

**READINGS OF THE THE FINAL REPORT OF PERU'S TRUTH AND  
RECONCILIATION COMMISSION**

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Prepared for delivery at the 2004 Meeting of the Latin American Studies Association, Las Vegas, Nevada, October 7-9, 2004.

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“*La verdad es un relato perfectible*”.  
(Comisión de la Verdad y Reconciliación del Perú, *Informe Final*<sup>1</sup>)

The experience of Peru's Truth and Reconciliation Commission (CVR) is an exceptional opportunity to understand Peru's politics and intellectual paradigms. The creation and unfolding of the CVR, as well as the potential post-commission effects necessarily take place within a context of power relations. The CVR entered into Peru's historical struggle for truth, justice, reparation, and reconciliation, showing its possibilities and limitations in its relations with different political actors. The CVR also produced a *Final Report* that not only “confirmed acts that violated fundamental human rights (with the possibility of establishing presumed responsibility),” but offered an “explanation of the political, social, and cultural process that made such violations possible.”<sup>2</sup> Reviewing the *Final Report's* interpretation of Peru's “political, social, and cultural process” offers a unique possibility to analyze concepts and theories used by a selected group of Peruvian intellectuals to understand reality.

In this paper, the study of the CVR's power relations context and intellectual paradigms will be developed focusing on how the *Final Report* discussed the role played by the United States of America (USA) in human rights violations in Peru between 1980 and 2000. The first part of the paper shows that, similarly to other truth commissions, Peru's CVR did not offer a systematic discussion of the *responsibility* of the USA in human rights violations. The *Final Report* offers valuable information about the USA's role in human rights violations in Peru, but stops short of treating the USA as *responsible actor* in the violence. The second part of the paper discusses two possible explanations: one based on power relations, the other, on intellectual paradigms.

## 1) The USA in the *Final Report*

The CVR's list of “actors of the conflict” does not include the USA.<sup>3</sup> The USA is mentioned in the *Final Report*, but the main point is that there is no systematic analysis of the USA as *responsible actor* in human rights violations committed in the Peru in the period 1980-2000.

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<sup>1</sup> Introducción, p. 34. The paragraph continues with the following: “The important thing is that the narrative contains within itself the criteria that allow its constant improvement; we believe there will always be a place in it to welcome new still unknown victims' testimonies, as well as new analytical or critical perspectives which will contribute to their constant re-writing.”

<sup>2</sup> Comisión de la Verdad y Reconciliación, *Final Report*, (Lima, August 2003), P1, Introducción, p. 26.

<sup>3</sup> See the Table of Contents of the CVR's *Final Report*.

Priscilla Hayner observed in her comparative study that, with few exceptions, truth commissions have not analyzed the role played by international actors, even when there was available evidence proving their participation in human rights violations committed in different national scenarios.<sup>4</sup> It is not the case that “international actors” are completely absent from the final reports. The final reports of Argentina, Chile, South Africa, El Salvador and Guatemala explained that human rights violations in their respective countries happened in part as a result of the cold war. All reports mentioned the “national security doctrine,” inspired in the USA anti-insurgency strategy, as a major contributing factor in human rights violations. More than lack of information, what you find is a lack of interest for attributing responsibility to international actors for human rights violations committed inside the national territory.<sup>5</sup> What needs to be explained is why truth commissions can distinguish several types of responsibility among *national* actors, but they resist defining the responsibility of *international* actors, in particular the USA, in human rights violations.

Peru’s *Final Report* has similar characteristics. The *Final Report* provides valuable information about the role played by the USA in human rights violations, but it does not consider it a “responsible actor”. Applying the CVR’s concept of truth, my argument is that the *Final Report* offers the “cientific” but lacks the “ethical” dimension of truth about the USA.<sup>6</sup>

Valuable information about the role played by the USA in human rights violations can be found in subchapters dedicated to the Armed Forces and the two governments of Alberto Fujimori.<sup>7</sup> In these subchapters, the *Final Report* presents information about the influence of “low intensity conflict” (LIC) strategies and training in the School of the Americas (SOA) on the implementation of counterinsurgency strategies, and “negotiations” between Peru and the USA. With these information, the CVR had enough evidence to bring in the USA as a *responsible actor* into the process of truth, justice, reparation, and reconciliation; but it did not.

According to the CVR, the adoption of LIC strategies had several political implications. First, LIC strategies instrumentalized human rights education in order to “apply violence in a selective and psychologically conditioning manner” resulting, “paradoxically in the closest that exists to terror.”<sup>8</sup> Avoiding human rights violations was a “collateral and secondary effect of the strategic restriction of the use of force... Thus, at the same time

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<sup>4</sup> Priscilla Hayner, *Unspeakable Truths. Facing the Challenge of Truth Commissions* (New York: Routledge, 2002), specially chapter six titled “What is the truth?”

<sup>5</sup> Actually, in her discussion of Haiti’s truth commission, Hayner stated “The Haitian case is perhaps the worst example of a foreign power blocking a state’s access to its own truth...” (*Unspeakable Truths*, p. 204).

<sup>6</sup> Comisión de la Verdad y Reconciliación, *Final Report*, (Lima: Agosto 2003), P1, Introducción, pp. 32-34.

<sup>7</sup> *Final Report*, P1, S2, C1, 1.3. (Las Fuerzas Armadas) and P1, S2, C2, 2.3. (La década del noventa y los dos gobiernos de Alberto Fujimori). I am using the electronic version of the *Final Report* published in the webpage of the Comisión de la Verdad y Reconciliación del Perú (<http://www.cverdad.org.pe/>). The references are from the First Part (P1), Second Section (S2), chapter 1 (C1), subchapter 1.3. All translations from Spanish into English are mine.

<sup>8</sup> *Final Report*, P1, S2, C1, p. 310.

that there is talk about human rights, members or supporters of subversive organizations are stripped of all their rights...”<sup>9</sup> Second, with the adoption of LIC strategies, the Reagan government “eliminated national development plans from their antisubversive policy.”<sup>10</sup> Third, in the work of counterintelligence the concept of “collaborators” was substantially expanded. “It is plausible that identification of subversion collaborators include public officials, mayors and aldermans, doctors and teachers, as well as journalists, activists and social organization employees who might be giving support to subversives. At the same time, it is clear that there is a extremely high risk of violating fundamental rights with these operations.”<sup>11</sup> Fourth, counterintelligence contributes to the militarization of society because “all the basic conditions within which the people’s daily life unfolds are fields for counterintelligence action.”<sup>12</sup> Fifth, the broadening and deepening of counterintelligence “implies significant risks for the future of democracy” among other reasons because “the antisubversive armed forces tend to become a parallel and alternative government to the elected one.”<sup>13</sup> In the Peruvian context, “the predominance of special operations caused the emergence of a certain type of political-military power that conspired against democracy and finally subdued it.”<sup>14</sup> Sixth, counterintelligence “introduces a criteria for restricting force, alternative to the legal criteria.”<sup>15</sup> While the law regulates force through principles known to everyone, counterintelligence uses force in “a way that only the armed forces know the rules, while the enemy remains clueless.”<sup>16</sup> Seventh, for the purposes of counterintelligence “the detained insurgent must be stripped of all juridical protection.”<sup>17</sup> The interrogation manuals followed the teachings of the 1963 CIA manuals. “The basic rule is to impose on the prisoner the most strict isolation, depriving him of any reference about his surroundings...He should not know where he is, nor where they are taking him, why he was detained, or the identity of his captors. The buildings described in the manuals are clearly clandestine prisons...According to Human Resource Exploitation, detentions should be undertaken at dawn because it is the time when the individual is most passive.”<sup>18</sup>

Regarding the School of the Americas, the CVR said,

According to our estimates, around 898 Peruvian officials took courses in the School of the Americas between 1980 and 1996. If we add to this the work done by Northamerican military instructors, it is clear that counterinsurgency instruction had a wide reception. Moreover, we know of at least one joint

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<sup>9</sup> *Idem.*, ps. 317-318.

<sup>10</sup> *Idem.*, p. 310.

<sup>11</sup> *Idem.*, p. 316.

<sup>12</sup> *Idem.*, p. 315.

<sup>13</sup> *Idem.*, p. 316.

<sup>14</sup> *Idem.*, p. 317.

<sup>15</sup> *Idem.*, p. 318.

<sup>16</sup> *Idem.*, p. 318.

<sup>17</sup> *Idem.*, p. 319.

<sup>18</sup> *Idem.*, pp. 319-322.

counterinsurgency tactics exercise undertaken by the Armed Forces of Peru and the United States.<sup>19</sup>

The CVR further states that instruction in the SOA was done using manuals derived from “Project X”, “the means used for storing experiences and resources developed during the Vietnam war.”<sup>20</sup>

Remaining within the CVR’s theoretical framework, the adding up of all this evidence should have resulted in the judgment that the USA, through its influence on the counterinsurgency strategies and training, was responsible for human rights violations. As explained later, the CVR offers a complex theory of responsibility that conceives of different types: from the person who “pulled the trigger”, to leaders who advocated ideologies of violence, to the state for creating favorable circumstances, and to Lima’s middle class for their indifference. Treating the USA as a responsible actor was not beyond the mandate of the CVR.

The information provided by the CVR about “negotiations” between Peru and the USA is also quite revealing, but there is no overall assessment of the nature of the relationship. The *Final Report* describes economic, security, counternarcotics, democracy, and human rights aspects of the relationship between Peru and the USA but without explaining their hierarchical ordering. From the security issues discussed above, one can conclude that human rights were instrumentalized to fit the counterinsurgency strategy. However, in the subchapter about the Fujimori governments, the *Final Report* indicates the “renewed interest of the US Congress in observing and listening to the recommendations of reports about human rights violations in Peru.”<sup>21</sup> It should be mentioned that President Fujimori was strongly interested in establishing a working relationship with the USA. The *Final Report* explains that this was already a central concern of the group of military officers who prepared the “Political Military Plan”, towards the end of the 1980s, in preparation for a possible military coup. A key question in the Plan was how to obtain the support of the USA for their authoritarian proposal. They reasoned that offering “structural adjustment” would not be enough because it had to be done anyway, even by a democratically elected government. Finally, they decided that the way to convince the USA was arguing that without an authoritarian government, “the Northamerican society will continue to receive large doses of narcotics undermining their social structure and destroying thousands of lives every year.”<sup>22</sup>

The CVR does not offer a clear assessment of the net impact on human rights violations of USA’s policy towards Peru. According to the CVR, while the USA Congress was going in one direction, the USA Executive was going in the opposite one.

Finally, on 17 January 1992, the State Department “reluctantly” accepted the conditions imposed by Congress, as long as no effort was spared in order to reduce the flow of narcotics into the United States. The terms were communicated

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<sup>19</sup> *Idem.*, p. 313. A footnote indicates that the exercise took place in Chiclayo, August 1-25, 1989, with the “participation of 276 Peruvians and 232 Americans.”

<sup>20</sup> *Idem.*, p. 313.

<sup>21</sup> *Final Report*, P1, S2, C2, ps. 74-75.

<sup>22</sup> *Final Report*, P1, S2, C1, p. 332.

to Peruvian authorities, emphasizing the need of keeping a list of people in jail, and that aid would not include 10 million dollars for training three counterinsurgency Army battalions.<sup>23</sup>

This statement portrays the ambiguity that characterizes the CVR's analysis of the role played by the USA in human rights violations in Peru. What had a major impact on human rights violations in Peru: the USA anti-narcotics policy or the human rights conditionalities 'imposed' by the USA Congress? What affected more the dynamics of violence in Peru: the LIC strategies or USA human rights foreign policy? The previous quote almost seems to imply that the USA was willing to put at risk the counterinsurgency strategy (by withholding military aid) if human rights conditions were not met. Certainly that was not the case because, as explained before, in the counterinsurgency strategy human rights were only one more instrument subordinated to the major objective of defeating the enemy. Actually, military aid was restored in March 1992.

The need for systematically analyzing the USA as a responsible actor can be further appreciated considering what seems some unintended outcomes of the role played by the USA. By the end of the first quarter of 1992, some USA government officials were talking about the possibility of the Shining Path taking power. The USA Congress held hearings to discuss what should be the position of the United States in case the Shining Path took power. Based on its Maoist analytical framework, the Shining Path read these signals and speculated about a possible US military intervention, which would turn out to be the ideal scenario that they were seeking to start a "national liberation" war. Thus, in July 1992, the Shining Path prepared documents for the III Plenary Session of the I Central Committee Congress that sought to adjust the VI Military Plan, "in the perspective of transforming the peasant war into a national and patriotic war." At the same time, they would develop ferocious terrorist attacks against the city of Lima, giving more support to those who firmly believed in their possibilities of triumph.<sup>24</sup>

The statement appears to imply that the USA congressional hearings had the unintended effect of Shining Path's strategic rearrangement which ultimately led to "ferocious terrorist attacks against the city of Lima." Was there any responsibility of the USA in such unfolding of events? Well, the CVR does not raise the question. It seems as if the CVR exonerates the USA by judging events as "unintended" outcomes. However, how realistic was the belief that the Shining Path was going to take over the Peruvian state?

Using the CVR's own judgment, already at the start of 1992, the Shining Path was seriously weakened. In 1991, Abimael Guzmán was able to impose the view in the party that the "strategic equilibrium" had been achieved.

This assessment did not take into account changes in the Armed Forces' countersubversive strategy – from indiscriminate repression to selective elimination based on intelligence as well as winning back population under control by the PCP-SL -, as well as the magnitude of the peasant rebellion against the Shining Path and the importance of the Selfdefense Committees... In fact, in

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<sup>23</sup> *Final Report*, P1, S2, C2. p. 76.

<sup>24</sup> *Idem.*, p. 91.

many rural areas the initial alliance between peasants and the PCP-SL was broken, and the peasants were establishing alliance with government forces...<sup>25</sup> Thus, even according to the CVR's own standards, talk about the triumph of the Shining Path in 1992 would have been highly suspicious. What interest may the USA have had in inflating the risk of the Shining Path taking over the Peruvian state? The CVR does not raise this question. However, it says that from the Shining Path's point of view, maybe it meant that the USA was preparing a military intervention. Was the USA inflating the risk of revolution in order to justify a military intervention in Peru?

As the CVR implicitly argues, inflating the risk of Shining Path's triumph was already irresponsible and may have caused not only a strategic change in Shining Path's plans, but a tragic wave of violence. Now, inflating risks with the purpose of later justifying military intervention simply calls for outrage. However, nothing of this sort appears in the *Final Report*. On the contrary, by associating the hypothesis of USA military intervention with Shining Path's analysis, it ends up delegitimizing it. Is it really too farfetched (only the Shining Path could believe it) to think that the government of the USA was inflating the risk of revolution in order to justify a military intervention in Peru?

A more critical evaluation of relations between Peru and the USA can be found in a recent book by Cynthia McClintock and Fabián Vallas.<sup>26</sup> The authors argued that in the 1990s, relations between the USA and Peru strengthened in three areas: security, market reforms and antinarcotics policy. Cooperation in these areas, however, was done at the expense of sacrificing democracy and human rights. The authors stated that the USA's lack of interest for democracy in Peru was not recent. On the contrary, it was a constant in the history of relations between these two nations.<sup>27</sup> During the cold war, the USA used the war against communism to justify support for authoritarian governments in Latin America. In the post-cold war era, the support of authoritarian governments, like Peru's Alberto Fujimori, was justified as a means of securing the implementation of common bilateral policies in security, market reforms, and counternarcotics.<sup>28</sup> This ethical characterization of relations between the USA and Peru is absent in the *Final Report*.

McClintock and Vallas do not accuse the USA of being directly implicated in human rights violations in Peru. However, they are emphatic in making the government of Alberto Fujimori directly responsible for murder, torture, and disappearance. Even further, they single out the President's main intelligence advisor, Vladimiro Montesinos, as the person directly responsible of ordering human rights violations.

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<sup>25</sup> *Final Report*, P1, S2, C1, 1.1. "El Partido Comunista del Perú Sendero Luminoso", ps. 86-87.

<sup>26</sup> Cynthia McClintock & Fabián Vallas, *The United States and Peru. Cooperation at a Cost* (New York and London: Routledge, 2003).

<sup>27</sup> "U.S. – Peruvian relations were most cooperative under authoritarian Peruvian governments, in particular Augusto B. Leguía (1919-1930) and General Manuel Odría (1948-1956) – who were more supportive of the U.S. agenda than most democratically elected presidents." *Idem.*, ps. 9-10.

<sup>28</sup> "Accordingly, just as authoritarian leadership was often considered necessary by the U.S. government during the Cold War given the appeal of Communism, it was now considered necessary given the appeal of the reversal of free-market reform and other policies of cooperation with the United States. *Idem.*, p. 159.

To most analysts, it was obvious that the mastermind of the abuses was Montesinos, operating through the Servicio de Inteligencia Nacional (SIN) and the Servicio de Inteligencia del Ejército (SIE, Army Intelligence Service). It was obvious also that Montesinos had spearheaded the Grupo Colina, the death squad that included both SIN and SIE members and was responsible for the massacres at Barrios Altos and La Cantuta.<sup>29</sup>

The importance of highlighting the responsibility of Vladimiro Montesinos is due to his links to the government of the USA. McClintock and Vallas indicate that cooperation between Montesinos and the Central Intelligence Agency (CIA) began in 1991 with counternarcotics campaigns.<sup>30</sup> By that time, Montesinos was Fujimori's main intelligence advisor. According to the CVR, Fujimori met Montesinos in 1990 during the presidential campaign.

Montesinos introduced himself to Fujimori as an expert in intelligence, antiradicalism, and military affairs. He quickly gained his trust and continued as advisor throughout the campaign, providing information about political adversaries. Portraying himself as the key advisor, Montesinos became the intermediary between the candidate, the SIN, and the Armed Forces.<sup>31</sup>

The first significant joint project between Vladimiro Montesinos, the CIA, and the Southern Command of the USA Army was the interception of small airplanes suspected of transporting cocaine. The program was kept in secret until 1995 when it was announced to the public under the name "*You fly, you die*".<sup>32</sup> Several USA government agencies participated in the program: CIA, DEA, Customs Service, and the National Security Agency. In Peru, Montesinos was at the center in charge of SIN's antinarcotics office. He was the main contact for General McCaffrey, the antidrug czar, as well as General Wilhem, in charge of the Southern Command. "During 1996-1998, this SIN unit was the recipient from the U.S. Department of State of approximately \$200,000 ... Also, the unit received at least \$1 million in cash annually for a period of ten years from the CIA."<sup>33</sup> By this time there were well founded suspicions that Montesino himself was implicated in drug trafficking.<sup>34</sup> "In 1996, the notorious jailed Peruvian drug lord Demetrio Chávez Peñanerrera (dubbed "El Vaticano") testified in court that he paid Montesinos \$50,000 a month for information on antidrug raids in 1991-1992."<sup>35</sup>

In sum, one can conclude that the CVR had plenty of information confirming Montesino's participation in drug trafficking and his responsibility for human rights violations. The available information also confirmed him as the main contact for the government of the USA, and that the government of the USA knew about his crimes. Also, it was known that without the antidrug and counterinsurgency programs sponsored

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<sup>29</sup> Idem., p. 145.

<sup>30</sup> Idem., ps. 57-58 y 120-121.

<sup>31</sup> *Informe Final*, P1, S2, C2, 2.3., "La década del noventa y los dos gobiernos de Alberto Fujimori," p. 64.

<sup>32</sup> McClintock and Vallas, p. 125.

<sup>33</sup> Idem., p. 125.

<sup>34</sup> McClintock and Vallas indicate that in May 1991, during Montesino's visit to the CIA, the DEA and State Department warned that Montesinos could be another "General Noriega" because it was known he had defended drugtraffickers in Peru in the past. (p. 120).

<sup>35</sup> Idem., p. 58.

by the USA, Vladimiro Montesinos would never have had the power he did. Even further, it can be stated that the antidrugs and counterinsurgency campaigns jointly implemented by the governments of Peru and the USA were responsible for the existence of “Montesinos-like” characters. Vladimiro Montesinos was a creation of such policies; if not him, another obscure figure would have taken his place. In other words, if the CVR was making Lima’s middle class responsible for having been passive observers of the tragedy, it could have equally made the government of the USA responsible for providing political and financial support to the intellectual architect of countless human rights violations. But it did not.

Why did the CVR omit analyzing the responsibility of the USA? Before discussing power relations and intellectual frameworks, I will like to expand on the CVR’s concept of *responsibility* for human rights violations. One of the most complex tasks of Peru’s CVR was the determination of responsibility for human rights violations. The *Final Report* strongly affirmed that the PCP-SP was directly responsible for initiating the period of violence that engulfed Peru between 1980 and 2000. It also affirmed that democratically elected governments were responsible too for failing to design a response against the attack of the Shining Path that would remain within the parameters of respect for human rights. The CVR stated in several ways the responsibility of Lima’s middle class for its lack of sensibility for the suffering of others: “the rural, Andean and Amazonian, Quechua and Asháninka, peasant, poor, and less educated people of Peru suffered the tragedy, without the rest of the country feeling or assuming it as its own.”<sup>36</sup>

In human rights violations, it is important to determine the person responsible of pulling the trigger. However, because human rights violations are of a systematic nature, a truth commission has to determine the responsibility of those who planned the acts of violence. But those who planned the acts of violence believe to be guided by principles or ideologies they considered vital for their existence: popular war or national security. Thus, the ideology is also responsible. In order to break the cycle of violence, it is not enough to punish the person who pulled the trigger; the legitimacy of ideologies of violence has to be questioned. This key characteristic of the CVR’s *Final Report* will be discussed later.

When the CVR asked members of the PCP-SP why they killed, their answer was that they did it for a higher cause, the construction of a New Society. When the CVR asked members of the Armed Forces an explanation for their acts of violence, they answered that they were defending the national interest. Did these actors know they were violating human rights? In what sense can they be held responsible if the actors themselves do not recognize their acts as criminal, but even heroic?<sup>37</sup>

It is important to recognize the complexity of determining responsibility, not to dilute it but to appreciate its multiple dimensions. Peru’s CVR denounced not only the responsibility of the “armed actors”, but also of those actors who were responsible by omission. In its public announcement of the International Seminar, “*De la negación al*

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<sup>36</sup> Comisión de la Verdad y Reconciliación del Perú, *Informe Final*, P1, S1, C1, p. 54.

<sup>37</sup> *Informe Final*, Introducción, pp. 38-42.

*reconocimiento*”,<sup>38</sup> the CVR invited all Peruvians to reflect about the violence of the past in order to avoid repeating it.<sup>39</sup> The CVR asked *everyone* to recognize his or her responsibility in the violence. In his presentation, Carlos Tapia, a member of the CVR, used citations from Shining Path’s texts to demonstrate their ideological commitment to violence. However, it also used citations from a flyer promoting tourism in Ayacucho offering visits to “historical sites of terrorism”, in order to demonstrate the frivolity of Lima’s middle class. That same frivolity appeared during the days of the International Seminar among the middle class who resisted to take the spiritual path “from negation to recognition.” Many middle-class *limeños* decided to negate and silence the past. But, in the end it was a past that resisted being forgotten and made its presence with force. “The violence made evident the depth of the ethno-cultural inequalities that still prevailed in Peru.”<sup>40</sup>

Defining responsibility for the violence is key for overcoming human rights violations. A conclusion that one could draw from the *Final Report* of Peru’s CVR is that responsibility has multiple dimensions and is important to act on all of them. Interpersonal violence is linked to institutional and structural violence. The CVR affirmed that the Shining Path massacred peasant communities, but also that the killing could not have achieved such degree of intensity without a favorable environment. Ideology was among the key elements of such environment. In order to eradicate violence, it is not enough to have a working justice system; it is imperative to question the legitimacy of ideologies that justify the use of violence in politics. During the days of the International Seminar, different CVR members stated that their fundamental mission was to free politics from violence. They said, for example, that “political violence” was an oxymoron because, by definition, politics is the opposite of violence.<sup>41</sup>

In sum, the CVR’s *Final Report* allows an understanding of different types of responsibility for human rights violations. In principle, this theoretical framework should allow the establishment of the responsibility of international actors. However, Peru’s CVR decided to remain silent regarding the responsibility of the USA.

The following sections discuss two possible answers. First, power relations create possibilities and limitations to truth, in general, and truth about the responsibility of the USA, in particular. Second, the exclusion of the USA results from a nationalist framework that defines human rights violations as happening exclusively between nationals.

## 2) Power Relations and Truth

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<sup>38</sup> “From Denial to Recognition.” The Seminar took place in Lima, 4-7 June, 2003.

<sup>39</sup> The CVR’s webpage welcomes you with the phrase: “A country that forgets its history is condemned to repeat it.”

<sup>40</sup> *Informe Final*, P1, S1, C1, p.53. A classmate from the Universidad del Pacífico was very open about his rejection of the CVR, calling its members “huaqueros”. (In Peru, “huaquero” is a person who raids archeological sites.)

<sup>41</sup> See also *Informe Final*, Introducción, p. 39.

Truth commissions have not been able to escape the constraints and possibilities created by power relations. Truth commissions operate in a field of forces that shapes its development, from beginning to end and in the post-commission stage, as well. Shifts in power relations open up the possibility for the emergence of truth commissions, but at the same time, the existing balance of power limits what truth commissions can accomplish. Not all truth commissions are the same in this regard. Some may be used by an existing corrupt regime to placate international pressure, without much consequence. Others may be part of a complicated transition process from authoritarian to democratic regimes, or of a peace agreement between the existing regime and insurgent forces. In every situation, power relations shape what truth commissions can and cannot say or do.

A full account of the politics of Peru's CVR still awaits. The general question is what and how different political forces affected the creation, mandate, practice, and final report of Peru's CVR and, currently, what and how political forces affect the continuing struggle for truth, justice, reparation, and reconciliation. At present, almost a year after the CVR concluded its mandate and delivered its *Final Report*, several individuals and NGOs are struggling to fulfil the CVR's recommendations and complete tasks the CVR could only initiate, given the balance of forces. In many ways, it is appropriate to say that the CVR did not conclude, but actually only started several lines of action, pending tasks to be taken up by the government and NGOs. The struggle for truth, justice, reparation, and reconciliation continues.

In this paper, the focus is on the relationship between the CVR and the USA. There is no study of the interaction between members of the CVR and USA government agencies and whether and how the interaction may have affected their judgment. What has been said so far in this paper is that in its *Final Report*, the CVR does not treat the USA as *responsible actor* in human rights violations committed in Peru between 1980 and 2000. Based on the CVR's theory of responsibility and information available about the role of the USA in human rights violations in Peru, I argued that a good case can be made to bring in the USA as a responsible actor to the process of truth, justice, reparation, and reconciliation. I further would argue that this is an important pending task in the human rights agenda.

The question is not whether the USA is responsible for human rights violations committed outside its national territory. The question is why truth commissions are reluctant to make the USA responsible for human rights violations. As stated before, previous truth commissions offered information to establish some degree of responsibility of the USA in human rights violations committed in their respective countries. The truth commissions of Argentina and Chile discussed the national security doctrine promoted by the USA during the cold war as a fundamental cause of human rights violations. Clearly, the commission that caught most of the attention was Guatemala's Commission for Historical Clarification. This commission not only named the government of the USA as being indirectly responsible for massacres committed by the Guatemalan army, but a few months after releasing its final report, prompted a public apology from President Clinton during his official visit to Guatemala in March 1999. Thus, there is nothing in principle that impedes a truth commission to discuss the responsibility of the USA in human rights

violations committed in the national territory. However, as Hayner observed, impunity prevails. When some responsibility is attributed to the USA, it is a weak statement. Not even an apology is expected. President Clinton's public apology took the Guatemalan government officials by surprise.

In the case of Peru, there are two aspects of the relationship between the USA and the CVR that may be considered: finances and the foreign policy of President Toledo. According to my estimates, the USA government financed approximately 20% of the CVR's budget through the Agency for International Development (USAID).<sup>42</sup> The question is not whether CVR members were "bought off" by the USA government; such statement not only is false, but offensive to their personal integrity. A more complex analysis may be elaborated from the following comments made by former CVR member, Alberto Morote:<sup>43</sup>

We may have let ourselves be seduced by the United States. I noticed an unusual interest on their part to help us. I don't want to say that we let ourselves be influenced by the United States. But we had some budgetary problems.

The US Department of State offered us documents that never came on time, and when they did, we did not have time to analyze them.

However, one key factor is that each of us had a particular focus. I was keenly interested in Uchuraccay and the responsibility of President García in El Frontón.

In general, we were absorbed by the victims' problems.

More field study through interviews with CVR members needs to be done in this regard. However, Morote's comments are useful because it places the concern of analyzing the responsibility of the USA in a context where CVR members had to respond to different demands with limited time and resources.

A second factor related to the power of the USA is the fact that a central piece of the government of Alejandro Toledo's foreign policy is a close alliance with the USA.<sup>44</sup> Similarly to the previous hypothesis about the influence of financial factors on the CVR members' judgment, the argument is more deductive than inductive. The syllogism will go something like this: IF: a) The CVR is a government organization; and b) The government wants to develop strong ties with the USA; THEN, c) The CVR will follow the government policy towards the USA. Discussing the syllogism further may be

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<sup>42</sup> The USAID webpage (United States Agency for International Development, Bureau for Democracy, Conflict and Humanitarian Assistance, Office of Transition Initiatives, "Field Report: Peru") published monthly reports from the Office for Transition Initiatives. This office funded, between June 2000 and October 2002, a total of 65 proposals submitted by the CVR for a total of US\$2'122,334. Comparing this total with the CVR's estimated budget of \$10 million, the result is that approximately 20% was funded by USAID. The Peruvian government was expected to fund 60% of the budget. See: Asociación pro Derechos Humanos, "Comisión de la Verdad pide apoyo político y financiero a Europa," *24 Horas Boletín Online* (11 February 2002).

<sup>43</sup> Alberto Morote made these comments in a dialogue organized by Fórum Solidaridad Perú on 16 July 2004 where I was the keynote speaker presenting "La hegemonía norteamericana y la CVR."

<sup>44</sup> Peru is not the only country adopting this foreign policy. Mexico and Argentina are doing the same and some observers believe this is the only reasonable option for Latinamerican states. See: Jorge I. Domínguez & Rafael Fernández de Castro, *The United States and Mexico. Between Partnership and Conflict* (New York: Routledge 2001). Deborah L. Norden & Roberto Russell, *The United States and Argentina. Changing Relations in a Changing World* (New York: Routledge 2002).

instructive. The first premise does not take into account CVR's autonomy. As a matter of fact, former CVR member, Carlos Iván Degregori, stated that President Toledo never got involved, "something for which we are grateful."<sup>45</sup> However, the idea of "autonomy" cannot be reduced to the personal level. The influence of the government was felt throughout the two years of the CVR, as it is currently felt during the post-commission phase. The following statement by a former member of the CVR's support group was revealing in this regard:

I worked in the CVR's documentation center... We did not work in isolation. We had to establish relationships... There was much political pressure. We depended on the Cabinet Presidency, and Solari [the Chairman] did not like much the idea... We had little time and no government support.<sup>46</sup>

There was a moment when the lack of government funding put the whole CVR at risk of ending prematurely.<sup>47</sup> In an interview to *La República*, former CVR member, Sofía Macher, declared that political parties and the Armed Forces were not helping the CVR.<sup>48</sup> In sum, the autonomy of the CVR does not deny the influence of the government (and other political forces).

Implicit in the syllogism is that the question of USA responsibility was critical for both the government and the CVR, that President Toledo was interested in making sure the CVR did not threaten its strategic alliance with the USA, and the CVR discussed and made a choice about how to treat USA responsibility. However, as explained in the following section, it is possible that the CVR never considered discussing USA responsibility because they thought that human rights violations were basically a national problem. Thus, President Toledo most probably never tried to intervene in the CVR because he never expected that the CVR would say anything controversial about the USA responsibility in human rights violations that may put at risk the pursuit of economic, security, and counternarcotics interests. Thus, the absence of Toledo's personal involvement is not enough to demonstrate that the government's foreign policy did not play a role in the CVR's analysis of USA responsibility.

#### **4) Violence is caused by internal factors**

An alternative approach to the question about the responsibility of the USA in human rights violations in Peru is that such question was never asked because the main causes of the 1980-2000 violence are internal. The CVR's explanation of violence can be characterized as "nationalist", both in terms of analysis and prescription. This analytical framework can be explained looking at the CVR's four main tasks: identifying and explaining human rights violations, taking perpetrators to justice, implementing a

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<sup>45</sup> The statement was made at the Instituto de Estudios Peruanos, 8 July 2004, in the LASA-IEP Seminar commemorating the 40<sup>th</sup> anniversary of the IEP.

<sup>46</sup> Comments made in a dialogue organized by Fórum Solidaridad Perú on 16 July 2004 where I was the keynote speaker presenting "La hegemonía norteamericana y la CVR."

<sup>47</sup> "Continuidad de la comisión: Es cuestión de pudor y justicia," *La República*, 8 December 2002 ([www.larepublica.com.pe](http://www.larepublica.com.pe)).

<sup>48</sup> Marco Antonio Sánchez, "Macher: Partidos y FFAA no ayudan a Comisión de la Verdad," *La República*, 14 August 2002 ([www.larepublica.com.pe](http://www.larepublica.com.pe)).

reparations plan, and promoting national reconciliation. The CVR's nationalist explanation of violence can be gathered beginning with national reconciliation.

Reconciliation is a subject of intense debate inside and outside Peru.<sup>49</sup> In this paper, I wish to highlight that truth and reconciliation commissions, including Peru's, conceive reconciliation exclusively within the boundaries of the nation. That is, reconciliation is understood as *national* reconciliation. From this perspective, truth and reconciliation commissions can be seen as nation-building strategies. The nationalist approach to violence is found throughout the *Final Report* of Peru's CVR. A couple of examples follow:

Thus, the work of the Commission is original and innovative because it is the first time in Peru's history that the country decided to undertake the introspective path in order to identify the reasons why we suffer the recurrent presence of *fratricide*.<sup>50</sup>

The Commission defines "reconciliation" as the implementation of a process of reestablishing and rebuilding fundamental links *among Peruvians*, links willingly destroyed and deteriorated in the last decades as a result of the eruption, within a society in crisis, of a violent conflict, initiated by the PCP-Shining Path ... Not only the main actors' direct acts, but the silent complicity or negligence of many have contributed in their own way to promote the destruction of social life.<sup>51</sup>

The violence that took place in Peru is defined as "fratricide" because it was killing between siblings, members of the same nation. Analytically speaking, this nationalist approach only looks at the surface of things: Peruvians killing Peruvians. The superficiality of the nationalist approach is similar to the superficiality of reducing the responsibility for human rights violations to those who "pulled the trigger". As explained above, Peru's CVR offered a more complex theory of responsibility for human rights violations that included responsibility for contributing to a permissive context (the state), advocating ideologies of violence (intellectual perpetrators), and indifference (Lima's middle class).

By defining reconciliation as something between nationals exclusively, it is implicitly affirmed that Peruvians were the main actors responsible for human rights violations. The Peruvians killed themselves and have to find reconciliation among themselves. There is no need to bring the USA into the picture.

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<sup>49</sup> In addition to Priscilla Hayner's text see: Martha Minow, *Between Vengeance and Forgiveness. Facing History after Genocide and Mass Violence* (Boston: Beacon Press, 1998); Andrew Rigby, *Justice and Reconciliation. After the Violence* (Boulder: Lynne Rienner Publishers, Inc., 2001); International Institute for Democracy and Electoral Assistance (IDEA), *Reconciliation After Violent Conflict. A Handbook* (Stockholm, 2003).

<sup>50</sup> *Informe Final*, Introducción, p. 30. Emphasis is mine.

<sup>51</sup> *Idem.*, p. 37. Emphasis is mine.

The nationalist perspective of reconciliation has implications for the other tasks. The *Final Report* explained that, in order to avoid confusing reconciliation with impunity,<sup>52</sup> reconciliation should come after truth, justice, and reparations.<sup>53</sup> However, this also means that if reconciliation is national, then truth and justice will also be national. This means that the question about the responsibility of the USA can easily be set aside because if any truth is found about it, would be a truth with no utility for achieving justice and reconciliation among Peruvians. On the contrary, it could even endanger national reconciliation because some “Peruvians” would tend to overlook their own responsibility. It is interesting to note that a similar response is heard in the USA when evidence surfaces about the participation of the USA government in human rights violations abroad. In the USA, it is common to hear that the causes of violence abroad are essentially internal. Critics of this perspective say that this is an ideological strategy used to coverup USA’s responsibility. This hiding is understandable because admitting responsibility for human rights violations necessarily brings some form of recognition that could easily be interpreted as leading to payment of reparations.

Analytically, framing violence in Peru as fundamentally caused by internal factors is superficial. The causes of violence, as well as the responsibility for violence, are of different kinds. For example, the CVR argued that the Peruvian state was a major cause of violence not only because government officials were directly implicated in human rights violations, but also because the weakness of the state created an environment conducive to human rights violations. The concept of “state weakness” has different aspects. It means no state presence in several parts of the country, thus the absence of law which leads to eruptions of violence.<sup>54</sup> It also means a low legitimacy or trust between the people and the state. Several CVR members believed that the main task of the commission was to close the “citizenship gap”, both in terms of extension and intensity. A direct cause of the weakness of the Peruvian state is the fiscal crisis which, in turn, can be attributed in large measure to the foreign debt crisis. One of the major factors causing the foreign debt crisis in Peru and across Latin America was the 1979 decision of the USA government to increase interest rates. In sum, a major “internal” cause of violence, the “weakness of the state”, is connected to the global political economy, a global political economy whose dynamics are shaped by the structural power of the USA.

Unfortunately, there is no analysis of the global political economy in the *Final Report* of Peru’s CVR. The nationalistic framework results in the implicit exoneration of the USA for its responsibility in human rights violations committed in Peru.

## 5) Rejection of ideologies of violence

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<sup>52</sup> Like President Fujimori did when he used the concept of “national reconciliation” to justify the 1995 laws 26479 and 26492 that, in fact, institutionalized impunity. *Idem.*, p. 27.

<sup>53</sup> *Idem.*

<sup>54</sup> The weakness of the state was a widespread explanation for the violence that erupted in May 2004 in the city of Ilave, near Lake Titicaca, where a group of angry peasants lynched the mayor. See: “Nada se resuelve a balazos,” *La República*, 12 May 2004 ([www.larepublica.com.pe](http://www.larepublica.com.pe)).

Several CVR members believed that their fundamental mission was to free politics from violence. Thus, the CVR called Peruvians to reflect on the past and critically question both, revolutionary violence and state violence. Ideology is a key factor in the CVR's explanation of violence. Ideologues of violence are as responsible for human rights violations as those who "pull the trigger". Abimael Guzmán may not be responsible for actually killing anyone, but he was certainly responsible for demanding the "quota of blood" for the revolution.

Ideology is at the center of the CVR's explanation of the PCP-SL. The CVR characterized the PCP-SL as an ideologically-based organization whose members believed in the ideology that violence is a necessary and legitimate political instrument. *Senderistas* believed in *Guerra Popular* in order to achieve the *República de Nueva Democracia*. The great achievement of the party was instilling among its followers a powerful ideological conviction in the principles of the party that shielded them from being corrupted by external incentives. Abimael Guzmán was responsible for creating a political machine of few members ideologically committed to the "inevitability of violence to achieve socialism."<sup>55</sup> In the first years of the 1970s, armed with an ideology that transformed José Carlos Mariátegui into a precursor of Maoism, "Sendero's main cadres focused their task in the transmission of 'textbook Marxism' in university classrooms, elaborating a simplistic 'worldview' for teachers to easily transmit to students."<sup>56</sup>

According to the CVR, the power of ideology is such that it allowed the expansion of the PCP-SL against all odds, internal and international. In other words, the PCP-SL should not have happened, but it did, because of its ideological power. It should not have happened because the domestic and international circumstances were not favorable for its occurrence. Domestically, in 1980, Peru was ending military rule and starting a period of electoral democracy. The new democratic system allowed ample representation. In general, the expectation is that armed insurgencies will develop in a context of military government or exclusionary democracies. Internationally, the *Final Report* argued that the PCP-SL went against the current because by 1980 the Chinese Cultural Revolution, the major source of their strategic inspiration, was all but over (Mao had died in 1976). "In this context, the PCP-SL decided to initiate its armed struggle, affirming that Peru was experiencing 'the development of a revolutionary situation', and the world was living 'world revolution in the offensive'."<sup>57</sup>

Against all odds, the PCP-SL began an armed struggle that grew stronger over the years and in which, according to the CVR, ideology played a central role. Ideology constructed the party, but, in the end, it also destroyed the party. The CVR contrasted Sendero's

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<sup>55</sup> *Informe Final*, P1, S2, C1, 1.1. "El Partido Comunista del Perú – Sendero Luminoso," p. 26.

<sup>56</sup> *Idem.*, p. 21.

<sup>57</sup> *Idem.*, p. 23. The CVR's purpose was to show that the PCP-SL was out of touch with international reality. However, the CVR analysis does not take into account several events at the end of the 1970s that could amount to a major global political transformation. Just to name a few: the Iranian revolution (1979), the Nicaraguan revolution (1979), the Soviet invasion of Afghanistan (1979), second oil shock and increase in interest rate (1979). The 1980s began with a major world economic recession. *Sendero* was not alone in thinking that the world was experiencing a "revolutionary moment."

ideological cohesion with the state's disorganized response. However, "extreme reliance on ideology also impeded PCP-SL leaders to draw lessons from their strategic mistakes."<sup>58</sup> The CVR questioned an ideology that justified "inducing genocide" as a political strategy and at the same time blinded its followers from understanding the popular rejection to its actions. "Thus, in 1986, when the *Comités de Autodefensa* had almost become PCP-SL's main enemy and the target of their "razing" of communities, Guzmán did not draw any lesson from this massive peasant mobilization against the Senderista project..."<sup>59</sup> The CVR contrasted the capability of the Armed Forces to learn and accept human rights standards with the PCP-SL's "inability to learn." The historical evolution of number of victims documented in the CVR database demonstrated "the difference between the Armed Forces who learned and the PCP-SL who repeated its mistakes."<sup>60</sup>

In sum, the CVR's ideological criticism of the PCP-SL was twofold. First, the CVR criticized the PCP-SL for legitimizing the use of violence in politics, even extreme violence like genocide. Second, the CVR criticized the PCP-SL for brainwashing its members to a point where they were willing to kill or be killed in the name of *el pensamiento Gonzalo*. Both aspects of the criticism are crucial for advancing the human rights agenda, but they cannot be restricted to the boundaries of the nation, nor to the Shining Path. CVR's criticism of ideologies of violence must extend to the global context and the USA's "war against terrorism." Peru's CVR cannot expect to eradicate violence from national politics when the the USA, the largest and most powerful state, is advocating preemptive strikes to defeat terrorism. The effects of global politics on national politics can be found in previous truth commissions' analysis of the impact of the cold war on internal human rights. The military regimes of Argentina and Chile, the civil wars in El Salvador and Guatemala, and the apartheid regime of South Africa were discussed by truth commissions in the context of the global confrontation between the USA and other major powers, the USSR, in particular. Ideology played a crucial part in the cold war. Human rights violations of all kinds were justified as inevitable consequences of the war against or for communism. The end of the cold war was supposed to bring the end of the ideology that violence is necessary. However, today we find ourselves in a global "war against terrorism" where ideologies of violence dominate discourse more than ever. A truth and reconciliation commission cannot remain silent to this international scenario.

## 6) Summary and concluding remarks

In the final pages of the Introduction, the CVR's *Final Report* stated<sup>61</sup>:

... the Commission places its work within the framework of a world scenario that shows uncertain paths. Human rights culture and its supporting institutions are fragile and based on the consensus of States. In certain moments, like at the beginning of this century, fear of violence may generate a spiral of reprisals that

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<sup>58</sup> Idem., p. 66.

<sup>59</sup> Idem.

<sup>60</sup> Final Report, P2, C1, "Explaining the internal armed conflict," p. 42.

<sup>61</sup> *Informe Final*, Introducción, p. 45.

can affect international legality and reduce the possibilities of strengthening the rights of nations and citizens of the world. However, a key theme running through the paper has been the absence of the “world scenario” (*escena mundial*) in the CVR’s analysis of human rights violations in Peru. The CVR was right in believing that “fear of violence” was going to “generate a spiral of reprisals”, but their statement is too abstract. The CVR does not clearly indicate who are the actors in the “world scenario” responsible for manipulating fear to justify violence.

A central argument I have tried to present in this paper is the absence of analysis of the USA as a responsible actor in human rights violations in Peru is a key point of reference for understanding the CVR. As stated by the CVR, truth has two dimensions: ethical and scientific.<sup>62</sup> The narrative not only has to explain the direct and indirect causes of violence, but responsibilities need to be established, as well. It is a mistake for Peruvians and for the world as a whole to contribute to the impunity of the USA. Peru’ CVR together with other truth commissions have great potential for initiating a global process of truth, justice, reparation, and reconciliation. A crucial step in this process is to bring in the USA as a responsible actor. Progress in the human rights agenda requires victims to be capable of interpellating perpetrators as actors with the obligation to repair the harm done. Asking the government of the USA for “aid” to fund reparations programs goes against this spirit. The participation of the USA in a reparations program in Peru has to be conceptualize in terms of obligation, not as a favor.

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<sup>62</sup> *Idem.*, p. 32.