

Season 4, Episode 7 (12 May 2023)

The Revolutionary potential of transitional Justice

Transitional Justice and Protest in Peru

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Tine Welcome to this second episode of our mini-series on transitional justice and protest, in which we go back to the revolutionary roots of some transitional justice practices. And in the first episode of this mini-series, we talked to Noha Aboueldahab about whether the disruptive ambition of some of these early practices, could help us to understand why certain protest movements today are also mobilizing the language of transitional justice – even when they're often mobilizing in settings where there has not been a political transition or where the demands are quite different from, say, more paradigmatic transitional justice cases. So, we started to talk about the relevance of transitional justice in contexts of extractivism last month, and today, we'll actually zoom in on one of those contexts, when we talk about the current situation in Peru. And I'll introduce my studio guest, Sarah Kerremans, a JV researcher who lived in Peru for over a decade and who recently went back for fieldwork. Sarah, welcome.

Sarah Thank you so much for having me.

Tine Thanks for joining us for this conversation, and we also have a second guest actually, and I'll introduce them in a second, they are joining us online, but for now, Sarah, for our listeners who are not so familiar with the context in Peru, could you give some background as to why and, especially when we are talking about Peru today in an episode on transitional justice and protest, because Peru of course has been celebrated for its neoliberal democracy, for its development progress after a long period of internal conflict, from the 1980s until the 2000s. It's also a case where we've seen really a fully-fledged transitional justice process, taking place in this context of human rights abuses, committed by both state actors and non-state actors like the Shining Path.

Sarah Yes, and what's interesting to mention is that the Truth and Reconciliation Commission (in Spanish: *la Comisión de la Verdad y Reconciliación*), which was established in this context with a mandate to investigate and document these human rights abuses, actually underlined in its report, which was published in 2003, how indigenous communities and rural areas, were disproportionately affected by both state and non-state violence.

Tine Right, and that finding is really important for this episode, right, because one of the reasons why we are talking about Peru today is that on, I think December 7th of last year, there was, well, a seemingly sudden outburst of political instability and social protests which started precisely in those rural areas, and

which was precisely driven by, or at least primarily, by these indigenous and rural communities, right?

Sarah Yes, the protests started as an immediate reaction to the failed *coup d'état* of president Pedro Castillo and his subsequent capture and impeachment by the Peruvian congress. They started in provinces like Ayacucho, Puno, Cusco, Apurimac, but then also travelled to Lima and to other regions in the country. State repression has been brutal from the start and has only fuelled new protests, which in turn led to more state violence. This leaves us, more than 3 months after the start of the protest, with more than 60 dead, of which 49 by state violence, many of them minors and youngsters from rural areas or indigenous backgrounds. More than 1000 have been injured, and there have been more than 840 arbitrary detentions.

Tine These are just gruesome numbers. But they're not even the whole story, right? Because there's also the broader kind of social and economic consequences, no?

Sarah Yes, the protests and the repression have had a serious impact on the local and national economy, hitting mainly the smaller businesses, but also the bigger mining companies and the agroindustry. So if you combine this with the vast inequalities and dire economic situation of many Peruvians who have to hustle for work on a daily basis, it's easy to understand that protesters are easily depicted as persons who are not willing to work, who challenge jobs of others, etc.

Tine And that is really the government's rhetoric today, isn't it: one of really stigmatising, and even criminalising protest actions and even solidarity with protesters, right?

Sarah Yes, these stigmatizing discourses limit the right to protest and help to justify the severe state repression against protesters. What's most problematic is that this rhetoric doesn't distinguish acts of violence and vandalism from the democratic and peaceful exercise of the right to protest. One positive element here is that at least the Office of the Ombudsperson is making real efforts to live up to its responsibility to monitor the current human rights situation, and has issued a report to make that differentiation: according to its report, that was released in March, there have been 1327 protest acts since December 7 last year, of which only 153 were actually violent.

Tine That's really striking. And, so there's that report by the Office of the Ombudsperson. But then there's, of course, also the work of international organisations, no, like Amnesty International and Transparency have also been working on this.

Sarah And even the heads of state of Latin American countries are issuing statements.

Tine Yes, and the European Union and the Interamerican Commission for Human Rights and various UN Special Rapporteurs.

Sarah But at the same time, at a national level, the state repression against the current protesters continues to be justified by the praxis of what we call in Peru *el terruqueo*, which is precisely that delegitimising of protesters that we just discussed.

Tine And could you say a bit more about is this actual, this notion of *terruqueo*?

Sarah Yes, of course, across Latin America and especially in Peru, there has been a surge of anti-rights discourses, including in state institutions. This also means that when we talk about limitations on the right to protest or of the stigmatisation of protesters, that it's only happening to those who call for social political changes or who defend human rights. Those taking the streets to support a status quo, on the contrary, they are not experiencing this shrinking space or these backlashes. Today in Peru, for instance, there is a radical right-winged group called *La Pestilencia*, and they can openly attack and threaten journalists at their homes, without being stopped or arrested.

Tine Yeah, what you're describing is a situation, of course, today that's really escalating. And you were actually in Peru in January for research. How was it for you to be back in Peru after having lived there for over a decade? What struck you most?

Sarah Yeah, I was in Lima in January when the state powers and mainstream media were constantly repeating that indigenous groups were on their way from the provinces to take over Lima. What struck me most was the racist dimension of that endlessly repeated message and the open attempts to silence any voice critical of the ongoing state repression.

Tine Is that really new?

Sarah Neither racism nor political instability or recent phenomena. Peru has had six presidents in the last seven years. Some crisis concerns corruption, but there is also the current constitution, which is a legacy of old dictator Alberto Fujimori. Well, in the provinces state violence against protesters is not something new. Protests, conflict and repression are really common there, especially in regions where extractivist projects come to dominate rural and indigenous communities' lands and bodies and then trigger resistance. There are so many instances of indigenous protests in the Peruvian Northern Amazon in response to decades of all extractivism and of the many direct and indirect violent ways in which states and corporates have responded to indigenous protesters.

Tine These waves of violence, these waves of protest also, they coexist with more peaceful interactions, no, like dialogue processes between the state and indigenous groups, no?

Sarah Yes, dialogue mechanisms have been widely used. However, these have been inherently violent as well. Dialogue mechanisms have served to re-establish power relations between state, corporates and communities, to demobilise and to sign agreements that were never completely fulfilled. This has often fuelled new outbursts of the same conflicts.

Tine Right. And then I guess we also kind of have to understand these dialogues against that background of *terruqueo*, which you just mentioned, right?

Sarah Yes. Indigenous protesters are coined as *terroristas anti mineras, anti petroleras, anti desarrollo*. This is as anti-mining, anti- oil, anti-development terrorists. And this term has a painful historical connotation because it was also used in Fujimori's time and has really divided and traumatised Peruvian society.

Tine And about this, but also about how these protesters are mobilising the transitional justice rhetoric, you have talked to Rocio Silva Santisteban, right?

Sarah Yes. Rocio Silva Santisteban is a Peruvian writer, a poet, a professor, researcher. She has been the leading woman of the Peruvian platform for human rights, la *Coordinadora Nacional de Derechos Humanos*. She is a (leftist) politician and has served for a few months as a congress woman during Covid. She is based in Lima, but she has worked with many rural and indigenous communities, in particular with women, and has been involved in Peru's transitional justice process.

Tine So let's listen to that interview.

Sarah Rocio, can you describe the protesters for us? Who are they and what are their demands? What are they really asking for and how disruptive do you feel this is?

Rocio (voiceover by Gretel Mejía Bonifazi) The protests that started on December 7th after Pedro Castillo's *coup d'état*, have been protests, let's say, different from the ones that have taken place in Peru in the last 20 years, because the protests in the last 20 years have been local protests, territorial protests, protests due to situations of social conflicts, socio-environmental conflicts, because there was an oil spill, because a mining company wanted to expand its project without permission from the indigenous peoples. But these protests have been completely different, because these protests have focused on claiming the respect of a vote.

That situation has no precedents in Peru. It is a situation that in some way or another shows that there is a great political malaise, a great malaise of the sectors that never before in the country had been represented by one of their own.

So we have protests that are completely different protests. Protests that come from the citizens that have been forgotten for years and years. Very indignant protests, people were very indignant, they have been violent, there have also been burnings of police stations, there have been burnings of the Judiciary's offices. The Judiciary has been set on fire in several places.

People have mobilized to Lima from the high Andean communities. There has been a powerful and strong mobilization for two months, which currently has calmed down, but which at the time really represented something unprecedented, something new, something different.

But the repression has been the same as always, it has been a brutal repression.

Sarah Some of the demands are framed in the language of transitional justice: constitutional and institutional reform, reparations, truth - do you feel this is a conscious choice, or is it just coincidence?

Rocio It's a good question and a good observation that many of the demands being made towards the government are reflecting the language of transitional justice. And that is very much linked to the situation of abusive use of force, both by the police and the Army. And the number of deaths that have occurred. Also the number of wounded: there are like approximately 700 people wounded.

What are the demands? The demands are, in the first place, that Dina Boluarte resigns, that she leaves the government, that with her resignation a change of government takes place and new elections have to be proposed. That is the second demand, new elections. The third demand is a new constitution. There is an urgency to change the rules of the game, because truly, both the Congress of the Republic and the President, the Executive, are in a situation, let's say, in which the majority of the population does not believe them, does not trust them, rejects them.

Sarah Do you feel there is a tension between the fact that these protesters who are in many ways denouncing institutional and systemic injustices adopt this rhetoric of transitional justice, which has really become a highly institutionalized practice?

Rocio What has happened in Peru is that the democratic transition process of the year 2000-2001 and the whole process of the Truth and Reconciliation Commission and, of course, the transitional justice process resulting from the Truth Commission, has been totally insufficient, totally insufficient.

That is why the same demands are repeated today. That is why there is a demand today for a truth commission regarding the events that have just taken place. We heard that from several family members, several people, and they feel that there is a link. They feel that there is also a link between the organizations of relatives of the deceased and the wounded now and the organizations of relatives of the Peruvian internal conflict.

Because, I mean, these are the same demands for justice, for truth, for memory, for reparation that were not fulfilled 20 years ago. Because the process of the Truth Commission was a process that did not work, that did not end up being assumed by the Peruvian State in order to deepen democracy. It was never assumed by the Peruvian State, it was not assumed by those governing, that is to say, it was assumed in other ways, perhaps as in a 'make-up' kind of way, rhetorical, perhaps bureaucratic way.

So, we are facing a situation in which the deepening of democracy does not take place and we are faced with enforcement agencies that shoot and kill people with impunity.

We are facing a situation that is truly a scandal because of this abuse, because of this incredible abuse of the police, because of the abuse of the forces of law and order, because of the imposition of a rhetoric in which the protesters are organized as if they were terrorists. All this is a repetition, and shows what we did not achieve, unfortunately 20 years ago.

Sarah In your recently published book ‘How to live peacefully again?’ you describe a ‘continuum of violence’ referring to the biopolitics of extractivism and the ongoing ecoterritorial conflicts in Peru. Can you explain this for us and link this to what is happening today?

Rocio The continuum of violence is a feminist concept that refers specifically to the fact that many times the violence of armed conflict and war become part of what would be called ‘peace’, between quotation marks.

We are using this concept to construct the idea that during the armed conflict in our country, in Peru, there has been a whole series of tremendous, tremendous situations of human rights violations, that even today we are seeing only a few trials and other trials have not yet been initiated.

So, we argue that these violences from the time of the armed conflict have been maintained, but they have not necessarily been maintained in the same way, in the same form, but in different ways, but they have been maintained.

So there is a reaction, there is a reaction of strong, tremendous indignation. But also on the other hand what we have is that they continue with the same logic of subordination of the people, considering that the people should be tutored by the central powers, that they should not make decisions, that they do not know how to make decisions and that they do not know how to vote.

That's what has bothered the people. People have come out to ask: respect my vote, you are not respecting my vote. And the president of Peru came out and said: No, but let's talk about social issues. What do you want for your province? What do you want for yourself? They have said: No, we don't want to talk about social issues, we want to talk about political issues, we want to talk about respecting our vote, we want to talk about citizenship, we want to talk about the state presence, of us also being present in that state. And that is what the Executive does not allow. They are not proposing a dialogue from that perspective.

Sarah I share with you a moment that I've lived in the Peruvian Amazon: after the Saramurillo river blockade in 2016, during the roundtable dialogues, the indigenous peoples that had gathered there from several affected river basins and from various ethnic groups, asked for a truth commission to unearth what has happened during more than fifty years of oil extraction. Some voices even consider that a truth commission with a longer timeline, to investigate the crimes committed against indigenous during the rubber boom, is urgent. How do you see these demands?

Rocio I think it is very important that in these conflicts such as Saramurillo or in other conflicts such as the one we are currently going through, these terms of

claiming, of demanding, of an investigation, of a truth commission, or of a deep investigation of what is happening, are being raised.

Because it seems to me that these terms of transitional justice have deeply taken root in our country, they have taken root and that is quite important. It is very important because we have become aware that for all these situations justice has not been done, in many spaces a due process has lacked, there has not been a real representation and that is why it is demanded and asked for to talk about truth and a truth that transcends, let's say, the different narratives that the different companies or the state itself or the people themselves can put forward. They are looking for something that goes beyond and that is a deeper truth, it is a truth that is linked, of course, also with a new way of understanding the nation.

And this is because the indigenous groups participate today more than before.

Sarah A last question we ask of all our respondents is, where are you looking for inspiration, which inspiring practices (in the domain of transitional justice) do you see emerging?

Rocio I think the main source of inspiration are the various actions of the people, of the groups organizing, of the women, the widows, of the women whose sons were killed, of the daughters whose fathers were also killed. And they all organize and search. And despite the difficulties, despite the harshness of the situation, despite the impunity, despite the fact that the state doesn't care, they take the streets, they mobilize, they make themselves being heard, they go to the judiciary, they hold vigils, they participate here, they participate there, they raise their voice, they raise their voice in one space, in another space, and yet another space. That's tremendously inspiring.

The participation of women, of girls, of older women, the participation of everyone in general in this, in this search for justice. There is a legitimate and coherent search for justice that remains, that is there, in the day to day, in our daily life. With the raised arms of the people who demand justice, who ask for justice. And that is truly inspiring, because the difficulties are multiple, the bureaucracy is indolent, the situation is sometimes overwhelming and the people, having only their hands, raise those hands.

Tine Sarah, listening to this interview, I'm really struck by how she breaches the practice of transitional justice and the current protests in a way that I think is really nicely linking the shared normativity of the two, right, and the normativity or the project of carving out a sustainable future. And what's also really interesting for me is how she's framing these struggles as ecoterritorial conflicts, which I think neatly shows the continuum of violence and which also, in doing so, challenges the relevance of this whole post-conflict narrative.

I think what she is describing in terms of how there can be outbursts of violence, outbursts of protest and even silent periods following them, but how even those periods of relative calm are always kind of a selective partial peace. That's really interesting for the topic of our discussion today, I think, yes.

Sarah On seeing the current protests in light of a continuum of violence also underlines how central these protests are to the broader transitional justice discourse.

Tine Yes, because they show how it's often the protests that lead to action, as well as showing that the demands raised during these protests are genuinely disruptive of the status quo, which, by the way, I also think aligns quite nicely with last month's episode, where we also talked about the importance of returning to transitional justice's disruptive routes, or at least the practice of rootedness in these protests against the status quo. And we'll explore that logic in another case, the case of the United States, next month, where we also see that communities mobilise a rhetoric of transitional justice as part of their protest against the status quo, and how that's also pushing the TJ paradigm in new directions. But for now, I am just going to thank you, Sarah and Rocío, and thanks to all our listeners for joining.