

REPORT Nº 46/10
DECISION TO ARCHIVE
PETITION 456-01
BRAZIL¹
March 17, 2010

ALLEGED VICTIM: José Geraldo Araújo da Silva

PETITIONER: Luiz Carlos de Assis and others

ALLEGED VIOLATIONS: Articles VII and VIII of the Universal Declaration of Human Rights

DATE PROCESSING BEGAN: August 2, 2001

I. POSITION OF THE PETITIONERS

1. The petitioners affirm that, on August 31, 1994, José Geraldo Araújo da Silva (hereinafter referred to as “the alleged victim”) was imprisoned in the preventive detention center (*Cadeia Pública*) of Mucuri, in the state of Bahia, at which time the jail was overrun by unidentified individuals. As reported by the petitioners, after taking over the jail, these unidentified individuals summarily executed the alleged victim by firing shots from their firearms.

2. The petitioners contend that a police investigation was ordered to investigate the death of the alleged victim; nevertheless, this procedure did not yield any results. Therefore, on September 30, 1996, the petitioners filed proceedings for compensation against the state of Bahia.

II. POSITION OF THE STATE

3. The State of Brazil did not respond to the request for information made by the Inter-American Commission.

III. PROCESSING BY THE IACHR:

4. The IACHR received the petition on July 18, 2001. By means of a note on August 2, 2001, the IACHR notified the Brazilian State of the petition, giving it two months to provide the information it deemed appropriate. Because the State did not respond, on January 14, 2009, the Inter-American Commission reiterated its previous request for information. On that same date, the IACHR also requested the petitioners to submit up-to-date information regarding the alleged facts, specifically on the admissibility requirements of the petition.

5. To date, neither the petitioners nor the State have submitted more detailed and up-to-date information regarding the facts referred to in the petition.

IV. BASIS FOR THE DECISION TO ARCHIVE

6. Both Article 48.1.b of the American Convention on Human Rights and Article 42 of the Rules of Procedure of the Inter-American Commission on Human Rights provide that, in the processing of a petition, once the information has been received or once the time-limits set for receiving it has elapsed with no information received, the IACHR shall verify whether the grounds for the petition or communication exist or subsist, and if they do not, then it shall order the case archived.

¹ In keeping with Article 17.2.a of the Rules of Procedure of the IACHR, Commission member Paulo Sérgio Pinheiro, a Brazilian national, did not participate in the deliberations or in the voting on this report.

7. Eight years have elapsed since processing began on August 2, 2001, and the Commission as yet lacks the necessary elements to determine whether or not the grounds for the original petition or to reach a decision on the admissibility of this case subsist. Specifically, the IACHR does not have any information about the exhaustion of domestic remedies and the other admissibility requirements needed.

8. As a result, the Commission hereby decides to archive the file of the present petition, pursuant to Article 48.1.b of the American Convention, as well as Article 42.1.b of the Rules of Procedure.

Done and signed in the city of Washington, D.C., on the 17 day of the month of March, 2010.
(Signed: Felipe González, President; Dinah Shelton, Second Vice-President; María Silvia Guillén, José de Jesús Orozco Henríquez, and Rodrigo Escobar Gil, members of the Commission).