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Investigation of Forced Sterilizations in Peru

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The decision of the criminal prosecutor's office in Lima to reopen investigations of forced sterilizations was hailed by women victims of the practice, carried out during the administration of ex-President Alberto Fujimori (1990-2000), who now see the possibility of justice being done after 15 years of struggle (NotiSur, Feb. 26, 2010).

"As part of the commemoration of the International Day for the Elimination of Violence against Women, we hail the decision of the Primera Fiscalía Penal Supraprovincial de Lima to officially open investigations into the forced sterilizations. It is a case in which ex-President Alberto Fujimori was involved along with all those responsible for committing the crime against humanity that violated our rights and those of the 300,000 women sterilized against our will and that has affected our lives, our homes," the Asociación de Mujeres Afectadas por las Esterilizaciones Forzadas-Cusco (AMAEFC) said in a letter to President Ollanta Humala dated Nov. 25.

The Primera Fiscalía Penal Supraprovincial de Lima headed by Dr. Edith Chamorro has 53 pieces of evidence based on 1,700 pages of memoranda and official letters, as well as reports from government ministers addressed to Fujimori informing him about the sterilization "quotas" that were fulfilled, and other evidence confirming that what was happening was a state policy. That policy was directed by a person who is now appealing for a pardon (NotiSur, Oct. 19, 2012), which should not be granted because he has primary responsibility in this case, said AMAEFC in its letter to President Humala. AMAEFC submitted this evidence, which contributes to the investigation, to the Fiscalía in May of this year.

Also on Nov. 25, at another ceremony for the International Day for the Elimination of Violence against Women, President Humala said that he supported the investigations. "We believe that we are a country that abides by international law, and if investigations have to be made regarding forced sterilizations, they must be done within the framework of justice. We cannot allow this type of violence against women to go unpunished," said Humala.

Fujimori bears primary responsibility

The case file, which contains more than 2,073 names and victims' testimonies, had been in an office of the provincial prosecutor for human rights crimes (Fiscalía Provincial de Delitos contra los Derechos Humanos) for almost seven years until the Fiscalía decided to close the case two and one-half years ago, saying that it dealt with ordinary criminal offenses for which the statute of limitations had expired. The decision was upheld by the Fiscalía Superior de Derechos Humanos.

In October 2011, the Inter-American Commission on Human Rights (IACHR) called on the Peruvian government to reopen the investigation because of the large number of women affected and because one of them, María Mamérita Mestanza, died at age 33 from complications from a sterilization procedure (NotiSur, Nov. 18, 2011). The procedure was one of many carried out by local health authorities between 1996 and 2000. In November 2011, the Fiscalía de la Nación said it was willing to reopen the investigation.

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Preliminary inquiries, under Prosecutor Fanny Escajadillo, have focused on former health ministers Alejandro Águinaga and Marino Costa Bauer as well as eight high-ranking officials in the Ministerio de Salud involved in carrying out this program that affected primarily women in the Andean highlands. Escajadillo ordered the resumption of preliminary investigations for the crimes of kidnapping, coercion, and serious injuries, in some cases followed by death. The Defensoría del Pueblo verified 18 deaths resulting from forced sterilization.

In a press conference on Dec. 7, victims of the forced-sterilization policy demanded a thorough investigation and punishment for those responsible. Carlos Rivera of the Instituto de Defensa Legal (IDEELE), which is representing the victims, criticized the Fiscalía for not opening an investigation of Fujimori for forced sterilization, since the former dictator was the driving force for the policy.

"The Fiscalía did not even mention [Fujimori's] name in the document opening the investigation. Fujimori played a leading role because he was the proponent of the institutional policy of sterilization in which his ministers were involved," Rivera told the daily La Primera. He said that sufficient evidence exists for the Fiscalía to issue a supplemental resolution to investigate Fujimori, including his own statements about population policies and the various letters about the issue sent by his ministers.

"[Fujimori] was aware. He encouraged a policy to lower the birth rate; he spoke about it here and abroad. It is impossible that, as president, he did not know what was being done to the Andean women. Not only are there letters and information that was shared among those in the Cabinet but also denunciations in the press," Rivera said.

During the press conference, Andean lawmaker Hilaria Supa Huamán said that, at an event in Beijing, China, Fujimori said that his method for reducing poverty would be through an aggressive family-planning policy. "It was a state policy, a government policy. He said that he was going to completely eradicate poverty through family planning, but he nevertheless violated the women's rights, deceiving them and ruining their lives," she said.

Victims Carmen Mayhua, Irene Chalco, Estela Laime, and Sabina Huillca tearfully told how they were tricked into submitting to tubal ligations and were then left on their own after the operation. They also rejected the accusation from Fujimorista Deputy Luz Salgado that they had been bought off to sully the Fujimori government.

Alberto Fujimori is the principal person responsible for "our being sterilized against our will when we were barely 20, 25, or 30 years old, and that is why he cannot be given the pardon his family has asked for," said Mayhua, vice president of AMAEFC.

"We ask all citizens to be aware. The ones who are crying are our sisters, mothers, seeking justice. [We ask] that this not go unpunished, that it be investigated and that those responsible be tried. It is the state policy of that government that is responsible, that has to be investigated," said Deputy Supa Huamán on the Ideeleradio program No Hay Derecho.

The Fiscalía Provincial Supraprovincial de Lima must now gather information from Juancavelica, Piura (Huancabamba), Cusco (Anta, Espinar, Chumbivilcas), Ayacucho, Junín, Cajamarca, and other departments where the practice of forced sterilization was carried out, and it will have to be investigated as a crime against humanity. Once the investigation is completed, the Ministerio Público will determine whether grounds exist for initiating criminal proceedings.