

REPORT No. 54/11
DECISION TO ARCHIVE
PETITION 11.301
PERU
March 23, 2011

ALLEGED VICTIM: Hugo Zapata Gutiérrez

PETITIONER: Fundación EcuMénica para el Desarrollo y la Paz
(Ecumenical Foundation for Development and Peace,
FEDEPAZ)

ALLEGED VIOLATIONS: Articles 4, 5, and 7 of the American Convention

DATE PROCESSING BEGAN: May 27, 1994

I. POSITION OF THE PETITIONERS

1. The petitioners said that on December 15, 1993, Hugo Zapata Gutiérrez, who at the time was director of Primary School 31589, was detained by three unknown individuals at his home in the community of Anexo de Villac, Ulcumayo District, Junín Province, in the department of the same name. They asserted that a neighbor of the alleged victim saw three persons wearing caps—one of whom had a shotgun—taking Hugo Zapata Gutiérrez away in an unknown direction.

2. The petitioners said that on December 19, 1993, relatives of the alleged victim filed a complaint with the Justice of the Peace of the District of Ulcumayo, who reportedly took no action whatsoever. The petition stated that the alleged victim's sister, Ms. Doris Zapata Gutiérrez, filed another complaint with the Office of the Special Government Attorney for Human Rights in Huancayo, indicating that Hugo Zapata Gutiérrez had been missing since December 15, 1993. The petitioners narrated the content of the statements made by relatives of the alleged victim to the government attorney but did not mention what outcome the investigation and respective judicial proceedings produced.

II. POSITION OF THE STATE

3. The State said that after the Junín Mixed Prosecutor's Office opened an investigation, five members of the Ulcumayo district peasant farmers' militia allegedly confessed to their involvement in the abduction and subsequent homicide of Hugo Zapata Gutiérrez and were arrested in February 1995. It said that on February 17, 1994, the remains of the alleged victim were exhumed and identified by his next of kin. The State added that the petitioners' complaints had previously been presented to the Working Group on Enforced or Involuntary Disappearances set up in the framework of the universal system of human rights, attached at the time to the UN Commission on Human Rights.

4. The State said that on August 14, 1995, the Second Criminal Chamber of Junín passed judgment on the confessed defendants Gaiter Huanuqueño Cirineo, Oliver Huaranga Ventocilla, Rubén Alejandro Arredondo Condor, Manuel Huaranga Condor, and Juan Arias Raza, convicting them of the crimes of abduction and intentional homicide. The State noted that in the same judgment the court ruled that it reserved judgment on the defendants *in absentia*, Teófilo Paúcar Melo and Teófilo Arias Raza, and declared in contempt the defendant Jacinto Vargas Colquichagua.

III. PROCESSING BY THE IACHR

5. Petition 11.301 was received on February 14, 1994, and transmitted to the State on May 27 of that year. The State was given 90 days to present its response in accordance with the IACHR Rules of Procedure in force at the time. On July 28, 1994, the State submitted its response, which was relayed

to the petitioners on August 5 of that year. On July 5, 2005, the State presented additional information, which was conveyed to the petitioners on August 22 of that year.

6. On May 5, 2000, the IACHR requested updated information from the petitioners and reiterated that request on January 9, 2003, and April 5, 2004, advising them that if this was not received within one month, it could consider closing the record in keeping with Article 48(1)(b) of the American Convention.

IV. BASIS 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. In the present case, the Commission sent requests for updated information to the petitioners in May 2000, January 2003, and April 2004. In the absence of a reply and given that the available information is not sufficient to make a decision on the admissibility or inadmissibility of the petition, the IACHR hereby 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 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.