

REPORT No. 56/11
DECISION TO ARCHIVE
CASE 11.602
FEDERICO AURELIO ANTON ANTON
PERU
March 23, 2011

ALLEGED VICTIM: Federico Aurelio Anton Anton (in the case of Workers Dismissed from Petr6leos del Per6 Northwest – Talara Area, Peru)

PETITIONER: Federico Aurelio Anton Anton

ALLEGED VIOLATIONS: Articles 8, 9, 24, and 25 of the American Convention, in conjunction with Article 1(1) thereof

BEGINNING OF PROCESSING: February 19, 1996

I. POSITION OF THE PETITIONER

1. In communications dated July 31, 2009, and March 30, 2010, the petitioner made clear his intention to desist as an alleged victim in case 11.602, in order to enable his reinstatement in his position of employment in Empresa Petr6leos del Per6. He explained that, under Peruvian laws, regulations, and provisions in force, his failure to desist would impede his reinstatement in the above company.

II. POSITION OF THE STATE

2. The State recognized its obligation to solve, through its institutions and/or companies, be they Petroper6 and/or the Ministry of Labor and Employment Promotion, the uncertain employment situation of the petitioner.¹

III. PROCESSING BY THE IACHR

3. On February 19, 1996, the Commission received a petition submitted by the Consolidated Petroleum Workers Union of Peru on behalf of all the workers who were members of that organization. The IACHR sent the petition to the State via a communication dated April 1, 1996. On July 26, 1996, the State submitted a note requesting further information about the petitioners' claim. On August 21, 1996, the IACHR sent the State's request to the petitioners.

4. From 1997 to 2000 the parties presented a series of arguments on the admissibility requirements of petition 11.602. In 1999 a number of alleged victims asked to be considered co-petitioners in the case and said that they would all be represented by Ms. Carolina Loayza Tamayo. In 2001 the petitioners asked the IACHR to invite the parties to a hearing to discuss a possible friendly settlement. In 2002 the Commission convened a working meeting with the parties to discuss their positions with regard to a possible friendly settlement agreement.

¹ The State adopted Supreme Resolution 226-2009-PCM, creating a special committee to examine the events that led to the petition lodged by the Consolidated Petroleum Workers Union of Peru for the Northwest-Talara Area. This special committee issued Report 130-2010-JUS-PPES in which it noted that the State had an interest in reaching a friendly settlement with the petitioners but that this could not be achieved because the two parties were unmoving in their respective demands. The supporting documents include a note from PETROPERU dated May 20, 2010, in which the Administration Manager of PETROPERU reported that Mr. Anton had been reinstated in the position of Billing Officer at the Petr6leos del Per6 Supply Plant in Cerro de Pasco, effective May 6, 2010, in keeping with the instructions of the Ministry of Labor and Employment Promotion in Official Letter 720-2010-MTPE 2-CCC.

5. In 2004 the petitioners submitted a draft friendly settlement agreement and that same year the parties came together for a meeting at the headquarters of the Commission. In 2005 the State submitted a report on measures adopted in connection with a possible friendly settlement agreement. That same year another working meeting was held at the Commission's headquarters at which the parties were reminded of the undertakings that they had previously given. In 2006, the petitioners informed the IACHR of their intention to conclude the friendly settlement process. Since then the IACHR has received a series of communications from the parties.

6. In the specific case of Mr. Federico Aurelio Anton Anton, the IACHR was informed of his desire to desist as an alleged victim in Case 11.603 by notes dated July 31, 2009, and March 30, 2010.

IV. GROUNDS FOR THE DECISION TO ARCHIVE

7. Both Article 48(1)(b) of the American Convention and Article 42(1) of the Rules of Procedure of the IACHR provide that at any time during the proceedings, after the information has been received, or after the period established has elapsed and the information has not been received, the IACHR shall ascertain whether the grounds for the petition still exist and, if they do not, shall order the record to be closed.

8. Article 41 of the Commission's Rules of Procedure provides that the petitioner may at any time desist from his or her petition or case, to which effect he or she must so notify it in writing to the Commission. These requirements have been met in the instant case. Based on the foregoing and bearing in mind Mr. Federico Aurelio Anton Anton's request and withdrawal, the IACHR has decided, with respect to him alone, to archive the petition, in accordance with Article 48(1)(b) of the American Convention and Articles 41 and 42(1) of its Rules of Procedure.

Done and signed in the city of Washington, D.C., on the 23rd day of March 2011. (Signed): Dinah Shelton, President; José de Jesús Orozco Henríquez, First Vice-President; Rodrigo Escobar Gil, Second Vice-President; Paulo Sérgio Pinheiro, Felipe González, Luz Patricia Mejía Guerrero, and María Silvia Guillén, Commission Members.