

TECHNICAL INFORMATION SHEET
CASE N° 11.149 AUGUSTO ALEJANDRO ZÚÑIGA PAZ
FRIENDLY SETTLEMENT REPORT N° 70/03
TOTAL COMPLIANCE
(PERU)

I. SUMMARY OF THE CASE

Victim (s): Augusto Alejandro Zúñiga Paz
Petitioner (s): Augusto Alejandro Zúñiga Paz
State: Peru
Report of admissibility: **45/01** published on March 5, 2001
Report on Friendly Settlement Agreement No.: **70/03** published on October 10, 2003
Related Rapporteurship: N/A
Topics: Right to life/ humane treatment/ judicial guarantees/ judicial protection

Facts: Doctor Augusto Alejandro Zúñiga Paz was attacked by an explosive “letter bomb” on March 15, 1991, when he was at the office of the non-governmental organization called the Human Rights Commission (COMISEDH). This attack resulted in the loss of his left arm. Dr. Zúñiga considered that the investigation by the Peruvian authorities was inadequate and failed, to punish those responsible. For this reason, he turned to the Inter-American Commission on Human Rights, which opened case No.11.149, and approved it in Report No.45/01 on March 5, 2001, admitting the petition.

Rights Alleged: The petitioner alleged these events constituted a violation by the State of Peru of the rights enshrined in Articles 4 (right to life), 5 (right to humane treatment), 8 (right to a fair trial) and 25 (right to judicial protection) of the American Convention on Human Rights.

II. PROCEDURAL ACTIVITY

1. On February 13, 2003, the parties signed a Friendly Settlement Agreement.
2. On October 10, 2003, the IACHR approved the agreement signed by the parties in Report No.70/03.

III. ANALYSIS OF COMPLIANCE WITH THE CLAUSES OF THE FRIENDLY SETTLEMENT AGREEMENT

Agreement Clause	Status of Compliance
SECOND: RECOGNITION	
The Peruvian State is aware that the protection and unrestricted enjoyment of human rights is the very basis of a just, worthy and democratic society. In strict compliance with the obligations arising from its signature and ratification of the American	Declarative Clause

<p>Convention on Human Rights and other international human rights instruments, it has accepted international responsibility for violation of Articles 1(1), 2, 5.1 and 8(1) of the American Convention on Human Rights to the prejudice of Dr. Augusto Alejandro Zúñiga Paz.</p> <p>This recognition was made explicit in a joint press release signed by the Peruvian State and the Inter-American Commission on Human Rights on February 22, 2001, in which the Peruvian State admitted international responsibility for the facts described in the first clause of this agreement, and undertook to adopt measures to restore the affected rights and/or to repair the damages caused.</p>	
<p>THIRD: INVESTIGATION AND PUNISHMENT</p>	
<p>The Peruvian State undertakes to ensure access to the remedies of domestic jurisdiction for the victim or his representatives and/or attorneys in order to give effect to his right to the truth, to justice and reparations, and to move diligently to ensure that the competent authorities will proceed, independently, with the investigation and punishment of all those responsible for the events described in this agreement.</p>	<p>Total¹</p>
<p>FOURTH: COMPENSATION</p>	
<p>01. The beneficiary of this agreement The Peruvian State recognizes Dr. Augusto Alejandro Zúñiga Paz as the sole beneficiary of any compensation.</p>	<p>Declarative Clause</p>
<p>02. Monetary compensation The Peruvian State grants compensation in favor of Dr. Augusto Alejandro Zúñiga Paz, as the sole beneficiary, to the amount of US\$60,000, for the damages and injuries caused by the events described in the first clause, said amount includes reparations for all direct and indirect damages, as well as losses, foregone earnings, material damages and moral damages.</p>	<p>Total²</p>
<p>03. Nonmonetary damages The Peruvian State also undertakes to provide Dr. Augusto Alejandro Zúñiga Paz with the following, depending on availability:</p> <ul style="list-style-type: none"> • An electronic version of the Peruvian legislation, issued by the Ministry of Justice. • Official publications available within the Ministry of Justice. 	<p>Total³</p>
<p>As well, because of the fact that the government of former President Alberto Fujimori circulated a story to the effect that Dr. Augusto Alejandro Zúñiga Paz was linked to the Shining Path (<i>Sendero Luminoso</i>) through the Association of Democratic Lawyers, the Peruvian State undertakes to publish this agreement as an act of reparations and relief.</p>	<p>Total⁴</p>
<p>FIFTH: LIABILITY OF THOSE CRIMINALLY RESPONSIBLE FOR THE EVENTS</p>	
<p>This friendly settlement agreement does not extinguish the civil and criminal liabilities of those directly responsible for violating the rights of Dr. Augusto Alejandro Zúñiga Paz to his physical integrity, recognized by the Peruvian State according pursuant to Article 92 of the Peruvian Criminal Code, as the competent judicial authorities may decide. It is understood that this agreement extinguishes any claim of Dr. Augusto Alejandro Zúñiga Paz that would hold responsible the Peruvian State jointly and severally liable or as a third-party defendant in a civil or any other</p>	<p>Declarative Clause</p>

¹ See IACHR, Annual Report 2005, Chapter III, Section D: Status of Compliance with Recommendations of the IACHR, paras. 316-317.

² See IACHR, Annual Report 2005, Chapter III, Section D: Status of Compliance with Recommendations of the IACHR, paras. 316-317.

³ See IACHR, Annual Report 2005, Chapter III, Section D: Status of Compliance with Recommendations of the IACHR, paras. 316-317.

⁴ See IACHR, Annual Report 2005, Chapter III, Section D: Status of Compliance with Recommendations of the IACHR, paras. 316-317.

type of action.	
EIGHTH: HEALTH SERVICES	
The Peruvian State undertakes to provide the beneficiary with medical attention free of charge through the public health system of the Ministry of Health, including medicines and rehabilitation and maintenance of the prosthetic left arm.	Total⁵

IV. LEVEL OF COMPLIANCE OF THE CASE

3. The Commission declared total compliance with the case and ceased monitoring the friendly settlement agreement in its Annual Report 2005.

V. INDIVIDUAL AND STRUCTURAL OUTCOMES OF THE CASE

A. Individual outcomes of the case:

- The State of Peru acknowledged its international responsibility for violation of Articles 1.1, 2, 5.1 and 8.1 of the American Convention on Human Rights to the detriment of Doctor Augusto Alejandro Zúñiga Paz.
- The State delivered a check in the amount of 60.000 US\$ as reparation for the damages caused to him.
- The State provided free medical treatment through the public health system according to what was agreed until the beneficiary's death on May 18, 2005.

⁵ See IACHR, Annual Report 2005, Chapter III, Section D: Status of Compliance with Recommendations of the IACHR, paras. 316-317.