

PERU:

Reparations begin but IDPs excluded

A profile of the internal displacement situation

8 January, 2009

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Through its work, the Centre contributes to improving national and international capacities to protect and assist the millions of people around the globe who have been displaced within their own country as a result of conflicts or human rights violations.

At the request of the United Nations, the Geneva-based Centre runs an online database providing comprehensive information and analysis on internal displacement in some 50 countries.

Based on its monitoring and data collection activities, the Centre advocates for durable solutions to the plight of the internally displaced in line with international standards.

The Internal Displacement Monitoring Centre also carries out training activities to enhance the capacity of local actors to respond to the needs of internally displaced people. In its work, the Centre cooperates with and provides support to local and national civil society initiatives.

For more information, visit the Internal Displacement Monitoring Centre website and the database at www.internal-displacement.org.

Internal Displacement Monitoring Centre

Norwegian Refugee Council
Chemin de Balexert 7-9
1219 Geneva, Switzerland
Tel.: +41 22 799 07 00
idmc@nrc.ch

www.internal-displacement.org

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OVERVIEW

Reparations begin but IDPs excluded

Eight years after the internal armed conflict in Peru ended, most internally displaced people (IDPs) have returned to their places of origin or have resettled elsewhere. According to a 2007 government ministry estimate, 150,000 people remained in the urban centres where they arrived after being forcibly displaced. Given that these IDPs have long integrated in various localities, it is difficult to determine if they still have specific protection needs originating from their forced displacement, with the exception of their right to remedy and reparation. Nevertheless, there are indications that they still struggle to access basic services and livelihood opportunities.

IDPs, like many other victims of violence, are in 2009 still waiting for reparations for the human rights violations and abuses they suffered in the conflict, although the right to reparation, enshrined in the American Convention on Human Rights, was pivotal in the recommendations of the Truth and Reconciliation Commission published in 2003. The adoption of a statute on internal displacement excluded the reparations component, and reparations for IDPs were instead included in a more general statute for all victims of the armed conflict.

Under this statute, reparations are dependent upon a registration system identifying the victims. Some 5,000 IDPs have been registered in the IDP-specific registry, despite an excessive burden of proof placed on applicants, but not one of them has received reparations benefits. Lack of coordination between the IDP-specific registry and the general victims' registry, and the current focus on reparations for collective groups, have effectively excluded individual IDPs. Finally, reparations both for IDPs and victims of other human rights abuses have generally been framed as development or anti-poverty measures rather than fundamental rights supported by international law.

Background: campaign for reform becomes brutal uprising

From 1980 to 2000 Peru endured internal armed conflict as the Peruvian Armed Forces and allied self-defence groups fought the *Sendero Luminoso*, or Shining Path, and the *Túpac Amaru Revolutionary Movement (MRTA)*. The Shining Path, which became the organisation responsible for most human rights abuses during the war, initially campaigned for land reforms and broader social and economic rights, in response to one of the most unequal landholding distributions in all of Latin America. Yet the initial cause soon gave way to a totalitarian and brutal Maoist ideology which relied on the use of terror against civilians (CVR, 28 August 2003). The government largely ignored the armed rebellion in its early stages because it was carried out in remote rural areas.

However in December 1982 it declared a state of emergency in nine provinces and placed them under military command. According to the Truth and Reconciliation Commission (*Comisión de la Verdad y Reconciliación*, or CVR) established in 2001 to investigate the atrocities committed during the twenty years of conflict, government forces were also responsible for systematic violations of human rights and international humanitarian law, including 28 per cent of the killings of civilians (CVR, 28 August 2003).

In the absence of functioning state institutions, rural communities organised “*rondas campesinas*” (self-defence patrols) to protect themselves against attacks by rebel groups. These patrols later fought alongside the armed forces against the insurgents, and were also responsible for human

rights abuses (CVR, 28 August 2003). Civilians refusing to join were often accused of supporting the rebellion (Cohen and Sanchez-Garzoli, May 2001, p.6).

As a result of the violence during the 1980s and 1990s, between 500,000 and one million people were forcibly displaced from their homes, according to the International Committee of the Red Cross and *Programa de Apoyo al Repoblamiento* (PAR), the government programme created to assist internally displaced people (IDPs) to return home (ICRC & PAR, 31 December 2003, p.68; CVR, 28 August 2003). Over 69,000 people were killed or disappeared. Indigenous peasant populations, primarily from the departments of Ayacucho, Huancavelica, Apurímac and Central Sierra, represented a disproportionate 70 per cent of the displaced (CVR, 28 August 2003).

Civilians were also subjected to human rights violations such as torture, rape, kidnapping, arbitrary detention, and expropriation and destruction of property. The 10,000 indigenous Asháninka people displaced in Junín, for example, were victims of violations which could constitute crimes of genocide, according to the CVR. In the views of Shining Path leaders, indigenous identity and culture needed to be eliminated to pave the way for their “new state”. They imprisoned about 5,000 people in camps, submitted them to appalling treatment and used them as slaves and combatants. Pregnant women were murdered or forced to abort, girls were used as sex slaves, and many were forced to kill their own family members under threat of death. Others were left to die from hunger and disease in captivity. In Satipo, the Shining Path forcibly displaced thousands of indigenous Asháninkas and held them in conditions amounting to slavery. They were imprisoned in sub-human conditions in camps, and forced to fight, work and perform sexual services. These abuses were possible due to the absence of state institutions and the prevailing deep-rooted prejudice against rural Andean communities (CVR, 28 August 2003).

Although rebel leaders were arrested in the 1990s and sentenced to life imprisonment in late 2006, the number of “subversive acts” increased from 128 in 2005 to 233 in 2006, according to the National Police’s Department of Intelligence (CNDDHH, April 2007, p.187). While the majority of the reported incidents were labelled “agitation and propaganda”, they included nine armed attacks and eight “terrorist attacks”, the latter referring to attacks committed by remnants of the Shining Path. One particularly violent attack resulted in the killings of five policemen and three civilians in Ayacucho in December 2006 (CNDDHH, April 2007, p.197). Surviving Shining Path groups reportedly allied with drug traffickers in the coca-producing regions of Alto Huallaga and el Ene-Apurímac (Peru21, 2 January 2007).

The CVR concluded that displacement was often an end in itself, a deliberate strategy by the warring parties in pursuit of their military objectives. People were also forced to flee either because of direct attacks or when ordered to do so by security forces, or because the persistent conflict prevented them from meeting their minimum subsistence needs.

Situation facing remaining IDPs

When the security conditions improved towards the end of the conflict, the government met its duty to initiate return and reintegration programmes for IDPs through the Programme for the Support of Resettlement (*Programa de Apoyo al Repoblamiento*, or PAR). However, this programme was interrupted after 2000 and no similar structure was put in place. As a result, only some 21,000 people benefited from the assistance.

Available IDP figures are based on general estimations rather than any registration process. Most of the IDPs that did not return or resettled after the conflict are currently located in the urban centres to which they came after being displaced, particularly Ayacucho, Lima, Junín, Ica, and Huánuco. This population was estimated at 150,000 by the Ministry of Women and Social Development (*Ministerio de la Mujer y Desarrollo Social*, or MIMDES) in May 2007. This

represents between 20 and 25 per cent of the 650,000 people estimated to have been displaced by the conflict.

In response to the lack of clear benchmarks as to when displacement should be considered as ended, the Brookings-Bern *Framework for Durable Solutions for Internally Displaced Persons* suggests that IDPs should be given assistance and protection as long as they continue to have specific needs that are or have been caused by their being displaced (Brookings, June 2007, p.10). Without any significant support from the government, IDPs (most of them indigenous people) slowly merged into the wider urban poor population. Even though no data are available evaluating the situation of this group either independently or in comparison with non-IDPs, there are indications that IDPs may face particular obstacles in the realisation of their rights. For example, the Ombudsman's Office has reported that many victims of the conflict, including IDPs, frequently complain that they are denied access to health benefits under the Integral Health Insurance (*Seguro Integral de Salud*) system (Defensoría el Pueblo, December 2007, p.264). Furthermore, IDPs' right to remedy and reparation, included in the national law on reparation, has still not been realised.

Steps towards justice for IDPs

As the armed conflict ended, the transition government of Valentín Paniagua created the CVR with an 18-month mandate to investigate human rights abuses between 1980 and 2000, find those responsible for them, and recommend actions to promote peace (Government of Peru, June 2001).

The CVR issued its final report in 2003. The report identified each party's responsibility for human rights violations, noted the failure of central decision makers to acknowledge the magnitude of the crisis, and formulated recommendations with a view to reconciliation. These included a recommendation to recognise all people forcibly displaced during the conflict as victims and therefore potentially eligible for compensation, regardless of their large numbers and the resulting financial implications. The CVR also recommended that individual and collective compensation programmes be developed in areas such as mental and physical health care, education, symbolic and economic support, and provision of identification documents.

The report stated that the end of hostilities did not mark the end of the problem of displacement, but rather opened up opportunities for its resolution. In line with the descriptive nature of the definition of an internally displaced person contained in the United Nation's Guiding Principles on Internal Displacement (the Guiding Principles), it acknowledged that displacement had to be acknowledged as a situation rather than as a matter of formal registration.

Partly in response to the CVR's recommendations, Law 28.223 on Internal Displacement was passed in 2004, representing a positive step towards the protection of IDPs' rights and the prevention of future displacement. It provided a specific framework for the protection of IDPs and incorporated the Guiding Principles into national legislation. Law 28.233 charged MIMDES with the coordination of the response to IDPs, and with the creation of a national registry of displaced people.

However, Law 28.223 did not include a reparations component, even though the conflict had ended four years before the law was passed, and restitution of property and reparations were central issues for those remaining displaced. Instead, IDPs are entitled to reparations under a more general law on reparations adopted in July 2005. Law 28.592, which was also part of the normative framework put in place to implement the recommendations of the CVR from two years earlier, included IDPs in its broader definition of victims of violence.

Obstacles to reparations for IDPs

Eight years after the conflict ended, and five years after the CVR issued its recommendations, effective reparations for IDPs are still not a reality for a variety of reasons. Law 28.592 charged the High Level Multisectoral Commission (*Comisión Multisectorial de alto Nivel*, or CMAN) with leading and implementing the reparations programmes. However, the unreliable institutional, financial and logistical support which the CMAN has received since it was created has slowed the reparations process (ICTJ, Guillerot, 2008, p.6). While the collective reparations programme had, for 2007, the significant budget of 44 million Soles (over \$14 million), the approval of projects and the transfer of funds delayed the start of reparations programmes (ICTJ, Guillerot, 2008, p.18).

The IDP registration system (*Sistema de Registro y Acreditación de Desplazados Internos*, or RADI), and the general victims' register (*Registro Unico de Víctimas Individuales y Colectivas*, or RUV) have not yet been integrated. The former is supposed to be compiled by MIMDES according to the IDP law, while the latter is the responsibility of the Reparations Council (*Consejo de Reparaciones*, or CR) under the reparations law. MIMDES has to date registered only 5,000 people, around three per cent of the total 150,000 IDPs that did not return, and only 2,000 more than the 2007 figure of 3,000.

The two largest IDP platforms grouping various IDP organisations, the National Coordination of Displaced Persons and Communities in Reconstruction in Peru (*Coordinadora Nacional de Desplazados y Comunidades en Reconstrucción del Perú*, or CONDECOREP) and the Association of Displaced Families in Lima (*Asociación de Familias Desplazadas en Lima*, or ASFADDEL), report that the registration process is cumbersome and places an unreasonable burden of proof on IDPs. Applicants must obtain a certificate from their community of origin, which is generally very hard to get. This contradicts the recommendations offered by the CVR, and the criterium contained within the Guiding Principles that displacement is a factual condition; when registration is needed for identification purposes, it should not be excessively complicated.

In any case, MIMDES had by November 2008 still not furnished to the CR the personal files of the 5,000 IDPs it had so far registered in the RADI. Therefore, the CR had not been able to forward the files belonging to these IDPs to CMAN for adjudication (Macher, November 2008). Consequently, not one single IDP had yet received reparation despite the existence of a normative and administrative framework.

Furthermore, IDPs who are not part of an organised group have currently no access to reparations. The reparations laws envisage both individual and collective reparations, and the original plan set forth by the CMAN, the *Programación Multianual 2005-2006*, included both types. However, this plan was interrupted before it ever reached implementation, and replaced by a programme including only collective reparations (ICTJ, Guillerot, 2008, p.16). There is no solution to this in view, as the CMAN does not have a clear policy to regulate individual reparations (Macher, November 2008), despite the fact that the CR has already registered 17,000 individuals for other human rights violations.

It is also important to note that the existing programmes are seen by the government more as development and poverty eradication strategies rather than as purely reparatory measures (Macher, November 2008). Reparations programmes are seen as a deviation of funds from what are deemed more urgent social policies (ICTJ, Guillerot, 2008, p.16). This is problematic, as the government has the legal obligation, domestic and international, to provide reparations to victims of violations. While regularisation of property titles and granting of credits to IDPs to acquire housing are included in the Reparations law, there is no specific mechanism for property restitution in place.

These and other problems may be due to the fact that IDPs have not had significant input into the reparations process. MIMDES reports that the voice of IDPs is taken into account in the design of

projects to be undertaken by local governments (MIMDES, November 2008), but the IDP groups argue that participation has been limited and IDPs only rarely consulted (CONDECOREP, ASFADEL, November 2008).

RESUMEN DEL INFORME EN ESPAÑOL

CAUSES AND BACKGROUND

Background

Political violence and the Fujimori dictatorship (1980-2000)

- Conflict between armed opposition groups and the armed forces displaced up to one million people since the 1980s
- The government responded to armed opposition in 1980 by placing nine provinces under state of emergency and under the control of the military who committed massive human rights violations
- After 1988 conflict spiralled up with increasing terrorist acts by armed dissidents and violent counter-insurgency tactics involving self-defence committees
- On 5 April 1992, President Fujimori dissolved Congress, suspended the Political Constitution of 1979 and set up an emergency Government
- Fujimori organized military death squads (such as the Colina group) to eliminate the Shining Path and MRTA
- Fujimori dismantled the judiciary system and ruled through Decree Laws including antiterrorism decrees that allowed for summary proceedings against persons accused of terrorism and treason
- President Fujimori was re-elected 9 April 1995, largely due to his success in combating Sendero Luminoso and reducing inflation

UNCHR 1 April 1996, para. 19:

"It is now generally accepted that the State, when first confronted with armed opposition, initially neglected the problem because it affected only remote areas. In December 1982 the Government of Belaunde Terry (1980-1985) placed nine provinces under a state of emergency and entrusted control to a political-military command, which, in the words of one interviewee, operated as an occupation army. This not only did not stem armed opposition activity but gave rise to the first allegations of massive human rights violations committed by the military. The first two years of the Government of Alan Garcia (1985-1990) were hopeful: the military presence in the zones of emergency was restricted and fewer allegations were made. After 1988, however, the area of hostilities expanded significantly, as the armed dissidents escalated their terrorist activities in urban centres, while self-defence committees [...] became increasingly involved in counterinsurgency tactics. Civilians were caught in the cross-fire; the volume of denunciations and the numbers of the displaced spiraled upwards."

UNCHR 1 April 1996, para. 124:

"The primary cause for the displacement of as many as 1 million Peruvians over the past 15 years has been the conflict between armed opposition groups and the armed forces of the Government."

US DOS, 25 February 2004, sect. 5:

"At the same time, the TRC [Truth and Reconciliation Commission] criticized the administrations of Fernando Belaunde and Alan Garcia for their failure to exercise political control over the military. Further, it said that the military initially adopted a costly and ineffective "scorched earth"

counterinsurgency campaign against Sendero that produced significant human rights abuses. The TRC distinguished, however, between the systematic abuses of human rights carried out by Sendero—abuses that were part and parcel with the group's extremist ideology—and the violations of military norms practiced by some individual military commanders. The TRC also criticized the Fujimori government for organizing military death squads (such as the Colina group) and directing them to kill both MRTA and Sendero Luminoso terrorists.”

CHR 1 April 1996, paras. 25-27:

"On 5 April 1992 President Fujimori, with the full backing of the Armed Forces Joint Command, dissolved Congress, suspended the Political Constitution of 1979 and set up an emergency Government. From then until the end of 1992, the President and the Council of Ministers ruled the country through Decree Laws which included wide-ranging antiterrorism decrees that allowed for summary proceedings against persons accused of terrorism and treason. Furthermore, the President suspended civilian courts and removed from office the members of the Tribunal of Constitutional Guarantees, Supreme Court judges, the Attorney-General and other judges and members of the judiciary.

In December 1992 the Democratic Constituent Congress (Congreso Constituyente Democrático) was inaugurated: it approved a law confirming the constitutionality of the President and the continued applicability of all laws enacted by him, as well as a motion that the Peruvian State did not have a policy of systematically violating human rights. It also established a Commission on Human Rights and Pacification. The Congress promulgated a new Constitution which was ratified by a referendum on 27 December 1993

[...] In the general elections of 9 April 1995, President Fujimori won a clear majority over his rival, former United Nations Secretary-General Javier Pérez de Cuéllar. Published sources and interviewees suggested that his success in combating the Shining Path and lowering inflation accounted for his re-election, despite the 1992 self-coup and his authoritarian governance."

HRW 2001:

"Peru experienced its most turbulent year since 1992, when President Alberto Fujimori dissolved Congress and assumed dictatorial powers. The circumstances in which Fujimori was sworn in for his third consecutive term on July 28 were symptomatic of the deep crisis of legitimacy facing his government after decade in power [...] Flawed from the outset because the president's candidacy was evidently unconstitutional, the April 9 presidential and congressional elections were among the most widely questioned the region had seen in years."

To have a complete in-depth analysis on the causes of the conflict in Peru, see the website of the Truth and Reconciliation Commission, Informe Final de la Comisión de la Verdad y Reconciliación, Tomo VIII, Segunda parte : Los factores que hicieron posible la violencia, [External link]

Democratic rebuilding after Fujimori escaped Peruvian justice in Japan (2000-2004)

- Valentin Paniagua was elected President in November 2000
- In October 2000, Congress dismantled the National Intelligence Service (SIN), and in February 2001 the government eliminated emergency zones and restored constitutional protections
- 3 June 2001, Alejandro Toledo won Peru's presidential election with 52% of votes
- Japan refused to extradite Mr. Fujimori for charges of crimes against humanity and corruption
- In March 2001 Peru returned to be a member of the Inter-American Court for Human Rights and the amnesty benefiting the military since 1995 was lifted

- In 2003 the Constitutional Tribunal declared the antiterrorist norms of 1992 unconstitutional
- The Peruvian justice who recognised Mr. Fujimori responsible for paramilitary massacres, and assassination of students and a journalist among others has not been able to extradite him as of June 2004
- In response to large-scale protests against current economic policies depriving people form access to basic services, the government declared the state of emergency, granting police powers to the military which led to the killing and maiming of numerous protestors

U.S. DOS February 2001, paras.1-2:

"Charges of corruption against presidential advisor and de facto head of the intelligence service Vladimiro Montesinos led President Fujimori to announce on September 16 that he intended to hold new national elections in April 2001, in which he would not be a candidate. On November 22, President Fujimori sent his resignation to Congress from Japan, where he remained at year's end. Congress refused to accept his resignation and instead voted to remove him from office for 'moral incapacity'. The President of Congress Valentin Paniagua of the Popular Action Party succeeded to the presidency on November 22. He announced that he would uphold legislation allowing for new presidential and congressional elections in April 2001, and he accelerated the implementation of democratic reforms initiated in the OAS-sponsored talks.

The police and military share responsibility for internal security. In October Congress passed legislation, based on agreements made in the OAS talks, to dismantle the National Intelligence Service (SIN), and the Government took action to do so in that same month. The capture or death of several remaining terrorist leaders marked continuing progress in eliminating the still lethal threat posed by the terrorist group Sendero Luminoso (Shining Path). In February the Government eliminated the last remaining emergency zones that covered over 5 percent of the country's territory and restored constitutional protections, including freedom of movement and of assembly, throughout the country where they previously had been suspended. Civilian authorities generally maintain effective control of the security forces; however, there were allegations that some members of the security forces, who were loyal to Montesinos, were undermining civilian control of the military. In November President Paniagua appointed a new Defense Minister who retired dozens of officers, many of whom allegedly were tied to Montesinos. Members of the security forces committed serious human rights abuses."

PCS, September 2001:

"Meanwhile, the Health Minister revealed that there is evidence implicating former President Alberto Fujimori in the programme of forced sterilisations that affected as many as 9,000 women, according to reports. Human rights organisations and women's groups have asked for these allegations to be investigated. The Ombudsman's Office has confirmed that between 1998 and 2000 it received numerous complaints from women who had been forcibly sterilised under pressure, threats or through deceit. Some women even lost their lives as a result of these operations."

PCS, November 2001:

"[...] United Nations High Commissioner for Human Rights Mary Robinson said she was joining the request of Peruvians to the government of Japan to extradite Alberto Fujimori because she believes that crimes against humanity, no matter who commits them, must be investigated and judged in or outside of the country."

BBC News 5 June 2001:

"No candidate won a majority of votes on April 8, so a runoff was held June 3, between the front-runner Alejandro Toledo, a former World Bank economist, and former President Alan García. "Alejandro Toledo won Peru's presidential election, following a campaign marred by bitter

personal attacks. With 89% of the votes counted, Mr. Toledo had over 52% of the votes compared with under 48% for Mr. García. The election –vital for a country disillusioned by political corruption and scandal –appears to have been the most transparent for years.

[...]

As well as calming the financial markets, his election will appeal to the nation's indigenous people. Mr. Toledo was one of 16 children born to a poor Indian family in the Andes."

PCS, September 2001:

"During his recent trip to Costa Rica, the Justice Minister Fernando Olivera thanked the government of that country for its efforts to support the restoration of democracy in Peru. In a visit to the Inter-American Court of Human Rights -ICHR, the Minister called on this body to issue an urgent ruling on the amnesty promulgated by the Fujimori regime to benefit military personnel responsible for human rights violations. The amnesty, granted in 1995, served to cover up the criminal acts committed by the military and the security forces under the Fujimori regime. The ICHR has now annulled the amnesty law, enabling Peru's Public Prosecutor to reopen the cases of human rights violations that went unpunished."

CNDDHH, June 2002, p. 9-10:

"El 11 de enero [2002], el Congreso decidió el retorno del Perú a la jurisdicción de la Corte Interamericana de Derechos Humanos, con sede en San José de Costa Rica. Esta decisión, esperada por los sectores democráticos de la nación, normalizó la situación del país en el Sistema Jurídico Interamericano de Derechos Humanos, y ha devuelto a los ciudadanos un instrumento más para la defensa de sus derechos.

La unilateral decisión de Fujimori de apartar al Estado Peruano de la Corte de San José, profundizó el aislamiento del país en el concierto de naciones respetuosas de los derechos humanos. El regreso del Perú a la Corte Interamericana de Derechos Humanos restituyó a los ciudadanos y residentes del país, el derecho a acudir a una instancia superior, supranacional, para la defensa de sus derechos, cuando consideren que éstos no son cautelados por la justicia nacional. Este derecho pretendió ser sustraído por Fujimori, con el propósito de evadir la condena en una serie de denuncias ventiladas en San José de Costa Rica. La decisión adoptada por el gobierno peruano se acompañó, durante 2001, del reconocimiento de la responsabilidad del Estado en diversos casos de violación a los derechos humanos perpetrados en la década de 1990 al 2000.

[...]

El 14 de marzo de 2001, el Perú acató una sentencia de la Corte Interamericana de Derechos Humanos que declara nulos los efectos jurídicos de la Ley de Amnistía para los perpetradores de la masacre de Barrios Altos."

CNDDHH, 1 January 2004, Ch.3, p.37,39:

«A inicios del 2003, el Tribunal Consitutcional emitió una sentencia sobre la inconstitucionalidad de las normas antiterroristas dictadas en 1992, durante la dictadura de Alberto Fujimori, y que a la postre generaron el injusto encarcelamiento de cientos de peruanos por falsos cargos de terrorismo y traición a la patria. »

CNDDHH, 1 January 2004, Ch.3, p.72:

« De noviembre del 2000, fecha en que hizo llegar su renuncia a la Presidencia de la República desde Tokio (Japón), a la actualidad la extradición de Alberto Fujimori se ha convertido en una de los principales objetivos del Movimiento nacional de Derechos Humanos y de la sociedad peruana. De acuerdo a las investigaciones realizadas por la justicia peruana, Alberto Fujimori tiene responsabilidad penal en las actuaciones del Comando Prarmilitar « COLINA », responsable de la mantanza de Barrios Altos, el caso La Cantuta, la matanza de los estudiantes de la Universidad del Santa y el asesinato del periodista Pedro Yauri Cueto, entre otros gravísimos casos de violaciones de derechos humanos.

Lamentablemente, hasta la fecha, los esfuerzos realizados por el Estado peruano y la sociedad civil. Para extraditar al referido ex-mandatario, no han alcanzado el objetivo deseado. »

CNDDHH, 1 January 2003, Ch.1:

« A lo largo del año 2003, el acontecimiento más importante para los derechos humanos en el Perú fue la culminación del Informe de la Comisión de la Verdad y Reconciliación. Sin embargo, la inestabilidad política, el conflicto entre el modelo económico y las demandas sociales y el uso desmedido de la fuerza generaron una serie de vulneraciones a los derechos fundamentales, aunque de ninguna manera iguales a las sufridas en años anteriores.

[...]

Consideramos también que las violaciones de derechos humanos también se evidencian a través del descontento generalizado de la población ante la política económica que no le permite acceder a derechos básicos, como salud, educación, empleo adecuado y justicia. Frente a las protestas de diversos sectores durante el 2003, el gobierno declaró el estado de emergencia el 28 mayo, mediante el Decreto Supremo N.º 55.2003- PCM, otorgando el control del orden en el país a las Fuerzas Armadas. Durante estas protestas varias personas resultaron muertas o gravemente lesionadas y muchas hasta la fecha han quedado discapacitadas.

[...]

El actual gobierno enfrenta una gran falta de legitimidad gracias a la ausencia de liderazgo, los recurrentes hechos de nepotismo y corrupción [...] »

Armed opposition groups (2004)

- Sendero Luminoso radical Maoist political party emerged in 1968 and carried out its first attacks in 1980
- Leaders of Shining Path Abimael Guzmán and Oscar Ramírez Durand were respectively arrested in 1992 and 1999
- The Shining Path downfall became clear in 1995 when the SL decided to exploit the Asháninkas from their home communities, sending them back home rather than keeping them as captive slaves
- Between 1995 and 2000, Shining Path violence was minimal in most areas, with the exception of Peru's Amazon region
- Violence and human rights abuses by armed opposition groups still affected isolated areas of the departments of Ayacucho, Huánuco, Junín, Pasco, San Martín, and Ucayali in 1998
- The Head of PAR expressed concern that remnants of SL were trying to establish leadership in former zones of occupation where 43,000 war orphans resided in 2002
- Remnants of SL were identified particularly in Huancavelica, Apurímac and in settlements in Lima in 2002
- However, the CVR reports that the Shining Path has not disappeared and they still conduct sporadic incursions in the communities, predicating a discourse of repentance
- Shining Path activity, including killings and roadblocks reported in 2003
- In 1984, The Túpac Amaru Revolutionary Movement (MRTA) emerged
- As of 2003, the MRTA was virtually extinct and it suffered major set-backs since 1992 when its leadership was arrested

Sendero Luminoso (SL)

CVR, 28 August 2003, Tomo VI, 1.9:

“En particular, el PCP-SL, responsable de reiteradas violaciones de derechos fundamentales de la población civil en Ayacucho, y otras zonas andinas y amazónicas, donde no solamente causó desplazamiento como efecto del clima de terror sino que incurrió en el crimen de guerra de traslado forzoso de personas.

[...]

La derrota de Sendero se hizo evidente en 1995, cuando algunas familias Asháninkas llegaron a la comunidad de Puerto Ocopa, cumpliendo órdenes directas de los mandos senderistas. Según estas familias, que llegaron en estado de lamentable desnutrición crónica, el PCP-SL las había enviado de regreso a sus comunidades para que siembren sus chacras y críen a sus hijos. También les dijeron que posteriormente regresarían para recibir alimentos y llevarse nuevamente a sus hijos. Este dato permite suponer que los mandos del PCP-SL tomaron esta decisión debido a que en el estado en que se encontraban ya no eran útiles sino una carga pesada, que hacía más difícil la sobrevivencia de las columnas senderistas activas en el monte, y que por lo tanto ponía en mayor riesgo a los mandos.

Sin embargo, el fracaso del PCP-SL en la región no significó su desaparición. Ha continuado operando una columna senderista en la margen izquierda del río Ene. En estos últimos años, el PCP-SL realiza esporádicamente incursiones a las comunidades predicando una nueva política, afirmando que no cometerán los errores del pasado (asesinatos, saqueos a comunidades, etc).”

IACHR 12 March 1993, para. 3:

"Ironically, the present cycle of armed political violence in Peru began with the elections held to reinstate democratic institutions. On May 9, 1980, a group affiliated with the Peruvian Communist Party (PCP) -also known as the Sendero Luminoso (Shining Path)- took over the voter registration office in Chuschi, a town in the department of Ayacucho, where it burned the voter records. The group launched its activities under the slogan 'Elections no; People's war yes'. The goal was complete destruction of the 'old State' to build the 'new State', inspired by the philosophy of Marx, Lenin and Mao Tse Tung, tailored to Peru's circumstances. [...]."

CHR 1 April 1996, paras. 16, 17:

Sendero Luminoso was "[f]ounded by philosophy professor Abimael Guzmán in 1968 in Ayacucho's National University of San Cristóbal de Huamanga. It concentrated its activities in the countryside, starting first in the provincial universities and later creating 'cells' among local communities. Its leaders capitalized on the extreme poverty of the Ayacuchanos, caused by the serious shortage of fertile land and the economic imbalances in the country.

The Shining Path's first attacks occurred in 1980 and continued throughout the decade. The terrorist and indiscriminate nature of their attacks mirrors the preference of its leaders for violence over politics and its ideology of 'total revolution', leading some observers to compare the movement to the Khmer Rouge of Cambodia. [...]. Soon, many of their initial supporters were alienated, especially with the introduction of attempts to institute collective farms, the forcible recruitment of young women and children, and 'popular trials' of local officials."

USCR 1996, p. 192:

"[B]y 1994, [...] the Communist Party of Peru/Shining Path insurgents had lost much of their strength, particularly in the Andean highland areas that are home to the vast majority of the displaced. Only in Peru's Amazon jungle region were they still strong. Primary credit for turning the tide against the Shining Path goes to defense patrols formed by rural villagers themselves. The military, which in September 1992 captured Shining Path founder Abimael Guzmán, also gained success in its battle against the Shining Path. Displaced persons, NGOs and church groups emphasize, however, that while security has improved significantly, particularly in the highlands, it is important to recognize that the Shining Path threat is not over, even there."

HRW 1999, p. 139, 140:

"[D]uring 1998, serious armed actions by anti-government guerrilla forces were not reported in all the areas regulated under emergency decrees. Such activity was generally limited to isolated pockets of the departments of Ayacucho, Huánuco, Junín, Pasco, San Martín, and Ucayali, where columns belonging to the Shining Path (Sendero Luminoso) continued to attack soldiers and to commit grave abuses against the civilian population."

CNN July 14 1999, Associated Press July 15 1999:

"On July 14 1999, Oscar Ramirez Durand, the successor of Abimael Guzmán, known as "Comrade Feliciano", was captured. He has been considered mainly a military leader as opposed to Guzmán who was known as an ideologue. Even if his capture was a hard blow to the Sendero Luminoso, it has been said that it will not mean the death of the organization."

PCS, December 2001:

"Isabel Coral, current president of the Centre of Population Promotion and Development (Ceprodep) and head of the Program of Support to Repopulation (PAR) during the transition government, indicated that there is no resurgence of Shining Path but there is a reactivation of its remnants, which are engaging in some terrorist actions."

She explained that these people, without ceasing to carry out attacks, are trying to occupy leadership positions in the zones where they once operated and are trying to use young people, many of whom are orphans because of the subversive war. They are appearing before these youths with self-critical language, acknowledging that they have committed errors and promising not to do it again.

Coral indicated that the census done during her administration revealed that there are 43,000 orphans due to the subversive war and Shining Path members were detected in the communities of Huancavelica, Apurímac and in settlements in Lima. She also indicated that following Abimael Guzmán's capture, Shining Path dispersed and took refuge in the highlands of Tambo and Huanta, in Ayacucho, in the Alto Huallaga valley, in the valley of Apurímac River. With the passage of time and the failure to deal with the aftermath of the violence they are finding the conditions to reactivate their remnants and try to react."

USCR, 2001:

"Between 1995 and 2000, Shining Path violence was minimal in most areas, with the exception of Peru's Amazon region, where remaining Shining Path guerrillas continued to harass the indigenous population and displace some civilians."

USCR, 2004:

"After fading during the 1990s after more than a decade of intense conflict with the government, new Shining Path activity, including killings and roadblocks in remote areas, was reported last year [2003]."

Tupac Amaru Revolutionary Movement (MRTA)

AI, 12 May 2003:

"With the implementation of President Alberto Fujimori's counter-insurgency strategy and the arrest of the leadership of Shining Path and the MRTA in 1992, both groups began to suffer major set-backs. Today, according to the latest reports received by Amnesty International, the MRTA is virtually extinct and Shining Path is only active in areas of Junín Department and in the Alto Huallaga region in Huánuco Department in the districts of Leoncio Prado, Marañón and Huamalíes; and in San Martín Department in Tocache province."

CVR, 28 August 2003, Tomo VI, 1.9:

« El MRTA, a pesar del número relativamente menor de acciones realizadas, períodos y lugares del territorio nacional en que actuó, también es responsable de haber contribuido, en ciertos

lugares de la amazonía, al clima de terror que provocó el desplazamiento interno de población civil. »

CHR 1 April 1996, para. 18:

"In 1984 a second armed opposition group emerged, the Tupac Amaru Revolutionary Movement (MRTA). Unlike the Shining Path, the MRTA started its violent activities in urban centres before gaining control of certain rural areas in Junin, Pasco, Huanuco and San Martín. During the late 1980s the MRTA had lost control over parts of these areas to the Shining Path."

U.S. DOS February 2001, sect.2d:

"Reports of forced conscription by the MRTA (most of whose surviving members are jailed) and the greatly weakened Sendero Luminoso terrorist groups diminished significantly. However, Sendero Luminoso continued to coerce indigenous people to join its ranks during the year, which resulted in further internal displacement. There is also a large population of indigenous Ashaninkas who have faced not only a terrorist threat, but also the encroachment of oil exploration companies on their tribal lands."

For more information on the Shining Path and Tupac Amaru Revolutionary Movement see the website of the Truth and Reconciliation Commission, Tomo II, Sección segunda: Los actores del conflicto [external link]

Counter-insurgency strategies: "rondas campesinas" and self-defence committees (2003)

- In response to Shining Path insurgency in Acocro, Huamanga, Ayacucho, the armed forces started organising and arming local communities in 1983
- The Shining Path retaliated attacking civilians and local authorities most of which fled, leaving locals even more un-protected
- In 1990, following the massacre of indigenous leaders by SL, the Asháninkas started organising themselves in armed groups to fight the SL which were called "ronda" or self-defence committee
- The Peruvian army, which reacted to the insurgency in 1991 deployed in the province of Satípo, and in the regions of Rio Ene and Tambo
- The army "recuperated" Asháninkas who had been under SL control and sent them to displacement camps
- In 1993 the army was given full military authority over both the self-defence groups (Rondas) and the self-defence committees
- While being the only source of security, the self-defence committees also carried out illegal activities and led to the militarization of civil society
- About 61% of the returnees joined self-defence committees for their safety
- Under the government of Alberto Fujimori, counter-insurgency strategies were consolidated, antiterrorist legislation adopted and the central intelligence branch of the police was activated
- About 200,000 weapons remain at the hands of the self-defence committees in areas formerly affected by war where state presence is lacking as there are no police stations nor basic education and health services, as of 2003

CVR, 28 August 2003, Tomo VI, 1.9:

« A partir del año 1983, se comenzaron a registrar incursiones de Sendero Luminoso en los anexos Ccowisa, Cuchicancha y Parccahuanca (Acocro, Huamanga, Ayacucho), así como

reuniones en las que adoctrinaban a la población. Debido a ello, los militares comenzaron a llegar al distrito y procedieron a organizar a las comunidades para enfrentar a la subversión, luego de lo cual se retiraban. En represalia los “senderistas” empezaron a asesinar a las autoridades y las que sobrevivían se escapaban, quedando la población sin sus principales autoridades. Este fue el caso de una declarante, cuyo esposo ejercía el cargo de Teniente Gobernador y que fue asesinado junto a otras autoridades comunales por “senderistas”, los cuales continuaron yendo al pueblo y amenazando a la gente, diciendo “si ustedes conversan con esos perros (los militares) van a bailar con su sangre negra”. Debido a estas amenazas toda la población huyó hacia el monte (a las punas).

[...]

[En 1990] Luego del asesinato de los tres dirigentes indígenas, los Asháninka del Bajo Tambo, y en especial los de la comunidad de Poyeni, deciden levantarse en armas contra del PCP-SL, y organiza un Ejército Asháninka para luchar contra Sendero.

[...]

Posteriormente, después de 1991, con el ingreso del Ejército Peruano y de la Marina de Guerra a la zona, este “Ejército Asháninka” formado en Poyeni pasó a funcionar como “Ronda” o “Comité de Autodefensa”.

[...]

Estos comités han venido realizando desde entonces rondas de vigilancia en la comunidad, así como patrullajes en el monte para detectar columnas senderistas, y poder “recuperar sus tierras y rescatar a sus hermanos”.

[...]

Con esta nueva presencia, el Ejército comienza a realizar una serie de patrullajes en el Tambo y Ene, en los que participan como guías algunos jóvenes Asháninka que habían logrado huir del PCP-SL. Conforme se iba rescatando o “recuperando” a más Asháninkas que estaban bajo el control senderista, los varones se iban integrando a las “Rondas Nativas”. Así se creó, por ejemplo, la Ronda de Puerto Ocopa en 1991 [...].

Los años 1991 y 1992 son años de fuertes y continuos enfrentamientos entre el PCP-SL y las rondas. A partir de 1993, y hasta el año 1995, el número de Asháninkas rescatados del PCP-SL va creciendo. Las personas “recuperadas” eran llevadas a las “comunidades de refugio” o “núcleos poblacionales” [...], donde eran vigiladas de cerca. En muchos casos, las personas “recuperadas” fueron sometidas a intensos interrogatorios por parte de los militares.

Las “comunidades de refugio” eran comunidades Asháninka que iban recibiendo a los desplazados por la violencia y a las personas “recuperadas”, llegando en muchos casos a tener varios cientos de habitantes.»

ICRC & PAR, 31 December 2003, p.65:

«No hay relación censal de la participación en los comités de autodefensa, pero el estudio a profundidad arroja que un 61% de los retornantes participarían en ellos.»

CHR 1 April 1996, para. 23:

"Peasants traditionally organized themselves in self-defence groups (rondas) to fight against cattle rustling. In the 1980s the military started providing official recognition and arming these groups in an effort to consolidate power in rural areas and to fight the armed opposition groups. It also started creating new groups (known as comités de autodefensa, self-defence committees). Some interviewees noted that in the past the security forces practically forced peasants to participate in the self-defence committees and that those who refused to participate were immediately suspect. Full military authority over both the rondas and the self-defence committees was conferred on the army in early 1993. [...]. One NGO estimate places the current number of ronderos at over 100,000; in Ayacucho alone there are 35,000 ronderos and the Political-Military Command was at the time of the mission about to recognize a substantial number of new self-defence committees, some of which belong to returnees. In all the communities the

Representative visited, a number of ronderos were present. For the most part they had no uniforms and were lightly armed, sometimes with traditional weapons."

CHR 1 April 1996, para. 24:

"[...] In many instances, in particular in isolated areas and native communities in the selva, the self-defence committees have been the only source of security and the main fighting force against the armed opposition groups. On the other hand, a number of problems have become apparent: the necessity of organizing in self-defence committees has disrupted subsistence activities. In addition, self-defence committees have occasionally been involved in illegal activities, including drug trafficking, or they have used their arms to settle personal disputes. In some cases they have become the nucleus of the communities, militarizing social life and assuming leadership. Members of the Committee on the Elimination of Racial Discrimination (CERD) expressed serious misgivings at the observations made by the Government with regard to these groups and requested more information.[...] Some Ashaninka rondas also complained that they were not being recognized on the same footing as the self-defence committees of the colonos."

CHR 1 April 1996, para. 20:

"[...] With the election of President Alberto Fujimori, the counter-subversive strategies were consolidated, including the organization of the rural population in self-defence committees under the control of the military, and the intensification of police and military control in marginal urban areas. Severe antiterrorist legislation and the activation of the central intelligence branch of the police facilitated the capture of the Shining Path leadership in September 1992 and a number of other major victories."

CNDDHH, 2003:

"Por otra parte, las poblaciones rurales que durante las décadas pasadas se vieron afectadas por la violencia política y permanecen en sus localidades de origen, continúan padeciendo las mismas carencias de hace muchos años. Así, pese a la derrota de las huestes subversivas, todavía permanecen en posesión de los Comités de Autodefensa cerca de 200 mil armas destinadas a la protección de sus comunidades, las mismas que en su mayoría serían armas de guerra prohibidas para los civiles. Dicha situación se mantiene, debido a que aún el Estado no ha instalado comisarías u otro tipo de destacamentos policiales en muchas de las zonas que se vieron devastadas por la guerra interna. Esta situación no es sino un ejemplo del grado de lejanía que el Estado peruano tiene frente a este sector de la ciudadanía. Así, la administración de justicia, los servicios básicos de salud y educación, entre otros servicios básicos que el Estado debe proveer a los ciudadanos, se encuentran totalmente ausentes de la realidad de la mayoría de los pueblos afectados por la violencia terrorista."

Causes of displacement

Political violence and counter-insurgency tactics displaced up to one million Peruvians (2003)

- 76% of the IDPs fled due to political violence
- Four direct causes of displacement identified: loss of family member, fear and threat, forced resettlement, and general insecurity
- The political violence in the country displaced between 600,000 and 1,000,000 people and killed as many as 69,000

- Government initially ignored armed insurgency, which mostly affected remote indigenous-populated areas, but in December 1982 a state of emergency was declared in nine provinces
- Conflict sharply escalated after 1988 as terrorist activities expanded to urban centres and civilians stepped up involvement in self-defence committees against the insurgents
- Displacement was an end in itself to fulfil military interests according to the CVR
- Shining Path forcibly displaced Asháninka communities in order to have a captive mass of slaves to serve their army
- People were forced to flee either because of direct attacks, or persistence of generalised violence preventing to generate minimum subsistence needs as well as when ordered by security forces
- IDPs fled human rights violations including assassinations, torture, rape, kidnappings, arbitrary detentions, expropriation and destruction of property
- Violence in the areas of Junín, Huánuco and San Martín prevailed in 2003, as counter-insurgency strategies against Shining Path are still military rather than political

ICRC & PAR, 31 December 2003, p.25,48:

“Aunque el propósito de este trabajo no es explorar las causas del fenómeno –múltiples, complejas y diversas según las zonas y momentos- mencionaremos que, de modo general, se señalan cuatro tipos de causas directas:

- 1) *pérdida de algún familiar,*
 - 2) *recepción de amenazas o sensación de próxima víctima [...],*
 - 3) *reubicación forzada [...],y,*
 - 4) *sensación de inseguridad general (Coral 1996, Reyes 1993).*
- [...]*

la mayor parte de hombres y mujeres salió en la década del 80 [...] (72.7% de los hombres y 75.2% de las mujeres) y señalan que el principal motivo fue la violencia política (76.7% varones y 84.9% mujeres). Una significativa proporción de los desplazados salió por decisión familiar (49.3%), mientras que una proporción menor tuvo que hacerlo intempes-tivamente (45%), sobre todo en Ayacucho (57.0%) y en Junín 2 La fuente no permite hacer una distinción entre los desplazados de los prime-ros años y los de finales de la década del ochenta..Los Desplazados en el Perú (51.4%). Dos terceras partes de ellos llegaron a casas de parientes (67.6%), sobre todo cuando el lugar de destino era más lejano: el 83.7% de los desplazados en Lima y 66% de los de Ica versus 51.7% en Apurímac y 54.4% en Ayacucho.”

CHR 1 April 1996, para. 124:

"The primary cause for the displacement of as many as 1 million Peruvians over the past 15 years has been the conflict between armed opposition groups and the armed forces of the Government. [...]. Vast areas of the country are still relatively isolated, and economic and social divisions among the different ethnic groups persist."

CHR 1 April 1996, para. 21:

"It is estimated that during the [years of political violence], 27,000 Peruvians were killed and almost a million were displaced. [...]"

CNDDHH, 1 January 2004, Ch.3 p.22:

« El día en que la CVR entregó el informe final en la ciudad de Lima, su presidente Salomón Lerner, expresó que « la cifra más probable de víctimas fatales en estos veinte años supera los 69 mil peruanos y peruanas, muertos o desaparecidos a manos de las organizaciones subversivas o por obra de agentes del Estado »..»

CHR, 1 April 1996, para. 69:

"Many persons still remain unaccounted for, in particular those who were forcibly recruited by the armed opposition groups. In the central selva, entire communities disappeared. [...]. Many persons have recently reappeared, after escaping from the Shining Path or after being 'retrieved' by the rondas. These so-called recuperados return in a deplorable state of physical and mental health and relate stories of servitude and inhuman treatment at the hands of the Shining Path. Nevertheless, many are perceived as 'repented terrorists'. Also, there remain outstanding cases of persons 'disappeared' during the war; the Representative met with a number of persons in Ayacucho whose relatives have been 'disappeared', and who have been unable to find out what has happened to them since the early 1980s. They said that initial investigations implicating the military had been blocked and that the prosecutor handling them had fled the country."

Rebaza 1998, p. 113:

"[V]iolent incidents have occurred throughout most of the country, the principal areas being the departments of Ayacucho, Huancavelica, Apurímac, and the highlands of the department of Junín, Huánuco, and San Martín; and in Lima, the national capital.

Armed insurgent groups, in particular Sendero Luminoso and - with less intensity and different characteristics - the Tupac Amaru Revolutionary Movement (MRTA) generated violence and terror directed against civilians, with massacres, selective killings, robbery, rape, bombings, arson and forced recruitment. [...] In 1989, the civil defense committees called *rondas* were also responsible for violent actions among the peasant communities, though they gradually came under the control of the community authorities. [...]. Paramilitary groups were also active during the American Popular Revolutionary Alliance (APRA) government of 1985-89. More recently, commandos belonging to the state intelligence service, aiming to intimidate the opposition, have carried out criminal actions. Finally, drug trafficking has been a constant factor complicating the situation of violence in the central and northeastern jungle regions. [...]"

CHR 1 April 1996, para. 19:

"It is now generally accepted that the State, when first confronted with armed opposition, initially neglected the problem because it affected only remote areas. In December 1982 the Government of Belaunde Terry (1980-1985) placed nine provinces under a state of emergency and entrusted control to a political-military command, which, in the words of one interviewee, operated as an occupation army. This not only did not stem armed opposition activity but gave rise to the first allegations of massive human rights violations committed by the military. The first two years of the Government of Alan Garcia (1985-1990) were hopeful: the military presence in the zones of emergency was restricted and fewer allegations were made. After 1988, however, the area of hostilities expanded significantly, as the armed dissidents escalated their terrorist activities in urban centres, while self-defense committees [...] became increasingly involved in counterinsurgency tactics. Civilians were caught in the cross-fire; the volume of denunciations and the numbers of the displaced spiraled upwards."

Rebaza 1998, p. 114, AI 1999, p. 276:

"Large parts of the country are still affected by violence, despite the Peruvian army's military defeat of Sendero Luminoso in 1992. According to Amnesty International, human rights abuses by armed opposition groups continued to be reported during 1998."

CVR, 28 August 2003, Tomo VI, 1.9:

"Es preciso hacer mención de una forma particular de movimiento poblacional directamente relacionado a la voluntad de los actores armados: el traslado forzoso de poblaciones. En este caso, un actor armado busca ganar cualquier tipo de presunta ventaja militar obligando a la población a desplazarse en el territorio, sin que así lo exija la seguridad de las personas civiles o sin que existan imperiosas razones militares, y sin tomar las medidas posibles para que la población civil sea acogida en condiciones satisfactorias de alojamiento, salubridad, higiene, seguridad y alimentación. Este tipo de desplazamiento constituye una grave transgresión del

derecho internacional humanitario, del derecho penal internacional, de los derechos colectivos y de la normatividad interna.

En el caso del conflicto armado interno vivido en el Perú, la Comisión –como se ha visto en las historias representativas de la violencia que este Informe ha elegido- ha conducido investigaciones que le permiten afirmar que en el caso del pueblo Asháninka y de la zona de “Oreja de perro” en Ayacucho, los miembros del PCP-SL incurrieron en este tipo de conducta, pues obligaron a la población a desplazarse con el único fin de contar con una masa cautiva que trabajara para satisfacer las necesidades logísticas de sus columnas armadas. »

CVR, 28 August 2003, Tomo VI, 1.9:

« Algunos pobladores se desplazaron por haber sido agredidos directamente por los agentes del conflicto armado. En otros casos, los desplazados huyeron porque la persistencia de la violencia modificó radicalmente el entorno de sus comunidades o localidades, impidiendo el normal desarrollo de los procesos de reproducción comunal, e imposibilitando que se logren las condiciones mínimas de subsistencia. También existe referencia a casos en los que los pobladores se desplazan por órdenes de las fuerzas de seguridad (CAJ 1993: 143).

[...]

La Comisión ha recibido abundantes testimonios sobre desplazamiento producido como reacción directa a violaciones específicas de los derechos fundamentales, producidas por los agentes del conflicto armado, incluyendo asesinatos [...], tortura [...], tratos crueles, inhumanos o degradantes [...], violencia contra la mujer [...], secuestros [...], detenciones arbitrarias [...], expropiaciones [...] y destrucción de bienes [...].

De otro lado, se puede considerar como un dato indicativo de esta situación la correlación estadística entre emigración (desplazamiento) y atentados terroristas realizada por el Instituto Nacional de Estadística e Informática (INEI) para el período 1988-93. Dicho estudio halló una correlación estadística alta y positiva [...]”

CVR, 28 August 2003, Tomo IX, Ch.1:

“La violencia se mantiene en alrededor de dieciocho distritos, afectando la selva de Junín, Huánuco y San Martín. Han seguido las incursiones y las muertes, generando inseguridad. La población pide en algunos casos la presencia de los militares, en otras, su salida. Conviene señalar que las condiciones de combate a la subversión no se han modificado en cuanto a estrategia, que sigue siendo militar y no política. Sólo se ha atenuado por la magnitud de las circunstancias y porque es imposible –militarmente hablando por ahora- el desarrollo de la estrategia subversiva. Nos parece que la reconciliación obliga a nueva estrategia política y militar en las zonas de conflicto para que no se cometan los viejos errores y para lograr una finalización del conflicto en paz y en el más breve plazo. Esta nueva perspectiva exige la participación en la toma de decisiones para la violencia y la inseguridad aún existente. »

Pockets of political violence, forced eradication of coca and drug trafficking-related violence cause displacement (2004)

- Displacement as a result of political violence and violent coca eradication programmes subsist particularly in Alto Huallaga, Central Jungle and in the Sierra
- Political violence, acts of terror and serious human rights violations reported in Ayacucho, Tingo Maria, Valle del Monzon (Alto Huallaga) and the Central High Lands
- Forced coca-eradication campaigns have reportedly displaced population to the cities or to areas controlled by drug traffickers
- This could be addressed through the: 1) establishment of PAR activities in the area, 2) opening of an Office of the Human Rights Ombudsman, 3) strengthening of conciliatory processes with the affected population

- According to the Coordinadora Nacional de Derechos Humanos displacements in Huánuco and in the Central Jungle are the direct result of protracted political violence and forcible coca eradication (2002)
- According to the CNDDHH continued and long-term displacement is the consequence lack of political solutions to the conflict and negotiated peace
- MENADES reported incursions of Sendero Luminoso where young people connected with narcotraffic seem to have been recruited in the department of Junín and Apurímac in early 2003

CNDDHH, March 2001, Sect.3.2. e:

"Es importante señalar que el problema de los desplazamientos motivados por la violencia política ha dejado de ser un problema masivo, pero aún subsiste. Las zonas del Alto Huallaga, la Selva Central y algunas localizadas en la Sierra aún son azotadas por la actividad de pequeños grupos subversivos, que se entrecruza con las acciones violentas del Estado para erradicar cultivos prohibidos dejando como saldo el desplazamiento de pobladores hacia las ciudades más próximas.

[...]

La erradicación violenta de cultivos de coca ha generado un nuevo tipo de desplazamiento forzado, esta vez generado únicamente por la acción del Estado. Los pequeños agricultores dedicados a la coca se encuentran en una situación muy difícil debido al alto grado de inseguridad para sus cultivos y la vida de sus familias debido al accionar del Estado. Aparte de ello, las dificultades técnicas y económicas no les permiten cambiar el giro de sus actividades hacia cultivos alternativos lícitos."

MENADES 4 December 2000, p.3-4:

"La violencia política terrorista ha dejado de ser un problema militar y político de carácter estratégico para el país; sin embargo este se ha focalizado en zonas estructuralmente vulnerables caracterizadas por la pobreza extrema y cultivos ilícitos ligados al narcotráfico, manteniéndose una situación de inseguridad ciudadana, precaria institucionalidad social y estatal, y en general condiciones de vida que imposibilitan el ejercicio de derechos.

Que este problema no puede ser encarado estadísticamente, si no cualitativamente. Se han producido situaciones de asesinatos y desapariciones no esclarecidos en Aucayacu, Tingo María, Valle del Monzón (Alto Huallaga), y Sierra Central, entre otros; y los niveles de violencia social y terrorista permanecen.

En las zonas cocaleras, se viene aplicando una política de erradicación violenta y forzada que ha generado un agudo problema social. La erradicación sin un Plan exitoso de desarrollo alternativo, lo que hace es profundizar el deterioro de las condiciones de vida de la población en esas zona.

La erradicación forzada tienen como consecuencias inmediatas el empobrecimiento a niveles insostenibles, daño ecológico por la implementación de mecanismos de fumigación y guerra ecológica; profundiza la crisis institucional de la zona, como consecuencia de esto genera procesos forzados de migración y/o desplazamiento hacia centros urbanos y/o a zonas de pleno control del narcotráfico por lo que se hace necesario revisar esta situación.

Propuesta:

- 1) La ampliación y adecuada implementación de la oficina del PAR en la zona, con los recursos y personal suficiente que desarrolle políticas y estrategias específicas de prevención, protección y reparación a la población civil afectada por la violencia y la erradicación forzada, en el marco de los Principios Rectores para los Desplazamientos Internos y Sección E de la Plataforma de Beijing.
- 2) Solicitar la apertura de una oficina de la Defensoría del Pueblo en la zona
- 3) Contribuir al fortalecimiento de los procesos de concertación abierto por los productores, desplazados y afectados, la Mesa Regional y organizaciones de Derechos Humanos en la zona."

CNDDHH, June 2002, p.94:

"Una zona donde la violencia se mantiene focalizada es Huánuco, en donde los desplazamientos son consecuencia inmediata de la violencia política y la erradicación forzada de la coca. Los desplazamientos por violencia política, se manifiestan por la imposibilidad de encontrar una salida política al conflicto, pues una de las partes no incluye, en su estrategia, salidas negociadas de paz; y, en la otra, algunos estrategias contrainsurgentes desde, el Estado, consideran que un terrorista debe estar en la cárcel o muerto. Esta perspectiva favorece que el fenómeno de desplazamiento de las poblaciones afectadas por la violencia política, sea un proceso de largo plazo. Le ha tocado a Huánuco y a la selva central, ser el escenario donde esta situación se presenta con fuerza."

CNDDHH, March 2001, Sect.3.2. e:

"Según datos proporcionados por MENADES, en la región centro oriental aún subsisten problemas derivados del conflicto armado, entre los cuales se distingue la situación del departamento de Huánuco, en el cual se registra alrededor de 25,000 personas desplazadas, siendo las ciudades de Huánuco y Tingo María las principales receptoras."

CNDDHH, 1 January 2004, Ch.3, p.42:

"A inicios del 2003 , al Mesa Nacional de Desplazamiento (MENADES), invitado permanente de la CNDDHH, tomó conocimiento de la incursión de una columna de Sendero Luminoso (SL) en algunas zonas de Satipo. Dichas acciones habrían consistido en el ingreso de militantes de SL a diferentes comunidades donde habrían contratado a algunos jóvenes para labores agrícolas, las mismas que se presume se encontrarán relacionadas con el narcotráfico debido a que son remuneradas en dólares.»

Shining Path forcibly displaced indigenous Asháninkas to enslave them (2003)

- Between 1989-1993 about 15,000 Asháninka and Nomatsiguenga were forced to flee their territories in Junín
- About 5,000 people were imprisoned in Shining Path camps where they were used as slaves and military contingent
- Violence against the Asháninkas comes in a context of massive occupation by settlers of the Satipo province
- The SL tried to instore a "new state" wich involved the disappearance of the cultural identity of the Asháninka
- The Asháninkas were forcibly displaced to inaccessible areas where they lived under the totalitarian regime of the SL during the 80s until early 90s
- Indigenous Asháninkas were viewed as "savages and ignorant" reflecting the historical discrimination they have suffered in Peru

- The violence against the Asháninkas was made possible by the total absence of state institutions in the indigenous areas of the Central Selva

CVR, 28 August 2003, Tomo VI, 1.9:

« La violencia armada en el caso de la Selva Central (Junín) presenta características particulares. Según información oficial del año 1993, el gran pueblo indígena Asháninka habría estado conformado por aproximadamente 55,000 personas. Entre los años 1989-1993 cerca de 15,000 indígenas asháninkas y nomatsiguengas se habrían sentido obligados a abandonar sus tierras de origen, como consecuencia del conflicto. De dicha cantidad, un estimado de 10,000 se refugiaron en localidades como Puerto Ocopa, Poyeni, Cutivireni, Betania, Valle Esmeralda, Quiteni, etc. Unos 5,000 fueron secuestrados o concentrados forzosamente en los campamentos senderistas, viéndose obligados a formar parte de las denominadas “masas de apoyo”, en calidad de fuerza de trabajo agrícola y/o como contingente militar en las incursiones armadas del PCP-SL28. Esta última fracción de la población es víctima de lo que el derecho internacional humanitario señala inequívocamente como el crimen de guerra de traslado forzoso de poblaciones.

[...]

El fuerte impacto que tuvo la violencia armada sobre este pueblo indígena se produce en el contexto de una ocupación masiva de colonos y a la instalación del PCP-SL dentro de su territorio tradicional. Principalmente en los distritos de Río Tambo y Pangoa, el PCP-SL decidió instaurar el “nuevo estado”, lo cual implicaba la desaparición de la identidad cultural de los Asháninkas y el abandono de parte de sus territorios ancestrales. En el distrito de Río Tambo, por ejemplo, la totalidad de comunidades nativas (incluyendo la zona del río Ene, hasta el Medio Tambo) fueron obligadas a reasentarse en las partes más inaccesibles del bosque donde vivieron bajo un régimen de control totalitario bajo el mando de los líderes senderistas.

[...]

La discriminación social, económica, cultural y política de los grupos indígenas a lo largo de la historia del Perú, se expresa de manera evidente y al mismo tiempo cruel en el accionar y planteamientos del PCP-SL. En general, los Asháninka son vistos por los senderistas como salvajes e ignorantes [...].

[...]

Durante el período de violencia política en territorio Asháninka (1985-1993), el Estado, tradicionalmente de escasa presencia, estuvo ausente en esta zona indígena de Selva central: suspendió la asistencia social, las inversiones y no estuvo en condiciones de garantizar los derechos humanos y libertades fundamentales de los ciudadanos, lo que agravó la situación de pobreza extrema de las comunidades. Esta situación, vinculada al accionar del PCP-SL, facilitó la implantación y dominio de este grupo sobre la población asháninka.

[...]

Durante la segunda mitad de la década del ochenta y al inicio de los noventa, muchas comunidades estuvieron en peligro inminente de ataque y fueron proclives a ser “ocupadas” por parte del PCP-SL, en especial aquellas que no contaban con rondas nativas constituidas y en las que la presencia de militares o la policía era esporádica.

Hacia fines del año 1990, el PCP-SL tenía el control de todo el Ene y la parte alta del Tambo, hasta el codo del Tambo, a la altura de la comunidad Poyeni, a la que se llamó “la frontera”.»

Peace efforts

Victims given space to present their experiences for a wider audience

- The Truth and Reconciliation Commission was set up in 2001 and ended its mandate in 2003
- It encountered strong resistance from political parties that governed the country during the armed conflict as well as from retired army officials
- The Truth and Reconciliation Commission organised a public audience for the victims of the conflict in one of the worst affected districts that silenced much of the criticism from the political parties
- As opposed to other Truth Commissions, the Peruvian focused less on investigation than on restitution of rights and dignity for the victims
- The audiences gave the victims' voices and recognition for a wider public

"La Comisión de la Verdad y Reconciliación (CVR) del Perú fue creada por el Presidente del gobierno de Transición en el mes junio del año 2001. La integraron 12 comisionados, todos peruanos, y tuvo una duración de dos años. No contó con poderes jurisdiccionales: su mandato fue el de documentar las graves violaciones a los derechos humanos cometidas durante los veinte años (1980 - 2000) del conflicto armado interno.

Si bien, la mayoría de la población estuvo de acuerdo con la necesidad de conocer la Verdad respecto de aquellos años, la CVR recibió una fuerte resistencia por parte de los partidos políticos que gobernaron durante los años en cuestión, así como de los sectores empresariales y de algunos militares en retiro que tienen responsabilidad directa en los hechos. Estos sectores se manifestaron ante los medios de comunicación argumentando que no había nada que investigar porque ya se conocía todo, que no

se debía remover el pasado porque las heridas ya estaban "cerradas"... finalmente, centraron esfuerzos en deslegitimar individualmente a los comisionados. En ese contexto, y, con una amplia cobertura periodística, se organiza en Ayacucho la primera Audiencia Pública cuyo primer impacto acalló muchas de las críticas porque enfocaba claramente a las víctimas, no a los comisionados. Las audiencias fueron sesiones solemnes en las que una persona afectada o un familiar de ésta, relataba lo sucedido ante un grupo de personas que gozaban de la autoridad ética emanada del Estado para escucharla y expresarle su solidaridad y reconocimiento. A diferencia de otras Comisiones de Verdad, no fueron éstas sesiones de investigación sino audiencias de restitución de derechos, de ciudadanía, de dignificación para la víctima, de escucha en silencio respetuoso cediendo voz y oídos a quien nunca lo había tenido. El testificante por su parte, era totalmente consciente de que la opinión pública le escuchaba pues la sesión se realizaba frente a muchas personas en la sala, incluyendo medios de comunicación; así, las audiencias llevaron a la esfera pública los hechos que se perpetraron en secreto pero la víctima sabía que gozaba de credibilidad por parte de los oyentes porque estaba refiriendo SU verdad."

The State has to retribute the dignity and citizenship of the IDPs and other victims (May 2007)

- President of National Reparation Council (CNR) says identification of all individual victims is crucial to retribute their rights
- Victims will be included in a national Unified Victims Registry
- The mandate of the CNR is indefinite
- Yet the seven members of the CNR are not paid and will themselves decide when to end their task

- Obstacle to the registration process that subversive groups can not be deemed victims according to the law that established the CNR
- Members of the Shining Path were extra-judicially executed by government troops in 1992, but can not be considered victims as stipulated in the law
- There is a great amount of mistrust among indigenous communities against the State that the CNR will have to overcome

Amnesty International, 10 May 2007

"Habla Sofía Macher, actual presidenta del Consejo Nacional de Reparaciones (CNR) de Perú y ex secretaria ejecutiva de la Coordinadora Nacional de Derechos Humanos

¿Por qué es importante reparar a las víctimas en un país como Perú?

Porque sin la identificación de las víctimas no hay posibilidad de reparación. Es un paso indispensable para restituir los derechos que les fueron quitados a las personas que, en Perú, sufrieron las consecuencias del conflicto armado.

¿Cómo se les va a identificar?

El CNR debe continuar con la tarea de la CVR, que no pudo escuchar a todas las víctimas. No debería quedar ni una sola sin, por lo menos, tener la información de que existe el Registro Único de Víctimas (RUV) y el derecho a recibir una reparación. Lo que haremos es establecer las pautas, el camino para hacer este registro. Luego propondremos al presidente del Consejo de Ministros que se instale en alguna entidad del Estado de manera permanente. El RUV no se va a cerrar nunca.

¿O sea que el CNR puede desaparecer, pero el registro va a seguir?

Claro. Nos han designado a siete personas independientes, sin un mandato de tiempo. Eso lo decidiremos nosotros mismos. Pero teniendo en cuenta que son siete cargos ad honorem, no es realista pensar que podremos ejercerlos para siempre.

¿Qué dificultades podría haber para registrar a las víctimas?

Una primera está en la propia Ley que crea el CNR, concretamente en un artículo que niega a los subversivos la posibilidad de ser considerados víctimas.

Es un tema que ha desatado controversia...

Hay un principio básico: una persona tiene derechos en tanto es un ser humano, sin que tenga que ver su ideología. El caso de lo sucedido en el penal limeño de Castro Castro, en 1992, durante el gobierno de Alberto Fujimori, evidenció esto. Los miembros de SL fueron ejecutados extrajudicialmente. Esto los convirtió en víctimas porque el Estado no puede ejecutar a personas, y sobre todo si están bajo su protección. El CNR no puede modificar la Ley. Pero pienso que esa parte debería ser revisada.

Va a ser difícil llegar a un acuerdo

Es muy difícil que se entienda que el asesino también puede ser víctima. Aun cuando haya sido muy sanguinario. En nuestro país, tampoco se entiende la abolición de la pena de muerte. Es un tema complicado pero tiene que ver con principios fundamentales de los derechos humanos.

¿Qué otro problema puede haber para el Consejo Nacional de Reparaciones?

El registro de violación sexual. Hubo un patrón de violaciones, detectado por la CVR, fundamentalmente en zonas rurales. Pero en nuestro país algunas mujeres indígenas no identifican la violación como una vulneración a sus derechos. Allí, hay dos problemas. Uno, cómo garantizar que estas mujeres –que no hablan castellano– reciban información para reclamar su derecho a la reparación. Y el otro: qué criterios se usarán para certificar las violaciones que en algunos casos se produjeron hace más de veinte años.

¿Hay manera de hacer eso?

No la hay. Hemos discutido esto inicialmente en el CNR y al final lo único que se ve posible es la palabra de las mujeres, bajo su responsabilidad de decir la verdad.

Imagino que también hay mucha desconfianza

En las zonas rurales existe una desconfianza secular frente al Estado. Romperla va a ser un tema central. Pero el Estado debe convertirse en una herramienta de restitución de dignidad y de ciudadanía. Tiene que acercarse a la víctima y decirle: «No te cuidamos adecuadamente en el pasado, por ello tenemos la obligación de repararte por lo que te sucedió». Es fundamental ver cómo se transmite ese mensaje.

Hay otro problema: en un país como Perú con tan altos niveles de exclusión, la frontera entre «soy pobre» y «soy víctima» es tenue

La violencia se produjo justamente en esas zonas de extrema pobreza. ¿Qué pasará si el Estado finalmente no cumple con las reparaciones? ¿Cómo garantizarlo, desde el CNR, con un Estado tan débil como el peruano? Todas estas preguntas me las hice antes de aceptar el cargo.

¿Por qué aceptaste entonces?

Porque, a pesar de todos estos dilemas, hacer saber a las víctimas que tienen derechos y que pueden exigir reparaciones vale la pena. Así como la CVR levantó una historia desconocida en sus magnitudes, este Consejo, al dar nombre a las víctimas, ayudará. Desafortunadamente no estamos en un país donde los derechos son garantizados por los gobiernos de turno.

¿Te refieres a que los gobiernos no tienen un discurso ni una práctica comprometida con los derechos humanos?

Yo creo que no hay una consistencia institucional en relación a los derechos humanos en su conjunto. Sí creo, sin embargo, que hay una decisión política de avanzar con las reparaciones. No me atrevo a decir cuál es la magnitud de recursos que el actual gobierno está dispuesto a dar para ello, pero sí noto una voluntad. Yo creo que en el tema de reparaciones hay una batalla ganada, al menos medianamente.

Ha sido una batalla con escaramuzas y ataques personales contra ti

Fue terrible (ríe). Yo entiendo los ataques como obra de la gente que no aceptó nunca el informe de la CVR y que todo el tiempo estuvo en contra de ella. Que una comisionada como yo esté al frente del CNR como presidenta los ha irritado.

¿Qué otros baches has encontrado?

Es más complicado lidiar con amigos que piensan que estoy en algún tipo de alianza con el gobierno actual. Eso me parece tremendo, más complicado que las críticas de quienes ya sabes que son tus enemigos. Esto es una responsabilidad del Estado, no del gobierno. Para mí, el registro es fundamental para seguir la batalla de las reparaciones.

¿Es difícil batallar con los tres militares que están en el CNR?

Son más fáciles que los políticos. Con ellos podemos poner los temas sobre la mesa y hablarlos con total claridad. Todavía no te puedo decir que tenemos consenso pero sí estamos discutiendo todos los puntos de vista. Me parecería terrible sacar una lista de víctimas con una decisión por minoría. Tenemos estructuras de pensamiento diferentes, conceptos diferentes. Y, sin embargo, ahí estamos discutiendo, avanzando en nuestro trabajo de poner nombres a las víctimas para poder darles una reparación."

Failure to implement recommendations in Truth and Reconciliation report (April 2007)

- Insufficient and inefficient implementation of recommendations in Truth and Reconciliation Commission's report

Coordinadora Nacional de Derechos Humanos, Informe anual 2006

"El año 2006 fue el quinto año consecutivo de crecimiento económico del país, un año de elecciones cuyos resultados produjeron cambios de Presidente, de miembros del Congreso y de autoridades regionales y locales: una modificación muy significativa del escenario político. El 28 de julio se produjo el cambio de mando de Toledo a García. Con Toledo se perdió la gran oportunidad de efectuar la reforma institucional y moral que el país requería para transitar a la democracia después del colapso del fujimorismo. Los primeros meses del gobierno de García han sido desalentadores porque, de un lado, ha evidenciado una carencia de voluntad política para emprender las reformas institucionales necesarias para afirmar la democracia y, de otro, ha propuesto y adoptado medidas contrarias a los derechos humanos, con excepción de algunos avances en el tema de reparaciones.

El fin del gobierno de Toledo

Este gobierno significó la gran oportunidad perdida de haber podido efectuar un tránsito consistente hacia la democracia. Así, no se efectuaron reformas indispensables como la del Estado, la administración de justicia, la distribución del ingreso, la educación, las fuerzas armadas y policiales, entre otras. Continuando la política económica liberal vigente en el país, finalizó su gobierno con indicadores macroeconómicos expectantes. Sin embargo, esto no se tradujo en mejoría para las mayorías del país, agobiadas por la pobreza y la falta de oportunidades. En materia de derechos humanos, sus ofrecimientos y medidas formales fueron significativos, pero su cumplimiento e implementación práctica fueron insuficientes o ineficaces, como en el caso de la implementación práctica de las recomendaciones del Informe Final de la Comisión de la Verdad y Reconciliación. Empero, hay que reconocer su voluntad de diálogo y su acatamiento de las decisiones del Sistema Interamericano de Protección de los Derechos Humanos, su decisión de extraditar a Fujimori y la apertura para escuchar y dialogar con los organismos de derechos humanos. Al final de su gobierno dejó importantes normas como las leyes del Plan Integral de Reparaciones y su reglamentación, de desplazados, de ausencia por

desaparición forzada, entre otras. También dejó un importante Plan Nacional de Derechos Humanos 2006-2010, como política de Estado y fuente de políticas públicas.

Truth and Reconciliation Commission (CVR) mandated to clarify human rights violations and responsibilities during the conflict

- In June 2001 President Paniagua created the Truth and Reconciliation Commission (CVR)
- The Commission's mandate was to clarify the process, facts, and responsibilities related to human rights violations attributable to all players in the conflict
- According to the Truth and Reconciliation Commission, 69,000 people died or disappeared during the twenty years of war
- The president of the CVR denounced the mass perpetration of coordinated and planned crimes during the 20 years of war
- He also denounced the responsibility of the Armed Forces in systematic violation of human rights and international humanitarian law
- The final recommendations of the CVR include programmes of indemnisation and reparation for the victims of political violence
- Collective and individual reparation will include health and education programs, symbolic and economic indemnisation and provision of identification documents among others
- A High-level Multisectoral Commission was created in February 2004 to design and coordinate the implementation of state policies concerning peace, reconciliation

International Center for Transitional Justice, 17 June 2006

"The Commission's mandate was to clarify the process, facts, and responsibilities related to human rights violations attributable to all players in the conflict. In August 2003, the CVR submitted its Final Report to the nation. This nine-volume report not only covers the causes, magnitude, and consequences of the internal armed conflict, but also issues recommendations to the Peruvian State aimed at preventing such violence from recurring, and includes a Comprehensive Reparations Plan."

CNDDHH, June 2001, p.11

"Uno de los más importantes aciertos del Gobierno de Transición del presidente Valentín Paniagua, fue la constitución de la Comisión de la Verdad, creada oficialmente el 4 de junio de 2001."

CNDDHH, 1 January 2004, Ch.3 p.22:

"Al término de casi dos años de arduo trabajo y en medio de un ambiente de gran expectativa, el 28 de agosto del 2003 se presentó el Informe Final de la Comisión de la Verdad y Reconciliación (CVR) en la ciudad de Lima.

[...]

El día en que la CVR entregó el informe final en la ciudad de Lima, su presidente Salomón Lerner, expresó que « la cifra más probable de víctimas fatales en estos veinte años supera los 69 mil peruanos y peruanas, muertos o desaparecidos a manos de las organizaciones subversivas o por obra de agentes del Estado ». Respecto a los presuntos responsables señaló : « este informe va, en realidad, más allá del señalamiento de responsabilidades particulares. Hemos encontrado que los crímenes cometidos contra la población peruana no fueron, por desgracia, atropellos de ciertos sujetos perversos que se apartaban así, de las normas de sus organizaciones. Nuestras investigaciones de campo, sumadas a los testimonios ya mencionados y a un meticuloso análisis documental, nos obligan a denunciar en términos categóricos l

aperpetración masiva de crímenes coordinados o previstos por las organizaciones o instituciones que intervinieron directamente en el conflicto » (...) la CVR ha llegado « a la convicción » de que « en ciertos períodos y lugares, las Fuerzas Armadas incurrieron en una práctica sistemática o generalizada de violaciones de derechos humanos y que existen fundamentos para señalar la comisión de delitos de lesa humanidad, así como infracciones al derecho internacional humanitario ».»

CNDDHH, 1 January 2004, Ch.3, pp.58-9:

“Respecto a este tema el Informe Final de la CVR propone:

- 1. Un programa de reparaciones simbólicas, como monumentos, actos públicos y otros a efectos de reconocer públicamente las violaciones cometidas contra las víctimas.*
- 2. Un programa de salud, física y mental, el cual incluye la capacitación del personal necesario para la comprensión del mundo andino.*
- 3. Un programa de educación, en el que se beneficie a quienes debido a la violencia política vieron frustrados sus estudios, otorgándoles becas y exonerándolos del pago de las tasas del sistema educativo público*
- 4. Restitución de derechos ciudadanos, por medio del cual se pretende regularizar la situación jurídica de los peruanos que debido a la violencia política se ven afectados hasta la actualidad por requisitorias, la falta de documentos de identidad, entre otros. Este programa también propone el establecimiento de un proceso para la declaración de ausencia por desaparición forzada en la legislación civil peruana.*
- 5. Reparaciones económicas, que se pueden brindar a la víctimas a través de indemnizaciones o pensiones.*

El 06 de febrero del 2004 se creó mediante Decreto Supremo N0 003-2004-JUS, la Comisión Multisectorial de Alto Nivel encargada del seguimiento de las acciones y políticas del estado en el ámbito de la paz, la reparación colectiva y la reconciliación nacional. La mencionada comisión está integrada por representantes de la Presidencia de la República, Ministerio de Economía y Finanzas, Ministerio de la Mujer y Desarrollo Social, Consejo Nacional de Descentralización y un representante de las organizaciones de promoción y defensa de derecho humanos.

Entre algunas de sus funciones, esta comisión deberá diseñar la política de paz, reconciliación y reparación colectiva, la que será aprobada por el Consejo de Ministros. También se encargará de coordinar el cumplimiento de estas políticas, así como promover la colaboración y cooperación de la sociedad civil. »

For further information about the work of the Truth Commission, visit their website: [\[External Link\]](#)

POPULATION FIGURES AND PROFILE

Global figures

An estimated 150,000 remaining IDPs in Peru (May 2007)

- Ministry of Women and Social Development plans to include an estimated 150,000 IDPs in National IDP Registry (May 2007)
- The internal armed conflict (1980-2000) forced an estimated 600,000 people from their homes
- Around 50 per cent of the IDPs returned soon after the capture of the main rebel leader in 1993
- The rest of the IDPs settled down in areas of displacement mainly in regional capitals and on the outskirts the national capital, Lima

Agencia de Noticias Andinas, 14 May 2007:

"No hay cifras oficiales aún sobre el número de personas que salió de sus pueblos huyendo del terrorismo, pero se calcula que fueron unas 600 mil durante las dos décadas de violencia. Torres aclara, sin embargo, que la cifra oficial de desplazados recién se conocerá cuando se tenga el Registro Nacional de Desplazados que se abrirá con estas primeras personas, pero que tiene en proceso de incorporación a unas 30 mil familias (unas 150 mil personas en total).

El funcionario explica que de los 600 mil peruanos que se calcula tuvieron que dejar sus tierras, el 50 por ciento retornó a sus pueblos una vez que Abimael Guzmán cayó en manos de las fuerzas del orden. El resto se asentó en las ciudades capitales de varios departamentos y en las periferias de Lima, donde han hecho sus vidas. Ahora lo que se busca es que el Estado reconozca su condición de desplazados y tengan acceso a los derechos que les corresponde por ley, sostuvo."

No clear distinction between migration and forced displacement (2003)

- These common 'mobile livelihoods' make it difficult to measure the extent of displacement
- During the first half of the 1990s numbers vary between 310,000 and 600,000
- Displaced people engaged in multiple economic activities involving migration jeopardized NGOs projects, as they risked to lose the IDP identity
- At first displaced people preferred defining their status as migrants because of the violence
- The IDP term was unknown or viewed as an insult until ICVA's visit in 1993
- In the city of Huancayo there was a strong overlap between migrants and IDPs

Stepputat and Sorensen, 2001, p. 774:

"Thus the presence of SL and the military resulted first and foremost in a discontinuation of well-established mobile livelihood practices."

Stepputat and Sorensen, 2001, p. 775:

"These forms of mobile livelihoods and displacement make it very difficult to estimate the number of displaced people in Peru during the conflict. Depending on the source, estimated numbers of IDPs in the first half of the 1990s vary between 310,000 and 600,000 (SEPIA, 1997; Stavropoulou, 1998). In the Central Andes (including the departments of Junín, Huancavelica and Huánuco), NGOs used the working figure of 90,000 IDPs of which 15,000 were supposed to have taken refuge in the Mantaro Valley (SEPAR, 1998). In comparison, the NGOs in Ayacucho estimated that there were 150,000 IDPs in this department (SEPIA, 1997)."

Stepputat and Sorensen, 2001, p. 778:

"However, the 'inherent dispersion and instability of the migrants' – that is, the constant movement of many migrants and in particular of the young who left Huancayo for wage labour elsewhere – jeopardized the attempts to strengthen the identity of the displaced. People engaged in a number of different economic as well as organizational activities within and outside the frameworks set up for them by the NGOs. In particular, relations to the popular or revolutionary movements were deplored by several of the NGOs, who saw this 'multi-participation' as an obstacle for their advocacy since they risked losing 'their identity as displaced, thereby jeopardizing their demanding attitude' ([SEPAR, 1990]: 15-16).

In this perspective we may interpret the organization of the migrants as an attempt to fix them in manageable sites and structures. The evasiveness and instability of the object of assistance and organization, and the apparent fluidity and 'blurredness' of their identity, presented practical as well as analytical problems. Thus, in the minutes from a meeting between the Huancayo-based NGOs in 1990, a number of different terms circulated with reference to the people in need of assistance: they were compulsive migrants (*migrantes compulsivos*), internal refugees, rural refugees, displaced population, displaced, or just migrants.

At this point the NGOs did not mention the lack of a single concept as a problem, but they repeatedly emphasized the need for a 'proper identity' for the forced migrants."

Stepputat and Sorensen, 2001, p. 781:

"When this word *desplazado* appeared ... it was uneasy, it always signaled a certain disdain. We preferred to say that we migrated because of the violence ... In the beginning, the term was an insult, nobody knew what it was... But little by little we got used to it' (quoted in Tanagno, 1998:179. When we asked a group of leaders of *Jatarai Ayllu* to reflect upon the category, they noted that people started using the term after ICVA's visit [in 1993]. Suddenly 'groups of families who did not identify themselves as such, well, suddenly groups and organizations of displaced emerged [all over Peru]'. This was when 'the organizational fever' hit Peru, and the *Jatarai Ayllu* became the model of organization (interview with the Regional Association, March 1999)"

Stepputat and Sorensen, 2001, p. 783:

"As already suggested in the introduction, our research found a certain overlap between migrants and IDPs in the city of Huancayo. The overlap was primarily founded on the following factors: 1) the historically high mobility levels in the region; 2) persons originating in the same rural communities had arrived in the city at differing times (before, during, and after the conflict); and 3) the affiliation with either migrant organizations or organizations of displaced persons was, to some extent, a matter of tactics and /or social networks. Thus, individuals, groups or families were themselves often uncertain as to how they should categorize themselves and rarely identified as *either* migrant *or* displaced person.[...] Many people who had been cut off from the rural assets had forced them to give up social mobility through education."

Geographical distribution

Seven main areas of displacement in Peru (2004)

- There were some terrorist incursions in the departments of Junín and Apurímac which caused some fear-induced displacements in 2003
- The areas affected by displacement are characterised with high vulnerability to attacks from Shining Path, lack of access making communication and assistance difficult and lack of state presence
- The zones of Ayacucho, Huancavelica, Apurímac, Central sierra and selva, Tingo María zone, Huánuco and Pucallpa represented the 87% of the areas affected by violence
- 23% of the displacements took place between 1983-85 mostly from Ayacucho which was the epicentre of violence
- Between 1985 and 1987 subversive actions increased particularly in Lima and Callao and peaked in 1991 when half of the terrorist attacks nation-wide were recorded
- 45% of all displacements happened between 1986-1989
- The four main expelling departments Ayacucho, Junín, Huancavelica and Ancash also register the highest rate of subversive actions between 1988-1993
- 27% of the displacements take place between 1990-1992
- About 80,000 persons were displaced from Huancavelica following political violence
- 80% displaced from Huancavelica found refuge in Huancayo, Ica, Ayacucho and in Lima

CNDDHH, 1 January 2004, Ch.3, pp.42-3:

« En lo referente a los desplazados al interior de nuestro territorio, organismos de derechos humanos tuvieron conocimiento de incursiones terroristas en la provincia de Satipo (departamento de Junín y en el centro poblado menor de Oscollo (distrito de Cocharcas, provincia de Chincheros, departamento de Apurímac) las mismas que en su oportunidad generaron el desplazamiento de cierto número de pobladores de las mencionadas zonas en razón al temor que estas acciones les infundieron.

[...]

En el mes de marzo, MENADES fue informada sobre el desplazamiento de aparentes grupos subversivos en Oscollo, sin realizar mayores acciones, lo que sin embargo no dejó de preocupar a lo pobladores de la zona quienes abandonaron las tierras a las que recientemente habían regresado »

CVR, 28 August 2003, Tomo VI, 1.9:

“

CUADRO N° 3 ZONAS DE CONFLICTO / DESPLAZAMIENTO
ZONAS DE CONFLICTO CARACTERISTICAS
Valle del Alto Huallaga Zona predominantemente cocalera poblada por migrantes parceleros y pequeños comerciantes, con un alto índice de población flotante. En ella Sendero Luminoso alcanzó un importante nivel de injerencia principalmente en base a su posición de control sobre el tráfico de la hoja de coca
Valle del Ene y del Tambo Zona de la selva central poblada por nativos asháninkas, sometida a relativo control militar por Sendero Luminoso
Provincias de la zona norte de Ayacucho, y Huancavelica Zona conformada por las provincias de Huamanga, Huanta y La Mar, relativamente controladas por Comités de Autodefensa

Valle del río Mantaro y la zona de Vizcatán Zona controlada por Comités de Autodefensa
Lima Metropolitana y algunas zonas al norte del departamento de Lima Ciudad con alto índice de asesinatos y atentados terroristas (coches bombas y atentados con explosivos), permanece bajo el control combinado de las Fuerzas Armadas y la Policía Nacional. Fuera de ella, las provincias de la sierra y algunas zonas del norte del departamento de Lima muestran considerable actividad subversiva y contrasubversiva
“Corredor sur-andino” Zona que permitiría la circulación de columnas senderistas desde Apurímac hacia la frontera con Bolivia, atravesando las provincias Alto Andinas de Cusco y Puno
“Corredor norte” Zona que intentaría llegar a la frontera con Ecuador atravesando la sierra de los departamentos de La Libertad y Piura.

Fuente: Comisión Andina de Juristas / Organización de Naciones Unidas

Elaboración: Comisión Andina de Juristas / Organización de Naciones Unidas

[...]

Al interior de estas áreas rurales se combinan: a) altísima intensidad migratoria que se refleja en la permanente movilidad de los asentamientos poblacionales [...] y las personas y grupos familiares; b) alta vulnerabilidad frente a los ataques armados de Sendero Luminoso, cuyas columnas mostraron en esas áreas una disposición a atacar a la población organizada en Comités de Autodefensa, que los subversivos llamaban despectivamente “mesnadas” o “cabezas negras”; c) dificultades de acceso que han hecho prácticamente imposible sostener canales fluidos de comunicación con las ciudades principales de esas zonas y ejecutar programas de capacitación e inversión para la recuperación del campo y el establecimiento de condiciones mínimas de sobrevivencia; y d) gran debilidad institucional, que provoca el permanente riesgo de militarización de la actividad social y dificulta el establecimiento de canales permanentes y consensuales de resolución de conflictos.

[...]

De esta manera se puede sostener que las zonas más afectadas por el desplazamiento fueron Ayacucho, Huancavelica, Apurímac, la sierra y selva central, la zona de Tingo María, Huánuco y Pucallpa. Conforme se aprecia del siguiente cuadro, en el que se consignan estimados de algunos estudiosos del tema, tales lugares en conjunto representarían aproximadamente el 87% de las zonas más afectadas por la violencia en el Perú, y darían cuenta de aproximadamente 430,000 personas desplazadas 1980-1997 (Coronel, 1999; Revollar 1999).

[...]

Según el estudio del INEI, durante los cinco primeros años de la década del '80, los hechos violentos estuvieron focalizados principalmente en el departamento de Ayacucho y en menor medida Junín, Huancavelica, Cusco, Arequipa y Apurímac. Entre 1983-85 se habrían producido el 23% del total de desplazados, esencialmente de procedencia ayacuchana. Según la misma fuente, a partir de 1985 las acciones subversivas se incrementaron de manera alarmante en Lima y Callao, pasando de 16.6% en 1984 a alrededor de 30% en los años 1985, 1986 y 1987. Declina ligeramente los años siguientes y adquiere características dramáticas a partir de 1991, registrando casi la mitad de todos los atentados del país. Entre 1986 y 1989 los desplazamientos se elevan al 45%. La escalada de violencia originada en Ayacucho, se extiende a la Sierra Central (Junín, Huancavelica), Sierra Norte (Ancash) y posteriormente hacia el resto del país. Sostiene el INEI que, entre 1989 y 1993, el promedio anual de atentados subversivos fue de 2,725, significativamente mayor al registrado entre 1981-88, con una media de 1,749. El incremento de las acciones subversivas en este período, además de Lima, se opera en Junín, Ayacucho, Ancash, Huancavelica y en menor medida Huanuco. Son precisamente estos 4 últimos departamentos que en el quinquenio 1988-93 expulsan mayor volumen de población. Entre 1990-92 se producen el 27% de desplazados por la violencia. »

UN Commission on Human Rights, 1 April 1996, paras. 63, 64:

"[T]here are seven main zones of displacement [...]:

(a) The departments of Ayacucho, Huancavelica and Apurímac, in particular the northern provinces of Ayacucho [...]: these were highly conflictive areas, while at the same time among the poorest in the country. Ayacucho in particular was the epicentre of violence and the department in which most displacement occurred. People have fled to the provincial capitals of Huamanga, Huancayo, Huancavelica and Ica, or to Lima. At present, most of these areas are relatively peaceful, although pockets of armed dissidents are still present;

(b) The Alto Huallaga valley [...]: currently, this is one of the most dangerous areas, due to the infiltration of the Shining Path and its increasing control over coca-trafficking. Displacement affects mostly small land-holders and traders. It is estimated that 70 per cent of all displaced from that area have left their homes in the last two years;

(c) The Valley of the Río Mantaro and the zone of Viscatán [...]: for a period of time, this zone was under the virtual command of the armed dissidents. One Shining Path faction still retains a presence. Forced migrations to Huancayo began in 1988 and still continue, although to a lesser extent;

(d) The Valleys of the Río Ene and the Río Tambo [...]: populated by native peoples, in particular the Ashaninkas, this area of the selva came under the control of the Shining Path who practically enslaved the population. Those who managed to escape (approximately 5,000) gathered around the communities that had been able to defend themselves (such as Poyeni), or fled to Huancayo and even Lima;

(e) The so-called corredor norte, which includes areas of various departments in the north of the country [...];

(f) The corredor sur-andino, which covers areas of the Cuzco and Puno departments [...];

(g) Lima, and some areas north of the department of Lima [...], where subversive and countersubversive activity was frequent in the last few years of the conflict.

In each of these areas there are different 'scenarios' of displacement. The protection needs of the displaced and returning communities, as well as needs associated with shelter, food and health, vary from region to region and require specific approaches. [...]"

CVR, 7 June 2002:

"Según estimaciones del CEPRODEP, en San Juan de Lurigancho habitan unas 80 mil personas desplazadas por la violencia política vivida en el país entre 1980 y 2000, muchas de ellas viven en la parte alta de SJL (Huanta I, Huanta II, Cangallo, Montenegro, Cruz de Motupe) y provienen principalmente de los departamentos de Huancavelica, Ayacucho y Apurímac."

PCS 1997, p. 18, 19:

"According to the Mesa de Trabajo con Población Desplazada de Huancavelica, which is comprised by 14 organisations, as many as 15,000 to 16,000 families or about 80,000 persons was displaced from Huancavelica following political violence.

Between 60 and 70% of these people found refuge in Huancayo in Junín, Chíncha and Pasco in Ica, Huanta and Ayacucho in Ayacucho and in Lima. The remaining 15 to 20% of those displaced found refuge in district and provincial capitals in areas close to their places of origin."

IDPs in Lima (2004)

- The remaining 60,000 people displaced are all believed to live in Lima
- Between 150,000 and 200,000 IDPs are believed to have arrived in Lima during the war

USCR, 2004:

"Although the conflict producing their displacement ended years ago (and they are no longer counted by the U.S. Committee for Refugees as internally displaced), an estimated 60,000 people, mostly in the Lima area, have not returned to their homes. Many do not have a home to return to and suffer discrimination for being displaced persons. United Nations and local human rights officials have concluded these people need additional assistance to achieve integration into their chosen communities. The Peruvian Congress passed a law last year, which will target assistance to this population."

CNDDHH, June 2002 p.93:

"El PAR estima que ya casi la mitad de los desplazados ha retornado a sus pueblos; pero, sólo 20.900 han recibido ayuda del gobierno anterior. En un estimado, se cree que a Lima llegaron entre 150 mil y 200 mil desplazados que, en su mayoría, ocuparon los distritos de San Juan de Ligancho, Ate Vitarte, Huachipa, Villa El Salvador, Villa María del Triunfo, Puente Piedra y San Juan Miraflores; el 70% de los desplazados fueron campesinos, el 20% provenía de las zonas urbano marginales y el 10% de los sectores medios y altos."

IDPs in Huánuco (2002)

- The department of Huánuco counts approximately 25,000 IDPs between the towns of Huánuco and Tingo María
- Violence particularly persists in Huánuco and in the Central Jungle where displacement is a direct cause of political violence and forcible coca eradication

CNDDHH, March 2001, Sect.3.2. e:

"Según datos proporcionados por MENADES, en la región centro oriental aún subsisten problemas derivados del conflicto armado, entre los cuales se distingue la situación del departamento de Huánuco, en el cual se registra alrededor de 25,000 personas desplazadas, siendo las ciudades de Huánuco y Tingo María las principales receptoras."

CNDDHH, June 2002, p.94:

"Una zona donde la violencia se mantiene focalizada es Huánuco, en donde los desplazamientos son consecuencia inmediata de la violencia política y la erradicación forzada de la coca. Los desplazamientos por violencia política, se manifiestan por la imposibilidad de encontrar una salida política al conflicto, pues una de las partes no incluye, en su estrategia, salidas negociadas de paz; y, en la otra, algunos estrategias contrainsurgentes desde, el Estado, consideran que un terrorista debe estar en la cárcel o muerto. Esta perspectiva favorece que el fenómeno de desplazamiento de las poblaciones afectadas por la violencia política, sea un proceso de largo plazo. Le ha tocado a Huánuco y a la selva central, ser el escenario donde esta situación se presenta con fuerza."

Disaggregated data

70% of the displaced came from rural and indigenous communities with special ties to their land (2003)

- 70% of the IDPs came from rural backgrounds, 20% from urban areas and 10% from elite circles

ICRC & PAR, 31 December 2003, p.18:

« En grueso y según este criterio, parece posible distinguir entre tres categorías de origen de la población:

- 1) campesinos comuneros provenientes de zonas y regiones con diferente grado de integración al mercado y diferentes grados de acceso y comunicación;
- 2) pobladores «urbanos», comuneros y mestizos residentes en pueblos; y
- 3) élites locales, residentes en capitales de provincia y departamento (Kirk 1991).

Sobre esta clasificación, Coral (1996) ensaya una proporción entre la población desplazada según estas tres categorías resultando que de acuerdo al origen, los desplazados serían: 70% comuneros, 20% urbanos y 10% élites. Por su parte, los procesos de refugio habrían correspondido también a dichos escalones sociales: los comuneros se dispersaron y algunos se establecieron en grupos; los poblados se integraron y relacionaron con organizaciones de residentes; en tanto que las élites vivieron procesos menos traumáticos (Coronel 1997).»

CVR, 28 August 2003, Tomo VI, 1.9:

« A pesar de no contarse con datos estadísticos precisos, de la información existente en los diversos estudios sobre la materia, es posible afirmar que aproximadamente el 70% de todos los desplazados internos en el Perú pertenecerían a comunidades campesinas, comunidades nativas, de procedencia rural e indígena [...], de grupos étnicos que mantenían una especial relación con sus tierras y territorios (Deng 1995: 23) y que, por lo tanto, vieron afectada radicalmente su forma de vida. »

Large number of widows and orphans among the displaced population (1996)

- Many families headed by women after men are killed or disappeared
- About 13,3% IDPs were widows or widowers (1996)

CHR 1 April 1996, para. 88:

"[...] One of the most challenging problems among the displaced is the disintegration of families and communities. Large numbers of widows and orphans was a characteristic of every displaced or returnee community the Representative visited; for instance, in one returnee community of 850 persons, Puerto Ocopa, most of the adults are women and 50 per cent of the population are children; 70 children are orphans. A study in the marginal urban areas of Ayacucho shows that of a total of 1,171 families, 200 are headed by widows and another 95 by mothers whose husbands disappeared or were forcibly recruited.

CHR 1 April 1996, para. 60:

[According to the report of the representative of the Secretary-General, the majority of the displaced are women and children. "[O]ne study undertaken in Lima [1993] showed that out of 180 displaced persons, 118 were women; 13.3 per cent of the displaced were widows or widowers.]

PATTERNS OF DISPLACEMENT

General

Displacement chronology (2003)

- Most IDPs who fled to neighbouring communities returned to their areas of origin
- Most IDPs who fled to a capital city sought permanent integration or maintained the strategy of double residence
- Between 1983-5 most IDPs fled suddenly, then between 1986-9 when violence generalised IDPs fled preventively as well as suddenly
- Between 1990-2 displacements were less massive and more planned and the first attempts at return occurred together with the start of assistance
- Between 1993-8 processes of return consolidated and displacements diminished and from 1999-2003 both processes of return and assistance stopped
- Two thirds of the IDPs from Ayacucho fled before 1985 and returned after 1993
- In Apurímac, Ancash and Huancavelica, most displacements occurred between 1986 and 1990
- In Junín, the displacement took place between 1986 and 1993

ICRC & PAR, 31 December 2003, pp.23,26,27,29:

« El cuadro muestra que cuanto más grande es el lugar de destino, las posibilidades de los desplazados son mayores: aquellos que se desplazan a un anexo o comunidad, pueden quedarse como refugiados por un tiempo, pero lo más probable es que retornen; en cambio aquellos que se dirigieron a una capital departamental pueden optar por la emigración temporal y el retorno pero también ensayar estrategias de doble residencia o de inserción.

[...]

1983-1985: Primeras oleadas del desplazamiento que afectaron principalmente a la población joven y a las élites locales de Ayacucho, Apurímac y Huancavelica (Provincias de Víctor Fajardo, Cangallo, Huanta, Vilcashuamán, Huancavelica, Tayacaja, Churcampá y otras). En este período, la mayoría de las veces se trató de una huida precipitada que no dio lugar a llevar muchas pertenencias y en algunos casos a salir sólo con lo que se tenía puesto.

2. 1986-1989: Generalización del fenómeno a diversas regiones del país donde se combina la salida precipitada predominante en la etapa anterior, con algunos desplazamientos «planeados» de carácter preventivo. El «planeamiento» permitió llevar algo de dinero consigo y encargar a parientes el cuidado de las chacras. En este período se desarrollaron los primeros ensayos y experiencias –por lo general fallidas como en los casos de Huambalpa y Acomarca- de retorno en Ayacucho, Apurímac y Huancavelica [...]

3. 1990-1992: Continúa el desplazamiento pero de carácter menos masivo que en los años anteriores y cada vez más planificado en los espacios ya afectados. Corresponde a esta etapa un desplazamiento de los escenarios hacia las zonas de ceja de selva y donde toma particular relevancia la problemática de los grupos asháninkas. Es el período de las primeras experiencias sostenidas de retorno y de exploración de la posibilidad del mismo, por lo general espontáneas y sin ningún tipo de ayuda externa. Corresponde también al inicio del proceso de creación de asociaciones de desplazados y al desarrollo de programas de ayuda.

4. 1993-1998: *Disminución y focalización del proceso de desplazamiento, y consolidación del proceso de retorno espontáneo o asistido, desde las organizaciones de desplazados, el Estado o las ONGs.*

5. 1999-2003: *Agotamiento de los procesos de desplazamiento y retorno; afianzamiento de estrategias escogidas por los actores hacia sus derroteros específicos. Así, los **insertados** se encuentran ya consolidados en sus espacios de residencia actual (en ciudades); los **retornantes** se encuentran inmersos en procesos de reconstrucción y de reacomodo social (reconciliación o re estructuración social); y, los **desplazados**, con intereses claros y equilibrados entre los espacios de inserción y el retorno limitado. Este período coincide con el agotamiento del ciclo de las ayudas a desplazados desde las ONGs, con los cambios en las estrategias del PAR y con la crisis de las organizaciones de desplazados que, sin embargo, experimentan un reflujo gracias a la creación de la Comisión de la Verdad y Reconciliación (CVR).*

[...]

Así, casi dos terceras partes de los desplazados de la región Ayacucho salieron antes de 1985, retornando en su mayoría después de 1993. En cambio, en Apurímac, Ancash y Huancavelica, el pico del desplazamiento se produjo entre 1986 y 1990, en tanto que en Junín el desplazamiento se habría producido entre 1986 y 1993 y en Huánuco de manera casi constante durante todo el período analizado."

HRI 27 June 1995, paras. 39-42:

"There have been three major waves of internal displacement due to violence in Peru:

(a) 1983-1986: This period coincided with the outbreak of violence by 'Sendero Luminoso' in the department of Ayacucho and the Government's first attempts to check it. At that early stage displaced persons were mainly from Ayacucho and managed to find places for themselves, albeit with great difficulty, in the marginal zones of the capital cities;

(b) 1987-1989: Terrorist violence increased in response to anti-terrorist activity by the military, the first attempts at popular resistance with the formation of the self-defence 'peasant patrols' and the successful initiative of self-managed grass-roots organizations opposed to violence;

(c) 1990-1992: A new migration flow arose as a result of the so-called 'exemplary actions' and intensification of violence by 'Sendero Luminoso'.

The last two waves of migration have encountered conditions in the receiving areas that make permanent resettlement practically impossible, as virtually all of them have no other solution than to eke out a living in the informal sector, where they are compelled to perform poorly paid work in a highly competitive market. The improved security they had hoped to find in the fringe urban areas proved elusive, conditions being hardly any different from those in the countryside, owing to the change in terrorist strategy, which aimed at greater activity in the cities during 1989-1990 and at eliminating popular resistance by means of selective murders and forcible recruitment.

Displacement has mainly involved Andean and indigenous peasant population (approximately 70 per cent of displaced persons), while about 20 per cent has arisen from fringe urban sectors and rural district capitals and 10 per cent middle and high-level strata."

The vast majority of displaced people fled to main cities in particular Lima (2003)

- Most IDPs in majority Quechua-speaking took refuge in urban areas
- Displacements between 1988-1993 are mainly extra-departmental and extra-regional
- 77% of IDPs from Apurímac, Ayacucho y Huancavelica fled outside their departments and only 13% inside

- Lima received 50% of extra-departmental displacements from Apurímac and Ayacucho and 41% of the extra-departmental displacements from Huancavelica
- Most people who moved to urban areas came from the departments of Ayacucho, Apurímac and Huancavelica and ended up in urban areas that today are growing shantytowns

CVR, 28 August 2003, Tomo VI, 1.9:

« Quechuahablantes en su gran mayoría, los desplazados buscaron refugio en las ciudades, creando en muy poco tiempo nuevas poblaciones marginales alrededor de los polos urbanos.

[...]

En el período 1988-93, los desplazamientos forzados internos que desencadena la violencia son predominantemente de carácter extradepartamental o extrarregional [...]. De las provincias de 3 departamentos de la sierra centro y sur (Apurímac, Ayacucho y Huancavelica) emigraron 195 mil personas, de las cuales el 77% se desplazó fuera de sus departamentos y sólo el 13% lo hizo dentro. En Apurímac, apenas el 11% de los desplazados es intradepartamental, en Ayacucho, 17%, y en Huancavelica, el 8%. La gran mayoría de desplazamientos intradepartamentales se dirigen hacia las capitales departamentales. El 50% de los desplazados extra departamentales de Apurímac y Ayacucho y el 41% de Huancavelica, se orientan hacia la capital de la República (INEI 1995: 18). »

UNCHR1 April 1996, para. 15:

"Until the 1940s, roughly 65 per cent of Peru's population lived in the Andes. Today [1995], only 29.6 per cent of the population is rural, while Lima's population has grown by 12 times. [...]"

CHR 27 June 1995, para. 35:

"The migration and urbanization processes of the past 20 years have been characterized by a higher rate of growth of medium-sized cities as compared with metropolitan Lima. These cities (departmental and provincial capitals) have achieved accelerated growth through migration from the countryside and expectations of finding greater advantages in medium-sized and small cities because of the emergence and vitality of the local and regional markets that make up urban systems in several areas of the country, such as the southern Andean region (Cuzco, Sicuani, Juliaca, Puno), which is linked to a market extending into Bolivia, the northern coast (Piura, Sullana, Tumbes), the southern coast (Arequipa, Moquegua, Ilo, Tacna), and the jungle region (Pucallpa, Tarapoto, Moyobamba)."

UNCHR1 April 1996, para. 11:

"It is estimated that between 1970 and 1990, the Peruvian population increased by 60 per cent, largely as a result of natural birth rate. The increase in the available labour force, however, was not matched by GDP growth. In the 1980s, the rate of growth of GDP was in fact negative. International investment stagnated. Salaries dropped significantly between 1973 and 1988 while unemployment and underemployment rose. Poor families became poorer as the economic structure deteriorated. [...]"

UNCHR1 April 1996, para. 15:

"[T]he poorest departments - Ayacucho, Apurimac and Huancavelica - have sent most migrants to the cities and the selva. The first arrivals in the cities invaded empty lots and farm land and built rudimentary structures; today these areas constitute vast shantytowns, constantly expanding to accommodate new arrivals. It is estimated that 70 per cent of the metropolitan population of Lima lives in shantytowns. [...]"

CHR 27 June 1995, para. 34:

"The growth of the urban population has not occurred as a result of the industrialization process. The period in which the highest growth rate of the urban population occurred, 1961-1970, was not

the period of highest growth of the industrial product or even of the total product. It was the precarious rural situation, the result of the dearth of arable land per agricultural worker, the low investment in production infrastructure and the effective loss of capital investment characterizing agriculture for several decades that drove the rural population to the cities on a massive scale, giving rise to pockets of poverty in the main cities."

CHR 27 June 1995, para. 37:

"Another factor contributing to the migration to medium-sized cities is displacement due to the indiscriminate violence perpetrated by terrorist groups. These are forced displacements, people suddenly being obliged to leave their villages of origin or residence and their jobs.

Many displaced fled within their own departments to departmental capitals (2003)

- Main areas of reception and refuge were the cities Lima, Junín, Cusco and Ica, and the departments of Ayacucho, Apurímac and Huancavelica receiving 49%, 30% and 21% of the displaced population respectively
- 39% of the displaced in Ayacucho were displaced within the same department
- 28% and 36% of the displacements in Apurímac and Huancavelica respectively were intra-departmental
- Violence-related displacement affected at least two thirds of national territory since the early 1980s, mainly within departments of origin
- Those displaced within the same departments became "itinerants" not settling in the area of refuge but maintaining strong links to their areas of origin
- Until 1986, displacement mainly affected displaced peasants from isolated villages in the southern highlands
- Between 1980 and 1992, displacement was mainly from rural to urban areas, but was also rural-to-rural

CVR, 28 August 2003, Tomo VI, 1.9:

"Según el referido estudio del INEI, las áreas de recepción o refugio más importantes de los desplazados después de Lima son Junín, Cusco e Ica, y los mismos departamentos de Huancavelica, Apurímac y Ayacucho. También de acuerdo al INEI, a las provincias de los mismos departamentos Apurímac, Ayacucho y Huancavelica inmigraron más de 80 mil personas, correspondiendo al primero el 30% (24,100), al segundo el 49% (40,000) y al tercero el 21% (17,400). Ayacucho fue el receptor más importante. El 39% de su inmigración procede del mismo departamento, de ésta el 50% se dirige hacia la provincia de Huamanga. El INEI sostiene que el 28% de la inmigración a Apurímac es intradepartamental, orientándose el 69% del mismo a la provincia de Abancay. El 26% de la inmigración a Huancavelica también es intradepartamental, dirigiéndose el 36% a la provincia de Huancavelica. Se puede concluir, que en el período analizado, la inmigración se orienta principalmente hacia el área urbana, especialmente a las capitales departamentales.

[...]

Los estudios sobre desplazamiento coinciden en señalar que el desplazamiento se realizó por etapas: primero desde las zonas rurales, luego hacia las capitales de distrito y después hacia las ciudades principales. Adicionalmente, se ha verificado la existencia de un elevado número de casos de desplazamiento dentro del mismo departamento de origen, dándose así un número no determinado de personas o comunidades itinerantes [24](OIM 1994: 15). [Footnote 24 : Desplazados itinerante son los que se resisten al desplazamiento definitivo, no tienen una ubicación determinada, se mueven en funciones de la intensidad de situaciones de riesgo, buscando mantener nexos con su comunidad.] »

UNCHR, 1 April 1996, para. 62:

"As mentioned previously, rural to urban migration and to the selva due to the poverty and marginalization of the rural areas has been extensive in the last 50 years. Increasingly however, especially after 1980, many of the persons who moved did so not only because of the poverty but were compelled to because of the violence and persecution they were facing. In the conflict zones large areas were depopulated and villages and settlements were at best abandoned, and at worst razed to the ground. In the Sierra, the displaced have tended to move first to areas near their communities or to the provincial capitals, and as a last resort to the capital. In the selva they have tended to gather around larger communities. Those with relatives in the cities were among the first to arrive in the shanty towns, creating clusters of families of the same geographical origin. Today, one observes entire neighbourhoods that have maintained many of the customs and community structures of the native regions of their inhabitants."

HRI 27 June 1995, para. 38:

"Since the early 1980s, the phenomenon of violence-related displacement has affected at least two thirds of the national territory, substantially changing the demographic pattern of the regions and everyday living conditions. Although it has not yet been possible to assess this phenomenon quantitatively, some 600,000 people (120,000 families) are estimated to have been affected."

UNCHR1 April 1996, para. 65:

"Until 1986 most of the displaced came from the southern highlands (zone (1) and were peasants from isolated villages. Some were also town-dwellers and professionals from small towns. After 1986, violence spread to a much wider area displacing people from a variety of ethnic and geographic background."

Rebaza 1998, p. 113:

"During the worst period of political violence in Peru, between 1980 and 1992, there were successive waves of internal displacement, basically from rural to urban area zones. The number of displaced people was estimated to be about 600,000."

U.S. DOS, sect. 2d:

"[B]eside this rural-to-urban displacement, there was substantial rural-to-rural migration, as well as many persons whose homes were destroyed and whose lives were disrupted, but who resisted the encroachment of terrorist groups by forming civilian self-defense committees and thereby managed to remain in their home communities. [...]"

HRI 27 June 1995, para. 39:

"Recent estimates indicate that approximately 54 per cent of persons displaced during the 12 years of terrorist violence have moved within their department, while the rest have migrated elsewhere. The departments with the most displaced persons are Ayacucho, Huancavelica, Apurimac and Junín. These departments are areas both of expulsion and reception. The departments receiving the most displaced persons are Lima, Ica, Ayacucho, Apurimac and Junín. Ayacucho, the epicentre of the terrorist movement, is the department that produces the most internally displaced persons, most of whom belong to peasant communities. Ayacucho is the department where the situation is the most critical, as it has both the highest expulsion and reception figures, with urban Ayacucho accommodating 30 per cent of all Peru's displaced persons."

PHYSICAL SECURITY & FREEDOM OF MOVEMENT

Physical security

Remnants of Shining Path in alliance with drug traffickers (January 2007)

- Insurgents from Shining Path reinforces alliance with drug-traffickers
- Working as hit men for drug-traffickers
- The insurgents wish to follow the example of FARC in Colombia by converting themselves into a regular armed force
- An estimated 140 insurgents in the central jungle(Selva Central)
- During a 14 month's period, the insurgents killed 23 police men and three civilians

Peru21.com

"Hay que redoblar esfuerzos para desarticular los rezagos senderistas.

Ahora perpetran sus crímenes en alianza con los cárteles de narcotraficantes.

Han cambiado la hoz y el martillo y la 'conquista del poder' por la droga, y siguen sembrando muerte. Las autoridades y los expertos coinciden en que el peligro fundamental de los remanentes senderistas no radica ahora en su expansión, sino en su alianza con el narcotráfico o en su condición de sicarios de los cárteles de la droga. El ex jefe de la Dircote Benedicto Jiménez considera que los terroristas apuntan a convertirse en una fuerza regular, siguiendo el ejemplo de las FARC de Colombia, para afianzar así su relación con el narcotráfico. Peor aun, el ministro de Defensa, Allan Wagner, advirtió que los senderistas que operan en el Valle de los Ríos Apurímac y Ene (VRAE), responsables de la reciente muerte de ocho personas, se han convertido en narcotraficantes y, ahora, ellos mismos comercializan la droga. Ante esto ¿qué puede esperarse para este año? Wagner, por lo pronto, presentó el Plan de Paz y Desarrollo para el VRAE, como punto de partida de una política más efectiva y diferente. Paralelamente, el presidente Alan García ha puesto sobre la mesa lo que considera uno de los caminos para enfrentar esta problemática: la pena de muerte para los terroristas. El proyecto de ley será analizado en unos 10 días por el Pleno del Congreso.

DATOS

Especialistas como Fernando Rospigliosi estiman que, en la selva central, la columna del 'camarada Alipio', que es el más sanguinario dirigente senderista libre, tiene unos 100 elementos.

El 'camarada Artemio' cuenta con aproximadamente 40 personas.

TENGA EN CUENTA:

23 policías y tres civiles fueron asesinados por narcoterroristas en los últimos catorce meses. De ellos cinco agentes, dos funcionarios de Enaco y un poblador murieron el sábado 16 de diciembre, en la localidad de Machente, en Ayacucho. Además, dos policías fueron asesinados, en el valle del Monzón, el 17 de febrero del año pasado, y ocho agentes de la PNP perecieron en una emboscada, en Tingo María, el 20 de diciembre de 2005. Igualmente, cinco policías fueron acribillados, en la selva de Ayacucho, el 5 de diciembre de 2005, y tres policías fueron asesinados, durante una emboscada en Tingo María, el 20 de febrero de 2005."

Human rights violations, mass killings and detentions without trial during political violence (2004)

- The department of Ayacucho was the most affected by massacres and disappearances recording the highest percentage of victims (40%)
- Shining Path is responsible for 54% of all the victims of war according to the Truth and Reconciliation Commission
- State Agents are responsible for 37% of the victims according to the Truth and Reconciliation Commission
- The Truth and Reconciliation Commission concluded that 69,280 people were killed and disappeared during the internal war 1980-2000 much more than during the war of independence and the war against Chile
- The group bearing the highest responsibility for killings and disappearances were first the Sendero Luminoso, the armed forces, third the self-defence committees and last the MRTA
- Mass graves were found in main areas of displacement in Ayacucho and Huancavelica (2001)
- The health ministry denounced Fujimori's campaigns of forced sterilization aiming at reducing the Andean Amazonian populations

El País, 16 March 2004:

« Después de 20 meses de trabajo, la CVR llegó a la conclusión de que el número de muertos y desaparecidos durante los 20 años de guerra interna (1980-2000) fue de 69.280 personas, cifra que supera ampliamente las pérdidas en la guerra de independencia y la guerra con Chile, los dos mayores conflictos en los que se ha visto involucrado Perú.

[...]

El 40% de las víctimas se produjeron en Ayacucho, donde el Partido Comunista de Perú-Sendero Luminoso declaró en mayo de 1980 "la guerra popular" al Estado. El informe final de la CVR estima que el 54% de las víctimas se pueden atribuir "al iniciador del conflicto", Sendero Luminoso, y el 37%, a los agentes del Estado. La mayor secuela del conflicto fue el éxodo masivo de población civil, con medio millón de desplazados. La comisión ha emitido recomendaciones que incluyen reformas institucionales; un plan integral de reparaciones a las víctimas, que combina medidas simbólicas con medidas individuales y colectivas de reparación material; un plan de exhumación e identificación de víctimas, y un mecanismo de seguimiento que establece por ley la creación del Consejo Nacional de Reconciliación. »

CNDDHH, 1 January 2004, Ch.1:

« Conviene recordar que a nivel nacional el departamento de Ayacucho fue el más afectado, concentrando la mayor cantidad de muertos y desaparecidos; teniendo como principal responsable de estas muertes al grupo terrorista Sendero Luminoso, seguido por las Fuerzas Armadas, los comités de autodefensa, el Movimiento Revolucionario Túpac Amaru entre otros. »

CNDDHH, June 2002, pp.13-14:

"Se estima en 6 mil, el número de desaparecidos en los 20 años de violencia política (1980 – 2000). La mayor parte de los agraviados vivía en Ayacucho y Huancavelica, por lo que es de esperar que esos sean los lugares en los que se encuentre el mayor número de entierros colectivos clandestinos.

A Ayacucho pertenecen las 12 fosas descubiertas en Totos, las 3 fosas de Ayahuanco, las de Hualla, Yanamilla, Rogroqa, Puente Pampa Cruz, Ccochapampa, Vizcachayoc, Ocros, Cuschi, Patapampa, Vinchos, Huarcatán y Huancasancos.

En Huancavelica se denunció la existencia de fosas en Churcampa, Castrovirreyna, Acobamba, Tayacaja. También aparecieron fosas en diversos puntos de Apurímac, Junín y San Martín."

CNDDHH, June 2002, p.16:

"Por otro lado, el tema de las esterilizaciones forzadas, denunciado públicamente por el Ministro de Salud, Luis Solari, demostró la manera cómo el gobierno de Fujimori vejaba el derecho a la salud. La campaña de esterilización femenina cumplía con los objetivos de reducir progresivamente la población en zonas andinas y amazónicas del país, durante dicho régimen."

PCS October 2001:

"In a recently published report, the Legal Defence Institute, IDL, has released the following statistics: 12,000 people died in Peru between 1980 and 2000, of whom 45 to 50% were killed in mysterious circumstances. Around 18,000 innocent people have passed through the country's prisons. Between 1992 (Fujimori's coup d' état) and 2000, 21,795 people were arrested and detained on charges of terrorism and treason. Of these, 6,190 were released before being sent for trial; of those tried by the courts, more than 60% were acquitted. According to the report, 5,000 people disappeared, 11,000 alleged members of rebel groups were killed and 8,000 people declared themselves "repentant" of crimes; another 8,000 were accused of terrorism."

Remnants of Shining Path continue to kill and enslave Asháninkas (2004)

- There were reports that Shining Path still killed and forcibly recruited indigenous people of the Upper Huallaga Valley and the Apurímac and Ene River Valleys
- Shining Path also restricted freedom of movement in these areas setting up roadblocks and levying taxes
- About 160 Asháninka families were still held captive by Shining Path, working in slavery and forced to grow coca crops (2004)
- The IDPs in Junín, Huánuco and San Martín continue to suffer violence the Shining Path and the military counter-insurgency strategy
- Some rural populations ask the military to protect them, while other request their withdrawal
- Populations live in insecurity, and refuse to disarm by fear of retaliation attacks by Shining Path for having fought against them

US DOS, 25 February 2004, sect. 5:

"The terrorist group Sendero Luminoso continued to commit acts of violence leading to the deaths of civilians as well as military and police officials. Sendero killed eight persons during the year [2003]: five members of the police, two ronderos (members of rural peasant self-defense forces), and a community leader in the Huallaga Valley. [...]

Sendero Luminoso, however, continued to coerce indigenous persons to join its ranks [...].

Sendero Luminoso occasionally interrupted the free movement of persons by setting up roadblocks in sections of the Upper Huallaga Valley and the Apurímac and Ene River Valleys.

[...]

Sendero Luminoso held indigenous families captive in remote areas, using their labor, including that of children, to grow food crops and coca [...].

[...]

Sendero Luminoso continued to be a leading violator of the rights of indigenous people. The terrorist group coerced indigenous peasants into joining its ranks and demanded war taxes. In December 2002, the Government announced that the police would attempt to rescue the members of at least 200 families, primarily from the Ashaninka indigenous group, who were believed to be held captive by Sendero Luminoso forces in the central jungle areas of Junin and Ayacucho. During the year, police rescued approximately 40 of these families--over 70 persons--from enslavement by Sendero. On September 10, the police freed 24 Ashaninka Indians near Satipo, in Junin Department.”

CVR, 28 August 2003, Tomo IX, ch.1:

« La violencia se mantiene en alrededor de dieciocho distritos, afectando la selva de Junín, Huánuco y San Martín. Han seguido las incursiones y las muertes, generando inseguridad. La población pide en algunos casos la presencia de los militares, en otras, su salida. Conviene señalar que las condiciones de combate a la subversión no se han modificado en cuanto a estrategia, que sigue siendo militar y no política. Sólo se ha atenuado por la magnitud de las circunstancias y porque es imposible –militarmente hablando por ahora- el desarrollo de la estrategia subversiva. Nos parece que la reconciliación obliga a nueva estrategia política y militar en las zonas de conflicto para que no se cometan los viejos errores y para lograr una finalización del conflicto en paz y en el más breve plazo. Esta nueva perspectiva exige la participación en la toma de decisiones para la violencia y la inseguridad aún existente.

Por otra parte la vida cotidiana está llena de temor y de inseguridad.

[...]

Pero el fenómeno de temor está en varios lugares tanto en Tingo María [...] como en Lima en la expresión de los desplazados. [...]

Lo que genera mucha preocupación es la presencia del PCP-SL:

[...]

Por ello muchos piensan que hay que mantener las armas porque el peligro sigue: [...] Algunos incluso como los Asháninkas piensan que la guerra no ha concluido porque todavía mantienen enfrentamientos con los remanentes del senderismo. Otros piden que no se retiren las bases militares reflejando su inseguridad y su miedo. Los rezagos del PCP-SL siguen por el campo y con ellos se alientan e incrementan el temor y el miedo a una represalia por haber luchado contra ellos en la guerra. »

Forced displacement, slavery and other crimes against humanity suffered by the Asháninka could constitute crime of genocide (2003)

- 44 communities representing about 10,000 Asháninkas were victims of assassinations, slavery, kidnapping and inhuman living conditions under the SL, which could constitute crimes of genocide according to the CVR
- Asháninka culture and identity were perceived by Shining Path as an obstacle to achieve their totalitarian objectives thus needed to be eliminated
- Most Asháninkas communities were not able to flee to prevent attacks because they were either blockaded under cruel systems of surveillance or were forcibly displaced to SL base camps
- Crimes against humanity committed against the Asháninkas were made possible by the total absence of state institutions in the districts of Río Tambo and Pangoa in the province of Satipo, department of Junín
- Girls and women were used as sex slaves, some pregnant women were massacred and the foetus removed from their wombs, or forced to abort

- Children were forced to take part in armed activity and many people were forced to kill their own family members and friends under death threat

CVR, 28 August 2003, Tomo VI, 1.9:

“La Comisión de la Verdad y Reconciliación decidió prestar especial atención a la situación de la población perteneciente a la etnia Asháninka, ubicada en la Selva Central de la amazonía peruana, toda vez que recibió información consistente sobre los graves abusos que sufrió como pueblo indígena por parte del PCP-SL.

La población indígena asháninka fue víctima de desarraigo de sus comunidades de origen (desplazamiento forzado), asesinatos, sometida a condiciones de vida infrahumanas, secuestro, esclavitud y formas análogas de esclavitud (servidumbre y trabajo forzoso), etc..

Estos actos ilícitos afectaron gravemente derechos fundamentales de los asháninkas, tales como: la vida, libertad, integridad, identidad cultural, a desarrollarse dentro de la propia familia, comunidad y cultura. Las acciones cometidas transgreden normas y principios del Derecho Internacional Humanitario, y, según se reseñan luego, podrían constituir modalidades de genocidio.

[...]

Para el PCP-SL, los Asháninka, aferrados a su propia cultura y modo de vida indígena, constituían una rémora, un obstáculo que era necesario eliminar para poder acceder al “nuevo Estado”. Según el proyecto senderista, los Asháninka tenían que dejar de considerarse un pueblo indígena para asumir su condición de “campesinos pobres”. Los Asháninka que se resistían al cambio, se oponían al proyecto senderista y, por lo tanto, debían ser eliminados.

[...]

En muchos casos, los asesinatos cometidos contra los Asháninkas expresaban una gran crueldad. En el caso de las mujeres, esta crueldad se manifestaba, además de la violación previa a la matanza, en el cercenamiento de los senos, y en el caso de mujeres embarazadas, en el corte del vientre y la extracción de los fetos.

[...]

Existió un patrón en el comportamiento de Sendero Luminoso con los asháninkas: incursión armada (robos, pillaje, quema de casas); etapa de proselitismo con líderes y comuneros; etapa de cambio de autoridades y reorganización comunal; adoctrinamiento de niños en las escuelas de “pioneros”; participación de población en incursiones armadas; muerte a los líderes y comuneros opuestos al partido; traslado forzoso, situaciones de esclavitud dentro o fuera de la comunidad.

[...]

Independientemente de la percepción de las víctimas Asháninkas, durante y después del conflicto armado, existen suficientes testimonios para sostener que el proyecto de Sendero Luminoso implicaba la desaparición cultural, y eventualmente física, de parte de la población asháninka.

[...]

El desplazamiento forzoso se convierte en la mayoría de los casos en una posibilidad trunca desde que el PCP-SL controla el territorio y la movilidad de las personas así como la decisión sobre la vida o muerte de las mismas. Pocas comunidades, familias o individuos se desplazaron de manera preventiva. El desplazamiento o huida se hace imposible por el impedimento de salida y el férreo y cruel sistema de vigilancia. El PCP-SL frecuentemente traslada forzosamente a los nativos hacia sus bases que pueden estar en el monte o en otra comunidad tomada.

[...]

La Comisión de la Verdad y Reconciliación tiene evidencias que le permiten concluir que el PCP-SL, entre los años 1985 y 1993, decidió desarrollar un conjunto de actos ilícitos contra el grupo étnico Asháninka, ubicado en los distritos de Río Tambo y Pangoa, provincia de Satipo, departamento de Junín, como parte de un ataque generalizado y sistemático que tenía como

objetivo central, sojuzgarlos para utilizarlos en su estrategia de guerra emprendida contra el Estado peruano. Según la información disponible, es posible sostener que los actos ilícitos cometidos por el PCP-SL habrían afectado a aproximadamente 44 comunidades nativas asháninkas, así como a un estimado de no menos de diez mil personas asháninkas (entre desplazados, asesinados, torturados, sometidos a condiciones inhumanas, etc.) , asentados en sus territorios ancestrales.

Los actos ilícitos perpetrados por miembros del PCP-SL, de una manera frecuente y variada, como parte de este ataque generalizado y sistemático, fueron los siguientes: a) asesinatos; b) muerte cruel de heridos y enfermos; c) torturas y tratos inhumanos; d) juicios sumarios; e) violencia sexual, incluida la servidumbre sexual que afectó a las mujeres asháninkas; f) secuestro de niños; g) trabajos forzosos; h) infligir castigos colectivos como quema de viviendas y bienes; i) sometimiento masivo de la población a cautiverio, esclavitud, servidumbre y trabajos forzosos; j) ordenar traslados forzosos; k) provocar desplazamientos forzosos individuales y masivos; etc.

Los delitos antes mencionados fueron perpetrados en el contexto de un control territorial y dominio de la situación como probablemente no logró el PCP-SL en ninguna otra parte del territorio nacional. La razón principal de ello se encuentra en la ausencia del Estado en la zona, durante la mayor parte del conflicto armado y que se revierte recién a partir del año 1991.

Teniendo en cuenta que la esclavitud es el ejercicio de todos o alguno de los atributos del derecho de propiedad sobre una persona, se puede sostener que la población Asháninka, subordinada al PCP-SL, fue esclavizada en la medida en que: a) Fueron tratados como objetos de propiedad del PCP-SL, al ser trasladados a lugares inhóspitos y al coactar el derecho de los Asháninka a la libre circulación y movilidad sin autorización previa del partido; b) Muchas mujeres Asháninka fueron prostituídas y usadas como esclavas sexuales; c) Muchas mujeres, menores de edad, fueron también prostituídas y tratadas como esclavas sexuales; d) Los niños Asháninka fueron obligados a trabajar o fueron obligados a combatir en el conflicto armado; e) Finalmente, el partido podía decidir la vida o la muerte de los Asháninka, en muchos casos obligando incluso a los Asháninka a matar a sus propios familiares, amigos y vecinos.

Teniendo en cuenta que el trabajo forzoso u obligatorio comprende todo trabajo o servicio exigido a un individuo bajo la amenaza de una pena cualquiera y para el cual dicho individuo no se ofrece voluntariamente, es posible afirmar que el PCP-SL conminó, contra de su voluntad y bajo amenaza de muerte o tortura, a un número significativo de la población Asháninka, considerada “masa”, a realizar trabajos forzosos, en condiciones de subordinación y discriminación, para beneficiar a los “mandos” de la indicada organización política.

[...]

Durante los años 1985-1993, durante todo el tiempo que duró el conflicto, como resultado de la grave afectación a los derechos individuales y colectivos de los indígenas asháninkas, éstos se desplazaron de sus tierras: a) huyeron de su comunidad o del lugar de refugio a causa de una situación de temor generalizado producida por el PCP-SL; y b) en otros casos se trasladaron por órdenes del PCP-SL.

[...]

Pueden calificarse de crímenes de lesa humanidad los hechos cometidos por el PCP-SL, en tanto causó intencionalmente durante varios años grandes sufrimientos, graves atentados contra la integridad física, la salud mental y física, del pueblo Asháninka, mediante la ejecución inter alia de los siguientes actos: a) Matanza indiscriminada de personas Asháninkas; b) Comisión de graves lesiones que dañaron la integridad física y mental de los Asháninka sometidos bajo su control; c) La imposición intencional de condiciones de vida y existencia prácticamente inhumanas contra los Asháninkas, que han acarreado la muerte de numerosas personas por desnutrición, hambre y agotamiento físico; d) Abusos sexuales, la promoción por los mandos senderistas de abortos y las amenazas de muerte a las mujeres Asháninkas para evitar que

tengan hijos, e incluso el asesinato de muchas mujeres embarazadas; e) Desde un inicio, el PCP-SL separó a niños y niñas de sus familias con la finalidad de que vivan bajo órdenes directas del partido y así poder educarlos y adoctrinarlos según su ideología; f) El ejercicio de los atributos del derecho de propiedad sobre las personas; g) El desplazamiento de las personas, sin motivos autorizados por el derecho internacional; h) La privación grave de derechos en razón de la identidad del grupo étnico Asháninka; etc. »

IDP women victims of mass rape and domestic violence (2006)

- The Truth and Reconciliation Commission reported that women were victims of mass rape
- Sexual crimes underreported because of victims' feelings of shame
- Sexually abused women often rejected by their partners and families
- The CVR reports that 83% of rapes were committed by the armed forces
- The insurgent groups Shining Path and MRTA were responsible for 11% of the sexual abuses
- Insurgents were responsible for forced abortions and sexual slavery
- Women in refuge areas targets of abuse and sexual aggression
- Domestic violence among displaced and returnee families due to alcoholism and unemployment
- Few denunciations as sexual abuse socially stigmatizes women

International Center for Transitional Justice, 17 April 2006:

"The CVR's Final Report documents how women were subject to sexual violence in different forms by State forces and insurgent

groups. These types of crimes are typically underreported because of victims' feelings of guilt, shame, or fear of stigmatization or ostracism, so this documentation is particularly significant. These violations affected not only women's bodies, sexuality, and mental and reproductive health, but also their relationships with their families and communities. Women were often rejected, abandoned, or abused by partners, rejected by their families, and/or stigmatized by the community and seen as impossible to marry. The CVR found that the socio-demographic profile of women directly affected by human rights violations was relatively similar to that of men. Most female victims (73%) speak Quechua as their mother tongue; 80% of them live in rural areas; 34% are illiterate; and 48% are between the ages of ten and thirty. Furthermore, the crimes that most affected women were murders and extrajudicial executions (50%), followed by detentions (27%) and torture (23%). Rapes hold the sixth place (10%), after kidnappings (17%) and disappearances (16%)."

El País, 16 March 2004:

« Las denuncias de violaciones sexuales proceden en muchos casos de familiares de las víctimas, pero no de las afectadas, que se resisten a hablar, según constataron los equipos de la CVR. Pese a los pocos testimonios recibidos, hay muchos indicios que permiten deducir que las violaciones fueron una práctica masiva, sobre todo por parte de las Fuerzas Armadas. Los datos recogidos por la CVR indican que el 83% de los actos de violación sexual son imputables al Estado, y cerca del 11% corresponde a los grupos subversivos (Sendero Luminoso y Movimiento Revolucionario Tupac Amaru, MRTA). Estos últimos fueron responsables de abortos forzados, uniones forzadas y servidumbre sexual. Durante las incursiones militares en comunidades campesinas en busca de senderistas era habitual torturar a los varones y violar a las mujeres. El Estado no tiene específicamente una política para atender las secuelas producidas por las violaciones. Las políticas sociales han dado prioridad a los desplazados, huérfanos... »

UNCHR 1 April 1996, paras. 69-73:

"Since the beginning of the war, women have been perceived as 'less useful' or 'dangerous' by the agents of violence. On the other hand, many women have been in the forefront of the fight for better protection of the human rights of their husbands, sons or daughters, and many have had to pay dearly for this. [...]. Information received by the Representative indicates that in areas of refuge, women are continuously exposed to abuse and sexual aggression. [...] During the first decade of the conflict both sides to the conflict raped and abused women during incursions in the emergency zones or during detentions and interrogations. [...]. In some areas, women who work in the fields still face significant security risks. Women belonging to indigenous and native communities, human rights activists, members of teachers' or students' unions and leaders of displaced communities are at high risk of being targeted and victimized by both sides to the conflict.

Domestic violence among displaced and returnee families was routinely mentioned as a problem during the Representative's visit, even though the topic is extremely sensitive among the indigenous and peasant communities. Women attributed such violence to the unemployment of their husbands and to alcoholism. Alcoholism and violence among children are becoming increasingly evident; of particular concern is the extremely aggressive behaviour of minors who were forcibly recruited by the armed opposition groups or the self-defence committees.

Rape and domestic violence were, and continue to be, chronic problems. However, there have been very few denunciations filed at the office of the Fiscalía. This is probably due to the strong social stigmas that are attached to the victims of such acts. In the case of the Ashaninka traditions, for instance, sexual relations out of wedlock are prohibited, which is the reason why women are married as early as 13 or 14."

Arrests on grounds of alleged terrorist ties (requisición) (2004)

- In 2003 the anti-terrorist law dictated under Fujimori in 1992 was declared unconstitutional by the Constitutional Tribunal
- However, a decree passed in 2003 hardening the penitentiary system taking measures similar as those applied under the anti-terrorist law was incoherent with the ruling of the Tribunal
- Between 1992 and 2000, about 22,000 Peruvians mostly from displacement areas were imprisoned under false claims of terrorism and betrayal to the nation, and only 6000 had been released as of 2003
- The inefficacy of the registry and documentation system and the inaccuracy with which the warrants of arrests were issued all contributed to arbitrary detentions
- As of 2004, 4000 persons had detention orders pending on alleged terrorist charges
- The Institute of Legal Defence, the specialized terrorism chamber of the Superior Court of Lima and ICRC recommended the removal of 4,411 cases because they were already detained, had multiple orders of arrest issued against them, or had already been pardoned
- Under Fujimori 21,795 people detained on charges of terrorism and treason of those who were tried, 60% were acquitted
- Minister of Justice considers compensating victims of illegitimate terrorist accusations and detainment
- Most of the people arrested under false charges speak only Quechua, which decreases their ability to appeal for due process

CNDDHH, 1 January 2004, Ch.3, p.37,39:

«A inicios del 2003, el Tribunal Consitutcional emitió una sentencia sobre la inconstitucionalidad de las normas antiterroristas dictadas en 1992, durante la dictadura de Alberto Fujimori, y que a la postre generaron el injusto encarcelamiento de cientos de peruanos por falsos cargos de terrorismo y traición a la patria.

[...]

Pese que a principios del 2003, el Poder Ejecutivo emitió el Decreto Legislativo No.927, por el que se permite a los condenados por terrorismo el acceso a beneficios penitenciarios, en julio del mismo año dicho poder del Estado presentó una iniciativa legislativa signada con el número 7603/2002-CR [...], proponiendo el endurecimiento del r'gimen penitenciario para los procesados y condenados por terrorismo.La mencionada iniciativa contempla normas similares a las establecidas en 1992, como la reducción del confinamiento del interno a su delda por 21 horas diarias, la restricción de las visitas, el trago y la educación, entre otras.

[...]

En nuestro país hay un considerable número de personas requisitorias por diversos delitos, uno de esos delitos es el de terrorismo y traición a la partira. La mayor contidad de personas que se encuentran bajo esta condición provienen de las zonas donde la violencia política tuvo su mayor índice. La falta de un eficaz y actual medio de documentación que se encuentre intercomunicado entre sí a nivel nacional, ocasiona que ésta sea una de las causas de las detenciones arbitrarias en nuestro país ; a esta falencia se suma el deficiente registro de las órdenes de captura emitidas por los jueces penales. »

AI, 12 May 2003:

"Although official figures are not always available, according to reports, between 1992 and 1993 the number of detainees rose from 713 to over 4,200 cases. In total from 1992 to 2000, 21,855 people were detained on charges of "terrorism" in Peru.(4) Of those detained between 1992 and 2000, 6,075 were released by the police or the armed forces because their investigations showed no evidence of them having had any links to the armed opposition."

US DOS, 25 February 2004, Sect.1:

"Many detention orders remained pending against approximately 4,000 persons allegedly forced to join terrorist groups; however, in May 2001, Congress passed a law that allowed the detention orders to be changed to summonses to appear in court if requested by the person named in the order. Legal experts and NGOs reported that the law was not effective, and fewer than 50 individuals had appeared before the court to make the request, reportedly because they were distrustful of the judicial process and feared arrest. The TRC recommended providing legal assistance to those people against whom erroneous detention orders are pending. The judiciary acknowledged this situation, but lacked resources to launch a program. The Institute of Legal Defense initiated a study of these cases. It reviewed almost 4,411 cases in coordination with the ICRC and the specialized terrorism chamber of the Superior Court of Lima. It recommended the removal of these persons from the list because they were already detained, had multiple orders of arrest issued against them, or had already been pardoned."

U.S. DOS February 2001, sect.2d:

"Another unresolved problem related to the displaced persons are pending arrests warrants against approximately 5,000 such persons, who fall into the category of "requisitorias"--persons who were forced to join terrorist groups and who were accused falsely of voluntarily joining such groups and continue to have outstanding detention orders against them. Judges from the special Terrorism Court traveled from Lima and dismissed 300 such warrants during the year. The pending legal status of such persons, along with the fact that the majority of these individuals speak only Quechua, increases their vulnerability and reduces even further their capacity for economic and social integration into urban areas."

HRW 1999, p. 138, 139:

"President Alberto Fujimori and the political party he leads, Change 90-New Majority (Cambio 90-Nueva Mayoría, C90-NM), continued to undermine the rule of law and independence of the judiciary during 1998. At the same time, they impeded the exercise of political rights. Although political violence and human rights violations associated with counterinsurgency continued to decline, the incidence of criminal violence increased, provoking the C90-NM-controlled Congress to delegate powers to the executive branch to impose tough new anti-crime decrees likely to lead to violations of the rights of criminal suspects. The decrees permitted the use of military courts to try serious crimes, systematic restrictions of suspects' rights and due process guarantees, and a special coordinating role for the abusive National Intelligence Service, which was responsible for grave human rights violations committed in combatting leftist insurgencies."

HRW 1999, p. 140:

"Taken together, the decrees eroded the due process guarantees of criminal suspects in numerous ways, opened the doors to arbitrary prosecutions. At the same time, they transferred powers to enforce law and order away from civilian courts and the National Police (Policía Nacional, PN) to military tribunals and the SIN. Decree No. 895, for instance, created a new crime of 'aggravated terrorism', applicable to those who 'belong to or are accomplices of a gang, association, or criminal grouping that carries or uses combat weapons, grenades, or explosives to carry out a robbery, kidnapping, extortion, or other crime...' Police were allowed to detain suspects without charge for up to fifteen days, and no pre-trial release would be permitted for any reason. Civilians accused of aggravated terrorism were to be tried by military courts, including minors between the ages of sixteen and eighteen, who would previously have been tried by specialized juvenile courts. Military courts, which already have jurisdiction over civilians accused of treason, are made up of serving military officers without adequate judicial training, and they have been consistently criticized by international human rights bodies for systematic denial of due process. [...]."

AI 1999, p. 275:

"In June [1998], the executive passed a set of Decree Laws which defined certain serious common crimes as 'aggravated terrorism'. Under this legislation those accused can be held incommunicado for up to 10 days and tried by military courts. The Decree Laws, widely regarded as being modelled on Peru's 1992 anti-terrorism legislation, were severely criticized by jurists and human rights organizations."

Leaders of IDP organizations have been targets of attacks (2001)

- Leaders of displaced persons organizations and of local NGOs have been regularly threatened, targeted and in many cases killed
- Government members have issued statements implying that human rights activists and social leaders are implicated with 'terrorists'
- Insurgent forces like the Shining Path have killed members of church organizations helping the internally displaced

Cohen and Sanchez-Garzoli May 2001, pp.13-14:

"Leaders of displaced persons organizations and of local NGOs have been regularly threatened, targeted and in many cases killed. There is a deep suspicion of the watchdog role independent organizations try to play in the countries affected by internal displacement [...] In Peru, government members have also issued statements implying that human rights activists, academics, NGOs, and political and social leaders are implicated with 'terrorists', thereby increasing the chances that they will be persecuted or prosecuted unfairly.[...] insurgent forces

like the Shining Path have condemned human rights activists as being 'reactionary' and 'bourgeois' parts of the establishment. They have also killed members of church organizations helping the internally displaced. In 1996, the Shining Path is reported to have assassinated 124 persons, including community leaders in areas of returning refugees and internally displaced persons."

SUBSISTENCE NEEDS

General

Half of the Peruvians live in poverty and the rate doubles in areas were IDPs originate from (2004)

- While in the interior many IDPs might still suffer from the consequences of displacement: living in extreme poverty, without any basic services, jobs requiring low education and capital, the situation has slightly improved over the past years
- IDPs surveyed in 1994 and 2001 in main departmental capitals show clear progresses in integration
- In Peru, 54,8% of the population lived in poverty, and 24,4% in extreme poverty in 2001
- In the highland Amazon areas, where IDPs come from, poverty rates are twice as high as in coastal areas

ICRC & PAR, 31 December 2003, p.48:

“La imagen que suele proyectarse acerca de los desplazados es la de una población en carencia absoluta: condiciones de hacinamiento y precariedad, ausencia de servicios; actividades labores que requieren baja escolaridad y escaso capital (como guardianes, vendedores ambulantes, jardineros y otros empleos similares); sub alimentación y exposición permanente a una serie de enfermedades (TBC, IRAs, EDAs); bajos niveles de educación, problemas de aprendizaje e integración; y por último, desprotección legal por carencia de documentos.

Si ello puede haber sido cierto en las etapas iniciales, y puede corresponder aún a la situación de muchos desplazados en el interior del país, los datos recogidos por dos encuestas aplicadas en varias ciudades refugio (Lima, Huamanga, Huanta, Huancayo, Ica, Abancay) en 1994 y en el 2001, muestran que la situación ha evolucionado, evidenciando que se han producido procesos de inserción en las ciudades. »

UN CHR, 11 February 2004, para.17:

“Since 1997, poverty levels have been on the rise in Peru. In 2001, 54.8 per cent of the population were in poverty and 24.4 per cent in extreme poverty. The situation is much worse in rural areas in the highland or Amazon, where the incidence of poverty is almost twice that of the coastal areas. Rural-to-urban migration in search of job opportunities and better life prospects has exerted enormous pressure on the availability of land and services. The result has been the rapid growth of informal settlements over occupied lands in which most of these poor people live in overcrowded and substandard quality housing with no security of tenure and access to services. The Special Rapporteur was able to view this situation first-hand in visits to numerous rural and urban areas in the country.”

Food

Food assistance to IDPs increased between 1997-2001 from about 50% to about 70% (2003)

- 42% of returning IDPs had access to state milk allocation in 1997
- In 2001 returning IDPs' access to state milk was 81%, in addition 75% of the returned displaced participated in mothers' clubs and 31% had access to popular soups
- Among integrated IDPs in urban centres percentages were similar with between 70-80% milk, and 60-70% of people participating in mothers' clubs

ICRC & PAR, 31 December 2003, p.65:

« En lo que respecta al acceso a servicios del Estado, en particular a los de salud y al reparto de alimentos (comedores y programa de vaso de leche), los retornantes tenían poco acceso en 1997. En promedio 42.1% accedía al vaso de leche, aunque con gran variación de acuerdo a los departamentos: había más acceso en Apurímac (57.5%) y mucho menor acceso en Ancash (15.4%). Estos porcentajes podrían haberse incrementado pues el estudio a profundidad del 2001 señala un 81% de cobertura del vaso de leche y un 75% de participación en clubes de madres (más un 31% en comedores populares). Si estas cifras son generalizables, ello igualaría a los retornantes con los insertados en el acceso a alimentos, pues los últimos registran, según las ciudades, una cobertura entre el 70% y 80% en vaso de leche y entre 60% y 70% en clubes de madres. »

Water and sanitation

Most IDPs in Lima have only access to trucked water which costs seven times more than piped water (2004)

- Lack of water and sanitation was a top-priority concern for all poor communities visited
- In the poorest region of Peru in the Loreto Province of the Amazon, between 50-60% of the residents of the Belen community (most of them IDPs) had no access to water and sanitation services, as a result infant mortality rate was 4.9%
- Water from the river deserving the Belen community is contaminated by mercury from companies exploiting gold on the Brazilian side of the river
- Despite Loreto being the poorest region, only 2.4% of government budget is allocated to the area
- According to recent surveys, 80% of settled IDPs have electricity, 70% have drinking water and 40% have sanitation services
- IDPs who settled in towns have three times better access to services such as drinking water compared to those who returned
- 44% of the returnees in Ayacucho have access to drinking water and 24% to latrines thanks to state assistance

UN CHR, 11 February 2004, paras. 23, 27, 28,29:

"Lack of adequate water and sanitation was a top-priority concern for almost all the poor communities that the Special Rapporteur visited. Over the years, large numbers of people have been displaced owing to political violence. Informal settlements have mushroomed, largely fuelled by poverty. [...] In many poor communities in Lima, people only have access to water through

tanker trucks, which cost them as much as seven times the rates for piped water. This type of discrimination against poor communities should to be tackled immediately. Furthermore, resettlement policies should ensure that the rights of people are protected. In many communities in Lima visited by the Special Rapporteur, people have been resettled in areas very far from where they used to live and have no civic services or employment.

[...]

While the average resident in Lima pays 40 cents per cubic metre for water from their taps, the poor in informal settlements around Lima are paying up to US\$ 3 per cubic metre for low-quality water delivered by a water truck.

[...]

To obtain a better appreciation of housing and living conditions in rural areas, the Special Rapporteur visited Belen community in Iquitos, in the Amazon province of Loreto, one of the poorest regions in Peru. Loreto Province is also home to a large number of indigenous people. Many of them have been displaced from the jungle due to terrorism in the past or the economic activities of private companies. The population of Iquitos, the capital of Loreto, has thus grown rapidly from approximately 50,000 to 386,000 over the last 15 years. However, the economy remains underdeveloped, because of its isolated geographical position surrounded by the jungle with few transportation links to other parts of the country, and general neglect in the past by the central Government.

In Belen, one of the poorest communities in Iquitos, residents live in overcrowded housing in very precarious conditions, elevated from the ground due to constant flooding from the Amazon and the Nanay rivers. As 50 to 60 per cent of the residents have no access to water and sanitation services, water-borne diseases are rampant, affecting children the most. The infant mortality rate in Iquitos is 4.9 per cent. Furthermore, the river water is reportedly contaminated with mercury from the companies dredging for gold on the other side of the Nanay river in Brazil. The poor housing and living conditions and lack of employment have also led to a number of other social problems in Belen, such as crime and youth delinquency, prostitution, street children, sexual abuse of women and children, and the spread of HIV/AIDS.

[...]

Despite Loreto being the largest and one of the poorest regions, only 2.4 per cent of the central Government's budget is allocated to Loreto"

ICRC & PAR, 31 December 2003, p.53,65:

"Dados los niveles de carencia registrados en 1994, la situación del acceso a servicios también ha mejorado significativamente. Más de las dos terceras partes (80.8%) de los insertados tienen ahora acceso a energía eléctrica y a agua potable (70.3%) y algo más de un tercio (40.6%) tiene instalaciones de desagüe, cifras que contrastan con los altos niveles de carencia registrados en 1994.

[...]

En cambio, en el acceso a servicios hay una clara ventaja del lado de los insertados en proporción de tres a uno tanto en acceso al agua potable como a la energía eléctrica, con brechas mayores en algunos departamentos como en Ayacucho. Cabe señalar que en los últimos años, el trabajo del PAR estaría revirtiendo la situación o en todo caso reduciendo la brecha. De hecho, en las comunidades de retornantes ayacuchanas apoyadas por el Estado, el 44% de la población accede al agua potable y 24% cuenta con letrinas (Del Pino 2001). »

Shelter and non-food items

About 200,000 people in Lima live in shacks 17 years after displacement (2004)

- Peru has a housing deficit estimated at 1.2 million units, of which 300,000 need to be built anew and 900,000 improved, according to the Special Rapporteur on Housing
- The most serious problems are lack of land titles, civic services and secure tenure
- Housing programmes are not reaching the extremely poor, representing 25% of the population among which many are female-headed households, and indigenous people
- There is a lack of prioritisation to improve the housing situation in rural and less developed areas and government assistance is disaster-orientated
- The housing situation in Peru has degenerated due to the neglect of rural areas which led to uncontrollable migration to urban areas where people live on unsafe terrain, with precarious houses, no water and sanitation nor electricity
- IDPs settled in these peripheries with no access roads nor basic services
- Fujimori removed right to housing from the Constitution in 1993
- One third of the IDPs have settled in Lima (about 200,000) and after 17 years they still lived in shacks receiving no assistance to upgrade their houses
- 32% of the IDPs declare having a brick house and in Lima 23% had a house made up of improvised materials
- The majority of returnees (81,9%) declare having their own house
- In Apurímac and Junín, IDPs who chose local integration lacked shelter

UN CHR, 11 February 2004, paras.6,7,18:

“The Special Rapporteur found the housing situation in Peru very grave. The housing deficit is currently estimated at 1.2 million units, of which 300,000 new housing units are needed and 900,000 units are in need of improvement. During the mission, he received numerous petitions and information on impediments that people face, such as: lack of title, civic services (particularly water) and secure tenure; houses built in high risk-zones and the collapse of land from mining activities; families and communities facing evictions; provision of title without the attendant civic services; and pollution of natural resources, particularly water and air.

[...]

The Special Rapporteur recognizes the efforts of the Government in tackling housing problems, but these have not addressed all aspects of the problem. For example, his assessment is that various housing programmes are not reaching the very poor, who represent 25 per cent of the population, living in the most precarious conditions with no capacity either to save or pay a contribution to participate in these programmes. There is a need for more focus on subsidy policies for the poor and for more flexibility in such housing programmes. There also needs to be much greater stress in housing and other policies on women’s rights to land and housing, such as protection of female-headed households. Other groups should also be focused on, such as children, persons with disabilities and indigenous people.

[...]

There seems to be a lack of priority and few resources given to improving the situation of housing in rural and less developed areas. The responsibility for rural development, including housing, falls within the purview of a relatively small government agency whose assistance focuses mostly on areas affected by natural disasters.

[...]

The housing sector in Peru for poor people, who constitute more than half of the population, is under intense pressure due to several factors, including diverse geographical features, long-standing neglect in the rural areas, and uncontrollable migration flow from rural to urban areas. These poor people often live on sand dunes and barren lands at the periphery of large cities, with precarious houses made of mats or woods, with no water supply, sewage, electricity or telephone. They do not have access roads, community centres, education or health services.

[...]

The absence of a housing policy during the last decade is also symbolized in the Constitutional revision of 1993 that had removed the reference to the right to adequate housing. Compared to other sectors such as health and education, housing had been accorded less priority in the allocation of resources and development of institutional networks, reflecting the general lack of political will.

[...]

Economic motives, however, were not the only factor in this rural-to-urban migration trend. It is estimated that the political violence which prevailed in the country between 1980 and 1993 produced around 600,000 internal displaced persons from the conflict areas. One third of these people have settled in the vicinity of Lima, often in areas without access to services and without security of tenure. For example, residents of the Project Kuelap in El Agustino District of Lima, where the Special Rapporteur visited, have been living for 17 years after displacement in rented shacks without security of tenure, access to services or financial credit to upgrade their houses.”

ICRC & PAR, 31 December 2003, p.53, 64:

“El cambio más significativo, que muestra cierta capacidad de «acumulación» o de mejora, son los materiales de las viviendas. En 1994, sólo el 8% tenía casas construidas predominantemente con material noble; en el 2001, 32% declara tener casas con paredes de ladrillo. Sin embargo, en Lima quedaría un remanente importante de familias pobres pues un tercio señala que el material de las paredes de sus viviendas es madera (22,4%), esteras (1,4%) o material improvisado (23.8%).

[...]

La mayor parte de los retornantes declara contar con vivienda propia (81.9%), porcentaje que podría haberse incrementado por el tiempo transcurrido sumado a las políticas de apoyo al repoblamiento de parte del Estado y ONGs. El informe del 2001 señala que en el norte de Ayacucho el 95% de la población tiene vivienda propia, en tanto que en el sur las cifras son bastante menores (entre 55% y 87%). En promedio, los insertados se encuentran en una situación similar respecto a la vivienda, sin embargo, en algunos departamentos hay diferencias: en Ayacucho retornantes e insertados estarían aproximadamente en la misma situación, en tanto que en Apurímac y Junín, los desplazados insertados sufren carencia de vivienda, lo que no ocurre entre los retornantes.

ACCESS TO EDUCATION

General

Low education levels and poor mastery of Spanish language were obstacles for IDPs to adapt to urban context (2003)

- The majority of the displaced populations in the three main urban areas of refuge (Lima, Ica and Huancayo) speak both Quechua and Spanish
- 25% of IDPs speak only Quechua
- 42,8% of IDPs in Lima were illiterate and only 35% had completed primary education according to a survey conducted in 1993
- A survey comparing education levels of IDPs integrated in towns from 1994 and 2001 shows an increase of people who know both Quechua and Spanish as well as an increase in the levels of education
- The majority of returnees (57.6%) had primary education level, only a fifth had access to secondary education
- Of the very few which have superior education, the ratio for men is double that of women

ICRC & PAR, 31 December 2003, p.49:

« La comparación de la encuesta de 1994 con la del 2001 muestra un cambio en el nivel educativo de los desplazados/insertados en las ciudades (ver cuadro 14). En el dominio lingüístico hay un cambio en los idiomas que declaran conocer, destacando una sensible disminución de quienes reconocen hablar quechua. Así, si en 1994, en Ayacucho lo hacía el 97.9%, en el 2001 sólo lo declara el 79.1%. También se reduce el porcentaje de quienes hablan sólo quechua de 20.2% a 4.9% y sucede lo mismo en Lima en donde además se incrementa ligeramente el porcentaje de castellano hablantes (de 93.2% a 96.8%).

Hay también un incremento en el nivel educativo general de la población desplazada/insertada, aunque con sensibles diferencias por género. Actualmente, el nivel promedio de formación de los padres de familia es la educación secundaria y de las madres, la primaria. El porcentaje de población con educación secundaria crece del 16.8% -en general-, al 44.9% para los varones y al 23.3% de las mujeres, en tanto que la educación superior pasa del 2.0% al 8.9% para los varones y 5% para las mujeres (ver cuadros 15 y 16). Estas cifras revelan que, sin duda, por lo menos para los varones, el espacio urbano ha significado mejores posibilidades de acceso a la educación. Por otro lado, el aumento en el nivel de instrucción en el ámbito familiar se da como efecto de la mayor formación de los hijos de los desplazados.

[...]

La mayor parte de los retornantes tiene, en el mejor de los casos, educación primaria (57.6%). Sólo una quinta parte alcanza un nivel secundario y una pequeñísima porción ha cursado estudios superiores -los hombres el doble que las mujeres-. »

CVR, 28 August 2003, Tomo VI, 1.9:

« En Lima, en cuanto a la variable idioma, el sector mayoritario lo conforman personas bilingües, que hablan español y quechua a la vez. Sin embargo, cabe señalar que por lo general en este grupo están incluidas personas cuya lengua originaria es el quechua y que hablan el español muy limitadamente. De igual manera que en el caso de Lima, en Ica la mayoría de los

desplazados son bilingües (quechua-español), y representan el 72.2 % del total. Cabe recordar que siendo el quechua su lengua originaria, estas personas bilingües no necesariamente hablan el español correctamente. De otro lado, es significativo el porcentaje de las personas que sólo hablan quechua (25.0 %), es decir, la cuarta parte del total. De manera similar que Lima e Ica, en Huancayo se trata de población desplazada mayoritariamente bilingüe (quechua-español): 49.4 % del total que equivale a casi la mitad de las personas.

[...]

En un estudio realizado en Lima se demostró que un 42,8% de los desplazados eran analfabetos y otro 35% sólo había completado el ciclo de enseñanza primaria. Por consiguiente, los desplazados tienen graves dificultades para adaptarse a la vida en las zonas de refugio, especialmente en las ciudades (Rodríguez 1993: 15). »

ISSUES OF SELF-RELIANCE AND PUBLIC PARTICIPATION

Self-reliance

Displaced populations face major obstacles when trying to access the urban labour market (2003)

- The majority of head of household were construction workers (49%), 35% of women were housewives
- Nearly the double of women worked as street vendors compared with men
- The majority of the returnees are independent workers (88,9%9, and 52% are workers in the primary sector
- Most displaced people who settled in cities were inserted in the lowest social strata and suffered from discrimination
- Most IDPs arrived in urban settings with agricultural skills hardly transferable to the urban labour market
- IDPs are often poorly qualified for the jobs available in the cities and lack access to start-up funds
- They also have difficulties complying with the bureaucratic requirements to start up businesses
- Many IDPs work more than 14 hours per day in street trading and temporary jobs
- The difficult economic situation for displaced families forces many displaced children to look for work, sometimes in hazardous environments
- If IDPs manage to find employment, it is in the informal sector where they are easily exploited
- Women face particular difficulties in seeking employment since they in general have a low level of education and do not speak Spanish

ICRC & PAR, 31 December 2003, p.57,63:

« Por su parte, la encuesta del 2001 no incluye la situación laboral general, pero sí la actividad principal del padre y de la madre de familia. Según sus cifras (ver cuadro 23), la mayor parte de los jefes de hogar son obreros (49.1%), en tanto que la mayoría de las mujeres se ocupan en primer lugar de su hogar (35.8%). Ser comerciante es la segunda opción de ocupación tanto para hombres como para mujeres (11.2% y 22.1%, respectivamente). Hay más varones empleados que mujeres (9.2% contra 4.9%) -y hay más empleo en Lima-, pero más ambulantes mujeres que varones (10.6% contra 6.2%).

[...]

La mayor parte de los retornantes encuestados en 1997 aparecen como «trabajadores independientes» (88.9%) y en segundo lugar como obreros (3%), dedicándose mayoritariamente a actividades primarias (52%), seguidas de comerciales (14%) y construcción (13%), un porcentaje bastante menor (6%) se dedicaría a «manu-factura» (artesanía)»

CVR, 28 August 2003, Tomo VI, 1.9:

“El asentamiento de los desplazados en las ciudades los ubicó en los lugares más bajos de la escala social, agravando su situación de pobreza, en condiciones de competencia laboral

precaria se incorporaron al sector informal de la economía, siendo pasibles de discriminación étnica y cultural. »

MENADES, 16 September 1999, p. 1-2:

“Las familias presentan grandes desventajas para incorporarse al mercado laboral debido a la baja calificación de su mano de obra y nivel de capacitación para desarrollar servicios o actividades productivas en la ciudad. La ausencia de un capital mínimo les impide: implementar una actividad independiente y acceder al mercado. Además, encuentran dificultades para cumplir con los requisitos de formalización de la actividad productiva o de comercio.

La mayoría de los desplazados se encuentran subempleados, con trabajos eventuales, o dedicados a la venta ambulatoria, teniendo bajos ingresos, y prolongadas jornadas de trabajo que superan, en muchos caso, catorce horas diarias.

La población infantil de familias desplazadas se ve obligada a contribuir con la economía del hogar desarrollando trabajos nocivos para su salud integral.

Por último, la población afectada señala que el principal factor para la no solución a este problema es la ausencia de una política de promoción del empleo desde el Estado y de protección de los derechos laborales.”

UNCHR, 1 April 1996, para. 91:

"[...] Unemployment is a major problem affecting the displaced. They usually have no access to credit, so it is difficult to start up any sort of business to generate income. When they are able to find work, it is in the informal sector, where they are easily exploited. According to one NGO working in Huachipa, many displaced persons, including children, work in mud brick factories, where salaries reach US\$ 22-50 per week, for 12-hour working days. Others work in construction. In fact, those who find such jobs are considered to be fortunate, since they have an income. [...]"

UNCHR, 1 April 1996, para. 68:

According to the report of the Representative of the Secretary-General, women face specific "[m]arginalization and discrimination, especially in finding employment, in particular because they usually have no education and no command of Spanish. One study undertaken in a Lima slum showed, for instance, that 89 per cent of the displaced who were completely illiterate were women. [...]. Most of these women remain isolated in the shanty towns. [...]. NGOs providing assistance to the displaced note that the cultural barriers between them and the displaced women are hard to break, making it difficult to provide psychosocial support." [...]

The label of 'internally displaced people' may not be representative of common livelihood strategies (2001)

- The label of IDP tends to undermine 'mobile livelihoods' which offer the best opportunity for sustainable development among economically vulnerable populations
- The experience of war transformed previous patterns of mobility by constricting people to one place and/or forcibly displacing communities to other sites
- People displaced away from their lands became seasonal labourers, street vendors or domestic servants
- These common 'mobile livelihoods' make it difficult to measure the extent of displacement

Stepputat and Sorensen, 2001, p. 772:

"We suggest that a shift in analytical focus will help us to imagine such 'useful development initiatives' among refugees and IDPs. While the deeply engrained assumption that the lives of refugees and IDPs are marked by profound discontinuities is valid in many cases, it also produces a certain analytical blindness, with the inherent risk of misconceiving interventions on their behalf. We believe that a greater perceptiveness of the role of mobility (or lack of mobility) prior to, during and after violent conflicts will often show that places of refuge are not necessarily new to people fleeing violence, whilst spatial constriction appears to be a common, and often devastating, condition during violent conflict whether people are 'displaced', 'migrants' or 'stayees'."

Stepputat and Sorensen, 2001, p. 774:

"During the 1960s and 1970s migration increased, including new groups of poorer households. While extending their spaces of livelihood, these households faced less secure economic conditions and were unable to buy property in the cities. For both groups, the central lowlands became a new site of settlement as more and more highland peasants acquired additional land at the edge of the Amazonas from the 1950s onwards.

These well-established mobile livelihoods were severely changed by the outbreak of civil war. The arrival of *Sendero Luminosos* in the rural communities of the valley and the surrounding mountain areas during the 1980s forced the inhabitants to change their mobile lives for at least two reasons: either to follow the demands of SL, not to leave the villages at all (to prevent villagers from informing the Peruvian military about SL's presence), or to abandon their fields and livestock and flee to safer (urban or not yet 'liberated' rural areas), hereby displacing themselves on a more permanent basis. The latter strategy was also a response to the military presence in what soon became declared *zona roja* – the red zone – by the Peruvian government".

Stepputat and Sorensen, 2001, p. 774:

"Thus the presence of SL and the military resulted first and foremost in a discontinuation of well-established mobile livelihood practices."

Stepputat and Sorensen, 2001, p. 775:

"People who had to develop new livelihoods away from their land and pasture either entered the agricultural sector in the Mantaro Valley, which had a high demand for cheap seasonal labour, or they tried to make a living as street vendors or in domestic services. Seasonal labour in sugar, coffee or cotton plantations at the lower altitudes was a necessity for most of the poorer families, and it was very common for Huancayo-based households to have at least one member looking for wage labour or other opportunities in Lima. Establishment in Lima was facilitated to a great extent by established networks of kin or community, such as the 'confederations of households'."

Public participation

Crimes suffered by the Andean communities: never heard due to deep-rooted racism in Peru (2004)

- The Final Report of the Truth and Reconciliation Commission (CVR), confirmed that the main victims of political violence were from rural Andean communities (79%), Quechua-speaking (75%) and poor and uneducated
- The CVR reported that crimes against the Andean community were common because they have historically been treated like second-class citizens without rights, whose lives had no value

- Racial discrimination against “el mestizo, el indio, el negro” is so deeply rooted in Peruvian society that Andean communities were unable to denounce when their rights were violated

CNDDHH, 1 January 2004, Ch.3, p.90:

“El Informe Final de la Comisión de la Verdad y Reconciliación he revelado una verdad histórica , por muchos años en nuestro país la mayor parted e pobladores han sido ignorados por las élites políticas. Según este informe las principales víctimas de la violencia política fueron los integrantes de la población rural andina o selvática (79%), quechuahablantes (75%), pobres y con niveles de educación inferiores o en su mayor parte, inexistentes. El reso del país vivió de espaldas a esta realidad y desconoció o no aumió la tragedia, la muerte, la desaparición o la tortura sufrida por estos compatriotas.

[...]

Los crímenes que se cometieron contra la población andina se explican en buena medida porque tradicionalmente fueron vistos como seres sin derechos personas cuya ciudadanía nunca ha sido una ciudadanía real sino imaginaria, mostrando que en el país algunas vidas valen mas que otras.

[...]

El biotipo racial « blanco » es considerado como ideal de hermosura y es asociado a las posibilidades de « éxito », en contraste el cholo, el msetizo, el indio, el negro, son considerados poco agraciados.

[...]

Sin embargo la ausencia de denuncias demuestra que esta situación está fuertemente arraigada en el imaginario de la población y afecta seriamente la autoestima de las personas, disminuyendo la capacidad de ejercicio de l aciudadanía, por lo que las víctimas no se atreven a denunciar actos discriminatorios a pesar de ser considerados como delito en le sistema penal (Art. 323 del Código Penal).»

CNDDHH, 2003:

“Una de las principales consecuencias del desplazamiento es la generación de un importante sector de indocumentados. De acuerdo a datos brindados por la Mesa Nacional de Desplazados (MENADES), integrante de la CNDDHH, el Programa de Apoyo al Repoblamiento (PAR), registra 700 mil personas afectadas por este fenómeno, de las cuales un 60% serían jóvenes que se encuentran en calidad de omisos a la inscripción militar y, por lo tanto, sin posibilidades de tramitar su Documento Nacional de Identidad (DNI), lo que los coloca en un limbo jurídico y les impide de ejercer sus principales derechos políticos.”

Hundreds of thousand of displaced could not exercise their civil and political rights (2004)

- IDPs preferred to abstain from voting and requesting identification documents in 2000 by fear of being detained
- No candidate to the presidency addressed the IDP issue in 2000
- About 700,000 people registered by PAR lacking identity documents and have been by the same token deprived from their civil and political rights for years

CNDDHH, 2003:

“Una de las principales consecuencias del desplazamiento es la generación de un importante sector de indocumentados. De acuerdo a datos brindados por la Mesa Nacional de Desplazados (MENADES), integrante de la CNDDHH, el Programa de Apoyo al Repoblamiento (PAR), registra

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CNDDHH, March 2001, Sect.3.2. e:

"Al ser el 2000 un año electoral, miles de desplazados, que a su vez t sufren el problema de cargar sobre sí una requisitoria, se vieron impedidos materialmente de ejercer su derecho al sufragio en vista de su temor a ser detenidos, pese a que la norma electoral prohíbe las detenciones el mismo día de las elecciones. Lamentablemente, las poblaciones desplazadas no han podido ver plasmada su problemática en ninguno de los discursos políticos de los candidatos presidenciales."

Displaced persons labeled as politically 'subversive' (2001)

- Displaced persons are in danger of being seen as politically 'subversive', unless displaced people joined government defence patrols against the insurgency
- Although some displaced voluntarily joined the Maoist insurgency most of them were forced to do so or were killed otherwise
- Many of those who fled political violence were imprisoned for suspected terrorist ties

Cohen and Sanchez-Garzoli May 2001, p.6:

"Internally displaced persons in the Americas are not only drawn disproportionately from the more marginalized sectors of the society but must also shoulder the danger of being labeled politically 'subversive'.

[...] And in Peru, persons displaced by the brutal Sendero Luminoso (Shining Path) were often denounced as supporters of this self-described 'Maoist' insurgency and faced the threat of requisition or arrest for suspected terrorist ties. Some displaced persons, to be sure, voluntarily joined Sendero and took part in their attacks, but many were forced to do so. The Ashaninkas of the Amazonia, for example, in the mid-1980s were forced by Shining Path guerrillas to join them or be killed. Thousands as a result fled the area, abandoning their farms, but many still faced summary trials and prison terms for suspected terrorist ties. Unless the displaced from these areas joined government defense patrols against the insurgency, they would be treated as subversive by the army."

DOCUMENTATION NEEDS AND CITIZENSHIP

General

Many displaced persons lack basic documentation (2003)

- National Commission on Human Rights reported that among the 700,000 people registered without documentation, 60% were conscientious objectors
- Most IDPs do not have birth certificates and voter registration cards
- PAR provided documentation to IDPs which could be used to request government assistance to return and then to apply for a national ID
- Without basic documents displaced people cannot legally hold jobs, conduct bank transactions, or register their children at school
- IDPs without ID were at risk of detention and forced conscription
- Many IDPs were not entitled to apply for permanent documents because they had not completed military's service
- In 1998 the government started to provide provisional identity documents to more than 356,000 people, many of whom IDPs, but only 21,000 applied for and received permanent documentation due to distrust towards authorities
- By 2000, over 764,907 persons were registered for documentation, 400,000 of whom were military objectors
- The Program for Provisional identity established in 1989 in order to issue provisional identity documents to more than half a million Peruvians did not reached its targets and was not recognized by other state institutions

CNDDHH, 2003:

"Una de las principales consecuencias del desplazamiento es la generación de un importante sector de indocumentados. De acuerdo a datos brindados por la Mesa Nacional de Desplazados (MENADES), integrante de la CNDDHH, el Programa de Apoyo al Repoblamiento (PAR), registra 700 mil personas afectadas por este fenómeno, de las cuales un 60% serían jóvenes que se encuentran en calidad de omisos a la inscripción militar y, por lo tanto, sin posibilidades de tramitar su Documento Nacional de Identidad (DNI), lo que los coloca en un limbo jurídico y les impide de ejercer sus principales derechos políticos."

US DOS, 4 March 2002, Sect.2 para d

"Political violence in the 1980's and early 1990's resulted in the internal displacement of hundreds of thousands of persons and massive migration. Despite government and NGO efforts, many internally displaced persons (IDP's) lack basic documentation, such as birth certificates and voter registration cards. The Government's program for the Repopulation and Development of Emergency Zones (PAR) provides documentation that can be used both to request PAR assistance to return to one's community of origin and to apply for a national identity card"

Cohen and Sanchez-Garzoli May 2001, p.8:

"In Peru, especially in the mid 1990s, many displaced persons did not have basic documents, in particular birth certificates, the libreta electoral to record participation in elections or the libreta military, a military registration card. Without these, they could not legally hold jobs, conduct bank

transactions, or even in some cases register their children in school. Nor could they prove their title to land or property. And they risked arbitrary detention, false charges and conscription by the armed forces."

MENADES 4 December 2000, p.1-2:

"El Programa de documentación del PAR es el más importante por la cobertura que alcanzó y su significación política. Incorporar a 764,907 ciudadanos al ejercicio de sus derechos ciudadanos habla por sí solo, dado que esta cifra equivale al 6% de la PEA y a la población electoral de 8 departamentos del país y ha sido el principal contingente de nuevos votantes entre las elecciones municipales y el proceso electoral último.

El programa se aplicó con un alto grado de centralización y confidencialidad lo cual hizo imposible mecanismos eficaces de fiscalización en tan delicado asunto. Municipios, Iglesias, Ministerios, que según la ley podían contribuir a potenciar el programa nunca fueron convocados.

Los resultados hasta donde nos ha sido posible analizar han hecho evidente dos grandes problemas sociales:

- a) La existencia de un vasto movimiento de resistencia civil en relación al servicio militar obligatorio durante el desarrollo de la guerra ya que más de 400 mil jóvenes omisos han sido los principales beneficiarios,.
- b) La indocumentación es un mal endémico en el país que tiene bases estructurales que hace que de manera permanente se generen el problema de la indocumentación."

Cohen and Sanchez-Garzoli May 2001, p.9:

" In Peru, in 1999, the government with prodding from international organizations and NGOs provided provisional identity documents to more than 356,000 people, many of whom were displaced. However, only 21,000 of those then applied for and received permanent documents. One reason was that a large number of displaced men had not completed their mandatory military service and without proof of having performed this service, could not apply for permanent documents. Another reason was the continuing fear and distrust of the displaced by government officials. Here, NGOs could help mitigate the problem since they have regular direct contact with the displaced and could encourage them to apply. Their inclusion in the implementation of the program would doubtless increase the numbers if displaced with permanent documents."

USCR, 1999:

"According to the Mesa, that was primarily because a large number of displaced people in particular had not completed Peru's mandatory military service. Many had objected to the military's role in the conflict. Without proof of military service, males could not apply for the permanent identity document."

CNDH 1997, section 3.3:

"[T]he identity document it provides, despite the fact that it is free, has not reached as many people as hoped and, just as importantly, has not gained the recognition of other state agencies, military or judicial authorities. The document is also not accepted by private entities such as banks. Displaced persons thus suffer double discrimination as a result of a law that was supposed to protect those who did not have documents. This is evidence of the necessity to publicize this program more widely so that its benefits will become available to the majority of displaced persons and particularly to those living in the most remote rural areas. To reach this goal, it is necessary to open specific channels for participation by the civilian population and, particularly, to assure that peasant communities, local government, the churches, and NGOs participate in this effort."

ISSUES OF FAMILY UNITY, IDENTITY AND CULTURE

General

Displaced people commonly face problems related to family desintegration

- Disintegration of families is the main problem facing the displaced, but they also face problems like antisocial behavior of children and hostility from the resident population in urban settings

UN Commission on Human Rights 1 April 1996, paras. 88-90:

"[...] One of the most challenging problems among the displaced is the disintegration of families and communities. Large numbers of widows and orphans was a characteristic of every displaced or returnee community the Representative visited; for instance, in one returnee community of 850 persons, Puerto Ocopa, most of the adults are women and 50 per cent of the population are children; 70 children are orphans. A study in the marginal urban areas of Ayacucho shows that of a total of 1,171 families, 200 are headed by widows and another 95 by mothers whose husbands disappeared or were forcibly recruited. [...]. Many children have lost one or both parents, either because they have died or because the family has been scattered. Some orphans are taken care of in institutions sponsored by the Catholic Church, or in State-sponsored orphanages. However, these institutions exist only in major cities. It appears that practically no assistance is available from the State in the rural areas.

On the social and family levels the repercussions of displacement for children include antisocial and secretive behaviour and, owing to the culture shock they go through and the discrimination they encounter, they experience shamefulness of their origin or their language. The family environment has also been influenced by the climate of insecurity, fear and frequent absence of the father. [...].

Conflicts have arisen between the returnees and those who never fled or between the recuperados and their families. In group therapy workshops in Lima displaced women lamented the indifference and hostility they were experiencing in the urban setting even in the midst of their own communities. On the other hand, numerous communities have more or less remained together through displacement, and have maintained many of their cultural traditions. This helps to alleviate to some extent the acute problems of loss of family and community and facilitates the process of return to the areas of origin. Because of displacement, some communities now have greater access to the State and feel more integrated. The involvement of the military in the rural areas contributed to the erosion of the community authorities in the area of law and justice. Traditional leadership structures have changed and in some cases have become surprisingly more democratic. [...]"

PROPERTY ISSUES

General

Displaced indigenous populations deprived from access to their traditional lands (2004)

- Most of the 300,000 indigenous people of the Amazon have spiritual ties to their land and ownership is communal, and land is not a marketable commodity
- The only law defending indigenous rights to land is that it is not possible to assign the land to a non-indigenous person, however, it can be sold and bought
- Rising conflicts between indigenous communities and mining companies caused by the fact that indigenous people have no rights on the subsoil
- IDP agriculturalists unable to regain their lost lands as settlers secured titles in their absence
- Only an estimate 30% of displaced who own land hold titles
- Displaced people have no way to substantiate their land rights, as land was owned communally, they did not possess titles before fleeing and also lack proper documents
- Lands left fallow declared abandoned under the Constitution regardless of sustainable forest agriculture requiring seasonal migration and shifting types of cultivation
- Rising conflict between displaced and non-displaced over property rights as the stayees see those who fled as "deserters"

US DOS, 25 February 2004, sect. 5:

"The native population of the Amazon region, estimated at between 200,000 and 300,000 persons, faced pervasive discrimination and social prejudice. In accordance with local culture and traditions, most of the native communities have a spiritual relationship with their land, and the concept of land as a marketable commodity is alien to them. Nevertheless, according to the director of the Human Rights Ombudsman's Native Communities Program, the only right still statutorily set aside for this native population with respect to its land is that of "unassignability," which prevents the title to such lands from being reassigned to some nonindigenous tenant by right of tenure. However, the marketing and sale of the lands are no longer prohibited.

Indigenous groups continued to resist encroachment on their native lands by oil exploration and drilling interests. Many indigenous persons did not have title to the land on which they lived. For those who did, title to land does not include mineral or other subsoil rights, which belong to the State; this problem led to conflicts between mining interests and indigenous communities. Indigenous groups asserted that such encroachment often can damage the environment and negatively affect the health of the native people."

CNDDHH, March 2001, Sect.3.2. e:

"Entre los problemas que afectan a los desplazados que regresaron a su antiguas ubicaciones se encuentran los litigios que se han visto obligados a sostener con los actuales poseedores de sus propiedades. Es importante señalar aquí que si muchos de los desplazados eran agricultores y que casi la totalidad de su patrimonio eran las tierras que cultivaban antes de ser abandonadas, y que al haber transcurrido alrededor de 20 años desde que se inició la etapa de la violencia, los actuales poseedores de aquellos terrenos pueden haber ganado la propiedad de los mismos por

prescripción adquisitiva de dominio, lo que implicaría que los desplazados habrían perdido gran parte de su patrimonio."

UNCHR, 1 April 1996, para. 99:

"The issue of land was repeatedly raised during the Representative's mission. According to article 88 of the Constitution, the State protects the right to own land. Some, however, believe that land reforms still have to be carried through. In addition, abandoned lands become State property and can be sold. Lands that are abandoned because of violence also become State property, unless an exemption is granted by the regional agrarian authority. [...]. To obtain such an exemption, a certification by a military or police authority about the violent incident is required, as well as proof of title; frequently, though, those fleeing cannot obtain the documents. In addition, there is no systematized information about the status of many lands since 1980. It is estimated that only 30 per cent of those who own lands hold titles to them. Some of the displaced have moved into the property of others, and are threatened with eviction; some of those who did not flee have taken over the land of those who did flee. Many displaced have no way of proving their property rights; many cases are pending before the courts, but the problems are not being solved promptly or efficiently.

Under the old constitutional regime, lands belonging to communities rather than individual owners were excluded from the registration and ownership regimes. Under the new Constitution, this is no longer the case. As a consequence, communal lands can also be declared abandoned if not farmed for more than two years. According to the native communities the Representative met with, this legal regime does not take into account that the type of forest agriculture that is sustainable in the selva requires a migratory or shifting type of cultivation. In addition, law 26505, promulgated on 18 July 1995, allows these lands to be sold. Some fear that the poorest communities will be tempted to sell for cash, and thus lose their most important resource.

Indigenous communities in Peru have preserved to a large extent their traditional living patterns and customs. In the past decades, however, the war and the displacement have disrupted the traditional patterns of land use and have led to greater deterioration of the environment and a significant decrease in agricultural production. A government report, for instance, notes that communal labour is a very important component of farming, one of the main features and economic activities of the indigenous communities of the sierra. Communal labour is a form of labour that stems from the Inca period and consists of an equal exchange of services and goods. It has traditionally been used for the construction and maintenance of a complex system of 'terracing' that prevents soil erosion and enables farming in the highlands.[...].

The native communities feel that the authorities do not take into account their ancestral land and their property rights and that they take no interest in the preservation of their cultural heritage. They feel in some cases that the construction of roads and other infrastructure projects have the potential of further eroding their communities. Such fears were pervasive in the case of the native communities of the selva who have had traditionally and for ecological reasons communitarian ownership of their lands. Mineral exploitation remains a prerogative of the State. Paradoxically, the communities with which the Representative met expressed a desire for strengthened Government presence. The infrastructure that this requires, however, will bring with it a number of adverse consequences, such as increased in-migration and pressure on land."

UNCHR, 1 April 1996, para. 99:

"One serious problem is the perception by some of those who remained in their areas that those who fled are deserters. There are those who feel that they defended their lands through the worst of the war, and that they now have claims over the property of those who took 'the easy way out'. [...] The displaced, on the other hand, feel that they fled for legitimate reasons and that their flight should not affect their property rights. Questions also remain with regard to the future of the lands of those not returning at this stage to their communities. It is unclear whether they would retain

their property, at least for some time, or whether the lands in question would be redistributed. [...]"

Asháninkas lands occupied by “colonos” or settlers during conflict (2003)

- Asháninkas communities did not receive adequate assistance from the state when returning to their homes
- While PAR promoted the return of about 870 Asháninkas families, many had their lands invaded by "colonos" or settlers who migrated from the Sierra in search of more fertile lands
- As many of the native lands were unregistered, settlers have been able to move in and title their the lands, therefore many Asháninkas were unable to return or regain their ancestral property
- The abuses suffered by the Asháninkas must be understood in a context of fierce rivalry between indigenous and colonos
- Asháninkas were since long discriminated against and perceived as “lazy” people who appropriate the lands of others
- Some colonos who appropriated Asháninka land in Río Tambo and Río Ene, started growing coca and formed alliances with the armed opposition groups (1996)

CVR, 28 August 2003, Tomo VI, 1.9:

“ Los indígenas asháninkas tendían a desplazarse dentro de su propio espacio rural, en torno a comunidades más grandes o hacia poblados menores. A partir de 1995, los indígenas asháninkas de selva central comenzaron retornar a sus comunidades y territorios ancestrales, o a reasentarse entro de la misma región, a pesar de no contar con el suficiente apoyo de las entidades estatales para garantizar el repoblamiento de sus comunidades.

El PAR habría promovido el retorno de aproximadamente ochocientas setenta familias en distintas zonas de la selva central, sin embargo, el abandono momentáneo de sus territorios tradicionales favoreció que muchas áreas fueran invadidas por colonos, lo que ha creado problemas que afectan gravemente los derechos de la población indígena (Coronel 1999: 600-601).

[...]

Por ello, no resulta extraño que algunos Asháninka que fueron secuestrados y esclavizados afirmen: “Sí, efectivamente yo pienso de que hay un plan siniestro por medio de todo esto para eliminar a los Asháninkas, ustedes saben muy bien de la rivalidad que existe de los colonos y de los Asháninkas podrían ser uno de los motivos de repente que han conllevado a hacer este tipos de tratos y maltratos a la gente Asháninka, porque como se decía que los Asháninkas tienen terrenos y no trabajan, acaparan las tierras, podrían ser uno de los motivos que han llevado a los subversivos para eliminar a los Asháninkas” [...].

No es descabellado, pues, afirmar que para Sendero Luminoso los Asháninka tenían que desaparecer como tales.»

UNCHR, 1 April 1996, paras. 83-87:

“One of the most serious problems evidenced by the Representative during his visit to the Río Tambo and Río Ene valleys was the incipient conflict between the Ashaninka communities and the colonos, or settlers, who have migrated from the Sierra in search of more fertile lands. As many of the native lands remain unregistered, settlers have been able to move in and take possession of them. This may mean that some of the Ashaninka communities may not be able to return there. Some of the settlers have started growing coca plants and have become involved

with drug-trafficking, in some cases forming alliances with the armed opposition groups. Such is the case in particular in the Alto Huallaga valley, and the Ashaninkas fear that drugs and crime might move into the central selva as well. One reason for which the colonos are actually more involved with illegal coca growing may be that they are not familiar with the farming technology suitable for the tropical ecology of the selva areas. New conflictual situations that would cause displacement cannot be excluded. Government officials also identified health problems that both the colonos were facing in the selva and the disequilibrium they caused in the environment which created health risks for the native communities. The authorities in Satipo acknowledged the enormity of the problem but mentioned that some first steps were now being taken to organize a consultation process to find solutions."

Widows face discriminatory access to land (1997)

- Widows lack access to land or are allocated less fertile gardens
- This problem is particularly acute in la Sierra where violent conflicts left a high proportion of widows

Coordinadora Nacional de Comunidades Campesinas, June 1997:

"Aunque tradicionalmente se respeta el derecho de las viudas a mantener una porción de tierras en posesión, de modo de poder sostenerse ella y mantener a sus hijos, se pueden encontrar también casos en los cuales les asignan derechos menores, restringiendo su acceso a pocas tierras, a tierras malas y, eventualmente, sin reconocérsele derecho a poseer una parcela. El problema se plantea de manera significativa en las zonas de la Sierra que fueron afectadas por la violencia social y política, donde el número de viudas es bastante alto. Con el proceso de retorno de las comunidades, el tema adquiere actualidad"

State-granted land titles deprived hundreds of thousands of families from their lands on which they lived for over 20 years (2004)

- 36% of IDPs declare they have abandoned their lands
- 2.3% of IDPs have arrangements with thirds who work their lands
- Most displaced seem to believe they have rights over land which are not necessarily coherent with existing legislation
- In 1997, 98.7% of returning IDPs possessed some property (land or animals), however, the rate was lower than before the violence and many managed to produce only half the quantity of crops they used to
- The fact that there are several different institutions granting land titles leads to serious confusions
- Under Fujimori, state agency COFOPRI granted land titles to certain families, by taking land away from hundreds of thousands of families who had occupied it peacefully for over 20 years
- Some people were granted titles by authorities on lands unsafe and unsuitable for habitation and therefore no services were provided by the state
- Homeless squatters who erected makeshift shelters in Lima were attacked and some killed by armed gangs hired by the property-owners in 2000
- President Fujimori accused of offering the squatters plots of land in return for their vote in 2000

ICRC & PAR, 31 December 2003, p.59, 66:

« Al respecto, la encuesta de 1994 brinda alguna información pero no las respuestas que necesitamos (ver cuadro 24): 91.6% de los desplazados que declara poseer tierras se considera propietario (si fuera cierto, habría un mayor retorno o visitas por este concepto, por lo que dicha respuesta debe ser matizada) y el 52% de la tierra estaría siendo trabajada por familiares, por lo que es de suponer que se trata de tierras sobre las que se tienen derechos reclamables pero no «actuales». Ello equivale a decir que algunos de los desplazados/insertados asumen tener una serie de derechos de propiedad que probablemente no serían reconocidos por los actuales ocupantes de las mismas. En cambio, sí es posible pensar en propiedad real sobre las tierras declaradas abandonadas (36%) y sobre todo sobre las tierras conducidas por terceros de acuerdo a algún arreglo (2.3%). En general, los desplazados/insertados señalan conservar tierras en propiedad 4 («*nadie ha perdido su tierra*»), trabajadas por parientes y a las que se retorna periódicamente en épocas de siembra y sobre todo de cosecha, pero no proporcionan información suficiente sobre el status legal de las mismas (Diez 2001).

[...]

Según la encuesta de 1997, 98.7% de los retornantes posee propiedades (94% tierras y 20% ganado). Sin embargo, el estudio a profundidad muestra que su situación es más precaria que al inicio de la violencia política, y que la población retornante no alcanza aún sus niveles anteriores de productividad y capitalización. Los retornantes sólo alcanzan a sembrar la mitad de lo que sembraban antes de la violencia –lo que corresponde en promedio a dos yugadas de terreno frente a las cuatro que era lo habitual (Del Pino 2001). Este nivel de producción reducido ha contado ya con cierto apoyo de agentes externos al menos en un 21% de los casos (13% de parte de ONGs y 8% del Par). »

UN CHR, 11 February 2004, paras.33,35:

"Lack of tenurial rights among the poor poses an enormous challenge in Peru. There still remains significant confusion among the different institutions granting titles, including the State, COFOPRI and the local authorities. COFOPRI has been under criticism for its alleged involvement in granting titles under political influence during the regime of former president Alberto Fujimori. There is a constitutional challenge against COFOPRI for the titles it granted to certain families, taking away land from hundreds of thousands of families who had been occupying these lands in a peaceful manner, in some cases for more than 20 years. These people have had to sue for the possession of their plots against those owner-acquired titles between 1998 and 2001, which meant that it has not yet been possible to regularize the physical and legal possession of a vast area surrounding the capital.

[...]

In some cases, people received titles from COFOPRI or local authorities, although clearly the land they live on is not safe or suitable for habitation and therefore no services are provided."

COHRE 2000:

"Clashes between squatters and property-owners in a shantytown near the Peruvian capital, Lima, left at least four people dead and at least 10 injured on January 27, 2000 according to BBC News. The violence took place in the area of Villa el Salvador when homeless people who took over plots of land and erected makeshift homes confronted with gangs of men, armed with guns, iron bars and knives. Some said they had decided to pay groups of men to get rid of the squatters by force. Opposition parties accused President Fujimori of offering the squatters plots of land in return for their vote in the upcoming presidential election. They claimed that many of the squatters erected banners supporting 'Peru 2000', a slogan used by the ruling alliance. Squatter Ises Sulca said they had called their township 'Peru 2000' 'because we need the government to help us and with this name they are bound to do so'. President Fujimori said he condemned the violence, but said police would not take action to remove the families."

PATTERNS OF RETURN AND RESETTLEMENT

General

The majority of IDPs have not returned permanently to their areas of origin (2003)

- Many IDPs maintain a double residence: in town and rural areas, in some cases, only part of the family returned and the rest stayed in towns
- The IDPs from Ayacucho are those who most used the double residence strategy
- Government agency PAR estimated that almost half of the IDPs returned out of which only 20.900 received assistance
- Although government agencies estimated between 450,000 and 600,000 displaced were supported to return by PAR in 2000, both NGOs and government organisations agree that most of the IDPs have not returned permanently
- 40% of returnees have not re-established themselves permanently in their areas of origin

ICRC & PAR, 31 December 2003, pp. 94:

« El retorno es entendido de manera diversa por las familias de las diversas comunidades, apareciendo tres alternativas:

1) el establecimiento de doble residencia familiar, en el lugar de refugio y en la localidad de origen;

2) el desdoblamiento de la familia: retornando sólo algunos y estableciéndose el resto en la ciudad; y,

3) el retorno a la localidad propiamente dicho [...].

[...]

las estrategias «a dos pies» serían las dominantes en el ámbito ayacuchano. »

CVR, 28 August 2003, Tomo VI, 1.9:

« A pesar de la migración y en la medida en que la situación de seguridad lo permitiera, la población no cortó sus vínculos con sus lugares de origen: la mayoría mantiene contacto y realiza visitas periódicas, que en algunos casos implican un desplazamiento constante entre la ciudad de residencia y la comunidad o zona de origen por motivos familiares y afectivos, así como por motivos económicos y laborales.»

US DOS February 2001, sect.2d:

"According to the Ministry for the Promotion of Women and Human Development (PROMUDEH), since 1995 the Program for the Repopulation and Development of Emergency Zones (PAR) has supported the return of between 450,000 and 600,000 displaced persons. The PAR has assisted thousands of these persons to returned to their homes; however, the PAR and NGO's agree that the majority of displaced persons have not returned permanently to their original communities due to various factors, including economic changes and social ties."

USCR, 2000:

"There were no concrete figures on the number of Peruvians who remained displaced at the end of 1999. The government and NGOs differed in their estimates of the number who returned home following the easing of hostilities (the government's estimate was much higher than that of the NGOs). However, both sides agreed that no less than 20 percent of the displaced (more than

80,000) returned home. A large number of returnees found conditions at home untenable and subsequently migrated back to the cities.”

U.S.DOS 1999, section 2d:

"In addition, approximately 40 percent of the returnees have not reestablished themselves firmly in their communities of origin and tend to migrate back and forth between their original homes and displacement homes. "

The case of Asháninka displacement and return processes (2003)

- Asháninka IDPs always wished to return to their ancestral lands, therefore they did not flee far from their areas of origin or to urban centres and never opted for local integration
- Over 80% of the Asháninkas wished to return
- About 500 Asháninka IDPs started returning and were assisted by the state and the armed forces in 1994
- Many returns were complicated because PAR programmes did not involve the local residents in areas of origin and because many lands had been occupied by settlers who often grew coca crops
- Asháninkas requested the government agency PAR to assist them in re-integrating in their communities rather than only help to physically return

ICRC &PAR, 31 December 2003, pp. 97,101-2:

“ Los mayores desplazamientos de población se habrían producido entre 1988 –inicio del conflicto con el MRTA- y 1995, cuando empieza a disminuir el número de refugiados llegados a los «núcleos poblacionales» (CAAAP 1997: 7). Sobre el particular, los asháninkas experimentaron tres formas de desplazamiento:

- 1) migración colectiva en busca de zonas de seguridad ante el conflicto;*
- 2) desplazamiento forzoso, por parte de Sendero y el MRTA que esclavizaron nativos y secuestraron como bases de apoyo; y,*
- 3) migración de refugio por rescate, cuando la población anterior fue recuperada por el Ejército y las rondas nativas, y reubicada temporalmente en zonas seguras¹¹. Por las experiencias vividas, parte de los desplazados asháninka –como los de Chamiriari- llegaron a los centros de refugio en estado de shock.*

[...]

Y finalmente, porque no buscaron construir nuevas ni mejores condiciones de vida, toda vez que su desplazamiento se concibió como temporal y por ello tuvo una alta vocación al retorno una vez superada la etapa de emergencia (Voz indígena 1995: 85). De ahí que los asháninkas no hayan emigrado a centros poblados grandes alejados de sus territorios y zonas tradicionales, tampoco hayan optado por la inserción y la gran mayoría haya mantenido siempre la intención de retornar a sus propias tierras (CAAAP 1997: 9).

[...]

Sobre la población consultada, más del 80% esperaba retornar cuando fuera posible.

[...]

Los retornos asháninkas se han desarrollado bajo dos modalidades: por el impulso estatal o por iniciativa de las propias comunidades. Los primeros se iniciaron en setiembre de 1994, como parte de una campaña impulsada por el Estado y las Fuerzas Armadas, llamado por los medios de comunicación «la gran marcha asháninka», que congregó aproximadamente 500 personas. Por otro lado, para el retorno comunitario, grupos o comunidades se organizaron colectivamente para volver a sus tierras originales, incluso cuando su desplazamiento había sido familiar y no comunal [...]

[...]

101 Por lo general, los programas desarrollados por el Estado para promover el retorno asháninka no tomaron en cuenta el marco cultural en el que ellos se desarrollieron. Algunas de las acciones cívicas del PAR fueron consideradas por los asháninkas como simbólicas e insuficientes y algunos de los retornos organizados resultaron en algunos casos como colonizaciones pues no siempre involucraron a quienes habitaban originalmente los lugares de destino. De hecho, éste es un problema frecuente –e independiente de las acciones del PAR– pues en algunos casos las áreas desocupadas con el desplazamiento fueron ocupadas por colonos coccaleros cuya presencia perturbó las condiciones de retorno, sea éste espontáneo o no (Voz indígena 1995: 82).

[...]

Entre las principales demandas se solicitó que el PAR sea un programa de reinserción –apoyando a la población ya retornada– y no una organización para fomentar el retorno. A ello se sumaron los reclamos para que la ayuda (estatal y no estatal) tome en cuenta el marco cultural asháninka proveyendo soluciones apropiadas a su particular cultura y forma de vida. »

Resettlement

Integration in urban areas is the most prevalent option chosen (2003)

- Lima was the principal destination for IDPs because people were used to migrate there before the conflict in search of seasonal work
- 92% of IDPs had not intended to return according to a survey conducted in 2001
- The choice of IDPs not to return was mostly based on the lack of resources to reconstruct their livelihoods in areas of return and the integration of their children in urban areas
- Other factors explaining the choice not to return include psychological trauma to return and socio-political and economic marginality of areas of origin
- IDPs in Lima mostly request assistance for education
- Some IDPs from Ayacucho who took refuge in Huamange decided not to return to their area of origin and resettled where self-defence committees were well organised
- The vast majority of IDPs opts for integration in urban areas where they took refuge due to perceived better opportunities in towns for their children and fear of Shining Path activity
- 22% of IDPs chose to return and resettle in Lima, and nearly all displaced from Ancash settled in Lima
- 21% of IDPs chose to resettle in another department
- Two-thirds of IDPs from Junín decided to stay in their province and half of those from Ayacucho and Huanuco stayed in their province

ICRC & PAR, 31 December 2003, p.83,83:

« Lima terminó siendo el destino principal de los desplazados porque ya lo había sido para anteriores oleadas de migración generadas por motivos económicos.

[...]

Se estima que no menos de 120 mil personas desplazadas por la violencia política se asentaron en Lima, el principal destino de los desplazados extraregionales.”

ICRC & PAR, 31 December 2003, pp.85,120:

« Aunque en todas partes los desplazados muestran tendencias tanto a la inserción como al retorno, los trabajos consultados coinciden en que en las grandes ciudades (Lima, Huancayo, Ica) se impone la tendencia a establecerse definitivamente [...]. En ellas, y especialmente en Lima, la mayoría habría optado por la inserción tal como se muestra en la encuesta aplicada en el 2001, donde 92% de los desplazados señala no haber intentado el retorno (86% en Lima, 94% en Ica y 97% en Junín).

Aunque algunos textos explican ello por el temor de las secuelas de violencia y las condiciones de extrema pobreza, marginalidad social, cultural, económica o política –por lo general anteriores al desplazamiento- (II Seminario 1995), lo más probable es que ello responda también a condiciones «actuales» como la socialización urbana de los hijos o falta de recursos para la reconstrucción en los lugares de origen (Coronel 1990). A ello se suma la inversión ya realizada y los logros obtenidos en la ciudad (en 1990 se estimaba que el 50% de los desplazados en Lima contaba ya con vivienda propia), así como las mayores expectativas de desarrollo familiar que brindan los espacios urbanos particularmente para las mujeres y los hijos.

[...]

La inserción en los espacios urbanos se aprecia en varios indicadores de diverso tipo. Por un lado, por las referencias a los niveles educativos señalados líneas arriba, el acceso a los servicios de salud (50% en 1994) pero también por los grados de pertenencia y participación en organizaciones locales con base vecinal y comunal, como los comités del vaso de leche o los clubes de madres, en los que se aprecia prácticamente una duplicación en la participación entre 1994 y el 2001[...]

[...]

Los desplazados en Lima solicitan ante todo apoyo en educación, incluida la educación de adultos, pero no señalan la necesidad de ayuda psicológica. Incluyen también demandas por justicia y seguridad.”

CVR, 28 August 2003, Tomo VI, 1.9:

« Comuneros desplazados que se reubicaron en un lugar distinto al de origen y de recepción, fueron los de San Juan de Viñaca (San José de Ticllas, Huamanga, Ayacucho), que se asentaron provisionalmente en Huamanga y luego regresaron al distrito al que pertenecía su comunidad de origen, pero se ubicaron en un lugar diferente, en el anexo Simpapata, donde “...los Comités de Autodefensa se encontraban bien organizados por disposición del militar conocido como Centurión”. [...]

Respecto a los desplazados en proceso de inserción urbana definitiva, se estima que dicha opción en la actualidad es absolutamente mayoritaria, confluyendo para ello diversos factores, tales como el prolongado período de permanencia en las ciudades, la socialización urbana de los hijos, la visión de un proyecto familiar con mayores oportunidades en el espacio urbano, el temor a la reactivación del accionar senderista, la pobreza de recursos para reconstruir sus comunidades, etc. »

ICRC & PAR, 31 December 2003, p.30:

« Por otro lado, los destinos varían de acuerdo a las zonas. Lima fue el lugar escogido por el 22% de los desplazados-retornantes; 21% se desplazó a otro departamento en tanto que 22% lo hizo a otro distrito de su provincia de origen. Hay gran variación de acuerdo a las zonas: dos terceras partes de los desplazados en Junín se quedaron en su provincia igual que la mitad de los ayacuchanos y huanuqueños; en tanto que más de dos terceras partes de los apurimeños y huancavelicanos y la tercera parte de los ayacuchanos se dirigieron a otro departamento; los ancashinos se desplazaron casi íntegramente a Lima. »

Return and resettlement programmes

Government Program in Support of Repopulation targetted only IDPs who settled permanently overlooking survival strategies (2003)

- PAR organised its programmes of assisted return on wrong estimated numbers of IDPs, according to several researchers
- PAR under-estimated inter-regional returns and overestimated intra-departmental returns from departmental capitals
- According to government estimates half of the IDPs were willing to return
- Government census on who wished to return included 37% of IDPs who opted for dual residence (city-urban) and 18% who put conditions on returning
- According to researchers in 1994, 84,3% of the IDPs in capital cities had opted for local integration
- Most of IDPs registered for organised returns hoped to receive assistance but not necessarily to give up their dual residence, thus IDPs then went back to their areas of refuge
- PAR ignored that IDPs survival strategies were based on “dual residence”
- Although some displaced might have owned some property in town they still needed to have a link with farming activity to sustain their urban livelihoods
- IDPs argued they needed to stay in the cities to be able to send their children to school
- In the Andes the practice of seasonal migration pre-dates war-induced displacement and only extremely impoverished families have no dual residence
- Many displaced families have adopted a strategy of partial return, where men return to work the land while women and children stay in the cities
- In order to avoid new conflicts assistance should target at the same time IDPs, impoverished migrants and the “stayees”

ICRC & PAR, 31 December 2003, p.41,2:

« La mayor parte de retornos asistidos habrían sido organizados por el PAR sobre la base de una política general construida –según el análisis de Coronel (1999)- a partir de una lectura incorrecta de sus propias cifras. En efecto, la lectura de las respuestas sobre la intención de retorno habría subestimado la importancia del retorno interzonal y sobrevaluado la del retorno desde las capitales de departamento. Así, al incluir entre los potenciales retornantes al 37% que respondió que retornaría sin dejar la ciudad y al 18% que retornaría con condiciones, se habría interpretado tendenciosamente las cifras de la encuesta de 1994 para justificar una política de apoyo al retorno desde las ciudades, que resultaba más impactante en términos de imagen y propaganda. Según la interpretación oficial, más de la mitad de los desplazados habría estado esperando la posibilidad de retornar. Sin embargo, leída correctamente, la misma encuesta muestra en cambio que para 1994, el 84,3% [12] de la población desplazada residente en las ciudades de Lima, Huancayo, Ica, Abancay y Huamanga, ya había optado por la inserción (Coronel 1997). [Footnote 12: La cifra incluye la población que en 1994 declaró que: 1) no retornaría, 2) retornaría sin dejar la ciudad o, 3) retornaría con condiciones (Coronel 1997: 602). [...]

Es lugar común afirmar que la mayor parte de los retornos organizados por el Estado fracasó en la medida en que buena parte de dicha población retornante volvió a las ciudades-refugio para reasentarse luego de un breve período de residencia en sus lugares de origen (y se suelen citar por ejemplo, casos como los de Culluchaca en 1996 o de Iquicha en 1997). Ello se explica porque buena parte de los retornos organizados estuvieron fundados en la expectativa de recibir

apoyo oficial pero probablemente en muchos casos no hubo nunca la intención de abandonar definitivamente los nuevos espacios de residencia (por los que ya se había optado, por las razones antedichas líneas arriba). Por lo demás, si creemos a los encuestados, el apoyo estatal se limitó sobre todo al transporte y en el caso de la reconstrucción de viviendas y provisión de enseres a una mínima y limitada ayuda (ver cuadro 8). »

Stepputat and Sorensen, 2001, pp. 784:

"Interviews also showed that many had in fact signed up for the PAR-return in order to get access to what they saw as the only available development fund for this group of urban dwellers. Several owned property in the city, but they felt that only renewed access to farmland and livestock could secure a future urban living. Thus their vision of return was not a permanent settlement in the rural communities but rather a livelihood based on dual residence. For this vision to materialize, in fact, they felt they were less in need of assisted return than of an improvement and extension of the infrastructure, in particular the road system connecting villages with market towns, and the development of irrigation systems. In sum, if the state provided public works (roads, irrigation, and electricity), they felt quite confident that they could manage the rest as private entrepreneurs."

Stepputat and Sorensen, 2001, pp. 786:

"This case of return neatly demonstrates at least three points. First, a lack of urban development funds makes the resources available in the relief fund attached to the state-sponsored return of repopulation programmes, if not attractive, then the only option left for impoverished city dwellers. Second, the self-initiated mobile livelihood strategies embarked upon by large numbers of people – strategies which to a large extent have secured their survival in times of war as well as in deteriorating economic conditions – are totally ignored in the state's vision of future development. In order to qualify for state-sponsored return programmes, people need to stay put in one place. Finally, the case demonstrates that the categories of migrants and IDPs tend to lose their meaning and analytical applicability when complex processes of violence and migration generated by civil war combine with already established patterns of migration."

Stepputat and Sorensen, 2001, pp. 787:

"In order to avoid the fuelling of new social conflicts it may nevertheless be a better idea to consider IDPs, impoverished migrants and those who stayed in the rural communities not as separate categories with different entitlements but as part and parcel of a common recuperation and reconciliation process."

Stepputat & Sorensen, 1 March 2003:

« El tema principal de la discusión es la condición del gobierno de que solo las familias que se vayan con el objeto de asentarse permanentemente en la aldea y se conviertan en "comuneros activos" recibirán apoyo. En varios de los destinos de retorno, los retornados han sido catalogados como "turistas", ya que no se quedaron en las aldeas sino que regresaron a las ciudades. En la reunión, las madres argumentan que han tenido que quedarse en la ciudad donde sus niños asisten a la escuela. Todos saben de la calidad inferior de las escuelas de aldea y es difícil encontrar escuelas secundarias. Los hombres quieren poder salir de la aldea para distintas tareas.

Sin embargo, el oficial insiste: "padre, madre, hijos, el grupo completo – eso es lo que llamamos una familia... este es el objetivo." Por ende, argumenta, los retornantes no tendrán éxito en desarrollar los medios de subsistencia en su aldea, ni recibirán apoyo del gobierno para ello, a menos que las familias se asienten de forma permanente y juntas ejerzan presión para mejorar la escuela y otros servicios. El oficial afirma que habrán más retornos posteriormente. "Sí, claro", se ríen las mujeres, "retornos a la ciudad".

[...]

Un problema menos obvio, sin embargo, es la común subestimación del grado en el cual la movilidad forma parte de las estrategias para subsistencia en general, y en particular en los Andes.

[...]

Hoy, solo las familias más pobres no llevan a cabo migraciones de temporada, y la mayoría de las familias influyentes tienen doble residencia.

[...]

En concordancia con esta larga tradición, muchos de ellos que planean ahora regresar, no pretenden hacerlo de forma permanente. En vez de ello, intentarían re-establecer e incorporar elementos rurales a sus estrategias de subsistencia, mientras mantienen sus lazos y bases en la ciudad.

[...]

Por lo tanto, en vez de referirse al desplazamiento y retorno como movimientos absolutos, en una sola dirección, en la vida de las personas, el enfocarse en redes y modos de subsistencia móviles puede ser una mejor manera de ayudar a la gente afectada por conflictos violentos, a ir más allá del alivio de emergencia.

La dinámica post-conflicto en el Perú rural, como en muchas otras regiones, es altamente compleja; el retorno asistido de los desplazados internos se suma a esta complejidad y tiene el riesgo de provocar nuevos conflictos sociales. Para evitar esto, podría ser una mejor idea el apoyar a los desplazados internos, migrantes empobrecidos y los "permanecientes", no como categorías separadas sino como parte de un proceso común de recuperación y reconciliación. »

USCR 1996, p. 193:

" In a number of families, the parents and young children return, and the older children who are working or in school stay in the city. In other families, the men return to work on the land, and the wives and children remain in the city. After the harvest, the men sell their crops and return to the city with the money, or sell part of their crop and take the rest with them to their family. [...]"

PAR return projects did not assist IDPs willing to settle in urban areas where they took refuge (2004)

- About 60,000 IDPs in Lima had not returned and were in need of assistance to reintegrate locally as of 2004
- PAR estimates that between 150,000-200,000 IDPs arrived in Lima during the conflict
- 84% of the remaining IDPs preferred to settle permanently in their areas of refuge according to a 1998 survey
- In 2003, the IDPs living on the outskirts of Lima, were living in poverty without access to proper shelter, medical and psychological care, nor formal employment, nor assistance
- The PAR project would only assist those willing to permanently return to their areas of origin and the rest were to be assisted through poverty-alleviation programmes
- Displaced persons lacking formal qualifications and knowledge of Spanish tend to return to their communities of origin due to lack of job and integration openings
- "Return and resistance" are options that rise when IDPs try to exit urban poverty by returning to their areas of origin, where they are often stigmatized as alleged accomplices of terrorist groups
- The second phase or return is characterized by marginalization and lack of access to rights as well as illegal cultivation of coca crops as last resort. Many of the returnees moved back to the cities where they had taken refuge due to unsustainable conditions in areas of return as of 1999

- By 1999, 80% of the 350,000 IDPs who had not returned in their areas of origin (280,000 people), had permanently settled in new locations, according to MENADES

CNDDHH, June 2002, p.94-95:

"El proceso de desplazamiento se divide en dos fases:

La inserción, que se refleja en el crecimiento acelerado de ciudades, como en la selva, desde la generalización de la violencia en 1984. Para esta fase, se debe tener en cuenta los siguientes factores: a) al ser una zona de colonización, la identidad rural está en construcción y al interrumpirse este proceso por la violencia y trasladarse la población a las ciudades, las estrategias de resistencia son básicamente familiares, a diferencia de la sierra, donde todo el proceso gira en torno a la comunidad; b) Los desplazados fueron excluidos de las tardías políticas de apoyo, argumentando imposibilidad de diferenciarlos de la población de las ciudades. Cosa totalmente contradictoria con la existencia de la Asociación de Desplazados San José, que cuenta con 685 familias empadronadas (4000 personas aproximadamente.) que han optado por la inserción en Huánuco, los que no se encuentran abandonados; c) El olvido del Estado de sus derechos básicos: vivienda, trabajo, educación, en un afán de hacerlos invisibles.

Retorno y Resistencia. Los resistentes son los que, como salida a la crisis de las ciudades, han optado por mantenerse en las "zonas de guerra", en condiciones de inseguridad y son vistos por el Estado, como cómplices de Sendero Luminoso. El retorno tiene las características siguientes: a) La estrategia familiar de resistencia, pues no existen retornos colectivos, se da en forma lenta y anónima; b) La propiedad de la tierra que tuvieron que abandonar y que desean conservar; c) La marginalidad, pues la institucionalidad social y estatal en las áreas rurales está afectada, cosa que la ocasionado la debilidad en el ejercicio de los derechos, d) el retorno a la ilegalidad con el cultivo de la coca, ya que los productos de panllevar son de maduración lenta y con precios bajos, lo que trae como consecuencia una mayor inestabilidad e inseguridad; e) erradicación forzada de la producción y comercialización de la coca, que perjudica a los productores, que son el último eslabón de la cadena que protesta contra el gobierno central; f) empobrecimiento extremo como consecuencia de la erradicación forzada de los sembríos ilegales que, en vista de la situación, es considerada la salida más útil; g) grave daño ecológico, pues se utiliza métodos químicos y biológicos para su erradicación, dañando el equilibrio ecológico; h) Inviabilidad de ejercer derechos como consecuencia de lo ya descrito; i) Clima de inseguridad social, que se arrastra de las acciones que realizan las partes implicadas (erradicación-protestas) [...]."

USCR, 2004:

"Although the conflict producing their displacement ended years ago (and they are no longer counted by the U.S. Committee for Refugees as internally displaced), an estimated 60,000 people, mostly in the Lima area, have not returned to their homes. Many do not have a home to return to and suffer discrimination for being displaced persons. United Nations and local human rights officials have concluded these people need additional assistance to achieve integration into their chosen communities. The Peruvian Congress passed a law last year, which will target assistance to this population."

CNDH, June 2002, p.93:

« En un estimado, se cree que a Lima llegaron entre 150 mil y 200 mil desplazados que, en su mayoría, ocuparon los distritos de San Juan de Lurigancho, Ate Vitarte, Huachipa, Villa El Salvador, Cilla María del Triunfo, Puente Piedra y San Juan de Miraflores; el 70% de los desplazados fueron campesinos, el 20% provenía de las zonas urbano marginales y el 10% de los sectores medios y altos.[...]"

UN R S-G on IDPs, 4 July 2003:

"I understand that internally displaced persons living in the outskirts of Lima, for example, continue to live in poverty without access to proper shelter, medical and psychological care and formal employment. Although these displaced persons have managed to survive in sub-standard conditions as best as possible, many wish to become productive self-reliant members of Peruvian society. And while the desire to integrate is strong among urban displaced persons many, in particular older displaced persons, do not receive assistance or have the means to better their situation".

Stepputat and Sorensen, 2001, pp. 784-785:

"Although PAR represented the first official recognition of the existence of displaced persons in Peru, the programme was only directed towards those who wanted to return: 'We have determined that the best option for the displaced would be for them to return to their areas of origin – with the necessary help' (PAR representative quoted in USCR, 1996:11). In principle, the rest of the displaced population would be assisted through general programmes for poverty alleviation."

USCR 2001:

"In 1999, the Mesa said that 80 percent of the 350,000 displaced persons who by then had not returned home had settled permanently in their current locations. Although the Mesa said that many "no longer want to be called *displaced*," it still counted them as displaced because it believed they still required special attention and assistance from the government. Groups that formerly called themselves "Displaced Persons' Associations" now call themselves "Populations Affected by the Violence" or "Communities in Reconstruction." These groups demand better government-support services, particularly for urban populations. The Mesa estimated that about 70,000 people remained displaced within Peru in 1999."

USCR 2001:

"At year's end [2000], some 60,000 people remained internally displaced within Peru [...] According to the government of Peru, in 2000, the *Programa de Apoyo al Repoblamiento* (PAR, Program to Support the Repopulation), the government agency that assists displaced persons to return home, helped ten groups totaling 1,818 persons to return home. The PAR believes, however, that most displaced persons who returned home did so by their own means. Although the PAR did not have concrete data on spontaneous returnees, it estimated that more than 9,000 formerly displaced persons returned home spontaneously in 2000, bringing the total number of returnees during the year to more than 11,000. USCR therefore estimated the displaced population at the end of 2000 to be approximately 60,000."

USCR, 2000:

"There were no concrete figures on the number of Peruvians who remained displaced at the end of 1999. The government and NGOs differed in their estimates of the number who returned home following the easing of hostilities (the government's estimate was much higher than that of the NGOs). However, both sides agreed that no less than 20 percent of the displaced (more than 80,000) returned home. A large number of returnees found conditions at home untenable and subsequently migrated back to the cities."

US DOS February 25 2000, p. 22:

"The PAR tends to concentrate on infrastructure development in the communities to which displaced persons are destined to return, building roads, bridges, utility lines, schools, health centers, and the like. The PAR also provides returnees with an initial supply of agricultural tools, seeds, food, medicines, blankets, and kitchen utensils. The NGO's, on the other hand, focus on the training of the returnees in self-advocacy and on the development of vocational skills. The PAR provides no direct financial assistance to those displaced persons who chose not to return to their original communities."

PCS, August 2001:

" The Foreign Minister, meanwhile, announced that he would give priority to the establishment of a Peruvian International Cooperation Agency. This decentralised public institution would be in charge of gathering as many resources as possible for the war on poverty and for efforts to promote the rights of women and indigenous communities, among others."

USCR 1998, p. 236:

"According to a study by the MNDP, 84 percent of the approximately 360,000 persons who remain displaced do not plan to return to their areas of origin but prefer to settle permanently in their areas of refuge."

PCS, AUGUST 2000:

"On August 17, a total of 452 people returned to the communities of Vinchos, Paccha, Opancca, Patahuasi and Parxxahuanca, located in Huamanga, Ayacucho, with support from the National Programme to Support Repopulation, PAR. The returnees said that they had decided to return to their communities of origin because they had not been able to find jobs in the cities. Most of them do not have formal qualifications and speak little Spanish, all of which has made it difficult for them to adapt to urban life."

USCR 1996, p. 192, 193:

"Due to the fact that the Government does not have a program for assisting those displaced who want to integrate in the cities, many IDPs are living under precarious conditions. "[M]any are still traumatized by the violence they endured. Most lack the skills to earn a living. Many are illiterate. Some cannot afford to send their children to the public schools. [...]"

According to the U.S. Committee for Refugees, the Government lacks the resources to implement programs of assistance aimed at both returnees and those who want to integrate. Those IDPs, it argues, are able to benefit from social services provided to the poor in general. USCR claims that those displaced who choose to integrate "[a]re likely to fade into Peru's tragic underclass, remaining the most marginal of that nation's dispossessed. [...]"

Return processes undermined by lack of assistance (2002)

- PAR estimated that about half of the displaced by war had returned to their areas of origin by 2001, but that only about 20,930 had received government assistance
- The PAR ('Project in Support of Repopulation') established in 1993 focuses its activities on infrastructural reconstruction in areas of origin
- PAR assisted IDPs who applied for support directly rather than through organizations (church, NGOs) working with the displaced
- Returns hampered by insecurity and unsustainable living conditions
- IDPs forced to return due to intolerable living conditions in areas of refuge and fear that abandoned land would be seized and redistributed
- The main return movement is from rural centres of refuge towards the places of origin of the displaced
- PAR has assisted approximately 18,000 people while 300,000 returned on their own
- Up to 20% of returnees went back to the areas where they took refuge due to lack of assistance in their areas of origin

CNDH, June 2002, p.93:

"A Mediodía del mes de mayo de 2001 la jefa del PAR, Isabel Coral, comentó la falta de solidaridad y ayuda por parte de esta institución, puesto que focalizaba la ayuda hacia determinadas zonas, además de la ausencia de una política de estado coherente con estos casos, cosa que originó la división del país, instrumentado el programa para la propaganda política del presidente Alberto Fujimori. El PAR estima que ya casi al mitad de los desplazados ha retornado a sus pueblos; pero, sólo 20,900 han recibido ayuda del gobierno anterior."

Stepputat and Sorensen, 2001, pp. 784-785:

"The return was facilitated and supported by the government agency, PAR, the 'Project in Support of Repopulation' which was established in 1993. [Note:] PAR started operating in 1994. In 1996 it was turned into a Presidential 'Programme for Repopulation', and later in 1996 it became the 'Programme for support to the repopulation and development of the emergency zones' (PROMUDEH). [End of Note] The programme came into existence after the national (and international) mobilization for the plight of the IDPs, but the organization of the IDPs was probably only one of several factors behind the creation of PAR."

Stepputat and Sorensen, 2001, pp. 784-785:

"PAR received substantial funds from UNDP, EU and others, and through co-ordination with other agencies of the Peruvian government, PAR's support for return and resettlement – the emergency phase – was to be complemented by governmental funds for development for the rural areas. 'In this way', a PAR document sets forth '[the multisectoral coordination] makes possible the extension of the State's services... to the most remote population centres' (PROMUDEH, 1997). Thus, the return of the displaced population was envisaged as a vehicle for the state institutions to establish themselves in the rural areas. While the 'base organizations' were supposed to participate in the 'definition and implementation of the actions', PAR seldom had contact with the formal organizations of *desplazados*, or with the NGOs and churches working in the field. Like many other governmental funds, PAR preferred to work directly with small groups of *desplazados* who applied for support."

UN Commission on Human Rights, 1 April 1996 para. 94:

"[...] A significant return trend is evident in Peru that has been fully encouraged by the Government and the donor community. However, lack of security and sustainable living conditions often inhibit return, impair return projects and cause new displacements. Lack of education in the return areas, in particular, was identified as a serious disincentive to return. Such risks are compounded by the traditionally high mobility of the population for farming or other purposes, difficulties in access and the institutional weakness of the State, which is not in a position to prevent the militarization of social activities."

UN CHR, 1 April 1996, para. 66; USCR 1995, p. 185:

"The general weakening of the strength of the Sendero Luminoso after the capture of Abimael Guzmán in 1992 together with intolerable living conditions in some cities of refuge encouraged many displaced to return to their places of origin, or at least to start making plans for return. Those displaced most willing to return have been people who remained close to their homes or who had not been displaced for a long time. Furthermore, some displaced families returned home because of fear that their abandoned land would be seized and redistributed. Others had expected more assistance from the PAR than they received and therefore some families, who returned home prematurely, were unable to sustain themselves, and again had to leave their homes in search of a livelihood. In most areas of return, returnees set up civil defense patrols to defend themselves from continued rebel threats. Most returns have taken place in the departments of Ayacucho and Huancavelica, but also in Ayacucho and Junín."

US DOS February 25 2000, p. 22:

"With the decrease in terrorist violence since 1995, many displaced persons began to return to their rural homes. The PAR, which provides a number of basic services to accelerate returnee

self-sufficiency, has assisted 18,000 persons to return and estimates that another 300,000 have returned on their own. NGO's differ on the total number of returnees and estimate generally that less than 100,000 have returned to their communities of origin. However, NGO's and the PAR agree that only 15 to 20 percent of returnees leave after resettling in their original communities, due to dissatisfaction with the arrangements that awaited them in their home communities. An even higher percentage of returnees have yet to reestablish themselves permanently and instead travel back and forth between their original and their displacement homes."

Reparations

Integral Reparations Program (November, 2008)

- The Reparations Program, as designed by the Truth and Reconciliation Commission, includes material and symbolic, as well as individual and collective, reparations.
- The same wide and inclusive structure is adopted by the articles of Reparations Statute, Law 28529.

International Center for Transitional Justice (ICTJ), 30 November 2008. pp. 3:

"La CVR introduce una dimensión más a su propuesta conceptual sobre reparaciones y es la de su integralidad interna y externa¹³. Al buscar tomar en cuenta la complejidad de la violencia a la cual se está tratando de responder, la naturaleza y las consecuencias distintas de cada tipo de violación que da lugar a reparaciones, el contexto actual en que se encuentran las víctimas y el alcance factible de cada medida, la CVR consideró importante que su plan de reparaciones tuviera carácter multidimensional. Para alcanzarlo, el PIR-CVR se caracteriza "por combinar apropiadamente medidas de reparación simbólica con medidas de reparación material; y por incluir medidas de naturaleza individual acompañadas de medidas de carácter colectivo".

Presidencia de la República, 20 July 2005:

"Artículo 2º.- Componentes del Plan Integral de Reparaciones

El Plan Integral de Reparaciones está compuesto por los siguientes programas:

- a) Programa de restitución de derechos ciudadanos.
- b) Programa de reparaciones en educación.
- c) Programa de reparaciones en salud.
- d) Programa de reparaciones colectivas.
- e) Programa de reparaciones simbólicas.
- f) Programa de promoción y facilitación al acceso habitacional.
- g) Otros programas que la Comisión Multisectorial apruebe."

Implementation of Reparations excludes IDPs (November, 2008)

- There are two registration systems: a) a registry for IDPs called RADI, handled by the Ministerio de la Mujer y Desarrollo Social, and b) a general registry for the victims of violence called RUV, handled by the Consejo de Reparaciones.
- Both systems are thus far not coordinated. Names in the RADI are not included in the RUV. Therefore, reparations that have begun do not include IDPs.

- As a result, in practice, reparations thus far have not reached IDPs.

International Center for Transitional Justice (ICTJ), 30 November 2008:

pp. 7

“La estructura orgánica de la política de reparaciones está complementada por otro órgano colegiado, el Consejo de Reparaciones (CR), que, a pesar de un nombre que presta a cierta confusión, tiene como única función hacerse cargo de la elaboración del Registro Único de Víctimas individuales y colectivas (RUV).”

pp. 9

“Es en cumplimiento del encargo del Marco programático que la CMAN elaboró el Plan Integral de Reparaciones: Programación multianual 2005-2006 “concebido como un instrumento nuevo, ordenador y orientador de las acciones del Estado en materia de reparaciones” 41. Al desarrollar el contenido de la mayoría de los ejes mencionados en el Marco programático, la Programación retoma implícitamente el concepto de reparación integral y plantea medidas de reparaciones tanto individuales como colectivas.”

pp. 16:

“En efecto, se interrumpe la implementación de la Programación multianual, aunque ésta estuviera lejos de haber culminado, y se anuncia la puesta en marcha de un Programa de Reparaciones Colectivas (PRC) en el marco de la Ley que crea el PIR. El argumento avanzado por el gobierno para empezar la implementación de los programas de reparaciones por el Programa de Reparaciones Colectivas, fue que el Estado no puede implementar reparaciones individuales mientras no conoce quienes son las víctimas y quiénes son sus beneficiarios, con nombres y apellidos.”

Challenges for the national and international response (June 2007)

When the security conditions improved in the latter half of the 1990s, the Government initiated return and reintegration programmes for IDPs. But the government only helped those IDPs who decided to return permanently to their areas of origin, and it is estimated that as a result only some 21,000 people benefited from the assistance. By limiting support to permanent returnees, the government excluded a large number of IDPs (an estimated 37 per cent) who opted for dual residence, maintaining links to both their farmlands and urban livelihoods, based on seasonal migration patterns pre-dating the war (ICRC & PAR, 31 December 2003, p.30, 41; CNDDHH, June 2002 p.93). Most of the permanent and temporary returnees still live in very precarious conditions and will not successfully reintegrate without focused assistance. Conversely, the absence of comprehensive programmes to support return and reintegration, and unsustainable conditions in rural areas as a result of the conflict, prompted the renewed migration of those IDPs who had returned in the years following the end of hostilities, according to a national human rights organisation (Isabel Coral Cordero, April 2007).

As of 2007, international support to mitigate the consequences of the conflict is focused on general development and poverty eradication rather than on programmes targeting IDPs as a category of people with specific needs (IOM, Peru accessed 30 May 2007; Oxfam Peru, accessed 30 May 2007; UNDP Peru accessed 30 May 2007). While this is understandable given the difficulties of separating economic migrants from IDPs, the government has established a Reparation Council tasked to set up a Unified Victims Registry. Human rights violations such as extrajudicial killings, forced displacement, sexual violence, torture, arbitrary detention, forced disappearance and forced recruitment committed by rebel groups and state forces qualify for

inclusion in the Unified Victims Registry. As part of its mandate, the Reparation Council has initiated registration of the remaining IDPs to be included in the Unified Victims Registry which will serve to compensate the victims. This process poses a renewed opportunity for international agencies to support the realisation of the IDPs' and other victims' rights within a more comprehensive reconciliation process.

Yet a lot remains to be done. Firstly, the process has just started seven years after the official end of the hostilities. Secondly, there is a risk that general poverty eradication and development projects may be presented as compensation schemes for victims, thereby undermining the separate reconciliation process (Sofia Macher, 5 December 2006). Thirdly, a large number of the socially, culturally, politically and economically excluded people in Peru are from indigenous communities that were forcibly displaced during the conflict. More than 70 per cent of these communities live below the poverty line (IFAD, accessed 17 May 2007). Yet neither the compensation schemes currently being implemented nor the general development and poverty eradication programmes supported by international agencies address one of the most unequal distributions of land and resources in all Latin America. Even the comprehensive implementation of the compensation schemes may therefore do little to resolve the continued exclusion of many IDPs and other victims of the conflict

NATIONAL AND INTERNATIONAL RESPONSES

Reference to the Guiding Principles on Internal Displacement

Known references to the Guiding Principles on Internal Displacement

- References to the Guiding Principles Reference to the Guiding Principles in the national legislation
- Other References to the Guiding Principles (in chronological order)
- Availability of the Guiding Principles in local languages
- Training on the Guiding Principles (in chronological order)

Reference to the Guiding Principles in the national legislation

None

Other references to the Guiding Principles

None

Availability of the Guiding Principles

The Guiding Principles are widely available in Spanish. Published by OCHA: Principios Rectores De Los Desplazamientos Internos
Source: OCHA; Mr Francis Deng, the Representative of the Secretary-General on Internally Displaced Persons; Mr Sergio Vieira De Mello Assistant to the Secretary General for Humanitarian Affairs, To download the full document click here: [External Link]
Date: 1998

"Displaced persons organizations, however, have not yet used the Guiding Principles in the Americas as widely as NGOs and international organizations. Part of the problem is language and also literacy." (Cohen and Sanchez-Garzoli May 2001, p.18)

Training on the Guiding Principles

None

LIST OF SOURCES USED

(alphabetical order)

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Internet : [http://www.internal-displacement.org/8025708F004CE90B/\(httpDocuments\)/59E7F182DE8D651A802570B700599C67/\\$file/ICRC+PAR+Los+desplazados+en+el+Perú.pdf](http://www.internal-displacement.org/8025708F004CE90B/(httpDocuments)/59E7F182DE8D651A802570B700599C67/$file/ICRC+PAR+Los+desplazados+en+el+Perú.pdf) ,

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Internet : http://news.bbc.co.uk/hi/english/world/americas/newsid_1368000/1368330.stm , accessed 31 August 2001

Brookings-Bern Project on Internal Displacement, 30 June 2007, When Displacement Ends: A Framework for Durable Solutions

Internet : [http://www.internal-displacement.org/8025708F004CE90B/\(httpDocuments\)/A1EAE877F0DCFFD0C1257536004CAD9A/\\$file/When+Displacement+Ends.pdf](http://www.internal-displacement.org/8025708F004CE90B/(httpDocuments)/A1EAE877F0DCFFD0C1257536004CAD9A/$file/When+Displacement+Ends.pdf) ,

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Internet : <http://www.cohre.org/> , accessed 20 September 2002

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