

REPORT No. 105/10
DECISION TO ARCHIVE
PETITION 11.811
PERU
July 15, 2010

ALLEGED VICTIMS: María de Jesús García Sánchez, Mirza Salas García, Arnold Salas García, Miro Toledo Gutiérrez and other functionaries of the *Asociación Pro-Derechos Humanos* (APRODEH)

PETITIONER: *Asociación Pro-Derechos Humanos* (APRODEH)

ALLEGED VIOLATIONS: Not specified

DATE PROCESSING BEGAN: October 7, 1997

I. POSITION OF THE PETITIONER

1. The present petition was submitted in combination with a request for precautionary measures, in which it was alleged that a group of persons identifying themselves as “the Colin family” and “the Colina Community” had been making threats against María de Jesús García Sánchez, her sons Mirza Salas García and Arnold Salas García, attorney Miro Toledo Gutiérrez, and the members of the organization APRODEH. The petitioner indicated that the threats had been made in retaliation for denunciations against members of the armed forces and high-ranking officials of the government of then-president Alberto Fujimori, in which the alleged victims reported the commission of extrajudicial executions, forced disappearances, and other serious violations of human rights.

2. The petitioner affirmed that in spite of requests for protection made to domestic authorities, the alleged victims had not obtained a security plan aimed at avoiding irreparable damages to their lives and personal integrity.

II. POSITION OF THE STATE

3. The State alleged that prior to the presentation of the petition and request for precautionary measures before the IACHR, the alleged victims had submitted a request for protection to the domestic authorities, which was being processed in a regular manner. Based on this information, the State requested the definitive archiving of the petition and the rejection of the request for precautionary measures.

III. PROCESSING BEFORE THE IACHR

Processing in relation to the petition

4. On September 12, 1997, the initial petition was received and was registered under number 11.811 and transmitted to the State on October 7, 1997, granting it a period of 90 days within which to present its response in accordance with the Rules of Procedure of the IACHR then in force. On December 12, 1997, the State presented its response, and on January 6 and 7 and February 21, 1998, it presented additional documents.

5. On April 28, 1998, the IACHR requested that the petitioner send its observations on the documents presented by the State within a period of 30 days. On February 5, 2010, the IACHR requested updated information from the petitioner, warning that if such information were not received, it could consider the archiving of the petition, in accordance with Article 48(1)(b) of the American Convention.

Processing with respect to the request for precautionary measures

6. On October 7, 1997, the Commission granted precautionary measures in favor of the functionaries of APRODEH and María Jesús García Sánchez, Mirza Salas García, Arnold Salas García, and Miro Toledo Gutiérrez. On December 10, 1997, the State reported that before precautionary measures were requested from the IACHR, there was already a domestic criminal investigation underway into the alleged threats against the beneficiaries. The petitioners did not present observations to the State's response.

IV. BASIS FOR THE DECISION TO ARCHIVE

7. Both Article 48(1)(b) of the American Convention as well as Article 42(1) of the Rules of Procedure of the Inter-American Commission establish that at any stage of the proceedings, having received information from the parties, or having expired the deadline for receiving information, the IACHR will verify if the grounds for the petition exist or subsist and if they do not, it will order the file to be archived.

8. In this case, more than 10 years have passed without the Commission having received updated information or additional documentation from the petitioner. Since the available information is insufficient to adopt a decision on the admissibility or inadmissibility of the petition, the IACHR decides to archive it in accordance with Articles 48(1)(b) of the Convention and 42(1) of its Rules of Procedure.

Done and signed in the city of Washington, D.C., on the 15th 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).