

## **INTERNATIONAL ORGANIZATIONS CONDEMN PARLIAMENTARY ATTACK AGAINST THE NATIONAL BOARD OF JUSTICE IN PERU**

The undersigned international organizations, dedicated to the promotion and defense of the rule of law and human rights in Latin America, express our condemnation of the repeated and improper use of legal mechanisms by the Peruvian Congress to attack the National Board of Justice (Junta Nacional de Justicia-JNJ), with the aim of weakening this institution. Since May 2023, Peruvian Congress has been promoting constitutional accusations to remove and disqualify all members of the JNJ. These actions constitute an institutional attack that affects the democratic order, under the terms of the Inter-American Democratic Charter signed by Peru:

1. Judicial independence is crucial to the effective defense of human rights and an integral element of the separation of powers and the democratic system. All government agencies must respect this independence.
2. The National Board of Justice (JNJ) is an autonomous body created by a constitutional reform submitted to referendum in December 2018 and supported by 87% of Peruvian citizens. The JNJ was the institutional and democratic response to the serious corruption scandals of the now-extinct National Council of the Magistracy (Consejo Nacional de la Magistratura, CNM), which seriously affected citizen confidence in the independence of the justice system in the country.
3. The JNJ is a fundamental body for the defense of judicial independence and the rule of law in Peru, since the Constitution attributes to it the powers of appointment, evaluation, ratification and dismissal of all judges and prosecutors in the country, including prosecutors and supreme justices. Additionally, the JNJ has the special power to review the irregular decisions adopted by the extinct CNM.
4. In the exercise of these constitutional powers, the JNJ has been conducting a disciplinary investigation into the Attorney General, Patricia Benavides, for alleged serious violations committed in her official capacity, and which could lead to her dismissal. These actions include the alleged use of her position to influence investigations involving members of her family. On the other hand, there are ongoing investigations involving an important group of congressmen, which ultimately depend on the Attorney General.
5. To date, members of Congress have been unduly promoting legal mechanisms to weaken the JNJ. They have filed four constitutional complaints seeking to remove its members from office and disqualify them from public office for ten years. These complaints have given rise to parliamentary impeachment proceedings, which are being processed within the terms and stages provided for in the Peruvian congressional rules of procedure.

6. However, recently, the plenary of the Congress has activated a new and summary procedure to remove the seven (7) members of the JNJ. It was approved to entrust the Justice Commission with a summary investigation for serious misconduct, alleging the same facts that were already raised in the constitutional complaints, with the clear political intention of removing them without respecting due process. The JNJ has denounced that these accusations are "fallacious and lacking even the slightest evidence of any infringement."
7. We express our strong condemnation of these repeated attacks against the JNJ, including this recent attempt of massive, summary, and arbitrary removal of its members, which, if perpetuated, will constitute a parliamentary coup to democratic institutionality, the balance of powers, and judicial independence in Peru. These facts are of the utmost gravity, and they constitute a risk of a breakdown of the constitutional order with effects on the democratic regime. The recent example of Guatemala has already shown the harmful effects of improperly using legal mechanisms to attack justice operators and institutions and deactivate oversight bodies, actions which must not be repeated.
8. We urge Peruvian Congress to stop this institutional attack on the National Board of Justice and to respect due process and the reinforced stability that its members enjoy as high-ranking officials of the justice system. We also urge the Peruvian authorities to publicly reject these acts.
9. Finally, we request the Secretary General of the Organization of American States (OAS) to consider these facts, as well as other recent similar attacks to the electoral justice system, as elements to reactivate the application of the Inter-American Democratic Charter to Peru, since these are parliamentary actions that alter and affect the democratic and constitutional order.

**Signatory organizations:**

Due Process of Law Foundation (DPLF)

Center for Justice and International Law (CEJIL)

Washington Office on Latin America (WOLA)

RFK Human Rights

Human Rights Watch

International Commission of Jurists (ICJ)

Foundation for Justice and the Democratic Rule of Law (FJEDD)

Rights and Justice Observatory (ODJ)

Construir Foundation

Washington DC, September 8, 2023