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The ticking bomb

When poor people stand up for their rights in Peru they are branded terrorists – and they face violence both from the state and corporate thugs. Stephanie Boyd reports.



An image from secret police photos of the capture and detention of the anti-Majaz mining project protestors. Photo by JULIO VASQUEZ ARCHIVE.

Julio Vasquez, one of my journalist friends, was kidnapped and tortured by Peruvian police and private security guards. His captors sprayed him with teargas, tied a sack around his head and upper body, threatened to throw him off a cliff and taunted him with descriptions of the many ways they could end his life.

When Julio was released 72 hours later, his body was a mass of angry burns, cuts and bruises. Shortly afterwards, he was charged with a series of crimes under Peru's anti-terrorism legislation.

So had Julio joined a band of armed rebels in the highlands and declared war against the Government? Or run off to the deepest, darkest jungle to become a drug mafia kingpin?

No; what Julio did was far worse in the eyes of the Peruvian Government. He was guilty of committing flagrant and unrepentant freedom of expression.

Four years ago, Julio covered a march by farmers against the British-owned Majaz mining project in northern Peru. Peasant farmers from the small community of Yanta had charged the company with illegally occupying their land, a protected cloud forest and home to endangered species. But in Peru laws are made for the rich; and the mine, controlled by Monterrico Metals of London (now owned by the Chinese Zijin Mining Group), continued explorations unhindered.

Julio accompanied the protesters as they hiked for several days through the cloud forest to face the mine's private security force.

Always keen to help rob peasants of their land, the Government loaned the mining company several hundred special police commandos, complete with GI Joe weapons and helicopters. Witnesses say police and security guards fired teargas and bullets on the protesters as they approached the mine's compound, fatally wounding one farmer and leaving him to bleed to death. Thirty-one civilians, including Julio, were captured and detained in the mine's compound for three days. Two were women, and along with the beatings and torture,

they also suffered sexual abuse.

In the midst of their ordeal, the state attorney general visited the detainees to accuse them of terrorism and left them to the mercy of their captors. Upon release, the hostages were charged with a slew of serious crimes. With help from a British law firm, Julio and the other victims are suing the mining company in Britain, but they still face possible imprisonment in Peru.

In total, roughly 400 people have been processed under anti-terrorist legislation for protesting against the Majaz project, including mayors and local leaders, members of non-profit organizations and even their lawyers.

Anyone a terrorist

Their story is all too common in post 9/11 Peru, where President Alan Garcia is rewriting the definition of 'terrorist' to mean anyone who opposes his neoliberal policies.

Eleven special Presidential decrees approved by Garcia last year give the Government *carte blanche* to use violence against civilians. For starters, police are allowed to use military weapons against civil protests with impunity. Other provisions include increasing the period for which people can be detained without charge and allowing the use of evidence from cases already closed. Another decree allows protesters – and authorities who support protests – to be charged with extortion, which carries a 25-year prison sentence. The village mayor who organizes a march or the union activist demanding better working conditions could receive the same jail sentence as a murderer. So much for the basic legal principle of 'let the punishment fit the crime'.

Human rights groups say the decrees amount to the criminalization of peaceful social protest and charge the Government with violating Peru's constitution and international conventions which guarantee the right to freedom of expression and peaceful association. Over 5,000 people have signed a petition presented to Peru's Constitutional Tribunal, the country's highest court, demanding the decrees be overturned. But the Tribunal has passed several deadlines for issuing a ruling, and while the legal wrangling continues, the protests in the streets have reached epidemic proportions. Everyone, from teachers to workers' unions to farmers and indigenous groups, is fed up with Garcia's Government.

True to form, the President refuses to accept responsibility for the uprisings and claims an 'international conspiracy' is intent on destabilizing his Government – involving everything and everyone from Venezuelan President Hugo Chavez to foreign charity organizations to swine flu.

During Garcia's first reign as President, from 1985-90, he was accused of numerous human rights abuses in the fight against terrorism, including a prison massacre. Now he seems intent on adding a host of new charges to his resumé.

One of the most brutal examples occurred on 5 June this year when police commandos broke up a peaceful roadblock in Bagua, Peru's northern jungle region. Amazonian states had been on strike since last year to protest

Government policies making it easier for foreign oil, mining and gas companies to purchase indigenous land. Police used bullets and teargas against men, women and children armed only with rocks and traditional spears. The Government maintains that 23 police officers and 10 civilians were killed with at least 200 wounded, but indigenous leaders and human rights groups say more than 60 civilians are still missing. Rumours abound of police excesses and local journalists reported bodies being dumped in rivers and mass graves.

Time warp

It feels as though we've slipped through a time warp to the early 1990s when Peru was embroiled in a bloody civil war with leftist guerrillas. Then-President Alberto Fujimori closed Congress in 1992 and rewrote the Constitution. Thousands of suspected terrorists were jailed by anonymous military and civilian courts. Judges wore masks to conceal their identities, and the state did not have to present physical evidence as



Above: Julio Vasquez, shortly after being released from captivity, gives a press conference in Radio Cutivalu, the station he was reporting from when he was kidnapped.

Below: Father Marco Arana aka The Devil (according to the spies tracking his every move) conducts mass. Photos: (top) JULIO VASQUEZ ARCHIVE, (bottom) S BOYD / QUISCA

proof. Defence lawyers were given little or no opportunity to cross-examine witnesses or present evidence. If lawyers questioned the verdict, they ran the risk of being charged with 'aiding' or 'apologizing for' terrorism.

Fujimori went beyond manipulating justice and authorized the formation of clandestine death squads, responsible for torture, assassinations and massacres. By the end of the 20-year civil war, more than 60,000 Peruvians – mainly impoverished peasants – had been killed or disappeared by either terrorist or Government forces. Earlier this year, Fujimori received a 25-year prison sentence for human rights abuses committed during his reign, and many of his anti-terrorist laws have been reformed.

However, today Fujimori's 'dirty war' methods have been privatized. Under Fujimori, Peru's intelligence service grew to monstrous proportions, with more than 2,000 agents. Fujimori's spy chief, the shadowy Vladimiro Montesinos, learned his tricks from the notorious 'School of the Americas'. Nicknamed 'School of the Assassins', this stellar example of US diplomacy has trained more than 60,000 Latin American soldiers in counterinsurgency methods, enabling graduates to murder, torture, maim and disappear thousands of their own citizens. (A few years ago the institute was renamed the Western Hemisphere Institute for Security Co-operation.)

When Fujimori's Government fell, his secret service was disbanded, leaving an army of unemployed, licensed-to-kill agents. Suddenly, private security firms started popping up, run and staffed by these former spies and ex-military officers. Many hire active police officers, who use regulation uniforms and equipment to earn extra cash in their spare time.

Their services are available to the highest bidder, and their clients include foreign mining, oil and gas companies who have, of late, run into a tricky problem – indigenous resistance to environmental contamination, labour unrest and social decay. Foreign companies are hiring private mercenaries to suppress their opponents under the guise of protecting private investment from terrorism.

Tracking 'The Devil'

There's the case of Father Marco Arana, a priest from Peru's northern Andean mountains who was followed, photographed and threatened over several months in 2006 by a spy firm with links to the US-owned Newmont mining corporation.

Although Father Marco was the main target, other activists and leaders working with him were also followed and threatened. Esmundo Becerra, a farming leader and one of the priest's main allies, refused to yield to the threats and was assassinated in broad daylight by armed gunmen.

Police refused to help Father Marco until the day he caught one of the spies. The spy confessed that he was working for a private investigative firm and led police to their hideout. The police confiscated two computer hard drives.

Inside were hundreds of pages of reports and photos documenting the priest's every move. The spies had given nicknames to the objects of their surveillance: Father Marco was 'The Devil', his office was 'Hell' and his allies included 'Yoda', 'Roadrunner', 'The Goose', and, more insultingly, 'The Snob' and 'Big Belly.' Peru's judiciary shelved the case for 'lack of evidence'. Not one to be beaten, Marco has taken the case to the Organization of American States Human Rights Court.

'It's like an Orson Welles drama,' he says. 'The company writes the script, directs the authorities, manages repression, is in league with the lawmakers and, on top of everything, says it's for our own wellbeing.' Peru seems to have come full circle; we've exchanged iron-fisted dictators and state terrorism for executives in pin-striped suits orchestrating corporate terrorism. State terrorism, corporate terrorism or an eye-for-an-eye – ethical arguments aside, it just doesn't work. In the words of Father Marco: 'Violence only leads to more violence.' The same social conditions that gave rise to Peru's terrorist movements of the 1980s and 1990s still exist. Until the people in charge do something to address the root causes – poverty, inequality and racism – the time bomb will keep ticking.

Stephanie Boyd is a writer and film-maker based in Peru. She is currently finishing a documentary featuring Father Marco and Julio Vasquez entitled *The Devil Operation* (www.guarango.org).

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