

# briefing

## Peru

*Fact Finding Visit Report, 22 June – 3 July 2005*

JULY 2005



CHRISTIAN  
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## I. Introduction

According to the findings of the Peruvian Truth and Reconciliation Commission (TRC) which submitted its final report in August 2003, up to 70,000 people were 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 the largely indigenous Quechua speaking communities of the Andean had borne the brunt of the violence.

While the Roman Catholic Church has historically had a presence across most of the country (since the Spanish colonial period), rapid growth of the Evangelical Church<sup>1</sup> up to and through the initial phases of the violence was largely concentrated in the highlands among Quechua communities. This essentially forced the relatively small Peruvian Evangelical community onto the frontlines of the conflict. The Roman Catholic Church also saw many of its leaders and laypeople targeted by both sides in the conflict.

While the militantly atheist and Maoist Shining Path particularly targeted Christians<sup>2</sup>, (both individual church leaders as well as entire communities), as part of their violent campaign, government forces sent to the highlands ostensibly to protect the communities from the terrorists, were also guilty of massive human rights abuses. They were directly implicated in massacres carried out against Christian communities and the forced disappearance of church leaders. In addition, the government was directly responsible for the arrest and wrongful imprisonment of hundreds of men and women under internationally condemned anti-terrorism legislation.

By the mid-1990's, the Peruvian government, under the autocratic leadership of Alberto Fujimori, had largely gained the upper hand in the conflict with the two guerrilla organizations. By the end of the decade the violence had, for the most part, been brought to an end. Security, however, had not come without a cost. Hundreds of innocent men and women received sentences of 10 years to life in prison from "faceless" or anonymous judges. Countless more had been the victims of forced disappearance or extra-judicial execution at the hands of the military and police.

Democratic institutions had been crippled through a "self-coup" orchestrated by Fujimori and his closest advisor, Vladimiro Montesinos, in 1992, which Fujimori claimed was necessary for defeating terrorism. After Fujimori announced his candidacy for an unconstitutional third term in office in 2000 and assumed the presidency after internationally condemned elections, his grip on power seemed unshakeable. However, Fujimori himself was deeply implicated in massive corruption, mostly coordinated by Montesinos.

Shortly after Fujimori had assumed his third term in office, video evidence came to light that Montesinos had bribed influential Peruvians including members of the opposition in Congress, judges, military officers and prominent members of the media in order to guarantee their support for Fujimori and his policies. It emerged that he had even brokered deals with drug barons and members of the guerrilla groups themselves. As the magnitude of the scandal became clear, Fujimori faxed a resignation from Asia where he was travelling at the time. The Peruvian Congress rejected the resignation and voted instead to remove him from office. Fujimori finally sought refuge in Japan where he claimed citizenship and where he remains. Japan, which does not have an extradition treaty with Peru, has resisted

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<sup>1</sup> In Latin America, the term "Evangelical" is usually interchangeable with the term "Protestant."

<sup>2</sup> Unless otherwise specified the term "Christians" or "Church" in this report refers to both Roman Catholic and Evangelical communities in Peru.

calls to send him back to Peru where a warrant for his arrest on charges of kidnapping, murder and corruption has been issued.

Immediately following his flight, an interim government under the leadership of Valentín Paniagua, was set up until new elections could be held. During his six months in office, Paniagua oversaw the release of scores of innocent men and women from prison and also set the groundwork for the creation of a Truth and Reconciliation Commission (TRC).

In July of 2001 President Alejandro Toledo took office after narrowly winning an election contested primarily by Alan García<sup>3</sup> from the APRA party. Although Toledo came to power in a dramatic return to democracy, he has proved to be a disappointing leader and is widely seen as vacillating and untrustworthy by the general public. Polls continuously show his popularity hovering in the single digits – the lowest of any Latin American leader.

Among Toledo's campaign commitments was a promise to put into law any and all recommendations of the TRC which presented its report at the end of August 2003. Two years later it remains to be seen whether or not he will keep this promise as there is 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. Two weeks after CSW returned from Peru, on 21 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 is a step forward, it is imperative that the Peruvian government put into law the recommendations of the TRC in their entirety.

Some politicians, members of the military, and elements in the Peruvian press, however, have been quick to blame rising crime and growth in the drug trade on such reforms and have called for a renewed crackdown, including a moratorium on further releases of prisoners and a return to harsh restrictions inside the prisons.<sup>4</sup> This of course bodes ill 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. In addition, certain politicians, most vociferously, Rafael Rey of the Renovation Party, have taken to publicly denouncing the release of innocent prisoners and accusing Toledo of releasing terrorists back into society.

In summary the country is in a precarious state. Democratic institutions, only re-established five years ago, are still extremely fragile and the public perception of Toledo as a weak president has only added to instability. Dissatisfaction with the administration have led to almost continuous calls for Toledo to resign from office and opposition leaders have capitalised on the public's desire for a strong leader by calling for a return to the draconian laws and regime of the past. Perhaps most alarmingly, Alan García and Alberto Fujimori appear to be positioning themselves as candidates in the 2006 elections and no strong contenders to oppose them have come forward, leaving the already dangerously disillusioned Peruvian population with an impossible choice.

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<sup>3</sup> García was president of Peru during the latter half of the 1980's and it was under his regime that Peru experienced the worst of the violence. It was also under his administration that many of the most severe abuses by the military and other government forces, including the highest number of forced disappearances, were committed against the population. His re-entry into Peruvian politics and the sustained rise in his popularity since Toledo took office give great cause for worry.

<sup>4</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 touching – visits took place through a metal screen).

## 2. Recommendations

### 2.1.1. To the Peruvian Government

- That the government should demonstrate its commitment to true national reconciliation in Peru by ensuring that the TRC's recommendations be implemented in full through legislation:
  - Providing for special bodies to continue the investigations of atrocities that occurred over the last twenty-five years in order to ascertain responsibility and the fate of the victims (those who were murdered, wrongly imprisoned or forcibly disappeared);
  - Lending its support and protection to human rights organisations that are presently carrying out programs aimed at social healing and reconciliation;
  - Enabling methods of redress for the victims of human rights atrocities to continue to be explored and implemented through the Integrated Reparations Programme presented by the TRC;
  - Encouraging the participation of civil society and independent observers (for example from Peruvian and/or international NGO's) to monitor the implementation of reparations projects, to have input into what form reparations should take, and to ensure that these projects are useful in not only offering material redress, but also in restoring the dignity of those at whom the reparations are aimed;
- That the Government should implement, as soon as possible, the institutional reforms as recommended by the TRC;
- That the government should provide sufficient resources to the Ministry of Justice and the legal system to ensure a fair and speedy retrial for all prisoners convicted of terrorism under unconstitutional methods.
  - That those prisoners whose cases were already in the process of being reviewed by the Pardoning Commission (prior to the decision finding all terrorist convictions to have been achieved using un-Constitutional methods) be given priority in the retrial process; and
- 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.

### 2.1.2. To the United Kingdom:

In the current political situation putting pressure on President Toledo is not enough. Rather, all elements of Peruvian society, political, military and civil, must be persuaded of the importance of reform, respect for international standards of human rights, and social reconciliation in order to attain long term stability, making Peru an attractive location for international investment and development.

What happens in Peru will have an impact on the region, as instability grows in the neighbouring countries of Bolivia, Ecuador and Colombia. Conversely, if the UK government does not take action to support the promotion and maturation of democratic processes, the eradication of corruption and unequivocal moves 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 drug (particularly cocaine and heroine) trade, arms trafficking, and terrorist activities.

Therefore CSW recommends the following to the UK government:

- It is imperative that the UK government makes the implementation of the TRC recommendations a priority in its relations with Peru, both in the context of political dialogue, economic agreements and aid programmes
  - The UK embassy on the ground in Peru should monitor the implementation of the TRC recommendations and seek to offer support, in terms of offering advice and expertise to existing programmes and also in offering logistical and financial support for reform and reparation initiatives.
- The UK embassy in Peru should also seek ways of engaging members of Peruvian civil society, including local human rights and development NGO's in order to ensure their involvement and integration into civil and political processes, including institutional reform, reparations programmes, and the overall reconciliation process, including the rebuilding of community in the areas hardest hit by the violence.
- The UK government must continue to lend support to the Peruvian government in terms of supporting its initiatives to fight corruption and to work toward social reconciliation.
- It is important that the UK government seeks sustained engagement with regional governments, opposition political parties (particularly APRA and "Si Cumple" parties), and all branches of the military, in efforts to strengthen the democratic process and to encourage their support in the implementation of TRC recommendations, including the judicialisation.
- It is especially important that as Peru implements a more decentralised form of governance that the UK government seeks a means of directly supporting regional governments that are pursuing positive social and economic development strategies.

### *2.1.3. 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 international investors and donors:

- To look for innovative ways to support government initiatives aimed at promoting national reconciliation, for example, by offering economic or other material resources (e.g. computers) in support of reparations programmes;
- To 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 reinforce the building of civil society;
- To seek ways to uphold and encourage the respect for human rights in that country, particularly by reinvesting profits back into the communities in which businesses are based, to encourage education, development and peaceful resolution to conflict;
- To ensure that that all humanitarian and development aid is used in the designated manner and reaches those for whom it is designated.

## **3. The Violence of the 1980's and 1990's**

### **3.1. Anti Terrorist Policies**

#### *3.1.1. The Disappeared*

In 2003 the TRC's report concluded that around 70,000 people had been killed or forcibly disappeared between 1980 and 2000. While there is no question that the Shining Path was

responsible for the greatest number of deaths, government forces that were meant to protect civilians from the violence during the 1980s and 1990s unfortunately also employed tactics that were often indistinguishable from those of the terrorist groups. The Peruvian military, like its counterparts in 1970s Chile and Argentina, regularly employed the practice of forcibly disappearing men and women it suspected of involvement in terrorist activities. Students, Peruvians of indigenous descent, and individuals involved in human rights or social justice issues were particularly targeted by the military, under the presumption that they would support or sympathise with leftist guerrilla groups simply because of who they were.

In 1995, then president Fujimori declared a general amnesty to all military personnel for all human rights abuses committed from 1980 onwards. This sent a clear message that there would be no repercussions for any of the atrocities, past or future, committed by government forces against civilians. Reports of arbitrary detention, extra-judicial execution, and torture at the hands of government security agents soared.

Most of the cases involving forced disappearance, some dating back more than twenty years, remain unsolved. While the TRC was able to look at some emblematic cases of forced disappearance, it was not equipped with the capacity to investigate all, or even a significant percentage of cases. Government security forces, including the Ministry of Defence, the military and the police, have been extremely reticent in providing investigators with files or documents that could bring those responsible to justice and allow for the return of a body or remains to waiting families. The reluctance to investigate crimes committed by the authorities as part of the efforts to crush the terrorist groups is also reflected in the attitudes of a number of prominent politicians and their political parties who would very likely be implicated themselves.<sup>5</sup>

In the absence of a body, many families cling to the hope that their loved one may still be alive somewhere in the country, prolonging their pain and stunting the grieving process.<sup>6</sup>

### *3.1.2. Innocent Prisoners*

Part of Alberto Fujimori's campaign to wipe out terrorism was to offer security forces a sweeping mandate to detain and interrogate anyone who they suspected of involvement in or sympathy for terrorist activities. This mandate was complemented by the instalment of a system of "faceless judges". The anonymity was ostensibly for the judges' own protection. However, it led to widespread abuse because of the complete lack of accountability as they tried and sentenced thousands of Peruvians on charges of treason and terrorism. Fujimori also gave sweeping powers to the military, including provisions for military trials of civilians.

Men and women were unexpectedly plucked out of their homes by the military or police, often at the dead of night. Most suffered torture and sexual assault as a routine part of interrogations. Family members were frequently threatened or assaulted in an effort to coerce a "confession".

When put on trial, suspects were rarely allowed a lawyer and were not allowed to cross-examine witnesses, challenge government evidence or give testimony in their own defence. Those who did not speak Spanish, for example, those who spoke Quechua or other indigenous languages, were almost never granted a translator. Many were given a trial that lasted no more than fifteen or twenty minutes. Judges often presented a guilty verdict that

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<sup>5</sup> Former president Fujimori, for example, has already been indicted on murder charges for two high profile acts of the La Colina death squad, that of the 1991 Barrios Altos massacre, where 15 people including children attending a neighbourhood party, were murdered, and the forced disappearance and murder of nine students and a professor in 1992 at La Cantuta University.

<sup>6</sup> See Appendix I for details of families of the disappeared interviewed by CSW on this visit

had clearly been written prior to the trial. Most were sentenced to upwards of twenty years in prison by a judge they never saw.

A special category of crime, that of “Aggravated Terrorism,” was created to allow for the application of the terrorism legislation to common crimes. This resulted in even more men and women being arrested and tried under the same conditions. It also allowed for the application of disproportionately lengthy sentences to be served in maximum security prisons designed to hold terrorists.

In 1997, after substantial international pressure, Fujimori conceded that some innocent men and women might have been wrongly convicted and sentenced. He allowed for the creation of a three man Ad Hoc Committee to review the cases of those who claimed innocence. They were given the power to pardon those they found to be wrongly imprisoned, subject to presidential approval.<sup>7</sup>

While the process was flawed and often extremely slow it has continued over the last eight years, having been taken over by the Ministry of Justice when the Ad Hoc Committee’s mandate expired. Unfortunately, there are still innocent men and women in Peruvian prisons across the country, many of whom (including Walter Cubas Baltazar<sup>8</sup> whose case CSW and Peace and Hope have supported since 2000) have now spent more than a decade imprisoned for crimes they did not commit. There has never been a great deal of political will to ensure the release of these men and women, and some elements of the press and the political opposition (including Fujimori, himself, via his website in Japan) continue to use inflammatory language, accusing the government of being “soft” on terrorism and essentially releasing hardcore terrorists into the general public.

#### **4. The Recommendations of the Truth and Reconciliation Commission**

##### *4.1.1. Judicialisation<sup>9</sup>*

One of the key recommendations of the TRC was that those responsible for the crimes outlined in their final report should be brought to justice. It emphasised punishment not only for members of the guerrilla groups (as most are now serving prison sentences), but that the military, police and other security forces should stand trial and, if convicted, be imprisoned. As stated above, there has been a major lack of political will to support and equip officials for the investigation and judicialisation of these cases. While some government positions have been created to carry out investigations and eventually indictments, they have rarely been given sufficient resources to carry out their work.

Many of those involved in this work, including government appointed investigators, have found themselves labelled terrorists or terrorist sympathisers by certain elements in the press and by some politicians. Some, including the Special Public Prosecutor for Human Rights in Ayacucho, Cristina Olazábal, have received threats to their lives and their families. In addition, a number of witnesses who have come forward to give evidence to investigators on cases of forced disappearance, torture and murder at the hands of government forces, have also come under threat. One young man, a witness in an ongoing investigation, had been attacked and shot at in broad daylight on the streets of Lima only a few weeks prior to

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<sup>7</sup> Human rights organisations found the offer of a pardon for a crime that had not been committed to be insufficient, but most chose to work within the process, accepting that a release with a pardon was better than not being released at all. However, this has caused some significant problems as pardoned prisoners continue to be burdened with an official record stating their conviction and subsequent pardon for crimes of terrorism. Such a record makes it virtually impossible to secure employment in Peru because of the stigma attached to terrorist record.

<sup>8</sup> See Appendix II for details

<sup>9</sup> This term, often used in the post TRC Peru, refers to submitting ongoing investigations, often conducted by human rights groups, to the authorities and to the courts, so that they can give them legal standing and credibility, offer official support and tools to investigations, for example by ordering official exhumations and forensic analysis, and eventually try those responsible in a court of law.



the CSW visit. His attackers escaped and he was smuggled out of the country to the relative safety of Chile. Events like these do little to convince observers, or indeed the Peruvian civilian population, of the authorities' seriousness in pursuing or supporting these cases.

#### 4.1.2. *Reparations*

Another key recommendation of the TRC was that as part of the process of national reconciliation, the government should put together a comprehensive reparations programme, providing for concrete and symbolic reparations to the victims of the conflict, both collectively and individually. It was proposed that reparations programmes should be aimed at aiding the process of restoring dignity and a sense of security and tranquillity to individuals and communities that suffered as a result of the conflict. The recommendations were aimed at establishing some level of confidence in a government that not only failed, but was also often directly responsible for, the suffering of so much of its own population.

Unfortunately, two years later, the full reparations programme has yet to be implemented. As the TRC stated in their report, partial implementation would do little good as it would be seen as a half-hearted gesture by the government and not a sincere commitment to genuine national reconciliation.

The proposed reparations included officially registering the forcibly disappeared as "absent due to disappearance", which would make it possible for families and other interested parties to settle issues like inheritance and land ownership, and would allow the husbands and wives of the disappeared to remarry if desired. It incorporated a programme of offering individual compensation to families of the disappeared. The TRC also encouraged holding ceremonies in recognition of the seriousness of what happened in an attempt to restore dignity, posthumously, to the victims and their families.

The proposed reparations programme included aspects directed at the victims of wrongful imprisonment and their families. The first and most important of these was the clearing of their legal, trial and police records (see footnote 7) essentially restoring to them their full rights as citizens. It also allowed for the regularisation of the legal status of "wanted" men and women for whom an arrest warrant had erroneously been issued and was still in effect. CSW continues to receive reports of men and women<sup>10</sup>, ignorant of the fact that they are wanted on terrorism charges, who are detained and imprisoned simply because no one has reviewed these outstanding warrants, issued under the old anti-terrorism laws, to determine their merit.

Also included were proposals to set up a grants programme for victims of wrongful imprisonment whose studies were interrupted and reparations of land and/or houses to those who lost their homes as a result of their imprisonment.<sup>11</sup> So far these reparations have not been offered to all the victims of wrongful imprisonment. Those that have received some form of reparations often find them woefully inadequate, sometimes to the point of insult.

CSW visited one such community, whose members had been offered a barren strip of desert land, in Huachipa, far on the outskirts of Lima as compensation for their wrongful imprisonment and subsequent loss of virtually all they owned, including their land. Most of those interviewed stated that prior to their detention they were small scale farmers from

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<sup>10</sup> See CSW press release issued 9 March 2005, "Mistaken Identity Leads to Arrest of Peruvian Church Leader for Terrorism"

<sup>11</sup> Many of the wrongly imprisoned, particularly those living in rural areas, although some in urban areas were also affected, lost their land and homes at some point during their incarceration. Some were victims of unscrupulous neighbours or relatives who took advantage of the absence of the man of the household (in many cases) to expropriate the property. In other cases, their immediate family sold off property in order to pay for lawyers or to make ends meet in the absence of one or two of the household breadwinners.

the jungle near Huancayo (an 8 hour drive from Lima); none were from Lima and none knew quite what to do with the sterile land on which they now found themselves. Each family, most of whom had small children, had been given a small lot of a maximum of 3 metres by 3 metres on which to live. In addition, they had been asked to buy the actual housing structures from the government which consisted of flimsy reed matting set on earth floors, offering little protection from the damp and chilly climate. Housing structures made of wood on offer from the government, though cheap by European standards (about €30), were too expensive for these destitute families. Finally, the authorities had neglected to provide the fledging community with access to electricity or water and had said it had no plans for further development. The conditions in which these people are living would be considered to be inhumane by any ordinary standards, but are made even more shocking by the fact that the government apparently considers this to be “reparations.”<sup>12</sup>

It became clear from numerous interviews with victims and/or their families and meetings with various human rights organisations that the government must be pressured to fully implement the entire reparations programme as proposed by the TRC. In addition, it is essential that there be some form of accountability mechanism to ensure that these reparations are indeed restoring dignity rather than inflicting further humiliation on those who have already suffered so much. Peruvian and international NGO’s as well as the international community can all play a key role in this process.

## **5. 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 1980’s. By the 1990’s 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 although this report focuses on the experience of the Church, CSW in no way wishes to minimize the atrocities carried 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 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 1980’s and 1990’s. 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 1980’s and the early 1990’s have resurfaced. Our partners have been intimately involved in the work associated with these cases and CSW continues to seek methods of supporting them in this work.

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<sup>12</sup> See Appendix III for photos

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>13</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 in this work, 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 is also one of the few groups in Peru that continues to serve families of the disappeared as part of their work. 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 their work, 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. On the last three visits, CSW has invited its supporters<sup>14</sup> to join the delegation for a portion of the visit. This not only deepens supporter understanding of CSW's involvement in Peru but their presence is immensely encouraging to those we visit.

## **6. Purposes of visit**

This was CSW's 5<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 visit Christian prisoners and their families to encourage them, express solidarity and assess their conditions;
- c) To meet with freed prisoners, offering continued solidarity with them and their situation;
- d) To meet with families of the disappeared and murdered in order to better understand their situation and to explore methods of support;
- e) To increase our understanding of the current environment in which our partners are working;
- f) To monitor and assess progress on the releasing of innocent prisoners;
- g) 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>13</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.

<sup>14</sup> Participants have included supporters from the UK, the US and Spain.

- h) To evaluate the current political situation and its implications for CSW supported issues; and
- i) To explore and develop supporter interest in Peru through their participation in a portion of the visit.

## 7. Personnel

Anna-Lee Stangl	CSW Research and Advocacy Officer for Latin America and CSW-EU Advocacy Coordinator
Joanne Hoare	CSW Volunteer Regional Representative
Jane Bave	CSW Staff Supporter Liaison (for the purposes of this visit).

## 8. Itinerary

22 June	Brussels to Lima
23-24	Lima
25-27 June	Huancayo
28 June	Huancayo to Lima
29 June – 1 July	Lima
2 July	Cajamarquilla, Huachipa and Lima
3 July	Vitarte and Lima

## 9. Summary of Meetings

### 9.1. Lima

CSW took part in meetings with the following:

- Peace and Hope (*Paz y Esperanza*)
- CEAS (the Bishop's Commission for Social Action)

CSW visited the following prisons

- Miguel Castro Castro Maximum Security Prison
- Santa Monica Maximum Security Prison at Chorrillos

CSW visited the homes of the following released prisoners:

- Lucio Vilca Galindo in Lurigancho (released April 2005)
- Julio Cusihuaman Ccorahua in Vitarte (released November 2000)
- Soledad Carmen Espinoza Rojas in Los Olivos (released 1996, wife of current prisoner Pascual Vilchez)
- The community of Cajamarquilla, Huachipa where former prisoners such as Daniel Gonzalez have been given land allotments as part of a government reparations programme

CSW visited the homes of the following current prisoners:

- Walter Cubas Baltazar
- Pascual Vilchez

CSW also participated in the Gran Quipu in the Park of Memory, visited the Centre for Truth and the Collective Memory in Central Lima, attended the National Commission on Human Rights' presentation of their Annual Report on Human Rights and took part in an evening of celebration with released prisoners and their families at the CEAS offices. Former CSW supported prisoners, Juana Lazo Ramirez, Victor Maco Navarte, Julia Rodriguez Suarez, and Fredy Rivas were all present.

## **9.2. Huancayo**

CSW took part in the following meetings:

- The Network of Catholic Pastoral Agents, a volunteer association regularly visiting the prisons and working with prisoners

CSW visited the following prisons

- La Concepción Maximum Security Prison for Women
- Huamancaca Maximum Security Prison for Men

CSW visited the families of the disappeared:

- Ida Beltran Parraga and family, wife and children of Pastor Jorge Parraga Castillo (disappeared 1989)
- Epifanía Castillo and son, widow and stepson of Guzman Castillo Roque (disappeared 1989, body found and exhumed March 2005)

## **10. Aid**

CSW gave the following gifts:

- £ 570 to Peace and Hope as part of our annual commitment to fund the work of one lawyer at their organization
- £963 to CEAS as part of our annual commitment to fund the work of two lawyers at their organization
- \$500 to Ida Beltran and family to be used towards the purchase of some land for the family on which they can live
- \$500 to the community of Cajamarquilla, Huachipa to be used to meet urgent needs of members of the community
- \$100 to Julio Cusihaman Ccorahua, as a gesture of thanks for his help in organising activities and accompanying CSW throughout the visit.

A number of CSW supporters and staff had brought gifts to distribute to prisoners and CSW partners. These included toys for children, blankets, clothing and monetary gifts and were donated at their discretion with the advice of our Peruvian partners. In addition, CSW supporters and staff purchased handicrafts made by the prisoners.

## 11. APPENDIX I - Innocent Prisoners Cases

### 11.1. **Walter Cubas Baltazar**

*Sentenced to Life in Prison; Reduced to 16 years at retrial;  
Served 11 years  
Currently on appeal to Supreme Court  
Married, 4 children*

Walter worked at a clothing factory by night where he also participated in union activity focused on bettering work conditions, as they worked excessive hours. Peace and Hope lawyers believe that his union involvement was the original motive behind his arrest. He was initially detained and accused of painting terrorist graffiti and of the murder of a policeman.

In a retrial in Spring 2005 he was cleared of the murder charges but the judges upheld the graffiti conviction and reduced his life sentence to 16 years. The same judges had recently suffered public embarrassment when Shining Path leaders shouted terrorist slogans in a televised court hearing and Walter's lawyers believe that the graffiti conviction was an attempt to demonstrate to the public that they are not soft on terrorism. The case is being automatically appealed to the Peruvian Supreme Court which rarely reverses a lower court "guilty" verdict. Walter and his lawyers are currently awaiting their decision.

Walter's family has suffered greatly because of his imprisonment. They sell fish to make ends meet but are badly in need of the financial and moral support he should be providing. His wife, Vilma, who lives with Walter's elderly mother, has been left alone to raise their children, Jacinto, age 14, Genesis, age 13, Richard age 21, and his adult step-daughter Guisela age 25. A fifth child died of leukaemia.

He has been adopted by Amnesty International as a Prisoner of Conscience.

### 11.2. **Lucio Vilca Galindo**

*Found innocent and released April 2005  
Sentence: Life in Prison, Served: 10 years  
Married, 4 children*

Lucio, a father of four, was detained for the second time on April 9<sup>th</sup>, 1995 when he registered to vote in the presidential elections. He was accused of treason against the state; a crime for which he had already been tried and acquitted. In April 2005, after a lengthy retrial, the judges found him to be innocent and ordered his release.



Although a civilian, his first trial in 1993 was in a military court (Naval Court). He was accused along with a group of others of being part of the Shining Path and of participating in subversive acts. The co-accused, however, stated in various forms that they had never met Lucio before and he was released.

His release and subsequent complaints about the abuse he had suffered at the hands of the security forces apparently angered the officers in charge of his case. His lawyers believe that these same officers encouraged a "repented terrorist" to denounce Lucio.

Lucio's second trial was in an Army Court. The denunciation was the only evidence against him but he was still found guilty and sentenced to life in prison, leaving his wife and small children destitute. His wife sold their home in order to pay a lawyer who had promised to help them; however the lawyer had no experience in terrorist trials and, after taking the money, virtually abandoned the case.

In his absence, the already impoverished family struggled to survive and the weight of supporting the family financially and raising the children has fallen to his wife who was forced to sell caramels in the street, an often dangerous job with few financial returns.

### **11.3. Pascual Vilchez Poria**

*Sentenced to Life in Prison; Served 11 years  
Married, 4 children*

Pascual Vilchez was detained and accused of belonging to the Shining Path in 1995. He had been an elected community leader in the Los Olivos District of Lima, which was considered by the authorities to be a "Red Zone" during the violence of the 1980s and 1990s. His case met with a major setback on Monday, 27 June 2005, when, at the conclusion of his retrial, the judges declared him to be guilty. According to his Peace and Hope lawyer, the judges did not take into account any of the new evidence presented, and referred solely to the original trial documents.



Pascual's family: Irene, Carmen Soledad, Anna-Lee Stangl (CSW staff), Veronica and Arturo

His family has suffered particular tragedy, as his wife, Carmen Soledad, was also a victim of wrongful imprisonment in the 1990's. Their detentions overlapped, leaving their three adolescent daughters and baby son as virtual orphans, living on the streets for over a year before Carmen Soledad was finally absolved and released in 1996. She still suffers from physical problems stemming from the torture and sexual assault she suffered during her detention.

The family, now living in extreme poverty, has been hit particularly hard by this second guilty verdict. Carmen Soledad and her children suffer from physical, emotional and psychological



Absolved former prisoner,  
Carmen Soledad, wife of  
Pascual

problems because of this experience and the three daughters, now in their late teens and early 20's were not able to continue their education because of their economic situation. Unscrupulous relatives have, on numerous occasions, attempted to take advantage of the parents' absence and subsequently of Pascual's absence to try to take control of their property. Thus far the family has managed to keep them more or less at bay but are living in a precarious situation. They continue to suffer verbal and physical attacks from neighbours who still consider them to be "terrorists" because of Carmen Soledad's detention and Pascual's imprisonment.





## 12. APPENDIX II Cases of the Forcibly Disappeared

### 12.1. *Pastor Jorge Párraga Castillo, Guzmán Castillo Roque and Tito Roque Huamalazo*

Guzman Castillo Roque, Jorge Párraga Castillo and Tito Roque Huamanlazo were detained on October 25<sup>th</sup>, 1989 in Atcas, located about 180 kilometres southeast of Lima. The three were taken by a military patrol and were never heard from by their families again.

In March 2005, the remains of Guzman Castillo Roque were uncovered and identified as part of an official exhumation requested by Peace and Hope a Christian Peruvian human rights NGO after investigations led them to believe that the bodies would be found on a former military base located in Manta. The bodies of Jorge Párraga Castillo, an Evangelical pastor and of Tito Roque Huamanlazo were not recovered but, based on eyewitness testimony, it is assumed that they met a similar fate. Peace and Hope will continue with the investigation until the bodies can be located and returned to their families and until those responsible are brought to justice.

Investigators found a bullet among the ribs, pieces of clothing, and burnt rope along with a number broken bones amongst Castillo Roque's remains, which indicate that he was tortured before being killed. Investigators also concluded that the body was covered with gasoline and burnt before being buried in a clandestine location. This was in keeping with the eyewitness testimony collected by Peace and Hope.

The remains of Castillo Roque were returned to his family who gave him a Christian burial.



Epifania Castillo, the widow of Guzman Castillo Roque

The exhumation at the former military base in Manta was carried out under judicial order and was performed by the public prosecutor responsible for Forced Disappearances, Extrajudicial Executions and the Exhumation of Clandestine Graves, Mario Gonzalez. In addition, the Legal Medicine Institute participated in the exhumation alongside family members of the victims, including Pastor Párraga's wife, Ida Beltran, and Castillo Roque's wife, Epifanía Castillo, accompanied by a team from Peace and Hope.

According to Ruth Cespedes, Regional Director of Peace and Hope, the organisation considered this exhumation and identification to be a positive development. However, Peace and Hope are concerned that the search for the bodies of Pastor Párraga and Roque Huamanlazo does continue and that the Ministry of Defence is forthcoming with details of which military personnel were responsible for the activities at the base at the time of the murders.

Pastor Párraga left his disabled wife, Ida Beltran, with seven children under the age of eleven. She sold off their livestock and eventually their small landholding in order to pay for the transport and other associated costs in her fruitless search across the country over the past decade for her husband. The family was eventually forced to relocate to the city of Huancayo where they live in extreme poverty



Pastor Párraga's wife, Ida Beltran, and their children and grandchildren

and are on the verge of losing their current home. While most of the children are now grown, they have been unable to continue their studies because of the precarious financial situation and are now faced with few options.

Since a body has not been recovered, the family continues to hope that he might be found alive somewhere. However, according to Peace and Hope, other prisoners at the Manta military base have come forward as witnesses and have testified that they heard Pastor



Ida Beltran, wife of Pastor Párraga

Párraga being severely tortured and finally murdered along with the other two men from Atcas. According to these witnesses, a military officer who was conducting the interrogation was very drunk and in an effort to frighten the men by firing his gun, actually hit and killed one of them. The soldiers then killed the other and decided to burn the bodies, by dousing them with petrol and setting them alight, in order to hide the physical evidence of torture.

The witnesses clearly remembered Pastor Párraga, because he consistently refused to give up his Bible, carrying it with him even through the interrogations and torture. This image singled him out in their memories. The fact that the witnesses positively identified the grave of Castillo Roque lends considerable weight to their testimony.

The Ministry of Defence, however, continues to be extremely uncooperative in the investigation and has

apparently “lost” all files related to the fate of the men after their detention and of the events at the Manta military base.

### 13. APPENDIX III – Huachipa Reparations Project Photos



The community of Cajamarquilla in Huachipa, outside Lima, created by the government to provide homes for Peruvians who had been wrongly imprisoned as part of a reparations programme.



Inside one of the “houses” on offer from the government as part of a reparations programme. The authorities have not provided the community with electricity or water. Like this woman, many of the families are raising young children and infants in these conditions



The inhabitants of the community range from very young to elderly