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Mr. Ambassador,

In my capacity as Rapporteur for follow-up on Conclusions and Recommendations of the United Nations Committee against Torture, I refer to the examination of the fourth periodic report of Peru (CAT/C/61/Add.2) by this Committee at its 36<sup>th</sup> session, from 1 to 19 May 2006. At the end of that session, the Committee's Conclusions and Recommendations (CAT/C/PER/CO/4) were transmitted to your Permanent Mission. In paragraph 27 of those Conclusions and Recommendations, the Committee asked, pursuant to its rules of procedures, that Peru provide, within one year (by May 2007) further information regarding areas of particular concern identified by the Committee in paragraphs 14, 15, 16, 20 and 22 (see extracts annexed).

The Committee has adopted a follow-up procedure to pursue issues that are serious, that can be accomplished by the State party in a one year period, and that are protective.

The information sought by the Committee has not been provided yet, although more than one year has elapsed from the transmittal of the Committee's Conclusions and Recommendations. Accordingly, I would be grateful for clarification as to the current status of your Government's responses on the matters, and as to when the information requested will be forthcoming. Upon receipt of this information, the Committee will be able to assess whether further action is needed.

The Committee looks forward to pursuing the constructive dialogue it has started with the authorities of Peru on the implementation of the Convention. In this context, the Committee seeks to receive your response to this enquiry.

Accept, Mr. Ambassador, the assurances of my highest consideration.

A handwritten signature in black ink, appearing to read "Felice D. Gaer".

Felice D. Gaer  
Rapporteur for Follow-up on Conclusions and Recommendations  
Committee against Torture

H.E. Mr. José Eduardo Ponce Vivanco  
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**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES  
UNDER ARTICLE 19 OF THE CONVENTION**

**Conclusions and recommendations of the Committee against Torture**  
*(Extracts for follow-up)*

**PERU**

(...)

**C. Subjects of concerns and recommendations**

(...)

**National registry on complaints of torture and other inhuman treatment**

14. The Committee takes note of the delegation's statement concerning the Office of the Ombudsman's registry; it considers, however, that the State party should supplement this with a registry at the Public Prosecutor's Office.

**The State party should establish a national registry for all complaints received from alleged victims of torture or cruel, inhuman and degrading treatment, as stated in the Committee's concluding observations in 1999 (A/55/44, paras. 56-63). (...)**

**States of emergency**

15. The Committee is concerned at the frequency with which states of emergency are proclaimed and at reports of abuses on the part of the police and the Armed Forces occurring during such exceptional circumstances.

**The State party should confine the proclamation of states of emergency to situations where it is absolutely necessary and scrupulously comply with its human rights obligations during such periods, in accordance with article 2, paragraph 2, of the Convention.**

**Prompt and impartial investigation (arts. 4, 13)**

16. The Committee recognizes the State party's progress in repealing amnesty laws and bringing criminal proceedings against army and police officers for acts of torture. The Committee remains concerned, however, at the excessive length of such proceedings and regrets that the jurisdiction of the military criminal courts is not exercised in accordance with the international human rights obligations entered into by Peru in accordance with the Convention.

**The State party should:**

**(a) Guarantee the prompt, impartial and thorough investigation of all reports of acts of torture and ill-treatment and forced disappearances**

perpetrated by agents of the State. Such investigations should not be carried out by the military criminal justice system. If charges of torture are brought, the accused should be suspended or transferred for the duration of the investigation to avoid any risk of interference with the enquiry. The Committee recalls that the Armed Forces and police are obliged to cooperate in investigations by the ordinary courts;

(b) Bring the perpetrators to trial and impose suitable penalties on those convicted, in order to ensure that no act of this kind is left unpunished;

(c) Ensure that the Public Prosecutor's Office and the forensic medical institute have sufficient resources of their own and that their staff are provided with appropriate training to enable them to carry out their duties.

(...)

#### **Intimidation and threats**

20. The Committee expresses concern over the allegations it has received of reprisals, intimidation and threats against those who report acts of torture and ill-treatment, and at the lack of effective mechanisms to protect witnesses and victims. The Committee regrets that human rights defenders who have cooperated with the Truth and Reconciliation Commission have been subjected to threats.

**In accordance with article 13 of the Convention, the State party should adopt effective measures to ensure that those who report acts of torture or ill-treatment are protected from intimidation and possible reprisals for making such reports. The State party should investigate all reports of intimidation of witnesses and should set up an appropriate mechanism to protect witnesses and victims.**

(...)

#### **Reparations**

22. The Committee emphasizes the obligation to provide compensation to victims in all convictions for acts of torture handed down by domestic courts. The Committee is concerned at the fact that reparation awards are frequently derisory. It is also concerned at the State party's delay in complying with reparation awards made in a number of judgements of the Inter-American Court of Human Rights and in decisions of the United Nations Human Rights Committee concerning offences of torture and other cruel, inhuman and degrading treatment.

**The State party should ensure that, in all cases where it has been found liable for acts of torture and other cruel, inhuman and degrading treatment, it fulfils its obligation to provide adequate compensation to the victims.**

(...)

27. The Committee requests the State party to inform it within one year of practical steps taken to follow up the recommendations contained in paragraphs 14, 15, 16, 20 and 22.

(...)

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