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State of Fear and Transitional Justice in Peru: A Case Study

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In recent years, human rights activists and documentary filmmakers together have explored the uses of old and new media technologies in order to transform the power and reach of their work. This kind of partnership is the result of the recognition of the importance of strategic communications, including documentary media, in campaigns for social change—a recognition that has reshaped the global NGO landscape as well as documentary film practice. Over time, an infrastructure of organizations, circuits, and activist networks has emerged that sustains the production and circulation of these kinds of media, bridging the gap between legal discourse based on abstract universal principles and subjective personal narratives.[1]

The following text briefly outlines the outreach campaign around *State of Fear: The Truth about Terrorism* (2005, Pamela Yates, Peter Kinoy, Paco de Onís, 94 minutes), a feature-length documentary film that portrays twenty years of repression and resistance in Peru (1980 to 2000), a period in which politicians manipulated fears of terrorist activity by Shining Path guerrillas to suspend civil liberties and unleash military and political violence (fig. 1). It tells this history through the lens of the Peruvian Truth and Reconciliation Commission (PTRC), which was established in 2001. Produced in collaboration with the International Center for Transitional Justice (ICTJ), which supports truth and reconciliation commissions worldwide, and a network of funders and human rights organizations, *State of Fear* encapsulates the transition from social-issue documentary film as text—intended to inform and enlighten—to storytelling as the core component of a long-term strategic transmedia campaign. Employing an array of media technologies and embedded in a multiplatform human rights campaign, the film project became a laboratory for new tools and practices and an important model for other social-issue filmmakers.

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TRANSITIONAL JUSTICE, THE ICTJ, AND *STATE OF FEAR*

Transitional justice is a field of knowledge and theory of social change that focuses on the way societies deal with the legacy of systemic human rights violations. The approach emerged in the late 1980s and early 1990s in response to political changes in Latin America and Eastern Europe and demands in these regions for justice. As these societies transitioned to democracy, their governments adopted a number of strategies to recognize victims and promote reconciliation, including criminal prosecutions of rights abusers, truth commissions, and reparations initiatives. The International Center for Transitional Justice, a New York–based NGO, was founded by a group of lawyers who played a central role in the South African Truth and Reconciliation Commission. Their aim was to create a global clearinghouse of best practices used in societies undergoing transition. Since 2001, the ICTJ has trained human rights groups and individuals in more than thirty countries and has engaged with policy makers in numerous governments around the world.

In addition, having witnessed firsthand the valuable role of film in publicizing the work of the South African Truth Commission, the ICTJ's cofounders have recognized the value of documentary film to help broaden awareness of transitional-justice issues. As Paul van Zyl, one of the cofounders explained it: "Democratic social change requires robust public discourse and deliberation based on transparent information and the rule of law. While it is produced by institutions, rather than individual actions alone, and requires the engagement of elites, its true strength and efficacy is derived from broad-based social movements. Documentary films designed to inform, engage, and mobilize publics and linked with strategic outreach campaigns play a significant role in this process."[2]

After 9/11, Skylight Pictures (Yates, Kinoy, and de Onís) became interested in making a film about the dangers of authoritarian governments that manipulate fears of terrorism for political purposes. They approached van Zyl at the ICTJ, who immediately linked their idea with the work of the recently convened Peruvian Truth and Reconciliation Commission. Seed funding was provided by the Ford Foundation, which recognized the importance of documenting and publicizing the findings of the truth commission, but had not been successful in finding filmmakers in the region. They welcomed the project.[3]

Filmmakers bring their own experiences and sense of mission to projects like this one. Yates, Kinoy, and de Onís are passionately committed filmmakers who are knowledgeable about social-justice movements in Latin America and fluent Spanish speakers. Yates, who founded Skylight Pictures with Kinoy and cinematographer Tom Sigel in 1981, is an award-winning director. Her films include *Witness to War* (Academy Award, 1985), about an American doctor behind rebel

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lines in El Salvador; *When the Mountains Tremble* (Special Jury Award, Sundance, 1984), which features Nobel laureate Rigoberta Menchú; *Nicaragua: Report from the Front* (1983) about the U.S.-supported Contra War, and most recently *Granito: How to Nail a Dictator* (2011).[4]

With *State of Fear*, the Skylight team built on trusted relationships with Latin Americans that had begun with documentary films telling stories in solidarity with the Central American anti-imperialist struggles of the 1980s. These movements, which reached a high-water mark during the Reagan era, spoke to and against state power. After nonviolent reform efforts were brutally repressed by dictatorial governments, the turn to guerrilla warfare was accompanied by a fortress mentality that accepted extreme actions such as violence against civilians in the name of the cause.

Post–Cold War activism, in contrast, reaches beyond borders of nation-states to address people in terms of their common humanity and links with legal structures for achieving justice. *State of Fear* represents this historic shift. The focus on the Peruvian Truth and Reconciliation Commission places it within a human rights movement that seeks to hold states responsible for securing legal rights and obligations. The objective is to change laws that enable the persistence of intolerable modes of government and to protect rights that are threatened by government

In Peru, the filmmakers found the largest and most active human rights movement in Latin America. At the same time, the Peruvian Truth and Reconciliation Commission judiciously reported that the state and Shining Path shared responsibility for deaths and suffering. According to Yates, in this new environment, it was possible for a more nuanced, complex story to be told, one that gave an account of a specific country's process for determining and carrying out justice according to universally applicable principles.

With a small grant from the Ford Foundation's New York and Southern Cone offices and the assistance of the ICTJ, Yates and de Onís covered the PTRC's May 2002 open hearings in Lima and began to connect with local human rights activists. Once assured of the filmmakers' ability to establish relationships of trust with local Peruvians, the truth commission opened its rich archive of rarely seen films and photographs and granted permission to contact witnesses.

Full production with a Peruvian coproducer and crew began in 2003 and continued in close collaboration with both the Peruvian human rights movement and people directly affected by the conflict. As production proceeded, the elements of strategic outreach were assembled in consultation with Human Rights Watch, Facing History and Ourselves, Amnesty International, the Peruvian National Human Rights Coordinator, and other organizations ready to amplify the reach and uses of the film. Shortly after the first shoot, Skylight began to screen rough cuts of

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the film and discuss content, narrative strategies, and outreach plans with partner organizations. This reciprocal process, which continued throughout production, informed both the film and the strategic-outreach design. By the time the film was completed in 2005, *State of Fear* was the keystone of an ambitious outreach plan developed in collaboration with opinion leaders, stakeholders, programmers, and other social actors. It provided tools and services for organizations capable of mobilizing audiences and incorporating the film into their work.

THE FILM

State of Fear opens with sweeping views of the Peruvian landscape, upon which are imposed the faces of contemporary Peruvian men, women, and children staring directly into the camera (fig. 2). These images set the stage for the story to follow and become motifs that punctuate the film. The narrative framework is provided by the work of the PTRC, whose archives, witnesses, and findings constitute most of the content of the film. Interweaving archival film and photographs, contemporary scenes, witness testimony, and commentary by human rights activists, the film tells how terrorist attacks by members of the Shining Path provoked military occupation of the countryside, escalating violence, and widespread fears (fig. 3). In the period of corruption and virtual dictatorship thus unleashed, nearly seventy thousand people died at the hands of Shining Path guerillas and the Peruvian military and police.

The film demonstrates that powers assumed by former president Alberto Fujimori and his chief of intelligence, Vladimiro Montesinos, in the name of "national security" simply produced new state-terrorist conditions and government corruption. It was, in fact, honest police work that ultimately led to the capture of Shining Path leader Abimael Guzmán and the restoration of the rule of law.

The dramatic pivot of the film is the courage of human rights activists who documented the repression and were responsible for the creation of the truth commission. The film ends on a hopeful, but uncertain note. The commission's incontrovertible findings were presented in 2003, a reparations process has begun, and Fujimori was brought to trial in 2005. But perpetrators of past crimes remain in the military, legislature, and high office in a government eager to erase the truth of the past.

LAUNCH

Like other contemporary social-issue filmmakers, Yates, Kinoy, and de Onís created a launch strategy that intertwined distribution and outreach goals. That is,

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FIGURE 2 Ayacucho, Peru (photo: Vera Lentz).

FIGURE 3 Ashanínka Indians in the Peruvian jungles form self-defense groups to defend their communities from Shining Path attacks (photo: Vera Lentz).

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they rolled out the film with the aim of reaching broad audiences through festival, theatrical, and broadcast platforms and at the same time created an outreach campaign targeting niche audiences of human rights activists, policy makers, and victims of abuse through use of new technologies. This combined strategy opened multiple pathways of publicity and circulation for the film.

State of Fear was the official opening night selection of the 2005 New York Human Rights Watch International Film Festival. Shortly after, it launched National Geographic Channels International's *No Borders* series, where it reached 170 million people in 156 countries. It was the top-rated broadcast in every market during the premiere week. Following the January 2006 theatrical premiere at Film Forum in New York, a group that included Cinema Tropical, Human Rights Watch, the ICTJ, and Amnesty International organized theatrical screenings in forty-five American cities.

Favorable reviews, major awards, and wide visibility secured the film's reputation and set the stage for domestic screenings as well as screenings at international film festivals and broadcasts abroad. By the time it received the 2006 Overseas Press Club Award for Best Reporting in Any Medium about Latin America, *State of Fear* was well established on human rights circuits internationally, traveling on tours organized by Human Rights Watch and Amnesty International.

When the film screened abroad, it led to the creation of new human rights media circuits, as was the case when *State of Fear* screened at the new Brazil Human Rights Film Festival and was followed by a tour of five regional cities. The success of a Human Rights Watch tour of eight European cities encouraged organizers to expand the tour to Eastern Europe. Special screenings at the International Criminal Court in The Hague, the Human Rights Defenders Forum at the Carter Center in Atlanta, and—at the invitation of Spanish judge Baltazar Garzón—a symposium at the NYU Law School brought the film to key policy makers working in the transitional-justice arena. The film also was institutionalized, becoming part of human rights curriculum at law schools and used in ICTJ training seminars with human rights professionals and students.

Educational distribution has capitalized on the emergence of new distribution mechanisms such as digital downloads and streaming that enable filmmakers to circumvent traditional marketplace gatekeepers and deliver content directly to their customers. Here, the filmmakers have retained the freedom to screen and distribute the film on their own terms—for free, if necessary—by choosing to self-distribute *State of Fear* through the New Day Film collective, where, in addition to traditional educational distribution (DVDs sold to libraries), rights to stream the film can be purchased by institutions for use in classrooms and by individual students.

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OUTREACH CAMPAIGN

State of Fear, a specific story with universal resonance, was intended to engage different audiences. The first goal was to publicize the role of truth commissions worldwide by creating awareness in a general international audience about the transitional-justice process in Peru via a cautionary tale about governments that manipulate popular fears of terrorism to amass power. The second objective was to provide a resource for human rights defenders, and the third was to draw attention to the suffering of the victims, the majority of whom were Quechua-speaking populations living in the Andean regions of Ayacucho and Apurimac.

In Skylight's view, an effective outreach campaign requires a three-year commitment. Its strength lies in relationships established during the production and editing process that forge the network of support that will amplify the message and utility of the film. For *State of Fear*, the process began with the imprimatur of the ICTJ and Ford Foundation and was fortified by gaining the confidence of the Peruvian human rights community. This global-local focus was a hallmark of a campaign strategy that continued to evolve as the filmmakers positioned the film within the human rights networks, a process in which human rights festivals played an important role.

While Skylight Pictures targeted a broad spectrum of audiences, the compelling purpose of the project was to support democracy movements in places where antiterrorism tactics threaten human rights. Broadcasts, festivals, and the Internet offer opportunities to tap into documentary films' capacity to circumvent official gatekeepers. A screening at Moscow's Stalker Film Festival, for instance, sparked discussion about Vladimir Putin's policy toward Chechnya so intense that event organizers closed the session for fear of angering officials. Russian-language DVDs continue to circulate underground through human rights networks. Another example occurred at the Barrel of a Gun festival in Kathmandu, when audience members used the film to speak indirectly about their own situation. Prodemocracy activists then requested permission to translate and duplicate the film, distributing three hundred DVDs at the height of the successful movement to depose the king and hold elections.

In Peru, *State of Fear* became an integral part of the process of transitional justice. It played a significant role in efforts to bring the Fujimori regime to justice and in public debates about the competing narratives of the nation's recent past put forth by Fujimori supporters as well as by the PTRC. In 2005, the former president, who had been living in Japan since 2000, arrived in Chile to attempt a political comeback. He was detained, following demands by human rights defenders for his extradition to Peru to face criminal charges for human rights violations.

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During extradition hearings, Peru's national television station (Canal 7) aired the Spanish-language version of *State of Fear* every week to "reassert the findings of the Peruvian Truth Commission in the collective memory of the nation." Pirated DVDs of *State of Fear* circulated widely during the Fujimori trial, which began in 2007, and the filmmakers distributed hundreds of DVDs free through human rights organizations.

ESTADO DE MIEDO QUECHUA

Perhaps the greatest contribution made by the film was its critical role in the campaign to achieve justice for the Andean Indians. The Skylight team considered it essential to bring the findings of the PTRC to the Quechua-speaking communities that made up the majority of the victims of Shining Path and the Peruvian state. With funding from the Ford Foundation's Santiago office and the new Sundance Institute Audience Engagement Fund, a Quechua-language version of *State of Fear*, *Estado de Miedo Quechua*, was produced in collaboration with Toronja Comunicación, a Lima-based company with a track record in human rights work, the Institute of Legal Defense, and a team of translators from Ayacucho, birthplace of the Shining Path.[5] In an interview, Pamela Yates describes the translation process:

> We thought it would just take us a few days, but the first sentence took us two hours! [laughs] There is a huge cultural abyss between Spanish and Quechua. For example, the difference in the sense of time. The Quechua speakers say that the past is in front of you, because you've already seen it, and the future is behind you, because it's unknown and unseen. It's kind of like riding on a train backwards. So how to translate, "Vera persevered and made her way to the town of Socos. Because of what she photographed there, it would be twenty years before she dared return."
>
> We think of Spanish as a beautiful, musical language and English as Germanic and guttural. The Quechua speakers think that Spanish is a cold language, but Quechua is warm and affectionate. They think that the word "reconciliation" means that you bury something and you forget it. For us, reconciliation means you forgive, but not forget. There were all kinds of things like that that made it difficult, yet fascinating to translate. Then the four people who did the translation did the four voiceovers. These were great Quechua speakers, with full voices, who added so much dignity to this version.[6]

The Quechua/Spanish two-DVD set, which included a screening guide, became the centerpiece of an Andean-region campaign organized in partnership with COMISEDH (the Comisión de Derechos Humanos, the Human Rights Commission), the national human rights coordinator, and other human rights activists.

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One of the most interesting things the filmmakers did was to distribute the Quechua version of *State of Fear* free of charge to anyone who provided a blank DVD. More than six hundred people showed up to get DVDs from local nonprofits, each individual representing a remote Quechua-speaking community eager to watch the film in its native language.

The filmmakers are early and eager adopters of accessible technologies, from small-format cameras to cell phones. Perhaps their boldest outreach innovation was EDMQ 2.0 (for Estado de Miedo Quechua), a multiplatform Quechua-language website (http://skylightpictures.com/edmquechua), "a hub to engage human rights activists, victims, educators and youth with the social networking power of Web 2.0." EDMQ 2.0 was designed to host news feeds, a blog, a workshop guide, and streaming. The Skylight team showed local activists how to use inexpensive Flip video cameras to capture personal stories and local events and upload clips directly to the site. Incorporating Twitter, photo sharing, Google Maps, YouTube, and other readily available social-networking tools, EDMQ 2.0 became a platform through which Quechua-speaking survivors of the regime's violence could tell their belated stories of suffering and gain social dignity.

In August 2008, screenings timed to coincide with the fifth anniversary of the release of the PTRC report took place in plazas and community centers in Andean cites (fig. 4). For Quechua-speaking Indians, whose access to information had been filtered through government controlled media, it was an opportunity to understand the work of the truth commission, as well as to take ownership of their own histories and insert Quechuan voices and issues into the public conversation about Peru's path to democracy. The screenings took place in a period of political controversy and competing national narratives. Alberto Fujimori was on trial, and the PTRC's recommendation for reparations to victims of the terror was slowly being put into motion by a reluctant government, even as it disputed the commission's findings. As Paco de Onís has written, "The impact of the Quechua-speaking population seeing their story in their own language cannot be underestimated, and it helps them enormously to understand the enormity of Fujimori's crimes and why he was put on trial."[7]

One of the central findings of the PTRC was that the atrocities committed against indigenous Peruvians could have occurred only because they were invisible in Peruvian mass media and politics. What *State of Fear*'s outreach campaign did was to show indigenous Peruvians to be citizens, both to Peruvians as a whole and to themselves. This was achieved by viewing the film in their native tongue and eliciting testimony about what they had experienced.

This transformation of indigenous Peruvians into legal social subjects with memories sharable with a community of others with similar pasts under Fujimori is

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FIGURE 4 The first public screening of the Quechua language version of *State of Fear* took place in the Andean village of Socos on August 28, 2008 (photo: Paco de Onís).

perhaps *State of Fear*'s greatest outreach achievement. Throughout 2008 and into early 2009, human rights NGOs in Peru used the film to draw out memories and accounts of abuse from Quechua speakers. These were entered into the database for the Register of Victims that will receive reparations from the Peruvian state. Money for the reparations has been approved and has started to trickle out to some of the ten thousand victims.

CONCLUSION

The power of *State of Fear*'s outreach strategies across cultures and platforms makes it a model for civil-society media initiatives in the twenty-first century. Employing a range of new technologies and languages in order to reach venues as diverse as an Andean village and a Nepali film festival, it demonstrates how a deeply researched documentary film with a strong story and an informed strategic plan can be an enduring tool for transitional-justice work. By embedding in the public consciousness the narratives of a society's own transition and its inherited history, storytelling through film helps build a culture of accountability and put an end to impunity.

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Meanwhile, in August 2009, Fujimori was convicted of human rights abuses and sentenced to twenty-five years in prison for his role in killings and kidnappings by death squads during his government's battles against leftist guerrillas in the 1990s. Fujimori's conviction represents the first time that an elected head of state has been extradited back to his home country, tried, and convicted of human rights violations.

NOTES

1. For more on this subject, see Meg McLagan, "Circuits of Suffering," *Political and Legal Anthropology Review* 28.2 (November 2005), pp. 223–39.
2. Interview with Paul van Zyl, January 15, 2009.
3. The Ford Foundation was an early supporter of the ICTJ; it also funded the publication and dissemination of the findings of the PTRC.
4. See the interview with Pamela Yates in this volume.
5. See Paco de Onís, "Documentary Film and Social Networking in Defence of Human Rights: Producing and Distributing a Quechua-language Version of 'State of Fear,'" *Journal of Human Rights Practice* 1.2 (June 2009), pp. 308–14.
6. Pamela Yates, interview for this volume; conducted June 23, 2010, in New York City.
7. De Onís, "Documentary Film and Social Networking in Defence of Human Rights," p. 312.