

Press Release

Inter-American Court of Human Rights

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Venezuela is responsible for the violation of the right to freedom of expression of an individual that denounced financial irregularities in the National Assembly

San José, Costa Rica, October 4, 2019 – Today, the Inter-American Court of Human Rights notified the judgement of the Case of Álvarez Ramos v. Venezuela. The Court found the State of Venezuela responsible for the violation of the rights to freedom of expression, to participate in government, freedom of movement, judicial guarantees and judicial protection to the detriment of Tulio Álvarez Ramos.

In 2003, Tulio Alberto Álvarez Ramos published an article in a newspaper which revealed alleged irregularities in the financial operations of the Venezuelan National Assembly Credit Union by its then president. This article generated a criminal prosecution against him. He was sentenced to 2 years and 3 months imprisonment, political disqualification and the prohibition of leaving the country for the crime of continued aggravated defamation. On March 4, 2009, the sentence was completed.

The Court considered that the State's punitive response through criminal prosecution is not conventionally appropriate to protect the honor of the official with respect to speeches referring to the conduct of public officials in the exercise of their functions. The Court reiterated that freedom of expression protects not only the expression of statements which are well received by public opinion or those which are harmless, but also those which shock, irritate or disturb public officials or any sector of society. Therefore, the criminal sanction for said statements would produce, directly or indirectly, an intimidation that, in short, would limit freedom of expression and prevent accountability in acts of, for example, corruption, abuse of authority, etc. It would also weaken public scrutiny over State institutions, with noticeable damage to democratic pluralism.

Thus, the Court concluded that the State violated the right to freedom of expression of Álvarez Ramos given the fact that his conduct could not have been considered criminally prohibited. In turn, since an accessory penalty of prohibition to participate in elections was imposed, the Court determined that his rights to participate in government were violated.

In reviewing the criminal proceedings, the Court also considered that Álvarez Ramos was restricted from accessing adequate means to prepare his defense. Likewise, a witness in the criminal process was charged and detained during the public hearing based on his statements and these were rejected as evidence. On the other hand, the Court also found Venezuela internationally responsible for the violation of the rights to freedom of movement, as well as judicial protection.

Due to these violations, the Court ordered, among other remedies, that the State must take all necessary measures to render invalid the sentence against Mr. Alvarez and the consequences derived therefrom, which includes restoring his criminal records; and pay monetary sums for material and immaterial damage.


The official summary of the judgement can be found [here](#) (available only in Spanish). The full text of the judgement can be found [here](#) (available only in Spanish).

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 Eugenio Raúl Zaffaroni (Argentina); Judge Patricio Pazmiño Freire (Ecuador), and Judge Ricardo Pérez Manrique (Uruguay).

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


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