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Peru: Shining Path (Sendero Luminoso), including its activities and negotiations with the government

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1. Situation of the Shining Path

An article published by the Associated Press (AP) reports that [translation] "Comrade Artemio" is the leader of a Shining Path faction in the Huallaga valley, while [translation] "Comrade José" is the head of another in the Apurímac-Ene river valley (AP 8 Dec. 2011). These are key cocaine-producing regions in the country (ibid.; Al Jazeera 8 Dec. 2011). According to an article published by *Le Figaro*, a French newspaper, about a Peruvian television report broadcast by Frecuencia Latina in 2009, Comrade José has stated that his [translation] "organization is a 'new phase' of the party, with no ties to Abimael Guzman's Shining Path" (*Le Figaro* 26 May 2009). Guzman was the Shining Path's founder (Noticias24 1 Feb. 2012). He was arrested in 1992 (BBC 7 Dec. 2011; AP 8 Dec. 2011) and is serving a life sentence (*The Guardian* 8 Dec. 2011).

2. Shining Path's Activities

2.1 Shining Path's Criminal Activities

According to the *Country Reports on Human Rights Practices for 2010*, published by the United States Department of State, the Shining Path is a "terrorist organization" involved in narcotics trafficking (U.S. 8 Apr. 2011, 1). The report further states that the Shining Path was responsible for "killings and other human rights abuses, including the recruitment of child soldiers, extortion, and intimidation" (ibid.). An article published by the *Christian Science Monitor*, an international news agency based in Boston, United States (n.d.), indicates that these groups obtain their funding through drug trafficking, bank robbery and extortion (*The Christian Science Monitor* 10 Jan. 2012).

According to two sources, although the Shining Path is no longer the threat it once was, Shining Path guerrilla groups who are active in the cocaine-producing regions continue to engage in "sporadic clashes" with police and soldiers (BBC 7 Dec. 2011; *The Christian Science Monitor* 10 Jan. 2012). An AP article published on 14 December 2011 and posted on the Aol Latino website reports that a soldier was killed and 12 others were wounded when soldiers were ambushed by the Shining Path. According to the *Country Reports for 2010*,

Shining Path members were involved in 136 “terrorist acts” that resulted in the killings of 25 people (6 police officers, 9 soldiers and 10 civilians) in the Huallaga Valley region (U.S. 8 Apr. 2011, 4). From 2008 to November 2011, more than 50 members of the security forces were killed by the Shining Path (InSight Crime 30 Nov. 2011).

According to an AP article, the Shining Path formed an alliance with local drug trafficking groups (14 Dec. 2011; see also InSight Crime 30 Nov. 2011). During an interview with Radio Programas del Perú (RPP), an expert on drug trafficking stated that they had noted the presence of the Mexican Sinaloa cartel in Peru since January 2011 (NOTIMEX 9 Dec. 2011). He stated that the Mexican drug traffickers are working mainly with the faction headed by Comrade José (ibid.). Similarly, an article published by the Peru This Week website reports that Comrade José has been working with drug traffickers (10 Jan. 2012). According to the expert quoted by NOTIMEX, the members of this faction of the Shining Path offer protection in particular to drug laboratories and to drug traffickers and are involved in transporting cocaine (NOTIMEX 9 Dec. 2011). According to the AP article, this protection is offered to drug traffickers in exchange for money (14 Dec. 2011.).

An article published by InSight Crime-Organized Crime in the Americas, a website based in the United States and Colombia that deals with organized crime in Latin America and the Caribbean (n.d.), notes that “[e]ach time the troops strike a blow against the drug traffickers, the Shining Path reacts with a counterattack” (InSight Crime 30 Nov. 2011).

2.2 Shining Path’s Political Activities

An article published by InSight Crime in January 2012 reports that the Movement for Amnesty and Fundamental Rights (Movimiento por amnistía y derechos fundamentales, Movadef) filed for political party status (19 Jan. 2012). According to two sources, the group has ties to the Shining Path (*Enlace Nacional* 2 Feb. 2012; Noticias24 1 Feb. 2012) and is led by two of the lawyers working for Abimael Guzman, also known as [translation] “President Gonzalo” to his followers (ibid.).

According to two sources, the Shining Path has infiltrated the country’s universities and colleges (*El Comercio* 1 Feb. 2012; RPP 2 Feb. 2012). According to an article published by *El Comercio*, a Lima-based newspaper, a number of Shining Path leaders who had been imprisoned became teachers or university professors or joined the Unified Trade Union of Education Workers of Peru (Sindicato unitario de trabajadores en la educación del Perú, SUTEP) after they were released (*El Comercio* 1 Feb. 2012). Through Movadef, they are apparently trying to do political work by attempting to [translation] “obtain political amnesty for the Shining Path, by presenting it as a revolutionary group and by presenting the terrorists as political prisoners and Abimael Guzmán as a misunderstood philosopher” (ibid.).

On 1 February 2012, two sources reported that Movadef had cancelled its registration as a political party, explaining that [translation] “the State had launched a campaign of political persecution against communists and Marxists-Leninists-Maoists-Gonzalo thought” (Noticias24 1 Feb. 2012; Noticias Univisión 1 Feb. 2012). No other information on Movadef could be found among the sources consulted by the Research Directorate.

3. Negotiations with the Government

A number of sources reported that, in December 2011, Comrade Artemio stated that the Shining Path had been defeated (BBC 7 Dec. 2011; AP 8 Dec. 2011) by the government (ibid; Al Jazeera 8 Dec. 2011). He announced a cease-fire by his faction and called for a military truce in order to begin negotiations with the government (AP 8 Dec. 2011; *The Guardian* 8 Dec. 2011; InSight Crime 19 Jan. 2012; BBC 7 Dec. 2011; CNN 7 Dec. 2011) with a view to a peace agreement (AP 8 Dec. 2011; Al Jazeera 8 Dec. 2011). However, he stated that the faction led by Comrade José would not participate in the truce (ibid.).

In February 2011, according to an article published in the Peruvian daily newspaper *Diario Voces*, members of the Shining Path led by Artemio distributed 2,000 brochures in the city of Juanjui announcing a cease-fire and a call for national reconciliation (*Diario Voces* 8 Feb. 2012). The article reports that these brochures contained statements that showed [translation] "the irreconcilable differences that exist" between them and the other Shining Path faction (ibid.).

Artemio stated that, although his group did not want to launch any further attacks, it would remain [translation] "on the defensive" in case they were attacked (AP 8 Dec. 2011). Artemio's group was prepared to lay down their weapons on the condition that the government be "serious about wanting to end the armed conflict" (BBC 7 Dec. 2011). Artemio offered to lay down weapons in exchange for the release of the Shining Path's founder (*The Guardian* 8 Dec. 2011) and other prisoners (CNN 7 Dec. 2011).

According to a CNN article, the Shining Path has made several attempts to begin negotiations with the Peruvian government since 2003 (7 Dec. 2011). Two other sources also mention unsuccessful attempts on the part of Comrade Artemio to contact the government (AP 8 Dec. 2011; InSight Crime 19 Jan. 2012). In a statement made to the media in December 2011, the Peruvian minister of defence [translation] "rejected" Comrade Artemio's call for negotiations, stating that [translation] "there is no possibility of negotiation with the government" (*El Tribuno* 8 Dec. 2011). For his part, Artemio considered the answer unacceptable, as he was asked for "unconditional surrender, laying down of arms, and coordinates for stockpiles" (CNN 7 Dec. 2011). He also stated that the government had offered him money to turn himself in, money that he could use to leave the country (ibid.).

4. Arrest of Artemio

According to a number of sources published in February 2012, Artemio was arrested (Peru This Week 12 Feb. 2012; Perú21 13 Feb. 2012; NOTIMEX 12 Feb. 2012; BBC 12 Feb. 2012). According to a BBC article, a confrontation took place on 9 February 2012 between the Shining Path and the [translation] "special forces," and Artemio was shot in the chest and in the hand (ibid.). According to the same source, Artemio was taken to a clinic, where he was given first aid (ibid.). However, he was then abandoned near a river by his soldiers (ibid.; Peru This Week 12 Feb. 2012), where the armed forces arrested him (NOTIMEX 12 Feb. 2012).

Quoted in an article published on 13 February 2012 by Noticias Univisión, a US Spanish-language news site, the technical secretary for the state legal defence council (secretaría técnica del consejo de Defensa Jurídica del Estado) announced that Artemio could be charged with [translation] "terrorism" and with

drug trafficking if the investigation revealed [translation] "indications that [Artemio] was involved directly or through his armed group in illegal drug trafficking or property laundering." Quoted in the same article, the director of the Legal Defence Institute (Instituto de Defensa Legal) stated that there is a risk that [translation] "the other Shining Path faction led by Comrade 'José' ... will want to 'fill the void' left by [Artemio's] capture" (Noticias Univisión 13 Feb. 2012). According to the article, Artemio was taken to the police counter-terrorism office on 14 February for questioning (ibid.).

According to a number of sources, Walter Díaz Vega, alias "Freddy" or "Percy", allegedly took command of the Shining Path faction in the wake of Artemio's arrest (InSight Crime 5 Mar. 2012; *The Andean Air Mail and Peruvian Times* 6 Mar. 2012; *Latin American Herald Tribune* 6 Mar. 2012). Considered to be "Artemio's right-hand man" (ibid.), he was arrested in early March 2012 (InSight Crime 5 Mar. 2012; *The Andean Air Mail and Peruvian Times* 6 Mar. 2012). According to the director general of the police, he was responsible for organizing "an armed column to kill the (National Police) officers [who had] infiltrated [the group] to capture Artemio" (*Latin American Herald Tribune* 6 Mar. 2012; see also InSight Crime 5 Mar. 2012). Diaz Vega was imprisoned (*The Andean Air Mail and Peruvian Times* 6 Mar. 2012) and may be charged with multiple crimes (*Latin American Herald Tribune* 6 Mar. 2012).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

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