

Investigation 119-2015
Summary: Motion to Join as Injured Party

TO: THE PROSECUTOR OF THE TWELFTH CRIMINAL PROSECUTION OFFICE OF LIMA

I, **CARLOS MESIA RAMIREZ**, National Identification No. 08266314, in the ongoing investigation against all those who may be responsible for the crime of document falsification et al., come now before you and state the following:

I request that your office join me as a party injured by the actions under investigation on the following grounds:

1. On October 5, 2011, the Colegio de Ingenieros del Perú requested enforcement of the judgment of unconstitutionality dated March 15, 2001, in File 022-96-AI/TC pertaining to the payment of Land Reform Bonds.

The matter was required to be heard before the Full Bench of the Constitutional Tribunal pursuant to Constitutional Tribunal Regulations, because the claim concerned a judgment of unconstitutionality.

2. Dr. Gerardo Eto Cruz was the justice that wrote the opinion. He drafted a ruling prior to the Full Bench session that would address the petition by the Colegio de Ingenieros del Perú.

The initial draft sustained the request for enforcement of the judgment and ordered payment of the land debt bonds, using the Consumer Price Index as the adjustment factor for the amount.

3. I agreed with the tenor of the draft and I joined and signed it together with Dr. Eto Cruz. On July 16, 2013, however, in the Full Bench session of the Constitutional Tribunal, former Justice Eto Cruz submitted a second draft ruling that differed from the initial one that I had previously signed.

This second opinion denied the request for enforcement and ordered use of the conversion method to US dollars as the valuation factor.

4. This second draft was voted on during that same session on July 16, 2013. It was ratified by Messrs. Gerardo Eto Cruz, Ernesto Álvarez Miranda and President Oscar Urviola Hani.

For my part, I maintained my position as the one expressed in the first opinion by Justice Eto. Since that opinion was not ratified, I would have to write a dissenting vote, the same as Messrs. Fernando Calle Hayen and Juan Vergara Gotelli.

5. Under article 44 of Constitutional Tribunal Regulations, I would need to submit the grounds for my dissenting vote in writing to the Reporting Clerk. My opinion would then be included with the other votes in the ruling adopted in the Full Bench session.

[initials]

6. However, on that date, July 16, 2013, the content of the ruling was posted on the Constitutional Tribunal website along with each of the justices' votes. One of the documents setting forth the grounds for the votes was attributed to me without my consent and used an altered version of the initial Dr. Eto Cruz opinion that I had previously joined and signed.
7. As I expressed in my statement of April 21, 2015, when I learned of this, on July 22, 2013, I sent a message to the President of the Constitutional Tribunal. In it, I reported that the vote posted on the Tribunal's website was not mine, it showed amendments and distortions that I had not authorized, and the Reporting Clerk's certification was therefore a misstatement.

In addition, I requested nullity of the document that purported to state my position and that I be permitted to issue my dissenting vote in accordance with the Regulations.

8. In response, on August 2, 2013, Constitutional Tribunal President Urviola Hani responded to my message. He denied my request for nullity and gave no opinion about the alterations to the document attributed to me.

In light of this, on August 7, 2013, I provided the content of my dissenting vote to the Reporting Clerk and indicated that it was the only dissenting vote drafted and signed by me. I advised that any other document would be an alteration.

On August 9, 2013, the President of the Constitutional Tribunal again sent me a message in response to my letter to the Reporting Clerk. He stated that the ruling of July 16th was res judicata, adding that my "new vote" was extemporaneous, despite the fact that I was never allowed to submit the content of my vote in accordance with the Regulations.

9. Articles 427 and 428 of the Penal Code sanction the crimes of document falsification and forgery of a public document. In the actions under investigation, the initial opinion by Mr. Eto Cruz was altered to use it as a basis for my dissenting vote and then include it among the votes of the other justices in crafting the ruling of July 16, 2013, which was subsequently posted on the Constitutional Tribunal website.
10. Clearly, the fact that a document unauthorized by me and containing my signature was misattributed to me and called my "dissenting vote" causes direct injury to me on the grounds of altering a document called "dissenting vote of Justice Mesía Ramírez," part of the Ruling of July 16, 2013.

Considering the above, I request that your office deem me a party injured by the actions under review in this investigation.

Lima, September 2015

[signature]

CARLOS MESIA RAMIREZ
National Identification No. 08266314