

**REPORT No. 99/10**  
DECISION TO ARCHIVE  
PETITION 917-04  
ANA MARÍA DEL ROSARIO CÓBAR ESTRADA  
GUATEMALA  
July 15, 2010

**ALLEGED VICTIM:** Ana María del Rosario Cobar Estrada and her three children

**PEITIONER:** Ana María del Rosario Cobar Estrada

**ALLEGED VIOLATIONS:** Articles 8.1, 17, 19, 24, and 25 of the American Convention on Human Rights

**DATE PROCESSING BEGAN:** February 23, 2006

**I. POSITION OF THE PETITIONER**

1. On September 20, 2004, the Inter-American Commission on Human Rights received the petition presented by Ana María del Rosario Cobar Estrada, for the alleged violation of the rights to a fair trial, protection of the family, rights of the child, equality before the law, and judicial protection by the State of Guatemala.

2. In her petition, the petitioner said there had been irregularities in the proceeding against her ex-husband in the First Domestic Court of Guatemala for food and child support for her minor children. She said these irregularities were the result of influence exerted by her ex-husband's father, who was a justice of Guatemala's Supreme Court.

**II. POSITION OF THE STATE**

3. In its response received by the Commission on May 2, 2006, the State requested that the petition be ruled inadmissible for lack of exhaustion of domestic remedies at the time of its presentation.

**III. PROCESSING BY THE IACHR**

4. The Commission received the petition on September 20, 2004. In a note of February 23, 2006, pursuant to Article 34 of its Rules of Procedure then in force, the Commission began processing of the case and requested the pertinent information from the State, giving it a period of two months. On March 3, 2006, the petitioner sent the Commission additional information, which was forwarded to the State on March 28, 2006.

5. On May 2, 2006, the State of Guatemala presented its observations, the current portions of which were sent on to the petitioner on the same date. The petitioner presented her observations on May 18, 2006.

6. The State submitted additional observations on June 13,, and July 5, 2006. Both were duly forwarded to the petitioner on July 10, 2006, and she replied on August 4, 2006.

7. On August 21, 2008 the petitioner sent a note reporting that thanks to the IACHR's intervention her ex-husband was complying with the obligation to provide child support for her children, and had agreed to the divorce and the division of the family assets

**IV. BASIS FOR THE DECISION TO ARCHIVE**

8. Article 48.1.b of the American Convention on Human Rights and Article 42 of the Rules of Procedure of the IACHR stipulate that before the Inter-American Commission decides on admissibility, it shall ascertain whether the grounds for the petition exist or subsist. If it considers that they do not, it may decide to archive the file.

9. According to the information provided by the petitioner, the grounds that gave rise to the original petition in this case have ceased to exist. Therefore, in accordance with Article 48.1.b of the 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 15<sup>th</sup> 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).