



OMISSION OF THE TRUTH

...and reconciliation?

PERU

1980 - 2000

ASSOCIATION FOR THE DEFENCE OF DEMOCRACY AGAINST TERRORISM
(ADDCOT)

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CONTENTS

PREFACE	12
PROLOGUE	18
INTRODUCTION	24

CHAPTER I

NATURE OF THE ENEMY	34
Section 1. Strategy and Objectives of Shining Path	35
Section 2. Characterization of Shining Path by the Commission on Truth and Reconciliation	44

CHAPTER II

COUNTER-SUBVERSIVE STRATEGY	54
Section 1. General counter-subversive strategy (doctrine)	54

Section 2. Strategic concepts expressed in the Directives of the Joint Command of the Armed Forces	66
--	----

Section 3. Social action of the Armed Forces in zones declared in state of emergency	72
--	----

CHAPTER III

INTELLIGENCE AND STRATEGY OF THE ARMED FORCES ACCORDING TO THE COMMISSION ON TRUTH AND RECONCILIATION (CTR)	78
---	----

Section 1. Lack of intelligence on Shining Path	79
---	----

Section 2. Strategy applied by the Armed Forces	92
---	----

CHAPTER IV

VIOLATIONS OF HUMAN RIGHTS BY THE ARMED FORCES ACCORDING TO THE CTR	110
---	-----

CHAPTER V

CALCULATION OF VICTIMS MADE BY THE CTR	132
--	-----

CHAPTER VI

POLITICAL AND LEGAL CONTEXT	148
Section 1. Political context	148
Section 2. Legal framework	153

APPENDIX 1

Guidelines of the Joint Command of the Armed Forces (extracts)	166
PART A. GUIDELINE N° 01-PE-DI of 1986	166
PART B. GUIDELINE N° 017 CCFFAA-PE-DI of DEC. 1989	172
PART C. GUIDELINE N° 01 COFI-DOP/PLN of JAN. 1992	178
PART D. GUIDELINE N° 01 COFI-DOP/PLN of APR. 1994	186

APPENDIX 2

Discrepant position of General Luis Arias Graziani, member of the CTR regarding the final report	192
--	-----

APPENDIX 3

Pronouncements of institutions on the CTR's report	206
PART A. PRONOUNCEMENT OF THE NATIONAL CONFEDERATION OF PRIVATE BUSINESS INSTITUTIONS - CONFIEP	206
PART B. PRONOUNCEMENTS OF THE EX-COMMANDING GENERALS OF THE ARMED FORCES	212
PART C. PRONOUNCEMENT OF THE ASSOCIATION OF GENERALS AND ADMIRALS - ADOGEN	220
PART D. PRONOUNCEMENT OF THE ASSOCIATION OF GRADUATES OF THE CENTRE FOR HIGHER MILITARY STUDIES - ADECAEM	224
PART E. PRONOUNCEMENT OF 'TRADITION AND ACTION FOR A GREATER PERU'	228
PART F. PRONOUNCEMENT OF THE CONGRESSMAN RAFAEL REY REY	236

APPENDIX 4

Opinions of leaders of the political left with regard to terrorism	242
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BIBLIOGRAPHY	256
---------------------	------------

PREFACE

The violence which afflicted the country between 1980 and 2000 was started by Shining Path, a terrorist group which attacked the Peruvian state and its people with the object of imposing a government after the style of Pol Pot which, after murdering more than one million Peruvians, as it repeated on many occasions, would create a Maoist communist society.

Shining Path aggression took the government of president Belaúnde by surprise, and it was thought that action by the police force would be sufficient to counteract and defeat the subversion. After two years of combat, it was realized that the intervention of the Armed Forces was necessary in order to re-establish internal and public order.

At that time, there were gaps in the legislation to tackle subversion and this led to the failure of police action whereby hundreds of subversive elements were captured and then freed by the courts owing to a presumed lack of proof and deficiencies in the court procedure. We now well know that terrorism craftily exploited for its own ends the legal loopholes and

even corruption and a lack of patriotism rife among large sections of the judiciary.

At the same time, the political parties failed to carry out their duty to defend the country and democracy through their political activities, in particular in disseminating awareness of the sinister content of the plans of Shining Path and thus mobilizing the population ideologically to combat subversion in that area. Quite the contrary, the political left of all varieties occupied itself in systematically criticizing and denouncing everything done or not done by the Armed Forces, characterizing them as violators of human rights and even as genocidal.

The first case which occurred after the Armed Forces took control and leadership of the conflict was the death of eight journalists in Uchuraccay. This is an emblematic case because it provides a full-length portrait of the political left and the press which supported it. Once the event became known, an unrelenting campaign against the Army was unleashed, accusing it of having murdered the journalists, and reaching the fantastic extreme of propagating the notion that Argentine troops were operating in Ayacucho. When it was revealed that those responsible for the killing were local peasants, the campaign changed direction, alleging that the Army had ordered those murders and that the local

community members had simply carried out those orders. Throughout the entire conflict, this was the work carried out by the politicians of the left; since the time of Belaúnde, they had obstructed the passing of legislation which would facilitate the tasks of the law-enforcement bodies. This leads to an important conclusion: the Armed Forces were fighting not only against subversion but also against the psycho-social campaigns of the left and of the organizations linked to human rights and their associated communications media. Neither did the democratic parties understand the nature of the conflict and did what they could to avoid involvement, leaving the problem in the hands of military personnel and the police force, without any understanding of the fact that the comprehensive strategy proposed and demanded by the Joint Command of the Armed Forces required the active participation of the ministries and the organized population. The Armed Forces and the National Police Force bore the entire weight of the conflict, including in areas for which they were not responsible: the psycho-social and political areas.

The Final Report of the CTR presents a set of conclusions related to the performance of the Armed Forces in carrying out their mission during the period between 1980 and 2000. In these conclusions they highlight three aspects which the CTR treats as inadequacies, deficiencies and illegal actions as though

these typified the actions of the Armed Forces. These are as follows:

- Lack of Intelligence information possessed by the Armed Forces with regard to the nature of the uprising conducted by Shining Path and about its organization.
- In line with this lack of information about Shining Path and the kind of conflict that had arisen, during the first years of the conflict the Armed Forces lacked a suitable strategy and limited themselves to the one they had applied in 1965 to combat Foquista subversion.
- On account of the two foregoing reasons and a complete lack of identification with the poor and indigenous members of the population, in 1983 and 1984 the Armed Forces carried out indiscriminate repression in the zones in a State of Emergency and, later, in some other areas.

Furthermore, they accuse the military institutions of having implemented a systematic policy of violation of human rights.

Those accusations are not only inexact; they are profoundly unjust. This is the reason why the Association for the Defence of Democracy against Terrorism is presenting this first response to the CTR, not because it believes or defends the notion that the

role played by the Armed Force and the National Police Force was exempt from errors, but to identify clearly the methodological faults of the CTR in its investigation and the distortions it wrought in evaluating and considering the components of the counter-subversive action.

ADDCOT believes that maintaining silence is equivalent to supporting the imputations of the CTR which, with the passage of time, may be transmuted into 'truths' as has happened in Peru so many times during its history. For ADDCOT this is the beginning of a battle for the truth which will unfold in the future, when historians and other social scientists calmly and objectively, and distanced from current-day ideological tendencies, establish a version of the truth much closer to the real facts.

The Association for the Defence of Democracy against Terrorism invites all Peruvians to express an opinion on this response. It is our belief that dialogue and discussion will be successful in making the truth known.

ADDCOT

PROLOGUE

The report produced by the National Commission on Truth and Reconciliation with regard to human acts committed in the midst of the terrorist violence unleashed and perpetuated in our country during the course of more than one decade by a savage group of psychopaths has given rise to a logical contraposition of 'truths' coming from diverse social groups, public and private institutions or from different people who, in accordance with their social behaviour, generate currents of public opinion.

We sincerely believe that nobody is attempting to demonize the work of the CTR; however, its value judgments which it included, we believe unduly, in its analysis and conclusions, should quite simply be subjected to a critical analysis.

It is no secret that when a person or a group of people investigate reality, they must extract those facts from the past which are still represented concretely, or in the minds of people who perceived them directly, so

as to be convinced of their existence in a particular space and time and in multiple circumstances.

This is not the most difficult job even when the compilation of data, testimonies, traces, remains and so on offers an incredibly wide range of obstacles; the true difficulty lies in the interpretation applied to these data, because external stimuli, even though we may not wish to accept the fact, lead to individual and collective thinking which creates its own truth, in its own space and time, in response to those stimuli.

At a personal level, we were hoping that the CTR might present the facts with the formulation of its respective hypotheses regarding the truth, so that on that basis the whole of Peru might participate in a great, comprehensive debate which, collectively, would enable individual and collective traumas to be overcome in a constant process of reconciliation. This would not mean the institutionalization of impunity for particular or specific acts of savagery, of overstepping the limits of one's functions, for irrationally criminal actions, or for any other deviation which is the product of a collective psychological state that arose as a reaction against those who sought to destroy the entire structure of the state by means of violence.

With regard to the demonstration of the truth of the just or the unjust, the good or the bad, of certain

human acts, there is a whole philosophical debate in the field of ethics that has not been resolved because to this day there is a confrontation between substantive ethics and ethical relativism, ranging from meta-ethics or the moral ideal to descriptive or sociological ethics, subjectivism and other criteria which may even lead us to complete ethical scepticism, when nothing is admitted as true.

When dealing with substantive ethics, Carlos Santiago Nino* does well to remind us that while a person is able to support the truth of the facts he affirms through the use of reason, with impeccable epistemological and logical methodology, we discover that the other person is able to do exactly the same with his own version of the truth using, impeccably, the very same methodology.

It is held that this demonstration of the existence of several 'truths' points out the options for ethical relativism and other paths which lead to an irrefutable conclusion: that the moral ideal based on immutable values does not function in our existence. Here, we

***Carlos Santiago Nino. *Filosofía y Derecho. Ética y Derechos Humanos*. Editorial Astrea. 2nd Edition. Buenos Aires, 1989.**

can approach positive morals only with the warning made by the mentioned author that the differences between the judgements that come from each one of them arise solely from the validity assigned to one and the social acceptability of the other.

Within this conceptual framework we should calmly investigate what has happened in Peru, where violence was unleashed against the state and against the will of the population in general, by a group which believed that terror was the only methodological option available in order to reach a position of power.

On many occasions in the course of our jurisdictional activities related to terrorism, we hear elements connected with subversion declare that war is always inhuman, and that there are no valid rules when it comes to defending one's own life; the objective is, precisely, that it must be the enemy that dies.

The sad reality is that in all violent confrontations, the defenceless population is always the shield of the aggressor, and if this shield is used judiciously, it is possible to generate the notion that the aggressor is actually the victim, making the opponent appear to be in the wrong and demoralizing him.

In the wake of the attack on the Twin Towers in New York, when the state faces a threat that could put its survival at risk, the political class of Peru and, I believe,

of the world, immediately resorts to the use of military force to eliminate this threat, sometimes even delegating it political authority so that a 'politico-military' chief assumes double powers, but also a double responsibility: he must provide a response to the government in office and the population in general, showing military effectiveness, but as military action demands political action, he must also achieve political results from which he will not benefit.

In such circumstances, the political class has always managed to emerge unaffected, but the military institutions end up shouldering all responsibilities, including for acts which carry penalties. The people clamour for military presence when requiring its protection, but once the threat has been overcome, there arises a psychology of persecution owing to the undue generalization of isolated instances of reproachable conduct carrying a penalty.

I have always wondered how the military institutions resolve their ethical, social and political dilemmas when, without being a belligerent force wielding political power, politicians always make a great effort to sign the problems of survival over to them with the respective political responsibility.

These are the reasons why, even without being highly qualified to do so, I have gladly agreed to write the prologue for this book called **Omission of the Truth**

...and Reconciliation? Peru 1980 - 2000 which, I am certain, will give rise to a critical exchange of 'truths' that in the near future will be of considerable benefit to Peru; because only healthy criticism and well-reasoned debate can produce a truth that is acceptable to the entire population of Peru, leaving the way clear for each governmental institution to perform its functions: those whose job is to govern, govern; those who should legislate, legislate; those who should investigate, investigate; those who should judge, judge ... but all these jobs must be done properly.

Such an assessment is valid only when made by the population, which is the source of power of all governmental institutions and the focus of all state activity. The quality of service received and the reliability of state leaders will constitute the determining factors for the consolidation of a good collective conscience.

Marcos Ibazeta Marino

INTRODUCTION

In 1980, after almost 10 years of secret preparations, Shining Path began its subversive action in Ayacucho. From the start, it made clear what its strategic objectives were and the way they were to be achieved; it would avail itself of merciless actions against the state, against society and, in particular, against the rural and urban population which refused to accept its proposals; it would act against the Police and Armed Forces which, in carrying out their constitutional missions in the defence of society, opposed the subversive action.

Shining Path's main strategic objectives were:

- To bring down the Peruvian state, a dictatorship of exploiters led by the great bourgeoisie, the repressive Armed Forces which sustain them, and its entire bureaucratic apparatus.
- To eradicate imperialist oppression, mainly Yankee, and the social-imperialism of the Soviet Union or of any other imperialist power or country; to confiscate

the monopolies, businesses, banks and any other form of property, including the foreign debt.

- To destroy the bureaucratic capitalism, both private and state-owned; to confiscate all property, goods and economic rights in favour of the new state, and likewise those corresponding to imperialism.

- To liquidate semi-feudal holdings and all their associated procedures, confiscating these properties in order to hand over the land to the peasants, mainly poor people, applying the principle that 'the land is for those who work on it.' (First Shining Path Congress, 1988).

As is well known, the turning point of the battle against terrorism took place in 1992 with the capture of the terrorist ringleaders and the neutralization of the principal political, administrative and armed bodies. From that moment onwards, ultra-radical segments persisted with intermittent fighting in some of the country's provinces located mainly in coca-growing areas. The majority of these groups, which belonged to the so-called 'Red Path', were defeated during the second half of the 1990s decade. At the time of writing, there persist some sporadic terrorist actions by isolated groups in the central jungle area of the country.

The conflict brought suffering to the Peruvian people and the country's development was set back owing to the economic damage caused by terrorism, which was in the order of 30 billion USD. The resulting deaths, impoverishment, displacement due to violence, children's becoming orphans, and citizens' being wounded or disabled, must be studied in order to determine the respective responsibilities of the state, of the political parties, of the law-enforcement bodies, of society in general and, especially, of the subversive groups that unleashed the brutal violence and aggression against Peru.

In 2001, the interim government of President Valentín Paniagua nominated the 'Commission on Truth' with this objective. Later on, the expression 'Reconciliation' was added. The CTR presented its final report on 28 August, 2003. As with any human endeavour, it contains accurate information, errors, reasonable viewpoints and biased assessments. This applies to all those acting on behalf of the state and to society in general. It is therefore our task to evaluate and analyse everything which is linked to the Armed Forces. In this sense, we believe that many aspects of the report, in the field referred to, are in agreement with our perceptions; but there are others which lead us to criticize them with firmly based arguments. Our objective is therefore not to attack the CTR but rather to make our position known through the presentation

of facts, data and elements of judgment that enable the events to be clarified.

This book contains six chapters:

I. Nature of the enemy

Section 1. Strategy and objectives of Shining Path

We present here those which were drawn up for discussion and approval at the First Shining Path Congress in 1988, but which were in force since the beginning of the armed struggle. They are ordered and grouped according to the areas established in the doctrine of national defence: political, social, psychological, and economic. The military component is included in all of these areas.

Section 2. Characterization of Shining Path by the Commission on Truth and Reconciliation

This section presents a transcription of the conclusions of the Final Report of the CTR, which are self-explanatory as they describe the criminal nature of Shining Path's activities. In that sense, this is complementary to Section I in showing how those strategies and policies were implemented.

II. Counter-subversive strategy

This chapter analyses aspects of the counter-subversive doctrine and strategic concepts derived from government directives and designed by the successive Commands of the Armed Forces for conducting operations during the conflict.

III. Intelligence and strategy of the Armed Forces according to the Commission on Truth and Reconciliation

Section 1. The Armed Forces' lack of intelligence information on Shining Path

In its conclusion n° 58, the CTR affirms that the Armed Forces lacked suitable intelligence information regarding the organization, profiles of militant members, and the strategy of Shining Path. The CTR adds that by a decision of the constitutional government, the objective of the Armed Forces was to finish off the conflict quickly without taking into account the loss of human lives.

We present the information which duly demonstrates that in 1982, the Armed Forces were in possession of accurate intelligence information of strategic nature with regard to the organization and strategy of Shining Path. But, as may be realized, there were aspects of

operative intelligence that needed to be complemented and covered during the conflict in the field. We deny categorically that on any occasion the then president of the Republic, architect Fernando Belaúnde Terry, or any other authority, had ordered the Armed Forces to enter Ayacucho in order to terminate the conflict as quickly as possible without regard to the sacrifice of human lives. The CTR is therefore making an absolutely unfounded assertion.

Section 2. Strategy applied by the Armed Forces

The CTR affirms that at the very beginning, the Armed Forces applied a strategy of indiscriminate repression against the population considered as suspect members of Shining Path and that this strategy was unsuitable as it replicated that used against the Foquista subversion in 1965. We show here that the strategy was in fact directed towards achieving three objectives simultaneously: to obtain the support of the population; to get to know the terrorist enemy thoroughly and defeat it in the military field; and, at a subsidiary level, to bring it down in all the other areas in which it operates. Furthermore, it is shown that there are principles of irregular warfare or non-conventional warfare that are universally applied whether combating Maoist subversion, Foquista subversion, or national freedom fighters, and

regardless of whether or not the latter be Marxists or non-Marxists.

IV. Violations of human rights by the Armed Forces according to the CTR

We feel it should be emphasized that there has never been a denial of the existence of particular, isolated cases of excesses associated with the battle against elements supplied with armaments and explosives, who act under cover and mingle with a population which is terrified by their incomprehensible lust for death and destruction. The Armed Forces have not attempted to justify nor defend those excesses; on the contrary, they have prosecuted and punished those responsible.

The cases of abuse, excesses and violations of human rights have multiple causes of psychological, cultural, social, political and military nature. Within the last-mentioned category, we consider that a war against a psychotic and criminal enemy such as Shining Path, which murders by trickery, which employs cruel and bloodthirsty killing methods, and which uses the population as a shield, taking groups of people forcibly recruited under threat, labelling them 'base forces' to attack police outposts and counter-subversion bases, necessarily had to lead to a high number of deaths. In

this sense, we accept the conclusions of the CTR regarding the responsibility of Shining Path; however, we also criticize it for not displaying the same level of enthusiasm when it came to investigating, identifying and accusing the Shining Path ringleaders assigned to zones and sub-zones, and its lower-ranking members, for the crimes committed with unusual cruelty. Added to this situation of terror unleashed by Shining Path are the activities, with different tactics, of the Tupac Amaru Revolutionary Movement (MRTA), Pukallacta, and other minor groups.

V. Calculation of victims made by the CTR

The Commission on Truth and Reconciliation, on the basis of a doubtful statistical projection, sustains in its conclusion nº 2 that 69280 people were killed in the conflict. However, no supporting facts or methods are given to substantiate this figure. This is inadmissible because it is a universally accepted rule that any scientific investigation must set out and justify the methods used to obtain its results.

Expressed another way, science does not accept the presentation of surprising conclusions based only on conjecture. When such are presented, as in the case of the CTR, they are considered null and devoid of any scientific value. According to some communications

media, the Public Prosecutor's Office has already questioned the figure of 69 thousand victims of the violence when in fact there exist only 1504 profiles of identified deceased persons.

VI. Political and legal context

This chapter deals very briefly with the political and legal framework characterizing Peru, in particular during the early years of the conflict.

APPENDIXES

With the aim of providing a wider and more realistic overview of the facts, some appendixes have been included here: extracts from the Directives issued by the Armed Forces Command; the discrepant position of the CTR; and a series of statements related to the CTR's Final Report from the institutions and organizations of society. Similarly, there are some opinions from leaders of the political left during the 1980s.

We do not deny the CTR the right to permit the natural tendency of the philosophical thoughts and policies of the majority of its members to prevail in its workings; however, we have the right to wonder

whether that clear tendency would have been the same had the commission been made up of people with a different political and philosophical outlook.

With the publication of this document, we hope to contribute to the knowledge and understanding of what was 'the most intense, widespread and prolonged battle in the entire history of the Republic.'

CHAPTER I

Nature of the enemy

Since the 1970s, Shining Path had been preparing the subversive acts it was to start in 1980. Since that time, its objective had been to destroy the democratic system through bloodshed and burning. An organization of such a nature is obviously an enemy of the state and of the Peruvian people. Its strategies and policies had already been established by the time the conflict commenced, but they were systematized in the documents used as the basis for its First Congress in 1988.

The insanity of Shining Path's action against the Peruvian people has been acknowledged by the CTR and set out in the conclusions produced by that organization.

Section 1. Strategy and objectives of Shining Path

POLITICAL FIELD

Strategy

To develop a people's war through the use of a new type of terrorist army, under the absolute orders of the party, to destroy piece by piece the established state power, its armed forces and the political organizations which support it.

At the same time, to create the seeds of a new power by consolidating the alliance between urban and rural labourers.

Objectives

Orientated towards the destruction of the political power of the state and the parties and organizations that support it:

- Demolish the Peruvian state piece by piece.
- Remove leaders from the political left and APRA from the social and labour organizations.
- Generate political-power vacuums in rural and urban zones.

- Intimidate and act against leaders and activists of religious groups, political parties, and local leaders.

Orientated towards building the new state:

- Consolidate the three instruments of the Revolution: the party; the terrorist army; and the single front.
- To organize the MRDP (Revolutionary Movement for the Defence of the People) and the FRDP (Revolutionary Front for the Defence of the People), in the cities and in the countryside, respectively.
- Increase the People's Committees and establish Support Bases.
- Establish controlled zones for limited periods.
- Infiltrate the political, social, working people's and other organizations with a view to providing new material for the People's Struggles.

SOCIAL FIELD

Strategy

To work with the masses in workers' and social organizations in rural and urban areas through

indoctrination and setting up 'Generated Bodies' or façade organizations.

To infiltrate and exercise influence with the aim of preparing insurrection in the cities. In the countryside, to win over the organized population and incorporate it gradually into the People's Terrorist Army (EGP).

Objectives

Orientated towards destroying the democratic system:

- Generate deterioration of the country's social system by means of elements infiltrated in urban and rural social bases, and cause conflicts of all kinds with the aim of gradually destabilizing the government.
- Control and categorize the population, encouraging it to carry out actions which demonstrate the capability of Shining Path to confront the government.
- Control small rural populations in isolated areas of departments within the emergency zones, where the authorities have been displaced.
- Begin the combat in the social field, by means of clandestine actions perpetrated by the façade organizations, which operate in all the social sectors.

- Prepare the insurrection.
- Activate work with the masses aimed at recruitment, infiltration, combat and resistance.
- Supply the masses with weapons in order to provide added strength for the battle which will turn into a general insurrection.

Orientated towards consolidating the presence of subversion in the social organizations:

- Development of the Single Front, encouraging the creation of façade organizations such as the Classist Working People's Movement (MOTC), The Poor Peasants' Movement (MCP), the Revolutionary Students' Front (FER), the Neighbourhood Classist Movement (MCB), the Secondary Students' Front (FRES), the Women's Popular Movement (MFP), Help for the People, the Association of Democratic Lawyers, and others.
- Prioritize the work of recruitment in all areas of the education sector. Its role is decisive for working with the masses owing to direct contact with young people all over the country, facilitating infiltration, agitation and mobilization of the masses with the object of reducing the time necessary for the armed struggle to achieve its objectives.

- To occupy and influence in the leadership of trades union organizations, farm labourers' associations, neighbourhood associations and human-settlement groups, so as to displace the leadership currently dominated by the APRA or United Left political parties, which are the main contenders in work with the masses.

THE PSYCHOLOGICAL FIELD

Strategy

To work on the morale of the population, and modify its behaviour, consciously or otherwise, with the aim of obtaining its loyalty.

To demoralize the adversary and frighten the authorities in order to create power vacuums.

Objectives

Orientated towards eliminating the identification of the population with the democratic system and the state, carrying out actions against high-impact targets to obtain:

- The creation of a general atmosphere of terror, insecurity and collective frustration by blowing up

electricity-transmission pylons, systematic and selective terrorism, sabotage of production units, the use of car bombs, and other tactics.

- To weaken the legally constituted power structure (mechanisms of authority), especially in the emergency zones, achieving the development of a violent approach to life.

- To obstruct the actions for development carried out by the government (communal development plans).

- To vilify the law-enforcement bodies through social communications media and human rights organizations, presenting cases in a distorted manner.

- Threaten members of the judiciary so that they will not accuse, judge or condemn terrorists.

- Intimidate and annihilate the people's and community leaders, destroy communal, municipal, political and other premises.

Orientated towards gaining support for and identification with their politico-military project:

- Achieve a high level of influence over the population, modifying its behaviour to encourage it to participate in the armed struggle.

- Achieve the participation of some of the communities, leading the population to a state of 'passive acceptance' of the situation.
- Carrying out actions with repercussions through the treatment they are given by the communications media prone to sensationalism, and to deteriorate the image of the government.
- Broaden the psychological action to include the poorest sectors of Lima and other cities, in order to produce an increase in the sentiment of rejection for the position in society which this sector of the population occupies.
- Develop psychological warfare at nationwide level, exercising a coercive control over the population, impeding its collaboration with the law-enforcement bodies.
- Carry out massive propaganda operations such as hoisting the terrorists' flag, daubing, and the distribution of pamphlets - especially on dates which are commemorated by Shining Path.
- Use popular theatre as a vehicle for awareness-raising.
- Hold marches and demonstrations of militant presence.

- Capture radio and television transmitting stations in order to transmit messages.
- Declare armed stoppages accompanied with violent acts against those who refuse to recognize the stoppage and against representatives of the government.
- Organize psychological action groups abroad with the aim of creating propaganda about their struggle and progress.

ECONOMIC FIELD

Strategy

Destruction of the productive apparatus linked to North American imperialism, to other Western powers, to the capitalist bourgeoisie, both state-owned and private.

To destroy the semi-feudal and semi-colonial system and to impose a society with new forms of production and economic relations.

Objectives

Orientated towards the destruction of the economic structure:

- Destruction of public and private means of production, with special emphasis on those actions that, in addition to causing direct economic damage, cause the additional damage derived from the fear of lack of security, discouraging participation by local entrepreneurs and foreign investors.
- Deter foreign economic aid by means of attacks against foreign interests, cooperation bodies, foreign institutions, and the people that work for them.
- Dissemination of propaganda on violations of human rights, leading to sanctions against the country.
- To destroy all forms of property that imply the remains of 'feudality' and to eliminate the landowners and productive elements linked to them. To attack property whose ownership is societal, such as the cooperatives and SAIS that were set up under the Agrarian Reform, and to annihilate physically the owners of medium-sized land-holdings.
- To attack the systems: production, energy, financial services and road infrastructure.
- To murder entrepreneurs.

Orientated towards the construction of a new economy:

- Liquidation of the semi-feudal property in the countryside, confiscating it in order to hand over the land, cattle and other means of production to the peasants with no land.
- To combat any form of unpaid work or personal obligations (in the SAIS, CAPS, COOPOP, PAIT, and PROEM) and taxes which affect the masses.
- Start generating a 'new relationship between production and property' based on a high degree of centralization of authority and collectivization. Initially, with production that is destined exclusively for communal self-sustenance, without any exchanges with other communities or sending produce to urban areas; and the elimination of markets and fairs.
- To confiscate monopolies, businesses, banks and all forms of property which represent Yankee imperialism or that of any other imperialist power or country; similarly with the bureaucratic national capitalism , both public and private.

Source: **La Guerra Incesante** (Unceasing War), Páez Warton, José, pp. 132-150.

Section 2. Characterization of Shining Path by the Commission on Truth and Reconciliation

CONCLUSIONS OF THE FINAL REPORT OF THE CTR (NºS 12 TO 32)

12. The CTR has understood that the immediate and fundamental cause of unleashing the internal armed conflict was the decision of the Peruvian Communist Party - Shining Path (PCP-SP) to commence the 'armed struggle' against the Peruvian state, quite contrary to the wishes of the overwhelming majority of Peruvian citizens, and at a time when democracy was being restored by means of free elections.

13. For the CTR, the PCP-SP was the principal perpetrator of crimes and violations of human rights, taking as a measure of this the quantity of dead and missing persons. It was responsible for 54% of the fatal victims reported to the CTR. This very high proportion of responsibility on the part of the PCP-SP is an exceptional case among the subversive groups of Latin America, and one of the most noteworthy singularities of the process which the CTR has had to analyse.

14. The CTR has proved that the PCP-SP employed extreme violence and unheard of degrees of cruelty which included torture and abuse as forms of punishment or to provide intimidating examples to the population which it sought to control.

15. The CTR found that the PCP-SP was contrary to the major historical tendencies in the country. It put into practice a very strict political will expressed as a militarist and totalitarian project with terrorist characteristics which failed to conquer the lasting support of important sectors of the Peruvian population.

16. The CTR opines that the ideology used by the PCP-SP to sustain its project was of fundamentalist nature centred on a rigid preconception of historical development enclosed in a uniquely strategic vision of political action and, therefore, quite opposed to humanitarian values. It held the value of human life in disdain and refused to acknowledge human rights.

17. The CTR has verified that the PCP-SP achieved its internal cohesion by means of the so-called Pensamiento Gonzalo (Gonzalo's way of seeing things) which reflected the personality cult revering Abimael Guzmán Reinoso, founder and leader of the organization, and considered to be the embodiment of the most elevated thinking in the history of the human race.

18. For the CTR, the PCP-SP, in accordance with its own ideology, adopted a strategy which sought deliberately and constantly to provoke disproportionate responses from the state without taking into account the enormous suffering this caused

to the population for whose interests it claimed to be fighting.

19. The CTR considers that the PCP-SP took fundamentalist ideology and totalitarian organization to its extremes. In its subversive actions there can be seen a tragic blindness: it perceives classes, but not individuals. This leads to its absolute lack of regard for the human being and for the right to life, including of people who are its own militant members. It managed to exacerbate in them a vein of fanaticism which became their trade mark.

20. The CTR has noted some characteristics of the PCP-SP which were apparent from the very beginning, where their 'trials' were conducted cruelly, burials were prohibited and other crimes were committed, including the detonation of car bombs in the cities.

21. La CTR similarly finds a genocidal potential in proclamations of the PCP-SP where they make an appeal for 'payments in blood' (1982), to 'induce genocide' (1985) and announce that 'the triumph of the revolution will cost a million deaths' (1988). This appears within a background of racist outlooks and an attitude of superiority towards the indigenous peoples.

22. The CTR has found that the PCP-SP has made use of certain institutions within the education system as a

main beach-head and that, by means of them, had been able to expand its predication and capture some minority nuclei of young people of both sexes in different parts of the country. While these youngsters were offered a Utopia which afforded them totalizing identities, in reality they were incarcerated in a fundamentalist and oppressive organization by means of letters of submission to Abimael Guzmán Reinoso.

23. The CTR has observed that the predications of the PCP-SP might have had a fleeting acceptance owing to the incapacity of the state and the country's élite classes to respond to the demands for education among the frustrated youth and its aspirations to social mobility and progress.

24. The CTR has found that the PCP-SP supported Maoist arguments and converted the rural zones into the main areas of the conflict. However, it failed to take into account the economic needs and aspirations of the rural society, its organizations or its specific cultural characteristics and turned the peasants into a mass which had to bow to the wishes of the party. Individual dissidence within this mass led to selective murders and annihilation, while collective dissidence lead to massacres and the obliteration of entire communities.

25. The CTR has determined that the presence of the PCP-SP in the Andes and the counter-subversive

responses of the state revived and militarized longstanding conflicts within and between communities. It catalogued as 'class enemies' those sectors relatively well connected to the market or regional and national networks and institutions, and decreed their annihilation. In many cases, its 'rural war' against the state became conflicts between peasants.

26. The CTR has observed that the extreme violence perpetrated by the PCP-SP in the rural societies of the Andes extended also to urban areas. Lima and other cities were the complementary scenario and suffered acts of sabotage, selective murder, armed stoppages, and acts of terrorism in general, with a particular penchant for car bombs. From the very beginning, but especially in the second half of the 1980s and the beginning of the 1990s, Lima was an important centre for the recruitment of members to the PCP-SP.

27. The CTR points out that the ideological conception of PCP-SP implied the destruction of the 'old state' down to its very foundations. This led to the murder of authority representatives, especially those of local governments: mayors, governors, vice-governors, and judges. National authorities were not exempt, however, and included ministers, congressmen and other representatives of state powers. Twelve per cent of the fatal victims of PCP-

SP which were reported to the CTR were authorities. Furthermore, PCP-SP indulged in the mass murder of social leaders, both men and women, community leaders, local headmen, and the leaders of peasants' associations, trades unions, neighbourhood associations, teachers' groups and women's organizations.

28. In view of the generality and systematized nature of these practices, the CTR points out that members of the PCP-SP, in particular its national leaders and so-called authorities, have a direct responsibility for committing crimes against humanity in the context of armed attacks against the civilian population, committed on a large scale either as part of a general strategy or as specific plans. Similarly, these actions constitute, in the view of the CTR, serious offences against the Geneva Conventions, respect for which was obligatory for all participants in the hostilities. The perfidy with which PCP-SP acted in the field, shielding itself behind the civilian population, avoiding the use of distinguishing marks or emblems, attacking treacherously and using other methods of that kind such as resorting to terrorist actions, constituted a calculated mechanism seeking to provoke brutal responses from the law-enforcement bodies against the civilian population, thus increasing in quite an extraordinary manner the suffering of the communities in whose territories the hostilities were brought about.

29. To those who form part of the leadership apparatus of the PCP-SP, the CTR assigns the most serious responsibility for the conflict which, on account of the points set out in the following paragraph, caused so much bloodshed within the Peruvian society.

30. For having begun the violence, against the wishes and feelings of the overwhelming majority of the populace; for having proposed its battle against the Peruvian democracy with a bloodthirsty strategy; for the violent practice of occupation and control of rural territories and populations, with a high cost in human lives and suffering; for its policy of genocide through acts of provocation against the state; and for its decision to proclaim the so-called 'strategic balance' which accentuated the terrorist nature of its actions.

31. The CTR points out the extreme irresponsibility and disdain displayed by the PCP-SP towards its own militants, whom it induced to kill and die in the cruellest and most bloodthirsty fashions while its upper echelons, especially Abimael Guzmán Reinoso, remained in Lima free of physical risks and privations during practically the entire course of the conflict. This incongruence is expressed most clearly when, on being captured, Abimael Guzmán Reinoso almost immediately abandoned the notion of 'strategic balance' and requested a 'peace agreement' from the

government. This was accompanied by an explicit and extremely praising acknowledgement of the dictatorial government of Alberto Fujimori and Vladimiro Montesinos.

32. The CTR expresses its regret for the thousands of young people who were deceived by a proposal which addressed the severe problems suffered by the country and proclaimed that 'rebellion is justified'. Many of them, with the wish to transform the unjust reality, did not realize that the type of rebellion proposed by the PCP-SP involved the exercise of terror and the imposition of a totalitarian régime. They came to be hemmed in by a completely vertical and totalitarian organization where disdain for human life was drummed into them, where differences of opinion were punished, and where complete submission was demanded. Many of them suffered a cruel and pointless death. The CTR convokes the country to encourage the institutional reforms necessary so that terrorist and totalitarian projects will never again find sympathy among the country's youth.

CHAPTER II

Counter-subversive strategy

No military strategy can be designed outside the principles of warfare and the doctrinal concepts which are derived from them. In this chapter, aspects of the counter-subversive doctrine and strategic concepts which orientated the management of counter-subversive operations during the conflict are transcribed and analysed.

Section 1. General counter-subversion strategy (doctrine) *

A. GENERALITIES

Counter-subversive action is not limited to combating a subversive process only after armed actions have

*Chapter II of the MFA16.00 - Comprehensive strategy for counter-subversion. Extracts.

already begun; rather, it should anticipate such actions and carry out activities to avoid the appearance of the 'culture medium'. If the counter-subversion is initiated when the insurrection phase is already under way, then such action would be tardy and, in the best case, would avoid the generalization of violence but not the negative effects of its appearance and the costs of neutralizing it. In a society where there exist several forms of marginalization, or different kinds of exploitation, of economic, social, political and cultural nature, and where there are underlying situations such as the existence of a dictatorship, racism, corruption and abuse, the first kind of violence that occurs is 'spontaneism'; this is a political term used to describe a non-politically-organized protest which appears as a kind of social rejection of the situation. Such action may be intermittent and reach levels of blind violence, but it does not manage to organize itself into a structured movement because there is still no political group able to insert it into the social structure, to provide orientation or to lead its battles.

Spontaneous actions of the masses are the unwitting warnings from the marginalized sectors of society to the state which maintains them in that condition; they are the tremors which announce an imminent social earthquake. To fail to understand this fact and to offer the facile response of blaming supposed or real

agitators for their occurrence is to fail to understand the logic which drives social conflict.

It is known that conflicts are of two types: struggles and wars. Struggles may be pacific or violent, while wars may be conventional or non-conventional. Spontaneous protest falls within the framework of struggles and may therefore be either pacific or violent. It becomes non-conventional warfare when the insurgent group orientates the spontaneous struggles towards the achievement of its own objectives, raising the levels of the confrontation.

B. PHASES OF COUNTER-SUBVERSION

Without attempting to establish a single model for the development of counter-subversive action, nor to produce a rigorous scheme for its procedure, it is possible to distinguish three temporal phases of its development:

- Prevention phase.
- Intervention phase.
- Consolidation phase.

C. PREVENTION PHASE

The prevention stage generally starts when spontaneous violent struggles appear among the marginalized sector of the population or, better still, before these take place; that is, the prevention should in fact stop such events from taking place altogether.

This fact gives rise to the first characteristic of prevention: it is permanent and as conflict may come about in all aspects of social life or fields of human activity, prevention is also comprehensive and covers the political, economic, psychosocial, and military (or police) fields.

The foregoing does not mean that prevention has the virtue of eliminating or avoiding struggles within society, because that would be impossible; an essential characteristic of society is to perform in the midst of conflicts, and indeed these are necessary in order to perfect society.

Conflict is an inherent part of life in any society. Those conflicts which should be resolved or dealt with opportunely are those which have the potential to become a 'culture medium' for subversive processes. For example, in the 1960s there was a proliferation of invasions of rural land and of housing plots in urban areas; both phenomena gradually increased the possibility of turning into revolutionary or subversive

movements. They were dealt with in a way which, since the 1960s, avoided their fomenting the subversion which appeared 20 years later. It is clear that, had the state not acted preventively, Shining Path would have dragged in and mobilized more followers than it actually did.

The pre-insurrection, or preparatory, phase is characterized by the fact that the subversive elements act most of the time within the law, and only on occasions place themselves outside it with their subversive activities. At this time they are generally not recognized as subversive elements.

The essential problem stems from the fact that the real danger is not perceived by members of the population at large; they are therefore liable to consider as excessive the demands of the Armed Forces and National Police in order to combat the situation. The potential danger is enormous, but it is necessary to prove it with tangible and objective facts because the efforts and sacrifices needed to suffocate subversion during its gestation must be justified. The subversive elements indeed trust that very few people will detect and correctly evaluate the situation and they arrange things so that preparation for war is carried out quietly and persistently, in such a way that the citizens, and indeed some sectors of the government, never come to suspect the threat it bears within.

Prevention in the military field

There are four important tasks involved: the psychosocial study of the human environment; the study of the subversive situation; neutralization; and preparing the forces for the intervention stage.

The psychosocial study has the following aims:

- To get to know the overall reality, the characteristics and composition of the human groups in the local, regional and nationwide scenarios.
- To discover the predominant motivations of each of the groups, especially with regard to political and socio-economic characteristics.
- To find out the groups' probable orientation and intensity of actions to achieve their political and socio-economic goals.

The study of the subversive situation at the pre-insurrection or preparatory stage includes the analysis of both objective and subjective situations.

Neutralizing is to eliminate an undesired outcome before it takes place through the application of a set of actions designed for that purpose. The neutralization of the structural causes of subversion is the responsibility of the state and is by means of development projects and respect for and fulfilment of

the principles of democracy established in the Political Constitution and legislation.

The military field assists this task by reporting opportunely to the government the results of the psychosocial studies of the human environment and those of the studies of the situation or assessment of non-conventional warfare. Once the pre-insurrection stage or preparation for the subversive war has been reached, the military continues to assess the situation and collaborates closely with the Police for the neutralization of the subversive organization. There is no direct intervention by the Armed Forces during this period since, in accordance with the Constitution, the National Police Force has the responsibility to guarantee, maintain and re-establish internal order. But also in accordance with the Constitution, the Armed Forces assume control of internal order when states of exception are declared, if this has been ordered by the President of the Republic.

The fundamental tasks are carried out in the intelligence field with the aim of thoroughly assessing the enemy which is operating underground and through façade organizations.

Preparation for the intervention

The preparation for the intervention has two basic components: *counter-subversive action*; and *dealing*

with the population. The latter is the more important because it is the factor on which the outcome of the war will depend.

- The fundamental aspects of counter-subversive warfare comprise the areas of personnel, intelligence, operations, and logistics. The preparation of the counter-subversive war, as with conventional wars, is founded on knowledge of the terrain and the enemy. Gathering this knowledge is the responsibility of Intelligence, who will draw up the corresponding intelligence assessments and basic studies of the area. Logistics must sustain the war efforts by supplying the necessary goods and services in accordance with the geographical and human characteristics of the area where the intervention is to take place.

- In dealing with the population, the central concepts are human rights, civil issues, psychological operations, and logistics. The treatment of the population must be based on the constitutional mandate, in which the fundamental mission of the state is to protect the population from the dangers that threaten it; in this case, from subversive action which will bring about an armed struggle where acts of terrorism, sabotage and guerrilla warfare are perpetrated. The protection of the population should not be understood as a simple mandate of moral nature, nor much less as a random task that can be fulfilled if the conditions of the war

allow it. It is, on the contrary, the *raison d'être* of counter-subversion and is at the same time the only guarantee of triumph. If an army turns against the population, it has lost, as happened with the French, German and United States armies in Algeria, Ukraine and Vietnam respectively. This is also valid for the subversive movements, as occurred with Shining Path with its acts of genocide and abuse, which instigated the uprising of the communities who organized themselves to combat it and which, together with the Armed Forces and the National Police, defeated it in the Peruvian Highlands. The successful protection of the population and achieving the objective of winning it over for its self-defence is not a simple task.

D. INTERVENTION PHASE

In the case of a situation of insurrection, the affected zone is declared to be in a state of emergency, the aim being to use force more effectively. Declaring a state of emergency removes many obstacles from the path of the counter-subversive elements, especially with regard to the moral and psychological condition of the forces themselves as well as of the population; when the danger in the zone becomes more tangible, the intervention measures acquire a degree of acceptability.

The situation that justifies initiating this phase, generally speaking, is as follows:

The subversive movement has intensified terrorism and sabotage; guerrilla units have made their appearance, and people's committees and support bases have been set up to sustain subversive action. Overall, the subversive elements attempt to expand and generalize violence.

The map of Peru shows three types of zone:

- Red, where the subversive movement effectively controls the population and guerrilla acts are committed.
- Pink, where terrorists make efforts to organize the population and some guerrilla acts are committed.
- White, representing areas as yet unaffected, but already under threat of subversive action; such zones are apparently quiet.

Aims of the intervention

The objectives of the intervention, which are those sought by counter-subversion, are:

- to protect the population;
- to retain or recover its loyalty;

- and to neutralize or eliminate the subversive elements.

Protection of the population is a very important function of the police, and includes the protection of public and private property, for which reason the police force should be reinforced in the areas and specific locations threatened by terrorism, avoiding any indiscriminate action against the population.

Loyalty of the populace should be obtained by gathering a favourable minority within the zone; this must be organized as soon as circumstances permit in order to mobilize the population against the subversive elements. In the case of Peru, this sector is made up of the Self-Defence Committees, some of which came into being spontaneously. Given that the population, whether complicit or under duress, is initially controlled by subversive elements, the recovery of its loyalty is facilitated by three conditions:

- Protection against subversive terrorist actions.
- Carrying out military and police actions against the armed and political subversive elements in the zone.
- Obtaining convincing successes as soon as possible, thus demonstrating that the Armed Forces and National Police have the will, means and ability to win.

The operations for neutralizing or eliminating the subversive elements may be intensive or long-term in nature. They require a considerable concentration of forces, plentiful resources and numerous personnel. From this it may be deduced that the war effort should not be diluted across large fronts, but concentrated in the red zones, particularly at the 'centres of mass' of the subversive actions.

E. CONSOLIDATION PHASE

Essentially, what has been achieved during the intervention phase is to protect the population against the direct threat from armed subversive elements and the action of the local politico-administrative organization.

The consolidation phase should therefore start as soon as the successes are obtained and its aim is to exploit the circumstantial advantage with a view to a complete pacification of the zone. This is to be understood as a return to the conditions that characterize a normal situation.

The aim is to neutralize and obliterate the subversive movement completely, because if the threats are simply moved farther away, they might return; furthermore, foresight should be used and plans

carried out for socio-economic development, seeking to minimize the contradictions which provided subversion with a basis. In this phase, as in the previous ones, the active support of the local population is fundamental to achieving the objectives.

Section 2. Strategic concepts expressed in the Directives of the Joint Command of the Armed Forces

On entering the conflict, the Armed Forces designed a strategy which combined three objectives: to obtain the support of the population; to obtain a thorough knowledge of the enemy; and to defeat that enemy.

As the conflict unfolded, and in view of the new situations and experiences, the Joint Command of the Armed Forces drew up and issued new directives for preparing and directing operations. The CTR itself acknowledges that the directives of 1986, 1989, 1992 and 1994 refined all the procedures and were ever more apposite in dealing with the civilian population. These directives had two very positive effects: they hastened the defeat of the subversive groups; and they enabled the loyalty of the population to be recovered.

Appendix 1 presents extracts of the directives of the Armed Forces Joint Command which orientated the

actions of the forces that intervened in counter-subversion tasks.

1. Directive N° 01-PE-DI-1986

It stipulates that the purpose of the counter-subversive operations is to destroy or neutralize the subversive Politico-Administrative Organization (PAO) and everything which contributes to subversion. It also states the need to support and contribute to counter-subversive actions carried out in non-military fields, ensuring the functioning of Essential Public Services (EPS)

The overall strategic manoeuvre stipulates the following:

- To carry out permanent actions against subversion, of a repressive and dissuasive nature.
- To have highly mobile forces.
- To organize intelligence committees at the levels of Joint Command, Zones, Sub-zones and National Security Areas; and to incorporate the intelligence provided by the Armed Forces and National Police Force.

- To coordinate with the non-military fields of action for the application of preventive measures and actions promoting socio-economic development.
- To conduct psychological operations with the aim of maintaining, increasing and recovering the support of the population, simultaneously dissuading, demoralizing or psychologically destroying subversive elements.
- To continue with the organizing, training and supporting the civil defence committees.

A very important element of this directive is the disposition towards the unification of the intelligence forces of through the so-called 'intelligence committees' and, secondly, the emphasis on requesting resources from other sectors for infrastructure works and civic action in the emergency zones. This demonstrates that the Armed Forces always considered overall or comprehensive actions against the terrorists. The problem lies in that very few of these resources were supplied by the state's non-military bodies because, at the highest level, there was no political decision to do so.

2. Directive N° 017-CCFFAA-PE-DI of December 1989

It sets out that the aim of counter-subversion action in the military field is to destroy the violence-orientated

subversive movements in order to re-establish and maintain order and internal security at nationwide level.

Three strategic objectives are proposed:

- The destruction of armed subversive nuclei and breaking the will to fight among members of the party and the single front.
- To obtain and maintain the support of the population and the participation of its organizations in the defence of the legally constituted system.
- To strengthen the morale and preparedness of the law enforcement agencies.

An essential change in this directive is that the military action is divided into two parts: one is aimed at eliminating the armed groups of the subversive organization; and the other is to neutralize and obliterate the activity of its social and political organs (the party and the single front).

It emphasizes that military operations will be conducted within the framework of respect for the rules established in the Political Constitution, and the laws and the fundamental rights of the human being.

A further important aspect is the provision that force is to be employed against prioritized and selected objectives, not indiscriminately. Rather, it is to be applied against the armed elements of Shining Path and the Tupac Amaru Revolutionary Movement (MRTA).

A third element of the strategy is the action against narcotics trafficking, taking measures against the drug manufacturers and traders, and against those who collaborate with them.

It arranges changes in territorial organization and the assignation of forces at nationwide level. Counter-subversion fronts are created and emphasis is given to the training and preparation of the Self-Defence Committees.

3. Directive N° 01-COFI-DOP/PLN of January 1992

The established purpose is to eradicate the terrorist and narco-terrorist organizations, consistent with the collaboration established between the subversive groups and the organization for the illicit trafficking of narcotics (ITD).

This directive, in addition to the aims established in the 1989 directive, sets out three additional objectives:

Eradication of the drug-trafficking groups and breaking down the support they are afforded by the population.

- Enhancement of the intelligence actions and psychological operations.
- Mobilization of the society in defence of the democratic system and the voluntary organization of the population for its self-defence in both rural and urban areas.

In order to achieve these objectives, substantial changes were made; for example, a readjustment of the contingent of the forces according to the location and the activities of terrorism and narco-terrorism; likewise, it was attempted to encourage operations in urban areas where, since 1990, the terrorist actions of Shining Path were intensified in accordance with a decision taken by its national leadership in an attempt to cover up its defeat in the Peruvian Andes with the fallacy that it had reached the stage of 'strategic equilibrium'.

It also laid emphasis on the need to organize the population for its self-defence and to mobilize the institutions and organizations of political, social,

neighbourhood and cultural nature, the communications media, the church and others, in order to neutralize terrorist actions and to participate in the tasks of development, self-defence, information and alerting the law enforcement agencies.

4. Directive N° 01 COFI-DOP/PLN of April 1994

This directive retains the general scheme of the previous one and is mostly orientated towards the consolidation and pacification of the country. Emphasis is given to the need to impel the war on illegal drug trafficking, given that both Shining Path and MRTA were defeated militarily during the early years of the 1990s.

Section 3. Social action of the Armed Forces in zones declared in state of emergency

1. CIVIC ACTION

The Peruvian Armed Forces have carried out civic action tasks in both normal times and periods of emergency because, in a country such as ours, with limited state resources and difficult, rugged geography, this becomes a necessity. This activity enabled the

Armed Forces to earn the appreciation of the population in the country's most inaccessible locations.

Since 1967, the Army's engineering battalions have assumed responsibility for the maintenance of the Marginal Highway in the Jungle. These same units took charge of opening roads and rebuilding the sparse and damaged infrastructure in different parts of the Highlands and Jungle.

The military Rural Settlement units made the physical presence of the state in frontier zones possible, asserting nationality, and contributing to development and defence.

When emergency situations arose as a result of either human action or natural phenomena such as earthquakes, mudslides, etc. the Armed Forces would come to the rescue immediately in the affected zones, putting their entire capacity and means at the disposal of the local authorities.

The National Navy has sailed the rivers of our Amazonia, bringing food, medical help and social assistance to the population. Civic-action Air-Force flights have reached locations not served by private airlines for technical or commercial reasons.

As a complementary and very important activity within the anti-terrorism strategy, the Armed Forces

carried out numerous and varied civic action tasks in the conflict zone, with or without support from the central government. In this way, by means of a joint effort with the communities, it was possible to recuperate people's loyalty to the democratic system and to facilitate the strategic defeat of the terrorist organizations.

Since the very beginning of their intervention in the conflict, the Armed Forces were aware that in order to defeat terrorism it was necessary the 'win over the minds and hearts' of the people living in the zones blighted by the Shining-Path hordes; civic action constituted a key element.

2. THE WAR ORPHANS

It is estimated that 600 000 people were displaced by the violence in our country and that the conflict produced 50000 orphans.

Since the beginning of 1983, the Armed Forces had to carry out an additional humanitarian mission: to provide care and attention for children whose parents had been murdered by terrorism.

Silently and discreetly, those children were seeking and finding refuge in the vicinity of the counter-subversion bases in the zones declared in emergency. The

officials, technicians, sub-officials and soldiers identified themselves with them and afforded them support, food and shelter.

Unlike the distressing experiences in which orphaned children have been abducted by traffickers and traded for adoption, dozens of officials from the Armed Forces and National Police, at the end of their postings in the emergency zones, have adopted children legally. Today, most of them have reached adulthood, having had a chance in life by finding a new home with a military family.

Have the 'social scientists' who have been studying the national situation during the past 23 years even once made an analysis of these very human cases which occurred in the midst of such violent circumstances?

3. CONCLUSIONS

The military designed and applied a counter-subversive strategy according to the situation at each particular moment, as can be seen from the manuals and directives issued for the internal defence of the national territory.

This enabled operations to be orientated taking into account the fact that the doctrine (manuals), particularly in the case of internal warfare, constitutes

a general guide complemented by the directives that analyse the real situation experienced and design the strategy for conducting the operations.

The Armed Forces, in accordance with the general mission, were prepared, issued the provisions of the case and controlled the development of the operations. The experience acquired was harshly learned at the cost of lives of its members, because preparation is indispensable for success in a conflict. The remains of the terrorist gangs continue to act, varying their strategy and tactics and obliging the law-enforcement agencies to design new strategies according to the situation.

The civic action carried out by the Armed Forces as a complement to its operational strategy, achieved important results through the direct effect on its beneficiaries and the recovery of the loyalty of the population to the rule of law which underpins our democratic system.

CHAPTER III

Intelligence and strategy of the Armed Forces according to the Commission on Truth and Reconciliation (CTR)

Presented below are the conclusions of the CTR report, followed by their respective substantiation, as set out in Volume II of the Final Report. These are followed by an analysis which leads to new conclusions regarding the relevance of the evaluations made by the CTR.

The order of the conclusions analysed is different from that presented in the CTR; this is because we consider it more appropriate to present them in chronological order. We therefore begin with that which corresponds to the beginning of the Armed Forces' involvement in the counter-subversion effort.

Section 1. Lack of intelligence on Shining Path

1. CONCLUSION N° 58 OF THE CTR REPORT

The CTR indicates that at the time of its intervention in the battle against subversion, the Armed Forces were prepared and equipped to face any conventional or external conflict. During the early years of their intervention (1983 - 1985) insufficient intelligence work was being carried out on the organization, the profiles of activists, and the strategy of the Peruvian Communist Party - Shining Path. In accordance with a decision taken by the civil authorities, their objective was to conclude the conflict quickly without taking into account the cost in human lives. It was proposed to recover control of the territory on the basis of the supposition that the population was divided between settlements loyal to the Peruvian state and subversive settlements, or red zones, without realizing that the latter were not homogeneous and generally contained sectors in which the Peruvian Communist Party - Shining Path imposed itself through coercion and even terror.

2. SUBSTANTIATION OF CONCLUSION N° 58 BY THE CTR

a. According to the CTR, during the early years of its intervention (1983 - 1988) the Armed Forces lacked

sufficient intelligence information regarding the PCP-Shining Path.

The Armed Forces proposed to recover control of the territory on the basis of the supposition that the population was divided between villages loyal to the Peruvian state and subversive villages, or red zones.

The CTR affirms that during the first years of the conflict, the Armed Forces lacked intelligence information on the organization and modus operandi of Shining path. Both the Armed Forces and the government were unaware of the fact that Shining Path did not depend on support or directives from foreign powers, that it did not set up camps or maintain troops, and that it accumulated political and military power by means of a strategy without precedents in Latin America.

In each locality, Shining Path would establish a nucleus of sympathizers that would serve as a logistic and intelligence base for the militant party members, who would occasionally make an armed appearance in order to 'liquidate' those accused by the nucleus and to carry out actions of expropriation, extortion and levying quotas by force. If red flags were flying, it was not because the population mostly supported Shining Path, nor anything similar; rather, it was because the people were under threat from Shining Path not to

take down the red flags which had been hoisted by local Shining Path agents.

For the CTR, a further peculiarity not considered by the counter-subversive strategies at the beginning of the 1980s was that Shining Path did not depend at all on foreign assistance. Mistakenly, it was considered important to isolate the territory where the subversive elements operated, in order to impede the arrival of directives and support from abroad.

It soon became clear that the objective of restoring internal order could not be achieved without discovering the hidden enemy among the population. Combats against armed elements or 'strongholds' of Shining Path were few, and quite exceptional. It was more frequent to use arms to seize control of undefended populations and to carry out interrogations to obtain predictive intelligence in the places where military operations were being carried out. A common operation was to surround a town, ask the inhabitants to leave their houses and identify the presumed terrorists according to the blacklist provided by 'intelligence'. Observations of the behaviour of the people, such as how many, and who, would turn out to the ceremony of hoisting the flag in the main square, would provide initial references. Often those who did not attend citizens' assemblies

convened by the military patrol were considered suspects.

The brutal 'counter-restoration' activities of Shining Path gave rise to an escalation. As already mentioned, the armed elements of Shining Path were not stable and took their arms from places where they kept them hidden, such as caves, herdsmen's shelters, or farm cottages, only when they were about to participate in a particular action, for which they would also mobilize their supporting personnel who at other times would be distributed throughout the countryside and villages. The commanders of the counter-subversion bases, on realizing they were not managing to stabilize the military control of the areas they patrolled, were naturally moved to increase, through their own means, the collection of intelligence data and to attempt to eliminate selectively the support bases of Shining Path.

b. The CTR states that the civil authority decided that for the Armed Forces the objective would be to conclude the conflict quickly without taking into account the cost in human lives.

The Human Rights situation worsened because the Politico-Military command of the emergency zone, within its strategy of isolating the zone, prohibited the entry of the Red Cross, of humanitarian organizations

and of journalists in general, reserving the right to authorize determined reports or interviews. The scarce news that emerged was then taken by certain sectors of the Peruvian and international public as an indicator that the situation was out of control, and at the same time was used to discredit the country's authorities. A few months after the start of this restriction of the flow of information, eight journalists were killed in Uchuraccay at the hands of peasants who mistakenly identified the journalists as terrorists. The press and the politicians of the opposition immediately assigned the most negative interpretations to the event as the prevailing notion was that the journalists had been killed by the Armed Forces or on their orders.

However, the most serious aspect of this episode is that the report of the Uchuraccay Commission failed to clarify the nature of the conflict or to alert the citizenry to the real dangers threatening the country. Officialdom closed the topic, presuming a rapid victory without concern for the expense and without any major alterations to the political agenda and economic plans.

General Clemente Noel was publicly accused by some members of the press as being responsible for the death of the journalists, and was later accused criminally by opposition congressmen. He responded

by making declarations in which he referred to those members of the press, to the organizations set up to defend human rights, and to those politicians as voluntary or involuntary Shining Path collaborators. The reaction of President Belaúnde was similar: on receiving from Amnesty International a series of letters which complained of excesses committed in the battle against subversion and the violation of human rights, he declared that he would throw the letters 'straight into the rubbish bin'.

While officialdom denied there had been violations of human rights or simply, in some cases, assigned little importance to such accusations, the opposition considered the topic to have the greatest political relevance. This political disunity of the country was the greatest obstacle preventing the efforts of internal defence from being complemented, as urgency required, with economic, administrative and political efforts to increase the presence of the state in the emergency zone.

3. ANALYSIS OF CONCLUSION N° 58 OF THE CTR REPORT

a. From the beginning of the armed struggle (BAS) by Shining Path in May 1980 up to the time when the Armed Forces intervened, two years and seven months

had elapsed. During that period, there were 1825 attacks nationwide, 521 of which took place in the department of Ayacucho and 406 in Lima, meaning that more than 50% of the attacks took place in these two departments.

In April 1981, the President of the Joint Command declared to the press that the Armed Forces were ready to combat terrorism but that to do so required an order from the President of the Republic. The Commander General of the Army made a similar declaration shortly afterwards.

The escalation in terrorist actions was the main cause of the opinions cited and it shows that the Armed Forces were already preparing themselves to intervene; naturally, a priority was intelligence. This is a refinement of knowledge of the enemy obtained through an analysis and study of all the actions produced and the social environment in which they unfolded.

Let us examine some actions which had considerable repercussions. On 2 May 1982, about one hundred militant members of Shining Path attacked the prison in Huamanga, allowing 247 prisoners to escape; among them were 70 members of Shining Path. 2 prison guards of the Guardia Republicana and 10 Shining Path members were killed.

On 18 May 1982, 50 members of Shining Path assaulted the police outpost at Minas Canarias (V́ctor Fajardo province, Ayacucho) and ransacked the mining company's stores. 6 people were injured: 4 policemen and 2 civilians. On 19 July they attacked again and murdered four people. On 25 July there was a third attack in which the concentrator plant was completely destroyed, together with machinery and vehicles; the operations of the mine came to a halt. Of the 1825 attacks analysed, several hundred consisted of dynamiting all sorts of businesses and institutions. At the same time, the police detained hundreds of individuals who, in the majority, were subversive elements that were then passed to the judicial authorities. These in turn, in 90% of the cases, would set the detainees free owing to 'lack of proof'. Naturally, the police force began to form an accurate profile of the subversive organization, of its militants and of Shining Path's strategy.

For their part, in Ayacucho the Army had a battalion with intelligence personnel who carried out permanent monitoring. When the Armed Forces took control of operations in Ayacucho, the police forces there at the time were placed under the responsibility of the Politico-Military Command, bringing together the intelligence efforts of all the institutions. The speculations of the CTR, which claimed the Armed Forces' ignorance of the fact that Shining Path

members did not use a uniform, did not set up camps and had no permanent troops, are untrue. Neither was it unknown that the armed groups were not stable but that, rather, they would gather in order to carry out a particular action and then disperse and return to their villages. All these methods had already been detected and analysed prior to 1983.

By that time it was no longer true that the law-enforcement agencies, especially those in the areas of intense subversive activity, would think that Shining Path was a re-edition of Guevarist 'focalism' or that it received directives from Cuba or the USSR. Shining Path had taken care of clarifying that point by use of innumerable pamphlets and the talks which its personnel gave in the villages where they arrived. About the middle of 1982, it began to circulate the particular leaflet Let's engage in guerrilla warfare which had been approved in February. Its content is essentially a triumphalist description of its achievements by means of 2900 actions perpetrated between May 1980 and December 1981; but none of that was really important because it consisted of idealized propaganda involving known events and even invented ones. From the intelligence point of view, the most important thing is that in the leaflet, Shining Path openly proclaimed its Maoist orientation and rejection of revisionism; that is, a rejection of all policies aligned with the USSR, Cuba and in general

contrary to those who were not identified with Maoism. One phrase sums it up: 'As communists we hoist the three great flags of Marxism-Leninism-Maoism right up to the top. Marx, Lenin and Mao, which obliges us to be irreconcilable enemies of revisionism and all kinds of opportunism.'

Up to that time, the Shining Path literature was practically clandestine and its dissemination was therefore limited to its militant members; it then began to be distributed openly but, at the same time, ominously because Shining Path once more declared war on the state and simultaneously on the political moderate-left and all democratic groups.

For the analysts of intelligence, it became absolutely clear that the war started in 1980 was Maoist, not guerrillista or focalist. It was therefore necessary to study Mao Zedong more closely on discovering that Abimael Guzmán copied the Maoist texts to apply them to the Peruvian context.

In the strategic area, the problem of intelligence had been solved, but the same did not take place in the tactical or operational areas. Shining Path had inserted itself into the social fabric since the 1970s; to thwart or neutralize it required at least three conditions to be fulfilled: unwavering support from the population so it could function as a source of intelligence; anti-terrorist legislation appropriate to the real conditions

of life; and an efficient and expeditious judiciary. The first was already incipient in 1982 but the other two were inexistent. This situation made it more difficult to fulfil the mission of the law-enforcement agencies; however, it generated enough confidence among the Shining Path hordes to allow them to emerge from hiding and act openly in the zones they denominated 'Liberated'; this gave rise to their increasing the intensity of operations during the years 1983 and 1984, making these two years the most lethal period of the conflict. At the same time, the situation was understood by the rural communities; many of them began to rebel against Shining Path and this, years later, constituted an essential factor in the definitive defeat of Shining Path.

b. The CTR asserts that the civil authority which, in this case, was the government of Acción Popular (1980 - 1985) decided that the Armed Forces would finish off the conflict quickly without taking into account the cost in human lives. However, in none of its documents does it demonstrate the existence of that order or that decision. What the CTR is doing is stringing together a series of suppositions which are not compared with reality in order to come to that conclusion. Its analysts are concerned with carrying out a purely intellectual exercise and obtain a result, similarly rarefied, which is passed off as a conclusion. Let us examine the course of the reasoning, which

forms a part of the conclusions on the government of AP.

- The limitations of the police forces in their ability to deal with subversion soon created rejection among the population, including the government which, in the face of the increasingly violent actions of Shining Path, opted at the end of 1982 to transfer the conduction of the counter-subversive effort to the Armed Forces.

- The government did not take the indispensable precautions to safeguard the fundamental rights of the population, consequently allowing numerous violations of human rights to be committed in a systematic and generalized manner.

- AP tolerated those violations on ignoring several reports from different sources. With the exception of the case of Uchuraccay, the government did not nominate any investigating commissions.

- The CTR established that such tolerance was based on the intention and expectation of eradicating the subversion in a short time without considering the cost in human lives.

Up to this point, the chain of reasoning is valid and it can effectively be supposed that the AP government hoped and expected to eradicate the subversion in a short time. However, where can the inference be

drawn that the government decided, or indeed ordered, that the Armed Forces should 'finish off the conflict quickly, without taking into account the cost in human lives'? No basis exists for such an affirmation; the architect Belaúnde, as if he were a reincarnation of Hitler, never gave such an order. If such an order had existed, it would appear in the minutes of the Session of the Council of Ministers or those of the National Defence Council.

4. CONCLUSIONS

a. From the beginning of their participation in the conflict, the Armed Forces had at their disposal a broad and accurate set of strategic intelligence data on the organization, characteristics and modalities of the warfare perpetrated by Shining Path. As is to be expected at the start of any conflict, the tactical or operative intelligence was still insufficient and it broadened and sharpened during the operations corresponding to the military and other fields of national activity.

b. At no time did President Belaúnde order the Armed Forces to finish off the conflict as soon as possible

without considering the human cost; nor did any other authority issue such an order.

Section 2. Strategy applied by the Armed Forces

1. CONCLUSION N° 54 OF THE CTR REPORT

The CTR has found that the Armed Forces applied a strategy which in its first period consisted of the indiscriminate repression of people suspected of being members of Shining Path.

Substantiation of Conclusion N° 54 by the CTR

According to the CTR report, the operations were prepared and carried out according to the manual NE-41-1 (sic) which had been used seventeen years previously in the anti-terrorist campaign of 1965. The experiences of the 1960s and the instruction of the Escuela de las Américas in the 1970s on non-conventional warfare broadly determined the counter-subversive strategy of the Peruvian Armed Forces at the beginning of the 1980s. The course on revolutionary warfare at the Army Warfare School does not cover Maoism as a revolutionary military strategy, merely mentioning it as an ideological tendency. Attention is centred on Guevarist guerrilla

warfare and the revolutionary strategy of focused terrorist groups. Although it was known that Shining Path did not employ that strategy, it was not known precisely what type of strategy it was using.

According to the CTR, the Army inferred the nature of its mission from the Government Directive N° 02 SDN/81. They did not have at their disposal a government-managed comprehensive and lasting strategic framework. However, in the directive mentioned it is stated that the task was to 'reduce the motivations that lead to subversion through the application of preventive measures designed to establish and/or maintain the constitutional régime.' It was implicit in the directive that the military action must be carried out within the framework of a set of political, economic and social measures. However, the rapid application of the political, social and economic measures to consolidate the progress of military control was not even planned by the government.

The strategy adopted by the Armed Forces assumed that the population was divided between subversive villages and villages loyal to the Peruvian state. In reality, Shining Path segmented each rural settlement and, using its support base within a segment, managed to attract a military response against the entire settlement. This is how the large number of innocent

victims is explained. The military response consisted of taking control of the human settlements and rural zones with the aim of destroying the armed elements or enemy forces. Shining Path, however, unlike earlier communist terrorists, did not intend to obtain military control of the zones where it was developing its power.

The mission of the counter-subversive campaign was defined as the recuperation of territorial command. Military operations began on 30 December 1982 when the government ordered the intervention of the Armed Forces in the counter-subversive battle. Under the command of General Noel Moral, the National Security Sub-zone E, was reorganized; it consisted of five provinces in Ayacucho and all of Huancavelica, also extending into the province of Andahuaylas in Apurímac. Planning was carried out by the local military authorities with approval from the Command of the National Security Zone of the Centre.

Counter-subversion bases were set up in all the capital cities of provinces and in locations that enabled the valleys to be controlled, such as the Luisiana ranch in San Francisco. The main tactic consisted of patrolling in force from the bases. It soon became clear that it was not a question of concentrating greater fire-power at particular points, because the subversive elements would not do battle; they limited their activities to

forays into defenceless villages, attacking police stations and, occasionally, bothering a military patrol. Experience therefore demanded an increase in the number of bases which, in 1984, came to number more than 60 in the three departments comprising the emergency zone. A greater density of military presence and more intense patrolling formed the response to the sudden and always diffuse appearances of the terrorists. In places with a greater presence of subversive elements, the conservation of minimum safety conditions and state presence came to depend chronically on the presence of military bases.

The Army and Navy patrols would leave their bases to carry out violent forays in the villages or to pursue Shining Path columns. Shining Path would burst into villages and would then withdraw adroitly so that the military forces might become lost in the emptiness or do some damage to the population. The absence of authorities caused by the Shining Path raids was not restored by the military forays. Intelligence was scarce and the margin of error wide, so that the military patrols would frequently carry out acts of indiscriminate violence.

2. ANALYSIS OF CONCLUSION N° 54 OF THE CTR REPORT

a. The government led by President Fernando Belaúnde took the decision to employ the Armed

Forces when it became certain that the police forces were being defeated and, on withdrawal of the police outposts, extensive areas were being left in the hands of Shining Path.

The figures regarding the collapse of the police were eloquent. Intermittently, 12 police stations had been attacked, some of them two or three times, resulting in 15 police agents dead and more than 30 wounded. Cold-blooded murders were frequent and ambushes were perpetrated. We coincide with the CTR when it states that the police forces had to face terrorism under precarious logistical conditions, without appropriate training or sufficient rotation of personnel. Furthermore, when they were assigned the responsibility for carrying out actions in Ayacucho, the government failed to provide them with suitable support.

In Peru, the police forces were never designed to deal with a subversive movement which uses guerrilla warfare tactics in the field; much less to combat the Maoist type of tactics where treacherous murders were committed and contingents of the population called 'base forces' were used as a shield for assaults on police stations. As mentioned earlier, the police enjoyed successes in the cities when they captured subversive elements, but these would then be set free by the judicial authorities; this would be repeated time and

time again. In that sense, the police suffered the ordeal of Sisyphus who, according to ancient Greek mythology, was condemned endlessly to push an enormous rock up to the summit of a mountain, from which it would always fall back again.

b. The battle against terrorism in the field really began in December 1982. In its report, the CTR reiterates that the Armed Forces were not prepared to tackle Shining Path because they were familiar only with the essence of the Guevarist, focalist type of subversion which had occurred in 1965. On making these assertions, the analysts of the CTR demonstrate their lack of knowledge of the principles of irregular warfare or subversive war. We shall begin by conceding that the CTR is right in that Maoist subversion is not the same as focalist subversion; neither are communist subversion and non-communist subversion of the war-for-national-freedom variety the same. However, what the Commission's analysts appear not to realize is that certain principles of subversive warfare are universal; they are therefore valid for Maoism, for focalism, and for non-communist nationalist subversion.

The first principle is the support of the population: the war is won by the side which is supported by the population. This principle may not be valid in the case

of conventional warfare, but is essential in the area of subversion and counter-subversion.

In his well-known book **The War of the Flea**, Robert Taber cites abundant examples of this concept. Let us look at some quotes:

“The primary effect of the guerrilla is to militate the population, without whose consent no government can stand for a day.” (p. 19).

“When we speak of the guerrilla fighter, we are speaking of the political partisan, an armed civilian whose principal weapon is not his rifle or his machete but his relationship to the community, the nation, in and for which he fights.” (p. 21).

“The population, as should be clear by now, is the key to the entire struggle.” (p. 22).

“Without the consent and active aid of the people, the guerrilla would be merely a bandit, and could not long survive. If, on the other hand, the counter-insurgent (law-enforcement agencies), could claim this same support, the guerrilla would not exist, because there would be no war, no revolution.” (p. 23).

Furthermore, in his book **The Battle against Insurrection**, the French author David Galula states that the first law of warfare is to win over the support of the population. “this is where the battle has to take

place despite the advantage gained by the insurgents in organizing the population.” Sowing the seeds of support from the population is achieved with the help of an active local minority. The aim of the propaganda should therefore be to “show that the cause and the situation of the law-enforcement agencies are superior to those of the insurgents.” (pp. 132-135). Were the Armed Forces aware of this principle? If, as the CTR says, they had knowledge derived only from the experience acquired in the 1960s, this was sufficient because the principle of 'the support of the population' applies also to Maoist subversion.

Taber presents several examples of irregular wars; in some of them, the insurgents won the conflict and in others they were defeated. A prime example is the case of Cuba, where Batista did not succumb because he was a dictator, as were many in those times, but because his repressive actions exceeded the limits acceptable to the population: first, the rural population and then the urban dwellers contributed to a 'climate of collapse' which accelerated the overthrowing of Batista.

The case of Algeria is similar, and began in 1954 with attacks by guerrilla fighters. The French Army, with the help of French colonists, mercilessly applied torture and counter-terrorism methods, particularly in

the city of Algiers, but the motorized troops were unsuited to the mountainous regions where the rebels sought refuge; a war of attrition began which affected the French economy and generated significant loss of life among French troops. The conflict had become polarized between the Algerian population and the French occupying army, which was supported by the colonists. In 1962, General De Gaulle decided to concede independence to Algeria once he realized it would be impossible to defeat the Algerian population.

Less well-known than the defeat of insurgents in the Philippines and Malaysia was the case of Greece (1946 - 1949). Once the Second World War had ended, the Communist Party was politically and materially in an advantageous situation. It decided to start the fight in order to seize power, held at the time by a right-wing government. At the beginning, the communists enjoyed a series of victories, but they began to commit a series of fatal errors. First, they lost the support of the population because, once the police had been removed from the towns, they plundered the countryside, stealing the local people's cattle and provisions and recruiting young people to their ranks against their will; those who did not identify with the guerrilla war were expelled from the region. In a short time, thousands of refugees arrived in Athens. This fact began to set the urban population against the

insurgents, along with the rural folk who wished to return to their lands. In such conditions, the communist party committed a further error: a direct confrontation with the army, which defeated the communists (pp. 146 - 150).

Similar mistakes were committed by Shining Path with the native rural population, targeting their lives, property, customs and traditions. In Peru, the Armed Forces defeated terrorism with the support of the local populations organized as Self-Defence Committees.

c. A further principle of non-conventional warfare is intelligence, or knowledge of the enemy.

In a particularly derogatory fashion, the CTR asserts that 'The (military) operations were prepared and carried out in accordance with the manual denominated NE-41-1 (*sic*), which had been used 17 years previously in the anti-terrorist campaign of 1965.' (Volume II). Such an evaluation is characteristic of many academics who follow intellectual fashions; in this case, the manual ME-41-1. Revolutionary warfare. ANTI-GUERRILLA-WARFARE OPERATIONS is belittled for two reasons: it was 17 years old, and it had been used in 1965 to suppress focalism.

However, books and manuals do not cease to be useful on account of their age but, rather, when they are surpassed by new knowledge or new techniques

and, in this specific case, by new tactics. Applying the temporality criterion of the CTR, Darwin's *On the Origin of Species* should be discarded because it is already 144 years old, along with Einstein and Infeld's *The Evolution of Physics*, whose Spanish-language edition is now 64 years old.

Let us return to the Army Manual ME-41-1, 1971 edition. The introduction to the manual mentions that it is based on the experience obtained by foreign countries and, particularly, on our own experience; that is, the experiences obtained during operations in the Central Highlands and the South-Eastern zone in 1965. Therefore, the ME-41-1 was not employed, as the CTR implies, in the anti-terrorist campaign of 1965 but, rather, it was drawn up later on the basis of experience obtained in that campaign. It is a Peruvian creation, not a 'carbon copy' of a foreign manual but one which incorporates the experience of other countries as an ingredient. It will be noticed that the difference between the assertion of the CTR and what the manual's Introduction actually says is hardly negligible.

The manual, in spite of its being a tactical instrument, contains strategic arguments based on the principles of non-conventional warfare, referring particularly to the importance of obtaining the support of the local population and the generation of intelligence. With

regard to the tactical use of the sub-units at group, section and company levels in combat operations, it was soon proved that, in the field, it was insufficient.

To summarize, the ME-41-1 contained aspects that needed to be perfected, but it should be emphasized that with regard to strategy, the support of the population and the generation of intelligence continue to be valid concepts, as can be seen by reading two of its paragraphs:

Relations with the civilian population

The civilian population constitutes the main source of supplies for guerrilla fighters, who cannot exist, develop or prosper, without the support of the population. It follows that a counter-subversion force set up or operating in a zone, from the very start, must attempt to win over support from the civilian population so that these people refuse to support the subversive elements, thus facilitating the destruction of the latter. It is therefore necessary for the law-enforcement agencies, from the moment they make contact with the local population, to do so in such a way as to cause a favourable psychological impression, making the people realize that the law-enforcement agencies will afford or them security, protection, and

a guarantee enabling their day-to-day activities to be carried out normally.

In this sense, the officers and, preferably, the troops, should be efficiently instructed in order to avoid friction with civilians, abusive treatment, or immoral acts which give rise to unfavourable comments and spread mistrust among the civilians. In human settlements, relations should be established as soon as possible with the local authorities and the civilians who remain loyal to the government, seeking among them those who function as collaborators in obtaining information. Furthermore, details of the main problems affecting the entire population may be requested, in order to establish a plan of action for collaboration in order to solve the problems within reach. When the law-enforcement agencies have to acquire foodstuffs, clothing or anything they need, they shall do so by making an immediate payment of the exact cost of the products they acquire which, under no circumstances, shall be taken by force and against the will of the owner. Carriers contracted for the transport of provisions must be fairly remunerated; furthermore, they shall be provided with board and lodging in the same conditions as the soldiers. The counter-subversion force will provide civilians, as far as possible, with help and collaboration in order to solve their problems, particularly those problems affecting the entire population. It is, however,

necessary to keep the population under close scrutiny because there could be elements within it that collaborate with the terrorists, or the latter could actually be concealed among the population and acting under cover (p. 141).

Requirements of intelligence

The availability of intelligence information plays a very important role in counter-subversion-warfare operations aimed at the destruction of the politico-administrative organization (PAO) and the subversive forces. The units which participate in this type of operation will be in possession of information provided by their superiors, but they will make an effort to obtain the maximum possible amount of information from the local people; for this to take place, a network of collaborators is set up with friendly elements loyal to the government. In order to organize such a network, a very important role is played by the good relations forged with the civilian population; it is worth mentioning that the quantity of information obtained depends on the relationship achieved with the civilian population, which is the source of information about the enemy.

Information may also be obtained by interrogating subversive elements that have been captured as well as

suspicious individuals and members of the politico-administrative organization that have been detained. Possible sources of information include radio stations, magazines and newspapers. A magnificent source of information is also found in children, with whom it is sought to build friendship. A further information source which should be taken into account comprises civilians who are addicted to alcoholic drinks, particularly once they have become intoxicated. The intelligence requirements of the counter-subversion units are orientated towards:

- Identifying the members of the politico-administrative organization operating in the zone.
- Localizing the subversive elements and their network of collaborators.
- Obtaining knowledge of the enemy's potential and that of the organizations within which it carries out its actions.
- Finding out about the medium within which it holds influence; the geography and, especially, the people, population density, social structures, standard of living, currents of public opinion, nationalist sentiment, different aspirations, and so on which enable activities to be orientated and the population to be understood.

- Discovering whether local gangs, terrorists and saboteur networks exist.

- Locating training camps for armed elements (p. 143)

d. Consistent with the doctrine of counter-revolutionary warfare in force at the time, the Armed Forces have always had directives and plans for the internal defence of the national territory (IDT) which, according to the current situation at the time, were updated and disseminated via the Strategic Concepts of the Joint Command of the Armed Forces and/or of the national security zones. In December 1982, the Joint Command of the Armed Forces carried out the modified IDT in its intervention phase, organizing the operating elements into zones, sub-zones and national security areas in which temporary counter-subversion bases were deployed with territorial and operative responsibility.

The general responsibilities assigned to the operating elements were:

- Protecting the populations threatened by terrorism, and protecting local authorities and essential public services.

- Planning and carrying out offensive, defensive and intelligence counter-subversion operations.

- Recovering and retaining loyalty of the population.

3. CONCLUSIONS

The concepts analysed were perfectly familiar to the officers of the Armed Forces, who acted taking as a reference the specifications set out in their own manuals, one of which is the ME-41-7 (alluded to by the CTR) where it is stated specifically that 'winning the support of the population' is basic and fundamental to avoid the population's supporting the subversive elements. Indeed, the Armed Forces provided protection, safety and guarantees for the performance of the communal activities in addition to support and collaboration aimed at satisfying some of the population's priority needs. If such conduct ensured victory in the conflict, then why should there exist indiscriminate repression of the population?

In 1989, on the basis of experience obtained up to that time, the Army updated and published the Manual on Non-Conventional Warfare: Counter- Subversion, ME-41-7. In the year 2000, as a corollary of the conflict, the Ministry of Defence - Joint Command of the Armed Forces drew up and published the book Integral Strategy for Counter-Subversion and, most importantly, the book is not classified - meaning that it can be obtained by any citizen. The first edition was distributed to the ministries and public bodies.

CHAPTER IV

Violations of human rights by the Armed Forces, according to the CTR

1. Conclusions of the Final Report of the CTR

CONCLUSION N° 55

La CTR asserts that in certain places at certain times during the conflict, the actions of members of the Armed Forces included not only individual excesses on the part of officers or troops, but also generalized and/or systematic practices in violation of human rights, which constitute crimes against humanity, as well as infringements of the regulations of International Humanitarian Law.

CONCLUSION N° 57

The CTR has determined that the most serious violations of human rights on the part of military

agents were: extrajudicial executions, forced disappearance of individuals, torture, and cruel, inhuman or degrading treatment of people. Among these, the CTR particularly condemns the widespread practice of sexual violence against women. All such acts are a disgrace to those who perpetrated them directly and to those who, in their position of higher rank, instigated or permitted them, or covered them up through mechanisms of impunity.

CONCLUSION N° 59

For the CTR, although the military intervention inflicted a powerful blow on the organization and operational capacity of the Peruvian Communist Party - Shining Path (PCP-SP), it also produced an aftermath of massive violations of human rights, making the two years 1983 and 1984 the most lethal of the conflict, essentially in Ayacucho. Worse still, the strategy turned out to be counter-productive because the indiscriminate repression in the rural zones delayed the division between the PCP-SP and the poorest sectors of the rural population, and failed to prevent the expansion of armed actions into other zones of the country.

2. Analysis and comments

These three conclusions of the CTR have generated considerable controversy, including a discrepant position of one member of the CTR (Appendix 2).

Several institutions have made statements on the subject (see Appendix 3).

On 29 August 2003, the Public Prosecutor declared that the inspection of the CTR Report corresponds to the Public Prosecutor's Office and that once the results were known it would act on its own initiative in cases of crimes accredited with proof or at least with *prima facie* evidence. When there is no proof, but only assumptions made by the CTR, non-formal, strictly confidential preliminary investigations shall be opened. It was also stated that concluded trials (*res judicatae*) could be reopened only if a new person responsible for the crime were found, together with the necessary proof. "This is the only existing possibility for reopening an investigation because what has already been resolved via court proceedings is *res judicata*". Thus, if the CTR has not managed to obtain proof that incriminates new culprits, it is impossible to take any criminal action against them. (**El Comercio**, 30 August 2003, p. a4).

a. Injustice of the CTR in assigning responsibility

On presenting its Final Report on 28 August 2003, the CTR also denounced between 120 and 150 officers of the Armed Forces and National Police for alleged violations of human rights. This number is immensely superior to the very small number of cases in which Shining Path is accused for the same reason. This shows that the CTR is interested only in finding culprits among the law-enforcement agencies, and not among the terrorists, despite its having thousands of relevant pieces of evidence and the declarations of the victims of Shining Path.

As a randomly selected sample, some cases recorded by DESCO and in publications by reputable authors such as Simon Strong, Alberto Valencia Cárdenas and Nelson Manrique are presented here.

None of these cases merited the CTR's investigation or the accusation of those responsible. What sort of evaluation deserves such an approach?

DESCO: In *Violencia Política en el Perú* (Political Violence in Peru). 1980-1988, pp. 163, 167, 169 and 171, in the parts corresponding to the years 1987 and 1988.

“At some time on 12 or 13 June 1987, eleven country-dwellers of the Apurímac valley, men and women, were murdered by members of Shining Path, who accused them of collaborating with the law-enforcement agencies. The remains of all the victims were thrown into the river. This mass murder took place between 12 and 13 June in the area known as Leche Mayo, located near the border between the provinces of La Mar, Ayacucho and La Convención, Cuzco. Approximately 250 km north-east of Ayacucho, more than twelve local people were intercepted by armed groups which, after verifying identities, stabbed them to death.”

“On 9 December 1987 in the village of Rumi Rumi, La Mar province, in one of the year's worst massacres, Shining Path members murdered 24 local people, most of whom were authorities and young people from the village. Relatives of the victims reported that on that date, the ninth, during the night, approximately 45 heavily armed terrorists arrived and took the patrol members by surprise while they were watching over the small settlement. The traitors strafed the population who, with their sticks and slings, were quite unable to defend themselves against the machine guns and dynamite of the attackers. Among the deceased was 30-year-old Ángel Vargas León, head-teacher of the Rumi Rumi school, while eighty children were orphaned.”

“On 8 January 1988, a group of Shining Path terrorists burst into the village of Chaca, in San Miguel - La Mar and murdered 24 members of the community, all belonging to Civil Defence Committees”.

“During the night of 17 April 1988, a Shining Path terrorist gang invaded the zone of Palmapampa, Ayacucho, and murdered 21 peasants”.

“On 22 April 1988, 19 countrymen from Arangary, Huanta, were murdered for being members of the Civil Defence committee”.

Simon Strong:

“In June 1989, Shining Path carried out its first raid on Cutivireni, a village on the River Ene; they demanded food, tools and other objects. Father Mariano, a Franciscan missionary and protector of the Ashaninka people, granted their requests on this and several subsequent occasions for fear of violent reprisals. The terrorists increased their demands: he should recruit young Ashaninka people and hand them over for indoctrination. Father Mariano refused to do this and soon afterwards went away on leave. While Father Mariano was absent, a DEA helicopter which was carrying out raids on cocaine-producing laboratories

landed in Cutivireni and illegal landing strips in the valley of the River Ene were bombed.

This new presence emboldened the resistance of the Ashaninkas and on the day of the 1990 municipal elections they tore down the terrorists' red rag emblazoned with a hammer and sickle and replaced it on the flagstaff with the Peruvian national flag. The reaction of Shining Path was savage and appalling; a column of sixty terrorists from their EGP (People's Guerrilla Army) armed with machine guns murdered three chieftains from the indigenous mission, among whom was the leading teacher, Mario Zumaeta, who was crucified, castrated and eviscerated. His remains were stuffed with rocks and hurled into the river."

"During 1990, hundreds of people in the area of the River Ene perished in terrible acts of bloodshed. The rebels imposed a reign of terror over the settlers and Ashaninka tribes, while the Army encouraged the formation of patrols. Dissidents who attempted to escape from the 'People's Republic' were murdered in the most savage way. One farmer who had escaped after having been taken to one of Shining Path's 'Local Forces' related: 'I saw how they murdered my entire family; one of the killers took a child and cut its throat with a knife, then lifted it by the legs and hung it until all the blood had drained away and the body stopped trembling.' "

“Another sector targeted by Shining Path's sabotage activities was tourism, an activity whose revenue had been increasing during the 1970s.... In June 1986, Shining Path dynamited the tourist train to Machu Picchu, Peru's greatest tourist attraction, killing seven passengers and causing forty wounded.... In an internal document from 1991, Abimael Guzmán wrote of the need to destroy tourism in Ancash by means of sabotage and, if necessary, by resorting to selective murders. 'With the murder of one tourist, the lesson will be learned; should they fail to get the point with one murder, then a further extermination must be carried out.' he said."

(Sendero Luminoso: el movimiento subversivo más letal del mundo (Shining Path: the world's most lethal subversive movement) pp. 187, 189 and 206).

Alberto Valencia Cárdenas:

“On the banks of the River Apurímac, at the border between Cuzco and Ayacucho, there is a small settlement called Rinconada, near to Pichihuilca. On 24 December 1987 (yet another bloodthirsty Christmas Eve) Shining Path elements invaded Rinconada and killed twelve patrol members. The terrorists also killed the Mayor Rubén Nolasco, the Governor Tristán Flores, and the President of the Civil

Defence patrols; they died together with their wives and children as these refused to abandon them when they were sentenced to death. During their raid, the terrorists recruited 15 children of both sexes and under the age of fourteen years and took them away by force. One of the women that commanded the terrorist group explained: 'These kids are going to be the 'pioneers' of the People's Guerrilla Army. With them we shall build a new Peru. When they come back, you won't recognize them because they'll have become soldiers of the New Republic.'

The abduction of children is a common practice among Shining Path terrorists. When indigenous communities refuse to hand over their children voluntarily, the Shining Path terrorists recruit them by force, under threat.”

(Los Crímenes de Sendero Luminoso (The crimes of Shining Path) p. 62).

Nelson Manrique:

“The Universidad Nacional del Centro was attractive to the leaders of Shining Path as it is located in a city closer to the capital, and has greater economic, political and administrative importance as well as a size that facilitated clandestine activities... They played

an important role in carrying out attacks within the university, in the city, and in raids against the communities of the Mantaro valley. Since 1968, the university had become a critical battle ground for the supremacy of either Shining Path or the Túpac Amaru Revolutionary Movement (MRTA)... The battle for control was bloody, with political murders of students and academic staff committed by both forces against their opponents."

An informer from San Juan de Jarpa (south of the province of Huancayo) tells the following: "In the beginning, many young people enrolled voluntarily in their ranks and even some which had been recruited by force later became enthusiastic followers of Shining Path in the belief that they were on the winning side.... During this period, one sector of the community's young people loyal to Shining Path made use of extreme methods of coercion such as burning alive or stoning to death those who refused to submit to them."

From Comas (a settlement on the River Tulumayo in the department of Junín): "However, the settling of scores between the pro-Shining-Path and pro-MRTA communities endowed the conflict with staggering ferocity. In some of the communities where the Shining Path terrorists had committed abuses which could be redressed by means of armed support from

the MRTA, they reached the extreme of exterminating not only the Shining Path cadres but also their families and associates, showing no mercy even for children, in accordance with the atrocious slogan 'Leave not even the seed'. Without a doubt, Shining Path would respond in kind to MRTA when it had the opportunity to do so. This extreme situation shows up the savagery of the conflicts.”

(El tiempo del miedo (The time of fear), pp. 196, 207 and 211).

Evidently the CTR has shown no interest in investigating and reporting even the acts of greatest cruelty committed by Shining Path; they simply assign it a generalized responsibility. Furthermore, it has not investigated the attacks perpetrated on the National Police Force and the Armed Forces, nor has it identified the regional, zonal and sub-zonal committees, detachments etc. in order to assign them responsibility for attacks committed in their respective areas. By contrast, all the Politico-Military chiefs have been held responsible for presumed infringements of human rights.

b. Inconsistency in the investigation by the CTR

In volume IV of the Final Report, the scenarios of violence, chapter I: violence in the regions, pp. 31 - 38, the CTR presents a 'timeline' of actions that took place between 1980 and 1995 in the south-central region of Peru, which were accepted by that commission. As an example, transcriptions are given of actions involving the deaths of tens of individuals which, although acknowledged and despite the serious nature of the acts, were nonetheless considered by the CTR unworthy of its making any accusations before the judicial authorities:

July 1984	40 people murdered by Shining Path in Ccanis.
August 1984	More than 40 villagers (about 48) murdered by Shining Path in Pampacancha.
1986	During the first half of the year, in the province of La Convención, there were massacres of local people (in Usnuyoc on 28 April; in Totorá and Vilcabamba on 22 June; and the governor of Huallán and his son were murdered on 7 July. There were also attacks on the villages of Totorá and Usmayo on 10 May. In La Convención province, 50 patrol members were murdered in the zone of Quimbiri on 16 May.

February 1989	37 villagers were exterminated in Canayre, Llochegua, by Shining Path. According to statements, a group numbering some 300 Shining Path terrorists arrived in boats on the River Ene, they murdered the patrol members and then demanded from the authorities a list of landowners, some of whom were then murdered.
January 1990	48 farmers were murdered by Shining Path in Acosvinchos.
August 1990	Massacre of 32 inhabitants of Canayre, Sivia, by Shining Path. According to accounts, these were 32 individuals who practised the Evangelical religion.
November 1991	A column of Shining Path terrorists invaded the district of Santo Tomás de Pata and murdered 37 local patrol-members.

c. Points of similarity with the CTR

We found that conclusions N^{os} 60, 63 and 64 of the CTR coincide in general terms with our own views regarding the displacement of the centre of mass of operations towards the urban zones and the Central Jungle, given that the 'Andean Trapezium' had already been recovered by the counter-subversion forces, and because the CTR acknowledges the validity of the strategy applied by the law-enforcement agencies.

The conclusions mentioned are transcribed below:

CONCLUSION N° 60

The CTR states that in August 1989, the Armed Forces approved the systematization of a counter-subversive strategy. The new strategy made distinctions between the theatres of operation, friendly, neutral and hostile populations, and did not have territorial control as its main objective but, rather, the elimination of the politico-administrative organizations (OPA) or Shining Path people's committees; and to win over the support of the population and isolate the military force of Shining Path. The strategy led to decisive results such as to encourage the reaction of the peasant farmers against the power of Shining Path and the proliferation of the self-defence committees, which changed the relationship between the Armed Forces and the peasant farmers.

CONCLUSION N° 63

The CTR concludes that the capture of Abimael Guzmán and the dismemberment of Shining Path and MRTA were not enough to prevent the ethics, prestige and even the wellbeing and efficiency of the Armed Forces from suffering serious damage at the hands of a

power group which aligned itself with a dictatorial government. This process of decomposition was characterized by the activities of the Grupo Colina, the persecution of dissident officers, and the organization of a system of corruption, blackmail and political espionage within the Armed Forces themselves under the leadership of Vladimiro Montesinos.

CONCLUSION N° 64

The CTR found that the Armed Forces were able to learn lessons during the violence, enabling them to improve their strategy to make it more effective and less prone to the mass violation of human rights. This learning process is reflected in a reduction in the number of victims attributed to actions of government agents during the years of the most intense internal armed conflict (1989-1993) while during the same period Shining Path directed unlimited terrorist violence against the Quechua and Ashaninka peoples as well as attacking urban populations. That learning process, together with the proliferation of the Self-Defence Committees, operational police intelligence and the support of the citizenry, enables the defeat of Shining Path to be explained.

While these conclusions may approach the truth, the CTR has not taken into account the version of the Generals and other officers who were interviewed by the Commission, much less of those who were currently in charge of the institutions. Had they been taken into account, it would have enabled the CTR to produce a less subjective and distorted opinion with regard to the actions taken by the Armed Forces; by contrast, everything written about Shining Path constitutes a painstaking transcription of the version told by Abimael Guzmán Reinoso and other terrorist ringleaders interviewed, together with the 'unofficial papers' circulated on several different occasions, thus introducing an ideological bias stemming from the Marxist backgrounds of the majority of the members of the CTR. The televised interviews of terrorist ringleaders and the photographic exhibition presented by the CTR in Chorrillos really constitute an apology for Shining Path and MRTA.

As an example, extracts are presented from the 1989 interview of the journalist Carlos Chávez Toro with the then congressman Carlos Tapia, now ex-commissioner of the CTR.

“There are few politicians who would dare compete with Abimael Guzmán; one, however, was Carlos Tapia who on one occasion did so for no less than the

affections of a woman, Augusta La Torre. The left-wing congressman tells of this and other experiences.”

“At the age of eighteen, Carlos Tapia was a cadet in the Peruvian Navy. He was discharged from the Officers' College, reportedly unjustly, and then abandoned his home to travel to Huamanga, where he entered the university in 1961 to study rural engineering. He took part in the constitution of the Students' Revolutionary Front (FER) and, as one of the most radical members, later joined the Ayacucho Communist Party.”

“He daubed the walls of the University of Huamanga with the letters 'FER', representing the Students' Revolutionary Front, a group whose political leader was Abimael Guzmán Reinoso, head of the Ayacucho Communist Party. There, he would later become more closely acquainted with Abimael and Augusta La Torre, with whom he fell in love but who was to become the wife of his boss, Abimael Guzmán Reinoso.”

“He made it known that in 1965 he became a member of the Revolutionary Left-wing Movement (MIR) with De la Puente Uceda; that was the year in which the guerrilla war began and the Movement detached him in Lima where he planted bombs consisting of a dynamite charge with detonator and fuse. The subversive agent Carlos Tapia participated one

afternoon in 1965 in the planting of an explosive charge at the entrance to the Venezuelan Embassy, and he managed to escape. Once the Army had disposed of De la Puente and his gang of guerrilla fighters, Carlos Tapia suffered considerable pain and anxiety.”

“He later returned to the University of Huamanga and once more to his political boss, Abimael Guzmán; as Personnel Manager he now had greater influence, with the power to decide which academic staff would be hired and fired. Guzmán never accepted debate, at least in public, and in 1976 and 1977 was already planning a people's war.”*

This is just a sample which indicates the political leanings of the ex-commissioner of the CTR and his actions with the extreme political left - although he now denies belonging to that group.

In the light of the truth, and considering that the members of the CTR must be selected from among individuals with integrity and impeccable intellectual track records in order to carry out an analysis of national historical importance on two hapless decades

* VSD, Supplement in the newspaper **La República** of 09-06-1989

of terrorist aggression committed by Shining Path and MRTA against the Peruvian state and nation, Mr Carlos Tapia, on account of his past behaviour, must be disqualified, together with his contributions to the report presented by the CTR.

Furthermore, it is necessary to take into account the political antecedents of other commissioners, and the direction and intervention of the Secretary General of the CTR, Javier Ciurlizza Contreras who, on his frequent visits to the ringleaders of Shining Path and MRTA in prison at the naval base in Callao, a fact publicized in a daily newspaper with nationwide circulation, had the chance to talk about topics related to the choice of the members of the Commission on Truth and Reconciliation.

3. Conclusions

a. The CTR, with the intention of attributing a large number of violations of human rights to the Armed Forces, makes no distinction between terrorists killed in battle (undoubtedly the majority) and those possibly killed through chance oversights or some kind of excess, and seeks to assign the members of the Armed Forces the same level of responsibility as that assigned to the terrorists, in such a way as to give support to the accusation of their having applied a

generalized practice of violation of human rights. We consider such a charge to be an insult to the military institutions because these have never designed nor applied a strategy that envisaged the systematic violation of human rights.

b. The CTR has biased its investigation, focusing it on cases which it attributes to the Armed Forces and the National Police Force. Overreaching its duties, it has made accusations against approximately 150 members of these institutions and requests the inclusion of all the politico-military chiefs who were in charge of the zones where the reported cases occurred.

However, despite its acknowledgement that Shining Path is the 'principal perpetrator of murders and the violations of human rights', it made very few accusations of Shining Path before the court. This conduct is not the result of a lack of information or proof; the data have been provided by DESCO, Strong, Valencia, Manrique and many others. Furthermore, there are the statements made by witnesses. All this leads to the conclusion that the CTR is simply attempting to discredit the law-enforcement agencies and to expose them to public anger while verbally condemning Shining Path but in practice exonerating it from its responsibility for having brutally attacked the Peruvian state and population, committing thousands of atrocious murders.

c. The bias of the CTR in charging the Armed Forces with the greater part of the responsibility does not make reconciliation feasible; rather, it does the contrary by polarizing opinions, placing in mutual opposition those who support it and those who question it.

CHAPTER V

Calculation of victims made by the CTR

1. Conclusion Nº 2 of the CTR Report

The CTR estimates that the most likely number of victims killed by the violence is 69280.

Reactions and response of the CTR

The figure put forward by the CTR is surprising and generated a series of questions from prominent politicians. The CTR explained that their estimate was a 'projection'. The Commission's consultant, Patrick Ball, said that this figure was derived using the method of 'estimating multiple systems'; this means using several data bases and crossing the figures in each one of them.

“In this case, we used data from three bases: the CTR, the Ombudsman's Office, and the different NGO (non-

governmental organizations), from which we derived a figure of 23,969 dead, clearly identified with first and last names” explained Ball.

He added that “With the information obtained from the databases, we made a projection: we calculated the number of phenomena outside the databases. We estimated the unknown; the projection is obtained on the basis of one known component and one unknown”. (**El Comercio**, 30 August 2003).

Regarding criticism, Ball sustained that the analysis is eminently technical and statistical, that the margin of error is not large, and that it therefore has little effect on the result presented.

He concluded by saying “Scientific work should be questioned, but the questions should have a scientific basis. One cannot say simply that this analysis is polarized or politically biased; criticism must be based on scientific criteria if our methodology is to be questioned. In three or four weeks, we shall publish the Commission's entire database so that any analyst interested in the topic might see how we conducted our work or offer scientific criticism of it.” (**Correo**, 29 August 2003).

It is worth pointing out that more than two months after this offer was made, the CTR has presented

neither the database nor the model used to obtain the projection.

2. Analysis

a. Presentation of the method in scientific works

Whatever the level of a scientific study, the presentation of the method or methods used is an intrinsic part of the write-up of the study. This fact is known to any university undergraduate, all the more so when an investigative project is presented. The method to be used must be clearly defined and described; otherwise the project will be disqualified. This is even more important in the case of a final report - generally referred to as a thesis. The absence of a description of the method applied would cause the thesis to be rejected and the student would be denied the opportunity to support his or her work.

With the knowledge that the majority of the members of the CTR are university lecturers, with some of them holding the highest academic qualifications, it is inadmissible that they should present such an important figure with such political and moral significance without the due methodological basis.

However, the most surprising are the declarations of the American consultant Patrick Ball, deputy director

of a human sciences program who worked on seven truth commissions in different countries when he said “Scientific work should be questioned, but the questions should have a scientific basis” forgetting that there can be no scientific criticism if the method used is not detailed beforehand; that is, in order to produce the type of criticism he demands, he must first comply with the elementary principle of describing how the work was carried out and not wait for criticism before offering to publish, after three or four weeks, the information regarding the entire database available to the commission.

All the foregoing does not stem from any kind of hostility towards the commission; it is simply a basic methodological requirement which we shall explain, on the basis of the guidelines set out by two acknowledged methodologists, Raúl Tafur Portilla and R. Sierra Bravo. According to Tafur, the investigation method is a set of tools and procedures used in the investigation process to achieve the aims of the investigation. “Presentation of the method or investigation procedures” is a chapter which describes the strategy used to achieve the aims of the investigation; it consists of an explanation of the design of the investigation, the universe or population examined, the sample, the method used to collect data, the instruments used for data collection, and the statistical techniques applied.

The purpose of presenting the method is to enable members of the scientific community or researchers to verify the quality of the method's components and its application to the investigation. Similarly, it makes it possible to replicate the study; i.e. investigators using the same method should obtain the same results.

Sierra Bravo is chiefly concerned that the observation techniques and analytical procedures used should be recorded so that other investigators might be able not only to repeat the process, but also to verify the suitability of the techniques and procedures used for the subject matter of the investigation and their correct application in the particular case in point.

Sierra Bravo quotes the following remarks by the scholar Ramón y Cajal. “Likewise, it is important to elaborate... on the investigation method or methods adopted by the author, without imitating those wise men who, with a view to later improvements, reserve the monopoly on the technique used, reviving the almost extinct custom of the chemists and mathematicians of past centuries who, inspired by a puerile vanity and wish to surprise people with the power of their perspicacity, would reserve the details of the procedures which had led them to discover the truth.” (p. 414).

All three authors coincide on an essential aspect: that in the use of the scientific method there is no room for

mysteries nor for the acceptance of results simply because a scientific authority has emitted them. Certainty comes from the verification that the techniques used and analyses carried out are scientifically sound; i.e. duly selected and applied.

For the case in question, it is not only matter of having knowledge of the commission's database, the option offered by the consultant Patrick Ball, but also requires the intervention of NGOs chosen to evaluate the eligibility and trustworthiness of their information. It should be pointed out that the method denominated 'estimating multiple systems' is nothing more than the 'triangulation method' in which several methods, instruments and sources of information are used to provide the analysis of data with further consistency. Furthermore, it may be true that in statistics this has been used for over 100 years, as Ball explains, but in science its use goes back to Galileo and even to the ancient Greeks.

The fact cannot be ignored that the most important things to be made known are the software and control programs designed by Ball which enabled him to progress from the known information in the databases, to the unknown; i.e. the determination of the number of deaths not included in the database. In simpler terms, what did Ball do to make the figure provided by the Senate's Special Peace Commission,

7126 deaths in the two-year period 1983 and 1984, become 19468 deaths, or that the general estimate of between 25000 and 28000 killed during the conflict become precisely 69280 - not one more nor one less?

The foregoing does not mean that there are no methods for calculating the number of victims corresponding to military operations in a conventional war. Thus, for example, the United States Army has manuals with tables for calculating the numbers of dead, wounded and missing as a result of bombing cities with different populations and population densities. Clearly, the figures vary according to the terrain and the type of weapons used; aerial bombardment, such as that suffered by German and Japanese cities in WWII, is not the same as the aerial and naval bombing of Japanese bases on islands in the Pacific Ocean during the same war.

Applying the same logic, a calculation for El Salvador or Guatemala, where important contingents of farmers number among the insurgent guerrilla fighters, is not the same as that for Peru, where the rural population rose up against the terrorism of Shining Path.

b. Models of the presentation of the method

DESCO and the Senate's Special Commission, given the serious nature of their work, represent two valuable sources of information regarding the events in Peru

during the conflict. In the following we present the most important aspects of two of their publications; it should be emphasized that both coincide in pointing out, with scientific modesty, that their figures are approximate owing to a set of limitations which impedes thorough knowledge of the reality.

(1) DESCO. Political violence in Peru, 1980 - 1988

In 'Sources and methodology' of the Introduction, it is asserted that the source of information is the national written press, daily and weekly newspapers, which the data bank of DESCO has compiled on a daily basis since July 1980. The authors say that the positive aspect of this method is that during all those years DESCO has stored in an orderly fashion the perishable information found in newspapers and magazines.

A limitation is that the information comes from the press rather than its being obtained directly from an event as it took place, or from an investigation carried out by DESCO; it is therefore not possible to assess the veracity or otherwise of a news item unless it has later been refuted or ratified by the press itself.

Furthermore, the information supplied by the institutions and law-enforcement agencies is presented in a different way from that of the communications

media, and this makes it difficult to produce more realistic statistics.

According to DESCO, the inexistence of a standardized method for presenting facts explains the notable differences among the statistics of the Ministries of Defence and of Internal Affairs, the National Institute of Statistics (INE), the Senate's Commission, the Commission for Human Rights, the House of Representatives, and others.

Finally, there is ambiguity in the classification of victims of political violence, especially in the 'terrorists' category - a group which contains many peasant farmers who could be innocent, terrorist sympathizers, collaborators, or militants. This is why the document categorizes them as 'presumed terrorists'.

In its different publications since 1980, DESCO has presented statistics on attacks and the victims generated by the conflict. The two tables which appear in the following text set out a condensation of its main statistics.

VICTIMS OF POLITICAL VIOLENCE 1980 - 1988

Source	Total
The Peru Report	11182
The Senate's Special Peace Commission	12613
DESCO	11311
Ministry of Defence	9230 *

Source: DESCO. Political violence in Peru. 1980 - 1988. Vol. I, pp. 34 to 43.

Comment: The spread of figures from these four sources is 23% between the lowest (10257) and the highest (12,613). This shows that despite the diversity of the sources of information used by these institutions and bodies, there is a fair degree of agreement among them and an acceptable margin of error - despite the limitations inherent in obtaining confirmed information.

* In the case of 1988, the information from the Ministry of Defence corresponds to the first six months (January to June); adding a projection for the second half-year, a total of 10257 is obtained.

VICTIMS OF POLITICAL VIOLENCE 1980 - 1992

Period	Armed Forces	Police Forces	Civilians and authorities	Terrorists	Total
1980-88	292	566	5161	5292	11311
1989	109	229	1365	1175	2878
1990	135	163	1531	1879	3708
1991	174	213	1282	1375	3044
1992	199	198	1301	934	2632
Totals	909	1369	10640	10655	23573

Source: DESCO. Special Report N° 20. December 1992, pp. 14 and 15.

Comments: The period 1980 - 1992 was the most lethal and came to an end with the strategic defeat of Shining Path and MRTA through the capture of their top leaders. From that time onwards, only some residual groups continued the fight, and the number of deaths diminished notably. This is why estimates of the number of victims up to the year 2000 lie between 25000 and 28000.

(2) The Senate's Commission, Violence and pacification in 1991.

The Commission states that one of the aspects in which it exercised the greatest care was in the development of a scientific methodology that permits the reality of the country to be thoroughly understood, the problems of violence from which it suffers, and to make the correct selection of variables for a comprehensive counter-subversive strategy which, together with the complex process of pacification, requires appropriate monitoring.

In this regard, the Commission will recall that for the first general study in 1988, it received the collaboration of universities, study centres, and experts which contributed with their experience and constituted a critical mass in the formulation of a methodology suitable for the characteristics of terrorist violence in Peru.

This collaboration has continued and from time to time experts on the subject are consulted, analyses are made of the bibliography on the topic of violence, field visits are made, and the inclusion of new variables is examined in accordance with the evolution of the violence, the position of the actors who produce it and the results of the counter-subversive policies. On more than one occasion, the main methodological difficulty in the work of the Commission has been the lack of

suitable information with regard to scenes of violence in isolated locations. In spite of these difficulties, since 1988 the Commission has been using a set of concepts applicable to the identification of the acts of violence and the characterization of the groups that commit it.

One of the best-known works of the Commission is that on the series of statistics that enable the political, social and economic costs of the violence to be monitored. This aspect is dealt with on the basis of a carefully designed methodology and its value is considered strictly referential and approximate.

With regard to the sources of information, these are varied. Some of them are public bodies, and some are private, while others are communications media. Up to 1988, the Commission had consolidated the official data which were provided by the Ministries of Defence and of Internal Affairs. From that year onwards, the Commission has been working directly in the compilation, verification, analysis and presentation of the information derived from the different sources mentioned. It should be made clear that in many cases, the source demands confidentiality and discretion. For this reason, it has not been considered pertinent to detail each and every source, except those which are of public nature and are quoted at the foot of each table published by the Commission. Obviously, the main concern of the Senate's

Commission is the methodological process of data verification, which is done through the systematic collating and comparison of sources until sufficient evidence is gathered to prove the reality of the act of violence.

3. Conclusions

On presenting a figure for the number of victims without an explanation of the methods used to arrive at that figure, the CTR has failed to comply with a fundamental requirement universally expected in the presentation of scientific studies; therefore, the figure of 69280 deaths has no scientific value as it lacks methodological support. This is evident as, according to some communications media, the Public Prosecutor's Offices has detected deficiencies in the CTR's report and questions the figure of 69 thousand victims of violence. (**Correo**, 16 October 2003, p.11.)

When the CTR presents the databases used for triangulating the information, and the software and programs used to isolate the unknown value which, supposedly, amounts to 46000 deaths which do not appear in the CTR's statistics, only then will it be possible to verify the consistency of the primary and secondary sources used, together with the suitability of the formulas applied in order to add the amount

mentioned. To the 23000 deaths recorded, the amount called 'the unknown' has been added, thereby increasing the total by a further 46000 'virtual deaths' as they are designated by some people and communications media.

There is a substantial difference between the quantity given by the CTR and those, which did not exceed 28000 victims, presented during two decades by bodies with acknowledged intellectual solvency such as DESCO and the Senate's Commission (which operated until 1992) and others. This fact has created the intellectual and moral necessity to produce a perfectly clear statement about the excessive disparity between the figures. Without relapsing into false nationalism, it is unacceptable to suppose that between 1980 and 2000 nobody in Peru has suspected that the number of victims would be 150% greater than those known about.

CHAPTER VI

Political and legal context

Section 1: Political context

Shining Path began terrorist activities at a political moment which favoured it considerably: it was when a military government (1968 - 1980) was in the process of transition to a democratically elected one, led by the architect Fernando Belaúnde Terry, who had been ousted by the military in October 1968.

Since the beginning, there had existed a lack of trust on the part of the new civilian authorities towards the military. When the latter warned about what was to come with regard to terrorism, they were not heeded. Furthermore, the civilians believed that the mention of a supposed terrorist group was a ruse by the military in a bid to obtain a degree of power and influence. In fact, that lack of trust between civilians and military personnel favoured the consolidation and expansion of Shining Path's terrorist activities in Peru.

Excessive centralism made the state presence very weak in the interior of the country. This was why Shining Path targeted the feeble presence of the state. The high number of public officials murdered

(especially the local authorities) in the provincial areas of the republic is a convincing example of this strategy.

At the beginning, the government response was timid, but more important than any other factor was the fact that the nature of the enemy that was threatening Peru was absolutely unknown. In the first decade of the conflict, Congress was never able to provide the legal and organizational instruments required in order to deal with Shining Path. Despite all the bloodshed and destruction caused, no comprehensive response was made.

On 13 June 1989, Mariela Balbi published an article in the daily newspaper La República entitled 'Reaching an agreement is the big challenge'. In that article, the writer pointed out that the political parties APRA, Acción Popular, Partido Popular Cristiano, Movimiento Libertad, SODE, Partido Socialista Revolucionario and the Partido Unificado Mariateguista had very little in common with regard to a common strategy against terrorism. She came to this conclusion after interviewing the secretaries general of those political groups.

A revealing fact should be noted: almost all the secretaries general recognized the fact that terrorism was the main problem in Peru. The only one who thought otherwise was the senator Javier Diez Canseco, secretary general of the Partido Unificado

Mariateguista. For a more thorough understanding of the position adopted by the Peruvian political left when Mariela Balbi carried out the interview, some of the opinions expressed by leftist leaders in the 1980s are transcribed in Appendix 6.

Balbi wrote: "It is true that when an unusually violent event occurs, the political parties lambaste and condemn subversion and, incidentally, the government. However, this attitude is merely reactive and does not form part of a daily practice which is disseminated and that reaches the militants and sympathizers (...) When we asked these leaders 'How can the population be involved?' or 'What can be done about the Alto Huallaga?' the replies are far from concrete and operational (...) The absolute indifference to the fate of the oppressed department of Ayacucho on the part of political parties of both right and left merits emphasis. In point of fact, no political group was interested in what was going on there. It was never possible to form a parliamentary commission that would make visits on a regular basis to this department that had been subjected to violence for nine years running. 'We might as well be a part of the map of Africa' the people of Ayacucho have remarked.' (...) One of the reasons that may explain this indifferent attitude is the rural origin of the inhabitants. As our country is centralist and highly

racist, identification with and concern for Ayacucho turns out to be improbable."

There was, however, one thing on which all were in agreement, but which never actually took place: that the governments of the emergency zones should be run by civilians.

The question is now 'Why was this not done?' Was it easier and more politically convenient to leave the military in charge of everything? With this in mind, in 1985 the Law N° 24150 was enacted; it became better known as the Law of Politico-Military Commands. The main attributions assigned in this legal measure were:

- Taking on the command of the Armed Forces and the Police within their jurisdiction and/or in those which they may be assigned.
- Coordinating the participation of the public and non-public sectors located within the emergency zone in carrying out plans and directives approved by the Executive Branch.
- Coordinating and supervising, in accordance with the approved emergency plans, the actions of the public bodies, departmental corporations and other institutions in the public sector, mainly those devoted to attention of the civil servants.

- Arranging actions for the optimum fulfilment of the approved plans, coordinating with the prefects and other political authorities of the jurisdiction.
- Requesting of the corresponding authorities the dismissal, appointment or transfer of political and administrative authorities within their jurisdiction in the case of negligence, abandonment, vacancy or impediment to the discharge of their functions.

From the analysis of these attributions, it becomes clear that the civilian authorities should have taken charge of them; they should not have been assigned to the military for their implementation. It turned out that the political class never wished to shoulder its responsibilities in this type of conflict, and failed to mobilize its party members politically as part of a comprehensive strategy to close the political spaces available to Shining Path.

It is now easy to accuse the Armed Forces of 'militarizing' the war against terror when members of the government were incapable of rising to the occasion. **The Armed Forces did not take political decisions; rather, as instruments of the state, they undertook their responsibilities, which are assigned to them in the Constitution and legislation.**

Section 2: Legal framework

When subversive activities began in 1980, the legislation in force at the time was inadequate to address the terrorist phenomenon.

During President Fernando Belaúnde's term of office, Legislative Decree n° 046 was enacted; it set out the characteristics of terrorism and imposed punishments for this crime ranging between 10 and 20 years of imprisonment. This was enforced by the executive branch on 10 March 1981 through faculties delegated to it by Congress. Essentially, it was a legal instrument that addressed all types of criminality and set out punishments as preventive and dissuasive measures against terrorism.

There being a lack of unanimous political and legal criteria in the executive and legislative branches to address the topic of terrorism, much controversy arose when this legal device was enacted. In response to the objections, one of its main authors, Dr Luis Roy Freyre, publicly stated the following:

a. Its text is framed within the limiting requirements contained in the Universal Declaration of Human Rights, the Political Constitution of 1979, and the 'general provisions' of the criminal code, as well as complying with the principles which govern liberal criminal law. Consequently, an opinion is not

punished as an offence, and citizens have unrestricted rights to congregate freely for legal purposes; much less is it a law of exception.

b. Its aim is to defend the rule of law. The military government emitted the decree-laws N^ºs 19049 and 20828 while terrorism was being incubated under its very nose. Nobody may therefore deny a constitutionally-organized state the option of ensuring its legal defence in circumstances where terrorism is on the increase.

c. It not only characterizes the crime of terrorism comprehensively, rather than limiting it to 'bomb terrorism', but also envisages the types of criminal behaviour closely linked to terrorism (providing supplies for terrorists, financing terrorism, unlawful assembly in the interests of terrorism, incitement to commit acts of terrorism, and attempting to justify terrorism).

d. When the 1979 Constitution, in its Article N^º 109, refers to terrorism as 'an act' it is not creating any obstacle to the characterization of terrorism as a crime. Indeed, the first characteristic of a crime is that of its being an 'act'. Moreover, the use of terrorism as a 'means' or 'method' is no impediment to its being envisaged in a criminal hypothesis. The 1980 Criminal Code of Colombia envisages, expressly although insufficiently, the crime of terrorism in its Article n^º

187. The Soviet Criminal Code of 1960, in its Article N° 66 and following articles, was similar. The Cuban Criminal Code of 1979 was much more thorough and the crime of terrorism was punished in accordance with its Article N° 111 and others.

e. The severity of the penalties has been graduated, taking into consideration the principle of culpability. Thus it is that unintentional results regarding persons (deaths and injuries) and damage caused to property are taken into account for the effects indicated. Similarly, the criterion of penalty is set out in the codified text with regard to perpetrators and accessories.

f. The perpetual nature of imprisonment was removed, in accordance with the decree-laws N°s 19049 and 20828 on refusing the applicability of parole.

g. The protection of the terrorist's person against possible abuse by policing authorities was taken into consideration. With this end in view, precise rules were set out for medical examination and to avoid maltreatment and disappearances.

h. In drawing up the text, the following documents were considered: the Geneva Convention of 1937; the resolution approved on 30 June 1970 by the

Organization of American States, and the report approved by the legal committee of the OAS.

With the intensification of terrorist actions in Ayacucho, Belaúnde's government enacted the Supreme Decree N° 068-82-IN in December 1982, in which it was ordered that the Armed Forces would assume control of internal order in seven provinces affected by terrorism in the south-eastern region of the country.

The main problem was that although it had been decided that the Armed Forces would participate, there was no clear political objective. The members of the political élite, in view of their incompetence and the lack of political decision to address the problem of terrorism comprehensively, opted for emphasizing the military aspects of a war which was eminently of a political nature. The civilians themselves who did not venture to set out a suitable legal framework were those who encouraged the militarization of the conflict.

Tentative efforts were made to design a comprehensive strategy. In August 1982, by means of a Supreme Decree from the presidency of the council of ministers, the government approved the 'Emergency Plan for the Development of Ayacucho, Apurímac, Huancavelica and Cuzco'. The first three are, statistically, the departments with the highest

poverty indices in the country. The Supreme Decree was of priority nature and concentrated resources and projects from different sectors of the public administration. As with so many things in our history, it never progressed beyond the stage of paper and good intentions.

The APRA government would also propose something similar, but it was never fully implemented: the Development Plan for the Andean Trapezium.

Shortly before the end of Belaúnde's period of government, the Law N° 24150 was enacted; it set out the 'Conduct of the Armed Forces in states of emergency' and stipulated that members who participate in them shall be subject to military jurisdiction.

Congress, however, considered that it was more appropriate to deal with these matters within the criminal code, eliminating what they considered to be the risks associated with any kind of special legislation. This was done by means of the Law N° 24651, which was passed in March 1987. This was a mistake, because terrorism is not a normal situation or condition but, rather, something extraneous to the country's ordinary life. The appropriate treatment was not forthcoming from Congress, either because it did not think of it or because it did not wish or dare to apply it.

This measure embodied new legal constructs aimed at combating and punishing terrorism, and more severe penalties were applied (no less than 15 years' imprisonment) and other adjuncts; moreover, those convicted for terrorism no longer enjoyed penitentiary rights and benefits.

The principal procedural rules were set out in the Law N° 24700, which was passed by Congress on 9 June 1987. From that time onwards the prosecutors had to conduct the criminal investigation, and the trial corresponded to the criminal courts. With the enactment and application of this legislation, it was sought to respect the rights of the convicts and to provide guarantees for the democratic institutions competent for the trials of civilians, such as the judicial branch and the constitutional court.

With a growing economic crisis, terrorist attacks which were becoming ever more violent, and the persistent lack of a comprehensive strategy, the change of government took place on 28 July 1990, with Alberto Fujimori in control. In April 1991 he approved new criminal and criminal procedure codes through the legislative decrees N°s 635 and 638. These new codes contained special regulations for the trial of those found guilty of acts of terrorism, such as those in Chapter II of Part XIV of the criminal code.

Articles 319 to 321 of the criminal code characterize the crime of terrorism as a type of conduct which compounds the crimes of battery and murder, and determine the punishments for members of terrorist organizations.

Despite the abovementioned regulations' being supported by a consensus among the country's political and juridical community, their validity was suspended after 5 April 1992. The government made a radical change in its policies with regard to the battle against terrorism, and reformed legislation with the aim of making legal processes more efficient and effectively punishing the terrorists. In this way, it became possible to apply stricter repression, facilitating operations against terrorism.

Its critics maintain that the judicial framework created by the Government for Emergency and National Reconstruction places to one side most of the principles of guarantee which inspired the 1991 criminal code, creating what criminal lawyers have referred to as over-criminalization.

In the opinion of many experts, in 1992 a genuine legal strategy came into being, consisting of the establishment of special judges and courts, and the crime of treason. Respect for human rights was strengthened and life imprisonment introduced.

The law of repentance was enacted with decree-law N° 25499 of 16 May 1992. It set out the terms for conceding benefits such as the exemption from or reduction, remission or attenuation of the penalty for those guilty of the crime of terrorism. It turned out to be an effective measure, resulting in the repentance of 6630 terrorist criminals up to 1994. The government of Fujimori encouraged the concession of pardons and the reduction of penalties for terrorists in exchange for the surrender of arms and information on their leaders and companions.

In the period between 1995 and 2000, complementary measures were introduced to defeat terrorism and promote nationwide reconciliation. Legal devices which infringed the rights of the individual were rescinded and attempts were made to correct errors and remedy legal loopholes in the quest to strengthen the institutional condition of the rule of law. With this aim, Law N° 26655 was passed, creating the commission in charge of proposing pardons for those convicted for terrorism or treason; similarly, the much-criticized Law N° 26479 was enacted, granting general amnesty for military personnel, including those who participated in the events at La Cantuta.

In 1996, Law N° 26655 gave rise to the commission which would make recommendations to the President

of the Republic to grant pardons to criminals convicted of terrorism or treason. The commission, whereby 600 people were given freedom, was led by the Reverend Hubert Lanssiers.

On 22 May 1998, decree-law n° 895 was proclaimed, setting out the law against aggravated terrorism for the punishment of terrorist criminals who, in addition to causing people to be killed, cause damage to public and private property; they shall be punished with a minimum of 20 years' imprisonment.

When the transition government took over, the constitutional court was re-established and an inspection was begun of the legislation made under Fujimori.

By means of Law N° 27913 of 8 January 2003, faculties were delegated to the executive branch for legislation related to terrorism, and a high-level commission was created for the reappraisal and adaptation of the anti-terrorist legislation in line with the following criteria:

- Adaptation of rules in line with the circumstances and change in the situation of democracy.
- Ruling of the court of constitutional guarantees which annuls the crime of treason and requests adapting

the life-imprisonment penalty to international commitments.

- Respect for international agreements and adaptation of the processes under way to their standards.

With the legislative decree N° 921 of January 2003, it was determined that the maximum temporal punishments for terrorism would be 35 years; in addition to this legislative decree, requests for nullification of lawsuits directed by anonymous judges are being processed as well as legal defence of the state, legislation on prosecution and criminal procedure, ordering of the standards related to terrorism, reviewing glorification of terrorism, the habeas corpus, and other topics.

Conclusions

- Governments and political parties failed to understand thoroughly the political nature of the subversion, leaving the problem to be solved by the law-enforcement agencies without taking into account the comprehensive strategy put forward and demanded by the Armed Forces Joint Command with regard to the active participation of all sectors of the organized population.

- The legal measures related to terrorism constitute a complex body of legislation, in accordance with the situation at the time; they therefore require updating in accordance with constitutional guidelines within the framework of the National Agreement and using the international agreements on human rights as a guide.

APPENDIXES

APPENDIX 1

Guidelines of the Armed Forces' Joint Command (extracts)

PART A

GUIDELINE N° 01-PE-DI of 1986

GENERAL AIMS OF COUNTER-SUBVERSION

Eradication of subversion and restitution of order and security within the nation.

AIMS OF COUNTER-SUBVERSION IN THE MILITARY DOMAIN

Reestablishment and maintenance of order and security within the country and guaranteeing the stability of the democratic régime without detriment to the responsibility of guaranteeing the external security of the country.

AIMS OF COUNTER-SUBVERSIVE OPERATIONS

- Destruction and/or neutralization of the subversive politico-administrative organization (OPA) and of all transgressors who contribute to subversion by violating the law and constitutional order.
- Support for and contributions to counter-subversive actions in the non-military field.
- Guarantee for the functioning of essential public services (SSPPEE).

OVERALL STRATEGIC MANOEUVRE

Strategic concept

The manoeuvre is to be carried out as follows:

- Counter-subversive action characterized by the execution of permanent actions in such a way as to maintain a constant, relentless pressure on the subversive elements; however, such actions must take place strictly within the framework of the constitution and the laws of the republic.
- Dissuasive, repressive and/or pacification actions aimed at neutralizing, disorganizing and/or destroying all foci of subversion in order to re-establish internal order.

- Having highly mobile, trained and well-equipped forces at the ready in conditions which enable their rapid deployment against selected targets with the aim of surprising the subversive elements.
- A proposal from the Commands of the National Security Zones and/or as a diversionary tactic, to proceed with the suspension of the state of emergency in the zones designated as such, with a view to their being reopened later on and/or the opening of others as a surprise tactic, for periods in accordance with the circumstances; and carrying out simultaneously, after having drawn up detailed plans beforehand, counter-subversive operations aimed at neutralizing and/or destroying the subversive elements, exploiting the surprise factor and/or confusion caused among them.
- A guarantee, in every circumstance, for safeguarding the essential public services and their functioning, when they become totally or partially paralysed.
- Intensification of vigilance and control measures at frontiers and on the coastline especially at ports and inlets, to avoid the clandestine entry and exit of people linked to subversive activities, as well as the entry of armaments, ammunition, propaganda and suchlike destined for the subversive elements.
- In accordance with the tenor of DS N° 003-84 CCFA of 10 July 1984, the Commanders of the National

Security Zones, Sub-zones and Areas command all the police forces present in their corresponding areas of responsibility; as such, they must plan, implement and control the employment of these forces in the battle against subversion.

- The efforts of intelligence personnel must be integrated to the maximum degree. With this aim, the intelligence management and/or intelligence services of the Armed Forces and Police Forces, including DIRCOTE, the Anti-terrorism Agency of the Investigative Police (PIP), will work closely together, duly rationalized under the direction and control of the Armed Forces' Joint Command through the corresponding intelligence committee. With the same objective, at the levels of Security Zones, Sub-zones and Areas, a single intelligence infrastructure is to be developed and implemented through the employment of personnel and resources of all the institutions. The maximum intelligence effort is focused on the following:

- Predictive intelligence information must be obtained, for which the commands are empowered to demand and obtain the necessary support from the corresponding representative elements of the different public sectors and bodies.
- Priority must be assigned to infiltrating the subversive setups with the aim of achieving timely

identification and location with a view to their neutralization and/or destruction through military operations.

- Coordination with the non-military fields of activity and supporting them when necessary in the application of preventive measures and actions for socio-economic development aimed at eliminating or significantly reducing the phenomena which cause or generate subversion. In particular, coordination with development bodies and the Ministry of Transport and Communications in order to increase the participation of the Armed Forces in the construction and improvement of road infrastructure, and civic actions - especially in the Andean Trapezium (departments of Puno, Cuzco, Apurímac, Ayacucho, Huancavelica and the highland provinces of Arequipa, Moquegua and Tacna.

- Carrying out coherent and aggressive psychological operations at all levels on a permanent basis and, at the same time, carrying out counter-subversive actions in order to:

- Maintain, enhance and/or recover the support of the population.
- Reduce the vulnerability of the Armed Forces and Police Forces personnel to the effects of psychological

aggression by subversive elements and increase their morale and cohesion.

- Dissuade, demoralize or psychologically destroy subversive elements.

- Continuing with the organization, training and support of the Civil Defence Committees in the rural communities and settlements within the emergency zones.

- The strategic manoeuvre will be effected in the following geographical areas:

- Zones not declared in emergency (normal rule of law).

- Zones declared in state of emergency.

- For the effects of counter-subversion strategic planning, the entire national territory is considered to be in a state of EMERGENCY; in this sense, actions envisaged in the Process or Phases of the battle against subversion could be applied in both normal and emergency situations.

PART B

GUIDELINE Nº 017 CCFFAA-PE-DI of DECEMBER 1989

AIMS AND OBJECTIVES TO BE ACHIEVED

General aims of counter-subversion

Eradication of subversion to preserve internal security and guarantee the stability of the established democratic system.

Aim of counter-subversion in the military field

The destruction of subversive movements engaged in armed uprisings, with the objective of re-establishing and maintaining nationwide internal security, without affecting the constitutional obligation to guarantee the country's external security.

Strategic objectives

Objective 1

The destruction of the armed units of the subversive groups and breaking the will to fight of the other two

instruments (the party and the united front) as well as that of the elements which support them.

Objective 2

Obtaining and maintaining support of the population and participation in its various organizations in defence of the legally constituted system.

Objective 3

Strengthening morale and constant improvement in the training of the law-enforcement agencies to sustain the effort against subversion.

OVERALL STRATEGIC CONCEPT

a. Carrying out counter-subversive operations of a sustained nature across the entire national territory in order to eliminate the armed elements of the subversive organizations and to cancel the activity of their political and social entities (the party and the united front), together with that of their allies and collaborators in both the urban and rural sectors. These operations shall fall within a framework which respects the norms established by the political

constitution in the application of the laws of the republic and strict observance of the fundamental rights and duties of the human being.

b. Massive and offensive use of force against prioritized or selected objectives (subversive forces, geographical areas, etc.) with temporary occupation of the territory and the application of measures according to operational needs, seeking to maintain the initiative and freedom of action at all times.

c. Breaking down the support for subversion provided by narcotics traffickers through direct intervention against the producers and distributors of narcotics, and against their collaborators and informers who, owing to conviction and/or material interest, provide support for the subversive elements.

d. Optimizing control of the territory, seeking to isolate the subversive groups physically through the strict control of both regular and clandestine routes by road, sea, river or air at nationwide level.

e. Carrying out psychological operations and civil action programmes in support of the counter-subversive operations which enable strategic objectives to be attained.

f. Organization of the population and participation in its various institutions (professional bodies, national

societies, social communications media, regional clubs, patriotic, cultural, neighbourhood and social groups; trades unions, churches, guilds and so on) in support of counter-subversive actions throughout the national territory, with the fundamental intention of repulsing any subversive attempt to obtain control through the use of terror, as well as in the tasks of development, self-defence tasks and informing and alerting the law-enforcement agencies.

g. Protection of public and private property, providing the guarantees that the population is able to carry out its activities in safety, maintaining and / or restoring the principle of authority.

h. Support for the tasks of development carried out in the non-military sectors, giving priority to areas that have been recovered by means of military operations.

i. Informing the public, emphasizing the successes of the counter-subversive forces and demonstrating objectively the violations of human rights as well as the damage caused by the terrorists to the common property of all Peruvian citizens.

j. Optimal preparation of the forces for their participation in counter-subversive operations of an offensive nature, particularly in tactical (knowledge of the enemy), moral, ethical and psychological aspects;

and also with regard to knowledge of the population and of the subversive groups.

k. Identification of military personnel with the pillars of the democratic system and strengthening the conviction to defend it, seeking to ensure this is stronger than that of the subversive elements, whose aim is to destroy the democratic system and replace it with a totalitarian régime.

l. Development of special welfare programmes in order to keep up the high morale of the military personnel and their families.

m. Creating awareness of the fundamental need to dispose of intelligence and counter-intelligence in support of the counter-subversive operations; priority and comprehensive actions must be carried out in order to implement the military-field intelligence system and a sustained effort must be made to generate predictive intelligence information enabling the intentions of the enemy to be discovered opportunely.

PART C

GUIDELINE N° 01 COFI-DOP/PLN of JANUARY 1992

GENERAL AIM OF THE OPERATIONS

Eradication of terrorism and narco-terrorism in order to guarantee the internal security and stability of the constituted democratic system

AIM OF THE OPERATIONS IN THE MILITARY FIELD

To eradicate the organizations of terrorists and narco-terrorists in order to restore order and contribute to the pacification of the country without undermining the constitutional responsibility of guaranteeing the nation's external security.

STRATEGIC OBJECTIVES

Objective 1

Destruction of the terrorist organizations' armed groups and breaking the will to fight of the so-called

'instruments of the revolution' and of those who support them.

Objective 2

Eradication of the narco-terrorist groups and breaking down the support they receive from the population.

Objective 3

Development of intelligence activities and psychological operations.

Objective 4

Obtaining and conserving the support of the population.

Objective 5

Mobilizing society in defence of the democratic system, and the voluntary organization of the population for its self-defence in both rural and urban environments.

Objective 6

Building morale and constantly improving the training of the law-enforcement agencies in order maintain the counter-subversive effort.

OVERALL STRATEGIC CONCEPT

- Operations carried out at nationwide level in the military area on the home front will be led by a single Command (Chief of the Operational Command for the Home Front). At other levels the principle of a unified command shall also apply.
- The readjustment of the contingent force will be in accordance with the development of terrorism and drug trafficking (TID), together with the requirements of protecting the population and the country's economic infrastructure; the aim is to isolate the terrorist groups and restrict their freedom of action.
- Operations against terrorism and drug trafficking will be conducted in a sustained manner throughout the national territory in order to eliminate the armed elements and to annihilate the activity of their political and social bodies and of those of their allies and collaborators. These operations are governed by respect for and application of the laws of the Republic

and by strict observance of the fundamental rights and duties of the human being.

- Commands at all levels must be convinced that in order for operations to be successful, the availability of opportune intelligence information is essential, in addition to the basic need to adopt counter-intelligence measures to support the operations against narco-terrorism. Priority and comprehensive actions must be taken to facilitate the generation of predictive intelligence that enables the intentions of the enemy to be known opportunely, within the framework set out by the National Intelligence Service (SINA).

- Orientation of the intelligence operations aimed at the identification and capture of the ringleaders of the terrorist and drug.-trafficking organizations.

- Massive use of forces on localized or selected targets (terrorist or drug-trafficking groups), temporarily occupying territory, and the allocation resources in accordance with operational requirements, seeking to maintain the initiative and freedom of action at all times.

- A permanent offensive stand will be maintained in order to restrict the freedom of action of terrorist and drug-trafficking groups. The response to incursions and ambushes will be immediate and hard-hitting.

- In areas in the process of pacification, the commands of the operational elements will handle the restoration of the police posts withdrawn as a result of terrorism.
- Optimization of control of the territory, seeking to isolate physically the groups of terrorists and drug traffickers through strict control of communications routes, both regular and clandestine, by road, sea, river or air, at nationwide level.
- Carrying out psychological operations and involvement in civil affairs in support of the actions directed against terrorism and narcotics trafficking so as to achieve the strategic objectives.
- Providing support for organizing the population for its self-defence and participation in different institutions (professional bodies, civil associations, social communications media, regional clubs, patriotic, cultural, neighbourhood or social associations, trades unions, churches, guilds, and so on.) at nationwide level. Fundamentally, the aim is to reject any attempt to take over control through the use of terror, as well as to carry out development tasks, self-defence, and informing and alerting the law-enforcement agencies.
- Protection of the public and private infrastructure, providing guarantees which enable the population to carry out its activities in safety, maintaining and / or restoring the principle of authority.

- In the areas where the normal rule of law exists, civil, political and military authorities will coordinate the development of activities that correspond to the preventive phase of counter-subversion in order to avoid terrorist groups' increasing their sphere of influence.

- Responsibility for actions against terrorism and drug trafficking in the zones declared in state of emergency corresponds to the military commands, and the armed forces must provide the security framework for the actions of the National Police Force. When normal rule of law exists, the responsibility for these operations belongs to the National Police Force in coordination with the commands of the armed forces in their jurisdiction

- Universities shall be subject to control where terrorist influence is perceived and, if necessary, the premises will be entered with the aim of restoring the principle of authority and autonomy of the university. In this way, the students' rights to receive normal classes are guaranteed and the action of terrorist infiltrators is frustrated. This function is to be further enhanced through participation in civic action tasks.

- Supporting the national penitentiary agency to restore discipline, law and order in the detention facilities through the establishment of a closed reclusion régime for terrorist criminals.

- Optimal preparation of the forces for their efficient participation in operations against terrorism and drug trafficking.
- Building the morale of the law-enforcement agencies through occasional programmes on welfare and psychological operations in order to engender a prideful attitude, initiative, and an attack-minded outlook.
- Identification of the military personnel with the bases of the democratic system and strengthening their conviction to defend it, seeking to ensure this is stronger than that of the subversive elements, whose aim is to destroy the democratic system and replace it with a totalitarian régime.
- Avoiding any action or omission liable to be classed as a transgression of human rights which, when exploited 'conveniently' by interested persons or organizations can be used to manipulate public opinion with the aim of impeding support for and producing the rejection of the law-enforcement agencies.
- The protection and safety of the political and judicial authorities in zones declared in emergency are the responsibility of the National Police Force, and the corresponding military commands should dictate the relevant provisions.

- Support for the tasks of development carried out in the non-military sectors, giving priority to areas that have been recovered by means of military operations.
- Informing the public, emphasizing the successes of the law-enforcement agencies and demonstrating objectively the non-violation of human rights as well as the threats to life and damage caused by the terrorists to the common property of all Peruvian citizens.
- Contributing, together with the other state bodies, to the return of displaced populations that fled from their places of origin as a consequence of terrorist violence.
- Breaking down the terrorist criminals' morale and will to fight, exploiting the scope of the Repentance Law; the law-enforcement agencies must comply with the legal provisions devised for that purpose.
- The participation of the law-enforcement agencies will primarily involve obtaining and retaining the support of the population as well as the participation of its different self-defence organizations.
- All military and police-force personnel, either moving or stationary, must have the training and morale required to react aggressively and determinedly in the case of a terrorist attack, or a situation in which an attack is imminent.

PART D

GUIDELINE N° 01 COFI-DOP/PLN of APRIL 1994

GENERAL AIM

Guaranteeing the internal security and stability of the democratic system, promoting a peaceful atmosphere that enables the country to proceed normally with its affairs.

AIM OF THE OPERATIONS IN THE MILITARY FIELD

To eradicate the organizations of terrorists and narco-terrorists in order to restore order and contribute to the pacification of the country without undermining the constitutional responsibility of guaranteeing the nation's external security.

STRATEGIC OBJECTIVES

Within the framework of strict observance of human rights, the following strategic objectives should be attained:

Objective 1

Obtaining and conserving the support of the population.

Objective 2

Destruction of terrorist organizations' armed groups and breaking the will to fight of the so-called 'instruments of the revolution' and of those who support them.

Objective 3

Eradication of the narco-terrorist groups and breaking down the support they receive from the population.

Objective 4

Development of intelligence activities, psychological operations, and civilian affairs.

Objective 5

Mobilizing society in defence of the democratic system, and the voluntary organization of the

population for its self-defence in both rural and urban environments.

Objective 6

Building morale and constantly improving the training of the law-enforcement agencies in order maintain the counter-subversive effort.

Objective 7

Participation in the socio-economic development of the country, prioritizing the most depressed sectors.

OVERALL STRATEGIC CONCEPT

- The participation of the law-enforcement agencies will primarily involve obtaining and retaining the support of the population.
- Operations carried out at nationwide level in the military area on the home front will be led by a single Command (Chief of the Operational Command for the Home Front). At other levels the principle of a unified command shall also apply.

- The readjustment of the contingent force will be in accordance with the development of terrorism and drug trafficking (TID), together with the requirements of protecting the population and the country's economic infrastructure; the aim is to isolate the terrorist groups and restrict their freedom of action.

- Operations against terrorism and drug trafficking will be conducted in a sustained manner throughout the national territory in order to eliminate the armed elements and to annihilate the activity of their political and social bodies and of those of their allies and collaborators. These operations are governed by respect for and application of the laws of the Republic and by strict observance of the fundamental rights and duties of the human being.

- All actions and operations shall be carried with strict respect for human rights and the legal framework in force, avoiding any action or omission liable to be classed as a transgression of human rights which, when exploited 'conveniently' by interested persons or organizations can be used to manipulate public opinion with the aim of impeding support for and producing the rejection of the law-enforcement agencies.

- The protection and safety of the political and judicial authorities in zones declared in emergency are the responsibility of the National Police Force, and the

corresponding military commands should dictate the relevant provisions.

- Support for the tasks of development carried out in the non-military sectors, giving priority to areas that have been recovered by means of military operations.

- Informing the public, emphasizing the successes of the law-enforcement agencies and demonstrating objectively the non-violation of human rights as well as the damage caused by the terrorists to the common property of all Peruvian citizens.

- Contributing, together with the other state bodies, to the return of displaced populations that fled from their places of origin as a consequence of terrorist violence.

- Breaking down the terrorist criminals' morale and will to fight, exploiting the scope of the Repentance Law; the law-enforcement agencies must comply with the legal provisions devised for that purpose.

APPENDIX 2

Discrepant position of General Luis Arias Graziani, member of the CTR regarding the Final Report

Lima, 27 August 2003

Doctor SALOMÓN LERNER FEBRES

**President of the Commission on Truth and
Reconciliation**

Mr President,

I should be grateful if you would register the fact that I shall underwrite the Report of the Commission on Truth and Reconciliation subject to reservation, a position which I adopt in complete accordance with my conscience.

1. The Commission over which you worthily preside has accomplished its mission with commendable care and conscientiousness, as can clearly be seen by the dedicated work it has carried out with the aim of seeking the truth regarding the events that took place during the twenty years of violence to which our country was subjected.

The Final Report of the Commission seeks to present as truth that which it has been able to locate or qualify as such within the prevailing limits of temporality. As we are dealing with acts that have occurred during our own lifetimes and which have shocked the country, it was inevitable that we ceased to be witnesses and became investigators, accepting the burden of subjectivity that goes with it. It follows inevitably that we imbue the 'truth', consciously or unconsciously, with our personal perceptions, be they approving or otherwise.

I therefore believe that the definitive verdict will be given by history, which can be built only with time. The Final Report of the worthy President's Commission should therefore be compared with the historical truth which the nation will discover in due course.

2. There can be no doubt that the violence unleashed during the period 1980 - 2000 was started by Shining Path, a group which assaulted the state and nation in a cowardly and perfidious fashion, constituting the origin of the violations which were to affect Peru very seriously. This decision of Shining Path was absolutely intentional and perverse, and its aim was to destroy the state in order to supplant it with a totalitarian régime.

The fact that Shining Path attacked and affected mainly those whom it professed to defend is still fresh in our memories; it victimized the rural populations of the Highlands and Jungle, where entire human groups were annihilated, some of them being subject to slavery. Furthermore, their infrastructure was thoroughly destroyed. This cruel situation was the factor which triggered a harsh joint response from the state and the society, affecting human rights.

3. The responsibility of Shining Path is compounded because it initiated the violence precisely at the time the new constitution was drawn up and a democratic régime was established in the country which opened up perspectives favourable to the establishment of the true rule of law, and of justice.

4. As a result, the despicable terrorist hordes (Shining Path and MRTA) cannot be judged at the same level of responsibility as the contingents of the Armed Forces. The latter participated in counter-subversive actions while fulfilling their constitutional mission in accordance with orders given by successive governments during a period spanning two decades. It should be emphasized that these governments had been elected by popular vote, which leads to the supposition that they analysed democratically the convenience of ordering the participation of the Armed Forces, as well as declaring states of emergency and establishing the politico-military commands.

5. There is no room for doubt that the governments found themselves forced to take these decisions in view of the fact that terrorist actions had crushed the civil and police authorities, even to the point of establishing 'liberated zones' with which they put national security and the rule of law at grave risk. This, then, is the context in which the truth should be sought.

6. In this regard, it is important to take a close look at some of the applicable legal framework enacted by the Peruvian state (i.e. the parliament and executive)

during the long period of terrorist violence. From this inspection, it is possible to determine the real role assigned to the Armed Forces, the police forces and, together with these professional organizations, the self-defence committees and the rural patrols. This situation is highly indicative of the strategic approach of the state.

(a) The control of internal order assumed by the Armed Forces includes the different fields of activity where national defence takes place, in order to tackle the situations which constitute the reason for declaring a state of exception. Each situation will be subject to the directives and plans approved by the President of the Republic (Article 2 of Law nº 24150).

(b) The control of internal order in the emergency zones was assumed by a politico-military command headed by a high-ranking officer designated by the President of the Republic (Article 4 of Law nº 24150).

(c) The self-defence committees are organizations that arose spontaneously and freely among the population to carry out activities for the self-defence of their communities, the prevention of terrorist infiltration, defence against terrorist attacks, and supporting the Armed Forces and National Police in pacification tasks (created through Legislative Decree nº 741).

(d) The self-defence committees shall be allowed to acquire 12-gauge breech-loading hunting firearms, either by purchasing them or receiving them in donation from the state or private individuals (Article. 4 of Legislative Decree n° 749).

(e) The rural patrols are autonomous and democratic community organizations: They are not dependent on the Armed Forces (Law n° 27908).

This list, as an example, shows the high degree of unevenness of the legislation through which the incumbent government, with desperation impossible to conceal, would attempt to find solutions of all kinds for the then intractable problem of terrorism.

7. During all these years, the violence was said to have produced approximately 20000 deaths, the greater part of which were said to be the responsibility of the law-enforcement agencies. However, investigations carried out by the Commission on Truth demonstrate now that most of the deaths were really produced by the terrorists. In this sense, the truth should be expressed clearly and unquestionably; to do otherwise contributes to the creation of dark areas around this sensitive aspect of the problem.

8. Apart from the fact that the terrorist hordes systematically violated human rights, it cannot be denied that on the basis of a compilation of more than 16000 testimonies assembled by the Commission, it could be shown that there were some cases where members of the law-enforcement agencies overstepped the limits of their functions, and have violated human rights. However, it should not be overlooked that the testimonies referred to, on account of their very nature as indirect proof, are evidence and therefore it should be the jurisdictional power which, respecting due process, individualizes and judges those presumed to be responsible, without the Commission's being able to anticipate final judgement on individual legal situations - which approach would not be conducive to the truth. However, I believe that the Report should include the names of those whose presumed responsibility is highly likely and that, in the majority of cases, are already publicly known, so as to avoid the absolute secrecy which would contribute to maintaining an anonymity quite incompatible with the proven truth.

It is our opinion that the list of the rest of those with presumed responsibility should be handed over confidentially to the government so that this authority might, in turn, pass it on to the Public Prosecutor's Office for the corresponding investigation. This

institution and the judiciary will be those which detail the ensuing responsibilities.

9. It is worth noting that the Commission has found it less difficult to specify possible responsibilities and to identify, with their names, the members of the law-enforcement agencies because they belonged to military organizations located at precise locations, particularly barracks. By contrast, in the case of the terrorists, this has been possible only for those that have been processed and are in prison. It has been impossible to identify many others because their whereabouts is not known; nor is it known who they might be since a part of their criminal conduct is to circulate among the population, without uniforms. In that sense, the truth that is pronounced on this topic is partial, relative and in some way generates a negative perception of the law-enforcement agencies which, as has been shown, is not justified. Furthermore, there must remain a clear distinction between individual responsibility and the institutional responsibility which it is attempted to imply.

10. The latest analyses made by the Commission on Truth and Reconciliation raise the number of deaths produced by the violence to almost 60000, the

majority of which are now the responsibility of Shining Path.

On this point it is important to specify that the number of victims duly documented is between 24000 and 25000 individuals. Any other figure which the Commission may deem proven is the result of a mathematical or statistical projection which, while true that it has been carried out with scientific support from Peruvian and foreign technicians, it nevertheless remains no more than a projection. Consequently, I do not consider this to be proven truth.

11. It seems evident that the majority of victims and distressed people are rural folk from the Central Highlands, particularly from the zone of Ayacucho; those not involved in the conflict suffered violence from both sides. These were the real victims. This reality, the fact that so many innocent people suffered unjustly, deeply moves us and merits an apology from all the Peruvian people; these victims should be compensated by the state collectively, because individual reparations would reach sums which are beyond the country's economic possibilities.

12. For the undersigned, there remains not the slightest doubt that the causes of the violence are to be found in the centuries-old poverty and abandonment of thousands of citizens of our nation, especially those of the Highlands. However, to assert that this unjust reality was the sole cause of the violence, in my view, would be a great mistake as it is indisputable that some stimulus was required to convert thousands of Peruvians into terrorists and induce them to commit demented acts, exalting passions and weaknesses so as to foster hatred against society and in this way throw them into armed conflict, making them believe it is the only way to overcome their unjust situation. According to the terrorist ringleaders that whipped up support from the masses, only the destruction of the corrupt state which existed at the time would allow a new state to be built which would permit people to live with dignity and wellbeing. On inculcating this concept in the very depths of their minds, they were led to the extreme of giving up their lives in the defence of a truly cruel and mistaken cause. We should make a distinction between the determining causes and the contributory causes in order to avoid false responses.

13. Reconciliation has to be understood as a process whereby the union of all Peruvian people is sought,

but under no circumstances should it be understood to be a reconciliation between Shining Path / MRTA and the law-enforcement agencies. The violence which took place in Peru was the macabre action of terrorists against all Peruvians; consequently, there can be no reconciliation with the terrorists because they were the principal violators of human rights. There should be a very clear statement of the immense difference between the responsibilities of the terrorists and of the law-enforcement agencies; this does not in any way seek to justify or encourage impunity.

14. It is very important that all Peruvians conserve in our memories the respectful remembrance deserved by thousands of members of the law-enforcement agencies who perished, were wounded, or were made permanently disabled as a consequence of defending our society against the acts of violence unleashed by the terrorists. They are victims who fell while discharging their duties, acting within the framework of the constitution and the law, respecting their orders to defend us, the Peruvian people, our society and our democracy. They deserve our respect and gratitude; we should therefore safeguard them from the effects of the global accusation of violation of human rights by the institutions to which they belong and which

might generate among them a sense of incomprehension and ingratitude.

15. The principles and conduct of my entire life dictate that my purpose shall be to find the truth with the utmost impartiality and justice. I believe that on signing the Final Report with this reservation I am fulfilling my obligation both as a member of the Commission on Truth and Reconciliation and as a matter of conscience.

I shall take this opportunity to reiterate, Mr President, the assurance of my highest consideration and personal regard.

(signature)

Lieutenant General FAP

LUIS ARIAS GRAZIANI

The Final Report of the Commission on Truth and Reconciliation was signed by the board of the commissioners on 27 August 2003 and it was presented to the President of the Republic, Dr Alejandro Toledo Manrique, to the President of the National Congress, Dr Henry Pease García, and to the President of the Supreme Court, Dr Hugo Sivina Hurtado, on 28 August 2003.

(signed by)

Dr Salomón Lerner Febres

President

Dr Beatriz Alva Hart

Rev. Father Gastón Garatea Yori

Dr Rolando Ames Cobián

Minister Humberto Lay Sun

Mgr José Antúnez de Mayolo Larragán

Mrs Sofía Macher Batanero

Lt Gen FAP (retired) Luis Arias Graziani *

Engineer Alberto Morote Sánchez

Dr Enrique Bernales Ballesteros

Engineer Carlos Tapia García (no signature)

Licentiate Carlos Iván Degregori Caso

Mgr Luis Bambarén Gastelumendi

Observer

* Lieutenant General FAP Luis Arias Graziani has placed on record in a letter addressed to the President of the Commission on Truth and Reconciliation that he subscribes with reservations to the Final Report of the Commission on Truth and Reconciliation, of which he is a member. The content of that letter, in which his reservations appear well founded, appears at the end of the conclusions (vol. VIII) and is a part of the Final Report of the Commission on Truth and Reconciliation.

APPENDIX 3

Pronouncements of institutions on the CTR's report

PART A

PRONOUNCEMENT OF THE NATIONAL CONFEDERATION OF PRIVATE BUSINESS INSTITUTIONS - CONFIEP - REGARDING THE CONCLUSIONS OF THE REPORT OF THE COMMISSION ON TRUTH AND RECONCILIATION

Every citizen has the right to know the truth and to express that truth.

For this reason, the conclusions of the report of the CTR constitute an open process in which it is required that all those who wish to do so may express their respective truths.

The CTR has made an effort to discover the reality of a phenomenon which has still not concluded and which continues to tear the country apart. Its

conclusions will have to be thought over carefully, allowing time to pass and bad tempers to calm down in order to avoid a result which nobody wishes for and which will cause only division among Peruvians.

CONFIEP believes that it is unacceptable that some ideological bias, political opportunism, or any plans or interests, should lead to the fragmentation of the historical truth, to an official history or an invented myth which future generations accept as history when in reality it is neither history nor truth.

The errors and successes of an historical process as complex as the terrorist phenomenon that has blighted Peru virulently and which has still not concluded, must be viewed from the perspective of the reality of the moment in which the events took place.

As with all human works, the conclusions of the CTR are subject to scrutiny; they constitute neither a verdict nor a dogma and are, rather, the result of a task which needs to be completed. As it is the job of all Peruvians to create and build the fatherland, it is the right and obligation of everyone to express his or her truth; and this truth should be considered as that which the Commission presents us in its report.

Bearing this in mind, in recognition of the merits of the report, we consider it a duty to point out the aspects

of the conclusions which, in our opinion, require a closer examination.

First: It should be clearly stated that the successive governments of Peru, in response to the phenomenon of terrorism, which chose the place, the moment and the methods to unleash terror, used means which were in accordance with the constitution and laws of the republic to combat it, without necessarily having at that moment complete knowledge, or any organized strategy apart from the legitimate, immediate and urgent defence of the state.

Second: We do not agree that the actions of the Armed Forces and Police Forces should be qualified as a systematic and generalized policy of violations of human rights and crimes against humanity. It should be stated very clearly that the role of the Armed Forces and the Police Forces is that of defence of the state in accordance with the instructions issued by governments that, during each governmental period, are responsible for conserving the integrity of the nation. While fulfilling this commitment, thousands of military and police personnel lost their lives or were permanently maimed in order to protect the state and its citizens. Any individual action by a particular

member of these forces, in contravention of the legal, institutional and criminal codes is the responsibility of the perpetrator and should be punished according to law.

Third: There should be a chance for the ecclesiastical authorities, the members of rural patrols, and any other person who feels alluded to in the negative terms expressed in the conclusions, to utter their truths and not to be condemned generically unless complete and reliable information is available.

Fourth: A sentence and a clearer and more emphatic qualification should be applied to terrorist groups, who are responsible for the events, without hiding ourselves behind political mastheads, sowing doubts with regard to their antisocial and anti-Peruvian actions. While true that the Commission has specifically condemned Shining Path and MRTA, these two groups should be qualified at all times as terrorist groups guilty of the tragedy which still afflicts the country.

Fifth: We do not agree with the way the topic of victims of terrorism has been dealt with because the

problem is not addressed in its totality, comprising acts which all Peruvians have experienced; not only the sacrifice of the poorest and least protected rural people of our country, but also the suffering of thousands of families of military personnel, police agents and patrollers who defended the nation, the sacrifice of businesspeople, officers and workers who were murdered, and the huge material losses sustained by the state when the sources of wealth generation and taxes, and the very infrastructure of the country, were attacked.

Neither are we in agreement with comparing murders committed by terrorists with deaths caused by the law-enforcement agencies in combat and in defence of the nation.

Sixth: It would be excessive to attribute the events to poverty and sentiments of a racial and ethnic nature because the terrorist group Shining Path chose the poorest part of Peru to commit its crimes, despising and murdering indigenous people and poor rural dwellers with cruelty and without concern for their condition or human rights, applying genocidal concepts and methods.

Seventh: Lastly, it is necessary to identify and locate all those terrorists that have not at this date been processed by the legal system.

We believe, on the basis of the foregoing, that we Peruvians should have knowledge of the truth and come to an agreement so that this tragedy may never be repeated and that terrorism might be eliminated with the weapons of the law and the legitimate forces of the state. Only in this way shall we find ourselves able to achieve the desired reconciliation and unification among Peruvians.

Lima, 26 September 2003

Source: **El Comercio**, 26 September 2003

PART B

PRONOUNCEMENTS OF THE EX-COMMANDING GENERALS OF THE ARMED FORCES TO THE PERUVIAN PEOPLE REGARDING THE FINAL REPORT OF THE COMMISSION ON TRUTH AND RECONCILIATION (CTR)

The Major Generals, Vice Admirals and Lieutenant Generals, former Commanding Generals of the Peruvian Army, Navy and Air Force who endorse this document, consider it a duty to express our opinion and establish position regarding the principal aspects of the Final Report of the Commission on Truth and Reconciliation (CTR) particularly in reference to the actions of the Armed Forces in the battle against the terrorist subversion that Shining Path and MRTA unleashed on Peru.

1. In the light of the events recorded and defined since the 1980s, it can be seen that Shining Path was and continues to be a terrorist, genocidal and fundamentalist organization which attempts to reach a position of power and establish a totalitarian state of Marxist-Leninist-Maoist nature. The fact that it calls itself the 'Peruvian Communist Party - Shining Path

(PCP-SP)' does not justify its being considered as a political party by the CTR and avoiding its qualification as a terrorist organization. This leads to avoiding the assignment of the treatment it deserves as such, for its use of practices which systematically violate human rights, like attacks and murders committed against the police and other authorities in order to set up 'liberated zones'; the razing and massacre of communities which refuse to collaborate with them; the use of peasant farmers as human shields; demanding 'war quotas' under threat of murder; the forced recruitment of Ashaninka people as slaves in the jungle areas; alliance with drug traffickers in order to obtain armaments and resources; massive acts of terrorism such as the deployment of car-bombs, murders, destruction of electricity-line pylons and public and private infrastructure - to mention some of them.

2. The MRTA, having committed acts including kidnappings and systematic murder as well as acts of extortion in the business sector and collusion with drug traffickers, can in no way be qualified as anything other than a terrorist organization. We cannot omit mention of the assault on the residence of the Japanese Embassy in Peru, where more than 70 people were maintained captive for four months. The hostages

existed under a permanent threat of being murdered right up until the day they were rescued by means of a successful military operation carried out by our Armed Forces - an operation which some individuals have attempted to vilify with accusations that have no bearing on the actual military operation.

3. In acting against these terrorist organizations, the Armed Forces sought, and continued to seek, confrontations with remnants of Shining Path, submitting to the constitution and the laws of the republic and subordinated to the President of the Republic as Supreme Head of the Armed Forces. The politico-military commands designated by the executive power, aware that the counter-subversive measures needed to be applied within the framework of special management considering the atypical legal nature of subversive action, acted energetically and tenaciously to obtain a result that was undoubtedly successful and beneficial to Peruvian society. It is unfortunate that some excesses did occur, which we criticize and which were acknowledged, investigated and reported to the corresponding judicial authority at the time of their occurrence. Regarding this, our position is to recognize individual responsibilities in duly proven cases of violation of human rights, differentiating them from violent acts which would have occurred in the heat of armed confrontation.

4. In virtue of all this, it is not acceptable that the CTR states in its report (conclusion n° 54) that the Armed Forces applied a strategy of indiscriminate repression, which enabled numerous violations of human rights to be committed. It is inconsistent, through the use of arguments which are tendentious or at variance with the truth, to attempt to tarnish the dignity and honour which have characterized the Armed Forces throughout the history of Peru, land which cannot be jeopardized by determined individual acts which deserve sanction and which under no circumstance should be generalized. It is false that the Armed Forces had systematically resorted to practices that violate human rights. We reiterate that the Armed Forces acted in accordance with the Peruvian constitution, with the law, and with their own regulations with a total devotion and sacrifice; and that rather than suffering scorn and derision, they should receive the acclaim of the nation.

5. The report displays a notable bias not only in its analysis but also in its conclusions and external manifestations. It thus reaches the extreme of making accusations before the Public Prosecutor against members of the Armed Forces and Rural Patrols, whole at the same time failing to accuse any member of Shining Path or MRTA, either in prison or free; it

should be realized that those imprisoned are subjected to new judicial processes. Instead, the CTR has presented them publicly as 'repentant terrorists'. While the mentioned terrorist groups worked to destroy the state and the democratic way of life, the Armed Forces and Rural Patrols fought to defend us. Those who have visited the CTR's photographic exhibition in Chorrillos will have noticed the bias that we are criticizing is clearly observable; for instance, there is a photograph which documents the ambush of a group of terrorists by the Armed Forces, giving one to understand that the terrorists are the victims.

6. The CTR, in accusing the Armed Forces and Rural Patrols before the Public Prosecutor, is giving its report, and the aim of its task, a binding nature, a fact which is inconsistent with its legal origin and the purpose for which it was created.

7. It is our most ardent wish to convey to the Peruvian people that it is, and always has been, incumbent on us, as members the Armed Forces, to defend the people for the good of the nation - in times of serious crises in the past, those existing in the current circumstances, and those which could present themselves again in the future.

8. On this occasion, we reiterate our tribute to the members of the Armed Forces, the national Police Force and the Self-Defence Committees who fell in the battle against those terrorist organizations and to the thousands of compatriots sacrificed by the malevolent minds which ordered criminal terrorist acts which must never be permitted to happen again.

Lima, 23 September 2003

Vice-Admiral Fernando Elías Aparicio

Vice-Admiral Guillermo Faura Gaige

Vice-Admiral Jorge Parodi Galliani

Vice-Admiral Jorge Dubois Gervasi

Vice-Admiral Ricardo Cevallos Newton

Vice-Admiral Víctor Nicolini del Castillo

Vice-Admiral Oscar Anderson Noriega

Vice-Admiral. Oscar Jahnsen Raygada

Vice-Admiral Alfonso Panizo Zariquiey

Vice-Admiral Alfredo Arnaiz Ambrosiani
Vice-Admiral Víctor Ramos Ormeño
Vice-Admiral Luis E. Vargas Cooban
Vice-Admiral Alfredo Palacios Dongo
Lieutenant-General Alberto López Causillas
Lieutenant-General Dante Poggi Morán
Lieutenant-General Jorge Tamayo de la Flor
Lieutenant-General Luis Galindo Chapman
Lieutenant-General Luis Arias Graziani
Lieutenant-General Hernán Boluarte Ponce de L.
Lieutenant-General José Zlatar Stambuk
Lieutenant-General César Enrico Praeli
Lieutenant-General Luis Abram Cavallerino
Lieutenant-General Arnaldo Velarde Ramírez
Lieutenant-General José Nadal Paiva
Lieutenant-General Enrique Astete Baca
Lieutenant-General Waldo Richter Cruz
Lieutenant-General Pablo Carbone Merino

Lieutenant-General Miguel Medina Ramos
Lieutenant-General Carlos Balarezo Quiroz
Major-General Edgardo Mercado Jarrín
Major-General Francisco Morales Bermúdez C.
Major-General Pedro Richter Prada
Major-General Otto Eléspuru Revoredo
Major-General Carlos Briceño Zevallos
Major-General Julián Juliá Freyre
Major-General Francisco Maury López
Major-General Germán Ruiz Figueroa
Major-General Guillermo Monzón Arrunátegui
Major-General Artemio Palomino Toledo
Major-General Jorge Zegarra Delgado
Major-General Pedro Villanueva Valdivia
Major-General Carlos Tafur Ganoza

Source: **Correo**, 24 September 2003

PART C

PRONOUNCEMENT OF THE ASSOCIATION OF GENERALS AND ADMIRALS - ADOGEN

In view of the bias with which the Final Report of the Commission on Truth and Reconciliation refers to the 'intervention of the Armed Forces and the National Police' during the period of terrorist savagery, designed, planned and conducted by Shining Path and MRTA, systematic perpetrators of murders and violations of human rights, the Association of Generals and Admirals (ADOGEN) interpreting the significance of the official status of the highest institutional hierarchy, in concordance with the powers, organizations, dependencies and professions that sustain and defend the constitutional order and the national interest, the general public is addressed in order to elaborate on the following points:

The intervention of the Armed Forces was decided by the governments under their constitutional requirement to defend the Peruvian society from the most dehumanized terrorist aggression in our history and to guarantee the continuity of peaceful and orderly coexistence to achieve the wellbeing of the Peruvian people.

In the operational field, in view of the atypical character of the conflict and its psychological effects, the law-enforcement agencies applied a strategy that harmonized fulfilment of their military mission with imperative humanitarian considerations. If there were any excesses on the part of some of their members, they were in response to a stratagem applied by Shining Path to provoke violent reactions against the civilian population and should not be attributed to the generality of the forces nor to orders from superiors. To accuse the defenders of the state, in this special case that the law protects, would be the culminating point of this ploy that seeks to demoralize the Armed Forces and National Police and divorce it from society in order to weaken the country's defence capacity.

The effective and decisive action of the law-enforcement agencies, with support from all the social sectors, of all political inclinations, and the sum of the expressions of the life of the nation throughout this intense conflict involving the sacrifice and generous commitment of officers and junior staff, of civilian authorities and citizens, of rural leaders, communards, and members of the self-defence committees produced the following results: the neutralization of the genocidal project of Shining Path, which demanded a blood quota of one million deaths in order to succeed; and the recovery of democratic institutionalism, the rule of law and the social peace which we enjoy today.

Had this intervention not taken place, the destiny of our country would have been very different.

For all these reasons, ADOGEN, aware of its professional duty, firmly rejects those asseverations of the Final Report which attribute a general and systematic character to the reprehensible actions of some members of the law-enforcement agencies. It considers that the Report emphasizes individual and negative aspects, with detriment to the professional and collective efficiency shown by the Armed Forces and National Police, and is inconsistent with the nation's underpinning institutions, which actually deserve recognition and gratitude.

Lastly, ADOGEN expresses its absolute identification with the desire for NATIONAL UNITY as the supreme objective of the Peruvian state - a challenge which requires joint action. It encourages the reconciliation of all Peruvians who believe in democracy as a way of life and expresses its hope that the decision of the government regarding the Final Report takes into account the concerns of the Armed Forces and the National Police, always willing to participate in the great nationwide effort to affirm our historic destiny.

Miraflores, 24 September 2003

Source: **El Comercio**, 24 September 2003

PART D

PRONOUNCEMENT OF THE ASSOCIATION OF GRADUATES OF THE CENTRE FOR HIGHER MILITARY STUDIES - ADECAEM

The Association of Graduates of the Centre for Higher Military Studies - ADECAEM - is made up of civilian and military professionals that have graduated in the course on national defence, whose aim is to continue studying the nation's reality and to formulate development projects aimed at enhancing social wellbeing.

In accordance with this objective, it was agreed at an extraordinary general meeting that it should be considered a civic duty to issue a pronouncement on the report presented by the Commission on Truth and Reconciliation, which has aroused nationwide interest.

1. It is necessary to find out the truth, even though truth is always relative in nature. Using this focus, there was consensus on the creation of the CTR although not on the way the members of the commission were appointed.

2. The bias of the CTR report could serve as an argument favouring elements of the political left who intend to return and obtain the power they were unable to secure by means of terror owing to the reaction of the state through the deployment of the Armed Forces, National Police and self-defence committees.

3. We believe half-truths to be worse than lies, especially when they are propagated intentionally. We say 'No!' to liars, 'No!' to amnesia, and 'No!' to impunity!

4. With regard to the socio-economic and cultural description presented in the CTR report, it is no different from the national reality with which we are familiar, especially in the more depressed zones, which were those chosen to be the scenario for terrorism.

5. It is necessary to be aware that such a reality does not guarantee peace, nor the supremacy of justice, nor the strengthening of the democratic system. In order to solve this problem, it is imperative to make long-term plans.

6. Consequently, the focus of the CTR provides us with the chance of a great debate on the formulation of a National Project that seeks to solve the country's major problems.

7. The CTR's report, instead of contributing to reconciliation, which is understood as bringing together and unifying the Peruvian people, it serves to widen the already existing rifts between the actors in this drama.

San Borja, 3 October 2003

Source: **Correo**, 4 October 2003

PART E

PRONOUNCEMENT OF 'TRADITION AND ACTION FOR A GREATER PERU'

Biased conclusions, an intense desire to punish, and an enormous oversight: the common good

The 'Final Report' emitted by the Commission on Truth and Reconciliation (CTR) with regard to the years of terrorism in Peru has caused serious upheaval and aroused strong misgivings which, with the passage of weeks, far from diminishing, are growing in weight and forcefulness.

Reopening the wounds that unsettle the country

Such a reaction is completely justified. The terrorist aggression suffered by the country is too recent an event for the wounds which it opened in society to have completely healed. Therefore, those who genuinely wish for social peace should act with tact and prudence when addressing this misfortunate chapter in the life of our nation.

The CTR certainly lacked tact. Precisely at the time when the nation was entering the new millennium, eager for peace and stability, the controversial report

barged in with its 'general conclusions' which, rather than opening doors to the mutual understanding and harmony to which the country aspired, opened the wounds which were healing, through rekindling an argument about excesses in the retaliation, as unjust as it was untimely.

Who should be incriminated for the terrorist escalation...?

The CTR's essential fault is to propose a seriously distorted requirement of justice. If it is all about justice, then the main responsibility for the escalation of the terrorism which afflicted Peru with all its consequences falls, without a doubt, to the governments of those times. It was the inexplicable negligence of these governments which permitted terrorism to become organized, to grow and to bleed the country dry with impunity during more than a decade (1980 - 1992).

This is not duly pointed out by the CTR. Similarly, the CTR does not mention the incomprehensible forbearance, and even praise, of numerous ecclesiastical and political figures at the time with regard to the terrorism of Shining Path and MRTA; nor does it expose the complicity of certain communications media that glossed over information

regarding the gravity of the escalation of terrorism, thus producing an anaesthetizing effect and retarding the social reaction.

...and the excesses in anti-terrorist repression?

With such prolonged indulgence shown towards the terrorists, could it be expected that a cursory combat full of humanitarian considerations for an enemy which is callous and unimaginably cruel, would be sufficient to dismantle its huge networks, capture its ideologists, chiefs and activists, and eradicate its savage crimes, without committing any mistakes or excesses, being able at all times to avoid confusion and exaggeration?

In point of fact, **the main reason for excesses in repression was that, owing to the fatally dysfunctional nature of the public authorities, it started very late;** thus something that would have been easy to combat at the beginning, later on became very difficult to crush.

However, the CTR not only refrains from clearly pointing out this basic truth, but also seeks to dilute with dubious extenuating circumstances the obvious and ponderous responsibility of the governments at the time for the advance of terrorism, as though the

democratic nature of their régimes were sufficient to exempt them from blame.

Such extreme forbearance towards those ruling bodies contrasts notably with the severity, equally extreme, shown to their obedient military personnel, which the CTR implicitly equates with terrorists on attributing to them a 'systematic' violation of the law. All this constitutes a coarse distortion of reality and a flagrant injustice; even if the repression involved some reprehensible abuses, it was in itself necessary and legitimate and, furthermore, deserving of greater recognition and gratitude from the nation.

Extreme justice, extreme injustice

In its quest for retribution at any cost, the CTR also disregarded the legal precept *Summum jus, summa injuria* (extreme justice is extreme injustice). Expressed another way, it is neither just nor wise to satisfy a hankering for justice aimed at a few people if to do so is harmful to everyone else. This is why the Catholic doctrine admits tolerance on the part of public authorities of some situations which are opposed to truth and justice in order to avoid greater harm, or to obtain or conserve a greater benefit. In this case, the greater harm to be avoided is the perpetuation of futile and destabilizing hostility and vendettas; and the

greater benefit to be obtained is the consolidation of internal peace within the country.

In this there must be **fairness**, a virtue which accompanies the justice applied in extraordinary situations not foreseen by the legislator, when the use of the law might cause 'serious damage, either to the individual or the community for which it was made.' In such cases, the unrestricted application of the full weight of the law constitutes a moral transgression or a 'sin against fairness and justice'. This is precisely the case in point.

In ignorance of these wise teachings, the justice called for by the CTR against those who defended society contributes nothing to the pacification of the spirit, and in practice serves only to cause exasperation and inflame passions, which are already prone to arousal on account of the profound and generalized moral crisis experienced by this country.

Crude partiality invalidates conclusions

Since the majority of the members of the CTR comes, oddly, from the ranks of the Marxist political left, or from among the adherents of Liberation Theology, also Marxist, the bias of its 'Conclusions' comes as no surprise. It has been demonstrated by an analysis,

which we make available to those who are interested, that those conclusions are clouded by ideological prejudices.

That partiality shows itself in the most amazing manner where the CTR passes judgement on the pastoral actions of the bishops in the convulsed zones, without even having listened to them! It thus violated the most elementary rule of legal justice: *Audiatur et altera pars* (May the other side also be heard). Such an arbitrary exclusion - also committed with other key witnesses - is inexcusable and disqualifies a priori the offensive prosecution.

The episode further shows that, despite its grandiose name, the CTR did not seek the truth in this case but, rather, to engage in defamation; it did not try to reconcile, but only to offend sacred people, using two different standards of weights and measures in the process, listening to those whom it wished to hear and excluding the rest; it demanded a sham justice for some but denied it to others. This serves as an example of the class of 'investigation' it conducted; that is to say, falsified beforehand, tendentious, and quite definitely lacking validity.

Such astonishing ineptitude brings to mind the lamentation of the Psalmist: *Infixus sum in limo*

profundi, et non est substantia (I have become stuck in a deep quagmire, and there is no firm footing... from Psalm 68:3).

Irresponsibility and lack of consideration for the common good

Furthermore, it is disconcerting that this reopening of the wounds inflicted by the counter-subversive battle should happen at such a critical time for the country when, together with institutions that are still weak, a recurrence of Marxist terrorism is verified in several remote regions of our territory.

This could be the occasion to create an atmosphere of renewed understanding and appreciation of the Armed Forces, entrusting them to extinguish outbreaks of terrorism before they turn into a great nationwide fire, drawing the country together in unanimous support for this struggle. The CTR, however, selected a course in precisely the opposite direction when it unleashed a controversy that our society had not the slightest wish to rekindle. This, then, demonstrates irresponsibility of major proportions and a serious lack of consideration for the common good.

Acting wisely, reasonably and fairly

Tradition and Action for a Greater Peru, acting in defence of the Catholic tradition, the Christian family and private property in our country, calls on us to act reasonably, wisely and fairly, bearing in mind first and foremost that there is a greater good at stake - the harmony and stability of the nation; and that if, in order to achieve this greater good, a smaller one must be sacrificed - the clarification of illicit practices during a state of internal unrest, such a sacrifice is not only reasonable but also just and expedient; indeed, in the current circumstances, it may constitute a necessity or even a moral duty. In this case, the greater good is the public peace which Peruvian society has been fervently hoping for. To defraud this hope through a desire to punish, as the CTR has done, is not only petty and unjust but also reckless and foolhardy. We ask the Blessed Virgin Mary that these considerations might contribute to bring order, and to calm the dangerous and notably short-sighted and obfuscated controversy in progress; and that She might endow all of us with clarity, wisdom and a sense of responsibility so that our society might be saved from the revolutionary destabilization which ever more commonly afflicts the modern world.

Lima, 29 September 2003

Source: **Correo**, 10 October 2003

PART F

PRONOUNCEMENT OF THE CONGRESSMAN RAFAEL REY REY. THE TRUTH FOR THE PUBLIC

In response to the feeling of thousands of Peruvians, I should like to present a balance of the CTR report.

The CTR was set up in order (a) to determine the causes of terrorist violence; (b) to find out the true facts; (c) to encourage reconciliation

After two years' work, an expenditure of 13 million USD, and the employment of between 350 and 700 people, including 'journalists', it is my opinion that:

1. The arbitrarily appointed, hand-picked commissioners have been guilty of serious exaggeration with regard to the number of fatal victims, while not explaining the alleged 'scientific methods' they employed.

2. They have unfairly equated those who combated terrorism in defence of the society with those who in all their actions violated the human rights of every Peruvian. Instead of demonstrating gratitude for the

sacrifices made by the law-enforcement agencies, they have slandered and defamed them with accusations of their implementing a 'systematic and generalized policy of violating human rights and committing crimes against humanity'.

3. They have insulted civilian and ecclesiastical authorities, military people, police agents, rural patrol personnel and other citizens, attributing them crimes or at least 'shameful culpability' for events without having allowed them to express their own versions of those events, thereby violating their human rights and disrespecting the due process.

4. They have irresponsibly maintained that the factors which facilitated terrorist subversion, which they call 'armed uprising' and 'political violence', were of a social and ethnic nature and omitted to mention the ideological roots (Marxism) of genocidal terrorism. They arbitrarily qualified the terrorist revolt which we had to put up with and still have to put up with as an 'armed social conflict', and have maintained that the terrorists and the law-enforcement agencies were the 'armed actors in the conflict' as if one were referring to a fight between them, unconnected with the society

which terrorism was attacking and which the law-enforcement agencies were defending.

5. They have irresponsibly qualified Shining Path as a 'political party' and the MRTA as a 'guerrilla movement', with the unwarranted invocation of the Geneva Conventions to claim that compliance with these is mandatory with regard to those whom they denominate 'participants in the hostilities'. They thus provided the terrorists with an argument to call themselves a 'belligerent group' and self-styled 'prisoners of war' or 'political prisoners'.

6. On asserting that 'all of us' have 'disgracefully forgotten the victims' and that this, according to the CTR, constituted a 'dishonour and shame for Peruvian society', they have offended all those private citizens, businesses and institutions that carried out and continue to carry out commendable actions in solidarity with the victims of terrorism.

7. They have committed an extremely serious injustice by maintaining that 32% of the fatal victims (i.e. some 22000, according to the CTR) are the 'responsibility' of the law-enforcement agencies. Common sense tells

us that the loss of lives among the terrorist group can be the responsibility only of the terrorists themselves.

8. By transmitting via television different declarations from both victims and terrorist ringleaders, the CTR has violated the **strict confidentiality it must assign to the statements and documents** it receives, as set out in the Supreme Decree which the CTR itself created.

It is therefore evident that the CTR

a. Has failed to achieve any of the aims for which it was set up, and has concealed the true causes of terrorist violence, disregarding the historical and objective truth by making value judgements, which abound in the report and its conclusions, in order to accommodate the 'truth' to the subjective prejudices of the commissioners.

b. Has reopened wounds and has slandered and defamed many people, which did not lead to any reconciliation (it was not explained between whom this reconciliation should take place) but, rather, begs a new conflict within the country which needs to look to the future and not spend the next 20 years arguing about the past 20 years.

These are the reasons why I feel sure that there are many of us who will do all we can to ensure that truth and justice prevail and to encourage solidarity with all the victims of the Marxist, terrorist insanity which has done so much damage to our country, especially to its poorest citizens.

Rafael Rey Rey

Source: **La Razón**, 7 September 2003

APPENDIX 4

Opinions of leaders of the political left with regard to terrorism

Rolando Breña (Patria Roja/UNIR), Javier Diez Canseco (VR/UDP), Carlos Tapia (MIR) and Eduardo Figari (VRPC), leaders from the political left, are interviewed by **El Diario de Marka** with regard to acts of terrorism committed in Peru. They all agree that there exists a campaign of the political right which is aimed at involving the entire left in terrorism; the purpose is to isolate the left and repress it, forcing it to go underground. They also suggest the possibility that some acts are provocations organized by the repressive apparatus itself (**El Diario**, 9 August 1980).

The UDP senator, Edmundo Murrugarra, after having carried out a parliamentary mission in the zones affected by the 'wave of terrorism' - Ayacucho and Apurímac, particularly Andahuaylas - denied the versions circulated by the press, which speak of a state of insurgency in the country. He pointed out that during his recent visit, he was able to ascertain that there had been only some isolated protests which

definitely could not be classified as terrorism and are the result of the state of prostration and abandonment in which these areas find themselves. Enrique Bernales, a PSR senator, expressed that it is not the first time in our history that supposed accusations of terrorism perpetrated by the political left turn out to be nullified when it is proved that these acts are, instead, the work of right-wing groups or individuals or of the security services (**El Diario**, 31 October 1980)*

UDP leader, Edmundo Murrugarra, said that 'these fellows ingenuously believe they are helping the population with these acts when, really, what they are doing is replacing the masses, who are the ones that, through their efforts, are advancing towards freedom. It will be these masses that, by cutting them off, put the Shining Path comrades, who are helping governmental terrorism, in their place.' (**Caretas** N° 622, 3 November 1980).

Senator Carlos Malpica (UDP) played down the Shining Path group, about which he said 'small-scale terrorist acts have been reported' in reference to those perpetrated in Ayacucho and Huancavelica. He also

*Until 1986, **Diario de Marka** and the **Nuevo Diario** were run by the political left, and by Shining Path from 1987 onwards.

pointed out that the dynamiting of electricity-line pylons 'could be the work of the right wing or certain sectors of Military Intelligence' (**Expreso**, 15 December 1980).

The editorial column, *El Marko Político*, maintains that 'Up to now, we know of no terrorist act that has targeted the economic and political right. This is an important piece of information which should be taken into account. Another peculiar characteristic of the terrorism is its anonymity and impersonality. In general, the terrorists are silent and modest. Are they not, rather, a specialized body of professional experts in terrorism working for the government?' (**El Diario**, 15 December 1980).

Alfonso Barrantes Lingán challenged the Shining Path group to state which acts of terrorism, among those that had recently occurred, they claimed as theirs. 'Shining Path should indicate precisely which electricity pylons had been dynamited by their activists, in order to assign responsibilities. (**Expreso**, 18 December 1980).

While talking about a commemorative act of the PCR, Barrantes said that, in the current circumstances, Shining Path has the obligation to make a statement on terrorism. In the case that this organization did not admit responsibility for the attacks, these acts of

terrorism should be attributed to right-wing organizations (**El Diario**, 21 December 1980).

Alfonso Barrantes, president of the IU, says: Comrade Abimael Guzmán, in a letter addressed to **Caretas** and which, unfortunately, has not been published, literally states that 'It would have been a small group of Shining Path that had opted for such attitudes. So it is not the whole of Shining Path but a sector of it; to that sector, and to those who support a right-wing-coup, we express our rejection of terrorist attitudes.' (**Equis X**, N° 223, 7 January 1981).

On the front page of **El Diario**, an editorial column headed A plot against democracy is being hatched maintains that 'The extreme right wing wishes impudently to attribute to the IU and the popular movement their own plans to do away with democracy. It would be absurd to imagine that the left, which enjoys a constantly growing approval for its identification with popular interests, should engage in planting sticks of dynamite in modest primary schools. The extreme right uses this as a spearhead, an unbeatable ultra-right-wing plan for the annihilation of democratic freedoms.' (**El Diario**, 3 May 1981).

In an interview with **Caretas**, the IU congressman Javier Díez Canseco had this to say about terrorism: they 'purport, as did Robin Hood, to defend the

interests of the populace; they aspire to achieving social transformation through actions which damage the people's movement. That said, regarding the sectors to which I refer, and one would have to be blindfolded not to notice, use entirely handmade devices while the others, the right wing - one would have to be blind not to notice - employ much more complex means. The last wave of actions bears a clearly defined stamp of the right.' (**Caretas**, N° 666, 5 October 1981).

A communiqué issued by the CEN-UDP says: 'Behind the so-called terrorism are members of paramilitary organizations, and Peruvian and US intelligence-service agents, that are carrying out dynamiting actions in order to attribute these attacks to the left, with a view to generalizing repression.' It adds: 'Shining Path has embarked on actions in isolation from the masses and their levels of organization and conscience, which help the campaign of ideological and political isolation with which the government seeks to strike the left and the populace'. (**El Diario**, 9 November 1981).

An interview with Ricardo Letts Colmenares has been published in **Caretas**: 'We are extremely interested - he says - in entering a dialogue with them (Shining Path) to formulate our criticism of them and suggest reasons why they should rectify their approach. We are also interested in the government's setting up a dialogue

with them and that, instead of hunting them down and severely repressing them, it might show, if possible, a greater degree of maturity than this mistaken political organization and call on its members to dialogue - something that this government has not done or ever attempted to do.' Am I right in understanding you would ask Shining Path to stop violent actions; to stop terrorism? 'Yes, we have asked them to do so persistently for more than a year. And would you request a government amnesty for Shining Path? 'Of course. Our suggestion is that it is up to the government to take the first step - if it has any notion of real, rather than tin-pot, statesmanship; and if it understands that Shining Path is not a terrorist group but a political organization using armed violence. (**Caretas** N° 682, 25 January 1982).

The national committee of the IU issued a communiqué that said: 'While acknowledging the courage of Shining Path militants in sacrificing their lives in defence of their ideals, we point out our discrepancies with them, given that in politics the political repercussions, rather than good intentions, are what count.' (**El Diario**, 19 March 1982).

Caretas interviewed Hugo Blanco (PRT), who opined that Shining Path 'are mistaken revolutionaries with whom we disagree (...) we have to see to what extent Shining Path is a terrorist organization. They deny it.

Secondly, the fact that we disagree with Shining Path does not mean we do not consider them to be revolutionaries. They are indeed revolutionaries.' However, 'I believe that, as they provide a pretext for suppression, Shining Path is involuntarily benefiting repression.' (**Caretas** N° 716, 27 September 1982).

El Diario produced an editorial about several terrorist attacks and affirms that 'Public opinion demands an explanation by the government as it cannot evade its responsibilities, especially when it is widely known that there exist paramilitary organizations managed by means of invisible strings of power, destined to carry out terrorist actions with the aim of holding to account and repressing the popular movement and the political left.' (**El Diario**, 5 December 1982).

If the United Left (IU) is elected to government, it would deal with the problem of terrorism through negotiations, which the present government has failed to achieve, according to statements made on television by the IU congressman Javier Diez Canseco. (**El Diario**, 1 December 1982).

Jorge del Prado, the Secretary General of the Peruvian Communist Party (PCP-U), argued that the intervention of the Armed Forces in the battle against terrorism was unnecessary, since it would risk igniting a war 'against the people'. (**La Prensa**, 29 December 1982).

El Diario, criticizing the intervention of the Armed Forces in Ayacucho, suggests that 'we are embarking on a reign of terror' and proposes 'to set up as soon as possible the most feasible single social blockade of the democratic and popular forces, not being in a condition enabling it to win an election, but at least able to avoid the bloodbath which some people hope to extend from the very centre of Peru.' (13 January 1983).

An interview with Javier Diez Canseco in **Caretas**: What is the concrete position of VR with regard to Shining Path? 'We see it as a phenomenon that already has nationwide relevance, and affects the development of the political situation. Within this framework, we disagree with a solution of police/military nature and believe that a political solution is indispensable. Therefore we are discussing the possibility of IU's proposing to set up a regional government that incorporates the department's most representative associations - the defence front, the different trades union groups, professionals, etc. - with the aim of finding a political solution to the situation. This proposal also presumes a stance that welcomes the aspirations of the people of Ayacucho to peace, progress and democracy.' But where does Shining Path come into this solution? Do you think they will lay down their arms? This is where Shining Path comes in. An alternative government in this sense is evidently

one which must seek a nexus, some kind of dialogue, an opening so that both sides can arrive at a political solution to the problem. (**Caretas** N° 731, 17 January 1983).

The PSR expressed total rejection of Shining Path's policy of terror, demanding of the authorities its total eradication. It maintained that terrorism serves only to take innocent lives, to generate considerable economic losses and to cripple valuable installations which supply the greater part of the Peruvian population. The PSR also blames the left as a whole for not having declared an effective ideological and political demarcation. (**El Observador**, 22 January 1983).

El Diario, in an editorial comment says: 'What is happening in our country is truly worrying. The path taken in Ayacucho by the government should be restrained with the help of all the democratic forces. Several parties of the IU have proposed an emergency regional government for the region in crisis which, based on the zone's popular and representative organizations, would organize a command structure able to achieve peace, consolidate democracy and lay the foundations for progress. It is a prudent and appropriate solution which should receive the widest support.' (**El Diario**, 17 February 1983).

In an interview for the Sunday publication **El Observador**, Ricardo Letts says: 'If a military coup d'état were to take place, the only body with the capability for reaction would be the PCP Shining Path. In that sense, Shining Path is an agent provocateur, something which should be taken into consideration, which encourages those sectors of the Armed Forces who are contemplating a coup to think twice beforehand.' (**El Observador**, 5 June 1983).

Caretas published an interview with congressman Javier Diez Canseco (UDP): Do you still entertain the idea of a provisional government in Ayacucho? 'I still adhere to the idea, as does the IU in general, that there should be a provisional regional government in Ayacucho based on the social organizations already existing in the area. When it was put to me that this government would need to set up a dialogue with Shining Path, I had no doubt that this would be the right course of action.' Do you still believe in the possibility of a dialogue with Shining Path which could lead to laying down arms? 'I believe that engaging in dialogue and political negotiations is both possible and indispensable. I am convinced that this is not easy, that it is a process, but that it is a responsibility of ours to seek a political, rather than a military, solution to the problem. The military solution will eliminate not only Shining Path but also the political left and a good part of the opposition, as well as the democratic rights

that the people have obtained with great effort; nobody made the people a present of them. I am concerned because I believe the country is walking towards the militarization of society.' (**Caretas** N° 768, 3 October 1983).

A communiqué from the UDP states: The Peruvian Communist Party - Shining Path is a force of the social sector. Up to the present, it has been the only force that has presented a frontal and radical military challenge to the government in power (AP/PPC). However, its dogmatic attitude is enabling the enemy to manoeuvre in the political and ideological fields.' (**El Diario**, 27 May 1984).

The political parties AP, PAP, IU and PPC undertook to restore peace and justice in Ayacucho, to initiate a nationwide mobilization and to create the right atmosphere for the next government in 1985 to begin a dialogue with Shining Path or, as a response, 'offer amnesty to those who had acted violently'. This is the corollary to the Fourth Forum - Ayacucho 21st Century - on political programmes and regional government for Ayacucho, organized by the local branch of the Peruvian Society of Civil Engineers. The pronouncement is signed by Wilfredo Huayta (APRA), Luis García (AP), Edmundo Murrugarra (IU) and José Navarro Grau (PPC). (**La República**, 30 October 1984).

Antonio Aragón, leader of the Marxist-Leninist Revolutionary Socialist Party says: 'We have not disappeared; we are still working within the organizations that have bases. We believe that the IU meets the requirements on the electoral front and there is no need to do anything different.' He adds 'The actions of the MRTA are effective and aim to show that the principal enemy is North American imperialism.' (**El Diario**, 30 October 1984).

'If the IU accedes to power, it will open a dialogue with Shining Path and declare a political amnesty.' said Agustín Haya de la Torre, a member of the IU list of presidential candidates. Referring to the application of the death penalty to terrorists, he asserted that capital punishment would not solve anything. (**La Noticia**, 15 March 1985).

At meetings held respectively in Rímac and Callao, Alfonso Barrantes denied that he would co-govern with Shining Path, as one newspaper had stated on declaring that Rolando Breña had said that in Ayacucho the IU would co-govern with Shining Path. 'We repudiate terrorism and are not going to co-govern with anybody,' (**La República**, 24 March 1985).

Alfonso Barrantes again refuted the notion that the IU was seeking to come to agreements with Shining Path. 'I do not condone or sympathize with terrorism, and

anyone within IU who does so is free to leave.' he said. He denied that Agustín Haya and Rolando Breña had suggested the possibility of an alliance with Shining Path. Furthermore, Enrique Bernales explained that in the IU there exists a binding agreement whereby no dialogue with Shining Path is possible. He added that personal opinions, such as those of Ricardo Letts, Carlos Malpica or any other candidate are individual positions. (**El Diario, La República, El Comercio, Expreso, Hoy**, 26 March 1985).

The IU congressman Javier Diez Canseco reiterated, in the name of the organization of which he is leader, the PUM, his position regarding a dialogue with Shining Path and criticized some of the information media for distorting the statements of leaders of the leftist front in order to generate confrontations within it. (The majority of the daily newspapers, 27 March 1985).

'The general amnesty for the politico-social prisoners and for all those accused of terrorism is one of the basic steps which the next government must take if it sincerely wishes to put an end to the climate of violence.' declared Javier Diez Canseco. (**Expreso**, 21 May 1985).

Source: DESCO. *Violencia Política en el Perú* (Political Violence in Peru). Volumes I and II, 1980-1988. Lima, 1989.

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THE ASSOCIATION FOR THE DEFENCE OF DEMOCRACY AGAINST TERRORISM (ADDCOT)

is a civilian organization whose nature is educational, cultural, autonomous, independent, and not for profit, that was set up by retired Officers of the Peruvian Army who participated in the battle against terrorism in the zones declared in emergency, and by civilians and military people who share the Association's aims.

The aims of the Association are as follows:

- To promote the active and conscious participation of the Peruvian nation in the battle against terrorism so that peace, freedom and rule of law may be guaranteed, respecting human rights in accordance with the Political Constitution of the Republic and the legislation in force.
- To foster cultural and social cooperation to maintain peace, national development and the strengthening of democracy.

Aims of ADDCOT:

- To create awareness among the population that the battle against terrorism is the task of all Peruvians, to consolidate nation-wide pacification and the respect for human rights.
- To promote the recognition of society regarding the participation of the Armed Forces, the National Police Force, and the Self-Defence Committees in the fight against terrorism.
- To opine on topics related to terrorist actions at nationwide and international levels.
- To execute support actions for the institutions with direct responsibility in the fight against terrorism.
- To honour the memory of the victims of terrorism and the martyrs of democracy.
- To promote and implement investigation and training projects at nationwide and international levels.
- To facilitate the interchange of experiences regarding the battle against terrorism.
- To promote the strengthening of relations between the military and civilian populations.

We do not deny the right of the CTR to make the natural tendency of the philosophical and political thought of the majority of its members prevail; however, we have the right to wonder whether that very evident tendency would have been the same had the Commission been made up of people with a different kind of political and philosophical orientation.

(ADDCOT)

The CTR, with the intention of attributing to the Armed Forces a large number of violations of human rights, makes no distinctions among dead terrorists; those killed in combat (which undoubtedly constitute the majority) and probable deaths caused by fortuitous omission or some kind of excess, with the intention of placing the members of the Armed Forces at the same level of responsibility as the terrorists.

(ADDCOT)

We do not agree with qualifying the actions of the Armed Forces and Police as a systematic and generalized policy of offences against human rights and crimes against humanity. It should be clearly established that the role of the Armed Forces and the Police is that of defending the state in compliance with the directives issued by the governments.

(CONFIEP)

.... those who genuinely wish for social peace should act with tact and prudence when addressing this misfortunate chapter in the life of our nation. The CTR certainly lacked tact. Precisely at the time when the nation was entering the new millennium, eager for peace and stability, the controversial report barged in with its 'general conclusions' which, rather than opening doors to the mutual understanding and harmony to which the country aspired, opened the wounds which were healing.

(TRADITION AND ACTION FOR A GREATER PERU)