

**REPORT No. 92/11**  
DECISION TO ARCHIVE  
PETITION 603-03  
ANTONIO FRAGOSO DURAN ET AL.  
MEXICO  
July 21, 2011

**ALLEGED VICTIMS:** Antonio Fragoso Durán, Luis Antonio Fragoso Vázquez, Juan Pablo Fragoso Vázquez, Juan José Fragoso Vázquez, Iván Sanabria López, Gerónimo Sanabria López,

**PETITIONER:** Antonio Fragoso Durán

**ALLEGED VIOLATIONS:** Articles 5, 8, and 25 of the American Convention on Human Rights

**DATE PROCESSING BEGAN:** Monday, August 11, 2003

**I. POSITION OF THE PETITIONER**

1. On August 11, 2003 the Inter-American Commission on Human Rights received a complaint, filed by Antonio Fragoso Vázquez against the State of Mexico, alleging violation of the rights enshrined in Articles 5, 8, and 25 of the American Convention on Human Rights, to his detriment and that of Messrs. Iván Sanabria López, Gerónimo Sanabria López, Luis Antonio Fragoso Vázquez, Juan Pablo Fragoso Vázquez, and Juan José Fragoso Vázquez.

2. In the complaint, the petitioner alleges violation of his judicial guarantees in the criminal case brought against him by the prosecution, for the presumed crime of fraudulent administration. He states that a judge issued arrest warrant against him but that it was suspended after two motions for relief were filed.

3. The petitioner also alleges that on January 9, 2002 his two sons, Luis Antonio and Juan Pablo Fragoso Velázquez and young Iván Sanabria López were arbitrarily arrested and tortured, after a state judicial police officer went to the petitioner's home to arrest him, and his sons objected because the officer did not have an arrest warrant.

**II. POSITION OF THE STATE**

4. In its response, received on April 12, 2004, the State requested that the petition be declared inadmissible because the domestic legal remedies had not been exhausted. In that regard it stated, in case there is an unfavorable ruling of first instance, the petitioner was entitled to appeal and to direct motion for relief.

5. It argued furthermore that the petition did not set forth facts amounting to a violation of rights guaranteed under the American Convention and that the explanatory statements were unfounded and irrelevant.

**III. PROCESSING BY THE IACHR**

6. On August 11, 2003 the Inter-American Commission on Human Rights received a petition dated August 1, 2003 and assigned it the number 606-03. On February 18, 2004 it forwarded the relevant portions to the State, requesting that it submit its reply within two months, in accordance with the provisions of Article 30.2 of the Rules of Procedure of the Inter-American Commission on Human Rights, then in force.

7. On April 14, 2004 the State submitted its observations, the pertinent portions of it were sent to the petitioner on April 21, 2004. On December 19, 2005, the State reiterated its position regarding the inadmissibility of the petition and noted that the criminal cases that gave rise to the alleged violations had been completed and archived, without any indication of irregularities being presented.

8. On February 27, 2007, the pertinent parts of the additional information provided by the State were re-sent to the petitioner, who was also requested to submit any observations he deemed appropriate. On June 10, 2010, the IACHR reiterated to the petitioner a request for updated information, in order to determine whether there were still grounds for the petition. The petitioner was advised that if the requested information were not received, the Commission could archive the case.

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

9. Article 48.1 of the American Convention on Human Rights and Article 42 of the IACHR's Rules of Procedure establish that, before determining admissibility, the Commission shall ascertain whether the grounds for the petition still exist and if it believes they do not, it shall order the case to be closed. Likewise, Article 42.1.b of its Rules of Procedure establishes that the IACHR may decide to archive a case when the information necessary for the adoption of a decision is unavailable.

10. In the case at hand, more than seven years have elapsed since the processing began, without the petitioner submitting any observations on the State's response. Furthermore, it has been one year since the petitioner was requested to furnish up-to-date information. In that request, he was also advised of the possibility of this petition being closed.

11. The Commission consequently does not have the necessary information to determine whether the grounds for the original complaint still exist and, therefore, in accordance with Article 48.1 of the Convention and Article 42 of the Rules of Procedure, it decides to archive this petition.

Done and signed in the city of Washington, D.C., on the 21<sup>st</sup> day of July 2011. (Signed): Dinah Shelton, President; Rodrigo Escobar Gil, Second Vice President; Paulo Sérgio Pinheiro, Felipe González, Luz Patricia Mejía Guerrero, and María Silvia Guillén, Commission Members.