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EXP. N.º 02775-2011-PHC/TC

LIMA

LUIS ALBERTO OTOYA LÓPEZ

SENTENCIA DEL TRIBUNAL CONSTITUCIONAL

En Lima, a los 16 días del mes de enero de 2012, el Pleno del Tribunal Constitucional, integrada por los magistrados Álvarez Miranda, Urviola Haní, Vergara Gotelli, Mesía Ramírez, Beaumont Callirgos, Calle Hayen y Eto Cruz, pronuncia la siguiente sentencia, con el fundamento de voto del magistrado Álvarez Miranda, que se agrega.

ASUNTO

Recurso de agravio constitucional interpuesto por don Luis Alberto Otoya López contra la sentencia de la Segunda Sala Especializada en lo Penal para Procesos con Reos Libres de la Corte Superior de Justicia de Lima, de fojas 577, su fecha 13 de diciembre de 2010, que declaró infundada la demanda de autos.

ANTECEDENTES

Con fecha 15 de marzo de 2010 el recurrente interpone demanda de hábeas corpus contra el director del Establecimiento Penitenciario de Ancón "Piedras Gordas" y el director de Tratamiento del Instituto Nacional Penitenciario de Lima, solicitando que se disponga su traslado a fin de que reciba un adecuado tratamiento médico, pues se vienen afectando sus derechos a la salud y a no ser objeto de un tratamiento carente de razonabilidad y proporcionalidad en la forma en la que cumple su reclusión.

Al respecto afirma que mediante Acta de la Junta Médica Penitenciaria N.º 95-INPE/DSP, de fecha 13 de octubre de 2009, se le diagnosticó diversas enfermedades y posteriormente la Junta Médica del Establecimiento Penitenciario La Capilla - Juliaca sugirió su traslado a un hospital de nivel IV que sea especializado en nefrología, lo que fue puesto en conocimiento del director de Tratamiento del Instituto Nacional Penitenciario, sin embargo a la fecha no se resuelve la situación de su salud que se viene agravando. Señala que por sus males ha solicitado que sea visto por la junta médica pero a la fecha ello no se ha llevado a cabo. Agrega que se encuentra en indefensión ya que en el lugar en donde se encuentra no hay médico ni especialista pero existe la referida recomendación de su traslado planteado por el INPE y que en la ciudad de Lima se cuenta con lo médicamente requerido.

Realizada la investigación sumaria el recurrente ratificó los términos de la demanda. De otro lado el director de Tratamiento del Instituto Nacional Penitenciario, señor Kenneth Mora Landeo, señala que tiene conocimiento de la sugerencia de traslado del actor del Establecimiento de "La Capilla" en Puno a Lima, sin embargo el

Derecho Right Hc 1999

Inter-American Commission on Human Rights, Inter-American Court of Human Rights

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Mobilizing for Human Rights Beth A. Simmons, 2009-08-31 This volume argues that international human rights law has made a positive contribution to the realization of human rights in much of the world Although governments sometimes ratify human rights treaties gambling that they will experience little pressure to comply with them this is not typically the case Focusing on rights stakeholders rather than the United Nations or state pressure Beth Simmons demonstrates through a combination of statistical analyses and case studies that the ratification of treaties leads to better rights practices on average Simmons argues that international human rights law should get more practical and rhetorical support from the international community as a supplement to broader efforts to address conflict development and democratization *Inter-American Yearbook on Human Rights / Anuario Interamericano de Derechos Humanos, Volume 4 (1988)* Inter-American Commission on Human Rights, Inter-American Court of Human Rights, 2022-08-08 This edition of the Inter American Yearbook on Human Rights like the volumes that precede it includes information concerning the activities of the Organization of American States in the promotion and protection of human rights It begins with the composition of the Commission and Court including the biographies of the members 1988 activities of each body reproductions of resolutions and reports by the Commission and historic correspondences and decisions by the Court Also included is an update on the status of the American Convention on Human Rights which reports the relation of each country to that instrument followed by resolutions adopted in 1988 by the OAS General Assembly The year 1988 distinguished itself particularly because the Inter American Court of Human Rights made its first decision on a contentious case the Vel squez Rodr guez case Honduras This historic decision is reproduced in Part Three of this volume Another important 1988 development in the Inter American system was the Protocol of San Salvador or Additional Protocol to the American Convention on Human Rights for Economic Social and Cultural Rights reproduced in Part Four Also included in its entirety is a report on the human rights situation in Haiti a report requested by the Organization of American States Permanent Council in Resolution 502 The Inter American Yearbook on Human Rights is completely bilingual English and Spanish **Inter-American Yearbook on Human Rights / Anuario Interamericano de Derechos Humanos, Volume 38 (2022) (VOLUME III)** Inter-American Comm. on Human Rights, 2024-11-18 The 2022 Inter American Yearbook on Human Rights provides an extract of the principal jurisprudence of the Inter American Commission on Human Rights and the Inter American Court of Human Rights Part One contains the Decisions on the Merits of the Commission and Part Two the Judgments and Decisions of the Court The Yearbook is partly published as an English Spanish bilingual edition Some parts are in English or Spanish only NB This book is part of a four volume set Vol 1 ISBN 978 90 04 71518 9 Vol 2 ISBN 978 90 04 71520 2 Vol 3 ISBN 978 90 04 71522 6 Vol 4 ISBN 978 90 04 53775 0

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9789004205048 **Intellectual Property and Competition Law** Gustavo Ghidini, 2006-01-01 The book ends with a comprehensive selection of the relevant bibliography This part is all the more valuable to the reader as Ghidini does not simply list the relevant literature but puts it in its general context and comments on it Ghidini's book is a fascinating trip through the system of IP laws Beatriz Conde Gallego Intellectual Property and Competition Law Intellectual Property and Competition Law by Gustavo Ghidini provides a persuasively presented descriptive analysis of a distinctively European perspective on intellectual property law and its relationship to competition law Professor Ghidini expertly presents the evolution of intellectual property laws and its contemporary manifestations with respect to the expansion copyright law in technological fields and the inevitability conflict with patent law the attempt at creating monopolies such as in biotechnology and so much more A seminal work of impressive and articulate scholarship Intellectual Property and Competition Law should be considered mandatory reading for students and researchers in the field of intellectual property rights and a very strongly recommended addition to academic library International Economics and Judicial Studies reference collections The Economics Shelf Midwest Book Review the provocative nature of this book is one of its great strengths as are its cohesiveness and erudition Mel Marquis European Competition Law Review We in the United States have much to learn not only from Gustavo Ghidini's careful analysis of modern trends in the European IP regime but also from his thoughtful development of the thesis that free competition should be understood as the overarching principle guiding both IP protection and what we call antitrust law Rudolph J R Peritz New York Law School author of Competition Policy in America and American Antitrust Institute US This rich and challenging book offers a critical appraisal of the relationship between intellectual property law and competition law from a particularly European perspective Gustavo Ghidini highlights the deficiencies in studying each of these areas of law independently and argues for a more holistic approach insisting that it is more useful and indeed essential to consider them as interdependent He does this first by examining how competition and intellectual property IP converge diverge and inform one another Secondly he assesses how IP law can be interpreted through the guiding principles of competition law antitrust and unfair competition and within the overarching principle of free competition The book traces the evolution of modern IP law which it claims is marked heavily both by over protectionist trends such as the extension of copyright law to technological fields where it trespasses on the territory of patent law and by attempts to monopolize the achievements of basic research such as in the example of biotechnology Through an examination of such emerging issues as access to standards of information and patenting of genetic materials the author makes a clear case for a reading of IP law that promotes dynamic processes of innovation by competition and competition by innovation with related benefits to consumer welfare such as wider choices greater access to culture and information and lower prices Advanced students and researchers in all areas of intellectual property will find this book a stimulating alternative to traditional interpretations of the subject *Yearbook of International Organizations 2014-2015 (Volume 4)* Union Of International Associations, Union of

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Transforming Religious Liberties S. I. Strong, 2018 Proposes a new theoretical approach to religious liberty that both transcends and transforms current approaches to law and religion

Privatisation and Human Rights in the Age of Globalisation Felipe Gómez Isa, 2005 Result of a joint research project under the auspices of the Center for Human Rights University of Maastricht the Netherlands and the Institute of Human Rights Pedro Arrupe University of Deusto Basque Country Spain P v

Preventing Irreparable Harm Eva R. Rieter, 2010 International human rights adjudicators while facing urgent cases have used provisional measures in order to prevent irreparable harm e g to order States to halt an expulsion the execution of a death sentence destruction of the natural habitat or to ensure access to health care in detention or protection against death threats In the practice of the various adjudicators the traditional concept of provisional measures has undergone a process of humanisation This book addresses the question how such provisional measures can be made as persuasive as possible Apart from the Inter American Court none of the human rights adjudicators motivate or publish their provisional measures Yet this book analyses their best practices and obstacles determines the underlying rationale for their use of provisional measures and establishes the core of the concept of provisional measures that all adjudicators have in common It argues that clarity on what belongs to the core of the concept and on what does not belong to the concept at all enhances the persuasive force of provisional measures The practices of the international adjudicators made accessible in this book may prove useful in the ongoing cross fertilization occurring among these adjudicators Moreover the analysis provided allows individual victims their counsel NGOs as well as international institutions to address more effectively urgent human rights cases About this book Rieter s book is a very worthwhile and sorely needed reference Overall the book provides a comprehensive and organized explanation of provisional measures and the bodies that may issue them Its most important contribution is found in the middle chapters addressing the various situations and kinds of harm previously addressed by human rights tribunals when granting provisional measures although the practical suggestions to human rights tribunals are also surely welcome Researchers human rights defenders and the tribunals themselves will find much in Rieter s volume to strengthen and enrich their work Ideally the information it contains will contribute not only to better understanding of

provisional measures but also to coherence in and progressive development of this area of the law X on internationalhumanrightslaw.org 2010 Defining Torture Gail H. Miller, 2005 This monograph is a sweeping survey of the legal definition of torture under domestic and international law Although virtually all nations condemn torture ambiguity about what conduct amounts to torture creates space that governments can exploit to engage in harsh cruel methods of interrogation For this reason the paper argues it is important to develop a clear and uniform definition of torture Publisher website **Sexualidad, estigma y derechos humanos** Adriana Piscitelli, 2006 **Index to Legal Periodicals & Books**, 2002 *Current Law Index*, 2001 G.K. Hall Bibliographic Guide to Latin American Studies Benson Latin American Collection, 1999 *The Challenge of Diversity* Willem Assies, Gemma van der Haar, 2000 Over the past several years new constitutions have been promulgated in many Latin American countries A notable feature of the new constitutional frameworks is the recognition of the multiethnic and pluricultural character of these Latin American societies and States Without question this fact reflects the new weight that indigenous movements have gained in political processes in the region The recognition of multiethnicity constitutes a significant break with the previous perspective based on homogeneity and assimilation Although this recognition of diversity is indeed important the real test and challenge shall be the full implementation of diversity through concrete policies and institutional reforms International Labour Documentation International Labour Office. Bureau of Library and Information Services, 2000 **Revista jurídica de la Universidad Interamericana de Puerto Rico**, 2002 **Juristische Abhandlungen**, 1964 New York University Environmental Law Journal, 2000 **The Right to a Decent Environment in Uganda** Christine Echookit Akello, 2007

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