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COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention of
Discrimination and Protection
of Minorities
Forty-fifth session
Agenda item 6

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS,
INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION AND OF
APARTHEID, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL
AND OTHER DEPENDENT COUNTRIES AND TERRITORIES: REPORT OF THE
SUB-COMMISSION UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII)

Mr. Despouy, Mrs. Forero Ucros, Mr. Heller and Mr. Saboia: draft resolution

1993/... Situation of human rights in Peru

The Sub-Commission on Prevention of Discrimination and Protection of
Minorities,

Guided by the principles enshrined in the Universal Declaration of Human
Rights, the International Covenant on Civil and Political Rights and other
international instruments on the protection of human rights,

Recalling Commission on Human Rights resolutions 1992/42 of
28 February 1992 and 1993/48 of 9 March 1993, on the consequences for the
enjoyment of human rights of acts of violence committed by armed groups that
spread terror among the population and by drug traffickers,

Recalling its resolution 1992/12 of 27 August 1992, on support for the
restoration of democracy in Peru,

Noting with interest the electoral processes, monitored by the Organization of American States, to elect a new Congress and renew the municipal authorities, although various political groupings refrained from taking part,

Considering that there is an urgent need to adopt measures to investigate and penalize those responsible for human rights violations, as well as to compensate the victims of such violations,

Observing that some provisions of the legislation adopted to combat terrorism are not in keeping with the general principles safeguarding the right to a defence and due process,

1. Notes with interest the electoral processes carried out in Peru under the commitments entered into with the Organization of American States;
2. Strongly condemns the violations of human rights by the terrorist groups Sendero Luminoso and Movimiento Revolucionario Tupac Amaru;
3. Also regrets the violations of human rights by some members of the forces of law and order;
4. Welcomes the initiation of dialogue between the Government of Peru and the Coordinadora Nacional de Derechos Humanos (National Human Rights Coordinating Body) and considers that it should be continued in terms of concrete measures to foster the effectiveness of and observance of human rights;
5. Welcomes the agreement reached by the Government of Peru and the International Committee of the Red Cross;
6. Welcomes the readiness of the Government of Peru to establish a register of detainees and calls for it to function fully and effectively;
7. Reiterates its constant concern for effective conditions to guarantee the rule of law and, consequently, human rights;
8. Urges the Peruvian authorities to adopt the necessary measures to guarantee full compliance with the State's obligations to investigate and penalize those responsible for human rights violations, as well as to compensate the victims of such violations;
9. Recommends that the criminal law, within the framework of an independent and impartial system of justice, should be brought into line with the general principles safeguarding the right to a defence and due process;

10. Appeals to the competent Peruvian authorities not to extend the application of the death penalty beyond the limits set out in the American Convention on Human Rights;

11. Decides to request the Government of Peru to keep it informed, through the relevant machinery, of developments in the human rights situation in that country.

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