

REPORT NO. 46/11
DECISION TO ARCHIVE
PETITION 11.679
PERU
March 23, 2011

ALLEGED VICTIMS: Isabel Zea Altamirano and Jennipher Saavedra Zea

PETITIONERS: Isabel Zea Altamirano and the *Asociación Pro Derechos Humanos* (APRODEH)

VIOLATIONS ALLEGED: Articles 5, 7, 24 and 25 of the American Convention

PROCESSING STARTING DATE: September 20, 1996

I. THE PETITIONERS' POSITION:

1. The petitioners alleged that on February 10, 1991, members of the Counter-Terrorism Directorate (DIRCOTE) conducted a search of the home of Isabel Zea Altamirano, without a court order and on the pretext of locating a person being investigated for the crime of terrorism. They asserted that on March 18 of that year, Mrs. Zea Altamirano and her step-daughter Jennipher Saavedra Zea were detained on the basis of mistaken information produced by the National Intelligence Service, which classified them as terrorists. The petition asserted that these persons suffered physical and psychological violence before being released.

2. The petitioners alleged that the husband of Mrs. Zea Altamirano filed a criminal complaint with the 37th Lima Provincial Criminal Prosecutor's Office against two high-ranking officials of the Peruvian National Police Force alleging the crimes of violation of personal liberty, abuse of authority and violation of domicile. They pointed out that the outcome of the criminal case was favorable to the accused. The petitioners added that the Provincial Prosecutor's Office brought a criminal complaint against a major in the National Intelligence Service, Mr. Alfredo Sánchez Ruiz, for the crime of abuse of authority. According to the allegations made in the petition, the presiding judge decided to close the case on the grounds of statute of limitations. The petitioners observed that the Superior Prosecutor appealed this decision on the grounds that under the laws in force, the statute of limitations for crimes allegedly committed by public officials was longer.

3. The petitioners alleged that when the Superior Prosecutor filed the appeal, Army Major Alfredo Sánchez Ruiz requested the benefits of Law No. 26479 (the Amnesty Law), whereupon the Lima Superior Court admitted the petition and ordered a discontinuance of the criminal proceedings.

II. THE STATE'S POSITION

4. The State alleged that the petition should be declared inadmissible on the grounds that the petitioners did not exhaust the remedies that the domestic laws make available to them as they did not become civil parties to the case at the appropriate time. It added that the alleged victims could have filed a civil action for the damages and injuries they claimed to have suffered.

III. PROCESSING WITH THE IACHR

5. The original petition was received on September 11, 1996, and was classified as number 11.679. The pertinent parts of the petition were forwarded to the State on September 20 of that year, which was given 90 days in which to submit its response, pursuant to the Commission's Rules of Procedure in force at that time. The State submitted its response on July 18, 1997, and sent another communication on November 21 of that year. The petitioners filed additional briefs on April 23 and September 10, 1997.

6. The Commission requested updated information from the petitioners on July 24, 1997 and sent them the State's reply on December 3 of that year. Thus far, however, it has not received the petitioners' corresponding observations. On February 5, 2010, the IACHR informed the petitioners that if updated information was not received within one month's time, it might consider closing the record in the petition, pursuant to Article 48(1)(b) of the American Convention.

IV. GROUNDS FOR THE DECISION TO CLOSE THE RECORD

7. Article 48(1)(b) of the American Convention on Human Rights and Article 42(1) of the Commission's Rules of Procedure both provide that in processing a petition, once information has been received or after the time period has elapsed and the information has not been received, the IACHR will ascertain whether the grounds for the petition still exist and, if not, will order the record closed.

8. In the present matter, the petitioners have not answered the Commission's requests for observations and updated information, made on July 24 and December 3, 1997, and again on February 5, 2010. Therefore, and inasmuch as the available information is not sufficient to adopt a decision on the petition's admissibility, the Commission decides to close the record pursuant to Article 48(1)(b) of the American Convention and Article 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.