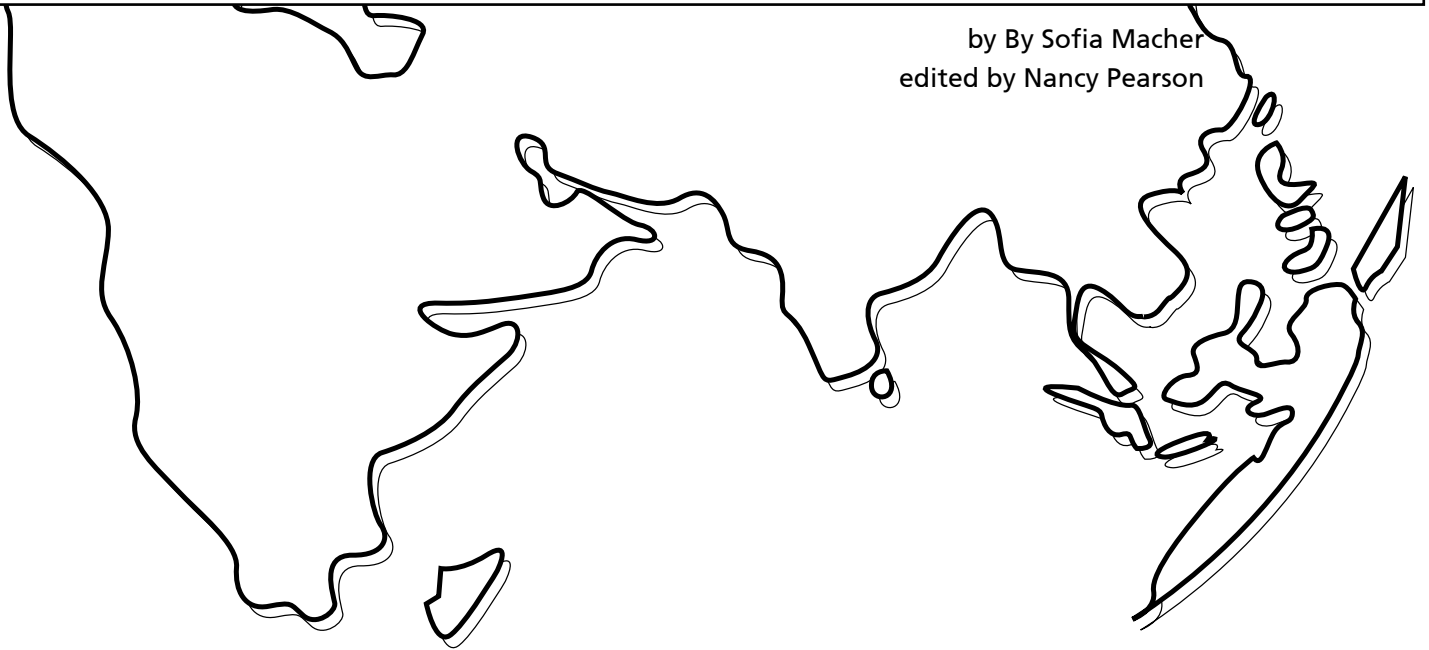


Public Audiences:

**A space to legitimize the testimonial and dignify the victims
of the internal conflict in Peru**

by By Sofia Macher
edited by Nancy Pearson



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Notebook Series Editor

Nancy Pearson

Design and copyediting

Richele Kuhlmann and Nicholas Gardner

English Translation

Alexis Howe

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The Center for Victims of Torture
New Tactics in Human Rights Project
717 East River Road
Minneapolis, MN 55410 USA
www.cvt.org, www.newtactics.org

Sofia Macher

Ex-commission member, Truth and Reconciliation Commission of Peru.

Current member of the professional team of the Instituto de Defensa Legal, IDL.

Member of the Working Group that developed the preliminary plan for the creation of the Truth Commission.

Representative of civil society to the Discussion Table of the Organization of American States, that negotiated the country's return to democracy in the year 2000.

1997-2001 Executive Secretary of the Coordinadora Nacional de Derechos Humanos (a coalition made up of 65 Peruvian human rights organizations).

The Truth and Reconciliation Commission of Peru

In the year 2000 Peru initiated a new transition to democracy. This new attempt began after the fall of an authoritarian and corrupt government. Responding to a just claim from society, the transition government set up a Truth and Reconciliation Commission (TRC) with the purpose of clarifying the nature of the process and the facts of the internal armed conflict that affected the country between 1980 and 2000. The Commission was also entrusted to determine those responsible for the multiple violations of human rights. On August 28, 2003, after two years of having motivated an open process in Peru, it presented its final report, which changed the official history of the violence that had been experienced in the country. In its Final Report the TRC records the tragedy of thousands of assassinations and humiliations, but also the scandal of silence and impunity. It presents a history of exclusion and racism against the country's native population, which makes up 75% of the conflict's deaths and disappearances. The TRC has left to the country an agenda that should be attended to with urgency, one that has to do with institutional reforms, with comprehensive reparation to the victims and the provision of justice for crimes against humanity.

Contact Information

Instituto de Defensa Legal
Manuel Villavicencio 1191, Lince Lima - Perú

Telephone: (+51-1) 4220244 / 4220754 /
4220594 / 2213840
Fax:(+51-1) 4221832

E-mail: idl@idl.org.pe
Website: <http://www.idl.org.pe>



September 29, 2006

Dear Friend,

Welcome to the New Tactics in Human Rights Tactical Notebook Series! In each notebook a human rights practitioner describes an innovative tactic used successfully in advancing human rights. The authors are part of the broad and diverse human rights movement, including non-government and government perspectives, educators, law enforcement personnel, truth and reconciliation processes, and women's rights and mental health advocates. They have both adapted and pioneered tactics that have contributed to human rights in their home countries. In addition, they have utilized tactics that, when adapted, can be applied in other countries and situations to address a variety of issues.

Each notebook contains detailed information on how the author and his or her organization achieved what they did. We want to inspire other human rights practitioners to think tactically—and to broaden the realm of tactics considered to effectively advance human rights.

In this notebook we learn about The Truth and Reconciliation Commission (TRC) of Peru. It is one of the most recent experiences of processes of transitional justice, institutionalized with the aim of exploring the truth hidden behind a past characterized by massive abuse of human rights. One of the central activities in this process is the Public Audiences, created with the aim of legitimizing and dignifying the personal experiences of the victims in order to support the therapeutic and recuperative work on their behalf.

The entire series of Tactical Notebooks is available online at www.newtactics.org. Additional notebooks will continue to be added over time. On our web site you will also find other tools, including a searchable database of tactics, a discussion forum for human rights practitioners and information about our workshops and symposium. To subscribe to the New Tactics newsletter, please send an e-mail to newtactics@cvt.org.

The New Tactics in Human Rights Project is an international initiative led by a diverse group of organizations and practitioners from around the world. The project is coordinated by the Center for Victims of Torture (CVT) and grew out of our experiences as a creator of new tactics and as a treatment center that also advocates for the protection of human rights from a unique position—one of healing and reclaiming civic leadership.

We hope that you will find these notebooks informational and thought-provoking.

Sincerely,

Nancy Pearson

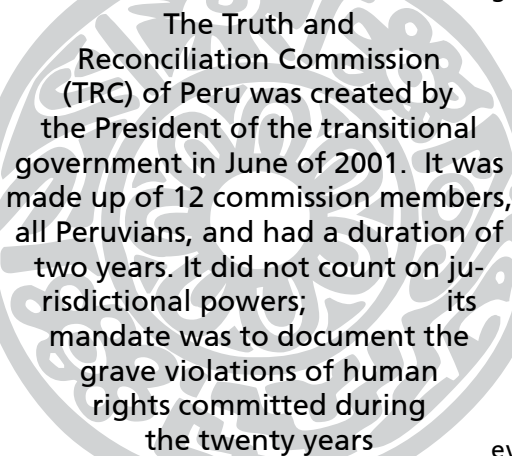


Introduction

The Truth and Reconciliation Commission (TRC) of Peru was created by the President of the transitional government in June of 2001. It was made up of 12 commission members, all Peruvians, and had a duration of two years. It did not count on jurisdictional powers; its mandate was to document the grave violations of human rights committed during the twenty years (1980-2000) of the internal armed conflict. Although the majority of the population agreed that it was necessary to know the Truth with regard to the years marked by conflict, the TRC felt a strong resistance from political parties that governed during the years in question, as well as from business sectors and from some retired military that had direct responsibility in the events. These sectors made declarations before the Media arguing that there was nothing to investigate because everything was already known, that the past should not be dug up because the wounds were finally "closed." They concentrated their efforts on individually discrediting the commission members.

In this context, and with ample journalistic coverage, the first Public Audience was organized in Ayacucho; its first impact quieted many of the critics because it clearly focused on the victims, and not on the commission members.

The audiences were formal sessions in which a victim or family member of a victim would give an account of what had happened before a group of people that had the ethical authority stemming from the State to listen and express their solidarity and acknowledgement. Unlike other Truth Commissions, the purpose of these sessions was not for investigation, but instead an audience for the restitution of rights, of citizenship, and of dignity for the victim, an audience to listen in respectful silence, lending ears to and giving voice to those who had never before been given such things.



The Truth and Reconciliation Commission (TRC) of Peru was created by the President of the transitional government in June of 2001. It was made up of 12 commission members, all Peruvians, and had a duration of two years. It did not count on jurisdictional powers; its mandate was to document the grave violations of human rights committed during the twenty years

The victim was completely aware that the public was listening to him / her since the session was carried out with many people in the room, including members of the media; so the audiences brought into the public sphere events that had been perpetrated in secret but the victim knew that he / she was credible in the eyes of the listeners because he / she was telling his/her truth.

Although the conflict experienced in Peru had very particular characteristics, we believe that it is possible to take away useful lessons for other contexts since the effects that violence has on people are always devastating; they demand, therefore, a treatment that is not only individual, but collective. All these people were assaulted by the State that had the obligation to protect them, and were later rejected by society. Many of them were displaced to other areas, condemned to fear, to silence that broke with the social support of their own communities. The Public Audiences are, so to speak, a step towards the restitution of this necessary support. But the audiences also had an effect on society itself. Knowing a personal history, one that is parallel to the official history – that until that moment everyone had believed and known – had a much greater impact than the Commission's final report could ever have had. Having heard hundreds of testimonies from different areas of the country, it put on the table the horror to which no Peruvian can feel unconnected.

This document aims to share the way in which the TRC has implemented its audiences in order to dignify the victims, contributing to the general recuperation of society. Certainly there are similarities with other processes since the tactic was created on the basis of other experiences (South Africa or Nigeria, for example), but there are also new aspects that are important since a new format was created that permitted us to begin a process of laying the foundations to generate change in the interior of the State, and also in society itself.

We begin with a brief description of the context of the conflict in Peru and the work of the TRC. Then we will describe the Public Audiences, analyzing how each implementation decision contributed to the objectives of the process. We will show the impact, and in the final part we will present some reflections on the possibilities of applying the lessons of this experience to other contexts. We hope to contribute to a worldwide learning process, so that the victims of other conflicts can benefit from this experience.



Above: Group of commission members listens to a witness during the Public Audience that took place in Ayacucho

1. The Problem

Ever since 1821 when the Republic of Peru was created, the illiterate population have not figured into the plans of any government and they only began to vote in 1979, one year before the beginning of the internal armed conflict. When Shining Path¹ (SP) initiated its armed struggle there were more than two million people in Peru that did not possess a National Identification Document.

One of the common assumptions broken by the TRC is related to the number of deaths and disappearances: 69,280 persons, in contrast with the number 25,000 that until then had been the official number. SP was, until then, responsible for more than 50% of these deaths and disappearances but not even the State worried about documenting what was happening in these zones until massive displacement invaded the big cities. During the 20 years reviewed by the TRC none of those responsible for crimes against humanity were penalized. On the contrary: in 1995 Congress approved an amnesty law for the military personnel implicated in such events, while the State systematically denied that such events had even happened.

How could so many have died or disappeared without anyone realizing it? Would no one miss them?

The explanation is simple: they were invisible and insignificant citizens.

The rural and campesino (peasant, countryman) populations in Peru suffer from both social exclusion and poverty. It is these same zones and social categories that suffered the greatest number of victims. The poorest communities in the country suffered the highest cost in human lives during the twenty years investigated by the TRC.

The cultural distances between the victims and the rest of the country turn out to be the most dramatic: 85% of the deaths and disappearances during the twenty years of violence are concentrated in six of the country's departments. While in the census of 1993, only one fifth of the country reported Quechua or another indigenous language as their native

language, that proportion exceeds the 75% of the deaths and disappearances reported to the TRC. Women and children appear among the victims more often in situations of indiscriminate violence, such as massacres or community arrests.

The armed conflict intensely affected Peru's rural highland Andean and Amazon zones, where the presence of the State – if there was one – was abusive and feared. The conflicting forces had acted with absolute impunity concentrating their actions on "invisible" citizens. The victims suffered not only the violation of their human rights but were also condemned to silence, stigmatized as terrorists simply for having claimed their rights or having denounced what had happened.

¹Shining Path is translated from Sendero Luminoso

The TRC has been able to verify the persistence of fear and latent threat fifteen years or more after the recounted events. Uncertainty, distrust, and suspicion for the future also continue, along with alcohol and other ineffective defense mechanisms. The external command to keep quiet was combined with the internal prohibition to speak, [beginning of page 8] which was imposed by fear and the break with reliable bonds that are a source of stability and safety. Isolation and loneliness, the absence of meaning – Why did what happened happen? –and extreme suffering that can injure identity have not been explored. This situation, which continues to exist in the country, has had profound consequences on the victims.

“But the memory will always appear... we lived in a state of terror. Even now I feel like wherever I go, I feel like they are following me; it will be that psychologically I remain this way, right? And I turn, no one is there. I mean, I don’t leave home much either, I don’t leave home. 10, 11 years will have passed, but the fear always remains, maybe with time I can forget it and erase all the wounds that I suffered, the violence that I saw and hopefully it never happens again.”

(Testimony given to the TRC in the city of Pucallpa)

“Even now I feel grief, I feel like I have an empty heart, it’s like there isn’t anything inside of me, that is why I don’t even drink, because drinking I would cry and I would fall into the gutters.

(Testimony received in Huanuco, TRC)

2. From the transition to democracy to the creation of the TRC

With the defeat of terrorism and later the autogolpe (self-coup d’état) of 1992 followed by the installation of the arbitrary Fujimori / Montesinos regime, different sectors of civil society joined forces against the violation of human rights and for democratic reintegration. An example of this is the protest against the amnesty law of 1995, a law that pardoned all violations of human rights committed by military officers, and the later dismissal from office of three magistrates of the Constitutional Tribunal that did not agree with Fujimori’s third term in office.

Mobilizations demanding the return to a state of law and the return to democracy spread throughout the country, symbolic acts, such as the popular washing of the flag, were organized in the plazas of the large cities.

Human rights organizations managed to bring various

cases to the Inter-American Commission and later to the Inter-American Court. The most important of such cases was the case of “Barrios Altos”, whose historic sentence in the Inter-American Court repealed the amnesty law finding that amnesty for violations of human rights is contrary to the Inter-American Convention on Human Rights. Protests in the streets gained momentum and combined with denunciations from the regional and international community. It was the beginning of the end for Fujimori’s third unconstitutional term –which ended less than a year later.

The corruption came to an end when the presidential advisor, Vladimiro Montesinos, went to jail. Fujimori escaped to Japan where he continues to live under the protection of the Japanese government that is impeding Peruvian law from penalizing him. With the escape of Fujimori, the president of Congress, Valentin Paniagua, assumed the presidency of a transition government that lasted six months, taking on as its principle tasks the eradication of corruption, the restitution of a state of law and the call for new elections.

It is this transitional government that, at the request of human rights organizations and organized civil society that brought the country back to democracy, has signed the Supreme Decree to create the TRC.

3. Objectives and principles of the audiences

The Public Audiences were open proceedings through which the TRC received information through direct testimony given by victims relating to topics contemplated by the TRC during its term with the aim of leading an open process that would impact the whole of society and be able to open possibilities that would bring profound changes in society.

According to the Regulations approved by the TRC the Public Audiences would be carried out with the following objectives:

- a) To enrich the investigation of the Commission incorporating the victims’ version of the period, their experience, and their expectations regarding justice, reparation and prevention.
- b) To convert the received information into an instructive tool for the citizenry in general, promoting a permanent dialogue to bring forth national reconciliation.
- c) To dignify those who were victims of crimes and violations of human rights, extending to them the solidarity of the country.

AUDIENCES FOR INDIVIDUAL CASES:

An important element of these audiences is the dignity with which the victims told their stories.

Faltering at times, and beginning again later, they recounted the events and their personal survival strategies, shattered dreams, the persistent hope for the future. The audiences had a great impact on public opinion, providing moments of profound connection for the public as well as for the family members present (children in the majority of cases), who had never heard the whole story before. Nobody questioned the version given by the victim: it was clear that this was THEIR truth.

“The work of the Public Audiences takes us out of our natural habitat and brings us face to face with extreme situations where each story is more severe and moving than the last. Listening to the testimonies, our normal recourse to operative dissociation, which is so useful in the office, becomes flooded with the eruption of heart-rending stories and loaded with so much affection that they end leaving us with a feeling of powerlessness or trap us in an identification with the bereaving family member. There will be moments in which the capacity to think loses out to the horror or frustration and then one will feel intensely close to the victim.”

(Carlos Jibaja, Psychologist from the Center for Psychosocial Attention, CNDDHH (Coordinadora Nacional de Derechos Humanos), Memories from the National Workshop 2002, TRC: New Challenges, p. 30)

THEMATIC AUDIENCES

It was very important that the open process initiated by the TRC not keep having an impact on people's emotions. So, they tried to provide additional information about the patterns of violations that were presented, how the perpetrators operated, the effects on the victims, duration, places, etc.

The thematic audiences were individual testimonies but grouped thematically: Women, Displaced persons, Schools, Universities, etc. where experts in the different subjects also helped by presenting their analysis and concrete proposals for reparation to the commission members.

To these public audiences was added a 10 minute video report that summarized and contextualized the topic in question. These reports were also an open road to identify other cases that had not given their testimony in the Public Audiences. It forced us to have a plan for all the sessions from the beginning and they were prepared parallel to the individual cases with the help

of the NGOs that were linked with the topic.

AUDIENCES FOR REGIONAL HISTORIES:

In these audiences leading actors in the conflict gave their testimonies reporting the process from a local perspective, pointing out the local heroes and heroines, the resistance, the defense of their culture, organization, family and the democratic institutions personified in the many authorities that remained in their positions despite the threats by Shining Path.

The reconstruction of local history is a key factor in the creation of collective memory to permit the community to better understand and explain what they had lived through, which is especially important for new generations, those that did not suffer directly but suffer on a daily basis the effects that the violence (that was never properly dealt with) has had within their own families.

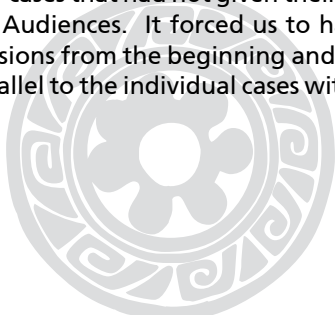
This kind of audience can be especially useful in post-conflict periods: not only do they work through suffering but they preserve heroic actions, positive experiences that can contribute to the overcoming of the trauma, elevate self-esteem, and prevent the violence from being repeated in future generations. The collective review of the past allows lessons to be handed down for future generations, laying the foundations for a new social contract; it can be a very useful tool in reconciliation that should begin once the facts are established.

4. The Process

A) THE ROOM

An important component in the design of the audience was the creation of a detailed protocol regulating each phase of the presentation, in an attempt to make the experience the most beneficial for all those present. The protocol was strictly applied in the individual audiences as well as the historical and thematic audiences.

A very unique space was designed with tables, chairs and photos to mark this “special moment” in the life of the country. [beginning of page 10] This same physical space was re-created in each place where the audiences would take place to reproduce the same format and experience each time. The layout of the furniture and the place where the victim would sit was considered in detail to avoid the feeling of being in front of a tribunal; with this goal in mind they created a single semicircular table where everyone could look at each other. This set-up also made it easier for the press to do their job as well as for the public who wanted to witness the event.





Above: Demetio Torres Aymara, Public Audience, June 7, 2002, South-Andean Regional Seat, Municipal Theater of Cuzco, Peru. Chumbivilcas Case.

Taking into account that 85% of the victims come from the country's poorest rural areas, it was essential that the story was told in the native language of the victims. This was the first time in Peru that an official entity had used simultaneous interpretation from native languages during an official event.

The Commission was conscious of the care with which they should conduct the sessions, in order to avoid that – in spite of their efforts – the public exposure of the cases harm the victims in any way. Therefore, all types of measures were taken to make the experience of giving testimony easier, minimizing any risk to the victim's physical or emotional well-being. The space, the scene's core, was absolutely controlled: all the details of the design and logistics (water, handkerchiefs, transition, [beginning of page 11] etc.) were taken into consideration so as to not distract the victim while telling his / her story. The commission member that presided over the session had the authority to stop the session and remove anyone who might be disruptive.

In the room there was an average of 40 volunteers (the TRC had a network of 1,500 youth volunteers) who, identified by the vest they wore, attended to the room and facilitated the entry of the public before initiating the session.

The president would open the session, reminding the attending public of the way they should comport themselves emphasizing respect for the victims. The human rights organizations that assisted with the selection of cases prepared summaries so that the commission members could prepare the appearances. The details of each case were given beforehand to each commission member.

B) THE TESTIMONY

Taking into account that 85% of the victims come from the country's poorest rural zones it was essential

that the story was told in the native language of the victims (which was a tremendous challenge as there are no interpreters for all the country's indigenous languages), not only to make it easier on the witness but to express respect for their culture.

This was the first time in Peru that an official entity had used simultaneous interpretation from native languages during an official event. Although there are many requirements that a person can speak their native language, these norms are not respected. This is especially serious when the situation is, for example, a judgment that is in a language that the affected person does not understand. There are no professional interpreters for the indigenous languages.

Since the interpreters had never done simultaneous interpretation, various rehearsals were necessary. The use of headphones ended up complicating the situation for the victims and creating unnecessary tension. Since the majority of victims understood Spanish – in any case it was possible to translate into the headphones – they opted to work with someone who would translate the welcome remarks as well as the final words of the commission member, the only moments in which Spanish was spoken. This move was an important part of the dignifying “format” since it would prevent the natural thread of the story from being cut off. In addition, it established a new approach to communication in the country that assured respect for the language of every citizen and created a standard that the State should maintain in the future.

The stories created a very special atmosphere that involved everyone deeply. In the first Public Audience conducted in Ayacucho, the tears of those who were present – including camerapersons already hardened due to their profession – exceeded the number of ready handkerchiefs; we had not provided enough for the members of the public that attended. In the Regional Histories Public Audience that took place in the city of Puno, a group of opponents intended to block the testimony of a political party representative by booing and hissing. The session was halted to note the democratic value of listening to a political opponent and the reaction of silence allowed the testimony to continue. Only on one occasion (during a regional Audience) was an applause permitted. The respect won by the Public Audiences guaranteed the solemnity and importance of these moments. Never again did problems arise with the public even though on some occasions the number of people in attendance reached 600.

C) THE PROTOCOL

The following was the rigorous protocol of each Audience:

1. The commission members reminded the public of the nature of their mission and the principles assumed before the country, on the basis of a declaration adopted by the Plenary.
2. The victims swore – at the beginning of each individual Audience – to tell the solemn truth.
3. The attending public maintained their composure and due respect at all times.
4. The attending press, properly accredited before the TRC, was respectful of the victims and abstained from other activities not related to the testimony until the end of the Audience.
5. Family members, support groups, and TRC support staff were permitted to accompany the victims.
6. The commission members thanked each victim for agreeing to share their experience with the country and they expressed their solidarity with the victims of the violations described.



Furthermore, in the Regulations the following principles were set out:

Regulations	Comments
<p>a) Informed consent</p> <p>“The invited victims freely participate, being advised of the objectives of the Public Audiences, the opportunities for dignity and dialogue that they represent, as well as the legal consequences, and emotional and other risks that could result.”</p>	<p>Most countries have very strict regulations on the crime of defamation. It was necessary to protect the victim from the risk of being sued by a possible perpetrator and not having sufficient proof to protect themselves.</p> <p>The TRC also tried to protect itself in the event that a victim wanted to retract their testimony or accuse the TRC of having forced them to supply information. Although there has been no such case, victims are asked beforehand</p>
<p>b) Respect for diversity</p> <p>“The victims will be respected in their right to recount the events in an environment that is respectful of their identity; in particular they will not be the object of discrimination based on their race, sex, origin, religion, political opinion or cultural identity. They will have the right to express themselves in their own language, which will be simultaneously translated for the audience.”</p>	<p>One of the serious matters that concern the TRC is racial discrimination which explains why 75% of the victims of death or disappearance were speakers of Quechua or other indigenous language. Being able to speak in their native language was essential for the dignity of the victim. The TRC expressed respect for their culture and offered more comfortable and tranquil conditions for the victim.</p> <p>It was also very important to adequately represent what women lived through since in the majority of cases women focused their account on their family members rather than on themselves. The invisibility of women was a very marked characteristic.</p>
<p>c) Non-hierarchical order</p> <p>“The cases selected for the testimonial audiences will serve only as examples of the whole of the crimes and violations that occurred; their selection has a pedagogical goal as well as the goal of restoring dignity to the victims. In no circumstance will the selected cases be considered as more important than those whose investigation is carried out under discreet mechanisms and discretion of the TRC.”</p>	<p>Selecting a few cases among the thousands that were received, presented the risk of deepening feelings of exclusion. The selection criteria were explained to the victims directly as well as at the beginning of each Audience and in the press conferences since the question constantly arose among members of the press. The informational goal was to show a number of offenses suffered in a selected region of the country.</p> <p>In some cases a process was organized before the Public Audiences where the community was able to decide who would give testimonies based on which they considered to be the most representative.</p>
<p>d) Emotional and social support</p> <p>“The victims will have the right to be accompanied by an immediate family member as well as by members of their local community, mental health professionals, or spiritual or legal advisors; they will enjoy protection against all types of harassment and lack of respect that might increase the emotional cost of giving a public testimony.”</p>	<p>Making possible the presence of family members was an element that the Public Audiences took from the South-African Truth Commission. In each of the Public Audiences there was also a community delegation present to serve as listeners. This was done in an attempt to make up for the selection of some cases over others and reinforce the idea that the people who gave their testimonies did so in representation of many others. This presence reinforced the credibility of the testimony.</p>

e) Protection of the life and personal integrity of the victims

“In agreement with what is established in subsection e) of the Supreme Decree

N 065-2001. PCM2, the Commission will administer the safety measures that – at its discretion – provide reasonable guarantees for the life and personal integrity of the victims.”

The safety of each victim speaker was routinely evaluated and the victims knew this. When the victim feared possible retaliation this evaluation was continued after the Public Audience.

f) Collaboration with judicial bodies

In accordance with Article 11 of the Organic Law of the Public Ministry, demonstrations or testimonies offered by the victims can serve to initiate the investigations considered significant by the Public Ministry.”

This subsection forced judicial bodies to initiate judicial processes and to change the behavior they exhibited during the conflict. Since the TRC is an official commission, the Public Ministry should act upon knowledge of the commission of a crime. It had neglected this duty. On the contrary, it was necessary to force action by sending the written reports to the Attorney General so that he would begin the relevant investigations.

g) Right to explanation / clarification

“Respect for the dignity of all persons includes those who may be indicated in the context of an Audience as allegedly responsible for illicit acts. For this reason no one shall be denied the chance to provide their version of the story, in the context of the TRC’s ordinary process of investigation.

The TRC did not have any control over the testimony of the victims. Accusations could be made that later may be found to be lacking substance but the country’s norms guarantee the right to rebuttal to persons that are accused of a crime (or other actions that could damage their honor).

The TRC established a channel to attend to these written requests and promised to give them a space in its final report without having to confront the victims with the situation.

In the same way, the decision was made not to use the space created for the victims to listen to the perpetrators. The alleged perpetrators were heard in closed audiences since their innocence should be proven before the tribunals and not in a Public Audience since in Peru the TRC did not have judicial powers.

5. The selection of cases

Case selection was an extremely sensitive subject because it reinforced in some people the feeling of exclusion and marginalization by any appearance that some cases were more “important” than others. This was a recurring topic in all of the press conferences: Why some and not others? The criteria and reasons for selection were repeated time and time again to journalists and victims, as well as at the beginning of each Public Audience.

The selection was intended for public information but furthermore tried to reconstruct the local universe covering all periods of government that were an object of investigation, the different types of violations, a balance of gender, different perpetrators etc., for which previous knowledge about each region was necessary. Many reports were simply not reviewed. It was impossible to go through 17,000 testimonies publicly. The cost of each Audience was very high and the term foreseen for the TRC would not allow the increase of the number of testimonies taken. However, all the communities wanted to have their own Public Audience.

²Supreme Decree created by the TRC

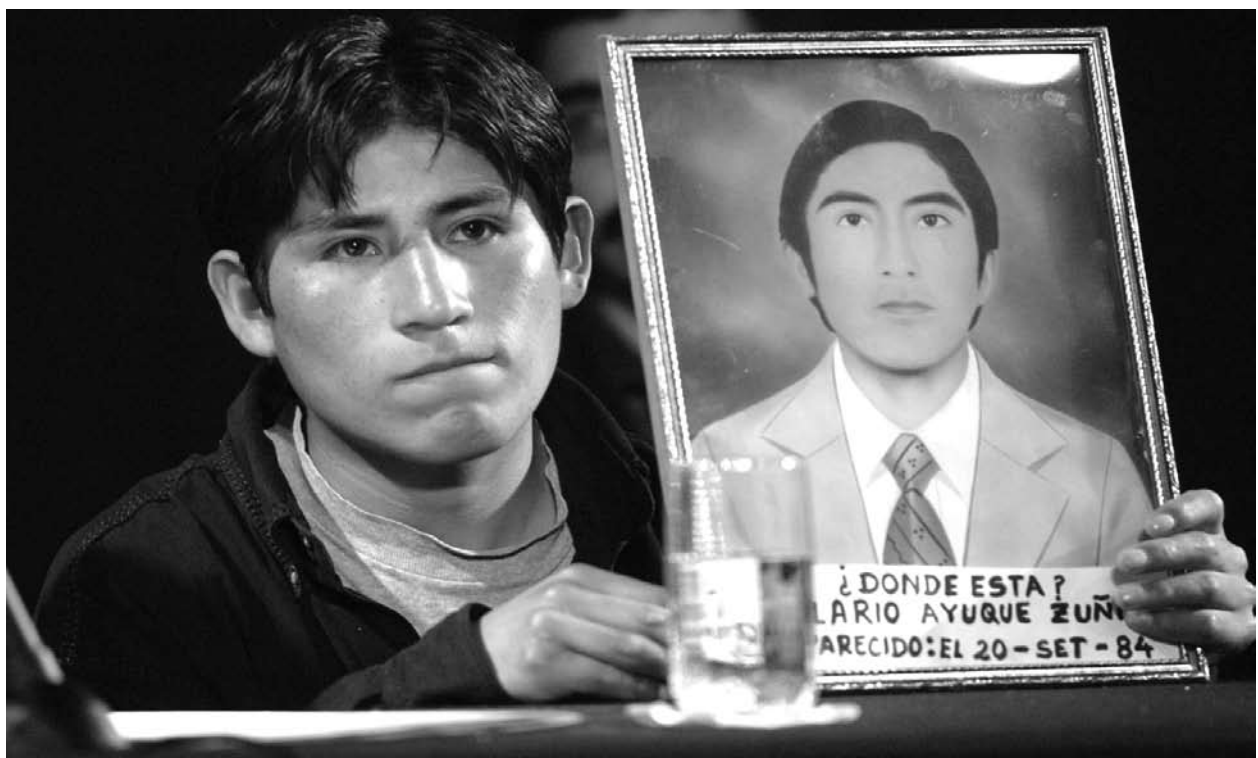
For this reason Public Assemblies were organized, which lacked the complexity of the Public Audiences but doubled the number of sessions. Only a few commission members attended the Public Assemblies and not all of the stage design was transported, nor were they presented on national television, but they were covered by local media.

In the case of the thematic audiences the criteria was territorial: that all the regions that suffered the same pattern of abuse were represented. Especially important were the thematic audiences on women and displaced persons that involved various national reunions in preparation for the presentations. In the case of the displaced persons audience, the victims told not only their individual experience but also described the situation of the entire community. So, without having foreseen it, this audience permitted the reactivation of the organizations of displaced persons that were broken up.

In the case of the regional histories audiences the criteria was: that all the organizations and political parties that had a relevant role in the process appear. Many times it was necessary to force the proportionality of what happened in a determined place to be able to represent the whole universe always with the idea of trying to reflect all the situations (in a single Public Audience 450 testimonies were received).

The task of selection was carried out together with the member organizations of the CNDDHH (Coordinadora Nacional de Derechos Humanos) with whom the proposal was created that was later brought to the plenary of the commission members for its approval. These member organizations were also in charge of looking for and inviting victims in their home communities. In some cases the selection was part of a longer process, in which the organizations of those affected or the community itself were contacted to select the cases.

In all the Public Audiences for individual cases, the testimonies of police were presented as victims. It was the Minister of the Interior himself who was in charge choosing his cases. For the majority of police that gave their testimonies, it was the first time that they had returned to the place where the incidents took place. The experience was, then, very powerful. Nearly all explained their roles during the conflict, some asked for forgiveness in the name of other colleagues that had violated human rights and showed "the human side of duty" which permitted them to approach society in another way. This participation had special importance in the process of transition, since the Fujimori government had militarized the police during the nineties. In effect, one of the TRC's recommendations in the frame of institutional reforms is the demilitarization of the police.



Above: Ronald Zuniga holds a photo of his deceased brother while he makes a statement in front of the members of the TRC during the first public audience in Huancavelica.

On various occasions the same participation was requested of the Ministry of Defense, but they never consented. In a later conversation with one of the army leaders, this leader commented that they did not accept because it was not like them "to complain about what was suffered while doing one's duty". However, at the end of the process, the same officer admitted in an informal conversation that it was an error to refuse to participate. It would have been very valuable not only for society as a whole, but also for the families of these officers: they had also been neglected by the State in terms of rehabilitation, pensions, etc.

6. Preparation: Taking care of the victim

Psychological attention to the victim was a central element before, during, and after the Public Audiences. Above all it was important to establish if the person was of the emotional capacity to give their testimony in public. If this was the case, someone worked with them on their consent, and the implications of this consent, fears, "feared scenes" in the framework of the account, the independence to prepare their account (especially the time of 25 minutes per testimony). One day before the session they were driven to the place where the audience would be held and they were taught the rituals of entering and exiting in order to prepare them for the physical space as well as the mental space necessary to perform such an action.

During the testimony the victims were accompanied to the table by a previously designated relative or other person, as well as a translator that spoke their native language. Waiting rooms were also organized where the victims were accompanied by psychologists and other persons they had designated to accompany them; additionally another room was set up so that once the session had ended they could have necessary support.

7. Security

In preparing for the public audiences security was taken into account, security of the place as well as the evaluation of each case for the possible risks involved. The list of victims was confidential and the case summaries were only handed over to the press once the testimony was given. Based on the experience of the Public Audiences in South Africa the victims were protected from the press so that they could decide if they would make statements or not, the waiting rooms as well as the exits were completely protected and no one could enter without authorization.

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The TRC organized a security team to protect the victims and that would evaluate the possible safety risks for these victims who gave their testimonies. This evaluation would be made with the victim him / herself which would contribute to his / her feeling protected. In some cases it was necessary to recommend with emphasis to the victim that they not give the names of possible perpetrators that could cause them problems. Even so, some victims chose to do so; in other cases, victims opted to give such information to the commission members in a private session. The Commission took charge of verifying that its integrity was not in danger and in order to do this it requested the collaboration of relevant authorities.

8. Monitoring

The plan was that a few weeks after giving the testimony, psychologists would have one or more sessions with the victims but some of them lived in very remote places and did not have sufficient resources or finances.



Impact of the Public Audiences

A) IMPACT ON THE VICTIMS WHO PROVIDED TESTIMONIES

After the audiences a study was done based on in-depth interviews with a sample of twenty victims that presented in the various audiences that took place in Huamanga, Huanta, and Lima, in order to evaluate the impact of the experience and to listen to their opinions of the process and its results .

Here are some of the study's conclusions.

- Part of the feeling of personal vindication of those who gave their testimonies is due to the fact that their experiences were validated by an external entity to which great authority was assigned, not limited to the Commission but also to the presence of the Media, local leaders and international guests.

"I am happy for having made a declaration about my deceased husband. I have spoken by the grace of God. I was most happy when I found out that in other countries, as in Lima, I was on television. I thought that, at least they will have seen my photograph, and so they have felt sorry for me. Also, in Lima, my deceased husband's family members will be watching, knowing how things occurred. But since I have made my statement I have been happy, as if my husband were alive, saying, all that; all that week I was happy.

(Ayacucho. Woman, 59 years of age, family member of assassinated person)

- For the victims, participation in the audience was frequently seen as an act of responsibility before the community. The approval of their families or social circles was very important for the audience participants. Some feel that, through their words, communities and families gained some type of vindication. In fact, a victim that participated in the audience on displaced communities expressed that other people in her neighborhood paid attention to the audiences because they recounted events that occurred in their home communities, and some victims mentioned having received letters and greetings from their family members from different parts of the country.

- There were no situations of grave danger or reprisals against the victims, which has made them feel much more open to people in general, and more comfortable with the idea of presenting their experiences in public.

The experience of giving one's testimony had an effect that, although it was not one of the Commission's initial objectives, was predictable: victims listened to and got to know other people that had had similar experiences, which relieved, in some way, the feeling of isolation and abandonment, as well as possible stereotypes about the experience of others:

"That day in the Audience we met with people from the urban area (...) I recognized that they too had suffered, as we from the countryside had suffered. And, at the end, we have all been affected: not only our province, in other words the people from the countryside; but also the people from the urban area."

(Ayacucho. Man, 41 years of age, family member of a disappeared person.)

One possible result of this mutual recognition is the development of notions of solidarity and the wish to get involved in organized efforts:

"What I did feel was the need to join forces, to come together, because if the same thing has happened to us all, why shouldn't we be together? That is what I felt, do you understand? Besides the need, at that time, solidarity came to the surface. The feelings are the same, the cases are the same, and that comes to the surface: to want to come together and be together, do you understand? Because I am aware that I am not alone, but instead am a part of a group of people, thousands of people, and those who have testified are only a part of this group."

(Lima. Man, 59 years of age, family member of a person who was arbitrarily executed.)

It has not been common for Peruvian victims to establish active and effective organizations that defend their rights. In contrast to other countries, victimization has occurred in sectors with little organizational experience and with little social recognition, for this reason organizations of victims or family members have not generally had a strong impact in the national political scene.

³This information was produced by Lisa Laplant and it can be found at <http://www.cverdad.org.pe/apublicas/audiencias/impacto.php>

B) IMPACT ON VICTIMS WHO DID NOT GIVE TESTIMONIES

It is difficult to measure the effect on the victims that did not have the opportunity to give their testimonies in a Public Audience, but we can affirm that many other victims that did not tell their story but that were present in the room where the audiences took place felt deeply connected with the testimonies that were given there. One verifiable impact is the impulse of a new movement among victims facing the recognition of their own voice in the public space.

Days before the Public Audience on Women some institutions organized a national meeting for women affected by the violence where they prepared their own recommendations and later attended the Public Audience: it is certain that all of them felt like a part of the Public Audience, it was their audience, and a small group of representatives was put in charge of presenting to the commission members said recommendations. In the Public Audience on Displaced Persons delegations from all regions were present and the victims that had been selected spoke for the entire community.

In the case of the audiences for university students – which were the target of repression by the State during the armed conflict – a change was introduced: the cases were not presented by the direct family members but by fellow students which gave the testimony a different focus: details about the atmosphere around the university were mentioned, as well as the role played by the students who were killed or disappeared. Without a doubt the university community felt very identified with this testimony.

The legitimizing effect of the audiences cannot be underestimated as a factor in the possible strengthening of the organizations of victims and their demands in the national agenda. With the work of the TRC finished, a map of organizations⁴ of affected persons was developed; the map reveals that 190 organizations of victims exist in the country. There had not been more than 10 before the TRC. With different levels of organization and representation, they are an important indicator of the assumption of rights and of awareness regarding the claiming of these rights. It will also be important to assure that they migrate from their condition as victims to being citizens aware of their rights.

C) IMPACT ON NATIONAL PUBLIC OPINION

When we speak of national public opinion we are referring to a very broad, dispersed, and different scene. The impact on the local public and in some organized sectors was greater than on the general public. In fact the activities organized by groups in the areas where the audiences took place had a much greater impact,

with nearly total coverage in the press since many people had some kind of relation or familiarity with the situations being addressed.

As was said above, the Public Audiences evoked much interest in the public but this does not mean a significant change in their thinking. Let's look superficially at the results of the impact study done by the TRC.

75% of the people that listened to the Public Audiences felt that the TRC was something necessary for the country and 70% sympathized. They feel that it was important to shed light on the murders and to listen to the victim's statements; those who are not in agreement think that it is something of the past, that nothing can change it, or, that it is a confidential matter that should not be aired in public.

When asked whether the Public Audiences had modified their way of thinking about what happened during the years of violence, 29% responded "very much" and half of them (49.9%) say that there had been even more violence that they had imagined. 23% of the sample responded "somewhat" and 27% of those polled responded negatively.

Very few people – among those that watched the audiences – really connected with them in the sense that they were made to reflect on them. Only 10% indicated changes related to the idea that they had before. 2.1% said that life was not valued, and (in the same proportion) that the victims were not given help. In other words, the Public Audiences had an impact, but on their own they do not have the potential to modify conduct, with which the pedagogical objective – proposed initially – was achieved only partially. However, it is a starting point from which to continue working.

A more comprehensive process is necessary, combined with other elements, since the word of the victims is not enough. Keep in mind that the voices belong to the country's "invisible" persons, which continue to be so even today. On the other hand, some discussion tables were organized to debate with institutions and political parties on the topics addressed in the Public Audiences. The most notable experience regarding this subject matter was the discussion table organized after the thematic audience on anti-terrorist legislation and innocents in prison in which three sectors participated⁵:

- 1) The State represented by the judicial branch, the district attorney and the public defender.

⁴ Rocío Paz Ruíz. Final Report of the Consultancy "Mapeo de las Organizaciones de Afectados por la Violencia Política en el Perú" Oxfam, April 2004.



- 2) Armed groups, lawyers for the members of Shining Path and the Movimiento Revolucionario Tupac Amur (MRTA)
- 3) Representatives from human rights organizations

Gathered together at the same table they argued about legislation (rule of law, due process, democracy) in a country where spaces for debate on background topics had been lost. So the dialogue was constructive, refreshing, and touched by the testimonies that were heard. Maybe this was a good track to follow to complement the efforts made by the TRC regarding the Public Audiences.

D) IMPACT ON THE COMMISSION MEMBERS

Twelve people were appointed independently by the President of Peru to serve on the commission. None of them had had a previous work relationship with the others, and they came from different professions, jobs and ideologies. None knew how a truth commission worked nor how the job needed to be done, but the supreme decree that created the TRC established a term of six months to organize everything.

It was an intense period of work involving constant practical questions on how to set in motion the mechanisms, and discussions on methodological, theoretical and organizational details. In the beginning the commission members each held varied beliefs and understandings about deep concepts such as justice and truth. But as work progressed, the commission as a whole reached the firm conviction that when justice was spoken of in the TRC, one was talking about bringing the responsible criminals to Court, and the biggest risk that these episodes would be repeated in the country came from amnesty and impunity.

It would not have been the same if the testimony were presented in the written form. Hearing the victims gave a new feeling to the work. Sitting for hours listening to stories where the notion of humanity had been completely lost, listening to the victims' demands, traveling from one part of the country to another, observing the repetition of the patterns of behavior of Shining Path as well as the authorities allowed all the previous discussions about methods and theories to become a concrete reality. Living this experience together facilitated joint decision making during the two years of work and united the group of commission members around a common feeling of pain and injustice.

E) IMPACT OF THE PROCESS

How does one become an activist in the country during the time that our work was going on?

It was thought that the TRC should have some kind of impact on the strengthening of the rule of law and democracy in the country. In fact, the supreme decree demanded such. (One must remember that the TRC was established during the transition government and in the middle of the process of the revival of democracy).

A first decision made to this purpose was that of demanding an open process with concrete actions to be able to initiate a process in the country and to create political movement that would force action in other State institutions.

The Citizenry

Steps were taken to force state institutions to modify their role in relation to the effects of the internal armed conflict. In this context, reconciliation was defined as a long process centered on producing radical changes within the state-society relationship as well as in the heart of society itself. A new social pact was desired, based on justice, reparation, and institutional reforms.

The Public Audiences played a fundamental role in increasing civic awareness in the country, but they ended up being insufficient on their own. They were a step forward in the restoration of the victims' dignity but they did not generate changes in society. They have started the process.



Above: Citizens of Chungui receive the members of the TRC before the public testimony imparted in 2002.

A month before the presentation of the final report, the TRC opened a display of photos collected from more than 120 archives that recorded the history of the 20 years of internal armed conflict grouped in 27 rooms and ordered under the same outline of the process of national violence that is described in the TRC's final report. The exposition, titled *Yuyanapaq (Para Recordar)*, received more than 100,000 visits in four months. The exposition – like the Public Audiences in their time – placed the victims at the center of history, also making them a tool to mobilize civic awareness.

The Political Class

Without a doubt, the most complicated sector for the TRC has been the political class. Although the attacks on the commission diminished after the Public Audiences began, the political sectors proved themselves to be incapable of processing self-criticism and insisted on denying violations of human rights. The public sessions, on the other hand, were covered by all of the country's media and generated many criticisms on the part of public opinion, which unleashed a new attack on the TRC. Some members of congress tried to present an initiative in Congress so that the TRC's final report remains reserved for fear of a terrorist reaction in the country. The initiative was not successful, but it is evident that until now they have not included any of the pending institutional reforms in their political agenda.

The Armed Forces

Except for the retired soldiers that were found responsible for crimes against humanity, the Armed Forces generally kept themselves at a considerable distance. In spite of that, and once the final report was presented, all of the ex-commander generals of the armed forces (including one of them that while being a member of the TRC never broke consensus), signed a public press release disagreeing with the "crimes against humanity" that for them had only been "excesses".





Above: In order to achieve a broader coverage the Public Audiences were broadcast live for the entire country.

A victim that participated in the audience on displaced communities expressed that other people from her neighborhood closely followed the audiences because they recounted incidents that occurred in their home communities, and some victims mentioned having received letters and greetings from their family members from various parts of the country.

Unresolved Questions

SHOULD THERE BE AUDIENCES FOR PERPETRATORS?

This point was widely discussed within the Public Audiences at which there were sympathizers and opponents. On one hand the arguments in favor prevailed because they think it is important to demonstrate impartiality and the ability to be open and listen makes everyone equal. Understand that we are talking about the Public Audiences; there were many private audiences, with perpetrators and prior notice was given to those who were presumed to be responsible that they would be pointed out so that they had the opportunity to prepare their testimony.

The opponents, for their part, referred to the TRC as a space with the purpose of dignifying the victims, one that should not be used by possible perpetrators, since they would not be able to adhere to the protocol of "listening only" as they were persons that were being named responsible for specific incidents. Changing the protocol to be able to ask questions was not authorized.

It was this position which finally gave way to the TRC as a symbolic space for listening and offering solidarity with the victims.

INSTITUTIONAL AUDIENCES

During the initial period of the Public Audiences the possibility of conducting institutional Public Audiences was considered. This would have been a first step identifying reforms that should be implemented in the post-TRC period. The role of such institutions (political parties, sectors of the Church, professional schools, NGOs, state institutions) in the past in question would be borne in mind.

Time exceeded discussion and the institutional audiences ultimately could not be carried out. However, "INSTITUTIONAL SESSIONS" were organized with the political parties that had been in government during those twenty years along with others that had had representation in Congress. These sessions revealed the difficulty of self-criticism that the political class would later show: in fact, it is the political class that has least involved itself in the discussion on reforms and in the implementation of the recommendations proposed in the TRC's final report.

ROLE OF THE MEDIA

The role of the media – we know it well – is absolutely decisive. According to statistics, 80% of the people that saw the Public Audiences did so by watching TV, while 15.2% listened to them on the radio. Smaller percentages kept to the written press (10.7%) and only 1.9% saw them live. It is true that not one media source questioned or distorted any of the testimonies but at the same time television broadcast little in its entirety. Generally they did it as a part of the daily news but never dedicated a special space for the topic.

A question remains on what strategies should be implemented to incorporate more of the media, such as the use of alternative media that should be utilized to promote opinion and the greater participation of society in the process.

IS IT POSSIBLE TO CARRY OUT / REPEAT THE PUBLIC AUDIENCES IN A CONTEXT OTHER THAN THE TRC?

Let's review each of the central elements:

- The story that is told: the testimony
- The people that attend the audience and enjoy the affirmation of the population
- The public opinion that listens
- The ritual that gives solemnity to the event
- The history that is told: the testimony

It is necessary to think of the way to encourage and support the victims to tell their story outside of an official environment or outside of a process of transition. It will be necessary to think even more about the safety

of the victims and about the difficulties when support is lacking at the highest levels of society.

The people that listen to the testimony: A Truth Commission should enjoy the confidence of the public as well as of the victims themselves. (Although there have been some that have not had legitimacy.) In a non-official tribunal on violence against women that took place in Nigeria a judge from the Supreme Court was present, among other personalities. Is it possible then to think about local official spaces that do not necessarily involve the national government? And, outside of this official context how is this level of legitimacy repeated?

The public opinion that listens:

In the official forums the presence of the press multiplied the audience almost automatically upon including the general public. If legitimacy is protected, it is possible that this could also happen in a non-official forum. In Guatemala, the non-official process of "Recuperation of Historical Memory" led by the archbishop enjoyed the same level of attention that the subsequent process of the official commission of the ONU in the frame of a peace process (Commission for Historical Clarification). Neither of the two processes in Guatemala had Public Audiences, but the comparison is valid especially for the cases in which the non-legitimized government is substituted by social forces that represent the people.

The ritual, which gives solemnity to the event:

Legitimacy regarding the ritual is unquestionable since it permits discipline to be controlled and avoids counterproductive answers or reactions on the part of those who may not in agreement with the testimony.

Secondly it is important to mention the logistics that supported the organization of the audiences. Although it is possible to think about smaller scale, what cannot be avoided is the control of all the details so as not to disturb the solemnity of the gathering.

Psychological support constitutes another essential element: the public account of a painful story has a therapeutic component that, with different degrees demands a very close monitoring.