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REPORT No. 7/21
PETITION 1320-10
REPORT ON ADMISSIBILITY

JULIO MARTIN HERRERA VELUTINI
VENEZUELA

Approved electronically by the Commission on January 10, 2021.

Cite as: IACHR, Report No. 7/21. Petition 1320-10. Admissibility. Julio Martin Herrera Velutini. Venezuela. January 10, 2021.

I. INFORMATION ABOUT THE PETITION

Petitioner:	Asdrubal Aguiar
Alleged victim:	Julio Martin Herrera Velutini
Respondent State:	Venezuela
Rights invoked:	Articles 7 (personal liberty), 8 (fair trial), 11 (privacy), 21 (property), 25 (judicial protection) of the American Convention on Human Rights ¹

II. PROCEEDINGS BEFORE THE IACHR²

Filing of the petition:	September 20, 2010
Additional information received at the stage of initial review:	May 26, 2011; May 2, 2012; and March 28, 2013
Notification of the petition to the State:	March 29, 2017
State's first response:	April 30, 2018
Additional observations from the petitioner:	October 10, 2018
Advising of possible archiving:	January 30, 2017
Petitioner response to advising of possible archiving:	February 8, 2017

III. COMPETENCE

Competencia <i>Ratione personae</i>:	Yes
Competencia <i>Ratione loci</i>:	Yes
Competencia <i>Ratione temporis</i>:	Yes
Competencia <i>Ratione materiae</i>:	Yes, American Convention (instrument of ratification deposited on August 9, 1977)

IV. DUPLICATION OF PROCEDURES AND INTERNATIONAL *RES JUDICATA*, COLORABLE CLAIM, EXHAUSTION OF DOMESTIC REMEDIES AND TIMELINESS OF THE PETITION

Duplication of procedures and international <i>res judicata</i>:	No
Rights declared admissible:	Articles 7 (personal liberty), 8 (fair trial), 9 (freedom from <i>ex post facto</i> laws), 11 (privacy), 21 (property) and 25 (judicial protection) of the American Convention, in connection with Articles 1.1 (obligation to respect rights) and 2 (domestic legal effects)
Exhaustion of internal remedies or or applicability of an exception to the rule:	Yes, the exception of Article 46.2.a) of the American Convention is applicable
Timeliness of the petition:	Yes, in the terms of Section VI

V. ALLEGED FACTS

1. The petitioner invokes the international responsibility of the Venezuelan State for the violation of the human rights of Mr. Julio Martin Herrera Velutini, by virtue of the allegedly arbitrary initiation

¹ Hereinafter, "the American Convention" or "the Convention".

² The observations of each party were duly forwarded to the opposing party.

of criminal proceedings against him, with the issuance of an arrest warrant, and of the alleged confiscation of his shares in a financial institution of the country through irregular maneuvers by the Government; all of this within the framework of a State policy of harassment and persecution of entities and individuals participating in the financial and banking sector, which was aimed, according to the petitioners, at establishing a socialist State model in Venezuela under the administration of Hugo Chavez.

2. The petition explains that Mr. Herrera Velutini is a professional banker, an important actor in the Venezuelan financial system, and that through a complex corporate structure he was the owner of the bank Banco Real - Banco de Desarrollo, C.A.. With the coming into power of President Hugo Chávez, he explains, a government policy of persecution of private-sector financial and banking entities was undertaken in Venezuela, which was manifested both in the expropriation and incorporation into the public sector of several banks, and in multiple hostile and stigmatizing statements and expressions made by high-ranking government agents, from the President of the Republic onwards. As stated in the petition,

for some years, progressively, by decision of the State a political and economic model has been installed in Venezuela, that openly departs from free private initiative; businessmen are branded as 'oligarchs' and 'imperialists', for which purpose a process of indiscriminate expropriations and confiscations of both the means of production and real estate property, industries and businesses is developed, under the argument that they belong to the people and will be in a better condition under the direct control of the State and its government.

According to the petition, on different occasions President Chávez declared that he would expropriate the banks in order to transfer their ownership and operation to the State, and this decision effectively materialized several times.

3. In the framework of this emerging context of harassment of financial actors, Mr. Herrera was approached by Mr. Pedro Torres Ciliberto, a person close to President Hugo Chávez and his government, who offered to buy his shareholding stake in Banco Real - Banco de Desarrollo, CA, to which Mr. Herrera agreed. On April 14, 2009, Mr. Herrera sold to Mr. Torres his shares in the companies that controlled said Bank, namely, Banreal Holding S.L. and Banreal Holding C.V. By virtue of this sale of his shares, Mr. Herrera effectively divested himself completely of his share ownership over the aforementioned banking entity. Lieutenant Arné Chacón Escamillo, brother of a Minister at that moment and a confidant of President Chávez, assumed the presidency of Banco Real.

4. After the sale of Mr. Herrera Velutini's property rights over Banco Real - Banco de Desarrollo, this financial institution entered a state of illiquidity, and was intervened by the Superintendency of Banks (SUDEBAN) on December 4, 2009. Next, the government merged the entity with other banks so as to transform them all into a new State bank, Banco Bicentenario. As a consequence of this situation of financial crisis in the country, President Chávez declared on December 11 that the affected bankers were "traitors of the revolution", and stated that "*we continue to advance in the confrontation of these banks and bankers, who robbed, swindled and looted many citizens. I ordered the swift taking of all the bankers' assets*".

5. Petitioners allege that as a direct and immediate effect of these statements, the Public Ministry decided to initiate a criminal investigation against Mr. Herrera, related to the situation of Banco Real; as explained in the petition, the Public Ministry "*attempted to show that in the case of Banco Real, its liquidity problems had to do with prior operations and not with current ones, before to the sale that Julio Martín Herrera Velutini made to Pedro Torres Ciliberto with the knowledge and authorization of SUDEBAN, with Mr. Herrera being, therefore, totally disconnected from its administration and ownership*". The investigation was initiated by the Fiftieth, Fifty-third and Fifty-eighth National-level Prosecutors of the Caracas Metropolitan Area, at the request of the Superintendency of Banks, on December 5, 2009, for the crimes of appropriation and diversion of resources administered by the Bank and association to commit crimes. As stated by the Prosecutor's Office, at the time of its intervention by SUDEBAN, the Banco Real-Banco de Desarrollo presented a negative equity gap and illiquidity, indicating that said situation was the end product of "*criminal activity carried out in 2008 and 2009 by those who were in charge of the direction and administration of the Bank*". This statement was made in the brief addressed by the Public Ministry to the Eleventh Judge of First Instance in functions of Control of

the Criminal Judicial Circuit of the Caracas Metropolitan Area on March 10, 2010, requesting the precautionary detention of Mr. Herrera. According to the petitioners, with this

the Public Ministry arbitrarily drags and extends the administration of Julio Martín Herrera Velutini up until the moment in which the Banco Real Banco de Desarrollo C.A. was intervened, when its administrators and owners were different [...]; this being a bank, it bears repeating, which was no longer owned by Mr. Herrera, from whose administration he had separated himself with the knowledge and under the authorization of the very same banking authorities of Venezuela, long before the clear motives that gave rise to the intervention of said bank by the State had taken place.

In other words, petitioners consider that the criminal proceedings were opened and developed based on a false assumption, given that at the time of the intervention of the bank by SUDEBAN, Mr. Zuluaga was no longer the owner, director, manager or employee of Banco Real - which demonstrates, in their opinion, the political, arbitrary and persecutory motivation of said criminal proceedings. They specify that the Public Ministry did not properly justify its request for the preventive detention of Mr. Herrera, limiting itself to stating that the directors of Banco Real had "*diverted the resources administered by the bank to the benefit of the illicit economic group of which they are part*", and that "*the Superintendency of Banks and other financial institutions, in the special inspection visit held on July 31, 2009, observed irregularities in 61 loans*". As specified in the petitioners' additional observations, the Public Ministry accused Mr. Herrera of being responsible for the irregular granting of loans, without compliance with the internal procedures of risk analysis, client analysis and demand for guarantees, and without the clients allocating the money to the purposes for which the loans were granted. The petitioners submit several substantive arguments on the nature, operation, and legality of the loans made by Banco Real that were the subject-matter of the Public Ministry and SUDEBAN's pronouncement linking Mr. Herrera to the criminal proceedings. At the time the arrest warrant was issued against him, Mr. Herrera Velutini had left Venezuelan territory and was in the United States for health reasons. The Public Ministry also argued before the Court that "*citizen Julio Martín Herrera Velutini had incurred in contempt of court, at the beginning of the present investigation, when there was still no evidence, [and when] he was summoned as a witness and did not appear, claiming to be in the United States of America*". On a date that is not specified -because the alleged victim ignores it- an arrest warrant *in absentia* was issued against Mr. Herrera by the Eleventh First Instance Judge in Control Functions of the Criminal Judicial Circuit of the Caracas Metropolitan Area.

6. The petitioners clarify that in accordance with the Organic Code of Criminal Procedure of Venezuela, all criminal proceedings must have a preparatory phase of the trial or investigation, conducted by the Public Ministry and under judicial control, which must provide the grounds for the indictment of the accused. Before being charged by the Public Ministry, the defendant must receive clear and specific information about the facts of which he/she is charged, have a lawyer from the beginning of the investigation, and other guarantees. They also emphasize that, according to the same Code and to the jurisprudence of the Supreme Court of Justice, the Public Ministry cannot request the detention of a person if he/she has not previously been summoned in order to be formally accused of the crimes attributed to him/her. However, they allege that these rules were not complied with in the criminal investigation initiated against Mr. Herrera for banking operations that took place after the sale of his shares in Banco Real. Mr. Herrera was not notified, nor allowed to participate, nor was he summoned as a defendant, but only as a witness - to which Mr. Herrera responded, through his attorneys, from the United States. His lawyers, it is claimed, did not have access to the judicial casefile until 2013. At the time the petition was presented to the IACHR, it was alleged that Mr. Herrera was unaware of the content of the decisions issued against him, as well as of the facts and reasons that had given rise to them: "*to date Herrera Velutini lacks formal notice about what was being investigated, about the how and the when of the crimes attributed to him, and about the personal links that he supposedly established for allegedly criminal purposes ; even less does he know about the contents of a casefile to which his lawyers do not have access, since access is denied*". Eventually, through third parties present in Venezuela, Mr. Herrera Velutini was able to access the casefile in March 2013. Based on this access, Mr. Herrera presented to the IACHR in his additional observations of March 28, 2013 several arguments on the merits related to the irregularity of his criminal prosecution in light of the American Convention.

7. On the other hand, in their additional observations, the petitioners hold that the prohibition of retroactive application of criminal law and the principle of legality of criminal descriptions have been ignored, since the crime that was allegedly attributed to Mr. Herrera was derogated after the initiation of the proceedings, and later reestablished in the criminal legislation by means of an executive decree:

The banking legislation in force at the date of initiation of the criminal investigation into the alleged crimes that occurred at Banco Real, Banco de Desarrollo CA, that is to say, the General Law of Banks and other Financial Institutions of July 31, 2009, describes the crime of appropriation or deviation of resources for the personal benefit of members of the board of directors, managers, administrators, officials or employees of a bank (article 432). Said description was kept in the amendments of the legislation that were adopted on December 23, 2009 and August 13, 2010, changing only the numbering of the provision (Article 379). However, in the legislative amendment approved by the National Assembly and published on December 28, 2010, Article 213 refers to the criminal description of appropriation or deviation of resources, but changes its constitutive elements thereby causing the abolition of said crime. To this effect, it is replaced by the crime of presentation, delivery or subscription of false balance sheets. Hence, the alleged crime that under false assumptions is attributed to Julio Martín Herrera Velutini ceases to exist, despite the fact that the President of the Republic, by means of a new reform carried out by Decree to said legislation, and issued on March 2, 2011 -thus violating the Constitution and the exclusive powers of the National Assembly- restored the original description of the crime of appropriation or deviation of resources, and its applicable penalties. Criminal law [...] cannot be applied retroactively, except insofar as it benefits the accused or defendant, and crimes and penalties can only be created by legislation.

8. The petitioners also state that, in violation of the principle of competent judge, and also of domestic legislation, the Criminal Chamber and the Constitutional Chamber of the Supreme Court of Justice decided to assert their jurisdiction in order to hear the criminal case against Mr. Herrera, causing its indefinite paralysis, and also violating his right to appeal.

9. In the petitioners' view, Mr. Herrera did not and does not have the possibility of being judged in liberty in accordance with due process in Venezuela, since the judicial system is, they claim, subordinated to the imperatives of the Chavez government, whose persecution and criminalization of bankers and private financial actors has been express and manifest, as reflected in documents that establish the policy of the Venezuelan State:

The high powers of the Venezuelan State, and this as a systematic policy that the public authorities follow under the leadership of the Head of State and President of the Republic, regard every banker as a sort of enemy and target of their revolutionary war. Bankers are considered a species - the highest and most dangerous- of political dissidents, for opposing, with their notions of economic life and freedom, the principles of Marxism and its conception of the police state, in accordance with the Cuban inspiration that is followed in Venezuela.

They allege that it is illusory to expect that the Venezuelan judiciary will advance autonomously and independently to protect the rights of Mr. Herrera, much less so when the criminal proceedings that were initiated and conducted against him were due to political motivations and arose as an immediate effect of the declarations and harassments of President Chávez. For this reason, they invoke as applicable the exception to the duty to exhaust domestic remedies that consists of the inexistence of due legal process and effective remedies in the State against which the petition is directed.

10. On the other hand, the petitioners denounce before the IACHR the confiscation of Mr. Herrera's shares in the financial entity Helm Bank de Venezuela. They hold that after SUDEBAN intervened Banco Real - Banco de Desarrollo CA, it proceeded to block the transfer of the Helm Bank shares to a Spanish commercial corporation owned by Mr. Herrera, by means of a complex governmental operation described in detail in the petition. As a result of this complex financial process, the state agency Fund for Guarantees and Bank Deposits (FOGADE) eventually claimed to be the owner of the shares of Helm Bank, and attended as a

shareholder the Shareholders' Meeting of April 15, 2010, in which its new Board of Directors was appointed. According to the petitioners, this was a confiscatory procedure undertaken as a mechanism to exert pressure on Mr. Herrera, so that he would return to the country in order to discuss his share ownership over said bank.

11. In its response, the State alleges that the requirement of exhaustion of domestic remedies has not been met in the criminal proceedings initiated against Mr. Herrera Velutini on December 5, 2009. It indicates that Mr. Herrera left the country on November 13, 2009, from which it concludes that "*the petitioner chose to evade Venezuelan justice and leave the national territory, even before the criminal investigation against him was formalized.*" For this reason, the criminal proceeding is suspended until Mr. Herrera's appearance is achieved, taking into account that in Venezuela a trial *in absentia* is constitutionally prohibited: "*[i]n this sense, it is evident that the judicial remedies provided in the domestic legal system have not been exhausted, and in the implausible event that some type of violation of his human rights indeed occurred, such rights could still be protected through the different ordinary and extraordinary judicial remedies that could eventually be exercised.*"

12. For the representative of the State, this case is very similar to the one heard by the Inter-American Court of Human Rights regarding lawyer Allan Brewer Carías, which was also related to a domestic criminal trial that was in a state of suspension given the departure of the accused from the national territory. Therefore, the State agent asks the Commission to apply the precedent established in the Court's judgment on that case, and to declare that the domestic remedies have not been properly exhausted.

13. The State also alleges that the formal requirements for submitting a petition to the IACHR were not met, since the initial brief presented by Mr. Asdrúbal Aguiar is not signed, thus ignoring Article 46.1.d) of the American Convention. Nor has petitioner presented, he claims, any power of attorney granted by Mr. Herrera to said lawyer to act on his behalf before the IACHR.

VI. ANALYSIS OF EXHAUSTION OF DOMESTIC REMEDIES AND TIMELINESS OF THE PETITION

14. The State has argued that domestic remedies have not been exhausted because the domestic criminal proceedings are paralyzed given the departure of Mr. Herrera Velutini from the country prior to their initiation; while the petitioners consider that the exception to the duty to exhaust domestic remedies set forth in Article 46.2.a) of the American Convention is applicable, according to which it will not be necessary to exhaust such remedies whenever "*the domestic legislation of the state concerned does not afford due process of law for the protection of the right or rights that have allegedly been violated.*"

15. As a first step, it is important to remember that the invocation of the exceptions to the rule of exhaustion of domestic remedies provided for in Article 46.2 of the American Convention is closely linked to the determination of possible violations of certain rights enshrined therein, such as the guarantees of access to justice and the right to effective judicial protection. However, Article 46.2, by its nature and purpose, is a provision with autonomous content *vis-à-vis* the substantive rules of the American Convention. Therefore, the determination of whether the exceptions to the rule of exhaustion of domestic remedies are applicable to the case in question must be carried out in a prior to, and separately from, the analysis of the merits of the matter, since it depends on a different standard of appreciation than that used to determine the possible violation of Articles 8 and 25 of the Convention. The Commission recalls that the evaluation criterion for the admissibility phase differs from that used to issue a pronouncement on the merits of a petition; in this first phase, the Commission must carry out a *prima facie* evaluation to determine whether the petition establishes the basis of a possible or potential violation of a right guaranteed by the Convention, but not to establish the existence of a violation of rights. This determination on the characterization of violations of the American Convention constitutes a primary analysis, which does not imply prejudging the merits of the matter.³ This means that in the present case, the analysis of judicial independence and due process of law in Venezuela must be the subject-matter of a substantive decision in the merits phase of this procedure, since they are the claims raised by the petitioners; but at the same time, these matters must be examined under the criterion of *a priori* evaluation in

³ IACHR, Report No. 69/08, Petition 681-00. Admissibility. Guillermo Patricio Lynn. Argentina. October 16, 2008, para. 48.

the present report, exclusively for the purposes of determining the admissibility of the petition, without prejudging its merits.

16. In this sense, from the moment of the events described in the petition to the present, the IACHR has repeatedly verified the lack of judicial independence in Venezuela. This happened, among others: (i) in the 2008 Annual Report⁴, (ii) in the 2009 Annual Report⁵, (iii) in the 2010 Annual Report⁶, (iv) in the 2011 Annual Report⁷, (v) in the 2012 Annual Report⁸, (vi) in the 2013 Annual Report⁹, (vii) in the 2014 Annual Report¹⁰, (viii) in the 2015 Annual Report¹¹, (ix) in the 2016 Annual Report¹², (x) in the 2017 Annual Report¹³, (xi) in the 2018 Annual Report¹⁴ and (xii) in the 2019 Annual Report¹⁵. The issue was also examined in detail in (xiii) the Report on the Human Rights Situation in Venezuela of 2017¹⁶ and (xiv) the 2009 Report on Democracy and Human Rights in Venezuela¹⁷.

17. The findings of the IACHR in each one of these reports have been thorough and conclusive, in such a way that, for the purposes of this admissibility examination, it can be concluded - without implying any pronouncement on the merits of the present case- that in Venezuela, in principle, due legal process is not guaranteed to those who are prosecuted by the administration of justice. This is particularly so when it transpires, as in the present case, that there is an interest directed from the highest levels of government in using criminal law as a weapon of persecution against a person. This accumulation of information verified by the IACHR regarding the lack of judicial independence in Venezuela, particularly in cases like the present one, supports the extraordinary application of the exception of Article 46.1.a) to a case, such as the present one, in which domestic remedies have not been formally exhausted due to the absence of the alleged victim from the State in which he/she is being prosecuted, which would ordinarily, outside of these circumstances, in principle entail the inadmissibility of the petition due to lack of exhaustion of domestic remedies.

18. For this reason, the IACHR declares that the exception to the duty to exhaust domestic remedies set forth in Article 46.2.a) of the American Convention is applicable. Given that the criminal proceedings were initiated in December 2009, that since then they have been underway and that an arrest warrant is pending upon Mr. Herrera, and that the petition was received by the Executive Secretariat on September 20, 2010, the Commission concludes that it was submitted within a reasonable time in light of Article 32.2 of the IACHR Rules of Procedure.

19. The IACHR notes that the State has requested that the IACHR apply the precedent established in the judgment of the Inter-American Court on the case of Allan Randolph Brewer Carías¹⁸, in considering that

⁴ Chapter IV, paragraphs 391-403.

⁵ Chapter IV, paragraphs 472-483.

⁶ Chapter IV, paragraphs 615-649.

⁷ Chapter IV, paragraphs 447-477.

⁸ Chapter IV, paragraphs 464-509.

⁹ Chapter IV, paragraphs 632-660.

¹⁰ Chapter IV, paragraphs 536-566.

¹¹ Chapter IV, paragraphs 257-281.

¹² Chapter IV, paragraphs 57-87.

¹³ Chapter IV, paragraphs 13-21.

¹⁴ Chapter IV, paragraphs 30-57.

¹⁵ Chapter IV, paragraphs 30-48.

¹⁶ "Democratic Institutionalism, Rule of Law and Human Rights in Venezuela", pages 45 and following.

¹⁷ Part III, paragraphs 180 a 339.

¹⁸ Inter-American Court of Human Rights. Brewer Carías v. Venezuela. Preliminary Exceptions. Judgment of May 26, 2014. Series C No. 278.

it is an identical case to the one under examination, since both Mr. Brewer and Mr. Herrera Velutini left the Venezuelan territory where criminal proceedings were underway against them. In the Brewer case, the Venezuelan State raised the preliminary objection of failure to exhaust domestic remedies, and the petitioning party counterargued before the Court that the exception of unjustified delay in the resolution of domestic remedies had been configured. The Court, in the segment cited by Venezuela in the present procedure, ruled that when the procedural delay is due to the physical absence of a criminal defendant from before the competent court, it cannot be concluded that there was an unjustified delay attributable to the State. In the words of the Court, referring to Mr. Brewer Carías, “*his absence has meant that it has not been possible to hold the preliminary hearing against him, so that it can be affirmed that the delay in deciding the requests for annulment could be attributed to his decision not to submit to the proceedings, and has an impact on the analysis of the unwarranted delay or reasonable time*”¹⁹. It is evident that this precedent is not applicable to the current case of Mr. Julio Martín Herrera, since the petitioners have invoked in this procedure the exception to the duty to exhaust domestic remedies enshrined in section (a) of Article 46.2 of the Convention (lack of due legal process), and not the one enshrined in section (c) of the same article (unjustified delay in the resolution of the remedies). Therefore, the IACHR does not consider it applicable.

20. Regarding the formal arguments presented by the State, the IACHR observes that although the initial brief does not have a handwritten signature, it is headed with the full name of Mr. Asdrubal Aguiar, receipt of it was acknowledged in a communication from the IACHR of October 6, 2010 addressed personally to said attorney, and in all subsequent interventions, Mr. Aguiar has continued to head his briefs with his name or letterhead and effectively signed each communication in his own hand. But beyond this fact, the Commission does not consider that the petitioner's signature is a *sine qua non* requirement to receive a petition at the IACHR; in fact, the IACHR encourages the submission of petitions through the electronic means currently in operation²⁰. In addition, the IACHR verifies compliance with the basic requirements and contents of a petition in the initial study stage. On the other hand, it is the peaceful position of the IACHR that in order to resort to the Commission presenting a petition it is not necessary to accompany it with a power of attorney: “Article 44 of the Convention allows any person or group of persons, or a nongovernmental entity that is legally recognized in one or more of the member states of the Organization, to report allegations of violations of the Convention, without requiring that they have the authorization of the alleged victims or that they provide a power of attorney as their legal representative.”²¹

VII. COLORABLE CLAIM

21. The petitioners, in their initial brief and in their subsequent interventions, have made diverse and detailed arguments about the reasons for which they consider that the initiation of the criminal proceedings against Mr. Herrera, the issuance of an arrest warrant against him, the alleged confiscation of his shares in the Helm Bank of Venezuela, and in general his subjection to a persecutory process by high government authorities given his profession as a banker, constitute violations of several rights enshrined in the American Convention. The State has not objected, at this stage of admissibility, the express characterization of violations of the Convention in the petition.

22. In view of these considerations, and after examining the factual and legal elements submitted by the parties, the Commission considers that the petitioners' allegations are not manifestly unfounded and require a study on the merits, given that the alleged facts, if corroborated, could characterize violations of articles 7 (personal liberty), 8 (fair trial), 9 (freedom from *ex post facto* laws), 11 (honor and dignity), 21 (property) and 25 (judicial protection) of the American Convention, in relation to Articles 1.1 (obligation to respect rights) and 2 (domestic legal effects) thereof.

¹⁹ Id., Para. 143.

²⁰ IACHR, Report No. 20/17, Petition 1500-08. Admissibility. Rodolfo David Piñeyro Ríos. Argentina. March 12, 2017, para. 8.

²¹ IACHR, Report No. 71/16, Petition 765-09. Admissibility. Q'oq'ob Community of the Municipality of Santa María Nebaj. Guatemala. December 6, 2016, para. 23.

VIII. DECISION

1. To declare the present petition admissible in relation to Articles 7, 8, 9, 11, 21 and 25 of the American Convention, in connection with its Articles 1.1 and 2; and

2. To notify the parties of this decision; continue with the analysis of the merits of the matter; and publish this decision and include it in its Annual Report to the General Assembly of the Organization of American States.

Approved by the Inter-American Commission on Human Rights on the 10th day of the month of January, 2021. (Signed): Joel Hernández, President; Antonia Urrejola, First Vice President; Flávia Piovesan, Second Vice President; Margarette May Macaulay, Esmeralda E. Arosemena Bernal de Troitiño, Julissa Mantilla Falcón, and Stuardo Ralón Orellana, Commissioners.