

Fujimori's historical verdict: a victory for the Peruvian system of justice

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The former Peruvian President Alberto Fujimori was Tuesday 7th April sentenced to 25-year of imprisonment for gross human rights violations. The verdict marks the end of a 15-month long judicial process about the events taking place in *La Cantuta–Barrios Alto* and *Sótanos SIE*.

The first case is about the disappearance or killings of 25 people, including an 8 year old child in November 1991 and July 1992, committed by the paramilitary *Colina* group. The other case involves several incidents of illegal arrest, kidnapping and torture at the headquarters of the Army's Intelligence Service. These cases were dealt with in as one single process since they are both about human rights violations. According to the prosecuting authorities Fujimori was directly responsible for these atrocities. The charge refers to the national security policy that allowed the creation of paramilitary groups in order "to eradicate" guerilla members. The argument was that Fujimori knew about the existence of the *Colina* group, endorsed its methods and showed little or no willingness to stop the group in spite of having the powers to do so.

In the beginning there was no concrete evidence, documents or testimonies that could confirm that Fujimori ordered the events in *La Cantuta*, *Barrios Altos* and *SIE*. This changed after January 2008, when several members of *Colina* group were interrogated by the court.

Through these inquiries the prosecutor's claim was strengthened: The atrocities were reported to Fujimori who had full knowledge of them, counting with his approval. Fujimori's defense argued on their side that the Colina group was created by the army in secrecy, and that the president neither knew of nor accepted their actions. He could not stop what he did not know of, they argued.

The process and the sentence over Fujimori has great legal significance as it is the first time in history that a former state leader is extradited to his country of origin in order to be prosecuted for human rights violations. In the decision, the Court establishes that the crimes that Fujimori was sentenced for constitute crimes against humanity. The judges have found sufficient evidence for the existence of a security policy that allowed systematic violations of human rights. Fujimori was convicted as the main responsible for the crimes committed within the framework of this policy.

The Special Court of Peru's Supreme Court is now praised from all over the world for the way in which the case was conducted. In a process with so many political aspects great efforts were made to respect and guarantee the rule of law and the right to due process. In many ways this has been a test for the Peruvian system of justice. The Court led by judge César San Martín managed in every way to ensure a clean and open process.

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More information in English:

http://news.bbc.co.uk/1/1/ukfs_news/hi/newsid_7980000/newsid_7986900/7986951.stm

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<http://www.guardian.co.uk/world/2009/apr/07/alberto-fujimori-peru>

<http://ictj.org/en/news/press/release/2480.html>

<http://www.amnesty.org/en/news-and-updates/news/perus-ex-president-convicted-landmark-case-20090407>

More information in Spanish:

Nota de prensa del Poder Judicial del Perú – Abril 07 2009:

http://www.pj.gob.pe/CorteSuprema/spe/index.asp?opcion=detalle_noticia&codigo=10413

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http://www.pj.gob.pe/CorteSuprema/spe/index.asp?codigo=10409&opcion=detalle_noticia

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<http://www.larepublica.pe/sentencia-fujimori/07/04/2009/fujimori-es-sentenciado-25-anos-de-prision-por-delitos-contra-los-ddhh>

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<http://www.elcomercio.com.pe/noticia/270209/ultimo-minuto-fujimori-recibe-maxima-pena-violar-derechos-humanos-seguira-preso-hasta-anos-edad>

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Due Process of Law Foundation:

<http://www.dplf.org/uploads/1239299860.pdf>

International Centre for Transitional Justice:

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