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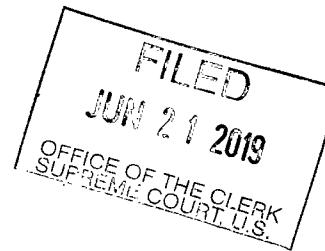
In the  
Supreme Court of the United States

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HELGA SUAREZ CLARK  
*Petitioner*

v.

PERU REPUBLIC et al.



On Petition for Writ a Certiorari to

The United States Court of Appeals for  
The District of Columbia

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**PETITION FOR A WRIT OF CERTIORARI**

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HELGA G. SUAREZ CLARK  
21-F, Psje los Rosales  
Urb. Mariscal Gamarra  
Cusco 08002 PERU  
suarezhelga@yahoo.com, tel 01151992658883

May 18 2019

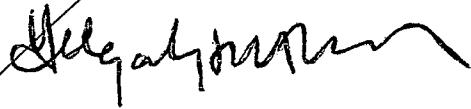
8. Do you expect any major changes to your monthly income or expenses or in your assets or liabilities during the next 12 months? No

9. Have you paid — or will you be paying — an attorney any money for services in connection with this case, including the completion of this form? # No

10. Have you paid — or will you be paying — anyone other than an attorney (such as a paralegal or a typist) any money for services in connection with this case, including the completion of this form? # Yes \$60, Joseph Napolitano, 51F coursen place, Staten Island, NY 10304

Provide any other information that will help explain why you cannot pay the costs of this case. I am a crime victim in a manual wheelchair inadequate for me. I need to save money to buy a motorwheelchair because I suffered several murder attempts resulting in torn rotator cuff tears in my shoulders. Also, I was arbitrarily detained resulting in biological twins that are not under my custody but still I owe them alimony. Same for my disabled little brother, who doesn't receive and is under custody of my 83 old father that I should be supporting. I need a lawyer for this case but can't afford one. I declare under penalty of perjury that the foregoing is true and correct. Executed on May 19

2019



Helga Suarez Clark

21-f pasaje los Rosales

Urb. Mariscal Gamarra

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suarezhelga@yahoo.com; tel 01151992658883

## QUESTIONS PRESENTED

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1. USCA(case 18-7182) and DC district court erroneously denied court appointed counsel alledging case didnt have merits but chief judge Colleen Mc Mahon NYSD court(case 18-01740) judged it had merits and transferred it to DC june 13 2018;
2. Nullum crimen sine lege dictates what has merit or not, and my case describes acts of terrorism against me, severely disabled.
3. USCA didnt correct the errors of DC district judge K.Brown J. and asked me to refile the case because dismissed without prejudice, despite I clearly stated in complaint I filed 2 days before the last day of expiration of statute of limitations for main claim (tentative of extrajudicial killing, personal injuries, torture) accrued on february 28 2008, so that if I refile a new case as she asks, the statute of limitation will be barred ***and amounts to a dismissal with prejudice***. So USCA should have ordered admitting my transferred case without filing a second amended complaint because of res judicata, and at least ordered my august second amended filing be void and only consider the december filing since the district judge didnt timely respond to my request of extensión of time of august, only answering november 5 ***coercing me illegally to file the invalid hospital bed filed second amended of august.***
3. Errors of district judge DC Brown(case 18-01460) asking july 30 (I was hospitalized for another assault including torture, severe personal injuries I disclosed her) to file in 30 days a 2d amended complaint 25 pages maximum including exhibits, despite my case had 400 pages, mutilating it from its proofs, because supposedly it didnt include a plain and short

statement of claims(frcp 8 (a)despite it did on p.10,*violating res judicata (collateral estoppel)*in her case 18cv01460 she received transferred by order from C.Mc Mahon chief judge that already admitted it on merits (case 18cv01740).I immediately august 8 asked extensión of time of 4·5 months,attaching a medical certificate i was hospitalized july 30 for undetermined time after having been tortured, but judge failed to timely answer,until November, so that not knowing if she would accept the extensión,instead of losing the case I was coerced to drafted what i could lying in a hospital bed before the 30 days she gave me acrue,*coerced by her delay in responding*.November 5 she accepted the extensión of time so i filed the second amended complaint december 17 according to the 4·5 months concession,once i was out of the hospital *but she refused to even read it despite granting the extension of time, I explained her attaching proofs medical documents I was severely injured ,to give me time but she just dismissed the case*,acting intentionally,in a cruel, malicious, absurd way.asking me pro se not attorney,to redo all the 400 pp lying in a hospital bed....i was hospitalized a month.She should have timely answered my request for extension of time,then canceled the august drafting since I was hospitalized ,then only considered the december filing since I asked 4·5 months.She closed the case in november so my december filing was never read.

4.District judge has erroneously ordered me to file a second amended complaint in max 25 pages including exhibits,as my complaint was 400 pages(with exhibits)just because she wanted a resume of claims,that she overlooked on p.10, and that could be included without eliminating necessary proofs and evidence.Its a case for terrorism by a state that is not yet in the State Department list ,thus I need to prove the case for discovery(28 USC

s.1605A ,which cannot be done by mere allegations, which would be the only lines – iii-  
that could fit in 25 pages, and defendants would win because judge would *In dubio pro  
reco*. Thus she planned make me lose a criminal case I am victim of.

#### LIST OF PARTIES

Helga Suarez Clark, Petitioner

Vs.

PERU REPUBLIC,especially ,1Carlos CASTELLON CUEVA,2 Arturo QUISPE CACERES ,3 Rory LAZO BUSTAMANTE,4 Emilio LIAS CUERVO,5 Gamero ALVAREZ BASAURI,6 W.CHUQUITHUAYTA QUILLAHUAMAN,7 X,Y,Zpolice under Jhon BECERRA DIAZ,Wilder PEDROZA RUIZ, Julio Cesar TELLO YLLA,Minoho CALLANAUPA PEREZ,Hugo MINAYA CHIRINOS,PEREZ GARCIA,ALVAREZ GARCI,Julio ARCE DE LA TORRE BUENO,Lisbeth AFAN QUISPE,Luis RAMIREZ ARCAYA,Javier Freddy ALVAREZ,other police) involved in cases in reports (exhibits 11,17,49,93)  
8 Maria Del Carmen VEREAU ALVAREZ,9 Nilo PARAVICINO ALARCON) 10Gisela VENERO DE MONTEAGUDO,11Walter BECERRA) HUANACO,12Victor FARFAN MERCADO,Miguel A.CASTELO ANDIA,Ignacio ORTEGA MATEO,13Julio Cesar ALVARADO VILLENA) ,14 Rodolfo HUAMAN FLORES and Etel MARQUINA RODRIGUEZ,15Felix TUPAYACHI PACHECO,16Nelly) CALDERON NAVARRO,17Miguel A.CACERES CHAVEZ,18 Carlos A.PEREZ) CHAVEZ,19Julio C. VILLENA ALVARADO,20Magaly ROJAS) ESPINOZA,21Jose M.MAYORGA ZARATE,22Tamara T.CATACORA JARA ,23) Alberto PEREZ CARDENAS,24 Gary J.ORTIZ AGUILAR,Luis PAREDES CUSI,Nataly UGARTE MOLINA,Gladys QUISPE,Evelyne M.MAURICIO APARICIO,F.ALMANZA ALTAMIRANO,Elisabeth ORTIZ DE ORUE RODRIGUEZ LADRON DE GUEVARA)  
25Lucy CHAUPIS VALVERDE,26Maria T. YNONAN VILLANUEVA and Maria) SUAREZ ARIAS,judge NINO DE GUZMAN,27Jose ROCA MENDOZA, all District and national attorneys) in caselaw reports (exh.11,17),judges names in reports(exh.93)of cases to be actualized,28Mariangeles ROMERO GUEVARA,29Graciela ROMERO) QUISPE,30Jorge CHACON MENDOZA,31Richard ALARCON) URRUTIA,32Rocio ZEVALLOS HUAYHUA)  
33Gisela VARGAS CAJAHUANCA,34Doris Luz BLAS RAMIREZ,Milagros ANDERSON)  
35 Calixto COANQUI QUISPE,36 ALMENARA BRYSON,HUAMANI -5- LLAMAS,ESTRELLA CAMA,CALDERON) CASTILLO,CALDERON PUERTAS,Peru

Supreme Civil court)

-iv-

37Cesar LANDA ARROYO,GONZALES OJEDA,BARDELLI) LARTIRIGOYEN,ALVA ORLANDINI,GARCIA TOMA,BLUME) FORTINI,LEDESMA NUNEZ,ESPINOSA SALDANA BARRERA,Fernando) CALLE HAYEN,BEAUMONT CALLIRGOS,ETO CRUZ,Ernesto ALVAREZ) MIRANDA,MIRANDA CANALES,SARDON DE TABOADA,CarlosMESSIA) RAMIREZ,Juan VERGARA GOTELLI,Peru constitutional tribunal)

38 All defendants covered up by Republic Justice,listed in reports complaints)

All c/o Embajador Hugo DE ZELA MARTINEZ)

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39Jens MODVIG,Sebastien TOUZE,Carla EDELENBOS)

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40Marta TAVARES,Victor MADRIGAL,Christina CERNA,Ernesto ALVAREZ)

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DEFENDANTS

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### APPENDIX A:Decisions of USCA for DC Circuit:

-Opinion of the USCA for DC circuit in H.Suarez Clark v. Peru Republic et al.,No 18-7182(April 2 2019)

-Denial of petition for rehearing en banc june 5 2019

-Denial,petition for rehearing and motion vacate district court order

### APPENDIX B: Decisions of district courts:

-Memorandum Opinion of the US District court for the DC in H.Suarez Clark v.Peru Republic et al.No 18-1460(july 30 2018)

-Memorandum and order of the US district Court for DC Nov 5 2018

-Order,US District NYSD,H.Suarez Clark v. Peru Republic et al. No 18-01740(june 13 2018)

Motion for extension of time, aug. 10 2018, pp1,5 DC circuit -1-

APPENDIX C: 1<sup>ST</sup> amended complaint 18-01740, NYSD court

p.7 1<sup>ST</sup> amended complaint statement on statute limitations

pp.9,10 " short and plain summary of claims

**TABLE OF AUTHORITIES CITED**

I am pro se, no attorney, so i dont know of any authorities i could cite (i asked for

Court appointed counsel) except

1. case 1:16-cv-01423-ABJ(COLVIN et al v. SYRIA ARAB REPUBLIC assigned to:  
Judge Amy Berman Jackson, Cause extrajudicial killing, 28:1605A Foreign Sovereign  
Immunities Act.

2. Roeder v. Islamic Republic of Iran 195 F.Supp.2d 140,159-161 DDC2002

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Petitioner respectfully prays that a writ of certiorari issue to review the judgment  
below:

**OPINIONS BELOW**

The opinion of the United States court of appeals appears at Appendix A to

the petition and is reported at 18-7182.

The opinions of the United States district court appears at Appendix B to the petition and are reported at 18-1460 ;18-01740

#### JURISDICTION

The date on which the United States Court of Appeals decided my case was april 2 2019.A petition for rehearing and rehearing en banc and to vacate district court order was denied on june 5 2019(see appendix)

The jurisdiction of this court is invoked under 28 U.S.C. s.1254(1)

#### CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

1 Nullum crimen sine lege: this case has been dismissed despite it proves terrorism thus consagrating impunity(Antiterrorism and effective death penalty act)exception to immunity,Foreign Sovereign Immunities Act 28 U.A.C.s.1605A (hereinafter "FSIA")for wrongful tentative of extrajudicial killing ,torture,extreme mental anguish ,suffering , personal injury,hostage taking ,economic loss, and taking of property in violation of international law and related torts ,deprivation of rights under color of law,denial of due process and equal protection of the law:this section holds 2)Claim heard:The court shall hear a claim under this section if (A)(i)(1)the foreign state was designated as a state sponsor of terrorism or was so designated as a result of such act,(ii)see in Roeder v.Islamic Republic of Iran 195 F.Supp.2d140,159-161 DDC2002.2 TVPA (Torture victim protection act),tort(440 civil rights abuses,360 other personal injury)arbitrary detention ,reckless endangerment,deprivation of rights under color of law,slander,conspiracy against the United

States,slavery,kidnapping, false statement,stolen property

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and sabotage,treason,,concealment from arrest,obstruction of justice,genocide, attempt to murder,mutilation,serious body injury,cruel inhuman and degrading treatment, false statement in court,fraud,,racketeer and corrupt organisations,concealment from arrest;deprivation of rights under color of law;violation of almost all human rights of American convention on human rights;crimes against humanity,aggression by Republic of Peru against me , national of the United states: Violation of amendments 4,5,13,14 of Us constitution in that there is no equal protection of the laws,I was unreasonably searched and seized,As I have no rights I am enslaved. My right to life(art.6(1) of the International Covenant on Civil and Political Rights, to which Peru is a party, was not respected as I was who frustrated attempted murder in the justice palace with intent by its security guards by tacit order of the judges covered up until supreme court;. Peru ratified convention against enforced disappearances nevertheless kept me incomunicada 2 years while the project and justice charge against me ,was to detain me for life arbitrarily ,only consenting to release me after 2 yrs on condition I accept unconstitutional(peru constitution prohibits deportation of citizens without executive order)deportation to US.

2      Res judicata(collateral estoppel):Chief judge C.McMahon NYSD admitted my case as such and on my request transferred it to DC,so judge Brown in DC circuit upon reception couldn't dismiss it for a formality that NY judge didn't criticize, and also refuse me court appointed counsel despite affirming I needed counsel.

3      Jus cogens violation of a citizen opens right to diplomatic protection and the injury to the citizen becomes injury of the government(Resolution of ILC 2000 Geneva, on

diplomatic protection.

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#### **STATEMENT OF THE CASE**

1. February 26 2018 : American citizen born in NYC, crime victim, I filed pro se case 18-01740 in NYSD court ,2 days before the final day for main claim that would be barred by statute of limitations of 10 years for torture and terrorism requesting court appointed counsel and *forma pauperis*,then a transfer order to DC because I realized after filing that the venue was in DC because I mainly am suing a foreign government .June 13 the case was admitted and transferred by chief judge Colleen McMahon to DC,refusing court appointed counsel,granting supplements so that the case was 400 pages long

2. July 30 2018:case was given other No 18-01460 in DC circuit,denied court appointed counsel ,then ordered to within 30 days file a second amended complaint not exceeding 25 pages including exhibits aledging I didn't clearly identify the claims,against whom, and in what capacity,despite I did(see p.10 of first amended complaint in case nysd 18-01740),and knowing I chronologically listed claims from 1993 to present,so that I had to prove many allegations over a long period of time, and that my main claim was the terrorism exception to immunity of foreign states and the torture act,that Peru Republic is not yet on the state departments list of terrorist states so my work was to prove by facts that it should be discovered terrorist, and that by obliging me to reduce my 390 pages to 25,I wouldn't be able to prove my case .

3. August 10 2018:I moved for an extension of time of 4 months to file,including 4 doctors reports that I was hospitalized for undetermined period of time ,had suffered torture,attaching magnetic resonance images of both shoulders with tears and holes on

tendons .I waited til end of the month ,calling the court but there was no answer so -5- that the last days of august I finally turned in whatever draft of 2d amended complaint I could ,my arms in intense pain,in fear extension may be refused, the case dismissed.

4-November 5 2019}8: same district judge k.Brown granted the extension of time, denied counsel, and criticized the filing that didn't contain "plain and short statement of claims"despite it did (art.8a FRCP)despite gaining knowledge i couldn't write at the time with holes and tears in shoulders and had asked 4 months extension,cruelly arbitrarily and absurdly dismissed the case without prejudice,dspite I indicated clearly in complaint the cause of action damages main claim accrued on February 28 2018 so that her dismissing the action would amount to a dismissal with prejudice,while she simply would have canceled the august filing and waited I file in December when injuries would scar.

5.December 17 2018:I filed a 25 pp 2d amended complaint,that the judge never considered after closing the case on November 5 2018 making estoppel ,having coerced me by her delay in answering my august 10 extension petition

6.December 2018 appeal and april 2 2019 denial by USCA for DC circuit:again I was denied counsel and none of the errors of the district court were corrected,so my case was dismissed .

7.April 7 2019: I petitioned for rehearing en banc but was ~~denied~~

cc. LIV

#### **REASONS FOR GRANTING THE WRIT**

1.The United States court of appeals has so far departed from the accepted and course of judicial proceedings, by not sanctioning such a departure by DC circuit judge K.Brown . as

to call for an exercise of this Court's supervisory power;

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2.This judge overlooked I had ,on p.10 of complaint,included the short statement of claims so she didn't have to ask another filing of the whole case;if she saw I needed help she should have granted counsel;she knew from the case I filed 2 days before statute of 12 limitation would accrue so shouldn't have dismissed ,because I could have refiled an amended complaint,it violates res judicata ,collateral estoppels since chief judge in NY had admitted the case as such;judge Brown contradicts herself,not only didn't answer timely to my request for time extension, but didn't act on the doctors reports I had severe pain and tears in both shoulders to not ask me to file nor accept a filing in hospital bed because I would lose my case.She answers 3 months late,contradicting herself,seeing I asked 4 months extension,so she should nt have closed the case before end of December and considered my December filing canceling the one I did in august in the hospital

3.Its of national importance to not leave a foreign state commit acts of terrorism and violations of jus cogens in impunity against a American born citizen,The resolution on diplomatic protection of Francois Dugard in ILC 2000 in UN Geneva holds any person victim of jus cogens violation must receive diplomatic protection .I am disabled in a wheelchair with little use of my arms since 2008 because of these acts and am in danger of death.Discovery should be made and Peru put on the list of terrorist states, and damages given to me,to avoid similar victimization of other US citizens in Peru.

4.All judges erred refusing granting counsel to a crime victim that documented severe tears in arms shoulders ,torturing me further writing in pain wasting the little money I would use for a nurse,to file without an attorney help from my wheelchair

## CONCLUSION

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The petition for a writ of certiorari should be granted.

Respectfully submitted,



Cusco, may 19 2019

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