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REPORT No. 68/14

PETITION 10.237

REPORT ON ARCHIVE

MANUEL DE JESÚS ARAUJO SÁNCHEZ
EL SALVADOR

Approved by the Commission at its session No. 1995 held on July 25th, 2014
151st Regular Period of Sessions

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MANUEL DE JESÚS ARAUJO SÁNCHEZ
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JULY 25, 2014

ALLEGED VICTIMS: Manuel De Jesús Araujo Sánchez

PETITIONER: Comisión para la Defensa de los Derechos Humanos en Centroamérica (CODEHUCA)

ALLEGED VIOLATIONS: The petitioners did not invoke specific articles of the American Convention on Human Rights

DATE PROCESSING BEGAN: October 11, 1988

I. THE PARTIES' POSITIONS

A. THE PETITIONERS' POSITION

1. On September 27, 1988, the Inter-American Commission on Human Rights (hereinafter "IACHR") received a petition from the Comisión para la Defensa de los Derechos Humanos en Centroamérica (CODEHUCA), hereinafter "the petitioners," against the State of El Salvador. The complaint alleged the extrajudicial execution, torture, and violation of the right to due process, denial of justice, and violation of the right to property of Manuel de Jesús Araujo Sánchez, who was held at the La Esperanza Prison (Penal La Esperanza) in San Salvador.

2. The petition states in detail that on December 19, 1987, the alleged victim was in the area for political prisoners at the La Esperanza prison; they were protesting prison conditions. That day members of the military entered, throwing tear-gas canisters and explosives, shooting, and beating the prisoners, even with fists, batons, and firearms. After having taken several blows by soldiers, Manuel de Jesús Araujo Sánchez was thrown from the patio of that prison.

B. THE STATE'S POSITION

5. The State asked that the case be archived considering that the corresponding investigations were carried out. It alleged that the investigation into the death of Mr. Manuel de Jesús Araujo Sánchez was entrusted to the Justice of the Peace of Ayutuxtepeque. The investigations determined that the cause of death of Araujo Sánchez was cranial trauma resulting from a fall, which was said to have been caused by the victim himself, an incident which, according to the State, was witnessed by numerous persons. Therefore, according to the State, the death of Mr. Manuel de Jesús Araujo Sánchez "was either a suicide, or likely ... he lost his balance and fell into the empty space."

II. PROCESSING BY THE IACHR

7. The IACHR received the case on September 27, 1988, and assigned it number 10,237. On October 11, 1988, it forwarded the pertinent parts to the State, asking that it submit its observations within 90 days. On November 9, 1990, June 3, 1992, November 10, 1992, and July 28, 1993, the IACHR reiterated to the Government of El Salvador its request for observations on the case. The State's response was received on September 30, 1993; it was forwarded to the petitioners on September 20, 1994.

8. On January 11, 1995, and April 19, 1995, the IACHR reiterated to the petitioners the request for a response to the State's observations. The IACHR received information from the petitioners on June 27, 1995. That communication was duly forwarded to the State. On February 13, 1996, and September 24, 1997, the IACHR reiterated its request for a response to the State. On May 2, 1996, the IACHR placed itself at the parties' disposal to pursue a friendly settlement. There was no response.

9. On April 22, 2010 and February 22, 2011, the IACHR asked the petitioners for updated information on the case for the purpose of verifying whether the grounds for bringing the matter still existed; and it indicated that if no information was received in the timeframe indicated, the IACHR could proceed to archive the petition, in keeping with Article 48(1)(b) of the American Convention on Human Rights and Article 42 of its Rules of Procedure. There was no response from the petitioners.

III. GROUNDS FOR THE DECISION TO ARCHIVE

10. Article 48(1) of the American Convention on Human Rights and Article 42 of the IACHR's Rules of Procedure established that at any time in the procedure the Commission shall ascertain whether the grounds for the petition still exist, and, if it considers that they do not, it shall order that the case be archived. Similarly, Article 42(1)(b) of its Rules of Procedure establishes that the IACHR may decide to archive a case when the information necessary for making a decision is not available.

11. The IACHR observes that the petitioners have not added or updated information on their claims since June 1995. In 2010 and 2011 the IACHR requested updated information from the petitioners, notifying them that the case may be archived, and it did not receive any response.

12. Having performed the respective analysis, the Commission considers that it does not have sufficient information to reach a decision on the case, and that the lack of contact by the alleged victims constitutes an indication of lack of interest in seeing it processed; accordingly, in keeping with Article 48(b) of the Convention as well as Article 42 of the IACHR's Rules of Procedure, it decides to archive the instant case.

Done and signed in the city of Washington, D.C., on the 25th day of the month of July, 2014. (Signed): In favor Tracy Robinson, President; Rose-Marie Belle Antoine, First Vice President; Felipe González, Second Vice President; Paulo Vannuchi, James L. Cavallaro and Rosa María Ortiz (dissenting opinion).