

Press Release

Inter-American Court of Human Rights

I/A Court H.R._PR-48/2021 English

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I/A Court H.R. Protecting Rights

PERU WAS FOUND RESPONSIBLE FOR VIOLATIONS IN THE FRAMEWORK OF A PROCESS TO RATIFY A JUDICIAL SECRETARY'S POSITION THAT ENDED WITH HER DISMISSAL

San José, Costa Rica, July 21, 2021. In the Judgment of the Case of Moya Solís v. Peru, notified today, the Inter-American Court of Human Rights found the State of Peru responsible for the violation of Judicial Guarantees (Article 8), the principle of legality (Article 9), the right to participate in government (Article 23), and the right to Judicial Protection (Article 25), set forth in the American Convention on Human Rights, to the detriment of Norka Moya Solís.

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

In 1982, Norka Moya Solís was serving as the Judicial Secretary of the Tenth Court of the Work and Organized Labor Circuit of Lima, when a process that was launched, that ended with the non-ratification of her position. In the framework of that process, a number of rights recognized by the American Convention were violated.

The Court found that in a process to evaluate or ratify a public official in their position, in which the possibility of dismissal of the persons evaluated is involved, the due process guarantees required for disciplinary processes are applicable, even though their scope may be different in terms of content or intensity. In this regard, the Court referred to the scope of the rights to prior notification in detail of charges and adequate time and means for defense, which had not been guaranteed in this case.

The Court also found that Ms. Moya Solís was not informed in a timely fashion of the content of the order of nonratification, and that this order did not provide adequate grounds. Regarding the principle of legality, the Court found that the act by the Plenary Chamber and the nonratification Order did not provide the grounds on which the nonratification was decided because those grounds were not provided for under any legal provision, thus violating the principle of legality.

Additionally, the Court found that even though the writ of *amparo* was provided for under Peruvian law and formally admissible, it was not effective, and its processing, which took over 15 years, violated the guarantee of a reasonable period of time.

Lastly, the Court found that because the dismissal of Ms. Moya Solís had violated due process guarantees, it arbitrarily affected her tenure in a public office, thereby violating her right to participate in government.

In view of these violations, the Court ordered the State to undertake a number of measures of reparation.

The composition of the Court for issuing this Judgment was as follows: Judge Elizabeth Odio Benito, President (Costa Rica); Judge Patricio Pazmiño Freire, Vice President; Judge Eduardo Vio Grossi (Chile); Judge Humberto Antonio Sierra Porto (Colombia); Judge Eduardo Ferrer MacGregor (Mexico); Judge Eugenio Raúl Zaffaroni (Argentina); and Judge Ricardo Pérez Manrique (Uruguay).

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