


*The Secretariat of the Fifteenth
Annual Virginia International
Crisis Simulation Presents:*



**The Supreme Court of
Justice of Peru**

Chaired by Muna Ali

VICS XV

Dear Delegates,

Welcome to the Supreme Court Justice of Peru .My name is Muna Ali and I will be your chair for this year's VICS conference. I am currently a second year foreign affairs major and French minor at the University of Virginia. I have been involved with Model UN since middle school however; this year will be my first year as chair of a committee. I have found this topic very fascinating and I know we will have a great conference discussing and debating in the setting of the Supreme Court of Peru. I look forward to each one of you truly embodying the individual you are representing and us having a wonderful time recreating such a historical account. In regards to parliamentary procedure, due to the structure of the committee, parliamentary procedure will be exercised but very loosely. So please familiarize yourself with parliamentary procedure however, it will not be strictly enforced during committee sessions.

With that said if you have any questions or issues feel free to email anytime.

Look forward to meeting all of you in March!

Sincerely,

Muna Ali

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VICS XV

Bienvenidos and Welcome to the Supreme Court Justice of Peru and the case of Alberto Fujimori, former President of Peru, and Vladimiro Montesinos, former head of Peru's intelligence service, SIN, vs. the nation of Peru in multiple charges ranging from human rights violations to corruption. Whether you are the plaintiffs or those asked to testify, please refer to the following for some brief historical information on the case as to get a better understanding how this case will go about.

Background on Peru:

Peru is a nation that lies in South America, slightly larger than the state of Alaska. With a population of 29,546,963 (est. July, 2009), Peru stands as the 39th largest country in the world. Peru is a nation rich in history and culture. Known as the home of the Norte Chico civilization, one of the oldest civilizations in the world, Peru was also the place where the Inca Empire existed. Peru's appealing history helped sculpt the Peru we see today. Currently, Peru is governed through a constitutional republic centered in Lima, the capital. The government consists of an executive, legislative, and judicial branch.



Web. 21 Feb 2010.

<<http://www.geographicguide.net/america/pictures/peru-map.jpg>>.

Supreme Court of Justice of Peru:

The Supreme Court of Justice is the highest judicial court in Peru that has jurisdiction on the entire nation and her territories. The sixteen seats, all appointed by the president, court takes residence at the Palace of Justice in the nation's capital of Lima. The Supreme Court interprets the constitution. The Supreme Court is divided into three different sectors: the civil sector, criminal sector, and constitutional and social. Each Supreme Court sector has five supreme speakers and a president that was elected by the speakers; the president of the Supreme Court heads all sectors. The president of the court and Chief Speaker of the Office of the

Control of the Magistrate don't fall under any specific sector.

Since most of the charges brought against both Fujimori and Montesinos are of the criminal and human rights violations, the case will take place in the criminal sector. Due to the high level of publicity for these cases and the individuals involved, the head of the criminal sector and several Supreme Court justices of the criminal sector will run the court.

Charges against Alberto Fujimori for Human Rights Violations and Corruption:

Background

Alberto Fujimori, a Peruvian of Japanese descent, entered the 1990 presidential election as the underdog running under the new *Cambio 90* party. He shockingly defeated his well-known opponent, Mario Vargas Llosa thus making him the 90th president of Peru. With his win, Fujimori became the first person of East Asian descent become head of a government in a South American nation.

During Fujimori's first term, he made the restoration of Peru's economy a primary goal in which he accomplished. He accomplished such goal through a series of neoliberal shifts, a period known as *Fujishock*. Through such the nation created a \$400 million dollar fund to aid poverty relief, however along with the restored economy came drastic increases in standard of living including gas, water, and electricity prices.

Not all political parties were agreed for with Fujimori's new reforms including former president Alan Garcia's party American Popular Revolutionary Alliance(APRA) and his presidential opponent's party *FREDEMO(Frente Democratico)*. Both parties had control of the congress thus making it more difficult for Fujimori to pass and maintain his newly instituted reforms, thus he with the military's support, he carried out an *autogolpe* or a presidential coup. He froze the power of congress as well as the power of the constitution. He further eliminated the judicial system, all of which were viewed favorably by the public although the international community, especially the Organization of American States, did not and demanded that the democracy return to its original order. After a battle between Fujimori and the Organization of American States, both came to agree on Fujimori scheduling an election for a congress that would draft a new constitution. During his 2nd and 3rd term reelection, Fujimori won both easily due to his popularity.

On September 14, 2000, Canal N, a cable television channel, exposed a video of Vladimiro Montesinos, the chief of Peru's National Intelligence Service, bribing Alberto Kouri, a congressman part of Fujimori's opposition party. The video was released by Fernando Olivera, leader of Independent Moralizing Front(FIM). A majority of Fujimori's support dropped due to the video. After leaving Peru for a conference, Fujimori faxed over a presidential resignation, which was clearly not accepted as congress removed Fujimori on a vote of 62-9.

Amnesty International as well as several other organizations recognized the many human rights violations that occurred during Fujimori's terms. Several events such as La Cantuta Massacre and Barrios Altos Massacre for instance where members of the Peruvian military acted in a death squad known as Grupo Colina, where fifteen were killed and four injured, were noted in the request to bring Fujimori back to be placed on trial.

Alejandro Toledo, President after Fujimori, and his administration brought charges on Fujimori and his co-conspirator Vladimiro Montesinos for many of the actions including Barrios Altos and La Cantuta. Charges brought against the two by Interpol, International Criminal Police Organization, includes murder, kidnapping and crimes against humanity. Montesinos created a vast web of corruption that lead to \$2 billion lost within it. Fujimori embezzled nearly \$600 million of Peruvian funds.

After a hefty trial, Fujimori was convicted on human rights abuses including Grupo Colina death squad involved in Barrios Altos and La Cantuta, along with the kidnappings of Gustavo Gorriti and Samuel Dyer, an opposing journalist and a businessman. Fujimori was sentenced to 25 years for such acts. For the charges along with Montesinos for bribing and spying on various public opposing figures he was sentenced to six additional years. This was much less than the 1.6 million dollar fine as well as million-dollar compensation

for all victims of the illegal surveillance the prosecution asked.

Pro-Fujimori: Supporters of Alberto Fujimori:

While many view Alberto Fujimori as a horrendous conniving leader that allowed many crooked deeds to occur behind close doors, there are also many, who stand firmly behind Fujimori and recognize him as a true contributor to moving Peru into a more prosperous position. In a poll done by La Universidad de Lima in 2007, Fujimori maintained an approval rating of 49.5% during his ten years in office. Even though the majority believed that Fujimori should face criminal charges, they also view Fujimori as the man who saved Peru from economic collapse and terrorism.

Under the previous presidency, Alan García, the economy was experiencing hyperinflation due to internal conflicts. During 'Fujishock', Fujimori used shock treatment to help bring inflation down from the staggering rate of 7,650% to 139% and eventually toward the end of his term it was down to 3.7%. Although he dissolved congress due to his lack of majority was a stab at democracy, he did have legitimate motive of bringing more economic reforms to revitalize the economy as well as help Peru in combating terrorism.

When Fujimori entered office, the nation was amidst turmoil, in particular among the bloody civil war between the national army and the Maoist guerilla movement, "El Sendero Luminoso" who had one thirds control on the nation as well as smaller terrorist organizations such as

el Movimiento Revolucionario Túpac Amaru(MRTA). With the lucrative cocaine production financing the large El Sendero Luminoso movement as well as the lack of indication on whether or not one belong to the organization, it was very difficult for police to identify members. The MRTA were known for their methods of extortion and kidnappings and stayed afloat financially through drug trafficking. During the self coup of Alberto Fujimori , the leader of MRTA, Victor Polay and the leader of El Sendero Luminoso, Abimail Guzman were recaptured by the Peruvian government. The capture of these two notorious leaders was key in the ending of the dirty and bloody war as well as won Fujimori brownie points with the public of Peru.



Web. 1 Mar 2010.
<http://news.xinhuanet.com/english/2007-12/12/xin_20212041220400462547029.jpg>.

Officials Charges that will be brought against Fujimori 1990-1995:

- Human Rights violations, including the authorization of the murders and kidnappings linked to events such as La Cantuta Massacre and Barrios Altos.
- Abuse of Power
- Embezzlement of State Funds
- Bribery and Corruption

Official Charges that will be brought against Fujimori 1996-2000:

- Abuse of Power
- Embezzlement of State Funds
- Bribery and Corruption

Sources:

1. Partlow, Joshua. *Fujimori gets 25 years on conviction in human rights case* . Web. <http://www.boston.com/news/world/latinamerica/articles/2009/04/08/fujimori_gets_25_years_on_conviction_in_human_rights_case/>.
2. "BBC News." *Mass sterilisation scandal shocks Peru*. Web. <<http://news.bbc.co.uk/2/hi/americas/2148793.stm>>
3. "BBC News." *Fujimori jailed for abusing power*. Web. <<http://news.bbc.co.uk/2/hi/americas/7139719.stm>>.

Charges against Vladimiro Montesinos:

Background:

Vladimiro Montesinos was raised by communists and entered the army after graduating the US Army School of the Americas. In 1976, Montesinos fell into a spying scandal after being accused of releasing military documents to the United States. After arrested for going on a two week all expense paid trip to Washington, DC by the US without military permission, official documents leaked to the US Central Intelligence Agency (CIA) was found. Montesinos was dishonorably discharged from the military and convicted to serve one year in a military prison.

After being released from prison, he pursued a law degree at the National University of San Marcos. After graduated and becoming a member of the Lima Bar association, he gained a reputation for represented those who participated in the illegal drug trade or those in law enforcement charged with aiding them.

While Alberto Fujimori was running for his first term as president, Montesinos publicly defended Fujimori against crooked real estate dealings. Fujimori noted this and after winning the presidency, he appointed Montesinos as his chief advisor and head of Peru's intelligence (SIN). Through this position, Montesinos' power within the government was infinite. He used such power to

promote his close friends as well as begun his web of corruption in all sorts of aspects.

Montesinos was known widely for punishing and harassing those who opposed Fujimori. He was known to oversee Grupo Colina, the death squad responsible for La Cantuta. Montesinos controlled the media through gaining control over almost all the channels minus Channel N, which only reached around 5% of the population.



Web. 3 Mar 2010.

<<http://huamanazcurra.tripod.com/SIN/Kouri.jpg>>.

Another power that Montesinos excised frequently was bribery and corruption. He secretly videotaped countless of his encounters while bribing others. It was these videos that caused Montesinos downfall. Over Channel N, a video was released showing Montesinos bribing opposing congressman Alberto Kouri.

Montesinos was arrested on sixty-three charges ranging all across the board from corruption to drug trafficking, even murder. After an enthralling trial, Montesinos was found guilty for embezzlement. He was also sentenced to a twenty-year term for his involvement in illegal arms deal. In 2004, the US returned \$20 million to Peru from embezzled funds placed into US banks by Montesinos.

Currently Montesinos is on trial for the killings of MRTA hostage-takers during the 1997 Japanese embassy siege.

Vladimiro Montesinos is painted as the corrupted individual that embezzled nearly a billion dollars from the Peruvian government, bribe other political officials as well as the media to show one-sided stories to the public, and order the kidnappings and murders of many innocent individuals. Whether no one wanted to recognize Montesinos' dark past simply to gain what Montesinos has to offer, such as the United States Central Intelligence Agency, the Drug Lords he worked with, even Alberto Fujimori, he cannot be the sole person to be blamed for the level of corruption that has occurred over the years within Peru. He was working with several large groups that helped contribute to the fraudulent acts that Montesinos took part in.

Official Charges Against Vladimiro Montesinos 1990-1995:

- Embezzlement
- Drug trafficking

- Murder
- Abuse of power
- Bribing and Corruption

Official Charges Against Vladimiro Montesinos 1995-2000:

- Involvement of in Illegal Arms Dealing
- Embezzlement (continuation from previous time frame)
- Ordering of extrajudicial execution in the 1997 Japanese Embassy Siege

Sources:

1. "Desaparecidos." *Vladimiro Montesinos Torres*. Project Disappeared, Web. <http://www.desaparecidos.org/peru/tort/montesinos/eng.html>
2. "Montesinos, Fujimori, Toledo and Peru's future." *Montesinos, Fujimori, Toledo and Peru's future*. Cosmopolis, Web. <<http://www.cosmopolis.com/english/cosmo11/peru.htm>>.
3. Vann, Bill. "World Socialist Web Site." *Peru: the disintegration of the Fujimori regime*. International Committee of the Fourth International, Web. <<http://www.wsws.org/articles/2000/sep2000/peru-s21.shtml>>.
4. Gorriti, Gustavo. "The Meaning of Montesinos ." *Washington Post* 18 Dec 2000, Online.

The Structure of Committee:

The committee will take place in the Palace of Justice, in Peru. The committee will have the two defendants: Alberto Fujimori and Vladimiro Montesinos, along with one side that consists of Pro-Montesinos and Fujimori and the Cons of the two on the other side. The chair and vice-chair will be acting as the judges in the matter, moderating the dispute amongst the two as well as analyzing the evidence brought upon by both parties. The court will take places in two parts: one half of the committees will be tackling allegations brought on 1990-1995 and the other half of committees will tackle the period of 1996-2000. Therefore, it is very vital that first trial moves smoothly and sufficiently so the court can move on to the second period and the allegations brought forth during that time frame.

The majority of debate will take place in moderated caucus of sort having a speaker for a certain individual make a statement then, allow a member of the opposing group state a rebuttal. Therefore, if a pro-Fujimori speaks, someone against Fujimori will be given priority to state a rebuttal

While the court is in session, time does not stand still however we will be tackling issues through the two time periods. Events can occur and the court will constantly be notified by the occurrences that will be taking place through out the case.

The court will resemble the supreme court as close as possible. While the method of presenting an argument will be tweaked to ensure that we provide everyone the opportunity to present their argument, the forms of punishment will remain realistically similar (i.e. lengthy prison sentences, fines, removal of power, etc).

In regards to a policy paper, it is not required to turn one in that states the side that is supported along with their connections to the plaintiffs. With that said, it is very important and vital that your position is researched and that you fully understand your part to the case as well as what contribution you can make to either help convince that Montesinos and Fujimori are either guilty or innocent.

Issues and Questions to Consider:

- While considering whether Alberto Fujimori and Vladimiro Montesinos, is innocent or guilty, consider to what extent did either man participate in all the events and to what extent are they involved with the evidence provided against them.
- Research your individual's stance in regards to both parties as well as research concrete evidence that ties your reasoning behind your stance to help support the side you will be debating for.
- Note the standard policies under Fujimori's presidency and how they may differ from ones before to help create a deciding factor in whether or

- not Fujimori was a pivotal president or a crooked one.
- Consider the state of Peru while both Montesinos and Fujimori were in the respected positions and how they may have affected or harmed the nation.
 - Note both individuals' pasts to find support or evidence as to their current personas and why they made such decisions and participated in certain events.

Important Links:

1. CIA World Factbook:
www.cia.gov
2. Human Rights Watch:
<http://www.hrw.org/en/americas/peru>
3. BBC- News- Peru:
http://news.bbc.co.uk/2/hi/americas/country_profiles/1224656.stm



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