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Institution:	Inter-American Commission on Human Rights
File Number(s):	Report No. 20/87; Case No. 9449
Session:	Seventieth Session (22 June – 2 July 1987)
Title/Style of Cause:	Martín Hipólito Bellido Canchari v. Peru
Doc. Type:	Resolution
Decided by:	President, Dr. Gilda M.C.M. Russomano; First Vice President, Dr. Marco Tulio Bruni Celli; Second Vice President, Mr. Oliver T. Jackman. Members: Dr. Marco Gerardo Monroy Cabra; Dr. Bruce McColm; Ms. Elsa Kelly; Luis Adolfo Siles Salinas
Dated:	30 June 1987
Citation:	Bellido Canchari v. Peru, Case 9449, Inter-Am. C.H.R., Report No. 20/87, OEA/Ser.L/V/II.71, doc. 9 rev. 1 (1986-1987)
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HAVING SEEN the background information on this case, viz:

1. Through a communication dated September 6, 1984, the Inter-American Commission on Human Rights received the following petition:

Martín Hipólito Bellido Canchari, a 14 year-old student at the school "Mariscal Cáceres", was arrested at his home, in Ayacucho, in late 1983 by hooded members of the Civil Guard. His whereabouts are unknown.

In spite of actions taken before the corresponding authorities he has not been located and we fear for his life.

This situation appears to constitute a clear violation of the American Convention on Human Rights, to which Peru is a State party.

2. In a note dated October 24, 1984, the Commission requested the Government of Peru to provide the corresponding information, in accordance with Article 34 (formerly 31) of its Regulations.

3. In a note dated March 6, 1985 (No 7-5-M/37), the Government of Peru replied as follows:

Regarding Case 9449, concerning Martín Hipólito Bellido Canchari, the Public Prosecutor's office is carrying out the corresponding investigation to obtain information on the events denounced in the petition. This investigation was initiated upon presentation of a claim by Mrs. Elena Canchari de Bellido.

4. In its communication of March 19, 1985, the Commission transmitted the pertinent parts of the information provided by the Government of Peru to the petitioner, pointing out that he should present his observations or comments within a period of 45 days. This request was repeated on March 1, 1986.

5. In its note of March 1, 1986, the Commission informed the Government of Peru of the

abovementioned action.

6. In a communication dated June 4, 1986, the petitioner made the following observations and comments on the Peruvian Government's above-mentioned note of March 6, 1985:

The Government of Peru says that the Public Prosecutor's office is carrying out an investigation due to a formal petition presented by Martín Hipólito Bellido Canchari's mother. We suggest the Commission request information on the present status of this investigation. It is important to know if Mrs. Canchari and the other relatives or witnesses in this case have been interrogated during the investigation. Likewise, we suggest the Commission request transcripts of the communications on the case held between the Attorney's office and the Political-Military Command--the latter being held responsible for the illegal arrests--and also the replies of the Command to the petitions.

We also hope the Commission will learn whether the Public Prosecutor's office has brought suit before a criminal court since this case involves the crimes of kidnapping and murder, and also if any proceedings at all have been initiated before the courts. We wish to point out that previously, in various cases of mass executions--and specifically in the cases of the discovery of common graves in Pucayacu in August 1984 and the death of eight reporters in January of 1983--investigations have been initiated by the criminal courts but the regional political-military authorities refused to appear before the respective courts. It is also requested the Commission ask for information on measures taken in this and other similar cases in order that the Armed Forces officials responsible for arrests in Ayacucho be interrogated and give testimony in trial on these investigations and that their replies, and those of their superiors, be made known.

7. In its note of June 19, 1986 the Commission transmitted the petitioner's observations to the Government of Peru requesting it to provide information on the case within 30 days.

CONSIDERING:

1. That this case meets the admissibility requirements set forth in the Commission's Regulations.
2. That the information provided by the Government of Peru in its note of March 6, 1985 is clearly insufficient for the Commission to study the case without all the facts to formulate an opinion.
3. That more than enough time has elapsed to have obtained results and tried and punished the responsible agents of such serious charges as are the kidnapping and disappearance, in Ayacucho, of the minor Martín Hipólito Bellido Canchari.
4. That in view of the circumstances in which the events occurred, and the lack of data on their investigation, in the opinion of the Commission there is enough evidence to presume the facts to be true.
5. That in accordance to Article 42 (formerly 39) of the Regulations the Commission presumes true the facts presented by the petitioner as other evidence does not lead to a different conclusion.
6. That, moreover, in this case the Commission recognizes an unjustified delay in the administration of justice, therefore, it is not necessary for domestic remedies to have been exhausted as a previous step to studying the case, in accordance with Article 37, paragraph 1 of its Regulation.
7. That, moreover, in the case that is the subject matter of this Resolution, the Commission has not been able, by reason of the nature of the petition, that is the forced disappearance of Mr. Martín Hipólito Bellido Cauchari, to apply the friendly settlement procedure provided for in Article 48, paragraph 1, f of the American Convention on Human Rights and Article 45 of its Regulations.

THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS,
RESOLVES:

1. To presume to be true the facts stated in the petition of September 6, 1984 concerning the kidnapping and disappearance, in Ayacucho, of the minor Martín Hipólito Bellido Canchari.
2. To declare that the events denounced in this petition constitute very serious violations of the right to personal liberty (Art. 7) and the right to life (Art. 4) of the American Convention on Human Rights.
3. To recommend to the Government of Peru that it conclude, as soon as possible, the investigations in process on this case, existing accusation by the interested party; that it expedite the establishment of corresponding responsibilities and punish, with the most severe penalties, the agents responsible for the kidnapping and disappearance of the minor Bellido Canchari, and specifically proceed against the regional military authorities who could have had the minor's custody under their jurisdiction at the time.
4. To declare the victim's relatives entitled to fair compensation in accordance with the law and whereby the Government of Peru is responsible for said compensation.
5. To request the Government of Peru to inform the Commission, within 60 days, of the measures taken to implement the recommendations set forth in this Resolution. If after the established time limit the Government of Peru has not submitted any comments, the Commission will include this Resolution in its Annual Report to the General Assembly of the OAS, in accordance with Article 63, g of its Regulations.
6. To transmit this Resolution to the Government of Peru and the petitioner.