

Peru

Response to Information Request Number:	PER00001.ZLA
Date:	7 December 1999
Subject:	Peru: Governmental Actions Against Individuals Suspected of Involvement in the Shining Path (<i>Sendero Luminoso</i>)
From:	INS Resource Information Center (RIC)
Keywords:	Peru / Guerrillas / Terrorism / Torture / Treason / Military / Security forces / Police / Judges

Query:

What action does the Peruvian government take against individuals who are suspected of involvement with the Shining Path (*Sendero Luminoso*)?

Response:

According to sources available to the RIC, individuals who the government suspects of being involved with the Shining Path are detained, interrogated and tortured. Douglas Payne, an expert consultant with the RIC, reported that charges of terrorism are routinely brought against individuals suspected of being members of, or supporters of, the Shining Path (*Senderistas*).

Amnesty International reported at the end of 1998 that more than 4000 persons were serving sentences or awaiting trial under anti-terrorism legislation. (AI, 1999) More recently, Amnesty has documented the following cases of detention of suspected terrorists:

- In May 1999, Amnesty reported that Raul Teobaldo Miguel Andahua, a local businessman from the town of Aguaytia, Padre Abad province, Ucayali department, was abducted and tortured by members of the military and accused of terrorism. He was later released due to lack of evidence. (AI, May 1999)
- Jose Mercedes Sanchez Torres, deputy mayor for the district of Imperial, Canete province, Lima department was detained on 10 Feb. 1999 and accused of terrorism. Sanchez Torres was in the custody of DINCOTE, Peru's anti-terrorism police in late February. An acquaintance of his, Dulio Florian Pachas, was also taken into custody by DINCOTE and allegedly tortured in order to extract a statement accusing Sanchez of being a Shining Path leader. (AI, February 1999)

In its annual report covering 1998, Human Rights Watch reported on a smear campaign against several journalists of *La Republica* accusing them of being traitors to the nation, false democrats, communists, or guerrilla sympathizers. The report stated, "Given the fierce and often abusive measures taken by authorities against people suspected of sharing these characteristics, the smear campaign posed a serious risk to its subjects." (HRW, December 1998)

In November 1999, *La Republica* itself reported on slander against members of the Federation of Peasant Communities (*Federación de Comunidades Campesinos*) in the Peruvian province of Huancavelica. Federation organizers and peasant supporters of the March of Sacrifice to Lima were denounced as being terrorists by the Huancayo regional

president. The accusations were printed and distributed to the public in a leaflet and the daily newspaper, *Correo de Huancayo*. The regional administration's damaging accusations are believed to be backed by the Peruvian government as yet another vehicle to disarm peasant demands with intimidation and harassment. (La Republica, 16 November 1999)

The National Coordinating Committee for Human Rights (*Coordinadora Nacional de los Derechos Humanos*, CNDDHH) in Peru reported that the most serious abuses documented during 1998 included "arbitrary arrests and the systematic practice of torture and inhumane treatment by security forces against individuals detained for terrorism or suspected of involvement in common crimes, as well as of young recruits in Obligatory Military Service." The Coordinating Committee also stated that "the problem of innocent persons accused of terrorism continues to be of concern. Hundreds are still imprisoned." (CNDDHH, March 1999)

A study conducted by the CNDDHH charged the security forces with the systematic torture of thousands of suspected rebels over the past ten years. Common abuses included beatings, rape and electrical shock, inflicted on some as young as teenagers. The report accuses Peru's government with the torture of 130 children. Fujimori's government has steadfastly denied the CNDDHH's allegations. However, according to rights groups, "few abuse cases are brought to court" and "torture continues despite a fall in rebel violence..." (Reuters, 21 Oct 1999)

Another reputable human rights monitoring group in Peru, the Pro Human Rights Association (*Asociación Pro Derechos Humanos*, APRODEH) reported that during the middle of 1999, Fujimori's government was still conducting countless trials where faceless judges were passing sentences on individuals who were not permitted the benefit of due process. Most of the individuals were tried without the benefit of evidence. Since May 1998, 198 members of miscellaneous gangs have been sentenced under the charge of aggravated terrorism under Legislative Decree 895. Of these, 66 received life sentences, and the rest received sentences ranging from six to 35 years in prison. Under Decree 895, members of any gang perpetrating violence can be considered terrorists, and are subject to imprisonment under those terms. (APRODEH, August 1999)

The UN Working Group on Arbitrary Detention expressed concern about the treatment of individuals detained for suspected terrorist activity in its January 1999 report. "Although in principle, action to combat incitement to violence is legitimate, the Working Group has dealt with prison sentences which are based on the offence of advocating terrorism" and may be categorized as arbitrary: one person was sentenced for painting a hammer and sickle (this is not advocating terrorism or eulogizing a terrorist) on the basis of the precedent of "proceedings" for a terrorist offence....Another was sentenced for the possession of subversive literature and the assumption that he had used it in indoctrination. (UN, January 1999, Para 123)

The UN has also documented actions taken against members of the judiciary who have made an effort to defend individuals charged with terrorism, and against minors suspected of involvement with the Shining Path. "...Judge Elba Minaya...said that...she had tried official habeas corpus proceedings in DINCOTE premises and ordered the release of a detainee. As a result criminal action was taken against her on charges of violence, resisting authority in violation of judicial functions, and terrorism (Ministerial decision of 7 July 1997). Judges in the Public law Chamber of the Lima High Court who accepted legal protection actions against military courts were also accused of obstructing justice." (UN, January 1999, Para. 128) "...Over 40 juveniles under 18 years of aged have been tried or sentenced [for treason]...Ruth Karina Alvis was abducted by Shining Path; she was detained, tortured and sexually assaulted in military premises; she was later sentenced to 25 years' imprisonment for acts of treason allegedly committed during the period of her abduction. On 6 March 1997, the Supreme Council of Military Justice overturned the sentence, but, despite proof that the alleged acts took place when she was 17 years old, it ordered that she should be tried for the offence of terrorism. In January 1998, the trial had

still not begun." (UN, January 1999, Para. 148)

The US Department of State has reported that "[p]hysical torture and brutal treatment of detainees by security forces personnel are common occurrences, particularly in police cells operated by the National Counterterrorism Directorate (DINCOTE) and in detention facilities on military bases where terrorism and treason suspects normally are held." (US DOS, April 1999).

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