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# **REPORT No. 28/15 PETITION 706-01**

REPORT ON ADMISSIBILITY

OSCAR EMILIO DADEA ARGENTINA

Approved by the Commission at its session No. 2034 held on July 21, 2015  $155^{\rm th}$  Regular Period of Session.

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REPORT No. 28/15 PETITION 706-01 OSCAR EMILIO DADEA ARGENTINA JULY 21, 2015

# I. SUMMARY

- 1. On September 6, 2001, the OAS office in Argentina received a petition that was forwarded to the Inter-American Commission on Human Rights (hereinafter, "IACHR") on October 9, 2001. The petition, which was submitted by Oscar Emilio Dadea, (hereinafter, "the alleged victim" or "Mr. Dadea"), who is represented by Carlos Mariano Zamorano and Héctor A. Noli (hereinafter, "the petitioners"), alleges the responsibility of the State of Argentina (hereinafter, "the State") for acts of illegal deprivation of liberty and torture committed by state agents against him, as well as the lack of adequate compensation.
- 2. The petitioners allege that on March 21, 1977, during the dictatorship, the alleged victim was arbitrarily arrested by police officers who took him to a clandestine center in Buenos Aires where he was tortured. They further allege that the State violated Articles 5 (humane treatment), 7 (personal liberty), and 25 (judicial protection) of the American Convention on Human Rights (hereinafter, "the American Convention"), as well as the Inter-American Convention to Prevent and Punish Torture (hereinafter, "Convention against Torture"). For its part, the State alleges that the claims are inadmissible since the victim has already been compensated at the domestic level.
- After examining the parties' positions in light of the admissibility requirements set forth in Articles 46 and 47 of the American Convention, the Commission decided to declare the petition admissible for purposes of examining the alleged violation of Articles 8 (fair trial) and 25 (judicial protection) of the American Convention, in connection with Articles 1(1) (obligation to respect rights) and 2 (domestic legal effects) thereof; as well as of Articles I (right to liberty and personal security), IX (right to the inviolability of the home), XVIII (right to a fair trial), and XXV (right to protection from arbitrary arrest) of the American Declaration of the Rights and Duties of Man; and [Articles] 1, 6, and 8 of the Convention against Torture. The Commission further decided to declare the petition inadmissible with respect to Articles 5 and 7 of the American Convention and give notice of this decision to the parties, make it public, and include it in its Annual Report to the OAS General Assembly.

# II. PROCESSING BY THE COMMISSION

- 4. The petition was registered under number 706-01. On September 10, 2003, the petition was forwarded to the State for its observations. The State sent its responses on September 26, 2003, November 22, 2004 (wherein it invited the petitioners to initiate a friendly settlement), November 9, 2005, November 17, 2008, and September 28, 2010. Such communications were forwarded to the petitioner for his observations and the last one, for his information, on November 30, 2010.
- 5. The petitioners submitted their observations and additional information on December 8, 2003, September 2, 2005, March 3, 2006 (wherein they stated that because the State had made no proposal for a friendly settlement, they no longer wished to pursue one), April 24, 2007, May 21, 2008, October 1, 2009, and July 30, 2010. These observations were forwarded to the State for its comments.

# III. POSITION OF THE PARTIES

#### A. POSITION OF THE PETITIONERS

- 6. The petitioners initially alleged that the State is responsible for the illegal deprivation of liberty, injuries, violation of the home, tampering with a public document, torture, and forced disappearance, all to the detriment of the victim. They further allege a lack of compensation for damages. During the processing of the petition, the petitioners provided information on the results of the civil judicial remedies that they consider insufficient in relation to the compensation requested since 1980. In this regard, they contend that the compensation awarded by the courts in the victim's favor was finally paid 23 years after the start of the civil proceedings, with a series of obstacles in the compliance process resulting in a loss of more than 40% of its value.
- 7. The petitioners hold that on March 21, 1977, during the dictatorship, two police officers ransacked the home of the alleged victim, abducted him, and took him to a clandestine detention center in Buenos Aires, where he was tortured in an attempt to obtain confessions regarding who was responsible for an alleged street crime. They further contend that the alleged victim spent seven years in jail until the matter was dismissed.
- Regarding the torture he suffered, the alleged victim claims "they stripped him naked, placed rubber boots and gloves on him, and laid him down on a thin wet foam mattress, and over the course of approximately one and a half hours, they administered electric shocks or an "electric prod" over different parts of his body, all the while his screams were muted by the acceleration of a truck engine." The petitioners also allege that "they pulled out all [the alleged victim's] teeth." They claim he suffered permanent damage as a result of the torture, to such an extent that he was no longer able work, which diminished his lifelong capacity to work by 80%. The petitioners assert that despite his "very fragile health," the alleged victim has filed a number of different legal claims within Argentina, without having achieved any justice whatsoever.
- 9. The petitioners claim that these events were reported to the courts and on December 21, 1977 criminal cases were brought against the police agents who had been involved in the arrest. Officers Tribo and Castro were charged with the crime of illegal deprivation of liberty and Officer Tribo was also charged with the crime of torture.
- 10. They further indicate that in 1980, while in detention, the alleged victim filed a claim for damages against the Ministry of the Interior and note that the alleged victim was illegally deprived of his liberty for seven years.
- 11. The petitioners allege that the criminal judgment handed down in the trial court on October 9, 1991 declared the criminal action to be time-barred with respect to the crimes of violation of the home, illegal deprivation of liberty, and tampering with a public document. As to the crime of torture, they maintain that the principle of *in dubio pro reo* was applied and the case against Officer Tribo was thrown out since it had not been proven that he was the perpetrator.
- 12. The petitioners contend that the above decision was appealed by the Prosecutor and by the alleged victim, as claimant. They indicate that the Second Court of the National Appeals Division (hereinafter, "Appeals Division") admitted their appeals in part on July 15, 1992. As to the arbitrary detention, the Appeals Division thought the facts should be brought together under the crime of "aggravated illegal deprivation of liberty," not simply "illegal deprivation of liberty," and thus the criminal action was not time-barred and the defendants should be indicted. Officer Castro was therefore sentenced to a prison term of 3 years and 6 months as the co-author. With regard to the torture, the Appeals Division determined that, while Officer Tribo had not been proven to be the perpetrator, he should be charged as a necessary participant to 4 years and 6 months in prison.

- 13. The petitioners hold that this ruling was voided on procedural grounds and a new judgment was issued by the National Appeals Division on October 28, 1996, under which Officer Tribo's sentence was reduced to four years in prison for illegal deprivation of liberty and torture, while Officer Castro's sentence was reduced to three years in prison as the co-author criminally liable for aggravated illegal deprivation of liberty.
- 14. The petitioners indicate that the National Supreme Court of Justice (hereinafter, "CSJN") voided the Appeals Division's ruling and ordered it to issue a new judgment. On October 14, 1999, the Appeals Division decided to dismiss the cases against both officers, stating: (i) That, as the CSJN had noted, their actions should not have been characterized as "aggravated illegal deprivation of liberty," but rather as "illegal deprivation of liberty," and thus the criminal action was indeed time-barred and the cases had to be dismissed; and (ii) Officer Tribo's involvement in the torture had not been duly proven in the case file and, by virtue of the principle of *in dubio pro reo*, he had to be acquitted. The petitioners further claim that compensation for the alleged victim's total inability to work was rejected. They indicate that they filed a special petition for review with the Federal Appeals Division on November 11, 1999, and that it refused to refer their petition to the CSJN on March 31, 2000.
- 15. They maintain that the petitioner –as complainant– once again appealed to the CSJN and that on March 6, 2001 the court dismissed his appeal without examining the merits of the issue due to the lack of a sufficient federal harm. The petitioners indicate that they were notified of that ruling on March 8, 2001, and with this, domestic remedies had been exhausted.
- 16. Concerning the petition for damages filed in 1980, the petitioners stated in their original petition that the civil justice system had awarded the alleged victim compensation, albeit minimal, for damages, but enough to enable him to deal with his illness-related expenses. The petitioners point out the obligation the State has to establish the truth, punish the perpetrators, and redress the harm in this case.
- 17. Through a letter dated May 5, 2008, the petitioners reported that the estimated amount to be paid for damages had been devalued by the economic crisis and that the State had paid the victim with bonds, which were ultimately liquidated, but with a loss of more than 40% of their value. Subsequently, through a communication dated September 21, 2009, they indicated that the Government of Argentina had paid the compensation 23 years after the judgment had been handed down, through bonds that were later devalued, losing 75% of their original value.
- 18. The petitioners indicate that the alleged victim suffers from deafness and terminal hepatitis C, and note that he turned to the Foreign Ministry and the Ministry of Justice's Office of the Undersecretary for Human Rights, but that these institutions offered him no assistance in resolving his legal situation.
- 19. As to the crime of torture, the petitioners believe Officer Tribo should have been convicted, at least as an accomplice, and not have had the case against him dismissed. They explain that even though it might not have been proven that he perpetrated the torture, "there could never be any doubt about his 'involvement' since he first abducted, and then brought the abductees to a clandestine camp to be tortured and not for any other reason [...] in any case, he should have been convicted for 'aiding and abetting'." The petitioners believe these facts characterize violations of the Inter-American Convention to Prevent and Punish Torture inasmuch as this Convention imposes upon the State the obligation to punish both the perpetrators of these types of acts, and their accomplices, with "severe punishments." Lastly, they believe the crime of torture, "whether or not it technically qualifies as a 'crime against humanity' [...] because of its special nature [...] specifically has no statute of limitations."
- 20. The petitioners contend that in January 2006, the alleged victim went to see the Human Rights Representative in the International Division of the Ministry of Foreign Relations, International Trade, and Worship, and requested that the State pay out his claim for damages in cash, but received no affirmative response. They claim that Mr. Dadea is in a dire financial situation because he has not been able to collect the compensation stipulated in the civil judgment.

### B. Position of the State

- 21. The State indicates that the petitioner initiated a case against it in order to secure financial reparations for the physical and moral harm he suffered as a result of acts committed by the Argentine National Police between March 1977 and 1984.
- 22. The State indicates that on July 10, 1997, the National Civil and Federal Commercial Court ruled that the State of Argentina had to pay the compensation requested. On February 19, 1998, the First Court of the National Civil and Commercial Division of the Federal Capital upheld the ruling and ordered the State to pay the alleged victim \$80,000 Argentine pesos, plus interest. It maintains that, in compliance with that sentence, the State of Argentina deposited a total of US\$247,600 in Pro 2 bonds in the alleged victim's name.
- 23. The State holds that the alleged victim exchanged the aforementioned bonds, through the Banca Nazionale di Lavoro, for another type (BONTES 2006). As a result, Mr. Dadea had 181,500 BONTES 2006 –denominated in US dollars– deposited into his account.
- 24. The State contends that faced with the social, economic, exchange, and financial emergency declared by Law No. 25.561, which at the same time produced the "conversion into pesos (*pesification*)" and government bond "default," the alleged victim filed an *amparo* action against the Argentine state in order to compel adherence to the conditions originally agreed in the issue of the bonds he held, bearing in mind Law No. 23.982, which provided for payment of government bonds during emergency situations. The State indicates that that action was taken up in the trial courts and that Decree 471-02 and others were declared unconstitutional.
- 25. The State indicates that it appealed that ruling and that the Federal Division revoked it in part in October 2004 and without prejudice thereto, establishes that the exception to deferment of payment applies in this case because of the alleged victim's health and that it allows him to receive payment pursuant to Decree 47/02. The State indicates that the alleged victim filed a special petition for review, which he himself abandoned in February 2006 because of his serious health problems.
- 26. The State claims that the alleged victim consented to use of the system provided for under Law No. 23.982 by taking the steps to obtain the government bonds, by accepting deposit of the amount stipulated in the judgment in the form of government bonds, and by successively exchanging the bonds. It contends that because consent for that form of payment was given, the matter is not subject to review.
- 27. The State asserts that the alleged victim had a number of means at his disposal to avoid or lessen the harm he is alleging by opting to stick with the exchange made in February 2005 or availing himself of one of the age- or illness-related exceptions provided for (Decree 1310/04, Law No. 25.827) to receive payment for the government bonds.
- 28. The State holds that the alleged victim has no claim whatsoever with respect to the payment in bonds made by the Argentine state. It maintains that raising questions about the form of payment used to meet its obligation would undermine the purpose of the claim in international bodies.
- 29. The State asserts that the alleged victim considered the issue of financial compensation to have been settled through the civil proceedings. Nevertheless, with respect to the judicial process to secure compensation for damages, the State recognizes that "considering the standards set by the Inter-American Court of Human Rights, the reasonable time requirement established in the Convention would not in principle be satisfied," since the process had taken 16 years. The State furthermore indicates its willingness to explore the possibility of establishing a fair compensatory procedure so that the alleged victim could receive a special additional benefit for humanitarian reasons.

- 30. The State argues that the compensation established for the alleged victim fell within the scope of Law No. 23.982 as a result of the length of the legal proceedings. The State indicates that due to emergency situations, it had to issue public bonds in order to meet its obligations. The foregoing may have caused Mr. Dadea to experience a "feeling of uncertainty that [the situation] might lead to the impossibility of cashing in on the face value of the bonds." For that reason he may have exchanged the bonds he originally received. The State indicates that it has also examined the length of the judicial process, the origin of the alleged victim's complaint, his advanced age, and the fact that he is suffering from a terminal illness whose treatment is expensive. In this regard, it indicates that these circumstances "make it appropriate to explore the possibility of establishing parameters and procedures for a fair compensatory mechanism."
- 31. The State points out that on May 16, 2006 it sent a query to the Ministry of the Economy and Production to see about the feasibility of paying the compensation being claimed, which would be provided promptly in bonds, given that it was a matter of reparations awarded by the court for human rights violations. The State points out that this query was withdrawn on November 6, 2007.
- 32. The State asserts that in response [to this query], the Ministry of the Economy and Production reported that the precautionary measure Mr. Dadea had requested as part of his *amparo* appeal before Federal Court No. 2 of the city of Rosario had been complied with on December 19, 2002 and that based on health considerations, a payment of \$7.909.77 plus an adjustment for inflation was ordered. Furthermore, the State alleges that they paid the other bonds in keeping with the provisions set forth in Decree 471-002. The State indicates that the special petition for review filed by the alleged victim was abandoned on February 9, 2006, and therefore no further proceedings are pending.
- 33. Finally, the State holds that on July 12, 2006, the Caja de Valores S.A. and the Argentine Central Bank [BCRA] were ordered to make the last coupon payments on interest accrued, as well as pay the redemption, on the BONTE 06 that belonged to the alleged victim. The State alleges that it has complied with the payment and met the needs of the petitioner as part of a friendly settlement process that began at the behest of the State. The State did not indicate the specific amount that was paid to the petitioner.

#### IV. ANALYSIS

# A. The Commission's competence ratione personae, ratione loci, ratione temporis and ratione materiae

- 34. The petitioners have standing to file a petition with the Commission in keeping with the provisions of Article 44 of the American Convention and Article 23 of the IACHR's Rules of Procedure. The petition identifies the alleged victim as an individual with regard to whom the State undertook the commitment to respect and ensure the rights recognized in the American Declaration and the American Convention. As for the State, the Commission notes that Argentina has been a State party to the American Convention since September 5, 1984, when it deposited its instrument of ratification and has been a party to the Convention against Torture since it deposited its instrument of ratification on March 31, 1989. The State is obliged to respect the provisions of the American Declaration and the IACHR is competent to receive petitions that allege violations perpetrated by the State [of rights] contained therein inasmuch as Argentina ratified the OAS Charter on January 19, 1956, and has been subject to the Commission's jurisdiction since 1965. Therefore, the Commission is competent *ratione personae* to review the petition with respect to the American Declaration, the American Convention, and the Convention against Torture as of the entry into force of the respective obligations.
- 35. The Commission is competent *ratione loci* to consider the petition, inasmuch as the petition alleges violations of rights protected by the American Declaration and the American Convention that occurred in the territory of a State party thereto. Furthermore, the Commission is competent *ratione materiae* because the petition alleges violations of human rights protected under the American Declaration, the American Convention, and the Convention against Torture.

36. With regard to competence *ratione temporis*, the Commission notes that the purported violations of the alleged victim's rights related to his detention and alleged torture occurred prior to Argentina's ratification of the American Convention on September 5, 1984. Therefore, the source of applicable law is the American Declaration. Nevertheless, the IACHR further notes that with respect to the alleged facts that occurred as of September 5, 1984 and March 31, 1989 or those that it could opportunely consider as ongoing violation of rights that continued to exist subsequent to that date, the Commission is competent *ratione temporis* to review this petition under the American Convention and the Convention against Torture, as it relates to the duty to investigate the alleged acts of torture.

# B. Admissibility requirements

#### 1. Exhaustion of domestic remedies

- 37. Article 46(1)(a) of the American Convention, in keeping with the generally recognized principles of international law, requires prior exhaustion of available domestic remedies in order for a claim purporting violations of the American Convention to be admitted.
- 38. In this respect, the petitioners allege that remedies were exhausted with the decision that dismissed the remedy of appeal issued by the Supreme Court of Justice (CSJN) on March 6, 2001, notice of which was provided on March 8, 2001.
- 39. The Commission notes that the main subject of this petition, which is under its competence, refers to the alleged arbitrary detention and acts of torture; the alleged lack of judicial protection due to time-barring the criminal suit for illegal deprivation of liberty and torture; and the alleged lack of adequate reparations. In this context, the petitioners also presented arguments regarding the application of "pesification" and the reduction in the interest rate of due compensation.
- 40. In this regard, criminal proceedings are in principal the suitable remedy in the domestic justice system to protect the rights the petitioners allege were violated, such as the right to liberty and humane treatment, which by their nature should be brought by the State *sua sponte* and not by a party to the proceedings. Based on the information submitted by the parties, the Commission notes that the first instance judgment declared criminal action against the agents of the State to be time-barred, due to the time passed and because it had not been proven that they were the perpetrators of the torture pursuant to the principle of *in dubio pro reo*. Thereafter, the Appeals Division ruled that the type of crime corresponded to aggravated deprivation of liberty, which meant it was not time-barred, and deemed that the defendant was an accessory (*copartícipe necesario*) to the crime of torture. Finally, the Appeals Division decided to dismiss the case against both officers based on the fact that the criminal action was time-barred and also concluded that officer Tribo's involvement in the alleged torture had not been duly proven. After several appeals, the Federal Appeals Division ruled the special federal petition for review inadmissible on March 31, 2000, and the appeal of this decision was dismissed by the CSJN on March 6, 2001, notice of which was provided on March 8, 2001.
- 41. In light of this, the Commission notes that pursuant to the decision of the CSJN on March 6, 2001, ruling the remedy of appeal filed to be inadmissible, domestic remedies were exhausted. Therefore, given the characteristics of this petition, the Commission considers that in this regard the petition fulfills the requirement provided for under Article 46(1)(a) of the American Convention.
- 42. Furthermore, the Commission notes that pursuant to the suit for damages the State was found liable in the first instance in July 1997, a decision that was upheld in the second instance in February 1998. In view of the "pesification" and reduction in interest mentioned previously, the alleged victim filed an *amparo* appeal that was granted in the first instance, which was partially overturned upon appeal by the Government. The petitioner filed a special petition for review and in February 2006 abandoned said petition for health reasons. Finally, the State deposited the last payment of the damages on June 12, 2006.

43. With regard to the *amparo* appeal related to the suit for damages, the Commission remarks that the alleged victim had presented his claims to competent authorities, who had the possibility of hearing them. The Commission deems that the alleged victims' abandonment in the last stage of these proceedings does not restrict admissibility of the claims regarding purported arbitrary detention, torture, denial of justice and were they to be proven before the IACHR, the Commission would necessarily consider the question of reparations. To determine more specifically whether the abandonment has an effect on the analysis of the ways in which the judgment issued in his favor in 1998 was enforced, the Commission will study in the merits stage the health-related issues that led to the abandonment in 2006, as well as their potential link to the main violations alleged in the case, prior to drawing conclusions in this regard.

### 2. Timeliness of the petition

- 44. Article 46(1)(b) of the American Convention provides that for a petition to be admitted by the Commission, it must be presented within six months of when the alleged victim has been notified of the final decision.
- 45. The Commission has already determined that the domestic remedies regarding the criminal proceedings were exhausted on March 8, 2001 and notes that the petition was received on September 6, 2001. Therefore, the Commission considers that this petition was presented within the timeframe provided for under Article 46(1)(b) of the American Convention.

# 3. Duplication of international proceedings

46. The case file does not contain any information that would suggest that this matter is pending in another international settlement proceeding or that it has previously been ruled on by the Inter-American Commission. Therefore, the requirements set forth in Articles 46(1)(c) and 47(d) of the Convention must be deemed as fulfilled.

### 4. Colorable claim

- 47. A series of arguments have been presented in this petition regarding alleged violations of the right to humane treatment, individual liberty, and judicial protection enshrined in Articles, 5, 7, and 25 of the American Convention.
- 48. Neither the American Convention nor IACHR Rules of Procedure requires the petitioner to identify the specific rights that the State allegedly violated in a matter before the Commission, although the petitioners are free to do so. The Commission, in keeping with the system's case law, is to determine in its admissibility report what provision of the relevant inter-American instruments is applicable, the violation of which could be established were the facts alleged to be proven based on sufficient evidence.
- 49. In light of the factual and legal points presented by the parties and the nature of the matter brought before it, the IACHR considers that the petitioners' allegations regarding the alleged arbitrary detention and torture; and the duration, characteristics, and standards applied in the criminal proceedings against the agents of the State for the crimes of illegitimate deprivation of liberty and torture may constitute potential violations of the rights to judicial protection and a fair trial enshrined in Articles 8 and 25 of the American Convention in conjunction with Article 1(1) and 2 thereof. The IACHR further considers that it is not competent *ratione temporis* to analyze the alleged violations of Article 5 and 7 of the American Convention, and therefore these allegations are inadmissible.
- 50. The Commission also has decided that the facts may constitute potential violations of the right to humane treatment and personal liberty, inviolability of the home, justice, and protection against arbitrary detention, enshrined in Articles I, IX, XVIII, and XXV of the American Declaration.

- 51. Additionally, the Commission deems that these allegations may constitute potential violations of Article 1, 6, and 8 of the Convention against Torture with regard to the duty to investigate as of the date of its ratification.
- 52. With regard to compensation, from the information provided by the parties, it emerges that in 1980, Mr. Dadea filed a claim for damages against the Minister of the Interior, which on July 10, 1997 was sentenced to pay \$80,000 Argentine pesos plus interest to the alleged victim, a judgment that was upheld on February 19, 1998. According to the State, US\$247,600 in Pro 2 bonds was deposited in Mr. Dadea's name (date not indicated), which the alleged victim exchanged for 181,500 BONTES 2006 (date not indicated). On December 19, 2002, pursuant to a precautionary measure requested by the alleged victim for health reasons, an order was issued for payment to Mr. Dadea of \$7,909.77 Argentine pesos plus adjustment and the remaining redemption fees (the State does not indicate a specific amount in this regard). Finally, the State asserts that on July 12, 2006 it ordered the last coupon payment on interest accrued and payment of the redemption on the BONTES 06, without specifying the amount.
- 53. Both parties indicate that the compensation ordered by the court was paid in the form of bonds. However, from the information provided by the parties, the exact amount that was paid is unclear. The petitioners initially indicate that the bonds lost 40% of their value. They later indicate that the bonds lost 75% of their original value and that payment was made 23 years after the damages were awarded. Concerning this last allegation, it is unclear how this period was computed. The State, however, acknowledges that the length of the judicial process for obtaining relief was unreasonable.
- 54. If the facts alleged by the petitioners with respect to an unjustified delay in the process from the very beginning up to receipt of the payment, as well as the drastic reduction in the value of the amount paid, are proven, it could represent a potential violation of articles 8 and 25 of the American Convention.<sup>1</sup>

#### V. CONCLUSIONS

- 55. The Commission finds that it is competent to review the claims presented by the petitioners regarding alleged violation of Articles 8 and 25, in conjunction with Articles 1(1) and 2 of the American Convention; Articles I, IX, XVIII, and XXV of the American Declaration, and Articles 1, 6, and 8 of the Convention against Torture; and that these claims are admissible. Furthermore, it finds that the claims regarding Articles 5 and 7 of the American Convention are inadmissible.
  - 56. Based on the factual and legal arguments laid out above:

# THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS, DECIDES:

- 1. To declare this petition admissible with regard to Articles 8 and 25 of the American Convention, in conjunction with Articles 1(1) and 2 thereof, as well as Articles I, IX, XVIII, and XXV of the American Declaration.
- 2. To declare this petition admissible in relation to Articles 1, 6, and 8 of the Inter-American Convention to Prevent and Punish Torture.
- 3. To declare this petition inadmissible in relation to Articles 5 and 7 of the American Convention.
  - 4. To notify the State and the petitioner of this decision.

<sup>&</sup>lt;sup>1</sup> Similarly *cfr.* I/A Court. Case of Furlan and Family v. Argentina, Judgment of August 31, 2012. Series C No. 246, paras. 214 and 215.

- 5. To continue analyzing the merits of the matter.
- 6. To publish this decision and include it in its Annual Report to the OAS General Assembly.

Done and signed in the city of Washington, D.C., on the 21st day of the month of July, 2015. (Signed): Rose-Marie Belle Antoine, President; James L. Cavallaro, First Vice President; José de Jesús Orozco Henríquez, Second Vice President; Felipe González, Rosa María Ortiz, Tracy Robinson and Paulo Vannuchi, Commissioners.