



## Fujimori: Trial and Punishment!

### Background

In November 2005 Alberto Fujimori arrives in Chile evading the capture orders issued by INTERPOL. Subsequently, in February of the following year, the Peruvian State presents Chile with twelve extradition files for corruption, human rights violations and the undermining of the democratic order.

In July 2007, Chilean Public Prosecutor Mónica Maldonado officially recommends that Fujimori be extradited for eleven of the twelve cases presented against him and Fujimori is therefore placed under house arrest. One month later, Justice Orlando Álvarez denies the extradition request. Despite Fujimori's candidacy for the Japanese Parliament, on September 21<sup>st</sup> the Chilean Supreme Court finally decides to extradite Alberto Fujimori for seven of the twelve cases originally presented, including the cases of La Cantuta, Barrios Altos and the Army Intelligence Service (SIE - Servicio de Inteligencia del Ejército) Basements, the cases of Samuel Dyer and Gustavo Gorriti, as well as for five corruption cases.

This judgment heralds a new era for human rights as, for the first time, a Chilean court unanimously recognizes the doctrine of "command responsibility", according to which, even though Fujimori did not order the execution of these crimes, he was aware of them and could have prevented them being committed. It is indeed a very important judicial precedent, given that a finding of first-degree murder (homicidio calificado) in the La Cantuta and Barrios Altos cases, following the Chilean judgment, would be a success for the prosecution of human right violations in Peru.

### Cases for which Fujimori will be trialed

- **Human Rights violations:**

#### **BARRIOS ALTOS CASE**

On the night of 3rd November 1991, a fund-raising party was being held in a tenement located in Barrios Altos, Jr. Huanta 840. Approximately ten heavily-armed individuals, wearing balaclava masks, burst into the building and shot indiscriminately at those present. Then they fled in vehicles with police sirens.

Fifteen people died, among them an eight-year-old child and his father. An additional four people were seriously injured.

Judicial investigations and newspaper reports subsequently revealed that the perpetrators were members of the Peruvian Army. They belonged to the Grupo Colina, the death squad created by the National Intelligence Service (SIN) in order to eliminate people presumed to be subversive.

In this case Fujimori is accused of being co-author of the murder of fifteen people and of gravely injuring another four.

#### **LA CANTUTA CASE**

In the pre-dawn hours of 18th July 1992, a group of armed and hooded individuals burst into the residences of the Enrique Guzmán National University and Valle "La Cantuta". They kidnapped nine



students - Luis Ortiz Perea, Armando Amaro Córdor, Bertila Lozano Torres, Dora Oyague Fierro, Robert Teodoro Espinoza, Heráclides Pablo Meza, Felipe Flores Chipana, Marcelino Rosales Cárdenas and Juan Mariños Flores, and Professor Hugo Muñoz Sánchez.

It was subsequently revealed that the authors of the crime belonged to the Grupo Colina and that the bodies of the victims had first been clandestinely buried, then exhumed, burned, and reburied close to the ravines of Chavilca, Cieneguilla, where evidence of the crimes was found (bones, keys, bullets, etc).

In December 2006, the Inter-American Court of Human Rights handed down a decision that internationally condemned Peru in the La Cantuta case.

Fujimori is accused of the murder and forced disappearance of the ten victims of this case.

### **BASEMENTS OF THE ARMY INTELLIGENCE SERVICE**

During Fujimori's government, the Army Intelligence Service (SIE - Servicio de Inteligencia del Ejército) converted the basement of the General Barracks of the Army, known as the "Pentagonito" into a clandestine detention center for the punishment, torture, and execution of those in opposition to the dictatorial regime.

The victims who were imprisoned in the SIE's basements included students Martín Rocas and Kenneth Anzualdo, Professor Justiniano Najarro, entrepreneur Samuel Dyer and journalist Gustavo Gorriti. Fujimori will be trialed for all these cases.

In the case of Gorriti, he was taken from his house on 6th April 1992 by individuals belonging to the SIE. He was detained in a basement until the early morning of the following day. Afterwards he was taken to the prefecture.

Dyer was arrested on 27th July 1992 at the Internacional Airport "Jorge Chávez" by General Carlos Domínguez Solís, chief of the Counter Intelligence Department of the SIN. He was then taken to the SIE's basements, where he was detained for various days.

- **Corruption Cases:**

**Illegal raid:** Fujimori is accused of having illegally ordered a raid on the home of Trinidad Becerra, the wife of his advisor, Vladimiro Montesinos, in order to find and conceal evidence that could have incriminated him.

**Illegal transfer of 15 million dollars:** to Montesinos, as an undeserved "compensation for services rendered."

**Turncoat Congressmen:** the illegal payment of money to opposition congressmen in exchange for their unconditional support of the government.

**Wiretapping:** Conformation of a criminal organization dedicated to the interception, monitoring, and listening into of telephone conversations of political leaders and journalists. The military high command, the police, and the Chief of the National Intelligence Service were also involved.

**Illegal purchase of Chinese tractors and Communications Media:** Fujimori created and managed, together with the former congressman Joy Way, an organization with the purpose of buying medicines, laboratory modules and tractors from Chinese corporations, without considering any previous technical studies, approval, or budget. In the second case, Fujimori manipulated and bought communications media with the intent to control them, obtain support and damage the opponents to his regime.



## Other crimes for which Fujimori must be judged

**Caraqueño Case:** in the pre-dawn hours of 29<sup>th</sup> January 1992 a group of individuals burst into the houses of Jhon Calderón, Toribio Ortiz, Felando Castillo, Pedro Agüero, Ernesto Áreas and César Rodríguez, who were detained and murdered. Their bodies were then abandoned.

**Santa Case:** in the early morning of 2nd May 1992, members of the National Police and the Peruvian Navy burst into three new settlements in the province of Santa (Anchash) and kidnapped nine residents. Nobody has ever heard of them since.

**Pedro Yauri Case:** Yauri disappeared on 24th June 1992 after being arrested by a group of uniformed individuals. Some weeks before Pedro Yauri had advocated for the liberty of the Ventocilla family on his radio program.

**Ventocilla Case:** on 24th June 1992 a military squad kidnapped six members of the Ventocilla family, known for their political involvement. Their bodies were found the next day in Huacho morgue.

**Gómez Palomino Case:** on 9th July a group of individuals burst into Gómez Palomino's house in Chorrillos. They hit him, interrogated him and kidnapped him. Nobody has ever heard of him since.

**Justiniano Najarro Case:** on 6th July 1993 the former university lecturer from Ayacucho, Justiniano Najarro, was kidnapped together with his nephew Melitón Ochoa while travelling on a bus. The nephew was released soon after, but the profesor was never heard of again.

**Roca-Anzualdo Case:** after being threatened and despite having asked for protection, student Martín Roca disappeared on 5th October 1993. His classmate Kenneth Anzualdo disappeared on 16th December of the same year, some days after bearing testimony in his friend's case.

**Forced sterilizations:** during Fujimori's second mandate thousands of women were subjected to tubal ligations as part of the Voluntary Surgical Contraception Programme, which in many cases was harmful to their health and sometimes even led to their death.

## Why is Fujimori responsible?

In order to confront the subversives, Fujimori implemented a so-called "low intensity war", which consisted in the execution and disappearance of people without public acknowledgement of who is responsible. The counter-subversive strategy consisted in implementing operative plans, such as the "Cipango" plan, which included a series of interventions in the North of Lima. These operations were managed by the Grupo Colina, which was run by the SIN and whose members belonged to the DINTE.

In addition, Fujimori knew of the use being made of the Army General Barracks, known as the "Pentagonito," by the National Intelligence Service. The Barracks' basement was converted into a clandestine detention center for the punishment, torture, and execution of those in opposition to the dictatorial regime.

The testimony of the former agents of Grupo Colina (Jesús Sosa and Santiago Martin Rivas, among others), the SIE's notebooks, and the investigations into the case that were sent to the Chilean courts all demonstrate that during Fujimori's government there was a systematic pattern of human rights violations that was in accordance with the counter-subversive strategy drawn up and approved by the former president himself.

### For more information:

<http://www.juicioysancionafujimori.org>

<http://www.aprodeh.org.pe>



## Barrios Altos Case

***On November 3, 1991, at Jirón Huanta No. 840, Barrios Altos, members of Grupo Colina murdered 15 people and left 4 others gravely wounded as the victims celebrated a barbeque to raise funds in order to repair some drainage pipes.***

**Type of violation:**

Extrajudicial execution

**The victims:**

Placentina Marcela Chumbipuma Aguirre  
Luis Alberto Díaz Astovilca  
Octavio Benigno Huamanyauri Nolzco  
Luis Antonio León Borja  
Filomeno León León  
Máximo León León  
Lucio Quispe Huanaco  
Teobaldo Ríos Lira  
Tito Ricardo Ramírez Alberto  
Manuel Isaías Ríos Pérez  
Javier Manuel Ríos Rojas  
Alejandro Rosales Alejandro  
Nelly María Rubina Arquiñigo  
Odar Mender Sifuentes Nuñez  
Benedicta Yanque Churo

**Type of violation:**

Grave wounds

**The victims:**

Tomás Livias Ortega  
Natividad Conderhuanca Chicaña  
Felipe León León  
Alfonso Rodas Alvítez

**The acts**

It was 10:30 at night on November 3, 1991. A barbeque was being held at Jirón Huanta No. 840, Barrios Altos, to collect funds in order to make repairs on the house. All of a sudden, two vehicles, one Jeep Cherokee and one Mitsubishi, both of which had police lights and sirens, stopped in front of the house. Six heavily-armed individuals burst into the party.

The individuals, whose ages ranged from 25 to 35 years-old and whose faces were covered by ski masks, made the people hosting the barbeque get on the ground. They then indiscriminately shot their guns for a period of about two minutes. They left as quickly as they had entered, getting into their two vehicles, turning on the sirens that had been turned off the moment that they arrived at the house. Fifteen people died and another four were gravely injured, leaving Tomás Livias Ortega permanently incapacitated.



The survivors declared that the gunshots sounded very quiet, which allows one to suppose that silencers were used. During the investigation, police found 111 cartridges and 33 bullets of the same caliber, corresponding with automatic weapons.

### **The investigation**

The judicial investigations and press reports revealed that those involved were members of the Peruvian Army and belonged to Grupo Colina, an "elimination squad" that carried out its own anti-subversive program.

One week after the attack, Congressman Javier Diez Canseco presented to the press a copy of a document titled "Plan Peddler" that described an intelligence operation that was carried out at the crime scene. According to the document, since January 1989, supposedly diverse "subversives" met in this house with the cover story of being street vendors.

On November 15, 1991, the Congress named an Investigatory Commission, comprised by Senators Róger Cáceres Velásquez, Víctor Arroyo Cuyubamba, Javier Diez Canseco Cisneros, Francisco Guerra García Cueva, and José Linares Gallo. Lamentably, this commission did not conclude its investigation before the closing of Congress that was a consequence of the coup of April 5, 1992. The new Democratic Constituent Congress selected in November 1992 did not renew the investigation nor did it publish the results of the former commission's investigation.

Although the acts occurred in 1991, it was as recently as April 1995 that the investigation into the incident began. The prosecutor of the Forty-First Provincial Criminal Prosecutor's Office of Lima, Ana Cecilia Magallanes, accused as responsible for the Barrios Altos killings Division General Julio Salazar Monroe, then the Chief of the National Intelligence Service (SIN), Major Santiago Martín Rivas, and the enlisted men Nelson Carbajal García, Juan Sosa Saavedra, and Hugo Coral Goycochea. Some of them were convicted and sentenced in the La Cantuta case.

When Judge Antonia Saquicuray of the Sixteenth Criminal Court of Lima made the accusation, the military officers responded that the accusation was unlawful in the civil jurisdiction, because Major Rivas and the enlisted men were under the jurisdiction of The Supreme Council of Military Justice. General Julio Salazar Monroe refused to respond to the subpoenas, arguing that he had privileges as the Minister of State.

Because of this, the Supreme Council of Military Justice handed down a resolution that stopped the accused and the Commander General of the Army and Chief of the Joint Command, Nicolás de Bari Hermoza Ríos, from making any declaration before any other judicial organ. To start the investigations, the Military Tribunal asked for jurisdiction in the case, alleging that the accused must be treated as soldiers in active service.

In the early hours of June 14, 1995, Law 26479 was passed as quickly as it had been accepted. It was the famous Amnesty Law that exonerated all members of the security forces and civilians who had been the subject of accusations of, or investigations, trials, procedures or sentences, or who were completing sentences in prison, for, human rights violations. It exonerated and definitively archived the cases.

However, in a few days, when Judge Saquicuray decided not to apply the amnesty law to this trial, basing her decision on the Magna Carta, because to apply the law would violate the constitutional rights and the international obligations that the American Convention imposed upon Peru, the Prosecutor of the Nation, Blanca Nélide Colán, announced the closing of the Barrios Altos case.

The promulgation of Law 26492 eliminated all doubts about the fate of the case. Its purpose was to interfere with the judicial actions in the Barrios Altos case. The law declared that the application of



the amnesty was obligatory. Furthermore, it broadened the amnesty to all military, police, and civilian functionaries who had not yet been accused.

On July 14, 1995, the Eleventh Criminal Division of the Superior Court of Justice of Lima definitively archived the case under the argument that the Amnesty Law did not violate the Constitution or the international human rights treaties. Furthermore, it ordered an investigation into Judge Saquicuray for having interpreted the rules incorrectly.

On March 26, 1996, the Inter-American Commission of Human Rights (CIDH) accepted the accusation of APRODEH in the name of the family members of the 15 killed and the four wounded in the Barrios Altos case. However, months before, the CIDH had received accusations about the case, including about the Amnesty Law.

On March 14, 2001, the Inter-American Court of Human Rights found that the Amnesty Laws were without legal force and ordered the reopening of the investigation. Likewise, it arranged reparations for the human rights violations for the four victims who survived the massacre and for the families of the fifteen who did not. On September 3 of the same year, the Court, at the request of the CIDH, made an interpretative sentence in which it announced that Amnesty Laws 26479 and 26492 were without any legal force.

In the following years, the Peruvian government concluded the payment of the reparations (\$175,000) to the surviving victims and the family members of those killed in this crime, and recognized that the Peruvian state was responsible for the massacre.

#### **The request to sentence Montesinos**

On May 13, 2005, the Superior Anti-corruption Prosecutor Pablo Sánchez Velarde asked for 35 years of prison for the former presidential advisor Vladimiro Montesinos, considering him to be the intellectual author of the Barrios Altos killings. He furthermore considered Montesinos to be responsible for other crimes such as the murder of a group of villagers in the Santa Province of Ancash and the disappearance of the journalist Pedro Yauri at the hands of the Grupo Colina.

In his submissions, Sánchez Velarde said that Montesinos Torres was responsible for the crimes of homicide, forced disappearance of persons, aggravated kidnapping, and illicit association to commit crimes, and for this reason asked for the former advisor to pay a sum of 100,000 soles to each of the aggrieved families in these cases.

The prosecutor asked for a similar penalty for Santiago Martín Rivas of Grupo Colina, the former chief of the Joint Command of the Armed Forces, Nicolás Hermoza Ríos, and the former Chief of the National Intelligence Service, Julio Salazar Monroe, for having endorsed the crimes against humanity that were committed, being justified as part of the war against subversion.

Similarly, he asked for 30 years of prison for Major Carlos Pichilingue Guevara, as well as for the former Grupo Colina member Fernando Rodríguez, and 51 other people, for whom he asked for sentences of between 8 and 30 years of prison. This accusatory judgment was remitted to the Anticorruption Court "A", which sent the Public Ministry the dossiers of the human rights violations that the corresponding prosecutor emitted.

At present, the case is bundled together with the Cantuta, Santa, and Pedro Yauri cases in the open trial against Grupo Colina that is currently at trial stage. Likewise, the Barrios Altos case was one of the arguments in the extradition request for Alberto Fujimori.



## La Cantuta Case

*In the early morning hours of July 18, 1992, members of Grupo Colina burst into the homes of students and professors of the Enrique Guzmán and Valle National University, better known as La Cantuta. Nine students and one professor were detained, murdered, and secretly buried in mass graves.*

### **The victims:**

Students:

Luis Enrique Ortiz Perea  
Armando Richard Amaro Córdor  
Bertila Lozano Torres  
Dora Oyague Fierro  
Robert Edgar Teodoro Espinoza  
Heráclides Pablo Meza  
Felipe Flores Chipana  
Marcelino Rosales Cárdenas  
Juan Gabriel Mariños Figueroa

Professor:

Hugo Muñoz Sánchez

### **The acts**

In the early morning hours of July 18, 1992, members of the Army Intelligence Service (SIE) and the Army Intelligence Directorate (DINTE), among them Santiago Martín Rivas and other members –the majority of them in the so-called Grupo Colina– while hooded and armed, broke into the homes of students and professors of the Enrique Guzmán and Valle National University, better known as La Cantuta.

Once the soldiers entered the student residencies, they made all of the students leave their dormitories and assume the fetal position. One of the soldiers proceeded to lift the head of each one of the students, taking them by their hair and separating those who were finally detained, who were: Bertila Lozano Torres, Dora Oyague Fierro, Luis Enrique Ortiz Perea, Armando Richard Amaro Córdor, Robert Edgar Teodoro Espinoza, Heráclides Pablo Meza, Felipe Flores Chipana, Marcelino Rosales Cárdenas, and Juan Gabriel Mariños Figueroa.

After these actions, the soldiers stormed into the home of Professor Hugo Muñoz Sánchez, climbing up the wall to the patio and destroying the service door. Later they gagged Professor Muñoz Sánchez and covered his head with a pair of black pants. Some of the attackers covered the bedroom and prevented the wife of the professor from leaving it. The military troops proceeded to forcefully take Professor Muñoz Sánchez, who at the moment was without shoes or shirt. The operation was filmed by one of the captors. On the way from the house of Professor Muñoz Sánchez to the entrance door of the teachers' residencies, some witnesses, among them Mr. Octavio Mejía Martel and his wife, attempted to intervene to help Muñoz Sánchez, but they were held at gunpoint and forced to desist.

The soldiers left the university, bringing Professor Muñoz Sánchez and the nine aforementioned students outside.

The bodies of the victims were secretly buried and covered with lime in three graves in the zone known as Santa Rosa Hill, Kilometer 1.5 of the Ramiro Prialé Highway, on the property of Sedapal,

Asociación Pro Derechos Humanos (APRODEH)

Jr. Pachacútec 980, Jesús María / Teléfonos: 431 0482 - 424 7057 - 431 4837 / Fax: 431 0477  
prensa@aprodeh.org.pe / www.aprodeh.org.pe / www.juicioysancionafujimori.org



Lima's water agency. Later, the material authors of the murders proceeded to disinter the bodies to incinerate them and transfer them to new secret graves located in Cieneguilla. This was the root of the public accusation of Congressman Henry Pease.

### **The investigation**

On July 12, 1993 the magazine *Sí*, led by Ricardo Uceda, published a sketch showing where the human remains belonging to the victims of La Cantuta had been buried. The Office of the Public Prosecutor then conducted an investigation in Chavilca Gully, in the Cieneguilla region. In that investigation it determined the existence of four clandestine graves which contained human remains – the majority of which were burned – in two of them, two sets of keys, a bullet, remains of clothes, hair etc. Due to another denunciation by “*Si*” Magazine, the Office of the Public Prosecutor conducted additional investigations at Kilometer 1.5 of the Ramiro Prialé Highway, inside the grounds of the Atarjea Treatment Plant belonging to the company Sedapal, which was used up until then as a practice shooting ground by the National Police. New clandestine graves were found containing human remains (a complete human skeleton with clothes, half of a skeleton, human tissue, remains of hair and clothes), as well as bullet shells, bullets and remnants of lime.

The evidence obtained by the prosecutor's office allows one to conclude, in summary, that the remains found in Cieneguilla at Kilometer 1.5 of the Ramiro Prialé Highway are those of at least three of the aggrieved, the students Luis Enrique Ortiz Perea, Armando Amaro Córdor, and Juan Gabriel Mariños Figueroa. It has also been determined with certainty that the remains found in Cieneguilla are those of Bertila Lozano Torres, given the recognition by Dental Technician Juan Miguel Vásquez Tello. It is equally determined that some of the remains found in Cieneguilla are those of the students Robert Teodoro Espinoza and Heráclides Pablo Meza, given the recognition of the remains of the clothes by their families. It is also established that some of the remains found in Cieneguilla are those of Professor Hugo Muñoz Sánchez.

### **Legal action**

In May 2005, the Anticorruption Prosecutor Pablo Sánchez recommended 35 years of prison for Santiago Martín Rivas of Grupo Colina, the former Chief of the Joint Command of the Armed Forces, Nicolás Hermosa Ríos, and the Chief of the National Intelligence Service, Julio Salazar Monroe, for having endorsed the crimes against humanity that occurred, justifying them as being part of the war against subversion.

Similarly, he asked for 30 years of prison for Major Carlos Pichilingue Guevara and between 8 and 30 years of prison for former Grupo Colina member Fernando Rodríguez, and 51 other people. This accusatory report was remitted to the Anticorruption Court “A”, which sent the Public Ministry the dossiers of the human rights violations that the corresponding prosecutor emitted.

Currently, the case is at the hearing stage. In it, some of the accused –former members of Grupo Colina– took the opportunity to enter a confession during the interrogation and told how they committed the crime. Similarly, the La Cantuta case was one of the arguments in the extradition request for Alberto Fujimori.



**Fujimori and Colina:  
The man behind the crimes**

*Gloria Cano, lawyer for APRODEH*

Lima, 3rd November 1991. Some vehicles assigned to the Army Intelligence Service (SIE) stopped in front of Jirón Huanta 840, Barrios Altos. Approximately 20 individuals got out of the vehicles carrying weapons equipped with silencers. They entered the building where a “pollada” (fundraising party where charcoal chicken is served) was being held. They shot. The victims: fifteen people, among them humble ice cream sellers - alleged members of Sendero Luminoso – and an eight-year-old boy. Only four people survived.

29th January 1992. The vehicles were heading towards Pativilca. They took a side road to Caraqueño and Pampa de San José. They entered some houses holding flashlights. They hit the family members inside and kidnapped six people. Before leaving they drew Sendero Luminoso signs. The prisoners were taken to the country. After shooting them, their bodies were left in an irrigation ditch. The victims: six villagers.

2nd May 1992. The same vehicles were driving towards the province of Santa, in Ancash. The same plan and characteristics: powerful “Dragon” flashlights, men and women with hoods. Blows, cries and insults. Sendero Luminoso signs. Seven villagers were kidnapped, murdered and buried close to an area known as “Guadalupito”. The victims: nine residents pointed out as managers from Santa who were causing problems to the businessman Jorge Fung.

24th June 1992. The death squad strikes again. This time they drove to Huacho. They entered a house opposite the main square. They hit an old man trying to defend his son. His efforts were useless. The young journalist was imprisoned and then killed. His body was left on a beach. The victim: Pedro Yauri Bustamante, who had denounced the abuses committed by the troops of the Antahuampa base on his radio program.

That same night the vehicles went to Cerro Sejejuto in Huaura. They first passed by the Antahuampa base. They took with them one of their companions who drove them to the house where Rafael Ventocilla lived. Rafael was a militant of “Acción Popular” and director of the Sutep. When they arrived they kidnapped him and killed him and another five members of his family. The corpses were buried in a field close to Sayán. They put lime on top of the graves. The day after, a villager discovered the corpses.

9th July 1992. The same squad was driving on the streets of Chorrillos. They were looking for “Michigan”, a presumed terrorist who lived in the new settlement of San Pedro. They entered a house. The women were gagged and the man interrogated: “I am not the man you are looking for. My name is Santiago Fortunato. I am evangelical. I read the Bible”. They hit him. They took him to the beach. They killed him and buried him. The victim: Santiago Fortunato Gómez Palomino, member of the Israelite Church.

18th July 1992. The vehicles gathered once again. They passed by the barracks to pick up Aquilino Portella. They drove to Chosica. They stopped at the “Los Ángeles” bridge. They took another companion with them. They first entered the Enrique Guzmán University campus and then Valle “La Cantuta”. They surrounded the university. They hit and kidnapped nine students and one professor. They took them to grounds next to a water channel. Then they killed them and buried them. The previous year the majority of the victims had taken part in demonstrations against Fujimori in the same university.



This is the chronology of some of the crimes committed by the Grupo Colina. The impunity of the squad was assured since the beginning.

In 1991, the then President of the Republic, Alberto Fujimori, organised a meeting of the National Defense Council<sup>1</sup>. After evaluating the results of their counter-subversive action in the country, they decided to create a special intelligence detachment inside the Army Intelligence Direction (DINTE), as part of the counter-subversive strategy. The aim was to develop the actions of the low intensity conflict, in other words, to execute specific objectives without letting the public know the acts' authors.

In order to implement this plan, the Director of the DINTE put a group of personnel from the SIE at Colonel Fernando Rodríguez Zabalbeascoa's disposal. In addition, the administration provided "Grupo Colina" with arms, vehicles and money and assigned premises inside the SIN to the squad.

They also ordered the closure of "La Tiza"<sup>2</sup> beach, where the members of the group would train themselves in different techniques (shooting, raids, etc).

The costs for implementing this plan were included in the "secret" budget of the Army. Each member of the group had to sign a pretend dismissal form. That way they continued to be part of the SIE, but in case they were discovered in one of the actions, they had to deny being part of the Army and therefore deny the responsibility of the Army and the State for their crimes.

This counter-subversive strategy was implemented through operative plans such as the plan "Cipango", which included a series of interventions North of Lima (Huacho, Huaura y Barranca). Evaluations were given to the group's superiors, reporting on the actions. In order to insure impunity, the State, and all the structures through which public power is executed, were organised in such a way so that these crimes could be carried out and left unpunished.

The Barrios Altos executions and the forced disappearance of the victims of La Cantuta, as well as the other cases listed here, were part of this sinister plan. Alberto Fujimori will be trialed only for the first two, which were part of larger criminal plan, managed from within the state itself and which wouldn't have been possible without this organised power.

In fact, these crimes wouldn't have the dimensions they have today if they hadn't been part of state policy, as Santiago Martin Rivas himself recognized in an interview with journalist Umberto Jara. Nonetheless, Fujimori's supporters continue to say that there is no evidence of their leader's responsibility. They deny the existence of documents proving the existence of the Grupo Colina, in which the allocation of its resources, arms and equipment are set out. They deny the existence of a false company called COPRANSA, the operative plans, the payrolls and the action evaluations. They deny the presidential congratulations, the protection granted, the mock trials in the military jurisdiction.

We cannot close our eyes and say that only those who physically committed the crimes have criminal responsibility for them. We cannot ignore the responsibility of those who played a key role in the planning, coordination and concealment of the facts. The figure of the man who controls the facts from behind, as well as "command responsibility" and participation in a common criminal plan, are all part of international practice. The statutes of the International Criminal Tribunal for the former

---

<sup>1</sup> The National Defense Council was the organization made up of the Head Chief of State, the General Comander of the Army, the Head of the National Intelligence Service (SIN) and the presidential advisor, Vladimiro Montesinos.

<sup>2</sup> "La Tiza" was the Summer Vacation spot for army personel, the security of which was taken care of by the Division of Special Forces (DIFE).



Dossier de Prensa  
Enero, 2008

Yugoslavia, the International Criminal Tribunal for Rwanda and the International Criminal Court accept these forms of criminal participation.

Those of us who seek truth and justice cannot exonerate those who made these crimes possible by guaranteeing means, protection and impunity. Accordingly, let's be firm in taking this historical opportunity to lay the foundations for a Peru with memory and justice.