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Chile's High Court Approves Extradition of Ex-Peruvian President Fujimori

by LADB Staff
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On Sept. 21, Chile's highest court ordered that former Peruvian President Alberto Fujimori (1990-2000) be returned to Peru to face human rights abuse and corruption charges. The ruling by Chile's Corte Suprema de Justicia (CSJ) reversed a prior decision by Federal Judge Orlando Alvarez, who denied Peru's request for Fujimori's extradition in July and claimed there was insufficient evidence against him (see NotiSur, 2007-07-27).

Fujimori handed over at border
Shortly after the CSJ's decision, Chilean authorities transported the 69-year-old Fujimori to the Peruvian border, where police from his home country took him into custody. Fujimori will now face several charges in Peru, although it will reportedly take months for prosecutors to ready their cases against him. Among the charges are two human rights accusations for sanctioning death squad killings, with 15 killed in Barrios Altos in 1991 and 10 killed in La Cantuta in 1992 (see NotiSur, 2005-11-18).

The BBC reports that there are also five corruption charges against Fujimori for allegedly embezzling US$15 million, making payoffs to members of Congress, and illegal wiretapping. Fujimori's former intelligence chief, Vladimiro Montesinos, has lost multiple trials for similar crimes and is incarcerated at the naval prison in El Callao (see NotiSur, 2004-01-30 and 2006-10-06). The two fell from power in 2000 after a video emerged showing Montesinos bribing an opposition legislator and other allegations cast a pall on the administration (see NotiSur, 2000-09-22).

CSJ justices agreed to extradite Fujimori on seven of 13 charges submitted by Peru, including abuse of public funds and murder. The court ruled extradition was warranted in cases that included the killings of 15 people at a downtown Lima barbecue in 1991 and the deaths and disappearance of nine university students and a professor at Lima's La Universidad Nacional de Educacion Enrique Guzman y Valle, know as La Cantuta, in 1992.

The ex-president would not try to contest the ruling, said Gabriel Zaliasnik, Fujimori's lawyer in Chile when the decision was announced. "He will immediately submit to the process and is awaiting the procedure to transfer him to Peru," Zaliasnik said in televised comments. "He's very calm and is disposed to face the Peruvian judiciary."

The move may yet bring protests by supporters of Fujimori, who remains popular among a significant segment of the working-class Peruvian electorate. But the street turnout during his return did even not reach the 1,000-person mark, according to press reports.

Fujimori could be sentenced within two months after the first of seven pending trials concludes, Justice Francisco Tavara of Peru's Corte Suprema de Justicia (CSJ) told Lima-based Radio...
Programas. The CSJ's division that handles criminal cases will conduct the trial, Fujimori's lawyer Cesar Nakazaki told reporters on Sept. 24.

**A historic milestone**

Chile's decision sets a precedent as the first extradition of a former Latin American leader from within the region and may have implications for others sought by their countries, including Ecuador's Abdala Bucaram (1996-1997) and Bolivia's Gonzalo Sanchez de Lozada (1993-1997, 2001-2003), said John Walsh, an analyst with the Washington Office on Latin America (WOLA), a Washington-based research group.

Chile ruled on the legal merits of the case, a departure from past cases where governments granted immunity to protect ex-leaders from extradition, Walsh said. "This is a historic milestone not only for Latin America but the world," said Monica Feria, a lawyer and member of the American Society of International Law in London. "It's the first time an ex-president will be extradited to answer for crimes against humanity." Feria, 41, was imprisoned during Fujimori's government on accusations of helping terrorism by producing a documentary about the insurgency.

Fujimori, in comments to Peru's Radio Programas, said he sees the extradition as an opportunity to return to Peru and demonstrate his innocence. "I'm convinced I'll be able to face this trial with the facts and come out unscathed," Fujimori said. "I'm going to prove I acted correctly."

Fujimori, the son of Japanese immigrants, fled to Japan in 2000 as his 10-year presidency collapsed. Japan recognized him as a citizen and denied Peru's requests to send him back. In 2005, Fujimori returned from exile, going to Chile and vowing to stage a political comeback ahead of presidential elections in Peru, where polls showed he was the nation's most popular politician (see NotiSur, 2005-10-14 and 2005-11-18).

Instead, he was arrested by Chilean police within hours of his arrival. Released on bail in May 2006, Fujimori was placed under house arrest in June, when Chilean prosecutors recommended the CSJ grant Peru's request to extradite him on more than 20 counts of corruption and human rights violations. Fujimori denied all the charges.

Judge Alvarez's decision angered and surprised the sector of the Peruvian public who wanted Fujimori tried. After the judge rejected the extradition, Lima newspaper La Republica reported a rumor on Aug. 30 that Chilean prosecutors were advising the Peruvian government to be ready for the CSJ to reject the extradition request. Lima's other major daily, El Comercio, also asked whether the process was not just a charade.

On Aug. 30, El Comercio quoted a radio interview with the chief of the extraditions unit of the government's anti-corruption prosecution office, Omar Chehade. Chehade assured listeners that there were higher, international bodies his office would appeal to if the CSJ rejected extradition, but he said the delay in the decision from the court was normal, since the justices needed to go through thousands of pages of documents.

But the rumors proved false, the CSJ ruled to extradite, and Fujimori was back in Peru on Sept. 22. Hundreds of supporters were waiting at a police base in Lima but his plane landed at a nearby
military air base. After landing, Fujimori was taken to a police detention center some 30 km outside the capital.

Fujimori's daughter Keiko, who leads his political movement in Peru's Congress, had called for his supporters to rally round and give him the reception a former head of state deserved. Political implications for President Alan Garcia "Fujimori's extradition to Peru could further complicate an already difficult political situation," said Michael Shifter, vice president for policy at the Inter-American Dialogue in Washington, DC.

Garcia's ruling coalition includes Fujimori's Alianza por el Futuro, which has 13 seats in the 120-member Congress. Garcia's Alianza Popular Revolucionaria Americana (APRA) has 36. Opposition leader Ollanta Humala of the Partido Nacionalista Peruano (PNP), who led a military rebellion against Fujimori in 2000, has already brought pressure on the coalition. On Sept. 25, Humala alleged that Garcia has made a deal with the Fujimoristas to get the ex-president declared innocent of the charges against him. Peruvian Prime Minister Jorge del Castillo said the government would not politicize the case and pledged that Fujimori would be given a fair trial and treated with dignity.

The country's judiciary will not face any political pressure, and the government will respect the court's rulings, Garcia said in a ceremony Sept. 24 at the presidential palace in Lima. "There will be no hatred or vengeance here," said Garcia, who spent nine years in self-exile in France during Fujimori's government. "Rather, there will be calm and objective compliance with the law and absolute independence of the branches of government."

Garcia said his legislative agenda would not be derailed by a dispute with the Alianza por el Futuro, even after it cut off "cordial relations" with Garcia to protest the pending trial of its honorary leader, Fujimori.

"Governability is assured in our country....I think the stability of our country is very solid," Garcia said on Sept. 25. "I don't believe the Fujimoristas in Congress will let one court case get in the way of what they say they have always supported new investments and the country's progress," he said, referring in part to the free trade agreement (FTA) now under consideration in the US Congress.

Fujimori's brother, Santiago Fujimori, a member of Congress, said his party would keep "supporting the country, but not the APRA government," as long as successful economic policies stayed in place. "Fujimori is always a hot potato," said Santiago Pedraglio, a political analyst in Peru. "I'm sure the government wouldn't have minded if he stayed in Japan, away from the media attention."

The irony of Fujimori's reversal of fortune was clear to all in Peru. During his administration, Fujimori threatened to pursue corruption charges against Garcia, whose disastrous 1985-1990 presidency opened the door for the election of an academic with no political portfolio. Garcia went into exile in the 1990s, only to stage an improbable comeback in the 2006 elections.

Even as Fujimori fled under suspicion of financial and human rights abuses, he retained a following in Peru for his economic and security successes, and his party is the country's fourth-largest. He cut
inflation from 7,650% in 1990 to 3.5% in 1999, according to Peru's Instituto Nacional de Estadistica e Informatica (INEI), by eliminating subsidies and price controls, floating the currency, and selling off hundreds of money-losing state companies in the early 1990s. He also largely put an end to the Sendero Luminoso insurgency, a Maoist guerrilla group that controlled much of the countryside when he became president and was moving its campaign of car bombs and assassinations into Lima.

Sendero, which began its armed insurgency in 1980 with the aim of transforming the political system in Peru into a communist proletarian regime, left about 69,000 people dead, according to a government commission (see NotiSur, 2003-09-12). "I governed Peru for 10 years, through one of its worst periods, and solved most of the problems the country faced such as terrorism and hyperinflation," Fujimori said.

However, the ex-president acknowledged that "some crass errors" had been made by his administration. "Fujimori thought that in a war everything was permissible, but under international law, even in war, even in an extreme emergency, there is a law, and torture is not legal," Feria said.

Fujimori loses congressional campaign in Japan
Fujimori's political instincts appear to have failed him three times now: once when he thought he could make a triumphant return from Japan to Peru, once when he thought he could avoid prosecution, and again in July when he thought he might win a seat in Japan's Congress, apparently in a bid to win some immunity as a sitting foreign legislator.

In a July 29 election in Japan, Fujimori received a mere 51,411 votes in his bid to win a seat in Japan's upper house, campaigning while under house arrest in Chile. Japanese election laws allowed his candidacy, even while he remained detained overseas.

The People's New Party, which sponsored his bid, said that the number of votes fell short of the ballots needed to win a seat in the House of Councilors. Japan's ruling Liberal Democratic Party lost control of the upper house in the election. Many Japanese know him for ordering the military raid that freed 72 hostages held by Movimiento Revolucionario Tupac Amaru (MRTA) guerrillas at the Japanese ambassador's residence in Lima for four months in 1997 (see NotiSur, 1997-02-21 and 1997-04-25)."

Spokesperson Carlos Raffo said Fujimori accepted the defeat, while insisting that his followers "had been enthusiastic about the idea of him being a senator in Japan."

Critics in Peru suspected he hoped a victory in Japan would allow him to avoid trial in Peru if Santiago decided to extradite him. But Peru's Foreign Minister Jose Garcia Belaunde said he was not surprised at Fujimori's failure to get elected. "It was another error for the former leader," he said. "I could not conduct an election campaign, and it turned out to have a regrettable result," the Japanese press agency Kyodo News quoted Fujimori as saying telling reporters in Chile.

"My feelings toward Japan will not change even though I lost in the election. It was a good experience." During the campaign he cast himself as "The Last Samurai," running under the banner
of a small, conservative opposition party. The People's New Party won just two out of the 121 seats up for grabs.

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