desperate turning point in the attitude of independent organizations confronted by the Shining Path. No longer are women leaders in positions as vulnerable as Moyano's willing to risk attack. Instead, they restrict their work, resign or leave the country. A day after Moyano's murder, "Glass of Milk" leader Seferina Naquiche, a friend of Moyano's, reportedly had a bomb placed in front of her Villa home, which police were able to deactivate.<sup>149</sup> Esther Flores later took a leave of absence from her post as FEPOMUVES president because of threats. At the end of August, FEPOMUVES was reportedly divided between "the Moyanos," who openly condemn the Shining Path, and the rest, who are afraid or refuse to talk. Guerrillas continue a defamation campaign, accusing Moyano of being "imperialism's agent, a

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<sup>146</sup> See *La República*, February 16, 1992.

<sup>147</sup> On December 9, 1992, Human Rights Watch honored Maria Elena Moyano as an exemplary advocate on behalf of women's human rights. The award was given posthumously and her absence was signified by an empty chair.

<sup>148</sup> See "Llegó la hora..." in *Expreso*, February 18, 1992.

<sup>149</sup> See "Entre lluvia..." in *Ojo*, February 17, 1992.

counterrevolutionary, recalcitrant, a revisionist and a snitch."<sup>150</sup>

"We haven't met since her death, and we believe some of the newer leaders are not to be trusted," Alicia\* told us. Alicia is a FEPOMUVES activist who was threatened after Moyano's murder, along with Flores, Esperanza de la Cruz, a FEPOMUVES activist who later fled the country, and María Cruzado, the FEPOMUVES secretary of organization. "After María Elena was murdered, guerrillas came to my house, and other places I frequent, including my mothers' house. I feel completely abandoned. I never go to a strange place anymore, and spend my life slipping from one house to another."<sup>151</sup>

One soup kitchen leader, who asked for anonymity, whispered as she dabbed at tears:

This I have not told anyone. You must understand I am completely alone. If they kill me, who will complain? After all the work, so many years, to end up like this -- threatened from all sides, wondering each day from which way will death come. I live in anguish, searching the faces I pass for the one that means my death is at hand.<sup>152</sup>

### **Marina Oroña Barbarán, Verónica Pérez de Mantari and Rebeca Fernández Cartagena**

The killings of women leaders continue. On February 27, 1992, guerrillas murdered Marina Oroña Barbarán, 43, a "Glass of Milk" committee president from Saños Grande, El Tambo, Junín. Verónica Pérez de Mantari, president of the neighbor's group in Chilca, Huancayo, was with her two children when guerrillas shot her on May 2. On September 9, militants shot the secretary general of Lima's "Villa Solidaridad," Rebeca Fernández Cartagena, on her doorstep.

In a recent interview, President Alberto Fujimori pledged to protect leaders like Moyano, and force a change in the attitude of the security forces.

That change of attitude meant instead of suspecting that everybody belonged to the Shining Path, we had to believe the local people were suffering the onslaught of the Shining Path. The first objective was to win the people over... The way to do it is by first stopping the indiscriminate repression against the people.<sup>153</sup>

The government proposes to do that by establishing army bases in five areas: "Juan Pablo II," in San Juan de Lurigancho; Huaycán; Horacio Zevallos; "Felix Raucana," in Ate-Vitarte; and Los Olivos. Troops establish vehicle checkpoints and do "civic actions," like providing medical care and free food and clothing. According to press reports, the long-term plan is to organize anti-guerrilla "urban patrols," along the lines of the civil defense

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<sup>150</sup> See "Fujimori... Rondas Urbanas," by the Movimiento Clasista Barrial, March 15, 1992.

<sup>151</sup> Personal interview in Lima, June 30, 1992.

<sup>152</sup> Personal interview, July 5, 1992.

<sup>153</sup> See Caracas TV interview, June 7, 1992, as translated in FBIS, June 9, 1992, p. 22.



patrols active in the central and southern Andes. The patrols will be made up of young men eligible for military service, who will be given 12-gauge shotguns.

While some leaders have welcomed the troops, others believe the government is forcing them into a position that can only hurt civilians untrained for combat. In effect, they are caught between the military and the Shining Path. Far from solving basic problems like electricity, water and bus service, the troops provide only occasional gifts, which do not translate into long-term gains for the community. Instead, their presence makes some neighborhoods more of a Shining Path target, without winning any notable advance against them. Leaders who are seen talking to soldiers or who accept "civic action" plans are often attacked as "snitches" and military pawns. In at least one settlement, soldiers shut themselves in at night, afraid of ambush. With the police already behind their bunker-like walls, the night belongs to the *senderistas*.

"The Shining Path was *sicoseándome* too much, after the soldiers came, so I had to quit my post," Rubí\*, a former secretary general in one of the settlements, told us. *Sicosear*, from the Spanish word for psychosis, is a new Lima word for the pressure, backed by the threat of death, both the Shining Path and the security forces wield. "They came several times a week, always to my house. I have a husband and children to care for. I can't just sacrifice myself. After the murder of Moyano, it's made everyone think twice."<sup>154</sup>

The model for the government's new counterinsurgency strategy is the settlement of "Juan Pablo II" in San Juan de Lurigancho, where two community leaders were killed in 1991. On February 25, troops arrived and set up camp in the community hall. However, according to press reports, the commanding officer neglected to first ask the 1800 families who live there for permission or even notify them of the new counterinsurgency plan. Leaders discovered it only after soldiers arrived at night, complete with weapons and tanks.

When leaders asked them not to take the meeting hall, the commanding officer reportedly threatened to investigate them for ties to the Shining Path. "Either you are with the army or you are with the Shining Path," he reportedly said.<sup>155</sup>

In Ayacucho, the Federation of Mothers' Clubs began receiving strange visits in March from men who identified themselves as State Security agents. According to CEPRODEP, which works with the Federation, they claimed to have information indicating that the Federation president, Teodora Ayme, and Benedicta Quintanilla, "Glass of Milk" committee coordinator for the province of Huamanga, were on a guerrilla death list. However, Quintanilla claims she has never received a guerrilla death threat. Rather, she wonders if the agents were interested in investigating her.

"The truth is I have never received a threat from the Shining Path, nothing," she says. "So, I asked myself, Why would they kill me? I am not the top leader, and the police don't even guard the president of the region or the mayor."<sup>156</sup>

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<sup>154</sup> Personal interview.

<sup>155</sup> See "Pueblos vigilados," in *Sí*, March 9, 1992.

<sup>156</sup> Personal interview in Huamanga, Ayacucho, July 4, 1992.

Although the capture of Abimael Guzmán and an estimated half of the Shining Path Central Committee, their highest leadership, is important, it does not mean the end of the guerrillas. It remains to be seen what effect the arrests will have in the long-term. For the short-term, at least, women activists have reason to remain pessimistic. After the arrest on September 12, the number of Shining Path actions nationwide actually increased 27 per cent in comparison to the previous month.<sup>157</sup> They included propaganda actions, like flyer distributions, and the assassinations of police and popular leaders. The department of Lima now leads the country in terms of political violence.

### **Bernardina Maldonado Quispe**

On September 20, guerrillas killed Bernardina Maldonado Quispe, 41, general coordinator of the soup kitchen and "Glass of Milk" program of the settlement "Cerro 7 de octubre," El Agustino, Lima. Three days later, Rosario Peña Vega, "Glass of Milk" coordinator in La Punta, Callao, said she was kidnapped by Shining Path guerrillas who wanted information on the woman who administers the program for Callao.

Given the treacherousness of this social landscape and the toll the conflict has taken, the fact that women stubbornly continue to organize counts as a miracle. Poverty, an issue that goes beyond the scope of this report, is for them a parallel war, in some ways more pitiless than any waged with guns. With poverty, you cannot flee, plead for asylum or cut a deal. It is implacable, and as ever-present in Peru as air. Too often, the steady work of days -- finding the cylinder of water and liter of fuel and enough cooking oil to fry up onions for broth and wheat stew -- is seen as something simple, a first step. It is not. What women have achieved in Peru is astonishing. With ingenuity, intelligence and conviction, they built a grassroots network that saved thousands from starvation. In collaboration with committed feminists from groups like Flora Tristán, they have also become articulate spokespersons for the concerns of all Peru's poor, male and female.

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<sup>157</sup> See "Reporte Especial No. 17" published by DESCO, pp. 2-7.

## VII. CONCLUSIONS AND RECOMMENDATIONS

Despite explicit international prohibitions against murder, torture and ill-treatment of non-combatants, both the government security forces and the Shining Path use violence against civilian women as a form of tactical warfare. Soldiers and police routinely rape women. The Shining Path frequently murders them. The violence is often undertaken to punish, coerce or intimidate female victims or to achieve broader political ends. At times, the violence takes gender-specific forms, as in the security forces' use of rape against women. At other times, the victim's gender does not influence the form of the abuse, but affects its motivation, as in the Shining Path's execution of community activists who are women.

Violations of women's basic rights by both sides routinely go unpunished, as do human rights abuses in Peru more generally. However, women victims of human rights abuses often face an added obstacle, particularly with regard to the prosecution of rape. Accused rapists tried under Peru's penal law often go unpunished as a result of the courts' routine acceptance of discriminatory attitudes towards female victims. Because military courts are secret their conduct is unknown, but police and soldiers accused of rape and tried under the code of military justice are often acquitted. They are never made available to civilian courts for prosecution. The Shining Path, far from disciplining those within its ranks who murder women, actively promotes this heinous crime, referring to it repeatedly, as in the case of Maria Elena Moyano, as "exemplary punishment."

Peru's women are by no means alone in suffering human rights abuses by both parties to the conflict, but they are deserving of equal protection against such abuse. Murder, torture and ill-treatment of all non-combatants, including women, must end and both parties must ensure that such abuse, when it occurs, is not tolerated. While this report calls for the elimination of human rights abuses by both sides in the broadest possible terms, our conclusions and recommendations also reflect the particular character of violence against women in Peru's internal conflict. They identify specific measures that should be taken by both parties if, together with human rights abuses more generally, violence against women is to be combatted effectively and equal protection without regard to sex guaranteed.

### I. Murder

- \* Murder of non-combatants is a clear violation of international humanitarian law. Tragically, many of those who pay the highest price are neither guerrillas nor military leaders, but civilians, many, like the women described here, dedicated to non-violent change. The leadership of both sides should clearly and forcefully prohibit the murder of non-combatants.
- \* The Shining Path, which systematically engages in the murder of non-combatants, must halt the assassination of civilians, including women grassroots leaders of soup kitchens, neighborhood associations and feminist groups.
- \* The Shining Path must exercise control over its militants in the field. Those who do not adhere to basic principles of humanitarian law prohibiting murder of non-combatants should be disciplined.

\* The government of Peru is obligated under international law to punish violations of human rights in its territory and should swiftly and thoroughly investigate all extrajudicial killings by either side. Moreover, insofar as the government takes steps to protect women from attack by insurgents, it should avoid putting them in increased danger. The government should recognize that civilian institutions, like soup kitchens and neighborhood watch committees, are a singularly inappropriate place to build an irregular counterinsurgency army. Rather, these organizations should be protected, both in their physical integrity and their independence.

## **II. Torture and Ill-treatment**

\* Both parties to the conflict should prohibit torture of non-combatants, including rape, whether during interrogation, in the emergency zones or in other areas of conflict.

\* Both parties should also outlaw ill-treatment that stops short of torture, including the security force's seemingly random use of rape, particularly in some instances the emergency zone, and the Shining Path's systematic use of threats and psychological terror.

\* Both parties should ensure that where such abuse occurs, it is not tolerated.

## **III. Legal and Administrative Reforms**

### **A. Anti-Terrorism**

\* Far from instituting increased respect for human rights, new laws promulgated after the self-inflicted coup of April 5 seriously damage the due process guaranteed all Peruvian citizens. In particular, laws extending incommunicado detention, suspending the rights to *habeas corpus* and *amparo* and mandating summary courts-martial for certain crimes, increase the risk of rape for women in detention and virtually assure that any accusation of rape while in detention will not be pursued. We urge the Peruvian government to nullify these laws, and instead institute a system that guarantees fundamental human rights.

### **B. Military Courts and the Military Code of Justice**

\* Suspects in cases where a clear violation of civilian law has occurred, like rape and murder, should be made available for prosecution by the appropriate civilian courts. The shameful record of military courts in trying officers accused of serious human rights violations, including rape, is eloquent proof that these bodies are neither impartial nor independent, and unable to carry out fair trials. To the contrary, with a few, notable exceptions, military courts appear dedicated to covering up abuses, protecting officers and then keeping their work secret. Only with public trial and punishment will soldiers receive the clear, unequivocal message that rape is not condoned by their superiors.

\* Those found guilty of rape should be punished regardless of rank. In many cases,

only the most junior officers are actually charged and they are then often protected by their superiors or acquitted in secret military court proceedings. Senior officers should not be exempt from punishment and no officer who commits an illegal act should be protected because he was following orders, unless it is demonstrated that he did so under duress.

### **C. Civilian Rape Law**

\* To facilitate the investigation of rape, the government should make available to public prosecutors records revealing the deployment of military or police personnel and patrols implicated in rape. All active police and security force personnel should be required to wear identifying insignia at all times.

\* Police officers should fulfill their legal obligation to track down and arrest suspected rapists and secure them for identification purposes rather than leaving this responsibility to the victim.

\* The government of Peru should fully support swift investigations of rape by security forces and police personnel, free of intimidation or challenge. Soldiers, police officers or other state agents found to have engaged in intimidatory practices towards witnesses, victims or other relevant parties to abuse, should be penalized.

\* To ensure the equitable prosecution of rape, Peruvian legislators should examine rape laws and their application and institute reforms to ensure that women are protected equally, including:

- Judges should exercise their responsibility to uphold the law equally and ensure that discriminatory attitudes about female victims neither prevent serious investigation of rape nor undermine rape's equitable prosecution.

- Where possible, the verification of the victim's rape charge in court should be conducted with respect for the nature of the offense and the victim's potential desire for anonymity.

- To ensure that adequate protections against rape are in place, the government of Peru should consider consulting international experts on rape for suggestions on necessary reforms, including with regard to the admissibility of certain types of evidence, adequate evidence gathering and sentencing.

- Medical facilities other than state facilities, including licensed private physicians, should be empowered to give testimony and introduce physical evidence in court with regard to sexual and physical abuse.

- Medical and legal services provided by the state should be improved and extended in both urban and rural areas. It is unreasonable to assume that such a grave attack as rape will be sensitive to holidays and weekends; in fact, that is

when most rapes occur. The lack of adequate services and of trained personnel constitute serious obstacles to the prosecution of rape that result in practical impunity for this crime. These offices should be open and ready to examine rape victims at all hours. In addition, these facilities should employ some female physicians and counselors able to advise and, if necessary, treat rape victims suffering from trauma.

- In addition to the amount of physical violence, psychological pressures should be taken into account by the courts when determining the nature and extent of the force involved and in assessing the severity of the abuse.

#### **D. Documentation of Gender-Specific Human Rights Abuse**

The development of appropriate remedies for murder, rape and other forms of violence against women, including domestic violence, depends on a clear grasp of the nature and extent of the problem.

- We urge the Peruvian government to improve the collection of gender-specific data with regard to crimes of violence against women and to work with women's rights groups in this regard. We also urge women's rights and human rights groups in Peru to work together to develop a documentation system for human rights violation against women, including rape.

#### **IV. Training and Social Assistance**

\* Judges and prosecutors should receive instruction on the criminality of rape.

\* Explicit bans on rape should be included in all training for enlisted men and officers. The inclusion of this material would send an immediate message that rape is no longer tolerated or unofficially condoned by the state.

\* We strongly urge the Peruvian government to devote more resources to training law enforcement officers to handle rape cases and provide victims with the legal assistance they need to prosecute and overcome this serious crime. These are not only humanitarian needs, but are necessary elements to the provision of equal justice.

\* To further enhance the likelihood that rape will be reported, the government should make widely available information concerning the protections and services provided by the state with regard to this crime.

#### **V. Threats Against Human Rights Monitors**

\* Ill-considered or clearly inaccurate statements by President Fujimori against human rights groups have put them in increased danger. In addition, erroneous information circulated by police alleging that leading human rights activists like Raquel Martín Castillo de Mejía and Angélica Mendoza de Ascarza are Shining Path members is both irresponsible and threatening. These accusations should be retired immediately and publicly. We urge the President in the strongest possible terms to reassume the

commitment to human rights he embraced during his inaugural speech on July 28, 1990, when he said, "The unrestricted respect and promotion of human rights will be a firm line of action by my government.... The terrorist violence our fledgling democracy currently faces cannot justify, in any way, the occasional or systematic violation of human rights." In particular, we urge President Fujimori to make good on his promise to establish a National Commission of Human Rights to look into violations by both sides and propose concrete solutions to be adopted as early as possible.

## **VII. U.S. Policy**

\* In a series of reports on human rights in Peru, the State Department has rightly stated that rape remains an all-too common human rights abuse in Peru. Pressure exerted by Congress -- specifically the conditions attached to renewed anti-drug aid to the military, including cases that involved alleged rape -- have helped the cause of human rights. However, the Bush Administration has failed to go beyond statements and energetically press the Peruvian government for change. To the contrary, we are not aware of any statement or meeting that has had as its focus the crime of rape, a reflection of the scant importance given by the Administration to the torture and ill-treatment of women by both parties to the conflict. Reports of continued and egregious human rights violations by the Peruvian security forces have been downplayed consistently by the United States in an effort to continue funding them to fight the war on drugs. Even in the wake of the coup and what human rights groups characterize as an upsurge in political killings, the US appears poised to renew funding to Peru. We urge the US to reconsider this attitude and reinstate respect for human rights, including women's human rights, as a central element of US/Peru bilateral relations.