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BACKGROUND:

1. The Inter-American Commission on Human Rights received the following complaint dated June 16, 1986:

On June 6, 1986 Luis Maximo Vera Aragon, professor of education methodology at the Universidad de San Carlos de Huamanga in the city of Ayacucho, was abducted on a street near his home in that city at 9 p.m. by a group of men dressed in blue uniforms who are believed to be members of the Peruvian Air Force. They forced him to enter the vehicle and fled. At the time of the arrest, cries for help were heard in the street, but those who tried to approach the vehicle were kept from doing so by the shots fired at them. Security officials deny having arrested Luis Maximo Vera Aragon, and his whereabouts are still unknown.

2. The Inter-American Commission on Human Rights transmitted the pertinent parts of the complaint to the Government of Peru, in a note of June 25, 1986, requesting information on the facts set forth in the complaint together with any criteria that would indicate whether all remedies under domestic jurisdiction had been exhausted in the case in question.

3. The Government of Peru, in a note dated July 24, 1986, limited its information on the case to a statement that it had been the object of a "duplication of procedures pending settlement by the Working Group on Enforced or Involuntary Disappearances of the United Nations Commission on Human Rights."

4. Pursuant to its regulations on July 28, 1986, the IACHR relayed the information received from the Peruvian Government to the complainant so that he could submit his observations or comments within a period of 45 days. The complainant's note of August 4, 1986, presented his observations concerning the Peruvian Government's reply.

CONSIDERING:

a. That despite the time that has elapsed, and the fruitless and repeated efforts of the Commission, the Government of Peru has failed to furnish an answer concerning the facts surrounding the present case;

b. That in processing the claim on this case, and despite the lack of acknowledgment of its missives to the Government of Peru, the Commission has extended deadlines in order to avoid limiting the right of reply to which the accused State is entitled;

c. That the Government of Peru, without impugning the facts, has limited its action to denying the Commission's competence, arguing that this case was examined by the Working Group on Enforced or Involuntary Disappearances of the United Nations Commission on Human Rights;

d. That the Inter-American Commission on Human Rights has no evidence apprising it that the situation of Luis Maximo Vera Aragon has been clarified by the Working Group on Enforced or Involuntary Disappearances of the United Nations Commission on Human Rights;

e. That in the opinion of the Inter-American Commission on Human Rights, it should eschew consideration of the present case only if the matter is pending in another settlement procedure before a governmental organization to which Peru belongs, and if that procedure consists substantially of the replication of a petition which is pending or has already been examined and resolved by the Commission or by another inter-governmental agency of which Peru is a member;

f. That, conversely, the Commission must not refrain from taking cognizance of the present situation when the procedure followed by the other organization is limited to addressing the general situation of human rights in a State, and no decision has been made on the specific facts that are the object of the petition submitted to the Commission or no steps have been taken toward effective settlement of the alleged violation;

g. That according to the pertinent resolutions of the United Nations Commission on Human Rights--in particular, Resolution 20 (XXVI) of February 29, 1980,--a decision on the specific facts involved in the present case does not lie within the purview of the Working Group on Enforced or Involuntary Disappearances;

h. That consequently, the Inter-American Commission on Human Rights is not restrained from addressing the present case in conformity with the American Convention on Human Rights and its Regulations;

i. That the General Assembly of the Organization of American States declared in Resolutions 666 (XIII-0-83) and 742 (XIV-0-84) that "the forced disappearance of persons is an affront to the conscience of the hemisphere and constitutes a crime against mankind;"

j. That Article 42 of the Commission's Regulations establishes the following:

Article 42

The facts reported in the petition whose pertinent parts have been transmitted to the government at 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, that 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 the facts reported in the complaint dated June 16, 1986, concerning the forced disappearance of Luis Maximo Vera Aragon in a street near his home in the city of Ayacucho on June 6, 1986, to be true.

2. To inform the Government of Peru that those acts constitute extremely serious violations of the right to personal freedom (Art. 7) and the right to life (Art. 4) under the American Convention on Human Rights.
3. To recommend to the Government of Peru that it conduct a complete and impartial investigation to determine the perpetrator of the acts denounced and, in accordance with Peruvian law, that those responsible be punished, informing the Commission within a period of 60 days of the measures taken to carry out the recommendations set forth in the present Resolution.
4. To inform the Government of Peru of this Resolution.
5. If within a period of 60 days the Government of Peru fails to present information concerning the measures taken, the Commission shall include this Resolution in its Annual Report to the General Assembly of the Organization of American States, pursuant to Article 63, section (g) of the Commission's Regulations.