

REPORT No. 95/11
DECISION TO ARCHIVE
PETITION 806-98
PERU
July 21, 2011

ALLEGED VICTIMS: Isaías Luis Hinostrroza Baldeón and María Jesús Salvador Ricra
PETITIONERS: Ana María Salvador Ricra and Isaías Luis Hinostrroza Baldeón
ALLEGED VIOLATIONS: Articles 8 and 25 of the American Convention on Human Rights
DATE PROCEEDINGS INITIATED: December 8, 2008

I. POSITION OF THE PETITIONERS

1. They alleged that in January 1994, Isaías Luis Hinostrroza Baldeón and María Jesús Salvador Ricra were arrested by the National Counter-Terrorist Unit, (hereinafter the "DINCOTE"), accused of collaboration with illegal insurgent groups. It is indicated that they were detained after sharing a lease of a few months with a person tried for terrorism, who was a university classmate of Mrs. María Jesús Salvador.

2. The petitioners allege that the Special Criminal Judge in Lima granted them conditional bail on March 21, 1994, due to a lack of evidence on the alleged collaboration with terrorists. However, the decision was appealed *ex officio* before the Superior Chamber, which reversed the conditional bail granted. Finally, they were accused of participating in the Shining Path group, and the Superior Court of Justice in Lima decided to sentence Mrs. María Jesús Salvador to 20 years imprisonment, while Mr. Isaías Luis Hinostrroza was left free.

3. According to the information presented, Isaías Luis Hinostrroza Baldeón was detained again, subjected to a second trial and was acquitted on August 6, 2004, by the National Chamber for Terrorism. The petitioners stressed that on May 14, 2001, María Jesús Salvador Ricra received a presidential pardon, after which she was released.

II. THE STATE'S POSITION

4. It alleged that domestic legislation sets out procedures to claim compensation for damages caused by arbitrary detentions due to judicial mistakes, a remedy that has not been pursued by the alleged victims. Therefore it requested that the petition be declared inadmissible for failure to comply with the requirement set out in Article 46.1.a of the Convention.

III. PROCEEDINGS BEFORE THE IACHR

5. On November 11, 1998, the initial petition was received and registered under number P-806-98. The petitioners presented additional briefs on February 5 and May 14, 1999, September 18, 2000, July 2, 2001, and April 28, 2006. On December 12, 2008, the IACHR sent this documentation to the State and granted a time limit of two months for it to present its response.

6. The State presented its response on March 17, 2009, and on July 7 and November 2 of the same year sent additional briefs. Mr. Isaías Luis Hinostrroza Baldeón presented an additional communication on May 6, 2009.

7. On July 13, and November 25, 2009, the IACHR requested that the petitioners present

observations on the last communications from the State. On May 4, 2010, the IACHR requested current information from them and on October 13 of the same year repeated that said request. The IACHR indicated that if it did not receive current information within one month, it would consider archiving the petition, in accordance with Article 48(1)(b) of the American Convention.

IV. GROUNDS FOR THE DECISION TO ARCHIVE

8. 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.

9. Despite the request for information made by the IACHR dated May 4 and October 13, 2010, the petitioners have not filed additional briefs. The petitioners have also failed to present a response to the request for observations made by the IACHR on July 13 and November 25, 2009. 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 Article 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.