

REPORT No. 104/10
DECISION TO ARCHIVE
PETITION 11.177
PERU
July 15, 2010

ALLEGED VICTIM: Juan Manuel Castro Vizcarra

PETITIONER: Asociación Pro-Derechos Humanos (APRODEH)

ALLEGED VIOLATIONS: Articles 5, 7, and 8 of the American Convention

DATE PROCESSING BEGAN: May 20, 1993

I. POSITION OF THE PETITIONER

1. The petitioner affirmed that Juan Manuel Castro Vizcarra, then a student at the National Engineering University, was detained on April 17, 1992, while he was travelling in a public transport vehicle in Lima, and was placed in the custody of the Counter-Terrorism Directorate (*Dirección Nacional Contra El Terrorismo*, DINCOTE). It alleges that at the conclusion of the preliminary investigation, the alleged victim was tried for the crime of terrorism and sentenced to 20 years in prison by the Correctional Court Specializing in Cases of Terrorism.

2. The petitioner stated that Juan Manuel Castro Vizcarra was the object of physical mistreatment during the period of the police investigation and that he was denied the medical treatment recommended by a forensic pathologist who examined him days after his capture. It indicated that the proceedings opened against the alleged victim were based on documents belonging to third parties that were taken from the vehicle that he was traveling in on April 17, 1992. It stated that there was no conclusive evidence to incriminate the alleged victim.

II. POSITION OF THE STATE

3. In a communication received on October 26, 1993, the State limited itself to responding that the alleged victim was detained and in the custody of the Tenth Provincial Prosecutor's Office of Lima.

III. PROCESSING BEFORE THE IACHR

4. On May 20, 1993, the initial petition was received and registered under the number 11.177 and was transmitted to the Peruvian state on July 7, 1993. The State was given 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 October 25, 1993, the State presented its response, which was transmitted to the petitioner on November 8, 1993. On October 23, 1998, the IACHR requested updated information from the petitioner, who submitted an additional communication on January 28, 2000.

5. On March 2, 2001, a public hearing regarding the petition was held in the framework of the 110th Ordinary Period of Sessions. On January 9, 2003, the Commission requested updated information from the petitioners within a period of one month. On April 5, 2004, the IACHR once again requested information from the petitioners and indicated that if no observations were received, it would consider archiving the petition in accordance with Article 48(1)(b) of the Convention.

IV. BASIS FOR THE DECISION TO ARCHIVE

6. Both Article 48(1)(b) of the American Convention and Article 42(1) of the Rules of Procedure of the 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.

7. In the case at hand, the Commission has sent two requests for updated information to the petitioner, in January of 2003 and April of 2004. Given the lack of response, and the fact that the available information is not sufficient 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).