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SENDERO LUMINOSO AND HUMAN RIGHTS - A PERVERSE LOGIC THAT CAPTURED THE COUNTRY

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INTRODUCTION

1. The doctrine of human rights as we know it today has a short history. It emerged as a reaction against: the horrors faced by humanity as a consequence of fascism and World War II. The United Nations formulated the doctrine on 10 December 1948 in the Universal Declaration of Human Rights. Since then, there has been considerable progress in developing concepts, designing mechanisms of protection, and taking concrete action to protect human rights. It is well known that this process has been essentially and almost exclusively directed toward controlling and sanctioning abuses that states have carried out against individuals and groups. This is the *raison d'être* and the principal feature of global and regional intergovernmental organizations that focus on human rights, and of the thousands of NGOs (non governmental organizations) that operate from civil society, in every country in the world, to pressure governments to comply.
1. The explanation for this consistent focus on the abuse of governments is obvious: States are responsible for protecting the rights of citizens. To achieve this, people concede authority to the state (or the state appropriates such authority). In addition, the state monopolizes the exercise of force. Therefore, when a state, rather than fulfill its protective role, opts to violate the rights of its citizens, whether incidentally or systematically, we find ourselves confronted with a special type of abuse against which individuals find themselves practically defenseless. This situation requires that the abuse be denounced before the rest of humanity, regardless of national frontiers, as a violation of human rights. Within the predominant conception of human rights, crimes committed by individuals and irregular groups should be prosecuted by the state, and in such cases, the human-rights question only involves ensuring that the state follows the law and procedures of due process.¹

¹ In the book Steve J. Stern (editor) *Shining and other Paths*. Duke University Press, 1998

2. In periods of violence the behavior of states and irregular groups received monitoring through what is known as International Humanitarian Law, which mandates minimum standards of conduct for forces engaged in armed conflict. Initially, International Humanitarian Law was intended to apply principally to international conflicts. Subsequently, the Additional Protocols to the Geneva Convention (which Peru signed) extended the jurisdiction of humanitarian law. These protocols elaborated on points already included in Article 3 of the original convention and, established rules of conduct for actors in internal conflicts. The logic of action by the International Committee of the Red Cross, the institution charged with looking after the application of these accords throughout the world, is different, however, from that of human rights organizations. Among other differences, the Red Cross's action is exclusively humanitarian and guards absolute secrecy: it addresses its reports and recommendations only to the parties involved.
3. Within this general context, let us turn more specifically to Latin America. Latin American human rights movements have emerged almost exclusively as responses to abuses by the state. For this reason, they have held the sympathy of armed rebel groups that, for reasons of principle or political convenience, found the conduct of such organizations to be positive. Demands for respect for International Humanitarian Law have, more often than not, emanated from irregular armies seeking to humanize conflicts. Governments, in contrast, have often resisted such demands out of fear that they would impede the effectiveness of repression.
4. The eruption of Shining Path in 1980 and, its conduct over the succeeding years broke the schemes that had previously shaped the human rights theme in Latin America. For the first time in the region, an insurgent force on the Left developed a systematic practice of violence against the civilian population that matched, and perhaps surpassed, state-sponsored violence. Shining Path's profound disregard for human life, its contempt-in both theory and practice-for the discourse of human rights, and, its refusal to ascribe to the norms and principles of International Humanitarian Law rendered it unique on the continent.
5. Nothing could be further from the intent of this essay than to justify the costly errors and atrocities that the Peruvian state has committed against human rights in recent years. We are diametrically opposed to the argument that human rights are relative and that one must grant a sympathetic latitude in the face of extreme circumstances. Nor do we in any way sympathize with those who attempt, nationally or internationally, to use denunciations of Shining Path's actions to mask the state's own crimes and responsibilities. I believe that my personal trajectory,² including more than a decade of human rights work in Peru during which I have clearly condemned and denounced all kinds of atrocities by the Peruvian state, should in any case block a misunderstanding of intent. We reaffirm here that the logic of conduct by the Peruvian state in matters of human rights has been, and in many ways continues to be, unacceptable and counterproductive. It is unacceptable because, in the name of suppressing armed subversion, the state has incurred massive (some would say systematic) violations of human rights. Peru became a country of disappeared persons and torture victims, of people displaced and unjustly detained, of common graves and extra-judicial assassinations, all with absolute impunity. The state's conduct is counterproductive as well because such repression has not only violated the rights of persons, who in the most cases were innocent and poor, but because it also has served as the "gasoline" that helped "to light a prairie fire."
6. Yet because this book aims to understand Shining Path and its effects on the life of the country, permit us on this occasion to invert the usual practice. Let us begin not with the logic of state conduct, but with that of Shining Path. That is to say, let us try to see how this movement influenced the form that the human rights debate took in Peru. Let us examine how Shining Path defined human rights conceptually and in actual practice, consider how these resonated with the state's own vision and practice of human rights, review what repercussions Shining Path

had for the struggle for human rights in Peru and for the consciousness of the population. Finally, with the insurgency defeated, let us consider the new challenges that this heavy inheritance leaves for the future of the human rights question in Peru.

Different from the Beginning

7. Unlike other Latin-American countries, such as Guatemala and El Salvador, that underwent intense processes of political violence during the 1980s, Peru neither lived under a seemingly unending dictatorship nor experienced grave human rights violations before the start of the insurrection. (Both circumstances, one should note, were important factors for understanding the upsurge in violence in the other countries). In Peru, as we know- the incubation of Shining Path's politico-military project culminated toward the end of the 1970s, just as the military government was in retreat and a complex but real political transition toward representative democracy was emerging. (For context, see Hinojosa's essay in this volume.) In 1978 elections took place for a Constituent Assembly, in the midst of great social turbulence and with significant levels of political repression. But none of these limitations blocked the political presence of any sector that chose to participate.³ The most obvious example is that of Hugo Blanco, the Trotskyist ex-guerrilla of the 1960s who had been a prisoner for many years and who obtained 12 percent of the vote without ceding any of his radicalism. Altogether the Left received a third of all votes cast.
8. But Shining Path remained totally aloof from the decision of the rest of the political forces of the country to participate in the political process that would bring the military government to an end. Shining Path abstained even though the political movements that opted to participate included those of the most radical Left. None of the parties that participated in the presidential elections encountered any significant obstacles. Even the Communist Party of Peru-Red Flag (Partido Comunista del Peru-Patria Roja; P C P - P R) - the most influential Maoist party in the country, whose slogan, "power is born from a gun," clearly revealed its worldview, and which chose to boycott the Constituent Assembly in 1978-ran its own presidential candidate in 1980.⁴ In short, it was by choice that Shining Path excluded itself from participation in the open political process. Sendero demonstrated its opinion of the process by initiating armed action on 18 May 1980, the day of the general elections that brought President Fernando Belaúnde to power.
9. Shining Path also remained aloof from another equally important and real process of democratization. We refer to the emerging participation of popular social sectors in social and political life, a new phenomenon for the country that resulted from mass migration to the cities, increased access to education, and, above all, a generalized and multifaceted process of popular organization that provided new, once unimaginable mechanisms of participation. Of course, in the 1970s the process was still in its initial stages and had not wiped away the terrible imbalances and exclusions of the past. Yet it was rapidly becoming a complex yet interesting challenge to the formal institutionality of the country, traditionally so distant from the common people.
10. Thus, the surge in political violence in Peru, in clear contrast to the other countries we mentioned, cannot be explained by the impossibility of legal political participation by the future insurgents. Nor, we might add, did the start of the insurgency gain legitimacy from a situation of massive human rights violations. In Peru, despite the prolonged military dictatorship and despite a social storm of great proportions in the late 1970s, human rights violations paled in frequency and in form to those that convulsed countries such as El Salvador and Guatemala. Certainly, we did not live in anything even approaching the best of worlds. Restrictions of press freedom and political party activities were common practice, along with detentions, deportations, mistreatment of street demonstrators, and torture in prisons. But extra-judicial executions and

forced disappearances were not yet part of our vocabulary, as they tragically would become just a few years later. Political crime was virtually unknown.⁵

11. An explanation for the emergence of this particular case of violence must therefore come from another angle. Perhaps relevant is something I heard Hubert Lanssiers say some time ago, in a debate with those who cited the terrible structural conditions of the country as the principal cause of the violence we were experiencing.⁶ In his view, what such terrible conditions generated, usually and spontaneously, in the people that suffered them was not rebelliousness, but rather fatalism, passivity, or religious resignation. Lanssiers maintained that the explosions of violence could only be understood if given social conditions came together with an ideology that deliberately and consciously proposed exercising violence as a response.
12. According to Lanssiers, all ideology serves as an "arm of combat," an "instrument of power," a "mechanism of defense against objectivity," and a "pretext to escape moral criticism." He adds that "the value [of ideologies] is not found in the rigor of their construction or in the quality of their argument, which are rather poor and schematic. ... What is important is that they tell us essentially what we need to think; they express what is needed to make a thought collectively operative. Their mobilizing energy is more useful than the content of their concepts, the orchestration of the themes, is more important than their richness."⁷
13. Shining Path provided an ideological reading of reality, totally independent of the political process under way, and converted this interpretation into the guide and fundamental motivation to initiate armed action. As we have already suggested, the political changes of that time, which any analysis might consider as pointing away from justifying armed rupture, were absolutely dispensable facts for Shining Path, given the ideological edifice it had constructed. "The problem, Señores revisionists," Shining Path said is painfully to the legal Left, "is not whether those in government are wearing collars and ties instead of uniforms and boots, or that they still sport beards and tie their pants with rope [a reference to Hugo Blanco, because this does not negate their reactionary position nor does it make them revolutionaries. We are not talking about civilian dictatorships versus military dictatorships. We are talking about class dictatorships. Do *we not know that power is conquered with violence and maintained through dictatorship*, that 'revolution is an act in which one part of the population imposes its will upon the other with guns, bayonets, and canons ... and where the winning party is necessarily obliged to maintain its dominion by the fear that its arms inspire in the reactionaries?' as Engels teaches?"⁸
14. Abimael Guzmán, only days before the I LA (the initials which signify the Inicio de la Lucha Armada, or initiation of the armed struggle, in Shining Path literature), pronounced the closing speech at Sendero's "First Military School." Without a trace of modesty he enticed his speech: "We are the Initiators." Among other things, he provided a preview of the practices Peru would have to endure during the following years:

Comrades: our labor with our hands unarmed has concluded.... A period has ended. Here we seal what has been done; we open the future, the key is action, the objective power. This we will do, history demands it, the class needs it, the people has foreseen it and wants it, we must comply and we will comply. We are the initiators....

The people's war will grow more every day until it overturns the old order, the world is entering into a new situation: the strategic offensive of the global revolution. This is of transcendental importance.

(And the people gets up on US hind legs, arms itself, rises in rebellion, and places a noose around the neck of imperialism and the reactionaries, grabs them by the throat, tears off their flesh, and will strangle them. (The people) will tear the reactionary flesh, leave it in shreds, and drown these black wretches in slime; what is left will burn and the ashes will scatter to the ends of the Earth, so that all that is left is sinister memory of what will never return, because it cannot and should not return. ... Marxism-Leninism-Mao Zedong thought, the international proletariat and the peoples of the world, the working class and the people of the country, the party with its

bases, cadres and leaders, all the grand combined action of centuries has culminated here. The promise opens, the future unfurls. ILA 80⁹

15. At that time, only a few faithful followers knew of this important warning. Understandably, the rest, even those who might have known of it, still did not have any reason to take it seriously.

Human Rights and People's Rights

16. A comparative vision of other countries that confronted internal insurgency continues to be useful, as we enter into an analysis of how Shining Path dealt with the issue of human rights once it embarked upon the project of a "protracted people's war. Upon surveying the continent, we find that guerrilla movements in Latin America generally sought to have the cause of human rights on their side. Some doubtlessly held this position with great conviction and honesty; others embraced human rights with varying degrees of political instrumentalism, as a means to isolate the state nationally and internationally, and to justify the guerrillas' own course of action.
17. Therefore, denunciations of the state as the principal violator of human rights usually have formed an important part of the political discourse of guerrilla movements. At the same time, guerrillas either described their own abuses as inevitable costs of the confrontation or simply denied that they occurred. In reality, and without: in any way justifying the crimes committed by insurgent movements, their violations generally seem to have been significantly less in number, importance, and frequency than abuses attributed to agents of the state.
18. In Peru, however, we lived a very different reality. Shining Path openly repudiated human rights in both doctrine and practice. To achieve its goals, Shining Path would not hesitate to attack the civilian population and to use varied methods of terror against persons uninvolved in the conflict. In the point of departure for this approach, we find, once again, an "ideological justification": Shining Path insisted that human rights originated in a bourgeois conception of the world and were opposed to "the rights of the people (*derechos del pueblo*)."¹⁰
19. According to Abimael Guzmán,

For us, human rights contradict the rights of the people because we base ourselves in man as a social product, not in an abstract man with innate rights. "Human rights" are nothing more than the rights of the bourgeois man, a position that: was revolutionary in the face of feudalism; thus liberty, equality and fraternity were advanced bourgeois criteria in the past...

In so far as the people's rights are the rights that the proletariat and the immense popular masses conquer with their own struggle and blood, and that: they establish as the guiding principles of the New State, in service of the interests of the classes that conform the people, the rights of the people are the rights and obligations of class, superior to so-called human rights in the service of the masses, the poor especially, of the New State, of socialism and of future communism; the people's rights [are ones] that only the People's Republic of Peru, in our case, will be able to guarantee.

20. Guzmán went on to explain that by people's rights he referred "principally to the supreme right to conquer Power and to exercise it in order to transform the old existing order, oppressive and exploitative, and to construct a New State and a New Society for the people and the proletariat" (Guzmán 1991).
21. With his usual conviction that what he was said constituted incontrovertible truth, Guzmán maintained that "the Marxist-Leninist-Maoist, Gonzalo-thought conception makes us understand the bourgeois, reactionary, and counterrevolutionary character of the so-called Human Rights that are so manipulated in the world today, and [shows us] how to understand the rights of the people." In Guzmán's rendition of the history of human rights, the Universal Declaration of

Human Rights was an instrument to establish "the expansion, domination, and influence of imperialism," and the United Nations as "a pro-imperialist organism, guarantor of the superpowers and imperial powers." He concluded with a vision of human rights as anachronism:

22. And today as imperialism falls into general collapse, it recurs to the old bourgeois reactionary banners, to its old resurrected principles, because it can no longer create anything new or progressive, and it covers them with a "humanitarian" varnish to hide its counterrevolutionary class nature whereby it seeks to contain the principal historical and political tendency in the world, which is revolution; cunningly hiding that human rights are one instrument more for imposing its reactionary ideology (the core of which is idealism, and the most vulgar pragmatism, totally contrary to dialectical materialism) and its fallacious bourgeois democratic politics of bloody reactionary dictatorship.... And all for the defense of the expired imperialist system, bloody parasitic barbarism that scorches the Earth, contrary and totally opposed to the socialist system, the great innovation of the twentieth century, the only system that will lead humanity to the reign. Of liberty: Communism. (Guzmán 1991)
23. Before moving on to examine the practical repercussions of such belligerent opposition to the human rights perspective, one might add that his belligerence did not impede Shining Path from developing, when convenient, an absolutely pragmatic attitude regarding human rights. Thus, when human rights appeared useful for its political and military objectives, Shining Path demanded compliance with these principles and the laws that embodied them. Sendero's absolute attachment to legal technicalities to defend well known leaders, who without any scruples denied their obvious leadership positions, became rather notorious. (Osman Morote, for example, claimed to be only a "social researcher") Sendero leaders attempted to exploit the deficiencies of the Peruvian legal system to their own advantage, and only later, in the event of a conviction, would they reassume their original positions.¹¹ Also well known, to name another example, was their denunciation of violations of liberty of the press, whenever necessary to ensure that their mouthpiece *El Diario* could continue to circulate.¹²

From Word to Deed

24. This disdain for human rights, whereby Sendero reduced respect for the rights of others to the interest and necessities of "class" and "revolution" (read: the Party) provided a basis for Shining Path's cruel and relentless military conduct against others. In addition, it informed the scant value placed on the lives of their own militants.¹³
25. Shining Path's cruelty in war actions is widely known. Never, for example, have Shining Path guerrillas been known to carry out military operations in which they ended up taking prisoners or treating the wounded. Certainly, the same may be said about the operations of the Peruvian Armed Forces. Even worse, the military battles, per se, can account for perhaps 10 percent of the war's victims over the course of fifteen years. The immense majority of deaths resulted from unilateral actions against an enemy without any capacity for response, that was annihilated without contemplation. Shining Path assassinated hundreds of police for no other reason than to take their arms. The Armed Forces were responsible for numerous extrajudicial executions and forced disappearances.
26. I am interested here, in particular, in the role of Shining Path. Continuing the methodology of drawing comparisons with other realities in Latin America, note that in other countries, the guerrillas took great care not to produce victims in sectors that they considered potential allies for their cause: political parties on the Left, popular organizations, NGOs, and so forth. And, perhaps for this very reason, these groups suffered repression by the state. In Peru, however, this was not the case. Shining Path, because of its vision of human rights and its general conception

of politics and, war, perceived all such groups as direct enemies of its armed struggle and, did not hesitate to use the most violent methods against them. One might argue that Shining Path, even more than the state, affected directly and systematically these sectors of civil society, or what was long known as the popular movement.

27. Thus, Shining Path guerrillas massacred peasants who dared oppose them. The most notorious case was that of Lucanamarca, where Shining Path assassinated more than eighty villagers, including women and children, with the purpose of sending a message to a third party, the Armed Forces. In Guzmán's words, this massacre was intended to give "a decisive blow to restrain them, to make them understand that the thing was not so easy." Always with intricate justifications, Shining Path killed many other people as well: humble local authorities ("representatives of the bourgeois state in the countryside"); candidates in any electoral process ("we warn all the electioneers that seek to run for office that if they persist in the farce we will annihilate them. sooner or later"); politicians on the Left ("revisionism is the advance of the bourgeoisie in the bosom of the people"); labor and popular organizers of all kinds ("reactionary agents infiltrating in the ranks of the people"); members of different churches ("death to the worshipers of imperialism, death to the preaching dogs"); members of local and, international NGOs ("they corrupt the popular leaders with foreign money and, promote aid. policies [*políticas asistenciales*] to enrich themselves at the cost of the hunger of the people"); and so forth.
28. The flip side of this logic was evident in the attitude that Shining Path leaders assumed toward the suffering and terrible deaths faced by thousands of their own militants and supporters (see the essay by del Pino in this volume). Shining Path justified this attitude with the same notions of purity and ideological reinforcement. In his "Interview of the Century," Guzmán (1988) is very clear on this point:
29. The reaction attempts to use its armed forces and repressive forces in general to wipe us out (*barrernos*) and disappear us. And for what reason? *Because we want to do the same to them, to wipe them out and to disappear them as a class; Mariátegui had said that only by destroying, demolishing the old order can a new social order be created. In the last instance, we judge these problems through the lens of the basic: principle of war established by President Mao: the principle of annihilating the forces of the enemy and preserving our own; and. we know well that the reaction has applied, applies, and will apply, genocide, on this we are absolutely clear. And, in consequence we face the problem of the quota, the problem that to annihilate the enemy and to preserve our own forces, and even more to develop our forces, it is necessary to pay a cost of war, a cost in blood, the necessity of sacrificing a part to ensure the triumph of the people's war.*
30. For Abimael Guzmán the crowning moment of this «vital and principal" sacrifice was the barbarous repression produced by the intervention of the Armed Forces in Ayacucho in 1983 and 1984. *"There took place the greatest show of massive revolutionary heroism and our greatest forging ahead as well."*¹⁴ The connection between the sacrifice of militants and the strengthening of the organization and political project is confirmed in senderista reference to the massacre of more than 200 senderistas in the prisons of Lima in 1986 as the "Day of Heroism." "The 19th of June," said Guzmán, "is a date that demonstrates to our people and to the world *what firm Communists and committed revolutionaries are capable of doing.*"
31. When analyzed from a perspective informed by respect for human life and the dignity of persons, Shinning Path's conduct could not have resulted in a worse outcome. We cannot for this reason avoid mentioning how, when subjected to rigors much less harsh than those he himself imposed upon his enemies or demanded of his own followers, Abimael Guzmán broke weakly. In exchange for minimally decent prison conditions, he acceded to negotiate the same peace he had always described as the worst of betrayals.

When Combatants Converge

32. Let us complete this complex panorama by noting that in Peru a perverse convergence emerged. We refer to the practical and conceptual appraisals of human rights by the Shining Path insurgents and the agents of the state who planned and conducted the counterinsurgency campaign.
33. For example, both sides would blame the preoccupation with human rights on unacceptable intervention by the United States for purposes of domination. In 1994, at no less an important occasion than the Fourth Summit of Heads of State in Latin America, Fujimori affirmed his "rejection of underhanded interventions with the pretext of defending continental democracy or human rights. He went on to sustain that "each people must resolve as best it can its own internal affairs," including in "the cases of Haiti and Cuba." Guzmán was not outdone. He sustained that: "today, imperialism, principally Yankee, uses human rights to impose international norms that justify its intervention in whatever part of the world and to submit everyone to its hegemony" (Guzmán 1991).
34. Another area of impressive convergence was the evaluation of the role played by NGOS in human rights. One very interesting poll asked more than 100 commanders and majors of the Armed Forces to provide their opinions anonymously regarding human rights (de la Jara 1994). In response to a question about human rights groups, nearly three-fifths (57.26%) of these military men replied that human rights organizations were only concerned with terrorists and only promoted the organizations' own interests or those of other countries. Nearly a third (31.62%) responded that: although such groups have had laudable goals, in practice they favored subversive actions. Indeed, the respondents would have found it difficult to think differently since this is what they have heard from their superiors and successive presidents over the years. Fujimori, in particular, has made the denigration of human rights groups into a personal crusade.
35. Here I repeat only two of the many allegations made against us: "We know that the terrorists and their front organisms, or useful fools, are not going to give up and will use every resource to damage the image of the country arguing that the Armed Forces systematically violate human rights." In addition, "these professional organizations are not coherent in the defense of life and human liberty because, in some cases, they are legal arms of subversion, but we will unmask them."¹⁶
36. The state's accusations that the human rights groups were biased, and did not understand the underlying reasons for what they did, mirrored accusations by Shining Path. "When in the context of developing the people's war, the PCP applies military actions of selective liquidation against informers, functionaries of the state, and others, as in the execution of María Elena Moyano ("Mother Courage"), the 'human rights defense organizations' ex claim: 'horror' But when the armed forces and police assassinate defenseless people, including children, the organizations do not say anything. They maintain a nauseating complicit silence."¹⁷ Abimael Guzmán would maintain, in an epoch in which his utterances constituted virtual death threats: "we have not encountered until today among the NGOS [referring to human rights organizations], an organization that: openly and valiantly defends the rights of the poorest people, much less advanced revolutionary positions; at most we find bourgeois humanitarian positions, *but the great majority are lackeys, conscious or unconscious, of imperialism*" (Guzmán 1991).
37. I still experience a certain chill upon considering Guzmán's references to the institution to which I belong. In the text just cited, he used this organization as an example to illustrate his point: "Among the NGOS: the Institute of Legal Defense (IDL), a non governmental organization that defends human rights in the service of mainly Yankee imperialism ... always serving the demands

of its imperialist masters and acting as their soft hand, against Marxism and the people's war, and marking off and even criticizing reactionary governments when imperialism necessitates."

38. Let us consider one last theme where both sides converge. At times, both recognize certain "excesses" against the civilian population and consider them acceptable in exchange for advancing the principal objective, finishing off the enemy. Martha Chávez, the most prominent pro-Fujimori parliamentarian, would sustain: "I weigh the balance between the war against terrorism and subversion on one side and, on the other, *the question of the human rights of some . . . it is painful, but I end up choosing the war against subversion.*"¹⁸ Guzmán complements this idea from his perspective, when he analyzes the "excesses" that he admits his men committed in the Lucanamarca massacre: "excesses might he committed, *the problem is to arrive at a point and not to pass it*, because if you pass it you go off track, it is like an angle that opens only to a certain degree and no more" (Guzmán 1988).

Enormous Challenges

39. By this point, it should be easy to imagine the difficulty of the work of human rights organizations over the course of fifteen years (1980-1995). It is worth adding, of course, that: similar difficulties also faced those who expressed a consistent commitment to human rights in the communications media, in the Christian churches, in the academic world, and (in this instance the numbers can be counted on one's hands) in the political parties.¹⁹
40. The accusations and threats under which the human rights activists worked are well known and originated in the elements described previously: we are only concerned with the rights of terrorists and remain quiet when the victims are caused by the subversives; we tie the hands of the forces of order, impeding them from acting efficiently; we are "useful fools" (or *candelejones*, "silly ones," as Luis Bedoya Reyes once called us), or in more extreme versions, occult allies of terrorists. The other side called us embellishers of the system, accomplices of imperialism, and so forth.
41. To face up to this political problem constituted the fundamental challenge of the Peruvian human rights movement. The first difficulty to overcome was to break with the inertia of following the usual quasi-universal schemes of defense of human rights, according to which our work should focus exclusively on denouncing the abuses of the state.²⁰ In spite of the fact that no human rights group or individual activist had any inclination whatsoever, at any moment, in favor of Shining Path - and on this I can give personal testimony-there was, particularly in the first years, an intense debate regarding our role. We debated whether it was our responsibility to denounce Shining Path in the same manner that we denounced the state. The doctrinal referent in these arguments was an international juridical tradition that viewed the state as the sole violator of human rights.
42. The process was intense and complex, but had clear results. In our favor was the fact that: all of us united early in a common coalition, the National Coordinating Committee of Human Rights (La Coordinadora Nacional de Derechos Humanos, hereinafter "La Coordinadora"),²¹ which all of us decided to use as our political voice at a national and international level. Little by little, La Coordinadora opted to leave aside any theoretical disquisition that could be interpreted as weakness in the condemnation of Shining Path. We decided to denounce each and every crime committed by Shining Path with the same energy and conviction with which we denounced violations by the state.²²
43. In addition, differentiating ourselves from most Latin American human rights groups, we broke with the idea of neutrality, or intent merely to humanize conflicts. We announced with absolute

clarity that we opposed Shining Path, that our struggle for human rights was intrinsically associated with obtaining peace, and that for this purpose, we felt solidarity with civil society's desire to defeat Shining Path and we supported legitimate efforts by the state to accomplish this goal.²³ In addition, we decided to convert our political choice into a matter of principle. We demanded that all groups and individuals who wanted to join our organizations adhere to four principles: repudiation of all forms of violence, reivindication of democracy as the best political system, independence in regards to the state, and opposition to the death penalty.

44. This manner of addressing the issue of human rights had practical repercussions in our daily activities. The human rights groups consciously decided that our primary commitment was to the innocent victims of the confrontation, to whom we had to dedicate our best efforts. In cases in which senderistas were subject to human rights violations, we decided to act only if their lives were at risk. This of course did not mean in any case endorsing the crimes committed by the state simply because some or all of its victims might be senderistas. Many of the best known cases of disappearances and extrajudicial killings to which we dedicated so much effort included known Shining Path members among the victims.
45. The distinction was clearer in cases of detained persons. The human rights organizations decided expressly not to provide legal defense through our lawyers to people whom we considered with reasonable certainty to be members of Shining Path or the MRTA.²⁴ This decision certainly caused many conflicts of conscience, above all in the final stage, since in some cases we ended up turning ourselves, in a sense, into anticipatory judges. That is, we did not give the accused the benefit of the doubt, even though we knew that judges, in deciding the innocence or guilt of an accused person, considered it important to know who was behind the defense.
46. It is necessary to state clearly that this choice, which in my opinion was not only made out of conviction but also because it was the only choice that was politically viable, in effect silenced a response to certain abuses. Thus, while no one among us doubted the justice of convicting Abimael Guzmán and other Shining Path leaders, we never publicly stated with sufficient firmness the evident truth that they did not benefit from minimum guarantees of due process and that the legal validity of the trials was quite relative.²⁵
47. Nonetheless, our declarations of principle and our daily conduct did not suffice to end accusations of partiality and complicity with subversion, accusations which persist today and have become, in great measure, popular common wisdom. Without underplaying our own errors and limitations it is important to consider the extraordinary difficulty of defending human rights, given the pressure from Shining Path and its effects on public opinion. One must add, however, that although this perception in the general public may have been, and may now be, honestly held, the political and military leaders with whom we argued all these years, and even sectors of the communications media, knew better. They understood perfectly well that the accusations were mistaken, yet purposely encouraged the confusion. What they sought was not that we take an impartial and balanced position, but rather to neutralize our capacity to denounce the state's violations of human rights.

Inevitable Consequences

48. For human rights in Peru and for the struggle to ensure their enforcement, Shining Path brought many negative consequences and, ironically, a positive consequence as well. The many negative effects are overwhelming, so let us begin with the effect that might be considered positive.
49. If one asks who were the victims of human rights violations in Latin America in those countries that recently or currently suffer armed internal conflicts (such as Colombia, El Salvador,

Guatemala, and Nicaragua) one will find that the victims have been mostly peasants not directly involved in the confrontations, as in Peru. But in those countries, in contrast with Peru, the state's victims also frequently included activists in popular organizations, political leaders of the legal Left, student leaders, and members of human rights organizations. This generally did not happen in Peru. Over the years, the Peruvian cases in which these sectors suffered state repression have been quite isolated and never constituted a systematic pattern.²⁶

50. In my view, this difference has to do principally with the type of movement that Shining Path was, and the clear division between the distinct camps in Peru. That is, Shining Path, according to its own ideas, did not have, did not want, could not have alliances with legalized sectors that would have served to broaden its political project or its social base. Sendero's fanaticism, expressed in an absolute and exclusive conception of its own role, facilitated this separation between the world of Peruvian politics and that of war. Thus, in contrast to the other countries cited, and despite the voices that (with more malice than ignorance) proclaimed the contrary, in Peru one could argue, even in the worst moments, that there were no ties between the legal Left (however radical its language) or between activists in all kinds of social organizations (however confrontational their practices or incisive their criticisms) and armed senderistas. This situation rendered it more difficult to justify systematic repression of the legal Left and activist social organizations. In the particular case of the human rights organizations, and in contrast to countries such as Guatemala or Colombia, this situation allowed us to continue and to develop further our labor over the course of this whole period, despite having to confront difficult situations and instances of violence, and despite having to work in a climate of repeated verbal aggression.²⁷
51. The negative effects to which we alluded earlier were without a doubt very great. Shining Path's conception of human rights was a decisive factor that contributed to increasing contempt for human life in Peru. Such contempt applied to Shining Path's own victims in all social sectors as well as to those who had to suffer in retaliation. In my judgment, the type and magnitude of the violence that we had in Peru, and particularly the way in which Shining Path exercised violence with absolute disdain for its consequences upon the civilian population, generated in the great majority of Peruvians a cynical and pragmatic attitude toward democracy and human rights. Sendero, in short, induced a weakening of the consciousness of the population on the importance of respecting human rights and the dignity of persons.
52. By the end of the 1980s, when the sense of frustration and desperation had spread to the majority of the population, it became common sense that sacrificing democracy and human rights, and damaging the lives of innocent people, were costs well worth paying in order to get rid of Shining Path. According to this perspective, which today is lamentably predominant, any price was worth paying to overcome the threat of Shining Path. This view coincides with the beliefs of the senderistas that the ends justify the means.²⁸ The psychological climate was certainly encouraged and embodied by Alberto Fujimori and constituted one of the reasons for his popularity for the support that he received in the "self-coup" of 1992 and for his overwhelming electoral victory in 1995.
53. With this sentiment so widespread among the population, the struggle for human rights became, and remains, much more difficult and complicated. The struggle for human rights, by its nature, only has an impact if national and international public opinion takes it up and makes in their own.²⁹ But we are still far from achieving the possibility of juridical, practical, and moral sanctions against those who have committed human rights violations as part of the state. For example, Peru is far from obtaining a Truth Commission. Different versions of such a commission were established in Argentina, Chile, El Salvador, and in Colombia for one specific case, and will soon be established in Guatemala.

54. The experience of human rights groups when we denounced a massacre in the Alto Huallaga River in 1994 was very revealing. This was probably one of the gravest denunciations, and one of the best-documented with eyewitness accounts, that we have been able to make in recent years. In the early days of April 1994, on the left bank of the Huallaga River, in the localities of Moyuna and Moena, counterinsurgency troops of the army, after a show of rapes and other terrible acts of cruelty, assassinated dozens of peasants. The troops allegedly used artillery helicopters. Despite restrictions of access to the zone even for the International Red Cross, and despite not being permitted to go to the specific place where the peasants indicated that the majority of the victims were to be found, twelve cadavers were recovered.
55. La Coordinadora spearheaded the denunciation of the facts and produced a voluminous, detailed, and documented report that presented the testimony of more than thirty witnesses from the zone, including priests and nuns. Nonetheless, the government ably exploited the public's fears that such accusations might have a negative impact on the continued successes-already visible-of the counterinsurgency campaign. The government maliciously described our denunciation as a desperate attempt to stop the most important and final offensive against the guerrillas. My point is not simply to affirm my profound conviction that we acted correctly in making this denunciation. The point is that, for the reasons already given, the government managed to ensure that our action was negatively received, even by sectors that had traditionally identified with our cause. The government thus managed to bury, perhaps forever, one of the worst crimes committed in recent years in impunity and forgetfulness.

Return to Normalcy?

56. Even though all that we lived through with Shining Path and the war that it unleashed happened very recently, for many Peruvians those experiences already belong to the past. In our particular style of confronting national problems, the collective consciousness has preferred to forget what occurred among us.
57. It is not the intention here to inventory all the war has signified for the country. I note only that, in great measure because of the war, we have fallen decades behind in terms of democratic institutional development. The hope that Peruvians would construct a solid democracy, based on the initiative of sectors that emerged from below, is only a memory from the past. Today, we Peruvians have become more cynical and pragmatic: about public affairs and politics, and about our own participation in them.
58. As one might easily imagine, there is tremendous unfinished work from a human rights perspective. In addition, new problems confront us and will demand our attention. Perhaps the most important task, however, will be to contribute to an understanding-and reversal-of the fact that even though Shining Path lost utterly on the military terrain, it achieved some unforeseen victories at the level of consciousness and values. Ironically for its authors, the amnesty law approved by the Peruvian government in June 1995 represented the triumph of this mentality.³⁰ Its first article is so revealing, that in Place of an explanation, it merits an extensive excerpt: "General amnesty is conceded to military, police, and civilian personnel, whatever their police or military or functional role, who have been denounced, investigated, prosecuted, tried, or condemned for common or military crimes, under the common or military codes [of justice, respectively, for all of the events derived or originated upon the occasion of or as a consequence of the struggle against terrorism and that could have been committed in individual or group form since May of 1980 until the promulgation of the present law."
59. If this law is not an important indication of the emergence in Peru, as a consequence of this unwanted war, of a profound degradation of our appreciation for the essential dignity of human

life, then what would be? One might find hope, however, that this is not an irreversible tendency in the unforeseen and massive repudiation that the amnesty law provoked among the Peruvian citizenry.

NOTES

- 1 The ideas in this introductory section have been amply discussed in other works. See for example O'Donnell 1988.
- 2 The author is a member of the Legal Defense Institute (Instituto de Defensa Legal; or IDL), a non governmental organization dedicated since 1983 to the defense and promotion of human rights, the strengthening of democracy, and the construction of peace. The IDL, and similar organizations in Peru, has had to work in very adverse conditions, openly confronting the practices of both the Peruvian state and insurgent groups.
- 3 In the elections for the Constituent Assembly the noticeable absence of Acción Popular was considered to be a highly risky political ploy on the part of Belaúnde, but one that was successful, as his party emerged triumphant two years later.
- 4 In fact, since then, the Peruvian political system attracted the participation of all of the political forces. The Left, including even the most radical sectors that continued to affirm armed struggle as their ultimate objective, participated in the electoral process, at times successfully, as in the Lima mayor's race in 1983
- 5 As in other Latin American countries, leftist sectors were the most likely targets of these violations. Nonetheless, Peru, in contrast to many other places, did not witness significant and systematic state repression against the Left. We have to reach as far back as 1962 to find a massive round-up and imprisonment of leftist leaders.
- 6 Lanssiers is a priest of Belgian origin who has resided for many years in Peru, and is perhaps one of the most lucid minds in Peru today.
- 7 Cited in IDL 1992.
- 8 Document cited in Gorriti 1990. Emphasis in this and subsequent quotes are mine.
- 9 Cited by Gorriti 1990.
- 10 *Editors note:* The word "pueblo" as people carried a connotation of "common people" or "people of modest means" in common Spanish usage.
- 11 This contrasts, again, with attitudes displayed by other guerrilla movements in Latin America, exemplified in the case of Peru by the MRTA. These groups refuted the political and moral authority of such tribunals, publicly revindicated their actions, and as "prisoners of war" refused to exercise their rights to defense.
- 12 In their favor we might add that they did not hide it: "As far as our violating human rights is concerned, our point of departure is that *we do not subscribe to the Universal Declaration for Human Rights*, nor to that of Costa Rica. *But we do use their legal mechanisms to unmask and denounce the Peruvian Old State*, its institutions and organisms, its authorities, beginning with those who lead it, functionaries and subordinates who violate human rights in defiance of their own international promises" (Guzmán 1991).
- 13 We should add that in contrast to other armed movements in Latin America, Shining Path has never demanded respect for International Humanitarian Law on the part of the Peruvian state. Nor has it practiced such principles in its own acts of war.
- 14 The Armed Forces' entrance into Ayacucho marked the beginning of what in Peru also has been known as the "dirty war," which escalated the conflicts to unforeseen levels. Thus, during 1983 and 1984 in just five provinces of Ayacucho (Huamanga, Huanta, Cangallo, La Mar, and Víctor Fajardo) there were 5,645 deaths, that is, 46 percent of all that were produced in Ayacucho during fourteen years of violence and, perhaps even more revealing, 20.5 percent of all that were produced in Peru during the same period. Equally illustrative of the level of violence in this zone, "for Lima to have had the same proportion of casualties that Huanta suffered, for example, rather than 2,014 that really occurred, there would have to have been 213,453! And on a national level, rather than 24,117, there would have been 816,540!" (Basombrio 1994).
- 15 *El Comercio*, 15 June 1994 and *Expreso*, 14 June 1994
- 16 Cited in IDL 1991.

- 17 *El Diario Internacional*, No. 18 (March 1993).
- 18 Declarations in *Panorama*, reproduced in *La República*, 12 MY 1993
- 19 It is hard to think of anyone in Acción Popular or the Popular Christian Party (Partido Popular Cristiano, or PPC) who worked for the human rights cause. In APRA, there is only one person, Javier Valle Riestra. The political discourse of various sectors of the Left referred to human rights, but only Javier Diez Canseco, Enrique Bernales, Rolando Ames, and Henry Pease carried out concrete and consistent action as protagonists of human rights. In Cambio 90, Fujimori's group, the only person who was sensitive to the issue was the second Vice-President Carlos García, who distanced himself from the regime almost as soon as it started.
- 20 Years later the journalist Guido Lombardi, who was not known for any pro Shining Path inclination, publicly criticized us for not having persevered in this perspective: "I want to express my frustration over the fact that: the human rights groups have ceded to the pressure from those who demanded similar condemnations for the violations committed by the state and those committed by terrorism ... it is not a hindrance to keep thinking that those that proceed from the state are more grave and intolerable, because it is the state that should be the first guarantor of their protection" (Lombardi 1994).
- 21 La Coordinadora presently includes some fifty civic and religious organizations that work in the area of human rights in Peru.
- 22 We did this, according to our abilities and resources, through communiqués and notes for the press, through visits and private letters of solidarity with the victims, through international denunciations, and, increasingly, through humanitarian aid to victims of Shining Path. In fact, La Coordinadora has given concrete and effective humanitarian aid to many more of Shining Path's victims than has the state.
- 23 One could cite dozens of public communiqués that expressed this sentiment. The most revealing was, however, that which the human rights groups issued after Guzmán was captured, manifesting our satisfaction with, and approval of, the methods by which the capture had been achieved.
- 24 We should point out that as a rule they also preferred not to associate with us, and sought out legal assistance from the Association of Democratic Lawyers (Asociación de Abogados Democráticos).
- 25 In addition, Fujimori's authoritarianism impeded the trial against Abimael Guzmán from becoming a moment of political and moral sanction of his crimes, one that would have demonstrated the superiority of those who fought against him and judged and condemned him through strict adherence to the norms and principles of legality that Guzmán so disdained.
- 26 The most notorious exceptions to this rule were the assassinations of the peasant leader Jesús Oropeza and the mining leader Saul Cantoral.
- 27 The worst attacks against human rights organizations were the detention and subsequent disappearance of the president of the Comité de Derechos Humanos (Human Rights Committee) of Huancavelica, Angel Escobar jurado; the package-bomb that cost an arm, and almost the life, of the lawyer Augusto Zúñiga of COMISEDH; and the bombs that went off in the offices of the Andean Commission of jurists and Amnesty International.
- 28 There is no element of sublime sacrifice for the nation in this reasoning given that, of course, the assumption was always that someone else would pay this price.
- 29 There were notable exceptions, however, when a particular set of events led many sectors of the Peruvian citizenry to join in a common cause and to corner politically the perpetrators of human rights violations. These events revealed the true nature of the regime and contributed to making sure that these types of violations could not be repeated. Such was the case, for example, of the massacre of nine students and a professor of La Cantuta University by a military death squad in July 1992.
- 30 For the amnesty law and human rights in 1995, see CNDDHH 1996.