

REPORT No. 168/10
DECISION TO ARCHIVE
PETITION 12.247 (2000)
ANTONIO ARAYA SOTO
COSTA RICA
1 de noviembre de 2010

ALLEGED VICTIM: Antonio Araya Soto
PETITIONER: Antonio Araya Soto
ALLEGED VIOLATIONS: The petitioner makes no specific reference.
DATE PROCESSING BEGAN: February 28, 2000

I. POSITION OF THE PETITIONER

1. On January 27, 2000, the Inter-American Commission on Human Rights (hereinafter “the Commission” or “the IACHR”) received a petition lodged by Antonio Araya Soto, requesting that the Costa Rican State be declared internationally responsible for allegedly failing to adjust his veteran’s benefit pension (Civil War of 1955), which he would be entitled to collect for life, beginning in 1993.

2. The petitioner alleges that the Ministry of Labor and Social Security, the Representative of the Office of the Attorney General [*Representante de la Procuraduría Nacional*], and the country’s Pension Office had refused to make the requisite adjustments owing to the cost of living in Costa Rica, a right guaranteed by his pension. Examination of the case file reveals that the petitioner had lodged an *amparo* petition with the Constitutional Chamber of the Supreme Court of Justice, seeking payment of the pension due (including accrued monthly payments from November 1993 through December 1994), along with the corresponding annual adjustments and interest payments required by law. Said court ruled in his favor on May 7, 1999.

II. POSITION OF THE STATE

3. In its response, the Costa Rican State requested that the petition under examination be dismissed, alleging that Mr. Araya Soto’s case had already been resolved through domestic administrative and judicial proceedings.

4. To this end, the State conceded that Mr. Araya Soto was entitled to draw a veteran’s pension beginning November 30, 1993, and that the petitioner had lodged an *amparo* petition with the Supreme Court of Justice due the existence of payments due, which had been resolved in his favor. The State contends that the government duly complied with the decision handed down by the high court, and that the monetary amount due for pension accrued between 1993 and 1994, had been paid, along with the requisite cost-of-living increases.

III. PROCESSING BEFORE THE COMMISSION

5. The IACHR received the petition on January 27, 2000, and forwarded it to the Costa Rican State on February 28, 2000, providing 90 days to submit its observations. The Commission repeated this request on July 18, 2003, and received the response of the Costa Rican State on September 10 of that same year.

6. On October 8, 2003, the State’s response was forwarded to the petitioner. To date, the requested observations have not been received and there has been no progress in the legal proceedings brought by the parties.

7. With a view to updating the processing of the petition, on April 21, 2010, the IACHR requested up-to-date information from the petitioner to verify whether the grounds for the petition subsist, notifying it that in the absence of a response, the IACHR may proceed to archive the decision. Said correspondence was not accepted at the address provided for notifications, and subsequently returned to the headquarters of the IACHR Executive Secretariat.

IV. BASIS FOR THE DECISION TO ARCHIVE

8. Both Article 48(b) of the American Convention on Human Rights and Article 42 of the Rules of Procedure of the Inter-American Commission, provide that, in the processing of a petition, once the observations have been received or the period set has elapsed with no observations received, the IACHR shall verify whether the grounds for the petition exist or subsist, and if they do not shall order the case archived.

9. With respect to the case under review, the petitioner submitted its claim on January 27, 2000, and the Costa Rican State submitted its response on September 10, 2003. The petitioner was informed of that response on October 8, 2003, at which time it was requested to submit any relevant observations within a period of one month. As of the date this report, the Commission had not received neither a response to this last communication nor updated information regarding the petition. Furthermore, the efforts of the IACHR to establish contact with and obtain information from the petitioner have been unsuccessful.

10. Inasmuch as 10 years have passed without receiving updated information from the petitioner, the Commission finds that it lacks the necessary elements to determine if the grounds for the original petition subsist; to rule on the admissibility of the petition; or to make a decision about the alleged human rights violations. Therefore, pursuant to Article 48(b) of the American Convention and Article 42 of the IACHR Rules of Procedure, decides to archive this petition.

Done and signed in the city of Washington, D.C., on November 1, 2010. (Signed): Felipe González, President; Dinah Shelton, Second Vice-President; Luz Patricia Mejía Guerrero, María Silvia Guillén, José de Jesús Orozco Henríquez, and Rodrigo Escobar Gil, members of the Commission.