

Press Release

Inter-American Court of Human Rights

I/A Court H.R._PR-18/2024 English

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I/A Court H.R. Protecting Rights

ECUADOR IS RESPONSIBLE FOR THE VIOLATION OF THE RIGHT TO FREEDOM OF EXPRESSION OF A MEMBER OF THE ARMED FORCES IN A COMPLAINT REGARDING ALLEGED FACTS OF CORRUPTION

San José, Costa Rica, March 22, 2024. - In the Judgment in the *Case of Viteri Ungaretti et al. v. Ecuador*, notified today, the Inter-American Court of Human Rights declared the State of Ecuador responsible for the sanctions imposed on Julio Rogelio Viteri Ungaretti as a result of a complaint of alleged facts of corruption in the armed forces, and concluded that the State violated the rights to freedom of thought and expression, personal liberty to not be subjected to arbitrary detention and to recur to a judge regarding the legality of his detention. Moreover, the Court declared the violation of Mr. Viteri's right to job security, as well as the violation of several rights of his next of kin.

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

The facts of this case relate to Julio Rogelio Viteri Ungaretti, who in the year 2000 was a Navy and Defense Attaché in the United Kingdom and Permanent Representative of Ecuador before the International Maritime Organization and the Board of Governors of the World Maritime University in Malmö, Sweden. He denounced acts of corruption in the armed forces and as a result received several sanctions.

In the instant case, the Court first analyzed the impact of corruption on democracy and human rights. Considering the negative effects of corruption, the Court highlighted the importance for States to take measures to create a safe environment that is adequate for civil society, whistleblowers, witnesses, activists, human rights defenders, journalists, prosecutors, attorneys and judges to protect those individuals from all threats derived from their activities to prevent and fight corruption. Regarding who is affected by corruption, the Court noted that although this phenomenon negatively affects the human rights of all persons subject to its effects, the corruption of State authorities and private providers of public services affects all vulnerable groups.

Secondly, the Court analyzed the application of ulterior responsibilities for the exercise of freedom of expression regarding claims of alleged facts of corruption. It indicated that the occurrence of alleged facts of corruption, such as in the instant case, are clearly of public interest since it concerns the actions of public officials during the exercise of their functions, which due to their nature affect the people's enjoyment of human rights. In addition, there is a legitimate social interest in knowing of the possible occurrence of acts of corruption; therefore, denouncing corruption is a discourse especially protected in light of Article 13 of the Convention.

Since this a matter of public interest, where denouncing acts of corruption has been established as a requirement in both domestic and international bodies of law, public officials have both the right and the duty to report acts of corruption when they are reasonably convinced of their occurrence. In this regard, it is sufficient for the person making the complaint to carefully verify that the information is accurate and reliable, to the extent permitted by the circumstances, although at the time when the complaint is made it is not a requirement for the complainant to determine the authenticity of the information disclosed. The foregoing specifically considers the special position of public officials to learn of the occurrence of these facts.

The Court considered that to promote denouncing acts of corruption by public officials, the State must provide internal and external channels that are adequate to facilitate and encourage reporting acts corruption whilst protecting whistleblowers.

The Court also indicated that States must establish protection mechanisms for whistleblowers so that their identity is protected as well as the confidentiality of the complaint, to adopt measures to protect their personal integrity, prevent sanctions and unjustified dismissal due to the complaints.

Based on the violations declared, the Court ordered several reparation measures.

The Court's composition for the issuing of this Judgment was as follows: Judge Ricardo C. Pérez Manrique President (Uruguay), Judge Eduardo Ferrer Mac-Gregor Poisot Vice President (Mexico), Judge Humberto Antonio Sierra Porto (Colombia), Judge Nancy Hernández López (Costa Rica), Judge Verónica Gómez (Argentina); Judge Patricia Pérez Goldberg (Chile) and Judge Rodrigo Mudrovitsch (Brazil). Judge Humberto Antonio Sierra Porto and Judge Patricia Pérez Goldberg disclosed their individual partially dissenting opinions. Judge Rodrigo Mudrovitsch disclosed his concurring opinion.

This press release was drafted by the Registrar's Office of the Inter-American Court of Human Rights; it is solely responsible for this document.

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Inter-American Court of Human Rights 2024. 

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