

## Andean Report by Gretchen Small

### Will terrorist Morote walk free?

*Shining Path guerrillas are seeking to manipulate Peru's judicial system into declaring their war constitutional!*

**S**hining Path terrorists are on an offensive to turn the case of Osmán Morote Barrionuevo, their military commander captured by police on June 12, into a legal victory which establishes their right to wage war against the nation.

Their strategy is to get the courts to free Morote, on the basis that the Constitution guarantees a person's right to advocate terrorism, or even to join Shining Path, as long as there is no "proof" that the person ever pulled a trigger. Such a decision would constitute de facto legalization of the terrorists' war.

The terrorists are doing more than hiring well-heeled human rights lawyers to win their case. On June 17, incendiary bombs were thrown into the home of Morote's prosecutor, Dora Altamirano; on June 24, terrorists attempted to kidnap and kill her daughter on her way to school.

Police arrested 45 terrorists carrying explosives and floorplans of various government offices, including the justice ministry, on June 23. The same day, Deputy Luis Alvarado Contreras warned police that Shining Path had plans to capture some congressman, in retaliation for Morote's capture.

If Peru's courts let Morote walk free, no terrorist has to worry!

Osmán has been on the wanted list for years, identified as Shining Path's number-two man, in charge of military operations. All three of his sisters and brothers are married to top Shining Path killers. His father, Efraín Morote Best, an anthropologist and avowed communist, is believed to be the "spiritual father" of Shining Path;

he ran the University of Huamanga where Shining Path was founded, selecting the teachers who were recruited to its ranks.

Previously captured terrorists have named Morote as the intellectual author and coordinator of Shining Path's assassination of three government officials, and attacks on three banks, and the country's electrical and telephone companies. Morote is also charged with leading a massacre of six peasants at a northern cattle cooperative in 1986.

There have been contradictory reports of what kinds of documents and weapons, if any, were found with Morote when he was captured. On June 27, *Caretas* magazine published facsimiles of lists of raids and killings carried out by the group—a kind of scorecard of hits—in Morote's own handwriting, they say, and now in the hands of the courts.

Morote's defense strategy is being handled directly by his father, who argues that no proof exists that his son carried out any acts of terrorism. Morote's father told the press that he knew nothing about his son's supposed subversive activities; all he knew was that, since he was an anthropologist, his son traveled all over the country!

Leaders of the terrorist support apparatus who operate aboveground jumped to his defense. Unified Left party congressmen demanded to be allowed to visit Osmán in the headquarters of the anti-terrorist police unit, Dircote, where he is being held.

Sen. Javier Valle Riestra has issued several press statements stressing that Osmán Morote cannot be sen-

tenced for the crime of belonging to an organization. "You cannot judge or accuse ideas. Having an ideology does not mean that one has engaged in acts which society judges and punishes," he insists.

For his part, Morote continues to insist on his constitutional right to refuse to answer any police interrogators, stating that he "will only speak before members of the court, and the judge who knows my case." His lawyer has demanded that Osmán be transferred out of police custody, and placed immediately in the hands of the Second Tribunal, which is scheduled to hear the case.

In September 1985, Second Tribunal Judge Carlos Saponara Milligan—the very man now presiding over the Morote case—gave unconditional freedom to another top Shining Path killer, Julio Casanova Rodríguez, claiming "lack of proof" of any crimes.

Casanova is not only Morote's brother-in-law, but according to *Oiga* magazine, he is now considered Morote's replacement in the leadership ranks of Shining Path!

"Poorly carried out, the trial of Morote could become the ideal complement of this new strategic phase of Shining Path, in which the seizure of legal space is as important to them as their attacks," Lima's *La República* noted in a June 26 editorial.

The paper warned that the Shining Path has adopted its two-pronged strategy of intimidation and "meticulous legalism," in order to "keep the judicial system from operating, and at the same time, if this proves impossible, turning the whole democratic system into a hostage of the judicial machinery, while Morote becomes—thanks to a certain type of unthinking enthusiasm of the media—at the same time victim and celebrity . . . a superstar."