

briefing

Peru

Progress in the Implementation of the Truth and Reconciliation Commission Recommendations

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PO Box 99, New Malden,
Surrey KT3 3YF

T: 0845 456 5464

E: admin@csw.org.uk

W: www.csw.org.uk

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I. Executive summary

The presidency of Alan Garcia has been characterised by a consistently antagonistic approach toward work associated with human rights. Peruvian NGOs, intellectuals and civil servants who are involved with human rights work or judicial cases linked to human rights violations have found themselves on the receiving end of defamatory media campaigns and direct pressure by the Peruvian Government. The negative rhetoric employed by the president and some of his government regarding the Truth and Reconciliation Commission (TRC) and the fight to bring to trial crimes involving human rights atrocities that occurred during the period of internal conflict, is particularly disturbing. The government has regularly and publicly disparaged the TRC report as having a pro-terrorist bias. It has also repeatedly accused those working for the implementation of its recommendations of being Shining Path sympathisers, or worse, actual terrorists, with the aim of destabilising the country.

The government, under then President Alejandro Toledo, committed itself to putting the recommendations of the TRC into law. However, seven years after the publication of the report, its recommendations are still far from being implemented in their entirety. There continues to be significant resistance from influential politicians, political parties and other powerful bodies, including elements in the military, who are implicated in the findings of the TRC.

The current administration, under President Garcia, contains a number of individuals implicated in the abuses committed in the 1980s and 1990s, not least, Garcia himself.¹ Prosecutors attempting to investigate human rights atrocities committed by the military or police officials find their investigations blocked at every turn. Rafael Rey, the Minister of Defence, and his predecessor, Ántero Flores Aráoz Esparza, have been particularly hostile and have blocked the prosecution of human right cases by refusing to turn over any records that would identify military personnel responsible for crimes against humanity.

Despite government resistance, over the past year there have been some significant advances in regard to the TRC recommendations. A single national registry of victims of the conflict is close to completion, although there are still serious concerns. The Reparations Council, tasked with evaluating cases for inclusion, is in dire need of more resources and more time in order to complete the project. Most encouraging, however is that, following marches in the capital city by victims and their families this summer, the government has finally set up a technical commission given the responsibility of creating a strategy for the allocation of individual economic reparations. While this comes too late for some victims who have passed away due to old age, it is an important step forward.

It should also be noted that there have been some key improvements in government relations with civil society and in particular with human rights groups. In April, the National Coordinator for Human Rights (an umbrella organisation which groups together most of the human rights organisations in the country), the Peruvian Council of Evangelical Churches (CONEP) and the Peruvian Catholic Episcopal Conference were reincorporated as observers to the National Council for Human Rights. President Garcia ejected the three groups from the council in 2008 after they criticised the government for doing nothing to implement the National Plan for Human Rights. This was viewed as a major setback for relations between the government and civil society at the time, and their reinstatement hopefully represents a new opportunity for constructive dialogue.

¹ The final report of the TRC concluded that while Garcia may not have been directly responsible, in a criminal sense, for human rights violations committed under his administration, he was politically responsible. He has been named in a criminal case, filed by government prosecutor Dr. Cristina Olazabal, as ultimately responsible for the 1985 Accomarca massacre. Scores of men, women and children were brutally killed by the Peruvian military.

Democratic institutions are fragile and Garcia's administration has, thus far, shown no real desire to strengthen them. Instead the government has attempted to attack civil society through legislation and continues to employ much of the polarising rhetoric and some of the abusive strategies of the not so distant past. However, Garcia is keen to pursue close relations with the European Union and the United States, particularly in relation to trade agreements, and is attempting to position Peru to represent the more moderate, progressive and investment-friendly face of Latin America. This presents a valuable opportunity for the EU and other members of the international community to use their influence to push Garcia and the Peruvian Congress to move the country forward by implementing the TRC recommendations and the National Plan for Human Rights. In addition, there is an opportunity to encourage the reforms necessary to make state institutions more transparent and accountable while at the same time encouraging a responsible and active civil society.

The international community must look for ways to support the promotion and strengthening of democratic processes as well as to encourage the Peruvian Government to take unambiguous steps toward national reconciliation. If this does not take place, and issues like corruption continue to go unaddressed, the country will be in danger of spiralling back into the same pattern of injustice and inequality that has characterised most of its past. There are already worrying indications that factions of the Shining Path have regrouped and resumed activity, including the recruitment of child soldiers, in certain parts of the country. In addition, coca cultivation in Peru is growing so rapidly that if it continues on this track there are concerns that it will surpass Colombia as the world's largest producer of the base material for cocaine. This can only lead to increased instability in the region, which will have wider implications for Latin America and the rest of the world, particularly in respect to the illegal drug trade, arms trafficking and terrorist activities.

2. Recommendations

2.1. To the Peruvian Government

2.1.1. Truth and Reconciliation Commission Recommendations

- To implement the Truth and Reconciliation Commission (TRC) Recommendations into law, in their entirety;
- To express public support for the conclusions and recommendations of the TRC, recognising that the TRC was a government appointed body, whose members included representatives from the military, the Catholic and Protestant churches, and former members of the Government;
- To provide sufficient resources, including additional personnel, for the completion of the Single Registry of Victims and to provide support to organisations and local government carrying out this work; also to extend the deadline if necessary;
- To ensure that victims are aware of their rights and to facilitate, as much as possible, the process of registering;
- To provide appropriate reparations to victims of human rights abuses and to insist that regional governments responsible for the allocation of these reparations fulfil their obligation to formulate and implement regional plans for reparations, providing logistical and expert support where needed;

- To fully support the Reparations Council and to ensure that individual economic reparations are allocated in a timely and efficient manner;
- To ensure that collective reparations are thoughtfully planned and implemented in consultation with the affected communities and not used as a substitute for services that the government should already provide its citizens.

2.1.2. Investigations and judicial processes

- To allocate sufficient resources to government bodies responsible for the investigation (including exhumations and DNA analyses) and the judicialisation of cases of human rights atrocities;
- To fully support and allow government prosecutors to carry out their work investigating and prosecuting crimes against humanity committed during the period of violence, without political interference regardless of which parties are implicated in the crimes under investigation;
- To insist that government bodies, including the military, the Ministry of Defence and the Ministry of the Interior, cooperate with investigations into human rights atrocities and that they provide materials and testimony critical to these investigations to prosecutors' offices;
- To uphold verdicts and sentences of those members of the Peruvian security forces already found guilty of human rights atrocities in civilian courts;
- To create structures to allow for the support and protection of victims and critical witnesses in court cases involving crimes against humanity;
- To ensure that judicial procedures involving human rights atrocities are carried out as efficiently and speedily as possible, given the important issues at stake, protecting the rights of both defendants to receive a swift trial and of victims to see justice in a reasonable timeframe;
- To allow the Ombudsman's offices to carry out their work, free from government interference, and to support their offices in the compilation of an Official Register of the Disappeared;
- To guarantee the safety of human rights defenders and others involved in cases involving human rights violations, including prosecutors, witnesses, judges, forensic scientists and lawyers;
- To abide by all clauses in the San Jose Pact, to fully participate in any cases that reach the Inter-American Court of Human Rights, and to comply with the Court's decisions, particularly those where agents acting on behalf of the state are found to be liable.

2.1.3. Prison conditions

- That the government should include in its annual budget sufficient resources for prison authorities, INPE, to maintain and implement conditions that meet the basic international human rights standards as specified in the United Nations Standard Minimum Rules for the Treatment of Prisoners.

2.2. To the European Union

While important, putting pressure on President Garcia alone is not sufficient. The EU must work with all elements of Peruvian society, political, military and civil, to encourage reform, respect for international standards of human rights, and social reconciliation.

Therefore CSW makes the following recommendations to the EU:

- To encourage the Peruvian Government to comply with all of the recommendations above;
- To make the implementation of the TRC recommendations and the National Plan for Human Rights a priority in relations with Peru, both in the context of political dialogue, economic agreements and aid programmes
- To actively seek ways to engage with and strengthen civil society, for example, by continuing to expand funding for projects aimed at the promotion of democracy and human rights, and to discourage the Peruvian Government from enacting legislation that contributes to the weakening of civil society;
- To consistently fulfil its commitments under the EU human rights guidelines by making its position on these issues clear through diplomatic channels to the Peruvian Government, and through public channels to Peruvian society, and to demonstrate its support for human rights defenders and its firm stance against the death penalty;
- Maintain and increase funding, where possible, for institutions such as the Ombudsman's and Attorney General's offices; at the same time strongly encourage the Peruvian Government to demonstrate its support for this work by committing a significant amount of resources to these institutions and their work;

2.3. To International Investors and Donors

Political stability and improved social cohesion in conjunction with its rich natural resources make Peru a far more attractive investment location than if the cycle of corruption and violence continues. Therefore, CSW recommends that donors and international investors, including business and corporate entities, take a leading role in encouraging the Peruvian Government to pursue institutional reforms and other recommendations put forth by the TRC and in the National Plan for Human Rights.

CSW also recommends that international investors and donors:

- Explore innovative ways to support initiatives aimed at promoting national reconciliation at both the national and region level, for example, by offering economic or other material resources (e.g. computers) in support of reparations programmes;
- Establish partnerships with respected local humanitarian, development and human rights NGOs and/or regional governments that are pursuing positive social and economic development strategies in order to develop programmes that will meet local needs and strengthen civil society;
- Seek ways to uphold and encourage respect for human rights in Peru, particularly by reinvesting profits back into the communities in which businesses are based, to encourage education, development and peaceful resolution to conflict;

- Ensure that that all humanitarian and development aid is used in the nominated manner and reaches those for whom it is designated.

3. The Truth and Reconciliation Commission

The TRC was initially set up under President Valentín Paniagua and was tasked with investigating the internal violence that wracked the country in the 1980s and 1990s. The TRC held hearings across the country where victims, individuals and communities were invited to share their testimony. For many, it was the first time that the government had showed any interest in their cases. In August 2003, the TRC submitted its final report. According to the findings, up to 70,000 people had been killed or forcibly disappeared between 1980 and 2000 at the hands of leftist guerrilla groups, The Shining Path and the Revolutionary Movement of Tupac Amaru (MRTA), as well as government forces. The TRC found that the terrorist groups were responsible for the majority of these crimes but that the state had also committed a significant percentage. The report also concluded that traditionally marginalised communities, including the largely indigenous Quechua speaking communities of the Andean regions had borne the brunt of the violence.

The TRC report presented conclusions on the two decades of violence and formulated a series of recommendations aimed at bringing about national reconciliation, ensuring that the cycle of violence would never be repeated. These recommendations included the prosecution of those responsible for human rights violations, the official exhumation of mass graves, formal identification of bodies, and reparations to the victims of the violence. Recommendations for institutional reforms to address many of the problems that had contributed both to the violence and the state's failures in responding to it were also made.

4. Themes of concern

4.1. Judicialisation

In Peru, human rights organisations and other NGOs often carry out the preliminary investigations into the cases of human rights violations that took place during the two decades of internal violence. This is largely due to a lack of resources on the part of governmental prosecuting agencies, but also, at times, is the case because of an unwillingness to investigate these crimes. Once enough evidence is collected and a case is constructed, the information is turned over to the local or regional public prosecutor who then decides whether or not to file a criminal case. This process is referred to as judicialisation.

The vast majority of cases involving human rights violations, committed by all sides of the conflict, are unresolved. Only a tiny fraction of known mass graves have been exhumed and examined. Very few of the thousands of cases of forced disappearance have been solved and even fewer held accountable for these crimes. As time goes by, memories grow distant, key witnesses age and/or pass away and the likelihood of seeing these cases brought to any real conclusion diminishes significantly, leaving victims and the families of victims frustrated in their search for justice.

4.2. Government obstruction of human rights cases

One of the most serious hindrances to the investigation of these crimes has been the constant refusal of the military and some government institutions, the Ministry of Defence and the Ministry of the Interior in particular, to cooperate with official enquiries. Despite pressure from human rights and victims' associations in Peru as well as from the international community, these bodies have refused to turn over records and documents that would identify members of the Peruvian security forces implicated in crimes against humanity. As a result, fifty percent of the cases have languished in the "investigative stage" for years and have made no progress through the courts. From 2009 to June 2010, only fifteen out of eighty human rights cases against individual members of the security forces

resulted in convictions. The other 65 were acquitted. Human rights groups in and outside of Peru believe that if the government actively cooperated with investigations, the outcomes would have been very different.

There are also serious concerns at recent moves by the government to give the Supreme Police and Military Tribunal the right to review over 700 cases involving state security officials convicted of crimes against humanity, from 2003 to the present. Minister of Defence, Rafael Rey, spoke out in favour of the review, which is expected to begin in August or September. Human rights NGOs expressed grave concern that this could result in a kind of back-door amnesty for members of state security forces convicted of human rights atrocities. While it is unclear what impact the process will have, it will be carefully monitored by Peruvian human rights groups and ideally, should also be scrutinised by members of the international community.

4.3. Intimidation and harassment of public prosecutors

State officials responsible for investigating and prosecuting cases of human rights violations have also been subject to threats, intimidation and defamation campaigns in the media. The case of Dr. Cristina Olazábal, a state prosecutor based in the Ayacucho region, is an egregious example of the kind of pressure a government official comes under when attempting to investigate human rights atrocities in which members of the military or government officials are implicated. Dr. Olazábal, formerly the Regional Prosecutor, and her family were subjected to harassment and death threats some years ago because of her work on cases involving crimes committed by military officials. She was accused of being a Shining Path sympathiser despite having also investigated and successfully prosecuted human rights atrocities committed by the guerrilla group. She came under heavy pressure from the government and was eventually demoted. In January 2010, spurious criminal charges of “violation of legal duty” (*prevaricato*) were brought against her. The charges were linked to her naming President Garcia in a legal denunciation as ultimately responsible for a massacre of civilians carried out by government officials in Accomarca in 1985, during his previous presidency. The charges against Dr. Olazábal were found to have no merit and were thrown out in April.

The larger impact of this type of government persecution of civil servants, who are attempting to pursue cases involving human rights atrocities in which state security officials and government figures are implicated, is significant. The pressure on them can be particularly severe as it often comes with vigorous support from some sectors of the media. CSW is aware of other cases in which state prosecutors suffered nervous breakdowns or resigned from their duties after coming under attack both from within their own governmental institutions and by the media. Even Inter-American Court of Human Rights judge, Diego Garcia-Sayan Larrabure, a Peruvian, is not immune. Rather, he has been repeatedly attacked by the media and by Minister of Defence Rey and labelled a guerrilla sympathiser because of court decisions (in which he was not involved) that have awarded damages to some Peruvians accused of terrorism whose right to due process was violated.

4.4. Failure to protect and support witnesses and victims

CSW is aware of a number of cases that have been archived or thrown out due to lack of evidence. In far too many cases, this is partly because key witnesses, who are often also the victims of the crime in question, called to testify could not afford the costs associated with travelling to and staying in Lima where the majority of these cases are tried. Despite the fact that this witness testimony is critical to the prosecution, these costs are not covered by the state.

As it stands now, the law mandates that any case in which multiple perpetrators are implicated in human rights atrocities must be transferred to Lima. Despite the significant

distances involved, no resources are provided for the victims and/or their family to travel and stay in the capital even if their testimony is crucial to the case. To put this in context, it is important to be aware that the majority of these crimes were committed in the Andean highlands, a significant distance from Lima. For example, the capital city of Ayacucho, the region where around 40% of all of the crimes in the conflict were committed, is located eight to ten hours by bus from Lima. Even worse, many of the atrocities were committed in the remote sierra, Putis, for example, is another five hours by four-wheel drive from the capital of Ayacucho. This means that witnesses and victims, in many cases subsistence farmers, are expected to make an arduous journey that may last several days and fend for themselves in the capital; all at their own expense. Additionally, they are often expected to make multiple trips during the course of a trial – something that is simply impossible for many of those involved.

Prosecutors and human rights groups have also expressed concern that, in many cases, the state neglects to provide sufficient translation support despite the fact that many, if not the majority of these cases, involve victims and witnesses whose first and often only language is Quechua or Aymara. They also point out that forcing already traumatised victims to leave their regions, travel to Lima, and participate in a judicial process in a language they do not understand, often disorients and further intimidates victims.

This stands in direct contrast to government support given to members of the military and police forces who are accused of committing the atrocities. Unlike the victims in these cases, they are automatically offered different levels of legal representation by the government including the right to a public defender and/or special lawyers provided by the Police and Armed Forces' legal services. In addition, the government has designated a budget of three million soles (around one million US dollars) to offer special support to high-ranking officers accused of crimes committed "in the exercise of their duties". While CSW firmly believes that anyone accused of a crime should be offered the right to a public defender and given a degree of support to defend themselves, this should not be at the expense of witnesses and victims. A balance must be found between offering those accused of crimes against humanity the right to defend themselves properly as well as upholding and protecting the rights of victims to fully participate in the legal process and seek justice.

4.5. Individual cases

4.5.1. Putis

In mid 2008 a mass grave, dating from 1984, was exhumed with support from the Peruvian Association of Forensic Anthropologists (EPAF), Peace and Hope (a Protestant Peruvian human rights organisation) and Dr. Olazábal, now working as a local public prosecutor. This exhumation was carried out without support from the central government after repeated requests to the government for permission and resources to exhume the remains of the 123 men, women and children in the grave went unanswered. As many remains as could be conclusively identified by DNA analysis were returned to their families. However, in some cases entire families were murdered in the massacre and there are no living relatives with whom to compare DNA. All of the remains have been buried in a special memorial built in Putis last year.

There is no doubt that military officials were responsible for this brutal massacre of civilians. However, as in other cases, the Ministry of Defence has stonewalled any attempts to obtain records of officers assigned to Putis at the time. Peace and Hope, with the help of EPAF and Dr. Olazábal, were forced to carry out their own investigations and managed to identify the commanding officers but not those who actually carried out the massacre firsthand.

The case was placed before the Lima courts in 2008, and Ayacucho prosecutors are still waiting for it to be accepted (the case is in the Third Prosecutorial stage). However, as the case languishes in the courts, the people of Putis have expressed pessimism that they will see justice in their lifetime. Like many of the other thousands of victims in Peru, they have waited 25 years for justice and perceive little interest on the part of the government in holding anyone to account for the decimation of their community.

4.5.2. Callqui Nisperusniyuq

In August of 1984, masked members of the military pulled six young men, ranging in age from 16 to 24, out of an evening prayer service at the Presbyterian Church in the hamlet of Callqui Nisperusniyuq, just outside of Huanta, in the region of Ayacucho. The rest of the worshippers were commanded to stay inside and continue singing. Soldiers threw an explosive device towards the adobe building to ensure that the group of mostly women and children would not come out. The masked perpetrators then forced the young men to lie down on the ground yards away from the church, then shot and bayoneted them to death. The sister of one of the victims described her brother's body to CSW as looking like a sieve.

While an official complaint was filed in 1984, and Captain Alvaro Artaza Adrianzén and Jesús Jacinto Vilca Huincho were indicted, the presiding judge decided to hand the case over to the military justice system. In 1985, the military tribunal found there to be no responsibility for these deaths on the part of Captain Artaza Adrianzén and Vilca Huincho and the case was thus archived. In 2003, however, following the conclusion of the Truth and Reconciliation Commission's work, a more in depth investigation was carried out and a formal denunciation by the public prosecutor's office was filed against the alleged individuals responsible before civilian courts.

In addition to the two named in the 1984 indictment, four other officials were named as responsible by the prosecutors: General Adrián Huamán Centeno, Alberto Rivero Valdeavellano, Augusto Cabilondo García, and Luis Alberto Celis Checa. In a major blow to the families of the victims, the case against Captain Artaza Adrianzén, who was also known by the alias of *Capitan Camión*, was not pursued, despite the fact that government investigators named him as principally responsible for the atrocity. Instead only two of the more low level agents, Celis Checa, the patrol-chief of the government counter-terrorist unit in Huanta, and Vilca Huincho, who acted as an informant and guide for the Peruvian marines, were charged with massacre.

The trial has moved through the courts at a glacial pace. Seven years after the initial denunciation was filed, it remains unresolved. In August 2010 representatives at Peace and Hope said that they were now waiting for the judgment but it is unclear when this will be issued. Many of the parents of the victims are elderly and there are concerns that they may not live to see the murderers of their sons brought to justice.

4.6. Reparations

One of the key provisions in the TRC Recommendations was for reparations to be made to the victims of the violence. According to the TRC the burden for making these reparations fell on the state because of the negligence it displayed in its slow response to the violence and its failure to protect the population in marginalised regions of Peru. The state was also held to be responsible because of its direct involvement in a significant percentage of the human rights crimes that were committed.

The TRC recommended that the reparations be made both at individual and at community levels; in other words, to the victims themselves and also to the communities particularly affected by the violence. These reparations were to be both practical, for example in the form of financial payouts, preference for university places or health care coverage; and

symbolic, for example through monuments, museums and ceremonies honouring those who died. Some collective reparations have been made since the publication of the TRC report and its recommendations in 2003, often in the form of monuments or memorials but also as schools, medical clinics and the provision of potable water. There has been some controversy as to whether or not services such as schools, which the government ought to provide to all of its citizens, should be considered reparations.

There also appear to be major bureaucratic issues when it comes to the allocation of collective reparations – particularly in relation to the interplay between the central and regional governments. While the central government in Lima has determined the amount of reparations due to each of the regions in Peru, the allocation of the reparations is dependent on regional governments presenting a plan for their implementation. A number of regions, including those most affected by the violence, have failed to do this. Some have been told that the failure of the regional governments to submit plans for implementation is due to a lack of resources within their administrations, and that they do not have the personnel to do the practical work of drawing up these plans. However, it appears that this inability to devote resources or personnel to reparations plans is mostly because reparations do not always rate very high on the local governments' priorities. Indeed in some cases, there appears to be a lack of clarity about what collective reparations should look like, with some local governments attempting to use these funds for economic development projects.

To date, excluding financial settlements ordered by the Inter-American Court of Human Rights, no individual reparations have been paid out. In July 2010, however, following a high profile campaign by victims and their families culminating with a march in Lima, the government announced the creation of a technical commission given 180 days to study and come up with a plan for the distribution of economic reparations. It also announced that it was allocating an initial budget of 20 million Peruvian soles to a fund for the reparations and that the elderly would be given priority, in order to attempt to ensure that victims receive some kind of compensation before they die of old age. Human rights groups and victims' associations have expressed cautious optimism at this news, but point out it comes too late for many elderly victims who have passed away in recent years.

The implementation of other forms of compensation, including the right to health services and education, has also proven problematic. Representatives of victims' associations in different parts of the country report that many victims find it impossible to access reparations that are legally their due. In some cases involving healthcare for example, this is apparently because the individuals and entities that should supply the services or implement the reparations are not aware of their responsibilities and/or do not understand the procedures. Victims have also expressed frustration that education reparations, in the form of university places, for example, are only valid for the victims themselves, many of whom are elderly, and cannot be used to give their children or grandchildren the opportunity to study. All of this, of course, leads to feelings of frustration and anger, as many perceive these issues as indicative of the state's indifference towards them and their plight, despite promises to the contrary.

4.7. The Single Registry of Victims

The creation of one official registry of victims is crucial in order to determine who is eligible to receive reparations. It is important to note that the government has stated that no individual victim can receive reparations until the entire registry is finished.² With upwards of 70,000 victims, many of whom are non-Spanish speaking and/or live in extremely remote regions of the country, the scope of the project is overwhelming. The nature of the work,

² The only exceptions to this are the individual reparations associated with the Barrios Altos and La Cantuta cases and which were a result of an Inter-American Court of Human Rights ruling

which necessitates awareness raising, extensive travel, multilingual staff and laborious investigations, makes the process painstakingly slow. When one takes into account that the project has received little support from the central government, it is surprising that it has advanced at all.

Many victims are unaware that they need to register and/or do not know how to go about doing so. The onus of informing citizens of their right to register if they have suffered a human rights violation during the violent period has fallen on NGOs and civil servants at the regional and local government levels. As a result, CSW partners, Peace and Hope and CEAS have committed a significant portion of their resources, with support from European aid programmes, to facilitate the registration of cases for the Single Registry of Victims. In some parts of the country, local governments are also engaged in this work; however they too lack the resources needed to carry out the project. In 2008, for example, in Ayacucho, the epicentre of the violence, there were only two stations in the entire region which encompasses almost 45,000 square kilometres. These two stations, with only a few staff members and an extremely limited operating budget, were tasked with the job of registering approximately 20,000 victims.

Amazingly, largely due to the dedication of volunteers and civil servants working on the Single Registry, the project is close to being completed. Ayacucho, for example, is in its final stage; the project having been financed entirely by the regional government. The timing is critical as the Reparations Council only has funding through the end of 2010 – cases must be documented, evaluated and registered by the end of the year. Human rights groups are concerned that the sheer volume of documented cases may mean that the Reparations Council will be unable to complete its work of evaluating and accepting cases for the registry, by 31 December 2010. They are calling on the government to allocate more resources, particularly in terms of personnel and money, to the Reparations Council in order to allow it to complete its work by the end of year deadline.

4.8. Human rights defenders, activists, and NGOs

Human rights defenders, whether individuals or organisations, continue to receive threats on a regular basis. Those involved in the investigation of cases of human rights violations in order to bring those responsible to trial have been particular targets. Certain sectors of the media and some politicians, including members of the Government, have publicly targeted human rights defenders with inflammatory and defamatory accusations, often accusing them of sympathising with terrorists. A Catholic priest originally from the UK, Paul McAuley, who has lived in Peru for twenty years and has been active in helping Amazonian indigenous groups defend their rights, was labelled a “white terrorist” and a “Tarzan agitator” in the media. In July he was threatened with expulsion from the country by the authorities. A judge granted a stay while Father McAuley appeals the deportation order. The NGO community is particularly concerned by the sometimes slanderous rhetoric employed by members of the Government itself alongside what appears to be the criminalisation of social protest. The case of Father McAuley has been held up as an example of this official hostility towards human rights defenders.

Human rights defenders and organisations, including those working on environmental or indigenous rights issues, have reported tech attacks such as hijacking of their websites or the setting up of impostor sites, and hijacking e-mail accounts to send out false and defamatory messages. Many individuals report having received threats from blocked or unfamiliar numbers on their personal mobile telephone numbers or e-mail addresses. Forensic scientists, judges and local and regional prosecutors have also been the recipients of threats and defamation campaigns in the media. Private security firms, some linked to the Peruvian military, have been implicated in some of these.

5. Conclusion

Over the course of the past year, the Peruvian Government has taken some important steps forward in relation to the Truth and Reconciliation Commission's recommendations. The announcement that the state would begin the process of allocating economic reparations to individual victims of the violence, together with the reinstatement of CONEP, CEAS and the CNDH as observers of the Human Rights Council, are both significant and the Peruvian Government should be praised for these decisions. At the same time, there is still cause for concern. The decision to give military courts the right to review cases of members of security forces convicted of human rights atrocities is worrying. The continued refusal of the Ministry of Defence and the Ministry of the Interior, as well as the Peruvian armed forces, to cooperate with investigations involving human rights atrocities thought to have been committed by member of the Peruvian security forces is extremely disappointing. The Government's consistent pattern of publicly demonising people involved in the promotion of human rights, including not only human rights activists but also government employees investigating and prosecuting crimes against humanity is reprehensible. It must be kept in mind that the advances that have taken place, have come largely as a result of sustained domestic and international pressure. As Peru prepares for elections in 2011, the international community should continue to monitor the Government's progress in following through on the positive commitments it has made and should also strongly encourage President Garcia as well as his successor to fully enact all of the TRC recommendations into law, as promised by former President Toledo.