



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

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COMMITTEE AGAINST TORTURE  
Thirty-ninth session  
Geneva, 5 to 23 November 2007

**List of issues prior to the submission of the sixth periodic report of PERU\***

**Article 2**

1. Please provide information that gives the Committee a clear overview of the situation as regards protection against torture, indicating for the period since 2005:
  - (a) The number of reported cases of torture, including the number of cases in which the police, the army and the penitentiary system, respectively, were involved;
  - (b) The number of cases of alleged torture that were reported by the Institute of Forensic Medicine;
  - (c) Progress in and findings of each investigation of reported cases of alleged torture;
  - (d) Statistics indicating the institutions responsible, the place in which the alleged facts occurred and the sex, age and ethnicity of the victims;
  - (e) The number of police officers, members of the armed forces and prison officials who were suspended as a preventive or punitive measure or who were subsequently dismissed;
  - (f) Which criminal justice system (ordinary or military) undertook the investigations;

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\* The present list of issues was adopted by the Committee at its thirty-ninth session, according to the new optional procedure established by the Committee at its thirty-eighth session, which consists in the preparation and adoption of lists of issues to be transmitted to States parties prior to the submission of their respective periodic report. The replies of the State party to this list of issues will constitute its report under article 19 of the Convention.

(g) The penalties imposed in cases of conviction of torture or cruel, inhuman or degrading treatment;

(h) Cases of alleged torture or cruel, inhuman or degrading treatment that resulted in acquittal.

2. Please indicate the frequency of reports of torture in the army, especially affecting persons performing military service, and describe the measures taken to prevent and investigate the alleged facts.

3. Please inform the Committee of steps taken to support the work of the Office of the Ombudsman and to implement its recommendations.<sup>1</sup> Please report also on action taken to make its mandate more widely known.

4. Please indicate whether a national registry has been established at the Public Prosecutor's Office for all complaints received from alleged victims of torture or cruel, inhuman or degrading treatment.<sup>2</sup>

5. Please provide information on measures that the State party has taken to ensure that it scrupulously complies with its human rights obligations during states of emergency (indicating whether any were proclaimed and on what grounds).<sup>3</sup>

6. Please indicate what measures have been taken to ensure that the Public Prosecutor's Office and the Institute of Forensic Medicine have sufficient resources of their own and that their staff are properly trained to discharge their duties.<sup>4</sup>

### **Article 3**

7. How does the State party ensure compliance with article 3, paragraph 1, of the Convention in cases of expulsion, return or extradition? Is there a mechanism for assessing the risk of torture that a person might face in the country of return? Can the person appeal the decision to a judicial authority? If so, how? Please provide statistics on the number of cases since 2005.

### **Article 4**

8. Please tell the Committee whether legislation prohibiting torture and other cruel, inhuman or degrading treatment or punishment incorporates a gender perspective in its definition of types of conduct prohibited under the Convention, and whether sexual violence is included.

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<sup>1</sup> See CAT/C/PER/CO/4, para. 13.

<sup>2</sup> Ibid., para. 14.

<sup>3</sup> Ibid., para. 15.

<sup>4</sup> Ibid., para. 16 (c).

### Article 10

9. Please describe measures taken by the State party to expand training programmes on obligations under the Convention, particularly the proper classification of cases of torture, for police officers, members of the armed forces and prison officials, and for prosecutors and judges.<sup>5</sup>

10. Please indicate also whether training courses have been developed for medical personnel responsible for detecting and diagnosing cases of torture and for persons involved in the rehabilitation of victims of torture.<sup>6</sup>

### Article 11

11. Please describe existing procedures for ensuring compliance with article 11 of the Convention, and provide information on any new rules, instructions, methods, practices or arrangements pertaining to deprivation of liberty that may have been adopted. Please indicate also how frequently they are reviewed.

12. Please provide information on steps taken to implement the National Plan for the Treatment of Prisoners.<sup>7</sup>

13. Please provide information on the number of prisons, prison capacity, the number of inmates, and education and work arrangements. Please provide figures also for wardens and indicate the kind of training they receive and the body responsible for providing such training.

14. Please state what action has been taken to reduce overcrowding in prisons and what degree of priority has been given to improving access by persons deprived of their liberty to medical staff and court-appointed counsel. Please indicate the number of court-appointed counsel who serve as public defenders and the number of doctors, per prison, who tend to the needs of the prison population.<sup>8</sup>

15. What steps have been taken to ensure that civilian penitentiary establishments are run by civilian and not military authorities?<sup>9</sup>

16. Please indicate whether Yanamayo prison has been shut down, and if not, why not.<sup>10</sup>

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<sup>5</sup> Ibid., para. 17.

<sup>6</sup> Ibid., para. 17.

<sup>7</sup> Ibid., para. 19.

<sup>8</sup> Ibid., para. 18.

<sup>9</sup> Ibid., para. 19.

<sup>10</sup> Ibid., para. 19.

17. Please indicate what measures have been taken in judicial police holding cells and in National Police premises to ensure that persons deprived of their liberty are properly treated by officials and have access to the forensic medical service.

18. Please describe the policies and rules applicable to solitary confinement and the main grounds for using it.

### **Article 13**

19. Please provide information on measures taken to protect all persons who report acts of torture or ill-treatment from intimidation and reprisals. Please report also on the establishment of an appropriate mechanism to protect witnesses and victims, identifying the institution responsible for running it and describing the qualifications of the officials involved.<sup>11</sup>

### **Article 14**

20. Please provide information on progress made in implementing the recommendations contained in the Truth and Reconciliation Commission's report, especially those relating to vulnerable groups. Please report also on progress made in implementing the Comprehensive Plan for Reparations and on the resources allocated to it.<sup>12</sup>

21. Please provide information on steps taken to meet the obligation to provide adequate compensation to victims of torture and of other cruel, inhuman or degrading treatment. In particular, please report on compliance with the reparation awards made by the Inter-American Court of Human Rights and the Human Rights Committee in cases of torture and other cruel, inhuman or degrading treatment.<sup>13</sup>

22. Please indicate what kinds of medical and psychological care and of rehabilitation assistance are available to victims of torture or cruel, inhuman or degrading treatment. Please provide information about the care provided by State institutions and about the activities of non-governmental organizations (NGOs). What is the State budgetary appropriation for the purpose?

### **Article 15**

23. Please state whether there are rules that explicitly prohibit the use of information obtained through torture in legal proceedings and whether judicial review is permissible in cases where persons were allegedly convicted on the basis of confessions extorted by means of torture.

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<sup>11</sup> Ibid., para. 20.

<sup>12</sup> Ibid., para. 21.

<sup>13</sup> Ibid., para. 22.

### **Article 16**

24. Please indicate what steps have been taken to prevent, monitor, investigate and punish acts of sexual violence committed, in particular, against women and girls, especially those deprived of their liberty.

### **Various articles**

25. Please indicate whether a national preventive mechanism has been designated and established for the purpose of conducting regular visits to places of detention in order to prevent torture and other cruel, inhuman or degrading treatment or punishment.

26. Please provide information, in the light of relevant Security Council resolutions, on any legislative, administrative or other measures adopted to counter terrorism. Please indicate also whether the measures in question have adversely affected any legal and practical human rights guarantees.

27. Please indicate whether the State party's legislation prevents and prohibits the production, sale, import, export and use of equipment specifically designed to inflict torture or other cruel, inhuman or degrading treatment. If it does, please provide information regarding the content and application of the legislation. If it does not, please state whether the enactment of such legislation is being actively contemplated.

28. Please indicate whether NGOs were consulted during the preparation of this report.

29. Please describe action taken by the State party to ensure that its reports to the Committee, and the Committee's conclusions and recommendations, are widely disseminated, also in indigenous languages, through the media, official websites and NGOs.

### **General information on the national human rights situation, including new measures relating to the implementation of the Convention**

30. Please provide detailed information on any recent and relevant developments affecting the legal and institutional framework for the promotion and protection of human rights that have occurred since the last periodic report was submitted, including any relevant judicial decisions.

31. Please provide detailed relevant information on any new political, administrative and other measures taken to promote and protect human rights at the national level since the last periodic report was submitted, including any national human rights programmes or action plans, the resources and means allocated to them and their objectives and results.

32. Please provide any other information on measures adopted to implement the Convention and the Committee's recommendations since the consideration of the last periodic report in 2006, including the necessary statistical data, as well as on any other events that may have occurred in the State party which are relevant under the Convention.

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