

REPORT No. 94/12
DECISION TO ARCHIVE
PETITION 42-01
ARGENTINA
November 8, 2012

ALLEGED VICTIM Roberto Adrián Centro

PETITIONER: Héctor Eduardo Centro

ALLEGED VIOLATIONS: The petitioner alleges violation of Articles 8.1, 8.2, subparagraphs b), g), and h), 8.3, 25, **in relation to Article 1.1** of the American Convention on Human Rights and of Articles XVIII and XXVI of the American Declaration on the Rights and Duties of Man.

INITIATION OF PROCESSING: July 31, 2003

I. POSITION OF THE PETITIONER

1. On January 19, 2001, the Inter-American Commission on Human Rights (hereinafter "the Commission" or "IACHR") received the complaint filed by Héctor Eduardo Centro (hereinafter "the petitioner"), on behalf of Roberto Adrián Centro (hereinafter the "alleged victim") against the Republic of Argentina (hereinafter "the State" or "Argentina"), regarding the alleged violation of judicial guarantees and his right to judicial protection afforded by Article 25, in conjunction with Article 1.1, of the American Convention on Human Rights, as well as of the rights protected in Articles XVIII and XXVI of the American Declaration of the Rights and Duties of Man. The petitioner alleged that the judicial authorities had wrongly condemned his son to life imprisonment for the aggravated homicide of two people.

2. The petitioner maintained that on March 21, 1996, the corpses of two adult sisters were found in the department they lived in. He added that his son had been summoned to make a statement given that he had worked as an assistant concierge in that building. He said that his son went voluntarily to Police Station No. 19 of the Argentine Federal Police on March 22, 1996, where he was interrogated. He said that on March 25, 1996, the alleged victim had been taken before the judicial authority for allegedly having confessed to killing the sisters.

3. The petitioner alleges that his son's conviction had been based solely on a confession extracted under duress. He argued that the police did not read his son the so-called "Miranda rights" and that the statements made by the police during the trial should be dismissed since they made reference to a confession obtained under pressure of threats, since he had been interrogated by six officers in Police Station No. 19 of the Argentine Federal Police. He maintained that his son was never released from his oath to tell the truth (*nunca fue relevado de su juramento de decir la verdad*), which constituted a violation of guarantees of due process. He said that Criminal Oral Hearings Court No. 27 had found the statements by the police before the public prosecutor to be in order and for that reason his son had been sentenced to life imprisonment. Finally, he stated that the National Appeals Court (*Cámara Nacional de Casación*) had confirmed the conviction on appeal and the Supreme Court of Justice had rejected the remedy of complaint.

II. POSITION OF THE STATE

4. The State asked the Commission to declare the petition inadmissible, because the petitioner had not exhausted domestic remedies, and, even if it were to be considered that he had exhausted them, he had filed his petition after the six-month deadline established in Article 46.1.b) of the American Convention on Human Rights. The State further argued that there was no violation of Articles 8.1, 8.2, subparagraphs b), g), and h), 8.3, 25, and 1.1 of the American Convention on Human Rights and

of Articles XVIII and XXVI of the American Declaration on the Rights and Duties of Man, and that, in any case, what the petitioner wanted was to use the Commission as a "fourth instance".

5. The State claimed that in the criminal proceedings against the alleged victim, the statements of the police were of secondary value in the court's ruling, because they were assessed alongside other evidence, such as, for example, documentary proof, a large number of witnesses brought by both parties, expert analyses of the knives seized from the alleged victim, who worked as a butcher, analysis of blood samples, psychiatric examinations and forensic medicine reports, and it concluded that that evidence had enabled the court to conclude that the alleged victim was the perpetrator of the dual homicide.

III. PROCESSING BY THE IACHR

6. The petition was received by the Commission on January 19, 2001. On April 15, 2001, the Commission asked the petitioner for information stating whether the competent authorities had investigated the affirmation in his complaint that his son's statement had been extracted under duress. The petitioner replied to the Commission's request on September 25, 2002 stating that the aforementioned investigation had not been conducted.

7. The IACHR forwarded the petition to the State on July 31, 2003 with a request for its observations. On September 9, 2003, the State asked for a one-month extension of the time for submitting its reply. On February 23, 2004, the State presented its reply, which was forwarded to the petitioner. The petitioner submitted observations on the State's reply on August 23, 2004 and again, for the last time, on August 17, 2005. Both were forwarded to the State. On September 9, 2005, the State presented its observations, which were transferred to the petitioner, who was asked on December 8, 2006, to submit any observations he deemed pertinent.

8. Due to the lack of communication thereafter, on May 14, 2009 and on December 15, 2011, the Commission reiterated its request for information of December 8, 2006, pointing out that the IACHR could archive the case if it did not receive a reply within three months.

IV. BASIS FOR THE DECISION TO ARCHIVE

9. Both Article 48.1(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 the information has been received or the period for receiving the information has elapsed, the IACHR shall verify whether the grounds for the petition or communication exist or survive and, should they not exist or survive, shall order the archiving of the file.

10. So far the petitioner has not replied to the IACHR's requests for information of December 8, 2006, May 14, 2009, and December 15, 2011, and has not provided information since 2005. After conducting its analysis, the Commission considers that it lacks sufficient elements to determine whether the petition is admissible or inadmissible, or whether the grounds for the original complaint subsist. Accordingly, pursuant to Article 48.b of the American Convention on Human Rights and Article 42 of the IACHR Rules of Procedure, the Commission hereby decides to archive the present petition.