

# Press release

Inter-American Court of Human Rights

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## **EL SALVADOR FOUND RESPONSIBLE FOR VIOLATING RIGHTS TO JUDICIAL GUARANTEES AND JUDICIAL PROTECTION**

*San José, Costa Rica, May 16, 2024.* - In the Judgment of the *Case of Aguirre Magaña v. El Salvador*, notified today, the Inter-American Court of Human Rights, in consideration of the facts and in view of the State's acknowledgment of its international responsibility, declared El Salvador responsible for the violation of the rights to judicial guarantees and judicial protection to the detriment of Miguel Ángel Aguirre Magaña, due to the fact that the State failed to comply with its obligations to act with due diligence and guarantee a reasonable period of time. Mr. Aguirre also did not have an effective remedy to guarantee his rights.

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

The facts of the case are as follows: Mr. Aguirre Magaña was working in a court in El Salvador. On November 13, 1993, Mr. Aguirre was traveling in a vehicle owned by the Magistrate of Villa de Apaneca to carry out a judicial proceeding. During the trip, an explosive device detonated inside the vehicle. As a result of what happened, Mr. Aguirre suffered multiple injuries, including the amputation of his right leg, the loss of hearing in his right ear, and injuries to his left leg and left ear.

Mr. Aguirre reported what happened in 1993, alleging that the owner of the vehicle had had a grenade in the car, which exploded inside the vehicle. In the criminal proceeding brought in connection with the facts of this case, it was transferred between different courts several times for reasons of jurisdiction. After 11 years, an order was issued to provisionally dismiss charges against the accused, as his participation in the facts had not been proven. This order was appealed by the Office of the Public Prosecutor of the Republic. On July 20, 2004, the Chamber of the Third Section of the West definitively denied the appeal and upheld the dismissal of the case.

Regarding the duration of the criminal proceeding, the Court noted that it had lasted 11 years from the filing of the complaint to dismissal of the case. This Court emphasized that there are no elements of complexity, since both the alleged perpetrator and the witnesses were identified. With respect to the procedural activity of the interested party, Mr. Aguirre's efforts to accelerate the process through written briefs—which went ignored—are noted in the facts. Regarding the conduct of the judicial authorities, the Court noted that there is evidence of omissions and irregularities in the investigation and clarification of the facts. Lastly, it is clear that Mr. Aguirre's legal status was impacted, and that because of his disability, the investigations and criminal proceeding should have been carried out as quickly as possible to reach a swift resolution. Based on these facts, it is evident—as the State itself acknowledged—that the obligation to act with due diligence and guarantee a reasonable period of time were not complied with, and Mr. Aguirre did not have an effective remedy to guarantee his rights.

In view of the violations declared and based on an approved friendly settlement agreement, the Court ordered a series of measures of reparation.

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The composition of the Court for the issuance of this judgment was as follows: Judge Nancy Hernández López, President (Costa Rica); Judge Rodrigo Mudrovitsch, Vice President (Brazil); Judge Humberto Antonio Sierra Porto (Colombia); Judge Eduardo Ferrer Mac-Gregor Poisot (Mexico); Judge Ricardo C. Pérez Manrique (Uruguay); Judge Verónica Gomez (Argentina), and Judge Patricia Pérez Goldberg (Chile).

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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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