

MAPPING COMMEMORATIVE CULTURES, BEST PRACTICES AND LESSONS LEARNED

CASE STUDY: Peru

1. Background Describing the Period of Violence Examined

THE PERUVIAN ARMED CONFLICT

The internal armed conflict in Peru began in 1980 when the Communist Party of Peru - Shining Path (PCP-SL), a Maoist organization, initiated military actions in rural areas of the department of Ayacucho. The armed struggle began just as Peru was transitioning to a new democratic order after a long military dictatorship. The next twelve years saw a cycle of increasingly violent actions and reactions between the tactics of the PCP-SL and those of the government forces. In 1983, the government decided to replace the police in the counter-subversive struggle, handing over political-military control of the conflict zones to the Armed Forces. This led to massacres in peasant communities and disappearances of people arrested by the Armed Forces, with military bases in some cities of Ayacucho, such as “Los Cabitos” barracks in Huamanga and the municipal stadium in Huanta, becoming centers of torture, arbitrary executions, and enforced disappearance. The year 1983 saw the highest number of enforced disappearances and extrajudicial executions during the entire 1980-2000 period studied by the Truth and Reconciliation Commission (TRC).

The State's massive human rights violations during its counter-subversive action initially shocked the regions prioritized by the PCP-SL, but did not result in its defeat. The subversives moved beyond their initial area of operation and expanded into other rural areas. Subversive violence spread and found sustainable mechanisms different from those in their initial region, such as in regions with a drug trafficking presence and in some urban centers. The capture of people suspected of belonging to the PCP-SL resulted in a heavy concentration of them in prisons, allowing the subversive organization to begin exercising control over a majority of prisoners. Riots by Shining Path prisoners occurred in 1985, 1986, and 1992, resulting in violent reprisals and killings of inmates. The 1986 massacre in three Lima prisons was particularly symbolic, as it generalized horror and impunity: authorities accepted that extrajudicial executions had been committed, but never prosecuted those responsible.

The actions of the Shining Path led the way for armed confrontation as a form of political power struggle for other organizations, such as the Túpac Amaru Revolutionary Movement. However, subversive violence also provided the government with the opportunity to create paramilitary groups that gained prominence in later years. It wasn't until 1992 that most subversive armed actions were extinguished due to police actions resulting in the capture of the most important PCP-SL and MRTA leaders. Aside from some violent military operations against remnants of these two forces in the coca-growing areas, the pace and intensity of the conflict decreased.

According to the TRC, the most probable number of fatalities during the Peruvian internal conflict was 69,280 people. In its final report the Commission identified almost 4,000 burial sites where human remains of disappeared persons might have been found. In the years following the TRC's work, different institutions were created to search for the disappeared, and a National Registry was established to identify more than 13,000 people whose fate or final whereabouts are unknown.

ENFORCED DISAPPEARANCE DURING THE PERUVIAN ARMED CONFLICT

Enforced disappearance played a significant role in the Peruvian armed conflict, with the government using it to obtain information through torture, guarantee impunity by obstructing investigations, and quickly produce “results” by eliminating suspects without the need for a complex and lengthy judicial process. This strategy created a climate of terror that dissuaded society from any form of resistance or collaboration with subversive groups, particularly among marginalized sectors of the population, such as peasants and rural students. When their families demanded information and justice, these demands were systematically ignored by the State.

THE GLOBAL INITIATIVE FOR JUSTICE, TRUTH, AND RECONCILIATION

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Throughout the conflict, successive government representatives either denied or downplayed the seriousness of enforced disappearance. In the early 1980s, political leaders argued that allegations of enforced disappearance were false because the alleged victims were not registered in electoral rolls. In the 1990s, members of Congress from the ruling party claimed that the enforced disappearance of nine students and a professor at the University of La Cantuta was probably voluntary, i.e., they left their place of residence to engage in subversive activities.

Enforced disappearance has caused deep trauma to families and communities in Peru. Just under 600 individual cases of enforced disappearance have been resolved. The vast majority of cases remain unresolved, causing thousands of cases of unresolved mourning, which has intergenerational consequences for the mental health of affected families, their stigmatization, and their valuation by the public. Enforced disappearance persisted throughout the Peruvian armed conflict and is inherently linked to a contested social memory space due to the obstruction of mourning, the generation of stigmatization, and the presence of official negationist discourse.

2. Background Describing the Significant Date or Event that is Being Commemorated

IN PERU, THE FAMILIES OF THE THOUSANDS OF VICTIMS OF ENFORCED DISAPPEARANCE DO NOT HAVE A FORMALIZED SPACE FOR MOURNING.

They lack a burial place where they can perform traditional, cultural, and religious rituals, making it impossible to properly grieve their loved ones. Instead, the search for the disappeared replaces the commemoration of their absence, leaving families in a state of permanent suffering. Moreover, enforced disappearance does not find formalized spaces of memory, and the places where disappearances occurred are often stigmatized as sites of fear and danger. The disappeared, when considered by State authorities as members of subversive organizations, are difficult to regard as innocent victims deserving of solidarity from society.

THE EYE THAT CRIES IS A MONUMENT TO THE VICTIMS OF PERU'S ARMED CONFLICT,

located in one of Lima's most emblematic parks, the Campo de Marte, in the central district of Jesús María. It is a large amphitheater-shaped space consisting of a concentric labyrinth made of blackish pebbles and thousands of gray boulders. The individual names of thousands of fatal victims of the internal armed conflict, following the list of victims identified by the Truth and Reconciliation Commission in its 2003 report, have been inscribed on the boulders. At the center of the labyrinth, a black pyramidal monolith has an embedded stone from which water constantly flows, giving the monument its name.

The monument's aesthetic proposal, created by the Dutch sculptor Lika Mutal, based in Peru, is the beginning of many paradoxes surrounding the Eye that Cries. The monument is both a complex abstraction and a simple transparency. It brings to Peru an object of religious use from medieval Europe designed to create a space for mystical wandering and prayer, but it reassigns meaning to it by turning it into a path literally surrounded by names that lead to a central space that represents, both physically and in its name, the act of weeping. The word "eye" refers to both the organ of vision and a source of water, symbolically alluding to mourning and the

names of the absent, which are traversed until reaching the center of the pilgrimage, where they are seen and wept, the two relevant functions of the human eye for this space. The Eye that Cries underwent a transformation from its original purpose as a memorial space for the victims identified in the TRC report, to one that represented victims of state action in the armed conflict, thanks to the support of a specific community of memory and human rights NGOs.¹

Despite its initial success, controversies surrounding the monument led to a crisis of confidence for the author regarding the list of names, and a transformation of the identity of the events and victims represented. The monument shifted from representing only “innocent”² victims of State action to an encompassing vision of all victims, including those who participated in actions of subversive groups and were extrajudicially executed. This transformation occurred not just in the use of the monument, but in the very existence of the monument itself, as it sparked opposition from a coalition of followers of former dictator Alberto Fujimori, ultraconservative groups, relatives of military and police personnel killed in the conflict, and others. The function of the monument has thus shifted from being a commemorative space for one community of memory to a site of conflict between opposing communities of memory. The Eye that Cries has faced physical attacks by its opposing community but has been restored by its community of use. The opponents, who promote a denialist discourse regarding human rights violations and the nature of the armed conflict, have expressed their desire to destroy the monument. Their animosity has resulted in the marginalization of the monument, if not in its destruction.

2.1 BACKGROUND DESCRIBING THE OFFICIAL/DOMINANT NARRATIVES AND THE NARRATIVES OF VICTIMS AND SURVIVORS AROUND THE SIGNIFICANT DATE OR EVENT

Scope could include state-enabled oppression.

2.2 ARE THERE/WHAT ARE THE GAPS OR POINTS OF CONTENTION THAT EXIST BETWEEN OFFICIAL NARRATIVES AND THE NARRATIVES OF VICTIM AND SURVIVOR GROUPS?

The “Memory of Salvation” Narrative

In the post-conflict period, some narratives have emerged that emphasize the extreme violence of subversive organizations to justify the State. These narratives use the term “terrorism” to define not only the methods but also the ideology and personal essence of the subversive groups, identifying them as irrational and intrinsically evil actors who rejoice in causing fear and suffering and whose goal is to establish an equally horrendous order. This definition of an absolute enemy leaves no room for ambiguities or subtleties: it does not distinguish between the PCP-SL and the MRTA, nor between them and the leftist organizations that participated in democratic political life. Over time, “terrorism” has become an umbrella concept that increasingly includes moderate sectors, people associated with the rule of law, progressive movements, and others.

In this narrative, known as the “memory of salvation,” only the political and military leadership that decided to strike at terrorism without consideration, namely the regime headed by Alberto Fujimori and his alliance with the military institutions, could have defeated the enemy and saved the country. However, remnants of the enemy are said to be crouched in human rights organizations and rule of law institutions, continuing the military action of the terrorists through judicial action. The search for the truth and the judicial processes against State perpetrators are seen as a rancorous persecution against those who achieved victory. This “memory of salvation” is not just about the past; it also implies an attitude of constant alertness to the hidden challenge. It views the relatives of the disappeared and executed, their legal actions to obtain justice, and their exercises of memory with suspicion and hostility, as new incarnations of the terrorist challenge.

The dispute around the disappeared has a special place in this narrative because enforced disappearance is seen as a legal maneuver to persecute the forces of law and order and glorify subversives. The dispute, then, shifts to political interventions on the right to mourn. In recent years, certain moments have demonstrated the cultural explosiveness of mourning. For example, in 1996, the Inter-American Court of Human Rights (IACHR) found the Peruvian State guilty³ of violating the rights of members of the PCP-SL who were arbitrarily executed during the retaking of Miguel Castro Castro Prison after a riot. The IACHR ordered the Peruvian State to include the names of the victims in the monument “The Eye that Cries.” However, when the names were added, some media outlets and the “salvation” discourse labeled the monument as a tribute to terrorists, causing social panic.

The “salvation” memory is prevalent in Peruvian society, but there are no statistical studies to quantify its hegemony. Its presence in the media, social networks, and everyday language is overwhelming, and it has become a political factor used in conservative positions or to stigmatize groups ranging from the center to the left of the political spectrum during electoral processes.

Other Non-hegemonic Narratives

Besides the dominant narrative of salvation memory, another narrative is constructed by human rights organizations and articulated in the TRC’s Final Report, which identifies the State’s responsibility in human rights violations without justifying the actions of subversive organizations. This ethical and legal memory recognizes the profound historical fault of Peruvian society as a whole for the social fractures that made the armed conflict so violent. While organizations like the PCP-SL and the MRTA hold undeniable political responsibility for choosing to engage in armed struggle, worsening the living conditions of the population at a time when Peru was recovering the possibility of democracy, the State also bears responsibility. Despite having the authority and legitimacy to confront the subversive challenge, the State ignored its obligations to respect human rights and committed similar atrocities that crossed the threshold of crimes against humanity.

The defeat of subversive organizations resulted in the application of justice against their members. However, from a human rights perspective and narrative, impunity was maintained because of victor’s justice - the application of an enemy’s criminal law against members of subversive groups and amnesty for State agents. In this scenario, the post-conflict period was marked by the drama of thousands of innocent people unjustly

accused or tried without the guarantees of due process and by de jure and de facto obstacles to the criminal investigation of crimes attributed to State agents. This narrative holds all the governments of the 1980-2000 period accountable for their serious political responsibilities, and their members may also have criminal responsibilities, for the conduct of the anti-subversive struggle that violated human rights.

This narrative presents a moral discourse that criticizes society for its inaction, which enabled the human rights violations of marginalized groups affected by the conflict (peasants, indigenous peoples, women, and children). Victims are portrayed as defenseless, caught in the crossfire and unable to escape the violence of both subversives and law enforcement. The legal actions of human rights organizations during the conflict, and the evolution of the legal framework applicable to terrorism after the conflict, resulted in the creation of the figure of the innocent victim.

The concept of innocent victims challenges the narratives that oppose the “salvation” memory narrative. The children of subversive group members, particularly those of MRTA members, have undertaken several initiatives, such as testimony and ritual performances, to reclaim their identity and protest the impunity of cases affecting their families. As we have seen, the relatives of victims clearly identified as members of the PCP-SL also have their own claims⁴ and a narrative that portrays their loved ones as heroes of a confrontation with a criminal State. Nevertheless, these narratives are subject to continuous criminalization. The Peruvian State has strengthened a law that criminalizes “apology for terrorism,” which is applied with little social oversight and has resulted in procedural rights violations.

There are also community narratives that circulate in local and regional spaces and contest official versions. For instance, some peasant communities in areas that were at the center of the armed conflict present the period of violence as a victorious combat where there was no “external savior,” but rather their own efforts to defeat subversion.⁵

The Role of the State and Communities of Memory

The Peruvian case presents some divergences with the model of a dominant “official” narrative versus a subordinate victims’ narrative. This model is part of the “human rights” narrative indicated above as one of the non-hegemonic narratives, where victims’ stories are disrespected by the State, firmly aligned in a practice of impunity and forgetting.

3. How is the Significant Date or Event Commemorated in the Public Sphere by Officials?

THE “HUMAN RIGHTS” MEMORY IN THE PRACTICE OF THE STATE

The dominant narrative presents certain difficulties in the Peruvian case. The “salvation” memory is dominant among the media and political elites and is extremely powerful in the mainstream. However, it does not match the legal reality: after the TRC Final Report, which has official and binding character for the Peruvian State, a series of judicial processes have resulted in the conviction of human rights violators among State actors, the most notable case being the 25-

year prison sentence against Alberto Fujimori, former head of State, for his responsibility in the operations of a death squad regarding forced disappearances, arbitrary executions, and torture.

The Inter-American Court of Human Rights (IACHR) rulings have also been complied with by the Peruvian State, including the annulment of the 1995 amnesty law, the opening or reopening of various criminal proceedings, and reparations to victims. Other transitional justice measures include the creation of an administrative reparations program and a registry of victims in which, as of 2018, more than 226,000 individuals, including survivors and relatives of deceased or disappeared persons, and 5,700 communities and population centers were recognized as collective victims.⁶ Regarding the search for missing persons, Peru has established forensic capacities and a search law that includes instruments such as a national registry of missing persons and burial sites. At times the State has, through its representatives, acknowledged its responsibility and apologized to the victims. Particularly important for the case at hand is the repeated presence of state representatives at commemorations in “El Ojo que Lloro” to express solidarity with the relatives.⁷

The model of the “dominant narrative in favor of impunity vs. victims’ narrative” is complicated by the absence of a victims’ narrative. As previously stated, the “human rights” memory is constructed on the idea of an innocent victim. This narrative disregards cases where victims were members of subversive organizations, whether their relatives claim their loved ones’ militancy or it is tactfully ignored in cases where the crimes were committed against militants or sympathizers of the armed groups. Additionally, this national narrative excludes regional and community perspectives that blur the victim and perpetrator identities. During the conflict, individual combatants shifted sides and roles,⁸ and so did communities.⁹

This narrative is supported by a “human rights” memory community made up of civil society organizations that defend human rights, associations of victims and family members, and a broad spectrum of professionals with liberal or progressive views. Local authorities may also be included in this community to the extent that justice and reparation mechanisms align with local community development interests and recognition of their victimization. This community of memory has not been able to establish a dominant historical narrative and is likely opposed to such a notion, in favor of a democratic perspective that values diversity.¹⁰ Nonetheless, this community possesses the symbolic and social capital¹¹ required to effectively shape policy-making processes, even though transforming common meanings is a challenging task. Thus, it would be incorrect to assert that the Peruvian State embodies the dominant “salvation” narrative, since official positions reflect the legal successes of the victims and transitional justice mechanisms. However, political leaders in charge of the State seldom challenge the mainstream view that supports the “memory of salvation.” When they do so, it is typically in contexts of electoral competition, during which they must distance themselves from Fujimorism.

3.1 Positive or Negative Examples of Official Commemorative Practices and Their Intended Functions

THE “SALVATION” MEMORY IN STATE PRACTICES

In contrast to the “human rights” memory, the “salvation” memory also exerts pressure and influence on the State, partially succeeding due to the extraordinary combativeness of some

of its members who have reached political prominence and the near-absolute dominance of the press. Since the second government of Alan García (2006-2011) and, even more so, since the 2011 general elections that saw the electoral resurgence of Fujimorism, the “savior” memory has become part of the repertoire of conservative political leaders. Furthermore, the election of Ollanta Humala (2011-2016), a former military officer involved in the counter-subversive struggle accused of human rights violations, as president marked the first time such an individual held such a position.

Denialism has also scored important victories in public policy, such as the defense of the Peruvian State against judgments of the Inter-American Court of Human Rights (IACHR), particularly in cases involving victims who were members of subversive groups, the various attempts to pardon former head of State Alberto Fujimori, and the modification of the penal code to criminalize apology for terrorism.¹² Conservative political leaders have led the protest against what they considered to be dangerous advances of supernatural terrorism, forcing moderate politicians to try to find intermediate positions and appeasing speeches.

4. How is the Significant Date or Event Commemorated at the Local Level by Victim and Survivor Communities/ Victim- or Survivor-Centered Associations/Civil Society Organizations?

THE EYE THAT CRIES AND ITS ROLE IN THE COMMUNITY OF MEMORY

The Eye that Cries, known in Spanish as El Ojo que Lloró, has been at the center of a long-standing hegemonic battle. Its emergence took place during the first post-Fujimori democratic transition government led by Alejandro Toledo (2001-2006).¹³ The initiative to create the monument came from private actors linked to the human rights movement and the artistic and intellectual community in Peru. The monument represents a dialogue between two visions: that of Dutch-Peruvian artist Lika Mutal,¹⁴ who designed the space as a tribute to the victims named in the Truth and Reconciliation Commission’s Final Report, and that of human rights defender Francisco Soberón, who supported the project and envisioned it as part of a broader “avenue of memory” located in Campo de Marte, a centrally located park in Lima with high symbolic value.

With Soberón’s support, Lika Mutal mobilized a broad coalition of allies, including politicians, intellectuals, academics, religious figures, and human rights defenders in an initiative in favor of victims’. While the artist’s vision was not subjected to a process of social consultation beyond the space of personalities that supported her initiative, the monument is an intensely personal work, faithful to the vision of the artist and what she hoped would be the social practice of memory.

The collaboration of the authorities of the district of Jesús María, the small municipality in which Campo de Marte is located, was crucial in making the monument a reality. The collaboration of the municipality ensured the selection of the space in the park, and the collaboration of private companies allowed for the erection of the monument and the hiring of labor.

The construction of the Eye that Cries took place during a narrow window of opportunity: the first post-democratic transition government of Alejandro Toledo (2001-2006). During this period, the Peruvian State accepted the contentious jurisdiction of the Inter-American Court of Human Rights, after Fujimori’s attempt to evade its obligations. The 1995 amnesty

law was annulled, and the Truth and Reconciliation Commission was established, functioning and issuing its Final Report (2001-2003). Additionally, the Human Rights Center of the Ombudsman's Office was created to house the Truth and Reconciliation Commission's archive. The Reparations Law was approved in 2004, and the "Yuyanapaq" photographic exhibit produced by the Truth and Reconciliation Commission was exhibited on an itinerant basis before being housed in the National Museum.

In the aftermath of the TRC and the IACHR *Barrios Altos v. Peru* ruling, several virtuous sequences unfolded. The TRC generated artifacts necessary for reparation and memory while the Inter-American Court's jurisprudence allowed for the reopening of judicial proceedings. Reparations, in turn, strengthened local memories and victims' organizations, channeling social demands and fostering development. Although the Ojo que Lloro in Lima was not a product of a victims' movement, it served as a catalyst for numerous memory initiatives throughout the country, including an "Ojito" in the province of Toraya, Abancay¹⁵ similar to the one in Lima.

the Eye that Cries became a target for negationists and followers of former President Fujimori. In 2007, the monument was subjected to the first physical attack by Fujimori's supporters, who labeled it a "terrorist monument" and identified public spaces of memory as places of confrontation. Since then, the Eye that Cries has been subject to a dozen attacks, including attempts to destroy or remove the boulders, attacks with distinctive orange paint associated with Fujimorism, and interruption of ceremonies. As a result of these attacks, the area of the park where the monument is located has remained closed or under surveillance by municipal guards. Despite this, the Eye that Cries and other memory initiatives continue to stand as a powerful reminder of the country's history and the importance of memory and reparation in its healing.

4.1 Positive or Negative Examples of Civil Society- and Community-Led Initiatives and Interventions Working to Recognize the Experiences and Narratives of Victims and Survivor Groups and Their Intended Functions

In response to attacks on the monument, the civil association Caminos de la memoria ("Paths of Memory") was created in 2008, by workers from human rights organizations who volunteered to care for and clean the monument. They also organized commemorative activities, which generated trust between the activists and the artist, and led to the formalization of the space as "Paths of Memory". The association now manages the monument, facing discouragement, withdrawal, and eventual hostility from the municipal authorities of Jesús María. *Caminos de la memoria* has successfully lobbied the municipality to allow them to manage the entrance to the amphitheater and the relationship with the guards in charge of security. Moreover, they have developed political advocacy that resulted in the monument being inscribed in the register of monumental heritage of the state in 2013 and recognized as a "point of culture" by the Ministry of Culture. In 2022, the Ministry of Culture recognized the Eye that Cries as a cultural heritage of the nation.

The association has formed alliances with the Ombudsman's Office and the Ministry of Justice and Human Rights. Internationally, they are part of the International Coalition of Sites of Conscience,¹⁶ the largest global alliance of museums and monuments dedicated to victims of human rights violations. They have advocated for years for UNESCO recognition of the Eye that Cries and

obtained pronouncements from the United Nations Special Procedures in favor of the monument.¹⁷

5. **What Commemorative Practices Take Place at the Memorial and What are Their Intended Functions? What Tensions Exist Between Official Narratives and the Narratives of The Victims and How Are They Mitigated? How Do Civil Society Work to Include Historically Sidelined Narratives and Counter Denialist Narratives and Violent, Destructive Practices?**

The use and physical appearance of the monument, the Eye that Cries, have evolved over time. Commemorative activities now more explicitly include the memory of victims of armed groups, with names and photographs of members of the armed forces and police killed in attacks by subversive groups included in public activities. The physical configuration of the monument has also changed, with new names inscribed and larger stones replacing the original boulders to accommodate the names of “collective cases.” Family members of victims gather at the memorial for significant dates and engage in activities such as placing flowers and photographs on the stones.

While these interventions alter the creator’s original vision, they demonstrate that the Eye that Cries is a space with practical value, realized in each ritual act and in relation to specific communities of victims. The evolution of the monument’s use and discourse around it has led to the formalization of a methodology for its use, the development of training modules for guides, and the use of a museographic script.¹⁸ However, these acts of commemoration stand in stark contrast to the destructive actions of negationist groups, such as throwing paint over the stones.

6. **Lessons Learned and Best Practices**

Social Consultation and Sustainability: The design, realization, and use of monumental spaces require social construction before physical construction. Consultation¹⁹ is necessary to ascertain the will to commemorate, determine forms and functions of commemorative practices, and build alliances. Consultation should prioritize victims’ collectives and be time-efficient, to avoid squandering transitional political opportunities. It can also build trust between victims’ movements, civil society institutions, and political actors. In the Peruvian case, alliances evolved after the creation of the Ojo que Lloro from relatives of State victims to broader collectives. A pre-creation phase that prioritizes consultation and builds resilience in the memorial space is necessary.

Artistic Dimension: Monuments have an artistic dimension that should interact with users. Although artistic vision cannot be reduced to consultation criteria, proposals can dialogue with common uses intended for commemorative spaces. El Ojo que Lloro, produced from elite artistic spaces and using symbolic resources external to local tradition, establishes symbolic connections with its communities of memory through transparent and direct metaphors that refer to the familiar rite of funeral mourning: the weeping eye, the labyrinth of names, and the use of river stones.

The Duty of Memory and Combating Denialism: States are responsible for valuing truth and commemoration, protecting them from denialism. In Peru, individuals who have suffered at the hands of subversive organizations support denialism, and although they are entitled to recognition as victims,²⁰ the rejection of the Eye that Cries tends to come from radical militants of Fujimorism, who seek political gain. This rejection is a violent and evocative memory of the perpetrator, which implies the vindication of human rights violations during the conflict. It is a mistake for the State to consider denialism a legitimate memory and give it a voice in the spaces of memory.

Interaction of Transitional Justice Measures. Transitional justice measures work best when they are considered as an interrelated whole rather than as separate measures. In Peru, most transitional justice measures have been carried out over a twenty-year period since the fall of the Fujimori regime and the end of the conflict, with the TRC and the annulment of the amnesty law as initial measures that fed subsequent processes of reparations and criminal justice. Memory initiatives subsequent to the TRC have taken place without the benefit of a comprehensive policy. However, initiatives such as El Ojo que Lloro show the catalytic potential of the truth commission and the interrelationship with the reparations process and the search for the disappeared.

Avoid Mechanisms to Suppress Public Debate but Do Not Tolerate Violence: Commemorative spaces require freedom of expression to function. Both commemoration and a certain level of civic and peaceful dissent are valid exercises of freedom of expression. The Peruvian State, instead of allowing memory and punishing negationism, expels from the public debate the perspective of the defeated by enacting laws of apology and excluding subversive groups in the law of reparations. The public exercise of memory is, by its nature and the facts it evokes, controversial and triggers deep traumas. However, it is a necessary exercise that must be protected and requires the legitimacy of the State. The comparison of different versions of the past is valid in society, assuming that they share certain minimum common values in the recognition of human rights.

Endnotes

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