

REPORT No. 98/10
DECISION TO ARCHIVE
PETITION 12.294 (1999)
VÍCTOR EUGENIO BARRIOS FERNÁNDEZ
COSTA RICA
July 12, 2010

ALLEGED VICTIM: Víctor Eugenio Barrios Fernández

PETITIONER: Víctor Eugenio Barrios Fernández

ALLEGED VIOLATIONS: Articles 1, 2, 5, 8.1, 8.3, 11, 16, and 24 of the American Convention on Human Rights.

DATE PROCESSING BEGAN: June 20, 2000

I. POSITION OF THE PETITIONER

1. On December 9, 1999, the Inter-American Commission on Human Rights received a petition presented by Víctor Eugenio Barrios Fernández, alleging violations of the rights to humane treatment, a fair trial, privacy, freedom of association, and equal protection, allegedly committed to his detriment by the justice system.

2. The petitioner alleged that an administrative proceeding was started against him for alleged theft in his workplace, and as a result he was fired. He added that the labor court system upheld the decision. He said this was because it gave greater importance to the ruling of the administrative proceeding than to the definitive dismissal of the same charge by the criminal justice system.¹ Furthermore, the petitioner said that contradictory rulings—those of the labor and criminal systems—cannot coexist in the same judicial system. Finally, he said that the motive for the labor sanctions against him was his union activity since 1990.

II. POSITION OF THE STATE

3. The State argues that the petition is inadmissible because it does not state facts that tend to establish a violation of the rights guaranteed by the Convention. It says that the petitioner's arguments refer only to alleged violations of Article 8 of the Convention. On this point, it says that the administrative proceeding was conducted scrupulously in accordance with established law. It says that although the alleged victim is dissatisfied with the decision reached in this proceeding, it has been upheld at all levels of the labor court system.

4. The State says the criminal and labor proceedings are independent of each other, so their decisions do not have to agree. Therefore, the State notes that the definitive dropping of the criminal case would not affect the case in the administrative system for the petitioner's dismissal. Finally, it says that the case was dropped for lack of evidence to justify criminal proceedings, which does not necessarily mean that the facts have been proved or that the accused is innocent.

III. PROCESSING BY THE IACHR

5. The IACHR received the petition on December 9, 1999. On June 20, 2000, it forwarded it to the State, giving it 90 days to present its observations. In a note of April 21, 2003, the IACHR reiterated its request for presentation of observations, setting a deadline of 30 days. Costa Rica's reply was received on September 10, 2003.

¹ Judgment of the First Circuit Criminal Court of San José, February 11, 1998.

6. The IACHR also received a communication from the petitioner on December 3, 2003. It was duly forwarded to the State.

7. Costa Rica submitted observations on March 16, 2004. They were sent twice to the petitioner, with no reply.

IV. BASIS FOR THE DECISION TO ARCHIVE

8. Both Article 48.1.b of the American Convention on Human Rights and Article 42.1 of the Rules of Procedure of the Inter-American Commission stipulate that at any time during processing, after receiving the information or once the time limit for its submission has expired, the IACHR is to determine whether the grounds for the petition still exist or subsist and, if they do not, it shall decide to archive the case file.

9. In this case, the petitioner presented his petition on December 9, 1999, and his last communication was sent to the IACHR on December 3, 2003. Since then, over a period of nearly seven years, the petitioner did not submit observations to the State's response, nor provide updated information on the subject of the petition.

10. Based on the foregoing considerations, and in accordance with Article 48.1.b of the American Convention and Article 42 of its Rules of Procedure, the IACHR decides to archive this petition.

Done and signed in the city of Washington, D.C., on the 12th day of the month of July 2010. (Signed: Felipe González, President; Paulo Sérgio Pinheiro, Vice-President; Dinah Shelton, Second Vice-President; Luz Patricia Mejía Guerrero, María Siliva Guillén, José de Jesus Orozco Henríquez, and Rodrigo Escobar Gil, members of the Commission).