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Although the last attempt to defend the former Peruvian dictator Alberto Fujimori Fujimori (1990-2000) by annulling his prison sentence for human rights violations didn’t succeed, some fear that if his daughter Keiko Fujimori Higuchi is elected president on the June 5 runoff, the prisoner would be freed (NotiSur, Oct. 19, 2012, April 26, 2013, and April 22, 2016).

Fujimori Fujimori was sentenced to 25 years in prison in 2009 in the Special Penal Room of the Supreme Court of Justice, then presided by Chief Justice César San Martín Castro, for killings in Barrios Altos in 1991 (15 residents of this low-income neighborhood near Lima) and in Cantuta in 1992 (a teacher and nine students), and for the kidnappings of journalist Gustavo Gorriti and businessman Samuel Dyer following Fujimori’s April 5, 1992, coup. At present, Fujimori could be freed no sooner than Feb. 10, 2032 (NotiSur, June 11, 1991, Sept. 7, 2001, and May 1, 2009).

In April, Fujimori Fujimori’s lawyer, William Paco Castillo, filed a writ of habeas corpus with the Constitutional Tribunal, asking for the sentence be annulled because Fujimori had not been given due process. Paco Castillo asked for a new trial and for the former leader to be set free since the period for detention had been exceeded. The lawyer argued that Chile had allowed Fujimori’s extradition in 2007 so he could be tried in Peru only for crimes of homicide, aggravated assault, and kidnapping, and that Fujimori was then found guilty of crimes against humanity, a conviction that prevents him from being granted a humanitarian pardon, home arrest, and other privileges (NotiSur, July 27, 2007, Oct. 5, 2007, and Jan. 11, 2008). The lawyer also maintained that Justice San Martín had not been impartial because he had exchanged e-mails with foreign jurists, asking them about the sentence. He said they could have influenced his decision.

On two previous opportunities in 2014 and 2015, the judiciary declared the habeas corpus petition unfounded. This is why the case was taken to the Constitutional Tribunal. On May 3, that court ruled, 6-1, that the appeal filed by the former dictator’s defense was unfounded. In that ruling, published May 10, the Constitutional Tribunal concluded that the Supreme Court had established that Fujimori Fujimori had been convicted of the crimes of homicide, serious injury, and aggravated kidnapping, the specific crimes authorized in his extradition. The ruling also stresses that the use of the term “crimes against humanity” in the verdict is only declaratory, since it is used as a preexisting qualifier in international law. Regarding Justice San Martín’s alleged infringement of the principle of impartiality, they noted that the e-mails were considered illegal evidence in the prosecution’s criminal investigation.

Former anti-corruption prosecutor Julio Arbizu said that because the third habeas corpus filed by Fujimori’s defense had been declared unfounded, further national appeals for a review have been exhausted. “They have no possibility; they could appeal to the international organ [the Inter-American Court of Human Rights], which they have always despised, but the appeal will be declared unfounded there also, since there hasn’t been a breach in the process,” Arbizu told the daily Uno.
Danger persists

“The ultimate goal of Fujimorism continues to be the release of Alberto F. and this is what keeps the movement together… There is one goal: his freedom, which is the condition that again drives the movement that bears his name,” historian Nelson Manrique wrote in a column published in the daily La República.

Statements made by re-elected Fujimorist Congresswoman Cecilia Chacón, who argued that Fujimori “must leave [prison] by the big door,” added fuel to the fire.

Fujimori Higuchi has said that she would not push for her father’s release from prison through political means. She said they would continue to fight legally and constitutionally as they have been doing.

Pedro Pablo Kuczynski of the Peruanos por el Kambio party, Fujimori Higuchi’s opponent in the runoff election, has told the press that if he is elected president, he would sign a law that would allow Fujimori to complete his sentence at home, just as he would for others his age (77 years) or seriously ill.

Later, Martín Vizcarra, candidate for first vice president with Peruanos por el Kambio, “clarified” Kuczynski’s statement: “We have not proposed house arrest. We are clear in the Alberto Fujimori case. We will not give clemency; the question is clear. If Congress passes a law allowing older people with health problems to serve their sentence at home, there would be no problem, as long as the law doesn’t have a proper name,” he told the press.

Sociologist and political analyst Julio Cotler told the La Mula platform that if Fujimori Higuchi were to win the presidential elections, she would have to compete with her father for the leadership of the Fuerza Popular party (FP). Fujimori Fujimori’s freedom “is a dilemma. If Keiko does not free him, she is a bad daughter; if she does, she’s a bad political leader, because obviously if she allows her father to leave prison, it will be Alberto Fujimori and his tough inner circle that displace her. It is a dilemma that is not easy to solve.”

Gorriti, now director of IDL-Reporteros, told Ideeleradio, “If she becomes president, her father will not remain in prison. They will figure how they are going to accomplish that—there are many ways. He is not going to stay in prison. Of that, I’m absolutely sure.” It’s possible, he added, that the release would be authorized by Congress, where the FP has an absolute majority with 73 representatives.

IDL lawyer Carlos Rivera shares the opinion. He said that a government led by Fujimori Higuchi—who according to polls taken in the second week in May was in a technical tie with her rival Kuczynski—could make legislative changes to get the former dictator out of prison.

“I have the firm conviction that they will pardon him. That is one of the first things that will happen. This is a central theme,” Rivera told Uno, adding that it is worrisome that Fujimori Higuchi refers to the crimes her father committed as “errors.” He believes that Fujimorism continues to be what it was in the ’90s.

Following the Constitutional Tribunal’s resolution, Paco Castillo, Fujimori Fujimori’s lawyer, told El Comercio, “We never thought we’d suffer such a resounding loss,” and he made clear that they would look into the possibility of appealing the sentence before an international court other than
the Inter-American Court of Human Rights “because there are people there who are against Former President Fujimori.” Paco Castillo said they are considering the possibility of going to the European Court of Human Rights.

Many analysts think that Fujimorists would try to entrench themselves in power if they win the June 5 elections. Thus, it is no surprise that the prisoner’s son—the recently re-elected legislator Kenji Fujimori, who received more votes than anyone in Congress—tweeted that were his sister to lose the elections, he would run for president in 2021. Fujimori Higuchi said immediately, “In 2021, there won’t be a candidate with the Fujimori name.”

The situation poses a risk to democracy, the former anti-corruption prosecutor Avelino Guillén told the daily Uno, “because in the case that Mrs. Keiko Fujimori wins, there is no assurance that she will leave in 2021.” He also warned that a Fujimorist government would rule with permanent psychosocial threats based on an alleged resurgence of terrorism. “They need the subversive threat to be alive and well, because it is the niche they need to grow electorally. Authoritarianism needs a permanent state of emergency,” he said.

In this context, the “Keiko No Va” (Keiko won’t go) collective—made up of the human rights organization Coordinadora Nacional de Derechos Humanos, the workers’ group Confederación General de Trabajadores del Perú, the anti-impunity group Coordinadora contra la Impunidad, various student groups for different universities, and other social organizations—has called for a second great national protest march to take place May 31. (Some 50,000 participated in first demonstration five days before the April 10 primary elections.) The collective has called for all former presidential candidates and political party leaders to join forces against Fujimorism and to vote for Pedro Pablo Kuczynski.

“The fight against Fujimori’s return is broad. It is not only a leftist struggle but one of all who defend democracy and who want to see democracy continue in the next five years,” Gonzalo Córdova, coordinator of the Keiko No Va collective, told Uno.

“What we’re asking for is that the citizens, via the ballot boxes, block Fujimori’s advance because her arrival to the Palacio de Gobierno (Government Palace) doesn’t only mean authoritarianism and a return to the evils of the ‘90s, but the establishment of a narco-state with the consequences that this brings,” Keiko No Va spokesman Gabriel Salazar told Uno.

Money-laundering allegations

Salazar made reference to recent reports that the US Drug Enforcement Administration (DEA) is investigating the FP secretary general, Congressman Joaquín Ramírez, for money laundering. A report by the Univision network and the Sunday television program Cuarto Poder told of an audio recording of a former DEA informant, Jesús F. Vásquez, who said that Ramírez confessed that Keiko Fujimori had given him US$15 million to launder via different properties belonging to her to support her in her 2011 campaign.

Although initially Ramírez said that this accusation was meant to hurt Fujimori’s candidacy and that the questions about her character are based on prejudice because she is “a mixed-race person with money,” on May 18, he wrote a letter to Fujimori Higuchi in which he requested a leave during the investigations in order not to damage her presidential campaign. The candidate said Ramírez’s decision was a gesture of selflessness and thanked him for it.
Congresswoman Rosa Mavila, president of the parliamentary commission that investigates the influence drug traffickers have on political parties, told the press that Ramírez had already been under investigation in Peru in 2014 for money laundering allegations.

“Beyond the DEA accusations, when I hear Mrs. Keiko Fujimori say that all of her candidates have passed background checks, I’m very surprised… It doesn’t seem likely, speaking respectfully, that the lady was absolutely unaware of the ties Mr. Joaquín Ramírez had with alleged acts of money laundering,” Mavila said.

On May 20, press reports indicated that Prosecutor Germán Juárez Atoche had opened a preliminary money laundering investigation against Fujimori Higuchi and her husband, Mark Vito Vitanella, a US citizen. In her case, the investigation has to do with approximately 170,000 soles (more than US$51,000) for the presidential campaign raised during cocktail receptions. The donors are not identified. Vitanella is being investigated for the purchase of two industrial lots south of Lima valued at more than 600,000 soles (more than US$180,000). While Ramírez is protected by parliamentary immunity, the prosecutor in charge of money laundering cases (Primera Fiscalía de Lavado de Activos) has launched an investigation on his family.

According to the Ipsos Apoyo poll, as reported on May 22 by the TV program Cuarto Poder, Fujimori Higuchi has moved ahead of Kuczynski, with 46.1% of the votes to Kuczynski’s 41.6%—no longer the technical tie that had been reported on May 13, when the candidates were at 44.1% and 43.8%, respectively. Blank or null votes remained at 12%. Both candidates are appealing to the undecided voters that could make up that 12%. In view of that, the Keiko No Va collective’s new motto is, “No to blank or null (votes). No to the narco-state.”

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