

REPORT No. 57/11
DECISION TO ARCHIVE
PETITION 11.875
PERU
March 23, 2011

ALLEGED VICTIMS: Marcela Ximena González Astudillo and Alejandro Alberto Valdivia López

PETITIONERS: Verónica Reyna Morales and Nelson Cauco Pereira (Fundación de Ayuda Social de las Iglesias Cristianas – FASIC)

ALLEGED VIOLATIONS: Not specified

DATE PROCESSING BEGAN: February 10, 1998

I. POSITION OF THE PETITIONERS

1. They argued that the Peruvian State committed serious violations of international treaties protecting human rights by subjecting Chilean citizens Marcela Ximena González Astudillo and Alejandro Alberto Valdivia López to a criminal trial known by courts as lacking in independence and impartiality. According to the allegations, these individuals were arrested in Peru in 1993 and sentenced to 20 years in prison for the crime of terrorism. It was stated that Ms. González Astudillo was also tried on charges of fraud.

2. The petitioners stated that there were irregularities in the arrest and trial of the alleged victims, including: solitary confinement, restricted access to legal assistance, lack of information on the reasons for the arrest, and restrictions on the presentation of rebuttals and evidence. They stressed that once the military court acquitted González Astudillo and Valdivia López, of charges of treason, they were brought before the civil courts for trial and were convicted using the same facts, but on charges of terrorism.

II. POSITION OF THE STATE

3. The State argued that the petition should be ruled inadmissible because the petitioners did not state their allegations accurately. It argued that the petition and additional briefs were merely repeating Peruvian media reports on the situation of the alleged victims.

III. PROCESSING BY THE IACHR

4. The initial petition was received on January 26, 1998 and recorded as number 11.875-P and forwarded to the State on February 10 that same year, with a deadline of 90 days to respond, in accordance with the Commission's Rules of Procedure in force at the time. The State submitted its response on June 24, 1998 and presented additional briefs on October 20 of that year, on March 13, 2003, and on August 18 and September 15, 2004. The petitioners submitted additional briefs on August 21 and September 8, 1998, on January 5 and 20, 1999, on April 9, 2003, and on May 20, 2004.

5. On August 27, 2004, the IACHR requested updated information from the petitioners and reiterated that request on May 21, 2010, warning that if this was not received within a month, it would consider closing the record, in keeping with Article 48(1)(b) of the American Convention.

IV. GROUNDS FOR THE DECISION TO ARCHIVE

6. Both Article 48(1)(b) of the American Convention and Article 42(1) of the Rules of Procedure stipulate that at any time during the proceedings, after the information has been received from the parties, or after the deadline has lapsed and it has not been received, the IACHR shall ascertain whether the grounds for the petition still exist and, in either case, shall order the record to be closed.

7. In the present case, the petitioners have not responded to requests made by the Commission on August 27, 2004 and May 21, 2010 for updated information. Under these circumstances, and given that the information available is not sufficient to make a decision on the admissibility or inadmissibility of the petition, the Commission hereby decides to close the record in accordance with Article 48(1)(b) of the Convention and Article 42(1) of the 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, Commissioners.