

REPORT No. 103/10
DECISION TO ARCHIVE
PETITION 11.698
PERU
July 15, 2010

ALLEGED VICTIMS: Ana María López Flores, Alfonso José Manuel Noriega López, and Rodolfo Isaac Noriega Cardó

PETITIONERS: Rodolfo Isaac Noriega Cardó and the American Association of Jurists

ALLEGED VIOLATIONS: Articles 1, 2, 4, 5, 6, 7, 8, 9, 11, 17, 19, 22, 24, 25, and 27 of the American Convention

DATE PROCESSING BEGAN: January 14, 1997

I. POSITION OF THE PETITIONERS

1. The petitioners alleged that since the middle of 1993, Rodolfo Isaac Noriega Cardó, his wife Ana María López Flores, and his son Alfonso José Manuel Noriega López had been the objects of persecution by high-ranking officials of the Peruvian state, in retaliation for denunciations of extrajudicial executions and forced disappearances allegedly carried out by a death squad linked to the Armed Forces.

2. According to the complaint, Rodolfo Isaac Noriega Cardó and his wife were detained on January 21, 1995 by agents of the Delta Operative Group of the Counter-Terrorism Directorate (*Dirección Nacional Contra el Terrorismo*, DINCOTE). It indicates that Mr. Noriega Cardó was set free twelve days after his arrest, while Ana María López Flores was subjected to military jurisdiction, being accused of the crime of high treason. According to the available information, after Mr. Noriega Cardó was released, he moved to Chile, where he was granted refugee status.

3. The petitioners affirmed that on February 29, 1996, Ms López Flores was sentenced, in a final judgment, to life imprisonment by the Supreme Council of Military Justice. They claimed that during her imprisonment, she was subjected to cruel, inhuman, and degrading treatment and that in spite of the fact that she suffered from metastatic breast cancer and other health conditions, prison authorities had not provided her with adequate treatment.

4. On November 27, 1996, the Commission granted precautionary measures to Ms Ana María López, requiring the Peruvian state to provide her with adequate medical treatment for her health conditions. On December 11, 1996, the State provided information about the treatment being received by the beneficiary and described the results of the clinical examinations carried out in the preceding months.

5. The petitioners indicated that after obtaining the benefit of a pardon, Ana María López Flores died on November 21, 1998.

II. POSITION OF THE STATE

6. The State indicated that the legal representatives of Ana María López Flores lodged an extraordinary criminal appeal against the sentence against her. The remedy was declared inadmissible by the Plenary of the Supreme Special Military Tribunal on June 27, 1996. It noted that the Supreme Council of Military Justice had ordered the internment of Ms Ana María López Flores in the Yanamayo-Puno maximum security prison, but that in consideration of the state of her health, she was admitted to the Chorrillos Women's Prison in Lima. It stated that Ms López Flores was placed in a sector for prisoners suffering from illnesses and that she always had access to timely and adequate medical attention for her conditions.

7. The State reported that on August 6, 1997, Ms López Flores received the benefit of a pardon for humanitarian reasons, and therefore, it alleged that the facts upon which the petition was based no longer existed.

III. PROCESSING BEFORE THE IACHR

8. On October 25, 1996, the initial petition was received. It was registered under the number 11.698 and transmitted to the State on January 14, 1997, granting it a period of 90 days to present its response in accordance with the Rules of Procedure of the IACHR in force at that time. On March 15, 1997, the State presented its reply, which was transmitted to the petitioners on March 19, 1997.

9. The petitioners presented additional writings on February 26, April 21, June 24, July 10, 28, and 29, September 22, 23, and 27, October 14, and December 29, 1997 and December 14, 1998. For its part, the State submitted additional information on May 13, June 12, August 13, September 17, October 15, and November 5, 1997 and January 15 and December 14, 1998.

10. On October 9, 1997, within the framework of its 97th Ordinary Period of Sessions, the IACHR held a public hearing on this petition, attended by representatives of the government of Peru and Mr. Noriega Cardó.

11. On January 7, 2003, the IACHR requested that the petitioners present updated information within a period of 30 days. On January 29, 2010, the IACHR reiterated its request and indicated that if updated information was not received within a month, it would consider archiving the petition, in accordance with Article 48(1)(b) of the American Convention.

IV. BASIS FOR THE DECISION TO ARCHIVE

12. Both Article 48(1)(b) of the American Convention and Article 42(1) of the Rules of Procedure of the Inter-American Commission establish that at any stage of the proceedings, having received information from the parties, or having expired the deadline for receiving information, the IACHR will verify if the grounds for the petition exist or subsist and if they do not, it will order the file to be archived.

13. In spite of the requests for updated information made by the IACHR on January 7, 2003 and January 29, 2010, the petitioners have not provided additional documents. Under these circumstances, and seeing that the available information is insufficient to adopt a decision regarding the admissibility or inadmissibility of the petition, the IACHR decides to archive it, in accordance with 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 15th day of the month of July, 2010. (Signed: Felipe González, President; Paulo Sergio Pinheiro, First Vice-President; Dinah Shelton, Second Vice-President; María Silvia Guillén, José de Jesús Orozco Henríquez, Rodrigo Escobar Gil, and Luz Patricia Mejía Guerrero, members of the Commission).