

González Medina and Family v. Dominican Republic

ABSTRACT¹

This case is about the disappearance of Narciso González Medina, a prominent political activist, who opposed the Government of President Joaquín Balaguer. Despite repeated inquiries to State bodies as to the whereabouts of Mr. González Medina by his family, at the time of the Judgment, his family had yet to receive any information regarding his disappearance.

I. FACTS

A. Chronology of Events

1991 - 1994: The Dominican Republic is in a state of economic, political, and social unrest.² President Joaquín Balaguer, who has controlled the country, directly or indirectly, since 1960, oversees a regime that monitors, illegally detains, and tortures members of the press and opposition parties.³ The Dominican people hold several national strikes, and, in the months leading up to the 1994 Presidential election, the Republic is extremely polarized politically.⁴

During this time, Narciso González Medina is a prominent Dominican attorney, professor, journalist, television scriptwriter, poet, and grassroots and union organizer.⁵ Mr. González Medina is well known for his criticism of the Balaguer regime.⁶ A few days before the 1994 Presidential election, Narciso González Medina publishes an article entitled “Ten Tests that Reveal Balaguer is the Most Perverse Individual to have Emerged in America” in the magazine *La Muralla*, in

1. Elise Cossart-Daly, Author; Grace Kim and Sascha Meisel, Editors; Sarah Frost, Chief Articles Editor; Cesare Romano, Faculty Advisor.

2. González Medina and Family v. Dominican Republic, Preliminary Objections, Merits, Reparations, and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 240, n.90 (Feb. 27, 2012).

3. *Id.* ¶ 88.

4. *Id.* ¶¶ 89, n.90.

5. *Id.* ¶¶ 93, 94.

6. *Id.* ¶ 88.

which Mr. González Medina severely criticizes Balaguer and calls for an end to the Balaguer regime.⁷

May 6, 1994: Joaquín Balaguer is re-elected president of the Dominican Republic by a one percent margin.⁸ Opposition leaders accuse the Balaguer regime of election fraud, and the country plunges into a major political and social crisis.⁹ The Central Elections Board investigates and finds that voter rosters were falsified to exclude voters who opposed President Balaguer.¹⁰ To quiet opposition leaders, Balaguer agrees to hold the next election two years earlier than scheduled, in 1996 rather than 1998.¹¹

May 24, 1994: An unidentified person (or persons) in a car with tinted windows follow Mr. González Medina to his home.¹² When Mr. González Medina walks toward the car, the driver speeds away.¹³ Mr. González Medina tells his son that he is being followed, and that he is concerned that he will be harmed.¹⁴

May 25, 1994: Mr. González Medina gives a public speech at the Autonomous University of Santo Domingo (*Universidad Autónoma de Santo Domingo*; "UASD").¹⁵ In the speech, he condemns the fraudulent elections and insinuates that State Police, Army, and Air Force leaders participated in electoral fraud.¹⁶ He calls on professors, staff, students, and administrators to protest the elections through civil disobedience.¹⁷

May 26, 1994: Mr. González Medina disappears.¹⁸

May 27, 1994: Mr. González Medina's family discovers he is missing.¹⁹ As Mr. González Medina is epileptic, his family initially believes that

7. *Id.* ¶¶ 94-95, n.105.

8. *Id.* ¶ 89.

9. *Id.* ¶¶ 89-91.

10. *Id.* ¶ 91.

11. *Id.*

12. *Id.* ¶ 96.

13. *Id.*

14. *Id.*

15. *Id.* ¶ 97.

16. *Id.*

17. *Id.*

18. *Id.* ¶ 100.

19. *Id.* ¶ 99.

he had an epileptic attack or was in an accident.²⁰ His wife, Luz Altagracia Ramírez, reports his disappearance to the National Police.²¹ Friends and family search hospitals, barracks, detention centers, and morgues, but do not find him.²²

May 28, 1994: Mr. González Medina's friends and family file a complaint with the Disappeared Persons Office of the Homicide Investigation Department of the National Police.²³

News outlets begin to report that Mr. González Medina has disappeared.²⁴ Community members come to Ms. Altagracia Ramírez and other family members with differing explanations of what happened to Mr. González Medina.²⁵ Many say that he is held in the Intelligence Division of the Armed Forces Secretariat.²⁶ Some report that they saw Mr. González Medina bathed in blood and in poor physical condition at various State detention sites.²⁷ Others report that State agents tortured Mr. González Medina while he was detained.²⁸

June 1, 1994: Ms. Altagracia Ramírez goes to the Secretary of the Armed Forces to confront him about her husband's disappearance.²⁹ The Secretary denies that he or the Armed Forces are involved.³⁰

Ms. Altagracia Ramírez goes to the National Police again to attempt to locate her husband, but is not successful.³¹ She receives additional information that her husband is held by the Armed Forces and is not well.³² She returns to the Secretary of the Armed Forces.³³ While in the Secretary's office she sees a document containing information about Mr. González Medina, but the Secretary's assistant refuses to provide her with a copy.³⁴

20. *Id.* ¶ 101.

21. *Id.*

22. *Id.*

23. *Id.* ¶ 102.

24. *Id.*

25. *Id.* ¶ 103.

26. *Id.*

27. *Id.* ¶ 84.

28. *Id.*

29. *Id.* ¶ 104.

30. *Id.*

31. *Id.*

32. *Id.*

33. *Id.*

34. *Id.*

June 3, 1994: The National Police establish the Police Board, an extrajudicial committee designed to respond to complaints regarding Mr. González Medina's disappearance.³⁵

July 4, 1994: Ms. Altagracia Ramírez, her son Ernesto González Ramírez, and the President of the UASD meet with President Balaguer to discuss Mr. González Medina's disappearance.³⁶

October 9, 1994: The State does little to resolve Mr. González Medina's case.³⁷ In order to locate Mr. González Medina, his friends, family, and colleagues form the Truth Commission (*Comisión de la Verdad*).³⁸ Mr. González Medina's son, Mr. González Ramírez, and Ms. Altagracia Ramírez publicly demand that the State locate Mr. González Medina.³⁹ As a result, Mr. González Ramírez, Ms. Altagracia Ramírez, and other members of the Truth Commission are threatened and followed.⁴⁰

October 25, 1994: The Police Board publishes a summary of evidence they have collected regarding Mr. González Medina's disappearance.⁴¹ They explain that the evidence is inconclusive and no one can be held responsible for his disappearance.⁴² The Police Board gives the Truth Commission access to the summary of the investigation, but does not allow the Truth Commission or Mr. González Medina's family to view the investigation file.⁴³

June 12, 1995: Ms. Altagracia Ramírez and her children file a civil complaint with the Seventh Investigating Court of the National District Circuit, alleging that Mr. González Medina was abducted and murdered.⁴⁴

June 13, 1995: The Seventh Investigating Court begins an

35. *Id.* ¶ 108.

36. *Id.* ¶ 105.

37. *Id.* ¶ 106.

38. *Id.*

39. *Id.* ¶ 107.

40. *Id.* It is unclear from the Court's finding of fact whether government agents were responsible for the harassment of Mr. González Ramírez, Ms. Altagracia Ramírez, and other members of the Truth Commission.

41. *Id.* ¶ 109.

42. *Id.*

43. *Id.* ¶ 110.

44. *Id.* ¶¶ 115, 224.

investigation.⁴⁵ Only three suspects are scrutinized: the General in charge of Intelligence for the Dominican Air Force, the Director of Plans and Operations of Air Force Intelligence, and the Armed Forces' Secretary of State.⁴⁶

April 21, 1998: In response to requests from Mr. González Medina's family, Dominican President Leonel Fernández establishes a Joint Board to investigate Mr. González Medina's disappearance.⁴⁷ The Seventh Court of the National District also investigates Mr. González Medina's disappearance.⁴⁸

August 1998: The Joint Board does not come to any conclusions about Mr. González Medina's disappearance.⁴⁹ It recommends that the case be turned over to the National District Public Prosecutor for further investigation.⁵⁰

August 24, 2001: The judge for the Seventh Investigating Court decides not to charge two of the suspects, but presses charges against the Armed Forces Secretary of State for the illegal detention of Mr. González Medina.⁵¹ The Court's decision does not address probative evidence that indicates State involvement in Mr. González Medina's disappearance.⁵² Mr. González Medina's family and the Armed Forces Secretary of State appeal the decision.⁵³

December 18, 2002: The Santo Domingo Review Chamber drops all charges against the Armed Forces Secretary of State due to "insufficient evidence."⁵⁴ Again, the decision does not address probative evidence of the States' involvement.⁵⁵ Ultimately, no one is charged for Mr. González Medina's disappearance.⁵⁶

January 9, 2008: The Legal Affairs Office of the Dominican Air Force

45. *Id.* ¶ 116.

46. *Id.* ¶¶ 117, 225.

47. *Id.* ¶ 111.

48. *Id.* ¶ 112.

49. *Id.* ¶ 114.

50. *Id.*

51. *Id.* ¶¶ 119, 225.

52. *Id.* ¶ 226.

53. *Id.* ¶ 120.

54. *Id.* ¶¶ 120, 225.

55. *Id.* ¶ 236.

56. *Id.* ¶ 225.

requests information regarding who was on duty when Mr. González Medina was abducted from the Executive Officer of the San Isidro Air Base.⁵⁷

January 10, 2008: The Executive Officer of the Air Force explains that all of its routine correspondence prior to 2000, including any information pertaining to Mr. González Medina, was incinerated because there was not “enough space to keep it.”⁵⁸

B. Other Relevant Facts

Mr. González Medina has been missing since May 26, 1994.⁵⁹ At the time of this Judgment, the State has not provided the Court or Mr. González Medina’s family with complete access to the case file, nor has it come to any determination regarding his disappearance.⁶⁰

II. PROCEDURAL HISTORY

A. Before the Commission

July 1, 1994: The Sub-regional Coordination Office for Central America, the Caribbean, and Mexico of the World University Service submit Petition No. 11.324 to the Commission on behalf of Mr. González Medina.⁶¹

March 7, 1996: The Inter-American Commission approves Admissibility Report Number 4/96.⁶²

July 5, 1996: The Center for Justice and International Law (“CEJIL”) and Human Rights Watch join the case as co-petitioners.⁶³

November 8, 1996: The Commission requests that the State adopt precautionary measures to protect Ms. Altagracia Ramírez and other

57. *Id.* ¶ 124.

58. *Id.* ¶¶ 124, 234.

59. *Id.* ¶ 165.

60. *Id.* ¶¶ 122, 212.

61. *Id.*; González Medina and Family v. Dominican Republic, Petition No. 11.324, Inter-Am. Comm’n H.R. (July 1, 1994).

62. *Id.* ¶ 1.

63. González Medina and Family v. Dominican Republic, Preliminary Objections, Merits, Reparations, and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 240, ¶ 1 (Feb. 27, 2012).

witnesses in this case.⁶⁴

April 13, 1998: The Commission publishes Admissibility Report No. 16/98, which declares that Mr. González Medina's case is admissible.⁶⁵ The Commission finds that there is no evidence supporting the State's contention that petitioners' complaint lacks merit.⁶⁶ In addition, the Commission notes that the State did not produce any information to prove that they actually attempted to locate Mr. González Medina, and petitioners submitted evidence that domestic remedies were ineffective.⁶⁷

May 2, 2007: The State informs the Commission that they are reopening Mr. González Medina's case.⁶⁸

November 10, 2009: The Commission approves Merits Report No. 111/09.⁶⁹ The Commission finds violations of Articles 3 (Right to Juridical Personality), 4 (Right to Life), 5 (Right to Humane Treatment), 7 (Right to Personal Liberty), 8 (Right to Fair Trial), 13 (Freedom of Thought and Expression), and 25 (Right to Judicial Protection) all in relation to Article 1(1) of the American Convention to the detriment of Mr. González Medina.⁷⁰ The Commission also finds violations of Articles 5 (Right to Humane Treatment), 8 (Right to Fair Trial), 13 (Freedom of Thought and Expression), and 25 (Right to Judicial Protection) all in relation to Article 1(1) of the American Convention to the detriment of Ms. Altagracia Ramírez and her four children, Ernesto González Ramírez, Rhina Yocasta González Ramírez, Jennie Rossana González Ramírez, and Amaury González Ramírez.⁷¹

B. Before the Court

May 2, 2010: The Commission submits the case to the Court after the State failed to adopt its recommendations.⁷²

64. *Id.* ¶ 107.

65. *Id.*; *González Medina and Family v. Dominican Republic*, Admissibility Report, Report No. 16/98, Inter-Am. Comm'n H.R., Case No. 11.324, "Resolves" ¶ 1 (Apr. 13, 1998).

66. *Id.* ¶ 24.

67. *Id.* ¶¶ 26, 29.

68. *Id.* ¶ 122.

69. *Id.* ¶ 1.

70. *Id.* ¶ 3.

71. *Id.* The Commission's Report on the Merits was not available at the time of publication.

72. *Id.* ¶ 1.

August 30, 2011: In response to reports that Mario José Martín Suriel Núñez, a key witness and founder of the Truth Commission, received threatening phone calls, was followed, and was attacked by a group of men with knives,⁷³ the Court orders the State to adopt all necessary measures to protect the life and personal integrity of Mr. Suriel Núñez.⁷⁴ The Court requested that the State report to the Court regarding compliance with this measure by October 7, 2011.⁷⁵

1. Violations Alleged by Commission⁷⁶

To the detriment of Mr. González Medina:

Article 3 (Right to Juridical Personality)
 Article 4 (Right to Life)
 Article 5 (Right to Humane Treatment)
 Article 7 (Right to Personal Liberty)
 Article 8 (Right to Fair Trial)
 Article 13 (Freedom of Thought and Expression)
 Article 25 (Right to Judicial Protection)
all in relation to:
 Article 1(1) of the American Convention.

To the detriment of Ms. Altagracia Ramírez and her four children, Ernesto González Ramírez, Rhina Yocasta González Ramírez, Jennie Rossana González Ramírez, and Amaury González Ramírez:

Article 5 (Right to Humane Treatment)
 Article 8 (Right to Fair Trial)
 Article 13 (Freedom of Thought and Expression)
 Article 25 (Right to Judicial Protection)
all in relation to:
 Article 1(1) of the American Convention.

2. Violations Alleged by Representatives of the Victims⁷⁷

73. González Medina and Family v. Dominican Republic, Provisional Measures, Order of the Court, Inter-Am. Ct. H.R. (ser. E), “Having Seen” ¶ 2(a). (Aug. 30, 2011).

74. *Id.* “Decides” ¶ 1, “Having Seen” ¶ 3(a).

75. *Id.* “Decides” ¶ 4.

76. González Medina and Family v. Dominican Republic, Preliminary Objections, Merits, Reparations, and Costs, ¶ 3.

77. *Id.* ¶ 5. The Truth Commission and the Center for Justice and International Law (CEJIL)

Same Violations Alleged by Commission, plus:

To the detriment of Mr. González Medina:

Article 2 (Domestic Legal Effects) of the American Convention.

Article 1 (Obligation to Prevent and Punish Torture)

Article 6 (Obligation to Take Effective Measures)

Article 8 (Obligation to Investigate) of the Inter-American Convention to Prevent and Punish Torture.

To the detriment of Ms. Altagracia Ramírez and her children, Ernesto González Ramírez, Rhina Yocasta González Ramírez, Jennie Rossana González Ramírez, and Amaury González Ramírez:

Article 17 (Rights of the Family) of the American Convention.

To the detriment of Amaury González Ramírez:

Article 19 (Rights of the Child) of the American Convention.

III. MERITS

A. *Composition of the Court*⁷⁸

Diego García-Sayán, President

Manuel E. Ventura Robles, Vice President

Leonardo A. Franco, Judge

Margarette May Macaulay, Judge

Alberto Pérez Pérez, Judge

Eduardo Vio Grossi, Judge

Pablo Saavedra Alessandri, Secretary

Emilia Segares Rodríguez, Deputy Secretary

B. *Decision on the Merits*

served as representatives of Mr. González Medina and his family.

78. *Id.* Judge Rhadys Abreu Blondet did not take part in the case, because she is a Dominican national.

February 27, 2012: The Court issues its Judgment on Preliminary Objections, Merits, Reparations and Costs.⁷⁹ The State made five preliminary objections, but withdrew one.⁸⁰ First, the State argued that the application was inadmissible because the victims failed to exhaust domestic remedies.⁸¹ The Court rejected this objection because the State failed to identify which domestic remedies were not utilized and did not raise its objection at the appropriate time in the proceedings.⁸²

Second, the State argued that the Commission did not comply with Article 50 of the Convention, because the Commission did not issue a report within 180 days after the parties failed to reach a friendly settlement.⁸³ The Court dismissed this objection because it was not possible to establish exactly when the parties had been unable to reach a friendly settlement and the State had not previously objected to this issue before the Commission.⁸⁴ Furthermore, even if the Commission did not comply with the appropriate time frame, the Court explained that the case could still be submitted to the Court.⁸⁵

Third, the State argued that the application was inadmissible because the Court would re-examine the results of domestic proceedings, and thus, essentially function as a court of appeal or “fourth instance” judicial body.⁸⁶ The Court explained that its function is to complement, rather than serve as an appellate review for, domestic proceedings.⁸⁷ Accordingly, it found that it was inappropriate to rule on this objection at the preliminary stage, and that this objection would be addressed during an analysis of the merits of the case.⁸⁸

Finally, the State argued that the Court was not competent to examine alleged violations of the American Convention and the Convention Against Torture because the violations occurred five years before the State accepted the Court’s binding jurisdiction.⁸⁹ The Court dismissed this objection.⁹⁰ The Court may rule on violations that a State commits before accepting the Court’s jurisdiction if the violations are of a “continuing nature,” or the State commits related violations after

79. *Id.* ¶ 1.

80. *Id.* ¶ 14.

81. *Id.*

82. *Id.* ¶¶ 24, 29.

83. *Id.* ¶ 25.

84. *Id.* ¶¶ 31-32, 35.

85. *Id.* ¶ 33.

86. *Id.*

87. *Id.* ¶ 38.

88. *Id.* ¶ 41.

89. *Id.* ¶¶ 14, 42.

90. *Id.* ¶ 54.

accepting the Court's jurisdiction.⁹¹

The Court found unanimously that the Dominican Republic had violated:

Article 7 (Right to Personal Liberty), 5(1) (Right to Physical, Mental, and Moral Integrity), 5(2) (Prohibition of Torture, and Cruel, Inhumane, or Degrading Treatment), 4(1) (Prohibition of Arbitrary Deprivation of Life), and 3 (Right to Juridical Personality), in relation to Article 1(1) of the Convention, to the detriment of Mr. González Medina,⁹² because:

The Court noted that under Article 7 (Right to Personal Liberty), a State may only restrict personal liberty in compliance with standards and procedures previously established in the State's domestic laws.⁹³ In addition, the State must record all arrests and provide proof that a competent judge was informed of the arrest.⁹⁴ In this case, the Court concluded that Mr. González Medina was detained by the State on May 26, 1994, and at the time of this judgment, his fate remained unknown.⁹⁵ As a result, the Court found that the State violated Article 7 (Right to Personal Liberty) of the American Convention.⁹⁶

The Court recognized that Dominican security forces illegally imprisoned and tortured victims at the time Mr. González Medina was detained.⁹⁷ Witnesses testified that State Police tortured Mr. González Medina and withheld medical treatment and medication even though he suffered from epilepsy.⁹⁸ State authorities also failed to respond to his families' requests for information about his whereabouts and well being.⁹⁹ The Court concluded that the State likely increased Mr. González Medina's suffering because it prohibited him from seeing his family and physician.¹⁰⁰ Accordingly, the Court found that the State violated Mr. González Medina's rights under Article 5(1) (Right to

91. *Id.* ¶¶ 48, 54.

92. *Id.* "Declares" ¶ 1.

93. *Id.* ¶ 176.

94. *Id.* ¶ 178.

95. *Id.* ¶ 179.

96. *Id.*

97. *Id.* ¶ 182.

98. *Id.* ¶¶ 182, 265.

99. *Id.* ¶ 183.

100. *Id.*

*Physical, Mental, and Moral Integrity) and 5(2) (Prohibition of Torture, and Cruel, Inhumane, or Degrading Treatment) of the American Convention.*¹⁰¹

*The Court also recognized that victims of forced disappearance are especially vulnerable to the violation of other rights, including the right to life.*¹⁰² *As States often kill victims of forced disappearance and conceal their remains, the Court found that the State violated Article 4 (Right to Life) of the American Convention.*¹⁰³

*The Court explained that a States' refusal to acknowledge the detention or location of a victim, paired with other elements of a forced disappearance, often violates Article 3 (Right to Juridical Personality), because it removes the victim from the protection of the law.*¹⁰⁴ *Mr. González Medina's forced disappearance prevented him from possessing and effectively asserting his rights, which left him in a state of legal uncertainty.*¹⁰⁵ *The Court considered this a violation of Article 3 (Right to Juridical Personality) of the American Convention.*¹⁰⁶

Article 8(1) (Right to a Hearing Within Reasonable Time by Competent and Independent Tribunal) and 25(1) (Right of Recourse Before a Competent Court), in relation to Article 1(1) of the Convention and Articles 1 (Obligation to Prevent and Punish Torture), 6 (Obligation to Take Effective Measures), 8 (Obligation to Investigate) of the Inter-American Convention to Prevent and Punish Torture, to the detriment of Mr. González Medina, Ms. Luz Altagracia Ramírez, Mr. Ernesto González Ramírez, Ms. Jennie Rosanna González Ramírez, Ms. Rhina Yocasta González Ramírez, and Ms. Amaury González Ramírez,¹⁰⁷ because:

*The State failed to effectively investigate, prosecute or punish those responsible for Mr. González Medina's disappearance.*¹⁰⁸

101. *Id.* ¶ 184.

102. *Id.* ¶ 185.

103. *Id.*

104. *Id.* ¶ 186.

105. *Id.* ¶ 190.

106. *Id.* ¶ 194.

107. *Id.* "Declares" ¶¶ 2, 3. Though the investigation of Mr. González Medina's disappearance began in June 1995 and ended in December 2002, the Court may only rule on investigations after March 25, 1999. *See id.* ¶ 224.

108. *Id.* ¶ 265.

The Court recognized that under the Inter-American Convention to Prevent and Punish Torture, the State must investigate all allegations of torture or cruel and inhumane treatment.¹⁰⁹ In addition, under Articles 8 (Right to a Fair Trial) and 25 (Right to Juridical Protection), a State must provide effective judicial remedies to victims of human rights abuses and their families, and,¹¹⁰ under Article 8, States must allow victims and their families an opportunity to participate in these proceedings.¹¹¹

The Court noted that the Dominican legal system did not recognize the complexity or institutionalized nature of the crime of forced disappearance:¹¹² forced disappearance was not recognized as a crime in the Dominican Republic,¹¹³ and an investigating Judge refused to prosecute anyone for Mr. González Medina's disappearance on the basis that it was not legally proven he was missing.¹¹⁴

The Court found that the State failed to thoroughly examine or acknowledge State responsibility for Mr. González Medina's disappearance.¹¹⁵ Domestic judicial proceedings did not appropriately examine evidence that indicated that Mr. González Medina was abducted by State agents and detained by State security agencies.¹¹⁶ Nor did domestic courts investigate why the State destroyed official documents that could help determine his whereabouts and his fate.¹¹⁷ Though State investigators questioned dozens of witnesses during the investigation, they ignored testimony that implicated the State and failed to investigate contradicting and retracted testimony.¹¹⁸ The Court observed that the State should have looked at the evidence as a whole to understand all aspects of what happened to Mr. González Medina, rather than solely focusing on the culpability of three individual suspects.¹¹⁹

109. *Id.* ¶¶ 205-06.

110. *Id.* ¶ 207.

111. *Id.*

112. *Id.* ¶¶ 225-26, 228.

113. *Id.* ¶ 225.

114. *Id.* ¶¶ 227-28.

115. *Id.* ¶¶ 232-41.

116. *Id.* ¶¶ 233-35.

117. *Id.*

118. *Id.* ¶¶ 237-40.

119. *Id.* ¶¶ 238, 241.

Additionally, the Court noted that under Article 8(1) (Right to a Hearing Within Reasonable Time by Competent and Independent Tribunal), states have an obligation to allow victims and their families to take part in all stages of any judicial proceeding in which the victim is a complainant.¹²⁰ In this case, the State did not provide the Court or Mr. González Medina's family with unrestricted access to Mr. González Medina's case file or to the details of the investigation into his disappearance.¹²¹ The Court explained that the State's failure to resolve a case after an extended period of time, such as with Mr. González Medina's disappearance, also leads to a rebuttable presumption that the State violated Article 8(1) (Right to a Hearing Within Reasonable Time by Competent and Independent Tribunal).¹²²

The Court examined four factors to determine whether the State had, in fact, violated Article 8(1): the complexity of the matter, the steps taken by the victims' family, the actions of judicial authorities, and the legal effect on the victim.¹²³ The Court recognized that this is a complex case,¹²⁴ that Mr. González Medina's family took an active role in the investigation of his disappearance,¹²⁵ and the judicial authorities did not conduct an effective investigation.¹²⁶ As in previous cases, the Court found it was unnecessary to examine the fourth factor to determine the reasonableness of the time the State took to complete investigations into Mr. González Medina's disappearance.¹²⁷ The Court thus found that the State's investigations exceeded a reasonable amount of time.¹²⁸ The Court concluded that the State violated Article 8(1) of the American Convention (Right to a Hearing Within Reasonable Time by Competent and Independent Tribunal).¹²⁹

Article 5(1) (Right to Physical, Mental, and Moral Integrity) and 5(2) (Prohibition of Torture, and Cruel, Inhumane, or Degrading Treatment), in relation to Article 1(1) of the Convention, to the

120. *Id.* ¶¶ 251, 253.

121. *Id.* ¶ 252.

122. *Id.* ¶ 257.

123. *Id.*

124. *Id.* ¶ 258.

125. *Id.* ¶ 259.

126. *Id.* ¶ 260.

127. *Id.* ¶ 261.

128. *Id.* ¶ 262.

129. *Id.* ¶¶ 254, 262.

detriment of Ms. Luz Altagracia Ramírez, Mr. Ernesto González Ramírez, Ms. Jennie Rosanna González Ramírez, Ms. Rhina Yokasta González Ramírez, and Ms. Amaury González Ramírez,¹³⁰ because:

In previous cases, the Court has found that a State violates the moral and mental integrity of the victim's family members when the State perpetrates and fails to investigate forced disappearances.¹³¹ The Court has also found that a State's failure to provide information to victim's family members creates a presumption that the State violated the victim's immediate family members' moral and mental integrity.¹³²

In this case, the State refused to provide information about the whereabouts of Mr. González Medina or investigate his disappearance,¹³³ which severely harmed Ms. Altagracia Ramírez and her children's physical and mental health.¹³⁴ As a result of the State's action, the González Ramírez family has needed seventeen years of psychiatric treatment.¹³⁵

The Court concluded that the State violated the right of Mr. González Medina's immediate family to personal integrity under Article 5(1) (Right to Physical, Mental, and Moral Integrity) and 5(2) (Prohibition of Torture, and Cruel, Inhumane, or Degrading Treatment) of the American Convention.¹³⁶

The Court found that it was not appropriate to issue a ruling on the alleged violation of Article 13 (Freedom of Thought and Expression) or Article 17 (Rights of the Family),¹³⁷ because:

The right to know the truth under Article 13 (Freedom of Thought and Expression) is addressed by Article 8 (Right to a Fair Trial) and 25 (Right to Juridical Protection).¹³⁸ The Court found that it was unnecessary to examine the State's failure to thoroughly investigate Mr. González Medina's disappearance or provide Mr. González

130. *Id.* "Declares" ¶ 3.

131. *Id.* ¶ 270.

132. *Id.*

133. *Id.* ¶ 271.

134. *Id.*

135. *Id.*

136. *Id.* ¶ 275.

137. *Id.* "Declares" ¶¶ 5,6.

138. *Id.* ¶¶ 263, 266.

*Medina's family with complete information about his case under Article 13 because it had addressed these violations under Articles 8 and 25.*¹³⁹

The Court also found that Article 17 (Rights of the Family) was addressed by the Courts' analysis of the right to personal integrity of Mr. González Medina's immediate family under 5(1) (Right to Physical, Mental, and Moral Integrity).¹⁴⁰ Thus it was unnecessary for the Court to make an additional ruling in this regard.¹⁴¹

C. Dissenting and Concurring Opinions

[None]

IV. REPARATIONS

The Court ruled unanimously that the State had the following obligations:

A. Specific Performance (Measures of Satisfaction and Non-Repetition Guarantee)

1. Judgment as a Form of Reparation

The Court explained that the judgment was to constitute a *per se* form of reparation.¹⁴²

2. Adequately Investigate Mr. González Medina's Disappearance

The Court ordered the State to investigate Mr. González Medina's disappearance and make every effort to locate him or his remains.¹⁴³ The Court also ordered the State to identify and punish persons who forced Mr. González Medina's disappearance.¹⁴⁴

In addition, the Court ordered the State to assess domestic law and legal procedures to ensure that they provide for adequate investigations

139. *Id.* ¶ 266.

140. *Id.* ¶ 274.

141. *Id.*

142. *Id.* "And Determines" ¶ 1.

143. *Id.* ¶ 287, "And Determines" ¶¶ 2-3.

144. *Id.* "And Determines" ¶ 2.

of forced disappearances.¹⁴⁵ Should the State find domestic remedies insufficient, it must make appropriate changes to its government to ensure that State institutions sufficiently investigate forced disappearances.¹⁴⁶

3. Provide Medical and Psychiatric Treatment to the Victims

The Court ordered the State to provide free medical and psychological care for Mr. González Medina's living family members for as long as necessary.¹⁴⁷

4. Publically Acknowledge Responsibility

The Court ordered the State to publish the Court's official summary of this judgment in the State's Official Gazette and in a widely circulated national newspaper.¹⁴⁸ In addition, the State must post the entire judgment on an official website.¹⁴⁹

The Court also ordered the State to organize a public act, attended by both senior State officials and the victims, to acknowledge the State's international responsibility for the human rights abuses implicated in this case.¹⁵⁰

5. Commemorate and Honor Mr. González Medina

The Court recognized the State's creation of a cultural center named for Narciso González Medina.¹⁵¹ The Court ordered the State to place a plaque in the González Medina cultural center that includes the facts of this case and this judgment in order to raise awareness of Mr. González Medina's forced disappearance.¹⁵²

The Court also ordered the State to create and distribute a documentary about Mr. González Medina's written work and his contribution to Dominican culture.¹⁵³ The documentary must be approved by the victims and their representatives, and must be

145. *Id.* "And Determines" ¶ 9.

146. *Id.*

147. *Id.* ¶ 293, "And Determines" ¶ 4.

148. *Id.* ¶ 293, "And Determines" ¶ 4.

149. *Id.*

150. *Id.* ¶ 297, "And Determines" ¶ 6.

151. *Id.* ¶ 229.

152. *Id.* ¶ 300, "And Determines" ¶ 7.

153. *Id.* ¶¶ 302, 303, "And Determines" ¶ 8.

broadcast nationally on a State television station.¹⁵⁴ The Court ordered the State to show the documentary during the State's public acknowledgement of responsibility and distribute the film to the victims, their representatives, and the Dominican Republic's primary universities.¹⁵⁵

B. Compensation

The Court awarded the following amounts:

1. Pecuniary Damages

The Court awarded \$50,000 for wages that the González family lost as a result of Mr. González Medina's forced disappearance.¹⁵⁶ The Court ordered the State to give half of this sum to Ms. Altagracia Ramírez and evenly distribute the other half between Mr. González Medina's children.¹⁵⁷

The Court also awarded \$20,000 to Ms. Altagracia Ramírez for psychological treatment for mental health issues stemming from Mr. González Medina's forced disappearance and for her family's efforts to locate Mr. González Medina.¹⁵⁸ Ms. Altagracia Ramírez should distribute these funds to her children, as she deems appropriate.¹⁵⁹

2. Non-Pecuniary Damages

The Court awarded \$80,000 to Mr. González Medina, \$50,000 to Ms. Altagracia Ramírez and \$40,000 to each of Mr. González Medina's children for non-pecuniary damages.¹⁶⁰ The Court calculated this amount by examining compensation awarded in previous Court cases of forced disappearances, the seriousness of the human rights violations in this case, the time that elapsed since Mr. González Medina's

154. *Id.* ¶ 303.

155. *Id.*

156. *Id.* ¶ 313.

157. *Id.* ¶ 314.

158. *Id.*

159. *Id.*

160. *Id.* ¶ 320. Mr. González Medina's children include Ernesto, Rhina Yocasta, Jennie Rossana, and Amaury González Ramírez.

disappearance, and the insufficiency of domestic investigations and remedies.¹⁶¹

3. Costs and Expenses

The Court ordered the State to pay \$3,200 to Ms. Altagracia Ramírez, \$15,000 to the Truth Commission, and \$15,000 to CEJIL for costs associated with pursuing the case at the domestic and international level.¹⁶² The Court also reserved the right to order the State to reimburse victims and their representatives for additional expenses while monitoring compliance with this judgment.¹⁶³

The Court also ordered the State to reimburse the Legal Assistance Fund of the Inter-American Human Rights System \$2,219.48 for the expenses incurred for representation of the victims during trial.¹⁶⁴

4. Total Compensation (including Costs and Expenses ordered):

\$ 395,419.48

C. Deadlines

The State must reimburse the Legal Assistance Fund within ninety days of publication of this judgment.¹⁶⁵ Within six months of the notice of judgment, the State must publish the judgment in the State's Official Gazette and a national newspaper.¹⁶⁶

Within one year of the notice of judgment, the State must make the judgment available on an official website, hold a public ceremony acknowledging responsibility,¹⁶⁷ submit a report outlining their compliance with the Court's judgment,¹⁶⁸ and pay all pecuniary and non-pecuniary damages.¹⁶⁹ Damages must be paid directly to the beneficiaries indicated in the judgment,¹⁷⁰ and, if the beneficiaries are

161. *Id.* ¶ 320.

162. *Id.* ¶¶ 329, 332.

163. *Id.* ¶ 329.

164. *Id.* ¶¶ 330, 332.

165. *Id.* ¶ 332.

166. *Id.* ¶ 295.

167. *Id.* ¶¶ 295, 297.

168. *Id.* "And Determines" ¶ 11.

169. *Id.* ¶ 333.

170. *Id.*

deceased at the time of payment, damages should be paid directly to their heirs.¹⁷¹

In addition, the State must produce and distribute the documentary within two years of this judgment.¹⁷² Finally, if the State finds it necessary, the State must improve its domestic investigations and remedies for forced disappearances within a reasonable time.¹⁷³

V. INTERPRETATION AND REVISION OF JUDGMENT

[None]

VI. COMPLIANCE AND FOLLOW-UP

June 21, 2012: The Court lifted the provisional measures to protect Mario José Martín Suriel Núñez, because it had not received any information of subsequent harassment or threats of Mr. Suriel Núñez since its August 30, 2011 Provisional Measure.¹⁷⁴

VII. LIST OF DOCUMENTS

A. *Inter-American Court*

1. Preliminary Objections

[González Medina and Family v. Dominican Republic, Preliminary Objections, Merits, Reparations, and Costs, Judgment, Inter-Am. Ct. H.R. \(ser. C\) No. 240 \(Feb. 27, 2012\).](#)

2. Decisions on Merits, Reparations, and Costs

[González Medina and Family v. Dominican Republic, Preliminary Objections, Merits, Reparations, and Costs, Judgment, Inter-Am. Ct. H.R. \(ser. C\) No. 240 \(Feb. 27, 2012\).](#)

3. Provisional Measures

171. *Id.* ¶ 334.

172. *Id.* ¶ 303.

173. *Id.* “And Determines” ¶ 9.

174. *González Medina and Family v. Dominican Republic, Provisional Measures, Order of the Court, Inter-Am. Ct. H.R. (ser. E), “Considering That” ¶ 9, “Decides” ¶ 1 (June 21, 2012).*

[González Medina and Family v. Dominican Republic, Provisional Measures, Order of the Court, Inter-Am. Ct. H.R. \(ser. E\) \(Aug. 30, 2011\).](#)

[González Medina and Family v. Dominican Republic, Provisional Measures, Order of the Court, Inter-Am. Ct. H.R. \(ser. E\) \(June 21, 2012\).](#)

4. Compliance Monitoring

[None]

5. Review and Interpretation of Judgment

[None]

B. Inter-American Commission

1. Petition to the Commission

[Not available]

2. Report on Admissibility

González Medina and Family v. Dominican Republic, Admissibility Report, Report No. 16/98, Inter-Am. Comm'n H.R., Case No. 11.324 (Apr. 13, 1998).

3. Provisional Measures

[None]

4. Report on Merits

[Not available]

5. Application to the Court

[González Medina and Family v. Dominican Republic, Petition to the](#)

[Court, Inter-Am. Comm'n H.R., Case No. 11.324 \(May 2, 2012\).](#)

VIII. BIBLIOGRAPHY

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Rights Commission asks for Probe in 1994 Dominican Disappearance, CNN WORLD (June 7, 2010, 3:30 PM), <http://www.cnn.com/2010/WORLD/americas/06/07/dominican.republic.rights.case/>.

Deccorides de la Rosa, *¿Quién fue Narisco González? Un Poco de Memoria Histórica para los más Jóvenes [Who was Narisco González? A bit of History for the Young]*, DIARIO HOY (May 25, 2012, 10:45 AM), <http://hoy.com.do/quien-fue-narciso-gonzalez-un-poco-de-memoria-historica-para-los-mas-jovenes/>.