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REPORT No. 144/23
PETITION 8-15
REPORT ON ADMISSIBILITY

CARLOS RUBIO CORRALES
UNITED STATES OF AMERICA

Approved electronically by the Commission on August 1, 2023.

Cite as: IACHR, Report No. 144/23, Petition 8-15. Admissibility. Carlos Rubio Corrales. United States of America. August 1, 2023.

I. INFORMATION ABOUT THE PETITION

Petitioner:	Carlos Rubio Corrales
Alleged victim:	Carlos Rubio Corrales
Respondent State:	United States of America ¹
Rights invoked:	No specific provisions invoked

II. PROCEEDINGS BEFORE THE IACHR²

Filing of the petition:	January 5, 2015
Additional information received at the stage of initial review:	January 26, 2015, November 13, 2015, January 25, 26, 2021, February 3, 2021, January 18, 21, 2022, February 3, 2022, March 11, 2022, March 15, 2022, November 29, 2022
Notification of the petition to the State:	December 3, 2021
State's first response:	December 23, 2022
Additional observations from the petitioner:	May 23, 2023
Notification of the possible archiving of the petition:	August 21, 2018
Petitioner's response to the notification regarding the possible archiving of the petition:	December 2, 2019

III. COMPETENCE

Competence <i>Ratione personae</i>:	Yes
Competence <i>Ratione loci</i>:	Yes
Competence <i>Ratione temporis</i>:	Yes
Competence <i>Ratione materiae</i>:	Yes, American Declaration of the Rights and Duties of Man ³ (ratification of the OAS Charter on June 19, 1951)

IV. DUPLICATION OF PROCEDURES AND INTERNATIONAL *RES JUDICATA*, COLORABLE CLAIM, EXHAUSTION OF DOMESTIC REMEDIES AND TIMELINESS OF THE PETITION

Duplication of procedures and International <i>res judicata</i>:	No
Rights declared admissible	Article I (right to security of the person); Article XXV (right to humane treatment); and Article XXVI (right to due process of law) of the American Declaration.
Exhaustion of domestic remedies or applicability of an exception to the rule:	Yes, in terms of Section VI
Timeliness of the petition:	Yes, in terms of Section VI

¹ Hereafter "United States," "U.S." or "the State".

² The observations submitted by each party were duly transmitted to the opposing party.

³ Hereinafter "Declaration" or "American Declaration."

V. ALLEGED FACTS

The petitioner

1. The petitioner is an inmate of the Florida Department of Corrections (“FDOC”)⁴. From 2012 onwards, the petitioner broadly alleges that he has been the subject of abuse by both prison officers and gang-affiliated inmates (hereafter “gang inmates”) which has been unremedied by either the prison authorities or the courts. According to the petitioner the alleged abuses occurred in various correctional institutions where the petitioner was confined.⁵

2. The petitioner’s claims are contained in lengthy, multiple documents that are mostly handwritten.⁶ This documentation is partly illegible. Further, the documentation is somewhat confusing, and lacking a clear, unifying narrative/underlying chronology. This also results in gaps in information. Nevertheless, the complaints of the petitioner appear to be centered on patterns of mistreatment/abuse by gang inmates and prison officers.

3. With respect to abuse by gang inmates, the petitioner alleges that he has suffered many assaults and death threats. Generally, the petitioner alleges that he has reported all these assaults and death threats to the prison authorities, and asked for protection, but without success.

4. The petitioner mentions that he was stabbed on at least three occasions by gang inmates. In this regard, he states that he was stabbed: (a) on March 10, 2012, at Jefferson CI; (b) in March 2016 at Apalachee CI; and (c) in March 2019 at Jefferson CI.

5. The petitioner mentions other confrontations with gang inmates. In this regard, the petitioner alleges he had to defend himself from a physical assault by a gang inmate at Jefferson CI on March 12, 2019. The petitioner also indicates that that on August 12, 2019, at Walton CI, a gang inmate threatened him at knifepoint. The petitioner states that the gang inmate demanded him to leave Walton CI or be killed. The petitioner further indicates that on August 23, 2019, at Walton CI, another gang inmate threatened his life at knifepoint. The petitioner alleges that the gang inmate told him to leave Walton CI or risk being stabbed or killed.

6. The petitioner further mentions that in July 2020, while incarcerated at Santa Rosa CI, he was again the subject of assaults by gang inmates. In this regard he says that he was assaulted on July 2, 2020, and July 11, 2020, resulting in injuries. The petitioner mentions that on the latter occasion he suffered an injury to his right eyebrow. The petitioner claims that assaults and threats to him by gang inmates are ongoing, despite multiple complaints to prison authorities. He further mentions that the gang inmates have now offered \$3000-\$5000 to any gang inmate who kills him.

7. With respect to alleged abuses by prison officers, the petitioner generally indicates that he has been subjected to physical assaults as well as “chemical abuse” (being sprayed by a chemical agent). The petitioner mentions that in July 2014 (while at Suwannee CI), he and other inmates were interviewed by FBI agents regarding complaints about mistreatment by prison officers (physical and chemical assaults). The petitioner indicates that as a result he was labelled by prison officials as an “informer;” and he has continued to be targeted by prison officers in various correctional institutions. In this regard, according to the documentation submitted by the petitioner,⁷ he has been the subject of chemical abuse on various occasions. The petitioner mentions, that on March 9, 2020, he was subject of chemical gas assault by prison officers on

⁴ The petitioner does not indicate (a) the reason for his imprisonment; (b) when he was imprisoned; or (c) the term of his imprisonment.

⁵ The petitioner mentions the following correctional institutions: Santa Rosa Correctional Institution (“Santa Rosa CI,” Jefferson Correctional Institution (“Jefferson CI”), Apalachee Correctional Institution (“Apalachee CI”), Jackson Correctional Institution (“Jackson CI”), Walton Correctional Institution (“Walton CI”).

⁶ The documentation consists of multiple grievances by the petitioner to the FDOC.

⁷ As indicated before, the nature of the documentation (handwritten, partly illegible, imprecision), makes it difficult if not impossible to identify any claims/allegations beyond what has been set out above.

March 9, 2020, at Santa Rosa CI. The petitioner also alleges that on December 25, 2020, he was stripped and sprayed with a chemical agent on December 25, 2020, by prison officials at Jackson CI. The petitioner indicates that he made complaints to the prison authorities about these incidents but received no remedy or any protection from the alleged abusers.

8. It appears that the petitioner has sought judicial remedies with respect to his complaints (regarding both gang inmates and prison officials), however the documentation he submitted on this issue is generally imprecise or incomplete⁸. It does appear, however that in 2014, the petitioner sought injunctive relief before the United States District Court for the Middle District of Florida. It appears that the request for injunctive relief was denied on November 26, 2014. The petitioner appears to have appealed to the US Court of Appeals (Eleventh Circuit) in December 2014, but there appears to be no information on the outcome. According to the documentation from the petitioner, it appears that in or around March 2020, he applied for injunctive relief in March 2020 before the Florida First District Court of Appeal.⁹ The petitioner's documentation does not disclose the outcome of this litigation. The petitioner also appears to have applied again for injunctive relief in February 2021, but there appears to be no information from the petitioner regarding the court at which this application was made, or the outcome of this application. The petitioner also mentions proceedings before the US District Court for the Northern District of Pensacola during 2022. However, the documentation from the petitioner is unclear on the nature and outcome of these proceedings.

The State

9. The State asserts that the petition is inadmissible for failure to comply with Articles 28 and 31 of the Commission's Rules of Procedure. Regarding Article 28, the State contends that the petition fails to provide a clear account of the facts or situation denounced, specifying the place and date of alleged violations, as required under Article 28(4) of the Commission's Rules of Procedure. The State further argues that the petitioner's claims regarding are too vague to either comply with Article 28 (4) of the Commission's Rules of Procedure or to support any violations of the American Declaration.

10. Regarding Article 31 of the Commission's Rules of Procedure (exhaustion of domestic remedies), the State indicates that the petitioner's documentation makes it difficult to determine what domestic remedies have been pursued by the petitioner. In this regard, the State notes that the petitioner's documentation contains descriptions of several "formal" and "informal" forms that he filed at different points and copies of various filings. The State further notes that it is unclear how the allegations by the petitioner relate to any of his domestic complaints and to what extent he has exhausted the relevant avenues of appeal.

11. The State also contends that public records suggest that the petitioner has filed numerous actions in Florida state courts and in federal courts, including several filed after the petition was submitted in 2015. However, the State notes that many of these complaints have been dismissed for failure to follow various rules of court procedure. By way of illustration, the State indicates that the petitioner filed a Prison Litigation Reform Act complaint before the U.S District Court for the Northern District of Florida on January 24, 2022. The State asserts that this complaint was "dismissed without prejudice as malicious for Plaintiff's abuse of the judicial process by failing to truthfully disclose his prior litigation history."¹⁰ Accordingly, the State concludes that the petitioner has repeatedly failed to follow reasonable procedural requirements; and that is unclear whether he has exhausted domestic remedies relevant to his claims.

VI. ANALYSIS OF EXHAUSTION OF DOMESTIC REMEDIES AND TIMELINESS OF THE PETITION

12. In accordance with Article 31(1) of the Commission's Rules of Procedure, for a petition to be admissible, domestic remedies must have been pursued and exhausted pursuant to recognized principles of international law. This requirement is aimed at enabling national authorities to learned about the alleged

⁸ Apart from handwritten prison grievances, the documentation also contains handwritten court documents with no accompanying court decisions.

⁹ The petitioner's documentation does not mention whether there was any preceding litigation at first instance.

¹⁰ The State cites *Corrales v. Santiago, et al.*, Order, No. 3:21cv3422-LC-HTC (N.D.Fla. Mar. 7, 2022).

violation of the protected right and, if appropriate, resolve the matter before it is heard by an international body.

13. As previously noted, the petitioner's documentation is somewhat confusing and difficult to follow. However, the documentation does clearly disclose allegations of abuse by both gang inmates and prison officials, while the petitioner was incarcerated at various institutions operated by the FDOC. With respect to the gang inmates, the petitioner alleges that on various occasions he suffered stabbings, physical assaults, and death threats. Regarding prison officials, the petitioner mentions that he was subjected to chemical assaults (sprayed with a chemical agent) on more than one occasion. The petitioner indicates that complaints to the prison authorities about these alleged abuses were not redressed.

14. With respect to the alleged abuses committed by gang inmates and prison officials, the Commission has long established that under international standards applicable to cases like this one, where serious human rights violations such as physical abuse are alleged, the appropriate and effective remedy is the filing and the undertaking of an effective criminal investigation aimed at the clarification of the facts and, if necessary, individualize and prosecute the persons responsible. Moreover, the State has a special responsibility to guarantee the rights of persons deprived of liberty, since they are kept in institutions under the full control of State authorities. According to the record, it appears that no such investigation was undertaken by the State, which, in essence, constitutes an exception to the rule of exhaustion of domestic remedies (pursuant to Article 31 (2) (b) of the IACHR Rules of Procedure). The Commission also observes that the alleged facts at issue began in 2012 and its effects concerning the alleged lack of investigation and punishment of said acts to the alleged victim continue to this date. Having regard for the foregoing, the IACHR considers that the filing of the petition on January 5, 2015, was done within a reasonable time, pursuant to Article 32 (2) of the Commission's Rules of Procedure.

VII. ANALYSIS OF COLORABLE CLAIM

15. The Commission notes that the petition is centered on alleged abuses by both gang inmates and prison officials while the petitioner was incarcerated in various correctional institutions operated by the FDOC. As the Commission has already observed, in cases like these, the State is under an obligation to conduct a criminal investigation to clarify the facts, protect the interests of the victims, preserve the evidence and where possible, to individualize and prosecute the person or persons responsible. As previously noted, there is no indication that the State undertook or discharged this obligation regarding any of the alleged abuses, leading to a situation in which the petitioners have continued to be subject to the same abuses.

16. Therefore, the Commission concludes that the allegations of the abuse of the petitioner (by gang inmates and prison officials) together with the failure of the State to act with due diligence or within reasonable time to investigate and clarify the facts could characterize possible violations of Article I (right to security of the person); Article XXV (right to humane treatment); and Article XXVI (right to due process of law) of the American Declaration.

VIII. DECISION

1. To find the instant petition admissible in relation to Articles I, XXV, and XXVI of the American Declaration; and

2. To notify the parties of this decision; to continue with the analysis on the merits; and to publish this decision and include it in its Annual Report to the General Assembly of the Organization of American States.

Approved by the Inter-American Commission on Human Rights on the first day of the month of August 2023. (Signed:) Margarete May Macaulay, President; Roberta Clarke, Second Vice President; Joel Hernández García and Julissa Mantilla Falcón, Commissioners.