

REPORT No. 93/11
DECISION TO ARCHIVE
PETITION 12.083
PERU
July 21, 2011

ALLEGED VICTIM: Jesús Clemente Collas Berrú

PETITIONERS: Ana María Berrú Calle and Yehudi Omar Collas Berrú

ALLEGED VIOLATIONS: Not specified

BEGINNING OF PROCEEDINGS: January 19, 1999

I. POSITION OF THE PETITIONERS

1. They indicated that on April 17, 1998, unidentified gunmen broke into the home of Jesús Clemente Berrú Collas, in the city of Iquitos, and tortured and murdered him. They stated that the alleged victim's body was found in a box floating on the Amazon River a few days later, and that it had cuts on different parts of its bone structure.

2. The petitioners alleged that a 19-year-old man was coached to admit that he was the lone perpetrator. They said that members of the Peruvian Army were the initial perpetrators, o the crime, but that the investigations were confined to establishing the guilt of the young man in question. Furthermore, they stated that the authorities investigating the case did not perform due diligence but took unusual steps for the case to be filed with a single person charged for the murder of Jesús Clemente Berrú Collas.

II. POSITION OF THE STATE

3. The State argued that the complaint should be ruled inadmissible insofar as it was filed with the Commission without meeting the requirement of prior exhaustion of domestic remedies and without the petitioners providing objective evidence to prove the allegations.

III. PROCESSING BY THE IACHR

4. On 10 November 1998, the petition was received and recorded as number 12.083. It was transferred to the State on January 19, 1999, with a deadline of 90 days to respond, in accordance with the Commission's Rules of Procedure then in force. The State submitted its response on April 20, 1999 and an additional brief on March 28, 2000. The petitioners submitted additional information on November 1, 1999.

5. On April 10, 2000, the Commission informed the petitioners that they were entitled to submit additional briefs or information. On May 21, 2010, the IACHR requested updated information from the petitioners and warned that if this is 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 stage in 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 this case, the petitioners have not provided updated information for over 11 years. Under these circumstances, and given that the available information is not sufficient to make a decision on the admissibility or inadmissibility of the petition, the Commission hereby decides to have it closed, 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 21nd day of July 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.