

CHAPTER 1

FUNDAMENTALS OF RECONCILIATION

Truth -(Justice)-Reconciliation

The CVR understands "reconciliation" to mean the implementation of a process of re-establishing and refounding the fundamental links between Peruvians, links that have been voluntarily destroyed or deteriorated by the outbreak of a violent conflict initiated by the PCP Shining Path in recent decades, in which the entire society was involved. The process of reconciliation is made possible, and is made necessary, by the discovery of the truth of what happened in those years, both as regards the recording of violent acts and the explanation of the causes that produced them, as well as the reparative and sanctioning action of justice.

The awareness of the magnitude of the damage caused to our society must lead us all to assume part of the responsibility, even if it can and should be differentiated according to degrees. Not only the direct action of the protagonists, but also the silent complicity or idleness of many have contributed in their way to promote the destruction of our social coexistence. We must therefore recognise the ethical nature of the commitment to reconciliation, that is to say, we must admit that things could have happened differently and that many of us did not do enough to make it so.

If truth is a precondition for reconciliation, justice is both its condition and its outcome. This is because justice has different dimensions, which it is essential to consider and enforce in its specificity. It is first and foremost judicial in nature, because the law must be rigorously investigated and applied so that crimes do not go unpunished. Secondly, justice is also restorative, in the sense that it strives to compensate victims for the damage inflicted. And it is, in short, political and social justice, which must contribute to the redistribution of access to the power and goods of society, on the basis of the rights recognized through reconciliation itself.

For these reasons, the commitment to reconciliation commits Peruvian society as a whole; it is it that must reconcile with itself. And it must do so by establishing relations of reciprocal recognition that make it possible to refoundate the agreement,

between all of us. In this sense, reconciliation comprises three levels: 1) at the political level, it is a reconciliation between the State including the Armed Forces and society, and it is also a reconciliation between political parties, society and the State; 2) at the social level, it is a reconciliation of the institutions and public spaces of civil society with the entire society, especially with the secularly neglected ethnic groups; and 3) at the interpersonal level, it is a reconciliation between the members of communities or institutions that were confronted because of the generalized violence. It is to be hoped that this process of reconciliation will find a reflection in the education, in the family, in the media and in the daily life of all Peruvians.

Finally, because of the richness of its dimensions, reconciliation is an open and permanent process that serves as a common goal for our society. Approaching her is a task for all Peruvians.

Methodology: concept determination - opinions and experiences

The CVR's proposal is fundamentally practical in nature, i.e. ethical. It is presented simultaneously from two complementary dimensions: the first is its conceptual determination, founded and argued, and its distinction with respect to close concepts with which it is frequently confused; the second is its illustration and determination based on the experiences and opinion of diverse groups of Peruvian society, both direct victims of violence and those who have been left helpless because of it.

The CVR has also gathered here the opinion of other sectors because it considers that the issue of reconciliation concerns all members of society, whether it be important political sectors and recognized intellectuals in the country, or the proposals expressed by hundreds of young people, popular and communal leaders, housewives and local authorities. Thus, the text gathers more than four hundred direct testimonies on a total of approximately nine hundred primary documents.

In spite of the diversity of opinions and perspectives gathered, here they have been tried to be articulated under the normative horizon of the ethical sense of reconciliation. Just like that:

The first part proposes a concept of reconciliation understood within a horizon of ethical sense. This concept, conceptually determined and contrasted with citizens' proposals, proposes to refund (or rebuild) the social pact between society and the State and generate the conditions for society to reconcile with itself and for violence not to be repeated. Reconciliation is about justice, forgiveness and the danger of impunity.

The second part presents both a diagnosis of the state of reconciliation in our country and a characterization of its limits. In the first, the structural and historical limits of reconciliation in Peru; and in the second, the challenges of reconciliation and experiences of coexistence after the outbreak of the conflict until today.

The third part deals with some perspectives that the problem of reconciliation entails from different levels of human experience, such as the individual sphere, religious experience, social sphere and political experience.

The last and fourth part deals with the dimensions of reconciliation and its essential components, including the role of state reform, citizenship building, the fight against poverty, historical memory, education in values, and others.

PART I

Reconciliation: a proposal

1.1. The Imperative Need to Know the Truth

The need to know the truth has been and is the starting point upon which the work of the TRC rests. Mass attendance at testimonies means participating and collaborating in the effort to know the truth of the facts. Giving testimony or participating in a Public Hearing is an act that recognizes the importance of seeking the truth in spite of the pain it entails and that expresses without a doubt the persistence of the conflict, the pain and the need to resolve it adequately with truth and justice. For many years people who sought to know the whereabouts of their relatives were deceived into preventing "truth to be found and justice to be done."¹

Hiding, distorting, lying, misinforming have been methods used to cover up murder, rights violations, and the whereabouts of those killed in combat. As one declarant says: "the police should be asked where the bodies of the comrades who were murdered in that place are, because those who fell in combat have already fallen in combat, but also where the bodies are."² There is disinformation and a great ignorance of the whereabouts and actions of the people.³

¹ CVR. BDI-I-P8. In-depth interview, Vilcashuamán (Ayacucho), June 2002. Interviewed man, political authority in the time of violence.

² CVR. BDI-I-P251. Interview in Aucayama prison, Huaral (Huaral), September 2002. Interviewed man, leader of PCP-SL.

⁹³ "Go where that person who was possibly mayor of a community and was murdered and that community possibly does not know (of) that person, or the Ayacucho people, who was mayor of such a site; they are lost, go to those

Many are committed to the search for truth and justice.⁴ "As family members we have a permanent commitment to truth and justice, to the clarification of these deaths and to the punishment of those responsible, we do not seek revenge but a thirst for justice, as long as we do not find it we will continue to struggle to find it."⁵ So also a lady: "(...) she hopes that the TRC will make people see the truth and that there will be no more resentment, that there will be reconciliation. She points out that the poor are resentful."⁶

The meaning of the Public Hearings was clearly committed to the desire to present people's testimony as an individual and irreducible truth. This decision has "usefulness to generate some change in our society", in them "voices will be gathered from those who were traditionally excluded", it has been an "opportunity where we can speak", and it will also open "the possibility to build a new history on our country."⁷ Everyone is interested in knowing the truth in spite of the discrepancies with the Truth Commission itself, as some leaders of the PCP-SL say: "nothing of what is criticized, however, prevents us from presenting a position and testimony before the Truth Commission, in any case, I personally conceive it as a circumstance and a front in the struggle because the facts are shown and the historical truth is imposed."⁸

1.2. Reconciliation and Justice

"What do we want? (...) We want the truths of all cases to be known (...) Truth, reconciliation and justice, we want that, yes (...) neither all the gold in the world, nor the silver, nor the diamonds, no, we are not for that, we want the truth to be known and, also, we want justice to be done. How we have been in this time, we always remember everything that has happened, we remember the solidarity of many people, indifference to those who have done that. Truth and justice, Commissioners (...)"⁹

Just as reconciliation concerns the personal sphere or religious interest, *justice* is a necessary condition for reconciliation and at the same time its outcome. Reconciliation also offers a perspective for the future.

people, yes, with just reason and say, he was such, he did such for his people, he never mentioned it, now we mention it because there is a Truth Commission, yes it has to be real, because we are not here (...) of figures to give demonstrations, because this is going to be investigated, if we are really doing things clearly. CVR. BDI-I-P445. Huamanga Public Hearing, March 2002. Female, family member of murder victim.

⁴ "Hopefully the only hope to the Commission you have created now, Truth Commission, who will come to my community, I rightly request that I come to my community, to investigate to clarify the case, not only, not only is my father's death". CVR. BDI-I-P434. Public hearing of cases in Huamanga. Case 8. Third session, April 2002. Testimony of Crispin Baldeón Illaconza.

⁵ CVR. BDI-I-P593. Thematic hearing on Public University and Violence. Case 10B. Single session, second block, October 2002. Testimonialist Carmen Amaro.

⁶ CVR. BDI-I-P363. In-depth interview, Sancos (Huancasancos), March 2002. Interviewed woman.

⁷ CVR. BDI-I-P597. Audiencia Temática sobre Universidad Pública y Violencia, Case 14. Third block, October 2002. Testimony of Emver Quinteros, student.

⁸ CVR. BDI-I-P252. Interview in Yanamayo prison (Puno), June 2002. Interviewed leader of the PCP-SL.

⁹ Public Hearing of cases in Huamanga. Case 11. Third Session, April 11, 2002. CVR. BDI-I-P436 Testimony of Jorge Luis Aramburú Correa, 36, on the forced disappearance of his father Ciro Aramburu Villanueva.

The first condition of justice itself is *truth*. Just as reconciliation is based on justice, justice is based on truth. There is no justice without truth. In order to do justice in some cases, processes will have to be reopened, as in Accomarca.¹⁰ Only with the knowledge of what happened can one exercise justice¹¹ and seek reconciliation.

Justice also presupposes a second issue, that of *equality* before the law. The exercise of justice requires that there be two parties and that they be on an equal footing. If there is no equality, there will be no justice. Bias and inequality conspire against the sense of impartiality and equality that drives any justice process. To admit that those who have committed crimes are also persons,¹² is tantamount to saying that recognition of the perpetrator's humanity does not preclude its punishment.

Justice requires, thirdly, *impartiality* and honesty on the part of those who exercise justice. Corruption of the judiciary conspires against the exercise of justice. "We've gone, you know the judges, and before that the judge we've had is a corrupt judge, a corrupt prosecutor who wanted all the money, right? and then what have they done, I know they've paid and not (...)."¹³

Reconciliation is possible if there is justice. Justice punishes those who have committed crimes and leaves those who have not committed them blameless. Therefore, it is essential to overcome injustice, arbitrariness, lies and the partiality of judges and prosecutors. Reconciliation has in justice an essential support that makes it possible and that allows the agreements reached to be real and lasting. In this sense justice is a condition and result of reconciliation.

1.2.1. Justice, truth and recognition

Justice is born together with the community; it depends on it and makes it possible. It is probably the crucial element that clearly distinguishes when we are before a community and when we are not. The

¹⁰ CVR. BDI-I- P26 In-depth interview, Accomarca (Vilcashuamán, Ayacucho), August 2002. Former hiker, his family was involved with PCP-SL, one of his brothers was assassinated by the Peruvian Army.

¹¹ "I believe it is necessary that if there is no institution that is in charge of doing justice, of seeking justice for the crimes committed.

death of the cases that have happened in our country, in our zone, it is necessary for the State to pay attention to these cases especially, the cases that are already proven, investigated and to know the truth because justice has not been done, because if not, we will never be able to be happy, to reconcile with whoever, with our neighbor, with the State..." CVR. BDI-I- P497 In-depth interview, Juanjui (San Martín), August 2002.

¹² "because they are people, because by the fact that we are going to denounce we are going to say that we are against all of it, we are not going to say that they are not worth it, they are also people, that it is better that they change, don't they change?

think, change your way of being and let's all work together to improve our country..." CVR. BDI-I-P164. In-depth interview, Jauja (Jauja), May 2002. Family interviews of an emerretist.

¹³ CVR. BDI-I- P793 In-depth interview, La Unión, Río Negro, Satipo. October 2002.

Most of the expectations of justice revolve around the clarification of acts of violence and the punishment of crimes.

The CVR played a role in these expectations: "(...) For me the procedure and mission that you have as a Truth Commission is elementary, we are going to discover, to locate the responsibilities, to do justice on those responsibilities and only then will we be able to build something new."¹⁴ The truth that we wanted to clarify here is that which concerns the facts of violence¹⁵.

"To some extent we want to contribute to this clarification of the truth, not only the victims but also the witnesses, all of us Peruvians have to some extent been protagonists of this political violence and for that we have to look at our faces and tell the truth with all frankness if we really want a true national reconciliation"

The demand that truth and justice be together is a collective and communal demand.¹⁷ The Christian perspective, for example, points to a community's view of justice because violence and harm have been done in the community.¹⁸ The damage is to the national community, Peru has "bled."¹⁹ The solution to the conflict of justice is on the horizon of the community.²⁰ In short, the assumption is that truth is a condition of justice and that of reconciliation.

"It is called Truth and National Reconciliation Commission, if we want reconciliation, reconciliation is not going to happen as long as we do not forgive each other, but if we do not forgive each other (...) but for us to forgive ourselves there has to be truth, and for there to be truth, there has to be justice, because everything is a sequel, one after the other and the government if it wants to reconcile with its people, must also assume its responsibility, and punish not only those who have been those who have executed, those who have done direct action (...)"²¹.

¹⁴ CVR. BDI-I- P261 In-depth interview, Ayaviri (Melgar), June 2002, journalist.

¹⁵ "Let the truth really be discovered because in the name of terrorism (...) much abuse has been committed especially in the communities with the simple people, with the quiet people, with the peasants, atrocities have been committed (...)" CVR. BDI-I-P189. In-depth interview, Jauja (Junín), May 2002, professor.

¹⁶ Audience on the topic of Public University and Violence. CVR. BDI-I- P585. Case 5. First block, 30 October 2002. Speaker Carlos Chávez.

¹⁷ CVR. BDI-I-P409. Workshop with women on gender issues, Satipo (Satipo), November 2002.

¹⁸ "(...) reconciliation is based on recognition, of what I was to blame, what you had, recognized that, we have a platform in itself, is also the central message of the Christian value of reconciliation, which in this case is perfectly applicable to society as a whole" CVR. BDI-I- P261 In-depth interview, Ayaviri (Melgar), June 2002, journalist.

¹⁹ Audience on the topic of Public University and Violence, CVR. BDI-I- P587 Testimony of Luisa Sonia Santos Blanco.

²⁰ CVR. BDI-I-P411. Workshop with ronderos, Satipo (Satipo), November 2002.

²¹ Public Hearing of Huanta Cases, Testimony 9. Second Session, April 8, 2002. CVR. BDI-I- P580.

1.2.2. Justice and solidarity: the moral dimension

"In the community it affected us because there were no longer people who claimed for the progress of the people, only partridges lived."²²

Next to the community for the exercise of justice is the theme of solidarity. Solidarity is not woven at the margin of the community or social collectivity. Solidarity implies close bonds of friendship and companionship. To harm or assault one of the members of a community means to harm or assault the rest. Naturally, solidarity permanently evaluates the degree of community cohesion. The sense of community solidarity is present, for example, when a witness rejoices in the recognition given to the relatives and wounded of Barrios Altos: "I was happy when they gave recognition to the fallen in Barrios Altos, I believe that this is the most dignified thing that can be done to people who lose their families, because they are innocent at the bottom (...)."²³ Likewise, when there are people who are concerned about the situation of the orphans and the victims.²⁴

The lack of solidarity in Peru is obvious and serious. It is evident in disinterest in the community - from its most local forms, such as participation in labour,²⁵ to its most generalised forms, such as indifference to the population that has suffered violence and harm. In general - even in those who are obliged to exercise justice and defend the right - there is little sensitivity towards people in need, giving in to mistreatment, corruption, robbery and extortion to obtain illicit money.

"Only the judge who sent me to call Jauja to declare whether or not he was compromised against, in other words, by a terrorist. Then the judge there tells me, if you want to be free, and you don't want to go to jail, bring me 350, that time about 3500 (...). Then when I gave him the money, he also told the secretary 150(...)"²⁶

1.2.3. Justice and adequate distribution: political and social dimensions

A sense of justice is the proper redistribution of assets in the community. It is also called social justice or equity. In Peru, the insistence on this point is relevant because it is a society with poverty, needs and manifest inequity among its members. Individuals do not share equitably in either the fruit or the goods that the community produces. Adequate redistribution of wealth is a criterion of social justice and stability. The groups

²² CVR. BDI-I-P23 In-depth interview, Accomarca (Vilcashuamán, Ayacucho), June 2002. Witness to the Lloqllapampa massacre.

²³ CVR. BDI-I- P221 In-depth interview, Huaycán (Lima), May 2002, Hombre dirigente.

²⁴ CVR. BDI-I-P291. In-depth interview, Pueblo Nuevo, (Leoncio Prado), May 2002. Interviewed man, victim.

²⁵ CVR. BDI-I-P85 In-depth interview, Huambalpa (Vilcashuamán), August 2002. Man son of Líder senderista.

subversives tried to win the support of sectors of the population -at first with partial success- appealing to a discourse of equality and redistribution of wealth. It should be stressed at this point that the use of violence to achieve social justice in a state governed by the rule of law is in no way justified.

The absence of the state and public services in many places where the conflict took place²⁷ impedes justice and hinders the role of reconciliation. A large part of the population continues to live in a permanent situation of extreme poverty and economic exclusion. In general, education²⁸ and health²⁹ are basic demands for goods for the population that are not yet satisfactorily met by the State.

Without covering the minimum conditions of existence, a country has no chance of asserting democracy and citizenship, since its population is unable to develop its own capacities. The construction of citizenship and democracy presupposes the exercise of *freedom*, which is severely curtailed or eliminated in conditions of poverty and extreme poverty. With a dramatic majority of Peruvians struggling in misery, it is very difficult to build citizenship, democracy and lay the foundations for reconciliation. Faced with the lack of a project on the part of the State to channel the basic demands of the entire population, subversive groups appeared as an apparent "political" alternative.

Overcoming poverty therefore also presupposes the recognition of human dignity, expressed in the indivisibility of human rights - civil, economic and social. In other words, it is undeniable that the violence that Peru has experienced - and continues to experience - has had as one of its causes the misery and abandonment of peoples by the State and the resulting misery.

1.2.4. Justice and reparation of damages

Human life is priceless:

"And that, and a little while later the Navy said, let's try to fix, you value, you value, how much do you ask for his life? I had a lot of feelings about valuing a life, I said maybe you could look for a market where there is a business of lives, and I choose myself just like my son and that I value justice and that money comes into my hands just as I have gone to justice. And not by bribe, because it's not a product, it's not an artifact to be doing business for a lifetime."³⁰

²⁶ CVR. BDI-I-P185. In-depth interview, Huancayo (Huancayo), June 2002. Interviewed man, victim.

²⁷ CVR. BDI-I-P447. Huamanga Public Hearing, Fourth Session, April 2002, Huamanga (Huamanga). Interruption of family of victim testifying at the hearing.

²⁸ Public Hearing on Political Violence and University Community. Case 15. Third block, 30 October 2002. CVR. BDI-I-P598 Testimony of Mariza Glave, university student.

²⁹ 141. CVR. BDI-I- P784. Interview with former leaders of the CART (Asháninka native organization), Satipo, October 2002.

³⁰ Public Hearing of cases in Tingo María. Case N° 2. First Session, August 8, 2002. CVR. BDI-I-456. Pink Albarrán. Name of victim(s): Indalecio Pomatanta Albarrán. Alleged rape: Torture and murder

Society must take note of and make reparation as far as possible to the victims of violence.

³¹ Reparation is an act of justice - individual or collective - and a duty to rebuild what has been damaged. Reparation is the task of the State and of society as a whole, and reparations must be integral. Strictly speaking, there are no individual or collective reparations per se. Just as for the victim who has suffered the death of a family member, the destruction of his or her property or the deterioration of his or her own life, the damage causes an individual psychological breakdown, for the community that has lost its members, its world and its relationships, the damage is a deterioration and rupture of the social fabric. Reparations are thus understood as instruments of reconciliation, with a view to closing the serious imbalance caused by the conflict and affirming a new social agreement. Peruvian society - through its State - is the one that repairs the thousands of victims of violence and lays the groundwork so that it never happens again.

The reparations policy first calls for recovery and assistance to those psychologically damaged by the violence and its aftermath. There is no way to deal successfully with the aftermath of war without working hard to repair the damage done to people's psychological and individual and collective consciousness. ³² Secondly, it is necessary for the reparations policy to propose a concrete proposal for economic and social development -individual and collective- that reverses the aftermath of the internal armed conflict. The State must face the challenges that individual and collective economic reparation demands³³ without making any distinction whatsoever.

Thirdly, in addition to reparations for psychological damage or economic aid, the reparations policy must also include a precise proposal that provides normative and legal guarantees to prevent the violation of rights and to institutionalise democratic practices and permanent consultation. Its implementation will strengthen the rejection of impunity:

"(...) I would like, as my mother has asked, to make a request to the Truth Commission, that not only the case of my father, there are many cases that have gone unpunished, please, investigate and that responsibilities are demarcated and that justice is done, because if there is no justice, I believe that we will not achieve reconciliation (...)"³⁴

Keeping alive the memory of what should not be done becomes a valuable instrument of repair work. For this reason, a plan for national exhumations and burial of the victims³⁵ is also essential within the framework of reparations for the damage. "No

³¹ CVR.BDI-I-P291. In-depth interview, Pueblo Nuevo, (Leoncio Prado), May 2002. Interviewed man, victim.

³² CVR. BDI-I-P254. In-depth interview, Puno (Puno), May 2002. Woman, professor.

³³ CVR.BDI-I-P409. Workshop with women on gender issues, Satipo (Satipo), November 2002.

³⁴ CVR. BDI-I-P447. Public Hearing of Cases in Huamanga, Case 17, Public Hearing of Huamanga, Fourth Session, April 2002, Huamanga (Huamanga). Testimony of Luis Enrique Saavedra.

³⁵ CVR.BDI-I-P214. In-depth interview, Molinos (Huancayo), June 2002. Interviewed woman, mother of family.

³⁶ Finally, recognizing the pain and weeping at the root of the damage caused, as a leader says in overcoming his own drama, it is not the moment to weep but to build peace and justice:

"In this part of the central region it is not J. the only dead person is many teachers, many students, many workers, many mothers and also, they have cried just like me, but I invoke them again orphaned sisters of father and mother, it is not time to cry but to rebuild the peace of the country in search of an improvement"³⁷.

1.2.5. Justice and reconciliation: the possibility of the future

Reconciliation involves a just community and a political project based on new ethical conduct. From the studies on corruption in the Upper Huallaga and from what the country has been able to appreciate in the years of the Fujimori dictatorship, it is clear that the State and drug trafficking weaved a great web of corruption that dates back a long time. We are therefore faced with the difficult task of a new mentality in which the highest ethical values, and hence justice, prevail. By affirming and having justice as a condition, reconciliation creates the possibility for the future. By relying on the defence and applicability of human rights, reconciliation can affirm the sense of the future that reconstructing the social covenant means. The political content of the theme of reconciliation becomes possible through the exercise of justice.

Based on justice, reconciliation also has the imperative of looking to the future and designing it. The first thing to do is to ensure that what we have experienced is not repeated: "Now we want that violence never to happen again, we have suffered a great deal".³⁸ The future must be different.³⁹

But it is not only the people, but also the institutions, such as the Armed Forces, learning from experiences must improve the sense of their mission:

"The Armed Forces also have something to learn. I believe that where they have performed best, where they have not used methods of repression, I believe that people have respected it. Where they have committed abuses, a series of atrocities against people, that is where there have been the most problems. I believe that they also have to redefine their role in Peru and that they are not created to attack, to kill or to torture, things that they have done.

³⁶ CVR. BDI-I-P246 Focus Group, Puno (Puno), June 2002. Participants women leaders.

³⁷ Audiencia sobre el tema Universidad Pública y Violencia, Case No. 3, First Session, 30 October 2002. CVR. BDI-I-P590. Testimony of Berta Rojas Vda. De Palomino.

³⁸ CVR. BDI-I-P420. Workshop with women, Apurimac River Valley (La Mar), October 2002.

³⁹ "I hope that in the future, the systematic violation of human rights in Peru will not be repeated, that the crime perpetrated against my son will not go unpunished, that the murderers will be held accountable before the justice system, so that there will be

Sorry, there's got to be a mea culpa first." Public hearing of cases in Lima. Case 26. Fourth Session, June 22, 2002. CVR. BDI-I-P552. Testimony of Juana Martha Paéz Wharton de Malpartida. Victims: Javier Roca Casas, Keneth Anzualdo Castro and Abel Malpartida Paez.

They have to be there to make possible the development of the country, new problems that we are going to live in the country and know how to act then but thinking about the future of the country."⁴⁰

IDPs rightly imagine a different and better future:

"I see that a vision of the future would be to be responsible, more optimistic, with decent and permanent work, more honest, in the family, with more well-being, with more harmony and less violence in the family and on the social side, with peaceful coexistence, less corruption, cultivating moral values and more justice for all."⁴¹

Reconciliation aims at the construction of a democratic social and political project. Reconciliation requires the preservation of what is considered important: "in the eighties all young people believed they were destined to remake the world, I believe that today the task, both young and old, is to prevent the world from being destroyed".⁴² Perhaps, following this reasoning, it would be convenient to reinstate the weight of one's own communal authority -for example, that of the *varayoc*- democratically elected by its members in the management and direction of their own destinies.⁴³

Reconciliation, impunity and forgiveness

Although there is a mutual link between the concepts of reconciliation and forgiveness, they do not mean the same thing.

1.3.1: Forgiveness as an act of freedom

Forgiveness belongs to the deepest part of the exercise of human freedom and therefore does not belong to the realm of justice. Forgiveness is a grace given by the victim of harm to his perpetrator in the sense of giving him a "gift. But it's more than just bestowing a good or a thing. It is a per-gift, that is to say, a superlative good. It is the victim who decides to forgive her aggressor or not. Under no circumstances are the victims obliged to forgive, which is why we say that it is a fundamentally individual act of freedom. Forgiveness is related to the theme of reconciliation because in the

⁴⁰ CVR. BDI-I- P266 In-depth interview, Juliaca, San Román (Puno), June 2002. Parish priest.

⁴¹ CVR. BDI-I-P413. Workshop with displaced persons, Huamanga (Huamanga), October 2002.

⁴² Audience on the theme of Public University and Violence. Case 5. First block, 30 October 2002. CVR. BDI-I- P585 Testimony given by Carlos Chávez Firma. Hermilio Valdizan University, Huanuco.

⁴³ "The organization of *varayocs* disappears with the installation of the base because they were very abusive towards them" CVR. BDI-I-P54. In-depth interview, Estudio pampas (Accomarca, Vilcashuamán), June 2002. Male, professor, presumed hiker.

In the gesture of forgiveness, the victim expresses an attitude of readiness to re-establish a relationship that has been damaged, and to create the future conditions for healing individual and collective wounds.

Forgiveness always calls for reflection and discussion. We do not know who should be forgiven, how much should be forgiven or who should be forgiven. Forgiveness, however, represents an exercise and an action that is the sole responsibility of the individual. Some women's question: "What to do? does it mean forgiving the person who killed my husband?"⁴⁴ is totally relevant in this case. The answer can only be given by the interested person. It is she who decides whether or not to forgive those who killed her husband. He doesn't commit any crime in one case or the other.

Forgiveness is also a matter of perspective. For some, forgiveness must take place because they assume a Christian conduct and practice: "as I repeat to you the people who have committed this, they are already forgiven from me."⁴⁵ For others forgiveness means overcoming revenge and affirming life and the future in a positive attitude. However, not only is no one obliged to forgive, but many are unwilling to do so.⁴⁶

1.3.2. Forgiveness as inner and interpersonal harmony

Forgiveness helps to rebuild inner harmony and opens the conditions for establishing new relationships between human beings. Forgiveness implies overcoming the differences between the parties and re-establishing harmony; reconciliation, on the other hand, demands something more: the construction of a new project of common coexistence based on justice. Forgiveness establishes in a radical way the new relationship between men after a conflict, but it does not have the demand to construct new agreements or specific pacts of coexistence in the future. Reconciliation does.

Since forgiveness is the exercise of freedom, it can be a function of a political project or not. Reconciliation, on the other hand, presupposes a proposal of common life and, therefore, requires knowledge and clarification of the truth and the exercise of justice. National reconciliation, therefore, cannot be achieved without justice and truth. However, forgiveness can play a special role in reconciliation, as some leaders say "let us begin to live in harmony,"⁴⁷ always based on justice.

⁴⁴ CVR.BDI-I-P409. Workshop with women on gender issues, Satipo (Satipo), November 2002.

⁴⁵ CVR. BDI-I-P526. Public hearing of cases in Lima. Case 7. Second Session, June 2002. Testimony of Vargas Rojas, victim of unjust detention.

⁴⁶ "I think, here there have been quite a few injustices, killings, especially of the humblest people (...) then they they must be the ones who have to forgive their executioners, because they have been in front of two executioners, (...) they have been scarred, but the scar hurts, I think they must give their version, with them do a work for forgiveness to come and good there is a way to reconcile, because they are very afraid, do not trust anyone. CVR. BDI-I- P254 In-depth

interview, Puno (Puno), May 2002. Female teacher, witness.

1.3.3. Forgiveness *versus* reconciliation

Some identify reconciliation with forgiveness, for there is indeed a mutual link between the two concepts. But it is necessary to distinguish them clearly. The spaces of reconciliation and forgiveness are different. Reconciliation is the initiation of a process that seeks to re-establish or re-found fundamental links between members of a community after they have overcome the conflict that destroyed them - even if this conflict is initiated by one of the parties. Forgiveness, meanwhile, is the gratuitous, asymmetrical and *unique* act of giving up guilt and allowing the victim (occasionally the ruler, in the name of the nation) to relive the past.

-no matter how painful, to get over it. Forgiveness, although it has a social and even a public dimension, has no proper function in law or in the administration of justice. Thus, reconciliation points to the construction and design of the future by a community or state, while forgiveness can only contribute to its realization.⁴⁸ Confusion arises because in many reconciliation processes the theme of overcoming differences and abandoning quarrels forces the exercise of forgiveness as a prior moment that opens the door to reconciliation. But it does not necessarily exhaust or presuppose forgiveness. Although the victims themselves affirm: "We must try, (...) peace is surely (...) a self-criticism, an analysis of something that is possible."⁴⁹

1.3.4. Forgiveness *versus* impunity

In Peru not everyone agrees with the clarification of truth and reconciliation because it is thought that both can destabilize the political regime by opening irresolvable conflicts between civil society and the State - and between its political authorities and the Armed Forces and Police. Some also distrust the "truth" that is claimed to have been clarified and the kind of "reconciliation" that is being proposed. It is therefore necessary to define the meaning of the concept of "reconciliation" within the framework of the mandate of the TRC. For her, neither amnesty, exchange nor impunity are valid mechanisms or instruments to stabilize and strengthen democratic institutions and the rule of law. On the contrary, the CVR considers that

⁴⁷ CVR. BDI-I-P420. Workshop with women, Apurímac River Valley (La Mar), October 2002.

⁴⁸ "But before we did not hate each other, there was no grudge, now they have reconciled again, they no longer hate each other, now we as we are giving our testimony, they are also doing the same, I have done this, they have forced me to do this, they're saying now. They're apologizing now, that's the way they were." CVR. BDI-I-P633. In-depth interview, Huallhua, district of Chungui, province of La Mar, Ayacucho, October 2002. Female witness, family member of the victim.

⁴⁹ CVR. BDI.I. P259 In-depth interview, Puno (Puno), June 2002, date. Interview man, religious authority.

These mechanisms weaken them, impoverish them and deepen the already existing mistrust in broad sectors of the country regarding the exercise of justice by the State.

"I reject the idea that these events go unpunished, I believe that the only way to end violence and abuse is to punish those responsible, so that the rest of the population or the rest of the people know that these events can not stay, that they are done and nothing happens."⁵⁰

Impunity means the *abandonment of justice*. Amnesty, as the name implies, is his *forgetfulness*. Impunity is not interested in taking the truth into account, on the contrary, it allows and tolerates lies, falsehood and concealment. On the other hand, the CVR's sense of *reconciliation* is essentially linked to the *truth*, as these terms are understood by the common citizens, who express themselves by saying: "That is why we have invited you to clarify once and for all these events that occurred in the past years of political violence."⁵¹

There are many cases⁵² of impunity in Peru⁵³ motivating the just indignation of citizens⁵⁴:

"It is difficult to be able to control my emotions but they are not tears of weakness but of pain, of indignation, because ten years later it still hurts to know that Martín Rivas can continue making his life calm, without these deaths weighing on him, it still hurts us to know that there is a Fujimori murderer living in Japan without these deaths being punished."⁵⁵

⁵⁰ Public hearing of cases in Lima. Case 10. Second Session, June 21, 2002. CVR. BDI-I- P531 Cecilia Martínez Del Solar. Female victim, her husband was murdered.

⁵¹ CVR. BDI-I- P297 Male witness, president of the Spring Valley producers, son of a mayor murdered by the PCP-SL. Primavera, Leoncio Prado, Huánuco, May 2002. Cf., Study Repentance-Aries, Spring.

⁵² "At this time, the members of this command, the members of my husband's annihilation command, all of them are today unpunished, they can be seated here like any of those who are sitting in this room, freely listening." Public hearing of cases in Lima. Case 10. Second Session, June 21, 2002. CVR. BDI- I- P531 Female victim, her husband was murdered. Cecilia Martínez Del Solar.

⁵³ "Then I have the relationship, then the 26 are not in the judgment. Then I don't know what happened in power. because we can no longer enter the judiciary, because it was totally forbidden, repressed, in other words, the military practically covered it up...". CVR. BDI-I-P31 Focus Group, Lloqllapampa (Accomarca), June 2002. Male participant, victim's relative. "(Says) Sendero: (...) resolving the aftermath of the internal war and generating conditions for future national reconciliation are incompatible with the endorsement of genocide, its impunity after the defense of democracy, or cleaning up the image of the armed forces by forming commissions of investigation or truth commissions exclusively by state officials or personalities long committed directly or indirectly to the war against subversive groups. CVR. BDI-I-P252. Interview in Yanamayo prison (Puno), June 2002. Interviewed leader of the PCP-SL.

⁵⁴ "And then, in Lima, when we saw some videos where he was, he said that it was not him (...) all this, to what does it lead us, to think that everything had been prepared, arranged so that everything, one to another, would support each other and that the crime would not be a crime.

(...) And, I believe, that from the beginning, he has been aware of the facts. He's not even called to testify, there in Lima. (...) both by the military, by ... for all the power, the government and the Judicial Power that, well, has had (...) collaborated with them, because if the Judicial Power had become, as they say in their thirteen, strong and would have fulfilled its duty, as befits them, as an autonomous power, we would not have finished what we have finished." Public hearing of cases in Huanta. Case 1, First Session, April 11, 2002. CVR. BDI-I- P567 Testimony of relatives of the victims, journalists killed in Uchuraccay.

⁵⁵ Public hearing of cases in Public University and Violence. Case No. 10. Second block, 30 October 2002. CVR. BDI-I-P592. Female, victim's relative. Gisela Ortiz Pera.

The TRC considers that in a country like Peru⁵⁶, with a long tradition of impunity, corruption and limited access to justice, the first step towards reconciliation can only be taken if the perpetrators of crimes⁵⁷ against humanity - who are not those who fight armed under equal conditions - assume their responsibility, appearing before justice and paying their debt to society.

1.3.5. Forgiveness: a complement to reconciliation

Neither reconciliation nor forgiveness amounts to impunity. Impunity is another name for injustice. For this reason, the TRC understands *justice* as the axis of reconciliation, its condition of possibility and its result, its point of departure and arrival. The exercise of justice guarantees the realization of reconciliation. In addition to justice, another condition has been pointed out as a possibility or starting point for reconciliation, even prior to justice itself: the truth - in the sense of the clarification of violent events - without which justice cannot be administered nor can the destroyed social order or bond be re-established. Thus, justice makes it possible to reconstruct or re-found a true social agreement or pact, in which the concealment, falsehood and distrust, conditions of the social fracture that constituted the cultivation ground of the internal armed conflict, disappear:

"We believe that there must be another type, justice, and without justice there will be no reconciliation because people want at least to punish the perpetrators, who are the perpetrators, there are no named perpetrators: there is a pseudonym but if there is a boss who was responsible for that time, (...) it is the competence that belongs to the judiciary. If the State has an interest in investigating, sanctioning and making reparation, it will have to say: 'Well, gentlemen of the judiciary, here are these documents that we are now working on. It is a personal effort, a collective effort and I believe that a gratitude for the person who gave me his testimony that if that is not done we are (...) Those people would be (...) following (...) deceiving them and many people are right when they give testimony'⁵⁸.

⁵⁶ "Thus, gentlemen, this is how you invited me to a congress in Argentina, in Argentina all the testimony I gave seemed to be that the same soldier who had come from here from Peru had committed these crimes; then unfortunately we could do nothing. There was no answer, everything went unpunished and all the crimes remained." Public hearing of cases in Huanta. Case 07. Second Session, April 11, 2002. CVR. BDI-I- P577. Testimony (name)

⁵⁷ "The government of Fujimori, Montesinos, and Hermosa, who are responsible for all the crimes committed by the Fujimori regime, must also respond.

dead and wounded from 1992 onwards (...) and must respond, they are not even capable of assuming what the reaction is, on our part if we have shown although we assume, we recognize." CVR. BDI-I- P253 In-depth interview, Aucayama, Huaral, September 2002. Woman, leader of arrested subversive group who assumed self-criticism.

⁵⁸ CVR. BDI-I-P391. In-depth interview, Tarapoto (Tarapoto), July 2002. Interviewed man, professor, witness.

Impunity in Santiago de Pupuja⁵⁹ , that of the murderers of María Elena Moyano⁶⁰ or the famous Amnesty Law of 1995, seriously distort the whole sense of justice, forgiveness and reconciliation.

"On 21 February, eight members of the army were convicted for the murder of the student and the teacher; sentences ranged from 1 to 20 years. Subsequently, on June 14, 1995, 11 months after being sentenced, the Congress of the Republic approved the famous Amnesty Law, that is, that the officers or subordinates leave in freedom (...) We need to forgive, but this forgiveness passes through a sincere repentance of those who have caused us so much damage and opened these deep wounds that may never heal, that forgiveness passes through truth and justice, we need to reconstruct our historical memory (...).

The same applies to what was publicly stated at the Lima Hearing. Impunity is rejected and perceived as an obstacle to the country's reconciliation process.

"(...) For example, Major César Quiroz Chávez was completely unscathed. Captain César Santoyo Castro, who was the one who directly, the one who ordered him to be auctioned off on Radio Patrulla de La Perla, so far has not been. Commander Pedro Gonzales Posada, Captain Santiago Bazán Yapas, Captain César Izquierdo Vicente, Captain César Inchaústegui Jiménez, also colluded. In other words, individuals from the National Police, who acted like real criminals. Nothing was done to them. However, the others were punished (...)."⁶²

These essential distinctions are not fully understood by diverse sectors of the population, especially by those directly involved and confronted in the internal armed conflict. There are pressures from many different fronts to understand reconciliation, such as forgiveness or amnesty, for the benefit of their respective perspectives.⁶³ An intense pedagogy must be put in place to clear up these harmful misunderstandings that can hinder a full reconciliation process.

⁵⁹ "() In Santiago de Pupuja, at the moment there are people who were in Sendero and they are authorities, then, yes, yes it remains

mistrust, what will it be, who will it be, what will it be able to do to us? of the military, but also on the part of hikers, who killed, did everything they could, what they wanted, and then for their own, for their friends or for their declaration, or whatever, they went free when all the people know that they were like that and that they can also be like that, an impunity also on that side, right?()" CVR. BDI- I. P250 in-depth interview, Juliaca, San Román, Puno, June 2002, Religious Authority

⁶⁰ "(...) After nine years of Maria Elena's death, () today the accomplices are on the loose, today those who killed him, they're on the loose. We don't want him to get away with it. Today these people also celebrate or beat each other's chest and the memory of Maria Elena is also used for political purposes. Public Hearing of Lima Cases, Fourth Session, June 22. CVR. BDI-I. P544 Testimonial by Esther Flores.

⁶¹ CVR. BDI-I-P593. Thematic hearing on Public University and Violence. Case 10B. Single session, second block, October 2002. Testimonialist Carmen Amaro.

⁶² Public hearing of cases in Lima Case 13, CVR. BDI-I-P534 Carlos Rodríguez Ibáñez. The victims were medical students from the National University Federico Villarreal, they were tortured and then murdered.

⁶³ "(...) It must open the way to a policy of reconciliation that includes levels of forgiveness and amnesty for people who had a participation in subversive groups, I believe that it is part of reconciliation, I do not say that later on amnesty Abimael Guzmán, far from it, but as a social phenomenon it is very difficult to achieve that 4000 or 5000 Peruvians who sympathized and acted with Sendero could be marginalized from a process of reconciliation". CVR. BDI-I- P257 In-depth interview, Juliaca, San Román, Puno, June 2002. Male, former political authority.

1.4. Reconciliation as a refoundation of the social pact

Reconciliation must be understood in Peru as a process of reconstruction of the social and political pact. This reconstruction of the social pact is the characteristic of the formation of any State. The State, by definition, is permanently renewed by collecting, representing and recognising agreements and citizens' interests. The violence in Peru violated and undermined the legitimacy of the State as an instance of the social pact. The conflict here represented discord and disunity among Peruvians and between Peruvians and the State. A minority sector of Peruvians consciously ignored consensus as the source of the democratic social pact represented by the State in Peru and rebelled against it by waging a war to destroy it - or, as they literally pointed out, to "demolish" it. However, his alternative proposal was intended to lead to the construction of a project, of a new State entitled "State of New Democracy" of a totalitarian and tyrannical cut. This proposal clearly demonstrated with its actions the terrorist, anti-democratic and anti-popular character that sustained it. The response of civil society and the population, as well as that of the State itself, sought to confront the conflict, and the country was suddenly enveloped in a spiral of violence, death and destruction. It did not take long to recognize that the way to deal with inequalities and lack of justice could not be resolved by violence.

For decades, Peruvian society has struggled to democratize the State more and more, trying to make it an ethical instrument that supports citizen life in all its spheres. The eruption of violence and terror sought to abort this democratizing project that came from the old republican ideal of a democratic State, in which freedom and equality of opportunity are basic principles. The repression and the policies against subversives showed the fragility of the social pact expressed by the State and gave way to a militarization and a generalized repression in important sectors of the population, making possible the systematic violation of their civil rights in important sectors of the population. The anti-subversive struggle did not settle nor did it initially draw its support from the democratic experiences of many sectors of the citizenry, and, on the contrary, they were set aside, misinterpreted and sometimes suspected as subversive. The bloodthirsty and implacable action of subversion against the population and the State was only answered by military action. The political forces in the State and the political parties did not have the capacity to confront in the *political arena* the conflict they were dealing with. However, the peasant and native communities, as well as the urban population throughout the country responded to the scourge that terror generated. In other words, the absence and weakness of the social and political pact, that is, the lack of presence of the State in various sectors of the country, made it possible for the

the dangerous path of violence and tragically bleed to death. Reconciliation is thus understood as a *new* social pact that articulates the relationship between Peruvian society and its State, in such a way that the repetition of this drama is avoided and the nation is finally allowed to enter the paths of development.

Reconciliation is a process that not only makes possible a reunion of the citizen with himself and with his family or community, and of the society with itself, but also allows the reunion of Peru with itself, of the Peruvian national community with its State. A peasant says: "what we have to try is to rebuild the country by reconciling ourselves, that would be my voice."⁶⁴

For reconciliation in the country to have the hoped-for success, it must clearly confront three vital issues: the first, relating to the overcoming and definitive resolution of the internal armed conflict; the second, the critical discussion of the ideas on reconciliation held by the defeated, mainly the members of the PCP-SL who are serving sentences; and, the third, the assumption of a profound reform of the State in the face of the interests and demands of civil society, including demands for justice.

1.4.1. Reconciliation: a project for the future

Reconciliation, as it has been repeatedly maintained, raises in the future the project of restoring the social bonds broken in a previous situation of armed conflict. But there is no point in talking about or demanding reconciliation if it does not express a qualitative change in the situation prior to the outbreak of violence, and which has motivated it. In this context, and in general, the CVR considers that the Shining Path approach to reconciliation as a "political solution"⁶⁵ is insufficient and even erroneous, since it limits or reduces the meaning of reconciliation to a mere political negotiation. On the contrary, the reconciliation proposed by the CVR is part of a project that seeks to respond to the demands of the population:

"(...) That it has a policy of integral development, no longer having the thought only of massacre, mistreatment, but rather to have ideas of emergence forward. We have to work hard to achieve our dreams for the future."⁶⁶

⁶⁴CVR. BDI-I-P208 In-Depth Interview, Uchubamba. (Jauja), June 2002, male interviewed, district authority.....

⁶⁵"(...) So the struggle for the solution is the political, to establish that problem that the revolution poses to us, the arrest of the leadership and that this was the right thing to do and that it was really not to have assumed is a crime, not to have assumed the struggle for a peace agreement. CVR. P253 In-depth interview, Huaral (Huaral). Female leader of PCP-SL. "But I don't do it simply for myself, but for my comrades who continue in the struggle, who are there, also in the jungle, persecuted, knowing that we have given an end to this people's war; because we all want to make a family, we all want to live with our family. CVR. BDI-I-P306 In-depth interview, Potacancha. November 2002. Member of the PCP-SL.

⁶⁶CVR. BDI-I-P423 Workshop with ronderos, Apurimac River Valley (La Mar), October 2002.

The demands of the PCP-SL and MRTA must be examined for humanitarian reasons and outside the nationwide reconciliation process. That is, the country's demands in the reconciliation process, and their satisfaction by the State, are entirely distinct and independent of such a review, in the sense that they should not and cannot be subjected to it.⁶⁷ The CVR considers that the correct approach to the issue of reconciliation consists of bearing in mind that this is a very complex problem with an essential element: that of not repeating what has been experienced,⁶⁸ in the double sense of, on the one hand, trying to overcome the historical conditions of deep fracture and marginalisation of sectors of Peruvian society, and, on the other hand, avoiding by all means fertilising the cultivated land from which the outbreak of armed violence that confronted Peruvians caused greater desolation and poverty. This means knowing and seeking concrete solutions to the country's profound problems on various fronts concerning the development of its peoples: ethnic and racial, social, economic, legal, educational, health, security, communication, among others.⁶⁹

1.4.2. Reconciliation: Ethical and Political Horizon

Reconciliation belongs to the set of norms, agreements and links that have been and are the basis of the social and political coexistence of the country, and therefore belongs to the sphere of ethical and political communal action. In this sense, it presupposes a solidarity, human and just project: "(...) I believe that the reconciliation of Peruvians is when we all see each other as Peruvians and when the Indians do not stink at us, for example, don't they?"⁷⁰

The proposal for democratic reconciliation as the country's new common project - and not the violent or authoritarian proposals of the past - must be able to form the backbone of a policy of secure and stable peace and integration. The new project wants to motivate the ruling class to acknowledge their mistakes and to apologize to the country for not having lived up to its responsibilities.⁷¹ The CVR's effort has been focused on determining the truth, as this is the key to justice and reconciliation.

"The methodology of the institution that you represent, the Truth Commission, is for me the principle with which one should act. That is, one, analyze the situation, two, locate responsibilities, three recognize those responsibilities, four, on the basis of the recognition of my mistakes, of the mistakes I have made, of the mistakes I have made, of the mistakes I have made, of the mistakes I have made.

⁶⁷ CVR. BDI-I. P259 In-depth interview, Puno (Puno), June 2002. Interviewed man, religious authority.

⁶⁸ CVR. BDI-I- P266 In-depth interview, Juliaca, San Román, Puno, June 2002, religious authority.

⁶⁹ "Since you have explained to us quite a part of what reconciliation is, the government (...) I want to ask my question What reconciliation can the government make in the face of the social situation, the lags that exist here in the Amazon jungle, does it have any vision or how can they do it?". CVR. BDI-I-P411. Workshop with ronderos, Satipo (Satipo), November 2002.

⁷⁰ CVR. BDI-I- P258 In-depth interview, Puno, June 2002. Professional woman.

⁷¹ "I believe that the victims expect more than money is that the great political leaders of this situation recognize their mistakes and ask the Peruvian people for forgiveness. CVR. BDI-I- P262 In-depth interview, male, exactivista de DDHH en Puno, Lima, September 2002.

⁷²¹.4.3. Reconciliation as a resolution of the armed conflict.

Overcoming and resolving the internal armed conflict is the first problem to be addressed. This means putting an end to the internal armed conflict that still persists in the country without departing from the rule of law in that process. The internal conflict has contributed to generating a consensus in the majority of Peruvians in favor of peace. However, this change of discourse towards peace does not imply that peace has actually been achieved, nor that the possibility of appealing to violence in the future from a discourse more subtle than that of yesteryear, but ultimately legitimizing violence, has been eliminated.

Peace is and has been the permanent vocation of the Peruvian people who wish to live in a democracy. It is, therefore, the moment to restore and "heal [or close⁷³] the wounds"⁷⁴; to clarify the truth and promote justice. As some say: "now, now, we have passed all this violence; today I am sure that this area is going forward (...)." ⁷⁵

The decision to build peace presupposes and obliges a serious democratic exercise of the population, so that agreements for good social coexistence are consciously assumed individually and collectively:

"I believe that the Peruvian State has a tremendous social debt and must comply with that debt by supporting and contributing to the most needy sectors."⁷⁶

⁷² CVR. BDI-I- P261 In-depth interview, Ayaviri (Melgar, Puno), June 2002, 50-year-old male.

⁷³ Public hearing of cases in Lima. Case 19. Third Session, June 22, 2002. CVR. BDI-I-P541, Flor de María Huillca Gutiérrez, daughter of a murder victim: Pedro Huillca Tecse.

⁷⁴ CVR. BDI-I-P246 Focal group with women peasant leaders, Puno (Puno), June 2002.

⁷⁵ CVR. BDI-I-P373 In-depth interview, La Morada-Huacrachucro (Alto Huallaga, Huánuco), b. Settler male and witness.

⁷⁶ Cases in Huancayo. Case 16. Third Block, October 30, 2002. CVR. BDI-I- P599 University Testimony.

The population poses many demands to the State, such as reforms of the military and police forces, the judiciary, the fight against corruption⁷⁷, support for agrarian producers,⁷⁸ policies related to the production of the coca leaf⁷⁹, and many more problems. Any solution must be achieved through dialogue and tolerance of any discrepancies between the rulers and the governed, and with the express decision of the State to listen and resolve problems.

"Chungui still has a car, they are better off in their life situation, they have their animals, their farms, their houses (...) we ask President Alejandro Toledo to listen to us and support us, do not leave us, help us to educate our children, help us to move forward, we have told the truth to the Commission; we also ask him not to forget us until he leaves his government, that is our life'⁸⁰

1.4.4. Reconciliation and the PCP-SL

Well, I think that the State should intervene, it should suddenly negotiate with the subversive groups in such a way that it never affects the Native Communities again, because if there are going to be this type of outbreaks then it is going to be one more danger in the history of the republican life of Peru.⁸¹

Many sectors of the country believe that the problem of subversion cannot be solved simply by sending those responsible for the violence to prison, and that this solves only part of the problem.⁸²

Members of the PCP-SL who are serving their sentence, have expressed their current recognition of the issue of reconciliation and have raised the flame "Political solution to the problems arising from the internal war. This "solution" supposes: a "true amnesty in function of a future national reconciliation;" the "democratization of Peruvian society;" "production and work for the people;" and, finally, the "closure of the Callao Naval Base prison, extending it to the Challapalca and Yanamayo prisons. These points raised by the PCP-SL merit a critical discussion.

As far as production and work are concerned, this is truly an issue raised as a historical and structural demand of the entire Peruvian society, and it is not original to the PCP-SL. The

⁷⁷CVR. BDI-I-P405 In-depth interview, Uchiza, Tocache, San Martín, 25-08-02. Male, former cocalero leader, witness.

⁷⁸ "(...) What do you think the State should do to prevent the return of violence? A: For me, as a citizen, you must have more... for agriculture, higher prices for products, more companies to work, more work, for Peru to progress there must be employment, better prices for agriculture. So it won't happen again." CVR. BDI-I-P801. In-depth interview, Cushiviani, Rio Negro district, Satipo province, October 2002. Interviewed settler man, witness.

⁷⁹ "What is the platform that you have at the moment with a view to progressively solving this problem that has been going on for several decades? -Well immediately, immediately is the cessation of eradication scheduled for the month of Julio, that's it right away. The second point is that we don't want these NGOs, that's our second point. As a third point, we want the government to pronounce whether ENACO is legal or illegal." CVR. BDI-I-P376 In-depth interview, Aucayacu (Huanuco), June 2002. Testimony man, businessman, coca grower, witness. North Eastern Regional History, Huanuco.

⁸⁰ CVR. BDI-I-P608 In-depth interview, Oreja de Perro-Huallhua-Belén Chapi, Chungui, La Mar, Ayacucho, October 2002. Female victim's daughter, witness.

⁸¹ CVR. BDI-I-P725 In-depth interview with a 50-year-old man with 1st year of secondary school, immigrant from Mazamari, former president of a native organization at the regional level. It was held on 25/09/02 in Otica, Rio Tambo district, province of Satipo, September 2002. Male, witness and victim..

violent practice of this group, rather, caused the reduction of production and work. The PCP-SL does not indicate anything specific on this point and it is an issue that the Peruvian State must address in the process of reconciliation and institutional reforms in view of the country's historical demand and the construction of a new future. Regarding prison conditions and the closure of prisons, your claim is based on the shameful conditions in which they are found. This point has already merited various proposals for solutions, because the policy of prisons and prison conditions cannot threaten the human life and integrity of inmates, as indicated by national and international standards in this regard. A complete reorganization of the penitentiary system is not synonymous with tolerance for a supposed rearticulation of the violent ideology.

With regard to amnesty,⁸³ it should only be noted that the members of the PCP-SL have been convicted by the justice system for their crimes. Any attempt to apply a policy of amnesia, oblivion or amnesty by the State for its own benefit violates the principle of justice. The "clean slate" approach to crimes committed is not possible for anyone. The principle of reconciliation is based on justice, not impunity. Thus, not only the militants of the PCP-SL must pay for their crimes, but everyone who has committed them. No one is above justice and no one has a license to torture or murder someone who is defenseless. Reconciliation demands, in this particular case, that hiking pays for its crimes.

With regard to "the political solution and the democratisation of society", it should be noted that the two issues are closely linked. The PCP-SL calls for a political and not a military solution to face its defeat in the process of national reconciliation. However, the PCP-SL does not propose that, for the solution it proposes, an absolute renunciation of violence and armed struggle be required as instruments of "political" action (in the sense of the mere conquest and control of power). The real political solution to the conflict is not the one that proposes a "political amnesty" for the prisoners who participated in the conflict. As long as the PCP-SL does not publicly acknowledge its renunciation of violence as a method of its political action, it is stating that its reconciliation proposal is not founded on the interests of society and the nation, but remains anchored in its group interests by provisionally camouflaging its true strategy.

⁸² "So you couldn't reconcile with the hikers? A: that would be a process to be able to assimilate it, what we the ronderos would like is for there to be a meeting with them, we would like to look at each other face to face and tell each other all the things, the why of political violence in the poorest peoples of the country. I believe that with this if we would be initiating a reconciliation, for example, the NGOs call us, invite us to talk about the issue of violence and the walkers or former walkers why they do not come to participate in these spaces, why they do not invite them. CVR. BDI-I-P416. Taller de ronderos, Huamanga (Huamanga), October 2002.

⁸³ "The need to bring legislation into line with the strictest respect for the fundamental rights of both the individual and the family".

as well as economic and social demands and to attend to the demands of the people for democracy and development fundamentally their basic demands, special development plan for the affected poor areas of slums and workers paying substantive attention to the invalid orphans and war widows, general amnesty law that would serve national reconciliation without winners or losers, without reprisals, vengeance, persecution, or personal restrictions against anyone. CVR. BDI-I-P252. Interview in Yanamayo prison (Puno), June 2002. Interviewed leader of the PCP-SL.

criminal. The PCP-SL has made violence and terror an indissoluble part of its existence, and therefore the renunciation that would be required of such methods would basically mean asking the PCP-SL to deny itself. It is necessary, however, to distinguish between the organization itself and its militants, who, once they have paid their debt to justice - if that is the case - will be able, like any citizen, to be expeditious in exercising their rights within a society that finds politics incompatible with violence. In relation to the "process of democratization of society," it will only occur to the extent that all political and democratic forces in the country take on the task of strengthening democracy without resorting to violence. It will be in function of democratization, and through it, that the authentic process of reconciliation⁸⁴ can take place and that the armed conflict with the remnants of trekking that still exist in Peru can be resolved. ⁸⁵ The PCP-SL has been placed outside the law and the democratic construction of the country.

PART II

Reconciliation: Limits and Perspectives

In this section, two points are raised: in the first, the limits of the reconciliation process in the case of Peru, based on the opinions of citizens, as a result of testimonies, hearings, workshops, citizen dialogues and the investigations and studies carried out by the CVR; in the second, the difficulties of the experiences of coexistence after the internal armed conflict are observed and the permanence of the problems and sequels that have remained to this day because of this conflict is analyzed.

2.1 Opinions on the limits of reconciliation

2.1.1 There is no reconciliation without community⁸⁶

I don't know if the word reconciliation is the right one, do I? For reconciliation is when you are the affected party and another is the party who has done the damage and you acknowledge and ask for

⁸⁴ "To favor the reincorporation into daily social life of those who participated in the People's War as well as that of Peruvians who could return from abroad, the respect of the mortal remains of the heroes of the people, fallen in the years of war, the return of the same, informing their location also of the disappeared and the right of relatives and friends and pay them homage. CVR. BDI-I-P252. Interview in Yanamayo prison (Puno), June 2002. Interviewed leader of the PCP-SL.

⁸⁵ "As we have stated, if Artemio would surrender, like the government people who are telling us "he will surrender, there's no problem. When the war is over, we do not send him to prison, we do not send him to life imprisonment, we do not persecute him, we tell him where he is going to live and that's it, and the war is over. Now if you want him to stay here or go to another country. But are we going to believe that? Because some things we're proposing; and if they don't listen to us, um. Because they always don't want to. Q: In exchange for laying down your weapons, what does the party currently demand? A: It demands that those who are free no longer be persecuted. Q: In other words, as an amnesty R: In other words, an amnesty. Q: What about the prisoners? A: Prisoners must have a benefit. In this case, the most important points are that they close the penalties (...)." CVR. BDI-I-P306 In-depth interview, Potacancha (Huanuco). November 2002. Member of the PCP-SL currently in prison.

⁸⁶Meeting with sociologists and anthropologists on the theme of reconciliation. Lima (Lima), September 2002.

forgiveness and reconciliation is given, isn't it? That's what I think is very difficult, perhaps if some facts are clarified and hopefully, at least my expectation is that some responsible people will be sanctioned, right? And let justice be done, now that there is reconciliation I doubt it (...)⁸⁷

The subject and the word reconciliation are quite controversial. The way the subject is perceived differs from person to person. However, there is no one who thinks it's not important. On the contrary, its importance and depth lead many to think that reconciliation is, rather, an unattainable goal. Many people and intellectuals, for example, think that in Peru there has not been a true national community and therefore common sense would indicate that if there has not been a true internal conciliation, how can we speak of reconciliation? From this perspective, reconciliation may seem inadequate and even forced, as one consulted person suggests: "I do not yet understand the Truth Commission,

Who are you going to make friends with? Will I sit with the rich again? With the poor? No?"⁸⁸ The recognition of this marked social division leads people to ask themselves "for example, national reconciliation on what bases would be done, because if up to today we are all seeing, if the theme is established, while social classes exist, is this reconciliation possible?"⁸⁹ With these testimonies and opinions reconciliation seems impossible and very difficult. It is not uncommon for skepticism to be widespread, like that of the leader who says: "I think we should see, I don't know how, reconciliation I don't think it could work in his absolute word, that's a companion."⁹⁰

The underlying theme, in the opinion of these and other people, is that the sense of reconciliation requires several elements to be taken into account: the first of them is to solve previous problems, such as the fight against poverty, the search for equality, the fight against corruption. This is what they say: "As I emphasize again (...) but the subject of reconciliation does not end there, the nice thing would be that sincerely, then, we are also well, that corruption has been banished, that there is equity, that poverty has been sincerely defeated, yes (...) why political violence (...) we have not analyzed that, don't I think? Because of poverty, we remain in poverty, there is no equity, corruption continues, formerly the corrupt police, today in the same way (...)"⁹¹ A second element they raise is that reconciliation is associated with a change of thought, ideas and a new sensitivity⁹² that seeks the unity of the nation and peace⁹³ and that recognizes that the

⁸⁷CVR. BDI-I-P249. In-depth interview, Puno (Puno), May 2002. Female university lecturer.

⁸⁸CVR. BDI-I-P247 Focus Group, Puno (Puno), May 2002. Members of the Departmental Federation of Peasants of Puno.

⁸⁹CVR. BDI-I-P247 Focus Group, Puno (Puno), May 2002. Members of the Departmental Federation of Peasants of Puno.

⁹⁰CVR. BDI-I-P247 Focus Group, Puno (Puno), May 2002. Members of the Departmental Federation of Peasants of Puno.

⁹¹ CVR. BDI-I-P411. Workshop with ronderos, Satipo (Satipo), November 2002.

⁹² CVR. BDI-I-P411. Workshop with ronderos, Satipo (Satipo), November 2002.

⁹³ "It calls upon the state, the military corps, to become aware of and collaborate with this process, with this process of peace, of reconciliation because the people cannot reconcile when we are divided or when we do not want to. Thank you."

people do not have to think the same way and respect traditions and different ways of expression.⁹⁴ A third element is that reconciliation demands a recognition of errors,⁹⁵ the purpose of the respective amendment and of overcoming hatred as suggested by some people in the Huallaga: "but before we did not hate each other, there was no grudge, now they have reconciled again, they no longer hate each other, now we as we are giving our testimony, they are also doing the same, I have done this, they have forced me to do this, they are saying now. They're apologizing now, because that's the way they were."⁹⁶

In spite of the difficulties, in the communal sphere and in the personnel, the process of reconciliation has been processed in spite of the skepticism, the doubts, the pain and the difficulties as it is demonstrated by the Study in Depth of "Dog Ear" when dealing with the case of the community of Chungui.⁹⁷ Some collective experiences such as those of the community of Molinos are important to bear in mind and they themselves tell us: "In spite of everything that has happened, we, the community members of Molinos, are doing everything possible to improve our town, to move forward. We are beginning to work for the good of our community."⁹⁸ We also hear testimonies from individuals:

I am an exceptional witness, that it really is a very strong experience, very hard, but at the same time it served me well because I believe that definitely, we are more, the Peruvians, the twenty-five million Peruvians, we are a very high percentage of good. I believe that the vast majority of us are good and that we have the right to want to be good to others who cannot be good. I believe that we can have the opportunity to stand up, to say to ourselves, we don't need to have an economic good, a material good to say, that we really have happiness.⁹⁹

2.1.2. A distant and distant State

The scepticism expressed towards reconciliation shows the fragility of the Peruvian political community. The State is perceived as very weak and unable to meet the social demands of the population. Likewise, society is perceived as weak and without the capacity to monitor the demands made. Scepticism leads to a pessimistic understanding of the possibilities that people have to feel valued and recognized by the State and others. As some peasants say dramatically and painfully, "the government in spite of being like our father or our father.

Cf., CVR. BDI-I-P692. Public hearing of cases in Abancay. Case 1. First session, August 27, 2002. Family members of victims of torture and murder.

⁹⁴ CVR. BDI-I-P255. In-depth interview. Ayaviri (Melgar), May 2002. Peasant leader of FUCAM.

⁹⁵ "It is possible, it is a question of reconciliation, of recognizing errors, of recognizing damages, here comes the purpose of amendment, then, it is necessary that this happens." *Cf.*, CVR. BDI-I-P265. In-depth interview, Juliaca, province of San Salvador

Román, department of Puno, June 2002. Interviewed man, former political authority.

⁹⁶ CVR. BDI-I-P633. In-depth interview, Huallhua, district of Chungui, province of La Mar, Ayacucho, October 2002. Female witness, family member of the victim.

⁹⁷ CVR. Study in Depth. Political Violence in Chungui and the "Dog Ear". Ayacucho, January 2003.

⁹⁸ CVR. BDI-I-P416. Taller de ronderos, Huamanga (Huamanga), October 2002.

⁹⁹ CVR. BDI-I-P549. Public hearing in Lima. Case 25B, Fourth Session, Lima (Lima), June 2002. Testimonials Oswaldo Cava Garate and Oswaldo Cava Arangoitia.

¹⁰⁰ The reality is that they feel forgotten and postponed as they themselves refer to: "Miss, excuse (...) the government for us has forgotten, not only the government, all the authorities". ¹⁰¹ The same feeling is present when they notice the neglect of which they are object: "The State, that is its duty, because it is the neglect so that all those things come, it is neglect, neglect for not stopping that training (senderista) (...) it has left, until we have become, all the rebellious Peruvians, now consequence of the sons of rebels and they get into another politics, isn't it?"¹⁰²

If we analyse this issue of state fragility in greater depth, we will not only observe neglect and forgetfulness, we will also observe that people do not know the state and the state does not know its citizens. Citizens do not feel belonging or recognition in front of their political community. The testimonies are really tragic: "The Llocellapampa massacre is in the government of Alan García only there the people know the name of the president but before they did not know that he was the State."¹⁰³ And vice versa, the State does not know them: "no government nor even that it stepped on Vilcas Huamán."¹⁰⁴ The fragility of the political community is also evident among the different actors of our society. This ignorance led to the construction of stigmatized, stereotyped representations of the "other" that were far removed from reality. In many in-depth studies it has been observed how one group stigmatizes another and names it under a fixed category that finally prevents rapprochement and understanding between them. Even the media have played a role in this process of assigning these generalizations. This is the case, for example, of the students of the University of Centro del Perú, the University of San Marcos, the inhabitants of Uchuraccay, the community of Huaycán, among others, who after the conflict and in some cases even today, live under the stigma of being considered "senderistas". Which meant they had to deny their own identity for a long time. ¹⁰⁵

Many of those consulted know that the State is not in a position to assume the reparations¹⁰⁶ and that there are no resources to meet the demands¹⁰⁷, but they also know that it is the State that is responsible for the reparations.

¹⁰⁰ CVR. BDI-I-P31 Focus Group, Lloqllapampa (Accomarca), June 2002. Male participant, victim's relative.

¹⁰¹ CVR. BDI-I-P298. In-depth interview, Caserio Venenillo, (Leoncio Prado), June 2002. Interviewed political authority.

¹⁰² CVR. BDI-I-P768. In-depth interview, Cushiviani (Río Negro), October 2002. Interviewed woman, leader of community, witness.

¹⁰³ CVR. BDI-I-P64. Interview in depth, Accomarca, (Vilcashuamán), June 2002. Interviewed man of the people.

¹⁰⁴ CVR. BDI-I-P133. In-depth interview, Pujas, Vilcashuamán province, August 2002. Interviewed man of the people.

¹⁰⁵ "The most negative effect we have had is that we have lost those labour markets (...) the strongest stigma that we had was that, wasn't it? that is, to be a violentist (...)" *Cfr.*, CVR. In-Depth Studies. "The case of the self-managed urban community of Huaycán." Lima, July 2002. *See also* CVR. In-depth studies. "Violencia Política y violación de derechos humanos en la Universidad Nacional del Centro del Perú". Huancayo, December 2002. CVR. In-Depth Studies. "Uchuraccay Report." Ayacucho (2002).

¹⁰⁶ "The State is not in a position to provide economic reparation in general [...] is unheard of, we cannot even think about it". CVR. BDI-I-P391. In-depth interview, Tarapoto (Tarapoto), July 2002. Interviewed man, professor, witness.

The state that generates most problems by not responding or responding poorly to people's needs.

¹⁰⁸ All this would seem to place the initiative of reconciliation in the community itself. It is, as the interviewees say, a work of permanent education:

That is to say, I believe that this is an everyday work, in education, in education from home to old people, the work of formation for peace, formation for peace from children to the elderly (...) I think that it is possible to make people aware that we need or that it is better to live in peace than to live in war.¹⁰⁹

Reconciliation, in a divided and fragmented society with a weak and fragile state, cannot be a successful process without the participation of citizens of all levels and conditions. In some studies¹¹⁰ we find factors that must be taken into account to explain the fragility of the political community in the period of violence. We find negative traits in political practice, such as authoritarianism from the State and in and within political organizations, sectarianism, confrontational political strategies, corruption in the management of communal and union organizations, and political patronage. However, we must highlight the experience of cases of cohesive communities and institutions that successfully faced the process of violence, as was the case of Puno.¹¹¹ In the latter case, it can be observed that the presence of the PCP-SL was limited and the violation of human rights by State agents was largely prevented thanks to the joint action of the Church, political organizations and peasant organizations.

All this must be taken into account for a process of analysis and reflection on reconciliation in the area of people. "For reconciliation we have to evaluate ourselves how we are, as community members, as authorities, as politicians, as local directors, outside the locals, who are participating here, according to the analysis begins reconciliation (...) I believe that there we can reconcile, (...) you know that brother this I think, what do you think and from there talking suddenly here you have erred and here I have erred, I think like this

¹⁰⁷ "That's what we have to propose to the State to solve this problem. How can we live if we don't have land to work on, if we don't have well-being for our families, if there aren't good payments to live well. If those problems can be solved by the government, then there will be peace, harmony, or else we will start fighting among ourselves again. CVR. BDI-I-P413. Workshop with displaced persons, Huamanga (Huamanga), October 2002.

¹⁰⁸ "The government creates unemployment, the worker is badly paid. The worker is going to rebel, you are already hearing that in Pangoa

They're painting walls, they're organizing again and they're going to come back, you'll remember, in 5 years, they're going to come back because the same government creates. They're starting to walk. The government instead of helping the people (...) I don't know, I can't tell you that it won't come back, for me there is no pacification. Go to the Tambo, to the Ene, there you go to look, there they are, the "companions" come in the night". CVR. BDI-I-P801. In-depth interview, Cushiviani, Río Negro, (Satipo), October 2002. Interviewed settler man, witness. Again we can appreciate it in the study of the communities of the district of Chungui that demands support to the State for its development. *Cf.*, CVR. In-Depth Studies. "Political Violence in Chungui and the Dog Ear." Ayacucho. January 2003.

¹⁰⁹ CVR. BDI-I-P256. In-depth interview, Macarí (Melgar), May 2002. Interviewed woman from religious community, witness.

¹¹⁰ *Cfr.*, CVR. In-Depth Studies. "Power, Political Violence and Human Rights in the Public University 1980-2000. Caso: Universidad Mayor de San Marcos" and CVR. In-Depth Studies. "Enrique Guzmán y Valle National University of Education. "La Cantuta.

¹¹¹ CVR. In-Depth Studies. "The IER Waqrani case. Political Violence in Puno". Puno (Puno).

As someone suggested, it is a question of "working with the people, but without violence".¹¹³ Perhaps it is a question of configuring a new contract, as a university student suggested from his perspective and his location: "a new social contract between the university, the State and society so that we no longer see ourselves as enemies but as an instance that we can contribute to the solution of university problems, but also to the solution of the country's and the region's problems."¹¹⁴

2.1.3. Lack of solidarity and insensitivity of the State

Many people, mainly in the regions and provinces, feel that solidarity, sensitivity and justice are alien to the practice of the State. The state is not a citizen service agent. The State does not appear as an instrument for the ethical exercise, guarantor of the legality that is its true *raison d'être*. On the contrary, in many cases the State appears as a structure of plundering and injustice insensitive to the rights of individuals, such as a settler who says "no one pities us".¹¹⁵

(...) that is, we are not listened to, we give the proposals, we say that poverty must be defeated, that there must be equity, that there must be equality, we have seen the social problem, why, but the government does not listen to it, today it is not doing it, it is not doing anything to improve, so I believe that reconciliation is a broad thing and I do not know sincerely then that reconciliation is a true but lasting, sustainable peace, that is what we are looking for (...).and we must listen to the population.¹¹⁶

A State that does not listen to the proposals of the people undoubtedly expresses insensitivity, but also expresses that its central mission is not in the solution of the problems of the majority citizen. The State does not watch over the rights of its citizens. People know this: "However, for us there are no human rights, there is not - as it is called - there is not, let us say, a legal tendency to defend us.¹¹⁷ There are no rights for people and it is not adequately sanctioned."¹¹⁸

Lack of rights

¹¹² CVR. BDI-I-P411. Workshop with ronderos, Satipo (Satipo), November 2002.

¹¹³ "And I would ask better that from now on there should be no such violence, no such massacre, for perhaps now the government that exists is Peruvian and has been poor as we are, cultivators of the land". CVR. BDI-I-P476. Public Hearing in Tingo María. Case 17, Third Session, August 2002. Witness Juana Peña Núñez.

¹¹⁴ CVR. BDI-I-P582. Thematic hearing on Public University and Violence. Case 2 single session, second block, October 2002. Testimony Ranulfo Cavero Carrasco.

¹¹⁵ "Well brothers, in our villages we have suffered too much; no one felt sorry for us, but why, because we were forgotten by the government, the government forgot us, there was nothing, we also know, we did not know many things, there was no justice and there were many abigeos, then that happened in our villages". CVR. BDI-I-P413. Workshop with displaced persons, Huamanga (Huamanga), October 2002.

¹¹⁶ CVR. BDI-I-P411. Workshop with ronderos, Satipo (Satipo), November 2002.

¹¹⁷ CVR. BDI-I-P412. Workshop with displaced persons, Satipo (Satipo), November 2002.

¹¹⁸ "this I would say, it is good that there was a law of repentance, it is good that there are human rights, I agree, but that human rights must be according to their lack, according to their lack of reality committed, this campopero". that must be according to his fault, serious fault must not be so, if not that somehow must reward even with

creates injustice: "But justice is like this, only for the one who has money.¹¹⁹ In the case of the human rights violations in the period of violence, justice was absent and people demand "that true justice be done in what is known as the Truth Commission (...) because I have lived it in my own flesh, many friends, many relatives have disappeared and have also died, and this has unfortunately been the mismanagement of power, both military and terrorism, that does not go unpunished, that justice is done."¹²⁰ From this perspective, the idea that "to find reconciliation we must first find justice, but justice that leads to peace" seems to be right.¹²¹

The proposal of the community member of Atacocha demanding a law of mutual respect seems to us to be very relevant in this matter:

The State should give or create a law to get along well among all of us, I admire why the State does not give the example to Peruvians, among them they are fighting, they are publicly insulting each other, the political parties are defaming each other, they speak ill of each other; so, how are we going to respect each other? That is what the government must emphasize, create a law of mutual respect between all and if we do not respect each other we should have a sanction. Comrades, I ask all of you that we peasants set an example.¹²²

2.1.4. Reconciliation with the perpetrators of violence¹²³

Although this perspective reduces the concept of reconciliation to an exclusive decision of the authors of the conflict, it raises the difficult and radical division of Peruvian society. One of the problems that is aggravated by the weakness of the State and by the deep social gaps is the difficulty in accepting reconciliation. It manifests itself not only among those directly involved in the violence - the subversives and agents of the State - but also among the different social strata that experienced the conflict very differently, and finally between the different "common citizens" (the coastal and mountain citizens, the urban and rural inhabitants) with society in general and with the State.

It cannot be denied that there are really serious difficulties in reconciling oneself: "Those responsible I would never forgive him, for they owe many lives not even one life, but many, if he would be by my side, I am able to strike."¹²⁴ In the same way, "I cannot

work to the community to that family that has been affected by that person, that's the way to heal. CVR. BDI-I-P134. In-depth interview, Pujas, (Vilcashuamán) August 2002. Testimony of a man of the people.

¹¹⁹ CVR. BDI-I-P712. Public hearing of cases in Abancay, Case 12. Witnesses Inocencia Vargas Tevez, Inesa Aquino and Martín Izquierdo.

¹²⁰ CVR. BDI-I-P383. In-depth interview, Tocache (Tocache), August 2002. Interviewed journalist man.

¹²¹ CVR. BDI-I-P567. Public hearing of cases in Huanta, Case 1. Witness Gloria Trelles de Mendivil, family member of one of the journalists murdered in Uchuraccay.

¹²² CVR. BDI-I-P416. Taller de ronderos, Huamanga (Huamanga), October 2002.

¹²³ Meeting with sociologists and anthropologists on the theme of reconciliation. Lima (Lima), September 2002.

¹²⁴ CVR. BDI-I-P28. In-depth interview, Accomarca, Vilcashuamán province, June 2002. Interviewed man, witness of the Lloqllapampa massacre.

To forgive the paths that my son and my countrymen killed, because for me it has been a pain, to see my countrymen killed, I will never forgive (...) then nor do I believe that I will forgive the Path, I cannot forgive it because everything I have seen in front of killing my countrymen, I do not accept forgiveness."¹²⁵ In these cases of people who have suffered to have seen their loved ones killed, friends, neighbors and authorities the process of reconciliation is very hard. Reconciliation involves a certain process of overcoming pain.¹²⁶ To forget the conflict, the tearing, the pain can be absolutely negative when we have to face the issue of forgiveness: "We with whom we are going to reconcile, I don't think that is going to be that with the same circles, I ask to speak of a reconciliation we would have to meet with the senderistas and they where they are, perhaps they show their face. Besides, how are we going to reconcile with them, they hate us and so do we, we cannot see them and how are we going to talk about a possible reconciliation".¹²⁷

The issue of reconciliation requires a clear assumption of responsibility:

and that those who have committed these crimes against humanity ask forgiveness of the country, that they ask forgiveness of our homeland and that the soldiers who have committed these excesses ask forgiveness of the country and ask forgiveness of the current Armed Forces, because our army in Grau, Bolognesi and all those who left our military forces high, also have the right that these gentlemen who have made their mistakes ask forgiveness of the armed forces and never again delegitimize those who have to do with the security of our country.¹²⁸

The fact that reconciliation has demands and asks for conditions¹²⁹ does not seem strange. The villagers themselves set conditions for reconciliation in the community: "when those who fled returned voluntarily, they were forgiven by the community and forced to provide service, to pay in animals and to sign a deed."¹³⁰ The case of Cayara is also relevant: "We want reconciliation but first there must be sanction for those responsible for the massacres, those years it was the government that gave the order to assassinate the peasants in Cayara and several communities, those years we cried a lot perhaps that pain now do not understand why we ask for justice; we will not be calm until those people are sanctioned."¹³¹

¹²⁵ CVR.BDI-I-P409. Workshop with women on gender issues, Satipo (Satipo), November 2002.

¹²⁶ "But I tell you one thing, I never felt like this. When I came back to life, I felt a desire to live that I didn't have time to say I'm blind and well then, what a shame. I had an incentive and a tremendous will to live. I didn't have any, As I said to my husband, I have no grudge, no hatred, I feel a peace within me tremendous. CVR. BDI-I- P545. Public Hearing of Cases in Lima, Case 23. Fourth Session, June 22, 2002. Testimony Ana Carolina Lira Chupingahua, Suboficial de la Policía Nacional del Perú.

¹²⁷ CVR. BDI-I-P416. Taller de ronderos, Huamanga (Huamanga), October 2002.

¹²⁸ CVR.BDI-I-P181. In-depth interview, CVR Regional Headquarters, Huancayo, June 2002. Interviewed female relative of MRTA victim.

¹²⁹ "E: Would you forgive them? A: Yes, but, let other leaders [...] change with other mentalities, with hatred that they come to tell everyone that they are terrorists, no. At least they analyze who they really are, not mistreatment or anything, killing people." CVR. BDI-I-P185. In-depth interview, Huancayo (Huancayo), June 2002. Interviewed man, victim.

¹³⁰ CVR. BDI-I-P327. In-depth interview, Sacsamarca, (Huancasancos), April 2002. Interviewed former school principal.

¹³¹ CVR. BDI-I-P414. Workshop on gender with women, Huamanga (Huamanga), October 2002.

Forgiveness is important because it allows us to overcome the division and hatred that impede the possibility of building community. The example of the captain evangelist who bible in hand has forgiven the hikers is relevant: "We are not to kill us, but to forgive us, saying.¹³² The example of the father Acuna who at the moment of his death forgives his aggressors is also remarkable: "the people around them listened, didn't they? and we were surprised with the words he had poured out, because what he had said is, my God, forgive them, they don't know what they are doing, they are almost words of (...).¹³³ Reconciliation implies an equal footing and the recognition that we are human beings, that all participants, victims and perpetrators are human beings, and that the militants of the PCP-SL are human beings as well.¹³⁴ The theme of setting an example has also been highlighted, in order to be able to live well and to forgive. A young university girl sums it up by pointing out that reconciliation is an integral process.

We need to forgive, but this forgiveness goes through a sincere repentance of those who have caused us so much damage and opened these deep wounds that may never heal, that forgiveness goes through truth and justice, we need to rebuild our historical memory, we need to know the truth of what happened in our country, that these cases serve to remember our dead, serve to remember the murderers, serve to remember our indifference and hope that they do not happen, that you do not happen to react, we need to commit ourselves to assume the pain of all others, as assume them as our pains.¹³⁶

2.1.5. Experience of ethnic and racial discrimination

The old problem of ethnic and racial discrimination has been fertile ground for division and conflict¹³⁷: "They never accepted such a decision, even today they are dissatisfied with *it*.

¹³² CVR. BDI-I-P-366. In-depth interview, Sancos (Huancasancos), March 2002. Interviewed a woman from the community.

¹³³ CVR. BDI-I-P435. Huamanga Public Hearing. Case 9. Second session, Huamanga (Huamanga), 8 October 2002. Testimony of the victim's family man.

¹³⁴ "Now on the subject of reconciliation we are very sorry to remember all these things I say and if it is true that hatred and resentment is towards hikers, I also think that hikers should participate in the They are also people, the only thing we were afraid of were their weapons so they felt brave. CVR. BDI-I-P416. Taller de ronderos, Huamanga (Huamanga), October 2002.

¹³⁵ "To live in peace, in tranquility and our children can live in peace, we must give them an example by forgiving the people who hurt us, but always when these people repent. CVR. BDI-I-P414. Workshop on gender with women, Huamanga (Huamanga), October 2002.

¹³⁶ CVR. BDI-I-P593. Thematic hearing on Public University and Violence. Case 10B. Single session, second block, October 2002. Testimonialist Carmen Amaro.

¹³⁷ *Cf.*, In some studies in depth they refer to local conflicts between communities and that are added to the process of violence. CVR. In-Depth Studies. "From the "peasant war" to the strategic defeat of the Shining Path (...) to the snub: the Ayacucho Self-Defense Committees. AND CVR. In-Depth Studies. "Political Violence in the Province of Huancasancos: The Cases of Lucanamarca, Sancos and Sacsamarca." Ayacucho. June 2002.

qitiakunahuanqa kasun are saying. He refers that this discontent has to do with the fact that the people of these annexes are considered mestizos and that those of Accomarca are Indians (...). Accomarca is considered to be a very traditional backward community"¹³⁸ There is, therefore, discrimination and racism between the Indians who inherited the haciendas, the so-called mestizos today, and the community members of Accomarca, called Indians. ¹³⁹. Even for the police there was no distinction between peasant and terrorist "because many are also racists, despite being of our race, they took a few peasants to comply, these are the terrorists! That's what we're witnessing, that kind of abuse, and that's what it's been like."¹⁴⁰

Violence has deepened and exacerbated the problems of racial and ethnic discrimination. The rights and human dignity of the Andean and jungle peoples has been severely dented in the conflict. Hence the importance of considering reconciliation as a refoundation of the social agreement. The case of the jungle is particularly painful and discrimination has not been expressed mainly between whites and natives, but very seriously between settlers and natives. The violence sharpened the confrontations: "if it were not that, suddenly another one would be in this moment, this is my case that affected me deeply and until now I follow this idea suddenly, we would like that the political violence does not return so as not to be there discriminating between brothers, settlers and natives".¹⁴¹ Discrimination between peoples "brings revenge (...) if the violence appeared it is because of the hatred and resentments that people had."¹⁴² In addition to hatred, both envy, contempt and necessity sharpen the conflicts between peoples: "you know very well the rivalry that exists between the settlers and the Asháninkas could be one of the sudden motives that have led to this kind of treatment and mistreatment of the Asháninkas people, because as it was said that the Asháninkas have land and do not work, they monopolize land, they could be one of the motives that have led the subversives to eliminate the Asháninkas."¹⁴³

A new look means a new deal¹⁴⁴ and sincere behaviour. Look that should not discriminate in any case, as was the accident that disfigured the victim of an attack: "I would like people when they see her, not to treat her differently because she is a person like you.

¹³⁸ CVR. BDI-I-P15. Field notes from informal interview with political authority, Accomarca, June 2002.

¹³⁹ "It belonged as an annex to Huambalpa. The elite were marginalized because the people of Huambalpa were considered mestizos because they were heirs of the hacienda, while those of Accomarca were considered Indians." CVR. BDI-I-P17. Field notes from

informal interview with an anonymous 33-year-old, Accomarca, June 2002. Interviewed man.

¹⁴⁰ CVR. BDI-I-P250 Deep Interview, Juliaca, (San Román), June 2002. Interviewed man, religious authority.

¹⁴¹ CVR. BDI-I-P411. Workshop with ronderos, Satipo (Satipo), November 2002.

¹⁴² CVR. BDI-I-P420. Workshop with women, Apurimac River Valley (La Mar), October 2002.

¹⁴³ CVR. BDI-I-P725. In-depth interview, Otica, Río Tambo, (Satipo), September 2002. Interviewed man, immigrant from Mazamari, former president of a native organization at the regional level.

¹⁴⁴ "They don't say enough, eh that's why my mother said to me: know them well with the peasants, if you fail the You have to be very sincere with the peasant, because when you are not sincere they realize and you [...], they are people, aren't they? they leave you, they turn around, but when they turn around it is forever difficult to recover them, as my mother used to say, they knew them for years; my father also had years in the field, and said and done if

all of us, one is not free from the danger that passes through the streets. You work normally and then suddenly you come and blow it all up. And it changes your life, absolutely everything.¹⁴⁵ This new look is part of the process of reconciliation that allows us to see people in a different way.

(...) I believe that the reconciliation of Peruvians is when we all see ourselves as Peruvians and when the Indians do not stink at us, for example, don't they? Or when blacks don't stain our panorama either; that is to say, there are many more things to do for reconciliation, because in that too we have to reconcile, right? With the Orientals, with the Indians, with the blacks, (there is) a lot, a lot of discrimination. Lima lives for you, anyone will tell you; the worst tourists are from Lima, they'll tell you, anyone you ask, everything stinks to them.¹⁴⁶

2.1.6. Discrimination against women

In Peru there has also been deep discrimination against women and there is no gender equality. Discrimination against women in the country cuts across all sectors. In the case of peasant women, the majority victim of violence, it should be said that they are doubly discriminated against as peasants and as genders. The rape to which they were exposed, even girls, is today typified as a war crime.¹⁴⁷

For women in the countryside, discrimination began with their own parents¹⁴⁸ and continued at school: "before we were totally despised; two or three gentlemen told us why we went to the assemblies, only to sleep and that we did not give and we did not have a good opinion, but now some men already understand us and trainings arrive. Little by little, but very well we still do not know, more or less we are understanding, when there is organization we will understand."¹⁴⁹ The lack of education is an argument to discriminate against women, however, they are excluded from it. "The authorities do not respect our opinion and make fun of what we say will be because the majority of us are illiterate; these men are very macho, many times when we have problems with our husbands they believe the men more than us; that is why we ask that specialist doctors come to talk to us to men and women."¹⁵⁰

As they themselves point out, communities have marginalized women: "I want to add that in my community, almost the general population has marginalized women.

they want to give an opportunity, you have to give soul, heart and life [...] I began to fail..." CVR. BDI-I-P688. In-depth interview, Ayacucho (Huamanga). School teacher during the eighties.

¹⁴⁵ CVR. BDI-I-P555. Public Hearing of Cases in Lima, Case 27B, Fourth Session, June 22, 2002. Daughter of Mrs. Celestina Rafael Polo, car bomb victim.

¹⁴⁶ CVR. BDI-I-P258. In-depth interview, Puno (Puno), June 2002. Interviewed professional woman.

¹⁴⁷ CVR. Study in Depth. Asháninkas, Quenpiri Native Community Report. Satipo.

¹⁴⁸ "The fathers still discriminated against the women still discriminated against us, that the woman could not study why she is going to do it,

a woman is not to educate, however the women also, the teachers did not defend us, the teachers also partly agreed."

CVR. BDI-I-P100. In-depth interview, Pampas (Accomarca), August 2002. Primary school teacher.

¹⁴⁹ CVR. BDI-I-P48, Focal Group, Accomarca (Vilcashuamán), June 2002.

¹⁵⁰ CVR. BDI-I-P414. Workshop on gender with women, Huamanga (Huamanga), October 2002.

As some women have benefited from the deaths of their husbands who have been economically repaired and from institutional support for widows, they are being marginalized by most people. They tell them why they have to receive benefits, there is unequal treatment in the community.¹⁵¹ The particular and painful situation in which widows have been left is not understood. If we add to all this the recognition that women are not listened to¹⁵² and that they are "invisible" for decision making, we can quickly infer the terrible difficulties faced by women in the community.

At the moment I have the position of governor in my community but the people comment much of me because I do not have study I am illiterate and because I am a woman, the men say that those positions should only be assumed by those who are prepared, they undervalue us they say that we are not good for anything but not; I as a woman I make myself respected in spite of the fact that I am illiterate. In the past, we women could not be authorities, but now we have an opportunity; people don't understand that and it bothers them; but thanks to those comments, I get stronger and I attend the trainings to be able to speak, to express myself when I have to solve a problem mainly related to women.¹⁵³

Illiteracy, discrimination and lack of job opportunities¹⁵⁴ complicate the situation of rural women in Peru. But many of them know what they want: "We want to improve ourselves; we no longer want to be humiliated, opas and that the government takes us into account in its plans to train women."¹⁵⁵

2.1.7. Poverty and abandonment, mainly in the countryside.

Reconciliation demands a solution to poverty. That is why it is one of the most sensitive issues. Economic discrimination and poverty in Peru express the social division. The perception is that "everything is the same for the poor, then and now".¹⁵⁶ Indicators of low production and productivity, of landlessness, form a very acute scenario of poverty, hunger and loneliness in many parts of the Andes and the Peruvian jungle. The peasants

¹⁵¹ CVR. BDI-I-P413. Workshop with displaced persons, Huamanga (Huamanga), October 2002.

¹⁵² "In those times of violence the authorities never listened to the women, while the black heads stole our machines for that reason we could not work with those machines; now we continue with that attitude of not wanting to listen to women, there are still doubts in us why they treat us like this, we need an explanation of the indifference of the authorities." CVR. BDI-I-P414. Workshop on gender with women, Huamanga (Huamanga), October 2002.

¹⁵³ CVR. BDI-I-P414. Workshop on gender with women, Huamanga (Huamanga), October 2002.

¹⁵⁴ "If the government gives us work, we women will feel happy, happy and so we can develop more. Now the woman is no longer to be at home with the children; that work must also be shared with our husbands.

When we talk like this, men tell us what they want work for if you can't speak and write; that's how we are discriminated against; but this discrimination is also on the part of women who can read and write. CVR. BDI-I- P414. Workshop on gender with women, Huamanga (Huamanga), October 2002.

¹⁵⁵ CVR. BDI-I-P420. Workshop with women, Apurimac River Valley (La Mar), October 2002.

¹⁵⁶ "That is a photo of Chiriani, of a native community of Mazamari, of (...) eh by the year 80, more or less 86(...), don't you? Almost nothing has changed, governments have passed and continue, right? Well, maybe this was eh (...) this poverty of the native communities, this was all of a sudden a 'karma', wasn't it?" CVR. BDI-I-P188. In-depth interview, La Merced (Chanchamayo), June 2002. Interviewed man, journalist, relates the situation that lived his region during the time of the internal armed conflict.

The peasants were afraid to continue working, there was no support because there is no production, the land is poor, the land is more for coca apart from its banana, its maize, other things they cannot.¹⁵⁷ But the situation is worse when there is no land, because there is extreme poverty, misery.¹⁵⁸ The harsh living conditions and hunger take hold of the poor: "but a poor man, sometimes we don't even have enough to put bread in his mouth, they know about sufferings, those of the people, truth nothing that we have suffered, because they don't know how to suffer, of course he speaks on the radio, they listen to us and tell us, but they don't live in their own flesh, that's why I say, sometimes I pray to the Lord, sometimes I start to cry truly (cries), young lady every night, as he says, my night is crying."¹⁵⁹ Poverty, abandonment and loneliness make up a world without a future and without possibilities.

good for me, the presence of Shining Path to me personally, has left me poor, because they did not let work, did not let work and also in those times life was worth nothing, we have only dedicated ourselves to security and we forgot to work, because we could not go to work, so I say has left me in a system of poverty totally and all my community, we have dedicated ourselves to give security to our people and our family and we have forgotten to work, that would be in economic matters(...)¹⁶⁰

Poverty is compounded by the orphanhood of children with no parents¹⁶¹ and no education.¹⁶² The war, as witnesses say, impoverished the peasants even more. "In my village, when terrorism appeared, they murdered my brothers, from that moment on we looked bad, we didn't have anything to eat or dress, as it was dangerous we slept in the ravines and we were sick, finished, my ailments because of so much suffering are the headaches, my heart; right now, when I remember what we went through, I feel bad."¹⁶³ The same reason is given by the ronderos for having been impoverished by participating in the rounds: "We have also lost our goods, as we no longer produced, the children no longer ate well, they were sicker, all this happened.

¹⁵⁷ CVR. BDI-I-P294. In-depth interview, Caserío 7 de octubre, Leoncio Prado (Huánuco), May 2002. Interviewed woman, teacher who relates the situation of corruption prevailing in her work area.

¹⁵⁸ "poverty simply with people who have a few little things but have no fixed occupation. The extreme poverty that they have no land and also have nothing to occupy, worse still, there is nothing, not even a piece of it.

of earth. I would like to go back to the fact that there was an absolute solution for these displaced people to return sites." CVR. BDI-I-P372. In-depth interview, Lucanamarca, (Huancasancos), March 2002. Interviewed man, authority of his community.

¹⁵⁹ CVR. BDI-I-P304. In-depth interview, Venenillo, (Leoncio Prado), May 2002. Interviewed woman, wife of presumed hiker.

¹⁶⁰ CVR. BDI-I-P411. Workshop with ronderos, Satipo (Satipo), November 2002.

¹⁶¹ "Now there are more orphaned children, who do not eat well. The children who dress well are what dad and mom have at their side, we as a mother when we see that we suffer a lot thinking about how these children will be educated, neither do we.

we can help them because we are widows because we do not have money, thinking about what money we will educate our children with so we end up more because we cry of the sadness that our children cannot be educated". CVR. BDI-I-P414. Workshop on gender with women, Huamanga (Huamanga), October 2002.

¹⁶² "Yes there were reasons, sometimes, before, sometimes some parents had no economy to be able this... this one they didn't send him, they didn't send him, they didn't send him, only people who worked, what they had they sent to their children suddenly changed but the rest didn't have him and that's also why they didn't? ... they didn't send their children, they stayed". CVR. BDI-I-P739. In-depth interview, Otica, Satipo province (Junín), 21 September 2002. Man of the people.

¹⁶³ CVR. BDI-I-P414. Workshop on gender with women, Huamanga (Huamanga), October 2002.

¹⁶⁴By all accounts, people today are poorer than before. The community of Huaychao says so:

We have become poorer, with this political violence, in those times we no longer had even seeds to sow, our crops decreased, nothing was like before, only now we are recovering. ¹⁶⁵

Among the peasants, some lead their reflection to distinguish between "spoiled" poor and, so to speak, "good" poor. ¹⁶⁶ However, at the Reconciliation Workshop in Satipo it was proposed that in order to reduce poverty it would be convenient to promote work spaces where new relationships are generated between people distanced by violence and who could therefore work together. ¹⁶⁷

2.2 Limits of reconciliation after war: open conflicts

Reconciliation in many cases also has to take into account the situations generated by the same internal armed conflict.

2.2.1. Somatization of pain and the aftermath of war

The after-effects of violence have been somatized in the victims of war, who live with the pain that has been located in their own bodies. The absence and death of the children, of the husband, of the wife due to the violence have left such serious psychological consequences that even some believe they cannot continue living, tragically opting for suicide:

One of my workers committed suicide, he was 22 years old and he had been serving for 2 years for 17 years, 16, 17 and 18 years, if he was from Azángaro and he actually committed suicide because he couldn't, couldn't bear the nightmares and one of the things he once pointed out was that the nightmare that haunted him the most, it seems, he never spoke there! but it seems that, this one, they forced them to kill their own countrymen, not only this one, to kill, but, ah, they forced them to make the ditch where they put the, the, their own cousins, what do I know, relatives, what do I know, who shot them, that was the nightmare that most persecuted him. ¹⁶⁸

But the dramas are still less painful in people who have suffered and continue to suffer disability, mutilation, burns, deafness, blindness and paralysis:

¹⁶⁴ CVR. BDI-I-P416. Taller de ronderos, Huamanga (Huamanga), October 2002.

¹⁶⁵ CVR. BDI-I-P416. Taller de ronderos, Huamanga (Huamanga), October 2002.

¹⁶⁶ CVR. BDI-I-P687. In-depth interview with peasant leader from Chunqui (La Mar), November 2002. Interviewed man of the village, at the time of the violence was communal.

¹⁶⁷ CVR. BDI-II. P2. Workshop with Grassroots Communities on Reconciliation, Satipo (Satipo), October, 2002. Asháninkas communities.

¹⁶⁸ CVR. BDI-I-P258. In-depth interview, Puno (Puno), June 2002. Interviewed professional woman.

(...) then I was discharged, but I was not so healthy, but disabled, with a broken hand and a broken shoulder blade but a soldier, and now I can't do the jobs well and that's why I cry, I renounce the people who did that to me, if I hadn't done that, I would be serving my people by working and educating my children.¹⁶⁹

My father is alive, after his attack, after receiving three bullets in the head, he is still alive; but he did not remain the same, he was not well (...) My father is 67 years old, he appears to have 80 because of the aftermath, because of the aftermath of the attack.¹⁷⁰

For being a roundabout for him to make peace. Now I'm crippled. I can't do anything, not even my hands, any more of my family's burden.¹⁷¹

There are many sinchis blind brothers, mutilated of feet, hands. That's not what we're preparing for. They didn't prepare us to face that. That is why, with all due respect, I suggest to the Commission that it take this into account.¹⁷²

I had a long recovery process because I had acoustic trauma to my right ear. I had an operation on my wrist, I had internal injuries and a process of readaptation back to my job, long, difficult because it wasn't really the first time that a terrorist attack had taken place, it was the second terrorist attack in my life that affected me.¹⁷³

As a result of that accident, I lost my right arm, part of the forearm of my right hand. In the left hand I almost lost it, I've been left with limitations. The view, a view I have bad, the ear.¹⁷⁴

Finally, (my) son, had a temporary deafness, Carolina, my daughter, was shot in the neck and neck. Alonso, the youngest, had slight splinters on his foot, my daughter and I were interned in the Clinic. Initially, I couldn't accept what happened. I entered a phase of total denial, where I can say that I felt nothing, nor was I concerned to know intellectually that I knew that (my husband) had passed away but that it was not possible for me to feel pain. Then came a deep depression, which I couldn't even get out of bed.¹⁷⁵

the mother of (...) has not resisted. She's still alive, but automatically, nowadays she's a vegetable person.¹⁷⁶

I'm not a healthy woman either, my head hurts, I'm forgetful inside my body I have pomegranate pellets, they can't take me out, because otherwise my nerves can be damaged, now I'm invalid, if my son were alive he would help me, now I only live with anesthesia because the pellets in my body sometimes swell and hurt me.¹⁷⁷

I got up burning, my son was inside the tricycle, he was burning, I got up burning like that, I grabbed the tricycle, I lifted the board, the baby was burning like that,

¹⁶⁹ CVR. BDI-I-P371. In-depth interview, Lucanamarca (Huancasancos), March 2002. Interviewed man of the people.

¹⁷⁰ CVR. BDI-I-P443. Public hearing of cases in Huamanga. Case 15. Third Session, April 2002. Testimony of the victim's relatives. Mr. Azparrent was a leader of the PCP-Unidad and Izquierda Unida in the city of Huamanga.

¹⁷¹ CVR. BDI-I-P478. Public hearing of cases in Tingo María. Case 19. Third session, August 2002.

Testimony of Hilda Victoria Pedrosa Calderón, victim, secretary of the peasant round of the hamlet of La Victoria in Uchiza.

¹⁷² CVR. BDI-I-P467. Public hearing of cases in Tingo María. Case 10. Second Session, August 2002. Testimony of José Rafael Vives Angeles, Suboficial Teniente de 2ª de la Policía Nacional del Perú, victim.

¹⁷³ CVR. BDI-I-P517. Public hearing of cases in Lima. First Session, June 2002. Witnesses Aureo Zegarra Pinedo, María Huamán Zegarra.

¹⁷⁴ CVR. BDI-I-P519. Public hearing of cases in Lima. Case 3. First session, June 21, 2002. Testimony Pepe Remberto Valle Pacheco, Sub-officer, Lieutenant 1 of the National Police of Peru, victim.

¹⁷⁵ CVR. BDI-I-P531. Public hearing of cases in Lima. Case 10. Second session, June 2002. Witness Cecilia Martínez del Solar, victim Rodrigo Franco Montes.

¹⁷⁶ CVR. BDI-I-P539. Public hearing of cases in Lima. Case 18 A. Third session, June 2002. Witnesses Teodoro Romero Changas, Rosa Caldas Blass, victims, residents of the communities of Chambara and Humaya.

¹⁷⁷ CVR. BDI-I-P420. Workshop with women, Apurímac River Valley (La Mar), October 2002.

like a chicken like that. I grabbed the hand, it came out. And it seems that it came out of me (...) After that moment they took me to the hospital, I never saw my son again.¹⁷⁸

So now also blind so. I can't do anything, I can't, this meeting my neck because I've been in bed so long. My feet are hollow, my back is hollow. So much being in bed. There's nothing I can do about it. Looks like I'm not worth anything anymore. So I'd like to see my son, I'd like to see my son, where is he? (...)¹⁷⁹

Then she recovered, and I was able to come in and see her. I mean, when I saw my wife, shattered.

don't you? I mean, his face was puffy, he was missing an eye, cut his hair to zero. I mean, it was someone else. Well, that's as far as we went, isn't it? Well, she's alive. But when they told me, don't you know what? His wife won't see. I think it was the hardest part, wasn't it? The doctor said to me, "Do you tell him or do I tell him? And I say: Doctor, let me tell you. Then I say: (...) you won't see anymore. And he said to me: it doesn't matter, he said to me: you, my children are going to be my eyes and that's what I normally do."¹⁸⁰

The pain of the disabled is immense, yet many of them try to cope.

we see cases that are really worse than me, there are quadriplegics, hemiplegics, blind people, amputees like me. But thanks to God, to the hospital, to the health of the police forces, to the psychologists, psychiatrists who have also helped me and I have managed to overcome, I have managed to overcome and I have surpassed myself for my family.¹⁸¹

At present I am a paraplegic, with certain consequences, I do not control several sphincters; but I try to get ahead, I try to get ahead by the strength of will that I put every day.¹⁸²

The drama of those psychologically affected is no less serious. The feeling you have of your own life is very heartbreaking. The villagers perceive that many of the so-called "repentants", for example, are traumatized. "I would also like to say that suddenly in our communities there are repentant people, repentant people are practically mentally ill, God knows what traumas have happened and we have to understand them as circles that we have been (...)"¹⁸³ The physical and psychological after-effects of war have affected people in an integral way. These are perceived as "skinny"¹⁸⁴, feel "crazy"¹⁸⁵, with "violent character"¹⁸⁶ and psychological traumas.¹⁸⁷

¹⁷⁸ CVR. BDI-I-P554. Public hearing of cases in Lima. Case 27 A. Fourth session, June 2002. Witness Mrs. Celestina Rafael Polo, victims Celestina Rafael Polo and Mardell Ccakahay Piutiza.

¹⁷⁹ CVR. BDI-I-P554. Public hearing of cases in Lima. Case 27 A. Fourth session, June 2002. Witness Mrs. Celestina Rafael Polo, victims Celestina Rafael Polo and Mardell Ccakahay Piutiza.

¹⁸⁰ CVR. BDI-I-P545. Public hearing of cases in Lima. Case 23. Fourth session, June 2002. Testimony Ana Carolina Lira Chupingahua, Sub-officer of the National Police of Peru.

¹⁸¹ CVR. BDI-I-P570. Public hearing of cases in Huanta. Case 2. First session, April 2002. Testimony of Víctor Daniel Huaraca Cule, 2nd Sub-officer of the National Police of Peru, victim.

¹⁸² CVR. BDI-I-P571. Public hearing of cases in Huanta. Case 20. Fourth session, April 2002. Testimony of Héctor Gamarra Luna, Commander of the National Police of Peru.

¹⁸³ CVR. BDI-I-P411. Workshop with ronderos, Satipo (Satipo), November 2002.

¹⁸⁴ "Native communities meet in daylight. The native communities of both Asháninka and Machiguengas should to recover their territories and to live the brothers. For example, now we indigenous brothers, we are skinny, we have been skinny for almost 6 years because of subversion, we have not worked well and we have not recovered our effort that we have had. CVR. BDI-I-P412. Workshop with displaced persons, Satipo (Satipo), November 2002.

2.2.2. Re-insertion of the authors of the war

In many, if not most, communities, many perpetrators and participants of subversive violence have returned to their communities of origin. In most cases they have received special treatment and after several years of observation they have been readmitted to the community. Many of them rejoined as "repentant" and the military power forgave them, but the population did not. Some cases are eloquent: "When the (military) base arrived he said to the accomarquinos: 'You are repentant and have been forgiven'.¹⁸⁸ It was assumed that all had been compromised by obligation. Likewise, "when the base is installed, the soldiers gather all the neighboring communities of Accomarca and make them reconcile. The army's words are: (...) from today we will live differently, they will be forgiven for all the mistakes they have made."¹⁸⁹ This gave rise to a process of integration of repentant walkers that was not always easy: "We have already lived, little by little, when, as I can tell you, we have been friends with terrorism, we have been friends with previous authorities, not authorities but communal."¹⁹⁰

These processes were undoubtedly complex and had a set of elements that deserve to be highlighted. One of them was the communal character of the reinsertion agreements:

There was an assembly and we have forgiven each other, already committing ourselves to live in peace, committing ourselves to help their community, never again to fall into terrorism. E:

Have you really forgiven yourself? A: People still hold grudges; he participated, suddenly his family was murdered. Well as I say, they only talk when they're in drinks,

¹⁸⁵ "Violence has left us many problems, as we looked at all the murders, mistreatment of people, now we are like crazy, we can't sleep, the same are my children". CVR. BDI-I-P414. Workshop on gender with women, Huamanga (Huamanga), October 2002.

¹⁸⁶ "I have grown up in this violence within my community together with my brothers, we watched how they murdered people, burned them; now when we remember those things we cry. My character is violent, no one can contradict me and if they do I act in a violent way even with my husband". CVR. BDI-I-P414. Workshop on gender with women, Huamanga (Huamanga), October 2002.

¹⁸⁷ "R: I'm traumatized, I'm going to go crazy, for me, that's quite [...]; when I remember, when I remember, when I remember that moment that I always remember, don't I? I pass through there, then as I forget -as it's called- I take violet, that's when I take valerian, isn't it? I feel good, but when I want to cry like this, that other way I don't find, other way I don't find. E: How often do you drink valerian water? A: every 15 days, 20 days, like this. E: Always? C: Yes, [...] is very good E: Is valerian water to be forgotten? A: Yes." CVR. BDI-I-P798. In-depth interview, Tahuantinsuyo (Satipo), November 2002.

¹⁸⁸ CVR. BDI-I-P37. Field notes P37. Accomarca (Vilcashuamán), June 2002. A 58-year-old man, he arrived there as a health worker with the military barracks that were set up in December 1985. *Cf.*, Estudio Pampas, Accomarca.

¹⁸⁹ CVR. BDI-I-P57. In-depth interview. Accomarca (Vilcashuamán), June 2002. Testimonial woman, meet the details of the days before the massacre of August 14, 1985. She lived in a community next to Pitecc, and with the presence of the military, a hiking intervention that sought to obtain money from her failed. *Cf.* Estudio Pampas, Accomarca.

¹⁹⁰ CVR. BDI-I-P74. In-depth interview. (Pampas) Huambalpa, August 2002. Former authority witness. *Cf.* Pampas Studio, Huambalpa.

but publicly no longer, as I say there were several assemblies and there was forgiveness, there is no resentment then there are no more clashes, rivalries.¹⁹¹

In Huancasancos it was similar. Even relatives of ex-militants, mainly the parents negotiated with those in charge of releasing the repentant so that their children could reintegrate into the community.¹⁹²

A second important element is the effort to give it a new chance and solve the problem at its root in order to avoid a relapse.

I, taking up what the comrade of a repentant said, that he had with him, that he is working well and then he has gone elsewhere, and that he is also working well; then we have to look for just that, because the repentant or recovered who no longer has a chance can become a terrorist again, but if we close the door to them then he can come back and come back even worse, then perhaps anyone can give him advice and we can work in the community.¹⁹³

A third element is the treatment of people kidnapped by hiking in the particular case of the Asháninkas, their children and women:

In itself there are children who have nothing to do with this situation, they have been taken by children, other mothers of families who are there in captive masses, then for them it would be that benefit, because those people who are working for the production farms of Shining Path, that some leaders are benefiting, they leave, they are no longer going to be able to survive, so that's why I say a space of amnesty so that they can suddenly reintegrate. There has been a time when the Law of Repentance has been passed, enough progress has been made and we have already made progress on the reconciliation part as well. In Pangoa there is a lot of recoveries, in Pangoa there is a lot of repentants, so they are already living in society together with us, then.¹⁹⁴

It is very clear the desire to save most of the people who, having been from the community, fell into the hands of hiking. This may explain why reconciliation can take place with those who have been members of the community and have returned from the PCP-SL, but not with those who have been members of the community.

¹⁹¹ CVR. BDI-I-P330. In-depth interview. Sacsamarca (Huancasancos), April 2002. Testimony man, professor. Huancasancos Study, Sacsamarca.

¹⁹² "There is nothing left, the Huancasancos also [...] have entered and then when the guards, the military have come with tanks and helicopters have called from here all the authorities, the authorities of Huancasancos and the villagers, then have asked forgiveness, in that we have had reconciliation and from there no longer have fought. CVR. BDI-I-P354. In-depth interview Huancasancos (Sacsamarca). Testimoniante hombre, member of the community of Sacsamarca, *Cfr.*, Estudio Huancasancos (Sacsamarca).

¹⁹³ CVR. BDI-I-P410. Workshop with men on the subject of gender, Satipo (Satipo), November 2002.

¹⁹⁴ CVR. BDI-I-P411. Workshop with ronderos. Satipo (Satipo). Testimony man.

those who are outside the community,¹⁹⁵ because a process of reconciliation means readjustment and reincorporation into the community.¹⁹⁶

2.2.3. Destruction of villages and repopulation

The problem of the destruction of villages and the effort to repopulate means understanding the underlying reason for the destruction and reconstruction of villages by the belligerent forces. The arrasamiento cannot express any other will than that of extirpating the adversary from the root, it is not only to defeat him, it is to disappear him. It is argued that there have been around seven hundred villages or peasant communities literally "razed" in the war, both by the PCP-SL and by the military forces. All as part of their respective strategies. Many villages were abandoned and some have been repopulated on their own initiative or with some state support in the case of the PAR. Uchuraccay's experience is relevant at this point as an effort to rebuild the political community and its values.

The practice of razing, as in the case of the town of Accomarca which "was already clandestine, nobody wanted to live, totally destroyed, disappeared"¹⁹⁷ as well as some experiences of repopulation¹⁹⁸ and also not repopulation as in the case of Huambo¹⁹⁹ show how complex and tortuous was the path of violence in Peru.

The commitment of the peoples and peasants seems to be to repopulate.

(...) three years, three years has returned, in assembly, I commit myself to work in the community, any authority that commands, as I do not know anything, as I was previously forced peasant, has knowledge so in the farm, assumes a position, municipal agent, or has to do something, right? then, we are going to work with you, together with the community, I was deceived by them, but, I did not return for three years, I have to be with my family, my wife, then I commit myself now in the assembly, work with you²⁰⁰.

¹⁹⁵ "Forgiveness to the paths no; commoners, yes: what they are saying is, I believe, that we cannot forgive the paths that killed, this one, (...), that killed a person, no, but among the commoners yes". CVR. BDI-I-P414. Workshop with women on the subject of gender. Huamanga (Huamanga), October 2002. Female witness.

¹⁹⁶ "Relatives lived, relatives had to reintegrate them, or they have recovered the children or the husband recovered the wife and so on (...) the community has accepted them because there was a Repentance Act, young people who have They have even got married, so a part of the reconciliation can be said, so with that experience we used to say if they could get out there we end up with that problem and we forget and we are talking about something else (...)" CVR. BDI-I-P411. Workshop with ronderos Satipo (Satipo), November 2002. Male participant.

¹⁹⁷CVR. BDI-I-P31 Focus Group, Lloqllapampa (Accomarca), June 2002. Male participant, victim's relative.

¹⁹⁸ "With what we have we are, we can't, each community the people are returning, they are repopulating; we are going to go out to dry lands, aren't we? distributing ourselves we are going to work". CVR. BDI-I-P85. In-depth interview, Huambalpa

(Vilcashuamán), August 2002. Interviewed man, son of hiking leader.

¹⁹⁹ CVR. BDI-I-P112. Field notes P112, Huambalpa (Vilcashuamán), August 2002. Interviewed man, ex-rondero, presumed militant of SL.

²⁰⁰ CVR. BDI-I-P117. In-depth interview, Huamamarca (Vilcashuamán), August 2002. Interviewed man, current authority.

This does not mean that there are no problems with restocking.²⁰¹ Many people fled because they had the means, as they say:

"The people who had money, big people, all have escaped towards the coast, only we ignorant have stayed, all the wealthy people have gone to Lima, Ica, Ayacucho (...) Yes, leaving everything, now returning again they are renting, they are also working well. Since the situation is now free, then they're coming back."²⁰²

Naturally, another difficulty is that it is not a quick process, but rather a slow one. People feel they have to take care of their properties, like the peasants of Alto Catari who repopulate the community in the presence of invaders²⁰³ or rebuild their properties destroyed by subversion²⁰⁴ or return to their land to work it.²⁰⁵ That's how people come and go. People have made new commitments outside their communities and are overcoming fear, but they are not willing to give up what is theirs. "Then again the people who have returned with the same, again the people have emigrated already of fear, then and little by little doing managements some associations of Huamanga and in Lima have formed committee of self-defense."²⁰⁶

2.2.4. The tragedy of the displaced

The displacement of thousands of people as a result of the internal armed conflict has generated, apart from problems of urban order and work, new ways of political integration in the country of internal migrants - obviously not exempt from serious conflicts, as in the case of refugees from external wars. In many cases, the State has been required to support the countless demands of a population living in poverty and neglect.

²⁰¹ "All displaced people have documents and will not leave us (...), the documents we have in our hands, but they deny us, they don't want us, the PAR lawyer in which he works, the widows have a trial today, or have legal proceedings, the orphans don't have, nor do the displaced, by majority we don't have, we want, the displaced to return to our lands - that's not what the lawyer wants, the lawyer says: no, no, no, not with the communities, only with widows and orphans, but on the other hand, that is not taken away, they are wasting on behalf of the widows, on behalf of the orphans on behalf of the displaced, they are misappropriating the budget that is in the PAR, PROMUDEH, that is what I would say, no?" CVR. BDI-I-P247 Focus Group, Puno (Puno), May 2002. Participants of the Departmental Federation of Peasants of Puno.

²⁰² CVR. BDI-I-P354. In-depth interview, Huancasancos (Sacsamarca), April 2002. Man, ex-authority.

²⁰³ CVR. BDI-I-P412. Workshop with displaced persons, Satipo (Satipo), November 2002.

²⁰⁴ "At that time there were 108 heads of family and about 400 small and large inhabitants but now we have more heads of family and 600 people and we have returned in 1994 and began to manage the different communities. to build what they had destroyed the subversion by revenge, because we had confronted each other, and that's why they burned everything, they took all the medicines, the sewing room, they burned everything, the typewriter, the sewing machine, all the things the villagers had, they burned everything. CVR. BDI-I-P412. Workshop with displaced persons, Satipo (Satipo), November 2002.

²⁰⁵ "Then from there we, 9 years old, returned to our village in 1994 and built a house with the support of World Vision, with the support of who is now from the Truth Commission." CVR. BDI-I-P413. Workshop with displaced people, Huamanga (Huamanga), October 2002.

²⁰⁶ CVR. BDI-I-P85. In-depth interview. Huambalpa (Vilcashuamán), August 2002. Man, son of a hiking leader.

Migrations to cities have been as numerous as they have been important. The return to the places of origin, to the communities after the conflict, has taken place but on a smaller scale and when the military base that offered support was installed.²⁰⁷ The problem was a matter of preserving life,

in the sense of stability, of place, because many people preferred to go to Huancayo, to Lima, at least to Jauja, they left the place, didn't they? on that side (...) that's why I repeat that the situation became quite tense, this many people have had to, I repeat, to leave the place as security.²⁰⁸

The displacement has not been homogeneous. The young people came out almost in their entirety and those who stayed were those who "were of age; almost here are those of age (...) all the old have stayed here no more, they no more. My father, too, was almost 50 years old and will have stayed."²⁰⁹ In addition, the displaced had to know where they were going:

Well, if he went (...) where his relatives arrived, but I also arrived, first of all, where a countryman or my family (...) I think they have gone like this. Firstly where a countryman or relative, then look for pue' casita, invasions or to buy and to stay, because who is going to like it? Who is not going to be afraid, to see?²¹⁰

In the case of the native communities, the invasion of displaced persons or settlers was added to their territories:

Already today, it is not now that the brothers have lost, that already, that the displaced, have had problems so much in health, so much in the education, so much in territory. The year 1996, where the native communities that have been displaced, the native community Cachingarani, the native community Maxomiñari, case in different communities that have been displaced to return that, in their territories, what has happened I find a risk of problems as far as invasion of their territories.²¹¹

The displaced had to face difficulties in the city due to lack of work and opportunities, leading to their return.²¹² They also had to face new problems in the

²⁰⁷ CVR. BDI-I-P19 Field Notes P19, Accomarca (Vilcashuamán), June 2002. Interviewed Deputy Mayor.

Cfr., Estudio Pampas, Accomarca.

²⁰⁸ CVR. BDI-I-P218. In-depth interview, Huertas, May 2002. Man witness, district political authority.

²⁰⁹ CVR. BDI-I-P97. In-depth interview, Huambalpa, August 2002. Testimony woman, daughter of a victim of subversive terrorism. Pampas Study, Huambalpa. August 2002.

²¹⁰ CVR. BDI-I-P333. In-depth interview, Lucanamarca (Huancasanco), March 2002. Testimony man.

Cfr., Estudio Huancasancos.

²¹¹ CVR. BDI-I-P412. Workshop with displaced persons, Satipo (Satipo), November 2002.

²¹² "From there began those problems, then I had to move because of the problem I went to the city of Lima and I'm already with my wife but unfortunately because I'm a person that I don't have, I'm not a professional, I don't have a permanent job, I'm in business, I was in business and my (...) I left eighty-six, eighty-seven I was in Lima and eighty-eight I came back here again, here with a work base, here I honestly didn't mess with anyone". CVR. BDI-I-P376 In-depth interview, Aucayacu (Huanuco), June 2002. Testimony man, businessman, coca grower, witness. *Cfr.*, North Eastern Regional History, Huanuco

city for having water and sewage services,²¹³ and in the countryside for meeting the needs of the so-called "returnee" population interested in repopulating their communities.²¹⁴ Another type of problems they face are the changes in sectors of the community not willing to return to the backwardness of the countryside;²¹⁵ or the change in the mentality of young people who have new ideas, sometimes incompatible with the old peasant mentality. There are those who attribute to these problems the reason for the vandalism of some young people.²¹⁶

2.2.5. Living with the enemy: a fictitious reconciliation.

I remember the first terrorists are those who today attend mass.

The funniest and most outrageous thing after killing is now Lieutenant Governor.

The neighbor is one of the most bloodthirsty Asháninkas. He's the one who put my brother's sickle and hammer on his back. We haven't reconciled, I treat him like any bug²¹⁷

The opinion of many members of the community of Ayacucho, Huancavelica and the Huallaga jungle is that some leaders who initially participated alongside the subversive forces then joined the ranks of the army and in both cases participated in events of violence and bloodshed against the population. Also, many peasants belonging to the peasant patrols have committed crimes and are now at the head of their communal organizations as leaders. For many this means living with the enemy. Naturally that generates mistrust, as in the community of Otica: "E: Now within the community of Otica, is there mistrust with those who have been commanders of hiking; is there mistrust, or not? A: Yes, there is trust (*sic*)"²¹⁸ Despite the years, resentment remains in the population and sometimes provokes them to take action against these people; but, in order not to cause problems, they endure.²¹⁹

E: Did you agree with the community forgiving these people? A: No, it was up to the military, whatever they decided, they acted. If your own countrymen have squared it. They were frowned upon, some have remorse, they want it when it's time for them.

²¹³ CVR. BDI-I-P428. Focus group, Ccarhuapampa (Tambo), October 2002. Women participants from the community.

²¹⁴ CVR. BDI-I-P297. In-depth interview. Spring (Leoncio Prado), May 2002. Interviewed man, son of victim of subversive terrorism. *Cfr.*, Study Repentance-Aries, Spring.

²¹⁵ "In fact, it is a process that from here some have traveled to Ayacucho and Lima will no longer want to return, just like here, the people who come from the farm to this area to this group many do not want to return because already they have the services, electricity, television, they go to work then they return they help their parents and they return in the afternoons. CVR. BDI-I-P426. In-depth interview. Ccarhuapampa (Tambo), (2002). Man, civil servant.

²¹⁶ CVR. BDI-I-P427. In-depth interview, Ccarhuapampa (Tambo), (2002). Interviewed man, civil servant.

²¹⁷ CVR. *Cfr.*, Estudios en Profundidad. Asháninkas. Quenpiri Native Community Report. Satipo.

²¹⁸ CVR. BDI-I-P732. In-depth interview, Otica (Río Tambo). Interviewed man, Mazamari immigrant, Evengelic Pastor.

²¹⁹ CVR. BDI-I-P99. Field notes P99, Huambalpa (Vilcashuamán), August 2002. Interviewed man. *Cf.* Estudio Pampas, Huambalpa, August 2002.

See, they say they even want to lynch him, but since you can't, here there's a guard, you can't. If he's killed, we'll have to come in here. So there's a lot of trouble. E: Revenge? A: At any time you can sprout this again.²²⁰

Some people are concerned about this type of reintegration into the community:

In San Ramon there are several recovered, that have already been, in a certain way we are afraid, because our conviction as people is that if we have an ideology must be for life, for example, if I am apриста I will be all my life, I do not have to change my political t-shirt; I personally think that, as they have been trained in that politics, suddenly later they can practice their ideology, that is the fear that there is.²²¹

In some communities people have agreed to live like this because they lack options; but there are communities in which there has been no integration. "In my community now there is no organization that works well, now people have a lot of resentment, envy among us, all the villagers were left with the idea that Sendero can return, we live as enemies, there is no good communication."²²²

We must point out that although this situation is very serious in peasant communities, it is not exclusive to them; in the city and especially in universities, similar cases are observed where some authorities had links with the subversives.

2.2.6. Asháninka reconciliation

To reconcile with them they would have to die a year and then resurrect.²²³

For me to fully trust again (...) to converse directly with all (...) to have asked you, to question you (...) are you coming cleanly or are you coming with a condition? Because we feel ourselves to see them seated but we do not know what they are thinking (...) So in order to avoid that (...) that they truly commit themselves to the community, or suddenly (...) perhaps (...) to do a (...) as it is said (...) a baptism again because they have committed a crime, suddenly they have killed, they have committed several crimes, (...) well, for me now I do not trust many Asháninkas who have been repentant, don't you (...)?²²⁴

The experience of war divided the Asháninkas, as the PCP-SL infiltrated the organization of their Asháninkas communities to subdue them in their project. Some took the side of the PCP-SL and then the majority would confront the PCP-SL itself. "E: Now, among the hikers who fell, or who fought, were there Asháninkas? R: Uuu (...) pure Asháninkas, this (...) pure from here

²²⁰ CVR. BDI-I-P346. Witness: Cattleman, ex-authority. 70 years old. Interview conducted in April 2002 in Sancos (Huancasancos). Huancasancos Study, Sacsamarca.

²²¹ CVR. BDI-I-P410. Workshop with men on the subject of gender, Satipo (Satipo), November 2002.

²²² CVR. BDI-I-P409. Workshop with women on gender issues, Satipo (Satipo), November 2002.

²²³ CVR. *Cfr.*, Estudios en Profundidad. Cushiviani Native Community Report. (2002). Page 11.

²²⁵ For the community members attracted by this discourse, the proposal of a more just society was especially important; nevertheless, the PCP-SL not only involved those who agreed with its discourse, but entire communities in which it took control and organized the population. However, the seizure of communities by force occurred not only through organization, but also through the recruitment and forced abduction of children and youth. ²²⁶ There is talk of "captive mass".

Distrust has been deep and communities have been slow to reconcile; in some cases the very possibility of reconciliation has been questioned:

E: And this of reconciliation, for example, will it be possible a reconciliation between these repentant people and the people who are victims, will it be possible a reconciliation between the people who have suffered and the people who fled through the area? A: Maybe reconciliation is possible between the people who fled and the people who are in the area, E: But in the people who were their victimizers, will reconciliation return? A: I think it's going to be difficult and impossible because it's always going to be there, it's going to be in the mind, in the blood, then, this (...) I think it's going to be a little difficult, we're going to have to pass a generation at least, for this to recover. ²²⁷

What is real is that the Asháninka communities and people, as they divided, deepened their own exclusion and their already historic weakness towards the state.

So, that's where terrorism is born among us, isn't it, because we do it ourselves; because if we organize ourselves in rounds, it's, I think, to correct ourselves, because terror, among us, isn't it, (...) then suddenly, isn't it? For example, you, right?
M. has hatred for me, well then I'm in charge (...) Path comes, then, I say such a guy has hatred for me (...) that can't be, can it? That's what we've been told by who organized us, isn't it? And that's what we're following up to now. ²²⁸

We note that family ties in the Asháninkas communities have been lost. There is a low level of organization that in some cases prevents the implementation of development projects in the area. The process of violence has generated mistrust and fear and there are disputes regarding the explanation and memory of the acts of violence, which makes possible reconciliation difficult. ²²⁹

The Ashaninka's proposal for reconciliation represents a new rebirth and perhaps forgetting.

²²⁴ CVR. BDI-I-P757. In-depth interview, Cushiviani (Río Negro), October 2002. Interviewed man, leader of the Ronda.

²²⁵ CVR. BDI-I-P730. In-depth interview, Otica (Río Tambo), September 2002. Interviewed community man.

²²⁶ CVR. In-Depth Studies. Asháninkas. Otika, Kushiviani, Puerto Ocopa, Quenpiri, Native Communities and Central Asháninka of the Tambo River. Satipo. (2002).

²²⁷ CVR. BDI-I- P769. In-depth interview, Mazamari (Satipo), November 2002. Interviewed man, former local authority.

²²⁸ CVR. BDI-I-P757. In-depth interview, Cushiviani (Río Negro), October 2002. Interviewed man, leader of the Ronda.

Of course it's logical, it's what some people here are doing now, of the villagers, that is to say that already (...) to be reborn again. I think that there can change things, practically I can not say such a guy, we do not know, right?, suddenly some of the neighbors (...) some of the visitors may have, (...) suddenly can forget, (...) that.²³⁰

They try to strengthen the community.

Of course, we have lost a little of what the union is, because of the terrorism that we have gone through, but now it is consolidating again. At this moment we are strengthening the union in order to be able to move forward, at work, in any activity one may have. Now we're looking at the future too. The future for our life, for the community.²³¹

While the Asháninkas have several drinks for war they also have it for peace. One of them is the *piri-piri*, a drink that purifies the individual, makes him renew himself and be able to re-establish his communal ties.²³² Many traditional ritual forms have been used to make progress in overcoming internal conflicts and strengthening communal spaces. Drinking the *piri piri* is one of the many ways they use to try to solve the problems of communal life.

2.2.7. The horror of prison

The prison issue is one of the thorniest points that has remained unresolved. The running of the bulls and the jailing have not solved the problems but have aggravated them further. The conditions of imprisonment for those accused of terrorism have been very harsh, they speak of conditions of "annihilation".²³³

As soon as the prison in Yanamayo was subjected to a regime of isolation and annihilation after that as prisoners we did not have any rights, the results are expressive, the prisoner Edwin Melitón Cárdenas died by medical abandonment after staying several months in the topic of the prison and the authorities refused to transfer him to the hospital for security reasons, several prisoners were paralyzed and others with bone deformities and almost 80% with loss of vision and numerous cases of problems.

²²⁹ CVR. In-Depth Studies. Asháninkas. Otika, Cushiviani, Puerto Ocopa, Quenpiri and Central Asháninka Native Communities of the Tambo River. Satipo. (2002).

²³⁰ CVR. BDI-I-P757. In-depth interview, Cushiviani (Río Negro), October 2002. Interviewed man, leader of the Ronda.

²³¹ CVR. BDI-I-P789. Asháninka Community Workshop, Cushiviani (Río Negro), November 2002. Participant woman, comunera.

²³² CVR. BDI-I-P801. In-depth interview, Cushiviani, (Río Negro), October 2002. Interviewed man, settler, witness.

²³³ "(...) initially in very harsh conditions with absolute isolation without talking to anyone, the food was passed through a hole in the window, in the door in the window without seeing the sun during the three months that

We were until December, with complete denial of the rights and our claims could only open a window in the wall so that some light could enter because we were in a dark room; in that we were transferred to Yanamayo already in December also in fairly harsh prison conditions in a system of annihilation of denial of the fundamental rights of the people. CVR. BDI-I-P251. Interview in Aucayama prison, Huaral (Huaral), September 2002. Interviewed man, leader of PCP-SL.

Stomach, inflammation of the limbs by cold, and notorious loss of the denture, in a very high proportion have required surgical interventions.²³⁴

Likewise, interrogations and torture were systematic even with those who were not walkers.

"They ask me, one comes to ask me, the other comes to ask me. How many confrontations have you participated in? What cell have you been in? Who is your boss? Speak lame. If you're going to talk, if you warn yourself, now you're going to leave and if you don't talk we're going to kill you, saying. So I said, what am I going to talk about, how am I going to slander people out of nowhere? If it is possible they can kill me, instead of suffering I want to die, saying."²³⁵

Even torture was done with blackmail.

"Do you want to see your husband? Do you want to find him?" he says. Yes, I told him. He's taken me where he is. There's a closed room was. A water cylinder, plus a rope hanging. There was my husband, half his life. With swollen hands, clothes, wet mud, burst lips, puffy face. Totally half a lifetime ago, no longer had life, could no longer speak anything. A soldier takes me, at the door stops, are you going to talk or are you not going to talk? I'm not going to talk at all, what am I going to talk at all?"²³⁶

Arbitrary detentions, torture and interrogations²³⁷ were inscribed in the perspective that anything goes in war and in which the detainee has no value and no right. With the detainee it was believed that anything could be done. In many cases it was innocent people who paid with their imprisonment the error and arbitrariness of their captors. In many cases - after arbitrary detention, job loss, abandoned family and detention²³⁸ - acquittal comes, but after many years in prison.²³⁹ In fact, the penitentiary regime does not seem to seek the reincorporation of the condemned into society, but simply the punishment and purging of the crime; the scarce 30 minutes of courtyard a day in the prison itself demonstrate this.

²³⁴ CVR. BDI-I-P252. Interview in Yanamayo prison (Puno), June 2002. Interviewed leader of the PCP-SL.

²³⁵ CVR. BDI-I-P707. Abancay Public Hearing. Case 10. Second session, August 2002. Testimony of Saturnino Castillo Peralta.

²³⁶ CVR. BDI-I-P714. Abancay Public Hearing. Case 14. Third session, August 2002. Testimony of Octavila Contreras Palomino.

²³⁷ "Again, alas, I am arrested. Five days I've been arrested in Cunyac. I've been marrocedad back, to a stick and hugged with a stick I slept at night also on bare ground. And they didn't make me eat or drink. They gave me a cup of mate a day, without water, boiled water or water that says no sugar. After five days another lap, they send me not to the PIP but to the command here. In the command they have bandaged my head another turn and has made me embrace the wall, in the command has said to me: -Hey cojudo speaks, how many green deer have you killed, how many green deer have you eaten? - saying and I've never spoken. I've never killed, I don't know green deer, saying. And he didn't, he showed me his uniform. You didn't kill this deer? If you've killed, cojudo, saying, he's told me. So, I don't even know how to handle the gun, we don't know a gun in the field, saying. From there he kicked me back, so he put me to the wall, in front of the wall he made me stretch my hand and kicked me in, this one, in the leg, in the spine, then grabbing my brain, my hair, he made me, with the forehead he crushed me in the wall. Then he took me to the barracks. I was in the barracks for eighteen days." CVR. BDI-I-P707. Abancay Public Hearing. Case 10. Second session, August 2002. Testimony of Saturnino Castillo Peralta.

²³⁸ CVR. BDI-I-P713. Public hearing of cases in Abancay. Case 13. Third Session, August 2002. Testimony of Juan Clímaco Avendaño.

²³⁹ CVR. BDI-I-P713. Public hearing of cases in Abancay. Case 13. Third session, August 2002. Testimony of Juan Clímaco Avendaño.

2.2.8. Violence deepens poverty

"We'd like a place to live, a house, a shelter. Let the president remember us. We say that even a stone is worth, a fence, a tree is worth and we are worth more than a tree, more than a stone."²⁴⁰

Research shows that the areas and regions where violence broke out are poorer today than they were when the conflict began. Widows, orphans and many of the war-affected have been left without any protection. This leads us to affirm that poverty has not been reversed by the State. The State approached the process of violence as an exclusively military problem. Poverty has become more acute, deeper and structural. The facts presented by the villagers are eloquent:

"This town used to be progressive, hardworking, we ourselves made the road, with the farm we made any little work, each one was dedicated to breeding, others to agriculture, with that we lived; poor, poor here there was, rather, from that date of Path we are more in failure because of all the robberies."²⁴¹

Besides, the war by destroying the families impoverished them.

"My brother, who had come from Ayacucho where he studied at the university, was about to finish, he was also murdered; that day they also killed my mother and father, so far I think about them and I can't sleep at night with that thought, now I don't feel well, those miserable people have left me in poverty."²⁴²

The communities are aware of their poverty as recognized in Huaychao:

"We have become poorer, with this political violence, in those times we no longer had even seeds to sow, our crops decreased, nothing was like before, now we are recovering. In that time of violence the seeds to sow rose in price and money was no longer enough to buy, we could not produce as before, our products even lowered in price, we no longer took the products we sowed to fairs."²⁴³

The ronderos also admit that they were impoverished:

"Our products have fallen in their totality, the families have been abandoned, we the ronderos have been left without food, without land and in this respect we have not been able to do anything. When we were in rounds, we couldn't work well on our own.

²⁴⁰ CVR. BDI-I-P703. Public hearing on cases in Abancay. Case 8. Second session, August 2002. Testimony of Victoria Romero.

²⁴¹ CVR. BDI-I-P371. In-depth interview, Lucanamarca (Huancasancos), March 2002. ²⁴² CVR.

BDI-I-P414. Workshop on gender with women, Huamanga (Huamanga), October 2002. ²⁴³ CVR.

BDI-I-P416. Taller de ronderos, Huamanga (Huamanga), October 2002.

land, and our wives could not work like us, have had many difficulties not only because they were alone but because they were won over by the concern of violence."²⁴⁴

There are people torn and hopeless:

"All that has happened to my sufferings, I just want a failure and this I have suffered my home, my wife abandoned me, she has left her children. My household chores, things are gone. My animals, they did what they wanted in the village, the army will eat, the paths will have eaten, I don't know, the animals, I had regular number of cattle, my horses, goats, so on."²⁴⁵

Poverty, although a general problem, is experienced differently by people. Widows are an example of how poverty can fall with all its harshness on the shoulders of the weakest and most helpless in the community.

"Now I'm alone, I'm alone starving. The eight children depend on me. Those children until now, in these moments without money, without food, they leave, they leave, they are in need, there is no money. Another my son, one of my two sons or both want to go crazy, desperate. My foot was broken in the month of February, walking, walking to look for food for my children."²⁴⁶

Families headed by women in repopulated communities are immensely poorer than those headed by men and what is more incomprehensible is that they tend to be discriminated against and frowned upon.

"Poor children and orphans, widows are frowned upon in the community by the authorities, because they don't have money to be able to pay the pawns to help them work the land, now the people are not good they charge you for everything when they help you, they have become accustomed to charge for every job they do, there is no longer an *ayni*, in other communities it is still maintained and in others it is not. For example, when widows want to work the land no one helps them because they do not have money to pay the pawns, in this respect the authorities do not manifest anything, on the contrary, they look at them badly because they are poor. Orphaned children can't build their houses, they can't fix them, no one says anything. And so the widows lost their husbands in the hiking actions taking care of the others, so that nothing happens to us."²⁴⁷

But fortunately the situation is not the same in all communities.

"In the community of Ñuñunhuayqo the situation of the orphans and widows is different, we the villagers do support these vulnerable groups, because we know that they do not have enough income to continue living, we help them work on their farms."²⁴⁸

²⁴⁴ CVR. BDI-I-P416. Taller de ronderos, Huamanga (Huamanga), October 2002.

²⁴⁵ CVR. BDI-I-P713. Public hearing of cases in Abancay. Case 13. Third session, August 2002. Testimony of Juan Clímaco Avendaño.

²⁴⁶ CVR. BDI-I-P718. Public hearing of cases in Abancay. Case 17. Third session, August 2002. Testimony of Margarita Aroni Rojas.

²⁴⁷ CVR. BDI-I-P416. Workshop with ronderos, Huamanga (Huamanga), October 2002.

²⁴⁸ CVR. BDI-I-P416. Workshop with ronderos, Huamanga (Huamanga), October 2002.

Poverty has eroded the fabric and social and communal ties. Special work is needed for women and in particular for widows.²⁴⁹ This will ensure that children are not abandoned and can count on a good education²⁵⁰ and permanent care.²⁵¹

2.2.9. State absent from conflict zones. Drug trafficking

The persistence of drug trafficking and the absence of the State is what can be seen in the Huallaga area. The violence with political ends was articulated to the criminal and delinquent violence that operates in the zones of forest for several decades. In some cases, the inhabitants and peasants who are linked to the cultivation of coca have preferred to live without the presence of the political and local authorities of the State, and in some cases, have allowed the presence of subversives who articulate themselves as a defense force or rounds and who in some cases with their organization replaced the role of the State.²⁵²

To arrive at this situation has had its own history that we have collected of the own settlers of the locality:

"And from 1950 onwards we started a second stage, which became the coca stage, we began to work with coca until 1980 when this was stronger.

don't you? In 1980 we already entered into violence, because of the arrival of drug trafficking with force, the drug trafficking already organized, then came what is called the firms that had 300, 400 men under their command, who were dedicated to the production and collection of the coca leaf.

And that meant handling money in abundance, so that meant that there had to be people armed to guard and keep order and there came the problem of settling scores."²⁵³

"Then, in 1987, the situation became more complicated because there we had, apart from the fact that we had the presence of drug trafficking, it also entered the Sendero zone with force and the Armed Forces also entered with force, in other words, there were more groups, there were three groups already antagonistic, before it was only drug trafficking. In 87 we have Sendero here who comes to join the narco-trafficking and the Armed Forces, they are three armed groups that fight to have a political space here in the area, right? Then from 87, for example, the most tragic thing was from 87 to 90 here in Uchiza, it was a no-man's land, we did not have authority nor

²⁴⁹ CVR. BDI-I-P420. Gender Workshop, Apurimac River Valley (La Mar), October 2002.

²⁵⁰ "And we couldn't put our children to where, nor how to continue their studies, without money, in poverty. My children have dispersed to other villages. I'd like those kids to come back. And be a support also for us that we are alone, in this province of Abancay". CVR. BDI-I-P704. Public hearing on cases in Abancay. Second session, August 2002. Testimony of Concepción Ventura.

²⁵¹ "So the boys walked the streets like beggars, like abandoned dogs. My daughters women of pure fear also could not move forward because they felt very lonely now that their father was not there, I who am not Male, where could I go as a day labor, even me? I couldn't. So what he was doing was crying. There was no night or day of tranquility, it was crying my life. CVR. BDI-I-P704. Public hearing on cases in Abancay. Case 8. Second session, August 2002. Testimony of Concepción Ventura.

²⁵² *Cf.*, CVR. In-depth study: "The behavior of the Shining Path in the face of the drug boom in the Alto Huallaga". Richard Kernaghan Kirk.

²⁵³ CVR. BDI-I-P403. In-depth interview, Uchiza, (Tocache), August 2002. Interviewed man, civil servant public

Mayor from 87 to 90, the Municipality was closed, there was nothing, that is to say, the population was demonized, there was no type of organization and no type of authorities from 87 to 90."²⁵⁴

"(...) since 1993, drug trafficking has already retreated into rural areas. Until 93 the drug trafficking was in the urban zone, then you would go out to the corner, there were like kiosks where you bought the drugs, right? It was in the city all the handling of the business and the small planes entered here to the airport of the city until 93, then, the 93 more or less in September all this is cut off with the arrival of the FAP that is installed in the airport. The army was here long before but they turned a blind eye because there was an arrangement of the bosses with the mafias, but when the FAP arrives they settle in the airport then there was already cut off the movement of drug trafficking at the level of Uchiza in the city. No, the rural area is already retreating and so far you see some lags but already in the rural area, in the urban area there is no longer that."²⁵⁵

What is clear from this historical process is that there are strong links between subversion and drug trafficking, as well as drug trafficking with the Army.²⁵⁶

"“(...) the subversion also lived from the mafia, the army of the mafia, the same military commanders were involved in the mafia, they had their people running around, already, their traqueteros running around, so you can say that there where perhaps it fails, Subversion fails when you get too much into the drug, now, their commanders better said, their commanders, you see already assault Colombians, kill Colombians, take off two, three sacks of dollars, and they begin to rattle being in the ranks.”²⁵⁷

"It has been noted that the subversive armed groups were linked to the farmers, who were suddenly also pressured by the weapons of the subversives, and as they were doing illegal acts, they had to accede to the requests of the subversives, apparently because it was the binomial that existed between the subversive groups and the coca leaf producers and those who processed the coca leaf."²⁵⁸

In addition, the population appreciates a lack of firmness on the part of State agents in the face of drug trafficking, supposedly out of interest: "I believe that this is in the hands of the government, but unfortunately I reiterate that there is no will to get out of the problem because it seems that this suggests that drug trafficking should exist, it seems that it would be convenient for terrorism to capture the support and that something remains in the pockets of high officials."²⁵⁹ The presence of drug trafficking has corroded the very structure of society and the State in many parts of the country.

²⁵⁴ CVR.BDI-I-P403. In-depth interview, Uchiza, (Tocache), August 2002. Interviewed man, civil servant.

²⁵⁵ CVR.BDI-I-P403. In-depth interview, Uchiza, (Tocache), August 2002. Interviewed man, civil servant.

²⁵⁶ "The mafia because the narco-trafficking to all subversive the narco-trafficking keep them by where the narco-trafficking is the subversion because from there they live I have seen I have verified by saying (...) I have seen in several opportunities, sometimes of

they had to give them fear, they had to collaborate and here there were enough people who collaborated with the Path they were given tremendous torettes, suddenly out of fear or what it would be, and when he entered here the commands there has been horrible with serious problems, the round has begun to be camouflaged and began to know who they were". CVR.BDI-I-P381. In-depth interview, Huicungo, (2002). Man, former chairman of his community's self-defense committee. Cf., CVR. History of violence in the north-eastern region 1980-2000.

²⁵⁷ CVR.BDI-I-P385. In-depth interview, Tocache, Tocache, San Martín, August 28, 2002. Man, teacher, relates the chaotic situation his city experienced during the period of violence.

²⁵⁸ CVR.BDI-I-P392. In-depth interview, Saposoa (2002). Man, civil servant.

²⁵⁹ CVR.BDI-I-P402. In-depth interview, Uchiza, Tocache, San Martín, 24 August 2002. Man, journalist, narrates that the fact that his town was very far away was the focus for the origin of drug trafficking, terrorism and other crimes. corruption of public officials.

Peruvian jungle. This is the case of the peasant patrols²⁶⁰, of public officials, judges, authorities, police and military²⁶¹ and is further complicated by the presence of the MRTA.²⁶²

2.2.10. Burial and reconciliation

The cult of the dead is a practice that dates back to the early days of human life in the Andes. This requires that we understand the value of burial as a "reconciliation" of people with the cosmos for their final rest. Those who are not buried suffer one of the greatest punishments that can be given to a human being. Our country has experienced, on the one hand, the concealment of the dead, leaving the population in uncertainty and generating a serious problem of the disappeared, and, on the other, the impediment of burying the victims. The fact that hikers in most - though not all - cases prohibited the burial of their victims in order that the bodies be eaten by dogs, fish and pigs, expresses a punishment without name and without measure. Hatred was not satisfied by the death of the victim but by his plundering beyond it. Even here the hikers denied human dignity. Therefore, the struggle to find the bodies, recognize them and bury them is a condition of reconciliation.

The murders perpetrated by agents of the Armed Forces and the PCP-SL against the civilian population were intended to punish and terrify them. In many cases, mainly from the Army, evidence was avoided, but in the cases of hiking the punishment was intended to be public. Although unfortunately there was everything.

"(Interviewer:) (...) We were told that the little soldiers came and killed

(Settler:) Yes they killed.

(Interviewer:) And how did they kill him? With a knife?

(Settler:) Yes, whatever, as they caught him they killed him, with a knife, they bent his neck and left them, even splitting them, splitting them, without a head, without legs, everything left him so he didn't know who he was, what family he was, so they left him.

(Interviewer:) Were you cut?

(Poblador) Yes, they cut off his head, made his head disappear, took out his intestine, crossed his legs, his feet and left him there.

²⁶⁰ "(...) now the peasant patrols also abused their peasant comrades, betrayed them, seized drugs as they were also involved in that they took part in that, in the other institution that they were told, the Police before listen when there was this drug trafficking they paid the high commanders to come to Uchiza and from here they sent them their quota and they had to continue. CVR.BDI-I-P405. In-depth interview, Uchiza, Tocache, San Martín. Man, ex-leader of his community.

²⁶¹ CVR.BDI-I-P403. In-depth interview, Uchiza, (Tocache), August 2002. Interviewed man, civil servant.

"I know that drug trafficking financed the Army's activity. If you came in a van, they took your car for two, three days, they needed it and you couldn't claim it from anyone, they took the car they wanted, and the Army had two, three days, the vans came to their whereabouts, you, you, you took it and nobody could say anything, and without any payment whatsoever.

²⁶² CVR. BDI-I-P391. In-depth interview, Tarapoto (Tarapoto), July 2002. Interviewed man, professor, witness.

(Interviewer:) The Army?

(Settler:) Yes, the Army, as I repeat to you, so, they were like that, because in that way, because that was their destiny on their own behalf, thinking that..., why, I don't know why they can't give me, why they did it..., they thought that the dead man could live.

(Interviewer:) You mean they killed him so he'd never...?

(Settler:) Be obtained by relatives. (Interviewer:) And Path did the same thing too? (Settler:) Yes, he did the same thing.

(Interviewer:) Did they cut people?

(Settler:) They were cutting, but they were burying him. (Interviewer:) Was Sendero buried?

(Settler:) Yes he buried, everything he killed he buried, although he was not in good condition, he was buried, very little left on the roads, the assailants, as those pawns said left him with the card in his chest: 'So die the stool pigeons', 'the assailants', 'the betrayers', they said so (...), in every way they left.

(Interviewer:) Did those people leave you like this or bury you?

(Settler:) Yes, they did, but they buried others. Long live the Maoist, Leninist, Marxist guerrilla; and long live the guerrilla of guerrillas, and long live the guerrilla,' they said."²⁶³

The river also served to keep the bodies from appearing.

"The Army had another modality, they came as if they were detaining people, sometimes they were taken further inside to a solitary place and they were killed, with machete, with axe and they were left there, we thought that our detainees were in the Base of (Aucayacu), we would go and there were none, then we already found out that they had been found dead or many times they were taken away by the Army and they were ahead of the helicopters (...)... one of the biggest graves that we determined here in (Aucayacu), on November 6 of last year we determined that the biggest grave was that of the Huallaga River, here in the (Amazon), because there have been thrown away many corpses that have not been found, nor will be found."²⁶⁴

One of the strongest demands among the relatives of the victims is the demand to recover the bodies and to have the certainty of death and to be able to bury them. People think and feel that the deceased cannot rest until he is properly buried. People have not remained silent, they have made concrete denunciations, such as the cases involving Truck, Centaur and Morgan²⁶⁵ nicknames of army officers who have committed this type of crime: "We want, even a cross, because you can't put anything on, it's all like this."²⁶⁶ Others say: "there are no games, there are no studies for the children". Some women lament:²⁶⁷

²⁶³ CVR.BDI-I-P279. In-depth interview, Spring (Leoncio Prado), May 2002. Interviewed man, president of an association.

²⁶⁴ CVR.BDI-I-P291. In-depth interview, Pueblo Nuevo, (Leoncio Prado), May 2002. Interviewed man, victim.

²⁶⁵ "In conclusion I ask, so that there may be justice, we as beings ... as all human beings, we hope to see your the tomb of my parents, which to date (in tears) has been blown away by the wind and almost all of us have the right to weep in the tomb, and not just waiting; and we know who did that, the military, led by Second Lieutenant Centaur and with Lieutenant Morgan". CVR.BDI-I-P449. Public hearing of cases in Huamanga. Case 18 A. Fourth Session, April 2002. Testimonies of the relatives of the victims of Huancapi.

²⁶⁶ CVR.BDI-I-P199. In-depth interview, La Merced (Chanchamayo), June 2002. Interviewed man, relative of emerretist militant.

²⁶⁷ "My husband, his body is in Huaqana, he is not in the pantheon. I would also like everyone outside to enter the pantheon, because in my opinion, what a crime they have done to be outside the pantheon. I'd like to ask also the death certificate, how could we do it because I would like my children to continue their higher studies, if we

"What could I do alone? Being ignorant, without a complete primary, wherever I walked, having my word I could have made the denunciation, DDHH also says there was, but I did not make any denunciation (...) we could not make any denunciation, just as the dog was left by my husband until today *allquqina dejasja kunan punchau kama* (...) all my children want to know about him (...)"²⁶⁸

Others claim: "I want to see the rest of my husband, to even have his tomb (...) to bring flowers, so that my children will be calm, all my children is what suffers."²⁶⁹ They demand to find the bodies of the children or of the husband: "I would like perhaps as a hope that the body of my son can be found;"²⁷⁰ "I also want to find the rest of my husband, I want to find him because day and night I think, I stop worried, maybe as people say, maybe he is living (...) That is why I collected the papers and I took Ayacucho (...)"²⁷¹

The interest of burial also has, in some cases, a practical sense because families and children can inherit what has been from their parents. But, if there is no body, the game cannot be settled and there can be no inheritance and the land cannot pass to the descendants.²⁷²

At the Public Hearing in Ayacucho the testimony of a young teenager who asked for her mother's body.

"So, for example, I am twenty-two years old, I am young, I should even be at a party, in a place, having fun; I can't, because that's in me, it's like a shadow. I can't even (...) or even (...) I have buried her (...) I have the right to be happy, until now I'm not happy, hopefully someday I'll be happy, that's all I hope for. And at least find her bones, bury her, maybe so I can feel a little calm, because so far I can not be calm, I can not. At least give me the bones of those gentlemen, I don't know. (...) I want to at least see my mother's bones, bury her, why, for example, on the day of the dead here in Ayacucho everyone goes to the cemetery, and I don't even know where to go. I don't know if to put flowers, sometimes I don't know (...)"²⁷³

2.2.11. Living where the internal armed conflict persists

could help." CVR.BDI-I-P366. In-depth interview, Sancos (Huancasancos), March 2002. Interviewed a woman from the community.

²⁶⁸ CVR. BDI-I-P366. In-depth interview, Sancos (Huancasancos), March 2002. Interviewed a woman from the community.

²⁶⁹ CVR.BDI-I-P450. Public hearing of cases in Huamanga. Case 18B. Fourth session, April 2002. Testimonials the relatives of the Huancapi victims.

²⁷⁰ CVR.BDI-I-P214. In-depth interview, Molinos (Huancayo), June 2002. Interviewed woman, mother of family.

²⁷¹ CVR. BDI-I-P366. In-depth interview, Sancos (Huancasancos), March 2002. Interview woman of the community.

²⁷² CVR.BDI-I-P433. Public hearing of cases in Huamanga. Case 8B. Third Session, April 2002. Testimony of Avelino Baldeón Pulido.

²⁷³ CVR.BDI-I-P429. Public hearing of cases in Huamanga. Case 2. First session, April 2002. Testimonial by Liz Rojas Váldez, daughter of disappeared.

Violence continues in around eighteen districts, affecting the jungles of Junín, Huánuco and San Martín. The incursions and deaths have continued, generating insecurity. The population asks in some cases for the presence of the military, in others for their departure. It should be noted that the conditions for combating subversion have not changed in terms of strategy, which remains military rather than political. It has only been attenuated by the magnitude of the circumstances and because it is impossible - militarily speaking for now - to develop the subversive strategy. It seems to us that reconciliation requires a new political and military strategy in conflict zones so that old mistakes are not made and so that the conflict can be brought to an end in peace and in the shortest possible time. This new perspective calls for participation in decision-making for the violence and insecurity that still exists.

On the other hand, daily life is full of fear and insecurity.

I have made my hut here, inside, in the back, because sometimes they came, they knocked on the door, they say, and the Army also came with two, we were between the sword and the wall, and that's why we'd better go to sleep in the mountains and stay more peaceful; now if we're calmer, although they say they don't want to do anything because the Truth Commission are asking, they want to talk.²⁷⁴

But the phenomenon of fear is in several places both in Tingo María²⁷⁵ and in Lima in the expression of the displaced.²⁷⁶

What is of great concern is the presence of the PCP-SL:

"Well, (Venenillo) is a dispersed area its population, currently has eight hamlets (Corvina, Santa Marta, Bartolomé Herrera, Los Cedros, Chantuyaco, Julio C. Tello and Venenillo itself). It's almost a cosmopolitan zone, because here you find people from all over the world and there are lags in the path and social violence, which happened twelve, thirteen years ago. There are remnants of dictatorship, of the forcing of those times, there is also disunity, there are hard people."²⁷⁷

"I feel tremendous sadness. Thank you God nothing has happened in this community but we are worried, I personally because this problem has not ended. We think this problem will never end. They're still here and there. These days are just coming in through Lucanamarca, these days are just passing through (...). word in Quechua). In Ayacucho they are always scrubbing. In Huancayo and Chilca they have spilled all their paperuchos, putting their red flags, and if they do it in these big cities what they will not do in this mountain. What we should rather worry about is

²⁷⁴ CVR.BDI-I-P285. In-depth interview, Pueblo Nuevo, (Leoncio Prado), May 2002. Interviewed man, authority of the people.

²⁷⁵ "We still feel pain and fear. We came here to give our testimonies, we were so afraid and so far we are afraid that something will happen to us and our families. CVR. BDI-I-P459. Audience of cases in Tingo Maria. Case 4. First session, August 2002. Testimonies of Irene Panduro Ampuero and María Dámaso Panduro (daughter of the victim: Leonidas Dámaso Ibarra).

²⁷⁶ "And in my community, what security is there for us? We live very far from the province, from the district. Then, we live in an insecurity, it won't be that again there is another revenge as It happened. We come to a saying, and how they took revenge on us, what vengeance do we reap so innocently, with so many innocent people, too, (...) people don't go out at night..." CVR. BDI-I-P536. Public hearing of cases in Lima. Case 15. Third Session, June 2002. Testimonies of Mr. Fermín Tolentino Román and Mr. Teodoro Tolentino Román.

²⁷⁷ CVR. BDI-I-P288 Focal Group, Venenillo, (Leoncio Prado), May 2002.

always to be strong, always to stand, as if telling ourselves to forget those grudges that always exist. We have to live as brothers, all united, to be able to defend ourselves in cases like these."²⁷⁸

That's why many people think that you have to keep your weapons because the danger goes on: "How is it possible that they want to take away all our weapons, if with those weapons we are still defending ourselves. I'm sure the others want the Shining Path back. That's what the others are doing. They can't do that to us. If they take away our weapons, we won't be able to defend ourselves."²⁷⁹ Some even like the Asháninkas think that the war is not over because they still have clashes with the remnants of hiking. Others call for the military bases not to be withdrawn, reflecting their insecurity and fear. The backwardness of the PCP-SL continues in the countryside and with it the fear and fear of retaliation for having fought against them in the war are encouraged and increased.

"Good for you we are far from the city, there are other hamlets where the army is still, but when there are rumors that the army is leaving, and that the people want to leave the town, and in my opinion it would be to ask the state to establish bases inside the city."²⁸⁰

PART III

RECONCILIATION: EXPERIENCES AND OPINIONS

"Put the population's proposals on the nation's public agenda."

Reconciliation is constituted in diverse human experiences, belonging to very different spheres of life. For centuries it has been the privileged object of reflection and praxis in the context of Judeo-Christian religious experiences. From the point of view of ethical reflection it can be argued that, although it is based on the individual and family sphere, its horizon of authentic meaning lies in the re-encounter of society with itself and in the construction and consolidation of a full Rule of Law. Seen from another perspective, even if the objective of reconciliation is essentially ethical and political - that is, public - it is difficult to develop apart from other life experiences: personal, family, communal, social, religious or other.

²⁷⁸ CVR. BDI-I-P789. Ashaninka Community Workshop, Cushiviani (Rio Negro), November 2002. Participant woman, comunera.

²⁷⁹ CVR. BDI-I-P416. Workshop with ronderos, Huamanga (Huamanga), October 2002.

²⁸⁰ CVR. BDI-I-P418. Gender Workshop, Tingo María (Leoncio Prado), October 2002.

3.1. Religious experience and reconciliation

3.1.1. Reconciliation: religious dimension

"As I repeat again that the people who have committed this, are already forgiven of me. For as Jesus forgave when he was on the cross. Father, forgive them if they don't know what you're doing. And it has been the same, I have forgiven him and I forgive him, they did not know what they were doing at that time the people who have committed this tremendous error, this tremendous barbarity of blood."²⁸¹

The theme of reconciliation often confuses the personal and communal spheres, but also the religious, social and political spheres, the distinction between them not being very clear. What is clear is that there is no way to avoid the historical and ideological links of religious reconciliation and politics. For millennia man has associated his communal and private problems with divinity. Modernity, however, has distinguished these aspects more precisely and radically. For some the themes of political and social reconciliation need to be separated from the religious contents in which they were conceived, for others this distinction is unnecessary and they do not make it because they do not see a difference between the religious culture and the politics of their peoples. Even if the modern distinctions between religious and political terrain must be taken into account, the solutions and solutions that the peoples gave to their own problems must also be considered.

For some peoples traditional religion is important, as in the case of the Asháninkas.²⁸² They associate culture, religion and communal activity. In the villages of the mountains, the weight of the Catholic Church and the Evangelical Churches is very strong. The Catholic Church has rejected violence and raised the issues of reconciliation and justice, as some religious have pointed out:

"“(...) The church announces the gospel, but not accepting violence, not accepting force, that is to say, people have to be made aware of their rights, but rights that are not achieved by force, by violence, because that goes against the gospel and I believe that all the pastoral agents of the South Andean region have always tried to announce a gospel that demands forgiveness, reconciliation, solidarity, and I believe that the peasants who have been evangelized, at least a little understand, that they cannot, that they cannot seek justice through violence.”²⁸³

²⁸¹ CVR. BDI-I-P526. Public hearing of cases in Lima. Case 7. Second Session, June 2002. Testimony of Vargas Rojas, victim of unjust detention.

²⁸² CVR. BDI-I-P757. In-depth interview, Cushiviani (Río Negro), October 2002. Interviewed man, leader of the Ronda.

²⁸³ CVR. BDI-I-P256. In-depth interview, Macarí (Melgar), May 2002. Woman of religious community, witness.

For its part, the role of the Evangelical Church has been very important in accompanying the peasants. Many perceived that they needed God's help²⁸⁴ to face what was coming and endured what they had to endure with confidence in Him.

"The Peruvian Evangelical Church, we've done two things. First, we evangelicals have entrusted justice to the Almighty God. God is the only sovereign who is a defender of the poor, of the orphans, of the widows. We have prayed to the Lord to take justice into His hands, and to those who offend, to those who infringe, the sovereign who can do justice."²⁸⁵

The experience of the evangelical Church at this point is very peculiar. The evangelicals faced trekking with firmness and did not abandon their faith and their religious practices, but they also knew how to forgive: "When he speaks of his experience in evangelism he tells us that he feels good and that the people who participated in SL and have converted feel that they have been forgiven"²⁸⁶ Likewise, the evangelicals managed to give and be the religious space of consolation, forgiveness and company to people who were not evangelical. They succeeded in converting many to evangelism.

"(...) now my parents are evangelicals (...) precisely because of this problem they got involved, because my mother was a good Catholic, everyone was a good Catholic; since there was no more Mass, there was no more how to intercept with God they began at the foot of the evangelical path, to hold on, they committed themselves to the evangelical (...) unless they already have a place to pray, they already pray, to see how it is being transmitted (...)"²⁸⁷

Many were invited to the evangelical communities and were won by those religious experiences of that Church.²⁸⁸ Today there are entire communities that have become evangelical in Ayacucho, as are the cases of Huaychao and Accomarca:

²⁸⁴ "We need God's help; if man did not need God's help, Jesus Christ would not have come. But you know what? Jesus Christ wants to help us. Just as He helped me to overcome these traumas, so the Lord wants to help you woman, child, lady to overcome this pain. For it is not only the compensation that is going to get you through, but first that you feel peace in your heart. This is my message, this is my message of reconciliation. This is what I applied and this has given me a good result." CVR. BDI-I-P467. Public hearing of cases in Tingo María. Case 10. Second Session, August 2002. Testimony of José Rafael Vives Angeles, Suboficial Teniente de 2^o de la Policía Nacional del Perú, victim.

²⁸⁵ CVR. BDI-I-P535. Public hearing of cases in Lima. Case 14. Third session, June 2002. Testimony of Pastor Oseas Rivera.

²⁸⁶ CVR. BDI-I-P69 Notes from field of informal interview to commune of Accomarca (Vilcashuamán) of 29 years old carried out in August 2002. She's a farmer and at the time of the violence she was a student.

²⁸⁷ CVR. BDI-I- P101 In-depth interview with resident of Huambalpa (Vilcashuamán), 43 years old, conducted in August 2002. Presumed militant of SL from the school and the University San Cristóbal de Huamanga. Professor.

²⁸⁸ "...one day I was taken to the evangelical church and I was thinking of praying for God for my daughters, wasn't it? I said, well I didn't

I'm evangelical, but I'm going to pray, aren't I? Since the Lutheran Church was also supporting me, I went but and I sit down to listen, in that they say: well brothers at this moment we are going to listen to the testimony of the fulana Sister, and the sister began to tell, when they entered her house, they raided her house, they killed her husband in front of her, that... there the policemen are told by the pacos, right? that the cops came in and killed my husband, first they tortured him in front of me, which I don't know, and so on, and then that lady came out and another person came in and now also with her sister with her

"Joan of Huaychao: (...) I believe that spirituality has helped us, many of us in the community are in the evangelical congregation. We are working there, but if there is violence in those couples who are not in the congregation, in this space we always speak of many things like affectivity between children and spouses, we have learned to love each other more, thanks to the divine Lord, our Father."²⁸⁹

Accomarca: "At present there are eighty evangelical brothers in Accomarca, some give their testimony and many of them have participated in SL but when they convert everything changes, they enter a state of grace and confess that they have killed people, but they publicly repent and convert."²⁹⁰

3.1.2. Reconciliation and religious worldview

Religious attitude is not just adherence to a particular Church. It also means a way of looking at the world and things. It can be understood as a cosmovision. Reconciliation is no stranger to these ways of looking at things and the lives of men. Reconciliation can also be understood as a worldview in the sense of a global gaze to face the questions of life and give them an answer. What we need to understand is that we all have a worldview and what we want to emphasize is that reconciliation must be approached in different ways, respecting the specific characteristics of each people and place, understanding that each person and each people will make their own synthesis and develop their own vision of things. If reconciliation is articulated to cultural traditions as in the case of the Asháninkas, or linked to Christian religious practices such as evangelical or Catholic, they are still religious ways of thinking about reconciliation and from that point on they are as valid and important as other more secular or more political ones. What is important is that processes of reconstruction of the meaning of life take place because, regardless of their religious or cultural particularities, they help to build the future and give perspective to individuals and communities.

We cannot deny that there are changes, as in the case of the community of Ñuñunhuayqo:

"Our customs have been lost, nothing is like before, we celebrated our feasts, we worshipped our saints, but violence brought everything down. Before it was beautiful to be in the community because we had fun, we recreated ourselves seeing the activities that were carried out, we all participated now no longer. Currently, the festivities that we celebrate the most are the creation of the peasant patrols or the anniversary of the returns, in the community of Ñuñunhuayqo."²⁹¹

brothers, right?" CVR. BDI-I- P181 In-depth interview, CVR-Huancayo, June 2002. Familial female of MRTA victim.

²⁸⁹ CVR. BDI-I-P416. Workshop with ronderos, Huamanga (Huamanga), October 2002.

²⁹⁰ CVR. BDI-I- P69 Notes from the field of an informal interview with a 29-year-old commune of Accomarca (Vilcashuamán) carried out in August 2002. She's a farmer and at the time of the violence she was a student.

²⁹¹ CVR. BDI-I-P416. Workshop with ronderos, Huamanga (Huamanga), October 2002.

Some have questioned the free assumption of religious perspectives or worldviews and more seemingly assume them for personal interests.²⁹² Others even today question the popular religiosity of peoples.²⁹³ Others recall that when the Catholic Church²⁹⁴ was with local power, the possibility of the people claiming their rights was limited.²⁹⁵ There are even those who deny religious conception and demand the answer: "Where is God? Why does God allow this, this injustice?"²⁹⁶ Finally, there are different ways of perceiving the religious perspective and, naturally, the reasons for accepting or ascribing oneself to one of them have their own particularities. For example, the testimony of Mr. Cava and his personal experience in relation to the attack on Tarata Street seems to us to be remarkable. His religious faith and his Christian view of life in which only God forgives and changes people help him to overcome tragedy, forgive criminals and rebuild his life.²⁹⁸

3.1.3. Reconciliation and the gaze on the meaning of existence

For some, reconciliation means a kind of meaning that orients existence. Although some may think that religious reconciliation seen from this perspective is useless, religious truths have often been and are the pillars that have enabled us to endure and overcome drama and pain. The role of the Evangelical Church in Ayacucho is surprising. Maybe that

²⁹² "...he has been from here, from here are those men and now at this time those men by taste to the others who have named by taste and now the others by contradiction already denounce, he was command, he was the one who has killed the persons, that is what the other but who has done, because of those men for they also almost faithfully as well as they hold on as here in the other religions by taste create Bible seeing: already is, they have believed, ah, so and then they already...". CVR. BDI-I- P659 In-depth interview, Oronqoy (La Mar, Ayacucho), October 2002. Man Witness to the Oronqoy massacre in December '83.

²⁹³ "...in the sixties you could see the Ayacucho people going to Mass at four o'clock in the morning, religious, on Sundays, Saturdays (...) But now I doubt that people will go at four o'clock in the morning, but those times do. It was a conservative attachment as you say, but I do not know, and for me it is a myth that Ayacucho is a Catholic people, for me it is a myth, which is manifested in several things: you go to a Dominican Mass or Saturday or another day, I do not see much participation of the people. CVR. BDI-I- P678. In-depth interview, Ayacucho, July 2002, 50-year-old teacher.

²⁹⁴ "there is a paradoxical thing: the constitution says there is freedom of worship, it says there is freedom of worship and then it says that the official religion is Catholic so where are we?" CVR. BDI-I- P419 Gender Workshop, Tingo María, Leoncio Prado, Huánuco, 02-11-02.

²⁹⁵ "(...) Because by chance the dominant sectors do not want people to get organized, they are afraid of that and before that they did not want people to get organized.

let's not forget that in Puno, those of Education are the Adventists, when the hierarchies were with the landowners, then that, there is that, the Church in that aspect has vindicated itself, and sees that it is correct that it is the will of God, that the people organize themselves, claim their rights ()".

CVR. BDI-I- P250 In-depth interview, Juliaca, San Román, Puno, date, 56 year old religious.

²⁹⁶ "In a way he has reneged on religion. We believe in God and he said, "Where is God? Why does God allow this, this injustice, this outrage? Because we always rely on the military, on the institutions that watch over our physical integrity. They began to deny why, because they are not found until now, helpless, without any hope of finding their father and the lady, their husband alive." Public hearing of cases in Lima. Case 14. Third session, June 22, 2002. CVR. CVR. BDI-I-P535. Public hearing of cases in Lima. Case 14. Third session, June 2002. Testimony of Pastor Oseas Rivera.

²⁹⁷ "For my part, I would have () that man by himself could not change, it is not true, because there are times when one we say, as you just said (), from the lips but not from the heart, you always have a grudge against that person, but I loved them

say, if you have Christ, only Christ can change you and bring out all that grudge you have, only God could change that and there could be a reconciliation towards each other and love each other." CVR. BDI-I-P411. Workshop with ronderos, Satipo (Satipo), November 2002.

²⁹⁸ CVR. BDI-I-P549. Public hearing in Lima. Case 25B, Fourth Session, Lima (Lima), June 2002. Testimonials Oswaldo Cava Garate and Oswaldo Cava Arangoitia.

The religious gaze in the face of the death of the relatives and the disappearance of the community was the only bond of many communal members with their world and with their future.

"(...) more before, Miss, uh, I drank alcohol and in the streets in front says to you, uncle, you are my dad's killer, you have burned my brother like a pig, kerosene like that, and I went out into the streets, I shouted, this. Path is going to fall. And they realized that they made me reflect with the Bible (...) I gave up alcohol and I have attended several seed meetings of how it, of truth, then, already! I share with a Christian, and rather I invite (...)"²⁹⁹

That look gave confidence and strength to the people: "And that time that there was certain news that came Sendero to make a massacre, did you also escape to the mountain with the community? -No, I didn't run away, I prayed to God, I told him, you're the one who's going to save me. Did you trust God entirely? -I trusted God, I didn't run away. Did you just stay here?"³⁰⁰ That religious force allowed many to maintain themselves and overcome the horror of threats and the fear of death: "(...) But young lady, I can speak because as I am evangelical even if my body is a thousand pieces but my soul will not destroy, of course my body will be killed, but my soul will not be killed, I of what I will fear anyone, I am only afraid of God, because he (walker) kills the body, the soul with God."³⁰¹ Trust in God and that certain religious way of looking at the world allowed many to overcome the fear of death. Some will say that in them "the greatest consolation was their God, their religion, there they took refuge, because no one said anything (...)"³⁰²

"Many times money will be lacking, many times many things that seem to be important may be missing, but we are a united family and remembering the moments we have spent together, even though they were difficult and sad moments, we have been able to realize that above all, having that invaluable, incalculable treasure has made us stand firm, joyful in the spirit of God, in faith, in the belief that we have to meet again later anyway"

3.1.4. Andean Religious Vision and Reconciliation

Reconciliation is present in the old Christian tradition and naturally in the vision of the Andean commoners. In the old Catholic tradition of the Andean communities are found the

²⁹⁹ ~~CVR. BDI-I- P340~~ In-depth interview, Lucanamarca, Huancasancos, Ayacucho, March 2002. 42-year-old female relative of murdered victims.

³⁰⁰ CVR. BDI-I- P762 In-depth interview, Cushiviani, Río Negro, Satipo. 49-year-old male with 5th grade of primary school. Colono de Huancayo incorporated into the community. Evangelical Pastor, 22 October 2002.

³⁰¹ CVR. BDI-I- P618 In-depth interview, Chungui, La Mar, Ayacucho, October 2002. male, witness of the Lucmahuayco massacre.

³⁰² Public Hearing of cases in Huamanga. Case 18. Fourth Session, April 9, 2002. CVR. BDI-I-P451 Testimony of Father Moisés Cruz on the disappearance at the hands of the army of the inhabitants of Huancapi.

³⁰³ CVR. BDI-I-P549. Public hearing in Lima. Case 25B, Fourth Session, Lima (Lima), June 2002. Testimonials Oswaldo Cava Garate and Oswaldo Cava Arangoitia.

the roots of a proposal for community and, therefore, for reconciliation. The process of rationalization of the Catholic tradition has not kept pace with the Protestant tradition, perhaps because of this the Catholic tradition, to a much greater extent, is adhered to the symbols, practices and rites that acquire importance when speaking of reconciliation and even moral values. The Catholic Church has molded the culture of the Andean world, but it has not entered into specifying the new themes for reflection.

"(...) as Church, we felt that we had the right to enter into this theme, and the duty, that is, from the vision of faith, we wanted to defend life and announce life (...)"³⁰⁴

All Christian traditions, Catholic and Evangelical, raised the defense of life and the value of the person.³⁰⁵ Thus, the contribution to the process of reconciliation that has been developed through the practices and rites of the Andean Christian has to be recorded. We are referring to the deep communal sense shown by Andean Christianity.

3.1.5. The theme of peace in reconciliation

"(...) There are different methods of reconciling, aren't there?, we as a country have a concept that has marked us not only as a person but in relation to you in my relationship of my community with another community (...) to reconcile does not necessarily imply to forget, that someone killed my son with vindictiveness does not achieve anything to reconcile, it does not mean to forget to reconcile, it means what to do to pass this terrible situation that we have lived in a different situation as we do, as women, as wives, as mothers, as daughters, as people who belong to a community (...)"³⁰⁶

One distinction that can be made is that peace for the Christian tradition involves a twofold process: one of personal and intimate transformation and the other as a political horizon - inner peace and peace as concord, as the object of ethical and political action. The TRC recognizes the importance of the religious theme and even more of the Christian theme. However, our intention is to underline the role of peace as harmony, as a social pact on the subject of reconciliation. In this sense, the reconciliation or peace to which we allude is centrally the one lived by the political community. The religious theme of reconciliation on a personal level cannot be an instrument of unity since there can be, and indeed are, different religious confessions in the mountains and in the jungle. For this reason, religion cannot be the exclusive basis for social and political reconciliation of the whole. In the case of South Africa, for example, the role of reconciliation was given by the presence of Mons. _____

³⁰⁴ CVR. BDI-I-P250 In-depth interview, Juliaca, San Román, Puno, June 2002. Male, former director of the Vicarage of Puno.

³⁰⁵ "...the mission of the Church touches, as the Council says, the whole man and all men and women of course, that is, to the person as a whole, the mission is integral, so the social aspect, is an important aspect of the mission of the Church..." CVR. BDI-I- P250 In-depth interview, Juliaca, San Román, Puno, June 2002. Priest, 57 years old.

Desmont Tutu, which implied a very large religious presence of the Presbyterian Church. In Peru, the proposal for reconciliation, taking into account the religious orientation of the majority Christian population, must, however, go beyond it.

Indeed, reconciliation implies the establishment of social and political agreements and commitments between people. Only with conviction³⁰⁷ can we affirm a political proposal that affirms life and defends peace.³⁰⁸ The challenges are very big but they have to be taken on board. As a parish priest in Puno points out: "I believe that it is not easy, to forgive, it is never easy (...) but I think that time passes and we cannot be debtors of the past, we have to look ahead, not live with hatred, resentments and everything that that means. So [that] I think (...) although it is not going to be easy (...)." ³⁰⁹

As a balance and self-criticism of the role of the churches in the armed conflict, it can be said that many firmly fulfilled their religious commitment and even paid with their lives for the defence of their religious convictions. Others, on the other hand, did not and did not live up to the demands of their own religious confession.

3.2. Reconciliation at the individual and family level

Reconciliation at both the personal and collective levels cannot take place without overcoming hatred and resentment. In many people resentment survives for the tragedies lived. Some feelings are kept alive, as in the following case:

"She feels a lot of hatred and resentment, that's why she can't sleep and dreams constantly about it, apart from family problems, she doesn't talk to her siblings. Others complain that 'because of what they took me prisoner, my brothers no longer speak to me and deny me (...) of course now they want to make friends, but I don't even want to see them'." ³¹⁰

In addition to this type of case, there are many others such as disabilities, personal problems and psychological traumas that need to be overcome.³¹¹ Not to see face to face and to overcome the problems prevents to take again the conduction of the own life and to face the future. The recognition of problems, not their denial or concealment, effectively enables them to be overcome.

³⁰⁶ Public Hearing of cases in Lima. Case 22. Fourth Session, June 22. CVR. BDI-I-P544 Testimony by Esther Flores Pacheco. Victim: Mrs. Maria Elena Moyano. Alleged rape: Murder.

³⁰⁷ CVR. BDI-I-P409. Workshop with women on gender issues, Satipo (Satipo), November 2002.

³⁰⁸ CVR. BDI-I- P248 In-depth interview, Puno, 03 June 2002. Woman, former president of the CODDHE of Puno.

³⁰⁹ CVR. BDI-I- P266 In-depth interview. Juliaca, San Román, Puno, June 2002. Parish priest.

³¹⁰ CVR. BDI-I-P137 Deep Interview, Pujas (Vilcashuamán), August 2002, woman, victim's relative.

³¹¹ "For the same trauma that one has suffered with that one, with the attack that I have mainly suffered, in my person the Sometimes you react with anger, I don't know, with a repudiation or because of the incapacity that you can't do your things, alone and sometimes you even go to the mistreatment of your children". CVR. BDI-I-P418 Gender Workshop, Tingo María, Leoncio Prado, October 2002. Female participant.

The experiences lived by the protagonists of the process of violence have certainly been very painful. But the following testimony shows the importance of retaking life and not being tied to a past of pain and tragedy:

"I have lived it in my skin, I have lived solitude, I have lived abandonment, I have lived terrible things, perception, that is to live at a crossroads of not knowing or where you are going to go, what will your destiny be? Until last year I didn't look at what my life was, my future, I didn't see it and until now I don't see it clearly, that's why I come here to give my testimony no matter what happens to me afterwards, only this room where the four of us were will know if ever (there has been) retaliation against me, the history of those of us who are doing now (...) (crying)."³¹²

A good step is the recognition of human limits:

"(...) the companion is resentful now (...) so to make him understand (...) he was the son of a peasant, he was the same as her, but he made things obligatory, with all the drugs that terrorism puts in; the military forces also put drugs in, there was no awareness of what they were doing (...). We are Peruvians, we are brothers from the same country, and to understand why we have done it, and why they have done it, and why the landowners have treated this way, because of this I would say that there can be a reconciliation (...) to make those who are resentful understand it and make those who are traumatized reflect (...)"³¹³

Reconciliation at the family and individual level requires overcoming the traumas of war, quarrels and local confrontations. In this area, the following can eventually be given: forgiveness freely granted by the victims, processes of assumption of responsibility by individuals who have committed crimes and crimes in campesino communities, and apologies from the prisons by the perpetrators or perpetrators. These and many others are necessary elements that can motivate and contribute to the solution of traumas and disagreements at the individual, family and local community levels.

3.2.1. The need for professional support and care

"we were like people, there we were like in our dreams."³¹⁴

The self-esteem of the population is indispensable for building political or social community. Reconciliation in the personal sphere is presented as a long process of overcoming the traumatic experience of pain. This process needs professional support and attention.

³¹²CVR. BDI-I-P181 In-depth interview, Huancayo, June 2002, woman, victim's relative.

³¹³CVR. BDI-I-P246 Focus Group, Puno (Puno), June 2002. Participants women leaders.

³¹⁴CVR. BDI-I-P30 Focus group, Lloqllapampa (Accomarca), June 2002. Participants men and women settlers.

"Unfortunately, our country has suffered a tragic economic, social and political situation, but if we know the antecedents, the causes and consequences, we can project ourselves (...) it is also a psychological work of treating ourselves if a person maintains a pain that has never been removed, but there are moments that say good, because this is my situation, suddenly there is no economic compensation but there is psychological compensation."³¹⁵

It is therefore a support and a professional help that tries to reverse and alleviate the ravages that the violence left in people.³¹⁷ People need to overcome their fears and pains, as Mrs. Satipo says: "I, because before I was more afraid, now I am losing my fear because I attended more and more trainings (...) so that we do not have more fear we are already overcoming."³¹⁸ But care efforts must be extended to the population and to specific sectors such as, for example, Asháninkas children.³¹⁹ The objective includes the professional and psychological care of entire communities because the vast majority of their members have been affected.

"I think that the future of the Kushiviani community needs the psychologist as I repeat again, the government is its responsibility to put psychologist so that the future of Kushiviani recovers what we were back, (...) because that will strengthen us for the future of Kushiviani, of generation."³²⁰

3.2.2. The trauma of war and the aftermath of terror

The question is, what is the central purpose of professional help? The aim is to support overcoming the traumas of violence. The way people have been affected is different and therefore requires specialized treatment. People recognize that they're wrong and that they don't feel right. The comments on this are many and persistent. People express

³¹⁵ CVR. BDI-I-P391. In-depth interview, Tarapoto (Tarapoto), July 2002. Interviewed man, professor, witness.

³¹⁶ "(...) I believe that it is extremely important to create mechanisms to confront, that not only say what a horror! was! You need to be able to cry (...) I suppose that in Peru there must be an eminently large psychological program (...)" CVR. BDI-I-P263. In-depth interview, (headquarters in the southern Andean region), June 2002. Interviewed man, NGO member, witness.

³¹⁷ CVR. BDI-I-P264. In-depth interview, Ayaviri (Melgar), June 2002. Interviewed man, ex-director of an Institute of Rural Education, witness.

³¹⁸ CVR. BDI-I-P409. Workshop with women on gender issues, Satipo (Satipo), November 2002.

³¹⁹ "(...) I think that there should be a specific psychologist for the Asháninkas because many children and young people have suffered this trauma and a psychologist should be with the children who are most traumatized, because if those children lack their own psychologist, they should be with them.

habitat, he's not in school, they don't catch anything, but if a psychologist is there, that's going to be the way out for those kids." CVR. BDI-I-P776. In-depth interview, Cushiviani, (Río Negro), October 2002. Interviewed communal woman, sister of a victim.

³²⁰ CVR. BDI-I- P768. In-depth interview, Cushiviani (Río Negro), October 2002. Interviewed woman, community leader, witness.

"We are no longer, we have not remained as before (...) people have been traumatized"³²¹; he asks that by treating people as equals, people "can recover their senses, their thoughts."³²² They say: "we are violent because we have seen "kill, burn."³²³ They demand support for children and women: "we ask for psychological treatment for women and children."³²⁴ "They told me that I had to be taken care of because they saw me very badly."³²⁵ I have the "violent character, we are sick!"³²⁶ "My children are also ill now, they are traumatized by seeing these things and cannot study (...)"³²⁷

"(...) in difficult times that my daughter was mistreated, humiliated (...) she herself recognizes that she needs help, perhaps now the government cannot help us to cure us of those traumas and then give us work as a garbage man, gardener, to make that request I have come for we are people in need."³²⁸

The psychological trauma in people is mainly due to the systematic use of terror. The professional treatment is an aid to overcome these sequels. This help is fundamental in restoring to the individual or to the family the levels of decision, self-esteem and courage that these campaigns of use of "psychological warfare" and terror -both of the State and of subversion- tried to destroy.

People lived through terror and their testimonies are overwhelming:

"(...) in those months there was too much fear, we hid in the mountains, in the caves, under the trees sometimes without a bed we slept. It was not only fear of the Path, but fear of both because when you were sowing or harvesting or even for a while you are at home and when they said, come military! So you had to run whatever it takes to hide wherever it takes (...)"³²⁹

"But it's all a big problem, that can't be developed it seems to me that way overnight, and with a few simple words, who guarantees us that Path is not going to enter here because we are aware that we have truncated Path all its goals (...) the leaders are alive, who knows what preparation they will have, then?"

³²¹ CVR. BDI-I-P412. Workshop with displaced persons, Satipo (Satipo), November 2002.

³²² CVR. BDI-I-P413. Workshop with displaced persons, Huamanga (Huamanga), October 2002.

³²³ "I have grown up in this violence within my community with my brothers, we watched as they murdered people, they burned them; now when we remember those things we cry. My character is violent no one can contradict me and if they do I act in a violent way even with my husband. When I have anger, my whole body gets hot, I tremble and my head hurts, I'm not afraid to act; that's why I ask you to help me change my attitude, we need a specialist for our people". CVR. BDI-I-P414. Workshop on gender with women, Huamanga (Huamanga), October 2002.

³²⁴ CVR. BDI-I-P420. Workshop with women, Apurimac River Valley (La Mar), October 2002.

³²⁵ CVR. BDI-I-P423 Workshop with ronderos, Apurimac River Valley (La Mar), October 2002.

³²⁶ "(...) That's why we are sick because sometimes when someone attacks us, we react from different to different form, we are no longer normal, and if someone comes and assaults you a little bit more, that you touch nothing else we react differently, we are no longer normal. I ask then that you also find a workshop, there to give that guidance to young people who have suffered, more than anything in areas beyond Pangoa. CVR. BDI-I-P412. Workshop with displaced persons, Satipo (Satipo), November 2002.

³²⁷ CVR. BDI-I-P414. Workshop on gender with women, Huamanga (Huamanga), October 2002.

³²⁸ CVR. BDI-I-P414. Workshop on gender with women, Huamanga (Huamanga), October 2002.

³²⁹ CVR. BDI-I-P48, Focal Group, Accomarca (Vilcashuamán), June 2002.

threats are latent, rumors are always heard that move around the area around here(...)"³³⁰

"(...) fear, both of the Path and also of the Army, wasn't it, because the fear was on both sides, and more of the Army"³³¹

"(...) they too were afraid in that time they were walking, we too were so. We no longer wanted to come to our houses, elsewhere we were already, also our animals (...)"³³²

"I don't want those times to come back for any reason, because it's a danger for youth, young people disappearing, universities didn't give you guarantees, I was afraid to put my children to university, a person travelling from one place to another, for some reason was delayed, caused tension in the family, that is to say there was a terrible insecurity(...)"³³³

"(...) but I was very totally, very badly treated in that, first of all, as I tell you, already the police who arrested three of us, after that, the Navy came, the Navy arrived in 1983, and well already in 1984 came the arrests, detentions, inhuman violations, whatever the (...) what the Navy was, the Navy was a butcher, it is capable, forgive me gentlemen, some miserable butchers, they raped and killed right and left (...) innocent people; they went out a patrol to the field, in the field they liquidated, even in front of their husbands to married ladies they raped him and finally (...)"³³⁴

"(...) In what year do the Armed Forces enter? If they came to persecute Sendero in the year 90 or 95; better said they came to look for Sendero, they also came with violence, they found people also killed him; better said in that time the Army came to kill you, subversion came, they killed you; better said you lived here as an animal hidden here".³³⁵

"(...) What did you think when you imagined that the Path was coming? What did you think could happen? Comunera: (Quechua words, 18 seconds) Translator: They came, they raped. That's what I imagined, what they wouldn't do to my husband, tie him up and give him calato. Then my idea was that they were going to rape me and then kill me."³³⁶

The fear and terror that these people manifest and feel was part of a deliberate military strategy that involved members of the PCP-SL, MRTA, and agents of the Armed Forces, the National Police, and the patrols.

Survivors have been damaged and traumatized,³³⁷ and need treatment.³³⁸ There are many difficulties at the national level for professional attention, in the mountains and in the jungle there are not many of them.

³³⁰ CVR. BDI-I-P184. In-depth interview, Monobamba (Jauja), June 2002. Interviews with residents of Monobamba.

³³¹ CVR. BDI-I-P3. Focus group, Accomarca (Vilcashuamán). In-depth studies, June 2002.

³³² CVR. BDI-I-P48, Focal Group, Accomarca (Vilcashuamán), June 2002.

³³³ CVR. BDI-I-P204. In-depth interview, Huertas (Jauja), May 2002. Interviewed man, political authority.

³³⁴ CVR. BDI-I-P (missing). Public hearing of cases in Huanta. Case 17.

³³⁵ CVR. BDI-I- P275. In-depth interview, Spring (Leoncio Prado), May 2002. Interviewed man, authority.

³³⁶ CVR. BDI-I-P789. Asháninka Community Workshop, Cushiviani (Rio Negro), November 2002. Participant woman, comunera.

³³⁷ CVR. BDI-I-P412. Workshop with displaced persons, Satipo (Satipo), November 2002.

³³⁸ "For all affected women, children ask for psychological treatment from the State or any institution

If the State does not carry out this work here in the communities five years from now, another kind of violence will appear, or suddenly stronger because of the hatred that people carry within them." CVR. BDI-I-P414. Workshop on gender with women, Huamanga (Huamanga), October 2002.

doesn't offer any kind of attention.³³⁹ It is not too late to give it because there are many people who require it and need it.³⁴⁰

"Years go by, thanks to God, I manage to overcome, I manage to overcome this trance, I manage to overcome this trance, I try to look for my life, I try to look for how to be useful to society, I do not feel like a marginalized person and, what I say to him (...) I do not know which one afflicts me, it is a little nervousness, it is a little directing myself to people, it is directing myself towards a public."³⁴¹

3.2.3. Restore individual consciousness

Psychological treatment helps to restore individual consciousness destroyed and/or struck by violence. This treatment should help people to feel truly free and responsible, and to exercise their citizenship fully, promoting a sense of individuality, creativity and freedom, the opposite of a policy of terror and violence. On the contrary, the PCP-SL project demanded unconditional subjection to the party by suppressing the individuality of its militants.

The great demand of people is in personal and human growth. Human development: as some peasants of Apurímac say: "The other request would be that the government invest more in the human development of the people, that it does not worry much in the infrastructure in constructions".³⁴² It is important that next to the productive and investment demands that the inhabitants of the countryside repeatedly make, one can also hear demands linked to human growth and development such as education, the desire to be listened to³⁴³, and equality of rights.³⁴⁴ In the jungle people claimed to be treated even as the people of the sierra.

"Interviewer: What do you want for your children, for her for later? Interviewee: Well she says that she wants an education for her children, so that she won't be like her because she doesn't know anything, she hasn't studied, she doesn't want her children to learn and she also wants to support her children more than anything with her clothes, of all the loss she has had in the bush she no longer has anything, that's what she says."³⁴⁵

³³⁹ CVR. BDI-I-P423 Workshop with ronderos, Apurímac River Valley (La Mar), October 2002.

³⁴⁰ CVR. BDI-I-P549. Public hearing in Lima. Case 25B, Fourth Session, Lima (Lima), June 2002. Testimonials Oswaldo Cava Garate and Oswaldo Cava Arangoitia.

³⁴¹ CVR. BDI-I-P570. Public hearing of cases in Huanta. Case 2. First session, April 2002. Testimony of Víctor Daniel Huaraca Cule, 2nd Sub-officer of the National Police of Peru, victim.

³⁴² CVR. BDI-I-P423 Workshop with ronderos, Apurímac River Valley (La Mar), October 2002.

³⁴³ CVR. BDI-I-P414. Workshop on gender with women, Huamanga (Huamanga), October 2002.

³⁴⁴ CVR. BDI-I-P420. Workshop with women, Apurímac River Valley (La Mar), October 2002.

³⁴⁵ CVR. BDI. P747. In-depth interview, Otica (Río Tambo), September 2002. Interviewed woman, rescued from the bush by the rounds.

3.2.4. Importance and Limit of the Personal and Family Sphere

Reconciliation requires taking into account the personal and family environment, starting from the most individual and intimate to be truly successful. There is no way to think about reconciliation without taking into account the psychological problems and traumas of families, communities and individuals, and without treating them appropriately. However, the horizon of reconciliation points to elements that go beyond the personal or family sphere, such as those linked to the meaning of life, politics, the relationship and behaviour between citizens and other aspects.

Just as reconciliation could not be reduced to the mere existence of a good mental health programme for those affected by violence, it is obvious that without the existence of such a programme we would not be able to speak of reconciliation in an integral sense. The individual aspect, being decisive and fundamental, does not cover the complex areas of the human being. Reconciliation therefore requires a good alternative in terms of mental and psychological health, without being reduced to it.

It demands that competent citizens, with self-esteem and who have overcome the traumas generated by violence are able to face the challenge of building community and future: "heal their wounds and overcome what hiking sowed in their minds".³⁴⁶ These are people who, having suffered violence, can once again be useful to their community as a woman who wants to be a professional and a nurse because, as she says:

"I see that in my village in Huaychao the nurses go nor do they want to stay, saying (...) it is very cold I prefer to go back to Huamanga (...) then they go back (...) there is nobody in the post, the sick people wait, the children die, (...).) the same way the teachers go but at the moment they are returning, they go on Tuesdays but on Thursday they are already returning (...) Then I have seen the needs, the peasants are deceived, they are not taken care of well, when I see that my heart hurts (...)"³⁴⁷

It is about gaining the capacity to fight poverty³⁴⁸ and overcome the pain of the death of family members³⁴⁹, to educate and demand rights for children and young people³⁵⁰ and simply want to work.³⁵¹ The psychological treatment,³⁵² the presence of psychologists for the

³⁴⁶ CVR. BDI-I-P246 Focus Group, Puno (Puno), June 2002. Participants women leaders.

³⁴⁷ CVR. BDI-I-P413. Workshop with displaced persons, Huamanga (Huamanga), October 2002.

³⁴⁸ CVR. BDI-I-P164. In-depth interview, Jauja (Jauja), May 2002. Family interviews of an emerretist. ³⁴⁹ CVR. BDI-I-P31 Focus Group, Lloqllapampa (Accomarca), June 2002. Male participant, victim's relative. ³⁵⁰ CVR. BDI-I-P36. In-depth interview, Accomarca (Vilcashuamán), June 2002. Interviewed woman, widow of alleged victim.

³⁵¹ CVR. BDI-I-P350. In-depth interview, Sancos (Huancasanco), March 2002. Interviewed man of the people, witness.

youth,³⁵³ and every reparations³⁵⁴ and justice³⁵⁵ policy demands that people return to normality and again have self-esteem, sense of future and perspective. Psychological treatment creates the conditions for people to retake the course of their lives and build reconciliation.

"I see that a vision of the future would be to be responsible, more optimistic, with decent and permanent work, more honest, in the family with more well-being, with more harmony and less violence in the family and in the social part, with peaceful coexistence, less corruption, to cultivate moral values and that there is more justice for all."³⁵⁶

3.3. Reconciliation as a reencounter of society with itself

"I believe that (...) analyzing who had a mistake (...) if we are Peruvians we have no reason to hate ourselves, if we can reconcile all those who have participated, our own comrades are Peruvians as well, we cannot also say by the fact that they have participated in Shining Path, they have also been children of peasants (...) because the military, perhaps were not children of peasants who went to the barracks, they were children of peasants, but they were ordained."³⁵⁷

Reconciliation is fundamentally a reencounter of society with itself. A central element of it is the recognition that all Peruvians - beyond their linguistic, cultural, religious and ethnic differences - share the same human dignity. The exclusions that still exist in large sectors of the country indicate that this recognition has not yet taken place. As it was said, at the end of one of the Public Hearings, "let's hope, then, that in about ten years we can be Peruvians.

It is natural to think that overcoming the traumatic effects left by violence and conflict will be a complex and difficult process, but not impossible - as many express skepticism.³⁵⁸ Testimonies show how victims draw from painful experiences during the internal armed conflict the necessary lessons to reverse the damage suffered.

"(...) We must, if we can not know, I think it is an excellent opportunity to learn, from phenomena of dependence and violence and the case of Sendero, if to have it as a very deep learning, not only about the phenomenon and brutality and violence and

³⁵² CVR. BDI-I-P377. In-depth interview, Tarapoto (Tarapoto). Interviewed man, settler, witness. ³⁵³ CVR. BDI-I-P388. In-depth interview, Aucayacu (Leoncio Prado), July 2002. Journalist, witness. ³⁵⁴ CVR. BDI-I-P411. Workshop with ronderos, Satipo (Satipo), November 2002.

³⁵⁵ CVR. BDI-I-P447. Huamanga Public Hearing, Fourth Session, April 2002, Huamanga (Huamanga). Interruption of family of victim testifying at the hearing.

³⁵⁶ CVR. BDI-I-P413 Workshop with displaced persons, Huamanga (Huamanga), October 2002.

³⁵⁷ CVR. BDI-I-P246 Focus Group, Puno (Puno), June 2002. Participants women leaders.

³⁵⁸ "As for reconciliation would be to heal all the wounds that have been, traumas, there is resentment, to heal that goes It cannot be said because it is about human lives, so as the companion says, perhaps, we can call for reflection (...)" CVR. BDI-I-P246 Focus Group, Puno (Puno), June 2002. Participants women leaders.

disaster and our own emotion with it, loss of human lives, but as part of a learning process in building societies (...)"³⁵⁹

For a true reconciliation of society with itself, elements such as the dignity of the person, pluralism, diversity, equality, and others must be taken into account. One essential, and which condenses the rest, is the defence of human rights. As one settler says

"For me that detail is very fundamental, because more before, brother, they came with the sword, that, they came with the sword, that, they did what they wanted, why, because also they, also came with a, with a pressure, a pressure of those that, any suspicious person was their enemy, today the mutual respect for me that has influenced too much the Human Rights, and all the world with that respect, brother because we are."³⁶⁰

For the Shining Path ideology and for some agents of the State, there has been no respect for these rights:

"Now with regard to the subject of reconciliation we are very sorry to remember all these things I say and if it is true that hatred and resentment is towards the walkers, I also believe that the walkers should participate in the meetings and talk with us, they are also people (...)"³⁶¹

In order to reconcile the community or society with itself, it is necessary to strengthen the bonds of unity in society itself.

"(...) We as peasants know what we are going to do, you comrades know how we have organized before, now what we have to do is strengthen our organization of the Self-Defense Committee. We should always gather to organize ourselves more as a whole people and only then could we ask the State to support us, depending on the things we need to move forward. That is my contribution (...)"³⁶²

These bonds of community unity are not exhausted in defense or military self-defense, but extend to dimensions such as improving health, food, education, and others.

In the defence of life against terror, there is also a demand for a culture of peace and equality. The process of reconciliation is set in motion when sectors of society begin by recognizing and respecting their differences from the life of the home and school. For example, reconciliation requires that each culture be able to express itself in its own language without being punished for it, that is, that there be respect for diversity and pluralism.

³⁵⁹ CVR. BDI-I. In-depth interview P 263. Puno (Puno), June 2002. Interviewed man, member of an NGO.

³⁶⁰ Audiencia Pública de casos de Uchiza (Tocache, San Martín), varón, autoridad de Uchiza, 25-08-02, CVR. BDI-I-P404. Testimony of Orlando Castillo, District Governor.

³⁶¹ CVR. BDI-I-P416. Taller de ronderos, Huamanga (Huamanga), October 2002.

"This (...) well, thank you, don't I? I am grateful that in this educational center of the Kushiviani Community, the principal is Asháninka, and that makes it easier for the students because he speaks in two languages to the students and they catch him faster, because before when he was (...) they commanded pure civil; it wasn't like that, because even I didn't understand what they spoke in Spanish because they didn't speak the dialect of us, and that's why they punished us and made us groove. But not now, I appreciate that the teacher has two languages and therefore, children now understand the subject faster than he does."³⁶³

3.3.1. Rebuilding the social fabric

Psychological treatment should help rebuild the social fabric destroyed by the internal armed conflict. In the same way that psychological support is established for the individual level, its effects are particularly noticeable in the reconstruction of families and communities. Death and violence have eroded and destroyed the social fabric. Its reconstruction is a work that goes from the most familiar and intimate environment to the most communal. By destroying lives and communities, war has hit the people who have lived through it socially and individually. The individual builds networks and links of the most diverse, in which he also builds himself. In such a way that the network or fabric produced -whether social or communal- has been made by individuals although sometimes they do not reflect the most individual interests.

Societies are the social fabric of individual, family and social ties and agreements, which are increasingly broad and complex, interacting and permanently articulating. Therefore, the murder of a person resents a community or a family and the damage is often irreparable for them. Likewise, the destruction of the community or the family deeply and irreversibly resents the persons taken individually.

The practice of killing people in front of their families and neighbors or razing entire villages and communities aims to destroy the fabric and human social organization, neutralizing people's lives and leaving them out of political and civic activity. Recovering people, parents³⁶⁴, orphans³⁶⁵ for civilian life is a citizenship-building effort and the most forceful response to terror policies.

It is a complex and difficult problem because violence has damaged trust in human relationships and created deep divisions. For this reason, specialised guidance is needed to deal with the problems.

³⁶² CVR. BDI-I-P416. Taller de ronderos, Huamanga (Huamanga), October 2002.

³⁶³ CVR. BDI-I-776 In-depth interview, Cushiviani, Río Negro, Satipo. October 2002, Woman interviewed.

³⁶⁴ CVR. BDI-I-P377. In-depth interview, Tarapoto (Tarapoto). Interviewed man, settler, witness.

³⁶⁵ CVR. BDI-I-P291. In-depth interview, Pueblo Nuevo, (Leoncio Prado), May 2002. Interviewed man, victim.

"on the subject in each village, district and with the communities must go specialized people to be able to guide and retake the relationship between the people who have been involved in the other group and in that way to have confidence and be happy."³⁶⁶

In order for communities and their youth to progress and move forward,³⁶⁷ the consequences of violence such as "total disorganization of the community, alcoholism problems, and lack of courage and optimism to face life must be recognized."³⁶⁸ Moral support is decisive in these cases.

"What do you and your family need to recover from this difficult time the community has lived through? A: Well, simply, moral support; of course, the main base is money, if I had that I would do a lot of things, but I don't have; not even (...) simply, moral support, at least not? to get rid of this problem I have, health. I'm a little embarrassed, worried I don't know, life will accompany me or not; what will become of my children afterwards. Well, for the moment, I need moral support."³⁶⁹

3.3.2. Reconciliation and a new project of human coexistence.

In Peru, reconciliation requires knowledge of the truth, reparations for victims of political violence, the exercise of justice, institutional reforms of the State, and overcoming all exclusion and discrimination. It is about having a project of human and civilized coexistence. In this project, neither death³⁷⁰ nor lies are desired.³⁷¹ Even the most refractory believe that reconciliation can be useful and beneficial.

"(...) I would like to express that it has been very positive for Peruvian society that this commission has been formed, although it would have been better if it had been made up of representatives of both parties (...) it could lead us towards a future of national reconciliation and if we all really strive to work for an authentic historical truth, for the clarification of an authentic historical truth."³⁷²

Reconciliation, then, is a proposal that takes into account the personal sphere and gathers together the values that religious traditions have constructed in Western culture - the values of justice and solidarity, reparation of damages, fair distribution of wealth - that can be used as a basis for the development of a culture of peace.

³⁶⁶ CVR. BDI-I-P410. Workshop with men on gender issues, Satipo (Satipo), November 2002.

³⁶⁷ CVR. BDI-P727. In-depth interview, Otica, (Río Tambo), October 2002. Interviewed man.

³⁶⁸ CVR. BDI-I-P701. Public hearing of cases in Abancay. Case 6. First session, August 2002. Testimony of Wilfredo Torres Pozo.

³⁶⁹ CVR. BDI-I-P803. In-depth interview, Cushiviani (Río Negro), October 2002. Interviewed man, farmer.

³⁷⁰ CVR. BDI-I-P416. Workshop with ronderos, Huamanga (Huamanga), October 2002.

³⁷¹ CVR. BDI-I- P261 In-depth interview, Ayaviri (Melgar, Puno), June 2002, journalist.

³⁷² CVR. BDI- I- P253 In-depth interview, Huaral (Huaral), September 2002, Female PCP-SL leader.

include forgiveness as an act of individual freedom but reject collective impunity and amnesia. Reconciliation demands social change within an ethical culture and thus develops a political proposal for a new human coexistence.

PART IV

Reconciliation: Dimensions and Components

4.1. Reconciliation and institutional reforms of the State

"Why do we continue to think that the State is solely responsible for our misfortune, do we continue to think that the State is the only one that has to put money in order to move forward, do we have to begin to forget that we have to start [to] think that the State does not have sufficient resources for this to happen; furthermore, we have to be aware that the State has never been a good administrator (...)"³⁷³

The opinion of this authority of Huicungo, in the province of Mariscal Cáceres expresses the controversial role that the population assigns to the State. While many demand that the State fulfil its obligations, this communal authority considers that the State should be forgotten because it is a poor and bad administrator. The State must be an instrument and promoter of development, but it certainly cannot replace the will of society to move forward. In view of reconciliation, in the sense of rebuilding the social pact and overcoming violence, the Peruvian State must concentrate its efforts on three important points: first, that the State be built with the broadest participation of citizens; second, that it be decentralized; and third, that it systematically support the fight against poverty. These three elements can be vital tools to prevent a recurrence of violence.

4.1.1. Citizen participation in state building

In the countryside, the inhabitants permanently indicate their presence and participation in the State is almost null; seen in another way, "the State is absent from the peasant communities", it is more:

"(...) the State does not respect the economic, social or political rights of the communities, and this is precisely what the Truth Commission is seeing today, because the State initially does not respect these rights for many years, ten, fifteen, twenty, thirty years ago, the State marginalizes and discriminates against the rural population. That's true we here can shake hands probably we can call ourselves Lucho, Carlos and that has always happened, but the

³⁷³ CVR. BDI-I-P380. Intervention of male, regional authority of San Martín in public ceremony, Huicungo (Mariscal Cáceres), year 2002.

³⁷⁴ "For example, in Chongos Altos we have the National Police, and this one does not work any function, there is also Justice of the Peace, in reality it is negative, the State is not really present in Chongos. As for the Ministry of Health, the Ministry of Education, the Ministry of Agriculture, there are no Ministries." CVR. BDI-II-P2 Workshop with Grassroots Communities on Reconciliation, Satipo, (Junín), October 2002, Asháninkas Communities.

The State has always marginalized this and it is precisely this that has allowed (...) a climate of resentment."³⁷⁵

The reorganization and reconstruction of the State apparatus has as an essential component a policy of citizen participation. In the process of a profound institutional reform of the State, the reforms of the Armed Forces, the National Police of Peru and, in general, the entire public administration (judicial, health, educational, productive, financial, etc.) must be included.

4.1.2. The need to decentralize the State

The urgency of decentralizing the State is co-substantial to greater citizen participation, especially in Peru, whose large regional variety and rugged geography have fostered Lima's (and provincial) centralism and the absence of the State for all practical effect on remote peoples and communities: "The Peruvian State is wrong once again (...) in pretending, in wanting to arrive at reconciliation from Lima."³⁷⁶

4.1.3. Overcoming poverty

This is an ethical and political imperative that goes hand in hand with the extension of citizen participation and the decentralization of the State, the difficulty of which is perceived by the peoples of the interior of the country perhaps more acutely and lucidly than by secular authorities:

"The communities feel helpless by the State (...) the community has never had support, has never had a budget (...) the State should not prioritize the pension to needy peoples as social policies and combining as local authorities, in this part I ask once again the authorities (...) to take the voice of the people and to leave in the table of the congressmen, in the table of the presidency, that these put and can come to the most forgotten places to the abandoned Andean peasant communities, there is only support for the departments, for the provinces, for the capital; the people needs human resources, the people needs support to those ravines(...)"³⁷⁷

A profound reform and re-structuring of the State is at the same time a demand from the secularly poor and/or impoverished peasantry:

"(...) There is disorganization and lack of perspective in peasant communities, the law of peasant communities still has gaps (...) communities are not considered as a development zone, today the Peruvian State does not make the peasant communities participate.

³⁷⁵ CVR. BDI-II-P2 Workshop with Grassroots Communities on Reconciliation, Satipo, (Junín), October 2002, Asháninkas Communities.

³⁷⁶ CVR. BDI-II-P2 Workshop with Grassroots Communities on Reconciliation, Satipo, (Junín), October 2002, Asháninkas Communities.

The proposal would be to plan the work of the peasant communities with the support of the State and revalue the role of the communities, considering them as important sectors of local and national development."³⁷⁸

The implementation of political development plans can no longer be approached from a paternalistic or authoritarian perspective,³⁷⁹ but from a perspective of promoting training and education:

"Some of the communities no longer extend a hand to the State, because the State takes advantage, I think that by organizing with trained people, for that we would already be asking for the support of the technical directorate, we would resort by any means, wouldn't we? but, the government doesn't attend us. That would be my opinion to organize and defend our raw materials (...) we must organize to claim rights, to make respect the rights as Peruvian citizens (...)"³⁸⁰

The opinion and proposals of various sectors of the country already aim to "restructure citizenship policies and focus them so that the population can exercise them."³⁸¹ The reconfiguration of a new social and national scenario requires an effort to reform the Peruvian State as an ethical and political horizon and as an instrument for building citizenship.

4.2 The Components of a Successful Reconciliation Process

4.2.1. Multiethnic, pluricultural, multilingual and multid denominational reconciliation

Peru's ethnic, linguistic, cultural and religious diversity has not been adequately valued. She is at the root of the deep differences and divisions among the peoples in Peru, which the violence has deepened and exacerbated. Not only is there racial, social and economic discrimination ("we were different and we were not all the same"), but there are also profound cultural differences in the way we view the world and life, including the religious perspective. Overcoming ethnic, linguistic, religious and cultural discrimination is crucial to national reconciliation.

³⁷⁷ CVR. BDI-II-P1 Workshop with Grassroots Communities on Reconciliation, Satipo, (Junín), October 2002, Asháninkas Communities.

³⁷⁸ CVR. BDI-II-P2 Workshop with Grassroots Communities on Reconciliation, Satipo, (Junín), October 2002, Asháninka Community.

³⁷⁹ CVR. In-Depth Studies. "El caso: Molinos, la debacle del MRTA" Huancayo, July 2002.

³⁸⁰ CVR. BDI-II-P2 Workshop with Grassroots Communities on Reconciliation, Satipo, (Junín), October 2002, Asháninka Community.

³⁸¹ CVR. BDI-II-P18 University Workshop on Reconciliation, Huamanga (Huamanga), September 2002.

For a long time, and perhaps still today, Peru lamented the lack of a national identity to which the causes of national ills were attributed. The absence of explicit recognition of our linguistic and cultural differences has been the reason why these differences have not been included in a political project (or *praxis*), born out of the dialogued consensus of the different sectors and peoples of the country. This absence has also been the reason why the expression "national identity" has not been perceived as meaning "ethnic identity", but rather as a *political* goal or ideal, based on mutual recognition and respect for cultural diversity. Everyone, being different, must be represented and recognized on an equal footing. Democracy today means not only respect for the majority, but also and above all respect for differences. Equality in dignity is the recognition of what is different.

"Individuals and peoples have the right to have their culture respected, don't they? and what you just said is, that, customs, festivals, the way of dressing, the way of living within the community is part of the culture of a people"³⁸²

Peoples and their cultures are not juxtaposed, side by side without modification in time. Cultures are intersubjective human constructions made by different social groups and peoples; they are never reduced to the mere sum of isolated individuals. In reality, it is the people who recreate, remake, reform, reinvent and permanently reconstruct their identities. The recognition of interculturality thus plays an essential role for reconciliation in Peru. 383.

Some argue that today:

"New urban identities have been recreated, but the Andean has more strength and presence than we think. In the Andean world there is a lot to learn, for example, how unity is built on the basis of strong identities (...) In neighbourhood organisations there is an Andean tradition of work and organisation. The Andean wisdom is more attentive to seeking peace than the elites of the border, the Andes were always eager to learn from others, while those who command do not manage to listen to the country (...)"³⁸⁴

The same secularly marginalized peoples already explicitly demand intercultural recognition through educational programs, such as the Asháninkas groups that request that "radio spaces be established by law on local radio stations, for the dissemination of information, educational programs and valorization of the indigenous culture of the Central Jungle."³⁸⁵ Also, without adequate media policy and strong media support, there is no way to encourage repeat and appreciation of the diversity of ethnic and cultural identities. As a young university student in Huanuco said, it is a matter of "becoming aware of what we are without

³⁸² CVR. BDI-II-P1 Workshop with Grassroots Communities on Reconciliation, Satipo, (Junín), October 2002, Asháninkas Communities.

³⁸⁶ The new sensitivity of youth and intergenerational reality may be important in this regard. ³⁸⁷

"Does it exist with respect to the other, the "different" in your region? There is relative respect; it is not found with all in the equality that is due. We are always guided in complex alienations. We leave aside our historical legacy and give way to the imitation of life models from a more developed country than ours. It does not take into account the customs of the Andean and Amazonian man, denying him a place in society. Our identity doesn't matter because we're not proud."³⁸⁸

"We discriminate against the peasants, the people of Lima discriminate against us, the peasants discriminate against the indigenous; and the gringos take pictures with the indigenous peasants saying that this is really Peru."³⁸⁹

Reconciliation is therefore also about assessing what we are and how far we are from constituting a political community aware of its limitations and perspectives. In short, it amounts to assessing the extent to which Peruvians can organize themselves in a multinational and unitary state, based on a "complex national identity" that affirms all sectors with justice and freedom, and prides itself on their diversity.

4.2.2. Reconciliation as integration of the State with the countryside

Reconciliation must solve the old problem of the integration of all peoples. It is not only a problem of physical integration nor of roads, but mainly of political and citizen integration. The State must reflect a new awareness of national citizenship. Today, the mistrust of the rural population towards the State is notorious. There is a mistrust of the State, it does not support it: "The State has never helped us, why now we have to help (...) when some tiles came, they believed that the State was going to charge them, that is why some did not want to receive them."³⁹⁰ The critical opinions on the Program to Support Repopulation (PAR)³⁹¹ are enlightening.

³⁸³ "Our customs have changed. We want to rebuild them. Reparations are, in our culture, part of the long process of reconciliation." CVR. BDI-II-P15 "Seminar on Reflection on the Consequences of Political Violence and Reconciliation". Bartolomé de las Casas, Lima, Lima, 2002.

³⁸⁴ CVR. BDI-II-P16: "Seminar for reflection on the consequences of political violence and reconciliation. Bartolomé de las Casas Institute", Lima (Lima), 2002.

³⁸⁵ CVR. BDI-II. Workshop with Grassroots Communities on Reconciliation P 10, Satipo (Junín), October 2002, Asháninka Community.

³⁸⁶ CVR. BDI-II-P26 Taller Universitario sobre la Reconciliación Huánuco (Huánuco), May 2002.

³⁸⁷ CVR. BDI-II-P23 University Workshop on Reconciliation Huancayo (Huancayo), October 2002.

³⁸⁸ CVR. BDI-II-P26 Taller Universitario sobre la Reconciliación Huánuco (Huánuco), May 2002.

³⁸⁹ CVR. BDI-II-P25 University Workshop on Reconciliation. Cajamarca, Cajamarca, July 2002.

³⁹⁰ CVR. BDI-I-P139 Field Notes, Pujas (Vilcashuamán), August 2002. Interviewed woman, displaced, professional who knew the details of the violence and was threatened by the PCP-SL.

³⁹¹ "What sense is PAR working in? Mayor: I don't know, I don't know what PAR will exist for; I've always been critical of PAR, because PAR is supposedly working to provide support, assistance to people who have been victims of PAR. violence, but so great an expectation has been created, rather than doing good to those people it has done them harm, because those people have believed, they have (...) suddenly those who are directing them, those responsible for that zone have not oriented them well in their person, and they have created an expectation that now (...), people do not want to know anything, they feel disappointed, disappointed once again in the Peruvian State". CVR. BDI-I-P281. In-depth interview, Aucayacu, May 2002. Interviewed man, political authority.

Everywhere the villagers have felt that the interest of the street citizen is not taken care of. His words "the wind takes them away." It is what, for example, "the majority of citizens here in Tocache feel".³⁹² It is a distant and alien state that should "come closer to the people". People don't just want you to have offers and promises.³⁹³

Faced with the indifference of the State towards the rural and slum population, both the MRTA and the PCP-SL presented speeches of claims that offered goods³⁹⁴, land redistribution, as in Vilcashuamán, water services and others, access to power, in short, they presented a policy "for the poor. They wanted to capitalize on the drama of the poor. This won them, at least at the beginning of the conflict, the support of different peasant and native communities.³⁹⁵ Then the communities themselves would realize that these organizations would not solve any of their problems.

People in rural areas feel distanced, forgotten, neglected, and humbly acknowledge that "we didn't know many things. As some comuneros say: "Well brothers, in our villages we have suffered too much, no one felt sorry for us, but why, because we were forgotten by the government, the government forgot us, there was nothing, we also know, we did not know many things, there was no justice and there were many abigeos, then that happened in our villages."³⁹⁶

The villagers of the countryside were not *de facto* recognized as citizens. Only with the real extension of citizen participation will it be possible to close the way to violence.

"One proposal would be citizen participation to manage local government resources and to stop the reappearance of hikers. When there is a communal assembly, we have to attend, see how the mayor is working, we ourselves have to see in order to be able to criticize."³⁹⁷

4.2.3. The role of historical memory in reconciliation

"(...) reconciliation is not reparation, and it is not about going back to the original situation, because that situation was bad, even though people now say that 'we lived peacefully', 'we worked our land'; it is true, but they were very poor. There is also awareness that the social situation, not poverty, but social, was the breeding ground for this perverse process. For this reason, once our collective responsibility has been recognized, we must endeavour to correct and rethink the basic conditions of human coexistence, with

³⁹² CVR. BDI-I-P408. In-depth interview, Tocache (San Martín), July 2002. Interviewed man, journalist, victim.

³⁹³ CVR. BDI-I-P410. Workshop with men on the subject of gender, Satipo (Satipo), November 2002.

³⁹⁴ In the case of MRTA and its proposals *Cfr.* In-Depth Studies. "On guerrillas, claudicators and repentants: the North Eastern Front of the MRTA in the department of San Martín." St. Martin's.

³⁹⁵ In the case of the PCP-SL and its proposals to communities and urban settlers in Lima, CVR should be mentioned. In-Depth Studies. "Education and Shining Path in Vilcashuamán." Lima. January 2003 and for native communities *Cf.*, CVR. In-Depth Studies. "Asháninkas. Otika, Kushiviani, Puerto Ocopa, Quenpiri and Central Asháninka communities of the Tambo River." Satipo, (Satipo). For urban areas *Cfr.*, CVR. In-Depth Studies. "Raucana." [Lima](#)

³⁹⁶ CVR. BDI-I-P413. Workshop with displaced persons, Huamanga (Huamanga), October 2002.

³⁹⁷ CVR. BDI-I-P413. Workshop with displaced persons, Huamanga (Huamanga), October 2002.

It is therefore a question of refounding a coexistence among Peruvians that has to be qualitatively different. We must create a new social agreement, where all citizens' rights can be in force and where key principles such as respect for the dignity of the person, solidarity and justice work. This demands an effort of good will and of imagining a new future; and it is something very difficult, but it is life or death; because if we do not have a peaceful, free and just society, we have the danger that this will begin again."³⁹⁸

In the process of overcoming the period of violence, there is hope of building a new country, as the communal members of the "new" Uchuraccay have proposed. Openness to a different future of reconciliation can only occur - however - if he asserts himself in the face of the past. Lying, forgetting and amnesia prevent us from facing the future seriously, settling our accounts and turning the page. Knowledge of the truth in view of building a different future is only possible by reconstructing the past, through collective memory³⁹⁹ - "commemorating" it ("with memory"), and thus honoring it. It is a complex process, because in the collective reconstruction of memory *everyone* - and not just the "other" - recognizes and knows co-responsibility.

4.2.4 Reconciliation and revaluation of women

"Now we have entered the tranquility, and we are working together in our chakras, we are educating our sons, besides after this violence that has happened they learned to educate the female daughters, no matter how poor they try to educate their sons equally, because before only the men could study, said our fathers -why we are going to educate the women, in vain the women are educated- because they did not know that the education must be for all equally, that is why most of the women are illiterate."⁴⁰⁰

"I believe that because of this violence, women began to organize, perhaps if these problems had not happened, men would always have prevailed, there would have been no need to organize women, only those who study are able to do something, but now even illiterate women are good leaders, they speak in their community, in meetings, in APAFA meetings and they always move forward."⁴⁰¹

The internal armed conflict changed the social role in which women were traditionally relegated. They participated alongside those who clashed in the armed conflict, be it with the rounds, the Armed Forces ("He was put in charge of patrols [...]"), or the subversive armies (in the PCP-SL "they had women as leaders within their organization, the humblest women are the most capable in those organizations, that is to say within the organization of Sendero the woman was

³⁹⁸ CVR. BDI-II-P15 "Seminar of reflection on the sequels of political violence and reconciliation. Bartolomé de las Casas Institute". Lima (Lima), 2002.

³⁹⁹ CVR. BDI-II-P18 Taller Universitario sobre la Reconciliación, Huamanga, (Huamanga), October 2002.

⁴⁰⁰ CVR. BDI-II-P14 Workshop with Grassroots Communities on Reconciliation, Huanta (Huanta,) June 2002, Comunidades Campesinas.

⁴⁰¹ CVR. BDI-II-P14 Workshop with Grassroots Communities on Reconciliation, Huanta (Huanta,) June 2002, Peasant Communities.

⁴⁰²) More important than her activity -whether or not in the military camp- was the transformation of women's place in society, as the community members of Huancayo pointed out: "The role of women has been very important in the years of violence. They have known how to survive, how to respect their human rights. That is why women must be given an important role, to be recognized as such. To give them the freedom that they have by right and that they can develop their concerns." ⁴⁰³

Women now contribute their perspective for the construction of the future, as is the case of the peasant women of Huanta and other places: "I would say now that they are no longer self-defense, but self-development, to work men and women united looking for the development of our people with tranquility.

To the traditional forms of exclusion, based on cultural and economic diversity, is added the secular exclusion of women from public space. Their rights have been violated with greater intensity, marginalizing them⁴⁰⁴ from active participation in the progress, production, empowerment⁴⁰⁵ and development of their communities.⁴⁰⁶ The construction of a democratic, reconciled and peaceful society also includes recognition of women's full and equal participation in civic life.

The democratization and reconciliation of the country also entails the revaluation of the role of men in all strata and dimensions of society and community, reconstructing with the opposite sex new ties of civic coexistence in equitable conditions of respect, justice and freedom.

4.2.5. Reconciliation and building citizenship

Citizenship is the right to have and exercise rights. Citizenship implies the recognition of human dignity and equality before the law. There can be no citizenship without recognition of and respect for ethnic, cultural, linguistic and gender differences. The citizenship is far from all kinds of exclusions and discriminations. It feeds on and lives from the

⁴⁰² CVR. BDI-II-P14 Workshop with Grassroots Communities on Reconciliation, Huanta (Huanta,) June 2002, Comunidades Campesinas.

⁴⁰³ CVR. BDI-II-P9 Workshop with Base Communities on Reconciliation, Huancayo (Huancayo) September 2002, Peasant leaders of Huancavelica, Huancayo and Cerro de Pasco.

⁴⁰⁴ E: "(...) Hasn't the State helped? A: (...) before the woman didn't vote, she didn't have a party, there was no document, only we had the name, so there was little interest in women. Now when we go to the city we claim our rights. CVR. BDI-II-P3 Workshop with Grassroots Communities on Reconciliation, Huanta (Huanta) June 2002, Comunidades Campesinas.

⁴⁰⁵ CVR. BDI-II-P3 Workshop with Grassroots Communities on Reconciliation, Huanta (Huanta) June 2002, Comunidades Campesinas.

⁴⁰⁶ CVR. BDI-II-P14 Workshop with Grassroots Communities on Reconciliation, Huanta (Huanta,) June 2002, Peasant Communities.

This is why it is the object of the State and of any project aimed at reconciliation. In this perspective, respect for human rights is the foundation of the State.

Citizenship relies on communal and local organization, "What could we do to make the duties of each of us more known? (...) we should have an organization that defends all the people (...)"⁴⁰⁷ Citizenship is supported and strengthened by the institutions generated by the rule of law and by permanent oversight by the authorities:

"We should work together with the Ombudsman's Office, there is a lot of work in the communities, for example, legally, family violence, there are many single mothers (...) in this aspect the Ombudsman's Office has to participate (...).) (also) regarding the inspection of community funds, they are in the faculty to inspect, they must see the interests of the communities, if there is no legal personality they will not succeed in the inspection, we have appointed a rejection review commission, the commission informs the questioned one, the questioned authority does nothing, but when it opened a defense front before a community with legal personality it has the faculty to denounce, so I am a supporter of the Ombudsman's Office."⁴⁰⁸

"We had an open town hall in which we questioned according to the 26300 that is the law of citizen participation, so what happens: that the Mayoress already clings to the law of municipalities, that there is a contradiction, right? because it only says what it can, for example, in an open town hall you can't question, you can't say anything because the Mayoress is the only one who can see there."⁴⁰⁹

There is awareness that such oversight is governed by law and supported by citizen participation:

"This audit would be with the participation of community authorities, women from mothers' clubs (...) and other organizations to make it transparent, because even today the candidates want to work for personal gain, which is why we have already elaborated the district strategic plan with the participation of the whole community, for any candidate who decides to work. All this was done with the experiences acquired in other departments and not to allow corruption in our district."⁴¹⁰

It is a generalized effort that leads to concerted action at all levels.

"(...) we want and propose that there be a concertation at the district, provincial and regional levels to reach our proposals to the government. In order to be able to carry out surveillance, inspection corresponding to those who arrive to execute works, projects of the

⁴⁰⁷ CVR. BDI-II-P2 Workshop with Grassroots Communities on Reconciliation, Satipo (Junín), October 2002, Asháninka Communities.

⁴⁰⁸ CVR. BDI-II-P2 Workshop with Grassroots Communities on Reconciliation, Satipo (Junín), October 2002, Asháninka Communities.

⁴⁰⁹ CVR. BDI-II-P2 Workshop with Grassroots Communities on Reconciliation, Satipo (Junín), October 2002, Asháninka Communities.

⁴¹⁰ CVR. BDI-II-P4 Workshop with Grassroots Communities on Reconciliation, Huanta (Huanta) June 2002, Comunidades Campesinas.

different institutions (private, state) and municipalities (...) This in order to avoid the corruption that different workers of the institutions have been doing."⁴¹¹

Citizen vigilance also relies on the knowledge of rights:

"(...) one of the grievances or damages to people is to keep them in ignorance, out of decisions; that is why transparency, participation, accountability, are forms of reconciliation. But the poor can remain on the margin of this, it is necessary to design citizen watches specifically from the poor, although allying with those who have training."⁴¹²

The marginalized sectors themselves demand training on the part of the sectors formally included in official Peru:

"I ask for service to professional people, economists, we who are ranchers ask that they train us, illustrate to each community (...) how to supervise their authorities and in this way guide them to development (...); by exchanging ideas one learns, it would be better to train the villagers."⁴¹³

Appropriate laws, oversight systems, training, rights education and agile reporting mechanisms are required:

"Agile mechanisms are needed for the citizen to denounce abuses, a movement from the grassroots civil society, to aim at a process of prior and not subsequent monitoring of actions, to generate in society a dynamic of transparency and collectively accepted norms. But it is an illusion to think that we are going to start only with civil society, but also with the State, and that is not authoritarianism but legitimate authority."⁴¹⁴

The construction of citizenship thus requires an awareness of local problems among the population and adequate access to participatory mechanisms, leading to effective oversight that prevents abuse of power and ensures that the authorities serve the people, rather than using them.

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Finally, training in citizenship requires a reform of the Constitution that affects the responsibility of the citizen in the control of the State.⁴¹⁶ Citizen life allows us to recognize the "other" as a subject of rights, this being the best guarantee of having a strong and consolidated social pact, the best antidote against violence.

⁴¹¹ CVR. BDI-II-P4 Workshop with Grassroots Communities on Reconciliation, Huanta (Huanta) June 2002, Comunidades Campesinas.

⁴¹² CVR. BDI-II-P15 "Seminar of reflection on the sequels of political violence and reconciliation. Bartolomé de las Casas Institute", Lima, Lima, 2002.

⁴¹³ CVR. BDI-II-P2 Workshop with Grassroots Communities on Reconciliation, Satipo, (Junín), October 2002, Asháninka Communities.

⁴¹⁴ CVR. BDI-II-P16 "Seminar of reflection on the sequels of political violence and reconciliation. Bartolomé de las Casas Institute", Lima (Lima), 2002.

⁴¹⁵ CVR. BDI-II-P21 Taller Universitario sobre la Reconciliación, Trujillo (La Libertad), August 2002.

⁴¹⁶ CVR. BDI-II-P22 Taller Universitario sobre la Reconciliación, Lima (Lima), December 2002.

4.2.6. Reconciliation through a democratic culture

Democracy is based on the complex process of building citizenship. It is based not only on the recognition of differences and the equality of human dignity, but also on the ethical effort to generate spheres of participation, vigilance and constitutional reforms. The lack of respect for human rights, and their violation during the conflict, allow us to confirm the political, ethical and moral deterioration in Peru. Politics is seen as something negative and synonymous with corruption, thus losing respect for the authorities. The State has "to give the example, in the parents of the fatherland there has to be moralization, in the government. To regain trust in the community, in the country. The communal authorities give us identity, and that's why we have to regain trust in them."⁴¹⁷

Democracy is not just about casting votes.⁴¹⁸ It is certainly a necessary condition of it, but not a sufficient condition. In addition, democracy requires the recognition of human rights⁴¹⁹ as the foundation of citizenship. The current educational system unfortunately does not contribute to the construction of citizenship, even its meaning and relevance being unknown: "Democracy needs a great investment for education in citizenship, with tolerance and respect."⁴²⁰

Likewise, democracy must contribute to the solution of economic inequality and inequality in the services of the population.⁴²¹ Human rights are primarily civil and political, but also economic and social. Just as there can be no citizenship without freedom, there can be no citizenship with extreme hunger and misery. This is why the "participation of the poorest sectors in the State's agreements by creating special programmes of democratic participation and support for the most forgotten and marginalized sectors" is demanded.⁴²² Resentment, hatred and economic segregation are breeding grounds for conflict and violence. Instead it is demanded: "Work together with the population, assigning them a job to do"⁴²³

4.2.7. Reconciliation through education in values

Education enables the ideals of culture and civilization that each people possesses to be translated into the new generations. Every educational task forms and builds identities, ideals and values,

⁴¹⁷ CVR. BDI-II-P9 Workshop with Base Communities on Reconciliation, Huancayo (Huancayo) September 2002, Peasant leaders from Huancavelica, Huancayo and Cerro de Pasco.

⁴¹⁸ CVR. BDI-II-P21 Taller Universitario sobre la Reconciliación, Trujillo (La Libertad), August 2002.

⁴¹⁹ CVR. BDI-II-P18 University Workshop on Reconciliation, Huamanga (Huamanga), October 2002.

⁴²⁰ CVR. BDI-II-P27 University Workshop on Reconciliation, Cuzco (Cuzco), October 2002.

⁴²¹ CVR. BDI-II-P18 University Workshop on Reconciliation, Huamanga (Huamanga), October 2002.

⁴²² CVR. BDI-II-P19 University Workshop on Reconciliation, Puno (Puno), October 2002.

⁴²³ CVR. BDI-II-P19 University Workshop on Reconciliation, Puno (Puno), October 2002.

as the value of peace and the ideal of justice. In Peru, however, it will be necessary to assess how the pedagogy of violence has contributed. The members of the PCP-SL, "were not born devils," but ended up slitting the throats of Peruvians. We went so far as to abdicate an education in the values of respect for life and human dignity, tolerance and peace. There was a culture that justified violence and death as supposedly legitimate means of political *praxis*.

The bitter experience of the internal armed conflict must lead to the absolute conviction that only democratic institutions and the rule of law guarantee the peaceful coexistence of peoples. The construction of citizenship through education with the values of tolerance, justice and respect for difference are its guarantee.

The critical situation of education in Peru reflects our inequalities, exclusions and lack of perspective. Lately, for example, the training of a practical or technical knowledge has also been confused with that of an adequate human formation. This is the *end* of education, that only its *means*. The formation does not propose ideals and values of solidarity and interculturality, being the cause of indifference and the primacy of individual interests in the most difficult moments of the violence that the country lived.

Ethics and education must go hand in hand, and any attempt to separate them destroys the foundations of the political community, generating division and conflict. The best way to prevent imbalance and armed conflict is to train young generations with new ideals of culture and civility.

4.2.8. Reconciliation and reparation policies

"In the Truth Commission there is the obligation to end up with concrete recommendations, so there is an intermediate level that seems to me fundamental that has to do with the link between reparation and reconciliation. From my point of view, nothing is going to be reconciled if there are no prior repairs, so there are two types of questions from which I would start, I ask myself and I have no answer. At the level of reparation, what does the State do to repair what happened with the war? And who is repaired? And at the level of reconciliation: Who is reconciled? and how are they reconciled?"⁴²⁴

A necessary condition that the reconciliation process demands is a reparations policy on the part of the State, with the support of civil society (*Cfr.* the chapter "Integral Reparations Policy" of this *Final Report*). Although the damage inflicted may be literally irreparable, the reparations policy is in the realm of principles a duty of justice, and a gesture of recognition of the "other" and of human solidarity.⁴²⁵ The demands on this point are immense:

"What ideas do you have of repairing the damage? To design and implement development policies (public services). Create a National Reparation Commission that executes reparation policies.

⁴²⁴ CVR. BDI-II-P17 Seminar with Social Scientists on Reconciliation, Lima (Lima), September 2002.

⁴²⁵ CVR. BDI-II-P18 University Workshop on Reconciliation, Huamanga (Huamanga), October 2002.

repairs (Medical services). Institutionalize free access at the educational level. Recognition of honor and name. Indemnity and economic and moral compensation. The justice system is autonomous and respects cultural and social differences. (These) approaches make it possible to break down and overcome fear and indifference. Respect for the norms and rules of the community. That victims be included in criminal laws."⁴²⁶

"We also ask that the government, regional and local authorities take into account the needs that we have and give us support with food, clothes or others; to the people who have been victims of the attacks. For because of violence and corruption we are left without things and other belongings that we need today."⁴²⁷

"In our community there should be agreements (...) on the side of the government there should be a reward, whatever it is, what I'm talking about, they should even bring us food for our children (...) (unintelligible) the others are without education, that they should solve, all that the government should fix, in this town we don't have money, walking no more we spend."⁴²⁸

We know that reparations can be of various kinds and levels, including symbolic gestures of public reparation by society and the State to the victims, museums, monuments, squares, publications, and other emblems or commemorative installations. The so-called private reparations are in turn of different kinds: reparations in health (physical and mental)⁴²⁹; in education (such as support with scholarship programs for surviving victims); in restitution of citizen rights (which will alleviate the problem of relatives of the disappeared who cannot access legal benefits due to the lack of a death certificate for their relatives); and economic reparations (compensation to surviving victims). Finally, collective reparations are those intended for entire communities in the form of different types of public works. This is a complex issue to which the Peruvians affected show an attitude of hope⁴³⁰ as well as mistrust:

"Has the state, through its institutions, not participated in anything, has not repaired the damage, has not done them justice, has not punished those responsible? As a proposal is that it should be attended and economically repaired and should be sanctioned according to the law, that pays its penalty."⁴³¹

⁴²⁶ CVR. BDI-II-P18 University Workshop on Reconciliation Huamanga (Huamanga), October 2002.

⁴²⁷ CVR. BDI-II-P4 Workshop with Grassroots Communities on Reconciliation, Huanta (Huanta,) June 2002, Comunidades Campesinas.

⁴²⁸ CVR. BDI-II-P4 Workshop with Grassroots Communities on Reconciliation, Huanta (Huanta,) June 2002, Comunidades Campesinas.

⁴²⁹ CVR. BDI-II-P26 Taller Universitario sobre la Reconciliación, Huánuco (Huánuco), May 2002.

⁴³⁰ CVR. BDI-II-P8 Workshop with Grassroots Communities on Reconciliation, Satipo (Junín), October 2002, Asháninka Communities.

⁴³¹ CVR. BDI-II-P6 Workshop with Grassroots Communities on Reconciliation, Satipo (Junín), October 2002, Asháninka Communities.

4.2.9. Reconciliation and strengthening of the rule of law

The strengthening of the rule of law is a necessary condition for democratic institutions. The little presence of state authorities⁴³² in many regions of the country is a weakness of democracy itself and a direct cause in Peru of its low popularity as a form of government, in contradictory and alarming contrast with the population's preferential options for authoritarian governments. According to a member of the Chongos Alto community, the State needs to be "more decentralized (...) I believe that justice, democracy, decentralization and the National State are concepts that must go together (...)." ⁴³³

Any strengthening of the State in Peru should involve the participation of citizens, overcoming poverty and decentralization. Taking into consideration the first point -citizen participation- and gathering what has been expressed in multiple workshops of grassroots and university communities on "reconciliation", some pillars of this strengthening appear, which concern the role of the Judicial Power and that of the Armed Forces and Police.

With regard to the judiciary and the administration of justice, many native communities in Peru, for example, demand respect for the indigenous justice system of the people, which they want to be coordinated with the justice system of the Peruvian State. They even called for the adoption of a law validating the judgements of indigenous judges. ⁴³⁴ This is how many of these peoples understand the equality of justice for all. This is no stranger, they maintain, to the existence of commissions that "permanently supervise judges and prosecutors. ⁴³⁵

As for the Armed Forces and the Police Forces, it is argued that their role should be circumscribed and "limited to the fulfillment of their specific functions" indicated by the Constitution. In relation to the police, the population proposes to link "police work with eminently human and community service work (...) to this end, police personnel should be trained to assume responsibility." ⁴³⁶ Although it is also important to "restructure the rules and sanctions for police personnel who commit misconduct by revaluing and inculcating in police personnel basic concepts such as justice, loyalty, truth, among others" ⁴³⁷ This will overcome the lack of attention or interest in the police post and the negligence on the part of the police at the time of registering complaints. The citizenry is therefore of the opinion that "it must

⁴³²CVR. BDI-II-P2 Workshop with Grassroots Communities on Reconciliation, Satipo (Junín), October 2002, Asháninka Communities.

⁴³³ CVR. BDI-II-P17 Seminar with Social Scientists on Reconciliation, Lima (Lima), September 2002.

⁴³⁴ CVR. BDI-II-P10 Workshop with Grassroots Communities on Reconciliation, Satipo (Junín), October 2002, Asháninka Communities.

⁴³⁵ CVR. BDI-II-P18 University Workshop on Reconciliation, Huamanga (Huamanga), October 2002.

⁴³⁶ CVR. BDI-II-P19 University Workshop on Reconciliation, Puno (Puno), October 2002.

⁴³⁷ CVR. BDI-II-P19 University Workshop on Reconciliation, Puno (Puno), October 2002.

there must be trust with the police and military authorities,"^{438 a} necessary condition for establishing an appropriate relationship between the State and society.

The strengthening of the rule of law, as a student at the University of San Cristóbal de Huamanga says, "has not woven a relationship with the rural population."⁴³⁹ This inadequate relationship that expresses divorce between the State and society must be overcome as part of the demand that reconciliation brings with it. To help in its refounding is today the task of reconciliation.

The classic question about the ultimate end of the State must be answered in Peru as anywhere else in the world: the object of the State is the well-being and dignity of the human person. Starting from this and living in democracy is that we can understand its role in providing security, stability, seeking equity and rational distribution of resources for citizens.⁴⁴⁰

Peru is a political community that will achieve peace and reconciliation when it achieves a minimum of equality of opportunity among its members, when solidarity has triumphed over poverty and won over discrimination and indifference, when justice and the law prevent arbitrariness, corruption and repair the damage caused, and when its citizens exercise democracy with the fullest freedom and assume their commitments. Then and only then can we truly speak of Peru as a country that has reconciled with itself.

Conclusions

1. Reconciliation as a refoundation of the social pact

The reconciliation proposal not only has a strictly political dimension. Rather, there are various areas of reconciliation: a) the personal and interpersonal, b) that of the society that is reunited with itself, and c) the refoundation of the pact between the State and society. These separate areas do not exhaust reconciliation and intersect permanently. However, the CVR privileges the third area - the political and social horizon - because it faces better than the others the characteristics of the process of violence experienced and the expectations of reconciliation in Peru.

The balance of the social and political situation of the country, as well as the new international and national sensitivity to the role of human rights, would indicate that better conditions are opened than in other opportunities to forge a new social agreement. The biggest advantage

⁴³⁸ CVR. BDI-II-P14 Workshop with Grassroots Communities on Reconciliation Huanta (Huanta,) June 2002, Comunidades Campesinas.

⁴³⁹ CVR. BDI-II-P18 University Workshop on Reconciliation, Huamanga (Huamanga), October 2002.

⁴⁴⁰ CVR. BDI-II-P26 Taller Universitario sobre la Reconciliación, Huánuco (Huánuco), May 2002.

we have today is the lived experience and the manifest will that the internal armed conflict ends definitively. In order to bring the armed conflict to a definitive and adequate conclusion, it is urgent to take the appropriate measures that truly reconcile the country, the State with its society and create the conditions so that acts of violence never happen again.

2. Reconciliation as the construction of citizenship

A fundamental sense in which the TRC understands reconciliation is the "construction of citizenship," which in turn is understood as the "refoundation of the social covenant. To reconcile means to vindicate again the rights of citizens who were run over. In this process people appropriate and own the rights to which they are entitled. It does not mean a supposedly idyllic return to the past, but the recreation of a relationship of dignity and justice among citizens. The country's problems can be solved if there is citizenship, that is, if the "right to have rights" is exercised by all citizens, and respected both by them and by the State. That is what living in democracy and the rule of law is all about. Reconciliation thus appears as the horizon for the construction of an active citizenship that is being made permanently. For us that is the hard core of the reconciliation proposal.

However, this programmatic objective involves raising several crucial issues that are linked to the central proposal of the document:

1. Recognition of Peru's diversity: the construction of a multi-ethnic, multicultural, multilingual and multi-confessional country.
2. The importance of collective memory.
3. Recognition of difference and respect for the gender perspective.
4. The approach to citizenship based on the recognition of human dignity and equality before the law.
5. The importance of democracy for Peruvian society.
6. The formation and education in values.
7. Recognition of the just nature of reparations to victims of violence and explicit rejection of impunity.
8. A society that strengthens its rule of law and permanently reforms it: decentralizing it, overcoming poverty and generating the broadest citizen participation.

3. Reconciliation as a personal and social process, in space and time

Reconciliation is also understood as a personal, social and space-time process. Personal and social because it requires threading agreements from the interpersonal and private spheres.

even politicians and publics. It is a trend that articulates and adds processes. Rebuilding damaged personal lives, destroyed social tissues, devastated villages and communities, and the scars of violence entails a whole new personal and social re-engineering. As the CVR volunteers have pointed out, this is a process that goes from pain to proposal.

In the same way, the dimension of space and territory plays a role and if we add to this the weight of centralism and the abandonment of the provinces, we will observe that the processes will be different due to the intensity of violence, poverty or indifference.

In our opinion, the process has a fundamental dimension: time. It will take years to rebuild the pact and build citizenship. In this perspective, the TRC could be the first step towards national reconciliation in the following areas: in the personnel (based on testimonies and public hearings), in the reunion of society with itself (the assumption of responsibilities, citizen dialogues and open debates), and in the reformulation of the relationship between the state and society (proposals on justice, reparations, state reforms and reconciliation itself). Therefore it will be a long and complex process with successes and mistakes, but necessary for the construction of a new sense for the national community.

4. Reconciliation as an ethical and political solution to conflict and violence

For the CVR, reconciliation is an ethical issue par excellence and, therefore, a matter of policy in the best sense of the word, demanding a definition of substance and a north in order to be properly formulated. The goal of all reconciliation is harmony, peace. In the case of Peru, it is also so and urgently, because it is born from the expectation of all citizens -whether or not they have been victims of violence. However, the construction of harmony among Peruvians - starting from and following the process of political violence and the CVR's mandate - presupposes proposing alternatives and criteria to face very concrete problems. The TRC does not intend to achieve peace by itself, but must promote it - as its mandate indicates - with a proposal for reconciliation that wants to contribute to the creation of peace. However, the reconciliation proposal must be an expression of a new social and political will against the tide of the energies deployed by the perverse forces that triggered the internal armed conflict. Reconciliation here requires not only criteria but must also be based on the will and action of the citizens.

The topic consists of knowing how to face the structural and historical conflict that confronts Peruvian society with the State. Faced with this problem, the CVR reiterates once again - before national and international public opinion - that an Institutional Political Reform of the Peruvian State is necessary (*e.g., a new constitution, a new constitution, a new constitution*). of State bodies such as the Armed Forces and Police Forces) for the purpose of

their reconciliation with society. In this regard, the CVR presents in the respective chapter a series of concrete proposals for institutional reforms of the State.

In order to establish the basis for a long-term political agreement between the forces that participated in the internal armed conflict and the citizenry, it is necessary to recognize that:

- ∇ Reconciliation is not simply reduced to agreement between the direct actors of violence.
- ∇ reconciliation is not the same as oblivion, amnesia or amnesty ("clean slate"). It is based on the empire of justice and not on impunity.
- ∇ reconciliation is the beginning of something new, of a proposal for the future for the country away from any kind of discrimination or exclusion.

According to the CVR's point of view, the basic and elementary pact that must be reached through the reconciliation process is the practical affirmation - in everyday life - of citizens' values of justice, tolerance and peace, as well as the renunciation of violence as a means to achieve political ends.

CHAPTER 2

RECOMMENDATION

S

Having finished their task, after more than two years of intense work, the members of the CVR expressed to the people of Peru that we have lived a singular and decisive experience, an experience that we invite everyone to share.

We have approached the hidden reality of our homeland to see, with astonishment, how in the last decades, and the name of a totalitarian and insane ideology, small groups rose up in arms and declared war on all Peruvian society. We have also been able to appreciate the response of the State to this irrational war imposed on it, and there, to our regret, reprehensible behaviors have also appeared before us that caused pain and injuries to thousands of compatriots. It has been possible for us to get closer to the political authorities of those years and we have been able to verify that many of them did not live up to their commitments and that, on occasions, due to their lack of capacity and responsibility, they failed the Peruvians who had placed their trust in them. We have looked at ourselves as persons and as members of society in those dark and painful years and we recognize that many times, like the great majority of our compatriots, we do not assume the duties that corresponded to us. We were indifferent to what was happening to tens of thousands of brothers whom we have secularly forgotten because they are Andean, Quechua-speaking, poor, uneducated. We did not know, we did not want to know or we did not fully understand what was happening in deep Peru and in this way we a-critically or erroneously assumed a heavy legacy of exclusions, discriminations and injustices. In short, we have tried to look at ourselves in the mirror of the past and the face that has appeared is far from pleasant. We have to accept that; it is not only imperative to avoid a repetition of tragic moments in our history, it is necessary to dig deeper.

There is an urgent need for us to dispose decisively and promptly to bring about a turning point in the history of the nation. The existence of the TRC, its work and its Final Report must be seen as a new and fortunate occasion for them to begin to change fundamental issues in Peru. It is precisely these transformations that give meaning to *reconciliation*. Let's begin a process that certainly has to be complex and permanent, let's work in the personal and in the social to close the great gaps between Peruvians, gaps of all kinds: social, economic, cultural, racial, gender, and that are the ones that express how in our homeland we have moved away from justice and solidarity. Let us prepare ourselves for a new time and let us do so on the basis of a responsible recognition of that past that shames us. Let us assume truth as an ethical imperative to act, for in doing so we will be rehearsing the first steps towards reconciliation.

Within these perspectives, the members of the CVR conclude the delicate assignment we receive and, therefore, with the clear awareness that we are only doing an outline of urgent tasks that must be undertaken by all Peruvians, beginning with those who hold authority, we formulate - in the light of life - recommendations around the following axes:

1. Institutional reforms needed to make the rule of law a reality and prevent violence.
2. Comprehensive reparations to victims.
3. National Plan for Burial Sites.
4. Mechanisms to follow up their recommendations.

Without prejudice to the development of these five axes throughout this volume, the CVR is permitted to make the following additional recommendations:

- a. To decisively promote the dissemination of the Final Report that she has prepared, so that all Peruvians can approach the fullest knowledge of our recent past in such a way that, by preserving the historical and ethical memory of the nation, they can draw the appropriate lessons to prevent the repetition of moments as painful as those experienced.
- b. Suggest that access to the final report, as well as to the collection of documents collected or produced by the CVR, be as broad as possible, and that scientific and academic research be promoted with respect to the topics mentioned here. The only reason an exception to this rule could arise should be the safety of victims or witnesses. For this reason, we recommend that the Office of the Ombudsman implement a system for disseminating the collection of documents through public and private institutions.

- c. Encourage the Public Prosecutor's Office to open the corresponding investigations against those allegedly responsible for the crimes investigated by the CVR in the shortest period of time (30 days). To this end, we send to this institution all the indications that have served for the commissioners, we form conviction on the presumed criminal responsibility of the people we syndicate as probable agents of crime.
- d. Recommend that the Public Defender's Office, the depository of all our documents, make public the names of those persons who, in our opinion, deserve a criminal investigation if, within the aforementioned period, the Public Prosecutor's Office has not complied with pronouncing itself in front of the cases that were reached by the CVR.
- e. Likewise, recommend to the National Chamber against Terrorism of the Superior Court of Justice of Lima to take into account the findings established by the CVR regarding crimes committed by members of Shining Path and MRTA, as well as the criteria established for the attribution of responsibilities of the commanders and leaders of these subversive organizations, within the framework of the judicial procedures for terrorist crimes currently in process.
- f. Urge the powers of the State not to use discretionary amnesties, pardons or other presidential graces, but within the strict framework established by the Inter-American Court of Human Rights. The CVR has been and is opposed to any type of legal pardon through which the search for truth and the satisfaction of justice are subordinated to reasons of State. Reconciliation, as we understand it and present it in this report, means ruling out external intervention in what should be strictly jurisdictional work.
- g. Recommend to the appropriate authorities the adoption of administrative measures against public officials who are responsible for being involved in serious human rights violations, including against judges who did not properly perform their functions of protecting fundamental rights.
- h. Recommend that the necessary assurances be given to witnesses and victims of serious crimes and human rights violations, through a system that integrates the resources of the Judicial Branch, the Public Prosecutor's Office, the Ministry of the Interior and the Ombudsman's Office. In particular, respect the confidentiality of the names of witnesses who have provided valuable information for our investigations.

2.1. INSTITUTIONAL REFORMS

2.1.1. The framework for proposals for institutional reforms

Supreme Decree No. 065-2001-PCM created the Truth and Reconciliation Commission (CVR) and established as one of the objectives of its mandate the presentation of recommendations for institutional reforms that, understood as guarantees of prevention, help to ensure that the painful events that were generated in the process of violence experienced in the last two decades are no longer repeated in Peru. In this sense, the Commission complies with its proposal for institutional reforms aimed at modifying the conditions that generated and deepened the internal conflict. The above-mentioned D.S. requires the presentation of recommendations for institutional reforms as guarantees of prevention:

Article 2: The Commission shall have the following objectives:

- a) To analyze the political, social and cultural conditions, as well as the behaviors that, from society and State institutions, contributed to the tragic situation of violence that Peru went through;
[...]
- (d) Recommend institutional, legal, educational and other reforms as guarantees of prevention, so that they may be processed and addressed through legislative, political or administrative initiatives [...].

2.1.2. Rationale

This document presents recommendations for institutional reforms in response to the mandate of the Truth and Reconciliation Commission. The analysis carried out by the Commission on violence between 1980 and 2000 shows that its immediate origin lies in the action of minority subversive groups, with a fundamentalist and totalitarian ideology, which used terror and violence to impose themselves, to a degree that is difficult to compare with other violent movements in the world. The question we Peruvians must ask ourselves is, how could groups with these characteristics be capable of constituting a serious threat to society and the State? This was possible for two types of reasons. A group of them refers to the fact that the subversive groups exploited fractures and disagreements present in Peruvian society, summoned and mobilized marginal sectors, not articulated to the processes of social and political democratization expressed in the democratic regime. More specifically, the subversive groups recruited militants and sympathizers among socialized youth in a public school signed by traditional authoritarian patterns, that transmitted defeatist and simplistic visions of the complex Peruvian reality, and that did not offer perspectives of overcoming and development; and coming from an excessively ideologized higher education, where the

pluralism and democratic debate were absent, and where the poor quality of training did not offer prospects for professional fulfilment either.

On the other hand, the subversive groups were able to prosper because they took advantage of spaces marked by two characteristics: on the one hand, by postponement and backwardness, as well as by high levels of social conflict; and, on the other, by the relative absence of the State and of political and social organizations capable of acting as intermediaries.

In the absence of institutional mechanisms for the expression and processing of demands, subversion used social conflicts to gain support and impose an order, albeit totalitarian. The Truth and Reconciliation Commission's investigations clearly show that where there was more State, and a denser political and social fabric, subversion failed to take root, and conflicts and tensions could be channelled through institutional mechanisms. For this reason, a set of recommendations is presented that seek to strengthen and extend the state presence, collecting and respecting popular organization, local identities and cultural diversity, and promoting citizen participation. It also makes recommendations aimed at strengthening political and social organizations throughout the national territory. A second set of reasons that explains the dynamics of violence points to inadequate responses on the part of the State to confront subversion. Especially in the first stage of the conflict, the state response was a militarized response, operating on the basis of the abdication of democratic authority. It was a repressive response, which acted with distrust of a population that was in fact a victim of subversive groups. Correcting this error was a key element for their subsequent defeat; the strategy that bore the best fruits was to understand the armed conflict as not only a military conflict but also a fundamentally political one, which required the establishment of an alliance between the State and the population affected by the action of the subversive groups. For this reason, the Truth and Reconciliation Commission makes some recommendations for the reform of the Armed Forces, the National Police and the intelligence services, which seeks to strengthen a democratic civilian political leadership of the tasks of national defence and maintenance of internal order, based on respect for human rights and coordination with political authorities and leaders.

social

Another area in which the limits of the state's response to the challenge of subversion were loudly expressed is that of the administration of justice. Investigations by the Truth and Reconciliation Commission show that, with few and honourable exceptions, the judicial system did not make adequate use of the laws to defend the rights of the victim population of crimes and violations committed by subversive groups or by state agents. The judicial system did not adequately fulfil its mission either for the efficient and lawful condemnation of the actions of subversive groups, or for the protection of the rights of detainees, or to put an end to the impunity in which the agents of the State who committed the following acts acted

serious violations of human rights. In the midst of this situation, the justice system ended up being overwhelmed in its competencies and privileges by military justice. In addition, attempts to think about the rehabilitation and resocialization of convicts were abandoned in practice. For all these reasons, the CVR also makes some recommendations to strengthen the justice system and to reform the penitentiary system.

Finally, given that the origin of subversion includes some of the characteristics of public education that have already been pointed out, the Truth and Reconciliation Commission also makes some recommendations for the reform of basic and higher education, especially in the poorest and most backward areas. The objective is to contribute to the debate on the reform and declaration of the emergency of education, proposing to seek a consensus around the promotion of democratic values, to internalize the importance of human rights, respect for differences, the appreciation of pluralism and cultural diversity, the dissemination of updated visions of the country that take into account its complexity, and the rejection of violence as a means of resolving conflicts; also to raise the quality of education, so that it satisfies the expectations of progress and development of the population.

The Truth and Reconciliation Commission makes these recommendations, which stem from its examination of violence, with the aim of banishing it as a means of resolving our conflicts, and establishing a new social pact so that the State is truly the expression of all Peruvians. Two of the dimensions of reconciliation that we want to highlight here is that of the State with the Peruvians most affected by violence, victims also of abandonment and indifference, and also that of Peruvian society with the many heroes of the defeat of subversion and the achievement of peace, present in all regions, all social sectors, expression of the best of Peruvians, that deserve to be vindicated.

2.1.3. Proposals for institutional reforms

The State institutional reforms proposed by the Truth and Reconciliation Commission do not and should not constitute a comprehensive State reform proposal, which is the responsibility of other bodies and actors. Nor is it the outline of a government program. According to the CVR's mandate, its proposals for institutional reforms are circumscribed and refer to the grievous events that the country experienced in the last two decades. Naturally, its proposals, demanding responsibility for a profound reform of the State must undoubtedly influence the current configuration of the national public sector. In this sense, the institutional reforms that we present constitute changes or modifications of the current pattern, institutionality or regulations that will have an impact on a specific area, activity or sector of the State's action. They are expressed as organizational changes or as

public policy guidelines, through constitutional reforms, laws, or other government regulations or policies, depending on their level and depth.

The work carried out by the Truth and Reconciliation Commission provides important criteria on a number of institutional actors, their forms of organisation and their patterns of action. Our work has been carried out in parallel over time with a series of reform initiatives, promoted within the democratic regime that began with the transitional government in November 2000 and continues to this day. Many of the proposals or initiatives that have been generated by the Government itself (such as the National Agreement), in the Congress of the Republic, in the guilds and in very diverse instances of civil society, are at an advanced stage of development. We consider these initiatives valid and often coincide with the conclusions we have reached within the Truth and Reconciliation Commission. We therefore believe that it is not a question of duplicating the work of groups in which prominent personalities and hundreds of citizens have participated and which are on the right track. The Truth and Reconciliation Commission's specific proposal is basically aimed at explaining its own approach based on its specific mandate, from which it will be possible to verify - right now, in cases of advanced reforms or later by comparing the goals - whether these reforms will contribute to reinforcing the axes considered central by the Commission.

The proposals for institutional reform are very diverse, and we group them into four broad areas:

- A. Recommendations to achieve the presence of democratic authority and State services throughout the territory, collecting and respecting popular organization, local identities and cultural diversity, and promoting citizen participation.
- B. Recommendations to strengthen a democratic institutionality, based on the leadership of political power, for national defence and the maintenance of internal order.
- C. Recommendations for the reform of the system of administration of justice, so that it effectively fulfils its role as defender of citizens' rights and the constitutional order.
- D. Recommendations for the elaboration of a reform that ensures quality education, that promotes democratic values: respect for human rights, respect for differences, valuing pluralism and cultural diversity; and updated and complex visions of the Peruvian reality, especially in rural areas.

1.2.4. General recommendation

Before moving on to specific recommendations in each of the four areas, there is a general one, which directly concerns all social and political actors. We consider of great pedagogical value for the country that all actors make a clear demarcation with violence and make explicit that it is only within the framework of a democratic regime that there should be coexistence among Peruvians. That is why we propose:

An express commitment to the non-use of violence and respect for human rights from both political parties and social organizations, as a prerequisite for integration and action within the system of legally recognized parties and social organizations. Likewise, the requirement of express constancy in the statutes of political and social organizations of commitment to respect the Constitution as a fundamental rule of political life and democratic pluralism.

This recommendation, not to remain a mere rhetorical declaration, must be the expression of a commitment by all actors to implement the reforms and changes necessary to eradicate the possibility that the events we have suffered in the last two decades will happen again. The expression of such a commitment should be a reference to progress in banishing violence as a pattern of behaviour or social interaction in all spheres of life.

A. Recommendations to achieve the presence of democratic authority and State services throughout the territory, collecting and respecting popular organization, local identities and cultural diversity, and promoting citizen participation.

One factor that explains how subversive groups with such dogmatic and countercurrent proposals regarding the processes of social and political democratization, and modernization and integration that marked the decades prior to that of the 1980s, operated in spaces precisely not articulated to these processes. They took advantage of the existence of large areas marked by backwardness and prostration, as well as by high levels of conflict that could not be processed through democratic institutional mechanisms. This is because in those same spaces the presence of the State was and continues to be very weak, but also that of political and social organizations capable of channeling existing problems: problems such as litigation over land ownership, the spread of illegal crops, the presence of drug trafficking, and so on.

as simple poverty and the absence of development alternatives. In these spheres, the preaching of the subversive groups achieved some audience or did not find a resistance with sufficient strength to defend their rights; and it sometimes managed to come closer to establishing an order, totalitarian and based on pure coercion, but order at last. The fact that the compatriots who lived in those areas lacked social and political visibility, that they could not express their voices before the country, also made it possible for very high levels of violence to develop there, with an enormous loss of lives, both due to the action of subversive groups and to inappropriate interventions by the forces of order, in the midst of indifference on the part of public opinion and society as a whole. It is impressive to see how such a bloody conflict could have developed, and that we are only now experiencing its magnitude and brutality as a country.

In the investigations carried out by the Truth and Reconciliation Commission, it is clear that in other contexts the action of violent groups did not succeed, and that the counter-subversive policy of the State did not assume forms of indiscriminate repression. This situation was registered where the state presence was strongest, and not only through coercive apparatuses, but also through institutions linked to social policies and development opportunities. It was also recorded that where the political and social fabric was most dense, in spaces where political parties and social organizations acted, the population had more resources to assert their rights. In short, the presence of the State and political and social organizations constituted a retaining wall for subversive action, and also to avoid indiscriminate repressive responses.

For this reason, the Truth and Reconciliation Commission considers it very important to develop initiatives to strengthen the presence of the State throughout the national territory, especially in the areas most affected by abandonment and violence. The presence of the State, which must also seek to nourish and strengthen existing political and social organizations, gather their dynamism and diversity, opening spaces for citizen participation. Precisely, some of the great protagonists of the defeat of subversion have been the peasant patrols, the Self-Defense Committees, the peasant communities, the popular leaders, the grassroots militants of the parties, the local authorities, the first line of defense of society in the face of the threat of subversion, and which must be vindicated.

In this part we present three types of recommendations: a first set seeks to underpin the state presence and vitality of social organization in rural areas, more directly affected by violence, in terms of maintaining internal order and access to justice; the second refers to the presence of state institutions linked to development opportunities; and the third refers to the presence of political and social organizations as mediators between society and the state.

A.1. Develop policies and standards for indispensable collaboration between the National Police, municipalities and citizens

To develop standards and policies that lead to effective interaction between the National Police and the municipalities, on the one hand, and between the Police itself and the citizens of the other, with the aim of ensuring the effectiveness and social quality of the police function within society, while creating mechanisms so that possible abuses committed, prevented and, if they occur, can be quickly and efficiently resolved. One such initiative would also be the strengthening of the Peace and Development Committees.

A.2. Strengthen the institutionality of the self-defence rounds and committees (CAD), adequately regulated. To study the possibility, in the medium term, of forming a rural police force.

Given the importance of the peasant patrols and self-defense committees in the defeat of the subversive groups, it is very important to regulate them properly, in order to avoid the criminalization of their members by the exercise of their practices of self-defense, communal development, conflict resolution and administration of justice. The possibility should be evaluated of selecting members of the DACs to constitute, after qualification, the first detachments of the rural police, in close coordination with the National Police. This possibility acquires great importance given the experience and qualification of the members of these organizations, which could be used in the current context to ensure pacification.

A.3. Strengthening the Justice of Peace

As far as peace justice is concerned, it is very important to note that it is close to the population and is respected by them. The further a human group is from urban centres, or the more peripheral its location within the cities themselves, the more the Justice of the Peace becomes a peacemaker of growing importance. It has the advantages of being a conciliator, of generally enjoying the respect of most people, and of being very close to the facts that come to its knowledge, so that it can properly appreciate the circumstances debated in the conflict and, in many cases, even its antecedents. Peace justice was mercilessly attacked during the period of violence, especially by Shining Path, and the reason is that it was one of the few institutions that guaranteed order from the organization of the State in rural areas or small towns of the country. It is on the basis of these findings that the Commission considers it a significant step forward in peacemaking to strengthen the rule of law.

and give it sufficient skills to resolve a large part of the conflicts in people's daily lives.

A.4. Improve access to justice for all by increasing the number of public defenders, the number of judicial units and providing greater resources to Popular Legal Offices.

A recent study by the United Nations Development Programme reveals that approximately one third of the Peruvian population has no access to justice and these are precisely the most disadvantaged sectors of society. This is a very serious fact and has several explanations: (i) geographical and demographic causes; (ii) economic difficulties of the justice system and users; (iii) difficult access to the market for professionals; and (iv) corruption. In order to ensure effective judicial protection, the State must provide access to justice to the Peruvian population that requires it, and to this end the administration of justice outside urban areas must be developed, trying to bring it closer to the place of residence of the litigant. Likewise, one of the important issues to be addressed from the perspective of the alleged perpetrators should be to increase the ex officio defense system offered by the Ministry of Justice, as well as to significantly reduce the costs of access to lawyer's sponsorship, judicial costs and the duration of the processes.

A.5. Establishment of a system for the defence of human rights through the creation of specialized bodies at the police, judicial and Public Prosecutor's Office levels, especially in areas where violence had the greatest impact.

Establish specialized units within the Public Prosecutor's Office to investigate cases of human rights violations, with special emphasis on cases that occurred during the armed conflict, as well as in cases where the alleged perpetrator is the State, an impartial, competent and independent investigative commission should be established.

The recommendations set out so far relate to the maintenance of internal order and access to justice so that conflicts can be resolved through institutional channels. But the presence of the State must manifest itself in the rural areas most affected by the violence, offering opportunities for development as well. The role played by local and regional governments and the success of the current decentralization process are fundamental here. One of the problems of the areas hardest hit by the violence has been and is their isolation, their low level of education and their lack of access to education.

It is important to note that the State's institutional framework is not conducive to the integration of indigenous peoples. That is why we propose:

A.6. Establish short-term goals referring to the state policies approved in the national agreement with priority for implementation in areas affected by violence.

With regard to various initiatives under way, the Truth and Reconciliation Commission recommends that the areas that have been particularly affected by violence be made a priority for the implementation of public policies that allow for an effective presence of the State and that the State be put effectively and concretely at the service of Peruvians in these regions. This requires concerted action by central, regional and local governments.

A.7. Establish institutional policies in localities that ensure the incorporation of the needs of populations with little pressure capacity in municipal plans and budgets.

A.8. Recommend to the Regional Governments of the departments of high rurality, particularly those that were most affected by the violence, the realization of plans of Territorial Arrangement agreed with the municipalities, to allow integral attention of necessities of the populations of low density.

It is not enough to open spaces for participation such as those consecrated in participatory plans and budgets, because although they can be taken advantage of by sectors more organized and articulated to the state institutionality, they can leave aside the populations most in need of attention. One expression of its weakness is precisely its difficulty in formulating its needs and taking advantage of existing participatory spaces. Local and regional governments should tend to weave a network of attention to the territory that ensures better services and greater economic and social progress in the areas furthest away from cities and populated centers.

A.9. Incentives for state personnel working in areas affected by the violence process and far from the urban environment.

Allocate incentives, financial or curricular points in competitions to education and health professionals working in areas affected by the violence process and far from the urban environment.

A.10. Recognition and integration of the rights of indigenous peoples and their communities into the national legal framework

One of the sectors hardest hit by violence and neglect is indigenous peoples. It is recommended that the State promote the recognition and strengthening of the specific rights of indigenous peoples and communities within the national legal framework, and include them in an important manner in the constitutional reform process, with the aim of providing them with fair and legitimate legal protection as subjects of rights and reaffirming the diversity and plurality of the Peruvian nation. Some proposals in this sense are:

- ! Inclusion of individual and collective rights in the constitutional text.
- ! Definition of the Peruvian State as a multinational, pluricultural, multilingual and multiconfessional State.
- ! Interculturality as a State policy. As a result, the officialization of indigenous languages and the obligatory knowledge of them by public officials in the corresponding regions should be established. The development of Intercultural Bilingual Education, with teacher training, curricula and teaching materials. Finally, the promotion of intercultural health, which implies the training of adequate personnel, as well as being participatory and decentralized with disease prevention and the extension of basic services to the entire indigenous population.
- ! Legal existence and legal personality as peoples and their forms of communal organization.
- ! Traditional lands and territories inalienable, imprescriptible, inembargables and inexpropiables.
- ! Indigenous law and administration of justice in accordance with human rights and access to ordinary justice with specialized indigenous courts.
- ! Recognition of traditional mechanisms of alternative justice.

A.11. Establishment of a State institution or policy body on indigenous and ethnic issues

It is necessary for the Peruvian State, in compliance with a set of international obligations, to develop and strengthen an appropriate institutional system for the care and promotion of the development of indigenous peoples, Afro-Peruvians and their communities. Particularly critical is the situation of the native communities of the central rainforest, who suffered from

especially the action of subversive groups and the abandonment of the State. The creation of a body with sufficient technical, administrative, economic and financial strength and autonomy, bringing together the powers, programmes and projects of the various public sectors, with powers to regulate, direct and implement development policies, plans and programmes, should be explored.

Finally, the Truth and Reconciliation Commission wants to record a concern that escapes the immediate scope of its mandate, so it does not translate here into concrete recommendations. In some parts of the country, the violence became very brutal because it was intertwined with other conflicts that require urgent attention, such as land disputes. Another issue of great importance is the extension of the drug trafficking economy and eradication policies, which particularly affect indigenous peoples and communities. These problems have become in some areas, after twenty-five years, almost permanent; and what began as a local problem has now come to have international dimensions, centrally affecting our relations with the United States and the wider international community. These situations require decisive attention on the part of the State.

Finally, we also present recommendations that seek to strengthen political and social organizations so that they can act as intermediaries between the State and society throughout the country:

A.12. Adoption of a law on parties and amendments to the system of representation

Political parties are fundamental to the life of the country, and it is necessary to strengthen them so that they can better fulfil their functions of representation and intermediation. It is important to promote their presence throughout the national territory, so that the interests and voices of all can find expression in the political arena. To this end, it is important for the law on parties to promote internal democracy within these organizations, as well as for political representation to cover the entire territory and all social sectors, and to prevent the proliferation of groups opposed to the system. The electoral system (understood as the conversion of votes into elective offices) should be revised to favour the representation of marginalized sectors of society.

A.13. Strengthen the Poverty Reduction and Development Roundtables

In recent years a great effort has been made to open participatory spaces that have mobilized the energies and expectations of participating organizations and the general population in many localities throughout the country, which should not be lost. To this end, local and regional governments should channel these efforts through participatory budgeting, coordination councils and other bodies. The roundtables have proved to be a positive space for dialogue and consultation between the state and civil society, which must continue to contribute to this task at the regional and local levels.

A.14. Encourage the participation of young people in all areas of their lives (school, neighbourhood, higher education, work) by stimulating the formation of leaders.

The formation of youth leaders, socialized in democratic values, is fundamental to fight against the proliferation of violent ideologies. There is a lot of youth participation in neighborhood activities, sports, clubs, environmental protection, churches, etc. In addition, there is the National Youth Council, which is responsible for strengthening existing forms of participation and institutions.

B. Recommendations to strengthen a democratic institutionality, based on the leadership of political power, for national defence and the maintenance of internal order.

The violence that we Peruvians suffered between 1980 and 2000, originated by the subversive groups, could acquire the proportions that it also acquired by an unwise state response. Precisely, the recognition of errors was fundamental for the defeat of subversion, and it is so that the problem is not repeated, even more so considering that some remnants of the violent groups are still present.

The mistakes made were twofold. The first is the abdication of the democratic authority of the State. The civil power did not fulfill its responsibility to lead the fight against the subversive groups, and delegated to the Armed Forces and police that task, for which they were not prepared; it was not only a military fight, but also fundamentally a political one. This generalized the declaration of states of emergency and the establishment of political-military commands, under military responsibility throughout the national territory. In this picture, they developed tendencies towards a pernicious autonomization, without real possibility of democratic control of their actions. An inheritance of this trend of autonomization does not

This allowed an irresponsible handling of the counter-subversive struggle and a political use of intelligence information, in order to intimidate government opponents and create a corruption network. For this reason, the Truth and Reconciliation Commission proposes a set of reforms that seek to ensure democratic civil leadership of the national defence system and the maintenance of internal order.

Another dimension of the errors committed was the mistrust of the forces of law and order towards the civilian population, which was in fact the victim of the actions of the subversive forces and not an accomplice of them. This led to policies of indiscriminate repression and violations of human rights that were not only morally condemnable and illegal, subject to criminal action, but also totally counterproductive, which were functional to the strategy of subversion, which wanted to present the Peruvian state as alien to the population. For this reason, the Truth and Reconciliation Commission also proposes recommendations that seek to ensure that the forces of law and order fulfil their function of protecting the civilian population, while respecting human rights.

The following are recommendations that seek to strengthen a balanced relationship between democratic authority and the Armed Forces; and then recommendations to improve the relationship between law enforcement and society.

B.1. Delimit the scope of the concept of National Defence and the meaning of the corresponding policy, so that all that is called Defence and depends on military personnel and organisms is the attribution, responsibility and competence of the Ministry of Defence.

The proposal is to subordinate the concept of Defence to a concept of National Security that has the dimensions of the United Nations concept of human security. A reform of the Armed Forces is currently being carried out under the leadership of the Ministry of Defence, which must be supported. The Commission considers that the direction to be followed is one in which this Ministry must clearly assume leadership, in order to ensure democratic leadership of defence and security, as well as control of its actions. In this sense, it would be appropriate to reinforce, with explicit mention in the Constitution, the function of the Minister of Defence as the political and administrative authority that organizes and conducts the Armed Force in accordance with the law and for the purposes of the National Defence; to suppress from the Constitution all attribution and direct competence of the Armed Forces, and redefine them as dependencies of the Ministry of Defence. As a result, the National Defence Council, SEDENA and the Joint Command would become bodies of the Defence sector. The head of the Joint Command would have the rank of Deputy Minister.

B.2. Develop a national security policy that includes a national pacification strategy aimed at reconciliation and the presence of the State throughout the territory

It will be necessary to establish a command structure and assume responsibilities for a general policy of pacification, in the medium and long term, that includes diverse fields and objectives in addition to the strictly military and police ones, and that aims to ensure the adherence of the population to the democratic regime, particularly in the areas most affected by violence, as a permanent way of preventing or isolating any violent group.

B.3. Formation of a civil elite expert in security and defence issues

One of the difficulties that exists for civility to effectively exercise the leadership of national defence and internal order is the absence of a sufficient number of civilian experts in these matters. It is therefore important to create spaces for the development of these capacities.

B.4. Regulation of states of exception

It is necessary to clearly delimit the scope and limits of the Armed Forces' actions in states of exception, within the Constitution and the laws. As an immediate measure is the repeal of Law 24150, modified by Legislative Decree 749, which assigns to the Armed Forces the control of internal order. It must be clear that states of exception do not imply the suspension of the Constitution or the subordination of political authorities; and that the task of the Armed Forces within states of exception is to support civil political authorities, not to replace them.

B.5. Democratic civilian control of military intelligence services

The participation of the armed institutes in obtaining information at the internal level should be carried out under adequate civilian control, and only with the objective of elaborating intelligence for the external defense of the nation. It's convenient in that respect:

- ! Establish a law that regulates and regulates intelligence activities, even secret ones. The bodies that will carry out these tasks, as well as the bodies in charge of supervising and controlling them, should be established. The president of the National Intelligence Council should have the power to approve operational plans for obtaining intelligence from non-public and counterintelligence sources. Also, to know and

evaluate all the operations carried out by the agencies that obtain and elaborate intelligence, DIGIMIN, SIE, SIMGP, as well as the ministerial offices that produce analyses - MINDEF, RREE and the National Directorate of Strategic Intelligence (DINIE) itself - which should not have operational capabilities.

- ! To regulate and strengthen the role of the National Intelligence Council as the highest level body.
- ! Strengthen the intelligence system of the National Police and the Ministry of the Interior.
- ! Establish a professional career line for intelligence agents, in order to have qualified professionals with university training. Officers who opt for intelligence activity should also be allowed to make a career within it, reaching the highest ranks of the Armed Force. Only by having civilians and military personnel dedicated exclusively to this activity will we have professional intelligence. The NIC president must establish the only professional intelligence school (at the graduate level, with characteristics analogous to diplomatic academy) and establish and monitor criteria for career advancement.
- ! The CNI must implement a national office to monitor the probity and professional ethics of public officials, including a central administration of access to classified documents.

B.6. Recognize constitutional (and from it onward in the norms of lesser hierarchy) as two distinct spheres: National Defence on the one hand, and Internal Order and Citizen Security on the other.

This should lead to a policy in which the Armed Forces do not interfere in matters of internal order and citizen security, except in serious circumstances expressly established by the Executive Branch within the exceptional regime. In the new constitutional model to be designed, it is proposed that the Constitution treat National Defence and Internal Order separately - concepts used by the 1993 Charter in an indistinct and confused manner - and that within each chapter the functions and responsibilities of both the Armed Forces and the National Police be regulated. In the current constitutional debate this proposal is formally incorporated and should be supported.

B.7. Constitutionally and legally define the National Police as a civilian, non-military institution. Modernize the police career in accordance with the definition of civilian institutionality of the National Police.

To institutionally define the National Police as a civilian, non-militarized institution, giving it a new organizational structure consistent with this definition and, therefore, eliminating from it the military traits introduced in recent decades. This definition should be concomitant with a radical redefinition of the relations between the National Police and civil and political societies. It implies constitutional and legal changes.

B.8. Strengthen, with explicit mention in the Constitution, the role of the Minister of the Interior as the political and administrative authority that organises and conducts the police in accordance with the law and for the purposes of law enforcement, crime prevention and law enforcement.

Very significant progress has now been made in the reform of the police and the Ministry of the Interior, which must be consolidated. We believe that, in this sense, it would be necessary to remove from the Constitution all attribution and direct competence of the Police, and redefine it as a dependency of the Ministry of the Interior.

Below is a set of recommendations to improve the relationship between law enforcement and society:

B.9. Changes in military education and curriculum

It is necessary to train officers with strong democratic values; respect for life and personal integrity and loyalty to democratic power. It's convenient in that respect:

- ! To adapt the military education system to the national education system and the new general education law.
- ! Form a new curriculum in the training schools of the armed institutes.
- ! Establish mandatory humanitarian law courses in training schools.
- ! Establish common courses among the armed institutes in order to establish common criteria for action.
- ! Promote the personal development of military professionals, encouraging them to obtain a second career.
- ! Strengthen and promote the humanitarian law centre created.

B.10. New code of ethics

The Military must adopt a new code of ethics for its members that is in accordance with democratic principles. The following should be incorporated into this new code of ethics:

- ! Officers will be sworn not only to defend the homeland, but also the principles on which nationality is based, contained in the Constitution.
- ! Soldiers and officers will pledge to respect human rights.
- ! Soldiers and officers will be instructed to understand that unconstitutional or illegal orders cannot be carried out.
- ! Soldiers and officers will be instructed to understand that the Armed Force belongs to the nation and not to the government.
- ! Soldiers and officers will be instructed to understand that they are also citizens and have rights and duties as such.
- ! It is not an insult to the superior to denounce him for committing crimes.

B.11. Create the Military Defender's Office

This institution should be in charge of processing complaints and formulating recommendations for the conduct of relations within military institutions; relations that cannot be far from respect for human rights and democratic institutions.

B.12. To modernize the ethics and human rights education and continuing training of the police as a member of a civilian institution

To transform the education and continuous training received by the personnel of officers and subordinates of the National Police, orienting them with modernity criteria towards professionalization and specialization within the proposed institutional conception, while at the same time providing conceptual instruments for action within society with elements of social science judgment. Ethical and human rights training should be included in operational police training courses.

- C. Recommendations for the reform of the system of administration of justice so that it effectively fulfils its role as defender of citizens' rights and the constitutional order.

Another fundamental part of the shortcomings in the State's response to the challenge of violence occurred in the administration of justice. In general, she did not fulfill her obligation to defend the citizen in his rights, abdicated in practice his functions. The CVR recalls the feelings of uncertainty, helplessness and frustration of the population when, faced with the most extreme manifestations of the conflict, such as repudiable acts of terrorism and human rights violations, the inefficiency of the judicial system was verified. This had two dimensions. On the one hand, the justice system was not prepared to respond to the challenges of subversion, and this was expressed in the vulnerability of the administration of justice to threats and pressures from subversive groups, as well as in the subjugation of their spaces by the military justice; also in the penitentiary system, in the difficulty in maintaining order and the principle of authority in prisons, which were even used as indoctrination schools by subversive groups. One of the most pernicious consequences of these weaknesses, and which affects the chances of true national reconciliation, are the cases of crimes without trial or punishment, which must be addressed.

On the other hand, the justice system was deficient in terms of ensuring respect for due process and the human rights of the accused. This meant that justice was not always dispensed in the judiciary. There is also the prison dimension, in which the objective of rehabilitation and resocialization of convicted persons has been abandoned in practice. This has consolidated the image of an arbitrary and unjust judiciary, part of a state that is not representative of its citizens, and which also means that prisoners released for serving their sentences continue to be a potential danger to society.

The judicial system did not fulfill its mission adequately; neither for the efficient condemnation and within the law of the actions of subversive groups; nor for the precaution of the rights of detained persons, nor to put an end to the impunity in which State agents who committed serious human rights violations acted. In the first case, the judiciary gained the image of a "sieve" that freed the guilty and convicted the innocent; in the second case, its agents failed to guarantee the rights of the detainees, contributing to the commission of serious violations of the rights to life and physical integrity; finally, they refrained from bringing to justice members of the armed forces accused of serious crimes, systematically ruling in each contest of competence in favor of the military court, where situations remained in impunity.

The Public Prosecutor's Office deserves special mention, since its members -without honorable exceptions- abdicated to the function of controlling the strict respect to human rights that

They were insensitive to the requests of the families of the victims. On the contrary, the duty to denounce crimes was omitted, investigations were carried out without energy, and very deficient forensic work was carried out, which contributed to the situation of lack of control and impunity. Under President Fujimori's administration, the Public Prosecutor's Office's obsession with the imperatives of the executive branch was almost total.

For this reason, the Truth and Reconciliation Commission makes a set of recommendations in three areas: the first, which seeks to strengthen the independence and autonomy of the administration of justice; the second, which seeks compliance with due process and respect for human rights; and the third, which refers to changes in the penitentiary system.

C.1. Strengthen the independence of the system of administration of justice

Design a policy to strengthen jurisdictional independence that includes an independent system for the appointment, evaluation and sanction of magistrates, and the restoration of the judicial career and the Public Prosecutor's Office with general and public criteria for the management of decisions.

C.2. A Judicial Branch of titular magistrates, not provisional and substitute magistrates.

To put an end to the corruption of the existence of provisional and substitute judges, such as magistrates who have long been in charge of jurisdictional functions, a mechanism used by Fujimori to control his decisions.

C.3. Constitutional and legal incorporation of military jurisdiction into the judiciary under the Supreme Court of Justice.

Establish control of the decisions of the Military Court by the Supreme Court of Justice in consideration of the determination of the unity of the system of administration of justice. Military courts should hear only crimes of military function, and the trial of civilians and police should be excluded from their jurisdiction. The Code of Military Justice should be reformed by revising its rules in order to specify the crimes of function and to transfer the crimes that can be considered common to the Criminal Code. In addition, it should be updated with Additional Protocol II to the Geneva Conventions.

C.4. Establishment of an autonomous body responsible for the Victim and Witness Protection Programme

Here it is proposed the creation of an autonomous entity with its own personality and adequate resources. The victim and witness protection mechanism is essential both to protect the human lives of victims and witnesses and to facilitate the investigation of corruption and human rights abuses since the state in the 1980s. This task could be located within the Public Prosecutor's Office as in other places such as Colombia, Argentina or Spain; however, in Peru, this is not adequate either from the perspective of the functions that the Constitution gives to the Public Prosecutor's Office (which does not include the one presented here), or from the real conditions in which the Public Prosecutor's Office operates in our country.

An effective procedure should be developed to build trust in the system, and that it can accommodate as many possible actions as is strictly necessary, to address the multiple risks that may be faced as a result of collaborating with the justice system, in order to prevent grievances from recurring, to ensure that victims or witnesses come to court to testify, and to protect them from retaliation by persons involved for their testimony. For this reason, this activity must be carried out by an entity that is independent of the political powers of the State. The initiative in proposing the respective law may be taken by the Executive Branch or any congressman.

The following proposals refer to the fulfillment of due process and respect for human rights, and to doing justice to the victims of violence.

C.5. Establishment of a temporary specialized system to prosecute cases of crimes and human rights violations

Through a congressional law, it is recommended that a specialized system be created to process cases referred by the Truth and Reconciliation Commission. This system should have a duration of four years, adequate resources and the participation of a special unit of the National Police to support the work of specialized prosecutors. This system should include:

- ! A Chamber of the Superior Court of Justice of Lima with national jurisdiction.
- ! A Superior Coordinating Prosecutor's Office.

- ! No less than three specialized criminal courts, with perpetrators with knowledge and experience in human rights and international humanitarian law.
- ! No less than eight specialized prosecutors' offices, three of which should be in Lima and five in provinces (two in Ayacucho, and one in Huánuco, Huancayo and Abacay).

C.6. Promote an integrated system to address the issue of persons disappeared during the internal armed conflict between 19980 and 2000.

It proposes the creation of a National Commission for Persons Disappeared during the Internal Armed Conflict between 19980 and 2000 as an autonomous institution to coordinate and supervise a National Plan of Forensic Anthropological Interventions, composed of the Public Prosecutor's Office, the Ombudsman's Office, the International Red Cross, churches and civil society institutions. This plan must be implemented by an Office of Missing Persons. It is suggested that the Ombudsman's Office present to Congress a bill aimed at working on criminal procedural aspects that have to do with the participation of independent experts in anthropological-forensic work.

C.7. Incorporate into legislation progress on international documents related to the administration of justice and due process. Establish expressly in the Constitution the constitutional hierarchy of human rights treaties

The 1979 Constitution expressly established (article 101) the primacy of treaties over laws, as well as the constitutional hierarchy of treaties (article 105). The 1993 Constitution, on the other hand, eliminated these references, and in article 200, paragraph 4, on Constitutional Guarantees, it states that treaties have the status of laws. It is important to recover what was stated in the 1979 Constitution.

It is important to modernize the criminal justice system by incorporating new institutions into the Criminal Code, especially those stemming from recent international treaties ratified by Peru, and by establishing a new criminal procedure code. Both aspects are indispensable in view of the chaotic treatment of these legislative aspects by the 1990-2000 government. The Rome Statute of the International Criminal Court is considered to be of vital importance among the treaties that Peru is obliged to execute. Along the same lines, it is advisable to recommend to the Peruvian State the approval and ratification of various international instruments related to humanitarian law and human rights, such as the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity, whose essential prescriptions should also be incorporated into the Criminal Code.

C.8. Initiate a sustained training programme for judges, prosecutors and lawyers on human rights, humanitarian law and democratic culture.

Initiate a sustained training programme for judges, prosecutors and lawyers on aspects related to human rights law, humanitarian law and democratic culture. The National Council of the Judiciary should consider criteria linked to the protection of human rights when selecting, appointing and ratifying judges. The Academy of Magistracy, Bar Associations, Faculties of Law, non-governmental human rights organizations and international cooperation agencies should participate in this programme.

C.9. In the Public Prosecutor's Office, it is essential to create a specialty in the investigation of human rights problems.

C.10. Permanent exercise of the diffuse control capacity of judges in connection with exception regimes

Here it is important to promote processes of permanent formation in constitutional guarantees, particularly in those aspects related to the jurisdictional work of the Public Prosecutor's Office in exceptional regimes. Elaboration and diffusion of jurisdictional guidelines elaborated by the Supreme Court of Justice.

The following are recommendations related to the reform of the penitentiary system:

C.11. To define an institution specialized in penitentiary matters

It is necessary to define the situation of bicefalía in the penitentiary system, between the INPE and the PNP. A constant source of tension within the penitentiary system is the continuation of the bicephalic situation in the management of some penitentiary establishments. Since there are two institutions in charge of prisons, the National Penitentiary Institute and the National Police, there is continuous friction between the police who still have the direct management of 39 prisons and the regional and national administrative body, the INPE. This situation should cease by proposing the option of an institution specialized in penitentiary matters that would make it possible to distinguish between the option of security, linked more to emergency situations, which has been the predominant option in recent years.

C.12. To modernize the Penal Enforcement Code, adapting it to the reality of the penitentiary.

Reform of the Penal Enforcement Code, adaptation of the regulations to the reality of the penitentiary and the possibility of the State body in charge of fulfilling the legal mandate. Inclusion of possible special prison regimes (terrorism, treason, dangerous crimes) in the Penal Enforcement Code. Incorporation of the Prison Supervision Judge, reducing the discretion enjoyed by prison officials.

C.13. Put into effect the Regulation of the Penal Execution Code DS 023-2001-JUS

Entry into force of the regulations of the Code of Criminal Enforcement and revision of the administrative regulations of INPE, which has replaced it in practice. A norm such as the Penal Enforcement Code, of a general nature, merits a regulatory development that specifies its scope and contents, giving the operators of the penitentiary system clear and precise guidelines for action. It also allows users of the system (inmates, family members, human rights organizations, etc.) to have a public instrument that makes it possible to monitor the actions of prison officials when it comes to defending the rights of persons deprived of their liberty. In addition, in the face of this regulatory vacuum, daily decisions within prisons have been directly and freely applied by prison or police officers in charge of controlling prisons.¹ In order to fill this gap, during the Transitional Government of Valentín Paniagua, on July 20, 2001, the new Criminal Enforcement Code Regulation was promulgated by Supreme Decree No. 023-2001-JUS. However, this has not entered into force and the regulatory vacancy has been extended several times² and a new regulatory text is again under discussion. The immediate entry into force of the Penal Enforcement Code Regulations and an exhaustive revision of the administrative regulations issued by INPE are necessary.

C.14. Establish the necessary procedure and institutional framework for the study and resolution of requests for pardon of those convicted of terrorism who allege innocence.

There are in the country's prisons convicted of terrorism who allege innocence and ask the State to exercise the right of pardon in their cases. These orders must be analyzed and

¹A clear example of this are the transfers of indiscriminately executed persons, under a power established by the Penal Execution Code to the Technical Penitentiary Council, but which have been highly questioned by different actors in the system (Ombudsman's Office, human rights organizations, family members of inmates, etc.).² Supreme Decrees 030-2001-JUS, 012-2002-JUS, 033-2002-JUS and 041-2002-JUS.

resolved by the corresponding instances of the Executive Power or of the Congress, according to their competences in the matter of the right of grace established constitutionally.

C.15. To maintain at a constitutional level that the purpose of the penitentiary system is the re-education, rehabilitation and reincorporation of the prisoner into society

Inclusion in the constitutional text under debate of an article establishing the purpose of the penitentiary system, as in the 1979 (article 234) and 1993 (article 139, paragraph 22) constitutions. Currently, any reference to this issue (which was in the preliminary draft, article 3) has been discarded in the draft constitution, which would reduce this determination to legal rank.

C.16. Cessation of indiscriminate transfers of inmates and inmates in favour of staying close to their families; and, in the case of inmates for terrorism, promoting concentration in a few establishments for better treatment and security.

Implementation of the general criterion of permanence of the inmate in his zone of origin or in that place that guarantees the closeness with his relatives, favoring the personal option. In the case of inmates for terrorism who constitute consolidated nuclei of the penal population organized according to political groups, promote concentration in a few penitentiary establishments in order to facilitate treatment and reduce security risks.

C.17. Specific treatment of inmates for the crime of terrorism and treason, differentiating situation and conduct: inmates of the PCP-SL and MRTA, detached, covered by the law of repentance, and those who allege innocence; favour alternative measures: restitution of prison benefits and access to commutation of sentences.

The differentiated treatment of the various inmates for terrorist offences would make it possible to establish mechanisms for dialogue with certain sectors and thus make progress in overcoming problems in prisons and in combating the subversive groups that still exist. It is important to consider the rehabilitation dimension, otherwise society will continue to be threatened by released prisoners while serving their sentences.

C. 18. Improvement of the conditions of the prison population in terms of access to basic services (food and health).

Improvement in the conditions of the prison population, access to basic services (food and health, as a priority), implementation and promotion of work and educational activities. Access to civil society organizations in prison treatment (churches, NGOs, professional colleges, universities, etc.). In the case of improvement in the conditions of the prison population, emphasis should be placed on women's health, since the Commission has verified that the method of torture used was the neglect of women's basic health needs, such as lack of pre- and post-natal care, lack of attention to women's own physiological needs, lack of attention to gynaecological illnesses, and so on. Similarly, the basic needs of persons with disabilities who are deprived of their liberty must be met.

- D. Recommendations for the elaboration of a reform that ensures quality education, that promotes democratic values: respect for human rights, respect for differences, valuing pluralism and cultural diversity; and updated and complex visions of the Peruvian reality, especially in rural areas.

This last area of the Truth and Reconciliation Commission's recommendations is apparently further removed from its specific mandate to make recommendations at the institutional level to prevent a recurrence of violence. The reform of education is an issue that concerns all Peruvians, and has general implications that do not seem to be directly related to the issue of violence. However, in reality, the investigations of the Truth and Reconciliation Commission show that in the formation and development of the subversive groups some characteristics of the educational system were fundamental, and we must collectively act upon them.

The main recruiting space for the militancy of the subversive groups was in the weakest public school and higher education. The subversive groups emerged, and managed to attract militants and sympathizers, they prospered taking advantage of the consequences of a school that socialized young people in authoritarian patterns, rigid, of poor quality, that did not offer them perspectives of overcoming. He also took advantage of some spaces in higher education marked by ideologization, the absence of democratic values, pluralism, respect for diversity and differences. In this regard, the fall in the level of teacher quality, the lack of updating and limits in teacher training, as well as the influence of critical visions of Peru inspired by an impoverished Marxism of manuals, are elements that should be considered in the analysis.

In order for history not to repeat itself, a profound reform of public education is essential, especially in poorer areas. Where violent groups found a more plural, participatory, tolerant, diverse, integrated, and truly critical environment,

that offered opportunities, had great difficulty acting. Therefore, the reform of education and the promotion of democratic values is a fundamental area of recommendations. Lately, fortunately, the need to reform education has been discussed and recently declared an emergency. Attention has been drawn to the poor quality of education and its effects on the social and economic development of the country, but the importance of educational reform has not been stressed in order to prevent the repetition of subversive violence or the proliferation of dogmatic and authoritarian discourses that, however outlandish they may seem, find an echo in students trained in discourses of this nature.

For this reason, the Truth and Reconciliation Commission makes a set of recommendations, beginning by listing some principles that should guide the action of the educational system:

D.1. Emphasize educational policies aimed at transforming the school into a place that respects the human condition of the students and contributes to the integral development of their personality. To achieve an awareness of peace and to affirm education as its instrument.

Peace as an attitude is learned, fundamentally, by example. The person who suffers violence throughout his life will exercise it when he has authority and, under these conditions, neither a peaceful society nor a democratic country can be built in the long term, since both demand as an essential requirement the substitution of violence for peace. Both formal and informal education at all levels must contribute to this.

The CVR proposes, in order to achieve a peace consciousness, that education play a fundamental role in the construction of a peaceful and democratic society. The first requirement for achieving this is that people develop to the maximum extent possible their skills and abilities to be creative workers and responsible citizens tomorrow. This includes emphasizing both humanistic and human rights training courses, as well as science courses. In this way, the most integral formation of the person will be achieved and, with it, creation and progress will be allowed, which move the person away from the proclivity to destruction and violence. No level of education should be neglected, from pre-school to higher education. The Peruvian educational authorities have to redefine the contents, methodologies and coverage in order to achieve its maximum extension to the people involved.

D.2. Establish a Study Plan that stimulates knowledge and orients knowledge towards well-being in order to achieve an integral formation and distance from the proclivity to violence; reformulation of simplistic and distorted visions of Peruvian history and reality.

Promote a curricular reform that places greater emphasis on general and humanistic training courses, on human rights and humanitarian training courses, on scientific training courses in both the social and natural sciences, and on the practice of sport and art. In this way, the most integral formation of the person will be achieved and, with it, creation and progress will be allowed, which move the person away from the proclivity to destruction and violence.

Changes in the content of history and humanities curricula are particularly urgent. History is taught with a pasadist and defeatist vision, not contributing to the development of self-awareness as a people who can take destiny into their own hands. Geography is taught in such a way that it does not give a complete idea of our country's physical reality nor of its location in the world context. It is necessary to give an idea of the great contemporary cultural and political processes in their real complexity and diversity, and to place them in the space of the world. In the teaching of history, the individual and collective achievements of the Peruvian people should be highlighted throughout their history, in which our defects and defeats are also shown, but in such a way that the latter is not the determining factor as it happens today. The student must be able to discover the scientific explanations of life and reality that allow an informed dialogue with current natural and social sciences and move away from simplifying and unfounded explanations. Basic scientific education, that which could help the student population to understand the image of the world and of nature shared by the international scientific community, is extremely deficient and encourages mythical explanations of reality, pseudoscientific theories of all kinds and even archaic and magical conceptions.

The latter is very important to bear in mind, as the absence of a scientific view of the world not only encourages prejudice, but has been one of the main causes of the roots of Maoism and hiking in our environment. The elementary and crude materialism of these doctrines apparently provided a definitive explanation of social and cosmic reality and its principal processes. Such dogmas were accepted with the same fervor and enthusiasm as traditional religious dogmas, in a process of obvious substitution. A curriculum that can effectively counteract this situation must then aim to broaden the world view and provide a solid basis for an informed dialogue with today's social and natural sciences.

D.3. Promotion of an education that respects ethnic and cultural differences. Adapt the school in all its aspects to the ethnic-linguistic, cultural and geographical diversity of the country.

Peruvian education should take into account the country's cultural, ethnic and linguistic diversity by promoting education in the mother tongue as the best system of learning for children; out-of-school adult education programmes should also be promoted.

D.4. Reinforce instances of participation and democratization of the school

Reinforce the instances of participation and democratization of the school, recognizing the responsibility in education that corresponds to the educational community composed of educators, authorities, students and parents at various levels ranging from the school to the integrity of the country. It is necessary that this participation be oriented towards the promotion of educational quality and student safety and that it be adopted respecting the particularities that Peru's multiculturalism can contribute in each place. The participation of local and regional authorities within the education system should also be recognized, in due place, where their respective governments are concerned.

D.5. Discipline

The discipline that results from democratic management allows autonomy and personal growth of the human being. A discipline based on punishment and threat does not contribute to the construction of a culture of peace, it generates more violence. We propose to prohibit and drastically punish the use of any form of physical punishment or humiliating practice against children as a form of discipline and the exercise of violence.

Finally, the Truth and Reconciliation Commission considers it important to mention an issue that, while not strictly in line with its mandate, is fundamental to acting effectively on the issues we are discussing. It's the subject of the media. The media can play an important role in creating an environment or climate conducive to violence, as well as for the pacification and stability of the country. They may also collaborate with educational and cultural objectives, or they may contribute to the deepening of problems of educational quality and disinterest in culture. Within the framework of strict compliance with press freedom, transparent mechanisms should be sought for the media to collaborate with some collective tasks in favour of education and culture in the country.

A particularly critical area is the rural school, especially in the areas most affected by violence. It is here that a special program is implemented that contemplates:

D.6. Urgent attention to the most vulnerable population: start with the smallest in the most needy areas.

To promote the implementation of an aggressive policy of bilingual intercultural education, which will allow a better integration of the different component groups of Peruvian society, the overcoming of racism and discrimination and an elevation of the general levels of self-esteem. Promote, in a special way, initial education for girls and boys from 0 to 5 years of age, taking into account the ethnic-linguistic and cultural diversity of the country, developing, as appropriate, schooled and non-schooled modalities of comprehensive care (health and nutrition). Privilege children in violence-stricken areas in the first place.

This requires a multisectoral approach that involves addressing both the health, nutrition, food security and education situation. It is recommended that the education emergency plan to be promulgated by the government should include this multisectoral approach.

D.7. Promote a literacy plan with priority for adolescent and adult women in rural areas.

Experience shows that women's education has a multiplier effect on development. The proportion of the illiterate female population is significantly higher than that of the male population; moreover, it is noted that the dropout rate of girls is also higher, resulting in a higher rate of functional illiteracy among adolescents.

D.7. Redefine education in terms of content, methodologies and coverage, based on capabilities for access to the labour market, with emphasis on the rural population.

For development and the abandonment of poverty, education is an essential factor in the empowerment of personal capacities, especially among the poorest. For this reason, the CVR proposes that education authorities should redefine the contents, methodologies and coverage to ensure that upon completion of basic education, the person is able to access the labor market and is also able to make the main decisions of his or her working and productive life in a planned manner. If this work is to be done at all levels of the nation, emphasis must be placed on those sectors of the rural population that are, statistically speaking, the most affected by poverty. Aim at increasing the levels of effective service provision and adapting the school in terms of timetables and schedules to the reality of each region and the pace of life of the populations.

D.8. Restore dignity and quality to rural schools

To develop rapidly and significantly the education of the rural population of the country, which implies at least: to change and adapt the conception of the curricula so that they allow them to learn related to their reality; to give back dignity to the rural school, taking care that it is a place and a construction in which one can study with decorum; to encourage sufficiently and creatively educators who choose to work in the rural school so that the good or better ones can go; and to promote the active support of the state instances of educational and health management to the rural schools. Some issues that require immediate attention are:

- ! Improving the infrastructure of rural schools. The ramshackle schools are a visible sign of contempt, which must be eradicated.
- ! The establishment of a system of incentives and awards for teachers who choose to practice their profession in rural or remote areas of the country that helps to have quality teachers in this field.
- ! The promotion of multidisciplinary teams to accompany the teachers to provide support and guidance on issues of health, nutrition and anthropological management appropriate to the population. The hiring of professionals in social psychology and anthropology in the regional directorates of education and in the USEs is indispensable.

2.2. COMPREHENSIVE REPAIR PROGRAM

It is part of the ultimate objective of the Final Report of the Truth and Reconciliation Commission to present to the entire country, to the entire national community without any exclusion, certain products of its work which, by way of recommendations, may guide in the immediate and medium-term future the action of the State and society aimed at healing injuries resulting from violence, preventing the past from repeating itself and creating conditions for reconciliation. One such product is the attached Comprehensive Repair Plan.

Its implementation and execution depend on the existence of a clear political will to carry it out and on the cumulative sum of many contributions and efforts. The political will is not exclusive to the national government, even though it has the task of articulating and actively promoting it, but it commits all political actors and many other social actors such as the press and communication media, companies, associations and so many representative groups from diverse social sectors, who have the courage to go beyond their condition of mere observers of the tragedy that the country experienced, to recognize their responsibility and assume their debt to those who suffered directly from the violence.

As for the resources needed to make the Plan a concrete action and not just another document, the basic ingredient is solidarity and common effort. The cornerstone and the foundation of its construction corresponds to the State, where parties and other movements are represented, but it must find a solid complement in many other contributions. Civil society, in its multiplicity of presences: associations, churches, guilds and trade unions; non-governmental organizations, non-profit entities, national volunteerism (university and civil); and of course private enterprise that can play a very significant role and international cooperation, both bilateral and multilateral that can help turn a proposal into tangible reality.

On these premises, the reparations owed to the country and its victims will also become an effective contribution to democratic consolidation, to the return of faith in the future and to laying the foundations for a new social pact.

2.2.1. Rationale

Violence is not a new fact in national history. However, the one that examines this Report, on the immediate past, does seem to be, because of the magnitude it assumed and the nefarious consequences it produced. It is new for its massive character, for its levels of concentration in certain areas or regions, for having sustained its beginning in distant ideologies that in other parts of the planet were entering an accelerated phase of decomposition and fundamentally,

for having made their victims mainly among the most humble and dispossessed populations of the country.

The task entrusted to the Truth and Reconciliation Commission (CVR) aimed first at clarifying the truth, in order to claim and recover history for future generations, to give guidelines for establishing responsibilities and administering the relevant justice, and thirdly, to lay the foundations that would sustain a process of national reconciliation. The three dimensions are closely complementary.

From the CVR's work, it emerges that the period of violence defined is not historically but the last stage of a long tragedy experienced by an important sector of the national population, which, due to the ethnic and racial marginalization experienced by the Andean majorities and by the Amazonian minorities, the contempt and secular oppression, the abandonment by the State and the growing poverty of recent years, must have been the victim of serious crimes and violations of human rights¹.

The previous chapters of this Report have extensively detailed the truth gathered from the testimonies of the main actors, a profile of the responsibilities encountered, and a proposal for justice to be applied in response to the demands of those who suffered the violence in the flesh. The effective administration of justice thus becomes a first step in the search for reconciliation, which should possibly begin by resuming the lost ties between the national state and important sectors of the citizenry. But in addition to justice, the popular demand of the victims is to obtain adequate reparation for the pain, suffering and harm inflicted on them.

In these conditions, what must be repaired primarily in the interior of the country, in our Andes and in the Amazon, is a seriously wounded collective soul, which has even lost to a great extent its identity and its sense of belonging to the national collective.

Of course, there are also other sectors of the population that were harshly affected by the violence and who lost family, property, tranquility and hope or whose life project was interrupted. All of them, victims and relatives, are the subjects of the reparations that the CVR recommends that the current government assume on behalf of the State and all of Peruvian society, in order to restore or create better conditions for the almost forgotten dialogue between diverse cultures and distant social groups and to facilitate substantial advances toward the desired reconciliation. It is the political power - and this commits all the political forces represented in the Government and in the other public powers - that has the faculties, the possibilities and the duty to take this step: to make the country show its will to dignify those who have suffered so much, to restore them in their condition of full citizens and to compensate them, making it possible to visualize an acceptable future, beyond the precariousness that returning to the conditions of their previous life would mean.

¹ In the annex "We heard your voice", the workshops held to collect victims' suggestions on this subject are recorded.

2.2.1.1 Why repair? The ethical dimension

The acts of violence that have taken place over the past twenty years have caused serious damage to the dignity and integrity of individuals and social groups in Peru; they also constitute a detriment to the status of citizens. They died, disappeared, were tortured, unjustly imprisoned or had to flee, citizens of all strata, of different ethnicities, civil and military, "ronderos" and policemen, rural and city dwellers. However, it should be noted that in most cases this violence affected the most impoverished sectors of Peru, which lacked due recognition on the part of the State and the dominant sectors of Peruvian society. It is they who have suffered loneliness, indifference and in many cases contempt for their deceased relatives.

It is fundamentally in the "irreparability" of the damage caused, insofar as it meant the death of many people, and in the affirmation that the irretrievably lost can never be compensated, that the intentions of giving greater coverage and a broader sense to reparation measures are always narrow.

However, although the harm is not appropriately measurable, reparation is a gesture and an action that recognizes and reaffirms the dignity and status of persons. Coming from the State is an expression of due respect for their status as citizens. But it is not only a matter of recognition and reaffirmation, but also of mending, recomposing, trying to mend or sew something that has been broken back together. And in the victims of violence there is much that has been broken. Not only in the material, in the destruction of his house or in the loss of the goods that he possessed, but fundamentally in the hope for the future, in the inconsolable and irreparable loss of someone close and dear, of someone who was company and who was counted on forwards, in his life project.

Of course, solidarity is not excluded; on the contrary, morally it is the desirable complement to any reparation. The massive nature of the violence that the country has experienced brings tens of thousands of victims and perhaps hundreds of thousands of relatives, and the solidarity of the entire national society is necessary to comfort and make bearable the pain and suffering of those who have been deprived of close affections or live and relive dark memories of moments of humiliation, violence, dispossession or torture. Society makes amends insofar as it shows solidarity with those who have suffered injustice and promotes the regeneration of the damaged social fabric.

For this reason, the question of why repair? must be answered on the basis of the moral duty to provide the victims and their relatives with tangible evidence of support and help, which together with the application of justice will give back to those who lost a lot, the confidence to be seen by society under a different profile, which can gradually open the doors to a better life.

understanding in the national melting pot of behaviours, ethnicities and cultures. In this way, applied under the principle of equity, reparations must generate civic trust, restore it among citizens, and make it born in citizens for the State. And complementarily they will be able to generate social empathy, understood as the disposition and the capacity to put oneself in the place of the other.

2.2.1.2 Why repair? The legal dimension

By establishing a truth commission whose mandate includes recommending "proposals for reparation and dignification of the victims and their families", the Peruvian State recognizes that it has a legal duty to ensure adequate reparation to the victims of the internal armed conflict.

2.2.1.2.1. Duty and Right to Reparation

Under international human rights law (IHRL), a State's responsibility arises when it fails to fulfil its primary obligation to respect and ensure respect for internationally recognized human rights. This obligation includes the duty of guarantee, which refers to the legal duty to prevent violations of human rights, to investigate seriously violations committed within its jurisdiction in order to identify those responsible, to impose appropriate sanctions and *the duty to provide reparation to victims*.

The IDH essentially prescribes the protection of individuals, so that in the responsibility of the State their interest prevails. Therefore, it can be argued that obligations resulting from State responsibility for violations of IDH entail corresponding rights of individuals and groups of individuals who are under the jurisdiction of the offending State and who are victims of such violations. One of the rights available to these victims under international law is the *right to just reparations*. Several universal and regional IDH instruments and United Nations resolutions contain unequivocal provisions on the right to reparations.²

² See among others: UN. Universal Declaration of Human Rights; UN. International Covenant on Civil and Political Rights; UN. Convention against Torture; OAS. American Convention on Human Rights; OAS. Inter-American Convention to Prevent and Punish Torture; OAS. Inter-American Convention on Forced Disappearance of Persons. See also the Report of the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, Prof. Theo Van Boven, on The right to restitution, compensation and rehabilitation in its three versions: E/CN.4/Sub.2/1993/8, E/CN.4/Sub.2/1996/17, E/CN.4/1997/104; the Report of the Special Rapporteur on The question of impunity for perpetrators of human rights violations, Prof. Louis Joinet, in its two versions: E/CN.4/Sub.2/1997/20

With respect to the duty of guarantee, mentioned above as a principle derived from the obligation to respect and ensure respect for human rights, it is the source of the State's responsibility for not preventing and adequately responding to the actions of private actors that seriously harm the full enjoyment of human rights. "In effect, a wrongful act violating human rights that is not initially attributable to the State, for example because it is the work of a private individual or because the perpetrator of the violation has not been identified, may entail the international responsibility of the State, not for that act in itself, but for the lack of due diligence to prevent the violation."³ Therefore, and as a guarantor of social and public order, *the duty of States to redress extends to violations of human rights in the hands of private actors*, including subversive groups and terrorists. Consequently, the Truth and Reconciliation Commission and its Comprehensive Reparations Plan (PIR) recommend establishing equal treatment for all victims, whether they are victims of acts committed by agents of the State or by terrorist subversive groups.

2.2.1.2.2. The Peruvian State's Duty on Reparations

According to the first article of Peru's Political Constitution of 1993, "the defence of the human person and respect for his dignity are the supreme aim of society and the State". In addition, article 44 of the Constitution provides that the primary duties of the State are "to guarantee the full enjoyment of human rights and to protect the population from threats to its security". In addition, the Peruvian State is party to several international instruments⁴ that recognize the duty to make reparation. It is therefore responsible for repairing the damage and consequences of acts or omissions that violate human rights and international humanitarian law under its domestic law, since "treaties concluded by the State and in force form part of national law. Consequently, victims of such violations have the right to obtain just reparations.

In particular, the State is responsible for redressing human rights violations committed during the violence that shook the country from 1980 to 2000 as it is a basic principle of international law that successor Governments remain responsible for unlawful acts.

and E/CN.4/Sub.2/1997/20/Rev.1; and the Final Report of the Special Rapporteur of the Commission on Human Rights, Prof. Cherif Bassiouni, on The Right to Restitution, Compensation and Rehabilitation of Victims of Serious Violations of Human Rights and Fundamental Freedoms, E/CN.4/2000/62.

³ Inter-American Court of Human Rights, Velásquez Rodríguez Judgment, July 29, 1988, Series C, No. 4 (1988), para. 172. See also general recommendation 19 of the Committee on the Elimination of Discrimination against Women: "*Under international law and specific human rights covenants, States may also be liable for private acts if they do not take steps with due diligence to prevent violations of rights or to investigate and punish acts of violation and provide compensation.*"

⁴ For example, Peru is a party to, among others, the four Geneva Conventions and their Additional Protocols, the International Covenant on Civil and Political Rights, the Convention against Torture, the American Convention on Human Rights, the International Covenant on Civil and Political Rights, and the International Covenant on Civil and Political Rights.

of the Inter-American Convention to Prevent and Punish Torture, of the Inter-American Convention on Forced Disappearance of Persons.

⁵ Constitution, articles 55 and 200(4).

committed by predecessor governments not repaired by them, as an expression of the continuity of the State.

The international norms incorporated in Peruvian legislation complement and reinforce the domestic law that provides that: "He who by fraud or negligence causes damage to another is obliged to compensate him (...)"⁶ and that "civil reparation is determined together with the penalty"⁷. In theory, then, the procedural route is open to obtain reparations for human rights violations, as a derivation of the fundamental obligations assumed by the State under international law.

2.2.1.3. The Limits of the Legal Framework and the Political Dimension of Reparations

Domestic law clearly expresses one of the limitations of the legal framework on reparations, and that is that the duty to repair and the concurrent right to obtain reparations within the legal framework are expressed through the sentence of a competent jurisdictional court, as the result of an individual judicial process. This reality leads to a blatant inequity among victims: only victims who successfully invoke the jurisdiction of one of the regional human rights tribunals or an internal tribunal will actually obtain reparations. Other victims who suffered violations similar to those of a successful petitioner do not obtain the same access even if it can be proven that the violation occurred in similar legal circumstances.⁸ In the case of a successful petitioner, it is not possible to establish that the violation occurred in similar legal circumstances.

The instruments and mechanisms of both international and domestic law are neither conceived nor configured to respond to systematic or generalized practices of violations, but to individualized violations (Tomuschat, 1999:20): the judicial apparatus is overwhelmed. However, public authorities that must respond to and benefit a much broader and more complex universe of victims are obliged to adopt other methods and forms of reparations adjusted to the national reality, since they could not simply ignore the just claims for reparations with the argument that the adequate judicial apparatus does not exist.

There is an emerging consensus, based on international practice, around cases where serious violations of human rights have been massive or systematic: the adoption of a national reparations policy where, through a comprehensive plan, forms of reparations are combined with other forms of reparations.

⁶ Civil Code, Article 1969.

⁷ Penal Code, article 92.

⁸ The experience of the last 20 years has shown that the exercise of the right to reparation was not internalized in internal practices. Even when some kind of recognition was reached, usually through special laws, the expedited channels for its effective implementation were not available. In addition, it is well known that in Peru, the intervention of jurisdictional bodies by the political power and amnesty laws motivated people, who could not obtain effective protection of their human rights in the internal system, to go directly to the inter-American system and that the Peruvian State became one of the States Parties to the OAS with the most complaints before the Inter-American Commission on Human Rights.

individual and collective, symbolic and material redress.⁹ The very practice of the Peruvian State has already taken steps toward designing reparations programs of this type.¹⁰

The adoption of a reparations policy makes it possible to respond to the State's duty to provide victims of human rights violations with adequate reparation, adopting other methods and forms than those proposed by the simple legal framework, which are more in keeping with the national reality of the patterns of violations and the ethnic-cultural dimension of the victims. In addition, it contributes to the general purpose of doing justice and satisfying a larger universe of victims than could be served by judicial processes, overcoming discriminatory approaches and habits that are sometimes not free of racism. In this sense, and even more so in times of democratic consolidation, reparations aim at the reconstitution (or constitution) of the political community to which citizens aspire. They should be considered part of an overall political project, based on substantive ethical considerations, rather than the simple result of a legal or juridical rationality.

The first steps taken in this direction were the creation of the Truth Commission, later confirmed as the Truth and Reconciliation Commission (CVR), through which two governments of democratic essence began the reparations process. Both decisions translated the political will, not only to make the truth known to the country and to the world and to find the basis for applying appropriate justice, but also to show the country the recognition of the State to those who suffered the consequences of the violence and to return to the national society and in particular to the victims of the internal armed conflict, the outraged dignity and to repair the damage and suffering suffered. In effect, the decision to establish a Commission to which a mandate is assigned that includes formulating "proposals for reparations and dignifying the victims and their families" is proof of this state willingness to address the political dimension of reparations through the adoption of a special policy to that effect.

2.2.1.4. Towards a National Reparations Policy

The State, after having recognized the magnitude, characteristics and consequences of the crimes and violations of human rights in the national territory throughout two decades and the damages

⁹ On the one hand, the establishment of a national reparations plan is a way of responding to the State's duty to repair that has been ratified in international practice. On the other hand, the doctrinators mention measures of general and collective scope, as well as special measures or administrative measures, and even the creation of national funds to compensate victims.

¹⁰ In the case of the establishment of the Commission to Follow Up on the Recommendations of the Inter-American Commission on Human Rights (IACHR), through Supreme Decree 005-2002-JUS published on February 25, 2002, that is mandated to design a comprehensive non-monetary reparations program in 159 cases included in the joint press release between the IACHR and the Peruvian State of February 22, 2001. And in the case of the establishment of the Special Commission for Attention to Innocent Pardoned Persons (CEAII), through Supreme Decree 002-2002-JUS, published on January 15, 2002, which also has the mandate to design a comprehensive non-monetary reparation program for this limited group of victims.

The State has the obligation to establish clearly and precisely the guidelines for action necessary for those persons to recover their dignity, security and personal tranquillity, to have their citizen rights restored, to seek compensation for the material losses suffered by their local or communal environment, and in the impossibility of restoring the previous situation in terms of damage to life, health or personal integrity, to compensate for the loss, disappearance or suffering suffered.

These guidelines should constitute a state policy on due reparations. Such a policy should be understood as the basis and fundamental part of the gradual process of democratic consolidation begun at the end of 2000 and to which the current government adhered and committed itself, in a clear and consistent manner, to continue and support. In this sense, the responsibility for approving, implementing, and implementing reparations measures involves the three branches of the State and all public institutions, while the same responsibility extends to the rest of national society in terms of supporting the State's efforts, contributing to the reparations process, and supervising compliance with the required actions.

When it comes to healing the tears and fractures that have affected several generations and restoring harmony and conditions for joint action to the entire national society, the process of reparation will go beyond the terms agreed by the Constitution to a government and as such, must be understood as a long-term action in which it is necessary to commit future generations. To this end, it is necessary to leave them with a consistent legacy of information about the truth in all its harsh and cruel dimensions and to transfer to them guidelines and lines of action that look to the future, in which as much progress as possible has been made, in order to guarantee its continuation and culmination for the sake of the objective of achieving national reconciliation.

All national political actors must be aware of the importance of this state policy and of the invaluable contribution that the realization of reparations can make to democratic consolidation.

For this reason, the desired future of peace and national coexistence will also be strengthened through the effective execution of a Comprehensive Reparations Plan and its specific programmes, in which the new regional governments will actively participate, adding their efforts to those of the local authorities and of the population's own organizations. Its implementation will contribute to improving the quality of life of populations and will open up prospects of cultural, social and economic integration for those who have often not only suffered poverty and exclusion but have also suffered directly from the consequences of resorting to violence.

2.2.2. Conceptual framework

2.2 2.1. Objectives and Scope

While the ultimate goal of reparations is to do justice to victims, the ideals of full restitution and reparation in proportion to the harm suffered are overwhelmed when the very nature of the violation is irreversible or when human rights violations cease to be an exception and become systematic or widespread violations. The adoption of a political and humanitarian perspective on reparations, through a massive plan, opens the possibility of contributing to the general purpose of doing justice, from a broad notion that going beyond the satisfaction of isolated individual claims, according to a legal prescription, reaches a greater universe of victims.

Along these lines, the Comprehensive Reparations Plan (PIR) recommended by the Truth and Reconciliation Commission (CVR) sets as its general objective "To repair and compensate the violation of human rights as well as the social, moral and material losses or damages suffered by the victims as a result of the internal armed conflict". This initial objective achieves greater specificity in the following way:

- To recognize as victims those who suffered violations of their human rights during the internal armed conflict, in order to restore their rights as citizens, and to contribute to the re-establishment of civic trust and social solidarity;
- To contribute to the moral, mental and physical recovery of the surviving victims of human rights violations committed in Peru during the period from May 1980 to November 2000, as well as of the relatives of persons who died or disappeared as a result of the internal armed conflict;
- To repair the economic and social damage to the most affected individuals, families and communities caused by the internal armed conflict.

The CVR believes that through these objectives, the PIR will become an effective instrument of reparation and therefore of justice and reconciliation. In order to achieve them, the following Plan is characterized by its internal integrality, that is to say, by appropriately combining symbolic reparation measures with material reparation measures; and by including measures of an individual nature accompanied by measures of a collective nature. The PIR seeks to ensure that these different types of programmes are complementary and not necessarily cumulative.

Although the necessary internal integrity of the PIR makes it complex, the CVR considers that it is the ideal and respectful way to respond to the complexity of the damage caused as a result of the conflict, which affected the victims both morally and materially, and at the individual level.

as a collective. In this sense, the PIR cannot and should not be considered as just another social policy instrument. The PIR does not seek to solve the problems of poverty, exclusion and inequality, which are of a structural nature and respond to the global functioning of the economic and political system. While some of its programmes can and should contribute to improving the quality of life of victims and their families, its central objective is the reparation and recognition of victims as human beings whose fundamental rights have been violated. This is not to say that the State should not also undertake a social development policy aimed at attacking the roots of poverty and inequality, and the CVR itself makes concrete proposals elsewhere in this report regarding necessary institutional reforms, but the PIR serves other purposes.

It is worth emphasizing that the detailed actions should never be viewed in isolation. In fact, the integrality of the Plan also has an external dimension that refers to the relationship that the PIR must have with other aspects and recommendations of the CVR, such as the clarification of the truth, the reconstruction of historical memory, the application of justice, and the aforementioned institutional reforms. Each of these aspects, in the absence of the others, loses an important part of its value and could even be considered as an empty gesture. On the other hand, if they are coherently integrated, they are more likely to contribute effectively to the process of national reconciliation and to the construction and consolidation of the democratic political community to which citizens aspire.

In addition, the programs, components, and reparations measures detailed below were defined based on criteria that include international and national standards and experiences, on the one hand, and analysis of the demands and expectations of the affected population, as well as their urgent needs, identified through studies, diagnoses, and workshops developed by both the TRC and institutions that work on these issues, on the other.

2.2 2.2. The beneficiaries of the Comprehensive Reparations Plan

The universe of the "beneficiaries" of the Comprehensive Reparations Plan is defined by the mandate received by the CVR on time and types of violations¹¹, the conclusions reached in this regard, and the legal principles that should govern the relationship between victim and beneficiary to ensure that the PIR is fair. When recommending a comprehensive reparations plan, the nature and distinct consequences of each type of violation or event giving rise to reparations, the current context in which the victims find themselves, and the feasible scope of each reparations plan should be taken into account.

¹¹ See article 3 of the Supreme Decree Creating the Truth and Reconciliation Commission, DS 065-2001- PCM.

measure. This means that in some cases the concept of beneficiary extends beyond direct victims, and in others the specific measures only apply to some of the victims.

2.2.2.2.1. The notion of victim

In general, the CVR considers as victims "all those persons or groups of persons who, because of or because of the internal armed conflict that the country experienced between May 1980 and November 2000, have suffered acts or omissions that violate norms of international human rights law (DIDH)".

- forced disappearance,
- kidnapping,
- extrajudicial execution,
- murder,
- forced displacement,
- arbitrary detention and violation of due process,
- forced recruitment,
- torture,
- rape, and
- injury, injury or death in an attack in violation of international humanitarian law.

In the following, for the purposes of the PIR, we refer to the victims of these types of violations as "rape victims.

It is important to note that the CVR subscribes to the principles of the IACHR when it considers that a person's status as a "rape victim" does not depend on who the perpetrator is or on whether the perpetrator of the violation has been identified; it is also independent of any relationship that may exist or may have existed between the victim and that perpetrator¹².

The definition of "rape victim" also does not depend on the previous conduct of the injured person. International standards and practice, based on the guiding principle of non-discrimination and equality before the law, do not take into account the legality or morality of personal actions prior to the violation. And in this sense, Peruvian practice, both through the adoption of national norms and through the fulfillment of sentences of reparations and friendly solutions issued by international bodies, confirms that any person who suffers from

¹² In this way, the TRC endorses the most recent doctrinal developments of the IDH, expressed by Prof. Cherif Bassiouni in his Final Report as Special Rapporteur of the Commission on Human Rights on the right to restitution, compensation and rehabilitation of victims of serious violations of human rights and fundamental freedoms, E/CN.4/2000/62, para.9.

a violation of your human rights can be remedied without regard to the legality or morality of your personal actions.

Considering the nature of violence in Peru, the CVR considers that persons who have been injured, injured, and killed in armed confrontations and who at the time belonged to a terrorist subversive organization cannot be considered victims. These people took up arms against the democratic regime and as such faced the legal and legitimate repression that the norms confer on the State.

On the other hand, members of the Armed Forces, police or self-defence committees who are injured, injured or killed in armed confrontations are considered victims in this scheme. These people were harmed as a consequence of a legal and legitimate act of defence of the democratic order and deserve the recognition and respect of the State and society.

In the description of the programs, explicit references are included to the reparations proposed for these victims, bearing in mind that for them there are already certain standards that provide for a certain type of reparation.

2.2.2.2.2. The notion of beneficiary

The "beneficiary" is the victim who will receive some type of benefit, symbolic and/or material, individual and/or collective, from the Integral Reparations Plan (PIR). In formulating its recommendations for the IRP, the TRC focuses its attention on victims, as described above. The CVR establishes that both the status of individual victim recognized in this Report and that which could be recognized by the post-CVR entity¹³ allow access to the process of qualification and obtaining at least some measure of the PIR. While testifying before the CVR will facilitate the process, it is neither a precondition nor a prerequisite for qualification as a beneficiary.

However, it also emerges from this Report that, in addition to the direct victims of the documented violations, the conflict experienced by the country affected a larger universe: the families of the victims and the human groups that, due to the concentration of massive violations in their midst, suffered overall damage and the violation of their collective rights. From a humanitarian point of view, the CVR considers this reality by recognizing the quality of beneficiaries of the PIR to the families of the dead and disappeared and to certain collectives.

In this way, beneficiaries can be individual and collective. In the individual sphere, the damage produced directly to the person or to his closest relatives is recognized, and in the collective sphere, the damage produced in the common social fabric is recognized. These areas

¹³ Such a post-CVR entity would have to be based on the same rating criteria as those used by the CVR.

are not mutually exclusive, the beneficiaries may be subject to both individual and collective reparation and vice versa, provided that the same benefit is not duplicated.

2.2.2.2.1. The notion of individual beneficiaries

Family members

For the purposes of its reparations proposal, the CVR understands family members to mean the spouse or common-law spouse, children, whether married or out of wedlock, and the parents of the disappeared or dead victim. According to Peruvian inheritance law, the children and the surviving spouse inherit first and, in the absence of children, the parents. However, for humanitarian reasons, the CVR also considers parents as relatives, in the same way as surviving spouses or cohabitants and children.

On the other hand, the particular nature that the family nucleus adopts in the reality of the high Andean and jungle communities, makes it different from the one recognized by the norms of internal law, closer to a western concept. Relationships of consanguinity or affinity are not necessarily taken into account when speaking of family, and the validity of various affiliations is accepted in communities. Likewise, as a result of violence, the configuration of the family relationship may have been distorted, resulting in real and valid dependency relationships that are different from those of the family nucleus recognized by domestic law.

Therefore, the CVR recommends presuming as beneficiaries of the PIR generated by the death of the victim and as relatives of disappeared beneficiaries of the PIR, the members of the family nucleus, understood as the spouse or cohabitant, the sons and daughters and the parents. However, it also recommends that other claimants not be excluded from the enjoyment of this status, who must prove that they are a beneficiary, demonstrating that they have a dependency bond similar to a family bond with the person of the deceased or disappeared person according to the customs and customs or customary law recognized by the population to which the claimant belongs¹⁴. These "extended family members" may receive PIR benefits. And, for the purposes of the Financial Reparations Program, they will be assimilated to a child.

The benefits of the PIR are not transmitted by inheritance.

The universe of individual beneficiaries

With regard to the application of the RIP, by referring generically to the "universe of individual beneficiaries", we include the following categories of persons:

¹⁴ Thus, the CVR endorses the jurisprudential developments of the Inter-American Court of Human Rights, as expressed in its reparations judgment, Aloeboetoe Case, September 10, 1993, Series C No. 15.

- Relatives of missing victims,
- Relatives of dead victims,
- The displaced,
- Innocent persons who have suffered imprisonment (i.e. those who have been arrested, and/or prosecuted and/or convicted for terrorism and treason on the basis of insufficient evidence or judicial error, and acquitted, pardoned or who were granted the right of pardon in compliance with Act No. 26655; or released for serving a sentence¹⁵),
- The tortured,
- Rape victims,
- The abductees,
- The recruits,
- Members of the Armed Forces, the PNP, and members of the Self-Defense Committees injured or injured in violations of IHL or in acts of service.

This universe of individual beneficiaries must always be seen in the light of the exclusions and special cases mentioned below.

Other individual beneficiaries

The armed conflict has violated the rights of others who do not necessarily fall into the above categories. In this sense, and from a humanitarian point of view, the CVR recommends that they also be considered as creditors of specific benefits of the PIR a:

- Children who have been raped,
- People who, being minors, formed a Self-Defense Committee,
- Persons improperly requisitioned for terrorism and treason,
- People who became undocumented as a result of the internal conflict.

While these cases will be taken into consideration for some specific aspects of the RIP, these categories will not be considered part of the "universe of individual beneficiaries".

2.2.2.2.2. The notion of human beneficiary groups

For the purposes of the PIR, the CVR understands human beneficiary groups:

¹⁵ The condition of innocence must have been determined by the ad hoc Commission for Innocents in Prison, established by Act No. 26655 of 17 August 1996, by the mechanisms that succeeded it or by the courts.

a) to peasant communities, native communities and other populated centres affected by the internal armed conflict. For identification, the CVR recommends the following criteria (or a combination of these):

- Concentration of individual violations;
- Arrasamiento;
- Forced displacement;
- Breakage or cracking of the communal institutionality, using the following criteria:
 - . number of authorities killed, displaced and/or disappeared
 - . weakening of assemblies, boards and other forms of local government
- Loss of family infrastructure, using the following criteria:
 - . loss of land and work tools
 - . loss of livestock
 - . loss of housing
 - . loss of means of transport
- Loss of communal infrastructure, using the following criteria
.....
.....:
 - . loss of communal premises
 - . loss of communal productive infrastructure
 - . loss of communications infrastructure (bridges, roads, communal radios, etc.)
 - . loss of basic services infrastructure (water, energy, sanitation, etc.)

b) to organized groups of non-returned displaced persons from affected communities in their places of insertion.

2.2.2.2.3. Additional considerations on the quality of beneficiaries of the RIP

2.2.2.2.3.1.

With the particular cases developed below, victims who have received reparations for other decisions or policies of the State (special laws for the care of victims or compliance with international sentences) are excluded from the benefits of the PIR under the principle that no double benefit can be received for the same violation.

Victims who are not included in the PIR and claim a right to reparation will always retain their right to resort to the courts.

Also excluded from the PIR are members of subversive organizations who were injured, injured or killed as a direct result of armed confrontations, unless the affectation was carried out in violation of their human rights.

2.2.2.2.3.2. Special cases

The legislation on benefits¹⁶ passed by the Peruvian government in order to alleviate the critical situation in which certain "victims of terrorist violence"¹⁷ are found that affected the country, in particular the local authorities, civil servants and public servants, the armed forces and police, and the members of the Peasant Patrols and Self-Defense Committees, as well as the development of certain reparations programs through special commissions, constitute valuable advances in relation to the Peruvian State's duty to repair. However, in many cases the benefits have not been implemented or could jeopardize the principle mentioned above, according to which no double benefit can be received.

To mitigate this danger and give justice to the victims:

In the case of local authorities, civil servants and public servants, as well as members of the armed forces and police, the CVR recommends that:

- the responsible institutions are encouraged to grant as soon as possible the respective benefits owed to these sectors, since the implementation of these benefits, which may be extended to military personnel on "commission" or in "performance of duty", has not been fully complied with, and that these benefits be brought into line with those of the PIR;
- those who have not yet received any benefits may opt to access exclusively the benefits of the PIR;
- the administrative and humanitarian convenience of combining the benefits granted by the legislation in force and the benefits of the PIR under the administration of the post-CVR entity or whoever assumes the function of carrying it out is evaluated.

In the case of members of Self-Defense Committees, the CVR recommends that:

- those who have already been compensated under article 10 of Supreme Decree No. 077-92-DE of 11 November 1992 and Supreme Decree No. 068-98-DE-S/G of 27 December 1998 are excluded from the pecuniary economic benefits of the PIR;
- those rules be repealed in order to avoid duplication of benefits in the future;
- in all other respects, according to the terms of the IRP programmes, the members of the Committees are included as beneficiaries.

¹⁶ See Annex 1.

¹⁷ According to the terminology used by the same standards.

In the case of innocent pardoned persons covered by the mandate of the Special Commission for Attention to Innocent Pardoned Persons (CEAII),¹⁸ the CVR recommends that:

- the recommendations issued by the CEAII in its Final Report, which provides health, education, labor, and housing benefits to the innocent pardoned persons under Laws 26655 and 27234, as well as to their immediate family members, i.e., spouse or cohabiting partner, and minor children, so that they can count on the follow-up, implementation, and oversight structure provided by the CVR for all of its recommendations;
- consider innocent pardoned persons as beneficiaries of the economic and monetary reparations of the PIR, unless they opt for judicial recourse, since the CEAII does not contemplate compensation.

In the case of decisions or proceedings pending before the Inter-American Commission on Human Rights, the CVR recommends that:

- cases that have already received benefits through a judgment on reparations, an amicable settlement, or a comprehensive reparation agreement are excluded from PIR benefits;
- for cases that fall within the mandate of the Inter-Agency Working Group on Follow-up to the Recommendations of the Inter-American Commission on Human Rights:¹⁹
 - cases still to be resolved are excluded from the benefits of the PIR;
 - are considered to be beneficiaries of the economic and pecuniary reparations of the PIR, unless they opt for judicial remedies or are otherwise resolved through the inter-American system, since the current mandate of the Commission does not provide for compensation;
- the other petitioners in cases pending before the inter-American system may choose between obtaining reparations through a judgment or an agreement on reparations before the inter-American system or receiving the benefits of the PIR. However, by opting for the PIR, they will not renounce the judgment or the recommendations with respect to the other extremes of the case;
- assess the administrative and humanitarian desirability of the post-CVR entity directing pending compliance measures.

¹⁸ Created by Supreme Decree No. 002-2002-JUS, dated 15 January 2002.

¹⁹ Created by Supreme Decree 005-2002-JUS published on February 25, 2002 and modified by Supreme Decree N°006-2002-JUS published on March 1, 2002.

2.2.2.2.3.3. Priorities

The TRC identifies situations of different vulnerability within the universe of beneficiaries. This identification is based not only on the findings of their various investigations, but also on the recognition made by the victims themselves²⁰. For this reason, the CVR considers it necessary to develop reparations measures aimed at balancing these differences or asymmetries and giving certain groups more comprehensive attention within the Plan. These are the elderly, orphans, widows and disabled persons.

2.2.2.2.4. Relationship with the judicial system

The granting of benefits through the PIR will render null and void any civil lawsuit against the Peruvian State as jointly and severally liable and/or civilly liable third party, not so in criminal proceedings. In order to do so, a formal law will be required to prescribe the above.

The CVR considers that the State has the right of recourse against persons responsible for violations of the human rights of one of the beneficiaries of the PIR by virtue of a definitive sentence issued by the competent national authority. It also reserves the right to initiate proceedings against persons allegedly responsible²¹.

The granting of benefits through the PIR does not restrict the beneficiary's right to bring an action against the alleged perpetrator in order to achieve justice. However, in the event that a beneficiary of the PIR obtains civil reparation of the sentenced person by means of actions before the courts, he must reimburse the amount obtained to the State, to the extent that it turns out to be a double benefit.

2.2.2.3. Transversal approaches

It should also be stressed that the comprehensive recovery of the affected population is linked to other dimensions of its development, such as the family, work, identity, culture, social and community participation and the exercise of rights, for which reason the PIR will be implemented on the basis of five transversal axes that take these dimensions into account.

²⁰ See the results of the II International Meeting of Civil Society and Truth Commissions: *"Towards Integral Reparation for Victims and the Follow-up of the Recommendations of the CVR"*. The meeting took place on November 6-9, 2002 in the city of Ayacucho and was organized by the Expanded Initiative Group, within the framework of supporting the CVR in the systematization of proposals for reparations for victims and those affected by the internal armed conflict, and the development of proposals for a political strategy to ensure the viability of the Integral Plan of Reparations.

²¹ The investigation of the perpetrator or those directly responsible for the violation of human rights and the process does not hinder or paralyze the State's obligation to comply with the implementation of the PIR.

2.2.2.3.1. Psychosocial approach

The psychosocial approach means understanding people's responses and behaviours in a cultural, political, economic, religious and social context with which they relate and which gives them a sense of belonging and identity.

The possibilities of reparation are closely related to the restoration of trust among the population itself and between it, the State and the institutions in general, allowing its commitment as an active agent. Therefore, the implementation measures of the PIR are oriented towards the understanding of the damage by the population, as well as the activation of their individual, family and communal resources for recovery. In this way, the serious human rights violations that have caused, individually and collectively, emotional problems, psychosomatic disorders, personality disorders, alcoholism, depression, suicide attempts, etc., and that are dealt with by the different programs (symbolic actions, legal measures, health recovery or collective reparations), will be dealt with in a contextualized manner, taking into account the causes, the necessary empathy with the affected population and the orientation towards the reconstruction of a life project.

2.2.2.3.2. Participatory approach

Under this approach, the PIR incorporates as a basic criterion the participation of the population in decision making and definitions of their own processes of social, cultural, economic and material construction and reconstruction. The PIR is based on the premise of favoring a reparations process based on the needs that the population identifies as its own.

The participatory approach responds to the need to recreate relations between the State and society based on the recognition of the capacity of its citizens to make their own decisions and to identify their most felt needs. This process of dialogue and consultation will contribute to the strengthening of existing organizations and institutions in the zones, and will contribute to the (re)creation of political spaces in sectors where violence has disrupted local organizational forms.

This approach considers the active incorporation of those who were victims (direct or indirect) in order to recover conditions of dignity and freedom. The role of the PIR will be to provide the population with the necessary tools to strengthen their own resources. The PIR must be based on a process of elaboration of a historical and collective memory that allows the population to contextualize the damage suffered, recognize themselves as subjects of rights, respond to their demands for reparation and access to justice. In this way, the victims themselves and their families

will be able to participate in the planning and implementation of measures and thus open up processes of national reconciliation and the creation of optimistic visions of the future.

In order for this approach to reinforce the integrality of the PIR, it will be necessary to strengthen the organizations and leaderships and the capacity of the population as active agents in the resolution of their problems, and thus favor the process of reconstruction of the social fabric.

2.2.2.3.3. Intercultural approach

This approach is based on recognizing the ethnic and cultural differences of the Peruvian population and therefore its diversity. In this sense the intercultural approach tries not only to respect the existing differences in the country, but to work with them from a perspective of dialogue between different subjects. This dialogue emphasizes a search for equitable relations among all those who make up Peruvian society.

The intercultural approach allows the contents of the PIR to be approached from their own points of reference and ways of understanding the processes of violence experienced by the victims, building a space where these populations exercise their citizenship from their own concepts, values and budgets.

2.2.2.3.4. Gender equity approach

The PIR is based on the recognition of the existing inequalities between men and women in the different social, economic and political processes. It promotes a gender equity perspective based on the generation of processes that involve both men and women. The gender equity approach recognizes the situations of disadvantage and difference between men and women when it comes to accessing resources and making decisions, thus stimulating the creation of special conditions to facilitate the participation and presence of this group in decision-making and other activities related to the PIR.

The approach rests on the purpose of increasing women's participation in decision-making processes and thus ensuring that women have a greater say in the general conditions of their situation. At the same time, the approach seeks to raise awareness among the different members of the community of the structural gender differences and inequities that exist within the community.

2.2.2.3.5. Symbolic approach

It is anchored in the recognition of the suffering of victims during the period of violence. In incorporating this transversal axis, the PIR starts from the understanding that all the acts of

These reparations are aimed at recognizing the way in which the victims were affected during the process of the internal armed conflict in Peru, and affirming the condition of individuals and citizens of all those who suffered the violation of their fundamental rights. Thus, any reparation measure is symbolic because it expresses a recognition of the dignity and rights of the victims.

The symbolic, as an approach, incorporates the development and re-establishment of trust among citizens, as it fosters an attitude of rapprochement among the members of a political community that was fragmented as a result of violence.

2.2.3. The programs of the comprehensive repair plan²²

2.2.3.1. Symbolic Repair Program

2.2.3.1.1. Justification

The Nation as a whole suffered violence and the disastrous consequences of the internal armed conflict. The basic principles of coexistence and the social pact were broken again and again by the Shining Path, the MRTA, as well as by members of the forces of law and order. In this period a series of citizen ties were broken, crossing all spheres of life, from the familiar to the political, passing through the communal, the intercommunal and the local, also affecting relations between strata, social classes and ethnic groups. The process, in spite of being born from conceptualizations far from our reality, sharpened latent conflicts in Peruvian society. The discourse of war concealed communal, group or family conflicts over land, personal conflicts over power or old ethnic and social conflicts between mestizos and Indians. In turn, this process generated permanent damage of varying scale and magnitude to the spirit of the people, particularly in traditionally excluded sectors.

On the one hand, it will be appropriate for the State to make gestures and promote acts aimed at recognizing the importance and seriousness of the damage caused to those whom it should have protected. On the other hand, all of society, including those groups that seemed to feel at the margins of the conflict, after the years of protest against the previous political system, will find new ways to express permanent solidarity and to accompany those who suffered directly from the violence.

In order to facilitate and promote a process of restoring the rights and dignity that have been taken away from citizens, in particular the inhabitants of the territories directly affected, it is essential that such acts or measures carry a "message" addressed to the whole of the European Union.

²² See Annexes 2 and 3; presentation tables by programme and by beneficiary.

(b) to ensure that the rights of the child are understood by the nation, understandable to the majorities, diverse ethnic groups and cultures of the country, including, as far as possible, minors.

Proposing a set of explanations that make what happened intelligible and interpretable will contribute to lay the foundations of a preventive system against the repetitions of the tragedy. The "why did it happen?" must be the starting point of the "never again". It is opportune that the collective processes of remembrance are established, facilitating an associative chain that is an insurance against oblivion.

It is appropriate to underline the pedagogical nature of the whole symbolic component. If the underlying message is properly perceived by the population, it can and should contribute to raising awareness of what should never have happened.

At the same time, it is necessary to begin the collective and unfinished process of mourning in a different dimension from the ongoing underground processes, providing some relief from the suffering caused by violence.

On the other hand, these processes must give the opportunity to extract from the traumatic event - or from the cumulative trauma constituted by a succession of abuses - lessons that allow the construction of a new social imaginary, where human rights are not dead letters. Symbolic processes will make it possible to draw historical lessons from crises of violence about the causes that led to that destructive eruption. This form of reparation has the value of a transitional process, between an environment of rampant violence and one that seeks to re-establish the rule of law and the rule of law.

For this reason, when faced with symbolic processes or objects (for example, places of remembrance or memory), it is essential that the population, first and foremost those directly affected, but also all citizens, be able to recognise them, make them their own and use them as facilitators in the process of experiencing reparation. In addition, it should be borne in mind that public acts or gestures, particularly if they come from the State, have a strong political burden or connotation and within processes such as those mentioned acquire particular value for the actors, as an expression of manifest will, not only to repair but to advance towards new forms of coexistence and towards national reconciliation.

It is necessary to emphasize, in this sense, the hinge role that this type of reparation fulfills, between truth and reconciliation. To this end, in formulating recommendations on symbolic reparation measures, it is necessary to find a balance between the demands of the victims, which must be heard and taken into account, and the needs of a national character in a period of democratic consolidation, with its correlates of recognition, interpretation, pedagogy and memory.

Aware of this reality, the CVR proposes that, as part of the PIR, certain actions of symbolic content be developed, forming a set of civic rituals that, on the one hand, aim at refounding the social pact and, on the other, seek to establish milestones representative of the social pact.

the will of the State and society not to repeat acts of violence and violations of human rights such as those that occurred between 1980 and 2000.

2.2.3.1.2 Objective

The fundamental objective of the Symbolic Reparations Program is to contribute to restoring the social bond broken by violence between the State and people and between people themselves, through public recognition of the harm inflicted on them by the action of subversive groups and the action or omission of the State, in the search for national reconciliation and the strengthening of a feeling of solidarity of Peruvian society as a whole towards the victims.

2.2.3.1.3 Beneficiaries

The victims of violations and violence, who were affected in their dignity and rights; as well as the citizens of the territories affected by the internal armed conflict. The projection of profit, however, reaches the entire nation.

2.2.3.1.4 Components

The proposed components are those that the State is recommended to assume from the various levels of government. They'll understand:

1. Public gestures
2. Acts of recognition
3. Reminders or memory places
4. Acts leading to reconciliation

2.2.3.1.4.1 Public gestures

Express support for CVR's Final Report

- ! The CVR recommends that the President of the Republic, who personifies the Nation, in his capacity as first state official and supreme chief of the Armed Forces, send to the country a signal of high significance, endorsing and giving broad support to the set of measures recommended in the final report of the Truth and Reconciliation Commission.
- ! The CVR recommends that the PIR's proposals and recommendations be incorporated as policy into the National Accord.

Apologies to the country from the highest officials of the State

- ! The TRC recommends that the President of the Republic in a special address, in reaffirming his commitment to assume the conclusions and recommendations of the Truth and Reconciliation Commission, formally express the State's apologies to all those who in one way or another suffered the consequences of the violence.
- ! The same message may include an appeal to the other branches of government and the various national institutions involved in the process to recognize and assume the corresponding responsibilities, and to the entire nation to assume the process of truth, justice, reparation and reconciliation.
- ! The TRC recommends that this message be simultaneously translated into Quechua, Aymara and Ashaninka and disseminated by all the country's written, radio and television media.

Letters to victims or their families

The recognition by the State of the victims of the various human rights violations, in a personal capacity through a written document, is one of the main demands of a large number of victims and their families.

- ! The CVR recommends that each person accessing the PIR receive a personal letter of acknowledgement and apology signed by the President of the Republic. Also, that the text of this letter be disseminated by all the written, radio and television media of the country in Quechua, Aymara, Ashaninka and Castilian.

Public Ceremonies Explaining the Truth

The knowledge of the truth is a fundamental demand of the victims, which is why it is convenient that in addition to the massive dissemination of the CVR's report, the most emblematic places of the violence process can be reached, and therefore, those most in need of reparation, through sessions, hearings or other events, with the presence of representatives of the State.

- ! The CVR recommends the holding of public events (regional or provincial) in which a representative of the State provides an explanation to the public of the origins and causes of violence and the reasons for the behaviour of the State and the armed and police forces in their areas during the violence process, based on the CVR's Final Report. It is recommended that the Office of the Ombudsman, as a delegate of the State, be entrusted with this task, carried out by a set of mobile teams that would travel through the affected territories. In each affected city, province, district and/or community there will be a public act.

(assembly, town hall, hearing) where a commissioner of the Ombudsman's Office will present the explanations that the CVR has found to the events that have occurred in said territory. It is desirable that these events be attended by the greatest number of representatives of the public sector, in particular the three branches of government and the armed and police forces, be open to the general public and be broadcast by local and regional media.

- ! In the same vein, the CVR recommends that the Ombudsman's Office hold a special session for the Ashaninka population in the town of Puerto Ocopa, with the presence of representatives of the three branches of the State and the Armed and Police Forces. This particular act is proposed because of the magnitude of the damage inferred, in terms of lives and customs, to this indigenous people.
- ! The CVR recommends that special public sessions of the Executive Branch (Council of Ministers), the Congress of the Republic (Solemn Session), the Supreme Court of the Republic (Plenary Session) and the high commanders of the Armed Forces be held in accordance with the CVR Report and with the same explanatory and recognition purpose mentioned above.

A cross-cutting component of all measures called "Public Gestures" is the one referring to violations of women's human rights. In this sense, in all the messages, hearings or acts mentioned above, a significant moment should be devoted to explaining the facts and abuses that occurred in their homes or communities, in the barracks or in the prisons, which directly violated women's sexuality, honour and dignity.

2.2.3.1.4.2 Acts of recognition

Recognition of all victims of the internal armed conflict

In the interests of national reconciliation and the strengthening of a sense of solidarity towards the indiscriminate group of victims, it is appropriate to recommend a national commemoration date. In this way, the Nation and the next generations will have in mind year after year not only what happened in the country during the period of the conflict but also the importance of something similar not happening again. Likewise, it is important that the date of such commemoration does not recall an act of violence but rather that it is marked by a vision for the future.

- ! The CVR recommends that Congress declare the date of the official delivery of the Truth and Reconciliation Commission's Final Report to the President of the Republic and to the heads of the other branches of government as "Día de Homenaje a todas las víctimas de la violencia" (Day of Tribute to all victims of violence).

Restoration of citizen confidence in the innocent who suffered imprisonment

The abdication of civil justice and the unrestricted authority conferred on military tribunals resulted in hundreds of citizens being convicted, with no or flimsy evidence, without due process guarantees or the possibility of legitimate self-defence. In addition, these citizens and their families were stigmatized by the media's dissemination of the convictions, without being able to replicate, prove or confirm their innocence.

- ! The CVR recommends that the Supreme Court of the Republic publish a notice or insert in the main national and regional media with the complete list of those who were unjustly detained, accompanied by a letter signed by the President of said Court that acknowledges the facts and makes public their innocence.
- ! The CVR also recommends that the Supreme Court convene a public act of recognition of the innocence of these persons, in which the President of the Supreme Court of the Republic would participate.

Recognition of social leaders and civil authorities

During the internal armed conflict, a significant group of citizens assumed responsibilities of government, social leadership and even professional exercise, which directly confronted the logic of militarization and promoted the defense of human rights. This challenge of a group of civilians, in different positions and regions, meant the permanent threat and in many cases death. This is the case of mayors and other authorities, leaders, leaders as well as many members of the Self-Defense Committees (provided they were not involved in human rights violations). The recognition of these deceased civilians is fundamental to the construction of a new historical memory.

This effort should be linked to an institutional-type action in the education sector. The names of schools and colleges are fundamental signs in the identity of children, adolescents and even the community and because of their pedagogical content they are important tools for the construction of memory. For this reason, renaming an educational centre with the name of a victim or a group of victims is configured as a symbol of moral reparation. Therefore,

- ! the CVR recommends that the relevant bodies of the Ministry of Education, regional governments and municipal authorities, where appropriate, give the names of civilians who died in the face of militarization and in promoting the defense of rights.

It is also necessary to establish a commemoration on the day of his birth, which will be repeated year after year, in which the civic values of the victim will be exalted. It will be important that the victim's relatives and some local authority attend these ceremonies.

In the spaces or territories where this measure should be implemented, the CVR recommends :

- the urban sphere: that proposals for names be generated within the Ministry of Education, always encouraging the participation of Educational Service Units and other bodies or persons interested in promoting the recognition of a leader or representative local authority²³;
- in rural areas: proposals for names should be consulted in the Communal Assembly²⁴. It is important that women who assumed leadership roles during the conflict period are added to the lists.

Recognition of members of the Armed Forces and the National Police

With regard to the military and law enforcement officers killed during the internal armed conflict, it should be noted that the Armed Forces and the National Police have, in a number of cases, carried out reminder acts and special recognitions, but this would not prevent them from being included on a list such as the previous one, in coordination with the relevant authorities of the Ministry of Defence and the Ministry of the Interior and to the extent that they have not been involved in human rights violations.

These acts of recognition should also be carried out by public authorities and civil society organizations, as a sign of respect for the courage and courage shown by those who defended the country from subversive aggression.

Recognition of local governments as the first political representation of citizens

One of the institutions most affected by the violence process was the Municipalities. Hundreds of municipal premises were destroyed by subversive groups, losing valuable information for the development of citizens' lives. Likewise, many citizens who aspired to or assumed the positions of mayors and councilmen, either by electoral means - or through

²³ By way of example, a list of some leaders who might be considered: Fermín Azparrent (Mayor of the province of Huamanga); Domingo Garcia Rada (President of the National Jury of Elections); Víctor Raúl Yangali (Mayor of the province of Huanta); Porfirio Suni (Regional Deputy for Puno); María Elena Moyano (Deputy Mayor of Villa El Salvador); Rodrigo Franco (National Leader of the Partido Aprista Peruano), Pascuala Rosado (leader of Huaycán); Pedro Huillca Teese (General Secretary of the CGTP); Javier Puigross Vidal (Secretary of Agrarian Affairs of the Partido Popular Cristiano); Saúl Cantoral (President of the Federación de Trabajadores Mineros y Metalúrgicos del Perú), etc.

²⁴ Due to their nature, these cases should be articulated with the strategy of the Collective Reparations Program.

improvised neighborhood councils were killed or left in a state of permanent disability.

- ! The CVR recommends that the Municipal Councils, through the promulgation of a Municipal Ordinance, publicly recognize the provincial and district authorities who were victims of violence. This remembrance can take place in a Solemn Session of the Council with the participation of family members, other authorities and representatives of the population. In addition, each Council could define whether the act is accompanied by the unveiling of memorial plaques or portraits, pilgrimages or liturgical acts.

2.2.3.1.4.3 Reminders or memory locations

Memory Spaces in cemeteries.

Cemeteries are privileged places of remembrance for the families of the victims killed in the internal war that the country experienced. They are also locally frequented by the population.

- ! The CVR recommends that the municipalities and, when appropriate, the Public Welfare Service place a plaque or other reminder of all the victims killed or disappeared in the internal conflict at the entrance to all public cemeteries in the country. It would also be important to engage the country's main private cemeteries.
- ! The CVR recommends the designation of special cemetery spaces or, if necessary, the creation of new special cemeteries to house the remains of unrecognized victims recovered during forensic-anthropological investigations (exhumations). The TRC considers it necessary for these victims to have a resting place and for the spaces designated for that purpose to serve as memorials.
- ! The CVR recommends improving the condition of cemeteries and supporting the families of victims in the care and conservation of the relevant tombs or niches. This measure must also be considered in the Collective Reparations Program.

Spaces of Memory: public squares or parks

It is important to locate spaces for the memory and remembrance of the process in the capital of the Republic because it is a place of reference for all Peruvians, as well as in the capitals of the affected departments. An austere point of remembrance must be the only sign of memory.

- ! The CVR recommends that the Metropolitan Mayor place a plaque commemorating the victims in Lima's Plaza de Armas.

- ! The CVR recommends that institutions that embody the powers of the State place commemorative plaques at the entrance to the Government Palace, the Legislative Palace and the Palace of Justice.
- ! The CVR recommends that the Council of Ministers convene a national public competition to define a central public space or erect a monument in the capital of the Republic and that regional governments convene regional public competitions to define a central public space or erect a monument in the capitals of the departments concerned, preserving for future generations the memory of the national tragedy.²⁵ The CVR recommends that the Council of Ministers convene a national public competition to define a central public space or erect a monument in the capitals of the departments concerned, preserving for future generations the memory of the national tragedy.²⁵ The CVR recommends that the Council of Ministers convene a national public competition to define a central public space or erect a monument in the capital of the Republic and that regional governments convene regional public competitions to define a central public space or erect a monument in the capitals of the departments concerned, preserving for future generations the memory of the national tragedy.
- ! The CVR recommends that the photographic exhibition "Yuyanapaq" currently on display be housed in the Museo de la Nación as a permanent part of its exhibition.

2.2.3.1.4.4 Acts leading to reconciliation

Changes in symbols associated with violence in affected territories

The subordination of civilian power to military power was one of the most damaging aspects of the internal armed conflict. This reinforced an authoritarian culture that existed before the process, but gave it a negative military symbolism. It is advisable to underline the predominance of civil authority without undermining the institutionality and prestige of the Armed Forces.

- ! The CVR recommends to the Armed Forces the closure or change of use of certain premises that were associated in the collective memory with the use of violence by servants of the State.
- ! The CVR recommends the return by the Armed Forces to district and provincial mayors of *counter-subversive* bases (BCS) abandoned or handed over to Self-Defense Committees. In many cases, the land where the BCS were located belonged to neighbors of the community or municipality.
- ! As has been mentioned in institutional reforms, the CVR recommends that the Congress of the Republic repeal the legislation in force regarding exceptional regimes, in particular the suppression of the figure of political-military command.

Resignification of symbols of human rights violations

The purpose of the prison policy designed by the previous regime was to impose double

punishment on those convicted of terrorism. This consisted not only of serving the sentence, but also of suffering a series of spatial, temporal, and physical restrictions, not only for those who had been convicted, but also for those who had been convicted.

²⁵ See, for example, the experiences in Abancay, with "The Park of Memory" declared by the Villa Ampay District Municipality, or by the National Police of Peru, with the Cenotaphio in the Santo Rosa Cemetery of Lima, where annually the Institution and the citizenry pay posthumous homage to the Heroes and Martyrs of the National Police.

and family members, but even for the state personnel in charge (INPE or PNP). Since the purpose of jailing is the rehabilitation of the inmate, certain prisons should not continue to operate and inmates should be taken to other types of prisons.²⁶

- ! The CVR recommends that the Ministry of Justice order the definitive and immediate closure of the maximum security prison in Challapalca. Likewise, that provision be made for the progressive transfer of inmates held in the Callao Naval Base Prison to civilian penitentiary establishments, with due security. Once this process is concluded, arrange for the return of the facility to the Navy.
- ! The CVR recommends that the Ministry of Justice, within the framework of its penitentiary treatment policy, provide for the reconditioning of maximum security prisons in order to provide adequate spaces for education and work.

2.2.3.1.4.5 Final Consideration

The proposals for symbolic reparation presented are those that the State should assume. However, this does not limit the development of other initiatives from civil society, to which the State should provide facilities, such as, for example, the establishment of so-called "Houses for Memory" that are oriented towards the formation of symbolic, pedagogical and creative spaces that contribute to the preservation of memory and that would be promoted through Management Patronages that guarantee their operation and sustainability.

2.2.3.2 Health Repair Program

2.2.3.2.1 Justification

In its direct work with the population and through its various investigations, the CVR has found a state of mistrust, fear, insecurity, paralysis and pain generated by the violence in the areas affected by the armed conflict, which still persists in individuals and communities. In the collective sphere, pre-existing intra-communal conflicts intensified and new ones appeared (perpetrators who live in the communities next to the victims; conflicts between resistance fighters and returnees; occupation or dispossession of land, etc.). The links were damaged

²⁶ See the chapter on Prisons and additionally: Defensorial Report N°073, Lima, March 2003, "Informe sobre el Establecimiento Penitenciario de Régimen Cerrado Especial de Challapalca"; Human Rights Watch annual reports, "Informe Anual 2002 - Sucesos de 2001", "Informe Anual 2003 - Sucesos de 2002"; Amnesty International documents: AU/224-97.PERU, AMR/46011/2002/s of 26 June 2002, press release of 12 May 2003; and the Second Report on the Situation of Human Rights in Peru of the Inter-American Commission on Human Rights, 2002.

and the bonds of solidarity. Families suffered isolation and marginalization and suffered ruptures that in many cases last until today. The cultural identity was nicked, making it difficult in this context to socialize and support the emotions of subsequent generations. Many communities also silenced what had happened.

When the social fabric that allowed and facilitated the exchange of resources and support in the economic, cultural, informational, affective, etc. dimensions broke down, the cohesion of the communities was limited and social participation, organization, the recreation of their culture and, in general, collective development were reduced. This has made it difficult for conflicts caused by violence to be prosecuted and has perpetuated them over the years.

At the personal level, the damage to mental health was expressed in a series of problems that affect social functioning and limit the possibilities of a dignified life. There are specifically psychosomatic problems, depression, altered or incomplete mourning, feelings of helplessness, loss of confidence in oneself and in others, learning difficulties, generalized anguish, hypervigilance, insomnia, nightmares, fears and phobias, impulsivity, aggressiveness, among the most frequent manifestations. In some cases there are even more serious signs of personal destructuring.

Likewise, the CVR has identified as psychosocial sequels²⁷ the aggravation of problems such as alcoholism, both in men and women and, worryingly, among adolescents, the increase in family violence, child and youth gangs, learning problems, the inability to project oneself with a vision of the future, as well as suicide attempts. These problems not only maintain a situation of violence in their communities but also limit the possibilities of individual and collective recovery of the affected population.

The armed conflict also caused physical and organic damage with sequelae of disability, as a consequence both of the subhuman living conditions that people had to assume to defend themselves and of the abuses during arbitrary detentions and incursions, which include among others torture, mistreatment, attacks on their integrity or sexual violence.

2.2.3.2.2 Objective

The objective of this programme is to help the population affected by the internal armed conflict to recover their mental and physical health, to reconstitute social support networks and to strengthen capacities for personal and social development. All of this will help the victims to develop the necessary autonomy to rebuild their individual and collective life project, which was truncated by the armed conflict.

²⁷ See Chapter on Psychosocial Consequences

2.2.3.2.3 Beneficiaries²⁸

They will be considered as beneficiaries of the Health Reparations Program:

- of the universe of the individual beneficiaries of the PIR, who suffer some physical or mental problem.
- to the human beneficiary groups.

2.2.3.2.4 Components

<i>Health Repairs Program Guidelines</i>
<ol style="list-style-type: none"> 1) The program will approach mental and physical harm from a holistic perspective. 2) Promote the personal and cultural resources of both individuals and communities. This is a necessary condition to facilitate the processes of rapprochement and recovery from the traumatic experiences generated by the armed conflict. 3) It will identify the specificities of women's mental health issues and assess their role in the recovery process at the personal and community levels. 4) It will incorporate cultural practices of traditional health and medicine. It will adapt its methodology and contents to the cosmovision of the population, prioritizing communication in the mother tongue. 5) It will recognize the population as an active agent of change, which implies horizontality in the relationship and mechanisms for participation in decision-making, including the design of the program itself. 6) It will take into account successful experiences of psychosocial intervention in each locality. This will involve learning about these experiences and integrating their input into the programme. 7) Involve community-based organizations of the affected population in mental health recovery and promotion processes. 8) It will be articulated to actions of improvement of the conditions of life, personal and community. 9) It will try to avoid stigmatizing the population (avoiding qualifying them as "raped" or "mentally ill") or being marginalized in the localities where they live, due to the help they receive from the program. 10) It will base its implementation on links of trust established by credible institutions in the affected areas. 11) It will incorporate local agents (professionals from different specialties) linked to governmental and non-governmental organizations in sectors such as education, health and development, and community promoters adequately trained for comprehensive care. 12) It will promote coordination among state sectors (Ministries of Health, Education and Labour, Women and Social Development, local and regional governments), between state and private institutions, as well as with churches and population organizations. 13) It will build a common framework in terms of approach and methodology, respecting the particularities of each institution. 14) Establish agreements for the incorporation of trained promoters into state programs, so that they receive compensation for the work they do. This incorporation will be progressive, starting from the evaluation of criteria of efficiency and quality in the work. 15) Seek to form multidisciplinary teams with experience in addressing the problem

²⁸ See section 2.2 on "The beneficiaries of the Comprehensive Reparations Plan".

from a psychosocial approach and with knowledge of the local context.

16) Due to its characteristics, this program will be able to use the existing resources in the national public sector, those that can be provided by specialized international cooperation agencies and those that come from the contribution of private institutions such as universities, companies and specialized institutes.

2.2.3.2.4.1 Training

Considering that at the national level, and particularly in the Andean and Amazonian areas, there are great limitations and shortages of professional health personnel and even more of specialists in mental health, it is essential to train the existing medical personnel and the auxiliaries, promoters and personnel from other disciplines who can collaborate. To expand existing capacities, the CVR recommends:

- ! Implement a training, training and support program for professionals from public entities such as the Ministry of Health, ESSALUD and armed forces health organizations, in addition to personnel from private entities, non-governmental organizations, churches, and universities. These professionals, once trained, will in turn train and accompany local agents (professionals from public and private organisations, community promoters, leaders, healers, midwives, etc.) adapting the contents of the training modules to the requirements of each group and their role in the programme.
- ! To design a modular methodology to gradually and itinerantly train people to direct and execute the activities of the program, providing basic elements for community and clinical work in health, with the population, within an integrated approach of human rights, psychosocial approach, gender vision and interculturality.
- ! To develop a network of local community agents who carry out functions of identification, follow-up, support and community activation in close relationship with the affected groups or their communities.
- ! The contents of the training-training must:
 - include in the training of professionals and health workers reflection on their specific professional role, the limits and requirements of working with victims, the most frequent problems and difficulties, care alternatives and the criteria for referral between measures.
 - Incorporate inputs from the proposed Community-Based Rehabilitation for Persons with Physical Disabilities developed by the Pan American Health Organization (PAHO).
 - to include spaces for analysis of one's own experience and emotional support of others.

In this way, the proposed intervention model is enriched.

2.2.3.2.4.2 Comprehensive recovery from community intervention

This component should be based on a community intervention that seeks to address the comprehensive recovery process taking into account cultural differences and the needs of the victims, facilitating the intervention of personnel from outside the community. It will focus primarily on the reconstruction of the social fabric and community support networks as a fundamental element for the emotional and physical recovery of people affected by the conflict. To achieve this, it focuses on the recovery of historical memory, the strengthening of collective ties and social integration.

The CVR recommends that this component be articulated with the processes promoted by other PIR programs (particularly education and collective reparations programs) within a psychosocial approach that involves the analysis of subjective, personal, and collective conditioning factors. The TRC recommends that recovery be approached from a comprehensive perspective, including the psychological, family, physical, labor, and social participation dimensions.

The TRC recommends that the process be progressive and based on methodologies validated in other similar post-conflict experiences.

Reconstruction of community support networks

The TRC recommends that the intervention be oriented towards recovering emotional damage, starting with the reconstruction of community support networks and the population's understanding of the collective damage experienced, thus contributing to the processing of difficult experiences. The same process will lead to the emergence from common experiences of the basis for resuming ties and rebuilding support structures.

- ! The TRC recommends that community organizations, organizations of those affected and leaders recognized by the population have specific psychological support. This will allow them to recover emotionally from the traumas they have experienced, strengthen themselves as social support mechanisms, and locate their role in promoting the mental health of their communities.
- ! The CVR recommends activating and promoting the participation of local agents, community leaders and traditional healers in psychosocial recovery actions.
- ! The CVR proposes to provide consistent training, advice and follow-up in mental health to community promoters who can carry out emotional support activities, case referral and promotion and prevention activities. Through this measure, communities and individuals will be empowered to take action to solve their problems, and to

be oriented towards the promotion and strengthening of individual, family and community capacities and resources.

Recovery of Historical Memory

- ! The CVR recommends initiating processes to recover historical and collective memory in communities affected by the internal armed conflict. The purpose is to contribute to giving back identity and roots to those who feel they have lost their own past. It can be developed in coordination with local institutions that enjoy trust in affected communities, using group work methodologies that incorporate emotional support to facilitate the processing of traumatic experiences.
- ! The CVR recommends that the recovered historical and collective memory be presented to the affected communities with the active participation of the population, their organizations and leaders, and in the form that they themselves decide.

Creation of community spaces

- ! The CVR recommends the elaboration of basic modules for the work of integral recovery of the population from a participative and experiential methodology with a psychosocial approach, incorporating techniques of group support. These modules will be transferable, replicable and flexible in order to be adapted to the cultural and social characteristics of the population to be worked with.
- ! The CVR recommends that, with the collaboration of educational authorities, non-governmental organizations and churches, modules be developed to deal with psychosocial problems that have appeared or have worsened in the local sphere (alcoholism, family violence, gangs, etc.) from the internal armed conflict, promoting new perspectives (use of free time, development of handicrafts and popular art, etc.) and the development of capacities and resources in people and communities, which will make it possible to prevent damage to future generations and avoid resorting to violence as a solution in the case of social conflicts.
- ! The CVR recommends the creation of "community spaces" for emotional recovery, in which:
 - is worked applying the modules designed and adapted to each zone;
 - the content and method of the modules are adapted to the target group (children, adults, women, etc.);
 - to work from a perspective of integral health, rescuing the curative practices, medicinal and the traditions or local customs.

The TRC recommends that these spaces be used to identify people in need of clinical care.

! The CVR recommends that the methodology and actions in favor of integral recovery in these spaces be aimed at people:

- recognise the character (personal and social) of the damage suffered;
- Strengthen the individual, family and community resources they have used and can use as mechanisms to deal with violence;
- process what has been lived, leaving the fixation or apparent forgetfulness of the past in order to situate themselves in the present and orient themselves towards the future from a greater awareness of their possibilities;
- are recognized as citizens with the right to participate actively in the development of their communities, their region and the country.

Recommendations for the first phase of Community intervention

The CVR recommends that the implementation of the Health Reparations Program in its community intervention dimension be closely linked to the implementation of the Collective Reparations Program.²⁹ The CVR recommends that the implementation of the Health Reparations Program in its community intervention dimension be closely linked to the implementation of the Collective Reparations Program.²⁹ The CVR recommends that the implementation of the Health Reparations Program in its community intervention dimension be closely linked to the implementation of the Collective Reparations Program. Consequently, it is also recommended that both programmes be developed from staggered phases of execution, where the first phase should be carried out in a limited number of affected groups, with the intention of defining and designing more appropriately the implementation of subsequent phases.

The CVR recommends starting the implementation of the Health Reparations Program in the areas identified by the Collective Reparations Program with an initial evaluation that includes a situational and operational diagnosis, providing continuity and reinforcing pre-existing or current actions. These diagnoses will make it possible to identify priority mental and physical health problems, as well as existing resources and mechanisms for dealing with them in a coordinated manner. Groups at risk will also be identified at this stage.

The initial evaluation will be oriented towards initiating a participatory process to implement the measures of the program, in such a way that they respond clearly to the particularities of each zone, preserving, strengthening or reconstructing social support networks and community protective mechanisms. It will also make it possible to identify the needs and resources in terms of institutions and health professionals so that their capacities can be strengthened and enhanced to provide care to the beneficiaries of the programme. The body in charge of the overall management of the PIR may convene representatives of the communities and organizations of the affected population in each area, the local governmental and non governmental

institutions.

²⁹ See the Collective Reparations Program.

with whom they will develop diagnostic workshops whose results will allow the implementation of the program to be adapted to the locality.

Some criteria for situational diagnosis

- / Identify the priority mental and physical health problems of the affected population.
 - The perception of the impact of violence on the population (adults, children, women, the elderly, leaders).
 - The effects on their families and interpersonal ties, as well as on gender relations. Emphasize the changes that have occurred or the presence of new problems in the family from the violence.
 - How they perceive their organizations and leaders: strengths and weaknesses.
 - The effects of violence on cultural practices, community support links and community development.
- / Identify the care and support mechanisms used by groups or individuals during the conflict and up to the present.
 - Protection strategies.
 - Mechanisms of aid and solidarity, in particular those that are ancestral or traditional.
 - Medicines and healing techniques used.
 - Local leaders in charge of healing and comforting people.
 - Public, private or church institutions to which they went and which they go to ask for support or attention.
 - Recovery processes and reconciliation experiences that have taken place within the community.
- / Identify affected individuals, groups and communities.

Some criteria for operational diagnosis

- / Identify the resources available in public, private, church or other institutions that can support the program, based on criteria such as the following:
 - experience of working with the affected population;
 - level of linkage and reliability established with the population;
 - commitment and continuity manifested in the actions developed.
- / Identify community resources as:
 - local and community organizations, social actors (authorities, leaders, healers, healers, healers, midwives, etc.);
 - mechanisms used by the community for its development;
 - cultural practices related to the integral health of the population.

This identification will be made based on criteria such as the level of recognition of the community, the time of presence or validity of each resource in the same and the role they play for community development.
- / Identification of material and infrastructure resources for community and clinical care.
- / Identification and definition of networks of public and private health care providers.
- / Also, identification of communication systems that make possible the derivation and coordination between the institutions or organizations that assume the attention of the beneficiaries.

2.2.3.2.4.3 Recovery from clinical intervention

The clinical intervention component is specifically targeted at individual beneficiaries whose psychosocial and/or physical difficulties as a product or consequence of the internal armed conflict affect their daily performance or who are identified as being at risk by community bodies or health services. This component is aimed at understanding the specific effects of violence, the social reintegration of the person, the development of personal autonomy and the restoration of the life project truncated by violence. The CVR also recommends that this type of recovery be approached from an integral perspective, including the psychological, family, physical, labour and social participation dimensions. The therapeutic modalities may be individual, family or group.

Design of a clinical care model

! The TRC recommends that a clinical care model be designed based on successful national and international experiences of care for people affected by violence, which can be adjusted to the requirements and human resources of the various areas of the country. Clinical care should allow that:

- service delivery is coordinated with existing health networks;
- multidisciplinary teams are created;
- the participation of local promoters is incorporated, always taking into account their level of training.

In both urban and rural areas, it is recommended that a system of networks of State health-care providers and social security agencies be established to which persons requiring clinical care can be referred and treated.

! The TRC recommends coordinating and articulating the proposal with local, public, and private health services and with traditional health promoters and providers, as well as establishing agreements with relevant public and private institutions (universities, churches, professional associations, and unions) to experiment with and refine a multidisciplinary clinical intervention design.

! The TRC recommends that the clinical intervention be carried out by multidisciplinary, decentralized and itinerant teams, preferably consisting of physiotherapist, psychologist, psychiatrist, anthropologist or sociologist and social worker, who will in turn train and advise the local professionals and community agents who will carry out the care.

! The TRC recommends that as much attention as possible be paid to the mother tongue of the beneficiaries and, where this is not possible, that interpreters be worked with to facilitate the development of their language.

communication in the mother tongue of the population and in collaboration with traditional health providers: healers, healers, midwives, health workers and nurses.

- ! Completing the model, the TRC recommends that clinical care closely coordinate its actions with community intervention for service dissemination, case referral, and strategy feedback.

Mental Health Clinical Care

- ! The TRC recommends free care, free of any payment for fees, fees, examinations and analyses, for beneficiaries who require an individualized or family space to process psychological effects that affect their daily performance, whether they request care or their risk situation is identified by other members of the community or by health services.
- ! The CVR recommends that comprehensive treatments include, in a complementary and always free manner: psychotherapy sessions, self-help groups, medication donation, occupational therapies and social support for the articulation of those affected to organizational instances.
- ! CVR recommends that when clinical treatment is necessary, it should not be less than two years of continuous care.

2.2.3.2.4.4 Access to health

Because of the vulnerability of the health of the victims left behind by the internal armed conflict, the CVR recommends that persons, included within the universe of individual beneficiaries, who suffer some physical problem and, as a priority, permanent, partially or totally disabled persons, whose disability is the result of rape, torture, injuries or injuries typified by the CVR and occurred during the period of the conflict, be considered within the scope and coverage of the Comprehensive Health Insurance.

2.2.3.2.4.5 Promotion and prevention

This component aims to provide elements of analysis on the way in which the internal armed conflict affected the consequences mentioned above, both for those who suffered it directly and for the rest of society. It will enable the community and society to become aware of the damage to the integral health of the population and will provide guidelines for action to strengthen the healthy behaviours that were maintained or developed to deal with the conflict situation. This will improve the conditions for the implementation of the Comprehensive Peace Plan.

Reparations, recovery of the mental health of the beneficiaries, reconstruction of the social fabric and prevention of the resurgence of antisocial behaviour and in particular the use of violence.

Health promotion

- ! The TRC recommends that promotion and prevention programmes be disseminated and implemented taking into account the resources and mechanisms of information, dissemination and communication of the communities themselves, such as assemblies, fairs, pilgrimages, patron celebrations, etc.; as well as through the promotion of youth clubs, art and craft workshops, meetings sponsored by the churches, etc.
- ! The TRC recommends that health promotion programs be aimed at revaluing, strengthening, and promoting cultural practices appropriate to the attainment and maintenance of physical and mental health.

Education and awareness-raising

- ! The CVR recommends the development of educational, dissemination and awareness-raising actions on the consequences of violence and its impact on current social problems.
- ! The CVR recommends activities to rescue local values and culture through campaigns carried out in coordination with public and private institutions, churches and other organizations. E.g. workshops on narrative, artistic expression, etc.

2.2.3.2.5 Final Consideration

To carry out the Health Reparations Program, the CVR estimates that the Ministry of Health could create a specialized unit, with the rank of Director and the capacity to contract third parties, both public and private, that will design the program in detail, both in terms of training and in its community interventions and clinics, coordinate with regional and local teams, and supervise global execution. The CVR recommends that the above general guidelines be taken into account.

2.2.4.3.3 Reparations Program in Education

2.2.3.3.1 Justification

The violence that ravaged the country between 1980 and 2000 not only meant the loss of tens of thousands of human lives, massive displacement of populations, torture, and devastating psychological effects. It also resulted in the loss of educational opportunities for young people who had to interrupt their studies due to the climate of insecurity in their populations. Some of these young people had to abandon their studies to support their families in the face of the death or disappearance of their parents, others due to the situation of displacement they suffered when they had to leave their places of origin in search of security and some third parties, when they dedicated themselves to the defence of their communities by joining the Self-Defence Committees. The loss of educational opportunities was also generated by the lack of the necessary infrastructure, due to the destruction of educational centers during the period of violence as well as by the lack of flexibility of educational agencies to receive and understand this phenomenon.

This situation currently operates as a limiting factor for the recovery of living standards of hundreds of people who saw their future truncated. These young people and children who today are adults, not having an adequate education, are in a situation of inequality compared to those who were able to complete their education, reaching better standards of living and possibilities of a more promising future.

Recognizing the responsibility of Peruvian society as a whole for the events that took place in our country and for the indifference that it showed in those difficult moments, the CVR, in addition to recommending actions that fall within the competence of the public power, calls on private enterprise, private educational institutions and civil society organizations to join and support the recommendations of the PIR in general and the Reparations Program in Education in particular. The TRC invokes the commitment and solidarity of these institutions with the victims of the internal armed conflict in the search for a sustainable and lasting reconciliation.

2.2..3.3.2 Objective

The general objective of the Reparations Program in the educational sphere is to provide facilities and new or better access opportunities to people who, as a result of the internal armed conflict, lost the possibility of receiving an adequate education or of completing their studies.³⁰

³⁰ Other measures related to education in general, proposed by the CVR, can be found in the chapter on Institutional Reforms.

2.2..3.3.3 Beneficiaries³¹

They will be considered as beneficiaries of the Reparations in Education Program:

- of the universe of individual beneficiaries, those who, because of their suffering, had to interrupt their studies;
- children who have been raped;
- and the people who, being minors, formed a Self-Defense Committee.

2.2..3.3.4 Component of access and restitution of the right to education

2.2..3.3.4.1 Exemption from payment

The CVR recommends that the Executive Branch, through a Supreme Decree, establish the exemption of tuition and pension payments, including entrance examination fees, in primary and secondary schools, Universities, Higher Institutes, Occupational Educational Centers (CEOs), Non-School Initial Education Programs (PRONOEIs) and other State educational institutions, as well as the payment of entrance or re-entry fees to such educational centers. This exoneration includes the corresponding rights to obtain certificates of studies, proof of graduates, academic degrees and professional titles.

2.2..3.3.4.2 Comprehensive scholarship programme

In addition to payment exemptions, the CVR recommends that the Ministry of Education, through the National Institute of Scholarships and Educational Credit (INABEC), implement a comprehensive, competitive scholarship program (with quotas, by region and by type of professional career) for higher education, both technical (accounting, pedagogy, health technicians, agricultural technicians, nurses, etc.) and university students, in education centers located outside the applicant's place of residence. This benefit includes both national and international scholarships. In cases where beneficiaries do not have adequate levels of preparation to compete on an equal footing with other applicants, the CVR recommends free access to pre-university education and preparation programs run by institutions with experience in this area and directly supervised by the relevant office of the Ministry of Education or by the post-CVR entity in charge of implementing the reparations recommended by the CVR, after examinations and special courses of study.

³¹ See section 2.2 on "The beneficiaries of the Comprehensive Reparations Plan".

levelling. The special placement tests will be used to assess the level of education at which the beneficiaries are and what type of reinforcement they need to gain access to higher education institutions.

In those areas with high levels of affectation or that have received displaced populations, the CVR recommends hiring the services of institutions with experience and proven qualification in education so that they develop and/or adapt the curricular content of pre-university preparation to the specific needs of this population universe. The CVR recommends that these curricular contents take into account the mental health problems that have been identified in these areas.

2.2..3.3.4.3 Adult education

The CVR recommends that the Ministry of Education expand or establish adult education programmes through its National Literacy Programme in areas with the highest incidence of violence, both urban and rural, in coordination with local educational institutions that have experience in this type of programme and can develop methodologies and content specific to this sector, taking into account the cultural and linguistic differences in each area, as well as local mental health diagnoses. To identify these zones, the CVR recommends using the concept of affected collectives described in the collective reparations program.

Similarly, the CVR recommends the implementation of special out-of-school programmes aimed at enabling those beneficiaries of the Programme to complete primary and secondary education, through distance education programmes or programmes for levelling with adequate timetables, so that they do not interfere with their livelihood activities, with a focus on intercultural bilingual education. These programmes will be developed by the Ministry of Education through its Coordinating Office for Rural Educational Development - National Directorate for Intercultural Bilingual Education, which should be strengthened, both in terms of human resources and in terms of its scope and territorial coverage, in coordination with the respective offices of regional governments and through agreements with organizations with experience in the field.

2.2..3.3.5 Additional Consideration

In the event that individual beneficiaries of the Educational Reparations Program do not wish to make personal use of the measures of the access and restitution component, the CVR recommends that they be allowed to transmit their right to a family member in the form of educational credits. These educational credits are defined as a financial support service aimed at

The loans shall be granted in direct coordination between INABEC and the Ministry of Education and may be for the direct use of the beneficiary, or transferable to his or her family members.

The option of opting for a specific component of the Reparations in Education Program rests exclusively on the decision of the beneficiaries. It does not depend on the entity that implements the Programme to define who is covered by the component of access and restitution of rights or educational credits.

2.2.3.4. Restitution of Citizens' Rights Program

2.2.3.4.1. Justification

Among the purposes to which a comprehensive reparations plan can aspire are, first, the return to the victim of his full status as a citizen, as a subject of rights, which has been violated as a result of the violation of rights he has suffered and, second, the pertinent actions to remove legal stigmas.

One of the most evident situations of restriction of citizenship occurs in cases of forced disappearance, where the victim is left in a sort of legal limbo. He's not dead, but he's not alive either. He is not alive, factually speaking, but if he is alive in legal terms, then he is not dead. Beyond the condition of the disappeared person, this fact has consequences on the legal status of his family, mainly in terms of inheritance law, possession and ownership of property, but also civil status. Under ordinary conditions, this would be remedied by a judicial declaration of presumed death, a procedure through which the uncertain legal status of a person and his or her family is recomposed. However, in the specific case of enforced disappearance, such a solution creates difficulties. On the one hand, it is opaque that this is a violation of the State's responsibility and is awaiting clarification. On the other hand, during its work, the CVR has been able to verify that many family members are still hoping to find their loved ones alive, so requesting a declaration of presumed death generates a certain psychological resistance in them. Initiating such a process would mean for relatives to "abandon" their loved ones whose fate is not known, without knowing what happened to them. Further resistance to the qualification of "presumed death" lies in the fear of losing the "status" of relatives of the disappeared.

Another group of victims who have been affected in their legal status are persons who are unduly in the condition of being requisitioned for the crime of terrorism or treason. During the twenty years covered by the CVR analysis period, the

The State granted a preponderant role to the criminal prosecution of terrorism. This led to the enactment of special criminal laws that granted broad powers to the police and armed forces, restricted the powers of the Public Prosecutor's Office and the Judicial Branch, and imposed on the justice system a perverse logic of violation of the rights of those investigated or prosecuted and of ignorance of the basic guarantees of due process³². These elements allowed the uncontrolled growth of the number of requisitions for cases of terrorism and treason. The requisitioned person is a person who, as a consequence of the arrest warrant issued against him, is absolutely limited in the exercise of his civil and political rights and whose behaviour is characterized by insecurity, often without even having formal notification that an arrest warrant exists against him. A majority of those who are in requisition today are people who come from the most socially and economically disadvantaged sectors. Among them, peasants from the central and northern sierra, inhabitants of marginal urban sectors of the cities and other social sectors characterized by the obstacles they encounter in accessing justice.

The CVR has also identified that, despite the existence of Act No. 26994, which grants the annulment of police, criminal and judicial records in the case of accused or convicted persons who have been granted pardon or who have benefited from the right of pardon under Act No. 26655, such annulment is not complied with. This situation is also repeated in cases of acquitted persons. In practice, a lawsuit is required involving legal advice, additional costs and delay. This reality prevents people from fully re-entering social life and in particular working life, since the record of police, criminal and judicial records is a prerequisite for obtaining any employment.

In addition, part of the population, especially of Andean origin or descent, was also harmed by the armed conflict in their legal status as citizens: 1) Thousands of people had to flee from their places of residence, forcibly moving within the country. Many of them have had or have preferred to remain in an undocumented situation in order not to be identified as inhabitants of a stigmatized place or to avoid being detained as a consequence of a judicial requisition. (2) Many civil registers have been destroyed, which has prevented, inter alia, the registration of minors and the acquisition by young people of a legal identity at the age of majority. 3) The lack of documentation of thousands of Peruvians prevents them from fully exercising their rights and obligations as citizens (identity, voting, free circulation, carrying out legal transactions, use of social security ...etc.) generating situations of marginality and illegality.

³² For more information on the problem of requisitioning, see chapter XXX of the Final Report.

2.2.3.4.2. Objective

The general objective of the Programme is to restore the full and effective exercise of their civil and political rights to the population affected by State action or omission during the internal armed conflict, with a view to their legal rehabilitation. From this perspective, it is a question of creating preferential access or priority treatment for a sector of society by guaranteeing it a situation of equality in the exercise of its rights vis-à-vis its other fellow citizens.

2.2.3.4.3. Beneficiaries³³

The beneficiaries of the Program for the restitution of citizens' rights shall be considered as:

- relatives of victims of enforced disappearance;
- persons improperly requisitioned for terrorism and treason;
- innocent persons who have been imprisoned and whose police, judicial and criminal records have not been expunged;
- people who became undocumented as a result of the violence.

2.2.3.4.4. Components

In response to the situations described above, the TRC recommends the adoption of a series of specific actions.

2.2.3.4.4.1. Regularization of the legal status of missing persons

In order to solve the legal problems generated by forced disappearance, and in order to determine a firm legal status for those who were the object of a disappearance that allows their relatives to fully exercise their rights, the CVR recommends modifying the Civil Code to establish a special legal figure. This figure must recognize by means of a judicial declaration the "absence by disappearance" of the person who disappeared forcibly between May 1980 and November 2000, without any news of his fate or whereabouts. The disappearance must be justified by means of a complaint presented before a competent judicial authority, the Truth and Reconciliation Commission³⁴ or the Ombudsman's Office.

³³ See section 2.2 on "The beneficiaries of the Comprehensive Reparations Plan".

³⁴ The CVR establishes that the status of disappeared that is recognized in its final report, as well as that which could be recognized by the post-CVR entity, may give rise to the Declaration of Absence for Enforced Disappearance.

The CVR recommends that the civil effects of the "declaration of absence by disappearance" be analogous to those prescribed by Title VII of the Civil Code for presumed death. Those families who, due to material needs, were forced to process a judicial declaration of presumed death will have the possibility of reconvertng it into a "declaration of absence for disappearance".

The procedure for a declaration of absence for disappearance before the Judge of First Instance shall be summary and free of charge.

In this way, the fate of the legal parenthesis in which the disappeared person is found is solved, without the processing implying for the relatives the obligation to declare the person dead. The CVR recommends, however, that the declaration of absence for disappearance should be a voluntary procedure, leaving open to family members who so wish the possibility of processing a death certificate or a declaration of presumed death through the courts.

The creation of a special legal figure to deal with the situation of the disappeared expresses a symbolic recognition that will in itself have a repairing effect while allowing family members to regularize inheritance procedures and on property or possession of goods, as well as facilitating access to other PIR programs in which they are recognized as beneficiaries.

2.2.3.4.4.2. Regularisation of the legal status of requisitioners

In order to regularize the legal situation of those who are unduly requisitioned for the crimes of terrorism or treason, the CVR recommends that the project to purge requisitories for the crimes of terrorism and treason be continued by the National Terrorism Chamber³⁵, which was only able to advance a first stage. This debugging concerns the following situations:

- requisitioned persons deprived of their liberty;
- requisitioned persons who are no longer subject to an arrest warrant because they have been acquitted, pardoned, granted the right of pardon or released for serving their sentence;
- requisitioned persons whose arrest warrants do not meet the legal requirements for full identification of the alleged perpetrator or whose arrest warrants have been issued in cases of homonymy, where relevant;
- persons under arrest warrants that are not properly substantiated or lack sufficient prima facie evidence.

³⁵ The National Terrorism Chamber, the ICRC and IDL developed a pilot project to purge the requisitories, with which it was possible to purge 4,411 requisitories of those persons who were detained, of whom multiple arrest warrants had been issued and of those who had been pardoned.

In this purge, the CVR recommends that the dismissal of the case established by Law N°27486 be applied *ex officio*, provided that there is not sufficient *prima facie* evidence linking the requisitioned case with the imputed facts.

Secondly, the CVR recommends repealing Decree Law No. 2566036 and replacing it with the provisions of article 136 of the 1991 Code of Civil Procedure, i.e. a six-month period of detention orders for cases of terrorism and their automatic expiration unless renewed.

Thirdly, the CVR recommends that the project to modernize the computer system for requisitioning the National Police, initiated in the Ministry of the Interior,³⁷ be continued. It is recommended that this database be multi-accessible to the Judicial Branch, the Public Prosecutor's Office and the police, interconnecting it at the national level via satellite systems to ensure that anomalous situations such as those mentioned above do not continue to occur in the future.

Lastly, the CVR recommends that all arrest warrants issued by the various military courts (military judges, courts of war and the Supreme Council of Military Justice) since 1992 be annulled in accordance with Legislative Decree No. 922 of 12 February 2003³⁸ and that this should be an element in the reordering of current arrest warrants. The CVR also recommends that sentences and oral trials carried out in trials for the crime of terrorism before judges and prosecutors with secret identities ("faceless courts") be quashed by the National Terrorism Chamber in compliance with Legislative Decree No. 926, and that this should also be an element in the reordering of existing arrest warrants.

³⁶ In August 1992, Decree Law N°25660 was promulgated, which provided that "...the validity of the requirements for cases of ... shall not expire until the arrest and trial of the requisitioned...". This standard became the legal instrument that allowed the uncontrolled growth of the phenomenon described.

³⁷ Through Supreme Resolution No. 0779-2002-IN/0103, published on August 22, 2002, a Group of Experts was constituted. Work to implement mechanisms to provide guarantees to citizens in the issuance of warrants of arrest, notation, execution and lifting of requisitions. The validity of this Working Group was extended by Supreme Resolutions No. 1084-2002-IN/0103 and No. 0126-2003-IN-0103 of 17 December 2002 and 17 March 2003, respectively. Within the framework of this Working Group, a project for the modernization of the computer system of requisitories was being worked on.

³⁸ Since the Constitutional Court judgement of 3 January 2003, the crime of treason has been as follows. This has led the Executive Branch to promulgate Legislative Decree No. 922, which regulates the procedure for declaring the sentence and the military criminal process null and void for the crime of treason, a task that will be carried out by the Antiterrorist Criminal Court. This process of quashing sentences and military trials means that arrest warrants issued by military tribunals must necessarily also be quashed.

2.2.3.4.4.3. Annulment of police, judicial and criminal records

In order to achieve the full reintegration into social life of those persons who have been acquitted, released for serving a sentence, or who have obtained a pardon or have benefited from the right to a pardon, the CVR recommends that the Judicial Branch comply ex officio with the annulment of their judicial and criminal records, and that the National Police do the same with regard to police records, even when other cases are included in its file and not all of them are filed. The CVR also recommends that the cancellation be automatically communicated to the National Police.

2.2.3.4.4.4. Regularization of the situation of the undocumented

The CVR recommends that the Executive Branch promote the establishment of a massive documentation program and regularization of documentation for persons who are undocumented as a result of the armed conflict, in order to allow them access to their rights of identity and citizenship, as well as to PIR programs in which they are recognized as beneficiaries.

This program assumes:

- authorize municipalities and Civil and Electoral Registry Offices in the affected areas to make registrations and "re-registrations" of destroyed or non-existent documents using minimum evidentiary requirements (sworn statement of witnesses including midwives, sworn statement of the petitioner, medical certificate, baptismal certificate, marriage certificate, birth certificate);
- coordinate the actions of the relevant responsible institutions (RENIEC, municipalities, civil and electoral registration offices and military registration offices);
- amnesty those who fail to perform Compulsory Military Service and those who fail to register for Military Service during the period from May 1980 to November 2000;
- inform displaced persons and people living in areas of violence about their rights to identity and how to access the documentation programme.

2.2.3.4.4.5. Legal advice

The CVR recommends providing special advice to the beneficiaries of the measures of the Program for the Restitution of Citizens' Rights, because although in many cases, the regulatory framework (regularization of the situation of requisition, annulment of antecedents, regularization of the undocumented, etc.) exists, there will always be a lack of knowledge and information. It also recommends that advice be provided to all potential beneficiaries of the Comprehensive Reparations Plan (PIR).

In particular, they require legal advice:

- relatives of victims of disappearance³⁹ or death;
- family members of victims whose death certificates mention "natural death";
- the relatives of the victims who died under another identity.
- persons improperly requisitioned for terrorism and treason;
- persons who have suffered unjust imprisonment, including pardoned, acquitted, beneficiaries of presidential pardon in compliance with Law 26655 and those who proved their innocence even after completing their sentence;
- the people who were raped and the children resulting from these rapes;

These mechanisms, which will enable citizens to regularize their situations and access the benefits to which they are entitled, must be supported by dissemination and training programmes, in addition to the legal advice itself.

To this end, the CVR recommends, on the one hand, that the regular organs of the Executive Branch provide advice by expanding and strengthening the network of free legal clinics of the Ministry of Justice, both at the level of human resources and of territorial deployment⁴⁰ after training, and, on the other hand, that the organs responsible for implementing PIR measures themselves incorporate areas of free attention.

Likewise, the CVR recommends the expansion of the Program for the Protection of Populations Affected by Violence that the Ombudsman's Office is developing, in consideration of its constitutional and legal mandate for the defense of citizens' rights, its territorial deployment, and the trust that this institution generates in the population.

2.2.3.4.4.6. Exoneration of payments

For all the measures proposed in the Programme for the Restitution of Citizens' Rights, the CVR recommends that, because of its own reparative effect, access to them should not constitute an additional burden on the economy of the beneficiaries.

2.2.3.5. The Economic Repairs Program

2.2.3.5.1 Justification

³⁹ This advice should include family members of disappearance victims whose cases will be dealt with through the Plan for Forensic-Anthropological Investigation. For further details, see the chapter on the National Plan of Forensic Investigations.

⁴⁰ The Civil Service of Graduates (SECIGRA) and those who participate in professional practices, both of which are required to obtain a law degree, could be involved.

The dramatic effects of the internal armed conflict on the human rights of Peruvians, which had consequences on the living conditions of the most affected groups and on the social fabric that sustains our society, have not yet been repaired. Despite the fact that the conflict officially ceased more than a decade ago, violence continues in several localities and regions of the country, and the Peruvian State and society have not had a consistent response aimed at compensating for the damage caused. In some cases, the State rebuilt infrastructure and re-established services, but the actions aimed at repairing personal injuries have been very few, generally benefiting only those who had the means and resources to sue and initiate judicial or administrative processes aimed at reparation.

There is a clear awareness that the pain caused by the loss of the lives of thousands of people constitutes irreparable harm, and that no amount can compensate for the loss of a loved one. In this sense, economic reparations are part of the State's recognition of the damages inflicted, the losses suffered, and the moral damage suffered by the victims of the internal armed conflict. These reparations symbolize the effort and public recognition of a willingness to re-establish conditions of justice and to repair the harm suffered by citizens.

The granting of economic reparations also contributes to initiating a new social covenant based on the reduction of exclusion and the respect and guarantee of human rights and the rule of law.

On the other hand, granting economic reparations to victims incorporates the notion of respect for the autonomy of the beneficiaries, since it not only recognizes the person as a victim, but also their capacity to define and decide on their real needs for survival and social reproduction as citizens who are members of a community.

In the Peruvian case, the need for economic redress becomes more pressing due to the fact that the victims were for the most part the poorest and most excluded groups in society and that the effects of violence have seriously limited the ability of these individuals and families to achieve their economic sustenance by their own means.

2.2.3.5.2 Objective

The objectives of the Economic Reparations Program consist of economically compensating the moral and material damages caused to the victims and their families as a product of the internal armed conflict, contributing to the victims and their families having a projection of life forward and a future in conditions of dignity and well-being.

2.2.3.5.3. Beneficiaries⁴¹

Beneficiaries of the Economic Reparations Program shall be deemed to be a.....
.....:

- the relatives of the victims of death and disappearance;
- permanent, partial or total physical and mental disabled persons whose disability is the result of rape, torture, wounds or injuries typified by the CVR and occurred during the period of the internal armed conflict;
- innocent people who have been imprisoned;
- rape victims;
- children who have been raped;

Likewise, and only as beneficiaries of non-pecuniary economic reparations in the form of services will the universe of individual beneficiaries be considered.

2.2.3.5.4. Components

2.2.3.5.4.1 Economic reparation in the form of pensions and/or compensation

Measure 1: For relatives of the dead and disappeared: Family compensation, pension for widows/widowers over 50 years of age, pension for children up to 18 years of age.

The CVR recommends:

a) award family compensation, the amount of which is proposed in a written communication to the President of the Republic.

The criteria for distribution of compensation for the relatives of the dead and disappeared proposed by the CVR must take into account both the provisions of civil law on inheritance and the provisions of the CVR on the notion of relatives⁴² which includes the customs and customs or customary law recognized by the population to which the claimant belongs.

The CVR therefore recommends that the distributive criteria be guided by the following guidelines:

- the compensation must be paid primarily to the widowed spouse or cohabitant, who will have priority over the victim's children and parents. For the purposes of the distribution of the compensation itself, the aliquot corresponding to the spouse, or

⁴¹ See section 2.2 on "The beneficiaries of the Comprehensive Reparations Plan".

⁴² See section 2.2 on "The beneficiaries of the Comprehensive Reparations Plan".

widowed partner shall not be less than two fifths of the total amount; the aliquot for children shall not be less than two fifths of the total amount and shall be divided equally among them; and the aliquot for parents shall not be less than one-fifth of the total amount and shall be divided equally between both parents. If there is only one parent, the parent will receive the full amount of the corresponding aliquot.

- However, compensation may also be paid to other family members or persons, who must prove that they are the beneficiaries by proving that they have a link of dependence similar to a family link with the person of the deceased or the disappeared in accordance with the customs and customs or customary law recognized by the population to which the claimant belongs.⁴³ The claimant's right to compensation may also be granted to other family members or persons, who must prove that they have a link of dependence similar to a family link with the person of the deceased or the disappeared in accordance with the customs and customary law recognized by the population to which the claimant belongs. For the purposes of the distribution of compensation, they shall be treated as a child.

- in the event that at the time the compensation is awarded there is only one beneficiary, the latter shall receive the total amount of compensation. In the event that at the time of awarding the compensation there is no one or some of the categories of beneficiaries mentioned above, the remaining categories shall be distributed in proportionate parts of the excess amount.

- In cases of conflict, the decision of the national executive body for the execution of reparations may be appealed to the justice of the peace, who shall determine the matter in accordance with principles of equity. The decision shall be final.

b) establish a lifelong pension for widows over 50 years of age. Those who do not reach this age will be eligible for the pension on reaching the age of 50.

c) establish a pension for children up to the age of 18. This amount will be given to the parent or guardian to meet the needs of the child/adolescent.

Pension payments and compensation payments shall be made quarterly by the financial body determined by the relevant legal regulation. In the case of indemnities up to the exhaustion of the indemnity amount granted, and in the case of pensions until the beneficiaries exceed the stipulated age or die.

Measure 2: For those with partial or total permanent physical and/or mental disabilities

- The TRC recommends granting a lifetime pension to disabled persons, distinguishing between total permanent and partial disability, for those who, as a result of torture, rape or other violation of a right

⁴³ Thus, the CVR endorses the jurisprudential developments of the Inter-American Court of Human Rights, as expressed in its reparations judgment, Aloeboetoe Case, September 10, 1993, Series C No. 15.

human, have become physically, psychologically or intellectually disabled (total permanent disability), or impaired in their ability to perform work (partial permanent disability)⁴⁴.

Measure 3: For unjustly imprisoned persons

The CVR recommends awarding compensation in the proportion that is informed in written communication to the President of the Republic. The measure is aimed at those pardoned, acquitted, those who received presidential pardon under Act No. 26655 and those who proved their innocence even after completing their sentence.

Measure 4: For rape victims

The CVR recommends granting compensation in the form of an amount suggested in a written communication to the President of the Republic to victims of rape, whether male or female.

Measure 5: For children resulting from rape

The CVR recommends that a pension be granted up to the age of 18 for children born as a result of these violations.

General Considerations for the Granting of Financial Reparations in the Form of a Pension or Indemnity

- If the beneficiary has been the victim of more than one type of violation of his/her human rights, he/she will be compensated for each of the violations suffered;
- If the beneficiary is entitled to receive more than one pecuniary remedy for the same type of violation, he or she will receive the most advantageous;

⁴⁴ Complementary measures for these beneficiaries can be found in the Health Reparations Program.

- The CVR recommends that the payment of pecuniary reparation should be exempt from any payment of taxes or other taxes;
- The CVR recommends that the execution of this program be entrusted to the executive through its financial bodies with the direct supervision of the post-CVR entity.

2.2.3.5.4.2 Economic repair in the form of services

In addition to the compensation and pensions mentioned above, it is considered convenient to provide victims and family members who benefit from the PIR with complementary services as part of the reparations. These services are aimed at granting preferential access to State programmes relating to housing and employment.

Thus, the CVR recommends that through the respective offices of the Ministry of Labor and the Ministry of Housing the beneficiaries of the PIR obtain:

- An additional, preferential score to qualify as beneficiaries of housing bonds provided by the Own Roof program or other similar housing program.
- An additional and preferential score in the qualification to access the programs: ProJoven, A Trabajar Urbano and A Trabajar Rural or other types of similar programs implemented by the government.

2.2.3.5.5. Final Consideration

The CVR is aware of the risks to community cohesion that the granting of pecuniary reparations can generate by generating undesirable privileges or asymmetries. Therefore, it recommends that if beneficiaries of pecuniary reparations from native and high Andean communities decide not to accept family or individual compensation, the respective amounts will increase the amounts available to their communities through the Collective Reparations Program.

2.2.3.6. Collective Reparations Program

2.2.3.6.1. Justification

During the years of violence, a series of human rights violations were committed (torture, extrajudicial executions, arbitrary detentions, etc.) which, due to their magnitude, affected not only the victims of these violations individually, but also the social fabric of the Andean and native communities mainly. In these collectives, violence did not only mean

the violation of the human rights of individuals, but also the violation of their collective rights. Although violence in urban areas is perhaps the most visible at the national and international levels, the Truth and Reconciliation Commission has been able to establish during its investigations that if this violence had had the intensity it had in the Huanta (Ayacucho) area, more than 500,000 Peruvians would have died, and if the violence had had the intensity it had among the Ashaninka people, more than one million Peruvians would have died. These data show how the conflict had as its main scenario the high Andean and native communities, geographically located in rural areas with a majority indigenous and native population.

Organisational autonomy and the exercise of communal authority were affected and in many cases violated; leaders and authorities (mayors, lieutenant governors, justices of the peace and communal personeros) were assassinated; common ownership, tenure and usufruct of land and natural resources were usurped; decapitalization was very extensive; institutions were weakened, their points of reference, ancestral uses and traditions disappeared and as a consequence the population lost security, capacity for joint action and respect for their traditional forms of mutual support and communal and organizational work.

Also in the case of the Self-Defense Committees (CADs), their forced dedication to the defense of their communities in the face of the incapacity or absence of the State generated a decapitalization for these human groups and their families. The time dedicated to the defense and protection of their communities substantially reduced their activities of sustenance and work of the land; this was reflected negatively, among other aspects, in the fall of their productive capacities and in the less development of the basic resources of these populations.

For this reason, the CVR considers that in order to make significant progress in restoring the living conditions of Peruvians after the violence and in national reconciliation and democracy, it is necessary to develop a program that, structured in phases throughout the affected areas within the national territory, allows for partial compensation for the social, economic and institutional damage suffered by these affected peoples and human groups, so that they can recover their basic collective living and working conditions and, above all, with a vision for the future, can be oriented towards their reconstruction.

Reconstruction is based on respect for and revaluation of the past of the populations, but in addition to restoring what has been materially lost, it also aims to give solid foundations to collective life in new, better equipped, more efficient spaces that offer a guarantee of stability for the future. In a long-range perspective, rebuilding is helping people find meaning in life again. It is this vision of the future that differentiates the reconstruction proposed by the collective reparations program from any public development or anti-poverty program.

Its implementation should add the initiative and resources of the State to the support of governments and local authorities, the eventual contribution of the private sector and especially the contribution of the new regional governments, which as part of national decentralization have assumed responsibility for the territories that suffered the impact and consequences of the internal conflict.

2.2.3.6.2. Objective

To contribute to the reconstruction and consolidation of the collective institutionality of communities, human settlements and other populated centres that, as a consequence of the period of violence, partially or totally lost their social and physical infrastructure, and to compensate for the decapitalization suffered by entire populations, providing them with technical and capital resources for their integral reconstruction.

2.2.3.6.3. Beneficiaries

Beneficiaries of the Collective Reparations Program will be considered to be the human group beneficiaries⁴⁵, that is to say, they will be considered as beneficiaries of the Collective Reparations Program:

- to peasant communities, native communities and other populated centres affected by the armed conflict;
- to organized groups of non-returned displaced persons from affected communities in their places of insertion.

However, the CVR considers that for the purposes of this program, widows, women victims of rape, orphans, the elderly, and people with disabilities should have preferential treatment within the measures that are implemented through its different components.

Similarly, the CVR considers it appropriate to establish differentiated amounts for the Collective Reparations Program. These amounts represent minimum and maximum amounts for each case, taking into consideration the severity of the damage suffered by the human group, the level of poverty in the areas and the size of the population of the communities or collectives.

⁴⁵ See section 2.2 on "The beneficiaries of the Comprehensive Reparations Plan".

2.2.3.6.4. Components

Due to the diversity of realities within the affected populations, the Truth Commission recommends that the concrete content of each of the measures of the collective reparations program be defined with the participation of the beneficiary population, taking into consideration the cultural specificities of the collectives as well as their social and reconstruction needs.

Likewise, taking into account the information gathered through its research and dialogue workshops with the affected population, the TRC considers it appropriate to recommend the following components of collective reparation:

Collective Reparations Program Guidelines

The Program, in its main components, will establish maximum amounts to which affected groups can aspire through community development or reconstruction initiatives, proposed and approved through participatory processes. The amounts to be allocated will depend on the number of members of the collective (community or village) and the level of damage suffered in the area.

The repair and recovery actions themselves will be decided and executed by the collectives themselves through the agreement and prioritization of projects and initiatives, oriented with future perspectives.

2.2.3.6.4.1. Institutional Consolidation

The CVR has registered the loss of internal ties in the communities, the deterioration in interpersonal relations, new conflicts, lack of leadership due to the assassination of community leaders, difficulties in the recovery of communal dynamics, etc. The CVR has recorded the loss of internal links in the communities, the deterioration in interpersonal relations, new conflicts, lack of leadership due to the assassination of communal leaders, difficulties in the recovery of communal dynamics, etc. The CVR has recorded the loss of internal links in the communities, the deterioration of interpersonal relations, new conflicts, lack of leadership due to the assassination of communal leaders, etc. In addition, the situation of extreme pressure under which these collectivities lived weakened the kinship ties (by consanguinity, affinity or other cultural ties) that are fundamental in communities for collective management, organization and action.

For this reason, the CVR recommends an institutional consolidation component that restores respect and restores institutionality, authority and leadership to the traditional government organizations of the populations and communities, both peasant and native, in the high Andean territories and in the Amazon. Likewise, it considers necessary the recovery of local government and the strengthening of the technical and management capacity of municipalities, communities and other relevant local organizations (governors, peace courts, community boards, user and irrigation boards, etc.).

In order to achieve a satisfactory level of organization, it is proposed to promote citizen participation and institutional consolidation of communities and collectives affected by the

violence. To this end, the CVR recommends that the initial promotional action incorporate actions to support the legal sanitation of communities, the reinstatement of local authorities and powers, and the resolution of internal and intercommunal conflicts. All of this is based on a participatory communal diagnosis that helps to identify the necessary actions.

**Some criteria for the development of the
institution-building component**

Promoting a culture of concertation, planning and commitment of local actors to development, means associating the authorities and the entire population in a common commitment, and also calls for the rescue of traditional forms of solidarity and collective work such as "the ayni", "the minga", and others that are compatible with their ancestral uses and customs.

It is also necessary to promote actions that favor the recognition of citizens' rights and duties, gender equality, sustainable management of the environment and the promotion of opportunities for all, as well as the appropriate treatment of self-defense rounds or committees in their relationship with the communal authority.

The TRC considers it essential that the beneficiary communities themselves, as part of their process of institutional consolidation, decide on the most appropriate forms of symbolic reparation for their cultural practices and history. This decision must be adopted in a communal assembly or open town hall as the case may be, seeking that the measures are the product of consensus within the beneficiary group.

The strengthening of local institutions will serve to carry out other programs with a collective impact, since only with a solid organization will it be possible to carry out both basic services and productive economic projects, and it will also be possible to channel measures of reparations programs in education and mental health to beneficiaries.

2.2.3.6.4.2. Recovery and reconstruction of productive infrastructure

The internal armed conflict resulted in the decapitalization of populations, particularly peasant and native communities that suffered the loss of their livestock and crops, and the emergence of displaced populations that migrated in search of security and survival had to leave their lands and belongings.

The CVR believes that if significant progress is to be made in re-establishing and improving the living conditions of these populations, it is necessary to implement a component of reconstruction of the productive infrastructure that will allow them to recover their basic living and working conditions. It therefore recommends that a component be developed to support the productive capacity of the affected communities so that they can better manage and supplement (or recover) their productive resources.

The following are some of the criteria that the CVR considers useful as guidelines for the type of projects possible to implement within this component:

Some criteria for the development of the recovery and reconstruction component of productive infrastructure

Initiatives should have an impact on income, trade dynamism, job creation and skills development. Initiatives may require funds for: training (internships), technical assistance, livestock capitalization, recovery of land and pastures, (complementary) input for crop innovation, agricultural intensification or improvement of techniques or varieties adapted to market demand; business advice. It may include working capital funds for marketing the collective's products in fairs or new markets and in this aspect the component is linked to the proposals of the fourth component on employment and generation of new income.

Projects may be applied for and managed by collectives with healthy property, recognition and authority or representation systems. The direct beneficiaries may be groups within the collective, but their initiatives must have been supported by all in participatory processes and include community input (especially to support the most vulnerable groups within communities).

By collective agreement the benefits can be converted into new communal resources; but this must be a communal decision and controlled by its own mechanisms.

2.2.3.6.4.3. Recovery and expansion of basic services

The destruction and abandonment of basic community services were other consequences of the internal armed conflict. Schools, health centres, warehouses, granaries and communal premises, among others, were destroyed as a result of clashes between the forces of law and order and subversive groups, but also and with far-reaching consequences, electrical networks, irrigation channels, sanitation works, bridges and roads. The economic development of many communities was hampered by the destruction of public infrastructure and limited access to public services. These damages have had devastating consequences in the communities, considering also that the victims of the violence are concentrated in the high Andean rural areas of the country and that the most affected population is the one that corresponds to the poorest economic sectors. Rehabilitation is urgent and the CVR therefore recommends a component of recovery and expansion of basic services aimed at rebuilding infrastructure and re-establishing basic services where this has not yet been done, as well as implementing the basic infrastructure necessary for the economic development of localities, as a form of compensation for damages suffered.

Listed below are some criteria that the CVR considers useful as guidelines on the type of possible projects within this component. It is clear that it will be the collectives themselves who will decide what types of projects to implement within their communities, in accordance with the needs identified and the resources that each beneficiary human group receives as part of the Collective Reparations Program.

**Some criteria for development
of the basic services recovery and expansion component**

The component will be able to support, among others, projects for the reconstruction and development of the service and communications infrastructure, identified by the local communities and institutions themselves. The commitment of complementary contribution of the Local Governments and the insertion of the works within concerted strategic plans of local development will be especially valued. In the case of non-returnee displaced population groups, the actions will have to be agreed with the authorities of the places of insertion. This line includes the recovery of property destroyed by violence for the operation of public services, including health and education.

The administration of funds for works and the purchase of equipment may be entrusted to local institutions, with appropriate technical assistance and supervision.

The types of projects that could be carried out would be among others:

- Premises, furniture and equipment for initial, primary, secondary and technical education
- local health facilities, equipment, supply of medicines and supplies (including communal first-aid kits run by health promoters, particularly for the care of the disabled).
- sanitation (water and drainage facilities, solid waste disposal, etc.);
- rural electrification;
- access roads and communication routes (bridges, jungle piers, etc.);
- recovery of local heritage (restoration of buildings) and public spaces (squares, parks)
- construction, maintenance and improvement of works in memory of the victims (cemeteries, monuments, etc.).
- Others that collectives can identify

A first line of activity may include, if requested, funds for the reconstruction of houses destroyed by violence, promoting the maintenance of designs and the maximum possible use of own materials. It may include intercommunal housing competitions in order to encourage new ideas for housing improvement, which originate in the culture itself and in the availability of materials in the area.

A second line of activity will seek to improve the quality of public services, adapting them to the particularities of rural areas through projects such as:

- advice on the adaptation of timetables and curricula in schools, particularly in secondary and technical education, so that the educational process does not interfere with or stop due to activities in the field;
- Training of teachers in the specific pedagogy of attention to multigrade or single-teacher schools and in intercultural bilingual education.

- Nutritional education-information together with food supplementation with emphasis on children from 0 to 5 years old and the complement with school breakfast programs for primary school children, promoting as far as possible healthy eating habits and the best use of local food resources.
- training of health promoters in communities and small towns where there are no health posts or Ministry of Health personnel
- Others that collectives can identify

Training and advisory projects could be defined by their micro-regional scale, i.e., they could be directed, for example, to the set of population centres and communities in a micro-basin, seeking to form networks of mutual learning and services between rural teachers and between health promoters or between both.

2.2.3.6.4.4 Employment and income generation

In close connection with the previous components, it is recognized that the armed conflict interrupted and damaged the economic activities of the communities and their possibilities of generating employment and commercialization, with effects that can be perceived to this day. The TRC recommends an employment and income-generating component that provides technical and business management training, technical assistance, and business and financial advice to communities and groups of displaced persons who have identified business opportunities. The component will promote the access of these groups to credits from private banks, community savings banks or other NGO credit programs aimed at supporting micro and small enterprises.

Listed below are some criteria that the CVR considers useful as guidelines on the type of possible projects within this component. It is clear that it will be the collectives themselves who will decide what types of projects to implement within their communities, in accordance with the needs identified and the resources that each beneficiary human group receives as part of the collective reparations program.

Some criteria for the development of the employment and income generation

The modalities of organization, management, training and credit can be structured from projects developed through the provision of direct technical assistance to stakeholders within each group. The required legal and administrative advice and management training may be provided to groups of victims or beneficiaries who request it.

In terms of credit management, initiatives requiring "seed capital" may benefit from non-reimbursable resources, while other funds may be channeled through subsidized loans for solidarity groups that are promoted in different groups. Beneficiaries within the collective who have identified a business opportunity could group together and form Project Committees chosen by the collective/organisation, which will make decisions through majority agreements.

Initiatives that can be supported and possibly credit can be grouped into:

- Production Initiatives
- Trade Initiatives
- Service Initiatives

2..2.3.6.5 Recommendations for the initial implementation of the programme.....

Given the large number of collectives affected, the depth and extent of the damages suffered, and the right of these collectives to participate in the design of the collective reparations program that should benefit them, the Commission recommends that this program be developed from staggered phases of execution, where the initial phase should be applied to a limited number of affected collectives, with the intention of defining and designing in a more appropriate manner the implementation of the successive phases of the program. In this way, starting from the execution of the initial phase, the organism in charge of the global conduction of the PIR will be able to design a national plan that takes into account the needs of all the affected groups, as well as the cultural differences and the own or different of the multiple modalities of productive activities that are practiced in the different zones of the country.

The Commission recommends that the criteria for determining the areas and groups that will benefit from the initial phase of the programme should include the following:

- a) The magnitude and depth of the damage suffered.
- b) The degree of poverty suffered by the collectives.
- c) The composition of the population in each centre or community (percentage of women, children, the elderly, orphans, etc.).
- d) The geographical location of the buses (coast, mountains, jungle, refuge areas, etc.).
- e) The type of basic productive activities to which the collective is dedicated.
- f) The level of previous support received from the State and/or international cooperation.

The Commission considers that the groups chosen for the implementation of the initial phase must represent the different economic, geographical, social and political experiences or realities of all the affected groups, since only in this way will it be possible to design a national plan that responds to the effective needs of all the affected populations.

On the other hand, the CVR recommends that the programme be implemented in a decentralized manner from the outset, so that regional and local governments and collectives themselves participate actively in its development.

The CVR underscores the importance that the implementation of the various components of the collective reparations program be worked on directly by qualified local organizations and offices. In this regard, the TRC recommends starting the process with collaboration and coordination with the Ministries of Health, Housing, Agriculture, Education, Transport and Communications, Social Development, Foncodes and other relevant state entities, when better decentralized, as well as with regional and local governments and non-governmental organizations with proven experience in areas affected by violence. These organisations shall be directly supervised by the relevant post-commission body. Similarly, the CVR suggests that multilateral and international cooperation agencies working or about to begin operations in the areas most affected by the internal armed conflict should grant preferential scores or provide attention to the following

The Committee would also like to draw the attention of those groups affected by the conflict to the fact that they have a special role to play in their projects.

2.2.4. Institutionalality

The implementation and execution of the Comprehensive Reparations Plan must be carried out in urgent times, as close as possible to the entry into force of the legal norm that authorizes it. The CVR considers that the same legal norm that approves the IRP should clearly establish the institutional scheme of supervision and execution, assigning deadlines and responsibilities. This determination will make it possible for victims or their beneficiary relatives to identify from the outset the persons or entities to whom the Peruvian State entrusts the fulfillment of this task and will facilitate the location of the places where those who have to exercise and prove their right to reparation must present themselves.

2.2.4.1. A national coordinating and supervisory body

In order to achieve greater effectiveness, understanding, but also ease of dissemination and access, the TRC recommends the creation of a national executive body on reparations, whose functions and attributions will be the overall coordination and supervision of the execution of the IRP's programs.

The CVR recommends that the national executive body be collegiate and allow a balanced representation of representatives of the Executive Branch, civil society (e.g. through the National Human Rights Coordinator) and the Ombudsman's Office.

The TRC recommends that its structure include a central office in Lima, decentralized regional offices, and local offices located close to beneficiaries.

2.2.4.2. Deadlines

Since this is a policy of gradual process, whose contribution is invaluable for the reconciliation process and democratic consolidation, and to ensure its legitimacy, the CVR recommends that the period assigned to the national executive to carry out the Comprehensive Reparations Plan should not be less than six years, counted from the date of its effective installation.

2.2.4.3. Execution of the PIR

The TRC recommends that the national governing body clearly establish the implementing bodies of the IRP programmes, both public and private, assigning deadlines and responsibilities and approving an annual plan of activities.

The CVR recommends that the implementation of the components and measures contained in the programs it has formulated be carried out as far as possible through existing public entities, be they Ministries, Judicial Branch bodies, the Ombudsman's Office or decentralized offices of the same. Private entities may also be considered when appropriate, and the participation of NGOs in the execution of the PIR.

The regional offices of the lead agency will act in close coordination with regional governments and relevant public and private institutions at the same level in the implementation of programmes and actions,

2.2.4.4. Qualification of victims and beneficiaries

The CVR recommends that the national entity should have legal advice for the qualification of victims, based on the same criteria as those used by the CVR, and for the qualification and accreditation of beneficiaries.

It also recommends that advice be given to potential beneficiaries of the RIP as a whole so that they can access the benefits to which they are entitled. It should also develop dissemination, information and training programs, in coordination with the regular organs of the Executive Branch through the network of free legal clinics of the Ministry of Justice and with the support of the Ombudsman's Office.

Finally, the CVR recommends that the management of the IRP incorporate confidentiality criteria in the granting of benefits in order to avoid any type of social stigma or discrimination against beneficiaries.

2.2.5. *Financing*

The allocation of specific funding to the Comprehensive Reparations Plan is in itself an act of reparation and reflects a real willingness on the part of the Peruvian State and society to commit to justice and reconciliation. Fortunately, the macroeconomic projections for Peru made by various national and international institutions for the next few years are favorable since they estimate that the country will register high and sustained rates of economic growth, which should be accompanied by notable macroeconomic stability.

The CVR recommends the creation of a *National Reparations Fund* to finance the components and actions of the PIR, which would be managed by the national entity in charge of the overall management of the plan. This fund should be fed mainly with resources from the public budget since it is the only way to ensure the financial viability of the PIR in the medium term and to show that implementing reparations is the primary responsibility of the State. For this reason, the Commission recommends the allocation of a special budget line to finance the reparations fund, the annual amount of which must be proposed by the national entity in charge of the overall management of the PIR based on the annual implementation forecasts.

In addition, the TRC considers it feasible for the Reparations Fund to be financed in part by funds of an extraordinary nature. In this regard, it is recommended that part of the resources from the ill-gotten repatriated monies be used to finance the Fund. These resources are currently available either from the Special Fund for Administration of Illegally Obtained Money to the detriment of the State -FEDADOI46- or from the anti-corruption courts until the end of the judicial process.

Given the scope and duration of the RIP, as well as the need for the country to maintain and consolidate its macroeconomic stability in the short and medium term, domestic financing will not be sufficient to cover the costs of the RIP. In this sense, the CVR makes an urgent appeal to the international community to show solidarity with the victims of violence by actively participating in the complementary financing of the PIR, whose actions cannot and should not be considered as part of social policies.

In addition to direct contributions and the reorientation of existing programs, the Commission believes it feasible that international cooperation could contribute to the financing of the RIP through various channels, one of which - innovative - would be to implement a mechanism for converting external debt in favor of projects directly linked to the RIP policy.

⁴⁶ It should be remembered that according to the decree creating FEDADOI (*El Peruano*. Decreto de Urgencia 122-2001, October 27, 2001), one of the destinations of ill-gotten resources is precisely the payment of reparations to the victims of human rights violations. In this sense, the CVR considers it feasible for the Executive Branch to stipulate that the reparations recommended by the Truth and Reconciliation Commission should be understood as those reparations.

repairs. So far, this mechanism has been successfully used to finance social projects.

Given the scope and duration of the IRP, the Commission proposes to design and implement a financing strategy that takes into account the phases and execution periods of the programs that make up the Plan. Such a strategy should be based on the mobilization of both internal and external resources as well as regular and extraordinary resources. Both the mobilization of new resources and the reallocation of existing resources should be considered. To this end, the Commission proposes that, as soon as possible, the entity responsible for the overall management of the RIP should call for a dialogue to define such a strategy. The Government of the Republic, representatives of the Congress of the Republic, international financial institutions, the main bilateral and multilateral donors, the academic and professional sectors, human rights organizations and victims' organizations should participate in this dialogue.

The CVR points out that the aforementioned proposal to convene a special forum for dialogue in no way exempts the Peruvian State from the responsibility of allocating an initial amount of resources that will allow the main programs included in the PIR to begin this year, as well as the establishment of the institutionality in charge of their conduction and execution.

With respect to the total cost of reparations, these will depend on variables that it is not up to the CVR to determine; therefore, it is limited to sending the President of the Republic an initial proposal based on actuarial calculations that must be worked out by the mechanism for following up on the CVR's recommendations.

2.3. NATIONAL PLAN FOR FORENSIC- ANTHROPOLOGICAL INVESTIGATIONS

One of the most serious consequences of the internal armed conflict experienced in our country in the last two decades was the disappearance of thousands of Peruvians, whose whereabouts are still unknown. We know that many of them must be found in what we now define as Burial Sites and which were formerly known as mass graves. The various findings made on the subject between 1997 and mid-2001, have demonstrated the veracity of these statements.

In those times, many of these places were intervened without the necessary technical criteria, which generates multiple problems, including the absence of results and if these exist (which are not known to date), prevails doubt about their reliability. This led to criticisms of the work of forensic investigation institutions and legal authorities.

This situation is the result of a lack of qualified personnel to deal with the different areas of forensic anthropological investigation in particular, as well as a lack of knowledge in the handling of international standards that are currently applied in various jurisdictions; standards that have been developed by recognized experts in forensic issues and assumed by the United Nations International Criminal Tribunals, as well as by the Truth Commissions in different countries and the agencies in charge of forensic work. The Manual on the Effective Prevention and Investigation of Extra-legal, Arbitrary or Summary Executions, published by the United Nations in 1991, is the most widely recognized document on the subject.

Added to this is the lack of guidelines for an investigation policy and the lack of work plans that allow for the identification of victims of serious human rights violations, as well as the judicialization of cases, facts that constitute a constant claim of civil society and of the organizations in charge of the defense of human rights.

From this perspective, during its mandate, the Truth and Reconciliation Commission assumed leadership on the issue, with the support of various institutions, designing with them the mechanisms and strategies that will regulate and allow the development of future forensic anthropological interventions based on existing national and international standards, as expressed in the Public Declaration on Mass Graves of Victims of Violence 1980 - 2000 of January 19, 2002.

In accordance with the need to resolve with firm and reliable steps the problem of the disappeared in Peru during the armed conflict, we present the National Plan of Forensic Anthropological Investigations, which constitutes the CVR's proposal for a

This was the culmination of a work process that included a series of forensic interventions, in conjunction with other institutions, as well as the execution of the *National Registry of Burial Sites*, actions oriented towards the search for our disappeared, truth, justice, reparation and national reconciliation.

2.3.1. Problematic

The complexity of the manifestations presented by the internal armed conflict in our country, in relation specifically to the problem of forced disappearance and extrajudicial executions and consequently the number of victims that it generated, requires adequate tools that allow for forensic anthropological intervention from different spheres, adapting them to the socio-cultural environment.

In that regard, one of the most important issues is the exhumation and identification of victims of serious violations of fundamental rights for both humanitarian and judicial purposes. Regarding the former, humanitarian work is paramount and is developed through the discovery, identification and return of human remains to their families so that the duels are finally elaborated. It provides families with access to the necessary legal documentation to resolve legal disputes arising, inter alia, from inheritance problems generated as a result of the disappearance of individuals. The reconstruction of the individual, social and historical reality of the affected peoples and their access to justice is achieved, reaching a national dimension that is oriented towards the construction of an identity based on the knowledge of the truth.

The humanitarian purpose cannot be considered in an abstract and isolated manner; it is necessary and essential that it be developed within appropriate judicial processes that include the findings as part of the body of evidence, so that the facts and circumstances that led to the disappearance of the victims (time and place, perpetrators, among others) can be established. In this way, the second fundamental objective, which is to provide justice, is fulfilled as a duty of the State and as a right of the victims and their relatives.

The particular responsibilities of public institutions in the development of this process should be highlighted. Thus, the International Committee of the Red Cross states that, although public authorities are the ones designated to intervene, with the correct treatment of the remains and the information obtained about them and to be provided to those concerned, in cases where the authorities are not in a position to assume this obligation, humanitarian organisations can undertake this task, with the support of the Community of States.

The commitment to address the problem of missing persons obliges society and the State to take on this complex task. It should be emphasized, therefore, that it is not only forensic anthropological work that is involved in this problem, it is also the legal and juridical part, as well as aspects related to mental health, reparations, among others, that will allow the reconstruction of the facts, clarifying the truth and enabling access to justice and dignity, as well as reparation for victims and relatives; allowing the reconstruction of an individual and group reconciliation that culminates in an effective national reconciliation. Institutions such as the Public Prosecutor's Office and the Ombudsman's Office must make it possible for these tasks to be carried out correctly, and civil society bodies must necessarily participate in them, including the National Human Rights Coordinator, with the support of technical bodies with the professional and ethical capacity to deal with the different areas of work, within a multidisciplinary perspective such as forensic investigation by definition.

The CVR has developed a National Registry of Burial Sites based on the information obtained during your investigations. At the end of its mandate, the CVR has registered 4,644 burial sites nationwide, having made preliminary findings in 2,200 of them.

The areas of application and execution of the National Registry of Burial Sites included the territories of the following sites:

- ! Northeastern Headquarters (San Martín, Huánuco, Ucayali).
- ! Central Headquarters (Cerro de Pasco, Junín, Huancavelica).
- ! South Central Headquarters (Ayacucho, Apurímac, Huancavelica).
- ! South Andean Headquarters (Apurímac, Cuzco, Puno, Madre de Dios).

The information collected has been systematized in a specially designed database that includes the general descriptive aspects corresponding to each of the registered sites, graphic and photographic information, as well as a relationship with a geographic database, which requires additional analysis to obtain specific results. The Antemortem Database, which includes information on 1504 of the 1884 files collected by the CVR during its mandate, has also been considered.

It should be noted that all this information has a high degree of sensitivity, so it must have an adequate protection system to have part of the information as Classified and Reserved and ensure that the sites are not subject to alteration or destruction, either involuntary or intentional. In this regard, the following shall be guaranteed

the execution of interventions that have unaltered evidence and, consequently, make it possible to develop prosecutable cases.

These figures, which far surpass publicly available data, confirm the importance of promoting and executing the National Plan for Forensic Anthropological Intervention proposed by the CVR.

It is necessary to understand, that the process of forensic anthropological investigation is not a simple isolated technical procedure. According to Fondebrider (2002:2) "All research must take into account that the exhumation and identification of remains has psychological, judicial, political, economic and humanitarian consequences. What appears to be a mere technical and scientific operation can lead to complex problems and unclear boundaries, as well as unexpected ethical dilemmas.

Therefore, in order to establish a forensic anthropological intervention plan, it is necessary to establish the fundamental aspects without which it is impossible to make any plan for the short, medium or long term.

2.3.2. Aims and Objectives

To achieve its execution, the Plan has General Objective and Specific Objectives. The former deal with the general problem of serious human rights violations and their exhaustive investigation. The latter are adapted to the new needs that may arise in their development.

2.3.2.1. General Objective

To produce the necessary guidelines for the development of effective investigations related to serious human rights violations, specifically concerning the problem of extrajudicial executions and enforced disappearances. These guidelines should, in the short, medium and long term, be supported by specific policies, guidelines and standards, as well as procedures aimed at reconstructing the events that preceded them.

The proper recovery of human remains, within a legal and human rights context, allows the identification and determination of the facts, the causes of death and the alleged perpetrators.

An efficient and clear reconstruction of events is required that actively contribute to the resolution of the investigation processes and that constitute one of the fundamental bases for the reparations program, through (among other aspects and in the first place) the restitution of the victim's remains to the affected family and social environment.

For this reason, it is indispensable that this initiative embodied in the PNIAF has an express mandate to support the development of investigations related to serious human rights violations during the time of the internal armed conflict.

2.3.2.1.2. Specific Objectives

In order to meet the specified general objective, it is necessary to have the following specific objectives:

- ! To propose, within the framework of human rights, a comprehensive forensic anthropological intervention plan at the national level, to be applied to judicial proceedings with the following characteristics:
 - Carrying out a preliminary investigation stage, focused on recovering and linking information on victims and facts.
 - Obtaining information about burial sites, also observing logistical aspects necessary for the interventions.
 - Adequate recovery, analysis, identification and restitution of human remains.
 - Establishment of the circumstances in which the events surrounding the disappearances and extrajudicial executions under investigation occurred.
 - Provide support to family members, guaranteeing constant information, as well as the restitution of bodies and generating policies that allow access to guarantees and reparation programs in all reported cases.

- ! Apply internationally established technical and scientific criteria for forensic anthropological intervention, appropriate to the national reality, both for the recovery of information relating to victims, facts and spaces, and for the recovery of remains, their analysis, identification and restitution, considering the different contexts in which they may be found.

- ! Have a multidisciplinary team of forensic experts, professionally qualified, with extensive experience in the field, but also properly trained to assume the moral responsibility involved in its execution.

- ! Establish a programme of psychological and legal support for families who have suffered enforced disappearance and/or extrajudicial executions, establishing mechanisms to keep them constantly and appropriately informed about the status of the investigations and the results achieved.

- ! To guarantee the restitution of the remains that once analyzed are correctly identified, as well as of the belongings, when they exist, to the respective families,

allowing them to carry out the respective rites and commemorations within the mourning process, according to the individual and community beliefs.

2.3.3. General Guidelines

We consider necessary the development of the following general guidelines, which will allow the beginning and implementation of the Plan, it should be added that these guidelines are basic and essential conditions for its implementation.

The basic guidelines from which to work are:

3.1. Definition of the institutional framework.

3.2. Development of Normative, Legal and Technical Aspects.

2.3.3.1. Definition of the Framework

2.3.3.1.1 Level of Coordination and Supervision

Due to the nature and size of the problem being studied, it is necessary to set up a permanent inter-institutional and multidisciplinary working group to assume the coordination and supervision of forensic anthropological investigations and whose decisions are framed within the legal and ethical norms on the treatment of information on victims and human remains.

At the institutional level, it is essential that the Public Prosecutor's Office, the Ombudsman's Office and civil society join forces and work together in a coordinated manner to contribute to the investigation of cases. The first two are mandated by their respective mandates to investigate the crimes, as well as to establish the truth about the serious human rights violations that have occurred and their legitimate defence. In this sense, both research and the supervision of actions must be focused in order to achieve the objectives pursued: the protection of society and individuals through unrestricted respect for life in all its extension.

2.3.3.1.2. Participation of Forensic Experts

The participation of forensic experts in the different stages of forensic anthropological intervention is of vital importance, as it requires absolute independence, efficiency, technical and professional experience, as well as sufficient human capacity, to act in the most difficult geographical, climatic and political conditions, maintaining in everything

the right time standard, sustained by technical, scientific and ethical consistency in the work.

The specialists must belong to the different areas of the forensic field: medicine, anthropology and archaeology, dentistry, as well as to the different areas of criminalistics, mainly. They must have sufficient capacity to assume an expertise, inasmuch as they will be designated as such for the specific cases, having to accredit accordingly their professional and personal quality through their academic formation and a wide experience forged in the forensic work carried out.

In this regard, the absolute absence of academic training in forensic anthropology in our country should be highlighted, a situation that generates the consequent absence of any entity or professional guild that congregates and officializes them, as established by the law in force, as happens with other professions in the environment.

In reality the possibility of developing the forensic field in our universities, as far as forensic anthropology is concerned, is linked more to the career of Archaeology, since in Peru the career of Anthropology is limited only to socio-cultural aspects (Social Anthropology) and not to physical anthropology, which is part of the academic training of Peruvian archaeologists.

Therefore, the qualification and appointment of experts by the prosecutor should not only be based on personal or institutional aspects, but should also be based on the expert's forensic experience, accredited professionalism, suitability and independence. In addition, due to the humanitarian nature of the work to be carried out, forensic experts must demonstrate a high level of ethical commitment and respect for the victims and their families, promoting the processes in their charge, especially that of analysis and identification. They must also be familiar with the provisions of the International Law of the United States of America. Human Rights and International Humanitarian Law.

The multidisciplinary work by essence, taking into account that the experts will come from the different institutions involved with the investigation of human rights violations, generates the optimization and objectivity of the results insofar as each one will assume the role that corresponds to him within the process, in an attempt to improve even the standard of the preceding institutions. **It is** then that the new responsibilities **will be** assumed within the context and mandate that each institution allows, being possible that in a joint and coordinated manner, the necessary and fundamental transparency and objectivity will be generated to restore credibility in State institutions by the affected persons.

2.3.3.1.3. Stages of Research

In view of the above and the national and international experiences analyzed, forensic anthropological intervention should be developed through a series of successive stages that allow an optimal approach to cases, or achieve an adequate construction of them.

However, the problems of each case can guide the investigation in another order of stages or that are even applied in parallel. What is important is that each and every one of the stages be completed before the end of the investigation process, since only in this way will it be possible to identify individuals and establish their causes and modes of death for judicial and humanitarian purposes.

First of all, it has been necessary to review the existing terms in this regard, since some of those used to date do not clearly explain the reality of the situation of the bodies of victims of serious violations of human rights, nor the different categories that frame this problem.

The stages of forensic anthropological intervention are as follows:

2.3.3.1.3.1 Preliminary Investigation and National Site Registration and Inspection

The objective of forensic anthropological intervention is mainly focused on identifying the events related to the death of one or more individuals and restoring identity, providing sufficient evidentiary tools to the respective authorities to make the judicialization of cases viable. **In** addition, we work in this way for humanitarian reasons, by allowing communities to fulfill their rites and rebuild themselves individually and collectively.

The preliminary investigation requires an integral treatment to obtain all the information that allows the judicialization of the cases, establishing events, identification of victims and probable victimizers, as well as the geographic location of the burial site.

Beyond the criminal event itself, situations are investigated where fundamental rights have been violated by terrorist groups, state and parastatal agents towards victims who were in a state of helplessness, belonging to the civilian population and even combatants, who were executed within a framework of illegality and illegitimacy, being deprived even of the legal procedure established in our legal system.

In this order of ideas, the preliminary investigation that is carried out is fundamental, since the prevailing element within these violations is the total disappearance of the victims with the consequences that this generates, such as the impossibility of the families of the victims to return to their homes.

to carry out mourning and the impossibility of establishing the causes of his death or pointing out a perpetrator.

The preliminary investigation should therefore be concerned with providing sufficient elements for the reconstruction of the facts, the location of possible burial sites, probable perpetrators and their *modus operandi*, the causes of death as well as information relating to the victims, for purposes of physical and social identification and reparation. In this way, both the family and social environment are provided with the tools to rebuild their individual and social identity, while fulfilling a humanitarian task within a framework of justice and legality.

For this reason, it is not only a question of establishing an inventory and cadastre of burial sites (formerly known as "grave mapping"), but also of establishing with precision the problems surrounding each possible find, in such a way that the information allows the construction of cases with the primary objective of searching for the disappeared and not the burial sites.

It is therefore necessary that the inspection be carried out by sufficiently trained personnel, preferably archaeologists and forensic anthropologists, with extensive knowledge of social and human rights issues.

Human rights-trained lawyers who can obtain the information necessary to support cases should also participate. Therefore, mechanisms should be established to validate the information collected so that it can be used as a tool and evidentiary material in the tax investigation.

To the extent that not all cases allow preliminary access to information, it must be ensured that this search for information is carried out in the shortest possible time. Otherwise, it will be impossible to adequately reconstruct the facts and to identify the victims and the perpetrators.

For this reason, it is important that no massive or even intensive work programs are carried out, since the lack of tools, planning and proper information collection will have a negative effect, since it will prevent further investigations and, by extension, provide the possibility of identifying the facts and the actors, including victims and perpetrators.

This, in turn, prevents the fulfillment of the final objectives of reparation and justice. However, in view of the existence of cases that are in process, it will be necessary to verify the status of the information **in** order to collect and strengthen the existing investigation in parallel with the intervention.

2.3.3.1.3.2. Inspection and Exhumations

Once the existing preliminary information has been obtained and analyzed, it should be determined through the inspection and evaluation of the declared burial sites, if they arise as a consequence of criminal events related to human rights violations, or if they are archaeological sites, or if they are the product of criminal events not related to human rights, which although they must be carefully treated, are within another order of investigation and interest.

With this verification, the execution of forensic interventions, including all the necessary planning, can be considered in terms of logistical aspects, material and human resources and infrastructure.

Such research should be conducted in accordance with international requirements and experience with regard to technical and methodological criteria, in accordance with the existing protocols for this purpose, in particular the one annexed to this document.

It is necessary to prioritize cases that have complete preliminary information and have a correct legal and technical development, so that the investigation of events corresponds to those that have more support and viability.

In this sense, the cases to be exhumed can be classified as urgent, among which would be those at risk of disappearing; then immediate intervention must be taken, despite not having all the necessary information in order to preserve the evidence. Parallel to or immediately following this action, information must be collected to enable the investigation to be conducted appropriately.

The second category corresponds to cases that have been previously exhumed. These must be evaluated and they must also collect all the information required for the evacuation of the case.

In a third category would be those cases that present all the grounds for investigation, which can be exhumed in the short or medium term according to existing conditions and whose information is complete or must be expanded throughout the process.

2.3.3.1.3.3 Analysis and identification of victims

This stage demands a special moral, ethical, judicial and humanitarian responsibility. This process seeks to establish basically the causes of death and the circumstances surrounding it, as well as the full identity of the human remains recovered.

It is fundamental as far as family and social aspects are concerned, as information to identify and return the victim's remains to their family and social environment, and also at the judicial level, provides effective evidence for reporting and demonstrating the commission of a crime.

The process of analysis and identification should be carried out in parallel or after the exhumation has been completed. Therefore, it is essential to have the infrastructure and personnel properly trained to carry out the analysis of human remains as a task prior to the beginning of the forensic anthropological intervention.

As in the previous stages, priority should be given in the analysis to those cases that have more support and therefore involve greater possibilities of identification using valid methods other than DNA analysis, which will be used only if absolutely necessary. Indeed, the automatic use of DNA analysis requires the mobilization of economic resources throughout the year to respond adequately to the needs that arise in each case. This type of examination should be carried out by independent laboratories duly **certified** at the international level in this specialty and that offers confidence to the families of the victims, given that in international experience, the relatives of the disappeared are reluctant to accept analyses carried out in forensic genetics laboratories of state institutions, despite having all the certifications and guarantees.

Therefore, we consider DNA analysis to be performed by at least two validated laboratories. One for reference and one additional, especially if one of them is going to belong to the State.

The analysis of the remains should establish a series of basic characteristics relating to the identification of victims which, when compared with premortem information, should lead to the identification of individuals. Since the corpses do not preserve their physiognomy and their recognition by their families is not possible, other instruments should be used to achieve identification, such as osteopathological and odontological analysis, which allows a comparison with premortem information (Presumptive Positive Identification).

Hence the importance of reiterating that cases that do not allow for further analysis should not be exhumed, because basic information regarding injuries suffered and causes of death would be lost, revealing the existence of torture and other forms of ill-treatment.

In all cases, forensic medical, forensic anthropological and forensic dental analysis must be carried out in order to reconstruct, analyze and establish the different injuries that the bodies may present and the causes and mechanisms of death. Similarly, there must be an effective commitment to the rigorous application of all technical instruments that allow the identification in the short, medium or long term to the

It is also necessary to establish the causes and conditions that led to the death of the victims, thus avoiding the duality of criteria.

It should be noted that the application of victim identification methods other than DNA analysis does not preclude the taking of samples for subsequent DNA testing. Therefore, it is recommended to preserve a bone sample that may consist of a pair of intact lumbar vertebrae or a fragment of femoral, tibial or humeral diaphysis of about 10 cm, tooth or tooth without any treatment or deterioration.

The treatment of the genetic issue requires the development of the following topics:

1. Establishment of codes of ethics for the handling of genetic information and the manipulation of samples, results, information in general especially directed to this topic.
2. Training of expert geneticists at the national level.
3. Certification of national laboratories in the processing of bone and blood samples for analysis of nuclear DNA, mitochondrial DNA and Y-Chromosome.
4. Promulgation of the legal norms referring to the application of genetic studies in this matter.
5. Development of a Genetic Population Study at the national level.
6. Creation of a DNA Sample Bank (victims/relatives) with due guarantees of information protection.
7. Legal Authorization for the collection of blood samples from family members in which it is established that such sample is used for the sole and exclusive purpose of being analyzed as part of the process of identification of a specific victim.

2.3.3.2. Development of Normative, Legal and Technical Aspects

2.3.3.2.1. Normative and Legal Aspects

In order to make the National Plan of Forensic Anthropological Intervention operational, legal instruments are required to validate the creation of the entities proposed below and the adaptation of the legal procedures in force in the light of national and international experiences in forensic anthropological intervention in cases of human rights violations.

We consider that the legal norms required for the implementation of the National Plan of Forensic Anthropological Intervention should refer especially to the following aspects:

2.3.3.2.1.1 National Commission for Persons Disappeared as a result of the internal armed conflict between 1980 and 2000

The creation of the National Commission for Persons Disappeared as a result of the internal armed conflict between 1980 and 2000 is proposed, which assumes the Joint Platform for the Investigation of Mass Graves, created during the mandate of the CVR in June 2002 and integrated by the Public Ministry, the Ombudsman's Office, the National Human Rights Coordinator and the CVR, reinforcing its authority, autonomy and validity with the additional incorporation of the representatives of the disappeared, representatives of the Churches, the International Red Cross and a representative of the operative institution in charge of executing the National Plan.

This body would coordinate and supervise the development and execution of the Plan, without this implying control or any other interference that violates the autonomy required for this type of process.

It will also monitor cases under investigation on a regular basis, constantly monitoring the goals achieved in terms of both victim identification and the prosecution of cases.

It may propose for incorporation into the Plan, previously documented cases and the collection of information to be channelled through the Investigation Unit, as will be explained below, as well as the coordination of the delivery to relatives of the remains of their relatives who have been identified.

2.3.3.2.1.2 Office of Persons Disappeared by Internal Armed Conflict (OPD)

Without prejudice to respect for the authority of the Public Prosecutor's Office, which assumes the leadership and direction of the prejudicial stage, international and national experience, evidences the need to create a specialized unit that develops the activities necessary for the execution of the Plan.

The Office of Persons Disappeared by the Internal Armed Conflict OPD is an operational, autonomous and independent entity and will be made up of independent specialists from different disciplines linked to this complex task and with extensive experience in the forensic field of missing persons.

The specialists could be proposed and assigned by the different institutions that make up the National Commission on Persons Disappeared by the Internal Armed Conflict 1980 - 2000, but observing the demand for independence and professional autonomy that forensic anthropological investigation demands. Its primary objective is to investigate and intervene in the cases of persons disappeared in the internal armed conflict who are being investigated.

supported with a sufficient technical - specialized criterion, making viable the development of the Plan and the established goals.

Participates in the National Commission on Persons Disappeared as a result of the internal armed conflict between 1980 and 2000. In this instance, it is possible to obtain and incorporate cases that are properly documented, which will be evaluated in the corresponding Units of the Office. Recommendations or suggestions referring to cases that are being carried out or that are in process may be attended to and analyzed.

It is necessary for this body to support the process of defining standards for the forensic process in general and at a specific level, in preliminary investigation, information gathering, exhumation, recovery of evidence, post-mortem examinations, analysis and identification, as well as for the restitution of human remains, creation and updating of computer programs. Similarly, provide information for the adoption and updating of working instruments and protocols, which must necessarily be available before starting interventions.

With regard to its institutional insertion into the national legal structure, it could be the operational team of the National Commission for Missing Persons or the Office of the Ombudsman. Due to its functional characteristics and faculties, mainly regarding autonomy in the exercise of its activities, the fact that it is an operating unit attached to a certain institution does not subordinate it to any state or non-state entity.

The DPO would coordinate directly with the Ministerio Público, to whom it must deliver all evidence it recovers in the course of the investigation. Therefore, DPO members responsible for the treatment of mortal remains and associated evidence will be officially accredited as experts in the national legal system.

The DPO will consist of the following operational units:

- ! Specialized Unit in Preliminary Investigation of Disappeared Persons, focused on recovering and linking information on victims and facts, obtaining non-logistical information about the existence of burial sites, establishing the circumstances in which the facts occurred regarding disappearances and extrajudicial executions, among other tasks that are specifically designated in relation to the gathering of preliminary information.
- ! The Evaluation, Analysis, Exhumation and Recovery of Deadly Remains and Evidence Unit is responsible for drawing up the National Plan for Forensic Anthropological Intervention, carrying out inspections and evaluations of alleged burial sites suggested by the Specialized Preliminary Investigation Unit, and coordinating, organizing and carrying out the tasks of Forensic Exhumation,

resorting to Forensic Archaeology as a basic specialty for the adequate recovery of human remains, contexts and associated evidences.

- ! Post Mortem Analysis Unit, in charge of carrying out forensic and legal anthropological and dental analyses and medical examinations of the human remains found in order to establish the causes and mechanisms of death, the processes of presumed positive identification, the collection of DNA samples from the recovered human remains, their storage and the responsibility for their processing and obtaining results, a responsibility that includes the referral of DNA samples to accredited and internationally validated laboratories for this purpose.
- ! Victim Identification Unit, which specifies the results of the tasks of the other units. It is necessarily and closely linked to the families and to the collection of documents they provide for this purpose, which is reinforced by the above-mentioned results. It works closely with the International Red Cross, the Ombudsman's Office and the Public Prosecutor's Office, as it is responsible for issuing death certificates signed by the authorities designated by law.

In addition, it is responsible for controlling the collection, follow-up and destination of biological samples obtained from families, such as blood samples that can only be taken as long as they have their respective authorization in an official document, as well as the verification of the final results obtained.

It also includes the monitoring of bone samples for DNA from human remains recovered in post-mortem examinations and which are sent to specialized and internationally validated laboratories. This monitoring includes the verification and permanent control of the state of the samples and of the progress made, whether they become positive or not.

As a consequence of the coordinated work with the families of the victims, this unit is in charge of exhibiting, in the different localities, the clothes or personal objects found in the investigation, in such a way that the information necessary for the presumed positive identification of the human remains is improved.

It should provide psychological support to family members, guaranteeing constant information on the status of the investigation, as well as facilitating legal support for the development of mourning processes and the legal situation of the affected families.

- ! Legal Unit, in charge of providing legal support to the different units of the DPO during the development of their tasks.
- ! Informatics and Technical Support Unit, in charge of developing the various databases relating to preliminary investigations, interventions (inspections, etc.).

and exhumations), postmortem examinations, DNA tests, identification of victims, issuance and delivery of death certificates, among others, for which purpose it will include the CVR's collection of documents on persons who disappeared and/or died during the internal armed conflict.

The Database should constitute an instrument that allows the continuity of the processes opened during the period of validity of the CVR. It should understand, as far as possible, the processes maintained by other institutions, allowing for their global, scientific and impartial management and their incorporation as one of the main issues of national interest.

A functioning system must be established that allows the simultaneous feeding of information by the institutions participating in the topic and the necessary restrictions to avoid its modification and/or inadequate manipulation, with special emphasis on the processing and interpretation that can be generated from its analysis. The DPO will be represented by its Director and the different Units will be in charge of Coordinators designated for the fulfillment of their specific tasks, according to their professional trajectory.

While the task will be to investigate the fate of more than 7,000 missing persons, it will be necessary for this Office to have support staff in the various areas of work, selected on the basis of their professional experience, as well as premonitions of the required moral and ethical sufficiency.

This Office should have a minimum Administrative Section, occupied, among other tasks inherent to the administrative issue, in maintaining the flow of resources that is the material support to the Units in operation.

2.3.3.2.1.3. The Fiscal Investigation

The role of the Specialized Prosecutor's Office for Forced Disappearances, Extrajudicial Executions and Exhumation of Clandestine Graves in April 2002 (created by Resolution No. 631-2002-MP-FN) is fundamental to the issue of pre-trial investigations of serious human rights violations, and because of the importance and magnitude of the work to be carried out it should be led by a Specialized Superior Prosecutor in the area (criminal law, human rights, international humanitarian law, forensic sciences in general) and who has sufficient institutional autonomy to carry out his work.

It is essential to strengthen this Office in its technical-legal aspects, infrastructure, material and human resources. With respect to the latter, the Specialized Prosecutor must have a team of prosecutors to cover the different territorial jurisdictions where the following are reported

cases of human rights violations. These prosecutors must present a profile of deep ethical and professional commitment to the investigations being conducted and therefore a broad knowledge of their scope and limitations.

For the suitability and transparency of the process, it is indispensable to improve the norms that regulate the Prosecutor's performance in forensic anthropological investigations, emphasizing his role as responsible for the preliminary investigation, generating mechanisms to establish fluid coordination with the National Commission for Missing Persons and the OPD, in such a way that, for the purposes of its work, the procedure is developed in an integral manner, concatenating the information obtained by the different units of the Office, thus optimizing the use of human and material resources, achieving, finally, an organized and reliable investigation.

In this sense, the National Commission for Missing Persons and the OPD provide the Public Prosecutor's Office with all the information recovered from the forensic anthropological intervention, thus benefiting and reinforcing the pre-judicial investigation as the exclusive competence of this Institution.

This definition therefore implies that forensic experts working in the different units of the DPO, and as experts in specific cases, must take the necessary actions to optimize the tasks of the Prosecutor who will direct his efforts to conduct the investigation in a more effective manner, through support and trust in the team of experts appointed at the different stages of forensic anthropological intervention developed by the units of the DPO. The expert reports produced by the corresponding Units, as well as the results of the different analyses carried out, will be sent solely and exclusively to the prosecutor in charge of the prejudicial investigation, for the purposes pursued by the investigation.

It is very important that the National Commission for Missing Persons and, strictly speaking, the Ombudsman's Office, **supervise the** processes.

2.3.3.2.1.4. About the Accreditation of Experts

Forensic investigation in Human Rights cases is a specialized task, which requires that the expert appointed for the cases be suitable in the field of Archaeology and Forensic Anthropology (Archaeological prospecting and excavation in the forensic area, cartography, geography, graphic record, as well as in the estimation of age, sex, height, laterality, pathologies, and other individualizing characteristics as well as observation of injuries and causes of death in skeletal remains).

They are also required to have training in International Human Rights Law and International Humanitarian Law. This is really essential insofar as the subject of work differs substantially from the treatment received by the investigation of common crimes, demanding a greater ethical commitment in its development.

It is in this sense, that the experts of the DPO in its different units, are constituted in the experts and assistants, who will contribute the information and evidence to the Specialized Prosecutor's Office for the development of the pre-judicial investigation.

2.3.3.2.1.5 Expert Report

In accordance with the recommended procedure for the development of forensic anthropological intervention and the consequent execution of the Plan, the expert report provided to the Specialized Prosecutor will report on forensic medical, legal and anthropological aspects as the main results of the joint work. They shall contain as an annex the dental and ballistic analyses, as well as the description of clothing and personal effects as well as the documents associated with the bodies, which provide the authority with sufficient sustenance of the result of the expert's report.

In this regard, it should be pointed out that the aim is to maintain the integrity of the evidence and its consistency as evidence, which requires that all the information originating in the same case form a documentary unit that is held by the Special Prosecutor in charge of the investigation.

As this is the work of multidisciplinary teams, it should be promoted that the expert's report is joint, unless there are different insurmountable positions regarding the same injury, for example, in which case the differences in criteria should be based on the individual opinion.

It is recommended that legal measures be adopted to strengthen the legal recognition and validity of forensic anthropological expertise, taking into account the progress made in this area at the international level and the lack of specific regulations in our legal system.

2.3.3.2.1.6. Final disposition of remains and legal status of missing persons

A technical and legal mechanism should be established to allow for the temporary burial of human remains when their identification has not been possible, either because the

The information is insufficient and should be supplemented, either because there are no family members who claim or wish to receive the human remains, or any other circumstance that causes the remains not to be delivered and for which the DPO is responsible.

For this purpose, human remains shall be adequately preserved for a period of six months to one year, in the place that the authority disposes, maintaining the respective chain of custody, as detailed in the Annex. Subsequently, they will be buried in a site provided for this specific purpose, which allows them to be recovered in an excellent state of preservation, without alterations other than those presented by diagenesis effect and usual taphonomic.

In order to proceed to burial, it is required that the remains are previously analyzed and have samples that are required to carry out further analysis: dental molds, bone fragment for DNA, photographs, among others. Documentation resulting from previous analyses must also be preserved within the process so that it can be retrieved and restarted at a later date.

It is recommended that the National Commission for Missing Persons between 1980 and 2000 promote the construction of memorial cemeteries for the provisional or final burial, as the case may be, of victims who disappeared and were extrajudicially executed during the period of internal armed conflict.

2.3.3.2.1.7. Protection of Information

All documentary and testimonial information generated from the National Register of Burial Sites, testimonies including data from antemortem records and even postmortem analysis and genetic information must be duly protected.

2.3.3.2.2 Technical Aspects

In terms of technical aspects it will be necessary to take into consideration:

3.2.2.1. Adoption of Protocols and fiches Documentation and drafting of reports

It is necessary to adopt a documentary body of specific files and protocols for the investigation of serious human rights violations, in order to adequately carry out the entire process of information collection, exhumation, analysis and identification of human remains, with previously established protocols for each issue, seeking their complete and appropriate application.

In this regard, the Protocol for Forensic Investigation in Peru has been elaborated, which includes specific protocols for the development of the work in the aspects already mentioned. Each protocol has specially prepared files that respond to the guidelines set forth internationally for forensic investigation, and should also be considered as a basis for the development of a Forensic Database.

These protocols and cards have been adapted to the national social reality to achieve the required objectives, trying not to introduce dual criteria or generate unnecessary documentation.

The protocols and files proposed and annexed to the Plan are based on those successfully generated and used by the United Nations International Criminal Tribunal for the Former Yugoslavia, as well as on the documents used by the various Latin American Forensic Anthropology teams, the modifications and adaptations thereof made by the Peruvian Forensic Anthropology Team and those worked from the latter by the Joint Work Platform in the Investigation of Mass Graves.

These documents are proposed as instruments focused specifically on the investigation of serious violations of human rights and do not violate the existing ones at the Institute of Legal Medicine, but rather complement them by regulating a new issue in our country. The proposed protocols should be adjusted as advances and updates in forensic scientific methodologies are presented. Such updates should be discussed and presented by the DPO to the institutions participating in the National Commission on Missing Persons between 1980-2000, for application in the Plan.

2.3.3.2.2.2 Development and Adaptation of Logistics Infrastructure

It has been observed in several forensic diligences carried out, a set of deficiencies in the logistic aspect and of infrastructure reason why it is required that the DPO has the necessary resources that allow it to develop the investigations with the logistic support and of adequate infrastructure so much in the annual periods of elaboration as in the execution of interventions in all its stages.

2.3.3.2.2.3 Preparation of programs and projects to obtain lines of financing

Funding for the Plan should be promoted by the institutions that make up the National Commission on Missing Persons between 1980 and 2000, through the establishment of a Donors' Committee in which international cooperation and the State participate.

2.3.4. Implementation of the national plan for forensic anthropological investigations

In order to proceed with the execution of the National Plan for Forensic Anthropological Intervention, the following criteria must be taken into account:

2.3.4.1 Execution Phase

As a first phase, it requires the evaluation of cases that are under investigation, those cases in which human remains are at risk of disappearing or being seriously altered, and those cases that are more well-founded at the level of preliminary investigation. Addressing this part of the research will establish strategies for starting the subsequent exhumation and analysis processes.

In this regard, the information obtained from the National Registry of Burial Sites project should be evaluated. This information must be subjected to a rigorous analysis for its correct elaboration and interpretation, allowing the planning of the following stages.

It is also necessary to compile existing information from other institutions such as the Ombudsman's Office, the National Human Rights Coordinator and other human rights institutions, as well as from the Public Prosecutor's Office itself, especially considering the evaluation of cases where exhumation processes have been carried out previously and whose results are pending, thus seeking to complement them, complete them and provide a response to the authorities and society on the matter.

This Evaluation Phase, which will be carried out by the Office of Missing Persons during the internal armed conflict, will allow the development of the necessary investigation strategies to address cases in an integral manner, especially in those cases where their complexity and difficulty in obtaining the necessary information demands a greater investment of time and effort; as well as the design of specific lines of work to address the same problem from different perspectives.

The interventions to be carried out must distinguish between those that require completion of the analysis and identification of the remains, and those that involve the development of exhumations.

In this regard, priority will be given to the evaluation of cases that have already been exhumed, in which the aim should be to complete pending investigations in the shortest possible time, leading to the delivery of the remains to the family members and to follow legal procedures in relation to the events that have occurred and the actors involved.

In order to carry out interventions that contemplate the execution of exhumations, it will first be necessary to raise them in those regions that present a greater number of cases and

whose research is advanced, in order to rationalize and optimize the use of available resources.

In the planning of these interventions it will be necessary, then, to combine in the analysis the factors referring to the degree of information available for each site and case, as well as the vulnerability and potential risk of destruction known for each site. For this reason, the evaluation should include the organization of the information, considering all that is available regarding the victims, perpetrators, facts, circumstances, testimonies, spaces and times, variables that intervene in the construction of the cases and that should or should not be complemented in order to continue with the investigations.

It is important that the planning of the interventions is in accordance with their complexity, trying to reduce to the maximum the amount of time and taking advantage of the resources invested in the process, by work area. From this perspective, the logistical considerations necessary for the execution of the plan cannot be ignored, which include the existence of means of transport, communication, supplies of equipment and tools, preparation of spaces for the development of analyses and even the human resources available.

In this sense, forensic investigations can be carried out in the medium and long term. The National Registry of Burial Sites, initiated by the Truth and Reconciliation Commission, should continue insofar as it is a comprehensive project, covering most of the preliminary investigation.

At the same time, the cases should continue to be taken forward, as a considerable quantity and quality of the information collected is presented.

For this reason, it is proposed that the evaluation, in turn, contemplates the execution of a limited number of cases ("pilot plan"); that it makes it possible to verify the functioning of the organization proposed in this document and that it fundamentally makes it possible to make the necessary adjustments in terms of technical operational procedures, logistical conditioning as well as in the ethical and professional training and qualification of the participants.

Interventions may be carried out at any time of the year, but taking into account regional climate variability, number of individuals to be exhumed and cases in a given sector. Morgue analyses should be carried out immediately after each exhumation, establishing that the time between one exhumation and the other should be short; they should constitute important variables for the specific planning of interventions and plans as a whole. This first phase of evaluation of the existing information proposed, requires for its implementation no more than six months from its inception and that can be extended up to six months from its inception. 12 months. During the first three months it is considered that no exhumation process should take place, while work should focus on the assessment and preparation of cases as well as the resolution of pending cases.

This, in turn, will allow the strengthening of the working conditions indicated in the general guidelines, which involve aspects related to both the institutional framework and those of a more operational nature, facilitating the design of comprehensive strategies for investigating and dealing with cases, especially those whose complexity is known, and which therefore require broad lines of work that allow us to know more about the victims, the actors, the facts and circumstances of the events, which will effectively result in judicialization.

2.3.4.2. Operational Phase

Based on the results achieved during the first phase, there will be a significant number of sites and cases available for work. In this state, specific research strategies can be adopted and developed and incorporated into the cases that will make up the Regional Intervention Plans.

These Regional Plans constitute the basis of work at the national level and may be executed in a sequential manner, always seeking rationalization and optimization of available resources.

They can also be developed in parallel or combined, considering the specific planning and logistical needs that each may require.

The plans demand strategies designed from the previous phase and based on the existence of a basic documentary or testimonial collection that allows the cases to be worked in a complete and adequately supported manner. In this sense, it is necessary, in the first place, to carry out interventions in the regions that present the greatest number of constructed cases, in order to achieve the optimization of resources. This does not imply that complete cases ready to be worked in other regions of the country can be dealt with, as long as the logistical infrastructure so permits.

It is necessary, in that order, to prioritize the most urgent, according to the risk, the political or security conditions of the site, or the amount of information available.

In order to address all cases, a minimum of the general operating conditions described above must be in place.

2.3.4.3 Number of Annual Interventions

The number of interventions and cases per month and per year will depend on the complexity of the cases, as well as the logistical possibilities. It may be that several "small" cases are carried out in a short period of time or that there are cases that require a greater amount of time, and

resources. In this sense, it is important to clarify that two or more cases can be dealt with only when the necessary operational infrastructure is available, taking into account the demands that this type of intervention generates.

What is fundamental in this point is that there are no inconclusive cases in any intervention and that, once the Plan is operative, the realization of one intervention per month is promoted.

2.3.5.3. Final Considerations

The development of the National Plan permanently requires that:

- ! Plans, programmes and projects are subject to constant evaluation.
- ! The information must be systematized and processed in a Forensic Database, as well as establishing the necessary security conditions to guarantee its integrity, along with the rest of the evidence accumulated.
- ! The training, professionalization and updating of Forensic Anthropology should be promoted in order to optimize the development of the processes, emphasizing the importance of the treatment of the subject from the perspective of Human Rights.
- ! It is also proposed that a series of minimum conditions be met for the execution of the interventions or cases, which are the same:
 - ! have a considerable body of preliminary information before carrying out any procedure.
 - ! Evaluate the state of the information trying to complement the missing information.
 - ! Establish logistical planning (material and human resources).
 - ! The full capacity of the team, both operational and professional, must be in place.
 - ! Rate the feasibility of each case (Degree of Information, vulnerability).
- ! It is also important to consider other aspects, such as:
 - ! Coordinate with the National Institute of Culture establishing mechanisms to avoid intervention in pre-Hispanic, colonial, or republican archaeological sites, despite the presumption that they contain evidence of serious human rights violations.

Establish mechanisms of massive information, avoiding the presentation of cases and images that violate the rights of those affected and the sensitivity of the general public. The right to privacy of the relatives of the victims and the respect that the remains of the victims themselves deserve should be taken into account, and for this reason work with the media should be oriented towards generating these minimum conditions of respect.

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PROTOCOL FOR FORENSIC INVESTIGATION IN PERU

Presentation

Forensic investigation can be immersed in different contexts, either in the field of human rights, or in the field of criminalistics. For the case that concerns us, which is referred to the first of them, it is necessary to follow a series of parameters in order to collect and analyze information efficiently, completely and with a basic scientific and technical support that ensures the transparency and objectivity of the process.

At the global level, various protocols have been developed that allow us to work according to certain fundamental parameters, according to the reality of each nation, but whose primary elements are universal and applicable to regional needs. The following is a general protocol, based on the experience of the Forensic Investigation Unit of the Truth and Reconciliation Commission, taking up the existing proposals put forward nationally and internationally¹, adapted to national needs and reality.

In Peru, since the end of 2000, the subject of forensic anthropology entered the debate of investigations in cases of serious human rights violations. One of the most important aspects was the need to establish a unified working protocol, and within this line of action the efforts of the different institutions were oriented.

The standardization of protocols began with the adaptation of those used in the International Criminal Tribunal for the Former Yugoslavia, a body created by the Security Council of the United Nations. These served as the basis for the subsequent discussion, adding the contributions of the Latin American teams and regional experts who collaborated in the process, as well as the experience of the rest of the participants.

¹UN. 1990. Manual on the Effective Prevention and Investigation of Extralegal, Arbitrary or Summary Executions. New York, United Nations Office in Vienna. Centre for Social Development and Humanitarian Affairs
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In this sense, the protocol is also based on and incorporates the elements and instruments applied in the various forensic interventions carried out by the Truth and Reconciliation Commission, in conjunction with the Public Prosecutor's Office and the participation of the Ombudsman's Office and the National Human Rights Coordinator. Given the magnitude of the task to be developed, the protocol is framed within the National Plan of Forensic Anthropological Investigations, which must be undertaken at an inter-institutional and multidisciplinary level, in order to guarantee the success of the process.

Finally, as part of the protocol, there is a need for a database, the guidelines for which are set out here. This is essential, as part of an approach to interventions that must be long-term and cover the entire country, given the magnitude of the problem.

The forensic investigation process consists of several stages, all of which are important and must be concatenated in order to achieve its objectives. The three basic stages must generate the fulfillment of the main objectives, that is, to reconstruct the facts and identify both victims and perpetrators, as a process of restitution and historical and social reconstruction.

1. PRELIMINARY INVESTIGATION

The first phase within the forensic investigation process is the preliminary investigation; to the extent circumstances permit, it is necessary to carry out this step in the first instance. Through it, basic and indispensable information will be obtained in order to adequately support the process.

The fundamental objective in the preliminary investigation is to achieve the social and judicial historical reconstruction of the facts. This is extremely important for forensic work in order to recover the context of the burial site, the victims, and the social and violent processes that occurred at a given moment. Even more important, however, is to establish a relationship between the site and a specific event, as well as between victims and perpetrators.

Another part of the objectives is to evaluate if the physical evidence found in a burial site is consistent or not with the versions collected about what happened. This will provide essential information for the judicial process.

The information to be obtained within the preliminary investigation can be divided into three classes, which are mentioned below:

The first class refers to information relating to the events that occurred and led to the disappearance of the victims. This information should be collected in advance.

the prospecting process, however in some specific cases collection should continue or begin as the process itself progresses, during the exhumation or during the analysis of the remains, and even after, as long as the legal deadlines are in force.

The second kind of information is all that is necessary to carry out the prospecting itself and therefore the process of exhumation (or collection) of the remains, as the case may be. A logistical study of the study area and the nearby town should be carried out, taking into account factors such as times (departure and arrival) among the towns along the route (taking mileage will be an additional reference for distances), access facilities, climatic conditions, and security of the area.

This information should preferably be collected and analyzed before starting the inspection. It refers to anything that allows the state of the site to be inspected to be clearly established. All existing material should be collected with respect to the geographical, geological and hydrographic characteristics of the area, i.e. geographical location, environmental aspects in general, floodability of the land, water table, soil type, as well as rainfall regime, vegetation type of the area and fauna among others.

These aspects are especially important in those sites that may have undergone landscape modifications. Not all cases allow this information to be available before work begins. However, before the exhumation phase it is necessary that such information is already available.

The third type of information is that referring to the victims to be identified and must be available prior to the exhumation process; it will include all biological information, including a family tree of relatives in the first degree of consanguinity, preferably; as well as information referring to the socioeconomic and cultural environment of the victim. During the phase of analysis of human remains in morgue the information may be supplemented or processed. It is necessary to have this information in advance, so that once the morgue phase begins, the information only needs to be supplemented or is ready to be processed. However, as with the collection of information on the facts, in some specific cases the collection must begin or continue during the exhumation process itself and/or the analysis of the remains, and even after it, while the legal deadlines are in force.

Special care should be taken to collect antemortem biological information from each of the victims; training in this area is required, as this procedure requires an effective interrelationship between the interviewer and the interviewee in order to obtain the information required for the interview.

the information. In addition, while this is obtained from a series of questions whose wording can be difficult to understand, it is necessary that the existing forms are as simple as possible and must be adapted to each particular case. In this regard, it is recommended that the guidelines proposed by the Ombudsman's Office and the Peruvian Forensic Anthropology Team² be followed.

It should be borne in mind that searching for, gathering and interpreting all preliminary information is a complex process, given the nature of the various sources from which the data to be retrieved and the testimonies on the subject come. At the same time the location of the same in diverse public and civil institutions constitutes an aspect more to consider.

Consequently, adequate planning is required at this level of research, which includes the participation of professionals from different disciplines, such as lawyers, anthropologists, archaeologists, dentists, doctors, among others, and the necessary training in information gathering techniques and field work.

The information retrieved will be used for case construction and will not necessarily respond to ongoing case investigations. In this sense, it is necessary to consider the existence of mechanisms that validate the collection of information, its accumulation and making it available to the tax authority, since the information recovered in these processes does not always form part of ongoing investigations.

In addition, procedures should be established for the collection of valuable information such as documentation accrediting the pre-existence of victims (birth certificates, marriage certificates, identity documents, photographs, etc.) and even genetic information collected as possible samples to be processed for future identification through DNA analysis. In these cases, the systems of storage, conservation and custody of all the information should also be considered, as well as the procedures to follow in cases of identification and their relation with the conservation, use and handling of biological samples, starting from the existing ethical considerations in this regard.

Not all cases allow us to have all the necessary information. However, the aim should be to locate in the shortest time possible the greatest amount of data that will allow the facts that led to the existence of a particular burial site to be clarified.

² Manual for Effective Investigation of Finding of Graves with Human Remains in Peru. Ombudsman's Office - Epaf. 2000.

Most of the preliminary information can be obtained during the inspection stage by following the corresponding protocols, for which the next stages of the forensic investigation can be planned.

2. INSPECTION PROTOCOL

The inspection or prospection is the procedure by means of which one or several areas to investigate are crossed, by means of a detailed analysis of the characteristics of the land with the purpose of locating the site or sites where there are possibilities that human remains are found.

This procedure makes it possible to register burial sites (graves, tombs, niches, in general deposition sites) using instruments and methodologies drawn from criminalistics and archaeological prospecting and applied to cases related to human rights violations.

It also allows for the collection of most of the preliminary information as described above.

2.1. Logistic Aspects

All prospecting must contemplate in advance a series of elementary logistical aspects that will optimize the inspection process and the subsequent exhumations:

2.1.1. Human Resources

The team in charge of this task should be made up of archaeologists with experience in recording sites in variable geographies, accompanied by a social anthropologist or sociologist from the area. Professionals in both areas must have knowledge of social reality and violence and have experience and understanding of the human rights issue. In addition, a systems analyst responsible for entering and processing the information in the database should participate, as well as an interpreter if necessary.

2.1.2. Material Resources

The following should be considered as a minimum within material resources:

- National charters and rural cadastre of the study area
- Aerial photography where possible and relevant
- Sufficient material for registration:
 - Photographic and/or video camera
 - Photographic and video material (rolls, films, labels, scales and signage)
 - Drawing materials (drawing of plans)

- Field journal
- Data collection sheets
- Compass
- Satellite Geopositioner (GPS)
- Laptop
- Personal protective equipment and materials required according to the area

2.2. Methodological Aspects

Generally, it has been considered that the bodies of the disappeared and extrajudicially executed are found in common or clandestine graves, in hidden places or places known to the population of the area where they are found; but the category "*grave*" is not explanatory *per se* and tends to exclude rather than include, if the meaning of the same category and the number of variables with which this phenomenon manifests itself are taken into account in a strict sense.

That is why we believe that we should use a broader term that explains what happened and the demonstrations we are dealing with. Reviewing the meaning of *burying*, we have the following considerations:

Burial: Putting under the ground / Burial of a corpse / Surviving someone / Making something disappear under something else, as if it were hidden under the ground / Cornering, releasing to oblivion some business, design, etc., as if it disappeared from the existing thing.

The last two meanings being the ones that bring us closer to what happened with the disappeared, since because of the internal armed conflict, these people were tried to hide, corner them, relegate them to oblivion, disappearing them from what exists. Consequently, the places where their remains are found are constituted not only by graves, but in general by what we consider to be **Burial Sites**, that is to say, places where they were buried and disappeared according to the meanings indicated.

2.2.1. Classification of Burial Sites

Below is a series of elements to understand the sites from a classification perspective that will allow for better results in planning the future research that will be carried out on the site.

A) According to the information and registration, it establishes differences between the sites at a first level, that is those sites of which one has knowledge and are registered, of those that have references or information but their existence has not been verified yet.

In that sense it is pointed out as:

Presumptive Site: The existing information and the visit carried out, allows to think about the existence of a site; that can contain human remains. Its final condition must be corroborated through future research involving either searches or exhumations.

Referred Site: Site known through references and that for different reasons has not been visited yet. Consequently it is a site that must necessarily be verified, i.e. be subject to subsequent inspection, search and/or exhumation.

B) According to the quality of the information. From the visit of inspection and the work of investigation that on the site and the case that represents is carried out, the site will be able to receive a classification by the quality of information with which it counts, establishing the following gradation:

Grade 1: The information is practically non-existent, only the existence of the site is known.

Grade 2: Possesses little information and requires intensive preliminary research.

Grade 3: There is partial knowledge about the facts, circumstances, actors or victims, so the information is insufficient to support a case and requires the conclusion of the preliminary investigation.

Grade 4: The amount of information gathered makes it possible to maintain that the case is practically ready, but it is necessary to concentrate the investigation on certain details about the facts, actors or victims for its judicialization.

Grade 5: We have all the information to carry out the judicialization of a case and to carry out the necessary diligences to initiate this process.

It is important to mention that the present classification constitutes a reference on the state of the specific investigation for each site and allows the planning of the following stages of investigation, which does not necessarily imply restrictions for the execution of the same ones.

C) According to the state of conservation. One of the aspects to consider in the planning of future interventions that may be raised in a particular site, will be the state of conservation in which each site is or the possibility that anthropogenic or natural factors violate or alter it, putting at risk the integrity of the evidence found in each of them. That is why an alert system is established to determine the urgency of its intervention in terms of conservation, which it considers:

Yellow Alert: The site is not threatened with destruction or alteration.

Orange Alert: There are certain dangers that the site may disappear, be altered or destroyed in the short or medium term and requires early intervention to stabilize its security conditions.

Red Alert: The destruction, alteration or disappearance of the site is imminent and requires immediate action to stabilize it or events have already occurred that compromise its integrity.

D) Other considerations. It should be noted that burial sites may have other features that allow for additional classification:

Primary Sites: A place that represents the first burial or deposition of human remains.

Secondary Site: A place that contains remains from another original matrix or primary site.

Intact Site: These are sites that do not present any alteration.

Altered or Disturbed Site: Sites that have been altered or destroyed partially or totally, either by anthropogenic or natural factors (including animal activity, weather, disasters, etc.), either coincidental or intentional.

Individual Site: If it is a place where only the remains of one person are found.

Collective Site: That site where the presence of the remains of two or more people is recorded.

Typology of burial sites. Based on the classification indicated and the information retrieved for each site, a typology of sites, events, areas, periods, actors and victims can be made. In the latter case, it should be pointed out that this is a variable that must necessarily be corroborated and must therefore be analysed with caution.

This will allow a reconstruction of the general facts, which can be taken as research guidelines to be contrasted during the process itself.

In this way, we have the following classification of types of burial according to the method used for concealment of the victim:

Pit: This is the excavation of a hole in the ground, in which one or more bodies will be placed.

Tomb: The term indicates that we are in front of a place of burial that presents an elaboration and finished in its construction. These can be simple or complex and have to do with the inclusion of walls, tombstones, chapels, etc. They are usually found in cemeteries. When one is in front of an extremely elaborate tomb, with the presence of a monument or a space destined to be a family burial place, one finds oneself in front of a mausoleum.

Niche: Used to refer to the burial of a body in a pavilion or barracks within a cemetery, which has a series of spaces conditioned for this purpose.

Surface Remains: Considered to be a place of deposition, it refers to that place where human remains, garments and/or artifacts that lie superficially are found.

Dump: These are places, usually gullies or ravines where one or more corpses were thrown, with the intention of disappearing the remains.

Other Areas: Here we find a diversity of places such as caves, rivers, lagoons, marshes, their banks or beaches, wells, silos where they tried to hide or disappear the remains of one or more people. It can include any other type of site not considered or even where other events have occurred (e.g. place of execution, place of incineration).

Type of Event Represented

It must be specified what event or fact occurred in a given place and which resulted in the generation of a burial site. We can consider the following as events here: Forced disappearance, extrajudicial execution, public execution, massacre, incursion, explosion, fire or other explanatory categories of the facts.

Area Type

The type of area where the events occurred will be taken into account. These could be: populated centers, ranches, isolated houses, farms, barns, stables, factories, roads, plains, valleys, hills, hillsides, forests, beaches, public lands, private, communal, military areas, police, etc...

Type of Actors

This will designate those persons or groups of persons who in an organized manner committed the capture, torture, disappearance and execution of persons. They can come from:

- ! Subversive Groups (SL, MRTA)
- ! Armed Forces (Army, Navy, Aviation)
- ! Police Forces (Guardia Civil, Guardia Republicana, Policía de Investigaciones)
- ! Combined Forces (Armed and Police Forces, Armed Forces and Civil Groups)
- ! Paramilitary Groups (Rodrigo Franco, Colina)
- ! Civil Groups (peasant patrols, self-defence committees)

Accrual/deferral:

The chronological origin of the sites will be established in order to establish occurrences in the different periods covered by the investigation, combining other variables such as regions, actors, etc.

2.2.2. Coding and Registration

A coding and registration system has been established with national implementation. It should be noted that there is already a codification used during the forensic interventions carried out during the mandate of the Truth and Reconciliation Commission. Taking into account the existing technical-scientific recommendations on the use and management of different nomenclatures and according to other internationally developed experiences, it has been preferred to respect such codification as much as possible.

This system corresponds to a combination of alphanumeric elements that refer to a specific site. The combination is made up of two letters (if necessary it would be extended to a third letter) and two numbers (if necessary a third digit could be increased). The letters correspond to a pre-established alphabetical series and allow at least 729 records. The numbering from 1 to 9 is always preceded by a zero and represents the number of sites present in an area.

The coding indicated will be preceded by two acronyms that will refer to the department where the site in question is located, thus constituting a departmental registry that extends to all departments of the country.

The respective codings are presented below in the attached tables (Departmental Code Chart and Burial Site Code Chart).

The separation between the departmental codes and the sites will be done by means of a script. Once these codes are established, they should not vary throughout the process and will allow their link to the coding with which the evidence will be retrieved and analyzed in the next stages of research, as discussed below. The latter codes will be separated by a slash from the burial sites.

By way of example we can mention:

AY-AA01 Represents area AA site 01 in the department of Ayacucho. AY-AA07 Represents area AA site 07 in the department of Ayacucho. AY-SH01 Represents the site 01 of the area SH in the department of Ayacucho.

Finally, consideration should be given to the codes already used in the forensic interventions carried out as well as at the level advanced by the National Registry of Burial Sites executed by the Truth and Reconciliation Commission.