

TECHNICAL INFORMATION SHEET
CASE N° 12.033 RÓMULO TORRES VENTOCILLA
FRIENDLY SETTLEMENT REPORT N° 49/06
TOTAL COMPLIANCE
(PERU)

I. SUMMARY OF THE CASE

Victim (s): Rómulo Torres Ventocilla
Petitioner (s): Rómulo Torres Ventocilla
State: Peru
Report on Friendly Settlement Agreement No.: 49/06 published on March 15, 2006
Related Rapporteurship: N/A
Topics: Political Rights/ Freedom from *ex po facto* laws/ Judicial guarantees/ Equal protection/ Judicial protection

Facts: On June 29, 1998, Mr. Rómulo Torres Ventocilla claimed that the Republic of Peru had violated his political rights, his right to equal protection and his right to judicial protection enshrined in Articles 8, 9, 11, 23, 24 and 25, respectively of the American Convention on Human Rights, in conjunction with Article 1.1 of the same international instrument. The complaints relate to violations in connection with his groundless dismissal from his position as a civil judge of Lima, which occurred on April 24, 1992, under the terms of Decree Law No.25446 issued by the *de facto* Emergency and National Reconstruction Government of that year.

Rights Alleged: The petitioner alleged the responsibility of the State of Peru for violation of the rights set out in Articles 8 (right to a fair trial), 9 (freedom from *Ex Post Facto* laws), 11 (right to privacy), 23 (right to participate in Government), 24 (right to equal protection) and 25 (right to judicial protection) of the American Convention on Human Rights.

II. PROCEDURAL ACTIVITY

1. On February 9, 2006, the parties signed a Friendly Settlement Agreement.
2. On March 15, 2006, the IACHR approved the friendly settlement agreement signed by the parties in Report No.49/06.

III. ANALYSIS OF COMPLIANCE WITH THE CLAUSES OF THE FRIENDLY SETTLEMENT AGREEMENT

Agreement Clause	Status of Compliance
TWO: ACKNOWLEDGEMENT OF INTERNATIONAL RESPONSIBILITY	
The Peruvian State, aware that the protection of and unrestricted respect for human rights is the basis of a just, decent, and democratic society, in strict compliance with the obligations it has undertaken by signing and ratifying the	Declarative Clause

<p>American Convention on Human Rights and the other international human rights instruments to which Peru is a party, and aware that any violation of an international obligation that has caused damage triggers the duty to make adequate reparation, recognizes its responsibility under Articles 8(1), 11, 23(1)(c), 24, and 25(1) of the American Convention on Human Rights, for the harm caused to Rómulo Torres Ventocilla during the period from April 24, 1992, the date on which he was arbitrarily dismissed, and July 25, 2002, the date of his actual reinstatement in judicial service.</p>	
<p>THREE: COMPENSATION</p>	
<p>3.1 The Peruvian State acknowledges the petitioner’s entitlement to a payment in the amount of \$40,000.00 (forty thousand U.S. dollars) as full compensation for lost earnings, consequential damages, and moral damages, representing financial compensation. This is on account of the responsibility described in the second clause of this friendly settlement agreement and in consideration of the particular circumstances of his dismissal and other facts set out in the first clause of this document.</p>	<p>Total¹</p>
<p>3.2 The beneficiary agrees to make no other claim, either directly or indirectly (except as detailed below) through any other legal means, nor to subpoena the Peruvian State, as having joint responsibility and/or civil liability as a third party or in any other form, in connection with his arbitrary dismissal of April 24, 1992. The sole exception shall be the unaffected right of Judge Rómulo Torres Ventocilla to take action to claim his Compensation for his judicial Service Time, pursuant to law and through the competent venues.</p>	<p>Total²</p>

IV. LEVEL OF COMPLIANCE OF THE CASE

3. The Commission declared total compliance with the case and ceased monitoring the friendly settlement agreement in its Annual Report 2007.

V. INDIVIDUAL AND STRUCTURAL OUTCOMES OF THE CASE

A. Individual outcomes of the case:

- On December 19, 2007, the State paid the sum of US\$ 40.000.00 as compensation.
- The State acknowledged its responsibility based on Articles 8, 11, 23, 24 and 25 of the American Convention on Human Rights.

¹ See IACHR, Annual Report 2007, Chapter III, Section D: Status of Compliance with Recommendations of IACHR, paras. 613-616.

² See IACHR, Annual Report 2007, Chapter III, Section D: Status of Compliance with Recommendations of IACHR, paras. 613-616.