

# Press Release

Inter-American Court of Human Rights

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## **PARAGUAY IS NOT RESPONSIBLE FOR THE ALLEGED FORCE DISSAPPEARANCE AND TORTURE OF JUAN ARROM SUHURT AND ANUNCIO MARTÍ MÉNDEZ**

*San José, Costa Rica, June 4, 2019.*- In the judgment notified today in the *Case of Arrom Suhurt et al. v. Paraguay*, the Inter-American Court of Human Rights ("Court" or "Tribunal") declared the State of Paraguay not responsible for the alleged force disappearance and torture of Juan Arrom Suhurt and Anuncio Martí Méndez. The official summary of the judgment can be found [here](#) and the entire text of the judgment can be found [here](#) (Only in Spanish).

In accordance with the statements of Juan Arrom and Anuncio Martí, on January 17, 2002, both applicants would have been detained by men dressed as civilians, who allegedly beat them, choked them and questioned them on the kidnapping of Mrs. María Edith Bordón and the organization *Patria Libre*. Mr. Arrom and Mr. Martí would have remained detained up until January 30, 2002, when they were found on *Villa Elisa*. After their release, Juan Arrom and Anuncio Martí identified several state agents as their captors.

The State took notice of the alleged disappearance through the *habeas corpus* appeal introduced by the alleged victims' relatives on January 19 and 23, 2002. The judges addressing the appeals requested the Ministry of Interior and the National Police information on whether Juan Arrom Suhurt and Anuncio Martí were under detention. This was denied by these institutions. As a consequence, the judge decided to reject the requested *habeas corpus*. Meanwhile, a criminal investigation was carried out for the alleged disappearance and torture of Juan Arrom and Anuncio Martí, in which several inquiries took place in order to investigate the facts. After this investigation, the proceedings were terminated and the defendants acquitted. This was confirmed on March 24, 2004, by the Fourth Chamber of the Court of Criminal Appeals.

After having analyzed the elements of the case, the Inter-American Court concluded that the evidence presented was insufficient to conclude that Mr. Arrom and Mr. Martí were deprived from liberty by State agents or with their acquiescence. Additionally, the Court concluded that Paraguay did not breach its obligation to start an investigation without delay and *ex officio* on the disappearance of Juan Arrom Suhurt and Anuncio Martí Méndez and it was not internationally responsible for the alleged violation of the right to a fair trial and judicial protection. The Court pointed out that it was not possible to determine that the alleged omissions in the investigation, as noted by the representatives and the Commission, were sufficient to trigger the international responsibility of the State.

Finally, the Court also concluded that Paraguay did not violate the alleged victims' relatives' right to personal integrity, since such violation had as only basis the alleged State responsibility for the forced disappearance of Mr. Arrom and Mr. Martí, or by the alleged lack of adequate investigation of the facts, which was rebutted by the Tribunal.

Since the international responsibility of the State was not established, the Court decided that no declaration on reparations, costs and expenses was required.

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The composition of the Court for this judgement was as it follows: Judge Eduardo Ferrer MacGregor Poisot, President (México); Judge Eduardo Vio Grossi, Vice-president (Chile); Judge Humberto Antonio Sierra Porto (Colombia); Justice Elizabeth Odio Benito (Costa Rica); Judge Patricio Pazmiño Freire (Ecuador), and Judge Ricardo Pérez Manrique (Uruguay). Judge Eugenio Raúl Zaffaroni did not participate in the deliberation and adoption of this judgment, in accordance with Article 19.2 of the Court's Statute and Article 21 of the Rules of the Court, which was accepted by the President through a resolution of January 16, 2019.

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