

AMNESTY INTERNATIONAL

PUBLIC STATEMENT

AI Index: AMR 46/7754/2018

25 January 2018

The Peruvian state has the obligation to end the impunity created by the grace granted to Alberto Fujimori

The grace granted to Alberto Fujimori on 24 December 2017 by President Pedro Pablo Kuczynski violates the right to truth, justice and reparation of the victims of the Pativilca massacre.

Under Peruvian law, the President of the Republic has the power to grant grace – that is, extinguish the criminal liability of those facing criminal proceedings. This power can be exercised for humanitarian reasons to grant grace to those who fulfil the criteria set out in the Regulation governing the Commission on Presidential Grace (Reglamento de la Comisión de Gracias Presidenciales). Presidential grace, if applied to the proceedings brought against Alberto Fujimori before the National Criminal Court for the murder of six *campesinos* (peasant farmers) in the town of Pativilca on 29 January 1992, would in effect put an end to the criminal proceedings against him.

Should the presidential grace come into effect, and therefore end the criminal proceedings, it would in effect be tantamount to an amnesty, which, in so far as it prevents the investigation and prosecution of those who may be responsible for crimes under international law or serious violations of human rights, would be in breach of Peru's international obligations.

The effective investigation of human rights violations is essential in order to establish the truth about what happened. Victims and their relatives have a right to know the truth about human rights violations. Society as a whole also has the right to know the truth about serious crimes that have been committed, as well as the circumstances in which and the reasons why they were committed, so that such crimes are not repeated in future. Amnesty International considers that the failure to investigate and, where appropriate, prosecute the alleged perpetrators sends a message that human rights violations are tolerated and perpetuates impunity.

Amnesty International reiterates once again that during Alberto Fujimori's period of office, it documented hundreds of cases of forced disappearances and extrajudicial executions.

On 5 June 2017, the Supreme Court of Chile approved the extradition of Alberto Fujimori on charges of aggravated homicide and conspiracy to commit a crime, ruling that the crimes of which he was accused were crimes against humanity. In July of the same year, Peru's Third Superior National Criminal Prosecutor's Office (Tercera Fiscalía Superior

Penal Nacional del Perú) decided to press charges against Fujimori and called for a sentence of 25 years' imprisonment. According to information of public domain, on 11 January 2018, Alberto Fujimori's defence lawyers requested that the grace granted by President Kuczynski be made effective and criminal proceedings against him be terminated.

Amnesty International calls on Peru once again, as it did when Alberto Fujimori was detained in Chile between 2005 and 2007 awaiting extradition, to fulfil its obligations under international law; that is, investigate Alberto Fujimori and, if there is sufficient admissible evidence against him, bring him to justice for the crimes of which he is accused.

Further information

Amnesty International, *Perú: Indulto y Gracia a Alberto Fujimori es duro golpe a la lucha contra impunidad* (Peru: The pardon and grace granted to Alberto Fujimori is serious blow to the fight against impunity), 25 December 2017, <https://www.amnesty.org/es/latest/news/2017/12/peru-indulto-y-gracia-a-alberto-fujimori-es-duro-golpe-a-la-lucha-contra-impunidad/> [ETA2671](#) [available in Spanish].

Amnesty International, *Peru: Open Letter to Pedro Pablo Kuczynski Godard*, President of Peru, (Index: AMR 46/7332/2017), 20 October 2017, <https://www.amnesty.org/en/documents/amr46/7332/2017/en/>

Amnesty International, *Perú/Chile: A un año de la detención de Alberto Fujimori en Chile*, (Public statement: Peru/Chile: A year since the detention of Alberto Fujimori in Chile), (Index: AMR 46/026/2006), 6 November 2006, <http://web.amnesty.org/library/Index/ESLAMR460262006> [available in Spanish and French].