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Washington, D.C. 20520

DEPARTMENT OF STATE

February 27, 1992

MEMORANDUM

TO: AID/LAC/DR - Jeff Evans
FROM: HA/PP - Amy L. Schwartz *MS*
SUBJECT: Peru Action Plan

This responds to Peter Bloom's memo of February 24 requesting issues for the Action Plan Issues and NPD Meeting on the Peru Action Plan for FY 1993-94.

In general, we appreciate the added emphasis in the Action Plan given to judicial reform, including the proposed funding increase from \$5 million to \$15 million and the extended 8-10 year life of project. As to the content of the judicial reform plans, HA requests that the following issue be included in the issues paper for the meeting.

Issue: Should judicial reform efforts be more tightly focused, at least during the initial years?

Discussion: Peru's civilian legal system is riddled with problems that have, to date, been difficult to address. Creating a new non-partisan institution to address judicial reform will help to mobilize support for concrete legal system reforms on the Peruvian end, particularly in the longer-term. For the short-term, however, there would be several advantages to concentrating U.S. assistance efforts on a narrower slice of the legal system, i.e., implementing a clear reform priority for those aspects of the legal system directly bearing on terrorism and drug crimes. The goal would be to create an effective channel through the entire legal system (from police, through detention, prosecution, trial, sentencing, and imprisonment) for these offenses. Advantages to this approach include:

- o The existence of a workable civilian justice system for these cases would contribute to human rights goals in Peru. So long as officers in the field rightly believe that the civil justice system will not restrain or punish captured terrorists or drug traffickers, the likelihood of human rights abuses is increased.

DEPARTMENT OF STATE IS/FPC/CDR *WES* Date: *11/2/93*

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- o Improvements in a discrete area of the legal system can be a model for reform of other aspects of the civilian justice system.
- o Starting with a targeted reform project will make it easier to measure success.
- o A reform approach designed to help avert human rights abuses would be consistent with demonstrated Congressional concerns.

As it stands now, the description of the new Judicial Strengthening Project on pp. 8-9 of the Action Plan is diffuse and does not clearly adopt a short-term priority focus on drug and terrorism cases. For example, it also discusses numerous other aspects of legal reform in Peru such as citizen access to the judicial system, civil litigation, arbitration, public defenders, etc. Moreover, the Administration of Justice Project, which remains in place during the rest of 1992, does not reflect this priority at all.

For your background as you craft the issues paper, I am attaching a copy of a longer memo on this subject that I wrote in October. Please feel free to contact me if I can provide further information.

Attachment

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