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Peru: Crime levels; police effectiveness and state response to crime; witness protection (2008 - 2011)
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Crime levels

In July 2010, the online version of Lima-based newspaper *Peru21pe* reported that crime is increasing in Peru and that it is taking place mostly in the city of Callao, scene of almost daily murders, violent assaults and extortion of business people (11 July 2010). The article quotes a former police chief as saying that [translation] "crime has grown and will continue to increase" and that "police are failing to accept it" (*Peru21pe* 11 July 2010). The article also cites official figures for 2009 showing that crime increased by 6.4 percent compared to 2008 (*ibid.*).

Police statistics released by the Peruvian national police (Policía Nacional del Perú, PNP) for 2004 to 2009 indicate that 161,250 crimes were reported in 2009 nationally, which is 9,690 more than the previous year (Peru Mar. 2009). Of those crimes, 2,985 were homicides, 3,823 were related to drug trafficking and 108 were cases of "terrorism" (*ibid.*). The report also indicates that Lima had the highest number of reported crimes in Peru with 70,585 (*ibid.*).

As for 2008, the Legal Defence Institute - Citizen Security (Instituto de Defensa Legal - Seguridad Ciudadana del (IDL-SC), a non-governmental organization (NGO) in Peru promoting human rights (Human Rights Web n.d.), asked the PNP for its crime figures since the statistics form the basis of national public safety plans (IDL-SC 21 Aug. 2009). However, it found that the police had falsified statistical data by [translation] "inventing numbers and copy and pasting," giving the impression that the three police stations in the district of Villa El Savaldor are a veritable "Shangri La" without any crime (*ibid.*). Corroboration for this information could not be found within the time constraints of this Response.

Police effectiveness

According to the United States (US) State Department's *Country Reports on Human Rights Practices for 2009*, the PNP functions under the Ministry of Interior and is composed of 97, 294 officers responsible for law enforcement and internal security throughout Peru (11 Mar. 2010, Sec. 1d). In its Strategic Plan for 2007 - 2011, the PNP similarly describes itself as a state institution whose goal, amongst

others, is to [translation] "secure, maintain and restore internal order and provide protection for individuals and the community" and also to "prevent, investigate and fight crime" (Peru 2007).

In addition to local police units, the PNP has directorates in such areas as kidnapping, counternarcotics and counterterrorism (US 11 Mar. 2010, Sec. 1d). *Country Reports* also indicates there are 114,000 members in the Peruvian armed forces working under the authority of the Ministry of Defence (ibid.). The armed forces are responsible for external security, but also have some limited responsibility to maintain domestic security (ibid.).

In 2007, when it was analyzing its strengths and weaknesses, the PNP identified its police intelligence and integrated police education systems as well as the ability to provide police service at a national level as strengths (ibid.). However, it indicated that weaknesses included limited resources and infrastructure, personnel not solely dedicated to police work, poor quality of life for staff and ongoing cases of corruption that damage its public image (ibid.). *Country Reports* also indicates that in 2009 observers had noted that the PNP lacks staff, training and professionalism and that issues such as "corruption and impunity" remain problems (11 Mar. 2010, Sec. 1d). While talking to *Peru21.pe* in July 2010, the former police chief, who was interviewed about the rising crime rate, also identified a lack of motivation due to poor working conditions in terms of pay and equipment as issues affecting police effectiveness in combating crime (11 July 2010).

As for the armed forces, *Country Reports* indicates

[t]here were also several reports of military corruption, impunity, and resistance to provide information on its personnel under investigation for human rights abuses committed during the country's internal armed conflict. (US 11 Mar. 2010, Sec. 1d)

However, *Country Reports* also notes that

[s]ecurity forces sought to strengthen accountability with human rights training and revision of disciplinary procedures but were doing so very slowly. (ibid.)

According to *Country Reports*, abuses by security forces are investigated internally:

The Ministries of Interior and Defense employ internal mechanisms to investigate security force abuses. The Public Ministry conducts investigations, although access to evidence held by the Ministry of Defense is not always forthcoming. The Ombudsman is another mechanism, although it can only refer a case to the Public Ministry. (US 11 Mar. 2010, Sec. 1d)

In 2010, the public's perception of the police was measured in the Sixth National Survey on Perceptions of Corruption conducted by Proética --- Peruvian branch of Transparency International (Proética n.d.) --- with the support of public opinion company Ipsos Apoyo and the National Confederation of Private Business Association (Confederación Nacional de Instituciones Empresariales Privadas, CONFIEP). (Proética et al.n.d.) The Survey reports that while 51 percent of respondents think that corruption is the main problem facing the country and 41 percent think it is crime, 45 percent identified the police as a corrupt institution

(ibid. 4, 42). However, 53 percent reported having confidence in Peru's Ombudsman (Defensoría del Pueblo) (ibid. 43).

Use of force

In April 2010, Amnesty International released a public statement expressing concern that "more deaths" had resulted from a police response to a demonstration held by miners in the southwestern area of Arequipa (7 Apr. 2010). The statement indicates that the government's failure to make certain that security forces are "adequately trained and equipped" has led to the "all too frequent" use of police firearms and resulted in "dozens of people" being killed by police (AI 7 Apr. 2010).

Similarly, a call to action issued by Amnesty International states that Peru's president issued Decree Law 1095 in September 2010 to allow the use of the military during "civil unrest," which the organization sees as seeming to include demonstrations (23 Sept. 2010). Although the new law stipulates that the military will be tried in military courts if responsible for any illegal acts, Amnesty International points that because the use of the military in law enforcement situations has resulted in "grave" human rights violations in the past, these should be tried in civilian courts, especially since Peru's military courts "are neither impartial nor independent" (23 Sept. 2010).

State response

An article in the online version of *Hoy Perú*, a daily newspaper based in Lima, indicates that in 2010, congress members demanded a more effective state policy to address the country's crime wave (13 Aug. 2010). A member of the Popular Action Party (Partido de Acción Popular, AP) is cited as saying that there is still insecurity amongst citizens (*Hoy Perú* 13 Aug. 2010.). However, another congressman said that 85 percent of the crimes being committed are minor (ibid.).

In 2009, Peru's Ombudswoman released a report recommending a public policy that would eradicate bribery in the police force and stop mistreatment of the public, reports the online news magazine *The Andean Air Mail* and *Peruvian Times* (9 May 2009). The Ombudswoman's office reportedly monitored 300 police stations throughout Peru, conducting "hundreds" of interviews and auditing "complaints of police corruption and abuse filed over the past several years" (*Andean Air Mail* 9 May 2009). After noting that 77 percent of the police stations monitored had no or little information about how to file a complaint, her recommendations also include a proposal to enable citizens to file complaints with the police without paying a fee, without being mistreated and without their complaints being rejected (ibid.).

Witness protection

In February 2010, the [translation by the Translation Bureau] Regulations Governing the Comprehensive Protection Program for Witnesses, Expert Witnesses, Injured Parties and Collaborators Who Take Part in Criminal Proceedings, was published as Supreme Decree No. 003-2010-JUS (Peru 2010). The principles governing protection measures are outlined as follows [translation by the Translation Bureau]:

- a. Consent: Beneficiaries must expressly, freely and voluntarily state their desire to enter or withdraw from the Comprehensive Protection Program for witnesses, expert witnesses, injured parties and collaborators who take part in criminal proceedings, notwithstanding causes for exclusion from the program
- b. Confidentiality: All information relating to the identity of the protected person shall be treated as a matter of joint security among the prosecutor, judge and police, except as provided for at the end of Article 250, section 2 of the Code.
- c. Time frame: The protection measures shall remain in place as long as the factors that justify them continue to exist, even after the investigation or criminal proceedings have concluded
- d. Responsibility: Tax authorities, judicial authorities and members of the National Police force shall abstain from making offers of protection. Failure to abide by this rule shall result in legal sanctions against the offenders. Protection measures shall be granted in strict accordance with the provisions of these Regulations
- e. Grounds for Protection: All protection measures shall necessarily be based on verification of the connections between participation in the proceedings, threats and risk. (Peru 2010)

Articles 18 through 20 of the regulations describe the different measures of protection that may be taken [translation by the Translation Bureau]

Article 18...

- a. Police protection, which may include: continuous police presence at the home of the protected person and in his daily movements; change of residence to an undisclosed location or to a special location or dwelling; and, in general, doing all that is necessary to keep the person's whereabouts secret
- b. Confidentiality of the protected person's identity during all proceedings, ensuring that the corresponding documents do not contain names, surnames, home address, workplace, profession or any other information that could serve to identify the person, who shall be assigned a secret code name known only to the prosecutor or judge that orders the measure and to other persons who take direct part in the protection measures.
- c. Participation by the protected person in the proceedings in such a way as to ensure that it is impossible to identify him visually
- d. Use of appropriate mechanical devices or technology, such as videoconferences, provided that the court has the necessary resources to operate them. Such measures shall be taken to avoid endangering the protected person when, in order to preserve the right of the parties involved in the investigation to defend themselves, it is necessary to reveal the identity of the protected person
- e. Giving the competent prosecutor's office as the protected person's home address for the purposes of notifications

Furthermore, if the collaborator is in prison, he must be placed in conditions that guarantee his security and physical safety. This must be coordinated with the National Penitentiary Institute [Instituto Nacional Penitenciario].

Article 19: In exceptional cases, the judge, at the prosecutor's request, may

order: [1] the issuance of new documents that provide the protected person with a new identity, or [2] financial measures to change his residence or workplace. Before requesting these exceptional measures, prior consultation shall be held with the Central Protection Unit [Uidad Central de Protección] in order to determine the resources that may be used....

Article 20: The prosecutor and the police shall attempt to ensure that the injured parties, witnesses, expert witnesses and collaborators under their protection are not photographed and that their image is not recorded in any other way. Such material shall be confiscated, then immediately returned to its owner as soon as it is determined that it does not contain any images of the protected persons that could be used to identify them. Also, protected persons shall be transported in appropriate vehicles used exclusively for this purpose and shall be kept in confidential conditions under appropriate custody when giving testimony at court facilities. (Peru 2010)

Furthermore, the Peruvian news agency Andina, announced that reforms to the Criminal Procedure Code (Código Procesal Penal) would see the Public Ministry conduct witness protection work where necessary, and compensate the victim (16 Jan. 2011). Andina also cites the secretary of the Task Force for the Implementation of the New Criminal Procedure Code (Equipo Técnico de Implementación del Nuevo Código Procesal Penal) as saying that the Public Ministry will create a new Protection Office (Oficina de Protección) that will allow prosecutors to seek protection for both witnesses and victims (Andina 16 Jan. 2011). The Task Force secretary also states that witness protection can include a change of identity, relocation as well as pre-trial testimony before the judge (ibid.).

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 sources consulted in researching this Information Request.

References

Amnesty International. 23 September 2010. "Excessive Force Against Protesters Feared."
<<http://www.amnesty.org/en/library/asset/AMR46/016/2010/en/aac6e419-e6d6-4054-96d4-9fcaf81f74e9/amr460162010en.pdf> > [Accessed 27 Jan. 2011]

_____. 7 April 2010. "Peru: More Deaths as a Result of Police Response to Demonstration." (AMR 46/004/2010)
<<http://www.amnesty.org/en/library/asset/AMR46/004/2010/en/a13d787f-fc4d-4a29-8e0c-2961e76a8633/amr460042010en.pdf>> [Accessed 27 Jan. 2011]

Andean Air Mail and Peruvian Times [Lima]. 9 May 2009. "Peru Ombudsman's Office Recommends New Law to Improve Quality of Police Force."
<<http://www.peruviantimes.com/peru-ombudsman%E2%80%99s-office-recommends-new-law-to-improve-quality-of-police-force/092822>> [Accessed 31 Jan. 2011]

Andina [Lima]. 16 January 2011. "Ministerio Público Procurará Protección del Testigo con Implementación del CPP."

<<http://www.andina.com.pe/espanol/Noticia.aspx?id=UkQiBSnYmyU=###>>
[Accessed 4 Feb. 2011]

Hoy Perú [Lima]. 13 August 2010. "Lima: Demandan Eficacia y Política de Estado para Combatir Delincuencia." <<http://hoy.pe/lima/lima-demandan-eficacia-y-politica-de-estado-para-combatir-delincuencia>> [Accessed 4 Feb. 2011]

_____. 6 June 2010. "Nosotros." <<http://hoy.pe/nosotros>> [Accessed 7 Feb. 2011]

Human Rights Web. N.d. "Instituto de Defensa Legal -- Legal Defense Institute." <<http://www.hrweb.org/groups/idl.html>> [Accessed 9 Mar. 2011]

Instituto de Defensa Legal - Seguridad Ciudadana del (IDL-SC) 21 August 2009. "Cifras bamba de la Policía." <<http://www.seguridad.org.pe/destacados/2009/21-08/cifras-bamba-de-la-policia.pdf>> [Accessed 8 Mar. 2011]

Peru. 2010. "Decreto Supremo No. 003-2010-JUS." (Unidad de Capacitación en Gestión) Translated by the Translation Bureau, Public Works and Government Services Canada. <http://www.ucg.gob.pe/Documents/articulos/articulo80_004.pdf> [8 Accessed Feb. 2011]

_____. March 2009. Policía Nacional del Perú (PNP). *Delitos*. <http://www.pnp.gob.pe/documentos/preliminar_2009/DELITOS%202009.pdf> [Accessed 15 Feb. 2011]

_____. Policía Nacional del Perú (PNP). 2007. *Plan Estratégico 2007 - 2011 de la Policía Nacional del Perú*. <http://www.pnp.gob.pe/transparencia/PLAN%20ESTRATEGICO%20INSTITUCIONAL%202007-2011/PE_PNP_2007_2011.pdf> [Accessed 15 Feb. 2011]

Peru21.pe [Lima]. 11 July 2010. "Aumenta la Delincuencia en el Perú." <<http://peru21.pe/noticia/508963/aumenta-delincuencia-pais>> [Accessed 16 Feb. 2011]

Proética. N.D. "objetivos." <<http://www.proetica.org.pe/paginaTI.php?11ave=1&Mmenu=1.1.2pdf>> [Accessed 7 Feb. 2011]

Proética, Ipsos Apoyo, and Confederación Nacional de Instituciones Empresariales Privadas (CONFIEP). N.d. *Sexta Encuesta Nacional Sobre Percepciones de la Corrupción en el Perú 2010*. <<http://www.proetica.org.pe/Descargas/sexta%20encuesta.ppt>> [Accessed 7 Feb. 2011]

United States (US). 11 March 2010. Department of State. "Peru." *Country Reports on Human Rights Practices for 2009*. <<http://www.state.gov/g/drl/rls/hrrpt/2009/wha/136123.htm>> [Accessed 31 Jan. 2011]

Additional Sources Consulted

Oral sources: Representatives of the Asociación Pro Derechos Humanos

(APRODEH in Lima, Peru, and of The Advocates for Human Rights in Minneapolis, Minnesota, were unable to provide information for this Response. Attempts to contact representatives of the International Commission of Jurists in Geneva, Switzerland, and of the Peru Support Group in London, United Kingdom, were unsuccessful.

Internet sites, including: Capital Humano y Social (CHS); *Caretas* [Lima]; Copseek.com; Estudio Loza Avalos Abogados; European Country of Origin Information Network (ecoi.net); Factiva; Freedom House; Human Rights Watch; Instituto de Defensa Legal (IDL); Inter-American Commission on Human Rights (IACHR); International Relations and Security Network (ISN); *La Republica* [Lima]; Latin American Network Information Center (LANIC); Peru - Defensoría del Pueblo, Ministerio del Interior, Policía Nacional del Peru; Teleley; United Nations (UN) - Integrated Regional Information Networks (IRIN), Refworld.

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