

Peru: Ex-President Fujimori sentenced to 25 years for “dirty war” killings

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A three-judge panel of Peru's Supreme Court unanimously sentenced former President Alberto Fujimori to 25 years in prison Tuesday for his involvement in two massacres carried out by the military death squad known as Grupo Colina. The sentence would keep him in jail until February 2032 when he will be 93 years old.

Fujimori was condemned for being the intellectual author of the massacres in the working class district of Barrios Altos in 1991, where 15 people died, and at the University La Cantuta in 1992, where nine were murdered.

The Supreme Court panel also found Fujimori guilty of overseeing the kidnapping of journalist Gustavo Gorriti and businessman Samuel Dyer in 1992. Both men were later freed. The 70-year-old former president had already been sentenced to six years in prison for ordering an illegal search of the apartment belonging to the wife of his intelligence chief and top aide, Vladimiro Montesinos, in 2000 as his government was crumbling. He still faces two more trials on corruption charges.

Fujimori was president of Peru from July 28, 1990 until he resigned by fax on November 19, 2000, after fleeing to Japan.

The guilty verdict was applauded by relatives of the victims of Grupo Colina, human rights advocates and legal experts around the world.

Five hundred Fujimori partisans threatened the families of the victims while protesting outside the building where the trial took place. The ex-president's daughter, Keiko Fujimori, who led the protest, described the verdict as a “victory for the terrorist groups.”

The Peruvian government had placed 10,000 policemen on alert to avoid confrontations between groups for and against Fujimori.

“The charges have been proved beyond all reasonable doubt,” said the chief judge of the panel, Cesar San Martin. During the sentencing Fujimori remained silent. Immediately afterwards, he appealed the sentence.

According to the Peruvian daily *El Comercio*, the mother of Armando Amaro, one of the nine students assassinated on July 18, 1992 by the Grupo Colina death squad at La Cantuta, declared that justice had cleared her son's name.

“After 17 years of struggle, I found the justice I was looking for,” said Armando's mother, Raida Condor. The woman, who had become a symbol of the victims' struggle to hold Fujimori accountable, added, “Justice has said the students were not terrorists. I can say that Armando Amaro Condor was my son. When I heard his name, I raised my head and saw his face. That's why I cried.”

International legal experts have called the trial a landmark human rights case. Ernesto de la Jara, director of the Legal Defense Institute, a human rights organization in Lima, called the verdict “an impeccable sentence.”

“With this ruling, and its exemplary performance during the trial, the Peruvian court has shown the world that even former heads of state cannot expect to get away with serious crimes,” commented Maria McFarland, of Human Rights Watch, who was in the courtroom when the sentencing was

announced.

Univision.com explained that the legal thesis used to condemn Fujimori is known as “mediated authorship,” introduced by the German jurist Claus Roxin in 1963. Its purpose was to sanction not only those who directly committed political crimes, but also the “author behind the author.”

This same essential principle was applied in the Nuremberg trials against the Nazis and later on against members of the Argentine military dictatorship. In Peru, the thesis was also invoked in the prosecution of Abimael Guzman, the leader of the Maoist guerrilla organization Shining Path, and that of Julio Salazar Monroe, the head of the National Intelligence Service in 1992 at the time Grupo Colina is believed to have assassinated 50 people in the course of 14 months.

In the US, the *Wall Street Journal* carried a short article reporting the verdict and the opinion of “political and legal analysts” that “hailed the judges' decision as auspicious for Latin America, where courts often are reluctant to convict the powerful out of fear of retribution.”

This praise from a newspaper that is a primary mouthpiece for American imperialism is utterly hypocritical given the complicity of Washington and the major US corporate interests in the crimes carried out by the Fujimori regime.

The *Journal* article continues by remarking that Fujimori “became hugely popular after wielding free-market policies to conquer raging inflation and crushing the Maoist Shining Path guerrillas who had terrorized Peru since 1980.”

“But the intelligence apparatus he created to counter guerrillas,” the *Journal* adds, “went out of control, and involved itself in rights abuses, corruption schemes and political espionage.”

In other words, according to the *Wall Street Journal*, the formation of the repressive intelligence apparatus was welcomed until, for some unexplained reason, it “went out of control.” The reality is that Washington's involvement in the crimes committed during Fujimori's 10 years of autocratic rule date back to the very beginning of his presidency.

In its report on Fujimori's sentencing, the *New York Times* cites documents declassified by the United States government.

“A State Department cable on Aug. 23, 1990, for example,” the *Times* reports, “described information from a Peruvian intelligence source, a former naval officer, who said that the plan to carry out extra-judicial assassinations of suspected terrorists had ‘the tacit approval of President Fujimori.’” Thus, Washington knew of Fujimori's criminal plans even before they were executed.

The crimes of Fujimori and US interests in Latin America

Fujimori assumed the presidency in 1990 when he defeated the favored candidate of the Peruvian oligarchy, well-known novelist Mario Vargas

Llosa, based on a right-wing populist campaign that exploited the bitter resentment of the Peruvian “cholos” and Inca people towards the mainly white ruling class.

Fujimori benefited from wide popular disgust with a corrupt parliamentary system that served to enrich a layer of politicians and their cohorts while providing no solutions to a raging inflationary crisis and a civil war that had cost the country 17,000 lives.

Adopting a stance of authoritarian populism, his regime was able to garner substantial support not only from the country’s impoverished middle class, but also from the most oppressed layers in the countryside. Part of this backing stemmed from hostility among poor peasant farmers to the Shining Path guerrillas, and part to the government’s handing out modest amounts of food and supplies to these layers.

Coming to power denouncing the machinations of the country’s traditional party machines, Fujimori himself had no real party or any defined program.

His regime rested heavily on the secret police apparatus built up by Montesinos, a corrupt but skillful lawyer and former army officer who previously had been charged with treason (for providing intelligence to the CIA) and cashiered from the military. As for an economic program, Washington and the international financial agencies gave him his marching orders.

Fujimori proceeded to dismantle Peru’s state-run enterprises, handing them over to international capital. He nullified a labor law protecting workers’ employment, giving capital a free hand over labor. And he passed laws guaranteeing the free flow of capital in and out of the country, allowing foreign companies to take substantial profits out of Peru.

When his attempts to rule through presidential decrees and enacting special anti-terrorist laws ran into congressional opposition, Fujimori carried out the so-called “self coup” of April 1992, closing Congress, suspending the constitution and declaring a “Government of National Emergency and Reconstruction.”

While the military provided the key support for carrying through these dictatorial measures, the SIN secret police apparatus under Montesinos played a pivotal role in controlling the military command itself.

This inaugurated one of the bloodiest phases of the 20-year armed conflict between the army and Shining Path, which saw the killing of nearly 70,000 people, most of them Quechua-speaking Inca peasants living in the poorest regions of the country.

Journalists who dared criticize the Peruvian president were targeted for intimidation, death threats and violence. Judges who opposed the president’s will were deposed and replaced with yes-men.

Fujimori’s systematic military repression, combined with the government’s “free market” economic policy, enjoyed the support and collaboration of the US throughout most of the 1990s. The crimes committed by Grupo Colina, for which Fujimori has been found guilty of being the “intellectual author,” were part of a campaign to intimidate the population and eliminate any opposition to the dictates of foreign capital and Washington.

In a 1997 visit to Lima, the White House special envoy to Latin America, Thomas McLarty, claimed that Peru—“where human rights are increasingly respected”—is “fairly bursting with hope for a better tomorrow.” A year later, however, the State Department’s human rights report referred to the routine torture of Peruvian prisoners by methods that included “electric shock, water torture, asphyxiation hanging of victims by a rope.”

But things went too far when reports linking Montesinos to the bribing of a Peruvian legislator and the smuggling of guns to the Colombian guerrillas were made public. Montesinos was widely suspected of acting as a CIA “asset” throughout this period.

Moreover, Fujimori fell into disrepute in Washington’s eyes when he attempted to rig the 2000 presidential election to extend his dictatorial rule

into a third term. Observers found that his name was placed on the ballot through the forging of more than 1 million signatures.

Having lost US support and facing mounting popular opposition, after a decade in power, Fujimori deserted the Peruvian presidency in October 2000 amid accusations of corruption and abuse of power. He fled to Japan, where he was granted citizenship and lived under the protection of right-wing politicians.

In March 2003, Interpol issued an international warrant for his arrest on charges of murder and kidnapping in Peru, including the La Cantuta and Barrios Altos massacres.

In 2005, Fujimori flew to Chile where he was arrested. According to some reports, Fujimori left his safe haven in Japan to begin preparations to run for president, while according to others, the Japanese government forced him out. He was deported to Peru after a Chilean court acceded to Peru’s request for extradition in order to put him on trial for crimes committed during his presidency.

During Fujimori’s trial, the aged former president said in his defense that he was being judged for two killings, while the current president Alan Garcia was never judged for the massacre of peasants that took place during his first presidency in 1985-1990. Not mentioned by Fujimori was Garcia’s involvement in the 1986 massacre of nearly 300 Shining Path prisoners at the El Fronton and Lurigancho prisons.

The ruling APRA party responded in kind, praising the judiciary for its independence, but avoiding any mention of the “dirty war” for which Fujimori was sentenced. The “Fujimorista” members of the Peruvian legislature have generally backed Garcia, and there is speculation that a pardon for the ex-president could emerge as part of the political horse-trading in the run-up to the 2011 presidential election, in which Keiko Fujimori has announced her candidacy.

While the majority of Peruvians approve of the guilty verdict, Fujimori still enjoys support among a substantial section of the population. One reason is that injustice and corruption prevail. Many have been impoverished over the last decade and distrust the Garcia regime. The immense social divide between the haves and have-nots in Peru, between the predominantly urban white bourgeoisie and the mainly “cholo” and Indian working class and peasantry, has not changed.

In a real sense, the Fujimori regime was the most finished expression of methods of rule that have emerged throughout Latin America in the wake of the formal transfer of power from military dictatorships to civilian presidencies.

Throughout the Fujimori regime and under those of the presidents who succeeded him—Alejandro Toledo (2000-2006) and Alan Garcia (2006 to the present)—Peru has lived through one wave after another of mass demonstrations and protracted strikes. The turn to “free market” policies required ruthless and violent methods to impose the will of foreign capital and the Peruvian bourgeoisie over the impoverished but combative masses.

Today, Washington will hail the sentence that puts Fujimori behind bars for 25 years. But if the social unrest that is engulfing Peru and the rest of Latin America as a result of the world economic crisis poses a direct threat to US investments in the region, it will push once again for brutal repression.

By logic, applying the legal principle “the author behind the author” to the next level, will find that the authors behind Fujimori, not to mention the international crimes committed in the nearly nine years following his presidency, are to be found in Washington and on Wall Street.



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