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Humala Faces Human Rights Charges

by LADB Staff

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A Peruvian judge indicted former Army officer and presidential candidate Ollanta Humala on charges that he oversaw human rights abuses as commander of counterinsurgency forces in the 1990s, court officials announced Sept. 1. This puts Peru's top opposition figure in jeopardy of imprisonment and will likely contribute to his decline in political strength in the near term.

Murder and torture alleged during 1990s command

Judge Miluska Cano ordered Humala not to leave the country and to post bail of US\$6,000, ruling there was sufficient evidence to open a criminal case based on allegations of murder and torture by troops under Humala's command. Allegations against him first arose earlier this year, during his campaign for president. They alleged that he oversaw the forced disappearance, torture, and assassination of residents of the Huallaga River valley when he commanded the Madre Mia jungle base in 1992 (see NotiSur, 2006-03-10). Five witnesses came forward to point the finger at Humala, whom they said went by the nom de guerre Capitan Carlos, something Humala later confirmed although he said other officers also used the pseudonym.

In mid-August prosecutors filed charges, although Cano returned them for corrections of relatively minor errors like a denunciation that Natividad Avila Rivera and Benigno Sullca Castro were both disappeared and killed, when only one of them was found murdered and the other remained missing. The court explained that the accusation document was very simple and appeared to have been hurriedly prepared.

In early September, after the errors were corrected, Cano allowed the trial to move forward, saying Humala would get a fair hearing in her court. Humala won the most votes of any candidate in the first round of the presidential election in April but lost the second round in June to President Alan Garcia (see NotiSur, 2006-04-21, 2006-05-05 and 2006-06-16).

Humala's nationalist, anti-US rhetoric attracted many voters, particularly outside the heavily populated capital city of Lima, but Garcia was able to parlay Venezuelan President Hugo Chavez's support of Humala into a major negative for him by campaigning against Chavez's "interference" in Peruvian politics. Since his first-round victory against Garcia and conservative third-place candidate Lourdes Flores, Humala has lost momentum. His party won the top number of seats in the Congress, but factionalism has eroded the strength of his legislative plurality.

"Political persecution," claim Humala and supporters

The public discrediting of Humala may continue under the pending murder-and-torture trial, which his supporters claim is the point of the prosecution. Members of the Union por el Peru (UPP) coalition say the charges constitute political persecution rather than legitimate allegations. "This is

part of a political persecution that seeks to destroy any effort at opposition," said Humala at a Sept. 2 press conference, surrounded by his legislative allies. He claimed the prosecution sought to derail any nationalist figure and any program opposed to neoliberal economic models, "so that in the next 50 years not one more nationalist will exist."

"At any moment I will be detained, while the new candidates of nationalism and the UPP are impugned [in municipal and regional elections]. Those are the new rules of the game," said Humala, accompanied by his lawyer Carlos Escobar and his wife Nadine Heredia. Regarding his actions during the Peruvian government's war against the armed group Sendero Luminoso in the 1990s, Humala said, "There was a war and I participated in it, but I am not a human rights violator. I will defend my innocence."

On Aug. 17, Carlos Tapia, spokesperson for the Partido Nacionalista Peruano (PNP), the UPP's central organization, said the trial would actually strengthen Humala. "Humala is the person most interested in clearing himself in an open criminal trial, because that process will serve to demonstrate his innocence publicly. That will strengthen his image, now that he is being falsely accused," said Tapia. President Garcia and members of his Alianza Popular Revolucionaria Americana (APRA) have denied Humala's claims of persecution.

APRA Congress Deputy Cesar Zumaeta said he rejected Humala's statements outright. "Instead of responding to Peru's justice system, he builds castles in the air to cover up his responsibilities. He cannot accuse the government of Alan Garcia in order to get away," said Zumaeta. Garcia went so far as to claim that, "in Peru, no one may be persecuted politically. Here no one is persecuted for [his or her] ideas....I will be the first guarantor that no one will be persecuted." Garcia called for "patience, serenity, and confidence," characterizing the Humala case as one of 3.7 million before the Peruvian justice system.

Francisco Soberon, former president of the nongovernmental group Coordinadora Nacional de Derechos Humanos (CNDH), gave credence to the allegations against Humala. "The testimonials collected by prosecutor Arturo Campos Vicente are complementary and reiterative," said Soberon. "They refer to how the deeds occurred, the names of the people, dates, place of detention and confinement, and the people responsible. This does not deal with an invented story by five people to harm Humala."

"The fact that the crime of torture was not incorporated in Peruvian legislation in 1992 is not an argument for not opening a trial," said Soberon, refuting a potential defense from Humala's legal team. "As precedent there is the case of 'Cabitos 83.'" A regional judge, said Soberon, opened a case for torture charges based on the fact that torture had already been prosecuted internationally at the time that the crimes in the case were presumably committed.

Man attempts to bribe witness on video

Peruvian television program Cuarto Poder recorded a man identified as Ruben Gomez attempting to bribe one of the witnesses in the case against Humala to change her testimony. The witness, Teresa Avila, sister of Natividad Avila, refused an offer of US\$20,000. Prosecutors said they would

investigate the bribe attempt. Lima newspaper La Republica said it had revealed in August that the same Gomez had tried to bribe two other witnesses in the case: Maria Sullca Avila (daughter of Natividad) and Jorge Avila Rivera, who was allegedly harmed when Madre Mia soldiers held him captive.

La Republica said that Jorge, "the most important accuser" in the case, had accepted the bribe and changed his testimony. The two other witnesses in the case are not publicly known, as their identities are kept secret under the Ley de Colaboracion, which allows witnesses cooperating with prosecutors to remain anonymous. Humala denied being behind the bribe attempts.

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