

REPORT No. 102/10
DECISION TO ARCHIVE
PETITION 10.918
PERU
July 15, 2010

ALLEGED VICTIMS: Members of the Union of Education Workers of Peru (*Sindicato Unitario de Trabajadores de la Educación del Perú*)

PETITIONERS: José Ramos Bosmediano, Néstor Rabanal and the *Centro de Estudios y Acción para la Paz* (CEAPAZ)

ALLEGED VIOLATIONS: Article 5 of the American Convention

DATE PROCESSING BEGAN: July 22, 1991

I. POSITION OF THE PETITIONERS

1. In relation to a national strike convened by the Union of Education Workers of Peru (*Sindicato Unitario de Trabajadores de la Educación del Perú*, SUTEP) on May 9, 1991, agents of the National Police of Peru allegedly repressed the mobilizations with extreme violence, causing bodily injuries, incommunicado detentions, and arbitrary arrests. It is alleged that on May 30, 1991, police officers burst into the headquarters of the SUTEP in Lima, throwing teargas bombs in the building and causing the workers to leave, in order to arrest them.

2. The petitioners requested the intervention of the IACHR so that the Ministry of the Interior and the National Police of Peru would cease the alleged acts of violence against teachers who had participated in the strike of May 1991. Additionally, they presented lists of strikers who suffered bodily injuries, who were detained, or whose whereabouts were unknown at the time, since they were apprehended by the National Police, the Army, or the Navy.

II. POSITION OF THE STATE

3. The State asserted that several persons reported as disappeared by the petitioners had not been detained by the National Police of Peru or another security agency of the State. It stated that some alleged victims reported as detained had been brought before criminal courts due to their ties to proceedings for the crime of terrorism. It claimed that the allegations of excessive use of force by the National Police against members of the SUTEP had been found without merit by domestic legal authorities.

III. PROCESSING BEFORE THE IACHR

4. The initial petition was received on July 17, 1991 and was registered under number 10.918 and transmitted to the State on July 22 of the same year, granting it a 90-day period to submit its response in compliance with the Rules of Procedure of the of the IACHR in effect at that time. The State presented its response on September 23, 1991 and provided additional communications on December 5, 1991; January 13, February 6, and March 3, 1992; August 7, 1995; and January 24, March 18 and 23, June 14 and 23, August 22, and September 8, 2005. The petitioners presented additional written submissions on February 10 and July 1, 1992 and on July 19, 1994.

5. The IACHR requested updated information from the petitioners on August 23, 1995; December 12, 2002; and April 5, 2004. On January 29, 2010, the IACHR reiterated this request and warned that if updated information was not received within one month, it could consider archiving the petition in accordance with Article 48(1)(b) of the American 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 present matter, the petitioners have not responded to requests for updated information made by the IACHR on August 23, 1995; December 12, 2002; April 5, 2004; and January 29, 2010. In these circumstances, and seeing that the available information is insufficient to adopt a decision regarding 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).