

Alberto Fujimori on Trial

A three-judge panel of Peru's Supreme Court will announce a verdict before the end of this year in the trial of Alberto Fujimori, Peru's president from 1990-2000, on charges of murder and kidnapping. Prosecutors hold him responsible for the deaths of 25 people at the hands of a death squad known as the Colina group, whose members were military intelligence officers.

HUMAN RIGHTS BACKGROUND

Much of Peru was a battleground from 1980-2000 because of attacks by the Shining Path guerrilla group, the Tupac Amaru Revolutionary Movement (MRTA) and the Peruvian military and police. In 2003 Peru's Truth and Reconciliation Commission estimated that more than 69,000 people were killed or had disappeared in the violence. The commission held Shining Path responsible for 54% of the victims, the armed forces (including paramilitary groups supported by the military) for 37%, MRTA for 1.5% and other groups or unknown parties for 7.5%.

Nearly 80% of the victims lived in the Andes or Amazon regions, where guerrilla groups and government forces killed with impunity. Most victims had Quechua or other indigenous languages as their mother tongue. The geographic pattern of the violence closely followed the geography of marginalized rural communities.

Elected president in 1990 after promising to end the violence, Fujimori placed under his direct control the intelligence services of the armed forces and police. In the early 1990s the military's then secret Colina Group killed suspected members of Shining Path as well as political opponents of the government. The Colina Group reported to Fujimori's intelligence chief, Vladimiro Montesinos. In 1992, asserting that democracy was incapable of combating the guerillas, Fujimori suspended the country's constitution and dissolved congress and the Supreme Court. Riding a wave of popularity, Fujimori later enacted a new constitution and easily won re-election.

By bringing Fujimori to trial, Peru is re-affirming a principle of international law that no one is beyond the rule of law, including heads of state. Placing a former head of state on trial presents special difficulties, however, especially when the proceedings are in a national rather than an international court. But the public may more easily support a ruling by a national rather than an international court.

Fujimori remains a divisive figure and leader of a political coalition, Alliance for the Future. His supporters have orchestrated media and political campaigns against the trial and against human rights organizations, and actions to discredit the judiciary. The court has acted with exemplary independence, but this campaign and political influence could create dangers for its work or that of an appeals court.

THE CHARGES

Fujimori is charged with responsibility for three crimes:

- **The Barrios Altos massacre**
On Nov. 3, 1991, members of the Colina Group killed 15 civilians attending a barbecue.
- **La Cantuta massacre**
On July 18, 1992, members of the Colina Group kidnapped a professor and nine students at Lima's La Cantuta University, two days after a Shining Path bombing in the capital. Prosecutors found unmarked graves with the burned remains of some of the victims.
- **Two kidnappings**
In 1992, members of the army illegally abducted journalist Gustavo Gorriti and businessman Samuel Dyer. They were later released.

ACCOUNTABILITY AND JUSTICE

Defense lawyers for Fujimori suggest that the three judges hearing the case must find the former president innocent unless prosecutors can produce a written order signed by Fujimori authorizing the killings and kidnappings. As in other trials of former heads of state, however, the court can prove a leader's responsibility by establishing that the crimes were part of a systematic policy, and part of a pattern of conduct by individuals who were in a chain of command. As in a jigsaw puzzle with 100 pieces, assembling 99 pieces will clearly show the shape of the final piece.

Six lawyers representing the victims are taking part and are allowed to question witnesses as well as Fujimori. If the former president is found guilty, the court could sentence him to 30 years imprisonment. He was previously sentenced to six years imprisonment for illegally ordering the search of an apartment belonging to the wife of his intelligence chief.

Peruvian courts, in other proceedings, determined that the National Intelligence Service used the Colina Group as an army death squad, as part of an antiterrorism strategy approved by Fujimori. After a military court in the 1990s convicted several members of the Colina Group for their role in the Cantuta massacre, and while judges were investigating the Barrios Altos massacre, Fujimori and congress granted an amnesty covering all human rights violations committed by state forces and barred the judiciary from reviewing it.

Peru has made significant efforts to account for past human rights violations, especially through the Truth and Reconciliation Commission. But authorities have been slow to carry out the TRC's recommendations, including reparations for victims. President Alan García—who was president during part of the period investigated by the TRC—has not strongly pressed for accountability for past human rights violations.

NEXT STEPS

The three-judge panel expects to announce its verdict no later than November 2008. If Fujimori is found guilty of some or all of the charges, the former president will almost certainly appeal. An appeal would be heard by a five-judge panel of the Supreme Court.

2008

CHRONOLOGY

1980: Shining Path begins campaign of violence.	1992: Fujimori suspends the constitution. Police work begun under previous government leads to arrest of leader of Shining Path, Abimael Guzman, later sentenced to life in prison.	2002: Truth and Reconciliation Commission begins public hearings.	November 2005: Chilean authorities arrest Fujimori.
1983: Number of kidnappings and killings grows, as Shining Path and military increase attacks.	1995: Fujimori wins a second term.	2002: Former intelligence chief Vladimiro Montesinos convicted on corruption charges and imprisoned. Later convicted for embezzlement and abuse of power.	September 2007: Chile extradites Fujimori to Peru.
1990: Fujimori wins presidential election on anti-corruption platform.	2000: Fujimori resigns after financial and political scandals, and flees to Japan.	2003: Truth and Reconciliation Commission reports on deaths or disappearances of estimated 69,280 persons. Calls for wide-ranging institutional reforms.	December 2007: Fujimori goes on trial on charges of murder and kidnapping.

The International Center for Transitional Justice assists countries pursuing accountability for past mass atrocity or human rights abuse. ICTJ works in societies emerging from repressive rule or armed conflict, as well as in established democracies where historical injustices or systemic abuse remain unresolved. To learn more, visit www.ictj.org

