

Press Release

Inter-American Court of Human Rights

I/A Court H.R._PR-101/2020 English

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I/A Court H.R. Protecting Rights

FOR THE USE OF RACIAL PROFILES ARGENTINA IS RESPONSIBLE FOR THE ILLEGAL, ABRITRARY AND DISCRIMINATORY DETENTION AND SUBSEQUENT DEATH OF AN AFRO-DESCENDENT PERSON

San José, October 14, 2020. - In the Judgment notified today in the Case of Acosta Martínez et al. v. Argentina, the Inter-American Court of Human Rights accepted the full acknowledgment of responsibility made by Argentina and, therefore, found Argentina responsible for the violation of the rights to life, personal integrity, personal liberty, equality and non-discrimination of Mr. José Delfín Acosta Martínez. Likewise, it also considered the State's responsibility for the violation of personal integrity, judicial guarantees and judicial protection of their next of kin. Consequently, the Court concluded that Argentina was responsible for the violation of Articles 4.1 (right to life), 5.1 (right to humane treatment), 5.2 (absolute prohibition to torture or to cruel, inhuman, or degrading punishment or treatment), 7.2, 7.3, 7.4 (right to personal to personal liberty and its guarantees) and 24 (right to equal protection) of the Convention, in relation to Articles 1.1 (obligation to respect rights) and 2 (domestic legal effects) of the same instrument to the detriment of José Delfín Acosta Martínez, as well as the violation of Articles 5.1, 8.1 (right to a fair trial) and 25.1 (judicial protection) of the Convention, in relation to Article 1.1 of the same instrument to the detriment of his mother, Blanca Rosa Martínez, and his brother, Ángel Acosta Martínez.

The official summary of the Judgment can be consulted [here](#) and the full text of the Judgment can be consulted [here](#) (Only in Spanish).

Mr. José Delfín Acosta Martínez, of Uruguayan nationality and Afro-descendant, was arrested and detained in the early morning of April 5, 1996, outside a bar in the center of the City of Buenos Aires. The police officers alleged that he was drunk, for which he was taken to a police station, along with two other people of African descent. While in detention, he suffered a series of blows. An ambulance was called into the police station. Mr. Acosta Martínez died on the way to the hospital.

At the public hearing before the Inter-American Court, the State acknowledged its responsibility for the facts and alleged violations and requested the Court to establish the measures it deemed pertinent to repair these violations comprehensively.

In its Judgment, the Court considered that the regulations used to justify the arrest of Mr. Acosta Martínez, the Police Edict on Drunkenness and other Intoxications, did not comply with the guarantee of certainty by indicating as punishable conduct being "in a complete state of drunkenness". In effect, this ambiguous and indeterminate wording left a wide margin of discretion for its application by the authorities. Likewise, it was considered that the punishment of the mere condition of being drunk, without referring to the fact that the conduct displayed by the offender affected or endangered himself or a third party, exceeds the conventional limits of the exercise of State's *ius puniendi*.

Subsequently, it considered that the arrest and detention of Mr. Acosta Martínez was due, in reality, to the application of racial profiling by the police, for which it considered their actions discriminatory and, therefore, arbitrary. Using a regulation as broad as the Edicts against drunkenness, covered up the use of a racial profile as the main reason for the arrest of Mr. Acosta Martínez, thus revealing its arbitrariness.

Due to the violations found, the Court ordered reparation measures. Among them, Argentina was ordered to train the police forces on the discriminatory nature of stereotypes of race, color, nationality or ethnic origin, as well as the use of racial profiles in the application of police powers to carry out arrests. Likewise, it ordered the implementation of mechanisms that allow a record of arbitrary detentions, based on racial profiling, and in particular, detentions carried out against people of African descent.

The composition of the Court for the delivery of this judgment was as follows: Judge Elizabeth Odio Benito, President (Costa Rica); Judge Patricio Pazmiño Freire, Vice President (Ecuador); Judge Eduardo Vio Grossi (Chile); Judge Eduardo Ferrer Mac-Gregor (Mexico); Judge Humberto Antonio Sierra Porto (Colombia) and Judge Ricardo Pérez Manrique (Uruguay). Judge Eugenio Raúl Zaffaroni, an Argentine national, did not take part in the deliberation and signature of this judgment, pursuant to Article 19(1) and 19(2) of the Court's Rules of Procedure.

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