

REPORT No. 55/11
DECISION TO ARCHIVE
PETITION 12.160
PERU
March 23, 2011

ALLEGED VICTIM: Juan de Mata Jara Berrospi
ALLEGED VIOLATIONS: Not stated
DATE PROCESSING BEGAN: June 7, 1999

I. POSITION OF THE PETITIONER

1. The petitioner and alleged victim said that on July 10, 1993, he was arrested while proceeding through an area of the District of Comas in which a police patrol was conducting an operation. Upon requesting his identification, a group of police officers reportedly confiscated journalistic material (photographs and maps) from him concerning the murders by members of the security forces of a number of students and a lecturer from Universidad Nacional de Educación Enrique Guzmán y Valle – La Cantuta. The petition says that the documents in his possession on the Cantuta murders were in the public domain and had been divulged by the media. The petitioner mentioned that the police believed this material to be linked to “subversive” activity, so the alleged victim was taken to the Counter-Terrorism Directorate (DINCOTE as in its Spanish acronym).

2. The petitioner said that after being held in solitary confinement for 15 days in the DINCOTE cells, he was brought before an investigating magistrate’s court and charged with advocating terrorism. He said that on November 16, 1994, the Special Criminal Chamber of the Superior Court of Lima sentenced him to 20 years in prison for the above offence. The petitioner said that he filed an appeal seeking annulment of the decision, which was refused by the Supreme Court of Justice in a final judgment of May 31, 1996. According to the information supplied, the alleged victim was unable to ascertain the identities of the judges who presided over his trial.

3. Finally, Mr. Juan de Mata Jara said that the Peruvian executive branch rejected several applications for a presidential pardon.

II. POSITION OF THE STATE

4. The State held that the alleged victim was apprehended in a DINCOTE operation to dismantle the propaganda command of the Shining Path insurgent group. As part of that operation, agents of the National Police reputedly raided a building in the District of Comas where the above command was said to operate. According to the State, Mr. Juan de Mata Jara was arrested as he was arriving at the building and that in the ensuing investigations evidence was found to charge him with the crime of advocating terrorism.

5. The State noted that Juan de Mata Jara was notified of the final judgment of the Supreme Court of Justice that concluded the criminal proceedings against him in September 1996, while his petition was lodged with the Inter-American Commission more than two years later. Therefore, the State requested the IACHR to declare the petition inadmissible in accordance with Article 46(1)(b) of the American Convention.

III. PROCESSING BY THE IACHR

6. The petition was received in November 1998 and registered as number 12.155. The petition was forwarded on June 7, 1999, to the State, which was given 90 days to respond, in keeping with the IACHR Rules of Procedure then in force. On November 15, 1999, the State submitted its response and provided additional information on May 5, 2000. The petitioner, in turn, submitted an additional brief on January 3, 2000.

7. On October 6, 2010, the IACHR requested updated information from the petitioner and advised him that if no response was forthcoming within a 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

8. 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.

9. In the case under reference, the petitioner has not responded to the request for information made by the IACHR on October 6, 2010. Given the foregoing, the fact that more than 11 years have passed since the last communication from the petitioner, and that the available information is not sufficient to make a decision on the admissibility or inadmissibility of the complaint, the Commission 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, Commissioners.