Chilean court extradites ex-Peruvian President Fujimori

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Peru's ex-President Alberto Fujimori arrived in Lima as a prisoner on Saturday September 22, after being extradited from Chile to face charges of corruption and violations of human rights during his decade in office between 1990 and 2000.

Some 500 of his supporters waited for him at the Jorge Chavez International Airport, but the Peruvian police plane that transported him landed at the Las Palmas naval base in Surco, south of the capital. Minutes later he was transferred to the Directorate of Special Operations (Diroes), where Fujimori will remain over the coming weeks.

According to the local press, more than 240 police will guard the perimeter of the Diroes facility to prevent access by either his sympathizers or by those who accuse him of ordering the deaths of their relatives.

The prison of the ex-president is in the area of the naval officers club and has a view of the pool and the base's sports field. A Lima daily reports that Fujimori's cell "can in no way be compared to the conditions facing other prisoners in normal jails as it has sanitary facilities, a shower, running water and television. It is believed that it also has a telephone line and Internet."

In a 212-page decision issued on September 21, the Chilean Supreme Court decided to accede to the demand for extradition. The review came after Peru filed an appeal of a lower Chilean court's ruling denying Lima's request for extradition. The Chilean judges' decision cannot be appealed. Chilean Supreme Court judge Alberto Chaigneau said the court's extradition decision had been based on two charges of human rights violations and five of corruption.

The BBC reported that the charges include "using a death squad to kill 25 people in two incidents known as La Cantuta and Barrios Altos, illegal phone tapping, bribery and the payment of more than $15 million to Mr. Fujimori's spy chief, Vladimiro Montesinos."

The measure is unique in international judicial history, marking the first time that an ex-chief of state has been extradited, even between two countries with mutual extradition treaties. In the case of Peru and Chile, this consists of a protocol set by a 1932 extradition treaty between them. Also exceptional is the fact that Chile treated the ex-Peruvian president like any other citizen, hearing the case in its regular courts, rather than handing it over to a special tribunal.

Fujimori came to power in 1990, in the midst of the "dirty war" between the Peruvian armed forces and the Maoist guerrillas of Sendero Luminoso, a 20-year war which, according to Peru's Commission on Truth and Reconciliation, claimed the lives of nearly 70,000.

It didn't take long for Fujimori to assume dictatorial powers. In April 1992, he shut down the Peruvian congress, suspended the constitution and removed many of the country's judiciary personnel. He created an alliance with Montesinos, the chief of the intelligence service, who built up an apparatus for spying and systematic intimidation of opponents of the government, while bribing the press. The army was given a blank check in relation to the methods it employed against Sendero Luminoso, while any judge who failed to fall in line with the government was fired.

It was under these conditions of dictatorial rule that Fujimori's regime conducted a fire sale of Peru's state-owned assets to international capital. A significant portion of the Peruvian bourgeoisie—bankers, industrialists and merchants—profited from the privatizations. Equally, Fujimori won popular support among the poor when he used part of the privatizations' proceeds to construct public facilities like, schools, medical clinics and roads.

With the government in turmoil after a massive corruption scandal broke out in the wake of the rigged 2000 election that granted Fujimori a third term, Montesinos fled the country, to be followed soon after by the president himself. Montesinos was arrested in Venezuela in 2001 and quickly extradited to Peru where he has been jailed and is still being tried.

Fujimori fled to Japan, which granted him Japanese citizenship and where he received strong support from the Japanese right.

In 2001, the Peruvian Congress lifted Fujimori's immunity as former head of state, and the Peruvian Supreme Court issued an international warrant to Interpol for his arrest while he was residing in Japan, where he also enjoys citizenship. Japan refused repeated extradition requests.

In 2005, Fujimori flew to Chile with the aim of entering Peru and announcing his candidacy in the 2006 presidential election. It was then that he was arrested upon the request of the Peruvian government, initiating the extradition process that culminated to his return to Peru as a prisoner.

Two of the most serious charges that the Chilean court found justifying his extradition concerned the gross violations of democratic rights in the La Cantuta and Barrios Altos cases.

To understand the seriousness of these charges it is worth quoting extensively from *Human Rights News*, which in 2001-02 wrote:

"Fujimori is accused of responsibility in the extrajudicial execution in 1991 of fifteen people, including a child, at a fund-raising party in a poor tenement in Lima's Barrios Altos district, and the "disappearance" in 1992 of nine students and a professor from La Cantuta University. Members of the Colina Group, a paramilitary death squad, were directly responsible for both crimes, acting in the Cantuta case with the support of regular army units. The Colina Group answered to Vladimiro Montesinos, presidential advisor and de facto head of the National Intelligence Service (SIN), who is currently detained and facing trial on corruption and human rights charges. Montesinos was Fujimori's closest confidante throughout his government.

"The accusation cites evidence that Fujimori, acting in concert with Montesinos, exercised command control over the Colina Group. The charges allege that the group could not have committed crimes of this magnitude without Fujimori's express orders or consent. The charges also state that the formation and functioning of the Colina group was part of an overall counter-insurgency policy that involved systematic violations of human rights.

"Testimonies showing Fujimori's command responsibility include those

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of several members of the Colina group currently facing trial, relatives of former members of the group, two former commanders of the Peruvian army and a top former army general.

"Since the La Cantuta operation involved the deployment of regular army units as well as the clandestine action of the death squad, only Fujimori as Supreme Commander of the armed forces, as well as legal head of the SIN, had the power of command to authorize it, the accusation claims. It also alleges that Fujimori covered up the crimes by promising to grant members of the death squad protection from prosecution, and that he rewarded them afterwards.

"Indeed, Fujimori refused to allow Colina members to testify before a congressional committee investigating the crimes, and further protected them by having a law passed to ensure that a military court retained jurisdiction over the case. Finally, under pressure from the executive branch, Congress approved a comprehensive amnesty in 1995. Those of the group in detention at that time were immediately released, and the charges against them were dropped.

"This past March, the Inter-American Court of Human Rights ruled that the application of the amnesty in the Barrios Altos case was incompatible with the American Convention on Human Rights, and without legal effect. In response to the ruling, the Peruvian government asked the Court to clarify whether it was applicable to other cases. In September, the Court ruled that the application of the amnesty to any of the grave human rights crimes committed during Peru's counter-insurgency effort would violate the American Convention. In October, the Supreme Council of Military Justice, the Peru's highest military court, annulled its 1995 decision applying the amnesty laws to the Barrios Altos and La Cantuta cases, removing the last legal obstacle to Fujimori's trial in Peru."

Fujimori's extradition to Peru has the potential of unleashing explosive tensions in the country, intensifying political conflicts and feeding the popular expressions of discontent with the demagogic policies of the current APRA party President Alan Garcia.

Fujimori's polarizing effect on Peruvian politics was aptly summed up by the BBC which commented: "To some, he was the savior of a country on the verge of economic collapse and racked by political violence. To others, he was a corrupt, authoritarian strongman who rode roughshod over the country's democratic institutions."

Fujimori's trial will be an event that poses political dangers for many figures in present-day Peruvian politics, not least of them the current head of state.

The charges of corruption and massive violations of human rights that represent the principal elements of the indictment against Fujimori could just as easily be leveled against Peruvian President Alan Garcia, who also preceded Fujimori as the country's head of state.

Garcia is accused of having ordered the massacre of hundreds of Sendero Luminoso prisoners at the El Fronton, Canto Grande and Lurigancho jails in 1986 as well as the assassination of opponents of his government, in some cases by APRA party death squads. He has also been charged with the misappropriation of public funds and taking millions of dollars in bribes.

Garcia could never explain how he came to own homes in the richest neighborhoods of Bogota and Paris, in addition to having his daughter enrolled in a top private school in France. His income as an occasional guest speaker and the author of a few books with poor sales hardly could cover such a life style.

After living eight years and ten months in neighboring Colombia and in France, he returned to Peru in 2001, the very same year the Peruvian Government was drawing up charges for the extradition of Fujimori.

According to the Peruvian daily *El Comercio*, the lawyer for relatives of the victims in the La Cantuta massacre case, Gloria Cano, said that "Fujimori must be intending to use the supposed *vladivideos* which he took from Lima to secure impunity by exerting pressure on people linked to the judiciary." The *vladivideos* refer to a library of thousands of secretly filmed videotapes maintained by Fujimori's intelligence chief Vladimiro Montesinos and used to blackmail politicians and officials.

El Comercio also quotes the analyst Carlos Tapia, who "stressed today that the proceedings that the extradited Alberto Fujimori is facing will not be "just any trial," due to the fact that the ex-president has videos in his possession with which he can attempt to pressure those who are presently accusing him."

When Fujimori left Peru, he took with him "four suitcases full of videos from the house of Trinidad Becerra, Vladimiro Montesinos's wife. This lends the upcoming trial a special character. The accused has access to information and to videos that can do great damage to the judges, the prosecutors and the accusers," according to *El Comercio*.

Politically, the return of Fujimori threatens to upset the unstable political situation that allowed Garcia to return to power. He benefited in the last election from the fact that many of his opponents saw themselves practically forced to vote for him as "the lesser evil."

Garcia was elected with the support of the Unidad Nacional party of Lourdes Flores, a traditional right-wing party with its origins in Christian Democracy that promoted free trade and private property as the principal motors of economic development.

In reality, the last two governments—that of AlejandroToledo, from 2000 to 2005, and that of Garcia, from 2005 to the present—and all of the major parties adhere, either ideologically or in practice, to the economic model implemented by Fujimori in the 1990s as part of the wave of privatizations that Washington imposed upon Latin America.

Many of Fujimori sympathizers within influential sections of the Peruvian bourgeoisie— bankers and industrialists who profited from the privatizations carried out under his government, and benefited from the repression against popular organizations (much of it under the pretext that they were infiltrated by Sendero Luminoso or offered tactical support to the guerrillas)—backed Lourdes Flores as the defender of the neo-liberal model. These same layers, in the second run-off round of the election, voted for Garcia out of fear of the ultranationalist and populist demagogy of his opponent, the ex-army officer Ollanta Humala.

Now these same sections of the bourgeoisie may find the prosecution of Fujimori—the most consistent representative of their interests—not to their liking.

Opinion polls suggest the bulk of Peruvians oppose any electoral return for the indicted ex-president, but up to a fifth of the population would consider supporting him or a candidate with his backing.

On another front, bringing to light old conflicts raises the potential of creating tensions between the Peruvian government and Washington. Since taking office in July of 2006, Garcia has made restoring friendly relations with the Bush administration his first priority. He has presented himself as a president who has learned from his past mistakes and who today is ready to carry forward the free-market policies demanded by Washington and the international financial community.

Washington, however, has not forgotten that during his first government (1985-90), Garcia suspended payments on Peru's foreign debt and attempted to nationalize the banks. Fujimori, on the other hand, is the man who carried out the neo-liberal policies demanded by Washington, which had no problems with the excesses committed by the ex-Peruvian president and his CIA-linked intelligence chief Montesinos, so long as they benefited the interests of Wall Street and the US transnationals.

It is unquestionable that relations between Washington and Lima were the closest under the quasi-dicatatorial regime of Fujimori. As far as violations of human rights were concerned, this was always a secondary issue for US imperialism, which had no problem supporting criminal dictatorships like that of Pinochet in Chile or Videla in Argentina as they massacred tens of thousands.

One thing is certain: at a key moment in his attempt to negotiate a free

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trade pact between the US and Peru and place himself in the good graces of George W. Bush, Alan Garcia can only be dreading the reappearance of these political ghosts from the past.

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