

Press Release

Inter-American Court of Human Rights
I/A Court H.R._PR-67/2021 English

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I/A Court H.R. Protecting Rights

PARAGUAY IS INTERNATIONALLY RESPONSIBLE FOR VIOLATING JUDICIAL INDEPENDENCE AFTER THE ARBITRARY DISMISSAL OF TWO SUPREME COURT JUDGES IN 2003

San José, Costa Rica, October 4, 2021.- In the Judgment of the Case of Ríos Avalos et al. v. Paraguay, notified today, the Inter-American Court of Human Rights declared the Republic of Paraguay internationally responsible for violating the rights to Judicial Guarantees, -Article 8(1) of the American Convention on Human Rights-, and Judicial Protection, -Article 25(1)(c)-, to the detriment of Bonifacio Ríos Avalos and Carlos Fernández Gadea, resulting from their dismissal from positions as judges of the Supreme Court, within the framework of their impeachment trial by the Legislature in 2003.

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

In its Judgment, the Inter-American Court determined that the charges brought against Mr. Ríos Avalos and Mr. Fernández Gadea during the impeachment proceedings on which the Senate decided their dismissal, were based on decisions issued in the exercise of their jurisdictional role. This created a serious impact on judicial independence, as the guarantees of stability and protection against external pressures that safeguard the role of the judges were not respected, as is the duty of the State.

The Inter-American Court established that guarantees of due process were not observed in the proceedings or the impeachment to which Mr. Ríos Avalos and Mr. Fernández Gadea were subjected, and that the authority in charge of the procedure did not fulfill the requirement for impartiality, while those who made up the Senate adopted a pre-determined position. The Inter-American Court considered that, with its actions, the Legislature arbitrarily affected the tenure of the accused Judges, thereby violating judicial independence and damaging the democratic order.

Similarly, the Inter-American Court concluded that the judicial remedies filed by the victims to challenge both the Senate's Resolution establishing the procedure for impeachment proceedings and the decision that ordered their dismissal, were ineffective.

Due to these violations, the Court ordered the State to make various reparation measures.

The Court's composition for delivering 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 Humberto Antonio Sierra Porto (Colombia), Judge Eduardo Ferrer MacGregor Poisot (México), Judge Eugenio Raúl Zaffaroni (Argentina); and Judge Ricardo Pérez Manrique (Uruguay).

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