

PERU

I) RELEVANT LEGAL EVENTS

MEMBER OF THE ORGANIZATION OF AMERICAN STATES SINCE: MARCH 18, 1951

RATIFIED AMERICAN CONVENTION: APRIL 27, 1978

Reservation made at the time of ratification, withdrawal of the reservation, and recognition of competence (from <http://www.cidh.org/basicos/english/Basic4.Amer.Conv.Ratif.htm>)

Recognition of Competence and Jurisdiction

On January 21, 1981, an instrument issued by the Ministry of Foreign Affairs of the Republic of Peru, dated October 20, 1980, was presented to the OAS General Secretariat. The instrument states: "...As stipulated in paragraph 1 of Article 45 of the American Convention on Human Rights, or Pact of San José, Costa Rica (ratified by Peru on September 9, 1980), the Government of Peru recognizes the competence of the Inter-American Commission on Human Rights to receive and examine communications in which a state party alleges that another state party has committed a violation of a human right set forth in that Convention, as provided in paragraph 2 of that article. This recognition of competence is valid for an indefinite time and under the condition of reciprocity. As stipulated in paragraph 1 of Article 62 of the aforementioned Convention, the Government of Peru declares that its recognizes as binding, as a matter of law, and not requiring special agreement, the jurisdiction of the Inter-American Court of Human Rights on all matters relating to the interpretation or application of the Convention. This recognition of jurisdiction is valid for an indefinite time and under the condition of reciprocity"

Withdrawal of recognition of the contentious jurisdiction of the Inter-American Court of Human Rights

The Government of Peru, on July 8, 1999, declares:

In accordance with the American Convention on Human Rights, the Republic of Peru withdraws the declaration of recognition of the contentious jurisdiction of the Inter-American Court of Human Rights previously issued by the Peruvian Government under the optional clause pertaining to such recognition.

This withdrawal of recognition of the contentious jurisdiction of the Inter-American Court takes effect immediately and applies to all cases in which Peru has not replied to a complaint lodged with the Court.

Withdrawal of recognition of the contentious jurisdiction of the Court

The Government of Peru, on January 29, 2001, declares:

The recognition of the contentious jurisdiction of the Inter-American Court of Human Rights issued by Peru on October 20, 1980, is in full effect and is binding in all legal respects on the Peruvian state. Such effect should be understood as having been uninterrupted since the deposit of the declaration with the General Secretariat of the Organization of American States on January 21, 1981.

The Government of the Republic of Peru withdraws the declaration deposited on July 9, 1999, the intent of which was to withdraw the declaration of recognition of the contentious jurisdiction of the Inter-American Court of Human Rights under the optional clause pertaining to such recognition.

ACCEPTED JURISDICTION OF THE IA COMMISSION FOR “INTERSTATE COMMUNICATIONS” (ART. 45):
JULY 28, 1978

ACCEPTED JURISDICTION OF IACHR (ART. 62): JANUARY 21, 1981

II) DECISIONS, JUDGMENTS AND ORDERS

A) CASES

I) Case of Neira Alegría et al. v. Peru

On June 18, 1986, a riot in the San Juan Bautista correctional facility was put down by the Joint Command of the Armed Forces using excessive force. Mr. Neira Alegría, Mr. Edgar Zenteno Escobar, and Mr. William Zenteno Escobar, three detainees, have been missing ever since. The Court found that the State violated the American Convention on Human Rights.

Key Words: Access to Legal Procedures; Civil and Political Rights; Criminal Justice; Prison and Detention Conditions; Terrorism; Freedom from Torture and other Cruel, Inhumane and Degrading Treatment; Life (Right to)

Merits

Judgment of January 19, 1995. Series C No. 20

Monitoring Compliance with Judgment

- 1) Order of the Inter-American Court of Human Rights of November 28, 2002 (Available only in Spanish)
- 2) Order of the Inter-American Court of Human Rights of January 19, 2009

II) Case of Loayza Tamayo v. Peru

In this case, Peru arrested and detained Universidad San Martín de Porres Professor Maria Elena Loayza Tamayo on suspicion of participating in alleged terrorist group Sendero Luminoso. Prior to her arrest, the State did not investigate her alleged participation in Sendero Luminoso or obtain a warrant for her arrest. Following Ms. Loayza Tamayo's arrest, the State tried Ms. Loayza Tamayo for both treason and terrorism, prevented her from communicating with her family, tried her before a faceless court, and kept her in detention though she had been acquitted of all crimes. Following the Court's Reparations and Costs Judgment, the State declared that the Court's decision was not enforceable, and withdrew from the Court's jurisdiction. At a later date, the State reinstated its acceptance of the Court's jurisdiction.

Key Words: Access to Legal Procedures; Arbitrary Arrest and Detention; Prison and Detention Conditions; Terrorism; Abduction; Criminal Justice

Merits

Judgment of September 17, 1997. Series C No. 33

Monitoring Compliance with Judgment

- 1) Order of the Inter-American Court of Human Rights of November 17, 1999
- 2) Order of the Inter-American Court of Human Rights of June 1, 2001
- 3) Order of the Inter-American Court of Human Rights of November 27, 2002 (Available only in Spanish)
- 4) Order of the Inter-American Court of Human Rights of November 27, 2003
- 5) Order of the Inter-American Court of Human Rights of March 3, 2005 (Available only in Spanish)
- 6) Order of the Inter-American Court of Human Rights of September 22, 2006
- 7) Order of the President of the Inter-American Court of Human Rights of December 13, 2007 (Available only in Spanish)
- 8) Order of the Inter-American Court of Human Rights of February 6, 2008
- 9) Order of the Inter-American Court of Human Rights of July 1, 2011

III) Case of Castillo Páez v. Peru

On October 21, 1990, Mr. Ernest Rafael Castillo-Páez disappeared after the terrorist organization "Shining Path" detonated an explosive near a national monument. Police Approached Mr. Castillo-Páez in the street and put him in a police vehicle. He was never seen again. The Court found that the State violated the American Convention on Human Rights.

Key Words: *Abduction; Access to Legal Procedures; Arbitrary Arrest and Detention; Civil and Political Rights; Forced Disappearances; Terrorism*

Merits

Judgment of November 3, 1997. Series C No. 34

Monitoring Compliance with Judgment

- 1) Order of the Inter-American Court of Human Rights of June 1, 2001
- 2) Order of the Inter-American Court of Human Rights of November 27, 2002 (Available only in Spanish)
- 3) Order of the Inter-American Court of Human Rights of November 27, 2003
- 4) Order of the Inter-American Court of Human Rights of November 17, 2004
- 5) Order of the Inter-American Court of Human Rights of April 3, 2009
- 6) Order of the Inter-American Court of Human Rights of May 19, 2011
- 7) Order of the Inter-American Court of Human Rights of November 26, 2013

IV) Case of Castillo Petruzzi et al. v. Peru

On October 15, 1993, four Chilean citizens were arrested in Peru for terrorism. All four were members of the Tupac Amaru terrorist organization and were linked to several kidnappings. They were tried by a military tribunal while blindfolded and bound to chairs. None were allowed to examine the evidence against them or cross examine witnesses. They were all sentenced to life in prison. The Court found that the State violated the American Convention on Human Rights.

Key Words: *Access to Legal Procedures; Criminal Justice; Independence of Judiciary; Political Organizations; Prison and Detention Conditions; Terrorism*

Merits, Reparations and Costs

Judgment of May 30, 1999. Series C No. 52

Monitoring Compliance with Judgment

- 1) Order of the Inter-American Court of Human Rights of November 17, 1999
- 2) Order of the Inter-American Court of Human Rights of June 1, 2001
- 3) Order of the Inter-American Court of Human Rights of July 1, 2011

V) Case of Cesti Hurtado v. Peru

On November 25, 1996, Mr. Gustavo Adolfo Cesti Hurtado, a retired member of the Peruvian Army, was brought before the military justice system, charged with fraud and dereliction of duty. Despite a decision in a habeas corpus action ordering Mr. Cesti Hurtado not to be tried under the military justice system, Mr. Cesti Hurtado was arrested, deprived of his liberty, and sentenced in violation of the American Convention on Human Rights.

Key Words: *Arbitrary Arrest and Detention; Movement and Residence; Judicial Protection (Right to); Civil and Political Rights; Access to Legal Procedures; Economic, Social, and Cultural Rights; Housing, Land, and Property Rights*

Merits

Judgment of September 29, 1999. Series C No. 56

Monitoring Compliance with Judgment

- 1) Order of the Inter-American Court of Human Rights of November 17, 2004
- 2) Order of the Inter-American Court of Human Rights of September 22, 2006
- 3) Order of the Inter-American Court of Human Rights of August 4, 2008
- 4) Order of the President of the Inter-American Court of Human Rights of December 7, 2009
(Available only in Spanish)
- 5) Order of the Inter-American Court of Human Rights of February 4, 2010
- 6) Order of the Inter-American Court of Human Rights of November 26, 2013

VI) Case of Durand and Ugarte v. Peru

On February 14, 1986, Nolberto Durand Ugarte and Gabriel Pablo Ugarte Rivera were detained under the suspicion of their participation in terrorist acts. The victims were incarcerated in the El Frontón Island prison off the Peruvian coast, and were killed during the quelling of a prison riot by use of disproportional force by Peruvian armed forces. The Court found that the State violated the American Convention on Human Rights. The remains of one of the two victims were found eighteen years later, after the Court issued its judgment, and those of the second victim are still missing.

Key Words: *Access to Legal Procedures; Arbitrary Arrest and Detention; Criminal Justice; Forced Disappearances; Terrorism; Prison and Detention Conditions; Freedom from Torture and other Cruel, Inhumane and Degrading Treatment*

Merits

Judgment of August 16, 2000. Series C No. 68

Monitoring Compliance with Judgment

- 1) Order of the Inter-American Court of Human Rights of November 27, 2002 (Available only in Spanish)
- 2) Order of the Inter-American Court of Human Rights of August 5, 2008

VII) Case of Cantoral Benavides v. Peru

On February 6, 1993, Mr. Luis Alberto Cantoral Benavides was detained without an arrest warrant issued by a competent authority, and accused of committing treason. He was physically and mentally tortured. Mr. Cantoral Benavides was acquitted of treason in a military tribunal, but retried for the same alleged crime in a civilian court, where he was convicted. Mr. Cantoral Benavides was not released after his acquittal in the military jurisdiction, as the State released his twin brother, who was also wrongfully accused of treason, instead. Mr. Cantoral Benavides was continually tortured for four years in various prisons, until he was released by an ad hoc committee, after his case had reached the Inter-American Court. The Court found that the State violated the American Convention on Human Rights and the American Convention to Prevent and Punish Torture.

Key Words: *Access to Legal Procedures; Arbitrary Arrest and Detention; Criminal Justice; Civil and Political Rights; Freedom from Torture and other Cruel, Inhumane and Degrading Treatment*

Merits

Judgment of August 18, 2000. Series C No. 69

Monitoring Compliance with Judgment

- 1) Order of the Inter-American Court of Human Rights of November 27, 2003
- 2) Order of the Inter-American Court of Human Rights of November 17, 2004
- 3) Order of the President of the Inter-American Court of Human Rights of December 14, 2007 (Available only in Spanish)
- 4) Order of the Inter-American Court of Human Rights of February 7, 2008
- 5) Order of the Inter-American Court of Human Rights of November 20, 2009
- 6) Order of the Inter-American Court of Human Rights of November 14, 2010

VIII) Case of the Constitutional Court v. Peru

During 1996 and 1997, there was a conflict between the constitutional organs of the State, namely the Judiciary, against the Executive and Legislature. The conflict arose out of President Alberto Fujimori's manipulation of the Peruvian Constitution to guarantee his re-election. In this case, related with the Ivcher Bronstein v. Peru case, Peru tried to withdraw its acceptance of jurisdiction of the Court to no avail. The Court found that the State violated the guarantees of the judicial process and judicial protection under the American Convention on Human Rights.

Key Words: *Access to Legal Procedures; Civil and Political Rights; Independence of Judiciary; Political Organizations*

Merits, Reparations and Costs

Judgment of January 31, 2001. Series C No. 71

Monitoring Compliance with Judgment

- 1) Order of the Inter-American Court of Human Rights of June 1, 2001
- 2) Order of the Inter-American Court of Human Rights of November 17, 2004
- 3) Order of the Inter-American Court of Human Rights of February 7, 2006
- 4) Order of the Inter-American Court of Human Rights of August 5, 2008

IX) Case of Ivcher Bronstein v. Peru

On July 13, 1997, the State arbitrarily deprived Mr. Baruch Ivcher Bronstein, a naturalized Peruvian citizen and majority shareholder and Director and President of Channel 2-Frecuencia Latina of the Peruvian television network, of his nationality title in order to remove him from the editorial control of the channel and restrict his freedom of expression, which he manifested by denouncing grave violations of human rights and acts of corruption. The Court found that the State violated the American Convention on Human Rights to the detriment of Mr. Ivcher Bronstein.

Key Words: Access to Legal Procedures; Freedom of Expression; Naturalization; Human Rights Activists

Merits, Reparations and Costs

Judgment of February 6, 2001. Series C No. 74

Monitoring Compliance with Judgment

- 1) Order of the Inter-American Court of Human Rights of June 1, 2001
- 2) Order of the Inter-American Court of Human Rights of September 21, 2005 (Available only in Spanish)
- 3) Order of the President of the Inter-American Court of Human Rights of February 27, 2009 (Available only in Spanish)
- 4) Order of the Inter-American Court of Human Rights of November 24, 2009
- 5) Order of the Inter-American Court of Human Rights of August 27, 2010

X) Case of Barrios Altos v. Peru

This case concerns the actions of members of the Peruvian Army, acting on behalf of a death squad known as the "Colina Group," which carried out their own anti-terrorist program and indiscriminately fired at a crowd, killing fifteen people and seriously injuring four more. After the incident, an amnesty law was passed, which exonerated members of the army, police force, and also civilians who had violated human rights or taken part in such violations from 1980 to 1995. As a result, no legal action was taken against the perpetrators at the domestic level. The Court found that the State violated the American Convention on Human Rights.

Key Words: Extrajudicial Killing; Due Process Rights; Life (Right to)

Merits, Reparations and Costs

Judgment of March 14, 2001. Series C No. 75

Monitoring Compliance with Judgment

- 1) Order of the Inter-American Court of Human Rights of November 22, 2002 (Available only in Spanish)
- 2) Order of the Inter-American Court of Human Rights of November 28, 2003
- 3) Order of the Inter-American Court of Human Rights of November 17, 2004
- 4) Order of the Inter-American Court of Human Rights of September 22, 2005 (Available only in Spanish)
- 5) Order of the Inter-American Court of Human Rights of August 4, 2008
- 6) Order of the President of the Inter-American Court of Human Rights of December 7, 2009 (Available only in Spanish)
- 7) Order of the Inter-American Court of Human Rights of September 7, 2012 (Available only in Spanish)

XI) Case of the Five Pensioners v. Peru

Between February and September 1992, the State modified and reduced the pension regime that Mr. Carlos Torres Benvenuto, Mr. Javier Mujica Ruiz Huidobro, Mr. Guillermo Álvarez Hernández, Mr. Reymert Bartra Vásquez, and Mr. Maximiliano Gamarra Ferreyra had earned in accordance with Peruvian legislation up until 1992. The State did not comply with domestic judgments ordering the State to compensate the victims for lost pension sums. The Court found that Peru had violated the victims' rights to property and judicial protection under the American Convention on Human Rights.

Key Words: Access to Legal Procedures; Civil and Political Rights; Economic, Social, and Cultural Rights; Housing, Land, and Property Rights

Merits, Reparations and Costs

Judgment of February 28, 2003. Series C No. 98

Monitoring Compliance with Judgment

- 1) Order of the Inter-American Court of Human Rights of November 17, 2004
- 2) Order of the Inter-American Court of Human Rights of September 12, 2005 (Available only in Spanish)
- 3) Order of the Inter-American Court of Human Rights of July 4, 2006
- 4) Order of the President of the Inter-American Court of Human Rights of December 3, 2008 (Available only in Spanish)
- 5) Order of the Inter-American Court of Human Rights of November 24, 2009
- 6) Order of the Inter-American Court of Human Rights of November 30, 2011

XII) Case of Gómez Paquiyauri Brothers v. Peru

On June 21, 1991, brothers Emilio Moisés and Rafael Samuel Gómez Paquiyauri, respectively 14 and 17 years old, were tortured and executed by agents of the National Police. Peruvian courts ordered an investigation into the deaths and the perpetrator was identified as Sergeant Francisco Antezano Santillán, but he remained at large. At the time of the judgment, Sergeant Antezano Santillán had not been tried or punished, and no reparations had been made to the victims' next of kin. The Court found that the State violated the American Convention on Human Rights and the American Convention to Prevent and Punish Torture.

Key Words: *Abduction; Access to Legal Procedures; Arbitrary Arrest and Detention; Minors/Children; Forced Disappearances; Extrajudicial Killing; Freedom from Torture and other Cruel, Inhumane and Degrading Treatment*

Merits, Reparations and Costs

Judgment of July 8, 2004. Series C No. 110

Monitoring Compliance with Judgment

- 1) Order of the Inter-American Court of Human Rights of November 17, 2005 (Available only in Spanish)
- 2) Order of the Inter-American Court of Human Rights of September 22, 2006
- 3) Order of the Inter-American Court of Human Rights of May 3, 2008

XIII) Case of De La Cruz Flores v. Peru

On March 27, 1990, Ms. María Teresa De La Cruz Flores was detained, charged with terrorism and later prosecuted by a court composed of "faceless" judges and sentenced to twenty years imprisonment. On February 19, 2003, newly enacted Peruvian laws established that, within sixty working days from this legislation entering into force, the National Terrorism Chamber should gradually annul the judgment and the oral proceeding and declare the absence of grounds for the charge in criminal trials for offenses of terrorism conducted before secret judges or prosecutors. However, at the date the Commission submitted its application to the Court, Ms. De La Cruz Flores remained in detention. The Court found that the State violated the American Convention on Human Rights.

Key Words: *Arbitrary Arrest and Detention; Civil and Political Rights; Criminal Justice; Political Organizations; Family; Prison and Detention Conditions; Terrorism; Freedom from Torture and other Cruel, Inhumane and Degrading Treatment*

Merits, Reparations and Costs

Judgment of November 18, 2004. Series C No. 115

Monitoring Compliance with Judgment

- 1) Order of the Inter-American Court of Human Rights of November 23, 2007
- 2) Order of the President of the Inter-American Court of Human Rights of December 21, 2009 (Available only in Spanish)
- 3) Order of the Inter-American Court of Human Rights of September 1, 2010
- 4) Order of the Inter-American Court of Human Rights of September 2, 2015 (Available only in Spanish)

XIV) Case of Lori Berenson Mejía v. Peru

This case involves the arrest, conviction, and detention of Lori Helene Berenson Mejía, a United States citizen charged with treason for her alleged affiliation with the Tupac Amaru Revolutionary Forces. On November 30, 1995, she was arrested and on March 12, 1996, she was sentenced to life imprisonment, which was later annulled by the Supreme Council of Military Justice. She was confined in the Yanamayo Prison from January 17, 1996 to October 7, 1998 (2 years, 8 months and 20 days),

and during this period was subjected to inhumane detention conditions. On August 28, 2000, a new proceeding against Ms. Berenson Mejía was commenced in the ordinary criminal jurisdiction. This trial culminated in the judgment of June 20, 2001, which found Ms. Berenson Mejía guilty of the crime of “collaboration with terrorism,” and sentenced her to 20 years imprisonment. The Supreme Court of Justice of Peru confirmed the judgment on February 13, 2002. The Court found that the State violated the American Convention on Human Rights.

Key Words: *Terrorism; Migrant Rights; Access to Legal Procedures; Arbitrary Arrest and Detention; Civil and Political Rights; Freedom from Torture and other Cruel, Inhumane and Degrading Treatment*

Merits, Reparations and Costs

Judgment of November 25, 2004. Series C No. 119

Monitoring Compliance with Judgment

- 1) Order of the Inter-American Court of Human Rights of September 22, 2006
- 2) Order of the Inter-American Court of Human Rights of June 20, 2012

XV) Case of Huilca Tesce v. Peru

On December 18, 1992, members of the "Colina Group" extrajudicially executed a Peruvian trade union leader, Pedro Huilca Tecse. At the time of the facts, the alleged victim was the General Secretary of the Confederación General de Trabajadores del Peru (Peruvian Workers Confederation). The “Colina Group” was a death squadron linked to the Peruvian Army’s Intelligence Service. The State subsequently failed to undertake a complete, impartial and effective investigation into the facts. The Court found that the State violated the American Convention on Human Rights.

Key Words: *Association (Freedom of); Access to Legal Procedures; Physical, Mental, and Moral Integrity (Right to); Judicial Protection (Right to); Life (Right to)*

Merits, Reparations and Costs

Judgment of March 3, 2005. Series C No. 121

Monitoring Compliance with Judgment

- 1) Order of the Inter-American Court of Human Rights of September 22, 2006
- 2) Order of the Inter-American Court of Human Rights of February 7, 2008
- 3) Order of the Inter-American Court of Human Rights of August 21, 2013

XVI) Case of Gómez Palomino v. Peru

This case is about the forced disappearance of Mr. Santiago Gómez Palomino in 1992. Members of the Peruvian Military organization known as the Colina Group abducted him from his home and despite efforts from family, his whereabouts were never determined. The State failed to afford a judicial proceeding or an effective investigation on Mr. Gómez Palomino's disappearance. Based on this failure, the Court found violations of both the American Convention of Human Rights and the American Convention on Forced Disappearance of Persons.

Key Words: *Abduction; Forced Disappearances; Extrajudicial Killing; Due Process Rights; Life (Right to); Failure to Investigate*

Merits, Reparations and Costs

Judgment of November 22, 2005. Series C No. 136

Monitoring Compliance with Judgment

- 1) Order of the Inter-American Court of Human Rights of October 18, 2007
- 2) Order of the Inter-American Court of Human Rights of July 1, 2009
- 3) Order of the President of the Inter-American Court of Human Rights of December 21, 2010
- 4) Order of the Inter-American Court of Human Rights of July 5, 2011
- 5) Order of the Inter-American Court of Human Rights of February 13, 2013

XVII) Case of García Asto and Ramírez Rojas v. Peru

In 1995 and 1991, two Peruvian university students suspected of being affiliated with Sendero Luminoso were arrested, tried by a faceless tribunal, and detained in inhuman, cruel, and degrading conditions. They were sentenced to twenty and twenty-five years imprisonment as alleged perpetrators of the crime of terrorism. The Court found that the State had violated the American Convention on Human Rights.

Key Words: *Access to Legal Procedures; Arbitrary Arrest and Detention; Civil and Political Rights; Criminal Justice; Assembly (Freedom of); Freedom of Expression; Freedom of Information; Political Organizations; Prison and Detention Conditions; Family; Terrorism; Freedom from Torture and other Cruel, Inhumane and Degrading Treatment*

Preliminary Objection, Merits, Reparations and Costs

Judgment of November 25, 2005. Series C No. 137

Monitoring Compliance with Judgment

- 1) Order of the Inter-American Court of Human Rights of July 12, 2007
- 2) Order of the Inter-American Court of Human Rights of July 1, 2011
- 3) Order of the Inter-American Court of Human Rights of November 26, 2013

XVIII) Case of Acevedo Jaramillo et al. v. Peru

[BLURB AND KEY WORDS]

Key Words:

Preliminary Objections, Merits, Reparations and Costs

Judgment of February 7, 2006. Series C No. 144

Monitoring Compliance with Judgment

- 1) Order of the President of the Inter-American Court of Human Rights of December 18, 2009
(Available only in Spanish)

XIX) Case of Baldeón García v. Peru

This case is about the arbitrary arrest, torture, and killing, in 1990, of an elderly peasant in the high Andes by a unit of the Peruvian army. This was followed by the subsequent failure by the State to properly investigate and prosecute. The Court found that the State violated the American Convention on Human Rights.

Key Words: *Arbitrary Arrest and Detention; Extrajudicial Killing; Life (Right to); Due Process Rights; Freedom from Torture and other Cruel, Inhumane and Degrading Treatment*

Merits, Reparations and Costs

Judgment of April 6, 2006. Series C No. 147

Monitoring Compliance with Judgment

- 1) Order of the Inter-American Court of Human Rights of February 7, 2008
- 2) Order of the Inter-American Court of Human Rights of April 3, 2009

XX) Case of the Dismissed Congressional Employees (Aguado Alfaro et al) v. Peru

On December 31, 1992, 1,110 congressional officials were dismissed by the government of Albert Fujimori during the state of emergency he declared in 1992. This case involves issues surrounding access to legal procedures and civil and political rights. The Court found that the State violated the American Convention on Human Rights.

Key Words: *Access to Legal Procedures; Civil and Political Rights; Independence of Judiciary; Political Organizations*

Preliminary Objection, Merits, Reparations and Costs

Judgment of November 24, 2006. Series C No. 158

Monitoring Compliance with Judgment

- 1) Order of the President of the Inter-American Court of Human Rights of June 8, 2009 (Available only in Spanish)
- 2) Order of the Inter-American Court of Human Rights of November 20, 2009
- 3) Order of the Inter-American Court of Human Rights of November 24, 2010

XXI) Case of the Miguel Castro Castro Prison v. Peru

This case is about the Peruvian National Police and Peruvian military's deliberate and unprovoked attack on the Miguel Castro Castro Prison. In the course of this attack, several members of Sendero Luminoso and Tupac Amaru were detained, dozens of inmates were killed, and hundreds of inmates were injured. The Court found that the State violated the American Convention on Human Rights, the American Convention on the Prevention, Punishment and Eradication of Violence Against Women and the American Convention to Prevent and Punish Torture.

Key Words: *Access to Legal Procedures; Civil and Political Rights; Criminal Justice; Economic, Social, and Cultural Rights; Discrimination; Terrorism; Women's Rights; Prison and Detention Conditions; Freedom from Torture and other Cruel, Inhumane and Degrading Treatment*

Merits, Reparations and Costs

Judgment of November 25, 2006. Series C No. 160

Monitoring Compliance with Judgment

- 1) Order of the Inter-American Court of Human Rights of April 28, 2009
- 2) Order of the President of the Inter-American Court of Human Rights of December 21, 2010
- 3) Order of the President of the Inter-American Court of Human Rights of July 29, 2013
- 4) Order of the President of the Inter-American Court of Human Rights of August 7, 2013
- 5) Order of the Inter-American Court of Human Rights of March 31, 2014 (Available only in Spanish)
- 6) Order of the Inter-American Court of Human Rights of April 17, 2015 (Available only in Spanish)

XXII) Case of La Cantuta et al. v. Peru

The facts of La Cantuta et al. v. Peru occurred in the context of Peruvian President Alberto Fujimori's anti-terrorism campaign. After Universidad Nacional de Educación Enrique Guzmán y Valle students protested against President Fujimori, Peruvian military forces, including members of the Colina Group, a paramilitary death squad, disappeared and extrajudicially executed nine students and a professor. Though several individuals were found guilty of human rights abuses against these victims, the State pardoned them under human rights amnesty laws. The Court's decision dealt with both the State's responsibility for the victims' disappearance and murder, and its failure to hold those responsible accountable for their human rights violations.

Key Words: *Access to Legal Procedures; Arbitrary Arrest and Detention; Criminal Justice; Forced Disappearances; Extrajudicial Killing; Terrorism; Freedom from Torture and other Cruel, Inhumane and Degrading Treatment; Amnesty, Pardon, and Commutation of Sentence (Right to Seek)*

Merits, Reparations and Costs

Judgment of November 29, 2006. Series C No. 162

Monitoring Compliance with Judgment

- 1) Order of the Inter-American Court of Human Rights of November 20, 2009

XXIII) Case of Cantoral Huamaní and García Santa Cruz v. Peru

On February 13, 1989, Saúl Isaac Cantoral Huamaní and Consuelo Trinidad García Santa Cruz, two members of a miners' trade union, were kidnapped and executed by a paramilitary group linked to the Peruvian Government (the Commando Rodrigo Franco). The State failed to undertake effective measures and investigations regarding events leading to this tragic event. The Court found that the State violated the American Convention of Human Rights.

Key Words: *Extrajudicial Killing; Association (Freedom of); Freedom from Torture and other Cruel, Inhumane and Degrading Treatment*

Preliminary Objection, Merits, Reparations and Costs

Judgment of July 10, 2007. Series C No. 167

Monitoring Compliance with Judgment

- 1) Order of the Inter-American Court of Human Rights of April 28, 2009
- 2) Order of the Inter-American Court of Human Rights of September 21, 2009
- 3) Order of the Inter-American Court of Human Rights of February 22, 2011

XXIV) Case of Acevedo Buendía et al. (“Discharged and Retired Employees of the Office of the Comptroller”) v. Peru

In this case, a law from 1979 allowed persons who retired from the Office of the Comptroller General to collect a pension equal to the salary of an employee performing the same or similar function to the one he or she performed at the time of his or her retirement. This law was replaced in 1992 by a new law that eliminated the right of a pensioner to continue receiving the amount received under the old law. Two hundred seventy-three members of the Association of Discharged or Retired Employees of the Comptroller General of the Republic brought suit to collect pension benefits that were owed to them under the old law. The State failed to honor the judgment delivered by the Constitutional Court of Perú on October 21, 1997 and January 26, 2001 ordering the Office of the Comptroller General of the Republic to comply with the payment to the alleged victims of the salaries and wages, benefits, and bonuses received by the active employees of that office performing functions identical, similar, or equivalent to those that the discharged or retired employees performed. The Court found the State violated the American Convention on Human Rights.

Key Words: *Due Process Rights; Access to Legal Procedures; Compensation and Remedies (Right to); Economic, Social, and Cultural Rights; Ex Post Facto Laws; Judicial Protection (Right to); Suspension and Restrictions on Rights; Civil and Political Rights; Pension Benefits*

Preliminary Objection, Merits, Reparations and Costs

Judgment of July 1, 2009. Series C No. 198

Monitoring Compliance with Judgment

- 1) Order of the Inter-American Court of Human Rights of July 1, 2011
- 2) Order of the Inter-American Court of Human Rights of January 28, 2015 (Available only in Spanish)

XXV) Case of Anzualdo Castro v. Peru

On December 16, 1993, Mr. Kenneth Ney Anzualdo Castro, a university student, was riding the bus home from school. A light blue car intercepted the bus and three persons, who identified themselves as police officers, forced Mr. Anzualdo Castro into their car. That was the last time Mr. Anzualdo Castro was ever seen. The Court found violations of both the American Convention of Human Rights and the American Convention on Forced Disappearance of Persons.

Key Words: *Forced Disappearances; Extrajudicial Killing; Life (Right to)*

Preliminary Objection, Merits, Reparations and Costs

Judgment of September 22, 2009. Series C No. 202

Monitoring Compliance with Judgment

- 1) Order of the Inter-American Court of Human Rights of August 21, 2013

XXVI) Case of Abrill Alosilla et al. v. Peru

This case centers on a violation of the right to judicial protection to the detriment of 233 members of the Union of Lima Water and Sewer Service Functionaries, Professionals, and Technicians. Between 1991 and 1992, the State passed laws which eliminated the salary scale system that was in effect. Although the State's constitution guaranteed that these laws would not be applied retroactively, the State applied the laws retroactively and failed to provide an effective domestic remedy for this constitutional violation. The Court found the State violated the American Convention on Human Rights.

Key Words: *Due Process Rights; Access to Legal Procedures; Compensation and Remedies (Right to); Economic, Social, and Cultural Rights; Ex Post Facto Laws; Judicial Protection (Right to); Suspension and Restrictions on Rights; Civil and Political Rights; Unions*

Merits, Reparations and Costs

Judgment of March 4, 2011. Series C No. 223

Monitoring Compliance with Judgment

- 1) Order of the Inter-American Court of Human Rights of May 22, 2013

XXVII) Case of Osorio Rivera and Family v. Peru

After the Peruvian army detained Mr. Jeremías Osorio Rivera for fighting with his cousin, the army forced his disappearance and disseminated false information regarding his whereabouts to his family. Mr. Osorio Rivera's family never heard from him again and subsequently filed a criminal complaint against Lieutenant Tello Delgado, the leader of the "Palmira Plan of Operations" responsible for the disappearance. The State's military court dismissed the case in 1996 because there was no confirmed link between Mr. Osorio Rivera's disappearance and the Lieutenant. Despite continued attempts by the family to seek justice, on August 27, 2013, the Supreme Court of Justice of the Republic ultimately held that a judgment acquitting Lieutenant Tello Delgado would not be annulled. The very next day the Inter-American Court conducted a hearing of the case and proceeded to find the State responsible for multiple human rights violations.

Key Words: *Access to Legal Procedures; Criminal Justice; Forced Disappearances; Judicial Protection (Right to); Extrajudicial Killing; Life (Right to)*

Preliminary Objections, Merits, Reparations and Costs

Judgment of November 26, 2013. Series C No. 274

Monitoring Compliance with Judgment

[None]

XXVIII) Case of J. v. Peru

In 1992, the National Counterterrorism Directorate ordered the monitoring of El Diario, a clandestine journal, since it was claimed to be part of the Communist party of Peru – Shining Path. On April 13, 1992, State agents detained Ms. J., a 25-year-old law graduate working for El Diario, allegedly raped her, and searched her home. On June 18, 1993, she was exonerated and left Peru. On December 27, 1993, the faceless Supreme Court annulled the exoneration without explanation. To date proceedings remain pending in Peru against Ms. J, and a warrant was issued for her arrest. The Court found that the State violated the American Convention on Human Rights.

Key Words: Access to Legal Procedures; Arbitrary Arrest and Detention; Censorship; Freedom of Expression; Honor, Defamation, Slander, and Libel; Judicial Protection (Right to); Physical, Mental, and Moral Integrity (Right to); Freedom from Torture and other Cruel, Inhumane and Degrading Treatment; Privacy; Terrorism

Preliminary Objection, Merits and Reparations

Judgment of November 27, 2013. Series C No. 275

Monitoring Compliance with Judgment

[None]

XXIX) Case of Tarazona Arrieta et al. v. Peru

In 1994, during a patrol in Lima, Peru, a soldier opened fire on a public transportation vehicle carrying civilians. This resulted in the deaths of Zulema Tarazona Arrieta and Norma Pérez Chávez, and severe injury to Luis Bejarano Laura. The State did not prosecute the soldier responsible because an Amnesty Law, which covered crimes committed by State officials from 1980 to 1995, prevented prosecution of this and similar crimes committed during that that period. After the State was ordered by the Inter-American Court to repeal the Amnesty Law, in the 2001 Barrios Altos v. Peru case, it reopened the investigation into the deaths. The State did not issue a judgment against the soldier until 2008, fourteen years after the incident, and seven years after the Amnesty Law was ordered to be annulled. The Court held that the State violated the American Convention on Human Rights based on its untimely prosecution and repayment of reparations to the victims.

Key Words: Access to Legal Procedures; Compensation and Remedies (Right to); Criminal Justice; Life (Right to)

Preliminary Objection, Merits and Reparations

Judgment of October 15, 2014. Series C No. 286 (Available only in Spanish)

Monitoring Compliance with Judgment

[None]

XXX) Case of Espinoza Gonzáles v. Peru

Ms. Gladys Carol Espinoza Gonzáles was arbitrarily arrested in 1993 in Lima, Peru, by police, and convicted of treason. While in State custody, she was subject to severe and constant beatings, torture, rape, and other forms of sexual violence. Despite making numerous allegations of abuse, she was denied adequate medical treatment, and continued to be tortured throughout her years in prison. Her initial life-sentence was overturned in 2003, but she was convicted again in 2004 on terrorism charges, and remained in detention. The Court found that the State had violated the Inter-American Convention, the Convention on The Prevention, Punishment And Eradication Of Violence Against Women, and the Inter-American Convention to Prevent and Punish Torture.

Key Words: *Prison and Detention Conditions; Terrorism; Failure to Investigate; Freedom from Torture and other Cruel, Inhumane and Degrading Treatment; Arbitrary Arrest and Detention; Access to Legal Procedures; Women's Rights; Physical, Mental, and Moral Integrity (Right to)*

Preliminary Objection, Merits and Reparations

Judgment of November 20, 2014. Series C No. 289

Monitoring Compliance with Judgment

[None]

XXXI) Case of Cruz Sánchez et al. v. Peru

In December 1996, fourteen members of the terrorist group Tupac Amaru Revolutionary Movement raided the Japanese ambassador's home in Lima, Peru, as a reception was underway. The Tupacs took hostage the approximately 600 guests in attendance, and occupied the residence for the next four months. On April 22, 1997, State armed forces raided the compound, killing fourteen terrorists, and liberating the remaining hostages. As this event was part of a non-international armed conflict, rules of international humanitarian law, such as Common Article 3 of the 1949 Geneva Conventions applied to the situation. While the majority of the terrorists were lawfully targeted and killed, evidence surfaced that three may have been captured alive by the State, and then subsequently killed, in contravention of Common Article 3. The Court also faulted the State for failing to adequately investigate the crime scene and deaths of these individuals in a timely manner. For these reasons, the Court found that the State had violated the American Convention on Human Rights.

Key Words: *Civil War and Unrest; Criminal Justice; International Humanitarian Law; Life (Right to); Physical, Mental, and Moral Integrity (Right to); Politicians; Terrorism*

Preliminary Objection, Merits and Reparations

Judgment of April 17, 2015. Series C No. 292 (Available only in Spanish)

Monitoring Compliance with Judgment

[None]

XXXII) Case of Canales Huapaya et al. v. Peru

This case is connected to the Dismissed Congressional Employees (Aguado Alfaro et al.) v. Peru case.

As in that case, this case is the result of the dismissal in 1992, by the government of Alberto Fujimori of 1,110 employees of the State Congress. The dismissed employees were denied the opportunity to appeal the decisions administratively, and denied judicial recourse. The victims in this case were not party to the Dismissed Congressional Employees (Aguado Alfaro et al.) case before the Inter-American Court, and were unable to seek any recourse domestically, as they refused to drop their lawsuits against the State. Eventually, the Court found that the State violated the American Convention on Human Rights.

Key Words: *Access to Legal Procedures; Compensation and Remedies (Right to); Due Process Rights; Judicial Protection (Right to); Politicians; Suspension and Restrictions on Rights*

Preliminary Objection, Merits and Reparations

Judgment of June 24, 2015. Series C No. 296 (Available only in Spanish)

Monitoring Compliance with Judgment

[None]

XXXIII) Case of Wong Ho Wing v. Peru

In 2001, Chinese authorities in Hong Kong, China, named Mr. Wong Ho Wing a suspect in connection with crimes of smuggling. An INTERPOL Red Notice was issued for Mr. Wong Ho Wing. In 2008, Mr. Wong Ho Wing was arrested at the airport in Lima, Peru, as he sought to enter the country from the United States. Although China and Peru have a bilateral extradition treaty in effect, Mr. Wong Ho Wing told State authorities that if he were to return to China, he would face extrajudicial execution or the death penalty. The State issued multiple conflicting opinions of equal authority on whether it should extradite Mr. Wong Ho Wing or try him in Peru, while keeping him indefinitely detained. The Court found that the State violated the American Convention on Human Rights.

Key Words: *Access to Legal Procedures; Arbitrary Arrest and Detention; Death Penalty*

Preliminary Objection, Merits and Reparations

Judgment of June 30, 2015. Series C No. 297 (Available only in Spanish)

Monitoring Compliance with Judgment

[None]

XXXIV) Case of Peasant Community of Santa Bárbara v. Peru

In 1991, a military commando designed to combat insurgency entered the rural villages of Santa Bárbara, and captured fifteen people, including seven children, an elderly man, and five women, one of whom was pregnant. The soldiers burned the houses of the victims, slaughtered their livestock, and stole their possessions. Then, they led the victims to a mine, where they were forced into a sinkhole, shot them and destroyed their bodies with dynamite. Amnesty laws protected the soldiers, and the State failed to timely investigate, identify and exhume the remains in the mine. The Court found that the State violated the American Convention on Human Rights, the Inter-American Convention to Prevent and Punish Torture, and the Inter-American Convention on Forced Disappearance of Persons.

Key Words: *Access to Legal Procedures; Arbitrary Arrest and Detention; Civil War and Unrest; Forced Disappearances; Family; Freedom from Torture and other Cruel, Inhumane and Degrading Treatment; Judicial Protection (Right to); Crimes Against Humanity; Extrajudicial Killing; Life (Right to); Physical, Mental, and Moral Integrity (Right to); Privacy; Property*

Preliminary Objection, Merits and Reparations

Judgment of September 1, 2015. Series C No. 299 (Available only in Spanish)

Monitoring Compliance with Judgment

[None]

XXXV) Case of Galindo Cárdenas et al. v. Peru

From 1994 to 1995, the State declared a state of emergency during which many constitutional guarantees were suspended. In 1994, Mr. Luis Antonio Galindo Cárdenas, an employee at the Huanuco Superior Court, was arrested and detained for approximately one month. He was not arrested for any valid reason, he was not informed of the reason for his arrest, he was held incommunicado and psychologically tortured, and despite multiple requests, was prohibited from being brought before a judge to contest his incarceration. After his release, Mr. Galindo Cárdenas petitioned State judicial authorities to investigate his case and punish those responsible, but they failed to do so in a timely manner. The Court found that the State violated the American Convention on Human Rights.

Key Words: *Access to Legal Procedures; Criminal Justice; Compensation and Remedies (Right to); Due Process Rights; Judicial Protection (Right to); Physical, Mental, and Moral Integrity (Right to); Suspension and Restrictions on Rights*

Preliminary Objection, Merits and Reparations

Judgment of October 2, 2015. Series C No. 301 (Available only in Spanish)

Monitoring Compliance with Judgment

[None]

XXXVI) Case of Quispialaya Vilcapoma v. Peru

In 2001, Mr. Valdemir Quisiplaya Vilcapoma, a soldier of the State army, was engaging in target practice when he was repeatedly beaten on the face and head with a rifle by one of his superiors for his lack of precision in shooting. This beating caused Mr. Quispialaya Vilcapoma to experience persistent headaches and fever, and caused him to lose vision in one of his eyes. The officer who beat him threatened further violence should he report the incident. When Mr. Vilcapoma finally reported the incident, he was unable to obtain redress in the military and civilian courts of the State. The Court found that the State violated the American Convention on Human Rights and the Inter-American Convention to Prevent and Punish Torture.

Key Words: *Access to Legal Procedures; Criminal Justice; Compensation and Remedies (Right to); Freedom from Torture and other Cruel, Inhumane and Degrading Treatment; Judicial Protection (Right to); Physical, Mental, and Moral Integrity (Right to)*

Preliminary Objection, Merits and Reparations

Judgment of November 23, 2015. Series C No. 308 (Available only in Spanish)

Monitoring Compliance with Judgment

[None]

B) Provisional Measures (Art 63.2)

- 1) Matter of Bustíos Rojas regarding Peru [June 5, 1990]
- 2) Matter of Bustíos Rojas regarding Peru [August 8, 1990]
- 3) Matter of Bustíos Rojas regarding Peru [January 17, 1991]
- 4) Matter of Peruvian Prisons regarding Peru [December 14, 1992]
- 5) Matter of Chipoco regarding Peru [December 14, 1992]
- 6) Matter of Peruvian Prisons regarding Peru [January 27, 1993]
- 7) Matter of Chipoco regarding Peru [January 27, 1993]
- 8) Matter of Ramírez Hinojosa et al. regarding Peru [September 21, 2005] (Available only in Spanish)
- 9) Matter of Ramírez Hinojosa et al. regarding Peru [February 7, 2006]
- 10) Matter of Juárez Cruzat et al. regarding Peru [May 31, 2006] (Available only in Spanish)
- 11) Matter of Ramírez Hinojosa et al. regarding Peru [July 4, 2006]
- 12) Matter of Ramírez Hinojosa et al. regarding Peru [May 17, 2007]
- 13) Matter of Ramírez Hinojosa et al. regarding Peru [February 3, 2010]
- 14) Matter of Wong Ho Wing regarding Peru [March 24, 2010]
- 15) Matter of Wong Ho Wing regarding Peru [May 28, 2010]
- 16) Matter of Wong Ho Wing regarding Peru [November 26, 2010]
- 17) Matter of Wong Ho Wing regarding Peru [March 4, 2011]
- 18) Matter of Wong Ho Wing regarding Peru [July 1, 2011]
- 19) Matter of Wong Ho Wing regarding Peru [October 10, 2011]
- 20) Matter of Ramírez Hinojosa et al. regarding Peru [November 22, 2011]
- 21) Matter of Wong Ho Wing regarding Peru [April 27, 2012]
- 22) Matter of Wong Ho Wing regarding Peru [June 26, 2012]
- 23) Matter of Wong Ho Wing regarding Peru [December 6, 2012]
- 24) Matter of Wong Ho Wing regarding Peru [February 13, 2013]
- 25) Matter of Wong Ho Wing regarding Peru [May 22, 2013]
- 26) Matter of Wong Ho Wing regarding Peru [August 22, 2013]
- 27) Matter of Wong Ho Wing regarding Peru [January 29, 2014]
- 28) Matter of Wong Ho Wing regarding Peru [March 31, 2014]
- 29) Case of Galindo Cárdenas et al regarding Peru [May 28, 2014] (Available only in Spanish)