The Durability of Truth and Reconciliation in Perú: A Perspective from 2018

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For the last two decades of the 20th century, Perú experienced violent internal conflict. Terrorist groups such as the Sendero Luminoso (the Shining Path) sought to overthrow the government, and a dictator named Alberto Fujimori rose to power who attempted to stamp out resistance by any means necessary. About 69,000 people died during the conflict and many more were displaced. After Fujimori fled the country in 2000, the incoming government sought to heal the wounds caused by the conflict and to better understand what had happened. They established the Comisión de la Verdad y Reconciliación (the Truth and Reconciliation Commission), which subsequently published a report detailing the genesis of the conflict, identifying culpable actors, and making recommendations about reparations and governance going forward. This report has become the touchstone document for understanding what happened during the conflict, but many of the recommendations
have not been implemented. In 2007, Alberto Fujimori was extradited to Perú, where he was tried for a number of crimes committed while in office. He was given a 25-year sentence, the maximum then allowable under Peruvian law. Ten years later, as a result of political jockeying by Fujimori’s children (who are members of Congress), Fujimori was pardoned, ostensibly on medical grounds. The country was split over the events, but outrage caused widespread protest throughout the country. Many asked: what has changed since Fujimori was president? Has anything gotten better? The pardon seemed to negate the value of the findings of the CVR and made people ask whether the project had led to any real change. In this article, I argue that the CVR has been valuable as a tool for social understanding and social change, despite a lack of definite legal impact.

Introduction

Visiting Lima is rarely a relaxing experience. The city is huge, chaotic, and unpredictable. However, early in 2018, Lima was more chaotic than usual. The congress was on the eve of ousting the president, Pedro Pablo Kuczynski (commonly referred to as PPK), in a politically motivated lightning-
impeachment.\textsuperscript{1} In the days leading up to the final vote on 21\textsuperscript{st} December 2017, the president inefficiently defended himself and the consensus was that he was dead in the water.\textsuperscript{2} On the day of the vote, a crucial faction withheld their support of the ouster and crippled the effort.\textsuperscript{3} Most of Perú breathed a sigh of relief; they still had a president. However, the story was about to take another dramatic turn: during the debates before the impeachment vote, newscasters began to speculate that the former president, Alberto Fujimori (1990-2000), could be granted medical pardon.\textsuperscript{4} Fujimori had been convicted of human rights abuses in the late 2000s and given a 25-year sentence, the maximum allowable under Peruvian law at the time.\textsuperscript{5} The newscasters quickly discredited the rumours.

\textsuperscript{3}EC, ‘PPK no fue vacado por el Congreso de la República’ El Comercio (2 December 2017) <https://elcomercio.pe/politica/ppk-vacado-congreso-republica-noticia-483477> accessed 20 December 2018.
\textsuperscript{4}Ángel Páez and others, ‘Alberto Fujimori y PPK: Cronica de un indulto deseado y de una vacancia frustrada’ La República (31 December 2017) <http://larepublica.pe/politica/1164688-cronica-de-un-indulto-deseado-y-de-una-vacancia-frustrada> accessed 20 December 2018.
\textsuperscript{5}Rebecca K Root, \textit{Transitional Justice in Peru} (Palgrave Macmillan 2012) 123.
Most Peruvians spend Christmas Eve at home with their families. As the celebration of Christmas takes place at midnight of the 24th, the 25th is mostly a day of rest. On Christmas Eve of 2017, three days after the attempted impeachment, word leaked out that the pardon had gone through. The odd timing of granting the pardon gave rise to speculation. Moreover, the fact that the miraculous defection that saved the PPK presidency had been spearheaded by a congressman named Kenji Fujimori (the son of the pardoned Alberto Fujimori) fanned the flames. Though no evidence surfaced to demonstrate collusion, Peruvians did not need convincing: PPK had bought time in his presidency by pardoning a former dictator and known abuser of human rights. The days that followed were chaotic. Marches of up to

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20,000 individuals filled the streets in protest. Drones buzzed overhead as the news and security helicopters loudly hovered higher up. Tear gas thinned the crowds, which reconvened elsewhere just as dense.

The lack of accountability or democratic process in making decisions about the pardon was in discord with the findings (and, indeed, the very existence) of the Truth and Reconciliation Commission (CVR). The latter was formed to investigate the human rights abuses that took place in Perú from 1980 to 2000, the last ten years of which were under Fujimori’s rule. The CVR was touted as a means of transitional justice aimed at understanding who was responsible for the violence that occurred between 1980 and 2000. Additionally, it aimed to give a voice to those who were unheard as the conflict unfolded. For some, the release of Fujimori calls into question the degree to which the CVR

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13 Root (n 5) 73-75.
succeeded in its mandate.\textsuperscript{14} After all, if Perú is still granting impunity to corrupt and violent leaders, has anything changed and did the CVR even help the country? In addition, if thousands of people in organized protests cannot inspire a cogent response from the government, who has a voice in this conversation?

At this point, it was easy to perceive the CVR as a failure. The vast majority of the recommendations of the CVR had not been implemented\textsuperscript{15} and its findings seemed to be receding into history.\textsuperscript{16} Moreover, one of the most important wrongdoers imprisoned as a result of the CVR’s work was out of jail, and the country was certainly not reconciled.\textsuperscript{17} Most importantly, it seemed like the country had not become either more democratic or more just, and that Fujimori’s pardon was just another expression of the system’s failures. Nevertheless, the CVR still continues to be a very important achievement.\textsuperscript{18}

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\textsuperscript{16} ibid 141.
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\textsuperscript{17} To illustrate: after we ran out of the panicked crowds and away from the tear gas, we caught a taxi. Within minutes the ride had devolved into a shouting match about politics and we were rather unceremoniously dumped at our destination as the argument peaked.
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\textsuperscript{18} Cynthia E. Milton, ‘The Truth Ten Years On: The CVR in Peru’ in Eugenia Allier-Montaño and Emilio Crenzel (eds), The Struggle for Memory in Latin America Recent History and Political Violence (Palgrave Macmillan 2015) 126.
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gave voice to many who had never been heard.\textsuperscript{19} It created a foundation for the social processing of a period of violence that changed the shape of the nation.\textsuperscript{20} It illuminated the complex back-story that led the country to conflict and it serves as the academic touchstone for understanding the socio-history of the nation.\textsuperscript{21} As I was leaving Perú at the beginning of 2018, I wondered: what is the value of the CVR after 15 years? Is Perú better off because of it? My essential contention in this article is that it is. Even though the CVR did not create a reconciliation that brought everyone eye to eye, it did create a space in which a sincere and productive dialogue about what happened, and about what should happen, can take place.\textsuperscript{22} Creating a better democracy is perhaps too much to ask of a Truth Commission (TC). What this article argues, rather, is that TC’s are part of the machinery that allows society to build a better democracy.

I. The Conflict

To understand the violence that took place from 1980 to 2000, one must look much further back. Throughout Peruvian history there has been a stark separation between the urban and the rural, the ruling and the disempowered classes.\textsuperscript{23} This dynamic has meant that much of the national consciousness

\textsuperscript{19} Rebekka Friedman, 	extit{Competing Memories} (Cambridge University Press 2017) 156.

\textsuperscript{20} Milton (n 18) 127.

\textsuperscript{21} Root (n 5) 90.

\textsuperscript{22} Friedman (n 19) 172.

and most of the nation’s resources have focused on the capital, rather overlooking the rural areas.\textsuperscript{24} The government and the civil society have often ignored everything outside the capital, and this has led to a pattern of neglect in the more rural areas of Perú, which see little government support or assistance.\textsuperscript{25}

From 1968 to 1980, Perú was ruled by a military dictatorship.\textsuperscript{26} In contrast to many other countries, the military government in Perú was not particularly repressive or authoritarian, and when they turned the reins over in democratic elections in 1980 the Peruvian people moved forward without particular ill will toward the Armed Forces (AF).\textsuperscript{27} That same year, the \textit{Partido Comunista del Perú – Sendero Luminoso} (Peruvian Communist Party – Shining Path) (SL) launched its first attacks on the populace.\textsuperscript{28} The SL was a Maoist group whose goal was the liberation of the State through a violent overthrow.\textsuperscript{29} Another revolutionary group, the \textit{Movimiento Revolucionario Túpac Amaru} (Túpac Amaru Revolutionary Movement), formed around the same time.\textsuperscript{30} They were responsible for fewer deaths overall but still played an important role in the conflict, especially in its later stages.\textsuperscript{31} The

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\textsuperscript{24} Root (n 5) 15.
\textsuperscript{25} ibid 16-18.
\textsuperscript{26} ibid 16.
\textsuperscript{27} ibid 17.
\textsuperscript{28} Friedman (n 19) 131.
\textsuperscript{29} Hatun Willakuy, \textit{Versión abreviada del Informe Final de la Comision de la Verdad y Reconciliación} (comisión de la Verdad y Reconciliación 2004) 98.
\textsuperscript{30} Willakuy (n 29) 191.
\textsuperscript{31} Friedman (n 19) 134.
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first attacks went mostly unnoticed in Lima, but their increasing violence and frequency caught the attention of the national media, politicians, and the AF.\footnote{Estado de Miedo ‘Estado de Miedo’ (Morena Films 2005).}

By 1983, the AF was taking up positions in the highlands.\footnote{Root (n 5) 20.} For many villages, this was the first time any official representative of the State had made an appearance.\footnote{Estado de Miedo (n 32).} The sudden interest by the central government caused suspicion, and in fact, the AF were one of the greatest causes of casualties and suffering from the entire conflict.\footnote{Willakuy (n 29) 19.} The dynamics between the SL, the AF, and the rural communities were particularly destructive.\footnote{Friedman (n 19) 134-135.} The SL recruited villagers but also forced them into supporting them. The AF sought to infiltrate communities in order to get information about the activities of the SL, but they were often unable to tell unaffiliated campesinos (rural farmers or peasants) from SL militants or sympathizers.\footnote{Root (n 5) 18-22.} This led to mistrust on all sides, and a number of massacres took place based on suspicion, conjecture, and fear. In Putis, for example, the government massacred 123 villagers and buried them in a mass grave because it suspected the villagers were sympathetic to the SL.\footnote{ibid 22.} The SL were even more brutal when they believed villagers were collaborating with the government, sometimes destroying entire communities: in Lucanamarca, they tortured and murdered at least 69
villagers.\textsuperscript{39} This dynamic left the rural populations caught between the hostile forces of the AF and the SL and also divided from the inside.\textsuperscript{40}

While the SL’s attacks began in rural areas, over the years they moved closer and closer to the capital.\textsuperscript{41} By the 1990s, car bombings were part of the national consciousness in Lima and a ‘culture of fear’ had begun to take hold.\textsuperscript{42} Even though the SL’s leader was captured in 1992, this culture of fear persisted, exacerbated by politicians who used the fear to clinch their power.\textsuperscript{43} Alberto Fujimori had been democratically elected in 1990, but had essentially become a dictator by abolishing the Congress and changing the voting rules to allow for his re-election.\textsuperscript{44} Violence continued throughout his rule despite the fall of the SL, in part because of the Movimiento Revolucionario Túpac Amaru (MRTA) and in part because of the state itself, which organized paramilitary groups to track down and liquidate dissidents and used fear as a means of securing power.\textsuperscript{45} One of the darkest periods in Fujimori’s rule had to do with the Grupo Colina, a state-sponsored organization involved in many extrajudicial killings and actions, aimed at rooting out dissidents.\textsuperscript{46} Another technique used to stamp out

\textsuperscript{39} ibid 18-19.
\textsuperscript{40} See Kimberly Theidon, Intimate Enemies (Univ. of Penn. Press, 2013).
\textsuperscript{41} Friedman (n 19) 130.
\textsuperscript{42} Estado de Miedo (n 32).
\textsuperscript{43} Root (n 5) 32-33.
\textsuperscript{44} ibid 28-37.
\textsuperscript{45} ibid 34.
\textsuperscript{46} ibid.
subversion were the ‘faceless judges’, hooded judges who ran expedited and closed trials for accused terrorists. At the same time, rampant corruption and anti-democratic behaviour had attracted domestic and international attention.

Fujimori’s government fell swiftly and suddenly. After scandals destroyed his credibility, he faxed his resignation from Japan, claiming Japanese citizenship and thus immunity from extradition. In the vacuum of power created by his absence, a transitional government, headed by Valentín Paniagua, established a Truth Commission to look into the atrocities committed from 1980 to 2000. The subsequent president, Alejandro Toledo, added the goal of Reconciliation to the mandate of the Commission.

II. Truth Commissions

The most comprehensive definition of the term ‘truth commission’ comes from Mark Freeman in his book *Truth Commissions and Procedural Fairness*:

A truth commission is an ad hoc, autonomous, and victim-centred commission set up in and authorized by

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47 ibid 31.
48 ibid 37-39.
49 ibid 38-40.
50 ibid 40.
51 Decreto Supremo 065-2001-PCM (Crean Comisión de la Verdad 2001).
52 Decreto Supremo 101-2001-PCM (Modifican Denominación de la Comisión de la Verdad por la Comisión de la Verdad y Reconciliación 2001).
a state for the primary purposes of (1) investigating and reporting on the principal causes and consequences of broad and relatively recent patterns of severe violence or repression that occurred in the state during determinate periods of abusive rule or conflict, and (2) making recommendations for their redress and future prevention.53

Essentially, TCs are a way of dealing with national traumas and transitions.54 The underlying principle is that the truth can be a foundation for moving forward as a nation. By knowing what has happened before, those who establish TCs hope to be able to prevent it from happening again.55 This idea is not supported by much hard data, though it does have anecdotal support and common-sense appeal.56 Getting to the bottom of what happened is usually the principal goal of a TC,57 but there are usually corollary aims.58 Once the truth has been discovered, some commissions seek to punish those involved, to make systemic changes to government systems, to educate the population and the world about what has happened, or to offer reparations to victims.59 The TC’s mandate, composition,

54 Bakiner (n 15) 89.
55 Freeman (n 53) 33.
56 Bakiner (n 15) 4.
58 Freeman (n 53) 33.
59 Bakiner (n 15) 89.
and authority are all shaped by the reasons it was established. Thus, TCs may take a variety of forms, and the fact that all national traumas are different means that all TCs are different. Some TCs comprise legal experts and some are staffed mostly by academics (as in the Peruvian CVR). Public hearings and victim testimony can play an important role, as ‘truth-telling’ is an aspect of the commission process. In other cases, where accountability is a priority, TCs may have adjudicatory powers or the power to recommend prosecutions.

The party that is in power after a conflict often establishes the TCs. This can mean that some TCs are part of a political agenda. Indeed, many TCs work within the frame of a broad amnesty for the past crimes and their work can be limited to reparations and a somewhat symbolic function. This has led some critics to say that TCs are a ‘soft-option’ for incoming governments, which can help to legitimise their power and de-legitimise the former rulers in a relatively uncontroversial way. Professor Onur Bakiner, however, cautions that ‘the view of truth commissions as an uncontroversial alternative to adversarial models of fact-finding injustice, such as the courtroom, is wrong: commissions reflect and seek to transform societal disagreements over past atrocities, which

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60 Freeman (n 53) 27-36.
61 ibid.
62 Root (n 5) 74.
63 Bakiner (n 15) 59.
64 Freeman (n 53) 37.
65 Bakiner (n 15) 61.
makes their work political and adversarial’.\textsuperscript{66} Additionally, in some instances of human rights violations, the Inter-American Commission on Human Rights has expressly said that a TC is not a substitute for criminal prosecution and victim reparation.\textsuperscript{67}

\section*{III. La Comisión de la Verdad y Reconciliación}

\textit{Composition and Goals}

The Peruvian CVR mainly comprised individuals from academic backgrounds.\textsuperscript{68} They were all Peruvian citizens, but few of them had any background in the Andes or in Quechua.\textsuperscript{69} This academic and expressly Peruvian composition reflects the fact that one of the fundamental goals of the commission was to understand what had happened from a national perspective.

The commissioners took a broad view of the ‘truth’ part of their mandate, approaching it in a historical rather than judicial sense.\textsuperscript{70} Thus, in addition to creating a detailed record of the conflict itself, the findings of the Commission addressed the issues in Peruvian society that paved the way for the conflict.\textsuperscript{71} Conversely, the Commission took a rather narrow view of its goal of promoting reconciliation. They contended

\begin{itemize}
\item \textsuperscript{66} ibid.
\item \textsuperscript{67} Van der Wolf (n 57) 12.
\item \textsuperscript{68} Bakiner (n 15) 129.
\item \textsuperscript{69} ibid.
\item \textsuperscript{70} ibid 129.
\item \textsuperscript{71} Bakiner (n 15) 13.
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that justice is the predicate for reconciliation\textsuperscript{72} and thus that the entirety of the CVR’s activities would be an essential foundation for reconciliation. The Commission noted that there are a number of levels of reconciliation - on a national level, on a local level, and between victims and the state as a whole - and that they could at most pave the way for some of them.\textsuperscript{73} As a result, the findings of the CVR comprise a wide-ranging and frank search for the deeper causes and impacts of the conflict and eschew a reduced or simplified narrative that can please all parties.\textsuperscript{74}

The official decrees that establish the CVR shed some light on what its creators intended to achieve.\textsuperscript{75} The executive act known as \textit{Decreto Supremo} 065-2001_pcm created the CVR in 2001. In the preamble, the \textit{Decreto} affirms the importance of the respect for human rights. It goes on to say that a truth commission is a necessary tool to bring clarity regarding the events that took place from 1980 to 2000 and to ensure that they are never repeated. The \textit{Decreto} then lays out four specific goals, all of which pertain to understanding the violence that took place between May of 1980 and November of 2000. Specifically, the CVR was established to analyse the circumstances under which the violence occurred and investigate crimes in conjunction with other State organs. It was also expected to create proposals for reparations to the

\textsuperscript{72} ibid 124.
\textsuperscript{73} Friedman (n 19) 145.
\textsuperscript{74} Bakiner (n 15) 14.
\textsuperscript{75} Decreto Supremo 065-2001-PCM (Crean Comisión de la Verdad 2001).
victims and recommend institutional reforms. After looking at how the CVR has been perceived in Perú and internationally, I will discuss these goals below and whether the CVR was successful or not in pursuing them.

Perspectives on the CVR

There have always been multiple perspectives on the work of the CVR. While opinions have changed over time, most Peruvians felt that the CVR was necessary when it was established.\textsuperscript{76} Predictably, some of the most critical voices have been those that have the most to lose. The AF and the politicians affiliated with the violent episode, for example, have been quick to condemn the report as biased.\textsuperscript{77} Some of these voices are reflected in the populist narrative that launched Alberto Fujimori and sustained him throughout his decade of rule. This narrative continues to be one of the dominant explanations for the arc of the conflict. I break out, in a simplified form, some of the more divisive and vocal factions below.

The Public and ‘Civil Society’

The public is not a monolithic entity.\textsuperscript{78} The divides mentioned earlier between the coastal elites and the inland campesinos mean that there is a broad spectrum of lay perspectives on the violence. However, much of the public lacked reliable

\textsuperscript{76} Root (n 5) 68.
\textsuperscript{77} ibid.
\textsuperscript{78} Matos Mar (n 23).
information about the conflict. Citizens in Lima, by and large, did not hear of the violence in the highlands until the conflict was well under way\textsuperscript{79} and even when the conflict intensified, the news that reached the capital was often fragmented and unclear.\textsuperscript{80} Those closer to the conflict also lacked good sources of information, an issue which was magnified by the lack of media and infrastructure.\textsuperscript{81} Even at the epicentre of the violence, it was impossible to get a clear picture of the situation, and uncertainty about the events and the actors in the conflict was a problem for much of the country. As a result, the goal of understanding what had happened resonated with a large part of the population.\textsuperscript{82}

The divide between the rural and coastal populations generally delineates differing perspectives about the AF and the state apparatus more generally. Much of the country had a neutral-to-positive impression of the military when the conflict began.\textsuperscript{83} Throughout the conflict, most of Lima seemed to support a strong military response in the fight against the SL.\textsuperscript{84} Those in the more rural parts of the country, however, felt the brunt of the AF’s anti-terrorism efforts during the conflict. The AF presence in the rural parts of the country was of longer duration and greater intensity than in Lima. Constitutional rights were suspended, and massacres were perpetrated by

\textsuperscript{79} Estado de Miedo (n 32).
\textsuperscript{80} Root (n 5) 46.
\textsuperscript{81} ibid 18.
\textsuperscript{82} Milton (n 18) 115.
\textsuperscript{83} Root (n 5) 16.
\textsuperscript{84} ibid 46.
the AF away from the public eye.\textsuperscript{85} The experience of the campesinos with regard to the AF and the mechanics of the fight against SL were very different from the experience in Lima. The history of marginalization meant that the state had to scramble for footholds in the rural parts of the country when the conflict began. For many rural Peruvians, the arrival of the AF marked the first substantial encounter with official actors.\textsuperscript{86} This generated antipathy and mistrust as many felt the government had been neglecting the rural parts of the country until the violence began.\textsuperscript{87}

Many of the victims of the violence sought to have their voices heard via the CVR.\textsuperscript{88} Some victims also hoped for the prosecution of those responsible, and others sought reparations in various forms.\textsuperscript{89} A commonly expressed hope among victims groups and the country at large was that this would never happen again.\textsuperscript{90} Many felt that a better understanding and better education would help to ensure that this hope would be fulfilled and that Perú did not repeat its past.

On the other side of the coin, many in Perú have come to see Fujimori as a national hero who defeated terrorism. While many felt that he should stand trial for his crimes, paradoxically, a majority also felt like his government was

\textsuperscript{85} ibid 20.
\textsuperscript{86} Estado de Miedo (n 32).
\textsuperscript{87} ibid.
\textsuperscript{88} Willakuy (n 29).
\textsuperscript{89} Friedman (n 19) 154-159.
\textsuperscript{90} Bakiner (n 15) 144.
good for the country.\textsuperscript{91} Fujimori was a master of populism, literally bursting onto the political scene riding on a tractor, symbolizing his connection with the working man.\textsuperscript{92} Under his rule, Perú went from violence to peace and experienced significant economic growth and prosperity. Thus, one of the most digestible narratives of the conflict is that the government did what was necessary to crush the SL and restore the country to peace and prosperity, the implication being that individual human rights sometimes must be sacrificed in pursuit of peace and security for all. This perspective about human rights does not align with the international norms and countering this narrative was one of the CVR’s goals from the outset. Salomón Lerner Febres, the lead commissioner for the CVR, says that the CVR was born with the conviction that the crimes committed should no longer be portrayed as ‘\textit{el costo que se debía pagar}’ (the price that must be paid) for revolution or security.\textsuperscript{93} Thus, despite enjoying broad support at the time of its formation, the CVR was in some ways contentious from the outset.

Civil society actors and an extensive network of human rights groups were important in the creation of the CVR and the

\textsuperscript{91} Root (n 5) 124-25.
\textsuperscript{93} Salomón Lerner Febres, \textit{La Rebelión de la Memoria} (Centro de Estudios y Publicaciones 2004) 200.
dissemination of its findings. These groups helped ensure the creation of the CVR in the narrow window in which it was a political possibility and helped to publish the report in an abbreviated form. They also channeled international norms about human rights and the relative procedures, pushing Perú to adhere to international standards for human rights and to ratify the Rome Statute of the International Criminal Court and the Inter-American Convention on the Forced Disappearances of Persons.

The Government

The government of Fujimori collapsed in November 2000 and was replaced by a duly elected government about nine months later. In the brief interim, a government headed by Valentín Paniagua established the CVR. This was the perfect window to establish the CVR: the former government could not take action to stop its creation, and the new government, which might wish to avoid the divisive issues it would raise, had not been elected. Even the duly elected government was concerned that they could have been incriminated by the CVR for not establishing a Truth Commission on their own. As a result, the exploitation of this window was key.

94 Root (n 5) 44.
95 ibid
96 Bakiner (n 15) 141
97 Friedman (n 19) 139-140
98 Root (n 5) 58
99 ibid 40.
100 ibid 44-57.
101 ibid 44-57.
The governments following the establishment of the CVR have been largely hostile to it and its findings.102 However, the broad public support in the early stages of the CVR meant that administrations had no choice but to formally support it.103 For example, Alan Garcia, who was president from 1985 to 1990, was implicated by the findings of the CVR for his role in the Fronton massacre, among other acts.104 Naturally, he had reason to cast doubt on the veracity of the CVR’s findings. In more contemporary politics, Fujimori’s children serving as elected representatives have vigorously contested the findings of the CVR.105 Thus, there is tension in the government’s perspective regarding the CVR.

*The Military*

The AF have consistently defended their actions by stating that they were necessary to protect the country.106 They contend that they were authorised by the people and the government to use whatever means necessary to win the war. They also claim that many of the deaths they caused occurred because

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102 ibid 130.
104 Willakuy (n 29) 449-450.
105 Keiko Fujimori, for example, vowed to release her father from prison if she were elected president, Root (n 5) 126-127 (2012), and Kenji Fujimori qualified his sister’s apparent approval of the CVR (see Kenji Fujimori: ‘la CVR nació viciada desde un principio’, El Comercio, <https://elcomercio.pe/politica/elecciones/kenji-fujimori-cvr-nacio-viciada-principio-387794>) accessed 21 December 2018.
106 Friedman (n 19) 168
the conflict had no clearly-defined combatants. In 2011, the AF released a counter-report with the stated goal of giving voice to the AF. Accordingly, they have never had a positive perspective on the CVR. Some politicians have even characterised the report as a ‘Marxist ploy to undermine (...) the armed forces’.  

The Revolution

While the CVR attempted to present an unbiased perspective on the conflict, the act of assigning fault made some acrimony inevitable. Even in the interview process the CVR seemed hostile to the combatants, sometimes forcing them to repudiate their former causes before allowing them to testify. These factors led the SL and their successors to feel they were not being treated fairly in the process. Salomón Lerner Febres stated that the commissioners attempted to incorporate the voices and perspectives of the SL into their account, but it is hard to imagine a way in which such an account could fail to alienate supporters of the SL or the MRTA. The ‘glorious struggle’ narrative has survived among the more die-hard supporters, but this is not a popular perspective.

107 Root (n 5) 55  
108 Friedman (n 19) 163-164  
109 Root (n 5) 93  
110 Friedman (n 19) 146  
111 ibid 143  
112 Lerner Febres (n 93) 203  
113 Estado de Miedo (n 32)
In the early days of the transition, the new government of Perú took pains to reintegrate the country into the Inter-American Court of Human Rights (IACHR) and to set new standards for what was meant by an ‘interruption’ of democracy in the Organization of American States. While the international community did not significantly interfere or opine on the violence during the conflict, some decisions in international courts after Fujimori’s resignation had important impacts on both the CVR and the reconciliation process more generally. For example, the Barrios Altos case in 2001 was critical in ensuring that amnesty was not granted by the government to state actors. In that case, the IACHR declared amnesty laws illegal and assigned fault to the Peruvian state for a specific massacre. This decision made it clear that amnesty for those responsible for violence contravened international law.

Some international decisions had profound social impacts on the process of reconciliation. One of these had to do with a U.S. citizen, Lori Berenson, who was convicted for aiding the MRTA. The IACHR required Perú to pay Berenson’s legal fees, totalling in the tens of thousands of dollars. The contrast between these payments and the sluggish reparations sparked a national debate about who should be the beneficiary of the state’s reconciliation efforts. Another decision by the

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114 Root (n 5) 60-62.
116 Root (n 5) 65.
117 ibid.
118 ibid 105.
119 ibid 139.
IACHR, *Penal Miguel Castro Castro v Perú*, required that the names of certain SL members who had been victims of government violence should be included among the other names in a memorial to the victims of the violence (‘*El Ojo que Llora*’ – the Crying Eye).\(^{120}\) This decision disrupted the victim-perpetrator dichotomy from the popular narrative and forced Perú to consider whether terrorists could also be ‘victims’ of this conflict.\(^{121}\) The debate is ongoing, and re-integration of combatants has proven to be one of the most complex parts of the reconciliation process.\(^{122}\)

The current international perspective on the CVR itself is that the project was successful.\(^{123}\) The CVR has been hailed for its rigour and has provided an example for subsequent TCs.\(^{124}\) It is likely that the establishment and execution of the CVR, as well as other measures taken during the transition, were important steps in increasing international credibility after the conflict.\(^{125}\)

**IV. Assessing the CVR**

So, did the CVR succeed? It is hard to say. To start, it is difficult to measure or quantify the effects of the CVR. The concrete impacts flowing directly from the actions and findings of the CVR are limited, and the recommendations and prosecutions

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\(^{120}\) Ibid 143.

\(^{121}\) Ibid.

\(^{122}\) See Theidon (n 40).

\(^{123}\) Root (n 5) 97.

\(^{124}\) Skaar, García-Godos, & Collins (n 103) 248.

\(^{125}\) Root (n 5) 61.
are fading further into history. It is tempting to cabin the proceedings as belonging mostly to the period of transition, with little relevance today.\textsuperscript{126} Still, the CVR is widely considered to be a success according to its mandate, and the findings in the report are the definitive version of events between 1980 and 2000.\textsuperscript{127} Despite its limited direct impact, significant social impacts stem from the work of the CVR.

The most important of these impacts relates to repairing the social fabric in Perú, which was torn asunder in a conflict that revealed fundamental fissures in the constitution of the nation. While there is a desire in Perú to end the years of conflict and strife and move on toward the prosperous future, the country is still coming to terms with the conflict itself and with the circumstances that gave rise to it.\textsuperscript{128} Despite it having ended almost twenty years ago, the dust has not settled on the memory of the conflict and a ‘politics of memory’ persists in shaping the larger narrative of Peruvian history.\textsuperscript{129}

In other senses, the CVR was perhaps less successful. The judicial impacts and reparations have been hampered by shaky implementation and uncertain funding.\textsuperscript{130} However, because the CVR was a fundamentally social endeavour, its institutional impacts are best measured by their social

\textsuperscript{126} Bakiner (n 15) 136.
\textsuperscript{127} Root (n 5) 97.
\textsuperscript{128} Interview with Juan Carlos Arrunátegui, Professor of Sociology at Universidad Puruana de Ciencias Aplicadas (12 February 2018).
\textsuperscript{129} See Friedman (n 19).
\textsuperscript{130} Skaar, García-Godos, & Collins (n 103) 247.
ramifications. Thus, after attempting to look at the more quantifiable accomplishments, I turn my attention to the social role of each achievement of the CVR. While there has been debate about the value of a TC since the CVR’s inception, it is my contention that the CVR has had important impacts on the Peruvian society, which can still be felt today, despite its failure to create a significant institutional change. By creating a stage for dialogue about the conflict and giving voice to those populations that had historically been marginalized, the CVR has helped to lay the groundwork for a workable and lasting reconciliation.

As mentioned above, the *decreto* that established the CVR laid out four goals for the commission. The CVR was to analyse the circumstances under which the violence took place, create proposals for reparations to the victims, investigate and prosecute certain crimes connected with the conflict, and recommend institutional reforms.131 I explore each of these goals below.

‘Analysing the Circumstances’: The Truth

Few had a clear picture of the conflict at the time when the CVR was established. The exaggerated distance between the rural and the urban population in Perú during the conflict meant that there was an impediment to communication in both directions. Communities in the Andes were often

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131 Decreto Supremo 065-2001-PCM (Crean Comisión de la Verdad 2001).
unaware of the situation in the country as a whole and the SL had to turn into a national threat before the elite in Lima began to pay much attention to it. A lack of clarity about what had been happening for the past twenty years provided little foundation for a national understanding of what had transpired. Additionally, the SL and the AF used tactics regarding their perpetrations of violence that exacerbated uncertainty and obfuscated their respective roles in the conflict. The SL sought to ‘set an example’ with each of their massacres, and terror was a mechanism they employed intentionally. For instance, they left corpses out in the open. On the other hand, the AF, ostensibly an arm of the government and therefore accountable for its actions, often sought to hide its misdeeds. This meant that disappearances were a preferred tactic and that obfuscation was state-sponsored. These modi operandi, along with other factors, contributed to the unavailability of a clear picture of the conflict and who was responsible to the public when Fujimori’s regime fell.

Further, Fujimori’s regime maintained a tight grip on information throughout his time in power. His rule has been called a ‘media dictatorship’, meaning that part of his control was established and maintained by controlling the media and

132 Root (n 5) 18.
133 Estado de Miedo (n 32).
134 Root (n 5) 19.
135 ibid 21.
136 Friedman (n 19) 163.
selective disclosure. His reform of the judicial system also resulted in many of the trials of accused terrorists and dissidents taking place behind closed doors, and his Grupo Colina enforcement squad wore no official uniform when they assassinated dissidents or made them disappear. The intentional obfuscation under Fujimori compounded other communication challenges and gave society a reason to be suspicious about what they heard. The CVR addressed these issues by creating a holistic account of the violence, from the historical factors that facilitated it to the events themselves. They came up with a figure for the total number of victims and displaced individuals and charted attacks and developments on a timeline. They took almost 17,000 statements from victims. They investigated specific incidents, exhuming mass graves and building a comprehensive story of the conflict. Detailed knowledge of what happened was crucial to the prosecutions that ensued and to giving closure to the victims, and the historical framework helped the nation understand just what happened and what it would require to move forward.

138 Root (n 5) 31-34.
139 Skaar, García-Godos, & Collins (n 103) 231.
140 ibid.
141 ibid.
Giving a voice to victims

One of the most important impacts of the CVR was that it gave the victims the opportunity to be heard at a national level. As mentioned previously, there was a significant void between the rural and urban parts of the nation. The wealthier urban population circulated longstanding narratives about the backwardness of the indigenous populations, and the lack of social mobility and education meant that the indigenous were often seen in Lima only in the context of the ‘desborde popular’ (the overflow of the masses) from rural to urban areas. Thus, being able to speak was a crucial step towards telling the story of the conflict from the perspective of the most impacted. The involvement in the national dialogue was a critical assertion of a citizenship that had long been withheld. Indeed, it has been suggested that the opportunity to speak in this context can be seen as a performative constitution of citizenship.

Salomón Lerner Febres, in a speech shortly after the completion of the final report, said that he and the other commissioners conceived the CVR as primarily victim-centred. One of the goals that he highlighted is crafting a story that focused on the voices of those who were most affected in the conflict and those that have been traditionally

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142 Interview with Naomi Roht-Arriaza, Professor at University of California Hastings (San Francisco, January 2018).
143 Willakuy (n 29) 20.
144 See Matos Mar (n 23).
145 Bakiner (n 15) 59.
marginalized in Perú.\textsuperscript{146} Thus, the voice of affected indigenous communities was prominent in the work of the CVR from the outset. Public hearings were held in Lima and in Ayacucho (the epicentre of the violence), and people whose dominant language was Quechua were able to testify in their native tongue.\textsuperscript{147} The stories of these individuals helped the commission to piece together what had happened in the highlands and to begin to estimate the gravity of the abuses that took place.

\textit{Creating space in which to engage over memories}

The dialogue about what happened and how to reconcile the country is complicated and splintered. At the outset of the CVR, some flatly rejected the idea of reconciliation with terrorists.\textsuperscript{148} Their narrative was that the Fujimori administration had done what was necessary to suppress a violent rebellion and that the terrorists were entirely responsible. Even now, there is still contention about ideas that complicate the good/bad dichotomy that characterizes this narrative, such as the international imposition of the idea, mentioned above, and that members of the SL are victims of violence.\textsuperscript{149} Some victims’ groups have asserted that there is limited utility in seeking reconciliation, preferring to look ahead rather than behind.\textsuperscript{150} The multiplicity of perspectives and the paucity facts meant that when the CVR was created it

\textsuperscript{146} Lerner Febres (n 93) 198.
\textsuperscript{147} Friedman (n 19) 147.
\textsuperscript{148} Root (n 5) 8.
\textsuperscript{149} ibid 144.
\textsuperscript{150} Friedman (n 19) 166.
was all but impossible to engage in a dialogue about what had happened and how to move forward.

The conflict created and reflected deep ruptures in the state. The most profound of these ruptures is that between indigenous communities and the state. Many of the victims felt that they had been betrayed by the state in its handling of the crisis: ‘they killed us as if we weren’t part of Perú’, said one campesino in an interview.\(^{151}\) The SL’s terrorist policies also reflected a deep mistrust of the state and a total refusal to engage with its mechanisms. The terror reached the urban populace when the SL detonated car bombs in Lima.\(^{152}\) This fear and the sense of ‘otherness’ it generated with respect to the SL further enlarged the void between the rural and the urban. The violence therefore came to affect almost everyone in the country. This story means that dialogue is both critical to restoring trust and exceptionally challenging bring about.

This social dialogue takes a variety of forms. There are memorials to the victims such as el Ojo que Llora (‘The Eye that Cries’), a sculpture that is set in a labyrinth of stones, each bearing the name of a victim of the conflict.\(^{153}\) This monument, which was initially envisioned as a tribute to those who died during the violence, has been the site of further negotiations about the memory of the conflict. In 2006, the IACHR held that certain members of the SL who had been the victims of a government massacre had to be listed among the victims as

\(^{151}\) ibid 152.

\(^{152}\) Estado de Miedo (n 32).

\(^{153}\) Root (n 5) 143.
well, sparking intense controversy. This gritty negotiation of agency and victimhood touches on the most challenging aspects of reintegration and reconciliation and is essential to the social conversation that will allow the country to move forward.

Numerous films and works of art have dealt with the impacts of the conflict. Films like *Magallanes*, *Boca del Lobo*, and *La Teta Asustada* show different perspectives on the conflict. *Boca del Lobo* focuses on the actions of the AF in the *sierra* of Perú, showing the complexity of the conflict. *La Teta Asustada*, on the other hand, makes almost no reference to the violence itself beyond telling the story of a brutal rape at the beginning of the film. The rest of the film dwells on the echoes of violence that still shape the lives of the survivors and their children. *Magallanes* straddles these two approaches, connecting violence in the *sierra* with the challenge of rebuilding one’s life in the city. Two of these films have powerful dramatic episodes near the end in which a victim gives a monologue in Quechua, decrying the abuses she has suffered and demanding an audience in a way that draws parallels to the hearings from the CVR. These works serve to renegotiate and re-establish the roles within and the significance of the conflict as Perú moves farther away from the violence, and they make use of the shared social stage which has been opened by the CVR and its elucidation of the violence.

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154 ibid 144.
V. Reparations

In contrast to the truth-seeking and prosecutorial functions of the CVR, reparations are a more forward-looking response to the violence.\textsuperscript{155} The idea that drives reparations is that they will help to heal the divide between the state and the victims and establish a new social contract.\textsuperscript{156} Reparations take on additional importance in Perú in light of the findings of the CVR, specifically the determination that historical marginalization and poverty were some of the root causes of the violence. In addition to ameliorating the mistrust generated by the conflict itself, the reparations aspire to erase or minimize some of the fissures that led to the outbreak of violence in the first place.\textsuperscript{157} Unfortunately, they have been woefully inadequate for this purpose. In fact, inequality in the country has grown worse since the conflict, despite the improvements in the economy.\textsuperscript{158}

The CVR itself contained recommendations for reparations and contemplated that they should start immediately, but all forms of reparations have stalled and fallen short of the aspirations of the commissioners.\textsuperscript{159} Perú passed a law regarding reparations in 2005, about two years after the publication of the final report.\textsuperscript{160} The Plan Integral de

\textsuperscript{155} Root (n 5) 128.
\textsuperscript{156} Skaar, García-Godos, & Collins (n 103) 241.
\textsuperscript{157} Root (n 5) 139.
\textsuperscript{158} ibid.
\textsuperscript{159} ibid 130-31.
\textsuperscript{160} ibid 131.
Reparaciones (the Holistic Reparations Plan) laid out the definition of a ‘victim’ for legal purposes and established a framework for both ‘hard’ and ‘soft’ reparations. The law proposed monetary reparations, community projects, and symbolic reparations.\textsuperscript{161}

As of 2018, the government of Perú claims that reparations programs have had more than 84,000 beneficiaries.\textsuperscript{162} However, this figure does not clarify whether it refers to individuals given monetary reparations or individuals who have benefitted from any sort of reparation. Community and non-monetary reparations could inflate such a number drastically without providing a significant benefit to individuals.\textsuperscript{163} Additionally, there is no information available on the CMAN (‘Comisión Multisectoral de Alto Nivel’ – the High-Level Multilateral Commission, the agency in charge of administering reparations) website about how much each

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\textsuperscript{161} Decreto Supreme No. 015-2006-JUS – Aprueban Reglamento de la Ley No.28592, Ley que crea el Plan Integral de Reparaciones (June 2006).
\textsuperscript{163} This article, for example, suggests that the amounts claimed cover individual and collective reparations. ‘Perú lidera reparaciones a víctimas del terrorismo en la region, señala Jiménez’, Andina (Washington DC, 11 November 2014), <http://andina.pe/agencia/noticia.aspx?id=531094> accessed 21 December 2018.
\end{flushright}
Truth and Reconciliation in Peru

victim was paid in the case of monetary reparations.\textsuperscript{164} Flawed delivery of reparations, coupled with a lack of transparency, has meant that reparation efforts have not had a dramatic impact in post-conflict Perú.\textsuperscript{165}

\textit{Monetary Reparations}

There has not been a great deal of progress on issuing monetary reparations.\textsuperscript{166} In talks with the inhabitants of the rural areas in the years after the law was passed, the \textit{Instituto de Defensa Legal} (Legal Defence Institute) (IDL) found that many did not know what the reparations were.\textsuperscript{167} Some monetary reparations had apparently been given, but none of those interviewed by the IDL felt that the amounts came anywhere near what they would characterize as a good faith reparation.\textsuperscript{168} Despite the multiple promises of future payments,\textsuperscript{169} there is little documentation about payments that

\begin{footnotesize}
\textsuperscript{165} Skaar, García-Godos, & Collins (n 103) 244.
\textsuperscript{166} Bakiner (n 15) 115.
\textsuperscript{168} ibid 32.
\textsuperscript{169} El Espectador, ‘See Por reparación, familiares de víctimas recibirán $17 millones’, (8 June 2012) <https://www.elespectador.com/noticias/politica/reparacion-familiares-de-victimas-recibiran-17-millones-articulo-352121> accessed 20 December 2018
\end{footnotesize}
have actually happened. As of 2014, the Defensoría del Pueblo estimated that 54,856 individuals had been paid money reparations averaging 3,359 soles (about $1,100 at the time).\footnote{Defensoría del Pueblo, ‘Balance del Nivel de Cumplimiento del Programa de Reparaciones Económicas Individuales’ (2014), 7-8.} Money totalling about $10,000,000 was set aside in 2017 for aid to ‘vulnerable populations’ in connection with the violence, but the lack of records and transparency means that it is difficult to understand what this money will be used for and how it will impact victims.\footnote{Gestión, ‘Mercedes Aráoz firma decreto para reparación de victimas por S/ 33 millones’ (27 December 2017) <https://gestion.pe/peru/mercedes-araoz-firma-decreto-reparacion-victimas-s-33-millones-223686> accessed 20 December 2018.}

The process of identifying victims has been slow and fraught with political issues, and there has not been a strong political will to issue payments.\footnote{International Center for Transitional Justice, ‘Reparations in Peru: From Recommendations to Implementation’ (2013) 1.} One of the most problematic complications has been that the law on reparations states that

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a ‘victim’ cannot have been a member of a subversive organization, although international law seems to militate against this stance.173 Thus, the reparations programmes have been met by controversy since their earliest stages as the country negotiates the finer shades of meaning in the loaded term ‘victim.’

Commissioner Salomón Lerner Febres notes that the failure of the monetary reparations has disposed many to feel negatively about the CVR.174 This makes sense because reparations were one of the most concrete ways in which victims had hoped to see the state express a genuine commitment to improving the situation that surrounded the violence. One of the greatest failures in terms of reparations actually relates to Fujimori: for his human rights abuses, he was ordered to pay around 30 million soles in civil reparations, but at the time of his release in 2018 he had not paid a single sol.175

Community Projects

Community projects as a form of reparations mostly comprise improvements in infrastructure and services.176 However, many questions why basic government services, which the

173 Root (n 5) 131.
174 ibid 139.
176 Root (n 5) 136-37.
state should ostensibly seek to provide in any case, should count as reparations. Additionally, many projects that were supposed to be administered as reparations have been co-opted by politicians in a way that has masked their value as reparations.

As determinations about individual reparations grew more complicated, the Garcia administration decided to start on collective reparations in 2007. As of 2013, the International Centre for Transitional Justice found that fewer than 2,000 communities, out of the 5,697 that had been identified as deserving reparations, had received reparations. Though completed projects have been positive in terms of their community engagement and as a means for renewal of infrastructure, systemic issues remain: few feel that these projects met their reparative needs, and more than 70 percent were not even aware that the projects were intended to serve as reparations.

Symbolic Reparations

Some reparations have taken the form of actions by the state, which seek to heal and promote reconciliation in

177 Skaar, García-Godos, & Collins (n 103) 244.
180 ibid 12.
181 ibid 14.
predominately symbolic ways. Because many state actions can have symbolic content, the lines are fuzzy as to what exactly falls into this category, and some state actions may be reclassified as ‘symbolic’ for political gain. The Ojo que Llora, discussed above, was one such symbolic reparation. There have been a number of other small parks and plaques, but the greatest achievement in this vein is almost certainly the Lugar de la Memoria.

The Lugar de la Memoria (‘the Place of the Memory’) (LUM) is not intended to be a museum. It gives space to the plurality and subjectivity of the perspectives about the conflict and ‘does not seek to be a place of certainties’. While the AF derided the institution before it opened, the LUM has embraced its mandate to show the complexity of the conflict. Rather than simplifying the history, the LUM seeks to treat the conflict in non-judgmental terms, largely reflecting the findings of the CVR.

Health, Education, and Social Services as Reparations

Reparations programmes include mental and physical health services for those disabled by the conflict as well as

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182 Root (n 5) 140.
183 ibid 143.
184 ibid.
186 Root (n 5) 146.
scholarship programmes.\textsuperscript{187} The health services programmes have been largely underfunded and hard to access, and scholarships have been challenging to acquire.\textsuperscript{188} Students and advocate groups generally have to actively pressure universities for each individual scholarship.\textsuperscript{189} In 2016, the government approved the transfer of scholarships from direct victims to their children and grandchildren.\textsuperscript{190} This move expanded the reach of these measures and will hopefully have a greater impact on the cycle of poverty. Another problem faced by many in the poorest parts of the country, which was exacerbated by the conflict and in turn complicated the post-conflict administration of justice and reparations, is the traditionally overly limited access to identification documents.\textsuperscript{191} The government has sought to give citizens greater access to such documents and has classed this as reparation but this is one of the most blatant examples of the government rebranding as reparations what should be basic services.\textsuperscript{192}

\begin{itemize}
  \item \textsuperscript{187} ibid 138.
  \item \textsuperscript{188} ibid.
  \item \textsuperscript{189} ibid.
  \item \textsuperscript{190} La República, ‘Hijos y nietos de víctimas del terrorismo podrán acceder a Beca 18’, <https://larepublica.pe/sociedad/739288-familiares-directos-de-victimas-del-terrorismo-podran-acceder-beca-18> accessed 6 February 2016.
  \item \textsuperscript{191} Root (n 5) 137-38.
  \item \textsuperscript{192} ibid 137-38.
\end{itemize}
VI. Judicial and Institutional Impacts

The CVR recommended certain prosecutions for the individuals involved in crimes related to the violence. Additionally, decisions from the IACHR obliged Perú to give fair trials to the Senderistas and the members of the AF alike.193 These trials demonstrated that the state was willing and able to hold violators accountable and had the effect of increasing the domestic and international perception of the rule of law.

Prosecutions

Given this was a complex conflict in which a number of parties played culpable roles, there are multiple dynamics in terms of prosecutions. The Senderistas and MRTAistas have historically been the least popular groups, and trials for their crimes began to take place under Fujimori.194 However, many of these trials were declared unfair by the IACHR because they were administered by the ‘faceless judges,’ and retrials of these individuals have proven contentious.195 Members of the AF have been insulated from prosecution by amnesty laws, which

193 Skaar, García-Godos, & Collins (n 103) 238
194 Root (n 5) 31.
195 ibid 102.
were repealed after Fujimori’s resignation, and subsequently by the continuing support of the AF. The AF asserts that its members should be tried in military courts, where the standards will be different than in civilian courts. Even though the Supreme Court ruled in 2005 that violators should be tried in civilian courts, the AF continues to assert its jurisdiction, which delays cases and ‘muddies the legal waters’.

There have been prosecutions of some high-profile violators, but these appear to have been primarily symbolic. Fujimori was the headliner, but, as mentioned before, actors like Alan Garcia were never tried, even though the CVR found him and his administration responsible for a number of abuses. Still, the fact that Fujimori was brought to justice was seen as tremendously significant. Many considered his conviction to be part of a ‘justice cascade’ in Latin America and a majority of Peruvians (and international observers) believed that the trial respected Fujimori’s right to due process. Thus, this trial affirmed that justice could be done even where it pertained to the highest levels of the government, and affirmed that Peruvian courts could administer justice fairly and without prejudice.

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196 Skaar, García-Godos, & Collins (n 103) 233.
197 Root (n 5) 113.
198 ibid.
199 Bakiner (n 15) 137.
200 Root (n 5) 125.
Re-establishing the Rule of Law

According to the estimation by the World Justice Project’s Rule of Law Index, the rule of law in Perú is at acceptable levels. The data from this estimation indicate that Peruvians are generally free from arbitrary interference, but the organisation gave low scores for government corruption.\(^{201}\) The idea that politicians and institutions are corrupt is one that is widely held in Perú.\(^ {202}\) The data from the World Bank indicate that the rule of law is strengthening steadily in Perú since its transition to democracy\(^ {203}\) but still puts it at 126 out of the 193 ranked countries.\(^ {204}\) According to a recent article in the Miami Herald, Perú has recently been seen as a regional leader in terms of its commitment to the rule of law.\(^ {205}\) Fujimori’s pardon may blemish that representation, but whether it will materially affect the strength of the rule of law will depend on public


\(^{202}\) Interview with Juan Carlos Arrunátegui, Professor of Sociology at Universidad Puruana de Ciencias Aplicadas (12 February 2018).


perception of the pardon and on factors beyond the scope of a single action.

**Conclusion**

Despite failing to force rapid or dramatic change, the CVR has proven profoundly impactful.\(^{206}\) It laid a solid foundation for prosecutions and put some of those responsible for atrocities behind bars. It initiated reparations, which have, despite many failings, provided monetary and educational support to victims of the conflict. Most importantly, it created a definitive account of what transpired between 1980 and 2000 which has opened the door to the social process of reconciliation. The latter achievement has had a significant impact, both revealing the foundational challenges faced by Perú as a nation and providing a bank of facts to which the country can refer as it processes the atrocities and forges ahead.

It is true that multiple narratives about the conflict and the CVR coexist in contemporary Perú. Further, the fact that the CVR no longer occupies a prominent role in the public discourse may make it seem like the findings are being ignored or forgotten. I would say, however, that it indicates the opposite: the findings, while still disputed, have been assimilated into the national consciousness and the history of Perú. The shared experience exposed by the CVR illuminates the workings of contemporary Perú and allows lawmakers, academics, and citizens to work pragmatically from a single factual foundation.

\(^{206}\) ibid 97.
Fujimori’s arrest and sentencing symbolized a new page in the Peruvian history. It marked the end of impunity for politicians and the AF. This reflected an ambition to move towards a more just and successful Perú. However, Fujimori’s release seems to be a step backwards in this regard and it remains to be seen how this development will impact the perception of Perú’s adherence to the rule of law at home and abroad. Still, while Fujimori’s release may reflect poorly on the progress that Perú has made towards these goals, it does not undermine the crowning accomplishment of the CVR: the balanced exposition of a complex and unsavoury truth. Because the truth is such an important tool in reconciliation, as long as this accomplishment remains unblemished, the value of the CVR cannot be nullified.
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