

REPORT No. 94/11
DECISION TO ARCHIVE
PETITION 705-98
PERU
July 21, 2011

ALLEGED VICTIMS: Walter Lorenzo Delgado Rojas

PETITIONER: Walter Lorenzo Delgado Rojas

ALLEGED VIOLATIONS: Articles 7 and 8 of the American Convention on Human Rights

DATE PROCEEDINGS INITIATED: August 21, 2009

I. PETITIONER'S POSITION

1. He alleged that on May 28, 1996, he was arrested by the National Counter-Terrorist Unit, (hereinafter the "DINCOTE"), accused of the crime of terrorism. He stated that he was detained without a court order and that after passing through an education center and the DINCOTE cells, he was placed under the jurisdiction of the Criminal Court on duty on June 13, 1996. He indicates that on July 8, 1997, the Special Criminal Chamber for Terrorism Cases sentenced him to 20 years imprisonment.

2. The petitioner maintained that both the trial proceedings and the evidence used breached due process and, despite this, his sentence was affirmed by the Supreme Court of Justice on October 15, 1997. The petitioner stated that after undergoing a new criminal trial for the crime of terrorism, he was acquitted by a judgment of the National Terrorism Chamber on January 23, 2004, and that he was released from prison the following day.

II. THE STATE'S POSITION

3. It argued that, in light of Article 48(1)(b) of the American Convention, the petition should be archived because the grounds for it no longer exist. In this regard, it pointed out that the alleged victim underwent a trial which accorded due process guarantees and that he was finally acquitted by a judgment issued on January 23, 2004.

III. PROCEEDINGS BEFORE THE IACHR

4. On November 11, 1998, the initial petition was received and registered under number P-705-98. The petitioner presented additional information on February 21, 2003, and on August 18, 2006. On August 21, 2009, the Commission transmitted this documentation to the State and requested that it reply within a time limit of two months.

5. The State presented its response on October 26, 2009, and on November 2 of the same year submitted an additional brief. On December 9, 2009, the IACHR sent this documentation to the petitioner and requested that he present his observations within one month. On April 30, 2010, the IACHR reiterated its request for observations and on October 18 of the same year it requested up-to-date information from the petitioner, indicating that if such information were not received within one month, the Commission would consider archiving the petition, pursuant to 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 on Human Rights as well as Article

42(1) of the IACHR's Rules provide that during the proceedings of a petition, after the information has been received, or after the period established has elapsed, without the information being received, the IACHR shall ascertain whether the grounds for the petition still exist. In the case that they do not, it shall order the file to be archived.

7. Despite a request for observations made by the IACHR on December 9, 2009, and on April 30, 2010, and the request for current information made on October 18, 2010, the petitioner has not submitted any additional briefs. In these circumstances, and in view of the fact that the information available is insufficient to adopt a decision on the admissibility or otherwise of the petition, the IACHR decides to archive the file in accordance with Articles 48(1)(b) of the American Convention and Article 42(1) of its Rules.

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.