



THE EYE THAT CRIES

Lima, Peru

-12.06736, -77.03979



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Executive Summary

The Eye that Cries commemorates all victims of Peru's two-decade-long internal conflict, regardless of political affiliation. In 2006, the Inter-American Court of Human Rights held in the *Miguel Castro-Castro Prison v. Peru* case that the names of 42 murdered Shining Path members, widely considered to be perpetrators in the conflict, be included in the memorial as victims. This abrupt shift from 'perpetrator' to 'victim' ignited a fierce memory debate within the country, leading the monument to come under immense contestation and repeated vandalism. This case study explores the salience of memory debates in transitional contexts.

Introduction

The Eye That Cries (*El Ojo que Lloro*) memorial in Lima, Peru, commemorates the death of almost 70,000 victims of Peru's two decades of political violence. In November 2006, the Costa-Rica based Inter-American Court of Human Rights (IACtHR) issued a key ruling against the State of Peru, ordering that the names of the forty-one jailed members of Shining Path (*Sendero Luminoso*), massacred by state armed forces in the Miguel Castro-Castro prison raid be included in the names of victims commemorated in the memorial. This is despite the Shining Path being widely considered as terrorists by a significant percentage of the population.

There was widespread public dismay with the abrupt classification of perpetrators of terror as victims. This action, coupled with a growing politicisation of memory in Peru, led to public outcries that culminated in the vandalism of the memorial in 2007. This case study examines Peru's memory struggles and the role that The Eye That Cries memorial came to symbolise within this context.

Background

Internal Conflict of Peru

The Eye That Cries memorial commemorates the extensive number of lives lost in the 1980-2000 internal armed conflict.¹ The two decades of conflict claimed the lives of an estimated 69,280 individuals, making it the longest and most intense period of violence in recorded Peruvian history.² The conflict began in the 1980s when the Shining Path, a Maoist based political party, declared a 'people's war' against the Peruvian state.³

In 2001, the Peruvian Truth and Reconciliation Commission (*Comisión de la Verdad y Reconciliación* or CVR) was established with a mandate focused on investigating the human rights abuses committed in this period. The CVR found that the central perpetrators of the violence were the members of the Maoist terrorist organisation, the Shining Path.⁴ The Shining Path was found to have perpetrated the majority of the total number of fatalities, reported to the CVR.⁵ This high contribution to overall fatalities was attributed to what the CVR termed a strategy of 'systematic and massive use of extreme violence and terror and a deliberate disregard for basic norms of war and principles of human rights.'⁶

In response to the insurgency, the Peruvian State waged a strong response that led to a militarization of the conflict. As a result of this, civilian elected governments allowed armed forces to take 'charge

¹ Cynthia Milton, "Defacing Memory: (Un)tying Peru's Memory Knots," *Memory Studies* 4, no. 2 (2011): 190.

² International Center for Transitional Justice, *Hatun Willakuy: Abbreviated Version of the Final Report of the Peruvian Truth and Reconciliation Commission* (Lima: International Center for Transitional Justice, 2010), 12.

³ *Ibid.*

⁴ *Ibid.*

⁵ *Ibid.*

⁶ *Ibid.*

of the counter-insurgency effort.⁷ In turn, Government officials 'facilitated and guaranteed' impunity for state agents, the armed forces and police, self-defence patrols and paramilitary groups acting on behalf of the state in relation to human rights abuses.⁸ The CVR found that while the State did commit human rights violations in this period, it accounted for less civilian deaths and disappearances reported to the CVR than the Shining Path.⁹ In the early 2000s, a series of International trials and Peruvian Supreme Court rulings confirmed repeated human rights abuses committed by armed forces and the State in their response to the Shining Path. Most notably among the cases is the 2006 ruling of the IACtHR in the *Miguel Castro-Castro Prison v. Peru* as well as in the extradition and subsequent trial of ex-President Alberto Fujimori.¹⁰

Dr Salomon Lerner, the President of the CVR, called the two decades of violence a 'double scandal': the first aspect being the mass assassinations, torture and widespread violence; and the second, the failure due to both ineptitude and indifference of those in power to prevent this extensive loss of life.¹¹ The violence in Peru is often understood to be a product of disjointed and widespread inequality in Peruvian society. The CVR, in its final report, notes that thousands of youth were seduced by the desire to transform their unjust reality, with endemic socioeconomic, regional and ethnic inequalities.¹² Stating that 'Peru is a country where exclusion is so absolute that tens of thousands of citizens can disappear without notice - in an integrated society a society of the non-excluded, noticing a thing.'¹³

Erecting The Eye that Cries Memorial

The Eye that Cries memorial was first unveiled on August 28, 2005, by Dutch-Peruvian artist Lika Mutal, who was inspired by the final report of the CVR and wished to create a permanent memorial for the victims.¹⁴ Mutal intended the memorial to be a means to come to terms with her own trauma and 'go beyond words and perhaps create an alternative space for healing and introspection that was lacking.'¹⁵

The memorial is located in the Jesus Maria district of Lima. The location has no geographical or physical connection to the violence but is rather a public park that was chosen for the symbolic construction.¹⁶ The project is the centrepiece of what was planned to be the *Alameda de Memoria*, a larger, multi-faceted venue of memory and education. This proposal was part of a proposal of using public space to form a collective public memory, as was recommended in the concluding report of the

⁷ Ibid., 13.

⁸ Ibid.

⁹ Ibid.

¹⁰ Simon Romero, "Ex-President Fujimori of Peru is Convicted of Rights Abuses," *New York Times*, April 7, 2009.

¹¹ Febres Lerner, "Discurso de presentación del informe final de la Comisión de la Verdad y Reconciliación," *Comisión de la Verdad y Reconciliación*, August 28, 2003.

¹² Cynthia Milton, "Defacing Memory: (Un)tying Peru's Memory Knots," *Memory Studies* 4, no. 2 (2011): 192.

¹³ Febres Lerner, "Discurso de presentación del informe final de la Comisión de la Verdad y Reconciliación," *Comisión de la Verdad y Reconciliación*, August 28, 2003.

¹⁴ Katherine Hite, "The Eye that Cries: The Politics of Representing Victims in Contemporary Peru," *Contracorriente: Revista De Historia Social Y Literatura En América Latina* 5, no. 1 (2007): 121.

¹⁵ Ibid.

¹⁶ Cynthia Milton, "Defacing Memory: (Un)tying Peru's Memory Knots," *Memory Studies* 4, no. 2 (2011): 196.

CVR.¹⁷

The Eye That Cries Memorial was not publicly funded by the government but rather by private donations and support from a range of sources, including the Dutch Embassy and large commercial Peruvian businesses.¹⁸ It received further support from the local mayor of the Jesus Maria district, and the land on which it was built was given as a donation.¹⁹ The Memorial has been used for numerous commemorative public performances and activities, such as the annual celebration of the CVR's final report, an annual ceremony for the Day of the Dead and the rally for International Women's day.²⁰



Figure 1: "The Irregular Shaped Central Stone with an Eye" Image by The Advocacy Project via Flickr CC BY-NC-SA 2.0

The memorial features an irregularly shaped rock at its centre (Figure 1), with a second, smaller rock within it, representing the eye. There is a constant trickle of water falling from the eye, creating the impression of a stream of tears, which falls into the pool below, symbolising the continuous and eternal mourning of the lives lost.²¹ This central stone serves as a symbol of *Pachamama* or Mother Earth, a maternal figure of Incan tradition. Depending on the angle from which the rock is viewed, it can resemble the outline of three traditionally important Incan animals; the beak of the condor, the mouth of the rattlesnake and the silhouette of a cougar.²² This central rock is surrounded by a labyrinth path of 11 bands of rock filled with 42,000 small stones, of which 26,000 feature the name of a victim, date of death and occasionally the age of a victim (Figure 2).²³

The path to the centre of the Memorial forces a slow, contemplative meander of the site. There is a visual power in the volume of stones as a collective as well as a personal recognition of the loss of individuals represented by the smaller stones.²⁴ Importantly, these named stones are organised in alphabetical order and feature only basic information, as opposed to being separated on the basis of

¹⁷ Paulo, Drinot. "For Whom the Eye Cries: Memory, Monumentality, and the Ontologies of Violence in Peru." *Journal of Latin American Cultural Studies* 18, no. 1 (2009): 17.

¹⁸ Katherine Hite, "The Eye that Cries: The Politics of Representing Victims in Contemporary Peru," *Contracorriente: Revista De Historia Social Y Literatura En América Latina* 5, no. 1 (2007): 120.

¹⁹ *Ibid.*, 120.

²⁰ Cynthia Milton, "Public Spaces For The Discussion Of Peru," *Antípoda : Revista De Antropología Y Arqueología*, no. 5 (2007): 157.

²¹ Katherine Hite, "The Eye that Cries: The Politics of Representing Victims in Contemporary Peru," *Contracorriente: Revista De Historia Social Y Literatura En América Latina* 5, no. 1 (2007): 122.

²² Mabel Moraña, "El Ojo Que Lloro: Biopolítica, Nudos De La Memoria Y Arte Público En El Perú De Hoy," In *Momentos Críticos: Literatura Y Cultura En América Latina* (Bogotá:: Universidad De Los Andes, Colombia, 2018), 335.

²³ Katherine Hite, "The Eye that Cries: The Politics of Representing Victims in Contemporary Peru," *Contracorriente: Revista De Historia Social Y Literatura En América Latina* 5, no. 1 (2007): 122.

²⁴ Michael R Orwicz and Robin Greeley, "An Aesthetics of the Human: Peru's Ojo Que Lloro Memorial," *Visual Communication* 18, no. 3 (2019): 368.

political affiliation, gender or social standing. The placement emphasizes the commonality of their death and political anonymity that suppresses the hierarchies and divisions between victims that exist elsewhere in society.²⁵ The writing on these stones was originally completed by a collection of 80 artists, however, exposure to the elements over time has caused the writing to fade. As a result, the stones are continually re-written upon by groups of volunteers. This encourages both a physical and symbolic renewal of commitment to the task of remembering the lives lost in the conflict.²⁶



Figure 2: "Rock Details" Image by Lapalabranecesaria via Wikimedia Commons CC BY-SA 4.0

History of the Contestation

Miguel Castro-Castro Prison v. Perú

In 2006, the IACtHR issued its ruling in the *Miguel Castro-Castro Prison v. Peru* case concerning the extrajudicial killing of 42 prisoners by state forces.²⁷ The case had been referred to the Court by the Inter-American Commission on Human Rights and concerned the 1992 military raid of Lima's Miguel Castro-Castro prison, specifically Cell Block 1A, which housed incarcerated members of the Shining Path alongside one hundred other female inmates.²⁸ Over the course of four days, Peruvian military, police and security forces under the Alberto Fujimori government (1990-2000) 'sprayed the area with bullets, threw tear gas into the compound, and bombed and dynamited the cells.'²⁹ The raid resulted in the death of 42 Shining Path members. Survivors of the raid testified that during the attack, they were 'brutally beaten and tortured.'³⁰

The IACtHR ruled that the state of Peru violated 'the right to life, personal integrity, judicial guarantees and judicial protection, enshrined in the Inter American Convention on Human Rights, by causing 'the death of at least 42 inmates, injuring 175 inmates, and subjecting to cruel, inhuman and degrading treatment the other 322 inmates' affected by the raid.³¹ The Court held that those who had perished in the raid were victims and ordered Peru to compensate the families of the victims and the survivors as well as to erect a memorial plaque within the prison.³²

²⁵ Ibid., 366.

²⁶ Cynthia Milton, "Defacing Memory: (Un)tying Peru's Memory Knots," *Memory Studies* 4, no. 2 (2011): 192.

²⁷ Inter-American Court of Human Rights, *Case of the Miguel Castro-Castro Prison v. Perú* (2006) IHRL 1544.

²⁸ Katherine Hite, "The Eye that Cries: The Politics of Representing Victims in Contemporary Peru," *Contracorriente: Revista De Historia Social Y Literatura En América Latina* 5, no. 1 (2007): 108.

²⁹ Ibid., 109.

³⁰ Ibid.

³¹ Inter-American Court of Human Rights, *Case of the Miguel Castro-Castro Prison v. Perú* (2006) IHRL 1544, para. 3.

³² Michael R Orwicz and Robin Greeley, "An Aesthetics of the Human: Peru's Ojo Que Lloro Memorial," *Visual Communication* 18, no. 3 (2019): 362.

The Peruvian Government countered that it was unnecessary to erect a plaque, given that there was an existing memorial - The Eye that Cries - that was specifically dedicated to 'all the victims of the conflict.'³³ The IACtHR thus amended its decision, ruling instead that the Peruvian Government was to add the names of the deceased Shining Path members to the memorial.³⁴ When the Government sought to comply with this ruling, it was discovered that Lika Mutal had already included the names of the 42 deceased Shining Path members in the memorial, as they had been included in the CVR's official list of victims, from which the memorial stone names were gathered.³⁵

While the names had formed part of the memorial since its inception, the IACtHR ruling brought increased attention to the fact that Shining Path members were included as 'victims' in the memorial despite most people associating them with 'perpetrators.'³⁶ Contestation soon arose over their 'victim' status.

Public Response to the IACtHR Ruling

The IACtHR ruling caused concern and trepidation amongst the political ruling class and the general public at large. Quickly capturing the Peruvian collective psyche and inciting a media frenzy which transformed The Eye That Cries into the Eye of the Storm or '*ojo de la tormenta*.'³⁷ President Alan Garcia expressed significant disagreement with the ruling, calling it 'indignant' and underscoring that the Peruvian state should not give reparations to those who 'sought to destroy our Fatherland.'³⁸ In response to the inclusion of the Shining Path members in The Eye that Cries, he remarked to the press that the reason 'the monument cries' is 'because it has the names of terrorists.'³⁹

On January 3 2007, the headline of the newspaper *Expresso* declared the memorial 'a monument to terrorists.'⁴⁰ Criticism raged, and many public calls for the memorial's total removal raged.⁴¹ The Mayor of Jesus Maria, Luis Enrique Ocrospoma, rejected the presence of the memorial, stating 'we are against all acts of violence, and for this reason, we reject tributes to terrorist delinquents who committed execrable crimes.'⁴² He also declared the district would look into redirecting the funds (200,000 Soles) earmarked to complete the full project of the *Alameda de Memoria* and instead divert it to a children's playground.⁴³

While criticism raged, so too did support. There was vocal appreciation by some sectors of society

³³ Ibid.

³⁴ Ibid.

³⁵ Ibid., 362.

³⁶ Ibid., 370.

³⁷ Cynthia Milton, "Defacing Memory: (Un)tying Peru's Memory Knots," *Memory Studies* 4, no. 2 (2011): 192.

³⁸ Paulo Drinot, "For Whom the Eye Cries: Memory, Monumentality, and the Ontologies of Violence in Peru," *Journal of Latin American Cultural Studies* 18, no. 1 (2009): 21.

³⁹ La Nación, "Monumento 'el ojo que llora' desata tormenta por casos de DDHH en Perú," *La Nación*, January 12, 2007.

⁴⁰ Paulo Drinot, "For Whom the Eye Cries: Memory, Monumentality, and the Ontologies of Violence in Peru," *Journal of Latin American Cultural Studies* 18, no. 1 (2009): 17.

⁴¹ Katherine Hite, "The Eye that Cries: The Politics of Representing Victims in Contemporary Peru," *Contracorriente: Revista De Historia Social Y Literatura En América Latina* 5, no. 1 (2007): 111.

⁴² Paulo Drinot, "For Whom the Eye Cries: Memory, Monumentality, and the Ontologies of Violence in Peru," *Journal of Latin American Cultural Studies* 18, no. 1 (2009): 17.

⁴³ Peru21, "Piden que se retiren nombres de terroristas de El Ojo que Llora," *Peru21*, January 16, 2007.

either due to respect and support for the IACtHR ruling or general appreciation of the aims of the monument to commemorate all victims regardless of political affiliation. Prominent Peruvian author and ex-Presidential candidate Mario Vargas Llosa and philosopher and theologian Gustavo Gutierrez, among numerous other high profile civil society members, signed a communique in support of the IACtHR ruling, stating: it is 'necessary to reconcile one's errors and crimes to sanction those responsible and to make reparations as mandated by law. To not do so would be to renounce the very rule of law that the terrorists sought to destroy.'⁴⁴

Many supporters came together to march in defence of the monument, 'the march to save the Ojo que llora' took place on January 21, 2007, and was widely attended.⁴⁵ However, this was swiftly condemned in the media as a 'pro-terrorist' march.⁴⁶ Lika Mutal herself expressed dismay at the ruling as well as shock that she had inadvertently included the names of the Shining Path members in the memorial. Stating to the press that: 'they were criminals, murdered outside of the rule of law' and that there was no place for them in the memorial.⁴⁷

Politicisation of the Contestation

The Eye that Cries soon became a central landscape for Peruvian politics. Ex-President Alan Garcia (1985-1990) used the IACtHR ruling to criticize both the Paniagua (2000-2001) and Toledo (2001-2006) Governments for their decision to consent to the Court's jurisdiction and allow the external body to interfere with national affairs.⁴⁸ This sentiment proved popular, and calls were made for Peru to revoke their voluntary membership to the Court.⁴⁹ Garcia further used the controversy as grounds to advocate for the introduction of the death penalty in Peru for terrorists.⁵⁰ It was further discussed in the press whether the true motivation of the Government in challenging the IACtHR's ruling was to avoid paying the mandated reparations to victims of state agents.⁵¹

The following year, The Eye that Cries soon became controversial once more, given developments in the ongoing project to address the legacy of the internal war. Beginning in 2007, the widely publicized extradition and trial of controversial ex-President Alberto Fujimori (1990-2000), who was serving as president during the fatal raid, took centre stage of Peruvian politics. The connection between Fujimori and The Eye that Cries served as fertile ground for continuing controversy after the aftermath of the IACHtR ruling had just begun to die down within the press.

On September 22, 2007, Fujimori arrived in Lima, following a ruling from the Chilean Supreme Court to extradite him, that same day The Eye that Cries Memorial was attacked. A group of around 12

⁴⁴Martin, Tanaka, "Comunicado de responsables de El Ojo que Lloro," *Virtù e Fortuna*, January 9, 2007.

⁴⁵ Katherine Hite, "The Eye that Cries: The Politics of Representing Victims in Contemporary Peru," *Contracorriente: Revista De Historia Social Y Literatura En América Latina* 5, no. 1 (2007): 112.

⁴⁶ Ibid.

⁴⁷ Paulo Drinot, "For Whom the Eye Cries: Memory, Monumentality, and the Ontologies of Violence in Peru," *Journal of Latin American Cultural Studies* 18, no. 1 (2009): 24.

⁴⁸ Ibid.

⁴⁹ Ibid., 42.

⁵⁰ Ibid.

⁵¹ Ibid.

members armed with combas attacked the policeman guarding the memorial and smashed several of the smaller stones.⁵² The group further vandalized the central stone with neon orange paint and a sledgehammer in an attempt to destroy the 'eye' within the stone.⁵³ While no group ever formally took responsibility for the vandalism, most concluded that it was perpetrated by Fujimori supporters angered by his arrest, as the neon orange colour deployed was the colour of Fujimori's political party and heavily associated with him.⁵⁴

Speaking in the aftermath of the attack, Mutal commented that:

Being in front of the big stone now vandalized and mutilated, one is struck by an even stronger expression of horror than the photographs of the vandalism can convey. It looks, moreover, like Pachamama is crying blood, and this calls for reflection. This wound—impossible to restore—represents the wound which in Peru throughout its history was never healed and which during the years of terrorism represents the wound we humans inflict upon life and upon each other since the beginning of our existence.⁵⁵

Similarly, in 2008, the memorial was again the site of protest for Fujimori supporters, who interrupted the annual CVR anniversary celebrations hosted at the memorial with cries of 'how much did they pay you? Sell-out!' and 'Long Live the Armed Forces.'⁵⁶ In March 2009, the memorial was again attacked, this time, the inner rock, or the eye, was fully ripped out of the monument. This attack took place on the eve of former President Fujimori's final plea in the trial he eventually lost.⁵⁷

In 2017, the Association for Human Rights in Peru, along with a collection of family members of victims, began a campaign for greater security around the monument. However, the campaign has been largely ineffective and unmentioned since.⁵⁸

The memorial is a symbol of the different understandings and memories of Peru's internal conflict that persist. The contestation and vandalism have moved on from solely being centred on the Castro-Castro victims but also to include victims of other violent state acts. This includes the Cantuta massacre of nine University students and a professor and the Barrios Altos massacres of 1991, both of which featured prominently in the trial of Ex-President Fujimori.⁵⁹

Decision-Making Processes

⁵² Katherine Hite, "The Eye that Cries: The Politics of Representing Victims in Contemporary Peru," *Contracorriente: Revista De Historia Social Y Literatura En América Latina* 5, no. 1 (2007): 133.

⁵³ Paulo Drinot, "For Whom the Eye Cries: Memory, Monumentality, and the Ontologies of Violence in Peru," *Journal of Latin American Cultural Studies* 18, no. 1 (2009): 15.

⁵⁴ Katherine Hite, "The Eye that Cries: The Politics of Representing Victims in Contemporary Peru," *Contracorriente: Revista De Historia Social Y Literatura En América Latina* 5, no. 1 (2007): 133.

⁵⁵ *Ibid.*, 134.

⁵⁶ Rick Vecchio, "Reconciliation in Peru still uncertain on five-year anniversary of Truth and Reconciliation Commission Report," *Peruvian Times*, August 30, 2008.

⁵⁷ Ghiovani Hinojosa, "Guardiana de la Memoria," *La Republica*, April 12, 2009.

⁵⁸ *Ibid.*

⁵⁹ Naomi Mapstone, "Fujimori sentenced to 25 years," *Financial Times*, April 7, 2009.

The IACtHR ruled that the Peruvian government should construct a plaque at the Miguel Castro Castro Prison to commemorate the 42 Shining Path members killed in the raid. However, it was the Peruvian government who requested that the names instead be included in The Eye That Cries. The IACtHR accepted this request, and through this ruling, it became known that the names had already been included by Lika Mutal, who had inadvertently included them during the construction of the memorial as they had been included in the CVR list of the 32,000 victims of the conflict.⁶⁰ Reinventing the already volatile debates concerning how to define victimhood in the aftermath of Peru's internal conflict.

Prior to this ruling, the concept of the victim within the Eye That Cries was a generic and apolitical concept. The 26,000 stones were nearly identical, distinguished only by the name and date of death, giving an anonymous collectivity to the victims' death. It emphasized the commonality of death and visually displayed the massive human toll of the conflict, offering a non-discriminatory notion of victimhood not related to the social or political spaces occupied by the victims during their lifetime.⁶¹ However, in light of the IACtHR ruling, this anonymity was yielded, and the individualization of victims caused the memorial to come under contestation.

The IACtHR ruling instead underscored that the 'victims of the violence represented by the memorial included combatants, sympathizers, and resisters, as well as men, women and children in a time of terror.'⁶² Underscoring that the concept of victimhood encompassed a multilayered and diverse variety of actors within the conflict. As a result of this, Lika Mutal herself moved away from her original non-discriminatory concept of victimhood, submitting in 2008 a request to the Government to exclude the names of the Shining Path members. Requesting that the memorial not include the victims of the Castro Castro Penitentiary or those with 'a proven criminal record of human rights violations.'⁶³ Resultantly, the 2009 reinscription of the stones used the more restrictive *Registro Unico de Victimas*.⁶⁴

This *Registro* used a more restrictive method, excluding members of illegal armed groups, such as the Shining Path. While the CVR asserted that their definition of victims was in line with international norms and practice based on the 'guiding principle of non-discrimination and equality before the law' that does 'not take into account the legality or morality of personal actions prior to the violation' the political saliency of the Shining Path caused this stance to shift.⁶⁵

When the political fallout over the Shining Path Members raged, the CVR offered an important qualification to their definition, holding:

⁶⁰ Lika Mutal and Veronica Crousse, "Ojo que Lloro: Monumento contemporáneo de Lika Mutal," in J Hamann Mazuré (ed) *Espacio público, arte y ciudad* (Lima: Pontificia Universidad Católica de Perú, 2013), 153.

⁶¹ Michael R Orwicz and Robin Greeley, "An Aesthetics of the Human: Peru's Ojo Que Lloro Memorial," *Visual Communication* 18, no. 3 (2019): 366.

⁶² Katherine Hite, "The Eye that Cries: The Politics of Representing Victims in Contemporary Peru," *Contracorriente: Revista De Historia Social Y Literatura En América Latina* 5, no. 1 (2007): 111.

⁶³ Ibid.

⁶⁴ Lika Mutal and Veronica Crousse, "Ojo que Lloro: Monumento contemporáneo de Lika Mutal," in J Hamann Mazuré (ed) *Espacio público, arte y ciudad* (Lima: Pontificia Universidad Católica de Perú, 2013), 153.

⁶⁵ Michael R Orwicz and Robin Greeley, "An Aesthetics of the Human: Peru's Ojo Que Lloro Memorial," *Visual Communication* 18, no. 3 (2019): 365.

Taking into account the nature of the violence in Peru, the CVR considers that those persons wounded, injured or killed in armed confrontations and who belonged at that moment to a subversive terrorist organization cannot be considered victims. These persons took up arms against the democratic regime and as such faced the legal and legitimate repression that norms allow the State.⁶⁶

In contrast, the CVR 'designated members of the Armed Forces, police or self-defence committees wounded or killed in armed confrontations to be victims who merit the recognition and respect of the State and society for their defence of the democratic order.'⁶⁷ In an interview in 2013, Mutal said that the memorial had 'entered a new stage,' ultimately with a less inclusive understanding of victims.⁶⁸

In light of this, the Eye That Cries continues to come under protest, underscoring the continuing political dissonance of transitional societies, that have resulted in the memorial continually undergoing a cycle of 'inscription– erasure–defacement' and subsequent 'reinscription of names on the memorial's stones.'⁶⁹ This Government's response to this has largely consisted of cleaning the monument after vandalization without launching major investigations into who the culprits are or what underlying motivations underpinned their actions.⁷⁰

This decision to not address this contestation publicly but rather quietly repair the damage is emblematic of the difficulty discussing emotive violent memories that many Peruvians would simply rather forget. The continued contestation surrounding the site, which has not been closed nor finalized, has been theorized by Orwicz and Greeley to generate a process that directly addresses as opposed to obscures the 'conflict's painful dilemmas and the often-complicated trajectories of those individuals and groups involved in it, whether combatants, sympathizers or nonparticipants.'⁷¹ Symbolizing the continued struggles of confronting painful national memories whose legacies persist in the present day.

Summary and Conclusions

The Eye That Cries memorial was not a contested memorial originally. However, the installation became contested after an IACtHR ruling brought to light the inclusion of members of the main perpetrators of the violence in the names of victims inscribed on the memorial. The debate soon became both highly politicised and emotive, as the sudden reclassification of terrorists as victims challenged the narrative conventionally held by Peruvians.

⁶⁶ Ibid.

⁶⁷ Ibid.

⁶⁸ Lika Mutal and Veronica Crousse, "Ojo que Lloro: Monumento contemporáneo de Lika Mutal," in J Hamann Mazuré (ed) *Espacio público, arte y ciudad* (Lima: Pontificia Universidad Católica de Perú, 2013), 153.

⁶⁹ Michael R Orwicz and Robin Greeley, "An Aesthetics of the Human: Peru's Ojo Que Lloro Memorial," *Visual Communication* 18, no. 3 (2019): 367.

⁷⁰ La Republica, "El ojo que llora: Monumento fue atacado nuevamente y familiares exigen mayor seguridad," *La Republica*, March 3, 2017.

⁷¹ Michael R Orwicz and Robin Greeley, "An Aesthetics of the Human: Peru's Ojo Que Lloro Memorial," *Visual Communication* 18, no. 3 (2019): 370/

This case raises many questions over how victims are classified and defined; can a perpetrator ever be considered a victim? It has since moved beyond just this question, and the contestation now revolves around whether those killed by the armed forces' violent pursuit of peace should be considered victims. Supporters of Fujimori's government and the armed forces hold a narrative that portrays this memorial as a tribute to those who started the violence and against those who ended it. This memorial is a demonstration of how potentially politically explosive the creation of symbolic spaces for collective memory and national reconciliation can be, especially for societies in transition.

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About Contested Histories

In recent years, there have been many contestations over memorials, street names, and other physical representations of historical legacies in public spaces. These contestations often reflect deeper societal tensions whether triggered by political transitions, demographic shifts, inter-ethnic strife, or a growing awareness of unaddressed historical injustices.

The Contested Histories project is a multi-year initiative designed to identify principles, processes, and best practices for addressing these contestations at the community or municipal level and in the classroom. Conflicts about history, heritage, and memory are a global phenomenon, and, although each case is different, comparative cases can indicate lessons learned and reflect best practices.

About IHJR at EuroClio

The Institute for Historical Justice and Reconciliation (IHJR) is a research centre at EuroClio - European Association for History Educators in The Hague, The Netherlands. The IHJR works with educational and public policy institutions to organise and sponsor historical discourse in pursuit of acknowledgement and the resolution of historical disputes in divided communities and societies.

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