

**REPORT No. 111/12**  
DECISION TO ARCHIVE  
PETITION 12.177  
PERU  
November 8, 2012

**ALLEGED VICTIM:** Alberto Cabello Ortega

**PETITIONERS:** Blanca Beatriz Solís Rodríguez, José C. Ugaz Sánchez–Moreno, and Carlos Caro Coria

**ALLEGED VIOLATIONS:** Articles 7, 8, 9, 13, and 25 of the American Convention on Human Rights

**DATE PROCESSING BEGAN:** June 21, 1999

**I. THE PETITIONERS' POSITION**

1. They stated that the alleged victim held the position of general manager of the Compañía Latinoamericana de Radiodifusión from July 1995 to September 1997. That company was under the direction of Mr. Baruch Ivcher Bronstein, who through the television station Canal 2 broadcasted his program “Contrapunto” on which he criticized the government of then-President Alberto Fujimori. According to information of public domain, as well as the case brought before the IACHR and the Inter-American Court of Human Rights under the name of Ivcher Bronstein, Mr. Ivcher Bronstein was deprived of the exercise of his rights as majority shareholder and chairman of the board of the Compañía Latinoamericana de Radiodifusión based on the criticisms of the politics of President Fujimori. It also made possible for the minority shareholders, supported by the authorities of the administration at that time, to take over the management of the company on September 19, 1997, when Mr. Cabello Ortega stepped down as general manager of the company.

2. According to the petitioners, Mr. Cabello Ortega was subjected to persecution by the government of Alberto Fujimori, motivated by his performance as general manager of the Compañía Latinoamericana de Radiodifusión. The persecution was said to have begun with threats by telephone from May to September 1997, continuing with him and his whole family being followed, and concluding in a shootout at the door of his house in September 1997. They indicated that in that context of persecution by the State, the Public Ministry and tax oversight authorities brought criminal complaints against him for crimes against public faith (*delitos contra la fe pública*), fraud in the administration of legal persons, appropriation that is illicit and against the judicial function; fraud against the public faith; fraud in the administration of legal persons, and illicit appropriation to the detriment of the Compañía Latinoamericana de Radiodifusión.

3. The petitioners stated that the above-noted criminal proceedings constituted instruments of harassment and pressure stemming from Mr. Cabello Ortega's work as a journalist. Finally, they argued that in the wake of those proceedings the alleged victim was convicted and sentenced to eight years in prison.

## **II. THE STATE'S POSITION**

4. The State argued that the petition should be found inadmissible due to the failure to exhaust domestic remedies. It also asked that the petition be found inadmissible under Article 47(c) of the Convention, as manifestly groundless.

## **III. PROCESSING BEFORE THE IACHR**

5. The initial petition was received on February 26, 1999. It was registered under number 12.177. On June 21, 1999, the Commission forwarded the petition to the State; in keeping with its Rules of Procedure then in force, it gave the State 90 days to file its answer.

6. The State submitted its answer on October 28, 1999, and sent additional information by note received July 24, 2000. At the same time, the petitioners presented communications on December 6, 1999, January 14 and 18, April 7, and May 11, 2000.

7. On April 25, 2011, the IACHR asked the petitioners for updated information or any additional observations, indicating that if it did not receive a response within one month it could consider archiving the matter in keeping with Article 48(1)(b) of the American Convention. On May 18, 2011, the Peruvian State asked the IACHR to archive the petition, as the petitioners had not filed any new briefs since May 2000. On June 30, 2011, the IACHR forwarded the communication to the petitioners; no observations have been submitted. On July 5, 2011, the Commission reiterated to the petitioner its request for updated information made on April 25, 2011; that communication was returned to the IACHR as the petitioner was not at that address.

## **IV. BASIS FOR THE DECISION TO ARCHIVE**

8. Both Article 48(1)(b) of the American Convention on Human Rights and Article 42(1) of the Rules of Procedure of the IACHR established that within the processing of a petition, once the information has been received, or once the period set has elapsed without it being received, the IACHR will verify whether the motives of the petition exist or subsist; if not, it shall order that the matter be archived.

9. Despite the request for updated information made by the IACHR on April 25, 2011, the petitioner has not submitted any additional briefs since May 11, 2000. In these circumstances, and considering that the information available is not sufficient to adopt a decision on the admissibility or inadmissibility of the petition, the IACHR decides to archive it in keeping with Articles 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 8th day of November 2012. (Signed): José de Jesús Orozco Henríquez, President; Felipe González; Second Vice-President, Dinah Shelton, Rodrigo Escobar Gil, Rosa María Ortiz and Rose-Marie Belle Antoine, Commission Members.