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Human Rights Subcommittee Disbanded After Fujimorista Appointed to Head Group

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The controversial appointment of a fujimorista deputy—who vowed to investigate alleged irregularities in Peru’s truth and reconciliation commission—as head of a congressional human rights subcommittee was ratified Nov. 11, days after it appeared that a previous vote in her favor had been overturned. But the subcommittee was later disbanded in what was considered a victory for human rights.

Following a public outcry when Deputy Martha Chávez was first elected, the Oficialía Mayor del Congreso had said that the appointment of Chávez, a hard-liner under President Alberto Fujimori (1990-2000), as head of the Grupo de Trabajo de Evaluación de la Política de Derechos Humanos (DDHH) was invalid because the subcommittee lacked a four-member quorum when voting on Oct. 31. His ruling, based on a membership of six, was sent to the president of the congressional Comisión de Justicia on Nov. 7.

However, when the subcommittee met again Nov. 11, members said it only had five members. The subcommittee’s three fujimorista deputies—Pedro Spadaro, Julio Rosas, and Chávez—voted to appoint Chávez. Mauricio Mulder of the APRA party abstained, and Heriberto Benítez did not attend. Just before she entered the meeting room before the second vote, Chávez told reporters that the investigation of alleged irregularities in the truth and reconciliation commission (Comisión de la Verdad y Reconciliación, CVR) had already begun.

Earlier, when it first appeared that Chávez would not keep the position, Benítez had told Canal N, "All Peru can rest assured that Martha Chávez won’t be the DDHH coordinator." He called for calmness pending a new selection process.

Chávez was a party leader under Fujimori, who was condemned in 2009 to 25 years of prison for crimes against humanity (NotiSur, May 1, 2009). Her appointment at the end of October sparked indignation from relatives of Fujimori’s victims and human rights organizations, as well as civil and citizen groups.

Students, human rights activists, and unionists on Nov. 5 staged a demonstration in the downtown Plaza San Martín demanding the fujimorista’s appointment be annulled. That same day the Comisión de Justicia—with a majority and the support of APRA deputies—rejected a petition by Benítez of Solidaridad Nacional that the subcommittee be disbanded.

Although Chávez’s appointment was ratified, on Nov. 6 the commission asked the Oficialía Mayor del Congreso to rule on its validity considering only three of six subcommittee members participated in the vote.

Benitez himself had voted for Chávez but called for the subcommittee to be disbanded after Chávez launched a series of scurrilous verbal attacks against human rights organizations and vowed to
investigate all CVR expenditures. Benitez said Chávez’s statements "totally distorted the objectives of the working group."

Salomón Lerner Febres, former CVR president, said Chávez’s criticism of the CVR was unfounded. "Resources assigned to us over a two-year period were used to scour the country in search of the dead that Mrs. Chávez said didn’t exist," Lerner Febres told the press.

Many complaints were raised that the Comisión de Justicia and the legislature as a whole were not fulfilling their commitment to protect human rights. Responding to the complaints, on Nov. 12 the Comisión de Justicia disbanded the DDHH and said that the full committee would deal with human rights issues.

**Outrage at Chávez appointment**

The DDHH had been charged with monitoring the government’s response to complaints and lawsuits filed before international courts and implementing policies for the protection of human rights of Peruvians abroad. It also was to monitor and evaluate the findings of the CVR regarding the internal armed violence that took place in Peru between 1980 and 2000 (NotiSur, Aug. 26, 2011).

Chávez’s election to head the DDHH, with three of the six members voting, was "an affront to all the victims whose rights have been violated since 1980," analyst López Sinesio told the newspaper La Primera.

Raida Cóndor Sáez, mother of Armando Amaro Cóndor, one of the nine students who were disappeared along with their professor in 1992 in a case known as La Cantuta massacre (NotiSur, Nov. 10, 1992), wrote a letter asking Congress "to retract and rectify its error for the good of the country."

"Mrs. Chávez has a shameful history of guaranteeing impunity by putting forth the absurd thesis that Bertila Lozano, Dora Oyague, Enrique Ortiz, Armando Amaro, Heráclides Paul, Robert Theodore, Felipe Flores, Juan Mariños, Marcelino Rosales, and Hugo Muñoz, the Cantuta students and their professor, had staged their own kidnapping. In February 1994, the ‘Cantuta Law’ was enacted to allow the case to go before a military court (NotiSur, Feb. 11, 1994), and, in June 1995, an amnesty law allowed all responsible soldiers to go free," Cóndor wrote.

"With the complicity of the Alberto Fujimori government, parliamentarians like Martha Chávez have made it their business to tarnish the memory of our relatives, trying to justify their deaths by accusing them of belonging to subversive organizations. But on April 7, 2009, the Sala Penal Especial of the Corte Suprema headed by Dr. César San Martín sentenced Alberto Fujimori to 25 years in prison for his role in the commission of the crimes of aggravated homicide and murder, calling their actions crimes against humanity. The sentence also stated that the nine students and a professor from La Cantuta [Universidad Nacional de Educación Enrique Guzmán y Valle, better known as La Cantuta] were not terrorists," Cóndor said.

Gisela Ortiz, sister of another La Cantuta victim, said, "It doesn't make sense for Chávez to head a team assessing human rights policy when she has called for Peru to resign from organizations such as the Inter-American Court of Human Rights (IACHR). Chavez and fujimorismo want the state to drop out of the IACHR because of the country’s commitments not to pardon nor provide benefits to the former president, now a prisoner at DIROES (Dirección Nacional de Operaciones Especiales de la Policía Nacional)," Ortiz said in a statement to the press.

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Judge rejects Fujimori’s request for house arrest

On Oct. 29, Judge Segundo Morales Parraguez ruled there was no basis for Fujimori’s request to complete his 25-year sentence under house arrest instead of inside the DIROES facility. The judge based his decision on the fact that, while Peruvian law permits house arrest for people under judicial process, it does not make the same accommodation after conviction. He said he treated this case the same as he would for any citizen. Even if Peruvian law had allowed convicts to serve sentences under house arrest, it wouldn’t offer that possibility to those convicted of serious crimes such as crimes against humanity, which Fujimori was convicted of, nor would it pardon or reduce sentences in such cases.

Last June, following the recommendation of the presidential-pardons committee (Comisión de Gracias Presidenciales of the Ministerio de Justicia), President Ollanta Humala ruled that Fujimori did not have a terminal illness and refused to grant the former president the humanitarian pardon (NotiSur, April 26, 2013) his children had requested the previous October (NotiSur, Oct. 19, 2012).

Corruption trial continues

A second hearing in a new corruption trial was held at DIROES Oct. 28 in which the prosecution called for eight years in prison and US$1 million (2.8 million soles) in civil damages against Fujimori for allegedly diverting 122 million soles (US$43 million) from armed forces funds to pay several tabloids for political attacks on his rivals in the 2000 campaign.

It is not the first time that Fujimori has faced trial for payments to the media. In 2009, he was sentenced to six years in prison and ordered to pay more than 24 million soles (US$8 million) for civil damages to compensate for buying editorial support on Cable Canal de Noticias and in the newspaper Expreso.

To date Fujimori has not paid any of the 27 million soles (US$9.6 million) in civil damages he owes the state. On the contrary, defense lawyer William Davila Paco Castillo has argued that the government should pay the former president a pension equivalent to a deputy's monthly income.