

REPORT No. 100/13
DECISION TO ARCHIVE
PETITION 10.533
PERU
November 4, 2013

ALLEGED VICTIM: Javier Alarcón Guzmán

PETITIONERS: Amnesty International and Centro de Estudios y Acción para la Paz (CEAPAZ) [*Center for Peace Studies and Action*]

ALLEGED VIOLATIONS: Not specified

INITIATION OF PROCESSING: April 6, 1990

I. POSITION OF THE PETITIONERS

1. The petitioners reported that Javier Antonio Alarcón Guzmán, who was a professor of the *Universidad Nacional de Ingeniería* [National Engineering University] and a leader of the *Confederación General de Trabajadores del Perú* [General Workers' Confederation of Peru] had disappeared and that they feared for his physical integrity. They stated that the alleged victim departed from Lima towards the *Sierra Central* [Central Mountain Range] of Peru on December 7, 1989, and that the last he was heard of was on December 15, 1989 through a phone call. They affirmed that the zone in which Javier Alarcón Guzmán was traveling in was occupied by State military forces, and therefore it was presumed that he could have been unlawfully detained.

2. Ms. Vilma Alarcón Guzmán, a sister of the alleged victim, filed a report regarding the alleged disappearance before the Provincial Prosecutor of Huancayo on January 11, 1990. She also filed a brief to the Minister of the Interior requesting him to inform her if Javier Alarcón Guzmán was detained in any of the branches under his jurisdiction. According to the petitioners, these requests never received a response from the State.

II. POSITION OF THE STATE

3. In its initial response, the State affirmed that Javier Alarcón Guzmán was not registered as a detained person either by the Ministry of Defense or the National Police. It also stated that the alleged victim was not under investigation and that the Office of the First Supra-provincial Criminal Prosecutor attached to the Office of the Attorney General had opened an investigation to ascertain the identity of those responsible for the alleged disappearance.

III. PROCEEDINGS BEFORE THE IACHR

4. Petition 10.533 was received on April 4, 1990, and it was forwarded to the State the following April 6, granting it ninety days to submit its response, pursuant to the IACHR's Rules of Procedure then in force. The petitioner submitted additional information on December 4, 1990 and on May 8, 1991, which was forwarded to the state on May 10, 1991. The IACHR requested the State to submit its report on the case on May 10, 1991, April 2, 1992, and April 22, 1997, telling it that, if it did not do so within 30 days, the facts stated in the petition would be presumed to be true, pursuant to article 42 of the Commission's Rules of Procedure. On June 3, 1997, the State informed the Commission that, according to the information sent to it by the IACHR, the instant case did not appear in the list of matters pending and hence was not being processed. In this regard, on July 1, 1997, the IACHR informed the State that it had been notified of the opening of the case when it transmitted the complaint with a case number and reiterated its request for information. The State submitted its report on August 1, 1997, which was forwarded to the petitioners on August 11, 1997.

5. The IACHR sent a communication to the parties on May 2, 2000, in which it placed itself at their disposal for them to reach a friendly settlement and requested that they submit their additional observations within 45 days. On June 26, 2000, the State requested an extension in order to submit its response, which was granted by the IACHR on June 29, 2000. The petitioners submitted additional information on July 5, 2000, which was forwarded to the State on August 3, 2000. The State submitted additional information on August 10 and November 8, 2000, which was forwarded to the petitioner on September 19 and December 6, 2000, respectively. On December 12, 2002, the IACHR requested the petitioners to provide updated information, which was submitted by them on December 20, 2002 and January 10, 2003.

6. On February 12, 2003, the IACHR requested the petitioners to present updated information on the case, informing them that, should it not be received within one month, the petition could be archived. The IACHR reiterated its request on April 5, 2004 and said that, should the information not be sent within one month, archiving the petition might be considered. On June 2, 2005, the Commission informed the parties that, pursuant to article 37.3 of the IACHR's Rules of Procedure then in force, the treatment of admissibility of the case had been deferred until the decision on the merits and requested their additional observations within two months' time. On June 15 and 29 of 2007 the State submitted updated information on the case, which was forwarded to the petitioner on September 5, 2007.

7. The IACHR sent a communication to the parties on April 28, 2011 placing itself at their disposal with a view to reaching a friendly settlement and requested that they submit their additional observations within 30 days. On May 18, 2011, the State submitted a report requesting that the petition be archived due to the lack of action by the petitioner; this was transmitted to the petitioner on June 27, 2011. The IACHR reiterated its request for information to the petitioner on August 3, 2012, with the warning that, should it not be sent within one month, the petition could be archived.

IV. GROUNDS FOR THE DECISION TO ARCHIVE

8. Both article 48.1.b) of the American Convention and article 42.1 of the Rules of Procedure of the Inter-American Commission provide that, at any stage of the proceedings, after 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 exist or subsist and, if they do not, will order the petition to be archived.

9. In the instant case, the petitioners submitted their last communication to the IACHR on January 10, 2003 and, to date, have not responded to the request for additional information sent to them on August 3, 2012. Therefore, since 10 years have elapsed since the last communication from the petitioners and since the available information is insufficient to decide on the admissibility or inadmissibility of the complaint, the IACHR decides to archive it, pursuant to articles 48.1.b) of the Convention and 42.1 of its Rules of Procedure.

Done and signed in the city of Washington, D.C., on the 4th day of the month of November, 2013.
(Signed): José de Jesús Orozco Henríquez, President; Tracy Robinson, First Vice-President; Felipe González, Dinah Shelton, and Rose-Marie Antoine, Commissioners.