

Why Project Democracy hates Peru's Fujimori

The international media are full of cock-and-bull stories about Peru and its President, Alberto Fujimori, and how his "autocratic," "dictatorial" regime has to be brought to heel—i.e., toppled. However, in their eyes, Fujimori's real crime is his steadfast defense of national sovereignty in the face of repeated bloody narco-terrorist assaults, as is apparent from the following chronology of recent statements.

February 1999: Peruvian President Fujimori sought to rally regional support for Colombia's right to defend itself against terrorism, in an address to the Inter-American Defense College in Washington, D.C. He was given a standing ovation at its conclusion by the attending military officers from around the hemisphere. Fujimori warned that the expansion of terrorism in Colombia threatened the security of the entire region. "The FARC, a criminal organization whose main objective is the destruction of democracy and seizure of power by violence," seeks to acquire "a statute of legality," he warned; the state cannot bow down before "a handful of criminals." He summarized how Peru had won its battle:

"In assuming the Presidency of Peru in 1990, some sectors advised me to listen to the siren songs of the terrorist groups that called for dialogue with the new government. What they wanted was to make legitimate power from the ballot equal to illegitimate power from weapons and violence. . . . It is true that they controlled several important zones of the country. But I definitively rejected any possibility of becoming a half-President, sharing power with another half-President. President and power are one and the same, and that is what the people elect and the Constitution and the law support. So, I preferred to impose legitimate authority and pacify the country. In 1997, again with the assault on the residence of the Japanese ambassador in Lima, the issue was ingenuously raised, the possibility of dialogue and a 'peace agreement' with another terrorist group, the MRTA [Tupac Amaru Revolutionary Movement]. You know the story. I refused repeatedly to accept the blackmail of terror. A country of 24 million cannot be manipulated by a handful of criminals. Again, law and order was imposed. . . . And thus, Shining Path and the MRTA were dismantled, and today we enjoy peace in Peru."

May 12: The U.S. Senate Foreign Relations Committee's Subcommittee on the Western Hemisphere held hearings on Peru, and leading off the testimony was former State Department policy planner Luigi Einaudi, now based at the Inter-American Dialogue. Einaudi characterized Fujimori's April 1992 decision to put Peru on a war footing against Shining

Path, as one of "the most severe regional political crises of the past decade," a violation of "the rule of law," which had proved "unsuccessful." Einaudi identified the Fujimori regime as a continuing threat to "democracy," asserting that "authoritarian challenges to the separation of powers and to individual freedoms have continued." New mechanisms are needed, he argued, to permit preventive regional intervention into any country where democracy is threatened in cases similar to that of Peru.

Former State Department official Elliott Abrams, infamous for his leading role in George Bush's Iran-Contra arms-for-drugs operation in the 1980s, also testified. Alleging human rights violations, Abrams specifically proposed that Congress cut U.S. funding to the anti-drug unit of Peru's National Intelligence Service (SIN).

June 3: The Inter-American Human Rights Court (IAHRC), which operates under the jurisdiction of the Organization of American States (OAS), ruled that Peru must free four Chilean members of the MRTA serving life sentences on charges of being terrorist kingpins in Peru, and must pay them each an indemnity of \$10,000. The court acknowledged that the four had committed terrorist crimes, but ruled that trial by special military court did not meet "rule of law" standards, and therefore they must be released, to be re-tried by civilian courts. The IAHRC ruling covered Jaime Castillo Petruzzi, number three in the MRTA hierarchy, and Lautaro Mellado, who personally ran the brutal "people's jails," where MRTA kidnap victims were tortured and usually murdered.

June 4: Peru "will not release any terrorist, not a single one," President Fujimori answered. The real issue, he said, is "whether the court operates above Peruvian sovereignty. We are a sovereign country, and the fundamental point is that no one, no entity, can give orders to the state. . . . *These terrorists won't be released in Peru, as long as I am in the government; nor will they serve their sentence in any other country, as some would wish*" (emphasis added).

Peru's Ombudsman Jorge Santistévan, who today leads the "election fraud" campaign against the government, defended the IAHRC ruling, and called upon the government to release the terrorists.

Early July: The U.S. Senate Budget Committee voted to cut off all State Department aid to Peru's SIN, echoing the arguments made by Abrams in his May testimony. U.S. Ambassador to Peru Dennis Jett warned that such an aid cut would "affect the fight against the drug trade," because the SIN is "an important element in the fight against terrorism and the drug trade."

July 6: President Fujimori announced that Peru had informed OAS Secretary General César Gaviria, that Peru preferred to pull out of the Inter-American Human Rights Court, rather than free terrorists. Documentation provided to the OAS proved that should Peru accept the IAHRC ruling, it would set a precedent, under which 30 other MRTA leaders, who have also appealed to the court challenging their convic-

April 1992 measures saved democracy

By 1991, Peru's democratic institutions had been destroyed by narco-terrorism. Any judge who failed to free a captured terrorist, was a dead judge. The same fate was guaranteed for any Congressman who proposed laws to confront the situation. President Alberto Fujimori's so-called "self-coup" in April 1992, consisted, simply, of imposing emergency wartime measures to allow the state to rapidly crush the narco-terrorists militarily.

On April 5, Fujimori, with the support of the Armed Forces, shut down the Legislative and Judicial branches of government, and issued several anti-terrorist and anti-drug decrees which the frightened Congress had rejected. Among them was Decree 25475, which established life sentences for the crime of terrorism, shortened the time frame for trials, and ordered the trials to be held in prisons, before anonymous judges. Decree 25659 defined activity such as leading a terrorist organization, belonging to an annihilation squad, participating in catastrophic assaults, and supplying or warehousing explosives, to be acts of treason, subject to trial in military courts. On April 10, Fujimori authorized military participation in anti-drug operations, to cut off the terrorists' drug-trade supply lines. On May 16, a Repentance Law was promulgated, mandating reduced or suspended sentences for terrorists who cooperate with authorities, identify their superiors, and reintegrate themselves into society.

When the back of the insurgency had been broken, Peru began reestablishing peacetime democratic institutions.

tions, would have to be released. "The ruling of the Inter-American Court . . . intends to invalidate and order the modification of [Peru's] legal and constitutional norms. This absolutely lies outside its jurisdiction . . . which only authorizes it to issue opinions on the compatibility of a country's domestic law with the Inter-American Human Rights Convention, if a country so requests," Peru argued.

July 10: The London *Economist* magazine labelled Fujimori "an outlaw."

July 13: Fujimori outlined how the fight against terrorism can be won, in an interview published by the Colombian daily *El Espectador*. "Here in Peru, at no time have we negotiated, even in a situation as extreme as that of [the Japanese] embassy [takeover in 1997]. . . . Nor have we allowed the terrorists to have a sounding board, or democratic means through

which to influence public opinion," he said. "This is what we have done here in Peru: fight efficiently. It means not to concede anything to terrorism; it means what is summed up in the rescue of the hostages at the Japanese embassy: That even in *that* situation, we didn't give in to blackmail. We are unwilling to have any kind of contact or dialogue. Put simply, if they act illegally, they will be treated as terrorists by Peruvian law. . . .

"We've achieved this peace with an entire strategy which included the development of an efficient intelligence service, the Armed Forces becoming closer to the population to gain its confidence, and the participation of the population in the battle through the peasant self-defense groups, and then extremely severe legislation. If someone calling himself a guerrilla explodes a car-bomb and kills 20 civilians, including children, women, and the elderly, what punishment does he deserve? Simply, life in prison."

Fujimori reported that Peruvian security forces are deployed to secure the Colombian-Peruvian border against FARC infiltration, and called the crisis in Colombia "a threat to the continent." "There are ramifications," he said. "There is no doubt that the Tupac Amaru Movement has ties to what you call guerrillas in Colombia, and with some terrorist leaders in Chile and Bolivia."

July 14: A *New York Times* editorial, "Peru's International Defiance," called upon multilateral financial bodies and the OAS to support the IAHRIC against Peru, before other Ibero-American nations follow Peru's precedent, and ignore its rulings.

July 16: A *Washington Post* editorial, "Peru on the Line," charged that Fujimori is "abusing his Presidential privilege to aggrandize his personal power," with his decision to pull out of the IAHRIC. What most worried the *Post*, is that no Ibero-American nation protested Peru's defiance of the court decision. "Not even Costa Rica has so far been heard to criticize Peru. . . . There is a layer of quiet respect for what is seen as [Fujimori's] rescue of his country from terrorism."

July 20: The *Washington Times* reported that Arturo Valenzuela, newly appointed director of the U.S. National Security Council's office of Inter-American Affairs, in his first press briefing, pressed for Einaudi's proposal that the OAS be empowered to activate a collective "early intervention mechanism" where a "democracy" crisis is anticipated. "Had such a mechanism been in place at the time, it might have prevented President Alberto Fujimori's *autogolpe* [self-coup] that extended his own powers while curbing those of the Peruvian Congress," Valenzuela is reported to have argued.

Aug. 3: The Inter-American Dialogue (IAD) sponsored a meeting in Washington on the need to strengthen regional mechanisms, so as to act against "authoritarian" countries like Peru. Lead speakers included Einaudi, IAD President Peter Hakim, and IAD Democracy Program chair Michael Shifter.

Sept. 6: Fujimori proposed the establishment of "a strategic association of the United States and Peru," in order to eradicate all coca production in Peru within the next five

years, and “definitively consolidate our triumph over the drug trade.” Anti-drug cooperation between the two countries had succeeded in reducing illegal coca production, from 118,000 hectares in 1992 to 56,000 in 1999, he said. Fujimori’s proposal followed the visit to Lima the week before by President Clinton’s anti-drug chief, Gen. Barry McCaffrey (ret.), during which McCaffrey praised the government’s anti-drug achievements, and countered attacks on the SIN made by Einaudi’s cohorts.

Nov. 9: The U.S. Senate Foreign Relations Committee unanimously passed “Sense of the Senate” Resolution 209, introduced by committee chair Jesse Helms (R-N.C.) and Chris Dodd (D-Conn.), condemning Fujimori for “undermining” the independent judiciary, attacking the press, and “manipulating” the electoral process in order to seek a third term in office. Copies of Resolution 209 were ordered sent to the World Bank, International Monetary Fund, and Inter-American Development Bank.

Nov. 13: Where was the U.S. Senate when Shining Path was attacking democracy? Fujimori responded. When Peruvian democracy was in trouble, “no one said anything.” There were no statements from the U.S. Senate, or any parliament or international organization. “And now that we’re in the process of recovering democracy, which is yet imperfect, we see these types of resolutions,” he said.

Nov. 28-Dec. 3: A joint mission of the National Democratic Institute and the Carter Center made its first inspection for the April 9 Peru elections. Its public report at the conclusion of the visit charged, “The pre-election environment is marked by serious flaws,” and changes must be enacted “to make it possible for the electoral process to meet international standards for genuine democratic elections.” Notably, the Carter Center-NDI statement named the decision to pull out of the IAHR as a possible threat to election fairness. In private discussions, the mission reportedly urged opposition parties to threaten to pull out of the election, should President Fujimori run for a third term.

Dec. 27: Fujimori announced that he will run for a third term, vowing to “extinguish every vestige of terrorism from the country.”

Feb. 6-8, 2000: Shining Path prisoners in the high-security Yanamayo prison revolted, taking 24 guards hostage, and demanding better prison conditions, and that jailed Shining Path chief Abimael Guzmán be presented publicly. MRTA prisoners in Yanamayo prison placed a call to a Chilean radio station, to urge Chilean authorities to intervene as mediator. The uprising was put down peacefully.

Feb. 11: The second Carter Center-NDI mission to Peru issued a new report, this time affirming that “the political conditions for clean and fair elections do not exist” in Peru. Shortly thereafter, U.S. State Department spokesman Jamie Rubin endorsed their conclusions, declaring that “the U.S. government welcomes, and essentially concurs with the recommendations issued today by the NDI and the Carter Center on pre-electoral conditions in Peru.”

Feb. 15: An International Federation of Human Rights mission to Peru, led by drug-rock star Mick Jagger’s former wife, Bianca (now with Amnesty International), held a press conference to announce its “findings,” that the Fujimori government itself constitutes “a permanent coup d’état,” and that the elections are a “process which seeks to justify, or disguise, what in reality is the perpetuation of an authoritarian regime with a strong military presence.” The IFHR specified, as a solution, that the United States cut off anti-drug aid to Peru, charging that this is used by the regime to promote Fujimori’s reelection.

Feb. 17: Spain’s anti-corruption prosecutor, Carlos Castresana, launched a public defense of the convicted terrorists in Peru, charging Peru with holding “six times the number of prisoners of conscience [sic] than Cuba,” at a meeting in Madrid to release a new book attacking Fujimori by Peruvian opposition activist Alvaro Vargas Llosa. Castresana called for Fujimori to be tried internationally, under the precedent applied against Chile’s Gen. Augusto Pinochet. Sitting in the front row next to Castresana at the event, was Spain’s Judge Baltazar Garzón, who initiated the international prosecution of Pinochet. In a March 7 interview with the Peruvian daily *La República*, Castresana reiterated his call for an “international trial” of Fujimori on allegations of “massive violation of human rights,” made by Human Rights Watch and Amnesty International.

Feb. 24: IAD President Hakim declared that Peru’s elections are not free or fair, *ipso facto*, because Fujimori is running in them, in an article in the *Christian Science Monitor*. Hakim called on the United States and other governments of the hemisphere to “stop calling Peru a democracy,” an act which, under current OAS policy, would activate economic, diplomatic, and military sanctions against Peru. Hakim admitted that Peru is not “an oppressive police state. . . . Opposition activity is permitted. Political institutions, including the Congress, Judiciary, political parties, and labor unions, retain some measure of independence. Harsh repression isn’t used as an instrument of political or social control, and human rights violations have declined sharply since the defeat of the guerrilla insurgencies.”

March 9: U.S. State Department spokesman Rubin issued a press statement, reporting that senior State Department and National Security Council officials had informed Peruvian Prime Minister Alberto Bustamante two days before, that Peru must meet seven conditions specified by the Carter Center-NDI mission, or the U.S. government and the international community will judge the elections to be neither fair nor free.

March 24: Carter Center-NDI team issued another statement at the conclusion of its third inspection of Peru, which declared that “conditions for a fair election campaign have not been established. Irreparable damage to the integrity of the election process has already been done.”

March 27: The White House Press Office issued a statement endorsing the Carter Center-NDI conclusions.