

Andean Report by Carlos Méndez

Alan García wins a battle

A special court has absolved the Peruvian former President, but there still remains the "Morgenthau card."

There is insufficient evidence to bring charges" against former Peruvian President Alan García, stated Horacio Valladares, president of the special tribunal of the Peruvian Supreme Court which ratified on Dec. 27 an earlier ruling absolving García of alleged embezzlement from the government. The tribunal's finding was backed by the full Supreme Court, which decision gave García his first important victory in a war instigated by the financiers behind the International Monetary Fund (IMF). The war is far from over, however.

According to García's lawyers, the court's finding "is unappealable and has the authority of a judgment." The accusations included the charge that he used \$400,000 of government money to build three homes, that he stole \$50 million from the public treasury, and that in 1985 he illegally sold a contract for the sale of airplanes to another country.

All charges were found to be without merit.

Nonetheless, and despite the technical ban on a further appeal, prosecutor María Herminia Drago declared that she would challenge the court's decision yet again, now claiming that the law limits the court's power to ordering a trial based on the congressional charges against García.

Sources close to García report that prosecutor Drago is also readying a "complaint" against the magistrates of the special tribunal, accusing them of basing their decision on ideological bias, an allusion to their alleged political sympathies for García's APRA

party.

Popular Christian Party Congresswoman Lourdes Flores, one of García's original accusers, said that the case is far from closed and that the prosecutor's motion to annul the court ruling had yet to be considered.

"In any case, one mustn't lose sight of the BCCI [Bank of Credit and Commerce International] question, and the issue of the Mirage jets has not been part of the Attorney General's case. We will just have to start over again."

The central element in any new offensive against García is the actions of New York District Attorney Robert Morgenthau, a close collaborator of the Anti-Defamation League, who has told the Peruvian Attorney General's office and Congress that he has a witness against García in both the BCCI and Mirage cases. Morgenthau claims the witness is prepared to testify if given immunity. But since Peru does not have a plea-bargain system as does the United States, where a person can exchange testimony for a reduced sentence, the Peruvian Congress would have to alter its own legislation to permit this.

But the real "crime" for which García is being persecuted is his opposition to the IMF during the early years of his presidency (1985-89). Ever since the charges were first made against him, García has responded that they are "lies, dirty maneuvers" motivated by an effort to sabotage his participation in the next presidential elections.

Above all, he has stressed, they

are intended to punish him for having dared to challenge the IMF and the international bankers.

As the reader will recall, García was one of the few Ibero-American heads of state who had dared to openly confront the world dictatorship of the IMF during the 1980s. His first two decisions as President in 1985 were to limit payments on the Peruvian foreign debt to 10% of the country's export earnings and, second, to send police and army units into the Peruvian jungle to raid drug traffickers' laboratories which nobody had dared to touch for years.

García's "crimes" are worsened by the fact that today he seeks to head up the opposition to the genocidal austerity policies dictated by the IMF and willingly imposed by current Peruvian President Alberto Fujimori, policies which have caused the cholera epidemic that is now sweeping Peru and spreading across the continent.

It is García's renewed leadership role that has reactivated the campaign against him, and it is Robert Morgenthau who triggered the reactivation with his claims to hold "proof" that García received money from the infamous BCCI bank, and that he made a profit from certain weapons transactions.

On Oct. 19, 1991, the Peruvian Senate voted 38-17 to lift García's parliamentary immunity as a life-long senator, thus paving the way for a potential trial on embezzlement and fraud charges. Following months of hearings, the Peruvian Chamber of Deputies accused García of having forgotten to declare \$4,000 of his 1980 income. At the same time, the Senate decided that Morgenthau's charges should be heard in court. Later, more tax evasion charges against García were unofficially aired—by the press.