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## IMPLICATING HUMALA

Evidence of Atrocities and Cover-Up of Abuses Committed  
during Peru's Armed Conflict





# **Implicating Humala**

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during Peru's Armed Conflict**

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## Summary

Since May 2017, new evidence has become public corroborating longstanding allegations that Peru's former president Ollanta Humala Tasso (2011-2016) would be responsible for egregious human rights violations committed by security forces in the early 1990s, during Peru's internal armed conflict. The evidence concerns crimes committed by soldiers based in Madre Mía in the Alto Huallaga region.

This report provides an overview of that evidence, concluding that it credibly implicates Humala directly in the commission of atrocities and the attempted cover-up of incriminating evidence when he ran for president, and requires robust follow up by Peru's prosecuting authorities. This new evidence provides a unique opportunity for Peru to clear its longstanding debt to many armed conflict victims who are still waiting for justice.

Human Rights Watch conducted our own research, interviewing victims and witnesses of violations in which Humala is implicated, the prosecutor in charge of the investigations, and a former high-level official working for the Defense Ministry. We also spoke at length with a journalist who interviewed some of the soldiers who were eyewitnesses to or participated in the crimes. Human Rights Watch also reviewed formal judicial statements that soldiers, victims, and witnesses gave to investigating prosecutors in the Attorney General's Office, as well as media interviews by several different soldiers attesting that Humala was in command at Madre Mía at the time atrocities were carried out there, and that he often gave orders to soldiers to commit crimes.

In May 2017, several soldiers acknowledged on Peruvian TV that they had tortured, killed, and forcibly disappeared people during military operations against armed groups in the 1990s. They claimed to have done so under orders from—and sometimes in the presence of—Humala, who was stationed at a military base in the Alto Huallaga region in 1992 under the pseudonym “Captain Carlos.” In testimony provided to judicial authorities and interviews with Human Rights Watch and the media, several victims have also implicated Humala in violations. Some soldiers and civilians also reported that people close to Humala attempted to cover up these crimes when he ran for president in 2006.

Several soldiers who claim to have served under Humala's command said on television that they had killed detainees, then dismembered their bodies, filled them with rocks, and threw them into the Huallaga river. One soldier said he was told to torture men and children, kill them, and burn their bodies in a field. Another claimed to have witnessed soldiers burning a peasant alive, and raping three women after Humala told the soldiers the women were "gifts" and they "could do whatever they wanted with them." A third stated that, under orders from Humala, soldiers had detained 18 people accused of being terrorists, tied their hands and feet, and buried them alive. Some of the soldiers have also made formal statements to prosecutors and are currently under a witness protection program.

One of the soldiers said Natividad Ávila who, together with her husband, Benigno Sullca Castro, was forcibly disappeared in June 1992, was initially held at the Madre Mía base in the Alto Huallaga region. Natividad's brother, Jorge Ávila, who was also detained at the base, said soldiers had subjected him to electric shocks while forcing his head into water and asking if he was a Shining Path leader. Jorge Ávila managed to escape after five days, but Sullca Castro's body was found in the middle of the Huallaga river with a bullet hole in his forehead. Natividad Ávila's whereabouts remain unknown.

A soldier stationed at the Madre Mía base, Jorge Ávila, and Ávila's sister, who had gone to the base to ask about the whereabouts of her missing relatives soon after their detention, all said "Captain Carlos" was in charge of the base at the time.

Since the soldiers' testimony aired, other victims or their families have also publicly identified Humala as being "Captain Carlos" and accused him of committing egregious violations, including killings, enforced disappearances, and torture.

Humala has acknowledged that he served in 1992 in Counterinsurgency Battalion 313 in the Alto Huallaga region—which included a base in Madre Mía—and that his pseudonym at the time was "Carlos." But he insists there were many "Carlos" at the time and denies any participation in human rights violations.

In addition to the soldiers' and victims' accounts placing Humala at the Madre Mía base, a photograph that one of the soldiers kept shows a younger Humala with other soldiers, all of them wearing a green T-shirt with the "Madre Mía" base name on it.



Due at least in part to the apparent destruction of relevant military records, the only available official documentation that Human Rights Watch was able to review is a copy of what appears to be Humala's military record indicating he was "patrol chief" of Battalion 313 during 1992.

Human Rights Watch asked the Defense Ministry for detailed information about which soldiers were stationed at the Madre Mía and other bases in the area, as well as who were the commanding officers, but was told that Armed Forces personnel had informed the ministry the information "would not exist." A former high-level official of the Defense Ministry told Human Rights Watch it is believed the documents were deliberately destroyed by fire.

In 2006, prosecutors opened an investigation into Humala's alleged role in the crimes committed against Natividad Ávila, Jorge Ávila, and Sullca Castro, when the victims' family identified him as "Captain Carlos" during the presidential campaign. The case was closed in 2009, as the Attorney General's Office held there was not enough evidence to proceed. It justified the ruling by stating that Jorge Ávila and some soldiers had retracted their initial statements implicating Humala in the violations.

In April 2017, *El Comercio* newspaper published transcripts of taped conversations between people close to Humala and between one of them and Jorge Ávila that strongly suggest people close to Humala had bribed Jorge Ávila to change his initial statement. A month later, Jorge Ávila told the media that he had received money to modify his testimony. Other victims and soldiers also alleged they had been offered money during Humala's 2006 presidential campaign not to implicate Humala in violations, or asked to hand over all available documents and pictures linking Humala to the Madre Mía base.

Since then, the Attorney General's Office reopened the investigation into Natividad Ávila's and Sullca Castro's case. The prosecutor in charge of these investigations told Human Rights Watch that at least another 10 new investigations have also been opened since the soldiers' testimonies were aired on TV. The prosecutor did not provide information on specific cases because Peruvian law requires that ongoing investigations be kept confidential.

Humala is currently being held in a Peruvian jail, following a July 2017 decision ordering his pretrial detention on corruption charges.

The human rights violations allegedly committed by Humala at the Madre Mía military base in the 1990s are part of a much larger pattern of atrocities. Peru's Truth and Reconciliation Commission found that the highest number of victims in the northeast region of the country were in the Huánuco jungle and the southern portion of San Martín, where 2,244 people were killed or disappeared by security forces or members of Shining Path in the 1980s and 1990s, with the highest numbers of victims being reported between 1990-1993. Madre Mía is in the San Martín region. The vast majority of those responsible for these crimes have never been brought to justice.

The prosecutor in charge of these investigations has said that the biggest obstacle is the lack of cooperation by the Defense Ministry. In “thousands” of cases of alleged violations committed during the armed conflict, prosecutors have been prevented from identifying potential perpetrators because the Defense Ministry refused to provide information on who oversaw the bases and the names of soldiers stationed in them, the prosecutor in charge of the investigations said. She said that only “a minority” of cases under investigation had led to convictions.

## Recommendations

The Attorney General's Office should conduct thorough and timely investigations of all new evidence and allegations against former President Ollanta Humala and other soldiers implicated in atrocities during the armed conflict. It should investigate not only alleged human rights violations, but also alleged attempts to cover-up the crimes, such as bribing witnesses or burning or otherwise destroying documents and other evidence.

To ensure that the perpetrators of these crimes are brought to justice, the Peruvian government should:

- Provide all necessary support to the Attorney General's Office so it has sufficient resources and staffing, including prosecutors to investigate criminal responsibility and anthropologists and archeologists to find and identify victims;
- Take into consideration information from ongoing investigations regarding the possible fate and whereabouts of persons forcibly disappeared during the armed conflict when determining how to implement the 2016 law on disappearances, in particular in the search for bodies of missing people;<sup>1</sup>
- Actively promote the registration of victims or family members now willing to provide their testimonies for the first time in the existing Victims' Registry, and present their cases to judicial authorities for investigation; and
- Take decisive measures, including the institution of criminal and disciplinary proceedings, against individuals from the Defense Ministry and the Armed Forces who refuse to cooperate in the identification of military officers, including commanders, with relevant operational or command roles during the period under investigation, or who may have been implicated in burning or otherwise destroying important official documentation.

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<sup>1</sup> "Justice Ministry: Searching for disappeared people will be a priority in 2017" (Minjus: búsqueda de personas desaparecidas será prioridad el 2017), *Andina*, January 1, 2017, <http://www.andina.com.pe/agencia/noticia-minjus-busqueda-personas-desaparecidas-sera-prioridad-2017-647490.aspx> (accessed August 19, 2017).

## Background

The Alto Huallaga region suffered high levels of violence throughout the 1980s and the 1990s. Residents were victims of abuses carried out both by members of Shining Path, an armed organization, and the Peruvian Armed Forces. Many residents were caught in the middle of the armed conflict and were accused by the military of supporting terrorist activities and subsequently subjected to horrific violations by the military. A Truth and Reconciliation Commission (*Comisión de la Verdad y Reconciliación*, CVR)—documented many of the abuses committed nationwide during the armed conflict and published its findings in 2003. Among its conclusions, as noted above, was that the highest number of victims in the northeast region of the country was in the Huánuco jungle and the southern portion of San Martín region, where 2,244 people were killed or disappeared by security forces or members of Shining Path in the 1980s and 1990s. The highest numbers of victims in those areas was reported between 1990-1993. In the Alto Huallaga area, part of the region and home to Madre Mía, 994 people were killed or disappeared between 1990-1993.<sup>2</sup>

In 1989, as part of a military strategy to combat terrorist activities by the Shining Path, the Peruvian Armed Forces created the “Huallaga Front,” made up of counterinsurgency battalions throughout the Alto Huallaga region. One of these was Counterinsurgency Battalion No. 313, called “Los Laureles,” located in Tingo María. This battalion was spread over a number of bases in different cities, each led by a military captain commanding approximately 20 to 40 soldiers.<sup>3</sup>

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<sup>2</sup> Truth and Reconciliation Commission, Final Report, 2003, <http://www.cverdad.org.pe/ifinal/> (accessed August 19, 2017); National Coordinator for Human Rights, “Human Rights Violations in the Alto Huallaga Region: The Madre Mía Case and Ollanta Humala’s Responsibility” (*Violaciones a los derechos humanos en el Alto Huallaga: El caso Madre Mía y la responsabilidad de Ollanta Humala*), November 2009, p. 13; Request by Teresa Ávila to prosecutors to reopen the investigation of the Natividad Ávila and Benigno Sullca case, May 19, 2017 (copies on file at Human Rights Watch).

<sup>3</sup> National Coordinator for Human Rights, “Human Rights Violations in the Alto Huallaga Region: The Madre Mía Case and Ollanta Humala’s Responsibility;” Petition filed by the National Coordinator for Human Rights to the Inter-American Commission on Human Rights on the Natividad Ávila, Benigno Sullca Castro, and Jorge Ávila case, n.d. (copy on file at Human Rights Watch).

Starting in 1989, a series of military operations in the Alto Huallaga region aimed at capturing alleged Shining Path members led to serious human rights violations, including hundreds of cases of extrajudicial killings, enforced disappearances, sexual assault, and other forms of torture.

Human Rights Watch reviewed documentation on more than 30 cases in which victims or family members gave their testimony to the CVR. The cases, which involve dozens of victims, include allegations of enforced disappearances, torture, and extrajudicial killings committed between 1992 and 1994. The testimonies reveal the use of electrocution, burning, and dismemberment as forms of severe torture. Although some abuses were allegedly committed by Shining Path members, the majority of violations described in these testimonies were perpetrated by members of Peru's Armed Forces.

The CVR sent 47 cases to prosecutors for their investigation.<sup>4</sup> These cases address just a fraction of the abuses committed at the time: some residents refused to give testimony to the CVR due to fear of reprisals, and CVR staff did not travel to all of the remote areas where abuses had been committed, according to a journalist who participated in the process and an activist living in the area.<sup>5</sup>

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<sup>4</sup> Ibid.; Institute of Democracy and Human Rights of the Peruvian Catholic University, "Follow-up of Cases of Human Rights Violations" (Seguimiento de casos de violaciones de Derechos Humanos), n.d., <http://idehpucp.pucp.edu.pe/seguimiento/casos/seguimiento-de-casos-cvr/> (accessed August 19, 2017).

<sup>5</sup> Human Rights Watch interview with María Elena Castillo, Lima, June 29, 2017; Human Rights Watch interview with Mónica Miraval, Lima, June 29, 2017.

## Evidence of Humala’s Military Record

Ollanta Humala Tasso has acknowledged that he served in Counterinsurgency Battalion 313—which included the Madre Mía base—in 1992 and that his pseudonym at the time was “Carlos,” but he claims that many others used that same pseudonym at the time.<sup>6</sup>

A copy of what appears to be Humala’s military record, available in a judicial file investigating his responsibility for human rights crimes, states that he was assigned to Counterinsurgency Battalion 313 in Tingo María as “patrol chief” between January 1, 1992 and February 1, 1993.<sup>7</sup>

Most official documentation detailing which officials were assigned to counterinsurgency bases in the Alto Huallaga region in the early 1990s, however, has allegedly vanished.

In a letter dated July 6, 2017, Human Rights Watch requested the following information from the Peruvian defense minister: a copy of Humala’s military record, a list of names and pseudonyms of military officers in charge of the Madre Mía base in 1992, and information on how long they were there. The request also asked for information about those in charge of other bases in the area in the 1980s and 1990s, copies of documentation certifying appointments and transfers of military personnel, and a list of those who were in the chain of command at the time.<sup>8</sup>

On July 31, the minister’s chief of staff told Human Rights Watch that, according to the Armed Forces, the requested information “would not exist.”<sup>9</sup> Similarly, a high-level official who worked for the Defense Ministry from 2011 to 2013 told Human Rights Watch that official documents regarding appointments and transfers of military personnel

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<sup>6</sup> Declaration (declaración indagatoria) by Ollanta Humala Tasso, June 23, 2006; Fourth Provincial Criminal Court (Cuarto Juzgado Penal Supraprovincial), judicial decision to open investigation (Auto Apertorio de Instrucción), August 29, 2006 (copies on file at Human Rights Watch).

<sup>7</sup> Copy of Ollanta Moises Humala Tasso’s military record (foja de servicios), detailing where he was stationed between 1980-1994, December 13, 2005. The document is stamped by the Personnel Directorate of the Army. Copy on file at Human Rights Watch.

<sup>8</sup> Letter from José Miguel Vivanco, Americas director at Human Rights Watch, to Defense Minister Jorge Nieto Montesinos, July 6, 2017.

<sup>9</sup> Human Rights Watch telephone conversation with Aelin Pérez, the defense minister’s chief of staff, July 31, 2017.

assigned to the Madre Mía base in the early 1990s no longer exist.<sup>10</sup> According to this high-level official and to a soldier from Madre Mía, most of these documents were purposefully burned and destroyed.<sup>11</sup>

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<sup>10</sup> Human Rights Watch interview with a former high-level official at the Defense Ministry who requested anonymity, June 30, 2017.

<sup>11</sup> Ibid.; “Sanguinary testimonies from Madre Mía give away Ollanta Humala and his lawyer, Roy Gates” (Testigos sanguinarios de Madre Mía delatan a Ollanta Humala y a su abogado Roy Gates), YouTube video, uploaded by Noticias NTN on May 28, 2017, <https://www.youtube.com/watch?v=GP1kYoEOCOs> (accessed August 19, 2017); “Madre Mía Case: Former soldier claimed that Ollanta Humala burnt all documents from his class” (Caso Madre Mía: Ex soldado denunció que Ollanta Humala quemó todos los registros de su promoción), *Peru 21*, May 9, 2017, <http://peru21.pe/politica/caso-madre-mia-ex-soldado-denuncio-que-ollanta-humala-quemo-todos-registros-su-promocion-2280977> (accessed August 19, 2017).

## Soldiers' Accounts of Violations in Madre Mía

In May 2017, Peruvian TV stations aired the testimonies of six soldiers who claim they worked under Humala's command when he was chief of the Madre Mía base in 1992. The soldiers implicated the former president in egregious human rights violations and in attempts to cover up his responsibility in these crimes. Of the six soldiers, two are publicly identified only by pseudonyms. These soldiers and at least two others have been in witness protection programs since making formal statements to the Attorney General's Office. The allegations they made against Humala are as follows:

- A soldier identified publicly only as “Anchoveta” said Humala commanded the Madre Mía base and used the alias “Captain Carlos” while working there.<sup>12</sup> He said “Captain Carlos” forced him to commit violations. “Anchoveta” said he cut a detainee's throat, filled the dead body with rocks, and threw him into the Huallaga river while serving in Madre Mía. On one occasion, “Anchoveta” said, “Captain Carlos” told him to torture men and children, kill them, and burn their bodies in a field. “Anchoveta” said that Amilcar Gómez Amasifuen, a close associate of Humala who served with him at the Madre Mía base, had attempted to bribe him to change his testimony during the initial investigation in 2006 of violations committed in Madre Mía.<sup>13</sup>
- A soldier identified publicly only as “Manzanita” claimed he witnessed soldiers leading five detainees with their heads covered, down from the Madre Mía base—located 200 meters away—to the banks of the Huallaga river.<sup>14</sup> He says he then saw the soldiers cut the victims' throats and stuff rocks into the dead bodies before throwing them into the river. He also claims to have witnessed “Captain Carlos,” whom he says was Humala, order soldiers to burn a peasant alive. He said other soldiers raped two women and a 14-year-old girl after Humala told them the women were “gifts” and they “could do whatever [they] wanted with them.” When an investigation into alleged crimes in Madre Mía initially started in 2006, “Manzanita” said someone left a document in his home instructing him what he

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<sup>12</sup> The full name of “Anchoveta” was not made public by the show in which the testimony was aired.

<sup>13</sup> “Sanguinary testimonies from Madre Mía give away Ollanta Humala and his lawyer, Roy Gates,” YouTube video uploaded by Noticias NTN.

<sup>14</sup> The full name of “Manzanita” was not made public by the show in which the testimony was aired.



should say if the press or the authorities asked him about the allegations, and with a telephone number of a lawyer who Manzanita claims worked for Humala's Nationalist Party.<sup>15</sup>

- Adolfo Becker Silva, also known as “Cachorro,” said that during the time “Captain Carlos,” whom he says is Humala, was chief of Madre Mía base, he witnessed soldiers cut a victim's arms off and place them in a bag, stuff him with rocks, and throw him into the river. Soldiers often cut off the arms, legs, and heads of victims, Becker said, so that the body parts would fit in a sack to be thrown into the river. Becker claimed that before and during Humala's presidential campaign Gómez Amasifuen asked him and other soldiers for all the pictures they had with “Captain Carlos,” claiming he was going to prepare an album of memories, but he never returned them.<sup>16</sup>
- Werner Melgarejo, also known as “Águila,” said “Captain Carlos” ordered soldiers to kill people and cut them up—they cut off their ears, opened their stomachs, and stuffed their bodies with rocks so they would sink. Melgarejo claimed Humala ordered all documents linking him to the murders to be burned. “We no longer exist as soldiers,” Melgarejo said.<sup>17</sup>
- Leonardo Soria García said in a conversation allegedly taped in late 2015 without his consent—and aired on Peruvian TV in 2017—that he received orders from Humala to forcibly disappear and execute several people. Soria said Humala told him, while he was campaigning for president, that he should not share any information about what happened in Madre Mía, and that they would “make arrangements” later, when he was elected president in 2011. Soria claimed Gómez Amasifuen, Humala's ally who allegedly also helped him silence other witness, asked him for help to contact other soldiers to bribe them so they would keep quiet.<sup>18</sup>

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<sup>15</sup> “Sanguinary testimonies from Madre Mía give away Ollanta Humala and his lawyer, Roy Gates,” YouTube video uploaded by Noticias NTN.

<sup>16</sup> “Beto a Saber: Show of May 2, 2017” (Beto a Saber: Programa del 02 de Mayo de 2017), YouTube video uploaded by Beto a saber on May 2, 2017, <https://www.youtube.com/watch?v=u31x2DOveig> (accessed August 19, 2017).

<sup>17</sup> “Shocking testimony of former military officer on Captain Carlos' cruelty” (Impactante testimonio de ex militar sobre crueldad del Capitán Carlos), YouTube video uploaded by Beto a saber on May 8, 2017, <https://www.youtube.com/watch?v=tz743Llnzio> (accessed August 19, 2017).

<sup>18</sup> “New testimonies of soldiers link Ollanta Humala to Madre Mía case” (Nuevos testimonios de soldados que vinculan a Ollanta Humala en caso Madre Mía), YouTube video uploaded by Cuarto Poder (AmericaTV Peru) on May 17, 2017, [https://www.youtube.com/watch?v=C2-Bd\\_8Rauw](https://www.youtube.com/watch?v=C2-Bd_8Rauw) (accessed August 19, 2017).

- José Ponce Ruiz said that, under the orders of Humala, soldiers detained 18 people accused of being terrorists, tied their hands and feet, and buried them alive. Ponce claimed to have witnessed Humala himself torturing detainees, and other soldiers killing dozens of victims, including women and children. Ponce’s testimony, which was taped in 2006, was not aired until 2017 because the journalists who interviewed him had been unable to find corroborating evidence at the time.<sup>19</sup>

Beto Ortiz, a journalist who interviewed two of the soldiers, told Human Rights Watch that his crew had interviewed a total of seven soldiers in Madre Mía in May 2017: all of them provided consistent testimonies regarding the crimes and Humala’s involvement in them.<sup>20</sup>

In testimony given before prosecutors in 2006, another soldier who served in Madre Mía in 1992 said that he saw “Captain Carlos” order a soldier to kill a resident from the village of La Morada who had been detained. The soldier said he cut his throat with a knife, placed rocks inside his clothes, and threw the victim in the river. In a separate incident, he said he saw “Captain Carlos” step on the heads of seven detainees, and then shot them at point blank range as they were lying on the floor with their hands tied behind their backs. The soldier said he realized “Captain Carlos” was Humala when he ran for president.<sup>21</sup>

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<sup>19</sup> “Exclusive! Fourth witness revealed macabre secret of Captain Carlos” (Exclusivo! Cuarto testigo reveló macabro secreto del Capitán Carlos), YouTube video uploaded by Beto a saber on May 10, 2017, <https://www.youtube.com/watch?v=Sr6iVmmUUTE> (accessed August 19, 2017).

<sup>20</sup> Human Rights Watch interview with Beto Ortiz, Lima, June 28, 2017.

<sup>21</sup> Summary of testimony provided by protected witness R-172 to judicial authorities, May 20, 2006 (copy on file at Human Rights Watch).

## The Enforced Disappearances of Natividad Ávila Rivera and Benigno Sullca Castro, and the Torture of Jorge Ávila

Wife and husband, Natividad Ávila Rivera and Benigno Sullca Castro were forcibly disappeared on June 17, 1992 and while the body of Sullca Castro was recovered days after his enforced disappearance, the fate and whereabouts of Ávila Rivera remain unknown. Human Rights Watch reviewed judicial records given by eyewitnesses, including their children and Ávila Rivera's brother, about their disappearance and interviewed Teresa Ávila, Ávila Rivera's sister, and a soldier based at Madre Mía at the time of their disappearance who knew the victims.

The soldier told Human Rights Watch that around 1 a.m. on June 17, 1992, two vehicles left the Madre Mía base carrying soldiers with the purpose of finding residents who were working with "terrorists."<sup>22</sup> According to the judicial statements of Ávila Rivera's and Sullca Castro's children, who witnessed the events, six or seven soldiers entered the home of Ávila Rivera and Sullca Castro, at approximately 4 a.m., and drove them away.<sup>23</sup> The soldiers then drove to the home of Jorge Ávila, Natividad's brother. They forced him out of his house, tied his hands behind his back, and shoved him into the white vehicle with Natividad and Sullca Castro, Jorge Ávila said in his first statement before prosecutors in 2006.<sup>24</sup> Jorge Ávila's initial statement is consistent with what he told doctors who prepared a medical report reviewed by Human Rights Watch, as well as with what he told several family members days after the detention.<sup>25</sup> The vehicle took a road that only went to the Madre Mía base, according to Jorge Ávila's wife.<sup>26</sup>

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<sup>22</sup> Human Rights Watch interview with a soldier, Lima, June 28, 2017; summary of testimony provided by protected witness CHR-20 to judicial authorities on April 22, 2006 and November 6, 2006 (copy on file at Human Rights Watch).

<sup>23</sup> Summaries of witness testimony provided to prosecutors (declaración indagatoria) by María Magdalena Sullca Ávila, March 8, 2006; of witness testimony (declaración indagatoria) by Teresa Ávila, March 8, 2006; and of witness testimony (declaración testimonial) by Richar Gerardo Sullca Ávila, November 27, 2006 (copies on file at Human Rights Watch).

<sup>24</sup> Witness testimony (declaración indagatoria) by Jorge Ávila, March 2006, cited in Fourth Provincial Criminal Court (Cuarto Juzgado Penal Supraprovincial), judicial decision to open investigation (Auto Apertorio de Instrucción), August 29, 2006.

<sup>25</sup> Copy of medical report of Jorge Ávila, March 14, 2006; summaries of witness testimony (declaración indagatoria) by Teresa Ávila, March 8, 2006; of witness testimony (declaración testimonial) by Richar Gerardo Sullca Ávila, November 27, 2006; and of witness testimony (declaración testimonial) by Carmen Ávila Rivera, November 26, 2006.

<sup>26</sup> Summary of witness testimony (declaración indagatoria) by Teresa Ávila, March 8, 2006.

The soldier who spoke with Human Rights Watch, said they then returned to the base with the detainees. The three detainees were thrown into a dirt hole, 1.5 meters deep, with their hands tied. The following morning, “Captain Carlos” ordered the soldiers to separate the men from the woman and not to give them any food or water. The soldier knew the detainees beforehand.<sup>27</sup>

On June 18, Teresa Ávila, Natividad’s and Jorge’s sister, went to the Madre Mía base.<sup>28</sup> When she asked “Captain Carlos” where her family members were, the captain responded, “If I had your family, I would kill them because your family is a scourge,” she told Human Rights Watch. The captain told Teresa Ávila to come back that night, look for her sister in the base, and take her away if she found her. Ávila said she got scared and did not return.

During their five days at the base, some soldiers occasionally gave them food surreptitiously, Jorge Ávila and the soldier interview by Human Rights Watch said. During Ávila’s detention, soldiers tortured him, giving him electric shocks while forcing his head into water and asking if he was a Shining Path leader.<sup>29</sup>

On June 24, a group of soldiers took the three detainees to the edge of the Huallaga river. Jorge Ávila said he threw himself into the river and managed to escape. While he was swimming away, he heard several gun shots, he said.<sup>30</sup> Ávila’s account is consistent with that of the soldier, who told Human Rights Watch that one night “Captain Carlos” ordered at least five soldiers to get ready to go out. The soldiers took the three detainees away, and returned a couple of hours later without them, the soldier said. One of the soldiers was the soldiers’ roommate, and he told him one of the detainees had escaped and showed him a knife covered with blood.

The following day, Teresa Ávila’s son told her that he had seen a lot of blood in an area that residents called “the slaughterhouse.”<sup>31</sup> Ávila ran to the place, and while she was

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<sup>27</sup> Human Rights Watch interview with a soldier, Lima, June 28, 2017; summary of testimony provided by protected witness CHR-20 to judicial authorities on April 22, 2006 and November 6, 2006 (copies on file at Human Rights Watch).

<sup>28</sup> Human Rights Watch interview with Teresa Ávila, Lima, June 28, 2017; summaries of witness testimony by Teresa Ávila on March 8, 2006 and September 20, 2006.

<sup>29</sup> Witness testimony (declaración indagatoria) by Jorge Ávila, March 2006, cited in Fourth Provincial Criminal Court (Cuarto Juzgado Penal Supraprovincial), judicial decision to open investigation (Auto Apertorio de Instrucción), August 29, 2006.

<sup>30</sup> Ibid.

<sup>31</sup> Human Rights Watch interview with Teresa Ávila, Lima, June 28, 2017.

sitting there crying, a woman came up to her and told her that her brother, Jorge Ávila, had escaped and was at her home, naked and bruised. Jorge Ávila fled the area where they lived soon after.

Teresa Ávila continued to search for her sister. One day, she was with a boatman looking for her when she found a body floating in the middle of the Huallaga river. They pulled closer, and when they turned the body around, she realized it was Benigno Sullca Castro—although the fish had eaten parts of his lips, he had the same blue pants, cream shirt, and white tennis shoes he had been wearing when he was detained. The body also had a black finger nail, just like Sullca Castro, and a bullet hole in his forehead, Ávila said. When they were trying to take the body back home, they heard gunshots, so they decided to leave it at the side of the river, covered with leaves. Her son-in-law returned the following day, but was unable to remove the body because the river was under surveillance. He buried the body there, Ávila and her daughter said.

In 2006, after Teresa Ávila and her family saw Ollanta Humala Tasso during his presidential campaign and recognized him as “Captain Carlos,” they filed a complaint with a prosecutor. In August, a prosecutor pressed charges against Humala, accusing him of the enforced disappearance, torture, and killing of Natividad Ávila and Sullca Castro, and of the attempted enforced disappearance, torture, and killing of Jorge Ávila. Days later, a judge authorized the investigation to move forward on all charges, except for torture, which, he argued, was not included as a crime in the criminal code when the events happened.<sup>32</sup>

However, in February 2009, the Attorney General’s Office held that there was not enough evidence to justify moving forward.<sup>33</sup> Two months later, the National Criminal Court said that there was evidence indicating that the crimes were committed, but alleged it could not prove Humala’s participation. It cited as evidence that Jorge Ávila and other soldiers had retracted their initial statements in which they had implicated Humala.<sup>34</sup> In December 2009, the Supreme Court confirmed the decision.<sup>35</sup>

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<sup>32</sup> Fourth Provincial Criminal Court (Cuarto Juzgado Penal Supraprovincial), judicial decision to open investigation (Auto Apertorio de Instrucción), August 29, 2006.

<sup>33</sup> Attorney General’s Office, Criminal National Superior First Prosecutor’s Office (Ministerio Público, Primera Fiscalía Superior Penal Nacional), File 05-2007, Decision No. 17-2009, February 12, 2009.

<sup>34</sup> National Criminal Chamber (Sala Penal Nacional), File 05-07, April 27, 2009.

<sup>35</sup> Supreme Court of Justice of the Republic, Second Transitory Criminal Chamber (Corte Suprema de Justicia de la República, Segunda Sala Penal Transitoria), December 21, 2009.

Despite allegations that Jorge Ávila and the soldiers had been bribed to change their testimonies<sup>36</sup>—allegations that are consistent with information provided by other family members who claimed they had received offers of money to do so<sup>37</sup>—in 2012 the Supreme Court absolved two people close to Humala in a case accusing them of committing a “crime against public administration” by trying to bribe witnesses.<sup>38</sup>

Although the rulings did not prevent prosecutors from continuing to investigate the crimes against the Ávila siblings and Sullca Castro, the investigation remained stalled for eight years, Luz Carmen Ibañez, the special prosecutor charged with investigating human rights violations committed during the time, told Human Rights Watch.<sup>39</sup>

In April 2017, the Peruvian newspaper *El Comercio* published a series of taped conversations that suggest that people close to Humala had indeed bribed Jorge Ávila to change his initial testimony.<sup>40</sup> The conversations had been taped pursuant to a judicial order linked to an unrelated case. In a conversation on May 11, 2011, right before the run-off election between Humala and Keiko Fujimori, Gómez Amasifuen told Jorge Ávila, “Today the deposit will definitely be done... before noon it is being done.” Ávila responds he will let his daughter Adriana know. In a previous conversation, on May 9, Amasifuen tells Julio Torres, the treasurer of Humala’s Nationalist Party, that he should not forget to wire the money to Adriana.

In May 2017, press reports say, Jorge Ávila confirmed he had been paid to change his testimony.<sup>41</sup>

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<sup>36</sup> One of Natividad’s children told a judge in August 2006 that his uncle Jorge Ávila had received US\$4,000 from someone close to Humala the month before so he would change his testimony and say Humala was not implicated in the crimes. Summary of witness testimony (declaración indagatoria) by Yerson Sullca Ávila, August 26, 2006.

<sup>37</sup> Teresa Ávila told Human Rights Watch that someone who was close to Humala tried to bribe her in 2007, telling her she would receive money if she said that Humala was not “Captain Carlos,” but she rejected the offer. Human Rights Watch interview with Teresa Ávila, Lima, June 28, 2017.

<sup>38</sup> Request by Teresa Ávila to prosecutors to reopen the investigation of the Natividad Ávila and Benigno Sullca case, May 19, 2017.

<sup>39</sup> Human Rights Watch interview with Luz Carmen Ibañez, Lima, June 28, 2017.

<sup>40</sup> “This is the transcription of the audios about Humala and Madre Mía” (Esta es la transcripción de los audios sobre Humala y Madre Mía), *El Comercio*, April 27, 2017, <http://elcomercio.pe/politica/justicia/transcripcion-audios-humala-madre-mia-421730> (accessed August 19, 2017).

<sup>41</sup> “Jorge Ávila: ‘I feel sorry about having changed my testimony in the Madre Mía case’ (Jorge Ávila: ‘Me arrepiento de cambiar mi testimonio por el caso Madre Mía’), *Perú 21*, May 14, 2017, <http://peru21.pe/politica/testigo-clave-caso-madre-mia-me-arrepiento-cambiado-mi-testimonio-2281536> (accessed August 19, 2017); “Madre Mía Case: Jorge Ávila, witness, denounces that he has been threatened” (Caso Madre Mía: testigo Jorge Ávila denunció que es víctima de amenazas),

In light of the taped conversations and the soldiers' testimonies, Teresa Ávila, with the support of Peruvian human rights groups, asked the Attorney General's Office to re-open the investigation and the office agreed. Ibañez told Human Rights Watch there's an ongoing investigation "against anyone who may result responsible."<sup>42</sup>

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*América TV*, May 17, 2017, <http://www.americatv.com.pe/noticias/actualidad/madre-mia-testigo-jorge-avila-denuncio-que-victima-amenazas-n276767> (accessed August 19, 2017).

<sup>42</sup> Human Rights Watch interview with Luz Carmen Ibañez, Lima, June 28, 2017.

## **The Enforced Disappearances of Nelson Hoyos Sagastegui and Miguel Herrera Ortiz**

On June 5, 1992, soldiers detained Nelson Hoyos Sagástegui, 19, and Miguel Herrera Ortiz as they were waiting for a bus in Tocache to travel to Lima, according to Hoyos' parents and witness testimony recorded by the official Victims' Registry.<sup>43</sup> Hoyos had not served his mandatory military service and had asked his friend Herrera, a marine, to help him sort out his situation, Antenor Hoyos Cubas, Hoyos' father, told Human Rights Watch.

On June 6, Antenor Hoyos went to the Madre Mía base and asked "Captain Carlos" for information about his son and his detention. Antenor Hoyos said that while the captain acknowledged that soldiers had detained his son, he also claimed that they had let him go the night before. When Antenor Hoyos insisted that he was still in custody, the captain threatened to put him in the "hole," a deep pit in the ground where they held detainees.

Antenor Hoyos returned to the base on June 8, but "Captain Carlos" repeated that they had let his son go on the same day he had been detained, he said. This time, the captain threatened to "wipe them off" and "kill them like dogs" if he and his family did not leave, Antenor Hoyos told Human Rights Watch. Soon after, the Hoyos family moved to the outskirts of Lima.

A few months later, having heard a report from a neighbor that they had seen his son dressed as a soldier in the base, Antenor Hoyos went back and once again asked "Captain Carlos" about his son's whereabouts. This time, the captain insisted they had let his son go, but also said he was a "terrorist."

Hoyos' parents never saw him again, and still do not know the fate or whereabouts of their son.

In 2006, Antenor Hoyos saw Humala on television when he was running for president and recognized him as "Captain Carlos" from Madre Mía. That year, Aurea Felipe Hermosilla,

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<sup>43</sup> Human Rights Watch interview with Antenor Hoyos Cubas and María Concepción Sagastegui Tapia, Lima, June 27, 2017; witness testimony (declaracion jurada) by Wilder Roberto Pardo Tapia, July 24, 2013.



Herrera's wife, also accused Humala on television of being responsible for the enforced disappearance of her husband.<sup>44</sup>

Antenor Hoyos filed a case before the Ombudsman Office in 2008. Human Rights Watch reviewed the official registry, which records Nelson Hoyos as having disappeared during the armed conflict; his family was awarded 10,000 soles as compensation, Antenor Hoyos said.

When the Supreme Court ruled in favor of not proceeding with the case against Humala in 2009, the Hoyos family lost faith in the justice system and decided to drop the case—until now. They are currently working with Peruvian human rights lawyers and the Attorney General's Office to push the investigation forward.

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<sup>44</sup> "Captain Carlos Ollanta Humala: from alleged depredator in the counterinsurgency base of Madre Mía to presidential candidate" ("Capitán Carlos" Ollanta Humala: de Presunto Depredador en BCS Madre Mía a Candidato Presidencial Nacionalista), *La Leyenda del Huallaga Blogspot*, May 29, 2011, <http://leyendadelhuallaga.blogspot.com/2011/05/capitan-carlos-ollanta-humala-de.html> (accessed August 19, 2017).

## The Killing of Hermes Estela Vásquez

At 5 a.m. on June 6, 1992, a group of soldiers entered the home of Hermes Estela Vásquez, killed him, and detained his brother, Nicolás, Norvil Estela Delgado, their father, told the Truth and Reconciliation Commission.<sup>45</sup> The soldiers took the body of Hermes away in a truck towards the Madre Mía base, the father said, so he went after them, until two soldiers stopped him. He never saw his son Hermes again.

Later, Hermes Estela's mother went to the Madre Mía base and asked "Captain Carlos" not to kill her other son Nicolás, who had been taken to the base with his hands tied, according to a witness who spoke with the father. The captain told her nothing would happen to her son. When Nicolás was released, he said the soldiers had beaten him, cut his hair, and asked him to name residents who were Shining Path leaders.

Norvil Estela went to search for Hermes' body near the river a few days later, and he saw "Captain Carlos," who told him, "the next time I see you here, I will make you disappear."

The National Human Rights Coordinator is currently working with the family to move the criminal case forward.

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<sup>45</sup> File Card with Norvil Estela Delgado's testimony to the Truth and Reconciliation Commission, n.d.; "Residents of Madre Mía: "Captain Carlos" forced us to work every Saturday" (Pobladores de Madre Mía: "Capitán Carlos" nos obligaba a realizar faenas todos los sábados," *Perú 21*, May 20, 2017, <http://peru21.pe/politica/pobladores-madre-mia-capitan-carlos-nos-obligaba-realizar-faenas-todos-sabados-informe-2282351> (accessed August 19, 2017).

## Other Reported Violations

The Peruvian press has reported additional cases of violations allegedly committed by “Captain Carlos” in 1992. Some cases covered by the media include the detention and torture of Javier Saravia Alanya in January 1993,<sup>46</sup> the killings of Yander Leandro Zúñiga<sup>47</sup> and Nemer Acuña<sup>48</sup> in 1992, and the abuse of Victoria Zonia Luis Cristobal, and her husband, Cirilo Rosales Tabraj, in 1992.<sup>49</sup>

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<sup>46</sup> National Coordinator for Human Rights, “Human Rights Violations in the Alto Huallaga Region: The Madre Mía Case and Ollanta Humala’s Responsibility;” “Human Rights Coordinator ratifies case against Humala” (Coordinadora Derechos Humanos ratifica denuncias contra Humala), *Nación*, March 15, 2006, [http://www.nacion.com/archivo/Coordinadora-Derechos-Humanos-denuncias-Humala\\_o\\_818118556.html](http://www.nacion.com/archivo/Coordinadora-Derechos-Humanos-denuncias-Humala_o_818118556.html) (accessed August 19, 2017).

<sup>47</sup> “New Testimony in Madre Mía Case: The brother of a disappeared man speaks” (Nuevo testimonio en caso Madre Mía: habla hermano de desaparecido), *Diario Correo*, May 8, 2017, <http://diariocorreo.pe/politica/nuevo-testimonio-en-caso-madre-mia-habla-hermano-de-desaparecido-748243/> (accessed August 19, 2017); “One of the Madre Mía victims adds a testimony against Ollanta Humala” (Una de las víctimas del “caso Madre Mía” suma su testimonio contra Ollanta Humala), *Europa Press*, May 13, 2017, <http://www.europapress.es/internacional/noticia-victimas-caso-madre-mia-suma-testimonio-contra-ollanta-humala-20170513040848.html> (accessed August 19, 2017); “Madre Mía Case: The testimonies that implicate Ollanta Humala in extrajudicial executions” (Caso Madre Mía: Los testimonios que implican a Ollanta Humala con ejecuciones extrajudiciales), *Perú 21*, May 10, 2017, <http://peru21.pe/politica/caso-madre-mia-testimonios-que-implican-ollanta-humala-ejecuciones-extrajudiciales-2280791> (accessed August 19, 2017); “Ollanta: Unmasked” (Ollanta, desenmascarado), *Diario Uno*, May 9, 2017, <http://diariouno.pe/columna/ollanta-desenmascarado/> (accessed August 19, 2017); “Perú: Soldiers say they disappeared and killed “subversive people” following Ollanta Humala’s orders” (Perú: Soldados aseguran que hicieron desaparecer y asesinaron a “personas subversivas” por orden de Ollanta Humala), *El Economista*, May 8, 2017, <http://www.economistaamerica.com/politica-eAm-pe/noticias/8344779/05/17/Peru-Soldados-aseguran-que-hicieron-desaparecer-y-asesinaron-a-personas-subversivas-por-orden-de-Ollanta-Humala.html> (accessed August 19, 2017).

<sup>48</sup> Tweet by Beto Ortiz, July 8, 2017, <https://twitter.com/malditaternura/status/883870651429289985> (accessed August 19, 2017); “Ollanta Humala is accused of another crime in the counterinsurgency military base Madre Mía” (Acusan a Ollanta Humala de otro crimen en base militar contrasubversiva Madre Mía), *Exitos Noticias*, July 10, 2017, <http://exitosanoticias.pe/acusan-ollanta-humala-crimen-base-militar-contrasubversiva-madre-mia/> (accessed August 19, 2017); “Madre Mía Case: Marlit Acuña buried her father twice and now asks for justice” (Caso Madre Mía: Marlit Acuña enterró a su padre dos veces y ahora pide justicia), *Trome*, July 10, 2017, <http://trome.pe/actualidad/caso-madre-mia-ollanta-humala-nemer-acuna-cadaver-video-55621> (accessed August 19, 2017); “Nemer Acuña, another identified victim of the Madre Mía Case” (Nemer Acuña, otra víctima identificada del Caso Madre Mía), *La República*, June 21, 2017, <http://glr-vpc1-elb-larepublica-reda-711286046.us-east-1.elb.amazonaws.com/impres/politica/887927-nemer-acuna-otra-victima-identificada-del-caso-madre-mia> (accessed August 19, 2017).

<sup>49</sup> National Coordinator for Human Rights, “Human Rights Violations in the Alto Huallaga Region: The Madre Mía Case and Ollanta Humala’s Responsibility;” “The Death Squads of Peru’s President” (Los escuadrones de la muerte del Presidente de Perú), *Fronterapirata.com*, October 31, 2014, <https://fronterapirata.com/2014/10/31/los-escuadrones-de-la-muerte-del-presidente-de-peru/> (accessed August 19, 2017).

## Efforts to Investigate Human Rights Violations

In 2004, the Attorney General's Office created a special prosecutor's office to investigate human rights violations in response to a recommendation by the CVR. Most of the cases that this special prosecutor's office handles are related to abuses committed between 1980 and 2000, although not all of them were included in the CVR report, according to Luz Carmen Ibañez, the special prosecutor in charge of these investigations. The cases under investigation include instances of disappearances, sexual abuse, torture, and executions, sometimes committed against large groups of people.<sup>50</sup>

On July 6, 2017, Human Rights Watch requested detailed information from the Attorney General's Office on the number of investigations and convictions obtained in these cases, but at the time of writing had not received a response. Although the prosecutor in charge of investigating these cases said her office did not have information on the total number of convictions obtained, she told Human Rights Watch that they had been achieved in "a minority" of the incidents under investigation.<sup>51</sup> Local human rights activists told the Inter-American Commission on Human Rights in May 2017 that they were aware of only 78 rulings related to abuses committed during the armed conflict; of these, 41 were related to allegations of enforced disappearances, and only 17 had ended with convictions.<sup>52</sup>

The prosecutor told Human Rights Watch that the greatest obstacle her office faces to progress with the prosecutions is the lack of collaboration from the Defense Ministry. The office has "thousands" of cases involving alleged abuses committed during the time, in which the office has not been able to identify the perpetrators because the Defense Ministry refuses to provide information on who oversaw the bases and the names of the soldiers stationed in them.<sup>53</sup>

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<sup>50</sup> Human Rights Watch interview with Luz Carmen Ibañez, Lima, June 28, 2017.

<sup>51</sup> Ibid.

<sup>52</sup> Human Rights Watch interview with Ana María Vidal, National Coordinator for Human Rights, Lima, June 25, 2017; "IACHR expresses concern about impunity in cases of human rights violations in Perú" (CIDH expresa preocupación por la situación de impunidad en casos de violaciones a los derechos humanos en Perú), *Demus*, May 25, 2017, <http://www.demus.org.pe/noticias/cidh-expresa-preocupacion-por-situacion-de-impunidad-en-casos-de-violaciones-a-los-derechos-humanos-en-peru/> (accessed August 19, 2017).

<sup>53</sup> Human Rights Watch interview with Luz Carmen Ibañez, Lima, June 28, 2017.

## Peru's Legal Obligations

Peru's obligations to investigate the serious crimes discussed in this report and prosecute those responsible derive from multiple sources. First, many of the crimes constitute war crimes committed during a non-international armed conflict and potential crimes against humanity. There is broad legal consensus that the obligation to investigate and prosecute war crimes and crimes against humanity is a matter of customary international law and *ius cogens*.<sup>54</sup> War crimes committed during a non-international armed conflict include violations of article 3 common to the four Geneva Conventions of August, 12, 1949, such as "violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture" and "outrages upon personal dignity, in particular humiliating and degrading treatment," as well as acts such as deliberate attacks on the civilian population, rape, and other forms of sexual violence and physical mutilation. Crimes against humanity include prohibited acts such as murder, rape and sexual violence, torture and enforced disappearances when committed as part of a widespread or systematic attack directed against any civilian population.

Second, the crimes also constitute serious violations of international human rights law for which there exist multiple treaty obligations to investigate and prosecute, in addition to customary law norms. For example, Peru is a party to both the International Covenant on Civil and Political Rights and the American Convention on Human Rights (ACHR).<sup>55</sup> The Inter-American Court of Human Rights has already been asked to rule on questions about the scope of Peru's obligations under the ACHR to investigate and punish serious violations that occurred during the armed conflict. In this respect, the court held that:

all amnesty provisions, provisions on prescription and the establishment of measures designed to eliminate responsibility are inadmissible under the [American] convention [on Human Rights], because they are intended to

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<sup>54</sup> See for example Rule 158 of the ICRC's study on customary international humanitarian law and discussions at Human Rights Watch, *Selling Justice Short*, [https://www.hrw.org/sites/default/files/reports/ijo709webwcover\\_1.pdf](https://www.hrw.org/sites/default/files/reports/ijo709webwcover_1.pdf), pp.10-19; and Human Rights Watch, *The Meaning of "the Interests of Justice" in Article 53 of the Rome Statute*, June 1, 2005, <http://www.hrw.org/node/83018>, pp. 9-11.

<sup>55</sup> International Covenant on Civil and Political Rights (ICCPR), U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171, entered into force March 23, 1976, ratified by Peru on April 28, 1978; American Convention on Human Rights (ACHR) ("Pact of San Jose, Costa Rica"), O.A.S. Treaty Series No. 36, entered into force July 18, 1978, ratified by Peru on July 28, 1978.

prevent the investigation and punishment of those responsible for serious human rights violations such as torture, extra-legal, summary or arbitrary execution and forced disappearance, all of them prohibited because they violate non-derogable rights recognized by international human rights law.<sup>56</sup>

Peru is also a party to international and regional conventions specifically on the prevention of torture and enforced disappearances.<sup>57</sup> The four relevant conventions incorporate the international law obligation to ensure effective investigations and prosecutions of acts of torture and enforced disappearances respectively, as well as provision of proper remedy for the victims. The crime of enforced disappearance also constitutes a continuing violation, meaning that so long as there is a failure to account for the fate and whereabouts of a victim of an enforced disappearance, the violation is deemed to persist, and Peru is under an obligation to bring the violation to an end.

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<sup>56</sup> See Inter-American Court of Human Rights, *Barrios-Altos Case*, Judgment of March 14, 2001, Inter-Am. C. H.R. (Ser. C) No. 75 (2001), para. 41. See also, against Peru, Inter-American Court of Human Rights, *La Cantuta Case*, Judgment of November 29, 2006, Inter-Am. Ct. H.R. (Ser. C) No. 162 (2006).

<sup>57</sup> Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, U.N. Doc. A/39/51 (1984), entered into force June 26, 1987, ratified by Peru on July 7, 1988; Inter-American Convention to Prevent and Punish Torture, O.A.S. Treaty Series No. 67, entered into force February 28, 1987, ratified by Peru on February 27, 1990; Inter-American Convention on Forced Disappearance of Persons, 33 I.L.M. 1429 (1994), entered into force March 28, 1996, ratified by Peru on February 8, 2002; International Convention on the Protection of All Persons from Enforced Disappearance, entered into force December 23, 2010, ratified by Peru on September 26, 2012.

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## IMPLICATING HUMALA

### Evidence of Atrocities and Cover-Up of Abuses Committed during Peru's Armed Conflict

Since May 2017, new evidence has become public corroborating longstanding allegations that Peru's former president Ollanta Humala Tasso (2011-2016) would be responsible for egregious human rights violations committed by security forces in the early 1990s, during Peru's internal armed conflict. The evidence concerns crimes committed by soldiers based in Madre Mía in the Alto Huallaga region.

*Implicating Humala* provides an overview of such evidence, including testimony by several soldiers that they tortured, killed, and forcibly disappeared people during military operations against armed groups in the 1990s. They said they did so under the orders—and sometimes in the presence of—Humala, who was allegedly stationed at the Madre Mía military base in the Alto Huallaga region in 1992 under the pseudonym “Captain Carlos.” In testimony provided to judicial authorities and interviews with Human Rights Watch and the media, several victims also implicated Humala in violations and in attempted cover-ups when he ran for president in 2006.

The human rights violations allegedly committed by Humala at the Madre Mía military base in the 1990s are part of a larger pattern of atrocities. The apparent destruction of military records and lack of collaboration by the Armed Forces have contributed to impunity for these crimes.

*Implicating Humala* concludes that the evidence credibly implicates Humala directly in atrocities and the attempted cover-up of incriminating evidence. Peruvian prosecuting authorities must pursue all leads and conduct a timely and comprehensive investigation, which should be fully supported by the Peruvian government. This new evidence provides a unique opportunity for Peru to clear its longstanding debt to many armed conflict victims who are still waiting for justice.

*(above) Photograph of Ollanta Humala Tasso (sitting in the front) and other soldiers, wearing a T-shirt with the “Madre Mía” base name on it, taken in the early 1990s.*

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*(front cover) Antenor Hoyos Cubas and María Concepción Sagastegui Tapia, with their daughter, at their home in the outskirts of Lima, Peru, May 2017. Soldiers forcibly disappeared the couple's son Nelson in June 1992.*

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