

Press Release

Inter-American Court of Human Rights

I/A Court H.R._PR-39/2024 English

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I/A Court H.R.
Protecting Rights

ARGENTINA IS RESPONSIBLE FOR FAILURES IN ITS DUTY OF PREVENTION AND DUE DILIGENCE IN THE INVESTIGATION OF THE AMIA ATTACK

San José, Costa Rica, June 14, 2024. - In the Judgment notified today in the Case Asociación Civil Memoria Activa Vs. Argentina, the Inter-American Court of Human Rights found the State of Argentina responsible for not having adopted reasonable measures to prevent the terrorist attack that occurred on July 18, 1994, as well as for not having fulfilled its duty to investigate the attack and its cover-up with due diligence and within a reasonable time frame. The Court also declared Argentina's responsibility for not having guaranteed real access to documentation regarding the attack. Likewise, it was determined that Argentina violated the right to truth due to the multiple shortcomings of the State in determining the historical truth about the attack and its direct responsibility in the cover-up maneuvers, as well as the difficulties faced by the victims' families in accessing information about the case.

Argentina acknowledged its international responsibility in this case.

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

On July 18, 1994, at 9:53 a.m., a vehicle with an explosive charge was detonated near the headquarters of the AMIA and other institutions linked to the Jewish community. As a direct result of the explosion, 85 people died and 151 were injured. Subsequently, investigations were initiated to elucidate both the local and international connections of those responsible for the attack. However, during the investigation, a series of irregularities occurred in the practice of essential procedures, and there was a deliberate abandonment of certain lines of investigation. It was also proven that state agents - judges, police officers, and security agency personnel - acted in concert to construct an accusatory hypothesis without factual basis, which favored the cover-up of the true perpetrators of the attacks, preventing a diligent investigation that would allow the victims and society at large to know the truth of the events and hold those responsible accountable.

The Court emphasized in the Judgment that terrorism is a phenomenon that endangers the rights and freedoms of individuals, and that the American Convention obliges the State Parties to adopt measures that are appropriate, necessary, and proportionate to prevent such acts. Furthermore, it considered that the State was aware of a real and immediate risk situation regarding the sites identified with the Jewish community and failed to take reasonable measures to prevent such risks, thus violating its obligation of prevention and therefore being responsible for the violation of the rights to life and personal integrity to the detriment of the victims of the attack. Likewise, based on the acknowledgment of responsibility, it was also considered that the State violated the principle of equality and non-discrimination.

This Court concluded that the State failed in its duty to investigate one of the largest terrorist attacks in the history of the region. These failures in the due diligence involved, on the one hand, mishandling of evidence and of the crime scene and, on the other hand, poor management of the investigation's progress.

Furthermore, in the face of cover-up maneuvers by state agents, a new duty of the State to investigate and punish those responsible for this cover-up arose, a duty that was also not carried out diligently or within a reasonable time frame. Nearly 30 years after the attack, there is still no clarity on what happened, who was responsible, or why the State used its judicial apparatus to cover up and hinder the investigation, leading the Court to find the State responsible for the violation of rights to judicial guarantees, an impartial judge, a reasonable time frame, and judicial protection.

Additionally, the Court highlighted a violation of the rights to access information and to truth due to the lack of adequate regulation of intelligence activities, as well as the obstacles that have been set up preventing the families of victims of the attack from accessing information and learning the truth about the attack. This led to a finding of a violation of Articles 8.1, 25.1, and 13 of the Convention to the detriment of the surviving victims of the attack and the victims' families.

Finally, the Court considered that the State's failures to investigate, unjustified delays in the process, and, in general, the lack of clarification and the situation of impunity have caused the families of the victims, feelings of anguish, sadness, and frustration, affecting their personal integrity.

For the violations declared in the Judgment, the Court ordered the removal of all de facto and de jure obstacles that maintain total impunity in this case and to initiate, continue, promote, and/or reopen the investigations necessary to identify, prosecute, and, where appropriate, punish those responsible for the events of this case, their cover-up, and thus establish the truth of what happened, all within a reasonable time frame, as well as other reparative measures.

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) and Judge Patricia Pérez Goldberg (Chile). Judge Verónica Gómez, of Argentinian nationality, did not participate in the processing of this case or deliberation and signing of this judgment, in conformity with Articles 19(1) and 19(2) of the Rules of Procedure of the Court. The then Deputy Registrar, Romina I. Sijniensky, excused herself from participating in the processing of this case and in the deliberation of this Judgment.

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