



**Convention against Torture
and Other Cruel, Inhuman
or Degrading Treatment
or Punishment**

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COMMITTEE AGAINST TORTURE

Thirty-sixth session

SUMMARY RECORD OF THE 697th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 2 May 2006, at 10 a.m.

Chairperson: Mr. MAVROMMATIS

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The meeting was called to order at 10 a.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER
ARTICLE 19 OF THE CONVENTION (agenda item 7)

Fourth periodic report of Peru (CAT/C/61/Add.2)

1. At the invitation of the Chairperson, the members of the delegation of Peru took places at the Committee table.

2. The CHAIRPERSON invited the delegation to introduce the fourth periodic report of Peru (CAT/C/61/Add.2).

3. Mr. TUDELA (Peru) recalled the high level of commitment to human rights that had been shown by the Government of the incumbent President, Alejandro Toledo, and said that substantial progress had been made in the five-year period covered by the report. For example, to address the problem of the lack of independence of members of the judiciary with no security of tenure, approximately 90 per cent of judges had now been appointed to stable, official posts through action by the National Council of the Judiciary. The Constitutional Court was fully operational once more, since the three members who had been arbitrarily removed from office for challenging the re-election of former President Alberto Fujimori had been reinstated by virtue of the Inter-American Court of Human Rights judgement of 31 January 2001.

4. Progress had been made concerning the use of amnesty laws which precluded prosecution of alleged torturers, as had been demonstrated in the Inter-American Court judgement of 14 March 2001 relating to the Barrios Altos case. The Court had ruled that Acts Nos. 26,479 and 26,492 (relating to amnesty) were incompatible with the American Convention on Human Rights and consequently lacked legal effect. A subsequent judgement by the Peruvian Constitutional Court had extended that ruling to include not only amnesty laws but also any practices intended to hinder investigation or punishment of the violation of the right to life or physical safety. The Supreme Court had set up a specific subdivision to deal with human rights violations in 2004, as had the Public Prosecutor's Office, and cases that had previously been dismissed under amnesty laws - such as those concerning Barrios Altos, La Cantuta, the Desaparecidos del Santa and the journalist Pedro Yauri - had been reopened, thus bringing hope to thousands of victims or their families that justice would be done.

5. The final report of the Truth and Reconciliation Commission, whose original mandate had been extended by President Alejandro Toledo, was available on the Commission's website. The report was of enormous importance to Peru, as it shed light on the Republic's longest and most serious period of armed violence, which had claimed the lives of tens of thousands of Peruvians. Seventy-five per cent of those who had died were native speakers of Quechua or other indigenous languages, despite that population group accounting for only 16 per cent of the total population. Nearly 80 per cent of victims had lived in rural areas, although the rural population accounted for only 29 per cent of the population. Accordingly, the report denounced the underlying racism that continued to exist in Peru, almost two centuries since the birth of the Republic. The report also described the atrocities committed in Peru by the subversive terrorist

organization Shining Path, and to a lesser extent by Túpac Amaru movement. It had been an ongoing concern of the current Government, reflected in its policy and cooperation with other stakeholders, that such atrocities should never occur again. The report also stated that internal paramilitary groups had committed serious human rights violations under the former regime.

6. His Government, in accordance with its commitments under the Convention against Torture, was determined to eradicate human rights violations. Its policy was to promote respect for and observance of human rights throughout the country. Although the progress made was still insufficient, it was expected that consolidation of that progress would yield better results. It was also hoped that implementation of the first Human Rights Plan 2006-2010 would enable the State institutional framework to be recreated, with particular emphasis on eliminating the practice of torture and other cruel, inhuman or degrading treatment. The new constitutional Government, shortly to be elected would take over the commitments entered into by the current Government, and thus continue and extend its achievements in combating torture.

7. Mr. RODRIGUEZ-CUADROS (Peru) replying to the questions raised by the Committee in the list of issues, said with regard to question 1 that the committee responsible for revising the Penal Code had set up a subcommittee to bring it into line with the Rome Statute. Nevertheless, under the Peruvian constitutional system, the provisions of international treaties were incorporated directly into domestic law and did not require a specific process of application; consequently, all the standards contained in the Rome Statute were already embodied in Peruvian domestic law. Moreover his Government, as part of its human rights policy, and for the purposes of implementing the Rome Statute, had decided not to endorse any convention involving an exception on the basis of article 48 of the Statute.

8. Mr. BURNEO-LABRIN (Peru), in reply to question 2, said that the Office of the Human Rights Ombudsman - a constitutionally autonomous body - had drawn up a report which was ready for submission to the Committee. The Ombudsman had personally investigated a large number of human rights violations, in particular the practice of torture and other cruel, inhuman or degrading treatment by the police between 1998 and 2004; the Peruvian authorities were following up those investigations, and the Ombudsman was examining further cases to be brought before the Peruvian courts. Autonomy in such matters was not granted to the Government, but to the Public Prosecutor's Office or the judiciary, which would carry out the criminal proceedings described in the Ombudsman's report.

9. Mr. RODRIGUEZ-CUADROS (Peru), turning to question 3, said that for the sake of greater objectivity and transparency his Government had asked the judiciary, and in particular the competent Ayacucho criminal court judge, to report on the matter. According to the information given by the judge, between 2000 and 2005 the alleged perpetrators of torture included members of the armed forces, essentially the army and navy, but also the police force. In addition, proceedings for torture had been opened against members of the "Rondas campesinas" (peasant patrols). Most of the victims (80 per cent) were male, young - aged between 18 and 25 - and of peasant origin (70 per cent).

10. With regard to the Committee's question concerning Quechua ethnicity, he said that the ethnic structure of Peru was pluralistic, and Quechua-speakers were scattered throughout the country. Most of the victims of torture were, however, Quechua-speakers, as the Truth and Reconciliation Commission had found. While many investigations were in their initial stages, in

some cases the perpetrators had been brought to trial and sentenced. Most of the alleged acts of torture being investigated had taken place between 1983 and 1995. Some 95 per cent of the police or armed forces personnel concerned were approaching retirement.

11. Although more detailed information would be given to the Committee, he hoped it was clear that the Government was working to combat impunity in cases of torture. Being a member of the armed forces or the police was not a guarantee of impunity; on the contrary it was an aggravating factor. The Ministry of Justice attached great importance to the recommendations of the Truth and Reconciliation Commission, which were implemented by an independent judiciary.

12. Mr. BURNEO-LABRIN (Peru), replying to question 5, said that under the Constitution all persons had the right to freedom and physical safety and could not be subjected to torture. In addition, the definition of torture in legislation passed in 1998 was in strict conformity with that of the Convention against Torture. Consistent implementation of the Convention was promoted through training programmes for judges and prosecutors, which included modules on international human rights law and treaties, including the Convention, and through intensive training for police officers, as described in paragraphs 289 and 290 of the fourth periodic report. Training was also being developed for members of the armed forces through the international humanitarian law centre set up under the current Government, and included modules on the prohibition of torture in the case of international conflict and non-international armed conflict, in accordance with article 3 of the Geneva Conventions, and with the Second Additional Protocol thereto. In the past two years, hundreds of officers had received that training.

13. For the training of officials, the Peruvian authorities had set up a national commission for the study and application of international humanitarian law, and the Ministry of Justice was responsible for a training programme incorporating human rights aspects and the State's obligations under the Convention against Torture.

14. Mr. RUBIO (Peru) said that the National Police Force Organization Act established various United Nations-approved principles and standards for the operation of police units. The interpretation of those standards by the Constitutional Court in its judgements had been in line with the international human rights treaties.

15. Mr. RODRIGUEZ-CUADROS (Peru), turning to question 6, said that the mandate of the Office of the Human Rights Ombudsman enabled it to oblige all authorities, including military and police forces, to provide information in connection with alleged human rights violations. In cases where military authorities did not comply with such requests, they could be summoned to do so. Details of the mandate and authority of the Ombudsman's Office had, of course, been disseminated among the armed forces. In addition, an independent ombudsman's office had been established for the police force.

16. In reply to question 7, he said that in most cases the acts in question had involved degrading treatment but not torture. A number of administrative rules existed to prevent such situations occurring.

17. Mr. RUBIO (Peru) said that the Committee would be provided with a publication prepared by the Ombudsman's Office on problems involving the armed forces. But since new legislation in 2003 had replaced compulsory military service with optional military service, there had been far fewer reports of acts of brutality.

18. Mr. RODRIGUEZ-CUADROS (Peru), referring to question 8, said that his country had a national system of complaints that was arguably more effective than a register. The Office of the Human Rights Ombudsman not only had its own register but was obliged to receive and investigate complaints with a view to their transmission to the Prosecutor's Office. It would be counterproductive if that independent register and system for investigating complaints were to be run by the State.

19. Mr. BURNEO-LABRIN (Peru) added that there was a second independent registry, established by the Prosecutor's Office over the past decade, which made it possible to locate anyone detained by the police, under a legal warrant or under a state of emergency. Following the Truth and Reconciliation Commission's recommendations, the authorities had also set up a specialized judicial subsystem to address human rights violations, including torture, in a systematic manner.

20. Mr. RODRIGUEZ-CUADROS (Peru), referring to the question whether national legislation specifically provided that no circumstances - including compliance with an order from a senior officer - could be invoked as a justification of torture (question 9), said that whereas violations of human rights and impunity had been widespread under his country's former Government, Peru had now adopted a number of provisions that prohibited obedience contrary to the Constitution or international human rights or related treaties. Implementation of international treaties did not require national legislation to become effective. Since 2000, Peruvian courts had begun to justify their decisions with reference to rulings by the Inter-American Court of Human Rights and the provisions of international treaties.

21. Mr. RUBIO (Peru) added that the integration of international law in national judicial practice was also a product of a judge's training. It should likewise be noted that the Police Organization Act, together with a specific clause in the military police's code of justice recently upheld by the Constitutional Court, provided for exemption from compliance with orders in breach of the Constitution or human rights.

22. Mr. RODRIGUEZ-CUADROS (Peru) pointed out that, in a country that retained a private military justice system, such rulings by the Constitutional Court were very important in establishing that infringements of individual human rights were wholly inadmissible in Peru.

23. As to the situation in states of emergency (second part of question 9), it should be noted that, under both the transitional and the current regime, the Prosecutor's Office and the Ombudsman's Office had been able to safeguard the exercise of human rights by all people in Peru, notably through the remedy of habeas corpus.

24. With reference to question 10, the relevant branch of the executive - usually the Ministry of Justice - regularly assessed the potential risk of human rights violations in the country of return following approval of expulsion, return or extradition orders by the judiciary.

25. Mr. RUBIO (Peru) added that the assessment by the executive in cases of extradition was always dependent on an opinion by the Supreme Court, evaluating the person's situation in the other country. That evaluation also covered situations where the risk arose because of changes in the country of return subsequent to a person's departure from that country.

26. Mr. RODRIGUEZ-CUADROS (Peru) said that, under the Constitutional Code, a person subject to an expulsion, return or extradition order always had a remedy in the form of a habeas corpus appeal.

27. Mr. TUDELA (Peru) noted that, under Peru's system of dual control by the executive and the judiciary, there had been no case of anyone being tortured on return to his or her country.

28. Mr. BURNEO-LABRIN (Peru) said, with reference to question 11, that anyone seeking asylum in Peru was free to receive counsel from any human rights body.

29. Concerning question 12, the Penal Code integrated the gender perspective by making sexual violence an offence against sexual freedom, which entailed an obligation to prosecute. The criminalization of sexual violence had made it possible for a judge to assimilate rape or sexual violence to torture. In addition, a national programme against family and sexual violence had been set up under the Ministry for Women and Social Development to combat what had become a major problem.

30. With reference to question 13, the progressive integration of international law into national jurisprudence had made it possible to reopen certain cases of torture that had been filed under the country's amnesty laws.

31. As to the training mentioned in question 14, programmes such as that for the police organized by the Ministry of the Interior had had a considerable impact, in conjunction with the provisions of a 2004 law making ill-treatment of a member of the public a very serious offence under the police code of conduct.

32. Mr. RODRIGUEZ-CUADROS (Peru) said that his country had taken up the Committee's recommendations concerning training programmes for medical staff involved in the identification and documentation of cases of torture and the treatment and rehabilitation of victims (question 15).

33. Mr. RUBIO (Peru) summarized his country's written replies to questions 16-22, emphasizing improvements in the prison regime for convicted terrorists, the closure of Challapalca prison in Tacna and the absence of any complaints of torture with respect to the convicted terrorists still detained in Yanamayo prison in Puno.

34. Mr. RODRIGUEZ-CUADROS (Peru) said, with reference to question 23, that a 2005 ruling by the Constitutional Court had established that the amnesty laws were incompatible with the jurisprudence of the Inter-American Court of Human Rights and had accordingly ceased to be of legal effect.

35. Mr. BURNEO-LABRIN (Peru), referring to questions 24-31, said that there had been a qualitative change in due process with regard to cases linked to alleged terrorism. A 2003 ruling of the Constitutional Court had rendered null and void all judgements in treason trials and all

trials before faceless judges; all the cases concerned had been subjected to proper judicial review. Under that process, criminal proceedings against the main leaders of subversive groups, such as Shining Path, should be completed in the very near future.

36. With regard to the programme of reparations recommended by the Truth and Reconciliation Commission, measures were in preparation for the payment of the equivalent of some US\$ 8 million under the Comprehensive Plan for Reparations. Other programmes were being developed for the provision of health care for victims of violence and for the exhumation of human remains.

37. Finally, the Constitutional Court had ruled that the military courts were not competent to try civilians or cases of human rights violations. The jurisdiction of military justice had thus been clearly and publicly circumscribed.

38. With reference to questions 33 and 34, the criminalization of abortion was currently under review in the context of a national debate on the question; and the practice of forced sterilization, mainly affecting rural and Quechua-speaking areas, was being combated under a Ministry of Health family campaign.

39. Regarding question 35, his Government allowed systematic visits by the International Committee of the Red Cross (ICRC) to places of detention, including those where persons convicted of terrorist offences were held. As to question 36, NGOs were part of the Human Rights Council within the Ministry of Justice and had been involved in the drawing-up of the national report currently before the Committee. Finally, measures to combat terrorism had been incorporated into national legislation in the light of Security Council resolutions, always subject to their compatibility with constitutional human rights provisions.

40. Mr. MARIÑO MENÉNDEZ, Country Rapporteur, commended the Peruvian delegation for its valuable presentation, noting that Peru had been gradually consolidating the rule of law for several years, in particular with regard to its legal structures and the independence of the judiciary. The creative initiatives taken to that end by the Constitutional Court and the legislature were encouraging. Nevertheless, it was the role of the Committee to direct criticism at and provide justified advice to States parties with a view to enhancing the compliance of national mechanisms with the provisions of the Convention against Torture. Further information would thus be required in due course regarding a number of questions.

41. He stressed that practical examples indicating whether the Convention had been directly invoked in Peruvian courts would be most helpful, and recalled the need to clarify how many prosecutors were assigned to investigate complaints of human rights violations. He urged the delegation to provide further statistics on the prison population and compensation paid to victims of torture between 2000 and 2005, broken down by sex, age, ethnicity and geographical origin, with a view to evaluating the effectiveness of the compensation system and the Comprehensive Plan for Reparations. He regretted that no reply had been provided concerning the kind of care and rehabilitation, both medical and psychological, available to victims of torture or cruel, inhuman or degrading treatment, or on budgetary appropriations for that purpose.

42. He sought clarification as to whether the definition of torture in article 321 of the Penal Code actually covered all the objectives of an act of torture as referred to in article 1 of the Convention, including suffering inflicted “for any reason based on discrimination of any kind”.

43. Despite significant developments in the consolidation of the rule of law between 1999 and 2004, numerous complaints of torture, attributed to the police or armed forces, continued to be received by the Ombudsman’s Office. However, only six of those complaints had given rise to Supreme Court decisions. That demonstrated the difficulty of prosecuting persons accused of torture, and might give the impression that there was a certain level of impunity.

44. He wondered whether the mechanism whereby the appointment of judges was confirmed by the National Council of the Judiciary after seven years in office was consistent with the strengthening of the independence of the judiciary through the provision of greater professional stability for judges. To what extent might their freedom to make judgements be affected? Did the seven-year term have a professional basis, and what tests were involved in evaluating the performance of judges?

45. In relation to alleged acts of torture by police or armed forces personnel, he asked whether prosecutor’s offices, in particular at the provincial level, were allowed free access to police stations and military facilities for the purpose of investigations, or whether the national police and armed forces undertook their own internal investigations without the participation of such offices. Was the system of specialized prosecutors highlighted by the delegation subject to hierarchical constraints, and which body did they report to? The delegation had considered superfluous the Committee’s proposal to establish a new national registry of torture complaints since that was within the remit of the Ombudsman’s Office. Nevertheless, he wished to know if the existing detention registry was systematically updated and vetted. Detailed information had been set out in the report concerning the 57 alleged torture cases reported to the United Nations Special Rapporteur on torture, but he was surprised to note some apparent deficiencies in the collating of information submitted to the registry (e.g. names of the accused supplied, but not those of the victims).

46. He wished to know if - and how - medical examinations of detainees were carried out for the purpose of the detection of injury or torture and if there were any specific reports available on the question.

47. He stressed the relevance of the delegation’s comment concerning the principle of “non-refoulement” of refugees under article 3 of the Convention. Every foreign individual, regardless of his or her status under national jurisdiction, should be guaranteed protection from extradition to a State in which torture was practised. He wondered what guarantees were provided by Peru in that respect, particularly in the current context of global terrorism and proclamation of states of emergency, and whether any appeals had been made challenging states of emergency.

48. His understanding was that the Peruvian criminal justice system comprised the operation of juries, and he sought clarification as to whether a jury had been involved in the trial of Túpac Amaru members, in which a decision handed down in 2006 had been at variance with a previous decision. Moreover, had any judgement been made regarding forced disappearances in Peruvian criminal courts?

49. In the light of the current revision of the Penal Code, he asked whether any statutory time limitations were imposed on criminal proceedings relating to cases of torture, and also on the Comprehensive Plan for Reparations. In the framework of the latter Plan, he asked whether compensation had been paid to Mr. Gómez Casafranca in a case in which a decision had been handed down by the Human Rights Committee in 2003 concluding that Peru had violated article 7 of the International Covenant on Civil and Political Rights. In fact, according to the Inter-American Court of Human Rights, payment of reparation in certain cases of torture was still outstanding, and he asked whether reparation had been paid in the Barrios Altos case. Between 2003 and 2004, on what legal grounds had ICRC access to prisons been suspended?

50. He greatly appreciated the transparency of the report, particularly in view of the difficulties encountered by the delegation. He welcomed the Government's acceptance of the complaints mechanism of the Convention against Torture and its willingness to ratify the Optional Protocol, whose imminent entry into force was eminently desirable.

51. Mr. GROSSMAN, Alternate Country Rapporteur, commended the quality of the current dialogue with the Committee. The situation with regard to human rights had considerably evolved in Peru in recent years, from the prior widespread violation of human rights to the current policy of promotion of those rights. Formerly, problems had been observed within the justice system, with provisional judges being replaced at any moment. In contrast, over 90 per cent of judges now had permanent posts, and three members of the Constitutional Court had been reinstated after being illegally removed from office. Moreover, Peru had reaffirmed its support for the Truth and Reconciliation Commission. The State's commitment to greater transparency and fruitful dialogue was praiseworthy, although there was still room for improvement in certain areas.

52. Referring to article 10 of the Convention, he asked whether any plans were in place to improve training in the National Penitentiary Institute and the Public Prosecutor's Office on issues relating to torture. If there were, he would welcome details on their practical implementation, and asked whether civil society and NGOs would be involved in the process.

53. As to the right to life and physical safety in the armed forces in Peru, during the period under consideration, 174 cases had been reported, including 56 cases of deaths and 118 acts of torture and cruel, inhuman or degrading treatment. The development of a comprehensive, pragmatic training policy was essential in order to address the issue, and she asked whether such an initiative had been taken. Similar remarks applied to the police force, to which 102 alleged cases of torture had been attributed.

54. More comments were required on the questions relating to article 12, and the State party's duty to ensure prompt and impartial investigation of acts of torture by the competent authorities. Mr. Mariño Menéndez had fittingly raised the issue of impunity in alleged cases of torture, in the light of the applicability of international law standards at the domestic level. In fact, statutory limitations to such standards were frequently invoked by derogating States. National traditions played a determining role in the application or non-application by judges of sanctions consistent with international law; that often resulted in impunity despite the existence of international conventions or treaties.

55. Issues of trade union protection were often involved in alleged illegal conduct by members of the union concerned. A significant role could be played by the institution responsible for conducting an investigation into a case of torture, or cruel, inhuman or degrading treatment, which might be able to identify repeated cases of impunity. A number of investigations into police brutality, in particular, took place at a disciplinary or administrative level and did not constitute full investigations. He thus reiterated the importance of ensuring adequate training, and emphasized the need to strengthen the independence of the judiciary and prevent non-disclosure of material facts.

56. The Committee had received information on a specific case of torture of a young man by the Iquitos territorial police that had not been resolved satisfactorily. When the victim had appealed against the original decision on his case to a higher authority, the Loreto Prosecutor's Office had ordered that a more detailed investigation should be completed within a specific time frame. Yet one year later, the Ombudsman's Office had observed that the investigation had not been concluded. How could the State party reconcile such a situation with its obligation under article 12 of the Convention to ensure the prompt and impartial investigation of alleged acts of torture?

57. He stressed the important role played by doctors in providing objective information on alleged cases of torture and thus welcomed the adoption of a protocol for the forensic identification of death or injuries resulting from torture. However, it seemed there were problems in disseminating and dispensing training on the standards it contained, possibly owing to a lack of resources. He asked whether the State party had any plans to remedy the situation, and suggested that it might seek the assistance of civil society and academic institutions in that regard.

58. According to information received from the Ombudsman's Office, when complaints of torture were made against the police, there was a tendency to accuse the complainant of undue resistance to authority. Likewise prosecutors often minimized accusations of torture, even when all the evidence indicated that acts of torture had occurred. Such tendencies were corroborated by the very low numbers of convictions in cases involving torture in Peru. Specific training was required to overcome such tendencies. Did the Government intend to provide better training along those lines?

59. He welcomed the initiative taken by the Attorney-General's Office to challenge the constitutionality of a number of the provisions contained in Act No. 28,655 relating to the military courts, as a result of which the Constitutional Court had issued a decision limiting their jurisdiction. The Committee would be interested in any further developments and whether they would bring Peruvian legislation fully into line with article 12 of the Convention.

60. In connection with article 13, he said that the institution of appropriate criminal proceedings was a positive development. He reiterated the importance of training in such matters.

61. With regard to article 14, he stressed the need for a consistent approach to matters of compensation. He noted that monetary compensation had been awarded in very few cases in Peru, and in those cases the amounts awarded seemed disproportionately low given the gravity of

the injuries or harm caused to the victims. No information had been provided by the State party on care and rehabilitation as form of reparation. In view of the large number of torture victims concerned, and the possible long-term effects on their health, the importance of investing in rehabilitation measures should not be underestimated.

62. Turning to article 16, he asked whether inhuman or degrading treatment was classified as an offence under Peruvian law, and if not, whether any steps had been taken to criminalize such acts. A number of NGOs had referred to the matter as being problematic.

63. Mr. CAMARA welcomed the presence of the Minister of Justice. The situation of justice in Peru was his principal concern, given that all human rights issues and in particular the prohibition of torture rested on an effective judicial system. While he acknowledged that considerable efforts along those lines had been made by the State party since the submission of its initial report, the information contained in the fourth periodic report and the written replies did not convince him of the real independence of the judiciary - in spite of the recommendations on the matter made by the Working Group on Arbitrary Detention following its mission to the country in 1998, and by the Committee in connection with the third periodic report (CAT/C/39/Add.1).

64. The National Council of the Judiciary had been referred to as the guarantor of justice, but he wondered what actual guarantees it provided, for instance in the appointment of its members. He also asked whether the State party took due account of international instruments relating to the independence of the judiciary.

65. He concluded by stressing the importance of changing cultural attitudes through far-reaching educational measures so that the political authorities would ultimately accept that the judiciary was not under their control.

66. Ms. BELMIR said that the presentation of Peru's fourth periodic report showed the country's willingness to re-establish the rule of law. However, she shared Mr. Camara's concern regarding the independence of the judiciary. She welcomed the fact that the vast majority of judges had security of tenure, but noted that their selection was still subject to the constitutional supervision of the Constitutional Court and of the inter-American system of protection for human rights. She also expressed concern about the number of individual and collective complaints submitted by former judges or prosecutors to the Inter-American Commission on Human Rights (IACHR) regarding the National Council of the Judiciary, and sought more information on its mandate and the system for dealing with complaints against it.

67. She would welcome further clarification of the amnesty laws in the light of the IACHR judgement that they ran counter to the American Convention on Human Rights. If such laws were no longer applicable, should they not be abrogated?

68. It seemed that the mandate of the Ombudsman's Office was quasi-judicial and she wondered to what extent it overlapped with the executive and the judiciary. She asked under what circumstances the decisions of that Office could be appealed.

69. Ms. GAER, with reference to article 12 of the Convention, asked whether the State party monitored the situation of sexual violence in prisons, and if so, with what results. What measures were adopted to protect the privacy of women who wished to lodge complaints of sexual violence? Were women held in separate quarters from men in both rural and urban prisons?

70. According to the NGO Human Rights Watch, the Ministry of Defence had consistently failed to provide vital information to prosecutors for the investigation of human rights violations that had occurred in connection with counter-insurgency operations during the armed conflict. It was alleged that the identification of the persons involved was difficult owing to military code names used, and that information concerning the involvement of a prominent Peruvian in operations conducted at the Madre Mia base was being withheld. She would welcome comments on those points.

71. In the past, allegations had been made concerning the abuse of military recruits and the impunity of those responsible. It appeared that the situation had improved somewhat in recent years and she enquired whether that was due to steps taken by the State party to eradicate such practices.

72. She asked what the Government's attitude was to the case of Lori Berenson and the unprecedented decision by the Inter-American Court of Human Rights in that connection. Did the Government consider that it must abide by decisions of that Court in general? Likewise, what were its views on the relevance of the Committee's decisions, in particular with regard to the Optional Protocol?

73. Referring to the consolidated information available on 57 cases of torture reported to the Special Rapporteur as mentioned in the report, she noted that very few cases involved women. She would welcome further information on the rape of Nancy Patruska del Campo Cáceres. Had anyone been charged with the offence?

74. Ms. SVEAASS, referring to the investigations under way into cases of torture that had occurred between 1988 and 1995, drew attention to the case of more than 20 women who had submitted a complaint against members of the armed forces, including some high-ranking officers, for their mass rape near a military camp in 1988. The complaint had been dismissed on the grounds that the women were now married; in other words, they were no longer virgins. She enquired whether the amendment to legislation whereby rape was no longer deemed an offence against honour but an offence against sexual freedom would affect their case. She also asked what educational measures were being taken to prevent the recurrence of such incidents.

75. The CHAIRPERSON, speaking as a member of the Committee, said that he was greatly impressed by the State party's efforts to improve its human rights record: faceless judges and conditions of detention were now concerns of the past. He encouraged the State party to keep up its good efforts.

The meeting rose at 1 p.m.