*Translated by Hilary Siebert.*

Lima, Peru

August 2, 2018

**To the attention of the Honorable Judge Víctor Prado Saldarriaga**

**President of the Judiciary of Peru**

Please excuse the fact that this petition has been submitted to you directly without first passing through appropriate channels, but permit me to explain briefly the reasons for this.

1. I am writing to Your Honor with little time on an early weekday morning in a situation of urgency, with the Peruvian justice system more discredited than ever both nationally and on a worldwide level.
2. I believe that I have proposals worth being read, but since Your Honor has little time even to choose what is worth listening to or worth reading, this letter offers a sense of precautionary measures to be taken at a moment of urgency.
3. Previously, I have submitted through official channels to two different presidents of the judiciary, Dr. Víctor Ticona and Dr. Duberlí Rodriguez, a request for a personal interview. On those occasions, I accompanied my request with a document entitled “The Universal Declaration of Spirituality as a Fundamental Right and Public Policy.” This text is a public letter written by me for an international audience, designed to provide a tool for the moral renovation of all the communities of the world. My intention has been for the judiciary to adopt the principles in this document and present it to the executive branch of the government so that it may be adopted as an official state document. With this step, the final goal would be for the government of Peru to propose the adoption of this text to the world community. These requests for a personal interview with Dr. Ticona and Rodriguez were never granted or carried out, although Dr. Rodriguez agreed to the idea in conversation.
4. I have faith that good will plays an important role in the progress of history, and for this reason I hope and wish to believe that this request will be granted. The historical importance of this text will be made relevant by those people in the judiciary who have more time to read through it than Your Honor in your position of great responsibility. The value of the proposals contained therein may be presented to you by such readers at the appropriate time, so that Your Honor will be in a position to evaluate their merit and significance, which I believe to be of the utmost necessity and value at this singular, transcendent moment in our history.

I have enclosed with this request the following 3 documents:

1. A List of Measures Defining the Fight against Corruption and for a Reformation in the Structural Design of the State.
2. Universal Declaration of Spirituality as a Fundamental Right and Public Policy.
3. The Manifesto on Behalf of the “Ethical Capac Cocha of Judges for Justice.”

**David Quispe Salsavilca**

In Good Faith

Senior Judge, Superior Court of Justice, Lima

**A List of Measures Defining the Fight against Corruption and for a Reformation in the Structural Design of the State.** *By David Quispe Salsavilca, Senior Judge of the Superior Court of Justice, Lima. Translated by Hilary Siebert.*

The following list of measures is based on the assumption that among the various offices of government, it is the judiciary branch which is called upon to exercise leadership in the moral reformation of the country, since this is the institution in which the moral foundation of the Peruvian people resides. In the current situation it is necessary to make it clear to the country´s citizens that the judiciary is genuinely dedicated to the fight against corruption. This will accomplish not only the short-term gains related to current court battles but will insure that in the long term people’s fundamental rights are guaranteed, along with the basic values of a democratic society.

La presente lista de medidas parte del supuesto que el Poder Judicial dentro de los órganos del Estado es el llamado a liderar la reforma moral del Estado por constituir la institucional reserva moral del pueblo peruano. En estas circunstancias necesita dar claras señales a la ciudadanía de su auténtica lucha contra la corrupción y recuperar la confianza del Poder Constituyente, en tanto su interés no solo se encuentra en la inmediatista microscopia de luchas litigiosas sino institucionalmente además a mediano y largo plazo, enfocado en hacer efectivo los derechos fundamentales satisfaciendo los grandes intereses generales así como los valores propios de toda sociedad democrática.

The suggested measures are the following:

1. **To act as a civil party in any proceeding in which a member of the mafia is under accusation** (as a plaintiff or civil party of the criminal process) for the purpose of compensating the moral and personal damage involved, as a result of which official institutions have fallen to the lowest level in the history of the Republic. We also call on all public entities such as the Academy of the Judiciary, the Public Prosecutor's Office, the Congress of the Republic or private institutions such as JUSDEM, Trade Unions of Judicial Branch Workers, NGOs that honored those involved, affected by the Mafia, to take action. These entities, as well as private citizens, should be involved in the class action process through a special law, so that they are constituted as a civil group and may proceed in the same way in the respective legal actions. This measure will also clarify public opinion toward the members of the mafia organization that acted as judges within the judiciary in order to propose and obtain civil compensation. This law will have the effect that no hidden benefits, nor any procedural ploy of the mafia of instrumental utility to due process, will allow the Peruvian government to pay a shameful sum of Peruvian money to people involved with the mafia in the future. To effectively implement this measure, it is suggested that a Commission promote the establishment of set of "objective criteria for the determination of damage.” These criteria might include factors such as a drop in the percentage of approvals to the Judicial Branch as well as an adjustment to the cost in the mass media of advertising space for a period of time, compensating for the space of time that the news of those involved in mafia acts have taken in the mass media. This criterion would be objective and would allow to quantify the moral damage to the institution in real figures.
2. **Judicial Democracy**, which includes taking the following actions: a) reinforcing the proposal of the full Chamber of the Supreme Court that the President of the Judiciary and the court presidents be elected by direct and universal vote of the regular presiding judges. b) That also the members of the Executive Council and the General Officer be elected by the totality of judges at their respective levels in the first case and by direct and universal vote in the second case. (c) Promoting deliberation as a means of reaching consensus for criteria used in each area of specialty among judges through an aggressive policy of district and regional plenary sessions. This would soon motivate plenary sessions of a binding nature in order to also contribute to an effective judicial debate generated from the lower judicial levels, resulting in a predictable and binding justice.
3. **Telephone wiretaps authorized by a judge as a measure taken by a criminal judge and requested within a disciplinary procedure as a means of combating the mafia.** The most effective measure against corruption has been telephone wiretaps authorized by a judge. No other measure has been as effective in the history of the examining judicial conduct. On the contrary, the organs of internal and external control have been totally distracted by irrelevant factors, which has empowered even the corrupting elements that have been placed within the system (an example would be the “CNM”—the National Council of Magistrates). This fact must lead to a serious reflection on the design of a new administrative procedure that is not strictly disciplinary but offers an administrative procedure for the protection of judicial independence, which includes the relevant disciplinary proceedings. Corrupt judges are the greatest offenders of the duty of Independence and impartiality, and for this reason incorporating this measure is essential in the fight against corruption, as well as is a study of wealth indicators, a factor which should also be applied to judicial servants. From now on we also propose to establish as behavioral duties that no CNM member authority, Notary, Minister of State, member of Congress, hierarchically superior Judge at the same level or lower level can recommend a case nor hear any of its parts. All judges of the Republic must be granted the right to record a telephone conversation a measure to defend their independence, and they must be given authority to denounce such conversations before the competent body of the administrative procedure of the protection of judicial independence.
4. **Reform of the Configuration of the National Council of Magistrates (CNM)**

Reform in the configuration of the National Council of Magistrates (CNM). Given that the external control personified by the current CNM was taken over by a mafia organization within a democratic system that represents the various sectors of a civil society, rules should be proposed to ensure that the presence of external control will not fall back into the hands of these same criminal groups. Toward this end, measures such as the following should be put up for debate: a) Representatives should have at least a post-graduate degree in a university that is among the 1000 universities of the world ranking of universities at the date of granting the respective postgraduate degree (as ranked by SUNEDU, whose rankings will be determined in accordance with those rankings of prestigious entities such as the QS World University Ranking). b) Representatives shall not litigate, nor shall family members, spouse, partner, blood relatives or affinity up to the second degree (including for these effects the affinity for coexistence), in relationships established over the last five years. Nor shall anyone participate who has been part of in a Study that also has litigated in the past five years. c) Selection of the members of the CNM representatives of the Universities shall be by universal election of students of the superior third level and not by authorities. This universal election shall be conducted, however, taking into account the merits of the voter, so as not to contribute to a decline in the quality of the universities. The aim is to propose weighted votes subject to the weight of the respective university according to the world ranking of universities, in such a way that the vote of a student from the top third of the highest university in the country is worth twice the vote of the university that is one hundred points of difference in the world ranking; said vote would be worth three times the vote of one that is two hundred points lower, and four times in relation to the one that is three hundred points lower, and so on until it reaches fifty-one times that which is five thousand points apart. The students of the superior third level who belong to universities below their level will be granted a non-obligatory vote and their vote will have the weight of 1 out of a hundred with respect to the highest ranking university. This system of choice will prevent the formation of networks of favoritism among the representatives.

1. **The constitutional repeal of the Ratification**. This institution has served to empower a corrupt system and weaken the position of independent judges.
2. **Democratic constitutional reform in the configuration of the Congress of the Republic.**

The present crisis also involves a strong moral crisis within the Congress of the Republic, which is a structural problem. A democratic reform must recognize that the central issue from a democratic point of view is for every citizen to feel represented by their congressional representative. In this regard, political leadership must not be determined by access to advertising and the economic costs it represents, nor by the favor of a party leadership. The necessary step is to extend to the entire universe of representatives, in an essentially new way, what has in a few isolated cases has already appeared as a system offering the right to “quotas,” as in the case of “gender quotas” for candidates. For this purpose, the first step is to define the social groups that require representation in the Congress and then to determine their weight of representation within the body of representatives—currently a group of 120 congressional members. This requires the establishment of consensually accepted rules, which as a conscious effort made by society as a whole, can define an effective instrumental vehicle to ensure an effective system. At the same time, our experience shows us that with the worldwide prevalence these days "consent engineering", this objective will not be easy to meet. We propose to call this effective instrument "The map of the social groups of our Republic" or simply "the map", in such a way that the composition of the universe of 120 congressional representatives is previously defined in terms of the definition of their social groups represented and the number of representatives of each social group which will maintain an aliquot of representatives in the Congress. This quota consists of one, two, three or perhaps four representatives, their number varying according to their numerical relevance in the society, as previously determined in the most objective way according to “the map.” This map should be updated with reasonable frequency, for example every ten years, in order to ensure that it reflects the social mobility of social groups and does not suggest that any permanent caste system exists. At the same, it should be clear that it is not necessary to accredit the sector to which voters belong. Their choice is all that matters and not their social circumstances. Any consideration voters’ social circumstances would not only be impractical for bureaucratic reasons but might imply a limitation on their freedom to elect a candidate of their choice. Even in the possible case where a particular social group might cast few votes, their representation would be assured by their prior placement on “the map.” It is nearly impossible that a social group would receive little or no representation because any tendency of this kind would be previously announced by political analysts and pollsters. And finally, it should be noted that these measures will permit a mechanism of direct control by voters over their representatives: a registry of voters will indicate the candidates for whom a particular social group voted, while maintaining the secrecy of votes. In this way, representatives in office who do not in fact behave in accordance with the interests of their voters will be subject to recall campaigns over the Internet. In this way, midterm ratification voting for congressional members would be unnecessary, since ratification and recall would be an ongoing process.

1. **Electoral Advertising Law, which refers to the cost of advertising for a candidate or political party.**  This measure is aimed at the entire electoral process, whether publically conducted or conducted by the Professional College. It is intended to discourage unnecessary political advertising during the campaign. Such advertising not only overwhelms the voters but distracts them from understanding the actual ideas being proposed and the political trajectory of the candidates who are proposing them. Excessive advertising in the past has led politicians to conceive of their political careers as an investment of large sums of money, with the idea that they must then justify corruption because it is the means by which public money can be used to recuperate the costs of a campaign. With this law, advertising for all political campaigns will be modeled on the fine print in cigarette ads which warns consumers that “smoking may be harmful to your health”: political ads will be required to disclose the cost in Peruvian currency of the candidate or party’s campaign spending. This reference will be updated on a monthly basis during the year prior to an election; during the final month preceding an election updating will be required on a weekly basis; and in the final week it will be required on a daily basis.
2. **Universal Declaration of Spirituality as a Fundamental Right and Public Policy.** In accordance with the accompanying letter.
3. **Ethical Capac Cocha of Judges for Justice.** In accordance with the attached Manifesto.