

REPORT No. 20/10
DECISION TO ARCHIVE
PETITION 139-00
ARGENTINA
March 16, 2010

ALLEGED VICTIM: Daniel Ricardo Bellini

PETITIONER: Josefina Margaroli, Sergio Luz Maculan, Daniel Ricardo Bellini

ALLEGED VIOLATIONS: Articles 1.1, 2, 7.5, 8.1, and 8.2 of the American Convention on Human Rights

DATE OF INITIAL PROCESSING: January 11, 2002

I. POSITION OF THE PETITIONER

1. On March 28, 2000, the Inter-American Commission on Human Rights received a complaint filed by Josefina Margoli and Sergio Luis Maculan, for the alleged violation of Daniel Ricardo Bellini's (hereinafter "the alleged victim") right to personal liberty, right to be tried within a reasonable time or to be released without prejudice to the continuation of the proceedings, right to judicial guarantees, and right to the presumption of innocence by the State of Argentina.

2. In their communication, the petitioners state that the alleged victim was accused, in proceedings that began on May 18, 1991, of the crimes of illicit association to commit a crime and counterfeiting. They add that on September 30, 1994, an order was issued for his preventive custody. He was detained in Ciudad del Este in Paraguay on October 6, 1994, was extradited to Argentina on July 13, 1995, and remained in custody until April 14, 1997, the date on which the preventive custody order was revoked due to a change in the charge to attempted counterfeiting. The petitioners add that subsequently, the Appeals Court of San Martin revoked that last decision, arguing that the petitioner had another trial pending in the Province of Mendoza, and, as a result, he had been in detention since October 13, 1998.

3. They indicate that in December 1998, he was granted bail, but was unable to post it due to a lack of resources. Up until the date this complaint was filed, the petitioner had not managed to regain his liberty or obtain a final judgment.

II. POSITION OF THE STATE

4. The State replied that the victim had been released on April 6, 2000, one month after the complaint was filed with the Commission, and stated that the victim had received due satisfaction from the State. Lastly, with regard to the alleged excessive period of detention, the State said that the victim had been detained based on his background and the possibility that he was a flight risk.

III. PROCESSING BEFORE THE IACHR

5. The petition was received on March 28, 2000, and the IACHR transmitted the petition to the Argentine State on January 11, 2002. The Argentine State presented its response on May 6, 2002, and the pertinent parts thereof were transmitted to the petitioner on June 5 of the same year. The petitioner presented his observations on July 17, 2002, and they were transmitted to the State on September 29, 2002.

6. The response from the State was received on November 19, 2002, and on December 16, 2002, it was sent to the petitioner. As no response was received from the petitioner, the Commission

reiterated the request for information on October 23, 2008, notifying the petitioner that, unless a response was received, it would not be possible to continue examining his petition.

IV. GROUNDS FOR THE DECISION TO ARCHIVE

7. Both Article 48.b of the American Convention on Human Rights and Article 30, paragraph 6, of the Rules of Procedure of the Inter-American Commission on Human Rights establish that, with regard to the processing of a petition, once the observations have been received or the period established has elapsed with no observations received, the IACHR shall verify whether the grounds for the petition exist or subsist and, if it determines that they do not, it shall order that the case be archived.

8. More than seven years have passed since the last action taken, on December 16, 2002, without a response from the petitioners regarding the observations made by the State. On October 23, 2008, the request for information from the petitioner was reiterated; however, to date no response has been received. Having made the corresponding analysis, the Commission believes that it does not have sufficient information to determine the admissibility or inadmissibility of the petition, or whether the grounds supporting the original complaint subsist. Accordingly, pursuant to Article 48.b of the Convention and Article 30, paragraph 6, of the Rules of Procedure of the IACHR, it decides to archive this petition.

Done and signed in the city of Washington, D.C., on the 16th day of the month of March, 2010.
(Signed): Felipe González, President; Paulo Sérgio Pinheiro, First Vice-President; Dinah Shelton, Second Vice-President; María Silvia Guillén, Rodrigo Escobar Gil, and José de Jesús Orozco Henríquez, Members of the Commission.