

REPORT No. 45/12
DECISION TO ARCHIVE
CASE 12.352
BRUCE CAMPBELL HARRIS LLOYD
GUATEMALA
March 20, 2012

ALLEGED VICTIM: Bruce Campbell Harris Lloyd

PETITIONERS: Center for Justice and International Law (CEJIL), Casa Alianza and the Human Rights Office of the Archbishop of Guatemala

ALLEGED VIOLATIONS: Articles 13 and 24, in conjunction with Articles 1.1 and 2 of the American Convention on Human Rights

DATE PROCESSING BEGAN: December 18, 2000

I. POSITION OF THE PETITIONER

1. On September 23, 1999, the Inter-American Commission on Human Rights received a complaint lodged by CEJIL, Casa Alianza, and the Human Rights Office of the Archbishop of Guatemala, dated the previous day, against the State Guatemala, on account of the alleged violation of the rights to freedom of expression and to non-discrimination to the detriment of Mr. Bruce Harris.

2. The petitioners alleged that Bruce Harris' rights had been violated by his being accused and tried for the crimes of libel (*injuria*), slander, and defamation. They said that such sanctions constituted a barrier to the discussion of topics of public interest and stated that freedom of expression was disproportionately restricted by rules regarding the right to reputation (*derecho al honor*) established in the Guatemalan Criminal Code.

3. They reported that a criminal accusation had been filed against Bruce Harris by the Notary Susana Luarco de Umaña after he had referred to her, on several occasions, as involved in the trafficking of Guatemalan children through international adoptions. They said the Notary had brought four criminal charges against Mr. Harris on account of his public statements and on account of a press release by Casa Alianza.

4. They added that his rights had also been violated because he had been considered a private individual who used the media to voice his opinions and who was not covered by the regulations protecting journalism. According to the petitioners, domestic legislation is broad in scope given that in their opinion protection covers all expressions of views and is not limited to protection for journalists. Accordingly, in the petitioners' opinion, the distinction made by the State between "journalists" and "the rest of society" constituted discrimination. They added that the court had not taken into consideration that the views expressed referred to a civil servant, although in their opinion participating in adoptions of Guatemalan children made the Notary a civil servant. They argued that domestic remedies had been exhausted.

II. POSITION OF THE STATE

5. The State of Guatemala maintained that there was no ban on Mr. Harris' right to freedom of expression. It argued that it was Mr. Harris who had alluded to and involved the Notary and that she was not a civil servant. It further argued that domestic remedies had not been exhausted.

6. It added that public interest in the subject of illegal adoptions is not disputed and that Mr. Harris had access to the courts at all times. It asserted that the Law on Expression of Thought provided for a procedure that was only applicable to journalists in the performance of their functions.

III. PROCESSING BY THE IACHR

7. On September 23, 1999, the Inter-American Commission on Human Rights received the petition and assigned it case number 12.352. On December 18, 2000, it transmitted the pertinent parts to the State, requesting that it furnish such information as it deemed appropriate within 90 days. The State sent its reply on June 8, 2001.

8. In Report No. 14/02, dated February 28, 2002, the Commission concluded that the petition was admissible in respect of Articles 8, 13 and 24 of the American Convention on Human Rights. On May 28, 2002, the petitioners presented their observations on the merits and the State presented its observation on June 7, 2000.

9. The Commission was informed that Mr. Bruce Harris died on May 30, 2010. On March 8, 2011, CEJIL reported that Mr. Harris' widow had told them that following his death she deemed it best to close the case.

IV. BASIS FOR THE DECISION TO ARCHIVE

10. Article 41 of the Rules of Procedure of the IACHR states that the petitioner may at any time desist from his or her petition or case, to which effect he or she must so notify it in writing to the Commission, which may archive the petition or case if it deems it appropriate.

11. During processing of the instant case, the petitioners reported on March 8, 2011 that Mr. Harris' widow wished to have the case closed. Pursuant to Article 48.1.b of the Convention and Article 42 of its Rules of Procedure, the Commission therefore decides to archive this petition.

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.