

Hypothetical Case 2020
Maricruz Hinojoza, et al. v. Republic of Fiscalandia

I. Background on the Republic of Fiscalandia

1. The Republic of Fiscalandia is in South America and covers an area of 1,885 km² consisting largely of Amazonian rainforest. Its capital is Berena. Its population, some 67 million inhabitants, is mostly mestizo (65%), 25% indigenous, and just 10% white of European descent. Fiscalandia gained its independence in 1818, having been a colony of the Spanish monarchy.
2. Fiscalandia is a unitary, democratic, and decentralized state, organized under the republican form of government, with a presidential system. Its national constitution, in force since November 25, 2007, recognizes the principles of separation of powers, judicial independence, human dignity, and respect for human rights as the highest aim of the state. It strictly prohibits presidential re-election. This last provision was approved by the 2006 Constituent Assembly, after nearly 20 years of uninterrupted government, during which former President Ramiro Santa María was re-elected three times before being overthrown by a coup d'état in late 2005.
3. Fiscalandia has ratified most of the international human rights instruments, including the American Convention on Human Rights (1969), ratified in 1970, and the Inter-American Convention to Prevent and Punish Torture (1988), ratified in 1989. Fiscalandia has also ratified most of the instruments pertaining to the universal system of human rights. In 1969, it ratified both the International Covenant on Civil and Political Rights (1966) and the International Covenant on Economic, Social and Cultural Rights (1966); it ratified the Convention on the Elimination of All Forms of Discrimination against Women (1979) in 1980, its Optional Protocol (1999) in 2001, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984) in 1985, and its Optional Protocol (2002) in 2004. Fiscalandia also ratified the Inter-American Convention against Corruption (1996) in 1997, and the United Nations Convention against Corruption (2003) in July 2004.
4. The Republic of Fiscalandia has four branches of government: the executive branch, the legislative branch, the judiciary, and the public oversight branch.
5. The President of the Republic is the head of the executive branch and the commander-in-chief of the Fiscalandian Security Forces. The legislative branch consists of a unicameral Legislative Assembly made up of 97 representatives.
6. The judicial branch consists of a Supreme Court with 26 justices. The justices are elected by a qualified majority of 2/3 the Legislative Assembly from a list proposed by a nominating board and serve 15-year terms.¹

¹ This mechanism is governed by Law 266 of 1999, the Nominating Boards Law. Under this law, nominating boards are temporary bodies created for the purpose of screening candidates for the Supreme Court, the position of Prosecutor General, the Court of Auditors, and the Judicial Council. They draw up lists of three times as many

7. The Supreme Court is the highest body of the judicial system, and it performs judicial, disciplinary, and governmental functions. It has the power to render final and unappealable decisions in civil, criminal, and administrative law matters, as well as in constitutional actions for the protection of the human rights and freedoms regulated in Fiscalandia's Constitutional Protection Law (*amparo* [petition for a constitutional remedy], habeas data, and unconstitutionality actions). its disciplinary powers, the Supreme Court is responsible for applying, in a single instance, suspension and removal penalties against judges of all levels and specializations. The only exception is for penalties against the Supreme Court justices themselves, which are imposed by the Legislative Assembly.
8. Finally, in terms of its governmental powers, the Supreme Court has jurisdiction to decide on budgetary and administrative matters of the judicial branch. The Chief Justice of the Court has the power to determine the composition of all appellate chambers and trial courts in the country's 17 regional courts.
9. Organizations defending indigenous peoples' human rights in the Amazon have on multiple occasions accused the current chief justice of the court, Justice Ángel Lobo, of manipulating the composition of the regional courts of Amazonas Alto and Amazonas Bajo. They allege that this was done to benefit oil exploration and exploitation companies in those areas, and even groups linked to illegal logging. However, the complaints lodged with the Legislative Assembly have all been dismissed without any decision on the merits.
10. The public oversight branch, for its part, is made up of different institutions that exercise supervisory functions, all of which enjoy constitutional autonomy: (i) the Office of the Prosecutor General, (ii) that National Court of Auditors, (iii) the Office of the Ombudsman of Fiscalandia, (iv) and the Judicial Council, responsible for administering the judicial career service.
11. The head of the Office of the Prosecutor General is the Prosecutor General, who is selected by the President of the Republic from a shortlist of three proposed by the respective nominating board.
12. Article 103 of the 2007 Constitution of Fiscalandia establishes that, in order to serve as Prosecutor General, a candidate must: (i) be Fiscalandian by birth, (ii) be over 45 years of age, (iii) have a law degree; (iv) be of good moral character, (v) have practiced the profession for at least 10 years at the time of application, (v) have good physical and mental health, as well as spiritual peace, and (vi) not have any financial or partisan political ties that might affect their independence.

candidates as the number of vacancies to be filled. In order to ensure greater citizen participation in the appointments, the law stipulates that the nominating boards are composed of twelve members: three university deans, three members of the Fiscalandia National Bar Association, three sitting judges, and three members of the public, all directly selected by the President of the Republic.

13. The 2007 Constitution does not establish the duration of the Prosecutor General's term of office, but in judgment 0067-2003 of August 13, 2003 the Supreme Court held that when the length of a public official's term of office is not specified, it is a lifetime appointment. The same Article 103 establishes that the Prosecutor General can be removed directly by the President on serious grounds and for good cause. The Legislative Assembly can object to the decision within 15 days, by qualified majority.
14. The Ninth Transitional Provision of the 2007 Constitution established that the heads of oversight bodies in office at the time of the entry into force of the new constitutional text, "shall remain in their positions on a transitional basis," provided that they comply with the requirements established for the position. Magdalena Escobar joined the prosecutorial career service in 1998 and was appointed Prosecutor General on September 1, 2005 by the former President Santa María for a 15-year term. Magdalena was in office when the 2007 Constitution entered into force. Like the other heads of oversight bodies, she was confirmed in office by a Presidential Decree issued on March 20, 2008.
15. In February 2017, former journalist Javier Alonso Obregón was elected president in the first round, with 67% of the vote, for a term of 5 years. Obregón, the 35-year-old son of folk singer Maura Pozzo, entered politics with the party #MenosEsMás after a successful career as a political analyst on the television show *El Disparador*.
16. On National Fiscalandia Day, which is celebrated every April 1, the newly elected President Obregón filed a writ of *amparo* challenging Article 50 of the Constitution, which bars presidential re-election. He argued that it directly violated his right to elect and be elected and the right of the people to vote for the political platform of their choice—rights guaranteed under international human rights instruments ratified by Fiscalandia.
17. A few months later, on June 8, 2017, the independent digital journalism outlet #OjoAvizor published an investigation called "the META emails," revealing a series of emails and audio recordings that evidenced coordination and negotiations between presidential advisor Pedro Matalenguas and members of the nominating board established to elect the five judges of the Court of Auditors. In those conversations, the advisor "recommended" that certain names be selected, because they were "suitable" people who "shared this government's perspective on the country." Four of those people were ultimately selected, and shortly afterwards, they dismissed oversight proceedings against President Javier Alonso Obregón's older brother, Manuel Alberto Obregón, related to the waste disposal and public cleaning concession contracts he entered into with the company Muyutrecht during his tenure as Mayor of Berena.
18. A few days later, journalists from other digital media outlets including #LaLupa and #TeEstoyMirando, revealed new communications from Matalenguas's personal email account and WhatsApp groups. Journalist Romeo Morritti, the founder of #TeEstoyMirando, told the *Washington Times* that "Matalenguas's communications are just 'the tip of the iceberg' in a complex and well-organized web of corruption and influence peddling involving public officials at various levels of government, politicians, and businessmen who seek to control and influence

some of the processes for the selection of senior officials—including judges and prosecutors—in order to then use that leverage to dispose of cases affecting their interests.” “It is our understanding that there are more than 5,000 communications, and new ones will surely continue to come to light,” he added.

19. Given the seriousness of these reports, on June 12, 2017, Prosecutor General Magdalena Escobar ordered the immediate creation of a special unit to investigate possible crimes stemming from the META emails. Two days later, President Obregón issued an Extraordinary Presidential Decree ordering the creation of the “nominating board for the selection of the Prosecutor General of the Republic of Fiscalandia.” The Decree stated that the current Prosecutor General’s term of office was transitional, and that it was therefore necessary to nominate a new, permanent appointee. Obregón also published a tweet saying:

“It’s incredible how corruption is everywhere. Corrupt judges, prosecutors, and public servants must be removed IMMEDIATELY. I am ordering the @CourtOfAuditorsFISC and the @SupremeCourtFISC to quickly investigate, and if necessary, I will ask for help from the international community.”

20. Civil society organizations and opinion leaders immediately sent President Obregón a letter suggesting the creation of an international mechanism to assist in the fight against impunity. The mechanism, they said, could support the Office of the Prosecutor General in the investigation of the META emails case and other cases with help from international prosecutors, investigators, and analysts. They cited the experience of the International Commission against Impunity in Guatemala (CICIG) and the Mission to Support the Fight against Corruption and Impunity in Honduras (MACCIH) as important precedents that could be used as a model. On social media, the civil society organization Transparency Fiscalandia promoted the campaign #IamCICIFIS to advocate for the creation of an International Commission against Impunity in Fiscalandia (CICIFIS) and encouraged citizens to document and report cases of corruption using social networks.
21. In response to this idea, Prosecutor General Escobar told the press that the Office of the Prosecutor General was the only institution authorized to prosecute, and that the intervention of an international body would undermine its constitutional autonomy. She added that the Office of the Prosecutor General had the necessary capacity to investigate cases of grand corruption.
22. Two months later, on August 13, 2017, Magdalena Escobar held a press conference together with the 5 prosecutors of the Special Unit and announced the filing of a formal complaint with the 40th Criminal Court of Fiscalandia, against (i) Pedro Matalenguas, (ii) former mayor Manuel Alberto Obregón, (iii) the former representative of Muyutrecht, and (iv) former members of the nominating board, for the crimes of corruption and influence peddling. She further stated that new witnesses who were cooperating as part of a plea bargain had provided key information to open new lines of investigation “that could reach even the highest spheres of political power.” She also complained that members of the Special Unit were being harassed by the head of the internal oversight body of the Office of the Prosecutor General, Domingo Martínez, who reported

directly to the Court of Auditors. “Instead of investigating the cases, we have to spend all our time responding to requests for information from this office,” she said.

II. Facts of the case

23. After the announcement of the imminent establishment of the nominating board, on June 16, 2017, Magdalena Escobar filed a motion to vacate an administrative act with the Tenth Administrative Court of Berena, challenging the call for candidates issued by Extraordinary Presidential Decree. She maintained that the measure taken by President Obregón had the same effects as removal from office, and was null and void on the grounds of abuse of authority, since its true purpose was to undermine the investigations being carried out by the Public Prosecutor’s Office against his family and close friends. Magdalena also contended that the decree infringed her right to irremovability from office, due process, her right to work, and the guarantee of the autonomy of the Office of the Prosecutor General. In this regard, the petition asked the court:

- To declare null and void the Extraordinary Presidential Decree of June 14, 2017, and all subsequent acts deriving therefrom.
- To declare that the guarantee of irremovability from office is applicable to her term as the current Prosecutor General of the Republic.
- To order the Office of the President of the Republic to refrain from initiating the procedure for the selection of the Prosecutor General of the Republic until the position is vacant.

24. At the same time, she sought injunctive relief, asking the court to temporarily suspend the President’s call for candidates on the grounds that going forward with the selection process could cause irreparable harm to her rights. The court granted her request for the suspension and gave notice to the Office of the President to abstain from appointing the members of the nominating board. The attorney for the executive branch appealed this decision and succeeded in having it overturned ten days later by the Second Chamber of Appeals of Berena.

25. The temporary suspension having been lifted, President Obregón executed the Extraordinary Presidential Decree and proceeded to appoint the members of the nominating board, as follows:

- a) As university representatives, he appointed the deans of the three oldest universities in the country.
- b) As representatives of the National Bar Association of Fiscalandia, the President appointed the three members who were proposed by the head of the association.
- c) As representatives of the judiciary, he appointed three members of the National Association of Judges and Justices of Fiscalandia, who were elected by the direct vote of association members. One of them is the cousin of the current chief justice of the Supreme Court.
- d) As representatives of the public, he appointed the Minister of Justice (a member of his presidential cabinet), the Ombudsman of Fiscalandia, and an independent member of the National Assembly, León Pinilla.

26. The nominating board met for the first time on July 15, 2017 at the main campus of the San Romero National University. During this session, which was held in private, the board approved the text of the public call for candidates and the general timeline of the process, and decided that both documents would be published twice in the official newspaper of national circulation. In accordance with the law, the board's sessions were deemed fully confidential. The text of the announcement was as follows:

"Public Announcement for the Selection of the Prosecutor General of Fiscalandia"

By Order 001-2001 dated July 15, 2017, the nominating board for the selection of the Prosecutor General of the Republic of Fiscalandia has resolved: TO INVITE all those interested in participating in the selection process for this position to submit their application files by July 30, 2017, at 23:59 hours, at Jirón Botero #1779, Berena; or online at www.postulate.gov.fis.

Legal basis: Art. 103 of the Constitution, Arts. 15-20 of Law 266 of 1999, the Nominating Boards Law, Art. 5 of the Organic Law of the Office of the Prosecutor General of the Republic.

1. Minimum documentation required

- *Signed application form, properly documented curriculum vitae*
- *Birth certificate*
- *Personal identification document*
- *Certificates of criminal and police record checks*
- *Certificate issued by the Court of Auditors, stating that no oversight actions are pending*
- *Certificate issued by the Judicial Council regarding disciplinary proceedings and penalties*
- *Certified copy of degree in law*
- *Certificate of good standing issued by the National Bar Association of Fiscalandia*
- *Work plan*
- *Affidavit from the applicant stating that he or she has no financial, political, or organized crime ties that could jeopardize his or her independence*

2. Timeline of the selection process

- *Submission of candidate applications: closes July 30, 2017*
- *Review of documentation and list of suitable candidates: August 3, 2017*
- *Proficiency exam: August 8*
- *Results of proficiency exam: August 10*
- *Background assessment: August 15-27*
- *Background assessment results: August 31*
- *Interviews: September 1-15*
- *Deliberation and vote on the shortlist: September 15-22*

27. President Obregón posted a photo of the nominating board’s session on his Twitter account and wrote: “Getting closer to finding the right person for the @OfficeoftheProsecutorGeneralFISC. Winds of change. #IamCICIFIS.” This tweet was celebrated by his 1.6 million followers.
28. When the application deadline had passed, the nominating board reported that 83 candidates (75 men and 8 women) had applied. A few days later, the list of “suitable candidates” was published, reducing the number to 48 (44 men and 4 women).
29. At the board’s third session, the internal working paper “Guidelines for the evaluation of candidates for the position of Prosecutor General of Fiscalandia” was adopted and distributed to all board members, as were the proficiency test questions. That same day, brief biographical sketches and photographs of the suitable candidates were published on the website www.postulate.gov.fis.
30. On August 10, the “suitable candidates” were put through a proficiency test in order to determine their practical command of criminal law under the new adversarial system that was first introduced in the country in 2008. Applicants who already worked, or had previously worked, in the Office of the Prosecutor General were exempt from this stage, and the candidates’ scores were published on www.postulate.gov.fis.
31. Once this stage was completed, the applicants’ backgrounds were graded. At the beginning of the August 15 session, it was resolved that each board member would review 4 files to determine if, in his or her judgment, the candidates had sufficient merit to serve in the position. The board members would assign them a score from 1 to 100, and anyone who scored below 75 would be eliminated. This board resolution was published. However, as most of the applicants failed to exceed that score, the board published a corrective resolution one week later on August 22, reducing the minimum score to 65.
32. At the conclusion of this stage, the list was reduced to 27 contenders (25 men and 2 women), ranked according to their scores. The first and second names on the list were Maricruz Hinojoza and Sandra del Mastro, respectively. Both were career prosecutors who had worked investigating cases of serious human rights violations committed by state security forces in the 1980s.
33. Several of the excluded applicants submitted requests for reconsideration to the board, as did some applicants who disagreed with the scores they received, claiming that the criteria used to assess their merits were unknown to them. All the requests were denied on the grounds that the Board could grade candidates “at its own discretion.”
34. Interviews were held from September 1-15 in the auditorium of the San Romero National University School of Law. The press and civil society organizations were allowed in. According to the schedule published hours earlier, the interviews were expected to last 30 minutes per applicant. The member organizations of the National Coalition against Impunity, led by Transparency Fiscalandia, presented the board with a list of questions, but none of them were asked.

35. During the interviews, each applicant was given 5 minutes to introduce themselves and explain the reasons for their candidacy, followed by questions from members of the nominating board. Most of the questions put to the candidates were focused on their past work experiences, or on their work plans. However, in the case of Maricruz Hinojosa and Sandra del Mastro, the interviewers only asked one question of each of them regarding their work history, after congratulating them on their careers.²
36. After the final interview on September 15, the nominating board convened to deliberate for one hour. At a subsequent press conference, it announced that the shortlist to be sent to President Javier Alonso Obregón consisted of Domingo Martínez and two other candidates, who after the file ratings were ranked 18th, 21st, and 25th in order of precedence. Five minutes after the press conference, President Obregón published a tweet: “I have decided to appoint Domingo Martínez Prosecutor General of the Republic. I wish him the best of luck during his tenure. #ByeMagdalena #IamCICIFIS.”
37. The next day, #TeEstoyMirando published an article by Romero Morritti entitled “The President’s Man,” in reference to the background of the newly appointed Prosecutor General, Domingo Martínez, who at the time was still serving as the head of the internal oversight body of the Office of the Prosecutor General. The article revealed that Martínez, who had worked as a legal advisor in the Berena Mayor’s Office during the administration of Manuel Alberto Obregón (the President’s brother), was listed as an individual donor to the #MenosEsMás party, and owned a luxury car that was acquired a week before his selection. The report featured a photograph of Domingo Martínez at Maura Pozzo’s wake at the end of 2012. In his first week in office as the new Prosecutor General, Domingo Martínez replaced the prosecutors in the Special Unit for the META emails case.
38. Maricruz Hinojosa and Sandra del Mastro decided to challenge the selection process and the appointment of Domingo Martínez. In their dual capacity as applicants and as citizens of Fiscalandia, they filed a writ of *amparo* against all the resolutions passed by the nominating board up until its resolution of September 15, 2017, as well as the appointment made by President Obregón via tweet that same day. In their lawsuit, they maintained that the process had violated basic principles and guarantees applicable to the selection of senior justice system authorities derived from the international human rights treaties signed by Fiscalandia, and that it violated, in particular, their right to due process and equal access to public office. They underscored that they had been discriminated against on the basis of gender, because they had not received an explanation of the reasons for their exclusion from the shortlist, and they alleged that Martínez’s appointment was politically motivated.

² That week, at a public hearing held before the Inter-American Commission on Human Rights (IACHR), Transparency Fiscalandia and other civil society organizations condemned the lack of transparency and the fact that it was impossible to access information on the applicants’ backgrounds and the evaluation rules.

39. The *amparo* action, brought before the Second Constitutional Court of Berena, was declared inadmissible on the grounds that the appointment of the Prosecutor General is a sovereign power of the executive branch, and therefore is not subject to review via *amparo* proceedings. In any case—according to the court—they could have challenged any irregularity by means of a motion to vacate. The plaintiffs appealed the decision, which was subsequently affirmed by the Second Appellate Chamber of Berena. Finally, the extraordinary appeal filed by Hinojosa and del Mastro with the Supreme Court of Justice was also denied in a decision dated March 17, 2018.
40. The *amparo* action filed by President Obregón to challenge the constitutional ban on reelection was denied at the first instance by the First Constitutional Court of Berena, presided over by Judge Mariano Rex, who found that the right to elect and be elected was not absolute, and that the constitutional limitation was reasonable and proportionate.
41. Obregón appealed that decision, and the case was taken up by the Supreme Court. In its judgement of October 10, 2017, the Court held that an absolute prohibition was excessive and infringed on the human right to reelection. Therefore, it concluded that Obregón had the right to run again for the Presidency of the Republic. In addition, the Court ordered that Judge Mariano Rex be investigated for having committed a serious breach of his duty to state the reasoning for his decision in the case, which indirectly affected the substantive rights invoked in the case, that is, the human right to reelection. After the disciplinary proceedings against him, in which he was granted the necessary time to exercise his right of defense, the Supreme Court ruled to remove Judge Mariano Rex from the bench on the grounds of “serious breach of the obligation to properly state the reasoning for his decisions.” This decision was handed down by the full Court on December 01, 2017.
42. The motion to vacate filed by Magdalena Escobar was adjudicated on January 2, 2018. In its judgment on the merits, the Supreme Court ruled that the motion was inadmissible because “the selection of Domingo Martínez as Prosecutor General had created a factual situation that was impossible to reverse through these proceedings, as it could affect the rights of third parties who have not had the opportunity to exercise their right of defense.”

III. Proceedings before the Inter-American System of Human Rights

A. Petition 255-17 /Mariano Rex v. State of Fiscalandia

43. After the Supreme Court removed him from the bench, Judge Mariano Rex filed a petition with the IACHR on December 15, 2017, alleging the violation of his right to a fair trial (Art. 8). His petition was registered under number P-255-17.
44. At the admissibility stage, the State alleged that the petitioner had failed to exhaust domestic remedies by not bringing any domestic legal action to challenge the administrative decision to remove him from office. In response, former Judge Mariano Rex argued that any remedy he might have pursued would have been adjudicated at the first instance by the same Supreme Court that had sanctioned him, and therefore should be regarded as an exception to that admissibility

requirement. The IACHR declared the petition admissible on August 8, 2018, and issued its Merits Report on February 14, 2019, finding the State responsible for violating the rights to a fair trial (Article 8.1) and judicial protection (Article 25), both in relation to Articles 1.1 and 2 of the ACHR. It recommended, among other things, the reinstatement of Judge Mariano Rex to his position. Once the requisite time period had elapsed without the State complying with the IACHR's recommendations, the case was consolidated with Petitions 110-17 and 209-18 and submitted to the jurisdiction of the Inter-American Court of Human Rights.

B. Petition 110-17 filed by Magdalena Escobar v. the State of Fiscalandia

45. On August 1, 2017, Magdalena Escobar filed a petition with the Inter-American Commission on Human Rights (IACHR) on her own behalf, for the violation of a number of rights enshrined in the American Convention on Human Rights. The IACHR gave notice of the registration of the petition under number P-110-17.

46. At the admissibility stage, the State of Fiscalandia alleged the failure to exhaust domestic remedies because the judgment on the merits of the motion to vacate had not yet been issued when the petition was filed. Fiscalandia additionally argued that it was within the President's authority to create the nominating board to replace a senior official whose term of office had expired, and was not politically motivated, given that the President selected the Prosecutor General after prior scrutiny by an independent entity: the nominating board.

47. The IACHR declared the petition admissible on December 30, 2018, and on August 1, 2019 it issued Merits Report 12/19, in accordance with Article 50 of the ACHR, notice of which was provided to the parties on August 15, 2019. In its merits report, the IACHR found the State of Fiscalandia internationally responsible for the violation of the rights to a fair trial (Article 8.1), equal protection (Article 24), and judicial protection (Article 25) under the American Convention on Human Rights, all in relation to Article 1.1 thereof, to the detriment of Magdalena Escobar.

48. Once the deadline and the requirements established by the American Convention and the Commission's Rules of Procedure had been met, and due to the fact that Fiscalandia had failed to comply with any of the recommendations, the case was consolidated with Petitions 209-18 and 255-17 and submitted to the jurisdiction of the Inter-American Court of Human Rights on December 15, 2019. It alleged the violation of the same Articles enumerated in the IACHR's merits report.

C. Petition 209-18 filed by Maricruz Hinojosa, et al. v. the State of Fiscalandia

49. For their part, Maricruz Hinojoza and Sandra del Mastro filed a petition with the IACHR on April 1, 2018, which was registered under number P-209-18.

50. At the admissibility stage, the State of Fiscalandia alleged that the petitioners had failed to exhaust domestic remedies by not filing a motion to vacate, which would have been the appropriate remedy for challenging the decisions of the President and of the nominating board.

Fiscalandia further argued that the appointment of senior government officials was a discretionary power assigned under domestic law to the President of the Republic, who was responsible for ensuring the autonomy of the Prosecutor General's Office through the appointment of a suitable individual to head the office.

51. The IACHR declared the petition admissible on December 30, 2018. In keeping with Article 50 of the American Convention, it subsequently issued Merits Report No. 13/19 on August 12, 2019, notice of which was provided to the parties on August 21, 2019. In its merits report, the IACHR found the State of Fiscalandia internationally responsible for the violation of the rights to a fair trial (Article 8), freedom of thought and expression (Article 13), equal protection (Article 24), and judicial protection (Article 25) of the American Convention on Human Rights, all in relation to Article 1.1 of the same instrument, to the detriment of Maricruz Hinojoza and Sandra del Mastro.
52. Later, because Fiscalandia did not comply with any of the recommendations within the established time period, the case was consolidated with Petitions 255-17 and 110-2017 and submitted jointly to the jurisdiction of the Inter-American Court of Human Rights on December 15, 2019, alleging the violation of the same articles cited in the IACHR's merits report.