

**REPORT No. 123/11**  
DECISION TO ARCHIVE  
PETITION 12.123  
ARGENTINA  
October 19, 2011

**ALLEGED VICTIM** Domingo Felipe Cavallo

**PETITIONER:** Domingo Felipe Cavallo

**ALLEGED VIOLATIONS:** The petitioner explicitly refers to alleged violations of Articles 1(1), 7(2), 7(3), 8(1), 25 and 29 of the American Convention on Human Rights. The petitioner also expressly refers to the alleged violations of Article XXVI of the American Declaration of the Rights and Duties of Man

**DATE THE PROCEEDING STARTED:** March 25, 1999

**I. POSITION OF THE PETITIONER**

1. On January 29, 1999, the Inter-American Commission on Human Rights received the petition of Mr. Domingo Felipe Cavallo, former Minister of Economy, for the alleged violations to the right to be heard by a competent, independent and impartial judge and the right to judicial protection.

2. The petitioner alleged that he was being criminally prosecuted without justification in 45 court proceedings, as a result of decisions taken by former ministers and other important political authorities. The petitioner alleged that these persecutions had started when he reported ties between an illegal association and various civil servants who held high offices in the government. He points out that one of these proceedings (illicit enrichment) did not have an independent and impartial judge as this judge had ties to officials from the executive branch of government.

3. Afterwards, when an extension to the petition was presented, the alleged victim referred to new criminal proceedings that had been filed against him, as a result of which, although there was supposedly no evidence, the judge ordered his detention on April 3, 2002. According to the petitioner, this showed that, despite changes on the administration, the judicial branch of the government continued to be used to prosecute him as the political enemy of successive administrations.

**II. POSITION OF THE STATE**

4. The State requested the Commission to declare the petition inadmissible because remedies under domestic law had not been exhausted and because, apparently, the petitioner had not been able to prove the truthfulness of his arguments, especially as regards the subservience of judges to the interests of certain government officials. Likewise, it pointed out that there was no conspiracy whatsoever between the Executive and Judicial Branches of Government against the petitioner. Regarding his detention, the State points out that he was subsequently released, thus proving that the national system did have the necessary and suitable procedural remedies to guarantee the rights of the petitioner.

**III. PROCEEDINGS WITH THE IACHR**

5. The petition was received by the Commission on January 29, 1999. The IACHR passed on the petition to the State on March 25, 1999 and requested the State to send its observations within 90 days.

6. By means of a communication on April 27, 1999, the petitioner submitted an extension to the petition, providing new facts. The State submitted its reply on October 27, 1999, which was then passed on to the petitioner on November 2, 1999. The petitioner submitted his reply to the State's observations on August 14, 2000.

7. On April 19, 2002, the petitioner submitted an extension to his petition to the IACHR, providing additional information on the new proceedings filed against him. The petitioner also submitted communications on April 17, 2002, April 25, 2002, May 21, 2002, June 28, 2002, August 26, 2002, November 1, 2002, and April 22, 2003, which were passed on to the State.

8. The State submitted its additional observations by means of communications on June 24, 2002, September 17, 2002, October 7, 2002, January 15, 2003, March 27, 2003, and May 2, 2003, which were duly passed on to the petitioner.

9. Because of the absence of later communications, on March 15, 2011, the Commission requested the petitioner to provide up-to-date information on the case, indicating that if his reply was not received within three months; the IACHR would proceed to archive his case.

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

10. Both Article 48, subparagraph b) of the American Convention on Human Rights and Article 42 of the Rules of Procedure of the Inter-American Commission on Human Rights provide that, in the processing of a petition, once the information has been received or the time-limits have expired without the information being received, the IACHR shall check whether or not there exist or subsist the grounds for the petition or the communication; and if these grounds do not exist or subsist, it shall order that the case file be archived.

11. To date, the petitioner has not replied to the request for information requested by the IACHR on March 15, 2011 and has not provided any information since 2003. After carrying out the relevant review, the Commission deems that it does not have enough elements to decide the admissibility or inadmissibility of the petition or whether the grounds for the original petition still exist, and therefore, in conformity with Article 48, subparagraph b) of the Convention, as well as Article 42 of the Rules of Procedure of the IACHR, it hereby decides to archive the present petition.

Done and signed in the city of Washington, D.C., on the 19 day of October 2011. (Signed): José de Jesús Orozco Henríquez, First Vice-President; Rodrigo Escobar Gil, Second Vice-President; Paulo Sérgio Pinheiro, Felipe González, and María Silvia Guillén, Commissioners.