4-26-2013

Pardons Again on Political Agenda in Peru

Elsa Chanduvà JaÅ±a

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

Recommended Citation

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.
Pardons Again on Political Agenda in Peru

by Elsa Chanduví Jaña
Category/Department: Peru
Published: 2013-04-26

In April, the hot topic in media news coverage was pardons, and the issue was firmly on the country's political agenda as well. A possible humanitarian pardon for convicted ex-President Alberto Fujimori was receiving extensive news coverage as were allegations that former President Alan García (1985-1990, 2006-2011) pardoned convicted drug traffickers.

On April 4, the national press reported that the presidential-pardons committee (Comisión de Gracias Presidenciales) had determined that the Fujimori family's October 2012 request for a humanitarian pardon was without merit (NotiSur, Oct. 19, 2012). The media said the committee based its decision on the report of the medical team that evaluated Fujimori and found that he had "cancer and recurrent dysplasias of the tongue and mouth, which had been surgically removed, with no present evidence of illness."

The next day, however, spokespersons for the Ministerio de Justicia clarified to the press that the committee had not yet finished the final report on whether to recommend a pardon. In April 2009, Fujimori was sentenced to 25 years in prison for having command responsibility for premeditated capital murder, assault, and aggravated kidnapping, the first two considered crimes against humanity under international criminal law (NotiSur, May 1, 2009).

When it learned of the medical team's report, the Fujimorista bloc in Congress initiated actions to pressure President Ollanta Humala, showing their political strength with a series of summons and questioning members of Humala's Cabinet. The last was Prime Minister Juan Jiménez, questioned on April 12 about citizen security.

Fujimori's children, meanwhile, made offensive and outrageous comments against the president, demanding that he make a decision now.

"President Ollanta Humala, you said that you would decide on the pardon. It would be cruel and cowardly to wash your hands [of the matter] while in China. Whether you are humane or a tyrant, say it yourself in Peru," wrote Fujimori's son Deputy Kenji Fujimori on his Twitter account on April 5. His sister Keiko, a former presidential candidate (NotiCen, April 29, 2011), had said days earlier that Humala suffers from a "lack of leadership and decisiveness" and that her father "is a hostage today of his former political enemies."

In an open letter, Keiko Fujimori thanked former President García, former defensora del pueblo Beatriz Merino, Juan Luis Cardinal Cipriani, and others joining in the pressure for a pardon. Cipriani called those who oppose a pardon for Fujimori "stupid" and asked for compassion for the ex-president, saying he would be judged "at the Last Judgment."

Opponents say Fujimori pardon is unwarranted
Deputy Verónica Mendoza responded to Fujimori's daughter, saying that the former president "is not anyone's hostage, he is in prison for the crimes that he committed. The request for a pardon..."
lacks merit because the medical team has indicated that he is not terminally ill, and, in addition, someone convicted of crimes against humanity does not deserve a presidential pardon."

Mario Huamán, secretary-general of the Confederación General de Trabajadores del Perú (CGTP), told the daily La Primera, "The president must be told that he must immediately deny the pardon for Fujimori because there is no reason to pardon him. He has no illness, no cancer, nothing." He added that to pardon him "would really be an attack on human rights and justice."

In China, where Humala had gone on April 3 on an official visit, an international reporter questioned him about the pardon, and he replied emphatically, "Everyone has spoken out demanding it. They say that it must be given soon, etc. The only one who has kept silent is the president." Humala added that he would announce his decision when the time was right, that "it is neither the press nor the politicians who decide. The one who decides is the president."

A week later, back in Lima, Humala repeated that he would not be pressured in any way and said that, when he receives the documentation on the request for a pardon, he will make the decision when he sees fit.

Rocio Silva Santisteban, executive secretary of the Coordinadora Nacional de Derechos Humanos (CNDDHH), told the press that she finds the president's statements positive because he must decide without any pressure or political motivation. Silva Santisteban said that the CNDDHH considers a pardon inappropriate because Fujimori does not have active cancer or any other terminal illness and because the conditions where he is being held are not detrimental to his health.

Despite President Humala's statements to the press, Fujimori's lawyer César Nakazaki said in a television interview that the accelerated deterioration of his client's health "demands that an answer be given on the humanitarian pardon. We don't want them to send him home just to die." It seems the pressure on Humala is going to continue.

**Pardons scandal**

On March 31, the television program Cuarto Poder reported that a legislative megacommission investigating alleged corruption during ex-President García's second term found evidence that the former head of state gave pardons to and commuted the sentences of drug traffickers. García granted 5,500 pardons to persons convicted of grand larceny and drug trafficking. Of the 104 humanitarian pardons, 64% were given to persons convicted of drug trafficking and 61% of those whose sentences were commuted were drug traffickers.

García said in a press conference that his conscience was clear and that "no pardon was given in any case of cocaine trafficking because it is prohibited, and even if it were not, I would not have done so." He added, "If the presidential-pardons committee had proposed granting a pardon to a major drug trafficker, I would not have done it. ... Ordinary people, poorer and excluded, if they deserve it, I have compassion and understanding for them."

However, megacommission president Sergio Tejada said, "We have identified cases in which the sentences were commuted for entire gangs, or for persons who were cocaine producers, not just mules, as has been said."

"I understand that six people who were given humanitarian pardons are back in prison because they returned to committing crimes. This is worrisome because just imagine what kind of persons..."
have been pardoned or had sentences commuted," said Prime Minister Jiménez, who added that the previous administration's pardons bolstered criminality."

The scandal grew when it became known that Manuel Huamán Montenegro, a card-carrying member of García's Alianza Popular Revolucionaria Americana (APRA) and a lawyer for Los Norteños cartel who was sentenced to eight years for drug trafficking, worked on García's presidential-pardon commission, then headed by Aprista Miguel Facundo Chinguel. Both were cited by the megacommission reviewing alleged corruption during the Aprista government.

The "narcopardons" scandal grows by the day. A television program broadcast an audio recording of a person jailed for drug trafficking who said that, during the second García administration, the pardons commission would reduce a sentence by one year for a US$10,000 bribe.

Anti-corruption prosecutor Julio Arbizu said evidence indicates that, during the García administration, a parallel organization existed that commuted sentences in exchange for thousands of soles. On April 18, Arbizu presented two cases of payments allegedly in exchange for commuted sentences in 2009.

Everything points to a broadening narcopardons investigation. If it is proved that García violated the Constitution by granting "irregular" pardons and sentence commutations to drug traffickers, he could be barred from holding public office for 10 years. García claims that this is all an offensive by the executive to discredit him politically and prevent him from running in the 2016 presidential elections so as to leave the way clear for a "re-election of the presidential couple" (alluding to the rumored candidacy of first lady Nadine Heredia).

-- End --