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U.S. Department of State

Peru Country Report on Human Rights Practices for 1996

Released by the Bureau of Democracy, Human Rights, and Labor, January 30, 1997.

PERU

Peru is a multiparty republic with a dominant executive branch. President Alberto Fujimori was reelected to a second 5-year term in 1995 under provisions of a Constitution enacted in 1993. The President's party also controls Congress, which passed a law permitting the President to run for an unprecedented third term (opposition parties were challenging the law at year's end). The Constitution also provided for several new judicial institutions to help create a more effective and independent system of justice and, with a view to reform, the entire legal system is undergoing a review directed and controlled by the executive branch.

The police and military share security duties. Civilian authorities generally maintain effective control of the security forces. Since 1980 much of the security forces' effort has been directed against the Sendero Luminoso and the Tupac Amaru Revolutionary Movement (MRTA) terrorist groups. They continue to pose a threat in some areas, but at a much reduced level than in previous years, despite the MRTA's hostage taking attack in December. Members of the security forces committed some human rights abuses.

Over the past 5 years, the Government implemented major economic reforms, moving from heavy regulation to one of the most market-oriented economies in the hemisphere. Government controls on capital flows, prices, and trade have been eliminated. The Government has privatized most state enterprises, and those remaining are scheduled to be sold by the end of 1997. As a result, inflation was brought under control, and growth and foreign investment soared. Gross domestic product was estimated at \$51.5 billion. Major exports include minerals (principally copper), fishmeal, and textiles. Illegal

exports of processed coca are thought to have earned about \$600 to \$800 million in past years. Unemployment is around 8 percent, but more than half of the economically active population works in the informal sector of the economy, which largely operates beyond government supervision and taxation. The poor account for 45 percent of the population, of which half live in extreme poverty.

Although the human rights situation improved somewhat, serious problems remain. Security forces were responsible for extrajudicial killings, disappearances, torture, and beatings. Although individual prison directors made some efforts to improve conditions in their own prisons, overall prison conditions remain extremely harsh, particularly in the case of prisoners jailed for terrorism offenses. Arbitrary detention, accountability, lack of due process, lengthy trial delays, and prolonged pretrial detention remain problems. The authorities at times infringed upon citizens' privacy rights. Violence against women and children and discrimination against the disabled, indigenous people, and minorities are continuing problems. Child labor is also a problem.

In April a Human Rights Ombudsman was sworn in, and in August Congress established an ad hoc commission to review and recommend for presidential pardon those unjustly detained for terrorism or treason. However, Congress extended yet again "faceless" tribunals, considered a major reason for the unjust imprisonment of an estimated 700 to 1,000 individuals on terrorism and treason charges, and it also extended the processing by military judges of civilians accused of the most serious terrorism offenses.

Sendero Luminoso and MRTA terrorists were responsible for the vast majority of the killings and other violence. Sendero Luminoso used torture and other forms of brutality, infringed upon citizens' privacy rights, intimidated religious workers, and violated the rights of indigenous people. In December the MRTA attacked the Japanese ambassador's residence, initially holding hundreds of people hostage, an event not resolved by year's end.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political And Other Extrajudicial Killings

There were no political killings attributed to security forces. However, there continued to be reports of deaths caused by police beatings of detainees. On March 22, police picked up engineer Mario Palomino on a Lima street and beat him to death in a police station after he allegedly complained about the police publicly mistreating a detainee. The Government is currently prosecuting five officers for Palomino's death.

Armed forces personnel also beat citizens to death. According to human rights monitors, on August 23 soldiers detained Nicolas Carrion Escobedo, a resident of Uruspampa village in Sanchez Carrion, La Libertad, and took him to the military base at Sarin. Later that day, Escobedo was found dead. An autopsy revealed that he had received heavy blows to the head as well as other parts of his body. Relatives of Alberto Flores Montejo reported that soldiers based in the town of Aucayacu detained him on March 24; he was never seen again. The judicial investigation into the case determined that Montejo was killed in Madre Mia, San Martin department, and referred the case to the prosecutor's office in Tocache for further investigation. In August military personnel also reportedly beat and killed one soldier who lost a rifle at the Monzon base. On August 30, military personnel killed farmer Jorge Chavez, who was suspected of a role in the rifle's disappearance, and then--according to witnesses--drank Chavez's blood.

In the case of Jhoel Huaman Garcia, who was killed while in police detention in 1995, a court sentenced two police officers in July to 5 and 6 years in prison. A third police officer is charged but has fled.

A 1995 law granted amnesty from prosecution to those who committed human rights abuses during the war on terrorism from May 1980 to June 1995. When lower court judge Antonia Sacquicuray declared the Amnesty Law unconstitutional, Congress immediately passed a second law blocking any judicial review of the law's constitutionality. Subsequently, a split decision by a superior court overturned the Sacquicuray decision. These events created considerable concern over military and police impunity for past abuses. The Amnesty Law also cleared the records of security force personnel who had already been convicted of human rights abuses, including the eight military perpetrators of the 1992 La Cantuta massacre, who were sentenced in 1994 but released by military authorities a few days after the Amnesty Law's passage.

In July the United Nations Human Rights Committee severely criticized the Amnesty Law and called for its repeal. Committee members considered the Amnesty Law a violation of the Constitution, reflecting the earlier Sacquicuray decision. The Amnesty Law demonstrates a lack of serious commitment to accountability and the protection of human rights.

Sendero Luminoso, whose insurgency has led to the deaths of over 25,000 persons since 1980, continued to kill civilians. During the year, Sendero killed a total of 124 persons, including security force personnel and civilians, according to statistics compiled by Peruvian nongovernmental organizations (NGO's). Among the civilians killed by Sendero was Pascuala Rosado, a community leader in Huaycan known for her opposition to Sendero. On July 30, Sendero killed community leader Epifanio Santarria in Los Olivos, near Lima. In February Sendero killed a community leader and his two sons in Angashyacu, Huanuco. On August 22, Sendero murdered the brother of the mayor of Delicias, Huanuco.

b. Disappearance

Disappearances continued to be reported. A human rights group working in the Huallaga valley reported nine disappearances. The army is believed responsible for two of them. On July 27, the army detained Maria Cardenas Espinoza in Chinchabito, Huanuco. While the army denied that it is holding her, other detainees reported seeing her at the Tingo Maria army base.

On February 13, Belen Zavallos Masgo disappeared from his home in La Esperanza, Huanuco. According to members of his family, three masked and armed men took him away when they raided his house. They beat him badly and dragged him into a waiting car. Two days later, Belen Zavallos' wife reported her husband's disappearance to the human rights prosecutor's office in Huanuco. On March 15, the prosecutor's office reported that it had evidence that members of the armed forces carried out the kidnaping.

A human rights group working in the Huallaga valley blamed Sendero for the disappearance of Rufino Velasquez Pujay on July 28 from Moyuna near Aucayacu, Huanuco.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Although the Constitution prohibits torture and inhuman or humiliating treatment, security force torture and brutal treatment of detainees remains common. This is as true for common criminals as it is for alleged subversives. Torture most often took place in the period immediately after detention. The law permits police to hold terrorism suspects incommunicado for 10 days, and for another 15-day p