

OEA/Ser.L/V/II.150
Doc. 36
4 April 2014
Original: Spanish

REPORT No. 32/14
CASE 10.315
REPORT ON ARCHIVE

LUIS MIGUEL VILLANUEVA
VENEZUELA

Approved by the Commission at its session No. 1980 held on April 4, 2014
150 Regular Period of Sessions

Cite as: IACHR, Report No. 32/14, Case 10.315. Archive. Luis Miguel Villanueva. Venezuela.
April 4, 2014.

REPORT No. 32/14
CASE 10.315
ARCHIVE
LUIS MIGUEL VILLANUEVA
VENEZUELA*
APRIL 4TH, 2014

ALLEGED VICTIM: Luis Miguel Villanueva

PETITIONERS: Support Network for Justice and Peace and Center for Justice and International Law (CEJIL)

ALLEGED VIOLATIONS: Articles 4, 8, and 25 of the American Convention on Human Rights

INITIAL DATE OF PROCESSING: February 23, 1989

I. POSITION OF THE PETITIONERS

1. On February 23, 1989, the Inter-American Commission on Human Rights (hereinafter “the Commission” or “the IACHR”) received a complaint, lodged by the Support Network for Justice and Peace (hereinafter “the petitioners”)¹, on behalf of Luis Miguel Villanueva (hereinafter “the alleged victim”), which alleged that the Bolivarian Republic of Venezuela (hereinafter “the State” or “Venezuela”) bears international liability for the death of the alleged victim, which it states was caused by officers assigned to the Sectoral General Directorate of Police Intelligence and Prevention Services (DISIP).

2. According to the petitioners, on December 15, 1987, armed government agents in civilian attire fired on the alleged victim, on Eduardo Peña, and on William Sumouza. They say the alleged victim was hit by seven bullets and that the perpetrators performed “maneuvers” to simulate a confrontation.

3. They stated that on December 28, 1987, the relatives of the alleged victim issued a complaint regarding the events; that on July 26, 1988, an arrest warrant was issued against three police officers; and in 1988 the arrest warrant was revoked and the detainees were acquitted. The petitioners add that on February 20, 1990, the motion to quash was granted, and, on March 3, 1993, the Supreme Court reversed that decision and forwarded the case for a new ruling. They add that, on May 5, 1995, the accused were acquitted, and that this decision was partially confirmed on November 2, 1995².

II. POSITION OF THE STATE

4. On November 21, 1995, the State moved that the case be found inadmissible, arguing that decisions remained pending at the time the complaint was lodged with the Commission. In addition, the State said that, throughout the domestic proceedings, the petitioners had failed to avail themselves of the remedies

* Commissioner James Cavallaro did not participate in discussing or deciding this case, in accordance with Article 17.2.b of the IACHR’s Rules of Procedure.

¹ On February 7, 1997, the petitioners legally authorized the Center for Justice and International Law (CEJIL) to act as petitioners in this case.

² The higher court allegedly had convicted one of the police officers, acquitted another, and ordered the dismissal of the case against the third police officer. With respect to this ruling, the petitioners alleged that the violation had been punished only partially and that no redress had been provided for the violations of the right to life and the right to effective recourse for the relatives of the alleged victim.

provided under domestic law, and that those motions had been filed instead by the Office of the Attorney General of the Republic.

5. The State also argued that the complaint was manifestly groundless because the petitioners' intent had been that the international body analyze, evaluate, and rule upon the suppositions of fact and law on which the Venezuelan courts based their rulings. The State said, in this regard, that the IACHR could not act as a court of fourth instance and requested that the petition be found inadmissible.

III. PROCESSING BY THE IACHR

6. On February 23, 1989, the Commission received the initial petition, which was transmitted to the State for its observations. On September 6, 1989; January 8 and May 20, 1991; February 25, 1992; January 13 and February 2, 1994; November 21, 1995; January 31, 1996; and June 13, 1998, the State presented its observations, which were transmitted to the petitioners for their observations. The petitioners submitted observations on July 27, 1989, July 1, 1992, August 14, 1995, February 7, 1997, October 23, 1998, and June 2, 1999. In addition, on February 7, 1997, the petitioners presented a power of attorney enabling CEJIL to act in this case.

7. On June 14, 2000, the IACHR made itself available to the parties for the pursuit of a friendly settlement, requesting a reply within 30 days. On August 8, 2000, the IACHR received a reply from the petitioners, which the Commission transmitted to the State on October 10, 2000. On November 11, 2004, the IACHR requested updated information from the parties. On December 22, 2044, the petitioners submitted observations, which were transmitted.

8. On March 28, 2006, the IACHR informed the parties that, in application of Article 37.3 of its Rules of Procedure in effect at that time, it had decided to open a case under the number 10,315 and had deferred the examination of admissibility until the merits had been discussed and ruled upon; it also requested additional observations on the merits within a period of two months.

9. Having received neither additional observations on the merits nor additional information from the petitioners, on October 16, 2006, March 3, 2010, and April 4, 2012, the Commission repeated its request, indicating that, should such information not be received within one month, the Commission might proceed to archive the matter. To date, the IACHR has received no observations from the petitioners on the merits of the case.

IV. GROUNDS FOR THE DECISION TO ARCHIVE

10. Both Article 48.1.b of the American Convention and Article 42 of the Rules of Procedure of the IACHR provide that, in the processing of a petition, once the information has been received, or once the established deadline has passed and the information has not been received, the IACHR will determine whether the grounds for the petition or communication do exist, or continue to exist, and, if they do not, will order that the case be archived. In addition, Article 42.1.b of the IACHR Rules of Procedure establishes that, at any point in the processing, the IACHR may archive the case file if it does not have the necessary information to reach a decision on the case.

11. In this proceeding the petitioners did not respond to the requests for information issued on October 16, 2006, March 3, 2010, and April 4, 2012. Under these circumstances, it is impossible to proceed with the analysis or to determine whether the grounds supporting the initial petition still exist. Therefore, under Article 48.1.b of the Convention and Article 42 of the Rules of Procedure of the IACHR, the Commission hereby decides to archive this petition.

Done and signed in the city of Washington, D.C., on the 4th day of the month of April, 2014. (Signed): Tracy Robinson, President; Rose-Marie Belle Antoine, First Vice President; Felipe González, Second Vice President; José de Jesús Orozco, Rosa María Ortiz and Paulo Vannuchi, Commissioners.

