

Press Release

Inter-American Court of Human Rights

I/A Court H.R._PR-70/2020 English

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I/A Court H.R. Protecting Rights

ARGENTINA IS RESPONSIBLE FOR THE VIOLATION OF THE RIGHT TO APPEAL A JUDGMENT ON A HIGHER COURT

San José, Costa Rica, August 5, 2020. In the judgment notified today in the Case of Valle Ambrosio et al. v. Argentina, the Inter-American Court of Human Rights found the State of Argentina responsible for the violation of the right to appeal a judgment before a higher court, to the detriment of César Ramón del Valle Ambrosio and Carlos Eduardo Domínguez Linares.¹

On December 23, 1997, the Ninth Criminal Chamber of Córdoba sentenced Messrs. del Valle Ambrosio and Domínguez Linares to three years and six months' imprisonment each for the offense of "fraud based on aggravated fraudulent administration." Both victims filed a remedy of cassation, which was rejected "in limine."

The Court noted that the central element of the defense of Messrs. del Valle Ambrosio and Domínguez Linares constituted, inter alia, a series of arguments questioning the evaluation that the Ninth Criminal Chamber had made of the facts of the case and whether or not these were in keeping with the intentional form of the perpetration of the offense of fraud based on aggravated fraudulent administration. However, the regulations of the remedy of cassation and the preceding judicial doctrine prevented the Criminal Chamber of the Superior Court of Justice of the province of Córdoba from deviating from the factual conclusions adopted by the court a quo and led it to declare that both remedies of cassation were inadmissible, without examining the merits of the matters submitted.

Consequently, the Court concluded that the State was responsible for the violation of Article 8(2)(h) of the Convention (right to appeal the judgment before a higher court) in relation to Articles 1(1) (obligation to respect rights) and 2 (domestic legal effects) of this instrument.

Based on these violations, the Court ordered the State to adopt the following measures of reparation: (i) publish the judgment and the official summary; (ii) adapt its domestic laws to the parameters established in the judgment on the right to appeal a judgment before a higher court, and (iii) pay the amounts established in the judgment for non-pecuniary damage.

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

¹ Owing to the exceptional circumstances caused by the COVID-19 pandemic, this judgment was deliberated and adopted in a virtual session using technological resources pursuant to the provisions of the Court's Rules of Procedure.

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 Articles 19(1) and 19(2) of the Court's Rules of Procedure.

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