

XXXIII
TECMUN

International Criminal
Court

“Pero en vez de llorar actuamos: con piedras de las ruinas hay que forjar otra ciudad, otro país, otra vida”

—José Emilio Pacheco para el número 489 de la revista Proceso. 1986.

He caminado poco a poco por las calles heridas
no solamente hoy:
todos los días.
Veo las llagas palpitar,
cuando se desangran,
yo también lo siento.
Veo las caras de dolor,
cuando lloran,
yo también lo siento.
Pero ya no tengo miedo
—o eso intento transmitir—
ya no tengo miedo
de existir.
Y cuando te veo,
cuando los veo,
me veo.
Porque yo no soy solo yo:
yo también
soy ustedes.
También soy
el herido,
el desaparecido,
la asesinada,
el que no come,
la golpeada,
el humillado:
el mexicano.
No es una visión pesimista,
después de algunos años
aprendí que también
soy otros.

Soy:
el que se queja,
la que protesta,
el que se informa,
la que marcha por otros,
el que marcha por sí mismo,
la que lucha por sus derechos,
el que quiere cambiar su entorno:
el mexicano. La mexicana.
Yo ya no tengo miedo
de estar aquí.
Yo ya no tengo miedo
de mi país.
Y como yo no solo soy yo
junto conmigo,
otros
ya no tienen miedo,
ya quieren luchar,
ya no se van a dejar,
y juntos
vamos a construir
o t r a c i u d a d,
o t r o p a í s,
o t r a v i d a.

Daniela Rivera Guerrero

Subsecretaria de las Agencias Especializadas y Organismos Regionales

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“Learning never exhausts the mind”

- Leonardo Da Vinci

Delegates:

There are experiences that you will remember forever, others that you may consider insignificant, and others that have been already erased from your memory. Nevertheless, each one of them, teach you something, and it's up to you to take that and make a change with it. Live your experiences and make them worth it. Feel them and never stop learning; from yourselves, and from others.

We came to this world to live in a society, to interact with other human beings, that, is exactly the reason we didn't come alone to the world. But over the years we have forgotten that, we have become selfish, and thirsty for power. We have forgotten that everything we are and do, wouldn't be possible without the people around us. We live in a world of which we have abused. Our lack of tolerance has made us forget what respect is, and has shown the worst of us. We have forgotten that despite everything, we are all humans and we are equals. And now, it's up to us to change that.

We are constantly told that we are the future of this world, and that we are going to be responsible of what happens with it. But the future we are told about, is no so far away. It is time for us to take that responsibility. I firmly believe that we have the capacity to make the change that we need. From now on, every action and decision we make is going to determine our path, and is also going to determine who we will be for the world. Nowadays, we are full of information that other generation didn't have access to. But, never think that you know everything, because if you do, you will lose the opportunity to keep learning. Learn from your mistakes, from your experiences, from yourselves, from others and let people learn from you. Be empathetic, tolerant, and always raise your voice and let people hear your opinion. I know that living in this world is frightening, but, fear is not going to make a change; we are.

Ideas are more powerful than you think. Ideas are the spark that lights enormous and wonderful things. Ideas are the ones that start changes. And those ideas are created by all of you.

I really want to encourage you to express yourself, and to never be afraid of your ideas and thoughts, because as I previously mentioned, fear is not going to make a change. So, leave fear behind, and start raising your voice to world.

Mirka Fuentes Ojeda
President of the International Criminal Court
XXXIII TECMUN

Outline of the International Criminal Court

The International Criminal Court - hereinafter referred to as ICC - is a permanent institution created to substitute the International Criminal Tribunal for the former Yugoslavia and the International Criminal Tribunal for Rwanda, both created by the Security Council. The ICC was created under the Statute of Rome established in 1998, voted and adopted by 120 states with the objective of conducting fair trials against individuals accused of committing crimes against humanity, war crimes, the crime of genocide and crimes against the administration of justice. The ICC is not a substitute for National Courts and may only intervene when a State is unable to proceed with the investigation. The ICC may conduct all crimes presented to it under the Statute of Rome committed after the 1st of July, 2002. Date when the Statute of Rome entered into force.

Case A

The prosecution against Thomas Lubanga
Dyilio for war crimes and crimes against
humanity

*By: Mirka Fuentes Ojeda, Adriana Lucía Carrillo Padilla and Daniela
Rodríguez Ventura*

Outline

From July 2002 to December 2003 members of the Patriotic Forces for the Liberation of Congo (FPLC) carried out repeated acts of enlistment and conscripting into the FPLC of children under the age of fifteen who were kept in the FPLC training camps of Bule, Centrale, Mandro, Rwampara, Bogoro, Sota and Irumu.

During the relevant period, members of the FPLC repeatedly used children under the age of fifteen to participate actively in hostilities in Libi and Mbau in October 2002, in Largu at the beginning of 2003, in Lipri and Bogoro in February and March 2003, in Bunia in May 2003 and in Djugu and Mongwalu in June 2003.

The alleged UPC/FPLC's policy/practice of enlisting into the FPLC, conscripting into the FPLC and using to participate actively in hostilities children under the age of fifteen, was implemented in the context of and in association with the ongoing conflict in Ituri.

Mr. Thomas Lubanga Dyilo has been President of the UPC since its foundation on 15 September 2000, that in early or mid-September 2002 Mr. Thomas Lubanga Dyilo founded the FPLC as the military wing of the UPC and that he immediately became its Commander-in-Chief and remained in that position until the end of 2003.

Mr. Thomas Lubanga Dyilo (i) exercised de facto authority which corresponded to his positions as President of the UPC and Commander-in-Chief of the FPLC, (ii) that he had ultimate control over the adoption and implementation of the policies/practices of the UPC/FPLC - a hierarchically organised armed group - between July 2002 and December 2003, including the enlistment into the FPLC, the conscription into the FPLC and the use to participate actively in hostilities of children under the age of fifteen, and (iii) that he was aware of his unique role within the UPC/FPLC and actively used that role.

Congo's crisis situation

Since the 90's, the region of Ituri on the northeast border of the Democratic Republic of Congo, has been the target of many violent battles between two ethnic groups: the Lendu and the Hema. These ethnic organizations have been in constant conflict due to political reasons. As a consequence 80,000 citizens have abandon their home in Ituri in 2005 and according to the report of the United Nations (UN) group of experts in the Ituri's conflict (October 2002) the

illegal exploitation of natural resources and other riches of Congo increased.

After the Second Congo War ended in 2002, a peace agreement was signed, however, violence continued in most parts of the country, specially in the east region. Hostilities were responsibility of the Lord's Resistance Army, and the Ituri conflicts.

Central African Republic political and historical background

The human habitation of the Congo started around 100, 0000 to 40, 0000 BCE, in great measure due to the dense forest there were people gathered food and dug up roots, since they were not hunters.

People lived in households; at the centre of the household was a "big man" who represented the group, the intercommunication between the groups is represented in the closely related Bantu languages of the region.

More structured societies based on clans emerged between 1000 and 1500 CE. Chiefdoms on the southern fringes became more complex, and three kingdoms eventually developed; Loango, at the mouth of the Kouilou River on the Atlantic coast; Kongo, in the far southwest; and Tio (Anziku), which grew out of small chiefdoms on the plains north of Malebo Pool. Rulers derived power from control over spirit cults, but trade eventually became a second pillar of power.

In 1483 the Portuguese land in Kongo, with relationship between the kongolese and characterized by the exchange of representatives and the sojourn of Kongolese students in Portugal; unfortunately the need of Portuguese planter undermined this amicable arrangement by the 1530s.

The slave trade expanded enormously between 1600 and 1800 throwing up local leaders to challenge state control; the western chiefs became more autonomous. The contact with Europeans introduced New World food crops, greater population densities, and emergence of a "market" for foodstuffs, greater use of slaves, intensified women's work and changed the division of labour between the sexes.

The Proclamation of French Congo came in 1891, after Pierre de Braza signed in 1800 a treaty with the Tio ruler. The Congo River had already become a major avenue of commerce. The early efforts from French led to ruthless treatment of the local people and the subjection of the territory to extreme exploitation by concessionary companies. In 1910

the French joined Congo with neighbouring colonies, creating a federation of French Equatorial Africa.

The forced labour of the French in their seek of acquiring labour obligated Africans to build infrastructure and to participate in the colonial economy. Between 1921 and 1934 due to the construction of the Congo- Ocean Railway around 15, 000 and 20, 000 Africans died.

FPLC/ UPC

The Patriotic Forces for the Liberation of Congo are the military wing of the Union of Congolese Patriots (UPC). The UPC is military group in Itury formed in 2001 by Thomas Lubanga Dyilio after the Second Congo War ended and was primarily composed of the Hema ethnic group. The UPC sprung up in the mineral-rich Ituri region on the border with Uganda in the Ituri conflict. The conflict began because of the struggle for control over land and resources, but then it turned into an ethnic conflict. The UPC was responsible for several attacks upon civilians and other serious human rights abuses in pursuit of its policies. In late 2003, the UPC split into several factions: one led by Kisembo Bahemuka and known as the UPC-Kisembo (UPC-K), another under Thomas Lubanga and known as the UPC-Lubanga (UPC-L), and the Parti pour l'unité et la sauvegarde de l'intégrité du Congo (PUSIC) - Party for Unity and Safeguarding of the Integrity of Congo, formed by Mandro Panga Kahwa. The UPC-L was militarily stronger as most of the militia stayed with Lubanga. It was involved in the deaths of nine Bangladeshi MONUC in 2005. After that, Mr. Lubanga was arrested under a warrant issued by the International Criminal Court.

International Criminal Court on the Case

Luis Moreno Ocampo, the Prosecutor of the International Criminal Court received a letter signed by the President of the Democratic Republic of Congo (DRC) referring to him the situation of crimes within the jurisdiction of the Court allegedly committed anywhere in the territory of the DRC based in the Rome Statute. The DRC asked the Prosecutor to investigate if one or more persons should be charged with such crimes.

In 2005, Thomas Lubanga Dyilio was arrested by a warrant issued by the International Criminal Court ,which accused him of child soldiering.

Currently Accused

- *Thomas Lubanga Dyilio*

Thomas Lubanga Dyilio , who is believed to be a national of the Democratic Republic of the Congo; born on 29 December 1960 in Djiba, Utcha Sector, Djugu Territory, Ituri District, Orientale Province, Democratic Republic of the Congo. Lubanga found the UPC. He was President and one of the founders of the UPC.

He exercised an overall coordinating role as regards the activities of the UPC/FPLC. He was informed, on a substantive and continuous basis, of the operations of the FPLC. He was involved in the planning of military operations, and he played a critical role in providing logistical support, including providing weapons, ammunition, food, uniforms, military rations and other general supplies to the FPLC troops. He was closely involved in making decisions on recruitment policy and he actively supported recruitment initiatives, for instance by giving speeches to the local population and the recruits.

Crimes Submitted

Mr. Thomas Lubanga Dyilo is accused of the following crimes;

- Child Soldiering - 8 (2) (b) (xxvi)/ 8 (2) (e) (vii)
- Conscription of children - 8 (2) (b) (xxvi)/ 8 (2) (e) (vii)
- Use of children in hostilities - 8 (2) (b) (xxvi)/ 8 (2) (e) (vii)

Conclusion

During the Ituri conflict, more than 5,000 people have been massacred and affected. This conflict is not recognized by the Democratic Republic of Congo. The conflict, that started from the struggle for control over land and resources, has now become an ethnic conflict, that keeps growing. This war fought over resources and riches has caused nothing but suffering to the Democratic Republic of Congo population including the consequences for a war they are not fighting such as diseases, malnutrition, and forced displacement in the name of either political interests or economic interests.

The government of the Democratic republic of Congo is unable to control this conflict, and because of that, it is also unable to provide people the human rights that they should have.

The Democratic Republic of Congo's government is allowing serious war crimes and crimes against humanity in its territory, and the conflict is far from being over. Prosecuting people allegedly responsible for this crimes, and looking for the people well and safe-keeping is what they must do to end the conflict.

References

1. International Criminal Court. (2006). PRE-TRIAL CHAMBER I. Recovered 14 december 2017, *International Criminal Court*. Web. <https://www.icc-cpi.int/CourtRecords/CR2006_02234.PDF>
2. Office of the Prosecutor. (2004). Prosecutor receives referral of the situation in the Democratic Republic of Congo. Recovered 14 december 2017, *International Criminal Court*. Web. <<https://www.icc-cpi.int/pages/item.aspx?name=prosecutor%20receives%20referral%20of%20the%20situation%20in%20the%20democratic%20republic%20of%20congo>>
3. BBC World. (2016). DR Congo country profile. Recovered 11 December 2016, *BBC*. Web. <<http://www.bbc.com/news/world-africa-13283212>>
4. Buchanan E. (2015). Battle for control of the DRC: Who are the Patriotic Forces for the Liberation of Congo (FPLC)? Recovered 19 December 2016, *International Business Times* web. <<http://www.ibtimes.co.uk/battle-control-drc-who-are-patriotic-forces-liberation-congo-fplc-1526292>>
5. Joshua Project. (2016) Hema. Congo Nyoro in Congo. Recovered 19 December 2016, *Joshua Project* Web. <https://joshuaproject.net/people_groups/15015/CG>
6. Drake K. (2006). Gold and Ethnic Conflict in the Ituri Region of the Democratic Republic of the Congo. Recovered 7 January 2017, *ICE Case Studies* web. <<http://www1.american.edu/ted/ice/ituri.htm>>

Glossary

A

Ammunition: the material fired, scattered, dropped, or detonated from any weapon, as bombs or rockets, and especially shot, shrapnel, bullets, or shells fired by guns.

C

Commander-in-Chief: an officer in command of a particular portion of an armed force who has been given this title by specific authorization.

Conscripting: to draft for military or naval service.

Child soldiering: the use of individuals, under the age of 18, for any military purpose.

Chiefdoms: the territory or people over which a chief.

E

Exploitation: The action of making use of and benefiting from resources.

Ethnic group: Human community link by racial, linguistic, and cultural features. Relative to a population, nation, cultural group or subculture with common cultural traditions.

Enlisting: to engage (a person) for duty in the armed forces

H

Hostilities: acts of warfare

Hema: the Hema are an ethnic group with about 160,000 members located in the eastern Democratic Republic of the Congo, in particular the Ituri region and Orientale Province, as well as parts of Uganda and Rwanda. The Hema are pastoralists.

K

Kongolese: are a Bantu ethnic group primarily defined as the speakers of Kikongo.

L

Lendu: are an ethno-linguistic agriculturalist group residing in eastern Democratic Republic of the Congo in the area west and northwest of Lake Albert, specifically the Ituri Region of Orientale Province.

Lord's Resistance Army: is a rebel group and heterodox Christian cult which operates in northern Uganda, South Sudan, the Central African Republic, and the Democratic Republic of the Congo.

M

Mandro Panga Kahwa: He was a former member of the Union of Congolese Patriots (UPC) of Thomas Lubanga.

R

Recruit: a newly enlisted or drafted member of the armed forces.

T

Thomas Lubanga Dylio: is a convicted war criminal from the Democratic Republic of the Congo. Rebels under his command have been accused of massive human rights violations, including ethnic massacres, murder, torture, rape, mutilation, and forcibly conscripting child soldiers.

U

Union of Congolese Patriots: is a political and militia group in Ituri, northeastern Democratic Republic of the Congo, formed towards the end of the Second Congo War. It was founded by Thomas Lubanga in 2001 and was one of six such groups that sprung up in the mineral-rich Ituri region on the border with Uganda in the Ituri conflict.

Guiding Questions

1. What are the charges Thomas Lubanga Dyilio was given by the International Criminal Court?
2. How was the International Criminal Court formed and why?
3. What is the Lord's Resistance Army?
4. What does the Rome Statute states about child soldiering?

Case B

The prosecution of Alberto Fujimori for crimes against humanity related to corruption and human rights abuse

By: Mirka Fuentes Ojeda, Adriana Lucía Carrillo Padilla and Daniela Rodríguez Ventura

Outline

Alberto Fujimori whom is believed on committing human rights violations: the multiple murders of La Cantuta and Barrios Altos, and the kidnappings of Samuel Dyer and journalist Gustavo Gorrito.

Colina group formed in 1990 which objective was seeking the end of the terrorist groups emerging in the country, nevertheless they committed violations against human rights due to the measures taken against their targets without proofs of this ones being terrorists; victimizing trade unions and activities that may be considered against the Peruvian government.

Alberto Fujimori is being considered as the *autor mediato* within the framework of an organized apparatus of power; believed to be the leader of Colina group.

Establishing the decade-long criminal relationship between Fujimori and Vladimiro Montesinos, and Fujimori's relationship with the high commanders of the Armed State, which facilitated the implementation of a systematic policy of human rights violations that included at least 50 other documented cases perpetrated by the Colina group.

The incidents that took place in Barrios Altos and La Cantuta, perpetuated by Colina Group, in which the dignity of the victims was transgressed despite the fact that they did not belong to a terrorist organization and, therefore, were not terrorist. Considering this incidents as crimes against humanity.

Brief introduction to the Case

In 1989, Fujimori began a bid for the presidency as the head of a new party, Cambio 90. In June 1990 Fujimori defeated Vargas Llosa in a runoff election with 56.5 percent of the vote. Two weeks after taking office, Fujimori instituted austerity measures as harsh as those he earlier had decried. The policy- popularly known as "Fujishock"- wiped out inflation but caused immediate layoffs and hardships among the poor.

In 1992, frustrated with the legislature, which supported few of his programs, Fujimori staged a self-administered coup with military support, declaring a state of emergency, dissolving Congress, and calling for a new constitution. Fujimori's political allies subsequently won a majority of legislative seats, which allowed the president to rule nearly unopposed. Fujimori's government also prosecuted an anti- insurgency campaign on various

fronts, including arming villagers and conducting secretive military trials of suspected terrorists.

In 1995 despite the accusations of his wife as “corrupt and undemocratic” Fujimori won easily a second term with 64 percent of the vote. Meanwhile Vladimiro Montesinos, head of the country’s secret police and Fujimori’s closest adviser, increased his influence in the military and used the country's secret police to infiltrate opposition political parties, bribe legislators and electoral officials, muzzle the media, embezzle and redirect government funds, and carry out human rights abuses, including illegal arrests and torture.

Fujimori sought a controversial third term in 2000, after dismissing high justices who had declared his candidacy unconstitutional. Thus, Fujimori won the elections unopposed but faced condemnation from the Organization of American States, the United States government, and an increasing number of Peruvians; his government crumbled in late 2000.

Amid growing allegations of corruption, Fujimori left Peru, arriving to Japan, where he announced his resignation. Peru’s legislature, however, rejected it and formally voted Fujimori out of office declaring him “morally unfit”.

While Peruvian officials investigated charges against Fujimori, the Japanese government declared in 2001 that he had dual Peruvian- Japanese citizenship and refused repeated extradition requests. In 2005 Fujimori travelled to Chile in hopes of contesting the 2006 presidential election; upon his arrival he was arrested at Peru’s request. In September 2007 Chile’s Supreme Court approved his extradition to Peru.

Alberto Fujimori’s government

Alberto Fujimori was President of Peru from 1990 to 2000. His first period began on July 28, 1990. In that time, Peru was in economic and political chaos, due to the hyperinflation period that the country entered during the government of Alan Garcia. The objective that Mr. Fujimori had, was to pacify the nation and restore the economic balance. He enacted wide ranging neoliberal reforms known as the “Fujishock”. The Fujishock succeeded and Peru was restored to the global economy. But the Fujishock was not the only thing that helped to restore the economy of Peru. In 1980, the International Monetary Fund created the Washington Consensus, a plan for South American economies which consisted in ten

measures that were supposed to help the countries to have a healthy economy. The ten points were:

- Fiscal discipline
- Reordering of public expenditure
- Tax reform (Broadening)
- Liberalization of interest rates
- Competitive exchange rate
- Trade liberalization
- Liberalization of foreign direct investment
- Privatization
- Deregulation of barrier entry and exit, safety regulations, and governed prices
- Property rights for the informal sector

The Peruvian government had to follow these measures, and the inflation rapidly decreased in the country. So it is said that the economy was restored because of the Washington Consensus and the Fujishock helped to make it faster.

Fujimori asked the Congress, powers to legislate without supervision on economic issues and an anti-subversive policy. When the Congress denied, Fujimori, using violence, dissolved the Congress of the Republic and the Judiciary of Peru. This act, was called “autogolpe” and caused the constitutional crisis of 1992.

During this first period, there were acts of terrorism, several acts of violence, and serious violation to the human rights related to the state repression. In December, 1991, occurred the massacre of Barrios Altos in which 15 people were murdered, then in 1992, 9 students and a professor of the National University of Education Enrique Guzman y Valle, were murdered. All these violations were perpetrated by the Colina Group.

During his three periods, Fujimori, was allegedly involved in acts of violence and violations to the human rights, and was allegedly related directly with the Colina Group. He created the Amnesty Law in the beginning of his second period, which closed all the prosecutions and investigations of the acts of violence perpetrated during his first period. This allowed the release of several members of the Colina Group.

He also created the Authentic Interpretation Law, to justify presenting as a candidate for the first time. This was one of the illegal acts he made to continue with his government.

To hide the violations to the human rights and several acts of corruption he used events, like the end of the “crisis de los rehenes”. He also exercised control over the media to obtain their support in the elections and to hide all the information that could affect his government.

Before his third period, near the 2000 elections, several acts of corruption and violence started to be discovered and made public. Nevertheless, he presented as a candidate for the third time and won the elections.

Due to the instability of his government and his unpopularity, Fujimori presented his resignation by a fax on 19 november, 2000, while he was on Tokyo.

Colina Group

In 1980 a guerrilla war was held in Peru. This guerrilla war was launched by the Shining Path group (specifically by Maoist Abimael Guzman) and also the leftist group Túpac Amaru Revolutionary Movement launched another war. However, when Fujimori became president, the people who were participating in the guerrillas and some civilians were killed by a group denominated “Colina Group”.

Colina group was a military anti-communist death group which was created in Peru. This group was formed in 1990 and was known for the violations against human rights they committed because of their active participation in events like “Barrios Alto Massacre”, “La Cantuta Massacre” and “Santa Massacre“. Furthermore, is believed that this group was leaded by Fujimori, also, it victimized trade unions and activists that spoke against the Peruvian government through intimidation and sometimes they even murdered people.

When members of the Colina Group were put on trial, Fujimori signed a law that granted amnesty to anyone who was accused of violation against human rights that were committed by armed forces or the police, which caused controversy in the population. In addition, this wasn't the only law he signed. The “Barrios Alto Law” ensured the freedom of all the participants in the Barrios Alto Massacre. Nevertheless, the Inter-American Court of Human Rights struck down both laws.

Since then, several members of the Colina Group were put on trial, including Alberto Fujimori.

Peru's situation

In 1985 Alan Garcia was elected president of Peru, during his ruling there was an enormous economic crisis due to hyperinflation, fiscal deficit, direct government intervention in all economic areas, overprotection of the internal market, and lack of competitiveness. The inflation got to a point of 400%, for example, in 1985 a piece of bread costs around \$.20 intis and in 1990 their price went up to \$1,700 intis, furthermore the poverty index of Peru shows that from 1985 to 1990 the number increased drastically from 16.9% to 44.1%, to sum up the country was facing the worst economic crisis Peru has ever went through.

However the enormous economic crisis and all their consequences was not the only real issue Peru was facing. Since 1980 until 2000 there was been a tremendous amount of violence due to the creation of extremist, radical, violent, and rebel groups, all over the country, such as the Túpac Amaru Revolutionary Movement (TARM) and Maoist rebels. Both extremist groups share Marxist-Leninist, Guevarist and socialist ideologies, nevertheless there has been an endless fight between them, which has lead the country to an enormous amount of violence and insecurity.

In 1990, Alberto Fujimori assumes the presidency of Peru, during the catastrophic situation, which lead the government to implement what today is called the Fujishock, this was a measure to stop the inflation, the actions started on August 8th, 1990 when the economy minister Juan Carlos Hurtado Miller proclaimed the economic shock, and as a consequence gasoline and basic products will be increasing 30 times its price, from one day to another:

“... so the can of evaporated milk that cost \$120,000 intis, in the morning will cost \$330,000 intis, one kilo of white sugar that only cost \$150,000 intis would cost tomorrow \$300,000 intis, the french bread that cost \$9,000 intis, tomorrow will cost \$25,000 intis, may God help us” (Juan Carlos Hurtado, 1990).

Currently Accused

- *Alberto Kaynia Fujimori*

Alberto Fujimori; born on July 28th, 1938, in Lima, Peru. Fujimori is believed to be the leader of the Colina group, peruvian politician, ex-president of Peru (1990-2000).

Became president of Peru in 1990, and participated in a bloody conflict against Suning Path group. Accused of crimes against humanity, the abuses include the killing of 25 people by a military death squad (Colina Group), which also participated in different massacres; and the creation of laws to protect the members of this group.

Crimes Submitted

Alberto Fujimori is accused of:

- Murder - Article 7 (1) (a)
- Aggravated kidnapping - Article 7 (1) (e)
- Torture or inhuman treatment - Article 8 (2) (a) (ii)
- Corruption
- Embezzlement
- Extermination - Article 6 (b)
- Wilful killing - Article 8 (2) (a) (i)

Conclusion

At the beginning of Alberto Fujimori's government, Peru was facing an enormous economic crisis, product of the hyperinflation created in 1985 by the president at that time Alan Gracia, however the country was also experiencing lack of productivity, corruption, terrorism and rebel groups, as a result a wave of violence, insecurity, and poverty hit the country, in order to gain stability Alberto Fujimori and the government created the Fujishock as a measure to stop the economic crisis and Colimas Group to combat terrorism and socialist extremist groups.

The Fujishock was a harsh measure however it managed to stabilize the country's economy, whereas Colimas Group in spite of being created to protect the country's security and exterminate terrorist groups, the measures taken in order to maintain peace, were often human rights violations, acts of violence, repression, acts of terrorism, illegal arrests, torture

and even murder, what is more sometimes the measures taken against their targets were without real proofs that they were linked to terrorism or acts of violence. The Colima Group is responsible for many massacres, among them, in December, 1991 in Barrios Altos 15 innocent people were killed including a young boy who came running over to his father's death body, then in 1992 Colima Group murdered 10 active members of the National University of Education. It is known that Alberto Fujimori has participated, during his ruling, in the killing of at least 25 people, many massacres, crimes against humanity, corruption, human right violations, the creations of laws in order to protect members of the Colima Group, allies and himself, and aggravated kidnapping. In 2000 high justices declared his third candidacy unconstitutional, besides the Organization of American States, the United States government, and an increasing number of Peruvians condemnation his unopposed candidates therefore his government collapsed late that year. Alberto Fujimori faced allegations of corruption, which lead to Fujimori run out of Peru and arriving to Japan, where he announced his resignation.

References

1. ROMERO SIMON. (2009). Peru's Ex-President Convicted of Rights Abuses. Recovered 5th January 2018, The New York Times. Web. <<http://www.nytimes.com/2009/04/08/world/americas/08fujimori.html>>
2. BBC. (2015). Peru admits Shining Path rebels have not been 'exterminated'. Recovered 5th January 2018, BBC News. Web. <<http://www.bbc.com/news/world-latin-america-33813695>>
3. BROOKE JAMES. (1990). Peru's Poor Feel Hardship of 'Fuji Shock' Austerity. Recovered 5th January 2018, The New York Times. Web. <<http://www.nytimes.com/1990/08/12/world/peru-s-poor-feel-hardship-of-fuji-shock-austerity.html>>
4. WIKIPEDIA (December 2017) Grupo Colina. Recovered 5th January 2018, Wikipedia. <https://en.wikipedia.org/wiki/Grupo_Colina>
5. BARBIER, CHRYSTELLE (September 6th, 2011) Victims of Alberto Fujimori's death squads unearthed in Peru. Recovered 5th January 2018. The Guardian UK <<https://www.theguardian.com/world/2011/sep/06/peru-human-rights-fujimori>>
6. SIMON ROMERO, (April 7th, 2009) Peru's Ex-President Convicted of Rights Abuses. Recovered 5th January 2018. The New York Times. <<http://www.nytimes.com/2009/04/08/world/americas/08fujimori.html>>
7. ENCYCLOPAEDIA BRITANNICA (December 2017) ALberto Fujimori-President of Peru. Recovered 5th January 2018. Encyclopaedia Britannica. <<https://www.britannica.com/biography/Alberto-Fujimori>>
8. Sullivan, Aimee. (2010). The judgment against Fujimori for Human Rights Violations. Recovered 5th January 2018. American University International Law Review. Web. <<http://digitalcommons.wcl.american.edu/cgi/viewcontent.cgi?article=1003&context=auilr>>

Glossary

A

Alberto Fujimori: served as the President of Peru from 28 July 1990 to 22 November 2000. Fujimori ended his presidency by fleeing Peru for Japan amid a major scandal involving corruption and human rights violations

Autor mediato: is the one who commits the crime using another as "Instrument". The figure of mediate authorship fulfills the purpose of expanding the concept of author based traditionally on the execution of the type's own hand.

C

Colina Group: was a military anti-communist death squad created in Peru that was active from 1990 until 1994, during the administration of Alberto Fujimori. The group is known for committing several human rights abuses.

Corruption: dishonest or illegal behavior especially by powerful people

E

Extradition: the surrender of an alleged criminal usually under the provisions of a treaty or statute by one authority (such as a state) to another having jurisdiction to try the charge.

G

Guerrilla: a member of a band of irregular soldiers that uses guerrilla warfare, harassing the enemy by surprise raids, sabotaging communication and supply lines, etc.

H

Hyperinflation: Hyperinflation is when the prices of goods and services rise more than 50 percent a month.

L

Leftist: a person with left-wing political views.

P

Privatization: to transfer from public or government control or ownership to private enterprise.

U

Unconstitutional: not in accordance with a political constitution, especially the US Constitution, or with procedural rules.

Undemocratic: not relating or according to democratic principles.

W

Washington Consensus: is a set of 10 economic policy prescriptions considered to constitute the "standard" reform package promoted for crisis-wracked developing countries by Washington, D.C.–based institutions such as the International Monetary Fund (IMF), World Bank, and the US Treasury Department.

Guiding Questions

1. Who is Alberto Fujimori?
2. What were the relevant changes during Fujimori's government?
3. What is the Washington Consensus?
4. What is the Fujishock?
5. What is the Colina Group?