

Summonses

Inter-American Court of Human Rights

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GUATEMALA IS RESPONSIBLE FOR NOT INVESTIGATING POSSIBLE THREATS AND UNDUE PRESSURE ON JUDGE VILLASEÑOR VELARDE

San Jose, Costa Rica, March 1, 2019.- In the judgment published today in the case of *Villaseñor Velarde et al Vs. Guatemala*, the Inter-American Court of Human Rights ("the Court") declared the international responsibility of *Guatemala* for not investigating possible threats and undue pressure on Judge Villaseñor Velarde in 1994 and beyond. The official summary of the judgment can be found [here](#) and the entire text of the judgment [here](#) (in Spanish).

The facts of the case took place in the period between 1990 and 2013, during which Ms. Villaseñor served as a judge. Between 1991 and 1997 Ms. Villaseñor carried out outstanding acts as part of her role as judge, including participating in judicial cases of general public importance.

In 1994, the Judge was subject to various acts of intimidation, which could lead to external pressure regarding her judicial activity, threatening her judicial independence.

Several sources indicate that Ms. Villaseñor suffered direct threats (including the threat or attempted kidnapping of her daughter), intentional damage to her property, attempts to access her home and acts of surveillance, among others. In addition, on August 29, 1994 one of her bodyguards was detained, beaten, drugged and interrogated regarding the Judge's professional activities. It was also indicated that between 1995 and 2013 other events tending to interfere in her personal and professional activities occurred.

The State provided Ms. Villaseñor and her family with security personnel for nearly 18 years, between 1994 and 2013. However, the State did not investigate neither the facts occurred on 29 August 1994, nor the direct threats allegedly occurred that year. In furtherance to the above, the State did not provide an effective response to subsequent complaints reported by the Judge regarding her personal integrity. In this respect, it is stated that a police investigation was ordered in 2001; however there is no proof whatsoever that such investigation was carried out. In addition to this, all actions taken during the investigation of "threats" against the Judge, as per a complaint submitted in 2005, were insufficient.

The Court highlighted that, in view of the prolonged situation of risk of Ms. Villaseñor which was related to her activity as a judge, a proper investigation would have been appropriate to prevent the risk to which the Judge was exposed, in order to guarantee her judicial independence. The Court considered that the breach of the duty to investigate caused Ms. Villaseñor a situation of uncertainty and anguish that affected her personal integrity.

Consequently, and due to the lack of investigation, the Court concluded that Guatemala violated the right to personal integrity of Ms. Villaseñor, which had an impact on her judicial independence, as well as her right to judicial guarantees and protection. Therefore, it declared that Guatemala breached Articles 5.1, 8.1 and 25.1 of the American Convention on Human Rights, in relation to Article 1.1 of the same treaty.

Otherwise, the Court considered that the State was not responsible for the violation of the right to personal integrity of Beatriz Eugenia Villaseñor Velarde, Francis Antonio Villaseñor Velarde and Rosa Antonieta Villaseñor Velarde, daughter, sister and brother of Ms. Villaseñor respectively. Likewise, the Court stated that Guatemala was not responsible for the violation of the right to honor and dignity in regards to any of the Judge´s relatives.

In view of these violations, the Court ordered the State to (a) publish the judgment and the official summary and (b) pay the indicated amount for moral damage.

The Court's composition for the judgment included the following: Judge Eduardo Ferrer MacGregor Poisot, President (Mexico); Judge Eduardo Vio Grossi, Vice-President (Chile); Judge Humberto Antonio Sierra Porto (Colombia); Judge Elizabeth Odio Benito (Costa Rica); Judge Eugenio Raúl Zaffaroni (Argentina); and Judge L. Patricio Pazmiño Freire (Ecuador). Judge Ricardo Pérez Manrique (Uruguay) did not participate in the deliberation and adoption of this judgment as well, since his mandate started on January 1, 2019, when the judgment was pending.

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