

STATEMENT OF THE NDI/CARTER CENTER POST-ELECTION DELEGATION TO PERU

Lima, July 14, 2000

This statement is offered by an international post-election delegation to Peru, organized jointly by the National Democratic Institute for International Affairs (NDI) and The Carter Center. The delegation visited Peru from July 9 through July 14, 2000, and was led by former President of Guatemala, Hon. Ramiro de Leon Carpio. This was the fifth in a series of NDI/Carter Center delegations that have observed Peru's election process since November 1999. In addition, the National Democratic Institute and The Carter Center organized an assessment team for the April 9 elections and have maintained a continuous monitoring presence in Peru since January.

On May 25, Peruvian authorities rejected the OAS recommendation for a brief but necessary postponement of the second round of the presidential election. NDI and The Carter Center then decided not to send an election observation delegation to observe the second round and issued a statement noting that an election on May 28 would not meet minimum standards for credible, democratic elections. That decision concurred with decisions by the OAS Election Observation Mission, the European Union observation mission, the Peruvian civic organization Transparency (*Transparencia*) and the Ombudsman's Office (*Defensoria del Pueblo*) not to observe the voting on May 28. NDI and The Carter Center have continued to closely monitor developments since that time.

This delegation held intensive meetings with a wide range of Peruvian leaders. The delegation, together with *Transparencia*, also cosponsored on July 13 the first post-election forum on the common aspirations of Peruvians for genuine democratic reform. The forum was attended by more than 75 representatives of political parties, news media and civic, religious, business and professional organizations, as well as by representatives of the diplomatic community.

Presented below is a summary of the delegation's observations. NDI and The Carter Center will continue to monitor post-election developments and will prepare a final report on the Peruvian election process in the future. Additional post-election delegations are being considered by NDI and The Carter Center to assess the progress being made on democratic reforms called for as a result of the elections.

SUMMARY OF OBSERVATIONS

Peru's government is facing a crisis of legitimacy. Public opinion surveys demonstrate that a large majority of the population believes that the elections held this year for congress and the presidency were neither clean nor fair. The election process failed dramatically to meet minimum international standards. As a result, the people of Peru were denied the opportunity to exercise their right to democratic elections. Consequently, the government that is to emerge from the elections will lack a legitimate mandate based clearly on the will of the electorate.

A unanimous view was expressed by those with whom the delegation

met that a broad civic dialogue among Peruvians is needed to determine the steps that must be taken to remedy this situation and move Peru toward a democratic path. Experience in many countries around the world demonstrates that to be effective such a dialogue must be open and inclusive, and it must produce decisive actions in accordance with an agreed upon timetable. The dialogue must encompass those who seek to govern and political parties in opposition as well as civic, religious, labor and private sector organizations that act as intermediaries between citizens and government. While the government has formed the Presidential Commission for the Strengthening of Democratic Institutions (*Comision Presidencial para el Fortalecimiento de las Instituciones Democraticas*), it thus far has not initiated an open dialogue with these sectors of Peruvian society. Unfortunately, representatives of the government did not accept the invitation to participate in the July 13th forum nor did they meet with the delegation during its visit.

The Special Mission of the OAS to be established in Peru in response to OAS General Assembly Resolution 1753, adopted on June 5 in Windsor, Canada, can become an important vehicle to promote a broad dialogue. The Special Mission will inherit the good will and credibility established by the OAS Election Observation Mission ably led by former Guatemalan Foreign Minister, Dr. Eduardo Stein. At the same time, discussion by Peruvians about steps to overcome the crisis of legitimacy may require more than one avenue of discourse and should not be restricted to a narrow agenda. All appropriate and peaceful ways to recover democracy in Peru should be discussed, including the possibility of organizing a referendum, other means of popular consultations or early congressional and presidential elections to be held in accordance with democratic standards.

Elections cannot be separated from the broader political process. They are an integral part of the institutions and processes necessary to protect and promote civil and political rights, which are essential to democracy. These include the right to freedoms of opinion, expression, association, assembly, movement, equality before the law and due process of law, as well as to life, liberty and security of the person.

These freedoms are recognized in international human rights instruments to which Peru is a party and in Peru's Political Constitution of 1993. Yet, as noted in the statements of prior NDI/Carter Center delegations and the reports of the OAS, *Defensoria del Pueblo*, *Transparencia* and others, Peru's election process failed to adequately protect human rights in each of these areas. These failures illustrate fundamental weaknesses of democratic institutions and processes in Peru that must be addressed by future democratic reforms.

Failure to Provide Voters with Accurate Information

A significant portion of the electorate was denied adequate accurate information upon which to make an informed political choice at the ballot box by: the lack of sufficient media access by opposition political parties and candidates, particularly to the electronic media; bias in broadcast television news; and smear campaigns in the tabloid press (*prensa chicha*).

Politicization of the Judicial Process and Denial of Freedom of Expression

Freedom of expression was abridged by judicial proceedings, lodged with apparent political motivations, against mass media outlets that were critical of the government (such as Channels 2 and 13 and Radio 1160), as well as by threats and acts of violence against journalists who were critical of the government.

Abuse of Public Resources and State Authority

Patterns of misusing state resources and state authority for electoral advantage were revealed in: credible reports of using state-administered food distribution programs to coerce voters to support the incumbent president and his political movement (Peru 2000); credible reports of the state tax agency and judicial proceedings being employed against opposition leaders and supporters; and cases documented by the news media of the military and intelligence services being used to promote Peru 2000, as well as instances of opposition candidates being surveilled by intelligence agents.

Lack of Impartiality and Effectiveness in Electoral Administration

Impartial and effective administration of the election process was prevented by: the falsification of more than a million signatures to qualify one of the four political organizations that were initially part of Peru 2000; the failure to take judicial action during the election period on this fraudulent action; the failure to provide adequate documentation about the more than one million votes recorded in the April 9 election in excess of voters recorded as having cast ballots; unexplained breakdowns in the vote tabulation during the first round; irregularities in the calculation of votes for congressional seats; and the failure to provide information to which political parties are entitled in order to pursue electoral claims.

Lack of Transparency and Accountability in Determining Electoral Results

The possibility of ensuring the electorate that its will would be accurately reflected in the official results was undermined by a failure to provide adequate safeguards for the new vote tabulation software installed by ONPE for the second round and the refusal to implement much needed improvements suggested by the ONPE's three working groups (*comisiones de trabajo*) prior to the second round.

These and other failings led NDI and The Carter Center to decide not to observe the second round of voting on May 28. The OAS Election Observation Mission, the European Union observation mission, *Transparencia* and the *Defensoria del Pueblo* all decided to withdraw from observing the second round of voting as well. Such a consensus among international and domestic observers to refuse to witness voting is rare in the annals of election observation, and it reinforces the conclusion that Peru's election process cannot be considered genuine.

Problems identified in the pre-election period (such as media bias, misuse of public authority and instituting judicial proceedings against certain critics of the government) continue to taint the political process in the post-election period. New problems also have emerged. Threats and bribes allegedly are being used to induce elected congressional representatives to abandon the opposition groups from which they were elected or to join the Peru 2000 congressional caucus (*bancada parlamentaria*). The armed forces broke precedent by organizing a ceremony recognizing Alberto Fujimori's third term as president before his July 28th inauguration. Actions by security forces at political demonstrations following the second round and during the visit of the OAS High Level Mission to Peru on June 27-29 became increasingly heavy handed in the use of tear gas and detention of demonstrators.

These actions have led to concerns among a significant number of Peruvians that security forces will not respect the right of citizens to demonstrate their dissatisfaction with the outcome of the elections in a nationwide day of peaceful protest planned for July 26. Whether

these demonstrations are allowed to take place in an atmosphere that respects the right to protest peacefully, without impediments or provocations by security forces, will be a critical indicator of the government's commitment to democratic principles.

An urgent and comprehensive approach is needed to address democratic reforms in Peru. The specific steps required in this process and the timing of such steps are matters for Peruvians to determine in their efforts to reestablish public confidence in elections and in the governments that result from them. Experience in other countries confirms that a number of important reforms are needed in this immediate post-election period to demonstrate the government's commitment to democratization. Such reforms would build public confidence in the sincerity of the government's efforts.

A number of recommendations for democratic reforms have been advanced by political parties, leading Peruvian civic and religious organizations, the *Defensoria del Pueblo* and eminent personalities. The High Level OAS Mission also has offered recommendations. The delegation encourages the issuance of such recommendations and dialogue about them. NDI and The Carter Center will continue to monitor post-election developments and in the near future will issue a more detailed report.

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