

6-27-2014

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Elsa ChanduvÃ JaÃ±a

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Recommended Citation

ChanduvÃ JaÃ±a, Elsa. "Amazonian People Demand Justice in Peru as Trial of Bagua Defendants Moves Slowly." (2014).
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Amazonian People Demand Justice in Peru as Trial of Bagua Defendants Moves Slowly

by Elsa Chanduví Jaña

Category/Department: Peru

Published: 2014-06-27

Congressional deputies and indigenous leaders commemorated the fifth anniversary of the Bagua massacre as the case against 52 indigenous Peruvians accused of killing 12 police was moving slowly through the courts ([NotiSur, June 5, 2009](#), [Jan. 29, 2010](#), and [June 18, 2010](#)). The massacre, in which 33 died and one person disappeared in the Amazonian city of Bagua, occurred in June 2009 after police swept in to lift a highway blockade organized by Awajún-Wampi Indians.

The Amazonian Indians had begun their protest on April 6, 2009, to voice discontent with the promulgation of nine legislative decrees they said infringed on ancestral rights to their land—decrees that the government of President Alan García (1985-1990, 2006-2011) approved in 2008 without consulting indigenous peoples. Congress approved the decrees to adapt national legislation to a free-trade agreement (FTA) with the US that went into effect on Feb. 1, 2009.

"These legislative norms put our lives and life in the Amazonía at risk. Because of it, the Awajún-Wampi peoples had to act in self-defense. That is what has happened," Awajún leader Santiago Manuin Valera told La República.

Amazon Indians took control of PetroPerú's Oleoducto Norperuano Stations 6 and 5 and blocked the Fernando Belaúnde Terry Highway in the Curva del Diablo area in 2009. On June 4, after 57 days of struggle, demonstrators realized that they couldn't hold out much longer and agreed to lift the blockade. They announced they would leave the Curva del Diablo and the oil company's base facility the next day. Meanwhile, the government had decided to force them out, and early on June 5 began a police operation at the Curva del Diablo that left 13 police and 10 civilians dead ([NotiSur, July 24, 2009](#)).

Upon learning about the forced removal at Curva del Diablo, but without taking their decision to retreat into consideration, demonstrators at PetroPerú Station 6 fired weapons they had taken from 38 police they had kidnapped. Ten police were killed and Police Chief Felipe Bazán disappeared. That brought the number of police killed to 23 and the total number of deaths, including civilians to 33.

"We are concerned about the Indians and the mestizos; the Coordinadora Nacional de Derechos Humanos (CNDDHH) also feels a debt to the police," Rocío Silva Santisteban, CNDDHH executive secretary, told the intercultural communication service Servindi during the "We are all Bagua" sit-in. The June 5 sit-in in front of Lima's Palace of Justice was organized by the Asociación Interétnica de Desarrollo de la Selva Peruana (AIDSEP).

"All Peruvians who fell and died deserve respect and a search for justice," Santisteban said.

"Today we are united by remembering those times, this historic date, a day that everyone is aware of and that exhibits the repressive policy that exists against those who defend fundamental human rights," AIDSEP chief Saúl Puerta Peña told those gathered at the demonstration.

Judicial proceedings underway

The courts have opened four cases related to the "Baguazo." In each case, those blamed are Indians, both civilian and police. No official of the Aprista government has been charged.

In mid-May, the first case—that of the Curva del Diablo incident—began, in which 52 Indians were accused of various crimes—homicide, causing serious injuries, rebellion, and sedition—that could be punished by terms of 35 years to life in prison. The proposed sentences are excessive considering the evidence does not support the charges, according to Juan José Quispe, a lawyer at the Instituto de Defensa Legal (IDL) now defending several of the accused.

The prosecutor's office is seeking life sentences for Amazonian leaders Alberto Pizango Chota, president of AIDSEP, Joel Shimpukat Atsasua, Leo Timias Tananta, Santiago Manuín Valera, Héctor Orlando Requejo Longinote, and José Gilberto Chale Romero, who they consider instigators, as well as Feliciano Cahuasa Rolín and Danny López Shawith.

The other proceedings involve the case of PetroPerú Station 6 in which 24 Indians face possible death sentences for killing 10 police and wounding 28 others; the case of "Mayor Felipe Bazán" in which five people are being processed; and the case against "the PNP generals" in which six police are charged with killing one person and wounding 20 civilians. In the first two cases, judicial investigations have been completed and are in superior court. The last one is still under investigation.

Impunity for those responsible

On May 26, the second hearing of the Curva del Diablo case was held in Bagua. Presiding Justice Gonzalo Zaraburú told defendants, "The judge may give a lesser sentence than the prosecution has requested if defendants admit their guilt." All the accused maintained not-guilty pleas to the charges levied against them.

"There is a cover-up of the real culprits," said Awajún leader Manuín Valera, referring to former President García; Mercedes Cabanillas, former interior minister; Mercedes Araoz, former foreign trade minister; former prime minister Yehude Simon; and Luis Uribe and Elías Muguruza, both generals in the national police force.

In the same vein, more than 15 congressional deputies issued a statement calling for judicial authorities to consider charges against the politicians who had a role in the Bagua event along with the 52 indigenous leaders. Their statement was issued to commemorate the fifth anniversary of the events.

"The government had been advised that the people were going to leave, but police were sent anyway," said Amazonas Deputy Eduardo Nayap, an Awajún, who signed the statement.

A complaint also came from the relatives of the dead police. Renán Delgado, father of noncommissioned officer Rely Delgado Sánchez, said the authorities at the time did nothing to protect the lives of the kidnapped police being held by more than 1,000 Indians at oil-company facilities. "Five years have gone by and the prosecutor's office has not charged anyone," Delgado said.

Peruvian justice only holds those on one side of the conflict responsible and doesn't take the language or culture of those defendants into consideration

"We have a judiciary that chooses not to be intercultural. Five years after the events there are still no Awajún or Wampi interpreters for preliminary hearings, and we have had to demand the presence of anthropological experts to explain certain acts within the Awajún worldview," Quispe told the newspaper *El Comercio*.

US interference

A recent WikiLeaks report revealed a document about the Amazon Indian uprising that US Ambassador Michael McKinley sent to the US State Department on June 1, 2009. It said, "Should Congress and President García give in to the pressure, there would be implications for the recently implemented Peru-US Free Trade Agreement. ... The government's reluctance to use force to clear roads and blockades is contributing to the impression that the communities have broader support than they actually do. Oil and natural gas pipelines are being cut, threatening to lead to electricity shortages across the country and appearing to rouse the broader population from their initial indifference."

Remembering the words of former foreign trade minister Araoz—that if the decrees the Awajún and Wampi people challenged were to be repealed, the FTA with the US would fall—it is not difficult to understand why the government acted as it did.

Political analysts and congressional deputies who consider McKinley's dispatch to be US interference in domestic affairs demanded that García, the former president, clarify this issue.

"This is meddling, pure and simple," journalist Raúl Wiener wrote in an article titled "Meche Araoz didn't lie: Washington ordered the attack at Bagua."

"It has come out that the US Embassy encouraged the attack at Bagua by indirectly requesting tough treatment of the Indians and thus leaving the road clear for the transnational companies," said Frente Amplio Deputy Verónica Mendoza.

Following the deaths of 33 people at Bagua, some of the decrees were repealed but the Free Trade Agreement remained in place.

Deputy Nayap said that, if President García "did not defend national sovereignty and the sovereignty of indigenous peoples who are Peruvian citizens, and if he allowed them to be subordinated to the desires and pressure from another country—if he did that, he was a very weak leader."

"It can be said he acted as a traitor to the country," Nayap said in an interview with *La Primera*.

The dramatic events of Bagua put indigenous rights in Peru on the public agenda. As a result, laws on prior consultation of indigenous peoples and on forestry were adopted, and an intercultural office was created at the vice ministry level ([NotiSur, Dec. 17, 2010](#)). Peru, however, is far from being an intercultural country that promotes dialogue respectful of different cultures.

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