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Peruvian Congress Fires Supreme Court Judges Who Oppose Fujimori Re-Election

by LADB Staff

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On May 29, Peru's Congress, controlled by supporters of President Alberto Fujimori, outraged political opponents and human rights workers when it summarily fired three judges of the constitutional court (Tribunal Constitucional) who opposed the president's bid for re-election. In other actions that have raised serious concerns about the government's respect for the rule of law, both the president and the military have stepped up attacks on the press, including accusations by the military against the owner of a television channel. In what has become almost routine in the Peruvian Congress, the vote took place before dawn on May 29. The bill, which was brought to the floor by the governing Cambio 90-Nueva Mayoria (C90-NM), called for the removal of the judges for "unauthorized assumption of authority."

Fired were Guillermo Rey Terry, Manuel Aguirre Roca, and Delia Revoredo, who had come out against Fujimori's re-election last January. "This result is nothing but a political maneuver a mockery," opposition deputy Alva Orlandini said. "In effect the congressional majority has managed to sack the judges for acting according to independent criteria and carrying out their autonomous functions." However, the C90-NM deputies disagreed. "The accusation strengthens democratic stability," said government supporter Enrique Chirinos, who was a member of a congressional commission that investigated the judges. "With the court functioning like this and making Peru ungovernable, you have to make institutions respect the Constitution."

The following day, Chief Justice Ricardo Nugent stepped down in solidarity with the three fired judges. Nugent said the rule of law in Peru had broken down. "This court was the last hope, and the last bastion of legality and respect for constitutional law," said Nugent when he announced that he was stepping down. Nugent's resignation, which had been widely expected, left the seven-member tribunal, which has judicial autonomy on constitutional matters, with only three sitting judges, while four are needed for a quorum.

Firing called a "technical coup" by opponents

The controversy regarding the judges dates from the court's split ruling in January on whether a law permitting the candidacy of Fujimori was constitutional. In that ruling, Nugent abstained, three judges voted that it was constitutional, while the three who have now been dismissed issued a ruling that said the law was "inapplicable" and that the Constitution, which bars a second re-election, takes precedence. Political opponents called the firing of the judges "a new, very subtle technical coup."

Several political analysts expressed concern that next on the government's hit list will be the electoral commission (Jurado Nacional de Elecciones, JNE). The current members of the commission are opposed to Fujimori running for another term on constitutional grounds. For that reason, analysts expect the administration to change the makeup of the JNE and thereby eliminate opposition from that quarter. Before the year 2000 when the next presidential elections will be

held, three of the five members of the JNE will step down and their replacements will be chosen by the Supreme Court, the Junta de Fiscales, and faculty from the law schools of several universities. Congress has already voted to extend the terms of two members who were appointed by the government. Analysts also speculate that the government will look critically at Attorney General Miguel Aljovin, who has called the firing of the judges "a barbarous act," and said it made Peru a "kind of juridical pariah."

Controversy is carried to international forum

The congressional vote to fire the judges came as final preparations were underway for the 27th General Assembly of the Organization of American States (OAS), which began in Lima on June 1. As a result, controversy over the judges' removal, plus sharp criticisms of the Fujimori administration's growing intolerance for a free and independent press, were aired in the meeting. During the meeting, for example, former UN secretary general Javier Perez de Cuellar strongly criticized the Fujimori government for a series of recent attacks on the press.

Among the most notorious incidents are an attempted bombing of a television station in the southern city of Puno by members of the army; the kidnapping and torture of a journalist in Junin; the arrest of Ricardo Palma Michelsen, owner of Radio Miraflores; and accusations by the military that Baruch Ivcher, one of the owners of Channel 2 television station, has made inflammatory statements about the armed forces. As a result, Ivcher has left the country. In response to the criticism, Fujimori accused the press of illicit activities, including corruption and extortion. That, in turn, prompted 30 members of Congress to introduce a motion on June 3 demanding that Fujimori and Prime Minister Alberto Pandolfi back up their charges against the press.

Fujimori's support drops drastically

Meanwhile, Fujimori's popular support has been on a roller-coaster in recent months. It had plummeted to 38% its lowest point ever in April, after revelations of torture within the security forces (see NotiSur, 04/25/97). Then, following the rescue of the hostages at the Japanese ambassador's residence, the president's support leaped upward overnight by almost 30 points, to 67% (see NotiSur, 04/25/97). However, it has now taken another dramatic dive, following the firing of the judges and the attacks on the press.

The public opinion firm Apoyo conducted a poll May 9-10 among 400 Peruvians, which showed that support for the president had fallen to 47%. In addition, more than 60% of those surveyed, including those who support Fujimori's administration, said they would not vote for him today. The Apoyo poll also showed that 73% of Peruvians favored a referendum to determine whether Fujimori should run in the next general elections in year 2000, while 23% disapproved of this. In a later poll published June 2, support for Fujimori was back at its pre-rescue level of 38%. In that poll, 65% of respondents said they disapproved of the firing of the judges, while 17% approved.

The opinion poll likewise indicated that 69% of the people believed that the firing was connected to Fujimori's attempt to secure re-election in 2000. An analyst with Apoyo attributed the sharp decline in support for the president to the firing of the judges, and to continuing concern about torture in the intelligence service. [Sources: CNN, Notimex, Deutsche Press Agentur, 05/30/97; Agence France-Presse, 05/29-31/97; United Press International, 05/06/97, 06/02/97; Reuter, 05/30/97, 06/01/97, 06/02/97; Spanish news service EFE, 06/02/97; La Republica (Peru), 06/04/97]

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