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Title/Style of Cause:	Rómulo Yangali de los Ríos, Efrén Yangali de los Ríos, Fortunato Yangali Huachaca, and Hugo Bustamante González v. Peru
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BACKGROUND:

1. In a letter of 6 September 1984, the following complaint was presented to the Inter-American Commission on Human Rights:

In January 1984, reports were received to the effect that Mr. Rómulo Yangali, an officer of the Electoral Registry of Churcampa; Efrén Yangali, attorney; Fortunato Yangali, an employee of the Office of the District Council; and, Hugo Bustamante, a primary-school teacher in the Antonio Raymondi School of Churcampa, has been arrested by the Civil Guard at their homes in Churcampa, Tayacaja province, in the afternoon of 21 November 1983. Some neighbors and a Civil Guard officer declared that early the next morning these persons were conveyed in an armored car to the city of Ayacucho and, according to reports, confined in Los Cabitos, the Regional General Headquarters of the Army. The Army commander at Ayacucho reportedly confirmed that Dr. Efrén Yangali and Mr. Rómulo Yangali were in the Army's custody on 24 November on suspicion of collaboration with Sendero Luminoso guerrillas, but this was subsequently said to have been an "error."

The military authorities continue to deny that the four men are being held, and have provided no information on their whereabouts. There are unofficial reports that the four have been confined in a secret military camp in the town of Cangallo, Ayacucho province, and former inmates report that Efrén and Rómulo Yangali have been severely injured. The judicial branch has also denied habeas corpus on the grounds that the constitutional guarantees are suspended during the state of emergency.

Copies are attached of the documents received on these cases, including requests for habeas corpus signed by Edmundo Yangali de los Ríos, Severo Yangali, and the Human Rights Commission of the Lima Bar Association, signed correspondence of the Supreme Court of Justice and the National Center for Judicial Investigation; a signed medical certificate of the Ministry of Health on the condition of Mrs. Serafina de los Ríos Yangali, widow, and Efrén Yangali; a memorandum signed by many Churcampa residents on behalf of the four men; and a statement by the Human Rights Commission of the Lima Bar Association on Dr. Efrén Yangali de los Ríos and Mr. Rómulo Yangali de los Ríos.

2. Under a covering note of 24 October 1984, the Inter-American Commission on Human Rights transmitted the pertinent parts of the complaint to the Government of Peru with a request that it supply information on the facts considered in its communication, and any other information that would serve to

determine whether domestic remedies had been exhausted in the case in question.

3. This request for information was repeated in a note of 30 January 1985, in which the Commission advised that, failing receipt of the information requested, it would move to consider the possibility of applying Article 39 (the present Article 43) of its Regulations.

4. In a note of 26 March 1986, the Government of Peru supplied information on the case in question, stating that "a strict investigation is in progress and action is being taken as the results require under domestic law".

5. In a note of 1 May 1986, the Inter-American Commission on Human Rights advised the Government of Peru that, following the procedure required in its Regulations for petitions and complaints, it had forwarded the information supplied by the Government of Peru to the complainant for comment. It also asked the Government to provide, within a reasonable time, information on the results of the current investigation of the case by the competent authorities.

6. In his letter of 6 June 1986, the complainant presented additional information on the case. It relayed different accounts of the execution of Rómulo and Efrén Yangali de los Ríos. In one account, these two men were taken to a place called Huayrapata, three or four kilometers south of Churcampa. There they were made to get out (of some vehicle) blindfolded and with their hands tied; first they were tortured, then their tongues were cut out so that they could not ask for help, and finally they were killed. One civil guard surnamed Monzón and another named Nestor or Santiago "El Abigeo" Bautista, are said to have participated directly in these acts and, together with a Lieutenant Muñoz, to be the only survivors. The other guards who reportedly participated in the execution of the victims were killed for having divulged the secret while drinking. The time at which the military vehicle carrying the dead men and other guards left the Churcampa headquarters, and its return to the headquarters, have been confirmed by a woman who asked that her name not be revealed. In another account, the same persons -civil guards Monzón and "El Abigeo" Bautista and Lieutenant Arturo Muñoz - killed Rómulo and Efrén Yangali de los Ríos at the place known as Urpito-tacon, three kilometers from Pucayacú.

7. This additional information was transmitted to the Government of Peru in a note of 14 August 1986, with a request that all reports on the case be provided within 60 days.

8. This request for information was repeated in notes of 18 June and 9 July 1987. In both notes the Commission mentioned that, if the requested data were not received, it would move to consider the possibility of applying Article 42 of its Regulations.

CONSIDERING:

a. That, despite the time that has elapsed and the repeated and fruitless efforts of the Commission, the Government of Peru has not provided a reply on the present case, nor has it sought an extension of time for forwarding the requested information;

b. That, in its processing of the complaint in this case, the Commission, despite not having received any acknowledgement of its many communications to the Government of Peru -save one, dated 26 March 1986, in which the Government stated that the case was under investigation- granted fresh extensions and deadlines in order not to restrict the right of reply of the Government complained against;

c. That the Commission cannot but consider that Rómulo Yangali de los Ríos, Efrén Yangali de los Ríos, Fortunato Yangali Huachaca, and Hugo Bustamante González were alive when arrested;

d. That Article 42 of the Commission's Regulations states that:

The facts reported in the petition whose pertinent parts have been transmitted to the Government of the State in reference shall be presumed to be true if, during the maximum period set by the Commission under the provisions of Article 34, paragraph 5, the Government has not provided the pertinent information, as long as other evidence does not lead to a different conclusion.

THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS
RESOLVES:

1. To presume true the facts charged in the letter of 6 September 1984, in connection with the detention and disappearance of Rómulo Yangali de los Ríos, Efrén Yangali de los Ríos, Fortunato Yangali Huachaca, and Hugo Bustamante González at the hands of the Civil Guard at Churcampa, Tayacaja province.
2. To presume true the facts charged in the letter of 6 June 1986, in connection with the death of Rómulo Yangali de los Ríos and Efrén Yangali de los Ríos at the hands of Civil Guards.
3. To observe to the Government of Peru that these acts constitute extremely serious violations of Article 7 (the right to personal liberty), Article 8 (the right to judicial guarantees), and Article 4 (the right to life) of the American Convention on Human Rights.
4. To recommend to the Government of Peru that it launch a thorough and impartial investigation to identify the perpetrators of the acts charged, punish them in accordance with Peruvian law, and inform the Commission within 60 days of the action taken to implement the recommendations contained herein.
5. To transmit this Resolution to the Government of Peru.
6. If the Government of Peru does not present information on the action taken within 60 days, the Commission, pursuant to Article 63, paragraph g, of its Regulations, will include this Resolution in its Annual Report to the General Assembly of the Organization of American States.