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Institution: Inter-American Court of Human Rights
Title/Style of Cause: Lori Helene Berenson Mejia v. Peru
Doc. Type: Order
Decided by: President: Antonio A. Cancado Trindade;
Judges: Alirio Abreu-Burelli; Hernan Salgado-Pesantes; Oliver Jackman;
Sergio Garcia-Ramirez; Carlos Vicente de Roux-Rengifo
Dated: 6 September 2002
Citation: Berenson Mejia v. Peru, Order (IACtHR, 6 Sep. 2002)

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HAVING SEEN:

1. The July 19, 2002 application filed by the Inter-American Commission on Human Rights (hereinafter “the Commission” or “the Inter-American Commission”), in which it requested that the Inter-American Court of Human Rights (hereinafter “the Court” or “the Inter-American Court”) find that Articles 8, 9, 5, 2 and 1(1) of the American Convention on Human Rights (hereinafter “the Convention” or “the American Convention”) have been violated.
2. The July 22, 2002 brief by the State of Peru (hereinafter “the State” or “Peru”) in which it requested that the Court find that it has complied with the standards set forth in the Convention and in case law of the Court in the Lori Berenson Case heard by the Commission.

CONSIDERING:

1. Article 61(1) of the American Convention states that:
[o]nly the States Parties and the Commission shall have the right to submit a case to the Court.
2. Article 32 of the Rules of Procedure of the Inter-American Court (hereinafter “the Rules of Procedure”) stipulates that “[f]or a case to be referred to the Court under Article 61(1) of the Convention, the application shall be filed with the Secretariat of the Court in each of the working languages.”
3. Article 62(3) of the American Convention states that:
[...]
3. The jurisdiction of the Court shall comprise all cases concerning the interpretation and application of the provisions of this Convention that are submitted to it, provided that the States Parties to the case recognize or have recognized such jurisdiction, whether by special declaration [...], or by a special agreement.
4. Article 51(1) of that same Convention provides that:
If, within a period of three months from the date of the transmittal of the report of the Commission to the States concerned, the matter has not either been settled or submitted by the

Commission or by the State concerned to the Court and its jurisdiction accepted, the Commission may, by the vote of an absolute majority of its members, set forth its opinion and conclusions concerning the question submitted for its consideration.

5. Peru has been a State Party to the American Convention since July 28, 1978 and Peru accepted jurisdiction of the Court on January 21, 1981, pursuant to Article 62 of the American Convention.

6. The President of the Court, pursuant to Article 34 of the Rules of Procedure, has conducted a preliminary examination of the application filed by the Commission and has established that it is admissible.

7. In light of the decision stated in the previous paragraph, the Court deems that the brief filed by Peru in this same case must be processed within the framework of the application filed by the Commission, that is, within the same proceedings.

THEREFORE:

THE INTER-AMERICAN COURT OF HUMAN RIGHTS,

Pursuant to Articles 61(1) and 62(3) of the American Convention and 29(2) of its Rules of Procedure,

DECIDES:

1. To admit the application filed by the Inter-American Commission on Human Rights in the Lori Berenson case.
2. To admit the brief filed by the State of Peru for it to be processed within the same proceedings as the application filed by the Inter-American Commission on Human Rights.
3. To serve notice of the instant Order to the Inter-American Commission on Human Rights, to the representatives of the alleged victim and to the State of Peru.

Antônio A. Cançado Trindade
President

Alirio Abreu-Burelli
Hernán Salgado-Pesantes
Oliver Jackman
Sergio García-Ramírez
Carlos Vicente de Roux-Rengifo

Manuel E. Ventura-Robles
Secretary

So ordered,

Antônio A. Cançado Trindade
President

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Manuel E. Ventura-Robles
Secretary