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**Truth and Reconciliation Commission of Peru
Final Report - General Conclusions¹**

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¹ This is an excerpt from the Peruvian Truth and Reconciliation Commission's Final Report, Vol. VIII. Paragraph numbers and page numbers in the text correspond to those assigned to the Conclusions in that Volume.

FINAL REPORT

GENERAL CONCLUSIONS

As the result of its investigation into the process of violence of political origin that was experienced in Peru between the years 1980 and 2000, the Truth and Reconciliation Commission [TRC] has come to the following conclusions:

I. The Dimensions of the Conflict

1. The TRC has established that the internal armed conflict experienced by Peru between 1980 and 2000 constituted the most intense, extensive and prolonged episode of violence in the entire history of the Republic. It was also a conflict that revealed deep and painful divides and misunderstandings in Peruvian society.

2. The TRC estimates that the most probable figure for victims who died in the violence is 69,280 individuals.¹ These figures are greater than the number of human losses suffered by Peru in all of the foreign and civil wars that have occurred in its 182 years of independence.

3. The TRC affirms that the conflict covered a larger share of the national territory than any other conflict,² caused enormous economic losses through the destruction of infrastructure and deterioration of the population's productive capacity, and came to involve the society as a whole.

4. The TRC has established that there was a significant relationship between poverty and social exclusion and the probability of becoming a victim of violence. More than 40 percent of the deaths and disappearances reported to the TRC are concentrated in the Andean department of Ayacucho. These victims taken together with those documented

* For more information about ICTJ, see www.ictj.org. The translators have taken particular care to adhere closely to the original text, sacrificing English-language style and fluidity to some degree in order to most accurately reflect the specific language choices of the TRC.

¹ The margin of error is five percent, with lower and upper limits of 61,007 and 77,552, respectively.

² The TRC has received reports of deaths and disappearances as a result of the internal armed conflict in every department except Moquegua and Madre de Dios. Only in Tacna (1) and Tumbes (4), is the number of victims reported to the TRC in single digits.

by the TRC in the departments of Junin, Huanuco, Huancavelica, Apurimac and San Martin, add up to 85 percent of the victims registered by the TRC.³

5. The TRC has established that the peasant (*campesina*) population was the principal victim of the violence. Of the total victims reported, 79 percent lived in rural areas and 56 percent were engaged in farming or livestock activities. These figures contrast with those of the 1993 census, according to which 29 percent of the population lived in rural areas and 28 percent of the economically active population worked in the farming/livestock sector.

6. The TRC has been able to discern that the process of violence, combined with socio-economic gaps, highlighted the seriousness of ethno-cultural inequalities that still prevail in the country. According to analysis of the testimonies received, 75 percent of the victims who died in the internal armed conflict spoke Quechua or other native languages as their mother tongue. This figure contrasts tellingly with the fact that, according to the 1993 census, on a national level only 16 per cent of the Peruvian population shares that characteristic.

7. The TRC has shown that, in relative terms, the dead and disappeared had educational levels far inferior to the national average. While the national census of 1993 indicates that only 40 percent of the national population had failed to attain secondary school education, the TRC has found that 68 percent of the victims were below this level.

8. The TRC concludes that the violence fell unequally on different geographical areas and on different social strata in the country. If the ratio of victims to population reported to the TRC with respect to Ayacucho were similar countrywide, the violence would have caused 1,200,000 deaths and disappearances. Of that amount, 340,000 would have occurred in the city of Lima.

9. The TRC has established that the tragedy suffered by the populations of rural Peru, the Andean and jungle regions, Quechua and Ashaninka Peru, the peasant, poor and poorly educated Peru, was neither felt nor taken on as its own by the rest of the country. This demonstrates, in the TRC's judgment, the veiled racism and scornful attitudes that persist in Peruvian society almost two centuries after its birth as a Republic.

10. The TRC has found that the conflict demonstrated serious limitations of the State in its capacity to guarantee public order and security, as well as the fundamental rights of its citizens within a framework of democratic action.

11. The TRC has also found the constitutional order and the rule of law to be precarious, and breached in those moments of crisis.

³ It should be noted that the people who currently live in those departments are so poor that together they represent only 9 percent of the income of all Peruvian families. Additionally, Huancavelica, Ayacucho, Apurimac and Huanuco are 4 of the five poorest departments in the country.

II. Responsibilities for the Conflict

A. **The Partido Comunista del Peru-Sendero Luminoso [Communist Party of Peru-Shining Path, PCP-SL]**

12. The TRC believes that the immediate and fundamental cause of the unleashing of the internal armed conflict was the PCP-SL's decision to start the *armed struggle* against the Peruvian State, in opposition to the will of the overwhelming majority of Peruvians, men and women, and at a time in which democracy was being restored through free elections.

13. In the TRC's view, based on the number of persons killed and disappeared, the PCP-SL was the principal perpetrator of crimes and violations of human rights. It was responsible for 54 percent of victim deaths reported to the TRC. This high degree of responsibility on the part of the PCP-SL is an exceptional case among subversive groups in Latin America, and one of the most notable unique features of the process that the TRC has had to analyze.

14. The TRC has proven that the PCP-SL deployed extreme violence and unusual cruelty, including torture and brutality as forms of punishing or setting intimidating examples within the population they sought to control.

15. The TRC has found that the PCP-SL went against the great historical tendencies of the country. Putting in practice an iron political will, it expressed itself as a militarist and totalitarian project with terrorist characteristics that failed to gain the lasting support of important sectors of Peruvians.

16. The TRC believes that the PCP-SL rested its project on an ideology that was fundamentalist in character, centered on a rigid preconception of the unfolding of history, confined in a vision of political action that was solely strategic and, thus, at odds with all humanitarian values. The PCP-SL disdained the value of life and denied human rights.

17. The TRC has established that the PCP-SL achieved its internal cohesion through the so-called "Gonzalo Thought" which reflected the cult of personality of Abimael Guzman Reinoso, founder and leader of the organization, who was considered the incarnation of the highest intellectual order in the history of humanity.

18. The TRC has determined that, in accordance with its ideology, the PCP-SL adopted a strategy that consciously and constantly sought to provoke disproportionate responses by the State without taking into consideration the profound suffering this caused to the population for which it said it was fighting.

19. The TRC believes that the PCP-SL carried fundamentalist ideology and totalitarian organization to their extremes. In its subversive action there is a tragic blindness: it sees classes, not individuals. This led to its absolute lack of respect for the human person and for the right to life, including that of its militants. The PCP-SL encouraged a fanatical vein [in its militants] that became into their identifying feature.

20. The TRC has established terrorist characteristics of the PCP-SL that were deployed from the beginning through brutally carried out *ajusticiamientos* [killings to bring to account], prohibition of burials, and other criminal acts, including the use of *car bombs* in the cities.

21. The TRC also finds a potential for genocide in proclamations of the PCP-SL that call for “paying the blood toll” (1982), “inducing genocide” (1985) and that announce, “the triumph of the revolution will cost a million deaths” (1988). This is combined with conceptions of racism and superiority over indigenous peoples.

22. The TRC has found that the PCP-SL took advantage of some institutions in the educational system as its principal beachhead. Through those institutions it was able to expand its proselytizing and draw in small groups of young people of both sexes in different parts of the country. While it may have offered young people a utopia that provided them a totalizing identity, it essentially enclosed them in a fundamentalist and oppressive organization through letters that declared their submission to the control of Abimael Guzman Reinoso.

23. The TRC has established that the PCP-SL’s proselytizing could have a fleeting acceptance, because of the incapacity of the State and the country’s elites to respond to the educational demands of youth frustrated in their efforts toward social mobility and aspirations for advancement.

24. The TRC has found that the PCP-SL adopted Maoist theses and converted rural areas into the principal setting for the conflict. Nevertheless, it did not take into consideration the needs and economic aspirations of the peasant population, or that population’s own organizations or cultural specificities and instead, turned the *campesinos* into a *mass* that must submit to the will of the party. Individual dissidence within the *mass* resulted in murders and selective assassinations, and collective dissidence led to massacres and razing of entire communities.

25. The TRC has established that the presence of the PCP-SL in the Andes and the counter-subversive response by the State brought back to life and *militarized* old conflicts, both inter-community and intra-community. The PCP-SL labeled as *class enemies* sectors that were relatively more connected to the market economy or to regional or national networks or institutions, and ordered their destruction. Its *peasant war* against the State became, in many cases, confrontations between peasants.

26. The TRC has established that the extreme violence practiced by the PCP-SL in rural communities in the Andes also extended into the urban centers. Lima and other cities were also complementary settings and suffered sabotage, selective killings, armed stoppages and terrorist acts, especially in the form of *car bombs*.

27. The TRC notes that the ideological concept of the PCP-SL implied the destruction of the *old State* at its foundations. This led them to assassinate local authorities -- mayors, governors, lieutenant governors, and justices of the peace—and national authorities --government ministers, parliamentarians and other representatives of the

powers of the State.⁴ Out of all the reports received by the TRC on victim fatalities caused by the PCP-SL, -government authorities accounted for 12 percent. Additionally, the PCP-SL engaged in massive assassinations of social leaders (both men and women), community leaders, traditional mayors, and leaders of peasant, union, neighborhood, educators' and women's organizations.

28. Because of the generalized and systematic nature of these practices, the TRC points out that members of the PCP-SL, and especially its national directors and its designated *leadership*, have direct responsibility for the commission of crimes against humanity in the form of armed attacks against the civilian population, carried out on a grand scale or as part of a general strategy or specific plans. In the judgment of the TRC, these actions likewise constitute grave violations of the Geneva Conventions, which were obligatory for all the participants in the hostilities.⁵ The perfidy with which the PCP-SL acted on the ground, using the civilian population as a shield, avoiding the use of uniforms or other marks to identify themselves, and attacking traitors, among other similar methods, such as recourse to terrorist actions, constituted a calculated mechanism that sought to provoke brutal reactions from the security forces against the civilian population, increasing to an extraordinary extent the suffering of the communities in whose territories the hostilities took place.

29/30. The TRC finds that the members of the leadership system of the PCP-SL hold the gravest responsibility for the conflict that bled Peruvian society, based on the following elements:

- for having initiated the violence in opposition to the wishes of the overwhelming majority of the population;
- for having formulated their fight against Peruvian democracy with a bloody strategy;
- for the violent practices of occupation and control of rural territories and peasant communities, with a high cost in lives and human suffering;
- for their genocidal policy that involved acts to provoke the State;
- for their decision to proclaim the so-called *strategic equilibrium* that stressed the terrorist character of their actions.

31. The TRC points out the profound irresponsibility and contempt of the PCP-SL toward its own militants, who were induced to kill and die in the most cruel and bloody manner, while their top leadership, especially Abimael Guzmán Reinoso, remained in Lima, exempt from physical risks and privations, throughout practically the entire conflict. This incongruence was expressed patently when, after his capture, Abimael Guzmán Reinoso almost immediately abandoned the thesis of *strategic equilibrium* and requested a *peace agreement* from the government together with an explicit recognition of and great praise for the dictatorial government of Alberto Fujimori and Vladimiro Montesinos.

⁴ The TRC has received reports of 930 local authorities assassinated by the PCP-SL, but the Commission estimates that the figure is actually much greater.

⁵ The reference is to International Humanitarian Law norms found in Common Article 3 of the Geneva Conventions.

32. The TRC expresses its sorrow for the thousands of youth who were seduced by a proposal that set out the profound problems of the country and proclaimed that, “rebellion is justified.” Many of those youth, driven by the desire to transform that unjust reality, did not realize that the type of rebellion pursued by the PCP-SL implied the exercise of terror and the implantation of a totalitarian regime. Thus, they were locked into a completely vertical and totalitarian organization that inculcated contempt for life, punished differences, and demanded full submission. Many of them died uselessly and cruelly. The TRC calls on the country to set in motion the institutional reforms necessary so that terrorist and totalitarian projects never again find any echo among the young.

33. The Commission establishes that, unlike other countries in Latin America in the same period, from 1980 to 1992 the internal armed conflict developed while a democratic regime was in power, with free elections, freedom of the press and the most inclusive political system in our contemporary history. The PCP-SL and the MRTA unilaterally excluded themselves from the democratic system, and through their armed actions, actually undermined the democratic political regime installed in 1980.

**B. The Movimiento Revolucionario Túpac Amaru (MRTA)
[Tupac Amaru Revolutionary Movement]**

34. In 1984, the Movimiento Revolucionario Túpac Amaru (MRTA) initiated its own armed struggle against the State. MRTA is responsible for 1.5 percent of the victim deaths that were reported to the TRC. Unlike Shining Path, and like other armed Latin American organizations with which it maintained ties, the MRTA claimed responsibility for its actions, its members used uniforms or other identifiers to differentiate themselves from the civilian population, it abstained from attacking the unarmed population and at some points showed signs of being open to peace negotiations. Nevertheless, MRTA also engaged in criminal acts;⁶ it resorted to assassinations, such as in the case of General Enrique López Albújar, the taking of hostages and the systematic practice of kidnapping, all crimes that violate not only personal liberty but the international humanitarian law that the MRTA claimed to respect. It is important to highlight that MRTA also assassinated dissidents within its own ranks.

35. On balance, during the 1980s, MRTA’s discourse and actions contributed to creating a climate in which the use of violence sought to appear to be a legitimate political recourse, ultimately fostering the actions and expansion of Shining Path. And in the 1990s, especially beginning with their frustrated storming of Congress and the occupation of the Japanese Ambassador’s residence in December 1996, the MRTA tended to legitimate the authoritarian, militarized counter-subversive policy of Alberto Fujimori’s government.

⁶ The very act of taking up arms against a legitimately elected regime is a criminal act.

III. The Responsibility of State Entities

36. The TRC confirms that Fernando Belaunde Terry and Alan García Pérez attained the presidency in free and direct elections by the citizens. Alberto Fujimori also did so in 1990. However, beginning with the coup d'état of April 5, 1992, Fujimori became an authoritarian ruler who sought to remain in power consolidating a corrupt autocracy.

37. The TRC points out that despite the armed subversion of the PCP-SL and the MRTA, and despite being notably deficient in many aspects, Peruvian democracy respected the separation of powers and freedom of expression. Three presidential and parliamentary elections were held, four national municipal elections took place, and regional elections were held in 1989. None of those elections was questioned.

38. Nevertheless, the TRC establishes that those who governed the State in that period lacked the necessary understanding of and adequate handle on the armed conflict as formulated by the PCP-SL and the MRTA. There was an interest in implementing the 1979 Constitution, in developing the country and in making the relationship between the rulers and the governed consistent with the rule of law. However, the governments of both Fernando Belaunde and Alan García erred by failing to apply a comprehensive strategy –involving social, political, economic, military, psychosocial, and intelligence, as well as mobilization of the populace– to confront the armed subversion and terrorism effectively and within its own democratic framework.

A. The Conduct of the Police Forces

39. The TRC notes that the police forces had the duty to confront the subversive groups that harmed the fundamental rights of citizens and recognizes the efforts and sacrifices undertaken by their members during the years of violence. Furthermore, the TRC pays the most profound homage to the more than one thousand brave members of the armed forces who lost their lives or were disabled in the line of duty.

40. The TRC considers that the counter-subversive training received at that point by the security forces had, as points of reference, the guerrilla movements organized according to a *Castroist* model, or, in the best case, armed groups similar to those who, during those years, were active in other Latin American countries. This was the principal reason for the difficulty in confronting a demented enemy that blended into the civilian population and differed from those other subversive groups.

41. The TRC notes that the police had to respond to the aggression of the PCP-SL, and later MRTA, under precarious logistic conditions, without adequate training or sufficient rotation of their agents. When they received the responsibility to conduct the counter-subversive fight in Ayacucho, they did not have sufficient support from the government.

42. The TRC considers that the limitations of the police intelligence services hindered their ability to adequately understand what was occurring. This, along with the lack of knowledge of the nature of the PCP-SL, caused them to underestimate the magnitude of the developing phenomenon. Thus, instead of sending the most prepared and efficient agents from each institution, the police organizations maintained the common practice of sending inappropriate agents to distant regions as a form of punishment.

43. The TRC has established that once the State of Emergency was declared in Ayacucho, in October of 1981, intervention by the counter-insurgency police detachment, known as the *sinchis*,⁷ led to an increase in human rights violations, generated resentment and distanced the police from the population.

44. The TRC notes that coordination problems in joining the efforts of the three police institutions, as well as corruption at the level of high officials and in strategic units, were factors extraneous to the actual conflict that impeded better police action during the years in which the subversion was still weak. As a result, notwithstanding the relative achievements obtained during 1982 with the capture of subversives, particularly in the cities, two events occurred that demonstrated that the subversion had exceeded the abilities of the Police Forces: the attack on the Huamanga penitentiary by the Shining Path, and the withdrawal of police posts in the countryside throughout 1982.⁸

45. The TRC has confirmed that with the entrance of the armed forces into Ayacucho and the later introduction of the political-military commands (CPM) in areas with a declared state of emergency, the police were subordinated to the armed forces, subject to orders given by military commanders, over and above their own commands and civilian authorities. In this context, and as the military offensive advanced, agents from all three police institutions acting in the emergency areas took part in grave human rights violations.

46. The TRC concludes that the fight against subversion reinforced pre-existing authoritarian and repressive practices among members of the police. Torture during interrogations and undue detentions, which had been frequent in addressing common delinquency, acquired a massive character during the counter-subversive action. Additionally, the TRC has established that the most serious human rights violations by military agents were: extrajudicial executions, forced disappearance of persons, torture, and cruel, inhuman or degrading treatment. The TRC particularly condemns the extensive practice of sexual violence against women. All of these acts dishonor the perpetrators who were involved directly and also those, in their role as hierarchical superiors, who instigated, permitted or covered up such acts with mechanisms of impunity.

47. The TRC establishes that, starting in the second half of the 1980's, unification of the police forces, oversight from the Ministry of the Interior, and fusion of the distinct operational units into the Direction of Special Operations (DOES), contributed to a better coordination of action in the struggle against subversives. However, the sector did not attend to, nor sufficiently strengthen DIRCOTE [the Anti-Terrorism Directorate], the unit that had acquired experience from its concentrated work in Lima.

⁷ Counterinsurgency unit from the former Civil Guard.

⁸ The police forces did not have sufficient deployment of personnel in rural areas. In these areas, there were small contingents of civil guards with basic training, who in many cases did not number more than eight. Basically, reinforcements such as the *sinchi* were camped in the city of Huamanga, from where they traveled by helicopter. Nonetheless, even these reinforcements were insufficient to respond completely to the affected areas. Due to the risk of attack faced by their agents, the decision was made to begin withdrawing to rural posts, combining several posts, particularly in the provincial capitals.

48. The TRC has found indications linking individual members of the police force to the misnamed “Rodrigo Franco Command Group.” It has not been possible to determine whether that Command Group was a centralized organization or a denomination employed by various actors who were not necessarily interconnected.

49. The TRC can confirm that the distance between the police and the populations tended to increase as the internal armed conflict evolved. This fact helped a negative image of the police as perpetrator take root, or, in the case of the coca regions, an image of the police as corrupt and linked to drug trafficking.

50. The TRC establishes that beginning in 1985 the police forces attained a more accurate understanding of the organization and styles of action of the subversive groups, leading to work of the DINCOTE (previously DIRCOTE) intelligence operation, which achieved the flawless captures of the principal subversive leaders, especially Victor Polay Campos on June 9, 1992 and Abimael Guzman Reinoso on September 12th of the same year. These captures made a fundamental contribution to the strategic defeat of subversion and terrorism.

51. The TRC establishes that following the coup d’etat of April 5, 1992, the Peruvian National Police were subject to the plans of the National Intelligence Service and subordinated to the military. There was a significant reduction in the PNP’s powers, distortion of its functions and, at the top, it was involved in the regime’s web of corruption, overseen by Vladimiro Montesinos.

B. The Conduct of the Armed Forces

52. The TRC notes that the armed forces, by decision of the constitutional government in an executive decree issued December 29th, 1982, were duty bound to confront the subversive groups that challenged the constitutional order of the Republic and threatened the fundamental rights of citizens.

53. The TRC recognizes the efforts and sacrifices made by members of the armed forces during the years of violence, and offers the most sincere homage to the more than one thousand brave agents of the military who lost their lives or were disabled in the line of duty.

54. The TRC has found that the armed forces applied a strategy that, during an initial period, was one of indiscriminate repression against the population suspected of belonging to the PCP-SL. Later, this strategy became more selective, although it continued to make it possible for numerous human rights violations to be committed.

55. The TRC affirms that at some places and moments in the conflict, the behavior of members of the armed forces not only involved some individual excesses by officers or soldiers, but also entailed generalized and/or systematic practices of human rights violations that constitute crimes against humanity as well as transgressions of the norms of International Humanitarian Law.

56. The TRC concludes that, in this framework, the political-military commands (CPM), designated the highest state authority in the emergency zones, may bear the primary responsibility for these crimes. The judiciary must establish the exact degree of

criminal responsibility of CPM commanders, whether for ordering, inciting, facilitating or engaging in cover-ups or for having neglected the fundamental duty to put a stop to the crimes.

57. The TRC has established that the most serious human rights violations by military agents were: extrajudicial executions, forced disappearance of persons, torture, cruel, inhuman or degrading treatment. The TRC particularly condemns the extensive practice of sexual violence against women. All these acts constitute a dishonor for those who perpetrated them directly and for those who, in their position of hierarchical superiors, instigated, permitted or covered them up with mechanisms of impunity.

58. The TRC notes that at the time of their intervention in the fight against subversion, the armed forces were prepared and equipped to engage in conventional conflict (external conflict). During the first years of their intervention (1983-85), they lacked adequate intelligence on the organization, military profile and strategy of the PCP-SL. By decision of civilian authority, their objective was to rapidly end the conflict without taking into account the cost in human lives. They set out to recover *territorial control*, assuming that the population was divided into communities loyal to the Peruvian State and subversive or *red zone* communities, without noting that the latter were not homogeneous and generally contained sectors dominated by the PCP-SL through coercion and even terror.

59. In the TRC's view, although the military intervention hit the organization and the operational capacity of the PCP-SL⁹ hard, it also left in its wake massive human rights violations and turned the two-year period from 1983-84 into the most lethal of the conflict, mostly in Ayacucho. Worse still, the strategy turned out to be counterproductive, as the indiscriminate repression in the rural areas postponed the rupture between the PCP-SL and the poorer sectors of the peasantry, and failed to stop the expansion of armed action to other areas of the country.

60. The TRC notes that in August of 1989, the armed forces approved the organization of a systematic counter-subversive strategy. The new strategy distinguished among friendly, neutral and enemy populations within the theaters of operations. Territorial control was not its main objective; rather, the strategy sought the elimination of the Political-Administrative Organizations (OPA) or Shining Path *popular committees*, to win over the population, and to isolate the PCP-SL's military forces. The strategy produced decisive results, including encouraging the peasantry's reaction against Shining Path and the spread of self-defense committees, which changed the relationship between the armed forces and the peasantry.

61. At this stage the human rights violations were less numerous, but more deliberate or planned than in the previous stage. Moreover, death squads appeared whose actions made Peru the world leader in the forced disappearance of persons in those years.

⁹ PCP-SL documents acknowledge close to 1700 losses among party militants, the popular guerrilla army and what they called "masses," who supported them during the period from mid-1983 to mid-1985. Although it can not be entirely certain, the TRC believes that some of the fatalities among THE PCP-SL's militants may correspond to the total of 2000 individuals who were *disappeared* by the Shining Path. One might reasonably assume they were young people forcibly recruited and who then never returned, possibly because they were killed in battle.

62. The TRC notes that the new strategy was used by a group of officers who then designed plans for a possible military interruption of the political process. Part of those authoritarian plans would later be taken up again in the coup of 1992. These anti-democratic projects exposed the armed forces to two great institutional disorders: a) the use of a model of counter-subversive policy and the image of a victorious army to justify the coup d'état in 1992 and, b) a truce with drug traffickers by defining the PCP-SL as the principal enemy that needed to be isolated from the coca-growing peasantry. In some cases, and especially following the promotion of Vladimiro Montesinos, this truce became an alliance.

63. The TRC concludes that the capture of Abimael Guzmán and the dismantling of the PCP-SL and MRTA failed to prevent the ethics, prestige and even the well-being and efficiency of the armed forces¹⁰ from being seriously compromised by leaders who tied their fate to a dictatorial government. This process of decomposition was characterized by the activities of the Colina Group, the persecution of dissenting officers, as well as the organization of a system of corruption, blackmail and political espionage internal to the armed forces under the direction of Vladimiro Montesinos.

64. The TRC has found that the armed forces were capable of learning lessons during the process of violence, which allowed them to refine their strategy to the point that it became more efficient and less prone to massive violations of human rights. This learning process is ostensibly reflected in the decrease in victims of actions by State agents precisely in the years of most intense internal armed conflict (1989-93), and while the PCP-SL unleashed a torrent of violent terrorism against the Quechua and Ashaninka peoples and also against the urban populace. These lessons, along with the proliferation of the Self-Defense Committees, police intelligence operations and the support of the citizens, explains the defeat of the PCP-SL.

C. The Conduct of the Self-Defense Committees

65. The TRC believes that from early on, poorer sectors of the peasantry, who according to the calculations of the PCP-SL ought to have been their principal allies, rose up against a project they did not share and which was being imposed on them by force. Communities such as Uchuraccay and others in the Huanta highlands are among the better-known examples. In some cases spontaneously, in others on the initiative of the armed forces, the farmers of the Apurimac River valley formed the first self-defense committees (CAD), which later multiplied, giving the PCP-SL its first strategic defeat in the rural areas.

66. The TRC recognizes the peasants' right to self defense in the exceptional context created by the Shining Path aggression. It finds, however, that in a significant number of cases, the formation of self-defense committees occurred as a result of the pressure and intimidation by the armed forces and/or other CADs. According to the findings of the TRC, on some occasions the CADs went beyond self-defense duties and were responsible for crimes that must be punished.

¹⁰ The damage to the efficiency of the armed forces in their fundamental mission of national defense became apparent during the Cenepa conflict in 1995.

67. The TRC recognizes, nonetheless, that the CADs were a very important factor in the outcome of the internal armed conflict and pays homage to those who fell in the defense of their communities and country. The TRC also emphasizes that, once the armed conflict ended, the CADs did not become hired assassins for drug traffickers, nor did they lend their military experience to the service of other actors implicated in illicit activities. The immense majority of the CAD members have rejoined their communities and the country continues to be in their debt. Legislative Decree 741, enacted at the end of 1991, and its subsequent regulations, only allow for compensation after the enactment of the law, and has benefited a small number of family members.

IV. The Political Process and the Governments

68. The TRC distinguishes the years between 1980 and 1992, a period of civilian, democratically-elected regimes, from the final period of our mandate (1992 – 2000), following the coup-d'etat of April 5, 1992. This change of regime has a direct effect on the responsibilities of the State's highest authorities with respect to violations of human rights since the centralization of power forges, in principle, a more direct link between the President of the Republic and the groups who operate under the cover of power to perpetrate violations.

69. The TRC considers that given the development of events, marked by the PCP-SL's growing violence, it was inevitable that the State would respond with the use of its armed forces and would resort to declaring states of emergency, which were allowed under the Constitution in effect at the time to confront situations of serious risk. The TRC deplores, nonetheless, the fact that when the governments did opt for such declarations, they failed to take steps to prevent violations of the population's fundamental rights.

70. The TRC is aware that both the weakness and the improvisational nature of the different governments' actions were the result of deep failings of the State: i) its insufficient national coverage and institutional depth; ii) its lack of preparation for confronting this type of conflict; iii) the mistrust generated by significant sectors of its own citizens, and; iv) a growing inability to submit to the legal and constitutional framework that the country had just adopted in the Constitution of 1979.

71. For this reason, the TRC pays homage to those leaders and militants of democratic political parties who offered up their lives or suffered mistreatment for honestly carrying out their public duties. We refer to both the militants of governing parties as well as those with parliamentary, regional or municipal responsibility. Special mention must be made of the local authorities in those areas most affected by the violence, who maintained the presence of the Peruvian State, often at the cost of the ultimate sacrifice. They should be an example for all in this new stage of the search for democracy.

72. Nevertheless, the TRC must confirm the very grave responsibility of the governments of those years, as well as of the parties represented in Parliament, local governments and, between 1989 and 1991, regional governments. In the first twelve years of the conflict, the police and armed forces took charge of combating the subversion through legal instruments approved by civilian governments, within the framework of anti-terrorist legislation passed by a democratically elected Congress.

73. The TRC has gathered ample evidence concerning how extremely grave, massive human rights violations were perpetrated in combat against the subversive groups. This involves first the governments, who were responsible for the Executive's actions overall, and had structural authority over the security forces. Furthermore, the elected civilian governments incurred the most serious responsibility by failing to attend to reports of human rights violations or, as in many cases, by ensuring impunity for those responsible for the violations.

74. The TRC finds that the first institutional turning point in the abdication of democratic responsibility by government was the creation, by legal order, of the political-military commands. In practice, the commands made civilian authority in areas declared to be in a state of emergency subordinate to its own, by taking over not only the military command but also the political leadership in the fight against subversion.¹¹

75. The TRC establishes that law 24150 placed soldiers and police in provinces declared to be in a state of emergency under military jurisdiction, which favored the impunity of State agents responsible for human rights violations. Similarly, the permanent nature of states of emergency in more and more provinces weakened democracy and created a climate ripe for human rights violations, as well as a general sense among the population and the civilian authorities in those areas that power resided in the military authority.

76. The TRC believes that the abdication of democratic authority culminated in the counter-subversive legislation passed after the coup of April 1992. Under that law, the commanders of the political-military commands not only coordinated and supervised, but also *directed* actions in non-military fields. This legislation changed the National Defense System, the National Intelligence Service law, and the law on the military situation. This last law allowed the general commanders of the armed forces to remain in their posts even after reaching retirement age. Furthermore, the new legislation included procedures and sentences that violated due process guarantees as well as the Constitution and international treaties to which Peru was a signatory: disproportionate minimum sentences, new legal concepts such as aggravated terrorism and treason, faceless courts and judges, among others. This new legal framework was one of the pillars of the regime that emerged following the coup d'état of April 1992.

A. Indifference and Demand for Harsh Measures

77. The TRC has found, sadly, that the civilian governments were not alone in bowing to the indiscriminate use of force as a means of combating subversion. On the contrary, the proclivity of these governments for a military solution without civilian controls resonated with a considerable sector of Peruvian society, principally in the moderately educated urban sector that benefited from State services and resided far from the epicenter of the conflict. This sector, in the main, watched with indifference or demanded a quick solution, and stood prepared to face the *social cost* being paid by citizens of the rural, poorer regions.

¹¹ The latter could have been left in the hands of the civilian authority, of a government Minister, or an ad hoc Presidential delegate.

B. The Popular Action Government

78. The TRC expresses its special recognition of all the victims belonging to the Popular Action party, many of whom were local authorities who remained in their positions despite the intensity of the violence. The TRC also emphasizes the special effort made by the government of Fernando Belaunde Terry to preserve the democratic system, local and general elections, and freedom of the press in the context of a difficult transition to a democratic regime, and in the middle of the worst internal armed conflict in the history of the Republic.

79. The TRC recognizes that the Popular Action party had to confront subversion in a situation made difficult by the complexity of an oversized State inherited from the military government, by the weakness of a party system with no significant democratic existence, by civil-military relations marked by distance and distrust, and by the existence of a large and radical left.

80. The TRC recalls that in this context, President Belaunde proposed a number of policies for a broad united front, which were accepted only by his ally, the Popular Christian Party. The other parties opted to maintain their own profiles. This disagreement made the creation of a united response to the subversive threat enormously difficult.

81. The TRC finds that the internal armed conflict was considered, for many months, to be a marginal problem that had taken the State and all the country's political forces by surprise. Once the increase in the number of armed subversive actions made the conflict impossible to hide, the Popular Action (AP) government and the opposition lost valuable time attributing blame for what was happening so as to suit their own political agendas.¹² It must be noted that the time lost in mistaken or interest-driven diagnoses was a crucial period in which the PCP-SL settled into many areas of the Ayacucho countryside, with no organized response by the government on behalf of the State.

82. The TRC establishes that the government opted to confront the PCP-SL with police forces and with exceptional measures that were extended without interruption. The limitations of the police forces, divided into three institutions with no coordination among them, lacking basic equipment and without a coherent anti-subversive policy, quickly generated rejection by the population, first toward the police and then with regard to the government. The government, faced with increasingly violent activity by the PCP-SL, opted to hand over direction of the counter-subversive fight to the armed forces at the end of 1982.

83. The TRC believes that the decision taken by the Popular Action government initiated a process of militarization that lasted more than a decade and had grave consequences for the country. The establishment of political-military commands and the failure of political authorities to contribute to the fight against subversion in non-military arenas produced a de facto subordination of the local civil authorities to the anti-subversive strategies of the armed forces.

¹² The principal political actors tossed accusations back and forth, simultaneously blaming terrorist acts on the Cuban government and the CIA, the legal left and the government, and even on with *Velasquista* or ultra-right military officers.

84. The TRC has established that the creation of the political-military commands and the intervention of the armed forces were carried out without the civilian authorities taking necessary preventive measures to protect the fundamental rights of the population. This resulted in numerous violations of human rights carried out in a systematic and/or generalized manner.

85. The TRC concludes that the Popular Action party tolerated these human rights violations, ignoring numerous reports from various government and civil society sources. This was the case in massacres such as those in Putis, Pucayacu, and Cabitos, to name some of the more notorious ones. Similarly, during this period of terrible violence, the Parliament, controlled by the governing party, failed to appoint any investigative commissions. The sole commission was appointed by the Executive to investigate the assassination of eight journalists in the community of Uchuraccay, where the TRC has established that 135 Quechua peasants also died in the year following the massacre, the majority at the hands of the PCP-SL.

86. The TRC finds that the Popular Action government's unjustified tolerance of these abuses of the fundamental rights of the citizenry was founded on the intention and expectation of eliminating subversion in the short term, with no consideration for the cost in human lives. Law 24150, passed in 1985, ratified this policy.

87. The TRC finds that the Popular Action government bears political responsibility for its tolerance of the human rights violations committed by the State, principally against the indigenous population, which is the most unprotected and marginalized in the country. The TRC finds this to be a regrettable demonstration of habits of discrimination and racism existent in Peruvian society.

88. The figures of the TRC reveal that, according to an analysis by year, the highest number of deaths in the entire conflict occurred between 1983 and 1984. These were caused by the PCP-SL's assassination campaigns and the bloody official response, which according to the TRC's calculations left 19,468 victim fatalities, or 28 percent of the total estimated for the entire internal armed conflict. These casualties went almost unnoticed by the rest of the country, due to the serious ethnic divisions in our society.

C. The Government of the Peruvian Aprista Party

89. The TRC expresses its special recognition of all the victims who were members of the Peruvian APRA [American Popular Revolutionary Alliance] Party (PAP), many of whom were local authorities who remained in office despite the intensity of the violence. The TRC also emphasizes the effort of the government of President Alan García Pérez to preserve the democratic system, local and general elections, and freedom of the press in the context of a difficult situation in the middle of the worst internal armed conflict in the history of the Republic.

90. The TRC believes that when Dr. Alan García Pérez took office in July 1985, he initiated a series of social policies to reorient the anti-subversive strategy then in place. The explicit goal was to defeat subversion through development policies directed at peasants and the poorest regions. The new government assumed responsibility for

ongoing criticisms that had been directed against the conduct of the armed forces since the previous government.

91. This policy of respect for human rights and of reporting their violation was demonstrated, for example, in the penalties applied to the military leaders responsible for the Accamarca massacre (August 1985). Thus, the government sought to exert civilian control over military actions. Additionally, it created a Peace Commission and carried out initiatives for unification of the police force and the creation of a Ministry of Defense.

92. Nevertheless, the TRC believes that what has been termed the “prison massacre,” which took place on June 18-19, 1986 in the penitentiaries at Lurigancho and El Frontón, marked a turning point in the efforts of the PAP government to use civilian power to impose a new regime of respect for human rights on the security forces. The TRC has found that beginning with those events, the armed forces acted with greater autonomy in their counter-subversive actions, without either the Executive or the Legislative branch providing them with a legal framework to do so.

93. The TRC finds grave political responsibility on the part of the PAP government in those cases, without prejudice to other individual responsibilities that may be determined in other national or international judicial forums.

94. The TRC believes the cover-up of the killings at Cayara in May 1988 to be paradigmatic of the new attitude of the governing party with respect to the actions of the armed forces in the fight against subversives. The Senate investigating commission headed by PAP parliamentarian Carlos Enrique Melgar found that the killings had not occurred, even though a minority on that commission and a prosecutor affirmed the opposite. Nonetheless, the APRA majority approved the finding. The TRC’s investigations confirm the killings in Cayara and find the PAP politically responsible for collaborating in the cover-up of that massacre.

95. The TRC has established that the PAP government initiated a reorganization of the three existing police institutions in response to complaints about the crisis of corruption and inefficiency. This led to what later became the national police. PAP had a particular interest in controlling the police through the Interior Ministry. In the reorganization new entities such as the Direction of Special Operations (DOES) unit trained in counter-subversion were created, and anti-terrorism intelligence work was strengthened.

96. The TRC believes that the acute economic and political crisis that Peru experienced beginning in 1988 fostered the development of subversive groups and the maelstrom of violence. The failure of the economic program and the onset of hyperinflation led to a situation of grave instability in the country. With the failed attempt to nationalize the banks, the government lost the support of the country’s business and financial groups. The marches and counterdemonstrations on economic policy deepened existing social tensions, which were further aggravated by the collapse of basic services. The PCP-SL took advantage of these expressions of discontent to initiate its own protest marches, even in the capital itself.

97. The TRC has gathered testimonies that suggest the existence of police personnel linked to death squad activities and paramilitary commands used against presumed subversives. A series of events, such as the appearance of the misnamed “Rodrigo Franco Command Group”, the confrontation in Molinos between an Army patrol and a column of the MRTA, the PCP-SL’s attack on the police station in Uchiza, the abandonment of municipal positions in 1989, and the escape of MRTA militants from the Castro Castro prison in 1990, among others, fostered the image of anarchy and chaos in the country. Nevertheless, at the same time, three national elections took place between November 1989 and June 1990. Discontent among the armed forces was considerable, even leading to an attempted coup d’etat. The TRC concludes that with the emergence of the crisis, the government lost control of the counter-subversive policy, with the exception of some areas of police work that were very successful, such as the Special Intelligence Group (GEIN), which, eventually, would have the greatest success capturing subversive leaders.

D. The Governments of Alberto Fujimori

98. The TRC has established that the presidential elections of 1990, which occurred in the midst of a generalized crisis, the damaged reputation of political parties and the loss of confidence in political organizations facilitated the triumph of an independent, Alberto Fujimori, an engineer by training, an independent candidate who quickly revealed his contempt for democracy. He never built a political organization to support him.¹³ In order to address the large problems that he inherited – the economic crisis and expanding subversion – he placed a group of technocrats in charge of economic issues and adopted the armed forces’ counter-subversive strategy as it had appeared at the end of the 1980s. Additionally, he called upon military intelligence operatives, the best known being Vladimiro Montesinos. With Montesinos’ participation, the new regime began to strengthen the National Intelligence Service and assured for itself the loyalty of the military leadership, converting them into pillars of its administration.¹⁴

99. The TRC concludes that the coup d’etat of April 5, 1992 brought an end to the rule of law and demonstrated the weakness of the political party system; a majority of public opinion supported the coup. In the midst of the urban offensive of the PCP-SL, important sectors from all social strata indicated a willingness to exchange democracy for security and tolerate human rights violations as the necessary cost to put an end to the subversion.

100. The TRC has established that beginning in 1992 the new counter-subversive strategy emphasized the selective elimination of political-administrative organizations of subversive groups. A death squad linked to Vladimiro Montesinos called “Colina” was responsible for assassinations, forced disappearances and cruel and ferocious massacres. The TRC has reasonable grounds to affirm that President Alberto Fujimori,

¹³ Cambio 90 [Change 90] was deactivated after the 1990 elections and never had a life of its own. Nueva Mayoría [New Majority] was only an acronym for electoral purposes. The Frente Perú al 2000 [Peru Front for 2000], which was to back him in the 2000 elections, falsified more than one million signatures in order to be listed on the National Elections Registry.

¹⁴ One salient point was the continuation of Nicolás de Bari Hermoza Ríos as Commander General until 1998, even after his retirement in 1991.

his adviser Vladimiro Montesinos, and high level officials of the National Intelligence Service are criminally responsible for the assassinations, forced disappearances and massacres perpetrated by the “Colina” death squad.

101. The TRC holds that in this same period, the DINCOTE, thanks to experience accumulated since late in the previous decade and the emphasis placed on intelligence work, demonstrated more constructive and effective capabilities that resulted in the capture of Victor Polay, principal leader of the MRTA, and the capture, on September 12, 1992, of Abimael Guzmán and members of the Politburo of the Central Committee of the PCP-SL. The TRC concludes that the capture of the top leadership of the PCP-SL and the MRTA were not used by the government to accelerate the defeat of subversion; rather they were used to obtain electoral returns.

102. Furthermore, the TRC notes the use made of the Chavín de Huántar operation, carried out to rescue the people taken hostage by the MRTA at the Japanese Ambassador’s residence in December 1996. The TRC expresses its repudiation of that terrorist action, which kept dozens of persons captive for more than four months. The TRC recognizes the right of the State to rescue the hostages held there and applauds the heroism and efficiency of commandos who successfully carried out the rescue operation, and pays homage to the members of the Army who were casualties of that action, as well as to Dr. Carlos Giusti, a member of the Supreme Court who died during the operation. Nevertheless, the TRC condemns the extrajudicial executions that apparently occurred; these were unjustified since they involved individuals who had surrendered. The Commission shares the public’s rejection of the images of Alberto Fujimori walking among the dead bodies in the residence shortly after its recovery.

103. The TRC affirms that in the following years, several facts, some of which were true, but the majority manipulated by the media, served to create and exaggeratedly recreate *terrorism* as a latent threat to justify the authoritarianism of the regime and to discredit the opposition. Wiretaps on the telephones of the political opposition, the harassment against independent journalism, the subjection and final perversion of the majority of the media, attacks and crimes, even against members of the National Intelligence Service itself, as well as the distortion of legitimate operations such as Chavín de Huántar, all carry the stamp of Alberto Fujimori’s authoritarian government.

104. In light of the foregoing, the TRC holds that in the last years of the Fujimori government, the internal armed conflict was manipulated with the goal of keeping the regime in power. This plunged the country into a new economic crisis and into the abyss of corruption, moral decay, weakening of the social and institutional fabric, and a profound lack of confidence in the public sphere. All of these characteristics constitute, at least in part, consequences of the authoritarian way in which the conflict was resolved, and make up one of the most shameful moments in the history of the Republic.

E. The Left Political Parties

105. The TRC expresses its special recognition of all the victims who belonged to the parties that made up the alliance Izquierda Unida [United Left, IU], many of whom were local authorities who remained in office despite the intensity of the violence. The

TRC also emphasizes that the IU was a channel for political representation for broad popular sectors and social movements that up to that time had not been included on the national agenda. Thus, in many areas of the country, left militants were a brake on the advance of the PCP-SL.

106. The TRC has established that the alliance of the United Left was the second electoral force throughout most of the 1980's; it had representation in Parliament, governed at the local level, and, between 1989 and 1992, participated in regional governments.

107. The TRC has established that during the 1970's, most of the organizations that later formed part of the IU shared, with minor differences, a discourse and a strategy that privileged taking power through armed struggle. In the context of the extensive social mobilizations and democratic opening at the end of the 1970's, some of these organizations changed direction to value positively electoral politics and representative democracy.

108. Nevertheless, the TRC points out that insufficient, and in many cases, delayed, ideological differentiation placed the majority of the parties in the IU in an ambiguous position with respect to the actions of the PCP-SL, and even more so with respect to MRTA. This ambiguity made it difficult for both party leaders and the social organizations influenced by the IU, to confront the violent concepts of the PCP-SL or the MRTA ideologically.

109. The TRC establishes that the left denounced human rights violations committed by the State. Nevertheless, it did not give the same treatment to the violations committed by subversive groups, especially the MRTA. There were two groups on the left that maintained to the end the possibility of recourse to violence to take power. This was what ultimately led to the division of the left into purported reformists and revolutionaries.

110. In the opinion of the TRC, although not a generalized position, sectors of the left understood their participation in the parliament and in municipal government as a platform for agitation and propaganda, and to demonstrate the limitations of "demobourgeois" institutions.

111. The TRC notes that politically, the sectarianism and the ineffectiveness of the parties and the independents that made up IU, as well as the difficulty of putting the interests of the country ahead of the groups or personalities that were involved, impeded the IU from transcending its character as an electoral alliance and becoming a programmatic front that might represent and offer an alternative of peaceful and democratic transformation for its militants and for the country. This limitation persisted even in its period of greatest electoral presence; it kept the IU from differentiating itself from the APRA government's policy, and ended up dividing the IU in 1989. The division was disconcerting to its followers, and broke the retaining wall that the IU represented among broad popular sectors, allowing for the advance of subversive groups, and subsequently, Fujimorism.

112. Nevertheless, the TRC emphasizes the IU's positive role in the early denunciation of human rights violations through its member parties, the social organizations that it was involved in, and its representatives in Parliament, who had significant roles in the most important Congressional investigative commissions on issues related to the internal armed conflict (the killing of prisoners, paramilitary groups, the causes of the violence).

113. Furthermore, the TRC documents that many members of the IU, especially grassroots provincial militants during electoral periods, were victims of the security forces, which did not distinguish between IU members and subversives. Additionally, it is clear to the TRC that the IU was never a "legal front" for the PCP-SL, neither organically nor officially. As the decade progressed, the IU increasingly disavowed the ideology and the methods of the PCP-SL, which assassinated a significant number of social leaders from the ranks of the IU, some of whom were important leaders of national trade organizations.

F. The Legislature

114. The TRC has confirmed that the State's problems confronting the internal armed conflict also occurred in the Legislative branch of government. The political forces represented there did not take, nor did they propose, comprehensive initiatives to address the subversive groups until the conflict was quite advanced (1991).

115. The TRC documents that throughout the 1980's, Congress functioned with majorities from the respective governing party of each presidential term. Through these majorities, the governments inhibited or weakened the capacities for oversight and legislative initiative. Thus, the Parliament of 1980 – 1985 failed to perform its constitutional mandate of oversight by refusing to exercise control over what was occurring in Ayacucho, Huancavelica y Apurímac as a result of the conflict. During this period, in which the largest number of Peruvians died or disappeared because of the war, Congress did not undertake any investigation of the mounting human rights violations that both the PCP-SL and the security forces were committing with impunity.

116. The TRC must note that in the face of militarization of the conflict, Congress failed to propose any viable alternative or plan. The principal law-making activity was in the hands of the Executive. And when, finally, Congress took up that function again, it did nothing but reaffirm its limited willingness to commit to finding a harsh and efficient answer to the subversive phenomenon.

117. The TRC notes that Congressional approval of Law 24150, which established the norms governing states of emergency in which the armed forces assumed control of internal order in all or part of the territory, legalized what was already occurring *de facto*, inhibiting civilian authority to the benefit of the military. Thus, this decision led to the weakening of civilian democratic power and reduced counter-subversion policy to a sphere of military repression and control.

118. Nevertheless, the TRC notes that beginning in 1985 investigative commissions were appointed for cases with significant impact on public opinion. Although none of them were able to break the cycle of impunity, parliamentary debates and minority

findings generated important currents of opposition to human rights violations within public opinion. Nevertheless, while Congress took on the investigation of important cases of human rights violations perpetrated by the security forces, it made no similar effort to investigate and demand sanctions for the terrible cases of violations perpetrated by the PCP-SL.

119. The TRC notes that following the 1990 elections, the Executive lacked a majority in Congress for the first time. Taking advantage of the decline of the political parties and the legislature's loss of prestige, Alberto Fujimori's government and the promoters of an authoritarian, militarized counter-subversive policy overstated the institution's ineptitude and problems; they had no reservations about presenting Congress as part of the *enemy camp*. This idea coincided with that of the PCP-SL, which viewed Congress as a redoubt of *reversionism* and part of the *old State* that needed to be destroyed.

120. The TRC finds that between 1990 and 1992, Congress acquired another appearance. The lack of a parliamentary majority for the governing party and the increase in subversion spurred greater consensus and more active participation in the design of an counter-subversive policy within democratic frameworks. This new attitude was evident in the debate on counter-subversive legislation in November 1991. With respect to congressional oversight, the 1990 – 92 Congress intervened in situations of human rights violations in the internal armed conflict. However, the April 1992 coup, which closed Parliament with the consent of the majority of public opinion, demonstrated that this was a belated and insufficient effort to control the *de facto* powers and authoritarian currents in the country. At that point, the political parties showed clear signs of exhaustion and crisis.

121. The TRC believes that after the 1992 coup, Congress had no capacity for oversight due to both the constitutional cutback on its powers and the absolute majority maintained by the governing party until 2000. The weak parliamentary effort in the counter-subversion fight was aggravated by the development of a process of manipulation of legal norms that was harmful to society and that sought, among other things, to establish an apparatus that would guarantee impunity for human rights violations committed by state agents.

122. The TRC has also been able to confirm that, in many cases, the post-coup official majority in Congress, despite the brave attitude of opposition members of Congress, not only abdicated its constitutional function of oversight but also endorsed and promoted cover-ups and impunity. An especially noteworthy moment in the institution's participation in the process of affirming impunity was the passage of Law 26479, the General Amnesty Law (June 15, 1995). In effect, Parliament became an echo chamber for the proposals of the palace and of the National Intelligence Service.

G. The Judiciary

123. The TRC notes that the abdication of democratic authority extended to the administration of justice. The judicial system failed to adequately fulfill its mission, whether in connection with legal penalties for the actions of subversive groups, protecting the rights of detained persons, or putting an end to the impunity of State agents who committed grave human rights violations. First, the judiciary acquired the

image of an inefficient “sieve” that freed guilty suspects and imprisoned innocents; secondly, its agents failed to guarantee the rights of detainees, thus contributing to grave violations of the right to life and physical integrity; and finally, they abstained from bringing members of the armed forces accused of serious crimes to justice, systematically ruling in every case of contested jurisdiction in favor of military jurisdiction, where impunity held sway.

124. Nevertheless, the TRC must specify that the judicial system suffered from structural problems that led to its inefficiency. However, this circumstance was exacerbated by the negligent actions of some judicial officials who made the institutional context in which justice was administered even worse.

125. The TRC documents that Peru’s judicial situation deteriorated after the coup d’etat in 1992, when, the following were added to the conditions already mentioned: clear interference in the capacity of self-regulation through massive terminations of judges, provisional appointments, and the creation of management entities outside the structure of the judicial system; this was in addition to the ineffectiveness of the Constitutional Court.

126. The TRC documents that the legislation applied by the judicial system was deficient. Between 1980 and 1992, this situation was particularly affected by the broad and imprecise definition of the crime of terrorism, and the weakening of the Public Ministry’s work in the preliminary investigation phase, minimizing the prosecutor’s role as guarantor of the process. The situation worsened after the 1992 coup because of characteristics of the new anti-terrorism legislation, which included: over-criminalization of terrorism by making the concept flexible and creating new crimes that were tried in different forums and imposed different sentences for the same conduct; lack of proportionality in sentencing; serious limitation on the ability of detainees to mount a defense; and the attribution of jurisdiction to military tribunals to try crimes of treason.

127. The TRC has established that, abdicating its own jurisdiction and acting through the Supreme Court, when the accused were members of the armed forces the Judiciary ruled on every occasion in favor of the military forum, where the cases were generally dismissed, were unnecessarily prolonged, or resulted in lenient sentences.

128. The TRC also has found that judicial officials failed in their responsibility to protect citizens’ rights by the generalized practice of declaring habeas corpus petitions inadmissible. The tribunal for constitutional guarantees – in existence until 1991 – systematically avoided making reasoned rulings. This situation contributed in no small measure to arbitrary detentions culminating in torture, arbitrary executions and forced disappearances.

129. The TRC believes that the dictatorship of Alberto Fujimori spuriously attempted to legalize impunity for human rights violations by State agents by managing to have the Democratic Constitutional Congress provide majority approval for two amnesty laws that violated constitutional provisions and international agreements ratified under

Peru's sovereign power. With one honorable exception,¹⁵ in which a law was not applied because it breached constitutional provisions and international agreements, judges renounced their authority to serve as a decentralized line of defense against unconstitutional legislation.

130. The TRC has established that strict and uncritical application of the 1992 anti-terrorist legislation undermined the guarantee of impartiality and accuracy in trials of detainees. Not only did hundreds of innocent persons have to endure long sentences, but due process violations cast a heavy shadow of doubt over the trials that took place. The discredit suffered by the Peruvian judicial system during the Fujimori regime proved to be a boon for the true subversives when, years later, the State had to re-try them on the basis of scant evidence. Additionally, those sentenced for terrorism suffered prison conditions that were degrading to human dignity, and that in no way led to their rehabilitation. The prison situation, little noticed by judges in criminal sentencing, gave rise to riots and massacres in 1985, 1986 and 1992.

131. The TRC notes that the Public Ministry [prosecuting authority] –notwithstanding some honorable exceptions – abdicated its duty to enforce the strict respect for human rights that must be observed in detentions, and was insensitive to the requests of the victims' relatives. On the contrary, it failed in its duty to report crimes, its investigations were lethargic, and forensic work was very deficient, which contributed to the situation of chaos and impunity. Under the Fujimori dictatorship, the Public Ministry's deference to the orders of the Executive was total.

V. The Role of Social Organizations

A. Trade Organizations

132. The TRC has established the violent aggression by subversive groups against various unions and businesses. In its report, the TRC records the assassination of union leaders, business leaders, and employees.

133. The TRC finds that while the PCP-SL exacerbated labor conflicts and sought the destruction of existing unions, the MRTA sought to use the unions for its subversive goals.

134. The TRC also concludes that anti-democratic practices or conceptions in the unions and trade associations led to a mutual discrediting throughout the armed conflict, giving rise to criticisms about the representational character and legitimacy of the trade organizations.

135. The TRC has established that the State's role as arbiter of labor conflicts was markedly inept, since an inefficient bureaucracy prone to corruption, the absence of clear rules, and complicated legislation, among other factors, hampered negotiations, thus making the problems worse.

¹⁵ Proof that it was possible to object to this impunity was demonstrated by the courageous attitude of Dr. Antonia Saquicuray, who heard the *Barrios Altos* case, and held that the Amnesty Law was unconstitutional.

B. The Educational System and Teaching Profession

136. The TRC has found that the State neglected education for decades. There were modernizing projects in the 1960's, but these failed. Neither the university law nor the educational reform of 1972 succeeded in turning these tendencies around. Nor did they neutralize the predominance of traditional authoritarian teaching methods. In those areas from which the State withdrew, new proposals emerged that endorsed a radical change; one that could not be adopted by the social and political system, but was only achievable through confrontation and sustained by a dogmatic and simplified Marxism that expanded widely throughout the universities in the 1970's. These new curricula were transmitted using the old authoritarian pedagogical frameworks, which went unquestioned.

137. The TRC has found that among many university instructors and students there was a common belief in a fatalistic historical determinism through the path of confrontation. That vision opened spaces for the development of authoritarian proposals from the extreme left. The PCP-SL was simply the most extreme.

138. The TRC has found that, in this context, the PCP-SL sought to instrumentalize educational institutions: universities, secondary schools, advanced institutes, and even pre-university academies. Widespread dogmatism and the ambivalence of radical groups toward violence were factors that favored the PCP-SL. Through intimidation or cooptation, the PCP-SL was able to place instructors in schools where they sought to proselytize. Taking advantage of, and feeding on, a maximalist version of university autonomy, the PCP-SL gained access in some cases to university boards, or at least found sanctuary in housing and cafeteria facilities. There, a proselytism developed in which clientelism was mixed with an appeal to the feelings of discrimination and insult experienced by the poor and provincial students, who were the greatest users of those services. For those students, who had weak social networks in their places of study, the proselytizing also offered an identity and a sense of belonging.

139. The TRC finds grave responsibility of the State: i) in the neglect of public education in the midst of a conflict that used the educational system as an important terrain for ideological and symbolic debate; ii) in intimidating and/or stigmatizing entire communities of teachers and students in public universities, especially in the provinces;¹⁶ iii) in the deterioration of the infrastructure for services at several public universities; iv) in having allowed grave human rights violations against students and professors because of their status as such.¹⁷

140. The TRC repudiates the crimes committed against students, professors, and workers, whatever their political affiliation. The Commission especially condemns the killing of more than one hundred students, professors and workers at the Universidad Nacional del Centro (UNCP) caught in the confusion of crossfire, at the hands of various actors in the war – including the death squads. Furthermore, the Commission

¹⁶Although rarely applied, in the 1990s, the “defense of terrorism” law legalized the intimidation of the teaching profession.

¹⁷ According to testimony gathered by the TRC, of the victims of State agents during the conflict, 3 percent were instructors and 2.4 percent were students in higher education.

condemns the massacre of eight students and one professor at the Enrique Guzman y Valle National Education University, “La Cantuta,” in July 1992, and the subsequent amnesty for the perpetrators, members of the death squad “Colina,” in 1995. The Commission notes that based on its investigations, in addition to those already cited, the universities of San Cristóbal de Huamanga, Hermilio Valdizán de Huánuco, Callao, Huacho and San Marcos, among others, were affected by the counter-subversive strategy of detentions-disappearances and destruction of infrastructure, and during the authoritarian regime of the 1990’s, by the installation of military bases on the university campuses.

C. The Role of the Churches

141. The TRC, through the many testimonies gathered, hearings and studies undertaken, has confirmed that the Catholic and Evangelical churches contributed to the protection of the population from crimes and human rights violations during the violence. Institutionally, the Catholic Church condemned early on the violence of the groups taking up arms as well as human rights violations by the State. These positions took the shape of activities in defense of human rights and denunciations of the violations very early in the process initiated through organizations such as the Comisión Episcopal de Acción Social (CEAS) [Episcopal Commission for Social Action] and others. The TRC has concluded that many lives were saved and many other abuses were impeded thanks to the support of these organizations, as well as by individual clerics and laypersons, regardless of theological or pastoral approaches. In Departments such as Puno, Cajamarca, Ancash, Ucayali or Amazonas, the role played by priests, lay people, and catechists contributed to strengthening the social fabric and constructing a barrier that weakened the advance of the PCP-SL and the explosion of what was termed the dirty war.

142. Nevertheless, the TRC has found that the defense of human rights was not steadfast in the archbishopric of Ayacucho during most of the armed conflict. Throughout much of the conflict, that archbishopric hindered the work of Church organizations linked to the issue, and denied the existence of human rights violations committed in its jurisdiction. The Commission deplores the fact that some ecclesiastical authorities from Ayacucho, Huancavelica and Abancay have not complied with their pastoral commitment.

143. The TRC has concluded that the Evangelical churches also played a valuable role in the protection of human rights, principally through their national coordinating bodies. The Commission also recognizes the courage of pastors who contributed to this effort in defense of life on the outskirts of large cities and in remote rural areas. The Commission also confirms that a significant number of Evangelical peasants participated in self-defense committees that confronted the subversion. Nevertheless, the Commission regrets that some Evangelical communities have not shared in the defense of human rights.

144. The TRC pays homage to the priests, men and women of the religious community, lay individuals, and Catholic and Evangelical faithful who paid with their lives for doing pastoral work during the internal armed conflict.

D. Human Rights Organizations

145. The TRC has concluded that throughout the conflict, dozens of civil society associations kept the capacity for indignation alive and created an effective movement in favor of human rights which was organized around the Coordinadora Nacional de Derechos Humanos (CNDDHH) [National Human Rights Coordinating Body], and which, despite constant efforts to demonize it, became an ethical point of reference on the national stage and an effective resource in support of the victims' goal of obtaining truth and demanding justice. The Commission is convinced that the country owes these human rights organizations a debt of gratitude because, by exercising the democratic right of critically monitoring the security forces, they contributed to controlling some of the most brutal aspects of the conflict and to obtaining extensive international solidarity for the democratic struggle of the Peruvian people.

146. In keeping with the tradition of the international human rights movement, in the first years of the conflict, the Peruvian defenders of human rights directed their criticism fundamentally toward the State, since the State's actions are defined within a legal system that must be respected, and, furthermore, the State is a signatory of international agreements and must, above all, be accountable for the security of its citizens. Nevertheless, in the mid-1980's, the organizations that made up the CNDDHH set themselves apart from the subversive groups' front organizations.¹⁸ Later, they refused to provide legal defense for militants or leaders of the subversive groups. They also actively and successfully advocated for the international human rights movement to include subversive groups within their criticism and monitoring, whether those groups were Peruvian or from other parts of the world.

147. The TRC also has confirmed that unlike other countries that experienced internal armed conflict, victims' organizations were relatively weak. This is because in the majority of the cases the victims were poor peasants, with little consciousness of their rights, for whom access to justice was difficult, and who had weak social networks with few urban contacts. This weakness worked to the advantage of impunity for the perpetrators of human rights violations and crimes.

148. In that context, the TRC emphasizes and recognizes the persistence of the Asociación Nacional de Familiares de Secuestrados, Detenidos y Desaparecidos del Perú (ANFASEP) [Peruvian National Association of Families of the Abducted, Detained and Disappeared]; the vast majority of its members are poor, Quechua-speaking women from Ayacucho. Even in the worst moments, with tenacity and bravery these women kept alive the flame of hope for the recovery of their loved ones, and that justice would be applied to those responsible for the disappearances.

E. The Media

149. The Truth and Reconciliation Commission establishes that the media played a very important role throughout the internal armed conflict. During those years, investigative journalism efforts were abundant, courageous, and in some cases, as in the massacre at La Cantuta (July 1992), indispensable to uncovering who was responsible

¹⁸ Such as the so-called "Democratic Attorneys."

for horrific crimes. Often, in these investigations journalists risked their lives and, unfortunately, on several occasions, those lives were lost. The TRC pays homage to the journalists assassinated during the internal armed conflict while carrying out their duties. Particular mention is made of the Uchuraccay martyrs, the first journalists killed in the line of duty and in especially tragic circumstances. Additionally, the Commission gives special recognition to the contribution to the clarification of facts and the reporting of crimes and human rights violations on the part of the journalists who, when working in provinces declared to be in a state of emergency, carried out their duties selflessly under very adverse conditions.

150. With respect to news coverage and editorial policy, the TRC establishes that from the beginning of the 1980's, the media condemned subversive violence, although with nuances reflecting to the political inclinations of each outlet, which meant different evaluations of the situation or of the objectives of the subversive organizations. Nevertheless, the media did not take the same position with respect to investigating and reporting human rights violations. The Commission recognizes that there was valuable and risky investigation and reporting work, but it also notes that there were media entities that held an ambiguous position and in certain important cases even endorsed arbitrary violence by the State.

151. With respect to the way in which the media provided coverage, the TRC has found that in many instances, news media fell into crude presentation that was inconsiderate to the victims and offered little to inspire national reflection and sensitivity to the issues. Part of this problem was the implicit racism of the media, which is underscored in the final report.

152. In many media, the issue of subversive and counter-subversive violence was not treated in a way that would entail a significant contribution to the pacification of the country. The TRC believes that two factors led to this outcome: 1) the uncritical adoption of the logic of violence, which resulted in imposing a treatment that was not very sensitive to the issues, and ii) the primacy of a commercial logic, which in the worst of cases led to yellow journalism and was complicated at the end of the 1990's by massive corruption and the buying of media.

VI. The Consequences of the Internal Armed Conflict

153. The TRC finds that the internal armed conflict that it has investigated is the most serious in the history of the Republic, and has had profound effects at all levels of national life. The breadth and intensity of the conflict accentuated serious national imbalances; destroyed the democratic order; worsened poverty and deepened inequality; aggravated forms of discrimination and exclusion; weakened social and emotional networks and fostered a culture of fear and distrust. Nevertheless, it is necessary to emphasize that – despite the hard conditions – there were individuals and communities that resisted and worked toward the affirmation of a society dedicated to building peace and law.

154. The TRC notes that the conflict resulted in the massive destruction of the productive infrastructure and the loss of social capital and economic opportunities. The Departments that suffered most intensely now occupy the lowest rankings in the poverty and human development indices. It is no coincidence that four of the Departments most

affected by the conflict -- Huancavelica, Ayacucho, Apurímac and Huánuco -- are among the five poorest in the country.

155. It has been possible for the TRC to establish that violence destroyed local social life and threw its organization into disarray, especially because of the assassination of traditional and state leaders and authorities. This produced a profound weakening of civil society, the political parties, and of the structures where strengthening of the social fabric was most needed: in the sectors that were most marginalized and in need of inclusion and expansion of citizenship.

156. In the opinion of the TRC, the massive displacement from violent zones constituted a painful process of uprooting and impoverishment of hundreds of thousands of Peruvians. This led to compulsory urbanization as well as a historic regression in the pattern of occupation of the Andean territory that will have a long-term effect on the chances for sustainable human development. The displaced population experienced the dislocation of social networks, forcing them to adapt to new circumstances with varying levels of success and considerable suffering, which posed an enormous challenge to the provision of services in the cities. Additionally, people displaced by the conflict were often stigmatized and suffered discrimination in schools, neighborhoods, and the workplace. Upon returning, they sometimes had to deal with serious land problems and lack of sufficient support to reorganize and to support their families.

157. The TRC has established that an entire generation of children and youth has had its educational development cut off or impoverished as a result of the conflict; this generation deserves preferential treatment by the State.

158. The TRC is aware that the internal armed conflict intensified fear and distrust to unbearable levels, which in turn contributed to fragmenting and atomizing society. In these conditions, the extreme suffering has caused resentment and has colored social coexistence and interpersonal relationships with jealousy and violence.

159. The TRC has established that broad sectors of the population affected by the violence suffer from one form or another of effects on their mental health, which weakens their ability for self-development and for overcoming the wounds of the past.

160. In the opinion of the TRC, one consequence of the internal armed conflict in the political arena consists of the moral decay into which the country sank during the last years of the dictatorship of Alberto Fujimori. In effect, the way in which the political forces and large sectors of public opinion faced those years – with indifference, tolerance for human rights violations, and a willingness to exchange democracy for security as the cost of ending the conflict – opened the door to autocracy and impunity.

161. Finally, the TRC notes that it must be recognized that the violence, with all its severity, was not able to destroy the capacity of the population to respond. On numerous occasions, in the face of destruction of traditional social networks and the massive assassination of leaders, women took on new responsibilities and raised the moral challenge to the country to acknowledge the loss of thousands of their children in massacres and disappearances. Young leaders reconstructed many of the most affected

communities and the TRC was able to confirm that many communities were able to resist the violence through self-defense as well as with peaceful alternatives and micro-reconciliation processes.

162. The TRC is convinced that the consequences of the internal armed conflict weigh like a large mortgage on our future. They play a decisive role that affects our building a national community of free and equal citizens in a democratic and plural country moving along the road of development and equity. The Commission further believes that the first step toward overcoming those consequences is that the country recognize, in all its dimensions, the horror experienced between 1980 and 2000.

VII. The Need for Reparations

163. With the submission of its report to the country, the TRC believes that if it had ever been possible to claim ignorance or incomprehension of the drama that occurred in the early years of the conflict, it is no longer possible to do so. Once the State authorities and the citizens to whom our report is directed learn of the shocking dimensions of what happened, it becomes indispensable, if we wish to live in a civilized manner in peace and democracy, to make reparations, to the extent possible, for the serious harms that have been caused.

164. The TRC believes that its very existence and its mandate to propose reparations already constitute the beginning of a process of compensation and dignification for victims.

165. For the TRC, reparation has profound ethical and political implications and is an important component of the process of national reconciliation. Since the vast majority of the victims were poor, indigenous, peasants, traditionally discriminated against and excluded, they are the ones who should receive preferential treatment from the State.

166. For the TRC, reparation means reversing the climate of indifference with acts of solidarity that contribute to overcoming discriminatory approaches and habits, that have not been free of racism. Applied evenhandedly, reparations must also generate civic trust, reestablishing the damaged relationship between citizens and the State, so that democratic transition and governability are consolidated and new scenarios of violence are prevented.

167. The TRC presents the country with a Comprehensive Plan for Reparations in which individual and collective, symbolic and material forms of compensation are combined. The Program must be financed creatively by the State, but also by society and international donors. It places emphasis on: i) symbolic reparations, the recovery of memory and the return of dignity to the victims; ii) attention to education and mental health; and iii) individual and collective economic reparations (programs for institutional reconstruction, community development, basic services and income generation).

168. The TRC believes that justice is an essential part of the reparation process. No path toward reconciliation will be passable if it is not accompanied by an effective

exercise of justice in terms of reparation for the damages incurred by the victims, as well as the fair punishment of the perpetrators and, as a consequence, an end to impunity. An ethically healthy and politically viable country cannot be built on the foundations of impunity. Through the cases that it submits to the Public Ministry, the identification of 24,000 victims of the internal armed conflict and in general through the findings of its investigations, the TRC seeks to expand substantially the arguments supporting the demand for justice made by victims and their organizations, as well as by human rights organizations and citizens in general.

169. Furthermore, the TRC has prepared a National Registry of Burial Sites based on the information obtained in its investigations. At the end of its mandate, the TRC has registered 4,644 burial sites at the national level, having carried out three exhumations and 2,200 preliminary investigations. These figures, which are significantly greater than previous estimates, confirm the importance of initiating and implementing the National Plan for Forensic Anthropological Interventions proposed by the TRC. Additionally, the TRC ratifies the fundamental importance of forensic anthropological work for achieving justice, identifying possible victims, and helping the grieving process for disappeared compatriots.

VIII. The Process of National Reconciliation

170. The TRC proposes that the great horizon of national reconciliation is full citizenship for all Peruvians. Given its mandate to foster national reconciliation and based on the investigations it has conducted, the TRC interprets reconciliation as a new foundational pact between the Peruvian State and society, and among the members of society.

171. The TRC understands that reconciliation must occur at the personal and family level, in social organizations and in the recasting of the relationship between the State and society in its entirety. These three levels should be oriented toward an overarching goal: building a country that is positively recognized as multiethnic, pluri-cultural, and multilingual. That recognition is the basis for overcoming the discriminatory practices underlying the multiple discords in the history of our Republic.