

REPORT No. 49/12
DECISION TO ARCHIVE
CASE 11.836
PARAGUAY¹
March 20, 2012

ALLEGED VICTIM: Feliciano Orue Coronel

PETITIONERS: Feliciano Orue Coronel

ALLEGED VIOLATIONS: The petitioner makes no express reference, but potential violations of Articles 5, 7, 8, and 25 of the American Convention on Human Rights are inferred.

INITIATION OF PROCESSING: November 14, 1997

I. POSITION OF THE PETITIONER

1. On November 10, 1997 the Inter-American Commission on Human Rights received the complaint filed by Mr. Feliciano Orue Coronel for the alleged violations of his rights to humane treatment and personal liberty, to a fair trial and judicial protection by the State of Paraguay.

2. In his communication, the petitioner stated that on February 17, 1959, during the dictatorship of Alfredo Stroessner, he was arrested without any justification and violently taken to Police Station No. 26 where he was subjected to torture and physical abuse and his belongings were stolen. According to the petitioner, the individual who was then Chief of the Police Department in the Capital is the person responsible for those events, and for this reason the petitioner filed an action against him. The petitioner asserts that that proceeding began on March 30, 1995 before the Seventh First Instance Court and there had been no decision as of the date the complaint with the IACHR was filed.

II. POSITION OF THE STATE

3. The Paraguayan State, in its response of September 9, 1998, indicated that although the proceeding instituted by Mr. Feliciano Orue Coronel against the Chief of Police began on March 30, 1992 and on November 3, 1997 arrest of the accused was ordered and the National Police was asked to provide a list of the police officers who were serving in Police Station No. 26 in 1959, these measures had not been taken as of the date of its response.

4. In a note received on January 16, 2009, the State submitted a report indicating that no procedural action had been recorded in the file "Summary procedure to investigate alleged instances of physical abuse, torture, and robbery of the alleged victim Feliciano Orue Coronel allegedly occurring at the Fernando de la Mora police station," after the order of April 3, 2000 resolving to archive that file. It added that two relatives of the alleged victim, who the latter had proposed as witnesses, failed to appear to make a statement in the investigation.

¹ Commissioner Rosa María Ortiz did not participate in the discussions or decision in this case, in accordance with the provisions of Article 17.2.a of the Rules of Procedure of the Inter-American Commission on Human Rights.

III. PROCESSING BY THE CIDH

5. The Commission received the petition on November 10, 1997. The IACHR forwarded the relevant sections of the petition to the State of Paraguay on November 14, 1997, asking that it submit its observations within a period of 90 days.

6. The Paraguayan State submitted its response on September 9, 1998, which was forwarded to the petitioner on September 21, 1998. The petitioner submitted his observations on December 1, 1998.

7. In communications dated March 14 and August 3, 2001, the IACHR asked both parties to provide specific information regarding the result of the cases handled in the domestic jurisdiction. In a note dated September 7, 2001 the State indicated that a decision was made to archive one of the cases on April 3, 2000, due to a lack of documents with which to decide the case. This communication was forwarded to the petitioner on September 20, 2001.

8. In a communication dated February 21, 2002 the IACHR suggested to the parties that a friendly settlement process be initiated to settle the case. The petitioner indicated his agreement in a letter received on May 16, 2002. The State expressed its willingness in a note dated June 21, 2002.

9. On August 5, 2003, the IACHR asked the petitioner for specific information on actions taken in domestic courts and agencies. When the petitioner responded with information on November 20, 2003 and October 16, 2007, but not the information requested by the Commission, the request for information was repeated in communications dated March 5, 2007 and October 24, 2007.

10. In a communication dated October 16, 2008 the petitioner was asked for updated information on his case and in a note dated the same day the State was asked for information on progress made in the friendly settlement process and for copies of files in cases filed by the alleged victim. The State asked for an extension, which was granted, and on January 16, 2009, the State submitted its response and copies of some proceedings. That response was forwarded to the petitioner.

11. On August 31, 2010, the Commission repeated to the petitioner its requests for information sent in 2007, 2008, and 2009, informing him that the IACHR could proceed to archive his case if the IACHR did not receive a response within a period of six months.

12. In September and October 2011, staff from the IACHR Executive Secretariat tried to communicate with the petitioner to the telephone numbers he provided, sent e-mails, and tried to find other contact information, without success.

IV. LEGAL BASIS FOR THE DECISION TO ARCHIVE THE FILE

13. Both Article 48 b) of the American Convention on Human Rights and Article 42 of the Rules of Procedure of the Inter-American Commission on Human Rights establish that, when processing a petition, once information has been received or the period set for receiving such information has expired, the IACHR shall verify whether or not the grounds for the petition or communication exist or subsist and, if not, or if it does not have available the information needed to adopt a decision on the petition or case, the IACHR shall order that the file be archived.

14. Since 2003, the Commission has asked the petitioner for specific information so that it could proceed with analysis of his case. To date, the petitioner has not sent the information requested. Having done the respective analysis, the Commission feels that it does not have sufficient evidence to determine the admissibility or inadmissibility of the petition or whether the grounds that formed the basis for the original complaint continue to exist. Thus, in accordance with Article 48 b) of the Convention as well as Article 42 of the IACHR Rules of Procedure, it decides to archive this petition.