

WorldCourts™

Institution: Inter-American Commission on Human Rights
File Number(s): Report No. 51/09; Petition 484-03
Session: Hundred Thirty-Fourth Regular Session (16 – 27 March 2009)
Title/Style of Cause: Oscar Davila Lopez v. Mexico
Doc. Type: Decision to Archive
Decided by: President: Luz Patricia Mejia Guerrero;
First Vice President: Victor Abramovich;
Second Vice President: Felipe Gonzalez;
Commissioners: Sir Clare K. Roberts, Paulo Sergio Pinheiro, Florentin Melendez, Paolo Carozza.
Dated: 27 March 2009
Citation: Davila Lopez v. Mexico, Petition 484-03, Inter-Am. C.H.R., Report No. 51/09, OEA/Ser.L/V/II., doc. 51, corr. 1 (2009)
Terms of Use: Your use of this document constitutes your consent to the Terms and Conditions found at www.worldcourts.com/index/eng/terms.htm

ALLEGED VICTIM: Oscar Dávila López

PETITIONER: Oscar Dávila López

ALLEGED VIOLATIONS: Articles 5 and 24 of the American Convention on Human Rights

DATE PROCESSING BEGAN: October 14, 2003

I. POSITION OF THE PETITIONER

1. On June 30, 2003, the Inter-American Commission on Human Rights received a petition from Oscar Dávila López for the alleged violation of his rights to humane treatment and health by the State of Mexico.

2. In the petition, the petitioner said he was confined in the Social Recovery Center in Ciudad Victoria, Tamaulipas State, serving a sentence of 10 years, of which he had already served 4 years and 5 months. Since he was 68 years old and suffering from serious health problems he had asked the Dirección General de Prevención [Crime Prevention Directorate] of his country to grant him the benefit of “alternative sentencing,” but three months after his request he had not received any response from the State. He said others like him confined at that prison did not receive medical care, and this had resulted in the deaths of two persons in less than two months.

II. POSITION OF THE STATE

3. In its reply, the State says it is aware of the petitioner's illnesses, which require strict monitoring in a second level hospital, continuous rehabilitation, and specialized care. For this reason the petitioner has received several laboratory tests and also been released on several occasions for medical diagnosis in hospitals in the area.

III. PROCESSING BY THE IACHR

4. The Commission received the petition on June 30, 2003. In a note on October 14, 2003, the IACHR gave the petitioner one month to report on the exhaustion of domestic remedies. On the same date, it forwarded the petition to the Mexican State, so that it could report on the medical care being given to the petitioner.

5. On January 22, 2004, the Mexican State reported on the medical care that had been given to the petitioner. The pertinent parts of the State's report were transmitted to the petitioner by note of March 24, 2004, inviting him to present within one month the observations deemed appropriate, and the information on exhaustion of domestic remedies that he had been asked to provide in the first note of October 14, 2003.

6. Finally, on August 27, 2004, the Commission told the petitioner that owing to the lack of response to information requested on October 14, 2003, and March 24, 2004, the case could be archived.

IV. BASIS FOR THE DECISION TO ARCHIVE

7. 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.

8. The petitioner lodged his petition on June 30, 2003. However, he has not reported on the exhaustion of domestic remedies, as the Commission requested on October 14, 2003, and he has not made his observations on the information furnished by the State, as the IACHR requested on March 24, 2004.

9. More than four years have elapsed since processing began in October 2003, and the petitioner has not responded to repeated requests for information from the IACHR nor challenged the information presented by the State of Mexico. 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; Víctor E. Abramovich, First Vice-President; Felipe González, Second Vice-President; Sir Clare K. Roberts, Paulo Sérgio Pinheiro, Florentín Meléndez, and Paolo Carozza, members of the Commission.