

REPORT No. 114/13
PETITION 990-03
DECISION TO ARCHIVE
ARGENTINA
November 5, 2013

ALLEGED VICTIM AND PETITIONER: Enrique Grassis

VIOLATIONS ALLEGED: Articles 8, 11 and 21 of the American Convention on Human Rights.

DATE PROCESSING INITIATED: August 30, 2005.

I. THE PARTIES' POSITIONS

A. The Petitioner

1. On November 22, 2003, the Inter-American Commission on Human Rights (hereinafter "the Commission" or "the IACHR") received a petition filed by Enrique Grassis in which he alleged that in 1993, as a result of articles published in the press, he and other persons were charged with fraud, bribery and document tampering. The petitioner pointed out that chargers were also brought against his wife and children, who were accused of a "cover-up", although the case against them was not prosecuted on the grounds that the statute of limitations had expired.

2. The petitioner stated that in his case, the court had ordered pre-judgment attachment of his assets because civil plaintiffs had become party to the case. However, the civil plaintiffs were ultimately excluded from the case, which meant that there were no aggrieved parties that such pre-judgment attachment measures are intended to protect. The petitioner claimed that the attachments ordered violated his right to property protected under Article 21 of the American Convention on Human Rights. He alleged that his domicile had been searched by the Special Operations Troops of the Province of Santa Fe. He also alleged that the criminal case was at a standstill for more than three years.

3. The petitioner maintained that on April 22, 2002, the statute of limitations for criminal action kicked in, whereupon he filed an action seeking enforcement of the statute of limitations. He stated that the judge found that the question of the statute of limitations had to be decided at the time the merits of the case were decided. In response, the petitioner had filed a petition seeking reversal of the judge's ruling and a swift decision. That petition was denied.

4. The petitioner indicated that on the date he filed his petition with the Commission, his case had dragged on for ten years; for seven of those ten years, the case was allegedly in the examining phase.

B. The State

5. As to the facts, the State claimed that the alleged victim was working as a legal advisor to a group of victims of a major fraud committed by employees of the Banco Río de La Plata, S.A., Rosario branch. The parties in this criminal case had reportedly reached an out-of-court settlement that had been okayed by the court.

6. The State alleged that the case was reported in the media in articles that reported that the lawyers for the fraud victims had signed a second, secret agreement with that Bank under which extra money would be paid to the victims; the lawyers had then stolen that money in connivance with a magistrate. The alleged victim was with bribery, fraudulent management, tampering with public documents and fraud. It alleges that on March 3, 2005, the case was dismissed on the grounds of the statute of limitations, and that decision became final on May 5, 2005.

7. The State argued that the petition was inadmissible because it did not state facts that tend to establish a violation of the rights protected under the American Convention on Human Rights.

II. PROCESSING WITH THE IACHR

8. The petition was sent to the State for its observations on August 30, 2005. The State sent its response on January 27, 2009, which was forwarded to the petitioner on February 10, 2009, for his observations. The Commission's original request for information from the petitioner was repeated on October 28, 2011 and July 23, 2012, and he was advised that if no reply was forthcoming, the Commission could proceed to close the record on his petition.

III. GROUNDS FOR THE DECISION TO CLOSE THE RECORD

9. Both Article 48(1)(b) of the American Convention and Article 42 of the Rules of Procedure of the Inter-American Commission on Human Rights provide that while a petition is being processed, after the information has been received or after the period established has elapsed and the information has not been received, the Commission shall ascertain whether the grounds for the petition or communication still exist and, if they do not, shall order the record to be closed.

10. The petitioner has thus far not replied to the Commission's requests for information dated February 10, 2009, October 28, 2011 and July 23, 2012. Having done the corresponding analysis, the Commission finds that it does not have the information needed to arrive at a decision on the petition, despite its efforts to obtain that information; the unwarranted procedural inactivity on the part of the petitioner is a serious indication of his disinterest in pursuing the petition. Therefore, in keeping with Article 48(1)(b) of the American Convention and Article 42 of the Commission's Rules of Procedure, the Commission decides to close the record on this petition.

Done and signed in the city of Washington, D.C., on the 5th day of November 2013. (Signed): José de Jesús Orozco Henríquez, President; Tracy Robinson, First Vice-President; Dinah Shelton, Felipe Gonzalez, Rodrigo Escobar Gil and Rose-Marie Belle Antoine, Commissioners.