

9-25-2009

# Impunity Persists in Peru

LADB Staff

Follow this and additional works at: <https://digitalrepository.unm.edu/notisur>

---

## Recommended Citation

LADB Staff. "Impunity Persists in Peru." (2009). <https://digitalrepository.unm.edu/notisur/13816>

This Article is brought to you for free and open access by the Latin America Digital Beat (LADB) at UNM Digital Repository. It has been accepted for inclusion in NotiSur by an authorized administrator of UNM Digital Repository. For more information, please contact [amywinter@unm.edu](mailto:amywinter@unm.edu).

## Impunity Persists in Peru

*by LADB Staff*

*Category/Department: Peru*

*Published: 2009-09-25*

The sixth anniversary of the release of the final report of the Comision de la Verdad y Reconciliacion (CVR), which investigated the violence in Peru between 1980 and 2000, once again made it clear that victims of the armed internal conflict are still waiting for justice. After two years of work, the CVR released its final report on Aug. 30, 2003, which concluded that the 20-year armed conflict took 29,260 lives (see NotiSur, 2003-09-12).

The CVR report said that the subversive group Sendero Luminoso, which began its armed struggle in 1980 by destroying ballot boxes in the town of Chuschi in the central department of Ayacucho, was responsible for 54% of the deaths and forced disappearances during that period, while the armed forces were responsible for 31%.

The remaining deaths and disappearances were attributed to the self-defense committees (rondas campesinas) and the guerrilla group Movimiento Revolucionario Tupac Amaru (MRTA). Since 2006, both Sendero founder and maximum leader Abimael Guzman and MRTA leader Victor Polay have been serving life sentences at the Callao naval base (see NotiSur, 2006-10-20).

Other members of the Sendero and MRTA leadership are serving sentences of up to 25 years. "We celebrate that the terrorists have been tried and sentenced with the severity established by law. We hope that those who carried out atrocities homologous to terrorism for the state will also be investigated and prosecuted, which until now has rarely happened," said a Coordinadora Nacional de Derechos Humanos (CNDDHH) press release titled, "A seis anos del Informe Final de la CVR."

An important national and international precedent against impunity was set in April 2009 with the sentencing of former President Alberto Fujimori (1990-2000) to 25 years in prison (see NotiSur, 2009-05-01) for responsibility in the cases of La Cantuta (the 1992 assassinations of nine students and a professor from the Universidad Nacional de Educacion Enrique Guzman y Valle, known as La Cantuta), and Barrios Altos (the assassination of 15 people, including an 8-year-old child, in a poor neighborhood near Lima in 1991).

"With Fujimori's trial and sentencing for human rights violations, significant progress has been made in the symbolic terrain, since he was the principal person responsible as head of state for these violations," said Salomon Lerner, former CVR president, in an interview with the daily La Republica.

The CVR turned over all the material it had gathered to the Defensoria del Pueblo and also organized files for the 47 judicable cases. Six years later, progress in the judicial investigations has been woefully sparse. "No road toward reconciliation will be passable if it is not accompanied by an effective exercise of justice, regarding both reparations for the harm suffered by the victims as well

as just punishment for the perpetrators and a consequent end to impunity," said the CVR report. Of the 47 judiciable cases listed by the CVR, fewer than half are in the hands of the judiciary and the rest have not moved past a preliminary investigation.

### *Pending cases*

On this anniversary of the CVR report, the prosecutor's office turned over to residents of the community of Putis, in Huanta province, Ayacucho department, remains of 92 of the 123 victims of a December 1984 massacre by the Army. The remains were interred in a moving ceremony on Aug. 29. In 1984, the campesinos fled their homes to escape Sendero attacks. Months later, the Army set up a military base in the area and invited the campesinos to return, promising to protect them. And they did so on Dec. 12.

But the following day soldiers arrived in Putis and, while one group raped the women, another group forced the men to dig what they said would be a fish hatchery. When they finished, the soldiers shot everyone and buried them in a common grave. The remains were discovered more than a year ago. Of the 92 bodies exhumed 40% were minors and 41% women only 28 were identified by the official forensic experts of the Equipo Peruano de Antropología Forense (EPAF). The coffins with the remains of the other 64 unidentified bodies are marked to indicate that they contain an entire body (cuerpo entero, CE), parts of a body (partes de cuerpo, PC), or a body with some bones missing (C). "Science at this time cannot identify the others.

The common grave was full of bodies decomposed among roots, and, considering that, it was a huge success to be able to identify anyone," Jose Pablo Baraybar, head of the forensic team, said after explaining the body-exhumation-and-recovery process in Putis, according to La Republica. "We are closing a chapter, the long-awaited dignified burial, but there is the hope of obtaining justice. There is a long way to go, and we are not going to stop until we succeed. The state must pay its debts. The defense minister must turn over the information to punish the material authors of these deaths," said German Vargas, director of the Asociacion Paz y Esperanza, which works with campesino victims in Putis.

The Ministerio de Defensa has thus far refused to release the names of the military who served in Putis between 1984 and 1985. Defensora de Pueblo Beatriz Merino sent a letter on Aug. 28 to Lorenzo Quispe Curo, president of the Asociacion de Afectados por la Violencia en la Comunidad de Putis, saying that it is unacceptable that not one single person has been punished for the crimes committed in Putis. "The state has the unavoidable obligation to show that it is capable of administering justice, of identifying those responsible and punishing them so that these serious incidents are never repeated," Merino said. The CVR recorded more than 4,000 burial sites, in addition to Putis, throughout the country.

All those crimes have gone unpunished. August also marked the anniversary of the massacre of 69 residents of the town of Accomarco, in the Ayacucho province of Vilcashuaman, perpetrated 24 years ago by four anti-subversive military patrols. On Aug. 14, 1985, the patrols entered Accomarco to capture and/or destroy "terrorist elements in the area." They put the men, women, and children of the community in three shacks, shot them, set fire to the shacks, and threw in grenades.

The Accomarco case is now in the Segunda Fiscalia Superior Penal Nacional. Twenty-nine military personnel are being prosecuted for the crime, some still on active duty. Telmo Hurtado, one of the officers who led the operation, was detained in the US in 2007 and his extradition is in process.

"The atrocities committed by Sendero Luminoso were replicated by the armed forces. Because of the CVR, we know that the armed forces committed 122 massacres in departments like Ayacucho, Huanuco, Cusco, Ucayali, San Martin, and Lima," said legislator Juana Huanchuari in Congress.

Defense Minister Rafael Rey, one of the long list of detractors of the CVR conclusions, said, "Most conclusions of the so-called Comision de la Verdad regarding our armed forces are false, unjust, and slanderous." He said that he does not accept the report's conclusion that, in Peru, "the armed forces violated human rights." As if in response to Rey, a CNDDHH communique says, "As in Putis and Accomarco, Barrios Altos and La Cantuta, there are other cases in which the military is being investigated. There is no persecution here but rather the necessary exercise of justice, so that judges can determine who is responsible and what the punishment should be within due process."

### *Waiting for reparations*

To comply with CVR recommendations, the Peruvian Congress passed a law in July 2005 creating the Plan Integral de Reparaciones, which combines individual and collective reparations, as well as symbolic and material reparations. As of July 2009, the Consejo de Reparaciones (CR) has recorded 55,125 individual victims and 5,269 communities collectively affected. Data on another 55,000 victims is being processed.

The registration and release of certifications of victims has the support of the Catholic and Protestant churches, municipalities, private institutions, and volunteers. Until now, the Plan Integral de Reparaciones has benefitted nearly 476,000 persons. The advances in this area have centered on collective reparations in communities affected by the violence some 1,403 towns. Creating a Registro Nacional de Victimas is moving forward slowly, however, because of a lack of resources.

"The Consejo de Reparaciones does not have the budget necessary to meet its goals this year. Of a US\$3.9 million budget for this year, only 34% has been obtained and, therefore, it takes much commitment to constantly negotiate with the APRA [Alianza Popular Revolucionaria Americana] government to be able to advance.

The Consejo is receiving the funds in dribbles," said Evangelical Pastor Rafael Goto, president of the Concilio Nacional Evangelico del Peru (CONEP) and member of the Consejo, in an interview published in the document, "Informe 6 anos CVR. Avances desde abajo...retrocesos desde arriba," prepared by the Asociacion Paz y Esperanza, the Movimiento Ciudadano Para que no se repita, and the Coordinadora Nacional de Radio (CNR). "The Consejo de Reparaciones is not just a rule that is made; it has to be an agenda that affirms human rights work and that also is transferred to a civil society that wants to work for pacification and restoring rights," added Goto.

### *Exclusion and racism*

The CVR report exposed the deepest social inequalities and level of exclusion and discrimination suffered by the population that confronted the violence in the 20 years of armed conflict. CVR data confirms that 79% of the victims lived in rural areas, 75% were Quechua speakers or Amazonian

Indians in a country where only 20% of 28 million people are native speakers of Quechua or another indigenous language 59% were poor campesinos, and 68% had only primary education or less.

"I want to propose as a hypothesis that the opposition to the CVR is because the victims were, in the majority, Indians and that this defines the limits of egalitarianism for certain social and political sectors in the country," said sociologist Alberto Adrianzen, a columnist in La Republica. "Racism, in the end, explains this behavior toward victims of the violence."

The lack of respect for rights of native peoples in Peru, is, however, not an issue of the past; it is an issue of the present, as was made clear by the Amazonian peoples' struggle to defend their ancestral rights to lands they inhabit. The struggle led to the deaths of 24 police and 10 civilians last June 5 (see NotiSur, 2009-08-28).

On Aug. 29, the UN Committee on the Elimination of Racial Discrimination (CERD) called on the Peruvian government "to make a greater effort in the struggle against racism, prejudice, and racial discrimination." CERD also called on the government to guarantee that there is participation and consultation with indigenous peoples regarding any natural-resource extraction on their lands and in their territories.

-- End --