



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

June 1, 2016

Mr. Emilio Alvarez Icaza
Executive Secretary
Inter-American Commission on Human Rights
Organization of American States
Washington, D.C. 20006

Re: Siddharta Fisher, Petition No. P-312-13
Response to Petition of February 26, 2013

Dear Mr. Icaza:

The United States Government has the honor of submitting to the Inter-American Commission on Human Rights (“Commission”) this response to your office’s letter dated May 4, 2016, which your office transmitted to us on May 10, 2016, forwarding a Petition filed by Janet Parker.¹ Janet Parker filed the Petition with the Commission in February 2013, claiming to represent the alleged victim, Siddharta Fisher, and she thereafter filed several letters providing additional information. This response refers to all these communications collectively as “Petition.”

Setting aside the Petition’s likely failure to meet other threshold and admissibility requirements in Articles 28, 31, and 34 of the Rules of Procedure (“Rules”), such as the requirement in Article 34(a) that the facts alleged therein tend to establish a “violation” of the American Declaration of the Rights and

¹ Annex 2 to the Petition consists of a two-page document from Janet Parker which states that she is faxing a notarized “Human Rights Defenders Permission Form,” an authorization form signed by Cindi Fisher, Siddharta Fisher’s mother. No such form, however, is provided in the materials transmitted to the United States by the Commission.

Duties of Man (“American Declaration”),² the United States respectfully submits that the Petition is not admissible and must be dismissed because supervening information reveals that this matter is inadmissible as set forth in Article 34(c). Article 34(c) provides that the Commission shall declare any petition inadmissible when “supervening information or evidence presented to the Commission reveals that a matter is inadmissible or out of order.”

The Petition states that Siddharta Fisher, then 35 years old, was at that time in the custody of Western State Hospital in the State of Washington for psychiatric reasons following a criminal incident for which he had previously been incarcerated. The criminal charges were dropped in February 2012, a year before the filing of the Petition on February 26, 2013. While at the hospital, the hospital sought permission through the Washington state courts for Mr. Fisher to be medicated for his illness; his interests were represented in those proceedings by a public guardian assigned to him by the state. According to the Petition, during this time period, Siddharta Fisher’s mother, Cindi Fisher, objected to the use of medication to treat his condition, and Western State Hospital placed limits on the interaction between Cindi Fisher and Siddharta Fisher. The Petition challenges Western State Hospital’s treatment of Siddharta Fisher, arguing that the treatment implicates certain rights recognized in the American Declaration.

In a letter sent by Janet Parker in a separate Petition she has filed with the Commission concerning Mark Allen Taylor, Petition No. P-55-12, which was received by the Commission on September 22, 2014, and forwarded to the United States on January 8, 2016, she states that “Siddhartha [Fisher] has now been freed to get the medical help he so desperately deserved.” This information is confirmed by a blog posting by Cindi Fisher, Siddhartha’s mother, in which she states that Siddhartha Fisher “was freed in August 2014.”³ As a result, the grounds on which this Petition is based no longer exist. Siddharta Fisher is no longer in custody, and, according to the blog posting, his mother has contact with him and is participating in his treatment.

² As the American Declaration is a non-binding instrument and does not create legal rights or impose legal duties 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. The United States respects its political commitment to uphold the American Declaration.

³ See <http://www.madinamerica.com/2015/10/siddhartha-1984-the-murphy-bill-and-more/>.

Accordingly, this supervening information renders the Petition inadmissible under Article 34(c) of the Rules, and the Commission should dismiss the Petition and close this matter forthwith. We understand that the budgetary crisis facing the Commission has recently become even more pressing,⁴ which reinforces a concern we have expressed to the Commission with increasing frequency: the vast number of matters pending a decision by the Commission—over 70 against the United States alone, according to our records, and likely very many against fellow OAS Member States—and the extreme delays in conducting even routine functions such as forwarding one party's filing to the other, threatens to undermine the Commission's reputation and its legitimacy. In our view, the Commission should demonstrate its appreciation of the dire situation by taking decisive action to streamline its management of cases, including by quickly disposing of matters, such as this one, that are plainly inadmissible.

The United States thus strongly urges the Commission to issue a decision without delay closing this matter as inadmissible due to supervening information under Article 34(c). Such a decision need not be lengthy or complicated. The grounds for inadmissibility here are straightforward and obvious, allowing the Commission to dispose of this matter in a brief decision totaling just a few paragraphs so that it may turn its full attention to the myriad of important and pressing matters on its docket.

Please accept renewed assurances of my highest consideration.

Sincerely,



Michael J. Fitzpatrick
Interim Permanent Representative

⁴ See, e.g., Inter-American Commission on Human Rights, Press Release: Severe Financial Crisis of the IACHR Leads to Suspension of Hearings and Imminent Layoff of Nearly Half Its Staff, May 23, 2016 (portending an inability to renew the contracts of 40% of Commission staff after July 31, 2016, and the cancellation of July and October 2016 hearings, absent additional funding).