

REPORT No. 21/12
PETITION P-885-03
INADMISSIBILITY
VALENTINA DE ANDRADE
BRAZIL
March 20, 2012

I. SUMMARY

1. On October 24, 2003, the Inter-American Commission on Human Rights (hereinafter “the Inter-American Commission” or the “IACHR”) received a petition lodged by W.R.M. against the Federative Republic of Brazil (hereinafter “Brazil” or “the State”) on behalf of Valentina de Andrade (hereinafter “the alleged victim” or “Mrs. Andrade”). On January 17, 2007, another petition, lodged by the *Lineamiento Universal Superior* [Superior Universal Alignment] association (hereinafter also “LUS”), was received. It concerned the same facts and, on May 8, 2007, was joined with the present petition, in accordance with Article 29.1.d of the Rules of Procedure of the IACHR. As indicated in the petition lodged by W.R.M. and by LUS (hereinafter “the petitioners”),¹ Mrs. Andrade was accused of masterminding the crimes that led to the death of five children in a satanic ritual that took place in Altamira, Pará State, in 1992.

2. The petitioners contend that the Public Prosecutor did not submit any evidence whatsoever to prove the guilt of the alleged victim and further that it distorted the contents of a book she had written; that the preventive detention that Mrs. Andrade was ordered to serve for three months was arbitrary; that she was not given proper medical care during her detention; and that due process was violated, in particular because of the alleged ineffectiveness of available remedies and the excessive duration of the trial. For its part, the State claims that the alleged facts do not establish a violation of the rights enshrined in the American Convention since all of the alleged victim’s procedural guarantees were respected, that the preventive detention was not arbitrary, and that the prison conditions were adequate. The State also maintains that the petitioners have not exhausted domestic remedies.

3. After reviewing the information available and verifying compliance with the admissibility requirements set forth in Articles 46 and 47 of the American Convention, the Commission declared the case inadmissible because, from the information provided by both parties, no elements can be identified that would tend to constitute a violation of the American Convention. The Commission decides to transmit the report to the parties, publish it, and include it in its Annual Report to the OAS General Assembly.

II. PROCEEDINGS BEFORE THE IACHR

4. The Inter-American Commission received the petition on October 24, 2003. W.R.M. provided additional information on April 15, 2004, and on January 17 and May 10, 2007. Moreover, on January 17, 2007, the IACHR received a petition lodged on behalf of the *Lineamiento Universal Superior* association concerning the same facts. Said petition was joined with the present petition on May 8, 2007, in accordance with Article 29.1.d of the Rules of Procedure of the IACHR. The petitioners transmitted additional information on July 11 and 25, 2007.

5. On March 14, 2008, the IACHR transmitted a copy of the relevant parts to the State giving it a period of two months to submit its observations. On December 16, 2008, the State’s reply was received and, on January 13, 2009, the relevant parts thereof were transmitted to the petitioners.

6. The petitioners presented additional observations on March 23, August 14, and October 28, 2009; February 22, May 25, and September 1, 2010; and February 3, 2011. For its part, the State transmitted additional observations on May 29 and September 22, 2009 and on January 11, April 14, and August 10, 2010. These communications were duly transmitted to the respective opposing party.

¹ The petitioners expressly requested that their identities not be disclosed.

III. POSITION OF THE PARTIES

A. Position of the petitioners

7. As indicated in the original petition, Valentina de Andrade was accused of masterminding the crimes that led to the death of five children in a satanic ritual that took place in Altamira, Pará State, in 1992. The trial began in August 2003 and, on September 4, 2003, an order for preventive detention was issued against the alleged victim.

8. The petitioners maintain that no evidence was presented to corroborate her guilt and that the alleged attempted escape on which the preventive detention was based never existed. In that connection, they indicate that the preventive detention was not applied by way of an exception, thereby violating Mrs. Andrade's right to the presumption of innocence. In addition, they state that the only basic piece of evidence used by the Public Prosecutor was the book "*Deus, a grande farsa*" [God, the Great Farsa], written by the alleged victim. According to the petitioners, the contents of that book were completely distorted, as were the author's actual intentions. They characterize the Public Prosecutor's attitude as one of ideological persecution, which, in the petitioners' view, would constitute a violation of the right to freedom of opinion and expression.

9. Moreover, they state that "there is an endless stream of slander and insults coming out of almost all of Brazil's media" implicating the alleged victim and LUS in a series of crimes perpetrated against children. They indicate that during the trial the media showed bias in disclosing part of what was occurring in the plenary, thus manipulating public opinion. According to the petitioners, "Valentina de Andrade has been selected as the scapegoat for all disappearances of children in Brazil." They point out that "the abysmal conduct of the Public Prosecutor and of the press has diverted the investigation and, instead of searching for the actual criminals, an attempt is being made to lay blame on an inexistent sect that would sacrifice children at [Mrs. Andrade's] command."

10. On December 5, 2003, the Jury Tribunal (*Tribunal do Júri*) acquitted Mrs. Andrade because of a lack of evidence, releasing her the same day, and convicted the other four defendants. With regard to her three months of preventive detention, the petitioners argue that said detention was arbitrary because of the absence of legal grounds. In addition, they condemn the existence of poor prison conditions. In this regard, they claim that the alleged victim was not provided with proper medical care. Further they point out that at the time of Mrs. Andrade's detention, she was 70 years old, and that despite her age the judge refused to revoke the preventive detention order. In a note received on August 14, 2009, they argue that as a result of mistreatment and the lack of medical care, the alleged victim suffered fainting spells, convulsions, and memory loss.

11. The petitioners indicate that the Public Ministry and the Office of Assistance to the Prosecution [*Assistência da acusação*] appealed against the Jury Tribunal's acquittal decision. Both argued that the decision was inconsistent with available evidence and that the Office of Assistance to the Prosecution argued that there had been a breach of jury secrecy. In view of suspicions about said secrecy breach, a police investigation was launched which, according to the petitioners, concluded that there had not been any contact between the jury and the parties or anyone associated with the alleged victim or her lawyers. The petitioners state that, notwithstanding the results of the police investigation, on April 28, 2005, the 1st Criminal Chamber of the Court of Justice of Pará State, on the basis of the alleged secrecy breach, declared the jury session that acquitted Mrs. Andrade null and void. Between 2005 and 2007, counsel for the alleged victim filed various appeals against said decision to nullify the acquittal, which were denied.

12. According to the information available, in one of the appeals, filed with the Higher Court of Justice, counsel for the alleged victim filed an incidental request for dismissal of the punitive claim owing to the fact that Mrs. Andrade was 70 years old, which is a ground for reducing the statute of limitations period by half. On February 10, 2009, the Supreme Court of Justice (*Supremo Tribunal de*

Justiça) decreed that the statute of limitations for punishment of the alleged victim had run out, which resulted in the dismissal of the criminal trial.

13. According to the petitioners, the dismissal of the case does not absolve the Brazilian State from its responsibility for failing to fully implement Mrs. Andrade's procedural guarantees. In this connection, they indicate that while the alleged victim had access to judicial remedies, the procedural time periods were manipulated in such a way that the guarantees were not effective, thus violating the right of any individual to be heard within a reasonable period of time. They point out that, as of August 2009, four appeals filed by counsel for the alleged victim between 2005 and 2007—three habeas corpus petitions and an interlocutory appeal, were still pending settlement. In the petitioners' view, this indicates that Brazil does not comply with procedural time frames and that the Brazilian justice system is characterized by unjustified delays. Likewise, they allege that the Brazilian State allowed the case against Mrs. Andrade, which should have been settled urgently, to go on for 17 years.

14. In addition, they state that, despite the fact that the statute of limitations had lapsed, "it is impossible for [Mrs. Andrade] to walk along any street in Brazil without being singled out as a murderer, discriminated against, and insulted, and even having her physical integrity endangered owing to the impugned State's failure to provide protection." They maintain that it was the State that caused that situation by manipulating the media and the attitude of certain public officials. With regard to the latter, they contend that the Federal Commission monitoring the trial publicly expressed its disagreement with Jury Tribunal's decision and that the Secretary for Human Rights recommended that the federal police investigate the alleged breach of jury secrecy.

15. Lastly, the petitioners argue that the petition was also lodged on behalf of LUS organization as it too was a victim of the alleged facts. They indicate that the Executive Committee of LUS did not file any internal appeal as it had not been denounced by the Public Ministry in the criminal trial. For that reason, they cannot initiate any action to defend the innocence of LUS and its members in the context of said trial. Moreover, they point out among other things that LUS does not have chapters in Brazil; that on two occasions members of the organization went to Pará and were obliged to leave the country because their safety was at risk; and that the investigation opened at the request of the federal government into the alleged participation of LUS in these events is confidential, which means that they cannot file any action at all. In a note dated February 3, 2011, the petitioners mentioned that the LUS members had filed three civil actions against public officials, which had not been successful. The petitioners do not provide additional information on how the LUS organization might have been affected by the alleged facts.

16. In the original petition, the petitioners claimed that the Brazilian State had violated the rights enshrined in Articles 2, 3, 9, 11, 12, 18, 19, 27, and 28 of the Universal Declaration of Human Rights. In view of the State's argument that the IACHR lacks competence to examine alleged violations of instruments that are not part of the inter-American system, the petitioners alleged violations of Articles 1.1, 4, 5, 8, 19, and 25 of the American Convention.

B. Position of the State

17. The State requests that the Inter-American Commission declare the petition inadmissible because the alleged facts do not constitute a violation of the rights enshrined in the American Convention and because domestic remedies were not exhausted.

18. According to the State, the petition is a biased version of the facts since all of the alleged victim's due process guarantees were respected. She was at all times allowed to express opposing views and was provided with a full defense and the remedies inherent therein. In addition, it affirms that disagreement with the manner in which domestic court proceedings were conducted does not warrant the lodging of a petition with the inter-American system. It maintains in this regard that the IACHR cannot review rulings issued by national courts acting within their sphere of competence on the basis of pre-existing norms, except in the face of flagrant violations of human rights, which is not the case for the

alleged facts. Lastly, following the dismissal of the criminal case against the alleged victim, the State argued that that decision demonstrated a failure to establish the alleged violations.

19. The State affirms that the preventive detention the alleged victim was ordered to serve was not arbitrary as it was decreed to ensure compliance with criminal law, as established in Article 312 of the Brazilian Criminal Procedure Code. It states that Mrs. Andrade, as allegedly reported by the Superintendency of the Federal Police of the State of Sao Paulo, attempted to leave for Buenos Aires on September 2, 2003, the day on which she was to appear for a hearing, which is why the authorities ordered the preventive detention. It contends that counsel for the alleged victim asked to have that measure revoked and filed a habeas corpus petition—measures that were rejected because of inconsistencies in the arguments put forward.

20. As concerns the alleged absence of medical care, the State points out that the request for hospital detention presented by counsel for the alleged victim was rejected because, to approve it, there must be evidence of a particularly serious condition that cannot be treated in the prison facility. It indicates that in the present case, according to the forensic medical report drawn up by order of the criminal judge, the alleged victim was not suffering from a serious illness. The State notes that Mrs. Andrade suffered from high blood pressure, a condition that was being monitored and therefore did not warrant her being transferred to a hospital.

21. With regard to the criminal trial, the State indicates that, on September 6, 1993, the State Public Ministry, acting on the basis of various pieces of evidence, charged Mrs. Andrade with allegedly masterminding the aforementioned crimes in Altamira. The State also referred to the complexity of the matter. It notes in this regard that in cases like this one indirect perpetration is extremely difficult to prove since the mastermind of the crimes does not actually participate in their material commission. It points out in this connection that the absence of irrefutable proof, for example a confession, does not make the other evidence, such as the testimony of innumerable witnesses, less credible.

22. Moreover, with regard to the alleged violation of the right to freedom of expression, the State indicates that Brazil respects the plurality of ideas and creeds. According to the State, the fact that Mrs. Andrade has been allowed to publish and market her book "*Deus, a grande farsa*" shows that she was not prevented from expressing her thoughts.

23. On the requirement of prior exhaustion of domestic remedies, the State claimed initially that the appeals filed against the decision declaring the jury session null and void were still pending, which meant that said requirement had not been met. In a note dated April 12, 2010, i.e., after the criminal case against the alleged victim was declared time-barred, the State alleged a failure to exhaust domestic remedies as it considered that, if Mrs. Andrade felt that her rights had been violated, she could file a civil action for moral and material damages against the Brazilian State.

24. In a note received on May 29, 2009, the State said that the petition should also be declared inadmissible as it was based exclusively on the Universal Declaration of Human Rights, which was not within the competence of the organs of the inter-American human rights system. In this respect, it states that, while these organs can take international instruments that are not part of the body of inter-American law into account when examining alleged violations of the American Convention, they cannot admit a complaint based solely and exclusively on international treaties from outside the inter-American system.

25. In conclusion, based on all of the foregoing, the State maintains that the petition is inadmissible and asks the IACHR to declare it as such.

IV. ANALYSIS ON COMPETENCE AND ADMISSIBILITY

A. Competence

26. The Inter-American Commission is competent *ratione loci* to hear the petition in that it alleges a violation of human rights protected under the American Convention that occurred within the territory of Brazil, a State Party to that Convention. Likewise, the Commission is competent *ratione temporis* in that the obligation to respect and ensure the rights protected under the Convention was already in effect in the State on the date of the events alleged in the petition. The Commission is also competent *ratione materiae*, because the petition refers to possible violations of human rights protected under the American Convention.

27. The petition names as an alleged victim an individual, Mrs. Valentina de Andrade, whose rights the State of Brazil undertook to respect and guarantee pursuant to the American Convention. The petition also names as an alleged victim the *Lineamiento Universal Superior* association, a nonprofit civil association registered in the Argentine Republic, whose image was purportedly affected as a result of the alleged facts. In this connection, it should be recalled that the concept of person established in Article 1.2 of the American Convention does not include legal persons. Accordingly, the Commission has considered that it lacks competence *ratione personae* to review complaints regarding the rights of artificial persons.² Likewise, in the instant case the petitioners have not specified whether the allegedly arbitrary acts affected by extension the human rights of natural persons associated with or in any way related to the legal person.³

28. Consequently, the IACHR has active competence solely with regard to the alleged violations of Mrs. Andrade's rights. As concerns its passive competence, the Inter-American Commission points out that Brazil has been a State Party to the American Convention since September 25, 1992, the date on which it deposited its instrument of ratification. The IACHR is therefore competent *ratione personae* to examine the petition.

B. Admissibility requirements

1. Exhaustion of domestic remedies

29. Article 46.1.a of the American Convention provides that for a complaint lodged with the Inter-American Convention to be admissible, the remedies available under domestic law must first have been exhausted in accordance with generally recognized principles of international law. The purpose of this requirement is to allow national authorities to consider alleged violations of protected rights and, if appropriate, to resolve them before they are taken up by an international body.

30. In the original petition, the petitioners contended that they had not been afforded access to domestic remedies owing to "pressing time constraints and the delicate state of health [of the alleged victim]." Likewise, they stated that there had been an unwarranted delay in settling the appeals pending at the time the petition was lodged. Following dismissal of the case owing to expiration of the statute of limitations, the petitioners did not expressly claim that the domestic remedies had been exhausted or argue that there was an exception to the exhaustion requirements. For its part, the State initially argued that the appeals lodged against the annulment of the decision of the Jury Tribunal were still pending, and for that reason the domestic remedies had not been exhausted. After the criminal case had been time-barred, the State argued that Mrs. Andrade could have lodged a civil suit against the Brazilian State for moral and material damages.

31. According to the information available, the Public Ministry of Pará charged Mrs. Andrade on September 6, 1993. The trial began in August 2003 and, on September 4 of that year, the alleged victim was ordered to be placed in preventive detention. On December 5, 2003, the Jury Tribunal acquitted Mrs. Andrade and she was released the same day. On April 28, 2005, the 1st Criminal Chamber of the Court of Justice of Pará State granted the appeal filed by the Office of Assistance to the Prosecution and declared null and void the session in which the acquittal had been decided because of a breach of jury secrecy. The alleged victim filed various appeals against that decision, which were denied.

² IACHR, Report No. 40/05, Petition 12.139, Inadmissibility, José Luis Forzanni Ballardo, Peru, March 9, 2005, par. 35.

³ IACHR, Report No. 72/11, Petition 1164-05, Admissibility, William Gómez Vargas, Costa Rica, March 31, 2011, par. 33.

Finally, on February 10, 2009, as a result of an incidental appeal filed by the alleged victim, the Supreme Court of Justice (*Supremo Tribunal de Justiça*) ruled that the statute of limitations for punishment in the case against Mrs. Andrade had lapsed and the criminal proceedings were therefore dismissed.

32. The subject of the present petition is the criminal trial brought against Mrs. Andrade and the respective alleged violations of due process and personal freedom to the detriment of Mrs. Andrade. In addition, it should be noted that the Inter-American Commission decides on this requirement under the Convention when conducting the admissibility analysis, and not at the time the complaint is submitted.⁴

33. Accordingly, based on the information available and on the parties' arguments, the IACHR concludes that in the instant case the requirement established in Article 46.1.a of the American Convention for prior exhaustion of domestic remedies has been met, since the definitive ruling of the Supreme Court of Justice dismissed the criminal case.⁵

2. Timeliness of the petition

34. Article 46.1.b of the Convention stipulates that, for a petition to be admissible by the Commission, it must be lodged within a period of six months from the date on which the victim was notified of the final judgment.

35. In the petition under consideration, the decision that exhausted remedies under domestic jurisdiction was issued following the filing of the present petition. Therefore, the Commission concludes that the present petition meets the requirement established in Article 46.1.b of the American Convention.

3. Duplication of proceedings and international *res judicata*

36. The Inter-American Commission considers that the present petition is not pending in another international proceeding for settlement and is not substantially the same as one previously studied by the Commission or by another international organization. The IACHR notes that in the original petition the petitioners mention that, prior to filing the present petition with the IACHR, a complaint concerning Mrs. Andrade's alleged arbitrary detention was lodged with the Office of the High Commissioner for Human Rights. The petitioners do not provide any details about that complaint or report on its contents. They simply point out that they did not receive any reply from the international organization.

37. The Inter-American Commission has held that, for duplication or *res judicata* to exist, a petition must be under consideration or have been ruled upon by an international organization with the competence to make decisions on the specific facts described in the petition and to impose measures capable of effectively resolving the dispute.⁶ In the instant case, the facts contained in the complaint submitted to the Office of the High Commissioner for Human Rights would seem to be more limited than those presented before the IACHR. Moreover, as noted by the petitioners, no action was taken on the complaint lodged with the universal human rights system.

38. Therefore, the requirements set forth in Articles 46.1.c and 47.d of the Convention have been met.

⁴ IACHR, Report No. 146/10, Petition 212-05, Admissibility, Manuel Santiz Culebra et al. – Acteal Massacre, Mexico, November 1, 2010, par. 39.

⁵ See, *mutatis mutandi*, IACHR Report No. 73/08, Petition 1236-06, Admissibility, Gabriel Sales Pimenta, Brazil, October 17, 2008, par. 31.

⁶ IACHR, Report No. 23/06, Petition 71-03, Admissibility, Union of Ministry of Education Workers (ATRAMEC), El Salvador, March 2, 2006, par. 26.

4. Colorable claim

39. For purposes of admissibility, the Commission must decide whether the alleged facts tend to establish a violation of rights, as stipulated in Article 47.b of the American Convention, or whether the petition is “manifestly groundless” or “obviously out of order,” pursuant to Article 47.c. The standard for evaluating these admissibility requirements is different from that used for deciding the merits of a complaint, given that the Inter-American Commission simply conducts a *prima facie* evaluation to determine whether or not the complaint establishes grounds for the apparent or potential violation of a right guaranteed under the American Convention.

40. The petitioners claim that the Brazilian State violated Articles 1.1, 4, 5, 8, 19, and 25 of the American Convention to the detriment of Mrs. Andrade. Further, they argue that the alleged victim’s right to personal liberty and to freedom of thought and expression were violated. For its part, the State claims that the alleged facts do not constitute a violation of the rights embodied in the American Convention. The Commission will therefore proceed to examine whether the alleged facts constitute a possible violation of the articles of the Convention.

41. According to the information available, Mrs. Andrade was placed in preventive detention from September 4 to December 5, 2003. The petitioners contend that said measure was arbitrary in that it violated the principle of the presumption of innocence. The IACHR has established that “preventive detention is an exceptional measure and only applies in cases where there exists a reasonable suspicion that the accused will either evade justice or impede the preliminary investigation by intimidating witnesses or otherwise destroying evidence.”⁷ According to the information available, preventive detention in this case was ordered to ensure the application of criminal law, as established in Article 312 of the Criminal Conduct Code. As mentioned by the State, the measure was issued in response to a report by the Superintendency of the Federal Police of Sao Paulo State indicating that the alleged victim attempted to flee the country on the day she was to appear for a hearing. Thus, after reviewing the file, the IACHR considers that the petitioners have not presented sufficient evidence to establish *prima facie* a possible violation in this regard.

42. Likewise, the petitioners maintain that Mrs. Andrade was not provided with proper medical care during her detention. For its part, the State indicates that the forensic medical report drawn up by order of the criminal judge found that the alleged victim was only suffering from high blood pressure, a condition that was being treated with medication and did not warrant her being transferred to a hospital. The information available does not provide sufficient evidence for inferring *prima facie* a possible violation of Mrs. Andrade’s right to humane treatment as concerns the detention conditions.

43. The Inter-American Commission notes that the petitioners had private legal counsel throughout the proceedings and had the opportunity to file various judicial appeals, and that ultimately she won an appeal filed by her defense counsel requesting that the case be time-barred, as a result of which the criminal case was dismissed.

44. With regard to the length of the criminal proceedings, the information provided by the parties indicates that the State Public Ministry charged Mrs. Andrade on September 6, 1993; the trial began in August 2003, the Jury Tribunal acquitted her on December 5 of the same year; the jury session was declared null and void by the Court of Justice of Pará State on April 28, 2005, owing to the breach of jury secrecy; and after the defense filed various appeals, the Supreme Court of Justice decreed on February 10, 2009, that the statute of limitations for punishment had lapsed and, as a result, the criminal case was dismissed.

45. Thus, of the almost 16 years that the alleged victim remained formally charged, the first 10 years corresponded to the phase of preliminary investigation and case preparation, and the almost six remaining years corresponded to the jury trial, the review of the breach of jury secrecy, and the appeals

⁷ IACHR, Report No. 12/96, Case 11.245, Merits, Jorge A. Giménez, Argentina, March 1, 1996, par. 84, cited in IACHR, Report No. 86/09, Case No. 12.553, Merits, Jorge, José, and Dante Peirano Basso, Uruguay, August 6, 2009, par. 88.

filed against annulment of the session that acquitted the alleged victim. As concerns the duration of the proceedings, the State has referred to the special complexity of the case. It should be noted in this respect that the facts under consideration in the proceedings involved five crimes committed on different dates as well as a large number of witnesses from various locations in the country. Added to this was the fact that owing to the breach of jury secrecy, a new trial had to be held.

46. In the instant case, the Commission has no way of inferring from the judicial proceedings actions or omissions that tend to establish violations of due process under the American Convention. Interpretation of the law, the pertinent procedure, and assessment of the evidence, as well as other matters, pertain to functions of domestic jurisdiction that cannot be replaced by the IACHR.⁸ The information available indicates that delays in the proceedings were due, in particular, to the complexity of the case and the fact that a new trial had to be held because of the breach of jury secrecy. Consequently, considering the circumstances of the case and the fact that the alleged victim remained free during the trial, except for a period of three months, the Inter-American Commission does not have sufficient evidence to determine *prima facie* that there were undue delays in the proceedings.

47. Finally, as concerns the fact that the prosecution presented, among various pieces of evidence, passages of a book published by the alleged victim, the IACHR considers that this does not appear to constitute proof of a violation of Mrs. Andrade's right to freedom of thought and expression. From a *prima facie* perspective, the evidence presented is not sufficient to establish a possible violation of said right.

48. In short, from the arguments of the parties and the evidence in the file, no facts are presented that tend to establish a violation of the right to protection and judicial guarantees or to establish that the alleged victim was denied access to remedies under domestic law. Similarly, no inference can be made that the alleged victim's rights to life, humane treatment, and personal liberty or to freedom of thought and expression, have been violated. As concerns the right enshrined in Article 19 of the Convention, the petitioners have not presented facts to establish the violation thereof.

49. The Commission concludes in light of the foregoing that the alleged facts do not tend to establish a violation of rights recognized in the American Convention and that, therefore, the petition must be declared inadmissible.

V. CONCLUSIONS

50. Based on the arguments of fact and law set out above, the Inter-American Commission concludes that the petition is inadmissible pursuant to Article 47.b of the American Convention because of its failure to present facts that constitute violations of the rights protected by said Convention.

THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS

DECIDES:

1. To declare the petition inadmissible.
2. To notify the parties of the decision.
3. To publish this decision and include it in its Annual Report to the OAS General Assembly.

Done and signed in the city of Washington, D.C., on the 20th day of the month of March 2012.
(Signed): José de Jesús Orozco Henríquez, President; Tracy Robinson, First Vice-President; Felipe

⁸ IACHR, Report No. 157/10, Petition 696-03, Inadmissibility, Marcelo Sánchez Mourazos, Argentina, November 1, 2010, par. 51.

González, Second Vice-President; Dinah Shelton, Rodrigo Escobar Gil, Rosa María Ortiz, and Rose-Marie Antoine, Commissioners.