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Institution:	Inter-American Commission on Human Rights
File Number(s):	Communication No. 1775
Session:	Thirty-Sixth Session (6 - 24 October 1975)
Title/Style of Cause:	Julio de Peña Valdez v. Dominican Republic
Doc. Type:	Resolution
Decided by:	President: Dr. Andrés Aguilar (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:	6 - 24 October 1975
Citation:	Peña Valdez v. Dom. Rep., Comm. 1775, Inter-Am. C.H.R., OEA/Ser.L/V/II.37, doc. 20, corr. 1 (1975)
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[1] 1775, presented October 10, 1973, denounces the following:

- 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 14, 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 Regulations.

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

[4] Having received the additional information necessary in the complaint, the Commission, through a note dated October 11, 1974, requested the Government of the Dominican Republic to provide the appropriate information. A copy of that note was sent to the Mission of the Dominican Republic to the OAS on October 17, 1974.

[5] Through its Mission to the OAS, in a note dated December 5, 1974 (No 1258), the Government of the Dominican Republic replied by providing information according to which Mr. Peña Valdez, arrested on March 29, 1971, had been found innocent of the crime of association with criminals and of an attack

on the security of the Government, according to a decision handed down in the First District Court on February 9, 1972, but he was found guilty of the crime of possessing and carrying weapons, with a penalty of 10 years imprisonment and a fine of 2,000 pesos. Through an appeal, that sentence was changed by the Santo Domingo Court of Appeals, which condemned Peña to three years imprisonment and to the same fine, ordering that should he be insolvent, this fine would be compensated through imprisonment in a correctional institution at the rate of one day of imprisonment for each peso unpaid provided that the maximum duration did not exceed two years imprisonment." With the sentence revoked on June 29, 1973, the Supreme Court returned the matter to the Court of Appeals of San Cristobal.

[6] Furthermore, according to the information provided by the Government of the Dominican Republic, a writ of habeas corpus was filed before the Supreme Court on May 27, 1974, which handed down a ruling on the case ordering that the accused be released.

[7] The Commission conducted its examination of this case during the course of the thirty-fifth session (May 1975), together with the information provided by the Government concerned. It decided to declare the case inadmissible, and to inform the interested parties of the decision. To that end it appointed Dr. Justino Jiménez de Aréchaga as rapporteur to prepare a draft resolution.

Based on the draft prepared by the rapporteur, the Commission approved the following resolution (OEA/Ser.L/V/II. 35 doc. 40 rev.1, of May 29, 1975):

WHEREAS:

[1] Julio Augusto de Peña Valdez, arrested on January 13, 1971, was held by the Juez de Instrucción of the Third Judicial Circuit of the National District on March 29 of the same year, as the presumed perpetrator of various crimes, such as the bearing of firearms and violating the law against communist activities;

[2] It has been reported to us that the reasons invoked for prosecuting and jailing him are false, and that he has received cruel and inhuman treatment in prison, which would represent a serious violation of fundamental rights, such as the right to life and personal security, etc.;

[3] The Fourth Chamber of Criminal Matters of the Court of First Instance of the National District, on February 9, 1972, declared Mr. de Peña Valdez guilty only of the crime of possession and traffic of firearms and sentenced him to ten years in jail and a fine of 2,000 pesos, but absolved him of the remaining charges;

[4] The Court of Appeals of Santo Domingo, hearing the case on appeal, reduced the sentence to three years in jail and a fine of 2,000 pesos, and ordered that, in case of insolvency, the fine be replaced with correctional imprisonment at the rate of one day in prison for each peso not paid, with a maximum of two years of confinement on such account;

[5] On June 29, 1973 the Supreme Court of Justice, on hearing the case, revoked the sentence of the Court of Appeals of Santo Domingo and referred the matter to the Court of Appeals of San Cristobal;

[6] A petition of habeas corpus was presented after the latter Court had made its decision and the Supreme Court, on May 20, 1974, declared valid the petition against the decision of the Court of Appeals of San Cristobal, revoking it in its entirety and ordering that Mr. de Peña Valdez be immediately freed;

[7] The Government of the Dominican Republic advised the Commission of the complete judicial proceedings by a communication dated November 26, 1974;

[8] In the present case the internal legal remedies have been applied and, thus, with respect to the imprisonment and prosecution of Mr. de Peña Valdez, it is not incumbent upon the Commission to make any judgment, and it should be set forth that, in this regard, the denunciation is not admissible;

[9] On the contrary, the official account shows that, through judicial error, Mr. de Peña Valdez has been imprisoned for three years, causing him serious harm, for which reason if the country's legislation so allows, it would be fair to compensate him in some measure; and

[10] The Government of the Dominican Republic, which has provided such complete information on one aspect of the case, making it possible to verify that the judicial procedures have been normally carried out within a reasonable length of time, has not replied to the charges made concerning the cruel and inhuman treatment to which Mr. de Peña Valdez was allegedly subjected, which could represent a serious violation of fundamental rights.

THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS RESOLVES:

1. To declare inadmissible the denunciation, insofar as concerns the arrest and prosecution of Mr. de Peña Valdez.

2. To request the Government of the Dominican Republic that it study the appropriateness of compensating Mr. de Peña Valdez for the damages that he has sustained.

3. To declare that, taking into consideration that the Government of the Dominican Republic has demonstrated its willingness to cooperate with the objectives sought by the Commission, and notwithstanding the expiration of the 180-day period referred to in Article 51 of the Regulations, an additional period of time, which will expire on September 30, 1975, be granted to the government to reply to the charges that have been made regarding the treatment given to Mr. de Peña Valdez during his imprisonment.

4. To inform the Government of the Dominican Republic and the claimant of the text of this resolution.

[8] This resolution was brought to the attention of the Government of the Dominican Republic through a note of August 12, 1975, and to the attention of the claimant through a note of September 15, 1975. On August 21, a copy of the note sent to the Dominican Republic was transmitted to the Mission of the Dominican Republic to the OAS.

[9] During its thirty-sixth session (October 1975), the Commission examined case 1775, noting that the Government of the Dominican Republic had not yet provided the information requested. Therefore it decided to postpone examination of this case until its next session, once the Government of the Dominican Republic had transmitted the information requested.