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**REPORT No. 87/14**  
**PETITION 12.443**  
REPORT ON ARCHIVE

MAURO ACOSTA PADRÓN ET AL  
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. 87/14**  
**CASE 12.443**  
MAURO ACOSTA PADRÓN ET AL  
DECISION TO ARCHIVE  
VENEZUELA  
AUGUST 15, 2014

**ALLEGED VICTIMS:** Mauro Acosta Padrón et al - Venevisión

**PETITIONER:** Claudio Grossman

**ADMISSIBLE VIOLATIONS:** Articles 1.1, 2, 5, 8, 13 and 25 of the American Convention on Human Rights

**INITIAL PROCESSING DATE:** November 19, 2002

## **I. POSITION OF PETITIONERS**

1. On November 19, 2002, the Inter-American Commission on Human Rights (hereinafter “the IACHR” or “the Commission”) received a petition lodged by Messrs. Pedro Nikken, Claudio Grossman and Carlos Ayala (hereinafter “the petitioners”)<sup>1</sup> on behalf of Laorwins José Rodríguez Henríquez, Mauro Acosta Padrón, Randolpho Blanco Valencia, Luis Alfonso Fernández Rodríguez, Julio Gregorio Rodríguez García and Sol Vargas Arnal (hereinafter “the alleged victims”), claiming that the Bolivarian Republic of Venezuela (hereinafter “the State” or “the Venezuelan State”) was internationally responsible for alleged violations of the right to freedom of expression, humane treatment, a fair trial, judicial protection and for breach of the general obligations to respect and ensure rights.

2. The petitioners asserted that all of the alleged victims were employees of the *Venevisión* television station and that, on February 3 and 7, 2002, Messrs. Mauro Acosta, Laorwins José Rodríguez and Randolpho Blanco were covering political events when they were assaulted by supporters of President Chavez. They further alleged that on April 11, 2002, Messrs. Luis Alfonso Fernández and José Gregorio Rodríguez were ordered by armed military officers to stop recording anti-government protests near Miraflores Palace. They also claimed that on April 11, 2002, Mr. Randolpho Blanco Valencia was verbally assaulted by government supporters and, subsequently, received threats, which prompted him to temporarily leave the country.

3. The petitioners also contend that the alleged victims reported all of the assaults to the Office of the Attorney General of the Republic; however, the Office did not conduct a serious investigation into the incidents. They also argued that the perpetrators of the assaults must be considered “agents of the State” because they acted with the support and acquiescence of the government.

## **II. POSITION OF THE STATE**

4. The State reported that, in the case of Mauro Acosta Padrón, the investigation had been closed by decision of the lead prosecuting attorney, because even though it was proven that the crime of “serious bodily harm” had been committed against him, it was not possible to obtain evidence to individually charge the person responsible for the crime. With regard to Messrs. Luis A. Fernández, Julio G. Rodríguez and Sol Vargas, the State noted that the Office of the Public Prosecutor was in the process of conducting the respective investigation. As to Messrs. Laorwins J. Rodríguez and Randolpho Blanco, the Venezuelan State

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<sup>1</sup>. On October 11, 2007, it was reported to the IACHR by the petitioners that Carlos Ayala and Pedro Nikken were resigning as representatives of the victims, leaving Claudio Grossman as the sole representative.

reported that they had been interviewed during the investigation into the incidents pertaining to Mr. Mauro Acosta as witnesses rather than victims in a criminal proceeding.

### **III. PROCEEDINGS BEFORE THE IACHR**

5. On February 27, 2004, the IACHR approved Admissibility Report No. 8/04, and notified the parties on March 11, 2004. On that date, the IACHR requested the parties to submit additional comments on the merits of the matter within a period of two months and placed itself at their disposal in order to reach a friendly settlement, as provided under Article 38.1 of the current Rules of Procedure of the Commission and Article 48.1 of the American Convention.

6. On April 1, 2004, the Commission received a communication from the petitioners stating that they did not wish to engage in a friendly settlement process and this communication was forwarded to the State on April 22, 2004. On November 23, 2004, the Commission restated its request for comments on the merits of the matter from the petitioners and, on December 22 of that year, the petitioners reported that they were awaiting the outcome of the investigation in order to send the comments.

7. On November 3, 2005, December 15, 2005 and December 21, 2006, the State submitted its comments on the merits of the matter, which were forwarded to the petitioners for their reply.

8. On November 27, 2007 and May 5, 2009, the IACHR requested information from the petitioner in order to establish whether the grounds for the petition have subsisted. On August 2, 2012, the Commission restated its request for the petitioner to submit information to determine whether the grounds for the petition still existed, as well as observations on the current status of the alleged victims. The IACHR warned the petitioner it could order the case file to be closed if it did not receive the information it was requesting, in accordance with Article 48.1.b of the American Convention. Thus far, no response has been received from the petitioner.

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

9. Both Article 48.1.b of the Convention and Article 42.1 of the Rules of Procedure of the Commission establish that when a petition is processed by the IACHR, it 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 of the Rules of Procedure also provides that, at any time during the proceedings, the IACHR may archive the case file, when the information necessary for the adoption of a decision on the case is unavailable or when the petitioner's unjustified procedural inactivity constitutes a serious indication of lack of interest in the processing of the petition.

10. More than six years have elapsed since the last communication was received from the petitioner and the Commission has still not received any additional comments on the merits or any response to the requests made by the IACHR on November 27, 2007, May 5, 2007, May 5, 2009 and August 2, 2012. The petitioner's failure to respond has continued despite being warned that the case file may be archived. Additionally, the IACHR notes that the information contained in the case file, which served as the basis for approval of the admissibility report does not contain sufficient evidence for the IACHR to decide on the merits of the matter. Based on the foregoing and in accordance with Article 42.1 of the Rules of Procedure, the IACHR decides to archive the instant case.

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.