

10-15-1999

Peruvian President Alberto Fujimori Continues to Defy Human Rights Court

LADB Staff

Follow this and additional works at: <https://digitalrepository.unm.edu/notisur>

Recommended Citation

LADB Staff. "Peruvian President Alberto Fujimori Continues to Defy Human Rights Court." (1999).
<https://digitalrepository.unm.edu/notisur/12696>

This Article is brought to you for free and open access by the Latin America Digital Beat (LADB) at UNM Digital Repository. It has been accepted for inclusion in NotiSur by an authorized administrator of UNM Digital Repository. For more information, please contact amywinter@unm.edu.

Peruvian President Alberto Fujimori Continues to Defy Human Rights Court

by LADB Staff

Category/Department: Peru

Published: 1999-10-15

Peru could ultimately face expulsion from the Organization of American States (OAS) for its refusal to recognize the competence of the Inter-American Court on Human Rights (IACHR), which has several cases against the Peruvian government under consideration (see NotiSur, 1999-08-06).

The IACHR has ruled that Peru cannot withhold recognition without following the appropriate process set up by the court. "The Court declared the Peruvian state's pretension of immediate withdrawal from the compulsory jurisdiction inadmissible," read an Oct. 3 IACHR communique.

The seven IACHR judges unanimously agreed that Peru must respect its decisions in those cases that have already been accepted by the court. If Peru wants to withdraw from the court's jurisdiction, it must comply with the requirements stipulated in the Inter-American Convention on Human Rights. Peru must give notice of its rejection of the convention and wait one year for the decision to go into effect.

The Peruvian government, however, returned the finding to the IACHR saying it did not accept the resolution because it no longer recognizes the court's jurisdiction. "There is no going back," said Tomas Guerra, director of the Human Rights Commission at the Costa Rican Bar Association. "Either Peru complies with the court decisions or it abides by the sanctions the OAS imposes."

Guerra said the IACHR must now report to the OAS General Assembly, which does not meet again until June 2000 in Ontario, Canada. "The assembly will try to convince Peru to heed the court decisions," said Guerra. "Otherwise, there could be reprisals, ranging from trade sanctions and economic blockades to Peru's expulsion" from the organization, as provided in OAS regulations.

Chileans not the major issue

The impetus for President Alberto Fujimori's June 9 decision to withdraw from the IACHR was a ruling in favor of four Chileans sentenced by a military court to life in prison for terrorism. The IACHR called for a new trial in a civilian court for the Chileans. Fujimori said complying with the decision would force Peru to reform its Constitution and its anti-terrorism laws, which provide for a military trial for those accused of terrorism.

Peru used the IACHR ruling regarding the Chileans to justify its withdrawal from the court, saying the IACHR judges were "trying to free terrorists." But it only made its decision final when the court prepared to go ahead with two important and polemical cases. The first involves Israeli-born businessman Baruch Ivcher, who was stripped of his Peruvian nationality and had his television station confiscated by the government (see NotiSur, 1997-07-25).

The other involves the removal of three judges of Peru's Tribunal Constitucional who had ruled that the Constitution bars Fujimori from seeking another presidential term (see NotiSur, 1997-06-06). Fujimori reiterates rejection of court authority On Sept. 30, Fujimori said again Peru will maintain its status as a signatory of the San Jose Pact on Human Rights, but will not accept IACHR jurisdiction.

The president said the court "lacks the competence" to make any pronouncements about the legality of decisions by the Peruvian executive, which is sovereign. "The withdrawal of recognition...was a unilateral decision made freely by the Peruvian state, which does not recognize any interpretation or qualification, much less when it emanates from the jurisdictional organism from which Peru has withdrawn," said a Foreign Ministry communique. When the Inter-American Court "makes impositions on the Congress and tries to change the Constitution, Peru says that's as far as we will go," said Foreign Minister Fernando de Trazegnies.

IACHR issues another ruling

On Oct. 4, the IACHR issued another ruling regarding Peru, this time calling for the release of former Capt. Gustavo Adolfo Cesti Hurtado, convicted of fraud. Justice Minister Jorge Bustamante Romero had said earlier that Peru would only accept IACHR decisions in three cases that the court received before Peru withdrew its recognition.

One was the Cesti Hurtado case. But following the IACHR ruling, Prime Minister Victor Joy Way said the Consejo Supremo de Justicia Militar (CSJM) would have to decide whether to accept the Cesti decision. The case, presented to the IACHR in January 1998, charged that Cesti's rights were violated when he was tried in a military court for fraud in a private business, despite his retirement status. He was sentenced to four years, and he has spent two years in a military prison. The IACHR ordered Cesti's release and awarded him compensation for damages suffered during the time he was unlawfully imprisoned.

Government criticizes human rights organizations

Fujimori recently criticized international human rights organizations that call for new trials for convicted terrorists. He said he was surprised to learn that the UN Human Rights Committee had passed a resolution calling for a retrial in civilian court for Movimiento Revolucionario Tupac Amaru (MRTA) leader Victor Polay Campos, condemned to life in prison for terrorism. "I want to express my deep surprise at this decision," said the president. "What's going on? Are we or are we not fighting together against international terrorism?"

The president also said Peru has an "emphatic and forceful answer to the IACHR's call for a new trial for the four Chileans. "We respect the human rights of the terrorists and those are not just words," said Fujimori. "Even the most bloodthirsty leaders have been captured without a scratch. These are realities that individuals and human rights organizations should not hide."

On Oct. 13, the second vice president of the Peruvian Congress, Luis Delgado Aparicio, complained of a plot by some international nongovernmental organizations against the Peruvian government. Delgado, a member of the governing Cambio 90-Nueva Mayoria, also accused former US assistant secretary of state Elliot Abrams of heading an anti-Peru lobby. "I am investigating certain NGOs that have offices in Peru and that, to obtain donations, are willing to make a pact with the devil,"

said Delgado. He said these NGOs had been negatively influenced the IACHR and were concerned about terrorists but not about their victims. [Sources: Inter Press Service, 09/28/99; Associated Press, Clarin (Argentina), 09/29/99; Spanish news service EFE, 09/30/99; Notimex, 10/02/99, 10/04/99, 10/08/99; Spanish news service EFE, 10/01/99, 10/04/99, 10/05/99, 10/08/99, 10/13/99]

-- End --