

PERU

A new forensic team, the Peruvian Forensic Anthropology Team (EPAF) was formed in 2001. EAAF members Patricia Bernardi and Darío Olmo participated as lecturers in EPAF-organized workshops on forensic anthropology for NGOs, officials, judges, prosecutors, and associations of families of the disappeared, in Lima and in Ayacucho, one of the provinces most affected by the violence of the recent past.

Forensic investigation may be central to the work of the recently formed Peruvian Truth Commission, which is mandated to report on over 6000 allegations of forced disappearance, torture, assassination, kidnapping, and other human rights violations that took place between May 1980 and November 2000. Early exhumations have been conducted in unscientific ways and have jeopardized the collection of evidence. For this reason, EPAF addressed an immediate need for seminars on the use of forensic science.

HISTORICAL BACKGROUND

On November 21, 2000, the Peruvian Congress voted to remove Alberto Fujimori as president, declaring him morally unfit for office and rejecting a resignation letter sent from Japan. Fujimori had fled to Japan and been granted citizenship after widespread corruption scandals, involving bribes to opposition politicians, military officials, members of the media and others by his close advisor, military officer Vladimiro Montesinos, destabilized his presidency. Montesinos, the de facto head of SIN, the Peruvian Intelligence Service, was considered by many to be the second most powerful man in Peru. These scandals were the culmination of years of increasing repression, including restrictions on freedom of the press, a severely compromised judiciary, and a dismal human rights record.

A History of Violence

In 1968, a military coup led by General Juan Velasco Alvarado deposed President Fernando Belaúnde Terry.

Under Velasco's administration, notable for its "depoliticization" reforms, local popular and grassroots organizations such as peasant federations, shantytown associations and trade unions were created and flourished. Sweeping agrarian reform, collective state/worker management of virtually all enterprises and the expropriation of foreign investment were some of the policies carried out under this administration.¹ General Francisco Morales Bermudez ousted Velasco in a bloodless coup in 1976 and gradually replaced reformist officers who had assumed power under Velasco with right-wing officers. Morales eventually stepped down after Belaunde won popular elections and returned to the presidency on July 28, 1980. This followed the election of a Constituent Assembly in 1978 and a series of popular uprisings, riots and strikes precipitated by austerity measures imposed during a worsening economic situation.² The fledgling democracy soon found itself enmeshed in escalating situations of political violence, in the face of which it employed an increasingly brutal counterinsurgency campaign against the Shining Path, (Communist Party of Peru) and the MRTA (Revolutionary Movement Túpac Amaru), both of whom were conducting violent campaigns in the cities and the countryside by 1980. At this time, Shining Path was still aiming their most violent actions at selected targets such as police, government authorities, merchants and landlords.

By 1982, Peruvian government security forces were deployed in rural areas to directly engage the insurgents. In the aftermath of an army crackdown on guerrillas and alleged drug traffickers, the first cases of disappearance perpetrated by security forces were reported. Although there

has been debate in Peru about the chronological scope of the Truth Commission and how many years back it should go, some have successfully argued that perhaps as many as 47% of all of human rights abuses occurring in Peru since 1980 took place under Belaunde.³ In 1983, Shining Path shifted strategies and expanded its violent attacks, leading to dramatically increased civilian deaths. For example, in April that year, according to Amnesty International, Shining Path reportedly massacred at least 67 villagers in the Andean community of Lucanamarca.⁴

Democratic elections were held again in 1985, and 36 year-old Alán García Perez came to power. García was initially able to exert strong leadership over the military and consequently, human rights abuses by security forces decreased. In 1988, the economic situation in Peru had worsened and by September García had imposed severe austerity measures. As Shining Path broadened the scope and intensity of its attacks, Peruvian security forces responded with increasing repression, which García was unable to or did not control.⁵ By 1989, García was speaking in favor of expanding the military's control over civilian authority, and increasing the number of emergency zones—those under military control—in Peru. Human rights groups believe that more than 2000 people disappeared during his presidency. In 1990, he fled Peru on corruption charges.

Running on the Cambio '90 ticket and representing an alternative to entrenched political parties, as well as the possibility of change, Alberto Fujimori won the 1990



Peru. 2001. EAAF and EAPAF members during a field training session with dummies. Photo by EAAF.

national elections. Lacking traditional bases of support, Fujimori increasingly turned to the military, developing what the Washington Office on Latin America (WOLA) referred to as a close working relationship with them, and in particular, with the Peruvian National Intelligence Service (SIN).⁶ During the first twenty months of his administration, Fujimori was unable to solve the institutional crisis brought about by ten years of escalating vio-

lence, increasing inflation and unemployment, and deteriorating social services. Though his economic measures began to control inflation, unemployment and poverty increased and Sendero became stronger. At the same time, paramilitary death squads such as the Grupo Colina, operated under Fujimori and directed by Montesinos, reportedly committed massacres of civilians.⁷

On April 5, 1992, supported by the Peruvian military and intelligence services, Fujimori declared an auto-coup, closed Congress and the judiciary, suspended the Constitution, instituted emergency laws and subsequently, imposed anti-terrorist laws that had lasting effects on civil liberties in Peru. Following the capture of Abimael Guzmán, head of Shining Path, in September 1992 by a police intelligence unit, political violence declined to an all-time low and was largely concentrated in remote jungle regions. This was accompanied by dramatic decreases in state-sponsored human rights violations.⁸ Under international pressure to restore democracy, Fujimori rewrote the Constitution and reopened Congress in 1993. Following Fujimori's re-election in 1995, judged to be fair by international monitors,

his government implemented a series of undemocratic measures, many of which violated the constitution crafted after the "auto coup".

In 1995, two sweeping amnesty laws were passed by the Fujimori Congress, pardoning all members of security forces and civilian officials for their involvement in human rights violations and prohibiting investigations into abuses committed between May 1980 through mid-June 1995. Although Fujimori specifically stated that

human rights abuses committed after that date would be fully prosecuted, this did not occur.⁹

Fujimori was sworn in for a third consecutive term as president of Peru on July 28, 2000. According to Human Rights Watch, the April 9th elections that reinstated his presidency were among the most widely questioned the region had seen in years. Following the broadcast of a video on

Peruvian television showing Montesinos bribing an opposition congressman to defect to the government party, Fujimori announced in September that he would



Peru. Chiclayo, March 2000. President Alejandro Toledo during a public appearance. Photo by Alejandra Brun/AFP.

dismantle the SIN and hold new elections in which he would not run. Brought down by corruption scandals, Fujimori sought asylum in Japan.

Human Rights Abuses in the Past Decades

According to the Human Rights Ombudsman's office, the war in Peru has left over 30,000 dead and approximately 400,000 people displaced.¹² In a 2001 update, the Human Rights Ombudsman's office reported 6,362 disappearances, in which the fate of the victim is still unknown, including cases recorded by human rights groups but not officially reported. Over 1000 extra-judicial executions, including at least 500 victims killed in eighteen different massacres were also documented during these years.¹³ Until 1988, human rights violations were mainly confined to those areas declared under a state of emergency. However, between 1988 and 1992, a pattern of abuse spread across the country. According to Amnesty International, the vast majority of disappearances, extrajudicial executions, and cases of torture between 1992 to the present have been committed by the Armed Forces.¹⁴ Nevertheless, Peru differs from most other cases of repression in the region in one important aspect. In Peru, the Shining Path, and to a lesser extent, the MRTA, committed hundreds of killings and enforced disappearances of civilians. The victims were mainly members of peasant communities, communal leaders, mayors, politicians and those who opposed the Shining Path.

Although the level of the most violent forms of abuse, extrajudicial execution and disappearance dropped substantially by the mid-1990s, they persisted throughout the decade. Cases brought before the Public Ministry and other authorities were not fully investigated, most victims and relatives received neither information nor compensation, and state-security perpetrators have not been brought to justice. Over 2,000 prisoners, guerrillas or those suspected of guerrilla activity, are imprisoned following convictions of terrorism or treason by "anti-terrorism courts", where they were tried without legal representation by hooded judges in military tribunals.

THE FORMATION OF EPAF AND EAAF PARTICIPATION IN EPAF- ORGANIZED SEMINARS

The Peruvian Forensic Anthropology Team, was officially created in January 2001. Its primary objective is to assist families and/or the Office of the Public Prosecutor and the Truth Commission in the investigation, recovery, analysis and investigation of the remains of victims of disappearance and/or extrajudicial executions. The team consists of nine archaeologists, anthropologists and a lawyer. Peru has a long academic tradition in the training of archaeologists and anthropologists. Most members of EPAF have experience working in traditional archaeology and many have worked as forensic anthropologists for the International Criminal Tribunal for the former Yugoslavia (ICTY). Others have worked in Rwanda, Argentina, Haiti, Guatemala and Congo. Unlike other regional teams, including EAAF, EPAF has begun work in its own country with substantial experience in forensic anthropology and human rights investigations.

From February 18-21, 2001, EPAF organized a workshop for public prosecutors, the Office of the Ombudsman, and human rights activists. The main objective of the workshop was to introduce methodologies of forensic recovery of human remains to those involved in the investigation of human rights violations and the interpretation of evidence. Seminars became urgent because haphazard and unscientific exhumations were taking place in the more open political situation. This also happened in Argentina in the 1980's when democracy was restored and judges began to order exhumations without proper methodology, in the process destroying evidence crucial for the identification of the remains and to ongoing judicial processes. Under these circumstances, EPAF seeks to provide training and knowledge in techniques and processes of forensic anthropology to different sectors of society involved in this kind of investigation, including judges, prosecutors, and human rights organizations, among others. In the workshops, forensic science

and its application to human rights, crime scene recovery and reconstruction, and the presentation of evidence to Court were introduced.

Dr. Clyde Snow has served in advisory capacity to EPAF and has worked with the team in the field, as he also did with EAAF, the Guatemalan team, and Chilean team. In response to EPAF's request for the participation of regional colleagues, EAAF members Bernardi and Olmo partic-

At the Ayacucho seminar, held the first week of September, Maria Isabel Hernández Llosas, an archaeologist from the University of Buenos Aires and frequent EAAF collaborator also participated. Before this seminar, a panel was held at the University of San Cristobal de Huamanga.

EPAF wrote about their workshop model in an article included in the proceedings of the 2001 American Academy of Forensic Science meeting.

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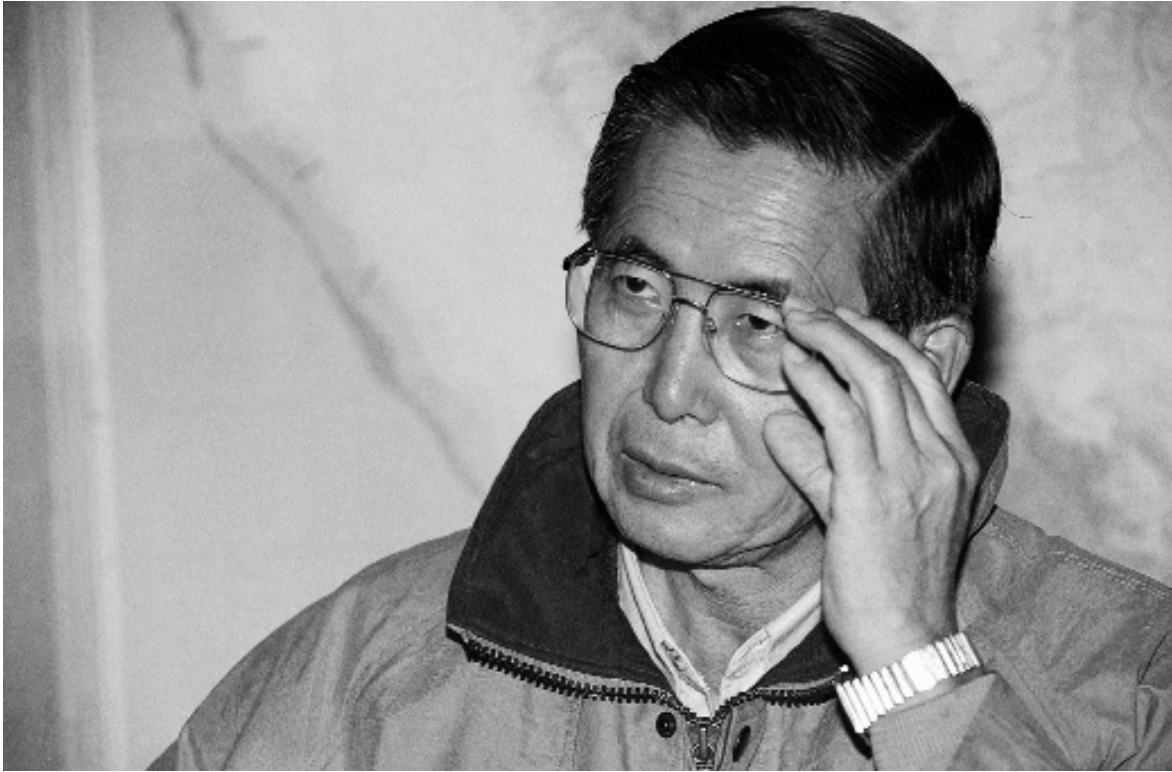
ipated as trainers in a forensic anthropology and human rights workshop for the group in Lima and Ayacucho respectively. Isabel Reveco, a Chilean forensic anthropologist formerly with the now-defunct Chilean Forensic Anthropology Team and currently working with Judge Guzmán in his investigation of human rights violations in the Pinochet era, also participated.

During the seminars, five identical mass graves were prepared, each with two layers of "bodies" (life-size dummies) representing two interment events. After theoretical and practical modules, participants were divided into Defense and Prosecution Teams to run a mock human rights trial, in which Bernardi and Olmo also took part, using forensic evidence.

CONCLUSION

The Truth Commission promises to investigate the climate of violence in which Peruvians have been living for the past decades.

Exhumations and forensic analysis are central to the work of establishing what happened to the dead and disappeared victims of political repression during the last 20 years. EAAF strongly supports the creation of a national team, EPAF, in cases such as Peru, where it will take years of investigation to fulfill both the needs of families to know the fates of their loved ones and the need of prosecutors for forensic evidence in judicial cases that address the violence of the past decades. EAAF anticipates further collaboration with EPAF, to provide both technical assistance and training programs as needed.



Peru. 2000. Former President Alberto Fujimori. Photo courtesy of Revista Viva/Clarín.

FOOTNOTES

1. Gorman, Stephen M. "Antipolitics in Peru: 1968-80", in *The Politics of Antipolitics: The Military in Latin America*, Lincoln: University of Nebraska Press, 2nd edition, p. 456
2. Poole, Deborah and Gerardo Renique, *Peru: Time of Fear*. London: Latin American Bureau, 1992, pp. 120-22
3. Lama, Abraham, "Truth Commission Gets off to a Slow Start, Say Activists", Inter Press Service, January 2, 2002
4. Amnesty International, February 1996 Report on Peru.
5. Washington Office on Latin America (WOLA), *Peru in Peril* (Washington, DC: November 1987), p. 22, WOLA, *Latin American Update* (Washington, DC: Vol. 13, No. 3, June 1988), p.3
6. Washington Office on Latin America (WOLA), *Peru in Peril* (Washington, DC: November 1987), p. 22, WOLA, *Latin American Update* (Washington, DC: Vol. 13, No. 3, June 1988),p.2
7. According to Human Rights Watch and others, this group was responsible for the November 1991 massacre of fifteen people at a Lima tenement fund raiser in Barrios Altos and for the kidnapping and murder of nine students and one professor at the La Cantuta University in July 1992.
8. WOLA, "Human Rights and Democracy Trends in Peru", Paper presented to the Congressional Human Rights Caucus, US House of Representatives, June 30, 1999, p. 1
9. *Ibid.* p.4
10. Amnesty International News Service 72/97 and 74/97, 23 and 24 April respectively
11. See "Ex-Hostages of 97 Defend Peru Commandos" in *The New York Times*, May 16, 2002.
12. Human Rights Ombudsman's Office, *La Desaparicion de Personas en el Peru (1980-1996)*, Lima Peru, 2000.
13. Amnesty International, Peru: Summary of Amnesty International Concerns 1980-1995, February 1996.
14. Peru: Human Rights Since the Suspension of Constitutional Government (London: AMR 46/13/19, May 1993), p.2 and Human Rights Watch World Report 2002, Peru.