

COMMISSION ON THE TRUTH FOR EL SALVADOR (1992)

**EL SALVADOR: MEXICO PEACE AGREEMENTS--PROVISIONS CREATING  
THE COMMISSION ON TRUTH**

(Mexico City, April 27, 1991)

...Agreement has been reached to establish a Commission on the Truth, which shall be composed of three individuals appointed by the Secretary-General of the United Nations after consultation with the Parties. The Commission shall elect its Chairman. The Commission shall be entrusted with the task of investigating serious acts of violence that have occurred since 1980 and whose impact on society urgently requires that the public should know the truth. The Commission shall take into account:

- a) The exceptional importance that may be attached to the acts to be investigated, their characteristics and impact, and the social unrest to which they gave rise; and
- b) The need to create confidence in the positive changes which the peace process is promoting and to assist the transition to national reconciliation.

The characteristics, functions, and powers of the Commission on the Truth and other related matters are set forth in the corresponding annex.

Annex

**Commission on the Truth**

The Government of El Salvador and the Frente Farabundo Marti para la Liberación Nacional (hereinafter referred to as "the Parties"),  
Reaffirming their intention to contribute to the reconciliation of Salvadorian society;  
Recognizing the need to clear up without delay those exceptionally important acts of violence whose characteristics and impact, and the social unrest to which they gave rise, urgently require that the complete truth be made known and that the resolve and means to establish the truth be strengthened;  
Considering that, although the need to put an end to impunity was raised in the discussion on the item on the armed forces of the Agenda for the negotiations adopted at Caracas on 21 May 1990, the means of investigation which the Parties themselves have been prepared to set up are addressing situations whose complexity warrants independent treatment;  
Agreeing on the advisability of fulfilling that task through a procedure which is both reliable and expeditious and may yield results in the short-term, without prejudice to the obligations incumbent on the Salvadorian courts to

solve such cases and impose the appropriate penalties on the culprits;

Have arrived at the following political agreement:

1. There is hereby established a Commission on the Truth (hereinafter referred to as "the Commission"). The Commission shall be composed of three individuals appointed by the Secretary-General of the United Nations after consultation with the Parties. The Commission shall elect its Chairman.

### **Functions**

2. The Commission shall have the task of investigating serious acts of violence that have occurred since 1980 and whose impact on society urgently demands that the public should know the truth. The Commission shall take into account:

(a) The exceptional importance that may be attached to the acts to be investigated, their characteristics and impact, and the social unrest to which they gave rise; and

(b) The need to create confidence in the positive changes which the peace process is promoting and to assist the transition to national reconciliation.

3. The mandate of the Commission shall include recommending the legal, political or administrative measures which can be inferred from the results of the investigation. Such recommendations may include measures to prevent the repetition of such acts, and initiatives to promote national reconciliation.

4. The Commission shall endeavour to adopt its decisions unanimously. However, if this is not possible, a vote by the majority of its members shall suffice.

5. The Commission shall not function in the manner of a judicial body.

6. If the Commission believes that any case brought to its attention does not meet the criteria set forth in paragraph 2 of this agreement, it may refer the case to the Attorney-General of the Republic, should it deem appropriate, for handling through the judicial channel.

### **Powers**

7. The Commission shall have broad powers to organize its work and its functioning. Its activities shall be conducted on a confidential basis.

8. For the purposes of the investigation, the Commission shall have the power to:

(a) Gather, by the means it deems appropriate, any information it considers relevant. The Commission shall be completely free to use whatever sources of information it deems useful and reliable. It shall receive such information within the period of time and in the manner which it determines.

(b) Interview, freely and in private, any

individuals, groups or members of organizations or institutions.

(c) Visit any establishment or place freely without giving prior notice.

(d) Carry out any other measures or inquiries which it considers useful to the performance of its mandate, including requesting reports, records, documents from the Parties or any other information from State authorities and departments.

#### **Obligation of the Parties**

9. The Parties undertake to extend to the Commission whatever cooperation it requests of them in order to gain access to sources of information available to them.

10. The Parties undertake to carry out the Commission's recommendations.

#### **Report**

11. The Commission shall submit a final report, with its conclusions and recommendations, within a period of six months after its establishment.

12. The Commission shall transmit its report to the Parties and to the Secretary-General of the United Nations, who shall make it public and shall take the decisions or initiatives that he deems appropriate.

13. Once the report has been handed over, the Commission's mandate shall be considered terminated and the Commission shall be dissolved.

14. The provisions of this agreement shall not prevent the normal investigation of any situation or case, whether or not the Commission has investigated it, nor the application of the relevant legal provisions to any act that is contrary to law.