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REPORT No. 181/18
PETITION 300-09
REPORT ON ADMISSIBILITY

RONALD BULLOCK
UNITED STATES OF AMERICA

Approved electronically by the Commission on December 26, 2018.

Cite as: IACHR, Report No. 181/18, Petition 300-09. Admissibility. Ronald Bullock. United States of America. December 26, 2018.

I. INFORMATION ABOUT THE PETITION

Petitioner:	International Human Rights Association of American Minorities/Diana Collier Kly
Alleged victim:	Ronald Bullock
Respondent State:	United States of America ¹
Rights invoked:	Articles II, XVIII, XXV of the American Declaration of the Rights and Duties of Man ²

II. PROCEEDINGS BEFORE THE IACHR³

Filing of the petition:	March 18, 2009
Additional information received at the stage of initial review:	October 16, 2009; February 17, 2010; February 2, 2012; February 12, September 26, 2013; January 17, 2014
Notification of the petition to the State:	June 23, 2014
State's first response:	December 1, 2014
Additional observations from the petitioner:	April 26, June 1, 2015
Additional observations from the State:	January 24, 2017

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 (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	Articles II (equality before law), XVIII (fair trial), Article XXV (human treatment in custody) and XXVI (due process of law)
Exhaustion of domestic remedies or applicability of an exception to the rule:	Yes, under the terms of Section VI of this report
Timeliness of the petition:	Yes, under the terms of Section VI

V. ALLEGED FACTS

1. The alleged victim, Ronald Bullock ("Mr. Bullock"), was convicted in 1986 and sentenced to 60 years in prison for rape and sexual assault. After serving 12 years in prison, he received a pardon from the Governor of Illinois and accepted \$20,000 in compensation. In 2001, the petitioner filed a civil rights action against the City of Chicago for damages, which was dismissed.

2. Among many other arguments, Mr. Bullock alleges having been subject to ill-treatment and torture while in detention in the context of widespread abuses against African-Americans targeted for their

¹ Hereinafter "United States."

² Hereinafter "Declaration" or "American Declaration."

³ The observations submitted by each party were duly transmitted to the opposing party.

political activities by the City of Chicago law-enforcement authorities, that those responsible were never held accountable, and that he did not receive appropriate compensation.

3. The petitioner alleges that, while walking home on May 5, 1983, the alleged victim, an African-American, and his young son were taken by police officers David Dioguardi and Patrick O'Hara to a police station to be questioned about a shooting. It is alleged that the alleged victim suffered fundamental due process right violations: arrested without warrant under suspicion of rape, held incommunicado, denied the right to be taken promptly before a judge for probable cause determination, not allowed to phone his lawyer or anyone while in custody, prohibited from speaking with relatives who happened to be at the police station, and not given a receipt for seizure of his personal belongings. The petitioner also alleges that he was victim of torture and ill-treatment: stripped naked and left in cold isolation, hit with telephone books and not allowed to sleep, threatened with guns pointed to him, not allowed food or water for over 36 hours, which included extensive interrogation for up to nine hours, not allowed to use washroom facilities for over eight hours, and not permitted to feed or change his young son who had been detained with him.

4. The alleged victim filed various appeals during his 12 years of incarceration. One such action commenced in 1986 and was settled by a stipulation and judgment order on January 10, 1994 in which Mr. Bullock, allegedly on the advice of his attorney, Kathleen Zellner, agreed to receive \$3,000 in cash and to waive his right to sue the City of Chicago or any of its agents.

5. Mr. Bullock states that he filed proceedings in the United States District Court for the Northern District of Illinois; the Circuit Court of Cook County, Illinois, and the Supreme Court of Illinois all in relation to his alleged unlawful arrest, and imprisonment.

6. The alleged victim filed a multi-million suit for damages in the Circuit Court of Cook County on July 14, 1995 against two police officers involved in the previous suit, the City of Chicago, and the two victims of sexual assault. He accused "two Chicago police officers of arresting him without cause, physically abusing him and his infant son and prompting the rape victim who never had seen him before to pick him out of a police lineup." The City transferred the case to the US District Court, N.D. Illinois, Eastern Division on August 11, 1995. On October 4, 1995, the City moved for summary judgment, claiming that the January 1994 stipulation barred the action. The District Court granted summary judgment in favor of the City of Chicago, based on the stipulation.

7. On March 27, 1998, the alleged victim received a pardon from the Governor of Illinois. He was freed and received \$20,000 as compensation from Cook County, Illinois. In addition, Mr. Bullock states that in 1998 the State of Illinois awarded him the sum \$120,000 for being wrongfully held in prison.

8. In March 2001, the alleged victim filed a lawsuit in the US District Court for the Northern District of Illinois against the City of Chicago, seeking damages for various constitutional violations, under 42 U.S.C. § 1983 ("section 1983 action"). Some of these claims alleged that the Chicago Crime Laboratory technicians engaged in a pattern and practice of skewing testimony and concealing exculpatory evidence to aid the prosecution. The alleged victim also claimed that results of a blood test which would have exonerated him were deliberately destroyed or concealed. He also claimed that he was subject to various forms of torture while in detention.

9. On January 10, 2003, the City of Chicago filed a motion for summary judgment and, on April 21, 2003, the District Court granted the defendant's motion. On August 22, 2003, the alleged victim's motion for reconsideration of the motion for summary judgment was denied and the District Court rejected the petitioner's arguments on the merits. On January 10, 2003, the City of Chicago filed a motion for summary judgment and, on April 21, 2003, the District Court granted the defendant's motion. On August 22, 2003, the alleged victim's motion for reconsideration of the motion for summary judgment was denied and, on an unknown date, the District Court rejected the petitioner's arguments on the merits. The alleged victim filed notice of appeal on September 19, 2003. By order dated November 16, 2004, the US Court of Appeals for the Seventh Circuit rejected the petitioner's appeal. The alleged victim applied to have the case reheard, but this was denied by the Seventh Circuit on February 11, 2005.

10. The State alleges that the petition is inadmissible because (a) the claims are untimely; (b) the alleged victim has already received compensation from the State on the claims he brings before the Commission; and (c) the arguments presented in the petition are precluded by the Commission's fourth instance formula, as they amount to a mere disagreement with determinations of domestic courts.

11. The State contends that since 1884, the alleged victim received three payments: the first in 1986 when Mr. Bullock brought a claim against the city of Chicago for false arrest, relating to his 1983 arrest for the rape and kidnapping that led to his 1984 conviction and incarceration. The city settled the claim for \$3000. Secondly also in 1986, Mr. Bullock brought a claim against Cook County, Illinois for allegedly failing to protect him from gang violence while he was incarcerated in the county jail pending trial for rape. The State contends that the County settled that claim with Mr. Bullock for \$20,000. Apart from these two payments, the State contends that Mr. Bullock received a third payment of \$120,300 from the State of Illinois on August 5, 1998 specifically as compensation for his unjust imprisonment for 12 years.

12. According to the State, this latter payment was pursuant to Illinois State law that grants the Illinois Court of Claims exclusive jurisdiction over all claims against the State for time unjustly served in prisons when the person imprisoned received a pardon from the governor on the ground of innocence. The State alleges that Mr. Bullock received this payment after filing a claim pursuant to this Illinois State law. The State indicates that Mr. Bullock disputed the award, but failed to appear at three subsequent status hearings. In the absence of Mr. Bullock's appearance to make his arguments and to present evidence relevant to his claim, the Illinois Court finalized his award on March 15, 2001.

13. On the matter of timeliness, the State alleges that it is unaware of any activity in Mr. Bullock's domestic proceedings since February 2005; and that Mr. Bullock did not file his petition to the Commission until March 18, 2009. The State contends that under Article 32 (1) of the Commission's Rules of Procedure requires that petitions be "lodged within a period of six-months following the date on which the alleged victim has been notified of the decision that exhausted the domestic remedies". The State notes that compensation paid by the State of Illinois for his wrongful conviction was finalized in March 2001, and that subsequent litigation arising from the same facts concerning Mr. Bullock's conviction and imprisonment was concluded in February 2005. The State notes that in the absence of an explanation for this delay from the alleged victim, the petition should be dismissed as untimely.

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

14. The alleged victim points out that he was wrongly convicted and sentenced for a crime that he did not commit and that those responsible were never held accountable, even though there was pardon granted to him by the governor of Illinois on the ground of innocence (based on the results of a DNA test that excluded Mr. Bullock as the perpetrator). The alleged victim brought several claims against the State of Illinois (and Cook County, Illinois), relating to his arrest, conviction, mistreatment in custody, and concealment/destruction of a blood test which would have exonerated him. The claims were either settled or dismissed.

15. The final proceeding was concluded before the US Court of Appeals for the Seventh Circuit which rejected the petitioner's appeal. The alleged victim applied to have the case reheard, but this was denied by the Seventh Circuit on February 11, 2005. The State has not questioned the sequence of remedies filed, and noted that the alleged victim had access to justice and his appeals were duly heard, although with results that were unfavorable to him. Therefore, based on available information, the Commission has determined that the requirement to exhaust all domestic remedies provided for under Article 31 (1) of the Commission's Rules of Procedure has been fulfilled.

16. In addition, the Commission notes that allegations of torture and mistreatment of the alleged victim were made throughout the process and the petitioner alleges that those responsible were never held accountable. The Commission reiterates that under international standards applicable to cases like this one, where serious human rights violations such as torture are alleged, the appropriate and effective remedy is

precisely the filing and the undertaking of an effective criminal investigation aimed at the clarification of the facts and, if necessary, individualize the persons responsible and attribute the corresponding responsibilities.⁴

17. In regard to the requirement of timeliness of the petition, the State explicitly denies that it has been met on the grounds that the last judicial decision in the framework of these proceedings was in February 2005 while the petition was not presented to the IACHR until March 2009. In this respect, the Commission notes that both parties agree in stating that the abovementioned ruling was issued in February 2005. The Commission observes that the alleged acts at issue began in 1983 and its effects concerning the alleged lack of investigation and punishment of said acts to the alleged victim continue to this date. As a result, in light of the context and the characteristics of this case, the Commission believes that the petition was filed in a reasonable time, under the terms of Article 32.2 of the IACHR Rules of Procedure.

VII. ANALYSIS OF COLORABLE CLAIM

18. In view of the elements of fact and law presented by the parties and the nature of the matter brought to its attention, the Commission believes that, if proved, the alleged acts of torture and mistreatment of the alleged victim, as well as the lack of investigation of said claims may represent violations of the rights enshrined in Articles II (right to equality before the law); XVIII (right to fair trial); Article XXV (human treatment in custody) and XXVI (due process of law) of the American Declaration.

VIII. DECISION

1. To find the instant petition admissible in relation to Articles II (equality before law), XVIII (fair trial), Article XXV (human treatment in custody) and XXVI (due process of law) of the American Declaration;
2. To continue with the analysis on the merits; and
3. To publish this decision and include it in its Annual Report to the General Assembly of the Organization of American States.

Done and signed on the 26th day of the month of December, 2018. (Signed): Margarette May Macaulay, President; Esmeralda E. Arosemena Bernal de Troitiño, First Vice President; Luis Ernesto Vargas Silva, Second Vice President; Francisco José Eguiguren Praeli, Joel Hernández García, Antonia Urrejola, and Flávia Piovesan, Commissioners.

⁴ IACHR, Report No. 156/17. Admissibility. Carlos Alfonso Fonseca Murillo. Ecuador. November 30, 2017, para. 13.