

# Romero Feris v. Argentina

## ABSTRACT<sup>1</sup>

*This case is about the prosecution of a politician in Argentina. While the Court did not find Argentina in violation of the American Convention for violation of his due process rights, it did find Argentina in violation of Article 7 because the pretrial detention had exceeded the statutory limits.*

## I. FACTS

### A. Chronology of Events

**1980s-1990s:** Mr. Raúl Rolando Romero Feris is a political activist. During the 1980s and 1990s he holds several positions, including President of the Argentine Rural Confederation (Confederación Rural Argentina, “CRA”) (1985); Mayor of the city of Corrientes (1991-1993, 1997-1999); and Governor of the Province of Corrientes (1993-1997).<sup>2</sup>

**1999:** The former mayor of Corrientes and members of the Justice Workers Union file a criminal complaint against Mr. Romero Feris with the Instructing Prosecutor’s Office No. 1 of Corrientes.<sup>3</sup>

**March 4, 1999:** The Judge of First Instance opens formal proceedings against Mr. Romero Feris.<sup>4</sup>

**August 2, 1999:** The City of Corrientes files criminal and civil complaints against Mr. Romero Feris.<sup>5</sup>

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1. Ashley Payne, Author; Patricia Kim, Editor; Katie Grossbard, Senior IACHR Editor; Gabrielle Szlachta-McGinn, Chief IACHR Editor; Cesare Romano, Faculty Advisor.

2. Romero Feris v. Argentina, Admissibility Report, Report No. 4/15, Inter-Am. Comm’n H.R., Case No. 12.984, ¶ 7 (Jan. 29, 2015); Romero Feris v. Argentina, Report on Merits, Report No. 73/17, Inter-Am. Comm’n H.R., Case No. 12.984, ¶ 16 (July 5, 2017).

3. Romero Feris v. Argentina, Admissibility Report, ¶ 8; Romero Feris v. Argentina, Report on Merits, ¶ 23.

4. Romero Feris v. Argentina, Admissibility Report, ¶ 9.

5. *Id.*

**August 3, 1999:** Mr. Romero Feris is arrested.<sup>6</sup>

**October 5, 1999:** Mr. Romero Feris and others are indicted for corruption, abuse of power, failing to perform public servant duties, fraud, conversion of public funds, unjust enrichment, and embezzlement.<sup>7</sup> The indictment orders Mr. Romero Feris's pretrial detention.<sup>8</sup> In total, four separate criminal cases are pursued against Mr. Romero Ferris.

**December 16, 1999:** Argentina adopts Act No. 25236, with specific regard to Corrientes, ending the terms of the governor, vice governor, and legislators, and orders that judges be specially appointed.<sup>9</sup>

**July 24, 2000:** Mr. Romero Feris files a nullification motion and appeal against all decisions in his case taken by Instructing Magistrate No. 1.<sup>10</sup>

**2001:** From prison, Mr. Romero Feris runs in the election for governor and receives sufficient votes to move on to the next round.<sup>11</sup>

**February 19, 2001:** Mr. Romero Feris files a motion to dismiss and appeal before the Second Chamber challenging the composition of the same court, because the judges were not appointed in accordance with Article 142 of the Provincial Constitution, which requires the Senate to approve any judge appointed by the Executive.<sup>12</sup>

**May 31, 2001:** The Second Chamber denies the February 19, 2001 Motion to Dismiss and appeal.<sup>13</sup>

**August 24, 2001:** Mr. Romero Feris files a motion to be released from pretrial detention, as the time had exceeded to maximum duration of two years set out in Argentine law; the motion is denied.<sup>14</sup> In his request, Mr. Romero Feris iterates that the maximum time limit does not mean that

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6. Romero Feris v. Argentina, Report on Merits, ¶ 17.

7. Romero Feris v. Argentina, Admissibility Report, ¶¶ 7-8, 10; Romero Feris v. Argentina, Report on Merits, ¶ 23.

8. Romero Feris v. Argentina, Admissibility Report, ¶ 10.

9. *Id.* ¶ 29.

10. Romero Feris v. Argentina, Report on Merits, ¶ 94.

11. Romero Feris v. Argentina, Admissibility Report, ¶ 18.

12. *Id.* ¶¶ 13-14.

13. *Id.* ¶ 14.

14. Romero Feris v. Argentina, Report on Merits, ¶ 18.

anything less than two years is automatically reasonable, and asserts that he is not a flight risk nor is there a risk that he will obstruct justice.<sup>15</sup>

**September 11, 2002:** The STJC orders Mr. Romero Feris's release, considering the length of his pretrial imprisonment.<sup>16</sup>

**February 20, 2003:** Mr. Romero Feris files another nullification motion with the STJC arguing the constitutional violations in the appointment of the judges.<sup>17</sup>

**April 28, 2003:** Corrientes' Attorney General supports the exclusion of the temporary judges at issue from ruling on the challenge against them.<sup>18</sup>

**May 7, 2003:** The President of the STJC rejects the April 14, 2003 clarification request claiming there is no need to clarify.<sup>19</sup>

**May 14, 2003:** Mr. Romero Feris files a motion to reconsider the rejection of his clarification request because the President of the STJC lacked the authority to render the decision.<sup>20</sup>

**June 2, 2003:** Corrientes' Attorney General submits to the STJC a brief in full support of Mr. Romero Feris's positions that: (1) the President of the STJ did not have the authority to issue the resolution, and (2) the court's composition was unconstitutional and established a valid claim to exclude the improper judges.<sup>21</sup>

**June 11, 2003:** The STJC rejects Mr. Romero Feris's appeals of his clarification request, as appointing temporary judges without Senate approval is within the power vested in the Executive by the Constitution.<sup>22</sup> Instead, the STJC removes the Attorney General from the case, claiming that his position makes him partial and incompetent to try the case.<sup>23</sup>

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15. Romero Feris v. Argentina, Report on Merits, ¶ 18.

16. Romero Feris v. Argentina, Admissibility Report, ¶ 22; Romero Feris v. Argentina, Report on Merits, ¶ 20.

17. Romero Feris v. Argentina, Report on Merits, ¶ 81.

18. *Id.* ¶ 83.

19. *Id.* ¶ 48.

20. *Id.*

21. *Id.* ¶ 49.

22. *Id.* ¶ 50.

23. Romero Feris v. Argentina, Report on Merits, ¶ 51.

**June 18, 2003:** The STJC rejects the February 20, 2003 nullification motion finding that it is “indisputable” that the Senate was at recess at the time of the temporary appointments, making the appointments constitutional, despite the lack of Senate approval, making it a political act outside the judicial branch’s jurisdiction.<sup>24</sup>

**August 7, 2003:** Mr. Romero Feris requests that the STJC decide on the new composition issue for the court.<sup>25</sup>

**August 22, 2003:** Mr. Romero Feris again requests that the STJC decide on the new composition issue for the court.<sup>26</sup>

**April 24, 2004:** Mr. Romero Feris files an REF with the STJC, who then presented it to the Supreme Court of Justice of the Nation (Corte Suprema de Justicia de la Nación, “CSJN”).<sup>27</sup>

**February 13, 2007:** The CSJN rules the April 24, 2004 appeal inadmissible for lack of federal question.<sup>28</sup> Mr. Romero Feris alleges that this decision marks the exhaustion of domestic remedies.<sup>29</sup>

**2010:** Of the over fifty cases against Mr. Romero Feris, only three have a final judgment.<sup>30</sup>

**May 10, 2016:** Mr. Romero Feris is arrested for three cases against him that carry a consolidated sentence of twelve years imprisonment, of which he should serve a little over seven and a half years.<sup>31</sup>

### B. Other Relevant Facts

**Argentine Court System:** In Argentina, the court system is divided between the National Courts and the Provincial Courts, but both are structured the same.<sup>32</sup> First, a case is heard by the First-Instance Court, composed of a single judge; second, the ruling of the Court of First Instance

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24. Romero Feris v. Argentina, Report on Merits, ¶ 84.

25. *Id.* ¶ 52.

26. *Id.*

27. Romero Feris v. Argentina, Admissibility Report, ¶ 24.

28. *Id.* ¶ 24.

29. *Id.*

30. Romero Feris v. Argentina, Report on Merits, ¶ 24.

31. *Id.* ¶ 21.

32. L. Santiago Soria and Pablo A. Alonso, *Appeals in Argentina*, LEXOLOGY (July 14, 2019), <https://www.lexology.com/library/detail.aspx?g=f7cfc55d-39c1-459e-aefc-c721a90b8c63>.

may be reviewed by an appeals chamber, consisting of three judges; and third, the decision of the Appeals Chamber may be reviewed by the Supreme Court.<sup>33</sup> A Cassation Court acts as an alternative federal appellate court, that reviews issues of constitutionality.<sup>34</sup>

When a challenged issue of law is rejected by the STJ within the jurisdiction, a party may file an Extraordinary Federal Appeal to modify or annul a judicial order.<sup>35</sup> If the Extraordinary Federal Appeal is rejected, the party may file a *recurso de queja* directly to the Supreme Court, which is essentially filing the complaint directly with the Supreme Court.<sup>36</sup>

## II. PROCEDURAL HISTORY

### A. Before the Commission

**August 24, 2001:** Attorneys José María Arrieta, Cristian Cuneo Libarona, Mariano Cuneo Libarona, Jorge Eduardo Alcántara, and Luis Alberto Feris, who subsequently replaced Mr. Alcántara, submit a petition to the Inter-American Commission on Human Rights (“the Commission”).<sup>37</sup>

**January 29, 2015:** The Commission approves Admissibility Report No. 4/15 after the state contested the admissibility claiming that the domestic courts were compliant with standards of due process, and that the Petitioner is improperly seeking appellate review through the international court system.<sup>38</sup> The Commission rules that the case is admissible because Petitioner exhausted domestic remedies, met the required deadlines, and has presented issues within the jurisdiction of the Commission.<sup>39</sup>

**July 5, 2017:** The Commission approves Merits Report No. 73/17, finding that Argentina had violated Articles 7(1) (Right to Personal Liberty

33. L. Santiago Soria and Pablo A. Alonso, *Appeals in Argentina*, LEXOLOGY (July 14, 2019), <https://www.lexology.com/library/detail.aspx?g=f7cfc55d-39c1-459e-ae6c-c721a90b8c63>; *Structure of the Judiciary*, GUÍA DEL PODER JUDICIAL (last visited Nov. 7, 2020), <https://guiajudicial.jusbaires.gob.ar/s3/estructura-del-poder-judicial>.

34. Law No. 23,984, Aug. 21, 1991, <http://www.saij.gob.ar/23984-nacional-codigo-procesal-penal-ins0003709-1991-08-21/123456789-0abc-defg-g90-73000scanyel?#I0030>

35. Luis Armando Rodríguez Saiach, *The extraordinary federal appeal*, SAIJ (Feb. 1996), [http://www.saij.gob.ar/doctrina/dacf000097-rodriuez\\_saiach-recurso\\_extraordinario\\_federal.htm](http://www.saij.gob.ar/doctrina/dacf000097-rodriuez_saiach-recurso_extraordinario_federal.htm).

36. Tristán Gómez Zavaglia, *The complaint appeal before the Supreme Court of Justice of the Nation*, SAIJ (Sept. 14, 2011), <http://www.saij.gob.ar/tristan-gomez-zavaglia-recurso-queja-ante-corte-suprema-justicia-nacion-dacf110127-2011-09-14/123456789-0abc-defg7210-11fcanirtcod>.

37. Romero Feris v. Argentina, Admissibility Report, ¶ 1.

38. *Id.* ¶ 28.

39. *Id.* ¶¶ 40, 44, 47.

and Security); 7(2) (Prohibition of Deprivation of Liberty Unless for Reasons and Conditions Previously Established by Law); 7(3) (Prohibition of Arbitrary Arrest or Imprisonment); 7(5) (Right to Be Promptly Brought Before a Judge and Right to a Trial Within a Reasonable Time); 7(6) (Right to Have Recourse Before a Competent Court); 8(1) (Right to a Hearing Within Reasonable Time by a Competent and Independent Tribunal); 8(2) (Right to Be Presumed Innocent); and 25(1) (Right to Recourse Before a Competent Court) of the American Convention in relation to Article 1(1) (Obligation of Non-Discrimination).<sup>40</sup> The Commission recommends that Argentina: (1) make reparations to Mr. Romero Feris, including compensation; (2) adopt measures to prevent the recurrence of the violations, particularly in regard to pretrial detention, ensuring strict adherence to the maximum duration and reasonable grounds for ordering it; and (3) develop and ensure simple, fast, and effective avenues for persons to challenge the jurisdiction, impartiality, and independence of their convicting tribunal.<sup>41</sup>

### *B. Before the Court*

**June 20, 2018:** The Commission submits the case to the Court after the State failed to adopt its recommendations.<sup>42</sup>

#### 1. Violations Alleged by Commission<sup>43</sup>

To the detriment of Mr. Romero Feris:

Article 7(1) (Right to Personal Liberty and Security)  
 Article 7(2) (Prohibition of Deprivation of Liberty Unless for Reasons and Conditions Previously Established by Law)  
 Article 7(3) (Prohibition of Arbitrary Arrest or Imprisonment)  
 Article 7(5) (Right to Be Promptly Brought Before a Judge and Right to a Trial Within a Reasonable Time)  
 Article 7(6) (Right to Have Recourse Before a Competent Court)  
 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(1) (Right to Recourse Before a Competent Court)

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40. *Romero Feris v. Argentina*, Report on Merits, ¶ 141.

41. *Id.* ¶¶ 142(1)-(3).

42. *Romero Feris v. Argentina*, Petition to the Court, Inter-Am. Comm'n H.R., Case No. 12.984 (June 20, 2018).

43. *Romero Feris v. Argentina*, Admissibility Report, ¶ 141.

*all in relation to:*

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

## 2. Violations Alleged by Representatives of the Victims<sup>44</sup>

Article 7(5) (Right to Be Promptly Brought Before a Judge and Right to a Trial Within a Reasonable Time)

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

Article 25(1) (Right to Recourse Before a Competent Court)

*all in relation to:*

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

**July 31, 2018:** Petitioner requests provisional measures to immediately suspend Mr. Romero Feris's sentence imposed on May 10, 2016, until a final judgment is issued in this case.<sup>45</sup> Mr. Romero Feris bases his request on the facts that he was arbitrarily detained, and that he suffers from severe heart disease that requires surgery.<sup>46</sup>

The State argues that the provisional measures should be denied as it would constitute a premature decision on the case and Mr. Romero Feris's health concerns are abated by the fact that he is serving his sentence on house arrest and the State has granted authorization for Mr. Romero Feris to be immediately transferred to the cardiology hospital without approval from the court.<sup>47</sup>

The Court considers that the only facts relevant to granting the provisional measures are those related to the seriousness of the conditions and the urgency needed to avoid irreparable damage.<sup>48</sup> The Court ultimately rejects the request for provisional measures because as of the moment, there is no imminent grave risk to Mr. Romero Feris, and granting the measures would result in an advance determination of the legal issues in this case.<sup>49</sup>

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44. Luis Alberto Feris served as representative of Mr. Romero Feris. *Romero Feris v. Argentina*, Report on Merits, ¶¶ 18, 69, 85; *Romero Feris v. Argentina*, Merits, Reparations, and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 391, p. 4, n. 3 (Oct. 15, 2019).

45. *Romero Feris v. Argentina*, Provisional Measures, Order of the President of the Court, Inter-Am. Ct. H.R. (ser. E) "Viewed" ¶¶ 2, 4 (Aug. 22, 2018).

46. *Id.*

47. *Id.*

48. *Id.* "Considering That" ¶ 2.

49. *Romero Feris v. Argentina*, Provisional Measures, Order of the President of the Court, "Considering That," ¶¶ 12-13, "Resolves" ¶ 1.

## III. MERITS

A. *Composition of the Court*<sup>50</sup>

Eduardo Ferrer Mac-Gregor Poisot, President  
Eduardo Vio Grossi, Vice-President  
Humberto Antonio Sierra Porto, Judge  
Elizabeth Odio Benito, Judge  
L. Patricio Pazmiño Freire, Judge  
Ricardo Pérez Manrique, Judge

Pablo Saavedra Alessandri, Secretary

B. *Decision on the Merits*

**October 15, 2019:** The Court issues its Judgment on Merits, Reparations, and Costs.<sup>51</sup>

The Court found unanimously that Argentina had violated:

Articles 7(1) (Right to Personal Liberty and Security), 7(2) (Prohibition of Deprivation of Liberty Unless for Reasons and Conditions Previously Established by Law), 7(3) (Prohibition of Arbitrary Arrest or Imprisonment), Article 7(5) (Right to Be Promptly Brought Before a Judge and Right to a Trial Within a Reasonable Time), Article 7(6) (Right to Have Recourse Before a Competent Court), 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. Romero Feris,<sup>52</sup> because:

*The Court found that Article 7 of the Convention is composed of a general right to personal liberty in Article 7(1), Articles 7(2) through 7(6) protect that right. Therefore, a violation of Articles 7(2) to 7(6) is also inherently a violation of Article 7(1).<sup>53</sup> The Court considered that Article 7(2) relates to a state's domestic laws.<sup>54</sup> States should make it clear on the basis of which law an individual is deprived of his freedom.<sup>55</sup> When States deprive*

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50. Judge Eugenio Raúl Zaffaroni did not participate in the consideration of this Judgment as he is a national of Argentina. *Romero Feris v. Argentina, Merits, Reparations, and Costs*, n.\*.

51. *Romero Feris v. Argentina, Merits, Reparations, and Costs*.

52. *Id.* “Resolution Points” ¶ 1.

53. *Id.* ¶ 76.

54. *Id.*

55. *Id.* ¶ 77.



*individuals of their liberty for reasons inconsistent with domestic law, they are in violation of the Convention.*<sup>56</sup>

*Regarding Argentina's law that limits the term of pretrial detention to two years, or three years with just cause (such as the complexity of a case), the Court found that the State was acting in accordance with domestic laws when, after roughly two years in pretrial detention, the State extended the detention by eight months.<sup>57</sup> Nevertheless, the State did not release Mr. Romero Feris for thirteen months, which was five months and eight days past the three-year limit imposed by law.<sup>58</sup> The domestic courts recognized this when they released Mr. Romero Feris.<sup>59</sup> The Court did not consider significant neither the fact that Argentina freed Mr. Romero Feris in recognition of this time, nor that the State allows a prisoner to count each day over the limit as two days served of his sentence, because the law essentially makes legal what the time limit makes illegal.<sup>60</sup> Therefore, Argentina violated Articles 7(1) and 7(2) of the Convention for Mr. Romero Feris's extended pretrial detention.<sup>61</sup>*

*The Court further found that a state violates Article 7(3) if it unreasonably, unpredictably, or unproportionally deprives an individual of liberty, even if the deprivation is in accordance with state law.<sup>62</sup> To find that a detention was not arbitrary, first, there must be material evidence that reasonably suggests that the crime occurred and bears a connection to the alleged perpetrator.<sup>63</sup> This determination must be made on concrete facts, and the state should only deprive a person of his liberty when there is enough evidence found for the case to go to trial.<sup>64</sup> The Court also emphasized that this element should not undermine the presumption of innocence and should not affect the final judgment on the case.<sup>65</sup>*

*Second, there must be proportionality between the crime and the measures ordered, as pretrial detention is a precautionary measure, not a punitive one.<sup>66</sup> To ensure the detention is proportional, the judiciary*

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56. Romero Feris v. Argentina, Merits, Reparations, and Costs, ¶ 77.

57. *Id.* ¶¶ 78-80.

58. *Id.* ¶ 80.

59. *Id.* ¶ 81.

60. *Id.* ¶ 82.

61. *Id.* ¶ 83.

62. Romero Feris v. Argentina, Merits, Reparations, and Costs, ¶ 91.

63. *Id.* ¶¶ 92-93.

64. *Id.* ¶ 96.

65. *Id.* ¶¶ 94-95.

66. *Id.* ¶¶ 92, 97.

must show: (1) that the purpose of the measures is not punitive.<sup>67</sup> Legitimate purposes include preventing the accused from obstructing or evading justice, but this purpose is not presumed, and concrete facts must be shown to support the purpose.<sup>68</sup> Purpose is evaluated based on Article 7(5) of the Convention, which allows freedom before trial to be conditioned on guarantee of appearance at trial and Article 8(2), implying that a presumption of innocence must still exist during the determination of pretrial detention.<sup>69</sup> (2) The measures must be a reasonable means to achieve its purpose, and a pretrial detention cannot rest solely on the gravity of the crime.<sup>70</sup> (3) The measures must be necessary to achieve their purpose: there must not be any less-intrusive measures available.<sup>71</sup> European law has particularly embraced this idea, taking the stance that pretrial detention should only be imposed in the absence of any alternative solution, and the United Nations minimum standards has referred to pretrial detention as a “last resort.”<sup>72</sup> Even when pretrial detention may be appropriate, the duration is limited by Article 7(5) of the Convention.<sup>73</sup> (4) The benefit of the measures must be proportional to the restrictions.<sup>74</sup>

Third, a system that allows adequate review of evidence would allow the court to determine whether pretrial detention is necessary; otherwise, the detention would violate the presumption of innocence.<sup>75</sup> The Court further held that domestic courts should conduct subsequent periodic reviews of the circumstances that warrant the pretrial detention, to determine if they are still relevant and necessary to maintain it, and should present these findings to the accused upon request.<sup>76</sup> The satisfaction of the three elements would show that the pretrial detention was not arbitrary.<sup>77</sup> Here, the domestic court justified extending Mr. Romero Feris’ pretrial detention by labeling him as a flight risk, substantiated by the length of Mr. Romero Feris’ potential sentence, the imminence of trial, and Mr. Romero’s multiple challenges to judicial authorities.<sup>78</sup> The Court held that the length of a potential sentence or the imminence of trial is

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67. Romero Feris v. Argentina, Merits, Reparations, and Costs, ¶ 98.

68. *Id.* ¶ 99.

69. *Id.* ¶¶ 100-102.

70. *Id.* ¶¶ 98, 101.

71. *Id.* ¶¶ 98, 106.

72. *Id.* ¶¶ 107-108.

73. Romero Feris v. Argentina, Merits, Reparations, and Costs, ¶ 109.

74. *Id.* ¶ 98.

75. *Id.* ¶¶ 92, 110.

76. *Id.* ¶ 111.

77. *Id.* ¶ 92.

78. The Court clarified that Mr. Romero Feris’s multiple challenges referred to his comments that he would not submit to the authority of the court, not his repeated appeals. *Id.* ¶¶ 112-114, 117.

*insufficient to justify labelling a defendant as a “flight risk,” because then the detention would be a consequence of the crime or of the judicial process, rather than a precautionary measure.<sup>79</sup> The Court also found that Mr. Romero Feris’ remarks during the investigation phase, stating that he would not submit to Instructing Magistrate No. 1’s authority or aid in the investigation against him, did not constitute concrete evidence of his flight risk and did not justify pretrial detention over alternative solutions.<sup>80</sup> The Court was unable to examine the necessity or proportionality of the detention, since the State did not consider alternative measures, such as bond or travel restrictions.<sup>81</sup> The Court found the extension of Mr. Romero’s pretrial detention to be a violation of Articles 7(3), 7(5), and 8(2) of the Convention.<sup>82</sup>*

*Finally, Article 7(6) of the Convention requires that the accused be permitted to appeal the lawfulness of his deprivation of liberty.<sup>83</sup> Although the State alleged that Mr. Romero Feris had the option to seek judicial review of his pretrial detention, the Court found that the above analysis of arbitrariness proved that this option was ineffective, violating Article 7(6).<sup>84</sup>*

The Court found unanimously that Argentina had not violated:

Article Article 25(1) (Right to Recourse Before a Competent Court) in relation to Article 1(1) (Obligation of Non-Discrimination) of the Convention, to the detriment of to the detriment of Mr. Romero Feris,<sup>85</sup> because:

*The Court indicated that Article 25 of the Convention imposes two duties on states: applying procedural due process, and guaranteeing effective means to execute judgments.<sup>86</sup> First, procedural due process requires courts to have established standards for determining the admissibility of an appeal, although admissibility is not expected in every case.<sup>87</sup> Second, to guarantee effective means to execute judgments, the matter must be heard by a competent authority that has the power to issue binding*

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79. Romero Feris v. Argentina, Merits, Reparations, and Costs, ¶¶ 115-116.

80. *Id.* ¶¶ 117-118.

81. *Id.* ¶ 119.

82. *Id.* ¶ 120.

83. *Id.* ¶ 122.

84. *Id.* ¶¶ 121, 123.

85. Romero Feris v. Argentina, Merits, Reparations, and Costs, “Resolution Points” ¶ 2.

86. *Id.* ¶ 134.

87. *Id.* ¶ 136.

*judgments, and the ordered reparations must restore the victim's rights.<sup>88</sup> The Court emphasized that a recourse's effectiveness is not determined by a favorable outcome to the Petitioner.<sup>89</sup> The Court considered Mr. Romero Feris' many appeals of various rulings and judgments in the four cases against him.<sup>90</sup>*

*The Court found that the State did not violate Article 25 because the State processed and diligently responded to the questions posed in most of Mr. Romero Feris' appeals.<sup>91</sup> Each appeal was rejected or ruled inadmissible on reasonable, statutory grounds, including the challenges to the familial relationship between two of the judges on separate courts and the Second Chamber acting as an appellate court before acting as a first court.<sup>92</sup>*

*The Court ruled that admissibility requirements for appeals are permissible because these requirements can ensure that cases are within the courts' jurisdiction and that any rejections on the grounds of lack of a federal question are valid and reasonable, ensuring that courts are competent to hear the case before them, especially where other courts have the power to hear the issue, and in this case did.<sup>93</sup>*

*The Commission argued that Mr. Romero Feris' challenges were ineffective because the courts routinely ruled that an appeal was not the proper route to question a judicial appointment, but never clarified the appropriate way to do so.<sup>94</sup> The Court found this argument to be weak because Instructing Magistrate No. 1 had actually told Mr. Romero Feris that the Executive branch had the sole jurisdiction over the courts, and, therefore, he has had pointed out to Mr. Romero Feris other ways to initiate a challenge.<sup>95</sup>*

*Further, Mr. Romero Feris did not present evidence that his chosen recourse was the most suitable method to challenge the impartiality of Instructing Magistrate No. 1, and therefore, the Court could not determine whether Mr. Romero Feris chose the correct route.<sup>96</sup> Therefore, the Court found that Mr. Romero Feris had effective recourse to challenge*

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88. Romero Feris v. Argentina, Merits, Reparations, and Costs, ¶ 135.

89. *Id.* ¶ 147.

90. *Id.* ¶¶ 137-138.

91. *Id.* ¶¶ 159, 161.

92. *Id.* ¶¶ 162-166, 170-175.

93. *Id.* ¶¶ 149, 167-168.

94. Romero Feris v. Argentina, Merits, Reparations, and Costs, ¶ 148.

95. *Id.* ¶¶ 148, 160.

96. *Id.* ¶ 146.

*Instructing Magistrate No. 1's appointment because multiple courts thoroughly heard and diligently ruled on each appeal.*<sup>97</sup>

*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. Publish the Judgment

The Court indicated that the Judgment itself should be understood as a form of reparation.<sup>98</sup> The Court ordered the State to publish an official and legible summary of this Judgment in the Official Gazette, a national newspaper, and in Corrientes' newspaper.<sup>99</sup> Further, the entire Judgment must be made available on an official State website for a minimum of one year.<sup>100</sup> The State must report to the court once it has made each of these publications.<sup>101</sup>

2. Submit a Compliance Report to the Court

The Court ordered the State to submit a report on the adopted measures to comply with the Judgment.<sup>102</sup>

*B. Compensation*

The Court awarded the following amounts:

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97. Romero Feris v. Argentina, Merits, Reparations, and Costs, ¶¶ 149-150.

98. *Id.* "Resolution Points" ¶ 3.

99. *Id.* ¶ 185, "Resolution Points" ¶ 4.

100. *Id.* ¶ 185.

101. *Id.* ¶ 186.

102. *Id.* "Resolution Points," ¶ 6.

### 1. Pecuniary Damages

The Court awarded Mr. Romero Feris \$10,000 in consideration of his loss of income and expenses incurred in his defense.<sup>103</sup>

### 2. Non-Pecuniary Damages

The Court awarded Mr. Romero Feris \$10,000 for the State's violation of his personal liberty and presumption of innocence rights.<sup>104</sup>

### 3. Costs and Expenses

The Court awarded \$10,000 for costs and expenses to Mr. Romero Feris's representative: Luis Alberto Feris.<sup>105</sup> The Court further ordered potential reimbursement to Mr. Romero Feris or his representative for reasonable expenses incurred in monitoring compliance with the Judgment.<sup>106</sup>

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

\$30,000

### C. Deadlines

The State must comply with the order of the Court to publish the Judgment within six months of the date of notification of this Judgment and immediately notify the Court when it makes each publication.<sup>107</sup>

The State must comply with the Court's order to report on the adopted measures within one year of the date of notification of the Judgment.<sup>108</sup>

## V. INTERPRETATION AND REVISION OF JUDGMENT

[None]

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103. Romero Feris v. Argentina, Merits, Reparations, and Costs, ¶ 189, "Resolution Points," ¶ 5.

104. *Id.* ¶ 190, "Resolution Points," ¶ 5.

105. *Id.* ¶ 198, "Resolution Points" ¶ 5; Romero Feris v. Argentina, Admissibility Report, ¶ 1.

106. Romero Feris v. Argentina, Merits, Reparations, and Costs, ¶ 198.

107. *Id.* ¶¶ 185-186.

108. *Id.* "Resolution Points," ¶ 6.

## VI. COMPLIANCE AND FOLLOW-UP

[None]

## VII. LIST OF DOCUMENTS

*A. Inter-American Court*

## 1. Preliminary Objections

[None]

## 2. Decisions on Merits, Reparations and Costs

Romero Feris v. Argentina, Merits, Reparations, and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 391, (Oct. 15, 2019).

## 3. Provisional Measures

Romero Feris v. Argentina, Provisional Measures, Order of the President of the Court, Inter-Am. Ct. H.R. (ser. E) (Aug. 22, 2018).

## 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

Romero Feris v. Argentina, Admissibility Report, Report No. 4/15, Inter-Am. Comm'n H.R., Case No. 12.984, (Jan. 29, 2015).

### 3. Provisional Measures

[None]

### 4. Report on Merits

Romero Feris v. Argentina, Report on Merits, Report No. 73/17, Inter-Am. Comm'n H.R., Case No. 12.984, (July 5, 2017).

### 5. Application to the Court

Romero Feris v. Argentina, Petition to the Court, Inter-Am. Comm'n H.R., Case No. 12.984, (June 20, 2018).

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