

Case of the Moiwana Community v. Suriname: orders of the Judgment pending fulfillment

1. The State shall implement the measures ordered with respect to its obligation to investigate the facts of the case, as well as identify, prosecute, and punish the responsible parties, in the terms of paragraphs 202 – 207 of this judgment.
2. The State shall, as soon as possible, recover the remains of the Moiwana community members killed during the events of November 29, 1986, and deliver them to the surviving community members, in the terms of paragraph 208 of this judgment.
3. The State shall adopt such legislative, administrative, and other measures as are necessary to ensure the property rights of the members of the Moiwana community in relation to the traditional territories from which they were expelled, and provide for the members' use and enjoyment of those territories. These measures shall include the creation of an effective mechanism for the delimitation, demarcation and titling of said traditional territories, in the terms of paragraphs 209 – 211 of this judgment.
4. The State shall guarantee the safety of those community members who decide to return to Moiwana Village, in the terms of paragraph 212 of this judgment.

Partial compliance:

5. The State shall establish a community development fund, in the terms of paragraphs 213 – 215 of this judgment.

The explanation of what is still pending regarding this order is in the Considering clause 39 of the Court's monitoring compliance resolution of November 22, 2010, which states:

39. Therefore, given that the State has transferred at least some of the monies ordered in the Judgment to the development fund, the Court finds that this obligation has been partially complied with. However, the Court highlights that the Judgment set a five-year deadline, running as of the date on which the latter was served, for the implementation of the health, housing, and educational programs established through that fund. Thus, the Court considers that the State must transfer the full amount ordered in the Judgment to the development fund as soon as possible. It must also provide the Court detailed information on the amounts that have already been transferred to it, the amounts still pending, a schedule containing the dates on which these transfers are to be executed, and whether the Moiwana Community has received the interest that has accrued on the amounts awarded. It must also provide supporting documentation with respect to the amounts it has already transferred to the development fund.

This systematization of information was elaborated by the Inter-American Court of Human Rights's Secretariat, and it is of their sole responsibility. The information was taken from the resolutions issued by the Court. Within the case file there might be information provided by the parties that has not yet been evaluated by the Court.