

- PERU -

Background:

On the night of the 17th. of July, 1992, members of the Peruvian army broke into the dormitories of the National University Enrique Guzman y Valle and kidnapped 9 students and a professor. According to eyewitnesses "30 masked soldiers burst into the male dormitories and forced the 60 students inside the hallway with threats and blows. The students were forced to lie face down on the floor. One of the uniformed men, apparently an officer, went through the group with a list in hand, ordering that certain students be pulled out.

Reportedly, the list had been prepared by military intelligence officers who had infiltrated the university as students. A similar operation took place at the female dormitories. Professor Muñoz was detained in his house in the Professors' Residence. The detainees heads were hooded and they were forced into a pick up and carried off. All detentions were denied by the army, police and Dincote in the next morning".*

The names of the detainees are: Hugo Muñoz Sanchez(47), Marcelino Rosales (22), Dora Oyague (21), Luis Ortiz (20), Roberto T Espinoza (23), Armando A. Condor



Officials and journalists on July 8, 1993, observing the start of the exhumation of the victims of "La Cantuta".

* Information provided by America's Watch.

(21), Felipe Flores (23) Bertila Lozano (21) Juan Marino (29 and Pablo Meza (29).

Investigation:

This University, known also as "La Cantuta", is the country's leading teacher's college. It was occupied by the army in may 1991, as part of President Alberto Fujimori's effort to combat the guerrilla movement Shining Path. It has been long suspected by the security forces of being a guerrilla training ground. A military base the students were kidnapped.**

The kidnappings at La Cantuta were interpreted as a retaliation from a Shining Path car-bomb, that exploded two days before in the Miraflores neighborhood , in Lima. The explosion provoked the death of 26 people and 200 more were wounded.

The investigation started at military courts with no results during the first year.

An anonymous group named "Leon Dormido" (Sleeping Lion) ,whose members belong to the army but do not accept the human rights violations that the Peruvian Army is producing on its fight against armed groups, released a document containing expense and detailed information about the military operation at La Cantuta.

The document states that the students and the professor were kidnapped from La Cantuta and executed and buried nearby the highway Ramiro Praile in Huachipa. The next night, at 1:30 a.m. of July, 19th. the soldiers had to exhume the bodies and take them to a more secure place.

The *Leon Dormido* document, and a report released by the Human Rights Commission of the

Parliament (Congreso Constituyente Democratico (CCD) accused Gnal. Rivero Lazo, Chief of the Army Intelligence Direction (DINTE); Gnal. Perez Document, chief of Special Forces Division (DIFE) and Captain Vladimiro Montesinos, Advise on the Security Area and *eminence gris* of President Fujimori of responsibility for these killings. . According to these reports , the perpetrators were: Infantry Commander Guzman Calderon, chief of the Battalion of Command 19, who detained the students and the teachers and who sent them to Intelligence Major Martin Rivas , - allegedly, chief of the death squad "La Colina"- who executed them. The operation was done with the complicity of Infantry Commander Carlos Miranda Balarezo, chief of the BIP 39, who was controlling "La Cantuta" and Major Berteti Caraza from the BIP39 who was at the military unit stationed at "La Cantuta" the night of the killings. Both reports stated that Gnal. Hermoza Rios, chief of the Army gave the approval for the operation.

The day Gnal Hermoza Rios declared at the CCD Inquiry Commission, the army deployed tanks on the street of Lima as a " defense of the prestige of the Armed Forces". Hermoza Rios declared before the press that the accusations of the parliamentary commission were "a campaign against the Peruvian Army that he would not tolerate. " The police and the other armed forces expressed their support to Hermoza Rios in the following days.

In May 1993, Peruvian Gnal. Robles, the third Peruvian general in rank, fled the country on exile to Argentina, and provided a similar account as the Leon Dormido and Parliamentary reports.

** Information provided by America's Watch.

The Role of EAAF:

On July 4, 1993, the director of the weekly "Si", Ricardo Uceda, received an anonymous call that informed him about the location of the graves containing the bodies of the missing students and the professor from "La Cantuta". Uceda reported the next day the call to judicial officials.

On July 8, 1993, Uceda together with members of the CCD, the General Prosecutor, and dozens of journalists found the first remains on the outskirts of Cieneguilla, 14 km from Lima city. According to the journalists, few bones were found, some of them showed apparently the signs of fire; two teeth, some hair and a set of 4 keys.

The recovery of the remains and the associated evidence was done in a completely non scientific way, where people that were not part of the investigation also took some remains. The remains were taken to the morgue in Lima to be analyzed. The exhumation site remained without custody that day.

On July 9, 1993, Dra. Blanca Nélida Colan, General Prosecutor, recovered some more remains. The area was not completely excavated and remained without custody.

No forensic anthropologist was involved on the investigation. A delegation of Amnesty International formed by Peter Archard and Guadalupe Marengo, presented at the time at the country, requested the assistance of EAAF.

On July 12, Luis Fondebrider and Alejandro Inchaurregui, both EAAF members, arrived to Lima as Amnesty International consultants. On July 16, after several attempts, AI and EAAF members finally met Dra. Blanca Nélida Colan, in charge of the investigation of the case. Dra. Colan did not allow EAAF members to go to the grave site or to see the bones because, she said, the

Peruvian Penal Code forbids the work of foreign experts in the judicial process. She was later asked for an explanation of her decision before the CCD because no such a restriction actually exists on the Peruvian Penal Code.

EAAF met with the relatives of the victims to collect pre-mortem information. The relatives have not been approached yet by the official forensic doctors.

While in Lima, a policeman dressed in civilian clothing forced the concierge at the hotel where the delegation of A.I. and EAAF was staying, to provide him with the registration forms of the four of them. In addition, the delegation was followed in a open way.

After collecting information from journalists and eyewitnesses at the excavation site and Amnesty International delegates, EAAF arrived to the following conclusions, that were expressed on a press conference in Lima before returning to Argentina:

1.- No archaeologist or anthropologist participated in the recovery of the remains at La Cieneguilla.

2 - The remains and the associated evidence was collected in a non scientific way.: big shovels were used during all the excavation instead of small instruments who will uncover the bones without damaging them; no mapping or photographs were taken of the remains and items found at the gravesite; the area was not under custody and the graves remains open, after the firsts days of excavation allowing anybody to get into the crime scene.

3 - The consequences of point 1 and 2 are the lack of context to interpret the findings and the lost or destruction of part of the evidence that was on the gravesite. For example, we will not be able to

know if these graves were the original sepulture of the bodies or if they were secondary burial sites.

4.- The evidence that was recovered from the graves was sent to different governmental institution, such as the judicial morgue, the police and others. This make the work even more difficult by separating the evidence and its relationship, preventing to interpret and reconstruct the general context of the findings. In addition, no chain of custody of the findings had been established.

5.- The forensic officials did not contact the relatives of the victims.

This is crucial in order to collect pre-mortem information and try to identify the remains.

A number of recommendations on the way in which this kind of cases should be handled from the forensic point of view were also presented.

EAAF members left Peru on July 17th, 1993, with the certainty that the forensic investigation at La Cieneguilla lacked the basic forensic standard procedures.



VIERNES

La República

Año 12 - N° 4,213 - Precio: S/. 1.00

Lima, viernes 16 de julio de 1993

Director: Alejandro Sakuda M

Fiscalía dice interferiría investigaciones

IMPIDEN QUE EXPERTOS VEAN RESTOS OSEOS

● *Forenses argentinos habían venido para garantizar imparcialidad*

● *Amenazan de muerte a abogado de familiares de desaparecidos*

Gobierno aún no responde solicitud de Amnistía Internacional

No permiten que expertos extranjeros investiguen restos de Cieneguilla

Ⓢ Antropólogos forenses argentinos trabajaron sin obstáculos en tres países

Por **Mónica Vecco**
Fotos de
Virgilio Grajeda

Alejandro Incháurregui y Luis Fondebrider, especialistas del Equipo Argentino de Antropología Forense, se encuentran en Lima a pedido de Amnistía Internacional para participar en el peritaje de los restos óseos hallados el siete de julio en Cieneguilla.

Sin embargo, hasta el momento el gobierno no ha respondido la solicitud del organismo internacional para que intervengan en la investigación, pese a la alta credibilidad de que estos profesionales gozan en el mundo.

Incháurregui y Fondebrider estuvieron en Croacia y poco antes en El Salvador, en este último país acompañando a la Comisión Verdad durante la exhumación de la fosa de Almozota.

Han trabajado en condiciones sumamente difíciles, en plena guerra, en El Salvador e Irak, y —según señalaron— ni aun en los peores momentos los gobiernos de las naciones en conflicto les impidieron trabajar.

La República dialogó con los antropólogos forenses en relación a la técnica para identificar los restos de detenidos-desaparecidos, y sobre el caso peruano, donde los especialistas dijeron tener la percepción de que no se ha actuado correctamente.

¿A qué se debe la presencia del Equipo Argentino de Antropología Forense en Lima?

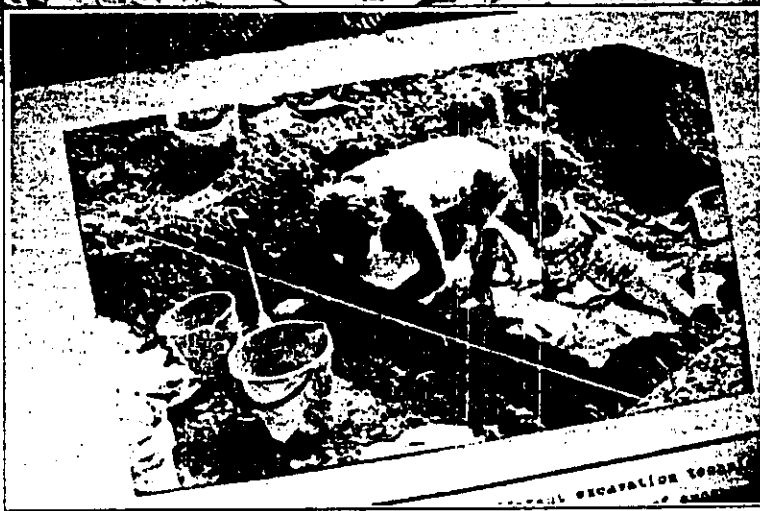
Nuestra presencia obedece a una invitación de Amnistía Internacional, que no es la primera vez que solicita la colaboración de miembros del equipo de antropología forense para estudiar restos óseos. Venimos de trabajar en Rumania, en Croacia, antes estuvimos en El Salvador.

¿Cómo y cuándo se formó el equipo?

El equipo funciona desde el año 1985, como resultado de lo que ocurrió en Argentina en la época de la dictadura militar. En el



A medida que transcurren los días desde el hallazgo de las fosas comunes será más difícil la posibilidad de lograr la verdad, advierten los antropólogos forenses. El médico forense trabaja con cadáveres, con partes blandas, mientras el antropólogo forense trabaja con restos óseos, con huesos.



lapso de nueve años se registró la desaparición de 15 mil personas, muchas de las cuales fueron inhumadas en cementerios municipales como «NN». Al retornar la democracia se inician las investigaciones judiciales y el juicio a los ex comandantes militares. Obviamente, después de ocho, nueve años, los cadáveres de las personas desaparecidas están esquelizados. Se requerían pruebas científicas que la medicina forense no puede aportar: El doctor Clyde Snow, catedrático de

la universidad de Ocklahoma, formó el primer equipo especializado de antropólogos forenses para realizar ese trabajo.

¿Qué lo diferencia de la medicina forense?

El médico forense trabaja con cadáveres, con partes blandas, mientras el antropólogo forense trabaja con restos óseos, con huesos. En América Latina casi no existen antropólogos forenses y la exhumación generalmente la realizan personas sin experiencia en restos óseos. Para efectuar

ese trabajo es necesario un equipo interdisciplinario: un odontólogo, un radiólogo, un arqueólogo forense; si no pierde calidad.

¿Cuáles son los pasos básicos para llegar a un resultado positivo en la investigación?

Hay varias etapas. Una es la investigación preliminar, que consiste en conocer todos los aspectos jurídicos que rodearon a la detención de la persona. Además, se debe elaborar lo que se llama una «ficha pre mortem», con los familiares

de las supuestas víctimas, pidiéndoles características físicas que la persona tenía en vida: sexo, edad, estatura, si usaban la mano izquierda o derecha, etc. El segundo paso, que casi siempre es el más descuidado no sólo en nuestro país sino en todo América Latina, es la recuperación de los restos óseos. Generalmente queda en manos de personal sin experiencia perdiéndose valiosas evidencias por una mala excavación.

¿Es lo que ha ocurrido

do en el caso de Cieneguilla?

Nuestra afirmación puede resultar apresurada, porque no hemos tenido acceso ni siquiera a la zona. Toda la información que poseemos es la que ha salido en los diarios. Lo único que yo puedo decir, apelando a nuestra experiencia en estos manesteres, es que no se hicieron las cosas correctamente, pero no tenemos toda la información como para evaluarlo con más rigurosidad.

¿Cómo trabajan ustedes la exhumación de los restos?

Cuando se hace una exhumación, primero hay que hacer un mapa del área, hay que tomar fotografías, si es posible videos, relieves del terreno. Para exhumar a una sola persona, un solo esqueleto, trabajando tres de nosotros demoramos entre tres y cinco horas. Incluso la tierra de la excavación tiene que ser pasada por un cernidor, para recuperar falanges o gentiles que son muy difíciles de detectar a simple vista.

Se trabaja con el mismo instrumental que usa un arqueólogo, cucharines, pinceles, cepillos, para no dañar los huesos. Además, no es lo mismo exhumar una fosa común que una fosa individual, o excavar en un cementerio que en un descampado. Pueden demorarnos varios días, semanas o meses. En El Salvador trabajamos en una fosa común que contenía 132 esqueletos y la mayoría eran niños.

TRABAJO DE ORFEBRE

¿Qué consecuencias traería la falta de cuidado en una exhumación?

Si hay más de un cuerpo, los huesos se mezclan en las bolsas y cuando llegan al laboratorio a veces es imposible la identificación. No basta una pieza dental para identificar a una persona, hay que hacer un trabajo larguísimo y cuidadoso.

¿Podemos afirmar que esta etapa es la más importante?

Si, la excavación arqueológica es para nosotros lo mismo que para la policía la escena del delito. Por la distribución de los restos dentro de la fosa podemos identificar si la persona fue



Los antropólogos forenses argentinos Alejandro Incháurregui y Luis Frondebrider llegaron a Lima hace cinco días, pero hasta el momento no han podido participar en el peritaje de los restos óseos hallados en la quebrada de Cieneguilla.

ticipen en la investigación de los despojos encontrados en Cieneguilla?

-Hay una realidad. La gran mayoría de nuestros casos están vinculados a crímenes políticos, y aunque nuestro trabajo sólo se circunscribe a una búsqueda científica, causa escozor y encuentra muchas reticencias.

-¿Como las que han tenido al llegar al Perú?

-Sí, pero es general. Nosotros visitamos casi todos los países de América Latina y sabemos que los médicos forenses -salvo algunas contadas excepciones- pertenecen a dos instancias: el Poder Judicial o las fuerzas de seguridad. En los casos especialmente críticos, el Ejecutivo generalmente incursiona en el Poder Judicial evitando que se haga un peritaje independiente. Por lo general, las víctimas, los familiares, no tienen peritos a los cuales recurrir y presentar un análisis objetivo del caso sin ceder a las presiones.

-¿No existen mecanismos internacionales para obligar a los gobiernos a aceptar el peritaje?

-Recientemente, en marzo, Naciones Unidas sacó una resolución recomendando a los gobiernos el peritaje del grupo Argentino de Antropología Forense del cual formamos parte.

-¿Ustedes son independientes?

-Sí, tenemos la ventaja de ser expertos independientes que realizamos un trabajo serio, objetivo y científicamente sustentado. Cada paso que damos, cada conclusión a la que llegamos tiene que ser respaldada científicamente con gráficos, fotografías y material de video, de manera que el juez o la autoridad judicial tenga una información fidedigna de lo que estamos hablando.

-A estas alturas, ¿aceptarían incorporarse al grupo forense que

CONFIRMADO

Dice que interfiere investigaciones Fiscalía se opuso a que intervengan expertos

La Fiscal de la Nación, Blanca Nélida Colán, vetó la participación de los peritos extranjeros, cuya presencia fue reclamada por organismos de derechos humanos para asegurar una investigación imparcial de las fosas comunes de Cieneguilla.

Los doctores Luis Frondebrider y Alejandro Incháurregui, de la organización de Antropología Forense de Argentina, habían llegado al país con el objeto de contribuir al esclarecimiento del caso.

Ellos vinieron a pedido de organizaciones como Amnistía Internacional, que han reclamado al gobierno y a la justicia peruana una investigación imparcial de los restos humanos.

Pero la negativa de la Fiscalía de la Nación los obligará a retornar mañana a su país, sin haber podido realizar sus investigaciones.

Los representantes del Ministerio Público expresaron que sería inconveniente la presencia de los peritos porque interferiría la labor que desarrolla su organismo en torno al caso.

La fiscal comunicó esta decisión a los miembros de la comisión de Derechos Humanos del Congreso, con los que se entrevistó la tarde de ayer en sesión privada.

Durante la reunión con la comisión, la doctora Colán explicó algunos avances que se vienen produciendo en las in-

vestigaciones de los restos humanos hallados en Cieneguilla.

Pero no dio detalles sobre la fecha en la que habrían sido muertas las personas halladas en Cieneguilla y que es uno de los aspectos claves para resolver el misterio que las envuelve.

Explicó que las demoras en el proceso investigatorio obedecen al tiempo que demoran los análisis de laboratorio, que se hacen sobre los restos.

Sin embargo, dijo que no podrían adelantarse juicios sobre el particular y solicitó las mayores reservas a los miembros de la comisión que preside Róger Cáceres.

Este informó que el lunes se dirigirán al lugar en que se analizan los restos para conocer los avances de la investigación que llevan a cabo los expertos de medicina legal.

Cáceres dijo que la fiscal expresó que de acuerdo a dispositivos legales no es posible que participen peritos extranjeros en las investigaciones.

Señaló que ella solicitó expresamente que no se perturben las investigaciones que lleva a cabo el Ministerio Público, dejando establecido que no desea su presencia.

Cáceres expresó al periodismo un pedido para que las investigaciones se realicen de forma transparente y lamentó que no se pueda contar con el aporte de los peritos argentinos.

examina los restos de Cieneguilla?

-Por lo general, exigimos estar presentes desde el primer momento. Podemos incorporarnos a mitad del camino, pero finalmente los resultados no van a ser los mismos. Lo primero que pedimos cuando llegamos a un país es entrevistarnos con las autoridades que están a cargo, al juez, el fiscal, en segundo lugar con los familiares, para luego hacer una inspección ocular en el lugar y por último examinar los restos.

-¿Han cumplido algunos de estos objetivos desde su arribo al Perú?

No. Hoy cumplimos cinco días en el Perú y no hemos logrado entrevistarnos con ninguna autoridad. Existe un pedido de Amnistía Internacional para ser peritos de parte, pero no hay respuesta.

-¿Les ha ocurrido antes?

-¿Les ha ocurrido antes? -Te confieso que no. Nosotros hemos trabajado en lugares tan complejos con

El Salvador o Irak, en situaciones de guerra, y las autoridades nos autorizan a trabajar. Acá en el Perú la respuesta ha sido silencio.

-¿Tienen una opinión del trabajo que se realiza en este momento?

-No tenemos mucho elementos, pero da la impresión, confiando que nuestra percepción es quizá más fina que la de un lector común, que el resultado no será tan positivo.

-Es decir, ¿otra vez estaríamos frente al triunfo del escándalo sobre la verdad?

-Ojalá estemos equivocados, pero parece que uno tiene la percepción de haber pasado antes por esto. Cuando nosotros nos enteramos que hay un hallazgo de restos y ya fueron levantados, y el juez está por dictamen, sentimos que hemos fracasado. Porque es un fracaso nuestro no haber podido difundir lo suficiente los avances de la antropología forense.

muerta en el lugar o no, qué posición tenía respecto a su victimario, etc. La idea es que los huesos son tan importantes como un cadáver, contienen valiosa información que analizada correctamente nos puede llevar a importantes resultados.

-Si los restos han sido calcinados o quemados ¿es posible lograr la identificación?

-Hay más dificultad. En este caso el proceso es al revés. A partir de los restos óseos se dice, bueno, a dónde apuntamos, qué elementos tenemos para trabajar. Tenemos tales fragmentos, tales huesos, entonces de qué podemos valernos para investigar. Si los restos han sido quemados con combustible y la excavación está mal hecha, obviamente eso complica y dificulta la identificación.

-Pero, ¿existe alguna probabilidad?

-Sí, pero con técnicas más sofisticadas. Se puede por ejemplo superponer el cráneo y la foto de la persona en vida. Otro método es

la reconstrucción facial, y otro, más reciente, es la recuperación de ácido deoxirribonucleico, ADN, de los restos óseos recuperados, los cuales, comparados con muestras de cabello y sangre de los familiares, nos puede dar una identificación positiva. Lo que se hace es tomar muestras de los huesos y enviarlas a un laboratorio en Inglaterra o Estados Unidos. Este análisis genético se usó para identificar al médico nazi Josef Mengele el año pasado, y, recientemente, los restos del zar de Rusia.

-¿Se está perdiendo infructuosamente el tiempo con los restos hallados en Cieneguilla?

-No lo sabemos. Desconocemos qué tipo de trabajo se está haciendo. De rutina, el primer paso para nosotros es chequear que el material que vino del campo sea el mismo que uno recibe en el laboratorio, para luego determinar si los restos son humanos o no. Después, el número de personas enterradas, porque como son esqueletos mez-

clados o fragmentados no se sabe cuántos individuos están representados en la muestra.

-¿Cómo se puede determinar esto?

-Lo que se hace es tomar algunos huesos diagnósticos, por ejemplo, temporales. Luego cada resto es lavado y radiografiado para detectar si tiene alguna fractura peri o post mortem. Después es armado y entonces comienzan los análisis para estimar la edad, el sexo, las características raciales. Esto se logra con un criterio de observación morfológica de los huesos. En un primer momento no necesitamos instrumental sofisticado. Los 206 huesos que tiene el cuerpo humano tienen información que permite identificar a la persona y la forma como murió.

-¿Y si los restos han sido calcinados?

-Entonces hay que replantear el trabajo. El análisis tiene que ser más cuidadoso y escurfuloso.

-¿A qué atribuyen la oposición de las autoridades a que ustedes par-

esta naturaleza demanda un enfoque interdisciplinario, distinto y especializado, que sólo están en condiciones de asumir los especialistas argentinos», indicó.

Señaló que es lamentable que después de diez años, los peruanos sigamos padeciendo el síndrome de Uchuraccay, «preferimos el escándalo a la verdad».

Indicó, así mismo, que pese al tiempo transcurrido desde que comenzaron a formularse las primeras denuncias sobre violaciones atroces de los derechos humanos, casi nada se ha

hecho en nuestro país para mejorar la capacidad profesional de quienes deben investigar tales hechos.

-El Estado, las organizaciones de derechos humanos y las entidades de cooperación internacional deberían reflexionar seriamente sobre la parte de responsabilidad que les toca», precisó.

Finalmente, dijo que los peruanos tenemos que entender que para trabajar eficazmente por los derechos humanos se requiere bastante más que buen corazón y alma de huaquero.

Especialista peruano dice que en Cieneguilla se actuó con imprudencia

Se han perdido únicos indicios para tratar de encontrar la verdad

El especialista peruano Oscar Schiappa-Pietra, consultor de diversos organismos internacionales en temas de Refugio y Derechos Humanos, aseveró desde Londres a *La República* que en el asunto de las fosas de Cieneguilla se ha procedido con condonable imprudencia.

Señaló que, por la forma como se hizo la exhumación de los restos, carente del más elemental rigor técnico, se han perdido definitivamente los únicos indicios que podían encaminar la investigación a otro resultado que

no fuera el escándalo.

En esto tiene mucha responsabilidad el Ministerio Público, que inexplicablemente propició que la zona sea «huacuada» y se demoró una semana en disponer medidas simples de seguridad.

Oscar Schiappa se manifestó sorprendido de que hasta el momento las autoridades peruanas no hayan permitido a los especialistas del Instituto Argentino de Antropología Forense asumir la dirección técnica de la investigación.

-La complejidad que requiere una investigación de

Fugitive General Accuses Peruvian Army, Saying Officers Run Hit Squad

By Nathaniel C. Nash

Special to The New York Times

BUENOS AIRES, May 11 — When he passed confidential information to a longtime friend and fellow officer, Gen. Rodolfo Robles Espinoza says, he thought he was helping the Peruvian Army investigate the country's most troublesome human rights case — the secondary execution last July of 18 university students and a professor, all suspected of being members of the Shining Path rebel group.

Instead, says General Robles, who was the third-ranking officer in the army and in line to be its chief in 1995, he was betrayed.

Within days, he was summoned by the army's commander in chief and told that he was being transferred out of the country. He began receiving death threats by telephone and was challenged by anonymous callers to gather the troops under his command to try to stage a coup.

"The plan was to push me to do something stupid and then they could accuse me of being an insurgent, throw me in jail and cover up the case," General Robles said in an interview this week in a Buenos Aires hotel. "When my friends warned me that they would try to harm my two sons, who are loyal army officers, I knew it was time to get out."

In Exile in Argentina

After almost two days in the United States Embassy in Lima seeking political asylum, the general and his family were flown by the Argentine Air Force out of Lima last Friday night.

He is now in exile, and was formally cashiered today by the Peruvian military. But General Robles remains a President Alberto K. Fujimori.

He is accusing the president's top security adviser and de facto head of the Peruvian intelligence network, Vladimir Montesinos, of operating an execution squad of 26 to 25 officers. He says his investigation found that on at least three occasions the squad executed captured Shining Path guerrillas. And he says the army commander, Gen. Nicolás de Bari Hermoza, approved the operations in advance and

is trying to cover up any investigation into the killings.

General Robles said he does not believe President Fujimori knew of the execution squad. "I think this is something his advisers created and did not tell him about," the general said.

"The reputation of the entire Peruvian Army is being damaged by an attempt to protect the existence of a band of criminals, this hit squad," General Robles said. "Most of us are fighting a clean fight against terrorism. Why should the entire army put its neck on the line for this group?"

Pera has now charged General Robles with desertion, insubordination, insulting a senior officer, abuse of authority, causing harm to the nation and falsehood. His two sons, one a lieutenant and the other a major, have been charged with desertion.

President Fujimori has publicly backed General Hermoza and Mr. Montesinos, saying they have been the architects of a successful counter-terrorist policy.

The Peruvian Army has categorically denied that it was involved in the killings of the students and the professor at Cantuta University. But after more than a decade of accusations of human rights violations by the army, General Robles is the highest-ranking officer to join the chorus. And United States officials in Washington note that his account is very similar to charges being investigated by the newly elected Peruvian Congress.

A Warning on U.S. Aid

The Clinton Administration has reportedly told Peru that thorough investigation of human rights violations, and prosecution of offenders, is necessary before any new American aid will be forthcoming. "From a foreign policy perspective, human rights is a sine qua non," said a senior State Department official. "We have just got to have performance in this area. And Peru, I think it is safe to say, is the test case for Latin America."

State Department officials say that in the last few months the number of disappearances and extrajudicial killings



General Robles and other officers in Lima.

"When my friends warned me that they would try to harm my two sons, who are loyal army officers, I knew it was time to get out," said Gen. Rodolfo Robles Espinoza, a Peruvian officer who is now living in exile in Buenos Aires after helping in an investigation of a human rights case. With him yesterday in his new neighborhood were his wife, Nelly Montoya, and some of their children.

including the Puno and Arequipa areas, where Shining Path guerrillas were very active.

In January, he was transferred to Lima to head the army's School of Instruction, was No. 3 in the line of command and was the army's inspector general. He said lower-ranking officers began coming to him with information about the Cantuta killings.

During the night of July 17, 1992, according to both General Robles's investigation and information received by the Peruvian Congress, a special

antiterrorist unit of the Peruvian military directed by Mr. Montesinos entered the campus of the university, 20 miles east of Lima.

Within minutes, the reports say, the unit rounded up at least 18 students and a professor, all suspected of being linked with Shining Path. The suspects were reportedly shot and buried in shallow graves some miles away.

According to Congressional documents, General Hermoza, told of the executions the next day, ordered the bodies exhumed and disposed of in a more permanent way.

When the army after initially refusing to look into the case, announced that it would start an investigation, General Robles said he went to the investigating judge, Gen. José Picón Alcaide, and offered his services. General Robles is the godfather of General Picón's eldest son.

On April 17, the two officers spoke in the home of General Robles.

"General Picón said he had been told by General Hermoza not to pursue the case very much and he told me that in exchange for essentially disregarding General Robles, he was going to be promoted," General Robles said.

He said that he nevertheless offered to provide information to General Picón confidentially and that a week later

he handed over to the general documents describing the key members of the hit squad, its operations commander and its connections with Mr. Montesinos.

An adviser to Fujimori

Mr. Montesinos, a former army captain, has been one of the closest advisers to President Fujimori. Though he was expelled from the army in 1975 for supposedly passing secrets to the Central Intelligence Agency, he has become the de facto head of the National Intelligence Service and has been influential in key changes President Fujimori has made in the army.

Two days later, General Robles was summoned to the office of General Hermoza and told he was being transferred to Washington to become military attaché at the Organization of American States, a post commonly reserved for officers at the end of their careers. But I said I was an officer and would obey his orders," General Robles said.

He said that at first he did not draw a connection between his denunciation and his passing of information to General Picón. But he said that the next night calls started coming to his home, demanding him for meddling in the affairs of the intelligence service, calling him a coward and suggesting that he defend his honor and stage a coup.

"It was then that I began to see the role of Hermoza in this thing," General Robles said. "He is the one who covers up for Montesinos and the hit squad."

His final awakening to the moves against him, he said, came when he asked that his two sons be permitted to move to Washington with him, a request General Hermoza personally refused on May 3.

Some Reported in Danger

The same day, he said, he was warned by friends in the army that one son was to be transferred to the Ayacucho area, where there would be a string of his death by terrorists, and that the other was to be transferred to the drug-trafficking area of the Upper Hualgay Valley where he would be accused of drug trafficking.

"The revenge of these people is very cruel," General Robles said.

On Wednesday morning, he entered the United States Embassy and asked for protection.

For almost 24 hours the military did not know where he was. It was while he was in the embassy on Thursday morning that he heard reports that he was seen in the city's streets on Thursday were sent out by the army to discourage any thought of an uprising.

General Robles vows to continue the struggle to see the Peruvian Army fight for human rights violators.

"They call me a rebel, but I am fighting for the Peruvian Army and the goal of bringing all these criminals to justice," he said.

Army Officers' Trials to Test Democracy in Peru

By JAMES BROOKE
Special to The New York Times

LIMA, Peru, Jan. 8 — Hurrying before the light of dawn exposed their work at a Peruvian Army firing range, a group of hooded gunmen lined up nine students and a professor kidnapped hours earlier from dormitories at a teachers college here. In the final minutes of that night 18 months ago, all 10 were shot in the head.

Returning two days later to study the site in daylight, the gunmen found a foot protruding from the desert sand and hastened to cover up traces of the killing, according to participants quoted in press accounts here.

Similarly, the killings on July 18, 1992, of the 10 people from La Cantuta University will not go away. Ten army officers and soldiers have been charged with kidnapping and killing the professor and students in the belief that they were responsible for car bombings carried out by the Shining Path guerrilla movement.

The army, however, opposes trying the accused men in open civilian court, and there is doubt that any found guilty would be punished harshly.

A Test Case for Democracy

Today the killings stand as a test case of new civilian institutions that replaced the courts and Congress closed by President Alberto K. Fujimori in April 1992. The United States has warned that \$100 million in eco-

18 months later,
10 killings haunt
the military.

nomia aid will not be disbursed unless those who carried out the La Cantuta killings and other major abuses of human rights are punished.

"La Cantuta is shaping up to be the test case that will make or break aid to Peru," said Juan E. Méndez, executive director of Americas Watch, the New York-based human rights organization.

The American concern about human rights abuses in Peru is to be conveyed later this month, when Alexander F. Watson, Assistant Secretary of State for Inter-American Affairs, and several United States congressmen are due to come here in the highest level American visit since President Fujimori seized expanded powers.

Most American aid was frozen after Mr. Fujimori's action, but recently Peru has campaigned to win the money back, arguing that the human rights situation is improving. Last year, for example, forced disappearances dropped to about 75, down from an average of 300 a year over the previous decade.

Despite the improvements, a satisfactory resolution of the Cantuta case is regarded in Washington as an essential precondition for aid. The army

here thinks differently. Last April, Peru's Army Commander in Chief, Gen. Nicolás de Bari Hermoza, thought he could silence an investigation by the Peruvian Congress by sending tanks rumbling menacingly through streets of this capital.

But in fits and starts, investigations lurched on, fed by crusading magazine journalists, relatives of the students, opposition members of Congress, pressure from the United States, and a dissident faction within the army, Peru's most powerful political institution.

Officers Under Barracks Arrest

Today, in a major civilian challenge to army privilege, two generals and six officers are under barracks arrest and are facing trials for the La Cantuta killings. Two others who have been charged have not been detained.

During the last 12 years of army warfare against the Shining Path, 3,033 guerrilla suspects were detained and secretly killed by security forces, human rights groups charge. In the same period, the army conducted two court-martials for unjustified killings.

Although the suspects in the Cantuta case reportedly believed that they were kidnapping members of a Shining Path bomb squad, guerrilla activities by those killed has never been conclusively proved.

"The soldiers think they are the masters of the world, that they can do whatever they want with poor people," said Rayda Córdor Saes, whose oldest son, Armando Amaro Córdor, was one of the students killed. "When I went to the barracks they laughed in my face and said that my son had probably run off with some woman. Until his keys were found, I always thought that I would find him alive."

After months of army denials and Government stonewalling, a turning point in the case came last summer when investigators sifting through human remains at a common grave found a set of keys. The keys opened locks at Armando Amaro's school locker and at his mother's house here.

That grave, and another at the army firing range, were discovered after members of a dissident army faction called Sleeping Lion sent hand-drawn maps pinpointing two burial sites to Ricardo Uceda Pérez, editor of the Lima newsweekly Si.

The Government never responded to American offers of free forensic analysis. Instead, officials shipped remains to Britain for identification through genetic mapping. Now the Government contends it does not have the money to pay for the necessary tests.

'Anatomy of a Cover-Up'

"From the moment these 10 people vanished, the Government has done its best to keep the truth from public view," Americas Watch wrote in a report in September. "Anatomy of a Cover-Up, the Disappearances at La Cantuta."

According to the report, witnesses, including the third-ranking general in the Peruvian Army, have been har-

assed, threatened and forced into exile. Several have been arrested. General Hermoza has refused to allow any of his subordinates to testify in civilian court or before congressional investigators. The Attorney General's office dragged its feet, leaving most investigative work to journalists. Police officials have branded investigative journalists as terrorist dupes.

But with the keys, the maps, and clothing identifications by relatives, a civilian prosecutor, Victor Cubas Villanueva, decided that he had enough

The army fights
to keep its men
out of civilian
courts.

evidence and on Dec. 16 he formally charged 10 officers and soldiers with kidnapping and murder.

The tenacity of some Peruvians in pursuing the case is explained in part by the easing of a war psychosis that only a few months ago gripped Lima, home to one third of Peru's 22 million people.

"Under the stress of the bombs, the population demanded that terrorism be wiped out at any price," Fernando Rospigliosi wrote recently in *Caretas* magazine, recalling the panic atmosphere caused by a Shining Path bombing campaign in the summer of 1992. "To kidnap and murder 10 university people from a study center where it was known that there was Shining Path activity only made a handful of people nervous."

But with much of the leadership of Shining Path in jail, its ability to wreak havoc has diminished. Last year saw a drop of nearly 50 percent in the number of people killed in political violence and in the economic damages caused by the insurgency. With tensions easing, Peruvians seem increasingly to favor

curbing the army's dirty war tactics.

With newsmagazines publishing photographs of the ringleaders of an army death squad suspected of carrying out the Cantuta killings, the Government has been forced to dismantle the 30-man unit, which was formed three years ago to combat Shining Path activity in Lima.

Named the Colina Group after an army war hero, the group is suspected of carrying out a string of other killings around Lima over the last two years, including the killing of 15 people attending a chicken barbecue in downtown Lima and the disappearance of a left-wing radio journalist, Pedro Yauri Bustamente. The 15 were suspected of attending a Shining Path fund-raiser but apparently were all innocent.

In a final attempt at damage control, the military is reportedly pressing Peru's Supreme Court to rule later this month that the Cantuta case should be tried in a military court instead of a civilian court.

Unlike courts-martial in the United States, most military trials in Latin America are closed to outsiders. In Peru, military court proceedings are closed to all civilian observers — journalists, diplomats, human rights workers and relatives of the victims.

Concern Expressed in U.S.

"It's a test of how autonomous civilian power really is in Peru," said Enrique Bernales Ballesteros, a former congressman who runs a political research institute here. "If La Cantuta goes to a civilian court, it will be a public trial. Military judges are not autonomous. The sentences could be decided in the army high command."

The Supreme Court decision will be watched closely in the United States, where Congress has held up American economic aid to Peru, largely because of human rights abuses.

In a letter in November to President Fujimori, leaders of the House of Representatives's Human Rights Caucus raised the Cantuta case and concluded, "We remain concerned about the lack of progress in prosecuting military and police officials implicated in human rights violations."