

REPORT No. 65/13
DECISION TO ARCHIVE
PETITION 11.495
COSTA RICA
July 16, 2013

ALLEGED VICTIM: Juan Ramón Chamorro Quiroz

PETITIONER: *Comisión para la Defensa de los Derechos Humanos en Centro America (CODEHUCA)* [Commission for the Defense of Human Rights in Central America]

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

DATE ON WHICH PROCESSING COMMENCED: February 28, 1995

I. POSITION OF THE PETITIONER

1. On February 28, 1995, the Inter-American Commission on Human Rights received a petition that the *Comisión para la Defensa de los Derechos Humanos en Centroamérica* (CODEHUCA) [Commission for the Defense of Human Rights in Central America] (hereinafter “the petitioner”) lodged against the State of Costa Rica (hereinafter the “State” or “Costa Rica”) alleging its responsibility for violation of the rights to judicial guarantees and to judicial protection, recognized in the American Convention on Human Rights (hereinafter the “American Convention”), to the detriment of Juan Ramón Chamorro Quiroz.

2. The petitioner asserted that on February 21, 1995, Mr. Chamorro had allegedly been apprehended by two persons in khaki uniforms and carrying M-16 rifles, one of whom hit him. The following day, Mr. Chamorro was allegedly deported, without being given the opportunity to file the domestic judicial remedies or to enter any complaint with the competent authorities. The petitioner added that Mr. Chamorro was allegedly unable to return to Costa Rica because he was undocumented and without economic means. The petitioner’s contention was that Mr. Chamorro’s undocumented status was no justification for denying him access to justice, as was done in this case.

II. POSITION OF THE STATE

3. In response to the claims made in the petition, the State maintained that the petition was inadmissible on the grounds that the remedies under Costa Rican domestic law had not been pursued and exhausted. It also pointed out that in the deportation proceedings, all domestic and international norms on the subject of deportation had been observed. It added that Mr. Chamorro could have filed remedies to have the order for his deportation nullified, or an appeal of the decision to deport or a petition seeking a writ of *habeas corpus*. It also argued that Mr. Chamorro could have filed a complaint concerning his alleged assault by agents of the State, but did not do so. It also observed that once in his country of origin, there was nothing to prevent Mr. Chamorro from applying to return to Costa Rica through the legally established means, to file a complaint with the competent authorities

concerning the alleged events. As for the alleged assault, the State denied that anything of that sort ever happened and asserted that the immigration police neither wear uniforms nor carry weapons.

III. PROCESSING WITH THE IACHR

4. The petition was registered as number 11.495. After a preliminary analysis, on June 15, 1995 the IACHR proceeded to forward a copy of the relevant parts of the petition to the State for its observations.

5. The State presented its observations on June 29, 1995. The petitioner sent its observations on August 17, 1995, which were forwarded to the State. The State's response was received on January 17, 1996.

6. On October 5, 2000, the IACHR issued its Admissibility Report 89/00, approved at the Commission's 108th regular session. The parties were notified on October 23, 2000. The petitioner did not file any observations on the merits. Pursuant to Article 48(1)(b) of the American Convention, on September 30, 2011 the IACHR sent the petitioner a request seeking updated information and advised it that if no information was received within one month, the IACHR could, under Article 48(1)(b) of the Convention and Article 42 of the Commission's Rules of Procedure, order the record closed. The petitioner did not present the requested information.

IV. GROUNDS FOR THE DECISION TO ARCHIVE

7. Article 48(1)(b) of the American Convention on Human Rights and Article 42(1) of the Commission's Rules of Procedure both provide that, in processing a petition, the Commission shall, after the information has been received or the period established has elapsed and the information has not been received, ascertain whether the grounds for the petition still exist; if they do not, it shall order the record closed.

8. In the present case, more than 18 years have passed since the petitioner's communication was received. Despite the IACHR's September 30, 2011 request for updated information, thus far it has not received the information needed to bring the file on the petition current, as was requested.

9. As a result, the Commission does not have the information it needs to determine whether the grounds for the original petition still exist or to arrive at a final decision on the alleged violation of human rights. Therefore, in accordance with Article 48(1)(b) of the Convention and Article 42 of the Commission's Rules of Procedure, it decides to close the record on this petition.

10. Consequently, it is impossible to determine whether the grounds for the initial petition still exist and, therefore, it is impossible to continue to entertain the petition. Accordingly, as provided by Article 48.1 subsection (b) of the Convention and Article 42 of the IACHR Rules of Procedure, it is hereby decided to archive the instant petition.

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