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The Peruvian Precedent

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Abstract

In the early days of September 2009, former Peruvian Truth and Reconciliation Commission (TRC) president Salomón Lerner received a series of sick anonymous messages: “We will do to you what we did to your dogs.” Lerner’s two pet dogs had been fatally poisoned. The poisoning and the death threats against Lerner joined other vicious retaliations, including continuous attacks on another powerful human rights symbol, Lika Mutal’s “The Eye that Cries,” a sculpture in Lima that mourns the tens of thousands of Peruvian victims of internal armed conflict. In a twisted way, the poisoning, death threats, and attacks show that Peruvian human rights work is successfully striking a nerve.

Keywords

Human rights, Peru, Truth and Reconciliation Commission (TRC), Shining Path

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In the early days of September 2009, former Peruvian Truth and Reconciliation Commission (TRC) president Salomón Lerner received a series of sick anonymous messages: "We will do to you what we did to your dogs." Lerner's two pet dogs had been fatally poisoned. The poisoning and the death threats against Lerner joined other vicious retaliations, including continuous attacks on another powerful human rights symbol, Lika Mutal's "The Eye that Cries," a sculpture in Lima that mourns the tens of thousands of Peruvian victims of internal armed conflict. In a twisted way, the poisoning, death threats, and attacks show that Peruvian human rights work is successfully striking a nerve.

The TRC's task was complicated. Systematic human rights violations took place under three democratically-elected presidents from distinct political parties and alliances (Fernando Belaúnde from 1980-1985, Alan García from 1985-1990, and Alberto Fujimori from 1990-2000), each confronted with a powerful and extremely violent guerrilla movement, the Shining Path. Both state security forces and guerrilla combatants committed massive abuses, and the vast majority of the atrocities took place in the highlands against the indigenous. In addition, local and regional indigenous communities organized self-defense committees—at times in collaboration with state security forces, but often not—who fought the Shining Path and killed suspected Shining Path militants and collaborators. Other indigenous joined the Shining Path. The TRC thus faced the formidable task of investigating a range of cases in which local and national elected politicians were implicated in repression and denial, and in which members of the indigenous communities collaborated in the killings. In addition, the commission was charged not only with investigating the abuses during the major internal armed conflict (1980-1993), but also with documenting president Fujimori's increasing abuse of power after militarily defeating the guerrilla movement (1993-2000).

Influenced in part by the South African Truth and Reconciliation Commission, the Peruvian TRC conceptualized its mission as one of promoting reconciliation through extensive documentation and analysis of two decades of violent conflict; close attention to communities that had been the most directly affected by the conflict; nationally televised public hearings (though unlike the South African process, no one was amnestiable); and detailed recommendations of the institutional reforms deemed necessary to facilitate reconciliation and prevent future conflict. To demonstrate their commitment to investigating abuses in the highlands, truth commissioners bore witness to several mass exhumations.

The Peruvian commission produced a nine-volume report that addressed the range of perpetrators and facilitators of violence at the national, regional and local levels, from state security forces to elected local and national officials, political parties, vigilante groups, and guerrillas—all implicated, according to the TRC, to one degree or another in the violence. The report challenged Peru's largely urban middle class to address the structural marginalization of the countryside and, inherently, the racist general character toward indigenous populations.

Death threats aside, few Peruvian politicians celebrated the work of the TRC in the way former president Alejandro Toledo 's "Healing the Past, Protecting the Future" would encourage. Those

on the Right denounced the TRC for condemning the military abuses, which the Right claimed saved the country from the Shining Path. Politicians on the Left questioned the framing of the report as one in which the security forces were only reacting to a growing guerrilla threat while established political party leaders across the spectrum failed the country. In addition, commentators both Left and Right have raised questions about how the TRC calculated the numbers of dead, claiming the figure of 69,000 was too high.

In spite of the intense criticism of the TRC, the Peruvian report has proved a catalyst for ongoing dialogue, fueled by educational institutions, an active press, and a range of non-governmental organizations that include both vibrant human rights advocacy groups and think tanks. To accompany the report, the TRC also mounted a sophisticated, evocative photo exhibit that has traveled both within the country and abroad. Novelist Mario Vargas Llosa and Lerner are leading a new commission to establish a memory museum in which the photographic exhibit will be the centerpiece.

Calls for truth commissions around the globe have proliferated. The Brazilian government has now decided the time has come for an official truth commission to investigate the 1964-85 dictatorship. In the most recent round of negotiations to reinstate democratically elected Honduran president Manuel Zelaya to his office, negotiators have included a truth commission to investigate the events that led to deposing him. And on March 4, 2009, US Senator Patrick Leahy chaired a panel exploring the possibility of establishing a truth commission on the national security policies of the previous US administration "so that we might learn from past errors." Leahy claimed, "We can't turn the page unless we first read the page." Critics immediately denounced Leahy's call for a truth commission as a "witch hunt," somehow placing upstanding former US administration officials "at the same level as apartheid or Argentinian juntas."

One can read these various calls for truth commissions cynically. Conventional wisdom once held that truth commissions were the next best thing to honest to goodness criminal investigations, that given the correlation of forces governing most transitions from human rights violating regimes to democratizing ones, there was an unfortunate but necessary trade-off between official acknowledgment of past atrocities, on the one hand, and putting still powerful past violators in jail, on the other. Echoing this logic sometime during the mid-1990s, a Guatemalan general said that his military would allow a truth commission in his country as long as it followed the Chilean model—truth, no trials. Indeed, like human rights memorials, or small compensation checks to families of the dead and disappeared, truth commissions are in good part symbolic political mechanisms to recognize past wrongs, toward a "never again." Truth symbols are important but they fall far short of due process.

The trade-off between truth and justice has not born out, however, and today hundreds of Chilean military human rights cases have been legally processed, and many human rights violators are behind bars. The Guatemalan generals are certainly not out of the woods. Peru has also powerfully defied this logic, best illustrated by the conviction of former president Alberto Fujimori. Let the fitful, volatile but persistent truth and justice process of Peru serve as a powerful global precedent.

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