

**DOUGLASS CASSEL**  
**CENTER FOR CIVIL AND HUMAN RIGHTS**  
**301 NOTRE DAME LAW SCHOOL**  
Notre Dame, Indiana USA 46556  
(574) 631-7895  
[Doug.Cassel@nd.edu](mailto:Doug.Cassel@nd.edu)

November 9, 2005

**Worldview Commentary No. 234 on Chicago Public Radio, 91.5 FM WBEZ**

*“Peru’s Fujimori: Return of the Prodigal President?”*

Monday brought the startling news that former Peruvian strongman Alberto Fujimori, forsaking his five-year safe haven in Japan, had flown to Chile, where a Supreme Court judge has ordered that he be held without bail while Peru seeks his extradition on 21 charges of corruption and crimes against humanity.

When the news arrived, I was working on a case against Peru before the Inter-American Court of Human Rights. The case accuses Fujimori’s regime of executing in cold blood more than a dozen imprisoned, unarmed guerrilla leaders as they surrendered, hands in the air, inside a Lima prison in 1992.

According to the former head of a death squad reporting to Fujimori’s right-hand man, intelligence chief Vladimiro Montesinos, the executions were planned and carried out by the death squad with Fujimori’s blessing. Major Martin Rivas told Peruvian journalist Umberto Jara, “The plan was taken to Fujimori for his knowledge and authorization.... He examined step by step each detail. That’s the way he was and, besides, this was the principal problem facing his government.”

Criminal charges against Fujimori, not only for these executions but also for 20 other cases of murder, torture and corruption, are now before Peruvian courts. Yes, Fujimori is entitled to be presumed innocent until he is proved guilty in a fair trial. But until now, that has been impossible. Ever since he fled Peru amid a corruption scandal five years ago, Fujimori has hunkered down in Japan. Tokyo shielded him with a grant of Japanese citizenship and the argument that Peru has no extradition treaty with Japan.

Why, then, would the fugitive try to sneak back into the courthouse?

Fujimori is nothing if not wily. Peru is preparing for a presidential election next year. Its incumbent president, Alejandro Toledo, has nearly broken the Latin American record for unpopularity, with approval ratings in the ten to 15% range. None of the announced candidates to succeed him is wildly popular either. Fujimori wants his old job back.

But how on earth can he get it, if the moment he sets foot in Peru, he will be arrested and tried for multiple felonies? And why try to enter through neighboring Chile?

The idea, it seems, is to run for office in Peru from Chile. Fujimori’s lawyers apparently told him that if he arrived unannounced in Chile, the police would let him into the country. They were right: Interpol practice recommends allowing international fugitives to enter a country, so that they can then be arrested and extradited.

So Fujimori got into Chile. His next step, however, was to gamble that Chile would not arrest him, but instead allow him to set up his political campaign operation in Santiago. After all, Peru and Chile, historic rivals, are currently in a diplomatic spat over Peru's recent unilateral declaration that it owns disputed fishing waters off the coast of Chile.

So far this gamble has not paid off. A Chilean Supreme Court justice ordered his arrest without bail during the 60 days Peru has to formulate a full extradition request. Chile's government, anxious to avoid inflaming its already troubled relations with Peru, indicates that it will not allow him to set up campaign headquarters on its turf.

But Fujimori knew all this might happen. So he has a Plan B: he runs for the presidency in Peru while detained in comfortable quarters at the police training academy in Chile.

And if that doesn't work, because Peru's electoral commission may well refuse to register his candidacy, he has a Plan C: his daughter Keiko, who served as his first lady during the 1990's, runs for president as his surrogate candidate. If she wins, Peru's new government then finds ways to make her father's legal problems melt away, and the old man returns to Lima in triumph.

Impossible? Hardly: In the cart-wheeling world of Latin American politics, stranger things have happened.

Because the Bush Administration has managed to offend nearly all of Latin America, Washington has little leverage to ensure a good (or bad) outcome. If Fujimori is to be held to account for his alleged crimes against humanity, we will need to rely, first, on the solid judicial and democratic institutions of Chile, and, second, on the fragile institutions of Peru's struggling democracy.

Too bad that after Guantanamo and Abu Ghraib we can no longer count on either the credibility or the commitment of our own government in matters of human rights. If Fujimori finagles his way back to power, that will be one more fall-out from this Administration's frittering away of our standing in Latin America.

**Doug Cassel's commentaries are broadcast Wednesdays during the noon hour of the Worldview program on Chicago Public Radio, 91.5 FM. All views expressed are the personal views of the author and not necessarily those of Notre Dame Law School, the Center for Civil and Human Rights or Chicago Public Radio.**