

Practices favouring impunity have been implemented with regard to the violence committed by the police forces against the Awajún and Wampís indigenous peoples

Due to the tragic events, which took place on June 5 in Bagua, in the Department of Amazonas, a mission from the International Federation of Human Rights (IFHR), consisting of Ms. Elsie Monge, Executive Director of the Ecumenical Commission on Human Rights (CEDHU), and Mr. Rodolfo Stavenhagen, former United Nations Special Rapporteur on Indigenous Peoples, visited the area. Mr. James Anaya, the current United Nations Special Rapporteur on Indigenous Peoples, also visited the country. Both international missions observed, in their own way, the existence of a passive and indifferent policy on the part of the government with respect to the excessive use of violence committed against the indigenous and mestizo inhabitants and its unwillingness to investigate and clarify the circumstances, which led to the civilian causalities.

In the interview published in the gazette, "La Primera", on June 22, 2009¹ (see Exhibit 4), the members of the IFHR mission categorically stated that a policy of government impunity existed with regard to the acts of violence committed against the Awajún and Wampís indigenous peoples, as well as mestizo inhabitants:

"- Journalist: Were the actions undertaken by the government, after the massacre in Bagua, aimed at concealing the events?"

-E Monge: *The police surrounded the area for several days so that no one could enter. If there was nothing to hide, then why was it surrounded for five days? Concealment of the events is a mechanism of impunity. That is what they are intending to do. The State is responsible for concealing the truth.*

-R Stavenhagen: *Authorities are responsible for the concealment of events. The main point is that if the truth is concealed, a lot of frustration and anger is generated within the population. (...) This concealment of the truth shows that there was a very serious pattern of violations of the right to life and all citizens' rights in general.*

- Journalist: You all have talked with a number of authorities. How did they respond to the reports of unconfirmed deaths and missing persons?

-R Stavenhagen: *They did not provide any explanation about this. They told us that they do not have all the information. The government officials we talked to believe that the killing of police officers is a proven criminal act, which will be prosecuted. They try not to give too much importance to the other issues.*

¹ At: http://www.diariolaprimaperu.com/online/entrevista/hay-mas-muertos_40840.html (consulted on July 29, 2009).

- Journalist: How would you characterize the image of the Peruvian Government after these events?

-R Stavenhagen: Its image has been significantly tarnished. I feel that the government acknowledges this, because the President himself apologized for the mistakes made...

- Journalist: Is that enough?

-E Monge: There have been some rectifications, but there are also negative signs, such as the concealment of what happened (...)

-R Stavenhagen: Apologizing is not enough. Justice needs to prevail. There is an organized pattern of human rights violations and behind that there are parties who are responsible.

- Journalist: What levels of the government are responsible?

-R Stavenhagen: That is what we have to investigate, and justice has to determine the responsibilities. Nevertheless, this is not being investigated. The State is responsible for making the decision that led to these events. I do not know exactly which levels of government make these decisions, but it is probably very high up."

(Emphasis has been added by us.)

The IFHR mission ratified these statements in a press release dated June 19, 2009, formally indicating, among its conclusions, the following:

"During the operation conducted by the police to clear the highway and its aftermath, several human rights held by the indigenous and civil population were violated. The State Attorney's Office has not thoroughly investigated the homicides and serious injuries suffered by native and non-native civilians. An attempt to conceal the events is evident, which should not allow those responsible for such incidents to go unpunished." (Emphasis has been added by us).

Likewise, the Rapporteur James Anaya, expressed the following in his report entitled, "Observations about the Situation of the Indigenous Peoples in the Amazon Region and the Events of June 5 and the Following Days in the Provinces of Bagua and Utcubamba, Peru", issued on July 20, 2009:

"29. The Special Rapporteur observed with concern that various government representatives, including the State Attorney's Office and the Ministry of Internal Affairs, indicated that the ongoing investigations would focus primarily, or even exclusively, on the possible crimes of the indigenous protestors and not on the possible irregularities committed by the police and other actors during the events, which occurred on June 5 and continued thereafter. The Ombudsman's Office has only investigated and dealt with humanitarian issues regarding the situation of the persons

affected by such events, delegating the investigation to other state institutions, as expressed in his report and as reported to the Special Rapporteur. The Special Rapporteur takes note of the recent information provided by the Government, according to which the Attorney General's Office shall "open an investigation in the wake of the homicides and injuries brought about by national police officers in detriment to civilians." (Emphasis has been added by us.)

The statements made by these independent international observers are particularly profound, since they corroborate that the official investigations have exclusively focused on the indigenous party, in spite of the fact that the "Board of Attorney's for the Department of Amazonas" has determined that the indigenous peoples were not bearing firearms on June 5.

Furthermore, the political and legal responsibilities with respect to the origin of the events are still unknown and unclear. As indicated by the Rapporteur:

"28. In any case, in spite of the information that has been verified regarding the situation of those who witnessed the incidents of June 5, there is still much uncertainty about the events that led to them. The simple fact that various people died and were injured during the events of June 5, and that the circumstances surrounding the casualties have neither been clarified, nor have issues regarding the whereabouts of all the parties present during the confrontation been resolved, was a cause of great concern for the Special Rapporteur. Likewise, the Special Rapporteur points out that pertinent government authorities interviewed during his visit provided differing versions, lacking coherence with respect to the responsibility of the police operations that began in the areas surrounding Bagua on June 5, which would also need clarification. (Emphasis has been added by us.)

Due to this situation concerning a lack of clarification as to civilian fatalities, the Rapporteur has explicitly recommended "*that a special and independent commission be established to clarify the events, which took place on June 5, 2009 and the following days, composed of various institutions considered credible for all the parties involved, in addition to indigenous representation*" including "*the participation of actors from the international labour community.*" Nevertheless, this recommendation has neither been implemented, nor has the State Attorney's investigation focused on police intervention. Based on the foregoing, the Committee is hereby requested to demand the Peruvian Government for an explanation as to all the measures taken with the objective of clarifying the cause of death of the indigenous and mestizo civilians and not only the deceased police officers.