



Human Rights Watch  
UPR Submission

**Peru**  
January 2008

Justice for past abuses is a leading human rights concern in Peru. While authorities have made some progress in holding accountable those responsible for some abuses committed during its 20-year armed conflict (1980-2000), most perpetrators continue to evade justice. Investigations of massacres and “disappearances” by government forces have been held up in part by lack of military cooperation.

The efforts of Peruvian prosecutors to bring former President Alberto Fujimori to justice in Peru finally bore fruit in September 2007, when the Chilean Supreme Court, in a landmark decision, authorized his extradition on charges of human rights abuse and corruption.

Other human rights concerns in Peru include torture and ill-treatment of criminal suspects, violence against journalists in some parts of the country, and government efforts to regulate nongovernmental organizations (NGOs).

**Confronting Past Abuses**

The government Truth and Reconciliation Commission estimated in 2003 that almost 70,000 people died or “disappeared” during the armed conflict. Many were victims of atrocities committed by the Shining Path and another insurgent group, and others of human rights abuses by state agents.

Former President Alberto Fujimori is currently being tried in Lima for his alleged involvement in the extrajudicial execution of 15 people in the Barrios Altos district of Lima in November 1991 and the forced disappearance and murder of nine students and a teacher from La Cantuta University in July 1992. Fujimori also faces multiple corruption charges which will be heard in subsequent court proceedings. Fujimori had been in self-imposed exile in Japan for five years, before traveling to Chile, where he was arrested in November 2005.

Efforts have been underway to investigate and prosecute former officials and military officers implicated in scores of other killings and “disappearances” dating from the beginning of the armed conflict. For example, at least 50 alleged members of the Colina Group, the death squad directly responsible for the Barrios Altos and La Cantuta crimes, have been on trial in Lima since August 2005.

Yet, at this writing, only 17 former military officers and civilians had been convicted for abuses attributed to state actors by the truth commission. Lack of cooperation by the armed forces has hampered the investigation of these cases. The military has often failed to provide information needed to identify potentially key witnesses who served in rural counterinsurgency bases during the conflict. It has also declined to identify military officials known to witnesses only by their aliases.

### **Torture**

Despite legislation in force since 1998 that specifically prohibits torture, torture and ill-treatment of criminal suspects continues to be a problem in Peru. The Human Rights Commission (Comisión de Derechos Humanos, COMISEDH)—an NGO that represents torture victims in court proceedings—recorded 78 complaints of torture between January 2005 and October 2007. In recent years, Peruvian courts have made some progress in holding accountable police who abuse detainees. Since 2000, the Supreme Court has confirmed prison sentences against 15 police officers, military agents, and prison guards for torture in seven cases. In July 2007, two policemen received eight-year and four-year sentences for a beating that led to the death of Ricardo Huaranga Félix in 2004. In September 2006, Peru ratified the

Optional Protocol to the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment.

### **Freedom of Expression**

Journalists who publicize abuses by local government officials are vulnerable to intimidation in some parts of the country. In March 2007, Miguel Pérez Julca, who worked for a news program on a local radio station in Jaén, Cajamarca province, was shot twice in the head by two gunmen in front of his wife, who was also injured, and two sons. He died while being rushed to hospital. Pérez had been reporting on police corruption and problems of public security in the city. Four days after Pérez's murder, three other journalists from Jaén received death threats in text messages on their cell phones. Pérez was the third Peruvian journalist killed in similar circumstances since 2004.

### **Death Penalty**

The death penalty in Peru is restricted to cases of treason in wartime, and has not been applied since the 1970s. However, following an armed attack in Ayacucho in December 2006 in which eight people were killed, President Alan García presented a bill to Congress to reintroduce the death penalty for terrorist crimes. In January 2007, the bill was defeated in Congress by a substantial majority.

### **Human Rights Defenders**

In November 2006, President Alan Garcia supported legislation that would allow the government to "supervise" the activities of Peruvian NGOs that receive foreign funding. After strong protests by civil society groups, an amended version of the bill was passed that limited its application to organizations that receive government funding or tax benefits. Privately-funded NGOs would still be required to register their activities and expenditures with the government aid agency. In September 2007, the Constitutional Court ruled that this requirement to report expenditures was unconstitutional.

### **Women's Rights**

Article 2(2) of the constitution guarantees equal rights, explicitly prohibiting discrimination based on sex. Domestic violence is illegal, and penalties range from one month to six years in prison. The law gives judges and prosecutors the authority to prevent the convicted spouse or parent from returning to the family's home and authorizes the victim's relatives and unrelated persons living in the home to file complaints of domestic violence. It also allows health professionals to document injuries and requires police investigation of domestic violence to take place within five days. Authorities are obliged to extend protection to women and children who are victims of domestic violence. Rape, including spousal rape, is criminalized.

The National Plan against Violence towards Women 2002-2007 focused public policies for preventing and addressing violence against women. Campaigns to raise awareness and trainings were provided to public servants, judicial personnel, doctors, and psychologists. The Family Violence Act has been amended to eliminate conciliation proceedings before the provincial prosecutor in cases of family violence, on the grounds that such violence represents a violation of human rights that is not a matter for conciliation. The 2002 Regional Governments Act makes local governments responsible for formulating policies, and for regulating, implementing, promoting, supervising, and controlling efforts to prevent political, family and sexual violence.

Under the National Programme against Family Violence and Sexual Abuse, the Ministry of Women and Social Development (MIMDES) emergency centers provide free services and sponsor prevention activities.

Peruvian law permits abortions to be performed when a pregnant woman's health is at risk of serious and permanent damage. Yet access to these therapeutic abortions is limited by a variety of factors, including vague and restrictive laws, the absence of standard definitions, protocols and medical guidelines, unpredictable approval procedures, and ignorance about the exceptions to the existing criminal code on abortion. Moreover, since these abortions are rarely authorized in public hospitals, many women are forced to carry their pregnancies full term, risking their lives and their long term physical and mental health. Other women who cannot afford private hospitals must seek to have the potentially dangerous procedures

performed in clandestine clinics or even at home using folk remedies. Peruvian authorities have failed to adequately inform women of their rights to reproductive health care information and services. They have also failed to inform medical personnel of their protection under the law and their professional obligation to provide these services to women who need them.