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Institution:	Inter-American Commission on Human Rights
File Number(s):	Report No. 42/90; Case No. 10.380
Session:	Seventy-Ninth Session (11 – 22 February 1991)
Title/Style of Cause:	Soledad Granados Martinez, Eva Ricse Bohorquez, Hildo Jaime Huancauqui Portillo, Jesus Apolinario Zarate, Alberto Alanya Paitampoma, Raimundo Roque, Adalberto Alanya, Samuel Paitampoma Llanco, Pascual Rojas Taipe, Uriel Laureano, Sixto Torres Pena, Secundino de la O. Espinoza, Evangelico Jesus Enrique Paulete Solorzano, Hilario Arca Portocarrero, Elmer Jauregui Arteaga, Geronimo Bocanegra Herrera, Felix Arteaga Moya, Lalo Arteaga Camargo, Irma Juscamaita Arteaga, and Hernan Actica Ames v. Peru
Doc. Type:	Report
Decided by:	Chairman: Patrick L. Robinson; First Vice Chairman: Marco Tulio Bruni Celli; Second Vice Chairman: Oscar Lujan Fappiano; Members: Gilda M.C.M. de Russomano; Oliver Jackman; Leo Valladares Lanza; Michael Reisman
Dated:	22 February 1991
Citation:	Granados Martinez v. Peru, Case 10.380, Inter-Am. C.H.R., Report No. 42/90, OEA/Ser.L/V/II.79, doc. 12 rev. 1 (1990-1991)
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BACKGROUND:

1. On June 1, 1989, the Inter-American Commission on Human Rights received the following complaint:

Last Wednesday, May 17, a detachment of approximately 100 soldiers from Infantry Battalion Ollantaytambo No. 3 entered the settlement of Calabaza, District of Mariposa, Province of Satipo, Department of Junin, firing their weapons and calling the residents to come out of their houses. The frightened residents refused to come out. Then the soldiers entered the houses by force and brought out and arrested over 20 people chosen by "Chito" and "Blanco," who were apparently in charge of the operation. They then left the town with the detainees and headed toward the banks of the Calabaza River.

On Thursday, May 18, there appeared at that location the bodies of: Soledad Granados Martinez (16), student; Eva Ricse Bohorquez (14), student; Hildo Jaime Huancauqui Portillo (17), student; Jesus Apolinario Zarate (30); Alberto Alanya Paitampoma (22), farmer; Raimundo Roque; Adalberto Alanya; Samuel Paitampoma Llanco; Pascual Rojas Taipe (28); Uriel Laureano; and Sixto Torres Peca.

The following individuals were able to escape from their captors: Secundino de la O. Espinoza (35); Evangelico Jesus Enrique Paulete Solorzano, teacher; and Hilario Arca Portocarrero. They all showed evidence of torture.

Elmer Jauregui Arteaga and Geronimo Bocanegra Herrera, owner of the principal main grocery store, which was looted by the detachment, were tortured and then freed.

Felix Arteaga Moya (60), Lalo Arteaga Camargo, Irma Juscamaita Arteaga, and Hernan Artica Ames

have disappeared.

2. Through a note of June 7, 1989, the Commission sent the relevant parts of the claim to the Government of the Republic of Peru and asked that Government to provide the information it deemed appropriate. An answer was not received within the statutory time limit.

3. This request for information was repeated in a note addressed to that Government on September 8, 1989, which mentions the possibility that Article 42 of the Commission's Regulations would be applied. Still no reply was received.

CONSIDERING:

1. That in resolution AG/RES. 666 (XIII-O/83) the General Assembly declared that "the practice of forced disappearance of persons in the Americas is an affront to the conscience of the hemisphere and constitutes a crime against humanity."

2. That the period established in Article 34, paragraph 5, of the Regulations of the Commission has elapsed without the Government of Peru having responded to the request for information made by the IACHR in the notes referred to in the background section of this report, so that it may be presumed that there are not any remedies under domestic jurisdiction to be exhausted (Article 46 of the American Convention), in light of the adversarial procedure established in that Convention.

3. That Article 42 of the Regulations of the Commission reads:

Article 42

The facts reported in the petition whose pertinent parts have been transmitted to the government of the State in reference 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.

4. That Article 1, paragraph 1, of the American Convention on Human Rights reads:

Article 1. Obligation to Respect Rights

1. The States Parties to this Convention undertake to respect the rights and freedoms recognized herein and to ensure to all persons subject to their jurisdiction the free and full exercise of those rights and freedoms, without any discrimination for reasons of race, color, sex, language, religion, political or other opinion, national or social origin, economic status, birth, or any other social condition.

5. That the Republic of Peru is a State Party to the American Convention on Human Rights and has ratified the binding jurisdiction of the Inter-American Court of Human Rights.

Therefore, in view of the related background and the considerations as well as of the fact that the Commission does not have any other evidence that would lead it to a different conclusion, based on Article 42 of its Regulations,

THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS, RESOLVES:

1. To presume to be true the claims presented in the June 7, 1989, correspondence pertaining to the

arbitrary arrest by agents of the Peruvian state and subsequent murder of Soledad Granados Martinez, Eva Ricse Bohorquez, Hildo Jaime Huancauqui Portillo, Jesus Apolinario Zarate, Alberto Alanya Paitampoma, Raimundo Roque, Adalberto Alanya, Samuel Paitampoma Llanco, Pascual Rojas Taipe, Uriel Laureano, and Sixto Torres Peca, whose bodies appeared on the banks of the Calabaza River; the arbitrary capture and torture of Secundino de la O. Espinoza, Evangelico Jesus Enrique Paulete Solorzano, and Hilario Arca Portocarrero; the torture of Elmer Jauregui Arteaga and Geronimo Bocanegra Herrera; and the capture by those same agents and subsequent disappearance of Felix Arteaga Moya, Lalo Arteaga Camargo, Irma Juscamaita Arteaga, and Hernan Artica Ames, in the settlement of Calabaza, District of Mariposa, Province of Satipo, Department of Junin, on May 17 and 18, 1989.

2. To declare that that act constitutes a serious violation by the Peruvian state of the rights to life, humane treatment, personal liberty and a fair trial (Articles 4, 5, 7 and 8, respectively, of the American Convention on Human Rights) compounded by the fact that three of the alleged victims are minors.
3. To recommend to the Government of Peru that it conduct the most exhaustive investigation possible of the acts denounced in order to identify those who are directly or indirectly responsible so that they may receive the corresponding legal penalties and that it inform the Commission of its decision and the measures taken, within a maximum period of 60 days.
4. To recommend to the Government of Peru that it adopt the measures established under national law to indemnify the families of the victims.
5. To transmit this report to the Government of the Republic of Peru and to the petitioners.
6. If, within the period set in operative paragraph 3 of this report, the Government of Peru has not presented observations, the Commission shall include this report in its Annual Report to the General Assembly, in accordance with Article 48 of the Regulations of the Commission.