

REPORT No. 31/10
DECISION TO ARCHIVE
CASE 10.929
PERU
March 16, 2010

ALLEGED VICTIM: Viviano Hilario Mancha, Zózimo Hilario Quispe, Pascual Mancha Hilario, Moisés Hilario Quispe, Lorenzo Quispe Huamán, Nicolás Huamán Cumbes, and Bonifacio Curi Huamaní

PETITIONER: Peace Action Study Center (CEPAZ)

ALLEGED VIOLATIONS: Articles 7 and 1.1 of the American Convention on Human Rights

DATE OF INITIAL PROCESSING: July 23, 1991

I. POSITION OF THE PETITIONER

1. The petition claimed that 14 campesinos from the community of Santa Bárbara were arrested and forcibly disappeared by members of the Army on July 4, 1991. On July 11, 1991, Mr. Viviano Hilario Mancha, the father of one of the allegedly disappeared campesinos, found their bodies in a local mine, reported the facts to the authorities, and asked for the bodies to be collected. Petitioner indicated that on July 17, 1991, the complainant and another 22 campesinos from Santa Bárbara were detained by army personnel while observing the official exhumation of the bodies.

2. The petitioner claimed that the arrest of the 23 inhabitants of Santa Bárbara was arbitrary and took place as a reprisal for the forced disappearance allegations made some weeks earlier. The petitioner stated that 17 people were released some days later, and that the remaining six of them were taken before the Huancavelica technical police, one of whom was the person who found the corpses in the mine and, consequently, the sole eye witness. The petitioner sought the Commission's intervention to ensure the human rights of the individuals who were still being held.

3. In a later submission the petitioner reported that five of the six people kept in custody had been released, with the arrest of Mr. Bonifacio Curi Huamaní continuing on the grounds that he was allegedly facing criminal charges. It was also reported that Mr. Hilario Viviano Mancha had been assaulted while being held in custody.

II. POSITION OF THE STATE

4. In its first communications, the State denied the mass arrest and alleged mistreatment of the campesinos. It claimed that only two of the campesinos named in the complaint were in fact taken into custody by the police and that one of them was released immediately when it was shown that no warrant had been issued for his arrest. It stated that Mr. Bonifacio Curi Huamaní was brought before the Investigating Court of Huancavelica to face murder charges.

III. PROCESSING BEFORE THE COMMISSION

5. The initial petition was received on July 23, 1991, and forwarded to the State on July 25, 1991, with a request for it to return its reply within the following 90 days. The State submitted its response on October 22, 1991, which was conveyed to the petitioner on March 11, 1992.

6. On December 29, 1993, given that no reply had been submitted, a new request for information was sent to the petitioner. The petitioner's observations were received on March 17, 1994, and were forwarded to the State on February 12, 1997. On August 1, 1997, the State submitted a new communication. The petitioner submitted additional information on October 2, 1997. On October 8, 1997, the IACHR made itself available to the parties in order to work toward a friendly settlement agreement. On December 5, 1997, the petitioners indicated their willingness to discuss such an agreement, but on December 16, 1997, the State said it had no interest in beginning friendly settlement proceedings and asked for the case to be ruled inadmissible.

7. On January 20 and February 9, 1998, the Commission conveyed the State's decision to the petitioner and asked it to return its comments. On March 10, 1998, the petitioner asked for the joinder of this case file with case No. 10.932, which deals with the incident known as the Santa Bárbara massacre. On June 5, 1998, the State replied that the joinder was not possible because there was no connection between the alleged victims and alleged facts of the two petitions.

8. The IACHR forwarded the State's reply to the petitioner on July 14, 1998, and asked it for its comments. When no such observations were forthcoming, a new request was sent on December 12, 2002. On April 5, 2004, the IACHR asked the petitioner to indicate whether the facts alleged in the petition still subsisted, indicating that if no reply was received, consideration could be given to the closure of the record with respect to the matter in accordance with Article 48.1.b of the Convention.

IV. GROUNDS FOR THE DECISION TO ARCHIVE

9. Both Article 48.1.b of the American Convention on Human Rights and Article 42.1 of the Rules of Procedure of the Inter-American Commission stipulate that during the processing of a petition, after receiving the information or once the time limit for its submission has expired, the IACHR is to ascertain whether the grounds for the petition or communication still exist or subsist and, if they do not, it shall decide to archive the case file.

10. In spite of three requests for information – made on July 14, 1998, December 12, 2002, and April 5, 2004 – the petitioners have not met the IACHR's requirements. In those circumstances, and having seen that the information available is insufficient to reach a decision on its admissibility or inadmissibility, the IACHR decides to order the record closed in respect of this claim, pursuant to Article 48.1.b of the Convention and Article 42 of its Rules of Procedure.

Done and signed in the city of Washington, D.C., on the 16th day of the month of March, 2010. (Signed: Felipe González, President; Paulo Sérgio Pinheiro, First Vice-President; Dinah Shelton, Second Vice-President, María Silvia Guillén, José de Jesús Orozco Henríquez, and Rodrigo Escobar Gil, Commissioners).