

Institution: Inter-American Commission on Human Rights
File Number(s): Report No. 46/09; Petition 12.211
Session: Hundred Thirty-Fourth Regular Session (16 – 27 March 2009)
Title/Style of Cause: Carlos Andres Correa v. Argentina
Doc. Type: Decision to Archive
Decided by: President: Luz Patricia Mejia Guerrero;
Second Vice President: Felipe Gonzalez;
Commissioners: Sir Clare K. Roberts, Paulo Sergio Pinheiro, Florentin Melendez, Paolo Carozza.
Dated: 27 March 2009
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ALLEGED VICTIM: Carlos Andrés Correa

PETITIONER: Carlos Andrés Correa

ALLEGED VIOLATIONS: The petitioner makes no specific reference but the implication is violations of Articles 4, 5, 8, and 25 of the American Convention on Human Rights

DATE PROCESSING BEGAN: October 4, 1999

I. POSITION OF THE PETITIONER

1. On November 25, 1996, the Inter-American Commission on Human Rights received the petition lodged by Carlos Andrés Correa for the alleged violation of his rights to humane treatment and a fair trial by the State of Argentina.

2. In his communication, the petitioner said that he was repeatedly tortured at police headquarters on January 6 and 7, 1993. He adds that after he filed a complaint in domestic jurisdiction he was tortured again. He says the police who were investigated were cleared despite evidence of the torture.

II. POSITION OF THE STATE

3. The State, in its reply, asks the Commission to declare the petition inadmissible for failure to comply with the requirements of Article 46.1.a of the American Convention on Human Rights concerning the exhaustion of domestic remedies. The Argentine State says it did not

violate any of the obligations assumed in Articles 4, 5, 8, and 25 in connection with Article 1.1 of that Convention.

III. PROCESSING BY THE IACHR

4. The Commission received the petition on November 25, 1996. In a note of December 19, 1996, the IACHR asked the petitioner to report on the exhaustion of domestic remedies in his country. After the petitioner's response on June 4, 1997, the IACHR sent him notes on July 11, 1997, and June 17, 1999, reiterating the request for information needed to start processing the petition. After receiving a note from the petitioner on June 15, 1999, the Commission notified the Argentine State of the petition on October 4, 1999, giving it 90 days to provide the information it deemed appropriate.

5. After requesting extensions on January 5, 2000, and February 14, 2000, the Argentine State presented its response to the petition on May 8, 2000, the pertinent parts of which were forwarded to the petitioner on May 10, 2000. The petitioner submitted his observations on June 23, 2000.

6. The State sent additional observations on July 24, 2001, October 12, 2001, and October 31, 2001, which were duly forwarded to the petitioner on August 23, 2001, October 24, 2001, and December 12, 2001, respectively, with a request for his observations on the government's response and any other new or complementary information.

7. Finally, on May 3, 2006, the Commission notified the petitioner that because of the lack of responses to the requests for information made on August 23, 2001, and December 12, 2001, the file would be archived.

IV. BASIS FOR THE DECISION TO ARCHIVE

8. Both Article 48.b of the American Convention on Human Rights and Article 30.6 of the Rules of Procedure of the Inter-American Commission on Human Rights provide that in the processing of a petition once the observations have been received or the period set has elapsed with no observations received, the IACHR shall verify whether the grounds for the petition exist or subsist, and if they do not it shall order the case archived.

9. The petitioner submitted his petition on November 25, 1996; nevertheless he has not reported on the exhaustion of domestic remedies as the Commission requested on December 19, 1996, July 11, 1997, and June 17, 1999, and he has not submitted his observations on the information furnished by the State as the IACHR requested on August 23, 2001, October 24, 2001, and December 12, 2001.

10. Nine years have elapsed since processing began on October 4, 1999, yet the petitioner has failed to respond to repeated requests for information from the IACHR and has not challenged the information presented by the State of Argentina. The Commission therefore lacks the necessary elements to determine whether the grounds for the original petition subsist or to reach

a decision on the alleged human rights violations, and pursuant to Article 48.b of the Convention and Article 30.6 of the IACHR Rules of Procedure decides to archive this petition.

Done and signed in the city of Washington, D.C., on the 27th day of the month of March, 2009.
(Signed): Luz Patricia Mejía Guerrero, President; Felipe González, Second Vice-President; Sir Clare K. Roberts, Paulo Sérgio Pinheiro, Florentín Meléndez, and Paolo Carozza, members of the Commission.