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Human Rights Groups, Unions Protest Political Persecution in Peru

by LADB Staff

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Unions and social, political, and human rights organizations are demanding that the administration of President Alan Garcia end its political persecution of leftist union and political leaders and the independent press. Arrest orders have been issued for 13 leftist political leaders for alleged links to the Fuerzas Armadas Revolucionarias de Colombia (FARC).

And, more than 600 union leaders throughout the country are being tried on various charges. At the end of December, the Segundo Juzgado Supranacional issued a detention order for the 13 leftist political leaders, most of whom are militants of the Partido Comunista del Peru Patria Roja (PC del P), Movimiento Nueva Izquierda (MNI), Partido Comunista Peruano (PCP), and grassroots organizations, because of their alleged links with "international terrorism."

Two days before the Asia Pacific Economic Cooperation (APEC) economic leaders forum in Lima Nov. 22-23, 2008, Lima daily La Primera reported the government's intention to round up, during the summit, the 13 social and political leaders as well as opposition leader and former presidential candidate Ollanta Humala of the Partido Nacionalista (PN).

The newspaper published a secret document of the Direccion Nacional contra el Terrorismo (DIRCOTE) that used reports from the Colombian police based on emails supposedly found on the computer of Raul Reyes, international spokesperson for the FARC, obtained after the Colombian military incursion into Ecuador in March 2008 during which Reyes was killed (see NotiSur, 2008-03-07).

"The anti-terrorist police report is dated Nov. 10, 2008, and was prepared to break like a major scandal during the APEC forum, serving to tout the Peruvian security services' supposed efficiency in the presence of the presidents of the US and Colombia (the latter invited to Peru even though Colombia is not a member of APEC) and other world leaders," wrote journalist Raul Wiener, who investigated the matter. Wiener is now under investigation by security forces and is accused of ties to presumed terrorist groups.

On Jan. 14, he was subjected to nearly three hours of questioning in the DIRCOTE offices, where he was taken on orders of the Tercera Fiscalia Provincial Supraprovincial to answer charges of having committed a "delito contra la tranquilidad publica (crime against public tranquility)," that is, terrorism.

"In the final part [of the interrogation], the questions were aimed at trying to implicate me with the FARC, the MRTA [Movimiento Revolucionario Tupac Amaru, a subversive groups that, along with Sendero Luminoso, waged an armed conflict that devastated Peru from 1989 to 2000],

the Bolivarianos [supporters of Venezuelan President Hugo Chavez], etc. I went from being an audacious journalist to a potential suspect. But all my answers amounted to a resounding 'no,'" wrote Wiener in *La Primera*. "I have no doubt there is a willingness to put together a package to accuse government adversaries. What the government hasn't yet done is define the crimes they are going to be accused of."

The Federacion Internacional de Derechos Humanos (FIDH) wrote a letter dated Jan. 9, 2009, to Justice Minister Rosario Fernandez and Interior Minister Remigio Hernani, regarding the 13 persecuted leaders and expressing concern that "official documents related to this arrest are kept secret and no access has been allowed to the information on which the accusation is based."

The FIDH asked the ministers to give the accused "access to the documents that pertain to them and to the information used as a basis for the allegations against them so that they can exercise their right to a defense. Otherwise, such accusations could be seen more as an attempt to intimidate the opposition and put a damper on the social struggles that have been multiplying in recent months rather than as a real search for justice." Repressive legislative decrees In early January, Mario Huaman, secretary-general of the Confederacion General de Trabajadores del Peru (CGTP), reported that close to 600 union leaders have been persecuted, detained, or are being tried in what has been called "criminalizing social protest."

Huaman mentioned one of the most recent cases, that of the secretary-general of the Sindicato de Trabajadores en Construccion Civil de Lima y los Balnearios (STCCLB), Buenaventura Vera Perez, who has been held in the Penal de San Jorge in Lima since Dec. 20 on charges of violence and resisting arrest. Vera Perez was detained immediately a meeting with construction workers of a commercial center who were demanding that contractor Monte

Elbruz fulfill requirements regarding safety measures and respect for workers' labor rights. Huaman said that, to persecute social opponents, the executive enacted 11 legislative decrees on July 22, 2007, exercising powers Congress had granted it three months earlier to legislate matters related to the fight against organized crime. On repeated occasions, the Asociacion Pro Derechos Humanos (APRODEH), the CGTP, the Confederacion Nacional de Comunidades del Peru Afectadas por la Mineria (CONACAMI), and other social organizations have specifically expressed their opposition to Decrees 982, 983, 988, and 989, which they say are unconstitutional and violate citizens' right to freely participate in protests.

Those decrees allow the police or military to use weapons against demonstrators at will and cause death or injury without being accountable for their acts. They provide a maximum 25-year sentence for participating in marches; incommunicado detentions for up to 10 days, regardless of the charges; detentions by the police without a warrant even when a suspect is apprehended far from the scene of an incident; and the initiation of investigations without a lawyer present.

Long list of people affected

Social and human rights organizations contend that these decrees violate the rights of freedom of association, of expression, and to strike, among other fundamental rights. Luis Zegarra, president of the Frente de Defensa de Madre de Dio, a department in eastern Peru, is on trial along with 32 other

leaders who participated in the national work stoppage on July 9, 2008, protesting against President Garcia's economic policies and for a solution to labor and social demands (see NotiSur, 2008-09-05).

Zegarra is accused of having participated in violent acts during the work stoppage. He denies the charges and says he is being persecuted for disagreeing with the government. "The government is resorting to practices characteristic of the worst dictatorships," said Zegarra to La Primera.

Some 300 citizens, most of them leaders, in Piura, on the northern coast of Peru, have been accused of various crimes for opposing the Rio Blanco mining company (formerly Majaz). Among them are 35 mayors, communal authorities, activists, and human rights lawyers who backed the September 2007 neighborhood consultation in Piura in which 90% of the participants said "No" to Rio Blanco's proposed copper exploitation. They are accused of terrorism.

Although the head of the Piura Fiscalia Provincial Penal (criminal prosecutor's office), Jose Ortiz Arevalo, ruled in October to close the case, in January a higher-ranking prosecutor ordered that the case of these environmentalists be transferred to the Piura Direccion contra el Terrorismo for the investigation to continue and, if applicable, for charges eventually to be filed. In the neighboring southern departments of Moquegua and Tacna, 22 and 40 people, respectively, have been tried for participating last year in a demonstration to protect their right to the canon minero (see NotiSur, 2008-12-12).

In the southeastern department of Cusco, 78 people have been tried for participating in a demonstration and regional strike in early February 2008 against two laws passed by Congress that allow private construction projects close to archeological sites in the area. "Rather than criminalizing social protests, the government should promote effective social-justice policies and actions," said APRODEH in a document that analyzes the serious dangers for human rights that Garcia's 11 legislative decrees represent.

On Jan. 14, thousands of workers and other groups demonstrated in Lima against "criminalizing the grassroots movement," and a delegation of union and political leaders gave Prime Minister Yehude Simon a document asking the government to stop persecuting those who disagree with its policies or who protest against government measures that they consider unjust.

Simon met with the delegation and offered support for the persecuted union leaders. "The prime minister told us that he can attest that our union comrades are not carrying out any activity against the government," said Carmela Sifuentes, president of the CGTP, to the daily La Republica.

Nevertheless, the leader has no doubt that judicial decisions are independent. Huaman recalled Simon's promise to resign if political persecution against opposition leaders were proven. "We asked him to carefully look into the matter and disavow everything that is behind this," said Huaman.

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