

THE HUMAN RIGHTS SITUATION IN PERU

ISSUE

The number of extra-judicial killings and disappearances has decreased significantly in Peru during 1994, but detention without benefit of judicial process and the incidence of torture used by both military and police forces remain of concern.

BACKGROUND

President Fujimori has continued to reiterate that human rights is a matter of concern to all Peruvians, military and civilians alike. The pacification process created a number of difficult situations during 1994, including accusations of massacres in the Upper Huallaga Valley and in remote jungle regions of the Amazon basin. Exaggerated claims against the military forces in this region were quickly refuted and the veracity of further charges questioned because of early, unverifiable public statements by NGOs. Overall, however, the human rights performance of the military appears to be slowly improving.

The National Human Rights Council has become moribund due to a boycott by members of the NGO community in protest over the Government's disposition of the La Cantuta disappearance and murder case involving military culpability. The Human Rights Committee of the Democratic Constituent Congress remains active but has also assumed a lower profile over the past few months. The level of terrorist activity has continued to decrease, with only sporadic attacks throughout the country. At present, 48.2 per cent of the population and 25.3 per cent of the country's territory remain under Emergency Zones where normal constitutional guarantees are suspended.

The "Repentance Law" introduced in 1992 to encourage defections from the terrorist ranks, ended October 31, 1994, with the government claiming more than 6,000 adherents, mostly from Sendero Luminoso. This has drastically reduced the effectiveness of Sendero, but has not eliminated its ability to attack at will. It has also resulted in numerous innocent people being jailed, based solely on unsubstantiated claims by "arrepentidos" providing names to save themselves. The government has recently appointed a panel charged with the responsibility of reviewing and expeditiously discharging the large backlog of cases involving persons held without due process. This constitutes further official recognition that there are weaknesses in the judicial system that the Peruvian government is committed to addressing.

Execution of the government's militarily led "pacification" program which involves conflict with terrorist elements remains the prime cause for human rights violations. The perception of military impunity persists, despite the fact that convictions have been obtained over the past twelve months, including senior military officers. (Sentences were not as severe as demanded by activist groups.) Human rights training is now an established factor in both military and police academies; reduced numbers of complaints may be a result of this fact.