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Elsa Chanduvá Jaña

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Little Progress in Reparations for Victims of Peru's Political Violence

by Elsa Chanduví Jaña
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Ten years after the Comisión de la Verdad y Reconciliación (CVR) issued its report on human rights violations committed during the internal armed conflict that ravaged Peru from 1980 to 2000 (NotiSur, Sept. 12, 2003), the recommendations to ensure truth, justice, and reparation for tens of thousands of victims and their family members are still on the table.

"Ten years ago, on Aug. 28, 2003, the CVR turned in its Final Report to the country, detailing the tragedy of thousands of families and presenting numerous proposals to overcome the violence, which to this day have not been fully addressed. The general conclusion is that, ten years later, the victims of serious human rights violations, the vast majority of whom are poor and from the most remote regions, have yet to receive proper, timely attention from the state," the Defensoría del Pueblo said in its report on progress, setbacks, and challenges in the process (A diez años de verdad, justicia y reparación. Avances, retrocesos y desafíos de un proceso inconcluso).

The CVR’s recommendations to promote truth, justice, and reconciliation include structural reform of the armed forces, police, and judicial system; individual and collective reparations for victims; and a national plan for forensic investigations to find and identify victims, establish the cause of death, and identify the perpetrators.

At the presentation of the report, acting Defensor del Pueblo Eduardo Vega Luna pointed to steps forward in the last decade, including a law recognizing the status of absence due to forced disappearance, a law creating a comprehensive plan for reparations (NotiSur, April 3, 2009), the creation of a single registry of victims (Registro Único de Víctimas, RUV), the implementation of programs for collective reparations and individual financial reparations, and the creation of the Place of Remembrance, to name a few (NotiSur, July 30, 2010). However, he said, "there are still serious problems and delays, gridlock, and even, in some cases, setbacks in responding to demands by the victims of violence for truth, justice, and reparation."

The Defensoría reported that, from 2007 to 2013, collective reparation projects were funded in 1,892 communities affected by political violence, or 33% of the total. The amount budgeted for the program has gradually been decreasing, from 54 million nuevos soles (US$19.3 million) in 2009 to 10 million (US$3.6 million) this year. No project has been implemented for collective reparations for groups of displaced persons.

As for individual financial reparations, 29,392 individuals have been paid, or 37.2% of the 78,908 officially recognized as eligible as of March 2013. The public budget executed under this program was around 11 million nuevos soles (US$3.9 million) in 2011, 96 million (US$34.3 million) in 2012, and 29 million (US$10.4 million) this year.

"As of March 2013, some 3,587 individuals had died without receiving reparations, for example, many of the mothers in the Asociación Nacional de Familiares de Secuestrados, Detenidos y Desaparecidos del Perú (ANFASEP) who have been fighting impunity for 30 years," Rocío Silva
Santisteban, executive secretary of the Coordinadora Nacional de Derechos Humanos (CNDDHH), wrote in the newspaper La República.

ANFASEP was created on Sept. 2, 1983, by a group of Quechua-speaking women from Ayacucho, most of whom had been displaced from rural areas. Ayacucho was one of the areas most affected by the internal armed conflict, and 30% of eligible victims are from that region.

To mark the 10-year anniversary of the CVR report, ANFASEP organized an international seminar on the search for the disappeared in Latin America and the need for justice and remembrance, which Vega Luna attended. At the event, he urged the authorities to carefully consider the results obtained in addressing the needs of victims of violence from 1980 to 2000 and make any necessary changes.

One unresolved issue is the need to amend a decree that closed the registry of victims as of Dec. 31, 2011, a move that runs counter to the registry’s inclusive, permanent nature. The decree also determined a fixed amount of reparations at 10,000 soles (US$3,574) per family, far below the 39,000 soles (US$13,939) awarded to the next of kin of members of self-defense committees, going against the principle of equality and nondiscrimination. Even though the governing body on reparations (Comisión Multisectorial de Alto Nivel) agreed to reform both aspects of the regulation, this has not yet been done.

Although only victims registered through December 2011 have access to reparations, the registry has continued to operate, and through March 2013 the total number of victims of political violence was 182,350—far above the CVR’s 2003 estimate of close to 70,000 people. Of the total number of people registered, 59% are victims directly affected by the internal violence, while the remaining 41% are relatives of the direct victims.

In addition, as of March of this year, 5,195 of the beneficiaries had reported more than one human rights violation. This includes people who have had more than one member of the family disappear or be killed, or cases in which direct victims (victims of rape or people left disabled) also report disappearances or murders of relatives but who have had only one human rights violation recognized. Under the law, individual financial reparations must be paid for each violation, but this provision has not been met.

Outcry for the disappeared

One major unresolved issue is the whereabouts of more than 15,000 people who disappeared during the internal conflict and who are presumed to have been buried clandestinely in mass graves. In the last 10 years, the public prosecutor’s office has recovered 2,662 bodies, of which 1,528 have been identified by relatives. So far in 2013, forensic anthropologists have exhumed 242 bodies.

Forensic anthropologists, through the Equipo Peruano de Antropología Forense (EPAF), report that the government’s estimate of detained-disappeared persons has nearly doubled since the 2003 CVR report, with the number of victims currently at 15,731 and the number of mass graves said to be more than 6,400. The CVR calculated the number of disappeared persons at 8,558, most of whom are Quechua-speaking indigenous people from the poorest segments of society.

Gisela Ortiz, who represents the next of kin of the victims of La Cantuta (NotiSur, Oct. 1, 1993), said no progress has been made on the issue of forced disappearances. "Until the remains of all those
who disappeared are found and identified, the wound will remain open for these victims’ families," Ortiz told La Primera.

Ortiz made the comments at a ceremony to mark the anniversary of the CVR report, held at El Ojo que Llora, a monument built in 2005 at Campo de Marte, in the district of Jesús María, to remember the victims of the internal armed conflict. The memorial, which covers more than 4,000 meters, consists of a large central stone with water spilling out like tears, surrounded by a labyrinth of concentric circles of smooth rocks inscribed with the names of victims of the conflict. On this anniversary of the CVR report, the Ministerio de Cultura declared El Ojo que Llora to be part of Peru’s cultural heritage.

The CVR report said that 60% of the forced disappearances were committed by the armed forces. The CNDDHH contrasts this information with the estimate of the Defensoría del Pueblo, which in a 2002 report on forced disappearances assigned 80% of the blame to the armed forces.

The CVR recommended creating an office to search for disappeared persons and developing a national forensic anthropology plan for exhumations, but this has not been done.

Speaking to Canal N, Vega Luna called for the creation of "a unit that would be in charge of searching for disappeared persons, with the resources, equipment, and what I would call the humanitarian assignment of looking for the disappeared, recovering their remains, and turning them over to their families so they can mourn."

Human rights defenders and relatives of the victims of political violence say the various governments in Peru have lacked the political will to undertake a search for the disappeared and to move further along in obtaining justice and implementing the CVR report’s recommendations for meeting basic needs.

"The state has a responsibility and obligation to the civilian, police, and military victims, their relatives, and society as a whole: to make reparations, ensure access to justice and the right to know the truth, as well as to strengthen remembrance policies," Vega Luna said, in presenting the Defensoría’s report. "Along with these efforts, the state should approve and implement the National Human Rights Plan; promote and foster dialogue with civil society; put forward reforms in health, education, and justice; prevent social conflict; and prevent and punish discrimination and racism. That will show that we are capable of not repeating the grave errors of the past."

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