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Peru: Crime, the effectiveness of the police and state response, including witness protection (2005 - 2007)
Research Directorate, Immigration and Refugee Board of Canada, Ottawa

Overview

Sources indicate that the major types of crime that take place in Peru are committed by organized criminal groups dealing in drugs, trafficking arms and laundering money; youth gangs; and perpetrators of street crime, including assault, robbery and racketeering (*World Encyclopedia of Police Forces* 2007, 729; see also Freedom House 2007; US 8 Mar. 2007). The Overseas Security Advisory Council (OSAC) notes that crime is a "constant problem" and that there has been an increase in violent carjacking attempts and in the number of kidnappings as well as more frequent incidents of residential burglaries, robberies and common theft, including pick-pocketing and purse-snatching in 2007 (US 8 Mar. 2007). Crimes against public administration including embezzlement and abuse of authority are also common (*World Police Encyclopedia* 2006, 660).

OSAC maintains that "Peru has one of the highest reported crime rates in Latin America" (US 8 Mar. 2007). In contrast, Freedom House contends that by regional standards, the incidence of crime is low in Peru and in fact, it remains "far below the level found in many Latin American countries" (2007). Freedom House does acknowledge an increase in crime in general (2007), while the United Nations Office on Drugs and Crime (UNODC) notes an increase in drug-related urban crime in particular (2007b).

The *World Encyclopedia of Police Forces and Correctional Systems* maintains that Peruvian crime statistics are inadequate, due in part to a failure of local authorities to report statistics on crime as well as reluctance by citizens to report crime (2007, 729). Variance in statistical information may also occur as a result of the different methodologies used by the Public Prosecutor's Office, the Judicial Branch, the Public Defender's Office and the prison system in Peru in the collection of data (JSCA 2006-2007, IV, 2). For example, in 2005, the National Police recorded 152,516 criminal complaints whereas the Public Prosecutor's Office recorded 186,449, a difference of almost 34,000 complaints (*ibid.*). Figures for homicide rates vary; statistics gathered by UNODC between 2000 and 2004 and recorded in the United Nations Development Programme's (UNDP) *Human Development Report 2007/2008* indicate a homicide rate of 5.5 per 100,000 residents (UN 2007a). In 2005, the Justice Studies Center of the Americas (JSCA), an international agency that promotes justice reform in the Americas (JSCA n.d.), reported a homicide rate of 11.2 per 100,000 residents (JSCA 2006-

2007, IV, 2).

Peru currently ranks as the world's second largest producer of coca leaves and cocaine (UN 2007b). Drug trafficking is reportedly carried out primarily by small groups called *firmas* rather than by large cartels linked to rebel groups as is the case in Colombia (*World Encyclopedia of Police Forces* 2007, 730). Nevertheless, several sources indicate that the remains of the "Maoist guerrilla" organization Shining Path (Sendero Luminoso) are involved in the cocaine trade (*Dallas Morning News* 8 Jan. 2007; US Mar. 2007, 130; US 8 Mar. 2007; Freedom House 2007). Although the US Department of State reported fewer deadly attacks linked to Shining Path in 2006 than in 2005 (US Mar. 2007, 130), as recently as December 2007, an attack believed to have been perpetrated by "narco-terrorists" resulted in the death of two police officers in Ayacucho in southern Peru (ANDINA 27 Dec. 2007). A month prior, four police officers were killed, which Peru's Minister of Defense Allan Wagner interpreted as a response to "effective drug busts" rather than as a sign of a regrowth or resurgence of terrorism (*Living in Peru* 15 Nov. 2007). Other sources note that narco-trafficking organizations from Mexico (BBC 20 July 2006; *Dallas Morning News* 8 Jan. 2007; US 8 Mar. 2007; US Mar. 2007, 131; Freedom House 2007) and Colombia are now operating in Peru (*Dallas Morning News* 8 Jan. 2007; US Mar. 2007, 131).

Police Effectiveness

The Peruvian National Police (Policía Nacional del Perú, PNP) is an amalgamation of three former enforcement agencies (*World Encyclopedia of Police Forces* 2007, 727; *World Police Encyclopedia* 2006, 661). The PNP falls under the direction of the Ministry of the Interior and has eleven territorial directorates as well as specialized branches dealing with specific areas of crime (*World Encyclopedia of Police Forces* 2007, 727-728; *World Police Encyclopedia* 2006, 661-662; JSCA 2006-2007, III, 8).

The *World Police Encyclopedia* credits the PNP with several achievements in countering crime, including the disarmament and capture of major drug traffickers and the arrest of leading criminals involved in organized kidnapping and extortion rackets (2006, 664). In November 2007, following the arrest of several Shining Path members, the PNP released a list with the names and photos of the group's top ten leaders still at large from its two remaining cells, the Comité Regional del Centro (CRC) and the Comité Regional del Huallaga (CRH) (*La Republica* 29 Nov. 2007). The *International Narcotics Control Strategy Report* indicates that the PNP Narcotics Directorate [Dirección Antidrogas, DIRANDRO (Peru n.d.b.)] has destroyed 684 cocaine laboratories, over 88 metric tons of coca leaf and 19 tons of chemicals used in cocaine production (US Mar. 2007, 131). Despite these successes, reports indicate that coca cultivation and cocaine production are on the increase (*Dallas Morning News* 8 Jan. 2007; US Oct. 2006, 3).

Police efforts to counter youth crime have produced some positive results in Lima where a UNODC supported program that involves the use of Geo-Reference Information Systems (GIS) to collect data on problem neighbourhoods won a "ringing endorsement" from a local mayor (UN 2007b). In November 2007, a PNP jobs for weapons initiative led to the turnover of a variety of weapons by 1,000 gang members from 70 different gangs at Sol de Oro police station on the outskirts of the city (*Living in Peru* 27 Nov. 2007). Another PNP program, the Patrullas Juveniles, involves youth including actual gang members patrolling the streets, and has led successful participants to better education and job

opportunities (*World Encyclopedia of Police Forces* 2007, 728-729).

Police Abuse

The Human Rights Directorate is responsible for ensuring that police officers adhere to their obligations under the Peruvian Constitution with respect to human rights (*World Police Encyclopedia* 2006, 663). Complaints may be made to the PNP investigation centre by phone, e-mail or written statement (ibid.). Despite this legal commitment to upholding human rights, a non-governmental organization (NGO) called Human Rights Commission (Comision de Derechos Humanos, COMISEDH) reported eleven complaints of torture and police brutality in the first half of 2006 (HRW 31 Mar. 2007). Freedom House notes that the National Human Rights Coordinator (Coordinadora Nacional de Derechos Humanos, CNDDHH), a coalition of human rights NGOs in Peru (IIE N.d.), reported sixteen complaints of torture in 2006 (2007), and Amnesty International (AI) indicates that the "Committee against Torture expressed concern at continuing complaints of torture against the police" (2007). Furthermore, Freedom House reports that the police consistently receive a low rating in terms of credibility in public opinion polls (2007) and OSAC categorizes police response to reports of crime as "notoriously slow" and "largely ineffective," with the exception of a few unnamed specialized units (US 8 Mar. 2007).

State Response

On 22 July 2004, a new Criminal Procedure Code was enacted and will be gradually implemented throughout the country (ICRC Mar. 2005, 221; Peru 22 July 2004). The JSCA reports that it has already entered into force in several judicial districts and includes the following objectives:

- Reorganizing the criminal trial system and moving towards the ideal of swift and effective justice;
- Strengthening the right to defense; and
- Ensuring that human rights are protected to the extent possible when the State makes use of its punitive action. (JSCA 2006-2007, II)

Freedom House refers to the new code as "the most important reform in many years" and indicates that the CNDDHH has reported positive signs so far (Freedom House 2007).

Coca cultivation remains legal for traditional purposes in Peru (*World Encyclopedia of Police Forces* 2007, 730; US Mar. 2007, 132) but a five-year plan developed by the Drug Use Prevention Commission includes eradication, reduction of drug abuse and the creation of alternate development programs for coca farmers among its goals (*World Encyclopedia of Police Forces* 2007, 731). The Peruvian counter-narcotics coordinating and policy agency (La Comisión Nacional para el Desarrollo y Vida sin Drogas, DEVIDA (Peru n.d.)) has adopted a similar strategy that includes policy initiatives such as the regulation of traditional coca production and use, and the development of a chemical user registry (US Mar. 2007, 130-131). In addition, UNODC works closely with Peru's Ministry of Education to counter drug abuse among youth living in high risk communities (UN 2007b).

The government has tried to address the serious human rights violations that were carried out during the internal conflict that took place between 1980 and 2000 by establishing a Truth and Reconciliation Commission which released its final report in August 2003 (*World Encyclopedia of Police Forces* 2007, 729; HRW 2007). Human Rights Watch (HRW) reports that trials have led to more than 450 convictions, and that over 1,780 individuals have been charged with related abuses and corruption (2007).

Other recent initiatives include a comprehensive national plan to reform the administration of justice (Plan Nacional de Reforma Integral de la Administración de Justicia) (JSCA 2006-2007, II), a national citizen security system (Sistema Nacional de Seguridad Ciudadana, SINASEC) which has resulted in the creation of peace courts for handling misdemeanours (ibid.), a project to improve the justice administration service - a 2006 initiative supported by the EC (ibid.), and the passage of new anti-human trafficking legislation in January 2007 (UN 2007b; US June 2007, 168).

Witness Protection

Witnesses to crime are protected by *Law 27378* which is regulated in accordance with *Supreme Decree 020-2001-JUS of 6 July 2001* (Peru 7 July 2001). Further protection of witnesses is provided for in the *Law of Transparency and Access to Public Information* which lists witness protection as an exemption under Article 15A, Reserved Information (Peru 4 Feb. 2003).

Although the US Department of State asserts that the witness protection law is well written, it adds that the PNP, which is charged with enforcing it, lacks the resources to train officers and to provide logistical support to witnesses and to conceal their identities (US 6 Mar. 2007, Sec. I.d). In its *Trafficking in Persons Report*, the US Department of State also alleges that witness protection laws are unevenly applied, and therefore victims are sometimes unwilling to assist in criminal proceedings against offenders (US June 2007, 168).

Human Rights Watch (HRW) reports that threats and attacks have been carried out against crime victims who are pursuing justice as well as against their relatives (2007), and AI has called for increased protection for individuals working on the trial of former President Alberto Fujimori following an anonymous death threat received in December 2007 by lawyer Gloria Cano Legua (AI 4 Jan. 2008).

A 7 December 2007 news article suggests that judges and prosecutors working on organized crime cases are at risk from violence (*Andean Air Mail* 7 Dec. 2007) following reports of an ambush of an anti-corruption prosecutor's vehicle which resulted in the death of a security guard (ibid.; ANDINA 7 Dec. 2007). Reports of the murder of a federal judge in July 2006, who was prosecuting a case involving a Mexican drug cartel, provide some evidence of the existence of a threat to authorities involved in the fight against organized crime (ANDINA 7 Dec. 2007; BBC 20 July 2006; *Dallas Morning News* 8 Jan. 2007).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of additional sources consulted in researching this Information Request.

References

Amnesty International (AI). 4 January 2008. "Fear for Safety/Death Threats." (AMR 46/001/2008) <<http://www.amnesty.org/en/report/info/AMR46/001/2008>> [Accessed 9 Jan. 2008]

_____. 2007. "Peru." *Amnesty International Report 2007*. <<http://thereport.amnesty.org/eng/Regions/Americas/Peru>> [Accessed 14 Feb. 2008]

Andean Air Mail. 7 December 2007. "Security Guard of Peru Anti-Corruption Prosecutor Gunned Down." <<http://andeanairmail.com/category/criminal-justice/page/2/>> [Accessed 9 Jan. 2008]

ANDINA. 27 December 2007. "Police to Continue Fighting Narco-Terrorists in Peru." (*Living in Peru*) <<http://www.livinginperu.com/news/law-and-order>> [Accessed 3 Jan. 2008]

_____. 7 December 2007. "Peru: Murder Attempt on State Prosecutor in Upscale Lima District." (*Living in Peru*) <<http://www.livinginperu.com/news-5260-law-order-peru-murder-attempt-state-prosecutor-upscale-lima-district>> [Accessed 14 Feb. 2008]

British Broadcasting Corporation (BBC). 20 July 2006. "Peru Drugs Trial Judge Shot Dead." <<http://newsvote.bbc.co.uk/mpapps/pagetools/print/news.bbc.co.uk/1/hi/world/americas/5201716.stm>> [Accessed 14 Feb. 2008]

Dallas Morning News. 8 January 2007. "Mexican Drug Cartels Gaining Strength in Peru." <http://www.dallasnews.com/sharedcontent/dws/news/world/stories/DN-peru_08int.ART.State.Edition2.3dd3351.html> [Accessed 14 Feb. 2008]

Freedom House. 2007. "Peru." *Countries at the Crossroads 2007*. <<http://www.freedomhouse.org/modules/publications/ccr/modPrintVersion.cfm?ccrcountry=164&ccrpage=37&edition=8>> [Accessed 13 Feb. 2008]

Human Rights Watch (HRW). 2006. "Peru: Events of 2006." *World Report 2007*. <<http://hrw.org/englishwr2k7/docs/2007/01/11/peru14887.htm>> [Accessed 9 Jan. 2008]

Institute of International Education (IIE). N.d. "Latin America: Coordinadora Nacional de Derechos Humanos (CNDDHH)." <<http://www.iie.org/Website/WPreview.cfm?CWID=671&WID=189>> [Accessed 28 Feb. 2008]

International Committee of the Red Cross (ICRC). March 2005. Vol. 87, No. 857. "National Implementation of International Humanitarian Law." *International Review of the Red Cross*. <[http://www.icrc.org/Web/eng/siteeng0.nsf/htmlall/review-857-p217/\\$File/irrc_857_Reports_National.pdf](http://www.icrc.org/Web/eng/siteeng0.nsf/htmlall/review-857-p217/$File/irrc_857_Reports_National.pdf)> [Accessed 14 Feb. 2008]

Justice Studies Center of the Americas (JSCA). 2006-2007. "Peru." *Report of*

Justice. 3rd ed. <http://www.JSCAmericas.org/reporte/muestra_pais3.php?idioma=INGLES&tiporeport=REPORTE3&seccion=0> [Accessed 3 Jan. 2008]

_____. N.d. "About JSCA." <<http://www.cejamericas.org/>> [Accessed 28 Feb. 2008]

Living in Peru [Lima]. 27 November 2007. "Gang Members Hand over Weapons to Peru's Police." *National Police Report*. <<http://www.livinginperu.com/news/law-and-order/page/2>> [Accessed 3 Jan. 2008]

_____. 15 November 2007. "Peru: Drug Traffickers and Shining Path Terrorist Respond to Military Operations." <<http://www.livinginperu.com/news/law-and-order/page/3>> [Accessed 7 Jan. 2008]

Peru. 22 July 2004. Global Legal Information Network (GLIN). *Code of Criminal Procedure*, 957. <<http://www.glin.gov/view.action?glinID=77486>> [Accessed 9 Jan. 2008]

_____. 4 February 2003. Open Society Justice Initiative. *Law of Transparency and Access to Public Information, Amendment to Law No 26806*. <http://www.justiceinitiative.org/db/resource2/fs/?file_id=15210&rand=0.512269924814> [Accessed 9 Jan. 2008]

_____. 7 July 2001. Global Legal Information Network (GLIN). *Witness Protection, 020-2001-JUS*. <<http://www.glin.gov/view.action?glinID=77486>> [Accessed 9 Jan. 2008]

_____. N.d.a. Comisión Nacional para el Desarrollo y Vida sin Drogas (DEVIDA). "Constitución." <<http://www.devida.gob.pe/>> [Accessed 6 Mar. 2008]

_____. N.d.b. Policía Nacional del Perú. "DIRANDRO - Dirección Antidrogas." <<http://www.pnp.gob.pe/direcciones/dirandro/index.asp>> [Accessed 6 Mar. 2008]

La Republica [Lima]. 29 November 2007. "Peru's Police Release 'Red List' of Shining Path Terrorist Leaders." (*Living in Peru*) <<http://www.livinginperu.com/news/law-and-order/page/2>> [Accessed 7 Jan. 2008]

United Nations (UN). 2007a. UN Development Programme (UNDP). *Human Development Report 2007/2008*. <<http://hdrstats.undp.org/indicators/263.html>> [Accessed 3 Jan. 2008]

_____. 2007b. UN Office on Drugs and Crime (UNODC). "Latin America and the Caribbean: Peru." *UNODC Annual Report 2007*. <http://www.unodc.org/pdf/annual_report_2007/latinamericacaribbean.pdf> [Accessed 2 Jan. 2008]

United States (US). June 2007. Department of State. "Peru (Tier 2)." *Trafficking in Persons Report*. <<http://www.state.gov/documents/organization/82902.pdf/>> [Accessed 9 Jan. 2008]

_____. 8 March 2007. Overseas Security Advisory Council (OSAC). "Peru 2007." *Crime and Safety Report*. <<https://www.osac.gov/Reports/report.cfm?contentID=64643>> [Accessed 12 Feb. 2008]

_____. 6 March 2007. Department of State. "Peru." *Country Reports on Human Rights Practices for 2006*. <<http://www.state.gov/g/drl/rls/hrrpt/2006/78902.htm>> [Accessed 9 Jan. 2008]

_____. March 2007. Department of State. "Peru." *International Narcotics Control Strategy Report (INSCR 2007)*. <<http://www.state.gov/p/inl/rls/nrcrpt/2007/>> [Accessed 3 Jan. 2008]

_____. October 2006. Department of Justice. "Cocaine." *National Drug Threat Assessment 2007*. <<http://www.usdoj.gov/ndic/pubs21/21137/21137p.pdf>> [Accessed 3 Jan. 2008]

World Encyclopedia of Police Forces and Correctional Systems. 2007. 2nd ed. Vol. II. "Peru." Edited by George Thomas Kurian. Farmington Hills, MI: Gale.

World Police Encyclopedia. 2006. Vol. 2. "Peru." Edited by Dilip K. Das. New York: Routledge.

Additional Sources Consulted

Internet sites, including: Canada Department of Foreign Affairs and International Trade (DFAIT), Central Intelligence Agency (CIA), European Country of Information Network (ecoi.net), Jane's International, *Latinamerica Press*, Policia nacional del Peru, Transparency International, United States Embassy in Peru, University of California (Berkeley) Foreign Law Guide.

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