



THE PERMANENT REPRESENTATIVE  
OF THE  
UNITED STATES OF AMERICA  
TO THE  
ORGANIZATION OF AMERICAN STATES  
WASHINGTON, D.C.

January 13, 2017

Mr. Paulo Abrão  
Executive Secretary  
Inter-American Commission on Human Rights  
Organization of American States  
Washington, D.C. 20006

**Re: Ronald Bullock, Petition No. P-300-09  
Supplemental Response to Petition**

Dear Mr. Abrão:

The United States Government has the honor of addressing the Inter-American Commission on Human Rights (“Commission”) in regard to the above-referenced Petition filed by Ronald Bullock. The United States transmitted an initial response to the Petition on November 28, 2014 (Annex 1). In reply, Mr. Bullock submitted a letter containing additional information on June 1, 2015, which was transmitted on September 28, 2016 to the United States by letter dated September 6, 2016. Please find enclosed the United States’ supplemental response to the Petition and the June 1, 2015 letter. We trust this information is useful to the Commission and thank the Commission for its attention to this matter.

Please accept renewed assurances of my highest consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Kevin K. Sullivan".

Kevin K. Sullivan  
Interim Permanent Representative

## **Annexes**

### **(Selected Domestic Proceedings and Prior U.S. Submissions to the Commission regarding Mr. Bullock):**

1. Bullock v. United States, Petition No. 300-09, Response of the United States, Nov. 28, 2014.
2. Bullock v. Chicago, No. 01 C 1865 (7th Cir. Nov. 16, 2004).
3. Order, Bullock v. Chicago, No. 01 C 1865 (N.D. Ill. Aug. 22, 2003).
4. Order, Bullock v. Chicago, No. 01 C 1865 (Apr. 21, 2003).
5. Order, Bullock v. Illinois, No. 98 CC 2442 (Mar. 15, 2001).
6. Bullock v. O'Hara, 1996 WL 495560, No. 95 C 4641 (N.D. Ill. Aug. 27, 1996).
7. Illinois v. Bullock, 154 Ill. App. 3d 266 (1987).
8. Bullock v. Chicago, 1987 WL 16616, No. 87 C 7455 (Aug. 31, 1987).

**PETITION NO. P-300-09, RONALD BULLOCK**  
**SUPPLEMENTAL RESPONSE OF THE UNITED STATES OF AMERICA**

The Government of the United States appreciates the opportunity to submit these supplemental observations on the Petition of Ronald Bullock (“Petitioner” or “Mr. Bullock”), dated March 3, 2009, along with observations on his follow-up letter dated June 1, 2015. This submission is intended to supplement the response submitted on November 28, 2014 (Annex 1).<sup>1</sup> For the reasons stated below, we reiterate our call to the Commission to find this matter inadmissible because the Petitioner has already been compensated by governmental authorities in the United States for the claims he brings before the Commission, and also to find the matter inadmissible because the claims are time-barred and barred in any event under the fourth instance formula.<sup>2</sup> Should the Commission nevertheless declare the Petition admissible and examine its merits, it should dismiss the Petition as meritless.

**A. FACTUAL AND PROCEDURAL BACKGROUND**

On March 18, 1983, a nine-year-old girl was kidnapped and raped on her way to school in Chicago, Illinois. Mr. Bullock was arrested on suspicion of involvement in the crime, and the victim identified Mr. Bullock as her attacker. Mr. Bullock was convicted by a jury of the crime of deviate sexual assault and aggravated kidnapping on May 2, 1984, and sentenced to 60 years in prison. Mr. Bullock appealed his conviction, and it was upheld by the Illinois Court of Appeals in March 1987.<sup>3</sup>

In June 1993, Mr. Bullock’s attorney filed a motion to request that DNA evidence preserved from the scene of the crime be tested. Advances in DNA science and technology in the intervening years since Mr. Bullock’s conviction made this testing more accurate and widely used than it had been previously. In October 1994, the tests performed excluded Mr. Bullock as the source of the DNA

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<sup>1</sup> Even though Mr. Bullock’s reply to the U.S. response is dated June 1, 2015, the Commission did not forward it to the United States until September 28, 2016, via a letter dated September 6, 2016.

<sup>2</sup> Mr. Bullock alleges that the United States has “violated” certain specific rights recognized in the American Declaration. As the American Declaration is a non-binding instrument and does not itself create legal rights or impose legal obligations on member States of the Organization of American States, the United States understands that a “violation” in this context means an allegation that a country has not lived up to its political commitment to uphold the American Declaration.

<sup>3</sup> Illinois v. Bullock, 154 Ill. App. 3d 266 (1987) (appended as Annex 7).

found at the scene of the crime. In November 1994, a judge granted Mr. Bullock a new trial given the availability of this new evidence, but prosecutors decided to drop the charges against Mr. Bullock in light of that new evidence. Mr. Bullock was released from prison shortly thereafter. On March 27, 1998, the Governor of the State of Illinois granted Mr. Bullock a pardon and expunged the 1984 conviction from his record.

Since his 1984 conviction, Mr. Bullock has received several payments from state and local governments in the United States. The November 2014 U.S. response to this Petition cited two of those payments: first, in 1986, Mr. Bullock brought a claim against the City of Chicago, Illinois, for false arrest related to his 1983 arrest for the rape and kidnapping that led to his 1984 conviction and incarceration. The City of Chicago settled that claim with Mr. Bullock for a sum of \$3,000. Mr. Bullock later challenged that settlement in court, alleging that the settlement “was the result of duress, mutual mistake, and is unconscionable.”<sup>4</sup> However, the U.S. federal District Court for the Northern District of Illinois found that “[s]ince [Mr. Bullock] was aware of all the facts, including his innocence, and [was] represented by counsel, a \$3,000 settlement cannot be viewed as unconscionable,”<sup>5</sup> and that “[b]ased on [Mr.] Bullock’s own statements, the City merely bargained with him and he chose to accept the terms.”<sup>6</sup> In other words, the independent court reviewing the settlement held that Mr. Bullock had voluntarily agreed to settle his claim for \$3,000, had the opportunity to and did in fact consult with his lawyer as to whether to accept the settlement, and was not subjected to duress or the victim of a mutual mistake in accepting this amount.<sup>7</sup> This settlement by its terms covers “all claims which directly or indirectly arise from the May 1983 detention.”<sup>8</sup>

Second, 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 the rape noted above. The County settled that claim with Mr. Bullock for \$20,000, and we are not aware that Mr. Bullock has challenged the sufficiency of this settlement in U.S. courts.

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<sup>4</sup> Bullock v. O’Hara, 1996 WL 495560, No. 95 C 4641, at \*2 (N.D. Ill. Aug. 27, 1996) (appended as Annex 6).

<sup>5</sup> *Id.* at \*2.

<sup>6</sup> *Id.* at \*3.

<sup>7</sup> *Id.*

<sup>8</sup> *Id.*

Beyond those two payments, Mr. Bullock received a third payment. An Illinois state law provides that the Illinois Court of Claims has exclusive jurisdiction over “[a]ll claims against the State for time unjustly served in prisons of this State when the person imprisoned received a pardon from the governor stating that such pardon is issued on the ground of innocence of the crime for which he or she was imprisoned . . . .”<sup>9</sup> Although the statute provides that the amount of the compensation awarded to a claimant is at the court’s discretion, it states that “the court shall make no award in excess of the following amounts: . . . for imprisonment of 14 years or less but over 5 years, not more than \$170,000 . . . .”<sup>10</sup> Mr. Bullock filed a claim in the Illinois Court of Claims pursuant to this statute and was awarded a payment from the State of Illinois on August 5, 1998 in the amount of \$120,300, specifically as compensation for his unjust imprisonment of 12 years, which the Court “calculated . . . as being the maximum allowed by the statute” in Mr. Bullock’s case.<sup>11</sup> Mr. Bullock disputed the amount of this award, but failed to appear at three subsequent status hearings (he did appear at other status hearings, where he requested a continuance). A Commissioner set the matter for final hearing on July 20, 2000, “proper notice was sent to the Claimant by mail at his last known address,” and there was also an effort to contact him by phone; however, Mr. Bullock failed to appear.<sup>12</sup> At the final hearing, the Court found that it had given Mr. Bullock “ample opportunity to make his arguments, and to present any evidence relevant to his claim. He failed to do so.”<sup>13</sup> Thus, his award of \$120,300 was finalized on March 15, 2001, and this compensatory payment was reported publicly in the Illinois Court of Claims Annual Report for Fiscal Year 2001.<sup>14</sup>

Mr. Bullock also brought a series of claims against the City of Chicago for alleged violations of his rights relating to his conviction and imprisonment. Mr. Bullock filed at least five lawsuits in relation to the circumstances surrounding his 1983 arrest between 1986 and 1987,<sup>15</sup> at least one of which was dismissed because

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<sup>9</sup> 705 ILL. COMP. STAT. § 505/8(c).

<sup>10</sup> *Id.*

<sup>11</sup> Order, *Bullock v. Illinois*, No. 98 CC 2442, at \*1 (Mar. 15, 2001) (appended as Annex 5).

<sup>12</sup> *Id.* at \*2.

<sup>13</sup> *Id.*

<sup>14</sup> See [http://www.cyberdriveillinois.com/departments/court\\_of\\_claims/volume53.pdf](http://www.cyberdriveillinois.com/departments/court_of_claims/volume53.pdf).

<sup>15</sup> *Bullock v. Chicago*, 1987 WL 16616, No. 87 C 7455 (Aug. 31, 1987) (appended as Annex 8); *Bullock v. Kelly*, No. 87 C 7376 (N.D. Ill. dktd Aug. 21, 1987); *Bullock v. Luckey*, No. 87 C 7375 (N.D. Ill. dktd. Aug. 26,

Mr. Bullock failed to file the claims before the two-year statute of limitations had expired.<sup>16</sup> Ultimately, as described above, Mr. Bullock settled the claims related to the circumstances of his arrest with the City of Chicago for a sum of \$3,000. After his exoneration, Mr. Bullock also filed a civil lawsuit under 42 U.S.C. § 1983 alleging that his constitutional rights were violated because employees of the City of Chicago allegedly concealed exculpatory blood tests during his original prosecution in 1983 and lied about those test results at his trial, which he alleged resulted in his wrongful conviction and subsequent imprisonment. However, the U.S. District Court for the Northern District of Illinois found that “[Mr.] Bullock had offered no evidence tending to establish that [those employees of the City of Chicago] concealed exculpatory evidence and lied about the results at his trial[,]” and that “[Mr.] Bullock offers no deposition excerpts, affidavits, or other documentary evidence that such misconduct occurred in his case.”<sup>17</sup> Accordingly, the court did not find in Mr. Bullock’s favor.

Mr. Bullock filed a motion for reconsideration of his claim, and in 2003, the court found that there had been no concealment of evidence from Mr. Bullock—the pieces of evidence that ultimately led to the exculpatory DNA test were indeed disclosed to Mr. Bullock and his attorneys as part of an inventory of the rape kit performed on the victim—and that it had not been improper for the City of Chicago to not order testing of that piece of evidence as part of its initial investigation, since “science and technology had improved [between 1983 and 1994], and thus the fact that the sample ... could be definitively tested in 1994 does not mean that they would have produced a meaningful result eleven years earlier.”<sup>18</sup> In other words, the court found no deliberate wrongdoing by the City of Chicago, and therefore did not find in Mr. Bullock’s favor. Mr. Bullock appealed this decision to the U.S. Court of Appeals for the Seventh Circuit, which affirmed the district court’s finding on a variety of grounds, including that Mr. Bullock’s claims were meritless and untimely filed.<sup>19</sup> A petition to have this case reheard was denied on February 11, 2005.<sup>20</sup>

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1987); *Bullock v. O’Hara*, No. 87 C 6848 (N.D. Ill. dktd. Aug. 4, 1987); *Bullock v. Dioguardi*, No. 86 C 3819 (N.D. Ill. filed June 5, 1986).

<sup>16</sup> *See, e.g., Bullock*, 1987 WL 16616 (appended as Annex 8).

<sup>17</sup> Order, *Bullock v. Chicago*, No. 01 C 1865 (Apr. 21, 2003) (appended as Annex 4).

<sup>18</sup> Order, *Bullock v. Chicago*, No. 01 C 1865 (N.D. Ill. Aug. 22, 2003) (appended as Annex 3).

<sup>19</sup> *Bullock v. Chicago*, No. 01 C 1865 (7th Cir. Nov. 16, 2004) (appended as Annex 2).

<sup>20</sup> *Bullock v. Chicago*, No. 03-3485 (7th Cir. Feb. 11, 2005).

The United States is aware of no further activity in Mr. Bullock’s domestic proceedings after February 2005. Mr. Bullock filed his Petition before the Commission on March 3, 2009.

## **B. DISCUSSION**

For a petition to be admissible before the Commission, it must satisfy several procedural requirements under the Commission’s Rules of Procedure (“Rules”). Article 34(a) of the Rules provides that “[t]he Commission shall declare any petition or case inadmissible when ... it does not state facts that tend to establish a violation of the rights referred to in Article 27 of these Rules of Procedure ... .” Article 27, in turn, directs the Commission to “consider petitions regarding alleged violations of the human rights enshrined in the American Convention on Human Rights and other applicable instruments ... .” For the United States, the American Declaration is the only “applicable instrument.”<sup>21</sup>

In this petition, Mr. Bullock alleges that the United States has violated his rights under Articles II, XVIII, and XXV of the American Declaration. However, Mr. Bullock’s claims must be dismissed because they are untimely and because Mr. Bullock has already received a domestic remedy for these claims. Separately, the Commission lacks competence in light of the “fourth instance formula” to review the Petition and it should also be dismissed on this basis. Mr. Bullock has raised each of his claims through the domestic court system and is simply unhappy with the result. The Commission may not sit as a “court of fourth instance” to second-guess the factual and legal determinations of the domestic courts and juries. These grounds for dismissal are discussed, in turn, below.

### **1. The Petition Must Be Dismissed as Untimely**

Article 32(1) of the Rules 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.” Article 28(7) stipulates that compliance with this statute of limitations is a threshold requirement for the

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<sup>21</sup> Article 20 of the Commission’s Statute and Article 23 of the Rules identify the American Declaration as an “applicable instrument” with respect to nonparties to the American Convention. Although Article 23 of the Rules lists several additional instruments, the United States is not a party to any of those other instruments.

Commission's consideration of petitions. In this matter, the compensation paid by the State of Illinois to Mr. Bullock for his wrongful conviction was finalized in March 2001, and the subsequent litigation arising from the same facts concerning Mr. Bullock's conviction and imprisonment was concluded in February 2005. However, Mr. Bullock did not file his petition with the Commission until more than four years later, in March 2009, and he provides no explanation for this long delay. The Commission has repeatedly dismissed as inadmissible petitions that have been filed after the six-month period of time set forth in Article 32(1).<sup>22</sup> In keeping with the requirements of Articles 28(7) and 32 of the Rules, as applied by the Commission in many prior matters, the Commission must find Mr. Bullock's claims inadmissible in their entirety because his petition was not timely filed.

**2. The Petition Must Be Dismissed Under Article 34(a) and (b) of the Rules Because Mr. Bullock Has Already Been Compensated for the Claims He Asserts, and His Claims Are Thus Manifestly Groundless, and the Petition Fails to State Facts that Tend to Establish a Violation of the American Declaration**

Mr. Bullock has voluntarily settled claims and received compensation arising out of his wrongful arrest, conviction, and imprisonment. He has already received compensation in the amount of \$120,300 from the State of Illinois related to his wrongful conviction and imprisonment, and voluntarily settled his claims against the City of Chicago relating to his 1983 arrest for \$3,000. He cannot now assert that the United States has violated the American Declaration with respect to those settled matters because he has already received a remedy.<sup>23</sup>

First, as explained above, Petitioner filed a complaint in federal district court in 1986, alleging that he was wrongfully arrested in 1983. Following a voluntary

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<sup>22</sup> See, e.g., *Echeverría & González v. Chile*, Petition No. 4636-02, Report No. 108/13, Inadmissibility, Nov. 15, 2013, ¶ 54; *J.C.R. v. Mexico*, Petition No. 513-04, Report No. 60/12, Inadmissibility, Mar. 19, 2012, ¶ 36; *Lara v. Peru*, Petition No. 871-03, Report No. 18/11, Inadmissibility, Mar. 23, 2011, ¶ 30; *Forzzani v. Peru*, Petition No. 277-01, Report No. 17/11, Inadmissibility, Mar. 23, 2011, ¶ 25; *Ass'n of Retired Oil Industry Workers of Peru—Metropolitan Area of Lima & Callao v. Peru*, Petition No. 12.119, Report No. 79/10, Inadmissibility, July 12, 2010, ¶ 34; *Trinidad v. Brazil*, Petition No. 397-04, Report No. 118/09, Inadmissibility, Nov. 12, 2009, ¶ 28; *Vera et al. v. Peru*, Petition No. 619-00, Report No. 4/08, Inadmissibility, Mar. 4, 2008, ¶ 38.

<sup>23</sup> *Undocumented Migrant, Legal Resident, and U.S. Citizen Victims of Anti-Immigrant Vigilantes v. United States*, Petition No. 478-05, Report No. 78/08, Admissibility, Aug. 5, 2009, ¶ 60 & Decision ¶ 4 (declaring case inadmissible with respect to petitioners who obtained access to an effective remedy in the domestic system).



settlement with the City of Chicago for \$3,000, the district court in 1996 upheld the validity of the settlement agreement and dismissed Mr. Bullock's later claims that the settlement should be disregarded, and affirmed that the settlement covered "all claims which directly or indirectly arise from the May 1983 detention."<sup>24</sup> The fact that Mr. Bullock now regrets settling the claim voluntarily and with advice of counsel for that particular amount is insufficient to state facts that tend to establish a violation of the American Declaration, and any such claim before the Commission is manifestly groundless.

Second, also as explained above, Mr. Bullock filed a claim in the Illinois Court of Claims for compensation for his wrongful conviction and imprisonment, and in 2001, received compensation from the State in the amount of \$120,300. Mr. Bullock's later civil rights claims related to his conviction and imprisonment were unsuccessful for a variety of reasons, including that they were meritless and untimely filed.<sup>25</sup>

The settlements, compensatory payments, and ensuing dismissals of Petitioner's cases in Illinois state courts, U.S. federal district court, and a U.S. federal court of appeals show that Mr. Bullock received adequate and effective remedies for his claims, to which he freely and fully agreed, through the process of exhausting remedies through the U.S. court system.<sup>26</sup> In his June 1, 2015 letter, Mr. Bullock appears to assert that his settlements and compensation from the State of Illinois and the City of Chicago were insufficient, and encloses as "evidence" of this insufficiency a series of newspaper articles documenting settlements awarded to victims of completely unrelated actions by employees of the City of Chicago. These include compensation paid to a paraplegic who was fatally shot by a Chicago police officer in 2007, compensation paid to a man who was injured by a vehicle driven by a city worker, compensation paid to individuals who were discriminated against on the basis of race in a firefighters' entrance exam, individuals injured by a fire in a city building, and individuals subjected to physical abuse during interrogations by city police. None of these settlements are

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<sup>24</sup> *O'Hara*, 1996 WL 495560, at \*2-3 (appended as Annex 6).

<sup>25</sup> See Annexes 2-4.

<sup>26</sup> See *Sánchez et al. v. United States* ("Operation Gatekeeper"), Report 104/05, Inadmissibility, Oct. 27, 2005, ¶ 62 ("domestic remedies, in order to accord with generally recognized principles of international law, must be both adequate, in the sense that they must be suitable to address an infringement of a legal right, and effective, in that they must be capable of producing the result for which they are designed").

even remotely related to Mr. Bullock’s claims, which concern a wrongful arrest, conviction, and imprisonment.

The only remotely related cases that are cited by Mr. Bullock are in his October 16, 2009 letter. These cases outline jury verdicts awarded to individuals who were convicted as a result of unlawful actions by City of Chicago officials. Yet Mr. Bullock’s case is not analogous to any of these cases: courts have not found that Mr. Bullock was the victim of any unlawful action or intentional wrongdoing by City officials. Instead, he was the subject of a mistaken eyewitness identification that led to an incorrect conviction. The State of Illinois has a law in place to deal with just such a situation: as described above, Illinois law provides for a process by which individuals who are later exonerated of crimes based on innocence or a pardon by the Governor of Illinois are eligible for compensation from the State.<sup>27</sup> Mr. Bullock pursued such a claim and succeeded, receiving compensation that he and his attorney freely accepted. The fact that Mr. Bullock is unhappy with the amount of his compensation is insufficient to state facts that tend to establish a violation of the American Declaration, and any such claim before the Commission is manifestly groundless.

As a result, the Commission should reject Mr. Bullock’s claims as manifestly groundless under Article 34(a) and (b) of the Rules.

### **3. The Petition Must Be Dismissed Under the Commission’s Fourth Instance Formula**

The Commission must also dismiss the Petition because the Commission lacks competence to sit as a court of fourth instance. The Commission has repeatedly stated that it may not “serve as an appellate court to examine alleged errors of internal law or fact that may have been committed by the domestic courts acting within their jurisdiction”—a doctrine the Commission calls the “fourth instance formula.”<sup>28</sup>

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<sup>27</sup> 705 ILL. COMP. STAT. § 505/8(c).

<sup>28</sup> *Marzioni v. Argentina*, Case No. 11.673, Report No. 39/96, Inadmissibility, Oct. 15, 1996 (“*Marzioni Inadmissibility Report*”), ¶¶ 50–51.

The fourth instance formula recognizes that the Commission cannot substitute for the States' domestic judiciaries,<sup>29</sup> and nothing in the American Declaration, the Charter of the Organization of American States (OAS), the Commission's Statute, or the Rules gives the Commission the authority to act as an appellate body. The Commission has elaborated on the limitations that underpin the fourth instance formula in the following terms:

The Commission ... lacks jurisdiction to substitute its judgment for that of the national courts on matters that involve the interpretation and explanation of domestic law or the evaluation of the facts. The judicial protection afforded by the [American] Convention includes the right to fair, impartial, and prompt proceedings which give rise to the possibility, *but never the guarantee*, of a favorable outcome. Thus, the interpretation of the law, the relevant proceeding, and the weighing of the evidence is, among others, a function to be exercised by the domestic jurisdiction, which cannot be replaced by the IACHR.<sup>30</sup>

As the United States has consistently maintained, it is not the Commission's place to sit in judgment as another layer of appeal, second-guessing the considered decisions of a state's domestic courts in weighing evidence and applying domestic law, nor does the Commission have the resources or the requisite expertise to perform such a task.

As noted above, Mr. Bullock appears now to be dissatisfied with the amount of compensation he was awarded by the Illinois Court of Claims for his wrongful imprisonment, and the amount of the settlement he received for claims relating to his 1983 arrest (which was upheld by an independent court). But, the Commission has long recognized that "if [a petition] contains nothing but the allegation that the

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<sup>29</sup> See *Castro Tortrino v. Argentina*, Case No. 11.597, Report No. 7/98, Admissibility, Mar. 2, 1998, ¶ 17.

<sup>30</sup> *Macedo García de Uribe v. Mexico*, Petition No. 859-03, Report No. 24/12, Inadmissibility, Mar. 20, 2012, ¶ 40 (emphasis added). The Commission has interpreted and applied the fourth instance formula in the same way for OAS Member States that are parties to the American Convention and for those, including the United States, for which review is instead undertaken pursuant to the American Declaration. We therefore read this language as equally applicable to practice under the American Declaration despite the explicit reference to the American Convention.

decision [by a domestic court] was wrong or unjust in itself, the petition must be dismissed under [the fourth instance formula].”<sup>31</sup>

Mr. Bullock also appears to be dissatisfied with the unfavorable outcome in his civil suit against the City of Chicago, and he submits as evidence the fact that other cases with facts that appear similar to his own received more favorable outcomes from the courts. However, as explained above, none of the cases cited by Mr. Bullock are at all similar to his own on the facts. And the Commission has repeatedly stated that “the fact that the outcome [of a domestic proceeding] was unfavorable ... does not constitute a violation.”<sup>32</sup> Mr. Bullock was guaranteed, and received, the opportunity to bring his claims before a domestic court. He was not guaranteed, and did not receive, a favorable result, because the evidence he presented did not support his claims that he was the victim of intentional wrongdoing by the City of Chicago, and because he failed to present those claims before a domestic court in a timely manner. The Commission has said that “in order to give the State the opportunity to correct alleged violation of rights ... before an international proceeding is brought, judicial remedies pursued by alleged victims must meet reasonable procedural requirements established under domestic law.”<sup>33</sup> These reasonable requirements may include timeframes for filing certain types of claims. Mr. Bullock does not argue that the statute of limitations for this type of challenge is unreasonable: instead, he asserts that others (who properly filed their claims, consistent with statutory requirements, on wholly unrelated matters) received more compensation or better results than he did. This, however, is a mere disagreement with the result of the proceeding, including the factual and legal determinations of an impartial judge, and not an allegation that the proceeding or the statute in question violates Petitioner’s rights.

The Commission may not intervene to second-guess the determination by the Illinois Court of Claims that \$120,300 was the appropriate amount of compensation to award Mr. Bullock for his imprisonment. It likewise may not second-guess Mr. Bullock’s own voluntary settlement of claims relating to his 1983 arrest. And it and may not second-guess the determination of a domestic

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<sup>31</sup> *Marzioni* Inadmissibility Report, *supra* note 28, ¶ 51.

<sup>32</sup> *Maldonado Manzanilla v. Mexico*, Petition No. 733-04, Report No. 87/07, Inadmissibility, Oct. 17, 2007, ¶ 58 (quoting and citing *Rodríguez v. Argentina*, Case No. 10.382, Report No. 6/98, Inadmissibility, Feb. 21, 1998, ¶ 71).

<sup>33</sup> *Magi v. Argentina*, Petition No. 951-01, Report No. 106/13, Inadmissibility, Nov. 5, 2013, ¶ 33.

court that Mr. Bullock failed to present sufficient evidence to state a claim for further compensation under U.S. domestic law, or to timely file such claims. The Commission’s fourth instance formula dictates that the Petition should be dismissed for lack of competence.

#### **4. The Commission May Not Issue Binding Orders with Respect to the United States, Under the American Declaration or Otherwise**

Finally, the United States reaffirms its longstanding position that the American Declaration is a nonbinding instrument that does not itself create legal rights or impose legal obligations on Member States of the OAS;<sup>34</sup> and the Commission may issue recommendations but not binding orders.<sup>35</sup>

Nevertheless, the United States has undertaken a political commitment to uphold the American Declaration. As the Commission well knows, the United States takes its American Declaration commitments and the Commission’s recommendations very seriously. The protections afforded individuals in the U.S. criminal justice system are among the strongest and most expansive in the world, and the U.S. Constitution—which governs both federal and state criminal proceedings—establishes a wide range of rights and legal protections for individuals charged with criminal offenses, as do other federal and state laws and regulations.

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<sup>34</sup> U.S. federal courts of appeals have independently held that the American Declaration is nonbinding and that the Commission’s decisions do not bind the United States. *See, e.g.,* *Garza v. Lappin*, 253 F.3d 918, 925 (7th Cir. 2001) (“The American Declaration ... is an aspirational document which ... did not on its own create any enforceable obligations on the part of any of the OAS member nations ... Nothing in the OAS Charter suggests an intention that member states will be bound by the Commission’s decisions before the American Convention goes into effect. To the contrary, the OAS Charter’s reference to the Convention shows that the signatories to the Charter intended to leave for another day any agreement to create an international human rights organization with the power to bind members.”); *accord, e.g.,* *Flores-Nova v. Attorney General of the United States*, 652 F.3d 488, 493–94 (3d Cir. 2011); *In re Hicks*, 375 F.3d 1237, 1241 n.2 (11th Cir. 2004). For a further discussion of the U.S. position regarding the nonbinding nature of the American Declaration, see Request for an Advisory Opinion Submitted by the Government of Colombia to the Inter-American Court of Human Rights Concerning the Normative Status of the American Declaration of the Rights and Duties of Man, Observations of the United States of America, 1988, *available at* <http://www1.umn.edu/humanrts/iachr/B/10-esp-3.html>.

<sup>35</sup> Article 20 of the Statute of the Commission sets forth the Commission’s powers that relate specifically to OAS Member States that, like the United States, are not parties to the legally binding American Convention, including to pay particular attention to observance of certain enumerated human rights set forth in the American Declaration, to examine communications and make recommendations to the State, and to verify whether in such matters domestic legal procedures and remedies have been applied and exhausted. *Accord* *Garza*, 253 F.3d at 925 (“The Commission’s power is only to make ‘recommendations,’ which, according to the plain language of the term, are not binding.”).

### **C. CONCLUSION**

The Commission should dismiss the Petition because the claims are not timely filed, because the Petitioner has already received compensation from the United States on the claims he brings before the Commission, and because review of the arguments presented in the Petition is precluded by the Commission's fourth instance formula, as they amount to a mere disagreement with determinations of domestic courts, rendered consistently with the rights set forth in the American Declaration. Should the Commission nevertheless declare the Petition admissible and examine its merits, the United States urges it to find the Petition without merit and deny Petitioner's request for relief for all the reasons discussed above. The United States reserves the right to submit additional observations on the merits should this matter reach the merits stage.