

# Summonses

Inter-American Court of Human Rights

CorteIDH\_CP-27/18 Inglés

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## **Costa Rica is not responsible for violating the right to appeal the verdict in the Case Amrhein and others Vs. Costa Rica**

*San José, Costa Rica, July 10, 2018.*- In the judgment published today in the case *Amrhein and others Vs. Costa Rica*, the Inter-American Court of Human Rights (the Court) declared that remedies existed in the Costa Rican legislation that would allow a thorough revision of the imposed criminal sentences, and therefore declared that the State was not responsible for violating the right to appeal condemnatory verdicts. The entire text of the judgment can be found at the following link:

[http://www.corteidh.or.cr/docs/casos/articulos/seriec\\_354\\_esp.pdf](http://www.corteidh.or.cr/docs/casos/articulos/seriec_354_esp.pdf)

Additionally, the Inter-American Court partially accepted four of the seven preliminary exceptions brought by the State. This led the Court to recognize on the merits the allegations related to violations of the American Convention on Human Rights (the Convention) of only six of the 17 alleged victims.

Regarding the merits of the case, the Court considered the legislative reforms carried out by Costa Rica regarding its criminal justice system (Laws 8503 and 8837) and analyzed the response that the State judges had given the distinct arguments and allegations presented by the alleged victims in each of the different appeals filed to challenge the validity of the condemnatory sentences. The Court concluded that the State did not violate the right to appeal a judgment to a higher court (Art. 8(2)(h) of the Convention), as the judicial authorities charged with analyzing the appeals had responded to all of the questions of fact and law posed by the appellants. In the same manner with respect to other allegations, the Court found that the guarantees of judicial impartiality, presumption of innocence, the right to a speedy trial, the right to a defense, the right to appeal the legality of an arrest, and the right to personal integrity were not violated, and hence the State was not responsible for the alleged violations.

From a study of one of the cases, the Court declared the Costa Rican State internationally responsible for violating the right to personal liberty (Arts. 7(1), 7(3), and 7(5) of the American Convention) of just Mr. Jorge Martínez Meléndez, who was provisionally detained for more than 13 months, exceeding the legally prescribed periods and not comporting with the adequate exercise of necessary and reasonable provisional detention. In compensation for the harm suffered, the Court ordered certain reparations.

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The Court's composition for the sentence included the following: Judge Eduardo Ferrer Mac-Gregor Poisot, President; Judge Eduardo Vio Grossi, Vice-President; Judge Humberto Antonio Sierra Porto; Judge Eugenio Raúl Zaffaroni; Judge L. Patricio Pazmiño Freire, and Judge Roberto F. Caldas<sup>1</sup>.

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<sup>1</sup> Pursuant to Article 19(1) of the Rules of the Court, Judge Elizabeth Odio Benito, who is of Costa Rican nationality, did not participate in the hearings and deliberations of the present case.

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Avenida 10, Calles 45 y 47 Los Yoses, San Pedro, San José, Costa Rica.



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Correo



(506) 2527 - 1600



(506) 2280 - 5074



Apdo. 6906 - 1000  
San José, Costa Rica



[corteidh@corteidh.or.cr](mailto:corteidh@corteidh.or.cr)



[www.corteidh.or.cr](http://www.corteidh.or.cr)