



Twenty years on

– forgetting and
remembering

The background of the page is a photograph of a building with a large mural. The mural is painted on a wall and depicts a central figure, possibly a bird or a person in traditional attire, surrounded by other figures and symbols. The building has a tiled roof and several windows. The entire image is overlaid with a semi-transparent red filter.

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The Truth and Reconciliation
Commission's President
Salomon Lerner

Introduction

The 28th of August 2023, marks the twentieth anniversary of the publication of the Truth and Reconciliation Commission's report, (TRC) which investigated the violence that took place in Peru during the internal armed conflict of 1980 – 2000 and made concrete recommendations to the government that were intended to overcome this bitter chapter in its history. It is estimated there were more than 69,000 people killed, around 75% of whom were Quechua- and Aymara-speaking indigenous people mostly caught in the crossfire between Sendero Luminoso and the armed forces. Many members of the armed forces were also injured and killed.

The Commission's work aimed not only to examine past events but also to recognise the need to acknowledge the violence that took place, its perpetrators, and those whose rights were violated. As well as seeking to understand what happened, it set out to provide an agenda for the future.

In the words of the Commission's President, Salomon Lerner:

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The following year, in June 2004, the Peru Support Group sent two British parliamentarians to assess the impact of the work of the Truth and Reconciliation Commission. John Battle was at that time the MP for Leeds West and a former Minister of State at the Foreign Office with a long-standing interest in

International Development and Lord Alderdice a psychiatrist regarded as an authority on psychological aspects of conflict and terrorism and an honorary professor of San Marcos University in Lima, Peru. Lord Alderdice was one of the party leaders who had negotiated the 1998 Belfast/Good Friday Agreement that brought an end to the Irish Troubles and had subsequently been the first Speaker of the new Northern Ireland Assembly.

That 2004 PSG report by the two UK parliamentarians concluded that reconciliation was not about getting back to where Peru was in 1980, but rather to build a reconciled Peru that has never been before.

The roots of the violence lay in the history of Peru, and the dysfunctional nature of the society that has developed from that history. This required a process of reparations, for individuals, groups and communities and improvements in the administration of justice; though they were concerned about whether there was the political will to ensure the implementation of the key recommendations of the TRC. They noted that a good starting point and indicator would be whether there were explicit lines for reparation action in the commitments of each relevant Ministry in the Budget for the following year – 2005.

They identified a need for an adequate response to the increasing levels of poverty and the needs of communities who live in the poorest regions of Peru, otherwise, they said, the sense of injustice, which they believed to be at the root of the insurgency, would remain unresolved and the country would remain vulnerable to future instability. Such major changes would benefit from international cooperation, not least from countries that have been through similar experiences and, if successful, Peru could itself have a contribution to make to the wider understanding of these issues, both receiving support from and contributing to, the international community. There was also a major need for institutional reform. International assistance must be met, they said, by preparedness on the part of powerful elements within Peru to address the causes as well as the consequences of past tragedy.

They concluded that there were three clear priority areas for reform:

- » Trials to identify the guilty and acknowledge past injustice.
- » A process of economic and social reparations for people affected and for their communities.
- » A far-reaching programme of institutional and legal change, including within the police.

Twenty years on the Peru Support Group asked Lord Alderdice to return with the PSG Administrator, Ms Ana Reyes-Hurt, to review the situation. They visited Peru from 14th – 19th May 2023, to reflect on the



*With Prime Minister, Alberto Otárola Peñaranda
(President of the Council of Ministers)*

progress, or lack of it, in implementing the TRC's recommendations, and analyse the current human rights, political and institutional crisis. They met with civil society organisations, international institutions, people from the business sector, and government authorities.

This report aims to provide some of the key findings of the interviews conducted and to explore one of the most important issues that continue to hinder Peru's ability to effectively guarantee an equitable and just society - the role of memory.

They found that much had changed, with several positive developments taking place since the previous visit, however crucial areas like security sector reforms, and the addressing of the underlying causes of violence – such as deep-rooted discrimination, poverty, and isolation of marginalised communities – remain largely unresolved.

¹ Truth and Reconciliation Commission Report - <https://www.cverdad.org.pe/pagina01.php>

² Peru Support Group, Truth and Reconciliation – The Findings of Peru Truth and Reconciliation Commission, February 2004.

Truth and Reconciliation Report – 20 years on

The Commission's Report estimated that there were more than 69,000 victims, of which nearly 75% were speakers of indigenous languages. It clearly indicated that the Shining Path began the violence and was its principal perpetrator. But it also highlighted the human rights abuses carried out by the military and the responsibility of successive governments in escalating the conflict.

The Commission chaired by Salomón Lerner Febres did a remarkable job, collecting more than 16,000 testimonies and carrying out public hearings and forensic investigations within a tight timeframe of only two years. The report's findings were not warmly welcomed in all quarters, especially within the military. They were criticised for failing to condemn terrorism in sufficiently forceful terms and the conclusions drawn were challenged. Such criticisms and, indeed denial of the facts, have plagued the attempts of victims' families, and others closely involved over the past two decades, to seek and achieve justice.

After the report's publication in 2003, the then President of Peru Alejandro Toledo apologised for the human rights crimes perpetrated and promised to adopt the TRC's recommendations. Subsequent governments also adopted legislation and policy measures to fulfil these commitments, but progress has been inconsistent and much of the momentum that was there at the beginning gradually decreased, especially in recent years.

In what follows, we summarise the key findings of the

Commission's report, for those who are not familiar with them. We describe what was in fact implemented, turning to the responses we encountered in our interviews with a variety of actors. The final section takes up the role of memory, the value and importance of recalling these events 20 years on, and how memory can help avoid the pitfalls of the past.

Human Rights lawyers office



The Commission's Findings and Ensuing Institutional reforms

The TRC proposed institutional reforms that it considered crucial for ensuring a just and democratic transition and preventing a recurrence of the violence. These recommendations included reforms to the public security sector and those it believed were vital to ensuring the independence of the justice system. Peru has implemented a number of such reforms, including the adoption of a National Human Rights Plan, the reform of the National Council of the Magistracy, and the enacting of laws to safeguard judicial independence. Peru's Ombudsman Office (Defensoría del Pueblo) has also become instrumental in monitoring and condemning human rights abuses. However, this has made it a target for political interference in recent years and concerns have been raised regarding the political independence of a newly appointed Ombudsman.

Justice, Reparations and the Search for the Disappeared

- *Justice*, according to the Commission, is a necessary condition for reconciliation. The report argues that all those who committed human rights violations during the period of the armed conflict should be brought to justice. The report identifies 73 cases, of which 53 were sent to the Prosecutor's Office. Among the 53 cases, 22 have been successfully concluded with convictions, while 23 remain open at various stages of proceedings. The remaining eight cases have resulted in the acquittal of the accused.³

One of the most emblematic ongoing cases is that of the Putis massacre in Ayacucho, where 123 peasant farmers were killed by the armed forces in 1984⁴. Exhumations of the site began in 2008, formal accusations were filed in 2015, and the oral trial only began in 2020. The slow progress in this case and others is often the result of limited resources available. Crucially, as one person told us, all of these cases were accompanied by a strong support from the victims' families although this has tended to dissipate as the years have passed.

- Regarding *reparations*, the government established the Comprehensive Plan for Reparations in 2005 and created a register of victims (Registro Único de Víctimas) to identify both individual and collective victims of the violence who would be eligible for reparations. A high level multi-sectoral commission was established in 2004 to facilitate the implementation of the plan and monitor its progress across all sectors. Reparations were divided into six categories: community reparations, individual monetary reparations, reparations in the field of education, symbolic reparations, and reparations in housing and health.

The housing, health, and education components of the plan have seen more limited progress compared to economic reparations. For example, as of 2019, 96.3% of the total number of individual victims identified in the registry had received monetary compensation. In contrast, as of 2021, only 7.1% of 66,229 victims identified under the Own Roof Programme (Programa Techo Propio) had benefited from housing reparations.^{5 6}

Similarly, in the areas of health and education, there is a need for more comprehensive and effective measures to address the specific needs of victims and to ensure their access to quality healthcare and education.

- In terms of *the search for the disappeared*, Peru adopted the Law for the Search of the Disappeared in 2016, thanks to years of intense lobbying from the victims' movement. This was a significant step forward, and the law was commended for adopting a humanitarian approach, aimed at assisting the victims' families searching for their loved ones' remains.

Specialist forensic teams and a DNA/genetic bank have been established to aid in the identification of remains, yielding promising results. However, there are concerns about the slow progress being made and the lack of funds assigned to this task. More than 22,000 people are estimated to have disappeared between 1980 and 2000. As of January 2023, 2,679 remains have been identified and 4,900 burial sites.⁷

In summary, while there has been progress in providing economic reparations to the victims of the internal armed conflict in Peru, there are still significant challenges in the areas of housing, health and education. As the report makes clear, it is necessary to take a holistic approach to reparations, addressing the structural issues that perpetuate inequality and

exclusion. Additionally, the efforts to search for the disappeared need to be intensified and sufficient resources dedicated to the identification of victims. Only through such comprehensive measures can Peru truly achieve truth, justice and reconciliation for the victims and affected communities.

³ <https://ojo-publico.com/derechos-humanos/el-legado-la-comision-la-verdad-se-abre-paso-la-judicial>

⁴ The community of Putis was believed to be a safe haven for people fleeing Shining Path rebels in the region. Soldiers deceived villagers into digging their own graves and then killed them on suspicion of ties to Sendero Luminoso.

⁵ Ibid.

⁶ As of December 2021, of a total of 71,282 victims of internal displacement identified in the Victim's Registry, 92.91% are still waiting to receive any form of reparations. See: <https://cdn.www.gob.pe/uploads/document/file/1667722/Informe%20Anual%202019%20CMAN%20VF%20%282%29%20%281%29.pdf?v=1613060017> (2019), and <https://cdn.www.gob.pe/uploads/document/file/4504933/Informe%20anual%202021%20.pdf?v=1683568294> (2021)

⁷ <https://www.revistadeele.com/2023/01/10/los-avances-en-la-busqueda-de-personas-desaparecidas-durante-la-guerra-interna-en-satipo-el-caso-de-la-comunidad-nomatsiguenga-de-tahuantinsuyo/>

Findings from the visit

We had a wide range of meetings during our visit to Peru, not only with those who had focussed for many years on the implementation of the Truth Commission, but also with UN agencies, NGOs, government ministers and civil servants, academics, diplomats, journalists, politicians, and representatives from organizations representing indigenous peoples (see list and thanks at the end of the report).

During the interviews, it was made abundantly clear that civil society and human rights organisations that have worked alongside victims to demand truth, justice, and reparations, have become increasingly concerned by the lack of priority afforded by the state in implementing the report's recommendations.

In the report after our previous monitoring visit in 2004 we said that we had not come away reassured that there would be full implementation of the report.

This time we found clear indications that there had been, and still was, institutional resistance to the report and its recommendations, including from sectors of the armed forces that argue publicly that officers and troops cannot be held accountable for human rights crimes committed in the line of duty, and public officials that try to close down institutions that sustain the memory of the atrocities committed both by the Shining Path terrorist organization and by the security forces.

Peru Sostenible lecture at University of Lima



With the Fiscalía de la Nación, Patricia Benavides (Attorney General)



Recommendation 1

‘Uniforms talk to uniforms’, and it would be very useful for officials in the security sector in Peru to be able to engage with security officials from other countries that have more fully addressed such post-conflict challenges in order that they could learn more of the processes and benefits of security sector reform, in both structures and procedures.

It was also clear that the underlying issues that engendered the internal armed conflict have yet to be addressed. The measures taken have been inconsistent and limited in reach and scope. A significant number of interviewees expressed disillusion about how little things have changed in practice, despite the legislative framework adopted to guarantee the rule of law.

Furthermore, while economic reparations are hugely important, redress has to be understood more broadly. Those interviewed emphasized the need to address the longer-term consequences of those 20 years of violence, especially among the sectors of society most immediately affected. Those regions most affected by the armed conflict, such as Ayacucho, Apurímac, Junín, and Huancavelica, still receive inadequate attention

in addressing their basic needs and remedying the consequences of the violence they endured.

Aside from perpetuating poverty, the lack of recognition and support for marginalised communities exacerbates feelings of exclusion among communities. Throughout the visit, it was stressed that the structural issues that contribute to inequality and exclusion were not being tackled with sufficient energy. These include promoting the right to memory, redressing injustice, and ensuring meaningful participation of disadvantaged communities in decision-making.⁸

Political instability currently poses a threat to democratic institutions and the rule of law. Interviewees expressed particular concern about the role of Congress. Rather than pursuing policies to improve the lot of ordinary people, members of Congress are widely perceived as prioritising their own interests. Serious concern was expressed about the capture of independent institutions such as the Constitutional Tribunal and the Ombudsman’s Office. Additionally, corruption is seen as pervasive across all sectors of national, regional, and local government. This has led government ministries to be hesitant about implementing medium- to long-term projects due to fears of being accused of wrongdoing. Constant cabinet changes also cause uncertainty as to the length of time that any minister will be in office, hindering their ability, or willingness to implement medium- and long-term plans.

Meeting with Aidesep





Lord Alderdice and Ana Reyes-Hurt meet with Andean and Amazonian Indigenous Women's Organization, ONAMIAP

The political crisis reached a crisis point in December 2022 when former president Castillo attempted a coup and was subsequently impeached and then arrested. This ignited a series of mass demonstrations predominantly across the southern part of the country, which ended in violent confrontations and more than 50 deaths following deployment of the military and police in Ayacucho, Arequipa, and Puno regions. The PSG visit took place only a few months after these tragic events, and the feeling amongst most people we saw was of loss and lack of hope. Many of those who voted for Castillo felt that their views and needs had been ignored. The current government of Dina Boluarte is deeply unpopular, not least because of the way it responded to genuine political protests and then refused to take political responsibility for the violence unleashed.

Castillo's presidential victory owed much to feelings of mistrust and antipathy among the Peruvian poor towards powerful political and economic elites. It was a sign that underlying issues such as poverty and inequality had been receiving insufficient political expression through the ballot box. However, rather than utilising the moment to reflect and start to make genuine changes, the political rivalries and elite interests allowed the problems to increase, resulting ultimately in a social confrontation that was dealt with very poorly.

For many of those interviewed, the return of violence and the excessive use of force by security forces during the protests in December 2022 and January 2023 have heightened fears and reminded people of the past, when human rights violations were committed indiscriminately and with impunity. They told us that it was not surprising it was regions like Ayacucho, Puno and Cuzco where protest was strongest, regions where poverty and discrimination are widespread. Human rights defenders expressed frustration over the lack of attention given to the deaths in these regions.

“The deaths from the regions are taken for granted”

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an activist explained. People from Juliaca, they told us, couldn't comprehend how those in Lima were not listening.

“It was like a return to the 80s and 90s, with the use of a political discourse around terrorism”.

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The protests in Puno were, in part, a response in solidarity with violence unleashed earlier in Ayacucho, a local activist said, a demand for justice.



Press Conference at LUM with María Pérez Tello (former Minister of Justice & Human Rights) and Manuel Burga (Director of LUM)

The rhetoric used by many authority figures and the mainstream media was another concern raised during the visit to Peru. Protestors were routinely referred to as “enemies” and “terrorists”, references reminiscent of the past during the 1980s and 1990s. Much of the progress made since then appeared to be being undermined. There appeared to be a hardening of state positions, a refusal to learn from past abuses and to address deep-rooted grievances, thus hindering national reconciliation. As one person put it,

“five months ago, the conversation would have been different – we would have talked about progress made in reparations and memory. Now, as the landscape has changed so dramatically, we have to have a serious reflection about the capacity of the state to learn about its own abuses”.

Thus 20 years on from the TRC report, Peru seemed to be slipping backwards, not progressing towards goals of national reconciliation. The lines appear once again to be hardening, with ever greater reluctance on the part of those in authority to imbibe the lessons of the past. This is why the issue of ‘memory’ seems to be so important. Without an understanding of the errors of the past and how to rectify them, the danger looms that they will be endlessly repeated.

Recommendation 2:

Unless the Government of Peru and other significant sectors, including the business community engage more fully in economic development and political representation for those communities that are most alienated and adversely affected by the conflict and its continuing causes and consequences, the problems are likely to continue to return in some form, as they have again recently.

The right to Memory – why is it important and particularly poignant now

A crucial aspect of reconciliation is thus the right to memory. As Lord Alderdice said during the visit, recognising, and addressing past grievances is vital for a society to move forward and prevent the repetition of past mistakes. However, there currently appears to be a backlash against acknowledging the stories of past violence. Initiatives to preserve memory thus spark fresh confrontation that jeopardises the preservation of memory. The Commission's report attested to the importance of memory when it stressed the importance of recognising what has happened in order to have national reconciliation.⁹

As part of the Comprehensive Plan for Reparations, there was a programme of symbolic reparations designed to “restore the social links between the state and its citizens, and within society itself, through public recognition of the damage suffered, and working towards national reconciliation”. Over 120 sites across Lima and other regions are among such symbols. They take the form of ceremonies, places of memory, street naming, and sanctuaries.

However, not all sites have recognised for what they are. Some have faced public attacks from sectors of society that reject events that evoke the past and stigmatise the victims. One such example has been the Lugar de la Memoria (Place of Memory) in Lima. It has come under repeated attack since it opened its doors in 2016. In the days prior to the PSG visit, it was obliged to close down for several days having been denounced by the hard-right mayor of Miraflores for being an ‘apology’ to terrorism, for sullyng the reputation of the armed forces and promoting ‘false narratives’ about the times of violence. Other sanctuaries have been similarly threatened, including a place of memory in Junin, the Yalpana Wasi ^{10 11}.

Another example is the ongoing construction of the La Hoyada site in Ayacucho, built on a former military site (Campo Marte). It aims to reflect on the atrocities committed there, including torture, killings, and disappearances. The construction continues despite the current counter efforts to minimise its significance, and shows how civil society and committed public officials, who continue working despite the adverse current political climate, can still highlight some of the demands coming from the most disadvantaged sectors of society, amidst the uncertainties that Peru is facing today.

Memory spaces are especially valued in the regions disproportionately affected by the conflict. In Ayacucho, for example, the Asociación Nacional de Familiares de Secuestrados, Detenidos y Desaparecidos del Perú (ANFASEP, National Association of Family Members of the Kidnapped, Detained, and Disappeared of Peru) established the country's first Museo de la Memoria (Memory Museum) in 2005. Unlike the LUM it has not been incorporated into the Peruvian Ministry of Culture and receives no financial support from the state.



Viewing the TRC victim statements with outgoing Defensora del Pueblo, Eliana Rebollar (Ombudsman)

For its part, the LUM serves as a space for reflection on the history of violence that Peru suffered from 1980-2000, providing concrete experiences and testimonies from individuals and communities.

It is a widely visited site that is far from being uncritical of the methods used by Sendero Luminoso, striking a balance between violence unleashed by terrorists and the equally violent response of the armed forces. The closure, albeit temporary and for spurious reasons, was widely criticised by the human rights community, both in Peru and internationally.

At a public event at the Lugar de la Memoria, Lord Alderdice emphasized the importance of memory in shaping society, situating things in history, and avoiding repetition. He highlighted three key issues related to memory:

1 *Memory is not just about facts, it's about feelings – even if you don't remember what was said, you*

remember how it made you feel. This is as true for individuals as for communities.

2 *Specific memories can often substitute for complex realities. People choose an event as significant, either a “chosen victory or a chosen trauma”. While it is important to retain these memories, sometimes they understate the complexity of situations.*

3 *There is a community equivalent to PTSD, traumatic events that are not just memories but continue to be relived. As he pointed out, “it's almost as though the capacity to put these things in the past and put them into memory is damaged”.*

This is why spaces like the LUM are so important. The LUM tries to tell those who visit it that the events that shaped the story are complex and have many components. Its purpose is to help people situate things in time, understand them better, and thus to avoid repetition.

Perhaps the most impressive and important piece of memorialization we saw was the records of witness statements obtained by the Truth and Reconciliation Commission. These were stored at the office of the Ombudsman and in answer to our concerns about the vulnerability of these crucial national records we were advised that the Ombudsman's office had embarked on a process of digitization and 'cloud storage'. This is vitally important work on irreplaceable material and we hope that it will receive support from those in the Peruvian and international communities who appreciate that the safety and availability of these records maintains not just a vital link with the past, but is essential for building peace, stability, and reconciliation in the future. The Ombudsman's Office needs to be given the resources and encouragement to complete the digitization work as quickly as possible.

In summary, we took on board and wish to acknowledge the efforts of many individuals and organisations working to preserve memory and understand its importance for the future of Peruvian society. The situation in Peru today reflects the challenges faced in achieving genuine reconciliation and addressing the root causes of conflict. Disillusion, political turmoil, socioeconomic disparities, social conflicts, and impunity for human rights violations continue to hinder progress and undermine trust in the ability of successive governments to bring about truly meaningful change.

Recommendation 3:

Forgetting about those who come from communities that are socially, economically, or geographically marginalized is a recipe for long-term instability in any country, but forgetting about past traumas is also a serious mistake because the consequences come back, decade after decade and instead of disappearing, they become more difficult to resolve. Remembering and resolving the problems of the past is not an optional, but an essential task for a post-conflict society, otherwise it will return to conflict in some form. The maintenance of institutions such as the Lugar de la Memoria and the completion of the digitization and secure storage in both digital and hard copy form of the witness records created by the Truth and Reconciliation Commission are not just a vital link with the past, but essential for peace, stability, and reconciliation in the future. The Ombudsman's Office has begun the essential task of digitization. It needs to be given the resources and encouragement to complete it as quickly as possible.

Lord Alderdice lecture at University of Lima

⁹ https://cdn01.pucp.edu.pe/idehpucp/wp-content/uploads/2021/08/13212642/vf-Sist.-proceso-dia%CC%81logo-Plan-Nacional-Memoria_23julio1.pdf

¹⁰ <https://perusupportgroup.org.uk/2023/04/renovacion-popular-mayor-orders-closure-of-the-lugar-de-la-memoria-to-stall-annual-ai-meeting/>

¹¹ There have also been efforts to close down the "Ojo que Lloro" monument, also in Lima, which in January 2022 was declared "cultural patrimony", only for the supporters to receive threats and public denunciations against them. <https://www.ohchr.org/es/press-releases/2022/02/peru-un-experts-applaud-el-ojo-que-llora-memorial-warn-against-denialist>



Thanks, and Meetings during the Peru Visit

The President of the Peru Support Group, Lord Alderdice, and Administrator, Ana Reyes Hurt, who went on the visit, along with the Chairman of PSG, John Crabtree and Vice-President, Rosemary Thorp, wish to thank the many people who cooperated in the visit that made this report possible.

In particular we wish to thank Dr Moisés and Mrs Mimi Lemlij and their family foundation; former Congressman and Minister of the Interior, Gino Costa and his wife, Fabiola; Micaela Rizo Patrón, General Manager at Peru Sostenible in Lima; and the British Ambassador HE Gavin Cook OBE and his staff at the UK Embassy in Lima. They were all both very helpful in arranging meetings, and most hospitable to us.

We were also grateful to all those who took time to meet and engage with us, generously giving their time and expertise.

Meetings were held with officials and ministers of the Peruvian government and state organizations including, the Prime Minister, Alberto Otárola Peñaranda (President of the Council of Ministers), the Fiscalía de la Nación, Patricia Benavides (Attorney General), the out-going Defensora del Pueblo, Eliana Rebollar (Ombudsman), Minister Daniel Maurate and his officials at the Ministry of Justice & Human Rights, and senior officials at the Foreign Ministry.

We met with representatives of various United Nations organizations working in Peru, including UNOHCHR, UNESCO and UNDP.

Meetings were held with representatives of indigenous peoples including with AIDSEP (a major indigenous organization for Amazonia) and with ONAMIAP (representing indigenous women of the Amazon and Andean regions)

We engaged with lawyers and others working on legal aspects of the Truth and Reconciliation Report including at IDEH-PUCP - the Institute for Democracy and Human Rights (part of the Catholic University - headed by Prof. Salomon Lerner, who led the Truth and Reconciliation Commission. We had a very substantial meeting with the Institute's director, Elizabeth Salmón and Felix Reategui Carillo. Unfortunately Dr Lerner himself was ill and unable to attend the meeting.

Meetings were also held with various businesspeople, journalists, politicians, academics, former diplomats and others, including speaking engagements at the University of Lima (organized by Peru Sostenible) and at the Lugar de la Memoria (Place of Memory) with Manuel Burga (Director) where we also held a Press Conference.

We are very grateful indeed to all those who met with us, advised us, and arranged meetings. Without their kind cooperation and assistance this visit and report would not have been possible.



Follow up and further information are available from

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