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CASE 12.117

REPORT ON ARCHIVE

SANTOS SOTO RAMÍREZ AND SERGIO CERÓN HERNÁNDEZ
MEXICO

Approved by the Commission at its session No. 2016 held on November 7, 2014.
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REPORT No. 107/14
CASE 12.117
DECISION TO ARCHIVE
PETITION 12.117 SANTOS SOTO RAMÍREZ Y SERGIO CERÓN HERNÁNDEZ
MEXICO¹
NOVEMBER 7, 2014

ALLEGED VICTIM: Santos Soto Ramírez and Sergio Cerón Hernández

PETITIONERS: Law firm Tierra y Libertad, A.C. and Center for Justice and International Law (CEJIL)²

ALLEGED VIOLATIONS: Articles 1(1), 5, 7, 8 and 25 of the American Convention on Human Rights

DATE PROCESSING BEGAN: February 10, 1999

I. POSITION OF PETITIONER

1. On February 10, 1999, the Inter-American Commission on Human Rights received a petition lodged by the law firm Tierra y Libertad, A.C. (hereinafter "the petitioner") against the Mexican State (hereinafter "the State" or "Mexico"). The petition claims that Santos Soto Ramírez was illegally detained, held incommunicado, tortured and subsequently sentenced to 17 years' imprisonment in a trial that allegedly failed to observe the rules of due process, including reliance on a confession obtained through torture. With respect to Sergio Cerón Hernández, the petitioners maintain that his trial and conviction violated his fair trial guarantees. The petitioners also say that all available domestic remedies were exhausted.

II. POSITION OF THE STATE

4. The State argues that in October 1994 a criminal action was instituted for the homicide of Mrs. Gladys Avendaño in Veracruz. Arrest warrants were issued for various persons, including the alleged victims in this case. The State disputed the submissions regarding the alleged torture of Santos Soto Ramírez. The position of the State is that the aforementioned testified freely before the judge in the case, with all guarantees observed, and that at the time he did not claim to have been subjected to any duress. With regard to the testimony purportedly given by Mr. Santos Soto Ramírez to the judge in the case, the State maintains that "the testimonies of assistant inspectors from the National Human Rights Commission [CNDH] cannot prevail over statements and records given before a competent judge." The State added that the petitioners did not exhaust the domestic remedies of the State of Veracruz, such as a motion for recognition of innocence.

III. PROCESSING BY THE IACHR

7. The petition was registered with the number 12.117. On March 18, 1999, the IACHR forwarded a copy of the relevant portions of the petition to the State for comment. The State submitted its comments on June 17, 1999.

8. The IACHR also received communications containing information from the petitioners on August 18, 1999; January 28, 2000; and August 21, 2000. These communications were duly forwarded to the

¹ In accordance with Article 17(2)(a) of the Rules of Procedure of the IACHR, Commissioner José de Jesús Orozco Henríquez, a Mexican national, did not participate in the discussion or decision on this petition.

² On June 27, 2001, the IACHR was informed that CEJIL would become a co-petitioner.

State. Likewise, the IACHR received observations from the State on October 8, 1999; March 9 and March 27, 2000; and May 22, 2001, which were duly relayed to the petitioners.

9. On March 2, 2000, the IACHR held a hearing at its 106th regular session of the IACHR. On June 14, 2001, the IACHR issued admissibility report 68/01 and notified the parties on June 18, 2001. On November 14, 2001, a working meeting was held which the parties attended.

10. The IACHR also received communications containing information from the petitioners on November 7, 2001; December 19, 2002; January 22, 2003; June 27, 2003; and July 31, 2003. These communications were duly transmitted to the State. Observations were also received from the State on June 21 and October 1, 2001 and on May 16 and 22, 2003. These observations were duly forwarded to the petitioners.

11. On May 23, 2012, the IACHR requested updated information from the petitioners to determine if the grounds for the petition still existed. They were also informed that if the information was not received within one month, the IACHR could archive the petition in accordance with Article 48(1)(b) of the American Convention on Human Rights and Article 42 of the Rules of Procedure of the IACHR.

12. On June 22, 2012, CEJIL notified the IACHR that the co-petitioner in the case had indicated that "Mr. Santos Soto and Mr. Sergio Cerón are no longer in prison. The former was released after his sentence was reduced, while the latter completed his sentence. Additionally, we were informed that contact has been lost with both individuals and their families."

IV. BASIS FOR THE DECISION TO ARCHIVE

13. Both Article 48(1) of the American Convention on Human Rights and Article 42 of the IACHR's Rules of Procedure provide that, at any time during the proceedings, the Commission shall ascertain whether the grounds for the petition still exist and, if it believes they do not, it shall order the case to be closed. Likewise, Article 42(1)(b) of the Rules of Procedure of the IACHR establishes that the IACHR may decide to archive a case when the information necessary for the adoption of a decision is unavailable.

14. The IACHR notes that, since July 2003, the petitioners have not responded to the observations submitted by the State in May 2003, or elaborated on or updated the information on their claims. In 2012, in response to the request for information by the IACHR, the petitioners indicated that Mr. Soto Ramírez and Mr. Cerón Hernández were no longer incarcerated and that contact with them and their families had been lost.

15. Having conducted its analysis, the Commission believes that it lacks sufficient elements to reach a decision on the case and that the absence of contact with the alleged victims is a sign of their disinterest in its processing. Therefore, pursuant to Article 48(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 7th day of the month of November, 2014. (Signed): Tracy Robinson, President; Rose-Marie Belle Antoine, First Vice President; Felipe González, Second Vice President; Rosa María Ortiz, Paulo Vannuchi and James L. Cavallaro, Commissioners.