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REPORT No. 9/16
PETITION 149-02
REPORT ON ADMISSIBILITY

EDUARDO RICO
ARGENTINA

Approved by the Commission at its session No. 2061 held on April 13, 2016
157th Regular Period of Sessions.

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13, 2016.

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ADMISSIBILITY

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I. SUMMARY

1. On March 4, 2002 the Inter-American Commission on Human Rights (hereinafter, “the Inter-American Commission,” “the Commission,” or “the IACHR”) received a petition presented on behalf of Eduardo Rico (hereinafter, “the alleged victim” or “Mr. Rico”) against Argentina (hereinafter, “Argentina” or “the State”). The petition was presented by Mr. Rico and his representatives (hereinafter, “the petitioners”)¹ who alleged the violation of several rights protected by the American Convention on Human Rights (hereinafter, “the American Convention” or “the Convention”) during the proceeding for the removal of Mr. Rico from his judgeship.

2. The petitioners allege that Mr. Rico was dismissed in a political procedure without having the opportunity to be heard by a competent, independent, and impartial tribunal, and that he could not challenge the dismissal decision in court. The State says that Mr. Rico’s dismissal was carried out by an independent, impartial, and competent organ in accordance with due process, and that the alleged victim is appealing to the IACHR as a fourth instance.

3. Without prejudging the merits of the case, after examining the positions of the parties and pursuant to the requirements established in Articles 46 and 47 of the American Convention, the Commission decides to declare the case admissible in order to examine the alleged violation of the rights contained in Articles 8, 9, and 25 of the American Convention, in connection with Articles 1.1 and 2 of the same instrument. The IACHR finds the present petition inadmissible with respect to Articles 11, 21, and 24 of the Convention. The Commission also decides to notify the parties of this decision, to publish it, and to include it in its Annual Report to the OAS General Assembly.

II. PROCESSING BY THE IACHR

4. The IACHR received the petition on March 4, 2002, and on February 17, 2004, transmitted a copy of the pertinent parts to the State, giving it two months to submit its observations, based on Article 30 of its Rules of Procedure then in force. On February 1, 2005, the reply was received from the State, which was forwarded to the petitioners on September 22, 2005.

5. The IACHR received additional observations from the petitioners on October 20, 2004, December 20, 2005, November 3, 2006, May 16, 2007, October 28, 2013, March 2, 2015, and July 21, 2015. The IACHR received additional observations from the State on November 22, 2006, April 27, 2007, August 22, 2014, and December 15, 2015. These communications were duly transmitted to the other party.

III. POSITIONS OF THE PARTIES

A. Position of the petitioners

6. The petitioners state that Mr. Rico began his career as a magistrate in Labor Court N° 1 of the Judicial Department of San Martín and performed his duties there until, with the advent of the military regime, he was dismissed by decree in August 1976. In 1996 Mr. Rico was recalled to the bench, as one of three judges of Labor Court N°6 of the Judicial Department of San Isidro, in Buenos Aires.

¹ During the processing of the case, the IACHR received observations from Mr. Rico and his representatives, namely: Susana María Barneix, Adrián Leopoldo Azzi, Jorge Dario Pisarenco and Carlos Federico Bossi Ballester.

7. The petitioners say that matters submitted to that court must be decided by agreement among the three judges, and not by the sum of individual votes cast without deliberation. They say that Mr. Rico could never reach an agreement with the other judges, who using their numerical majority blocked the work of the court and committed several irregularities. They say that the other judges tended to benefit a certain group of lawyers, the ones who participated in or were close to the operation of the San Isidro Bar Association (hereinafter, “the Association” or “the Bar Association”).

8. They submit that on November 20, 1997 Mr. Rico filed a complaint against his fellow judges for alleged irregularities and expanded on it on February 16, 1998. They claim that this complaint led to the initiation of administrative investigation n° 3001-1517/97, to which the Bar Association obtained access in an illegal manner. They claim that at the same time as Mr. Rico’s complaint, private attorneys who did not belong to the close circle of the Bar Association filed additional complaints against the other judges.

9. They contend that the Supreme Court of the Province of Buenos Aires (hereinafter, “Provincial Supreme Court”) decided to investigate the complaints, and in reprisal the Bar Association, in an effort to favor its officers and Mr. Rico’s fellow judges, tried to divert the investigation and direct it exclusively at Mr. Rico. They allege that the Bar Association began a slander campaign against Mr. Rico using its own publishers and articles. According to the petitioners, the Bar Association even published an alleged psychiatric exam of Mr. Rico which indicated his disqualification to be a judge. Subsequently, according to the petitioners, it was proved that Mr. Rico had not had that exam and that it had been fraudulently prepared.

10. They state that on June 1, 1999, the Bar Association presented a complaint against Mr. Rico that led to the initiation of administrative investigation n° 3001-1036/99. They say that based on this complaint a proceeding was instituted against the alleged victim in the Jury for Prosecution of Magistrates (hereinafter, “the Jury” or “The Jury for Prosecution”), a political organ composed of lawyers and legislators, to remove him from his post. According to the petitioners, the Jury was not impartial or independent and the lack of stability in their posts leaves the judges vulnerable to external pressure. They added that during the proceeding this organ attributed actions to the alleged victim that are not defined by law as causes for dismissal.

11. With respect to the alleged “illegalities” committed by the Jury, the petitioners state firstly, that it illegally prolonged the period for summary information, and all information and evidence added after the expiration of that period should have been declared out of order. Secondly, that the Jury had prevented Mr. Rico from presenting evidence essential for his defense, such as testimony and evidence that would demonstrate the falseness of the acts imputed to him. At the same time, the Jury accepted all evidence and additional charges presented against him. They say that as a result of this situation, when new accusations and evidence were introduced, Mr. Rico could not properly exercise his right of defense. According to the petitioners, Mr. Rico denounced these errors to the Jury for Prosecution but his complaint was rejected.

12. They submit that the Jury for Prosecution, in accordance with Article 30 of Law 8085 (hereinafter, “Law of Prosecution”), embargoed 40% of Mr. Rico’s salary from December 1999 to June 2000 while the proceeding was underway in order to pay for costs and court fees in case of a conviction. The petitioners claim that although Mr. Rico requested conversion of the embargoed amount to U.S. dollars to preserve that amount during the country’s economic crisis, the request was denied.

13. They assert that because of the refusal to convert the amount to dollars, the amount lost 75% of its value. In addition, when the proceeding was over, the Jury set an excessive and arbitrary amount for the court costs that far exceeded the amount that had been embargoed as a guarantee. On this point, the petitioners say that Mr. Rico had in a timely manner requested access to the prosecution proceeding to analyze the setting of costs against him, and to know if it was soundly based, but the Jury denied the request even though he was a party to the proceeding.

14. They state that Article 45 of the Law of Prosecution stipulates that resolutions of the President or the Jury for Prosecution are not appealable, unless for clarification when the verdict orders dismissal of the accused. The petitioners say that based on the Argentine Federal Supreme Court’s

(hereinafter, “Federal Supreme Court”) decision in the case of Graffigna Latino, the provision against appealing decisions does not preclude having a judicial review of the dismissal when due process violations are alleged.

15. In this understanding, they claim that Mr. Rico filed a special motion to nullify the Jury’s decision with the Provincial Supreme Court in which: i) he reserved the right to present allegations regarding the unconstitutionality of Article 45 of the Law of Prosecution if the Provincial Supreme Court rejected his appeal; ii) he questioned the evaluation of evidence by the Jury for Prosecution; and iii) he denounced alleged irregularities in the proceeding.²

16. They say that the Provincial Supreme Court did not review the arguments presented and simply rejected the appeal because it considered that this Court lacked competence to make a judicial review of the decisions of the Jury for Prosecution because Article 45 of the Law of Prosecution says such decisions are not appealable.

17. They submit that Mr. Rico challenged that decision by filing a special federal appeal with the Provincial Supreme Court reiterating the arguments presented in his special appeal for nullification and the alleged unconstitutionality of Article 45 of the Law of Prosecution in execution of the reservation he had made in his previous appeal and challenged the ruling of the Provincial Supreme Court that had rejected his appeal for nullification without considering his arguments.

18. They claim that this appeal was rejected on November 29, 2000, because the Provincial Supreme Court understood that the alleged victim’s arguments referred to “discrepancies with the sentencing tribunal” and that it was “only now in the special federal appeal that [he alleged] specifically the unconstitutionality of Article 45 of the [Law of Prosecution], having omitted that challenge in the appeal for nullification presented to [the Provincial Supreme Court], where he had only [made] an ineffective reservation.”

19. They assert that Mr. Rico submitted a complaint motion to the Federal Supreme Court challenging the decision of the Provincial Supreme Court, in which he reiterated the arguments presented in his previous appeals. The Court rejected that motion on August 28, 2001, without even seeing the records of the Jury for Prosecution or the Provincial Supreme Court, simply indicating that the appeal would deal with questions of fact and evidence; that it did not believe that constitutional guarantees had been violated; and that the challenge of unconstitutionality of Article 45 of the Law of Prosecution was not timely made. The petitioners considered the last point an “excuse” for not ruling on the alleged violations.

20. Finally, with respect to the amount of the court costs set by the Jury that Mr. Rico would have to pay, the petitioners submit that he filed an appeal to the Provincial Supreme Court that was rejected. To challenge this decision, Mr. Rico filed a special federal appeal, and when that too was rejected, he filed a complaint motion with the Federal Supreme Court. In a note of December 2005, the petitioners said that the complaint motion had been rejected, thus exhausting the domestic remedies.

21. They assert that the foregoing facts constitute several violations of the American Convention. Among them, they claim that the administrative acts, together with the slander campaign by the Bar Association, violated the right to have his honor respected and his dignity recognized (Article 11 of the Convention). In view of the action of the Jury and the manner in which the proceeding was conducted the State violated his right to an independent and impartial tribunal and defense (8.1 and 8.2.f of the Convention). The lack of legal provisions recognizing the actions in which he was found to have incurred as grounds for dismissal violates the rule of law (article 9 of the Convention), and the lack of an appropriate and effective recourse to challenge those violations was violated contrary to the provisions of Article 25 of the Convention.

² Among them the illegal extension of the summary information period granted by the President of the Jury; illegal acts committed in the framework of administrative act n° 3001-1517/97; the refusal to admit evidence offered to the Jury that prevented him from conducting his defense; and the arbitrariness of the Jury in accepting and rejecting evidence.

22. They further argue that given the criminal and punitive nature of the decision of the Jury that resulted in the alleged victim's removal from office and ban from holding another judicial position, he should have had the right to a comprehensive review of the decision, which was not guaranteed, in violation of Article 8.2.h of the Convention. They allege that the treatment given the alleged victim by the judicial branch was discriminatory (Article 24 of the Convention), because it was handed down without following the precedents of the Federal Supreme Court that had been applied differently in other cases. Finally, they claim that the manner in which the court costs were determined, and the devaluation of the money that was embargoed, constituted a violation of the right to property (Article 21 of the Convention).

B. Position of the State

23. The State affirms that the action of the Jury for Prosecution is political and not judicial, and that decisions cannot be appealed unless there is a violation of due process. It says that this did not violate the Convention because that instrument does not require that judges be removed by an organ of the judicial branch. According to the State, the word "tribunal" in Article 8.1 of the American Convention should not be understood only as the classical type of judicial tribunal in the State's judicial system. A competent tribunal would be one that meets certain minimum standards concerning the right of defense recognized in the American Convention. The State says that the Jury for Prosecution meets these requirements in general, and has satisfied them in the case of Mr. Rico.

24. It says that the Jury for Prosecution acted with independence and impartiality and respected legal due process, affording Mr. Rico the opportunity to be heard and to present evidence. According to the State, the petitioners complain about the proceeding of the Jury for Prosecution but they do not indicate how the acts of that organ affected Mr. Rico's rights. In this regard, the petitioners, according to the State, have not presented any evidence to substantiate the allegation of lack of independence and impartiality of the Jury for Prosecution and only make vague reference to external pressure. It adds that they do not offer any evidence to prove the subjective partiality of the members of the Jury for Prosecution and to prove that an attempt was made to recuse the members of that organ. In addition, the State says they did not indicate how the alleged victim's right to be heard with due guarantees was violated by the fact that the President of Jury for Prosecution legally extended the stage of summary information by 15 days, and they do not explain how the expansion of the charges affected his right to defense.

25. It says that the alleged victim enjoyed ample opportunities to retain his position with the Jury of Prosecution in accordance with legal due process guarantees and that the petitioners are now seeking recourse to the IACHR as a court of appeal.

26. With respect to contesting the decision of the Jury for Prosecution, the State says that "there are no judicial avenues to be exhausted in the domestic environment with regard to the alleged irregularities that [the petitioners] denounce in the proceeding that culminated with [Mr. Rico's dismissal]." However, the State says this does not mean that the alleged victim has fully and faithfully satisfied Article 46 of the Convention, inasmuch as that exhaustion of domestic remedies has occurred without observing the legal requirements established by local procedural norms, because the remedies invoked against the decision of the Jury for Enforcement were rejected for lacking the required basis, and because of the untimely challenge to the constitutionality of Article 45 of the Law of Prosecution, circumstances that mean that said domestic remedies have not been exhausted in due and proper form. The State says that the IACHR has already concluded, in the case of Ernesto Máximo Rodríguez vs. Argentina, that "if the highest court in the land has stated that an apparent lack of procedural expertise on the part of the petitioner made it impossible for him to secure a review of the penalty imposed on him, it is not for the Commission to try to determine or assess whether the Court was mistaken," because "[t]he rules that govern procedural law reflect methodological criteria intended to ensure the orderly use of judicial actions and to make the work of the courts more efficient and effective."³

³ IACHR, Report No. 6/98, Case 10.382. Inadmissibility. Ernesto Máximo Rodríguez. February 21, 1998, para. 62.

27. The State adds that the petitioners confuse the nature of the dismissal proceeding to argue that there was a violation of Article 8.2.h of the American Convention, but the dismissal proceeding is not of a criminal nature and there was no violation of this article. Furthermore, the existence of a possibility to challenge a decision in a higher court in the case of a clear violation of due process complies with that article.

28. In any event, the State says that the alleged victim's case received a judicial review that resulted in an unfavorable decision. In this regard, it says that the Federal Supreme Court analyzed the violations alleged by Mr. Rico and did not recognize them in the case for lack of sufficient substantiation. The Court affirmed that the alleged victim had only challenged the evaluation of the evidence and that the Jury for Prosecution should have disregarded the evidence it took into account and relied on that which it rejected. The State says the petitioners confuse this unfavorable decision with the lack of a decision by a judicial organ. According to the State, the fact that the appeals presented by the alleged victim did not resolve the heart of the matter does not mean that Mr. Rico lacked access to judicial protection. The State affirms that its obligation to administer justice is with respect to means and not results. In addition, the State says that evaluation of evidence by domestic courts in the exercise of their competence is not subject to review at the international level, save in very limited exceptions.

29. With respect to the alleged violation of the rule of law, the State says Mr. Rico was removed from his position by an organ previously established by law because he incurred in causes (e), (f), and (k) of the Law of Prosecution, i.e., repeatedly demonstrated incompetence or negligence in the performance of his functions, repeatedly failed to perform the duties of the post, and allowed court terms to lapse repeatedly without ruling on matters submitted for his decision. According to the State, the petitioners' allegation with respect to the lack of "criminalization" of the conduct attributed to Mr. Rico is due to their confusion over the nature of the proceeding for removal, which is political and not criminal. It adds that the conduct described in sections (e) and (f) of Article 21 of the Law of Prosecution are equivalent to the lack of the "good behavior" specified in Article 110 of the Constitution, which according to domestic courts has a broad meaning that cannot be defined except in a specific case. The State adds that cause (k) of Article 21 of the Law of Prosecution refers to "a very specific behavior that the Jury for Prosecution considered proved in this case." Contradicting the position of the petitioners, the State says the fact that there was a proceeding against the alleged victim does not violate his right to have his honor respected and his dignity recognized.

30. Concerning the alleged violation of Article 21 of the Convention, the State says that the setting of court costs is a discretionary act guided by legal parameters and that the amount set is not a violation. Moreover, the State argues that there is insufficient evidence to determine the truth of the allegation that a document was taken from the file of the case before the Jury for Prosecution. In any case, the State says that this document is related with the request to convert the embargoed amount from pesos to U.S. dollars; which would be outside the competence of the IACHR because it is part of the Government's economic policy as expressed in the reservation made by the State when it deposited its instrument of ratification of the Convention.

31. In conclusion, the State argues that because of improper exhaustion of remedies and the lack of characterization of rights protected in the American Convention, the petition is inadmissible and requests that the IACHR so declare.

IV. ANALYSIS ON COMPETENCE AND ADMISSIBILITY

A. Competence

32. The petitioner is entitled, in principle, by Article 44 of the American Convention to present petitions to the Commission. The petition identified as the alleged victim an individual person for whom the State of Argentina was obligated to respect and guarantee the rights established in the American Convention. Argentina has been a State party to the American Convention since September 5, 1984, the date on which it deposited its instrument of ratification. Therefore, the Commission has *ratione personae* competence to examine the petition. The Commission has *ratione loci* competence to examine the petition, given that it alleges rights protected by the American Convention that allegedly took place in the territory of Argentina, a

State party to that treaty. The IACHR has *ratione temporis* competence, because the obligation to respect and guarantee the rights protected in the American Convention was in force for the State at the time of the facts alleged in the petition. The Commission also has *ratione materiae* in this case, because the petition alleges facts that could tend to establish a violation of rights protected by the American Convention.

B. Requirements for Admissibility

1. Exhaustion of domestic remedies

33. Article 46.1.a of the American Convention stipulates that remedies under domestic law must have been exhausted in accordance with generally recognized principles of international law as a requirement for the admission of petitions concerning alleged violations of the American Convention.

34. The Commission observes that both parties agree that the applicable legal framework, specifically Article 45 of the Law of Prosecution, does not admit comprehensive review of a decision to dismiss a judge by a Jury for Prosecution. Nevertheless, they indicate that jurisprudence has demonstrated the possibility of challenging that decision if there are allegations of violation of due process.

35. The Commission notes that Mr. Rico filed a special appeal for nullification with the Provincial Supreme Court to challenge the decision of the Jury for Prosecution, but the Court ruled that it would not be competent to review decisions of the Jury for Prosecution under the terms of Article 45 of the Law of Prosecution. To challenge this decision, he filed a special federal appeal with the same Court, which rejected it on the grounds that Mr. Rico's arguments referred only to "a discrepancy with persons on the sentencing tribunal," and that he did not document in "clear, unequivocal, and conclusive" form a serious violation of due process. Finally, the alleged victim filed a complaint motion against this decision, which was decided by the Federal Supreme Court, which ruled that Mr. Rico disagreed with "the evaluation of evidence and [maintained] that the Jury for Prosecution [should have] disregarded the evidence it had and [taken] into account that which it rejected." With respect to allegations of violations of due process, the Court said that the case files did not "prove the existence of a violation of Article 18 of the Federal Constitution," which contains specific due process guarantees; and also failed to demonstrate in "a clear, unequivocal, and conclusive manner the violation of the constitutional guarantees invoked."

36. The IACHR notes that the alleged violations cited by the petitioners are based on alleged violations of due process and the impossibility of having the decision fully reviewed. Taking into account that the requirement for prior exhaustion of domestic remedies is intended to give national authorities an opportunity to be aware of the alleged violation of a protected right and, if appropriate, to resolve the situation before it is referred to an international organ, the Commission notes that various judicial entities of the State had the opportunity to hear the alleged victim's arguments concerning his request for a comprehensive review of the sentence and the rest of the alleged violations of due process.

37. In view of the foregoing, the Commission considers that the petitioner has complied with exhaustion of domestic remedies pursuant to Article 46.1.a of the American Convention with respect to challenging his dismissal.

38. With respect to the appeal of the amount of court costs established by the Jury for Prosecution, initially the State said that the alleged victim had not exhausted domestic remedies because this complaint was lodged before the IACHR while the special federal appeal was still pending. After the State's response, the petitioners said that this appeal had been rejected, along with the complaint motion that was subsequently filed. In subsequent submissions to the IACHR, the State did not call into question the exhaustion of remedies in this regard nor did not indicate other resources that should have been exhausted. On this matter, the IACHR reiterates its doctrine that the analysis of the requirements established in Articles 46 and 47 of the Convention should be done in the light of the situation prevailing when it rules on the

admissibility or inadmissibility of a petition.⁴ During processing there are frequently changes in the status of exhaustion of domestic remedies. However, the case and petition system ensures that both the State and the petitioner have every opportunity to present information and allegations on the matter. Taking this into consideration, the IACHR deems that the remedies presented to challenge the amount of the court costs were exhausted during the processing of this petition.

2. Deadline for presentation of the petition

39. Article 46.1.b of the American Convention requires that in order for petitions to be admissible they be submitted within six months of the date the petitioner is notified of the final judgment that exhausts domestic remedies.

40. In the case under study, the IACHR has determined that the appeals filed to challenge Mr. Rico's dismissal were exhausted with the decision of the Federal Supreme Court of August 28, 2001, which rejected his complaint motion. He was notified of this decision on September 6, 2001, and the petition was received by the IACHR on March 4, 2002. Therefore, with respect to challenging the dismissal of the alleged victim from his judgeship, the petition meets the deadline established in Article 46.1.b of the American Convention and Article 32 of the IACHR Rules of Procedure.

41. With respect to the decision that denied the alleged victim's appeal concerning the amount of court costs, it was handed down after the presentation of the petition to the IACHR. Therefore, the exhaustion of domestic remedies occurred while the case was in the phase of examining its admissibility. According to the doctrine of the IACHR, the analysis of the requirements set forth in Article 46.1.b of the Convention should be done in light of the situation as of the moment the decision is issued regarding the admissibility or inadmissibility of the claim.⁵ In light of the foregoing, the Commission finds this requirement has been met.

3. Duplication of proceedings and international *res judicata*

42. The file does not indicate that the subject of the petition is pending in another international proceeding for settlement, or that the petition is substantially the same as one previously studied by the Commission or by another international organ. Therefore, the requirements established in Articles 46.1.c and 47.d of the Convention have been met.

4. Nature of the allegations

43. To rule on a petition's admissibility, the Commission must decide whether the facts described in it would tend to establish a violation, as provided in Article 47.b of the American Convention, and whether the petition is "manifestly groundless or obviously out of order," as provided in Article 47.c. The criterion for analyzing admissibility differs from that used when deciding on the merits of a petition, because the Commission only conducts a *prima facie* assessment to examine whether the petitioners establish an apparent or potential violation of a right protected by the Convention. That examination is a summary analysis that does not imply prejudging the merits or offering an advance opinion on them

44. Neither the American Convention nor the Rules of Procedure of the IACHR require the petitioner to specify the rights allegedly violated by the State in the matter submitted to the Commission, although petitioners may do so. It is up to the Commission, based on the system's jurisprudence, to identify in

⁴ IACHR, Report No. 15/15, Petition 374-04. Admissibility. Members of the Trade Union of Workers of the National Federation of Coffee Growers of Colombia. March 24, 2015, para. 39. *Accord 1/A Court H.R., Case of Wong Ho Wing v. Peru*. Preliminary Objection, Merits, Reparations and Costs. Judgment of June 30, 2015. Series C No. 297. paras. 25-28.

⁵ IACHR, Report No. 15/15, Petition 374-05. Members of the Trade Union of Workers of the National Federation of Coffee Growers of Colombia. Colombia. March 24, 2015, para. 41. *Accord 1/A Court H.R., Case of Wong Ho Wing v. Peru*. Preliminary Objection, Merits, Reparations and Costs. Judgment of June 30, 2015. Series C No. 297. paras. 25-28.

its admissibility reports which provisions of the relevant inter-American instruments are applicable and would be violated if the alleged facts are sufficiently proved.

45. The petitioners argue that the State violated the alleged victim's rights to due process, a fair trial, the rule of law, respect for his honor and dignity, property, equal treatment, and judicial protection during the dismissal proceeding against him and because of the impossibility of obtaining a judicial review of the dismissal decision. The State argues that none of the rights protected by the Convention were violated. It says the alleged victim is dissatisfied with the unfavorable decision and is resorting to the IACHR as a fourth instance.

46. Considering the elements of fact and law presented by the parties, specifically the alleged violations committed during the dismissal and disbarment proceeding and the alleged impossibility of obtaining a comprehensive review of the decision by an organ of the judicial branch, the IACHR considers that, if proven, the alleged facts tend to establish violations of the rights protected in Articles 8, 9, and 25 of the American Convention, in connection with Articles 1.1 and 2 of the same international instrument.

47. With respect to the petitioner's complaint of the alleged violation of Articles 11, 21, and 24 of the American Convention, the Commission notes that the information submitted by the petitioners does not permit the IACHR to determine a possible violation of those articles, so with respect to them the petition is inadmissible.

V. CONCLUSIONS

48. Based on the foregoing arguments of fact and law, and without prejudging the merits of the case, the Inter-American Commission concludes that the present case satisfies the requirements for admissibility established in Articles 46 and 47 of the American Convention, and therefore,

THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS

DECIDES:

1. To declare the petition under study admissible with respect to Articles 8, 9, and 25 of the American Convention in connection with the obligations established in Articles 1.1 and 2 of the same instrument;
2. To declare the present petition inadmissible with respect to Articles 11, 21, and 24 of the American Convention;
3. To notify the parties of this decision;
4. To continue with the analysis of the merits of the case; and
5. To publish this decision and include it in the Annual Report to the OAS General Assembly.

Done and signed in the city of Washington, D.C., on the 13th day of the month of April, 2016. (Signed): James L. Cavallaro, President; Francisco José Eguiguren, First Vice President; Margarete May Macaulay, Second Vice President; José de Jesús Orozco Henríquez, Paulo Vannuchi, Esmeralda E. Arosemena Bernal de Troitiño and Enrique Gil Botero, Commissioners.