ATTACKS ON JUSTICE - PERU

Highlights

The transition towards democracy has been a difficult process but, despite the difficulties, there have been some efforts to improve the judiciary as well as human rights protection. The Final Report of the Truth and Reconciliation Commission shocked Peruvians, forcing them to reflect on the responsibility of society as a whole for the two decades of violence. The establishment of special commissions and working groups to reform the justice system is a step in the right direction but will only be successful if their recommendations are properly enforced. The new Code of Criminal Procedure is an attempt to modernize the system but difficulties in implementing it will almost certainly mean that its entry into force will be delayed. The adoption of a Constitutional Procedural Code, the enactment of new anti-terrorism legislation, reform of the military justice system and the active role being played by the Constitutional Court are all positive developments in seeking to consolidate the rule of law. However, the failure to amend the 1993 Constitution and the lack of governance on the part of President Toledo have adversely affected the adoption of the radical reforms the country needs.

BACKGROUND

The 1993 *Constitution* establishes Peru as a democratic, independent and unitary State and provides for the separation of powers. Peru's legal system belongs to the civil law tradition. The President, who is directly elected for a five-year period, is head of both the State and the executive, thus exercising executive power. Legislative power is exercised by a 120-seat single-chamber Congress. The judiciary is independent and responsible for the administration of justice.

Alejandro Toledo was elected President in April 2001 as the representative of the "Possible Peru" (*Perú Posible*) party and other political organizations. His term in office ended on 28 July 2006 and in April 2006 general elections (congressional and legislative) have been held. His government has been characterized by low public support, despite the existence of macroeconomic stability and the first ever attempt at structural decentralization in the country, which included introducing direct elections for regional governments which have administrative and budgetary autonomy. Over the past couple of years, the main issues on the political agenda have been the signing of a *Free Trade Agreement* with the United States and the establishment of a South American Community of Nations (*Comunidad Sudamericana de Naciones*).

During the period under review, Peru has undergone a democratic transition that has been marked by sporadic social conflict, political instability and some attempts to reform the structure of the State. However, the lack of trust in President Toledo's administration and current accusations of corruption have weakened governance in the country.

On 2002, a document entitled the "National Accord"[1] (*Acuerdo Nacional*) was signed by representatives of the main political parties and members of civil society as a means of establishing State policies and working on a long-term political agenda to enhance governance in Peru. It contains 31 policies that are deemed fundamental for the country's development, the goal being that they should be achieved by 2021, the year that Peru celebrates its 200th anniversary as an independent nation. The main policies are: democracy and the rule of law, equality and social justice, that the country should be competitive and the establishment of an efficient, transparent and decentralized State.

Over the past few years, severe social tension has erupted within the country with demands for the improvement of working and living conditions. The main reason for this social unrest is that the positive economic indicators are not reflected in peoples' lives and there is a total distrust of public institutions, especially the judiciary. General strikes and anti-government protests have increased in intensity and frequency to such an extent that, since 2004, the Ombudsman's Office has decided to monitor and evaluate the phenomenon on a monthly basis.

One of the most representative events during this period was the murder in April 2003 of Cirilo Robles Callomani[2], the Mayor of Ilave, a town in southern Peru. The population accused him of corruption and publicly tried and killed him. Other significant events included constant complaints from local villages of alleged abuses by mining companies, the emergence of a militarist movement led by Antauro Humala and protests by coca growers. It is worth mentioning that in these cases the government has addressed the issues raised in a non-violent way. By August 2005, this condition had significantly reduced, partly because of the proximity of the general elections.

As far as legal reforms are concerned, 2001 saw the enactment of *Law 27,600* which was intended to set a process in motion that would result in amendment of the 1993 Constitution. The proposed reforms included: revising the role of the judiciary, restructuring the military justice system, re-establishing a Senate within Congress and limiting some of the President's executive powers. Despite the fact that there was a consensus in favour of the proposed changes (there was 88 per cent agreement), in May 2003, Congress brought the process to a halt for reasons that are not yet clear. Nonetheless, the new government headed by Alan García, which took office in July 2006, still needs to prioritize constitutional reform.

In May 2004, Congress enacted *Law No. 28,237* adopting a *Constitutional Procedural Code* (*Código Procesal Constitucional*) for the first time. It brings together within one law every procedure and action that falls to the jurisdiction of the Constitutional Court, thereby consolidating its role as guardian of the Constitution and fundamental rights.

[1] See http://www.acuerdonacional.gob.pe/finalacuerdonacional.pdf
[2] See http://www.agenciaperu.com/entrevistas/2004/may/sandoval.htm

Final Report of the Truth and Reconciliation Commission

The Peruvian Truth and Reconciliation Commission (TRC) was set up in June 2001 with the mandate to examine the causes of the violence that had taken place in the previous two decades, investigate the acts of terrorism and human rights violations that had occurred between May 1980 and November 2000 and draft recommendations with regard to the reparation of victims and State reforms. After spending two years carrying out investigations, gathering testimonies and holding public hearings, on 28 August 2003, the TRC presented its Final Report to the President.

It concluded that during the twenty years under review there were 69,280 victims of the conflict, constituting the most intense, extensive and prolonged episode of violence in the history of the country. The TRC reported 23,969 cases of deaths and disappearance during the conflict and documented thousands of serious human rights violations, including torture, sexual offences and breaches of due process, as well as genocide inflicted by the outlawed armed group, Shining Path (*Sendero Luminoso*), on the *Ashaninka* indigenous people.

The TRC concluded that Shining Path was the main perpetrator of crimes and human rights violations, being responsible for almost 54 per cent of the total number of deaths and forced disappearances. As far as the State was concerned, the TRC found it to be responsible on political and military grounds. It condemned the ruling class, on the one hand, for its lack of ability and leadership in tackling the problem from the beginning within a framework of respect for the rule of law. It was only when the conflict went beyond their capabilities that the authorities decided to deploy the military and police.

On the other hand, despite recognizing their courage in facing terrorist groups, the TRC stated that, in some places and at certain points during the conflict, the behaviour of the armed forces and the police not only entailed individual excesses by officers and soldiers but also widespread and/or systematic human rights violations that constituted crimes against humanity as well as breaches of international humanitarian law.

The TRC thus found them to be responsible for extrajudicial executions, forced disappearances, torture and other cruel, inhuman or degrading treatment. Finally, it also attributed responsibility to other armed groups, such as the Tupac Amaru Revolutionary Movement (*Movimiento Revolucionario Tupac Amaru, MRTA*), the self-defence committees (*Comités de Autodefensa*) and paramilitary groups.

In its Final Report, the TRC put forward a series of recommendations including: (i) institutional political and legal reforms to consolidate the transition towards democracy; (ii) the handing over of documents and evidence against alleged perpetrators of human rights violations; and (iii) a Comprehensive Program of Reparations (*Programa Integral de Reparaciones*) containing a series of compensatory measures to repair the harm caused to victims and their families.

At the time of writing, some progress has been made in following up these recommendations but there is still a lot to be done. Some reforms have been implemented with regard to the justice system and military courts (see below). In

2004, specialized courts (*Sala Nacional*) to try human rights violations were introduced following the establishment in 2003 of divisions within the Public Prosecutor's Office to investigate cases of forced disappearance, extrajudicial execution and the exhumation of secret graves. However, there have been major setbacks in the prosecution of cases handed over by the TRC and the implementation of the Comprehensive Program of Reparations.

JUDICIARY

Judicial reform

The *Organic Law on the Judiciary* (*Ley Orgánica del Poder Judicial*) provides for the political, administrative, economic, disciplinary and jurisdictional independence of this branch. The judiciary is composed of a Supreme Court as the highest judicial authority in the country, high courts (*Cortes Superiores*) in each of the 25 judicial districts and lower courts (first instance courts and justice of the peace courts - *juzgados de paz*). The military justice system is a separate branch of the judiciary, although its rulings are subject to review by the Supreme Court (see Military Justice below). There is a Constitutional Court and a Public Prosecutor's Office (*Ministerio Público*), both of which, according to the Constitution, are independent and autonomous.

In February 2003, the President of the Judiciary and of the Supreme Court, Justice Hugo Sivina, publicly announced a plan of action to reform administration of justice in the country. The program, entitled the "National Accord for Justice" (*Acuerdo Nacional por la Justicia*), was going to be chaired by the judiciary and would involve the participation of political groups as well as civil society. It was going to set the ground for comprehensive reform of the justice system, including a long-term program to continue until the year 2020. In October 2003, the "National Accord for Justice" was officially established by means of *Administrative Resolution No. 191-2003-P-PJ* of the judiciary.

It was a significant step in that it sought to bring civil society closer to the administration of justice by involving it in assessing the situation and putting forward measures for structural reform. However, it has not succeeded in restoring public trust in the system (which had been seriously discredited under the administration of President Fujimori), nor has there been any real institutional opening-up on the part of the judiciary.

Under these circumstances, the Accord has been widely criticized for limiting the involvement of civil society and other potential actors in the process. It was unlikely that a politically-based and corrupt judicial system was going to be capable of reforming itself either structurally or objectively. In this context, on 4 October 2003, the legislature, following a proposal put forward by the executive, enacted *Law No. 28,083* which set up a more pluralistic body called the "Special Commission for Comprehensive Reform of the Justice System" (*Comisión Especial para la Reforma Integral de la Administración de Justicia –CERIAJUS*).

This Commission, which was chaired by the judiciary, involved every group involved in the country's justice system: the judiciary, the Public Prosecutor's Office (*Ministerio Público*), the National Council of the Judiciary (*Consejo Nacional de la Magistratura*), the Constitutional Court, the Judicial Academy (*Academia de la Magistratura*), the Ministry of Justice, the Ombudsman's Office, the Congressional Judicial Committee, representatives of civil society involved in the National Accord, bar associations and law schools. The purpose of the Special Commission was to devise a plan for comprehensive reform of the judiciary. Despite the fact that the Special Commission and the National Accord for Justice were carrying out their activities simultaneously, *Law No. 28,083* stipulated that the information gathered by the latter was to be used to draft the plan the Special Commission was working on.

The coexistence of these two groups affected the coherence and harmony needed for this reform process. Nevertheless, within the Special Commission it was possible to reach agreement on the vast majority of issues that need to be addressed by the Peruvian justice system. However, it was not possible to reach a consensus on the sensitive issue of the disciplinary system. This was a subject of debate within the Commission, causing divisions among its members. The proposal from civil society was that responsibility for disciplinary measures should lay with the head of an external body whereas the judiciary, while recognizing the need to improve the system, wanted to keep it within their sphere of competence.

In January 2004, the Special Commission completed its interagency assessment of the Peruvian justice system and, on 24 April of that year, concluded its duties by presenting the "National Plan for Comprehensive Reform of the Justice System" to the President. It comprises eight thematic areas: access to justice; anti-corruption policies; the modernization of judges' and prosecutors' offices; human resources; governance, administration and budget; jurisprudence and judicial doctrine; criminal justice and the standardization of legislation[3].

The Special Commission called for 52 legislative reforms, of which 16 have already been enacted as laws and 36 are still under discussion in Congress. A series of constitutional amendments put forward in the National Plan are still being considered by the parliament's Constitutional Committee[4]. These include matters relating to the career system for judges and reform of the National Council of the Judiciary, among others, and have led to a debate between civil society and the judiciary.

A pilot program is currently under way to improve the way in which minor offences (*faltas*) are investigated and cleared up. It involves establishing justices of the peace within police stations in metropolitan Lima where the rate of such offences is highest. The program is being developed as the result of an agreement reached between the judiciary, the Ministry of Justice and the Ministry of the Interior[5].

Anther area in which there has been progress within the Peruvian judiciary in recent years is the modernization of the system for dealing with corporate matters. A sub-division of the judiciary specializing in commercial law has been set up so that these

[3] See http://www.congreso.gob.pe/comisiones/2004/ceriajus/Plan_Nacional_ceriajus.pdf
[4] See http://www.justiciaviva.org.pe/cruz/detalle.doc
[5] See http://conasec.mininter.gob.pe/nota65.htm

lawsuits and cases (known as executive proceedings), which were very time-consuming for the ordinary courts, can be dealt with more quickly and efficiently.

In December 2004, Justice Walter Vásquez Vejarano, a conservative, was elected as the new President of the Judiciary. Since taking office, he has continued implementing the judicial reforms already under way, such as the training of justices of the peace, and in April 2005 he inaugurated the specialist courts dealing with commercial law.

Reform of Criminal Procedure

After thirteen years of debate and several failed attempts, on 29 July 2004, by means of *Legislative Decree No. 957*, a new *Code of Criminal Procedure* was adopted[6]. As was done in Chile, it will enter into force and be implemented gradually (*Legislative Decree No. 958*[7]) across the different judicial districts. The new Code follows the same trend as similar reforms in the region by establishing an adversarial model that separates the tasks of investigation, prosecution and judgment by assigning them to different bodies. Another feature is that, under the new structure, the prosecution service directs the police during the investigation stage, thereby depriving the police of the power they used to have to act on their own initiative. The new Code of Criminal Procedure also has a section on judicial cooperation with the International Criminal Court, Peru being the only country in Latin America to have adopted such legislation.

In July 2005, a plan for implementing the *Code of Criminal Procedure* was presented but lack of coordination and the absence of political will on the part of both judicial and government institutions have prevented it from being put into practice[8]. As of September 2005, there is no clear sign of when it will enter into force and if the necessary resources, which depend largely on international cooperation, will be available. The February 2006 deadline for the full entry into force of the Code is therefore likely to be put back.

The judiciary's budget

One of the greatest problems facing the judiciary is that it lacks the resources it requires to meet the needs of the population. In October 2004, the judiciary filed a petition against the executive (*contienda de competencia*) in the Constitutional Court in order to defend the budgetary autonomy granted to it under article 145 of the Constitution. The lawsuit sought to prevent the Ministry of Economy and Finance from arbitrarily cutting the proposed budget for the judiciary, once the draft bill on the Annual Public Sector Budget (*Ley Anual de Presupuesto del Sector Público*) had been put to Congress[9], without the judiciary being able to put forward arguments to them in support of its requirements.

[6] See http://www.cajpe.org.pe/rij/bases/legisla/peru/957.pdf
[7] See http://www.cajpe.org.pe/rij/bases/legisla/peru/958.pdf
[8] See http://www.justiciaviva.org.pe/noticias.htm#17
[9] In this case, PL No. 11290/2004-PE.

In December 2004, the Constitutional Court determined that there were grounds for the judiciary's request and ordered the judiciary to draw up a program establishing the criteria under which judicial reorganization was to take place. It also ruled that the proposed budget should be given technical support to assist Congress in making an informed decision. In addition, it ordered the legislature to gradually increase the budget of the judiciary in line with the resources available and the country's economic capacity. In mid-2005, the judiciary requested the doubling of its budget for the 2006 tax year while the Ministry of Economy and Finance only proposed a 5 per cent increase. Nevertheless, this still only represents 1.34 per cent of the 2006 national budget.

Appointment and security of tenure

Article 146 of the Constitution guarantees judicial independence and security of tenure, provided that members of the judiciary carry out their work efficiently and observe good conduct. However, one of the main problems inherited from the Fujimori administration was the lack of any stability for judges and prosecutors, due to the fact that most of them had been appointed on a temporary basis or were deputizing for others. Given the circumstances, and as part of the transition towards democracy, the National Council of the Judiciary initiated a series of public competitions to select new judges. Thus, between 2002 and 2004, there were six public processes, resulting in the appointment of 1,478 judges, representing 61 per cent of the total number of judges selected by the Council since it was created in 1995[10].

Nevertheless, these selection and ratification procedures have been severely discredited for their lack of transparency and objectivity. In some cases, arbitrary decisions had allegedly been made so that judges were accepted into, or excluded from, the judiciary on the basis of political interests or advantage. Therefore, after receiving several criticisms of the rules for selection (*884-2003-CNM*) as well as the methods of evaluation and ratification (*241-2002-CNM*), in 2005 the National Council of the Judiciary issued two new directives restructuring the system[11]. These resolutions substantially improve the process but still have certain flaws that prevent the most able judges from gaining access to these posts.

In 2002, several petitions of *amparo*, the purpose of which is to protect constitutional rights, were filed by judges before the Constitutional Court challenging the decision of the National Council of the Judiciary not to confirm them in their posts. According to the Constitutional Court, the post of judge relies on a system of public trust (*cargo de confianza*) and non-confirmation is not a disciplinary measure but a withdrawal of that trust. Therefore, the National Council of the Judiciary was not obliged to justify its decision nor was it necessary for the right to defence to be exercised because no charges or accusations had been made against these judges. The Constitutional Court concluded that the period during which judges are irremovable should be limited to seven years. According to the Ombudsman's Office[12], this controversial decision is a

[10] See http://www.cnm.gob.pe/pdf/NOMB2004.xls
[11] Selection process: *Resolution No. 1000-2005-CNM*. Evaluation and ratification: *Resolution No. 1019-2005-CNM*.
[12] See: Ombudsman's *Resolution No. 038-2002*. In: www.cajpe.org.pe/rij/bases/juris-nac/dp38-02.pdf

violation of the civil rights of judges, in that they do not know why their rights have been restricted or violated, as well as a breach of the principle that all such procedures should be public.

Corruption

Despite the progress made in prosecuting politicians, military and civilians for corruption over the past ten years, the anti-corruption system established in 2001 under the transitional government of President Valentín Paniagua has been consistently criticized by members of the Fujimori administration as well as by certain current government officials allegedly involved in corruption.

The first setback was the inability of the system to cope with the workload. To overcome this situation, in March 2004 a third chamber was established (*Sala Superior "C"*)[13] and at present three additional chambers and two specialist courts are being set up (*Supreme Decree No. 105-2005-EF*). Nonetheless, this system has been strongly criticized for its lack of efficiency in investigating and clearing up cases.

Another problem the anti-corruption system has faced is the timeframe given to the ad hoc prosecutor's offices (*Procuradurías Ad-Hoc*) to investigate cases of corruption, specifically those which have occurred under President Toledo's administration. A major debate erupted when accusations were made against the President (when he was still a candidate) that he had been involved in forging signatures for the registration of his political party under the Fujimori administration[14]. This was just one of several such cases[15]. At the beginning of 2005, this state of affairs led to the resignation of the entire corps of prosecutors in charge of the investigations and to the appointment of a more discrete but independent new team.

Among several cases currently under investigation is that of a number of judges, prosecutors and other former members of the judiciary accused of being part of Fujimori's network of corruption. They include the former Attorney General, the former President of the National Election Panel (*Jurado Nacional de Elecciones*), the former head of the Office for Control of the Judiciary (*Oficina de Control de la Magistratura*) and the former Commander of the Armed Forces, among others.

Vladimiro Montesinos, a former advisor to Fujimori, has been prosecuted on several counts of corruption, including for bribing journalists and the press thereby jeopardizing their independence from the government, smuggling arms to illegal Colombian armed groups, bribing members of Congress and using the former National Intelligence Service (*Servicio de Inteligencia Nacional*) as a centre of operations to control and harass opposition movements.

In the case of **Alberto Fujimori**, the government has sought his extradition from Japan (where he has been living since he resigned the presidency in November 2000) but his Japanese citizenship has made it possible for local authorities to refuse to hand

[13] See http://www.justiciaviva.org.pe/sistanti.htm
[14] See www.caretas.com.pe/2004/1837/articulos/firmas.html; http://www.agenciaperu.com/actualidad/2004/ago/impidensalida_alvarez.htm.
[15] See http://www.agenciaperu.com/actualidad/2004/oct/vargas_no_toledos.htm

him over, on the grounds that Japan does not extradite its nationals. The response of the Peruvian government has been to press charges for gross violations of human rights, especially torture, which, under the principle of universal jurisdiction, take precedence over extradition treaties, At the time of writing, no significant progress has been made and no official response has been received from the Japanese authorities with regard to this matter. Given the circumstances, the Peruvian Government has considered filing a lawsuit against Japan before the International Court of Justice.

A major setback, which calls into question the political will of the current administration to fight corruption, occurred in July 2005 when Congress *adopted Law No. 28,568* amending article 47 of the *Penal Code*. This legislation equated house arrest (*arresto domiciliario*) with the time spent in detention, mostly benefiting those who were being prosecuted for corruption. By counting the time of their house arrest as time spent in custody, it allowed them to request release on the grounds that the legal time limit for being held without conviction had expired. In addition, the law allowed the time spent under house arrest to be counted towards the actual prison term in the event they were convicted.

This controversial law was in force for only three days before Congress decided to withdraw it[16]. During this period the Supreme Court enforced it in relation to some corruption cases[17], including one involving the directors of newspapers who had allowed their editorial line to favour Fujimori's administration. However, Congress filed an action before the Constitutional Court (File No. 019-2005-PI/TC) to determine whether or not the law was constitutional. In its decision, the Court found it to be unconstitutional and ordered that it be declared null and void and non-applicable on the grounds that it was based on a misinterpretation of the favourable retroactive application of criminal law. It also requested the judiciary to use its powers to prevent the legislation from being applied[18]. As a consequence of this, people who had been set free while *Law No. 28,568* was in force were returned to prison.

MILITARY COURTS AND ANTI-TERRORISM LEGISLATION

Article 173 of the Constitution allows military courts to try members of the armed forces for offences committed in the course of duty as well as civilians accused of treason and terrorism. This situation has been condemned by international organizations, including the Inter-American Commission and the Inter-American Court of Human Rights, among others, because the summary proceedings used by such courts and their lack of impartiality constitute a breach of both the right to due process and judicial guarantees. In January 2003, the Constitutional Court[19] restricted the application of article 173, limiting it solely to certain procedural aspects of the *Military Code of Justice* related to the prosecution of civilians for terrorism or treason, as long as such procedures complied with fundamental rights. Even in those cases, it ruled that jurisdiction lay with the civilian courts.

[16] See http://agenciaperu.com/actualidad/2005/jul/congreso_leyarresto.htm
[17] See http://www.agenciaperu.com/actualidad/2005/jul/wollfenson_libres.htm
[18] See http://www.tc.gob.pe/notas_prensa/nota_05_063.html
[19] Constitutional Court, File No. 010-2002-AI/TC from 3 January 2003.

The Constitutional Court also called on the executive to enact new anti-terrorist legislation that complied with international standards and the principles of due process and granted jurisdiction over treason and terrorism cases to the ordinary courts. The government responded by enacting *Legislative Decrees Nos. 921 to 927* in accordance with extraordinary powers granted by Congress under the terms of *Law No. 27,913* of 8 January 2003. Under this new legislation, former leaders and members of illegal armed groups such as Shining Path and the MRTA have been tried in the ordinary courts. Nonetheless, these decrees only dealt with specific matters and did not look at reforming the entire system.

In June 2004, the Constitutional Court[20] carried out an assessment of the military system of justice and concluded that its current status was unconstitutional because it violated the principles of jurisdictional unity, judicial independence and due process. Congress was given one year to enact new legislation under the terms and conditions established in the ruling. Despite the fact that this is a jurisdictional matter, the parliamentary Defence Committee has taken over the issue from the Justice Committee. The Defence Committee, which is heavily influenced by the military, has recently finished drafting a bill that retains many of the features of the old system[21]. Congress has been given an extension until January 2006 in order to complete this reform.

CASES BEFORE THE INTER-AMERICAN SYSTEM OF HUMAN RIGHTS

The Inter-American Commission on Human Rights

Between January 2002 and September 2005, the Inter-American Commission on Human Rights declared ten cases against Peru admissible. They concerned alleged violations of rights related to the judicial guarantees and judicial protection enshrined in the American Convention of Human Rights. In October 2003, the Inter-American Commission issued a special report on the human rights situation in Challapalca Prison in the southern city of Tacna. It recommended that the prison be closed down owing to the inadequacy of the conditions and facilities, severe overcrowding and the alleged ill-treatment of inmates.

The Inter-American Court of Human Rights

On 28 February 2003, the Court found the Peruvian State internationally responsible in the "**Five Pensioners" Case** on the grounds that the rights to private property and judicial protection had been violated.

On 8 July 2004, in its ruling on the **Gómez Paquiyari case,** the Court found the Peruvian State responsible for the detention and extrajudicial execution of two teenage brothers by the National Police in 1991, thereby constituting violations of the rights to life and personal integrity as well as, in particular, the rights of the child (article 19 of the *American Convention on Human Rights*).

[20] Constitutional Court, File No. 0023-2003-AI/TC, 9 June 2004.
[21] See http://www.justiciaviva.org.pe/notibak/2005/09septiembre/08/nota02.htm

On 25 November 2004, in its ruling on the **Lori Berenson case,** the Court decided that the Peruvian Government had violated her right to personal integrity and breached judicial guarantees. However, it concluded that the second trial carried out in a civilian court (the first one had been declared invalid because it had been conducted by a military court) had complied with the standards of due process and therefore dismissed the petition calling for her release. The fear that this decision might be used to order the release of all those convicted of terrorism caused commotion within the country, with some political groups proposing that Peru should withdraw from the jurisdiction of the Court in cases relating to terrorism.

On 2 March 2005, the Peruvian Government accepted its international responsibility in the **Huilca case,** acknowledging that it had violated the right to life and breached judicial guarantees and judicial protection.

RECENT LEGAL REFORMS CONCERNING THE ADMINISTRATION OF JUSTICE

8 February 2002:	*Law 27,664*: law speeding up proceedings in the event that the Public Prosecutor's Office decides to refrain from prosecuting a case.
13 August 2002:	*Law 27,815, Code of Ethics for Civil Servants* (*Código de Ética de la Función Pública*).
16 August 2002:	*Law 27,819*: law specifying the scope of *Law 27,534* granting general amnesty to defenders of the rule of law.
3 August 2002:	*Law 27,806, (Supreme Decree 043-2003-PCM) Law on Transparency and Access to Public Information*.
20 September 2002:	*Legislative Resolution 27,830*: approving the unilateral declaration recognizing the jurisdiction of the Committee against Torture, as established in articles 21 and 22 of the *Convention Against Torture and Other Forms of Cruel, Inhuman and Degrading Treatment or Punishment*.
12 February 2003:	*Law 27,934*: law regulating the involvement of the police and the Public Prosecutor's Office in the preliminary investigation of offences.
5 June 2003:	*Legislative Resolution 27,992*: approving the *Inter-American Convention against Terrorism*.
25 June 2003:	*Legislative Resolution 28,011*: approving the declaration recognizing the compulsory jurisdiction of International Court of Justice.
23 July 2003:	*Law 28,035*: law regulating the election of justices of peace who do not have professional qualifications.
31 May 2004:	*Law 28,237, Constitutional Procedural Code* (*Código Procesal Constitucional*).

29 July 2004: *Legislative Decree 957, Code of Criminal Procedure* (*Código Procesal Penal*).