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ALLEGED VICTIMS: Residents of the Districts of Encarnación and Cambyreta

PETITIONER: Juan Carlos Hrase

ALLEGED VIOLATIONS: Article 21.1 of the American Convention on Human Rights

DATE PROCESSING BEGAN: January 12, 1998

I. POSITION OF THE PETITIONER

1. On December 8, 1997, the Inter-American Commission on Human Rights received a petition from Mr. Juan Carlos Hrase for the alleged violation of the right to property by the State of Paraguay.

2. In the petition, the petitioner states that the Government of Paraguay wants to construct sewage systems in the districts of Encarnación and Cambyreta, so it needs to expropriate land in three neighborhoods of Encarnación: Esperanza, Quiteria, and María Auxiliadora. He alleges that this violates Paraguayan domestic legislation because the government wants to go ahead with the project despite the lack of congressional approval. Finally, the petitioner asks the IACHR to intervene and asks the Government of Paraguay to cancel the plebiscite on the desirability of the works scheduled for December 13, 1997.

II. POSITION OF THE STATE

3. The Paraguayan State, in its response received by the IACHR on August 11, 1998, said that the wastewater treatment plant will be built with the most appropriate technology, in accordance with current sanitation legislation, and by virtue of its importance will make a significant contribution to the development of the city of Encarnación.

4. In addition, in a note received by the IACHR on January 6, 1999, the Paraguayan State argues the lack of exhaustion of domestic remedies for two reasons. Firstly, the alleged victims filed an appeal in the First Chamber of the Court of Accounts against resolutions 98/98 and 108/98, which stipulated the basic conditions for execution of the project, and that court has not yet ruled. Secondly, they also asked for the good offices of the Comptroller General's Office in this case.

III. PROCESSING BY THE IACHR

5. The Commission received the petition on December 8, 1997, and on January 12, 1998, it transmitted the pertinent parts to the Paraguayan State, giving it 90 days to furnish the information it deemed appropriate.

6. After requesting an extension on April 16, 1998, the Paraguayan State presented its response to the petition on August 11, 1998, the pertinent portions of which were forwarded to the petitioner on August 19, 1998. The petitioner submitted his observations on October 26, 1998.

7. The State sent additional observations on August 21, 2001, and January 8, 2002. These observations were duly transmitted to the petitioner on September 20, 2001, and January 10, 2002, respectively, requesting him to present his observations on the government's response and any other new or supplementary information.

8. In a note of March 31, 2005, the IACHR asked the petitioner to provide specific information in order to continue processing the case. Among other things it asked him to identify the alleged victims and report on the exhaustion of domestic remedies. Finally, on August 22, 2008, the Commission reiterated its request for information, giving him one month to reply, and warning him that if he did not do so the case could be archived.

IV. BASIS FOR THE DECISION TO ARCHIVE

9. 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.

10. Although the petitioner lodged his petition on December 8, 1997, he has not reported on the exhaustion of domestic remedies, identified the alleged victims, or responded to the Commission's requests for information of March 31, 2005, and August 22, 2008. Nor has the petitioner made his observations on the information submitted by the State. The last time he communicated with the IACHR was on November 27, 2001, when he sent information on the project's environmental impact.

11. Ten years have elapsed since processing began on January 12, 1998, and the petitioner has not responded to repeated requests for information from the IACHR nor challenged the information presented by the State of Paraguay. 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.