



## STATEMENT

### **1 year after the social uprising in Peru, international advocacy continues to demand justice for human rights violations and repression of social protest**

Lima, Geneva, Brussels, December 7, 2023 - **On December 7, 2022, the impeachment and imprisonment of peasant president Pedro Castillo and the arbitrary takeover of vice-president Dina Boluarte, with the support of the fujimorista bench and other right-wing parliamentary groups, took place in Peru. An event that resurfaced the historical social fractures of the country, leading to a widespread socio-political crisis, marked by a bloody repression of popular demonstrations, and widespread and systematic violations of human rights by the de facto government.**

In February 2023, in the face of human rights violations, violence against indigenous women, repression and criminalization of social protests, [our organizations drafted and submitted a complaint to various UN human rights protection mechanisms](#) in order to denounce the multiple violations perpetrated by the Peruvian de facto government and to demand justice for the victims.

At the end of February 2023, various UN Rapporteurs<sup>1</sup>, on the basis of the complaints received, [sent a communication to the Peruvian government](#) questioning it on various points regarding the repression of the protests, the deaths of demonstrators, forced disappearances and arbitrary detentions, among others.

On April 21, 2023, [the Peruvian government issued its response](#) to the questioning of the Rapporteurs. It was a rather partial response, unsatisfactory as it does not respond to the main questions raised by the Rapporteurs. In particular, the response failed to provide essential information on fundamental issues raised by the Rapporteurs (and therefore the complaint submitted), and instead attempted to legitimize the alleged human rights violations during the demonstrations, the excessive use of force, the phenomenon of "TERRUQUEO" (which is an essentially racist discourse) and abusive allegations of terrorism.

It should be recalled that several international human rights bodies, including UN Special Procedures, the Office of the UN High Commissioner for Human Rights (OHCHR) and its Regional Office, have verified and noted the disproportionate use of force. These organizations also reported cases of racism, torture, arbitrary detentions, disappearances and extra-judicial executions, which left a total of more than 60 dead, 49 of them by firearms of the security forces. These acts remain unpunished, leaving the victims without justice or reparations.

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<sup>1</sup> The Special Rapporteur on the rights to freedom of peaceful assembly and association; the Working Group on Arbitrary Detention; the Working Group on Enforced or Involuntary Disappearances; the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism; and the Special Rapporteur on the human rights to safe drinking water and sanitation.

## **Main results of the investigations of the Office of the High Commissioner and the Rapporteur on freedom of association:**

- [“Peru: UN Human Rights Office calls for meaningful reforms to guarantee right to peaceful assembly, ensure inclusive dialogue”](#)
- ["Observations on the human rights situation in the context of the protest in Peru"](#)
- [See also the infographic elaborated by the Office](#)

However, the criminalization of protests and of grassroots organisations as well as its leaders continue unabated. And to make matters worse, in May 2023, the Peruvian Supreme Court ruled that citizen demonstrations are a crime as they have no legal legitimacy, since they are not recognized in the country's Constitution or in any other legal regulation. This fact fits into the government strategy of delegitimizing and criminalizing all dissent, subjugating the judiciary to the political strategy of the de facto government. More recently, on Monday 4 December 2023, Legislative Decree N° 1589 was published in the Official Gazette El Peruano, which amends the Penal Code with the aim of imprisoning a greater number of citizens and social leaders who exercise their right to protest against the regime. This legal change comes just days before the start of new days of protest in Peru.

The response to the communication from the UN human rights protection mechanisms, as well as all actions of the de facto government in other spaces and levels, reflect a clear will to avoid any responsibility for the widespread and systematic violations of human rights in the context of the social outbreak in the country.

The Peruvian de facto government must put an end to repressive actions and criminalization of dissent, particularly towards peasant and indigenous organizations, in accordance with the provisions of the UN Declaration on the Rights of Peasants and Other People Working in Rural Areas and the UN Declaration on the Rights of Indigenous Peoples. Respect for the right to protest, freedom of expression and freedom of association and peaceful assembly of defenders and all protesters is an absolute necessity in the current social situation. It is also crucial to move forward with the immediate release of all defenders arbitrarily detained in the framework of social protests, including the release of President Pedro Castillo, arbitrarily detained since December 2022.

In this regard, in order to put the country on the path to social peace and to return to the democratic path, it is necessary to ensure that those responsible for these violations are duly identified and punished. At the same time, it is essential that international bodies enforce the rulings against crimes against humanity committed during the government of Alberto Fujimori, whose immediate release was ordered by Peru's Constitutional Court on 5 December. Justice must be strengthened in the face of this new onslaught of impunity.

In light of the above, we once again call the attention of the UN bodies and special procedures to closely follow the situation in the country, including through follow-up field visits. We also call on UN member states, and in particular the states of the Latin American region, to intervene and insist that the Peruvian de facto government comply with its constitutional and international human rights obligations and collaborate constructively with all international and regional human rights protection bodies.

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