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REPORT No. 233/24
PETITION 220-14
REPORT ON INADMISSIBILITY

HECTOR ALFREDO VILDOZA AND ELIZABETH DEL VALLE VILDOZA
ARGENTINA

Approved by the Commission electronically on December 10, 2024.

Cite as: IACHR, Report No. 233/24, Petition 220-14. Inadmissibility. Hector Alfredo Reynoso and Elizabeth del Valle Vildoza. Argentina. December 10, 2024.

I. INFORMATION ABOUT THE PETITION

Petitioner:	Maria Teresa Ponce
Alleged victim:	Hector Alfredo Reynoso and Elizabeth del Valle Vildoza
Respondent State:	Argentina ¹
Rights invoked:	Articles 8 (right to a fair trial), 9 (principle of legality), and 25 (judicial protection) of the American Convention on Human Rights ²

II. PROCEEDINGS BEFORE THE IACHR³

Filing of the petition:	February 19, 2014
Notification of the petition to the State:	July 18, 2019
State's first response:	November 21, 2019
Notification of the possible archiving of the petition:	November 9, 2021
Petitioner's response to the notification regarding the possible archiving of the petition:	November 10, 2021

III. COMPETENCE

Competence <i>Ratione personae</i>:	Yes
Competence <i>Ratione loci</i>:	Yes
Competence <i>Ratione temporis</i>:	Yes
Competence <i>Ratione materiae</i>:	Yes, American Convention (deposit of the instrument of ratification on September 5, 1984)

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	None
Exhaustion of domestic remedies or applicability of an exception to the rule:	Yes, under the terms of Section VI
Timeliness of the petition:	Yes, under the terms of Section VI

¹ Pursuant to Article 17(2)(a) of the Commission's Rules of Procedure, Commissioner Andrea Pochak, an Argentine national, did not participate in the debate or decision in this case.

² Hereinafter, "the American Convention" or "the Convention."

³ The observations submitted by each party were duly transmitted to the opposing party.

V. FACTS ALLEGED

The petitioner

1. The petitioner claims the international responsibility of the State for the lack of administrative reparation on behalf of Mr. Hector Alfredo Reynoso and Mrs. Elizabeth del Valle Vildoza (individually, "Mr. Reynoso" and "Mrs. Vildoza; jointly, "the doctors") for having been subjected to a criminal process of which they were acquitted. He alleges that this process lasted more than ten years and harmed the professional careers of both.

2. It is narrated in the petition that both doctors worked as specialists in pathological anatomy at the Hospital Centro de Salud, dependent on the province of Tucumán. On June 15, 1993, Mrs. Vildoza and Mr. Reynoso performed an autopsy at the direction of the head of duty at that hospital. As a result of this procedure, the son of the deceased denounced the doctors for lack of organs from his father's body, for which a criminal investigation was initiated against him.

3. Thus, on February 22, 1995, the Investigating Prosecutor's Office of the Third Nomination obtained the statements of the doctors for their alleged responsibility in the commission of the crime of organ trafficking, provided for in Law 24.133. Then, on May 4, 1998, this prosecutor's office requested the dismissal of the crime in favor of the doctors; however, it was rejected by the Examining Magistrate of the Fourth Nomination, and the proceedings were referred to the Office of the Prosecutor of the Chamber, which on June 22, 1998, ordered the referral to trial. However, by judgment of September 15, 2003, the Fourth Court of Instruction of the Fourth Nomination acquitted the two doctors of the charges.

4. Subsequently, on September 29, 2005, the doctors initiated an action for damages against the Judiciary of the province of Tucumán, claiming compensation for moral damages, because they were subject to criminal proceedings for a crime they did not commit. In that regard, on 31 August 2009, the Administrative Litigation Chamber, Chamber 1, dismissed their claims. Against this, they filed an appeal for cassation before the Supreme Court of Justice of Tucumán; however, by resolution of May 3, 2011, it confirmed the appealed judgment. Finally, Reynoso and Del Valle filed an extraordinary federal appeal before the Supreme Court of Justice of the Nation. However, by judgment of December 28, 2011, the Supreme Court of Justice of Tucumán denied the appeal. Faced with this refusal, they filed an appeal of fact that was inadmissible on August 21, 2013.

5. In short, the petitioner alleges the lack of pecuniary compensation in favor of Mr. Reynoso and Mrs. Vildoza, because they were subjected to criminal proceedings that lasted more than ten years for non-existent crimes, frustrating their personal and professional growth. Therefore, it claims violation of the rights enshrined in Articles 8 (right to a fair trial), 9 (principle of legality), and 25 (judicial protection) of the American Convention, to the detriment of both doctors.

The Argentine State

6. Argentina confirms the information regarding the development of the criminal proceedings initiated against Reynoso and del Valle, as well as the consequent action for damages brought before the contentious-administrative jurisdiction, both of which are described in the petitioner's position.

7. In addition to the foregoing, the State asks the IACHR to declare the petition inadmissible because, in its opinion, the petitioner seeks that the Commission review the decisions of the domestic courts that rejected, with respect to due process, the claims of the doctors, particularly the compensation claimed before the contentious-administrative jurisdiction. In this sense, it argues textually that:

In the instant case, the allegations of an alleged judicial error and its failure to be determined and compensated by the State through its Judicial Branch will not be able to be examined by the Commission since, on the one hand, said error should have been established by a national court, which has not occurred in the present case, and, on the other hand, the error is configured, as pointed out by the Contentious Administrative Chamber, and is indicated by Article 10 of the ACHR itself, when there is a

final conviction generated by said error, which has not happened either, since far from it, the petitioners were acquitted. For this reason, the petitioners' claim should be rejected, since they have not presented facts that tend to establish a violation of the Convention.

Therefore, the petition must be rejected by the Commission, by virtue of the provisions of Article 47(b) of the ACHR and Article 34 of the Rules of Procedure.

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

8. In the present case, the Commission observes that the allegations raised in the petition focus on the alleged lack of administrative reparation in favor of the doctors for the alleged violations of due criminal process that followed them by the performance of an autopsy, derived from the fact that said process lasted more than ten years, harming them in the development of their professional career.

9. As it has decided in previous rulings⁴, the IACHR considers that the appropriate remedies to be exhausted in cases in which violations of due process and other human rights are alleged in the course of judicial proceedings are, as a general rule, those means provided by national procedural legislation that allow for an attack, in the course of the process itself in question, the actions and decisions adopted in their development, in particular the ordinary judicial remedies to which they may be appropriate, or the extraordinary ones if these were filed by the alleged victims of the violations of procedural guarantees to assert their rights.

10. About compliance with the requirement of exhaustion of domestic remedies in the petition under consideration, it is observed, first, that on September 29, 2005, the doctors filed an action for damages. However, on August 31, 2009, the Contentious Administrative Chamber, Chamber 1, dismissed their claims. Against this, they filed an appeal for cassation before the Supreme Court of Justice of Tucumán; However, on May 3, 2011, the Court upheld the appealed judgment. In view of this, they filed an extraordinary federal appeal before the Supreme Court of Justice of the Nation; however, in a judgment of December 28, 2011, the Supreme Court of Justice of Tucumán denied the appeal. Faced with this, they filed a *de facto* appeal; however, it was inadmissible on August 21, 2013, a decision that was notified to them on August 28 of that same year. The State, at the time, has not questioned the failure to exhaust domestic remedies or the requirement of the deadline for filing the petition, as established by the Convention.

11. For the purposes of deciding on the admissibility of the petition, that the remedies available in the domestic jurisdiction, aimed at obtaining pecuniary reparation for the alleged violations of due criminal process against the doctors, were exhausted with the inadmissibility of the remedy of fact and; therefore, the present petition satisfies the requirement established in Article 46(1)(a) of the Convention.

12. With respect to the deadline for filing, the Commission observes that the decision that exhausted domestic remedies was notified to it on August 28, 2013, and that the petition was received by the Executive Secretariat of the IACHR on February 19, 2014, complying with the six-month deadline for its presentation established in Article 46(1)(b) of the Convention.

VII. ANALYSIS OF COLORABLE CLAIM

13. First, the Commission reiterates that the criterion for evaluating the admissibility phase differs from that used to rule on the merits of a petition; at this stage, the IACHR must carry out a *prima facie* evaluation to determine whether the petition establishes the basis for the 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 case. For purposes of admissibility, the Commission must

⁴ See, among others: IACHR, Report No. 92/14, Petition P-1196-03. Admissibility. Daniel Omar Camusso and son. Argentina. 4 November 2014, paras. 68 et seq.; IACHR, Admissibility Report No. 104/13, Petition 643-00. Admissibility. Hebe Sánchez de Améndola and daughters. Argentina. 5 November 2013, paras. 24 et seq.; and IACHR, Report No. 85/12, Petition 381-03. Admissibility. S. et al., Ecuador. 8 November 2012, paras. 23 et seq.

decide whether the alleged facts can establish a violation of rights, as stipulated in Article 47(b) of the American Convention, or whether the petition is "manifestly groundless" or "manifestly out of order," in accordance with Article 47(c) of the American Convention.

14. As established in the preceding sections, the present petition includes allegations regarding the lack of compensation on behalf of Mr. Reynoso and Mrs. del Valle for the alleged violations of due process of criminal law that followed both. Argentina, in its response, states that the petitioner intends to use the IACHR as an international appellate court to review the decisions adopted by the domestic courts, even though they were adopted in observance of the judicial guarantees enshrined in the American Convention.

15. In this regard, the Commission recalls that the mere disagreement of the petitioners with the interpretation that the domestic courts have made of the pertinent legal norms is not sufficient to establish violations of the Convention. The interpretation of the law, the pertinent procedure, and the evaluation of evidence is, among others, the exercise of the function of domestic jurisdiction, which cannot be replaced by the IACHR.⁵ In this sense, the function of the Commission is to guarantee compliance with the obligations assumed by the States Parties to the American Convention, but it cannot act as an appellate court to examine alleged errors of law or fact that may have been committed by domestic courts that have acted within the limits of their jurisdiction⁶.

16. In accordance with these criteria, and in accordance with the information provided by the parties in this petition, the Commission observes that the petitioner has not presented any specific elements of fact or law that would make it possible to establish that the judgments handed down in the context of the contentious-administrative proceedings initiated by the doctors were vitiated by any defect or violated any guarantee enshrined in the American Convention. On the contrary, it only establishes that the domestic courts did not carry out a proper evaluation of the evidence collected in the process, in addition to the fact that the doctors, although they were the subjects of criminal proceedings, were fully acquitted of the crimes charged against them.

17. Therefore, the Commission concludes that the allegations made by the petitioner are inadmissible on the basis of Article 47(b) of the American Convention, since the facts presented do not even *prima facie* indicate possible violations of the Convention.

VIII. DECISION

1. To find the instant petition inadmissible on the basis of Article 47(b) of the American Convention and Article 34(b) of the Commission's Rules of Procedure.

2. To notify the parties of this decision, and to publish this decision and include it in its Annual Report to the General Assembly of the Organization of American State.

Approved by the Inter-American Commission on Human Rights on the 10th day of the month of December, 2024. (Signed:) Roberta Clarke, President; Edgar Stuardo Ralón Orellana, Arif Bulkan, and Gloria Monique de Mees, Commissioners.

⁵ IACHR, Report N° 83/05 (Inadmissibility), Petition 644/00, Carlos Alberto López Urquía, Honduras, October 24, 2005, para. 72.

⁶ IACHR, Report N° 70/08, (Admissibility), Petition 12.242, Pediatric Clinic of the Lake Region, Brazil, October 16, 2008, para. 47.