

REPORT No. 74/13
DECISION TO ARCHIVE
PETITION 104-02
CINTHIA ROCIO ACOSTA
MEXICO
July 16, 2013

ALLEGED VICTIM: Cinthia Rocío Acosta Alvarado

PETITIONER: Rosario Acosta Alvarado

ALLEGED VIOLATIONS: Articles 5, 8, 11, and 25 of the American Convention on Human Rights

DATE OF INITIAL PROCESSING: April 9, 2002

I. POSITION OF THE PETITIONER

1. On February 11, 2002, the Inter-American Commission on Human Rights received a complaint lodged by Mrs. Rosario Acosta Alvarado against the State of Mexico for alleged violations of human rights committed in the course of the investigation into the disappearance and subsequent death of her niece, Cinthia Rocío Acosta, aged 10. The petitioner reported that Cinthia Rocío disappeared in Ciudad Juarez on February 9, 1997 and was found dead on February 27 of the same year.

2. The petitioner indicated that, although the authorities managed to apprehend, indict, imprison, and convict the perpetrator in February 1998, she considered the actions and omissions of some of the authorities during the preliminary investigation to be serious, specifically those of the State Judicial Police (PJE) and the governor of the State. Regarding the PJE, she stated that they had reportedly not devoted the resources necessary, and in a timely enough manner, to search for the girl. Furthermore, during the time that lapsed between Cinthia's death and the arrest of the perpetrator, members of her family and she herself reportedly received threats for making their own inquiries, inquiries that, according to the petitioner, the PJE should have made. With respect to the governor, she stated that he acted with indifference and moral disregard toward the victim, blaming her and her family for her death by maintaining that she was a "neglected little girl." She further notes that the representative of the governor in Juarez stated that the "results of the autopsy revealed that she was a sickly little girl and had cavities."

3. The petitioner reported that the National Human Rights Commission (CNDH) issued a recommendation based on a study of this and 23 other cases and asked the State government to, among other things, handle investigations with sensitivity and respect. She holds that the authorities' failure to act quickly when the girl's disappearance was reported gave the perpetrator time to commit his crime and the insensitivity and arrogance of the aforementioned authorities demonstrates their unwillingness to provide reparations to the victims.

II. POSITION OF THE STATE

4. In its response dated June 18, 2002, the State presented its observations and forwarded a copy of a report containing details of the criminal case pursued against the perpetrator of the crimes of aggravated rape and voluntary manslaughter against Cinthia Rocío Acosta.

5. The State argued that internally, no reports had been filed on the alleged threats the family is said to have received. With respect to the assertion that the authorities had not acted quickly and that that had given the perpetrator time to commit his crime, the State reports that a determination was made that the girl had died 10 hours after the mother filed her complaint. The State added that it could neither confirm nor deny the alleged insensitivity and arrogance displayed by the authorities who conducted the criminal investigation as they lacked sufficient information, although the State did underscore how effective the Public Ministry and the Judicial Police had been in managing to apprehend and prosecute the perpetrator. Lastly, the State asked that the petition be declared inadmissible since domestic legal remedies had not been exhausted with respect to the petitioners' allegations nor had the petition been filed in a reasonable time frame.

III. PROCESSING BEFORE THE COMMISSION

6. On February 11, 2002, the Inter-American Commission on Human Rights received the petition and assigned it number 104/02. On April 9, 2002, the Commission forwarded the relevant portions of the petition to the State, requesting that the State submit its observations within two months.

7. The State submitted its observations on June 18, 2002. The petitioner sent additional information on January 22, 2003 and the State submitted its observations and additional information on February 24, 2003. On April 16, 2003, the IACHR asked the petitioner to submit, within one month, any observations she had to the latest note from the State. No response was received. On April 14, 2010, the request for information made on April 16, 2003 was repeated and the petitioner was informed that if no information was forthcoming within one month, the IACHR might archive the petition pursuant to Article 48(1)(b) of the American Convention on Human Rights and Article 42 of the Commission's Rules of Procedure. No response was received. On May 2, 2013, the request for information made on April 16, 2003 was repeated and the petitioner was informed that if no information was forthcoming within one month, the IACHR might archive the petition pursuant to Article 48(1)(b) of the American Convention on Human Rights and Article 42 of the Commission's Rules of Procedure. No response was received.

IV. BASIS FOR THE DECISION TO ARCHIVE

8. Both Article 48(1) of the American Convention on Human Rights and Article 42 of the Commission's Rules of Procedure provide that, before determining admissibility, the Commission shall ascertain whether the grounds for the petition still exist, and if they do not exist or subsist, it shall order the archiving of the case file. Article 42(1)(b) of the Commission's Rules of Procedure likewise provides that the IACHR may decide to archive a case when it lacks the information necessary to make a decision.

9. In this case, since January 22, 2003, the petitioner has failed to respond to the State's observations nor has she expanded or updated the information on her claims despite repeated requests by the Commission in this regard. No response was received by the petitioner with respect to the Commission's requests for information—made on April 14, 2010 and May 2, 2013—to determine if the grounds giving rise to the petition continue to exist, and in which the petitioner was informed about the possibility of the case file being archived.

10. Consequently, the Commission lacks the information necessary to determine whether the motives that gave rise to the original complaint continue to exist or to come to a final decision about the human rights violations alleged and thus, pursuant to Article 30 of its Rules of Procedure, decides to archive this petition.

Done and signed in the city of Washington, D.C., on the 16th day of July 2013. (Signed): Tracy Robinson, First Vice-President; Rosa María Ortiz, Second Vice-President; Felipe González, Dinah Shelton, Rodrigo Escobar Gil and Rose-Marie Antoine, Commissioners.