

Zegarra Marín v. Peru

ABSTRACT¹

This case arises from the botched prosecution and trial of public officials who had been accused of having sold passports that were used by fugitives from justice to leave the country. The Court found violation of several articles of the American Convention.

I. FACTS

A. Chronology of Events

March 31, 1994: As the Head of the Peruvian Immigration Office (La Oficina de Migraciones, “PIO”) in Tumbes, Peru, Mr. Roberto Martín Cárdenas Hurtado sends a request to Mr. León Revoredo, the Immigration Inspector, for 500 passports.²

April 5, 1994: Mr. Augustín Bladimiro Zegarra Marín is married with five children, and he is serving as the Deputy Director of Passports at the Directorate of Immigration and Naturalization (El Dirección de Migraciones y Naturalización, “DIN”).³ He sends 525 passports to Mr. León Revoredo to be issued from the Immigration Office in Tumbes.⁴ The passports are numbered from 0415876 to 0416400.⁵

April 6, 1994: Mr. León Revoredo sends the 525 passports to the Immigration Office in Tumbes, and Mr. Cárdenas Hurtado signs the receipt of all the passports.⁶

1. Joseph Osgood, Author; John Flynn, Senior IACHR Editor; Kimberly Barreto, Chief IACHR Editor; Cesare Romano, Faculty Advisor

2. Zegarra Marín v. Peru, Preliminary Objections, Merits, Reparations and Costs, Inter-Am. Ct. H.R. (ser. C) No. 331, ¶ 70 (Feb. 15, 2017).

3. Zegarra Marín v. Peru, Report on Merits, Report No. 9/14, Inter-Am. Comm’n H.R., Case No. 12.700, ¶ 32 (Apr. 2, 2014).

4. Zegarra Marín v. Peru, Preliminary Objections, Merits, Reparations and Costs, ¶ 70.

5. *Id.*

6. *Id.*

August, September, and October 1994: Multiple media outlets report that some of the State passports provided by Mr. Zegarra Marín for Mr. León Revoredo were processed irregularly.⁷ For example, passport No. 0415918 was issued to Mr. Lucio Enrique Tijero Guzmán, who was previously convicted for drug trafficking.⁸ Also, passport No. 0415913 was issued to Mr. Carlos Remo Manrique Carreño, who had an international capture order for committing “the biggest economic scam” in the State’s history.⁹ Both passports have Mr. Zegarra Marín’s signature on them.¹⁰

August 24, 1994: Mr. Zegarra Marín presents a report to the DIN stating that his signature on Mr. Tijero Guzmán’s passport is forged¹¹

September 12, 1994: Mr. Zegarra Marín presents a report to the Ministry of the Interior (El Ministerio del Interior) indicating he never possessed Mr. Tijero Guzmán’s passport, he has never collaborated with drug traffickers, and encouraging his superiors to investigate the matter to determine the responsible parties.¹²

Prosecutor Tony Washington García Cano is appointed as an *ad hoc* Prosecutor in charge of investigating how Mr. Manrique Carreño escaped the country without being arrested, who gave him the new passport, and what authorities helped him escape.¹³

October 6, 1994: The Interior Ministry’s General Inspectorate (La Inspectoría General del Ministerio del Interior) issues a report concluding it is not Mr. Zegarra Marín, but Mr. Cardenas Hurtado and another employee in the Tumbes Immigration Office who illegally issued passports.¹⁴ It recommends that Mr. Cárdenas Hurtado and the other employee be removed from their positions because of their acts.¹⁵

October 7, 1994: Mr. Manrique Carreño is apprehended in New York while traveling with passport containing Mr. Zegarra Marín’s signature.¹⁶

7. *Id.* ¶ 71.

8. *Id.*

9. *Id.*

10. *Zegarra Marín v. Peru*, Preliminary Objections, Merits, Reparations and Costs, ¶ 71.

11. *Id.* ¶ 72.

12. *Id.* ¶ 74.

13. *Id.* ¶ 76.

14. *Id.* ¶ 75.

15. *Id.*

16. *Zegarra Marín v. Peru*, Preliminary Objections, Merits, Reparations and Costs, ¶ 71.

October 14-17, 1994: Prosecutor García Cano does not investigate Mr. Zegarra Marín for the crimes, and instead the investigation focuses on two other main officials.¹⁷ Mr. Zegarra Marín is not called to testify at any point during the preliminary investigation.¹⁸

October 20, 1994: During Prosecutor García Cano's preliminary investigation, Mr. Cárdenas Hurtado and another official make specific accusations against Mr. Zegarra Marín.¹⁹ Prosecutor García Cano decides that the statements warrant filing criminal charges against Mr. Zegarra Marín and further investigation.²⁰ The Prosecutor claims that charges may be filed against Mr. Zegarra Marín even though he was not called to testify during the preliminary investigation because his rights would be "fully exercised" in the subsequent investigation.²¹

October 21, 1994: Prosecutor García Cano files a criminal complaint against 11 individuals, including Mr. Zegarra Marín.²² The complaint charges all 11 individuals with the same crimes regardless of the specific facts attributed to them.²³ Mr. Zegarra Marín is charged for aiding a fugitive's escape from justice, forging government documents, accepting bribes, and corrupting public officials to the detriment of the state.²⁴

The criminal complaint alleges that Mr. Zegarra Marín was aware of what was occurring at the Immigration Office in Tumbes, Peru, and that he "induced or obligated" Mr. Cárdenas Hurtado to pay him five U.S. dollars for each illegally issued passport.²⁵ Further, the complaint alleges that Mr. Zegarra Marín only sent 500 blank passports to the Office of Migration in Tumbes, Peru, but he previously agreed to send 525.²⁶ Prosecutor García Cano additionally alleges that when Mr. Cárdenas Hurtado asked Mr. Zegarra Marín to send the remaining 25 passports, Mr. Zegarra Marín instructed him to use old passports to account for the missing ones, and he stated that payment for the 500 passports was no longer required.²⁷

17. *Id.* ¶ 79.

18. *Id.* ¶ 81.

19. *Id.* ¶ 80.

20. *Id.*

21. *Id.* ¶ 81.

22. Zegarra Marín v. Peru, Preliminary Objections, Merits, Reparations and Costs, ¶ 82.

23. *Id.*

24. Zegarra Marín v. Peru, Report on Merits, ¶ 35.

25. *Id.* ¶ 36.

26. *Id.*

27. *Id.*

The complaint further alleges Mr. Zegarra Marín created counterfeit case files to issue illegal passports in exchange for money.²⁸ It also alleges Mr. Zegarra Marín issued the passport which Mr. Manrique Carreño was using when he was apprehended in New York.²⁹

An investigation is opened against Mr. Zegarra Marín for aiding a fugitive's escape from justice, forging government documents, accepting bribes, and corrupting public officials.³⁰ A nationwide arrest warrant and an injunction against the sale of property are issued against Mr. Zegarra Marín.³¹ Also, an order is issued to take Mr. Zegarra Marín's initial statements concerning the allegations.³² Mr. Zegarra Marín is taken into custody, and he appeals the arrest warrant.³³

January 5, 1995: The Fifth Criminal Chamber (La Quinta Sala Penal) denies Mr. Zegarra Marín's appeal because the charges against him are serious, there is evidentiary material in the form of statements made to Prosecutor García Cano that links him to the crimes, and it is possible that his punishment will exceed four years of incarceration.³⁴

April 25, 1995: Mr. Zegarra Marín files a request for provisional release.³⁵

June 30, 1995: The Fifth Criminal Chamber orders the conditional release of Mr. Zegarra Marín because there is conflicting evidence on the record.³⁶ After close examination, the Court finds that Mr. Cárdenas Hurtado's statements incriminating Mr. Zegarra Marín contain contradictions and inconsistencies.³⁷ For instance, Mr. Cárdenas Hurtado initially claimed that Mr. Zegarra Marín personally delivered the 525 passports to him, but it was proved that the Deputy Director of Immigration Control (Del Sub Director de Control Migratorio) actually received the passports.³⁸ Further, Mr. Cárdenas Hurtado was under the functional and administrative control of the Deputy Director of Immigration Control, not under Mr. Zegarra Marín's control.³⁹ As such,

28. *Id.*

29. *Id.* ¶ 36, 71.

30. *Zegarra Marín v. Peru*, Report on Merits, ¶ 38.

31. *Id.*

32. *Id.*

33. *Zegarra Marín v. Peru*, Preliminary Objections, Merits, Reparations and Costs, ¶ 87.

34. *Zegarra Marín v. Peru*, Report on Merits, ¶ 39.

35. *Zegarra Marín v. Peru*, Preliminary Objections, Merits, Reparations and Costs, ¶ 88.

36. *Zegarra Marín v. Peru*, Report on Merits, ¶ 40.

37. *Id.*

38. *Id.*

39. *Id.*

Mr. Cárdenas Hurtado did not need to contact or cooperate with Mr. Zegarra Marín to perform his duties.⁴⁰ Additionally, a handwriting expert determined that the passport Mr. Tijero Guzmán was using contained a forged signature, which bolstered Mr. Zegarra Marín's claim.⁴¹

The basis for the charges that give rise to the arrest warrant are determined to be groundless because of the conflicting evidence on the record.⁴² Mr. Zegarra Marín is released from preventative detention more than eight months after initially being detained⁴³

March 1, 1996: In an expert report, the PNP Criminalistics Division (La División de Criminalística de la PNP) concludes that the Mr. Manrique Carréno used to escape Peru was fraudulently issued because Mr. Zegarra Marín's signature on it was forged.⁴⁴

May 2, 1996: The Fifth Attorney General's Office in Lima (La Quinta Fiscalía Superior en lo Penal de Lima) decides to hold a trial and brings formal charges against Mr. Zegarra Marín.⁴⁵ Mr. Zegarra Marín is charged with aiding a fugitive escape from justice, forging government documents, accepting bribes, and corrupting public officials to the detriment of the state.⁴⁶

Mr. Zegarra Marín categorically denies the charges brought against him.⁴⁷ He testifies that he knows Mr. Cárdenas Hurtado, but that he is not aware of the forged passport Mr. Tijero Guzmán used when he was apprehended.⁴⁸ Mr. Tijero Guzmán's passport was issued in Tumbes, Peru, and Mr. Zegarra Marín claims that he was unaware of the irregularities that took place there.⁴⁹ He further claims that he did not communicate with Mr. Cárdenas Hurtado, and that he did not request five dollars for every illegally issued passport.⁵⁰ He also claims that he is not responsible for the 525 illegally issued passports, and that Mr. Peceros Vargas forged his signature and, he possessed Mr. Zegarra Marín's seals.⁵¹

40. *Id.*

41. *Id.*

42. Zegarra Marín v. Peru, Report on Merits, ¶ 40.

43. *Id.* ¶¶ 38, 40, 41.

44. Zegarra Marín v. Peru, Preliminary Objections, Merits, Reparations and Costs, ¶ 91.

45. Zegarra Marín v. Peru, Report on Merits, ¶ 42.

46. *Id.* ¶¶ 38, 43.

47. *Id.* ¶ 42.

48. *Id.*

49. *Id.*

50. *Id.*

51. Zegarra Marín v. Peru, Report on Merits, ¶ 42.

The Attorney General's Office alleges that it can be proved, based on the record above, that Mr. Zegarra Marín committed the charged crimes.⁵²

November 8, 1996: The Fifth Criminal Chamber convicts Mr. Zegarra Marín for aiding a fugitive's escape from justice, forging government documents, accepting bribes, and corruption of public officials to the detriment of the State.⁵³ He is sentenced to four years in prison.⁵⁴ The Judgment states that the evidence introduced by Mr. Zegarra Marín does not completely disprove the charges against him.⁵⁵ The Court states that while there is no administrative or functional connection between Mr. Zegarra Marín and Mr. Cárdenas Hurtado, it is still possible that they cooperated to commit the charged offenses because Mr. Cárdenas Hurtado and another co-defendant firmly maintained their accusations against Zegarra Marín after cross-examination.⁵⁶ Based on these statements, the Court concludes that Mr. Zegarra Marín is guilty of the charged crimes because he did not introduce exculpatory evidence that completely proves he was unaware and uninvolved in the crimes.⁵⁷

Mr. Zegarra Marín files a motion to set aside the judgment, claiming: (1) there were "serious procedural and due process irregularities and omissions" during the proceedings; (2) the judge or the court conducting the proceedings was not competent; (3) and there was a "failure to investigate . . . a crime that appear[ed] in the complaint."⁵⁸

May 20, 1997: The Second Attorney General's Office (La Segunda Fiscalía Suprema en lo Penal) argues that the conviction should not be set aside.⁵⁹

December 17, 1997: The Supreme Court of Justice of the Republic's First Transitional Chamber for Criminal Matters (La Primera Sala Penal Transitoria de la Corte Suprema de Justicia de la República) rules that the conviction is lawful because it was already proved that Mr. Zegarra Marín committed the crimes.⁶⁰

52. *Id.* ¶ 43.

53. *Id.* ¶ 44.

54. *Id.*

55. *Id.* ¶ 45.

56. *Id.*

57. Zegarra Marín v. Peru, Report on Merits, ¶ 45.

58. *Id.* ¶ 47.

59. *Id.* ¶ 48.

60. *Id.* ¶ 49.

September 14, 1998: Mr. Zegarra Marín files a motion to the Chief Justice of the Supreme Court of the Republic (El Presidente de la Corte Suprema de Justicia de la República) to review the conviction.⁶¹ He argues that the conviction was solely based on uncorroborated statements without considering exculpatory evidence.⁶²

November 5, 1999: The Supreme Court of Justice rules the conviction is not reviewable.⁶³

B. Other Relevant Facts

[None]

II. PROCEDURAL HISTORY

A. Before the Commission

May 16, 2000: Mr. Zegarra Marín presents a petition on his own behalf to the Inter-American Commission on Human Rights.⁶⁴

March 19, 2009: The Commission adopts Report on Admissibility No. 20/09, declaring the petition admissible.⁶⁵

The State claims Mr. Zegarra Marín's prosecution, imprisonment, and release complied with jurisdictional procedures, and that the State upheld the rights granted by Articles 8 (Right to a Fair Trial) and 25 (Right to Judicial Protection) of the American Convention.⁶⁶ Further, the proceedings complied with the applicable criminal procedure laws, the Peruvian Constitution, and with international human rights laws.⁶⁷ The State also claims that Mr. Zegarra Marín should have exhausted all the available administrative remedies according to Article 46(1)(a) of the American Convention.⁶⁸

The Commission concludes that the State may have violated Articles 8 (Right to a Fair Trial) and 25 (Right to Judicial Protection) of

61. *Id.* ¶ 50.

62. *Id.*

63. *Zegarra Marín v. Peru*, Report on Merits, ¶ 51.

64. *Zegarra Marín v. Peru*, Admissibility Report, Report No. 20/09, Inter-Am. Comm'n H.R., Case No. 12.700, ¶ 1 (Mar. 19, 2009).

65. *Id.* ¶ 71.

66. *Id.* ¶ 44.

67. *Id.* ¶ 45.

68. *Id.* ¶ 51.

the American Convention in its proceedings against Mr. Zegarra Marín.⁶⁹ It also concludes that Mr. Zegarra Marín did exhaust the available administrative remedies according to Article 46(1)(a) of the American Convention.⁷⁰ Finally, the Commission concludes that the petition is admissible because there are possible violations of Articles 8 (Right to a Fair Trial) and 25 (Right to Judicial Protection) of the Convention.⁷¹

April 2, 2014: The Commission adopts its Report on the Merits No. 9/14.⁷² The Commission finds that the State violated Mr. Zegarra Marín's right to the presumption of innocence, his right to appeal his conviction, and the right to judicial protection enshrined in Articles 8(1) (Right to a Hearing Within Reasonable Time by a Competent and Independent Tribunal), 8(2) (Right to be Presumed Innocent) and 25 (Right to Judicial Protection) of the American Convention.⁷³

The Commission recommends that the State: (1) vacate the conviction against Mr. Zegarra Marín and reassess the evidence; and (2) expunge Mr. Zegarra Marín's criminal record and order reparations for the violations of his rights.⁷⁴

July 23, 2014: The State submits a compliance report indicating that it refuses to adopt any of the Commission's recommendations because it did not commit any of the alleged violations.⁷⁵

B. Before the Court

August 22, 2014: The Commission submits the case to the Court after the State failed to adopt its recommendations.⁷⁶

1. Violations Alleged by Commission⁷⁷

Article 8(1) (Right to a Hearing Within Reasonable Time by a Competent and Independent Tribunal)

Article 8(2) (Right to be Presumed Innocent)

Article 25 (Right to Judicial Protection)

69. *Id.* ¶ 69.

70. *Zegarra Marín v. Peru*, Admissibility Report, ¶ 64.

71. *Id.* ¶ 72.

72. *See Zegarra Marín v. Peru*, Report on Merits.

73. *Id.* ¶ 87.

74. *Id.* ¶ 88.

75. *Zegarra Marín v. Peru*, Preliminary Objections, Merits, Reparations and Costs, ¶ 2.

76. *Zegarra Marín v. Peru*, Preliminary Objections, Merits, Reparations and Costs, ¶ 2.

77. *Id.*

all in relation to:

Article 1(1) (Obligation of Non-Discrimination) of the American Convention

2. Violations Alleged by Representatives of the Victims⁷⁸

Same Violations Alleged by Commission, plus:

Article 5 (Right to Humane Treatment)

Article 7 (Right to Personal Liberty)

Article 9 (Freedom from *Ex Post Facto* Laws)

Article 10 (Right to Compensation in the Event of Miscarriage of Justice)

Article 11 (Right to Privacy)

Article 24 (Right to Equal Protection)

September 20, 2014: Under the Court's recommendation, Mr. Zegarra Marín requests the Association of Inter-American Public Defenders ("AIDEF"; *Asociación Interamericana de Defensorías Públicas*) represent him in this proceeding.⁷⁹

December 6, 2014: Mr. Zegarra Marín's representatives request aid through the Court's Legal Assistance Fund.⁸⁰

March 16, 2015: The State raises two preliminary objections: (1) Mr. Zegarra Marín did not exhaust all available domestic remedies; and (2) the six-month period for filing the petition expired.⁸¹ The Court dismisses the first preliminary objection because, although the State submitted the objection at the appropriate time, it did not comply with Court requirements.⁸² The Court rejects the second preliminary objection because the State did not raise it at the appropriate time.⁸³

December 17, 2015: The President of the Court call the parties to a public hearing and orders the representatives and the State each bring an expert witness to the hearing.⁸⁴

78. *Id.* Silvia Martínez and Daniel De La Vega Echeverría were appointed as Mr. Zegarra Marín's representatives. *Id.* ¶ 4. On March 23, 2016, Lisy Bogado replaced Mr. De La Vega as Mr. Zegarra Marín's representative. *Id.* ¶ 4, fn. 2.

79. *Id.* ¶ 4.

80. *Id.* ¶ 233.

81. *Id.* ¶ 15.

82. *Id.* ¶ 23.

83. Zegarra Marín v. Peru, Preliminary Objections, Merits, Reparations and Costs, ¶ 29.

84. *Id.* ¶ 9.

February 19 and 20, 2016: The public hearing is held during the Court's 113th Regular Session in San José, Costa Rica.⁸⁵

III. MERITS

A. *Composition of the Court*

Roberto F. Caldas, President
Eduardo Ferrer Mac-Gregor Poisot, Judge
Eduardo Vio Grossi, Judge
Humberto Antonio Sierra Porto, Judge
Elizabeth Odio Benito, Judge
Eugenio Raúl Zaffaroni, Judge
L. Patricio Pazmiño Freire, Judge

Pablo Saavedra Alessandri, Secretary
Emilia Segares Rodríguez, Deputy Secretary

B. *Decision on the Merits*

February 15, 2017: The Court issues its Judgment on Merits, Reparations and Costs.⁸⁶

The Court decided unanimously to dismiss three of the State's preliminary objections,⁸⁷ because:

In regards to the State's objections of the petitioner's failure to exhaust domestic remedies and the alleged expiration of the six-month period to file petition, the Court found the objections to be untimely.⁸⁸ Therefore the Court dismissed the two objections.⁸⁹ The Court further dismissed the State's objection regarding the alleged "fourth instance," as it determined that the Court's international jurisdiction has an ancillary and complimentary character.⁹⁰

85. *Id.*

86. *See id.*

87. *Id.* "Resolves," ¶¶ 1-3.

88. *Id.* ¶¶ 20-24, 28-29.

89. *Id.* ¶¶ 20-24, 28-29.

90. *Id.* ¶¶ 33-36.

The Court unanimously admitted:

The State's objection regarding the deprivation of property because:

*There were insufficient elements in the petition to establish the deprivation of property, and because the Court declared that the allegation was inadmissible.*⁹¹

The Court unanimously declared:

The facts related to the withdrawal and exclusion of Zegarra Marín's merits table were inadmissible,⁹² because:

*The parties cannot plead new facts different from those contained in the Merits Report.*⁹³

The Court found unanimously that Peru violated:

Article 8(1) (Right to a Hearing Within Reasonable Time by a Competent and Independent Tribunal) and Article 8(2) (Right to be Presumed Innocent) in relation to Article 1(1) (Obligation of Non-Discrimination) of the Convention, to the detriment of Mr. Zegarra Marín,⁹⁴ because:

*Mr. Cárdenas Hurtado's assertions were not corroborated with other evidence, and these assertions were not properly analyzed in light of all the evidence.*⁹⁵ *Consequently, the Fifth Criminal Chamber did not prove Mr. Zegarra's culpability beyond a reasonable doubt, and it did not show its reasoning or motivation for the conviction.*⁹⁶ *In addition, the convicting court reversed the burden of proof by requiring Mr. Zegarra Marín to prove his innocence, which violated the principle of presumption of innocence.*⁹⁷

Article 8(2)(h) (Right to Appeal) and Article 25(1) (Right of Recourse Before a Competent Court) in relation to Article 1(1)

91. Zegarra Marín v. Peru, Preliminary Objections, Merits, Reparations and Costs, ¶¶ 41-48.

92. *Id.* "Resolves," ¶ 4.

93. *Id.* ¶¶ 52-56.

94. *Id.* ¶ 244.

95. *Id.* ¶ 158.

96. *Id.* ¶ 159.

97. Zegarra Marín v. Peru, Preliminary Objections, Merits, Reparations and Costs, ¶ 159.

(Obligation of Non-Discrimination) of the Convention, to the detriment of Mr. Zegarra Marín,⁹⁸ because:

In order for an appeal to be an effective remedy, the reviewing court must actually review the claimant's allegations and expressly rule on them.⁹⁹ In this case, the reviewing courts did not perform a comprehensive or competent review of Mr. Zegarra Marín's conviction, making the appeal a mere formality rather than an effective remedy.¹⁰⁰

The court found unanimously that Peru did not violate:

Article 25(1) (Right to Recourse Before a Competent Court) in relation to 1(1) (Obligation of Non-Discrimination) of the Convention, to the detriment of Mr. Zegarra Marín,¹⁰¹ because:

It was not appropriate for the Court to analyze the suitability of the appeal for review as a remedy because Mr. Zegarra Marín did not comply with the State substantive requirements for appeal.¹⁰²

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 found that the Judgment constitutes a form of reparation.¹⁰³

98. *Id.* ¶ 6.

99. *Id.* ¶ 179.

100. *Id.* ¶ 182.

101. *Id.* "Resolves" ¶ 7.

102. *Id.* ¶¶ 186-89.

103. Zegarra Marín v. Peru, Preliminary Objections, Merits, Reparations and Costs, "Resolves," ¶ 8.

2. Render the Conviction's Consequences Ineffective

The State must take all the necessary steps to render the conviction's consequences ineffective, including expunging all of the judicial, administrative, criminal, or police records on Mr. Zegarra Marín that resulted from the conviction.¹⁰⁴

3. Publish the Pertinent Parts of the Court's Judgment and Public Dissemination

The State must publish an official summary of the Court's Judgment in the Official Journal and in a widely circulated newspaper.¹⁰⁵ It must also publish the Court's entire Judgment on an official, publicly accessible website.¹⁰⁶ The State must also inform the Court immediately once it makes the above publications.¹⁰⁷

B. Compensation

The Court awarded the following amounts:

1. Pecuniary Damages

[None]

2. Non-Pecuniary Damages

The Court ordered the State to pay Mr. Zegarra Marín \$20,000 for violating his judicial guarantees.¹⁰⁸

3. Costs and Expenses

The State must pay Mr. Zegarra Marín \$22,532 for the costs and expenses incurred in litigating the case.¹⁰⁹ Also, the State must reimburse the Victim's Legal Assistance Fund to the amount of \$8,523 for the expenses it incurred during the processing of the case.¹¹⁰

104. *Id.* ¶ 202.

105. *Id.* ¶ 205.

106. *Id.*

107. *Id.* ¶ 206.

108. *Id.* ¶ 226.

109. *Zegarra Marín v. Peru*, Preliminary Objections, Merits, Reparations and Costs, ¶ 231.

110. *Id.* ¶ 237.

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

\$42,532

C. Deadlines

The State must publish the summary of the decision on the Official Journal and in a widely-circulated newspaper within six months from being notified of the Judgment.¹¹¹ It must also publish the Court's entire Judgment on an official, publicly accessible website within six months from being notified of the Judgment.¹¹²

The State has one year from notification of the Judgment to pay the compensation for non-pecuniary damages and costs and expenses within one year, and it has ninety days to reimburse Victim's Legal Assistance Fund.¹¹³

The State must also submit the measures it has adopted to comply with the Judgment to the Court within one year from the notification of the Judgment.¹¹⁴

V. INTERPRETATION AND REVISION OF JUDGMENT

August 8, 2017: The State submitted a request for an interpretation of the Judgment to clarify: (1) whether the convictions against the other parties should be altered or withdrawn as well; and (2) whether withdrawing Mr. Zegarra Marín's conviction indicated that he was not criminal culpable as to the alleged facts.¹¹⁵

A. Composition of the Court

Eduardo Ferrer Mac-Gregor Poisot, President
 Eduardo Vio Grossi, Judge
 Humberto Antonio Sierra Porto, Judge
 Elizabeth Odio Benito, Judge
 L. Patricio Pazmiño Freire, Judge
 Roberto F. Caldas, Judge
 Eugenio Raúl Zaffaroni, Judge

111. *Id.* ¶ 205.

112. *Id.*

113. *Id.* ¶¶ 234, 237-38.

114. *Id.* "Resolves" ¶ 13.

115. *Zegarra Marín v. Peru*, Interpretation of Preliminary Objections, Merits, Reparations and Costs, Inter-Am. Ct. H.R. (ser. C) No. 347, ¶ 12 (Feb. 8, 2018).

Pablo Saavedra Alessandri, Secretary
Emilia Segares Rodríguez, Secretary

B. Merits

February 8, 2018: The Court issued an Interpretation of the Judgment.¹¹⁶ In dismissing the State’s first question, the Court stated that its decision was clear and precise and only concerned Mr. Zegarra Marín’s case.¹¹⁷

In dismissing the State’s second question, the Court indicated that its decision did not speak to Mr. Zegarra Marín’s innocence or guilt as to the crimes alleged.¹¹⁸ Rather, the decision established that the State violated Mr. Zegarra Marín’s judicial guarantees under the American Convention.¹¹⁹

VI. COMPLIANCE AND FOLLOW-UP

May 30, 2018: The Court determined that the State timely complied with its obligation to publish the judgment and therefore fully complied with this requirement.¹²⁰ The Court also held that although the State transferred \$8,523.10 to the Victim’s Legal Assistance Fund, it did so six months after the deadline and therefore must pay late fees as soon as possible.¹²¹

VII. LIST OF DOCUMENTS

A. Inter-American Court

1. Preliminary Objections

[None]

2. Decisions on Merits, Reparations and Costs

[Zegarra Marín v. Peru, Preliminary Objections, Merits, Reparations and Costs, Inter-Am. Ct. H.R. \(ser. C\) No. 331 \(Feb. 15, 2017\).](#)

116. *See id.*

117. *Id.* ¶ 16.

118. *Id.* ¶ 17.

119. *Id.*

120. *Zegarra Marín v. Peru*, Monitoring Compliance with Judgement, Order of the Court, Inter-Am. Ct. H.R. ¶ 6 (May 30, 2018).

121. *Id.* “Reimbursement to the Victims’ Legal Assistance Fund,” ¶ 8.

3. Provisional Measures

[Zegarra Marín v. Peru, Provisional Measures, Order of the President of the Court, Inter-Am. Ct. H.R. \(ser. E\) \(Dec. 17, 2015\).](#)

4. Compliance Monitoring

[Zegarra Marín v. Peru, Monitoring Compliance with Judgment, Order of the Court, Inter-Am. Ct. H.R. \(May 30, 2018\).](#)

5. Review and Interpretation of Judgment

[Zegarra Marín v. Peru, Interpretation of Preliminary Objections, Merits, Reparations and Costs, Inter-Am. Ct. H.R. \(ser. C\) No. 347 \(Feb. 8, 2018\).](#)

B. Inter-American Commission

1. Petition to the Commission

[None]

2. Report on Admissibility

[Zegarra Marín v. Peru, Admissibility Report, Report No. 20/09, Inter-Am. Comm'n H.R., Case No. 12.700 \(Mar. 19, 2009\).](#)

3. Provisional Measures

[None]

4. Report on Merits

[Zegarra Marín v. Peru, Report on Merits, Report No. 9/14, Inter-Am. Comm'n H.R., Case No. 12.700 \(Apr. 2, 2014\).](#)

5. Application to the Court

[Zegarra Marín v. Peru, Petition to the Court, Inter-Am. Comm'n H.R., Case No. 12.700 \(Aug. 22, 2014\).](#)

2019]

Zegarra Marín v. Peru

1333

VIII. BIBLIOGRAPHY

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