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REPORT No. 122/23
PETITION 853-10
REPORT ON INADMISSIBILITY

CAMILO URIBE VALENCIA
COSTA RICA

Electronically approved by the Commission on August 2, 2023

Cite as: IACHR, Report No. 122/23. Petition 853-10. Inadmissibility. Camilo Uribe Valencia. Costa Rica. August 2, 2023.

I. INFORMATION ABOUT THE PETITION

Petitioner:	Camilo Uribe Valencia
Alleged victim:	Camilo Uribe Valencia
Respondent State:	Costa Rica
Rights invoked:	Articles 4 (right to life), 5 (right to humane treatment), 8 (right to a fair trial), 10 (right to compensation), 11 (right to privacy), 14 (right of reply), 24 (right to equal protection) y 25 (right to judicial protection) of the American Convention on Human Rights ¹

II. PROCEEDINGS BEFORE THE IACHR²

Filing of the petition:	June 6, 2010
Additional information received during the stage of initial review:	January 10, 2011, October 10, 2013
Notification of the petition:	October 13, 2016
State's first response:	June 16, 2020
Additional observations of the petitioner:	February 18, 2021, and July 9, 2021
Additional observations of the State:	March 16, 2021

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 Convention (instrument of ratification deposited on April 8, 1970)

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

Duplication of procedures and international res judicata:	No
Rights declared admissible:	Not applicable
Exhaustion or exception to the exhaustion of domestic remedies:	No, in the terms of Section VI
Timeliness of the petition:	No, in the terms of Section VI

V. POSITIONS OF THE PARTIES*Allegations of the petitioner party*

1. Mr. Uribe Valencia, a Colombian national, denounces that the judicial authorities arbitrarily deprived him of his liberty for two years, through a process that did not respect the principles of presumption of innocence, impartiality, and defense. He details that, although in second instance the Court of Cassation revoked said decision and ordered his release, it did not have a way to claim damages derived from his imprisonment.

¹ Hereinafter "the American Convention" or "the Convention".

² The observations of each party were duly notified to the opposing party.

2. He states that on May 24, 2005, the drug control police raided his home in Tilarán, Guanacaste province, and aggressively detained him, accusing him of participating in a drug-trafficking gang. After that, he indicates that the authorities ordered a pretrial detention regime against him for which he was deprived of his liberty for nearly two years.

3. He indicates that in 2006 the Heredia Trial Court, through judgment No. 465-2006, sentenced him to fifteen years in prison for the crime of possession of cocaine hydrochloride meant for international trafficking to the detriment of public health. However, he points out that on May 15, 2007, the Goicochea Court of Criminal Cassation, by resolution No. 2007-0500, annulled the conviction, considering that there was a reasonable doubt because the chain of custody of the seized drug had been broken. This decision was notified to him on June 18, 2007.

4. Based on these considerations, Mr. Uribe Valencia denounces that he was imprisoned for 724 days in poor conditions and that, despite the fact that he tried by all means to prove his innocence, the authorities handled his case with great partiality as a result of the pressure imposed by the country's media. He details that he does not have a judicial route to question this situation, for which reason he has not obtained reparation for the consequences of his undue imprisonment.

Allegations of the State

5. The State, for its part, replies that the petition is inadmissible due to failure to exhaust domestic remedies. It affirms that, contrary to what was maintained by the petitioner, the Costa Rican legal system has regulations and processes whose purpose is to provide civil reparation in those cases where an acquittal is obtained in favor of a person who has suffered prolonged preventive detention and is later declared innocent. Thus, it indicates that, derived from the provisions of articles 190 et seq. of the General Public Administration Law, there is a general liability regime that provides for the possibility to compensate when a damage is caused by its fault. It details that, in order to provide such reparation, the existence of effective, assessable and compensable damage must be verified, as well as a causal link between said damage and a conduct or omission of the Administration.

6. In a similar sense, it details that article 199 of the General Public Administration Law also recognizes a regime of subjective or personal responsibility of the public official when it is shown that an official has acted with intent or gross negligence in the performance of his duties or on the occasion of this, including those who exercise the jurisdictional function. Despite this, it states that Mr. Camilo Uribe Valencia decided not to use any of these mechanisms to claim reparation for the presumed harmful acts he suffered.

7. It also states that Mr. Uribe Valencia had the possibility to resort to administrative litigation to claim the personal responsibility of the police officers who detained him for any eventual excess of force, without prejudice to the eventual disciplinary responsibility that may be demanded in administrative proceedings against the state agents involved. Similarly, it indicates that the alleged victim could also file a habeas corpus requesting the defense of his right to liberty.

8. For the reasons stated, Costa Rica argues that the alleged victim had sufficient internal procedural mechanisms to claim the eventual responsibility of the authorities and that he was able to use these channels during the time of his arrest, the criminal investigation or when a pretrial detention sentence was imposed on him. Therefore, since Mr. Uribe Valencia did not use these remedies, the State requests the IACHR to declare this matter inadmissible for not complying with the requirement set forth in Article 46.1.a) of the American Convention.

9. Likewise, it requests the IACHR to reject the petition as untimely. It maintains that despite the fact that on June 18, 2007, the authorities notified the alleged victim of the rejection of the appeal of cassation that he filed against his conviction, the petitioner only filed this petition on June 6, 2010, and, therefore, incurred a delay of two years and eleven months from the notification of the decision that exhausted domestic remedies. Consequently, it requests the IACHR to declare this matter inadmissible for not complying with the six-month period requirement set forth in Article 46.1.b).

10. Lastly, Costa Rica argues that the alleged facts do not characterize a human rights violation that is attributable to it. It maintains that the petitioner wants the Commission to act as a fourth judicial instance and review the factual and legal assessments made by the domestic judges and courts that acted in the sphere of its competence. In this regard, it argues that the petitioner does not state specifically what were the specific actions that affected his procedural rights, limiting himself to presenting a generic argument without further support. In Costa Rica's opinion, this situation makes it impossible to adequately review the matter and exercise its right of defense in an appropriate manner.

11. It argues that with the acquittal decision of the Goicochea Court of Criminal Cassation, the procedural rights of the alleged victim were restored; and that this is transcendental because Inter-American jurisprudence clearly establishes that there is no international responsibility in those cases in which domestic law itself has recognized and repaired the alleged violation. For this reason, it asks the IACHR to reject this petition, as it contains generic allegations that do not show that a violation of rights has been generated.

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

12. The IACHR considers that in order to assess the adequacy of the remedies available to a specific petitioner under national law, it is necessary to determine precisely what is the specific claim that has been formulated in the Inter-American venue, in order to then identify the judicial remedies provided by the domestic legal system that were available and adequate to hear that particular claim; this is precisely the suitability and effectiveness of each remedy considered in particular, in that it provides a real opportunity for the alleged violation of human rights to be remedied and resolved by national judges, in an effective and timely manner, before you can resort to the Inter-American Protection System.³

13. In this matter, given that the Goicochea Court of Criminal Cassation revoked the first instance conviction and ordered the release of Mr. Uribe Valencia, the Commission understands that the main purpose of this matter is to claim reparation for the damages derived of the imprisonment of the alleged victim. On this point, the Commission observes that the State complied with its duty to specify the domestic remedies that were not exhausted and the reasons why they were adequate and effective to solve the legal situation of the alleged victim. Despite this, the petitioner does not present specific arguments aimed at replicating the arguments and information presented by Costa Rica. Nor does it appear, from the file, that the petitioner has exhausted any suitable recourse route, with respect to the alleged unlawful damage alleged. Consequently, the Commission considers that no elements have been provided to verify compliance with Article 46.1.a) of the American Convention. For these reasons, the Commission concludes that this petition is inadmissible because it does not comply with the requirements of Article 46.1.a) of the American Convention.

VII. DECISION

1. To declare the present petition inadmissible; and
2. To notify the parties of this decision; 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 2nd day of the month of August 2023. (Signed:) Esmeralda Arosemena de Troitiño, First Vice President; Joel Hernández García, Julissa Mantilla Falcón and Stuardo Ralón Orellana, Commissioners.

³ IACHR, Report N. 56/08. Petition 11.602. Workers dismissed from Petroleos de Peru (Petroperu) Northeast zone-Talara. Peru. July 24, 2008, par. 58.