

REPORT No. 169/10
DECISION TO ARCHIVE
CASE NO. 12.000
PARAGUAY
November 1, 2010

ALLEGED VICTIM: Aníbal Miranda

PETITIONERS: Aníbal Miranda and Dionisio Gauto

ALLEGED VIOLATIONS: The petitioners makes no specific reference; however, inferred are violations of Articles I, XVIII, XXV, and XXVI of the American Declaration of the Rights and Duties of Man, and Articles 8 and 25 of the American Convention on Human Rights.

DATE OF INITIAL PROCESSING: April 9, 1998

I. POSITION OF THE PETITONERS

1. On December 2, 1997, the Inter-American Commission on Human Rights (hereinafter "the Commission," or "the IACHR") received a compliant submitted by Mr. Aníbal Miranda and attorney Dionisio Gauto for alleged violations of the rights to life; to personal liberty and security; to due process; and to judicial protection of Aníbal Miranda (hereinafter "the alleged victim"), at the hands of the Paraguayan State.

2. In their communication, the petitioners contend that the alleged victim was subjected to police harassment, illegal arrest, kidnapping, torture, the illegal confiscation of his passport, and abuses of authority on several occasions, all in connection with publications dealing with crimes committed during the dictatorship published in the latter half of the 1970s and during the 1980s.

3. The petitioners furthermore contend that none of the perpetrators of those violations had ever been punished, despite the fact that criminal proceedings had been ongoing since 1989, and having filed a law suit for damages and reparations against the Paraguayan State in 1997.

II. POSITION OF THE STATE

4. The State requested the Commission declare the petition inadmissible because the alleged victim had not exhausted all the remedies provided by domestic jurisdiction. The State further contends that Law No. 838/96 decreed compensation for victims of human rights violations during the dictatorship (1954-1989).

5. Accordingly, the State contends that in this case and all others involving human rights violations committed by the dictatorship, that material and other forms of damages are provided by Law No. 838/96.

III. PROCESSING BEFORE THE COMMISSION

6. The Commission received the petition on December 2, 1997. The IACHR then forwarded a copy of the relevant parts of the petition to the Paraguayan State on April 9, 1998, and asked it to submit information thereon within a period of 90 days. On September 24, 1998, the Commission repeated its request to the State, asking it to provide said information within a period of 15 days.

7. The Paraguayan State submitted its response on October 20, 1998, which was forwarded to the petitioners on November 30, 1998. The petitioners submitted their observations on December 21, 1998.

8. The petitioners submitted additional information on May 13 and October 29, 1998; on April 8, 2000; on January 19, April 11, June 13, November 28, and December 28, 2001; on May 29, July 8, and August 6, 2002; on February 11, 2003; on March 19 and November 1, 2004; and on July 5 and August 8, 2005.

9. The Paraguayan State submitted additional information on April 27 and August 30, 1999; on November 28, 2000; on April 26, 2001; on May 23, September 25, and November 5, 2002; on January 17 and June 9, 2003; and on September 9, 13, and 15, 2004.

10. On October 10, 2001, during its 113th regular session, the Commission approved Admissibility Report No. 82/01, for the alleged violation of Articles I, XVIII, XXV, and XXVI of the American Declaration of the Rights and Duties of Man, as well as Articles 8 and 25 of the American Convention on Human Rights.

11. In a communication dated February 6, 2006, the petitioners notified the IACHR that the alleged victim, Aníbal Miranda, had died on the night of January 27, 2006.

12. On April 1, 2010, the Commission sent a request to the petitioners asking for additional and updated information on the case and the status of domestic remedies. Moreover, the petitioners were asked if they wanted the IACHR to continue processing the case. On July 8, 2010, the petitioners sent an email message to the Commission expressing their willingness to close the case against the Paraguayan State.

IV. LEGAL GROUNDS FOR THE DECISION TO ARCHIVE

13. Article 41 of the IACHR Rules of Procedure stipulates that the petitioner may at any time desist from his or her petition or case, to which effect he or she must so notify it in writing to the Commission, which may archive the petition or case if it deems it appropriate, or continue to process it if it sees fit to do so.

14. The petitioners, by means of an email message specifically expressed their desire to desist from their petition submitted against the Paraguayan State. The IACHR took note of the petitioners' considerations and, pursuant to Article 41 of its Rules of Procedure, decides to archive the case.

Done and signed in the city of Washington, D.C., on November 1st, 2010. (Signed): Dina Shelton, Second Vice-President; Luz Patricia Mejía Guerrero, María Silvia Guillén, José de Jesús Orozco Henríquez, and Rodrigo Escobar Gil, members of the Commission.