

Background- Peru¹

Peru is the third largest country in South America, after Brazil and Argentina, home to 30 million people. It is a developed democracy still grappling with a lingering legacy of repeated military coups, mistreatment of indigenous peoples, and severe human rights abuses committed during a 1980s and 1990s communist insurgency. It has the unenviable distinction of being, by far, the state appearing the most frequently before the Inter-American Court of Human Rights.

Peru's colonial period was marked by notably strong military control and brutal repression of indigenous populations. Spain conquered the Inca Empire in the 1500s but Indians repeatedly rebelled against Spanish rule, most notably under Túpac Amaru II, an Incan and Spanish aristocrat who the Spanish tortured to death for leading a 1780 rebellion. By the 1800s, Spain had firm control over Peru with a large Spanish population and military presence. However, the Spanish military presence threatened revolutionaries from the newly independent Argentina and Bolivia and they invaded Peru and declared it independent in 1824.

In the century following its independence, Peru gradually made progressive reforms but struggled with repeated wars and mounting foreign debt. After the Argentine and Bolivian revolutionaries departed, Peruvian military leaders engaged in an internal power struggle but ultimately established a stable military regime in the 1850s and a presidential democracy in the 1870s. From the 1850s to 1920s, Peru expanded voting rights, developed public education, abolished slavery, and introduced theoretical (if poorly enforced) rights for indigenous communities. However, the socialist Aprista party and the communists complained that support for the poor and indigenous communities did not go far enough. Additionally, Peru spiraled into foreign debt due to corruption and costly wars with Spain and Chile. The government only averted bankruptcy by agreeing to form a corporation that funneled much of the Peru's economic output to foreign creditors, prompting additional complaints of imperialism.

Beginning in the 1930s, Peru's economic woes spurred repeated coups, with power shifting between the military, the Apristas, and other political parties. In 1930, a military junta overthrew the president, provoking an Aprista uprising that left the junta's leader assassinated, many Apristas dead, and the Aprista party temporarily banned. The junta restored elections in 1939 but overthrew the government again following an Aprista uprising in 1948, and then again in 1962 and 1968. Following the 1968 take-over, the military imprisoned its rivals, censored the media, nationalized private companies, and redistributed land to indigenous communities. However, Peru's economy continued to worsen and, in 1978, the military re-privatized the economy and restored elections. Unfortunately, successive presidents from the Apristas and competing parties also failed to control Peru's worsening economy and foreign debt and, in 1985, the International Monetary Fund imposed sanctions after an Aprista president announced that Peru would reduce its foreign debt payments.

By the 1980s, Peru's economic conflicts had deteriorated into a communist insurgency during which both the communist guerilla group Sendero Luminoso (Shining Path) and the Peruvian government committed human rights violations against rural farmers caught in the middle. Led

¹ Caitlin Hunter, *Author, Foreign and International Law Librarian at Loyola Law School*; Erin Gonzalez, *Chief IACHR Editor*; Cesare Romano, *Faculty Advisor*

by former philosophy professor Abimael Guzmán Reynoso, Sendero Luminoso assassinated officials, committed car bombings, and massacred entire rural communities that failed to cooperate with its Maoist reforms and extensive cocaine trafficking. Most brutally, in 1983, at the village of Lucanamarca, Sendero Luminoso members shot and hacked to death 69 people, including eighteen children age ten or younger. In an effort to suppress Sendero Luminoso, the Peruvian military and police committed extrajudicial executions, forced disappearances, torture, and sexual violence against communist insurgents and bystanders alike. Most notably, the military killed hundreds of prisoners during riots at the Lurigancho and El Frontón penitentiaries in 1986 and bayoneted thirty to fifty farmers in the chapel of Cayara village in 1988.² Members of quasi-government paramilitary groups such as the Commando Rodrigo Franco also killed suspected left-wing activists, sometimes seeking to pin the deaths on Sendero Luminoso.³ The government made some efforts to end human rights abuses but also contributed to them by declaring repeated states of emergency, harshly prosecuting civilians in military courts under broad anti-terrorism laws, and largely failing to prosecute human rights violations by the military, police, and paramilitaries.

In 1990, Peruvians elected President Alberto Fujimori, who halted Peru's economic decline and communist insurgency but also led severe human rights abuses. The president's "Fujishock" austerity policies and privatization initiatives corrected inflation and boosted the economy but hurt the poor and included illegally firing and cutting wages and pensions for government employees.⁴ His anti-insurgency campaign captured Guzmán and largely ended the Sendero Luminoso movement but did so through arbitrary arrests, unfair trials, beating, rape, torture, disappearances, and murder of suspected insurgents and anyone else unlucky enough to be in the anti-insurgency force's path.⁵ Most notably, the Grupo Colina death squad killed an eight year old

² Durand and Ugarte v. Peru, Merits, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 68 (Aug. 16, 2000), <https://iachr.ils.edu/cases/durand-and-ugarte-v-peru>; Neira Alegría et al. v. Peru, Merits, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 20 (Jan. 19, 1995), <https://iachr.ils.edu/cases/neira-alegr%C3%ADa-et-al-v-peru>; Associated Press, *Military Accused of Massacre of 80 Peruvian Peasants*, LA TIMES (May 18, 1988), http://articles.latimes.com/1988-05-19/news/mn-4828_1_peasants-military-accused.

³ Cantoral Huamaní and García Santa Cruz v. Peru, Preliminary Objection, Merits, Reparations, and Costs, Judgment, Inter-Am. Ct. H.R., (Ser. C) No. 167 (July 10, 2007), <https://iachr.ils.edu/cases/cantoral-huaman%C3%ADa-and-garc%C3%ADa-santa-cruz-v-peru>.

⁴ Abrill Alosilla et. al. v. Peru, Merits, Reparations and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 223 (Mar. 4, 2011), <https://iachr.ils.edu/cases/abril-alosilla-et-al-v-peru>; Acevedo Buendía et al. v. Peru, Preliminary Objection, Merits, Reparations and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 198 (July 1, 2009), <https://iachr.ils.edu/cases/acevedo-buend%C3%ADa-et-al-v-peru>; Acevedo Jaramillo et al. v. Peru, Preliminary Objections, Merits, Reparations and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 144 (Feb. 07, 2006), <https://iachr.ils.edu/cases/acevedo-jaramillo-et-al-v-peru>; Canales Huapaya et al. v. Peru, Preliminary Objections, Merits, Reparations and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 296 (Sep. 22, 2009) (June 24, 2015), <https://iachr.ils.edu/cases/canales-huapaya-et-al-v-peru>; Dismissed Congressional Employees (Aguado Alfaro et. al.) v. Peru, Preliminary Objections, Merits, Reparations and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 158 (Nov. 24, 2006), <https://iachr.ils.edu/cases/dismissed-congressional-employees-aguado-alfaro-et-al-v-peru>; Five Pensioners v. Peru, Merits, Reparations, and Costs, Judgment, Inter-Am Ct. H.R. (ser. C) No. 98 (Feb. 28, 2003), <https://iachr.ils.edu/cases/five-pensioners-v-peru>.

⁵ Peasant Community of Santa Bárbara v. Peru, Preliminary Objection, Merits, Reparations and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 299 (Sept. 1, 2015), <https://iachr.ils.edu/cases/peasant-community-santa-b%C3%A1rbara-v-peru>; Anzualdo Castro v. Peru, Preliminary Objections, Merits, Reparations and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 202 (Sep. 22, 2009), <https://iachr.ils.edu/cases/anzualdo-castro-v-peru>; Baldeón García v. Peru, Merits, Reparations, and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 147 (Apr. 6, 2006), <https://iachr.ils.edu/cases/balde%C3%B3n-garc%C3%ADa-v-per%C3%BA>; Cantoral Benavides v. Peru,

boy and fourteen other people at a barbecue in Lima's Barrios Alto neighborhood in 1991 and killed nine students and a professor at La Cantuta University in 1992.⁶ In 1996, members of a separate and smaller communist insurgency, called Túpac Amaru, after the name of the last Emperor of the Incas, took officials hostage at the Japanese embassy for months before the military stormed the embassy to rescue them. Although most Peruvians lauded the military for rescuing the hostages, many were upset by controversial photos showing Fujimori casually walking past insurgents' dead bodies and by reports that insurgents were shot in the back of the head after surrendering.⁷

Throughout the 1990s, Fujimori gradually tightened his control on the Peruvian government and abandoned traditional democratic protections in order to consolidate his power. In 1992, Fujimori led the military in an autogolpe (self-coup) that dissolved the legislature, restructured the judiciary, and re-wrote the constitution. A few days after the coup, prison guards attacked suspected Sendero Luminoso members held at Miguel Castro Castro Prison, firing at the prisoners with bullets, tear gas, white phosphorous, rockets, and grenades. Dozens of prisoners died. Surviving prisoners were held in solitary confinement, sexually abused, and beaten, in some cases to death.⁸ In 1994, Fujimori's wife denounced him and attempted to run against him for president. He allegedly had her tortured and replaced her as First Lady with their daughter, Keiko, then a 19 year old Brown University student. In 1995, Fujimori signed a law granting

Merits, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 69 (Aug. 18, 2000), <https://iachr.ils.edu/cases/cantoral-benavides-v-peru>; Castillo Páez v. Peru, Reparations and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 34 (Nov. 27, 1998), <https://iachr.ils.edu/cases/castillo-p%C3%A1ez-v-peru>; Castillo Petruzzi v. Peru, Merits, Reparations, and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 52 (May 30, 1999), <https://iachr.ils.edu/cases/castillo-petruzzi-et-al-v-peru>; Cesti Hurtado v. Peru, Merits, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 56 (Sept. 29, 1999), <https://iachr.ils.edu/cases/cesti-hurtado-v-peru>; De La Cruz Flores v. Peru, Merits, Reparations, and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 115 (Nov. 18, 2004), <https://iachr.ils.edu/cases/de-la-cruz-flores-v-peru>; Espinoza Gonzáles v. Peru, Preliminary Objections, Merits, Reparations, and Costs, Inter-Am. Ct. H.R. (ser. C) No. 289 (Nov. 20, 2014), <https://iachr.ils.edu/cases/espinoza-gonz%C3%A1les-v-peru>; Galindo Cárdenas et al. v. Peru, <https://iachr.ils.edu/cases/galindo-c%C3%A1rdenas-et-al-v-peru>; García Asto and Ramírez Rojas v. Peru, Preliminary Objection, Merits, Reparations and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 137 (Nov. 25, 2005), <https://iachr.ils.edu/cases/garc%C3%ADa-asto-and-ram%C3%ADrez-rojas-v-peru>; Gómez-Palomino v. Peru, Merits, Reparations, and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 136, ¶ 54.8 (Nov. 22, 2005), <https://iachr.ils.edu/cases/g%C3%B3mez-palomino-v-peru>; Gomez Paquiyauri Brothers v. Peru, Judgment, Merits, Reparations and Costs, Inter-Am. Ct. H.R. (ser. C) No. 110 (July 8, 2004), <https://iachr.ils.edu/cases/g%C3%B3mez-paquiyauri-brothers-v-peru>; Huilca Tecse v. Peru, Merits, Reparations and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 121 (Mar. 5, 2005), <https://iachr.ils.edu/cases/huilca-tecse-v-peru>; J. v. Peru, Preliminary Objection, Merits, Reparations and Costs, Inter-Am. Ct. H.R. (ser. C) No. 275 (Nov. 27, 2013), <https://iachr.ils.edu/cases/j-v-peru>; Osorio Rivera and Family v. Peru, Report on Merits, Report No. 140/11, Inter-Am. Comm'n H.R., Case No. 11.845 (Oct. 31, 2011), <https://iachr.ils.edu/cases/osorio-rivera-and-family-v-peru>; Loayza Tamayo v. Peru, Merits, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 33 (Sep. 17 1997), <https://iachr.ils.edu/cases/loayza-tamayo-v-peru>; Lori Berenson v. Peru, Merits, Reparations, and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 119 (Nov. 25, 2004), <https://iachr.ils.edu/cases/lori-berenson-mej%C3%ADa-v-peru>.

⁶ Barrios Altos v. Peru, Merits, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 75 (Mar. 14, 2001), <https://iachr.ils.edu/cases/barrios-altos-v-peru>; La Cantuta v. Peru, Merits, Reparations, and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 162 (Nov. 29, 2006), <https://iachr.ils.edu/cases/la-cantuta-et-al-v-peru>.

⁷ Cruz Sánchez et al. v. Peru, Preliminary Objections, Merits, Reparations and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 292 (April 17, 2015), <https://iachr.ils.edu/cases/cruz-s%C3%A1nchez-et-al-v-peru>; Tarazona Arrieta et al. v. Peru, Preliminary Objections, Merits, Reparations and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 286 (Oct. 14, 2014), <https://iachr.ils.edu/cases/tarazona-arrieta-et-al-v-peru>.

⁸ Miguel Castro Castro Prison v. Peru, Merits, Reparations, and Costs, Judgment, Inter-Am. Ct. H.R., (ser. C) No. 160 (Nov. 25, 2006), <https://iachr.ils.edu/cases/miguel-castro-castro-prison-v-peru>.

amnesty to military and police officials accused of human rights abuses. When the Peruvian courts objected, he signed a second law preventing the courts from overturning the amnesty. In 1996, the legislature passed a law specifying that the new Constitution's two-term presidential limit did not include terms begun before the Constitution was enacted, thus enabling Fujimori to run for a third term. When three judges on the newly created Constitutional Court rejected the law, the government harassed and ultimately impeached them, leaving the court with only four justices and unable to strike down any laws.

By 1999, Peru was facing multiple cases before the Inter-American Court of Human Rights, prompting it to make a botched attempt to withdraw from the Court entirely. In July 1999, Peru announced that it no longer accepted the Court's jurisdiction and, accordingly, would not be participating in two pending cases brought by the impeached Constitutional Court judges and by a reporter who had been stripped of his Peruvian citizenship for reporting on the torture of suspected insurgents.⁹ The Court rejected Peru's attempt to withdraw as invalid and continued to hear cases against it.

Ultimately, however, it was not Fujimori's human rights abuses but his corruption that led to his fall from power in 2000. In 2000, the media obtained what they dubbed the Vladivideos: recordings of Fujimori's head of intelligence, Vladimiro Montesinos, bribing politicians to support Fujimori.¹⁰ As the scandal expanded, investigators discovered that both Fujimori and Montesinos had embezzled public funds and that Montesinos had sold assault rifles to Colombia's communist insurgents, despite himself leading Peru's anti-communist Grupo Colina death squad. An embarrassed Fujimori paid Montesinos \$15 million in public funds to step down and Montesinos fled the country on his private yacht. However, the scandal continued to grow and Fujimori resigned by fax while visiting his parents' native Japan.

With Fujimori and Montesinos gone, Peru began the process of investigating human rights abuses. In 2003, the Peruvian Truth and Reconciliation Commission issued a report exposing the human rights abuse committed during the communist insurgency and personally condemning Fujimori, Montesinos, and Guzmán for directing massacres and manipulating the insurgency for personal gain.¹¹ That same year, Peru's Constitutional Court ordered civilian courts to retry thousands of alleged communist insurgents who had been convicted by military courts, following a series of Inter-American Court of Human Rights cases holding that these trials were unacceptable.¹² The courts freed over a hundred prisoners and re-convicted others, most notably sentencing Guzmán to multiple life terms for the Lucanamarca massacre and other crimes.¹³

⁹ Constitutional Court v. Peru, Merits, Reparations, and Costs, Judgment, InterAm. Ct. H.R. (ser. C) No. 71 (Jan. 31, 2001), <https://iachr.ils.edu/cases/constitutional-court-v-peru>; Ivcher Bronstein v. Peru, Merits, Reparations, and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 74 (Feb. 6, 2001), <https://iachr.ils.edu/cases/ivcher-bronstein-v-peru>.

¹⁰ *Bribes, Lies, and Videotape in Peru*, BLOOMBERG BUSINESS (Feb. 01, 2001), <http://www.bloomberg.com/bw/stories/2001-02-01/bribes-lies-and-videotape-in-peru>.

¹¹ COMISIÓN DE LA VERDAD Y RECONCILIACIÓN, INFORME FINAL (2003), <http://www.cverdad.org.pe/ifinal/index.php>.

¹² Marcelino Tineo Silva y Más de 5,000 Ciudadanos, Exp. N^o 010-2002-AI/TC, Tribunal Constitucional, Republica del Peru, <http://www.tc.gob.pe/jurisprudencia/2003/00010-2002-AI.pdf>.

¹³ Abimael Guzmán, *Former Shining Path Leader 'Presidente Gonzalo' Faces Peru Court*, THE GUARDIAN (January 20, 2014), <http://www.theguardian.com/world/2014/jan/21/shining-path-leader-presidente-gonzalo-abimael-guzman>; *Peru Shining Path Head Gets Life*, BBC (October 14, 2006), <http://news.bbc.co.uk/2/hi/americas/6048144.stm>.

Peruvian courts also began trials of hundreds of military and police officers for human rights abuses, including Montesinos and Fujimori. Peru captured Montesinos only eight months after he fled, convicted and imprisoned him on corruption charges, then auctioned off his collection of diamond encrusted medals, cufflinks, and watches to support anti-corruption initiatives.¹⁴ Peru captured Fujimori in 2005, after he returned to Chile from Japan with plans to regain the presidency and, instead, found himself extradited to Peru to stand trial. Over the past decade, Peruvian courts have convicted him of multiple murder and corruption charges, with more charges still pending.

Although Peru has taken major steps towards addressing past human rights abuses, many figures associated with those abuses remain popular and politically powerful. Various current politicians have been accused of involvement in the Fujimori regime's corruption and abuses and, in fact, one of the commissioners investigating Montesinos' corruption was forced to step down after a Vladivideo emerged showing him accepting a bribe. The military retains significant popular respect for fighting terrorism and human rights activists complain that trials of military and police officers are slow and have resulted in few convictions. Likewise, many Peruvians continue to respect Fujimori for defeating the Sendero Luminoso and fixing the economy. While in prison, he has sought a pardon and attempted to run for both the Peruvian presidency and Japanese parliament. His daughter, Keiko, remains a prominent member of the Peruvian parliament, winning elections by wide margins, leading the Conservative party, and narrowly losing campaigns for the presidency in 2011 and 2016.¹⁵

Additionally, Peru continues to face criticism for various human rights violations. Most recently Peru was sanctioned by the Court for indefinitely detaining a Chinese smuggler while deciding whether to extradite him to face the death penalty in China and for failing to prosecute officers who beat a soldier with a rifle, blinding him in one eye.¹⁶ The government has also failed to halt abuses by the mining and logging industry, including using forced and child labor, intruding on indigenous communities' lands, and murdering indigenous protestors. In fact, the police and military themselves have repeatedly shot protestors. Other problems include laws shielding military and police from liability for killing civilians; long pretrial detention and poor prison conditions; and harassment and murder of journalists and human rights activists.¹⁷

¹⁴ *Peru to Auction Ex-Spy Chief Vladimiro Montesinos' Jewels*, BBC (July 26, 2014), <http://www.bbc.com/news/world-latin-america-28496893>.

¹⁵ Mitra Taj & Marco Aquino, *Peru's Keiko Fujimori Launches New Presidential Bid*, REUTERS (Dec. 4, 2015) <http://www.reuters.com/article/us-peru-election-idUSKBN0TO00P20151205>; Dan Collins, *Keiko Fujimori Concedes Defeat to Pedro Pablo Kuczynski in Peru Election*, THE GUARDIAN (June 10, 2016) <https://www.theguardian.com/world/2016/jun/10/peru-presidential-election-keiko-fujimori-concedes-pedro-pablo-kuczynski>; *Keiko Fujimori Defiende a Su Padre de las Críticas de Ollanta Humala*, LA REPUBLICA, (Dec. 11, 2015), <http://larepublica.pe/politica/725179-keiko-fujimori-defiende-su-padre-de-las-criticas>; Simon Romero, *A Second Fujimori Contends for Peru's Presidency*, NY TIMES (May 27, 2011), <http://www.nytimes.com/2011/05/28/world/americas/28peru.html?ref=collection%2Ftimestopic%2Ffujimori%2C%20Alberto%20K>.

¹⁶ *Quispialaya Vilcapoma v. Peru*, Preliminary Objections, Merits, Reparations and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 320 (Nov. 21, 2016), <https://iachr.ils.edu/cases/quispialaya-vilcapoma-v-peru>; *Wong Ho Wing v. Peru*, Preliminary Objections, Merits, Reparations and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 313 (June 22, 2016), <https://iachr.ils.edu/cases/wong-ho-wing-v-peru>.

¹⁷ *Country Reports on Human Rights Practices for 2015: Peru*, U.S. DEPARTMENT OF STATE (2015), <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2015&dliid=253035>.

More information

Additional background was provided by the sources below.

For historical background, see the [Encyclopedia Britannica](#), [BBC Country Profile](#), and the archives of [New York Times articles on Peru](#), [Alberto Fujimori](#), and [Vladimiro Montesinos](#).

For information on the state history, people, government, economy, geography, communications, transportation, and military, see [Central Intelligence Agency World Factbook](#).

For information about human rights, including all relevant treaties and legal documents, see [Office of the High Commissioner for Human Rights](#).

For information on human rights abuses during the 1980s and 1990s, see COMISIÓN DE LA VERDAD Y RECONCILIACIÓN, INFORME FINAL (2003), <http://www.cverdad.org.pe/ifinal/index.php>.

For information on Peru's prosecution of those abuses, see REBECCA K. ROOT'S TRANSITIONAL JUSTICE IN PERU (2012).