

# Press Release

Inter-American Court of Human Rights

I/A Court H.R.\_PR-26/2020 English

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## I/A Court H.R. Protecting Rights

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### **PERU IS RESPONSIBLE FOR TORTURE AND RAPE OF AN LGBTI PERSON BY POLICE AGENTS**

*San José, Costa Rica, 6 April 2020.* - In the judgment of the Case of Azul Rojas Marín et al. v. Peru notified today, the Inter-American Court of Human Rights found the Republic of Peru internationally responsible for the violation of the rights to freedom and personal integrity, privacy, freedom from torture, judicial guarantees and judicial protection, to the detriment of Azul Rojas Marín.

The official summary of the Judgment is available [here](#) and the full text of the Judgment is available [here](#) (Only in Spanish).

The case concerns the assaults suffered by citizen Rojas Marín, when on 25 February 2008 she was arrested, without any reason, by police officers who beat her, while, being an LGBTI person, they shouted and insulted her. Later at the Casa Grande police station, she was forcibly stripped naked, beaten several times, tortured and raped.

Upon release, the victim filed a complaint against the State agents at the Peruvian National Police Station in Casa Grande, which, after several instances, was dismissed, ordering the file to be kept.

In its judgment, the Court reiterated that LGBTI persons, historically, have been victims of structural discrimination, stigmatization, various forms of violence and violations of their fundamental rights, and that sexual orientation, gender identity or gender expression of the person are categories protected by the Convention.

The Court found that the State violated Mrs. Rojas Marín's right to personal freedom as her detention was based on discriminatory grounds, making it illegal and arbitrary.

The Court concluded that Mrs. Rojas Marín was forcibly stripped naked, beaten on several occasions, made derogatory comments about her sexual orientation by state agents, and was a victim of rape; constituting an act of torture. Consequently, the Court declared Peru's international responsibility for the violation of the rights to personal integrity, privacy and freedom from torture.

In turn, the Court found that the State failed to act with due diligence to investigate sexual torture, violating the rights to judicial guarantees and protection.

In its Judgment, the Court found that in Peruvian society there existed at the time of the events, and even today, strong prejudices against the LGBTI population, which in some cases manifests itself in acts of violence. These violent acts are sometimes committed by state agents, including members of the national police, as happened in the present case.

In this case, the Court determined various reparation measures.

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The composition of the Court for this Judgment was as follows: Judge Elizabeth Odio Benito (Costa Rica), President; Judge L. Patricio Pazmiño Freire (Ecuador), Vice-president; Judge Eduardo Ferrer Mac-Gregor Poisot (Mexico); Judge Humberto Antonio Sierra (Porto Colombia) Judge Eugenio Raúl Zaffaroni (Argentina) and Judge Ricardo Pérez Manrique (Uruguay). Judge Eduardo Vio Grossi (Chile) did not participate in the deliberation and signing of the Judgment for reasons of *force majeure*.

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