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Ralph Ruebner

The John Marshall Law School, 7ruebner@jmls.edu

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**STATEMENT OF PROFESSOR RALPH RUEBNER
ON PRISON CONDITIONS AND JUDICIAL REFORM IN PERU**

**PRESENTED TO THE CONGRESSIONAL HUMAN RIGHTS CAUCUS BRIEFING
FOR MEMBERS, CONGRESSIONAL STAFF AND THE PUBLIC ON MAY 1, 1997**

**Professor Ralph Ruebner
The John Marshall Law School
315 South Plymouth Court
Chicago, Illinois 60604
Tel (312) 987-2384
E Mail 7RUEBNER@JMLS.edu**

Mr. Chairman:

It is most appropriate for us to meet today on Law Day, 1997, to address certain questions about human rights conditions in Peru and to reaffirm our own commitment to the rule of law.

I returned two weeks ago from Peru, where I had an opportunity to see first-hand prison conditions of incarcerated American and Peruvian women. I spent three days at the Santa Monica de Chorrillos prison in Lima, where six (6) American citizens are incarcerated. They are: Jennifer Davis, Krista Barnes, Betty Luz Colon Rivera, Tina Marie Myers, Elena Margarita Chavez Mestayer and Monique Tozard. Elena and Monique have dual Peruvian and United States citizenship. Four were convicted and sentenced on drug charges. Two, Jennifer Davis of Illinois and Krista Barnes of California, have been in custody since their arrests on drug charges on September 25, 1996 and are still awaiting a trial.

I interviewed the American women as well as Peruvian prisoners there. What the United States Department of State concluded in its Country Report on Peru's Human Rights Practices for 1996 is absolutely correct in light of my own findings. The prison at Chorrillos, which was built 46 years ago for 230 inmates, now houses 650 adults and approximately fifty (50) infants who reside with their mothers from birth to the age of three (3).

Prison conditions are horrendous and clearly violative of international standards and covenants to which Peru is a signatory. The prison is overcrowded. Illegal drugs are available. The facilities are filthy and unsanitary. Food, safe water and health care are almost nonexistent. Rats, mice and sick cats roam the

kitchen and come in contact with food. Cockroaches and lice infest the cells. Bathroom facilities are disgustingly filthy. There is no hot water to bathe with. There is no running water, and electricity is available sporadically. There is no privacy. On Christmas Day, 1996, three American women attempted to escape the prison, as a consequence of their severe depression. Two prisoners have died of AIDS and many prisoners have contracted tuberculosis. No mental health care providers are available. Medical and dental care is almost nonexistent. Pretrial detainees are housed separately from those who are convicted, but they share the prison yard and all other facilities together from early in the morning until lockup at night. The American women survive on what their families provide and share what they have with those who have no familial contact. Most of the women are very depressed and show despair and helplessness. Some are suicidal. I have separate documents concerning these conditions, which I will share with the Committee.

I would like to concentrate for the balance of my presentation on the question of judicial reform. I had an opportunity to meet with prosecutors at the Ministry of Justice, defense counsel, trial judges, appellate judges and judges of the Supreme Court. They all expressed a common concern, and that is a need to restructure the criminal judicial system so as to eliminate corruption in each stage of the system from the initial arrest, the subsequent investigation and throughout the prosecution of a criminal charge. Second, there is a real sense of urgency to speed up the

prosecution of drug offenses and to alleviate the overcrowding in Lima's prison system.

The Supreme Court, La Corte Suprema de Justicia Penal Transitoria, under the leadership of President Alejandro Rodriguez Medrano, has taken full responsibility to implement judicial reform of drug cases. The Supreme Court supervises these cases on a daily basis as they enter the trial stage into a newly created Corte Superior de Justicia - Trafico Ilicito de Drogas. This Superior Court is housed in a separate building in Lima. It will first address a backlog of 4,500 older cases, many with multiple defendants, that have lain dormant or semi-active for two or more years in various courthouses throughout the country. A unitary drug court for Peru, sitting in Lima, will attempt to expedite the prosecutions of drug offenses. Since twenty-one (21) of the twenty-two (22) American citizens incarcerated in Peru are charged with drug offenses, their cases will hopefully go to trial within a period of six (6) to twelve (12) months. Sra. Dra. Nora Oviedo de Alayzo, a judge of the Supreme Court, oversees the transformation of this new court system. I met with five (5) judges of the Supreme Court and toured the Special Superior Court with Judge Oviedo. I am cautiously optimistic that the reform will take hold. The Supreme Court has already named two (2) judges to the special drug court and four (4) more will be named within a few weeks.

Additionally, there is a new appellate court that hears the appeals of felony convictions, except for acts of terrorism and

serious drug offenses. This new court has already made a big difference in expediting the appellate process. However, the Supreme Court will retain jurisdiction in appeals of terrorism related offenses and drug cases.

The Peru Supreme Court needs our assistance in computerizing the court system. They need vehicles for the judges of the drug court to allow them to travel to the prisons throughout the country to hold the initial phase of the trial at the prisons. They need our expertise in improving judicial administration and caseload management. And they desperately need exchanges with the United States - judges, lawyers and law professors - to educate them in the field of civil, political, and human rights.

Mr. Chairman, we must urge the Government of Peru to improve prison conditions immediately and to comply with its obligations under international treaties and human rights covenants. We must fully support the efforts of the Supreme Court of Peru in its attempt to reform the criminal justice system and provide them with monetary and technical assistance.

Mr. Chairman, I thank you and the Committee for giving me an opportunity to express my own views and to express the call of our young citizens who are locked up in Peru who seek justice and humanity. Thank you!