

REPORT No. 48/12
DECISION TO ARCHIVE
PETITION 1145-05
JORGE ALBERTO HUEZO
NICARAGUA
March 20, 2012

ALLEGED VICTIM: Jorge Alberto Huezo

PETITIONER: José Salvador Samayoa Huezo

ALLEGED VIOLATIONS: Article 21 of the American Convention on Human Rights

DATE PROCESSING BEGAN: January 20, 2006

I. POSITION OF THE PETITIONER

1. On October 13, 2005, the Inter-American Commission on Human Rights received a complaint lodged by José Salvador Samayoa Huezo against the State of Nicaragua on account of the alleged violation of the right to private property of Jorge Alberto Huezo.

2. The petitioner maintained that the office of the Attorney General (*Ministerio Público*) of Nicaragua had dispossessed the alleged victim of numerous items of property through confiscation and subsequent distribution of those items to small farmers and former members of the Nicaraguan resistance, without prior compensation or a declaration of public good or social interest. He pointed out that the confiscated goods had been put up for sale by the State in September 2001, backed by a registered deed. However, in March 2003 the Ministry of Finance had disavowed that sale. The petitioner affirms that the confiscation violated the Constitution of Nicaragua.

II. POSITION OF THE STATE

3. The State argued that the alleged victim's judicial guarantees were respected and that the confiscation followed an administrative procedure in keeping with the domestic legal order. It emphasized that domestic remedies had not been exhausted and that the petition had been lodged after the statutory time limit had passed.

III. PROCESSING BY THE IACHR

4. The petition was received by the Commission on October 13, 2005. On January 20, 2006, pursuant to Article 34 of its Rules of Procedure in force at that time, the Commission began processing the case and requested pertinent information from the State, to be provided within two months. The State presented its reply on March 29, 2006.

5. On May 23, 2006 and July 18, 2006, the petitioner submitted additional information, which was forwarded to the State.

6. On December 14, 2009, with a view to updating the processing of the petition, the IACHR asked the petitioner to send it any information he deemed pertinent within one month. There was no reply. That request for information was reiterated by the IACHR on April 21, 2010, when the petitioner was told that if the information was not received within one month, the IACHR could archive the petition under Article 48.1.b of the American Convention on Human Rights and Article 42 of its Rules of Procedure. There was no reply from the petitioner.

IV. BASIS FOR THE DECISION TO ARCHIVE

7. Article 48.1 of the American Convention on Human Rights and Article 42 of the IACHR's Rules of Procedure establish that, before determining admissibility, the Inter-American Commission shall ascertain whether the grounds for the petition still exist or subsist and if it believes they do not, it shall order the case to be closed.

8. The last information provided by the petitioner in the instant case dates back to July 18, 2006. Furthermore, the petitioner did not reply to the request by the IACHR on April 21, 2010 for further information. In that request, he was also advised of the possibility that the case would be closed.

9. Consequently, the Commission lacks the wherewithal for determining whether the grounds that gave rise to the original complaint subsist and for making a final decision regarding the alleged violation of human rights. Pursuant to Article 48.1.b of the Convention and Article 42 of its Rules of Procedure, it 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.