

**REPORT No. 77/10**  
PETITION 12.154  
ADMISSIBILITY  
LUIS ALBERTO VEGA PAQUILLO  
PERU  
July 12, 2010

**I. SUMMARY**

1. On November 9, 1998, the Inter-American Commission on Human Rights (hereinafter "the Inter-American Commission", "the Commission", or "the IACHR") received a petition presented in his own name by Luis Alberto Vega Paquillo (hereinafter "the alleged victim" or "the petitioner")<sup>1</sup> alleging the violation by the Republic of Peru (hereinafter "Peru", "the State" or "the State of Peru") of the rights enshrined in Articles 1(1), 2, 5, 7, 9, 10, 8, and 25 of the American Convention on Human Rights (hereinafter "the American Convention" or "the Convention"), and Articles 2, 8, and 10 of the Inter-American Convention to Prevent and Punish Torture. The petitioner alleged that he was arrested and tried under decree laws relating to the crimes of terrorism and high treason enacted as from May 1992. He stated that these decrees, as well as the ensuing criminal proceedings, are in breach of dispositions of the Convention. He claimed to have been kept *incommunicado* and in solitary confinement for long periods and subjected to inhuman conditions of imprisonment. The petitioner stated that after undergoing criminal proceedings in the military courts and four trials in the ordinary courts, he was finally sentenced to twenty years imprisonment in November 2009.

2. The State alleged that after the military jurisdiction refrained from pursuing the charge of high treason, the alleged victim was tried in the ordinary courts for the crime of terrorism. It alleged that between January and February 2003, the Executive adopted a new legislative framework in this area, within the standards of the Convention. It submitted that the criminal trial undertaken from the beginning of 2003 was conducted with the guarantees of due process and with ample access to the means of redress laid down in domestic law. Lastly, the State argued that the petitioner has failed to provide credible evidence on the acts of torture and other injuries to his personal integrity which allegedly occurred while he was in the custody of the members of the Navy and National Police.

3. After examining the position of the parties in the light of the requirements of admissibility set out in Articles 46 and 47 of the Convention, the Commission concluded that it is competent to hear the petition and that it is admissible regarding the alleged violation of the rights enshrined in Articles 5, 7, 9, 8, and 25 of the American Convention, in relation to Articles 1(1) and 2 of the same instrument; and in Articles 1, 6, and 8 of the Inter-American Convention to Prevent and Punish Torture. The Commission decided to notify the present Admissibility Report to the parties, to publish it and include it in its Annual Report.

**II. PROCEEDINGS BEFORE THE COMMISSION**

4. On November 9, 1998, the initial petition was received and assigned No. 12.154. On May 26, 1999, the petition was sent to the State, with a 90 day time limit to present its response in conformity with the IACHR's Rules then in force. On September 24, 1999, the State submitted its response which was sent to the petitioner on November 1<sup>st</sup> of the same year.

5. On February 5, 2010, the IACHR requested up-to-date information from the petitioner, indicating that if no submissions were received it would consider archiving the petition in accordance with Article 48(1)(b) of the American Convention. On April 8, 2010, the petitioner submitted its response which was sent to the State on April 13 of the same year. The State submitted observations on May 17, 2010 and the petitioner submitted an additional brief on May 21, 2010.

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<sup>1</sup> On April 8, 2010, Mr. Miguel Ángel Vega Paquillo was admitted as co-petitioner.

### III. POSITIONS OF THE PARTIES

#### *Preliminary considerations*

6. Throughout the processing of the current petition, the State and the applicant described a first series of trials conducted during the 1990s and a second set following the voiding of the earlier trials. The former proceedings were held under decree laws applicable to terrorism, enacted during the administration of President Alberto Fujimori. In January 2003, the Peruvian State adopted a new legislative framework that caused the voiding of a number of trials conducted for the crimes of terrorism and high treason. Before setting out the positions of the parties, the IACHR deems it to be appropriate addressing the two legal frameworks within which the incidents described by the parties took place.

#### *Antiterrorist legislation in force from May 1992 to January 2003*

7. Decree Law No. 25475, dealing with different forms of the crime of terrorism, was enacted in May 1992. In August of that year, Decree Law No. 25659 was enacted, criminalizing the offense of treason against the fatherland and giving the military justice system jurisdiction over the prosecution of that crime. Those decrees, along with decrees Nos. 25708, 25744, 25880, and other complementary provisions, equipped the Peruvian legal system with exceptional procedures for investigating, examining, and prosecuting individuals accused of terrorism or treason against the fatherland.

8. The decrees that made up what was known as the “antiterrorist legislation” had the stated purpose of reining in the escalation of targeted killings against officers of the judiciary, elected officials, and members of the security forces, as well as of disappearances, bombings, kidnappings and other indiscriminate acts of violence against the civilian population in different regions of Peru, attributed to outlawed insurgent groups.

9. Among other changes, these decrees allowed the holding of suspects incommunicado for specified lengths of time,<sup>2</sup> holding closed hearings, solitary confinement during the first year of prison terms,<sup>3</sup> and summary deadlines for presenting charges and issuing judgments in the case of the crime of treason against the fatherland.<sup>4</sup> In addition, these decrees denied suspects the assistance of a legal representative prior to their first statement to an agent of the Public Prosecution Service<sup>5</sup> and restricted the attorney’s participation in the criminal proceedings, disallowed the recusal of judges or other judicial officers,<sup>6</sup> established concealed identities for judges and prosecutors (“faceless courts”),<sup>7</sup> prevented the summoning, as witnesses, of state agents who had participated in preparing the police arrest report.<sup>8</sup>

10. As for their provisions of material law, these decrees allowed for the possibility of applying more than one criminal offense to actions of a similar or identical nature; they did not

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<sup>2</sup> Decree Law No. 25475, Art. 12(d).

<sup>3</sup> Decree Law No. 25475, Art. 20.

<sup>4</sup> Investigations, prosecutions, and sentencing for treason against the fatherland were governed by Decree Laws Nos. 25708 and 25744.

<sup>5</sup> The right to the assistance of freely chosen defense counsel from the very onset of criminal proceedings was later established by Article 2 of Law No. 26447.

<sup>6</sup> Decree Law No. 25475, Art. 13(h).

<sup>7</sup> With the enactment of Law 26671 on October 12, 1996, faceless judges and prosecutors were abolished.

<sup>8</sup> Decree Law No. 25744, Art. 2.

differentiate between different levels of *mens rea*,<sup>9</sup> and they only indicated minimum prison terms, without setting maximum penalties.<sup>10</sup>

11. On May 12, 1992, the Executive Branch of Government passed Decree-Law 25499, also called the Repentance Law, which regulated the reduction, exemption, remission or mitigation of imprisonment sentences for persons charged or convicted for the crime of terrorism who provided information leading to the capture of chiefs, heads, leaders or principal members of terrorist organizations.<sup>11</sup> By means of Supreme Decree No. 015-93-JUS of May 8, 1993, the Executive Branch adopted the Regulations for the Repentance Law, which provided, among other measures, the secrecy or change of identity for the repentant persons making the statement.<sup>12</sup> The Repentance Law expired on October 31, 1994.<sup>13</sup>

### ***Antiterrorist legislation in force as of January 2003***

12. On January 3, 2003, a series of provisions contained in the terrorism decree-laws enacted during the Fujimori administration were ruled unconstitutional by the Constitutional Court.<sup>14</sup> That decision ruled Decree Law 25659 unconstitutional and ordered accusations for the crime of treason against the fatherland as defined therein to be tried as terrorism, as provided for in Decree Law 25475. In addition, it annulled the provisions that prevented the recusal of judges and the subpoena of officers involved in the police arrest report as witnesses and the provisions that allowed civilians to be tried by military courts. At the same time, absolute incommunicado detention and solitary confinement during the first year of prison terms were also ruled unconstitutional.

13. With reference to the crime of terrorism, the Constitutional Court upheld the legality of Article 2 of Decree Law No. 25475, but ruled that it would apply solely to willful acts; it also established interpretative guidelines for the subsumption of a punishable action in the definitions of the offense.

14. With regard to statements, arrest warrants, technical and expert opinions given before faceless judges, the Constitutional Court ruled that they were not automatically tainted and that the regular civilian judges hearing the new charges would have to verify their worth as evidence, conscientiously and in conjunction with other substantiating elements as set down in regular criminal procedural law.<sup>15</sup>

15. Between January and February 2003, the Executive Branch<sup>16</sup> issued Legislative Decrees Nos. 921, 922, 923, 924, 925, 926, and 927,<sup>17</sup> with the aim of bringing the country's laws into line with the Constitutional Court's judgment of January 3, 2003. In general terms, those decrees ordered the voiding of all judgments and trials conducted before the military courts or faceless judicial officers, together with the referral of all such proceedings to the National Terrorism Chamber, further named National Criminal Chamber, which was created within the Supreme Court of Justice and charged with distributing the new

<sup>9</sup> Decree Law No. 25475, Art. 2.

<sup>10</sup> Decree Law No. 25475, Art. 3.

<sup>11</sup> Decree Law No. 25499, Articles 1.II.a and 1.III.

<sup>12</sup> Supreme Decree No. 015-93-JUS, Articles 8.a and 36.

<sup>13</sup> The Repentance Law was repealed by Law 26345 of August 30, 1994.

<sup>14</sup> Resolution of the Constitutional Court of January 3, 2003, File No. 010-2002-AI/TC, unconstitutionality suit filed by Marcelino Tineo Silva and other citizens.

<sup>15</sup> Resolution of the Constitutional Court of January 3, 2003, File No. 010-2002-AI/TC, unconstitutionality suit filed by Marcelino Tineo Silva and other citizens, grounds paragraph No. 159.

<sup>16</sup> On January 8, 2003, the Congress of the Republic of Peru enacted Law 27913, whereby it delegated the power to legislate on terrorism-related matters to the Executive Branch.

<sup>17</sup> Legislative Decree 927 regulated the criminal law enforcement in matters of terrorism. It was derogated by the Law 29423 of October 14, 2009, which rendered inapplicable the requests for reduction of prison sentence, partial liberty and conditional parole by persons convicted of terrorism.

trials to the Specialized Criminal Courts. The new antiterrorist legislation also provided for partially open hearings during oral proceedings<sup>18</sup> and prohibited the imposition of harsher sentences than those that had been handed down in the voided trials.<sup>19</sup>

16. With reference to steps taken during criminal investigations and examination proceedings before faceless civilian or military judicial officers, Article 8 of Legislative Decree No. 922 upheld the validity of examination proceeding commencement deeds, police statements given in the presence of a representative of the Public Prosecution Service, technical reports, search records, statements given to the National Police, and statements made by persons who applied to the benefits of Repentance Law (“*arrepentidos*”). Finally, Article 3 of that Legislative Decree ruled that the voiding of proceedings held by faceless judges would not trigger automatic release from prison, which could take place only if the Public Prosecution Service declined to press charges or if the judiciary refused to commence examination proceedings.

#### **A. The Petitioner's position**

17. On November 10, 1996, Mr. Vega Paquillo was arrested by members of the National Police of Peru while working as head doctor of the Masisea District Health Center in the province of Coronel Portillo, department of Ucayali. He indicated that he was transferred to the military base of the Navy in Masisea, established in a local college, and thereafter to the Pucallpa Naval Base where he was kept *incommunicado*, in both facilities, for a period of eight days. He alleged that on November 18, 1996, he was transferred to the facilities of the National Counter-Terrorism Division (DINCOTE) in Lima, where he was kept *incommunicado* for 40 days. He also alleged that during his time in isolation he was subjected to torture, physical mistreatment, threats and humiliation to force a confession linking him with the insurgent group Shining Path.

18. The petitioner alleged that during the first weeks subsequent to his arrest, his father, Mr. Joaquín Vega Risco, was prevented from visiting him. After repeated requests and the intervention of a lawyer, Mr. Joaquín Vega Risco was allowed to meet with the alleged victim for a few minutes in the DINCOTE facilities, and was informed of the acts of torture allegedly inflicted by agents of the said police division.

19. The petitioner alleged that a few days after his arrest, a lawyer retained by the family was told of the existence of criminal proceedings for the crime of high treason based on police statements and testimony of persons benefiting from the Repentance Law that implicated Mr. Vega Paquillo as a member of the insurgent group Shining Path. The DINCOTE agents in charge of the preliminary investigation did not reveal the identity of the said informants despite various requests made by the alleged victim and his lawyer.

20. According to the allegations, in December 1996, Mr. Vega Paquillo was transferred to the Temporary Detention Center of the Peruvian Navy in El Callao, where he remained in a state of isolation for two months. In February 1997, the Special Naval Court ruled that there was no basis to institute a criminal trial for the crime of high treason and declined competence in favor of the ordinary courts to assess the initiation of proceedings for the crime of terrorism.

21. The petitioner stated that on February 7, 1997, he was taken to the Maximum Security Penitentiary Miguel Castro Castro where he remained in isolation, with a series of restrictions on his right to receive visitors and access to natural light and fresh air for periods of less than thirty minutes per day.

22. He indicated that on January 5, 1999, the National Terrorism Chamber acquitted him of the crime of collaborating with terrorism set out in Article 4 of Decree Law 25475, and that the Chief

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<sup>18</sup> Legislative Decree No. 922, Art. 12(8).

<sup>19</sup> Legislative Decree No. 922, fifth complementary provision.

Public Prosecutor with Competence in Matters of Terrorism failed to lodge and appeal. Nevertheless, the Supreme Court of Justice annulled his acquittal and ordered a new oral trial with the participation of other co-accused, so that their respective statements could be contrasted with that of Mr. Vega Paquillo. The petitioner maintained that the Supreme Court of Justice based its decision on the ground that the accused had allegedly failed to rebut the charges set out by the public prosecutor, which, in his view, represents a breach of the right to the presumption of innocence. According to the allegations, from January 5, 1999 – after his release-- Mr. Vega Paquillo responded to the criminal charges set out by the Public Prosecutor.

23. The petitioner indicated that in April 2002, he underwent a second trial in the ordinary courts, and he was again acquitted at first instance on June 21, 2002. He confirmed that the Supreme Court of Justice once again annulled the acquittal and ordered the initiation of a third oral trial. He argued that by virtue of Legislative Decree No. 926,<sup>20</sup> the third criminal trial conducted against him in the ordinary courts was declared null and void by the National Criminal Chamber. The said National Chamber ordered the initiation of a fourth trial in the ordinary courts, and file was consolidated in a single case against Doctor María Teresa De la Cruz Flores and other health professionals accused of belonging to a group called Public Aid ('Socorro Popular') which was dedicated to providing medical assistance to persons allegedly involved in the crime of terrorism.

24. The petitioner stated that on July 10, 2006, the National Criminal Chamber sentenced him to seven years imprisonment for the crime of membership of a terrorist organization set out in Article 5 of Decree Law No. 25475, and was imprisoned in the Miguel Castro Castro Penitentiary. On November 23, 2009, the Second Transitory Criminal Chamber of the Supreme Court of Justice modified the charges for which he was sentenced from membership to aiding and abetting terrorism, set out in Article 4 of Decree Law No. 25475, thereby increasing the sentence to twenty years imprisonment.

25. The petitioner stated that in its judgment of November 23, 2009, the Supreme Court of Justice characterized as "collaborating with terrorism" the fact of having rendered medical attention to alleged members of the insurgent organization Shining Path. He also pointed out that his conviction was based on statements of persons whose identity had been withheld and had availed themselves of the Repentance law, of his co-accused before the military prosecutors and in his statements to the police and those of third parties obtained under torture, blackmail and coercion. He stated that despite having been disputed in the oral trial and in defense briefs, such evidence was admitted by the National Criminal Chamber and by the Supreme Court of Justice. Lastly, he stressed that he was subject to a military trial and to four ordinary trials for a total period of fourteen years.

## **B. Position of the State**

26. In its initial response, received on September 24, 1999, the State described the proceedings undertaken against Mr. Luis Alberto Vega Paquillo up until the said date. It stated that in compliance with the warrants issued by the Naval Judicial District and by the 14th Provincial Criminal Court of Lima, the alleged victim was arrested on November 10, 1996, by the National Police. It pointed out that these warrants were drawn up on the basis of police statements including information on links between Mr. Vega Paquillo and the medical section of Shining Path, known as Popular Aid.

27. The State stated that after the indictment of the alleged victim for the crime of high treason, on February 4, 1997, the Special Navy Trial Court refrained from hearing the charges. It pointed out that this judgment was upheld on March 21, 1997, by the Superior Navy Court and on June 19, 1997, by the Special Supreme Military Tribunal. It indicated that on February 7, 1997, Mr. Vega Paquillo was transferred to the Miguel Castro Castro Penitentiary for being under trial for terrorism by the ordinary courts. It stated that on January 5, 1999, the Joint Criminal Chamber for Terrorism acquitted Mr. Vega Paquillo and he was released on that date.

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<sup>20</sup> This decree established, *inter alia*, the voiding of the prosecutions relating to the crime of terrorism where it was not permitted to challenge the impartiality of judges (Article 13.h of Legislative Decree 25475).

28. The State argued that after Mr. Luis Alberto Vega Paquillo's acquittal on January 5, 1999, he was subject to new trials on the basis of legislative decrees on terrorism enacted by the Executive between January and February 2003. It stated that the said decrees are compatible with the rights and guarantees protected in the Convention and in the Political Constitution of Peru. It added that in the new proceedings the alleged victim had access to all the means of rebuttal set out in domestic law, and that the said appeals were taken into account by competent tribunals under the guarantees of due process.

29. In regard to allegations that Mr. Vega Paquillo underwent a number of criminal trials for a period in excess of fourteen years, the State maintained that the nature of the crimes for which he was indicted demanded various investigations. It stated that this situation, coupled with the alleged complexity of the case, permits the conclusion that Mr. Luis Alberto Vega was judged within a reasonable time.

30. Lastly, in regard to the alleged violations of his physical and psychological integrity, *incommunicado* detention, solitary confinement and alleged acts of torture against Mr. Vega Paquillo, the State maintained that there is no evidence to support the petitioner's claims.

#### **IV. ANALYSIS OF COMPETENCE AND ADMISSIBILITY**

##### **A. Competence of the Commission *ratione personae*, *ratione loci*, *ratione temporis*, and *ratione materiae***

31. The petitioner is entitled, under Article 44 of the Convention, to file complaints. The alleged victim is an individual who was under the jurisdiction of the Peruvian State on the date of the alleged incidents. In addition, Peru ratified the American Convention on July 28, 1978. Consequently, the Commission has competence *ratione personae* to examine the petition.

32. The Commission has competence *ratione loci* to hear the petition, in that it describes violations of rights protected by the American Convention that allegedly took place within the territory of a state party thereto.

33. In addition, the Commission has competence *ratione temporis*, since the general obligation of respecting and ensuring the rights protected by the American Convention was already in force for the State on the date on which the incidents described in the petition allegedly occurred.

34. Finally, the Commission has competence *ratione materiae*, because the petition alleges violations of rights protected by the American Convention and by the Inter-American Convention to Prevent and Punish Torture, ratified by the Peruvian State on February 27, 1990.

##### **B. Exhaustion of domestic remedies**

35. Article 46(1)(a) of the American Convention states that for a complaint lodged with the Inter-American Commission in compliance with Article 44 of the Convention to be admissible, the remedies available under domestic law must have first been pursued and exhausted in accordance with generally recognized principles of international law. That requirement is intended to facilitate the domestic authorities' examination of the alleged violation of a protected right and, if appropriate, to enable them to resolve it before it is brought before an international venue.

36. In the present petition it is alleged, on the one hand, that acts of torture and other violations of Mr. Luis Alberto Vega Paquillo's integrity were perpetrated by DINCOTE agents in the months subsequent to his initial arrest in November 1996. According to the allegations, such acts had been brought to the attention of the National Criminal Chamber and the Supreme Court of Justice in a number of briefs and motions to suppress evidence filed by the alleged victim and his lawyers.

37. The precedents established by the Commission indicate that every time a crime subject to public prosecution is perpetrated, the State has the obligation to promote and give impetus to the criminal proceedings, and that, in those cases, this is the suitable jurisdiction for clarifying the facts, prosecuting those responsible and establishing the corresponding criminal sanctions, as well as opening the door to any possible reparations. The facts stated by the petitioner in relation to acts of torture and other alleged injuries to his personal integrity translate in domestic law into criminal conduct whose investigation and trial must be pursued at the initiative of the prosecutorial authorities, and therefore this is the adequate remedy for the claims in this petition.<sup>21</sup>

38. Although the State of Peru argued that the alleged acts of torture and violations to physical integrity had not been reliably proved by the petitioner, it failed to submit information on any internal investigations initiated or lodge an objection of failure to exhaust domestic remedies in this respect, and thus implicitly waived its right to formulate this defense.

39. In addition to the alleged violations to personal integrity, the petition raises the violation of other provisions of the American Convention deriving from the deprivation of liberty and the criminal proceedings undertaken against the alleged victim. The available information indicates that the criminal process culminated with the decision issued by the Supreme Court of Justice on November 23, 2009. In this sense, the IACHR concludes that the requirement established in Article 46(1)(a) of the Convention has been satisfied.

#### **C. Deadline for submitting the petition**

40. Article 46(1)(b) of the Convention establishes that in order for a petition to be declared admissible it must have been submitted within a period of six months after the date when the interested party was notified of the final decision that exhausted the domestic jurisdiction.

41. According to paragraph 39 *supra*, the criminal proceedings conducted against the alleged victim concluded with the final judgment issued by the Supreme Court of Justice on November 23, 2009. Therefore, the IACHR concludes that the allegations briefed in paragraph 39 satisfy the requirement established in Article 46(1)(b) of the American Convention.

42. Regarding the allegations on torture and other supposed violations of personal integrity indicated in paragraph 36 *supra*, given the absence of arguments presented by the State and of any information in the file regarding the initiation of criminal investigations as of the date of this report, the IACHR considers that the petition was submitted within a reasonable period of time.

#### **D. Duplication of procedures and international *res judicata***

43. Article 46(1)(c) of the Convention provides that the admissibility of a petition must meet the requirement that the subject of the petition "is not pending in another international proceeding for settlement"; and Article 47(d) of the Convention stipulates that the Commission shall consider inadmissible any petition or communication if it is substantially the same as one previously studied by the Commission or by another international organization. The parties have not put forward the existence of any of these two circumstances, nor can they be inferred from the case file.

#### **E. Characterization of the alleged facts**

44. For the purposes of admissibility, the Commission must decide whether or not the petition states facts that tend to establish a violation of rights as stipulated in Article 47(b) of the American Convention and whether or not the petition is "manifestly groundless" or "obviously out of order," according to subparagraph c) of the same article. The rule governing evaluation of these particulars is

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<sup>21</sup> IACHR, Report No. 99/09, Petition 12.335, Colombia, *Gustavo Giraldo Villamizar Durán*, October 29, 2009, para. 33.

different from the one required to decide on the merits of a complaint. The Commission must conduct a *prima facie* evaluation to examine whether the complaint substantiates the apparent or potential violation of a right guaranteed by the Convention and not to establish the existence of a violation. This review is a summary analysis that does not involve any prejudgment or advanced opinion on the merits of the case.

45. In view of the arguments submitted by the parties, the IACHR considers that the circumstances surrounding the detention of Luis Alberto Vega Paquillo in November 1996 and the alleged acts of torture against him by DINCOTE agents could constitute colorable claims on the violation of the rights enshrined in Articles 5 and 7 of the American Convention, in conformity with Articles 1(1) and 2 of the same instrument; as well as the rights enshrined in Articles 1, 6 and 8 of the Inter-American Convention to Prevent and Punish Torture. In addition, the IACHR considers that the effects of the acts referred to in this paragraph, as well as the alleged solitary confinement at the Navy and DINCOTE facilities, and the alleged restrictions of visits during Mr. Luis Alberto Vega Paquillo imprisonment in the Miguel Castro Castro Penitentiary between February 1997 and January 1999, could constitute colorable claims on the violation of the right enshrined in Article 5.1 of the Convention to the prejudice of his immediate family.

46. The IACHR considers that the allegations on the criminal proceedings conducted against Mr. Vega Paquillo and the incompatibility of applicable domestic legislation with the American Convention could constitute a colorable claim on the rights enshrined in Articles 9, 8 and 25 in relation to Articles 1(1) and 2 of the same instrument.

47. With regard to Article 10 of the American Convention, the IACHR considers that the petitioner has failed to submit sufficient elements to show a potential violation of the right set forth therein.

48. Finally, since it is not evident that these elements of the complaint are manifestly groundless or out of order, the Commission concludes that the petition satisfies the requirements established in Articles 47(b) and c of the American Convention.

## **V. CONCLUSIONS**

49. Based on the above considerations of fact and law, and without prejudice to the merits of the claim, the Inter-American Commission concludes that the petition satisfies the requirements for admissibility laid down in Articles 46 and 47 of the American Convention and in consequence

### **THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS,**

#### **DECIDES:**

1. To declare the petition admissible with regard to Articles 5, 7, 9, 8 and 25 of the American Convention, in connection with the obligations established in Articles 1(1) and 2 of the same instrument, and with regard to Articles 1, 6, and 8 of the Inter-American Convention to Prevent and Punish Torture.

2. To declare inadmissible the alleged violation of the right enshrined in Article 10 of the American Convention.

3. To notify this decision to the State and the petitioner.

4. To publish this decision and include it in its Annual Report to be presented to the General Assembly of the OAS.

Done and signed in the city of Washington, D.C., on the 12<sup>th</sup> day of the month of July, 2010. (Signed: Felipe González, President; Paulo Sergio Pinheiro, First Vice-President; Dinah Shelton, Second Vice-President; María Silvia Guillén, José de Jesús Orozco Henríquez, Rodrigo Escobar Gil, and Luz Patricia Mejía Guerrero, members of the Commission).