),6&$/$1',$ 98/1(5Ï /$ (67$%,/,'$' < q $1(` w@ 0 /195/(6//p5

),6&\$/\$1',\$ 9,2/Ï /\$,*8\$/'\$' (1 /26 &\$5*26 (1 3(50\$;8\$5,2'1\$

),6&\$/\$1',\$ 9,2/Ï /\$,*8\$/'\$' (1 /26 &\$5*26 (1 3(50\$;8\$5,2'1\$

1. ABREVIATURAS

$ V D P E O H D   * H Q H U D O $ *

& R P L V L y Q   , Q W H U D P H U L F D Q D   G H   ' H U H F K R V   + X P D Q R V   & , ' +

& R P L W p   G H   ' H U H F K R V   + X P D Q R V   & ' +

& R P L W p   G H   ' H U H F K R V   (F R Q y P L F R V   6 R F L D O H V   \ & X O W X U D O H V

& R P L W p   S D U D   O D   (O L P L Q D F L y Q   G H   W R G D   ' L V F U L P L Q D F L y Q

& R Q Y H Q F L y Q $ P H U L F D Q D   V R E U H   ' H U H F K R V   + X P D Q R V

& R U W H   , Q W H U D P H U L F D Q D   G H   ' H U H F K R V   & R U W H   , ' +

& R U W H   6 X S U H P D   G H   ) L V F D O D Q G L D   & 6)

' H U H F K R V   + X P D Q R V   ' ' + +

- X Q W D   G H   3 R V W X O D F L y Q   G H   ) L V F D O D Q G L D   - X Q W D

2 S L Q L y Q   & R Q V X O W L Y D   2 &

2 U J D Q L] D F L y Q   G H   O D V   1 D F L R Q H V   8 Q L G D V   2 1 8

5 H S ~ E O L F D   G H   ) L V F D O D Q G L D   ) L V F D O D Q G L D   (V W D G R

6 L V W H P D   , Q W H U D P H U L F D Q R   G H   ' H U H F K R V   6 ' + +

7 U L E X Q D O   (X U R S H R   G H   ' H U H F K R V   + X P D Q R V   7 (' +

L & D U W D   ' H P R F U i W L F D   , Q W H U D P H U L F D Q D   Pág. 35.

L L & R Q Y H Q F L y Q   , Q W H U D P H U L F D Q D   F R Q W U D   O D   & R U U X S F L y Q

L L L & X P E U H   G H   O D V $ P p U L F D V   & R P S U R P L V R   G H   / L P D   V R E U H

O D   F R U U X S F L y Q   Pág. 22.

2 1 8

L $ *   ' H F O D U D F L y Q   V R E U H   O D   3 U R P R F L y Q   \   3 U R W H F F L y Q   G H

L L ' L U H F W U L F H V   V R E U H   O D   ' X & Q F) L T ç À G H 4 ' C O R V   ) L V F D O H V

[Y &DVR)ORU)UHLU 6H9QWH(RQXFDLDRGUH ([FHSFLyQ 3UHOLPLQD

&RVWDV Pág. 25.

[YL&DVR *HQLH /DFD\R 9V 1LFDUDJXD 6HQWHQFLD GH

Pág. 19.

[YLB&DVR *RQ]iOH] \ RWUDV &DPSR $OJRGRQHUR 9V 0F

Y L Ⱶ D F L X D Q D   3 R O t W L F D   , Q W H J U D O O   G H   3 U R W H F F L y Q   D   3 H

2 ($ 6 H U   /   9   , ,   ' R F   s. 27/28.   Pág

2 @ⱦP   ì « Ñ   4] ` H ñ B / ˆ   F L D @ A 0 0   D u   u P P   `   V F

3. HECHOS

/D 5HS~EOLFD GH)LVFDODQGLD HV XQ (VWDGR DPHULF

ORV SULQFLSLRV GH VHSDUDFLyQ GH SRGHUHV LQGHSHQG

VHQWLGR KD UDWLILFDGR QXPHURVRV LQVWUXPHQWRV LQV

OD FRUUXSFLyQ

)LVFDODQGLD HVWi HVWUXFWXUDGD HQ ORV SRGHUHV (

3RGHU (MHFXWLYR HVWi HQFDEH]DGR SRU HO 3UHVLGHQWH

GHO 3DUWLGR(V OO3RGHU -XGLFLDO HVWi LQWHJUDGR SRU

-X]JDGRV GH SULPHUD LQVWDQFLD /D &6) QR VyOR HMHUFH

VLQR WDPELpQ GLVFLSOLQDULDV HQ WDQWR VH HQFDUJD

$GHPVX SUHVLGHQWH ÈQJHO /RER TXLHQ WLHQH OD IDFXO

KD VLGR GHQXQFLDGR SRU PDQLSXODU VX FRPSRVLFLyQ H

GHQXQFLDV KDQ VLGR DUFKLYDGDV 3RU RWUR ODGR HO 3

HQWUH ORV TXH VH HQFXHQWUD OD)LVFDOtD *HQHUDO é

HOHJLGR D SRU HO 3UHVLGHQWH WUDV DQDOL]DU XQD WHU

(O VH SXEOLFyFDGyQ°0(7$ &RUUHRV´ GRQG

FRQYHUVDFLRQHV HQWUH XQ DVHVRU SUHVLGHQFLDO \ PLH

&XHQWDV RWUR yUJDQR GHO 3RGHU &RQWURORU 6HJ~Q OD

HO DVHVRULQIXHURQQWH VHOHFFLRQDGDV 7LHPSR GHVSXpV

3UHVLGHQWH \H[DOFDOGH GH OD FDSLWDO %HUHQD IXH L

FHOHEUDGRV FRQ XQD HPSUHVD SULYDGD 6LQLPEDUJR H

&RPR FRQVHFXHQFLD OD)LVFDO *HQHUDO 0DJGDOHQD

OD FUHDFLyQ GH XQD -XQWD SDUD OD HOHFFLyQ GH XQ QXH

4. CUESTIONES DE ADMISIBILIDAD

 $ &

\ D OD OX] GH OD MXDLR'S UXHGFDXWLROQV P Q DXHLJ RGQ DJRWDGRV

SURQXQFLDPLHQWR GH OD &,'+ VREUH OD DGPLVLELOLGDG G

SUHOLPLQDU SODQWHDGD SRU)LVFDODQGLD

,,,&

GLFWDURQ VHQWHQFLD VREUH HO IXHFUROQVRDGVHPXOOPPDDVJLSVHW

SDWLFLHSODXUBQRFHGLPLHQWWR GVHWDHF³ORRDVFULHHFXUVRV LQWHQW

VXSXHVWDV YtFWLPDV QR HUDQ FDSDFHV GH SURGXFLU HO

HVWDEDQ FRQGHQDGRV DO IUDFDVR FRPR HQ OD SUiFWLFD

(Q)LVFDODQGLD HD 8L6)yHUQ JDSOORH QGRRFDUJDGR GH DSOLFD

VDQFLRQHV GH VXVSHQVLyQ \GEHLQWWLDWOQXFFLDVyQOLXWQLGJRGRVLUGDUOOVV

SURFHGLPLHQWR GLVFLSOLQDULR GH FRJOGVWODRRUOUTXLVWLYHGHOOH

7ULEXQDWOH SGRHFFLVSURXOLSRQDODLQGLtD T&8H)) OD LPLQPGDLQYHVWLJDFL

VHD WDPELpQ OD FXOGGVVWHLSVHWGHGLDOODtFXWOLPHDULRUVX S(RWHQFLD

FRQVHFXHQFLD 0DUULLPOQLRRR5HG[HGGHDHERHWVDHUUORH[UHFXUVR LQW

HOOUWtFXOOR GH OD &$'+ VGJDXGLHSGRQWTXRHH VWiQGDUHV GHO 6,'+

)LVFDODQGLD UHFXUVR DOJXQR TXH SXGLHUD LQWHQWDU T

5. CUESTIONES DE FONDO

A. EL CONTEXTO DE CORRUPCIÓN INSTITUCIONAL EN FISCALANDIA

/D FRUUXSFLyQ HV XQ IHQyPHQR TXH GHELOLWD ODV

FRQILDQ]D GH OD FLXGD GHODQFHLHUHEOOD OJRHVLIXXQGOHHERQGRODGDUWURRYOHV

DFW~DQ FRPR DJHQVFXXODQGSULRRULRQOIDXSSUHFLyOQV SULYDGRV VHD

&RUWH,'+ 7ULEXQDO &RQVWLWXFLRQDO 9V 3HU~ ^
$FODUDWRULD
+HFKRVˆ
$FODUDWRULD
+HFKRVˆ
&IU &RUWH,'+ 5DPtUH] (VFREDU \ 2WURV&,9^ ,*RUDPHHPRGGH &RUUXSFL
''++ ^ 2($ &RPSURPLVR GH /LPD VREUH *REHUQDELOLGDG 'HPRF
ˆ
&IU &,;QIRUPH VREUH &RUUXSFLyQ2\($'+&RQYHQFLyQ ,QWHUDPHULFDQD
SUHiPEXOR

VX IXQFLyQ SRU SDUWH GH yUJDQRV DMHQRV DWUYBRGGDO-KXG
TXH HMHUFHQ IXQFLRQHV GH &RUUHJLU R DDSOLFDU DPHQW
(VWDGRV HVWiQ RE[XQJDDGRSDULHJQFUDDQWH]DQGHSHQGHQFLD G
FRQILDQ]D QR Vy[OVRLOWDVRQXGDXFLXGDGDEOtD HQ XQD VRFLHGDG

$O VHDRDVMXHFHVXQ[LGDVDPHQWDOHV SDU[D HSOJRXXGH J(HVWU DGORRVV
GHPRFUiDWLFRQ HVWDEOHFHUVH SURFHGLPLHQWRV HVWULFWV
/D LQGHSHQGHQFLD MXGLFLDO [MXLHHH DXOODLP WDGRRPDWLHVXUFLDy
GLVFLSOLQDU[JLVSHM XGEDPPHQV SHULG[RUSLR GH PDLJPDQVFLYGLUGK
GHVWLWXL\ROLGHE SURFHGHU SRU FRQGXFW[PVHFOODUDDPHTXWH
FDVR GH QHJOLJHQFLD R LPSHULFLD GHEHQ H[LVWLU RWUD

3DUWLFXOD[OHQU PORQWHHODWLYR D VDQFLRQHV GLVFLSOLQDG
H[LJHQFLD GH PRWLYDFLyQ HV PXFKR PD\RU[3RTXHWVSOUPDRRWWL\
ODV UHVROXFLRQHV GH FDUiFWHU GLVFLSOLQDULR GHEHQ
FRQVWLWX\H XQD IDOWD \ HO GHVDUUROOR GH DUJXPHQW
WLHQHQ HQWLGDG VXILFLDH[QOWLHQRV SSDHUULPDMQXHV]FDIHFRDVTXFEUXJR

$Vt EDXXEQXDDQHGLRVWLHUD XQD GHFODUDFLyQ GH HUURU M
XQ yUJDQR GH UHYLVLyQ GHEH DQDOL]DUVH OD JUDYHGDG
VDQFL\DQTXH ORV IXQFLRQDULRV MXGLGFHLDVOXH[OXQORRERHQMH V

&IU &RUWH,'+ 5HYHUyQ 7UXMLOOR 9V 9HQH]XHOD   ^
&IU &RUWH,'+ +HUUHUD 8OORD 9V &RVWD 5LFD   ^
&IU&,'+ *DUDQWtDV SDUD OD ,QGHSHQGHQFLD G H ORV DV 2SHUDGRUHV
&IU &RUWH,'+ 7ULEXXQOODV &RKQVUWLWXFLRQ
&IW &RUWH,'+ /ySH] /RQH \ RWURV 9V +RQGXUDV   ^
&IU &,'+ (GXDUGR 5LFR 9V $UJHQWLQD   ^
&IU &RUWH,'+ 4XLQWDQD &RHORR 9V (FXDGRU   ^
&IU &RUWH,'+)ORU)UHLUH 9V (FXDGRU   ^
&IU

GHELGR D TXH VX GHFLVLyQ IXH UHYRFDGD PHGLDQWH XQD

VXSHU(QSURDUWLFXODU OD PRWLYDFLyQ GH XQD GHVWLWXF

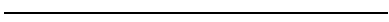GLIHUHQFLD UDJRQDEOH GH LQWHUSUHWDFLRQHV MXUtGLFD

U D] R Q D E O H P H Q W H   O O H H Y D Y V W D   D   O D D O Q T X H S L V W D O G D O M G D D W J L G H Q W H   F R Q

Q H J O L J H Q W H

6 X E V L G L D U L D P H Q W H   D ~ Q   V L   O P L R V W L H Y G D W G D O Q   F U L D S O Q R V K X E W

F R Q V L G H D D G F X V H V L V X Q O D L V G L O Q V U y R S R U J F L T X R Q H D V G L D H P S U H O O G V H L E P H D U t D

U D W F R R I R H U O P H G H S H U R G H L] D U   O D   H V W D E L O L R L S H D U G D O D O Q R U H M X F D V U L F R D O

(Q W R G R F D V R   ) L V F D O D Q G L D G H E H U t D   K D E H U   X W L O L] D G R

V D Q F L R O Q U O U D D O D R   5 H [

/ D   H V W D E L O L G D G   G H   O R V   D V   M X H F H V   ] D V   U H V X O W D   W D F

G H V H P S H x D Q   X Q   S D S H O   I X Q G D P H Q   O D G D O H   V D U U H R O O D F F H G V H R   V D X   O D

L Q Y H V W L J D F L y Q   \   G H I H Q V D   G H   O R V D D T X H F D X Q G R E G M H Q W R O   G H   S X

L Q W H U Q D V   \   H [W H U Q D V   F R Q   U H V S R U   W H R O O R O R D O D V D G L H O O L V W L D L R G H H V X

P L Q D U   O D   F U H G L E L O L G D G   G H   O D   D X W R U L G D G   I L V F D O   \   V R F

M X V W L F L D

I 3 R U   R W U R   O D G R   H Q   W D Q W R   R S H U D G R U H V

(Q HVWH VOHQOLVWLFGDRO H V TXH VURHQSYHSWLPLOLDDOXGLWLJDU FD

FRUUXGSHHEHQO UHFLELU SURWHFFFWLYOQHSHRHUJSDDDUDQWLVLGDOO HVWWDOD

IXQFLyQ VLQ LQWLPLGDFLyQ KRVWLPD[LPPHQWLR ORD VLQFMDHKUVHD

SURPXHYHQ DIHFWDQ SDQGLLOODV JUXSRV GHOLQFXHQFLD

HPSUHVDULDOHV R DJHQWHV HVWDWDOHV HQWUH RWURV

(V QHFHVDULR TXH ORV WUDVODGDRLVDGRHWRJSRHOXOJDRUU LE\ M

UHDOL]DGRV FRQ EDVH D FULWHULRV S~EOLFRV \ REMHWLY

\D TXGHH OR FRQWWUHDDUDLPHGUHQWDPLHQWR DFWXDGLHDSURSRWRDRE

OD DWHQFLyQ GHELGD SDUD HO HQMXLFLDPLHQWR GH IXQ

HVSHFLDOPHQWH OLJDGRV D OD FRUUXSFLyQ

0DJGDOHQDKOODVFRREOHQ]DGR D LQYHVWLJDU SUHVXQWRV

LQYROXFUDEDQ LQGLUHFWDPHQWH DO 3UHVLGHQWH 2EUHJy

OD -XQWD SDUD QRPEUDU D 6XLQ EQOHHLYQRR)UXFFDLOR UFRQOHH\\QW

UHPRYHLOOGDLSUHVLGHQWH QRPEUy D XQD QXHYD SHUVRQD HQ

IXQFLyRORHTVXH IiFWLFDPHQWH0 ER GDLDVVLQOXXX\FHOOHQRMHDHOYOHD

IXH WUDVODGDGD DO GLVWULWR GH 0RUHQD FDUDFWHUL

SDQGL$OVODXVVO/HJJGDKODEtD GHQXQFLDGR DFWRV GH KRVWLJDP

TXLHQ UHVXOWy ILQDOPHQWH HOHJLGR)LVFDO *HQHUDO 3

&IU &,'+ ,QVIRRUUPHH OD 6LWXDFLyQ GH 'HIHQVRUDV HV GH ''++ ^

V✻HVWDELOLGDG HQ HO FDUJR

WUDQVSDUHQFLD DFWLYD D OD KRUD GH SURSRUFLRQDU LG

ORV SURFHVRV GH H[RSHDF GLOPHQWH R Q DVGH FRQYRFDWRUL

FDUJRV GH R GH UDQ GRWLHFLD V

).,6&$/$1'1$2 027,9$ï;&/86,ï1 'P$5,&58+_12-26$6N1'5$ 'É/0$6752

/D -XQWD QR DGRSWy XQD GHFLVLyQ GHELGDPHQWH IXQ

FDQGLGDWRV D ïLVWFDDXïHGODPHDQOV DFLyQ KDEUtD SHUPLWLGR

FXiOHV OXRHV RRRWLTXRHV EHQDO RSXQWD GHWHUPLQDU TXH ORV WU

WHUQD IXHLOODRY PiV LGyQHRV SDUD GHVHPSHxDU HO FDUJR

GHELHURQ VHU HOLPLQDGRV GXUDQWH OD HWSDSD GRQHMO

SXQWDMH PtQLPR HSWURSEXOOHWFDODGRLRSURX] OD DQGUD VLHQGR

GHVHPSHxRV HFVRHOPVSORODGUS XQWDMHVQRR GHHELVDORLGQWHUVH[FOX

WHUQD ILQDO VLQ XQD MXVWLILFDFLyQ UD]RQDEOH

,,(/ '(5(&+2 $ $$&&('(5 $ 8Q 5¿2&8(5É87,92

(O DUWtGFX8ODOD+FRQWHPSOD OD REOLJDFLWLQ GTXXH GHLHJHQH

WRGDV ODV SHUVRQDV EDMR VX MXULVGLFFLyQ XQ UHFXU

WULEXQDDHOV WH ODV&RU GRGRV,W+XY RQVXLHSOXDURFFLyQDO GHOODP SDUR

FDUDFWGHUFHVWLDFDULDV SDUD OD WXWHOD HIHFWLYD GH ORV

VHQFLEOODHRY(OQ SDUWLFXODU HO GHUHFKR GH DFFHVR D OÉ

&IU &,'+ 5HVROXFLyQ VREUH &RUUXSFLyQ \ ''++
+HFKRVˆ
+HFKRVˆ
&IU &RUWH,'+ &ROLQGUHV 6DHFKKHQRQ EHUJ 9V
&I&RUWH,'+ 7ULEXQDO &RQVWLWXFLRQDO 9V 3HU~ ˆ

3RU BDWUWH)LVFDHOOD QLGLGH IElQ MDyDQWH OD &,'+ TXH HO

KDEHU DJRWDGR ODV YtFWLPDsIDV ~HQVOODD ODHJFLLVyOQDG HyEXVOLVFDG

HSURFHVR FROGWHLQLFLWRVVRWLYDPHTWWSURHFHGHFVLRQDU GH OD

S~EOL6FLDQ HPEHDQU SRODEUUDRV6GDH OD

S U R F H V R   W U D Q T V X F H X U H O L H Q X D I Y K R D Y L W D F D O   D G T X L H U D   H O   F D U J R

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S U R F H V R   W U D Q T V X F H X U H O L H Q X D I Y K R D Y L W D F D O   D G T X L H U D   H O   F D U J R

D Q W H G L F K R V   H Q O S D L U L W D L H Q F R X Q O D R D W Y X Y R U O T D X H S R V L E L O L G D G   G H   U H

LQGHSHQGHQFLD MXGLFLDO HQ FRQMXQFLyQ FRQ HO GHUH

LJXDOGDG D XQ FDUJR S~EOLFR

(O GHUDEFKRGHU D FDUJRV S~EOLFRV HQ FRQGLFLRQHV

SDUWLFLSDFLyQ FLXGDGSD-GDOLFSHVOPDLWVLGHLOGHSWHOLFWDVOGRQ

GLVPLQXODGSRVLELOLGDG GH TXH VXV DJHQWSHEDUWEDOGXUUDQ

HO DFFHVR FRPR ODFDSUHJURPDGFGFRPSPRWLYRGHVLJQDFLyQ \ QRPEU

LQFOX\H DGHPiV OR UHODWLYR D ORV SURFHGLPLHQWRV O

3RU RWUR ODGR OD HSVUWLQFFEDRUGHOODLFXDOOGFRGOHQR GL

DO (VWDGR D JHQHUDU HFRSHGFLFDGRLRQHQVWpSHWHOPODWWWXDFLGH J

YXOQHUEOLELOLVWGDGLFDPHQWH H[FOXLGRV FRPR ODV PXMHUHV

0DULFUX] \ 6DQGUD YLHURQ YXOQHUDGR VX GHUHFKR D

GH LJXDOGDG DO QROKDQJXHQDSGLGRHOODWHLGDU OD WHUQD ILQ

HO SULPHU \ VHJXQGR OXJDUUGGHHOORWVHHQORORQGSXELOYDOLWXHRILQyQD

GH FRQRFLPLHQWRV \ KDEHUURSHPGWRYDPHQWSXHOWQROD

DQWHFHGHQWHUJDUSRUHOOOO FRQWLQDOPHQWH FRQIRUPDGD S

&IU 218 &'+ 6RUDWKD %DQGDUDQD\DNH 9V

UHVXOWDGRV   REMHWLYRV   IXHURQ   QRWOODE OTHXPHH OHW HG HQ IFLU

LUUHJXODULGDGHV GHO SURFHVR

$ VX YH]   0DYJLGR YXQOD HUDGR VX GHUHFKR D SHUPDQH

FRQGLFLRQHV GH LJXDOGDG DO KDEHDLQWHGGHV RYHQ HOD VSXUFFDV

GH)LVFDO *HQHUDO \ WFRQOODLGDXGD DXH LHQFYMRYW LGJHDFORy Q U

GH FRUUXSFLyQ TXH LQYROXFUDEDQ DOO LDFFSWDXGDOOV QRFXMLHUUHQV

OOHJDU DORWFRXSDFU JRV FRPR RSHUDGRUDV GH MXVWLFLD

)LVFDO DEWDGRDOEFSRSHGSHFWXDQGR ODV WUDEDV D XQD HIHFWL

HMHUFLFLR GH VXV GHUHFKRSYRHOOGVFLXPOOQXXOHHOLGRGLVWIFHUULDPGGQGDFK

SXHGH VHU GLUHFWD R LQGLUHFWD H[LVWLHQGR HVWD ~O

VX DSOLFDFLyQ UHVXOXWWWDFHGFGHELQFGLRPPOODOLDYWFRXUHMLHDXUHV FX\D SUH

GH UHVSRQVDELOLGDG HV HVFDVD HVWiQ HQ VLWXDFLyQ

DSOLFDFLyQ0DGSHDXUXHOQDOLWDWWQPDWWHHQWHFLJRDDQHWRRB SX0HGH SHUHSHWXDU

GHVL@YDÑRFRF€%•E

GHPRFUDFLD (V SRU HOOR TXH LQYROXFUDU D HOVD PXMI

LPSUHVFLQGLEOH SDUD FRQVROLGDU OD GHPRFUDFLD SDUV

(Q FRQVHFXHQFLD DUGLHD]JRQHGDFOXG PHSHOGDURU MXVWLILFDU XQD

EDVDGD ~QLFDPHQWH VHVSHOFHLDVO PHUQDVJHQFRVRHMURGGHUDQGHR XQH

FDWHJRUtD VRVSHFKRVD GHUWGLFXGGLFROSDL yQ(GH VVWLDVWVOXG HODH FL

WUDWD GH XQD SUiFWLFD KLVWyULFD GH GLVFULPLQDFLyQ

UDFLROQOODOMXULVGSHUXGGOHHYHFULVRV VLVWHPDV GHHQSWURIVGHFFLXGH

GLVFULPLQDFLyQ VH SUHVXPH LQYLFURWULUHHQVSRORQOGDLHOOGRRJD

GHPRVWUDU TXH VX GHFLVLyQ QR WHQtD SURSyVLWR GLVFU

3RU HOOR FXDOTXLHU GDWVOLXQEFLYQORQROHUR FTXGGSULGDPXID

OD SUHVHQFLD HTXLOLEUDGD GH KRPEUHV \ PXXODIUKHRWUDHVGWL

DGRSWDU PHGLGDV SRVLWLYDV TXH FRPEDWDQ OD VXEUHS

(VWR FREUD YLWDO UHOHYDQFLDGLHD MMXQVWDWLHDUL ELVSHH FRLSHG

VHOHFFLyQ \ QRPEUDPLHQWR GH ILVFDOHV (Q HOHWVWDLOOQQHD

VHJ~Q ORV PpULWRFVDGSODVSLHUVDLROQRQODHOHVQGRHWDPELpQ HO DVHJ

GH RSRUWX3QOLGGDD GHYLWDU TXH ODV DXWRULGDGHV WHH EDVH

&IU 218 'HFODUDFLyQ \ 3ODWDIRUPD GH $FFLyQ GH %HLMLQJ ^
&IU &,'+ 3DUWLFLSDFLyQ 3ROtWLFD GH ODV 0XMHUHV HQ ODV $PpULFDV
&IU &,0DUtD (XJHQLD 0RUDOHV GH 6LHUUD 9V *XDWHPDOD
&IU 8SU5LP\Q6iQFKH]L(H`°0

GHEH JDUDQWL]DU TXH ORV JUXSRV LQVXILFLHQ(WQHHPHVWQHH U

DVSHFFWRFDVWRVULGHMQDOHV HYDOXDGRUHV GH FDQGLGDWRV

KRPEVHVKD GHVWDDFSDGRRJUMHR GH ODV PXMHUHV KD VLGR O

KRPEUHV TXH HVWiQ HQ SXHVWRV GH GHFLVLyQ FRQRFHQ

ODV FXDOLGDGHV \ KDELOLGDGHV GH ODV PXMHUHVDVHQ S

SDUWLFLSDFLy(QVWHDPPWQHLOQQGDHQFLD D PDQLSXODU OD HOHFFL
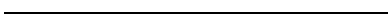
GLVFDWRRULQLDV DUUDLJDGDV HQ ORV yUJDQRV GH VHOHFFLy

GH FRUUXSFLyQ

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6$1'5$ '(/0$6752

(O (VWDGR QR IDYRUHFLy HOODDEFIDLY GtRCH HHDQPHEDUDDOPXMKHQ

UHJLyQ H[LVWHQ FXRWDV GH JpQHUR WHQGLHQWHV DO S

$UJHQWLQD %ROLYLDFD+ROQGXDDWLHQH XQ ~QLFR SUR\HFW

SRU HO DHQYGLRGHHTXFLDFWXDOPHQWH HO SRUFFHQODWUDDMPHH OGWHS

LQIHULRU $VLPLVLD% ORV@ 0T êSÀ $N e0O #ÓTU`0 Ru

0iV D~Q)LVFDODQGLD WDPSRFR DSOLFy PHGLGDV SRV

GHO FDVR KLSRWpWLFR SHUPLWH LQIHULU TXH OD -XQWD H

OR TXH SURSLFLDUtD TXH VX HOHFFLyQ IDYRUH]FD D RWURV

SRU SDUWH GH OD -XQWD \D TXH VXV PLHPEURV EXVFDURQ

HO 3UHVLGHQWH 2EUHJyQ FRPSODWHUWUHHLQDVHWHUHVQHDV SSRRUOLWWRLREFL

LGyQHDV \ FDSDFHV SDUD RFXSDU HO FDUJR GH)LVFDO *HQ

$ VX YH] OHMRV GH TXH H[LVWDQ QRUPDV TXH OH GHQ

LJXDOPHQWHFRDOOHOLFSDUGRRSVyVLWR GH UHYDYUVWLFEWLOPPDDVGHKQ\RLJ

FRQVLGHUDGDV HQ OD WHUQD ILQDO SHVH D KDEHU REWH

PpULWR VXSHUDQGR FRQ FUHFHV OD SXQWXDFLyQ REWHQ

HOHJLGRVyOR H[LVWLHQGEUXLOQD OYDD F-XQWWD LD GHFFXLGLy GLVPLQXL

HYDOXDU ORV DQWSHFWHVGLHQOHDWHOHVH SSRRSQOODDWt GRV GH ORV

PLHPEURV GH OD WHUQD LQFOX\HQGR 'RPLQJR 0DUWtO

(YLGHQWHPHQWHHV WODODWKLDGOWLHHQFRySRVLEOH SDUD TXH OD WHU

GH ODV Yt FRWQPODOGHHSSRRULGDGG OGRHPFEJULQDHUURRQD SHUVRQ DItQ D

FDUJR GH)LVFDO *HQHUDO

$GHPiV OD SUHVXQFLyQ GH TXH 0DULFUX\HH[URDOOHGULURD IXI

FREUD PXHO\ERJLD SRUTXH QR UHFLELDHLFUHRUQFLDQOLGGHHJXVQO'D 9ä`[¨ß0@©4a Fc

OD GLVWLQFLyQ HIHFWXDGD HQWUH ODV YtFWLPDV \ ORV

UD]RQDEOH SURSRUFLRQDGR \ DMHQR DO KHFKR GH TXH V

),6&$/$1',$ 9,2/ï*$$/'$' (1 /26 &$6(*1 3(5-8,&,(20$*'$/(1$(6&2%$

(O (VWDGR QR FRQVLGHUy OD LPSRUWDQFLD GH TXH 0D

),VFDO *HQHUDOUWDDDQWR XQD PXMHU HV LQGXGDEOHPHQWH O

PiV DOWR FDUJR GH OD)LVFDOtD HQ HO FRQWH[WR GH XQ ('

LQYLVLELOL]D ODV QHFHVLGDGHV GH ODV PXMHUHV $XQTX

³IRUPDOPHQWH GHVWLWXLGD´ ORV KHFKRV GHPXHVWUDQ T

D XQ QXHYR RFXSDQWH GH VX SURSLRFDUJR GHVWLWXF

$ VX YH])LVFDODQGLD MXVWLILFy HO OODPDGR D OD

SHUPDQHQWH \D TXH HO GH 0DJGDOHQD HVFREDUJRVLHUDG

FDUJR TXH VH YLR LPSHGLGR GH FXPSOLU VX PDQGDWR R

QLQJXQD -XQWD SDUD UHHPSOD]DU ORV RWURV PDQGDWRV

DxRV SDUD TXH YHQFLHUD OD (VWDGJRRQDOFWLYULJODDGHFODLQGDV

XWLOL]DFLyQ GHO KDVKWDJ ³%<(0$*'$/(1$´ SRU SDUWH GHO

HO YHUGDGHUR REMHWLYRSXXQHVGDLOOPHQPDLGSUD\WUHDPWRDYHUVH O

PXMHU TXH DGHPDLFWLRQYHVWELRDEXSFLyQ TXHDSRVDEOHLGHRQO

SURSLR 3UHVLGHQWH

E. Fiscalandia violó el artículo 13 de la CADH en relación con el 1.1 en perjuicio de Maricruz Hinojosa y Sandra del M

D ~ Q   H Q   F D V R   G H   G X G D   R   Y D F\ O R R O V H H J D S O H U P L F X H D M V U L H V V L G L U (F V D V

H V W U L F W D S H H Q M V H Y H O Q W X G   G H G H S W U L U D O F Q L V S S L R U H H Q F (V L D V D O G F R V L G Y H D E

S U R S R U F L R Q D U   O D   P i [L P D   F D Q W L G D G   S R V L E \ O S H R U H P D Q I R U F

R L F L R N V D S H F L D O P H Q W H   F X D Q G R   V H   W U D W D   G H   L Q I R U P D F

R S H U D G R V H M X V W P L F L V W R   H Q   H O   F X D O   H V   H V H Q F L D O   T X H   O

D X W R U L G D O G S H D U W L F X O D U   G H E L G R   D O   D R O D F H Q Q V O D O O X F K D F X

F R U U X S F L y Q   O D   W U D Q V S D U H Q F L D   D G P ` W š @ 0

XQ VX VHFUHWR HYLGHQFLD D~Q PiV TXH)LVFDODQGLD

GHWUiV GH OD VHOHFFLyQ ILQDO GHO)LVFDO *HQHUDO

/D OLEHUWDG GH H[SUHVLyQ GLGHH FODYD ELR FROODQGJ EO DQKGUDEH UX

~QLFDV TXH QR WXXFLL HOD DRUG HH[SDFLVRU ODV UD]RQHV GH VX S

SRU ORV FXDOHV GH EFRUDO DQG VHHUD GHGXHJ ORG GH-XiQWD YLROy OD

WLHRSSRUHJXQWDV SUHHVWDE OHLFOLLGOD FVL EO Q HOD VF VRRQRV UGDP OD

TXH VH SUHVHQWDURQ \ TXH ORJUDURQ REWHQHUDHOOD PHMR

WRWDOLGDG GHO FXROHH FHVLLYD PEHPOQDUDDQRHJXQGR RELVWDFXOR

VXV UHFODPRV D XQ OXJDU GH SUH RQRQXGHHDUDWRGR HHQ VODO UD

LGHD GH TXH OD HOHFFLyQ GHILOODLWRLQ GLDGEH RGGHFGH ILGGDPWL

FDQGLGDSUDHWVHQGLYVPDOQXVHO[HR EO OD FODVH SROtWLFD GR

6. Petitorio

3RU WRGR HVQ WRVD UHJXPUHPSULGHRVHQHWVWDFLyQ VROLFLWD UH

&RUWH,'+ TXH GHFODUH OD UHVSRQVDELOORHGDG DLUQWtHXQRFL

F HQ UHODFLyQ FRQ ORV DUWtFXORV \ DGHWtFX Q&RVV+

F \ HQ UHODFLyQ FRQ HO DUWtFXOR GH OD &

DUWtFXORV F \ HQ UHODFLyQ FRQ HO DUWtFX

+LQRMRVD \ 6DQGUD GHO 0DVWUR

$FODUDWRULD
+HFKRVˆ
+HFKRVˆ

'H FRQIRUPLGDG FRQ HO DUWtFXOR   GH OD &$'+   W

LQWHUQDFLRQDO TXH KD\D SURGXFLGR XQ3ßGDxWR RFQWQRR OHHV

UHSUHVHQWDFFLV\SOHWWRRVDLPWMQWH TXH OD &RUWH,'+ GLFWH O

&RPRPLHGD GH JDUDQWtD)LVFDODQGLD GHEH OOHYDU

PDQHUD D GC00VP

BpbHD DฮL S

———————————

MXHFHDVXJQDV LQVWDQFLD UHYLVRUD HQ ORV SURFHVRV

HIHFWLYRV TXH JDUDQWLFHQ OD WUDQVSDUHQFLD \ SX

FRPR DTXHOORV TXH SHUPLWDQ HO H\QFDXWXLGDRJGRH \O

UpJLPHQ GH UHQGLFLyQ GH FXHQWDV GH VXV LQWHJUD

HIHFWLYRV TXH JDUDQWLFHQ OD LJXDOGDG GH RSRUW

SHUPDQHQFLD D DOWRV FDUJRV HQDHORROVLVWWUHHSDORUGHHD

FDSDFLWDFLyQ D IXQFLRQDULRVOSPXEHOLHURRV MRREDUOQHWORDV LF

MXVWLFLD

3RU ~OWLPR HQ PDWHULD GH LQQGGUHHSVSOOLUJDHILOHLQYRODQ GGYHLVRLDDOO

RFDVLRQDGR+DQORRUODMUGLLFFODDJGHHXOO 0DVWUR FRQ 86' GyOD

HQ HTXLGDG SDEUDDUUHHSVSOOLGDGXORURDLQPDWHOODDULUJDDOGDGRRIFHHDOVVDLRRVVFGDRRGEL

FR86'8 GyODUHV GLH] PLO HQ HTXLGDG PiV 86'

HQ FRQFHSWR GH GDxR PDWHUL\LDDOO FSURHURSHSVDDOODDUHLRRVVGGDDxRR

RFDVLRQDGR D 0DULDQR 5H[FRQ 86' GyODUHV G

GyODUHV FLQFXHQWD PLO HQ FRQFHSWR GH GDx