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REPORT No. 59/17
PETITION 4947-02
REPORT ON ADMISSIBILITY

ROSA ELSA GONZÁLEZ DE MORENO AND OTHERS
EL SALVADOR

Approved by the Commission at its session No. 2085 held on May 25, 2017
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I. SUMMARY

1. On December 2, 2002, the Inter-American Commission on Human Rights (hereinafter “the Inter-American Commission,” “the Commission” or “the IACHR”) received a petition presented by Mr. Douglas Mauricio Moreno Recinos (hereinafter “the petitioner”) against El Salvador (hereinafter “El Salvador” or “the State”). The petition was filed on behalf of Blanca Daysi Alberto de Ayala, Coralia Marina Artiga Avalos, Aura Sofía Cañas Orellana, Rosa Elsa González de Moreno, Jacinto Antonio González Henríquez, Luis Arnoldo Lara Rodríguez, Santos Ernestina Martínez de López, Carlos Eduardo Mendoza Orellana, Boris Wilfredo Núñez Henríquez, Ana Dinora Rodríguez de Fuentes, Medardo Romero Cornejo and Joaquín Osmar Vallejos Meléndez (hereinafter “the alleged victims”), in connection with the removal of twelve operators of justice from the judicial career, including justices of the peace and first instance judges.

2. The petitioner asserts that starting in August 2002, as a result of an investigation into alleged irregularities in the completion of their degrees in Legal Science, the alleged victims, who were then judges, were removed from office in the Judicial System by the Supreme Court of Justice. The petitioner asserts that the removal violated the principle of freedom from ex post facto laws and the rights to a fair trial and to judicial protection given that it was carried out before there was a final judgment concerning the denial of registration of their credentials. In turn, the State indicates that it is for the Supreme Court of Justice to determine whether people in the office of judges meet the requirements established in the Constitution. In this regard, the State asserts that the alleged victims did not fulfill said requirements inasmuch as they had failed to pass the subjects necessary to practice of law.

3. Without prejudging the merits of the matter, after analyzing the position of the parties and pursuant to the requirements established in Articles 46 and 47 of the American Convention on Human Rights (hereinafter “the American Convention” or “the Convention”), the Commission decides to declare this petition admissible in order to assess the arguments concerning the purported violation of the rights enshrined in Articles 8 (Right to a Fair Trial), 9 (Freedom from Ex Post Facto Laws) and 25 (Right to Judicial Protection), in connection with Article 1.1 (Obligation to Respect Rights) of the Convention. The Commission moreover decides to notify the parties of this decision and to publish this report and include it in its Annual Report to the General Assembly of the Organization of American States.

II. PROCEEDINGS BEFORE THE IACHR

4. The IACHR received the petition on December 2, 2002. On April 24, 2006 and October 26, 2007, the IACHR requested the petitioner to submit updated information; the requests were answered on May 25, 2006, and January 15, 2008, respectively. On September 11, 2008, the IACHR transmitted a copy of the pertinent parts to the State, establishing a deadline of two months to submit observations, pursuant to Article 30.3 of the Rules of Procedure then in force. On February 8, 2011, the IACHR received the State’s response, which was transmitted to the petitioner on March 4, 2011.

5. The petitioner presented additional observations on July 13, 2010, May 16, 2011, March 22, 2012, October 23, 2013, and February 18, 2014. The first of these communications was in response to a request for information transmitted by the IACHR on June 14, 2010. In turn, the State filed additional observations on December 9, 2011, August 2, 2012, and May 8, 2013. The observations submitted by each party were duly transmitted to the opposing party.

III. POSITION OF THE PARTIES

A. Position of the petitioner

6. The petitioner indicates that since August 2002, after the Ministry of Education refused to register the alleged victims' corresponding academic credentials in Legal Science, the Supreme Court of Justice decided to remove them from their offices as judges on the grounds of irregularities in the completion of their degrees. The petitioner asserts that the removals violated the principle of freedom from ex post facto laws, and that their rights to a fair trial and to judicial protection were violated in the judicial proceedings that took place subsequent to their removal from office.

7. The petitioner indicates, as background information, that *Universidad de El Salvador* monopolized the country's higher education system from 1844 until 1965, when the Law of Private Universities was passed to create other institutions of higher education. According to the petition, between 1977 and 1995, the State of El Salvador adopted a policy enabling the creation of private universities across the whole country in order to make up for the shortage of professionals and to facilitate the access to education amid occasional closures of *Universidad de El Salvador* caused by internal political conflicts; as a result, the creation of about 50 private universities was approved in that period. The petitioner also asserts that the increase in the number of universities caused monitoring problems in the Ministry of Education; consequently, on November 30, 1995, the Law of Higher Education was passed. The petitioner asserts that the new law established the requirements for the creation and the operation of institutions of higher education, and for the education and assessment system. The new law, he asserts, also set forth the obligation to have academic credentials registered by the Ministry of Education, which was unnecessary under the old Law of Private Universities, except under special circumstances.

8. The petitioner indicates that the Ministry of Education established that, for the registration of academic credentials, the interested party had to present the original certificate and the transcripts from all the universities where they had studied to complete their degree. Moreover, he asserts that unless these documents were presented, the Ministry of Education refused to register credentials on the grounds of insufficient information, as it was unable to determine the legitimacy of the degree's completion. The petitioner asserts that the alleged victims graduated before the Law of Higher Education was enacted, hence the norm does not apply to them.

9. According to the petitioner, in November 2000, pursuant to its function of selecting candidates for judge vacancies, the National Council of the Judiciary informed through a national newspaper that it had launched a process to update the list of eligible lawyers for the offices of magistrates and judges. The petitioner claims that, in the same advertisement, the National Council of the Judiciary asserted that irregularities had been found in the records of some judges. In this regard, he says that the council requested the assistance of the National Directorate of Higher Education of the Ministry of Education, in order to sort the irregular records, and that significant irregularities were discovered in 70 records. He asserts that the results of this investigation were transmitted to the Supreme Court of Justice and to the Attorney General's Office of the Republic. He claims that, therefore, on March 13, 2001, the Attorney General of the Republic decided to appoint a special assistant officer with the mandate to investigate the commission of likely offenses on the grounds of the alleged existence of irregular academic certificates. In addition, he says that the investigation conducted by the Attorney General revealed that a significant number of working judges had presented allegedly irregular credentials.

10. The petitioner indicates that although it was not mandatory to have certificates registered by the Ministry of Education, the National Council of the Judiciary urged the alleged victims to do so. The petitioner asserts that the request was made through "lies" and promises about promotions in the judicial career and grants to study in Spain, and through threats to remove them from office unless they complied with such request.

11. He asserts that on May 16, 2002, the Supreme Court of Justice issued Resolution No. 287 containing the "Rules to Review the Validation of Credentials for the Practice of Law," aimed at authorizing

the Court to review the validation of credentials for the practice of law. He adds that in August 2002, even before there was a final decision about the Ministry of Education's procedures concerning the registration of academic certificates, the Supreme Court began to remove judges from office on the grounds that serious and sufficiently proven facts affected these people's credibility. The petitioner asserts that the judicial resolutions for the removal of judges were based on Articles 179 and 180 of the Constitution, according to which morality and significant competence, among others, are basic requirements for the offices of First Instance Judge and Justice of the Peace, respectively. He claims that the Court, based on that belief, decided to remove the alleged victims from their offices as first instance judges and as justices of the peace, pursuant to Article 55(f) of the Law of the Judicial Career, which establishes that members of the judicial career shall be removed from office on the grounds of practicing law despite not having met the legal requirements for said office.

12. According to the petitioner, these resolutions concerning the removal of judges were based on a document issued by the Ministry of Education through which it denied to register the alleged victims' credentials since they had failed to complete the curriculum of the course of studies established by the universities from which they graduated. According to the information in the petition, said document was not a final decision of registration denial. Likewise, according to the petitioner, all the credentials were eventually registered by the Ministry of Education.

13. The petitioner moreover asserts that the adoption of Resolution 287 violated the principle of freedom from *ex post facto* laws inasmuch as it created special rules despite the Court's lack of competence for so doing. He indicates that the Supreme Court of Justice made decisions about the validation of credentials for the practice of law in connection with those people it believed had irregular credentials, like judges in office, although the conduct sanctioned had not been previously defined given that such competence was granted under Resolution 287 of May 16, 2002. Furthermore, he claims that such competence does not fall under the functions that the Constitution establishes for the Court.

14. As a result, the petitioner asserts that the Court lacked said competence until it assigned itself these functions through Resolution 287, which renders it an incompetent court. The petitioner claims that the relationship between the Court and the judges is a working relationship and that, by deciding on work-related issues of its employees in the jurisdictional sphere, the Court inevitably lacks impartiality and independence. He claims that the removal of judges is actually connected with prejudices against graduates from specific universities, such as *Universidad Salvadoreña (USAL)* and *Universidad de las Américas de El Salvador (ULAES)*.

15. The petitioner indicates that the domestic legislation of El Salvador sets forth the motion for annulment against judgments that the Supreme Court of Justice issues under the Law of the Judicial Career in connection with removals. The petitioner asserts that all the alleged victims filed a motion for annulment, but that it does not afford a due process of law that ensures the right to adequate time and means to prepare the appeal; the right to equal conditions; the right to a hearing before an impartial, independent, competent and legitimate court; and the right to a public and well-founded judgment issued in a reasonable time. In this regard, the petitioner indicates that the judges removed were unable to access a remedy that would effectively protect them from the resolutions of the Supreme Court of Justice, since the motion for annulment is processed by the same court and judges that had issued the appealed resolution, namely the Plenary of the Supreme Court.

16. Furthermore, he claims that the procedure filed also does not afford the right to defense, as it does not afford adequate time or means for its preparation. In this regard, the petitioner claims that the judges removed were unable to access evidence inasmuch as some of the universities from which they graduated closed and took away the alumni's records; and that, considering the need to examine the facts and to review the evidence, the deadline for the defense was extremely short. He asserts that, consequently, they had three days to bring their claims and other ten days to prove the validity of their credentials, pursuant to Resolution 287.

17. The alleged victims submit that they also lodged writs of *amparo* with the Constitutional Chamber of the Supreme Court of Justice. They assert that after a preliminary assessment of the remedies,

the Constitutional Chamber requested the claimants to rectify certain deficiencies in their claims in the corresponding writs of *amparo*. They indicate that the Constitutional Chamber eventually declared these remedies inadmissible since the claims of some were not based on rights protected by the Constitution, and the claims of the rest were not rectified as the Chamber had requested to.

18. The petitioner argues that the alleged victims have exhausted the domestic remedies and that, in any case, given that these were processed by the same Plenary of the Supreme Court that had decided on the removals studied herein, said remedies are null. Therefore, he asserts that the exception to the rule of exhaustion of domestic remedies established in Article 46.2(a) of the Convention is applicable.

19. Based on the foregoing, the petitioner alleges that the State violated the rights enshrined in Articles 8, 9 and 25 of the American Convention on Human Rights, in connection with Article 1.1 thereof, to the detriment of the alleged victims.

B. Position of the State

20. According to the State, under the Law of Higher Education in force since 1995, for the validation of credentials for the practice of law, the interested parties were required to present their credentials registered by the Ministry of Education. It claims that in 2000, the National Council of the Judiciary started a process to update the records of judges, in which it requested their transcripts and credentials registered by the Secretary of Education. It asserts that this is how the Supreme Court of Justice received from the National Council of the Judiciary the cases of judicial officers who allegedly had irregularities in the completion of their degrees. It claims that by the end of 2000, the Council had transmitted 127 photocopies of judicial officers' records to be assessed by the National Directorate of Higher Education. According to said information, the then Head of Education of the Supreme Court of Justice prepared a report which indicated the existence of 198 cases of legal professionals who had the registration of their certificates denied or annulled.

21. The State claims that as a result of that report, the Attorney General's Office of the Republic started an investigation into the case, appointing a Special Prosecutor who later found that out of 2,849 certificates issued by eight universities, 169 were irregular. It asserts that later, the Supreme Court of Justice appointed a Committee for the Investigation of Irregular Credentials, which was made up of legal professionals and whose report determined that there were 95 cases of irregular credentials as had been stated by the Ministry of Education. The State moreover claims that under a resolution of the Plenary of the Supreme Court, in 2002, the Department of Judicial Investigation started the processing of 96 investigation files in connection with judicial officers with "irregular credentials," and that it later decided to remove 42 judges from office.

22. Based on the foregoing and as to the petitioner's assertion about the application of the Law of Higher Education in force since 1995, the State claims that although the registration of credentials was not mandatory before said law, in accordance with Article 21 of the Constitution concerning the non-retrospective effect of laws, once credentials are presented for registration, all the requirements set forth by the law in force must be met. The State asserts, in this regard, that the alleged victims were not obliged, but free to have their credentials registered. It claims that, therefore, only after the Law of Higher Education came into effect on November 30, 1995, did the Supreme Court of Justice demand that legal professionals have their credentials registered before applying for the validation of credentials for the practice of law. As a result, it claims that those professionals who graduated before the Law of Higher Education came into effect were free to present their academic certificates for registration at the Ministry of Education; however, once they did, they had to conform to the provisions of the new law concerning the registration of certificates of higher education. Furthermore, according to the information from the Secretary of Education, the State indicates that all the certificates of the alleged victims were duly registered.

23. With regard to the argument presented by the petitioner in his observations, according to which the Court justified the removal of judges on the basis of the non-registration of their credentials by the Ministry of Education on the grounds of their alleged failure to complete the curriculum established by the

universities from which they graduated, the State claims that the Supreme Court of Justice processed the corresponding files of the present case at the request of the Ministry of Education and the Attorney General's Office of the Republic, in view of the complaint that some lawyers, despite not having completed the curriculum established by their universities, had been awarded the corresponding academic degrees. Thanks to the evidence collected by the Special Prosecutor and to the Ministry of Education's denial of registration, the Court ruled in each particular case to remove judges from office in connection with the alleged victims. In this regard, the State submits that, by issuing such resolution, the Supreme Court of Justice was aware that despite its lack of competence to rule on the validation of academic qualifications, which pertains to the Ministry of Education, it was competent to determine if the appointed judge met the requirements that the Constitution establishes for said office. In this regard, it claims that one of the requirements is having "significant competence," which the alleged victims lacked inasmuch as they had failed to pass the subjects required to have their credentials validated for the practice of law, this validation being a basic requirement for applying to the office of judge, under Articles 179 and 180 of the Constitution.

24. As to the purported violation of the principles of freedom from ex post facto laws and of judicial protection, the State asserts that the acts of all government institutions, officials or authorities must conform to the provisions enshrined in the principle of freedom from ex post facto laws, which is established in the last subparagraph of Article 86 of the Constitution. In this regard, the State claims that the legal framework that regulates the requirements for being a lawyer, the powers, significant competence, and the practice of law is contained in the Organic Law of the Judiciary of June 6, 1984, namely in Articles 51(39), 116 and 140 onward. It asserts that according to its legal framework, once the procedure required to verify the compliance with the legal requirements is over, the Supreme Court of Justice can authorize the interested party to practice law or declare their application inadmissible, pursuant to Article 141 of the Organic Law of the Judiciary. If the resolution is favorable, the conduct of the authorized person will be subject to the Court's control.

25. In the case of people who are part of the Judiciary, whether they are judicial employees or officials of the jurisdiction, their work and performance is subject to the provisions of the Law of the Judicial Career of July 12, 1990, one of whose goals is to regulate the work relationship of judicial employees and officials, promotions based on merits and attitude, rights, duties, and disciplinary sanctions applicable to its members, as appropriate. The State indicates that, concerning the alleged removals from office, the Supreme Court of Justice determined that the lack of legitimacy of the alleged victims' academic credentials, who were then judicial officials, was the cause of the removal from office established in Article 55(f) of the Law of the Judicial Career, namely removal from office for practicing law despite not having met the corresponding legal requirements. The State claims that the fact that it grants an authorization to practice law does not prevent that it may be subject to an investigation or review in the future if there is a complaint.

26. As to the Supreme Court's processing of the remedies filed by the alleged victims, the State refers to *Sentencia de Amparo* (Amparo Judgment) No. 194-99 of May 9, 2000 concerning the right to remedies for annulment or the right to appeal, by stating that "said rights do not afford remedies other than those explicitly established by the law [...] that if the law establishes single-instance proceedings, the legal inexistence of a second instance cannot establish a violation of constitutional principles." In this regard, the State claims that the Law of the Judicial Career sets forth in Article 62 thereof that in the case of the removal of magistrates, first-instance judges, or justices of the peace, the motion for annulment or review before the same Supreme Court of Justice is the only procedure applicable; in other words, there is no second instance in this case. Nevertheless, the State stresses that there are other procedures to protect rights, such as the writ of *amparo*, which the petitioners actually lodged with the Constitutional Chamber on the grounds of the alleged violation of their constitutional rights. The State indicates that all of these writs of *amparo* were declared inadmissible given that the petitioners failed to make rectifications concerning the constitutionality of their claims as the Chamber had warned. With respect to this, the State makes clear that a writ of *amparo* is applicable only against acts that violate constitutional values, principles and norms.

27. To conclude, the State asserts that given that the Law of Higher Education came into effect on December 20, 1995, professionals who graduated before that date were not obliged to have their academic credentials registered by the National Directorate of Higher Education. However, it claims that by presenting

their academic certificates for registration, the alleged victims subjected themselves to all the requirements set forth by the Law of Higher Education, which led to the following procedures before the Supreme Court, under the procedure and the safeguards established in the domestic law applicable. The State therefore submits that the petition is inadmissible and requests the IACHR to so declare.

IV. ANALYSIS ON COMPETENCE AND ADMISSIBILITY

A. Competence

28. Under Article 44 of the American Convention and Article 23 of the Rules, the petitioner is entitled to lodge complaints with the Commission. The petition indicates an alleged violation of rights enshrined in the Convention, to the detriment of individual persons. The State is bound to abide by said Convention since June 23, 1978, when it deposited its instrument of ratification. Therefore, considering that the purported violation occurred in the territory of a State Party to said treaty and after the latter came into effect, the IACHR finds that it is competent *ratione personae*, *ratione loci*, *ratione temporis* and *ratione materiae* to assess the petition.

B. Admissibility requirements

1. Exhaustion of domestic remedies

29. Under Articles 46.1(a) of the American Convention and Article 31.1 of the Rules, for a petition to be admissible, domestic remedies must have been exhausted, in accordance with generally recognized principles of international law. The purpose of this requirement is to allow national authorities to consider the alleged violation of a protected right and, if appropriate, resolve the situation before it is considered by an international court.

30. The petitioner submits that the alleged victims lodged the following motions for annulment, according to the provisions of Resolution 287/2002 and of the Law of the Judicial Career, on the dates as follows:

1. Blanca Daysi Alberto de Ayala, motion for annulment filed on October 4, 2002, against resolution of September 19, 2002, whereby she was removed from her office as Justice of the Peace of San Martín, with an unfavorable decision;
2. Coralia Marina Artiga Avalos, motion for annulment filed on September 23, 2002, against resolution of September 19, 2002, whereby she was removed from her office as Justice of the Peace of San Martín, with an unfavorable decision;
3. Aura Soffa Cañas Orellana, motion for annulment filed on September 2, 2002, against resolution of August 22, 2002, whereby she was removed from her office as Judge of First Instance of Armenia, with an unfavorable decision;
4. Rosa Elsa González de Moreno, motion for annulment filed on October 10, 2002, against resolution of September 26, 2002, whereby she was removed from her office as Examining Judge of Apopa. The motion for annulment was rejected on October 21, 2002;
5. Jacinto Antonio González Henríquez, motion for annulment filed on September 20, 2002, against resolution of September 5, 2002, whereby he was removed from his office as Justice of the Peace of El Paisanal, with an unfavorable decision;
6. Luis Arnoldo Lara Rodríguez, motion for annulment filed on September 23, 2002, against resolution of September 5, 2002, whereby he was removed from his office as Justice of the Peace of Nahulingo, with an unfavorable decision;

7. Santos Ernestina Martínez de López, motion for annulment filed on September 2, 2002, against resolution of August 22, 2002, whereby she was removed from her office as Justice of the Peace of San Pedro Perulapán, with an unfavorable decision;
8. Carlos Eduardo Mendoza Orellana, motion for annulment filed on December 17, 2002, against the resolution whereby he was removed from his office as Justice of the Peace of Villa de Santa Clara, with an unfavorable decision;
9. Boris Wilfredo Núñez Henríquez, motion for annulment filed on October 7, 2002, against resolution of September 19, 2002, whereby he was removed from his office as Second Justice of the Peace of Zacatoluca. The motion for annulment was rejected on October 10, 2002;
10. Ana Dinora Rodríguez de Fuentes, motion for annulment filed on October 4, 2002, against resolution of September 19, 2002, whereby she was removed from her office as Justice of the Peace of San Isidro. The motion for annulment was rejected on October 10, 2002;
11. Medardo Romero Cornejo, motion for annulment filed on October 4, 2002, against resolution of September 19, 2002, whereby he was removed from his office as Justice of the Peace of Tamanique. The motion was rejected on October 10, 2002;
12. Joaquín Osmar Vallejos Meléndez, motion for annulment filed on September 2, 2002, against resolution of August 22, 2002, whereby he was removed from his office as Justice of the Peace of San Idelfonso. The motion for annulment was rejected on September 5, 2002.

31. The alleged victims also lodged a writ of *amparo* with the Constitutional Chamber of the Supreme Court of Justice against the resolutions that removed them from office.

32. The petitioner also invokes the exception to the exhaustion of domestic remedies set forth in Article 46.2(a) since, despite the corresponding motions for annulment having been filed, it was the same Supreme Court of Justice that ruled on the removals and on the remedies, hence the latter are null.

33. In turn, the State claims that the adequate remedy in cases like this is the motion for annulment, and that the alleged victims exhausted said remedy; therefore, it does not contest this admissibility aspect of the petition.

34. As a result, based on the arguments presented by the parties and the information available, the alleged victims exhausted the motion for annulment before the Supreme Court of Justice, the remedy being established by the domestic legal framework to challenge their removal from their office as judges. In this regard, the Commission concludes that in this case the remedies afforded by the domestic legal framework were pursued and exhausted, in accordance with Article 46.1(a) of the American Convention and Article 31.1 of the Rules of Procedure.

2. Timeliness of the petition

35. Under Article 46.1(b) of the American Convention and Article 32.1 of the Rules, for a petition to be declared admissible by the Commission, it must be lodged within a period of six months from the date on which the alleged victim was notified of the final judgment. As to the complaint under assessment, the decisions of the Supreme Court of Justice were notified between September and December 2002, and the petition was filed to the IACHR on December 2, 2002. In view of this, the Commission finds that the petition meets the requirement established in Article 46.1(b) of the Convention, and in Article 32.1 of the Rules.

3. Duplication of proceedings and International *res judicata*

36. From the case file, there is nothing to indicate that the subject matter of the petition is pending in another international proceeding for settlement or that it duplicates a petition already examined by this or another international body. Therefore, inadmissibility requirements set forth in Articles 46.1(c) and 47(d) of the Convention, and in Articles 33.1(a) and 33.1(b) of the Rules do not apply.

4. Colorable claim

37. The Commission must decide if the denounced facts tend to establish a violation of protected rights, under Articles 47(b) of the American Convention and Article 34(a) of the Rules of Procedure, or if the petition is ‘manifestly groundless’ or ‘obviously out of order,’ under Article 47(c) of the American Convention and Article 34(b) of the Rules. The admissibility assessment criterion differs from the criterion used in the assessment of the merits of the petition, since the Commission only undertakes a *prima facie* assessment to determine whether the petitioners have established the apparent or possible violation of a right protected by the Convention. It is a general analysis not involving a prejudgment of, or issuance of a preliminary opinion on the merits of the matter.

38. Moreover, the corresponding legal instruments do not require a petitioner to identify the specific rights allegedly violated by the State in the matter brought before the Commission, although petitioners may do so. It is for the Commission, based on the system's jurisprudence, to determine in its admissibility report which provisions of the relevant Inter-American instruments apply and could be found to have been violated if the alleged facts are proven by sufficient elements.

39. The petitioner asserts that the removal of judges by the Supreme Court of Justice before there was a final judgment concerning the Ministry of Education's denial of registration of their credentials violates the rights to a fair trial and to judicial protection of the alleged victims. Likewise, he indicates that the abuse of authority on the part of the Supreme Court infringe the principle of freedom from *ex post facto* laws. In turn, the State claims that the corresponding removal procedures were according to the norms of the Constitution and the Judiciary, in accordance with due process of law.

40. In view of the elements of fact and law presented by the petitioner and given the nature of the matter brought to its attention, the IACHR believes that, if proved, the alleged facts could establish possible violations of the rights protected in Articles 8, 9 and 25 of the American Convention, in relation to Article 1.1 thereof.

V. CONCLUSIONS

41. Based on the elements of fact and law presented by the parties, the Inter-American Commission concludes that this petition meets the admissibility requirements set forth in Articles 31 to 34 of the Rules and in Articles 46 and 47 of the American Convention, and, without prejudging the merits of the matter,

THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS

DECIDES:

1. To find the instant petition admissible in relation to Articles 8, 9 and 25, in connection with Article 1.1 of the Convention;
2. To notify the parties of this decision;
3. To continue with the analysis on the merits; and

4. To publish this decision and include it in its Annual Report to the General Assembly of the Organization of American States.

Approved by the Inter-American Commission on Human Rights in the city of Buenos Aires, Argentina, on the 25 day of the month of May, 2017. (Signed): Francisco José Eguiguren, President; Margarete May Macaulay, First Vice President; Esmeralda E. Arosemena Bernal de Troitiño, Second Vice President; José de Jesús Orozco Henríquez, Paulo Vannuchi, James L. Cavallaro, and Luis Ernesto Vargas Silva, Commissioners.