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7TH ANNUAL CONFERENCE ON LEGAL & POLICY ISSUES IN THE AMERICAS

CREATING A CONSENSUS FOR JUSTICE REFORM IN PERU

**MAY 25-26, 2006
JW MARRIOTT HOTEL, LIMA, PERU**

*Alejandro Toledo**

John Mills, Director of the Center for Governmental Responsibility at the University of Florida's Levin College of Law; dear friend, Dennis Jett, Dean of the International Center at the University of Florida; my dear friend and ex-colleague, but friend now and always, Javier Neves Mujica, on behalf of the Catholic University of Peru; ladies and gentlemen of the University of Florida, who have taken part in organizing this Seventh Annual Conference on Legal and Policy Issues in the Americas with a very important topic of discussion: Creating a Consensus for Judicial Reform in Peru. I come here to talk to you, not as an attorney because I do not have the privilege of being an attorney, I come to talk to you not only as President of the Republic, but also because I have chosen to participate in this forum in order to transmit a clear message. There is no subject more essential to the life of a nation than the just administration of justice.

Judicial stability is essential to the life of a nation. Since the time of the Greeks, justice has been considered an essential virtue and its administration is a lofty act. The judge has to administer justice in the name of society.

Just a few hours ago, I stepped off the plane from Cerro de Pasco, in the interior of Peru; a place where justice needs to be strengthened in order for it to touch the souls and minds of less advantaged men and women.

* Transcript of speech given by Keynote Speaker His Excellency Alejandro Toledo, President of Peru (Translation Provided by Veronica Arenas).

The common citizen needs to feel that there is justice, and the poor are also entitled to justice. I know, as Javier stated, that macroeconomic achievements and the distribution of the benefits of the economic progress are important, but nothing is more essential than for the common people to feel that they live in a country where they too are entitled to justice irrespective of their position in society.

But what is more, and with the utmost respect for attorneys, justice does not only have to do with attorneys. Justice also has to do with the economic and social health of a nation. Where there is economic, social, and political stability but judicial stability is missing, international investors will not invest capital in the country. This retards growth, increases unemployment, decreases income, and makes the poor become poorer.

I salute my ex-minister of interior, but I want to be clear, growth is not enough. Growth is important, but it is not enough. The benefits of growth must be distributed fairly. The distribution of the benefits of growth is essential.

I know that I am now being applauded, despite having been highly criticized. For five years, I have taken a lot of heat. They do not forgive me; they do not forgive me.

Ladies and gentlemen from the University of Florida; ladies and gentlemen from the Catholic University; organizers of this program: In closing, I wish to make it clear that we are not good judges of our administration or our accomplishments. We should let our political passions quiet down, let the electoral process work, and then let history be the judge. But there is one thing that I can say with pride, and I say it humbly but firmly: our gains small, medium, and large, have been accomplished with the utmost respect for democratic principles, freedom of expression, and human rights. These hands are not stained with blood. We have acted with absolute respect for the independence of the branches of government: respect for the legislative branch; respect for the judicial branch; the constitutional tribunal; respect for all organs for the administration of justice. Both my ex-colleagues and current colleagues have been privy to the depth of my conviction. It has been hard; I have wrinkles and gray hairs. But those of you who have organized this conference, must understand that I am a soldier of democracy.

It has come time for me to leap from being the president of Peru to becoming a soldier of democracy in Latin America. Our nations have experienced waves of dictatorships and democracy. But now the faces have changed; we are no longer talking about generals but of those with petro-dollars. It is not enough to be elected democratically; it is necessary to govern democratically. Is it difficult? Yes. Have we paid for it? Yes,

and it is tough. In five years I have aged twenty, but I would do it again in the name of my nation. I am not talking about re-election. What I mean is that if that is the price to pay, I feel proud to have done it.

We have improved the administration of justice, but we still have a long way to go; this I do not doubt. That is why I do not allow for people to say that all judges are corrupt or that all prosecutors are corrupt. I have been able to meet them. I have met presidents of the judicial branch. Indeed, I know the current one personally, and he is an excellent human being dedicated to justice. It is a challenge for this and future governments; a challenge which is not solely about money. My administration has increased the resources of the judicial branch by 77%, and yet, I know that this does not suffice. In fact, the first decision that I made as President was to increase the judges salaries by 100%. That was 100% in real terms because there was very little inflation, only about 1.5%. But I know that this is not enough. In order for the common citizen to feel that there is justice and that he is protected, we have to do more than increase the salaries of judges. But I have to make a confession of the quagmire that I have found myself in: how can a president of a nation dig deeply into judicial reform without interfering with the power of the judiciary. I cannot. I want to be clear: President Toledo does not have judges in the executive branch. No, I do not have judges. I know judges. I respect them; I admire them. But there's still a long way to go. They have demonstrated, for example, that beyond money (which we have made an effort to raise with aid from the World Bank, the European Union, and the USAID this year), there have been 1777 prosecutions, close to 240 judicial proceedings, and 172 million dollars have been recuperated from corruption. We must recognize the role of judges. Just as we can criticize, we must also recognize the nobleness of those who administer justice justly.

My friends, I confess that my administration fully advocates the freedom of the press, state powers, and the utmost respect for human rights. And though I am stubborn about these, I know it is not enough. We created CERIAJUS in an attempt to work with civil society and the state. Prominent attorneys from civil society, the judicial branch, and the executive branch have come together and we have made great efforts to accomplish our goals. Yet, I know that it is not enough.

Today I would like to appeal to the next president who will be elected in July by popular vote. Mr. President, grab the bull by the horns, take control, and fully support the reform of the administration of justice. I do not mean just monetarily. Of course, it is always easy to predict the past, and now perhaps I am reflecting with you on what else I could perhaps

have done. But I come to take responsibility and I know that there is much yet to do.

My dear friends, the educational institutions have a role to play. The law schools, civil society, a state that opens its mind to discussion of justice, to the subject of judicial stability; these are all key in strengthening the democratic pillars. I want to whole-heartedly congratulate the institutions for the administration of justice and recognize that, despite the long way to go, they contribute a great deal. The Constitutional Court; the Public Ministry; the National High Courts Consulate; the Minister of Justice, the High Courts Academy, the Ombudsman. I come to pay them homage, yet I am fully conscious that we have a long road to travel.

I know that it is common to dig deep and criticize the judiciary. However, I will be leaving in a few months, and I would be ungrateful if I failed to recognize that, although we have not done enough, we have moved forward and not just monetarily. For this reason, on the 28th of July, I will step down with my head up high, not judging the efficacy or inefficiency of my administration, and with a deep conviction that the administration of justice is an integral aspect of democracy. The ultimate judges will be our children and our children's children.

The responsibilities of a President do not cease with the culmination of his term. Mine will not come to an end because this president will not end up in an international institution. This President will not seek refuge behind the glass of the cathedrals of a purely academic institution; this president will descend to the plains to be another soldier of democracy and to work more fervently for the administration of justice. I will be another soldier of democracy in Latin America where, with the vehemence of integration, we will rebel against intervention. The petro-dollars cannot buy the conscience of our country's democracy. We still have a long way to go. Democracy and justice go hand in hand.

Dear program coordinators, thank you very much for having put forth the effort to initiate the interchange of ideas with respect to such an essential subject as the administration of justice in a democracy. Here before you, I would like to express my gratitude for the invitation to this conference and I would further like to congratulate the University of Florida, who, in conjunction with the Catholic University, has put on this event. God bless you.

Thank you.