

**REPORT No. 23/13**  
DECISION TO ARCHIVE  
PETITION 10.719  
PERU  
March 20, 2013

**ALLEGED VICTIM:** Ramón Lozano Panduro

**PETITIONERS:** Peace Action and Study Center (CEAPAZ)

**ALLEGED VIOLATIONS:** Article 5 of the American Convention on Human Rights

**PROCESSING BEGAN:** November 7, 1990

**I. POSITION OF THE PETITIONERS**

1. The petitioners claim that as a part of their antiterrorism operations, members of the military detained Ramón Lozano Panduro on August 28, 1990, in San Jacinto, Uchiza district. They report that the victim was transferred to the Madre Mía military barracks in Huallaga province. In turn, Ramón Lozano Panduro stated that he was not informed of the reasons for his arrest and that, during his detention, he was tortured by military officers. He claimed they placed him in a cell measuring two meters wide by one meter long, where they kept him for several days without food. He contends he was only let out of that place for interrogation, when he was beaten with sticks, trampled by soldiers, and throttled with a rope. He also stated that they forced him to bathe during the night and then returned him to his cell while still wet. He claimed that as a result of this, he suffered from kidney pain and headaches and that, because of his fear of being arrested again, he was considering leaving the area.

2. In a communication received on October 25, 1993, the petitioners claimed that the Peruvian government had not refuted the facts set out in the torture complaint presented to the Commission. They also contended that the State had not pursued the legal procedures necessary to identify the persons responsible.

**II. POSITION OF THE STATE**

3. On February 10, 1993, the State reported that according to investigations conducted by the Ministry of Defense, Ramón Lozano Panduro was not on the records of detainees in Tingo María, Rupa Rupa district, and that no complaints regarding his alleged arrest had been made to the authorities of that settlement, which are the closest to Uchiza district. Later, in a communication of April 7, 1994, Peru reported that in spite of the investigations it had carried out, it had been unable to determine that state officials or employees had been responsible for the alleged arrest and torture. It also contended that the formalities pursued before the courts indicated its political willingness to identify those responsible and to cast light on the allegations.

**III. PROCESSING BY THE IACHR**

4. Petition 10.719 was received on November 5, 1990, and was conveyed to the State on November 7, 1990, along with a deadline of ninety days in which to return its response, according to the IACHR's Rules of Procedure in force at the time. The State presented its report on July 10, 1991; this was forwarded to the petitioners on July 15, 1991, who submitted their comments on January 21, 1992. The State submitted additional information on February 10, 1993, which was forwarded to the petitioners on February 18, 1993. The petitioners sent their comments on that submission on October 25, 1993.

5. The State presented additional information on April 7, 1994; this was forwarded to the petitioners on May 2, 1994, who returned their comments on May 10, 1994. On December 12, 2002, the IACHR

asked the petitioners to present up-to-date information. The IACHR repeated that request on April 5, 2004, stating that if such information was not received within the space of one month, it could give consideration to archiving the case file. On December 21, 2004, the Commission informed the parties that under Article 37.3 of the IACHR's Rules of Procedure in force at the time, the analysis of the petition's admissibility had been deferred until the adoption of a decision on the merits, and it asked them to return their additional comments within the following two months. On February 24, 2005, the State requested an extension, which the IACHR granted on April 11, 2005.

6. On April 29, 2011, the IACHR communicated with the parties to make itself available for reaching a friendly settlement agreement, and it asked them to submit their additional comments within a period of 30 days; in addition, it notified the petitioners that if that information was not received, the case could be sent to the archive. The State submitted up-to-date information on the matter on May 5, May 12, and July 8, 2005, which was forwarded to the petitioners on July 15, 2005. On May 18, 2011, the State presented a report requesting that the IACHR decided to archive this petition on account of the petitioners' lack of procedural activity; this information was conveyed to the petitioners on June 27, 2011. On August 3, 2012, the IACHR resent those requests to the petitioners, informing them that if no information was returned within the following month, the case file could be sent to the archive.

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

7. Both Article 48.1.b of the American Convention and Article 42.1 of the Rules of Procedure of the Inter-American Commission stipulate that at any time in the processing of a petition, after receiving the information or once the time limit for its submission has expired, the IACHR is to determine whether the grounds for the petition still exist or subsist and, if they do not, it may decide to archive the case file.

8. In the case at hand, the petitioners submitted their last communication to the IACHR on May 10, 1994, and, to date, they have not responded to the various requests for information made by the IACHR, including those of April 5, 2004, and August 3, 2012. Hence, in accordance with Articles 48.1.b of the Convention and 42.1 of its Rules of Procedure, since more than 18 years have gone by since that communication from the petitioners, and since the information available is insufficient for adopting a decision on the admissibility or inadmissibility and/or merits of the complaint, the IACHR has decided to archive the present case.

Done and signed in the city of Washington, D.C., on the 20th day of March 2013. (Signed): José de Jesús Orozco Henríquez, President; Tracy Robinson, First Vice-President; Rosa María Ortiz, Second Vice-President, Felipe González, Rodrigo Escobar Gil, and Rose-Marie Belle Antoine, Commissioners.