



**International Convention for
the Protection of All Persons
from Enforced Disappearance**

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Committee on Enforced Disappearances

**List of issues in relation to the report submitted by Peru
under article 29, paragraph 1, of the Convention**

Addendum

Replies of Peru to the list of issues*

[Date received: 22 February 2019]

* The present document is being issued without formal editing.



I. General information

Reply relating to paragraph 1

1. The State has not made the declaration provided for in article 32 of the International Convention for the Protection of All Persons from Enforced Disappearance (the Convention).

Reply relating to paragraph 2

2. In 2015, civil society and victims' relatives were not included in the process of preparing the report. A temporary working group has now been set up, in accordance with Ministerial Decision No. 073-2018-JUS, with the mandate of "contributing, for humanitarian purposes, to the task entrusted to those involved in the search for persons who disappeared during the period of violence between 1980 and 2000". This provides an institutional environment in which victims' relatives and civil society can participate.

3. Pursuant to Act No. 28413, concerning absence by reason of enforced disappearance during the period 1980–2000, the Ombudsman's Office is responsible for maintaining the special register of absence by reason of enforced disappearance. By January 2019, it had issued 1,921 certificates of absence by reason of enforced disappearance. This document can be used to register the presumed death of a disappeared person through the legal channel and is issued at the request of the victim's family, following a verification process. The Office has ascertained that only 2.8 per cent of the victims' relatives who obtain a certificate of absence then go on to obtain a judicial declaration of absence by reason of enforced disappearance or to enter it in the National Register of Identity and Civil Status, which concludes the formalization and legalization of this civil status.

4. In its decision on Case No. 2488-2002-HC/TC of March 2004, the Constitutional Court ruled that habeas corpus applied and ordered an investigation into the disappearance of Genaro Villegas Namuche, in accordance with the Inter-American Convention on Forced Disappearance of Persons. Following the entry into force of the international Convention, the Constitutional Court issued a ruling in Case No. 01804-2015-PHC/TC of February 2018, in which it invoked both the international Convention and the Inter-American Convention and drew on the judgment issued by the Inter-American Court of Human Rights in the *Velásquez Rodríguez v. Honduras* case, stating that habeas corpus applied in the case of the disappearance of Mr. Bruno Carlos Schell.

II. Definition of the criminal offence of enforced disappearance

Reply relating to paragraph 3

5. On 23 April 2018, the General Directorate for the Search for Disappeared Persons submitted a list of disappeared persons whose details were entered in the National Register of Disappeared Persons and Burial Sites. The list contains the names, sex and age of disappeared persons, information on the place, date and circumstances of their disappearance and details of the sources that registered each disappearance. The data held by the National Register relate to victims of events in the period 1980–2000.

6. The National Register works on the basis of the definition of a disappeared person set out in Act No. 30470, concerning the search for persons who disappeared during the period of violence 1980–2000. Under the Act, a disappeared person is "any person whose whereabouts are unknown to his or her relatives or whose location cannot be established with legal certainty, as a consequence of the period of violence 1980–2000." This definition is far broader than the one contained in article 2 of the Convention.

7. On the basis of this definition, the General Directorate reports that at least 20,349 people disappeared between 1980 and 2000. Of those, 16,160 (79.41 per cent) were men and 4,181 (20.55 per cent) women. In 8 cases (0.039 per cent), the sex was unknown. The largest number of disappearances – approximately 4,000 – occurred in 1984 and the smallest number (under 100) in 1980 and 2002. Of the victims, a majority (5,135) were aged between 18 and 29 years of age, followed by persons aged between 30 and 39 years (2,949) and then a minority (381) who were over 65 years of age. A total of 2,664 minors disappeared, of whom 1,719 (65 per cent) were boys and 945 (35 per cent) girls.

8. The following were the 10 regions worst affected: Ayacucho (9,847 victims), Junín (2,977 victims), Huánuco (2,538 victims), San Martín (1,206 victims), Huancavelica (1,052 victims), Apurímac (602 victims), Ucayali (567 victims), Cusco (380 victims), Lima (309 victims) and Pasco (186 victims). A further 535 victims came from other regions and, in the case of 150 victims, it is not known what region they were from.

9. Prior to the passing of Act No. 30470 on the search for persons who disappeared during the period of violence 1980–2000, it between 2002 and January 2016, the Special Forensic Team of the Institute of Legal Medicine attached to the Public Prosecution Service recovered the remains of 3,410 individuals from 2,244 burial sites, of whom 1,973 were identified through the application of forensic anthropology, forensic dentistry and DNA procedures.

10. Between 2015 and November 2018, 215 cases of enforced disappearance were registered with provincial criminal and joint prosecutors' offices: 45 in 2015, 83 in 2016, 72 in 2017 and 60 in 2018. The regions with the highest number of registrations were Huánuco (55 cases), Ayacucho (51 cases) and Junín (19 cases), while those with the smallest number in total were Amazonas (3 cases), Loreto (4 cases) and San Martín (6 cases).

Replies relating to paragraphs 4–6

11. In January 2017, pursuant to article 2 of Legislative Decree No. 1351, an amendment was made to article 320 of the Criminal Code to bring the definition of enforced disappearance set out therein into line with article 2 of the Convention. The new text states that an official or a public servant, or any person acting with the consent or acquiescence of an official or a public servant, who deprives a person of his or her liberty and refuses to acknowledge such deprivation of liberty or to provide accurate information on the fate or whereabouts of the victim, is liable to a term of from 15 to 30 years' imprisonment. The penalty is between 30 and 35 years' imprisonment in cases where the victim is under 18 or over 60 years of age, suffers from any form of disability or is pregnant. The new text eliminates the requirement to prove that a disappearance has occurred and adds the element set out in the Convention, namely denial of the deprivation of liberty and refusal to provide information on the person's whereabouts.

12. The offence of enforced disappearance is still covered in article 3 of Act No. 30077, the Organized Crime Act, the purpose of which is to establish the rules and procedures relating to the investigation, prosecution and punishment of offences committed by criminal organizations. A criminal organization is considered to be any group of three or more people who, regardless of the group's structure and scope, consistently or over an indefinite period of time divides up tasks and functions among themselves with a view to establishing themselves or operating in a concerted and coordinated manner for the clear and direct purpose of committing one or more serious offences.

13. The acts listed in article 320, when committed by any person without the consent or acquiescence of an official or a public servant, may be prosecuted under the heading of other offences, such as offences against personal liberty or related offences. These may be investigated, prosecuted and punished under Act No. 30077, specifically article 3 of the Act. The offences of abduction, trafficking in persons, extortion and smuggling of migrants are covered by the article.

14. National legislation does not contain exceptional measures that allow for restrictions on, or derogations from, the prohibition of enforced disappearance. The only means to derogate from the prohibition of enforced disappearance is through a law that ranks as highly as, or higher than, the Criminal Code. However, no legislative proposals in that direction have been set before the Congress of the Republic.

15. Although title XIV of the Criminal Code has the heading “Crimes against humanity”, that does not mean that enforced disappearance is prosecuted only when it is committed in the context of a systematic and widespread attack on the civilian population, but rather that any enforced disappearance is a criminal act, regardless of the context in which it occurs. Notwithstanding, the State is taking action to bring its criminal legal framework into line with the Rome Statute of the International Criminal Court and other human rights treaties. Thus, at one of its regular meetings, on 23 November 2018, the National Commission on the Study and Implementation of International Humanitarian Law recommended to the executive that it should adopt a law to prevent and punish international crimes and offences against human rights. This legislative proposal characterized enforced disappearance as a crime against humanity and a serious violation of human rights. The preliminary draft is currently being reviewed by the Office of the Deputy Minister of Justice at the Ministry of Justice and Human Rights and the intention is to submit it without delay to the Congress of the Republic.

16. In the preliminary draft, enforced disappearance is treated as a separate offence and continues to be punished in accordance with the sanctions currently in force: from 15 to 30 years’ imprisonment for the basic offence and from 30 to 35 years when there are aggravating circumstances. The proposed penalty for the offence when considered as a crime against humanity is one third higher than the legal maximum penalty prescribed for it as a separate offence.

Reply relating to paragraph 7

17. In view of the fact that the offence of enforced disappearance may be perpetrated by an official or a public servant, who owes a special duty of protection to society, care was taken to ensure that, in the 2017 amendment made to the definition of the crime, a penalty involving disqualification from public office was maintained for straightforward cases of enforced disappearance and cases involving aggravating circumstances, in accordance with article 31(1) and (2) of the Criminal Code.

18. The penalties for the criminal acts listed in article 320 of the Criminal Code, when they are perpetrated by persons acting without the consent or acquiescence of an official or a public servant, are as follows: for the basic offence of abduction and deprivation of liberty, from 20 to 30 years’ imprisonment, and, under aggravating circumstances, a minimum of 30 years in prison; for the basic offence of trafficking in persons, from 8 to 15 years’ imprisonment, and, under aggravating circumstances, from 12 to 20 years (the judiciary reports that there were 84 convictions for trafficking in persons between 2015 and 2017); for the basic offence of smuggling of migrants, from 4 to 6 years in prison, and, under aggravating circumstances, from 5 to 8 years [text missing], 25 years; lastly, for the basic offence of extortion, from 10 to 15 years in prison, and, under aggravating circumstances, from 15 to 25 years, [text missing] 30 years and life imprisonment.

19. The three types of aggravating circumstance listed in article 320 are closely bound up with the condition of the victim, in line with article 7 (2) (b) of the Convention. The decision to include these three sets of circumstance was based on the notion that deprivation of liberty results in a person’s loss of legal protection and should therefore be punished more severely when the victim is a minor, an older person, a person with disabilities or a pregnant woman.

20. Although the reference to the aggravating circumstance in article 7 (2) (b) of the Convention, relating to the death of the person concerned, has not been reproduced word for word in article 320 of the Criminal Code, article 50 of the Code provides for cases where a number of offences are perpetrated concurrently. It stipulates that when a number of punishable acts that should be considered as separate offences are committed at the same

time, the prison terms imposed by the courts for each offence must be added together, up to a total of double the penalty for the most serious offence, so long as the resulting penalty does not exceed 35 years. If the sentence imposed for any of the offences is life imprisonment, only that sentence shall apply. In that connection, where the offence results in the death of the victim, the courts may apply the punishment for each individual offence in accordance with the relevant definitions set out in title I, relating to offences against life, physical integrity or health.

21. Although article 320 of the Criminal Code does not expressly refer to mitigating circumstances as mentioned in article 7 (2) (a) of the Convention, article 46 of the Code is in keeping with the Convention, in that it enumerates a set of mitigating circumstances, that may apply so long as they are not specifically provided for in the penalty applicable to the offence and are not constituent elements of the offence. These are circumstances where a person who has committed the offence voluntarily seeks to reduce its consequences, voluntarily repairs the damage caused other consequences of the hazard created or voluntarily gives him- or herself up to the authorities, after committing a punishable act, in order to take responsibility for it.

22. With regard to the compatibility of recent regulations on the issuing of pardons, particularly pardons on humanitarian grounds, with the provisions of articles 7 and 24 of the Convention, there is no specific mention in Supreme Decree No. 008-2010-JUS or Ministerial Decision No. 0162-2010-JUS of enforced disappearance as being governed by the regulations on pardons on humanitarian grounds. Specifically, article 35 of the Ministerial Decision stipulates that, in analysing and assessing a petition for a pardon or a waiver of prosecution, the Commission must apply the same criteria as for a general pardon, giving priority to the humanitarian nature of the decision and the specialized opinion of a competent medical professional. In analysing and assessing a petition for pardon on humanitarian grounds, the Commission should also give priority to a petitioner who has not been convicted. Regulations have been introduced only by means of article 2 of Act No. 28760, which amends articles 147, 152 and 200 of the Criminal Code and article 136 of the Code of Criminal Procedure. These regulations do not provide for the granting of a pardon, for the commutation of a punishment for the crimes of abduction or extortion or for a waiver of prosecution to be granted to a person who has not been convicted of these crimes.

Reply relating to paragraph 8

23. With regard to the question of whether the State has taken measures to ensure that domestic law specifically incorporates the criminal responsibility of any person who commits, orders, solicits or induces the commission of the offence of enforced disappearance, or who is an accomplice to or participates in an enforced disappearance (Convention, art. 6 (1) (a)), the applicable provisions are contained in chapter IV of the Criminal Code, which covers the perpetration of or participation in a crime, specifically: direct perpetration, mediate perpetration and joint perpetration (art. 23); instigation (art.24); and primary or secondary complicity (art. 25).

24. As regards the responsibility of a person who attempts to carry out an enforced disappearance, chapter II of the Criminal Code contains the regulations governing an attempt (art.16), a non-punishable attempt (art.17), voluntary abandonment (art.18) and participation by various persons in the attempt (art.19). In the case of an attempted offence, the courts will reduce the punishment as they deem reasonable, in accordance with the criteria that have been considered in each case.

25. Peru does not have specific legislation on the responsibility of non-military superiors. However, the legislative proposal described in the preceding paragraphs makes provisions regarding the responsibility of leaders and others in positions of power. Thus a military or police chief, or a civilian manager, or anyone who is effectively in a position of power, will be subject to the same punishment as that imposed on the persons who, acting on the superior's orders or under the superior's effective authority and control, commit any of the offences set out in the bill, provided that the superior knew that his or her subordinates were committing or were about to commit such offences and failed to take all

necessary and reasonable measures within his or her power to prevent or repress the commission of such offences or to submit the matter to the competent authorities for investigation and prosecution.

26. The information contained in paragraphs 56 and 57 of the State party's report, which relate to the jurisprudence of the Constitutional Court, still holds true. According to the jurisprudence, the existence of duties that are manifestly contrary to fundamental rights, or, in general, to constitutionally legitimate aims cannot be accepted. The Supreme Court has also stated that obedience can in no circumstances apply to orders with criminal content, since in such cases the law must have priority over authority.

27. To deal with the situation of orders or instructions issued by superiors in the police force, Legislative Decree No. 1186, which regulates the use of force by the National Police of Peru, was adopted on 16 August 2016. Article 10(b) of the Decree establishes that, in carrying out duties that involve the use of force, police officers are entitled to disregard orders or regulations issued by a superior permitting the use of force, if they are manifestly unlawful or arbitrary. Article 11(3) provides that, where firearms are used, police officers cannot claim that they were only obeying orders if they knew that the use of firearms was manifestly unlawful, and that, if firearms were used, the superior officers who gave the orders would also carry responsibility. Article 3(f) of the Regulations under Legislative Decree No. 1186, which were adopted pursuant to Supreme Decree No. 012-2016-IN, states that a manifestly unlawful order constitutes any regulation or command issued by a person of superior rank that is flagrantly and clearly in breach of the law or that is intended to affect people's fundamental rights in an arbitrary manner. Article 25 of the Handbook of Human Rights for Police Officers, adopted under Ministerial Decision No. 952-2018-IN, sets out the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and article 8 of the Code of Conduct for Law Enforcement Officials.

28. In the case of orders and instructions issued by military superiors, the information regarding the applicability of article 29 of Legislative Decree No. 1095, cited in paragraph 58 of the State party's report, is reaffirmed. It may be noted that, in its judgment in Case No. 002-2008-PI/TC, the Constitutional Court ruled that international humanitarian law and international human rights law had established that compliance with orders from a superior did not absolve the person who had complied with the order of responsibility, still less when the order was manifestly unlawful. Thus, when it considered the question of whether Act No. 29166 – now repealed – was unconstitutional, it ruled that the interpretation given of the principle of compulsory compliance would be constitutional if the order issued was not manifestly unlawful or contrary to the Constitution.

III. Judicial procedure and cooperation in criminal matters

Reply relating to paragraph 9

29. Article 49 of the Criminal Code addresses the question of a continuing offence. Under this article, where a number of different violations of the same criminal law, or a violation of the same or similar nature, are committed in the course of a particular activity or at various times in pursuance of the same criminal intent, these violations are considered to be a single continuing offence and will be punished with the severest penalty available. If a police officer harms more than one person, the penalty is increased by a third more than the maximum laid down for the most serious offence. As stated in paragraphs 29, 31 and 68 to 74 of the State party's report, this article has been interpreted by the Supreme Court, in Plenary Decision No. 9-2009-CJ-116, which constitutes a binding precedent for the entire justice system and is applicable to enforced disappearance. It is also consistent with the judgments of the Constitutional Court cited in the State party's report, since the Court is the ultimate interpreter of the Constitution. Enforced disappearance is therefore currently considered a continuing offence.

30. As regards the legislative initiatives undertaken to establish the non-applicability of statutory limitations to the offence of enforced disappearance, the bill mentioned above stipulates that criminal proceedings and punishment are not subject to statutory limitations.

This means that statutory limitations do not apply to enforced disappearance, whether as a separate offence or as a crime against humanity.

31. Peru reiterates that, although the criminal legislation currently in force does not make a specific reference to the non-applicability of statutory limitations for the offence of enforced disappearance, the jurisprudence cited in the State party's report does, in point of fact, make it clear that enforced disappearance is not subject to statutory limitations. The statute of limitations set out in the Criminal Code does not, therefore, apply to enforced disappearance.

32. With regard to measures to guarantee the right to an effective remedy, article 8 of Act No. 29360, as amended by Legislative Decree No. 1407 of 12 September 2018, which is intended to strengthen the public defender service, states that the public defender service has a number of responsibilities. It must provide (a) defence services for victims, including technical legal advice and/or legal representation for people with few financial resources; for children and adolescents who are victims of sexual violence; for older persons or persons with disabilities who have suffered as a result of offences against their physical integrity, health, liberty or family members: for women and members of the family unit, in accordance with the provisions of Act No. 30364; for victims of trafficking in persons or human rights violations; or for persons who have suffered from property crime or whose rights have been infringed by an administrative body; and (b) legal assistance, including technical legal advice and/or legal representation in matters relating to civil and family law as set out in the regulations to the Act and also in cases where children or adolescents are at risk or neglected by their families.

33. As of 2018, the General Directorate of Public Defenders and Access to Justice employ 315 specialist victim defenders providing technical/legal advice to victims of human rights violations. It also employs 242 legal assistance public defenders, who provide assistance in matters arising out of human rights violations, such as the correction of information in birth certificates, the registration of death certificates, judicial declarations of absence by reason of enforced disappearance and other issues. Victims of enforced disappearance were provided with legal representation on 10 occasions in 2015, 6 in 2016, 3 in 2017 and 3 in 2018, a total of 22.

Reply relating to paragraph 10

34. Article 1 of the Criminal Code applies the principle of territoriality, while article 2 applies the principles of extraterritoriality, of State defence and of active and passive personality.

35. In accordance with the first principle, the criminal law applies to any person who commits a punishable act in the territory of Peru, apart from the exceptions set out in international law. It also applies to punishable acts committed on board publicly-owned Peruvian ships or aircraft, wherever they may be, and on board privately-owned Peruvian ships or aircraft, whether on the high seas or in airspace where no State exercises sovereignty.

36. In accordance with the second principle, Peruvian criminal law applies to an offence committed abroad, where (1) the perpetrator is an official or a public servant carrying out his or her duties; (2) the offence impinges on public safety or peace or involves criminal conduct, such as money-laundering, in cases where its effects are felt in the territory of the Republic; (3) the offence is harmful to the State and national defence, the Government, the constitutional order or the monetary order; (4) the offence is perpetrated against a Peruvian or by a Peruvian and the offence is liable to extradition under Peruvian law, provided that it is also punishable in the State where it is committed and the perpetrator enters Peruvian territory in any way; and (5) Peru is required to punish an offence under international treaties.

37. Peru reaffirms the statements contained in paragraphs 78 to 80 of the State party's report, namely that criminal and criminal-procedure laws apply, under the Constitution, to Peruvian nationals and foreigners alike, whether or not an extradition treaty is in place.

Reply relating to paragraphs 11 and 12

38. The jurisdiction of the ordinary courts in Peru to hear complaints of enforced disappearance, whether in emergencies or at any other time, remains unchanged, and access is available to everyone, whether a member of the military, a police officer or a civilian. The right to life and personal integrity applies fully at all times. Although the right to personal freedom may be restricted when a state of emergency is declared, this is referred to only in article 2.24(f) of the Constitution and does not absolve an official or a public servant who carries out an arrest from the obligation to provide information on the whereabouts of a detainee. Moreover, judicial guarantees are not suspended during a state of emergency and there is still a requirement to bring a detainee before the relevant judicial authority. Lastly, there is no diminution under a state of emergency of the right to appeal against such detention by applying for habeas corpus, in accordance with the Code of Constitutional Procedure. The guarantees of fair treatment and a fair trial set out in article 139 also remain in force.

39. The General Directorate of the Public Defender and Access to Justice Service provides criminal defence services to the public. These, include technical/legal advice and/or legal representation for persons who have been accused, investigated, detained, charged, or convicted in criminal trials and for adolescents in conflict with the law. Public defenders specializing in criminal matter in general have been recruited, but they do not focus exclusively on clients under investigation for the offence of enforced disappearance; public criminal defenders only deal with the right to a defence in general and this covers the whole range of offences set out in the Criminal Code.

40. The Constitution provides that no one may be detained in the absence of a written order issued by the courts or the police in the case of a serious offence. A person must be brought before the relevant court within 24 hours or within the time limit set by law. This does not apply to cases of terrorism, espionage or drug trafficking: the police may hold persons suspected of involvement in such offences in pretrial detention for a period not exceeding 15 calendar days. The police must ensure that the Public Prosecution Service and the judge are kept informed about the case. The case may be heard before the expiry of the time limit.

41. Notification by Peru of the arrest of an alleged perpetrator of an enforced disappearance to other countries that are in a position to assume jurisdiction over a case of enforced disappearance is effected through the diplomatic channel, in implementation of the Vienna Convention on Consular Relations. The Code of Criminal Procedure sets out the steps to be taken in cases where a person is held in pretrial detention with a view to extradition and the investigation to be conducted for an extradition procedure, whether in respect of enforced disappearance or some other criminal offence. States are notified either through the diplomatic channel, which is the formal route for establishing compliance with time limits, or through the International Criminal Police Organization (INTERPOL).

42. In all cases where a foreigner is under investigation for committing an offence, including an enforced disappearance, the State notifies the State of which the person under investigation is a national, through the diplomatic channel, so that he or she may be given consular assistance, pursuant to article 36 of the Vienna Convention on Consular Relations. Peru confirms the statement in paragraph 81 of the State party's report that the prison administration is responsible for informing the consular authorities or diplomatic missions of the admittance and transfer of foreign inmates.

Reply relating to paragraph 13

43. With regard to disaggregated statistics on complaints of alleged cases of enforced disappearance, the Public Prosecution Service reports that 45 complaints were filed in 2015, 83 in 2016, 72 in 2017 and 60 between January and November 2018. The Government does not have statistical data disaggregated by sex, age or nationality.

44. As regards the procedure followed to shed light on the events involved and establish the facts in cases of enforced disappearance in virtually the whole of the national territory,

the applicable rules are contained in the common procedure set out in book I of the New Code of Criminal Procedure. The common procedure is made up of the preparatory investigation stage, the intermediate stage and the trial stage, which ends with the appropriate sentence. On the other hand, the regular process, pursuant to the Code, is currently applied only in the courts of Lima Este, Lima Sur and Lima Centro. The Code includes the preliminary investigation stage and the trial stage, which ends with the appropriate sentence. The competent judicial authorities are the national criminal courts, the National Criminal Division and the Supreme Court. It should be pointed out that most of the investigations into the offences of enforced disappearance committed between 1980 and 2000 were launched under the Code.

45. The measures adopted to carry out searches for disappeared persons involve two kinds of search: one that forms part of the criminal investigation process and one that is undertaken with a humanitarian approach, under Act No. 30470.

46. The first type of search is conducted in accordance with a procedure whereby the prosecutor's office prepares to open a preliminary investigation at the request of a party or of its own motion. It then requests the specialized forensic team of the Institute of Legal Medicine and Forensic Sciences to carry out a forensic investigation with a view to identifying the alleged victims. The primary objective of this kind of search is to provide the prosecutor's investigation with evidence to establish whether criminal responsibility can be determined or not.

47. The Committee should be made aware that, in 2001, the Public Prosecution Service issued Directive No. 011-2001-MP-FN. The Directive was issued because reports were emerging of the existence of pits containing human remains that were related to human rights violations committed in the 1980s and 1990s. Faced with these allegations, the Service, acting through provincial prosecutors' offices, conducted the necessary investigations. It became clear that investigation criteria needed to be standardized, given that one of the most important aspects of an independent and impartial investigation in cases of serious human rights violations is the gathering and analysis of the evidence. The two stages of an investigation were established: the launch of the investigation by a provincial prosecutor and a visit of inspection with a view to determining the existence and the location of the graves. After that, the prosecutor drew up a record of the action taken and initiated an on-site investigation consisting of five steps: (1) protection of the site; (2) observation and assessment of the site; (3) collection of evidence; (4) exhumation; and (5) the chain of custody of the evidence. The investigation was carried out by the prosecutor with support from the experts of the Institute of Legal Medicine and Forensic Sciences. Once the investigation was complete, the prosecutor launched a criminal action before the relevant judge with a report on the known facts, the scope of the investigation, the supporting evidence and the conclusions drawn.

48. Pursuant to Decision No. 1262-2003-MP-FN, a specialized forensic team was set up within the Institute of Legal Medicine and Forensic Sciences on 13 August 2003, specifically in order to support this investigation. In the beginning, there were 6 specialists on the team, but subsequently that number grew to 25, in accordance with Decision No. 039-2008-MP-FN of 11 January 2008.

49. A new directive, No. 007-2009-MP-FN, was adopted in 2009, pursuant to Decision No. 1694-2009-MP-FN, which brought the 2001 directive up to date. On the basis of the directive, which remains in force, a specialized forensic investigation is conducted in eight stages: (1) preliminary forensic investigation; (2) location, evaluation and registration; (3) recovery of human remains and assets items; (4) action to secure the evidence recovered; (5) forensic analysis of the human remains and associated items; (6) analysis of ante-mortem/post-mortem information for identification purposes; (7) genetic testing of the human remains by comparison with their families; and (8) preparation of a final forensic report. Once the specialized forensic investigation is concluded, the prosecutor in charge of the case initiates a criminal prosecution before the relevant judge, with a report of the facts, the scope of the investigation, the supporting evidence and the conclusions reached by the experts.

50. A second type of search is conducted in accordance with article 8 of Act No. 30470, which states that a forensic investigation is a technical, multidisciplinary procedure aimed at locating and assessing burial sites, recording the victims' biological profile, recovering human remains and associated items and undertaking a scientific analysis of them so that disappeared persons may be identified and their remains may be returned to their relatives, at the same time determining the cause of death and, if possible, obtaining information that may have evidential value.

51. Pursuant to Directive No. 01-2018-MP-FN, entitled "Exercise of the prosecutor's function in the search for disappeared persons (1980–2000) in accordance with Act No. 30470", the Public Prosecution Service arranges for the Office of the Attorney General to receive a report on the humanitarian investigation carried out by the General Directorate of the Search for Disappeared Persons and ensure, through the head of the Institute of Legal Medicine and Forensic Sciences, that the specialized forensic team will prepare a workplan for the necessary forensic operations as soon as possible. At the same time, the criminal prosecutor will request the General Directorate to provide psychosocial assistance and logistical support for the families of disappeared persons on humanitarian grounds.

52. Within the framework of the functions laid down in Act No. 30470, the Ministry of Justice and Human Rights promotes and participates in search procedures for humanitarian purposes, without prejudice to the authority or regulatory powers of the Public Prosecution Service or of other public or private entities that engage in related technical work. It facilitates forensic investigations for the identification of disappeared persons in accordance with Act No. 30470 and Directive No. 001-2017-JUS/VMDHAJ-DGBPD.

53. With regard to the authorities involved in carrying out investigations and conducting trials and sentencing procedures, Peru reaffirms its statements in paragraphs 33, 34, 38 to 40, 87 and 88 of its report to the effect that, in cases of enforced disappearance, the administration of justice is undertaken by the following judicial bodies: the First Huancayo Criminal Court (which, in addition to hearing its own cases, also acts as the Junín National Criminal Court), the Second Huamanga Criminal Court (which, in addition to hearing its own cases, also acts as the Ayacucho National Criminal Court), the First Huánuco Provisional Liquidation Criminal Court (which, in addition to hearing its own cases, is also the Huánuco National Criminal Court), the Lima First Criminal Court, the National Criminal Division B, which sits only in Lima, and the Criminal Divisions of the Supreme Court.

54. In the case of a refusal to investigate a reported offence, a habeas corpus application may be made before any judge, as a matter of priority, and may be lodged by anyone on behalf of a disappeared person, without formally being that person's representative. A lawyer's signature is not required, nor is the payment of a fee, or any other formality. An action may also be brought by the Ombudsman's Office. The matter is covered by title II of the Code of Criminal Procedure, entitled "Habeas corpus procedure", article 25.16 of which provides that one of the rights protected under habeas corpus is the right not to be subjected to enforced disappearance. A complaint may also be lodged with the Office for the Supervision of Judges, stating that there has been a professional irregularity or misconduct on the part of a justice official, be it a judge, a court official or a judicial auxiliary, in the course of any kind of procedure. With regard to the measures taken to ensure that the alleged perpetrators of enforced disappearance do not influence the investigation process, Peru reiterates the statements contained in paragraphs 89 to 91 of the State party's report.

55. With regard to the measures taken to protect a person reporting an enforced disappearance, or a witness, or a relative, or a defender or a public official involved in the investigation and punishment of a case, Peru reaffirms its statements in paragraphs 92 to 94 of its report. It should be noted that the Victim and Witness Protection Programme of the Public Prosecution Service and the Office of the Attorney General (Decision of the Office of the Attorney General No. 1558-2008-MP-FN) was set up in 2008. The Programme is currently run by the Central Unit for Victims and Witnesses. It focuses on devising and implementing protection measures for victims, witnesses and informants in various criminal trials, which include cases relating to enforced disappearance.

56. As of 2018, there are 156 protection and assistance units across the country (40 district protection and assistance units for victims and witnesses and 116 units providing immediate assistance for victims and witnesses). The services offered to victims, witnesses and informants consist of protection measures and comprehensive and free legal, psychological and social assistance. As of 2018, 8 cases of enforced disappearance were recorded nationwide and protection measures were extended to 17 people in that connection: there were 5 cases in the Lima Centre District Unit for Assistance to Victims and Witnesses, with 16 beneficiaries, 1 case in the District Unit for Assistance to Victims and Witnesses of the Lima Specialized Prosecutor's Office against Organized Crime, with 1 beneficiary, and 2 cases in the First Apurímac District Unit for Assistance to Victims and Witnesses.

Reply relating to paragraph 14

57. Peru wishes to confirm that the provisions of the New Code of Criminal Procedure on international judicial cooperation set out in paragraph 102 of the report remain in force. Legal assistance, which under the terms of Peruvian law is known as international judicial assistance, may be active or passive and is governed by articles 528–537 of the Code. Requests for passive assistance may be made in cases of enforced disappearance because that offence is subject to punishment of more than one year's imprisonment and is not subject to military law. The actions that may be requested, without prejudice to treaty provisions, are notification of decisions and sentences; identification of witnesses and experts so that they can give evidence; taking witnesses' and other parties' statements; providing access to legal documents or copies thereof; remittance of documents or reports; conducting inquiries or inspections; examination of objects and sites; blockage of accounts; freezing, confiscation or impoundment of the proceeds of crime; freezing of assets; house searches; conducting raids; monitoring communications; provision of information and evidence; and conducting inquiries and inspections. The International Judicial Cooperation and Extraditions Unit of the Office of the Attorney General, established pursuant to Decision No. 124-2006-MP-FN of 3 February 2006, is responsible for centralizing the coordination and implementation of all actions governed by book 7 of the New Code of Criminal Procedure.

58. Article 517 of the Code stipulates that extradition may not take place unless the material facts of the case constitute an offence both in the requesting State and in Peru and both legislations provide for deprivation of liberty for a period of two or more years. If extradition is requested for a number of different offences, it will suffice if only one of those offences meets that condition for action to be taken on all the other offences. The implementation of judicial assistance requires that the facts that prompted the request are punishable in both States.

59. With regard to the measures taken to guarantee judicial cooperation and requests for judicial assistance, whether they relate to searches for victims of enforced disappearance, locating and freeing such victims, assistance and recovery, or to any other act of cooperation, the laws referred to in the preceding paragraphs and in the State party's report are applied. The International Judicial Cooperation and Extraditions Unit currently has no reports of cooperation requests of this nature in its records.

IV. Measures to prevent enforced disappearances

Reply relating to paragraph 15

60. Under the New Code of Criminal Procedure, a person may not be extradited in cases where the extradition request was made for the purpose of prosecuting or punishing that person on the grounds of religion, nationality, opinion or race. Persons sought for political offences or associated actions may not be extradited (art. 517 (2) and (3)). Article 64 of the legislative decree on migrations, Legislative Decree No. 1350, of 7 January 2017, states that (a) the sanctions of compulsory return and expulsion are formally set out in an administrative decision of the National Migration Authority and must be implemented

immediately, in accordance with the Regulations of this Legislative Decree; and (b) in application of the principles of family unity and the best interests of the child or adolescent, the Authority will assess whether to suspend the implementation of the sanction of compulsory return in cases where there is a clear and imminent risk of a human rights violation.

61. With regard to diplomatic guarantees, where there are well-founded reasons to believe that a person would be at risk, the bilateral and multilateral treaties regulating extradition to which Peru is party contain clear rules on the guarantees that the requested State may ask of the requesting State, when the offence for which the request is made is subject to the death penalty. The requesting State is also asked to guarantee that consideration will be given to the time that a person to be extradited has already spent in custody in the requested State. Moreover, the person concerned should enjoy due process, should not be subjected to torture and should not be handed over to a third State without authorization from the requested State, or tried for an offence that was not the subject of the extradition request granted by the requested State. That being so, it is highly unlikely that a person's extradition would be granted if there was any suspicion that he or she might be subjected to enforced disappearance. Compliance with such guarantees is to be verified periodically by the Peruvian State in accordance with a protocol drawn up for that purpose.

62. A person may appeal against an expulsion or return order issued by the National Migration Authority within 15 working days, counting from the day following the notification of expulsion, in accordance with article 211 of the Regulations to Legislative Decree No. 1350.

63. With regard to a decision to extradite a person, the New Code of Criminal Procedure does not provide for the lodging of an appeal against a Supreme Court Advisory Decision that a given extradition is appropriate. Nor does it provide for such an appeal against a Supreme Decision to extradite issued by the Peruvian Government. However, an expulsion or extradition decision may be avoided or suspended by resorting to habeas corpus, in cases where there is a well-founded risk that a requested person or a person liable to extradition may be subjected to enforced disappearance or other serious harm to his or her life or personal integrity.

Reply relating to paragraph 16

64. The New Code of Criminal Procedure states that an action that is the subject of a trial (the offence of enforced disappearance) must be an offence both in the requesting State and in Peru (double criminality); that the criminal act must be subject under both legislations to a punishment of deprivation of liberty for two years or more; and that criminal proceedings are applicable on the date that the extradition request is made. No list of offences has been drawn up, since enforced disappearance fits into the existing legal framework, which has also been implemented in the negotiation of the extradition treaties that Peru has concluded with other States and of those that it is currently negotiating.

65. As regards cases in which a request has been made to Peru for the extradition of a person on charges of enforced disappearance, the International Judicial Cooperation and Extraditions Unit is responsible for maintaining a register of the cases in which Peru has received a request for a person's extradition. The offence of enforced disappearance appears infrequently among the Unit's statistics, and no cases of passive extradition have been registered. Three cases of active extradition for enforced disappearance have been registered: two were submitted to the United States of America, for Wilmer Yarleque Ordinola and Telmo Ricardo Hurtado, and one to Chile, for Alberto Fujimori Fujimori. In all three cases, the persons to be extradited were tried for more than one offence and in all cases the extradition request was granted.

66. Enforced disappearance is not classified as a political offence.

Reply relating to paragraph 17

67. In serious cases, a person may be deprived of liberty pursuant to the duly substantiated decision of a judge. The New Code of Criminal Procedure recognizes the right of an accused person to defend him- or herself or to be defended by a lawyer from the beginning of an investigation until the end of a trial and to communicate with a person whom he or she has designated immediately following his or her arrest. There is no exception to or restriction on these rights under domestic law. The Criminal Enforcement Code provides that, since the purpose of deprivation of liberty is not exclusion but reintegration, the person concerned enjoys the same rights as any other citizen, although the implementation of certain rights is altered by the condition of deprivation of liberty. A person deprived of liberty may communicate regularly, either orally or in writing, and in his or her own language, with family members, friends, diplomatic representatives and bodies or organizations providing prison assistance, except where the courts have ordered that the person be held in solitary confinement.

68. The regulations of the Criminal Enforcement Code lay down the ways in which a detainee may exercise his or her right to communication by telephone or in person, with conditions imposed on the admission of visitors, the number and type of visitors, the frequency of visits, the visiting hours and other factors, so long as the detainee's dignity and privacy are respected. A detainee's right to communicate with his or her defence lawyer is protected under the Criminal Enforcement Code, which stipulates that a prison must provide an adequate space for that purpose. It is the responsibility of the prison director to ensure that this right is not suspended or interfered with.

69. As of 2018, the Ombudsman's Office had dealt with only one complaint, which was lodged by a citizen held in Callao prison. The complaint concerned the impossibility of communicating by telephone with people outside the prison, owing to the lack of a mobile phone top-up service, and the fact that there was no complaints book. The Office found that the company providing the landline service in the prison was PrisonTec, which, after being requested to provide a better service, resolved the problem.

70. As of 2018, the National Prison Institute reports that no complaints or claims of failure to comply with the right of communication of a person deprived of liberty have been lodged, either in its Lima offices or in the branch offices of the seven regions where prisons are located.

71. The Criminal Enforcement Code provides that the President of the Republic, members of the Congress, ministers of State, judges of the Public Prosecution Service and the judiciary, the Ombudsman's Office and members of the National Prison Council may, in the exercise of their duties, visit a prison on any day of the week and at any time, provided they have identified themselves beforehand. Representatives of the diplomatic corps accredited in the country and representatives of the International Committee of the Red Cross and other non-governmental organizations may also visit a prison, once they have received authorization from the prison director, the regional director or any member of the National Prison Council. To obtain such authorization, they must submit a written request to the prison authority concerned, setting out the reasons for their visit. The National Mechanism for the Prevention of Torture may also visit places of deprivation of liberty, pursuant to Act No. 30394, which extends the powers of the Ombudsman's Office as the body responsible for the national mechanism for the prevention of torture and other cruel, inhuman or degrading treatment or punishment.

72. As regards the relationship between the various registers containing information on persons deprived of their liberty, there are three such registers: the National Register of Detainees and Convicted Prisoners, the Prison Registry Office of the National Prison Institute and the National Judicial Registry. The first of these three is a multisectoral entity established by law in order to administer a databank on persons deprived of their liberty. Information on adult and adolescent offenders' arrests and on every stage of the criminal proceedings involving them is entered into the databank, which serves as a source of information for citizens and for the bodies authorized to establish the whereabouts of detainees.

73. The Prison Registry Office of the National Prison Institute contains and administers information relating to the prison population and establishments for the rehabilitation of prisoners. The Office also provides information services for the various institutions that make up the justice system and the National System of Citizen Security.

74. The National Judicial Registry is responsible for organizing, developing and updating the National Convictions Register, the National Warrants Register, the National Register of Maintenance Defaulters, the National Register of Untried Prisoners, Prisoners Standing Trial and Convicted Prisoners and other registers set up by the executive council of the judiciary and placed under the control of the National Judicial Registry.

75. These registers contain information on arrests and trials. However, the National Register of Detainees and Convicted Persons contains information only on people who have been arrested or imprisoned for which official data have been provided by the Peruvian National Police, the Public Prosecution Service, the judiciary and/or the National Prison Institute; the Prison Registry Office of the National Prison Institute contains information only on people held in prison; and the National Judicial Registry contains judicial information drawn from the various registers of the judiciary.

76. The National Register of Detainees and Convicted Persons provides a number of user services to enable duly authorized citizens to obtain information on a prisoner's location. Duly authorized officials of the system of the administration of justice may also consult the Register to find out about prisoners and their trials. With a view to ensuring that all the registers are finalized, the National Register uses data quality control. It therefore gathers official information from such institutions as the Peruvian National Police, the Public Prosecution Service, the judiciary and the National Prison Institute, which carry out their mandate by submitting information through different mechanisms, such as web service channels, Excel archives and access to their systems, as well as files and physical formats.

77. The National Register's sources of information have an obligation to identify the person concerned. The alternatives set out in the Convention that are not currently registered are those relating to physical integrity and, in the event of a fatality, the cause of death and the fate of the remains. The National Register has, however, undertaken to incorporate these elements, in compliance with the Convention, in coordination with its Multisectoral Coordinating Committee and its sources of information.

78. With regard to the domestic obligation to register all cases of deprivation of liberty, the National Register has internal rules that are laid down in the Regulations on Organization and Functions of the Public Prosecution Service. It can also draw on directives, instructions and protocols on the requirement to register and the sanctions available in the event of non-compliance. As of December 2018, although the National Register had not received any complaints about the registration of incorrect or inaccurate information or about a refusal to divulge information, its institutional operational plan for 2019 aims to develop and adopt internal regulations that will enable it to conduct its work more efficiently.

79. The information that the National Prison Institute passes on to the National Register is as follows: identity, date of entry or departure, nature of departure (release, decease or transfer), the prison where a person served his or her sentence, the authority that ordered the detention or the release and the legal situation, namely whether the person is at the trial or the sentencing stage. Information on a decease is provided by the director of the relevant prison. The Criminal Enforcement Code stipulates that every detainee must have a file on his or her penological identity and a personal dossier concerning his or her legal situation and treatment in prison, what is known as the prisoner's "personal chart". The management of the personal chart is laid down in the Handbook of Procedures and Activities of the Prison Registry Office of the National Prison Institute (Presidential Decision No. 305-2008-INPE/P).

80. The law establishing the National Register stipulates that any public or private natural or legal person may have free access to the information contained in the Register.

81. For the purposes of a case of enforced disappearance, the lawyer or representative of the person on trial may, in implementation of article 71 (4) of the New Code of Criminal Procedure, make use of this remedy before the pretrial investigation judge who pronounces the appropriate protection measure. Such an application must be dealt with immediately, once the facts have been ascertained and a hearing has been held with the participation of the parties, as laid down in article 71 (4) of the Code.

82. Under the Code of Constitutional Procedure, the remedy of *habeas data* applies in cases of violation of the rights contained in article 2(5) and (6) of the Constitution, namely the right to request information, without stating a reason, and to receive such information, within a stipulated time, from any public body for a fee that covers the cost that such a request entails. An exception is made, however, with regard to information that affects a person's privacy, or is expressly prohibited by law or for reasons of national security and to which public or private information technology services, whether computerized or not, do not provide information affecting a person's or a family's privacy. Although, as stated in the State party's report, this remedy may be used for information relating to an enforced disappearance, it may be more appropriate to apply habeas corpus, since this remedy specifically protects a person's right not to be a victim of enforced disappearance. Both remedies may be used for the purposes that are appropriate in the case of an enforced disappearance.

83. The Prison Registry Office of the National Prison Institute verifies a prisoner's release. Once the release order is issued, checks are carried out, through the branches of the Office and the units located in each prison, on whether the detainee has registered proceedings that are pending with an arrest warrant, or a sentence that remains to be fully served (if that is the case, the authority responsible for the pending proceedings is informed). The detainee's identity is also checked, the prison director signs the release order and the detainee is placed in the charge of the prison security officials, who carry out the release process, once the relevant order has been signed by the prison director. In other words, the Institute carries out its task of recording accurate information on the release of persons who have been prosecuted and sentenced. As of 2018, there has been no case reported of a person with a release order not being released, except for the reasons given above.

Reply relating to paragraph 18

84. The Academy of the Public Prosecution Service has included in its 2019 programme specialized training activities for prosecutors and forensic staff in matters relating to crimes against humanity, the recovery and analysis of bones that have been jumbled up and the analysis of bone traumas, which have a bearing on the number of enforced disappearances.

85. The Armed Forces Centre of International Humanitarian Law is currently working on a proposal to standardize its courses on such topics as the main international human rights treaties, the human rights treaty bodies and optional protocols (General Directive No. 002-MINDEF-SG-VPD/DIGEDOC), which include the International Convention for the Protection of All Persons from Enforced Disappearance.

V. Measures to provide reparation and protect children from enforced disappearance

Reply relating to paragraph 19

86. Article 4 of Act No. 28592 states that victims who are not covered by the Comprehensive Reparations Plan but claim the right of reparation always retain their right to apply to the courts. This extends to victims outside the context of the period of violence between 1980 and 2000. The procedure for registering victims of enforced disappearance in the Central Register of Victims of the Reparations Council is initiated at the request of the person concerned or by a decision of the Register itself. It then passes through an

evaluation stage, which involves checking that files have been correctly handled, that the case record has been drawn up and that the victim has been correctly identified. This is followed by authorization, entry in the Register and certification.

87. Act No. 30470 defines a disappeared person as a person whose whereabouts are unknown by his or her relatives or of whose location there is no legal certainty, as a result of the period of violence between 1980 and 2000. The Act also states that the relatives comprise the children, the spouse or partner, the parents and the brothers and sisters, in accordance with the relevant provisions of the Civil Code. Consideration will also be given to the sociocultural context of persons who belong to indigenous peasant farmer communities or form part of an indigenous or native people. The purpose of these definitions is to provide the families with psychosocial and logistical support so that they can participate in the search; it is not to define the victim for the purpose of reparation. There is therefore no requirement under this definition to launch criminal proceedings. The Regulations governing the Central Register of Victims, however, defines “victims” as persons or a group of persons, who, owing to violence, have suffered a breach of their human rights, and identifies as a direct victim both the disappeared person him- or herself and that person’s relatives (the spouse or partner, the children and the parents). The relatives of victims of enforced disappearance are considered beneficiaries of reparations by the Central Register.

Reply relating to paragraph 20

88. According to article 44 (e) of Act No. 26497 and the registration regulations of the National Register of Identity and Civil Status, the types of situations that may be registered include a person’s absence by reason of enforced disappearance. In order to register this type of situation, it is necessary to have a judicial declaration of absence by reason of enforced disappearance. This also entails the registration of the death certificate of the disappeared person with the National Register (Directive No. DI-415-GRC/032). The National Register of Prisoners contains information on persons who have obtained a declaration of absence. As regards the number of certificates of absence by reason of enforced disappearance that have been issued by the Ombudsman’s Office and the certificates registered with the National Register of Identity and Civil Status, the Office had, by January 2018, distributed 1,921 certificates of absence by reason of enforced disappearance, in fulfilment of its mandate (Act No. 28413).

Reply relating to paragraph 21

89. Act No. 28592 established the Comprehensive Reparations Plan, which includes among those receiving reparations civilian, police and military victims during the period of violence that lasted from May 1980 to November 2000 (it does not include victims outside that period). Compensation provided under the Act does not require or depend on a criminal sentence. Once the Reparations Council registers a victim with the Central Register of Victims, it submits information so that the appropriate compensation may be paid. As of 2018, the number of victims of enforced disappearance registered with the Central Register was 9,186, together with 20,727 direct relatives. The number of requests relating to enforced disappearance was 13,777. It should be noted that the registration of a victim of enforced disappearance with the Central Register does not identify the perpetrator.

90. As a result, the Comprehensive Reparations Plan has, as of 11 January 2019, paid out individual financial compensation to 85,278 victims of sexual violence, persons who have suffered a permanent disability or relatives of victims of enforced disappearance or murder between 1980 and 2000, for which 325 million soles were allocated. Out of that sum, financial compensation amounting to some 69 million soles was paid to 18,352 relatives of victims of enforced disappearance. Collective reparations were also paid to 2,708 communities, while 24 organizations for displaced persons who did not return to their homes received 271 million soles for 2,675 productive infrastructure projects. The collective reparations programme has increased by 46 per cent.

91. The prosecutor's offices dealing with the Terrorism and Crimes against Humanity Office maintain constant communication with the victims' relatives, notifying them of prosecutorial decisions issued in the course of an investigation. The offices take statements from the victims' relatives so that they can provide information on the context in which the events surrounding their relative's enforced disappearance occurred.

Reply relating to paragraph 22

92. Act No. 30470 establishes that the Ministry of Justice and Human Rights will provide victims' relatives with material and logistical support during their participation in the search for disappeared persons. Among other services, the Ministry keeps them informed of the development and results of an investigation. Victims' relatives and persons with a legitimate interest who wish to obtain access to these services may apply to the offices of the General Directorate of the Search for Disappeared Persons in Lima, Ayacucho, Junín and Huánuco. The Public Prosecution Service and the Office of the Attorney General also play their part, providing relevant information and facilitating communication between them and the relatives of victims of enforced disappearance (Office of the Attorney General Decision No. 049-2018-MP-FN).

Reply relating to paragraph 23

93. As of 2018, there is no protocol applying to the population outside the context of violence.

94. As regards the progress made in locating and identifying the remains of victims of enforced disappearance and returning those remains to their relatives, since the establishment of the Directorate General of the Search for Disappeared Persons in 2017 and up to December 2018, humanitarian investigations have been conducted concerning 403 persons. There have been 15 joint operations with the Public Prosecution Service and the Office of the Attorney General, and 14 bodies have been returned to their relatives in the Vinchos, San José de Ticllas, Acocro and Cangallo districts of Ayacucho Department. A total of 86 burial sites have been verified and updated and psychosocial support has been provided for 382 families in 18 populated centres in the Ayacucho, Huánuco, Huancavelica and Junín regions. Meanwhile, 38 bodies were recovered in various regions, most notably in the town of Chinchao in Huánuco, where two sets of remains were recovered, and in three towns in Ayacucho: Acosvinchos (five sets of remains), Vinchos (seven sets of remains) and Tetemina (two sets of remains). Another set of remains was found in Lircay and six in Anchonga, both in Huancavelica. It has, however, been recognized that the budget needs to be increased.

95. The Genetic Databank was established under Legislative Decree No. 1398 in 2018 to assist in the search for disappeared persons in Peru and the Databank's regulations were adopted in January 2019 pursuant to Supreme Decree No. 014-2018-JUS.

Reply relating to paragraph 24

96. As for the laws that apply to child victims of enforced disappearance, the relevant legislation is (a) Act No. 29685, which lays down special measures to address cases of the disappearance of children, adolescents, older persons and persons with a mental, physical or sensory disability; (b) the regulations attached to Act No. 29685, which are contained in Supreme Decree No. 006-2018-IN; and (c) Legislative Decree No. 1428, which sets out measures to address cases of the disappearance of persons in a vulnerable situation. The intention of the Decree is to expedite the response to complaints, the distribution of information, investigations, and searches for and the location of persons in a vulnerable situation who have been reported to have disappeared. Its aim is also to promote cooperation between various authorities, public and private bodies, legal and natural persons, civil society and the community in general for outreach, to investigate, search for and locate persons in a situation of vulnerability who have been reported to have

disappeared and to make use of technological means of expediting the exchange of information on cases of the disappearance of persons in a situation of vulnerability (Legislative Decree No. 1428).

97. With regard to the specific legal procedures in place for safeguarding the right to an identity (or restoring the true identity) of disappeared children and of adults who believe themselves to have been victims of enforced disappearance, the National Register of Identity and Civil Status lays down procedures for challenging the registration of a person's identification, at the request of the party concerned or on well-substantiated grounds, and for reviewing and/or annulling an adoption or a placement in a home or foster care on the basis of a court order or a decision of the General Directorate of Adoptions of the Ministry for Women and Vulnerable Populations.

98. Since the establishment of the Terrorism and Crimes against Humanity Office of the Public Prosecution Service and the Office of the Attorney General in 2004, there have been no cases of the enforced disappearance of children.

99. The Civil Code provides that a child who has been adopted may seek a court order rendering the adoption null and void within a year following his or her attainment of majority. In such a case, the natural parentage of the person concerned is restored, without retroactive effect, and the corresponding birth and any other civil status certificates (art. 385) will be rectified. Such cases are registered with the National Register of Identity and Civil Status by court order.

100. As for the existing mechanisms for searching for and identifying children who disappeared between 1980 and 2000, the relevant legislation is Act No. 30740 and the directives of the Public Prosecution Service and the General Directorate for the Search for Disappeared Persons mentioned in the reply relating to paragraph 13.

101. Legislative Decree No. 1297, which provides for the protection of children and adolescents lacking parental care or at risk of losing such care, and the corresponding regulations adopted pursuant to Supreme Decree No. 001-2018- MIMP) represent a starting point for the State action to address situations of risk or lack of family protection for children and adolescents on the basis of procedures governing the search for disappeared persons.
