

REPORT No. 71/13
DECISION TO ARCHIVE
CASE 11.480
ECUADOR
July 16, 2013

ALLEGED VICTIM: Walter Alejandrino Arroba *et. al.*

PETITIONERS: Ángel Próspero Vargas López and Gustavo Larrea

ALLEGED VIOLATIONS: Articles 4, 5, 7 and 25 of the American Convention on Human Rights

DATE PROCESSING BEGAN: November 8, 1994

I. POSITION OF THE PETITIONERS

1. On November 8, 1994, the Inter-American Commission on Human Rights (hereinafter “the Commission” or “the IACHR”) received a petition lodged by Ángel Próspero Vargas López and Gustavo Larrea (hereinafter “the petitioners”), on behalf of Luis Mario Gaibor, Walter Alejandrino Arroba *et. al.* (hereinafter “the alleged victims”), alleging international responsibility of the Republic of Ecuador (hereinafter “the State”) for several violations of human rights presumably committed by the “Comité Pro-Defensa del Campesinado de Pangua” or the “Committee for the Defense of the Peasants of Pangua” (hereinafter “the Committee”), as well as the alleged failure of State authorities to investigate.

2. According to the petitioners, on May 21, 1993, the Ministry of Social Welfare granted legal status as a corporate entity to the Committee and, as of that date, the alleged victims became the targets of a variety of abuses. The petitioners allege that the Committee was a paramilitary organization, whose members had been trained and provided with weapons by the State and that the Political Lieutenant of the Parish of Moraspungo, Canton of Pangua, Province of Cotopaxi was involved.

3. The petitioners contended that the Committee murdered and tortured, as well as robbed and extorted a number of individuals. Specifically, they charged that in 1993, the members of the Committee murdered Luis Mario Gaibor Camacho, broke into the dwelling of Ángel Prospero Vargas and threatened him and his three children with torture and detention. In 1994, the Committee members allegedly detained, tortured and robbed Ángel Alfredo Oña; detained and tortured Carlos Alberto Ayala Segovia; detained, tortured and executed Raúl Homero Jaramillo Villafuerte; kidnapped Fernando Doger Sánchez; burned the clear brandy (*aguardiente*) factory and home of Walter Alejandro Arroba Carrera, who was subsequently arbitrarily detained and tortured; detained and tortured Luis Cevedeo Buenano; murdered Manual María Salazar; and tortured and threatened Aníbal Oña and Raúl Jaramillo.

4. The petitioners noted that, despite the host of complaints filed by them, there was no response from the State nor was any investigation opened into the paramilitary group.

II. POSITION OF THE STATE

5. On July 26, 1996, the Commission received the observations of the State briefly denying any responsibility in actions of private citizens who, under domestic law, may involve individual criminal liability.

III. PROCESSING BY THE IACHR

6. On November 8, 1994, the Commission received the initial petition, assigned it the number 11.480 and, after a preliminary review, on May 10, 1995, forwarded a copy of the relevant portions of it to the State for its observations. On September 19, 1995 and April 11, 1996, the IACHR renewed its request to the State for information, granting it a period of 30 days and warning that should said information not be received within that time frame, the Commission would consider invoking Article 42 of the Rules of Procedure and presume the facts as contended by the petitioners to be true.

7. On July 26, 1996, the IACHR received the State's response, which was forwarded on September 11, 1996 to the petitioners for their observations. On December 23, 1998, the Commission requested up-to-date information from the parties regarding the case within a period of 45 days, warning the petitioners that the case may be archived.

8. On June 14, 2001, the IACHR informed the petitioners that, pursuant to the Commission's Rules of Procedure in effect at the time (as amended on May 1, 2001), the case would be assigned the number P11.480/2000 and that, in keeping with the new rules of procedure, the petition becomes a "Case" after it is declared "admissible" by the Commission; it also renewed its request for information to be provided within a period of 60 days, warning that consideration of the petition would be suspended, should the information not be forthcoming.

9. On April 11, 2003, the IACHR informed the petitioners that, by operation of Article 37(3) of the Commission's Rules of Procedure, it had deferred entertaining the matter of admissibility until the discussion and decision on the merits and had decided to open a case assigning it the number 11.480; additionally, it requested additional observations on the merits within a period of two months, pursuant to Article 38(1) of the Rules of Procedure of the Commission.

10. On December 5, 2003, the IACHR renewed the request for information regarding the merits of the matter and warned that in the event that it did not receive any response, the Commission would archive the case. In view of the fact that it did not receive any additional observations on the merits, nor any additional information at all from the petitioners, on August 29, 2011 and April 13, 2012, the Commission renewed its request and indicated that in the event that it did not receive said information within a period of one month, the Commission could archive the matter. Thus far, the IACHR has not received any further communication from the petitioners other than the initial petition of November 1994.

IV. GROUNDS FOR THE DECISION TO ARCHIVE

11. Both Article 48(1) subsection b) of the American Convention on Human Rights and Article 42 of the IACHR Rules of Procedure provide that in the processing of a petition, once the information has been received, or after the period established has elapsed and the information has not

been received, the Commission shall ascertain whether the grounds for the petition or communication still exist and, if they do not, it shall order the case to be closed. Furthermore, Article 42(1)b of the IACHR Rules of Procedure provides that at any time during the proceedings, the Commission may decide to archive the file, whenever the information necessary for the adoption of a decision is unavailable.

12. In the instant case, the petitioners have not provided any additional submissions to their initial petition of 1994 and, in failing to do so, have not responded to the requests of the IACHR for information made on: September 11, 1996, December 23, 1998, June 14, 2001, April 11, 2003, December 5, 2003, August 29, 2011 and April 13, 2012. In light of these circumstances, it is impossible to continue with the analysis or to ascertain whether the grounds for the initial petition still exist. Consequently, in accordance with Article 48(1)b of the American Convention and Article 42 of the IACHR's Rules of Procedure, the Commission decides to archive the instant petition.

Done and signed in the city of Washington, D.C., on the 16 day of July 2013. (Signed): José de Jesús Orozco Henríquez, President; Tracy Robinson, First Vice-President; Rosa María Ortiz, Second Vice-President; Felipe González, Dinah Shelton, Rodrigo Escobar Gil, Rose-Marie Antoine, Commissioners.