

ALMA MATER STUDIORUM-UNIVERSITÀ DI BOLOGNA
DIPARTIMENTO DI SCIENZE POLITICHE E SOCIALI

CORSO DI LAUREA MAGISTRALE IN
INTERNATIONAL RELATIONS

Tesi di Laurea Magistrale in
POWER RELATIONS AND VICTIMIZATION PROCESS

Victimization Processes and Restorative Justice in the Aftermath of the Peruvian Internal Armed Conflict

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ANNO ACCADEMICO 2023/2024

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List of abbreviations

Acción Popular -AP

Alianza Popular Revolucionaria Americana – APRA

Asociación Pro Derechos Humanos - APRODEH

Central Intelligence Agency - CIA

Centro de Altos Estudios Militares CAEM

Coordinadora Nacional de Derechos Humanos - CNDDHH

Commission for Human Rights - COMISEDH

Drug Enforcement Administration - DEA

Ejército de Liberación Nacional - ELN

Gobierno Revolucionario de las Fuerzas Armadas - GRFA

International Criminal Court - ICC

International Humanitarian Law -IHL

Izquierda Unida- IU

Junta de Coordinación Revolucionaria – JCR

Ministerio de Justicia y Derechos Humanos – MINJUSDH

Movimiento de Izquierda Revolucionaria - MIR

Movimiento Revolucionario Tupac Amaru – MRTA

North Atlantic Treaty Organization - NATO

Partido Comunista Peruano - PCP

Partido Comunista Peruano Sendero Luminoso - PCP-SL

Partido Obrero Revolucionario - POR.

Peruvian Investigation Police - PIP

Plan Integral de Reparaciones PIR

Pontificia Universidad Católica del Perú - PUCP

Truth and Reconciliation Commission – CVR

Universidad Mayor de San Marcos - UMSM

Universidad Nacional de Educación Enrique Guzmán y Valle – UNE

INTRODUCTION

From the outset of the armed conflict in Peru between the state and insurgent groups on May 18, 1980, to the present day, a period of 44 years has elapsed. In the near future, it will have been 24 years since the conflict's inception. This period of conflict was characterized by the violent insurgency of the *Sendero Luminoso* (Shining Path) and the Movimiento Revolucionario Tupac Amaru (MRTA), as well as brutal counterinsurgency measures by the Peruvian state that led to widespread episodes of dirty war. This is, at the very least, an officially recognized fact, as evidenced by the prevalence of violent incidents both before and after this period. This was the era of the Cold War, when the ideological clashes between communism and capitalism seem to have shaped the strategies of both the insurgent groups and the Peruvian government. The two decades of conflict have resulted in tens of thousands of fatalities, the majority of which were civilians, as well as numerous instances of human rights violations. All these forces combined in a cycle of violence that particularly affected the rural, Indigenous and poor sectors of society. Massacres, forced disappearances, illegal recruitment, and sexual violence were part of the victimization experienced during the conflict. For nearly a quarter of a century after the official end of the conflict, the country is still dealing with the long-term effects of the violence, both for the direct victims and for Peruvian society in general. It left an indelible mark on Peru's social, political, and economic landscape, creating long-lasting trauma and deep divisions within the population. This thesis is primarily devoted to an examination of the processes of victimization that occurred during the course of the conflict. The subsequent period following the conclusion of the conflict will also be the focus of this research. This thesis goes beyond a narrative of the conflict to critically evaluate the transitional and restorative justice frameworks that have emerged since the end of the conflict. Transitional justice - legal accountability, truth commissions, institutional reform - offers a way of responding to the crimes committed during the conflict. This work argues, however, that the needs of victims in a deeply divided society require a more nuanced and inclusive approach-one underpinned by the principles of restorative justice. Restorative justice is based on the principles of healing and reconciliation; it restores relationships between victim and offender and within the community. It offers a far more comprehensive approach

to justice than one based on retribution through the law and seeks to help rebuild the social fabric of post-conflict Peru.

The decision to examine the context of victims of the internal armed conflict in Peru is primarily driven by my academic background and aspirations. During my undergraduate studies in development studies and international cooperation, I developed a strong interest in the fields of sociology, international law, and politics. Consequently, I elected to pursue a master's degree in international relations with a focus in international crime, justice, and security studies. During this course, I began to become passionate to the field of victimology, which immediately resonated with me as a potential avenue for reconciling my academic interests. For this reason, the thesis also examines the international context and the influence of international actors in shaping the conflict and the post-conflict recovery process. In this light, it is important to understand the international community's response to the conflict and its involvement in promoting post-conflict reconciliation within a larger geopolitical dynamic. Secondly, I elected to concentrate my attention on Latin America as the geographical area of my studies, as the study of history and society has consistently held a fascination for me. I was fortunate to have the opportunity to participate in an exchange program offered by the University of Bologna, which enabled me to spend a semester studying at the Pontificia Universidad Católica del Perú, in Lima. My arrival in the Andean state at the end of July 2023 coincided with discussions regarding the potential pardon of former President Fujimori, who had ruled the country for 10 years from 1990 to 2000. During his tenure, the conflict had precisely come to a conclusion, although, as will be discussed subsequently, the methods employed were, at the very least, questionable, resulting in a sentence of twenty-five years' imprisonment. In the streets of Lima, with the customary civility characteristic of this people, individuals were taking sides, with some advocating for the president's release and others rejecting this proposition. My natural curiosity prompted me to inquire further, leading me to recognize that the Peruvian context is distinctive, shaped by centuries of history and still affected by political and social divisions.

Adopting the victimology framework for one of Peru's deepest national traumas, is a method to investigate the results in human rights violations, structural violence, and a legacy of social and political instability of the hostilities. The thesis delves into the complex relationship between victimization and justice in post-conflict Peru. Victimology, as a field of study, focuses on the experiences, treatment, and agency of victims within the justice system and society at large. In the context of the Peruvian conflict, it provides a lens through which to analyze the multifaceted nature of victimization. This becomes a very important theoretical lens through which to understand victimization in the Peruvian conflict, where victims were not homogeneous, but rather a diverse

population whose experiences of victimization varied significantly according to ethnicity, socioeconomic status, and geographic location. This diversity complicates the pursuit of justice, as the needs and expectations of victims can vary widely. By situating the study within the broader discipline of international relations, crime, justice, and security, it aims to offer insights into how societies can address the legacies of violence and build sustainable peace. The exploration of victimology within this context is crucial, as it highlights the power dynamics that influence both the perpetration of violence and the subsequent processes of justice and reconciliation. An understanding of the role of victimology in framing victims' experiences is part of this analysis that, within criminological theory, provides a good perspective for observing how distinct groups of victims have been viewed and treated, both in official discourses and in the practice of restorative measures. Understanding these dynamics is essential to creating a framework for restorative justice that genuinely addresses the needs of victims and contributes to long-term social healing. The thesis' framework also allows for the some of the most important concepts developed by the subject, such the one of "ideal victim", that is particularly relevant in this context, as it sheds light on how certain groups of victims are recognized and validated within official narratives, while others are marginalized or overlooked. Other concepts such as blaming the victims, a process in which, even in the post-conflict period, victims continue to suffer marginalization and injustice in the processes of truth telling, reparation, and reconciliation. The brunt of this violence was borne by Peru's rural, indigenous, and economically disadvantaged communities, who were caught between the insurgent forces and state repression. Over two decades after the formal end of the conflict, Peru continues to grapple with the aftermath, particularly in terms of addressing the needs of those victims and fostering a process of national reconciliation. The creation of the *Comisión de la Verdad y Reconciliación* (CVR-Truth and Reconciliation Commission) in 2001 was a milestone in Peru's efforts to confront its violent past. It sought to shed light on the truth about human rights abuses committed by both insurgent groups and the state. But the CVR's findings revealed not only the depth of the violence, but even more so the structural inequalities that fed the conflict. These inequalities are particularly relevant to the study of victimization processes, given that this violence particularly affected marginalized communities, and that justice and reparations have been slow to reach them. The groundbreaking work of the CVR brought to light the persistent social divisions and the problems of seeking justice in a fragmented society. The paper also discusses the place of historical memory in the process of reconciliation, as the way a society remembers its past is fundamental to defining its future. The politicization of memory, together with the ethical dilemmas raised by memorialization itself, are the main difficulties that accompany efforts to properly acknowledge the legacy of conflict. This thesis is situated within the larger context of international relations, crime, justice, and security

in order to explore, through the Peruvian experience, the complex interplay between victimization processes and restorative justice in post-conflict settings. The field of victimology provides a critical framework for contextualizing how power relations have shaped both the violence and the aftermath - that is, the agency versus vulnerability of victims. attempts to explain these complexities by examining the mechanisms of victimization during the conflict and analyzing the restorative justice efforts undertaken since then.

In order to achieve the objectives of this thesis, Chapter 1 will be entirely dedicated to the presentation of the victimology framework of analysis, introducing the subject and the significance of its application in Peruvian context. Chapter 2 will undertake a thorough exploration of the historical roots of the Peruvian internal conflict, focusing on the socioeconomic and political landscape of Peru before 1980. This analysis will set the stage for understanding the rise of insurgent groups such as Sendero Luminoso and the MRTA. The chapter will delve into the ideological foundations, leadership dynamics, and strategies employed by these groups, as well as the state's responses and counterinsurgency efforts. By unraveling these complex factors, the chapter aims to provide a foundational understanding of the conflict's origins, grounded in the intricate interplay of social, political, and economic dynamics. Chapter 3 will shift focus to the victims of the conflict. It will firstly provide an in-depth analysis of the Peruvian Truth and Reconciliation Commission, then examining how victims' experiences were investigated by the CVR. This analysis will explore how public perceptions were shaped and how the narratives of victims were constructed and disseminated. The chapter will cover a wide range of atrocities, including massacres, enforced disappearances, the unlawful recruitment of children, and sexual violence. It will also address the several types of victims and the phenomenon of secondary victimization, highlighting the ongoing challenges and traumas faced by survivors in the post-conflict period. Chapter 4 will evaluate the efforts in the post-conflict society, examining both its successes and the challenges it faced. The discussion will cover crucial aspects such as the search for missing persons, the establishment of special authorities for peace, and the implementation of reparative measures. The chapter will also critically assess the significant obstacles encountered in these processes, offering a nuanced understanding of the complexities involved in transitional justice mechanisms. In the chapter it will be examined the multifaceted processes of reconciliation in post-conflict Peru as well. This chapter will address the impact of political polarization on reconciliation efforts, public perceptions of transitional justice measures, and the various governmental approaches to fostering national reconciliation. The role of historical memory will be explored, as well as the complexities surrounding the recognition of former perpetrators as victims. The chapter will also highlight positive examples of reconciliation initiatives,

providing a comprehensive analysis of the prospects for achieving lasting and sustainable peace in Peru.

Finally, as it will be discussed in the Conclusion, this thesis aims to contribute to the broader academic debate on victimology, transitional justice, and restorative justice by providing a much-needed in-depth case study of the Peruvian experience. It highlights the need to focus on power relations in victimization processes and to develop inclusive and equitable bottom-up approaches in the context of post-conflict justice and long-term needs of victims. In this respect, the present work aims to contribute not only to the Peruvian context, but also to broader insights into the challenges faced by societies emerging from conflict around the world. The conclusion of this thesis will summarize the key findings and contributions made to the understanding of the Peruvian conflict and its aftermath. It will also present recommendations for further research and policy, emphasizing the importance of continued efforts towards justice, reconciliation, and peacebuilding. By exploring the intersections of victimology and restorative justice in the context of Peru's internal armed conflict, this thesis seeks to offer valuable insights into the challenges and possibilities of post-conflict justice in other contexts as well. Ultimately, the hope is that this research will contribute to the ongoing efforts to build a more just and peaceful society in Peru and beyond.

CHAPTER 1

The Internal Armed Conflict in Peru and Its Victims

In the year 2023, I arrived in Lima for the exchange student program that would allow me to study in Peru for a semester. My arrival marked the start of the learning journey I was so eagerly waiting for. One of my first evenings in the country, in the coldness of an atypical August's winter, I decided to soak up Lima's sights and sounds. But, in the historic Plaza de Armas, where the parliament and the cathedral are located, something attracted me more than the beautiful colonial architecture. There was certainly the grandeur of the historic colonial architecture, but then something completely unexpected caught my attention. A small and peaceful protest of people carrying lamps and a banner calling for "Justicia" was silently marching through the plaza. This silent march, solemn and dignified, intrigued me. Obviously, I did not want to disturb this solemnity by asking for information on what was happening, but I could think of nothing else to do after seeing the suffering on those faces. The expressions of pain and determination on the marchers' faces left a deep impression on me. By asking locals, I learned that this was a recurring demonstration by family members of victims of the internal armed conflict, which officially lasted from 1980 to 2000. My inquiries revealed that this was not an isolated event, but a regular demonstration by those seeking justice for the victims of the internal armed conflict that ravaged Peru for twenty years. However, I noticed a certain reluctance to address the issue, regardless of the social context in which I found myself. Even in academic circles, where one might expect a more open discussion, this reluctance was palpable. Also, I noticed the attention in the media's coverage of the victims' plight was disappointingly limited, leaving many stories untold. Being a post-graduate student of International Relations, enrolled in a program about peace studies and interested in Latin America as a geographical area, the study of the Peruvian internal armed conflict and its victims has been identified as a potential area of interest for further research. The period still deserves to be analyzed in depth for the many issues that period left behind. My academic background in International Relations, particularly my focus on crime justice and security, made it clear to me that the Peruvian internal armed conflict and its aftermath required thorough analysis from a victimology prospect. A quarter of a century is coming since when the conflict ended,

it is evident that much remains to be debated, especially regarding the long-term victimization that occurred during this turbulent period.

During my exchange program at the *Pontificia Universidad Católica del Perú* (PUCP), considered among the most important universities in the country for social sciences, allowed me to live the deep gaps that still occur within this country. It is clear that Peru still has traits of a post-conflict society. The signs of a society struggling to cope with the lingering effects of the conflict were unmistakable. The divide between the left-leaning academic community and the political establishment in interpreting these events was stark and undeniable. In addition, there are still unresolved problems in academic research and in the legal regime of the legacy of the conflict. An example can be the definition of the conflict itself, a subject that does not find a total consensus among scholars. It remains a contentious issue that lacks a clear and universally accepted definition since some academics categorize the rebels as insurgents who were responsible for instigating a civil war in the country. However, detractors of insurgents often dismiss the notion of a civil war, preferring instead to a period where the country “only” experienced terrorist attacks. Even because terrorism “is a particular method of political violence, rather than something that is only intrinsically linked to particular types of belief system” (Richards and Bryan, 2018:14) this hypothesis should not be taken into consideration. This characterization, known as the “*epoca de terrorismo*” or “age of terrorism,” is criticized for being overly simplistic and failing to capture the complexity of the situation. It is important to note that terrorist activities began in the 1960s, over two decades before Peruvian conflict officially commenced. Furthermore, the conflict has yet to be fully resolved, which raises questions about the accuracy of solely categorizing it as an era of terrorism. The insurgents arrived to control vast territories in the rural zones, and, in some moments, they also benefited from wide popular support, coming both from ideology and the coercion methods adopted. In consequence, it will from this point forward be the intention to adopt the term 'internal armed conflict', which is now more widely accepted.

The most fragile content, which will be at the center of this master’s degree thesis, is about the victims’ condition twenty-four years later the end of the hostilities. Despite the *Comisión de la Verdad y Reconciliación* (CVR-Truth and Reconciliation Commission) extensive documentation and recommendations aimed at healing and justice, many of the victims have never been recognized, and they continue to face challenges such as ongoing social and economic disparities, regional tensions, and the need for continuous efforts to ensure justice and reconciliation. During the internal armed conflict, in which two rebel groups, *Sendero Luminoso* and MRTA, raised against governmental

forces, more than 60,000¹ people lost their lives, according to the investigations of the CVR. Most of the victims were civilians living in rural areas, where the conflict had the most intensity and where Indigenous people were coming from². The civilians suffered any type of oppression by both sides of the conflict, such as extrajudicial killings, arbitrary massacres, sexual violence, gender crimes, forced sterilization, and enforced disappearances. In order to gain insight into the circumstances of the victims, it is essential to examine both formal and informal hierarchies, which establish patterns of dominance and subordination within societies during periods of conflict. It became imperative to comprehend how victimization is shaped by the dynamics of power that frequently impose control and influence by determining who becomes marginalized and how resources and opportunities are distributed. The state's military and police forces held considerable power, frequently deploying it in their counterinsurgency efforts and to maintain control, which often resulted in human rights abuses against suspected insurgents and their perceived sympathizers. Conversely, insurgent groups sought to challenge state power, employing violence and intimidation to assert their influence. Especially Shining Path, with its terrorist method, controlled entire regions by coercing the local population into compliance. The CVR's extensive investigations shed light on the severe victimization endured by marginalized rural communities. Research indicates that these victims faced not only immediate physical harm but also long-term social and economic marginalization. Some of those issues are underestimated, such as the forced migrations from the upper valley to the capital city. Structural problems of those forced migrations are even more evident in the present day, as Lima continues to grow exponentially, attracting people in search of better opportunities from all across the country and the rural areas are becoming even less populated. This massive human impact has contributed to a deep rift between society and the centers of power. The victimization process and its link with the relations of power are going to be analyzed in this work by studying how peacebuilding and restorative justice systems were implemented and how and if the justice system worked through the mechanisms of reconciliation.

1.1 Victimology Framework of Analysis

¹ The number of casualties and the identity of the perpetrators remain subjects of contention. For CVR, which employed a statistical index analogous to that utilized in the Guatemala and Kosovo conflicts, the estimated deaths range between 61,000 and 77,000, resulting in an average of 69,280. Other scholars, such as Rondón (2019), who have sought to mitigate biases in data processing, have arrived at a total of 48,000 deaths.

² In the ranks of insurgents and the army, the majority of combats were also Indigenous people, despite the leaders of both sides had mainly European ancestry.

Since the advent of human civilization, the notion of victimhood has constituted an integral aspect of societal structures, pervading human experiences across cultures and historical periods. From the earliest recorded histories, the human condition as a victim—whether in the context of personal grievances, societal conflicts, or systemic oppressions—has been a persistent and pervasive phenomenon. The evolution of this concept is indicative of not only shifts in societal attitudes but also of the changing perceptions and administration of power dynamics and justice. The ancient narratives and myths that have survived through time often depict the plight of the victim, reflecting societal values and serving as cautionary tales about the consequences of victimization. In the modern era, the study of victimization has evolved considerably beyond its initial scope, which was primarily focused on legal frameworks and criminological analysis (Vezzadini, 2012). These initial studies frequently diminished the significance of the victim's role to a mere component within the broader context of criminal acts, thereby overlooking the more profound psychological, social, and political dimensions of victimization. In the aftermath of the Second World War, a notable transformation took place, largely driven by the imperative to comprehend the atrocities perpetrated during the conflict and the intricate interrelationship between perpetrators and victims. This period saw pivotal contributions from scholars like Hans von Henting, a survivor of Nazi persecution, “made the most challenging impact on the understanding of crime in terms of doer-sufferer interactions” (Schafer, 1974:17). In contrast to the prevailing view at the time, von Henting emphasized the relational dynamics rather than viewing crimes as isolated incidents. His work established the foundation for the emergence of victimology as a distinct field of study. Concurrent with von Henting's contributions, Benjamin Mendelsohn, a French Israeli lawyer frequently regarded as the father of victimology, initiated pioneering research into the intricate relationships between perpetrators and victims. His work was pioneering in its interdisciplinary approach, examining not only the legal implications of victimization but also the psychological, social, and even biological factors that could predispose individuals to victimhood. Mendelsohn's controversial findings, particularly his observations that victims could, at times, play a role in their victimization, prompted significant debate and propelled the field of victimology into new and uncharted territories. This represented a crucial turning point, as it began to challenge the traditional, often simplistic, notions of victims as purely passive entities.

As the field of victimology developed, it gained recognition as an autonomous academic discipline, without abandoning the connections to other social sciences fields such as criminology, law, political science, and psychology (Vezzadini, 2012). The initial positivist methodologies within victimology were pivotal in shifting the emphasis from the static examination of offenders'

characteristics to a more dynamic investigation of victimization processes. This shift was crucial in that it directed the academic discourse towards a more comprehensive understanding of the societal implications of victimization. It also brought to the fore the ways in which societal structures and power dynamics contribute to the victimization process. The acknowledgment that victimization is not merely an individual misfortune but is often a consequence of systemic issues marked a significant advancement in the field. Over time, victimology began to encompass a more comprehensive analysis, extending its focus to include victims of large-scale conflicts, human rights violations, and abuses of power. The influence of critical victimology became evident, with scholars such as Fattah (1992) advocating for the inclusion of political and social contexts in the analysis of victimization. This broader perspective acknowledged the role of victims and victim movements in shaping political agendas, recognizing that the experiences of victims are often intertwined with broader social justice issues. As victimology expanded its scope, it increasingly addressed the global dimensions of victimization, considering how globalization and media dynamics influence the perception and treatment of victims. In contemporary society, the perception of victims has evolved, often casting them as heroes or martyrs, particularly when their suffering is framed within narratives of resistance or moral integrity. However, this was not always the case, and the recognition of victims, particularly in contexts like the Peruvian conflict, has historically been fraught with challenges. It is not uncommon for victims to experience feelings of powerlessness and subordination, which are often intensified by societal and institutional responses that may serve to further marginalize them. As evidenced by Joinson's (1992) research on compassion fatigue within healthcare settings, societal attitudes can lead to a desensitization to suffering, resulting in a distorted or minimized recognition of victims' experiences. This phenomenon is not exclusive to the healthcare sector; it can also be observed in broader societal contexts, particularly during prolonged conflicts where the reality of victimization is obscured by the normalization of suffering. The work of Stanley Cohen (2001) on the denial of suffering introduces another layer of complexity. He suggests that society often engages in denial as a coping mechanism to avoid confronting uncomfortable truths about injustice and oppression. This denial can have severe consequences for victims, leading to repeated cycles of victimization where their suffering is continuously overlooked or minimized. Therefore, the problematic recognition of victims is not just an issue of individual neglect but reflects broader societal mechanisms that perpetuate cycles of victimization and denial.

In 1985, the United Nations endeavored to address these issues with the issuance of the "Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power." This seminal declaration proved instrumental in establishing international standards for the recognition and treatment of victims, underscoring the necessity for access to justice, restitution, and compensation.

The declaration underscored the importance of addressing abuses of power as a critical factor in the victimization process and provided a framework for states to assist victims through a range of forms of support, including financial, material, medical, psychological, and social support. The declaration emphasized the necessity of recognizing the rights of victims and ensuring that their needs are met within the legal and social frameworks of their respective countries. Subsequently, international law, particularly through the principles of international humanitarian law (IHL) and human rights, has sought to regulate and protect the rights of victims during conflicts. The IHL framework, which governs the conduct of armed conflicts, includes provisions that aim to minimize harm to civilians and ensure humane treatment for all individuals affected by warfare. However, the asymmetrical nature of modern conflicts, often characterized by non-state actors and irregular combat tactics, poses significant challenges to the enforcement of IHL and the protection of human rights. The difficulty in ensuring compliance with these laws during armed conflicts highlights the ongoing struggles in fully recognizing and addressing the victimization that occurs. It is imperative that the victimization process, particularly during periods of conflict, is not regarded as a normal occurrence or accepted as an inevitable consequence of war. The perception of victims by society can result in their further marginalization and discrediting. In some instances, victims may even eschew the designation of "victim" as a means of self-preservation, cognizant that this appellation can impart a stigma that precipitates culpability rather than assistance. As Ryan (1976) observed, the stigma associated with victimization is frequently socially constructed. In some instances, avoiding the victim label may serve as a strategy for individuals to evade this stigma. It is, however, of the utmost importance to acknowledge that the status of victim, when duly acknowledged, can also serve as an efficacious instrument for social integration and recognition from the justice system. It is imperative that education and awareness be employed as tools to facilitate a shift in public perceptions, thereby enabling victims to reclaim their narratives and access the support they require.

In the aftermath of conflicts, mechanisms of transitional and restorative justice play a vital role in addressing the widespread human rights violations and aiding in the reconstruction of society. Transitional justice measures, including truth commissions, reparations programs, and institutional reforms, are designed to provide justice for victims while facilitating societal healing and reconciliation. Restorative justice, as a component of this broader framework, underscores the necessity for victims to reclaim their place in society not merely as individuals marked by their victimization but as whole persons restored to their rightful status within the community. The work of Peru's CVR exemplifies the principles of restorative justice, providing a platform for victims to voice their experiences, seek acknowledgment, and pursue justice. As Erica Bouris (2007) posits, peacebuilding endeavors must extend beyond the mere cessation of violence; they must also address

the underlying issues of justice that arise from political violence. Attaining a stable and enduring peace in a post-conflict scenario necessitates a comprehensive strategy that integrates justice, reconciliation, and the reintegration of victims into society. In the absence of attention to these foundational concerns, the prospect of enduring peace remains uncertain, and the cycle of victimization may persist. These cycles of victimization can also be produced in institutions such as prisons, schools or religious communities and they take the name of secondary victimization.

1.1.2 The Ideal Victim and The Others

One of the key concepts developed within the field of victimology is that of the ideal victim. Initially proposed by Nils Christie (1986), it seeks to examine the societal response to a specific category of victims. It is important to recognize that not all victims will experience the same impact from an external observer, as their firsthand experiences and the manner in which they have been victimized will vary considerably. Christie identifies five categories (*ibidem*, p.12) “(1) The victim is weak. Sick, old or noticeably young people are particularly well suited as ideal victims. (2) The victim was carrying out a respectable project – caring for her sister. (3) She was where she could not possibly be blamed for being – in the street during the daytime. (4) The offender was big and bad. (5) The offender was unknown and in no personal relationship to her.” From a conceptual standpoint, the ideal victim is one who is readily identifiable as such. The individuals not pertaining to the category of the ideal victim may be perceived as "the other," a figure who is not immediately recognizable. This can be problematic in terms of establishing a clear distinction between the "ideal victim" and the "real victim." The latter often goes unrecognized due to the disproportionate focus on certain narratives and individuals, particularly those who are more visible and perceived as having greater influence. For Vezzadini (2024:2) the non-ideal victims “are subjects, categories or social groups, with respect to whom the application of the victim status is delayed or totally disregarded, because they are considered to be “lacking” those attributes considered fundamental to allow their recognition, this having important repercussions in terms of supportive policies and their implementation.” While the ideal victim possesses admirable qualities, these virtues can also be problematic. This is because they may perpetuate the persistence of suffering and the repetition of the victimization, which can ultimately lead to a sense of helplessness.

In the Peruvian context, the recognition of the ideal victim, despite the categories proposed by Christie, is a challenging endeavor. This is due to the fact that, as previously mentioned, the

Indigenous people of the upper valley were already regarded as responsible for their marginalized status. Consequently, they were often perceived as born victims, particularly by urban bourgeoisie. In addition, the absence of state institutions in the zones where insurgents were active, coupled with their inability to provide basic services, has led to a reluctance on the part of the local population. This was due to the fact that they were often perceived by society and institutions as having collaborated with the insurgents. This exemplifies the study of Wolfgang and Amir (1971) on how an individual's personal history and behavior can shape the way they are perceived, leading to a perception of victim-blaming whereby the victim is held responsible for their own fate and becomes a pray for the offender. In this case, the victim not only precipitating in this condition but actively participating in their victimization. Nevertheless, the concept remains pivotal due to its numerous ramifications. In the legal domain, the existence of an imperfect victim, as exemplified by the Peruvian case, may provide rationale for preserving the status quo.

1.2 Truth and Justice

“En un país como el nuestro, combatir el olvido es una forma poderosa de hacer justicia. Estamos convencidos de que el rescate de la verdad sobre el pasado —incluso de una verdad tan dura, tan difícil de sobrellevar como la que nos fue encomendado buscar— es una forma de acercarnos más a ese ideal de democracia que los peruanos proclamamos con tanta vehemencia y practicamos con tanta inconstancia.”

-Informe Final Comisión Verdad Perú: Tomo I - Prefacio - Derechos, 2003:16

The establishment of the Commission, by unveiling of the truth regarding the atrocities had been committed during the conflict, has played a very paramount role in the process of justice and reconciliation. Knowing the truth is a matter of right for all citizens, regardless of whether they have been victimized or not. The statement CVR adopted in the preface also demonstrates that the process of discovering the truth is, in itself, a form of justice. Furthermore, it has significant implications, including the potential to establish the foundations for democratic growth within the country. Nevertheless, there is a fundamental distinction between truth and trials. Impunity has been a major risk factor in many countries where a truth commission investigated “inconvenient.” Indeed, In Peru, despite “a special human rights court was established in 2004 as per the commission’s recommendation, and many cases have been prosecuted, but the great majority have resulted in acquittals” (Hayner, 2010:39). As early as the post-World War II, with Nuremberg trials, the

foundation for international criminal justice was established. One of the most significant developments in this process was the establishment of *ad hoc* tribunals, for example in Rwanda or former Yugoslavia. Those tribunals established norms such as individual accountability and the responsibility of the state to prosecute those personally guilty of war crimes. However, as time progressed, there was a notable increase in the number of violations of human rights and international criminal law, particularly during the 1980s and 1990s (Sikkink, 2011). This trend was observed across various regions, including the Americas, Asia, Africa and Eastern Europe. A notable shift has been observed in the context of the 1990s, a decade during which persecution began to increase at both the domestic and international levels. The establishment of *ad hoc* tribunals, the work of the truth commission in South Africa, and the formation of the International Criminal Court (ICC) marked the inception of a new trend, defined by Sikkink (*ibidem*) as "justice cascade," ushering in a new era where impunity is no longer tolerated. The notion of justice and accountability has gained significant traction across the globe. This shift encompasses not only developments within the criminal legal system but also significant shifts in ideas and policymaking.

1.2.1 Transitional Justice

The concept of transitional justice is employed in societies undergoing a transition from a state of conflict or authoritarian rule to a peaceful and democratic one. It is of the utmost importance to ascertain the truth and to hold accountable those who have perpetrated violations of human rights and war crimes in the context of a conflict. This is a prerequisite for achieving justice and for the subsequent reconstruction of the affected societies. While there is currently a global consensus on the need to hold perpetrators of abuses accountable, this was not always the case. In the past, there were indeed sceptics who questioned the very legitimacy of addressing such issues. For example, it was previously assumed that insurgents would not participate in peace talks in the context of a civil war, and that the leaders of governments and militaries would not encourage a transition to democracy. Such arguments were also directed towards the work of *ad hoc* tribunals. Despite significant changes, this trend persists to some extent in the present day, with the persecution of the ICC, among others, often criticized depending on the dynamics of power between states. The implementation of strategies for the victim is another imperative for pursuing the transition. Webber (2012) distinguish between three different form of justice may be applied during the transition such as the retrospective, that aims only mitigate the repercussions; the prospective one, which hopes to both repair and change society for the better; then the adjusting in the legal and political order, that is, without question, the most

comprehensive and, consequently, the most challenging to achieve. Regarding the victims, the measures applied are difficult to obtain, such as the victim status. When implemented, they are often insufficient since they consist in reparations and retribution. It is clear that for victims of crimes against humanity within a conflict, such as sexual violence or enforced sterilization the monetary reparation alone are inadequate measures. For this reason, Bass (2012:167), by using the word of Platon, defines the reparations as “noble lies”. This is not to suggest that compensation should be eschewed entirely; however, it is insufficient as a standalone measure to overcome the past. This is not to suggest that monetary compensation should be eschewed entirely; however, it is insufficient as a standalone measure to overcome the past.

1.2.2 Restorative Justice

The objective of restorative justice is to prioritize the processes of healing and reconciliation. Differently from the measures applied the transitional justice process, the restorative justice offers more proactive strategies. It focusses on the need of the victims, aiming to restore their prior condition, when they were not victims. It is evident that the restoration of the past is not a viable proposition, and the experience of victimization cannot be undone, but it is possible to offer them a proper future. To achieve this objective, it is essential the democratic participation of both the victims and the offenders in the process that is basically oriented to dialogue, understanding, and mutual agreement in a general aspiration for healing relationships and restoration of social harmony. It facilitates the fulfillment of the needs not only of victims, but also offenders and the broader community. It engages all relevant parties and stakeholders such victims’ associations, human rights activists and government institutions. Such processes may assume a variety of forms, including victim-offender mediation, restorative circles, or community conferences. All parties of the society collaborate as a unified entity to address the issues related to the harm caused and to implement measures for its rectification. The decision to participate in restorative justice processes is typically made at the individual level and is therefore considered to be voluntary. It is fundamental in this case the individuals are aware of their victimization. All parties must consent to engage in the dialogue and negotiation, and they should be committed to the restoration of the harm. The voluntary nature of these processes is of foremost importance to their legitimacy and effectiveness, as it ensures that all parties. The objective is to empower victims by providing them with a process in which they have a voice and their needs for recognition of the victim status, restitution by the offenders, and compensation by the state. It encourages offenders to assume responsibility for their actions and

actively contribute to repairing the harm caused. Apart from pecuniary compensations, initiative-taking strategies may include psychological support and social assistance. It can also enrich the wider society, this process can lead to a positive peace, which means not only the absence of conflict, but education and culture for democracy, social justice and mechanisms of good governance.

1.3 Research question and objectives

By employing the victimology framework in this thesis, the study aims to achieve a comprehensive and nuanced understanding of the victimization processes that occurred during and after the internal armed conflict in Peru. This analytical approach not only illuminates the varied and profound impacts on the victims but also delves into the intricate power dynamics that fueled and sustained the conflict. Through this lens, the research will provide critical insights into the broader implications for justice, reconciliation, and the possibility of social transformation in post-conflict societies. This volume intends to examine in detail both the social and legal dimensions of victimization by integrating a multifaceted analysis that combines historical context, victim testimonies, and studies of transitional and restorative justice. The goal is to offer a holistic perspective on Peru's internal conflict and its far-reaching aftermath, with the hope that this in-depth examination will contribute significantly to a deeper understanding of the complex challenges and opportunities involved in achieving sustainable peace, not only in Peru but also in other societies emerging from conflict. Furthermore, this thesis aims to explore the lived experiences of victims, the enduring impact of the conflict on these individuals and communities, the interactions between victims and their offenders, and the various responses of society and the criminal justice system to these processes of victimization. The study does not confine itself solely to victimological perspectives but also incorporates criminological and political viewpoints, ensuring a broad and inclusive scope that enriches the overall analysis. Given that the study of society represents the fundamental point of departure, it is evident that a qualitative analysis will prove the optimal approach. However, it is acknowledged that the quantitative element will assume a role when circumstances dictate. The study seeks to identify and understand the structures that support positive peace—those social and legal frameworks that have been established in the aftermath of the conflict, particularly through the recognition and empowerment of victims.

It is hoped that this study will not only contribute to the academic knowledge on the subject but also have practical implications, raising important policy issues regarding the human impact of the

conflict and the necessary steps for building a just and peaceful society through strategies of reconciliation and restorative justice measures.

CHAPTER 2

Historical Roots of Peruvian Internal Armed Conflict

Since the very beginning of its history, Peru went towards social and economic issues that brought the country to periods of deep political violence. When Simon Bolivar liberated Peruvian territories and appointed his lieutenants, they began to rule the free territories as monarchs and clash with each other. Despite the process of de-Europeanisation, the imperial legacy was still very much present in the society, especially in the economic and political sectors. The presidents of the liberated state were nothing more than kings, ruling through hereditary senates that were the chambers of the aristocracy. It was also impossible to impose the authority of the state in the vast territories dominated by the natives, such the Amazon or the Andean part.

2.1.1 Peruvian Society

When the independence of Peru was declared, on July 28 of 1821, the population was divided by the indigenous living in the areas of the former Inca domination in the Andean highlands, while there was (and is) “an area where a good part of the population is therefore descended from African ancestors. [...] for another with the tropical coastal belts, such as northeastern of Brazil or the coasts of Peru and Ecuador.” (Zanatta, 2016:8). The relation between native and the modern state have ever been complicated. The historian Wilfried Westphal (1985: 236) defines as "second colonization" of the Indigenous both the decolonization process and the following project of state-building. Exactly like every other country of Latin America, with the exception of Argentina and Chile, the Indigenous has ever been a long-term issue. This is because the political and economic power was concentrated in the hands of white Spanish elites that inherited it from the colonial domination. Moreover, even

though colonial institutions, such as slavery, had been abolished by Bolivar, the seed of liberalism did not take root in the country, mainly because "power seduced the military since the time of independence" (*ibidem*, p. 318). The major Peruvian historian, Jorge Basadre (1968), identifies 3 "militaristic" periods in the early history of the Republic. The first, from 1827 to 1872. The second, from 1883 to 1895. The third, from 1930 to 1939. Basically, the military ruled almost one-third of the time during the first 112 years of the Peruvian Republic "because of the weakness of the civilian ruling class, after the win of important battles or period of defeats on war" (Basadre, 2003: 211), such as the *debacle* against Chile in the Pacific war. The militaries which assumed the power in the early years of the republic were the legendary *libertadores* from Spaniards, such as the Argentinian José de San Martín or Simon Bolivar has established a precedent of trust in the state's elite.

In a sense, those elites represent the oligarchical rule originated by the replication of colonial power structures even after independence. In a country where the majority of the population were Amerindian, the ruling class was composed mostly by white people: the last census of the Peruvian Viceroyalty, occurred in 1791, has shown a population of approximately a million people and counted "609,000 Indian American, 244,000 *mestizos*, 136,000 white, 41,000 Creoles³ and 40,000 Afro-Peruvian, most of them still enslaved" (Gootenberg, 1995:7). It is understandably this census cannot offer a deep liability since it is still difficult nowadays to reach some places of the country. Peru is the 20th more extended country on the Planet. Its territory is covered by the *selva* (Amazon rainforest) for the vast majority. Then there is the *sierra* (highlands), mountains that goes up to 6757 meter above the sea level and where most of the Indigenous live, settled in the cities of the former Inca Empire, such as the old capital city, Cuzco. That is why the census of the Republic period are not liable as well. Gootenberg (1995:5) affirms "*Los gobiernos peruanos no tuvieron ni la capacidad, ni la voluntad de montar censos detallados de sus dispersos y elusivos súbditos andinos.*" The first "modern" census, for the methods that have been employed, occurred in 1876. It would have been found a population 2.699.106 Peruvian, with 57,6% of them identified as Indigenous and it has been the last census until 1940, and it is also not completely dependable. The failure of the census, apart from the arduous territory of Peru, is directly linked with the absence of the State in many regions, for the geography or in the territories that could not offer an economic return to the central government of Lima.

³ Creoles, defined as *pardos* by the early census of Peru, because they have European, African and Indian ancestors, while *mestizos* do not share the African ancestry.

The inequalities of ethnical and gender issues were made up of that led to conflict scenario, such as in other Latin countries where the vast majority of the population was Indigenous. Chiara Volpato (2011) reminds the process of de-humanization Indigenous people were subjected during the Spanish rule. Right after the independence, things had not changed that much. Although slavery was already abolished, with the method of *huasipungo*, a small field conceded by the landowner to the farmer in return of his work, the structure of slavery continued to exist. This practice was perpetrated by the white landowners and even by *gamonalistas*, Indigenous landowners that obtained the control of fields with the favor of Spanish crown. For this reason, it has been impossible for the *campesinos* (farmers) all along the country to overcome the past and emancipate. Even under the psychological and cultural aspects, Indigenous were still discriminated. They were considered analphabets and often not able to look after their fate. While the *mestizos*, because of their mix of the best virtues of the natives and the Europeans (López Albújar, 1927), tended to be the chosen ruling class. Actually, it has always been difficult to ethnically distinguish the population, for the abundance of cultures which lived together during centuries. Rosmary Thorp (2010:9) reminds how “identity, and particularly ethnic identity, can be transformed and sharpened during the process of mobilization” and Peru is absolutely the meeting point of humans from the Inca Empire, Europe, Africa, and even south-east Asia. Instead, the population of Peru is divided by the imaginary of their territory. There is the *costa*, the *sierra*, the *Amazonas*, and then Lima. In the capital city there were the development of arts and culture, together with the finance and political power. While the other places were depicted as uncivilized and backward (Vich, 2010). This is because, among other things, for the linguistical differences. In Peru there are forty-four natives’ languages, the vast majority in the *Amazonas*, then the Quechua in the *sierra* and the Aymara in the zone of Titicaca Lake, at the border with Bolivia. Extraordinarily little was done for the education since the independence to the point that the census of 1961 has found that almost the 40% of the population was illiterate, especially in the rural zones.

2.1.2 Socioeconomic context and the Latin approach to socialism.

The economy of Peru was the one inherited by the colony (Halperín Donghi, 1997). The capital city, Lima, with his access to Pacific Ocean, has been the commercial center of the Country. Crops were abundant in the northern-west part, where most of the Black people live. Pacific coast can constantly offer any type of sea food, such as the Amazon River or Titicaca Lake. However, the bigger treasure of Peruvian economy is located under the mountains. If the gold attracted the Spaniards, the zinc and the copper attracted every great power of the international system later on, such as United

Kingdom during the period of Pax Britannica, then United States and China nowadays. Replicating colonial scenarios, Indigenous people of the *sierra* (Skidmore *et al.*, 2010) were exploited in American-owned mines. The fields were worked by Afro-Peruvians or Indigenous people on behalf of the former European aristocratic landowners. Certainly, during the process of nation-building, there was no shortage of events that destroyed the Peruvian economy, such as the war against Chile.

In 1926, one of Peruvian most brilliant mind, the writer, journalist, sociologist and philosopher José Carlos Mariátegui, writes “*Siete Ensayos de la Realidad Peruana*”. Mariátegui, who was a middle-class person, founded through this work the Peruvian Socialist Party. He identifies the issues of Peruvian economy and society, using a Marxist approach, which served as the manifesto of the Party. It also represents a fundamental masterpiece to understand Peruvian history. Firstly, for Mariátegui the problems to tackle were in the economic field. About financial capitals and the born of capitalism in the country, he observes how “*bancos nacionales [...] que sirven los intereses de la finanza norteamericana e inglesa*” (Mariátegui, 2013:12). Talking about the private property, he defines its characteristic “*artistocratico y feudal*” (*ibidem*, p.10). He criticizes the approach of the middle class to capitalism, for not being ready to become a capitalistic bourgeois. It should not be surprising: if for Max Weber the capitalism is embedded in the protestant ethic, in Latin America the catholic tradition worked as a shield in many cases. Mariátegui condemns the decision of landowner of cultivating cotton and sugar cane for U.S. interests. Despite the high growing of exportations of primary resources, “the net value of those exportations was almost zero” (Thorp, 1997:111) and Peruvian economy struggled to take off.

Jose Maria Mariátegui were among the first one who criticizes the exploitation of Indigenous people. When he wrote his works, indigenist ideas appear in Latin American literature and public debate, and the issue started to be relevant in politics. For Mariátegui, the biggest problem Indios were suffering was the access to the land. But for a serious attempt of an agrarian reform, it would be necessary to wait almost half a century. Mariátegui passed away in 1930, when he was only 36 years old. In the same year, the Peruvian Socialist Party was incorporated in the Comintern and become the *Partido Comunista Peruano* (PCP). Despite his early departure, the ideas he contributed to spread a Marxist approach specific for Latin-America, continued to be developed in the experiences of the socialist governments across the continent.

2.1.3 APRA against U.S. imperialism

United States had already made it clear to Europeans with the Monroe Doctrine that it did not like their presence on the American continent. But in 1823, when this policy was issued, it was only an ideological manifesto; the U.S. was not the great power it is today. After the First World War, which had changed the equilibria on the international political chessboard and marked the decline of the Pax Britannica, the Monroe Doctrine started to be applied with Theodore Roosevelt's corollary, and thus began the Big Stick policy. The U.S. feels it has a civilizing mission and, although isolated, does not hesitate to intervene when Latin countries misbehave. At the beginning of the past century, the U.S. military intervened in Nicaragua, where they for almost 20 years, as well as in Cuba, where the infamous military base Guantanamo is still present, and Haiti for 19 years. In South America, they did not hesitate to support dictatorial regimes that served their interests in mining and agriculture. It changed somewhat when Democratic presidents like Woodrow Wilson were in the White House, who preferred the policy of Good Neighbor policy to the big stick. Even in capitals movements, there were big interests by US bankers: around two billion dollars have been invested in Canada and South America by 1914 (Thistlethwaite, 1955) out of 7.1 billion dollars of long-term foreign investments (Wilkins, 1991). In response to the various periods of militarism that were rampant throughout the continent, as well as U.S. imperialist policies (Smith, 2008) that often supported those dictatorships, a young middle-class Peruvian exile in Mexico, Victor Raul Haya de la Torre, founded the *Alianza Popular Revolucionaria Americana* (APRA) in 1924. Haya de la Torre was convinced that only through the union of all Latin American peoples could democracy be established, and the unbridled power of the United States be curbed. For this reason, APRA can be considered a pan-Latin movement on the trail of Simon Bolivar thought, with “a sort third-way position, away from socialism and capitalism, typical of Latin-American Populism” (Zanatta L. 2016: 84-85). According to Iñigo García-Bryce (2018), Haya de La Torre was inspired by some of the revolutionary movements of that period, such as the Mexican Zapatistas, Russian revolution or Italian fascism. His program was based on nationalization of lands and mines, especially after Northern American investments went from thirty-five million dollar of 1913 to 151 million of 1929 (Thorp:1997)⁴.

In addition, Haya de la Torre proposed also to elevate the status of Indigenous peoples and give rights to women on the continent. The Party was supported mainly by middle class, but then even proletarians and Indigenous began to harbor sympathies for the party. Despite a first spread in the continent, especially in Caribbean region, APRA did not have success as a pan-Latin movement. However, in Peru, their participation in the elections was feared by the Military Junta, which gained the power in 1930. In 1932, and, during the government of Luis Miguel Sánchez Cerro, APRA was

⁴ Data from M. Winkler, Investments of U.S. capital in Latin America, World Peace Foundation, Boston.

banned from participating in the elections for being an international party. Later on, Haya de la Torre transformed its ideology in a Peruvian nationalist party and “it was renamed People’s Party to eliminate any international reference” (García-Bryce, 2018:16). In 1945, APRA was considered a legal party again, but, when they reached the power the first, in 1985, the context was as far away as possible from its origins” (Zanatta, 2016).

2.2 Juan Velasco Dictatorship and the Emergence of Revolutionary Movements

By the time Franklin Delano Roosevelt died in 1944, after 30 years in office, the world had considerably changed. It was entering the dynamics of the Cold War, which would deeply change the dynamics of the continent. Instantly after the Second World War, the countries of Latin America triggered the foreign policy of United States. The spread of communism in their “neighborhood” was not an option. Now it is important to differentiate between central America and southern America. Firstly, because Latin America is a cultural concept and not a geographic one. It refers to those countries under the influence of Spanish or Portuguese culture and it is fundamental to underline the difference between those geographic and cultural concepts in order to understand the U.S. policies worked in the continent. With Truman Doctrine, U.S. assumed the role of “global policeman” (Smith, 2008:121). Truman Doctrine was not more than Monroe Doctrine but extended to the entire world. In 1947 was signed the “Inter-American Treaty of Reciprocal Assistance” in Rio de Janeiro between American countries. It was similar to “North Atlantic Treaty Organization” (NATO), without including an automatic answer to an attack as in Europe. That is why, when U.S. intervened in Korea, only Colombia sent its troops. Just a year later, April 30, 1948, it was founded the Organization of American States, a sort of regionalist United Nations. Nevertheless, the boundaries between U.S. and Latin American countries started to break due to a policy announced the 3d of April 1948. U.S. started the Marshall Plan, with the aim of taking away communism from Europe (Smith, 2008), helping those countries they fought shortly before and abandoning the Latin countries which helped them during the Second World War. Above all, many of those countries were still suffering huge social and economic problem and they were seeing billions of dollars sent to Europe, while they had to recur to International Financial Institutions that imposed those strong obligations. In 1953, President Herry Truman was succeeded by Dwight Eisenhower who issued the policy of rollback against communism. When socialist or communist party started to power, through legal or illegal ways, they did not hesitate to military intervene in central America, while they have been more cautious in the South.

By the end of the 1960s, disorder, civil conflict and an incredible spread of violence invaded Latin America. In Guatemala, in 1954, United States intervened to the democratic elected Colonel Juan Jacobo Arbenz Guzmán, because of his socialist policies of nationalization of fields. After this event, the escalation of violence resulted in a civil war lasted from 1960 to 1996. In Cuba, by 1959, Fidel Castro had already got the power. Meanwhile, if nationalist or fascist dictatorship, like Getulio Vargas in Brazil or Juan Domingo Peron in Argentina were tolerated. In 1952 in Bolivia the treatment for the nationalist government was totally different than Guatemala, because the process of nationalization of mines was helped by the United States. In Peru, already with Apristas, in the early 1930s, there were plans of overthrowing the government. Instigated by APRA, isolated uprising happened, without any memorable effect in Peruvian history. In the early sixties, the seeds of socialism started to spread across the continent and Peru was not an exception. Three revolutionary armed movements of socialist inspiration started to fight in the country: *Ejercito de Liberation National* (ELN), *Movimiento de Izquierda Revolucionaria* (MIR) and the Trotskyist led by Hugo Blanco. Marxists guerrilla groups were demanding for the access to land for the *campesinos*, that it is why “Hugo Blanco put their demand into a slogan Land or Death” (Gott,1971:308). Hugo Blanco was born in Cuzco, where the main language is the Quechua. He has lived in Argentina, where he started to approach communist ideas from the parties in opposition to Juan Domingo Peron dictatorship (Gott, 1971). When he come back in Peru, he joined the *Partido Obrero Revolucionario* (POR). Afterwards, he started to work in the countryside to live and understand the conditions of peasants. After those experiences, he started to create workers union and has organized strikes against the landowners. The force of Hugo Blanco was firstly he was perceived as one of them by the Indios working in the fields. After all, he was able to speak Quechua, and he has been working as a *campesino*. From the experience of the POR, he created the guerrilla group *Frente de Izquierda Revolucionario* (FIR) in June 1961. Less than two years later, in May 1963, Hugo Blanco was arrested. The destiny of ELN and MIR would have been the same of the FIR. All the Peruvian guerrillas’ groups of the early sixties were rapidly defeated by regular forces and their impact was minimum (Arnò, 1969). This is also the result of the training in counterinsurgency the U.S. were teaching to the armies of the region.

However, the road of “revolution” was chosen again by Peruvian military at the end of 1968, when a General of humble origins, Juan Velasco Alvarado, of organized a *coup d’état* and issued the *Gobierno Revolucionario de las Fuerzas Armadas* (GRFA), led by the *Junta Revolucionaria* (JR). Again, the military formed in the *Centro de Altos Estudios Militares* (CAEM) were judging the civilians not able to govern the country and took the power. The JR was promoting its policies as a third way from capitalism and communism and decided to start a vast program of nationalization of

mines, fields and a wide agrarian reform. APRA accused the GRFA of using their political proposes for the military caste, while “*Fidel dió su beneplacito al General Velasco en 1971*” (Mayer, 2021:345). The dictatorship was considered embracing leftist policies, the GRFA wanted to keep communism away from Peru (Hurtado, 2018) for clear geopolitical implications and in 1973 Peru joined the Non-Aligned Movement. Juan Velasco Alvarado, who ruled till 1975, should get certainly the credits of a trial of a beginning process of emancipation for Peruvian economy, through the creation of national enterprises and the agrarian cooperatives. The fact he attempted a deep agrarian These sites of historical violence and trauma are reconstructed as sites of memory, whether as concentration camps, memorials, or former battlefields. When he left the power to his successor, General Francisco Morales Bermúdez, Peru joined the “Condor Operation” an undercover operation between the intelligence of Southern America countries, which, through methods of dirty war, undermined the spread of socialism in the continent. Condor Operation, which brought to the events of *desaparecidos* in Pinochet’s Chile and Videla’s Argentina, lasted until 1990. For the following five years, from 1975 to 1980, Peru joined the operation. General Francisco Morales Bermúdez was condemned to life sentence by the *Corte d’Assise* of Rome in 2017, under the principles of universal jurisdiction for the crimes committed by his government during the operation. After the 12 year of JR government, Peru seemed ready for new elections, established for 1980. The return of the power in civilian hands went to the former president Fernando Belaunde Terry, who defeated the communist movements in the early sixties. In the eve of the first free elections, the 17th of May 1980, the Maoist organization *Sendero Luminoso* started his guerrilla operations in the Andean department of Ayacucho, by burning the ballots. As usual for what was happening far away from the capital city, the event did not raise many concerns to politician. When, the 13 of June 1980, a terrorist attack was perpetrated in Lima municipality of San Martin de Porres, it meant the beginning of the hostilities between the new elected government and the rebels.

2.2.1 Shining Path's Ideology, Leadership, and Strategy

The history of *Sendero Luminoso* starts from the PCP. The name chosen was a tribute to Mariategui figure. The founder was Abimael Gúzman, a professor of Philosophy at the *Universidad Nacional de San Cristóbal de Huamanga*, in the Andean city of Ayacucho. The department of Ayacucho is among one of the poorest Peruvian provinces, where the majority of population is Indios. Gúzman, disappointed of the policies of his party, the PCP, decided to start a secession and created the *Partido Comunista Peruano – Sendero Luminoso* (PCP-SL) in the sixties. Guzman approach to

socialism was a fanatic Maoism since he studied in China during the cultural revolution. Therefore, he found some similarities between China and Peru were evident, especially in the condition of peasants. It is not a coincidence that Peru have experienced a large immigration from China and southern-east Asian countries. Even Velasco, despite its anti-communist propaganda, has never interrupted the relations with Beijing. The aim of PCP-SL was pursuing the cultural revolution through a peasant's revolution. Mao influenced not only the political doctrine of *Sendero Luminoso*, but also the guerrilla warfare methods to reach the power. Guzman believed the guerrilla had to be political first, with mass agitation before the starting of the combats. The leader of *Sendero Luminoso* considered himself not only the chief of the clandestine army, but somehow, he believed to be the spiritual guide of communist revolution across the world. That is why he adopted battle names like "President Gonzalo" or "Dr. Puka Inka," "Red Sun" in Quechua (Manwaring, 1995:158). For this reason, Guzman started "calling himself the Fourth Sword of Marxism' after Marx, Lenin, and Mao" (Harmon,1992:171). The transformation from a party to the armed struggle happened through a period of organization called "*Inicio de la Lucha Armada*" (beginning of the Armed Struggle). For Gorriti (1999), the planning for guerrilla started at least in 1977⁵.

Even a sort of military and propaganda schools were created. Nevertheless, the members of *Sendero Luminoso* lacked in war skills and equipment. The commanders were members of the Central Committee led by Abimael Guzman. At the top of the leadership, there were middle class "comrades" that were coming mostly from big cities, and they came from Academic environment (Gorry, 1993). After all, Guzman was a professor from Arequipa, Peru second largest city, not a *campesino* of an Andean village. After two decades of political activity, in which they expanded the influences in universities and rural areas (Manwaring, 1995), the group seemed ready for the hostilities. It is estimated that the number of *Senderistas* that participated in the guerrilla is approximately three thousand and it would have been a constant number during the period of the conflict. The group started the guerrilla operations in the eve of the first free elections after 1963, burning the ballots in

⁵ The difficulties for identify when *Sendero Luminoso* started the preparation for the armed struggle derives from the insufficient attention by state authorities to the party PCP-SL and its revolutionary ambitions. Gorriti (1999), finds the American Drug Enforcement Administration (DEA) started to collaborate with Peruvian government against the narcotraffic and signaled *Sendero Luminoso* already in 1978. However, DEA officers found a situation of collusion by the Peruvian police with the drug trafficking. The corruption of police and the fact military government did not want to help the new civilian government may be the reason that extraordinarily little knowledge of the intentions of Guzman were ignored by the new democratic government. It is evident for Gorriti that intelligence files have never arrived in the hands of the new rulers of the country.

Chuschi district, Ayacucho. “War had begun, but one side didn’t realize it” (Gorriti,1999:55) until a few days after, when a terrorist attack happened in the capital city, Lima. Their goal was to overthrow the central government through a prolonged war. They proceeded to target power centres, infrastructures and civil population. The internal armed conflict involved all the three territories of Peru. In the Andean part the war’s theater were the regions Ayacucho, Apurimac, Huancavelica, Junín, Pasco, Huánuco and Puno. In the *selva* San Martín, Ucayali, the south of Loreto. In the *costa*, Lima was the main target through terrorist methods. Being a conflict that lasted for twenty years, scenarios and the intensity of the war changed during the time (Kent, 1993) but the episodes of violence have been constant. Due to the absence of government, they had easily seized the zones in the Andes. There, they established People’s Committee, inspired by the Chinese revolution, and began to rule the territories in place of the central government. Nevertheless, the governance of the areas ruled by Senderists was not peaceful and coercion to the local population was ordinary with terrorism, massacres and rapes. They used the *juicio popular* (popular judgment) to substitute the rule of law, and with this method they were condemning people to death for imposing fear in the population. In the Amazon region of San Martín and the border region of Upper Huallaga Valley, the Maoism of Sendero Luminoso assumed a full Latin declination, with the collaboration with narcotraffic by taxing coca leaves exportations. In the eighties the market of cocaine experienced a boom in the USA and Europe. The cultivation of the leaves and the production of the drug, then exported by Colombian cartels and Brazilian gangs, was in Peru and Bolivia. Coca, the holy medicinal plant for Incas, has been a great money resource for rebels in Latin America. The FARC in Colombia were involved in narcotraffic as well, and so rebels in Bolivia. Nevertheless, McCormick (1987) reminds the biggest income for the group come from Indios’ donations which, after Velasco’s agrarian reform, become small landowner. In the highlands, the mines provided dynamites, minerals and hostages. They have usually destructed the mines, which were essential for the surviving of Peruvian economy, in order to undermine the government.

In the cities they used urban terrorism techniques. Mass kidnapping, together with forced disappearance and massacres were experienced daily by Peruvian population. Due to the cruelty of their warfare, Sendero Luminoso was compared to Cambodian Khmer Rouge. For Rosenau (1994), it is a fair comparison for ideology, and the violence they perpetrated. In Cambodia, the Khmer killed almost the 25% of the population of the country. Despite the difficulties in esteeming the victims of the conflict, the impact of Sendero Luminoso was important considering the high number of civilian casualties in low-density populated areas. Sendero Luminoso also failed to gain the power in Peru, However, it does not mean Sendero Luminoso did not exercise power in the territory where they fought. When the army intervened in Ayacucho, by 1982, for the local population it was just like

another conquest, by a state they had never known (Starn, 1995). Anyway, both the members of the guerrilla, the *Senderistas*, and the army were for the majority Indios from the countryside. As Mao suggests, the legacy with population is fundamental in insurgency war. But the terrorist tactics, as well as the counterinsurgency, made the civilians also a target. Even because, especially in the first period of war, Sendero Luminoso avoided direct confrontation with regular army, because their equipment and trainee were inferior. Attacks carried out against militaries or police were through hit and run strategy with the use of dynamite bombs and Molotov cocktails. Harmon (1992) reconstruct how this violence was accurately planned to force the cooperation of the population thorough public trial before death sentence of community leaders or landowners that did not want to be subjugate to the rebels, such as the people did not want to support Guzman cause. As a results of this strategy sensible infrastructures such as electric centrals were targeted. In rural area, where the guerrilla was stronger, they often searched the means against the civilian. Farmers were seeing their harvest confiscated by *Senderistas*. Wealthy people of the valley, like mines owner, were kidnapped for money. At the beginning of the hostilities, there were the goal of bringing the conflict from rural areas to Lima (McCormick, 1987). In Lima, and the others big cities, the target were power centers, and dynamites attacks were coordinate against power institutes, like banks. Emblematic is the bomb blown up on October 23, 1989, against the Embassy of People's Republic of China attributed to Sendero Luminoso, because most of the time, avoided to claim the responsibility of terrorist acts.

2.2.2 MRTA's Role and Activities

In 1982, another terrorist group started its guerrilla against Peruvian state. The group named *Movimiento Revolucionario Tupac Amaru*, in honor of the last Inca who led a rebellion against the Spaniards. The founder of the MRTA, Víctor Polay Campos, was born in Callao, the city bordering Lima, from a Peruvian mother and a Chinese father. He made his first political experience into APRA and grow up under the myth of Haya de la Torre (La Serna, 2020). In the early 60s Polay Campos participated in Peruvian guerrilla with MIR. Thus, Polay Campos travelled across southern America and built solid links with *Junta de Coordinación Revolucionaria* (JCR). The JCR was the coordination center for armed revolution, and it was composed by groups from Argentina, Bolivia, Chile and Uruguay. The ideology of MRTA was linked to the Latin approach to socialism, the ideas of Mariategui and the rebellion Ernesto "Che" Guevara led across the continent. Even if the JCR was shut out by the Operation Condor by the end of the seventies, it helped MRTA to have allied groups across the continent. The international support allowed the group to have availability of better

equipment than Sendero Luminoso. The members of the group, *emerretistas*, trained in Cuba. For the MRTA “Shining Path [...] offered not only competition for winning bodies, hearts, and minds but also a model of what to avoid” (La Serna, 2020:17). That is why they always claimed their terrorist actions and they wore uniforms during their attacks. *Senderistas* and *emerretistas* were also involved in armed confrontation between each other for the control of territories. MRTA concentrated his operations in big cities, Lima in particular, and, differently to *Sendero Luminoso* the main targets were police forces and military. Kidnapping was also a frequent method applied against important public figures, in order to obtain political or economic benefits. In the *selva* they were also implied in drug trafficking. They sed to target even micro-criminals, in order to obtain a sort of legitimation in zones where the State would have not intervened. Nevertheless, MRTA is also guilty of hate crimes and human rights violation. In 1989, in the *selva* city of Tarapoto, eight cross-dresser people were killed in a bar just because, for their standards, they did not represent a good example for Peruvian youngsters. Attacks verified also in public locations, especially against symbolic place, like the ones of American imperialism (LaSerna, 2020) such as fast-food shops or the U.S. embassy dispatch. In 1996, their biggest operation was carried out against the residence of the Japanese ambassador in Lima. A commando of terrorist entered the embassy, in the rich district of San Isidro and captured eight hundred hostages. An attack to Japan ambassador was a direct attack against the president Fujimori, because of his origins. Children, women and not linked with Peruvian government men were released. The requests of the terrorist were the liberation of all the arrested *emerretistas* and a pecuniary compensation. The government refused the conditions, and the crisis lasted about four months, until when the militaries entered the building and killed all the terrorists. MRTA then surrendered in 1996, after Polay Campos capture. It is estimated the group was directly involved in around one thousand killing, the 1.5% of the total victims of the conflict (CVR, II, 2003).

2.3 State Responses and Counterinsurgency Tactics

During the 20 years of the internal armed conflict, Peru had three different Presidents that deled with the violences, alongside socioeconomic issues. This time, the insurgents were much more trained and well equipped than the groups of the sixties. The prolonged war tactics made the first two governments unable to give a strong response to the terrorists in the first periods. The governments tried to recruit civilians in the rural areas that would substitute the police and armed forces. Police and military, which have ever had much power in the country, did not offer much collaboration to the civilian governments during the beginning of the hostilities and proceeded to organize by themselves

the counterinsurgency. .” For Degregori (1998:143-144)” the Armed Forces were blind or rather color-blind. They saw only black and white. Recent arrivals in the region, they tried to reproduce in the Andes the same repressive strategies that had proved successful in the Southern Cone. They did not perceive nuances; when they saw dark skin, they fired.” What was common among the different governments was what Zambarnardi (2010:22) identifies as impossible trilemma of counterinsurgency, since “it is impossible to simultaneously achieve force protection, distinction between enemy combatants and noncombatants and the physical elimination of insurgents.”

2.3.1 The government of Belaunde Terry (1980-1985)

The first president to deal with the internal armed conflict was Fernando Belaunde Terry. He was elected in 1980 for the party *Acción Popular* (AP). He was also the last civilian to be elected president before Velasco, having ruled the country from 1963 to 1968. Belaunde Terry defeated in the general elections APRA and *Izquierda Unida*, (IU) a Marxist coalition not supported by Sendero Luminoso. Despite the critics for the low interests on the rural area, for the new civilian government the insurgent activity was an issue to tackle down. This is clear in light of the considerable number of arrests of terrorists in the early years of the war. Even if the presence of the State in rural areas was low, police forces usually responded promptly to terrorism, but with limited effects. Already in 1981, the government declared an emergency state in the provinces of Huamanga, La Mar, Cangallo, Huanta y Víctor Fajardo, while in Ayacucho department the constitutional rights were suspended. In March 1981, the Decree Law 046, better known as anti-terrorist law, was approved. It established the crimes and the related prison sentences, for direct and indirect actions, incitation economic or equipment support, apology of crime and how the police should investigate such crimes. Belaunde Terry feared in a first moment the deployment of military. After all, the army elites removed him from office in 1968, with the coup of General Velasco. Finally, in 1982, the army was displaced. U.S. also supported the intelligence Peruvian Investigation Police (PIP) with CIA and DEA members sent to the country. Nevertheless, the results were not immediately positive for the State. It is because the army did not have any legitimation in the highlands or in the Amazon rainforest. In addition, the counterinsurgency also participated in controversy episodes of dirty war against the civilians. Violation of human rights and war crimes were perpetrated by the military and police forces, which deled autonomously against the terrorist. The government did not develop ideas of to tackle the violence and the operations of the rebel groups resulted in a social and economic crisis.

2.3.2 The very first APRA government: Alan Garcia Perez (1985-1990)

In the second election after Haya de la Torre death, APRA won for the first time of its history the general election. Alan Garcia Perez was elected president by obtaining more the 50% of votes. He defeated AP, which fell from 45% to 7%, demonstrating the insufficient actions taken by the government against the rebels. In this election, the leftist of IU become the second most voted party, showing how Marxist ideas were spread across the country. For many political expert of the time, Aprista government could have found a way to peace, due to the revolutionary ideas which characterized the party. Therefore, the MRTA proposed a ceasefire in 1985, but it was refused by the government since the rebel group did not accept the disarmament condition. MRTA proposed the peace to Alan Garcia, who has been roommate of Polay Campos in Madrid⁶. The Aprista government had now to face MRTA and Sendero Luminoso. Reyna Izaguirre (2000) sustains that, at least in the first year of his government, Alan Garcia decided to follow a counterinsurgency which respected the human rights. A Parliamentary commission was created for investigating the circumstances of a massacre committed by the militaries in Accomarca, Ayacucho. In this location, in 1985 the army killed innocent civilian, including children and used to rape Indigenous women. Nevertheless, the power of the military was still strong enough to deviate the work of the commission and taking back the decisions about the counterinsurgency tactics even for the incertitude of the government, which did not take any concrete actions to eradicate the terrorism. Neoliberal policies were implemented by Garcia that was hoping a better conditions of life in deprived areas would have automatically stopped the violences (Reyna Izaguirre, 2000). He did not consider the rebellion was firstly ideological, so the war continued.

2.3.3 Neoliberalism, dictatorship, and the end of the war: Alberto Fujimori (1990-2000)

⁶ Alan Garcia and Victor Polay grow up politically in APRA, and they were good friends, enough to live together in Madrid. Anyway, at the time of his government, the PIP did not know Polay Campos was the leader of MRTA. LaSerna (2020) remind that in a report about MRTA he was not even included in the list of the most important member of the terrorist group.

Alberto Fujimori, an engineer, and professor of Japanese origins has been elected in 1990 president of Peru with the populist right-wing party *Cambio 90* (Change the 90s). He defeated, by obtaining more the 60% of votes in the second ballots, one of the most important Peruvian writer and winner of the Nobel prize, Mario Vargas Llosa. His political thought was inspired by Margaret Thatcher and Ronald Reagan, indeed neo-liberalist policies were implemented during his long government. But his framework of action was different from the Britannic and American correspondents. Fujimori, by using the circumstances of the internal armed conflict, decided to suspend the constitutional rights, and become a democratically elected dictator. He executed policies of privatization and austerity despite the continue of the violence. The other priority for him was to end with the terrorism era. The suspension of essential rights it would have been easier. In 1992, Abimael Guzman was captured. *Sendero Luminoso* tried to battle by, creating a double leadership inside and outside the jail, even if the arrest of the leader effectively signaled the conclusion of the movement (Cronin, 2008). In the same year, the president dissolved the Congress, establishing a transitional “Government of Emergency and National Reconstruction,” a process eventually called “*auto-golpe de estado*.” Fujimori was even re-elected in 1995, in what can be described as "sham elections." However, the support Fujimori obtained by the population during his government can be the seen as a demonstration of the strong tradition of dictatorships in the Andean country. In 1996 the same fate of Guzman would befall to Victor Polay. A few months after, after the crisis of the Ambassador of Japan, MRTA surrounded.

He eventually moved war to Ecuador in 1998. In 2000, the last year of Fujimori government, the internal armed conflict officially ended. Despite the long era of violence ended during his office, the 10 years leading Peru would have left deep political issues mainly for facts alien to those of the conflict. In 2006, Fujimori was than condemned to 25 years in prison for his direct implication in violation of human rights. During his government, massacres were committed by military and death’s squads. In the Andean zone, he forced the sterilization of Indigenous women. A detailed analysis of this topic will be provided at a later point in the work. Nevertheless, his figure is still in the center of debate because he has also implemented policies for the people often forgotten by the state and especially for being considered the one that led the internal armed conflict to an end. During my staying in Lima, in 2023, another process was interesting the former President. It was not rare to meet in the street manifestations in favor of his liberation, while the community of the *Pontificia Universidad Catolica* was worried of this possibility (IDEHPUCP, 2023). However, in December 2023, the Peruvian Constitutional Court decided for his release.

CHAPTER 3

The Investigation of Crimes

The beginning of the third millennium represented a profound turning point in the historical trajectory of Peru. Primarily, the internal conflict resulted in the cessation of hostilities across the country after two decades. Secondly, in the wake of revelations regarding an extensive corruption scheme within his government, President Alberto Fujimori sought asylum to Japan. The scheme most acutely manifested itself in the execution of his aggressive neoliberal policies. This period of political turbulence set the stage for a significant transitional phase, as Fujimori's departure led to the establishment of a transitional government under Valentín Paniagua, a lawyer and staunch critic of the former president's authoritarian rule. The Paniagua interim government did not avoid the challenging and complex task of addressing the extensive portfolio of human rights violations and atrocities that occurred during the internal armed struggle. The agenda was largely ignored or suppressed by the Fujimori presidency, as well as by the previous Peruvian head of state, Belaunde Terry, and Alan Garcia. However, as early as the 1990s, there were a number of reports on human rights violations committed by government troops. Nevertheless, these were largely ignored due to the official narrative that the actions of opposing terrorist groups, such as the Shining Path, were inevitable. It was not until the fall of Fujimori and the conclusion of his assertive governance that the circumstances underwent a transformation, resulting in the realization of these inquiries. Fujimori's avoidance of accountability highlighted the fact that the violations of human rights perpetrated under the pretext of anti-insurrection were systematic. The 1992 Amnesty International report represented a significant global condemnation of the Peruvian executive's counterinsurgency methods, which included irregular executions, disappearances, and torture. This report highlighted the pressing necessity for accountability and facilitated the subsequent investigation of the state's involvement in the conflict.

Following the defeat of the Shining Path and the dissolution of the MRTA, which precipitated the conclusion of the conflict, there was a growing impetus to ascertain the truth of what had transpired. Nevertheless, they were organizations representing victims and human rights culture who

were at the vanguard of this process. These grassroots organizations facilitated the collection of testimonies and the documentation of abuses. They consistently advocated for the initiation of official investigations into the atrocities perpetrated during the conflict. This was of crucial importance in transforming the national discourse from one that focused solely on rebel violence to one that also considered the possibility of state involvement in ongoing human rights violations. As a result of these developments, also the role of the media underwent a significant transformation. If, in the initial stages of the war, mass media provided support to state forces, portraying the conflict in a manner that was highly critical of the rebels while avoiding any mention of the crimes committed by the state, as the truth began to emerge and as the stories of the victims became more and more publicized, the media demonstrated a growing tendency to adopt a more sympathetic and fair perspective. The duality of portraits of mass media while depicting victims is not uncommon, however such change may favor the recognition of the victims and their inclusion in the political agenda (Pupolizio *et al.*, 2024). It was necessary to engage the public in confronting the extent of the abuses and the necessity of a comprehensive reckoning with the past. The evolving portrayal of the conflict facilitated media involvement and public understanding of the complexities of the violence and the multifaceted nature of victimization that had befallen society.

In recognition of the necessity for a formal mechanism to address these issues, Paniagua, upon the conclusion of his interim presidency, established the Truth and Reconciliation Commission in 2001 through Supreme Decree No. 065-2001-PCM. The commission was established as a crucial component of the process of national reconciliation and transitional justice. Its mandate was to investigate the truth surrounding the internal armed conflict and the extensive human rights violations that occurred during this period. The CVR was initially designated as the "*Comisión de la Verdad*" (Truth Commission), but it was subsequently renamed to include "*Reconciliación*" (Reconciliation), reflecting its expanded mandate to address the profound societal divisions that had emerged in the aftermath of the conflict. The CVR's mandate was comprehensive and its work meticulous, encompassing approximately three years of in-depth investigations. The commission undertook the considerable task of gathering testimonies from a diverse cross-section of Peruvian society, ultimately amassing over 17,000 witness accounts. These testimonies included not only the voices of survivors and victims, but also those of former combatants, military personnel, and other key actors involved in the conflict. The diversity of perspectives captured by the CVR was instrumental in developing a comprehensive account of the conflict, one that acknowledged the intricate interplay of factors that led to the violence and the diverse experiences of those affected by it.

The CVR's multidisciplinary composition was a defining feature of the commission. The commission was constituted of members from a variety of professional backgrounds, each of whom contributed a distinctive perspective and area of expertise to the investigation. This diversity was designed to guarantee that the commission's work was informed by a comprehensive range of insights, encompassing legal, psychological, sociological, and theological perspectives. Among the most prominent figures in the CVR was Salomón Lerner Febres, a philosopher and former rector of the Pontifical Catholic University of Peru, who served as the commission's president. Lerner's leadership was complemented by the contributions of other expertise figures, including Carlos Iván Degregori, a leading anthropologist renowned for his knowledge on the Shining Path; Gino Costa, a lawyer with experience in human rights and international peace missions; Beatriz Alva Hart, a lawyer and congresswoman who provided critical legal insights. Sofía Macher, a sociologist and human rights activist whose work had long focused on the plight of marginalized communities; Monsignor José Antúnez de Mayolo, a representative of the Catholic Church who provided moral and ethical guidance; and Rolando Ames Cobián, a sociologist and political analyst known for his deep understanding of the socio-political dynamics of the conflict; Reverend Gaston Garatea Yori, a theologian and human rights activist; Alberto Morote Sánchez, an engineer and professor at the University of San Cristobal de Huamanga; Carlos Tapia García, also an engineer and politician and Pastor Humberto Lay Sun, representing the Evangelist Church. The participation of Lieutenant Luis Arias Graziani, a retired military officer who had previously served as Chief of Staff of the Peruvian Armed Forces, introduced a notable element of tension within the commission. Arias Graziani's participation was met with controversy, particularly given his previous role as an advisor to President Fujimori during the peak of the conflict, despite he was already retired in 1981. His hesitancy to fully endorse the commission's findings, particularly those implicating the armed forces in systematic human rights violations (Lerner Febres & Salmón, 2023), highlighted the profound divisions within Peruvian society regarding the legacy of the conflict. Furthermore, the commission included Monsignor Luis Bambaren Gastelmundi, Vice President of the United Nations Convention on the Rights of the Child, as an observer. The commission also included an executive secretary, Javier Ciurlizza Contreras, who led a team of experts in the field of mental health and workers responsible for producing a comprehensive archive on the internal armed conflict and the work of the CVR. Additionally, the representation of indigenous individuals within the commission was inadequate. Only two commissars were able to speak Quechua, the language spoken in the zones of conflict and by the majority of victims. Despite these internal challenges, the CVR demonstrated a commitment to conducting comprehensive and impartial investigations.

The commission's legal framework was based on international criminal law, which was informed by a range of sources, including customary norms derived from international tribunals for the former Yugoslavia and Rwanda, which were established relatively recently. The commission's activities were guided by a robust legal framework, comprising legal precedents, international covenants and treaties, particularly those pertaining to international humanitarian law and the Statute for the International Criminal Court. Despite the fact that the CVR lacked judicial authority, its findings and recommendations exerted an influence, through the process of future judicial investigations and prosecutions, on the larger effort of pursuing justice for the victims of the conflict. The investigations conducted by the CVR were not limited to a mere legal examination; rather, they assumed the form of an extensive inquiry into the social, economic, and political factors that precipitated the conflict. A comprehensive methodology is essential for elucidating the underlying causes of violence and the roles played by various actors in the complex process of victimization, including the government, insurgent groups, and civil society. The commission conducted comprehensive investigations, including a vast array of interviews, held public hearings, and conducted a meticulous examination of select incidents of violence. These were foundational contributions to the documentation of the extensive scope of atrocities perpetrated, including massacres, extrajudicial killings, forced disappearances, and incidents of torture and sexual violence. The CVR conducted a sizable number of public hearings, which constituted the core of its work. These hearings provided victims and their families with an opportunity to recount their experiences in a public forum. It was of paramount importance during the process of understanding the human cost of the conflict and provided a voice to lives that had likely been voiceless for an extended period. The approach employed by the CVR in these hearings was designed to be both inclusive and empathetic, with the objective of ensuring that the narratives of victims were acknowledged and recognized by the larger community. This procedure encompassed not merely the pursuit of truth but also the recognition of the victims' suffering, thereby initiating a process of national reconciliation. The final report, which was presented to President Alejandro Toledo in 2003, comprises nine volumes and exceeds 15,000 pages in total. In its comprehensive scope, the report provided a detailed examination of the conflict, encompassing an in-depth analysis of the various armed actors involved, including the Sendero Luminoso, the MRTA, the Peruvian military, and the police. Furthermore, the study examined the roles played by the government, the judiciary, and the legislature, as well as the involvement of civil society actors, including human rights activists, religious organizations, and educational institutions.

The nine-volume set is divided into four sections. The initial section encompasses the first seven books and is entitled "*El proceso, los hechos, las víctimas*." This section focuses on the examination of crimes and the victimology process. The subsequent section, comprising the eighth volume, is

divided into two parts: "*Los factores que hicieron posible la violencia*" and "*Las secuelas de la violencia*", focusing both on the background and the aftermath of the violence. The ninth and concluding section is presented in the book and addresses the CVR's recommendations regarding reconciliation. The initial volume is comprised of two sections. The first one presents an introduction, while the subsequent section elucidates the methodology employed by the CVR. The subsequent volume addresses the armed organizations engaged in the conflict, including Sendero Luminoso, the MRTA, the police, and the armed and self-defense committees. The subsequent volume then turns to other actors involved, including governmental, judicial, and legislative entities, as well as civil society organizations such as human rights and victim advocacy groups, religious institutions, and the education system. The fourth book employs a regional approach to the analysis of violence, with each territory examined in a dedicated chapter. The regional analyses, as presented in the truth-finding report, provided insightful perspectives on the conflict's character in various parts of the country, with chapters dedicated to the Andean region, the Amazonian forest, and the capital city of Lima. The Andean region is subdivided into three sections: the south, center, and north. The northeast region encompasses the Amazon rainforest, while the Lima region is also discussed in this context. Furthermore, a chapter is devoted to examining incidents that transpired beyond the aforementioned regions. The fifth volume, "*Historias representativas de la violencia*," examines twenty-three remarkable events that exemplify the period of violence in Peru, including instances of corruption, drug trafficking, and incidents that transpired within the prison system. The subsequent volume addresses the crimes and violations of human rights perpetrated by all parties to the conflict. The seventh book provides an in-depth examination of the aforementioned violations, presenting seventy-three cases investigated by the CVR. The eighth book is devoted to an analysis of the factors that led to the internal armed conflict, including an examination of the causes and their impact on Peruvian society, as well as the consequences of the violence in the aftermath. The final book is concerned with the recommendations that the Commission presented to the nation, including institutional reforms, reparations, and an action plan for further investigations. The report included a number of illustrative case studies, which not only addressed the violence perpetrated by insurgents but also examined the role of the state in drug trafficking, corruption, and the harsh realities of prison life. Additionally, the report included comprehensive details regarding seventy-three distinct cases of human rights violations investigated. This provided a comprehensive account of the crimes perpetrated by all parties involved in the conflict and it is distinguished by its comprehensive examination of the structural elements of the internal armed conflict. It delves deeply into the social, economic, and political context that has fostered the conditions for violence to flourish. Furthermore, this volume highlights the enduring impact of the conflict on Peruvian society, emphasizing the long-term effects

of trauma and the challenges associated with post-conflict reconstruction. Furthermore, the concluding section of the report outlines the CVR's recommendations regarding institutional reform, reparations for victims, and a strategic plan for ongoing investigations. These recommendations were designed to prevent a recurrence, ensure the establishment of a culture based on human rights and reconciliation in Peru, and address the legacy of the internal armed conflict.

The conclusions of the CVR had a profound impact on how Peru would approach its troubled past. The recommendations put forth by the committee gave rise to the issue of compensation for victims, which extended beyond mere monetary compensation. Health and education measures were implemented, and symbolic measures, such as the construction of monuments, were adopted. These reparations were both tangible and psychological, taking into account the profound impact of the conflict. Moreover, the mandate of the CVR led to significant institutional reforms within the judicial system, security agencies, and other state bodies established with the objective of preventing a recurrence of violence and ensuring accountability for perpetrators of such acts. Nevertheless, the procedures employed by the CVR to identify instances of violation and facilitate reconciliation among affected parties were met with considerable skepticism. The commission was compelled to surmount considerable social opposition, notably within the military and among those who had perpetrated the violations. A massive portion of this opposition manifested as an attempt to discredit the commission's findings or to postpone the implementation of its recommendations. Notwithstanding these difficulties, the work of the CVR has made an invaluable contribution to the process of reconciliation in Peru with regard to its unjust history. The work of the committee was thus instrumental in the initial stages of the process of healing the deep wounds of the conflict and in establishing the social foundation for a fairer and more peaceful society. In conclusion, the Peruvian Truth and Reconciliation Commission held a distinctive and pivotal role in elucidating the facts surrounding one of the most turbulent eras in the nation's history. By conducting hearings, public audience forums, and issuing a final report, the CVR has made a significant contribution to the preparation for the legal prosecution of those responsible for atrocities committed during the conflict. This has been done in a way that also advances the causes of national healing and reconciliation. The work of the CVR continues to affect Peru today, with efforts still underway to achieve a culture of human rights. However, the notion of a radically new future remains largely unfulfilled.

3.1 Massacres and homicides

Although the term "massacre" is not formally employed as a legal concept under international humanitarian law, it is frequently utilized to describe the unlawful killing of a considerable number of individuals in a relatively brief period of time, without any justifiable reason or moral justification. For Sémelin (2007:9) in our collective imaginary the term "evokes the sheer barbarity human beings are capable of: blood spewing everywhere, unthinkable atrocities, bodies torn asunder." From a legal perspective, a massacre is defined as a premeditated and often systematic mass killing, which is perceived as the conscious and illicit execution of large numbers of people, often non-combatants or civilians, and is therefore considered a crime in and of itself. The term "massacre" is often used in conjunction with other serious international crimes, including genocide, war crimes, and crimes against humanity. The victims of massacres are often selected on the basis of their membership in a particular ethnic, religious, or national community, thereby underscoring the discriminatory and systematic nature of these acts. In the context of the internal armed conflict in Peru, the CVR established a specific criterion for defining a massacre, namely, an incident in which more than five unarmed individuals were killed in the same attack. This delineates a classification that distinguishes massacres from other forms of lethal violence, such as homicides. It is undoubtedly difficult to establish a clear and definitive criterion for defining a massacre, particularly in light of the inherent subjectivity and ambiguity associated with such a categorization. The definition of "*estado de indefensión*" or "defenseless" (CVR, VI, 2003:21) may also be a point of contention. It is also possible to include in the definition police forces that were armed but poorly trained (and armed) and mostly unqualified to fight a guerrilla, as well as insurgents who were unarmed at the time of their killing. In the final report's chapter on massacres, there is a notable focus on the incidents perpetrated by Sendero Luminoso, with a particular emphasis on the province of Ayacucho and the Andean region. This approach may inadvertently underrepresent the occurrence of massacres in other areas of the country and those perpetrated by state group or the MRTA. However, according to the definition of massacre provided by the Truth and Reconciliation Commission, also those groups were responsible for committing such crimes. The emphasis on Sendero Luminoso is a consequence of the considerable number of massacres that occurred, particularly in the upper valley where they were active. It is estimated that the group led by Guzmán committed at least 215 massacres in these areas, employing massacres and assassinations as a strategy to control the occupied territories. The CVR's definition of massacres aimed to provide greater clarity regarding the extent and scale of violence in the conflict. By offering a more precise framework for understanding and measuring violence, the definition facilitated the documentation and analysis of the conflict, which could then inform the pursuit of retribution or justice.

From a victimological standpoint, the ramifications of a mass killings on the community that survives it are both enduring and profound. Such events result not only in immediate death but also cause serious psychological trauma, social disintegration, and the flight of survivors. For this reason, massacres frequently exhibit systematic characteristics, engendering feelings of insecurity and fear among survivors and perpetuating cycles of violence and retaliation that can persist well beyond the formal conclusion of a conflict. The field of victimology offers valuable insights into the long-term consequences of massacres. These insights highlight the necessity for comprehensive reparation measures and support systems for those affected, including individuals and communities. It is highly improbable that a survivor or an individual who lost a loved one in a massacre that resonated with their community would return to their residence, where the crime occurred. The documentation of massacres by institutions is of paramount importance to these efforts, as it ensures the recognition of the victims' suffering, facilitates the prosecution of the perpetrators, and ensures that progress is made in society and toward reconciliation, thereby averting further violence. Nevertheless, the process of recognizing a massacre is not straightforward and may require a significant investment of time. The gathering of information through forensic investigation and analysis, such as mass grave exhumations, is a challenging task. However, new technological methods can facilitate this process even several years after the initial event. Since the conclusion of the CVR investigation, over 1,000 individuals remain unaccounted for, an outsize proportion of whom are likely victims of massacres and murders. In the following paragraphs will be illustrated three emblematic massacre events occurred in the Peruvian internal armed conflict. The following cases of collective violence served not only as a means of intimidation but also as a deliberate method of suppressing opposition, instilling fear among the population, and achieving broader political or military objectives.

3.1.1 Lucanamarca massacre

The initial and arguably most violent of the massacres perpetrated by Sendero Luminoso occurred in the municipality of Lucanamarca, situated within the province of Huancasancos, in the department of Ayacucho. On April 3, 1983, approximately sixty Senderistas entered the area and perpetrated the killings of sixty-nine peasants. The CVR's investigation revealed that the insurgents' actions were motivated by the local population's rebellion against their control of the area. In the absence of a local police force, the *senderistas* established their own local government, which was marked by numerous abuses against the civilian population. In response, the inhabitants rebelled against their oppressors and captured and killed the leader of Sendero Luminoso in the city, Olegarui

Curitomay. In an interview conducted in clandestinity (1988:40-41) Abimael Guzman assumed moral responsibility for the massacre: “In the face of reactionary military actions and the use of *mesnadas* (totally nonsense actions), we responded with a devastating action: Lucanamarca. Neither they nor we have forgotten it, to be sure, because they got an answer that they did not imagine possible. More than eighty were annihilated, that is the truth. And we say openly that there were excesses, as was analyzed in 1983. But everything in life has two aspects. Our task was to deal a devastating blow in order to put them in check, to make them understand that it was not going to be so easy. On some occasions, like that one, it was the Central Leadership itself that planned the action and gave instructions. [...] In that case, the principal thing is that we dealt them a devastating blow, and we checked them, and they understood that they were dealing with a different kind of people's fighters, that we were different from those they had fought before. This is what they understood. The excesses are the negative aspect. Understanding war, and basing ourselves on what Lenin said, taking Clausewitz into account, in war, the masses engaged in combat can go too far and express all their hatred, the deep feelings of class hatred, repudiation and condemnation that they have--that was the root of it. Lenin has explained this very clearly. Excesses can be committed. The problem is to go to a certain point and not beyond it, because if you go past that point, you go off course. [...]”. The aforementioned statement elucidates that massacres were an integral component of the Sendero Luminoso strategy to coerce civilians into supporting their cause. Despite Guzmán's awareness that the indiscriminate killing of civilians was a misstep, the act conveyed an implicit message. It is evident that the state would not have been in a position to provide protection, and that the consequences of a counter-offensive would have been catastrophic. The armed Senderistas killed indiscriminately, without distinction between men, children, and women, and without any opportunity for those killed to escape. These acts of violence were not just brutal displays of power but were deeply rooted in the terror tactics of the insurgency, aimed at breaking the spirit of the local communities and instilling fear that would deter any resistance. As they retreated from the city, the insurgents proceeded to burn the town hall and the post office and to steal from the shops. The destruction of community infrastructure was another tactic intended to destabilize the area and undermine any semblance of governance or normalcy. By annihilating the symbols of state authority and local economy, Sendero Luminoso sought to eliminate any hope of outside assistance or economic recovery for the survivors.

Lucanamarca massacre represents a harrowing example of how entire communities were targeted not just for their real or perceived opposition to the insurgents but also as a means of sending a broader message to other communities which not intended to collaborate with the insurgents. The massacre was a form of collective punishment, where even those with no direct involvement in the conflict

were subjected to extreme violence simply because they were part of the community being targeted. This strategy of total warfare against civilian populations exacerbated the trauma and long-term psychological impact on survivors, who had to live with the loss of their loved ones and the constant fear of further attacks. The government forces promptly initiated the apprehension of the perpetrators of the attack following the incident. However, the CVR discovered that no comprehensive investigation was conducted after the massacre. It was only in 2002, with the involvement of the CVR's forensic team and the Commission for Human Rights (COMISEDH), following the exhumation of the bodies, that the victims were finally identified and laid to rest. The delayed investigation and identification of the victims highlight the challenges in achieving justice and recognition for those affected by such atrocities. The lack of immediate response and thorough investigation at the time also reflects the broader systemic issues within the state apparatus, which struggled to address the complexities of the internal armed conflict and provide adequate protection or redress for the victims.

3.1.2 The massacre of Paccha community

The Truth and Reconciliation Commission found that on December 11, 1989, members of the Paccha community in Vinchos, Huamanga, Ayacucho, were victims of a ruthless massacre in which some members of the PCP-SL participated. Among those tortured and killed were the president of the community, Esteban Chumbez Lopez, as well as Faustino Jayo Lopez, Julian Blas Lopez, and at least nineteen others. In 1983, the Shining Path entered the community of Paccha for the first time, disrupting the local government by intervening in the election of officials and imposing its ideology on the villagers. According to testimonies, this was the beginning of a campaign of terror in which those who had more land or resources than others, as well as anyone who gave aid to government forces, were systematically targeted and killed. As the violence increased, community members organized themselves into rondas, or self-defense groups, following the example of neighboring communities such as Andabamba and Jutate. The PCP-SL, in turn, began to use heavy-handed tactics - roadblocks that restricted movement, effectively holding communities like Paccha hostage and tying them to the likely suspicion of government forces. Violence peaked in 1989, when the Shining Path leadership stepped up its efforts to achieve a strategic balance against the Peruvian state, putting more pressure on the peasantry. This was also selectively intensified by those who not only opposed the Shining Path but also who were also considered indifferent to their fight. It was during this tumultuous

period that the defensive habits of the old order began to take root, as *ronderos*⁷. For Fumerton (2001), despite the initial peasant support for the insurgency, these patrols were organized in response to the lack of intervention by police forces. Because they were also useful to government forces, the *ronderos* began to actively participate in the counterinsurgency, increasing rebel violence against civilians. seized suspected Shining Path members and then turned them over to the military. These actions provoked harsh reprisals from the insurgent group. On December 11, 1989, some two hundred Shining Path entered Paccha, rounded up the men of the village, beat them mercilessly, and dragged them to the town square despite the desperate pleas of their relatives. The next day, when the army arrived, they found twenty-two dead bodies and the women and children of the community bound. There is no need to emphasize how traumatic such an experience was for the survivors. After seeing their family members killed, they spent a night tied together in fear of the perpetrators' return. Such episodes also evoke similar feelings in the inhabitants of neighboring communities, especially because of the similar social conditions experienced by the Andean villages.

3.1.3 Accomarca massacre

In Accomarca, a rural town that has since become a neighborhood of the city of Ayacucho, the most deplorable massacre carried out by the Peruvian army occurred during the years of the internal armed conflict. The 14 of August 1985, two army battalions, designated "Lince 6" and "Lince 7," deployed to the city of Huancayo, the capital of Junín department, entered the town, to accomplish the "*Plan Operativo Huancayoc*". While the Lince 6 was controlling the rear, the Lince 7 patrol, led by Second Lieutenant Telmo Hurtado, conducted an exhaustive search for evidence of an insurgent presence in the town but found no such indication, despite their efforts. No weapons or even propaganda materials were discovered. Furthermore, there was no confrontation with the senderistas, and thus no casualties among the army members. There, they perpetrated a massacre of sixty-nine⁸ civilians, including the elderly, women, and children. The rationale behind their execution was that they were perceived as supporters of the insurgents. As previously discussed, the absence of state forces in the region allowed Sendero Luminoso to establish a command presence with relative ease

⁷ Rondas campesinas means peasant patrols, whose members are called *ronderos*. It initially consisted of self-organized community defense forces to resist the crimes committed by the Senderistas in Andean villages.

⁸ Hurtado stated that the number of victims was 25. According to the first investigations carried out by the army, the number was 40, while for the witness the number of victims was 69. (Informe del Congreso de la República, reported by the CVR, V, 2003:162).

in the highlands. As a consequence of the army's inability to effectively counter the insurgents, incidents of a serious nature, such as that which occurred in Accomarca, were produced. Subsequently, Telmo Hurtado assembled the local population in the main square, separating the men from the women. While the army subjected the former to torture, the latter were raped⁹ in a nearby location. Subsequently, approximately fifty individuals were gathered in a house, including women and children, where the battalion chief directed the troops to open fire on unarmed civilians and Hurtado himself detonated an explosive device at them. Prior to withdrawing, the military proceeded to clear the scene for subsequently attributing the massacre to the insurgents of Sendero Luminoso. Additionally, they implemented a strategy of searching and looting houses to eliminate potential witness. During the retreat, they killed an elderly man and three young girls, who were sisters. They also provided to burn the bodies of the victims, making impossible the recognition.

Given the gravity of the facts, complaints against the army were not slow in coming. Despite the efforts to hide all evidence, the movement of columns of military personnel with armored vehicles and helicopters could not go unnoticed. Huancayo is about 250 kilometers from Ayacucho, and during their deployment they were seen by the local population. In addition, the military leaders were aware of the problem. Captain Helber Gálvez Fernández ordered the troops to destroy the guns and bullets used in the mission. Although the troops withdrew from Accomarca on August 15, troops entered the city again on September 8 to eliminate the survivors. Hurtado was investigated in a process lasted four years. During his trial, the second lieutenant showed no mercy for his decision, stating “*según mi decisión que yo he tomado, yo la considero correcta. Según el punto de vista de ustedes y lo que están pensando en estos momentos, lo van a tomar de otra manera. Ustedes no viven las acciones de guerra que nosotros vivimos acá. No tienen experiencia, ni ven las situaciones que nosotros pasamos acá. Las penurias que se tienen o las cosas que se tiene que vivir*” (CVR, 2003:162). He assumed the responsibility of his decision, but he also criticized the legal system and the movements of human rights. As if that were not deplorable enough, he then went on to justify killing the children, claiming that they, too, were terrorists. Hurtado was later sentenced for power abuse, but not for the massacre of Accomarca (Garrido Espíritu, 2021). However, he enjoyed impunity because he was granted amnesty. Although impunity for military perpetrators was the norm during the years of the internal armed conflict, Hurtado's persecution led to fundamental conclusions by the prosecutor, who affirmed that the military acted in this way because they were trained to do so. Hurtado was then arrested in 2006 in the U.S. for violating immigration law and the 31 of august 2016 he was sentenced to 23 years for Accomarca massacre. Victims' families had to wait other six years for giving a proper laid

⁹ In the first trial in 1985, the accusations of sexual violence were dismissed on the grounds that there was no evidence of sexual violence on the part of the witnesses.

to their loved, because it was only in 2022, 37 years after the massacre, that the bodies of thirty women, twenty-three children and sixteen mainly older men come back to Accomarca after their identification.

Figure 1. Community members of Accomarca next to the burned bodies of the victims of the massacre., Ayacucho, 1985. (Foto de archivo de la Comisión de la Verdad y de la Reconciliación Perú. ©CVR)



Figure 2. A survivor of the Accomarca massacre, Anastasio Quispe Baldión, 78 years old, prepares the grave for the burials of the victims, Ayacucho, 2022. (Photo of ALDAIR MEJIA. © EFE)



3.2 Enforced Disappearances and Kidnappings

Enforced disappearances and kidnappings became one of the sad forms of warfare used by all parties during Peru's internal armed conflict. It is estimated that the Comisión de la Verdad y Reconciliación believed that the Sendero Luminoso or Shining Path was responsible for the disappearance of nearly 1,600 civilians. Enforced disappearances became notorious throughout Latin America and became one of the hallmarks of state repression and insurgent strategy since the 1960s. This has been highlighted many times in the cases of Argentina and Chile; however, an internal conflict in Peru from 1989 to 1993 exposed this method as being carried out with a high degree of completeness, making the country one of the first places in the world for disappeared persons during this period. The cases of enforced disappearances were not limited to American territory, but were carried out worldwide, which is why the United Nations approved the International Convention for the Protection of All Persons from Enforced Disappearance in 2006. According to its article 2, "[...] "Enforced disappearance" is considered to be arrest, detention, abduction or any other form of deprivation of liberty by agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which place such a person outside the protection of the law". (UNGA, 2006:1).

In the context of the Peruvian conflict, the armed forces preferred enforced disappearance to extrajudicial killing. This tactic was considered more "useful" because it provided an opportunity to extract information from detainees, often through torture. The detentions were illegal; in most cases, there was no evidence of the detainees' connection to the conflict. The CVR estimated that approximately 20,000 Peruvians disappeared during the conflict, although this number has continued to rise. In fact, by 2022, there were nearly 23,000 desaparecidos, further underscoring the ongoing and unresolved nature of this tragedy. Enforced disappearance is both a war crime and a crime against humanity and a grave violation of the human rights of their families and communities. It is this ambiguity in the fate of the disappeared that place family members in a perpetual traumatic state between hope and despair. Often referred to as ambiguous loss, it blocks the normal process of closure and complicates the grieving process, leading to long-term psychological and social effects. Enforced disappearance turns the relatives of the disappeared into victims themselves, through the psychological torture inflicted on them. Decades after the war, many families continue to wait in vain for their loved ones to return home; many still cling to the hope that they may still be alive. It is this lingering pain that Juana's testimony so poignantly embodies: "It has been thirty-two years, but (...)

I can't! No, no, no, I can't stand it! I can't stand it! No (...). It is like it happened just yesterday, as if it had just happened (...). I can lose some other relatives. At some point, some died, and we buried them. We cry, all that. But that just goes ... it goes. But it is not the same as with my parents [who had disappeared], that doesn't go." (Rivera-Holguin *et al.*, 2023:33)

The ongoing trauma comes to represent the concept of repeating the victimization, where the state's inability or failure to provide answers or justice prolongs the trauma of the victims' families. In addition, the truth about such disappearances is often obscured because none of the parties to the conflict claims responsibility. The struggle for truth and justice is further complicated by socio-economic barriers that limit access to legal and reparative resources. Poor families of the victims often face great hardship in seeking justice for such crimes. In the words of Bertha: "For all the paperwork, everything, we have to collect money, go to the commissions in another city, all that. We do not have much support from other family members, so there's not enough money, resources" (*ibidem*). The question of reparations, both material and symbolic, is one of the core elements that must be taken into account for any long-term impact in the case of enforced disappearances. Recognition of the harm suffered by victims and their families does not necessarily refer only to financial compensation, but also to the restoration of dignity and truth. In Peru, the reparations system is far from being properly implemented, and many victims have yet to be duly recognized and assisted in healing and rebuilding their lives. For Dulitzky (2019) in the country many advances have been done for the disappeared people, including a creation of a register for the recording of the victims. This ongoing search for truth, justice and reparation underscores the enormous and long-lasting impact that enforced disappearances have had on Peru and the urgent need for comprehensive mechanisms to address the damage caused by the conflict.

3.3 The unlawful recruitment of children

During the internal armed conflict, numerous violations against children were registered by the CVR. The legal framework adopted by the Commission for its investigations was derived from national and international standards, such as the 1989 International Convention on the Rights of the Child, which Peru ratified in 1990 under the Fujimori government. This convention considered all persons between the ages of zero and eighteen to be children. Many other treaties to which Peru was a party protected children, such as the Universal Declaration of Human Rights of 1948, the American Declaration of the Rights and Duties of Man of 1948, the International Covenants on Civil and Political Rights of 1966 and on Economic, Social and Cultural Rights of 1966, the American

Convention on Human Rights of 1969. However, during the internal armed conflict, numerous violations of the aforementioned conventions were committed by all parties to the conflict. The Fujimori government did not hesitate to promulgate laws that violated children's rights, as will be shown below. Despite the fact that the recruitment of children under the age of fifteen is criminalized by international humanitarian law, this practice was widespread in the country by government forces and non-state actors. However, it was not the only violation against children, as sexual violence was the main crime committed against them. They were also subjected to torture, extrajudicial killings and enforced disappearances. For Singer (2001), these episodes cannot be separated from each other since the recruitment of children was mainly done through the imposition of fear. The following paragraphs present an analysis of the unlawful recruitment of children, with a distinction between the actions of state forces and insurgents.

3.3.1 Armed Forces and the Counterinsurgency Recruitment

On June 20, 1992, the Peruvian government enacted Decree-Law N° 255647, which authorized the prosecution of persons between the ages of 15 and 17 before military courts and faceless tribunals. This measure violated both Peruvian domestic law and international legal standards, which generally consider individuals in this age range to be exempt from full legal responsibility. The level of violence during the internal armed conflict is clearly reflected in the statistics of enforced disappearances, where 13.19% of the victims were minors under the age of eighteen. Arbitrary executions were also a matter of grave concern. Data from the CVR (VI, 2003) indicate that 12.06% of the total number of deaths during the conflict were children and adolescents. A considerable proportion of these - 42.20% - were extrajudicial executions carried out by state forces. Sexual violence was another devastating aspect of the conflict. According to CVR records, of eighty-five documented cases of rape of minors under the age of eighteen, a staggering 70.59% were committed by agents of the state (*ibidem*). This underscores the serious human rights violations perpetrated against the most vulnerable populations during this period. Throughout the conflict, conscription practices targeted young people, especially those from Peru's most impoverished regions. These young people were forcibly conscripted during operations known as "*batidas*" or "*levas*," which exceeded the legal framework established by the Compulsory Military Service Law and related regulations. In particular, this forced recruitment involved adolescents between the ages of fifteen and seventeen, and in some cases even younger children. A particularly disturbing aspect of this forced recruitment was its implementation by the self-defense committees. Even in those informal groups minors were recruited. As mentioned above,

ronderos were unable to fight the counterinsurgency and including children in their ranks exposed them to the violence of the conflict.

3.3.2 Sendero Luminoso Recruitment

The insurgent group did not deliberately target children during the conflict, although its terrorist methods have resulted in casualties among minors. However, the recruitment of children was regularly employed by the group. By 1995 it was estimated that approximately 4,000 children had been recruited into the Popular Committees, which were systematically used by the Shining Path during the most intense periods of the conflict, particularly between 1983-1985 and 1987-1990 (CVR:2003). The phenomenon of forced recruitment was particularly concentrated in four regions in the upper valley: Ayacucho, especially in the provinces of La Mar and Cangallo; Huancavelica (Huancavelica province); Huánuco, in the provinces of Leoncio Prado and Ambo; and Junín, Satipo, Chanchamayo, and Concepción, which together accounted for 80.1% of the cases. Other regions, such as San Martín (Tocache) and Apurímac (Aymaraes and Grau provinces), experienced it to a lesser extent. Reports from the time indicate the presence of incredibly young children in these groups, some as young as eleven or twelve years old. The Shining Path had an official policy that explicitly incorporated children into the Popular Guerrilla Army. This included the creation of schools (in places where there was often no official education system) where the population, including children, were indoctrinated in Marxism. The majority of these underage recruits were boys, mostly from peasant and rural backgrounds. Rosen (2015) notes how the Western eye automatically sees a child combatant as a victim, when the view should be broader and include their personal background, such as socioeconomic status, in the analysis. However, within the Shining Path's ideology, these children were seen as the future of the movement, crucial to sustaining the party's long-term vision of a protracted war. They were seen as the human reserve, the next generation to replace those who had fallen in combat, perpetuating the cycle of violence. This systematic involvement of children in the conflict is a stark reminder of the deep scars that the internal armed conflict has left on Peru's younger generations.

3.4 Sexual and Gender Violence

The research on sexual violence against women is one of the most in-depth and comprehensive conducted by the CVR. It includes various forms of violations of basic human rights and international humanitarian law, such as forced prostitution, forced marriage, sexual slavery, rape, forced abortion or pregnancy. Such practices have been systematically used by insurgents and government forces, and almost all victims of sexual violence have been women. While sexual violence accounted for 1.53% of all crimes committed during the conflict, according to the CVR, statistics show that this practice represented the majority of crimes against underage women. Sexual violence was used to obtain information during interrogations or during the incursion of armed forces, both state and non-state, into war zones. In Latin America, "the sexual violence perpetrated against women in these situations was a tactic used to instill fear and humiliation in opponents of the state and was particularly effective because it exploited traditional gender roles in Latin American society, reinforcing the subordination of women both in the family and in society at large" (Merge, 2016:78). Forced prostitution was seen by insurgents as a way to gain economic resources. However, the majority of sexual violations were perpetrated by state actors, accounting for 83% of cases according to the CVR. Boesten (2016) recalls that until 1997, such violations were subject to impunity due to a law that granted amnesty to military personnel who promised to marry the victims after sexual violations. However, the "promises" were mostly not kept, and the women were left alone, often with the children born of the violence (Theidon, 2004). Sendero Luminoso, which at the beginning of its activity had strict rules against sexual violence and considered women as an integral part of its struggle, actually committed such crimes in the camps, where women were forced to submit and used as sexual slaves.

Once again, the majority of victims of sexual violence and gender-based crimes were Indigenous women. They were the victims of one of the cruel practices carried out by the state under the second Fujimori government after 1995. The plan, called the *Programa Nacional de Planificación Familiar y Salud Sexual y Reproductiva* (Program of Reproductive Health and Family Planning), implemented the forced sterilization of more than two hundred thousand native women from the *Sierra* and the *Selva*. However, this practice is incomprehensibly absent from the CVR's investigations. The plan was officially presented with the aim of reducing poverty, indeed monetary compensation was offered to the woman who decided to submit to the procedure. However, most of the women were not able to decide and it was imposed to them. One witness recalls how the government concealed the true intentions of the program: "[...] mi mamá fue presionada a tal punto tuvo que acceder a hacerse esa operación, la mala información fue tal que la operación de la ligadura de trompas fue comparada con una extracción de muela. Lo tengo mi claro en mi recuerdo" (EFE). However, the Inter-American Court of Human Rights has condemned the practice as a form of ethnic cleansing with genocidal intent. The problematic of the exclusion of those delicate thematic from the CVR's investigation

“erases state responsibility and greatly decreases the likelihood that Peru will seek justice for the victims of these violations of reproductive rights” (Getgen, 2008:4). Indeed, the Peruvian judicial system did not take a strong stance on the issue of forced sterilization, so much so that Fujimori was acquitted of the charges. Similarly, the investigation underestimated the crimes committed against sexual minorities. This is due to a change in perception and societal beliefs over time. In the early 2000s, when the Commission began its work, the topic was ignored by the political agenda. Peru is also a fervently Catholic country, which makes this a delicate and controversial thematic to address. For Kravetz (2017), this impunity was extended to sexual violence crimes in general, despite the extensive findings of the CVR. This phenomenon replicated the patriarchal structure, making the women powerless and opening the way to the blame against them.

3.5 Types of Victims: Social Groups and Individuals

In Peru, regardless of the specific type of crime committed, the victims were predominantly indigenous individuals residing in rural communities. This observation is also reflected in the findings of the Truth and Reconciliation Commission: “*De cada cuatro víctimas, tres fueron campesinos o campesinas cuya lengua materna era el quechua. Se trata, como saben los peruanos, de un sector de la población históricamente ignorado por el Estado y por la sociedad urbana, aquella que sí disfruta de los beneficios de nuestra comunidad política.*” (CVR, I, 2003:5). During the course of their investigation, particularly when questioning members of the armed forces, the situation remained consistent with that which had been observed during the conflict and throughout the country's history: namely, the presence of racism and the dehumanization of individuals. Additionally, the commissars were taken aback, by affirming “*Agobia encontrar en esos testimonios, una y otra vez, el insulto racial, el agravio verbal a personas humildes, como un abominable estribillo que precede a la golpiza, la violación sexual, el secuestro del hijo o la hija, el disparo a quemarropa de parte de algún agente de las fuerzas armadas o la policía*” (CVR, I, 2003:14). The events that transpired in Peru align with the definition of sanctioned massacres as outlined by Kelman (1973). These were characterized by ruthless, indiscriminate, and systematic violence, occurring within a context of genocide. Despite the CVR's decision to refrain from explicitly labeling the atrocities as "genocide" (Carranza Ko, 2020), the atmosphere was that, by the “lacking conditions providing some degree of moral” (Kelman, 1973:25). The victims were not threatening the perpetrators and often there was any relation between the offender and their targets. The perpetrators, however, used the moral justification of self-defense and repeatedly engaged in

sadistic behavior. There are three steps that lead to such context (*ibidem*), the authorization of committing crimes, in the Peruvian case by the commanders of armed forces and insurgent groups, the routinization of the crime, in which those activities become the normality, and finally the de-humanization, in which the victims are deprived of their identity and communities' bond. Furthermore, the Peruvian conflict is characterized by a high degree of what can be defined as "collective victimization". In contrast to the typical occurrence of individual victims in other cases, entire communities in Peru suffered due to systemic violence. One of the significant consequences of collective victimization is the challenge it poses to the state's capacity for justice and reparation. Finally, also the victimizes are becoming de-humanized because of their interiorization of the behavior they had for many years and the consequent loss of the capacity to recuperate the human empathy.

3.6 The Ideal Victim in the Peruvian Context

As previously introduced in the first chapter, identifying the ideal victim, the individual who is immediately recognized as such, is a complex undertaking within the context of the Peruvian armed conflict. While Christie (1986) proposes categories that facilitate the identification of the ideal victim, the Peruvian context differs considerably from other examples that can be provided in this regard. This is due to the fact that the majority of victims hail from the most disadvantaged social groups, residing in communities that have historically been marginalized and perceived as born-victims, resulting in their continued marginalization and neglect. The representation of the conflict in the media has not ensured the recognition of these individuals, especially when the crimes have been perpetrated by states forces. Subsequently, following the cessation of hostilities and the conclusion of the judicial process, the lack of attention from the political agenda and the judicial system, which are typically inclined to prioritize the interests of the ideal victim, further exacerbates the marginalization of these individuals. Christie's concept of the "ideal victim" provides insight into the prevailing attitudes and responses within society with regard to victimhood. It also sheds light on the specific individuals or groups deemed worthy of sympathy and justice. In the context of the Peruvian internal conflict, the identification of an "ideal victim" is a challenging and multifaceted endeavor, shaped by the unique socio-political and historical circumstances surrounding the events in question. In contrast to Christie's categories, which emphasize the ideal victim as vulnerable, innocent, and of moral purity, so possibly women or children the case of Peru does not align with this model. The majority of victims of violence were drawn from historically marginalized, impoverished, and

Indigenous communities, the majority of which were situated at a considerable distance from the centers of political power and influence. These are communities that have been historically marginalized and perceived as peripheral, where structural violence, exclusion, and state neglect have persisted before, during and after the conflict. The institutions have often failed to provide adequate recognition or support. In this regard, the failure of the state to adequately recognize the suffering of these communities, particularly when state forces were the perpetrators of violence, contributed to their victimization. As a result, the majority of individuals belonging to these groups were rendered invisible during and after the war. This was due to the fact that their circumstances did not align with the conventional notion of an ideal victim. This notion is generally understood to encompass individuals who are more recognizable, situated closer to cities, or embodying a narrative of innocence that aligns with dominant discourses.

Additionally, the ambiguous boundaries it establishes between guilt and innocence are further complicated by accusations against some of these communities of harboring insurgent groups like the Shining Path. This introduces an element of ambiguity that has made it challenging for the Peruvian judicial and political systems to accord the same level of recognition and reparations that are typically afforded to more straightforward cases of victimhood and this occurs when a population internalizes the effects of prolonged subordination and marginalization, leading them to perceive themselves as victims. Indeed, it could be argued that in the case of the Indigenous groups in Peru, systemic discrimination, exclusion from political processes, and economic privation have been so deeply internalized that throughout the course of the violence, all forms of humiliation were intensified. The environment in which these populations are victims of both the direct violence and the consolidated social attitudes that exclude them from society. As a result, their suffering is normalized and they are excluded from the national narrative of victimhood, which has predominantly been reserved for urban, middle-class, or politically significant victims. The role of the media in shaping the notion of victimhood within the public sphere is of great significance in order to gain an understanding of the Peruvian context. In Peru, the control of the media has historically been concentrated in the hands of vested interests, with a tendency to prioritize urban-centric narratives at the expense of rural Indigenous victims of violence. This phenomenon of "media invisibility" represents an additional form of marginalization that precludes them from visibility within the broader discourse. It is frequently observed that the media's reporting of atrocities committed in rural areas is inadequate and insufficiently comprehensive. This is despite the fact that such incidents occur with the same intensity and regularity as those affecting more privileged sections of society. This imbalanced approach to victimhood is likely to persist in light of the current media coverage. The politics of transitional justice, as practiced by the Peruvian state in the aftermath of the conflict, served to consolidate the

exclusion of this particular category of victim. While CVR and judicial processes were established, the cases were addressed on an individual basis, rather than within a collective and systemic context. This lack of engagement with the structural causes of their victimization results in their designation as "non-ideal" victims, who are perceived as less deserving of redress for their suffering.

In other words, the concept of the ideal victim in the context of the Peruvian internal armed conflict must be contextualized through the application of a range of analytical lenses, including those of structural violence, secondary victimization, collective harm, and cultural marginalization. These concepts provide an account of the manner in which historically excluded populations—the majority of whom are Indigenous, rural, and impoverished—were denied recognition and justice, in comparison to those who embraced more conventional narratives of victimhood. Vezzadini (2024:32) reminds how victims have “to earn unreserved public sympathy. At the same time, it is clear that victims will be able to make their voice heard if they are also endowed with a certain strength, determination, resourcefulness; but these requirements must not be over-emphasized, on pain of nullifying that ideal and angelic image that is the focus of securitarian campaigns to which a victim is needed to defend and, above all, avenge. A victim functional to the political discourse and capable of raising the audience, without, however, exceeding in protagonism and visibility. In this sense, repeated and vehement demands for attention, or whiny “victimhood,” are skillfully shunned.” For the victims of the conflict was almost impossible to be at the center of political agenda by arising their voice. Initially, the media, political agenda, and judiciary have all contributed to this process of exclusion in such a way that these victims have remained outside the concerns of the national consciousness during and after the conflict. The continuous marginalization is but one aspect of the broader dynamics of inequality and exclusion that shape Peruvian society today.

3.7 Secondary Victimization: Ongoing Challenges

The concept of "secondary victimization" is used to describe processes of victimization that occur within an institution. These institutions may include, but are not limited to, the educational system, the health system, or even the prison system. As previously discussed, victimization processes have not been limited to external factors; they have also affected Peruvian institutions. For instance, within the healthcare system, forced sterilization against Indigenous women was perpetuated by falsifying information about the procedure to which they were subjected. Similarly, children who were victims of illegal recruitment were subjected to coercion by institutions such as the armed forces and police

forces on the part of the state and indoctrination schools on the part of the rebels. In the penitentiaries, which are designed to facilitate the reeducation of prisoners for their eventual reintegration into society, a multitude of violations were documented against detained insurgents or those who were perceived to be such. The CVR's investigation (V, 2003:275) revealed women systematically suffered sexual violence “*no obstante, la subrepresentación estadística, existen datos que permiten identificar casos de violencia sexual. Así, por ejemplo, se tiene que, de 118 testimonios recopilados por la CVR en el Establecimiento Penal de Mujeres de Chorrillos, en 30 casos las mujeres mencionan haber sufrido violación sexual mientras que en 66 casos dicen haber sido sometidas a otras formas de violencia sexual. Esto implica que aproximadamente el 81% de estas testimoniadas fueron víctimas de violencia sexual*”. The majority of prisoners were relocated to Lima as a consequence of the inadequate infrastructure in the Ayacucho region (Willis, 2020:234). Aguirre (2013) also notes that the prisoners were perceived as Indigenous, dehumanized, and subjected to torture within the prison system. In 1986, a prison uprising occurred in Lurigancho and El Frontón institutes in Lima, as a result of the deplorable conditions in which the prisoners were confined. The armed and police forces did not hesitate to suppress the revolt with considerable force, resulting in the massacre of approximately two hundred and fifty men.

The internal armed conflict originated at the *Universidad Nacional San Cristobal de Huamanga*. Therefore, it is imperative to consider the role of the education system in the context of victimization. The CVR (III, 2003:605) defines the university system as “*excluyente*” due to its concentration in the capital city. Additionally, the absence of a primary education system in rural zones of Selva and Sierra resulted in the inability of these communities to access higher education, thereby perpetuating marginalization. In the sixties, advances were done by the State for inaugurating universities in the country, such as the one of San Cristobal in Ayacucho. Universities, which serve as hubs for the exchange of ideas and cultural interaction, have historically been sites where revolutionary theory is formulated. It is evident that Abimael Guzmán held the position of professor at the university, in addition to serving as the leader of the insurgent group, Sendero Luminoso. However, it is also notable that students in Lima began to engage in political activities and were recruited by the insurgents already in with the revolution attempts in the sixties and again the eighties. This phenomenon occurred at the *Universidad Nacional de Educación Enrique Guzmán y Valle* (UNE), which was attended primarily by younger individuals from the provinces, as well as at the *Universidad Mayor de San Marcos* (UMSM), which is the oldest university in Latin America and the Peruvian institution of higher education with the most students. The students suffered violations from armed forces and insurgents. Different extrajudicial killings and enforced disappearance were registered against students perceived as part of rebels. The same rebels also entered university bringing to confrontation

between MRTA and Sendero Luminoso, both using “*la violencia física, y una campaña de acoso y amenazas para expulsar a sus oponentes*” (CVR, III, 2003:618).

The phenomenon of secondary victimization, which occurred throughout the entirety of the Peruvian internal armed conflict, serves to illustrate the structural and institutional nature of the violence perpetrated against marginalized groups. As has been demonstrated in this paragraph, the secondary victimization persisted beyond the battlefield, infiltrating health, education, and penitentiary systems throughout the nation. This has resulted in enduring challenges for victims seeking justice and recognition. These institutional failures exacerbated the suffering of individuals who had already endured trauma due to direct violence, as new instances of victimization at the hands of state and non-state actors were introduced. In the healthcare system, the state-sponsored forced sterilization of Indigenous women, presented as health interventions, reflects deeper societal structures that dehumanize these women, rendering them vulnerable to systemic abuse. The concept of secondary victimization is therefore a crucial element in comprehending the intricate and enduring nature of victimization in Peru's internal armed conflict. The data underscores the necessity of an integrated approach to transitional justice, which must include not only the direct victims of violence but also the institutional structures that perpetuate their status as victims. The inability of health, prison, and educational systems to adequately care for and protect vulnerable populations demonstrates the persisting inequalities that shape Peruvian life. Addressing these challenges will have a positive impact on the process of building reconciliation, accountability, and eventually a more just and inclusive society.

CHAPTER 4

Approaches to Reconciliation

The establishment of the CVR constituted an indispensable measure in the beginning of construction of peace in Peru. A commission of this nature is considered inherently responsible for the beginning of the process of transitional justice, by investigating and compiling information regarding atrocities committed during the internal armed conflict, even if not explicitly regulated by international law (Salmón, 2023) The discovering of the truth and the public dissemination of such revelations is a right for the victims and a necessity for the whole country. However, the investigations have represented only the initial step in a process that is more complex and multifaceted, and which would have required significant effort by the institutions and the society to achieve total reconciliation and the consolidation of peace. CVR dedicated the entire ninth book to the approaches to reconciliation, proposing institutional reforms and reparations plans, among others. These were significant disclosures, yet merely preliminary in nature, since the implementation of those mechanism pertain to the whole society. The transition from conflict society to reconciliation necessitates a multifaceted approach and systemic reforms, in judicial and political power and a reconstruction in the socials bond. The consideration of an inalienable right to truth on the part of the victims and their families is of greater importance, since “no hay justicia sin verdad” (CVR, IX,2003:17). The discover of the truth should open the doors for an implementation of open, fair, and impartial judicial procedures to address the crimes identified by the CVR. Indeed, also the Commission reminded the concept of preventing impunity, reinforces the rule of law, and ensures the accountable exercise of public functions. This necessitates the establishment of an efficacious legal

apparatus that is assured of guaranteeing accountability and in compliance with international standards on human rights. This is a basic assumption that leads to reconciliation since it eliminates the desire of revenge of the victims against their oppressors (Long & Brecke, 2003). The establishment of a process also has the importance of the restoration of the confidence of the inhabitants in the state.

Any coherent reconciliation process must prioritize the reintegration of victims into society after the conflict. It is important to note at the outset that the process of reintegration is not an isolated event; rather, it is a long-term one undertaking that necessitates the sustained involvement and commitment of the state and civil society. To ensure a comprehensive approach, it is essential to consider the victim's health, both physical and psychosocial, educative and economic needs. This will not only facilitate their recovery but also facilitate their reintegration into society as active participants. It is of paramount importance that the state assumes a leading role in this process, through the formulation of a comprehensive and global policy that is respectful of the rights of victims. Such policies should extend beyond the provision of basic reparations to encompass the establishment of multifaceted support systems tailored to the specific experiences of victims. The field of victimology emphasizes the necessity for a comprehensive and individualized approach to assistance for victims, given the diverse forms that trauma, loss, and displacement can take. This encompasses not only financial redress but also restitution of the personal dignity, through specialized mechanism psychological and medical care. A considerable proportion of victims, particularly those who have endured direct violence, such as torture, or sexual assault, exhibit post-traumatic stress disorder other psychosomatic manifestations. These individuals require not only immediate but also long-term mental health care to facilitate their rehabilitation. Furthermore, it is essential to address the underlying structural inequalities that perpetuate many conflicts, as the victims frequently belong to marginalized groups that are already vulnerable to poverty, exclusion, and discrimination, even before the onset of conflict. In the absence of a comprehensive approach that addresses the underlying causes of conflict, there is a risk that the reintegration process may inadvertently contribute to the perpetuation of conditions that are conducive to conflict. It is therefore evident that reintegration policies must be implemented in conjunction with other social justice policies, for traditionally marginalized groups. Ultimately, the process of reintegration is inextricably linked to the recognition and acknowledgment of the social context. It is common for victims to feel invisible or invalidated in their experiences, particularly if their suffering has been minimized or ignored entirely by the broader society.

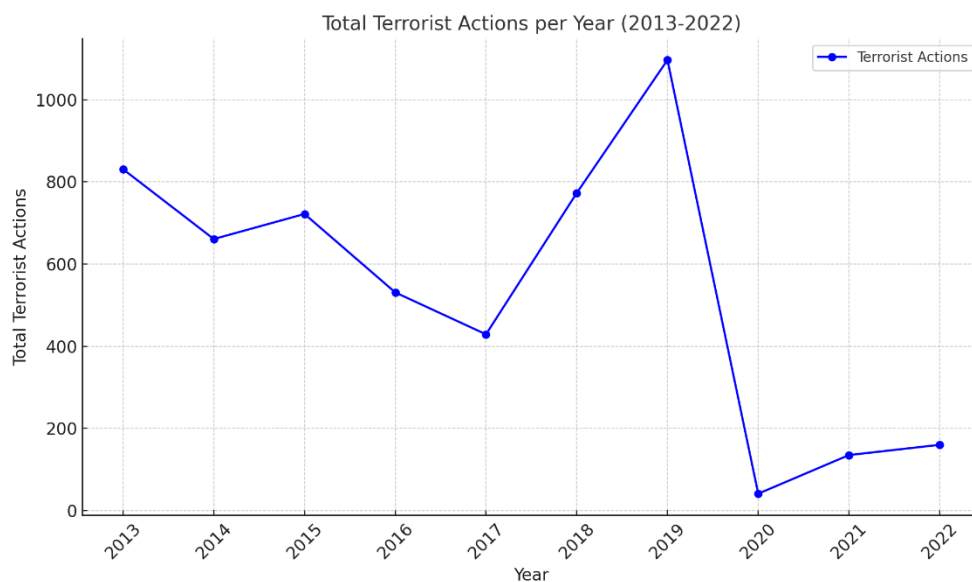
It is similarly imperative to facilitate the reintegration of former combatants into civilian life. These encompass a range of interrelated elements, including vocational training, mental health support, and community-based reintegration programs. The conclusion of a conflict with a clear victor between the parties in conflict does not necessarily guarantee the establishment of a comprehensive peace agreement. Indeed, there are still Sendero Luminoso columns active in the Valle de los Ríos Apurímac, Ene y Mantaro (Vraem ¹⁰) region. In 2021, a terrorist attack occurred in the Vraem area, resulting in the deaths of eighteen individuals, including children. In response to this incident, the government deployed military forces to the region. As Figure 1 shows, the number of terrorist incidents is still significant, despite a decline in recent years. In 2023, the former defense minister, Jorge Chávez Cresta, announced a plan to allocate approximately three million euros to combat terrorism in the area (Deutsche Presse-Agentur, 2023). In addition to former combatants engaged in sporadic instances of terrorism, a considerable number are implicated in drug trafficking. It is of the utmost importance that the reintegration of combatants be accompanied by social cohesion policies that address the root causes of conflict and prevent a resurgence of violence, as well as the adhesion of former combatants to criminal environments.

In order to achieve a stable and durable peace, with the reintegration of former combatants into society, it would be prudent to consider the possibility of amnesty, despite the potential challenges that its implementation may present. While such legislation may be controversial, it does encourage demobilization and disarmament, as evidenced by the Colombian case. In contrast, the Peruvian case represents a model of a triumphant state since "there were no negotiations between the government and the guerrilla because Sendero had been largely defeated" (Theidon, 2006: 437). It is a common misconception that the concepts of amnesty and impunity are synonymous. However, in the Latin American context, they are often perceived as being one and the same. It is an unsurprising consequence that amnesty legislation has been enacted by governments with the intention of guaranteeing the freedom of individuals who have perpetrated heinous crimes. One illustrative example is the 1995 law promulgated by Fujimori. It is important to note that amnesty is distinct from the concept of "el olvido," or forgiveness. In light of the fact that Peru is a predominantly Catholic

¹⁰ Vraem is the acronym used by Peruvian intelligence to describe the valley where the Apurimac, Ene and Mantaro rivers meet. The valley is also the border between 5 provinces, Junin, Huancavelica, Ayacucho, Cusco and Apurimac. UN "Peru Coca Survey for 2005" consider that most of coca leaves production in the country is located in this area. The International Committee of the Red Cross (2017) believes that the people living in this area are living in a kind of extension of the internal armed conflict.

country, the concept of forgiveness has already gained significant traction, as evidenced by the testimony of Vargas Rojas, a victim of unlawful detention. He stated, "Those who have committed these crimes are already forgiven" (CVR, IX, 2003:24). While forgiveness plays a key role in the process of reconciliation, it cannot be equated with impunity. Nevertheless, forgiveness represents a crucial initial step in the process of establishing a constructive relationship between victims and offenders, as well as initiating a process of confrontation in line with the principles of restorative justice.

Chart 1. Total Terrorist actions per year, from 2012 to 2022. Data from Instituto Nacional de Estadística e Informatica (INEI)



Restorative justice mechanisms play a pivotal role in the process of reconciliation. These initiatives are focused on the restoration of relationships of the victims and the offenders, bypassing the dichotomy between the two groups. This approach requires open dialogue, acknowledgment of wrongdoing, and a reparative act. As Christie (2013) reminds, “restore” the trust to institutions does not automatically means restore the trust to the social order. Thus, community-based programs, which place an emphasis on local participation in the processes of healing and reestablishing trust in communities where abuses have occurred, should be taken into account for an enduring reconciliation. Nevertheless, it is essential to complement this with institutional reforms aimed at preventing such abuses from occurring in the future. It is imperative that institutional reform be pursued within the military, police, and judiciary with the aim of regaining public confidence that these institutions function in accordance with the rule of law and respect for human rights. Long-term educational reforms and cultural projects aimed at fostering tolerance, empathy, and historical awareness are essential components of the reconciliation process. Such measures would include the

rewriting of curricula related to historical subjects, the promotion of cultural exchanges, and the allocation of funding for various forms of art that would facilitate healing and address the emotional and psychic scarring of conflict. In addition, economic reconstruction constitutes an essential element of the reconciliation process, since the consequences of war also have economic overtones, including infrastructural destruction, job loss, and resultant poverty. These issues must be addressed through effective development policies. In such instances, there is a fundamental necessity for the implementation of economic revitalization initiatives, encompassing infrastructure reconstruction, job creation, and poverty alleviation programs. These measures are essential for the resolution of the socio-economic grievances that serve as the underlying causes of conflict.

In addressing these issues, it is possible to reduce the economic disparities that create social instability and thus contribute to the resumption of conflict. It thus follows that the process of reconciliation in post-conflict Peru is multifaceted and complex in nature, encompassing justice and victim support, institutional reform, and economic recovery. This chapter will, therefore, analyze several strategies used in the reconciliation process of Peru by discussing legal frameworks, reparations, historical memory, and the overall impact on peacebuilding. The aim is to identify the complexity of the reconciliation process and to identify pathways leading to durable peace in the aftermath of a protracted conflict. From the perspective of restorative justice, reparations must be considered within the context of a comprehensive approach aimed at restoring the dignity and autonomy of victims. For example, it is conceivable that educational and vocational training programs provide victims with the opportunity to reconstruct aspects of their lives, both economically and in terms of their sense of self and future prospects. In this regard, the majority of victims, particularly women and children, have been either forcibly displaced or deprived of opportunities during the conflict, thereby becoming victims of vicious cycles of poverty and marginalization. The state, with the requisite skills and educational opportunities, aims to reintegrate these individuals into economic life and into society at large, thereby enabling them to become constructive participants in the reconstruction of their communities.

4.1 Jurisdiction for Peace in Peru

This VIII volume of the work by the CVR examines the roots and underlying causes of the general violence that occurred in Peru and presents an exhaustive examination of the profound societal fissures that precipitated a regrettable era in the nation's history. It identifies these as

manifestations of long-standing structural inequality and discrimination that have been deeply entrenched in Peruvian society for an extended period. These phenomena have become institutionalized, deeply embedded in centuries of marginalization and exclusion, particularly of Indigenous populations and other vulnerable groups. Furthermore, the text highlights that the social injustices were compounded by persistent poverty, which perpetuated cycles of deprivation for millions of Peruvians, constrained their opportunities for social mobility, and fostered discontent. Furthermore, chronic inefficiency in the state apparatus to enforce its authority effectively across a geographically fragmented territory of great diversity contributed to this situation. This indicates the lack of a robust state presence in numerous regions, particularly rural areas, which creates an environment conducive to lawlessness. This allows insurgent movements that raised as peasant revolution to gain a foothold at the grassroots level. The report demonstrates that the state was unable to establish a robust democratic system that would guarantee the unwavering advancement of the rule of law. The fragility of democratic institutions within a context of generalized corruption and lack of accountability in Peru contributed to the erosion of trust in the state, leaving large parts of the population abandoned and disenchanted. Thus, the violence has been the outcome of long-standing structural and institutional deficiencies that had gone several decades, if not centuries, unheeded. The Informe Final is so also a request for the institutions to address those issue that led to the violence (Dargent, 2023). Nevertheless, the political crisis originated subsequent to the advent of the pandemic, marked by a failed coup d'état perpetrated by former president Pedro Castillo and a wave of nationwide protests that were met with considerable repression, particularly in the Andean regions.

4.1.1 Institutional reforms

Following the fall of Fujimori's regime, which had suspended the Constitution of 1979, the country initiated a process of revising the legislation issued by the former president. During the transitional government of Paniagua, a commission was established for the purpose of studying legislation produced over the previous ten years. The Comisión de Estudio y Revisión de la legislación emitida desde el 5 de abril de 1992 found that the laws led to the “[...] vulneración de principios constitucionales y Derechos Fundamentales a través de la emisión de normas legales de naturaleza penal y, en gran medida, en relación con la lucha antisubversiva. Como resultado de ello, se han expedido ciertas normas que colisionan en forma directa con la Constitución de 1993, además [...] de violar derechos fundamentales de las personas, consagrados no sólo explícitamente por la propia Constitución, sino en forma implícita por la citada norma, y también por Tratados

Internacionales de los cuales el Perú también es signatario.” and “Las normas antiterroristas y las que regulan el tema de terrorismo especial, vulneran reiteradamente derechos fundamentales y principios constitucionales consagrados.” (Tribunal Constitucional, 2002:1). The commission's findings led the Constitutional Tribunal, with the sentence EXP. N° 010-2002-AI/TC to the abolition of numerous laws approved by the previous government. This was done without revoking the judicial sentences and with the mandate for Congress to replace the unconstitutional laws a priority. Additionally, with the abolition of the Fujimori's laws, the judicial system demonstrated resilience in regaining its autonomy, despite lacking the support of an institutional reform (Macedo Bravo, 2003; La Rosa Calle et al., 2010).

As has been stated on numerous occasions by the CVR, that dedicate an entire chapter in the last volume on institutional reforms, one of the primary objectives of its activities is to foster a culture of human rights within the country. In 2011, the Ministry of Justice also assumed responsibility for human rights and underwent a name change to the *Ministerio de Justicia y Derechos Humanos* (MINJUSDH). In February 2018, the MINJUSDH approved the National Human Rights Plan 2018-2021 (Jave et al., 2018) through Supreme Decree No. 002-2018-JUS. This document aims to guide public policies in order to promote a culture of peace and the protection of human rights. Nevertheless, these endeavors have not produced the anticipated outcomes. As indicated in the most recent report from the *Coordinadora Nacional de Derechos Humanos* (CNDDHH, 2023), a union of civil society organizations created in 1985 and dedicated to the defense of human rights, threats to these inalienable rights persist in the country. Those who are marginalized, including Indigenous and rural communities in the Andes and Amazon regions, continue to experience indifference from the institutions that are responsible for their protection. In this regard, as well, there has been a dearth of efforts to implement emblematic reforms that would foster a human rights culture. The aforementioned wording would undoubtedly serve as a powerful symbol if incorporated into the name ministry. However, without institutional support, it is likely to remain a symbol without any practical implication.

4.1.2 Process and Accountability

CVR played a key role in identifying perpetrators of the war crimes, crimes against humanity and violations of human rights for both state and non-state actors, despite “[e]l Informe Final de la CVR no significaba —en sí mismo— ningún riesgo directo de ir a la cárcel, dado que no se trataba de un organismo judicial, pero sí era un golpe directo a la legitimidad de la impunidad y es por ello

que ha despertado reacciones tan hostiles". (González Cueva, 2003:45). The CVR recommended that those found responsible for serious human rights violations be brought to trial and outlining judicial processes. The country has relied primarily on domestic courts to prosecute individuals responsible for atrocities committed during the conflict, particularly within the context of human rights violations. Peru has not explored specialized legal mechanisms, such as ad-hoc tribunals resulting in an approach that has been more fragmented. The country has encountered challenges in the implementation of international justice mechanisms, including the ICC. Garcia Ganoza (2023) notes that, of the four crimes protected by the ICC, only the crime of genocide has been incorporated into Peruvian domestic legislation. The other three crimes, namely war crimes, crimes against humanity, and crimes of aggression, remain absent from the Peruvian legal framework.

Although some perpetrators have been tried and punished, many others have evaded justice. The slow pace of justice has led to criticism from victims and human rights organizations about the issue of impunity and the subsequent erosion of confidence in state institutions. In instances where criminal proceedings have been initiated, there have been delays and the pace has been slow, as evidenced by the case of Accomarca. In response to the widespread calls for justice, international courts were compelled to intervene. In 2001, the Inter-American Court of Human Rights (IACHR) intervened in the case of *Barrios Altos vs. Peru*, ten years after the massacre of fifteen civilians in the neighborhood of Barrios Altos, in Lima. While some high-profile cases, such as those against former President Alberto Fujimori, have resulted in convictions, the process has been uneven in its application. In 2005, Fujimori was arrested while visiting Chile in connection with pending charges in Peru. In 2007, he was extradited to Peru for a two-year process by the Corte Suprema de Justicia (Peruvian Higher Court), which would have resulted in the former president being convicted to twenty-five years of imprisonment for crimes against humanity and violations of human rights. Nevertheless, in 2017, the then-incumbent Peruvian president, Pedro Pablo Kuczynski, proposed a pardon for humanitarian reasons to Fujimori. However, the pardon was subsequently revoked, and the president was rearrested for violating the terms of his sentence. In 2022, his attorney proposed his liberation directly to the Tribunal Constitucional, which accepted the fall of the condemnation through the principle of habeas corpus, despite the requests of the CIDH to annul the pardon. On December 5, 2023, Fujimori was released and subsequently died as a free man on September 11, 2024.

4.2 Reparation Measures for Victims

In the majority of cases, victims are confronted with social stigma or discrimination upon their return to the community, particularly in Peruvian society, where the divisions have been intensified by conflict and have not yet been resolved. Graded community reconciliation programs play an instrumental role in restoring dialogue and mutual understanding between victims, ex-combatants, and other members of the community, thereby reinforcing the social bonds that have been fractured by war. It is thus imperative that these programs be grounded in restorative justice frameworks that facilitate personal and collective healing through the disclosure of truth, acknowledgment of harm, and the construction of shared narratives about the past. It is essential that reintegration policies take into account the intersectionality of victimhood, whereby an individual may experience marginalization due to multiple factors, including gender, ethnicity, or socioeconomic status. It is essential that the programs on reparations, which lead to reintegration are tailored to the specific needs of each diverse community. This can be achieved through culturally appropriate forms of redress and a comprehensive approach. The reintegration of victims after a conflict is a complex process that is multi-dimensional and extends well beyond immediate material compensation or property restitution. This encompasses the treatment of psychological trauma, social and economic enfranchisement, restoration of dignity, and a sense of integration at both the local and national levels. It necessitates a victim-centered and inclusive process of reconciliation that considers the diverse experiences of those affected by conflict and strives to create a future in which victims become agents in shaping a just and peaceful society. Moreover, the process of social reintegration entails navigating the intricate dynamics between victims, offenders and the communities to which they pertain.

Reparations have constituted an indispensable element of Peru's reconciliation process, with the objective of addressing the material and emotional suffering of victims and their families. The *Plan Integral de Reparaciones* (Comprehensive Reparation Plan - PIR), as delineated by the CVR in its IX volume, then established in 2006 with the enactment of Law N° 28592, delineates four categories of reparations: one pertaining to health, one to economic concerns, the third to education and the other on the restitution of civil rights. Similarly, three distinct categories of beneficiary were identified: individual, collective and symbolic. In this context, the term "beneficiary" refers to the victims who will be included in the PIR. The victims who have been taken into account are those who have suffered a series of crimes that the commission itself provides, including, but not limited to, the following: enforced disappearance, abduction, extrajudicial execution, murder, forced displacement, arbitrary detention and violation of due process, forced recruitment, torture, rape, and wounding, injury or death in attacks in violation of international humanitarian law. The CVR emphasizes that no qualitative distinction will be made between these crimes and that victims will be regarded as equal regardless of the perpetrator. However, it does consider the deceased members of the armed forces to

be victims under the principles of IHL, but not insurgents. Among other exclusions from the PIR are those victims who have already received reparations through national legislation or in accordance with international judgments since it is not possible to receive more than one reparation for the same crime.

4.2.1 Individual Reparations

Individual reparations are designed to restore the victims of documented crimes to their pre-violation state. Those who have suffered forced disappearance, arbitrary execution, torture, sexual violence, or other serious human rights violations during the internal armed conflict may be eligible for individual reparations. Beneficiaries include also close relatives of victims of disappearance. This encompasses both civilian and military personnel, including members of the Armed Forces, the PNP, and the Self-Defense Committees, who sustained injuries or endured trauma as a consequence of attacks that contravened the principles of international humanitarian law. This form of reparation is intended to address injuries sustained during active service or as a consequence of the conflict, as well as survivors of torture and survivors of sexual violence. It is crucial to emphasize that these reparations are not merely financial; they signify the State's acknowledgment of its responsibility to restore the victims' dignity and affirm their entitlements. Individual reparations may encompass, but are not confined to, monetary compensation, psychosocial assistance, and legal action aimed at reinstating civil rights. Indeed, a restorative justice perspective underscores the necessity for both material and symbolic redress for the victim.

4.2.2 Collective Reparations

Collective reparation targets the general damages that have been caused to the entire community due to the armed conflict. This kind of reparation will seek to recover and articulate the experiences of peasant and Indigenous communities who have suffered disproportionately from violence. Examples of collective reparations include the restoration of public infrastructure, stimulation of economic development, and reconstitution of local governance structures. These measures are designed to ensure that these communities are able to return to normal life with dignity. Furthermore, the program acknowledges the significance of community cohesion and social wound-healing.

Collective reparations, in this regard, diminish long-term vulnerabilities by fortifying local capacity for self-determination and economic recovery, thereby addressing the structural inequalities that permitted the conflict to emerge. Consequently, reparations for harm inflicted upon collectives serve not merely as compensation but as the foundation for sustained peace, resilience, and the prevention of future conflict.

4.2.3 Symbolic Reparations

In the context of symbolic reparation, the acknowledgment and validation of the experiences of victims are integral elements of the reparations process. In practical terms, symbolic actions encompass public apologies from the state, the construction of memorials, and the naming of public spaces in memory of victims. The restoration of dignity in victims through symbolic gestures plays a pivotal role in national reconciliation and serves to guarantee that society that remembers them as survivors of the nation's path of peace. Monuments and museums represent a significant aspect of memorialization efforts, serving not only as sites of remembrance but also as instruments for historical education. These structures play a pivotal role in fostering a culture of human rights that denounces impunity. Furthermore, these symbolic acts facilitate the healing of both survivors and the general society by facilitating the process of coming to terms with the past. These reparations would heal the social fabric by providing formal recognition of the trauma suffered, thereby ensuring that the lessons learned from this conflict remain alive in the collective memory to prevent future recurrences. The establishment of public apologies, commemorations, and memorials serves to identify the victims of the past, while the documentation of their experiences ensures that their stories are incorporated into the collective memory of the nation.

4.2.4 Economic Reparations

Economic reparations are a form of compensation that aims to rectify the harm caused to individuals during the conflict. This includes providing financial assistance to the families of those who were killed or disappeared, as well as to survivors who have sustained permanent injuries, either physical or psychological, due to torture, sexual violence, or other crimes. The compensation could take the form of a pension, a lump sum payment, or preferential treatment for social welfare services

such as housing and employment. The program recognizes the impact of sexual violence on subsequent generations, extending reparations to children born of sexual violence. Additionally, individuals who were imprisoned for accusations of terrorism or treason and later acquitted are also eligible for compensation. While monetary reparations are a crucial aspect of providing immediate relief, the program views them as a component of a larger reparative justice initiative aimed at restoring victims socially, economically, and politically.

4.2.5 Restoration of Civil Rights

The restoration of civil status is of significant concern to victims whose social and legal status was adversely affected as a result of the conflict. Many individuals were imprisoned without justification or were wrongfully accused of terrorism, which resulted in severe damage to their reputation and the infringement of their civil rights. This measure of reparation aims to address such injustices, including the annulment of invalid criminal records, the clearance of legal charges, and the formal restoration of civil status for those who were wrongfully accused or detained. The program was also designed to regularize the legal status of individuals who became undocumented as a result of the conflict and subsequent displacement. In essence, the program addresses legal identity issues with the objective of enabling victims to regain their civil rights and resume their lives in conditions of complete and full social participation. Legal recognition also signifies restorative justice, whereby self-esteem is restored, enabling individuals to develop their own agency in the process of rehabilitation.

4.2.6 Health Reparations

The objective of health reparations is to restore the psychological and physical harm suffered by victims of the armed conflict. Many survivors were suffering from ongoing violence, which caused mental health problems such as post-traumatic stress disorder, major depression, and anxiety. The health reparations program provides comprehensive healthcare that includes mental health, trauma-informed care, and medical treatment for those who were physically injured. This program places significant emphasis on community-based health interventions, recognizing that entire communities have withstood the worst of the conflict's consequences. Health reparations must be culturally

sensitive, particularly in the case of Indigenous groups, and integrate traditional healing practices when feasible. The objective is an integrated recovery model that encompasses both clinical treatment and community support for long-term healing and resilience.

4.2.7 Education Reparations Program

The objective of the education reparations program is to restore to victims their time and lost opportunities for educational pursuits, particularly for the children of victims who were compelled to cease their studies during the hostilities. Scholarships, tuition waivers, and adult education programs are of paramount importance in guaranteeing that survivors and their descendants can access education for both personal development and economic empowerment. The program prioritizes direct victims of the conflict, including children of the disappeared, victims of sexual violence, and members of Self-Defense Committees. Furthermore, education serves as a pivotal instrument in the effort to disrupt the intergenerational transmission of poverty and violence. This initiative is an integral component of a larger strategy to equip future generations with the knowledge and competencies necessary to construct a peaceful and prosperous society. It permits the transfer of educational credits to other family members in instances where direct beneficiaries are unable to access such opportunities, thereby ensuring that the legacy of conflict does not impede the collective advancement of entire families.

4.3 Positive Examples of Reconciliation Initiatives

In a history of violence that has spanned two decades but is rooted in centuries of past history and is still struggling to resolve itself, it is challenging to identify positive outcomes. This is primarily because the problematic issues tend to overshadow the progress that has been made. However, successful patterns and methods can be inferred from the Peruvian case that could serve as a foundation for future implementation of measures aimed at building lasting peace. First, CVR's significant contribution to the revelation of the truth to the global community. Second, the subsequent efforts to identify the victims, assign names and faces, and provide a dignified burial through the exhumation plan. This enables forensic experts to identify the victims and provide closure to their grieving families, because “simbólicamente, se trata también de reintegrar en la nación a ciudadanos

cuyos derechos más fundamentales han sido vulnerados” (Baraybar, & Delacroix 2023). From a legal perspective, these exhumations will be instrumental in providing evidence to be used in prosecuting those responsible for human rights violations, thereby ensuring accountability through the rule of law.

The establishment of the National Registry of Victims of Enforced Disappearance offers a glimmer of hope to the victims' families and represents a positive aspect of the reconciliation approach. The search for the disappeared is legally entwined with the pursuit of justice. The identification of those who have been missing can offer the chance to bring perpetrators to account and document human rights abuses. From a political standpoint, the search for the disappeared plays a pivotal role in national healing, entailing the state's acknowledgment of its responsibility to locate the missing and address the concerns of affected communities. The ongoing pursuit of the disappeared is thus a crucial aspect of human rights protection and a vital instrument for consolidating the rule of law and fostering reconciliation in a conflict-affected society that continues to grapple with the aftermath of conflict.

4.3.1 Victims' associations and civil society organizations

From the outset of the 1980s, the establishment of organizations founded on the principles of victim advocacy and civil society, with a mandate to promote peace and justice, constituted a significant source of support for those in need. The establishment of the CVR can be regarded as a triumph for these associations, which persistently advocated for the pursuit of truth. *Asociación Pro Derechos Humanos* (APRODEH), which was established in 1983, provides support to vulnerable groups, including marginalized communities and victims of conflict. It actively engages in the creation, promotion, and advocacy of legislation pertaining to human rights in Peru. This has resulted in the formulation and implementation of policies that protect and advance human rights in the country. Despite their origins in the context of internal armed conflict, many of these associations continue to work assiduously to construct a positive peace in the country. Several grassroots initiatives have emerged as models of reconciliation with the support of NGOs and civil society organizations. *Asociación Paz y Esperanza*, and its research institute offers training projects designed to benefit marginalized communities and has expanded its research activities to encompass contemporary phenomena such as climate change.

Another constructive measure was the incorporation of victims' associations in the process of drafting the PIR. Various programs have been initiated to promote intercultural dialogue between

Indigenous communities, who were disproportionately affected by the conflict, and other segments of Peruvian society. These efforts help foster understanding and address the long-standing marginalization of Indigenous peoples. Mental health support programs aimed at helping survivors cope with trauma have been crucial to reconciliation and they are often offered by civil society organizations. Organizations such as the *Centro de Atención Psicosocial* and the CNDDHH have spearheaded initiatives to provide psychological counseling, emphasizing the importance of emotional healing alongside material reparations. Such associations are also of significant importance in the preservation of memory, a topic that will be discussed in greater detail in the following section. The *Asociación Nacional de Familiares de Secuestrados, Detenidos y Desaparecidos del Perú* operates a museum and shrine in Ayacucho that is dedicated to the victims of the internal armed conflict.

4.4 Role of Historical Memory in Shaping Perspectives

Historical memory has played a significant role in the discourse surrounding Peru's internal armed conflict and, more broadly, the process of reconciliation. The establishment and maintenance of sites where historical violence and trauma occurred—as sites of memory, whether in the form of memorials, museums, or former battlegrounds—serve a number of purposes. These sites serve as locations for mourning, education, and reflection. This interrelation, which Violi (2014) explores—namely, the relationship between space, history, and memory—illustrates how these locations become symbolically expressive of collective trauma. Such sites facilitate the preservation of memories of victims of war and ensure that future generations are aware of past events, thus contributing to the establishment of a culture of peace and the prevention of violence recurrence. Memorials, museums, and public spaces dedicated to commemorating victims and preserving historical documentation of the conflict are crucial elements in the process of reconciliation in Peru. The erection of such memorials and the preservation of historical records will assist in the recollection of the lives affected by violence and furnish future generations with the requisite knowledge to promote collective empathy. Such museums of memory, exemplified by the Lugar de la Memoria in Lima (LUM), provide a forum for remembering and "reconstructing" (ibidem) the period of violence for those who lived far from conflict zones. In this way, they serve as a catalyst for education and reflection, with the aim of deterring further violence by providing their populations with a deeper understanding of the past. These initiatives served to advance the culture of peace and justice by providing the public with insight into the underlying causes and consequences of the conflict.

Furthermore, artistic expressions have facilitated memory through various mediums, including theater, literature, and music. The work of artists such as the renowned theater collective Yuyachkani, which translates from Quechua as "I am thinking, I am remembering," serves to heighten awareness of the predicament of marginalized communities and contributes to a national discourse on reconciliation and justice. Such cultural productions provide alternative avenues for engagement with the past, offering emotional and symbolic representations that resonate with a broad audience. By establishing a link between individual recollections and the broader historical narrative, these artistic endeavors facilitate the interconnection between subjective experiences and collective memory. The complexity of representation is arguably one of the most significant challenges in the role of historical memory. It is possible that there are significant discrepancies in how events are remembered and commemorated across different social groups. The conflict in Peru had a multifaceted impact on different communities, rendering any singular narrative an inadequate representation of the experiences of this region. The representation of historic memory entails the exercise of painful choices regarding the selection of narratives and the individuals or groups to whom they are attributed. Such processes frequently result in the emergence of tensions and disputes, which arise from the prioritization of one narrative over others.

Historical memory is not merely the recollection of past events; it also plays a significant part in the formation of collective identities and historical narratives. In the aftermath of the Peruvian conflict, the act of remembering became inextricably linked with the formation of a national identity that took into account the diverse experiences of the population. Nevertheless, this process is not without its challenges, as distinct groups may have conflicting memories of the conflict. The integration of these memories into the national narrative has the potential to either foster social cohesion or exacerbate divisions. Furthermore, it illustrates the potential influence of memory on the formation of a shared identity, with commemorative practices surrounding the conflict exhibiting significant regional variations. In Ayacucho, the site of much of the conflict, local residents have played a pivotal role in the process of reconciliation. A consequence of this has been the establishment of the Memorial for Peace, a site for commemorating those who perished as a result of the violence. This serves as a visible symbol of both collective mourning and collective resilience. By engaging in dialogue and sharing memories, victims and perpetrators have attempted to establish a common platform. However, it is a significant challenge to traverse the diverse local experiences in order to arrive at a unified national memory. It is not possible to construct a single narrative that encompasses all perspectives and represents a collective memory that is both representative and inclusive.

4.4.1 Ethical Dimensions of Memorialization

An additional crucial aspect of historical memory in the context of post-conflict Peru is the ethical dimension of memorialization. Memorials and museums serve as sites of memory, yet they also engage in ethical deliberations concerning matters of justice, responsibility, and apology. The act of memorialization entails a fundamental decision regarding the content to be remembered and the manner in which it is represented. This choice has the potential to significantly impact the reconciliation process. In Peru, the issue of memorialization is particularly intricate due to the nature of a conflictive war. The conflict has resulted in significant psychological trauma, both at the hands of state forces and insurgent groups. In this sense, the process of memorialization must confront the challenging aspects of the country's history in a manner that facilitates healing and reconciliation, rather than exacerbating existing divisions. This entails not only the commemoration of victims but also a critical engagement with the legacies of the conflict. For example, an exclusive focus on victimhood may result in a lack of recognition of those who resisted or survived violence. Conversely, an emphasis on reconciliation may overlook the need for justice and accountability. The ethical challenges associated with the act of memorialization are also addressed in the context of how to remember controversial personalities or events. Such an outcome may occur when memorials are perceived as endorsing a particular actor or perspective to the exclusion of others. This underscores the pivotal role of the memorialization process itself, where openness and inclusion are essential to guaranteeing not only the representation of diverse voices but also the articulation of a nuanced understanding of the conflict.

4.4.2 The Political Use of Historical Memory

The historical memory is also susceptible to political manipulation, which presents a significant challenge in the pursuit of reconciliation. In the context of post-conflict Peru, a variety of political actors have employed historical memory as a tool to advance their agendas, advocating for specific narratives that align with their interests. This may result in the politicization of memory; whereby certain interpretations of the past are privileged while others are silenced or marginalized. The utilization of historical memory as a political instrument serves to exacerbate societal divisions. In some instances, this is employed as a means of legitimizing their current political authority or discrediting their opponents. On occasion, the state's accountability for human rights violations has

been minimized, while the atrocities perpetrated by insurgent groups have been emphasized to shape public opinion in a manner that aligns with the current political discourse. Such selective remembering is counterproductive to the process of reconciliation, as it hinders the ability to achieve a comprehensive and transparent understanding of the past. Consequently, a vital element in countering the political manipulation of memory is the cultivation of a pluralistic approach to historical memory, whereby the cultural sensitivity to the complexity and plurality of experiences is enhanced. These are forums for the discussion and debate of contested memories, where multiple narratives are permitted. This approach can facilitate a more nuanced and comprehensive understanding of the past, which is crucial for fostering reconciliation and preventing the resurgence of violence.

4.5 Implementation Challenges

Despite Peru's notable progress in its reconciliation efforts, numerous obstacles persist, hindering the full realization of these programs. In point of fact, despite the best efforts of all concerned, the actual provision of reparations has been substantially delayed and underbudgeted. Many victims and their communities are yet to receive their compensations, which have become one of the most critical challenges to Peru's reconciliation process. The PIR is an extremely ambitious initiative, but it has encountered significant financial and bureaucratic obstacles. Those who have suffered at the hands of the perpetrators often encounter significant obstacles when attempting to obtain reparations. Furthermore, the distribution of reparations has been the subject of criticism, with accusations that it is overly centralized. The provision of mental health services continues to present a significant challenge. In 2016, an estimated 20% of the population suffered from some form of psychological disorder, with 90% of these individuals receiving no form of support. The state has been striving to provide adequate mental health services, with the responsibility for filling the remaining need falling on the shoulders of civil society organizations. These organizations, while playing a pivotal role in providing assistance to victims, require state-level support to enable them to fulfill their mission. In the absence of state-level support, such initiatives are likely to remain fragmented and fail to address the pervasive needs of the population.

The majority of regions that sustained the greatest damage during this conflict continue to experience economic deprivation, characterized by the highest levels of poverty, a lack of infrastructure, and inaccessibility to essential services (Tanaka et al., 2011). Such circumstances

engender a vicious cycle of deprivation, rendering the prospect of reconciliation an especially daunting challenge. The resolution of structural inequalities represents a crucial step towards the establishment of sustainable peace. The latter author examines the relationship between civil society and the Peruvian state. Tanaka (2002) asserts that despite efforts to break with the oligarchic order established by prolonged periods of military and civilian dictatorship, no genuine choice has been presented to citizens, making it challenging to implement policies that significantly alter the social and political landscape. The legacy of the war continues to be a source of contention within Peruvian society, with ongoing debates surrounding the role of the military during the conflict, the universality of guilt, and the primacy of justice over peace. The absence of consensus regarding the optimal trajectory for progress, coupled with the prevailing political turbulence, has resulted in the gradual implementation of pivotal reforms. Mistrust is pervasive across various sectors of society, including rural and urban communities and the government.

4.5.1 The Role of Education in Sustaining Historical Memory

Another significant challenge pertains to the domain of education. It is recommended that the national education system adopt a more comprehensive approach to incorporating the conflict's history into its curriculum. The majority of Peruvians have limited knowledge of the events that transpired during the war. This lack of awareness may be attributed to a generation of misunderstanding and misinterpretation. Those who have suffered as a result of conflict at the Indigenous and rural levels have experienced a range of challenges, including land dispossession, cultural displacement, and a lack of access to primary resources. These factors require further deliberation to facilitate genuine reconciliation, ensuring that these voices are consistently heard throughout the reconciliation process. Lessons learned from the past are conveyed to subsequent generations. It is for this reason that the incorporation of the history of the conflict into the national curriculum becomes a principal factor in determining support for a culture of peace and the prevention of violence in Peru. Nevertheless, this is not without its challenges, as there are significant discrepancies in how the conflict is remembered across different regions and communities. Indeed, one of the most significant challenges in this regard is to educate students about the history of the conflict in a truthful and inclusive manner. This entails not only the presentation of factual information about the conflict but also the consideration of diverse perspectives and experiences of individuals who survived the war.

This is frequently challenging to achieve in practice, particularly within a context where there is still a debate over the causes and outcomes of the conflict. Furthermore, there is a danger that the education system could become a vehicle for the politicization of memory, whereby specific interpretations of historical events are promoted at the expense of others. It is therefore necessary to develop educational materials and programs based on a comprehensive and balanced understanding of the conflict. It is imperative that educational materials represent the voices of not only the grassroots, but also the multiplicity of experiences and perspectives of the diverse groups involved in the conflict. It is similarly crucial to prioritize the ongoing training of educators, as they bear the responsibility for influencing how students comprehend historical memory. In this sense, historical memory—defined as the storing of experiences and values handed down from one generation to another—is an integral aspect of the reconciliation process in Peru. However, it is also a complex and contested terrain, encompassing representation, the ethical dimensions of memorialization, and education. Even the political use of memory may become an issue since “Political attention, for example, can easily turn into the instrumentalization of victims for the purpose of electoral consensus, as in the case of penal populism which, by confusing every victim’s legitimate demand for justice with vindictive instances, fuels social alarm and community fears by offering as the only answer the mere raising of penalties and the exponential increase in their severity.” (Vezzadini, 2024:2) These aspects illustrate the inherent difficulties in navigating this landscape. Meeting these challenges requires a firm commitment to inclusivity, transparency, and a critical engagement with the past. In this regard, the intricate nuances of historical memory can be transformed, symbolically, into a meaningful and enduring reconciliation for Peru.

4.5.2 Societal Fragmentation and Polarization

Other significant impediments to reconciliation have been the profound societal fragmentation and polarization that the conflict has left in its wake. The armed conflict not only pitted the state against insurgent groups but also exacerbated existing cleavages between diverse social, ethnic, and regional groups. These have persisted and, in certain respects, intensified in the post-conflict period. In this regard, the narrative of the war is markedly divergent for an outsize proportion of the population, thereby contributing to a fragmented collective memory. Of these, the urban-rural divide is arguably the most significant. Although the conflict had nationwide ramifications, its impact on rural areas and Indigenous populations was particularly pronounced. These communities continue to perceive a lack of attention and inclusion from the state, a sentiment that persists to this day. Aguirre

(2011) found the stigma expressed with the words against the terrorists, often is enlarged against the rural population. Similarly, Galindo (2005) states that *terruco* (terrorist) had become a synonym of *ayacuchano* during the conflict, independently of the ethnic descendants, but used for a continuous discrimination of the highland's population. The continued marginalization of the economic and political spheres has contributed to an alienation that makes reconciliation a challenging process. This polarization is also evident in the political sphere, where significant segments of the population have consistently espoused divergent perspectives on the legacy of the conflict. Some advocate for a more punitive approach towards those culpable for human rights violations, whereas others prioritize national unity and forgiveness. This makes it challenging to achieve consensus on the optimal path forward and tends to result in a fragmented, incremental approach to reconciliation that does not address the underlying causes of the conflict.

4.5.3 Institutional Weakness

One fundamental problem that is frequently overlooked is the lack of capacity of state institutions responsible for implementing reconciliation policies. Despite its best efforts, the Peruvian state frequently lacks the capacity and coherence to effectively implement the complex, multifaceted programs that are necessary for successful reconciliation. Corruption, inefficiency, and a lack of coordination between different government agencies have been identified as contributing factors to the slow and uneven progress observed in this area. It is evident that the justice system is ill-equipped to address the consequences of the conflict. A considerable number of cases of human rights violations have yet to be resolved, and the lengthy processes of justice have resulted in feelings of frustration and disappointment among victims. The absence of an integrated and coordinated approach to addressing the diverse needs of diverse groups of victims has resulted in numerous cases going unresolved. This is evidenced by the fact that the needs of women and children affected by the conflict have often been overlooked in comparison to those of individuals with higher profiles. This is further compounded by the general weakness of local governments, particularly those situated in remote areas and those affected by conflict. Some are unable to meaningfully engage in reconciliation processes due to a lack of resources and capacities, necessitating reliance on interventions emanating from the central government that may not be appropriate to the contexts of the locales. It is therefore of the utmost importance that any process of reconciliation should seek to reinforce local institutions and guarantee that they are furnished with the requisite resources and authority.

4.5.4 The Role of International Actors

The international presence has been markedly active in supporting the reconciliation process in Peru. However, this participation has also given rise to a number of additional challenges. International financing and expertise have undoubtedly facilitated the development of numerous initiatives. However, this support has also been met with criticism, with some arguing that these initiatives are not always aligned with the realities on the ground. Some international interventions may cause dependence on international funding, with the issue of sustainability arising. Projects initiated with the support of external sources often face challenges in maintaining their continuity after the withdrawal of funding, which has resulted in gaps in many services and activities. For example, the psychological support measures started with Italian funds of cooperation for development have not been implemented after the end of financing period. Therefore, reliance on external resources is crucial for the development of a more sustainable and locally owned reconciliation process.

4.5.5 Shaping a Common National Narrative

The aforementioned factors render post-conflict reconciliation in Peru a particularly arduous process. Indeed, one of the most significant challenges that will need to be addressed in the forthcoming years is the necessity for a unified national narrative that reflects the experiences and perspectives of all Peruvian citizens. It must be inclusive and consider the suffering of all victims in the context of the larger structural inequities that gave rise to the conflict. Such a narrative would require the encouragement of discourses at the level of different strata of society, between the state and marginalized groups, and between various ethnic and regional groups. In this regard, education, media campaigns, and commemorations can be utilized to facilitate the bridging of the existing divide. In conclusion, while the country has made significant strides in numerous domains pertaining to its reconciliation processes, there is still a need for further action. These requirements call for a unified effort at all levels of society, one that is grounded in a dedication to justice, equality, and inclusivity. Only through such an approach can Peru hope to achieve a lasting and meaningful reconciliation.

CONCLUSION

The objective of the presented work was to examine the processes of victimization that occurred during the internal armed conflict in Peru and to investigate the potential of restorative and transitional justice mechanisms for the reintegration of victims into society. This was achieved by introducing the internal armed conflict through the lens of victimology as a subject, while also considering its political, legal, and criminological implications. Subsequently, the paper undertook an analysis of the causes that led to the protracted conflict, with an overview of the country's recent history. This perspective examined the social, economic, and political context in which the violence originated and evolved, exploring both the insurgent groups and the institutional environment and counterinsurgency strategies. Subsequently, the processes of victimization that occurred during the war, as perpetrated by both insurgent groups and state agents, were subjected to analysis. By means of the direct testimonies of the victims, as set forth in the comprehensive report of the Truth and Reconciliation Commission, a detailed account of the victims' suffering and their need to be reintegrated into society could be provided. Consequently, measures to facilitate the establishment of an inclusive and democratic state with the objective of achieving a positive and enduring peace were subjected to analysis.

The research yielded several significant findings, including the observation that the fractures in society that gave rise to the conflict have persisted for centuries, both during the initial period of colonialism and in the post-conflict era. The process of victimization is inherently complex and dynamic. Those affected by the Peruvian conflict are not merely passive recipients of violence; rather, they are situated within intricate networks of power that have shaped their experiences of violence and their access to justice. The case of Peru undoubtedly encompasses rural, Indigenous, and economically marginalized populations who have been particularly targeted at the epicenter of the conflict, as well as due to their historical experience and their role in society. The thesis, therefore, has argued for a more inclusive approach that takes into account the diverse experiences of victimization and attempts to address the marginalization that is still inherent in conventional

narratives on the victims. The pursuit of reconciliation and justice in the aftermath of Peru's internal armed conflict represents a critical opportunity and a profound challenge for the nation. This thesis has discussed the particularities of victimization and the steps towards restorative justice, providing an overall context of the power relations that continue to shape the post-conflict landscape in Peru. The findings suggest that while the path to reconciliation is fraught with structural and ideological pitfalls, it also represents a unique opportunity to reshape the nation in the spirit of truth, justice, and inclusion.

The thesis presents restorative justice as a promising framework for addressing the needs of victims in conjunction with long-term reconciliation. Restorative justice endeavors to repair the social fabric torn by violence through a proactive strategy that prioritizes healing, conversation, and community rebuilding over retributive or compensatory measures. In this sense, reparations, truth-telling, and symbolic acts of recognition are essential elements of restorative justice. In the Peruvian context, these measures have played a pivotal role in acknowledging and addressing the suffering caused by past injustices, paving the way for the healing of the social fabric. It has been emphasized that significant challenges remain, particularly the slow and incomplete implementation of these measures. Many victims continue to be denied reparations, and the primary political and bureaucratic obstacles that have impeded the process reflect broader issues related to power and inequality that persist in Peruvian society. The case of Peru illustrates the necessity of integrating victim-centered approaches and perspectives into transitional justice mechanisms, while also promoting adaptive solutions that align with the specific context of conflict dynamics. While this does not diminish the significance of the advances that have been made, it is essential to exercise caution to prevent the imposition of centralized models that may not fully resonate with the local realities of the periphery of the country.

The broader implications of Peru's post-conflict experience with regard to institutional reforms, both political and legal, have been subjected to scrutiny. Peru's experience offers critical lessons for other countries emerging from conflict, particularly in regard to the manner in which the competing demands of justice and social cohesion, and peacebuilding, can be reconciled. This thesis has argued that while the Peruvian justice and reconciliation process has made progress, there is still much to be done. However, it is important to recognize that not everything can be viewed in stark contrast. While the issues may be more prevalent than the positive measures taken, it is precisely from these issues that progress should be made. The investigations conducted by the CVR revealed the truth to the international community, thereby facilitating the transition from a conflict status to a peaceful one. Notwithstanding the challenges inherent in its implementation, the concept of reparations has been

put forth in a comprehensive and thought-provoking manner. The role of civil society organizations and victims' associations has been pivotal during the conflict, subsequently during the investigations of the CVR and currently in providing support to those in need. Additionally, the establishment of institutions dedicated to historical memory across the country represents a significant advancement in the process of healing and reconciliation. The manner in which a society remembers its past has profound implications for its future. In Peru, the development of museums, memorials, and public spaces dedicated to the victims of the conflict has been a major step in ensuring that past atrocities are not forgotten.

As this thesis has demonstrated, structural inequalities require the necessary effort and commitment from all sectors involved. In the future, the process of reconciliation will be led by the voices of victims, while the search for justice will be grounded in the principles of inclusion, equity, and respect for human dignity and human rights. It is only through a process of historical reflection and the identification of the underlying causes of conflict that Peru can aspire to establish a secure and prosperous future for all its citizens. The present research on victimization processes and restorative justice builds upon these efforts and contributes to a more comprehensive understanding of post-conflict justice in the country. Another significant outcome of this research is the persistence of structural inequalities in the reconciliation process. The persistence of subversive groups in the country, despite a shift in their mission, often involving the protection of drug traffickers or direct involvement in the production, marketing, and transportation of drugs, represents a significant challenge to achieving long-term peace and stability.

These structural inequalities continue to exert a profound influence on the post-conflict landscape, impeding the efforts of numerous victims to secure access to essential services, economic opportunities, and political representation. The conflict was deeply rooted in historical patterns of exclusion and marginalization, particularly within rural and Indigenous communities. The thesis posits that genuine reconciliation is unattainable without the resolution of outstanding issues of inequality, ensuring the comprehensive inclusion of all citizens, particularly the most marginalized, in the reconstruction process. The political unrest that has characterized the tenure of Dina Boluarte as president, which commenced during the pandemic and was met with a harsh state response that resulted in numerous deaths, particularly in rural areas of the country, serves as a clear indication that significant work remains to be done to achieve greater inclusion in the country. Similarly, the death of former president Fujimori, which was marked by the government with three days of state funerals, continues to highlight the persistent divisions within society.

One clear limitation of this work is the author's absence from Peru during the period of writing. Undertaking fieldwork, as well as consulting texts in the country, would undoubtedly have facilitated a more comprehensive analysis. It is indubitable that the assistance provided by professors and colleagues throughout this endeavor was instrumental in overcoming the challenge of physical distance. An additional avenue for further investigation into the processes of victimization during the conflict would have been to adopt a comparative approach. This option was not immediately dismissed; however, given the distinctive Peruvian social, ethnic, and political context, the decision was made to focus exclusively on Peru to prevent the study from deviating from its initial objective. In light of these considerations, it would be beneficial to consider a broader temporal scope than the twenty years of conflict typically considered. Additionally, it would be advantageous to examine the brief period of violence in the 1960s and the transformations that the groups underwent in the new millennium.

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