

## Truth and Reconciliation Commission, Peru

Sofia Macher<sup>1</sup> Speech on the Third Regional Forum on Mechanisms of Truth-seeking and Truth-telling about the War Crimes in the former Yugoslavia in Belgrade, Serbia, February 11, 2008.

Good afternoon. I'm very happy to be here and to have the possibility to pass our experience to your country. I'll represent the very short context of internal conflict in Peru and the basic concept of truth commission we had, how we organized the public hearings and very quickly the impact we think that we had with the public hearings. The truth commission was created after the Fujimori regime, the dictatorship. When he left the country we had a transitional government in order to organize the new elections in the country. At that moment all the civil society was on the street because we were asking for democracy and when the transitional government arrived we asked for a truth commission. But the victims and the internal conflict wasn't in transitional agenda, they were only in the agenda of human rights activists. But at that moment we understood, human rights movement understood that it was the last opportunity to bring the past to the face of the country and organize a truth commission. It was a big, large mobilization and at the end we got the truth commission. A group drafts the law of the truth commission. There were 12 commissioners, all Peruvians and no one from indigenous population. The political parties were very upset with this truth commission, all political parties were against this commission. But there was a big support from the population and in that transitional period the civil society was very powerful. So that's why we went on with our truth commission. Our work lasted for two years and we presented our final report in August 2003. Only to have context of the internal conflict in Peru...at the end the truth commission said that there were 69.280 people who died or disappeared and 79% of these victims came from the rural areas, 75% were indigenous, 68% were illiterate. Women suffered a widespread sexual abuse. Shining path (the guerilla group which fought against the government forces) was responsible for 52% of these killings. Also the state committed crimes against humanity and the government and the political parties during 20 years of internal conflict, the conflict lasted from 1980 to 2000, did nothing and the truth commission recognized that and put the most responsibility for past abuses on political parties and government because they did nothing and left to the army to resolve problems, even though they had the power to stop the conflict. That's why I think the political parties were so against the truth commission. In our basic concept when we organized the truth commission... it was a moment to rethink the democracy of our country. All this resulted in report and the figures we represented to the country reflect the big problems in our society. Part of our indigenous people was outside the system never being the part of democracy and republic of Peru. So at the end the truth commission faced the country to really produce big change in order to become a democratic republic. I think this is the most important contribution from truth commission. For example before establishing the commission we thought that there were 25.000 killed, but after the commission's work we found out that the number was close to 70.000 of killed and disappeared. And nobody knows about this and all this people didn't

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have the opportunity to ask for protection, they were invisible for the country. So in my opinion that is the strongest result of the truth commission. In this context we decided how to organize our work; we decided to organize an open process. Of course we followed the experience of truth commission in South Africa and learned from them. We were 22. commission in the world so we had many other experiences to learn from. And we especially pay attention at the South Africa truth commission public hearings. For us to organize an open process means that during the truth commission we need to involve the whole society. This work wasn't the academic; it was a process of presenting to the society what happened during the internal conflict and what happened with victims, what victims felt during this conflict. For us to organize the open process was the only way to really push some reforms in the country, and to provide the public with possibility to see and hear the victims, to understand what happened in our country and the necessity to do something with the victims and with the country. So that's why the public hearings were in the middle of this open process, in order to move something in this society. The objective of the public hearings wasn't to research, the public hearings were there to create an atmosphere for the restoration of victims' dignity. We didn't investigate in public hearings, we collected 70.000 testimonies, but not all of them in front of the public, and for us the moment when the state invited those victims and listened to them was very special. During the conflict the fate of victims was denied, the politicians and army all the time were saying that everything is under control and that there are no victims. The victims suffered more if you deny that they have suffered. The public hearings were especially for them, for the victims' and restoration of their dignity. There was a session where we only listened to the victims. Of course what the victims tell at that time is not necessary the truth, but it is their own truth, what they feel, what they think, how they understand what happened to them. But if you investigate the story is probably different. So they presented their own memories and we respected that. The other goal of public hearings was to make an impact on society and to push the society to change itself. At the end I think we got much of these public hearings. We have also the same organization of hearings like in South Africa, because we copied from them, no, and we organized different types of hearings. The first one was for the individual cases, the second was thematic hearings and the third was called Regional histories aimed to reconstruct the process of violence in the region. We asked one of the former presidents to come to the hearing and explain what were the balance of power and the conflict. It was very important also. How we organized the public hearings? We organized three different scenarios. The first one was happening in the room where victims came and gave the testimonies. We controlled everything in that room, everything, from the bottles of water to the media. Nothing could disturb the victims. We also need to organize the translation. No one has ever before translated from Spanish to native languages so we needed to practice with people who speak those languages in order to provide the translation. The victims cannot speak about what they feel in another language. This was the first time in our country that the indigenous people spoke in an official space in their own language. It was amazing. The second scenario was happening at the streets, the streets around the place where public hearings were held. And on the streets local civil society groups organize these events. One of the events called *vihilia* was organized the day before the public hearings. It is a guest of solidarity: before the start of some important event you concentrate, mediate and thus show the solidarity to other people, in

this case the victims. In many different regions those events were organized. We didn't take care of these events, it was all on the local civil society associations. The third scenario included the national public, the national audience. We organized all the media coverage of the public hearings, the arrival of the national media to the town where public hearings will be held and assure ourselves that their stories will reach the newspapers. Also we asked the government to present at the national television the public hearings and they did so. This is for example (showing picture on the power point presentation) a village very far from Lima, in mountains, and these people who are also the victims they organize their own preparation of the public hearings and they decided to organize a symbolic funeral. There were nobody in those boxes of course, but for them they represent that this is the funeral of all people who died in these village. I was there and really the feeling was like the real funeral, with all the procedures and ceremonies. It was very strong and for them I think it was very important. In rooms for public hearings we created our own space. We brought our own chairs, our tables and the pictures. We bring all these things with us when we traveled to another city or villages in order to create a special moment. This is the men who arrive to give his testimony. It is important to see the kind of people who arrived. We had a protocol; it was very regulated very strict, because we wanted to organize very formal ceremony. Nobody could speak, all was in silence. When we start the hearings we asked the victims to swear that they will tell the truth. The ceremony was so important also for the victims. This is a woman in Ayacucho, Mama Angelica. It was the first time she came, she was very strong woman, and present for the first time in the country this small paper. Her son disappeared and the only proof she had that her son was in the army was that little paper he sent to her praying for help. And after 20 years she brings that small paper. There are many other histories like this one. This is the kind of person who was the victim. This is in jungle, this is another culture, and this man expressed his thinking about how the democracy in Peru is with pictures. He presented the democracy as the tree and that they want to have a healthy tree. For them this tree represents the democracy and the situation in the country. All this different histories we received during these public hearings were very, very interesting. Very critical moment or situation in the organization is how to select the cases to bring to the public hearing, because you cannot say to somebody you are not more important than others. This was very sensitive issue because we should to explain very clear to all the victims that we are forced to select only a few cases because it is not possible to have all the victims at the public hearings. We established a criteria. When we selected in each region when we organized the public hearings of individual cases we tried to organize a local universe of what happened in this area. We covered all the periods of the governance, different types of violation, we took care about the balance, we present cases with different perpetrators... It was very hard to select because we received 70.000 testimonies and we presented at the public hearings only 400 testimonies. There was the impact in the public which was very strong. When you listen to these stories and you recognize that these persons are honest, very honest when they tell their story... It was so moving. The public in the room was really very impressed. The impact on other victims who didn't came to testify...at the end they felt like these person represent in some way what they lived through. So they also had some connection with the person who was telling the story. We talked to these people after and they really said that they feel it is the same story. When we finished the public hearings the next day

our office was full of people arriving to give their testimonies. The public hearings opened the door to other victims and other victims arrived to the truth commission to present their cases. Another impact was on the commissioners who were sitting and listening to the stories. We were 12 people, only 2 women, and it was the first time we sat together, we didn't know each other, we have never worked together. We had different ideas about the truth commission and one clear impact of the truth commission was inside the commissioners. At the end when we listened and listened, directly...you know we had 700 staff in the commission and around 1200 volunteers, but the commissioners were the only ones who sat with the victims and listened to their stories. At the end of this work all commissioners understood the importance of our work. If you touch the victims, if you listen the victims directly... it is not an academic work and the majority of my colleagues were academics. This is the Salomon Lerner, he was the president of the commission. He is a philosopher, he never walked out from the academy, and his life was inside the university teaching philosophy. For the first time he was in touch with the another part of the country. I was the only human rights activist, the others were academics. But at the end he (Salomon Lerne) became more radical. He was more radical about justice and prosecutions of perpetrators and so on. The public outside also was very impacted. Some public hearings we had to organize outside because there were no adequate facilities, and this picture is very interesting because you have the person who's got his gun, they fought against Shining path. The Shining path lost their fight when indigenous decided to expulse the entire Shining path. The Shining path also tried to control everything, it wasn't only the army. The army was killing everybody at the beginning of the conflict, for the army all the indigenous were the Shining path, but when the indigenous people reacted against the Shining path, Shining path was finished. The Garcia government, the present government, they gave arms to this people in the communities and they expulse the Shining path. At the end of the testimony we gave our thanks to the history they have told us and after the hearings also the community organized something to say thanks to the commission. Very short, we have also protocols, regulations, and criteria to select the case we'll bring to the public hearings but also we had another preparation which was also very important. We had a psychological support for the victims before, during and after the public hearings. We organized special rooms for the victims before they will give their testimony and another when they finished. There were psychologists who supported them. Another is the security. We also had the special team to protect the victims and we had persons who before we started the public hearings talked with police and analyze the security if there were some security problems. I think it was very important because at that time really we didn't have the risk, but some victims was like freezing in the past and when they arrived they think that they can be killed or that they are in some kind of risk. So it was very important to have special people to look into security issues and listen to a victim. If a victim says that they are afraid this person will immediately analyze the situation and create the plan to protect them. The media were very special because we needed to control the media. They respected the victims but they were prohibited to approach the victims. If the victim accepts to give an interview OK, we could connect them but otherwise nobody can touch the victims. We distributed to the media the summary of the each case. We also said to the victim not to give names in public because it could be a problem. If you accuse somebody in the public there might be legal problems. We told the victims that if they

have the names they should provide them outside the public hearings. But some of them mentioned some names publicly and accused somebody to be a perpetrator. We also have in our protocols the possibility to the people who were named at the hearings to present in writing his views and opinion about this. To finish, the impact of the public hearings was tremendous to victims who arrived at the public hearing, it was a therapy for the victims. Also it helped to other victims. For the commissioners also, I've already said that we understood the importance of the truth commission and our work and in the public... at the end we analyzed this and we realized that the people who saw, who watched the public hearings on TV, was very impressed but we couldn't really change the attitude of the population. Yes they are sad, but they don't see the connection with their own responsibility and the necessity to change something personally in front of these situation. They do understand but that is not enough, the public hearings are not enough to change the brains and to invite the society to change the country.