

This edition of Global Information Society Watch is dedicated to the people of the Arab revolutions whose courage in the face of violence and repression reminded the world that people working together for change have the power to claim the rights they are entitled to.

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PERU

PUSHING FOR THE PROSECUTION OF HUMAN RIGHTS VIOLATIONS



Red Científica Peruana and CONDESAN

Jorge Bossio, María Campos and Miguel Saravia
www.rcp.net.pe and www.condesan.org

Introduction

Between 1980 and 2000 Peru suffered an internal armed conflict¹ that led to the death of over 69,000 people, besides a large number of indirect victims (e.g. displaced persons, widows, orphans, etc.). According to the final report of the Truth and Reconciliation Commission (TRC),² the Sendero Luminoso (Shining Path) rebel group³ was the main party responsible for the deaths, but the actions of state forces also resulted in the deaths of innocent people.

The Peruvian state used the armed forces to try to quell the armed uprising and the terrorism that came with it. However, in doing this numerous human rights violations were committed. The TRC stated that “the behavior of members of the armed forces not only involved some individual excesses by officers or soldiers, but also entailed generalized and/or systematic practices of human rights violations that constitute crimes against humanity as well as transgressions of the norms of International Humanitarian Law.”⁴

The investigation and later prosecution of those responsible began after the fall of the Alberto Fujimori regime. Human rights activists, as well as United Nations (UN) Human Rights Special Rapporteur Martin Scheinin,⁵ have pointed out that while many of the trials are still ongoing,⁶ they are at risk due the fact that political groups close to the military are lobbying to end the prosecution.

This report refers to the use of social networks by human rights activists to prevent the application

of a law – Legislative Decree 1097 (DL 1097) – that would pardon the soldiers being prosecuted for human rights violations in Peru.

Social networks have for some time been used as a platform for activism and alternative media in Peru. However, the number of professionals and institutions registered on them was low until late 2010, when the electoral campaign boosted their use. The case of DL 1097 is special because it represents one of the first times human rights activists have used social media to create awareness of a cause amongst the general population. The success of this campaign has become an incentive for civil society groups and human rights activists to use new technologies in their campaigning.

Policy and political background

On 2 July 2010, during the second term in office of President Alan García (who was implicated in human rights violations during his first term between 1985 and 1990), the Peruvian Congress gave him powers to change the laws concerning individuals being prosecuted for human rights violations. He was given 60 days to enact the changes.

On 1 September, a day before the deadline, the Congress approved a package of decrees presented by the government, among which was DL 1097. This decree mandated that ongoing trials for military and police personnel accused of human rights violations would need to end if they exceeded the period stipulated for the prosecution of regular crimes. This measure went against international treaties signed by the Peruvian government, which stipulate that crimes against humanity do not have a time limit for prosecution.

When the decrees were passed, Peru was immersed in local government electoral campaigns. All the front pages of the main newspapers were filled with news referring to the elections, and the decree was hardly mentioned.

Social networks for human rights advocacy: A chronology of DL 1097's short life

The day after DL 1097 was approved, an NGO called the National Coordinator for Human Rights held a press conference in order to publicly criticise the decree. Realising that this issue was not getting enough public attention, a group of activists also decided to take action, and started a Facebook campaign. These activists were Javier Torres, head of the

1 This report adopts the terminology of the Truth and Reconciliation Commission.

2 For more details see: www.cverdad.org.pe/ingles/ifinal/conclusiones.php

3 For more details see: www.britannica.com/EBchecked/topic/540794/Shining-Path

4 The Geneva Conventions of 1949.

5 www.noticiasser.pe/08/09/2010/nacional/relator-especial-de-las-naciones-unidas-sobre-los-derechos-humanos-concluye-su-m

6 Rivera, C. (2010) El estado del proceso de judicialización de graves violaciones a los derechos humanos en el Perú, *Justicia Viva*, 22 July. www.justiciaviva.org.pe/notihome/notihome01.php?noti=333; see also Burt, J. M. (2010) Los juicios invisibles, *Noticias SER*, 4 August. www.noticiasser.pe/04/08/2010/los-juicios-invisibles

SER association,⁷ Félix Reátegui, expert on transitional justice matters, and Eduardo Gonzales, head of the International Centre for Transitional Justice (ICTJ) Truth and Memory programme.

The response was immediate. Nearly 300 intellectuals, artists and politicians, amongst others, signed a petition launched by the activists that was posted on their walls.⁸ A further 230 people signed up on Torres' personal Facebook page.

Given the great response to the initiative, the need to create a page entirely devoted to the campaign was urgent. Dánae Rivadereyra, a well-known local blogger and reporter on the news and blog platform Lamula.pe, met with Torres to propose starting a dedicated Facebook page. The intention was to continue with the signature collection process and to channel news and comments referring to the matter. On 4 September, the page called No al Decreto Legislativo 1097⁹ (No to Legislative Decree 1097) was created. During the fifteen days of activism, which ended in the decree being withdrawn, the page attracted over 4,000 followers.

The traditional media also started to provide more coverage of the issue. There were not enough headlines, but there was a certain general interest growing in newspapers, radio and TV shows as the subject gained importance on Facebook and on blogs.

On 9 September, as part of the strategy to annul the decree, activists used the Facebook page to call for a sit-in in front of the Palace of Justice the next day. The turnout was not as strong as expected: around 300 people signed up to attend the event, but only around 100 showed up.

However, according to Torres, the use of social networks had already managed to get the media's attention and the collaboration of more personalities. Thanks to their support, on 12 September the organisers of the Facebook campaign published a statement objecting to DL 1097, which included supporters' signatures, in a national newspaper.¹⁰

In the meantime, Rafael Rey, the defence minister and, ironically, one of the promoters of the decree, came out on TV and radio shows declaring that the government did not seek the immunity of human rights violators and that he was "glad of having been available to bring reason [to the situation] and to concretise the will of the Peruvian government."¹¹

However, the ruling party was starting to experience internal conflict in Congress. On 10 September Luis Gonzáles Posada, a ruling party congressman, declared on one of the most important radio news channels that "there is a great incompatibility in perspectives, a position that Minister Rey is going to have to explain. Yesterday I heard the prime minister saying the government was not consulted."¹²

On 13 September, Mario Vargas Llosa, head of the Memory Museum project (which commemorates the victims of the conflict), publicly resigned from his position, declaring that the reason for his resignation was "the recent DL 1097 that (...) constitutes a thinly disguised amnesty to benefit a large number of people linked to the dictatorship and sentenced (...) for crimes against humanity." He called for "this ignoble decree" to be abolished.¹³

On the same day, President Alan García sent an urgent request to the Congress to annul the decree. On 14 September, only thirteen days after it had been approved, DL 1097 was annulled with 90 votes in favour and one against.

After that, the activists continued their campaign, trying to get other anti-civil rights decrees annulled.¹⁴ However, they did not succeed in keeping the public's attention and the Facebook campaign was a failure. Those decrees are still in force today.

Not a revolution

This was not a revolution. No regime fell. What happened in the first half of September 2010 was an attempt by civil society activists to use social networks as an alternative media channel for campaigning. The campaign's aim was to generate awareness on an issue that, otherwise, would have passed by unnoticed.

As we can see, the role that social networks played in the campaign was mixed. According to Torres, social media boosted the impact of the campaign, which otherwise would only have involved a small group of activists. For him, Facebook served as a tool to raise public awareness. However, Reátegui says that "the direct impact of social networks in the annulment of the decree was insignificant." He believes they only echoed issues that emerged in other media spaces.

It is important to say that the use of social networks had a narrow reach in Peru. Just 34.8% of the Peruvian population has access to the internet: 50.4% in the capital city, 38.4% in urban areas and 9.9% in rural areas. Most of the users are young and

7 Servicios Educativos Rurales: www.ser.org.pe

8 For a complete list see: www.facebook.com/note.php?note_id=425696859262

9 www.facebook.com/pages/NO-al-Decreto-Legislativo-1097/144408128929046

10 www.larepublica.pe/pagina_impreso.php?pub=larepublica&anho=2010&mes=09&dia=12&pid=1&sec=15&pag=11

11 www.larepublica.pe/07-09-2010/rafael-rey-niega-que-polemico-dl-1097-busque-impunidad-de-violadores-de-ddhh

12 www.rpp.com.pe/2010-09-11-gonzales-posada-sobre-dl-1097-rafael-rey-tendra-que-dar-explicaciones-noticia_294419.html

13 www.scribd.com/doc/37361078/Carta-de-renuncia-de-Mario-Vargas-Llosa

14 Such as DL 1095 which authorises military intervention and the use of force to deal with social demonstrations.

with high levels of education (82.1% of the population with college, technical institute or university degrees are internet users, while only 2% of the population with no more than primary education access the internet).¹⁵ In urban areas, only 35% of internet users are on Facebook.¹⁶

As noted by Castells, “Not every person in the world participates in the networks (...). But everybody is affected by the processes that take place in global networks.”¹⁷ Although the author is referring to the global “network society”, the principle is applicable to the case at hand. Exclusion from digital networks is a product of the social structures of society.¹⁸ Internet and social network users in Peru represent a privileged sector of society, which has greater capacity to apply political pressure.

The reason why media are considered a “fourth estate” is because they have the capability to exert pressure on the government by generating public opinion. Traditionally, public opinion was measured through surveys or by the evidence of mobilisation. The feelings expressed during daily conversations could not be measured because they were fleeting. This does not happen anymore. Social networks offer tangible evidence of how the population is processing certain information. In the Peruvian case, while they did not have great mobilising power in terms of numbers, the political role of social networks was to capture a sense of public discontent that proved powerful. They let the government know how people felt, albeit not through demonstrations in the streets.

Conclusions

Facebook played two roles during the campaign against DL 1097. The first was as an alternative means of information dissemination due to the traditional media’s concentration on electoral news. This created awareness amongst the general population. Second, it was used as a tool for the expression of public opinion.

While the surreptitious manner in which DL 1097 was approved helped provoke a strong public reaction, the use of Facebook allowed the activists to respond quickly to the decree.

However, the commitment to the cause did not manage to transcend the social networks. As

mentioned before, the attempt to translate the Facebook support into a public demonstration – through a sit-in in front of the Palace of Justice – failed. This could be because the issue had already been taken up by the mass media, and political personalities had already spoken out against the decree. That is, there was a feeling that the matter had been adopted by actors who had more influence over the government than Facebook users. The consensus that was generated around the need to annul DL 1097 (except for the position of its main defender, Defence Minister Rafael Rey) diminished the necessity to be committed beyond the social networks.

Finally, the commitment to human rights was intense – even though the intensity was circumscribed to the networks. However, it was short lived and focused on a particular issue. This is seen in the failure to campaign against another decree, DL 1095 (which sought to authorise military intervention against social demonstrations).

We would like to end this report with an extract from our interview with Félix Reátegui:

The bottom line, for me, is that these social networks, at least among us [Peruvians], have for now a reactive character rather than a preventive one, and that, in any case, they still do not have the capacity to be “translated” into popular demonstrations. In other places in the world where social networks have had shocking effects [...] what has happened is that the net is little more than a “coordination platform” for collective action... A government is not afraid of the net *per se*, but of the people who come out into the streets, who have been coordinated using the net.

Action steps

- In the Peruvian context, where social mobilisation is very rare amongst the middle and upper classes, social networks are a good way to express opinions and generate pressure on governments. However, they have to be used with moderation for campaigning. People seem to lose interest very quickly.
- Human rights movements should focus on a particular case in order to generate support using social networks. A long campaign should be thought of in terms of a series of time-separated causes.
- It is, of course, very important to engage social networks, so that users can share issues with their contacts.
- Finally, it is important to engage the traditional media in social media campaigns, using press releases and holding media briefings. ■

15 Instituto Nacional de Estadística e Informática (2011) *Las Tecnologías de la Información y Comunicación en los Hogares. Trimestre: Octubre, Noviembre, Diciembre 2010.*

16 Pontificia Universidad Católica del Perú (2010) *Encuesta de Opinión, Junio 2010.*

17 Castells, M. (2009) *Comunicación y Poder*, Alianza Editorial S.A., Madrid, p. 51.

18 *Ibid.*, p. 52.

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