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Institution: Inter-American Commission on Human Rights
File Number(s): Report No. 50/09; Petition 546-03
Session: Hundred Thirty-Fourth Regular Session (16 – 27 March 2009)
Title/Style of Cause: Carlos Nibardo Jasso Villegas 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: Jasso Villegas v. Mexico, Petition 546-03, Inter-Am. C.H.R., Report No. 50/09, OEA/Ser.L/V/II., doc. 51, corr. 1 (2009)
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ALLEGED VICTIM: Carlos Nibardo Jasso Villegas

PETITIONER: Rebeca Arvizu Camacho.

ALLEGED VIOLATIONS: Article 5 of the American Convention on Human Rights.

DATE PROCESSING BEGAN: October 14, 2003.

I. POSITION OF THE PETITIONER:

1. On July 23, 2003, the Inter-American Commission on Human Rights received a petition from Rebeca Arvizú Camacho for the alleged violation of the rights to humane treatment and health of her husband Carlos Nirbardo Jasso Villegas by the State of Mexico.

2. The petitioner explained that Carlos Jasso was confined in the Social Recovery Center in Ciudad Victoria, Tamaulipas State, where he did not receive the diet or medical care needed to deal with his active pulmonary tuberculosis, which was an attempt against his health and physical integrity.

II. POSITION OF THE STATE:

3. The State, in its reply, explained that Carlos Jasso had been undergoing treatment since June 2003, with negative baciloscopies, and that he was receiving sustained and controlled treatment.

III. PROCESSING BY THE IACHR:

4. The Commission received the petition on July 23, 2003. In a note of October 14, 2003, the IACHR asked the petitioner to report within one month 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 given to Carlos Nibardo Jasso Villegas.

5. On December 24, 2003, the State reported on the medical care given to Carlos Jasso Villegas. The pertinent parts of the State's report were forwarded to the petitioner by note of January 8, 2004, inviting her to present within one month the observations deemed appropriate, and the information on exhaustion of domestic remedies that she 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 with information requested on October 14, 2003, and January 8, 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. In the processing of this petition, the petitioner lodged it on July 23, 2003. However, she has not reported on the exhaustion of domestic remedies, as the Commission requested on October 14, 2003, and she has not made her observations on the information presented by the State, as the IACHR requested on January 8, 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.