THE ROLE OF NGOs IN STRENGTHENING THE GOVERNANCE ENVIRONMENT IN PERU: THE CASE OF FUJIMORI

In today’s world, how a State is perceived by the international community really matters. The work of non-governmental organizations (hereinafter also NGO’s), national and international, coupled with pressure from civil society and the press, can affect the positions that governments take and result in changes that address citizens’ grievances and complaints. A reflection on the Latin American democratic systems can not ignore the increasing presence of NGOs as important players voicing the rights of citizens.1

NGOs working in the promotion and defense of human rights provide early warning mechanisms in cases of human rights violations, corruption or abuse by state officials; they bring to the light these acts in many cases leading to investigations or prosecutions. Human rights NGOs whose main objective is to promote and demand public services and structures, public policies and legal frameworks that ensure the effective protection and enjoyment of human rights for all, also promote transparency and accountability and enhance citizen participation.

Over the years, the Peruvian NGOs that are dedicated to the defense and promotion of human rights have reported numerous cases of human rights violations. They have also acted as interlocutors for civil society against the government, not only criticizing and denouncing acts of corruption, abuses and excesses, but proposing alternatives to the enormous problems and challenges in the country thereby encouraging the adoption of reforms to promote human rights and democracy.

The work of the National Human Rights Coordinating Committee (CNDDHH) should be mentioned. The CNDDHH is a group of NGOs working in defense, promotion and human rights education throughout the country. Founded in the mid-80s, it is an experiment almost unique in its kind in the world. Currently, CNDDHH is a solid and legitimized platform for the coordination of more than 65 organizations and the fundamental reference on human rights in Peru. This is why it is recognized as one of the most successful national networks of human rights in the region.2

In the Peruvian case, the human rights movement denounced very early that the anti-subversion strategies employed by the government of Alberto Fujimori (1990-2000) included tactics and practices that violated human rights. In this context, the CNDDHH became an effective instrument through which the victims of violence could find legal support. As noted by Coletta Youngers in her book "Civil Society and Political Violence

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in Peru, in 1984 a few Peruvian lawyers began documenting the human rights violations taking place and joining efforts with international organizations to make these acts known before the UN universal system of protection of human rights and the regional system of the OAS. The success of the CNDDHH was due, in part, to the ability to articulate strategies with key international players in a unified manner and initiate complaints, while at the same time promoting dialogue and coordination with government, fiscal bodies and the parliament.

The pressure exerted by the human rights movement in Peru contributed to national and international public rejection of the State strategies aimed at covering serious crimes, and prevented the legalization of the impunity of the perpetrators. As rightly pointed out by the Truth and Reconciliation Commission, the actions and permanent denunciations of the human rights movement had repercussions on government policies, as they posed serious risks of loss of legitimacy for the state in the eyes of the population as well as the international community.

The human rights movement in Peru organized several public awareness campaigns on the crimes committed by the government of Fujimori. In spite of the negation of justice at the national level, these actions ensured that the cases would arrive -with the support of organizations like CEJIL- to the Inter-American System for the Protection of Human Rights. Dozens of cases filed made it through the various stages of the process and some culminated with exemplary sentences by the Inter American Court of Human Rights ("The Court"), which found the Peruvian state liable for cases of human rights violations, thereby forcing it to investigate and punish those responsible.

In other cases, allegations of human rights violations were made by those who knew about them directly. Such is the case brought by Peruvian General Rodolfo Robles, then number three in the chain of command of the Armed Forces. He denounced publicly that the National Intelligence Service of Peru (INS) had set up a "Death squadron" called "Colina Group". This group was in charge of special intelligence operations, including the physical elimination of suspected members of terrorist groups. The Colina Group was also responsible for the illegal detention and subsequent execution of a professor and nine students from La Cantuta University, as well as the killing of 14 people in the district "Barrios Altos." The names of the soldiers in the "Death Squad" were revealed as well as the fact that the General Commander of the Army, General Nicolas de Bari Hermoza Rios and Vladimiro Montesinos, Adviser of former President Fujimori were the minds behind these acts and were covering them up.

Both cases were subsequently tried in the American Court of Human Rights which found

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3 Ibid.
the State responsible for various human rights violations. These judgments not only revealed (through an international juridical body) the abuses and excesses that State agents had committed, but also put the spotlight on the government of Fujimori’s attempts to minimize the facts and justify them with the fight against terrorism. They tried to prevent the adjudication of responsibilities through amnesty laws that would benefit the perpetrators and instigators. The laws were openly unconstitutional and the Inter-American Court ruled them to be incompatible with the American Convention on Human Rights and therefore with no legal bearing.

Subsequently, both cases provided evidence and formed an essential part of the request to extradite former President Fujimori to Chile, by proving that the actions of the "Colina Group" were directed from the National Intelligence Service, a body that was under Fujimori’s leadership.

The appeal filed with the Supreme Court of Chile during the week of August 20, 2007, contained proof of the systematic and widespread violations that characterized the government of Fujimori. While the Supreme Court of Chile could order the extradition of Fujimori on the basis of any of the cases presented, it had to extradite him specifically for the cases of human rights violations in order not to close the door on the possibility of trying Fujimori in Peru for these crimes.

The Inter-American Court had emphasized the need for international cooperation particularly in cases where violations reached the category of "crimes against humanity" in order to bring to justice those responsible and eradicate impunity. In the La Cantuta case the Court stated that: "In order to eliminate impunity, the international community has a duty of cooperation."6

According to the analysis and testimony gathered by the Truth and Reconciliation Commission, the so-called "Colina Group" did not act outside the military institution, but was a detachment and functional unit established during the government of Alberto Fujimori within the structure of Army, to the extent that it used the human and logistical resources of the Directorate of Military Intelligence (DINTE), the Army Intelligence Service (SIE) and the National Intelligence Service (SIN). Therefore, for its establishment and operation, the group needed to count with a “confidential order” that would cover its acts consisting exclusively of unlawful activities involving serious human rights violations.7 The planning and execution of the crimes and human rights violations were thus carried out in a well coordinated manner and covered by members of the military and the "Colina Group", with the knowledge and orders of the military and intelligence services and the highest levels of the executive branch.8

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8 Proof of this are the Memorandums led by then President in the Ministry of Defense, deciding that a group of leaders and officers of the Peruvian Army be rewarded for efficient services in matters of National Security and the defense of democracy, services that were very useful to the National Intelligence System.
During the Fujimori regime freedom of expression was restricted, advocacy and investigation groups controlled, political opposition unstructured and the media colluding with the government. However, the NGOs fighting for the full respect of human rights turned themselves into major strongholds for the safeguarding of fundamental freedoms and democratic principles.

The NGOs were faced with new and complex challenges. They were dealing with the complex case of a former President, who voluntarily went into exile for more than 5 years in Japan (a country he claimed to be a national of); and who was finally arrested in a third country where he received extradition charges based on allegations of corruption.

The human rights NGOs created websites to build public opinion in favor of extradition. The sites also provided information on the progress in the extradition process; proposed pressure campaigns in Chile and Peru; posted press releases from national and international NGOs in favor of the extradition and studies of international NGOs on the extradition process; promoted marches and protests in the streets and in front of government agencies that were involved in the process of extradition such as the Chilean and Peruvian judiciary and the Chilean Embassy in Peru, among others.

Indeed, the extradition of former President Fujimori is of much significance to the international community as stated by the Inter-American Court of Human Rights.

The extradition of former President Fujimori is a significant milestone in the fight for human rights and against impunity (as a climate of impunity leaves society unhealed and wounded as the truth about what happened cannot be brought out). The extradition also represents fundamental advance in the fight against corruption, which guarantees the rule of law.

(SINA), and that they receive such recognition through "special assignments" in the promotion process, since these members of the Armed Forces had participated in successful special intelligence operations, which have allowed significant progress in the fight against subversion.

While this is one of the fundamental pillars of a democratic society. As expressed by the Inter-American Court of Human Rights, without effective freedom of expression, democracy vanishes, pluralism and tolerance begin to disappear, control and citizen complaints mechanisms stop functioning and, ultimately, there is fertile ground for authoritarian systems to take root in society. IDH Court. Case Herrera Ulloa. Judgment of July 2, 2004. Series C. 113, para. 116.


Among others: Presumption founded: Proofs that implicate Fujimori, Human Rights Watch; Fujimori Extradition to Peru or Trial in Chile! The International Federation of Human Rights; Grave human rights violations during the rule of Alberto Fujimori (1990-2000) and Fujimori Case: Supreme Court must respect international law obligations contracted by Chile, Amnesty International.