

REPORT No. 97/10
DECISION TO ARCHIVE
PETITION 12.136 (1998)
SEGUISMUNDO GERARDO PORRAS JIMENEZ
COSTA RICA
July 12, 2010

ALLEGED VICTIM: Seguismundo Gerardo Porras Jiménez
PETITIONER: Seguismundo Gerardo Porras Jiménez
ALLEGED VIOLATIONS: The petitioner does not specify them.
DATE PROCESSING BEGAN: April 29, 1999

I. POSITION OF THE PETITIONER

1. On May 12, 1998, the Inter-American Commission on Human Rights received a petition presented by Seguismundo Gerardo Porras Jiménez, alleging international responsibility of the State of Costa Rica for alleged violations of the right to the family, to his detriment and that of his daughters.

2. The petitioner alleges that as of May 7, 1997, his two daughters were barred from entering the prison where he was being held, serving an eight-year sentence for aggravated corruption to the detriment of his stepdaughter. He said that the restriction of his right to visitation by his daughters was the result of an initiative of the Patronato Nacional de la Infancia [National Child Welfare Authority], which acted without seeking the opinion of the daughters allegedly affected. The case file indicates that he attempted to overturn the ban on visits by filing a constitutional remedy (hereinafter *Amparo* suit) with the Supreme Court, which was denied.

II. POSITION OF THE STATE

3. The State of Costa Rica failed to respond to the request for information from the Inter-American Commission.

III. PROCEEDINGS BEFORE THE IACHR

4. The petition was received by the IACHR on August 27, 1998.¹ On April 29, 1999, it was transmitted to the State of Costa Rica with a deadline of 90 days for presentation of its observations. The State did not reply.

5. Since the transmittal of the petition to the State, there has been no action in the processing of the case by the IACHR.

IV. BASIS FOR THE DECISION TO ARCHIVE

6. 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.

¹ In addition, the petitioner submitted information on September 3, 1998.

7. In this case, the petitioner submitted his petition on August 27, 1998. Transmittal of the petition to the State was notified to the petitioner in a communication of April 29, 1999. Since that date, the petitioner has not presented any updated information.

8. The State was notified of the petition in a note of April 29, 1999, but its reply has not been received.

9. The Commission notes that since more than 10 years have elapsed since it received updated information on the subject of the petition, it lacks information needed to determine whether the grounds for the original petition still exist. Furthermore, it notes that information in the case file is insufficient to form a basis for a final decision on the alleged human rights violation.

10. Therefore, and in accordance with Article 48.1.b of the American Convention and Article 42 of the IACHR Rules of Procedure, the Commission decides to archive the present 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).