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**REPORT No. 88/14**  
**PETITION 12.040**  
REPORT ON ARCHIVE

ERDDYS J. VARGAS DÍAZ  
VENEZUELA

Approved by the Commission at its session No. 2002 held on August 15, 2014  
152 Special Period of Sessions

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**REPORT No. 88/14**  
**PETITION 12.040**  
ERDDYS J. VARGAS DÍAZ  
DECISION TO ARCHIVE  
VENEZUELA  
AUGUST 15, 2014

**ALLEGED VICTIM:** Erddys J. Vargas Díaz  
**PETITIONER:** Jesús Vargas V.  
**ALLEGED VIOLATIONS:** Article 25 of the American Convention on Human Rights  
**DATE PROCESSING BEGAN:** August 5, 1998.

**I. POSITION OF THE PETITIONER**

1. On August 5, 1998, the Inter-American Commission on Human Rights (hereinafter “the Commission” or “the IACHR”) received a petition lodged by Jesús Vargas V., (hereinafter “the petitioner”), alleging international responsibility of the Bolivarian Republic of Venezuela (hereinafter “the State”) for violation of Article 25 of the American Convention on Human Rights (hereinafter “the Convention”), in connection with the alleged failure to conduct an investigation and punish those guilty of the crimes associated with the death of his son, Erddys J. Vargas Díaz (hereinafter “the alleged victim”).

2. The petition charges irregularities in the investigation into the death of the alleged victim, a 13-year-old boy. In this regard, the petitioner claimed that his son had been “murdered” by unidentified individuals, who took his valuables from him and then threw him down the stairs of a walkway. The petitioner claimed that even though an investigation was opened into the death of his son, the case file has been “tainted,” because of alleged family connections between the supposed perpetrators of the homicide and those in charge of conducting the investigation. He contended that despite requesting several times that the judicial authorities, the Executive branch of government and representatives of the church look into these incidents, he had not obtained any response.

**II. POSITION OF THE STATE**

3. The IACHR did not receive any submissions from the State in response to the request for information on the petition lodged in this case. In a submission received on February 20, 2006, the State requested the case to be archived for lack of petitioner’s procedural activity.

**III. PROCESSING BEFORE THE IACHR**

4. On August 5, 1998, the petitioner submitted his claim, which was registered under the number 12.040. On August 10, 1998, the IACHR forwarded a copy of the petition to the State for it to submit information on the instant matter within a period of 90 days. On July 26, 2000, the request for information from the State was resent, advising that, in the event no reply is received within a period of 30 days, the Commission would consider applying Article 42 of the Rules of Procedure in force at the time.

5. In a note of February 20, 2006, the State requested the case to be archived due to petitioner’s lack of procedural activity. Said note was forwarded to the petitioner on June 20, 2006, in order for him to submit a reply, noting that if no response was received within a period of two months, the IACHR could archive his petition.

6. On May 6, 2009, the Commission sent requests for updated information to both parties, which were resent on July 8, 2009. On May 1, 2013, the Commission requested specific information from the petitioner on the instant case and updated information and copies of the domestic case file from the State. On September 16, 2013, the IACHR restated its request for information to the petitioner. As of the present date, the IACHR has not received the information it requested.

### **III. BASIS FOR THE DECISION TO ARCHIVE**

7. Both Article 48.1.b of the American Convention on Human Rights and Article 42 of the Rules of Procedure of the Inter-American Commission on Human Rights establish that in processing a petition, after the information has been received, or after the period established has elapsed and the information has not been received, the IACHR shall ascertain whether the grounds for the petition or communication still exist. If they do not, the Commission shall order the record to be closed. Article 42.1.a of the Rules of Procedure also sets forth that, at any time during the proceedings, the IACHR may decide to archive the case file, when the information necessary for the adoption of a decision is unavailable.

8. In the instant case, the petitioners have not provided information after lodging the petition and have not replied to the IACHR's requests for information of June 20, 2006, May 6, 2009, May 1 and September 16, 2013. Such circumstances render it impossible to proceed to case examination or to determining whether the grounds for the original petition still exist. Accordingly, pursuant to Article 48.1.b of the Convention, as well as Article 42 of the IACHR Rules of Procedure, it is decided to archive the instant petition.

Approved by the Inter-American Commission on Human Rights in the city of Mexico on the 15th day of the month of August, 2014. (Signed): Tracy Robinson, President; Rose-Marie Belle Antoine, First Vice-President; Felipe González, Second Vice President; José de Jesús Orozco Henríquez, Rosa María Ortiz, Paulo Vannuchi and James L. Cavallaro, Commissioners.