

REPORT No. 36/12
PETITION 12.588
DECISION TO ARCHIVE
BRAZIL
March 20, 2012

ALLEGED VICTIMS : Alexandre Ribeiro de Oliveira

PETITIONER : Diulina Ribeiro de Oliveira

ALLEGED VIOLATIONS : The petitioner does not expressly allege specific violations.

INITIATION OF PROCESSING : April 24, 2003

I. POSITION OF THE PARTIES

A. Position of the petitioner

1. On October 7, 2002, the Inter-American Commission on Human Rights (the "Inter-American Commission" or the "IACHR") received a petition from Diulina Ribeiro de Oliveira (the "petitioner") alleging the responsibility of the Federative Republic of Brazil (the "State" or "Brazil") for the forced disappearance of her son, Alexandre Ribeiro de Oliveira (the "alleged victim"), since December 25, 2001, supposedly perpetrated by a death squad in Vera Cruz, Bahia state.

2. The petitioner holds that, prior to his disappearance, the alleged victim had denounced in detail by phone facts, names and places related to robberies and drug dealing. The alleged victim supposedly disappeared after receiving a phone call on December 25, 2001. A few days later, on December 29, 2001, the petitioner notified the local authorities.

3. The petitioner contends that the police have started an investigation regarding the disappearance of the alleged victim on January 14, 2002; nevertheless, this procedure did not yield any results. According to the petitioner, some policemen unofficially declared that the police supposedly lacked the resources necessary to carry out the investigation, but it was likely that the alleged victim would be dead. The petitioner maintains that she denounced the aforementioned facts before public prosecutors and the State Secretary of Public Security, but that these complaints have produced no effective result.

B. Position of the State

4. The State of Brazil did not respond to any of the requests for information made by the Inter-American Commission.

II. PROCEEDINGS BEFORE THE IACHR

5. The Inter-American Commission received the petition on October 7, 2002. On April 24, 2003, the IACHR transmitted the pertinent portions of the petition to the Brazilian State.

6. Given the lack of response from Brazil, on November 3, 2006 the IACHR notified both parties that it had decided to defer its treatment of admissibility until the debate and decision on the merits, in conformity with Article 37.3 of its Rules of Procedure.¹ On that same date, the Inter-American Commission asked the petitioner to submit additional observations on the merits.

¹ Article 37.3 of the IACHR's Rules of Procedure then into force was equivalent to Article 36.3 of the IACHR's current Rules of Procedure.

7. Since the period established had elapsed and no information was received, on April 25, 2011 the Inter-American Commission asked the petitioner for information and additionally inquired whether the grounds for the petition still existed or subsisted. Given the lack of response from the petitioner, on July 28, 2011, the IACHR reiterated its previous requests for information. On both occasions, the IACHR advised the petitioner about the possibility of ordering the record closed if it did not receive the requested information, in conformity with Article 48.1.b of the American Convention. To date, no response has been received from the petitioner.

III. GROUNDS FOR THE DECISION TO ARCHIVE

8. Articles 48.1.b of the American Convention and 42 of the Rules of Procedure of the IACHR establish that at any time during processing, the Inter-American Commission shall ascertain whether the grounds for the petition still exist or subsist; and that if it considers that they do not, it shall order the case to be archived. In addition, Article 42.1.b of its Rules of Procedure establishes that the IACHR may also decide to archive a case when the information necessary for the adoption of a decision is unavailable.

9. More than eight years have elapsed since processing began on November 4, 1999, and the Inter-American Commission still lacks the necessary elements for the adoption of a decision on this petition. Specifically, the IACHR does not have information about the exhaustion of domestic remedies or the other admissibility requirements; nor does it have information as to whether the grounds for the petition subsist. As a result, the Inter-American Commission hereby decides to archive the file of the present petition, pursuant to Article 48.1.b of the American Convention, as well as Article 42.1.b of its Rules of Procedure.

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