

# 2011

Annual Report

*Inter-American Court of Human Rights*





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To all residents of the Americas,



I have the honor, on behalf of all the judges, members of the Inter-American Court of Human Rights, to present this the thirty-first Annual Report. The Court is pleased to make public the significant progress it has made in 2011, and describe the major challenges that must be taken up in the coming years. I have no doubt that, as throughout the history of the institution, the Court will be able to face up to and overcome them. I would like to underscore certain aspects of what has happened during the year, because they are extremely important for the inter-American community.

The Court has celebrated the implementation of specific measures aimed at guaranteeing the active participation, on an equal footing, of the alleged victims in the proceedings before the Court. One of these advances is the Legal Assistance Fund. A measure that is consistent with the pro persona spirit that inspires the American Convention, the Fund has emerged as a guarantee of equality and non-discrimination for the alleged victims, so that their socio-economic situation and/or that of their representatives does not constitute an impediment for those who consider that they have been prejudiced by the violation of their rights to obtain justice. Similarly, the mechanism of the Inter-American Defender was also used for the first time this year; hence, the absence of a representative should not be an impediment for the alleged victims to be defended appropriately.

In this same spirit, in 2011, in an unprecedented action, the testimony of a victim was heard using audiovisual means. This reveals that even impediments to travel cannot justify the absence of the alleged victims during the proceedings, and permits them, as well as any other deponent, to participate directly and actively in the proceedings. In addition, the Court is pleased to announce that, for the first time, it held a regular session outside its seat, in Bogota, Colombia. Furthermore, the Court held two special sessions away from its seat; the first in Panama City, Panama, and the second in Bridgetown, Barbados, which was the first time the Court had held a session, with its respective public hearings, in an English-speaking country of the Caribbean.

The Court belongs, above all, to the peoples of the Americas. It is essential that it is perceived as such by the population of this hemisphere. In this regard, holding sessions in different countries away from its seat allows the Court to comply not only with the commitments on its agenda related to its jurisdictional activity, but “the Court in action” can be observed by public officials, civil organizations, academics, students and the interested public.

I would also like to highlight that, with the same goal of getting closer to the peoples of the Americas, this year the Court began to broadcast all its public hearings live on its website; moreover, it keeps the recordings of these hearings open on the website so that they can be heard at any time. As it has in the past, the Inter-American Court has again revealed that there are no frontiers or limits to the defense and promotion of human rights. In 2012, we will continue in this same spirit finding new opportunities and mechanisms to increase our presence, to make our work more accessible, and to achieve a closer and more human approach to the inter-American community, the owner and ultimate purpose of this organ’s work.

### A. Establishment

The Inter-American Court of Human Rights (hereinafter “the Court” or “the Inter-American Court”) was established on July 18, 1978, by the entry into force of the American Convention on Human Rights (hereinafter “the Convention” or “the American Convention”).

### B. Organization

The Statute of the Court establishes that it is an autonomous judicial institution, whose purpose is the interpretation and application of the American Convention. The seat of the Court is in San José, Costa Rica, and it is composed of seven judges, nationals of Member States of the Organization of American States (OAS).

The judges are elected in an individual capacity from among jurists of the highest moral authority and of recognized competence in the field of human rights. In addition, the judges must possess the qualifications required for the exercise of the highest judicial functions, in conformity with the law of the State of which they are nationals or of the State that proposes them as candidates. The judges are elected by the States Parties by secret ballot and by the vote of an absolute majority during the OAS General Assembly immediately before the expiry of the terms of the outgoing judges.

Judges are elected for a term of six years and may be re-elected only once. Judges whose terms have expired shall continue to serve with regard to the cases they have begun to hear and that are still pending judgment. The President and the Vice President are elected by the judges themselves for a two-year period and they can be re-elected.

The judges are always at the disposal of the Court; they do not, however, receive a salary for the performance of their duties, they merely receive an honorarium for each day they session and an emolument when they act as the rapporteur.

### C. Composition



In 2011, the composition of the Court was as follows, in order of precedence: Diego García-Sayán (Peru), President; Leonardo A. Franco (Argentina), Vice President; Manuel E. Ventura Robles (Costa Rica); Margarette May Macaulay (Jamaica); Rhadys Abreu Blondet (Dominican Republic); Alberto Pérez Pérez (Uruguay) and Eduardo Vio Grossi (Chile). The Secretary of the Court is Pablo Saavedra Alessandri (Chile) and the Deputy Secretary is Emilia Segares Rodríguez (Costa Rica).

During the ninety-third regular session, the Inter-American Court re-elected Judge Diego García-Sayán as its President for a second two-year period starting on January 1, 2012. At the same time, the Court

elected Judge Manuel Ventura Robles as its Vice President for a two-year period, also beginning on January 1, 2012.

### D. States Parties

Of the 35 States that are members of the OAS, the following 21 have accepted the compulsory jurisdiction of the Court: Argentina, Barbados, Bolivia, Brazil, Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Suriname, Uruguay and Venezuela.



### E. Jurisdiction

The Convention confers contentious and advisory functions on the Court, and it has the authority to order provisional measures. In the exercise of these powers, during 2011, the Court delivered 18 judgments, and issued 32 orders on monitoring compliance with judgment, and 36 orders on provisional measures. In addition, the President issued six urgent orders for provisional measures. The Court also issued 11 orders in which it granted certain alleged victims access to the Victims’ Legal Assistance Fund of the Inter-American Court.

Furthermore, the Court issued an order on interpretation of the judgment on merits, reparations and costs in the case of Ibsen Cárdenas and Ibsen Peña v. Bolivia in which it declared that the request for interpretation was inadmissible; one order in which it ruled on the death of the legal representatives of the alleged victim in the case of Mohamed v. Argentina and his consequent request to be represented by an Inter-



American defender, and one order in which it ordered, as helpful evidence, that the girls in the case of Karen Atala and daughters v. Chile should be informed of their right to be heard before the Court.

Lastly, the Court held 16 public hearings on contentious cases, four private hearings, and one public hearing on monitoring compliance with judgment, and seven public hearings on provisional measures.

### *1. Contentious function*

this function enables the Court to determine, in cases submitted to its jurisdiction, whether a State has incurred international responsibility for the violation of any of the rights recognized in the American Convention or in other human rights treaties applicable to the inter-American system and, as appropriate, order the necessary measures to repair the consequences of the violation of such rights. In addition, in accordance with this function, the Court monitors compliance with its judgments.

#### *a) Cases relating to individual petitions*

The proceedings before the Court to decide the cases submitted to its jurisdiction have four stages: (1) written stage: this includes the submission of the case by the Commission; the presentation of the brief with pleadings, motions and evidence by the alleged victims, and the presentation of the brief in answer to the two previous briefs by the defendant State; the briefs in answer to the preliminary objections filed by the State, when applicable; the brief with the final list of deponents and expert witnesses; the order convening a hearing, and the briefs with the final arguments and observations of the parties; (2) oral or public hearing stage; (3) deliberation and delivery of judgment, and (4) monitoring compliance with judgment.

The first stage begins with the submission of the case to the Court. To ensure that the Court and the parties have all the information required for the appropriate processing of the proceedings, the Court's Rules of Procedure require that the application presenting the case include, inter alia: (a) the reasons that led the Commission to present the case; (b) a copy of the report issued by the Commission under Article 50 of the Convention, and (c) a copy of the complete case file before the Commission, including any communication subsequent to the report under Article 50 of the Convention.

Once the case has been presented, the President makes a preliminary examination to verify that the essential requirements for its presentation have been fulfilled. If so, the Secretariat notifies the case to the defendant State and to the alleged victim, his or her representatives or the inter-American defender, as appropriate.

Following notification of the case, the alleged victim or his or her representatives have two months from the time they receive a copy of the application and its attachments, to submit their autonomous brief with pleadings, motions and evidence. This brief must include, inter alia: (a) a description of the facts, within the factual framework



established by the Commission; (b) the evidence offered, in due order, indicating the facts and arguments to which it refers, and (c) the claims.

When the brief with pleadings, arguments and evidence has been notified, the State has two months from the time it receives this brief and its attachments to answer the briefs, indicating: (a) whether it accepts the facts and the claims or whether it contests them; (b) the evidence offered, in due order, indicating the facts and arguments to which it refers, and (c) the legal grounds, the observations on the reparations and costs requested, and the pertinent conclusions.

This answer is forwarded to the Commission and to the alleged victim, the representatives or the inter-American defender.

If the State files preliminary objections, the Commission and the alleged victims or their representatives can submit any observations they deem pertinent within 30 days.

Following the reception of the brief submitting the case, the brief with pleadings, motions and evidence, and the State's answering brief, and before the oral proceedings start, the Commission, the alleged victims or their representatives and the defendant State may ask the President to conduct other actions under the written proceedings.

If the President considers this pertinent, he will establish the time frame for the presentation of the respective documents, in a duly founded order.

Once the final lists of deponents and expert witnesses have been received from the parties, these are interchanged among them so that they may present their observations.

Then, the President of the Court issues an order convening a public hearing in which, based on the observations of the parties, and making an analysis of them and of the information in the case file, he decides which of the witnesses and expert witnesses will take part in the public hearing of the case, and which of them will participate in the proceedings by affidavit; in addition, he convenes the parties for a specific day and time to hold the said hearing.

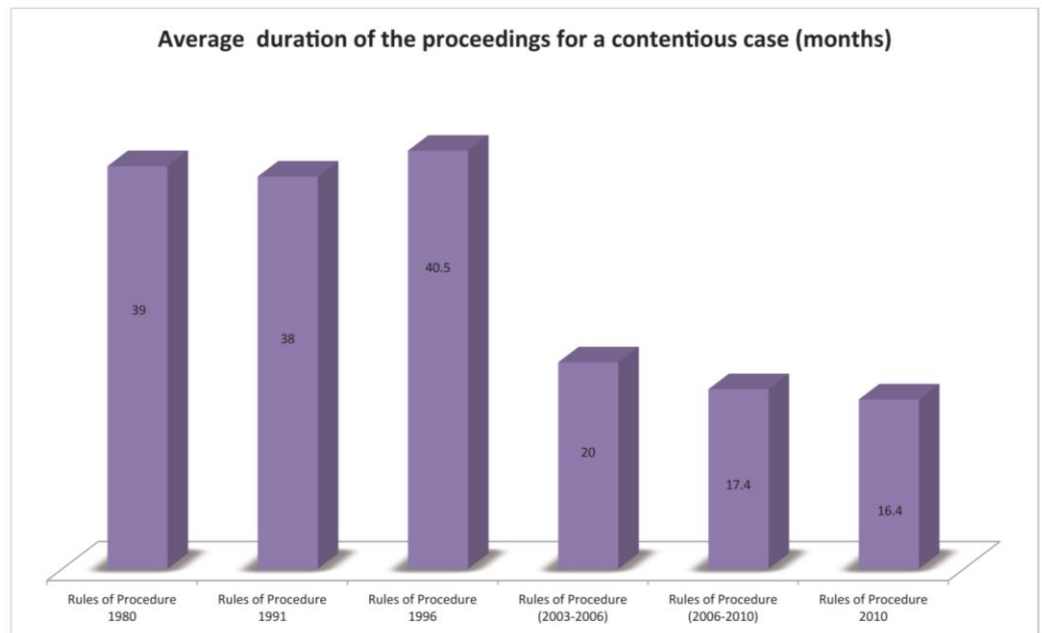
The public hearing initiates the second stage of the proceedings before the Court, which will be described more fully in the section entitled "Sessions." Once this stage has concluded, the alleged victims or their representatives and the defendant State present their final written arguments. The Commission, if it deems pertinent, presents final written observations.

It is worth noting that, in addition to the arguments and documentation provided by the parties, at any stage of the proceedings, the Court may: (a) obtain ex officio any evidence it considers useful and necessary; in particular, it can hear as an alleged victim, witness, expert witness or in any other capacity, any person whose statement, testimony or opinion it deems pertinent; (b) require any evidence that the parties can provide or any explanation or statement that, in its opinion, may be useful; (c) request

from any entity, office, organ or authority it wishes, that it provide information, express an opinion, or prepare a report or opinion on any specific point, and (d) commission one or several of its members to carry out any investigation measures, including hearings, either at the seat of the Court or outside it.

When the final written arguments of the parties have been received, the third stage relating to the adoption of the judgment starts. The judgments handed down by the Court are final and non-appealable. Nevertheless, if any of the parties to the proceedings wishes to clarify the scope of the judgment in question, the Court will elucidate it in an interpretation judgment. This interpretation is made at the request of any of the parties, provided the request is submitted within 90 days of the date of notification of the judgment. Once the judgment has been notified, the Court begins the fourth stage of the proceedings during which it monitors its decisions.

The Court has made a considerable effort to reduce the duration of the cases before it. The principle of reasonable time established in the American Convention and in the Court's consistent case law is not only applicable to the domestic proceedings within each State Party, but also to the international courts or organs whose function is to decide petitions on alleged human rights violations. The average duration of the proceedings in a contentious case before the Court between 2006 and 2010 was 17(4) months. In 2011, the Court managed to reduce this figure to 16.4 months.



During 2011, 23 new cases were submitted to the Court, making this the year during which most cases have been submitted to it.



The following cases were submitted to the Court in 2011:

**1. Case of García et al. v. Guatemala.**

On February 9, 2011, the Inter-American Commission submitted the case of García et al. against the State of Guatemala. The facts of this case concern the alleged forced disappearance of Edgar Fernando García, student leader and trade unionist, who was arrested on February 18, 1984, by members of the Special Operations Brigade of the Guatemalan National Police, with no knowledge of his whereabouts to date.

**2. Case of Nadege Dorzema et al. v. Dominican Republic.**

On February 11, 2011, the Inter-American Commission submitted the case of Nadege Dorzema et al. against the State of the Dominican Republic. The facts of this case concern the alleged excessive use of force by soldiers against a group of Haitians, in which seven people lost their life and several more were injured. The facts had been submitted directly to the consideration of the military justice system, which had acquitted the soldiers involved. In addition, some of the surviving alleged victims were expelled from the Dominican Republic, without receiving the guarantees due to their condition as migrants.

**3. Case of Gudiel Álvarez et al. (“Diario Militar”) v. Guatemala.**

On February 18, 2011, the Inter-American Commission submitted the case of Gudiel Álvarez et al. (“Diario Militar”) against the State of Guatemala. The facts of this case concern, inter alia, the alleged forced disappearance of 26 personas, and the alleged forced disappearance and extrajudicial execution, and the alleged detention and torture of other individuals. These facts have allegedly remained in impunity.

**4. Case of Castillo González et al. v. Venezuela.**

On February 22, 2011, the Inter-American Commission submitted the case of Castillo González et al. against the State of Venezuela. The facts of this case concern the alleged attack against and subsequent death of the human rights defender, Joe Luis Castillo González, perpetrated by two unknown individuals, and the alleged injuries resulting from the alleged attack caused to Yelitze Moreno de Castillo and to Luis César Castillo Moreno, a child. These facts have allegedly remained in impunity.

**5. Case of Palma Mendoza et al. v. Ecuador.**

On February 24, 2011, the Inter-American Commission submitted the case of Palma Mendoza et al. against the State of Ecuador. The facts of this case concern the alleged lack of due diligence in the investigation, prosecution and punishment of those responsible for the alleged “detention, disappearance and subsequent murder” of Marco Bienvenido Palma Mendoza, which supposedly occurred on May 16, 1997. In addition, the State was presumably responsible for the alleged absence of an effective remedy and of due diligence in the investigation and punishment of those responsible.

**6. Case of Vélez Restrepo and family v. Colombia.**

On March 2, 2011, the Inter-American Commission submitted the case of Vélez Restrepo and family against the State of Colombia. The facts of this case concern the alleged attack on the journalist Luis Gonzalo “Richard” Vélez Restrepo by soldiers of the Colombian National Army while he was filming a demonstration during which

members of the National Army had beaten several of the demonstrators. According to the Commission, these facts were followed by alleged death threats, which led the journalist to leave Colombia to go into exile on October 9, 1997.

**7. Case of the Massacres de El Mozote and surrounding areas v. El Salvador.**

On March 8, 2011, the Inter-American Commission submitted the case of the Massacres of El Mozote and surrounding areas against the State of El Salvador. The facts of this case concern the alleged massacres committed between December 11 and 13, 1981, during a military operation in seven localities, in which approximately one thousand people lost their life. In addition, this case refers to the alleged dismissal of the judicial proceedings instituted for these facts based on the General Amnesty Law for the Consolidation of Peace, and to the exhumations that were performed in subsequent years, without leading to the reactivation of the investigations.

**8. Case of Pacheco Teruel et al. v. Honduras.**

On March 11, 2011, the Inter-American Commission submitted the case of Pacheco Teruel et al. against the State of Honduras. The facts of this case concern the alleged death, on May 17, 2000, of 107 interns deprived of liberty in the Penal Center of San Pedro Sula. The Commission also indicated that the State had not undertaken an investigation into the facts denounced, or the punishment of those presumably responsible, diligently and as an inherent legal obligation.

**9. Case of Furlán and family v. Argentina.**

On March 15, 2011, the Inter-American Commission submitted the case of Furlán and family against the State of Argentina. The facts of this case concern the alleged excessive delay of the judicial authorities in deciding a civil action, on the result of which depended the medical treatment of the alleged victim, a child with a disability.

**10. Case of Mohamed v. Argentina.**

On April 13, 2011, the Inter-American Commission submitted the case of Mohamed against the State of Argentina. The facts of this case concern the alleged prosecution and the alleged criminal conviction of Oscar Alberto Mohamed for the crime of culpable homicide. According to the Commission, during the proceedings, a series of judicial guarantees had been denied, and the rights to appeal the judgment and to an effective remedy had not been guaranteed.

**11. Case of Mendoza et al. (Life imprisonment and imprisonment of adolescents) v. Argentina.**

On June 17, 2011, the Inter-American Commission submitted the case of Mendoza et al. against the State of Argentina. The facts of this case concern the alleged arbitrary sentencing to life imprisonment of César Alberto Mendoza, Claudio David Núñez, Lucas Matías Mendoza and Saúl Cristian Roldán Cajal, and the alleged life imprisonment of Ricardo David Videla Fernández, for facts that occurred when they were still children. These sentences were imposed in application of a juvenile justice system that allowed them to be treated as adult offenders.

**12. Case of the Santo Domingo Massacre v. Colombia.**

On July 8, 2011, the Inter-American Commission submitted the case of the Santo Domingo Massacre against the State of Colombia. The case refers to the alleged bombing of the village of Santo Domingo by the Colombian Air Force on December 13, 1998, that caused the death of 17 civilians, including four girls and two boys. In addition, 27 civilians were injured, supposedly including four boys and five girls. Following the event, the villagers of Santo Domingo displaced, but, in January 1999, they allegedly returned in order to rebuild their homes. It is alleged that the State has not conducted serious and effective investigations.

**13. Case of López et al. (Operation Genesis) v. Colombia.**

On July 25, 2011, the Inter-American Commission submitted the case of López et al. (Operation Genesis) against the State of Colombia. The case refers to the alleged counterinsurgency military operation known as "Genesis" and the alleged paramilitary raids carried out jointly between February 24 and 27, 1997, in the Afro-descendant communities of the Cacarica River basin, in the department of El Chocó. The alleged bombing and the alleged violations such as tortures, death threats, looting, theft, destruction of property, and the extrajudicial execution of Marino López, among others, allegedly intimidated the community and caused hundreds of its members to move. It is alleged that the investigations have not been effective.

**14. Case of Artavia Murillo et al. (In Vitro Fertilization) v. Costa Rica.**

On July 29, 2011, the Inter-American Commission submitted the case of Artavia Murillo et al. against the State of Costa Rica. The case relates to the alleged violation of the rights to privacy and family life, the right to found a family, and the right to equality and non-discrimination for the alleged general prohibition to practice in vitro fertilization.

**15. Case of Quintana Coello et al. v. Ecuador.**

On August 2, 2011, the Inter-American Commission submitted the case of Quintana Coello et al. against the State of Ecuador. The case concerns the alleged arbitrary removal of 27 justices of the Supreme Court of Justice of Ecuador by a parliamentary decision of December 8, 2004. This occurred in the alleged absence of a clear legal framework regulating the causes and procedures for dismissal from office, allegedly disregarding the constitutional norms and without minimum guarantees of due process.

**16. Case of Norín Catrیمان et al. v. Chile.**

On August 7, 2011, the Inter-American Commission submitted the case of Norín Catrیمان et al. against the State of Chile. The case concerns the prosecution and conviction for alleged crimes of terrorism of eight leaders and activists of the Mapuche indigenous people in Chile. According to the Commission, a series of alleged irregularities had been committed during the judicial proceedings against the said leaders that had affected due process of law.

**17. Case of Gutiérrez and family v. Argentina.**

On August 19, 2011, the Inter-American Commission submitted the case of Gutiérrez and family against the State of Argentina. The facts of this case concern the alleged

murder of Deputy Police Captain Jorge Omar Gutiérrez, who allegedly was investigating a case of corruption involving Government officials and businessmen. In addition, the Commission alleged that irregularities had arisen in the investigation of the murder and that the case was in impunity.

**18. Case of García Lucero v. Chile.**

On September 20, 2011, the Inter-American Commission submitted the case of García Lucero against the State of Chile. The facts of this case concern the alleged absence of investigation and integral reparation of the alleged acts of torture suffered by Leopoldo García Lucero from the time of his alleged detention on September 16, 1973, until June 12, 1975, the date on which he left Chilean territory by decision of the Ministry of the Interior.

**19. Case of Luna López v. Honduras.**

On November 17, 2011, the Inter-American Commission submitted the case of Luna López against the State of Honduras. The case concerns the alleged murder of Carlos Antonio Luna López, alleged environmental defender and city councilor, as well as the alleged absence of investigation, prosecution and punishment of those responsible.

**20. Case of Camba Campos et al. (Judges of the Constitutional Court) v. Ecuador.**

On November 28, 2011, the Inter-American Commission submitted the case of Camba Campos et al. (Judges of the Constitutional Court) against the State of Ecuador. El case concerns the alleged arbitrary dismissal of eight judges of the Constitutional Court of Ecuador by a resolution of the National Congress of November 25, 2004. The Commission argued that the alleged victims were not granted procedural guarantees or the possibility of defending themselves as regards the alleged dismissal and that procedural guarantees were absent in the second vote of the political trial.

**21. Case of Espinoza Gonzáles v. Peru.**

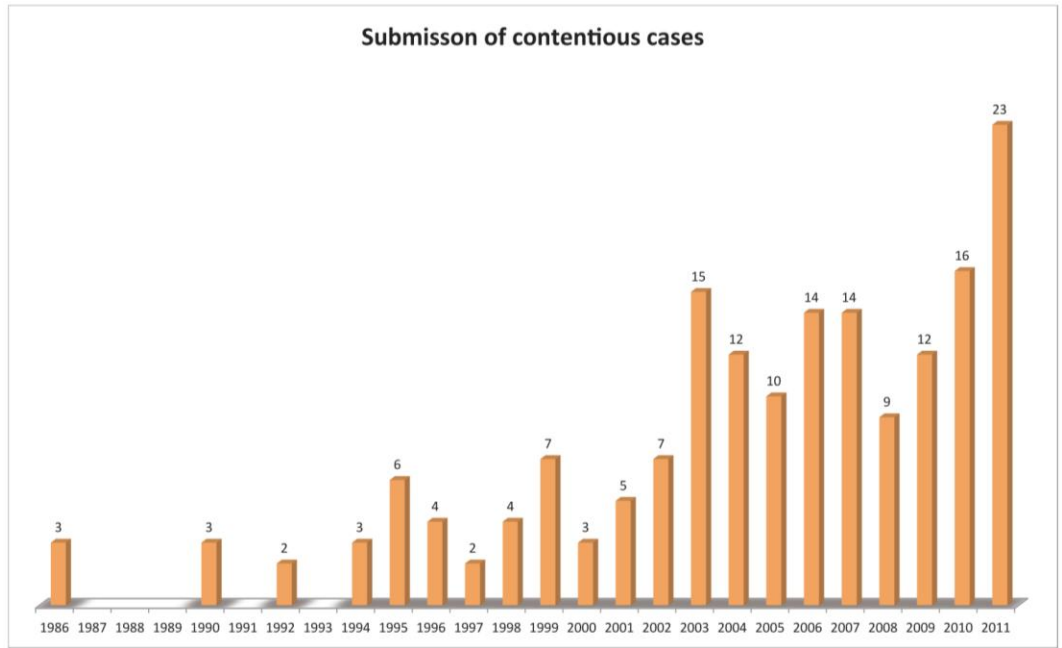
On December 8, 2011, the Inter-American Commission submitted the case of Espinoza Gonzáles against the State of Peru. The case concerns the alleged illegal and arbitrary detention of Gladys Carol Espinoza Gonzáles on April 17, 1993, as well as the alleged rape and other acts that constituted torture, while she was in the custody of agents of the then Kidnapping Investigation Division of the National Counter-Terrorism Directorate, both attached to the National Police of Peru. The Inter-American Commission also argued that Mrs. Espinoza Gonzáles was subjected to inhuman detention conditions.

**22. Case of Cruz Sánchez et al. v. Peru.**

On December 13, 2011, the Inter-American Commission submitted the case of Cruz Sánchez et al. against the State of Peru. Essentially, the case concerns the alleged extrajudicial execution of three members of the MRTA in 1997 during Operation Chavín de Huántar, in which control was regained of the residence of the Japanese Ambassador to Peru which had been seized, together with 72 hostages, in December 1996.

**23. Case of Mémoli v. Argentina.**

On December 14, 2011, the Inter-American Commission submitted the case of Mémoli against the State of Argentina. The case concerns the alleged violation of the right to freedom of expression of Carlos and Pablo Mémoli, for the alleged criminal conviction imposed on the victims. In addition, the case concerns the alleged violation of the guarantee of reasonable time in the context of the civil action.



During 2011, the Court delivered 18 judgments, which are described in the section on “Sessions.” In three of them it ruled on preliminary objections, merits, reparations and costs; in nine of them on merits, reparations and costs; in one of them on reparations and costs, in one of them on preliminary objections and merits, and four of them were interpretation judgments.

In 2011, 16 public hearings were held on contentious cases. During these hearings oral testimony was received from 19 alleged victims, 12 witnesses and 26 expert witnesses, giving a total of 57 statements heard.

*b) Monitoring compliance with judgments*

The Court monitors compliance with its judgments. This authority to monitor its judgments is inherent in the exercise of its jurisdictional powers and the purpose is to ensure that the reparations ordered by the Court in each specific case are implemented and fulfilled.

Monitoring compliance with the Court’s judgments implies, first, that it must periodically request information from the States on the measures taken to comply with the said judgments, and then obtain the observations of the Commission, and the victims or their representatives. When the Court has received this information, it can

assess whether the State has complied with the measures ordered, provide guidance for the State’s actions to that effect and, if appropriate, convene a monitoring hearing. The procedure for monitoring compliance with the Court’s judgments and other decisions is regulated by Article 69 of the Court’s new Rules of Procedure.

In 2011, the Court issued 32 orders on monitoring compliance with judgment and held four private hearings, and one public hearing on three cases. This is because, last year, the Court began the practice of holding monitoring hearings with regard to one State, but in relation to more than one case when referring to similar measures of reparation.

At the end of 2011, the Court had 124 contentious cases at the stage of monitoring compliance with judgment. Nevertheless, this does not mean that the respective judgments have not been complied with. To the contrary, in most cases a significant number of the reparations have been fulfilled or are being fulfilled. In this regard, it should be recalled that, owing to the nature of some of the reparations decided by the Court – such as judicial investigations, the creation or amendment of laws, structural changes or provision of health care – the Court must keep the monitoring stage open for longer than in the case of other types of reparation that can be implemented more promptly. Consequently, even though most of the reparation measures have been fulfilled, the Court continues to monitor cases until it considers that all measures of reparation have been complied with. The following cases are at the stage of monitoring compliance by the Court:

	<b>Name</b>	<b>Defendant State</b>
1	Case of 19 Tradesmen	Colombia
2	Case of Abrill Alosilla et al.	Peru
3	Case of Acevedo Buendía et al. (“Dismissed and Retired Employees of the Comptroller’s Office”)	Peru
4	Case of Acevedo Jaramillo et al.	Peru
5	Case of Albán Cornejo et al.	Ecuador
6	Case of Almonacid Arellano	Chile
7	Case of Anzualdo Castro	Peru
8	Case of Apitz Barbera et al.	Venezuela
9	Case of Baena Ricardo et al.	Panama
10	Case of Baldeón García	Peru
11	Case of Bámaca Velásquez	Guatemala
12	Case of Barbani Duarte et al.	Uruguay

13	Case of Barreto Leiva	Venezuela
14	Case Barrios Altos	Peru
15	Case Bayarri	Argentina
16	Case of Benavides Cevallos	Ecuador
17	Case of Blake	Guatemala
18	Case of Blanco Romero et al.	Venezuela
19	Case of Boyce et al.	Barbados
20	Case of Bueno Alves	Argentina
21	Case of Bulacio	Argentina
22	Case of Caballero Delgado y Santana	Colombia
23	Case of Cabrera García y Montiel Flores	Mexico
24	Case of Caesar	Trinidad and Tobago
25	Case of González et al. ("Campo Algodonero")	Mexico
26	Case of Cantoral Benavides	Peru
27	Case of Cantoral Huamaní y García Santa Cruz	Peru
28	Case of Cantos	Argentina
29	Case of Carpio Nicolle et al.	Guatemala
30	Case of Castañeda Gutman	Mexico
31	Case of Castillo Páez	Peru
32	Case of Castillo Petrucci et al.	Peru
33	Case of Cepeda Vargas	Colombia
34	Case of Cesti Hurtado	Peru
35	Case of "Five Pensioners"	Peru
36	Case of Chaparro Álvarez y Lapo Íñiguez	Ecuador
37	Case of Chitay Nech et al.	Guatemala
38	Case of Chocrón Chocrón	Venezuela
39	Case of the Sawhoyamaxa Indigenous Community	Paraguay
40	Case of the Xákmok Kásek Indigenous Community	Paraguay

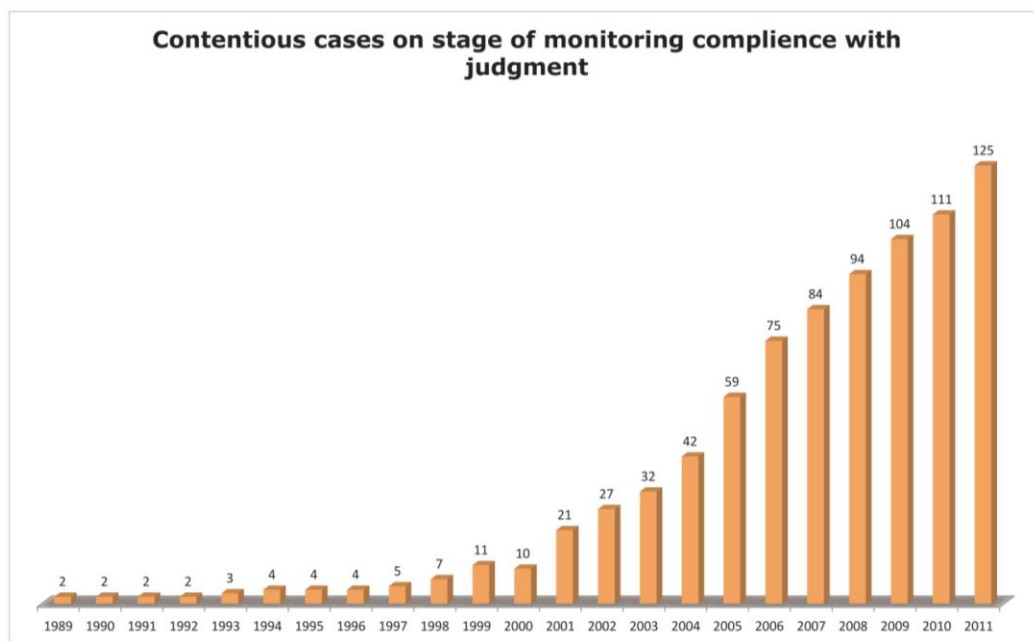
41	Case of Comunidad Indígena Yakye Axa	Paraguay
42	Case of the Yakye Axa Indigenous Community	Suriname
43	Case of Contreras et al.	El Salvador
44	Case of DaCosta Cadogan	Barbados
45	Case of De La Cruz Flores	Peru
46	Case of the two Erres Massacre	Guatemala
47	Case of Mapiripán Massacre	Colombia
48	Case of Pueblo Bello Massacre	Colombia
49	Case of La Rochela Massacre	Colombia
50	Case of Serrano Cruz Massacre	El Salvador
51	Case of Ituango Massacres	Colombia
52	Case of the Yean and Bosico Girls	Dominican Republic
53	Case of the "Street Childen" (Villagrán Morales et al.)	Guatemala
54	Case of El Caracazo	Venezuela
55	Case of Miguel Castro Castro Prison	Peru
56	Case of the Constitutional Court	Peru
57	Case of Durand and Ugarte	Peru
58	Case of El Amparo	Venezuela
59	Case of Escué Zapata	Colombia
60	Case of Escher et al.	Brasil
61	Case of Barrios Family	Venezuela
62	Case of Fermín Ramírez	Guatemala
63	Case of Fernández Ortega et al.	Mexico
64	Case of Fleury et al.	Haiti
65	Case of Fontevecchia y D`Amico	Argentina
66	Case of García Asto and Ramírez Rojas	Peru
67	Case of García Prieto et al.	El Salvador
68	Case of Garibaldi	Brasil



69	Case of Garrido et Baigorria	Argentina
70	Case of Gelman	Uruguay
71	Case of Goiburú et al.	Paraguay
72	Case of Gomes Lund et al.	Brasil
73	Case of Gómez Palomino	Peru
74	Case of Gutiérrez Soler	Colombia
75	Case of Heliodoro Portugal	Panama
76	Case of Hermanos Gómez Paquiyauri	Peru
77	Case of Hilaire Constantine Benjamin et al.	Trinidad and Tobago
78	Case of Huilca Tecse	Peru
79	Case of Ibsen Cárdenas e Ibsen Peña	Bolivia
80	Case of "Instituto de Reeducción del Menor"	Paraguay
81	Case of Ivcher Bronstein	Peru
82	Case of Juan H. Sánchez	Honduras
83	Case of Kimel	Argentina
84	Case of Kawas Fernández	Honduras
85	Case of La Cantuta	Peru
86	Case of Las Palmeras	Colombia
87	Case of Loayza Tamayo	Peru
88	Case of López Álvarez	Honduras
89	Case of López Mendoza	Venezuela
90	Case of Lori Berenson Mejía	Peru
91	Case of Maritza Urrutia	Guatemala
92	Case of Masacre Plan de Sánchez	Guatemala
93	Case of Mejía Idrovo	Ecuador
94	Case of Molina Theissen	Guatemala
95	Case of Montero Aranguren et al.	Venezuela
96	Case of Myrna Mack Chang	Guatemala

97	Case of Neira Alegría et al.	Peru
98	Case of Palamara Iribarne	Chile
99	Case of Paniagua Morales et al.	Guatemala
100	Case of Perozo et al.	Venezuela
101	Case of Saramaka People	Suriname
102	Case of Radilla Pacheco	Mexico
103	Case of Raxcacó Reyes	Guatemala
104	Case of Reverón Trujillo	Venezuela
105	Case of Ríos et al.	Venezuela
106	Case of Rosendo Cantú et al.	Mexico
107	Case of Salvador Chiriboga	Ecuador
108	Case of Servellón García et al.	Honduras
109	Case of Suárez Rosero	Ecuador
110	Case of Tibi	Ecuador
111	Case of Ticona Estrada	Bolivia
112	Case of Tiu Tojín	Guatemala
113	Case of Torres Millacura et al.	Argentina
114	Case of the Dismissed Congressional Workers	Perú
115	Case of Trujillo Oroza	Bolivia
116	Case of Usón Ramírez	Venezuela
117	Case of Valle Jaramillo et al.	Colombia
118	Case of Vargas Areco	Paraguay
119	Case of Vélez Loor	Panama
120	Case of Vera Vera et al.	Ecuador
121	Case of Ximenes Lopes	Brasil
122	Case of Yatama	Nicaragua
123	Case of Yvon Neptune	Haiti
124	Caso Zambrano Vélez et al.	Ecuador

As can be seen from the following chart, monitoring compliance with its judgments has become one of the most demanding activities of the Court because, each year, the number of active cases increases significantly and, in each case, the Court periodically monitors the details of each reparation ordered.



As mentioned, the reparations ordered by the Court in the cases submitted to its consideration have to be monitored in great detail. This is because the Court does not only order measures of a compensatory nature, but also, in most cases, it orders measures relating to other types of reparation, which include:

**Measures of restitution.**

These measures entail the re-establishment, insofar as possible, of the situation that existed before the violation occurred. As a form of reparation, restitution includes measures such as: (a) re-establishment of the liberty of persons illegally detained; (b) return of property illegally seized; (c) return to the place of residence from which the victim was displaced; (d) reinstatement in employment; (e) annulment of judicial, administrative, criminal or police record and cancellation of the corresponding records, and (f) the return, demarcation and granting of title to the traditional territory of the indigenous communities to protect their communal property.

**Measures of rehabilitation.**

These are the measures aimed at the provision of the required medical and psychological care to attend to the physical and mental health of the victims, which must be supplied free of charge and immediately, including the provision of medicines and, as appropriate, the supply of goods and services.

**Measures of satisfaction.**

These measures are aimed at repairing the non-pecuniary damage (suffering and anguish caused by the violation, harm to values that are very significant to the

individual, and any change of a non-pecuniary nature in the living conditions of the victims). They also include, inter alia, acts or elements of public scope or impact, such as acts to acknowledge responsibility, public apologies to the victims, and acts to commemorate the victims, with the intent of recovering the memory of the victims, recognizing their dignity and consoling their next of kin.

In this regard, the following are some example of measures of satisfaction: (a) a public act to acknowledge international responsibility and repair the memory of the victims; (b) publication or dissemination of the Court's judgment; (c) measures to commemorate the victims or the facts; (d) scholarships or commemorative grants, and (e) implementation of social programs.

#### **Guarantees of non-repetition.**

These are measures intended to ensure the non-recurrence of human rights violations such as those that occurred in the case examined by the Court. These guarantees are of public scope or impact and, in many cases, resolve structural problems, so that not only the victim in the case benefits but also other groups or members of society. The guarantees of non-repetition can be divided into three groups, according to their nature and purpose, namely: (a) measures to adapt domestic law to the parameters of the Convention; (b) human rights training for public officials, and (c) adoption of other measures to guarantee the non-repetition of violations.

#### **Obligation to investigate, prosecute and, as appropriate, punish.**

This refers to an obligation that States have to guarantee the effective investigation of the acts that violated human rights and, as appropriate, to determine the masterminds and perpetrators of those acts, as well as to apply the corresponding punishments. This obligation also entails conducting administrative investigations in order to sanction those who may have obstructed the domestic proceedings. This obligation also means that, if applicable, the States must determine the whereabouts of the victims when these are unknown. In addition, the State must remove all the obstacles, de facto and de jure, that prevent the due investigation of the facts, and use all available means to expedite the said investigation and the respective proceedings, in order to avoid the repetition of those acts. Compliance with this obligation contributes, in turn, to the reparation for the victims and their next of kin.

## 2. Advisory function

This function allows the Court to respond to consultations by OAS Member States or the organs of the Organization on the interpretation of the American Convention or other treaties for the protection of human rights in the States of the Americas. Furthermore, at the request of an OAS Member State, the Court may issue its opinion on the compatibility of domestic norms with the instruments of the inter-American system.

Advisory opinions are useful instruments for the States and for the organs of the OAS itself to enhance and expand the inter-American corpus iuris, without waiting for a human rights violation, by establishing clear and rigorous standards for the promotion, defense and guarantee of human rights in the hemisphere. Through its numerous

advisory opinions, the Court has been able to rule on essential issues such as: international treaties subject to the advisory jurisdiction of the Court; the effect of reservations on the entry into force of the American Convention; restrictions to the death penalty; proposed amendments to the Constitution of a State Party; compulsory membership in an association prescribed by law for the practice of journalism; enforceability of the right of reply or rectification; habeas corpus in emergency situations; interpretation of the American Declaration of the Rights and Duties of Man within the framework of Article 64 of the Convention; exceptions to the exhaustion of domestic remedies; compatibility of draft legislation with the Convention; certain attributes of the Inter-American Commission established in the Convention; international responsibility for the promulgation and enforcement of laws in violation of the Convention; report of the Inter-American Commission; right to information on consular assistance within the framework of the guarantees of due process of law; juridical status and human rights of the child; juridical status and human rights of migrants; control of legality in the exercise of the authority of the Inter-American Commission, and Article 55 of the American Convention.

On July 7, 2011, a joint request for an advisory opinion was submitted to the Court by Argentina, Brazil, Paraguay and Uruguay. The purpose of this request was for the Court to “determine with greater precision the obligations of the State in relation to the measures that could be adopted concerning children, related to their migratory status, or that of their parents, in light of the authorized interpretation of Articles 1(1), 2, 4(1), 5, 7, 8, 11, 17, 19, 22(7), 22(8), 25 and 29 of the American Convention and Articles 1, 6, 8, 25 and 27 of the American Declaration of the Rights and Duties of Man and Article 13 of the Inter-American Convention to Prevent and Punish Torture.”

During its ninety-second regular session, the Court met with a commission from the Meeting of High Authorities in the Area of Human Rights and Ministers of Foreign Affairs of MERCOSUR, composed of delegations from the four States and of the Executive Secretary of the Institute of Human Rights Public Polices of MERCOSUR, to hear the grounds for the request for an advisory opinion presented by these States.

Once the request for an advisory opinion had been accepted, the Court’s Secretariat, as established in the Rules of Procedure and so that they could make any relevant observations, forwarded a copy of the request to all the OAS Member States, the Inter-American Commission, the OAS Permanent Council, the OAS Secretary General, and the other organs of the OAS, whose terms of reference relate to the topic of the consultation, as well as to universities, organizations, institutions, academics and other interested parties. Also, the Court issued a public invitation for any interested person or institution to present their written opinion by means of an *amicus curiae*. The complete text of the consultation is available at: <http://www.corteidh.or.cr/soloc.cfm>.

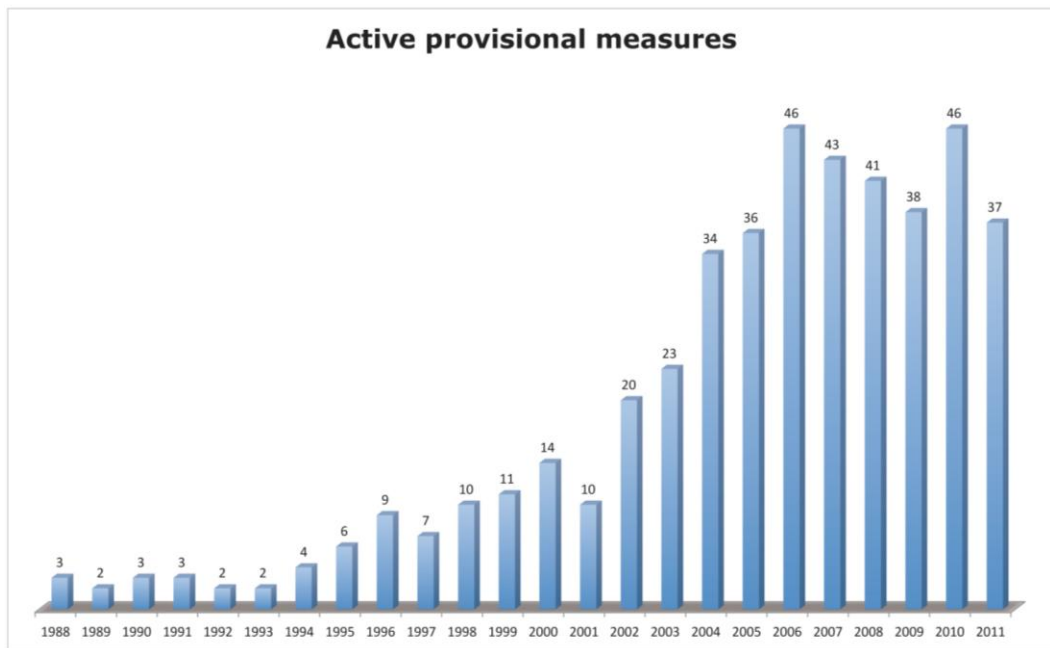
### 3. Provisional measures

Provisional measures of protection are ordered by the Court to guarantee the rights of specific individuals or groups of individuals who are in a situation of extreme gravity and urgency, to avoid them suffering irreparable harm, mainly of the rights to life or to personal integrity. The three requirements – extreme gravity, urgency and the risk of

irreparable harm – have to be justified satisfactorily for the Court to decide to grant these measures which must be implemented by the State concerned.

The provisional measures can be requested by the Inter-American Commission at any time, even if the case has not been submitted to the jurisdiction of the Court, and by the representatives of the alleged victims, provided they relate to a case that the Court is examining.

The supervision of the said measures is carried out by the presentation of reports by the State, to which the beneficiaries or their representatives may make the respective observations. The Commission also presents observations on the reports of the State and on the observations made by the beneficiaries. Then, based on the reports forwarded by the States and the corresponding observations, the Inter-American Court evaluates the status of the implementation of the measures and the pertinence of convening those involved to a hearing in which the parties describe the status of the measures that have been adopted, or issues orders relating to the status of compliance with the measures decided.



The activity of monitoring implementation of the provisional measures ordered by the Court, contributes to enhancing the effectiveness of the Court’s decisions and allows it to receive from the parties – both orally and in writing – more specific information on the status of compliance with each measure decided in its judgments and orders; encourages the States to take concrete measures to execute the said measures, and even incites the parties to reach agreements in order to ensure improved compliance with the measures ordered.

In exercise of its authority to decide requests for provisional measures and to monitor the implementation of those it has required, the Court issued 35 orders. In addition, the President issued six orders for urgent measures, using his authority to require

provisional measures when the Court is not in session, which the Court must ratify or reject subsequently. The Court held seven public hearings in this regard. During the year, the Court lifted 11 orders for provisional measures<sup>1</sup>, and currently it is monitoring 37 provisional measures.

The following provisional measures are being monitored by the Court:

	Name	State regarding which they have been adopted
1	19 Tradesmen	Colombia
2	Adrián Meléndez Quijano et al.	El Salvador
3	Almonte Herrera et al.	Dominican Republic
4	Alvarado Reyes et al.	Mexico
5	Álvarez et al.	Colombia
6	Andino Alvarado (Kawas Fernández)	Honduras
7	Matter of certain Venezuelan penitentiary centers. In orders of the Court of May 15, 2011, it was decided to joinder the processing of the matters of the Monagas Detention Center ("La Pica"); the Capital Region Penitentiary Center Yare I and Yare II (Yare Prison); the Occidental Region Penitentiary Center (Uribana Prison), the Capital Detention Center El Rodeo I and El Rodeo II; the Aragua Penitentiary Center "Tocorón Prison," and the Ciudad Bolívar Judicial Detention Center "Vista Hermosa Prison."	Venezuela
8	Bámaca Velásquez et al.	Guatemala
9	Carpio Nicolle et al.	Guatemala
10	Peace Community of San José de Apartadó	Colombia
11	Communities of the Jiguamiandó and the Curbaradó	Colombia
12	Dottin et al.	Trinidad and Tobago

<sup>1</sup> Matter of A. J. et al. (Haiti); Caso Caballero Delgado and Santana (Colombia); Caso of the Mapiripán Massacre (Colombia); Matter of María Lourdes Afiuni (Venezuela); Matter of Pérez Torres et al. ("Cotton Field") (Mexico); Matter of the Mendoza Prisons (Argentina); Matter of the Urso Branco Prison (Brazil); Matter of the Kankuamo Indigenous People (Colombia); Case of Guerrero Gallucci and Martínez Barrios (Venezuela); Matter of Ramírez Hinojosa et al. (Peru), and Matter of Wong Ho Wing (Peru).

13	Eloisa Barrios et al.	Venezuela
14	"Globovisión" television station	Venezuela
15	Fernández Ortega et al.	Mexico
16	Forensic Anthropology Foundation of Guatemala	Guatemala
17	Giraldo Cardona et al.	Colombia
18	Gladys Lanza Ochoa	Honduras
19	Gloria Giralt de García Prieto et al.	El Salvador
20	González Medina y familiares	Dominican Republic
21	Guerrero Larez	Venezuela
22	Gutiérrez Soler et al.	Colombia
23	Haitians and Dominicans of Haitian origin in the Dominican Republic	Dominican Republic
24	Helen Mack et al.	Guatemala
25	José Luis Galdámez Álvarez et al.	Honduras
26	L.M.	Paraguay
27	Luis Uzcátegui et al.	Venezuela
28	Luisiana Ríos et al. (RCTV)	Venezuela
29	María Leontina Millacura Llaipén et al.	Argentina
30	Marta Colomina and Liliana Velásquez	Venezuela
31	Masacre de la Rochela	Colombia
32	Mery Naranjo et al.	Colombia
33	Natera Balboa	Venezuela
34	Kichwa Indigenous Peoples of Sarayaku	Ecuador
35	Raxcacó Reyes et al.	Guatemala
36	Rosendo Cantú et al.	Mexico
37	Socio-educational Internment Facility	Brasil



During 2011, eight new requests for provisional measures were submitted to the consideration of the Court; of these, three were adopted, two rejected, and three are pending a decision. The content of these requests is summarized below:

**1. Request for provisional measures in the case of De la Cruz Flores (Peru).**

On January 6, 2011, the representative of María Teresa de la Cruz Flores presented a request for provisional measures to the Court to require the State of Peru to annul all the measures ordered by the judicial, police and administrative organs in execution of a judgment delivered against her. On February 25, 2011, the Court issued an order ([Annex 1](#)), in which it decided, among other matters, to file the request for the adoption of provisional measures, because the purpose was no longer valid, owing to the withdrawal of the request by the beneficiary's representative.

**2. Request for provisional measures in the matter of the Mendoza Prisons (Argentina).**

On March 14, 2011, the Inter-American Commission presented to the Court a "request to re-open provisional measures" for the State of Argentina to protect the life and personal integrity of the inmates of the Mendoza Provincial Prison. On July 1, 2011, the Court issued an order ([Annex 2](#)), in which it decided, among other matters, to reject the request to re-open the provisional measures.

**3. Request for provisional measures in the matter of L.M. (Paraguay).**

On March 23, 2011, the Inter-American Commission presented to the Court a request for provisional measures for the State of Paraguay to expedite the domestic proceedings and the decisions with regard to the best interest of the child L.M. On July 1, 2011, the Court issued an order ([Annex 3](#)) in which it decided, among other matters, to require the State of Paraguay to adopt the necessary, appropriate and effective measures to protect the right to personal integrity, protection of the family, and identity of the child L.M., allowing him to maintain ties with his original family.

**4. Request for provisional measures in the matter of the Ciudad Bolívar Judicial Detention Center "Vista Hermosa Prison" (Venezuela).**

On March 25, 2011, the Inter-American Commission presented to the Court a request for provisional measures for the State of Venezuela to protect the life and personal integrity of the persons deprived of liberty and other persons who are in the Ciudad Bolívar Judicial Detention Center. On May 15, 2011, the Court issued an order ([Annex 4](#)), in which it decided, among other matters, to require the State to adopt the necessary and effective measures to avoid loss of life and harm to the physical, mental and moral integrity of all the persons in the said establishment.

**5. Request for provisional measures in the matter of Alejandro Ponce Villacís and Alejandro Ponce Martínez (Ecuador).**

On March 27, 2011, Alejandro Ponce Villacís and Alejandro Ponce Martínez presented to the Court a request for provisional measures for the State of Ecuador to abstain from executing acts designed to harass, persecute or intimidate with false accusations the lawyers who intervened as representatives of the victim in the case of Salvador Chiriboga. On May 15, 2011, the Court issued an order ([Annex 5](#)), in which it decided, among other matters, to reject the request for provisional measures.

**6. Request for provisional measures in the case of González Medina et al. v. Dominican Republic.**

On August 9, 2011, the representatives of the alleged victims presented to the Court a request for provisional measures for the State of Dominican Republic to adopt measures in order to protect the life and personal integrity of Mario José Martín Suriel Nuñez, who had testified in the public hearing held in this case. On August 30, 2011, the Court issued an order ([Annex 6](#)), in which it decided, among other matters, to require the State to adopt the necessary measures to protect the life and personal integrity of the beneficiary.

**7. Request for provisional measures in the matter of Margarita Martínez Martínez and family (Mexico).**

On November 23, 2011, the Inter-American Commission presented to the Court a request for provisional measures for the State of Mexico to adopt measures in favor of Margarita Martínez Martínez and family. On December 6, 2011, the State presented observations. At the date this report was concluded, the Court was awaiting observations from the Inter-American Commission, to be presented before January 9, 2012, at the latest.

**8. Request for provisional measures in the Case of De la Cruz Flores (Peru)**

On December 30, 2011 the representative of the victim presented a new request for provisional measures in relation to the alleged impact on the victim's health and personal integrity related to judicial decisions adopted in the criminal proceedings filed against him. This request is being examined and processed at the date of this report.



The Court carries out diverse activities during its sessions, including the adoption of judgments, the holding of hearings, and the issue of orders with regard to contentious cases, provisional measures and monitoring compliance with judgments. In addition, the Court examines different procedures in the matters that are pending before it, as well as administrative matters. Its activities include proceedings characterized by the significant and dynamic participation of the parties involved in the matters and cases in question. This participation is crucial for the effectiveness of the obligations and measures ordered by the Court and establishes the pattern for the evolution and duration of the proceedings.



### 1. Public hearings on contentious cases

Under the Court's contentious jurisdiction, the process of drafting a judgment includes several stages that combine both an oral and written phases. The second stage, which is essentially oral, is the public hearing on each case which usually takes a day and a half. During this hearing, the Commission explains the grounds for the report under Article 50 of the Convention and for the submission of the case to the Court, as well as any other matter that it considers relevant for deciding the case. Then, the judges of the Court listen to the witnesses, expert witnesses and alleged victims convened by an order, who are questioned by the parties and, if appropriate, by the judges. After this, the President gives the floor to the alleged victims or their representatives and the defendant State so that they can present their arguments on the merits of the case. Subsequently, the President grants the alleged victims or their representatives and the State, respectively, the opportunity for a replication and a rejoinder. Once the arguments have been submitted, the Commission presents its final observations and then judges ask their concluding questions.

## 2. Hearings and orders on provisional measures

The Court carries out an intense and permanent activity of monitoring compliance with the provisional measures it has ordered in the matters or cases in which it has ordered provisional measures. Thus, based on the reports forwarded by the States and the corresponding observations sent by the representatives of the beneficiaries and the Inter-American Commission, the Court evaluates the pertinence of convening those involved to a hearing in which they must explain the status of the measures adopted, or of issuing orders concerning the status of compliance with the measures decided.

During a hearing on provisional measures, which usually lasts around two hours, the representatives of the beneficiaries and the Inter-American Commission are given the opportunity of proving, as appropriate, the persistence of the situations that gave rise to the adoption of provisional measures, while the State must present information on the measures adopted in order to overcome the situations of extreme gravity and urgency and, at best, prove that the circumstances have ceased. The party that has requested the provisional measures initiates the hearing by presenting their arguments on the constitution of the three conditions mentioned above, followed by the Inter-American Commission or the representatives of the beneficiaries, as applicable, and then the State presents its respective observations. Both the representatives and the Commission, and also the State are granted the opportunity for a replication and a rejoinder, respectively. Lastly, the judges may question those participating in the hearing.



It should be underlined that, in the context of these hearings, which can be public or private, the Court usually takes a conciliatory position and, in this regard, does not merely take note of the information presented by the parties, but also, in keeping with

the principles that inspire it as a human rights court, among other measures, suggests some alternatives for settling the dispute, calls attention to non-compliance based on unwillingness, and encourages all those involved to work together to establish timetables for compliance.

## Hearings and orders on monitoring compliance with judgment



The purpose of monitoring compliance with the Court’s judgments is to reinforce compliance with the decisions and to promote conditions that facilitate fulfillment of the measures of reparation ordered by the Court.

To this end, when it considers pertinent, the Court issues orders or convenes the State and the representatives of the victims to a hearing to monitor compliance with its decisions and, during the hearing, it also listens to the opinion of the Commission. Furthermore, in some specific cases, in order to help the States comply with the reparations it has ordered, the Court has given guidelines with very clear and detailed criteria on the way in which the reparations ordered must be fulfilled.

The hearings on monitoring compliance with judgment have been held since 2007. Their implementation has produced very favorable results, because significant progress has been made in compliance with the reparations ordered by the Court. This has been recognized by the OAS General Assembly in its resolution AG/RES. 2652 (XLI-O/11) “Observations and recommendations on the Annual Report of the Inter-American Court of Human Rights” of June 7, 2011. The resolution emphasizes “that the private hearings held on the monitoring of compliance with the Court’s judgments have been important and constructive and have yielded positive results.”

During these hearings, which usually last around two hours, the State describes the progress it has made in complying with the obligations ordered by the Court in the judgment in question, and the representatives of the victims and the Inter-American Commission present their observations on the status of compliance in question. The parties also have their opportunity for a replication and a rejoinder. Lastly, the judges may question the parties.

Once again, in the context of these hearings, the Court tries to create compromises between the parties. Thus, it does not merely take note of the information they present, but under the principles that inspire it as a human rights court, it suggests alternative for resolving problems, encourages compliance, calls attention in cases of non-compliance due to unwillingness and encourages all those involved to work together to establish timetables for compliance.

## 4. Adoption of judgments

Each case has a judge rapporteur who, with the support of the Court’s Secretariat and based on the arguments and evidence provided by the parties, presents a draft judgment on the case in question to the Court in plenary session for its consideration. The judges deliberate based on this draft judgment for several days during a session

and even, owing to its complexity, the deliberation may be suspended and taken up again during the next session. During this deliberation, the draft judgment is discussed and gradually approved; when the operative paragraphs are reached, these are subject to a vote by the judges of the Court. In some cases the judges present dissenting or concurring opinions on the meaning of the judgment. The result of this deliberation is the final and non-appealable judgment in the case.

In 2011, the Court held four regular sessions, three of them at its seat and one in Bogota, Colombia. In addition, the Court held two special sessions, one in Panama City, Panama, and the other in Bridgetown, Barbados. The details of these sessions appear below:

### *A. Ninetieth Regular Session*

The Court held its ninetieth regular session in San José, Costa Rica, from February 21 to March 5, 2011.<sup>2</sup> During this session, the Court held five public hearings on contentious cases, three private hearings on monitoring compliance with judgment, and one public hearing on provisional measures. In addition, it handed down three judgments, and issued an order on interpretation of judgment, 12 orders on provisional measures, and 10 orders on monitoring compliance with judgment.

#### *Public hearings on contentious cases*

##### **Case of Barbani Duarte et al. (Uruguay)**

Merits and eventual reparations and costs. On February 21 and 22, 2011, the Court heard the testimony of two expert witnesses and two witnesses in a public hearing. In addition, the Court received the final oral arguments of the representatives of the alleged victim, and of the State, as well as the final oral conclusions of the Inter-American Commission.

##### **Case of Chocrón Chocrón (Venezuela)**

Preliminary objection, merits and eventual reparations and costs. On February 24, 2011, the Court heard the testimony of the alleged victim and one witness, as well as the final oral arguments of the Inter-American Commission, the representatives of the alleged victim, and the State.

##### **Case of Mejía Idrovo (Ecuador)**

Preliminary objections and eventual merits, reparations and costs. On February 28, 2011, the Court heard the testimony of the alleged victim and of two expert witnesses,

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<sup>2</sup> The composition of the Court for this session was as follows: Diego García-Sayán (Peru), President; Leonardo A. Franco (Argentina), Vice President; Manuel E. Ventura Robles (Costa Rica); Margarette May Macaulay (Jamaica); Rhadys Abreu Blondet (Dominican Republic); Alberto Pérez Pérez (Uruguay), and Eduardo Vio Grossi (Chile). Pablo Saavedra Alessandri (Chile), Secretary, and Emilia Segares Rodríguez (Costa Rica), Deputy Secretary, also took part in the session. In accordance with Articles 19 of the Court's Statute and 21 of the Court's Rules of Procedure, none of the judges participate in cases, judgments, orders on monitoring judgment, orders on provisional measures or any other jurisdictional activity concerning the countries of which they are nationals. In matters concerning the country of origin of the President of the Court, he excused himself from participating and delegated the presidency to the Vice President, Leonardo A. Franco (Argentina), who became acting President for such matters.

and also the final oral arguments of the Inter-American Commission, the representatives of the alleged victims, and the State.

**Case of López Mendoza (Venezuela)**

Merits, reparations and costs. On March 1 and 2, 2011, the Court heard the testimony of the alleged victim, one witness and four expert witnesses, as well as the final oral arguments of the Inter-American Commission, the representatives of the alleged victims, and the State.

**Case of Vera Vera et al. (Ecuador)**

Preliminary objection and eventual merits, reparations and costs. On March 2, 2011, the Court heard the testimony of one alleged victim. In addition, it heard the final oral arguments of the representatives of the alleged victims and of the State, as well as the final oral conclusions of the Inter-American Commission.

*Public Hearing on Provisional Measures*

**Matter of Wong Ho Wing (Peru)**

Provisional measures. On February 25, 2011, the Court held a public hearing in order to obtain information from the State of Peru, the Inter-American Commission, and the representative of the beneficiary on the implementation and effectiveness of the provisional measures ordered in this matter.

*Private hearings on monitoring compliance with judgment*



On February 25, 2011, the Court held three private hearings in order to receive from the States concerned complete and recent information on compliance with the pending aspects of the judgments delivered by the Court in the case of: Gómez Palomino v. Peru (Judgment on merits, reparations and costs delivered on November 22, 2005); Ituango Massacres v. Colombia (Judgment on preliminary objection, merits, reparations and costs delivered on July 1, 2006); Valle Jaramillo et al. v. Colombia (Judgment on merits, reparations and costs delivered on November 27, 2008). The purpose of these hearings was also to hear the corresponding observations of the representatives of the victims and of the Inter-American Commission.

*Judgments*

**Case of Gelman (Uruguay)**

Judgment on merits and reparations. On February 24, 2011, the Court delivered the judgment on merits and reparations ([Annex 7](#)), declaring that it accepted the State’s partial acknowledgement of responsibility and that the State was responsible: for the forced disappearance of María Claudia García Iruretagoyena de Gelman, and had therefore violated her rights recognized in Articles 3, 4(1), 5(1) and 5(2) and 7(1), in relation to Article 1(1) of the American Convention and Articles I and XI of the Inter-American Convention on Forced Disappearance of Persons; for the concealment and substitution of the identity of María Macarena Gelman García, which occurred from the time of her birth until her real identity was determined and was expressed as a form of



forced disappearance, so that it violated her rights recognized in Articles 3, 4(1), 5(1), 7(1), 17, 18, 19 and 20(3), in relation to Article 1(1) of the Convention and Articles I and XI of the said Inter-American Convention; for the violation of the rights recognized in Articles 5(1) and 17, in relation to Article 1(1) of the American Convention, to the detriment of Juan Gelman; for the violation of the rights recognized in Articles 8(1) and 25(1), in relation to Articles 1(1) and 2 of the Convention and Articles I(b) and IV of the above-mentioned Inter-American Convention, owing to the absence of an effective investigation into the facts of the case and the prosecution and punishment of those responsible, to the detriment of Juan Gelman and María Macarena Gelman García; and for failure to comply with the obligation to adapt domestic law to the American Convention established in its Article 2, in relation to Articles 8(1), 25 and 1(1) thereof and Articles I(b), III, IV and V of the above-mentioned Inter-American Convention, as a result of the interpretation and application of the “Law on the prescription of the State’s capacity to punish” in relation to grave human rights violations.

Regarding reparations, the Court ordered, *inter alia*, that the State must: conduct and conclude effectively the investigation into the facts of this case, in order to clarify them, determine the corresponding criminal and administrative responsibilities, and apply the consequent punishments established by law; continue and expedite the immediate search for and location of María Claudia García Iruretagoyena, or her mortal remains and, if applicable, return them to her next of kin, following DNA testing to confirm the relationship; guarantee that the “Law on the prescription of the State’s ability to punish,” which is null and void owing to its incompatibility with the American Convention and the Inter-American Convention on Forced Disappearance of Persons, because it can prevent or obstruct the investigation and eventual punishment of the perpetrators of grave human rights violations, never again represents an obstacle for the investigation of the facts that are the subject of this case and for the identification and, as appropriate, punishment of those responsible for them; organize a public act to acknowledge international responsibility for the facts of this case; place in a space accessible to the general public in the building of the Defense Information System, a plaque inscribed with the name of the victims and of all those who were detained there illegally; publish this judgment, once, in the Official Gazette, the official summary of the judgment in a national newspaper with widespread circulation, and both texts in full on an official website, available for one year; implement, within a reasonable time and with the corresponding budgetary allocation, a permanent human rights program for agents of the Public Prosecution Service and judges of the Judiciary of Uruguay; adopt the pertinent measures to ensure technical and systematized access to the information in the State’s archives on the grave human rights violations that occurred during the dictatorship; and pay the amounts established in the judgment as compensation for pecuniary and non-pecuniary damage and for reimbursement of costs and expenses, as appropriate.

**Case of Salvador Chiriboga (Ecuador)**

Judgment on reparations and costs. On March 3, 2011, the Court delivered the judgment on reparations and costs in this case ([Annex 8](#)), in which it ordered, *inter alia*, that, as reparation, the State must pay María Salvador Chiriboga, as fair compensation, the sum of US\$18,705,000.00 for pecuniary damage; in addition the

simple interest accrued in accordance with the LIBOR rate on the amount of the fair compensation from July 1997 to February 2011, which amounts to US\$9,435,757.80; for non-pecuniary damage, the sum of US\$10,000.00; for costs and expenses the sum of US\$50,000.00; and as a measure of restitution, the sum of US\$43,099.10 for the property taxes, additional to the other taxes, and for the supplementary charge on an empty building site, which was collected improperly, together with the corresponding interest. The Court also ordered the State to make the publications required in the judgment, in the way and within the time frames established therein.

### **Case of *Abrill Alosilla et al.* (Peru)**

Judgment on merits, reparations and costs. On March 4, 2011, the Court delivered the judgment on merits, reparations and costs in this case ([Annex 9](#)), declaring, based on the State's acknowledgement of responsibility, that the State was responsible for the violation of the right established in Article 25(1), in relation to Article 1(1) of the American Convention. The Court also declared the violation of the right recognized in Articles 21(1) and 21(2), in relation to Articles 25(1) and 1(1) of this instrument, to the detriment of the 233 victims acknowledged in the case.

Regarding reparations, the Court ordered, *inter alia*, that the State must publish the judgment, once, in the Official Gazette with the respective headings and sub-headings, without the footnotes, and with the operative paragraphs; pay the sums established in the judgment for pecuniary and non-pecuniary damage, as appropriate, and deliver the amount established in the judgment for costs and expenses incurred in the litigation of the case, as appropriate.

### *Orders on provisional measures*

During this session the Court issued 12 orders on provisional measures: Matter of Eloisa Barrios et al. with regard to Venezuela ([Annex 10](#)); Matter of A.J. et al. with regard to Haiti ([Annex 11](#)); Matter of the Forensic Anthropology Foundation with regard to Guatemala ([Annex 12](#)); Matter of Giraldo Cardona with regard to Colombia ([Annex 13](#)); Matter of José Luis Galdámez Álvarez et al. with regard to Honduras ([Annex 14](#)); Case of Caballero Delgado and Santana with regard to Colombia ([Annex 15](#)); Case of De la Cruz Flores with regard to Peru ([Annex 16](#)); Matter of de la Socio-educational Internment Facility with regard to Brazil ([Annex 17](#)); Case of the Mapiripán Massacre with regard to Colombia ([Annex 18](#)); Matter of María Lourdes Afiuni with regard to Venezuela ([Annex 19](#)); Matter of Wong Ho Wing with regard to Peru ([Annex 20](#)), and Matter of Mery Naranjo et al. with regard to Colombia ([Annex 21](#)).

### *Orders on monitoring compliance*

During this session the Court issued 10 orders on monitoring compliance with judgments in the following cases: Plan de Sánchez Massacre v. Guatemala ([Annex 22](#)), Escué Zapata v. Colombia ([Annex 23](#)), Cantoral Huamaní and García Santa Cruz v. Peru ([Annex 24](#)), Baena Ricardo et al. v. Panama ([Annex 25](#)), Garibaldi v. Brazil ([Annex 26](#)), Chaparro Álvarez and Lapo Íñiguez. v. Ecuador ([Annex 27](#)), Ticona Estrada et al. v. Bolivia ([Annex 28](#)), the Ituango Massacres v. Colombia ([Annex 29](#)), Valle Jaramillo et al. v. Colombia ([Annex 30](#)) and Tibi v. Ecuador ([Annex 31](#)).

## *Other Orders*

### **Case of Ibsen Cárdenas and Ibsen Peña (Bolivia)**

Order on request for interpretation of the judgment on merits, reparations and costs. On February 22, 2011, the Court issued an order on interpretation of the judgment on merits, reparations and costs in this case ([Annex 32](#)), in which it declared inadmissible the State's request for interpretation of the judgment on merits, reparations and costs delivered by the Inter-American Court of Human Rights on September 1, 2010, in the case of Ibsen Cárdenas and Ibsen Peña v. Bolivia, because it had been submitted after the expiry of the time limit established in Article 67 of the American Convention.




### *B. Forty-Third Special Session*

From May 15 to 20, 2011, the Court held its forty-third special session in Panama City, Panama.<sup>3</sup> During this session, the Court held three public hearings on contentious

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<sup>3</sup> The composition of the Court for this session was as follows: Diego García-Sayán (Peru), President; Manuel E. Ventura Robles (Costa Rica), Vice President; Margarette May Macaulay (Jamaica); Rhadys Abreu Blondet (Dominican Republic); Alberto Pérez Pérez (Uruguay), and Eduardo Vio Grossi (Chile). Pablo Saavedra Alessandri (Chile), Secretary, also took part in the session. Judge Leonardo A. Franco (Argentina) and Deputy Secretary Emilia Segares Rodríguez (Costa Rica), were unable to take part in this session for reasons beyond their control. In accordance with Articles 19 of the Court's Statute and 21 of the Court's Rules of Procedure, none of the judges participated in cases, judgments, orders on monitoring judgment, orders on provisional measures or any other jurisdictional activity concerning the countries of which they are nationals. In matters concerning the country of origin of the President of the Court, he excused himself from participating and delegated the presidency to Judge Manuel Ventura Robles (Costa Rica), who became acting President for such matters, in the absence of Judge Leonardo A. Franco, Vice President of the Court.



cases. In addition, it handed down three judgments, issued five orders on provisional measures, and four orders on monitoring compliance with judgment. The matters examined by the Court during this session are described below.

### *Public hearings on contentious cases*

#### **Case of Grande (Argentina)**

Preliminary objections and eventual merits, reparations and costs. On May 16, 2011, the Court heard the testimony of the alleged victim, together with the final oral arguments of the representatives of the alleged victim and of the State, and also the final oral observations of the Inter-American Commission.

#### **Case of Contreras et al. (El Salvador)**

Merits and eventual reparations and costs. On May 17, 2011, the Court received at a public hearing the testimony of one alleged victim and two expert witnesses, together with the final oral arguments of the representatives of the alleged victims and of the State, and the final oral conclusions of the Inter-American Commission.

#### **Torres et al. (Argentina)**

Merits and eventual reparations and costs. On May 18, 2011, the Court heard the testimony of one alleged victim and two expert witnesses. In addition, the Court heard the final oral arguments of the representatives of the alleged victims and of the State, together with the final oral conclusions of the Inter-American Commission.

### *Judgments*

#### **Case of Fernández Ortega et al. (Mexico)**

Interpretation of the judgment on preliminary objection, merits, reparations and costs. On May 15, 2011, the Court issued an order on interpretation of the judgment on preliminary objection, merits, reparations and costs in this case ([Annex 33](#)), rejecting the request for interpretation presented by the State of the judgment delivered on August 30, 2010, because it considered that the request for interpretation should not be used as a means of contesting the decision the interpretation of which is requested.

#### **Case of Rosendo Cantú et al. (Mexico)**

Interpretation of the judgment on preliminary objection, merits, reparations and costs. On May 15, 2011, the Court issued an order on interpretation of the judgment on preliminary objection, merits, reparations and costs in this case ([Annex 34](#)), rejecting the request for interpretation presented by the State of the judgment delivered on August 30, 2010, because it considered that the request for interpretation should not be used as a means of contesting the decision the interpretation of which is requested.

#### **Case of Vera Vera et al. (Ecuador)**

Judgment on preliminary objection, merits, reparations and costs. On May 19, 2011, the Court delivered the judgment on preliminary objection, merits, reparations and costs in this case ([Annex 35](#)), rejecting the preliminary objection filed by the State, in the terms of paragraphs 13 to 17 of the judgment. In addition, it declared the State responsible for the violation of the rights established in Articles 5(1), 5(2) and 4(1) of

the American Convention, in relation to Article 1(1) thereof, to the detriment of Pedro Miguel Vera Vera; for the violation of the rights established in Articles 8(1) and 25(1) of the American Convention, in relation to Article 1(1) of this instrument, to the detriment of Pedro Miguel Vera Vera and Francisca Mercedes Vera Valdez, and for the violation of the right established in Article 5(1) of the American Convention, in relation to Article 1(1) thereof, to the detriment of Francisca Mercedes Vera Valdez.

Regarding reparations, the Court ordered, inter alia, that the State must adopt, within a reasonable time, the necessary measures so that the mother of Pedro Miguel Vera Vera may know what happened to her son; make the publications of the judgment and its dissemination as established in the judgment, and pay the amounts awarded in the judgment as compensation for pecuniary and non-pecuniary damage, and for reimbursement of costs and expenses, as appropriate.

### *Orders on provisional measures*

During this session the Court issued five orders on provisional measures: Matter of Alejandro Ponce Villacís and Alejandro Ponce Martínez with regard to Ecuador ([Annex 36](#)); Matter of the Aragua Detention Center “Tocorón Prison” with regard to Venezuela ([Annex 37](#)); Matter of Guerrero Larez with regard to Venezuela ([Annex 38](#)); Matter of the Ciudad Bolívar Judicial Detention Center “Vista Hermosa Prison” with regard to Venezuela ([Annex 39](#)), and Matter of Natera Balboa with regard to Venezuela ([Annex 40](#)).

### *Orders on monitoring compliance*

During this session the Court issued four orders on monitoring compliance with judgments: Radilla Pacheco v. Mexico ([Annex 41](#)), Castillo Páez v. Peru ([Annex 42](#)), Tiu Tojín v. Guatemala ([Annex 43](#)), and Valle Jaramillo et al. v. Colombia ([Annex 44](#)).

### *Academic activities*

May 19, 2011, the seminar on “The Inter-American Court of Human Rights and its case law” was held. The information on this seminar appears at the end of this report in the section entitled Training and Dissemination.

### *Meetings with authorities*

On the occasion of this visit to Panama, the judges of the Court held meetings with different authorities, including the Vice President of the Republic and Minister for Foreign Affairs, Juan Carlos Varela; the Ombudsman, Patria Portugal; the President of the National Assembly of Representatives, José Muñóz, and the President of the Supreme Court of Justice, Aníbal Salas, as well as the other justices of the Supreme Court of Justice.

### C. Ninety-First Regular Session

From June 27 to July 8, 2011, the Court held its ninety-first regular session in San José, Costa Rica.<sup>4</sup> During this session, the Court held three public hearings on contentious cases and four public hearings on provisional measures. In addition, it issued two judgments, nine orders on provisional measures, and eight orders on monitoring compliance with judgment.

#### *Public hearings on contentious cases*

##### **Case of González Medina et al. (Dominican Republic)**

Preliminary objections and eventual merits, reparations and costs. On June 28 and 29, 2011, the Court heard the testimony of one of the alleged victims, two witnesses and one expert witness. In addition, the Court heard the final arguments of the representatives of the alleged victims, and of the Dominican Republic, and also the final observations of the Inter-American Commission.

##### **Case of the Barrios Family (Venezuela)**

Merits, reparations and costs. On June 29 and 30, 2011, the Court heard the testimony of one of the alleged victims, one witness and one expert witness. In addition, the Court heard the final oral arguments of the representatives of the alleged victims, and of the Bolivarian Republic of Venezuela, and also the final observations of the Inter-American Commission.

##### **Case of the Kichwa Indigenous People of Sarayaku (Ecuador)**

Preliminary objection and eventual merits, reparations and costs. On July 6 and 7, 2011, in a public hearing, the Court received the testimony of four alleged victims, two witnesses and two expert witnesses, and also the final oral arguments of the representatives of the alleged victims, and of the State, together with the final observations of the Inter-American Commission.

#### *Public hearing of provisional measures*

On June 27 and 28, 2011, the Court held four public hearings in order to obtain information from the States, the Inter-American Commission, and the representatives of the beneficiaries on the implementation and effectiveness of the following provisional measures: Matter of the Jiguamiandó and the Curvaradó Communities with



<sup>4</sup> The composition of the Court for this session was as follows: Diego García-Sayán (Peru), President; Leonardo A. Franco (Argentina), Vice President; Manuel E. Ventura Robles (Costa Rica); Margarette May Macaulay (Jamaica); Rhadys Abreu Blondet (Dominican Republic), and Eduardo Vio Grossi (Chile). Pablo Saavedra Alessandri (Chile), Secretary, also took part in the session. Judge Alberto Pérez Pérez (Uruguay) and Deputy Secretary Emilia Segares Rodríguez (Costa Rica) were unable to take part in this session for reasons beyond their control. In accordance with Articles 19 of the Court's Statute and 21 of the Court's Rules of Procedure, none of the judges participated in cases, judgments, orders on monitoring judgment, orders on provisional measures or any other jurisdictional activity concerning the countries of which they are nationals. In matters concerning the country of origin of the President of the Court, he excused himself from participating and delegated the presidency to the Vice President, Leonardo A. Franco (Argentina), who became acting President for such matters.

regard to Colombia; Matter of the Kankuamo Indigenous People with regard to Colombia; Matter of Fernández Ortega et al. with regard to Mexico, and Matter of Alvarado Reyes et al. with regard to Mexico.

### *Judgments*

#### **Case of Chocrón Chocrón (Venezuela)**

Judgment on preliminary objection, merits, reparations and costs. On July 1, 2011, the Court delivered the judgment on preliminary objection, merits, reparations and costs in this case ([Annex 45](#)), and declared the State responsible for the violation of Articles 8(1) and 25(1), both in relation to Article 1(1) of the American Convention, to the detriment of Mrs. Chocrón Chocrón, and also for failing to comply with the obligations contained in Article 2 in relation to Articles 8(1) and 25(1) of the American Convention. Regarding reparations, the Court ordered, inter alia, that the State must publish the official summary of the judgment prepared by the Court, once, in the Official Gazette and in a national newspaper with widespread circulation, as well as the entire judgment, available for one year, on an official website; adapt the legislation, decisions and internal regulations issued as part of the judicial re-structuring process in Venezuela to the relevant international standards and to the American Convention, and pay the amounts established in the judgment as compensation for pecuniary and non-pecuniary damage and reimbursement of costs and expenses, as appropriate.

#### **Case of Mejía Idrovo (Ecuador) (Ecuador)**

Judgment on preliminary objections, merits, reparations and costs. On July 5, 2011, the Court delivered the judgment on preliminary objections, merits, reparations and costs in this case ([Annex 46](#)), deciding to reject the two preliminary objections filed by the State. In addition, it declared the State responsible for the violation of the rights established in Articles 25(1) and 25(2)(c) of the American Convention, in relation to Article 1(1) of this instrument, to the detriment of José Alfredo Mejía Idrovo. Furthermore, it declared that the State had complied with its obligation to reinstate José Alfredo Mejía Idrovo in his post, and thereby restore his rights. However, the Court did not rule on the alleged violation of Articles 8(1) and 24, and it was not proved that the State had failed to comply with the obligations established in Article 2 of the Convention. Regarding reparations, the Court ordered, inter alia, that the State must make the publications ordered in the judgment, in the way and within the time frame indicated therein, and pay the amounts established in the judgment as compensation for pecuniary and non-pecuniary damage, and reimbursement of costs and expenses.

### *Orders on provisional measures*

During this session the Court issued nine orders on provisional measures: Case of Gutiérrez Soler with regard to Colombia ([Annex 47](#)); Matter of Pérez Torres et al. (“Cotton Field”) with regard to Mexico ([Annex 48](#)); Matter of L.M. with regard to Paraguay ([Annex 49](#)); Case of Rosendo Cantú et al. with regard to Mexico ([Annex 50](#)); Matter of Wong Ho Wing with regard to Peru ([Annex 51](#)); Matter of the Mendoza Prisons with regard to Argentina ([Annex 52](#)); Case of Kawas Fernández with regard to

Honduras ([Annex 53](#)); Matter of Eloísa Barrios et al. with regard to Venezuela ([Annex 54](#)); and Matter of certain Penitentiary Centers with regard to Venezuela ([Annex 55](#)).

*Orders on monitoring compliance*

During this session the Court issued eight orders on monitoring compliance with judgment: Yatama v. Nicaragua ([Annex 56](#)), Palamara Iribarne v. Chile ([Annex 57](#)), Acevedo Buendía et al. (“Dismissed and Retired Employees of the Comptroller’s Office”) v. Peru ([Annex 58](#)), Castillo Petruzzi et al. v. Peru ([Annex 59](#)), Loayza Tamayo v. Peru ([Annex 60](#)), García Asto and Ramírez Rojas v. Peru ([Annex 61](#)), Bueno Alves v. Argentina ([Annex 62](#)), Gómez Palomino v. Peru ([Annex 63](#)) and the Dos Erres Massacre v. Guatemala ([Annex 64](#)).


*D. Ninety-Second Regular Session*

From August 22 to September 2, 2011, the Court held its ninety-second regular session in Bogota, Colombia.<sup>5</sup> During this session, the Court held two public hearings on contentious cases and two public hearings on provisional measures; in addition, it issued one order on a request to designate an inter-American public defender in the Case of Mohamed v. Argentina. It also issued five judgments, three orders on provisional measures, and one order on monitoring compliance with judgment.



<sup>5</sup> The composition of the Court for this session was as follows: Diego García-Sayán (Peru), President; Manuel E. Ventura Robles (Costa Rica); Margarette May Macaulay (Jamaica); Rhadys Abreu Blondet (Dominican Republic); Alberto Pérez Pérez (Uruguay), and Eduardo Vio Grossi (Chile). Pablo Saavedra Alessandri (Chile), Secretary, also took part in the session. Judge Leonardo A. Franco (Argentina) and Deputy Secretary Emilia Segares Rodríguez (Costa Rica), were unable to take part in this session for reasons beyond their control. In accordance with Articles 19 of the Court’s Statute and 21 of the Court’s Rules of Procedure, none of the judges participated in cases, judgments, orders on monitoring judgment, orders on provisional measures or any other jurisdictional activity concerning the countries of which they are nationals. In matters concerning the country of origin of the President of the Court, he excused himself from participating and delegated the presidency to Judge Manuel Ventura Robles (Costa Rica), who became acting President for such matters, in the absence of Judge Leonardo A. Franco, Vice President of the Court.





*Public hearings on contentious cases*

**Case of Atala Riffo and daughters (Chile)**

Merits and eventual reparations and costs. On August 23 and 24, 2011, the Court heard the testimony of one of the alleged victims and five expert witnesses. In addition, the Court heard the final arguments of the representatives of the alleged victims, and of the Republic de Chile, as well as the final observations of the Inter-American Commission.

**Case of Fontevecchia and D’Amico (Argentina)**

Merits and eventual reparations and costs. On August 24 and 25, 2011, the Court heard the testimony of the two alleged victims and of an expert witness. In addition, the Court heard the final arguments of the representatives of the alleged victims and of the Argentine Republic, as well as the final observations of the Inter-American Commission.

*Public hearings on provisional measures*

On August 25, 2011, the Court held two public hearings in order to obtain information from the States concerned, the Inter-American Commission, and the representatives of the beneficiaries on the implementation and effectiveness of the following provisional measures: Matter of the Urso Branco Prison with regard to Brazil and Matter of Socio-educational Internment Facility (UNIS) with regard to Brazil.

*Judgments*

**Case of Torres Millacura et al. (Argentina)**

Judgment on merits, reparations and costs. On August 26, 2011, the Court delivered the judgment on merits, reparations and costs in this case ([Annex 65](#)), declaring, based on the State’s partial acknowledgement of responsibility, that the State was responsible for violating the right established in Articles 7(1), 7(2) and 7(3) of the American Convention, in relation to Articles 1(1) and 2 thereof, to the detriment of Iván Eladio Torres Millacura, and also for the violation of the right established in Articles 5(1) and 5(2) of the American Convention, in relation to Article 1(1) thereof, also to the detriment of Iván Eladio Torres Millacura; for the violation of the rights to juridical personality, life, personal integrity and personal liberty established in Articles 3, 4(1), 5(1), 5(2), 7(1), 7(2) and 7(3) of the American Convention in relation to Articles 1(1) and 2 thereof, as well as in relation to Articles I(a), II and XI of the Inter-American Convention on Forced Disappearance of Persons, to the detriment of Iván Eladio Torres Millacura; for the violation of the rights established in Articles 8(1) and 25(1) of the American Convention, in relation to Article 1(1) of this instrument; for failure to comply with the obligations established in Article I(b) of the Inter-American Convention on Forced Disappearance of Persons and Articles 1, 6 and 8 of the Inter-American Convention to Prevent and Punish Torture, to the detriment of María Leontina Millacura Llaipén, Fabiola Valeria Torres and Marcos Alejandro Torres Millacura; and for the violation of the right to personal integrity established in Articles

5(1) and 5(2) of the American Convention, in relation to Article 1(1) thereof, to the detriment of María Leontina Millacura Llaipén, Fabiola Valeria Torres and Marcos Torres.

Regarding reparations, the Court ordered, *inter alia*, that the State must: initiate, direct and conclude the necessary investigations and procedures, within a reasonable time, to establish the truth about the facts, and also to determine and, as appropriate, punish all those responsible for what happened to Iván Eladio Torres Millacura; continue seeking the whereabouts of Iván Eladio Torres Millacura; implement a compulsory human rights program or course for all ranks of the Police of the province of Chubut; pay the amounts established in the judgment as compensation for pecuniary and non-pecuniary damage, and for reimbursement of costs and expenses, as appropriate; and reimburse the Victims' Legal Assistance Fund of the Inter-American Court the amount awarded during the processing of this case.

#### **Case of Salvador Chiriboga (Ecuador)<sup>6</sup>**

Interpretation of the judgment on reparations and costs. On August 29, 2011, the Court delivered the interpretation of the judgment on reparations and costs in this case ([Annex 66](#)), declaring admissible the request for interpretation of the judgment on reparations and costs filed by the State. In addition, it rejected as irreceivable, the State's questioning of the ruling of the Inter-American Court in its judgment of March 3, 2011, on the domestic proceedings, as well as the State's questioning of the justification for the amount of the compensation determined by the Inter-American Court, insofar as it was not in keeping with the provisions of Articles 67 of the Convention and the regulatory norms.

#### **Case of Contreras et al. (El Salvador)**

Judgment on merits, reparations and costs. On August 31, 2011, the Court delivered the judgment on merits, reparations and costs in this case ([Annex 67](#)), and declared, based on the State's acknowledgement of responsibility, that the State was responsible for the violation of the rights recognized in Articles 3, 4(1), 5(1) and 7 of the American Convention, in relation to Article 1(1) thereof, to the detriment of Ana Julia Mejía Ramírez, Carmelina Mejía Ramírez, Gregoria Herminia Contreras, Julia Inés Contreras, Serapio Cristian Contreras and José Rubén Rivera Rivera; for the violation of the prohibition of torture and other cruel, inhuman or degrading treatment, established in Article 5(2) of the American Convention, in relation to Article 1(1) thereof, to the detriment of Gregoria Herminia Contreras; for the violation of the rights recognized in Articles 11(2) and 17(1) of the American Convention, in relation to Articles 19 and 1(1) thereof, to the detriment of Ana Julia Mejía Ramírez, Carmelina Mejía Ramírez, Julia Inés Contreras, Serapio Cristian Contreras and José Rubén Rivera Rivera; for the violation of the rights recognized in Articles 11(2) and 17(1) of the American Convention, in relation to Article 1(1) thereof to the detriment of the next of kin indicated in the judgment; for the violation of the rights recognized in Articles 11(2), 17(1) and 18 of the American Convention, in relation to Articles 19 and 1(1) thereof, to the detriment of Gregoria Herminia Contreras; for the violation of the right

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<sup>6</sup> In application of the provisions of Article 54 of the American Convention, in this case the composition of the Court was the same as when it handed down the judgment on merits, including Judge ad hoc Diego Rodríguez Pinzón.

recognized in Article 5(1) and 5(2) of the American Convention, in relation to Article 1(1) thereof, to the detriment of the next of kin of Ana Julia Mejía Ramírez, Carmelina Mejía Ramírez, Gregoria Herminia Contreras, Julia Inés Contreras, Serapio Cristian Contreras and José Rubén Rivera Rivera indicated in the judgment; for the violation of the rights recognized in Articles 8(1) and 25(1) of the American Convention, in relation to Article 1(1) thereof, to the detriment of Ana Julia Mejía Ramírez, Carmelina Mejía Ramírez, Gregoria Herminia Contreras, Julia Inés Contreras, Serapio Cristian Contreras and José Rubén Rivera Rivera, and also of their next of kin indicated in the judgment; and for the violation of the right recognized in Article 7(6) of the American Convention, in relation to Article 1(1) thereof, to the detriment of Ana Julia Mejía Ramírez, Carmelina Mejía Ramírez, Gregoria Herminia Contreras, Julia Inés Contreras, Serapio Cristian Contreras and José Rubén Rivera Rivera, as well as of their next of kin indicated in the judgment.

Regarding reparations, the Court ordered, *inter alia*, that the State must continue the investigations that are underway, effectively and diligently and within a reasonable time, and also open any that may be necessary in order to identify, prosecute and, as appropriate, punish all those responsible for the forced disappearance of Gregoria Herminia Contreras, Serapio Cristian Contreras, Julia Inés Contreras, Ana Julia Mejía Ramírez, Carmelina Mejía Ramírez and José Rubén Rivera Rivera, and for other related illegal acts; conduct, promptly, a serious search, during which it makes every effort to determine the whereabouts of Serapio Cristian Contreras, Julia Inés Contreras, Ana Julia Mejía Ramírez, Carmelina Mejía Ramírez and José Rubén Rivera Rivera; take all appropriate and necessary measures to restore the identity of Gregoria Herminia Contreras, including her first and last names, as well as her other personal data; activate and use the available diplomatic mechanisms to coordinate cooperation with the Republic of Guatemala in order to facilitate the rectification of the identity of Gregoria Herminia Contreras, including her first and last names and other data, in the records of that State; guarantee the conditions for the return of Gregoria Herminia Contreras if and when she decides to return to El Salvador permanently, as established in the judgment; provide, immediately, medical and psychological or psychiatric treatment to the victims who request this and, if appropriate, pay Gregoria Herminia Contreras the amount established in the judgment; make the publications ordered, as established in the judgment; organize a public act to acknowledge international responsibility for the facts of this case, as established in the judgment; name three schools: one with the name of Gregoria Herminia, Serapio Cristian and Julia Inés Contreras, another with the name of Ana Julia and Carmelina Mejía Ramírez, and the third with the name of José Rubén Rivera Rivera, as established in the judgment; make an audiovisual documentary on the forced disappearance of children during the armed conflict in El Salvador, specifically mentioning this case, and including the work of the Asociación Pro-Búsqueda de Niños and Niñas Desaparecidos [Association for the Search for Disappeared Children], as established in the judgment; take the pertinent and appropriate measures to guarantee to agents of justice and Salvadoran society, public, technical and systematized access to the archives containing useful and relevant information for the investigation of the cases filed for human rights violations during the armed conflict, as established in the judgment; pay the amounts established in the judgment as compensation for pecuniary and non-pecuniary damage and reimbursement of costs and expenses, as appropriate, and reimburse the Victims'

Legal Assistance Fund of the Inter-American Court the amount expended during the processing of this case.

**Case of Grande (Argentina)**

Judgment on preliminary objections and merits. On August 31, 2011, the Court delivered the judgment on preliminary objections and merits in this case ([Annex 68](#)), in which it admitted the first preliminary objection, because the facts that occurred prior to the State’s acceptance of the Court’s compulsory jurisdiction on September 5, 1984, are outside the Court’s temporal jurisdiction. The Court also admitted the second objection, because, owing to the change in the purpose of the petition in the Admissibility Report, and the Commission’s subsequent application of the procedural preclusion of the State’s arguments concerning the admissibility requirements in its Report on Merits, the Commission omitted to verify the admissibility requirement established in Article 46(1)(b) of the Convention with regard to the criminal proceedings. Consequently, the Court did not examine the said criminal proceedings. In addition, the Court declared that it was not in order to rule on the third preliminary objection related to the failure to exhaust domestic remedies, owing to the inexistence of a dispute between the parties in relation to the exhaustion of domestic remedies with regard to the proceedings under administrative law, which formed part of the matter analyzed by the Court. Furthermore, the Court declared that it had not been proved that the State had violated the rights established in Articles 8 and 25 of the American Convention, and therefore decided to close the case file.



**Case of López Mendoza (Venezuela)**

Judgment on merits, reparations and costs. On September 1, 2011, the Court delivered the judgment on merits, reparations and costs in this case ([Annex 69](#)), and declared the State responsible for the violation of Articles 23(1)(b) and 23(2), in

relation to the obligation to respect and guarantee rights established in Article 1(1) of the American Convention, to the detriment of Mr. López Mendoza; for the violation of Article 8(1), in relation to Article 1(1) of the American Convention, to the detriment of Mr. López Mendoza; for the violation of Article 25(1), in relation to the obligations established in Articles 1(1) Obligation to Respect Rights), 8(1), 23(1)(b) and 23(2) of the American Convention to the detriment of Mr. López Mendoza; for non-compliance with the obligations established in Article 2 of the American Convention in relation to the obligations and rights established in Articles 1(1) Obligation to Respect Rights), 8(1), 23(1)(b) and 23(2) thereof. In addition, the Court declared that the State had not violated the right to defense and the right to appeal the judgment resulting from the administrative proceedings that determined responsibility and imposed a fine, recognized in Article 8(1), in relation to the obligation established in Article 1(1) of the American Convention to the detriment of Mr. López Mendoza; had not violated the guarantee of a reasonable time in deciding various appeals, recognized in Article 8(1) in relation to Article 1(1) of the American Convention to the detriment of Mr. López Mendoza; had not violated the guarantee of presumption of innocence in the proceedings which culminated in determining responsibility and imposing a fine, recognized in Article 8(1), in relation to the obligation established Article 1(1) of the American Convention to the detriment of Mr. López Mendoza, and had not violated the right established in Article 24, in relation to the obligation established in Article 1(1) of the American Convention to the detriment of Mr. López Mendoza.

Regarding reparations, the Court ordered, inter alia, that the State must ensure, through the competent organs, and particularly the National Electoral Council, that the punishment of deprivation of certain civil rights did not constitute an impediment for Mr. López Mendoza to stand for public office if he decided to register as a candidate in the electoral processes held following the delivery of the judgment; annul two resolutions issued by the Comptroller General of the Republic; make the publications indicated in the judgment; adapt article 105 of the Basic Law of the Office of the Comptroller General of the Republic and of the National Fiscal Control System, as indicated in the judgment; and pay the amount established in the judgment for reimbursement of costs and expenses.

#### *Orders on provisional measures*

During this session the Court issued three orders on provisional measures: Matter of the Urso Branco Prison with regard to Brazil ([Annex 70](#)); Case of González Medina et al. with regard to Dominican Republic ([Annex 71](#)); and Matter of the Socio-educational Internment Facility with regard to Brazil ([Anex 72](#)).

#### *Orders on monitoring compliance*

During this session the Court issued an order on monitoring compliance with judgment in the case of Montero Aranguren et al. (Retén de Catia) v. Venezuela ([Annex 73](#)).



## *Other Orders*

### **Case of Mohamed (Argentina)**

On August 31, 2011, the Court issued an order in the case of Mohamed v. Argentina, in which it ruled on the death of the alleged victim's legal representative, which had occurred before the presentation of the brief with pleadings, motions and evidence, and also on the alleged victim's request that the Court appoint an inter-American defender to represent him.

## *Academic activities*

The Court organized the international seminar on "Strengthening the protection of human rights through jurisprudential dialogue." In addition, it organized and continued the training of inter-American public defenders with the course on the advanced study of international human rights standards. The Inter-American Court also took part in the seminar on "The Inter-American Court of Human Rights and the Peace Process in Colombia" organized by the German Cooperation Agency, "GIZ".<sup>7</sup>

## *Meetings with authorities*

On the occasion of this visit to Colombia, the judges of the Court held meetings with different authorities, including: the President of the Republic, José Manuel Santos Calderón; the Vice President, Angelino Garzón; the Minister of the Interior, Germán Vargas Lleras; the Minister of Justice, Juan Carlos Esguerra; the Minister for Foreign Affairs, María Ángela Holguín Cuéllar; the President of the Senate, Juan Manuel Corzo Román, and members of Congress; the President of the Constitutional Court, Juan Carlos Henao Pérez and other members of this Court; the President of the Council of State, Gustavo Eduardo Gómez Aranguren and other members of the Council, and the President of the Supreme Court of Justice at the time, Javier Zapata Ortiz and other members of that Court.

## *E. Forty-Fourth Special Session*

From October 10 to 14, 2011, the Court held its forty-fourth special session in Bridgetown, Barbados. This was a historic act, because it was the first time that the Court holds a session in a country of the English-speaking Caribbean. The Court held one public hearing on a contentious case. In addition, it issued one judgment, one order on provisional measures, and one order on monitoring compliance with judgment. The matters examined by the Court during this session are described below.

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<sup>7</sup> More detailed information on these seminars is included at the end of this report, in the section entitled Training and Dissemination.

## *Public hearings on contentious cases*

### **Case of Fornerón and daughter (Argentina)**

Merits and eventual reparations and costs. On October 11, 2011, the Court heard the testimony of one of the alleged victims and of two expert witnesses. In addition, the Court heard the final oral arguments of the representatives of the alleged victims and of the Argentine Republic as well as the final oral observations of the Inter-American Commission.

## *Judgments*

### **Case of Barbani Duarte et al. (Uruguay)**

Judgment on merits, reparations and costs. On October 13, 2011, the Court delivered the judgment on merits, reparations and costs in this case ([Annex 74](#)), in which it declared that the State was responsible for: the violation of the substantial sphere of the right to be heard, protected under Article 8(1) of the American Convention, in relation to Article 1(1) thereof, to the detriment of the 539 persons indicated in the annex to the judgment, who had filed a petition before the Central Bank under article 31 of Law 17,613; the violation of the right to non-discriminatory treatment, in relation to the right to the procedural guarantee of an adequate reasoning, protected by Articles 1(1) and 8(1) of the American Convention, to the detriment of Alicia Barbani Duarte and Jorge Marenales, with regard to their petitions before the Central Bank; the violation of the right recognized in Article 25(1) of the American Convention, in relation to Article 1(1) thereof, to the detriment of 12 individuals in relation to the appeals for declaration of nullity that they had filed before the Contentious-Administrative Tribunal, because the tribunal made an incomplete examination of those appeals. The Court also declared that there was no evidence to corroborate the alleged violation of the right to non-discriminatory treatment, in relation to the procedural guarantee of an adequate reasoning, embodied in Articles 1(1) and 8(1) of the American Convention, to the detriment of two individuals; and that the State did not violate the right established in Article 8(1) of the American Convention, in relation to the alleged "presumption of consent" by applying "disqualifying criteria," the alleged arbitrary application of a new criterion, or the alleged lack of information concerning probative elements. Moreover, the Court found no evidence to declare a violation of the right protected by Article 21 of the American Convention.

Regarding reparations, the Court ordered, inter alia, that the State must guarantee that the victims in this case or their heirs can present new petitions for determination of the rights established by article 31 of Law 17,613 on the strengthening of the financial system, which must be heard and decided, within three years, with all due guarantees by a body with the necessary competence to make a complete analysis of the requirements established in the said norm; make the publications indicated in the judgment, within six months of its notification, and pay the amounts set forth in the judgment as compensation for non-pecuniary damage and reimbursement of costs and expenses.

### *Orders on provisional measures*

During this session the Court issued one order on provisional measures in the Matter of Wong Ho Wing with regard to Peru ([Annex 75](#)).

### *Orders on monitoring compliance*

During this session the Court issued one order on monitoring compliance with judgment in the case of the Yean and Bosico Girls v. Dominican Republic ([Annex 76](#)).

### *Academic activities*

On August 12, 2011, an international seminar was held on: “The Inter-American System and the Caribbean,” and also a round table on “Enhanced interaction and rapprochement between the countries members of the Caribbean Community and the inter-American system for the protection of human rights.” Further information on these activities is included at the end of this report in the section entitled Training and Dissemination

### *Meetings with authorities*

On the occasion of this visit to Barbados, the judges of the Court held meetings with different authorities, including the Prime Minister, Freundel Stuart; the Attorney General, Adriel Brathwaite; the Minister of Foreign Affairs and Foreign Trade, Maxine McLean, and the President of the Supreme Court of Justice, Marston Gibson, and the other justices of the Supreme Court.

### *F. Ninety-Third Regular Session*

From November 21 to December 2, 2011, the Court held its ninety-third regular session in San José, Costa Rica.<sup>8</sup> During this session, the Court held two public hearings on contentious cases and one public hearing and one private hearing on monitoring compliance with judgment. In addition, it issued four judgments, six orders on provisional measures, seven orders on monitoring compliance with judgment, and one order on the participation of the alleged child victims in the case of Atala Riffo and daughters v. Chile. The matters examined by the Court during this session are described below.

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<sup>8</sup> The composition of the Court for this session was as follows: Diego García-Sayán (Peru), President; Leonardo A. Franco (Argentina), Vice President; Manuel E. Ventura Robles (Costa Rica); Margarette May Macaulay (Jamaica); Rhadys Abreu Blondet (Dominican Republic), and Eduardo Vio Grossi (Chile). Pablo Saavedra Alessandri (Chile), Secretary, and Emilia Segares Rodríguez (Costa Rica), Deputy Secretary, also took part in the session. In accordance with Articles 19 of the Court’s Statute and 21 of the Court’s Rules of Procedure, none of the judges participated in cases, judgments, orders on monitoring judgment, orders on provisional measures or any other jurisdictional activity concerning the countries of which they are nationals. In matters concerning the country of origin of the President of the Court, he excused himself from participating and delegated the presidency to the Vice President, Leonardo A. Franco (Argentina), who became acting President for such matters.





### *Public hearings on contentious cases*

#### **Case of Néstor José and Luis Uzcátegui et al. (Venezuela)**

Merits and eventual reparations and costs. On November 28, 2011, during a public hearing, the Court received the testimony of one of the alleged victims and two witnesses, as well as the final arguments of the representatives of the alleged victims and of the State, and the final observations of the Inter-American Commission.

#### **Case of Díaz Peña (Venezuela)**

Preliminary objection and eventual merits, reparations and costs. On December 1, 2011, during a public hearing, the Court received the testimony of the alleged victim using electronic audiovisual means, one witness and one expert witness, as well as the final oral arguments of the representative of the alleged victim and of the State, and the final observations of the Inter-American Commission.

### *Public hearings on monitoring compliance with judgment*

On November 21, 2011, the Court held a public hearing in order to obtain information from the State of Paraguay, the Inter-American Commission, and the representatives of the beneficiaries on compliance with the measure of reparations concerning the identification, return and titling of the ancestral lands ordered in three cases concerning the Yákye Axa, the Sawhoyamaxa and the Xákmok Kásek Indigenous Communities.

### *Private hearing on monitoring compliance with judgment*

On November 23, 2011, the Court held a private hearing in order to obtain information from the Republic de Colombia on compliance with the payments ordered in the fifteenth and sixteenth operative paragraphs of the judgment on merits and

reparations delivered on September 15, 2005, in the case of the Mapiripán Massacre, and to hear the corresponding observations of the Inter-American Commission and of the representatives of the victims.



### *Judgments*

#### **Case of Abrill Alosilla et al. (Peru)**

Interpretation of the judgment on merits, reparations and costs. On November 21, 2011, the Court delivered the interpretation of the judgment on merits, reparations and costs in this case ([Annex 77](#)), and decided to reject, as irreceivable, the questioning by the representative of the grounds for the amount of the compensation determined by the Inter-American Court.

#### **Case of Fleury et al. (Haiti)**

Judgment on merits and reparations. On November 23, 2011, the Court delivered judgment on merits and reparations in this case ([Annex 78](#)), declaring the State responsible for the violation, to the detriment of Lysias Fleury, of his rights recognized in Articles 7(1), 7(2), 7(3), 7(4), 5(1), 5(2), 8(1), 25(1) and 16 of the American Convention, all in relation to Article 1(1) thereof because he had suffered illegal and arbitrary detention, torture and other cruel, inhuman and degrading treatment, and a lack of access to justice for an investigation of the facts. In addition, the State was responsible for the violation of the rights established in Article 5(1) of the American Convention, in relation to Article 1(1) thereof, to the detriment of Rose Lilienne Benoit Fleury, Rose Fleury, Metchnikov Fleury and Flemingkov Fleury; and for the violation of the right established in Article 22(1) of the American Convention, in relation to Article



1(1) thereof, to the detriment of Lysias Fleury, Rose Lilienne Benoit Fleury, Rose Fleury, Metchnikov Fleury and Flemingkov Fleury.

Regarding reparations, the Court ordered, *inter alia*, that the State must initiate, direct and conclude the necessary investigations and proceedings, within a reasonable time, in order to establish the truth about the facts, and also to determine and, as appropriate, punish all those responsible for what happened to Lysias Fleury; implement, within a reasonable time, a permanent compulsory course on human rights for officials of all ranks of the National Police of Haiti, and for judicial agents in Haiti; pay, within one year, the amounts established in the judgment as compensation for pecuniary and non-pecuniary damage, and reimbursement of costs and expenses, as appropriate; and make the publications of the judgment indicated therein.

### **Case of the Barrios Family (Venezuela)**

Judgment on merits, reparations and costs. On November 24, 2011, the Court delivered the judgment on merits, reparations and costs in this case ([Annex 79](#)), and declared the State responsible for the violation of the right established in Article 4(1) of the American Convention, in relation to Article 1(1) of this instrument, to the detriment of Benito Antonio Barrios, Narciso Barrios, Luis Alberto Barrios, Rigoberto Barrios, Oscar José Barrios, Wilmer José Flores Barrios and Juan José Barrios; for the violation of the right established in Article 5 of the American Convention, in relation to Article 1(1) thereof, to the detriment of Benito Antonio Barrios, Rigoberto Barrios, Jorge Antonio Barrios, Oscar José Barrios, Jesús Ravelo, Gustavo Ravelo, Luisa del Carmen Barrios, Elbira Barrios and Néstor Caudi Barrios; for the violation of the right established in Article 7 of the American Convention, in relation to Article 1(1) of this instrument, to the detriment of Benito Antonio Barrios, Rigoberto Barrios, Jorge Antonio Barrios, Oscar José Barrios, Jesús Ravelo, Gustavo Ravelo, Luisa del Carmen Barrios and Elbira Barrios; for the violation of the right to special protection owing to their status as children, of Rigoberto Barrios, Oscar José Barrios and Jorge Antonio Barrios, established in Article 19 of the American Convention, in relation to Article 1(1) and, respectively, to Articles 4, 5 and 7 of this instrument; for the violation of the rights to privacy and property recognized respectively in Articles 11(2), 21(1) and 21(2) of the American Convention, in relation to Article 1(1) thereof, to the detriment of the individuals indicated in the judgment; for the violation of the right recognized in Article 22(1) of the American Convention, in relation to Article 1(1) thereof, to the detriment of the individuals indicated in the judgment; for the violation of the right to special protection of the child, recognized in Article 19 of the American Convention, in relation to Articles 1(1) and 22(1) of the same instrument, to the detriment of the children indicated in the judgment; for the violation of the rights established in Articles 8(1) and 25(1) of the American Convention, in relation to Article 1(1) thereof, to the detriment of the individuals indicated in the judgment; for the violation of the right embodied in Article 5(1) of the American Convention, in relation to Article 1(1) thereof, to the detriment of the next of kin indicated in the judgment, and for failure to comply with the obligations established in Articles 6 and 8 of the Inter-American Convention to Prevent and Punish Torture, to the detriment of Rigoberto Barrios and Jorge Antonio Barrios.

Regarding reparations, the Court ordered, *inter alia*, that the State must conduct the criminal investigation into the facts of this case effectively, in order to determine the corresponding criminal responsibilities and apply the punishments and consequences established by law; examine, under the pertinent disciplinary norms, the possible procedural and investigative irregularities related to this case and, as appropriate, punish the conduct of the respective public servants; provide immediate, adequate and effective medical and psychological treatment, free of charge, in its specialized public health institutions to the victims who request this; make the publications ordered in the judgment; organize a public act to acknowledge international responsibility for the facts of this case; award scholarships in Venezuelan public establishments to the individuals named in the judgment; continue the training activities underway and implement, within a reasonable time, a compulsory program or course on the points indicated as part of the general and continuing training of all ranks of the Police of the state of Aragua; and pay the amounts established in the judgment as compensation for pecuniary and non-pecuniary damage, reimbursement of costs and expenses, and reimbursement of the Victims' Legal Assistance Fund.

#### **Case of Fontevecchia and D'Amico (Argentina)**

Judgment on merits, reparations and costs. On November 29, 2011, the Court delivered the judgment on merits, reparations and costs in this case ([Annex 80](#)), and declared the State responsible for the violation of the right recognized in Article 13 of the American Convention, in relation to Article 1(1) thereof, to the detriment of Jorge Fontevecchia and Hector D'Amico. In this regard, the Court concluded that certain publications relating to Mr. Menem, who was President of the Argentine Republic at the time, constituted a legitimate exercise of the right to freedom of expression recognized in Article 13 of the American Convention and that the measures of contingent liability imposed under domestic law violated that right to the detriment of Jorge Fontevecchia and Héctor D'Amico. The Court also declared that the State had failed to comply with the general obligation to adopt provisions under its domestic law established in Article 2 of the American Convention.

Regarding reparations, the Court ordered, *inter alia*, that the State must annul the sentence imposed on Jorge Fontevecchia and Hector D'Amico in the civil proceedings, as well as all its consequences; make the publications ordered in the judgment, and pay the amounts relating to costs and expenses established in the judgment.

#### *Orders on provisional measures*

During this session the Court issued six orders on provisional measures: Matter of the Kankuamo Indigenous People with regard to Colombia ([Annex 81](#)); Matter of Guerrero Gallucci with regard to Venezuela ([Annex 82](#)); Matter of Ramírez Hinostroza et al. with regard to Peru ([Annex 83](#)); Matter of the Jiguamiandó and the Curvaradó Communities with regard to Colombia ([Annex 84](#)); Matter of Millacura Llaipén et al. with regard to Argentina ([Annex 85](#)); and Matter of Haitians and Dominicans of Haitian origin in the Dominican Republic with regard to Dominican Republic ([Annex 86](#)).



### *Orders on monitoring compliance*

15. During this session the Court issued seven orders on monitoring compliance with judgments: Chitay Nech et al. v. Guatemala ([Annex 87](#)), Radilla Pacheco v. Mexico ([Annex 88](#)), Servellón García et al. v. Honduras ([Annex 89](#)), Boyce et al. and DaCosta Cadogan v. Barbados ([Annex 90](#)), the Saramaka People. v. Suriname ([Annex 91](#)), Manuel Cepeda Vargas v. Colombia ([Annex 92](#)), Five Pensioners v. Peru ([Annex 93](#)), and Blanco Romero et al. v. Venezuela ([Annex 94](#)).

### *Other orders*

#### **Case of Atala Riffo and daughters (Chile)**

Participation of the alleged child victims. On November 29, 2011, the Court issued an order in which it required, as helpful evidence, that the girls, M., V. and R. be informed of their right to be heard by the Court, and the implications of the exercise of this right, so that the three children could advise what they wish to do in this regard.

This section highlights some of the evolutions in the Court's case law during 2011, as well as some of the opinions that reaffirm the case law already established by the Court. It is worth noting that this progress in the case law establishes principles that are significant when the organs of the public authorities apply the so-called Convention-based control within their respective spheres of competence.

In this regard, the Court has recalled that domestic authorities are subject to the rule of law and, consequently, they are obliged to apply the provisions of the law in force.<sup>9</sup> Nevertheless, when a State is a party to an international treaty such as the American Convention, all its organs, including its judges, are also subject to this treaty, which obliges them to ensure that the effects of the provisions of the Convention are not weakened by the application of norms that are contrary to its object and purpose. Thus, judges and organs related to the administration of justice at all levels are obliged to exercise *ex officio* "Convention-based control" to ensure concordance between domestic law and the American Convention; evidently within the sphere of their respective competence and the corresponding procedural regulations. In this task, the judges and organs related to the administration of justice must take into account not only the treaty, but also the interpretation made of it by the Inter-American Court, ultimate interpreter of the American Convention.<sup>10</sup>

### Judicial guarantees

The Court reiterated its position that Article 8(1) of the Convention does not apply only to proceedings before judges and courts of law, because the guarantees that it establishes must be observed in all the different procedures in which the State's organs adopt decisions that determine the rights of the individual, since the State also grants administrative, collegiate or single-person authorities the function of adopting decisions that determine rights. Thus, the guarantees included in Article 8(1) of the Convention are also applicable in the hypothesis that a public authority adopts decisions that determine such rights, taking into account that those guarantees inherent in a jurisdictional body cannot be required of them, but rather they must comply with the guarantees designed to ensure that the decision is not arbitrary.<sup>11</sup>

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<sup>9</sup> Cf. Case of Almonacid Arellano et al. v. Chile. Preliminary objections, merits, reparations and costs. Judgment of September 26, 2006. Series C No. 154, para. 124; Case of Ibsen Cárdenas and Ibsen Peña v. Bolivia, Merits, reparations and costs. Judgment of September 1, 2010 Series C No. 217, para. 202; Case of Rosendo Cantú et al. v. Mexico, Interpretation of the judgment on preliminary objection, merits, reparations and costs. Judgment of May 15, 2011. Series C No. 225, para. 219; Case of Cabrera García and Montiel Flores v. Mexico. Preliminary objection, Merits, reparations and costs. Judgment of November 26, 2010. Series C No. 220, para. 225.

<sup>10</sup> Cf. Case of Almonacid Arellano et al. v. Chile. Preliminary objections, merits, reparations and costs. Judgment of September 26, 2006. Series C No. 154, para. 124; Case of Ibsen Cárdenas and Ibsen Peña v. Bolivia, Merits, reparations and costs. Judgment of September 1, 2010 Series C No. 217, para. 202; Case of Rosendo Cantú et al. v. Mexico, Interpretation of the judgment on preliminary objection, merits, reparations and costs. Judgment of May 15, 2011. Series C No. 225, para. 219; Case of Cabrera García and Montiel Flores v. Mexico. Preliminary objection, merits, reparations and costs. Judgment of November 26, 2010. Series C No. 220, para. 225.

<sup>11</sup> Cf. Case of Barbani Duarte et al. v. Uruguay. Merits, reparations and costs. Judgment of October 13, 2011. Series C No. 234, para. 119.

### *Right to be heard*

The Court declared that the right to be heard entails, on the one hand, a formal and procedural sphere to ensure access to the competent body to determine the right claimed, respecting due procedural guarantees (such as the presentation of arguments and evidence). On the other hand, this right includes a sphere of material protection, which means that the State must guarantee that the decision reached by means of the proceeding fulfills the purpose for which it was conceived.<sup>12</sup>



### Judicial independence

The Court reiterated, in keeping with the criteria adopted in its case law, that the principle of judicial independence gives rise to three guarantees: an appropriate appointment procedure, tenure in the post, and the guarantee against external pressure.<sup>13</sup>

In this regard, the Court ruled on the obligation of States to ensure that their domestic laws guarantee the permanence of judges in their post for the established periods, guaranteeing the tenure of both those appointed by an administrative decision and

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<sup>12</sup> Cfr. Caso Barbani Duarte y Otros Vs. Uruguay. Fondo Reparaciones y costas. Sentencia de 13 de octubre de 2011. Serie C No. 234, párr. 122.

<sup>13</sup> Cf. Case of Chocrón Chocrón v. Venezuela. Preliminary objection, merits, reparations and costs. Judgment of July 1, 2011. Series C No. 227, para. 98.

those elected or designated, until they reach the legal retirement age or the term for which they were appointed or elected expires.<sup>14</sup>

In addition, the Inter-American Court reiterated that, in order to guarantee the principle of judicial independence, judges can only be removed based on grave disciplinary offenses or incompetence, and in accordance with fair procedures that ensure objectivity and impartiality in accordance with the Constitution or the law.<sup>15</sup>

In addition, the Court reiterated that the authority in charge of the procedure to dismiss a judge must conduct the procedure established to this end with independence and impartiality, and allow the exercise of the right to defense; otherwise, the free removal of judges encourages real doubts in the observer as to the effective possibility that they can decide specific disputes without fear of reprisals.<sup>16</sup>

The Court declared that judges must decide the matters they are hearing based on the facts and in keeping with the law, without any constraints or influences, incentives, pressure, threats or undue interferences, from any sector or for any reason. Likewise, the Court established that any type of undue or unjustified interference in judicial proceedings is prohibited.<sup>17</sup>

According to the Court, this principle includes even provisional judges, because their provisional status must be subject to a legal decision terminating their mandate, such as completion of a predetermined term or the holding and conclusion of a public competitive examination that appoints the person who replaces the provisional judge on a permanent basis.<sup>18</sup> Thus, in the sphere of provisional judges, the guarantee of tenure becomes the requirement that they can enjoy all the benefits inherent in permanence until the time indicated in the legal decision that ends their mandate.<sup>19</sup>

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<sup>14</sup> Cf. Case of Chocrón Chocrón v. Venezuela. Preliminary objection, merits, reparations and costs. Judgment of July 1, 2011. Series C No. 227, para. 99.

<sup>15</sup> Cf. Case of Chocrón Chocrón v. Venezuela. Preliminary objection, merits, reparations and costs. Judgment of July 1, 2011. Series C No. 227, para. 99.

<sup>16</sup> Cf. Case of Chocrón Chocrón v. Venezuela. Preliminary objection, merits, reparations and costs. Judgment of July 1, 2011. Series C No. 227, para. 99.

<sup>17</sup> Cf. Case of Chocrón Chocrón v. Venezuela. Preliminary objection, merits, reparations and costs. Judgment of July 1, 2011. Series C No. 227, para. 100.

<sup>18</sup> Cf. Case of Chocrón Chocrón v. Venezuela. Preliminary objection, merits, reparations and costs. Judgment of July 1, 2011. Series C No. 227, para. 105.

<sup>19</sup> Cf. Case of Chocrón Chocrón v. Venezuela. Preliminary objection, merits, reparations and costs. Judgment of July 1, 2011. Series C No. 227, para. 105. The Court had previously ruled in this regard in the Case of Reverón Trujillo v. Venezuela, *supra* nota 12, para. 116.



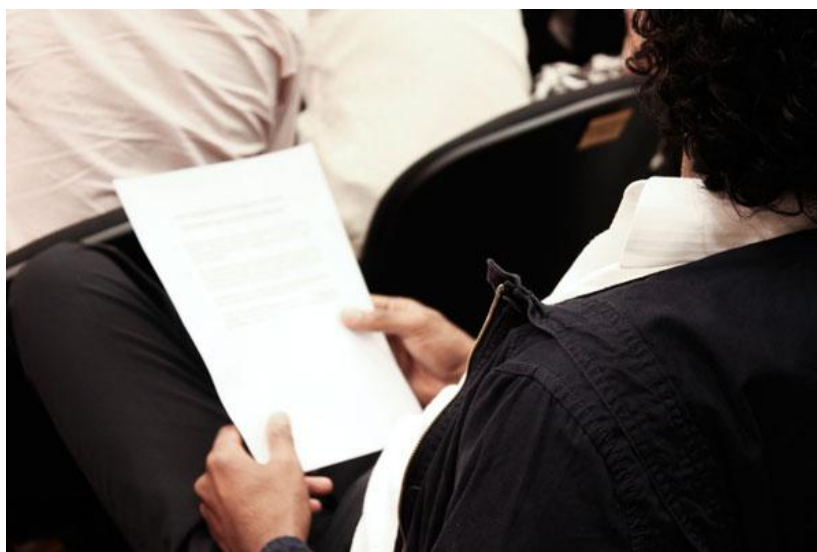
Nevertheless, the Court recalled that provisional appointments should be exceptional and not the rule, because maintaining the provisional status of judges, or the fact that most of the judges are provisional, creates major obstacles to judicial independence.<sup>20</sup>

### Right to be elected

The Court underscored that Article 23(2) of the Convention determines the reasons that allow political rights to be restricted, and also the requirements that must be fulfilled for this type of restriction to be admissible. Thus, with regard to the restrictions imposed by means of a sanction, this must be “sentencing by a competent court in criminal proceedings”.<sup>21</sup>

### Certainty of the law

The Court considered that a norm that grant some measure of discretionality is not incompatible with the degree of certainty that a norm should possess, provided that the scope of the discretionality and the way in which it must be exercised are indicated with sufficient clarity so as to provide adequate protection to ensure that there is no arbitrary interference<sup>22</sup>. Thus, the norm must delimit clearly the scope of the discretionality that the authority may exercise, and define the circumstances in which it can be exercised in order to establish satisfactory guarantees to avoid abuses.



<sup>20</sup> Cf. Case of Chocrón Chocrón v. Venezuela. Preliminary objection, merits, reparations and costs. Judgment of July 1, 2011. Series C No. 227, para. 107.

<sup>21</sup> Cf. Case of Leopoldo López v. Venezuela. Merits, reparations and costs. Judgment of September 1, 2011. Series C No. 233, para. 107.

<sup>22</sup> Cf. Case of Leopoldo López v. Venezuela. Merits, reparations and costs. Judgment of September 1, 2011. Series C No. 233, para. 202.



### *Independence in the execution of judgments*

With regard to the provisions that regulate jurisdictional independence, the Court declared that they must be formulated so as to ensure the prompt execution of judgments, without interference from the other powers of the State and they must guarantee the binding and compulsory nature of the decisions of the highest jurisdictional authority.<sup>23</sup>

### Right to personal liberty

#### *Limits to pre-trial detention*

The Court emphasized that, when ordering detention, the State must respect the guarantees established in the Convention. Moreover, it should be applied exceptionally, and respecting the principle of the presumption of innocence and the principles of legality, necessity and proportionality, essential in a democratic society.<sup>24</sup>

The Court reiterated that States are obliged to establish, as exhaustively as possible and previously, the “reasons” and “conditions” for the deprivation of physical liberty. Consequently, the Court reiterated that any requirement of domestic law that is not fulfilled when depriving an individual of his liberty signifies that this deprivation is illegal and contrary to the American Convention.<sup>25</sup>

#### *Personal liberty and arbitrary detention or imprisonment*

It should be noted that the Court reiterated that no one may be subjected to detention or imprisonment for reasons and using methods that, although classified as legal, can be considered incompatible with respect for the fundamental rights of the individual, because they are, inter alia, unreasonable, unpredictable, or disproportionate.<sup>26</sup>

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<sup>23</sup> Cf. Case of Mejía Idrovo v. Ecuador. Preliminary objections, merits, reparations and costs. Judgment of July 5, 2011. Series C No. 228, para. 106.

<sup>24</sup> Cf. Case of Torres Millacura v. Argentina. Merits, reparations and costs. Judgment of August 26, 2011. Series C No. 229, para. 71

<sup>25</sup> Cf. Case of Torres Millacura v. Argentina. Merits, reparations and costs. Judgment of August 26, 2011. Series C No. 229, para. 74.

<sup>26</sup> Case of Torres Millacura v. Argentina. Merits, reparations and costs. Judgment of August 26, 2011. Series C No. 229, para. 74.



### *Individuals deprived of liberty and medical care*

With regard to the medical services that must be provided to individuals deprived of liberty, the Court recalled the obligation to examine all prisoners as soon as possible after their entry and, subsequently, as often as necessary.<sup>27</sup>

The Court also emphasized that even a minimum of ill-treatment of prisoners can be considered cruel, inhuman or degrading treatment. The evaluation of this minimum level will depend on all the circumstances of the case, such as the duration of the treatment, its physical and mental effects and, in some cases, the gender, age, and health of the victim. Similarly, the Court indicated that the absence of the intention to humiliate or degrade the victim does not lead inevitably to the conclusion that cruel, inhuman or degrading treatment has not been inflicted.<sup>28</sup>

The Court considered that, in order to determine whether an individual deprived of liberty has been subjected to inhuman or degrading treatment, factors such as the following must be taken into account: absence of the pertinent emergency and specialized medical assistance; excessive deterioration in the physical and mental health of the individual deprived of liberty, exposure to severe or prolonged pain as a result of the lack of prompt and diligent medical care, and excessive security conditions to which the individual has been subjected despite evident and serious health problems and without any grounds or evidence that made this necessary.

### Effective judicial protection in the execution of domestic judgments

The Court declared that the execution of domestic judgments must be regulated by specific standards that permit implementing the principles, inter alia, of judicial protection, due process, legal certainty, judicial independence, and the rule of law.<sup>29</sup> The Court also stated that, in order to ensure the effectiveness of the judgment, its execution must be complete, perfect, integral and prompt.<sup>30</sup> In the same way, the Court declared that the principle of effective judicial protection requires that the procedures for the execution of judgment are accessible to the parties, without

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<sup>27</sup> Cf. Case of Vera Vera et al. v. Ecuador. Preliminary objection, merits, reparations and costs. Judgment of May 15, 2011. Series C No. 224, para. 50.

<sup>28</sup> Cf. Case of Vera Vera et al. v. Ecuador. Preliminary objection, merits, reparations and costs. Judgment of May 15, 2011. Series C No. 224, para. 76; adopting the criteria established by the ECHR in the Case of Sarban v. Moldova, (No. 3456/05), Judgment of October 4, 2005. Final, January 4, 2006, para. 75.

<sup>29</sup> Cf. Case of Mejía Idrovo v. Ecuador. Preliminary objections, merits, reparations and costs. Judgment of July 5, 2011. Series C No. 228, para. 105.

<sup>30</sup> Cf. Case of Mejía Idrovo v. Ecuador. Preliminary objections, merits, reparations and costs. Judgment of July 5, 2011. Series C No. 228, para. 105.

obstacles or undue delay, in order to achieve their purpose in a rapid, simple and comprehensive manner.<sup>31</sup>

The Court found that, under the rule of law, all public authorities, within their sphere of competence, must respect judicial decisions, and also promote and execute them, without obstructing the meaning and scope of the decision or unduly delaying its execution.<sup>32</sup>

## Protection of the family and rights of the child

The Court also reiterated that children have the right to live with their family, which is called on to satisfy their material, affective and psychological needs.<sup>33</sup> Thus, the Court determined that the State must not only abstain from interfering unduly in the private or family relationships of children, but must also, according to the circumstances, adopt positive measures to ensure the full exercise and enjoyment of their rights.<sup>34</sup>

## Right to identity

The Court has conceived the right to identity, in general, as all the attributes and characteristics that individualize the person in society and, as such, it includes several other rights according to the subject of rights in question and the circumstances of the case.<sup>35</sup> Thus, the Court recognized that personal identity is closely related to the person in his or her specific individuality and private life, based on both historical and biological experience, as well as the way in which this person relates to others, by developing family and social ties.<sup>36</sup>

The Court recognized that this right is essential for the development of the individual. It also emphasized that the right to identity is inherent in human attributes and dignity and that it is "a fundamental human right and an erga omnes obligation, as an

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<sup>31</sup> Cf. Case of Mejía Idrovo v. Ecuador. Preliminary objections, merits, reparations and costs. Judgment of July 5, 2011. Series C No. 228, para. 106.

<sup>32</sup> Cf. Case of Mejía Idrovo v. Ecuador. Preliminary objections, merits, reparations and costs. Judgment of July 5, 2011. Series C No. 228, para. 106.

<sup>33</sup> Case of Contreras et al. v. El Salvador. Merits, reparations and costs. Judgment of August 31, 2011. Series C No. 232, para. 106.

<sup>34</sup> Case of Contreras et al. v. El Salvador. Merits, reparations and costs. Judgment of August 31, 2011. Series C No. 232, para. 107.

<sup>35</sup> Cf. Case of Gelman v. Uruguay. Merits and reparations. Judgment of February 24, 2011. Series C No. 221, para. 122 and Case of Contreras et al. v. El Salvador. Merits, reparations and costs. Judgment of August 31, 2011. Series C No. 232, para. 113.

<sup>36</sup> Case of Contreras et al. v. El Salvador. Merits, reparations and costs. Judgment of August 31, 2011. Series C No. 232, para. 113.



expression of a collective interest of the international community as a whole, which cannot be annulled or suspended in the cases established in the Convention.<sup>37</sup>

## Right to identity of children who are disappeared or separated from their family

The Court declared that children separated from their parents or families in the context of armed conflicts are particularly vulnerable because, often, their appropriation for different purposes is considered a normal consequence of the armed conflict. However, their dignity and personal integrity is endangered by treating them as objects that can be appropriated; hence the State must ensure their protection and survival, and also accord priority to adopting measures aimed at family reunion.<sup>38</sup>

The Court heard cases in the context of which many of the disappeared children had been registered with false information or had their data altered. The Court declared that the effects of this type of violation are twofold: on the one hand, for the child who is unable to seek its family and learn its biological identity; on the other, for the original family who are prevented from exercising the legal remedies to re-establish the biological identity and the family ties, and end the deprivation of liberty. In this regard, the Court declared that this type of violation only ends when the truth about the identity is revealed by any means and the victims are guaranteed the legal and factual possibility of recovering their true identity and, as appropriate, their family ties, with the pertinent legal consequences.<sup>39</sup> The violation of the right to identity in the circumstances of this type of case involves a complex juridical phenomenon that can include a series of illegal actions and violations of rights to conceal it and prevent the establishment of the ties between the children who have been separated and their next of kin,<sup>40</sup> and this result in acts of interference in private life, as well as violations of the right to a name and to family relationships.<sup>41</sup>

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<sup>37</sup> Cf. Case of Contreras et al. v. El Salvador. Merits, reparations and costs. Judgment of August 31, 2011. Series C No. 232, para. 112.

<sup>38</sup> Cf. Case of Contreras et al. v. El Salvador. Merits, reparations and costs. Judgment of August 31, 2011. Series C No. 232, para. 86.

<sup>39</sup> Cf. Case of Gelman v. Uruguay. Merits and reparations. Judgment of February 24, 2011. Series C No. 221, para. 130 and Case of Contreras et al. v. El Salvador. Merits, reparations and costs. Judgment of August 31, 2011. Series C No. 232, para. 89.

<sup>40</sup> Cf. Case of Gelman v. Uruguay. Merits and reparations. Judgment of February 24, 2011. Series C No. 221, para. 120 and Case of Contreras et al. v. El Salvador. Merits, reparations and costs. Judgment of August 31, 2011. Series C No. 232, para. 114. Cf.

<sup>41</sup> Cf. Case of Contreras et al. v. El Salvador. Merits, reparations and costs. Judgment of August 31, 2011. Series C No. 232, para. 114.

In order to improve access to inter-American justice, in 2010, the Court made two significant amendments to its Rules of Procedure introducing the Legal Assistance Fund and the concept of the inter-American defender.

### Legal assistance fund of the Inter-American Court

On February 4, 2010, the Court's Rules of Procedure for the Operation of the Victims' Legal Assistance Fund were issued ([Annex 95](#)); they entered into force on June 1, 2010. The purpose of the Legal Assistance Fund (hereinafter, "the Fund") is to facilitate access to the inter-American human rights system to those persons who, at the present time, do not have the necessary resources to bring their case before the Court. Thus, once their case has been submitted to the Court, anyone who does not have the financial resources to cover the expenses resulting from proceedings before the Court may request assistance from the Fund. With the adoption of these rules of procedure, the Court has taken a giant step towards enhancing and expanding the horizons of inter-American justice by establishing a mechanism that will ensure that those without the necessary financial resources are not excluded from access to the Inter-American Court.



The Court is responsible for deciding whether or not an alleged victim may take advantage of the Fund. According to the rules of procedure, alleged victims who wish to avail themselves of the Fund should inform the Court in their brief with pleadings, motions and evidence. In addition, they must authenticate, by means of a sworn declaration or other appropriate means of proof that is satisfactory to the Court, the lack of sufficient financial resources to cover the costs of litigation before the Court and indicate precisely which aspects of their defense during the proceedings require resources from the Victims' Legal Assistance Fund. The Court's Secretariat will make a

preliminary examination of the application for assistance and will request the applicant to forward any information required to complete the file before submitting it to the consideration of the President of the Court. The President will evaluate each application to determine its admissibility, and will indicate which aspects of the defense can be covered by the Victims' Legal Assistance Fund.

When the President has determined that the request is admissible and his decision has been notified, the Court's Secretariat opens a file of expenditures for each case, in which it records each payment made, in accordance with the parameters authorized by the President. The Court's Secretariat will inform the defendant State of the payments from the Fund, so that it can submit any observations it wishes within the time frame established to this effect.

The States have the obligation to reimburse the Fund for the payments made in each case in which they are found internationally responsible for the violation of human rights, so that the Fund will be available for future victims who apply to it.

The Court's Secretariat administers the Fund, which does not receive resources from the regular budget of the OAS. This has led the Court to seek voluntary contributions to ensure its availability. Thus, on February 25, 2010, an international cooperation agreement was signed between the Norwegian Ministry of Foreign Affairs and this Court. One component of the agreement is entitled "Access to inter-American justice for victims of human rights violations who lack resources," and its objective is to contribute US\$210,000.00 to the Victims' Legal Assistance Fund of the inter-American human rights system over a three-year period. The contribution is divided into installments of US\$70,000.00 each year. In addition, the Court received a contribution of US\$25,000.00 from Colombia for the Fund. To date, Colombia has been the only OAS Member State that has contributed to the Fund.

During 2011, the President issued orders authorizing access to the Fund in 11 cases: Case of González Medina et al. v. Dominican Republic, order of February 23, 2011 ([Annex 96](#)), in which the President decided to grant the financial assistance required for the presentation of a maximum of three testimonies; Case of the Kichwa Indigenous People of Sarayaku v. Ecuador, order of March 3, 2011 ([Annex 97](#)), in which the President decided to grant the financial assistance required for the presentation of a maximum of four testimonies; Case of Contreras et al. v. El Salvador, order of March 4, 2011 ([Annex 98](#)), in which the President decided to grant the financial assistance required for the presentation of a maximum of three testimonies; Case of Torres et al. v. Argentina, order of April 14, 2011 ([Annex 99](#)), in which the President decided to grant the financial assistance required for the presentation of a maximum of one testimony, one expert opinion, and the presence of a representative at the public hearing; Case of the Barrios Family v. Venezuela, order of April 15, 2011 ([Annex 100](#)), in which the President decided to grant the financial assistance required for the presentation of a maximum of three testimonies; Case of Fornerón and daughter v. Argentina, order of May 31, 2011 ([Annex 101](#)), in which the President decided to grant the financial assistance required for the presentation of a maximum of two testimonies, and the presence of a representative at the public hearing; Case of Nestor José and Luis Uzcátegui et al. v. Venezuela, Order of June 1,

2011 ([Annex 102](#)), in which the President decided to grant the financial assistance required for the presentation of a maximum of three testimonies; Case of Furlán et al. v. Argentina, order of November 23, 2011 ([Annex 103](#)), in which the President decided to grant the financial assistance required to pay the reasonable and necessary expenses authenticated by the defense lawyers in order to process the case before this Court; Case of Castillo González et al. v. Venezuela, Order of November 28, 2011 ([Annex 104](#)), in which the President decided to grant the financial assistance required for the presentation of a maximum of four testimonies; Case of the Massacres of El Mozote and surrounding areas v. El Salvador, order of December 1, 2011 ([Annex 105](#)), in which the President decided to grant the financial assistance required for the presentation of a maximum of four testimonies, either by affidavit or at the public hearing, and Case of Nadege Dorzema et al. v. Dominican Republic, Order of December 1, 2011 ([Annex 106](#)), in which the President decided to grant the financial assistance required for the presentation of a maximum of three testimonies, either by affidavit or at the public hearing, and the presence of one of the representatives at the eventual public hearing to be convened in the case.

In 2011, the Court ordered the respective States to reimburse the expenditures from the Fund in three cases:<sup>42</sup> Case of Torres Millacura et al. v. Argentina, judgment of August 26, 2011; Case of Contreras et al. v. El Salvador, judgment of August 31, 2011; and Case of the Barrios Family v. Venezuela, judgment of November 24, 2011.

## Inter-american public defender

The current Rules of Procedure of the Court entered into force on January 1, 2010. The main change that the new Rules of Procedure introduced relates to the role of the Commission in the proceedings before the Court, granting the alleged victims and their representatives due protagonism in the proceedings.

Before the entry into force of these amendments, the Inter-American Commission was the entity responsible for advising the alleged victims who did not have a representative and representing them before the Court. This sought to guarantee access to inter-American justice to those who required, and did not have, technical assistance. To implement the concept of inter-American defender, in 2010, the Court signed a Memorandum of Understanding with the Inter-American Association of Public Defenders (hereinafter AIDEF) in order to provide free legal assistance to alleged victims who have insufficient financial resources or legal representation before the Court, as established in the Court's Rules of Procedure that entered into force in January 2010.

In those cases in which the alleged victims lacks financial resources and/or legal representation before the Court, the AIDEF will appoint a public defender who belongs to the Association to assume their legal representation and defense during the entire proceedings in order to ensure that their rights are guaranteed.

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<sup>42</sup> These are the only cases in which access to the Assistance Fund has been requested and the Court has delivered judgment. In the other cases, the respective judgments are still pending.



When the Court observes that an alleged victim does not have legal representation in a case, it will inform the AIDEF General Coordinator so that, within 10 days, the latter may appoint the defender who will assume the legal representation and defense, and also advise the Court where the pertinent communications should be notified. The Court will then forward the documentation relating to the case before the Court to the person appointed as the AIDEF public defender and, from that time on, this person will assume the legal representation and defense of the alleged victim before the Court during the entire processing of the case.

The legal representation before the Inter-American Court by the person appointed by the AIDEF is provided free of charge, and the latter will charge only the expenses arising from the defense. The Inter-American Court of Human Rights will pay the reasonable and necessary expenses that the respective inter-American defender incurs, insofar as possible, and through the Victims' Legal Assistance Fund.

During the year, legal assistance by the Inter-American Defender was decided in two cases: Case of Furlán et al. v. Argentina, order of May 2, 2011 (Annex 103); and Case of Mohamed v. Argentina, order of August 31, 2011 ([Annex 107](#)).



## Live transmission of public hearings

This year the Court began the permanent practice of live transmission, through its website, of the public hearings and some academic activities carried out during its sessions. The purpose is to implement the principle of publicity at the international level, because the public hearings must be accessible not only to those who are able to be present in person.



The audiovisual recording of these events is stored on a multimedia platform so that it can be consulted by anyone, at any time, by means of the following link: <http://vimeo.com/corteidh>. The public response to the start of the live transmissions is reflected by the fact that more than 25,000 people have viewed the public hearings and academic activities by Internet.

The live transmission of the Court's activities responds to its efforts to allow more people to have access to its jurisdictional work at the inter-American level. The live transmissions achieve the objective of spreading the work of the Court, giving greater publicity to the facts that afflict the victims and, above all, disseminating the discussion and analysis of different issues of the inter-American human rights reality, because the discussion and dialogue on these topics encourages the participation of the general public in the system.



## Testimony using audiovisual means

This year, for the first time in the Court's history, the testimony of an alleged victim was provided by an audiovisual medium in the Case of Díaz Peña v. Venezuela.

## Electronic reception and transmission

With the adoption of the amendments to its Rules of Procedure, the Court began to receive and transmit briefs by electronic means. This practice has been adopted in order to ensure greater rapidity and to reduce costs throughout the proceedings before the Court. In addition, it forms part of a series of strategic measures introduced so that the Court can conduct its jurisdictional activities respecting ecological guidelines.

### Media Gallery of the Inter-American Court of Human Rights

<http://www.vimeo.com/corteidh>

#### Public Hearings

[Matter of The Communities of Jiquamiandó and Curbaradó regarding Colombia](#)

[Matter of Urso Branco Prison regarding Brazil](#)

[Matter of the Mendoza Prisons regarding Argentina](#)

[Matter of Pueblo indígena de Kankuamo regarding Colombia](#)

[Matter of of the Socio-Educational Internment Facility regarding Brazil](#)

[Caso of Abrill Alosilla et al. v. Peru](#)  
[Case of Atala-Riffo and daughters v. Chile](#)  
[Case of the Yakye Axa Indigenous Community v. Paraguay](#)  
[Case of Contreras et al. v. El Salvador](#)  
[Matter of Pueblo indígena de Sarayaku regarding Ecuador](#)  
[Case of Díaz-Peña v. Venezuela](#)  
[Case of Family Barrios v. Venezuela](#)  
[Case of Fernández Ortega et al. v. Mexico](#)  
[Case of Fontovecchia y D`Amico v. Argentina](#)  
[Case of Formerón and daughter v. Argentina](#)  
[Case of Gelman v. Uruguay](#)  
[Matter of Gonzalez-Medina and family regarding Dominican Republic](#)  
[Case of Grande v. Argentina](#)  
[Case of Ibsen Cárdenas and Ibsen Peña v. Bolivia](#)  
[Matter of Luis Uzcátequi regarding Venezuela](#)  
[Case of Torres v. Argentina](#)  
[Case of Xákmok Kásek Vs. Paraguay](#)

### **Other Activities**

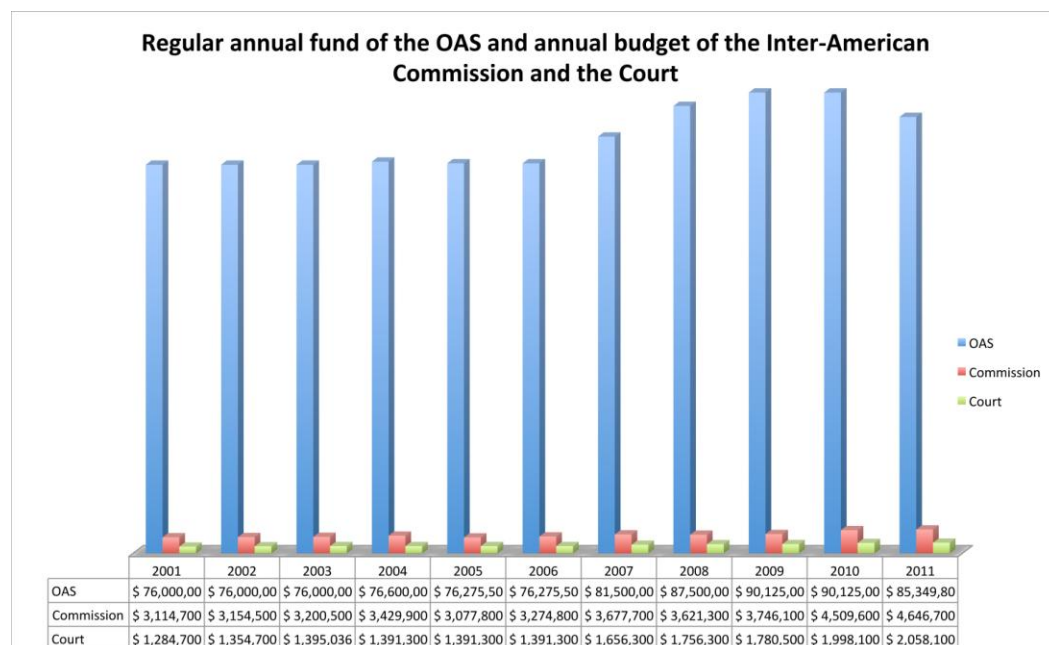
[International Seminar "Comparative Experiences: strengthening the protection of human rights, by means of jurisprudencial dialogue"](#)  
[International Seminar "The respect and guarantee of human rights from the perspective of the Inter-American System"](#)  
[The Inter-American System and the Caribbean](#)

Article 72 of the Convention provides that “the Court shall draw up its own budget and submit it for approval to the General Assembly through the General Secretariat. The latter may not introduce any changes in it.” In accordance with Article 26 of its Statute, the Court administers its own budget.

The total income that the Court received for its functioning during the 2011 financial exercise was US\$3,981,592.65. The OAS contributed US\$2,058,100.00 from its regular fund, which represented 51.70% of the Court’s income for the year. Contributions correspond to regular funds and international cooperation, voluntary contributions from States and other institutions.

These numbers reveal, once again, that the resources from the OAS fund are insufficient for the Court to cover its regular expenses satisfactorily. This situation means that the Court has had to seek voluntary contributions or cooperation projects with different institutions and States. These projects and contributions amount to 47.3% of the budget for the functioning of the Court. In this regard, it is a matter of some concern that a high percentage the Court’s regular expenses are covered by voluntary contributions in relation to OAS resources.

While it is true that the OAS has budgeted US\$102,900.00 more for 2012 than it gave in 2011, it is also true that this increase does not change the structural situation. Voluntary contributions and international cooperation cover almost half the financing of the Court’s activities. Without these voluntary contributions, the Inter-American Court would have to reduce its jurisdictional activities drastically, making the protection of human rights in the Americas ineffective.





## Regular fund

During its forty-second special session, held in Washington, DC, on October 31, 2011, the OAS General Assembly approved a budgetary envelope for the Court for 2012 of US\$2,161,000.00. This signifies an increase of 4.9% compared to the contribution from the regular fund in 2011.

At its forty first regular session, held in San Salvador from June 5 to 7, 2011, in Resolution AG/RES. 2652 (XLI-O/11), the OAS General Assembly decided that the General Secretariat of the Organization must “assume the cost of translating to all the official languages the judgments and decisions issued by the Inter-American Court of Human Rights, so as to guarantee full access to them by all inhabitants of the Hemisphere.” Nevertheless, the Court notes that this mandate has not been fulfilled, because the corresponding amount to guarantee this mandate, essential for equal access to inter-American justice by all the peoples of the Americas, was not included in the 2012 budget. The text of the said resolution is available at: [www.oas.org/en/41ga/docs/AG05445E02.doc](http://www.oas.org/en/41ga/docs/AG05445E02.doc).

## Voluntary contributions

During 2011, the Court received voluntary contributions for its functioning from the following States and institutions:

- Government of Costa Rica, under the agreement: US\$106,527.06
- Government of Mexico: US\$100,000.00; received according to note No. CRI-02657 of November 8, 2010, and used in 2011.
- Government of Mexico: US\$150,000.00, received on February 2, 2012, with indication that it belongs to 2011, according to a note from the Embassy of Mexico in Costa Rica No. CRI-00283 of February 2, 2012.
- Government of Ecuador: US\$1,500.00
- Government of Chile, through its Embassy in Costa Rica: US\$10,000.00
- United Nations High Commissioner for Refugees (UNHCR): US\$5,000.00
- Santa Clara University, California: US\$1,591.81

## Cooperation projects

During 2011, implementation of the following international cooperation projects continued.

### **Spanish International Cooperation Agency for Development (AECID):**

- Reinforcing effective implementation of the Inter-American Court’s decisions, first stage, from April 2010 to March 2011: US\$315,000.00 (last contribution, year 1)
- Reinforcing effective implementation of the Inter-American Court’s decisions, first stage, from April 2011 to March 2012: US\$393,900.00 (total contribution, year 2)
- Itinerant Court project, second stage (ending in December 2010): US\$36,259.50 (last contribution, registered in 2011).



**Norwegian Ministry of Foreign Affairs:**

“Enhancing the Inter-American Court of Human Rights 2010-2012.” The sum of US\$721,664.78 was received for this project in 2011.

**USAID/MSD Colombia:**

On July 21, 2011, a donation contract was signed establishing the terms and conditions to implement the Program of Access to Justice of the United States Agency for International Development (USAID), through Management Sciences for Development Colombia Ltda, in order to support the dissemination of the activities of the Inter-American Court of Human Rights in Colombia in 2011. The sum of US\$112,050.00 was received for this project during 2011.

**Spanish International Cooperation Agency for Development/European Union:**

Allocation of approximately US\$150,000.00 by the Spanish International Cooperation Agency for Development (AECID) and the European Union, through the Colombian Ministry of the Interior, for holding the ninety-second regular session of the Court in Bogota, Colombia.

## Audit of the financial statements

During 2010, an audit was conducted of the Inter-American Court’s financial statements for the 2010 financial year. It covered all the funds administered by the Court, including the funds from the OAS, the contribution of the Costa Rican Government for the 2010 financial exercise, the funds from international cooperation, and also the contributions from other States, universities and other international agencies. The financial statements are prepared by the administrative unit of the Inter-American Court and the audit was made in order to obtain an opinion confirming the validity of the Court’s financial transactions, taking into account generally accepted international accounting and auditing principles

According to the March 30, 2011, report of HLB, authorized public accountants, the Court’s financial statements adequately reflect the institution’s financial situation and net assets, and also the income, expenditure and cash flows for 2010, which are in keeping with generally accepted and consistently applied accounting principles for non-profit organizations (such as the Court). The report of the independent auditors shows that the internal accounting control system used by the Court is adequate for recording and controlling transactions and that reasonable business practices are used to ensure the most effective use of the funds provided.

A copy of the report was sent to the OAS Financial Services Department and to the Organization’s Inspector General.

## VIII. Proposal to strengthen the Inter-American Court (2011-2015)

On June 8, 2011, the day after the forty-first regular session of the OAS General Assembly, an important meeting was held in San Salvador, convened by the Inter-American Court, in order to continue seeking effective mechanisms to improve its financial situation.



The meeting was attended by the OAS Secretary General, the President of the Inter-American Commission on Human Rights, the President of the OAS Committee on Juridical and Political Affairs, representatives of Argentina, Barbados, Bolivia, Brazil, Canada, Chile, Colombia, Costa Rica, Denmark, Dominican Republic, Ecuador, El Salvador, European Union, France, Guatemala, Haiti, Honduras, Mexico, the Netherlands, Nicaragua, Panama, Paraguay, Peru, Spain, Suriname, United States of America, Uruguay and Venezuela, and representatives of several cooperation agencies.

During this event, the President of the Court presented the document "Guidelines 2011-2015: Strengthening inter-American justice by appropriate and predictable financing." The purpose of the guidelines is to show the gradual, but necessary, steps that are required to strengthen inter-American human rights justice sustainably, based on the constant increase in the Court's workload. In addition, these guidelines present a financial solution that will allow the Court to respond satisfactorily, as regards both time and manner, to the different cases of alleged human rights violations submitted to its consideration.

To this end, the guidelines propose a strategic plan addressed, in the first place, at attracting financing from sources other than the regular fund of the OAS, either by cooperation projects or by voluntary contributions. Moreover, the Court expressed its confidence that, at a later stage, which could be around 2016, its financial needs will be covered, as appropriate, by the OAS regular fund. The proposal was made from the



perspective that, in the medium term, the judges of the court will be dedicated to its jurisdictional functions on a full-time basis.

This document is available at:  
<http://scm.oas.org/pdfs/2011/CP27341S1.pdf>



### Inter-institutional cooperation agreements

During 2011, the Inter-American Court of Human Rights signed cooperation agreement with 11 institutions: Universidad San Buenaventura (Cali campus); Universidad de Panamá; Universidad de Alcalá; Universidad Autónoma de Madrid; Instituto Tecnológico Autónomo de Mexico; Public Prosecution Service of the Autonomous City of Buenos Aires; Supreme Court of Justice (Colombia); Constitutional Court of Colombia; Council of State (Colombia); Supreme Court of Justice (Panama); and Pro Bono Foundation, Chile, and the Vance Center.

The purpose of these agreements is to establish the bases for collaboration in order to conduct joint activities with these institutions in the area of human rights research, teaching, dissemination and extension work.



### Internships and professional practicums

In 2011, the Court received at its seat 59 interns and visiting professionals from the following 23 countries: Argentina, Brazil, Canada, Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, England, France, Germany, Guatemala, Haiti, Honduras, Italy, Jamaica, Mexico, the Netherlands, Norway, Peru, Republic of Korea, Spain and the United States of America. The following website can be consulted for further information on the Court's Internship and Visiting Professionals Program: <http://www.corteidh.or.cr/pasantias.cfm>

During 2011, the Court held a series of human rights training and dissemination activities in several countries of the Americas in order to expand the understanding of the Court's functions and the inter-American system for the protection of human rights, through the participation and training of civil society organizations and individuals, academics and public servants. These activities are described below:

### Specialized course on the inter-American system for State officials

In August 2004, the Inter-American Court of Human Rights, the Inter-American Commission on Human Rights and the Inter-American Institute of Human Rights signed a cooperation agreement for the promotion of human rights in the Americas. The mandates of the three institutions converge, precisely, on the strengthening of the regional system and the effective exercise of human rights in the countries of the hemisphere, and the tripartite agreement permits these institutions to work together to promote a continental strategy that includes, as one of its concrete actions, the specialized training of State officials on the main normative, procedural and institutional aspects of the inter-American system.

The sixth edition of the course was held in San José, Costa Rica, in February 2011. As in the past, the course focused on assembling officials from ministries of foreign affairs, offices of the attorney general and other public institutions linked directly to the proceedings before the Inter-American Commission and the Inter-American Court, for training activities, discussions and an exchange of experiences in an academic environment.

The course methodology includes a combination of lectures, observation of public hearings before the Court, and opportunities to analyze and discuss the hearings, in a process that leads the student from theoretical, conceptual and normative aspects to their practical application in the inter-American litigation process.

### Training program on the inter-American system for Costa Rican official public defenders

The Inter-American Court offered the training program on the inter-American system for Costa Rican official public defenders on March 8, 15, 22 and 29, 2011. Its purpose was to enhance the technical and juridical capabilities of public defenders in this country, and also to make a substantive contribution to public defense policies and strategies in order to reinforce the exercise of human rights, especially in the sphere of inter-American litigation. To this end, the program focused on the study of the inter-American human rights system and comprised 12 thematic modules offered over four days, each module requiring one and a half hours. The teaching staff was composed of officials from the Inter-American Court of Human Rights. Topics included: the organs of the inter-American human rights system; the State's international responsibility for human rights violations; the right to life; the rights of the indigenous communities; freedom of expression; due process; women's rights; the right to personal integrity; economic, social and cultural rights, the right to personal liberty, and reparations.



## Seminar: The Inter-American Court of Human Rights and its case law

On May 19, 2011, in the context of the forty-third special session in Panama City, the Court, with the support of the Ministry of Foreign Affairs and the Judiciary of the Republic de Panama, and the Ministry of Foreign Affairs of Norway, organized and took part in the seminar on The Inter-American Court of Human Rights and its Case Law. The event was held in the ATLAPA Convention Center and was divided into two modules: “The international responsibility of the State and the inter-American human rights system” and “The most recent developments in the case law of the Inter-American Court of Human Rights”.

## First and Second Regional Meeting on the Right to Health and Health Systems

The First Regional Meeting on the Right to Health and Health Systems was held on June 23 and 24, 2011, sponsored by the Inter-American Court of Human Rights, the Constitutional Court of Peru, and the World Bank. The meeting was attended by presidents and judges of Constitutional Courts, representatives of international organizations, experts on issues of health and law, the Secretary and several lawyers of the Inter-American Court, and World Bank personnel. The event led to the start of a dialogue among various Latin American courts on the right to health and the measures to support its gradual realization in the different contexts. The meeting was based on an open dialogue in both the plenary sessions and in small groups that answered crucial questions. The participants identified the main dilemmas that the Judiciary faces to support the progressive realization of the right to health and defined measures to be taken in 2012, at the national and regional level, to support the Judiciary’s activities in this regard.

The second meeting took place from December 2 to 4, 2011, in Buenos Aires, Argentina. It was attended by presidents and judges of the Supreme Courts of Justice, ministers and high-ranking officials of Health Ministries, and prominent academics from Argentina, Brazil, Chile, Costa Rica, Colombia, Peru and Uruguay, as well as distinguished university professors. The working sessions permitted an exchange of experiences between the participants from the different countries.

## Course to Enhance Capacities for the Protection of Human Rights and the Inter-American system for the Judiciary of the Federal District, Mexico

On July 11 and 12, 2011, the Inter-American Court, represented by members of its Secretariat and sponsored by the Konrad Adenauer Foundation, took part in the course “Enhancing capacities for the protection of human rights and the inter-American system,” for employees and officials of the Superior Court of Justice of the Federal District (Mexico). The purpose of the Court’s participation was to explain its

jurisdictional work and the inter-institutional dialogue that it has been maintaining with the high courts of the countries of Latin America.

## Enhancing the Protection of Human Rights through Jurisprudential Dialogue

From August 29 to 31, 2011, in the context of the ninety-second regular session of the Court held in Bogota, Colombia, the Court offered the training course entitled “Enhancing the protection of human rights through jurisprudential dialogue,” with the participation of officials of the Inter-American Court, representatives of Colombian judicial organs, and international experts in this area. The course was divided into nine panel sessions, which focused on issues such as the interaction of national and international law; forced disappearance; the obligation of final justice in the face of grave violations; the right to personal integrity; economic, social and cultural rights; women’s rights; the rights of the indigenous peoples and of victims, and reparations.

## Training course for Inter-American Defenders: “Advanced study of international human rights standards”

Between the end of June and October 2011, the first version of the training course for Inter-American Defenders was held. This training program was born of an agreement between the Inter-American Court of Human Rights (ICourt HR) and the Human Rights Center of the Universidad de Chile (CDH), with the support of the Inter-American Association of Public Defenders (AIDEF). The course was addressed exclusively for the public defenders who, under the agreement signed between the ICourtHR and the AIDEF, have been appointed Inter-American Defenders. The purpose of the training sessions was to fulfill the training needs of those who will assume the legal representation of victims who have recourse to the inter-American system and do not have the means to pay for their defense.

The course was offered in two stages: the first by distance education, using an Internet platform that had been especially designed to this end, and the second, in person, where in addition to lectures and discussions, the main purpose was that participants could attend the Court’s regular sessions and, thus, acquaint themselves with the litigation proceedings before this international court.

## Seminar: The Inter-American System and the Caribbean

On October 12, 2011, in the context of the forty-fourth special session held in Bridgetown, Barbados, the Court took part in the seminar “The Inter-American System and the Caribbean.” The seminar was divided into panel sessions on “The functions of the inter-American system for the protection of human rights” and “The death penalty at the global level.” In addition, a roundtable was held on “Reflections on the search for increased interaction and closer ties between the Member States of the Caribbean Community and the inter-American human rights system.” Several judges and other members of the Court participated in both the panels and the roundtable.

## Second introductory course on “Constitutional amendments with regard to amparo and human rights, and their implications”

On September 23 and 24, 2011, the second introductory course on “Constitutional amendments with regard to amparo and human rights, and their implications” was held in Mexico City, sponsored by the Ministry of Foreign Affairs, the Council of the Federal Judiciary, the Supreme Court of Justice of Mexico, and the Inter-American Court. The course was based on issues related to the constitutional amendments in the area of human rights and the remedy of amparo that had been adopted in Mexico, and their application in jurisdictional work; the judgment of the Supreme Court of Justice of Mexico in the Case of Radilla; the inter-American system for the protection of human rights, and Convention-based control. Participants in this course included the President, the Secretary and several lawyers of the Inter-American Court, specialists of the Inter-American Commission, justices of the Supreme Court of Justice of Mexico, members of the Council of the Federal Judiciary, officials from the Ministry of Foreign Affairs and the Secretariat of the Interior, personnel of the Federal District Human Rights Commission, and academics from the UNAM Juridical Research Institution. This event was held simultaneously in the Federal District and in the states of Guanajuato, Puebla, Sinaloa, Chiapas and Coahuila.

## XVIIIth Annual Meeting of Presidents and Judges of Latin American Constitutional Courts and Chambers

The XVIIIth Annual Meeting of Presidents and Judges of Latin American Constitutional Courts and Chambers was held in San Jose, Costa Rica, from November 16 to 19, 2011, on the subject of “Shared tasks: constitutional justice and the inter-American human rights system.” The meeting was attended by presidents and judges of constitutional courts and chambers, the judges of the Inter-American Court of Human Rights, and international experts in this area. The purpose of the meeting was to exchange experiences in order to enhance the supremacy of fundamental rights and democratic principles and, thus, the obligation to ensure justice in each participating country.

The following were the most important of the other activities carried out by the Court during 2011:

### Presentation of the 2010 Annual Report

On March 18, 2011, the President of the Court, accompanied by the Secretaries of the Court presented the 2010 Annual Report on the work of the Inter-American Court to the OAS Committee on Juridical and Political Affairs (CAJP). During this activity, Judge García-Sayán presented a “Summary of the 2010 exercise” ([Annex 108](#)).

### Presentation to the forty-first regular session of the General Assembly of the Organization of American States

The forty-first regular session of the OAS General Assembly was held in San Salvador, El Salvador, from June 5 to 7, 2011. The Inter-American Court was represented by its President and its Secretary.

On June 7, 2011, the President of the Court addressed the plenary session of the Assembly ([Annex 109](#)). On that occasion, the President referred to the importance of the case law developed by the Court and the significant impact it has had. He also referred to the issue of the fundamental principles that are rigorously protected within its proceedings: the adversarial principle, the right of the victims to be duly and adequately present during the proceedings, and compliance with a reasonable time. He also referred to the topics of provisional measures and monitoring compliance with judgment.

He then turned to the issue of financing, given that this is a major challenge for the Court. Lastly, he emphasized the importance accorded by the Inter-American Court to holding public hearings in countries other than the one in which it has its seat.

The same day, the OAS General Assembly approved the 2010 Annual Report of the Court in Resolution AG/RES. 2652 (XLI-O/11), available at: <http://www.oas.org/en/41ga/docs/AG05445E02.doc>

The OAS General Assembly also adopted Resolution AG/RES. 2675 (XLI-O/11) entitled “Strengthening of Human Rights Systems pursuant to the mandates arising from the Summits of the Americas,” available at: <http://www.oas.org/en/41ga/docs/AG05445E02.doc>

### Official visit of the President of the Court to the European Court of Human Rights and to France

From November 8 to 10, 2011, at the invitation of the French Government, the President of the Court made an official visit to France in order to publicize the Court’s activities and expand financial cooperation possibilities. His agenda of work included, first, a series of activities in Paris with key institutions of the French State and the

French Government itself and, subsequently, a visit to the European Court of Human Rights in Strasbourg.

During this visit, and for the first time in the history of the Court, the President made a presentation to a plenary session of the Council of Ministers of the Council of Europe, which was attended by the 47 member countries of the Council. The President's address was introduced by the European Commissioner for Human Rights, Thomas Hammarberg.

Furthermore, in Paris, the President of the Court made a presentation to the Council of State, presided jointly by the President of the Council of State, Jean-Marc Sauvé, the former Minister of Justice, Robert Badinter, and the outgoing President of the European Court of Human Rights, Jean Paul Costa. In addition to the members of the Council, numerous academics, students and diplomats attended the event.



In addition, the President held working meetings with the presidents of the three French constitutional institutions in the judicial sphere: the Council of State (Jean Marc Sauvé), the Constitutional Council (Jean-Louis Debré) and the Court of Cassation (Vincent Lamanda). In all three meetings, discussions reflected the willingness to collaborate and the mutual appreciation of the institutions represented.

During his visit, the President of the Court made a presentation to the students of the Ecole nationale d'administration (ENA). The postgraduate students come from Europe, Africa, Asia and Latin America.

Lastly, the President of the Court met with his counterpart from the European Court of Human Rights at the time, Jean Paul Costa. He also met with the current President of the European Court, Sir Nicolas Bratza. Both meetings sought to define inter-institutional cooperation mechanisms.

ANNEK 1. Order of the Inter-American Court of Human Rights of February 25, 2011. Request for Adoption of Provisional Measures. Case of De La Cruz Flores v. Peru.

[http://www.corteidh.or.cr/docs/medidas/delacruz\\_se\\_03\\_ing.pdf](http://www.corteidh.or.cr/docs/medidas/delacruz_se_03_ing.pdf)

ANNEK 2. Order of the Inter-American Court of Human Rights of July 1, 2011. Provisional Measures with Regard to the Republic of Argentina. Matter of the Mendoza Prisons.

[http://www.corteidh.or.cr/docs/medidas/penitenciariamendoza\\_se\\_09%20ing.pdf](http://www.corteidh.or.cr/docs/medidas/penitenciariamendoza_se_09%20ing.pdf)

ANNEK 3. Order of the Inter-American Court of Human Rights of July 1, 2011. Provisional Measures with Regard to Paraguay.

[http://www.corteidh.or.cr/docs/medidas/lm\\_se\\_01\\_ing.pdf](http://www.corteidh.or.cr/docs/medidas/lm_se_01_ing.pdf)

ANNEK 4. Order of the Inter-American Court of Human Rights of May 15, 2011. Provisional Measures with Regard to Venezuela. Matter of the Ciudad Bolívar Judicial Detention Center "Vista Hermosa Prison".

[http://www.corteidh.or.cr/docs/medidas/vistahermosa\\_se\\_01\\_ing.pdf](http://www.corteidh.or.cr/docs/medidas/vistahermosa_se_01_ing.pdf)

ANNEK 5. Resolución de la Corte Interamericana de Derechos Humanos de 15 de mayo de 2011. Solicitud de Medidas Provisionales presentada por Alejandro Ponce Villacís y Alejandro Ponce Martínez. Respecto de la República de Ecuador.

[http://www.corteidh.or.cr/docs/medidas/chiriboga\\_se\\_01.pdf](http://www.corteidh.or.cr/docs/medidas/chiriboga_se_01.pdf)

ANNEK 6. Order of the Inter-American Court of Human Rights of August 30, 2011. Provisional Measures with Regard to the Dominican Republic. Case of Gonzalez Medina *et al.*

[http://www.corteidh.or.cr/docs/medidas/gonzalez\\_se\\_01\\_ing.pdf](http://www.corteidh.or.cr/docs/medidas/gonzalez_se_01_ing.pdf)

ANNEK 7. Inter-American Court of Human Rights. Case Gelman v. Uruguay. Judgment of February 24, 2011. (Merits and Reparations).

[http://www.corteidh.or.cr/docs/casos/articulos/seriec\\_221\\_ing.pdf](http://www.corteidh.or.cr/docs/casos/articulos/seriec_221_ing.pdf)

ANNEK 8. Inter-American Court of Human Rights. Case of Salvador Chiriboga v. Ecuador. Judgment of March 3, 2011. Reparations and Costs.

[http://www.corteidh.or.cr/docs/casos/articulos/seriec\\_222\\_ing.pdf](http://www.corteidh.or.cr/docs/casos/articulos/seriec_222_ing.pdf)

ANNEK 9. Inter-American Court of Human Rights. Case of Abrill Alosilla *et al.* v. Peru. Judgment of March 4, 2011. (Merits, Reparations and Costs).

[http://www.corteidh.or.cr/docs/casos/articulos/seriec\\_223\\_ing.pdf](http://www.corteidh.or.cr/docs/casos/articulos/seriec_223_ing.pdf)

ANNEK 10. Order of the Inter-American Court of Human Rights. February 21, 2011. Provisional Measures Regarding Venezuela. Matter of Eloisa Barrios *et al.*

[http://www.corteidh.or.cr/docs/medidas/eloisa\\_se\\_07.pdf](http://www.corteidh.or.cr/docs/medidas/eloisa_se_07.pdf)

ANNEK 11. Order of the Inter-American Court of Human Rights of February 22, 2011. Provisional Measures with Regard to Haiti. Matter of A.J. *et al.*

[http://www.corteidh.or.cr/docs/medidas/aj\\_se\\_03\\_ing.pdf](http://www.corteidh.or.cr/docs/medidas/aj_se_03_ing.pdf)

ANNEK 12. Order of the Inter-American Court of Human Rights of February 22, 2011. Provisional Measures with Regard to Guatemala. Matter of the Forensic Anthropology Foundation of Guatemala.

[http://www.corteidh.or.cr/docs/medidas/antropo\\_se\\_07\\_%20ing.pdf](http://www.corteidh.or.cr/docs/medidas/antropo_se_07_%20ing.pdf)

ANNEK 13. Order of the Inter-American Court of Human Rights of February 22, 2011. Provisional Measures with Regard to the Republic of Colombia. Matter of Giraldo Cardona *et al.*

[http://www.corteidh.or.cr/docs/medidas/giraldo\\_se\\_12\\_ing1.pdf](http://www.corteidh.or.cr/docs/medidas/giraldo_se_12_ing1.pdf)



ANNEX 14. Resolución de la Corte Interamericana de Derechos Humanos de 22 de febrero de 2011. Medidas Provisionales respecto de la República de Honduras. Asunto José Luis Galdámez Álvarez y otros.

[http://www.corteidh.or.cr/docs/medidas/galdamez\\_se\\_02.pdf](http://www.corteidh.or.cr/docs/medidas/galdamez_se_02.pdf)

ANNEX 15. Order of the Inter-American Court of Human Rights of February 25, 2011. Provisional Measures with Regard to Colombia. Case of Caballero Delgado and Santana.

[http://www.corteidh.or.cr/docs/medidas/caballero\\_se\\_11\\_ing.pdf](http://www.corteidh.or.cr/docs/medidas/caballero_se_11_ing.pdf)

ANNEX 16. Order of the Inter-American Court of Human Rights of February 25, 2011. Request for Adoption of Provisional Measures. Case of De La Cruz Flores v. Peru.

[http://www.corteidh.or.cr/docs/medidas/delacruz\\_se\\_03\\_ing.pdf](http://www.corteidh.or.cr/docs/medidas/delacruz_se_03_ing.pdf)

ANNEX 17. Order of the Inter-American Court of Human Rights of February 25, 2011. Provisional Measures Regarding Brazil. Matter of the socio-Educational Internment Facility.

[http://www.corteidh.or.cr/docs/medidas/socioeducativa\\_se\\_01\\_ing.pdf](http://www.corteidh.or.cr/docs/medidas/socioeducativa_se_01_ing.pdf)

ANNEX 18. Order of the Inter-American Court of Human Rights of March 1, 2011. Provisional Measures. Case of the Mapiripán Massacre v. Colombia.

[http://www.corteidh.or.cr/docs/medidas/mapiripan\\_se\\_04\\_ing.pdf](http://www.corteidh.or.cr/docs/medidas/mapiripan_se_04_ing.pdf)

ANNEX 19. Resolución de la Corte Interamericana de Derechos Humanos de 2 de marzo de 2011. Medidas Provisionales respecto de Venezuela. Asunto María Lourdes Afiuni.

[http://www.corteidh.or.cr/docs/medidas/Afiuni\\_se\\_02.pdf](http://www.corteidh.or.cr/docs/medidas/Afiuni_se_02.pdf)

ANNEX 20. Order of the the Inter-American Court of Human Rights of March 4, 2011. Provisional Measures with Regard to the Republic of Peru. Case of Wong Ho Wing.

[http://www.corteidh.or.cr/docs/medidas/wong\\_se\\_04%20ing.pdf](http://www.corteidh.or.cr/docs/medidas/wong_se_04%20ing.pdf)

ANNEX 21. Resolución de la Corte Interamericana de Derechos Humanos de 4 de marzo de 2011. Medidas Provisionales respecto de la República de Colombia. Asunto Mery Naranjo y otros.

[http://www.corteidh.or.cr/docs/medidas/naranjo\\_se\\_05.pdf](http://www.corteidh.or.cr/docs/medidas/naranjo_se_05.pdf)

ANNEX 22. Order of the Inter-American Court of Human Rights of February 21, 2011. Case of the Plan de Sánchez Massacre v. Guatemala. Monitoring Compliance with Judgment.

[http://www.corteidh.or.cr/docs/supervisiones/sanchez\\_21\\_02\\_11\\_ing.pdf](http://www.corteidh.or.cr/docs/supervisiones/sanchez_21_02_11_ing.pdf)

ANNEX 23. Order of the Inter-American Court of Human Rights of February 21, 2011. Case of Escué Zapata v. Colombia. Monitoring Compliance with Judgment.

[http://www.corteidh.or.cr/docs/supervisiones/escue\\_21\\_02\\_11\\_ing.pdf](http://www.corteidh.or.cr/docs/supervisiones/escue_21_02_11_ing.pdf)

ANNEX 24. Order of the Inter-American Court of Human Rights of February 22, 2011. Case of Cantoral Huamaní and García Santa Cruz v. Peru.

[http://www.corteidh.or.cr/docs/supervisiones/cantoral\\_22\\_02\\_11\\_ing.pdf](http://www.corteidh.or.cr/docs/supervisiones/cantoral_22_02_11_ing.pdf)

ANNEX 25. Order of the Inter-American Court of Human Rights of February 22, 2011. Case of Baena Ricardo et al v. Panama. Monitoring Compliance with Judgment.

[http://www.corteidh.or.cr/docs/supervisiones/baena\\_22\\_02\\_11\\_ing.pdf](http://www.corteidh.or.cr/docs/supervisiones/baena_22_02_11_ing.pdf)

ANNEX 26. Order of the Inter-American Court of Human Rights of February 22, 2011. Garibaldi v. Brazil. Monitoring compliance with Judgment.

[http://www.corteidh.or.cr/docs/supervisiones/garibaldi\\_22\\_02\\_11\\_ing.pdf](http://www.corteidh.or.cr/docs/supervisiones/garibaldi_22_02_11_ing.pdf)

ANNEX 27. Order of the Inter-American Court of Human Rights of February 22, 2011. Chaparro Álvarez and Lapo Íñiguez v. Ecuador. Monitoring Compliance with Judgment.  
[http://www.corteidh.or.cr/docs/supervisiones/chaparro\\_22\\_02\\_11\\_ing.pdf](http://www.corteidh.or.cr/docs/supervisiones/chaparro_22_02_11_ing.pdf)

ANNEX 28. Order of the Inter-American Court of Human Rights of February 23, 2011. Case of Ticona v. Bolivia. Monitoring Compliance with Judgment.  
[http://www.corteidh.or.cr/docs/supervisiones/ticona\\_23\\_02\\_11\\_ing.pdf](http://www.corteidh.or.cr/docs/supervisiones/ticona_23_02_11_ing.pdf)

ANNEX 29. Order of the Inter-American Court of Human Rights of February 28, 2011. Case of the Ituango Massacres v. Colombia. Monitoring Compliance with Judgment.  
[http://www.corteidh.or.cr/docs/supervisiones/ituango\\_28\\_02\\_11\\_ing.pdf](http://www.corteidh.or.cr/docs/supervisiones/ituango_28_02_11_ing.pdf)

ANNEX 30. Order of the Inter-American Court of Human Rights of February 28, 2011. Case of Valle Jaramillo v. Colombia. Monitoring Compliance with Judgment.  
[http://www.corteidh.or.cr/docs/supervisiones/jaramillo\\_28\\_02\\_11\\_ing.pdf](http://www.corteidh.or.cr/docs/supervisiones/jaramillo_28_02_11_ing.pdf)

ANNEX 31. Order of the Inter-American Court of Human Rights of March 3, 2011. Case of Tibi v. Ecuador. Monitoring Compliance with Judgment.  
[http://www.corteidh.or.cr/docs/supervisiones/tibi\\_03\\_03\\_11\\_ing1.pdf](http://www.corteidh.or.cr/docs/supervisiones/tibi_03_03_11_ing1.pdf)

ANNEX 32. Resolución de la Corte Interamericana de Derechos Humanos de 22 de febrero de 2011. Caso Ibsen Cárdenas e Ibsen Peña Vs. Bolivia.  
[http://www.corteidh.or.cr/docs/asuntos/ibsen\\_22\\_2\\_11.pdf](http://www.corteidh.or.cr/docs/asuntos/ibsen_22_2_11.pdf)

ANNEX 33. Inter-American Court of Human Rights. Case of Fernández Ortega *et al.* v. Mexico. Judgment of May 15, 2011. (Interpretation of Judgment on Preliminary Objection, Merits, Reparations and Costs).  
[http://www.corteidh.or.cr/docs/casos/articulos/seriec\\_224\\_ing2.pdf](http://www.corteidh.or.cr/docs/casos/articulos/seriec_224_ing2.pdf)

ANNEX 34. Inter-American Court of Human Rights. Case of Rosendo Cantú *et al.* v. Mexico. Judgment of May 15, 2011. (Interpretation of Judgment on Preliminary Objection, Merits, Reparations and Costs).  
[http://www.corteidh.or.cr/docs/casos/articulos/seriec\\_225\\_ing.pdf](http://www.corteidh.or.cr/docs/casos/articulos/seriec_225_ing.pdf)

ANNEX 35. Inter-American Court of Human Rights. Case of Vera Vera v. Ecuador. Judgment of May 19, 2011. (Preliminary Objections, Merits, Reparations and Costs).  
[http://www.corteidh.or.cr/docs/casos/articulos/seriec\\_226\\_ing.pdf](http://www.corteidh.or.cr/docs/casos/articulos/seriec_226_ing.pdf)

ANNEX 36. Resolución de la Corte Interamericana de Derechos Humanos de 15 de mayo de 2011. Solicitud de Medidas Provisionales presentada por Alejandro Ponce Villacís y Alejandro Ponce Martínez. Respecto de la República de Ecuador.  
[http://www.corteidh.or.cr/docs/medidas/chiriboga\\_se\\_01.pdf](http://www.corteidh.or.cr/docs/medidas/chiriboga_se_01.pdf)

ANNEX 37. Order of the Inter-American Court of Human Rights of May 15, 2011. Provisional Measures with Regard to Venezuela. Matter of the Aragua Penitentiary Center "Tocorón Prison".  
[http://www.corteidh.or.cr/docs/medidas/tocoron\\_se\\_03\\_ing.pdf](http://www.corteidh.or.cr/docs/medidas/tocoron_se_03_ing.pdf)

ANNEX 38. Order of the Inter-American Court of Human Rights of May 15, 2011. Provisional Measures Regarding Venezuela. Guerrero Larez Matter.  
[http://www.corteidh.or.cr/docs/medidas/larez\\_se\\_02\\_ing.pdf](http://www.corteidh.or.cr/docs/medidas/larez_se_02_ing.pdf)

ANNEX 39. Order of the Inter-American Court of Human Rights of May 15, 2011. Provisional Measures with Regard to Venezuela. Matter of the Ciudad Bolívar Judicial Detention Center "Vista Hermosa Prison". [http://www.corteidh.or.cr/docs/medidas/vistahermosa\\_se\\_01\\_ing.pdf](http://www.corteidh.or.cr/docs/medidas/vistahermosa_se_01_ing.pdf)

ANNEX 40. Resolución de la Corte Interamericana de Derechos Humanos de 15 de mayo de 2011. Medidas Provisionales respecto de Venezuela. Asunto Natera Balboa. [http://www.corteidh.or.cr/docs/medidas/natera\\_se\\_03.pdf](http://www.corteidh.or.cr/docs/medidas/natera_se_03.pdf)

ANNEX 41. Order of the Inter-American Court of Human Rights of May 19, 2011. Case of Radilla Pacheco v. United Mexican States. Monitoring Compliance with Judgment. [http://www.corteidh.or.cr/docs/supervisiones/radillapacheco\\_19\\_05\\_11\\_ing.pdf](http://www.corteidh.or.cr/docs/supervisiones/radillapacheco_19_05_11_ing.pdf)

ANNEX 42. Order of the Inter-American Court of Human Rights of May 19, 2011. Case of Castillo Páez v. Peru. Monitoring Compliance with Judgment. [http://www.corteidh.or.cr/docs/supervisiones/castillo\\_19\\_05\\_11\\_ing.pdf](http://www.corteidh.or.cr/docs/supervisiones/castillo_19_05_11_ing.pdf)

ANNEX 43. Order of the Inter-American Court of Human Rights of May 16, 2011. Case of Tiu Tojin v. Guatemala. Monitoring Compliance with Judgment. [http://www.corteidh.or.cr/docs/supervisiones/tiu\\_tojin\\_16\\_05\\_11\\_ing.pdf](http://www.corteidh.or.cr/docs/supervisiones/tiu_tojin_16_05_11_ing.pdf)

ANNEX 44. Order of the Inter-American Court of Human Rights of May 15, 2011. Case of Valle Jaramillo v. Colombia. Monitoring Compliance with Judgment. [http://www.corteidh.or.cr/docs/supervisiones/jaramillo\\_15\\_05\\_11\\_ing.pdf](http://www.corteidh.or.cr/docs/supervisiones/jaramillo_15_05_11_ing.pdf)

ANNEX 45. Inter-American Court of Human Rights. Case of Chocrón Chocrón v. Venezuela. Judgment of July 1, 2011. (Preliminary Objection, Merits, Reparations and Costs). [http://www.corteidh.or.cr/docs/casos/articulos/seriec\\_227\\_ing.pdf](http://www.corteidh.or.cr/docs/casos/articulos/seriec_227_ing.pdf)

ANNEX 46. Inter-American Court of Human Rights. Case of Mejía Idrovo v. Ecuador. Judgment of July 5, 2011. (Preliminary Objections, Merits, Reparations, and Costs). [http://www.corteidh.or.cr/docs/casos/articulos/seriec\\_228\\_ing.pdf](http://www.corteidh.or.cr/docs/casos/articulos/seriec_228_ing.pdf)

ANNEX 47. Inter-American Court of Human Rights of June 30, 2011. Provisional Measures Regarding the Republic of Colombia. Case of Gutiérrez Soler v. Colombia. [http://www.corteidh.or.cr/docs/medidas/gutierrez\\_se\\_04\\_ing.pdf](http://www.corteidh.or.cr/docs/medidas/gutierrez_se_04_ing.pdf)

ANNEX 48. Order of the Inter-American Court of Human Rights of June 30, 2011. Provisional Measures with Regard to Mexico. Matter of Pérez Torres *et al.* ("Campo Algodonero"). [http://www.corteidh.or.cr/docs/medidas/algodonero\\_se\\_03\\_ing.pdf](http://www.corteidh.or.cr/docs/medidas/algodonero_se_03_ing.pdf)

ANNEX 49. Order of the Inter-American Court of Human Rights of July 1, 2011. Provisional Measures with Regard to Paraguay. Matter of L.M. [http://www.corteidh.or.cr/docs/medidas/lm\\_se\\_01\\_ing.pdf](http://www.corteidh.or.cr/docs/medidas/lm_se_01_ing.pdf)

ANNEX 50. Order of the Inter-American Court of Human Rights of July 1, 2011. Provisional Measures. Regarding the United Mexican States. Case of Rosendo Cantú *et al.* [http://www.corteidh.or.cr/docs/medidas/rosendo\\_se\\_02\\_ing.pdf](http://www.corteidh.or.cr/docs/medidas/rosendo_se_02_ing.pdf)

ANNEX 51. Order of the Inter-American Court of Human Rights of July 1, 2011. Provisional Measures with Regard to the Republic of Peru. Case of Wong Ho Wing. [http://www.corteidh.or.cr/docs/medidas/wong\\_se\\_05\\_ing.pdf](http://www.corteidh.or.cr/docs/medidas/wong_se_05_ing.pdf)

ANNEX 52. Order of the Inter-American Court of Human Rights of July 1, 2011. Provisional Measures with Regard to the Republic of Argentina. Matter of the Mendoza Prisons.  
[http://www.corteidh.or.cr/docs/medidas/penitenciariamendoza\\_se\\_09%20ing.pdf](http://www.corteidh.or.cr/docs/medidas/penitenciariamendoza_se_09%20ing.pdf)

ANNEX 53. Order of the Inter-American Court of Human Rights of July 5, 2011. Provisional Measures Regarding the Republic of Honduras. Case of Kawas Fernández v. Honduras.  
[http://www.corteidh.or.cr/docs/medidas/kawas\\_se\\_02\\_ing.pdf](http://www.corteidh.or.cr/docs/medidas/kawas_se_02_ing.pdf)

ANNEX 54. Order of the Inter-American Court of Human Rights. July 5, 2011. Provisional Measures Regarding Venezuela. Case of Eloisa Barrios *et al.*  
[http://www.corteidh.or.cr/docs/medidas/eloina\\_se\\_08\\_ing.pdf](http://www.corteidh.or.cr/docs/medidas/eloina_se_08_ing.pdf)

ANNEX 55. Resolución de la Corte Interamericana de Derechos Humanos de 6 de julio de 2011. Medidas Provisionales respecto de Venezuela. Asuntos de Determinados Centros Penitenciarios de Venezuela.  
[http://www.corteidh.or.cr/docs/medidas/centrospenitenciarios\\_se\\_011.pdf](http://www.corteidh.or.cr/docs/medidas/centrospenitenciarios_se_011.pdf)

ANNEX 56. Order of the Inter-American Court of Human Rights of June 30, 2011. Case of Yatama v. Nicaragua. Monitoring Compliance with Judgment.  
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ANNEX 57. Order of the Inter-American Court of Human Rights of July 1, 2011. Case of Palamara Iribarne v. Chile. Monitoring Compliance with Judgment.  
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ANNEX 58. Order of the Inter-American Court of Human Rights of July 1, 2011. Case of Acevedo Buendía *et al.* ("Discharged and Retired Employees of the Office of the Comptroller") v. Peru. Monitoring Compliance with Judgment.  
[http://www.corteidh.or.cr/docs/supervisiones/Acevedobuendia\\_01\\_07\\_111.pdf](http://www.corteidh.or.cr/docs/supervisiones/Acevedobuendia_01_07_111.pdf)

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ANNEX 63. Order of the Inter-American Court of Human Rights of July 5, 2011. Case of Gómez Palomino v. Peru. Monitoring Compliance with Judgment.  
[http://www.corteidh.or.cr/docs/supervisiones/gomez\\_05\\_07\\_11\\_ing.pdf](http://www.corteidh.or.cr/docs/supervisiones/gomez_05_07_11_ing.pdf)

ANNEX 64. Order of the Inter-American Court of Human Rights of July 6, 2011. Case of the Dos Erres Massacre v. Guatemala. Monitoring Compliance with Judgment.

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ANNEX 65. Inter-American Court of Human Rights. Case of Torres Millacura *et al.* v. Argentina. Judgment of August 26, 2011. (Merits, Reparations, and Costs).

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ANNEX 66. Inter-American Court of Human Rights. Case of Salvador Chiriboga v. Ecuador. Judgment of August 29, 2011. (Interpretation of Judgment on Reparations and Costs).

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ANNEX 67. Inter-American Court of Human Rights. Case of Contreras *et al.* v. El Salvador. Judgment of August 31, 2011. (Merits, Reparations and Costs).

[http://www.corteidh.or.cr/docs/casos/articulos/seriec\\_232\\_ing.pdf](http://www.corteidh.or.cr/docs/casos/articulos/seriec_232_ing.pdf)

ANNEX 68. Inter-American Court of Human Rights. Case of Grande v. Argentina. Judgment of August 31, 2011. (Preliminary Objections and Merits).

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ANNEX 69. Inter-American Court of Human Rights. Case of López Mendoza v. Venezuela. Judgment of September 1, 2011. (Merits, Reparations, and Costs).

[http://www.corteidh.or.cr/docs/casos/articulos/seriec\\_233\\_ing.pdf](http://www.corteidh.or.cr/docs/casos/articulos/seriec_233_ing.pdf)

ANNEX 70. Resolución de la Corte Interamericana de Derechos Humanos de 25 de agosto de 2011. Medidas Provisionales respecto de la República Federativa de Brasil. Asunto de la Cárcel de Urso Branco.

[http://www.corteidh.or.cr/docs/medidas/urso\\_se\\_10.pdf](http://www.corteidh.or.cr/docs/medidas/urso_se_10.pdf)

ANNEX 71. Order of the Inter-American Court of Human Rights of August 30, 2011. Provisional Measures with Regard to the Dominican Republic. Case of Gonzalez Medina *et al.*

[http://www.corteidh.or.cr/docs/medidas/gonzalez\\_se\\_01\\_ing.pdf](http://www.corteidh.or.cr/docs/medidas/gonzalez_se_01_ing.pdf)

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[http://www.corteidh.or.cr/docs/medidas/socioeducativa\\_se\\_03\\_ing.pdf](http://www.corteidh.or.cr/docs/medidas/socioeducativa_se_03_ing.pdf)

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[http://www.corteidh.or.cr/docs/supervisiones/montero\\_30\\_08\\_11\\_ing.pdf](http://www.corteidh.or.cr/docs/supervisiones/montero_30_08_11_ing.pdf)

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ANNEX 75. Order of the Inter-American Court of Human Rights of October 10, 2011. Provisional Measures with Regard to the Republic of Peru. Case of Wong Ho Wing.

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ANNEX 76. Resolución de la Corte Interamericana de Derechos Humanos de 10 de octubre de 2011. Caso de las Niñas Yean y Bosico Vs. República Dominicana. Supervisión de cumplimiento de sentencia.

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ANNEX 77. Corte Interamericana de Derechos Humanos. Caso Abrill Alosilla y otros Vs. Perú. Sentencia de 21 de noviembre de 2011. (Interpretación de Sentencia de Fondo, Reparaciones y Costas).



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ANNEX 78. Corte Interamericana de Derechos Humanos. Caso Fleury y otros Vs. Haití. Sentencia de 23 de noviembre de 2011. (Fondo y Reparaciones).

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ANNEX 80. Inter-American Court of Human Rights. Case of Fontevecchia and D'Amico v. Argentina. Judgment of November 29, 2011. (Merits, Reparations, and Costs).

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[http://www.corteidh.or.cr/docs/medidas/hinostroza\\_se\\_06.pdf](http://www.corteidh.or.cr/docs/medidas/hinostroza_se_06.pdf)

ANNEX 84. Resolución de la Corte Interamericana de Derechos Humanos de 25 de noviembre de 2011. Medidas Provisionales respecto de la República de Colombia. Solicitud de ampliación. Asunto Comunidades del Jiguamiandó y del Curvaradó.

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ANNEX 86. Resolución de la Corte Interamericana de Derechos Humanos de 1 de diciembre de 2011. Medidas Provisionales respecto de República Dominicana. Asunto Haitianos y Dominicanos de Origen Haitiano en la República Dominicana.

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ANNEX 90. Order of the Inter-American Court of Human Rights of November 21, 2011. Case of Boyce *et al.* v. Barbados and Case of Dacosta Cadogan v. Barbados. Monitoring Compliance with Judgments.

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[http://www.corteidh.or.cr/docs/asuntos/Contreras%20\\_04\\_03\\_11.pdf](http://www.corteidh.or.cr/docs/asuntos/Contreras%20_04_03_11.pdf)

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ANNEX 102. Resolución del Presidente de la Corte Interamericana de Derechos Humanos de 1 de junio de 2011. Fondo de Asistencia Legal de Víctimas. Caso Néstor José y Luis Uzcátegui y otros Vs. Venezuela.  
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ANNEX 103. Resolución del Presidente de la Corte Interamericana de Derechos Humanos de 23 de noviembre de 2011. Fondo de Asistencia Legal de Víctimas. Caso Furlan y Familiares Vs. Argentina.  
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ANNEX 105. Resolución del Presidente de la Corte Interamericana de Derechos Humanos de 1 de diciembre de 2011. Fondo de Asistencia Legal de Víctimas. Caso Masacres de El Mozote y Lugares Aledaños Vs. El Salvador. <http://www.corteidh.or.cr/tablas/informe2011/aneesp/anexo105.doc>

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ANNEX 108. Síntesis del Informe Anual de la Corte Interamericana de Derechos Humanos correspondiente al ejercicio de 2010, que se presenta a la Comisión de Asuntos Jurídicos y Políticos de la Organización de los Estados Americanos. (Washington, D.C., 18 de marzo de 2011). [http://www.corteidh.or.cr/docs/discursos/garciasayan\\_18\\_03\\_11.pdf](http://www.corteidh.or.cr/docs/discursos/garciasayan_18_03_11.pdf)

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