

REPORT No. 127/11¹
DECISION TO ARCHIVE
PETITION 1005-03
RUBÉN ALFREDO MORALES RAMOS
MEXICO
October 19, 2011

ALLEGED VICTIM: Rubén Alfredo Morales Ramos

PETITIONERS: María del Rosario Ramos Ruiz

VIOLATIONS ALLEGED: Articles 8, 24, and 25 of the American Convention on Human Rights.

DATE OF THE START OF THE PROCEEDING: April 19, 2004.

I. POSITION OF THE PETITIONER

1. On November 28, 2003, the Inter-American Commission on Human Rights received a complaint submitted by María del Rosario Ramos Ruiz over the alleged violation of procedural guarantees to the detriment of her son, Rubén Alfredo Morales Ramos, during his criminal trial over his alleged participation in an attempted homicide.

2. The petitioner held that the alleged victim was improperly judged due to the existence of multiple irregularities in the trial that resulted in violations of his procedural guarantees. She maintains that her son is innocent and did not have legal counsel adequate for submitting a writ of *amparo*.

II. POSITION OF THE STATE

3. The State argues that the judicial guarantees of the alleged victim were respected at all times, indicating that the fact that the judgment was not in his favor does not necessarily mean that the legal remedies were not adequate and effective. Likewise, it highlights that the domestic remedies have not been exhausted due to the fact that a writ of *amparo* has not been requested.

III. PROCEEDING BEFORE THE IACHR

4. The petition was received by the Commission on November 28, 2003. Through a note dated on April 19, 2004, and pursuant to Article 34 of its Rules of Procedure in force at that time, the Commission began processing the case and asked the State for pertinent information, granting it a time period of two months to provide it.

5. On August 2, 2004, the State submitted the information requested. That information was forwarded to the petitioner on August 10 of that year. On September 8, 2004, the petitioner submitted her response, which was forwarded to the State on November 21, 2006. On February 22, 2007, the State submitted its comments, which were then forwarded to the petitioner on March 26 of the same year. There was no response.

6. On July 2, 2010, the IACHR repeated its request made on March 26, 2007, to the petitioner and asked for updated information to determine whether the basis for the petition persisted. Likewise, the petitioner was informed that on failing to receive information within the time period of one month, the IACHR could close the file on the petition, pursuant to Article 48(1)(b) of the American

¹ Commissioner José de Jesús Orozco Henríquez, of Mexican nationality, did not participate in the deliberations nor in the decision in this case, in keeping with the provisions of Article 17(2)(a) of the Rules of Procedure of the Commission.

Convention on Human Rights and Article 42 of the Rules of Procedure of the IACHR.

IV. BASIS FOR THE DECISION TO CLOSE THE FILE

7. Article 48(1)(b) of the American Convention on Human Rights and Article 42 of the Rules of Procedure of the IACHR establish that, prior to determining admissibility, the Inter-American Commission must verify whether the basis for the protection continues to exist or persists and, in the event that it does not, order the case file closed.

8. In this case, more than a year has passed since the repeat of the request for information made to the petitioner on July 2, 2010, and seven years have passed since the last information was received from the petitioner. As of this date, the IACHR has not received the necessary information to update the processing of the petition, as was requested.

9. Consequently, the Commission does not have the necessary information to determine whether the motivation behind the original complaint persists, nor to formulate a final decision on the human rights violation alleged. For this reason, pursuant to Article 48(1)(b) of the Convention and Article 42 of its Rules of Procedure, the Commission decides to archive this petition.

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