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Institution:	Inter-American Commission on Human Rights
File Number(s):	Case No. 1775
Session:	Thirty-Fourth Session (15 – 25 October 1974)
Title/Style of Cause:	Julio de Peña Valdez v. Dominican Republic
Doc. Type:	Decision
Decided by:	President: Dr. Andrés Aguilar, President (Venezuela) Vice-President: Dr. Carlos A. Dunshee de Abranches (Brazil) Members: Professor Manuel Bianchi (Chile); Dr. Gabino Fraga (Mexico); Dr. Justino Jimenez de Aréchaga (Uruguay); Mr. Robert F. Woodward (United States); Dr. Genaro R. Carrio (Argentina)
Dated:	15 – 25 October 1974
Citation:	Peña Valdez v. Dom. Rep., Case 1775, Inter-Am. C.H.R., OEA/Ser.L/V/II.34, doc. 31 rev. 1 (1974)
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[1] CASE 1775. October 10, 1973, reporting:

- a. That the Dominican citizen, Mr. Julio de Peña Valdez, formerly president of the "Movimiento Popular Dominicano", had been arrested in Santo Domingo on January 13, 1971, together with several members of his movement and tried in October 1972 for possession of arms.
- b. That, having been sentenced to two years' imprisonment and a fine of 2,000 pesos, he was serving his sentence in conditions violating human rights.

In addition, it was reported that the proceedings against Peña had been marked by irregularities and that he had been sentenced on the basis of false evidence and the complainants offered to send to the Commission corroborative evidence of their statements.

[2] In view of the report, the Commission decided at its thirty-first session (October 1973) to request the complainant to supplement it with the corroborative evidence and, if appropriate, to transmit the pertinent parts of the report to the Dominican Republic, in request for information, in accordance with the Rules of Procedure.

[3] In implementation of this decision, a note was sent to the complainant on November 21, 1973.

[4] The complainant supplemented the report as required by the Rules of Procedure. Accordingly, the Commission, pursuant to the decision taken at the thirty-first session, requested the Government of the Dominican Republic, in a note dated October 10, 1974, to provide the pertinent information.

[5] At the thirty-fourth session (October 1974), the Commission, considering that the processing of the matter with the Government concerned had only recently begun, decided to postpone its examination of the case until the Government of the Dominican Republic sent the information requested. In a communication dated November 19, 1974, it informed the complainant of the processing of the case.

[6] The Government of the Dominican Republic, through its Permanent Mission to the OAS (Letter No. 258), replied to the request of the CIDH. The note of the Secretariat of State of that country, which was sent with the above mentioned letter, reads as to follows:

Santo Domingo, D.N.
November 26, 1974

Excellency:

I have the honor to address your Excellency in reply to the note dated October 11 of this year concerning case No. 1775 before this Inter-American Agency.

To that end, I wish to communicate to Your Excellency the following information, in accordance with the investigations made by the competent department of my Government:

a. Julio Augusto de Peña Valdez was accused by the investigating Judge of the Third Ward of the National District on March 29, 1971, of being the alleged author of an infringement of Articles 265 et seq., 87 et seq. of the Penal Code and Law No. 36 of October 17, 1965, as amended by Law No. 589 of July 2, 1970.

b. The Fourth Chamber of the Criminal Court of First Instance of the National District, on February 9, 1972, issued a decision by means of which it declared Julio Augusto de Peña Valdez not guilty of the crime of association with criminals (Article 265) and of an offense against the security of the Government established by the Constitution or of inciting citizens to arm themselves against the constituted authority (Article 87 et seq.) but declared him culpable of the crime of possessing and carrying weapons (a FAL rifle, a 45-caliber pistol, a 38 caliber revolver) and sentenced him to 10 years' imprisonment and to a fine of 2,000 pesos.

The Court of Appeals of Santo Domingo, seized by the appeal of the accused, Mr. Julio de Peña Valdez, on October 3, 1972, amended the above-mentioned sentence as regards the determination of the nature of the offense given in that sentence and the penalty imposed, and condemned the above-mentioned Julio Augusto de Peña Valdez to three years' imprisonment and a fine of 2,000 pesos for the offenses with which he was charged, ordering that, should he be insolvent, the fine should be compensated by imprisonment at the rate of one day of imprisonment for each peso unpaid, provided that the maximum duration did not exceed two years' imprisonment.

On the appeal filed by Mr. Peña Valdez, the Supreme Court of Justice, on June 29, 1973, acting as a Court of Appeal, basing itself on the fact that the weapons for whose possession he was condemned were not seen either by the investigating Judge or by the Judges that examined the merits of the case, quashed the sentence of the Court of Appeal of Santo Domingo and referred the matter to the Court of Appeal of San Cristobal, which is still seized with it.

A writ of habeas corpus was filed on behalf of Julio de Peña Valdez and colitigants. The Supreme Court of Justice, on May 20, 1974, handed down a Judgment on the case, ordering that the accused be freed. The operative part of this decision is as follows:

1. To declare regular and valid, insofar as its form is concerned, the appeal filed by Julio de Peña Valdez, Rafael Antonio Báez Pérez, Luis Elpidio Sosa Rodríguez, Agustín Moisés Blanco Genao and Edgar Harold Erikson Pichardo against the Judgment dated April 17, 1974, issued in the matter of habeas corpus by the Court of Appeal of San Cristobal, the operative part of which is reproduced in another part of this Judgment.

2. Accepts, as relates to the merits, this appeal and acting on its own authority and by contrary Jurisdiction, revokes the sentence in its entirety and, as a result, orders that the above-mentioned appellants requesting the habeas corpus be immediately freed.

3. To declare the present proceedings to be without costs, in conformity with the law.
4. To order that the present judgment be communicated by the Secretary to the Attorney General of the Republic for the purposes of execution.

Accept, Your Excellency, the assurances of my highest consideration.

FABIO F. HERRERA CABRAL
Secretary of State for Foreign Relations