

Balance of the *Final Report* Reconciliation Commission,

Nine years have passed since the submission of the Final Report of the Truth and Reconciliation Commission (TRC) and the authorities of successive governments that have taken place since then have not assumed compliance with its recommendations, particularly on the issue of reparations. Sofia Macher, member of the Commission, reviews how much has been done in relation to the recommendations of the TRC considering changes in these years.

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Nine years ago the Truth and Reconciliation Commission (TRC) submitted its *Final Report* to the *country*. According to the mandate received and based on its assessment of what happened in the country, the TRC submitted a set of recommendations that have the primary purpose to avoid repeating the violence suffered during the years 1980-2000.

Today, our country is far from what it was at that time; in addition, in the past nine years many things have changed. For starters, there are now other conflicts, and there are new actors on the public stage, so it is important to do a review of the recommendations of the TRC considering these changes. For this brief summary, I will divide the recommendations into three groups: a) institutional reforms, b) memory c) debts with victims.

INSTITUTIONAL REFORMS

The first group refers to the necessary reforms of the State. The TRC pointed out the necessity to achieve a greater presence of democratic authority and government services throughout the country, promoting the participation of citizens, considering and respecting people's organizations, local identities and cultural diversity. This group of recommendations aims at ensuring State presence in rural areas, and is linked to the development opportunities especially in regions affected by the conflict, which also suffer from poverty and exclusion; and particularly highlights maintaining internal order and access to justice.

Finally, this group of recommendations points out the necessity to strengthen political and social organizations to fulfill the functions of intermediation between the State and society across the country. Very specifically, it recommends increasing the number of representatives in Parliament. Importantly, rather than referring to investment in infrastructure, the TRC recommended the strengthening of citizenship and respect for cultural diversity.

of the Truth and at 9 years of submission

In relation to these recommendations, I believe that significant efforts have been made but much remains to be done. In fact, regional governments are new players that did not exist when the *Final Report* of the TRC was presented and constitute one of the most important efforts in the State reform. However, we know that there is still much to tune on decentralization and the institutional weakness of the State remains alarming.

We must also highlight the importance of the Law of Prior Consultation and citizen participation mechanisms, particularly in the areas of local and regional governments. However, today most conflicts are expressed in villages that are under tremendous pressure on natural resources found in their ancestral te-

rritories, where mistrust between indigenous peoples and the State remains. The correct application of that law as a priority is yet to be proved, and many regional governments and local governments have to promote real participation. It must be remembered that the TRC noted that Shining Path failed in areas of the country with the largest State and political parties' presence, and gave the experience of Puno as an example.

The TRC also recommended reforms to strengthen democratic institutions based on the leadership of political power, national defense and the maintenance of internal order. It proposed a balanced relationship between democratic authority and the armed forces, as well as improving relations between them and society.



Little progress has been made in the involvement of political parties in this matter, which is being delegated almost exclusively to the armed forces and the ex-army members; however, it should be acknowledged the importance of both the Minister of Defense and the Minister of Interior Affairs are civilians rather than army members or retired policemen. What has been left behind is building a new relationship between citizens and the military. The latest intervention of the armed forces in the VRAEM (Valle del Rio Ene, Apurímac y Marañón) still sees people as enemies. It is imperative that this changes which means that the armed forces should recognize the crimes committed during the conflict so we can build a relationship of cooperation and mutual trust between citizens and the military.

On the reform of the administration system of justice, the TRC recommended that it effectively fulfills its role as defender of civil rights and domestic order. It proposed to strengthen the independence and autonomy of the judiciary, compliance with due process, respect for human rights and the improvement of the prison system.

Definitely, the justice system is very different now from the existing 2000. Much has been made in its independence in relation to the Fujimori regime, and there have been cases of exemplary processes. However, significant stresses remain, for example, around impunity. The role of judge Villa Stein in the case of Colina Group is an expression of these tensions. If these positions succeed, we will face a huge setback in our justice system.

The prisons are still a pending issue. The current administration has announced a major investment for the construction of new prisons, better qualification of INPE staff and the emphasis on rehabilitation. Let us wait for these plans to materialize in the short term.

On the crucial issue of education, the TRC recommended a reform that ensures quality education that promotes democratic values, respect for human rights and the differences, and valuing pluralism and cultural diversity. In short: to generate a peaceful and democratic society.

The situation to overcome was huge but, even admitting that some steps have been taken; the changes are taking too long. The priority in this reform is

democratic education, critical thinking, and for that we must transform the methodology of memorization and authoritarianism that still exists in our schools. There is debate over reform legislation which, though important, still represents only part of the problem. Special efforts should be made in training new teachers.

MEMORY

The second set of recommendations has to do with memory. The purpose of this guideline is to learn from what happened during the internal armed conflict and for this to strengthen the country's democratic development.

It was recommended to disseminate the *Final Report* of the TRC, for all Peruvians can get closer to our recent past, preserving the historical memory and ethics of the nation, and to draw lessons to prevent a recurrence of such painful moments. This, no doubt, is a crucial issue in order to avoid repeating the horrors during the years 1980-2000. It should be stressed, however, that this issue is not restricted to schools, because it commits us as a society: the history of the conflict should be incorporated in school textbooks, cultivating values and developing critical thinking in students, because just having information is not enough.

The *Final Report* of the TRC is the best and most comprehensive document about that time. Not only does it provide quality information but also analysis and conclusions that lead to rejection of the use of violence to solve social problems. Having given so little importance to this valuable tool for society and for the education of our youth (under pressure from sectors that would even want to outlaw it) has harmed the necessary treatment of the subject and our collective memory, leaving open space to extremist ideologies.

I think the new young militants of the Movement for Amnesty and Fundamental Rights (MOVADef), who defend the "Gonzalo Thought", do not do so for lack of information of terrorist events perpetrated by the Shining Path during the conflict. Of course they know them. The point is that they justify and assume them as a cost to be paid to meet their objectives. "The end justifies the means" reasoning is still there in sectors of our society.

Conclusions of the Commission of Truth and Reconciliation

The *TRC Final Report*, we think, is today the most important instrument for democratic deliberation among Peruvians. For a massive reflection exercise that take us to overcome the dogmatic habit, emotionality prejudice, the commitment to avoid repeating. Just reading its conclusions makes understand that it is not a dark document ignoring the role of the Shining Path, but a document that details the nature of this movement, its ideology and its responsibility in the internal armed conflict. Only blindness of sectors committed to violence and corruption can deny the obvious and accuse the TRC of “denial.” Here are some conclusions of the Final Report of the TRC.

1. The TRC believes that the Communist Party of Peru-Shining Path (PCP-SL) decision to start the armed struggle against the Peruvian State was the immediate and fundamental cause of the unleashing of the internal armed conflict in opposition to the will of the overwhelming majority of Peruvians, men and women.
2. Research by the TRC clearly demonstrates that *the PCP-SL was the main perpetrator of crimes and human rights violations*. The ideology and strategy of the PCP-SL were the cause of atrocities, and the general and systematic nature of these practices clearly demonstrate to the TRC that members of the PCP-SL, and especially its national directors and its designated leadership, have direct responsibility for the commission of crimes against humanity. Similarly, these behaviors are, according to the TRC, serious violations of the Geneva Convention, which were obligatory for all participants in hostilities. The perfidy with which the PCP-SL acted in the ground, hiding behind civilians, avoiding the use of distinctive signs and attacking by treason, among other similar methods such as the use of terrorist actions constituted a calculated reaction mechanism that sought to provoke brutal reactions of the security forces against the civilian population, increasing in an extraordinary way the suffering of communities in whose territories hostilities were held.
3. *The PCP-SL represents the expression of a fundamentalist ideology, without respect for life, and is an organization built around the cult of the personality of Abimael Guzman, considered “the greatest living Marxist-Leninist-Maoist”*. His exaltation was a very important factor to achieve internal cohesion of the PCP-SL, but became his Achilles heel when he was captured in 1992.
4. *It is Guzman who has the greatest responsibility in designing a military strategy that consciously and constantly sought to use terrorist methods to capture the power and implement a totalitarian state project.*

“Conclusions” in *Final Report* of the Commission of Truth and Reconciliation. Lima: CVR. 2003. p. 127

Indeed, another aspect of the dimension of this set of recommendations is the necessity to work on the construction of a collective memory in Peruvian society. Certainly there are many different memories, but I think it is still possible to generate consensus, intermediate points from which, as a society, we agree to learn together from the recent past. These processes can be initiated locally, in the community and the region. No doubt, these are complicated processes but possible and, well kept, they will facilitate a clearer condemnation of what went wrong and join us as a society.

DEBTS WITH VICTIMS

In this set of recommendations, the first is justice. Hundreds of lawsuits have been opened, but very few have been completed. However, the patterns of human rights violations identified by the TRC in its Final Report have been confirmed.

There is the example of the “Cabitos case” in Huamanga: detentions and disappearances occurred in the barracks were denied. Today, the judicial inquiry

found the ovens where detainees were cremated. Among other findings, it has been proved with evidence that these atrocities did take place. As in that, in many cases the evidence exists, and no one can deny it.

These lawsuits do not progress as they should. While the Ministry of Defense fails to deliver the information requested, this situation has to do with the appropriateness of the research strategy by the judges who are in charge of investigations. There are different strategies that judges could use to get the information and not just by formal letters to request them.

The TRC also presented information on 4644 burial sites located in 10 departments, information probably crucial to clarify the fate of thousands of missing persons. Given the magnitude of the findings, it was recommended the implementation of a national forensic anthropological research. Since the submission of the *Final Report* of the TRC, the prosecution has made more than 200 exhumations that have made possible the recovery of mortal remains of 1196 people. However, only 50% of them have been identified, the rest is on the shelves of Legal Medicine offices of the Public Ministry.

Many families who have participated in the exhumation and identification have been waiting for years to bury their dead. Some of them are expecting that the prosecution has the reagents needed to complete DNA tests, but they never come. Addressing this job requires a public policy that incorporates all aspects of this complex and monumental work. It cannot be addressed solely by the area of Legal Medicine of the Public Ministry: it requires other sectors and civil society, and certainly a specific law governing the implementation of this plan.

Finally, the TRC also recommended a Comprehensive Reparations Plan. In 2005, Congress passed unanimously, a Reparation Law which brings together this recommendation. An important breakthrough but whose implementation however, has been slow since the Toledo government, and then with Garcia and now with Humala's.

The law created the Reparations Council by the Register of Victims (ROV), in charge of certification, and Toledo created the High Level Multisectoral Commission (HLMC), responsible for the implementation of reparations. The ROV has already certified to date, 149,313 individual victims (in this figure there are the families of those killed, the law considers as victims); 5697 affected communities and 32 organized groups of displaced. To date, 1649 communities have received compensations and 1,878 individual economic reparations have been delivered. This government has considered 140 million soles for reparations this year. However, to September 2012 they have not been executed. (And last year more than 9 million soles for individual economic reparations which were not executed were returned to the treasury.)

This administrative delay is creating victims a new sense of victimization. This feeling is deepened with the amount allocated to individual economic reparation (S/.10 000) and the policy to stop individual economic reparations. These are issues that must be reviewed and are pending in this group of recommendations.

From all this, TRC *Final Report* was much more than a neat academic research. It was (and is) also part of a social process that, among other positives, produced a new narrative of the conflict in which the memory of the victims was privileged, being this unique experience in the history of our country.

The *Final Report*, of course, can be improved, as well as its recommendations. In fact, as I said, our country has continued to change since its introduction on August 28, 2003, and it would be absurd to freeze its contribution over time. Its importance is still valid because its proposals mark a path not yet fully completed. Many problems, such as institutional weak of the State and inequity among Peruvians (to mention two fundamental) are still present. The overriding necessity for change still remains. Modifying this situation is taking us a long time, but we must persist in this direction, and that is a responsibility of all. **T**

and the teams they hire to do the assessments. Evaluations tests have been made by the regional teams themselves, which in most cases have been hired through a university.

So we want to invite the representatives of the teams that made the tests and reunite them with Regional Direction's specialists to study the tests, because we have a report that analyzes statistically the test items applied from the point of view of quality. There are four regions that have been very generous in providing not only the tests but also the results in order to do this analysis. The challenge, in short, is to build capacity in the regions for the task of developing assessment tools and, in particular, of selection tests for new teachers.

For Career and Welfare, regions have their own stimulus plans and incentives. It happens even to us in the MINEDU, we are studying the plans of some regions such as Amazonas and San Martin for the National Stimuli and Incentives Program for Good Teacher Performance. And although the resources come from the private sector, both are interesting experiences we are looking at to see what can be learned.

We need to do a coordinated job for these plans to be implemented by the regions. This is to encourage the best teachers, and regional governments are the ones who know best their own teachers. Moreover, in this way there is no overlap and the National Plan of Stimuli and Incentives is complemented with regional plans.

For Occupational Health Program, we expect regions to assume the task of implementing it. We apply pilots to validate a model, but it is not the Ministry's role to implement capacity building programs. In this case, coping with stress, the most important occupational health problem, corresponds to the regions, but from a model already validated and complete and that they can adapt to their own situation.

With respect to Teaching Innovation, selection of teachers who enter the program once validated creativity has

to be done with regional governments; we will create mechanisms to help us identify those teachers who could apply for that program. Furthermore, in the future this program will have to be implemented by the regions. As this involves a huge effort, it will probably be progressive because it requires highly trained personnel.

It is not a massive program: we do not intend to turn all teachers of Peru into writers. It would target a segment of teachers who have a vocation, interest and desire to write, not everyone has this kind of vocation, and it is not a defect. But we must seize those teachers who have talent and the passion for writing and developing pedagogical knowledge in order to recruit, train and give them the opportunity to publish their work. It is an expensive program for it will require a high quality teaching staff. The plan includes internships, and implies that those who enter will have to visit similar experiences to learn from their colleagues. It should be considered the cost of doing the very systematization - systematization-action, if that is the approach the teacher wants to follow -, the publishing and, in general, the resources needed to make this work. It could be that the teacher, for example, requires more time to do this work, and that can only stay in the classroom part-time, which means we will need money to pay someone to fill his position. It is a program that requires financing to be invested in those teachers.

Still, we want the regions to have an important role in its implementation, and not only in the selection of teachers with the conditions for doing so. It is not a program open to all teachers, but a program for teachers with certain conditions and certain motivations and vocation for knowledge, research and innovation.

Finally, the TV program is about showing all society the pedagogical knowledge carried by all teachers, and here we will also need regional governments a lot. In fact, we are already doing it: some of the experiences that will be displayed on the TV program are experiences that we have come from information given by regional education directors. **T**