

TECHNICAL INFORMATION SHEET
CASE N° 12.035 PABLO IGNACIO LIVIA ROBLES
FRIENDLY SETTLEMENT REPORT N° 75/02
TOTAL COMPLIANCE
(PERU)

I. SUMMARY OF THE CASE

Victim (s): Pablo Ignacio Livia Robles
Petitioner (s): Pablo Ignacio Livia Robles
State: Peru
Report on Friendly Settlement Agreement No.: 75/02 published on December 13, 2002
Related Rappporteurship: N/A
Topics: Judicial guarantees/ Political rights/ Equal protection/ judicial protection

Facts: The petitioner alleged that by decree law N° 25446 of April 24, 1992, he was summarily dismissed from his position as Principal Provincial Prosecutor of Lima; he was given no hearing of any kind prior to his dismissal and was thus denied his right to defend himself. The petitioner further stated that within a few days of his dismissal, he appeared before a Lima Civil Court to petition for constitutional protection [*Writ of Amparo*]; the court refused to grant a reversal on the grounds that under decree law N° 25454 of April 27, 1992 petitions of *amparo* could not be used to challenge the effects of the application of decree laws Nos. 25423, 25442 and 25446 to which the present petition refers.

Rights Alleged: The petitioner alleged the State's responsibility for violation of the rights to humane treatment (Article 5), to a fair trial (Article 8), to privacy (Article 11), to equal protection (Article 24) and to judicial protection (Article 25), in relation to the general obligation to respect rights (Article 1) established in the American Convention on Human Rights (hereinafter "the Convention" or "the American Convention") by the State of Peru (hereinafter "the State" or "the State of Peru" or "Peru") to his detriment.

II. PROCEDURAL ACTIVITY

1. On July 25, 2002, the parties signed a Friendly Settlement Agreement.
2. On December 13, 2002, the IACHR approved the agreement signed by the parties in Report No.75/02.

III. ANALYSIS OF COMPLIANCE WITH THE CLAUSES OF THE FRIENDLY SETTLEMENT AGREEMENT

Agreement Clause	Status of Compliance
TWO: RECOMMENDATION	
Mindful that the unrestrictive protection and respect for human rights is the	

<p>foundation of a just, decent and democratic society, in strict compliance with the obligations undertaken with the signature and ratification of the American Convention on Human Rights and other international human rights instruments to which Peru is party, and conscious that any violation of an international obligation that has resulted in damages or injury carries with it the duty to make adequate reparation—which in the instant case means restoring the victim to his judiciary position-, the State acknowledges its responsibility for violation of Articles 1(1), 2, 8, 23, 24, 25 of the American Convention on Human Rights, to the detriment of victim Pablo Ignacio Livia Robles.</p> <p>That acknowledgement is explicitly stated in the Joint Press Release that the Peruvian State and the Inter-American Commission on Human Rights signed on February 22, 2001, wherein the Peruvian State acknowledges international responsibility for the facts in question and undertakes to restore the violated rights and/or make reparations for the harm caused.</p>	Declarative Clause
THREE: COMPENSATION	
<p>The Peruvian State shall pay the victim the sum of twenty thousand U.S. dollars (US\$20,000.00), as compensation for material and moral damages and <i>loss of earnings</i>. For his part, the beneficiary commits not to file any other claim against the State, either directly or indirectly or by any other venue. Nor will the beneficiary sue against the Peruvian State intended to hold it jointly and severally liable or as a third-party defendant in a civil or any other type of action, although this shall not prejudice the beneficiary's right to pursue legal action against the authorities or officials responsible for the arbitrary decision taken against him.</p>	Total¹
FOUR: NONMONETARY REPARATIONS	
<p>The Peruvian State agrees to restore Dr. Pablo Ignacio Livia Robles to his position as Lima's Principal Criminal Prosecutor, thereby nullifying the effect of Article 3 of Decree Law N° 25446, published in the Official Gazette "<i>El Peruano</i>" on April 24, 1992 as it pertains to Dr. Pablo Ignacio Livia Robles and issuing the pertinent norm.</p>	Total²
FIVE: OTHER TYPES OF REPARATION	
<p>The Peruvian State commits to recognize the years of service that the victim was unable to work because he was removed from his post. That period begins on April 24, 1992 -the date of his dismissal- and to the present.</p>	Total³

IV. LEVEL OF COMPLIANCE OF THE CASE

3. The Commission declared total compliance with the case and ceased monitoring the friendly settlement agreement in its Annual Report 2005.

V. INDIVIDUAL AND STRUCTURAL OUTCOMES OF THE CASE

A. Individual outcomes of the case:

- The State acknowledged its responsibility for violation of the rights enshrined in Articles 1, 5, 8, 11, 24 and 25 of the American Convention on Human Rights.

¹ See IACHR, Annual Report 2003, Chapter III, Section D: Status of Compliance with Recommendations of the IACHR, paras. 238-241.

² See IACHR, Annual Report 2003, Chapter III, Section D: Status of Compliance with Recommendations of the IACHR, paras. 238-241.

³ See IACHR, Annual Report 2003, Chapter III, Section D: Status of Compliance with Recommendations of the IACHR, paras. 238-241.

- The State paid US\$ 20,000 to Mr. Pablo Livia, as compensation, including material and moral damages and *loss of earnings*.
- The State reinstated Doctor Pablo Ignacio in his judiciary position; however, by not fulfilling the prerequisites of the Peruvian administration, he was not able to fill the post of Superior Criminal Prosecutor of Lima.
- The State recognized the years of service not worked by Pablo Livia due to his dismissal.