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Institution: Inter-American Commission on Human Rights
File Number(s): Report No. 120/01; Petition 0122/01
Session: Hundred and Thirteenth Regular Session (9 – 17 October and 12 – 16 November 2001)
Title/Style of Cause: Atanasio Franco Cano v. Paraguay
Doc. Type: Decision
Decided by: President: Claudio Grossman;
First Vice President: Juan Mendez;
Second Vice-President: Marta Altolaguirre;
Commissioners: Robert K. Goldman, Peter Laurie, Julio Prado Vallejo.
Dated: 10 October 2001
Citation: Franco Cano v. Paraguay, Petition 0122/01, Inter-Am. C.H.R., Report No. 120/01, OEA/Ser./L/V/II.114, doc. 5, rev. (2001)
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I. Processing by the IACHR: The petition was received on February 26, 2001. Receipt of the petition was acknowledged and notice that it was being studied was sent on March 14, 2001.

II. Alleged Violations: Articles 1 and 8(1) of the Convention.

III. Petitioner's Allegations and Arguments: The petitioner appeared before the Paraguayan courts to request the inheritance to which he believed himself entitled following the death of Mrs. Cornelia Franco de Centurión. The petitioner's complaint was that although he was Mrs. Franco's brother, the courts failed to recognize him as an heir. According to the petitioner, the Court mistakenly declared that the deceased's heir was her nephew, Luciano Centurión Cano, who had presented two different birth certificates. In addition, the petitioner questioned the recognition of Lucía Franco Cano as an heir, since she had signed a number of documents contained in the case file despite being illiterate. Finally, the petitioner claimed that his right of standing was annulled in the case documents and that he was consequently excluded from the proceedings once Mr. Centurión Cano and Mrs. Franco Cano had been recognized as the heirs.

IV. IACHR's Analysis: The IACHR believes there is no element tending to establish a violation of Articles 8 and 25 of the Convention. What the petitioner has brought before the IACHR is his disagreement with the Paraguayan courts' interpretation of certain domestic procedural rules. He also wanted the IACHR to reassess the evidence submitted to the domestic court, to determine the validity of birth certificates or the authenticity of signatures on legal documents. The IACHR is not competent to review evidence that has been assessed by local courts, unless the reported irregularities are of such gravity as to constitute a violation of the Convention. The petitioner has neither argued nor proven such allegations, and a reading of the court proceedings fails to indicate such a situation. Moreover, national courts are responsible for

interpreting national procedural laws, and the IACHR is not competent to determine the correct interpretation of local provisions unless the interpretation in itself constitutes a violation of the Convention. In the instant case, the Commission does not believe that the interpretation of Paraguayan procedural and substantive provisions made by the Paraguayan judicial authorities constitutes a violation of the American Convention.

V. Decision: The IACHR concludes that the petition is INADMISSIBLE in that the alleged facts do not tend to establish a violation, as required by Article 47(b) of the American Convention.

Done and signed at the headquarters of the Inter-American Commission on Human Rights on the tenth day of October, 2001. (Signed): Claudio Grossman, President; Juan Méndez, First Vice-President; Marta Altolaguirre, Second Vice-President; Commissioners Robert K. Goldman, Peter Laurie, and Julio Prado Vallejo.