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COMMISSION DES DROITS DE L'HOMME
Cinquante-huitième session
Point 11 de l'ordre du jour provisoire

DROITS CIVILS ET POLITIQUES

Note verbale datée du 13 septembre 2001, adressée au Haut-Commissariat des Nations Unies
aux droits de l'homme par la Mission permanente du Pérou
auprès de l'Office des Nations Unies à Genève

La Mission permanente du Pérou auprès de l'Office des Nations Unies et des autres organisations internationales à Genève présente ses compliments au Haut-Commissariat des Nations Unies aux droits de l'homme et a l'honneur de se référer à sa note 55 du 11 juin 2001 par laquelle elle l'a informée de la création récente de la Commission de la vérité au Pérou.

À cet égard, la Mission permanente du Pérou joint à la présente le texte du décret suprême 101-2001-PCM, par lequel la Commission de la vérité est désormais intitulée «Commission de la vérité et de la réconciliation», ainsi que le texte de la décision suprême 438-2001-PCM, par laquelle cinq personnes supplémentaires sont nommées membres de la Commission*.

La Mission permanente du Pérou saurait gré au Haut-Commissariat aux droits de l'homme de bien vouloir faire distribuer ces textes en tant que documents officiels de la cinquante-huitième session de la Commission des droits de l'homme et de les communiquer aux différents comités et groupes de travail qui constituent le système des Nations Unies en matière de droits de l'homme.

* L'annexe est reproduite telle quelle, dans la langue d'origine et en anglais.

Annex

SUPREME DECREE NO. 101-2001-PCM

The President of the Republic

Considering:

That by Supreme Decree No. 065-2001-PCM the Commission on the Truth was established to bring to light the process, events and responsibilities involved in the terrorist violence and violations of human rights which took place from May 1980 to November 2000, committed both by terrorist organizations and by State agents, and to propose initiatives to strengthen peace and harmony among Peruvians;

That one of the essential aims of the Commission is to lay the foundations for a profound process of national reconciliation by shedding light on the facts and re-establishing justice;

That for that reason it is appropriate to change the name of the Commission on the Truth to the Truth and Reconciliation Commission;

That pursuant to article 4 of the Decree it is established that the Commission on the Truth shall be composed of seven persons of Peruvian nationality, eminent members of society with high moral standards and known to be defenders of democracy and the constitutional order, those members being appointed by the President of the Republic by supreme decision, with the approval of the Council of Ministers;

That it is appropriate to increase the membership of the Commission from 7 to 12, in order to include in it eminent persons who meet the same requirements and thereby help achieve the ambitious aims proposed for the coming months;

That, in view of that situation and the scope of the work the Commission will have to undertake, an extension of the period of organization as laid down in article 7 of the Decree is called for;

In conformity with the provisions of article 118, paragraph 24, of the Political Constitution of the State and of Legislative Decree No. 560 - Act on the Executive:

With the approval of the Council of Ministers;

Decrees as follows:

Article 1. The name of the Commission on the Truth, established by Supreme Decree No. 065-2001-PCM, is hereby changed to the Truth and Reconciliation Commission.

Article 2. Article 4 of Supreme Decree No. 065-2001-PCM is hereby amended to read as follows:

“Article 4. The Truth and Reconciliation Commission shall be composed of no more than 12 persons of Peruvian nationality, eminent members of society with high moral standards and known to be defenders of democracy and the constitutional order. The President of the Republic, with the approval of the Council of Ministers, shall appoint the members of the Commission by supreme decision authenticated by the President of the Council of Ministers.”

Article 3. The Truth and Reconciliation Commission shall be granted an additional period of 30 days to complete the organization of its work and the preparation of the relevant statutory documents. This period is granted without prejudice to the period of 18 months referred to in article 7 of Supreme Decree No. 065-2001-PCM.

Article 4. This supreme decree shall be authenticated by the President of the Council of Ministers, the Minister of Defence, the Minister of the Interior, the Minister of Justice and the Minister for Foreign Affairs.

DONE at Government House, Lima, on 31 August 2001.

Alejandro Toledo
President of the Republic

Fernando Rospigliosi C.
Minister of the Interior

Roberto Dañino Zapata
President of the Council of Ministers

Fernando Olivera Vega
Minister of Justice

David Waisman Rjavinsthi
Minister of Defence

Diego Garcia-Sayán Larrabure
Minister for Foreign Affairs

SUPREME DECISION NO. 438-2001-PCM

Lima, 5 September 2001

Considering:

That by Supreme Decree No. 101-2001-PCM, article 4 of Supreme Decree No. 065-2001-PCM was amended to the effect that the Truth and Reconciliation Commission shall be composed of 12 persons, eminent members of society with high moral standards and known to be defenders of democracy and the constitutional order;

That those members shall be appointed by the President of the Republic by supreme decision, with the approval of the Council of Ministers;

That it is necessary to appoint the five members who will complete the membership of the Truth and Reconciliation Commission;

In conformity with the provisions of Supreme Decree No. 065-2001-PCM, amended by Supreme Decree No. 101-2001-PCM and Legislative Decree No. 560:

With the approval of the Council of Ministers;

It is decided as follows:

Article 1. The following persons shall be appointed members of the Truth and Reconciliation Commission:

Monsignor José Antúnez de Mayolo Larragán
Ms. Sofia Macher Batanero
Lt. General of the Peruvian Armed Forces (r) Luis Alfonso Arias Graziani
Mr. Rolando Ames Cobián
Rev. Humberto Lay Sun.

Article 2. Monsignor Luis Armando Bambarén Gastelumendi shall take part as an observer in the work of the Truth and Reconciliation Commission.

Article 3. This supreme decision shall be authenticated by the President of the Council of Ministers.

Let it be so recorded, advertised and published.

Initials of Dr. Alejandro Toledo
President of the Republic

Roberto Dañino Zapata
President of the Council of Ministers
