

Press Release

Inter-American Court of Human Rights

CorteIDH_CP-42/19 Inglés

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ARGENTINA IS RESPONSIBLE FOR THE VIOLATION OF THE RIGHT TO APPEAL THE SENTENCE

San José, Costa Rica, September, 17, 2019. – In the judgment, notified today, in the *Gorigoitia v. Argentina* case, the Inter-American Court of Human Rights determined that the State of Argentina is responsible for the violation of the right to appeal the sentence to the detriment of Oscar Raúl Gorigoitia.

After having been convicted by a lower domestic court on September 12, 1997, Gorigoitia raised an appeal, which was rejected without a comprehensive review of the issues raised by his defense. The Inter-American Court of Human Rights considered that the rejection constituted a violation of article 8.2.h) of the American Convention. Said article requires the possibility of the higher court to analyze the facts, evidence and law on which the contested judgment was based. Likewise, the Inter-American Court determined that the regulations in force at the time of the events in the Mendoza Province did not permit the review of the facts and the evidence by a higher court. Therefore, Argentina was held internationally responsible for the violation of Article 2 of the Convention, which enshrines the obligation of the States to adapt their domestic law to the provisions of the Convention in order to guarantee the rights recognized therein.

Due to these violations, the Court ordered as remedies: to guarantee Gorigoitia the right to appeal its conviction, and that the original sentence be suspended while the appeal is resolved; to publish the judgment and the official summary as a measure of satisfaction, and to pay a compensation for non-pecuniary damage.

The official summary of the sentence can be found [here](#) and the full text of the sentence can be found [here](#).

The composition of the Court for the issuance of this Judgment was as follows: Judge Eduardo Ferrer Mac-Gregor Poisot, President (Mexico); Judge Eduardo Vio Grossi, Vice President (Chile); Judge Humberto Antonio Sierra Porto (Colombia); Judge Elizabeth Odio Benito (Costa Rica); Judge Patricio Pazmiño Freire (Ecuador), and Judge Ricardo Pérez Manrique (Uruguay). Judge Raúl Zaffaroni did not participate in the knowledge or deliberation of the case because he was of Argentine nationality, in accordance with the provisions of article 19.1 of the Rules of Court.

This press release was produced by the Secretariat of the Inter-American Court of Human Rights, which has the sole responsibility to do so.

For more information please go to the page of the Inter-American Court <http://corteidh.or.cr/> or send an email to Secretary Pablo Saavedra Alessandri at corteidh@corteidh.or.cr. For the press office, contact Bruno Rodriguez Reveggino at prensa@corteidh.or.cr.

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