

# briefing

## Peru

*Fact finding and advocacy visit report*

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## **I. Executive summary**

In 2006, human rights organisations, both in and outside of Peru, expressed concern that the election and return to power of Alan Garcia,<sup>1</sup> could have negative ramifications for progress made in the area of human rights and democratisation. Observers were particularly worried about the new president's ambiguous position on the implementation of the Truth and Reconciliation Commission<sup>2</sup> (TRC) recommendations and the fight to bring crimes involving human rights atrocities which occurred during the period of internal conflict to trial. Unfortunately, during his first six months in office, Garcia and others in his administration consistently promoted policies that appeared to validate these concerns and over the course of the visit, CSW unfortunately saw and heard little to contradict this impression.

The primary concerns of many of the people that CSW met with were related to the government's antagonistic attitude toward the TRC, its report, and its recommendations. The TRC report contained conclusions on what had happened during the two decades of violence and it presented a series of recommendations aimed at bringing about national reconciliation and ensuring that the cycle of violence would not be repeated. These recommendations covered subjects including the prosecution of those responsible for human rights violations, the exhumation of mass graves and the 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.

Unfortunately, almost four years after the publication of the report, its recommendations have yet to be 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. Many in the new government have accused the TRC report of being overly sympathetic to terrorists and have repeatedly implied that those working for the implementation of its recommendations are Shining Path stooges with the ultimate aim of destabilising the country.

In one positive step, in July 2005, the Peruvian Congress voted in favour of one aspect of the recommendations, which deals with government reparations to the victims of the violence and would allow for the creation of a national registry of victims. While this was a step forward, almost two years later many victims have yet to see any sign of the reparations themselves. The implementation of the National Plan for Reparations has been far from consistent across the country, and some regional governments have failed entirely to implement the plan.

Prison conditions and the wrongful imprisonment of innocent men and women also remains an issue. While the majority of wrongly imprisoned men and women have now been released, some still remain behind bars, and most worryingly, there have even been new

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<sup>1</sup> Garcia is a member of the APRA party, which is part of the International Socialist Party – but has distanced himself from self-styled socialist Hugo Chavez and other recently elected radical leaders in Latin America.

<sup>2</sup> In August 2003, the Peruvian TRC submitted its final report. According to their 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 MRTA (the Revolutionary Movement of Tupac Amaru), and of government forces. 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.

cases of unjust imprisonment since Garcia came into power last summer. In addition, some politicians, members of the military, and elements in the Peruvian press, however, have consistently blamed rising crime and growth in the drug trade on the release of prisoners and improved prison conditions. They have called for a renewed crackdown, including a moratorium on further releases of prisoners and a return to harsh restrictions inside the prisons.<sup>3</sup> This is extremely worrying for the work of CSW's partners in Peru who have worked for years to improve prison conditions (in order that international standards of human rights are recognised) and to raise awareness and sympathy within the Peruvian public of the plight of the wrongly imprisoned. Most recently, the Peruvian government has indicated that it plans to re-open Challapalca prison, which was closed in 2005, after being repeatedly condemned by human rights organisations and the World Health Organisation for being inhumane.<sup>4</sup>

The country is in a precarious state. Democratic institutions are fragile and Garcia's administration has, thus far, shown no propensity to strengthening them. Instead they have attacked civil society through legislation, in the form of the APCI law, and appear to be re-employing much of the polarising rhetoric and some of the abusive strategies of the not so distant past. However, Garcia is keen for closer relations with the European Union and the United States, particularly as regards trade agreements, and seems to be attempting to position Peru to be part of Latin America's moderate, more progressive Left. There is a valuable opportunity, therefore, for the EU and other members of the international community, to use this influence to push Garcia and the Peruvian Congress to move the country forward by implementing the TRC recommendations and making the reforms necessary to make state institutions more transparent and accountable while at the same time encouraging a responsible and active civil society.

## **2. Recommendations**

### **2.1. To the Peruvian Government**

#### *2.1.1. Truth and Reconciliation Commission Recommendations*

- To implement the Truth and Reconciliation Commission Recommendations into law in their entirety;
- To express public support for the conclusions and recommendations of the Truth and Reconciliation Commission, recognising that the TRC was a government appointed body, whose members included representatives from the military, the Catholic and Evangelical churches, and former members of the government;
- 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;
- To ensure that those bodies responsible for providing services granted as part of reparations, including public hospitals and universities, are aware of their responsibilities to victims of the political violence and to insist that they fulfil these responsibilities;
- To allow the Municipality of Jesus Maria in Lima to re-open the *Ojo que Lloro* monument to the victims of the political violence;

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<sup>3</sup> The restrictions of the 1980's and early 1990's included forced confinement in tiny cells for at least 23 ½ hours a day, extremely harsh visiting rules (immediate, adult family members only, 30 minute visits either weekly or monthly, no physical contact – visits took place through a metal screen).

<sup>4</sup> The prison is located 4000m above sea level

### *2.1.2. Investigations*

- To allocate sufficient resources to government bodies responsible for the investigation (including exhumations and DNA analyses) and judicialisation of cases of human rights atrocities;
- To insist that government bodies, including 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 allow the Ombudsman's offices to carry out their work, free from government interference, and to support the 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. Wrongful Imprisonment and Prison Conditions*

- To permanently close the cases of men and women who have been found by the courts to have been wrongfully imprisoned and to guarantee that they will not be placed in double jeopardy;
- To ensure that those who have been declared to be victims of wrongful imprisonment have the arrests and imprisonment removed from their criminal record;
- To release innocent prisoners, Pascual Vilchez, Agustin Anticona Otiniano, Juan Pena Cerna;
- That the government should include in its annual budget sufficient resources for prison authorities (INPE) to maintain and implement regimes that meet the basic international human rights standards as specified in the United Nations Standard Minimum Rules for the Treatment of Prisoners.

### *2.1.4. National Legislation*

- To cease any attempts to broaden the application of the death penalty in Peru;
- To repeal the new APCI legislation and to allow peaceful and law-abiding NGO's to carry out their work free from undue government interference;

## **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.

What happens in Peru will have an impact on the region, as instability continues in the neighbouring countries of Bolivia, Ecuador and Colombia. Conversely, if the international community does not take action to support the promotion and maturation of democratic processes, the eradication of corruption and unambiguous steps toward national reconciliation, Peru will be in danger of spiralling back into the same pattern of injustice and inequality that has characterised most of its past. This can only lead to increased instability in the region, which will have implications for Latin America and the rest of the world, particularly in respect to the illegal drug trade, arms trafficking and terrorist activities

Therefore CSW makes the following recommendations to the EU:

- To encourage the Peruvian government to comply with the all of the recommendations above;
- To make the implementation of the TRC recommendations 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 micro-projects aimed at promoting democracy and human rights, and to discourage the Peruvian government from pushing legislation, like the APCI law, that contributes to the weakening of civil society;
- To consistently fulfil its commitments under the Guidelines on the Death Penalty and the Human Rights Defenders Guidelines by making its position on these issues clear, through diplomatic channels to the Peruvian government, and through public channels to Peruvian society, that demonstrate its support for human rights defenders and its firm stance against the death penalty;
- Maintain and increase funding, where possible, for institutions like the Ombudsman's and Attorney General's offices, as well as for much needed facilities like the forensic lab in Ayacucho; at the same time push 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**

An honest and transparent judiciary, an end to a culture of impunity, and overall social cohesion and stability will, 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.

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 NGO's 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 designated manner and reaches those for whom it is designated.

### **3. Themes of concern**

#### *3.1.1. 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, firstly 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, and secondly because of its direct responsibility for a significant percentage of the human rights crimes that occurred. The TRC recommended that the reparations be made both at the individual and at the community levels; in other words, to the victims themselves and also to the communities particularly hard hit by the violence. These reparations were to be both practical, for example in the form of financial payouts, preference for university seats or health care coverage; and symbolic, for example through monuments and ceremonies honouring those who died.

While the government has designated money for reparations, it was clear through the course of the visit that the allocation has been haphazard and many victims – both individuals and communities – have seen no sign of them, or worse, have been granted reparations but then denied the right to receive them. CSW was told by a number of representatives of victims' associations in different parts of the country that many victims find it impossible to access reparations that are legally their due. This is mostly 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. In one example, victims' groups reported that in Lima many hospital officials or medical personnel do not understand or are unaware that they must provide medical services to victims who have been given health care coverage as part of their reparations. In addition many do not recognise legal documents that should guarantee the victims' rights to support.

In another case, in Trujillo, one family reported that city officials refused to recognise the Ombudsman's certificate and supporting documentation stating that a family member is officially considered to be a victim of forced disappearance. As a result the victim's son has been unable to claim reparations in the form of a discount on university fees. City officials insist that the family go through a long and convoluted procedure, including placing advertisements in newspapers around the country, at their own expense, to determine if their family member is living or not causing even more grief and pain for the victims. All of this, of course, leads to feelings of extreme frustration and anger as many perceive these problems as indicative of the State's indifference towards them and their plight, despite promises to the contrary.

There also appear to be major bureaucratic issues – 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 apparently dependant 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.

In Huanuco, for example, 3million soles (approx €713,000) was apportioned by the central government under the Integrated Reparations Plan in 2005, however this went unused as the central government never presented a plan for project implementation. An additional amount of 5million soles (€1.2million) has been allocated for 2007, making a total of almost €2million available for the region but many again fear that it will also remain unused.

NGO's have expressed extreme frustration that funds available for development project within the community are completely unattainable. 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 rate very high on the local governments' priorities. When interviewed by CSW, it became apparent that the recently elected Regional President for Huanuco had not given the reparations a high priority, despite the already significant amount of money available for use in the region.<sup>5</sup>

### *3.1.2. National Registry of the Disappeared*

As in the Trujillo case outlined above, the creation of an official registry of the disappeared is crucial in determining who is eligible to receive reparations. The scope of the project is overwhelming: the most comprehensive list contains 8558 cases of victims of forced disappearance, a further 2100 are still under investigation and, the Ombudsman's office has received another 3000 new cases to investigate. The nature of the work, which involves travel and laborious investigations, together with a lack of resources, makes the process painstakingly slow. According to the National Ombudsman's office, they have only been able to successfully resolve 200 cases out of a total 1000 that were submitted since 2005.

The National Ombudsman's office told CSW that they are dedicated to this work, cooperating with regional ombudsmans' offices to compile an exhaustive list. Typically, however, the Ombudsmans' offices are under-funded, under-resourced, and as a result, under-staffed. Of the 36 regional offices across the country, 28 have at least three or four staff members, eight however, have fewer than this. Paradoxically, the eight severely under-staffed offices are located in regions considered key for the work of compiling the registry.

CSW was disturbed to discover that some Regional Ombudsman's offices are not actively participating in the compilation of the registry. In a meeting with the Ombudsman for the Region of La Libertad, CSW was told that this was not something they were working on as it was "not really a problem there." A subsequent meeting with a regional association of family members of the disappeared seemed to contradict this statement. However, it is unfortunately indicative of a continuing divide between urban and rural areas, as most of the violence that occurred in La Libertad took place in mountainous areas, like Huamachuco, and its impact was not as visible in the capital of Trujillo, where the Ombudsman is based.

Sadly, there is a further complication for the families whose disappeared relatives' remains have been recovered and identified. According to the National Ombudsman's office, once remains are found and positively identified, the person ceases to be "disappeared," and the family members fall into a kind of no-man's-land. As their disappeared relative is no longer considered to be "disappeared." As a result, despite the undeniable impact the prolonged disappearance has had on the family, they become ineligible to receive reparations designated for the families of the disappeared.

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<sup>5</sup> Ironically, while ignoring the fact that he had over €1million available for development in his region, he was more interested in how to attract European pensioners to the region to benefit from the good climate and to bring in more money, presumably for development of the region.



### *3.1.3. Human Rights Defenders, other Activists, and NGOs*

Human rights defenders, whether individuals or organisations, continue to receive threats. Those involved in the investigation of cases of human rights violations so that they can be presented to the courts in the process of judicialisation have been particular targets. Many have also been the victims of defamation campaigns in the media or orchestrated high tech attacks such as hijacking their websites or setting up impostor sites, hijacking e-mail accounts to send out false and defamatory messages, and sending threats to personal mobile telephone number or e-mail addresses. CSW partner organisations, Peace and Hope and CEAS, had received threats directed both at individual staff members and at the organisations as a whole, and had been the victims of attacks on their IT systems over the past year.

Environmental activists, forensic scientists, 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. In one case this year, a Roman Catholic priest, Father Marco Arana, who is involved in environmental advocacy regarding the Yanacocha mine in Cajamarca, was the victim of spying, defamation, and intimidation by the private security firm C&G Investigations, under what they called "Operation Devil". In addition, both Father Arana and his colleague, Dr. Mirtha Vazquez Chuquilin received a number of anonymous phone calls threatening them with death and rape. Members of their families have also received threats.

C&G allegedly provided the archive compiled on Father Arana, to another security firm, Forza, which is employed by the Yanacocha mine. Although there was a huge amount of evidence against the firm (including their computer files, photographs and video of Father Arana), to constitute an invasion of privacy, the local prosecutor decided to shelve the case and returned the computers to the firm. The United Nations Working Group on the Use of Mercenaries as a Means of Violating Human Rights and Impeding the Exercise of the Rights of Peoples to Self-Determination is now carrying out an investigation.

The NGO community is also concerned about threats coming from the government itself. The APCI Law, passed last year despite protests from NGOs inside and outside of the country, as well as from a number of donor countries, will give extensive and intrusive control to the Peruvian government over NGOs' activities and finances. Many are also concerned that this will have a negative impact on international financial support. The legislation has not yet been fully implemented and a number of legal protests have been lodged, asserting that the law is un-constitutional on at least five points.

### *3.1.4. Death Penalty*

Although many believed that the debate on the amplification of the application of the death penalty was effectively closed when the Peruvian Congress voted against it, President Alan Garcia has made statements that he would like to put the issue to a public referendum. A public vote would very likely be successful although it would also be un-constitutional. Garcia has changed his original proposal, of making those who rape children eligible for the death penalty, and instead applying it to crimes of terrorism. This is despite the fact that terrorism has been virtually wiped out in the country. However, the government has recently increased its anti-terrorist rhetoric and in December arrested eight farmers, all evangelical Christians, from the region of Ayacucho, accusing them of being part of the Shining Path and murdering anti-narcotics police operating in the area. Although they were eventually released (see below), Garcia continues to insist that a significant terrorist problem persists in the country. Regardless of how unlikely it is that Garcia would be able to change the Constitution to allow for a public referendum on the death penalty for terrorists, his

words and actions indicate that his administration is still seeking ways to remove Peru from the Inter-American Human Rights system.<sup>6</sup>

### *3.1.5. Arbitrary Detention*

Disturbingly, although most of the innocent men and women imprisoned under the anti-terrorism campaigns of the 1980s and 1990s have benefited from pardon and absolution processes and have been released, it appears that arbitrary detentions under Garcia's government are continuing to take place, even though most observers in and outside Peru consider that the "terrorist threat" in Peru has been almost entirely eliminated. Many believe that these detentions are linked to the President's campaign to extend the death penalty to "terrorists" and are part of an effort to convince the public that terrorism is still such a significant problem that it merits the amplification of the death penalty.

In January, eight farmers from the Apurimac Valley were arrested and imprisoned. They were accused of belonging to the Shining Path and of carrying out the massacre of five police officers and three civilians, although there was no evidence to support their involvement. The men's religious convictions, all active members of the Assemblies of God church, which were made public during the campaign for their release, were also an embarrassment for the government, as Shining Path's Maoist ideology does not accommodate Christian beliefs or activity. Following a massive public outcry in Ayacucho against the arrests, government officials eventually conceded that a mistake had been made and the men were released. In April, Ayacucho courts upheld the writ of habeas corpus that led to their release, stating that the arrests had not been legal and there had been no concrete evidence presented against any of the men.

During this visit, CSW also met with two men, a stepfather, Agustin Anticona Otiniano, and son, Juan Pena Cerna, who were accused of terrorism and imprisoned last year in La Libertad region. They are being held in the maximum security prison in Trujillo and are awaiting a court decision on their status. Both come from the region of Huamachuco and were previous victims of arbitrary detention, charged with terrorism in the 1990s. They were absolved of these charges and released, but, worryingly, the previous detention has been entered as evidence in the new judicial process against them. The younger of the two is the catechist for the Roman Catholic Church in his village, making it extremely unlikely, again, that he would also be an active member of a Maoist terrorist organisation. Human rights workers familiar with their case say there is no Shining Path activity in that part of the country and have expressed their disbelief that the two were involved in any kind of terrorist activity.

Finally, CSW was deeply concerned to learn that the cases of some prisoners, who over the past few years were found to be innocent and released, have been reopened by the Supreme Court. This group of men and women, which include prisoners whom CSW has supported in the past,<sup>7</sup> is rightly concerned that this could lead to re-imprisonment. Peace and Hope continues to provide them with legal representation, but this worrying development sets a legal precedent of double jeopardy which could have catastrophic implications for the thousands of men and women who have been found innocent and released in the past decade. In addition, the psychological impact that the possibility of re-imprisonment is having on the men and women and their families cannot be underestimated.

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<sup>6</sup> Amplifying the application of the death penalty would be in contravention of the San Jose Treaty which established the Inter-American Court of Human Rights and would effectively remove Peru from its jurisdiction.

<sup>7</sup> Peace and Hope cases involving Julia Rodriguez Suarez, Hermilio Palomino, Abel Cordoba Surita, Olga Gonzalez, Carlos Jorge Garay, Carlos and Tito Yalle Laura, and Augusto Camacho Alarcón have all been reopened by the Supreme Court.

### 3.1.6. Judicialisation

The judicialisation of cases involving violations of human rights continues to be hampered for a number of reasons. The NGOs and victims' associations that carry out the primary investigations necessary to instigate judicial action work with minimal resources and often under threat from those responsible for the violations. State bodies responsible for investigations and prosecutions are chronically under-funded and their investigations often hit a brick wall because of a refusal of other government offices to cooperate by turning over relevant documents and information. Those involved with legal cases that do go forward, particularly those in which the state or individuals acting on behalf of the state are the accused, often are the targets of coordinated campaigns including personal defamation and harassment.

The Attorney General's office, responsible for heading up the prosecutions, receives little support, and sometimes outright opposition, from the government. In a meeting with CSW, the Attorney General, stated that the bulk of their funding comes from the European Union, not the Peruvian government. One week after CSW left Peru, she made an urgent and public request to the Peruvian government for an additional 88 million soles (approx. €20million) in order to carry out its essential work on national and regional levels.

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. Most recently, Dr. Oscar Ayzanoa, who in January successfully represented the victims of the 1992 massacre at Castro Castro Prison<sup>8</sup> on behalf of the Peruvian Ministry of Justice at the Inter-American Court of Human Rights, stepped down from his position. In his reasons for his resignation, he cited the strain on him and on his family following personal attacks on him in the media and through the courts by officials in the current government administration.

Finally, during the course of the visit, on 16 February, Urgent Decree 5-2007 was published by the government, suspending the contracting of any more Ombudsman's representatives in ten regions of the country. There were concerns that this would not impact the hiring of new employees, but rather targeted the regularisation of existing contracts of the chiefs of offices across the country. If implemented, the decree could, in effect, shut down these offices. The Ombudsman's office asked the Constitutional Tribunal to declare the decree invalid, as the Ombudsman's office is meant to be an autonomous entity.

## 4. Background - Summary of CSW Involvement

CSW has been involved in promoting human rights in Peru since the Church in the Andean highlands first came under attack from both guerrilla and government forces in the early 1980s. By the 1990s CSW had developed a specific focus on the wrongful imprisonment of innocent men and women charged with participating in terrorist activities under draconian legislation put in place by now disgraced former president Alberto Fujimori. The work has been carried out through partnerships with Peruvian Evangelical and Roman Catholic human rights organizations, Peace and Hope (Paz y Esperanza) and CEAS (the Bishops' Commission for Social Action) respectively. Both of these NGOs offer legal aid to the wrongly imprisoned.

Evangelical and Roman Catholic Christians were by no means the only victims of the different armed actors and CSW in no way wishes to minimize the atrocities carried out against any of the other groups in Peru. It is important to recognise, however, that the Shining Path did incorporate targeted religious persecution into its overall campaign to win

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<sup>8</sup> The army opened fire, using heavy artillery, over the course of four days on inmates in the Castro Castro Prison. More than 40 prisoners were killed and hundreds injured. Many of the inmates had not yet received trials and this occurred before the Ad Hoc Committee was set up to review cases of wrongful imprisonment, thus there is no way to know how many innocent men and women were among those killed over the four days.

the countryside and unfortunately the government forces also targeted Christian leaders and laypeople because of actions that were rooted in their faith.

CSW's work with Peace and Hope and CEAS has continued to evolve, particularly in relation to events over the past five years, including massive corruption scandals, subsequent investigations and trials, the restoration of democracy after Fujimori went into self-imposed exile in Japan, and the creation of the TRC to investigate the atrocities carried out by all actors during the decades of the 1980s and 1990s. Largely as a result of the creation of the TRC, a number of specific unresolved crimes and atrocities, including massacres and forced disappearances, committed against the Church and its members in the 1980s and the early 1990s have resurfaced. Our partners have been intimately involved in the work associated with these cases and CSW continues to seek methods of supporting them.

The suffering of the Church should not be seen in isolation but as part of the much wider context of the suffering of a nation, in which there were approximately 2.5 million victims.<sup>9</sup> CSW's Roman Catholic and Evangelical partners recognise that true national reconciliation as proposed by the TRC will also aid in healing and reconciliation within the Church and consequently are actively campaigning for the full implementation of the TRC's recommendations. In order to support them, and while remaining committed to seeking the release of all of the wrongfully imprisoned; CSW is also involved in campaigning alongside partners in Peru and in Europe for the implementation of the recommendations of the TRC, which were presented along with the final report in August 2003.

Peace and Hope continues to serve families of the disappeared. They provide psychological and spiritual support, as well as economic and material support when possible. They also provide legal aid to attempt to discover the fate of disappeared loved ones through legal channels and eventually to identify those responsible so that criminal charges can be filed. The work, which is difficult enough because of a lack of resources, little official support (and in many cases active official antagonism) can be particularly burdensome because of the gruesome nature of most of the crimes and the emotional needs of the victims' families, putting huge psychological pressure on those working on these cases. The investigators and human rights workers themselves have little regular access to good quality psychological support or security protection for them and their families.

CSW has visited Peru five times since 2000 in order to spend time with our Peruvian partners to gain a deeper understanding of the situation, build our relationships with them, and to demonstrate our moral and spiritual commitment to the work they are carrying out. It is also a valuable opportunity to assess the current political and social trends which often have a direct impact on the success or failure of the work we support.

## **5. Purposes of visit**

This was CSW's 6<sup>th</sup> visit to Peru since 2000. This visit had the following objectives:

- a) To meet with CSW funded partners CEAS and Peace and Hope to assess their workload and current needs and to demonstrate our continuing solidarity with them and their work;
- b) To meet with key policy makers and officials, as well as representatives of civil society to monitor and assess progress on the implementation of the recommendations of the Truth and Reconciliation Commission two years after the presentation of its final report;

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<sup>9</sup> This number is used by the TRC to include not only the direct victims themselves but also those who also suffered as a result of the crimes committed against the victims, for example, spouses and children of the forcibly disappeared and of the wrongly imprisoned.

- c) To increase our understanding of the current environment in which our partners are working;
- d) To visit Christian prisoners and their families to encourage them, express solidarity and assess their conditions;
- e) To meet with freed prisoners, offering continued solidarity with them and their situation;
- f) To meet with families of the disappeared and murdered in order to better understand their situation and to explore methods of support;
- g) To monitor and assess progress on the releasing of innocent prisoners; and
- h) To evaluate the current political situation and its implications for the above issues.

## 6. Meetings

- Ing. Juana A. Huanchuari Paucar, Member of Peruvian Congress for Ayacucho
- National Ombudsman's Office – Dr. Eduardo Vega Luna; Adjunct Ombudsman for Human Rights and the Disabled
- Peace and Hope Office – Huanuco
- The Huanuco Roundtable for the Fight Against Poverty –
- The President of the Region of Huanuco – Dr. Jorge Espinoza Egoavil
- The mayor and local government of Ambo
- The National Coordinator for Human Rights – Dr. Pablo Rojas
- The National Committee for the Disappeared, Detained and Refugees (COFADER)
- The Organisation of Freed Innocent Prisoners
- The Association of Displaced Families in Lima (ASFADEL)
- Santa Monica Maximum Security Prison – and Chorrillos Prison for Common Prisoners
- Peace and Hope Office – Ayacucho
- Regional Ombudsman for Ayacucho
- Coordinator for Regional Transition Coordination for those Affected by the Political Violence (CORAVIP) and the President of the Association of Youth Orphaned by the Social-Political Violence – Judith Paredes
- Visit to Museum of Memory of the Association of the Families of the Disappeared, Kidnapped and Detained – Ayacucho (ANFESEP)
- Platform of Ayacucho NGO's working on the judicialisation of cases
- Team of Catholic pastoral agents working in the prisons in Trujillo
- Former prisoners and families of the disappeared in La Libertad Region
- Ombudsman for La Libertad
- Meeting with the La Libertad Region Association of Victims of Political Violence
- The Attorney General for Trujillo
- La Victoria Maximum Security Prison La Victoria Maximum Security Prison
- Meeting with released prisoners and families and families of current prisoners – Lima
- Juana Lazo and Victor Maco and family (former innocent prisoners)
- Julio Cusihuaman and family (former innocent prisoner)

## 7. Participants

Anna-Lee Stangl	CSW Research and Advocacy Officer, Latin America
Marie-Laure Verdier	CSW EU Advocacy Assistant

## 8. Itinerary

4-6 February	Lima
7-8 February	Huanuco
9-10 February	Lima
11-13 February	Ayacucho
14 February	Lima
15-16 February	Trujillo
17 February	Lima