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REPORT No. 30/14
CASE 12.260
REPORT ON ARCHIVE

FRANKLYN VILLAROEL
TRINIDAD AND TOBAGO

Approved by the Commission at its session No. 1980 held on April 4, 2014
150 Regular Period of Sessions

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Tobago. April 4, 2014.

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CASE 12.260

ARCHIVE

FRANKLYN VILLAROEL

TRINIDAD AND TOBAGO

APRIL 4, 2014

ALLEGED VICTIM: Franklyn Villaroel

PETITIONERS: Lovell's Solicitors

ALLEGED VIOLATIONS: Articles 5, 7, 8, 11, 24 and 25 of the American Convention and Articles II, XVI, XVII, XVIII XXV and XXVI of the American Declaration

PROCESSING INITIATED: March 30, 2000

I. POSITION OF THE PETITIONER

1. On March 23, 2000, the Inter-American Commission on Human Rights (the "Inter-American Commission" or the "IACHR") received a petition presented by Lovell's, a firm of solicitors in London, U.K., (the "petitioner") against Trinidad and Tobago ("the State") on behalf of Franklyn Villaroel ("Mr. Villaroel" or the "alleged victim"), who was incarcerated at the State Prison of Port of Spain.

2. According to the information available, on October 28, 1988, in his second trial after the first was declared a mistrial when the jury could not arrive at an agreement, Mr. Villaroel was convicted of the March 10, 1985 murder of his common law wife and sentenced to death. On December 1, 1993, the alleged victim's death sentence was commuted to life imprisonment. On November 21, 1995, Mr. Villaroel unsuccessfully appealed his conviction to the Court of Appeal of Trinidad and Tobago, based on allegedly improper jury instructions. The Court of Appeal dismissed the appeal on April 9, 1998. Mr. Villaroel then petitioned the Judicial Committee of the Privy Council for special leave to appeal the Judgment of the Court of Appeal; that petition was dismissed on October 5, 1999.

3. With respect to the merits of the complaint, the petitioner stated in particular that the trial judge failed to instruct the jury regarding provocation and a possible manslaughter conviction and that Mr. Villaroel's counsel failed to introduce evidence of good character during the trial. The petitioner also claimed that there were delays in the hearing of Mr. Villaroel's appeal and that the imposition of a sentence of life imprisonment constituted cruel and inhuman punishment. Further, the petitioner alleged that the conditions of Mr. Villaroel's imprisonment violated his rights under Article 5(2) of the Convention and Article XXV of the Declaration, as well as his right to privacy under Article 11(1) of the Convention, and his right to preservation of health and well-being contrary to Article XI of the Declaration. Finally, the denial of access to a court to seek redress for the violations of the above rights due to a lack of financial resources was claimed to be contrary to the provisions of Articles 24 and 25 of the Convention and Articles II, XVII, XVIII, and XXVI of the Declaration.

II. POSITION OF THE STATE

4. The Commission has not yet received any information or observations from the State regarding this case.

III. PROCEEDINGS BEFORE THE IACHR

5. On March 23, 2000, the IACHR received the petition, which was transmitted to the State on March 30, 2000. On April 7, 2000, the State acknowledged receipt of the Commission's communication.

6. On October 13, 2005, the Commission adopted Admissibility Report N° 66/05 which was transmitted to the parties by letter dated October 31, 2005. The IACHR set a period of two months for the petitioner to present additional observations regarding the merits of the case pursuant to Article 38(1) of the Rules of Procedures in force at the time. As of the date of this report, the IACHR has not received any observations from the petitioner.

7. On May 30, 2012, the IACHR requested updated information from the petitioner indicating that the Commission may archive the petition. To date, the petitioner has not responded to the IACHR's request.

IV. GROUNDS FOR THE DECISION TO ARCHIVE

8. Article 42 of the IACHR's Rules sets forth the procedure for archiving petitions and cases, when the grounds for the petition or case do not exist or subsist, or when the information necessary for the adoption of a decision is unavailable. In such cases, the IACHR, after having requested information from the petitioners and given notice of the possibility of a decision to archive to the petitioners, shall proceed to adopt the appropriate decision.

9. Since the transmittal of the Admissibility Report, the Commission has received no information from the petitioner, despite its request for updated information giving notice of the possibility of a decision to archive. Therefore, more than eight years have elapsed since the adoption of the admissibility decision and the IACHR lacks the information on the merits needed to determine whether or not the grounds for this case still exist or subsist. As a result, the IACHR decides to archive the file of the present case, pursuant to Article 42.1(b) of the Rules of Procedure.

Done and signed in the city of Washington, D.C., on the 4th day of the month of April, 2014. (Signed): Tracy Robinson, President; Felipe González, Second Vice-President; José de Jesús Orozco Henríquez, Paulo Vannuchi, and James L. Cavallaro Commissioners.