



# LETHAL RACISM

EXTRAJUDICIAL EXECUTIONS AND UNLAWFUL USE OF FORCE BY PERU'S SECURITY FORCES

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# EXECUTIVE SUMMARY

Since the removal from office and arrest of former President Pedro Castillo on 7 December 2022, and the subsequent states of emergency (estados de excepción) declared by the authorities, Peru has experienced one of its deepest political and social crises of recent decades. Thousands of people took to the streets to protest. The authorities responded with the use of lethal force and with excessive use of less lethal force aimed at silencing and punishing demonstrators. Between December 2022 and February 2023, 49 protesters lost their lives; 11 people died in the context of roadblocks and hundreds of people were injured, including a policeman, who lost his life. This document analyses the use of force by Peruvian police and military in response to the protests which resulted in grave human rights violations and crimes under international law and calls on the Peruvian state to ensure that those believed to be responsible are held to account.

Specifically, this report documents events in the period from 7 December 2022 to 9 February 2023 and is based on research visits carried out by Amnesty International to Lima, Ayacucho (Ayacucho), Juliaca (Puno) and Andahuaylas and Chincheros (Apurímac), the regions which saw the highest number of social protests and deaths. The organization received information about 79 cases of possible human rights violations and documented a total of 52 in detail. It conducted interviews with people who were injured and the families of those who died, with public officials and with representatives of civil society organizations, lawyers, investigative journalists and medical personnel. In addition, the organization had access to several of the public prosecutor's criminal investigation files on possible human rights violations and reviewed medical reports, autopsy examinations, forensic expert reports and investigations; analysed 92 pieces of audiovisual information and requested official information from the Peruvian state through the Public Information Access System.

The report presents five main findings. First, it concludes that the Peruvian National Police (PNP) and the Peruvian Army (EP) used lethal force (bullets) and weapons whose use is prohibited in law enforcement tasks (pellets) in an unlawful manner and less lethal force (tear gas) in an excessive, disproportionate and, sometimes, unnecessary manner.

Regarding the use of lethal force, the Peruvian security forces used various assault rifles with live ammunition, whose use in the policing of demonstrations and public order operations is prohibited under international standards. Even in circumstances where smaller groups of protesters used stones, explosives or handmade weapons, the use of lethal force to disperse civilians, and even more so when it was indiscriminate, was an unlawful response by police and military personnel.

As regards less lethal force and weapons whose use is prohibited for security and law enforcement purposes, Peruvian security personnel mainly used tear gas and pellets. On numerous occasions these weapons were used in contravention of international standards, such as firing tear gas from helicopters or using metal pellets, considered highly harmful and which, in several cases, caused the deaths of protesters.

In total, 49 people died in the context of police and military operations due to repressive actions carried out during the months of December 2022 and January and February 2023. Amnesty International documented the cases of 25 of those killed, (among them six children) who died during protests in Andahuaylas, Chincheros, Ayacucho, Juliaca and Lima. Of the 25 cases, 20 deaths occurred in circumstances consistent with extrajudicial executions, either because of the type of ammunition used, the location of injuries on the body, the victims' apparent defencelessness at the time of death and the way the incidents occurred as observed in videos and images and reported by witnesses, among others. In addition to these 25 people, Amnesty International documented 24 cases of people injured by bullets, metal pellets or tear gas grenades during police and military operations. Many of those injured sustained serious injuries, which constitutes a violation of their right to physical integrity affecting their ability to continue their work and family lives.



Second, the report concludes that the unlawful use of lethal force by officials was widespread; that is, the use of lethal ammunition was recorded repeatedly in four of the five regions studied, pointing to the need for investigations to focus on the possible responsibility of the most senior commanders, at least, of the PNP and the Peruvian Army. Even though the first fatality was recorded on 11 December and several deaths occurred in the following days, the evidence suggests that the police and military forces did not change the tactics or strategy adopted in their response to social protests in the following weeks, persisting in using the same methods. Dozens of people lost their lives between the beginning of the protests and 9 February (one person died in March as a result of injuries sustained on 11 January). However, the police and army continued to use live ammunition during the protests, even though the Ombudsperson's Office and international human rights bodies had called on the Peruvian authorities to end the excessive use of force. The consistent pattern of illegal and improper actions by public servants could mean that police and army commanding officers and their superiors deliberately (or at least culpably, through repeated negligence) overlooked their responsibility. As a result of the research undertaken, this document concludes that, far from being isolated incidents of individual police and military excesses, the unlawful use of lethal force by the Peruvian security forces appears to have been to a deliberate and coordinated state response.

Given the number of deaths that have occurred in various regions of the country, the evidence suggests that superiors in the chain of command at the highest level may have ordered the operations, allowed or encouraged the serious human rights violations that occurred, or knowing about them, did nothing to prevent them. In addition, the report concludes that current Peruvian national legislation permits impunity within the Peruvian police for excessive use of force, due to recent legal amendments, and published laws that do not comply with international standards and that allow police officers who may be responsible for serious violations of human rights to escape justice.

Third, this report documents how the use of lethal force by Peruvian security personnel was used exclusively in regions outside Lima, the country's capital, and that the deaths recorded during the protests suggest a marked racist bias on the part of the Peruvian authorities, targeting groups who have historically experienced discrimination. Although these regions account for only 13% of Peru's total population, they contain a high percentage of people that self-identify as Indigenous. These regions with a majority Indigenous population account for 80% of the total number of deaths recorded since the crisis began. In regions where the level of violence and the number of protests were similar, the number of deaths in mostly Indigenous areas was much higher; that is, there was an over-representation of deaths due to the use of lethal force in regions inhabited by Indigenous peoples.

Fourth, the report concludes that although most of the protests throughout Peru were peaceful, the highest authorities of the Peruvian Executive branch, including the President of the Republic and the Presidency of the Council of Ministers (PCM), intentionally stigmatized protesters as violent and radical and did not publicly demand accountability from the police and the army. Despite considerable evidence of police and military responsibility in the dozens of deaths that had occurred, the President and the Premier made baseless statements that branded protesters as terrorists and praised the actions of the Peruvian security forces. In doing so, the authorities disparaged important sectors of Peruvian society, in particular the campesino and Indigenous populations living in poverty who have been marginalized and discriminated in the country for centuries. This analysis is key to establishing possible command responsibility.

Fifth, and finally, the report states that the Public Prosecutor's Office in general has not carried out criminal investigations promptly, thoroughly and impartially and a series of institutional measures adopted by the Attorney General between December and March have further undermined ongoing proceedings. The evidence demonstrates that, even though the institution's prosecutors sometimes carried out their tasks promptly and thoroughly, in general ongoing criminal investigations have lacked rigour, promptness, impartiality and effectiveness and have failed to comply with key procedures within their investigative mandate.

For example, in the period studied by Amnesty International, weapons used by the police and the army were not seized, which prevented key ballistic examinations from being carried out to identify those responsible for the deaths; police and military personnel were not interviewed, despite the fact that on many occasions the names of the personnel deployed during the protests were available to prosecutors; there were multiple breaks in the chain of custody for evidence, especially relating to ammunition; and several relatives of the deceased or injured had not been interviewed nearly three months after the events occurred. Finally, Peruvian security forces may have engaged in criminal concealment by failing to report the use of ammunition during protests and obstructing the presentation of other key pieces of information.

Given the above, Amnesty International believes that the Peruvian authorities must urgently take measures to end entrenched impunity within the Peruvian National Police and Army which facilitates the unlawful use

of force that reflects a racist bias against Indigenous and campesino people, given that just as in previous decades, the victims are still mostly people from rural areas, whose first language is not Spanish. Among its most urgent recommendations, Amnesty International calls on the President to condemn and end the use of lethal force by the security forces when responding to protests and to carry out an urgent assessment of the structural racism that appears to permeate the actions of Peruvian state institutions. In addition, the organization urges the Public Prosecutor's Office to redouble its efforts to ensure prompt, effective and impartial investigations and to request technical assistance from international human rights bodies, so that they can assist in investigations and ensure access to justice for victims.

# 1. METHODOLOGY

In this report, Amnesty International documents human rights violations and crimes under international law committed by the Peruvian security forces, mainly the Peruvian National Police (PNP) and the Peruvian Army (Ejército del Perú, EP) between 7 December 2022 and 9 February 2023.

As part of the research for this report, several Amnesty International teams, including a crisis response team, visited the cities of Lima, Ayacucho (Ayacucho region), Juliaca (Puno region) and Andahuaylas and the town of Chincheros (Apurímac region). This analysis focuses exclusively on these localities, even though information was obtained through interviews and open sources of possible violation of human rights in other localities of these same regions as well as in other areas of the country such as Cusco, Arequipa and Junín.

The organization met with survivors of human rights violations, relatives of victims, witnesses, human rights organizations and journalists. In addition, its representatives met with officials of the Ombudsperson's Office of Peru in Ayacucho, Apurímac, Lima and Puno; with prosecutors from the Public Prosecutor's Offices in Ayacucho, Apurímac, Lima and Puno, as well as with the Attorney General to learn about proceedings carried out and the progress of investigations. They also met with police personnel in the cities of Ayacucho and Andahuaylas, as well as medical personnel from the "La Revolución" and "Mariano Melgar" health centres in Juliaca and the "Carlos Monge Medrano" (CMM) Hospital in Juliaca.

On 14 February 2023, Amnesty International met with the Minister of Defense, Jorge Chávez, and the following day with President Dina Boluarte, the Minister of Justice and Human Rights and the Chancellor at the Government Palace, as well as the Attorney General. Similarly, on 2 March, a meeting was held with staff of the Directorate-General for Democratic Security of the Ministry of the Interior. Although a meeting was requested with senior Peruvian National Police (PNP) officials, the institution cancelled twice.

Amnesty International collected information and testimony on a total of 79 cases of possible human rights violations committed in the context of the demonstrations. Although the organization is aware of allegations of torture and arbitrary detention, this report focuses on 52 documented cases of people killed and injured due to the use of lethal and less lethal force, allegedly by security forces, in the five locations mentioned. For all these cases, the organization managed to access medical records, death certificates and/or autopsy reports, as well as prosecutors' files from the Public Prosecutor's Office investigating the cases in Ayacucho and Juliaca and, partially, in the case in Andahuaylas. In the case of Lima, no information was obtained regarding the prosecutor's file. In several of the documented cases, video footage of the incident or access to witness testimony were obtained.

Amnesty International's Evidence Lab analysed 92 pieces of audiovisual and photographic material and managed to confirm 67 of them. The methodology of the Evidence Lab included verifying the date of capture and upload on social networks, geolocation of content and identification of law enforcement units. In addition, the organization's weapons experts analysed the use and type of weapons, ammunition and vehicles employed by the authorities.

Amnesty International made 10 requests for information through the Public Information Access System to the Ombudsperson's Office, the Ministry of Health, the Ministry of Defense, the Ministry of Justice and Human Rights, the Ministry of the Interior, the Peruvian National Police and the Public Prosecutor's Office. At the time of publication, the organization had only received complete information from the Ombudsperson's Office. In the cases of the Ministry of Health, the Ministry of Justice and Human Rights and the PNP, the information received partially responded to requests. In the case of the Public Prosecutor's Office, a first request in December was answered, but when more detailed information was requested, the authorities indicated that



owing to the volume of information requested<sup>1</sup>. In the cases of the Ministry of Defense and a section of the request to the Peruvian National Police the request was rejected as “classified information” or “confidential”.<sup>2</sup>

Finally, it is important to clarify that, for the purposes of this report, the term “ammunition from a firearm” is different to that found in international standards (“firearm which fires lethal ammunition”), and instead refers to the broader use given by the forensic, medical and prosecutorial authorities in Peru. When the term “projectile from a firearm ” or “PAF” (Proyectil de arma de fuego) is used in references to official documents, this denotes both lethal ammunition (bullets) and prohibited and less lethal ammunition (pellets mainly), and not exclusively lethal ammunition, which is explicitly referred to.

Amnesty International expresses its gratitude to all the victims and family members and recognizes their courage in sharing their testimonies; the professionals providing them with legal support; human rights organizations, journalists, health personnel, public officials and others who contributed to the preparation of this report.

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1. Public Prosecutor’s Office, Official communication No. 001469-2023-MP-FN-PJFSLIMA, dated 6 February 2023.

2. Ministry of the Interior, Official communication No. 690-CCFFAA/SG-UAIP, dated 9 February 2023.  
Legal report N° 379-2023-REGPOL-LIMA/UNIASJUR

# 2. CHRONOLOGY AND KEY EVENTS

Following a motion presented by Congress to remove the president, which was scheduled for debate on 7 December 2022,<sup>3</sup> that same day, President Pedro Castillo broadcast a message to the nation in which he announced the decision to establish an emergency government (gobierno de excepción). Among other measures, he ordered the dissolution of Congress, the calling of elections and government by decree, a national curfew and the restructuring of the justice system.<sup>4</sup>

The president of the Constitutional Court and the plenary of the National Board of Justice voiced their rejection of what they considered “a coup d’état”.<sup>5</sup> The president of the Judiciary also expressed her opposition to the measures announced.<sup>6</sup> Likewise, the Government’s General Legal Counsel denounced the manoeuvre and indicated in a statement that he would file a criminal complaint with the Public Prosecutor’s Office.<sup>7</sup>

The Ombudsperson’s Office issued a statement declaring that “Peru faces a constitutional collapse that cannot be called anything other than a coup d’état” and demanded the resignation of the president.<sup>8</sup>

In a matter of hours, the Congress declared the president had been removed from office and ordered the Vice President of the Republic, Dina Boluarte, to assume the Presidency in accordance with the order of presidential succession established in article 115 of the Constitution.<sup>9</sup>

In the following days, thousands of demonstrators took to the streets to protest against the measures taken by the Congress of the Republic and to request, among other things, immediate general elections, the forming of a Constituent Assembly, the resignation of the President of the Republic and the release of former President Pedro Castillo, who had been arrested on 7 December accused of the crime of rebellion.<sup>10</sup>

On 12 December, the government declared a state of emergency in Apurímac, Ica and Arequipa and on 15 December extended it nationwide.<sup>11</sup>

According to the Ombudsperson’s figures, between 7 December 2022 and 20 February 2023, 1,327 protest actions were recorded, including mobilizations, peace marches, sit-ins and vigils. It also registered at least 153 acts of violence by demonstrators consisting of the occupation of facilities (19), destruction or damage to public or private property (79) and clashes with law enforcement (55).<sup>12</sup>

3. Twitter. Congress of Peru, 7 December 2022, <https://twitter.com/congresoperu/status/1600563224788738049?s=20> (Spanish only).

4. Message to the Nation by President Pedro Castillo, 7 December 2022, <https://www.facebook.com/PresidenciaPeru/videos/5995933910450750> (Spanish only).

5. El Comercio, Es un golpe de Estado [It’s a coup d’état], 7 December 2022, <https://elcomercio.pe/politica/entrevista-francisco-morales-presidente-del-tc-es-un-golpe-de-estado-un-quebrantamiento-del-orden-constitucional-golpe-de-estado-noticia/> See also, Infobae, National Board of Justice rejected Pedro Castillo’s coup d’état: [National Board of Justice s Pedro Castillo’s coup d’état], <https://www.infobae.com/america/peru/2022/12/07/junta-nacional-de-justicia-rechazo-golpe-de-estado-de-pedro-castillo-e-invoca-a-las-fuerzas-armadas/#:~:text=%E2%80%9CEI%20Pleno%20de%20la%20Junta,el%20orden%20constitucional%E2%80%9D%2C%20dijo> (Spanish only).

6. Europa Press, La presidenta del Poder Judicial de Perú defiende la independencia de los jueces tras las acusaciones de Castillo [The President of the Judiciary of Peru defends the independence of the judges following Castillo’s accusations] <https://www.europapress.es/internacional/noticia-presidenta-poder-judicial-peru-defiende-independencia-jueces-acusaciones-castillo-20220813004949.html> (Spanish only).

7. Twitter. Public Prosecutor’s Office of Peru, 7 December 2022, [https://twitter.com/PGE\\_Peru/status/1600565328362233856](https://twitter.com/PGE_Peru/status/1600565328362233856)

8. Ombudsperson. Statement on the political crisis, 7 December 2023, <https://www.defensoria.gob.pe/pronunciamento46/> (Spanish only).

9. Twitter. Congress of Peru, 7 December 2022, <https://twitter.com/congresoperu/status/1643316241564573698?s=20> (Spanish only).

10. Twitter. Public Prosecutor’s Office. 7 December 2022, <https://twitter.com/FiscaliaPeru/status/1600661493195980800?s=20> (Spanish only).

11. Ombudsperson. Informe Defensorial 190-Crisis política y protesta social [Ombudsman’s Report 190-Political crisis and social protest] p. 25. <https://www.defensoria.gob.pe/wp-content/uploads/2023/03/Informe-Defensorial-n.%C2%B0-190-Crisis-poli%CC%81tica-y-protesta-social.pdf> (Spanish only).

12. Ombudsperson. Informe Defensorial 190-Crisis política y protesta social [Ombudsman’s Report 190-Political crisis and social protest]

Other significant actions were the blockade of roads and communication routes, culminating in 145 roadblocks mainly in the north-south zone of the country; and the disruption of services at five airports in the cities of Huamanga, Arequipa, Cusco, Puno and Andahuaylas when protesters took control, or attempted to take control, of them.<sup>13</sup>

Most of the protests were concentrated in the south-central part of the country, mainly in Apurímac, Arequipa, Ayacucho, La Libertad, Junín, Ica, Cusco, Puno and also in Lima, the country's capital.

On 11 December, the first death in the context of the protests was reported in Andahuaylas; that of a 15-year-old boy, David Atequipue Quispe. Between 11 and 14 December, six deaths were recorded in Apurímac, one in Arequipa and another in La Libertad.<sup>14</sup>

On 15 December, eight protesters died in Ayacucho and a further two later died as a result of injuries they received that day.<sup>15</sup> On the same day, the Executive declared a national state of emergency for 30 days, through Supreme Decree No. 143-2022-PCM. Internal maintenance of public order was delegated to the Peruvian National Police (PNP) with support from the Army.<sup>16</sup>

On 16 December, the UN Committee on the Rights of the Child condemned the impact on children and adolescents and urged Peru to ensure that it complied with international standards of use of force and investigate the facts.<sup>17</sup> However, the deaths and injuries did not stop. From 16 to 21 December, deaths were reported in Junín, Arequipa and Ayacucho, including a 17-year-old minor.<sup>18</sup>

From 20 to 22 December, a delegation from the Inter-American Commission on Human Rights (IACHR) visited Peru as part of a technical visit, meeting with executive and legislative authorities and representatives of civil society.<sup>19</sup>

With the beginning of the Christmas holidays, tensions and mobilizations decreased and then restarted at the beginning of January. January 9 was the deadliest day of the crisis: 18 civilians died in the context of protests in a single day in the city of Juliaca, in Puno, as well as a policeman, who died in circumstances yet to be clarified.<sup>20</sup>

From 11 and 13 January, the IACHR carried out an observation visit to Peru; it held meetings with the president, with officials of the Ministry of Defense and Ministry of the Interior, with the president of Congress, and with the National Attorney General, as well as representatives of civil society. At the end of the visit, the IACHR issued its preliminary conclusions at a press conference.<sup>21</sup>

However, the violence did not stop. Between 11 and 28 January, eight protesters died in various regions: Cusco, Puno, Arequipa, La Libertad, Apurímac and Lima. In addition, on 9 February, one person died in Apurímac due to the injuries sustained during those days and another who was seriously injured died in March.<sup>22</sup>

The total number of people killed between 7 December and 9 February was 49, all allegedly at the hands of the Peruvian National Police (PNP) and the Armed Forces. Of these, 48 lost their lives during the first two months (from 7 December to 9 February); the last person died on March 21, as a result of pellet wounds

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<https://www.defensoria.gob.pe/wp-content/uploads/2023/03/Informe-Defensorial-n.%C2%B0-190-Crisis-polis%CC%81tica-y-protesta-social.pdf> (Spanish only).

13. Ombudsperson. Informe Defensorial 190-Crisis política y protesta social [Ombudsman's Report 190-Political crisis and social protest]: <https://www.defensoria.gob.pe/wp-content/uploads/2023/03/Informe-Defensorial-n.%C2%B0-190-Crisis-polis%CC%81tica-y-protesta-social.pdf> (Spanish only).

14. Ombudsperson. Daily Report, 14 December 2022, [https://www.defensoria.gob.pe/wp-content/uploads/2023/02/ReporteDiario14122022\\_22horas.pdf](https://www.defensoria.gob.pe/wp-content/uploads/2023/02/ReporteDiario14122022_22horas.pdf) (Spanish only).

15. Ombudsperson. Daily Report, 15 December 2022, <https://www.defensoria.gob.pe/wp-content/uploads/2022/12/Reporte-Mensual-de-Conflictos-Sociales-N%C2%B0-225-Noviembre-2022.pdf> (Spanish only).

16. Presidency and Council of Ministers, Supreme Decree No. 143-2022-PCM. 15 December 2022, <https://www.gob.pe/institucion/pcm/normas-legales/3737374-143-2022-pcm> (Spanish only).

17. UN Statements, Treaty bodies 16 December 2022, <https://www.ohchr.org/en/statements/2022/12/peru-el-comite-de-la-onu-insta-garantizar-el-derecho-de-expresion-de-ninos-ninas>

18. Ombudsperson. Daily Report, 22 December 2022, <https://www.defensoria.gob.pe/wp-content/uploads/2022/12/ReporteDiario22122022.pdf> (Spanish only).

19. Twitter, Ministry of Foreign Affairs of Peru, 26 December 2022, <https://twitter.com/CancilleriaPeru/status/1607442058024833024?s=20> (Spanish only).

20. Non-commissioned officer José Luis Soncco Quispe died in the early hours of 9-10 January in the city of Juliaca due to a serious traumatic brain injury caused by blows with a blunt instrument. He was later set ablaze inside his car. Initially, the authorities had speculated that he had been attacked by protesters. However, the investigation shows that this motive has not been confirmed and that this could be linked to events unrelated to the mobilizations.

21. Organization of American States, Press release 9 January 2023, [https://www.oas.org/en/iachr/jsForm/?File=/en/iachr/media\\_center/preleases/2023/003.asp](https://www.oas.org/en/iachr/jsForm/?File=/en/iachr/media_center/preleases/2023/003.asp)

22. Ombudsperson. Daily Report, 10 February, [https://www.defensoria.gob.pe/wp-content/uploads/2023/02/ReporteDiario1022023\\_18-horas.pdf](https://www.defensoria.gob.pe/wp-content/uploads/2023/02/ReporteDiario1022023_18-horas.pdf) (Spanish only).



sustained<sup>23</sup> during the repression of a protest on 11 January in Cusco.<sup>24</sup> Another 11 people were killed in incidents related to roadblocks, and the number of people injured as of the cut-off date for this report, according to the Ministry of Health, totalled 1,247, of whom 937 were civilians and 310 public servants. During the same period, a policeman lost his life.<sup>25</sup>

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23. Ombudsperson. Daily Report, 22 March 2023, [https://www.defensoria.gob.pe/wp-content/uploads/2023/03/Reporte-Diario-2232023\\_13-horas.pdf](https://www.defensoria.gob.pe/wp-content/uploads/2023/03/Reporte-Diario-2232023_13-horas.pdf) (Spanish only).

24. Rosalino Florez Valverde, aged 22, died on 21 March from pellet injuries sustained on 11 January in Cusco.

25. Ombudsperson. Daily Report, 10 February 2023, [https://www.defensoria.gob.pe/wp-content/uploads/2023/02/ReporteDiario1022023\\_18-horas.pdf](https://www.defensoria.gob.pe/wp-content/uploads/2023/02/ReporteDiario1022023_18-horas.pdf) (Spanish only).

# 3. ANALYSIS OF THE USE OF FORCE

International human rights standards require that the use force by law enforcement officials when policing demonstrations be a last resort and be guided by the principles of legality, necessity, proportionality and accountability.<sup>26</sup>

In the event that the use of force is unavoidable, first, international standards stipulate the principle of legality, whereby the use of force must be justified based on a legitimate objective and a regulatory framework detailing what actions are permitted in such a situation.

Second, it must respect the principle of necessity, whereby the use of force must be limited to when there are no other means available to achieve a legitimate objective. This principle also encompasses that of qualitative, quantitative and temporal necessity: what force, how much force and when it must stop, which also considers when an objective cannot be achieved.<sup>27</sup>

Third, it stipulates the principle of proportionality, by which the means and method employed must be commensurate with the resistance offered and the present danger.<sup>28</sup> That is, law enforcement officials should not cause more harm than they are seeking to avoid.

In addition to the principles on the use of force, there is an obligation to be accountable. This duty is applicable not only to law enforcement officials for their individual actions or omissions, but also to all superiors who issue orders, supervise or otherwise control officials or who are responsible for the planning and preparation of law enforcement operations.<sup>29</sup>

As far as possible, prior to the use of force authorities must use non-violent means and exhaust methods of negotiation and control, and have adequate means so that, if necessary, the use of force is exercised gradually and is appropriate to the level of resistance encountered, based on the “degree of cooperation, resistance or aggression” at all times.<sup>30</sup>

Therefore, the fact that some groups or individuals engage in violence in a demonstration does not, per se, make the entire protest violent nor authorize the security forces to disperse it through the use of force.<sup>31</sup> In these cases, the authorities must “spare no effort to distinguish between individuals who are violent” and peaceful protesters and act in accordance with the law, ensuring that, while those who exercise violence “as a result forfeit their right to peaceful assembly, they retain all the other rights, subject to the normal limitations.”<sup>32</sup>

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26. UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.

27. Amnesty International, Use of Force, Guidelines for implementation of the UN Basic Principles on the use of force and firearms by law enforcement officials.

28. Inter-American Court of Human Rights, Case of Women Victims of Sexual Torture in Atenco v. Mexico, Preliminary objection, merits, reparations and costs, judgment of 28 November 2018, Series C No. 371, para. 162.

29. Amnesty International, Use of Force, Guidelines for implementation of the UN Basic Principles on the use of force and firearms by law enforcement officials.

30. Inter-American Court of Human Rights, Case of Landaeta Mejías Brothers et al. v. Venezuela, judgment of 27 August 2014, para. 134.

31. UN Human Rights Committee, General Comment 37, 27 July 2020, CCPR/C/GC/37, para. 19.

32. Inter-American Court of Human Rights, Case of Women Victims of Sexual Torture in Atenco v. Mexico, Preliminary objection, merits, reparations and costs, judgment of 28 November 2018, Series C No. 371.

## 3.1 STANDARDS ON THE USE OF LETHAL FORCE

According to international standards, the use of firearms by law enforcement officials is only permitted when strictly necessary to avoid a real and imminent danger of death or serious injury to a person and when other less harmful methods have proved inadequate.<sup>33</sup> This sole purpose of protecting life presupposes that “lethal force may not be used intentionally merely to protect law and order or to serve other similar interests (for example, it may not be used only to disperse protests... or to safeguard other interests such as property).”<sup>34</sup> In addition, the authorities must at all times seek to minimize harm, protect people’s lives and physical integrity and provide immediate assistance.<sup>35</sup>

That is why there are no scenarios that would permit the use of lethal force to disperse a protest or a demonstration, much less to fire these types of weapons indiscriminately during the policing of demonstrations.<sup>36</sup> Based on this, the only justification for the use of lethal force such as assault rifles, handguns and live ammunition (bullets) would be if a protester (who must be identifiable), through violent means put the life of an official or a third party at concrete and imminent risk.

Amnesty International considers that, in the case-by-case analysis carried out, even in situations where some protesters threw stones, fireworks (“avellanas”), used explosives, craft made weapons or exercised some form of violence against the police or the military, the information analysed to date does not indicate that there was an imminent risk to the lives of officials. Given the evidence, there was neither necessity nor proportionality between the aggression faced by officials and their response and other means should have been used that were commensurate with the resistance of demonstrators. Even if there was a specific risk to a police or military official, the use of lethal force indiscriminately against the crowd was an unlawful response.

That is why the security forces must be given the means to use force in a proportionate and gradual manner, commensurate with the threat they face. Lethal force is an exceptional and extreme measure. However, in Peru its use was recorded in multiple scenarios and without justification.

## 3.2 EXTRAJUDICIAL EXECUTIONS AND ARBITRARY KILLINGS RESULTING FROM THE USE OF LETHAL FORCE

The International Covenant on Civil and Political Rights and the American Convention on Human Rights, among other instruments binding on the Peruvian state, protect the right to life and establish that no one may be arbitrarily deprived of it.<sup>37</sup>

Given the fundamental and inalienable nature of this right, states have a duty to prevent its agents, or individuals acting on behalf of an authority, from infringing it and to take appropriate measures to protect life from threats.<sup>38</sup> That is why the UN Human Rights Committee considers it “of the utmost gravity” if the security forces themselves deprive a person of life.<sup>39</sup> An extrajudicial execution is defined as a deliberate killing, outside any legal framework, by a public official or with their acquiescence.<sup>40</sup>

During the period documented in this report, from 7 December to 9 February 2023, 48 people died in the context of protests in the country. Another person died in March from injuries sustained on 11 January. Of these, 35 died in the localities visited by Amnesty International, apart from one person who died as a result of being hit by a tear gas grenade in Lima, and two people about whose injuries information is not available; the remaining 32 lost their lives due to a “projectile from a firearm” (PAF).

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33. UN Special Rapporteur on extrajudicial executions, Doc. UN: A/61/311 (2006), paras 42 and 44.

34. UN Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Christof Heyns, 1 April 2014, A/HRC/26/36, para. 72 and 73.

35. UN Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Christof Heyns, 1 April 2014, A/HRC/26/36, para. 72 and 73. See also: Inter-American Court of Human Rights, Case of Women Victims of Sexual Torture in Atenco v. Mexico, Preliminary Objections, Merits, Reparations and Costs, judgment of 28 November 2018, Series C No. 371, para. 162.

36. UN Human Rights Committee, General Comment 37, 27 July 2020, CCPR/C/GC37, para. 88.

37. Article 6 of the International Covenant on Civil and Political Rights and article 4 of the American Convention on Human Rights.

38. Inter-American Court of Human Rights, Case of Ortiz Hernández et al. v. Venezuela, Judgment of 22 August 2017, para. 101.

39. General Comment 36 on article 6 of the International Covenant on Civil and Political Rights, concerning the right to life (CCPR-GC-6) para. 19.

40. UN Special Rapporteur on extrajudicial, summary or arbitrary executions, <https://www.ohchr.org/en/special-procedures/sr-executions>



Of the total number of fatalities, Amnesty International documented 25. In all these cases, the people died at the hands of law enforcement during protests in Andahuaylas, Chincheros, Ayacucho and Juliaca. The organization believes that at least 20 of these deaths occurred in circumstances consistent with extrajudicial executions because of the type of ammunition used, the location on the body where injuries were sustained, the defencelessness of the victims at the time of death or the way the incidents occurred as observed in videos and images and reported by witnesses, among others. In the other five cases, the organization has evidence of a possible arbitrary killing without ruling out that criminal investigations might conclude that there was intent to cause the death.

**“One thing no one tells you in training... but what we often talk about among police officers is that, if there is a violent group, you shoot one person, because as long as there are no dead, people are still fired up but when they see a causality, they calm down...”**

Statement by an Apurímac police officer interviewed on condition of anonymity by Amnesty International.

Firstly, of 25 cases documented, the organization had access to 23 autopsy reports, as in two cases, the Apurímac forensic services did not carry out post-mortems.<sup>41</sup> Amnesty International reviewed the 23 autopsy reports in collaboration with a physician specializing in Forensic Medicine and Forensic Anthropology.<sup>42</sup>

Of the 23 autopsies, 22 specified that the cause of death was a “projectile from a firearm”. Within this category, in a total of 19 cases autopsy or ballistic examinations confirmed that the deaths were due to live ammunition (bullets) and in three to lead pellets. Regarding the last case, an independent forensic physician confirmed to Amnesty International that the death had also been caused by a bullet.<sup>43</sup>

In addition, the weapons registered to the police and military in the various locations that Amnesty International visited were mostly lethal weapons and ammunition, such as Galil rifles (Ayacucho), FAL rifles (Juliaca) and AKM rifles (Juliaca and Ayacucho) as well as Pietro Beretta (Juliaca and Ayacucho) and Sig Sauer (Juliaca and Ayacucho) pistols, all using lethal ammunition. In Andahuaylas, the PNP confirmed in an interview with Amnesty International that the police used long-range rifles with live ammunition.

Secondly, in all 25 cases the location of the injury due to projectiles from firearms that caused death was on body parts likely to register lethal damage (head, neck, chest, or abdomen). In those cases where lethal ammunition was used this would indicate that there was intent to cause death at the time of firing. Despite references to possible “stray bullets” and injuries with lethal ammunition to the extremities, the number of people with lethal ammunition injuries in vital organs was significantly high, which does not support the notion of alleged miscalculation or negligence. Amnesty International believes that in these cases there was intent to cause death or at least an acceptance of this possibility.

Third, according to the images and videos analysed, the police and army fired indiscriminately on numerous occasions at protesters and bystanders, despite the fact that there was no real or imminent threat to their life or physical integrity, or they did so from a privileged position, that is, adopting an angle of fire and taking aim to intentionally shoot a protester who was not putting their life or physical integrity at risk. In none of the 25 cases documented is there evidence that the victim was using violence or a level violence requiring a lethal response from the authorities.

The following sections document specific cases that reveal a pattern of extrajudicial executions and arbitrary killings at the hands of law enforcement in Peru.

41. In the case of Cristian Alex Rojas Vásquez, who was injured on 10 December in Andahuaylas, and who died a few days later on 14 December in the Abancay Regional Hospital, the medical authorities did not carry out an autopsy. According to the information Amnesty International was able to gather, his body was being examined by experts months after the events. In the case of Robert Pablo Medina Lanterhuay, who died on 12 December, the authorities did not carry out an autopsy because the body did not reach the Andahuaylas Sub-regional hospital where the procedure could be carried out.

42. Amnesty International collaborated with Doctor Jorge Albínez Pérez, who is part of the Peruvian Forensic Anthropology Team (Equipo Peruano de Antropología Forense, EPAF).

43. In the case of Beckham Romario Quispe Garfías, the autopsy only describes the injuries and does not give any information about what object or ammunition caused the death. Amnesty International sought an independent analysis which confirmed that the death had been caused by a high speed bullet.

## A. APURÍMAC - ANDAHUAYLAS AND CHINCHEROS: 10, 11 AND 12 DECEMBER 2022

Following the start of the political crisis on 7 December 2022, communities from various parts of the department of Apurímac began to organize to carry out “stoppages” (strikes) and protests, especially in the city of Andahuaylas and in the neighbouring province of Chincheros. According to the Public Prosecutor’s Office, approximately 1,300 protesters took to the streets on 7 December and the protests continued on 9, 10, 11 and 12 December.<sup>44</sup> On 10 December, while hundreds of local people took to the streets to protest peacefully, some people caused damage to the local police station and threw objects at police, according to videos verified by Amnesty International.<sup>45</sup> In addition, according to press reports and the Ombudsperson’s Office, a small group of protesters wrapped a policeman in a flag, blindfolded him and displayed him in the streets for several hours.<sup>46</sup> That day the Sub-Regional Hospital of Andahuaylas reported a total of 26 people injured, including a seriously injured protester, who died days later.<sup>47</sup>

On 11 December, the Peruvian Corporation of Airports and Commercial Aviation, S.A. (Corporación Peruana de Aeropuertos y Aviación Comercial, Corpac), published a press release<sup>48</sup> in which it indicated that approximately 50 police officers and airport workers had been taken hostage by people committing “acts of vandalism” and the National Ombudsperson’s Office confirmed the “burning of objects at Andahuaylas airport.”<sup>49</sup>

Dozens of protesters arrived at Andahuaylas airport, which had not been used for commercial flights for several years and was used solely by the security forces. Statements and videos analysed by Amnesty International show a group of people scattered across a patch of grassland of approximately two square kilometres and the deployment of PNP helicopters. Protesters and local residents reportedly went to the airport to oppose the arrival of PNP helicopters carrying Special Forces personnel from the Directorate of Special Operations (Dirección de Operaciones Especiales, DIROPESP) or simply to observe what was happening. Although there are reports of people throwing stones at the police, during this incident there were high levels of repression by the police against protesters, which resulted in the deaths of two young people aged 15 and 18 and dozens of injured. The Andahuaylas Sub-Regional Hospital reported that at least five people were hospitalized, allegedly due to the actions of law enforcement.<sup>50</sup>



Scenes at Andahuaylas airport on 11 December: Video image verified by Amnesty International

Despite reports of injuries and deaths during the previous few days, state violence escalated. On 12

44. Ombudsperson’s Office, Andahuaylas Office, File 1623-22, Folio 2, Prosecution Protocol on Preventive Action, 7 December 2022

45. A witness told Amnesty International that there were approximately 600 people protesting in the centre of Andahuaylas on 10 December. Amnesty International verified two videos of the events on that day that are consistent with their statements, in addition to confirming the presence of people throwing stones at police officers.

46. Infobae Noticias: “Disturbios, 20 heridos y un policía de rehén: fotos y videos del paro en Andahuaylas contra el gobierno de Dina Boluarte”, [“Unrest, 20 injured and a policeman held hostage: photos and videos of the strike in Andahuaylas against the government of Dina Boluarte”], 10 December 2022, <https://www.infobae.com/america/peru/2022/12/10/andahuaylas-contra-el-gobierno-de-dina-boluarte-fotos-y-videos-de-protestas/> (Spanish only).

La República: “Protestas en Andahuaylas: manifestantes secuestraron a 2 policías” [“Protests in Andahuaylas: protesters kidnapped 2 policemen”]. See also: Twitter: Ombudsman’s Office, 10 December, [https://twitter.com/Defensoria\\_Peru/status/1601693726581338112?s=20](https://twitter.com/Defensoria_Peru/status/1601693726581338112?s=20) (Spanish only).

47. Ombudsperson’s Office, Andahuaylas Office, File 1623-22, Folio 1 of 1, Ombudsman’s Record, 10 December 2022.

48. Corporación Peruana de Aeropuertos y Aviación Comercial S.A., Cierre de Aeropuerto de Andahuaylas [Andahuaylas Airport Closure], 11 December 2022. <https://www.gob.pe/institucion/corpac/noticias/678972-cierre-de-aeropuerto-de-andahuaylas> (Spanish only).

49. Ombudsperson’s Office, Monthly Report on Social Conflicts, December 2022, RCS No. 126 (defensoria.gob.pe), p. 127.

50. Ministry of Health: Subregional Hospital of Andahuaylas: Report on Patients from the Social Demonstrations of 10, 11 and 12 December. Report dated 13 December.

December, dozens of local people and citizens gathered in the centre of Andahuaylas to hold a funeral procession through the streets carrying the coffins of the two young people who had died the previous day at the hands of the security forces at the airport. During the funeral procession there was a clash between members of the public and police and, subsequently, the latter discharged their firearms in central Andahuaylas. The projectiles from firearms hit dozens of people who were sitting watching what was happening from a Cerro Huayhuaca, a hill in the centre of the city overlooking the surrounding area. On that day, two people who were sitting on Cerro Huayhuaca died from shots fired by the PNP. In addition, the Andahuaylas Sub-Regional Hospital reported the highest number of wounded that day: a total of 33.<sup>51</sup>

Also on 12 December, 80 km away from Andahuaylas in the town of Chincheros, hundreds of people took to the streets to demonstrate peacefully. As the day progressed, some people set objects alight in front of the local police station and the Prosecutor's Office in Chincheros, which caused a fire, according to police reports and a video of the events verified by Amnesty International.<sup>52</sup> Police fired on protesters in the streets and other bystanders. A minor died in these events, in addition, according to the testimonies collected, many people were injured.

According to a report by the Sub-Regional Hospital of Andahuaylas, 67 patients were hospitalized on 9, 10, 11 and 12 December (62 members of the public and five police officials).<sup>53</sup> Of these, 52 patients were treated for minor injuries and quickly discharged, including the five police officers, and six were transferred to larger hospitals in Lima or Abancay with serious injuries. According to the official records of the PNP infirmary in Andahuaylas, examined by Amnesty International, a total of 121 members of the police were injured between 9 and 14 December in Andahuaylas, with injuries mostly consisting of bruises to the nose, knee, hand, shoulder, ankle, and some open wounds to the face, in addition to symptoms such as headaches and stomach cramps.<sup>54</sup>

On 10, 11 and 12 December, a total of six people died in the Apurímac region, all of them young men under the age of 21.

## **POLICE OPERATION IN APURÍMAC**

Even though it was not possible to access the operational plan for Andahuaylas and Chincheros because of lack of full access to the prosecutors' files, Amnesty International was able to collect information that details the security forces' response in the region.

Andahuaylas PNP representatives interviewed by Amnesty International said the city initially responded to the protests with its 150 local police officers from Andahuaylas Police Division (SAM DIVPOL).<sup>55</sup>

According to the interview with the Andahuaylas PNP, on 10 December SAM DIVPOL had requested the assignment of additional forces to the city. A police division of the DIROPESP (formerly DINOES) Special Forces was sent from Lima, Ayacucho and the Vraem region, giving a total of 300 police assigned to Andahuaylas on 11 and 12 December.<sup>56</sup> The Ombudspersons Office carried out an inspection of the weapons used by police officers in Andahuaylas during those days, however it limited itself to inspecting those used by SAM DIVPOL, which were less lethal, specifically rubber pellets and tear gas cartridges. Regarding DIROPESP, several pieces of evidence point to the fact that members of this force used weapons that allegedly included live ammunition, considered inappropriate for the policing of demonstrations, and which is consistent with the causes of death of those killed in Apurímac on 11 and 12 December.

In addition, according to an interview with Andahuaylas PNP officials, on 11 December, DIROPSEP reportedly ran out of tear gas, which is why its officials began using firearms loaded with live ammunition against protesters at the airport.<sup>57</sup>

An eyewitness told Amnesty International that police had taken up positions armed with assault rifles facing the direction of protesters in the airport area. Another witness, who was injured, said that when he arrived at the airport that day, people warned him that firearms were being used and he was able to observe police officers dressed in green camouflage.

51. Ministry of Health: Subregional Hospital of Andahuaylas: Report of Patients from Social Demonstrations, of December 10, 11 and 12. Report dated 13 December.

52. Twitter: Marco Teruggi, 12 December 2022, [https://twitter.com/Marco\\_Teruggi/status/1602403906562232325](https://twitter.com/Marco_Teruggi/status/1602403906562232325).

53. Ministry of Health: Subregional Hospital of Andahuaylas: Report of Patients from Social Demonstrations, of December 10, 11 and 12. Report dated 13 December.

54. National Police of Peru: "Relación Nominal de Efectivos Policiales Atendidos por la Posmepol Andahuaylas del 9 al 14 de diciembre, como consecuencia de las Manifestaciones Violentas en la Provincia Andahuaylas" ["List of Names of Police Officers Attended by Posmepol Andahuaylas from 9 to December, as a result of the Violent Demonstrations in the Andahuaylas Province"]: filed in the File 1623-2022 of the Andahuaylas Ombudsperson's Office.

55. Amnesty International interview with PNP Commanders assigned to DIVPOL Andahuaylas, 9 February 2023.

56. Amnesty International interview with PNP Commanders assigned to DIVPOL Andahuaylas, 9 February 2023.

57. Amnesty International interview with PNP Commanders assigned to DIVPOL Andahuaylas, 9 February 2023.



Andahuaylas PNP representatives said in an interview with Amnesty International that special forces police used rifles loaded with lethal ammunition.<sup>58</sup> Based on the information gathered, there is no indication that the two people who were killed at the airport were armed or posed a real and imminent threat to police.

The following day, 12 December, approximately six DIROPESP police officers fired weapons loaded with live ammunition indiscriminately from the roof of a building on the corner of Ejército Avenue and César Vallejo Avenue, in the direction of Cerro Huayhuaca hill, approximately 300 metres away. To corroborate these facts, Amnesty International interviewed seven eyewitnesses, who separately confirmed this information; obtained images and videos of these events; and interviewed PNP officials who confirmed to Amnesty International the presence of DIROPESP troops in the building, in addition to affirming that they used lethal weapons.<sup>59</sup> Moreover, Amnesty International analysed the X-ray of one of those wounded on 12 December near Cerro Huayhuaca which shows an object (a live ammunition bullet) lodged in his body.

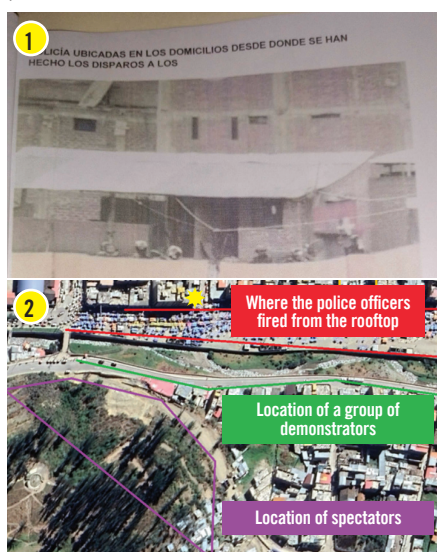
According to the testimony of witnesses, dozens of people had walked up Cerro Huayhuaca hill that day, as part of their daily route across the city centre or to observe the shootings, since it overlooks the centre of Andahuaylas and provides a panoramic view.

A witness who was at the top of this hill during the incident told Amnesty International that she saw tear gas grenades falling and observed live ammunition being fired towards the hill during the shooting, which she said lasted about two hours. The PNP continued to fire into the crowd on the afternoon of 12 December, even though most of them were unarmed and carrying out their daily activities. Many people sitting on Cerro Huayhuaca hill were recording the events on their cell phones. Amnesty International verified the official complaint of the owner of the building from which the policemen fired, who said that the police had entered the building illegally without a warrant to use the rooftop to shoot from.

Amnesty International’s Evidence Lab used satellite imagery to geolocate the rooftop from where DIROPESP troops were firing that day. Amnesty International also verified a 12 December video showing protesters using hand-made weapons to fire projectiles at police officers stationed in the street next to the building at the corner of Ejército Avenue and Cesar Vallejo Avenue. The video shows how one of these projectiles hits a shield behind which police were sheltering.

It is important to emphasize that although some protesters used hand-made weapons on 12 December, this does not justify the use of live ammunition by DIROPESP troops. First, the use of live ammunition by police forces violated the principle of proportionality, which requires that the means and methods employed be commensurate with the gravity of the threat and that lethal force should only be used in extreme cases where there is a threat to life. Second, DIROPESP used live ammunition indiscriminately and against people (who were unarmed) seated hundreds of metres away, on Cerro Huayhuaca hill, causing the death of two people and dozens of injuries that day. Any indiscriminate use of lethal force is unlawful.

Finally, Amnesty International studied the argument offered in an interview by the PNP that the bullets that killed people on Cerro Huayhuaca hill were “stray bullets”. According to the analysis of Amnesty International’s weapons experts, based on the available information from the videos and testimonies, no immediate threat to police forces from the hill was identified, undermining the stray bullets theory.



1. Photo of DIROPESP police firing from the roof of a building.
2. The location of a group of protesters across the Chumbao River is indicated in green, while the location of spectators, including the wounded and dead, is indicated in purple, on Cerro Huayhuaca. The Chumbao River divides this area from the centre of Andahuaylas.
3. A photo from a video verified by Amnesty International’s Evidence Lab shows protesters using hand-made weapons against police. They were situated on the green line.

58. Amnesty International interview with PNP Commanders assigned to DIVPOL Andahuaylas, 9 February 2023.

59. Amnesty International interview with PNP Commanders assigned to DIVPOL Andahuaylas, 9 February 2023.

Finally, regarding the events in the village of Chincheros, Amnesty International requested official information on the number of police officers deployed on 12 December from DIVPOL and DIROPSEP. However, the PNP did not provide the organization with a response. Amnesty International analysed two projectiles collected by families after the 12 December events in Chincheros: a live ammunition bullet extracted from the body of a person injured in those events, and a rifle projectile collected days later.



Images of spent cartridges found by family members on 13 December in the center of Chincheros.  
Photo taken by Amnesty International in the field, in the community of Casabamba, Chincheros.

## EXTRAJUDICIAL EXECUTIONS AND ARBITRARY KILLINGS IN APURÍMAC

Amnesty International documented the cases of six people killed in the Apurímac region on 10, 11 and 12 December. It should be noted that in two of the six cases the victims were minors, and all the victims were male and under the age of 21. In four of these six cases the victims died from a projectile from a firearm or “shot”, according to their autopsy or death certificate. In the other two cases, expert analysis into the cause of death was ongoing at the close of this report.

In four of the six cases, two people who died on 11 December at Andahuaylas airport and another two who died on 12 December at Cerro Huayhuaca (in the centre of Andahuaylas), the organization believes that, based on audiovisual material, witness testimonies, the parts of the body hit by projectiles and an independent analysis of the autopsies, they would indicate extrajudicial executions. In the remaining cases, which occurred in the centre of Andahuaylas on 10 December and the town of Chincheros on 12 December, the testimonies of witnesses and of members of the PNP and, in the case of Chincheros, the location of live ammunition shells, indicate that they should be investigated as extrajudicial executions.

Amnesty International documented the case of the arbitrary killing of **Cristian Alex Rojas Vásquez aged 19**, who died as a result of the events that took place on 10 December in Andahuaylas and on whom no autopsy examination was carried out. According to information contained in the current prosecutor’s file, Cristian’s body was undergoing subsequent forensic analysis, three months after the events. The remaining five cases are detailed below.

### DAVID ATEQUIPE: A BOY KILLED BY POLICE JUST FOR BEING AT THE AIRPORT

According to the testimony of David’s mother, member of the Pampachiri community and whose first language is Quechua, on 11 December she was having lunch with her son, **15-year-old David Atequipe Quispe**, when he told her that he was curious and wanted to see the demonstrations being held at Andahuaylas airport that afternoon because he had never seen a strike and did not know what it was about. He left his home for the airport after lunch at around 13:30.

According to the statements of two witnesses to the events at the airport, David died at approximately 15:30, after he was shot in the context of the protest. The witnesses, a local resident and some people who took part in the demonstration told Amnesty International that they could see police shooting at protesters, taking up a position directly facing them. According to Autopsy Report No. 037-2022 MP-UML-Andahuaylas carried out by the Institute of Forensic Medicine of the Public Prosecutor’s Office on 12 December, David died from a “PAF” (firearm projectile) wound to the chest; it did not specify the type of ammunition. The autopsy states that the trajectory of the projectile shows it entered his body from behind.

According to an analysis of the autopsy by an independent physician, the holes made by the projectile point to a bullet fired at long range. This undermines the suggestion that police used lethal ammunition in self-defence.

**“There was no sadness before, he was the most loving son, he was very cheerful. He was about to finish school.”**

Celia, mother of David Atequipe Quispe

### **BECKHAM ROMARIO: FOOTBALL COACH KILLED AT THE AIRPORT**

**Beckham Romario Quispe Garfias, aged 18**, a footballer and son of farmers from the Yanayaku community whose first language is Quechua, left home on 11 December to buy food and then head to the airport. According to his family and witnesses, Beckham died around 16:00. Autopsy Report No. 038-2022-MP-UML-Andahuaylas, dated 12 December, states that he died of “severe trauma to the head”. Beckman’s father told Amnesty International that health authorities gave him the autopsy report almost a month after the incident. Review of this forensic report by an independent physician established that, based on the high number of injuries and multiple skull fractures, the wound appears consistent with live ammunition fired from an assault rifle.

### **JOHN ERIK: EXTRAJUDICIAL EXECUTION BY POLICE OF A TEENAGER WHO DREAMED OF BEING A POLICEMAN**

**John Erik Enciso Arias, aged 18**, the son of farmers from the San Antonio district of Cachi and whose first language is Quechua, was in his junior year at high school and enjoyed playing volleyball with his friends. He dreamed of becoming a policeman. According to his family’s statement, on 12 December he was walking with his brother-in-law and a friend through the centre of Andahuaylas to visit his mother, who lives behind Cerro Huayhuaca hill, to ask for some money to register for his next volleyball tournament. According to his family’s statement, because of the amount of tear gas in the streets in the centre, they decided to climb the hill to sit and get some fresh air. Approximately 10 minutes later police began firing at protesters and they stayed to observe. According to the family’s testimony, John Erik was watching this when he was shot at approximately 16:00.

According to Autopsy No. 041-2022-MP-UML-Andahuaylas, carried out on 13 December by the Institute of Forensic Medicine of the Public Prosecutor’s Office, John Erik was hit by a “PAF” that pierced his skull and face, causing cerebral oedema. The trajectory of the bullet, according to this examination, entered from behind and slightly from the left, which is consistent with the entrance wound and the position of John Erik at the time of his death, who is observed in a video verified by Amnesty International’s Evidence Lab. An independent physician reviewed the autopsy and confirmed that the wounds in John Erik’s body were consistent with a bullet. In addition, autopsy photos of the young man’s body show the same pink sweater he was wearing in the video which confirms that he was not carrying any type of firearm at the time of his death. Finally, using satellite imagery, it was possible to confirm where John Erik was; he was in front of the building from which police officers were firing at the corner of Ejército Avenue and Cesar Vallejo Avenue.



1. Video verified by Amnesty International of the time of John Erik Enciso's killing.
2. Image taken by Amnesty International from the place where John Erik Enciso and Wilfredo Lizarme died. The building from which police were firing is seen covered in white tape at the corner of the main avenue in the bottom centre-left of the photo.

Another young man, Wilfredo Lizarme Barboza, an 18-year-old high-school student, died in similar circumstances to John Erik: he was sitting a few metres away. According to the family's testimony, he was sitting on the hill observing events when he was hit by a bullet at around 16:30. His autopsy also referred to a "PAF" wound in the chest with a front-to-back trajectory. An independent physician confirmed that the wounds were consistent with a bullet.

**“None [of the protesters] had firearms or fired from the hill. We would have implemented another protocol if that had been the case.”**

Statement by an Apurímac police officer interviewed on condition of anonymity by Amnesty International.

## **ROBERT: A BOY MARCHING PEACEFULLY IN CHINCHEROS, KILLED BY LETHAL AMMUNITION**

**Robert Pablo Medina Llanterhuay, aged 16**, the eldest son of a Quechua speaking campesino family from the rural community of Casabamba, joined his father to peacefully march through the streets of Chincheros on 12 December 2022. His father told Amnesty International that while there were about 500 people in the march at first, the number rose to more than 1,000 as the day wore on.

At one point, Robert Pablo got lost in the crowd and, around 14:00, his father learned he had been shot. Several witnesses told him they had seen Robert walking down the street with a Peruvian flag in his hand and then falling to the ground. According to Death Certificate No. 5395, issued at 14:30 on 12 December, Robert died of “assault by gunshot to the anterior the chest wall”. According to his father's statement, the local Chincheros Hospital does not carry out autopsies and the nearest hospital for this would have been Andahuaylas, which, due to roadblocks, would involve a journey of several hours, and for that reason the family decided to hold the funeral and bury the body without an autopsy examination. The Supra-provincial Prosecutor for Human Rights and Interculturality, based several hours from the city of Abancay, in charge of the investigation of the case, confirmed to Amnesty International that an exhumation of the body had been scheduled to carry out an autopsy a posteriori.

## **B. AYACUCHO – AYACUCHO: 15 AND 16 DECEMBER 2022**

On 15 December, hundreds of demonstrators gathered peacefully in the central square of Ayacucho, followed by a contingent of demonstrators who headed to the Alfredo Mendivil Duarte National Airport. According to municipal camera videos verified by IDL Reporteros, a group of approximately 200 protesters entered through the airport's main entrance at 12:38; moments later, another group of between 100 and 150 protesters broke through airport security fences and also entered the landing strip.<sup>60</sup> According to videos verified by Amnesty International's Evidence Lab, some protesters threw stones into the air while on the airstrip.

According to the testimonies collected and the videos verified, at the beginning, police and members of the armed forces threw tear gas in response to the protest. Subsequently, the military began to launch red smoke and tear gas from helicopters and then used live ammunition for seven hours, at first to force people to leave the airstrip and then they continued to chase them through the streets near the airport. According to testimony gathered by Amnesty International and videos analysed and verified by IDL Reporteros, the first death occurred at approximately 14:00. A list of the injured, treated at the Regional Hospital of Ayacucho contained in Criminal File 067-2022 confirmed 14 injured by 17:52, a total of four people dead by 18:00 and a total of 52 people injured by 19:20.

15 DE DICIEMBRE DE 2022, A LAS 19:20 (COMUNICACIÓN Y COORDINACIÓN - OFICINA DE PREVENCIÓN DE RIESGOS DE DESASTRES )  
EL CPCED DE LA DIRESA NOS INFORMA QUE HASTA EL MOMENTO HAY 52 DOS HERIDOS , 19 HERIDOS IDENTIFICADOS Y 33 HERIDOS NN

15 DE DICIEMBRE DE 2022, A LAS 18:00 (COMUNICACIÓN Y COORDINACIÓN - OFICINA DE PREVENCIÓN DE RIESGOS DE DESASTRES )  
EL PERSONAL DEL HOSPITAL REGIONAL DE AYACUCHO NOS INFORMAS QUE AUMENTO A 4 EL NUMERO TOTAL DE FALLECIDOS HASTA EL MOMENTO.

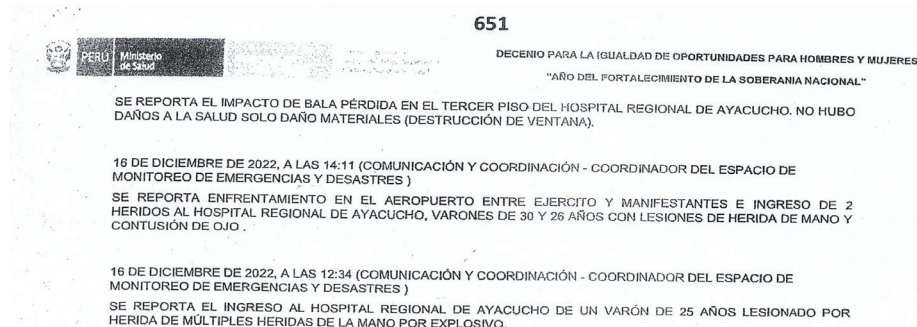
15 DE DICIEMBRE DE 2022, A LAS 17:52 (COMUNICACIÓN Y COORDINACIÓN - OFICINA DE PREVENCIÓN DE RIESGOS DE DESASTRES )  
EL PERSONAL DEL CENTRO DE SALUD DE BELEN NOS INFORMA UN INGRESO DE UN LESIONADO, EL PERSONAL DEL CENTRO DE SALUD SAN JUAN BAUTISTA NOS REPORTA UN INGRESO DE UN LESIONADO , EL EMED DEL HOSPITAL REGIONAL DE AYACUCHO NOS REPORTA QUE HASTA EL MOMENTO HAY 14 HERIDOS EN EL HOSPITAL REGIONAL DE AYACUCHO.

60. IDL Reporteros, “Radiografía de Homicidios” [“X-ray of Homicides”], 12 February 2023, <https://www.idl-reporteros.pe/radiografia-de-homicidios/> (Spanish only).



A total of 10 people died as a result of the events of 15 December, between approximately 14:00 and 20:00. All died after being hit by "PAF" and live ammunition (bullets).

The use of lethal force continued until the following day, including against the Ayacucho Regional Hospital which reported that its third floor was hit by a firearm projectile at 14:11 hours on 16 December.<sup>61</sup>



According to a report by the Ministry of Health at the end of December, a total of 72 people were injured and 10 killed on 15 and 16 December.<sup>62</sup> According to data reviewed by Amnesty International, there is no official information on wounded soldiers on those days. As for injured police, a representative of the PNP told Amnesty International in an interview that eight police officers were injured, although Amnesty International has not found any official information to confirm this.<sup>63</sup>

The organization has found no evidence of the use of arms or other violent weapons by protesters that could have threatened police or military personnel in Ayacucho. From all available evidence and official records of the operation, it appears that no military personnel were injured on 15 or 16 December in Ayacucho, lending weight to the premise that the use of force was unlawful and unnecessary.

Witnesses interviewed said the army fired live ammunition at and around the airport, sometimes chasing protesters or firing in the direction of those attending to the wounded. Video footage verified by Amnesty International's Evidence Lab confirms that military personnel continued to fire at unarmed people. Security camera footage verified by IDL Reporteros also showed soldiers firing at 15:14 at protesters on the Vía del Evitamiento near the Primax petrol station.<sup>64</sup> Later, videos show soldiers using firearms near the General Cemetery (which is in a residential area near the airport at the corner of Abancay Avenue and Los Angeles Avenue). Many of the injured were residents of the area. One witness said that restaurants and cafes in the area were offering food to support the protesters and several of these owners were injured while they were feeding people.

The information suggests that the military not only used of lethal force unlawfully, but that they also breached the obligation to aid the wounded and dead.<sup>65</sup>

According to a report of site inspection carried out on 16 February 2023, contained in Criminal File 067-2022, a person testified before the Public Prosecutor's Office that when she approached to help a person injured by what appeared to be a bullet, a soldier told her "let him die like a dog" and kicked her in the left cheekbone.<sup>66</sup>

## POLICE-MILITARY OPERATION IN THE VICINITY OF THE AIRPORT IN AYACUCHO ON 15 AND 16 DECEMBER

According to the official records held in Criminal Case File 67-2022 of the Second Supra-provincial Criminal Prosecutor's Office Specializing in Human Rights and Interculturality of the Ayacucho Public Prosecution District, the operation on 15 and 16 December 2022 in Ayacucho was under the command of the head of MACREPOL VIII Ayacucho under Operational Order No. 023 – 2022 MACREPOL VIII/REGPOL-AYA-SEC-UNIPLEDU "National Strike – Closure of Congress of the Republic. Call for New General Elections."<sup>67</sup> To date, however, the full Operational Order has not been submitted by the PNP to the Prosecutor's Office.

61. Ministry of Health, Registros del Hospital Regional de Andahuaylas para los días 15 y 16 de diciembre, Criminal File 67-2022 de la Segunda Fiscalía Supra-provincial de Derechos Humanos de Ayacucho, [Records of the Regional Hospital of Andahuaylas for 16 and 16 December, in Criminal File 67-2022 of the Second Supra-provincial Prosecutor's Office of Human Rights of Ayacucho] p. 651.

62. Records of the Regional Hospital of Andahuaylas for 15 and 16 December, in Prosecution File 67-2022 of the Second Supra-provincial Prosecutor's Office for Human Rights of Ayacucho

63. Amnesty International interview with PNP Commander, 3 February 2023.

64. IDL Reporteros, "Radiografía de Homicidios" ["X-ray of Homicides"], 12 February 2023, <https://www.idl-reporteros.pe/radiografia-de-homicidios/> (Spanish only).

65. UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials 1990, Principle 5.

66. Public Prosecutor's Office. Second Sub-provincial Prosecutor's Office for Human Rights and Interculturality, Prosecution File 067-2022, p. 2266.

67. Prosecutor's Office, Second Supra-provincial Prosecutor's Office for Rights and Interculturality of Ayacucho, Criminal File 67-2405.



As regards the army, its actions were determined by the Military Actions Order in Other Situations of Violence (Orden de Acciones Militares en Otras Situaciones de Violencia, OSV) in support of the PNP “No 10 – 2nd Brig Inf”, which indicates that the Second Infantry Brigade of the army, coordinated from the Emergency Operations Centre (CoE), in support of MACREPOL, was in charge of the military operation.

According to an official PNP document held in the Criminal File, on 15 December, some 133 police officials were deployed at the Alfredo Mendivil Duarte National Airport in Ayacucho.<sup>68</sup> The police operation at the airport was under the command of a PNP colonel, with three deputy commanders, a captain in charge of 49 members of DIROPES from Lima, a captain in charge of 21 members of the SINCHIS MAZAMARI division and a captain in charge of 59 members of the DEPOTAD HUAMANGA Division in Ayacucho. In addition, there were four members of the Ayacucho USEINT (Special Services Unit/Unidad de Servicios Especiales)-INT.

According to an Amnesty International interview with a PNP commander, police officers came to the airport to guard it and at first fired tear gas from hand grenades and shotguns. Personnel from the Public Prosecutor’s Office carried out an inspection of PNP weapons logs for 15 and 16 December; two of the three the police stations’ weapons registration logs inspected by the Prosecutor’s Office (the Carmen Police Station and the Ayacucho PNP Police Station) stated that on 15 December, their personnel did not leave their precincts, and all remained at base securing their facilities.<sup>69</sup> These two police stations registered AKM rifles and Pietro Beretta or Sig Sauer pistols assigned to their personnel as service weapons, however, they emphasized that no individual reports were prepared by police forces during the month of December regarding the use of these weapons. The Commissariat of the Armament Service of the REGPOL Ayacucho delivered a weapons log relating to 26 police officers who were deployed to police the “strike” on 15 and 16 December in response to the demonstrations,<sup>70</sup> and according to the log, most carried gas grenades. Specifically, they carried 15 shotguns (without specifying their type), 15 gas grenades and 1 grenade launcher. However, regarding lethal weapons, a Sig Sauer pistol was registered to a police officer deployed to respond to the demonstrations. These weapons logs raise serious questions, since they are incomplete, do not give details about the total of 133 police personnel assigned to the airport on 15 and 16 December, and, similarly, record no information on the use of these weapons or how many were discharged, a detail that also does not seem to have been requested by the Public Prosecutor’s Office. Finally, the weapons logs are practically illegible and lack important details.

For its part, according to information from the prosecution file, the actions of the Peruvian army were coordinated by the General Commander of the EP Brigade of the Second Military Infantry Brigade of the region. According to information in Criminal File 067-2022 Regarding Patrols in the file “Other Situations of Violence (OSV),” in support of the PNP on 15 December, 20 military patrols were deployed, with between seven and 13 members in each, to different points in the city of Ayacucho. The most relevant patrols that were placed in the locations where injuries and deaths occurred would have been: Patrol 1, located in the Cemetery/ Abancay Avenue, with 12 soldiers; Patrol 3, opposite Cannan Bajo, with 12 soldiers; and Patrol 10, located at the Airport/Control Tower, with seven soldiers.<sup>71</sup>

It is important to note that, the next day (16 December), the same military personnel who had been deployed on 15 December in the area of the Cemetery/Avenida Abancay/ Cannan Bajo, a few blocks from the airport, were again assigned to the same location and were active in the same patrols, specifically in the case of patrols 1, 3 and 10, despite the fact that the previous day several deaths and injuries had been confirmed in the area where the same named officers had been deployed. Throughout 16 December, a total of 19 military patrols were deployed in Ayacucho, but unlike the previous day, they were all located in the vicinity of the airport.

The weapons registration logs handed over by the army to the Prosecutor’s Office show that 80 military personnel were equipped with Galil rifles on 15 December. Galil rifles are lethal weapons with a practical range of approximately 600 metres.



Photo verified by Amnesty International, taken by people living near the Ayacucho airport on 16 December, showing boxes for 5.56mm live ammunition, consistent with GALIL rifles.

68. Public Prosecutor’s Office, Ayacucho Second Supra-provincial Criminal Prosecutor’s Office Specializing in Human Rights and Interculturality File 067-2022, p. 235, page 251

69. Public Prosecutor’s Office: Second Sub-provincial Prosecutor’s Office for Human Rights and Interculturality of Ayacucho, File 067-2022, p.235, p. 251.

70. Public Prosecutor’s Office, Second Supra-provincial Prosecutor of Human Rights and Interculturality of Ayacucho, File 067-2022, p. 247.

71. Public Prosecutor’s Office. Second Sub-provincial Prosecutor’s Office for Human Rights and Interculturality of Ayacucho, File 067-2022, p. 439.

The ammunition used on 15 and 16 December was analysed in Forensic Ballistics Report 3006-3030/2022 of the PNP Directorate of Criminal Science, which is in Criminal File 067-2022, and states that the live ammunition found was mainly 5.56x45mm calibre.<sup>72</sup>

## VII. EXAMEN DE LAS MUESTRAS

### A. DESCRIPCIÓN FÍSICA Y FUNCIONAMIENTO.

**MUESTRA 01.-** Corresponde a un (01) casquillo para cartucho de fusil, calibre 5.56 x 45 mm (223<sup>ra</sup>), marca TZZ (T aaseia Z vaet), de fabricación israelí, de material de latón color amarillo, presenta una percusión central en su fulminante aprovechable para un Estudio Microscópico Comparativo.



**MUESTRA 02.-** Corresponde a un (01) cartucho de uso militar para ser utilizadas por armas de fuego de largo alcance calibre 5.56 x 45 mm, marca I - K (Igman Konjic), de fabricación Bosnia-Herzegovina, casquillo de latón color amarillo y proyectil con núcleo de acero encamisado color cobrizo, se encuentran en regular estado de conservación y normal funcionamiento.



**MUESTRA 03.-** Corresponde a tres (03) casquillos para cartucho de fusil, calibre 5.56 x 45 mm (223<sup>ra</sup>), dos (02) de marca TZZ (T aaseia Z vaet) y un (01) I - K (Igman Konjic) de fabricación israelí y Bosnia-Herzegovina, de material de latón color amarillo, uno de ellos presenta abolladura en su cuerpo; presentan una percusión central en sus fulminantes aprovechables para un Estudio Microscópico Comparativo.



Photos of ammunition used on 15 and 16 December in Ayacucho, analysed in PNP Criminal Sciences Directorate Forensic Ballistics Report 3006-3030/2022.

Several eyewitnesses told Amnesty International that military personnel began firing in the air vertically in the runway area and were followed by a second line of military personnel who knelt and took aim with their guns at protesters. Later, military personnel shot and advanced towards protesters to force them to leave the airport, and subsequently began shooting at people standing in the streets around the airport.

**“The army entered as if they were commandos at war, like those you see in the movies, through two streets: the one on one side of the park and the one above (from the airport).”**

Quote from an eyewitness to events who was injured during the 15 December protests

## EXTRAJUDICIAL EXECUTIONS IN AYACUCHO

Of the 10 cases of people killed in Ayacucho, the autopsies held in Criminal File 67-2022 indicated that all were hit by a “PAF” (projectile from a firearm) and a ballistics expert indicated that they were wounded by 5mm or 5.56mm calibre bullets, consistent with GALIL rifles (the weapons carried by the army on 15 and 16 December). In one case, experts removed two bullets from the body of one of the deceased – a 5.56 rifle cartridge bullet (compatible with a Galil rifle) and a 9mm semi-automatic pistol projectile.<sup>73</sup>

72. Public Prosecutor’s Office. Second Sub-provincial Criminal Prosecutor’s Office for Human Rights and Interculturality of Ayacucho, Criminal File 067-2022, pp. 2216 and 2217.

73. Public Prosecutor’s Office. Second Supra-provincial Prosecutor’s Office for Human Rights and Interculturality, Criminal File 067-2022, p. 303. Forensic Ballistics Report 2958-2960/2022 of the PNP Directorate of Criminal Sciences, of 16 December.

In nine of the 10 cases, the Prosecutor’s forensic toxicology service conducted atomic absorption tests, which measure chemical and metal particles to determine whether someone has discharged a firearm. In all nine cases, these tests came back negative, suggesting that the deceased did not fire a weapon prior to their deaths.<sup>74</sup> Amnesty International documented the cases of six of the people killed in Ayacucho. In addition to the cases explored in greater detail below, the cases of the possible extrajudicial executions of **Raúl García Gallo, aged 35**, a bricklayer who was shot by a “PAF”, a 5.56mm rifle cartridge, in the periumbilical area; of **José Luis Aguilar Yucra, aged 20**, a store worker injured by a “PAF”, a rifle cartridge of approximately 5mm, in the frontal region above the eyebrow line (in the forehead); and of **Jonathan Alarcón Galindo, aged 19**, an agricultural worker killed by the impact of a “PAF”, a 5.56mm rifle cartridge in the context of the military using firearms.

### **CLEMER: SON OF A FAMILY WITH THREE GENERATIONS IN THE MILITARY, KILLED BY THE MILITARY.**

**Clemer Fabricio Rojas García, aged 22**, studied car mechanics and helped his parents wash cars to earn money. On 15 December, he was near Ejército Avenue with some of his friends, when he was hit by a bullet fired by military personnel at 15:15, according to images from the municipal cameras analysed by IDL Reporteros.<sup>75</sup> Clemer was not armed at the time of the incident. Video footage shows his abandoned body a few yards from the Primax petrol station in Via Evitamento and the military examining Clemer’s face, waving their hands, and walking away from the body. According to Forensic Ballistics Report 2958-2960/2022 of the PNP Directorate of Criminal Sciences, on 16 December, Clemer was injured by a “PAF” with a cartridge of approximately 5mm fired from the front.<sup>76</sup>

Clemer had served in the military for a year and three generations of his family have served in the military.

**“Why are innocent children dying. They leave those of us who have served our country as soldiers with this pain and kill our own sons.”**

Reider Rojas, former soldier and father of Clemer Fabricio Rojas García, also a former soldier

### **LEONARDO: SOLDIERS POINT THEIR RIFLES IN HIS DIRECTION**

Heavy machinery operator **Leonardo Hanco Chacca, aged 32**, was shot to death by military personnel using Galil rifles. Videos verified by IDL Reporteros show how minutes after 14:00 on 15 December, members of the army aimed directly at the bodies of a group of protesters, including Leonardo, who were behind a fence in the Conchopata Archaeological Zone next to the airport, some of whom threw stones that did not even get close to the military. According to the Ayacucho Institute of Forensic Medicine Autopsy Report No. 2022020502000246, carried out on 17 December, Leonardo died from “abdominal-pelvic trauma caused by a PAF”; according to the PNP Directorate of Criminal Sciences Forensic Ballistics Report 2958-2960/2022, carried out on 16 December,<sup>77</sup> Leonardo died after a 5.56mm calibre projectile entered the thoracic and sacral region from the front, which is consistent with the video of the incident.<sup>78</sup>



Still from a video obtained by IDL Reporteros showing the moment of Leonardo Hanco Chacca’s death in Ayacucho on 15 December.

74. Public Prosecutor’s Office. Second Criminal Sub-provincial Prosecutor for Human Rights and Interculturality of Ayacucho, Criminal File 067-2022, p. 2313.

75. IDL Reporteros, “Radiografía de Homicidios” [“X-ray of Homicides”], 12 February 2023, <https://www.idl-reporteros.pe/radiografia-de-homicidios/> (Spanish only).

76. Public Prosecutor’s Office. Second Supra-provincial Prosecutor of Human Rights and Interculturality of Ayacucho, Criminal File 067-2022, p. 333.

77. Public Prosecutor’s Office. Second Supra-provincial Criminal Prosecutor’s Office for Human Rights and Interculturality of Ayacucho. Prosecutor’s File 067-2022, p. 314.

78. Public Prosecutor’s Office. Second Supra-provincial Criminal Prosecutor of Human Rights and Interculturality of Ayacucho, Criminal File 067-2022, p. 314.

## CHRISTOPHER: A MINOR SHOT AS HE CROSSED THE ROAD

**Christopher Michael Ramos Aime, aged 15**, worked at the General Cemetery near the airport, cleaning tombs and gravestones and helping mourners bring flowers to graves. Christopher's mother told Amnesty International that her son was doing everything he could to earn money and help his three younger siblings get ahead. Christopher's dream was to have a decent house with proper walls, which would be an improvement over the conditions in which he lived.

Footage from the municipality's video surveillance cameras obtained by IDL Reporteros captured Christopher crossing Abancay Avenue at the corner of the cemetery at 18:35 on 15 December and being fatally wounded by a bullet. According to the autopsy carried out on 16 December, the report of which is in Criminal File 67-2022,<sup>79</sup> his death was caused by "chest trauma from a PAF". The PNP Directorate of Criminal Sciences Forensic Ballistics Report 2958-2960/2022, carried out on 16 December, determined that the wound was caused by a 5.56mm calibre firearm and penetrated Christopher's body from behind,<sup>80</sup> which is consistent with video surveillance camera footage showing him falling forward. According to the evidence, Christopher posed no threat to his assailant at the time of his death and was completely unarmed.

**"If we weren't poor, Christopher wouldn't have died. Because he wouldn't have had to be working in the cemetery that day. "**

Hilaria, mother of Christopher Michael Ramos Aime, killed by the military.

## C. PUNO – JULIACA: 9 JANUARY 2023

The day after the ousting of President Pedro Castillo, on 7 December 2022, several civil society organizations and communities in the Puno region, and specifically in Juliaca, began to organize to protest, calling for the resignation of Dina Boluarte and for early elections, among other demands. On 14 December, hundreds of people from various trade associations marched through the streets of the city towards Juliaca's Inca Manco Capac International Airport; several demonstrators tore down the perimeter fence surrounding the facilities, leading to clashes with the PNP.<sup>81</sup> On that day, according to the police themselves, at least 15 people were injured; more than half were injured by pellets.<sup>82</sup>

During December there were hardly any serious incidents and during the Christmas holiday period marches in the region and in the town dwindled, with a common agreement that they would restart on 4 January.

On 6 January, the attempted seizure of Juliaca airport by protesters, mobilizations and the blocking of highways and land communication routes were reported throughout the Puno region.<sup>83</sup> The San Román Health Network, part of the Ministry of Health, reported that at least 22 members of the public were treated at the Mariano Melgar Health Centre and at the Carlos Monge Medrano (CMM) Hospital in Juliaca, of whom nine were injured by projectiles from firearms (PAF) and two, specifically, had wounds from pellets. In addition, 18 officers were treated in the PNP Juliaca Health Medical Centre.<sup>84</sup>

The intensity of the protests continued in the city and on 7 January the Health Network reported that at least 33 members of the public were treated in the CMM Hospital, in the Jorge Chávez and Mariano Melgar health facilities, as well as in the American Clinic. At least 14 were injured by pellets and five by "PAF", without specifying what type of ammunition; no record was kept of injured officials.<sup>85</sup>

Although on 8 January only seven people were treated, 9 January saw the violence escalate and reach its peak: the number of deaths and injuries increased dramatically with a total of 18 people killed (subsequently this would rise to 19), including a policeman (whose cause of death remains unclear), and 108 people treated

79. Public Prosecutor's Office. Ayacucho Second Supra-provincial Criminal Prosecutor's Office for Human Rights and Interculturality, Criminal File 067-2022, p. 62.

80. Public Prosecutor's Office. Second Supra-provincial Criminal Prosecutor's Office for Human Rights and Interculturality of Ayacucho. Criminal File 067-2022, p. 322.

81. Ombudsperson's Office, Adjuntía para la Prevención de Conflictos Sociales y la Gobernabilidad [Attachment on the Prevention of Social Conflicts and Governance], Daily Status, 14 December 2022, [https://www.defensoria.gob.pe/wp-content/uploads/2023/02/ReporteDiario14122022\\_22horas.pdf](https://www.defensoria.gob.pe/wp-content/uploads/2023/02/ReporteDiario14122022_22horas.pdf) (Spanish only).

82. Criminal File 23-2023 Operational Plan No. 46, National Emergency Puno, December 2022, Vol. VI, p. 10.

83. Twitter. Ministry of Transport and Communications 6 January 2023 [https://twitter.com/MTC\\_GobPeru/status/1611452578616705024?s=20](https://twitter.com/MTC_GobPeru/status/1611452578616705024?s=20). See also, SUTRAN Perú, 6 January 2023. <https://twitter.com/sutranperu/status/1611410093538435072/photo/1> (Spanish only).

84. Public Prosecutor's Office. Puno Prosecution District. Criminal File 23-2023, Vol. VI, p. 154.

85. Public Prosecutor's Office. Puno Prosecution District, Criminal File 23-2023, Vol. VI, p. 154.



in the hospital network, of which at least 17 were injured by “PAF” and 13 were noted as injuries by “pellets”. Many of the wounds were to the head and chest.<sup>86</sup>

From very early that day, hundreds of people from Aymara and Quechua campesino communities made their way towards two points in the region: the city of Puno, where Aymara villagers from the provinces of El Collao, Chucuito-Juli and Yunguyo gathered, and the city of Juliaca, where Quechua villagers from Azángaro, Melgar, Putina and Huancané gathered. According to the testimonies collected, the aim was to hold a mass assembly to denounce police abuses in other regions, demand the resignation of President Dina Boluarte and call for an early general election.<sup>87</sup> Demonstrations began at the airport and at around 18:00 they moved toward the city centre.

## POLICE OPERATION IN JULIACA ON 9 JANUARY

According to the information contained in Criminal File 2706124501-23-2023 (Criminal File 23-2023) of the District of Puno Public Prosecutor’s Office, which is investigating the deaths of the 18 protesters that occurred in Juliaca on 9 January and specifically “Operational Plan No. 46. National Emergency Puno, December 2022” and its update DIVPOL “Operational Order 1-2023”, Juliaca 2023, the police operation in Juliaca was under the command of the Puno X Macro Police Region General Command (X MACREPOL) and the Operational Command of the Puno Region, made up of the head of the Puno Police Region and the head of the Juliaca Police Division (DIVPOL).

At the request of the head of the Macro Police Region, on 27 December, a first group of 49 DIROPESP (formerly DINOES) officers arrived to support the protection of critical assets such as the airport; on 28 December 50 officers and the next day 51 more officers were deployed. After the protests restarted on 7 January, a fourth group of 40 officials arrived; and 50 officials on 8 January. According to the Public Prosecutor’s Office records, the officers carried AKM rifles, hunting rifles and “long” rifles, gas cartridges, rubber pellet cartridges, as well as ammunition for AKM rifles. There is no record of them carrying small arms.<sup>88</sup>

After their arrival, under the command of the MACREPOL X of Puno, the DIROPESP Special Operations Directorate (DINOES) was in charge of the protection of the airport, together with troops from the Special Services Unit (USE) of Juliaca, Cusco, Arequipa and Lima and the Army.<sup>89</sup> There were also personnel from the Juliaca Police Division, including from the Juliaca Airport Police Station.<sup>90</sup>

According to the information in the Criminal File 23-2023 “the sectorization of responsibility of said facilities (airport) was established”, with DIROPESP taking responsibility for the side to the left of the full length of the runway; the Juliaca Police Division the righthand boundary of the runway; and USE units of police Arequipa, Cusco and Lima region “and O4 squad of the DINOES” taking responsibility for the top end of the runway.<sup>91</sup>

According to information provided by the PNP, the main avenues where officials were stationed were: Aeropuerto Avenue, Independencia Avenue, Jirón Amanecer, Aviación Avenue and Virreyes Avenue. Most of the deaths and injuries that occurred in the vicinity of the airport occurred in those avenues or parallel roads.<sup>92</sup>

- Doscientos treinta (230) efectivos policiales de la DIROPESP, al mando del Coronel PNP Juan Carlos PEDRERA RUIZ Jefe de la compañía DIROPESP. Teniendo como zona de responsabilidad la “AV AEROPUERTO (ALTURA URB AEROPUERTO, URB CASUARINAS, URB VILLA LA POSITIVA, URB MARIA ESTELA)”.
- Doscientos (199) efectivos policiales de la REGION LIMA/ USE LIMA ESTE al mando del Comandante PNP MONTOYA SANCHEZ Marco Yoni. Encargado de la zona “AV. INDEPENDENCIA CON JR. AMANECEER Y AV. AEROPUERTO”.
- Cincuenta (50) efectivos de la IX MACREPOL AREQUIPA/USE AREQUIPA al mando del Capitán PNP VERGARA PAREDES Max. Teniendo como zona de responsabilidad la “AV. INDEPENDENCIA CON JR. AMANECEER Y AV. AEROPUERTO”.
- Cincuenta (50) efectivos policiales de la VII MACREPOL CUSCO/ USE CUSCO al mando del Teniente PNP CUSACANI CHOQUEZA Elvis. Teniendo como zona de responsabilidad la “AV. INDEPENDENCIA CON JR. AMANECEER Y AV. AEROPUERTO”.
- Ciento cuarenta (140) efectivos policiales de la X-MACREPOL-PUNO/USE JULIACA, al mando del Mayor PNP TAPIA GUILLEN Arturo. Teniendo como zona de responsabilidad “AV. AVIACION CON AV. VIRREYES”.

Lo que se cumple con informar a la Superioridad para su conocimiento y fines que se digne determinar.

Juliaca, 21 de febrero del 2023.

86. Public Prosecutor’s Office. Puno Prosecution District, Criminal File 23-2023, Vol. VI, p. 154.

87. Ombudsperson’s Office, Ombudsperson’s Report No. 190. p. 35, <https://www.defensoria.gob.pe/wp-content/uploads/2023/03/Informe-Defensorial-n.%C2%B0-190-Crisis-poli%CC%81tica-y-protesta-social.pdf> (Spanish only).

88. Public Prosecutor’s Office. Puno Prosecution District, Criminal File 23-2023, Vol. III, p. 90 and Vol. XI, p. 114.

89. Public Prosecutor’s Office. Puno Prosecution District, Criminal File 23-2023, Vol. III, p. 127 and Vol. II, p. 66.

90. Public Prosecutor’s Office. Puno Prosecution District, Criminal File 23-2023, Vol. III, p. 104.

91. Public Prosecutor’s Office., Puno Prosecution District, Criminal File 23-2023, Vol. III, folio 553-556.

92. Public Prosecutor’s Office. Puno Prosecution District, Criminal File 23-2023, Report N 80-2023-COMASGEN-CO-PNP/X-MACREPOL-PUNO/RP-P-DIVOL-J/T. 21 February. Vol. X, p. 190



The main police stations that participated in the policing of demonstrations beyond the airport, mainly in the city centre area, where four of the 18 victims died, were the Juliaca Sector Police Station, the Santa Barbara Police Station and the PNP Familia Police Station. In addition, officials from the Special Services Unit (USE), the Emergency Unit (UNEME), the Traffic and Road Safety Unit (UTSEVI), the Vehicle Theft Prevention and Investigation Section (SECPIRV) and the State Security Unit (USEGEST), among others, were involved.<sup>93</sup>

**ANEXO I.- A LA ORDEN DE OPERACIONES “PARO REGIONAL INDEFINIDO CONVOCADO POR LAS DIFERENTES ORGANIZACIONES SOCIALES DENTRO DE LA JURISDICCION DE LA DIVPOL JULIACA - 2023”, CANTIDAD DE PERSONAL COMPROMETIDO PARA CUBRIR LOS SERVICIOS DURANTE EL PARO PROGRAMADO.**



COMISARIA Y/O SSUU	OFICIALES	SUB OFICIALES
USE JULIACA	1	140
UNEME JULIACA	1	78
UTSEVI JULIACA	1	35
SECPIRV JULIACA	1	05
AEROPUERTO JULIACA	1	11
USEGEST – J	0	05
UPIAT – JULIACA	0	05
COM. SECT. JULIACA	2	30
COM. PNP FAMILIA	1	10
COM. PNP SANTA BARBARA	3	10
COM. SAN MIGUEL	3	00
TERNA	1	23
<b>TOTAL</b>	<b>15</b>	<b>352</b>

According to the prosecution official records, the weapons logs handed over to the Public Prosecutor’s Office by the different police bodies, as well as the army and the DIROPESP (DINOES),<sup>94</sup> USE<sup>95</sup> and the Santa Barbara,<sup>96</sup> PNP Familia<sup>97</sup> and Sectorial Police Stations of Juliaca,<sup>98</sup> state officers were issued with similar shotguns and weapons: shotguns with pellet cartridges and rifles such as FAL or AKM rifles with 7.62x51mm and 7.62x39mm ammunition.<sup>99</sup> These rifles fire only live ammunition (bullets), can do so automatically or semi-automatically, and have a range of up to 450 metres. However, only the Juliaca police stations, and not the special operations divisions, reported carrying 9mm ammunition compatible with Pietro Beretta and Sig Sauer handguns.

Despite the number of deaths and injuries consistent with the use of this ammunition and the high number of weapons that were concentrated in all the security forces in Juliaca, in the registers of the “weapons logs” of the USE-Juliaca,<sup>100</sup> USEGEST,<sup>101</sup> UNEME,<sup>102</sup> SECPIRV,<sup>103</sup> Santa Barbara Police Station<sup>104</sup> and Family Police Station,<sup>105</sup> no ammunition discharge is recorded between 4 and 10 January and there is no record in the criminal file of ammunition discharge logs from any of these divisions.<sup>106</sup> This raises serious doubts about how rigorous these logs are, which, moreover, are handwritten and practically illegible.

For example, a prosecution official document dated 11 January, which is in Criminal File 23-2023, states that SECPIRV personnel declared to the Prosecutor’s Office that personnel had not left the quarters due to the nature of their duties and handed over the weapons logs where it is recorded that from 9 to 10 January there

93. Public Prosecutor’s Office. Puno Prosecution District, Criminal File 23-2023, Vol. VI (a), p. 123.

94. Public Prosecutor’s Office. Puno Prosecution District, Criminal File 23-2023, Vol. III, p. 89.

95. Public Prosecutor’s Office. Puno Prosecution District, Criminal File 23-2023, Vol. VI, p. 66.

96. Public Prosecutor’s Office. Puno Prosecution District, Criminal File 23-2023, Vol. I, p. 163.

97. Public Prosecutor’s Office. Puno Prosecution District, Criminal File 23-2023, Vol. III, p. 42 et. seq.

98. Public Prosecutor’s Office. Puno Prosecution District, Criminal File 23-2023, Vol II. pp. 215-240.

99. According to Criminal File 23-2023, Vol. VI, p. 123, personnel of the GAC of the 4th Mountain Brigade of the Peruvian Army, collaborated in providing support to the PNP at the airport. Specifically, they reported issuing 180 7.62mm cartridges, 20 12mm cartridges of rubber pellets and 45 35mm of tear gas, as well as more than 20 FAL rifles and shotguns for pellets.

100. Public Prosecutor’s Office. Puno Prosecution District, Criminal File 23-2023, Vol. VI, p. 66.

101. Public Prosecutor’s Office. Puno Prosecution District, Criminal File 23-2023, Vol. VI, p. 215-240.

102. Public Prosecutor’s Office. Puno Prosecution District, Criminal File 23-2023, Vol. VI, p. 105.

103. Public Prosecutor’s Office. Puno Prosecution District, Criminal File 23-2023, Vol. VI, p. 191.

104. In the case of the Santa Barbara Police Station, for example, its commander told the Prosecutor’s Office that no ammunition had been discharged between 4 and 10 January and that all its personnel had been kept in the command post during 9 January, despite the fact that at least three officers and 10 non-commissioned officers appeared as part of the support team at the protest. Public Prosecutor’s Office, Puno Prosecution District, Criminal File 23-2023, Vol. I p. 163.

105. Public Prosecutor’s Office. Puno Prosecution District, Prosecution File 23-2023, Vol. III, p. 42 et. seq.

106. Public Prosecutor’s Office. Puno Prosecution District, Criminal File 23-2023, Vol. IV, p. 191, folio 742.

was no new expenditure of ammunition. However, a video verified by Amnesty International shows several policemen firing regulation pistols from the facilities of the SECPiRV on 9 January. The video records 11 shots in the space of less than a minute.



Still from a video verified by Amnesty International showing various police officers firing live ammunition using small arms from the Vehicle Theft Prevention and Investigation Section (SECPiRV) in Juliaca on 9 January 2023.

Also, the USE-Juliaca deployed an officer and 140 non-commissioned officers to the operation to police the protest at the airport according to the “Operational Plan”. This police station is also located in the Sectoral Police Station and Police Division of Order and Security on one of the streets where one of the killings by a lethal 9mm weapon took place (see case detailed below). The Special Services Unit-Juliaca maintained two weapons logs at the time of the events: one entitled “Log of Non-Lethal Weapons Issued” which lists gas canisters and shotguns and one called “Log of Arms Issued and Returned”. According to the records, on 9 January, two Pietro Beretta pistols, one Sig Sauer pistol and 17 AKM rifles had been issued.<sup>107</sup> However, the commander of the unit denied that there was any use of weapons between 4 and 10 January 2023 by any of his personnel and there is no record in any of the logs, even of less lethal weapons, that any of the ammunition was used. There were also no records of any discharge of these weapons.

Specifically, up to the time Amnesty International reviewed the Criminal File, “ammunition expenditure records” concerning only seven DIROPESP officers had been registered and handed over to the Prosecutor’s Office: five of them had discharged a total of 27 rounds of 7.62mm ammunition for the AKM on 6 January and two officers had fired a total of four similar rounds on 9 January.<sup>108</sup>

## EXTRAJUDICIAL EXECUTIONS AND ARBITRARY KILLINGS IN JULIACA

The mobilizations in Juliaca began in the early hours of the morning of 9 January and lasted throughout the day. First, about 3,000 people gathered at the western end of the airport runway and later a much smaller number moved to the town centre area, where the last of the deaths took place.



Video footage obtained by IDL-Reporteros on 9 January in Juliaca, where protesters are seen standing behind handmade shields, in front of a row of police positioned in the distance.

107. It is worth mentioning that the weapons log for 9 to 10 January only has three entries dated 9 January. The rest are dated 10 January. Amnesty International does not know whether this reflects underreporting or a writing error. Public Ministry, Puno Prosecution District, Criminal File 23-2023, Vol. IV, pp. 56-66.

108. Public Prosecutor’s Office. Puno Prosecution District, Criminal File 23-2023, Vol. III, p. 104.



Image obtained from photographer Max Nina and published in the NYT showing military and police are seen carrying assault rifles in area around Juliaca airport on 9 January.

Amnesty International, through testimonies, as well as the verification of 12 videos and photographs related to events in Juliaca, identified that several protesters, in an attempt to take the airport, managed to knock down the perimeter fence, advancing towards the police while holding handmade shields. From that position, dozens of protesters are seen throwing stones, using “huaracas” (slingshots) and, sometimes, what are known as “avellanas” (fireworks used in popular festivals). Other protesters continued to protest peacefully in the immediate vicinity.

According to the information analysed, the police resorted to unlawful use of lethal force, as well as excessive use of less lethal force. Specifically, excessive and inappropriate use was made of tear gas, which was launched from a helicopter from early in the morning. The organization also identified the use of pellet shots (in most cases lead) and lethal ammunition, causing deaths and dozens of injuries. Lethal 7.62mm ammunition, compatible with the AKM rifles, was used by the various units involved in policing of protests in Juliaca. The use of lethal 9mm rounds, compatible with police service pistols, was also identified.



Still from a video verified by Amnesty International showing a helicopter flying over the vicinity of Juliaca airport on 9 January 2023 and dropping tear gas grenades on the population.

According to the Criminal File 23-2023, the 18 protesters who were killed on 9 January were hit by projectiles from firearms (“PAF”): 10 died after being hit by live ammunition and in nine cases it was possible to identify the calibre of the bullet (7.62mm or 9mm); three by lead pellets; and the remaining five by “projectiles from firearms” (“PAF”), where it is not specified whether these were bullets or pellets. According to an analysis of the autopsies carried out by an independent forensic doctor and the organization’s weapons and ammunition expert, the number of people killed by live ammunition (bullets) was 15.

Regarding the location of the injuries: 10 were shot in the chest, six in the head, one in the abdomen and one in the sacrum area. That is, virtually all of the people were hit in parts of the body where a shot is most likely to prove fatal. Of the 18 protesters killed, three were minors: Bryan Apaza, aged 15, possibly killed by live ammunition, but the type of calibre could not be identified; Elmer Leonardo, aged 16, killed by 7.62mm ammunition; and Jhamilet Aroquipa, aged 17, killed by a 9mm round.<sup>109</sup>

109. In Forensic Ballistics Report 02-2023 on Elmer Zolano Leonardo Huanca, it was established that the ammunition that killed him was



Of these 18 cases, Amnesty International documented 13. In at least 10 it found indications of possible extrajudicial executions; in these cases, the evidence points to lethal force being used unjustifiably because none of the individuals endangered the physical integrity or lives of security officials or others. In addition, all were tested for atomic absorption, which, through the analysis of traces of lead, barium or antimony on the hands, establishes whether a person has discharged a firearm recently or not. In all the cases studied, the test was negative, confirming that the victims had not discharged any type of firearm at the time of their deaths.

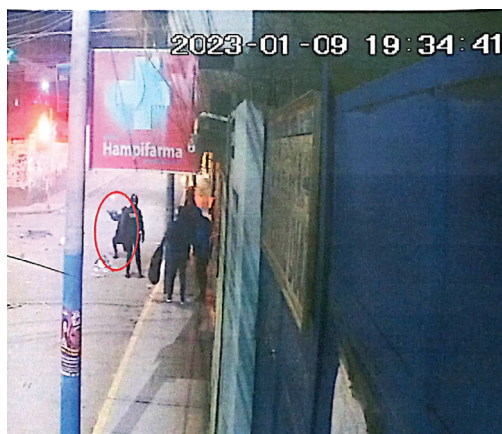
In addition to the cases detailed below, the case of **Heliot Cristhian Arizaca Luque, aged 18**, was documented. He was allegedly extrajudicially executed using lethal ammunition that hit him in the upper chest as he was searching for an uncle he had become separated from in the middle of a demonstration on 9 January. The case of **Heder Jesús Mamani Luque, aged 37**, who was killed while watching the demonstrations in the vicinity of the airport with his 14-year-old son; **Christian Armando Mamani Hanco, aged 22**, a professional musician, who lost his life while participating in the protests together with friends from his union. In these three cases, autopsies did not establish the type of ammunition that caused the death. However, as mentioned above, independent experts who examined the autopsies confirmed to the organization that the nature of the injuries, trajectory of the shot and the organ damage described would, in all three cases, be consistent with the use of lethal ammunition.

### **EBERTH: EXTRAJUDICIAL EXECUTION RECORDED FROM VARIOUS ANGLES**

Eberth Mamani Arqui was 40 years old, a Quechua speaker and a construction worker by profession. In October 2022, Eberth moved to Juliaca to look for a job that would give him greater sources of income and a better future for his family, who stayed in Arequipa.

On 9 January, Eberth planned to return to Arequipa, however, due to roadblocks this was impossible. Instead, he decided to support the workers in the strike held that day. He went to the centre of Juliaca, where the mobilization had relocated to.

Various videos obtained and verified by Amnesty International, IDL Reporteros and the New York Times (NYT) show the moment of his death. Minutes earlier, a video from the municipality shows a pair of protesters letting off fireworks at police officers located a few blocks away. Another recording obtained by the NYT newspaper, shows several police officers advancing on Jirón San Martín, while allegedly shouting: “Kill him! Kill him!”.<sup>110</sup> At 19:34, that is 20 minutes before Eberth’s death, video surveillance cameras caught a policeman apparently firing what looks like a service weapon from the intersection of Bolívar (the continuation of Jirón San Martín) and Jirón San Román-Lima.<sup>111</sup>



Still from a video obtained by the Public Ministry showing what appears to be a police official firing a small arm.

Minutes later, at 19:52, a group of protesters is observed at that same intersection, trying to get into Jirón San Martín, apparently to see what the police, whose Sector Police Station and Police Order and Security Division was 500 metres away, were doing. In another video, from another perspective, a shot is heard and a person is seen falling to the ground. Finally, another video posted on Tik Tok shows a line of police a few metres from a body lying on the ground.<sup>112</sup>

a “7.62mm calibre rifle projectile... suitable for comparative microscopic analysis”. The cases of Bryan Apaza and Jhamileth Aroquipa are discussed later in the report.

110. NYT, “La policía y el ejército de Perú usaron fuerza excesiva contra manifestantes”, [Police and the Peruvian army used excessive force against protesters] 16 March 2023, <https://www.nytimes.com/es/2023/03/16/espanol/peru-policia-ejercito-protetas-armas.html> (Spanish only).

111. Public Prosecutor’s Office. Puno Prosecution District, Criminal File 23-2023. Vol. XI, p. 184.

112. TIK TOK. jdiegow. <https://www.tiktok.com/@jdiegow/video/7186876776109411590?lang=es> See also NYT. “La policía y el ejército



Picture 1: A video posted on social media shows the moment when Eberth Mamani is hit by a 9mm bullet and falls to the ground on 9 January in Juliaca..

Picture 2: In a video posted on social media in which a line of police can be seen a few metres from the place where Eberth Mamani collapsed dead on 9 January in Juliaca

According to Institute of Forensic Medicine (IML) Autopsy Report 016-2023, dated 10 January, Eberth Mamani died from a “9mm calibre parabellum pistol cartridge projectile with an expansive hollow-tipped warhead.” According to this expert report, the bullet “entered at the level of the lower eyelid of the right eye, perforated the bones of the face and base of the skull”, producing contusion and brain lacerations, bilateral subarachnoid haemorrhage and rupture of the cranial base.<sup>113</sup> Forensic Ballistics Expert Report 06-2023 of 18 January confirmed that it was 9mm ammunition “suitable for comparative microscopic analysis”.<sup>114</sup> This ammunition is compatible with Sig Sauer or Pietro Beretta-type PNP service pistols. Expert Opinion on Atomic Absorption 2023002003227-228 carried out on 13 January confirmed that Eberth Mamani had not discharged any type of firearm in the moments before his death.<sup>115</sup>

### MARCO ANTONIO: A MEDICAL STUDENT KILLED WHILE ATTENDING TO THE WOUNDED

Marco Antonio Samillán Sanga was 30 years old, a biologist and a medical student and he had a small laboratory in the city of Juliaca. During the protests, he was part of a group of medical brigade volunteers, organized by health personnel, who provided assistance on the streets to people injured during the demonstrations.

According to his family’s testimony, on 9 January, after receiving a phone call, he took his first aid kit and left home, heading for the airport area, at around 13:30, at which time there were reports of a large number of people injured and mounting repression of the protests that had begun in the morning.

According to witnesses who shared their accounts with Amnesty International, at around 15:00, Marco Antonio was attending to an injured person who had fallen down in Jirón 24 de junio, a street perpendicular to the airport runway, when he was shot in the back by police officers carrying long weapons. A video posted by IDL Reporteros managed to capture at least two armed police officers minutes before the incident at the corner of the street where he was fatally wounded. Another video captured the moment he lay on the ground, still alive.<sup>116</sup>

He was rescued by neighbours from the surrounding houses who carried him on a blanket, still alive, to an ambulance that transferred him to the Carlos Monge Medrano Hospital. According to Autopsy Report 03-2023, dated 10 January, he died due to a “perforating wound in the chest by a “PAF” whose trajectory went from the back to the front.<sup>117</sup> While the autopsy report does not detail the type of ammunition, an Amnesty International weapons and ammunition expert and analysis by an independent physician agree that, based on the autopsy analysis, it was lethal ammunition. The expert opinion on atomic absorption 2023002003156-157 concluded that it was “not compatible with discharge”, confirming that he had not discharged any type of firearm moments before his death.<sup>118</sup>

de Perú usaron fuerza excesiva contra manifestantes”, [Police and the Peruvian army used excessive force against protesters] <https://www.nytimes.com/es/2023/03/16/espanol/peru-policia-ejercito-protestas-armas.html> (Spanish only).

113. Public Prosecutor’s Office. Puno Prosecution District, Criminal File 23-2023, Vol. VI, pp. 43-196 and Vol. VII, pp. 1-11.

114. Public Prosecutor’s Office. Puno Prosecution District, Criminal File 23-2023, Vol. IX, p. 110-146.

115. Public Prosecutor’s Office. Puno Prosecution District, Criminal File 23-2023, Vol. V, pp. 42-82.

116. IDL-Reporteros. Homicidios en Juliaca [Killings in Juliaca] 9 April 2023 <https://www.idl-reporteros.pe/homicidios-en-juliaca/> (Spanish only).

117. Public Prosecutor’s Office. Puno Prosecution District, Criminal File 23-2023, Vol. VI, pp. 43-196 and Vol. VII, pp. 1-11.

118. Expert opinion on atomic absorption 2023002003188-189, Public Ministry, Puno Prosecution District, Criminal File 23-2023, Vol. V, pp. 42-82.



Video obtained by IDL Reporteros showing two police officers with long guns on the street where Marco Antonio Samillán Sanga was treating a wounded man and was shot minutes later on 9 January in Juliaca.

## BRYAN AND PAUL FRANKLIN: TWO FRIENDS KILLED IN THE SAME INCIDENT

**Bryan Apaza Jumpiri** had just turned 15. According to his family's testimony, he was a loving child who wanted to lift his family out of poverty. He was studying in Pampa Grande, Sandia, where he was due to return on 4 January, but was unable to do so because of the roadblocks.

**Paul Franklin Mamani Apaza** was 20 years old and a road maintenance worker. According to his father's testimony, he was a cheerful and friendly person, whose dream was to be able to study gastronomy and set up a food store.

On 9 January, Bryan's mother, along with Bryan and another brother, left the house to accompany their older sister to a medical appointment; she had health problems related to her pregnancy. When they came out of the appointment, at around 17:30, Bryan and his family went separate ways so he could go to an internet cafe as he didn't have a cell phone. They agreed to meet again a few minutes later in the Túpac market in the central area of town. However, Bryan never arrived.

In the case of Paul Franklin, his mother and siblings decided to take part in the mobilizations near the airport, returning home around 16:00. However, a few hours later Paul Franklin went out again, saying he was going to buy something in the centre of town, where the situation was supposedly calmer.

Bryan's friends informed his family that, after leaving the internet cafe, Bryan met his friend Paul Franklin. At around 19:30, near the intersection of Moquegua Avenue and Ramon Castilla Street, the PNP reportedly fired at protesters, hitting Bryan in the head and Paul Franklin in the chest. Several people told the family that the bullets came from the Juliaca Police Division, which is 240 metres directly in front of the place where the young people died.

When Bryan's family arrived at the hospital, he had various tubes attached and was in a coma; he remained in a coma for three days. He was operated on but, due to the severity of his injuries, he died on the morning of 12 January. Paul Franklin died on the day he was shot.

According to Autopsy Report 020-2022 of 10 January, Bryan died from a "head trauma" with "skull fracture." In this examination a fragment of "PAF" was extracted.<sup>119</sup> According to an analysis of the autopsy and the image of this fragment carried out by Amnesty International's expert on weapons and ammunition, as well as the opinion of an independent forensic physician, it was live ammunition (a bullet), although it was not possible to specify the calibre.

In the case of Paul Franklin, Expert Autopsy Report 010-2023 of 10 January, established that his death was caused by "penetrating wound by a PAF in the chest", which crossed the intercostal muscle between the sixth and seventh ribs with haemorrhagic infiltration, lacerating the right lung, mediastinal vessels and bronchi.<sup>120</sup> According to Forensic Ballistics Report 03-2023 of 16 January, it was established that the ammunition that caused his death was a "7.62mm calibre rifle projectile... suitable for comparative microscopic analysis".<sup>121</sup>

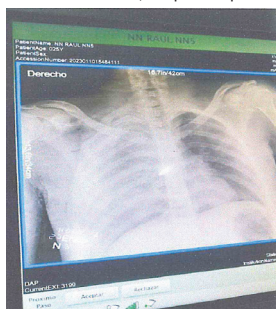
119. Public Prosecutor's Office. Puno Prosecution District, Criminal File 23-2023, Vol. VI, pp. 43-196 and Vol. VII, pp. 1-11.

120. Public Prosecutor's Office. Puno Prosecution District, Criminal File 23-2023, Vol. VI, pp. 43-196 and Vol. VII, pp. 1-11.

121. Public Prosecutor's Office. Puno Prosecution District, Criminal File 23-2023, Vol. IX, p. 110-146.



In both cases, expert opinions on atomic absorption, of 13 January were negative for firearm residue.<sup>122</sup>



An X-ray taken during the autopsy of Paul Franklin Mamani's body shows a 7.62mm bullet lodged in the central part of the chest

The Public Prosecutor's Office carried out the collection of evidence at the scene a week later. Despite the time elapsed, five bullet holes were recorded in the building located at the intersection of the relevant streets.<sup>123</sup>

### **JHAMIETH NATALY: 17-YEAR-OLD ANIMAL RIGHTS ACTIVIST**

**Jhamileth Nataly Aroquipa Hanco** was 17 years old and studying psychology in Cochabamba. At the time of the events, she was in Juliaca, her hometown, enjoying the end of the year holidays with her family. She had two younger siblings aged 15 and six and was an animal rights defender.

According to her family's statement, on 9 January, Jhamileth, her parents and her middle sister left their home by the exit to Cusco, near the airport, to buy groceries at around 15:30.

Once they had made their purchases, they started to walk home, crossing streets near the airport, on the edge of Aviación Avenue (adjacent to the airstrip). When they were the junction of Independencia Avenue and Jirón Asunción, Jhamileth walked a few metres ahead and suddenly fell to the ground. When her father went to help her, he saw a hole in her stomach. Although the family did not see the police or hear the gunshot, a video obtained by IDL Reporteros shows how a few metres away a group of armed police were hidden behind a metal structure.



Still from a video obtained by IDL-Reporteros showing several armed police officers who had barricaded themselves behind metal structures, at the junction of Independencia Avenue with Aviación Avenue, at the time and a few metres from where Jhamileth Aroquipa Hanco died on 9 January in Juliaca.

Jhamileth was taken to the Mariano Melgar Medical Centre and from there to CMM Hospital where they were informed that their daughter had suffered two cardiac arrests. Hours later, they were informed of her death. According to his family, Jhamileth lay on the floor of the morgue due to the lack of space because of the number of bodies accumulated in a short time.

Forensic Autopsy Report 04-2023 of 10 January recorded the extraction of a 9mm projectile and established that the cause of death was a "penetrating wound by a "PAF" in the abdomen that produced laceration to large vessels of the posterior abdominal cavity causing massive hemoperitoneum and hypovolemia that led to death".<sup>124</sup> Expert Forensic Ballistics Report 05-2023 of 18 January, confirmed that it was a "projectile for

122. Expert opinion on atomic absorption 2023002003188-189, Public Ministry, Puno Prosecution District, Criminal File 23-2023, Vol. V, pp. 42-82.

123. Public Prosecutor's Office. Puno Prosecution District, Criminal File 23-2023, Vol. VII, p. 130.

124. Public Prosecutor's Office. Puno Prosecution District, Criminal File 23-2023, Vol. VI, pp. 43-196 and Vol. VII, pp. 1-11.

a 9mm calibre parabellum pistol cartridge, weighing 7.4 grams,” (that is, compatible with a police service weapon) and “suitable for a comparative microscopic analysis.”<sup>125</sup>

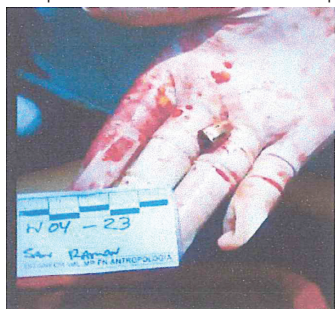


Image from the autopsy report on Jhamileth Aroquipa Hanco showing a 9mm bullet fragment removed from her body.

Finally, Expert Opinion on Atomic Absorption 2023002003171-169 of 13 January, confirmed that Jhamileth had not fired any type of firearm prior to her death.<sup>126</sup>

**“How can I leave my daughter among so many dead, it’s impossible. We still think she’s studying, since she didn’t live with us any more. We will have to live crying, there is no way to explain it.”**

Demetrio Aroquipa, father of Jhamilet Aroquipa Hanco.

### REYNALDO: HE LOST HIS LIFE ON THE WAY TO A FOOTBALL PITCH

Reynaldo Ilaquita Cruz, aged 19, was originally from the community of Muni in the Pusi district, 30 minutes from Juliaca. His main hobbies were sport, music, the trumpet and quena (a traditional wind instrument from the Andean area). He worked at a lumber yard.

On the morning of 9 January, he went to study for his university entrance exam and around 15:00 he went to play football in an area next to Juliaca airport. On his way to the pitch, accompanied by his friends, he was shot.

Reynaldo’s father said that Reynaldo’s friends, who were with him at the time of his death and who are afraid to give statements, told him that they saw a group of police officers begin to chase protesters. Within seconds they were engulfed in chaos and started running. They heard a gunshot and saw Reynaldo fall to the ground.

His father received the news through a relative and the media. By the time he arrived at the hospital, his son had already died.

According to Forensic Medical Autopsy Report 005-2023 of 10 January, Reynaldo died due to a “posterior thorax penetrating wound from a PAF” from back to front (that is, he had his back to the person who fired, which is consistent with the family’s version of events). Specifically, the bullet pierced the lower part of the third costal arch, the right upper lobe of the lung, the fourth dorsal vertebra, the upper lobe of the left lung, before exiting through the left intercostal space and lodging in Reynaldo’s left arm.<sup>127</sup> According to the Forensic Ballistics Expert Report 01-2023 of 16 January, it was “a 7.62mm calibre rifle projectile... suitable for comparative microscopic analysis”, compatible with the AKM rifles used by the PNP and the Armed Forces involved in the operation in Juliaca.<sup>128</sup>

The Expert Opinion on Atomic Absorption 2023002003172-173 of 13 January confirmed that Reynaldo had not fired any type of firearm in the moments before his death.<sup>129</sup>



X-ray image from the autopsy report on Reynaldo Ilaquita Cruz showing a bullet lodged in his arm.

125. Public Prosecutor’s Office. Puno Prosecution District, Criminal File 23-2023, Vol. IX, p. 110-146.

126. Public Prosecutor’s Office. Puno Prosecution District, Criminal File 23-2023, Vol. V, pp. 42-82.

127. Public Prosecutor’s Office. Puno Prosecution District, Criminal File 23-2023, Vol. VI, pp. 43-196 and Vol. VII, pp. 1-11.

128. Public Prosecutor’s Office. Puno Prosecution District, Criminal File 23-2023, Vol. IX, p. 110-146.

129. Public Prosecutor’s Office. Puno Prosecution District, Criminal File 23-2023, Vol. V, pp. 42-82.

## ELMER ZOLANO: 16-YEAR-OLD BOY KILLED BY A RIFLE BULLET TO THE CHEST

Elmer **Leonardo Huanca** was 16 years old and an only child. On 9 January he went with his friends to the protests in the vicinity of the Juliaca airport around noon.

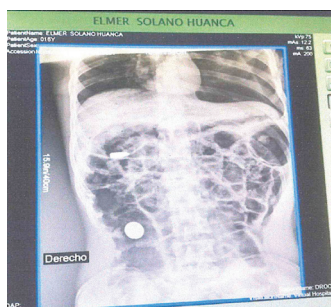
His family had no news about him until about 18:30 when his girlfriend contacted Elmer's mother to inform her that her son was seriously ill and at the hospital. When his mother arrived, she found Elmer's body in the morgue of CMM Hospital. According to Forensic Medical Autopsy Report 006-2023 of 10 January, Elmer died from the impact of a 7.62mm calibre rifle projectile, which entered the anterolateral face of the upper third of the left hemithorax (between the chest and armpit), piercing the chest wall, left lung, diaphragm and liver.<sup>130</sup>

The Forensic Ballistics Expert Report 02-2023 of 16 January 16 confirmed this finding by establishing that the ammunition that killed him was a "7.62mm calibre rifle projectile... suitable for comparative microscopic analysis", that is, with the possibility of performing an expert ballistics test that allows the specific weapon that fired it to be identified.<sup>131</sup> According to the Expert Opinion on Atomic Absorption 2023002003174-175 of 13 January, the teenager had not fired any type of firearm prior to his death.<sup>132</sup>

Despite the fact that Amnesty International did not obtain information on the location, time or manner in which the incident took place, because this is a minor who died from the impact of live ammunition to a part of the body where it was most likely to prove fatal, the organization believes that the case should be investigated as a possible extrajudicial execution.

**"We demand justice... he was only 16 years old. He had many years left, he always told me 'daddy I'm going to bury you, I'm going to buy you a nice box', that's how he would joke with me, to ask me for money to go and eat".**

Germán Leonardo, father of Elmer Zolano Leonardo Huanca.



X-ray from Elmer Leonardo Huanca's autopsy report showing a bullet lodged in his right abdomen.

## 3.3 PERSONS INJURED BY LETHAL FORCE

The Ministry of Health recorded at least 1,247 people treated by the country's Health Network between 7 December 2022 and 9 February 2023.<sup>133</sup>

Hospital records examined by Amnesty International confirm that dozens of people were wounded by bullets and other projectiles during police and military operations in Andahuaylas, Chincheros, Ayacucho and Juliaca. According to the Ministry of Health, 72 people were injured in Ayacucho following the events of 15 and 16 December, 54 in Andahuaylas on 10, 11 and 12 December, and 204 in Juliaca between 6 and 13 January. Of these, on the 9 January alone, 110 people were injured in Juliaca, 34 of them by "PAF" (14 were pellets).<sup>134</sup>

The number of people injured, many of them by "PAF" (firearm projectiles), gives an idea of the magnitude of the attacks perpetrated by the police and army in just a few weeks. A number of cases of lethal ammunition and "PAF" injuries are set out in more detail below. While there is no certainty that cases where only a "PAF" wound" was identified related to lethal ammunition, the organization has chosen to include such cases in this

130. Public Prosecutor's Office. Puno Prosecution District, Criminal File 23-2023, Vol. VI, pp. 43-196 and Vol. VII, pp. 1-11.

131. Prosecutor's Office. Public Prosecutor's Office. Puno Prosecution District, Criminal File 23-2023, Vol. IX, p. 110-146.

132. Public Prosecutor's Office. Puno Prosecution District, Criminal File 23-2023, Vol. V, pp. 42-82.

133. Ombudsperson's Office. Daily report. 10 February 2023. [https://www.defensoria.gob.pe/wp-content/uploads/2023/02/ReporteDiario1022023\\_18-horas.pdf](https://www.defensoria.gob.pe/wp-content/uploads/2023/02/ReporteDiario1022023_18-horas.pdf)

134. Public Prosecutor's Office. Puno District Public Prosecutor. Criminal File 23-2023. Volume IV(a), p. 154.

section as, based on the victims' accounts, the size of the wounds or the fact that they have an entry and exit wound, there are indications that they may be bullets.

## A. ANDAHUAYLAS

In the case of Andahuaylas and Chincheros, Amnesty International documented five cases of people injured between 10 and 12 December 2022: the case of transport worker **Teófilo Ramírez Ortega, 52**, who was injured by an unidentified projectile while walking through the centre of Andahuaylas on 10 December; business administration student **Ángel, 23**, injured by a "PAF" at Andahuaylas airport on 11 December; and three further cases detailed below.

### HELMUT: INJURED WHILE GOING ABOUT HIS DAILY BUSINESS

**Helmut Mondalgo García, 35 years of age**, used to work mornings with his wife in a shop in Andahuaylas market. In the afternoons, he would tend his small plot of land, known as a "chacra" in Peru. On 12 December, he was on his way to his chacra when he was interrupted by the shooting in the centre of Andahuaylas. According to his testimony, he hid in a public toilet and observed the events from the streets overlooking the slopes of the Cerro Huayhuaca hill. He then took cover near a wall and waited until he could hear no more gunshots.

As he re-emerged to return home, he felt the impact of an object on his left arm and, within moments, an ambulance had arrived to take him to hospital. At the clinic of the Andahuaylas Sub-Regional Hospital, medical records from 13 December confirmed that he had been injured by a "PAF".<sup>135</sup> According to Helmut, the shell casing was black and measured approximately two centimetres long. The X-ray of his arm shows a bullet which, according to Amnesty International's arms and ammunition expert, is likely to be live ammunition.



X-ray of Helmut Mondalgo's arm showing a metallic object near his shoulder, which is consistent with a bullet.

**"I don't believe there is any justice for poor people, no one will heal my arm. It is outrageous that these things happen, nobody takes responsibility. I ask for justice."**

Since his injury, he has been unable to drive his motorbike or carry goods for his small shop in Andahuaylas market.

### MARITZA: KINDERGARTEN TEACHER LOST HER PREGNANCY AFTER POLICE SHOOTING

On the afternoon of 12 December, **Maritza Tomaylla Maucaylle, 31**, was on her way to work as a childcare assistant at a day care centre for orphans. She told Amnesty International that she had decided to take a different route to work that day as the city centre was noisy and full of police. When she reached the top of the hill, she decided to sit down and rest for a moment along with her husband and sister.

Maritza told Amnesty International that, at around 16:00 hours, she heard gunshots and saw police opening fire from a rooftop below but she did not manage to take cover in time and two bullets entered her rib cage, after which she lost consciousness and was rushed to hospital. Medical record 226443 of 12 December from the Andahuaylas Sub-Regional Hospital states that she was "wounded by PAF in the thorax". According to her relatives, the doctors in Andahuaylas told them that if she was not transferred to another hospital, she would die. Maritza told Amnesty International that, as she was covered by social security, she was able to be transferred by helicopter to Ayacucho the following day and then to a hospital in Lima.

Maritza was two months pregnant when she was shot with a firearm. When she arrived at the hospital in Lima, doctors told her that she had lost her unborn baby because of the injury. Moreover, following the events of 12 December, she has lost her job and has been completely immobilized ever since.

**"Because of [my injuries] I lost my job. I was supporting my parents and my younger siblings but, as I am now, I can't move around, I feel useless as I can't clean or cook, I am calling, please, for justice."**

Maritza Tomaylla Maucaylle, wounded by a "PAF" to the chest.

135. Andahuaylas Sub-Regional Hospital, Helmut Montalvo Clinical History, 12 December 2022, Page 000063.

## B. CHINCHEROS

During the same events in which Robert Pablo Medina died, on 12 December in the town of Chincheros, another child was seriously injured: **E. G. Q. N., 14 years of age**. At around 13:00 hours, the child and his father went down to the town centre where they had arranged to meet his mother. As he was walking through the streets he got lost in the din and smoke of the tear gas. A bullet hit him in the back. He was rushed to the Ayacucho Regional Hospital, where Study Order 1904920 of 13 December confirmed that he was “Wounded by PAF”. Due to his serious condition, he was transferred by helicopter to the San Borja Hospital in Lima. He underwent several high-risk operations over a period of weeks and the ammunition was successfully removed from his body. The Evidence Lab analysed a photo of the bullet and confirmed that it was live ammunition, which would confirm that lethal weapons were used by the police during the events in which Robert Pablo was killed and **E.G.Q.N.** seriously injured.

## C. AYACUCHO

In Ayacucho, Amnesty International interviewed 10 young people who said they were injured during the events of 15 December by bullets entering their upper legs or thighs, arms, back or pelvic area. The organization was able to fully document eight of these cases. Six of the eight people were injured on the afternoon of 15 December, all between 16:30 and 18:00 hours in the vicinity of the airport and the General Cemetery, hours after the first deaths had occurred on that day. Reports from public institutions such as the municipal authorities, the Ombudsperson’s Office and the health services concur with the testimonies of the victims, who state that multiple live gunshots were heard in that area during that time period.

Of the eight cases, the information gathered suggests that none of them were armed but that most of them were helping the wounded, fleeing from the military or simply witnessing the events.

Specifically, student **Alex Ávila Marapi, 19**, was wounded by a “PAF” in the left shoulder on 15 December<sup>136</sup> when, as he told Amnesty International, he was helping injured people by the side of the airport runway at about 16.30 hours; another pre-university student, **C.A., 19**, was wounded in the back on the same day “shot by other firearms”<sup>137</sup> while, according to testimony given to Amnesty International and the Public Prosecutor’s Office,<sup>138</sup> he was helping some elderly women to protect themselves from the shooting; mechanic **Leandro Rejas Ccallocunto, 24**, was wounded by a “PAF” in the lower back on 15 December while participating in the protests alongside the runway at around 17:30 hours.

Three of the cases of injured people documented by Amnesty International had to be transferred to Lima by air due to a lack of technical capacity at the Ayacucho hospital. Taxi driver **Reyder Hinostroza Huachaca, 27**, was in the airport area on 15 December when he was “injured by a PAF”. According to his testimony, he was only observing the demonstration. Mobile phone repair technician and resident of the area, **A.W., 27**, had just finished eating at home on 15 December when he had to go out onto the street because he was being suffocated by tear gas fumes coming from near the airport. As he left the house, he was wounded by a “firearm in his right arm” according to the record of his admission to the Ayacucho Regional Hospital, and he was later transferred to Lima for medical attention. Two further cases are set out in more detail below.<sup>139</sup>

### CARLOS: INJURED WHILE HELPING THE DEMONSTRATORS

Transport worker **Carlos Tineo Gómez, 36**, told Amnesty International that he had joined the protests on the morning of 15 December with his wife and family and then gone home to eat, rest and play football with friends. After lunch, he and his wife decided to walk to the airport to see how the protest was going. Arriving in the residential area surrounding the facility, Carlos Tineo Gómez saw a crowd of injured people and decided to help some of them. According to his statement to the Prosecutor’s Office, he had just lifted a wounded man into an ambulance when he was hit by a gunshot to the upper pelvis at around 16:30 hours. A list of patients admitted to Ayacucho Regional Hospital in Criminal File 067-2022 confirms that he was injured by a “PAF”.<sup>140</sup>

136. Public Prosecutor’s Office. Second Supra-Provincial Criminal Prosecutor’s Office for Human Rights and Interculturality of Ayacucho. Criminal File 067-2022. Page 859.

137. Public Prosecutor’s Office. Second Supra-Provincial Criminal Prosecutor’s Office for Human Rights and Interculturality of Ayacucho. Criminal File 067-2022, pp. 211 and 233.

138. Public Prosecutor’s Office. Second Supra-Provincial Prosecutor’s Office for Human Rights and Interculturality of Ayacucho. Criminal File 067-2022. Page 234.

139. Public Prosecutor’s Office. Second Supra-Provincial Prosecutor’s Office for Human Rights and Interculturality of Ayacucho. Criminal File 067-2022. Page 1293.

140. Public Prosecutor’s Office. Second Supra-Provincial Prosecutor’s Office for Human Rights and Interculturality of Ayacucho., Criminal File 067-2022, p221.



**“The military were shooting, they were shooting in bursts at the gate leading to the cemetery. They saw that some people had died but they didn’t care. People responded with whatever they could out of fear, but stones don’t hurt like bullets do.”**

Young man wounded by an army bullet in Ayacucho.

### **ADRIÁN: INJURED ON HIS WAY TO MOURN HIS FRIEND WHO HAD DIED THE DAY BEFORE**

A watchman from the municipality of San Juan Bautista, **Adrián Ochoa Castillo, 30**, told Amnesty International that he was leaving work at around 14.00 on 16 December to go to Ayacucho Regional Hospital to pay his respects to a friend who had died the previous day. He planned to carry the body out in a coffin together with several friends and to hold a wake. According to Adrián’s account, which also appears in his statement to the Public Prosecutor’s Office, as he was approaching the hospital, several soldiers appeared and started shooting, and a bullet hit him in the right arm.<sup>141</sup> A list of admissions drawn up by the EsSalud Social Security System on 16 December confirmed that Adrián was admitted for a “PAF in the right arm”.<sup>142</sup> Adrián Ochoa’s account is consistent with Ministry of Health (MINSA) records, which give a blow-by-blow account of the emergency situation. On 16 December at 14:11 hours (the same time that Adrián was wounded), MINSA records state that “a stray bullet was reported at Ayacucho Regional Hospital”.<sup>143</sup> Officials from the Ombudspersons Office also told Amnesty International that they witnessed bullets reaching the hospital that day.

## **D. JULIACA**

According to information from the San Roman Health System, part of the Ministry of Health, at least 204 people were injured between 6 and 13 January 2023 in Juliaca. On 9 January alone, 110 people were injured; 34 of them as a result of projectiles from firearms. Of this number, 14 of the reports specify that they were “pellet” wounds without detailing whether they were lead or rubber.<sup>144</sup>

In Juliaca, Amnesty International interviewed eight people injured by “projectiles from firearms” on 6, 7, 8 and 9 January. In very few cases did these people receive any kind of official medical report of their injuries, in at least one of the cases the extracted bullet was misplaced by the medical staff and, out of fear, none of these people filed a complaint with the Prosecutor’s Office.

Amnesty International documented the case of **26-year-old C.N.**, who was hit by a “PAF” while riding his motorbike along Avenida Aviación. He saw a policeman with a long weapon pointed at him, firing from the airport gate on 9 January. In the case of **Luzmila Choquehuanca Machaca**, 44 years of age, a Quechua speaker and cook by profession, she was shot in the ankle on 7 January by police officers she had spotted some four streets away as she was about to cross Avenida Gardenias at the intersection with Independencia, near the airport, with her daughter and five-year-old granddaughter. According to the medical report from the Carlos Monge Medrano Hospital, Luzmila suffered an “exposed fracture to the left tibia and fibula”. Similarly, **B. Q. A., 11**, was shot in the left ankle while he was with the rest of his family in an area near the airport looking for a birthday cake for his father. According to the medical report issued on 9 January by the Carlos Monge Medrano Hospital, it related to a “PAF” entry and exit wound. **M.N., 48 years old**, saw police with long weapons shooting at her from a distance of 30 metres as she was crossing one of the streets near the airport. The events took place on 9 February, one month after the deadliest day of the crisis in Juliaca. **Alex Mamani Humpire, 33 years old**, was hit in the head by a “PAF” while he was with friends near the airport on 9 January.

141. Public Prosecutor’s Office. Second Supra-Provincial Prosecutor’s Office for Human Rights and Interculturality of Ayacucho. Criminal File 067-2022. Page 77.

142. Public Prosecutor’s Office. Second Supra-Provincial Prosecutor’s Office for Human Rights and Interculturality of Ayacucho. Criminal File 067-2022, p223.

143. Public Prosecutor’s Office. Second Supra-Provincial Prosecutor’s Office for Human Rights and Interculturality. Criminal File 067-2022. Page 651.

144. Public Prosecutor’s Office. Puno District Public Prosecutor. Criminal File 23-2013. Volume IV(a), p. 154.



**“The five-year-old girl was a witness to all these events, now every time she sees or hears a tear gas grenade, she is distraught. That bullet could have hit my granddaughter, a five-year-old girl, what would have happened to her if that had happened? It’s not right.”**

Luzmila Choquehuanca Machaca, gunshot wound to the ankle.

### **L.A.: SHOT IN THE BACK BY A “PAF”(FIREARM PROJECTILE) WHILE FLEEING**

**L.A., 29**, a welder’s assistant, left his place of work on the road leading to Cusco at 14:00 hours on 7 January and crossed Avenida 3 de Octubre, near the airport, from where he observed the clashes between the demonstrators and the police. He decided to stop for around 20 minutes to observe the protest but, when he began to realise that the police were shooting with long weapons and throwing tear gas, he immediately started to run. After 20 metres, however, he felt a blow to his back. His leg went numb and he began to bleed from his abdomen. He was taken to the health centre and later to the Carlos Monge Medrano Hospital.

At the hospital, he was told that a projectile, possibly a bullet, with an entry and exit wound, had passed 25 centimetres through his abdomen, 2 cm from his spinal column.

In an interview with Amnesty International, he explained that he is now unable to work due to severe pain but lacks a formal document proving that he was injured by a “PAF”. At the Carlos Monge Medrano Hospital, they explained to him that, having provided him with emergency care, they were unable to offer him any follow-up.

According to the register of “Patients treated during Social Conflict in Facilities of the San Roman Health Network from 06 to 13 January”, issued by the Ministry of Health, L.A. presented “a PAF injury with entry and exit wound” in the abdomen.<sup>145</sup>

### **WILFREDO: THE MEDICAL TEAM MISPLACED THE BULLET LODGED IN HIS ARM**

**Wilfredo Ccoarite Tudela, 37**, a Quechua-speaking car mechanic, lived just a few blocks from the airport. On 9 January, at around 13.30 hours, he left home with his partner to walk to work. As they passed near the airport, they heard gunfire and saw a helicopter flying overhead. Moments later, he was hit by a bullet in his arm, a few metres from the Mariano Melgar health centre, where he was taken by motorbike.

Once at the health centre, the bullet – which had lodged in his arm and fractured his right radius – was removed. However, the ammunition was subsequently misplaced by medical personnel. He was then referred to the Carlos Monge Medrano Hospital because there was no X-ray service at the health centre. Once there, they confirmed the fracture and informed him that they could not provide the assistance he required; they recommended that he be treated by a private doctor as he risked losing his hand.

The private clinic he attended also did not have an X-ray service and he had to wait more than a week to be seen. He was warned that his hand might have to be amputated because the ammunition had contaminated and damaged the bone. He eventually underwent surgery to save the limb; however, at the time of his interview with Amnesty International, he was still in severe pain and in need of treatment which he was unable to access due to lack of resources.

Wilfredo claimed that the bullet was aimed at his chest but that his arm saved him because he was eating an ice cream at the time.



Still 1: Medical personnel removing a bullet from Wilfredo Ccoarite Tudela’s arm.

Image 2: Metal device installed in Wilfredo Ccoarite Tudela’s arm due to a broken bone.

145. Public Prosecutor’s Office. Puno District Public Prosecutor. Criminal File 23-2023. Volume IV b, p. 154.

## YUNNI MILAN: TWO WEEKS IN ICU DUE TO THE SEVERITY OF HIS INJURIES

On the morning of 6 January, **Yunni Milan Anahui Jacho, 29**, a Quechua-speaking labourer and driver for a mining company, went out with his mother and dog to do some shopping at the market. At around 15:00 hours, as they were walking home through the streets around the airport, they saw some 300 protesters running for cover from the tear gas.

His mother refused to cross Avenida Independencia but Yunni wanted to get nearer with his dog to see what was going on. At that moment, from a corner inside the airport, he saw a police officer, wearing camouflage, shoot at him. According to his testimony, the police officers had long weapons and were firing constantly, accompanied by army personnel.

When he fell to the ground, he lost consciousness and neighbours from the area took him to the Mariano Melgar health centre, where he was stitched up and referred to the Carlos Monge Medrano Hospital, as he was bleeding badly. The medical staff explained that the ammunition had passed through his coccyx, bladder and intestines.

According to the list of patients treated by the San Roman Health Network from 6 to 13 January, Yunni presented with “hypovolemic shock, complex fracture of the sacrum and ileum due to a PAF, retroperitoneal haematoma, iliac vascular lesion, hydroelectrolytic disorder, renal failure”.<sup>146</sup>

**PACIENTES ATENDIDOS CONFLICTO SOCIAL EN ESTABLECIMIENTOS DE LA RED DE SALUD SAN ROMAN DEL 06 AL 13 DE ENERO 2023**

Nº	NOMBRES Y APELLIDOS	SEXO		DIAGNOSTICO	ESTABLECIMIENTO DE SALUD	FECHA INGRESO	FECHA EGRESO	SITUACION ACTUAL	OBSERVACIONES
		F	M						
1	ANAHUI JACHO YUNNY		29	SHOCK HIPOVOLEMICO, FRACTURA COMPLEJA DE HUESO SACRO E ILEON POR PAF, HEMATOMA RETROPERITONEAL, DILACION VASCULAR ILIACA, TRASTORNO HIDROELECTROLITICO, FALLA RENAL	HOSPITAL CMM	6/01/2023		CONTINUA HOSPITALIZADO	REFERIDO DEL P.S. MNO. MELGAR

Yunni underwent surgery after being in ICU for four days. He remained in the ICU for nine days and then on the ward a further five. Yunni says that his medical discharge does not specify that it was a bullet but rather a “PAF”, and that the hospital has refused to hand over his medical records.

## 3.4 STANDARDS ON THE USE OF LESS-LETHAL FORCE AND PROHIBITED WEAPONS FOR LAW ENFORCEMENT AGENCIES

Less-lethal weapons are defined as non-lethal, incapacitating weapons designed to minimize the risk of death or serious injury when use of force is necessary. Their function is to enable law enforcement officers a differentiated and graduated use of force in situations where it would be unlawful to use firearms loaded with lethal munitions.<sup>147</sup>

The international standard on the use of weapons states that any weapon, including “less-lethal” weapons, must be used in a way that minimizes harm, avoids causing serious injury and protects human life.

Weapons considered less lethal include chemical irritants such as tear gas or pepper spray, kinetic impact projectiles, stun guns, laser dazzlers and water cannons. These weapons are also subject to strict requirements of legality, necessity, proportionality and accountability and can only be employed in situations where other less harmful measures have proven ineffective in dealing with a threat and a gradual increase in the intensity of force is required.<sup>148</sup>

Weapons with less-lethal ammunition, such as riot guns that fire impact or kinetic energy projectiles such as rubber bullets, should be used in a targeted manner and only for the purpose of dealing with a specific and imminent threat of harm to an individual. State agents should not resort to such weapons in ordinary situations of crowd control or to disperse demonstrations, nor use them randomly against a crowd.<sup>149</sup>

146. Public Prosecutor’s Office. Puno District Public Prosecutor. Criminal File 23-2023. Volume IV(a), p. 154.

147. UN. United Nations Human Rights Guidance on Less-Lethal Weapons in Law Enforcement Page 2.

148. UN. United Nations Human Rights Guidance on the Use of Less Lethal Weapons in Law Enforcement, para. 6.3.1. See also: Human Rights Committee, General Comment No. 36, 3 September 2019, CCPR/C/GC36, para. 14.

149. UN. United Nations Human Rights Guidance on the Use of Less Lethal Weapons in Law Enforcement, para. 7.5. See also: Amnesty International. [Kinetic Impact Projectiles in Law Enforcement](https://policehumanrightsresources.org/kinetic-impact-projectiles-in-law-enforcement), p.12 <https://policehumanrightsresources.org/kinetic-impact-projectiles-in-law-enforcement>

This type of ammunition must be designed such that, on impact with the human body, it causes only pain and a blunt effect but does not penetrate the skin, given the risk of death or serious injury involved.<sup>150</sup> The proper use of this type of ammunition involves three aspects: angle of fire, accuracy and shooting distance. On this basis, officers should only fire from the distance permitted by the type of ammunition available to avoid causing serious injury.

In addition, they must fire accurately at a specific target, exclusively at those who are conducting themselves with considerable violence against people. Kinetic impact projectiles should therefore not be fired randomly into a crowd.<sup>151</sup>

Finally, the direction of fire should be below the waist, to reduce the risk of causing bodily harm or damage to a vital area of the body (primarily the head and thorax).<sup>152</sup>

Multiple kinetic projectiles such as rubber bullets and lead shot were, however, identified in Peru. The former, being highly inaccurate, should not be used to manage demonstrations.<sup>153</sup> Lead shot (also known as pellets) is a multiple projectile designed for hunting purposes. It also carries a high risk of inaccuracy, easily penetrates the skin and is not designed for this kind of operation. Its use in such protest or demonstration scenarios should be prohibited.<sup>154</sup>

A less-lethal weapon used consistently by the security forces in Peru was tear gas. The aim of using such chemical irritants delivered from a distance is to make members of a group disperse and refrain from violence. In such circumstances, the gas should be fired at a high angle and never directly at the body.<sup>155</sup>

The use of any ammunition that causes damage disproportionate to its intended purpose should be prohibited as it carries a high risk of causing serious injury, including to persons at whom the shot was not directed.

## 3.5 ARBITRARY KILLINGS AND INJURIES BY WEAPONS BANNED FOR LAW ENFORCEMENT AGENCIES AND BY LESS-LETHAL WEAPONS

While lethal ammunition was most commonly used by the authorities and led to the deaths of dozens of people, the use of ammunition unsuitable for law enforcement (rubber, lead or metal pellets) was also significant. With regard to the use of less-lethal force such as tear gas, this was reported as excessive and, in some cases, used inappropriately and aimed directly at the bodies of the demonstrators.

In particular, health services in several of the areas visited reported multiple injuries from lead pellets. Amnesty International documented several cases of deaths and injuries from lead pellets even though this is in contravention of international standards on the use of force and is explicitly prohibited in Peru under the National Police Manual on Operations and the Maintenance and Restoration of Law and Order.<sup>156</sup> In addition, this type of pellet does not formally appear in the weapon inventories of the police or military authorities submitted with respect to crowd control operations.

In addition, one death and multiple injuries due to tear gas were reported. While the organization did not document cases of people injured by rubber bullets, their excessive or inappropriate use was identified through open-source analysis.

In this regard, Amnesty International's Evidence Lab identified at least 20 videos demonstrating the use of less-lethal weapons across the country. While, in some cases, the images show an appropriate use of less-lethal weapons, such as the use of tear gas fired in a parabola at a reasonable distance from the

150. Amnesty International. *Kinetic Impact Projectiles in Law Enforcement*, p. 12. <https://policehumanrightsresources.org/kinetic-impact-projectiles-in-law-enforcement>

151. Amnesty International. *My Eye Exploded: The Global Abuse of Kinetic Impact Projectiles*, p.6. <https://www.amnesty.org/en/documents/act30/6384/2023/en/>

152. UN. United Nations Human Rights Guidance on the Use of Less Lethal Weapons in Law Enforcement, para. 7.1.

153. UN. United Nations Human Rights Guidance on the Use of Less Lethal Weapons in Law Enforcement, para. 7.5.6; See also: Amnesty International. *Kinetic Impact Projectiles in Law Enforcement*, p.18 <https://policehumanrightsresources.org/kinetic-impact-projectiles-in-law-enforcement>

154. Amnesty International. *Kinetic Impact Projectiles in Law Enforcement*. <https://policehumanrightsresources.org/kinetic-impact-projectiles-in-law-enforcement>

155. UN. United Nations Human Rights Guidance on the Use of Less Lethal Weapons in Law Enforcement, para. 7.3.2.

156. PNP. Manual de Operaciones y Mantenimiento y Restablecimiento de Orden Público del Perú. 2016. <https://img.lpderecho.pe/wp-content/uploads/2020/11/Manual-mantenimiento-y-restablecimiento-LP.pdf>

demonstrators, other videos identify an inappropriate and unnecessary use of gas and projectiles (the nature of which is unknown from the videos) aimed at the bodies of the demonstrators, even when the safety of officers is apparently not at risk.

**In Lima**, a video taken in the vicinity of Plaza San Martín on 13 December 2022 shows a protester being shot at directly in the head by what appears to be a pellet, according to Amnesty International's analysis. The protester falls to the ground and seems unable to move. Although the video shows the police caught between two groups of demonstrators throwing stones and projectiles at them, the fact that this is an inappropriate munition, and that it is aimed at a high-lethality area, is in violation of the international standard.

Another video analysed shows police pointing their weapons and firing at protesters fleeing from Lima's Plaza Luis Alberto Sánchez on 19 January.

Another recording in Lima, dated 28 January 2023, shows the precise moment when a blunt object hits **V.S.Y.**'s head, causing his death. The images show that he was a peaceful passer-by who was killed by the impact of a gas canister to the left side of his body. The press release from the medical team that treated him states that he presented "cranial encephalic trauma with fracture in the left occipital region and exposure of the encephalic mass". According to this report, the injured person was taken to Grau Hospital, where he later died.

The Evidence Lab verified videos from **Andahuaylas** on 12 December showing police firing tear gas canisters directly at the bodies of a small group of people as they fled.

At the same location, inspections carried out by the Ombudsperson's Office reveal the use of arms by the Peruvian National Police. On 11 December, DIVPOL confirmed to the Ombudsperson's Office the use of 145 rounds of 37/38mm calibre tear gas, 10 rounds of 12GA tear gas with blue smoke, 55 Falken hand grenades, and 137 rounds of 12GA calibre rubber bullets. For 12 December, DIVPOL reported the use of 851 rounds of 37/38mm calibre tear gas, 20 rounds of 12GA tear gas with blue smoke, 100 Falken hand gas grenades and 669 rounds of 12GA rubber bullets.

Amnesty International similarly verified videos from 11 December showing that DIROPSEP allegedly dropped chemical irritants from Mi-17 helicopters indiscriminately and contrary to international standards;<sup>157</sup> this information is consistent with an Amnesty International in situ visit where several gas canisters were observed when visiting the airport.<sup>158</sup>



Amnesty International photo taken of a tear gas canister found during a visit to Andahuaylas airport.

In **Ayacucho**, according to information in Criminal File 067-2022, in an inspection conducted on 19 December 2022, the Army's Second Infantry Brigade used 280 hand grenades, 175 rubber pellets, and 123 non-lethal 40ml grenades during its operation on 15 and 16 December. For its part, the Peruvian National Police, at the REGPOL Weapons Unit in Ayacucho, handed over a weapons log carried by 26 police officers who were deployed to the "strike" on 15 and 16 December in response to the protests,<sup>159</sup> detailing that they

157. Amnesty International: Amnistía Internacional publica 30 normas para frenar el uso de sustancias químicas irritantes por parte de la policía, 30 July 2021, 2021. <https://www.es.amnesty.org/en-que-estamos/noticias/noticia/articulo/amnistia-internacional-publica-30-normas-para-frenar-el-uso-de-sustancias-quimicas-irritantes-por-parte-de-la-policia/>

158. Amnesty International. Chemical Irritants in Law Enforcement. 5.2, p.15. <https://www.amnesty.nl/content/uploads/2021/07/Amnesty-position-paper-chemical-irritants.pdf>

159. Public Prosecutor's Office. Second Supra-Provincial Criminal Prosecutor's Office for Human Rights and Interculturality of Ayacucho. Criminal File 067-2022 Page 247.

had carried 15 shotguns (without specifying their type, or whether they used pellets or not), 15 gas grenades, and one grenade launcher.

### HEDER: ALLEGEDLY WOUNDED BY LEAD PELLETS

Construction worker **Heder Pretel Ramírez, 29**, told Amnesty International that, on 15 December, he was returning from a roofing job in the Ayacucho airport area. To get home, he had to walk past the General Cemetery. According to his testimony, he was walking with some relatives with whom he works when soldiers appeared and shot him. His Admission Note, number 000491, at the Ayacucho Regional Hospital, states that he was wounded by a “PAF”.<sup>160</sup> Weeks later, a “metallic foreign body” was removed from his body, as stated in CMP (Peru Medical College) Medical Certificate No. 41426 dated 12 January 2023, issued by a private clinic. According to an Amnesty International arms and ammunition expert, it was consistent with a lead pellet.

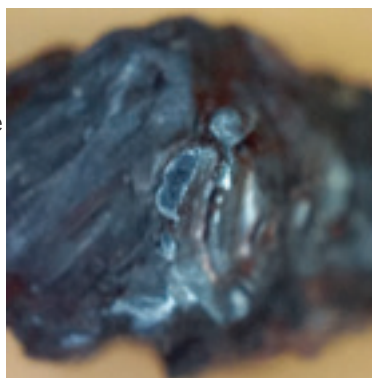


Image provided to Amnesty International of the object removed from Heder Pretel's body, which is consistent with a metal pellet.

In **Juliaca**, Amnesty International is unaware of the authorities' discharge of either inappropriate ammunition for controlling public order (pellets) or of less-lethal ammunition (tear gas). However, according to Criminal File 23-2023, virtually all the corporations involved, including the army, had these types of weapons, specifically gas canisters and shotguns with 12 gauge rubber pellets rounds. Despite numerous cases of lead pellets being reported in this city and open-source analysis indicating that it was used frequently (despite being prohibited), it should be noted that no authority reported its possession in weapons logs or ammunition reports.

The organization identified cases of the inappropriate use of tear gas fired from a helicopter or grenade launchers and aimed directly at the bodies of protesters. A verified video shows police intentionally firing a gas canister from a grenade launcher directly into the face of a person recording the police action from his mobile phone on 9 January.

The indiscriminate use of shotguns was identified, and several cases of deaths and injuries from lead pellets were documented.

The population collected hundreds of gas canisters used during the day on 9 January in the vicinity of Juliaca airport.



The population collected hundreds of gas canisters used during the day on 9 January in the vicinity of Juliaca airport. Still from video footage verified by Amnesty International showing a police officer walking and constantly firing what is possibly a shotgun from the perimeter fence of Juliaca Airport on 9 January.

Amnesty International documented three cases of deaths due to lead pellets, all in Juliaca, and four cases of injuries from pellets and gas canisters fired from grenade launchers in Ayacucho and Juliaca.

### GABRIEL OMAR: KILLED BY 72 LEAD PELLETS

**Gabriel Omar López Amanqui was 35 years old**, had two children aged 16 and 4, and worked as a truck driver. His mother tongue was Quechua. According to testimony from his family, on the morning of Monday, 9 January, he decided to go to the vicinity of the airport to observe the protests.

At 13:46 hours, Gabriel Omar was photographed by a journalist, one block from the north-west end of the airport's runway, throwing stones at a line of police officers, as seen in an image published by the New York

160. Public Prosecutor's Office. Second Supra-Provincial Prosecutor's Office for Human Rights and Interculturality. Page 853.



Times and IDL Reporteros.<sup>161</sup> Twenty minutes later Gabriel Omar was seen again, now seriously injured, being lifted onto a motorbike. His wife learned from a relative that Gabriel Omar had died and that he had been taken by motorbike to the Revolución health centre. Her husband was the first person to lose his life on that day in the city of Juliaca.

The prosecutor in charge of the investigation informed relatives that Gabriel Omar had died from the impact of 72 pellets to the thorax, a number that was later recorded in Autopsy Report 009-2023 of 10 January, which stated that they had entered “the thoracic cavity, through intercostal spaces on both sides, penetrating the parenchyma of both lungs and heart, producing massive haemothorax”.<sup>162</sup>



Image taken by journalist Max Nina on 9 January, in Juliaca, showing the moment when Gabriel Omar López Amanqui throws a stone at a line of police officers several metres away.

Forensic Ballistics Expert Report 09-2023 of Criminal File 23-2023, dated 19 January 2023, concludes that, in Gabriel’s case: “The sample examined is five lead shotgun pellets (multiple load) that could be fired from a shotgun or handmade weapon” and belonging to a “12 GAUGE shotgun cartridge (which) can hold approximately 200 pellets”.<sup>163</sup>

Atomic absorption expert opinion 2023002003187-186 of 13 January stated “not compatible with discharge”, which confirms that Gabriel Omar had not used any kind of firearm in the minutes before he was killed.<sup>164</sup>



Image from Gabriel Omar López Amanqui’s autopsy showing multiple pellet impacts to his back.

**“I can’t bear it. If my husband had died of a disease I could accept that but not that he was killed in this strike.”**

Elba Mamani, wife of Gabriel Omar López Amanqui.

161. New York Times. La policía y el ejército de Perú usaron fuerza excesiva contra manifestantes. 16 March 2023. <https://www.nytimes.com/es/2023/03/16/espanol/peru-policia-ejercito-protestas-armas.html>

162. Public Prosecutor’s Office. Puno District Public Prosecutor. Criminal File 23-2023. Volume VI, pp. 43-196 and Volume VII, pp. 1-11.

163. Public Prosecutor’s Office. Puno District Public Prosecutor. Criminal File 23-2023. Volume IX, pp. 110-146.

164. Public Prosecutor’s Office. Puno District Public Prosecutor. Criminal File 23-2023. Volume V, pp. 42-82.

## ROGER ROLANDO: SHOT IN THE HEAD BY A PELLET

**Roger Rolando was 24 years old** and the youngest of three brothers. He had been living with his sister and brother-in-law in Juliaca for a year, initially working as a welder and construction worker to support his parents who lived in the rural area of Huancané - Huatasani. With his savings he had managed to buy a motorbike taxi and was working as a driver with a company.

According to the testimony of his relatives, on Monday 9 January at around 11:00 hours, Roger received a call from a friend asking if he could go and do some work in the city centre and he left the house. At around 16:00 hours, a relative called his sister and told her that he had seen Roger in hospital. The sister and her husband went there, where they found Roger dead.

According to information provided to Roger's sister by one of his friends, at 14:00 hours they were returning home along Avenida Independencia, in the vicinity of the airport, when he was shot in the eye. Minutes later he was transferred to the Carlos Monge Medrano Hospital. According to the family's testimony, although there was CCTV in the area, the municipality claimed that the cameras had been damaged on 6 January.

Expert Autopsy Report 018-2023 of 10 January established that the cause of death was cerebral and cerebellar haemorrhage - cerebral oedema, caused by a projectile from a firearm of a "pellet type due to its oval metallic density".<sup>165</sup> Atomic Absorption Expert Opinion 2023002003234-235 of 13 January established that it was "not compatible with discharge", which confirmed that he had not used any type of firearm prior to his death.<sup>166</sup>

**“Now they want to give us a payment, but life is priceless. As a family it has affected us psychologically because of everything that has happened, we have even had to move because my children have been traumatized, when my little children see a helicopter they say: ‘Don’t kill my uncle’.”**

Pilar Callo Sacaca, sister of Roger Rolando Callo Sacaca.

## MARCOS: KILLED BY LEAD PELLET THAT PIERCED HIS BODY

**Marcos Quispe Quispe was 54 years old** and a construction worker by profession. On 9 January, around midday, he went with his daughter to do some shopping in the city of Juliaca. On the way, they approached the vicinity of the airport to observe what was happening at the demonstrations. Due to the high level of tear gas and aggression, his daughter preferred to leave around 13:00 hours, while Marcos Quispe decided to stay behind to provide support to the injured people.

After desperately calling him on his phone and waiting several hours for him to return home, at 22:00 hours, medical staff at the Carlos Monge Medrano Hospital informed his daughter that her father had died.

According to images received by Amnesty International, Marcos Quispe was still alive when taken to hospital by a group of protesters. He had a hole at the bottom of his throat and a hole in his elbow. According to Expert Autopsy Report 002-2023, carried out on 10 January, he died as a result of "contusion-penetrating wounds caused by PAF to the thorax and left elbow", affecting various tissue, the heart and lung.<sup>167</sup>

Forensic Ballistics Expert Report 08-2023, in Criminal File 23-2023 of 19 January, established that the ammunition extracted from his body consisted of a "lead pellet component of a shotgun cartridge (multiple load)".<sup>168</sup> Atomic Absorption Expert Report 2023002003154-155 of 13 January, requested by the Prosecutor's Office, was negative, confirming that he had not fired any firearm prior to his death.<sup>169</sup>

165. Public Prosecutor's Office. Puno District Public Prosecutor. Criminal File 23-2023. Volume VI, pp. 43-196 and Volume VII, pp. 1-11.

166. Public Prosecutor's Office. Puno District Public Prosecutor. Criminal File 23-2023. Volume V, pp. 42-82.

167. Public Prosecutor's Office. Puno District Public Prosecutor. Criminal File 23-2023. Volume VI, pp. 43-196 and Volume VII, pp. 1-11.

168. Public Prosecutor's Office. Puno District Public Prosecutor. Criminal File 23-2023. Volume IX, pp. 110-146.

169. Public Prosecutor's Office. Puno District Public Prosecutor. Criminal File 23-2023. Volume V, pp. 42-82.

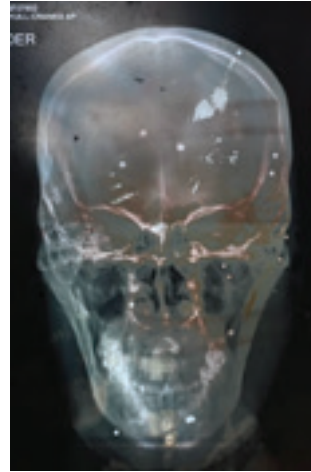
### R.M.: PELLET WOUNDS TO THE WHOLE BODY

On 9 January, **R.M., 31**, a craftswoman by profession, left home at around 14:00 hours to visit her sister-in-law and brother who live near the airport.

To avoid Avenida Independencia, she turned onto another street, Calle Uruguay, where she ran head-on into a police officer who pointed a shotgun at her and fired. She was some 15 metres distant from the officer who, according to the testimony, shot her for no reason.

She felt the impact on her face and the left side of her body. She fell to the ground and began to bleed. Her partner took her to the “Ollanta Gas Station”, where there were several health personnel who helped them. Among them was medical student, Marco Antonio Samillán Sanga, who was to die hours later.

Once at the hospital, she was told that she had at least 50 pellets in her body. The ammunition hit her face, arm, chest, hands and legs. However, the San Roman Network’s injury register states the diagnosis as “hand and wrist injury due to pellets”.<sup>170</sup>



X-ray image of R.M.'s head showing numerous embedded pellets.

### H.C.: BROKEN JAW FROM TEAR GAS CANISTER

**H.C.**, a 30-year-old construction worker, left his home with his 10-year-old niece on 8 January to take his sick sister-in-law to a health centre.

As he was passing through the area around the airport, he noticed that the atmosphere was tense between police and protestors. According to his testimony, within seconds he saw a police officer aim at him and fire from a distance of 20 metres with a grenade launcher. A tear gas canister fired at that distance hit him in the jaw. He could see that the canister consisted of a black tube.

His sister-in-law and niece helped him to the Jorge Chávez health centre. He was subsequently referred to the Carlos Monge Medrano Hospital where it was confirmed that he had lost eight teeth and suffered a broken jaw. According to the San Roman Health Network report, Hipólito suffered an “oropharyngeal mandibular fracture”. At the time of his interview with Amnesty International, he had already undergone three surgical interventions and had been referred to Lima for further treatment.



Photograph taken by Amnesty International of the X-ray of H.C.'s jaw showing jaw fracture and tooth loss.

### ALDAIR: PHOTOJOURNALIST THREATENED BY POLICE AND SHOT AND WOUNDED BY PELLETS

Photojournalist **Aldair Jorge Mejía López, 24**, told Amnesty International that he was covering a protest in Juliaca on 7 January 2023 when he was threatened and assaulted by police several times.

At around 10:00 hours, Aldair was photographing a local man trying to shield his baby from tear gas fumes, at which point police shouted at him to stop taking pictures. In response, Aldair showed the police his foreign press ID; the police nevertheless proceeded to beat him and push him to the ground with their shields, then took his press ID and tried to tear it up. Later, at around 11:00 hours, Aldair told Amnesty International that a police officer with a gun threatened him as he was trying to film the police: “Stop filming or I’ll blow your head off.”

170. Public Prosecutor’s Office. Puno District Public Prosecutor. Criminal File 23-2023. Volume IV b, p. 154.

Aldair continued filming the progress of the protest throughout the day and, at approximately 15:00 hours, at the Cusco bypass exit on Avenida Independencia, a police officer shot at him from short range, hitting him with a pellet that lodged in his leg.<sup>171</sup>



Photojournalist Aldair Mejia captured the moment when Juliaca police fired a pellet at him from close range. Amnesty International's Evidence Lab verified the 7 January 2023 video and identified the weapon held by the police as a multiple grenade launcher, most likely an SJ600N. The Evidence Lab also verified information regarding a South Korean company called CNO Tech that has supplied SJ600N grenade launchers to the Peruvian police. Photo: Aldair Mejia, 2023

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171. According to records from the Clínica América in Juliaca on 9 January, Aldair's X-ray report, to which Amnesty International had access, states "leg fracture and location of pellet".

# 4. PERUVIAN LEGAL FRAMEWORK ON THE USE OF FORCE

The monopoly on the use of force belongs to the State. It therefore has an obligation to ensure that such force is not exercised arbitrarily.

Peruvian legislation regulating the use of force by law enforcement officers, as well as legislation defining the responsibility of officers for actions in the performance of their duties, has been the object of concern among various human rights mechanisms, such as the UN Human Rights Committee.<sup>172</sup>

Legislative Decree No. 1186 regulating the use of force by the Peruvian National Police was passed in August 2015, and its implementing regulations a year later. This law, which set out principles of legality, necessity and proportionality, also established clear criteria for the use of firearms.<sup>173</sup>

However, in March 2020, the Peruvian Congress enacted Police Protection Law No. 31012, which expressly removes Article 4(c) of Legislative Decree No. 1186. This article established the principle of proportionality and defined it as “the use of force is proportional when the level of force used to achieve the legal objective pursued corresponds to the resistance offered and the danger represented by the person to be tackled or the situation to be controlled”.<sup>174</sup>

Furthermore, this law rules out the possibility of a judge ordering preliminary judicial detention and pre-trial detention of a police officer; it exempts from criminal responsibility “personnel of the Armed Forces and the Peruvian National Police who, in the performance of their constitutional duties and in the use of their weapons or other means of defense, in a regulated manner, cause injury or death”; and it establishes a presumption of lawfulness of police action, through the “principle of reasonableness of means that will be interpreted in favour of the intervening police personnel”. In other words, it forces the judiciary to favour police conduct.

Although this law establishes that it will not be applied when the police use force “in contravention of the Political Constitution of Peru, the norms of international human rights law recognized by the Peruvian state and this law”, it is an ambiguous and contradictory precept because the norm clearly contravenes international standards and favours impunity for acts perpetrated by the security forces.

A year earlier, the Supreme Court of Justice of Peru had decreed, in Plenary Accord 5-2019/CJ-116, that police officers must comply with the parameters of the use of force set out in international instruments, respect the principles of proportionality and necessity, and use the minimum force necessary to achieve their law enforcement objective. Furthermore, it stressed that no “specific criteria” should be established for police officers and that the judiciary should apply the same standards to police personnel as to any other individual, as set out in Peruvian and international law.<sup>175</sup>

It is important to note that, in the judgement of the Inter-American Court, in the case of Cruz Sánchez et

172. UN. Human Rights Committee (CCPR). 137th Period of Sessions. <https://media.un.org/es/asset/k15/k15efgtwn>.

173. El Peruano, Official Gazette. Legislative Decree 1186. 15 August 2015. <https://busquedas.elperuano.pe/normaslegales/decreto-legislativo-que-regula-el-uso-de-la-fuerza-por-parte-decreto-legislativo-n-1186-1275103-2/>

174. El Peruano, Official Gazette. Police Protection Law - 31012. 27 March 2020. <https://busquedas.elperuano.pe/normaslegales/ley-de-proteccion-policial-ley-no-31012-1865203-1/>

175. Supreme Court of Justice of the Republic. Plenary Accord 5-2019/CJ-116. 10 September 2019. [https://static.legis.pe/wp-content/uploads/2019/10/Acuerdo-Plenario-5-2019-CJ-116-Legis.pe\\_.pdf](https://static.legis.pe/wp-content/uploads/2019/10/Acuerdo-Plenario-5-2019-CJ-116-Legis.pe_.pdf)



al v Peru, the Court recalled that the use of force had to be based on principles of legality, necessity and proportionality, acting in accordance with the resistance offered and the existing danger, and applying a criterion of differentiated and gradual use of force.<sup>176</sup>

**“We are taught that we can be excused under the law if we say that our life was at risk and we had to shoot to defend ourselves, and so we shot. The law protects us quite a lot, for example, it doesn’t force us to respond weapon by weapon, if they throw a stone at me, I can shoot, it’s permitted by law.”**

Testimony of a police officer from Apurimac interviewed by Amnesty International on condition of anonymity.

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176. I/A Court H.R., Case of Cruz Sánchez et al. v Peru. Preliminary Objections, Merits, Reparations and Costs, Judgement of 17 April 2015, Series C No. 292, para. 265.

# 5. STIGMATIZATION AND RACIST BIAS IN THE USE OF FORCE AGAINST THE PROTESTS

During the course of its research, Amnesty International carried out a detailed analysis of the use of lethal and less lethal force in different parts of the country. Interviews with investigative journalists, the Ombudsperson's Office and the Ministry of the Interior, official information and the available audio-visual material indicate that live ammunition was used exclusively in regions with a majority Indigenous population, and not in Lima (although other state repression mechanisms were documented).

## 5.1 ANALYSIS OF RACIAL BIAS

Amnesty International carried out a statistical analysis using official data on ethnicity and poverty in the country's various departments, as well as data collected on a daily basis by the Ombudsperson's Office on violence, protests, strikes and mobilizations, to identify regional trends and patterns.<sup>177</sup> This empirical evidence, together with interviews we conducted, supports the hypothesis that the use of force by members of the security forces differed between regions according to their ethnic-racial composition, using lethal force more frequently when dealing with populations with greater Indigenous representation. Although the departments with the highest number of deaths were also those with the highest number of protests, the number of deaths were disproportionately high in comparison to those with fewer Indigenous and Afro-descendant populations.

The following is a step-by-step guide to how the conclusions were reached using the data:

### STEP 1: GROUPING BY ETHNIC COMPOSITION

Analysis of ethnic composition clearly identified different patterns in three separate groups of departments, which were named groups A, B and C.<sup>178</sup>

The ethnic composition of departments was arrived at by taking the percentage of the population that self-identified as Indigenous or Afro-descendant when responding yes to the question put by the 2017 Census: "With reference to your customs and forebears, do you consider yourself (...)".

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177. INEI. Data on ethnic self-identification and total population: "Censos Nacionales 2017: Sistema de Consulta de Bases de Datos REDATAM". <https://censos2017.inei.gob.pe/redatam/>.

Information on poverty and unmet basic needs was obtained from INEI's report on monetary poverty. Informe Técnico de Evolución de la Pobreza Monetaria 2010-2021.

Information on acts of violence, demonstrations, strikes and mobilizations was obtained from the daily reports produced by the Ombudsperson's Office in the period from December 2022 to 12 February 2023: Defensoría del Pueblo, "Informe y Publicaciones. Reporte crisis política y social", [https://www.defensoria.gob.pe/categorias\\_de\\_documentos/reportes/](https://www.defensoria.gob.pe/categorias_de_documentos/reportes/) (Consulted on 15 February 2023).

Due to the information available and the fact that the Lima region is very different to other regions, the correlations and patterns we identified do not in themselves constitute causal evidence in the statistical sense.

178. This calculation used the K-Means method with Euclidian distance. This method is an unsupervised classification tool that uses a process of optimization to group a number of observations regarding a predetermined number of groups on the basis of one or more variables.

Group A consisted of departments where the percentage of the population identifying as Indigenous or Afro-descendant was relatively low, between 10% and 20%.

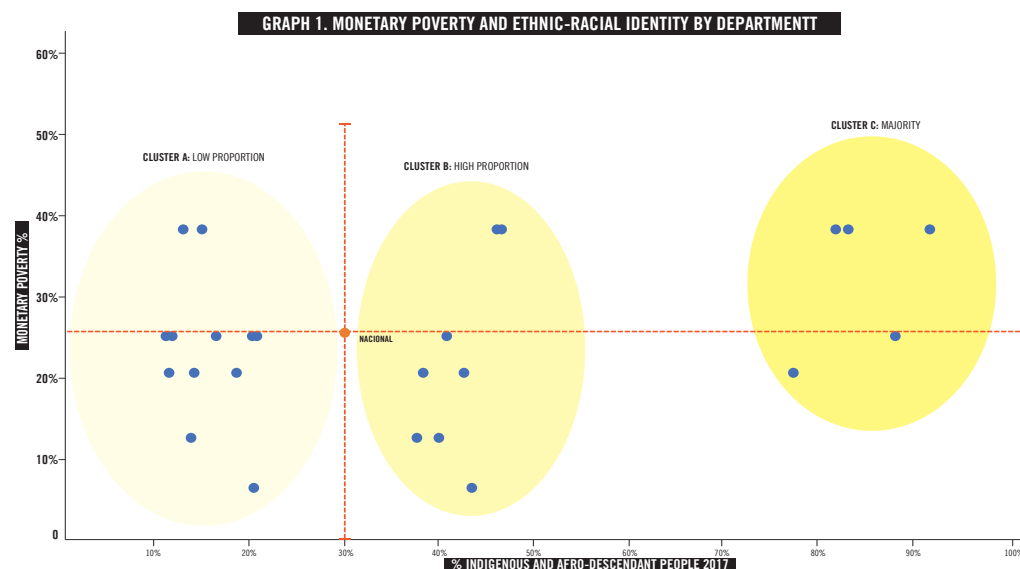
Group B consisted of departments where the percentage of the population identifying in this way was a relatively large minority, although less than half, between 37% and 46%.

Finally, Group C consisted of departments where the vast majority of people identified as Indigenous or Afro-descendant, between 76% and 91%.

TABLE 1. ETHNIC-RACIAL GROUPS	
Group	Departments
A: Low percentage of Indigenous and Afro-descendant people (between 10% and 20%).	La Libertad, San Martín, Puno, Cajamarca, Lambayeque, Tumbes, Loreto, Callao, Utcabamba, Amazonas, Ica, Lima.
B: High percentage of Indigenous and Afro-descendant people (between 37% and 45%).	Arequipa, Ancash, Moquegua, Junín, Tacna, Madre de Dios, Pasco, Huánuco.
C: Majority of Indigenous and Afro-descendant people (between 76% and 91%).	Cusco, Huancavelica, Ayacucho, Apurímac, Puno.

Source: Amnesty International, based on the 2017 National Census (self-identification as Indigenous or Afro-descendant).

Before analysing the relationship between ethnicity and protests, we analysed other data that could have an influence on the ethnicity variable. We tried to determine whether there was a correlation, at the departmental level, between monetary poverty, as estimated by INEI, and the percentage of people who self-identified as Indigenous or Afro-descendant. Although it appeared that there was no correlation for all departments, people in Group C (with a majority of Indigenous people) experienced, on average, greater levels of poverty in 2021.



## STEP 2: RELATIONSHIP BETWEEN ETHNIC GROUPS AND ACTS OF PROTEST

Using data published by the Ombudsperson’s Office, Amnesty International accessed daily information on acts of violence, deaths, mobilizations, protests and strikes.<sup>179</sup> To simplify the analysis, we generated a variable called “daily acts of protest”, which added up the number of mobilizations, protests and strikes per day, using information from the Ombudsperson’s Office, and calculated the total “daily acts of protest” per department from the start of the protests in December 2022 to 12 February 2023.

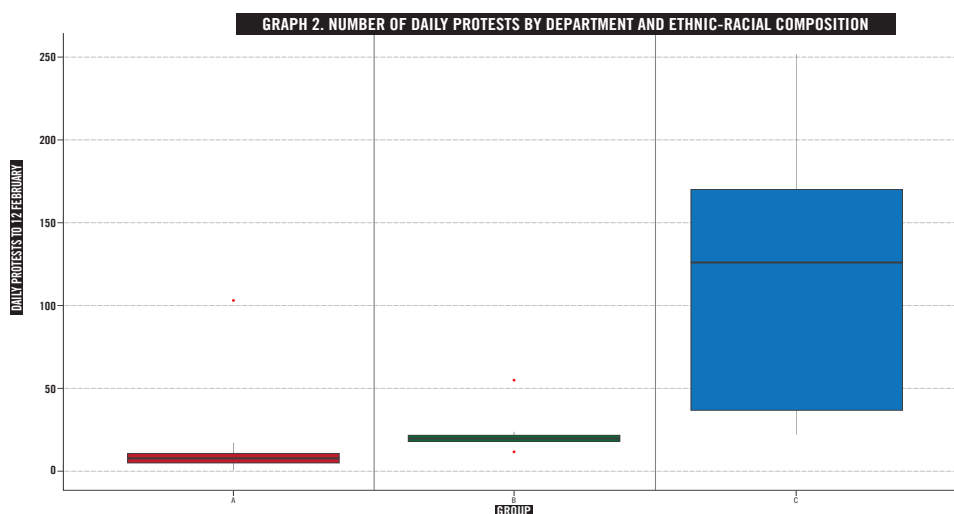
In this period, 980 daily acts of protest were recorded, 19.2% of which took place in departments in Group A, 19% in departments in Group B and 61.8% in departments in Group C. In addition, 108 “acts of violence” were recorded, a category created for monitoring purposes by the Ombudsperson’s Office to describe acts of violence perpetrated by individuals. This indicated that 15.7% of acts of violence took place in departments in Group A, 32.4% in Group B and 51.9% in Group C.

179. Amnesty International compiled the information from daily reports issued between the start of the protests in December 2022 and 12 February 2023. Ombudsperson, “Informe y Publicaciones. Reporte crisis política y social”, [https://www.defensoria.gob.pe/categorias\\_de\\_documentos/reportes/](https://www.defensoria.gob.pe/categorias_de_documentos/reportes/).

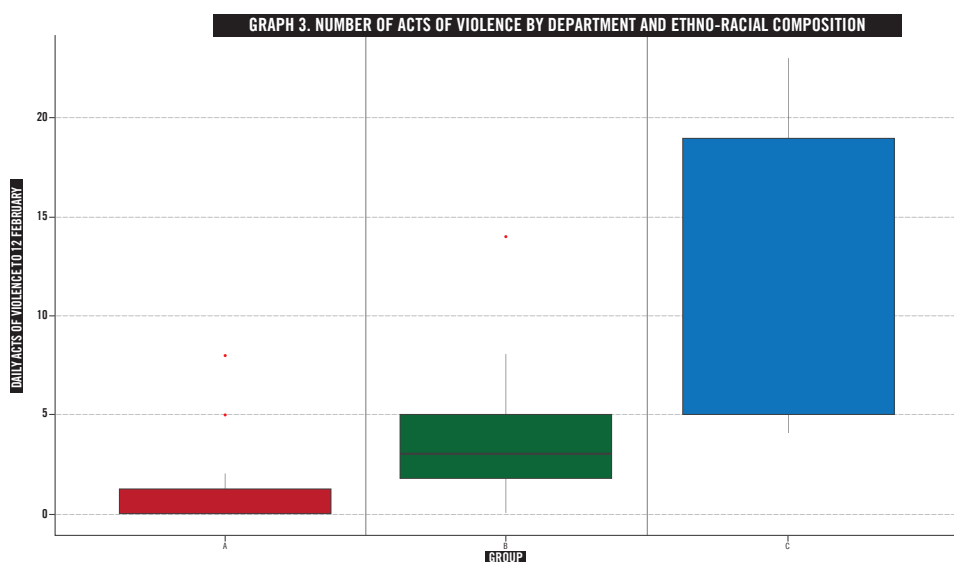
Combining the three variables: i) acts of protest, ii) acts of violence and iii) deaths, six departments were found to have a high number under at least two of these three variables – as per below:

Department	Group	Deaths	Acts of protest	Acts of violence
Puno	C	21	252	19
Ayacucho	C	10	37	5
Apurímac	C	6	170	4
Arequipa	B	3	55	14
Cusco	C	1	126	23
Lima	A	1	104	5

Graphs 2 and 3 show the boxplot in the distribution of each group.<sup>180</sup> The size of the box shows the interval of distribution (that is, the range between the daily minimum and maximum of this variable), where 50% of the observations are concentrated, while the lines inside it represent the median (that is, the average value when ordering the date from less to more).



As both graphs show, Group C departments tend to have had more acts of protest and violence in comparison to Groups A and B. Even so, some departments in Groups A and B experienced a significant number of protests but appear as “outliers” or atypical departments in their respective groups. Lima is in Group A and Arequipa in Group B. These can be seen as red points in Graphs 2 and 3.



180. A boxplot diagram is a statistical representation of a series of statistics between certain groups. In this case, the size of the boxplot represents the interquartile range, that is the numeric range that includes 50% of half of the data. The lines inside the box represent the median of the said group. The lines comprise the estimated minimums and maximums for this group and the red points are called extreme values or outliers. If the boxes representing groups do not intersect, this means that the differences between the medians are statistically significant, with 95% certainty.

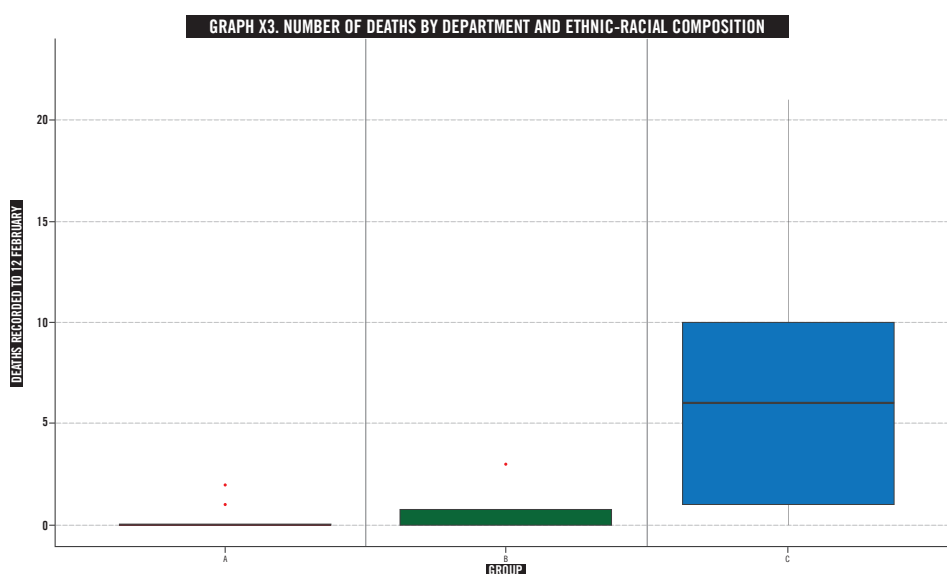
This shows that more protests and mobilizations tended to take place in the regions with a majority of Indigenous and Afro-descendant people. It also shows that, although departments in Group C generally recorded more acts of protest and acts of violence, protests were not only concentrated in these areas and many took place in other departments, such as Lima and Arequipa.

### STEP 3: RELATIONSHIP BETWEEN GROUPS BY ETHNIC COMPOSITION AND DEATHS

We found that 80.9% of deaths were recorded in Group C (departments with a high concentration of Indigenous and Afro-descendant people) up to 12 February. However, the total population of all departments in Group C (Ayacucho, Puno, Cusco, Huancavelica and Apurímac) was only 3.7 million people in 2017, that is, 13% of Peru's total population in that year.<sup>181</sup> This shows that number of deaths in these departments was therefore disproportionate in relation to their population.

Although it is natural to assume that with more protests and acts of violence, the number of deaths would be higher, in this case the number of deaths does not seem to be only due to a greater degree of conflict, and Group C is “overrepresented” in the death statistics.

Considering that approximately half of protests took place in Group C departments, it would be reasonable to suppose that the number of deaths in this group would be proportionate if there was no bias in the State's action in the various regions. However, analysis of the data showed that the percentage of deaths (80%) was almost 30 percentage points higher than the daily acts of protest recorded in Group C (51.9%).



For example, comparing Lima to Ayacucho: while the department of Lima, where Indigenous and Afro-descendant people constitute only 20% of the population, recorded 104 protests and five acts of violence in the period under review, the department of Ayacucho, where 82% of the population identifies as Indigenous or Afro-descendant, recorded significantly fewer protests (37) and the same number of acts of violence, but ten deaths.

## 5.2 ANALYSIS OF THE OFFICIAL DISCOURSE: STIGMATIZATION, DISINFORMATION AND SUPPORT FOR THE SECURITY FORCES

Amnesty International has analysed the official discourse of President Dina Boluarte and those who acted as president of the Council of Ministers (Presidencia del Consejo de Ministros - PCM ) in the period under review, Pedro Angulo and Alberto Otárola, with reference to official statements between 7 December 2022 and 9 February 2023, all public and widely disseminated through traditional media, such as television, and also through digital channels available via the internet, including, the Peruvian presidency's official Facebook account. These statements were selected according to: their source, the highest government authorities; their

181. INEI. “Censos Nacionales 2017: Sistema de Consulta de Bases de Datos REDATAM”. <https://censos2017.inei.gob.pe/redatam/> (Consulted on 15 February 2023).



date of broadcast, that is, during a period of time in which almost 50 civilians and one police officer died and protests took place; and their audience and reach. All these factors influenced the impact of these statements.

The information analysed shows three general trends in the official discourse: First, the president and PCM presidents stigmatized the demonstrators as violent radicals and even as terrorists without providing reliable evidence to support their statements. This tendency to allow for discourse relying on the concept of “terrorismo”<sup>182</sup> in stigmatizing protestors could have encouraged the security forces to act as though they were pursuing an enemy.

Second, the Peruvian authorities misinformed the public, presumably intentionally, about the sources of violence in the social crisis, providing erroneous information, including about the use and type of firearms employed by demonstrators.

Third, instead of condemning the excessive use of force by the police and military during the protests, the highest authorities explicitly supported their action, choosing to hide from view the victims of serious human rights violations, who were mainly people historically subjected to social, economic and racial discrimination. The authorities’ almost unconditional support for the actions of the police and the army, even after international condemnation of the actions of security forces, could be relevant when investigating the responsibility of senior commanders during the current crisis.

## STIGMATIZING DISCOURSE AGAINST PROTESTORS

The Inter-American Commission on Human Rights (IACHR) warned about the increase in stigmatizing discourses in Peru at the time of the 2021 general elections, noting that they “erode the democratic system and have the potential to generate violence and encourage discrimination against groups of people”.<sup>183</sup>

An official letter to the Peruvian state from several Special United Nations Rapporteurs on 24 February 2023<sup>184</sup> warned about official discourses that “signal a state of war” by describing protestors as “enemies” and “terrorists” during the social crisis that started in December 2022.

On 12 December 2022, at the time of the first death during the demonstrations, the then PCM President, Pedro Angulo, implied that demonstrators may have fired the shot: “someone has been killed by a stray bullet, the police were under orders not to shoot, so there will have to be an investigation (...). Unfortunately, we have information that the very people protesting sometimes fire shots. They themselves have sacrificed people to provoke a bloodbath and to try to discredit us.”<sup>185</sup>

These statements were not backed up by any evidence, whereas the information available reported a strong deployment of the police force with firearms at the events in question.

On 14 December, President Boluarte described demonstrators in a generic way, without giving information or describing the context to support her statements:

**“It is a group that is putting pressure on an uninformed community. Many people are certainly going out to protest but don’t even know why they are protesting, only that there is a small group behind it all that is pushing them to come out and act in a violent way.”<sup>186</sup>**

President Dina Boluarte, at the Police Hospital, 14 December 2022

182. Colloquial term for “terrorists”, dating from the period of internal armed conflict in Peru (1980-2000) when the Peruvian state and the subversive groups Sendero Luminoso (SL) and the Movimiento Revolucionario Túpac Amaru (MRTA) committed crimes and serious human rights violations.

183. Organization of American States (OAS). Special Rapporteur for Freedom of Expression calls on those who hold or aspire to hold elected office in Peru to contribute with their speech to the protection of human rights, 17 May 2021. <https://www.oas.org/en/iachr/expression/showarticle.asp?artID=1199&IID=1>

184. UN. Joint Communication of Special Procedures. AL PER 1/2023. 24 February 2023.

185. El Comercio. “No es que Dina Boluarte, contra todas las cosas, se aferre al poder”. 12 December 2022. <https://www.pressreader.com/peru/diario-el-comercio/20221212/281573769738982>

186. Presidency of the Republic of Peru. Official Activity. 14 December 2022. <https://www.facebook.com/PresidenciaPeru/videos/666031051653690>

At his first official press conference as the new PCM president on 21 December 2022, Alberto Otárola mentioned the number of injured members of the security forces and damage to property, but neglected to mention the number of people killed in the clashes with demonstrators:

**“We have come through a critical week, full of problems for the public order, which has caused a significant number of deaths of our people, more than 300 police officers injured and damage to the country’s public and private infrastructure.”<sup>187</sup>**

By that date, 21 December, 22 people had lost their lives, mostly in southern Peru.

In her official Christmas message, President Dina Boluarte spoke to the nation on issues such as the lack of access to healthcare in Andahuaylas and Apurímac and the impossibility of working when surrounded by violence and accused a group with its own political agenda of being behind the violence: “Brothers, sisters, it is understandable that you go out to protest and to demand what the state has a duty to provide. That is only fair, but don’t get mixed up with the violent people”.<sup>188</sup>

In addition to describing demonstrators as violent, another aspect of the stigmatizing discourse was the use of concepts like radicalism and terrorism, which harked back to the conflict between the security forces and armed groups, mainly the movement known as the Communist Party of Peru – Sendero Luminoso (PCP-SL), a period in which thousands of extrajudicial executions, torture and forced disappearances took place.

On 15 December 2022, during the graduation ceremony at the Air Force Officers’ School, the president said:

**“Despite recent events, at which advocates of violence disguised as demonstrators tried to endanger our country, I can tell you, at this noble school, as a mother and the first female president of the republic, that I reiterate my commitment to working for the security of the whole country. Neither violence nor radicalism will overthrow a legal and legitimate government.”<sup>189</sup>**

President Dina Boluarte, 15 December 2022

On that same day, eight people lost their lives at the hands of the security forces in Ayacucho,<sup>190</sup> the Peruvian region most affected by the internal armed conflict that started in 1980 and whose surviving population, mainly campesinos, continue to be stigmatized. With regard to the Ayacucho region, it is important to recall that, according to the final report of the Truth and Reconciliation Commission in 2003, that brought to a close the investigation and analysis of the internal armed conflict: “the locality as a whole has been prejudiced by the imposition of a stigma. The clearest and broadest example is the department of Ayacucho, the name of which was mechanically associated with terrorism and violence in the 1980s and 1990s. Many residents of Ayacucho have suffered because of this abusive association that makes the lives of the displaced even harder in their new homes.”<sup>191</sup>

According to the Hartford Guidelines on Speech Crimes in International Law, a group of international guidelines on responsibility for harmful speech, an important element regards invoking cultural symbols and stories to cultivate historic grievances.<sup>192</sup>

187. The Republic. President of the Council of Ministers. Press conference, 21 December 2022. <https://www.facebook.com/watch/?v=703967791328896>

188. Andina Press Agency. Official Activity. 24 December 2022. <https://www.facebook.com/agenciandina/videos/1630848607362181/>

189. Presidency of the Republic of Peru. Official Activity. 15 December 2022. <https://www.facebook.com/PresidenciaPeru/videos/1231995564331788>

190. Ombudsperson. Ombudsperson’s Report 190, p.76 ss. <https://www.defensoria.gob.pe/wp-content/uploads/2023/03/Informe-Defensorial-n.%C2%B0-190-Crisis-poli%CC%81tica-y-protesta-social.pdf>

191. Comisión de Entrega de la CVR. Hatun Willakuy. Versión abreviada del informe final de la Comisión de la Verdad y Reconciliación (Abbreviated Version of the Final Report of the Truth and Reconciliation Commission of Peru), (p. 361), 2004. <https://idehpucp.pucp.edu.pe/wp-content/uploads/2012/11/hatun-willakuy-cvr-espanol.pdf>

192. The Hartford Speech Guidelines, 2018 p. 120. <https://internationalspeechcrimes.org/guidelines.pdf>

A few days earlier, on 13 January 2023, the president also made statements that stigmatized protestors by referring to the periods of armed conflict in Peru:

**“We took over a polarized country, a country in conflict, a country with extremist sectors that seek to generate disorder and chaos, with their own agenda, to destroy our institutions and democracy (...). Are we perhaps returning to the years of terrorist violence, during which dogs were hung from lampposts?”<sup>193</sup>**

President Dina Boluarte, 13 January 2023, message to the nation.

During the interviews conducted by Amnesty International in the southern regions of the country, including Ayacucho, Andahuaylas and Juliaca, the organization heard many testimonies of victims and families of people who were killed and who felt doubly victimized by again being described as “terrorists” and “enemies”.

**“How can a 15-year-old child be a terrorist? How can a child who saved money every day to get ahead be a terrorist? (...) You cannot treat an adolescent like this, he was my little one, my beloved child”.**

Hilaria Aime Gutiérrez, mother of Christopher Ramos, killed by the military in Ayacucho.

According to the 2003 report of the Truth and Reconciliation Commission, the official discourse against Indigenous peoples in the south of the country led to “its stigmatization, [...and] constituted an experience that entailed self-questioning about their identity and self-esteem, as well as a lack of recognition and appreciation by others.”<sup>194</sup>

On 13 January 2023, at the press conference at the end of his observation visit to Peru, Stuardo Ralón, IACHR vice-president and Rapporteur for Peru, said that in the country there existed a “strong stigmatization on the basis of ethnic, racial and regional factors”, especially in the discourse of some authorities, which referred in general terms to indigenous people and campesinos as “terrorists”, “senderistas”, “indians” and used “other disrespectful expressions”.<sup>195</sup>

On 25 January, at a press conference, the president referred to the population that lives in the south of the country, specifically Puno: “We must protect the lives and peace of Peru’s 33 million people. Puno is not Peru; those who are promoting violence. I also think that the international press should report that the government is not promoting violence and that the government wants peace and quiet”, she said.<sup>196</sup>

In interviews conducted by the organization, many people condemned these statements by the Peruvian president, feeling that they marginalized them, made them invisible and ignored their cultural, socioeconomic and historical demands.

Finally, on 6 February 2023, the Ministry of the Interior published Communiqué 04-2023, authorizing an email address to receive denunciations of apologists for terrorism via information and communication technologies, a measure criticized by United Nations special procedures, as well as Peruvian civil society human rights organizations because the measure could exacerbate polarization and stigmatization.

193. Presidency of the Republic of Peru. Message to the Nation. 13 January 2023. [https://www.facebook.com/watch/live/?ref=watch\\_permalink&v=688721546228335](https://www.facebook.com/watch/live/?ref=watch_permalink&v=688721546228335)

194. (Abbreviated Version of the Final Report of the Truth and Reconciliation Commission of Peru) Comisión de Entrega de la CVR. Hatun Willakuy. Versión abreviada del informe final de la Comisión de la Verdad y Reconciliación de Perú, (p. 366), 2004. <https://idehpucp.pucp.edu.pe/wp-content/uploads/2012/11/hatun-willakuy-cvr-espanol.pdf>

195. Ojo Público. CIDH denuncia terruqueo y estigmatización por factores raciales de parte de autoridades durante la crisis social, 13 January 2023. <https://ojo-publico.com/4202/cidh-denuncia-terruqueo-y-estigmatizacion-parte-autoridades>

196. Infobae. “Puno no es el Perú”: Gobierno afirma que frase de Dina Boluarte no fue una expresión de discriminación ni soberbia. 25 January 2023. <https://www.infobae.com/peru/2023/01/25/puno-no-es-el-peru-gobierno-afirma-que-frase-de-dina-boluarte-no-fue-una-expresion-de-discriminacion-ni-soberbia/> Dina Boluarte,

## MISINFORMATION ABOUT DEMONSTRATORS

International human rights standards lay down that States are responsible for avoiding the use of misinformation, which the United Nations Rapporteur on the Freedom of Opinion and Expression defines as “false content that is spread... with the intent to cause harm.”<sup>197</sup>

On 24 January, when the crisis had already led to the deaths of dozens of people and others had been injured, there were already clear signs that the lethal and less lethal ammunition were of the type used by the police and the army: President Dina Boluarte said that most of the people who had been killed in Juliaca on 9 January had been hit by “Dum Dum” bullets, which are banned because they expand on impact.

**“Informally, what they are telling us is that those who died on 9 January in Puno did not occur at Juliaca airport, where the police were on guard duty, but rather in the vicinity of the streets and that most of them were caused by homemade ‘dum dum’ bullets. The police do not use these lethal weapons.”**

President Dina Boluarte, 24 January 2023.<sup>198</sup>

“Dum Dum” is a colloquial term used to refer bullets that expand or mushroom when they hit their target. Amnesty International has found no evidence of the use of this type of ammunition at any of the places investigated. Even more important is the fact that such weapons are not homemade and are produced industrially.

The use of misinformation during the social crisis appears to have been deliberate as, judging by the date of the statements quoted above, there was verified and available information about the use of lethal weapons by the police and the army against protestors.

## OFFICIAL SUPPORT FOR POLICE AND ARMY ACTION:

On various occasions, Peru’s highest authorities backed or praised actions by the police and army, including when there were clear signs of their excessive use of force.

According to the Ombudsperson’s Office, eight people were killed during the repression of demonstrations between 11 and 14 December 2022; six of them in Apurímac, one in La Libertad and another in Arequipa. Speaking from the government palace on 14 December, President Dina Boluarte justified the use of firearms in response to the increase in violence:

**“The protest marches are legitimate, but when they deviate from this legitimacy, the police are obviously going to have to use the weapons that they are legally permitted to use; when I gave instructions to use teargas to discourage (demonstrators) and to avoid as far as possible the use of rubber bullets that could inflict injury, it was on the understanding that it would not result in these acts of vandalism, but I think that the police have to react according to the situation they face and with legally authorized weapons. The police will continue to respond.”<sup>199</sup>**

On 24 December, in a television interview, Alberto Otárola was asked about the decision to send the army rather than the police to Ayacucho. The official replied that “management of internal order is always the task of the police, and the intervention of the army is to support the police (...) Peru is one of the Latin America

197. UN. Special Rapporteur on freedom of opinion and expression, Irene Khan. Disinformation and freedom of expression – Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, A/HRC/47/25, 13 April 2021, para 10.

198. TVPE Noticias. Official Activity. 24 January 2023. <https://www.facebook.com/noticias.tvperu/videos/actividad-oficial-24012023/1544866762682606/>

199. Dina Boluarte speaks to the press from outside the government palace, 14 December 2022. <https://www.facebook.com/PresidenciaPeru/videos/681654186672139/>

countries with the highest international regulatory standards for the use of force”.<sup>200</sup> These statements were made after the first 22 victims of the repression died, many of them in Ayacucho. Two days previously, the IACHR delegation had completed its technical visit to Peru.

On 24 January, the president said that the conduct of the police was “impeccable.”<sup>201</sup> These statements were made after the death of 18 civilians during the police operation in Juliaca on 9 January and dozens of deaths prior to this date.

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200. Alberto Otárola, 24 December 2022. <https://www.youtube.com/watch?v=v9blpmG3pvo>

201. ABC. Boluarte defends the “impeccable” conduct of the Police during the protests in Peru . 25 January. <https://www.abc.es/internacional/boluarte-defiende-conducta-inmaculada-policia-protetas-peru-20230124213450-nt.html>



# 6. WIDESPREAD ATTACKS AND THE RESPONSIBILITY OF COMMANDING OFFICERS

International standards lay down that extrajudicial executions, arbitrary deaths and damage to personal integrity must be duly investigated by civilian authorities.<sup>202</sup> Such investigations must explore, among other things, the possible individual criminal, disciplinary and administrative responsibility of officers and superiors for these violations when they are committed by their subordinates.<sup>203</sup>

The IACHR states that a series of factors must be considered to guarantee that an investigation is exhaustive and that this also requires investigation of all commanding officers. Such investigations must consider:

1. Knowledge: as to whether “there is evidence that the authorities knew or should have known that the acts were occurring”. This does not only mean information in real time as “it is not necessary for the superior to have specific details of the wrongful acts committed or about to be committed; rather it is sufficient that he has some general information that alerts him to possible wrongful acts of his subordinates.”<sup>204</sup>
2. Hierarchy and organization: whether “there was sufficient evidence that the officials had the material capacity to prevent and punish the acts. (...) (Whether) the police maintained their organizational capacity, which is (...) demonstrated by testimony revealing that the police officers were able to adapt their conduct based on verbal orders or in the presence of the media”.<sup>205</sup>
3. Failure to prevent harm: finally, “a third indication that would have justified the opening of lines of investigation into the command responsibility relates to the failure to take steps to prevent and/or to punish the acts (...)”.

The IACHR has stated, in many judgments, that state officials’ awareness of the risk is a key element in establishing their responsibility. This is based on real knowledge as well as on the duty to be aware of the existence of a real and immediate risk to life and/or personal integrity, and the reasonable opportunities to prevent and avoid risk.<sup>206</sup>

As mentioned above, an extrajudicial execution is the deliberate killing of individuals outside any legal framework, by a state agent or with their acquiescence.<sup>207</sup> As well as being considered a human rights violation, it can constitute an international crime.

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202. Human Rights Committee, General Comment No.36, 3 September 2019, CCPR/C/GC36, para. 13. And IACHR, Case of the Rochela massacre v. Colombia, Merits, Reparations and Costs, Judgment of May 11, 2007, Series C No. 163, para. 205.

203. Human Rights Committee, General Comment No.36, 3 September 2019, CCPR/C/GC36, para. 27.

204. In this case law, the Court took into account the real time media coverage of the operative, who was supervised on land and air by senior officers responsible for implementation, and considered that they had sufficient information to indicate a risk that violations would occur. IACHR, Case of women victims of sexual torture in Atenco v Mexico, Preliminary objection, merits, reparations and costs, Judgment of November 28, 2018, Series C No. 371, para 296.

205. IACHR, Case of women victims of sexual torture in Atenco v Mexico, Preliminary objection, merits, reparations and costs, Judgment of November 28, 2018, Series C No. 371, para 296.

206. IACHR, Case of Gómez Virula et al v. Guatemala, Preliminary objection, merits, reparations and costs, Judgment of November 21, 2019, Series C No. 393, para. 56; IACHR, Case of Alvarado Espinoza et al v. Mexico, merits, reparations and costs, Judgment of November 28, 2018, Series C No. 370, para 276.

207. OHCHR. Special Rapporteur on extrajudicial, summary or arbitrary executions. <https://www.ohchr.org/en/special-procedures/sr-executions>.

Amnesty International considers that, between 7 December 2022 and 9 February 2023, the Peruvian authorities possibly carried out widespread attacks in the form of dozens of extrajudicial executions in the towns of Ayacucho, Andahuaylas and Juliaca, using lethal ammunition against demonstrators. In addition, dozens of arbitrary killings were recorded, caused especially by highly damaging ammunition that is prohibited both by international law and Peruvian internal regulations.

The fact that lethal ammunition was used consistently over a period of just over two months, in the knowledge that it would lead to fatalities, points to a planned and conscious strategy rather than to isolated events resulting from officers acting on their own. Likewise, the continued use of lead pellets, and the possible cover-up of its use by the authorities, strengthens the hypothesis of a premeditated strategy to cause permanent harm to people.

The organization documented 25 deaths, of which at least 20 were extrajudicial executions and considers that these numbers would not have been as high if commanding officers had given adequate orders and exercised correct control over their subordinates and used the tools available to them to carry out their functions.

In Ayacucho, ten people died from wounds caused by lethal ammunition at events that occurred in a period of seven hours on 15 December. The use of lethal force continued through the night and the following day, despite the fact that the first death was recorded at 14:00. According to a report from the Ombudsperson's Office, to which Amnesty International had access during a meeting with their office, officials from the Ombudsperson's Office contacted the Governor of Ayacucho at 16.39pm on 15 December, demanding that he contact the Presidency and PCM; the Governor responded that he was in the process of doing this. According to the same report, at 17.50, the Ombudsperson called the Minister of Defence and the Head of the Joint Command of the Armed Forces to demand a ceasefire.<sup>208</sup> In addition, representatives of the Ayacucho Ombudsperson's Office made statements on national television at 17:00 demanding an end to the repression. Similarly, dozens of videos and images circulated on television and on social networks about the injured and the dead in the Ayacucho airport area.

Despite all these warnings, deaths and injuries continued to be recorded for several hours afterwards and, despite the calls, senior army commanders seemingly allowed the same military personnel assigned to the areas where protesters were killed and injured to be deployed in the same location the following day (16 December). According to the information on army patrol reports, under the heading "Other Violent Situations", while supporting the police on 15 and 16 December 2022 (Criminal File 067-2022), the military personnel deployed on 15 December to the Abancay Avenue/Cemetery area, a few blocks from the airport, were again deployed in the same area as part of patrols number one, three and ten, despite the fact that several deaths and injuries had been confirmed in that location the day before.

In Apurímac, six people died as a result of the demonstrations that took place over only three days. Serious injuries were recorded from 10 December onwards and the first deaths on 11 December. However, the use of force did not cease and in fact increased. On 12 December, witnesses reported a first person shot dead at Cerro Huayhuaca at 16:00. After that, the use of weapons of war continued and the second death was recorded around 17:00.

In Juliaca, 18 protesters and passers-by died on 9 January. All these deaths were caused by projectiles from firearms ("PAF") wounds, of which 15 cases were by lethal ammunition and three cases by metal pellets. In the cases in which it was possible to identify the ammunition, it was similar to that used by the police and army (with the exception of lead pellets, which is unregistered ammunition).

In Juliaca, commanding officers should have or would have had knowledge of the operations as set out in their operations plan and through public and much-commented reports. In previous days, dozens of people had already been seriously injured by lethal ammunition.

According to Criminal File 23-2023, as from December 2022, the Ombudsperson's Office was in contact with the X Macro Police Region of Puno (Macropol-Puno) calling for human rights to be respected when dealing with protests. At 11.14 on 9 January, Ombudsperson's Office staff went to the Inca Manco Capac International Airport and met "the general of the Peruvian army-Puno (...), the general of the PNP from Puno (...)" (chief of Macropol-Puno) and the representative of DINOES (currently DIROPESP)" to express concern about the number of injured admitted to Juliaca Hospital on previous days. That same day at 16:50, the Ombudsperson's Office visited the X Macropol in the city of Puno to speak directly to the General in charge (who was in Juliaca) about its concern about the situation in Juliaca.

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208. Ombudsperson. Ayacucho Office, Informe No 0022-2022-DP/OD- AYA. 18 December 2022

On 8 January, the Ministry of Health issued “Official Statement No. 4” about patients injured on 6 and 7 January in Juliaca. It reported the treatment of the 72 injured and described the ten most serious, of which at least six had “PAF” wounds.<sup>209</sup>

Although reports of people being seriously injured or killed by lethal weapons started in the early hours of the morning of 9 January, the illegal and disproportionate use of this type of weapon did not stop, with a final death toll for the day of 18 protestors.

Similarly, commanding officers did not demand due diligence in recording the use of ammunition. In the weapons notebooks, only the ammunition issued to each officer was recorded, without reporting its use, and there are hardly any certificates of proof of ammunition use in the criminal file, which is inconsistent with the number of deaths and injuries caused by firearms in Juliaca. Far from accepting the use of lead pellets and taking immediate measures to prevent deaths and injuries, commanding officers apparently covered up their use.

According to the analysis of official discourse prepared for this report, the country’s highest authorities apparently encouraged this type of violent action, supporting and praising the work of law enforcement officers and disseminating erroneous information, possibly knowing it to be false. Such discourse indicates not only an absence of political will to put an end to the repression, yet also a deliberate intention to maintain this strategy.

The consistent pattern of illegal and improper action by public servants means that police and army commanding officers and their superiors deliberately (or at least culpably, through repeated negligence) overlooked their responsibility to prevent damage to the life and physical integrity of people.

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209. Ministry of Health. Oficial Press Release N.4. “Situación de pacientes heridos producto de los enfrentamientos”. 8 January.

# 7. SLOW AND INADEQUATE CRIMINAL INVESTIGATIONS

The jurisprudence of the Inter-American Court of Human Rights states that the investigation of possible extrajudicial executions must be “ex officio... prompt, genuine, impartial and effective”. In such cases, the investigation must go over and above the procedural activity of the interested parties and authorities must use all available legal means to ensure the pursuit, capture, prosecution and eventual punishment of all those responsible.<sup>210</sup>

In addition, it has established that victims of human rights violations and their families must have ample possibilities to be heard and to act in the respective processes, which includes ensuring they can present arguments, receive information, provide evidence, make allegations and defend their interests.<sup>211</sup> In order for the investigation of a death to be effective “it is essential that the persons in charge of such investigation be independent, de jure and de facto, of the ones involved in the case. This requires not only hierarchical or institutional independence, but also actual independence.”<sup>212</sup>

Likewise, the UN Minnesota Protocol on the Investigation of Potentially Unlawful Death, states that the process of investigating the crime scene and the initial proceedings are indispensable to the successful outcome of investigations.<sup>213</sup>

During the period under review, the Public Prosecutor’s Office opened a series of investigations in response to reports of deaths and injuries, among other human rights violations. Amnesty International met with prosecutors in charge of investigations in Andahuaylas, Ayacucho and Juliaca, as well as with the Attorney General in Lima.

Although prompt and adequate proceedings were identified, in general the organization considers the actions of the Public Prosecutor’s Office to have been inadequate, slow and lacking in independence. In addition, it considers that the measures taken by the Attorney General during the month of March (discussed below) put the progress of the investigations at risk.

## LACK OF DILIGENCE IN PROCEEDINGS

Amnesty International met with the Abancay Supra-provincial Human Rights Prosecutor’s Office, which is responsible for investigating the cases of 55 injuries, six deaths and two allegations of torture during the events of 10, 11 and 12 December in the province Apurímac, where Andahuaylas is located. This Prosecutor’s Office confirmed that approximately 32 police officers were being investigated in relation to these events without specifying which PNP division they belong to.

According to information gathered by Amnesty International, there were several shortcomings in the actions of the prosecution in Apurímac, partly due to a lack of resources and experts assigned to the prosecution, but also due to flawed proceedings. For example, DIROPESP (DINOES) special forces police, the same police

210. Inter-American Court of Human Rights, Case of Manuel Cepeda Vargas v. Colombia, Preliminary Objections, Merits, Reparations and Costs, Judgment of 26 May 2010, para. 117.

211. Inter-American Court of Human Rights, Case of Radilla Pacheco v. United Mexican States, Preliminary Objections, Merits, Reparations and Costs, Judgment of 23 November 2009, para. 247. See also: Villagrán Morales et al. v. Nicaragua, Merits, Judgment of 19 November 1999, para. 227.

212. Inter-American Court of Human Rights, Case of Baldeón García vs. Peru, Merits, Reparations and Costs, Judgment of 6 April 2006, para. 95.

213. Minnesota Protocol on the Investigation of Potentially Unlawful Death (2016), The Revised United Nations Manual on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions (1991).

force whose officers had been seen firing from a rooftop at members of the public in December, were still patrolling the streets in February 2023, when Amnesty International visited Andahuaylas and they were still carrying and using the same weapons they had used during the December events. The Public Prosecutor's Office did not impound the weapons. Key ballistic tests were lost, and the Public Prosecutor's Office has lacked the resources to carry out critical fieldwork. In addition, the main prosecutors were located three hours away from the scene where the events took place in Andahuaylas, hindering the progress of the investigations, and lacked sufficient access to the necessary experts.

In the case of Ayacucho, investigations were opened into the events that occurred on 15 and 16 December (Criminal File 67-2022 of the Ayacucho Second Supra-provincial Prosecutor's Office of Human Rights), which included the head of Ayacucho Police Macro Region VIII and the commander of the Second Military Infantry Brigade of the region as suspects for investigation in the case. Although several of the proceedings carried out by the Ayacucho Prosecutor's Office were prompt, starting on 16 December, and covered a range of evidence, there are important elements absent from the file, including the failure by the Prosecutor's Office to request a report on the weapons discharged by the police and military on 15 and 16 December. Finally, the weapons used on the day of the events had not been impounded.

It is worth noting that at the end of March all the criminal investigations by the local prosecutor's office were transferred to Lima; this occurred just as the military was about to present its statements to local prosecutors in Ayacucho, according to several lawyers and human rights organizations. This would have been an important milestone in the investigations in Ayacucho, which have now been blocked by the decisions of the Lima Prosecutor's Office.

In Juliaca, the investigation that is the subject of Criminal File 2706124501-2023-23 (2023-23) concerning the deaths of 18 protestors on 9 January, was initiated by the Comprehensive Provincial Prosecutor's Office Against Organized Crime. However, on 13 January it was transferred and taken over by the Second Provincial Comprehensive Criminal Prosecutor's Office of San Román-Juliaca and then referred, for a third time, on 7 March, to the newly created Puno Supra-provincial Criminal Prosecutor's Office Specialized in Human Rights and Interculturality. The fact that the first proceedings, which are considered of special relevance, were carried out by prosecutors without experience in human rights, as well as the high level of transfers, appears to have seriously affected the investigation.

Between 9 January and 31 March 2023, the date research for this report ended, Amnesty International identified that, up to that point, no member of a security force had been called to give their testimony, despite multiple subpoenas to from victims' relatives.

In addition, no weapons were collected and preserved to carry out ballistic tests, so that at the time research for this report ended, even though most of the ammunition extracted from the bodies was suitable for "comparative microscopic study" (linking ammunition with a specific weapon), no weapon had been confiscated. As stated in Criminal File 23-2023, on 11 January, all the police forces deployed at the airport were requested by the prosecution to report to OFICRI to carry out these expert examinations.<sup>214</sup> However, this process was not carried out.

According to another prosecution notice of 17 January, the Public Prosecutor's Office was located at the facilities of the State Security Police "in order to carry out the ballistic test on USE firearms (long-range weapons)". However, again, the prosecution records state that the process was cancelled due to the lapse of time (seven days).<sup>215</sup> According to arms and ammunition experts in the field consulted, although the elapsed time may affect the reliability of the test, it was a relatively short period that should not have interfered with carrying out such tests. Amnesty International believes that actions such as these should be investigated by the Public Prosecutor's Office as they could indicate a criminal concealment or negligence.

Linked to this, the Juliaca Prosecutor's Office did not investigate the irregularities observed in the "Weapons Logbooks" and the lack of diligence when recording the use of ammunition. As mentioned earlier, only two DIROPESP officials stated in their ammunition use log that they had fired a total of four 7.62 calibre bullets with their AKM rifles on 9 January. This figure does not correlate with the number of injured and deceased on that day.<sup>216</sup>

Also, the lack of diligence in the collection of evidence at the various sites where the deaths took place is striking. This was carried out days later, so that most of the scenes yielded no significant evidence. In addition, expert atomic absorption tests were not carried out on police or army officers – a test that was used on all the dead to verify whether they had use firearms.

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214. Public Prosecutor's Office. Puno Prosecution District, Criminal File 23-2023, Vol II, p. 69.

215. Public Prosecutor's Office. Puno Prosecution District, Criminal File 23-2023, Vol. IV(a), p. 132.

216. Public Prosecutor's Office. Puno Prosecution District, Criminal File 23-2023, Vol III, p. 104.



Finally, most of the families of those who died as well as injured people interviewed by Amnesty International in Juliaca described the attitude of the Prosecutor's Office as intimidating and discriminatory.

Amnesty International was briefed on how the chain of custody of key evidence was broken in all the cities it visited. In Andahuaylas, Ayacucho and Juliaca many bullets were extracted from the bodies of patients in hospitals, but they were thrown in the rubbish, were lost or were not handed over to the staff of the Public Prosecutor's Office. Furthermore, according to information gathered by Amnesty International, no police or military officers had given their testimonies to the Prosecutor's Office by mid-February 2023, when Amnesty International interviewed representatives of the Prosecutor's Office.

As of the date research for this report was concluded, several interviews had not been conducted with the relatives of deceased, injured or witnesses to the events, despite their being central to the investigation.

## **ACTIONS TAKEN BY THE ATTORNEY GENERAL**

In the span of just three months, between January and March 2023, the Attorney General announced three major institutional restructuring processes, apparently with the intention of strengthening investigations into serious human rights violations in the context of the current protests. However, according to the information gathered, these changes could weaken investigation efforts.

First, at the end of February, the Attorney General suspended all forensic services at the national level, with the apparent aim of improving work. The management of requests for services was handed over to the presidencies of the Boards of Prosecutors or National Coordination bodies, preventing prosecutors responsible from directly requesting services, creating even greater delays in the processing and carrying out of these processes.<sup>217</sup>

Secondly, while the analysis of this report focuses on events that took place from 7 December to 9 February, Amnesty International learned that on 31 March the Prosecutor's Office announced the transfer of all crisis-related cases of both human rights violations and crimes against public order from local offices, including the regions of Apurímac, Ayacucho and Puno, to a new unit called "The Special Team of Prosecutors for Victims of Social Protests", a team based in Lima, more than a thousand kilometres away.<sup>218</sup>

Lawyers and victims' families expressed their opposition to this decision, given the obstacles this would create in accessing files, presenting evidence, presenting statements, and taking forward the collection of evidence.<sup>219</sup> It is not known how the participation of victims and their lawyers in the investigation, including covering costs, will be ensured.

Third, according to the information analysed, of the 10 prosecutors assigned to this "Special Team", only one has experience of cases of human rights violations, so its creation would not result in the participation of more specialized professionals in carrying out an investigation of this magnitude.<sup>220</sup>

In the ongoing investigations into the deaths that occurred during the protests starting in December 2022, the Public Prosecutor's Office ordered that a preliminary investigation be initiated against the President of the Republic, the President of the Council of Ministers, the Minister of the Interior and the Minister of Defense, among other senior officials, for the alleged crimes of genocide, aggravated homicide and causing serious injuries during the demonstrations in the months of December 2022 and January 2023 in the regions of Apurímac, La Libertad, Puno, Junín, Arequipa and Ayacucho. However, human rights organizations and trial lawyers have serious concerns about the progress of this investigation.<sup>221</sup>

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217. Public Prosecutor's Office, Circular No 000005-2023-MP-FN-GG-OPERIT, 27 February 2023.

218. El Peruano, Official Gazette Resolution of the Public Prosecutor's Office No. 790-2023-MP-FN. <https://busquedas.elperuano.pe/normaslegales/conforman-equipo-especial-de-fiscales-para-casos-con-victima-resolucion-n-790-2023-mp-fn-2166028-1/> (Spanish only).

219. National Human Rights Coordinator (Coordinadora Nacional de Derechos Humanos, CNDDHH), Press conference of families of victims of state repression, 5 April 2023, <https://www.facebook.com/100064352574634/videos/1179966932719073> (Spanish only).

220. Official Gazette of Peru, Resolution of the National Prosecutor's Office No. 790-2023-MP-FN. <https://busquedas.elperuano.pe/normaslegales/conforman-equipo-especial-de-fiscales-para-casos-con-victima-resolucion-n-790-2023-mp-fn-2166028-1/> (Spanish only).

221. Twitter, Public Prosecutor's Office. 10 January 2023, <https://twitter.com/FiscaliaPeru/status/1612956661857107969> (Spanish only).

# 8. CONCLUSIONS

The research carried out in Andahuaylas, Chincheros, Ayacucho and Juliaca shows that the security forces fired lethal ammunition, using both 7.62mm and 5.56mm rifles and 9mm pistols, against peaceful protesters, bystanders, medical brigade personnel and observers and against people whose violent actions did not warrant such an extreme and exceptional response as the use of lethal ammunition.

Lethal weapons are designed to deprive people of their lives and therefore must be used only when the life or physical integrity of one or more people is in imminent danger. However, the cases documented, taken in conjunction with the large number of people killed and injured by lethal ammunition, show that they were widely used against protesters.

In the 25 cases documented by Amnesty International, the injuries that caused the deaths were sustained on parts of the body where they are most likely to prove fatal, which would indicate that they were not random shots, but intentional and cases were identified where shots fired at long-range, which undermines claims that law enforcement officials acted in self-defence. In none of the cases was evidence found that the deceased person posed a risk to the life or integrity of the officials. In several cases those who were killed, as well as those injured, were mere bystanders or passers-by.

The fact that day after day, serious injuries and deaths were reported caused by lethal ammunition and that the authorities did nothing to prevent this, would suggest a certain degree of intent or acceptance that the possible outcome of such actions would be deaths. Juliaca is an example of this: although during the month of December other regions such as Andahuaylas and Ayacucho had experienced dozens of deaths due to the unlawful use of lethal force, far from modifying the strategy for responding to protests, it continued to be pursued for weeks after the first deaths, with dramatic consequences. The resumption of protests in that region in January 2023, was responded to with a similar strategy, which was even more ferocious than that implemented in other areas, resulting in the killing of 18 protesters in a single day.

While each Macro Police Region defined its own operational plan under the command of the regional head, the similarities found regarding the widespread use of lethal force in Andahuaylas, Ayacucho and Juliaca would indicate that there was a national strategy over and above the regions that viewed deaths as a tactic for sowing fear and paralysing protests.

In addition, it is important to note that this strategy against protesters was underpinned by a significant racist bias: in Lima the number of violent demonstrations and events was similar to that in other regions, however, the law enforcement officials in the capital did not use lethal force and only one death was reported.

The authorities at the highest level adopted a narrative that consistently supported and justified the actions of law enforcement agencies, despite increasingly clear evidence of their unlawful actions. In addition, the state narrative stigmatized protesters as terrorists and violent, contributing to the escalation of violence and encouraging law enforcement to continue to act in the same way.

After analysing the events presented in this report, Amnesty International has concluded that the Peruvian authorities carried out widespread attacks against protesters with a marked racist bias.

These attacks consisted mainly of extrajudicial executions and arbitrary killings through widespread use of lethal ammunition to suppress protests. Despite the serious injuries and loss of life occurring day after day from the beginning of December, the commanders in a position to take measures to stop the deaths did not do what was necessary, allowing the number of people killed to rise to 48 in just two months. Far from being isolated incidents or officials acting on their own, the analysis points to a possible coordinated and conscious state policy.

# 9. RECOMMENDATIONS

## TO THE PRESIDENT OF PERU:

- Publicly condemn the use of lethal force by security forces; develop and implement effective measures immediately to prevent the use of lethal force or inappropriate and prohibited weapons in the control of protests in Peru. In cases where force must be used by law enforcement agencies, take action to ensure that its use is necessary and proportionate and is not based on discriminatory or racist criteria.
- Refrain from spreading stigmatizing narratives against protesters and disinformation regarding social protests.
- Carry out, as soon as possible, an assessment of the situation of structural racism in Peru, beginning with an official invitation to the United Nations Special Rapporteur on the Rights of Indigenous Peoples and the United Nations Special Rapporteur on Contemporary Forms of Racism to visit the country, and develop a road map based on structural recommendations on the issue.
- Ensure full cooperation with ongoing investigations conducted by the Public Prosecutor's Office.
- Guarantee comprehensive reparation to victims of human rights violations and their families, which should be proportional to the gravity of the violations and the harm suffered. This reparation should include monetary compensation, comprehensive medical assistance and ongoing rehabilitation, specialized psychological care and other measures to protect the rights to education and work. Full reparation should be immediate, even if the investigations into the facts have not been concluded and those responsible have not been brought to justice.

## TO THE PUBLIC PROSECUTOR'S OFFICE:

- Promptly, impartially, independently and thoroughly investigate cases of extrajudicial executions, arbitrary killings and violations of physical integrity caused by the use of force on the part of military and police; including not only those who committed such acts, but also senior officials from the Macro Regions at the highest level, for there are indications that they ordered, allowed such acts or, knowing such crimes might be committed, did nothing to prevent them.
- Ensure the effective participation of victims and their families in investigation processes, with a human rights and gender-based approach, ensuring access to prosecutorial personnel in charge of proceedings on the ground.
- Guarantee the safety of all those who, directly or indirectly, participate in the investigations.
- Request technical assistance from international organisms specialized in the criminal investigation of grave human rights violations to assist the Public Prosecutor's Office to strengthen its technical, forensic and expert capacity.

## TO THE CONGRESS OF THE REPUBLIC:

- Repeal Law 31012, the Law on Police Protection, and ensure that current legislation is in line with international standards on the use of force.

## TO THE PERUVIAN NATIONAL POLICE:

- Ensure that the Peruvian National Police refrains from acts that violate international norms on the use of force and that any police personnel suspected of committing such acts are immediately

investigated and, if appropriate, promptly brought before the administrative and criminal justice systems.

- Ensure the full cooperation of the PNP with the ongoing investigations carried out by the Public Prosecutor's Office.
- Cease, and prohibit, the use of lead pellets which carry an excessive risk of causing serious injury or even death.
- Cease, and prohibit, the use of firearms (with live ammunition) for policing and dispersing crowds and ensure that they are used only in response to an imminent threat of death or serious injury and exclusively against the person posing this risk and not indiscriminately fired at a crowd.

## **TO THE PERUVIAN ARMY:**

- Ensure that, when, exceptionally, the army is called upon to collaborate in public order operations, their actions strictly adhere to international standards on the use of force.
- Ensure full cooperation with ongoing investigations conducted by the Public Prosecutor's Office.

# 10. ANNEX 1: OFFICIAL INFORMATION RECEIVED AFTER THE TIME OF PUBLICATION ON ARMS USED IN ANDAHUAYLAS

Information from Oficio No. 435-2023 MP-FN - FPSTEDHIAPURÍMAC, from the Public Prosecutor's Office, received by Amnesty International on May 16, (after the time of publication of this report).

It details the weapons carried by police officers in Andahuaylas, which confirms the use of lethal weapons, as indicated by the evidence reported by Amnesty International in this report.

DEPENDENCIA POLICIAL	TIPOS DE ARMAS LETALES Y NO LETALES	FECHA Y LUGAR	OBSERVACIONES
DIROPESP - LIMA DIVPOL ANDAHUAYLAS	Fusil Automático AKM	11 y 12 de diciembre de 2023 - Andahuaylas	No se detalla más características de material bélico por estar exceptuadas según norma que se invoca
	AKM-K		
	HK-91		
	AK-47		
	Fusil HK-G3		
	Fusil Asalto AKM 65		
	Fusil AKM 65-C		
	Pistola SIG SAUER		
	Pistola SS		
	Pistola Parabellum		
	Pistola Pietro Beretta		
	Perdigonera		
	Fusil G3		
	Lanza GAS		
	LZA. GAS CAL. 37/38MM		
	ESCOP. CAZA. CAL. 12GA		
	CART. Lacrimógeno CAL.37/38MM		
	Granadas LAC. DE MANO FAIKEN		
	PERDIG. GOMA CAL. 12 GA MAXAN		
	COMISARIA SECTORIAL PNP CHINCHEROS		
FUSIL AKM 65-C CAL. 7.62X39mm.			
PISTOLA PIETRO BERETTA CAL 9mmPB.			
PISTOLA SIG SAUER CALIBRE 9X19mm.			
ESCOPETA LANZA GAS ZDI MOD AEPOR CALIBRE 38 MM.			
ESCOPETA LANZA GAS FM ARGENTINO CALIBRE 37/38mm			
ESCOPETA PERDIGONERA HATSAN MAD. SCORT CAL.12GA CAT. A. NUEVAS.			

Information from Oficio No. 435-2023 MP-FN - FPSTEDHIAPURÍMAC, from the Public Prosecutor's Office, received by Amnesty International on May 16, (after the deadline for this report).

It details the type of ammunition used by police in Andahuaylas, which confirms the use of lethal weapons, as indicated by the evidence reported by Amnesty International in this report.



Information from Oficio No. 435-2023 MP-FN - FPSTEDHIAPURÍMAC, from the Public Prosecutor's Office, received by Amnesty International on May 16, (after the deadline for this report).

De acuerdo a las actas de afectaciones de armamento de fuego, acta de uso de municiones y otros al personal policial empleadas los días 11 y 12 de diciembre de 2022, se tiene la siguiente información:

DEPENDENCIA POLICIAL	TIPOS DE MUNICIONES UTILIZADAS	FECHA	LUGAR	OBSERVACIONES
DINOES DIVPOL ANDAHUAYLAS	Cartuchos calibre 5,56x45 marca FNB y C.L.	11-12-2022 12-12-2022	Andahuaylas	Según actas de uso de municiones
	Cartuchos calibre 7,62x51			
	Cartuchos calibre 7.62x39mm.			
	Cartuchos calibre 9x19mm			

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	Cartuchos calibre 7.62x39mm Cartuchos de perdigón de goma Cal. 12 GA Cartuchos cal. 12 anti motin Cal. 9x19mm Cartuchos lacrimógenos CS. Cal. 37/38 simple y de carga triple Cartuchos Calibre 12 gauge CART. Lacrimógeno de mano CS FAME Falken			y evidencias captadas con cadena de custodia, que se encuentran en despacho fiscal y departamento de municiones de la DIVINCRI PNP Lima.
COMISARIA SECTORIAL PNP CHINCHEROS	Cartuchos calibre 7.62x39mm Cartuchos calibre 9x19mm Cartuchos cal. 12 anti motin Cartuchos lacrimógenos CS. Cal. 37/38 simple	12-12-2022	Chincheros	Según actas de uso de municiones y evidencias recogidas con cadena de custodia en DIVINCRI - Lima.

It details the atomic absorption tests that identified chemical and metallic particles on the hands to establish whether a firearm had been fired.

In the four cases documented by Amnesty International as possible extrajudicial executions in Apurimac, it was concluded “without any observations,” suggesting that none of the victims detonated a firearm prior to their death.


VICTIMAS MORTALES	PERICIA DE ABSORCIÓN ATÓMICA Y OTROS	FECHA	LUGAR	OBSERVACIONES
Beckham Romario Quispe Garfias	Con informe pericial de balística forense	14-12-2022	Andahuaylas	Ninguna
Adolescente con iniciales D.E.A.Q. (15).	Con informe pericial de balística forense	14-12-2022	Andahuaylas	Ninguna
John Erik Enciso Arias	Con informe pericial de análisis de residuos de disparo por arma de fuego	11-02-2023	Andahuaylas	Ninguna
Wilfredo Lizarme Barboza,	Con informe pericial de análisis de residuos de disparo por arma de fuego	11-02-2023	Andahuaylas	Ninguna
Cristian Alex Rojas Vásquez	Con informe pericial de balística forense y acta de exhumación y necropsia	18-03-2023	Andahuaylas	Se ha realizado exhumación y necropsia de ley el 09-03-2023 en la Comunidad de Ancatra - San Jerónimo - Andahuaylas.
Adolescente con siglas R.P.M.LL. (17).	Con informe pericial de balística forense y acta de exhumación y necropsia	18-03-2023	Chincheros	Se ha realizado exhumación y necropsia de ley el 10-03-2023 en la Comunidad de Casabamba - Chincheros.



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# LETHAL RACISM

## EXTRAJUDICIAL EXECUTIONS AND UNLAWFUL USE OF FORCE BY PERU'S SECURITY FORCES

Since the removal from office and arrest of former President Pedro Castillo on 7 December 2022, and the subsequent states of emergency (estados de excepción) declared by the authorities, Peru has experienced one of its deepest political and social crises of recent decades. Thousands of people took to the streets to protest. The authorities responded with the use of lethal force and with excessive use of less lethal force aimed at silencing and punishing demonstrators.

Between December 2022 and February 2023, 49 protesters lost their lives; 11 people died in the context of roadblocks and hundreds of people were injured, including a policeman, who lost his life. This report analyses the use of force by Peruvian police and military in response to the protests which resulted in grave human rights violations and crimes under international law and calls on the Peruvian state to ensure that those believed to be responsible are held to account.