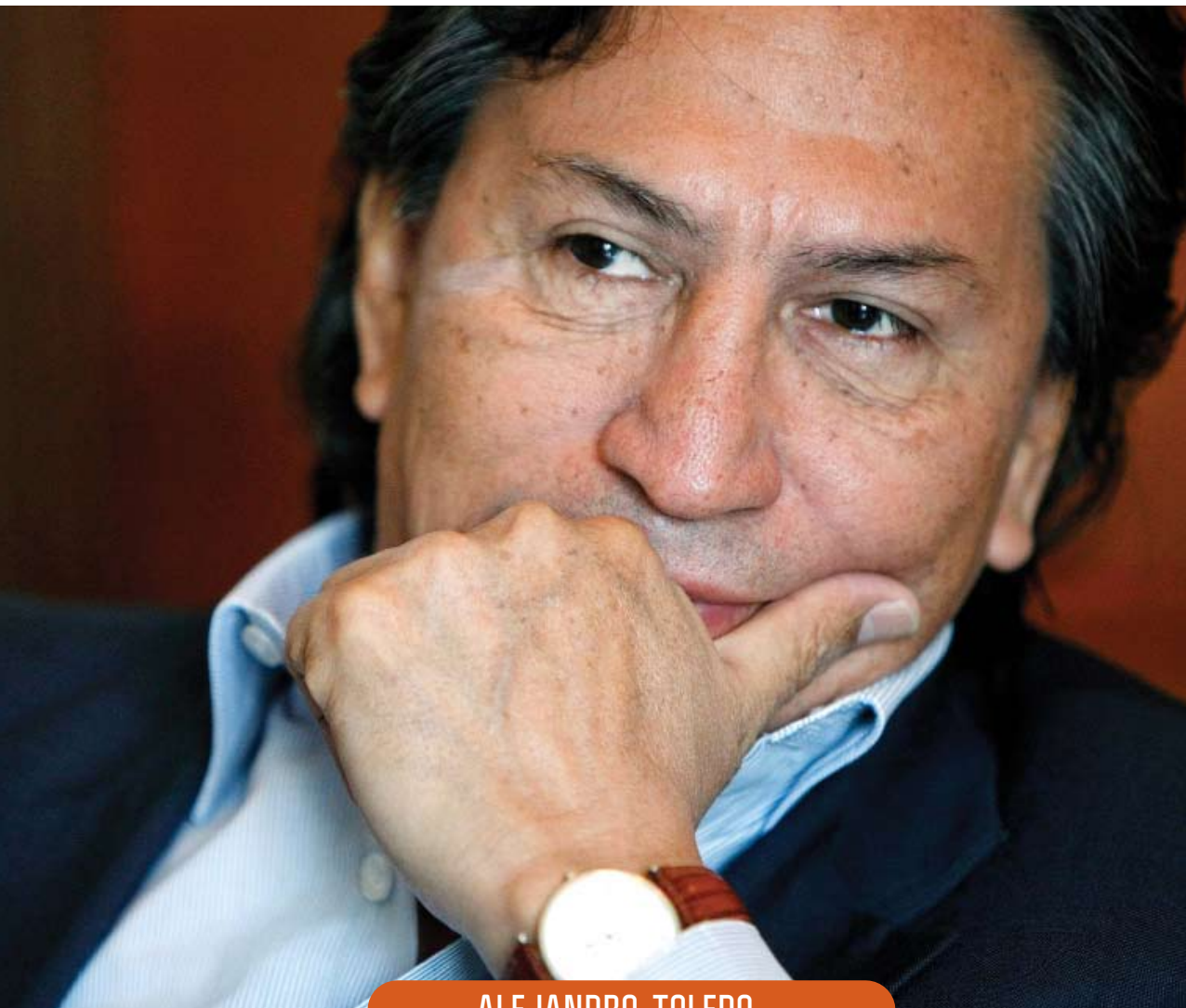


HEALING THE PAST, PROTECTING THE FUTURE

Former President of Peru, Alejandro Toledo, reflects on the struggle in his country to achieve national unity and reconciliation

Alejandro Toledo was president of Peru from 2001 to 2006. He is currently the president of the Global Center for Development and Democracy (GCDD) and consulting professor at the Freeman Spogli Institute for International Studies, Stanford University.

When I became president of Peru in 2001, one of the first items on my agenda was restoring the democratic institutions that had suffered from a steady deterioration during the previous decade. Moreover, our country needed a full accounting of the atrocities that had occurred in previous decades. Indeed, this responsibility was deeply personal for me, since I had fought in the streets against the dictatorship of former President Alberto Fujimori. More important, my election reflected the Peruvian people's determination to return our country to the rule of law and to democracy.



ALEJANDRO TOLEDO

That is why for me one of the most moving moments of my presidency occurred in August 2003, when I received the final report of Peru's Truth and Reconciliation Commission from its president, Salomón Lerner, in the Government Palace.

It was a harrowing document, and it was of unquestionable historic importance not only for our country, but for the entire world. It revealed, for the first time, the structural causes of a merciless violence that led to more than 70,000 deaths or disappearances at the hands of subversive organizations or state agents who acted without regard to our legal institutions.

The nine volumes that I received that day, in the company of Prime Minister Beatriz Merino, and in

the presence of my entire ministerial cabinet, recommended the adoption of a set of state policies to uproot the causes of this violence, after two decades of internal conflict. In response to this report, my government approved the creation of a high-level, multi-sectoral commission at the beginning of 2004, which was responsible for following up on the recommendations made by the Truth and Reconciliation Commission for national reconciliation and for reparations to families and communities affected by the violence.

For many reasons, some of which probably have to do with my own ethnic and social origins, I am among those who believe that knowledge of the historic truth helps to achieve national reconciliation, which in turn can truly become an engine for

development and integration. To see and recognize ourselves in the same mirror as a society helps us to acknowledge our diversity and to respect our legitimate differences. In Peru, a country of contrasts, we are all different; but at the same time, we are one.

Months before the ceremony on January 7, 2003, at which the Commission's report was officially presented to the nation, I had already asked the country for forgiveness for crimes against humanity that others had committed. As head of state, I felt it was my responsibility to turn to my fellow citizens and say with absolute conviction, in the name of the state: "Forgive, and never again!"

“A genuine democracy should not fear being part of the effort to advance and improve human rights across the hemisphere.”

I pronounced these words from the heights of Lucanamarca, a remote settlement in our Andes. The town had been a victim of one of the most grisly acts committed by the Shining Path terrorist organization. On April 3, 1983, guerrillas acting on the orders of Abimael Guzmán and the Central Committee of the Shining Path, killed 69 community members with machetes, because the victims, according to the perpetrators, “did not even deserve bullets.” Twenty children were among the murdered.

I still remember, almost 20 years after that deplorable event, the inexpressible feeling of seeing 69 white coffins spread across Lucanamarca's plaza, surrounded by a silent and solemn crowd of *campesinos* among whom were some survivors of that massacre, family members of the victims and neighbors. On that day I was certain that they did not feel hatred. They only sought peace and the truth. And reconciliation.

The trip from Lima to Lucanamarca, in the company of Truth and Reconciliation Commission members Sofía Macher and Father Gastón Garatea, represented a journey to a world rarely visited or even acknowledged by our elites. The few words of tribute to the victims spoken on that cold, sunny morning in the Andean

highlands still serve, I hope, as the beginning of a historic process of reparation by the Peruvian state for all of the victims of our long national tragedy.

That tragedy affected our poorest citizens most of all. Three out of four of the murdered or disappeared were *campesinos*. But the victims also include the soldiers, businessmen, politicians, and others who succumbed to the disregard for human rights that prevailed for many years in our country.

Democracy does not have a nationality. The defense of human rights transcends national borders. Now, any judge, from any part of the world, can bring any ex-head of state accused of human-rights abuses

before a justice of his or her own country, or before an international court. Crimes against human rights do not expire. Sooner or later, justice prevails. Always.

Another moment of intense emotion that I lived through during my term as president occurred in the Andean town of Uchuraccay, on October 4, 2003. On that day, I signed a decree establishing that every January 26 would commemorate the Day of the Martyrs of National Journalism. Twenty years earlier, eight journalists and a guide were murdered while traveling to that area of the Andean highlands.

Without Peru's long and solid tradition of independent investigative journalism, many of our country's violations against human rights or acts of corruption would have remained hidden and gone unpunished. For example, the historic role played by journalists brought to light the multiple atrocities and abuses committed during the Fujimori dictatorship, as well as his regime's mafia-like exercise of power.

My trip to the heights of Uchuraccay, accompanied by some of the members of the Truth and Reconciliation Commission and relatives of victims, was intended to recognize those journalists' commitment to the truth, as well as the anonymous victims of



our internal war. The cycle of violence and war that took place in that town during those years resulted in the deaths of 135 local *campesinos*, according to the Truth and Reconciliation Commission's report.

We still don't know the identities of those who were truly responsible for those massacres.

On the last day of my presidency, on July 28, 2006, before handing over power to my elected successor, I inaugurated the Plaza of Democracy in Lima.

I did this in the same place where, in 2000, deactivated members of the National Intelligence Service, acting under the orders of the Fujimori government, murdered six humble security guards and reduced the National Bank to rubble in an attempt to impugn the citizens' movement that I was leading. As I said on that occasion: "Enough death; Peru rejects violence."

The Inter-American System: A Bulwark Against Democratic Backsliding

As a longtime activist, and as a beneficiary of the global human-rights movement, I can also bear witness to the transcendental role played by international human rights organizations. Chief among them is the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights.

Those of us with strong democratic convictions have an absolute faith in the Commission and Court's protection and promotion of human rights in the hemisphere. Its long record confirms this

faith. Allow me to briefly reflect on the contributions made by the Commission, as well as the challenges that it faces in our time.

The relationship between the Commission and the governments that make up the Organization of American States derives its strength from the democratic practices of its member states. Greater democracy and greater respect for democratic governance in each of our countries is crucial to the success of the Inter-American system. The reverse is also true: the less democratic a given government, even when it has arisen legitimately from the ballot boxes, the greater the friction and resistance against accepting, in their integrity, the jurisdictional decisions of the Commission and the Court.

Non-democratic governments often complain about a supposed "extraterritoriality," which is a codeword for what they consider intrusion in their national affairs. We have witnessed this tendency in recent cases in Peru and elsewhere. Governments that make alliances with sectors that have little interest in the promotion of human rights on our continent are the ones that reject the autonomous decisions of the Commission.

To ensure their unfettered grasp on power, they rely on obfuscation and heated rhetoric to avoid oversight and prevent the application of the Commission's recommendations. And when these tactics fail, they completely reject the Commission's legitimacy, with threats to leave the Inter-American system altogether. Former President Fujimori attempted to do exactly that.

But a genuine democracy should not fear being part of the effort to advance and improve the Inter-American system's institutions and to work towards expanding respect for human rights across the hemisphere.

Since the government of my immediate predecessor, President Valentín Paniagua, Peru has had a fertile dialogue with the Commission. Unlike in the previous decade, since 2001, Peru has been a firm ally and has been extremely committed to the hemispheric promotion of human rights—at least until the current government of President Alan García.

After the infamous decade of the dictatorial and corrupt Fujimori government, and with the return of democracy, President Paniagua's transition



the former dictatorship, I believed that it was important to take responsibility as a state for such human-rights abuses, not least when lives are taken.

The decision motivated some of my political opponents, particularly those linked with sectors involved in past abuses, to file a constitutional lawsuit against me, several months after I transferred power to President García.

If, as president, I had rejected the central conclusions of the Commission, which were also supported by international human-rights organizations such as

“Human Rights are intimately associated with the struggle against poverty and inequality.”

government presented a proposal at the beginning of 2001 to resolve 50 percent of the cases pending action by the Commission.

During my government, we also maintained a serious and respectful relationship with the Commission. In fact, we deepened our institutional bond, ensuring that our laws and decisions reflected the international and hemisphere's legal regimes that were created to respect and promote human rights. But some of our political adversaries accused us of having been “too cooperative.”

This was particularly true in the *Miguel Castro-Castro Prison v. Peru* case. Between May 6 and May 9, 1992, 42 inmates of the Miguel Castro-Castro Maximum Security Penal Establishment in Lima were extrajudicially executed by agents of the state, during a militarized operation sanctioned by the Fujimori government to transfer inmates accused of having been involved with the Shining Path. Hundreds of other prisoners were also injured in the same operation.

After a process that lasted several years, the Inter-American Commission on Human Rights determined that the Peruvian state was responsible for these deaths, and it ordered the payment of reparations to the family members of the victims, among other measures. My government accepted the central conclusions of the Commission. Even though the responsibility lay with

Human Rights Watch, the Washington Office on Latin America (WOLA), the Center for Justice and International Law (CEJIL), and Amnesty International, I would have been a silent accomplice to a crime against humanity. My adversaries may try all they want to hinder my political rights, but I will never allow them to make me an accomplice of that violation before the eyes of my people.

Such political maneuvering only strengthens my convictions that I acted correctly. It also demonstrates, without a doubt, the need to focus on developing even more efficient mechanisms to strengthen democratic institutions aimed at protecting human rights. Human rights are intimately associated with the struggle against poverty and inequality, and against corruption. Guaranteeing access to health care and education, as well as full respect for the rule of law, is the only way to facilitate the protection of human rights in the hemisphere.

To promote these objectives and make them a concrete reality is the task and the historical commitment of the Commission. It must do so in alliance with the democratic governments of the continent and the best elements of the hemisphere's civil society. Precisely on the eve of the 50th anniversary, the Commission continues to be vital to the democratic health of our continent. 