

# Álvarez Ramos v. Venezuela

## ABSTRACT<sup>1</sup>

*This case is about a vocal critic of the regime of Hugo Chávez in Venezuela. The victim, a lawyer and university professor, had filed numerous criminal complaints against State authorities, including then-President Hugo Chávez, the Attorney General of the Republic and the President of the National Assembly, alleging misappropriation of public funds and embezzlement. In turn, he was prosecuted for defamation and sentenced to two years and three months. The Court found Venezuela had violated the victim's right to freedom of expression, right to defense and freedom of movement.*

## I. FACTS

### *A. Chronology of Events*

**Before March 5, 2003:** Tulio Alberto Álvarez Ramos is a Venezuelan lawyer, writer, and university professor.<sup>2</sup> Mr. Álvarez Ramos works as a constitutional lawyer and regularly publishes opinions in the national press.<sup>3</sup> In 2002, Mr. Álvarez Ramos files criminal complaints and requests preliminary impeachment hearings against State authorities, including then-President Hugo Chávez Frías, for alleged illegal financing of his political party and election campaign.<sup>4</sup> Mr. Álvarez Ramos also requests the nullification of Venezuela's energy agreement entered into with Cuba, and again brings a criminal action against the ex-president of Venezuela for these acts.<sup>5</sup> Additionally, Mr. Álvarez Ramos requests preliminary impeachment hearings against Julián Isaías Rodríguez Días, the Attorney General of the Republic, for the alleged procedural fraud and denial of justice in relation to his handling of the aforementioned

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<sup>2</sup> Álvarez Ramos v. Venezuela, Report on Merits, Report No. 4/17, Inter-Am. Comm'n H.R., Case No. 12.663, ¶ 25 (Jan. 26, 2017).

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

complaints.<sup>6</sup> The Venezuelan Supreme Court rules all of these requests inadmissible, on the grounds of implausibility.<sup>7</sup>

**March 5, 2003:** Mr. Álvarez Ramos represents the Retirees and Pensioners Association of the National Assembly and an employees' union for the National Assembly of Venezuela.<sup>8</sup> As their attorney, Mr. Álvarez Ramos files a request for preliminary impeachment hearings against Congressman Willian Lara, President of the National Assembly, before the Plenary of the Supreme Court.<sup>9</sup> Mr. Álvarez Ramos alleges Mr. Lara's commission of misappropriation of public funds, intentional and negligent embezzlement.<sup>10</sup>

**May 23, 2003:** Mr. Álvarez Ramos publishes a newspaper article alleging Mr. Lara is improperly using funds from the Retirees' and Assembly's Workers' Savings Bank.<sup>11</sup> Mr. Álvarez Ramos states that he has learned of this information as an attorney for the Retirees Association of the National Assembly and the union.<sup>12</sup>

**December 31, 2003:** Mr. Lara files a criminal complaint against Mr. Álvarez Ramos in the 36<sup>th</sup> Criminal Circuit Court of the Caracas Metropolitan Area for defamation.<sup>13</sup>

**January 9, 2004:** The 36<sup>th</sup> Criminal Circuit Court defers jurisdiction without ruling on the admissibility of the complaint.<sup>14</sup>

**February 3, 2004:** A hearing is held in which Mr. Álvarez Ramos is unable to properly defend himself.<sup>15</sup>

**February 16, 2004:** The Seventh Criminal Circuit Trial Court of the Caracas Metropolitan Area ("Trial Court") takes jurisdiction of the case.<sup>16</sup>

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<sup>6</sup> *Álvarez Ramos v. Venezuela*, Report on Merits, Report, ¶ 25.

<sup>7</sup> *Id.*

<sup>8</sup> *Id.* ¶ 26.

<sup>9</sup> *Id.*

<sup>10</sup> *Id.*

<sup>11</sup> *Álvarez Ramos v. Venezuela*, Admissibility Report, Report No. 52/08, Inter-Am. Comm'n H.R., Case No. 12.663, ¶ 11 (July 24, 2008).

<sup>12</sup> *Id.*

<sup>13</sup> *Id.* ¶ 12.

<sup>14</sup> *Id.*

<sup>15</sup> *Id.* ¶ 21.

<sup>16</sup> *Id.* ¶ 13.

**November 22, 2004:** Mr. Lara requests an injunction to prevent Mr. Álvarez Ramos from leaving the country.<sup>17</sup>

**December 15, 2004:** The Trial Court holds a conciliation hearing but orders a trial when the parties fail to reach an agreement.<sup>18</sup>

**December 16, 2004:** The Trial Court grants the injunction preventing Mr. Álvarez Ramos from leaving the country.<sup>19</sup>

**January 13, 2005:** Trial hearings are held, alleging that Mr. Álvarez Ramos had continued to defame Mr. Lara in interviews circulated through Venezuelan social media before trials began.<sup>20</sup>

**January 25, 2005:** Trial hearings are continued again due to Mr. Álvarez Ramos' health issues.<sup>21</sup>

**January 26, 2005:** Just a few hours before Mr. Álvarez Ramos was set to testify in one of the oral hearings of his criminal trial, he becomes ill with a severe headache and high blood pressure, and is advised to rest immediately.<sup>22</sup> Thus, his attorney requests the proceedings to be suspended.<sup>23</sup> The judge orders a medical examination of Mr. Álvarez Ramos.<sup>24</sup>

**January 27, 2005:** Based off the judge's order, a commission of patrol officers from the Judicial Police arrive at Mr. Alvarez Ramos' office and his relatives' homes.<sup>25</sup>

**February 3, 2005:** Mr. Álvarez Ramos' witness, José Rafael García, is detained and accused of perjury.<sup>26</sup>

**February 10, 2005:** The Trial Court convicts and sentences Mr. Álvarez Ramos to prison for two years and three months.<sup>27</sup> The court rejects a

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<sup>17</sup> Álvarez Ramos v. Venezuela, Admissibility Report, ¶ 14.

<sup>18</sup> Álvarez Ramos v. Venezuela, Report on Merits, ¶ 33.

<sup>19</sup> *Id.*

<sup>20</sup> *Id.* ¶ 34.

<sup>21</sup> *Id.* ¶ 35.

<sup>22</sup> Álvarez Ramos v. Venezuela, Admissibility Report, ¶ 23.

<sup>23</sup> *Id.*

<sup>24</sup> *Id.*

<sup>25</sup> *Id.*

<sup>26</sup> Álvarez Ramos v. Venezuela, Report on Merits, ¶ 35.

<sup>27</sup> *Id.* ¶ 36.

motion for constitutional remedy as untimely and therefore inadmissible.<sup>28</sup>

**February 11, 2005:** The Second Court of Appeals denies the constitutional remedy appeal.<sup>29</sup> The Court indicates the trial was still underway, therefore, Mr. Álvarez Ramos could use ordinary remedies.<sup>30</sup>

**February 28, 2005:** The Trial Court publishes the text of its judgement finding Mr. Álvarez Ramos guilty.<sup>31</sup>

**March 30, 2005:** The Second Interim Court of Appeals of the Criminal Circuit of the Caracas Metropolitan Area denies Mr. Álvarez Ramos' appeal of the injunction.<sup>32</sup>

**April 14, 2005:** The Constitutional Court of the Supreme Court affirms the denial of the Constitutional remedy motion.<sup>33</sup>

**May 5, 2005:** Mr. Ramos files an appeal against his conviction, which is admitted by the Third Court of Appeals of the Criminal Court of the Caracas Metropolitan Area that same day.<sup>34</sup> Mr. Álvarez Ramos alleges that two judges, replaced by attorneys, were not proper alternates.<sup>35</sup>

**September 29, 2005:** The Court of Appeals dismisses the appeal citing a lack of evidence to any violation by the trial court.<sup>36</sup>

**November 24, 2005:** Mr. Álvarez Ramos makes a third request to leave the country and it is never answered.<sup>37</sup>

**February 7, 2006:** The Criminal Chamber of the Supreme Court dismisses a cassation appeal of the Court of Appeals decision as the maximum penalty does not exceed the statutory requirement.<sup>38</sup>

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<sup>28</sup> *Álvarez Ramos v. Venezuela*, Report on Merits, ¶ 36.

<sup>29</sup> *Álvarez Ramos v. Venezuela*, Admissibility Report, ¶ 16.

<sup>30</sup> *Id.*

<sup>31</sup> *Álvarez Ramos v. Venezuela*, Preliminary Objections, Merits, Reparations, and Costs, Inter-Am Ct. H.R. (ser. C) No. 380, ¶ 51 (Aug. 30, 2019).

<sup>32</sup> *Álvarez Ramos v. Venezuela*, Admissibility Report, ¶ 14.

<sup>33</sup> *Id.* ¶ 16.

<sup>34</sup> *Id.* ¶ 17.

<sup>35</sup> *Id.*

<sup>36</sup> *Álvarez Ramos v. Venezuela*, Report on Merits, ¶ 42.

<sup>37</sup> *Álvarez Ramos v. Venezuela*, Admissibility Report, ¶ 20.

<sup>38</sup> *Álvarez Ramos v. Venezuela*, Report on Merits, ¶ 43.

**July 3, 2006:** Remedies are exhausted and the Ninth Criminal Circuit Trial Court of the Caracas Metropolitan Area issues orders performance of the sentence.<sup>39</sup> The Court reaffirms the trial court decision.<sup>40</sup>

## II. PROCEDURAL HISTORY

### A. *Before the Commission*

**April 26, 2006:** Mr. Álvarez Ramos presents a petition on his own behalf to the Inter-American Commission on Human Rights.<sup>41</sup>

**July 24, 2008:** Commission approves the Report on Admissibility No. 52/08, which declares the petition admissible.<sup>42</sup>

The petitioner argues that the complaint filed December 13, 2003 should have been originally heard by an oversight court, as a trial court lacked jurisdiction.<sup>43</sup> Furthermore, the petitioner claims that the injunction that prevented him from leaving Venezuela violated the right to the presumption of innocence and was not based on a sufficient risk of flight.<sup>44</sup> Furthermore, the petitioner argues that the State did not provide sufficient opportunity to mount a defense during the trial.<sup>45</sup>

The State argues the trial court had jurisdiction over this matter between private parties.<sup>46</sup> Furthermore, the State argues that, during previous hearings, Mr. Álvarez Ramos was afforded access to the evidence and the right to defense.<sup>47</sup>

**January 26, 2017:** The Commission issues Merits Report No. 4/17 and holds that the State had violated Articles 8 (Right to a Fair Trial), 9 (Freedom From *Ex Post Facto* Laws), 13 (Freedom of Thought and Expression), 22 (Freedom of Movement and Residence), 23 (Right to Participate in Government), and 25 (Right to Judicial Protection), in relation to Articles 1(1) (Obligation of Non-Discrimination) and 2 (Obligation to Give Domestic Legal Effect to Rights) of the American Convention.<sup>48</sup>

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<sup>39</sup> Álvarez Ramos v. Venezuela, Admissibility Report, ¶ 18.

<sup>40</sup> *Id.*

<sup>41</sup> *Id.* ¶ 1.

<sup>42</sup> *Id.* ¶ 49.

<sup>43</sup> *Id.* ¶ 19.

<sup>44</sup> *Id.* ¶ 20.

<sup>45</sup> Álvarez Ramos v. Venezuela, Admissibility Report, ¶ 21.

<sup>46</sup> *Id.* ¶ 30.

<sup>47</sup> Álvarez Ramos v. Venezuela, Report on Merits, ¶ 21.

<sup>48</sup> *Id.* ¶ 131.

The Commission recommends the State: (1) set aside the conviction; (2) expunge all criminal records of Mr. Álvarez Ramos in relation to this case and guarantee his political rights; (3) compensate Mr. Álvarez Ramos for pecuniary and non-pecuniary damages attributable to violations alleged herein; (4) align its domestic criminal laws regarding freedom of expression with its obligations to the American Convention; (5) Distribute this report throughout the State Judiciary.<sup>49</sup>

### *B. Before the Court*

**July 5, 2017:** The Commission submits the case to the Court, after the State failed to adopt its recommendations.<sup>50</sup>

**March 14, 2018:** The State submits an answer, a preliminary objection, and pleadings, motions and evidence.<sup>51</sup> The State's preliminary objection claims the petition is time-barred.<sup>52</sup> Additionally, it seeks to make inadmissible new facts included in Mr. Alvarez Ramos's pleadings and motions brief.<sup>53</sup>

#### 1. Violations Alleged by Commission<sup>54</sup>

Article 8 (Right to a Fair Trial)

Article 9 (Freedom From Ex Post Facto Laws)

Article 13 (Freedom of Thought and Expression)

Article 22 (Freedom of Movement and Residence)

Article 23 (Right to Participate in Government)

Article 25 (Right to Judicial Protection)

*all in relation to:*

Article 1(1) (Obligation to Respect Rights) and

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

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<sup>49</sup> *Álvarez Ramos v. Venezuela*, Report on Merits, "Recommends" ¶¶ 1-5.

<sup>50</sup> *Álvarez Ramos v. Venezuela*, Preliminary Objections, Merits, Reparations, and Costs, ¶ 4.

<sup>51</sup> *Id.* ¶ 8.

<sup>52</sup> *Id.*

<sup>53</sup> *Id.*

<sup>54</sup> *Álvarez Ramos v. Venezuela*, Report on Merits, ¶ 5.

## 2. Violations Alleged by the Representatives of the Victims<sup>55</sup>

Same violations Alleged by Commission, plus<sup>56</sup>:

Article 11 (Right to Privacy)

Article 24 (Right to Equal Protection

*all in relation to:*

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

### III. MERITS

#### A. Composition of the Court

Eduardo Ferrer Mac-Gregor Poisot, President

Eduardo Vio Grossi, Vice President

Humberto Antonio Sierra Porto, Judge

Elizabeth Odio Benito, Judge

Eugenio Raúl Zaffaroni, Judge,

L. Patricio Pazmiño Freire, Judge

Ricardo Pérez Manrique, Judge

Pablo Saavedra Alessandri, Secretary

#### B. Decision on the Merits

**August 30, 2019:** The Court issues its Judgment on Preliminary Objection, Merits, Reparations and Costs.<sup>57</sup>

The Court unanimously rejected the States preliminary objection<sup>58</sup>:

*Preliminary objections can be explicit or implicit yet must include arguments from the party asserting the objection.<sup>59</sup> Here, the Court held that the preliminary objection was improper because while the Commission did not comply with the time limit for presenting an expert witness, the application is still admissible.<sup>60</sup>*

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<sup>55</sup> Mr. Álvarez Ramos represented himself in the proceedings. *Álvarez Ramos v. Venezuela*, Admissibility Report, ¶ 1.

<sup>56</sup> *Id.*

<sup>57</sup> *Álvarez Ramos v. Venezuela*, Preliminary Objections, Merits, Reparations, and Costs, ¶ 1.

<sup>58</sup> *Id.* “Decides” ¶ 1.

<sup>59</sup> *Id.* ¶ 24.

<sup>60</sup> *Id.* ¶ 25.

The Court found unanimously that Venezuela had violated:

Articles 13(1) (Right to Seek, Receive, and Impart Information and Ideas), 13(2) (Prohibition of A Priori Censorship) and 23 (Right to Participate in Government) of the Convention, in relation to Article 1(1) of the Convention, to the detriment of Mr. Ramos,<sup>61</sup> because:

*The Court divided its analysis into three sections: (1) the right to freedom of thought and expression; (2) permitted restrictions of freedom of expression and subsequent liability; (3) Mr. Álvarez Ramos's case.*<sup>62</sup>

#### *Right to Freedom of Thought and Expression*

*The Court has long held that the right to freedom of expression and thought protects individuals in seeking, receiving and imparting information, and a collective ability to receive and be informed about ideas from others.<sup>63</sup> Any restriction on the dissemination of thought and information represents a limit to the right to free expression.<sup>64</sup> The social element of freedom of expression implies a right to know opinions, reports, and news.<sup>65</sup> The right to freedom of expression is guaranteed by the Convention to each member of the public equally.<sup>66</sup> Because of the importance of freedom of expression in a democratic society, the State is obligated to both minimize restrictions on the dissemination of information, and foster informative pluralism by encouraging the participation of different types of information in public debate.<sup>67</sup>*

*The Court reiterated that the right to freedom of expression is not absolute.<sup>68</sup> Article 13(2) (Prohibition of A Priori Censorship) of the Convention restricts the abuse of this right by imposing subsequent liability.<sup>69</sup> However, these limitations are exceptional and should not prevent, beyond what is absolutely necessary, the full exercise of freedom of expression, and should not be used as a means of censorship.<sup>70</sup> The imposition*

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<sup>61</sup> Álvarez Ramos v. Venezuela, Preliminary Objections, Merits, Reparations, and Costs, “Decides” ¶ 2.

<sup>62</sup> *Id.* ¶ 92.

<sup>63</sup> *Id.* ¶ 94.

<sup>64</sup> *Id.* ¶ 96.

<sup>65</sup> *Id.* ¶ 97.

<sup>66</sup> *Id.* ¶ 98.

<sup>67</sup> Álvarez Ramos v. Venezuela, Preliminary Objections, Merits, Reparations, and Costs, ¶ 99.

<sup>68</sup> *Id.* ¶ 101.

<sup>69</sup> *Id.*

<sup>70</sup> *Id.*



*of subsequent liability must (1) be previously established in the law; (2) pursue an American Convention objective; and (3) be necessary for a democratic society.<sup>71</sup> The Court considered that any restriction must balance freedom of expression with respect for the affected person's honor.<sup>72</sup> A restriction imposed to freedom of expression must be proportionate to the interest, and must be narrowly tailored to the goal of that purpose.<sup>73</sup> It must interfere as little as possible with the exercise of that right.<sup>74</sup>*

*Here, the Court held the statements made by Mr. Álvarez Ramos were part of the public debate because they concerned a matter of public interest and the conduct of public officials, and thus protected.<sup>75</sup> The Court reiterated that freedom of expression applies to positive and negative statements including those which shocked, irritated, and disturbed State officials.<sup>76</sup>*

*The Court concluded that this type of discourse should always be protected in order to ensure a democratic society where criticism leveled at public officials is necessary and encouraged.<sup>77</sup>*

*The Court notes that although freedom of expression regarding public officials must be accepted, it does not bar the legal protection of public official's or public figure's honor.<sup>78</sup> The Court indicated criminal prosecution is the largest restriction of freedom of expression and must only be used in exceptional cases.<sup>79</sup> The Court found Mr. Álvarez Ramos's actions protected by the Convention and therefore ineligible to be characterized as criminal.<sup>80</sup> The Court concluded that the publication of a public interest article regarding a public official cannot be construed as or a crime against honor or a criminal offense.<sup>81</sup>*

Articles 8(2)(c) (Right to Adequate Time and Means to Prepare Defense) and 8(2)(f) (Right of Defense to Obtain the Appearance of

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<sup>71</sup> *Álvarez Ramos v. Venezuela, Preliminary Objections, Merits, Reparations, and Costs*, ¶ 104.

<sup>72</sup> *Id.* ¶ 107.

<sup>73</sup> *Id.* ¶ 108.

<sup>74</sup> *Id.*

<sup>75</sup> *Id.* ¶ 113.

<sup>76</sup> *Id.* ¶ 114.

<sup>77</sup> *Álvarez Ramos v. Venezuela, Preliminary Objections, Merits, Reparations, and Costs*, ¶ 116.

<sup>78</sup> *Id.* ¶ 118.

<sup>79</sup> *Id.* ¶ 120.

<sup>80</sup> *Id.* ¶ 124.

<sup>81</sup> *Id.* ¶ 129.

Witnesses and Examine Them), of the Convention, to the detriment of Mr. Ramos,<sup>82</sup> because:

*The Court divided its analysis into four sections: (1) procedural defects in the presenting of the accusation; (2) the impartiality of the judges; (3) hindering the right to defense of Mr. Álvarez; and (4) undue restrictions on witness testimony.*<sup>83</sup>

#### *Procedural Defects*

*The Court noted that the facts do not suggest a formal due process violation, because the State judiciary acted in compliance with procedural law.*<sup>84</sup>

#### *Impartiality of the Judges*

*The Court recalls that provisional judges must be guaranteed independence and stability so as not to be discretionally removable.*<sup>85</sup> *The Court reiterated that impartiality should be presumed, unless there is evidence proving otherwise.*<sup>86</sup> *The Court found no evidence to suggest judicial impartiality.*<sup>87</sup>

#### *Right to Time and Means to Prepare a Defense*

*The Court cited to Article 8(2)(c) (Right to Adequate Time and Means to Prepare Defense).*<sup>88</sup> *The Court finds undisputed evidence that Mr. Álvarez Ramos and counsel did not have the evidence for the accusation until the hearing.*<sup>89</sup> *However, after an amended complaint was requested, the judge suspended the hearing and granted Mr. Álvarez Ramos time to gather more evidence for his defense.*<sup>90</sup>

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<sup>82</sup> Álvarez Ramos v. Venezuela, Preliminary Objections, Merits, Reparations, and Costs, “Decides” ¶ 4.

<sup>83</sup> *Id.* ¶ 145.

<sup>84</sup> *Id.* ¶ 146.

<sup>85</sup> *Id.* ¶ 148.

<sup>86</sup> *Id.* ¶ 151.

<sup>87</sup> *Id.*

<sup>88</sup> Álvarez Ramos v. Venezuela, Preliminary Objections, Merits, Reparations, and Costs, ¶ 153.

<sup>89</sup> *Id.* ¶ 155.

<sup>90</sup> *Id.*

*Although Mr. Álvarez Ramos reviewed the evidence and presented his legal arguments during hearing, an imbalance between prosecution and defense grew out of his lack of access to the evidence.<sup>91</sup>*

#### *Right to Examine Witnesses*

*An accused has the right to examine witnesses who may be against and or in favor of them.<sup>92</sup> The Court found witness Mr. Rafael Garcia provided testimony during the hearing, was accused by prosecution of giving false testimony, and was subsequently arrested and escorted out of the courtroom in handcuffs.<sup>93</sup> The Judge rejected all testimony from Mr. Rafael Garcia.<sup>94</sup> The Court found that the accusation and subsequent arrest of Mr. Rafael Garcia at minimum caused concern or fear among the subsequent witnesses in the oral hearing.<sup>95</sup>*

Article 22 (Freedom of Movement and Residence), of the Convention, in relation to Articles 1(1) and 8 of the American Convention, to the detriment of Mr. Ramos,<sup>96</sup> because:

*The Court established the right to free movement and residence can only be restricted by exception in ways that are legal, necessary, and proportional.<sup>97</sup> The State must precisely and clearly define the law concerning any restrictions.<sup>98</sup> The Court concluded the State had defined these restrictions by law, however the decision to prevent Mr. Álvarez Ramos from leaving the country lacked any and all reasonable grounds to justify the necessity of that measure.<sup>99</sup> Because the Court found the decision to restrict Mr. Álvarez Ramos from leaving the country unjustifiable, it did not consider it necessary to analyze the time during which the restrictive measures were enforced or any requests to leave the country received by Venezuelan courts.<sup>100</sup>*

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<sup>91</sup> *Álvarez Ramos v. Venezuela*, Preliminary Objections, Merits, Reparations, and Costs, ¶ 156.

<sup>92</sup> *Id.* ¶ 157.

<sup>93</sup> *Id.* ¶ 158.

<sup>94</sup> *Id.*

<sup>95</sup> *Id.* ¶ 159.

<sup>96</sup> *Id.* “Decides” ¶ 4.

<sup>97</sup> *Álvarez Ramos v. Venezuela*, Preliminary Objections, Merits, Reparations, and Costs, ¶ 172.

<sup>98</sup> *Id.* ¶ 173.

<sup>99</sup> *Id.* ¶ 178.

<sup>100</sup> *Id.* ¶ 179.

The Court found unanimously that Venezuela had not violated:

Article 25(1) (Right of Recourse Before a Competent Court) Convention, to the detriment of Mr. Álvarez Ramos,<sup>101</sup> because:

*The Court established that any effective legal remedy must be truly appropriate in determining whether a violation for human rights has occurred.<sup>102</sup> Here Mr. Álvarez Ramos was released after complying with probation.<sup>103</sup> The Court reasoned that a judicial remedy, a constitutional remedy, was available to Mr. Álvarez Ramos against the Professor's Association decision.<sup>104</sup> Mr. Álvarez Ramos utilized this remedy and participated in the professional association's elections.<sup>105</sup> Furthermore, the ruling that revoked the constitutional remedy did not consider Mr. Álvarez Ramos's eligibility, and therefore had no effect on his substantive right.<sup>106</sup>*

#### 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 indicated that the judgment itself shall act as a form of reparation.<sup>107</sup>

##### 2. Set Aside the Conviction

The Court declared that the State must, within one year, set aside the conviction and all its consequences and expunge all records.<sup>108</sup>

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<sup>101</sup> Álvarez Ramos v. Venezuela, Preliminary Objections, Merits, Reparations, and Costs, “Decides” ¶ 5.

<sup>102</sup> *Id.* ¶ 184.

<sup>103</sup> *Id.* ¶ 185.

<sup>104</sup> *Id.* ¶ 190.

<sup>105</sup> *Id.*

<sup>106</sup> *Id.* ¶ 190.

<sup>107</sup> Álvarez Ramos v. Venezuela, Preliminary Objections, Merits, Reparations, and Costs, “Decides” ¶ 6.

<sup>108</sup> *Id.* “Decides” ¶ 7.

### 3. Publish the Judgement

The State must publish within six months the official summary of the Judgment both in the Official Gazette and an official, widely circulated newspaper and the entire judgment on an official State website accessible by the public, for a period of at least one year.<sup>109</sup>

### *B. Compensation*

The Court awarded the following amounts:

#### 1. Pecuniary Damages

The Court ordered the State to pay \$10,000 to Mr. Álvarez Ramos for the limitations imposed on him by the State violating his freedom of expression and restricting his ability to write and publish his columns freely.<sup>110</sup>

#### 2. Non-Pecuniary Damages

The Court ordered the state to pay \$25,000 to Mr. Álvarez Ramos for his anguish and concern caused by the criminal trial.<sup>111</sup>

#### 3. Costs and Expenses

The Court awarded \$107,100 to Mr. Álvarez Ramos for the legal fees incurred during the proceedings to be distributed to his representatives.<sup>112</sup>

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

\$142,100

### *C. Deadlines*

The State must pay pecuniary, and non-pecuniary damages, as well as costs and expenses, within one year of this judgment.<sup>113</sup>

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<sup>109</sup> Álvarez Ramos v. Venezuela, Preliminary Objections, Merits, Reparations, and Costs, ¶ 204.

<sup>110</sup> *Id.* ¶ 219.

<sup>111</sup> *Id.* ¶ 226.

<sup>112</sup> *Id.* ¶ 238.

<sup>113</sup> *Id.* ¶ 243.

## III. INTERPRETATION AND REVISION OF JUDGMENT

[None]

## IV. COMPLIANCE AND FOLLOW-UP

[None]

## V. LIST OF DOCUMENTS

*A. Inter-American Court*

## 1. Preliminary Objections

[None]

## 2. Decisions on Merits, Reparations and Costs

*Álvarez Ramos v. Venezuela*, Preliminary Objections, Merits, Reparations, and Costs, Judgement, Inter-Am Ct. H.R. (ser. C) No. 380, (Aug. 30, 2019).

## 3. Provisional Measures

*Álvarez Ramos v. Venezuela*, Provisional Measures, Order of the President of the Court, Inter-Am. Ct. H.R. (ser. E) (Feb. 12, 2018).

*Álvarez Ramos v. Venezuela*, Provisional Measures, Order of the President of the Court, Inter-Am. Ct. H.R. (ser. E) (June 21, 2018).

*Álvarez Ramos v. Venezuela*, Provisional Measures, Order of the President of the Court, Inter-Am. Ct. H.R. (ser. E) (Aug. 23, 2018).

## 4. Compliance Monitoring

[None]

## 5. Review and Interpretation of Judgment

[None]

*B. Inter-American Commission*

## 1. Petition to the Commission

[None]

## 2. Report on Admissibility

Álvarez Ramos v. Venezuela, Admissibility Report, Report No. 52/08, Inter-Am. Comm'n H.R., Case No. 12.663, (July 24, 2008).

## 3. Provisional Measures

[None]

## 4. Report on Merits

Álvarez Ramos v. Venezuela, Report on Merits, Report No. 4/17, Inter-Am. Comm'n H.R., Case No. 12.663, (Jan. 26, 2017).

## 5. Application to the Court

Álvarez Ramos v. Venezuela, Petition to the Court, Inter-Am. Comm'n H.R., Case No. 12.663, (July 5, 2017).

## VI. BIBLIOGRAPHY

[None]