

WorldCourts™

Institution: Inter-American Commission on Human Rights
File Number(s): Report No. 57/09; Petition 173-00
Session: Hundred Thirty-Fourth Regular Session (16 – 27 March 2009)
Title/Style of Cause: Jorge Ramos Olivos v. Peru
Doc. Type: Decision to Archive
Decided by: President: Luz Patricia Mejia Guerrero;
First Vice President: Victor Abramovich;
Second Vice President: Felipe Gonzalez;
Commissioners: Sir Clare K. Roberts, Paulo Sergio Pinheiro, Florentin Melendez, Paolo Carozza.
Dated: 27 March 2009
Citation: Ramos Olivos v. Peru, Petition 173-00, Inter-Am. C.H.R., Report No. 57/09, OEA/Ser.L/V/II., doc. 51, corr. 1 (2009)
Represented by: APPLICANTS: Fundacion Ecumenica para el Desarrollo and la Paz and the Center for Justice and International Law
Terms of Use: Your use of this document constitutes your consent to the Terms and Conditions found at www.worldcourts.com/index/eng/terms.htm

ALLEGED VICTIM: Jorge Ramos Olivos

PETITIONERS: FEDEPAZ (Fundación Ecuménica para el Desarrollo and la Paz) and the Center for Justice and International Law (CEJIL)

ALLEGED VIOLATIONS: Articles 5, 7, and 8 of the American Convention, taken in concordance with Article 1(1) of that international instrument

DATE OF INITIAL PROCESSING: October 2, 2002

I. POSITION OF THE PETITIONERS

1. The petitioners contend that the alleged victim was detained on January 17, 1996, for the alleged commission of the crime of treason against the State. They allege that the accusations originated with other detainees who were known as “the repentant ones” and that the trial was conducted with serious violations of the alleged victim’s procedural guarantees, which included: violation of the presumption of innocence; violation of the right to be informed beforehand of the nature and cause of the accusation; violation of the right to question witnesses; violation of the right to be tried by an independent and impartial court; and violation of the right to full equal treatment under law. The petitioners contend that on June 22, 1999, the Supreme Court upheld, in last instance, a 15-year sentence of imprisonment.

II. POSITION OF THE STATE

2. At its first available opportunity, the State answered that the alleged victim had been pardoned on March 15, 2001, and thus granted his freedom. Accordingly, the State asked that the petition be declared inadmissible, inasmuch as the facts underlying the petition no longer subsist.

III. PROCESSING BEFORE THE COMMISSION

3. On April 19, 2000, the initial petition was received and assigned case No. P-173-00. On October 2, 2002, the petition was transmitted to the Peruvian State, which was asked to submit its response within a period of two months. The State's response was received on December 13, 2002, and transmitted to the petitioners on December 17, 2002, which were asked to present any pertinent observations within a period of 45 days. On July 23, 2003, the Commission asked the petitioners to submit updated information to determine if the motives underlying the petition subsisted. In this communication, the petitioners were notified that if such information was not received within a period of one month, the Commission may archive the case in accordance with Article 48(1)(b) of the American Convention.

IV. GROUNDS FOR THE DECISION TO ARCHIVE

4. Both Article 48(b) of the American Convention on Human Rights and Article 30(6) of the Rules of Procedure of the Inter-American Commission on Human Rights establish that with regard to the processing of a petition, once the observations have been received or the period set has elapsed with no observations received, the IACHR shall verify whether the grounds for the petition exist or subsist, and, if it considers that they do not exist or subsist, it shall order the case archived.

5. This petition alleges violations of the rights enshrined in Articles 5, 7, 8, and 1(1) of the American Convention, as a result of the alleged victim's having being tried for the crime of terrorism. According to the information furnished by the Peruvian State subsequent to the filing of the complaint, Mr. Ramos Olivos' due process situation had clearly changed and he was consequently pardoned, thus regaining his freedom. Aware of this situation, the Commission asked the petitioners to submit their observations on the information furnished by the State. Subsequently, on July 23, 2003, the Commission asked the petitioners to provide it with information as to whether the grounds underlying the petition subsisted. No reply to these two communications was received.

6. The available information is insufficient to determine the purpose of this petition and whether or not its purpose meets the requirements for admissibility. To this end, in accordance with Article 48(b) of the Convention and Article 30(6) of the IACHR Rules of Procedure, the Commission decides to archive the present petition.

Done and signed in the city of Washington, D.C., on the 27th day of the month of March, 2009. (Signed): Luz Patricia Mejía Guerrero, President; Víctor E. Abramovich, First Vice-president; Felipe González, Second Vice-president; Sir Clare K. Roberts, Paulo Sérgio Pinheiro, Florentín Meléndez, and Paolo Carozza, members of the Commission.