



UPDATE

Bulletin Of the Peru Support Group
No. 133 April - May 2009

The aims of the PSG are to promote the rights and interests of the people of Peru and in particular the poorest sectors

Editorial: Stirring Regional Tensions

Alan García's decision to extend diplomatic asylum to three former Bolivian ministers - wanted by the Morales government in relation to the enquiry into a massacre in 2003 - is not only a calculated snub to the Bolivian president but also a move that has domestic significance. The more Peru distances itself from Bolivia (and Venezuela) the more García seeks to identify Ollanta Humala as a friend of Peru's supposed foes.

The three Bolivian former ministers - Mirtha Quevedo, Jorge Torres Obleas and Javier Torres Goitia - were

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expected to attend a hearing in Sucre with respect to the role played by the whole cabinet in the killings that took place in El Alto in October 2003. Some 60 people lost their lives and many others were wounded when, on government orders, troops opened fire on local protestors seeking to stop fuel supplies reaching the capital. The Bolivian government has been seeking the extradition of the then president, Gonzalo Sánchez de Lozada, from the

United States so that he too would attend the hearing.

The extradition of the three Bolivians followed hard on the heels of Peru's decision to offer asylum to Venezuelan Manuel Rosales, the mayor of Maracaibo, who - as opposition governor of Zulia state (2002-2004) - is alleged to have misappropriated 60 million dollars of public money. Rosales unsuccessfully challenged Hugo Chávez for the presidency in 2006. He claims that he would not have received a fair trial in Venezuela.

Ever since his election in 2006, García has sought to distance himself from both Bolivia and Venezuela. During the election campaign, particularly in the build-up to his second round contest with Humala, García sought to portray Humala as kow-towing to Caracas and acting as a tool of President Chávez's foreign policy. He won valuable electoral support by seemingly standing up to unwarranted intervention by the Venezuelan leader in Peru's election.

Since then, the Peruvian government has highlighted the presence of the so-called 'Casas de ALBA' on Peruvian soil, organisations that supposedly channel Venezuelan resources to opposition groups. The brouhaha over the Casas de ALBA has provided an ongoing opportunity to depict Humala as unpatriotic. The focus on supposed foreign interference also provides a

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García's foreign and trade policies have sought to embrace the United States at the expense of its Andean partners

pretext for questioning the motives of those who, like the Amazon indigenous groups (see pages 4-5), engage in direct action to protest against the government's economic policies.

García's foreign and trade policies have sought to embrace the United States at the expense of its Andean partners. Portraying Peru as Washington's most loyal ally in its conflict with Venezuela, García won backing from the Bush administration for the signing of a Free Trade Agreement (FTA), a powerful factor in Venezuela's decision to leave the Andean Community (CAN). Since then, Peru has been a prime mover in persuading the European Union to negotiate a bilateral trade liberalisation agreement, notwithstanding opposition from Bolivia to this move. Bolivia, which

opposes trade liberalisation, sees the EU as complicit in a ploy that threatens the unity of the CAN.

In response to expressions of anger by the Bolivian authorities over the decision to give sanctuary to the three former ministers, Peruvian Foreign Minister José Antonio García Belaúnde a few days ago accused Evo Morales of long harbouring "rancour" against Peru. According to García Belaúnde this is because Morales wants to exert leadership not just "over his own people but many others situated in the high Peruvian Andes". That people in Puno (where voters opted overwhelmingly for Humala in 2006) feel frustrated with Lima, however, has much more to do with Lima than with La Paz.

Fujimori Responsible for Crimes Against Humanity

Former Peruvian president, Alberto Fujimori, has been found guilty of human rights violations related to two massacres and the kidnapping of two people during his time in office (1990-2001). The 70 year old was sentenced to 25 years in prison.

On April 7th, Peru's Supreme Court ruled that Fujimori bore individual criminal responsibility as indirect author of the crimes in all three cases because he had effective military command over those who carried out the killings. Furthermore, this ruling sustained that none of the victims were linked to any terrorist organisation.

The court heard the cases of *Barrios Altos* (in which 15 men, women and children were killed), *La Cantuta* (in which 10 people were kidnapped and later killed) and the kidnappings of journalist Gustavo Gorriti and the businessman Samuel Dyer.

The judiciary was universally congratulated for its fair and just handling of the trial and in particular for its respect for due process and the rights of all parties involved.

The trial marked the first time that a former head of state had been extradited to his home country to face trial and be found

guilty as the indirect author of crimes against humanity. Amnesty International has signalled that the case also sets an international precedent by showing that nobody is exempt from being held to account.

Nevertheless, there remain a significant number of other cases of human rights violations which have yet to be addressed by Peru's judicial system. Human rights groups, both local and international, have stated that they hope that the government will take the excellent example of the Fujimori case, in particular the transparent and just way in which it was handled, as a model.

As Peru's Truth and Reconciliation Commission (TRC) pointed out in its final report, justice and the establishment of the truth about what happened during the period of violence are crucial to the consolidation of democracy in Peru, and will help to repair the faith of the Peruvian population in the judicial system.

Fujimori's lawyer César Nakazaki has since filed an appeal to the Supreme Court asking that either the sentence be struck down or that his client be absolved.

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Ex Official Cleared in Río Blanco Case

Piura's public prosecutor, Sofia Milla, has dropped all charges against her predecessor Félix Toledo Leyva who was said to have been present during the alleged illegal detention and torture of 29 protesters at the Río Blanco mining project in 2005 (see Peru Updates 131 & 132). Milla claims there is insufficient evidence against her former colleague. Human rights organisations the National Human Rights Coordinator (CNDDHH) and the Ecumenical Foundation for Development and Peace (Fedepaz) have lodged an appeal against the decision. This decision in Piura will be revised by the Public Ministry's Office of Internal Control in Lima.

The CNDDHH claims that there are photographs which show Toledo Leyva at the mine site standing by some of the alleged victims. The former public prosecutor is currently in prison in Piura on corruption charges in an unrelated case.

Mining Company Loses UK Ties

Monterrico Metals' shareholders have voted to de-list from the UK small companies' stock market AIM in June. The former British junior mining company operates the Río Blanco copper mining project in Piura. Chinese consortium Zijin Tongguan and the Japanese-Korean consortium LS-Nikko Copper remain the principal shareholders of the company, holding 79.9% and 10.0% of the company's share capital respectively.

Steady Finances vs Social Protest

Peru's economic growth will slow to 1.3% in 2009 as external demand weakens sharply, according to the Economist Intelligence Unit's (EIU) latest forecasts for 2009-2010. It also predicts that the country is "relatively well-placed" to mitigate the effects of the global financial crisis, owing to sound public finances and international reserves. The EIU predicts that growth will rise to 2.5% in 2010 once US demand starts to recover, which should lead to renewed levels of exports. On a more cautionary note, the EIU has stated that social unrest "is set to increase in the coming year as administrative inefficiencies and political fragmentation impair the effectiveness of policies aimed at mitigating the impact of the global economic downturn."

Social Protests

Some 50% of social conflicts in Peru are linked to socio-environmental concerns, of which the overwhelming majority is linked to mining activities, according to the Peruvian Human Rights Ombudsman's (*Defensoría del Pueblo*) April report. Regions with a high level of conflict include Loreto, in the Amazon jungle, as well as Cusco, Lima and Piura.

The study also shows that during April, 16 new social conflicts flared up, making the total number of active conflicts 196. On a more positive note, there is an ongoing process of dialogue surrounding 80 conflicts and three have been resolved in Cusco, Huancavelica and San Martín.

Soldiers Die in Shining Path Ambush

Members of the Shining Path killed 14 soldiers in two ambushes in Peru's Ayacucho province, according to the country's defence minister, Antero Flores Araoz. The ambushes, which took place in April in the town of Sanabamba in the coca-growing region of the Ene and Apurimac valleys (VRAE), is not an isolated incident. Last year, remnants of the Shining Path launched a series of fatal attacks killing some 25 soldiers and police officers.

The CNDDHH expressed its support of the government's aims to eradicate terrorism. It has asked for a meeting with the Ministry of Defence to discuss human rights in the context of security.

Extradition in Accomarca Case

A court in Miami has approved an extradition request for a former soldier accused of being one of the main instigators of the Accomarca massacre in 1985. During the incident, 69 *campesino* men, women and children died. In the coming weeks the US State Department will issue an extradition date for Telmo Hurtado Hurtado to be handed over to the Peruvian authorities. Human rights organisation APRODEH has congratulated the decision by the court in Miami and hopes that the Peruvian government will not allow the process to suffer any kind of delay.

Peru's economic growth will slow to 3% in 2009 as external demand weakens sharply...growth will rise to 4% in 2010 once US demand starts to recover

Some 50% of social conflicts in Peru are linked to socio-environmental concerns, of which the overwhelming majority is linked to mining activities

Indigenous groups believe that the government is not defending them sufficiently against foreign companies

Indigenous groups in Peru have blockaded roads and rivers, primarily in the Amazon region, in protest against a series of legislative decrees, collectively known as the 'Law of the Jungle'. This was approved last year by President Alan García to make Peruvian law conform to the Free Trade Agreement (FTA) with the United States. They believe that the legislation will facilitate the access of multinational companies into the region, specifically those related to oil, mining, logging and agriculture, and further eliminate indigenous peoples' right to prior consultation and consent.

The government has declared a state of emergency of up to 60 days in the regions of Cusco, Ucayali, Loreto and Amazonas. In addition, the ministry of defence has authorised the army to give support to the police in dealing with protests by indigenous groups over land, oil and mineral rights for up to 30 days.

Indigenous groups believe that the government is not defending them sufficiently against foreign companies which they believe have illegally entered their lands. Furthermore, groups such as the Peruvian Rainforest Inter-Ethnic Development Association, AIDSESEP, have stated that the government is not complying with either the international treaties signed by Peru or its own Constitution.

Last year it seemed that Congress had repealed the controversial laws, however as this was not voted on before a full Congress the legislation has remained in legal limbo, leading to renewed protests and the current strike.



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Pizango denies that he, or the movement of indigenous groups that he represents, are against development

Demands

Indigenous groups in Peru's Amazon are demanding that the defence of their land rights is acknowledged by national government, in line with the international treaties that Peru has signed, such as ILO (International Labour Organisation) Convention 169 on Indigenous and Tribal Peoples and the UN Declaration on the Rights of Indigenous Peoples. Specifically, the protesters are pressing for: the fulfilment of the government's promise to set up negotiations to discuss their concerns; a lifting of the state of emergency declared on May 9th in the northern provinces of Loreto and Amazonas, the eastern province of Ucayali, and Cusco in the south; and give real powers to the National Institute for the Development of Andean, Amazonian, and Afro-Peruvian Peoples (INDEPA), which is currently an agency of the Ministry of Women's Affairs and Social Development.

Indigenous groups have demanded to participate and be consulted on decisions or legislation that could affect them and feel particularly aggrieved that they were not consulted about the series of decrees passed by the government last year in the framework of the implementation of the FTA with the US.

Who calls the Shots?

Alberto Pizango, the president of AIDSESEP called for "insurgency" in response to perceived government aggression and lack of dialogue. However, following talks with the Peruvian Ombudsman's office, he and other indigenous leaders agreed to retract this term in favour of continued efforts to seek peaceful solutions to their demands and concerns within the rule of law. The Ombudsman's office has also submitted a report to Congress on the right to consultation of indigenous peoples.

Pizango denies that he, or the movement of indigenous groups that he represents, are against development, "we are not against the oil or timber companies, we are against the abuse and violation of indigenous peoples' rights. This is not a problem dating back to last year, it's an historic problem." Nevertheless, he has

'Law of the Jungle'

still been criminally charged for his role in the protests.

As the protests continued, President García stated that every Peruvian should be entitled to benefit from the nation's natural resources, and that "the Amazon belonged to all Peruvians, not just a small group of people who live there." Under Peru's constitution the state is the owner of the country's mineral and hydrocarbon wealth.

Environment minister Antonio Brack has said that Congress should reflect on any abolition of the legislative decrees in question, particularly the new forestry law (DL 1090), as this could jeopardise the FTA with the US. However, critics suggest that the law reduces transparency and eliminates input from civil society regarding the use of national forest lands.

Peruvian and international human rights organisations are widely critical of the Peruvian government's conduct, which they claim denies indigenous peoples their rights. Atossa Soltani, Executive Director of the human rights and environmental organisation Amazon Watch, commented: "The García Administration is clearly out of step with international conventions - ones ratified by Peru - that obligate governments to uphold indigenous peoples' rights. We urge the government of Peru to use restraint and avoid bloodshed, seeking meaningful dialogue to resolve the conflict instead." Eight Catholic bishops have urged the President to re-think his position on the legislation which they consider "a threat to the Amazon".

The current reaction of the government and of President García in particular reflects ongoing policy to regenerate the Peruvian economy by promoting private, particularly foreign investment. This 'development plan' was mapped out in García's infamous opinion piece two years ago, entitled the 'dog in the manger syndrome' (*El Síndrome del Perro del Hortelano*), and referred to the reform of laws which would enable investors to buy up large-scale property titles in the

Amazon and reduce the property rights of peasant communities in the Andes to encourage mining and other activities (See Peru Update 124).

At the end of last year a cross-party congressional commission, created after the indigenous protests in the Amazon in August 2008, recommended the repeal of two of the laws that opened up communally-owned native lands to private investment (DL 1015 and 1073). The same commission has issued a report recommending the repeal of other decrees, including the Forest and Wildlife Law (DL 1090), which it has declared unconstitutional.

The Chair of this commission, Gloria Ramos, said to the Inter Press News Agency that they have "insisted to the president of Congress, the various political parties, and the prime minister that these decrees should be overruled, but there has been no political will on the part of the ruling party lawmakers, and the executive branch has just now begun to react again under the pressure of the protests". She said that they are particularly concerned about the legislative decree 1064, which eliminates the mechanism that extractives companies have to consult with indigenous groups before exploiting natural resources on their lands. This could open up areas to extractives industries through a reclassification of the zoning of Amazon jungle areas.

In response to the protests, Prime Minister Yehude Simon has set up a multi-sector commission to analyse the demands of the indigenous peoples in the Amazon. Although the leaders of AIDSEP were not present at the commission's inauguration, Pizango has stated that they will participate in the dialogue. However, the strike and the State of Emergency continue."



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...this relatively minor detail was given far more importance in Peru than it warranted and was widely reported in the national press

On May 7th, the European Parliament voted to adopt 'Annual Human Rights in the World Report for 2008', which was authored by Spanish Socialist MEP (Member of the European Parliament) Raimon Obiols i Germà. On the day of the vote a last minute amendment was introduced (1) which requested that the Council of Ministers of the European Union "envisage" the inclusion of the Túpac Amaru Revolutionary Movement (MRTA) on the official European Union terrorist list.

The report, as a whole, was adopted by a simple majority: 429 votes to 36, with 55 abstentions out of a total of 785 (many MEPs were not present at the debate).

The report, which is classified as non-legislative and as such is largely symbolic, does not have any impact on the foreign policy of the European Union nor does it have any authority over which groups are included or are not included on the European Union terrorist list.

The workings of the EU are notoriously difficult to understand. Nevertheless, this relatively minor detail was given far more importance in Peru than it warranted and was widely reported in the national press. It seems characteristic of the government of President Alan García to focus on appearance over substance. The president and his ministers are sure to be aware, despite their statements to the press, that this report has no bearing on whether the MRTA is to be included on official EU terrorist list. They will be aware that decisions regarding which groups should be included on the list and which groups should not are the sole responsibility of the Council of Ministers.

However, the Peruvian foreign office said in a press release that the European Parliament decided to ask the Council of Ministers that the terrorist group MRTA be included on the EU's terrorist list (2). It emphasised that this request was the result of an initiative by Peru's Congress and government in the European Parliament to influence and overturn the decision made last year not to adopt a similar amendment to another parliamentary resolution.

It appears that the Peruvian government found it far less complicated to push for the adoption of this amendment at the last minute, on the final day of the European Parliament's session before new elections with only about half of MEPs present, than to go to the effort of convincing the 27 member states that the MRTA is an active and dangerous organisation that should be included on the list. This would, of course, involve a great deal of work and documented evidence that the MRTA is active and currently engaged in acts of terrorism.

Background

This latest resurgence of talk about the MRTA comes after last year's spat between the Peruvian government and human rights group, the *Asociación pro-Derechos Humanos* (APRODEH), over the same issue and what was essentially a small detail within the mechanisms of the European Union (Peru Update 127).

In 2008, the Peruvian government, within the framework of the EU-Latin America and Caribbean summit, asked the EU to reconsider its position on the MRTA and include it on its list of terrorist groups. This followed on from repeated requests made by the previous administration since 2004. APRODEH also sent a letter to the EU saying that such an inclusion of this group on the EU's terrorist list would be inappropriate and could be used as a pretext to exacerbate the persecution of social activists and political opponents within Peru, unfairly accusing them of terrorist offences. The human rights association also underlined that the MRTA had shown no signs of activity for the last eight years. The Peruvian government's request was finally rejected by the EU.

*Contributions from Anna-Lee Stangl,
Christian Solidarity Worldwide's EU
Advocacy Coordinator (member of the Peru
Europe Platform)*

(1) www.europarl.europa.eu/sides/getDoc.do?type=TA&language=EN&reference=P6-TA-2009-0385

(2) www.rree.gob.pe/portal/boletinInf.nsf/mrealdia/A69CAC9F1F7A8BF1052575AF0065DC26?OpenDocument

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Film Review: 'Altiplano' - Choropampa Inspires Film at Cannes



Jessica Woodworth and Peter Brosens premiered their second feature film, 'Altiplano', in Critics' Week at the Cannes film festival in May.

Film synopsis

European war photographer Grace, devastated by a violent incident in Iraq, renounces her profession. Her Belgian husband, Max, is a cataract surgeon working at an eye clinic in the Peruvian Andes. Nearby, the villagers of Turubamba succumb to illnesses caused by a mercury spill from a local mine. Saturnina (played by Magaly

'invisible' because many individuals who take up arms against the industrial giants operating in the mineral-rich Andes disappear. We say 'invisible' because there is so little profound coverage of these conflicts in our media. But our intention is not to illustrate injustices. 'Altiplano' should evoke an inner dialogue and, ideally, leave an indelible mark etched on the soul of the viewer."

More information: www.altiplano.info

At Altiplano's heart is an ongoing invisible conflict in the Andes



Solier, the lead in this year's Berlin Golden Bear winner 'The Milk of Sorrow'), a young woman in Turubamba, loses her fiancé to the contamination. The villagers turn their rage on the foreign doctors, and in the ensuing riot Max is killed. Whilst Saturnina takes drastic measures to protest about violations towards her people and their land, Grace sets out on a journey of mourning to the place of Max's death.

The film makers explain that their inspiration in the writing process was based on reality, drawing on the devastating mercury spill in the Peruvian village of Choropampa in 2000. "At Altiplano's heart is an ongoing invisible conflict in the Andes. We say

© Carl De Keyzer

Events and Notices



Latin American Foundation for the Future (LAFF), a new British charity which offers grants and assistance to grass-roots projects, is hosting its first fundraiser of 2009 in June - a charity pub quiz and bingo night - to raise

funds for street children in Peru as well as awareness of LAFF projects.

What: LAFF Charity Pub Quiz and Bingo night

When: Thursday 4th June, 7pm

Where: The Victoria pub, Queenstown Road, Battersea, SW8 3QH (10 mins walk from Clapham Common tube, 2 mins from Queenstown Rd station, Wandsworth Rd station or Battersea Park station).

<http://www.streetmap.co.uk/map.srf?x=528712&y=176491&z=0&sv=SW8+3QH&st=2&pc=SW8+3QH&mapp=map.srf&searchp=ids.srf>

Why: to raise funds for street children in Peru and raise awareness about the LAFF Channel Swim

How: Get a team together, £5 entry per person

Contact LAFF: info@laffcharity.org.uk

or 07828 217964



Otra Cosa Volunteer Agency is a not-for-profit organisation based in Huanchaco (Trujillo) on the coast of Northern Peru.

The agency is currently recruiting:

- **Operations Manager** to assist with the running of the Head Office of Otra Cosa with co-managers Peter and Juany in Huanchaco (Trujillo).

- **Assistant Operations Manager**

For more information or to apply, contact::

Peter & Juany Murphy

E-mail: otracosavoluntario@gmail.com

Tel: 00 51 44 461302

www.otracosa.nl

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The Peru Support Group welcomes comments and suggestions from members concerning the Update. Articles or letters for publications are also gratefully received, although publication cannot be guaranteed.

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