

RED-BAITING AS PART OF THE COUNTER-INSURGENCY STRATEGY IN PERU OF THE 1980s AND 1990s

Guillermo Ruiz Torres holds diplomas in Law and Political Science at Universidad San Marcos, Lima, Peru and in Political Science at Freie Universität Berlin, Germany where he is a PhD candidate since 2010. He has been lecturer at Frankfurt University and at San Carlos University in Guatemala. He has worked at research institutes and human rights organisations on migration, racism and minorities. He is member of the Steering Group of the Platform for Intercultural Europe and scholar of the Rosa Luxemburg Foundation.

During the 1980s and 1990s, the Peruvian state faced a guerrilla war led by the Communist Party Peru's known as the "Shining Path". In the mid 1990s, the Peruvian state was able to defeat the guerrilla through a complex counter-insurgency strategy. This state repression included Red Baiting, the exercising of repression against all people and organisations which could be potential supporters of the guerrillas and/or could directly or indirectly serve their purposes. In the course of this repression all opposition was criminalised and persecuted. Despite of the defeat of the guerrillas, this practice of repression does exist in a lower intensity until today.

The Communist Party of Peru, called by the media the "Shining Path" started its activities in 1980. Another guerrilla, the Revolutionary Movement Túpac Amaru (MRTA), initiated its struggle in 1983. This guerrilla did not have the same impact as the Shining Path, which in the late 1980s seemed to be able to take over the state power. A brief look at the socio-economic relations and power structures in Peru at that time will illustrate the context in which guerrilla groups acted.

In the mid 1990s, the Peruvian military, police and paramilitary forces had defeated the guerrilla groups. During this war, around 60.000 people were killed, 10.000 were imprisoned, 1.000.000 were displaced and 5.000 people had disappeared (Comisión de la Verdad y Reconciliación 2004). The state was able to



© Vera Lenz | „Disappeared“.

defeat the guerrilla organisations through counter-insurgency strategies that included extra-judicial killings and perpetration of massacres, the systematic violation of the rule of law to criminalise and persecute people suspected to be members of the guerrillas, the building of paramilitary groups of peasants to encounter the guerrillas (euphemistically called "groups of civil defence") and through aggressive psycho-social campaigns using the media. (elements of a low intensity war) (Ruiz Torres 2001).

This state repression included the practice of Red Baiting. Exercising its counter-insurgency measures, the state would repress all people and organisations that could be potential supporters of the guerrilla organisations and/or could directly or indirectly serve their purposes. Since the repression of the guerrilla groups took place in the framework of liberal representative democracy, the anti-terrorism legislation was one of the pillars of the counter-insurgency strategy (Rivera Paz 2007). Along with the anti-terrorism act, a wide psycho-social campaign was launched, attempting to create the image of the terrorist as the enemy of the society. This served to widely spread the idea that a terrorist should be fought, no matter for which price.

The anti-terrorism legislation was constantly enforced, parallel to the intensification of the war. Its implementation was carried out by limiting a series of civil rights and fundamental principles of the rule of law. The new legislation aimed at allowing a more effective prosecution of guerrilla suspects while threatening its followers in order to stop their support. In addition, the legislation was used to fight the whole leftist opposition and critical voices from journalists and human rights organisations (Arce Borja 2009).

The minimum penalties for the various types of terrorism were increased continuously. New types of criminal offences were introduced and linked to "terrorist" activities. For example, the mere membership of a so called terrorist organisation was considered as a criminal offence and was therefore punished. It was not required that the accused committed a concrete crime or offence. In the late 1980s, the membership in a "terrorist" organisation was punished with 5 years of prison and from the beginning of the 1990s, with 15 years. Often, only the possession of propaganda material of so-called terrorist organisations was considered as a proof of membership in a "terrorist" organisation,

allowing to sentence a person to prison. This had consequences not only for the suspect but also for activists of human rights organisations. The "Association of Democratic Lawyers" was suspected to be an organisation of the "Shining Path" because many of its members defended people accused to belong to the "Shining Path". From the beginning of the 1990s many lawyers who were members of this association were condemned to 15 years of prison. The persecution against the "Association of Democratic Lawyers" is reflected in its whole dimension in the murder of the lawyer Manuel Febres Flores, who was assassinated by the paramilitary group "Rodrigo Franco" in 1988. When a lawyer defended several accused of terrorism, he/she was suspected to belong to the forbidden lawyers association. Therefore, some lawyers avoided defending people accused of terrorism in order not to be suspected to belong to a terrorist organisation.

Another newly introduced criminal offence was the "apology of the terrorism", according to which a person could be condemned to a punishment of 5 years in prison because he/she commended a terrorist group or a terrorist act in the public or through the media. There was wide discretion for the criminal courts in assessing what could be considered as "apology of terrorism". Newspapers were closed and journalists were condemned to prison due to this type of crime. It was used not only to repress the media which were considered to be closer to the guerrilla organisations, but also to persecute critical voices from the media in general.

The strongest reformation of the legislation was carried out by the authoritarian regime of Alberto Fujimori (1990-2000). The criminal offence "treason of the fatherland" was created as a more aggravated form of terrorism foreseen for murder and membership in positions of high responsibility within the so called terrorist organisations. Between 1992 and 2000, all processes of the aforementioned aggravated forms of terrorism were conducted by military trials composed of military judges "without faces"; their identification remained secret. The accused could not exercise their right to

defence. Almost all accused were condemned by these trials. Military and police forces were entitled to keep persons detained on the basis of a mere suspicion; the detainee was not allowed to speak to his lawyer or to his close relatives. During this phase, many detainees were tortured and mistreated (Ruiz Torres 2005, p.230 ff).

From the beginning of the counter insurgency war in the early 1980s, so called states of emergency were implemented for certain periods in order to strengthen the power of



© Diario La República | Massacre of Accomarca, Ayacucho, 1985.

the military and police forces to fight against the guerrillas. During this time civil rights guarantees were suspended e.g. the right to demonstrate or to meet collectively in public. The states of emergency were very often constantly prolonged so that they were the rule in vast regions of the countries during the 1980s and 1990s. In addition to this, since the beginning of the 1980s, so called civic-military governments were created in regions with an intensive guerrilla activity. In these cases the politically elected local and regional governments were subordinated to military commandos; political authorities should report to the military commandos which acted de facto as the government (Roberts / Peceny 1997: 204; Amnistía Internacional 1992). People living there did not have any civil rights guarantees, e.g. not to be detained without proof or not to be put into prison for an undetermined period.

State terror was a further instrument to scare people or organisations, which directly or indirectly could represent support for the guerrilla groups. Representatives of human rights organisations were constantly accosted by police forces. There were even assassination

attempts against them. The most famous case was the killing attempt of the director of the human rights organisation Comisión de Derechos Humanos (COMISEDH) Augusto Zuñiga Paz who lost one hand through a letter bomb sent by paramilitary forces. The dimension of the state terror becomes evident by the end of the 1980s when most of the human rights organisations refused to defend people who were suspected to belong to a guerrilla group. That means that the state repression was directed against all groups which could represent an obstacle in its counter-insurgency strategy.

One of the main means of the Peruvian state to encounter the guerrillas was psychological war. The state attempted with all means to discredit the guerrillas. The creation of the criminal offence called "treason of the fatherland" was invented to strengthen the picture that the guerrillas were acting against the interests of the Peruvian "nation". There was a strong co-operation between the counter-insurgency corps and some enterprises of main stream media. Journalists were told what and how they should cover a news item related to the guerrilla groups. Human rights violations by military and police forces were meant to be trivialised while guerrilleros were always presented as "criminal terrorists". The negative portrayal of the guerrillas in the public opinion had also consequences for people working for human rights organisations; they were stigmatised by large parts of the media as "supporters of terrorists".

It should be stressed that the degree of repression from the Peruvian state is not related to the political orientation of the government in power. During the right-wing oriented government of Fernando Belaúnde (1980-1985), the social democratic government of Alan García (1985-1990) and the neoliberal authoritarian government of Alberto Fujimori (1990-2000), violations of human rights were committed almost to the same extent. During the administration of Belaúnde, the highest numbers of massacres and extra-judicial killings were committed. Fujimori was able to build up an authoritarian system with institutions of a liberal democracy;

however the rule of law was absent and citizens could not exercise their right to defence once they were accused to belong to a so-called terrorist organisation (Ruiz Torres 2001).

It should be also pointed out that most of the victims of human rights violations perpetrated by military, police and paramilitary forces were people from indigenous populations and from the impoverished segments of the population (Comisión de la Verdad y la Reconciliación 2004). This reflects the deep racism and discrimination dominating the Peruvian society. People from indigenous populations and low social classes were more vulnerable to become victims of red baiting since they did not have the right instruments to defend themselves.

The counter-insurgency strategy of the Peruvian state during the 1980s and 1990s was based on the systematic violations of human rights for which the fundamental principles of law were denied. The counter-insurgency strategy was directed not only against the guerrillas but against all people and organisations that might have put into question the state action and which could constitute a potential support for the guerrillas. Consequently, members of human rights organisations, independent lawyers and journalists who did not have any relation to the guerrillas faced state repression. Red-baiting constituted one important instrument in the counter-insurgency strategy in Peru during the 1980s and 1990s. Since the defeat of the Shining Path by the end of the 1990s, small guerrilla groups which claim to continue the legacy of the Maoist organisation have been conducting military actions in Peru's jungle. These groups do not have any relevant support in the population and no links to social movements. Nevertheless, the governments of Alejandro Toledo (2001-2006) and Álvaro García in his second period (2006-2011) have used Anti-terrorism legislation and discourses for persecuting and criminalising protest movements. In 2003, after massive peasants' protests against the plans of Toledo's government to eradicate the coca-leaf plantations, peasants were arrested and accused under the charge of terrorism. The same government tried to pass a law according to which people who blocked streets in the framework of political demonstrations should be punished with 8 years of prison (Pizarro et al. 2004).

The criminalisation of social protests became stronger under the second government of García. The right of assembly in public spaces was de facto limited. In 2008, seven left-wing activists were arrested and accused of terrorism because they had taken part in a congress of the "Coordinadora Bolivariana" which is close to left-wing governments in Latin America. Environmental

activists who protested against mining and oil enterprises due to the immense pollution they created were also accused of terrorism. Furthermore in 2008, by law the intervention of the army in internal security affairs was allowed, as it was in the times of the counter-insurgency war in the 1980s and 1990s. The attempt of García's government to oppress opposition forces went so far that a law was passed in 2006 according to which funds of non-governmental organisations (NGOs) coming from abroad should be controlled by the government to ensure the harmonisation between the priorities of the NGOs and of the Peruvian state. This law was directed against human rights organisations which were criticising human rights violations perpetrated by the state and/or the polluting activities of mining and oil enterprises. In 2007, a law was passed according to which public authorities were forbidden to take part in strikes, public protests and demonstrations (Ardito Vega 2008). These are just examples of the repressive politics of García's government. The repression and criminalisation of the protest and social movements in Peru did not start with the counter-insurgency war in the 1980s. However, since then the governments in power have used the fight against terrorism as an excuse for persecuting and criminalising social protest and movements. Although the anti-terrorism legislation was developed to combat guerrilla organisations, it has been used for persecuting social protest. The criminalisation of social movements is also done under the argument of "guaranteeing" the internal security. These politics of repression will continue unless the Peruvian state will undertake deep reforms to overcome inequalities in the access to income and resources in the Andean country. ■

SOURCES

- Amnistía Internacional (1992): Informe Perú, Amnistía Internacional: Madrid.
- Arce Borja, Luis (2009): Perú. Memoria de una Guerra 1980-2000, CESAL: Bruxelles.
- Ardito Vega, Wilfredo (2008) Perú: La criminalización de la protesta en el gobierno de Álvaro García. Available at: <http://servindi.org/actualidad/4549>, accessed on 06.11.2011.
- Comisión de la Verdad y la Reconciliación (2004): Informe Final, Lima; Available at: www.cverdad.org.pe, accessed on 30.10.2011.
- Pizarro, Rosa; Trelles, Laura; Toche Medrano, Eduardo (2004): La Protesta Social durante el Toledismo, in: Azpur, Javier; Pizarro; Sirumbal Ramos, Luis; Toche Medrano, Eduardo; Trelles López. (Ed.): Perú Hoy. Los Mil Días de Toledo, Lima: Desco.
- Rivera Paz, Carlos (2007): Ley penal, terrorismo y Estado de derecho, in: Quehacer? N° 167, July-August.
- Roberts, Kenneth / Peceny, Mark (1997): Human Rights and United States Policy towards Peru, in: Cameron, Maxwell A. / Mauceri (Ed.), The Peruvian Labyrinth. Polity, Society, Economy, Pennsylvania, p. 192-222.
- Ruiz Torres, Guillermo (2001): Demokratie und Autoritarismus im Peru der 90er Jahre (degree thesis).
- Ruiz Torres, Guillermo (2005): Aufstandsbekämpfung, innere Sicherheit und das nicht-vollendete Projekt des Nationalstaates in Peru, in: Komitee für Grundrechte und Demokratie (2005) Nationalstaat ohne Alternative? Jahrbuch 2004/2005, Köln.
- Wiener Fresco, Raúl (1998): El Reelectionista, Lima.