

Inter-American Court
of Human Rights



ANNUAL REPORT

2018

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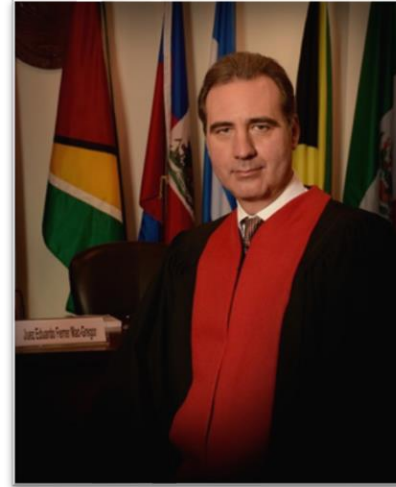
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I. Foreword

On behalf of the judges of the Inter-American Court of Human Rights, as well as its Secretariat, I have the honor to present the 2018 Annual Report, which describes the most significant tasks accomplished during the year and the most relevant developments in the area of human rights.

Above all, 2018 has been a year of important commemorations. Seventy years ago, in Bogotá, the States of the Americas adopted the Charter of the Organization of American States and the American Declaration of the Rights and Duties of Man. The Declaration, also known as the “Magna Carta of the inter-American system,” represented the essential bedrock on which, today, our inter-American corpus iuris rests. A few months later, the Universal Declaration of Human Rights was adopted emphasizing the universal nature of human rights and, several decades later, in 1969, San José witnessed the adoption of the American Convention on Human Rights which gave crucial impetus to overcoming what, today, is our major challenge: the full realization of human rights in the Americas. The “Pact of San José” entered into force with the eleventh ratification on July 18, 1979, and, at that time, the Inter-American Court of Human Rights was created.



Consequently, the commemoration of the 40th anniversary of the American Convention and the creation of the Inter-American Court has been the undisputed protagonist this year. I would, therefore, like to underline, first of all, the week of events that took place in San José, Costa Rica, during the Court’s 125th regular session from July 16 to 19, dedicated to the commemoration of this significant anniversary.

This celebration, unprecedented in the history of the Court, was attended by the highest-ranking representatives of the Republic of Costa Rica, the United Nations, the African Court of Human and Peoples’ Rights, the European Court of Human Rights, national courts and tribunals, as well as academics, civil society activists and organizations, victims and senior members of the judiciary. In addition, on July 18, in Costa Rica’s National Theater and in the course of these commemorative activities, a historic act took place: the signature of the “[San José Declaration](#)” by the Presidents of the three regional courts, a declaration designed to establish a permanent forum for institutional dialogue between these regional courts and to provide a basis for collaborative efforts to strengthen the protection of human right, democratic institutions, and access to international justice for all those under their jurisdiction. Because, it is only through common objectives and shared efforts that we can achieve the ultimate goal of the full realization of human rights.



Accordingly, 2018 has also been a year in which the Court has placed great emphasis on strengthening the dialogue with both national and international courts and institutions working towards the protection and promotion of human rights. In this regard, I would emphasize the importance of our visits to the European Court of Human Rights, the Court of Justice of the European Union, the European Economic and Social Committee, the Council of Europe's Department for the Execution of Judgments of the European Court of Human Rights, the Supreme Court of Justice of the Nation of Mexico, the Supreme Court of Justice of El Salvador, the Federal Constitutional Court of Germany, and the German Federal Court of Justice, as well as the many productive meetings held with senior representatives of the countries of our Americas.

In parallel to these joint efforts, the specific support, both political and economic, of the OAS States is of special relevance. In this regard, it should be recalled that, in 2017, the States took the political decision to double the resources of the Regular Fund for the organs of the inter-American system of human rights within three years. Already in 2017, the States complied with the gradual 33% increase agreed for that year under Resolution AG/RES. 2912 (XLVII-O/17) adopted in Cancun during the forty-seventh OAS General Assembly. In 2018, the OAS States, respecting their commitment, continued as agreed by approving the following 33% increase. The foregoing is essential for the functioning and reinforcement of the Inter-American Court and, also, reveals the legal and political will to improve the protection of human rights and to strengthen inter-American justice.

Proof of this is that 2018 has been a very intense and productive year, reflected in the fact that it was the year that has seen the greatest number of judgments in the history of the Court: 28 judgments (on merits and on interpretation). Furthermore, the Court issued an important advisory opinion, 36 orders on monitoring compliance with judgment, and 19 orders on provisional measures.

The above reveals the need for the Court to have a robust and stable budget that allows it to work with its characteristic professionalism and levels of excellence, increasing its productivity in favor of the victims. Moreover, owing to the increase in the budget, this year we have been able to increase the collegiate meetings of the judges to 12.5 weeks, all of them funded by the regular budget, compared to previous years when the funding came from special income provided by voluntary contributions from the States and international cooperation projects, and voluntary contributions from other institutions.

Regarding activities, during 2018, the Court held eight regular sessions at its seat in San José, Costa Rica, and a special session in El Salvador. In addition, nine public hearings were held on contentious cases, two hearings on provisional measures and six on monitoring compliance with judgment. The visit to monitor compliance with the judgment handed down in the case of the *Massacres of El Mozote and neighboring places v. El Salvador* should also be underscored. This type of on-site procedure allows the Court to meet the victims, receive information directly from them, and give State authorities and officials the opportunity to provide explanations regarding the execution of the measures of



reparation ordered by the Court; all of this in order to help identify obstacles and achieve solutions and concrete commitments towards full compliance with the judgments handed down by the Court.

In the area of jurisprudence, this year we have continued to rule on innovative issues, as well as reinforcing important international human rights standards. Thus, we have been able to reaffirm our jurisprudence on several topics, such as forced disappearance, crimes against humanity, violence against women, political rights, the right to work, and the right to health and, for the first time, established a State's responsibility for violation of the principle of progressivity. We should also emphasize the new inter-American standards in relation to the mechanism of asylum and its recognition as a human right, to pardons, to the obligation of enhanced due diligence and special protection in investigations and criminal proceedings based on sexual violence against children and adolescents, as well as State responsibility for acts of sexual torture by a non-state agent.

I would also like to underline that, on June 5, 2018, both Judge Humberto Sierra Porto and the author of this foreword were re-elected as judges of this Court that I preside for the six-year period of 2019-2024 during the forty-eighth OAS General Assembly held in Washington, D.C. During the General Assembly, our colleague, Ricardo Pérez Manrique, was also appointed a judge of the Inter-American Court, and I would like to extend to him a very warm welcome on behalf of my colleagues and all the Secretariat personnel and wish him every success in the performance of his functions. I would also like to take advantage of the occasion to reiterate my gratitude to my colleagues, the judges of the Court, who placed their trust in me to exercise the presidency of this noble institution for the 2018-2019 period. I would like to end by reaffirming the Court's commitment to continue working as it has for the past four decades, with its characteristic institutional vocation to continue developing standards that provide a universal frame of reference in favor of the protection of victims, invariably following the *pro persona* principle, as well as enhancing dialogue with all actors in society because, by strengthening human rights, democracies are strengthened.

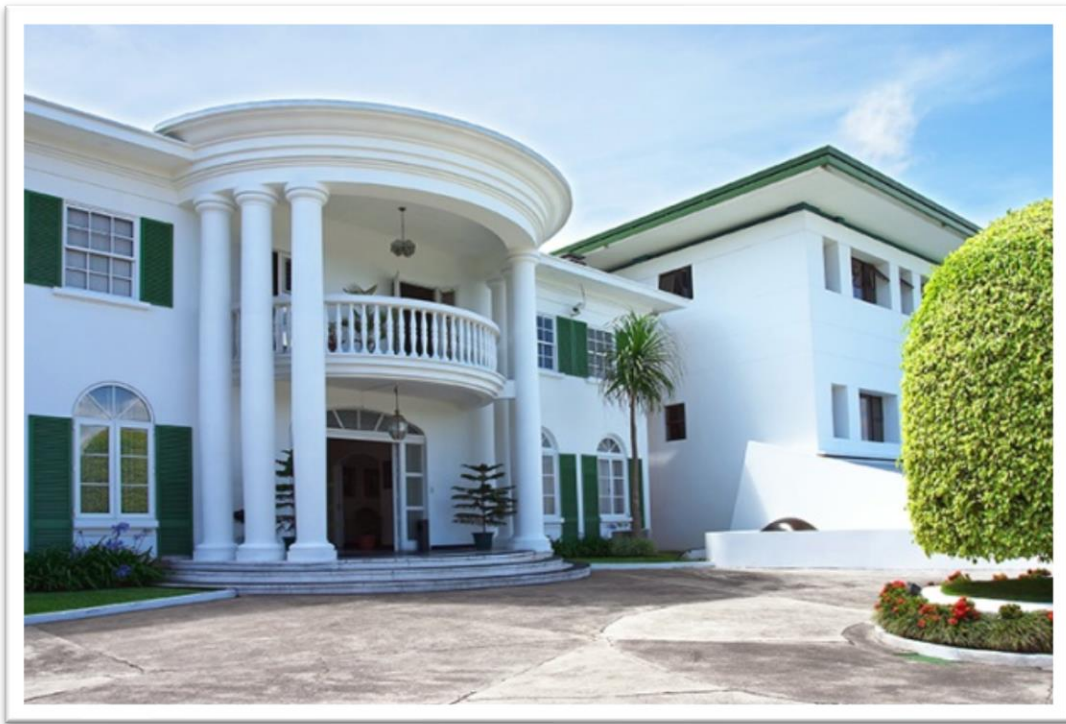
Eduardo Ferrer Mac-Gregor Poisot
President of the Inter-American Court of Human Rights
December 31, 2018



II. The Court: Structure and functions

A. Creation

The Inter-American Court of Human Rights (hereinafter “the Court” or “the Inter-American Court”) is a treaty-based organ that was formally established on September 3, 1979, by the entry into force of the American Convention on Human Rights (hereinafter “the Convention” or “the American Convention”) on July 18, 1978. The Statute of the Inter-American Court of Human Rights (hereinafter, “the Statute”) establishes that it is an “autonomous judicial institution,” with the mandate of interpreting and applying the American Convention.





B. Organization and composition

As stipulated in Articles 3 and 4 of its Statute, 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 (hereinafter “OAS”).¹

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 in an individual capacity from among jurists of the highest moral authority and of recognized competence in the field of human rights. In addition, they must possess the qualifications required for the exercise of the highest judicial functions, in accordance with the law of the State of which they are nationals or of the State that proposes them as candidates.²

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,”³ and, to this end, they will not be replaced by the judges newly-elected by the OAS General Assembly. The President and the Vice President are elected by the judges themselves for a two-year period and may be re-elected.⁴ In 2018, the composition of the Court was as follows (in order of precedence⁵):

- Eduardo Ferrer Mac-Gregor Poisot (Mexico), President;
- Eduardo Vio Grossi (Chile), Vice President;
- Roberto F. Caldas (Brazil): Judge Roberto F. Caldas exercised his functions until May 14, 2018, when he tendered his resignation as judge of the Inter-American Court. Under Article 21 of the Court’s Statute, the Court accepted his resignation with immediate effect. From May 14 to December 31, the Court exercised its functions with six judges.
- Humberto Antonio Sierra Porto (Colombia);
- Elizabeth Odio Benito (Costa Rica);
- Eugenio Raúl Zaffaroni (Argentina), and
- Patricio Pazmiño Freire (Ecuador).

¹ American Convention on Human Rights, Article 52. Cf. Statute of the Inter-American Court of Human Rights, Article 4.

² Idem.

³ Idem.

⁴ Statute of the Inter-American Court of Human Rights, Article 12.

⁵ According to paragraphs 1 and 2 of Article 13 of the Statute of the Inter-American Court of Human Rights, “[e]lected judges shall take precedence after the President and the Vice President according to their seniority in office,” and “[j]udges having the same seniority in office shall take precedence according to age.”



On June 5, during the forty-eight OAS General Assembly, Judge Eduardo Ferrer Mac-Gregor and Judge Humberto Sierra Porto were re-elected as judges of the Inter-American Court for the period 2019-2024. In addition, Judge Ricardo Pérez Manrique (Uruguay) was appointed as a new judge of the Inter-American Court for this period.

The judges are assisted in the exercise of their functions by the Court's Secretariat. The Secretary of the Court is Pablo Saavedra Alessandri (Chile) and the Deputy Secretary is Emilia Segares Rodríguez (Costa Rica). In the framework of the 120th Period of Ordinary Sessions and in conformity with Articles 7 and 14 of the Rules of the Court, the Plenary of the Court reelected Pablo Saavedra Alessandri as the Secretary of the institution for the period 2019-2023.

C. States Parties

Of the 35 Member States of the OAS, the following 20 have accepted the Court's contentious jurisdiction: Argentina, Barbados, Bolivia, Brazil, Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Suriname and Uruguay.



JUDGMENTS ON MERITS AND INTERPRETATION JUDGMENTS, 2018



BRAZIL

- I/A Court H.R., Case of Favela Nova Brasília v. Brazil. Interpretation of the Judgment on Preliminary Objections, Merits, Reparations and Costs. Judgment of February 5, 2018. Series C No. 345.
- I/A Court H.R., Case of the Xucuru Indigenous People and its members v. Brazil. Preliminary Objections, Merits, Reparations and Costs. Judgment of February 5, 2017. Series C No. 346.
- I/A Court H. R., Case of Herzog et al. v. Brazil. Preliminary Objections, Merits, Reparations and Costs. Judgment of March 15, 2018. Series C No. 353.

CHILE

- I/A Court H. R., Case of Poblete Vilches et al. v. Chile. Merits, Reparations and Costs. Judgment of March 8, 2018. Series C No. 349.
- I/A Court H.R., Case of Órdenes Guerra et al. v. Chile. Merits, Reparations and Costs. Judgment of November 29, 2018. Series C No. 372.

COLOMBIA

- I/A Court H.R., Case of Isaza Uribe et al. v. Colombia. Merits, Reparations and Costs. Judgment of November 20, 2018. Series C No. 363.
- I/A Court H.R., Case of Villamizar Durán et al. v. Colombia. Preliminary Objection, Merits, Reparations and Costs. Judgment of November 20, 2018. Series C No. 364.
- I/A Court H.R., Case of Carvajal Carvajal et al. v. Colombia. Interpretation of the Judgment on Merits, Reparations and Costs. Judgment of November 21, 2018. Series C No. 365.
- I/A Court H.R., Case of Vereda La Esperanza v. Colombia. Interpretation of the Judgment on Preliminary Objection, Merits, Reparations and Costs. Judgment of November 21, 2018. Series C No. 367.
- I/A Court H.R., Case of Omeara Carrascal et al. v. Colombia. Merits, Reparations and Costs. Judgment of November 21, 2018. Series C No. 368.

COSTA RICA

- I/A Court H. R., Case of Amrhein et al. v. Costa Rica. Preliminary Objections, Merits, Reparations and Costs. Judgment of April 25, 2018. Series C No. 354.

GUATEMALA

- I/A Court H. R., Case of Ramírez Escobar et al. v. Guatemala. Merits, Reparations and Costs. Judgment of March 9, 2018. Series C No. 351.
- I/A Court H. R. Case of Coc Max et al. (Massacre of Xamán) v. Guatemala. Merits, Reparations and Costs. Judgment of August 22, 2018. Series C No. 356.
- I/A Court H. R. Case of Gutiérrez Hernández et al. v. Guatemala. Interpretation of the Judgment on Preliminary Objections, Merits, Reparations and Costs. Judgment of August 22, 2018. Series C No. 357.

- I/A Court H.R., Case of Cuscul Pivara et al. v. Guatemala. Preliminary Objection, Merits, Reparations and Costs. Judgment of August 23, 2018. Series C No. 359.

HONDURAS

- I/A Court H.R., Case of Escaleras Mejía et al. v. Honduras. Judgment of September 26, 2018. Series C No. 361.

MEXICO

- I/A Court H.R., Case of Trueba Arciniega et al. v. Mexico. Judgment of November 27, 2018. Series C No. 369.
- I/A Court H.R., Case of Alvarado Espinoza et al. v. Mexico. Merits, Reparations and Costs. Judgment of November 28, 2018. Series C No. 370.
- I/A Court H.R., Case of Women Victims of Sexual Torture in Alenco v. Mexico. Preliminary Objection, Merits, Reparations and Costs. Judgment of November 28, 2018. Series C No. 371.

NICARAGUA

- I/A Court H. R., Case of V.R.P., V.P.C. et al. v. Nicaragua. Preliminary Objections, Merits, Reparations and Costs. Judgment of March 8, 2018. Series C No. 350.

PERU

- I/A Court H. R., Case of Zegarra Marín v. Peru. Interpretation of the Judgment on Preliminary Objections, Merits, Reparations and Costs. Judgment of February 8, 2018. Series C No. 347.
- I/A Court H.R., Case of Munárriz Escobar et al. v. Peru. Preliminary Objection, Merits, Reparations and Costs. Judgment of August 20, 2018. Series C No. 355.
- I/A Court H.R., Case of Dismissed Employees of Petroperú et al. v. Peru. Interpretation of the Judgment on Preliminary Objections, Merits, Reparations and Costs. Judgment of August 22, 2018. Series C No. 358.
- I/A Court H.R., Case of Terrones Silva et al. v. Peru. Preliminary Objections, Merits, Reparations and Costs. Judgment of September 26, 2018. Series C No. 360.
- I/A Court H.R., Case of Lagos del Campo v. Peru. Interpretation of the Judgment on Preliminary Objections, Merits, Reparations and Costs. Judgment of November 21, 2018. Series C No. 366.

VENEZUELA

- I/A Court H. R., Case of San Miguel Sosa et al. v. Venezuela. Merits, Reparations and Costs. Judgment of February 8, 2018. Series C No. 348.
- I/A Court H.R., Case of López Soto et al. v. Venezuela. Merits, Reparations and Costs. Judgment of September 26, 2018. Series C No. 362.



D. Functions

According to the American Convention, the Court exercises (I) contentious functions; (II) powers to order provisional measures, and (III) an advisory function.

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 redress the consequences of the violation of such rights.

There are two stages to the procedure followed by the Court to decide the contentious cases submitted to its jurisdiction: (i) the **contentious stage**, and (ii) the **stage of monitoring compliance with judgment**.

1.1. Contentious stage

This stage has six phases:

- a) Initial written phase
- b) Oral phase or public hearing;
- c) Final written arguments of the parties and observations of the Commission;
- d) Evidentiary procedure
- e) Deliberations and delivery of judgment, and
- f) Interpretation requests

a) Initial written phase

a.1) Submission of the case by the Commission⁶

The contentious stage begins with the submission of the case to the Court by the Commission. To ensure the appropriate processing of the proceedings, the Court's Rules of Procedure require that the brief presenting the case include, *inter alia*:⁷

- A copy of the report issued by the Commission under Article 50 of the American Convention;
- A copy of the complete case file before the Commission, including any communications subsequent to the report under Article 50 of the Convention;
- The evidence offered, indicating the facts and the arguments to which this refers, and
- The reasons that led the Commission to present the case.

⁶ According to Article 61 of the American Convention, States also have the right to submit a case to the Court to decide, in which case the provisions of Article 36 of the Rules of Procedure of the Court will be observed.

⁷ Rules of Procedure of the Inter-American Court of Human Rights, Article 35.



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 this is so, the Secretariat notifies the case to the defendant State and to the presumed victim, his or her representatives, or the inter-American defender if appropriate.⁸ During this stage, a judge rapporteur is appointed to the case, in chronological order and, with the support of the Court's Secretariat, he examines the respective case.

a.2) Designation of an Inter-American Public Defender

When a presumed victim does not have legal representation in a case and/or lacks financial resources and indicates his or her wish to be represented by an inter-American defender, the Court 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. The AIDEF General Secretariat will select two defenders and one substitute⁹ from among the Inter-American Public Defenders to represent the presumed victim before the Court. In addition, the Court will forward them the documentation relating to the submission of the case to the Court so that they may, from then on, assume the legal representation of the presumed victim before the Court throughout the processing of the case.

a.3) Presentation of the brief with pleadings, motions and evidence by the presumed victims

Following notification of the case, the presumed victim or his or her representatives have two months as of the date of notification of the presentation of the case and its annexes to submit their autonomous brief with pleadings, motions and evidence. This brief must include, *inter alia*:¹⁰

- A description of the facts, within the factual framework established by the Commission;
- The evidence offered, in the correct order, indicating the facts and the arguments to which it relates, and
- The claims, including those relating to reparations and costs.

a.4) Presentation of the answering brief by the defendant State

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 presented by the Commission and the representatives of the presumed victims, indicating, *inter alia*:

- Whether it files preliminary objections
- Whether it accepts the facts and the claims or contests them;

⁸ Ibid., Article 38 and 39.

⁹ Article 12 Article 12 of the "Standardized Regulations for the actions of the AIDEF before the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights," approved on June 7, 2013, by the AIDEF Board, and entered into force, pursuant to Article 27 of these regulations on June 14, 2013.

¹⁰ Ibid., Article 40.



- The evidence offered, in the correct order, indicating the facts and the arguments to which it relates, and
- The legal arguments, observations on the reparations and costs requested, and the pertinent conclusions.

This answer is forwarded to the Commission and to the representatives of the presumed victim.¹¹

a.5) Presentation of the brief with observations on the preliminary objections filed by the State

If the State files preliminary objections, the Commission and the presumed victims or their representatives can submit their respective observations within 30 days of receiving notice of them.¹²

a.6) Presentación del escrito de observaciones al reconocimiento de responsabilidad efectuado por the State

If the State makes a partial or total acknowledgement of responsibility, the Commission and the representatives of the presumed victims are granted time to forward any observations they consider pertinent.

a.7) Possibility of taking other measures in the context of the written proceedings

After the brief submitting the case, the brief with pleadings, motions and evidence, and the State's answering brief have been received, and before the oral proceedings start, the Commission, the presumed victims or their representatives, and the defendant State may ask the President to take other measures in the context of the written proceedings. If the President considers this pertinent, he will establish the time limits for presentation of the respective documents¹³.

a.8) Reception of *amicus curiae*

Any interested person or institution may submit *amicus curiae* briefs to the Court; that is, briefs prepared by third persons who are not parties to a case, who voluntarily offer their opinion on some aspect of the case in order to collaborate with the Court in its deliberations. In contentious cases, this type of brief can be presented at any moment of the proceedings, but no more than 15 days after the public hearing. In cases in which no public hearing is held, such briefs must be sent within 15 days of the corresponding order setting a time frame for forwarding the final arguments. *Amicus curiae* briefs may also be submitted, In proceedings on monitoring compliance with judgment and on provisional measures.¹⁴

¹¹ Ibid., Article 41.

¹² Ibid., Article 42(4).

¹³ Ibid., Article 43.

¹⁴ Ibid., Article 44.



b) Oral phase or public hearing

During this stage the parties are requested to submit their final lists of deponents and when these have been received, they are forwarded to the other party so that the latter may send its observations and, when appropriate, any objections it deems pertinent.¹⁵

Then, based on the observations, objections or recusals presented made by the parties, the Court or its President calls for a hearing, if this is considered necessary. In addition, the purpose and method of providing the testimony of each deponent is defined.¹⁶ The hearings are public unless the Court considers it desirable that they be totally or partially private.¹⁷

The public hearing begins with a presentation by the Commission in which it 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.¹⁸ The judges of the Court then hear the presumed victims, witnesses and expert witnesses convened by the above-mentioned order, who are examined by the parties and, if appropriate, by the judges. The Commission may examine certain expert witnesses in exceptional circumstances under the provisions of Article 52(3) of the Court's Rules of Procedure. After this, the President gives the floor to the parties so they may present their arguments on the merits of the case. Subsequently, the President grants them opportunity for a reply and a rejoinder. Once the arguments have been submitted, the Commission presents its final observations and then the judges pose their concluding question to the representatives, the victims and the Inter-American Commission.¹⁹ This hearing usually lasts a day and a half and is transmitted online via the Court's website.

The recordings of the public hearings can be found [here](#).

c) Phase of final written arguments of the parties and observations of the Commission

During this phase, the presumed victims or their representatives, and the defendant State present their final written arguments. The Commission presents final written observations, if it deems pertinent.²⁰

¹⁵ Ibid., Article 46.

¹⁶ Ibid., Article 50.

¹⁷ Ibid., Article 15.

¹⁸ Ibid., Article 51.

¹⁹ Ibid., Article 51.

²⁰ Ibid., Article 56.



d) Evidentiary procedures

Pursuant to Article 58 of its Rules of Procedure, the Court may, “at any stage of the proceedings,” require the following evidentiary procedures, without prejudice to the arguments and documentation submitted by the parties: (1) obtain, on its own motion, any evidence it considers helpful and necessary; (2) request the submission of any evidence or any explanation or statement that, in the Court’s opinion, may be useful; (3) request any entity, office, organ, or authority of its choice to obtain information, express an opinion, or deliver a report or pronouncement on any given point, and (4) commission one or more of its members to take steps to advance the proceedings, including hearings at the seat of the Court or elsewhere.

e) Phase of deliberation and delivery of judgment

During this phase of deliberation and delivery of judgment, the judge rapporteur of each case, supported by the Court’s Secretariat and based on the arguments and evidence provided by the parties, presents a draft judgment to the full Court for its consideration. The judges deliberate on this draft judgment for several days during one of the sessions. Nevertheless, in complex cases, their deliberations may be suspended and taken up again at a subsequent session. During these deliberations, the draft is discussed and approved until the operative paragraphs of the judgment are reached; these are then voted on by the Court’s judges. In some cases, the judges submit their dissenting or concurring opinions. After the Court has delivered the judgment, it is published and notified to the parties.

f) Interpretation and rectification requests

The judgments handed down by the Court are final and non-appealable²¹ Nevertheless, the parties and the Commission have three months in which they may request clarification of the meaning or scope of the judgment in question. Pursuant to the American Convention, the Court decides this matter by an interpretation judgment. The interpretation may be made at the request of any of the parties, provided it is submitted within 90 days of notification of the judgment²². In addition, the Court may, on its own motion, or at the request of one of the parties submitted within one month of notification of the judgment, rectify any obvious clerical errors or errors in calculation. The Commission and the parties shall be notified if a rectification is made.²³

1.2. Stage of monitoring compliance with judgments

The Inter-American Court is responsible for monitoring compliance with its judgments. The authority to monitor its judgments is inherent in the exercise of its jurisdictional powers, and the legal grounds

²¹ American Convention of Human Rights, Article 67.

²² *Idem*.

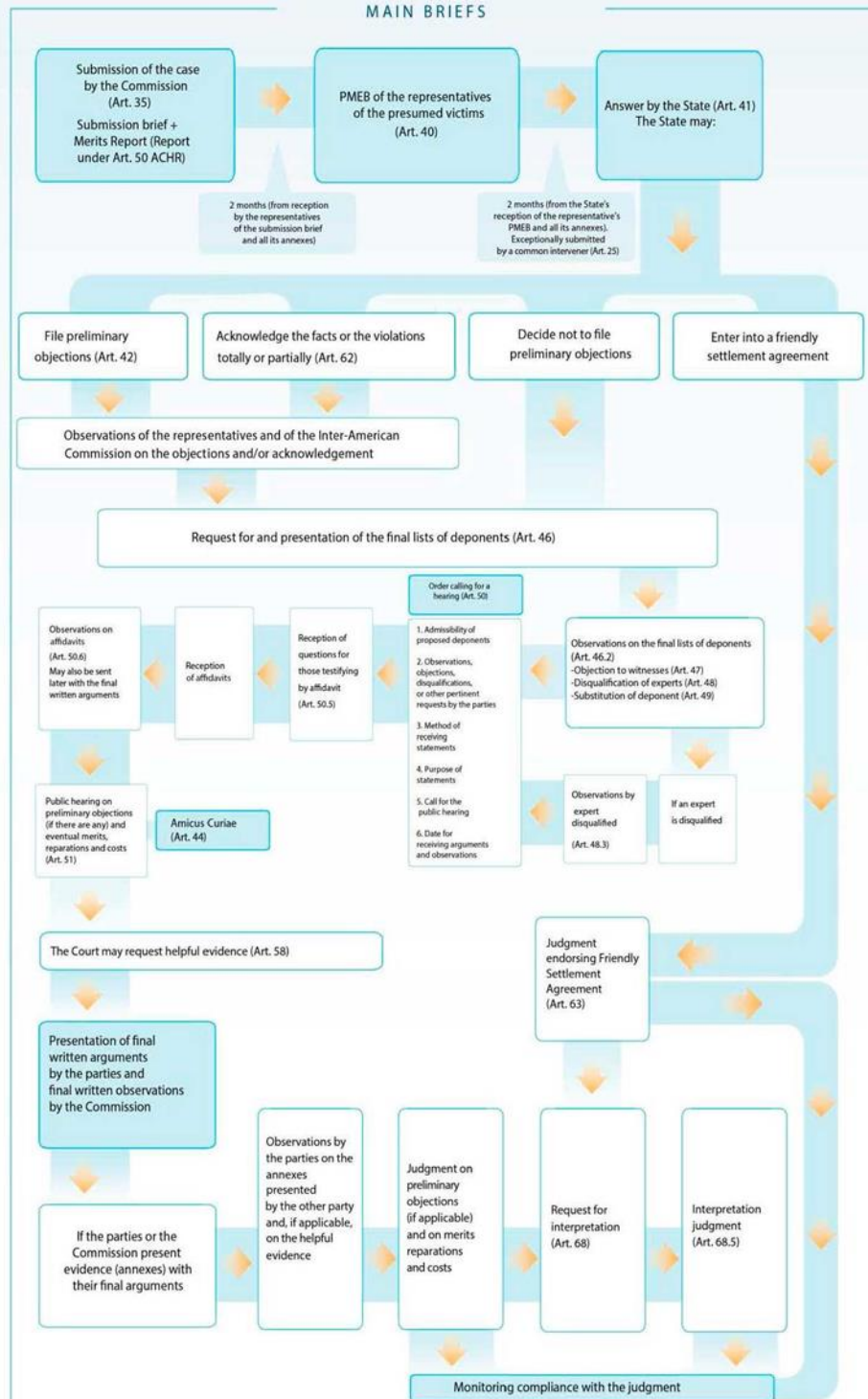
²³ Rules of Procedure of the Inter-American Court of Human Rights, Article 76.



can be found in Articles 33, 62(1), 62(3) and 65 of the Convention, as well as in Article 30 of the Court's Statute. Furthermore, the procedure is regulated in Article 69 of the Court's Rules of Procedure and its purpose is to ensure that the reparations ordered by the Court in each specific case are implemented and complied with. For a detailed analysis of the Court's activity in the area of monitoring compliance with judgments, see Section V.



OUTLINE OF THE PROCEDURE BEFORE THE IACHR



ACHR: American Convention on Human Rights
PMEB: Pleadings, motions and evidence brief
Affidavit: Sworn statement authenticated by notary public
Amicus Curiae: May be presented at any time following submission of the case up until 15 days after the hearing



2. Authority to order provisional measures

According to the American Convention, provisional measures of protection are ordered by the Court to order to guarantee the rights of specific individuals or groups of individuals who are in a situation of: (a) extreme gravity and (b) urgency, and (c) risk of suffering irreparable harm.²⁴ These three requirements must be met for the Court to grant such measures

The Inter-American Commission can request provisional measures at any time, even if the case has not yet been submitted to the jurisdiction of the Court.

In addition, the representatives of the alleged victims can request provisional measures, provided the measures relate to a case that the Court is examining. The Court may also order such measures *ex officio* at any stage of the proceedings.

These measures are monitored by the presentation of reports by the State, and the corresponding comments of the beneficiaries or their representatives, and the Commission. In addition, the Court or its President may decide to call for a public or private hearing to verify the implementation of the provisional measures, and even order any procedures that are required, such as on-site visits to verify the actions that the State is taking.

3. Advisory function

This function allows the Court to respond to consultations by OAS Member States or the organs of that 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.²⁵

The main purpose of the advisory opinions is to assist member States of the inter-American system comply with their commitments in the area of human rights. In other words, their objective is to help the States and organs comply with and apply human rights treaties, without subjecting them to the formalities and the system of sanctions that characterize contentious proceedings.

The Court has established that its advisory function is as broad as necessary to safeguard human rights, but is bound by the natural limits indicated by the Convention. However, it should be stressed that the Court is not obliged to issue advisory opinions on every aspect and that, based on the admissibility criteria, it may abstain from ruling on certain issues and reject requests.

²⁴ American Convention on Human Rights, Article 63(2). Cf. Rules of Procedure of the Inter-American Court of Human Rights, Article 27.

²⁵ *Ibid.*, Article 64.



All the organs of the Organization of American States may request advisory opinions and all the Member States of the OAS, whether or not they are parties to the Convention. The organs of the inter-American system recognized in the OAS Charter are:

- a) The General Assembly
- b) The Meeting of Consultation of Ministers of Foreign Affairs
- c) The Councils
- d) The Inter-American Juridical Committee
- e) The Inter-American Commission on Human Rights
- f) The General Secretariat
- g) The Specialized Conferences, and
- h) The Specialized Organizations

The procedure for advisory opinions is regulated in Article 73 of the Court's Rules of Procedure. First, the States or organs of the OAS must forward to the Court a request for an advisory opinion that must comply with certain requirements. Upon receipt of the request, the Secretary transmits it to the Member States, the Commission, the Permanent Council through its Presidency, the Secretary General, and the OAS organs. The Court also issues a widespread invitation to submit observations to, among others, universities, human rights clinics, non-governmental organizations, professional associations, interested persons, state organs, international organizations and States.

Subsequently, the President establishes a time limit for the reception of written observations and, if appropriate, the Court will decide whether a public hearing should be held and set a date. During the public hearing, all those who have contributed written observations and expressed their desire to present these orally may participate.

Lastly, the Court proceeds to deliberate the issues presented in the request and to issue the advisory opinion. In addition, the judges have the right to issue a concurring or dissenting opinion on the answer to the request, which is attached to the opinion.

The formal requirements for requests for an advisory opinion are established in Articles 70, 71 and 72 of the Court's Rules of Procedure. The requests must state with precision the specific questions on which the Court's opinion is sought; identify the provisions to be interpreted and the international norms other than those of the American Convention that also require interpretation, the considerations giving rise to the request, and the names and addresses of the agent or the delegates. If the advisory opinion is sought by an OAS organ other than the Commission, the request must also specify how it relates to the sphere of competence of the organ in question.



In addition, Article 72 of the Rules of Procedure establishes the requirements for requests related to the interpretation of domestic laws. In that case, the request must include the provisions of domestic law and of the Convention or of other international treaties to which the request relates.

III. Sessions held in 2018

A. Introduction

The Court holds plenary meetings during a certain number of sessions each year. These meetings take place both at its seat in San José, Costa Rica, and away from the seat. During each session, the Court conducts activities such as:

- holding hearings on contentious cases, monitoring compliance with judgments or provisional measures;²⁶
- delivering judgment on contentious cases;²⁷
- issuing orders on monitoring compliance with judgment;
- issuing orders on provisional measures;
- dealing with different procedures in matters pending before the Court, as well as administrative matters, and
- meeting with national and international authorities.

B. Summary of the sessions

The Court held eight regular sessions in San José, Costa Rica, and one special session in the city of El Salvador. It should be pointed out that, this year, all the regular sessions were financed with funds from the Regular Fund. Details of the sessions appear below.

1. 121st regular session

The Court held its 121st regular session in San José, Costa Rica, from January 29 to February 9. The session commenced with the ceremony to inaugurate the 2018 Inter-American Judicial Year. The event was attended by the President of the Republic of Costa Rica at the time, Luis Guillermo Solís.

²⁶ According to Article 19 of the Court's Rules of Procedure, judges who are nationals of a defendant State may not participate in the hearing or deliberation of the respective case.

²⁷ *Idem*.



The ceremony commenced with the formal induction of the new directors of the Inter-American Court of Human Rights for the period 2018-2019, Judges Eduardo Ferrer Mac-Gregor Poisot (President) and Eduardo Vio Grossi (Vice President).

Following the ceremony, an academic seminar was held on “Challenges facing human rights in the twenty-first century,” moderated by Judge Elizabeth Odio Benito. Participants in the seminar included the Judge of the International Court of Justice and former President of the Inter-American Court, Judge Antônio A. Cançado Trindade, and the activist and winner of the 1992 Nobel Peace Prize, Rigoberta Menchú, who raised awareness of the challenges currently faced by human rights defenders.



During this session, the Court held five public hearings, three of them on contentious cases,²⁸ one on monitoring compliance with judgment and a request for provisional measures,²⁹ and one joint hearing on monitoring compliance with judgment.³⁰ It also delivered four judgments, two judgments on contentious cases³¹ and two interpretation judgments,³² seven orders on provisional measures³³ and five orders on monitoring compliance with judgment.³⁴

²⁸ Case of Isaza Uribe et al. v. Colombia; Case of López Soto et al. v. Venezuela, and Case of Coc Max et al. (*Xaman Massacre*) v. Guatemala.

²⁹ Case of Durand and Ugarte v. Peru.

³⁰ Cases of Barrios Altos and La Cantuta, both against Peru.

³¹ Case of the Xucuru Indigenous People and its members v. Brazil. Preliminary objections, merits, reparations and costs. Judgment of February 5, 2018. Series C No. 346, and Case of San Miguel Sosa et al. v. Venezuela. Merits, reparations and costs. Judgment of February 8, 2018. Series C No. 348.

³² Case of Zegarra Marín v. Peru. Interpretation of the judgment on preliminary objections, merits, reparations and costs. Judgment of February 8, 2018. Series C No. 347, and Case of Favela Nova Brasília v. Brazil. Interpretation of the judgment on preliminary objections, merits, reparations and costs. Judgment of February 5, 2018. Series C No. 345.

³³ Matter of Edwin Leonardo Jarrín Jarrín, Tania Elizabeth Pauker Cueva and Sonia Gabriela Vera García with regard to Ecuador. Request for provisional measures. Order of the Inter-American Court of Human Rights of February 8, 2018; Case of the Miguel Castro Castro Prison v. Peru. Request for provisional measures. Order of the Inter-American Court of Human Rights of February 5, 2018; Case of Galindo Cárdenas v. Peru. Denial of request for provisional measures. Order of the Inter-American Court of Human Rights of February 5, 2018; Case of Coc Max et al. (*Xamán Massacre*) v. Guatemala. Adoption of provisional measures. Order of the Inter-American Court of Human Rights of February 8, 2018; Case of Durand and Ugarte v. Peru. Provisional measures. Order of the Inter-American Court of Human Rights of February 8, 2018, and Matter of the Peace Community of San José de Apartadó with regard to Colombia. Provisional measures. Order of the Inter-American Court of Human Rights of February 5, 2018, and Case of Galindo Cárdenas v. Peru. Denial of request for provisional measures. Order of the Inter-American Court of Human Rights of February 5, 2018.

³⁴ Case of Gonzales Lluy et al. v. Ecuador. Monitoring compliance with judgment. Order of the Inter-American Court of Human Rights of February 5, 2018; Case of Ruano Torres et al. v. El Salvador. Monitoring compliance with judgment. Order of the Inter-American Court of Human Rights of February 5, 2018; Case of Andrade Salmón v. Bolivia. Monitoring compliance with judgment. Order of the Inter-American Court of Human Rights of February 5, 2018; Case of Members of the Village of Chichupac and neighboring communities of the municipality of Rabinal v. Guatemala. Monitoring compliance with judgment. Order of the Inter-American Court of Human Rights of February 5, 2018 and Case of Chinchilla Sandoval et al. v. Guatemala. Order of February 5, 2018.



In a brief dated February 6, 2018, the Inter-American Commission submitted a request for provisional measures to the Court asking it to require the State of Ecuador to “refrain from implementing the adoption of the third question in the referendum called for in Decree 229, concerning the dismissal of the current members of the Council for Civic Participation and Social Control (CPCCS), which included the proposed beneficiaries, as well as the creation of the transitional authority and the execution of his/her functions.”

In an order of February 8, 2018, the Court decided to deny the request for provisional measures submitted by the Commission considering that the requirements established in Articles 63(2) of the Convention and 27 of the Rules of Procedure had not been met. Consequently, the request for provisional measures submitted by the Inter-American Commission were rejected as inadmissible.

In addition, during the inaugural ceremony of the Judicial Year, cooperation agreements were signed with the Gender Observatory of the Costa Rican Supreme Court of Justice, the Court of Justice of the Andean Community, the Attorney General of the Brazilian Ministry of Labor, and the Judiciary of the state of Mexico.

A summary of all the inaugural speeches and presentations that took place during this session can be found at this [link](#).

2. 122nd regular session

The Inter-American Court held its 122nd regular session in San José, Costa Rica, from March 5 to 16. During the session it held two public hearings on contentious cases.³⁵ The Court also deliberated on five contentious cases³⁶ and issued two orders on monitoring compliance with judgment³⁷ and two orders on provisional measures.³⁸

On March 16, 2018, during the session, the Inter-American Court received the visit of the judges of the Third Section of the Colombian Council of State. The President of the Court, Judge Eduardo Ferrer Mac-Gregor, stressed that this type of meeting reveals the importance of judicial dialogue among the high courts of Latin America.

³⁵ Case of Cuscul Pivaral et al. v. Guatemala and Case of Terrones Silva et al. v. Peru.

³⁶ Case of Poblete Vilches et al. v. Chile. Merits, reparations and costs. Judgment of March 8, 2018. Series C No. 349; Case of V.R.P., V.P.C. et al. v. Nicaragua. Preliminary objections, merits, reparations and costs. Judgment of March 8, 2018. Series C No. 350; Case of Ramírez Escobar et al. v. Guatemala. Merits, reparations and costs. Judgment of March 9, 2018. Series C No. 351; Case of Carvajal Carvajal et al. v. Colombia. Merits, reparations and costs. Judgment of March 13, 2018. Series C No. 352, and Case of Herzog et al. v. Brazil. Preliminary objections, merits, reparations and costs. Judgment of March 15, 2018. Series C No. 353.

³⁷ Case of the Río Negro Massacres v. Guatemala. Monitoring compliance with judgment. Order of the Inter-American Court of Human Rights of March 14, 2018 and Case of Valencia Hinojosa et al. v. Ecuador. Monitoring compliance with judgment. Order of the Inter-American Court of Human Rights of March 14, 2018.

³⁸ Matter of the Pedrinhas Prison Complex with regard to Brazil. Provisional measures. Order of the Inter-American Court of Human Rights of March 14, 2018 and Matter of Alvarado Reyes et al. with regard to Mexico. Provisional measures. Order of the Inter-American Court of Human Rights of March 14, 2018.



In parallel to the regular session, a training course was held for Inter-American Public Defenders from March 12 to 16. The course was organized in coordination with the Inter-American Association of Public Defenders and with the support of the Konrad Adenauer Foundation and its Rule of Law Program for Latin America. The course which provided an “Update on litigation before the inter-American human rights system and inter-American public defense” was held in order to raise the awareness of the defenders who litigate before the Inter-American Commission and Court of various procedural matters and the Court’s most recent jurisprudence.

3. 123rd regular session



The Inter-American Court held its 123rd regular session in San José, Costa Rica, from April 23 to 27. During the week it held a public hearing on a contentious case.³⁹ It also adopted a judgment⁴⁰ related to the alleged international responsibility of Costa Rica owing to the supposed inexistence of a remedy that would allow a comprehensive review of criminal sentences imposed on 17 people. In addition, the Court monitored compliance with several judgments and the implementation of provisional measures it had ordered. It also reviewed different administrative matters.

³⁹ Case of Alvarado Espinoza et al. v. Mexico.

⁴⁰ Case of Amrhein et al. v. Costa Rica. Preliminary objections, merits, reparations and costs. Judgment of April 25, 2018. Series C No. 354.



4. 124th regular session

The Inter-American Court held its 124th regular session in San José, Costa Rica, from May 23 to June 1. During the session it held two public hearings on contentious cases⁴¹ and one private hearing on monitoring compliance with two judgments.⁴²



In addition, the Court issued the Advisory Opinion on the request submitted by Ecuador on August 18, 2016, regarding “the institution of asylum in its different forms and the legality of recognizing it as a human right of all persons based on the principle of equality and non-discrimination.” The Court also issued nine orders on monitoring compliance with judgment⁴³ and an order on the provisional measures ordered in the case of *Durand and Ugarte v. Peru*.⁴⁴ Furthermore, the Court decided not to continue processing the request for an Advisory Opinion on the mechanism of impeachment (see section VII.B for more information on this point). Lastly, the Court examined diverse matters such as the processing of cases submitted to its consideration, and examined administrative matters.

5. 125th regular session – commemoration of the 40th anniversary of the American Convention and the Inter-American Court of Human Rights

The 125th regular session was devoted to commemorating the “40th anniversary of the entry into force of the American Convention on Human Rights and the creation of the Inter-American Court of

⁴¹ Case of Villaseñor Velarde et al. v. Guatemala, and Case of Munárriz Escobar et al. v. Peru.

⁴² Joint hearing for the cases of *Véliz Franco et al.* and *Velásquez Paiz et al.*, both against Guatemala.

⁴³ Case of Bueno Alves v. Argentina. Monitoring compliance with judgment. Order of the Inter-American Court of Human Rights of May 30, 2018; Cases of Pollo Rivera et al. and Lagos del Campo v. Peru. Order of May 30, 2018; Case of Favela Nova Brasília v. Brazil. Order of May 30, 2018; Case of the Massacres of El Mozote and neighboring places v. El Salvador. Monitoring compliance with judgment. Order of the Inter-American Court of Human Rights of May 30, 2018; Cases of Barrios Altos and La Cantuta v. Peru. Monitoring compliance with judgment. Order of the Inter-American Court of Human Rights of May 30, 2018; Case of the “Five Pensioners” v. Peru. Monitoring compliance with judgment. Order of the Inter-American Court of Human Rights of May 30, 2018; Case of Zegarra Marín v. Peru. Monitoring compliance with judgment. Order of the Inter-American Court of Human Rights of May 30, 2018; Case of Favela Nova Brasília v. Brazil. Order of May 30, 2018, and Case of El Caracazo v. Venezuela. Monitoring compliance with judgment. Order of the Inter-American Court of Human Rights of May 30, 2018.

⁴⁴ Case of *Durand and Ugarte v. Peru. Provisional measures*. Order of the Inter-American Court of Human Rights of May 30, 2018.



Human Rights.” During this session, a ceremony was held to inaugurate the 40th anniversary celebrations, together with a closed-door dialogue between the three regional human rights courts, and then an international seminar.

The ceremony inaugurating the 50th anniversary celebrations took place on July 16, and presentations were made by the President of the Court, Judge Eduardo Ferrer Mac-Gregor, and the President of the Republic of Costa Rica, Carlos Alvarado Quesada, and a keynote address was given by the United Nations Secretary-General, António Guterres. The ceremony was attended, among others, by the President of the Inter-American Commission, Margarette May Macaulay, the President of the African Court of Human and Peoples’ Rights, Sylvain Oré, the President of the European Court of Human Rights, Guido Raimondi, and the Costa Rican First Lady, Claudia Dobles Camargo.

Judge Eduardo Ferrer Mac-Gregor underlined that this commemoration constituted an “extraordinary and essential effort to promote and encourage the necessary multi-level dialogue with United Nations bodies, and the regional human rights courts, national authorities and high-level courts of the American continent, and civil society.” President Carlos Alvarado celebrated the 40 years of the American Convention and the Court, and stressed the importance of the jurisprudential dialogue between the Court and the domestic courts, emphasizing conventionality control, which he considered should be strengthened. Lastly, the United Nations Secretary-General defined the Court as an institution that provided moral leadership, and that acted to eliminate human rights violations and to punish those who perpetrate them. He also exhorted the Court to remain vigilant and decided to “protect and promote human rights throughout the American continent.”



In continuation of the program, a judicial dialogue was held on Tuesday, July 17, with the intervention of the most senior representatives of the Inter-American Court of Human Rights, the African Court of Human and Peoples’ Rights, the European Court of Human Rights, and academics with a broad and widely-recognized professional career. This was a private working meeting that sought to enhance dialogue and cooperation between the three regional human rights courts. This meeting was held



with the support of the German cooperation, implemented through the Germany International Cooperation Agency (GIZ).

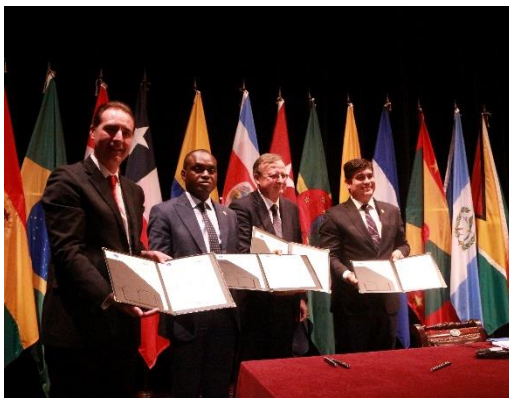
On Wednesday, 18, and Thursday, 19 July, an international seminar open to the public was held on “Successes and challenges for the regional human rights systems,” with the participation of judges of the three regional courts, former judges of the Inter-American Court, high-level state authorities from numerous countries of the hemisphere, academics with vast experience, and representatives of civil society. This forum allowed discussions and reflection with all the key actors regarding the past, present and future of the universal systems for the protection of human rights.



The first day of the international seminar was held in the Costa Rican National Theater. The inaugural panel was composed of the President of the Court, Judge Eduardo Ferrer Mac-Gregor; the President of the Inter-American Commission on Human Rights, Commissioner Margarete May Macaulay; the President of the African Court of Human and Peoples’ Rights, Sylvain Oré; the President of the European Court of Human Rights, Guido Raimondi; the Honorary President of the Inter-American Institute of Human Rights and former judge of the Inter-American Court, Thomas Buergenthal, and the President of the Republic of Costa Rica, Carlos Alvarado Quesada. The complete program of the seminar can be found at this [link](#) and, on this [link](#) the video of the seminar.



Following the inaugural panel, the historic “[San José Declaration](#)” was signed by the Presidents of the three regional courts. The purpose of the Declaration was to establish a permanent forum for institutional dialogue among these regional courts and to work together to strengthen the protection of human rights, democratic institutions, and access to international justice for persons under their jurisdiction.



Owing to the positive response to the announcement of the week of events to commemorate the 40th anniversary of the Convention, the second day of the seminar was held in the main auditorium of the Universidad de Costa Rica. That day, shortly before the event ended, a documentary was presented on “*40 años de la Corte Interamericana de Derechos Humanos, una voz desde las víctimas*” [40 years of the Inter-American Court of Human Rights, giving the victims a voice], which included the testimony of victims who had found justice through the proceedings of this Court that protects the American Convention on Human Rights.



The Court reiterates its gratitude to all those who helped fund this event: the Ministry of Foreign Affairs of Mexico, the Ministry of Foreign Affairs of Norway, the European Union, and the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the Konrad Adenauer Foundation. The Court also wishes to thank the institutional support given by the German cooperation, implemented through the Germany International Cooperation Agency (GIZ).

In addition, during the commemorative acts, the Court signed agreements with four universities⁴⁵ and two associations⁴⁶ in order to strengthen ties relating to the protection and defense of human rights.

6. 126th regular session

The Inter-American Court held its 126th regular session in San José, Costa Rica, from August 20 to 24. During the session, it analyzed three cases at the merits stage and adopted the three respective judgments.⁴⁷ The Court also delivered two interpretation judgments,⁴⁸ and issued orders for provisional measures in three cases.⁴⁹

Regarding the signature of agreements, on August 21, the President of the Court, Judge Eduardo Ferrer Mac-Gregor, signed cooperation agreements with two institutions.⁵⁰

7. Fifty-ninth special session in San Salvador

The Inter-American Court held its fifty-ninth special session in San Salvador, El Salvador, from August 27 to 31, on the invitation of the Government of El Salvador, and with financial support from the Kingdom of Norway and the Heinrich Böll Stiftung Foundation.

⁴⁵ Universidad Fidélitas and Universidad La Salle, Costa Rica; Universidad Autónoma “Benito Juárez,” Oaxaca, and Universidad Complutense, Madrid.

⁴⁶ National Association of Judges of Chile, and the Inter-American Association of Public Defenders (AIDEF).

⁴⁷ Case of *Munárriz Escobar et al. v. Peru*. Preliminary objection, merits reparations and costs. Judgment of August 20, 2018. Series C No. 355, Case of *Coc Max et al. (Xamán Massacre) v. Guatemala*. Merits, reparations and costs. Judgment of August 22, 2018. Series C No. 356, and Case of *Cuscul Pivaral et al. v. Guatemala*. Preliminary objection, merits reparations and costs. Judgment of August 23, 2018. Series C No. 359.

⁴⁸ *Case of Gutiérrez Hernández et al. v. Guatemala. Interpretation of the judgment on preliminary objections, merits, reparations and costs*. Judgment of August 22, 2018. Series C No. 357, and *Case of the Dismissed Employees of PetroPeru et al. v. Peru. Interpretation of the judgment on preliminary objections, merits, reparations and costs*. Judgment of August 22, 2018. Series C No. 358.

⁴⁹ *Matter of Luisiana Ríos et al. with regard to Venezuela*. Provisional measures. Order of the Inter-American Court of Human Rights of August 22, 2018; *Case of Romero Feris v. Argentina*. Request for provisional measures. Order of the President of the Inter-American Court of Human Rights of August 22, 2018; *Matter of the Members of the Miskitu indigenous peoples of the North Caribbean Coast Autonomous Region with regard to Nicaragua*. Expansion of provisional measures. Order of the Inter-American Court of Human Rights of August 23, 2018.

⁵⁰ Universidad La Salle, Brazil; Uruguayan National Human Rights Institution and Ombudsman.



The ceremony to inaugurate the fifty-ninth special session took place on August 27, in the official reception hall of the Ministry of Foreign Affairs of El Salvador. Presentations were made by the President of the Court, Judge Eduardo Ferrer Mac-Gregor, the President of the Republic of El Salvador, Salvador Sánchez Cerén, and the Presidential Commissioner for Human Rights, María Silvia Guillén. The event was attended by Ministers of State, members of the diplomatic corps accredited to El Salvador and representatives of international organizations, civil society and universities.

During the session, the Court held two public hearings⁵¹ on cases at the merits stage. It also made an on-site visit to monitor compliance with judgment on August 29 and 30 when a delegation from the Court traveled to the Department of Morazán to inspect the measures of reparation in the case of the Massacres of El Mozote and neighboring places v. El Salvador.

In addition a seminar was held on August 29 in order to raise public awareness of the inter-American system for the protection of human rights.

More than 1,000 people attended the event, entitled "40 years of jurisprudence of the Inter-American Court of Human Rights in relation to vulnerable groups, and its impact," in which the President of the Court, Judge Eduardo Ferrer Mac-Gregor, the President of the National Judicial Council, María Antonieta Josa de Parada, and the Rector of the Instituto Especializado de Educación Superior para la Formación Diplomática (IEESFORD), Claudia María Samayoa Herrera, participated

The visit to El Salvador also permitted discussions with national authorities. Among the most significant were the meetings with the President of the Republic of El Salvador, Salvador Sánchez Cerén, the Justices of the Supreme Court of Justice of El Salvador, and the Minister for Foreign Affairs, Carlos Alfredo Castaneda Magaña.

⁵¹ Case of Gómez Virula et al. v. Guatemala, and Case of Rico v. Argentina.



During the week-long events, the Inter-American Court signed seven cooperation agreements⁵² with different Salvadoran entities, all with the aim of strengthening dialogue and collaboration between the Court and those entities, as well as to disseminate the Court's work and activities.

In addition, on August 29 and 30, a delegation from the Court and its Secretariat carried out judicial procedures in San Salvador and El Mozote to verify, *in situ* and directly, the degree of compliance with the reparations ordered in the judgment in the case of the *Massacres of El Mozote and neighboring places v. El Salvador*.

8. 127th regular session

The Inter-American Court held its 127th regular session in San José, Costa Rica, from September 24 to 28. During the session it held two public hearings, one on the implementation of provisional measures and the other on a case at the merits stage.⁵³ In addition, the Court adopted three

⁵² Supreme Court of Justice of El Salvador, Ombudsman of El Salvador, National Judicial Council of El Salvador, Universidad Centroamericana Simeón Cañas (UCA), Universidad Católica El Salvador (UNICAES), Universidad de Oriente (UNIVO), and Universidad Andrés Bello (UNAB).

⁵³ Matter of the Members of the Miskitu indigenous peoples of the North Caribbean Coast Autonomous Region with regard to Nicaragua, and Case of Colindres Schonenberg v. El Salvador.



judgments.⁵⁴ Regarding monitoring compliance with judgment, the Court issued orders in four cases.⁵⁵ It also issued an order on provisional measures.⁵⁶

On September 26, the President of the Court, Judge Eduardo Ferrer Mac-Gregor, the Vice President of the Court, Judge Eduardo Vio Grossi, and the Rector of the Universidad Autónoma de Centro América (UACA), Jose Guillermo Malavassi Vargas, signed a cooperation agreement between the Court and the University.

9. 128th regular session

The Inter-American Court held its last session of the year in San José, Costa Rica, from November 19 to 30. During the session, it adopted seven judgments in contentious cases,⁵⁷ three interpretation

⁵⁴ Case of Terrones Silva et al. v. Peru. Preliminary objections, merits, reparations and costs. Judgment of September 26, 2018. Series C No. 360; Case of Escaleras Mejía et al. v. Honduras. Judgment of September 26, 2018. Series C No. 361 and Case of López Soto et al. v. Venezuela. Merits, reparations and costs. Judgment of September 26, 2018. Series C No. 362.

⁵⁵ Cases of Pollo Rivera et al. and Lagos del Campo v. Peru. Monitoring compliance with judgment. Order of the Inter-American Court of Human Rights of September 26, 2018; Case of the Saramaka People v. Suriname. Monitoring compliance with judgment. Order of the Inter-American Court of Human Rights of September 26, 2018; Case of Gutiérrez Hernández et al. v. Guatemala. Monitoring compliance with judgment. Order of the Inter-American Court of Human Rights of September 26, 2018, and Case of the Dismissed Employees of PetroPeru et al. v. Peru. Monitoring compliance with judgment. Order of the Inter-American Court of Human Rights of September 26, 2018.

⁵⁶ Matter of Meléndez Quijano et al. with regard to El Salvador. Provisional measures. Order of the Inter-American Court of Human Rights of September 26, 2018.

⁵⁷ Case of Isaza Uribe et al. v. Colombia. Merits, reparations and costs. Judgment of November 20, 2018. Series C No. 363; Case of Villamizar Durán et al. v. Colombia. Preliminary objection, merits reparations and costs. Judgment of November 20, 2018. Series C No. 364; Case of Omeara Carrascal et al. v. Colombia. Merits, reparations and costs. Judgment of November 21, 2018. Series C No. 368; Case of Trueba Arciniega et al. v. Mexico. Judgment of November 27, 2018. Series C No. 369; Case of Alvarado Espinoza et al. v. Mexico. Merits, reparations and costs. Judgment of November 28, 2018. Series C No. 370; Case of Women Victims of Sexual Torture in Atenco v. Mexico. Preliminary objection, merits reparations and costs. Judgment of November 28, 2018. Series C No. 371, and Case of Órdenes Guerra et al. v. Chile. Merits, reparations and costs. Judgment of November 29, 2018. Series C No. 372.



judgments,⁵⁸ sixteen orders on monitoring compliance,⁵⁹ and five orders on provisional measures.⁶⁰ It also held two private hearings on monitoring compliance with judgment.⁶¹

Also, during this regular session, and as stipulated in Articles 7 and 14 of the Court's Statute, the Court in plenary session agreed to re-elect Pablo Saavedra Alessandri as Secretary of the Inter-American Court for the period 2019-2023.

In addition, the Court signed two collaboration agreements.⁶²

⁵⁸ Case of Carvajal Carvajal et al. v. Colombia. Interpretation of the judgment on merits, reparations and costs. Judgment of November 21, 2018. Series C No. 365; Case of Lagos del Campo v. Peru. Interpretation of the judgment on preliminary objections, merits, reparations and costs. Judgment of November 21, 2018. Series C No. 366, and Case of Vereda La Esperanza v. Colombia. Interpretation of the judgment on preliminary objection, merits reparations and costs. Judgment of November 21, 2018. Series C No. 367.

⁵⁹ Case of the Moiwana Community v. Suriname. Monitoring compliance with judgment. Order of the Inter-American Court of Human Rights of November 21, 2018; Cases of the Barrios Family, Uzcátegui et al. and Landaeta Mejías Brothers et al. v. Venezuela. Reimbursement to the Victims' Legal Assistance Fund. Order of the Inter-American Court of Human Rights of November 21, 2018; Case of I.V. v. Bolivia. Monitoring compliance with judgment. Order of the Inter-American Court of Human Rights of November 21, 2018; Case of Members of the Village of Chichupac and neighboring communities of the municipality of Rabinal v. Guatemala. Monitoring compliance with judgment. Order of the Inter-American Court of Human Rights of November 21, 2018; Case of Véliz Franco et al. v. Guatemala. Monitoring compliance with judgment. Order of the Inter-American Court of Human Rights of November 21, 2018; Case of Wong Ho Wing v. Peru. Monitoring compliance with judgment. Order of the Inter-American Court of Human Rights of November 21, 2018; Case of Duque v. Colombia. Monitoring compliance with judgment. Order of the Inter-American Court of Human Rights of November 22, 2018; Case of El Amparo v. Venezuela. Monitoring compliance with judgment. Order of the Inter-American Court of Human Rights of November 22, 2018; Case of the Santo Domingo Massacre v. Colombia. Monitoring compliance with judgment. Order of the Inter-American Court of Human Rights of November 22, 2018; Case of García Cruz and Sánchez Silvestre v. Mexico. Monitoring compliance with judgment. Order of the Inter-American Court of Human Rights of November 27, 2018; Case of Benavides Cevallos v. Ecuador. Monitoring compliance with judgment. Order of the Inter-American Court of Human Rights of November 28, 2018; Case of the Massacres of El Mozote and neighboring places v. El Salvador. Monitoring compliance with judgment. Order of the Inter-American Court of Human Rights of November 28, 2018; Case of Poblete Vilches et al. v. Chile. Reimbursement to the Victims' Legal Assistance Fund. Order of the Inter-American Court of Human Rights of November 28, 2018; Case of Norín Catrimán et al. (Leaders, Members and Activist of the Mapuche Indigenous People) v. Chile. Monitoring compliance with judgment. Order of the Inter-American Court of Human Rights of November 28, 2018; Case of Furlan and family members v. Argentina. Monitoring compliance with judgment and Reimbursement to the Victims' Legal Assistance Fund. Order of the Inter-American Court of Human Rights of November 28, 2018, and Case of Fornerón and daughter v. Argentina. Monitoring compliance with judgment. Order of the Inter-American Court of Human Rights of November 28, 2018.

⁶⁰ Matter of the Forensic Anthropology Foundation de Guatemala with regard to Guatemala. Provisional measures. Order of the Inter-American Court of Human Rights of November 21, 2018; Matter of the Plácido de Sá Carvalho Prison with regard to Brazil. Provisional measures. Order of the Inter-American Court of Human Rights of November 22, 2018; Case of Bámaca Velásquez v. Guatemala. Provisional measures. Order of the Inter-American Court of Human Rights of November 22, 2018; Case of Galindo Cárdenas v. Peru. Denial of request for provisional measures. Order of the Inter-American Court of Human Rights of November 22, 2018, and Matter of the Curado Prison Complex with regard to Brazil. Provisional measures. Order of the Inter-American Court of Human Rights of November 28, 2018.

⁶¹ Cases of the Punta Piedra Garífuna Community and its members and the Triunfo de la Cruz Garífuna Community and its members v. Honduras, and Case of the Afro-descendant Communities displaced from the Rio Cacarica Basin (Operation Genesis) v. Colombia.

⁶² Espíritu Santo University, Ecuador, Pedagógica de El Salvador University.



Table of results of the sessions

	Period									
	121R S	122R S	123R S	124R S	125R S	126R S	59S S	127R S	128R S	Tota l
Hearings on contentious cases	3	2	1	2			2	1		11
Hearings on provisional measures	1									1
Hearings on monitoring compliance	2		1*	1*					2*	6
Hearings on requests for an advisory opinion										
Judgments in contentious cases	2	5	1			3		3	7	21
Interpretation judgments	2					2			3	7
Orders on provisional measures	7	2		1		3		1	5	18
Orders on monitoring compliance	4	2		6				4	16	32
Advisory opinions				1						1

*Private hearings

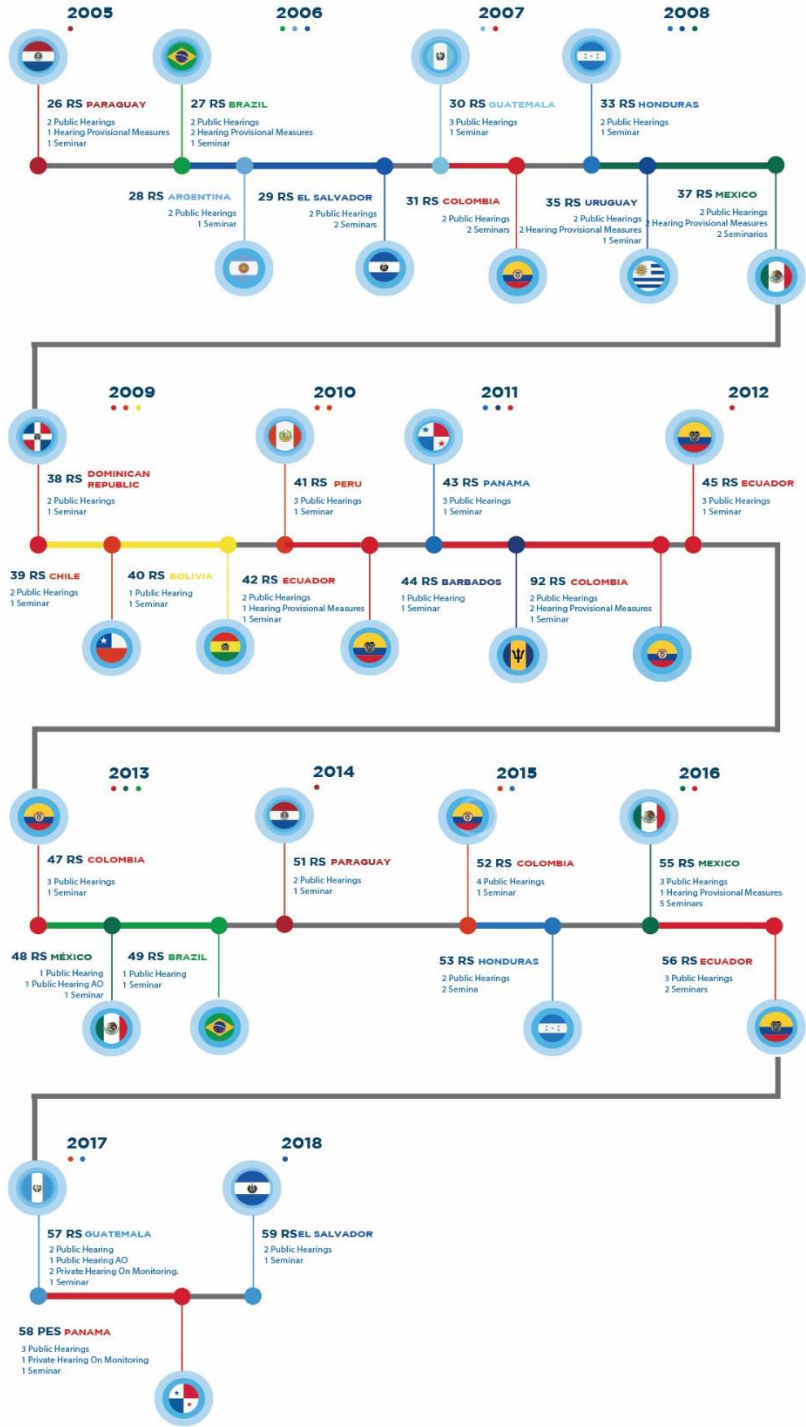


C. Sessions of the Inter-American Court away from its seat

Starting in 2005, the Inter-American Court has held special sessions away from its seat in San José, Costa Rica. In order to hold these sessions, the Court has traveled to Argentina, Barbados, Bolivia, Brazil (twice) Chile, Colombia (4 times), Dominican Republic, Ecuador (3 times), El Salvador (twice), Guatemala (twice), Honduras (twice), Mexico (3 times), Panama (twice), Paraguay (twice) and Uruguay. This initiative enables the Court to combine two objectives: on the one hand, to increase its judicial activities and, on the other, to disseminate the important work of the Inter-American Court in particular, and the inter-American system for the protection of human right in general. During 2018, one special session was held in San Salvador, El Salvador, from August 27 to 31, following the invitation of the Government of El Salvador, and with financial support from the Kingdom of Norway and the Heinrich Böll Stiftung Foundation.



SESSIONS OF THE I/A COURT AWAY FROM ITS SEAT From 2005-2018





IV. Contentious function

A. Cases submitted to the Court

During 2018, 18 new contentious cases were submitted to the Court's consideration:

1. Case of *López et al. v. Argentina*

On January 11, 2018, the Inter-American Commission submitted this case to the Court. It relates to the alleged violation of the rights to humane treatment and respect for dignity, that punishment should be aimed at reinsertion into society, to not suffering arbitrary interference in family life, and to protection of the family, to the detriment of Néstor Rolando López, Miguel Ángel Gonzalez Mendoza, Jose Heriberto Muñoz Zabala and Hugo Alberto Blanco. According to the Inter-American Commission on Human Rights, the presumed victims were convicted of crimes in the province of Neuquén and, after being deprived of liberty in that province, were transferred to other federal detention centers located between 800 and 2,000 kilometers from their circle of family and friends, from the judges in charge of enforcing the sentences and, in some cases, from their defense counsel.

2. Case of *Rodríguez Revolorio et al. v. Guatemala*

On January 26, 2018, the Inter-American Commission submitted this case to the Court. It relates to an alleged series of violations of due process presumably committed in the context of criminal proceedings against Miguel Ángel Rodríguez Revolorio, Miguel Ángel López Calo and Aníbal Archila Pérez for the crime of murder and attempted murder of members of Patrol 603 of the Guatemalan National Police. The victims were sentenced to death by the Fourth Criminal Court on May 23, 1996. In this regard, the Inter-American Commission on Human Rights determined that the State was responsible for violating the right of defense, as well as the obligation to provide the reasons for the judgment in relation to the presumption of innocence. The Commission also determined that the State had been responsible for violation of the right of appeal and the right to judicial protection, because the rejection of the special appeal had indicated that the purpose of this remedy was “exclusively to review the legal arguments” and that the punishment could not be reviewed. During the appeal process, it is presumed that there was no review of the facts either. The Commission also considered that the State had presumably violated the right to personal integrity of the presumed victims who had been held on “death row,” and had spent between 3 and 14 years awaiting execution while being held in inadequate detention conditions. Lastly, the Commission determined that the Guatemalan State had violated the right to life by imposing and executing the death penalty under proceedings during which numerous guarantees of due process had been violated.



3. Case of the Indigenous Communities of the Lhaka Honhat (Our Land) Association v. Argentina

On February 1, 2018, the Inter-American Commission submitted this case to the Court. It relates to the alleged violation of the right to property of the indigenous communities of the Lhaka Honhat (Our Land) Association owing to the alleged lack of effective access to the title deeds to their ancestral territory. The Inter-American Commission on Human Rights determined that the State had violated the right to property because, presumably, it had abstained from implementing the legally recognized rights of these communities. On this point, the Commission alleged that the State had thwarted their legitimate expectation that the provincial authorities would honor their commitments and allow the indigenous communities to access a collective property title. It also concluded that the State had violated the right to judicial guarantees and judicial protection owing to the inexistence of an effective procedure to access the ownership of their ancestral territory, and to the successive changes, on at least six occasions, in the administrative procedure applicable to indigenous territorial claims. The case also relates to the presumed disregard for the right to property of the indigenous communities, and their right of access to information, and to participate in matters that could affect them, because the State had carried out public works and had granted concessions for oil and gas exploration in the indigenous ancestral territory without complying with the requirements for authorizing expropriation procedures, ensuring that there was no impact on the subsistence of the indigenous community; conducting prior, free and informed consultations, and social and environmental impact assessments, and ensuring that the indigenous communities participated in the benefits derived from the concessions granted. Lastly, the Commission determined that the State had violated the right to property of the indigenous communities by presumably failing to take effective actions to control the deforestation of the indigenous territory by illegal loggers.

4. Case of Hernández v. Argentina

On February 8, 2018, the Inter-American Commission submitted this case to the Court. It relates to the presumed lack of access to health of José Luis Hernández, who allegedly contracted meningitis while deprived of liberty. The Inter-American Commission on Human Rights asserted that the State had violated the right to personal integrity and not to be subjected to cruel, inhuman or degrading treatment. The Commission also alleged that Mr. Hernández had not been provided with an effective remedy to protect his right to health. The State had also violated the presumed victim's right to personal liberty and to the presumption of innocence, because he was sentenced to obligatory pre-trial detention contrary to the inter-American standards, and because the presumed victim had been deprived of liberty for 18 months in a police station. Lastly, the Commission alleged a presumed violation of the right to personal integrity to the detriment of Mr. Hernández' mother.



5. Case of Gorigoitia v. Argentina

On March 16, 2018, the Inter-American Commission submitted this case to the Court. It relates to the presumed inexistence of an ordinary remedy that would permit the comprehensive review of a sentence convicting Oscar Raúl Gorigoitia in criminal proceedings in the province of Mendoza, Argentina, in 1997. The Commission alleged that Mr. Gorigoitia was unable to file and appeal before a higher-ranking authority for a full review of the judgment, including factual matters and an evaluation of the evidence provided by the defense counsel through a cassation procedure. Consequently, the Commission concluded that the Argentine State had presumably violated Mr. Gorigoitia's right to appeal his sentence. The Commission also indicated that, as a result of the limited nature of the cassation appeal and the special appeal, the presumed victim had been unable to access simple and effective judicial remedies during the criminal proceedings that culminated in his conviction.

6. Case of Carranza Alarcón et al. v. Ecuador

On March 29, 2018, the Inter-American Commission submitted this case to the Court. It relates to the alleged unlawful and arbitrary detention of Ramón Rosendo Carranza Alarcón by State agents in November 1994, as well as to his presumed unreasonably long preventive detention during the criminal investigation and prosecution for murder. The Commission considered it proved that Mr. Carranza Alarcón had been in pre-trial detention from November 1994 to December 1998 when his sentence became final. The Commission concluded that, both the applicable law and the decisions taken based on that law, were arbitrary and, therefore, incompatible with the American Convention. Regarding the length of Mr. Carranza's preventive detention, the Commission considered that the period of more than four years exceeded the criteria for reasonableness. Lastly, the Commission concluded that the Ecuadorian State had violated Mr. Carranza's right to be tried within a reasonable time, because the criminal proceedings had continued for five years and four months.

7. Case of Montesinos Mejía v. Ecuador

On April 18, 2018, the Inter-American Commission submitted this case to the Court. It relates to the alleged unlawful and arbitrary detention of Mario Montesinos Mejía by police agents in 1992, the presumed acts of torture committed against him, and also the alleged lack of judicial guarantees in the criminal proceedings against him. The Commission alleged that he had been detained without a warrant and without being found *in flagrante* pursuant to domestic law; that he had been kept in preventive detention for at least six years which was unreasonable and without any justification under the Convention, and that the remedy of *habeas corpus*, as it was regulated at the time of the facts in Ecuador, did not meet the requirements of the American Convention on Human Rights. Furthermore, in this case, even though the Constitutional Rights Court had upheld his appeal, the prison authorities had failed to comply with that court's decision for a long time. Additionally, considering the State's



serious failure to perform a thorough and complete medical examination of Mr. Montesinos, including at the time he was transferred from one detention center to another, as well as the alleged absence of an investigation into his reports of torture, the Commission considered that Mr. Montesinos Mejía had been subjected, at the very least, to cruel, inhuman or degrading treatment during the initial stage of his detention. Lastly, the Commission indicated that the criminal proceedings instituted against Mr. Montesinos had violated judicial guarantees because: (i) the court had not complied with the rule of exclusion of evidence obtained under duress; (ii) he had not been provided with a technical defense during his initial pre-trial statement or during subsequent statements when he was suspected of having committed an offense; (iii) the principle of the presumption of innocence had been breached, and (iv) the three criminal trials lasted more than six years, which constituted an unreasonable length of time.

8. Case of Valenzuela Ávila *et al.* v. Guatemala

On May 10, 2018, the Inter-American Commission submitted this case to the Court. It relates to an alleged series of violations of due process committed during the criminal proceedings against Tirso Román Valenzuela Ávila for the crime of murder, which culminated in the death penalty, as well as the alleged acts of torture committed at the time of his detention, when he had been recaptured following two escapes in 1998 and 2001. In addition, it relates to the presumed extrajudicial execution of Mr. Valenzuela following a third escape in 2005. The Commission alleged that the State of Guatemala had presumably violated Mr. Valenzuela's rights to life, personal integrity, judicial guarantees, the principle of legality, and judicial protection. In addition, the Commission considered that the Guatemalan State was responsible for violating the right to personal integrity, judicial guarantees and judicial protection of Mr. Valenzuela's next of kin.

9. Case of Trueba Arciniega *et al.* v. Mexico

On April 28, 2018, the Inter-American Commission submitted this case to the Court. It relates to the presumed extrajudicial execution of the young Mirey Trueba Arciniega on August 22, 1998, by members of the Army in the state of Chihuahua. It should be noted that the Mexican State accepted the contentious jurisdiction of the Inter-American Court of Human Rights on December 16, 1998. According to the Inter-American Commission, the State had violated the rights to judicial guarantees and judicial protection owing to the use of military criminal justice to investigate these facts, and was responsible for not employing due diligence in the investigations. The Commission also concluded that the Mexican State continued to incur international responsibility owing to the failure to conduct an investigation in the ordinary jurisdiction.



10. Case of Romero Feris v. Argentina

On June 20, 2018, the Inter-American Commission submitted this case to the Court. It relates to the presumed unlawful and arbitrary detention of Raúl Rolando Romero Feris, in Argentina, in 1999, as well as to presumed violations of due process in criminal proceedings against him. The Commission considered that Mr. Romero Feris had been deprived of his liberty for and additional five months following the extension of his pre-trial detention. Consequently, it alleged that the duration of his pre-trial detention had not respected the time limit established in the applicable law and had been arbitrary and violated the principle of the presumption of innocence. The Commission also alleged that the decision on the request for the release of Mr. Romero Feris had not been an effective remedy to challenge his deprivation of liberty. In addition, the Commission concluded that, throughout the criminal proceedings against Mr. Romero Feris, his defense counsel had filed a series of challenges, under different appeals, regarding his right to be tried by a competent, independent and impartial authority. Despite this, the appeals had presumably been rejected on the grounds that either cited the law generically, or argued that the issue could not be examined by the respective appeal.

11. Case of Officials and Members of the Patriotic Union (UP) v. Colombia

On June 13, 2018, for the first time in the Court's history, the Colombian State submitted a case to the Court, pursuant to Articles 51 and 61 of the American Convention on Human Rights. Thus, on June 29, 2019, the Inter-American Commission submitted this case to the Court. It relates to the alleged successive and egregious human rights violations perpetrated against more than 6,000 victims who were members or activists of the political party, Patriotic Union (UP), in Colombia, starting in 1984 and continuing for more than 20 years. These acts were described as extermination in the Commission's Merits Report which established that they were of an unprecedented scale and severity. The facts involved enforced disappearances, threats, harassment, forced displacements and attempted homicide against UP members and activists, presumably perpetrated by both State agents, and non-State agents with the alleged tolerance and acquiescence of the former. Consequently, the Commission determined the presumed responsibility of the State for violating the obligation to respect and ensure rights. The State only acknowledged its international responsibility for failing to comply with the obligation to ensure rights by protecting them, because it had failed to prevent the murders and the other acts of violence against UP members, despite the evidence of their persistent persecution

In addition, the Commission determined that some victims in the case had been subjected to unjustified criminalization or an arbitrary use of criminal law and, in several instances, to torture. It therefore concluded that the State had violated the rights to personal liberty, judicial guarantees, honor and dignity, and judicial protection. It also concluded that the State had violated political rights, freedom of thought and expression, freedom of association, and the principle of equality and non-



discrimination, because the reason for the gross human rights violations, and the extermination and persecution of the presumed victims, was that they belonged to a political party and expressed their ideas through that party. The Commission also considered that the victims in this case had been stigmatized constantly in statements by public officials and non-State actors, and had even been branded as terrorists or FARC's political wing, and that this stigmatization had influenced the serious violence that had been unleashed against them. It therefore determined that the State had violated their right to honor and dignity.

Regarding the investigation into the events of this case, the Commission determined that the investigations conducted by the State had been insufficient and had failed to go beyond the initial stages. The investigations had failed to clarify who was responsible for the extermination of the UP members and activists for the benefit of the survivors, the next of kin of those who died, and Colombian society as a whole. It therefore concluded that the State had violated the right to judicial guarantees and judicial protection. Lastly, the Commission concluded that the State had violated the right to integrity of the next of kin of the presumed victims in this case, taking into account the scale and severity of the violations and the impact that the violations had had on them.

12. Case of Vicente Ariel Noguera *et al.* v. Paraguay

On July 2, 2018, the Inter-American Commission submitted this case to the Court. It relates to the death of Vicente Ariel Noguera, a 17-years old recruit who had enlisted in voluntary military service, on January 11, 1996. The Commission determined that the Paraguayan State had not provided a satisfactory explanation for the death of this adolescent who was allegedly in its custody and, therefore, it had not disproved the numerous and consistent indications of its international responsibility for the victim's death as a result of allegedly subjecting him to excessive physical exercises as a form of punishment ordered by his superiors. The death of corporal Noguera was investigated in proceedings under the military jurisdiction which concluded with a dismissal of the case declaring that his death was due to a generalized pulmonary infection (October 22, 1997). Moreover, the proceedings in the ordinary jurisdiction were archived due to inactivity (November 6, 2002).

13. Case of Petro Urrego v. Colombia

On July 2, 2018, the Inter-American Commission submitted this case to the Court. It relates to the alleged human rights violations committed during the disciplinary proceedings that culminated in the removal of Gustavo Francisco Petro Urrego as Mayor of Bogotá, Colombia. According to the Inter-American Commission, on December 9, 2013, the Attorney General imposed the sanctions of dismissal and general prohibition to exercise public office for 15 years on Mr. Petro. The Commission concluded that these sanctions had violated his political rights because, pursuant to the American



Convention on Human Rights, both sanctions should have been imposed by a criminal judicial authority in a final judgment. Thus, the Commission indicated that, using administrative channels to impose this type of sanction could affect the rules of democracy because, in principle, it is for the electorate to decide the aptness of candidates by means of passive suffrage. The Commission also concluded that, during the proceedings, the guarantee of impartiality in relation to the principle of presumption of innocence had been affected, because the authority that had filed the charges was the same one that decided the disciplinary responsibility. It also considered that the right to appeal the decision had been violated, because the appeal for reconsideration filed by Mr. Petro had been decided by the same authority that had ordered the sanction. Furthermore, the Commission considered that the guarantee of a reasonable time and the right to judicial protection had been violated because, apparently, after the appeal for reconsideration had been denied on March 31, 2014, Mr. Petro filed an action for nullification and reinstatement that had not been decided at the time the Commission adopted its Merits Report; that is, after three years and 6 months. Lastly, the Commission concluded that the right to equality before the law and judicial protection had been violated, taking into account that, during the disciplinary proceedings, Mr. Petro had argued that the grounds for the actions filed against him had been discriminatory as revealed by the sanction of December 9, 2013. Despite this, when filing the appeal for reconsideration, evidence offered on December 31 that year to prove this alleged concealed objective had been rejected, with the argument that the appropriate procedural moment to present evidence had precluded.

14. Case of Rojas Marín *et al.* v. Peru

On August 22, 2018, the Inter-American Commission submitted this case to the Court. It relates to the alleged unlawful, arbitrary and discriminatory deprivation of liberty of Azul Rojas Marín on February 25, 2008, allegedly for identification purposes. The Commission determined that, although Peruvian law provided for the possibility of retention for identification purposes in certain circumstances, this provision imposed a number of formal and substantive requirements that had not been met in this case. In addition, the Commission pointed out that there are no elements in the case that would justify the detention based on the possible prevention of a crime; rather, to the contrary, the deprivation of liberty was based on subjective assessments that were unrelated this purpose.

The Commission also considered that the existence of gross acts of physical violence against Azul Rojas Marín, including various forms of sexual violence and rape had been proved. The Commission found that there was sufficient evidence to consider that, owing to the nature and manner in which this violence was perpetrated, there had been special cruelty based on the identification or perception of Ms. Rojas as a gay man at that time. The Commission considered that what happened to the victim should be understood as violence based on prejudice and that elements constituting torture were also present.



Lastly, the Commission concluded that the facts of the case remain in impunity owing to a series of factors, including the failure to comply with the duty to investigate with due diligence from the initial stages of the investigation. In addition, it determined that throughout the investigation, the presumed victim had been disparaged and his credibility questioned so that she was revictimized by the authorities who obtained evidence, and also in the context of the decision that led to the dismissal of the case. The Commission considered that the State had failed to comply with the obligation of providing care and protection to a person who denounces sexual violence, with the aggravating factor of the prejudice that existed with regard to LGBT people. The Commission also determined that the rights of Azul Rojas Marín's mother had been violated.

15. Case of Valle Ambrosio *et al.* v. Argentina

On September 4, 2018, the Inter-American Commission submitted this case to the Court. It relates to the presumed violation of the right to appeal a ruling and to judicial protection pursuant to Articles 8 and 25 of the American Convention on Human Rights, to the detriment of Julio César Ramón del Valle Ambrosio and Carlos Eduardo Domínguez Linares because, in December 1997, the Ninth Criminal Chamber of Cordoba declared that they were accessories to the offense of fraud and sentenced each of them to three years and six months in prison. Their defense lawyers filed motions for cassation, which were declared inadmissible without being analyzed in depth. The Commission considered that the rulings on these appeals were based on a judicial practice of restrictive interpretation of the law and that, since this was the only remedy against the trial court conviction, Mr. Del Valle Ambrosio and Mr. Domínguez Linares had not been granted a comprehensive review before a superior authority, including of questions relating to facts and assessment of the evidence provided by the defense during the said appeals. The Commission noted that the special appeals filed had also been declared inadmissible and concluded that the Argentine State had violated the right of appeal, to the detriment of the two victims. The Commission also concluded that, as a result of the restricted nature of the remedy of cassation and the even more restricted nature of the special appeal, the victims had not had access to simple and effective judicial remedies in the criminal proceedings that culminated in their convictions.

16. Case of Employees of the Fireworks Factory in Santo Antônio de Jesus *et al.* v. Brazil

On September 19, 2018, the Inter-American Commission submitted this case to the Court. It relates to the presumed international responsibility of the State of Brazil for the alleged violation of the right to life of 64 persons and to the right to personal integrity of 6 individuals, as a result of the explosion in a fireworks factory on December 11, 1998. 22 of these people were children. According to the Commission, the State was aware that dangerous industrial activities were carried out at the factory and, therefore, should have inspected and monitored it. The Commission indicated that the State should have known that one of the worst forms of child labor presumably existed in the factory and



also that, presumably, serious irregularities were being committed that involved a high risk and imminent danger to the life, personal integrity and health of the workers. The case also relates to the alleged violation of the right to work and the principle and equality and non-discrimination because, presumably, at the time of the incident, the manufacture of fireworks was the main and even, apparently, the only employment option for the town's inhabitants, who, in view of their extreme poverty, had no other alternative than to accept high-risk, low-paid work without adequate safety measures. In addition, the case relates to the alleged violation of the rights to judicial guarantees and judicial protection taking into account that the State had apparently failed to guarantee access to justice, through civil, criminal and labor proceedings, to investigate and establish the truth about the events, punish those responsible, and redress the consequences.

17. Case of Flores Bedregal *et al.* v. Bolivia

On October 18, 2018, the Inter-American Commission submitted this case to the Court. It relates to the presumed forced disappearance of Juan Carlos Flores Bedregal, leader of the Revolutionary Workers' Party and member of the Legislative Assembly, and the impunity in which the facts remain. His disappearance began in the context of the July 1980 coup d'état by military forces. The Commission determined that, although proceedings were instituted that culminated in convictions, to date what happened to the victim has not been fully clarified, including the whereabouts of his remains, as a result of numerous cover-up mechanisms. In this regard, the Commission established that the existence of evidence regarding Mr. Flores Bedregal's death did not alter the legal classification of forced disappearance, because 38 years after his disappearance, his next of kin had no information or access to his mortal remains in order to be certain of his fate. The Commission also determined that neither the trial proceedings that ended in 1993, nor the conviction handed down in 2007, had been effective remedies to clarify the truth about what happened to Mr. Flores Bedregal. Lastly, the Commission concluded that, to date, the Bolivian State had not complied with its obligation to obtain, produce, analyze, classify and organize the military archives related to the egregious human rights violations of the recent past, and to facilitate access to them by society as a whole, and this had had a direct impact on the way in which the State had responded to the specific requests of Juan Carlos Flores Bedregal's next of kin.

18. Case of Fernández Prieto *et al.* v. Argentina

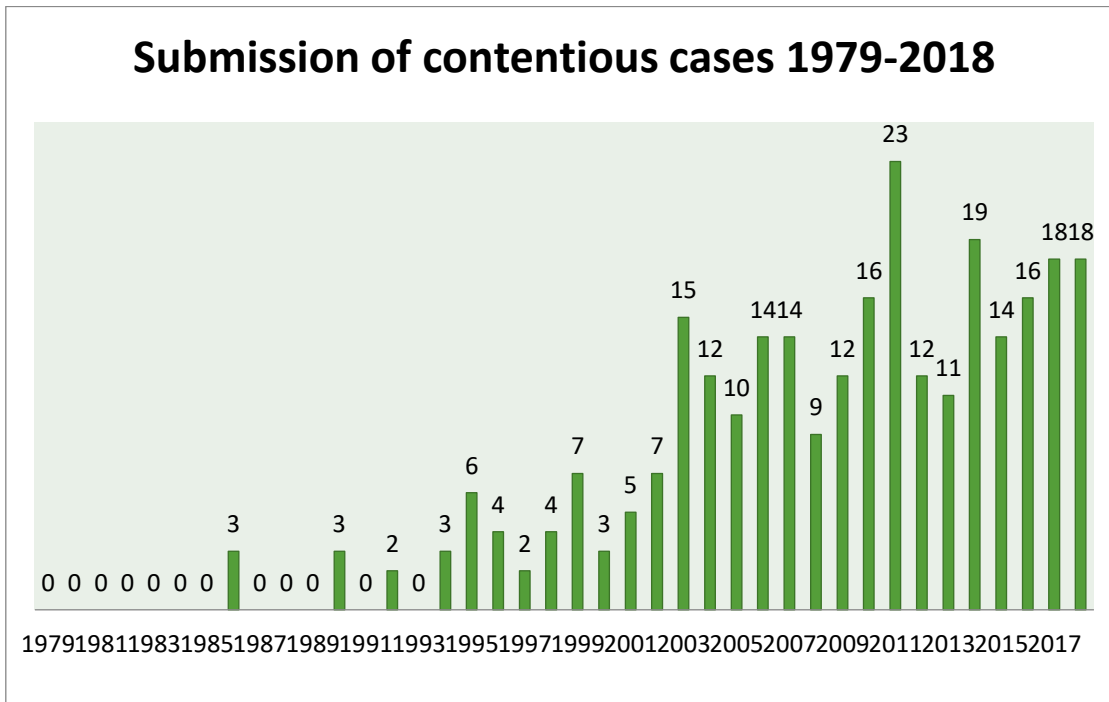
On November 13, 2018, the Inter-American Commission submitted this case to the Court. It relates to the presumed unlawful and arbitrary detention of Carlos Alberto Fernández Prieto in May 1992 and Carlos Alejandro Tumbeiro in January 1998 by agents of the Buenos Aires Police Force. The Inter-American Commission concluded that the detentions had been carried out without a warrant and the detainees had not been caught *in flagrante*. In addition, in neither case did the police records establish the objective factors that gave rise to a reasonable degree of suspicion that an offense had been committed.



The Commission indicated that, in the case of Carlos Alberto Fernández Prieto, no explanation whatsoever had been provided while, in the case of Carlos Alejandro Tumbeiro, the explanation entailed an alleged “nervousness” and “inconsistency” between the clothing he was wearing and the objects he was carrying and the area in which he was detained, arguments that were insufficient to justify the suspicion that he had committed a crime.

In addition, the Commission concluded that the justification for the detentions revealed discrimination based on appearance. Consequently, it established that the arrests and searches in question had failed to comply with the standard of lawfulness and non-arbitrariness, and that the authorities had not provided effective remedies for this situation, because they not only proceeded based merely on suspicion, but had also accepted as legitimate the reasons given by the police officers. The Commission considered that Argentina was presumably responsible for the violation of the rights to personal liberty, judicial guarantees, honor and dignity, and judicial protection, established in Articles 7, 8 and 25 of the American Convention, to the detriment of Carlos Alberto Fernández Prieto and Carlos Alejandro Tumbeiro.

As can be seen in the following table, in 2018, the Inter-American Commission submitted 18 cases.





B. Hearings

In 2018, nine public hearings on contentious cases were held. During these hearings the oral testimony was heard of 11 presumed victims, 3 witnesses, 11 expert witnesses, and 3 deponents providing information, for a total of 28 statements.

Hearings are livestreamed on the Court's website: <http://www.corteidh.or.cr> and <https://livestream.com/accounts/1404510>. They can also be found at the following link: <http://www.corteidh.or.cr>

C. Judgments

During 2018, the Court delivered 28 judgments, divided into 21 judgments on preliminary objections, merits, reparations and costs, and 7 interpretation judgments.

All the judgments can be found on the Court's website [here](#).

1. Judgments in contentious cases

1.1. Case of the Xucuru Indigenous People and its members v. Brazil. Preliminary objections, merits, reparations and costs. Judgment of February 5, 2018.

Summary: This case was submitted by the Inter-American Commission on March 16, 2016, and relates to the violation of the right to collective ownership of property of the Xucuru indigenous people.

Ruling: The Court declared the Brazilian State internationally responsible for violating the right to the judicial guarantee of a reasonable time, as well as the rights to judicial protection and to collective property ownership of the Xucuru indigenous people and its members. However, the Court considered that the State was not responsible for violating the obligation to adopt provisions of domestic law, or the right to personal integrity.

The judgment can be found [here](#) and the official summary [here](#).

1.2. Case of San Miguel Sosa *et al.* v. Venezuela. Merits, reparations and costs. Judgment of February 8, 2018.

Summary: This case was submitted by the Inter-American Commission on March 8, 2016, and relates to the arbitrary dismissal of Rocío San Miguel Sosa, Magally Chang Girón and Thais Coromoto Peña from their respective public posts on the National Borders Council on March 12, 2004, after they had signed the petition to conduct a recall referendum on the mandate of the President at the time, Hugo Chávez Frías.



Ruling: The Court declared that the State of Venezuela was responsible for violating the rights to participate in politics and to freedom of thought and expression, in relation to the principle of non-discrimination of Rocío San Miguel Sosa, Magally Chang Girón and Thais Coromoto Peña. The Court also concluded that the State was responsible to failing to comply with its obligation to ensure the rights of access to justice and to an effective remedy to protect the rights of the victims and, owing to the arbitrary dismissal, for violating their right to work.

The judgment can be found [here](#) and the official summary [here](#).

1.3. Case of Poblete Vilches *et al.* v. Chile. Merits, reparations and costs. Judgment of March 8, 2018.

Summary: This case was submitted by the Inter-American Commission on August 26, 2016, and relates to the death of Vinicio Antonio Poblete Vilches, an older person, following two internments in a Chilean public hospital.

Ruling: The Court declared the international responsibility of the Chilean State for failing to ensure the right to health of Vinicio Antonio Poblete Vilches, without discrimination, by providing the basic and urgent services required by his special situation of vulnerability as an older person, and owing to the suffering arising from the lack of care for the patient. It also declared that the State had violated the right to obtain informed consent by substitution, and the right to access to information on health care to the detriment of Mr. Poblete and his next of kin, as well as the rights of access to justice and to personal integrity to the detriment of Mr. Poblete's next of kin.

The judgment can be found [here](#) and the official summary [here](#).

1.4. Case of V.R.P. and V.P.C. *et al.* v. Nicaragua. Preliminary objections, merits, reparations and costs. Judgment of March 8, 2018.

Summary: This case was submitted by the Inter-American Commission on August 25, 2016, and relates to the absence of a State response to the rape and sexual abuse perpetrated against a child, who was nine years of age at the time, supposedly by her father.

Ruling: The Court declared that the State of Nicaragua was internationally responsible for violating the prohibition of cruel, inhuman or degrading treatment, and the rights to personal integrity, judicial guarantees, private and family life, protection of the family and the home, and judicial protection to the detriment of V.R.P and her family members.

The judgment can be found [here](#) and the official summary [here](#).



1.5. Case of Ramírez Escobar *et al.* v. Guatemala. Merits, reparations and costs. Judgment of March 9, 2018.

Summary: This case was submitted by the Inter-American Commission on February 12, 2016, and relates to the violations that took place in the international adoption proceeding by notary of the children Osmín Ricardo Tobar Ramírez and J.R.

Ruling: The Court declared that the State of Guatemala was internationally responsible for the arbitrary separation of the family, in violation of the prohibition of arbitrary interference in family life, the right to protection of the family, judicial guarantees, the right to judicial protection and the prohibition of discrimination to the detriment of Flor de María Ramírez Escobar, Gustavo Tobar Fajardo and Osmín Tobar Ramírez. The Court also declared the State responsible for violating the right to personal integrity of the victims, for the absence of an investigation into the irregularities committed in the process of family separation, and for violating the rights to personal freedom, identity and name of Osmín Tobar Ramírez.

The judgment can be found [here](#) and the official summary [here](#).

1.6. Case of Carvajal Carvajal *et al.* v. Colombia. Merits, reparations and costs. Judgment of March 13, 2018.

Summary: This case was submitted by the Inter-American Commission on October 22, 2015, and relates to the murder of the journalist, Nelson Carvajal Carvajal, based on the exercise of his profession, and the absence of a serious, diligent and prompt investigation into the incident, as well as threats and harassment of the journalist's family members.

Ruling: The Court declared the State of Colombia internationally responsible for the death of the journalist, Nelson Carvajal Carvajal and for failing to comply with the obligation to ensure his right to freedom of expression, and violating the right to judicial guarantees based on the investigations into this action, for the violation of the right to personal integrity and protection of the family of the direct victim's next of kin, and the right to freedom of movement and residence of some of Nelson Carvajal's family members who were forced to leave their usual place of residence and displace owing to the danger they faced and the fear they felt.

The judgment can be found [here](#) and the official summary [here](#).



1.7. Case of Herzog *et al.* v. Brazil. Preliminary objections, merits, reparations and costs. Judgment of March 15, 2018.

Summary: This case was submitted by the Inter-American Commission on April 22, 2016, and relates to the situation of impunity of the arbitrary detention, torture and death of the journalist, Vladimir Herzog on October 25, 1975, during the military dictatorship in Brazil.

Ruling: The Court declared that the State of Brazil was responsible for the violation of the rights to judicial guarantees and judicial protection as a result of the failure to investigate, prosecute and punish those responsible for the torture and murder of Vladimir Herzog perpetrated in a context of systematic and generalized attacks on the civilian population, and also for the application of Amnesty Law No. 6683/79 and other grounds for excluding responsibility prohibited by international law in cases of crimes against humanity. In addition, the Court considered that the State was responsible for violating the right to know the truth, because the violations committed in this case had not been clarified by the courts, and the corresponding individual responsibilities had not been identified with regard to the torture and murder of Vladimir Herzog. Likewise, it considered that the State was responsible for violating the right to personal integrity. All these violations were to the detriment of Zora Herzog, Clarice Herzog, Ivo Herzog and André Herzog, Mr. Herzog's mother, wife and sons.

The judgment can be found [here](#) and the official summary [here](#).

1.8. Case of Amrhein *et al.* v. Costa Rica. Preliminary objections, merits, reparations and costs. Judgment of April 25, 2018.

Summary: This case was submitted by the Inter-American Commission on November 28, 2014, and relates to the appeals filed for a comprehensive review of the criminal convictions imposed on 17 persons.

Ruling: The Court declared that the State of Costa Rica was internationally responsible for violating the right to personal liberty of Jorge Martínez Meléndez. It also considered that the State had not violated the rights to appeal a judgment, an impartial judge, the presumption of innocence, a trial within a reasonable time, a defense counsel, to appeal the legality of detention, and to personal integrity.

The judgment can be found [here](#) and the official summary [here](#).

1.9. Case of Munárriz Escobar *et al.* v. Peru. Preliminary objection, merits reparations and costs. Judgment of August 20, 2018.

Summary: This case was submitted by the Inter-American Commission on June 9, 2017, and relates to the forced disappearance of Walter Munárriz Escobar since March 20, 1999, after he was arrested



in the Hospedaje Los Manolos by police agents and taken to the Lircay Police Station where he was deprived of his liberty.

Ruling: The Court declared the international responsibility of the State of Peru for the forced disappearance of Walter Munárriz Escobar; the violation of the rights to judicial guarantees and judicial protection of Walter Munárriz Escobar, Gladys Escobar Candiotti, Eric Munárriz Escobar, Gladys Munárriz Escobar, Amparo Munárriz Escobar, Junior Munárriz Escobar and Alain Munárriz Escobar, and for the violation of the right to personal integrity of Gladys Escobar Candiotti, Eric Munárriz Escobar, Gladys Munárriz Escobar, Amparo Munárriz Escobar, Junior Munárriz Escobar and Alain Munárriz Escobar.

The judgment can be found [here](#) and the official summary [here](#).

1.10. Case of Coc Max *et al.* (Xamán Massacre) *v.* Guatemala. Merits, reparations and costs. Judgment of August 22, 2018.

Summary: This case was submitted by the Inter-American Commission on September 21, 2016, and relates to the massacre perpetrated by members of the Guatemalan Armed Forces on October 5, 1995, of 11 persons, including three children, who were members of the q'eqchi', mam, q'anojb'al and ixil and k'iche indigenous population that occupied the Xamán property after they had taken refuge in Mexico as a result of the egregious human rights violations committed during the internal armed conflict. During the same incident, 29 persons were injured, three of whom died subsequently as a result of their injuries.

Ruling: The Court declared that the State of Guatemala was internationally responsible for the death of 11 persons, including one girl and two boys, and the injury of another 29 individuals, in the context of the so-called "Xamán Massacre" on October 5, 1995. The Court also declared that the State was responsible for the violation of the right to personal integrity of the victims' next of kin. The victims were members of the q'eqchi', mam, q'anojb'al and ixil and k'iche indigenous population that, in 1994, had established the "Aurora 8 de octubre" Community that occupied the Xamán property. The acts were perpetrated by members of the Armed Forces of the Republic of Guatemala. Although 14 soldiers were convicted, 11 remain at large. The Court also determined that the rights to judicial guarantees and judicial protection had been violated.

The judgment can be found [here](#) and the official summary [here](#).

1.11. Case of Cuscul Pivaral *et al.* *v.* Guatemala. Preliminary objection, merits reparations and costs. Judgment of August 23, 2018.



Summary: This case was submitted by the Inter-American Commission on December 2, 2016, and relates to the State's international responsibility for the violation of various rights established in the American Convention of 49 victims who were diagnosed with HIV/AIDS between 1992 and 2003.

Ruling: The Court declared that the State of Guatemala was internationally responsible for violating the rights to health, life, personal integrity, judicial guarantees and judicial protection of several individuals who live or were living with HIV. The Court also determined that the State had committed gender-based discriminatory actions against two pregnant women. Furthermore, for the first time, it established the State's responsibility for violating the principle of progressivity, because Guatemala had failed to comply with its obligation to develop the right to health progressively.

The judgment can be found [here](#) and the official summary [here](#).

1.12. Case of Terrones Silva *et al.* v. Peru. Preliminary objections, merits, reparations and costs. Judgment of September 26, 2018.

Summary: This case was submitted by the Inter-American Commission on November 9, 2016, and relates to the forced disappearance of Wilfreda Terrones Silva (since August 26, 1992), Teresa Díaz Aparicio (since August 19 1992), Santiago Antezana Cueto (since May 6, 1984), Nestor Rojas Medina (since January 26, 1991) and Cory Clodolia Tenicela Tello (since October 2, 1992).

Ruling: The Court declared that the State of Peru was internationally responsible for the forced disappearance of Wilfredo Terrones Silva, Teresa Díaz Aparicio, Néstor Rojas Medina and Cory Clodolia Tenicela Tello, and also for the forced disappearance and torture suffered by Santiago Antezana Cueto. In addition, the Court concluded that Peru had violated judicial guarantees and judicial protection, because the investigations were not initiated *ex officio*, or conducted with due diligence, within a reasonable time, to identify, prosecute and punish, as appropriate, all those responsible for these acts, and to determine the whereabouts of the said persons. The Court found that the State had failed to exercise diligence in the execution of the criminal conviction handed down against one of individuals responsible for the forced disappearance of Santiago Antezana Cueto, and did not undertake an investigation into the torture he had suffered. The Court also found that the State was responsible for violating the right to know the truth. Lastly, the Court determined that the State had violated the right to personal integrity of the next of kin, owing to the harm caused by these events.

The judgment can be found [here](#) and the official summary [here](#).

1.13. Case of Escaleras Mejía *et al.* v. Honduras. Judgment of September 26, 2018.

Summary: This case was submitted by the Inter-American Commission on September 22, 2017, and relates to the international responsibility of the State of Honduras for the death of the environmentalist, Carlos Escaleras Mejía, on October 18, 1997, and the situation of impunity that persisted.



Ruling: The Inter-American Court of Human Rights endorsed and granted full legal effects to the friendly settlement agreement reached by the State and the representatives of Mr. Escaleras Mejía's family. In its judgment, the Court found the State of Honduras responsible for the death of the environmentalist, Carlos Escaleras Mejía, and also for the situation of partial impunity that persisted. The Court also declared that the State was responsible for violating the political rights and right to freedom of association of Mr. Escaleras Mejía, as well as the right to personal integrity of his family members.

The judgment can be found [here](#) and the official summary [here](#).

1.14. Case of López Soto *et al.* v. Venezuela. Merits, reparations and costs. Judgment of September 26, 2018.

Summary: This case was submitted by the Inter-American Commission on November 2, 2016, and relates to the international responsibility of the State of Venezuela for the serious harm to the personal integrity, personal liberty, privacy, dignity and autonomy, and right to live free of violence and discrimination suffered by Linda Loaiza López Soto, who was 19 years of age at the time, between March 27 and July 19, 2001, when she was deprived of her liberty against her will by a third party.

Ruling: The Court declared the international responsibility of the State of Venezuela for the acts of torture and sexual violence suffered by Linda Loaiza López Soto, in violation of various provisions of the American Convention on Human Rights, the Inter-American Convention to Prevent and Punish Torture, and the Inter-American Convention for the Prevention, Punishment and Eradication of Violence against Women "Convention of Belém do Pará."

The judgment can be found [here](#) and the official summary [here](#).

1.15. Case of Villamizar Durán *et al.* v. Colombia. Preliminary objection, merits reparations and costs. Judgment of November 20, 2018.

Summary: This case was submitted by the Inter-American Commission on April 14, 2016, and relates to the extrajudicial execution of Gustavo Giraldo Villamizar Duran, on August 11, 1996; Elio Gelves Carrillo, on May 28, 1997; Carlos Arturo Uva Velandia, on June 21, 1992, and Wilfredo Quiñónez Bárcenas, José Gregorio Romero Reyes and Albeiro Ramírez Jorge, on September 4, 1995. These events occurred in the context of the so called "false positives."

Ruling: The Court declared that the State of Colombia was internationally responsible for the death of Gustavo Giraldo Villamizar Duran, Elio Gelves Carrillo, Carlos Arturo Uva Velandia, Wilfredo Quiñónez Bárcenas, José Gregorio Romero Reyes and Albeiro Ramírez Jorge at the hands of members of the Colombian Armed Forces in the departments of Arauca, Santander and Casanare between 1992 and 1997.



The judgment can be found [here](#) and the official summary [here](#).

1.16. Case of Isaza Uribe *et al.* v. Colombia. Merits, reparations and costs. Judgment of November 20, 2018.

Summary: This case was submitted by the Inter-American Commission on April 3, 2016, and relates to the forced disappearance of Víctor Manuel Isaza Uribe since November 19, 1987, while in preventive detention in the Puerto Nare Prison, Antioquia. Mr. Isaza Uribe was a member of the United Workers' Union of the Construction Materials Industry (SUTIMAC) and a supporter of the Patriotic Union (UP) political party.

Ruling: The Court, taking into consideration the State's acknowledgement of responsibility and having examined the case, found that Colombia was internationally responsible for the forced disappearance of Víctor Manuel Isaza Uribe.

The judgment can be found [here](#) and the official summary [here](#).

1.17. Case of Omeara Carrascal *et al.* v. Colombia. Merits, reparations and costs. Judgment of November 21, 2018

Summary: This case was submitted by the Inter-American Commission on May 21, 2016, and relates to a series of serious violations of the human rights of three members of the same family.

Ruling: The Court, taking into consideration the State's partial acknowledgement of responsibility and having examined the case, declared that the State of Colombia was internationally responsible for: (i) violation of the rights to life and personal integrity of Noel Emiro Omeara Carrascal and Héctor Álvarez Sánchez, owing to the attacks they suffered and their subsequent death; (ii) the forced disappearance and subsequent execution of Manuel Guillermo Omeara Miraval; (iii) violation of judicial guarantees and judicial protection to the detriment of Noel Emiro Omeara Carrascal, Manuel Guillermo Omeara Miraval, Héctor Álvarez Sánchez, and their family members; (iv) violation of the rights to persona integrity, protection of the family, and the rights of the child to the detriment of the next of kin of Messrs. Omeara Carrascal, Omeara Miraval and Álvarez Sánchez, owing to the profound pain and suffering arising from the facts, and (v) violation of the right to freedom of movement and residence of Carmen Teresa Omeara Miraval and Fabiola Álvarez Solano and her three children.

The judgment can be found [here](#) and the official summary [here](#).



1.18. Case of Women Victims of Sexual Torture in Atenco v. Mexico. Preliminary objection, merits reparations and costs. Judgment of November 28, 2018⁶³

Summary: This case was submitted by the Inter-American Commission on September 17, 2016, and relates to a series of violations of the American Convention on Human Rights, the Inter-American Convention to Prevent and Punish Torture, and the Inter-American Convention for the Prevention, Punishment and Eradication of Violence against Women presumably committed against Mariana Selvas Gómez, Georgina Edith Rosales Gutiérrez, María Patricia Romero Hernández, Norma Aidé Jiménez Osorio, Claudia Hernández Martínez, Bárbara Italia Méndez Moreno, Ana María Velasco Rodríguez, Yolanda Muñoz Diosdada, Cristina Sánchez Hernández, Angélica Patricia Torres Linares and Suhelen Gabriela Cuevas Jaramillo, during the arrests and transfers carried out during police operations in the municipalities of Texcoco and San Salvador Atenco on May 3 and 4, 2006, respectively, in the context of conflicts and protects by flower growers and other groups.

Ruling: The Court declared that the United Mexican States were internationally responsible for the sexual violence, rape and torture suffered by Yolanda Muñoz Diosdada, Norma Aidé Jiménez Osorio, María Patricia Romero Hernández, Mariana Selvas Gómez, Georgina Edith Rosales Gutiérrez, Ana María Velasco Rodríguez, Suhelen Gabriela Cuevas Jaramillo, Bárbara Italia Méndez Moreno, María Cristina Sánchez Hernández, Patricia Torres Linares and Claudia Hernández Martínez during their arrest and subsequent transfer to the “Santiaguito” Social Rehabilitation Center on May 3 and 4, 2006.

The judgment can be found [here](#) and the official summary [here](#).

1.19. Case of Alvarado Espinoza *et al.* v. Mexico. Merits, reparations and costs. Judgment of November 28, 2018.

Summary: This case was submitted by the Inter-American Commission on November 9, 2016, and relates to the forced disappearance of Nitza Paola Alvarado Espinoza, José Ángel Alvarado and Rocío Irene Alvarado Reyes, at the hands of State agents in the Ejido Benito Juárez, in the state of Chihuahua, Mexico, since December 29, 2009.

Ruling: The Court declared that the United Mexican States were internationally responsible for the forced disappearance of Nitza Paola Alvarado Espinoza, José Ángel Alvarado and Rocío Irene Alvarado Reyes, which took place during the Chihuahua Joint Operation and the fight against organized crime in Mexico with the armed forces participating in tasks related to public safety. The Court also found that the State was responsible for the lack of due diligence and a reasonable time

⁶³ This case was processed before the Inter-American Commission on Human Rights, and also during the proceedings of the contentious case before the Inter-American Court of Human Rights, as “*Selvas Gómez et al. v. Mexico.*” However, the Court took the decision to name its judgment the *Case of Women Victims of Sexual Torture in Atenco v. Mexico.*



in the investigations into the events. In addition, the State violated its obligation to ensure rights with regard to the family members who suffered threats and harassment and were obliged to move.

The judgment can be found [here](#) and the official summary [here](#).

1.20. Case of Trueba Arciniega *et al.* v. Mexico. Judgment of November 27, 2018.

Summary: This case was submitted by the Inter-American Commission on April 28, 2018, and relates to the extrajudicial execution of Mirey Trueba Arciniega on August 22, 1998, by members of the Army in the state of Chihuahua.

Ruling: The Court endorsed and granted full legal effect to the friendly settlement agreement reached by the State and the representatives of Mr. Trueba Arciniega's family. In this regard, the Court declared that the Mexican State was internationally responsible for violating the rights to life and personal integrity of Mr. Trueba Arciniega, owing to the events that took place on August 22, 1998, and for violating the rights to judicial guarantees, judicial protection and personal integrity of his family members.

The judgment can be found [here](#) and the official summary [here](#).

1.21. Case of Órdenes Guerra *et al.* v. Chile Merits, reparations and costs. Judgment of November 29, 2018.

Summary: This case was submitted by the Inter-American Commission on May 17, 2017, and relates to the violation of the rights to judicial guarantees and judicial protection as a result of the application of the statute of limitations to civil actions for reparation related to crimes against humanity.

Ruling: The Court, taking into consideration the State's broad acknowledgement of responsibility, declared the international responsibility of Chile for violating the right of access to justice as a result of the decisions of the judicial authorities rejecting civil claims for compensation for non-pecuniary damage filed by seven groups of persons between 1997 and 2001, in relation to the kidnapping or detention and disappearance or execution of their family members by State agents in 1973 and 1974.

The judgment can be found [here](#) and the official summary [here](#).

2. Interpretation judgments

2.1 Case of Favela Nova Brasília v. Brazil. Interpretation of the judgment on preliminary objections, merits, reparations and costs. Judgment of February 5, 2018. Series C No. 345.

Summary: On August 9, 2017, the representatives of the victims filed a request for interpretation of judgment in relation to the scope of paragraph 292.b of the judgment, to clarify whether the exclusion



of “procedural obstacles,” such as the statute of limitations, referred to the acts of sexual violence or only to the acts of police violence and extrajudicial executions. They requested information to help the State of Brazil comply with the judgment. On August 14, 2017, the State of Brazil also presented a request for interpretation of judgment in relation to: the representation of the victims and their next of kin by CEJIL and ISER (paragraph 41 of the judgment), the competence, based on the subject matter, to declare supposed violations of the Inter-American Convention to Prevent and Punish Torture (paragraphs 65 and 66 of the judgment), the method to comply with the payments ordered (paragraphs 363, 364, 366 and 368 of the judgment), and the State’s obligation to investigate in relation to the cases of sexual violence (paragraphs 291 and 292.b of the judgment).

Ruling: In the interpretation judgment, the Court clarified some of the aspects requested and rejected others.

The judgment can be found [here](#).

2.2 Case of Zegarra Marín v. Peru. Interpretation of the judgment on preliminary objections, merits, reparations and costs. Judgment of February 8, 2018. Series C No. 347.

Summary: On August 8, 2017, the State of Peru filed a request for interpretation of judgment in order to clarify aspects relating to paragraph 202 of the judgment. The State asked the Court to clarify and stipulate the legal effects of the judgment of the Fifth Criminal Chamber of the Superior Court of Justice of Lima of November 8, 1996, and the criminal responsibility resulting from that judgment.

Ruling: The Court rejected as inadmissible the State’s first request, and provided clarification with regard to the second request.

The judgment can be found [here](#).

2.3 Case of Gutiérrez Hernández *et al.* v. Guatemala. Interpretation of the judgment on preliminary objections, merits, reparations and costs. Judgment of August 22, 2018. Series C No. 357.

Summary: On December 22, 2017, the representatives of the victims requested an interpretation of the judgment in relation to the legal concept on which the disappearance of Mayra Gutiérrez was founded, the amount ordered in the judgment for non-pecuniary damage, and the measure of non-repetition involving the implementation of permanent programs and courses for officials.

Ruling: The Court clarified the representatives’ request regarding the compensation for non-pecuniary damage ordered in favor of Mayra Angelina Gutiérrez Hernández and rejected the other requests for interpretation as inadmissible.

The judgment can be found [here](#).



2.4 Case of the Dismissed Employees of PetroPeru *et al.* v. Peru. Interpretation of the judgment on preliminary objections, merits, reparations and costs. Judgment of August 22, 2018. Series C No. 358.

Summary: On March 12, 2018, the representative, Carolina Loayza Tamayo, filed a request for interpretation of judgment in relation to paragraphs 6, 13, 208, 218, and 222 and asked for a clarification regarding the representation of the victims, the person offering evidence in the proceedings, the beneficiaries of the application of the mechanisms of Law 28803, and the time frame for presenting the report on the application of the said mechanisms, and the scope of the measure of reparation relating to the payment of contributions to the pension system, and the financial compensation for loss of earnings. On March 13, 2018, Abraham Montero Ramírez filed a request for interpretation and reconsideration of the judgment related to the interest on the compensation that the Court had established as a measure of reparation. He also asked the Court to reconsider his status as representative and to order the reasonable sum of US\$10,000 as compensation for procedures and expenses incurred. On March 20, 2018, the State filed a request for interpretation in relation to the payment of compensation for non-pecuniary damage.

Ruling: The Court clarified some of the aspects requested and rejected others in the interpretation judgment.

The judgment can be found [here](#).

2.5 Case of Carvajal Carvajal *et al.* v. Colombia. Interpretation of the judgment on merits, reparations and costs. Judgment of November 21, 2018. Series C No. 365.

Summary: On September 3, 2018, the State of Colombia submitted a request for interpretation of judgment for the Court to clarify aspects related to: (a) the beneficiaries: scope and specific expenses to ensure the conditions for the members of Nelson Carvajal's family who were displaced to be able to return to their places of residence; (b) the specialized agencies: in relation to the obligation to forward the periodic reports that the State sends to the specialized agencies of the OAS and the United Nations on the measures implemented to protect Colombian journalists, as well as their duration; (c) the concept of reasonable expenses to be covered by the State in the context of monitoring compliance with the judgment, and (d) the method for paying the compensation for pecuniary and non-pecuniary damage and reimbursement of costs and expenses.

Ruling: The Court clarified all the aspects indicated by the State.

The judgment can be found [here](#).



2.6 Case of Lagos del Campo v. Peru. Interpretation of the judgment on preliminary objections, merits, reparations and costs. Judgment of November 21, 2018. Series C No. 366.

Summary: On February 12, 2018, the State of Peru filed a request for interpretation of judgment in relation to the inclusion of the right to job stability in the dispute and the Court's ruling in this regard.

Ruling: The Court rejected the request for interpretation, considering it inadmissible.

The judgment can be found [here](#).

2.7 Case of Vereda La Esperanza v. Colombia. Interpretation of the judgment on preliminary objection, merits reparations and costs. Judgment of November 21, 2018. Series C No. 367.

Summary: On February 26, 2018, the representatives of the victims filed a request for interpretation of judgment for clarification of: (a) the names of the beneficiaries of the reparation; (b) the operative paragraphs on reparations, and (c) the decision taken on the preliminary objection concerning the identification of three presumed victims. Also, on February 27, 2018, the State of Colombia filed a request for interpretation in relation to: (a) the payment ordered for non-pecuniary damage; (b) the method of payment and fair distribution of the amounts; (c) the expenses that would arise subsequently during the procedure of monitoring compliance with judgment, and (d) the method of complying with the payments ordered.

Ruling: The Court clarified some of the aspects requested and rejected other in the interpretation judgment.

The judgment can be found [here](#).



JUDGMENTS ON MERITS AND INTERPRETATION JUDGMENTS, 2018



BRAZIL

- I/A Court H.R., Case of Favela Nova Brasília v. Brazil. Interpretation of the Judgment on Preliminary Objections, Merits, Reparations and Costs. Judgment of February 5, 2018. Series C No. 345.
- I/A Court H.R., Case of the Xucuru Indigenous People and Its members v. Brazil. Preliminary Objections, Merits, Reparations and Costs. Judgment of February 5, 2018. Series C No. 346.
- I/A Court H. R., Case of Herzog et al. v. Brazil. Preliminary Objections, Merits, Reparations and Costs. Judgment of March 15, 2018. Series C No. 353.

CHILE

- I/A Court H. R., Case of Poblete Vilches et al. v. Chile. Merits, Reparations and Costs. Judgment of March 8, 2018. Series C No. 349.
- I/A Court H.R., Case of Órdenes Guerra et al. v. Chile. Merits, Reparations and Costs. Judgment of November 29, 2018. Series C No. 372.

COLOMBIA

- I/A Court H.R., Case of Isaza Uribe et al. v. Colombia. Merits, Reparations and Costs. Judgment of November 20, 2018. Series C No. 363.
- I/A Court H.R., Case of Villamizar Durán et al. v. Colombia. Preliminary Objection, Merits, Reparations and Costs. Judgment of November 20, 2018. Series C No. 364.
- I/A Court H.R., Case of Carvajal Carvajal et al. v. Colombia. Interpretation of the Judgment on Merits, Reparations and Costs. Judgment of November 21, 2018. Series C No. 365.
- I/A Court H.R., Case of Vereda La Esperanza v. Colombia. Interpretation of the Judgment on Preliminary Objection, Merits, Reparations and Costs. Judgment of November 21, 2018. Series C No. 367.
- I/A Court H.R., Case of Omeara Carrascal et al. v. Colombia. Merits, Reparations and Costs. Judgment of November 21, 2018. Series C No. 368.

COSTA RICA

- Corte IDH. Caso Amrhein y otros Vs. Costa Rica. Excepciones Preliminares, Fondo, Reparaciones y Costas. Sentencia de 25 de abril de 2018. Serie C No. 354.

GUATEMALA

- I/A Court H. R., Case of Ramírez Escobar et al. v. Guatemala. Merits, Reparations and Costs. Judgment of March 9, 2018. Series C No. 351.
- I/A Court H. R. Case of Coc Max et al. (Massacre of Xamán) v. Guatemala. Merits, Reparations and Costs. Judgment of August 22, 2018. Series C No. 356.
- I/A Court H. R. Case of Gutiérrez Hernández et al. v. Guatemala. Interpretation of the Judgment on Preliminary Objections, Merits, Reparations and Costs. Judgment of August 22, 2018. Series C No. 357.
- I/A Court H.R., Case of Cuscul Pivara et al. v. Guatemala. Preliminary Objection, Merits, Reparations and Costs. Judgment of August 23, 2018. Series C No. 359.

HONDURAS

- I/A Court H.R., Case of Escaleras Mejía et al. v. Honduras. Judgment of September 26, 2018. Series C No. 361.

MEXICO

- I/A Court H.R., Case of Trueba Arciniega et al. v. Mexico. Judgment of November 27, 2018. Series C No. 369.
- I/A Court H.R., Case of Alvarado Espinoza et al. v. México. Merits, Reparations and Costs. Judgment of November 28, 2018. Series C No. 370.
- I/A Court H.R., Case of Women Victims of Sexual Torture in Atenco v. Mexico. Preliminary Objection, Merits, Reparations and Costs. Judgment of November 28, 2018. Series C No. 371.

NICARAGUA

- I/A Court H. R., Case of V.R.P., V.P.C. et al. v. Nicaragua. Preliminary Objections, Merits, Reparations and Costs. Judgment of March 8, 2018. Series C No. 350.

PERU

- I/A Court H. R., Case of Zegarra Marín v. Peru. Interpretation of the Judgment on Preliminary Objections, Merits, Reparations and Costs. Judgment of February 8, 2018. Series C No. 347.
- I/A Court H.R., Case of Munárriz Escobar et al. v. Peru. Preliminary Objection, Merits, Reparations and Costs. Judgment of August 20, 2018. Series C No. 355.
- I/A Court H.R., Case of Dismissed Employees of Petroperú et al. v. Peru. Interpretation of the Judgment on Preliminary Objections, Merits, Reparations and Costs. Judgment of August 22, 2018. Series C No. 358.
- I/A Court H.R., Case of Terrones Silva et al. v. Peru. Preliminary Objections, Merits, Reparations and Costs. Judgment of September 26, 2018. Series C No. 360.
- I/A Court H.R., Case of Lagos del Campo v. Peru. Interpretation of the Judgment on Preliminary Objections, Merits, Reparations and Costs. Judgment of November 21, 2018. Series C No. 366.

VENEZUELA

- I/A Court H. R., Case of San Miguel Sosa et al. v. Venezuela. Merits, Reparations and Costs. Judgment of February 8, 2018. Series C No. 348.
- I/A Court H.R., Case of López Soto et al. v. Venezuela. Merits, Reparations and Costs. Judgment of September 26, 2018. Series C No. 362.



D. Average time to process cases

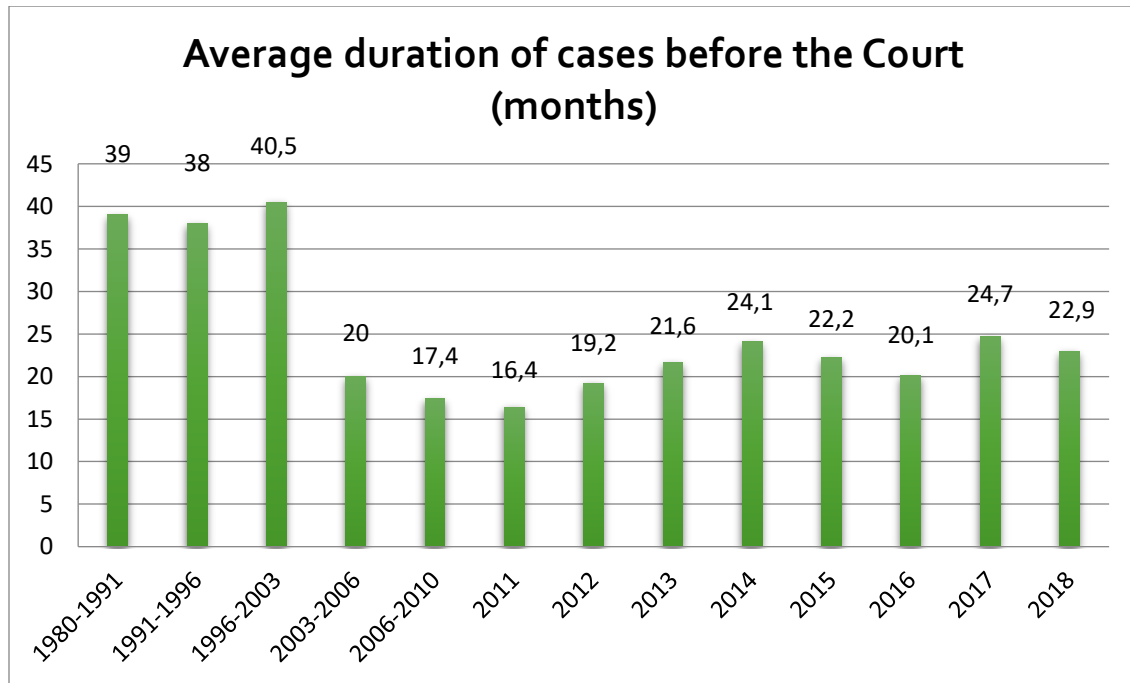
Every year the Court makes a great effort to decide the cases before it promptly. The principle of a reasonable time established in the American Convention and the Court's consistent case law is applicable not only to the domestic proceedings in each State Party, but also to the international organs or courts whose function it is to decide petitions concerning presumed human rights violations.

In 2018, the average time required to process cases before the Court was **22,9 months**.

Average time required to process cases before the Court in 2018			
Case	Submission of cases by IACHR	Judgment delivered by the Court	Months (approx)
Xucuru Indigenous People and its members v. Brazil	16-03-2016	05-02-2018	23.14
San Miguel Sosa <i>et al.</i> v. Venezuela	08-03-2016	08-02-2018	23.07
Poblete Vilches <i>et al.</i> v. Chile	26-08-2016	08-03-2018	18.37
V.R.P. and V.P.C. <i>et al.</i> v. Nicaragua	25-08-2016	08-03-2018	18.41
Ramírez Escobar <i>et al.</i> v. Guatemala	12-02-2016	09-03-2018	24.85
Carvajal Carvajal <i>et al.</i> v. Colombia	22-10-2015	13-03-2018	28.70
Herzog <i>et al.</i> v. Brazil	22-04-2016	15-03-2018	22(7)5
Amrhein <i>et al.</i> v. Costa Rica	28-11-2014	25-04-2018	40.89
Munárriz Escobar <i>et al.</i> v. Peru.	09-06-2017	20-08-2018	14.36
Coc Max <i>et al.</i> (Xamán Massacre) v. Guatemala	21-09-2016	22-08-2018	23.01
Cuscul Pivaral <i>et al.</i> v. Guatemala	02-12-2016	23-08-2018	20.67
Terrones Silva <i>et al.</i> v. Peru	09-11-2016	26-09-2018	22.52
Escaleras Mejía <i>et al.</i> v. Honduras	22-09-2017	26-09-2018	12.13
López Soto <i>et al.</i> v. Venezuela	02-11-2016	26-09-2018	22.78



Villamizar Durán <i>et al.</i> v. Colombia	14-04-2016	20-11-2018	31.57
Isaza Uribe <i>et al.</i> v. Colombia	03-04-2016	20-11-2018	32.62
Omeara Carrascal <i>et al.</i> v. Colombia	21-05-2016	21-11-2018	30.1
Women Victims of Sexual Torture in Atenco v. Mexico	17-09-2016	28-11-2018	26.32
Alvarado Espinoza <i>et al.</i> v. Mexico	10-11-2016	28-11-2018	24.58
Trueba Arciniega <i>et al.</i> v. Mexico	28-04-2018	27-11-2018	6.97
Órdenes Guerra <i>et al.</i> v. Chile	17-05-2017	29-11-2018	18.43





E. Contentious cases being processed

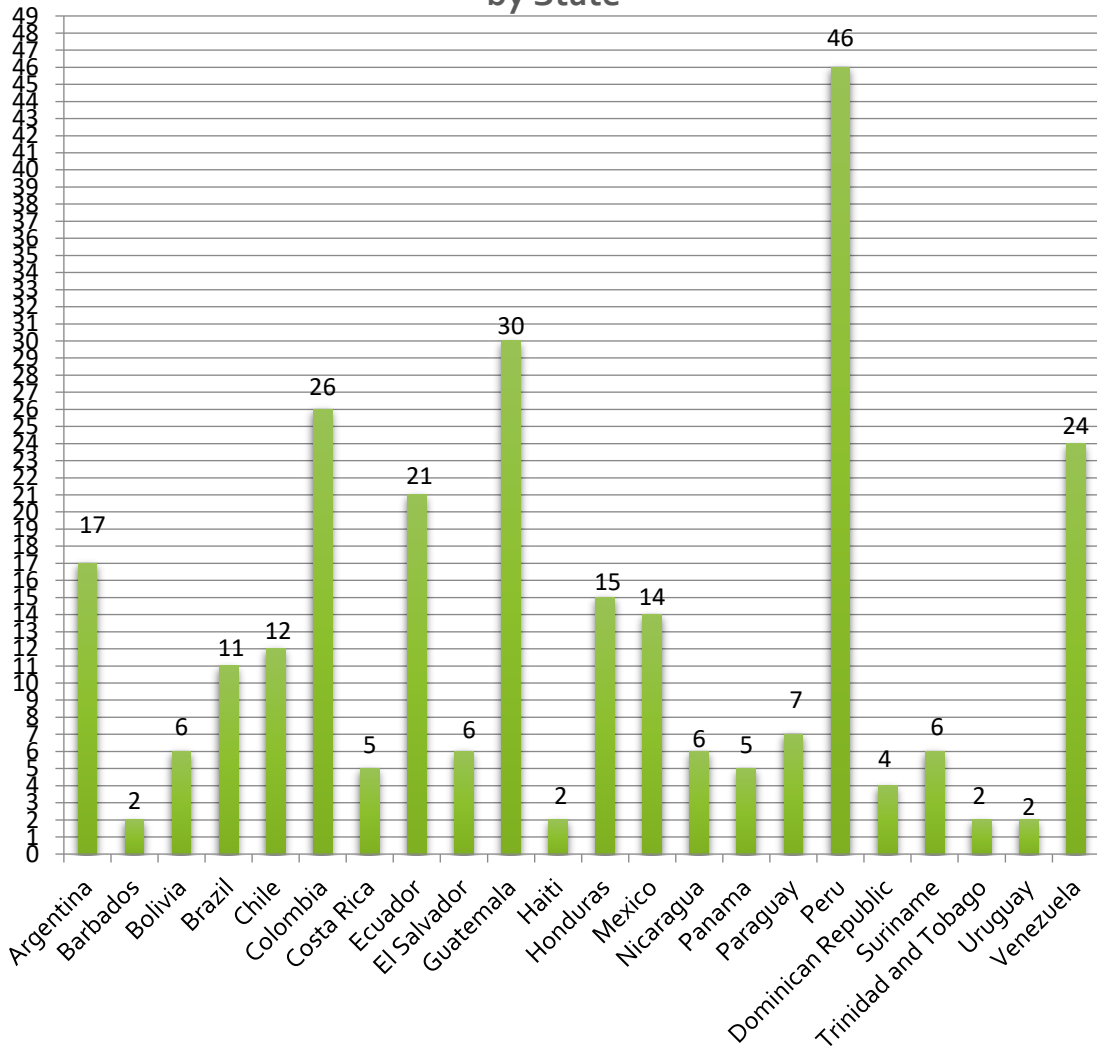
At December 31, 2018, the following 32 cases were pending a decision by the Court:

No.	Name of the case	Date submitted
1	Villaseñor Velarde <i>et al.</i> v. Guatemala	15-03-2017
2	Álvarez Ramos v. Venezuela	05-07-2017
3	Muelle Flores v. Peru	13-07-2017
4	Colindres Schonenberg v. El Salvador	08-09-2017
5	National Association of Discharged and Retired Employees of the National Tax Administration Superintendence v. Peru	15-09-2017
6	Jenkins v. Argentina	22-09-2017
7	Rosadio Villavicencio v. Peru	D22-09-2017
8	Perrone and Preckel v. Argentina	19-10-2017
9	Rico v. Argentina	10-11-2017
10	Gómez Virula <i>et al.</i> v. Guatemala	17-11-2017
11	Girón <i>et al.</i> v. Guatemala	30-11-2017
12	Martínez Coronado v. Guatemala	30-11-2017
13	Ruíz Fuentes v. Guatemala	30-11-2017
14	Díaz Loreto <i>et al.</i> v. Venezuela	6-12-2017
15	Arrom Suhurt <i>et al.</i> v. Paraguay	12-12-2017
16	López <i>et al.</i> v. Argentina	11-01-2018
17	Rodríguez Revolorio <i>et al.</i> v. Guatemala	26-01-2018
18	Indigenous Communities of the Lhaka Honhat (Our Land) Association v. Argentina	1-02-2018
19	Hernández v. Argentina	8-02-2018



20	Gorigoitia v. Argentina	16-03-2018
21	Carranza Alarcón <i>et al.</i> v. Ecuador	29-03-2018
22	Montesinos Mejía v. Ecuador	18-04-2018
22	Valenzuela Ávila <i>et al.</i> v. Guatemala	19-04-2018
24	Romero Feris v. Argentina	20-06-2018
25	UP Members and Activists v. Colombia	29-06-2018
26	Noguera <i>et al.</i> v. Paraguay	02-07-2018
27	Petro Urrego v. Colombia	07-08-2018
28	Rojas Marín <i>et al.</i> v. Peru	22-08-2018
29	Valle Ambrosio <i>et al.</i> v. Argentina	04-09-2018
30	Employees of the Fireworks Factory in Santo Antônio de Jesus <i>et al.</i> v. Brazil	19-09-2018
31	Flóres Bedregal <i>et al.</i> v. Bolivia	18-10-2018
32	Fernández Prieto <i>et al.</i> v. Argentina	14-11-2018

Total number of cases decided at the close of 2018, by State





V. Monitoring compliance with judgments

A. Summary of the work of monitoring compliance

Monitoring compliance with the Court's judgments has become one of the most demanding activities of the Court, because each year there is a considerable increase in the number of cases at this stage. Numerous measures of reparation are ordered in each judgment,⁶⁴ and the Court monitors, rigorously and continually, prompt and cumulative compliance with every reparation ordered. When assessing compliance with each reparation, the Court makes a thorough examination of the way in which the different components are executed, and how they are implemented with regard to each victim who benefits from the measures, because there are numerous victims in most cases. Currently, 208 cases are at the stage of monitoring compliance⁶⁵ and this entails monitoring 1,140 measures of reparation.

Both the number of reparations ordered, and also their nature and complexity have an impact on the time a case may remain at the stage of monitoring compliance. Compliance with some measures entails a greater degree of difficulty. Before the Court is able to close a case, the State that has been found internationally responsible must have complied with each and every measure of reparation. Thus, it is not unusual that, in some cases at the stage of monitoring compliance with judgment, only one measure of reparation is pending while, in others, numerous reparations remain pending compliance. Consequently, despite the fact that, in many cases, numerous measures have been executed, the Court keeps this stage open until it considers that the State has complied fully with the judgment.

In the original judgment the Court requires the State to present an initial report on the implementation of its decisions within one year.⁶⁶ It then monitors compliance with the judgment by issuing orders, holding hearings, conducting on-site procedures in the State found responsible, and daily monitoring by means of notes issued by the Court's Secretariat. In 2015, the Secretariat established a unit dedicated exclusively to monitoring compliance with judgments (the Unit for Monitoring Compliance with Judgments), in order to follow up more thoroughly on State compliance with the diverse measures of reparation ordered. Until then this task had been divided up among the different working groups in the legal area of the Court's Secretariat, which were also responsible for working on contentious cases pending judgment, following up on provisional measures, and developing advisory opinions.

The Court executes this function by monitoring each case individually, and also by the joint monitoring of measures of reparation ordered in judgments in several cases against the same State. The Court employs this strategy when

⁶⁴ To understand the wide range of measures ordered by the Court, they can be grouped into the following six different forms of reparation: restitution, rehabilitation, satisfaction, guarantees of non-repetition, compensation and reimbursement of costs and expenses, and obligation to investigate, prosecute and punish, as appropriate.

⁶⁵ The list of 208 cases at the stage of monitoring compliance includes cases to which, prior to 2018, the Court had applied Article 65 of the American Convention based on non-compliance by the State and in which the situation has not varied

⁶⁶ In addition, in the case of the measures relating to the publication and dissemination of the judgment, the Court may require the State, regardless of the one-year time frame for presenting its first report, to advise the Court immediately when each publication ordered in the respective judgment has been made.



it has ordered the same or similar reparations in the judgments in several cases and when compliance with them faces common factors, challenges or obstacles. The joint hearings and monitoring orders have had a positive impact and repercussions on those involved in implementing the measures. This joint specialized monitoring mechanism allows the Court to have a greater impact, because it can deal at one and the same time with an issue that is common to several cases involving the same State and approach it comprehensively, instead of having to monitor the same measure in several cases separately, It also enables the Court to encourage discussions among the different representatives of the victims in each case and results in a more dynamic participation by the State officials responsible for implementing the reparations at the domestic level. In addition, it provides an overview of the advances achieved and the factors impeding progress in the State concerned, identifies the reparations regarding which a significant dispute exists between the parties, and those to which they can give most attention and make most progress.

In order to provide more information on and greater visibility to the status of compliance with the reparations ordered in the judgments delivered by the Inter-American Court, since 2015 the information available in both the Court's Annual Report and on its website has gradually been increased.

In the case of the website, the home page (www.corteidh.or.cr) includes a link to "Cases at the monitoring stage" (http://www.corteidh.or.cr/cf/jurisprudencia2/casos_en_etapa_de_supervision.cfm), which includes a chronological table of the judgments delivered, organized by State, with direct links to:

- the judgment establishing reparations,
- the orders issued at the stage of monitoring compliance in each case, and
- the "Reparations" column that contains links to the "Reparations declared completed" (differentiating those partially completed from those totally completed) and "Reparations pending compliance."

During 2018, the information on the website has been updated continually to provide the different users of the inter-American system with a simple and flexible tool to consult in order to know which reparations are being monitored by the Court and those that the States have already completed. Also, the Court's home page (www.corteidh.or.cr) includes a link to "Cases archived due to full compliance" (http://www.corteidh.or.cr/cf/jurisprudencia2/casos_en_etapa_de_supervision_archivados_cumplimiento.cfm?lang=es), which shows a chronological table of when the judgments were delivered, organized by State, with the respective direct links to the judgment establishing the reparations and the orders issued in each case while monitoring compliance until total completion. At the end of 2018, 31 cases had been archived because the reparations had been complied with fully.

During 2018, the Inter-American Court held **6 hearings** on monitoring compliance with judgments, **at which it monitored compliance with the judgments in 9 cases**, in order to receive updated and detailed information from the States concerned on implementation of the measures of reparation ordered, and the observations of the victims' representatives and the Inter-American Commission.



Five of these hearings were held at the seat of the Court in San José, Costa Rica, and one was held in El Salvador. Two of the hearings were public and four were private. Also, three of these hearings were held jointly for more than one case: for Peru,⁶⁷ Guatemala⁶⁸ and Honduras;⁶⁹ while the other three hearings monitored individual cases relating to Peru,⁷⁰ El Salvador⁷¹ and Colombia⁷².

As described below, the Court holds different types of hearings on monitoring compliance with judgment.

With regard to **orders on monitoring compliance with judgment**, during 2018, the Court issued **36 orders** in which it monitored **compliance with the judgments handed down in 37 cases**, in order to: assess the degree of compliance with the reparations ordered; request detailed information on the measures taken to comply with certain measures of reparation; urge the States to comply and guide them on compliance with the measures of reparation ordered; give instruction for compliance, and clarify aspects on which there is a dispute between the parties regarding the execution and implementation of the reparations, all of this in order to ensure full and effective implementation of its decisions. The orders on monitoring compliance of judgment issued by the Court in 2018 had different contents and purposes:

To monitor compliance in individual cases of all or several reparations ordered in a judgment, including reimbursement of Victims' Legal Assistance Fund of the Court;

To jointly monitor compliance with one or several equal or similar reparations ordered in the judgments in several cases involving the same State found responsible, including reimbursements of the Victims' Legal Assistance Fund of the Court, and

To close cases following full compliance with the reparations ordered.

In addition to monitoring by means of the above-mentioned orders and hearings, during 2018, **the Commission and the parties were asked to provide information or observations by notes sent by the Court's Secretariat**, on the instructions of the Court or its President, in **132** of the 208⁷³ **cases** at the stage of monitoring compliance with judgment.

⁶⁷ Joint public monitoring hearing for the cases of Barrios Altos and La Cantuta, both against Peru.

⁶⁸ Joint private monitoring hearing for the cases of Véliz Franco *et al.* and Velásquez Paiz *et al.*, both against Guatemala.

⁶⁹ Joint private monitoring hearing for the cases of the Punta Piedra Garífuna Community and its members and the Triunfo de la Cruz Garífuna Community and its members, both against Honduras.

⁷⁰ Public hearing on monitoring compliance and request for provisional measures in the case of Durand and Ugarte v. Peru.

⁷¹ Private hearing on monitoring compliance in the case of the Massacres of El Mozote and neighboring places v. El Salvador.

⁷² Private hearing on monitoring compliance in the case of Afro-descendant Communities displaced from the Río Cacarica Basin (Operation Genesis) v. Colombia

⁷³ The list of 208 cases at the stage of monitoring compliance with judgment includes those in which the one-year time frame established in the judgment for the State to present its first report on compliance has not yet expired because, formally, those cases are at this stage and, frequently, the parties present information to the Court before the time frame has expired.



During 2018, the Court received **352 reports** and attachments from the States in 148 of the 208⁷⁴ cases at the stage of monitoring compliance with judgment. This means that in many of these 148 cases, several reports were received during the year. Additionally, over the course of the year, the Court received more than **405 briefs with observations** from either the victims or their legal representatives, or from the Inter-American Commission in 139 of the 208 cases at the stage of monitoring compliance with judgment.

By implementing the above-mentioned actions (requesting reports in the judgment, orders, hearings, on-site procedures in the State found responsible, requests for information or observations in notes of the Court's Secretariat, and the respective receipt of reports and observations), the Court **monitored compliance in 100% of the cases** in 2018; in other words, in the 208 cases at the stage of monitoring compliance.

In addition, during 2018, the mechanism of **joint monitoring** continued with regard to the following measures of reparation:

- The obligation to investigate, prosecute and punish, as appropriate, those responsible for the gross human rights violations in fourteen (14) cases against Guatemala;
- Measures to identify, transfer and grant title to the lands of three indigenous communities ordered in three (3) cases against Paraguay;
- The provision of medical and psychological treatment to the victims in nine (9) cases against Colombia
- The adaptation of domestic law to international standards and those of the Convention with regard to the guarantee of an ordinary judge in relation to the military criminal jurisdiction in four (4) cases against Mexico;
- The adaptation of domestic law concerning protection of the right to life in the context of the obligatory imposition of the death penalty for the crime of murder in two (2) cases against Barbados;
- Guarantees of non-repetition in two (2) cases against Honduras concerning protection for human rights defenders, in particular environmentalists, and
- The possibility of exercising the right to decide whether to have biological offspring by access to *in vitro* fertilization in both the private and the public sector, ordered in two (2) cases against Costa Rica.

B. Hearings on monitoring compliance with judgment held in 2018

In 2018, the Inter-American Court held **6 hearings** on monitoring compliance with judgment, **in the course of which it monitored compliance with judgment in 9 cases**. Of these hearings, two were public and four were private.

1. Case of Durand and Ugarte v. Peru

On February 2, 2018, during the 121st regular session, a public hearing was held on monitoring compliance with judgment and a request for provisional measures. The purpose of the hearing was to receive updated information on compliance with the pending measures of reparation, fundamentally the measure relating to the investigation and punishment of those responsible for the violation of the right to life of Nolberto Durand Ugarte and Gabriel Pablo

⁷⁴ The list of 208 cases at the stage of monitoring compliance with judgment includes those in which the one-year time frame established in the judgment for the State to present its first report on compliance has not yet expired because, formally, those cases are at this stage and, frequently, the parties present information to the Court before the time frame has expired.



Ugarte Rivera, which occurred when, in June 1986, the State of Peru quelled a riot in the “El Frontón” Prison where they were detained. In the course of the hearing, the Court heard the arguments of the parties and the opinion of the Inter-American Commission on the request for provisional measures filed by the representatives of the victims in this case. Their request related to the political trial before the Congress of the Republic of four justices of the Peruvian Constitutional Court in relation to their 2016 and 2017 decisions on a claim concerning constitutional tort filed in favor of those accused in the criminal proceedings for the events that occurred in the “El Frontón” Prison in 1986.

2. Joint hearing for the case of Barrios Altos and the case of La Cantuta, both against Peru

On February 2, 2018, during the 121st regular session, this public hearing on joint monitoring of compliance with judgment was held. The hearing was held to monitor compliance with the reparations relating to the investigation, prosecution and punishment, as appropriate, of all those responsible for the violations committed in these two cases. Specifically, information was received from the State and from the representatives of the victims on the Supreme Resolution issued on December 24, 2017, granting a “pardon and clemency on humanitarian grounds” to Alberto Fujimori Fujimori “in relation to the criminal proceedings and convictions in force at [that] date.” In addition, the opinion of the Inter-American Commission on Human Rights was heard.

3. Joint hearing for the case of Véliz Franco *et al.* and the case of Velásquez Paiz *et al.*, both against Guatemala

On May 24, 2018, during the 124th regular session, this private hearing was held on joint monitoring of compliance with judgment. In the course of the hearing, the State of Guatemala presented information on compliance with five measures of reparation corresponding to the guarantees of non-repetition ordered in both cases relating to eradicating gender-based discrimination and investigating gender-based crimes against women. The purpose of the hearing was also to hear the observations of the victims’ representatives and the opinion of the Commission in this regard.

4. Case of the Massacres of El Mozote and neighboring places v. El Salvador

On August 26, 2018, during the fifty-ninth special session, a private hearing on monitoring compliance with judgment was held. In the course of the hearing compliance was monitored with the measure of reparation relating to payment of compensation for pecuniary and non-pecuniary damage in favor the victims. The Court also received information on the measure concerning the identification of victims through the “Combined Register of victims and family members of victims of gross human rights violations during the massacres of El Mozote and neighboring places.”

5. Case of the Afro-descendant Communities displaced from the Río Cacarica Basin (Operation Genesis) v. Colombia

On November 29, 2018, during the 128th regular session, a private monitoring hearing was held. In the course of the hearing, the State of Colombia provided the Court with updated information on the pending measures of



reparation ordered in the judgment. These included: restitution of the effective use, enjoyment and possession of the territories recognized under domestic law to the Afro-descendant communities members of the Community Council of the Río Cacarica Basin Communities; guarantee that the conditions of the territories restituted to the victims in this case, as well as of the place where they live, are adequate for the safety and decent life of both those who have returned and those who have not yet done so, and ensure that all those who have been recognized as victims in the judgment receive the compensation established by the pertinent domestic law. In addition, the purpose of the hearing was to hear the observations of the victims' representatives and the opinion of the Commission in this regard. During the hearing, on the instructions of the President of the Court, the parties were asked to approve a timetable for execution of the reparations that remained pending. The President of the Court also proposed to the parties that they establish a discussion mechanism to follow up on this timetable, together with the Inter-American Commission and a team from the Court's Secretariat.

6. Joint hearing for the case of the Triunfo de la Cruz Garífuna Community and its members and the case of the Punta Piedra Garífuna Community and its members, both against Honduras

On November 29, 2018, during the 128th regular session, a private hearing was held to monitor these cases jointly. In the course of the hearing, the State of Honduras provided the Court with updated information on the measures of reparation ordered in the judgments in the two cases relating to the titling of land and free access, use and enjoyment of the common property of these communities, as well as the obligation to investigate, prosecute and punish, as appropriate, the facts of the two cases. The purpose of the hearing was also to hear the observations of the victims' representatives and the opinion of the Commission in this regard.

C. Procedures and hearings on monitoring compliance with judgment held away from the seat of the Court in the territory of the States found responsible

In 2015, the Court began to conduct procedures and hold hearings on monitoring compliance with judgment in the territory of the States found responsible. Since then, it has conducted procedures and held hearings in Panama, Honduras, Mexico, Guatemala, Paraguay and El Salvador, with extensive collaboration from these States.⁷⁵

⁷⁵ In 2015, a hearing was held and a visit made in Panama, in the territory of the Emberá Ipetí and Piriati Communities of Bayano to monitor compliance with the judgment in the case of the Kuna Indigenous People of Madungandí and the Emberá Indigenous People of Bayano. That same year, a hearing was held in Honduras to monitor jointly compliance with the judgments in six cases relating to: (i) prison conditions, the training of officials, and the registration of detainees; (ii) protection of human rights defenders, particularly environmentalists, and (iii) the obligation to investigate, prosecute and punish, as appropriate, the violations of human rights. In 2016, two monitoring hearings were held in Mexico in relation to the case of Radilla Pacheco and the case of Cabrera García and Montiel Flores. In 2017, monitoring visits took place in Guatemala and Paraguay. In Guatemala, a visit was made to the victims in Colonia Pacux and in the village of Plan de Sánchez, located in the municipality of Rabinal, department of Baja Verapaz, to monitor the judgments in the cases of the Plan de Sánchez and Río Negro Massacres. In Paraguay, a visit was made to the Yakye Axa, Sawhoyamaya and Xákmok Kásek indigenous communities, located in the department of Presidente Hayes, in the Paraguayan Chaco region. In 2017, also, monitoring hearings were held in Guatemala, Paraguay and Panama. In



1. Procedures *in situ*

On August 27, 28 and 30, 2018, a delegation from the Court and its Secretariat were able to conduct legal procedures in San Salvador and in El Mozote to verify, *in situ* and directly, the degree of compliance with the reparations ordered in the 2012 judgment in the case of the *Massacres of El Mozote and neighboring places v. El Salvador*. At that time, different procedures were conducted to obtain information on compliance with the reparations ordered. The delegation that traveled to the department of Morazán for the visit consisted of Judge Humberto A. Sierra Porto, acting President for these procedures, and Judge Eugenio Raúl Zaffaroni, together with the Legal Counsel, Alexei Julio Estrada, and lawyers from the Unit that monitors compliance with judgments at the Court's Secretariat. Judge Elizabeth Odio Benito joined the delegation for the procedure carried out in San Salvador on August 27.

This type of on-site procedure has the advantage that it enables the Court to verify directly the status of execution of the measure, as well as enabling greater participation by the victims, their representatives, and the different State officials and authorities directly responsible for the execution of the various reparations ordered in the judgments and improving the willingness to make commitments aimed at prompt compliance with the reparations. This type of visit also permits direct and immediate communication between the victims and high-level State officials, so that the latter may immediately undertake to take concrete actions aimed at making progress in complying with the measures and the opinions of the victims can be heard in relation to the progress and the shortcomings they identify.

On August 20, a procedure was conducted in the Second Trial Court of San Francisco de Gotera in order to provide the Court's delegation with updated information on compliance with the measure of reparation concerning the obligation to "initiate, promote, re-open, conduct, continue or conclude [...] the investigations into all the facts that gave rise to the violations declared in the [...] judgment, in order to identify, prosecute and punish, as appropriate, those responsible." In particular, this procedure allowed the Court's delegation to receive information directly from the Second Trial Judge of San Francisco de Gotera, in charge of the criminal proceedings underway for the crimes committed during the massacres of El Mozote and neighboring places. The judge also provided information on the exhumations, identification and return of the remains of those who were executed to their next of kin.

On August 30, the delegation was received in the community of El Mozote. The purpose of this visit was to verify, on site and directly, the status of compliance with the measures of reparation ordered in the judgement corresponding to "implement a development program in favor of the communities of the village of El Mozote, the La Joya canton, the villages of Ranchería, Los Toriles and Jocote Amarillo, and of Cerro Pando canton," and "implement a permanent program of comprehensive care and treatment for physical, mental and psychosocial health."

Guatemala a hearing was held in the *case of the Las Dos Erres Massacre* and also a joint monitoring hearing on compliance with the obligation to investigate in 14 cases against Guatemala. In Paraguay, hearings were held with regard to the three cases relating to the aforementioned indigenous communities, and well as one hearing on the *case of the Juvenile Re-education Institute*. Lastly, a hearing was held in the *case of Vélez Loo* in Panama.



The visit commenced at the monument erected in memory of the victims of the massacres. Subsequently, the delegation toured the El Mozote Community Family Health Unit, the school under construction in El Mozote, and a section of paved road. Following this, a meeting was held in the Arambala Community Center during which the Court's delegation and its Secretariat received information on the measures relating to: the obligation to investigate, prosecute and punish gross human rights violations; the exhumation of the mortal remains of the victims of the massacre, and on the measures of a collective nature that were monitored throughout the visit together with other measures that were not mentioned at the meeting.



The victims and their representatives took part in the visit to the monument, the tour of the village and meeting, and expressed their concerns, requests and observations regarding progress in compliance with the reparations and the Court's delegation asked any questions they considered necessary. A large State delegation also took part in the events consisting, among others, of the Chief Justice of the Criminal Chamber of the Supreme Court of Justice and the President of the Board of Directors of the Institute of Forensic Medicine, the Presidential Commissioner for Human Rights, the Minister of Culture, the Minister of Education, the Vice Minister of Health, the Vice Minister of Public Works, the Coordinator of the Group for the Investigation of Crimes Committed during the Internal Armed Conflict attached to the Prosecutor General's Office, and the Head of the Anthropology Department of the Institute of Forensic Medicine.

2. Hearings



In the context of the judicial procedures conducted in El Salvador in relation to the case of the *Massacres of El Mozote and neighboring places v. El Salvador*, described in section C.1., on August 27, a private hearing was held in San Salvador on monitoring compliance with the measure of reparation concerning the payment of compensation for pecuniary and non-pecuniary damage in favor of the victims. Information was also received on the measure concerning the identification of victims by means of the “Combined Register of victims and family members of victims of gross human rights violations during the massacres of El Mozote and neighboring places.”

D. Orders on monitoring compliance with judgment issued in 2018

All the orders on monitoring compliance with judgment adopted by the Court are available [here](#).

The Court issued 36 orders on monitoring compliance with judgment in which it monitored 37 cases. These orders are described below, based on the chronological order in which they were issued and categorized according to their content and purpose.

1. Individual monitoring of cases (compliance with all or several reparations ordered in the judgment in each case)

Individual monitoring of cases [Compliance with all or several reparations ordered in the respective judgment is evaluated]	
Name of the case	Link
Case of Ruano Torres <i>et al.</i> v. El Salvador. Order of February 5, 2018	here
Case of Andrade Salmón v. Bolivia. Order of February 5, 2018.	here
Case of Gonzales Lluy <i>et al.</i> v. Ecuador. Order of February 5, 2018.	here
Case of Members of the Village of Chichupac and neighboring communities of the municipality of Rabinal v. Guatemala. Order of February 5, 2018.	here
Case of Chinchilla Sandoval <i>et al.</i> v. Guatemala. Order of February 5, 2018.	here
Case of the Río Negro Massacres v. Guatemala. Order of March 14, 2018.	here
Case of Valencia Hinojosa <i>et al.</i> v. Ecuador. Order of March 14, 2018.	here
Case of Zegarra Marín v. Peru. Order of May 30, 2018.	here
Case of "Five Pensioners" v. Peru. Order of May 30, 2018.	here
Case of Bueno Alves v. Argentina. Order of May 30, 2018.	here



Case of El Caracazo v. Venezuela. Order of May 30, 2018.	here
Case of the Massacres of El Mozote and neighboring places v. El Salvador. Order of May 30, 2018.	here
Case of Favela Nova Brasília v. Brazil. Order of May 30, 2018.	here
Case of Argüelles <i>et al.</i> v. Argentina. Order of May 30, 2018.	here
Case of the Saramaka People v. Suriname. Order of September 26, 2018.	here
Case of Gutiérrez Hernández <i>et al.</i> v. Guatemala. Order of September 26, 2018.	here
Case of the Dismissed Employees of PetroPeru <i>et al.</i> v. Peru. Order of September 26, 2018.	here
Case of I.V. v. Bolivia. Order of November 21, 2018.	here
Case of Members of the Village of Chichupac and neighboring communities of the municipality of Rabinal v. Guatemala. Order of November 21, 2018.	here
Case of Véliz Franco <i>et al.</i> v. Guatemala. Order of November 21, 2018.	here
Case of Wong Ho Wing v. Peru. Order of November 21, 2018.	here
Case of the Moiwana Community v. Suriname. Order of November 21, 2018.	here
Case of El Amparo v. Venezuela. Order of November 22, 2018.	here
Case of the Santo Domingo Massacre v. Colombia. Order of November 22, 2018.	here
Case of Duque v. Colombia. Order of November 22, 2018.	here
Case of García Cruz and Sánchez Silvestre v. Mexico. Order of November 27, 2018.	here
Case of the Massacres of El Mozote and neighboring places v. El Salvador. Order of November 28, 2018.	here
Case of Benavides Cevallos v. Ecuador. Order of November 28, 2018.	here
Case of Fornerón and daughter v. Argentina. Order of November 28, 2018.	here
Case of Furlan and family members v. Argentina. Order of November 28, 2018.	here
Case of Norín Catrimán <i>et al.</i> (Leaders, members and activist of the Mapuche Indigenous People) v. Chile. Order of November 28, 2018.	here
Case of Poblete Vilches <i>et al.</i> v. Chile. Order of November 28, 2018.	here

2. Joint monitoring of cases (compliance with one or several reparations ordered in more than one judgment with regard to the same State)

Joint monitoring of cases	
[Compliance with one or several reparations ordered in more than one judgment with regard to the same State]	
Name of the case	Link
Cases of Barrios Altos and La Cantuta v. Peru. Monitoring compliance with judgment. Order of May 30, 2018.	here
Cases of Pollo Rivera <i>et al.</i> and Lagos del Campo v. Peru. Order of May 30, 2018.	here
Cases of Pollo Rivera <i>et al.</i> and Lagos del Campo v. Peru. Order of September 26, 2018.	here
Cases of the Barrios Family, Uzcátegui <i>et al.</i> and Landaeta Mejías Brothers <i>et al.</i> v. Venezuela. Order of November 21, 2018.	here

3. Cases closed due to compliance with judgment

During 2017, closure of the case due to full execution of the judgment was declared in two cases, one corresponding to Bolivia and the other to Ecuador.

a) Case of Andrade Salmón v. Bolivia

On February 5, 2018, the Court issued an order in which it decided to conclude and archive this case because Bolivia had complied with all the reparations ordered in the judgment handed down on December 1, 2016. Bolivia had complied with the reparations relating to: (i) lifting the precautionary measures ordered against Ms. Andrade in the “Chinese street lamps” criminal proceedings; (ii) defining the legal situation of Ms. Andrade in the “Chinese street lamps” criminal proceedings definitively; (iii) publishing the judgment and the official summary as ordered; (iv) paying the sum established in the judgment as compensation for non-pecuniary damage, and (v) paying the sum established for reimbursement of costs and expenses. The Order of February 5, 2018, can be found [here](#).

b) Case of Valencia Hinojosa et al. v. Ecuador

On March 14, 2018, the Court issued an order in which it decided to conclude and archive this case because Ecuador had complied with all the reparations ordered in the judgment handed down on November 29, 2016. Ecuador had complied with the reparations relating to: (i) publication and dissemination of the judgment; (ii) payment of compensation for non-pecuniary damage to the victim, Patricia Trujillo Esparza, and (iii) reimbursement of costs and expenses to the victim’s representatives. The Order of March 14, 2018, can be found [here](#).

4. Requests for reports from sources that are not parties to a case (Article 69(2) of the Rules of Procedure)



Starting in 2015, the Court has used the authority established in Article 69(2)⁷⁶ of its Rules of Procedure to request relevant information on the implementation of reparations from “other sources” that are not parties to a case. This has allowed it to obtain direct information from specific State organs and institutions that have a competence or function that is relevant for implementation of the reparation or to require its implementation at the domestic level. This information differs from that provided by the State, as a party to the proceedings, at the stage of monitoring compliance.

In 2018, the Court applied this provision in the following cases:

- a) In the *case of Vélez Loo v. Panama*, the Panamanian Ombudsman presented a report that supplemented the report he presented during the private hearing on monitoring compliance held in Panama in October 2017. This report related to the guarantee of non-repetition consisting of adopting the necessary measures to ensure that the country had establishments with sufficient capacity to accommodate individuals whose migration-related detention was necessary and proportionate in each specific case; establishments that were specifically adapted to this purpose, that offered physical conditions and a regime appropriate for migrants, and that were staffed by duly qualified and trained civilian personnel.
- b) In the *case of the Massacres of El Mozote and neighboring places v. El Salvador*, the Salvadoran Ombudsman presented a report prior to the monitoring visit to El Mozote.

5. Involvement of domestic institutions and courts to require the execution of reparations at the domestic level

Compliance with the Court’s judgment can benefit from the involvement of national institutions and organs that, within their spheres of competence and using their powers to protect, defend and promote human rights, urge the corresponding public authorities to take specific actions or adopt measures that lead to the implementation of the measures of reparation ordered, and compliance with the decisions made in the judgments. Their involvement can represent support to the victims at the domestic level. This is particularly important in the case of reparations that are more complex to implement and that constitute guarantees of non-repetition, that benefit both the victims in a case and the community as a whole by promoting structural, legislative and institutional changes that ensure the effective protection of human rights.

Depending on the components of the reparations, the active participation of different social agents, and also organs and institutions specialized in the proposal, planning or implementation of such measures, is relevant.

In this regard, it is worth noting the work that can be done by national human rights agencies and Ombudsmen. For example, in November 2018, the Colombian Ombudsman held a meeting with victims and legal representatives of victims in the cases involving Colombia at the stage of monitoring compliance with judgment, to obtain their opinion on the State’s compliance with the reparations. Two lawyers from the Unit on Monitoring Compliance with

⁷⁶ This article stipulates that: “The Court may require from other sources of information relevant data regarding the case in order to evaluate compliance therewith. To that end, the Court may also request the expert opinions or reports that it considers appropriate.”



Judgments attached to the Court's Secretariat were invited as observers. Subsequently, in December 2018, the Ombudsman held a special hearing on "Assessment of compliance with the orders of the Inter-American Court of Human Rights," to obtain information from high-level authorities, public officials and State entities on compliance with these judgments so that the Ombudsman's Office could make recommendations that contributed to execution of the decisions of the Inter-American Court.

The President of the Court and the Secretary took part in this special hearing as observers, and the President addressed those present to underscore the importance of the activity.

In order to strengthen ties with this type of national human rights institution, in 2018, the Court signed agreements with the Salvadoran Ombudsman and the National Human Rights Institute, and with the Uruguayan Ombudsman, adding to the agreements signed with other institutions of this nature in previous years.⁷⁷

The domestic courts also play an essential role by requiring, within their terms of reference, that specific reparations ordered by the Inter-American Court are complied with or directly complying with such reparations. In orders on monitoring compliance issued during 2018, the Court emphasized rulings made by domestic courts in Argentina,⁷⁸ Bolivia⁷⁹ and Colombia⁸⁰ that enabled progress in or compliance with reparations ordered in the Court's judgments, such as the obligations: to investigate, prosecute and punish, as appropriate; to create a procedure aimed at establishing the family ties between the victim and her daughter; to lift precautionary measures issued against a victim in domestic criminal proceedings; to organize a public act of acknowledgement of responsibility, and to pay compensation for pecuniary and non-pecuniary damage.

6. Participation of academia and civil society

The interest shown by academia, non-governmental organizations and other members of civil society in the execution of the Inter-American Court's judgments is extremely relevant.

The filing of *amicus curiae* briefs (Article 44(4) of the Court's Rules of Procedure) gives third parties, who are not party to the proceedings, an opportunity to provide the Court with their opinion or information on legal considerations

⁷⁷ Signed with: (i) the National Human Rights Commission of Honduras, containing a clause indicating that the Commission "may collaborate in the work of monitoring compliance with the judgments of the Inter-American Court"; (ii) the Office of the Peruvian Ombudsman; (iii) the Human Rights Commission of the Federal District of Mexico; (iv) the National Human Rights Commission of Mexico; (v) the State Human Rights Commission of Nuevo León, Mexico; (vi) the Office of the Colombian Ombudsman; (vii) the Office of the Ombudsman of the Plurinational State of Bolivia; (viii) the Office of the Ombudsman of the Republic of Panama; (ix) the Office of the Costa Rican Ombudsman; (x) agreement on implementation of the accord signed with the Ibero-American Federation of the Ombudsman (FIO), containing the commitment to establish "dialogue and identify possible activities between FIO members and the Inter-American Court on the role of the ombudsman in relation to compliance with the judgments of the Inter-American Court, [...] paying special attention to compliance with reparations that entail the amendment of the laws, practice or structural situations that gave rise to the human rights violations."

⁷⁸ In this regard, see the order on monitoring compliance issued by the Inter-American Court on May 30, 2018, in the case of *Bueno Alves v. Argentina* ([here](#)) and the order on monitoring compliance issued by the Court on November 28, 2018, in the case of *Fornerón and daughter v. Argentina* ([here](#)).

⁷⁹ In this regard, see the order on monitoring compliance issued by the Inter-American Court on February 5, 2018, in the case of *Andrade Salmón v. Bolivia* ([here](#)).

⁸⁰ In this regard, see the order on monitoring compliance issued by the Inter-American Court on November 22, 2018, in the case of *the Santo Domingo Massacre v. Colombia* ([here](#)).



concerning aspects that relate to compliance with reparations. For example, from January to March 2018, several individuals and organizations presented a total of 16 *amicus curiae* briefs in the cases of *Barrios Altos* and *La Cantuta*, relating to whether or not the granting of a “pardon for humanitarian reasons” to Alberto Fujimori, who was serving a prison sentence as a result of his responsibility for crimes against humanity committed in these cases, was compatible with compliance with the obligation to investigate, prosecute and punish, as appropriate, ordered in the judgments in these cases against Peru.⁸¹

The support that organizations and academia can provide in their respective fields is also essential, by organizing activities and initiatives to disseminate judicial standards, and others that examine, give opinions on, and debate essential aspects and challenges relating to both the impact of, and compliance with, the Court’s judgments, and also to promote compliance. Examples of such initiatives are the “Observatories” on the inter-American system of human rights or to follow up on compliance with judgments,⁸² together with seminars,⁸³ meetings⁸⁴ and projects⁸⁵ organized to this end.

7. List of cases at the stage of monitoring compliance with judgment

The Court ended 2017, with 208 contentious cases at the stage of monitoring compliance with judgment. The updated list of cases at the stage of monitoring compliance with judgment is available [here](#).

⁸¹ In this regard, see the order on monitoring compliance issued by the Inter-American Court on May 30, 2018, in the cases of *Barrios Altos* and *La Cantuta*, both against Peru ([here](#)).

⁸² Such as the “Observatory on the inter-American system of human rights” at the Instituto de Investigaciones Jurídicas at UNAM, Mexico, and the “*Permanent Observatory on Compliance with Judgments of the Inter-American Court of Human Rights in Argentina and Monitoring the Inter-American System of Human Rights*” of the Faculty of Legal Science of the Universidad del Litoral.

⁸³ In July 2018, the “International Seminar on Monitoring, Compliance, and Impact of the Inter-American System of Human Rights” was held in Heidelberg, Germany, organized by the Max Planck Institute with the cooperation of the Rule of Law Program of the Konrad Adenauer Foundation.

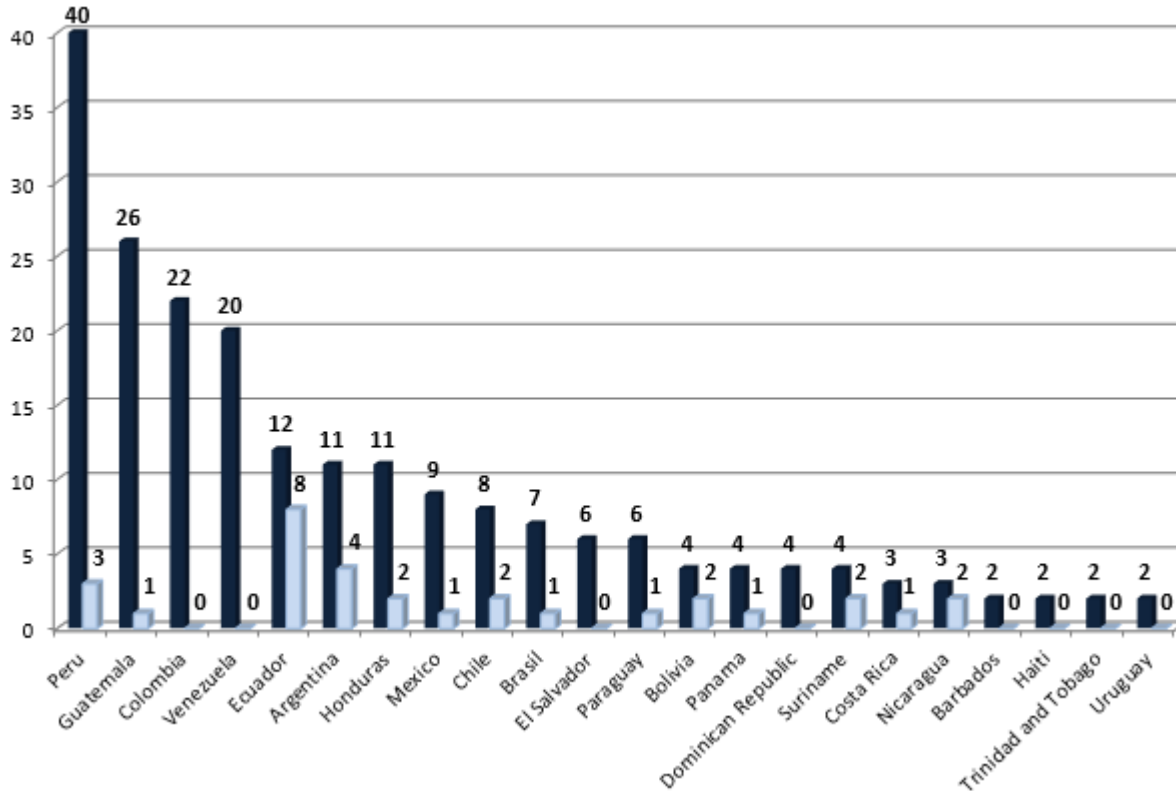
⁸⁴ In October 2018, the “Annual Meeting of Constitutional Justice and Fundamental Rights Study Groups” was held in Lima, Peru, sponsored by the Rule of Law Program of the Konrad Adenauer Foundation on the topic of the “Monitoring, execution and compliance with judgments of the Inter-American Court and the constitutional courts.”

⁸⁵ In December 2018, a workshop entitled “Implementation of recommendations and orders of international bodies in individual cases: Looking at the Future” was held in Washington D.C., organized in the context of the “Human Rights Law Implementation Project” sponsored by the Economic and Social Research Council (ESRC) with the participation of the Human Rights Implementation Centre at the University of Bristol, the Human Rights Centre of the University of Essex, the Centre for Human Rights of the University of Pretoria and the Open Society Justice Initiative.



■ Cases at the stage of monitoring compliance with judgment

■ Cases closed by the State



*Note. The information presented in this table is based on declarations in the orders issued by the Court. Consequently, there could be other information provided by the parties in the files that has not yet been evaluated by the Court.

The cases in which the Court is monitoring compliance with judgment appear below in two lists. The first list includes the 194 cases where compliance with judgment continues pending and is monitored by the Court. The second list contains the 14 cases in which the Court has applied Article 65 of the American Convention, without any change in the situation verified; such cases also continue at the stage of monitoring compliance with judgment.



8. List of cases at the stage of supervision, excluding those in which Article 65 of the Convention has been applied

List of cases at the stage of supervision [Excluding those in which Article 65 of the Convention has been applied]			
Total number	Number by State	Name of the case	Date of the judgment ordering reparations
ARGENTINA			
1	1	Garrido and Baigorria	August 27, 1998
2	2	Bulacio	September 18, 2003
3	3	Bueno Alves	May 11, 2007
4	4	Bayarri	October 30, 2008
5	5	Torres Millacura <i>et al.</i>	August 26, 2011
6	6	Fontevicchia and D'Amico	November 29, 2011
7	7	Fornerón and daughter	April 27, 2012
8	8	Furlán and family members	August 31, 2012
9	9	Mendoza <i>et al.</i>	May 14 2013
10	10	Gutiérrez and family	November 25, 2013
11	11	Argüelles <i>et al.</i>	November 2, 2014
BARBADOS			
12	1	Boyce <i>et al.</i>	November 20, 2007
13	2	Dacosta Cadogan	September 24, 2009
BOLIVIA			
14	1	Trujillo Oroza	February 27, 2002
15	2	Ticona Estrada <i>et al.</i>	November 27, 2008
16	3	Ibsen Cárdenas and Ibsen Peña	September 1, 2010
17	4	I.V.	November 30, 2016



BRAZIL			
18	1	Ximenes Lopes	July 4, 2006
19	2	Garibaldi	September 23, 2009
20	3	Gomes Lund <i>et al.</i>	November 24, 2010
21	4	Workers of the Hacienda Brasil Verde	October 20, 2016
22	5	Favela Nova Brasília	February 16, 2017
23	6	Xucuru Indigenous People and its members	February 5, 2018
24	7	Case of Herzog <i>et al.</i>	March 15, 2018
CHILE			
25	1	Palamara Iribarne	November 22, 2005
26	2	Almonacid Arellano <i>et al.</i>	September 26, 2006
27	3	Atala Riffo and daughters	February 24, 2012
28	4	García Lucero and others	August 28, 2013
29	5	Norín Catrimán <i>et al.</i> (Leaders, members and activist of the Mapuche Indigenous People)	May 29, 2014
30	6	Maldonado Vargas <i>et al.</i>	September 2, 2015
31	7	Case of Poblete Vilches <i>et al.</i>	March 8, 2018
32	8	Órdenes Guerra <i>et al.</i>	November 29, 2018
COLOMBIA			
33	1	Caballero Delgado and Santana	January 29, 1997
34	2	Las Palmeras	November 26, 2002
35	3	19 Traders	July 5, 2004
36	4	Gutiérrez Soler	September 12, 2005
37	5	Mapiripán Massacre	September 15, 2005
38	6	Pueblo Bello Massacre	January 31, 2006
39	7	Ituango Massacres	July 1, 2006



40	8	La Rochela Massacre	May 11, 2007
41	9	Escué Zapata	July 4, 2007
42	10	Valle Jaramillo <i>et al.</i>	November 27, 2008
43	11	Cepeda Vargas	May 26, 2010
44	12	Vélez Restrepo and family members	September 3, 2012
45	13	Santo Domingo Massacre	August 19, 2013
46	14	Afro-descendant Communities displaced from the Río Cacarica Basin (Operation Genesis)	November 20, 2013
47	15	Rodríguez Vera <i>et al.</i>	November 14, 2014
48	16	Duque	February 26, 2016
49	17	Yarce <i>et al.</i>	November 22, 2016
50	18	Vereda La Esperanza	August 31, 2017
51	19	Carvajal Carvajal <i>et al.</i>	March 13, 2018
52	20	Villamizar Durán <i>et al.</i>	November 20, 2018
53	21	Isaza Uribe <i>et al.</i>	November 20, 2018
54	22	Omeara Carrascal <i>et al.</i>	November 21, 2018
COSTA RICA			
55	1	Artavia Murillo <i>et al.</i> (In vitro fertilization)	November 28, 2012
56	2	Gómez Murillo <i>et al.</i>	November 29, 2016
57	3	Amrhein <i>et al.</i>	April 25, 2018
ECUADOR			
58	1	Benavides Cevallos	June 19, 1998
59	2	Suárez Rosero	January 20, 1999
60	3	Tibi	September 7, 2004
61	4	Zambrano Vélez <i>et al.</i>	July 4, 2007
62	5	Chaparro Álvarez and Lapo Ñíiguez	November 21, 2007



63	6	Vera Vera <i>et al.</i>	May 19, 2011
64	7	Kichwa Indigenous People of Sarayaku	June 27, 2012
65	8	Supreme Court of Justice (Quintana Coello <i>et al.</i>)	August 23, 2013
66	9	Gonzales Lluy <i>et al.</i>	September 1, 2015
67	10	Flor Freire	August 31, 2016
68	11	Herrera Espinoza <i>et al.</i>	September 1, 2016
69	12	Vásquez Durand <i>et al.</i>	February 15, 2017
EL SALVADOR			
70	1	Serrano Cruz Sisters	March 1, 2005
71	2	García Prieto <i>et al.</i>	November 20, 2007
72	3	Contreras <i>et al.</i>	August 31, 2011
73	4	Massacres of El Mozote and neighboring places	October 25, 2012
74	5	Rochac Hernández <i>et al.</i>	October 14, 2014
75	6	Ruano Torres <i>et al.</i>	October 5, 2015
GUATEMALA			
76	1	"White Van" (Paniagua Morales <i>et al.</i>)	March 8, 1998
77	2	Blake	January 22, 1999
78	3	"Street Children" (Villagrán Morales <i>et al.</i>)	May 26, 2001
79	4	Bámaca Velásquez	February 22, 2002
80	5	Myrna Mack Chang	November 25, 2003
81	6	Maritza Urrutia	November 27, 2003
82	7	Molina Theissen	July 3, 2004
83	8	Plan de Sánchez Massacre	November 19, 2004
84	9	Carpio Nicolle <i>et al.</i>	November 22, 2004
85	10	Fermín Ramírez	July 20, 2005
86	11	Raxcacó Reyes	September 15, 2005



87	12	Tiu Tojín	November 26, 2008
88	13	Las Dos Erres Massacre	November 24, 2009
89	14	Chitay Nech <i>et al.</i>	May 25, 2010
90	15	Río Negro Massacres	September 4, 2012
91	16	Gudiel Álvarez <i>et al.</i> ("Diario Militar")	November 20, 2012
92	17	García and family members	November 29, 2012
93	18	Veliz Franco <i>et al.</i>	May 19, 2014
94	19	Human Rights Defender <i>et al.</i>	August 28, 2014
95	20	Velásquez Paiz <i>et al.</i>	November 19, 2015
96	21	Chinchilla Sandoval <i>et al.</i>	February 29, 2016
97	22	Members of the Village of Chichupac and neighboring communities of the municipality of Rabinal	November 30, 2016
98	23	Gutiérrez Hernández <i>et al.</i>	August 24, 2017
99	24	Ramírez Escobar <i>et al.</i>	March 9, 2018
100	25	Coc Max <i>et al.</i> (Xamán Massacre)	August 22, 2018
101	26	Cuscul Pivaral <i>et al.</i>	August 23, 2018
HAITI			
102	1	Fleury <i>et al.</i>	November 23, 2011
HONDURAS			
103	1	Juan Humberto Sánchez	June 7, 2003
104	2	López Álvarez	February 1, 2006
105	3	Servellón García <i>et al.</i>	September 21, 2006
106	4	Kawas Fernández	April 3, 2009
107	5	Pacheco Teruel <i>et al.</i>	April 27, 2012
108	6	Luna López	October 10, 2013
109	7	López Lone <i>et al.</i>	October 5, 2015



110	8	Triunfo de la Cruz Garífuna Community and its members	October 8, 2015
111	9	Punta Piedra Garífuna Community and its members	October 8, 2015
112	10	Pacheco León <i>et al.</i>	November 15, 2017
113	11	Escaleras Mejía <i>et al.</i>	September 26, 2018
MEXICO			
114	1	González <i>et al.</i> ("Cotton Field")	November 16, 2009
115	2	Radilla Pacheco	November 23, 2009
116	3	Fernández Ortega <i>et al.</i>	August 30, 2010
117	4	Rosendo Cantú <i>et al.</i>	August 31, 2010
118	5	Cabrera García and Montiel Flores	November 26, 2010
119	6	García Cruz and Sánchez Silvestre	November 26, 2013
120	7	Trueba Arciniega <i>et al.</i>	November 27, 2018
121	8	Women Victims of Sexual Torture in Atenco v. Mexico	November 28, 2018
122	9	Alvarado Espinoza <i>et al.</i>	November 28, 2018
NICARAGUA			
123	1	Acosta <i>et al.</i>	March 25, 2017
124	2	V.R.P., V.P.C. <i>et al.</i>	March 8, 2018
PANAMA			
125	1	Baena Ricardo <i>et al.</i>	November 2, 2001
126	2	Heliodoro Portugal	August 12, 2008
127	3	Vélez Loor	November 23, 2010
128	4	Case of the Kuna Indigenous People of Madungandí and the Emberá Indigenous People of Bayano and their members	October 14, 2014
PARAGUAY			
129	1	"Juvenile Re-education Institute"	September 2, 2004
130	2	Yakye Axa Indigenous Community	June 17, 2005



131	3	Sawhoyamaya Indigenous Community	March 29, 2006
132	4	Goiburú <i>et al.</i>	September 22, 2006
133	5	Vargas Areco	September 26, 2006
134	6	Xákmok Kásek Indigenous Community	August 24, 2010
PERU			
135	1	Neira Alegría <i>et al.</i>	September 19, 1996
136	2	Loayza Tamayo	November 27, 1998
137	3	Castillo Páez	November 27, 1998
138	4	Constitutional Court	January 31, 2001
139	5	Ivcher Bronstein	February 6, 2001
140	6	Cesti Hurtado	May 31, 2001
141	7	Barrios Altos	November 30, 2001
142	8	Cantoral Benavides	December 3, 2001
143	9	Durand and Ugarte	December 3, 2001
144	10	"Five Pensioners"	February 28, 2003
145	11	Gómez Paquiyauri Brothers	July 8, 2004
146	12	De La Cruz Flores	November 18, 2004
147	13	Huilca Tecse	March 3, 2005
148	14	Gómez Palomino	November 22, 2005
149	15	García Asto and Ramírez Rojas	November 25, 2005
150	16	Acevedo Jaramillo <i>et al.</i>	February 7, 2006
151	17	Baldeón García	April 6, 2006
152	18	Dismissed Congressional Employees (Aguado Alfaro <i>et al.</i>)	November 24, 2006
153	19	Miguel Castro Castro Prison	November 25, 2006
154	20	La Cantuta	November 29, 2006
155	21	Cantoral Huamaní and García Santa Cruz	July 10, 2007



156	22	Acevedo Buendía <i>et al.</i> (“Dismissed and Retired Employees of the Office of the Comptroller”)	July 1, 2009
157	23	Anzualdo Castro	September 22, 2009
158	24	Osorio Rivera and family members	November 26, 2013
159	25	Case of J	November 27, 2013
160	26	Tarazona Arrieta <i>et al.</i>	October 15, 2014
161	27	Espinoza Gonzáles	November 20, 2014
162	28	Cruz Sánchez <i>et al.</i>	April 17, 2015
163	29	Canales Huapaya <i>et al.</i>	June 24, 2015
164	30	Wong Ho Wing	June 30, 2015
165	31	Santa Bárbara Campesino Community	September 1, 2015
166	32	Galindo Cárdenas <i>et al.</i>	October 2, 2015
167	33	Quispialaya Vilcapoma	November 23, 2015
168	34	Tenorio Roca <i>et al.</i>	June 22, 2016
169	35	Pollo Rivera <i>et al.</i>	October 21, 2016
170	36	Zegarra Marín	February 15, 2017
171	37	Lagos del Campo	August 31, 2017
172	38	Dismissed Employees of PetroPeru <i>et al.</i>	November 23, 2017
173	39	Munárriz Escobar <i>et al.</i>	August 20, 2018
174	40	Terrones Silva <i>et al.</i>	September 26, 2018
DOMINICAN REPUBLIC			
175	1	Yean and Bosico Girls	September 8, 2005
176	2	González Medina and family	February 27, 2012
177	3	Nadege Dorzema <i>et al.</i>	October 24, 2012
178	4	Expelled Dominicans and Haitians	August 28, 2014
SURINAME			



179	1	Moiwana Community	June 15, 2005
180	2	Saramaka People	November 28, 2007
181	3	Liakat Ali Alibux	January 30, 2014
182	4	Kaliña and Lokono Peoples	November 25, 2015
URUGUAY			
183	1	Gelman	February 24, 2011
184	2	Barbani Duarte <i>et al.</i>	October 13, 2011
VENEZUELA			
185	1	El Caracazo	August 29, 2002
186	2	Chocrón Chocrón	July 1, 2011
187	3	Barrios Family	November 24, 2011
188	4	Díaz Peña	June 26, 2012
189	5	Uzcátegui <i>et al.</i>	September 3, 2012
190	6	Landaeta Mejías Brothers <i>et al.</i>	August 27, 2014
191	7	Granier <i>et al.</i> (Radio Caracas Televisión)	June 22, 2015
192	8	Ortiz Hernández <i>et al.</i>	August 22, 2017
193	9	San Miguel Sosa <i>et al.</i>	February 8, 2018
194	10	López Soto <i>et al.</i>	September 26, 2018

9. The Dominican Republic's failure to present reports

Despite numerous requests made by the full Court or its President, the Dominican Republic has not presented information on the four cases at the stage of monitoring compliance with judgments since July 2014.⁸⁶

⁸⁶ (i) In the case of the Yean and Bosico Girls, the last time the State referred to execution of the judgment was during the hearing on monitoring compliance in May 2013; (ii) in the case of González Medina and family members, the last time the State forwarded information was in July 2014; (iii) in the case of Nadege Dorzema *et al.*, the State has not presented the first report on compliance with the reparations requested in the eleventh operative paragraph of the judgment with a time limit of November 30, 2013, and iv) in the case of Expelled Dominicans and Haitians, the State has not presented the first report on compliance with the reparations requested in the twenty-second operative paragraph of the judgment with a time limit of October 23, 2015.



In December 2018, the Court decided to summon the State, the victims' representatives and the Inter-American Commission to a public hearing on monitoring compliance with the judgments in the *cases of the Yean and Bosico Girls* and *Expelled Dominicans and Haitians*. This hearing was scheduled to be held at the seat of the Court on February 8, 2019, during the Court's 129th regular session.

The Court has emphasized in its jurisprudence that the obligation of the States Parties "to comply with the judgments of the Court in any case to which they are parties," established in Article 68(1) of the American Convention on Human Rights, includes the duty of the States to provide information on the measures taken to comply with each point ordered by the Court, and this is essential for the Court to be able to assess the status of compliance with the judgment as a whole.

10. List of cases at the stage of monitoring compliance in which Article 65 of the Convention has been applied and the situation verified has not changed

Regarding the application of Article 65 of the American Convention on Human Rights, it should be recalled that this article establishes that, in the annual report on its work that the Court submits to the consideration of the OAS General Assembly, "[i]t shall specify, in particular, the cases in which a State has not complied with its judgments, making any pertinent recommendations." Also, Article 30 of the Inter-American Court's Statute stipulates that, in this annual report, "[i]t shall indicate those cases in which a State has failed to comply with the Court's ruling." As can be seen, the State Parties to the American Convention have established a system of collective guarantee. Thus, it is in the interests of each and every State to uphold the system for the protection of human rights that they themselves have created and to prevent inter-American justice becoming illusory by leaving it to the discretion of a State's internal decisions. In previous years, the Inter-American Court has issued orders in which it has decided to apply the provisions of the said Article 65 and, thus inform the OAS General Assembly of non-compliance with the reparations ordered in the judgments in several cases, requesting the General Assembly that, in keeping with its task of protecting the practical effects of the American Convention, it urge the corresponding States to comply.

List of cases at the monitoring stage [In which Article 65 of the Convention has been applied and the situation verified has not changed]			
Total number	Number by State	Name of the case	Date of the judgment ordering reparations
HAITI			
1	1	Yvon Neptune	May 6, 2008
NICARAGUA			
2	1	Yatama	June 23, 2005



TRINIDAD AND TOBAGO			
3	1	Hilaire, Constantine and Benjamin <i>et al.</i>	June 21, 2002
4	2	Caesar	March 11, 2005
VENEZUELA			
5	1	El Amparo	September 14, 1996
6	2	Blanco Romero <i>et al.</i>	November 28, 2005
7	3	Montero Aranguren <i>et al.</i> (Retén de Catia)	July 5, 2006
8	4	Apitz Barbera <i>et al.</i> ("First Administrative Contentious Court")	August 5, 2008
9	5	Ríos <i>et al.</i>	January 28, 2009
10	6	Perozo <i>et al.</i>	January 28, 2009
11	7	Reverón Trujillo	June 30, 2009
12	8	Barreto Leiva	November 17, 2009
13	9	Usón Ramírez	November 20, 2009
14	9	López Mendoza	September 1, 2011

11. List of cases closed following compliance with judgment

List of cases closed following compliance with judgment				
Total number	Cases closed following compliance	Date of judgment ordering reparations	Date of order closing case	
ARGENTINA				
1	1. Kimel	May 2, 2008	February 5, 2013	
2	2. Mohamed	November 23, 2012	November 3, 2015	
3	3. Mémoli	August 22, 2013	February 10, 2017	
4	4. Cantos	November 28, 2002	November 14, 2017	



BOLIVIA			
5	1. Pacheco Tineo family	November 25, 2013	April 17, 2015
6	2. Andrade Salmón	December 1, 2016	February 5, 2018
BRAZIL			
7	1. Escher <i>et al.</i>	July 6, 2009	June 19, 2012
CHILE			
8	1. "The Last Temptation of Christ" (Olmedo Bustos <i>et al.</i>)	February 5, 2001	November 28, 2003
9	2. Claude Reyes <i>et al.</i>	September 19, 2006	November 24, 2008
COSTA RICA			
10	1. Herrera Ulloa	July 2, 2004	November 22, 2010
ECUADOR			
11	1. Acosta Calderón	June 24, 2005	February 6, 2008
12	2. Albán Cornejo <i>et al.</i>	November 22, 2007	August 28, 2015
13	3. Salvador Chiriboga	March 3, 2011	May 3, 2016
14	4. Mejía Idrovo	July 5, 2011	September 4, 2012
15	5. Suárez Peralta	May 21, 2013	August 28, 2015
16	6. Case of the Constitutional Tribunal (Camba Campos <i>et al.</i>)	August 28, 2013	June 23, 2016
17	7. García Ibarra <i>et al.</i>	November 17, 2015	November 14, 2017
18	8. Valencia Hinojosa <i>et al.</i>	November 29, 2016	March 14, 2018
GUATEMALA			
19	1. Maldonado Ordóñez	May 3, 2016	August 30, 2017
HONDURAS			
20	1. Velásquez Rodríguez	July 21, 1989	September 10, 1996



21	2. Godínez Cruz	September 10, 1993	September 10, 1996
MEXICO			
22	1. Castañeda Gutman	August 6, 2008	August 28, 2013
NICARAGUA			
23	1. Genie Lacayo	January 21, 1997	August 29, 1998
24	2. Mayagna (Sumo) Awas Tingni Community	August 31, 2001	April 3, 2009
PANAMA			
25	1. Tristán Donoso	January 27, 2009	September 1, 2010
PARAGUAY			
26	1. Ricardo Canese	August 31, 2004	August 6, 2008
PERU			
27	1. Castillo Petrucci <i>et al.</i>	May 30, 1999	September 20, 2016
28	2. Lori Berenson Mejía	November 25, 2004	June 20, 2012
29	3. Abrill Alosilla <i>et al.</i>	November 21, 2011	May 22, 2013
SURINAME			
30	1. Aloeboetoe <i>et al.</i>	July 20, 1989	February 5, 1997
31	2. Gangaram Panday	January 21, 1994	November 27, 1998



VI. Provisional measures

In 2018, the Court issued 22 orders on provisional measures. These orders had different purposes, namely: (i) to adopt provisional measures or urgent measures; (ii) to request information; (iii) to continue or, when appropriate, expand provisional measures; (iv) to lift the measures totally or partially; (v) to reject requests to expand provisional measures, and (vi) to reject requests for provisional measures. In addition, two public hearings on provisional measures were held during the year.⁸⁷

A. Adoption of new provisional measures

1. Case of Coc Max *et al.* (Xamán Massacre) v. Guatemala

On January 15 and February 1 and 6, 2018, the victims' representatives submitted a request for provisional measures in favor of the members of the delegation who would attend the hearing on February 9, 2018.

In an order of February 8, 2018, the Court admitted the request for provisional measures and, consequently, decided to require the State of Guatemala to adopt, forthwith, the necessary and effective measures of reparation to ensure the life and personal integrity of five persons. The order can be found [here](#).

B. Continuation or expansion of provisional measures and partial lifting of measures, or measures that have ceased to have effect for certain persons

1. Matter of the Peace Community of San José de Apartadó with regard to Colombia

In an order of February 5, 2018, the Court decided to maintain the provisional measures adopted in the order of June 26, 2017, and required the State to adopt, forthwith, the necessary measures to provide effective protection for the life and personal integrity of the members of the Peace Community of San José de Apartadó. The Court also ratified the President's decision of June 26, 2017, annulling the provisional measures granted in favor of Eduar Lanchero because he had died from a terminal illness.

The order can be found [here](#).

2. Case of Durand and Ugarte v. Peru

In an order of February 8, 2018, the Court decided to maintain the provisional measures adopted in the order of the President of the Inter-American Court on December 17, 2017, and to require the State of Peru to ensure the right of the victims in the *case of Durand and Ugarte* to obtain access to justice without any interference in judicial independence, and to archive the proceedings of the political trial underway before the Congress of the Republic

⁸⁷ Matter of the Members of the Miskitu indigenous peoples of the North Caribbean Coast Autonomous Region with regard to Nicaragua and Case of Durand and Ugarte v. Peru (Monitoring compliance with judgment and Request for provisional measures).



against Justices Manuel Miranda, Marianella Ledesma, Carlos Ramos and Eloy Espinosa-Saldaña. The Court also ordered the State to present a complete and detailed report on compliance with the provisional measure by April 15, 2018. Subsequently, in an order of May 30, 2018, the Court declared inadmissible a request submitted by the State on April 12, 2018, “to reconsider” the order on provisional measures of February 8, 2018, or “else, specify the time frame that the Court deems appropriate to grant for the provisional measure.”

The order of February 8, 2018, can be found [here](#) and the order of May 30, 2018, [here](#).

3. Matter of the Pedrinhas Prison Complex with regard to Brazil

In an order of March 14, 2018, the Court pointed out the efforts that the State had made to improve the situation of the beneficiaries of these provisional measures, particularly as regards the critical situation of overcrowding, health care and hygiene, care for chronic diseases and mental illness, and to implement medical controls, among other matters. The Court urged the State to continue implementing these and other activities. Nevertheless, it noted that the situation of the beneficiaries in the areas mentioned continued to cause concern, and called for urgent structural changes. It therefore required the State to adopt, forthwith, all necessary measures to provide effective protection to the life and personal integrity of all the persons deprived of liberty in the Pedrinhas Prison Complex, as well as any person within this establishment, including prison guards and officials, and visitors.

The order can be found [here](#).

4. Matter of Alvarado Reyes *et al.* with regard to Mexico

In an order of March 14, 2018, the Court determined that the information presented revealed that the direct family members of Rosa Olivia Alvarado Herrera and Félix García had been exposed to dangerous situations recently that had resulted in the death of the beneficiary F.A.H in February 2018. In this regard, the Court corroborated that the minor A.G.A. was a member of José Ángel Alvarado Herrera’s family which was protected by the provisional measures granted by the Court. It therefore determined to expand the provisional measures issued in this matter for the State of Mexico to include, immediately, the minor A.G.A. within the measures required in previous orders.

The order of March 14, 2018, can be found [here](#).

5. Matter of Members of the Miskitu indigenous peoples of the North Caribbean Coast Autonomous Region with regard to Nicaragua.

In an order of August 23, 2018, the Court decided to expand the provisional measures in favor of the human rights defenders, Lottie Cunningham Wrem and José Coleman. The Court noted that the information provided, which had not been contested by the State, revealed that these two individuals were representatives of the communities benefiting from the current measures and that the harassment and threats were related to their work in the defense of the indigenous territories in dispute.

The order can be found [here](#).



6. Matter of the Guatemalan Forensic Anthropology Foundation with regard to Guatemala

In an order of November 21, 2018, the Court underscored the criminal prosecution that the Guatemalan Public Prosecution Service had instituted against former members of the Army presumed responsible for the death of the persons exhumed by the Forensic Anthropology Foundation of Guatemala (Fundación de Antropología Forense de Guatemala - FAFG). The Foundation's investigations had played an important role to clarify the truth in these cases and, as a result, its personnel were vulnerable to the possibility of suffering attacks or threats from sectors that were interested in these facts remaining in impunity. Consequently, the Court considered that Fredy Peccerelli, his family, and the members of the Foundation remained in a situation of extreme gravity and urgency in which they could suffer irreparable harm, and that it was therefore appropriate to maintain in force the provisional measures ordered in their favor, aimed at protecting their life and personal integrity, and guaranteeing that they could carry out their work.

The order can be found [here](#).

7. Case of Bamaca Velásquez v. Guatemala

In an order of November 22, 2018, the Court noted that, at the present time, Olga Maldonado, Carmelinda Cabrera, Teresa Aguilar Cabrera and Osmar Rigoberto Cabrera Maldonado no longer form part of the household of Mr. Cabrera López and no information has been provided about new acts, attacks, threats or harassment over the past two years that would signify a danger for the said beneficiaries. It therefore considered it pertinent to lift the provisional measures ordered in favor of these four individuals. Also, since the State itself had provided information on the risks faced by Santiago Cabrera López and Aron Álvarez Mendoza and their families, the Court found it necessary to maintain the provisional measures in their favor.

The order can be found [here](#).

8. Plácido de Sá Carvalho Prison with regard to Brazil

In an order of November 22, 2018, the Court required the State to adopt, forthwith, all necessary measures to provide effective protection to the life and personal integrity of all those deprived of liberty in the Plácido de Sá Carvalho Prison, as well as any person within this establishment. In addition, among other matters, it decided that the State must take the necessary measures to ensure that, based on the provisions of Binding Precedent No. 56 of the Brazilian Federal Supreme Court, no new prisoners are interned in the prison after notification of this order. Moreover, it indicated that the State must establish a mechanism to ensure that, within six months of this order, each day of deprivation of liberty in the Plácido de Sá Carvalho Prison is calculated as representing two days for all the individuals detained there who have not been accused or convicted of crimes against life or physical integrity, or of sexual offences.

The order can be found [here](#).



9. Matter of the Curado Prison Complex with regard to Brazil

In an order of November 28, 2018, the Court required the State to adopt, forthwith, all necessary measures to provide effective protection to the life and personal integrity of all those deprived of liberty in the Curado complex as well as any person within this establishment; to keep the representatives informed of the measures taken to comply with the provisional measures ordered and guarantee them broad and unrestricted access to the Curado complex, with the exclusive purpose of monitoring and documenting the implementation of these measures; to take the necessary measures to ensure that, based on the provisions of Binding Precedent No. 56 of the Brazilian Federal Supreme Court, following notification of this order, no new prisoners are interned in the prison, and none of the detainees are transferred to other prisons by administrative decision. In addition, the State must establish a mechanism to ensure that, within six months of this order, each day of deprivation of liberty in the Curado Prison complex is calculated as representing two days for all the individuals detained there who have not been accused or convicted of crimes against life or physical integrity, or of sexual offences.

The order can be found [here](#).

C. Requests for provisional measures denied

1. Case of the Miguel Castro Castro Prison v. Peru

In an email dated December 28, 2017, and in the briefs with attachments of January 3, 10 and 16, 2018, Andrés Coello Cruz submitted a request for provisional measures and for a monitoring hearing, and also provided information concerning his representation of the victims Tito Valle Travesaño and Madelein Escolástica Valle Rivera, and his interest in participating as common intervener for the representatives of the victims in this case.

In an order of February 5, 2018, the Court rejected the request for provisional measures filed by the representative of two victims in this case, Madelein Escolástica Valle Rivera and Miguel Bobadilla Díaz, considering that, in his request, the representative had failed to provide any grounds regarding how the requirements established in Article 63(2) of the American Convention on Human Rights had been met.

The order can be found [here](#).

2. Case of Galindo Cárdenas v. Peru.

In briefs dated December, 2017, and October 3, 2018, Luis Antonio Galindo Cárdenas requested the adoption of provisional measures in his favor. In this regard, the Inter-American Court issued two orders, one on February 5, 2018, and the other on November 22, 2018, In both these orders it decided to reject the request for provisional measures presented by the victim, because the victim had not provided sufficient reasons why the facts on which he supported the request for provisions measures were related to the violations declared in the Court's judgment of October 2, 2015, which was founded on the events that occurred when he was deprived of his liberty in October 1994, owing to the application of anti-terrorism laws. Therefore, the request did not comply with the requirements established in Article 63(2) of the American Convention on Human Rights.



The order of February 5, 2018, can be found [here](#) and the order of November 22, 2018, [here](#).

3. Matter of Edwin Leonardo Jarrín Jarrín, Tania Elizabeth Pauker Cueva and Sonia Gabriela Vera García with regard to Ecuador

In a brief of February 6, 2018, the Inter-American Commission submitted to the Court a request for provisional measures for the Court to order the State of Ecuador to “refrain from implementing the approval of the third question of the referendum held under Decree 229, on the dismissal of the current members of the Council for Civic Participation and Social Control (CPCCS), which included the proposed beneficiaries, as well as the creation of the transitory authority and the execution of its functions.”

In an order of February 8, 2018, the Court decided to reject the request for provisional measures filed by the Commission, considering that it did not meet the requirements established in Articles 63(2) of the Convention and 27 of the Rules of Procedure. Consequently, the request for provisional measures submitted by the Inter-American Commission found inadmissible.

The order can be found [here](#).

4. Case of Durand and Ugarte v. Peru

In briefs of January 10 and 11, 2018, Miguel Canales Sermeño requested the adoption of provisional measures for eight persons whose family members had died in the events of “June 19, 1986 [...] in the El Frontón [Prison].” Among other matters, he particularly requested that: “the State be ordered [...] to return all the remains that are pending of [the persons who died] in the El Fronton Prison, and that this return should also apply to the remains of [those who died], on the same days [...] in the San Pedro de Lurigancho Prison, and in the Santa Bárbara Prison in El Callao.”

In an order of February 8, 2018, the Court rejected the request for provisional measures on the grounds that Mr. Canales and the said eight individuals lacked legal standing to make this request, because they had not been declared victims in the case in the judgment, and they do not represent the victims. Nevertheless, the Court urged the State, for strictly humanitarian reasons, to consider the possibility of returning the duly identified remains of the persons indicated to their next of kin so that the latter could bury them.

The order can be found [here](#).

5. Case of Romero Feris v. Argentina

In a brief dated July 31, 2018, the presumed victim’s representative submitted to the Court a request for provisional measures for the Court to order “the immediate suspension of the [...] execution of the sentence of deprivation of liberty imposed on Mr. Romero Feris from May 10, 2016, to date,” alleging that the presumed victim suffered from an acute illness that placed his health and life at grave and imminent risk and that required him to undergo a surgical procedure.



In an order of August 22, 2018, the President rejected the request for provisional measures filed by the representative of the presumed victim because it did not reveal, *prima facie*, that an urgent situation existed with regard to the surgical procedure that would entail imminent danger or a threat to the health and life of Mr. Feris. In addition, regarding the request to release Mr. Feris while his case was being processed, owing to the alleged arbitrary and unlawful nature of the arrest warrant, the President noted that this is a matter that relates to the merits of the case and will be examined in the respective judgment. Accordingly, he considered that it would not be prudent to anticipate a legal opinion in this regard.

The order can be found [here](#).

D. Provisional measures that have been lifted

1. **Matter of Alvarado Reyes et al with regard to México**

In conformity with the judgment issued on 28 November 2018 in the *Case Alvarado Espinoza et al. v. Mexico*, the Court ordered to lift the provisional measures which had been previously adopted, in view of the fact that the measures will be part of the obligations of the State as part of the integral reparation ordered in the judgment.

The judgment can be found [aquí](#).

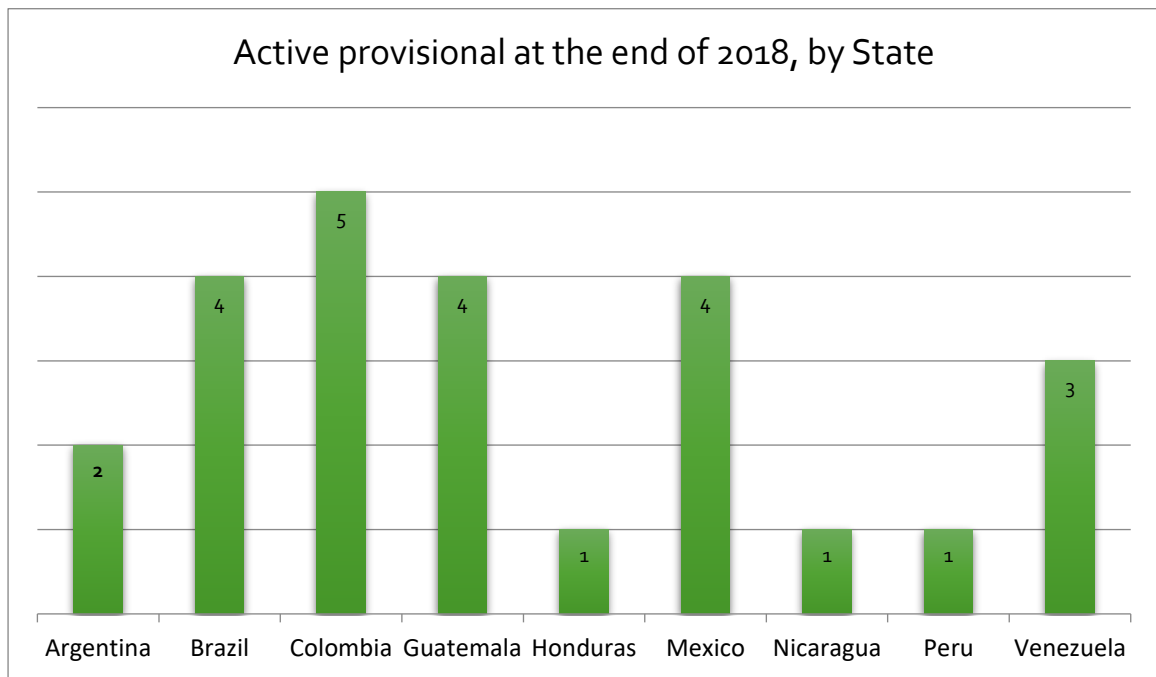
E. Current status of provisional measures

Currently, the Court is monitoring the following 25 provisional measures:

Current status of provisional measures		
Number	Name of the case or matter	State regarding which the provisional measures have been adopted
1.	Milagro Sala	Argentina
2.	Torres Millacura <i>et al.</i>	Argentina
3.	Socio-educational Internment Unit	Brazil
4.	Curado Prison Complex	Brazil
5.	Pedrinhas Prison Complex	Brazil
6.	Plácido de Sá Carvalho Prison	Brazil
7.	19 Traders	Colombia
8.	Peace Community of San José de Apartadó	Colombia
9.	Álvarez <i>et al.</i>	Colombia
10.	Danilo Rueda	Colombia
11.	Mery Naranjo <i>et al.</i>	Colombia
12.	Bámaca Velásquez	Guatemala
13.	Forensic Anthropology Foundation	Guatemala
14.	Coc Max <i>et al.</i> (Xamán Massacre)	Guatemala
15.	Mack Chang	Guatemala
16.	Kawas Fernández	Honduras
17.	Alvarado Reyes <i>et al.</i>	Mexico
18.	Castro Rodríguez	Mexico
19.	Fernández Ortega <i>et al.</i>	Mexico
20.	Members of the Choréachi Indigenous Community	Mexico
21.	Members of the Miskitu indigenous peoples of the North Caribbean Coast Autonomous Region	Nicaragua



22.	Durand and Ugarte	Peru
23.	Certain Venezuelan Prisons	Venezuela
24.	Barrios Family	Venezuela
25.	Uzcátegui <i>et al.</i>	Venezuela

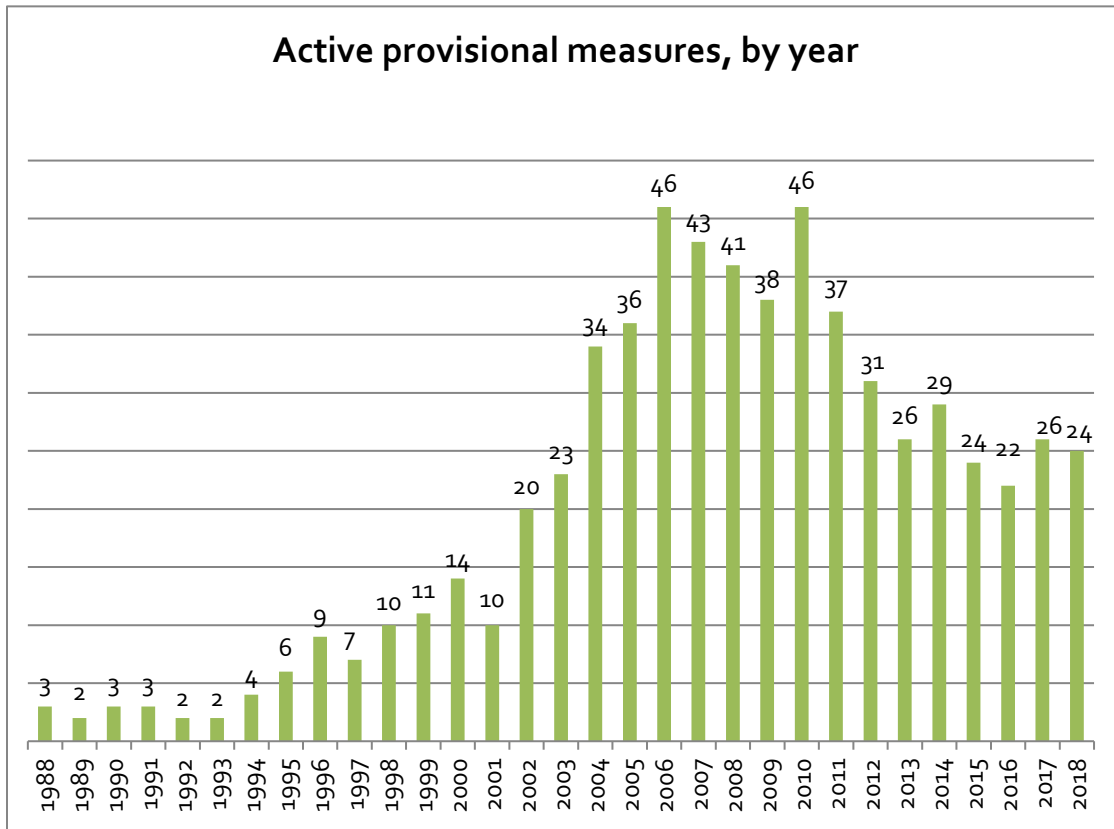




CURRENT STATUS OF PROVISIONAL MEASURES



- | | | | |
|----------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|---------------------------------------------------------------------------------------------------------------------------------|
| 1 | Argentina
Milagro Sala
Torres Millacura et al. | 5 | Honduras
Kawas Fernández |
| 2 | Brazil
Socio-Educational Internment Facility
Penitentiary Complex of Pedrinhas
Criminal Institute of Plácido de Sá Carvalho
Penitentiary Complex of Curado | 6 | Mexico
Castro Rodríguez
Fernández Ortega et al.
Members Choréachi Indigenous Community |
| 3 | Colombia
19 Tradesmen
Peace Community of San José de Apartadó
Álvarez et al.
Danilo Rueda
Mery Naranjo et al. | 7 | Nicaragua
Miskitu Indigenous Peoples of the North Caribbean Coast
Indígena Miskitu de la Región Costa Caribe Norte |
| 4 | Guatemala
Case of Coc Max et al.
Forensic Anthropology Foundation
Bámaca Velásquez
Mack Chang | 8 | Peru
Durand and Ugarte |
| | | 9 | Venezuela
Certain Penitentiary Centers
Familia Barrios
Uzcátegui et al. |



VII. Advisory function

In 2018, the Court issued an advisory opinion on the institution of asylum and its recognition as a human right under the inter-American protection system. In addition, it rejected the request for an advisory opinion submitted by the Inter-American Commission on Human Rights on the implications of the guarantees of due process and the principle of legality in the context of impeachment proceedings against democratic and constitutionally elected Presidents.

A. Admitted

1. OC-25 Advisory opinion on the institution of asylum and its recognition as a human right under the inter-American protection system

On August 18, 2016, the Republic of Ecuador submitted a request for an advisory opinion on the institution of asylum in its different forms, and the legality of its recognition as a human right of all persons pursuant to the principles of equality and non-discrimination.



According to the Court's analysis, the two questions that contained the most important concerns indicated by the State of Ecuador were:

a) Taking into account the principles of equality and non-discrimination (recognized in Articles 2(1), 5 and 26 of the International Covenant on Civil and Political Rights), the *pro persona* principle and the obligation to respect human rights, as well as Articles 31 and 32 of the Vienna Convention on the Law of Treaties, Article 29 of the American Convention on Human Rights, Articles 28 and 30 of the Universal Declaration of Human Rights, and Article 5 of the Geneva Convention relating to the Status of Refugees, is it possible to understand that, under the human right to seek and receive asylum, Article 22(7) of the American Convention and Article XXVII of the American Declaration safeguard the different methods, forms or categories of asylum developed in international law (including diplomatic asylum), in accordance with Article 14(1) of the Universal Declaration of Human Rights, the 1951 Geneva Convention relating to the Status of Refugees and its 1967 Protocol of New York, as well as the regional conventions on asylum, and the pertinent domestic norms of the OAS Member States?

b) What are the international obligations that result from the American Convention and the American Declaration in a situation of diplomatic asylum for the State that has granted this asylum?

With regard to the first question, the Court determined that it would perform its task of interpretation on the "right of asylum," as it can be called, in general, and its different legal components pursuant to the provisions mentioned above. However, since the word "asylum" is an ambiguous concept in both national and international law which establish different meanings, the Court was called on to interpret whether Article 22(7) of the Convention and Article XXVII of the Declaration encompass the different methods of asylum, such as territorial asylum, refugee status, and diplomatic asylum, as a fundamental human right or whether, to the contrary, the right to asylum in the said inter-American instrument is circumscribed to one or several of these mechanisms.

First, the Court established the need to differentiate between asylum in the strict sense or political asylum, which accords with the so-called "Latin American tradition of asylum," and asylum under refugee status, in keeping with the traditional definition and the expanded regional definition contained in the Cartagena Declaration. Also, based on the place in which protection is provided, asylum in its strict sense, can be classified as territorial asylum and diplomatic asylum. The Court noted that the nature of diplomatic functions and the fact that the legation is in the territory of the receiving State introduced a significant difference in relation to territorial asylum. In this regard, and pursuant to the different inter-American conventions on this question, according to Articles 22(7) of the American Convention and XXVII of the American Declaration, the Court considered it necessary to analyze the concept of territorial asylum and diplomatic asylum. This was because the wording of the provision in Article 22(7) of the Convention refers to the right to seek and be granted asylum in a foreign territory "in the event [that a person] is being pursued for political offenses or related common crimes." Thus, in principle, it could encompass both types of political asylum: that is asylum requested in the territory of the receiving State or asylum requested in a diplomatic legation. However, given the foregoing,



it was also necessary to interpret the meaning of the factor “foreign territory” and the condition “in accordance with the legislation of the State and international conventions,” all of this in light of Article 22(7) of the American Convention and Article XXVII of the American Declaration.

In this regard, the Court concluded that, although the wording “in accordance with the legislation of the State and international conventions” provided an important initial parameter to suppose that all methods of asylum could be included under the protection of Article 22(7) of the Convention, this assertion had to be evaluated together with the interpretation of the phrase “in a foreign territory” that was included in both Article 22(7) of the American Convention and Article XXVII of the American Declaration. Regarding the latter phrase, the Court had to determine whether the fact that it was included in both Article 22(7) of the American Convention and Article XXVII of the American Declaration led to an interpretation that only territorial asylum was protected under this provision, since diplomatic asylum was excluded.

The Court affirmed that a literal interpretation, together with the context of Articles 22(7) of the Convention and XXVII of the Declaration, which referred to international conventions, allowed it to be concluded that the wording “in a foreign territory” clearly referred to the protection arising from territorial asylum as opposed to diplomatic asylum where the sphere of protection was a legation, among other places. Consequently, the Court considered that the explicit intention of not including diplomatic asylum within the sphere of the inter-American human rights system could be due to the determination, expressed even within the framework of this proceeding, to conceive of diplomatic asylum as a right of the State or, in other words, as a State prerogative, and thus conserve the discretionary power to grant or deny it in concrete situations.

In conclusion, the Court interpreted that diplomatic asylum was not protected by Article 22(7) of the American Convention or Article XXVII of the American Declaration. Consequently, the granting of diplomatic asylum and its scope should be governed by the relevant inter-State agreements and the provisions of domestic law. Therefore, States had the authority to grant diplomatic asylum as an expression of their sovereignty, and this is incorporated within the rationale of the so-called “Latin American tradition of asylum.”

Regarding the second question, which related to whether or not the receiving States incurred obligations, the Court reaffirmed that an essential component of the right to seek and to receive asylum included the obligation of the State not to return a person, in any way, to a territory in which he or she risked persecution. Likewise, the Court determined that the principle of non-refoulement was enforceable for any alien, including those seeking international protection, over whom the State in question was exercising authority or who were under its effective control, regardless of whether they were in the land territory, territorial waters or airspace of the State.

Consequently, the receiving State should take all necessary measures to protect individuals if there was a real risk to their life, liberty or safety if they are handed over or removed to the territorial State, or if there was a danger that the said State might subsequently expel, return or extradite them to another State where that real risk existed.



The Court also recalled that, under international law, when a State was a party to an international treaty, such as the American Convention, this treaty was binding for all its organs, including the judiciary and the legislature, so that a violation by any of these organs gave rise to the international responsibility of that State. That is why the Court found that the different organs of the State had the duty to conduct the corresponding control of conventionality. Also based on what it has indicated in the exercise of its non-contentious or advisory competence, which it undeniably shares with its contentious competence, it emphasized that the purpose of the inter-American human rights system is “the protection of the fundamental rights of the individual.”

During the proceeding, which encourages broad participation, 55 briefs were received from States, State agencies, national and international organizations, academic establishments, non-governmental organizations, and individuals. These briefs can be found [here](#). Moreover, on August 24 and 25, 2017, a public hearing was held during the 119th regular session where the Court received the oral observations of 26 delegations. The video of the hearing can be found [here](#).

The complete text of the Advisory Opinion is available [here](#) and the official summary [here](#).

B. Rejected

1. Request submitted by the Inter-American Commission on Human Rights

On October 13, 2017, the Inter-American Commission on Human Rights submitted a request for an advisory opinion to the Court for clarification of the way in which the American Convention on Human Rights, as well as the Charter of the Organization of American States and the American Declaration of the Rights and Duties of Man, read together with the Inter-American Democratic Charter, provided the necessary parameters to find the balance between the principle of the separation of powers, and the full exercise of the rights that protect a person who has been impeached. The complete text of the request can be found [here](#).

In this regard, in an order of May 29, 2018, the Court decided, in keeping with its authority under Article 64(1) of the American Convention on Human Rights, by four votes to one, not to continue examining the request submitted by the Commission.

During the proceeding, which encouraged broad participation, 53 briefs were received from States, national associations, academic establishments, non-governmental organizations and members of civil society. The briefs can be found [here](#). The complete text of the order can be found [here](#).



VIII. Developments in the Court's jurisprudence

This section highlights some of the innovative developments in the Court's jurisprudence during 2018, as well as some of the criteria that reaffirms the jurisprudence already established by the Court. This evolution of jurisprudence establishes important standards for domestic judicial organs and officials when they carry out the control of conventionality within their respective spheres of competence.

In this regard, the Court recalls its awareness that domestic authorities are subject to the rule of law and, consequently, obliged to apply the provisions in force under domestic law. However, 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 legal instrument. This obliges States Parties to ensure that the effects of the provisions of the Convention are not impaired by the application of norms that are contrary to its object and purpose. Thus, the Court has established that all State authorities are obliged to exercise a "control of conventionality" *ex officio* to ensure conformity between domestic law and the American Convention, evidently within their respective spheres of competence and the corresponding procedural regulations. This relates to the analysis that the State's organs and agents must make (in particular, judges and other agents of justice) of the compatibility of domestic norms and practices with the American Convention. In their specific decisions and actions, these organs and agents must comply with the general obligation to safeguard the rights and freedoms protected by the American Convention, ensuring that they do not apply domestic legal provisions that violate this treaty, and also that they apply the treaty correctly, together with the jurisprudential standards developed by the Inter-American Court, ultimate interpreter of the American Convention.

A. Participation of the armed forces in tasks related to public security. Obligations arising from Articles 1(1) and 2 of the Convention

In the case of *Alvarado Espinoza et al. v. Mexico*,⁸⁸ the Court found the State of Mexico internationally responsible for the forced disappearance of Nitza Paola Alvarado Espinoza, José Ángel Alvarado and Rocío Irene Alvarado Reyes, in the context of the Chihuahua Joint Operation and the fight against organized crime in Mexico with the intervention of the armed forces in tasks related to public safety.

The Court reiterated its case law that, even though the States Parties to the Convention may deploy their armed forces to perform tasks other than those properly related to armed conflicts, this use should be limited as much as possible and respond to criteria of strict exceptionality to confront situations of internal violence

⁸⁸ Case of *Alvarado Espinoza et al. v. Mexico*. Merits, reparations and costs. Judgment of November 28, 2018. Series C No. 370.



and criminality, because the training received by the armed forces is aimed at defeating the enemy and not at the protection and control of civilians, a training which is provided to the police forces.⁸⁹

In this regard, the Court reaffirmed that, as a general rule, maintaining internal public order and public safety should be reserved, above all, to the civil police forces.⁹⁰ Nevertheless, when they exceptionally intervene in safety-related tasks, the participation of the armed forces must be:

- a) *Extraordinary*, so that any intervention is justified and is exceptional, temporary and restricted to what is strictly necessary in each specific circumstance;
- b) *Subordinate and complementary* to the work of the civil entities, and can never extend to the powers inherent to the institutions of the Judiciary, or the ministerial or judicial police;
- c) *Regulated* by legal mechanisms and protocols on the use of force, under the principles of exceptionality, proportionality and absolute need, and based on the respective training in the matter, and
- d) *Monitored* by competent, independent and technically trained civil bodies.⁹¹

The Court also reiterated its case law to the effect that the State must provide simple and prompt remedies when there are reports of human rights violations, and that the respective actions must be heard before the ordinary jurisdiction, and not the military jurisdiction. Moreover, such reports must be investigated and those found responsible must be punished, as appropriate.⁹²

B. Right to life (Article 4 of the American Convention)

1. The reinforced obligation to investigate the murder of human rights defenders

As in previous cases, in the case of *Escalera Mejía et al. v. Honduras*,⁹³ the Court emphasized the importance of the work of human rights defenders, finding that this was essential to reinforce democracy and the rule of law, and this justified a special obligation of protection by the States.⁹⁴ In this regard, the Court recalled that respect for human rights in a democratic State depended to a great extent on the sufficient and effective guarantees enjoyed by human rights defenders so that they could carry out their activities freely, and that special attention should be paid to actions that restrict or obstruct the work of human rights defenders. It therefore reiterated that, given the relevance of their role in society, human rights defenders

⁸⁹ *Ibid.*, para. 179. Cf. Case of Montero Aranguren et al. (Retén de Catia) v. Venezuela. Preliminary objections, merits, reparations and costs. Judgment of July 5, 2006. Series C No. 150, para. 78.

⁹⁰ *Ibid.*, para. 182.

⁹¹ *Ibid.*

⁹² *Ibid.*, para. 183.

⁹³ *Case of Escaleras Mejía et al. v. Honduras*. Judgment of September 26, 2018. Series C No. 361.

⁹⁴ *Ibid.*, para. 56. Cf. *Case of Valle Jaramillo et al. v. Colombia. Merits, reparations and costs*. Judgment of November 27, 2008. Series C No. 192, para. 87, and *Case of the Human Rights Defender et al. v. Guatemala*, para. 128.



made an essential contribution to the observance of human rights and complement the role of the State and the inter-American system as a whole.⁹⁵

The Court also ruled again on the increased obligation of the State to investigate violations of the rights of human rights defenders, indicating that States were obliged to provide the necessary means for human rights defenders to be able to carry out their activities freely; to protect them when they were subject to threats in order to avoid attacks on their life and integrity; to refrain from imposing obstacles that hindered their work, and to conduct serious and effective investigations into any violations committed against them, combating impunity.⁹⁶ Moreover, that special protection was necessary because the defense of human rights could only be exercised freely when defenders were not the victims of threats or any other type of physical, mental or moral aggression or harassment.⁹⁷

The Court also reiterated that, in the case of the death of a human rights defender, the State should take into account his or her activities to identify the interests that could have been affected in the exercise of his or her work, and recalled that States had the obligation to ensure that justice was impartial and prompt. This entailed an exhaustive examination of all the information in order to design and conduct an investigation that involved the appropriate analysis of various hypotheses of authorship, by act or omission, at different levels, exploring all the pertinent lines of investigation in order to identify the authors. Consequently, when indications or evidence existed that a specific act against a human rights defender could be based on their work of defending and promoting human rights, the investigating authorities should take the context of the facts and their activities into account to identify the interests that they could have affected, in order to establish and conduct lines of investigation that took their work into consideration, determined that a crime had been committed, and identified the authors.⁹⁸

2. Crimes against humanity

In the case of *Herzog et al. v. Brazil*,⁹⁹ the Court declared that Brazil was responsible for failing to investigate the torture and assassination of the journalist, Vladimir Herzog, perpetrated by Brazilian security forces during the military dictatorship. In this regard, first, the Court found it necessary to analyze whether the facts constituted a crime against humanity. To this end, it had recourse to different sources of international law and comparative law, which allowed it to identify that, at the time of the facts of the case (October 25, 1975), the prohibition of torture and crimes against humanity had attained the status of a peremptory norm of international law (*jus cogens*). The Court also found that, at that time, the non-applicability of statutory limitations in the case of such crimes was firmly established in customary law. In other words, both norms

⁹⁵ Case of Escaleras Mejía et al., supra, para. ara

⁹⁶ *Ibid.*, para. 54.

⁹⁷ *Idem.*

⁹⁸ Case of Escaleras Mejía et al., supra, para. 47.

⁹⁹ Case of Herzog et al. v. Brazil. Preliminary objections, merits, reparations and costs. Judgment of March 15, 2018. Series 353.



were compulsory for the Brazilian State at the time of the facts, regardless of their definition in its domestic laws.

Consequently, the Court determined that the acts committed against Vladimir Herzog should be considered a crime against humanity, as defined by international law since 1945 at least. The fact that the prohibition of crimes against international law and crimes against humanity had attained the status of peremptory norms of international law (*jus cogens*), imposed on Brazil the obligation to investigate, prosecute and punish those responsible for the said acts because they constituted a threat to the peace and security of the international community.

However, based on the limitation of temporal competence, the only purpose of the preceding finding by the Court was to determine the scope of the obligations of the Brazilian State that persisted on and after December 10, 1998, the date on which it accepted the contentious jurisdiction of the Inter-American Court of Human Rights. Following its consistent jurisprudence, the Court reiterated that the obligation to investigate and, when appropriate, prosecute and punish those responsible, was particularly important based on the severity of the crimes committed and the nature of the rights harmed. The Court reiterated its jurisprudence to the effect that the perpetration of crimes against humanity, such as murder and torture, violated a peremptory norm of international law. The prohibition to commit crimes against humanity was a norm of *is cogens* and, under international law, it was obligatory for the State to punish such crimes.

a) Elements of crimes against humanity

The Court indicated that crimes against humanity were international law crimes, together with war crimes, genocide, slavery and the crime of aggression. This meant that their content, nature and the conditions of responsibility were established by international law, regardless of what was established in a State's domestic law.¹⁰⁰

The Court stressed that the fundamental characteristic of an international law crime was that it threatened the peace and security of humanity because it offended the conscience of humanity. Such crimes were planned State crimes, that formed part of an evident strategy or policy against a group of individuals. The perpetrators were usually State agents implementing this policy or plan, who took part in acts involving assassination, torture, rape and other heinous acts against the civilian population in a systematic or generalized way.¹⁰¹

b) Principle of legality and non-applicability of the statute of limitations for crimes against humanity

The Court indicated that, even though certain conducts considered crimes against humanity were not formally defined in domestic law, or were even lawful under domestic law, this did not exonerate the person

¹⁰⁰ *Ibid.*, *supra*, para. 220.

¹⁰¹ *Ibid.*, para. 222.



who committed the act from responsibility under international law. In other words, the inexistence of domestic provisions that defined and punished international crimes could never exonerate the authors from their international responsibility or exempt the State from punishing such crimes.¹⁰² The special and determinant force and importance of this obligation in cases of crimes against humanity signified that States could not invoke: (i) the statute of limitations; (ii) the *ne bis in idem* principle; (iii) amnesty laws, or (iv) any similar provision that excluded responsibility, to excuse itself from its obligation to investigate and punish those responsible.¹⁰³

c) Universal jurisdiction

The Court indicated that, in cases of human rights violations, the obligation to establish and implement the system of justice fell, fundamentally, on the State where they took place and, in the case of crimes against humanity, this obligation remained the same, because the responsibility to be accountable to society in the case of such conducts also fell, above all, on the responsible State.¹⁰⁴ Nevertheless, based on the nature and severity of crimes against humanity, this obligation transcended the territory of the State where the acts took place.¹⁰⁵

That said, the Court considered that, when crimes against humanity were perpetrated, the community of States was authorized to apply the universal jurisdiction in order to ensure the absolute prohibition of such crimes as established by international law. Despite this, the Court also recognized that, given the current evolution of international law, the use of the universal jurisdiction was a criterion of political-criminal and procedural reasonableness, rather than of a hierarchical arrangement, because the jurisdiction of the territory where the crime was committed should be preferred.¹⁰⁶

The Court also emphasized that, when considering the exercise of their universal jurisdiction to investigate, prosecute and punish perpetrators of crimes such as those of this case, States must meet certain requirements recognized in international customary law: (i) that the crime to be prosecuted was a crime of international law (war crimes, crimes against humanity, crimes against peace, slavery, genocide) or torture; (ii) that the State in which the crime was committed had failed to demonstrate that it had made an effort to punish those responsible in the judicial sphere, or that their laws prevented initiating such efforts owing to the application of grounds for the exoneration of responsibility, and (iii) that justice should not be exercised arbitrarily or to satisfy interests outside those of justice, particularly political interests.¹⁰⁷

¹⁰² *Ibid.*, para. 231.

¹⁰³ *Ibid.*, para. 232. Cf. Case of Barrios Altos v. Peru. Merits. Judgment of March 14, 2001. Series C No. 75, para. 41; Case of Members of the Village of Chichupac and neighboring communities of the municipality of Rabinal v. Guatemala. Preliminary objections, merits, reparations and costs. Judgment of November 30, 2016. Series C No. 328, para. 247.

¹⁰⁴ *Ibid.*, 295.

¹⁰⁵ *Idem.*

¹⁰⁶ *Ibid.*, para. 302.

¹⁰⁷ *Ibid.*, para. 303.



d) International standards for mechanisms that extinguish, suspend, reduce or modify the punishment of egregious human rights violations or crimes against humanity

The Court asserted that the international obligation to punish those responsible for gross human rights violations with penalties appropriate to the severity of the crime could not be unduly affected or become illusory during execution of the judgment that imposed the punishment in keeping with the principle of proportionality. In this regard, it reiterated that execution of the judgment was an integral part of the right of access to justice of the victims of egregious human rights violations and their next of kin.¹⁰⁸

When analyzing whether the application of a legal mechanism that, “for humanitarian reasons” extinguished the punishment imposed in criminal proceedings constituted an obstacle for compliance with the obligation to investigate, prosecute and punish gross human rights violations, as appropriate, it was necessary to assess whether this had an unnecessary and disproportionate effect on the right of access to justice of the victims of such violations and their next of kin, as regards the proportionality of the punishment imposed in the judicial proceedings and its execution.¹⁰⁹

The Court reiterated the standards regarding the State obligation to ensure that those deprived of liberty who suffered from serious, chronic or terminal illnesses were provided with adequate medical care.¹¹⁰ It also established that, depending on factors such as the health situation, risk to life, detention conditions and facilities for adequate care (either in the prison or by transfer to a medical center), the State must make a proportional assessment of any administrative measure or legal mechanism that protected the life and integrity of the convicted person, provided that this was granted appropriately and for a legitimate reason.¹¹¹

In cases of gross human rights violations, this measure or legal mechanism should be the one that least restricted the victims’ right of access to justice. The State should determine, first, whether any measure existed that permitted effective medical care (for example, to ensure that the convicted person was able to attend the corresponding medical appointments or procedures promptly, and that there were measures and protocols in place that provided for emergency medical treatment), or whether it was necessary to apply an appropriate legal mechanism that modified the punishment or permitted early release.¹¹² If a measure was considered that would affect the punishment, particularly if this was a legal mechanism that allowed the Executive to extinguish the punishment by a discretionary decision, it should be possible to request judicial control of such a decision, so that it could be weighed in relation to its effects on the rights of the victims and their next of kin, and to ensure that it was granted appropriately taking into consideration the standards set

¹⁰⁸ *Case of Barrios Altos and Case of La Cantuta v. Peru*. Monitoring compliance with judgment. Order of the Inter-American Court of Human Rights of May 30, 2018, *considerandum* 47.

¹⁰⁹ *Ibid.*, *considerandum* 45.

¹¹⁰ *Ibid.*, *considerandum* 50.

¹¹¹ *Ibid.*, *considerandum* 52.

¹¹² *Ibid.*, *considerandum* 53.



forth in international law. In the case of egregious human rights violations, and taking into account the evolution of international criminal law, in addition to the convicted person's health, other factors had to be taken into account, such as that a substantial part of the prison sentence had been served and that the civil reparation imposed in the judgment had been paid; also, the convicted person's conduct as regards clarification of the truth and acknowledgement of the gravity of the crimes perpetrated, his rehabilitation, and the effects that his early release would have for society as a whole and for the victims and their next of kin.¹¹³

3. The international responsibility of the State for *ultra vires* acts

In the case of *Villamizar Durán et al. v. Colombia*,¹¹⁴ the Court developed criteria related to the international responsibility of the State for *ultra vires* acts in order to determine the international responsibility of Colombia for the extrajudicial execution of Carlos Arturo Uva Velandia by an off-duty member of the Armed Forces.

The Court indicated that, as a general rule, pursuant to Article 7 of the International Law Commission's articles on State responsibility, any conduct, including *ultra vires* acts, of State organs or of a person or entity empowered to exercise elements of the Government's authority, was attributable to the State. This rule had just one exception, and that was when that organ or person was not acting in an official capacity; in other words, when the person was acting in their capacity as a private entity. This had been recognized as *opinio juris* in the practice of the States, and in the international jurisprudence of different bodies.

Second, the Court indicated that the most accepted criterion in international law to determine to what extent an act of an organ of the State or of a person or entity empowered to exercise elements of the Government's authority was attributable to the State, required establishing whether the said act was executed as an exercise of authority or as an apparent exercise of State authority. Here, different elements might be relevant when making this analysis on a case-by-case basis, although none of these criteria was conclusive of itself: (a) if the State organ or agent was on duty or acting under the orders of superiors; (b) if the conduct in question involved the use of means derived from the official function of the State organ or agent, including powers, methods, weapons, equipment and information; (c) if it was probable that the public, including the victim, could perceive that the State organ or agent acted as such, which could happen, for example, if the State organ or agent was wearing a uniform or if he was behaving as if he was acting in his official capacity.

Furthermore, the reasons for the person's conduct could be indicative of whether or not the act was of a private nature when there were no other elements that allowed it to be inferred that it was an *ultra vires* act. Also, whether or not the State had controlling powers over the agent or to issue instructions to that person. Lastly, as indicated in the commentary on the Articles on the Responsibility of States for Internationally Wrongful Acts, "the problem of drawing the line between unauthorized but still "official" conduct, on the one

¹¹³ *Ibid.*, *considerandum* 57.

¹¹⁴ Case of *Villamizar Durán et al. v. Colombia*. Preliminary objection, merits reparations and costs. Judgment of November 20, 2018. Series C No. 364.



hand, and “private” conduct, on the other, may be avoided if the conduct complained of is systematic or recurrent, such that the State knew or ought to have known of it and should have taken steps to prevent it.”

C. Right to personal integrity (Article 5 of the American Convention))

1. Violence against women – State responsibility for acts of torture perpetrated by a State agent

In the case of *Women Victims of Sexual Torture in Atenco v. Mexico*,¹¹⁵ the Court determined that Mexico was responsible for the sexual violence, rape and torture suffered by 11 women during their arrest and subsequent transfer to the “Santiaguito” Social Reinsertion Center (“CEPRESO”) on May 3 and 4, 2006. The Court also indicated that the police agents had used the detained women’s bodies as instruments to transmit their message of repression and condemnation of the protest measures used by the demonstrators and to disperse the protest and ensure that the State’s authority was not questioned in future.¹¹⁶ In this regard, the Court emphasized that sexual violence had no place in, and should never be used as a way of, controlling public order by the security forces of a State that was bound by the American Convention, the Convention of Belém do Pará, and the Inter-American Convention against Torture “to pursue by all appropriate means and without delay, policies to prevent, punish and eradicate” violence against women.¹¹⁷

2. Violence against women – State responsibility for acts of torture perpetrated by a non-State agent

In the case of *López Soto et al. v. Venezuela*¹¹⁸ an 18-year old woman was deprived of liberty by a private individual for almost four months, during which time she was continually subjected to various acts of physical, verbal, psychological and sexual violence.

In its analysis, the Court developed State obligations in light of the American Convention and Article 7 of the Convention of Belém do Pará on the prevention, punishment and eradication of violence against women, as well as to protect women victims of violence. The Court also took into account that the facts referred to an act of violence against women, a circumstance that called for enhanced due diligence that went beyond the specific context of the case, and resulted in the adoption of a range of different measures that endeavored, in addition to preventing specific acts of violence, to eradicate any gender-based violence in the future.

In this particular case, the Court considered that the failure to observe the obligation of due diligence was evident, because the State knew the identity of the aggressor and could have taken specific measures aimed

¹¹⁵ Case of *Women Victims of Sexual Torture in Atenco v. Mexico*. Preliminary objection, merits reparations and costs. Judgment of November 28, 2018. Series C No. 371.

¹¹⁶ *Ibid.*, para. 204.

¹¹⁷ *Idem.*

¹¹⁸ Case of *López Soto et al. v. Venezuela*. Merits, reparations and costs. Judgment of September 26, 2018. Series C No. 362.



at avoiding the risk. Therefore, the Court considered that the State could not be found directly responsible for the abuse suffered by Linda Loaiza, but that its responsibility arose from the negligent and insufficient reaction of the public officials who, on being informed of the danger, failed to take the measures that could reasonably be expected, and thus failed to act with due diligence to interrupt or prevent the events from occurring; moreover, their actions also served to alert the aggressor. This, added to the subsequent total failure to adequately prevent the physical, verbal, psychological and sexual abuse suffered by Linda Loaiza, despite knowing the identity of the offender, revealed a tolerant attitude in the face of a situation that, owing to its characteristics, represented a risk of violence against women.

In addition, the Court recalled that, in light of Article 5(2) of the American Convention and in keeping with its jurisprudence, an act of torture occurs when the ill-treatment: (i) is intentional; (ii) causes severe physical or mental suffering, and (iii) is committed with an objective or purpose. Based on the evidence provided, the Court found that the gravity and intensity of the severe physical, verbal, psychological and sexual ill-treatment suffered by Linda Loaiza had been proved; that this ill-treatment had been perpetrated intentionally over a period of almost four months when she was completely defenseless and under the control of her aggressor.

Given that these acts had not been perpetrated directly by a public official, the State contested their classification as torture. However, the Court recalled that the definition it had adopted referred to three elements alone, and all three were present in this case. Indeed, since Article 5(2) of the American Convention did not define what should be understood as “torture,” the Court had resorted to Article 2 of the Inter-American Convention to Prevent and Punish Torture and other definitions contained in international instruments that stipulated the prohibition of torture, to interpret the elements that constituted torture. When adopting those elements, the Court had not established a requirement that the act must be committed by a public official. The Court added that, from the way in which the said instruments were worded, the perpetration of torture was not circumscribed to the fact that it was committed by public officials or that the State’s responsibility could only be generated by the direct action of its agents; those instruments also referred to instigation, consent, acquiescence and failure to act when such acts could have been prevented. The Court also emphasized that, when interpreting Article 5(2) of the Convention, it had understood that, both the systematic and the evolutive interpretation played a crucial role in ensuring the practical effects of the prohibition of torture, in accordance with current conditions in the societies of our continent.

This is consequent with the general rules of interpretation established in Article 29 of the American Convention, as well as in the Vienna Convention on the Law of Treaties. In the context of the systematic method, the Court found it necessary to consider other inter-American instruments, such as the Convention of Belém do Pará. In this regard, the Court noted that, in certain cases, violence against women could constitute torture and, also, that violence against women also encompassed the private sphere. Therefore, under the provisions of the Convention of Belém do Pará, it was necessary to recognize that intentional acts committed by a private individual that caused a woman severe physical, sexual or mental suffering could



constitute acts of torture and deserved a punishment adapted to their severity to achieve the purpose of its eradication. In summary, based on the normative framework of the Convention of Belém do Pará which should permeate the evolutive interpretation of conducts and acts of violence against women that could be considered torture, the Court found that acts of violence against women perpetrated by private individuals could not be excluded, when they were committed with the State's tolerance or acquiescence because it deliberately failed to prevent them, as in this case.

D. Prohibition of slavery and servitude (Article 6 of the American Convention)

1. Sexual slavery

In the aforementioned case of *López Soto et al. v. Venezuela*,¹¹⁹ the Court interpreted that sexual slavery, as a violation of human rights, was covered by the prohibition contained in Article 6 of the Convention, regardless of the existence of a specific context. To classify a situation as sexual slavery the following two aspects had to be verified: (i) the exercise of attributes of the right to property over a person, and (ii) the existence of acts of a sexual nature that restricted or annulled the sexual autonomy of that person.

The Court indicated that sexual slavery was a particular form of slavery in which sexual violence played a preponderant role in the exercise of the attributes of the right to property over a person. For this reason, in such cases, factors related to constraints to the activity and sexual autonomy of the victim constituted strong indicators of the exercise of domination. Sexual slavery differed from other similar practices of slavery that were not of a sexual nature. Additionally, the element of slavery was determinant to differentiate such acts from other forms of sexual violence. By identifying such conducts as a form of slavery, all the obligations associated with the nature *jus cogens* of its prohibition – in other words, its absolute and peremptory nature – became applicable.

2. Human-trafficking for the purpose of adoption

In the case of *Ramírez Escobar et al. v. Guatemala*,¹²⁰ related to family separation, the declaration of abandonment and the subsequent adoption of two children, the Court had the opportunity to develop its case law in relation to human-trafficking for the purpose of adoption.

The Court reiterated that the concepts of “the slave trade and traffic in women” had transcended their literal meaning in order to protect, at the current stage of the evolution of international human rights law, “persons” trafficked in order to subject them to different forms of exploitation without their consent. In light of the evolution of international law in recent decades, the Court interpreted that the phrase “the slave trade and

¹¹⁹ Case of *López Soto et al. v. Venezuela*. Merits, reparations and costs. Judgment of September 26, 2018. Series C No. 362.

¹²⁰ Case of *Ramírez Escobar et al. v. Guatemala*. Merits, reparations and costs. Judgment of March 9, 2018. Series C No. 351.



traffic in women” in Article 6(1) of the American Convention should be interpreted more broadly to refer to “human-trafficking.” Therefore, the prohibition contained in Article 6(1) of the Convention referred to:

- a. The capture, transport, transfer, reception or harboring of persons;
- b. The use of threat or force or other forms of coercion, abduction, deceit, lies, abuse of power or of a situation of vulnerability, or the granting or receiving of payments or benefits to obtain a person’s consent by someone who had authority over them. In the case of persons under the age of 18, these conditions were not required in order to characterize a situation as trafficking;
- c. All of the above for any type of exploitation.¹²¹

The element of purpose was not limited to a specific objective of exploitation, such as forced labor or sexual exploitation, but could also include other forms of exploitation. Also, according to the Court, it was clear that there was no exhaustive list of the possible purposes of exploitation relating to the perpetration of the crime of human-trafficking.¹²²

In the case indicated above, the Court found that unlawful adoption could also be one of the objectives of human-trafficking. It also indicated that, in itself, an unlawful adoption did not constitute the crime of human-trafficking. However, when the acts of capture, transport, transfer, reception and harboring of persons were committed in order to facilitate or carry out an unlawful adoption, it could be supposed that it was a case of human-trafficking for the purpose of adoption because, in that case, the trafficker carried out those conducts with the purpose of exploiting the child by objectifying him or her for an unlawful adoption.¹²³ The Court clarified that, in this context, it was not necessary that the unlawful adoption served as a means for the subsequent exploitation of the adopted child through forced labor or sexual exploitation in order to constitute the crime of human-trafficking, because the exploitation had already been constituted by the commercialization of the child under abusive conditions and by unfair and fraudulent means either before, during or after the adoption procedure.¹²⁴

E. Right to personal liberty (Article 7 of the American Convention)

In the case of the *Women Victims of Sexual Torture in Atenco v. Mexico*, the Court included some specific considerations on the treaty-based obligations of States in the case of collective detentions. In this regard, it reiterated that collective detentions could constitute a mechanism to guarantee public safety when the State had elements to prove that the actions of each of the persons affected met the requirements for detention established in their domestic law pursuant to the Convention.¹²⁵ In other words, elements must

¹²¹ *Ibid.*, para. 310.

¹²² *Ibid.*, para. 312.

¹²³ *Idem.*

¹²⁴ *Ibid.*, para. 315.

¹²⁵ *Cf. Case of Servellón García et al. v. Honduras*. Judgment of September 21, 2006. Series C No. 152, para. 92, and *Case of Pacheco Teruel et al. v. Honduras. Merits, reparations and costs*. Judgment of April 27, 2012. Series C No. 241, para. 107.



exist to individualize and separate the conducts of each of those detained and, also, control must be exercised by the judicial authority.¹²⁶

Indeed, the Court has established that, in the case of collective detentions, the State must justify and prove, in each particular case, the existence of sufficient evidence and that the detention is strictly necessary; therefore, the detention cannot be based on a mere suspicion or personal perception concerning the membership of the accused in a certain group.¹²⁷ In those cases, violent conduct should not be presumed, nor should organizers of a protest be considered responsible for the violent behavior of others; to the contrary, the police must individualize and remove violent individuals from the crowd so that the other persons are able to exercise their rights.

In summary, the Court considered that, to avoid arbitrariness in collective detentions, States must: (i) individualize and separate the conducts of each of the persons detained to demonstrate that there was reasonable evidence, based on objective information, that each detainee met the requirements for one of the grounds for detention established in its domestic law pursuant to the Convention; (ii) ensure that the detention was necessary and proportionate to guarantee a purpose permitted by the Convention, such as the general interest, and also (iii) ensure that the detention was subject to judicial control, in addition to the other conditions established in Article 7 of the American Convention.

F. Right to judicial guarantees and judicial protection (Articles 8(1) and 25 of the American Convention)

1. Application of enhanced due diligence and special protection in investigations and criminal proceedings for sexual violence against children and adolescents and obligation of non-revictimization

In the case of *V.R.P. and V.P.C. et al. v. Nicaragua*,¹²⁸ the Court focused its analysis on the question of whether the investigations and the domestic criminal proceedings instituted by the State, based on the denunciation of the rape of a girl child, complied with the obligation of enhanced due diligence and non-revictimization in investigations and criminal proceedings based on sexual violence. In addition, it analyzed whether Nicaragua had acted from a gender- and child-based perspective and adopted the special measures of protection required to ensure the rights of V.R.P. during the investigation and criminal proceedings for the facts of this case. The Court then examined the applicability of the requirements of due process to the mechanism of trial by jury in force in Nicaragua at the time of the facts, and the alleged violations of the guarantee of impartiality and the obligation to state the grounds for decisions, as well as with regard to a

¹²⁶ Cf. *Case of Servellón García*. Judgment of September 21, 2006. Series C No. 152, para. 92, and *Case of Pacheco Teruel et al. v. Honduras. Merits, reparations and costs*. Judgment of April 27, 2012. Series C No. 241, para. 107.

¹²⁷ Cf. *Case of Pacheco Teruel et al. v. Honduras. Merits, reparations and costs*. Judgment of April 27, 2012. Series C No. 241, para. 106, and *Case of Amrhein et al. v. Costa Rica. Preliminary objections, merits, reparations and costs*. Judgment of April 25, 2018. Series C No. 354, para. 353.

¹²⁸ *Ibid.*



reasonable time. Lastly, it developed the requirements to ensure access to justice under equal conditions for a girl child victim of sexual violence, and referred to revictimization as a form of institutional violence.

In particular, the Court considered that, notwithstanding the standards established in cases of rape and sexual violence against adult women, in compliance with Article 19 of the American Convention on Human Rights, States must adopt particular and special measures in cases in which the victim is a child or adolescent, especially in the case of an act of sexual violence and, even more so, in cases of rape. Consequently, the Court analyzed the presumed violations of the rights of a girl child, not only based on the international instrument on violence against women, but also “in light of the international *corpus juris* on the protection of the child.” In addition, the Court applied the four guiding principles of the Convention on the Rights of the Child; these are, the principle of non-discrimination, the principle of the best interest of the child, the principle of respect for the right to life, survival and development, and the principle of respect for the opinion of the child in any proceedings that affects her or him, so that the child’s participation is ensured, as pertinent, to identify the special measures required to make the rights of children and adolescents effective when they are victims of crimes involving sexual violence.

The Court underlined that State actions should be aimed at an enhanced protection of the rights of children and adolescents through multi-disciplinary and coordinated actions of protection and psychosocial support, investigation and prosecution, by State agencies, including the Public Prosecution Service, the judicial authorities, health professionals, social and legal services, and the police, as soon as the State became aware of the violation of their rights and without interruption until such services were no longer required, in order to avoid the participation of victims in the criminal proceedings causing them renewed prejudice and additional trauma, revictimizing them.

The Court determined that enhanced due diligence entailed the adoption of special measures and the implementation of a procedure adapted to children and adolescents with a view to avoiding their revictimization and developed the following criteria, among others: (i) the right to information on the proceedings, as well as on the services of legal assistance, health care and other available measures of protection; (ii) legal assistance without charge provided by the State of a lawyer specialized in children and adolescents, with the authority to litigate on behalf of the victim, to contest judicial measures, file appeals, and conduct any other procedural act to defend the victim’s rights in the proceedings; (iii) the right to be heard, with due guarantees and within a reasonable time, which entailed an enhanced standard of promptness; (iv) the right of victims who are children or adolescents to take part in the criminal proceedings, in keeping with their age and maturity, and provided that this does not entail harm to their bio-psychosocial well-being. To this end, only those procedures that are strictly necessary should be conducted, avoiding the presence and interaction of children and adolescents with their aggressor; (v) adequate conditions should be established for children and adolescents to be able to participate effectively in the criminal proceedings through special protection and specialized support; (vi) the interview should be conducted by a specialized psychologist or a professional in a similar discipline duly trained to take this type of statement from children and adolescents. The Court pointed



out that several countries have adopted, as good practice, the use of special devices such as the Gesell chamber or closed-circuit television (CCTV), which enabled the authorities and the parties to follow the testimony of the child or adolescent from a distance, in order to minimize any revictimization; (vii) interview rooms should provide a safe and non-threatening environment – avoiding one that is hostile, insensitive or inadequate – offering privacy and instilling trust; (viii) the personnel of the justice service who intervene must have received training in this area, and (ix) immediate and professional assistance must be provided, both medical and psychological and/or psychiatric, by a professional specifically trained in care for victims of this type of crimes and with a gender perspective.

The Court also determined that, in cases of sexual violence, the State must, once it became aware of the facts, provide immediate and professional assistance, both medical and psychological and/or psychiatric, by a professional specifically trained in care for victims of this type of crimes and with a gender- and child-based perspective.

With regard to the physical examination, the Court asserted that the authorities must avoid, insofar as possible, that a victim be subjected to more than one physical evaluation, because this could be revictimizing. The medical examination in these cases should be conducted by a professional with wide-ranging expertise and experience in cases of sexual violence against children and adolescents, who should seek to avoid, or at least minimize the possibility of causing them an additional trauma or revictimizing them. It is recommendable that the victim, or their legal representative, if applicable, be allowed to choose the sex of the professional and that the examination be conducted by a health professional specialized in infant and juvenile gynecology, with specific training in forensic medicinal examinations in cases of sexual abuse and rape. Also, the medical examination should be conducted following the informed consent of the victim or their legal representative, in keeping with their level of maturity, taking into account the right of the child or adolescent to be heard, in an adequate place, respecting their right to intimacy and privacy, and permitting the presence of a person who the victim trusts.

In addition, the Court affirmed the applicability of the judicial guarantees recognized in the American Convention to the system of trial by jury. Regarding the duty to provide the grounds for the verdict, it considered that it was necessary to analyze whether the criminal proceedings as a whole provided mechanisms to safeguard against arbitrariness and that permitted the reasons for the verdict to be understood – not merely by the defendant, but also by the victim or the plaintiff. Essentially, the need for the defendant and the victim of the crime or the plaintiff to understand the reasons for the decision of guilt or innocence taken by the jury in their verdict continued to be fully in force as a guarantee against arbitrariness.



2. Access to justice in equal conditions for women victims of violence

In the case of *López Soto et al. v. Venezuela*,¹²⁹ the Court noted, in relation to violence against women, that women faced certain obstacles and restrictions when having recourse to State authorities, and this prevented them from exercising their right of access to justice effectively. In this regard, the absence of training and expertise in the area of gender among State agents in the institutions that conducted investigations and administered justice, and the existence of stereotypes that undermined the credibility of the statements of women victims, were fundamental factors that, together with high rates of impunity in cases of this nature, resulted in women deciding not to report acts of violence or not to continue with legal cases that were underway. To those factors should be added the lack of access to quality legal assistance and services able to provide social assistance and shelter to the victims, as well as the failure to adopt immediate measures of protection by the State officials who intervened in this type of situation.¹³⁰

Consequently, the Court considered that certain international instruments were useful to specify and provide content to the State's obligation to protect women victims of violence in order to guarantee effective access to the services of both justice and health. The measures that should be taken included: (i) provide safe and accessible environments so that victims can report acts of violence; (ii) establish a system of immediate measures of protection to safeguard the integrity of victims; (iii) provide access to free legal assistance to the victim at every stage of the proceedings; (iv) provide medical and psychological care to the victim, and (v) implement short- or medium-term social and material support mechanisms (through shelters or similar places).¹³¹

The Court concluded that, in relation to violence against women, due diligence on the part of State organs to ensure access to justice meant that States should have a legal framework for protection and practices that permitted an effective response and action when reports of acts of this nature were received. In this regard, strengthening the institutions that intervened in this type of case also constituted an essential element to ensure an effective reaction by the State that did not lead to revictimization.¹³²

3. Family separation and international adoption

In the case of *Ramírez Escobar et al. v. Guatemala* mentioned above, the Court also emphasized that Article 8(1) of the Convention recognized the right of everyone, including children, to be heard in proceedings in which their rights were decided, which included proceedings where decisions were taken to separate them from their family because they were victims of abuse or neglect in the home.¹³³ The Court also reiterated that, in cases of the care and custody of minors, the determination of the best interest of the child should be made based on an evaluation of the specific conduct of the parents and its negative impact on the well-being

¹²⁹ Case of *López Soto et al. v. Venezuela*, supra.

¹³⁰ *Ibid.*, para. 220.

¹³¹ *Ibid.*, para. 222.

¹³² *Ibid.*, para. 224.

¹³³ Case of *Ramírez Escobar et al. v. Guatemala*, supra, paras. 170 and 171.



and development of the child, the real dangers and risks – proved and not speculative or imaginary – and on the well-being of the child. Therefore, speculations, presumptions, stereotypes or generalized considerations on personal characteristics of the parents or cultural preferences in relation to certain traditional concepts of the family were inadmissible.¹³⁴

Regarding international adoption procedures, the Court indicated that, to determine the compatibility of such procedures with the American Convention, compliance with the following requirements was necessary: (i) that it had been verified that the child could be legally adopted (adoptability); (ii) that the best interest of the child had been evaluated as a determinant factor and primary consideration in the decision on adoption (best interest of the child); (iii) that the right of the child to be heard had been ensured (right to be heard); (iv) that the international adoption had only been authorized after verification that the child could not be provided with adequate care in his or her own country, or in the country of habitual residence (subsidiarity), and (v) that it had been verified that no individual or entity had unduly benefitted financially at any stage of the adoption procedure (prohibition of undue financial benefits).¹³⁵

Furthermore, the Court indicated that determination of the child's best interest, when international adoption was a possibility, was a complex exercise, because it was necessary to assess to what extent the adoption abroad would be compatible with other rights of the child (such as the right to grow up, insofar as possible, under the care of his or her parents and the right not to be arbitrarily and unlawfully deprived of any of the elements of his or her identity), as well as the child's family situation (including sibling relationships) and “to try and predict the child's potential to adapt to the new care arrangements in a new environment.”¹³⁶

G. Right of assembly (Article 15 of the American Convention)

In the aforementioned case of *Women Victims of Sexual Torture in Atenco v. Mexico*, the Court had the opportunity to develop the meaning and scope of the right of assembly (Art. 15 of the American Convention), specifically in relation to the use of force by the public authorities to suppress protests or demonstrations. In this regard, it reiterated its precedents in the sense that, in Article 15 of the American Convention, “the right of peaceful assembly, without arms, is recognized” and that this refers to both private meetings and meetings in public spaces, whether they are held in one place or with marches.¹³⁷

The Court determined that seven of the victims in this case were exercising their right to assembly, because they had intentionally travelled to Texcoco or San Salvador de Atenco to form part of the demonstrations or protests that were being organized, either to cover the events as journalists, to document the events as part

¹³⁴ *Ibid.*, para. 153.

¹³⁵ *Ibid.*, para. 208.

¹³⁶ *Ibid.*, para. 226.

¹³⁷ *Case of Women Victims of Sexual Torture in Atenco v. Mexico*, *supra*, para. 171. Cf. *Case of López Lone et al. v. Honduras. Preliminary objection, merits reparations and costs*. Judgment of October 5, 2015. Series C No. 302, para. 167 citing ECHR, *Case of Djavit An v. Turkey*, No. 20652/92. Judgment of February 20, 2003, para. 56, and *Case of Yilmaz Yildiz et al. v. Turkey*, No. 4524/06. Judgment of October 14, 2014, para. 41.



of their studies, or to assist demonstrators who were injured. The Court referred to the social dimension of this right and that the violation of the rights of participants in a meeting or assembly by the authorities, by suppressing the demonstrations with a disproportionate use of force, had an inhibiting effect on future meetings or assemblies, in addition to being contrary to the State obligation to create favorable environments for people to be able to enjoy their right to assembly.¹³⁸

The Court indicated that the right to assembly could be restricted provided that the limitations had a legitimate purpose (which Article 15 of the Convention restricted to national security, public safety or public order, or to protect public health or morals or the rights or freedom of others) and were necessary and proportionate. It also underlined that each person who took part in a meeting had the right to peaceful assembly and, therefore, sporadic acts of violence or offences committed by some individuals should not be attributed to other individuals whose intentions and conduct were peaceful. Consequently, State authorities must spare no effort to distinguish between individuals who were violent or potentially violent and peaceful protestors.¹³⁹ An appropriate management of demonstrations required all interested parties to protect and ensure a wide range of rights.¹⁴⁰ Therefore, the use of force to suppress demonstrations must distinguish between peaceful protestors and those carrying out violent actions and, in all cases, must be legitimate and proportionate.

H. Freedom of movement and residence - The right to seek and receive asylum (Article 22 of the American Convention)

In its Advisory Opinion No. 25 on the institution of asylum,¹⁴¹ the Court clarified the scope of the human right contained in Article 22(7) of the Convention and concluded that diplomatic asylum was not protected by this provision of the Convention or by Article XXVII of the American Declaration. It established that, under the inter-American system, the right to seek and receive asylum was established as a human right to seek and receive international protection on foreign soil, including within this expression the status of refugee pursuant to the pertinent United Nations instruments or the corresponding domestic laws, and territorial asylum in accordance with the different inter-American conventions that refer to this matter.

Consequently, the granting of diplomatic asylum and its scope should be governed by the inter-State agreements that regulate it and the provisions of domestic law. This meant that those State that had signed bilateral or multilateral agreements on diplomatic asylum, or had recognized it as a fundamental right under their domestic law, were bound by the terms established in such regulations. Thus, the Court considered it pertinent to stress that States had the authority to grant diplomatic asylum as an expression of their sovereignty, which fell within the rationale of the so-called “Latin American tradition of asylum.”

¹³⁸ *Ibid.*, para. 172.

¹³⁹ *Ibid.*, para. 175.

¹⁴⁰ *Idem.*

¹⁴¹ *The institution of asylum and its recognition as a human right under the inter-American system of protection (interpretation and scope of Articles 5, 22(7) and 22(8), in relation to Article 1(1) of the American Convention on Human Rights)*. Advisory Opinion OC-25/18 of May 30, 2018. Series A No. 25, para. 170.



Notwithstanding the above, the Court determined that the receiving State and, if appropriate, third States, had other human rights obligations owing to possible risks to individuals who entered a legation in search of protection. This was because States, represented by all their public officials and authorities, were obliged to respect the rights and freedoms recognized in the American Convention to all persons subject to their jurisdiction, whether or not they were its nationals, without any discrimination.

In this regard, the Inter-American Court reiterated that the word “jurisdiction” contained in Article 1(1) of the American Convention supposed that the State obligation to respect and ensure human rights included not only those persons who were within the State’s territory, but also all those who, in any way, were subject to its authority, responsibility or control.¹⁴² Therefore, the scope of the protection of the rights recognized in the American Convention was broad, insofar as the obligations of the States Parties were not restricted to the geographical space corresponding to their territory, but also covered those situations where, even outside a State’s territory, a persons was under its jurisdiction. For the Court, the “jurisdiction” referred to in Article 1(1) of the American Convention included circumstances in which the extraterritorial conduct of the States constituted an exercise of jurisdiction by the said State.¹⁴³

Consequently, the Court concluded that receiving States were obliged by the provisions of Article 1(1) of the Convention, when they were exercising control, authority or responsibility over any individual, regardless of where that individual was in the land territory, territorial waters or airspace of the said State.¹⁴⁴ Consequently, the Court concluded that the general obligations established by the American Convention were applicable to the actions of diplomatic agents based in the territory of third States, provided that the personal link of jurisdiction could be established with the person concerned.¹⁴⁵

Among those State obligations, the principle of non-refoulement established in Article 22(8) of the Convention was of particular importance. This was enforceable for any alien, including those seeking international protection, over whom the State in question was exercising authority or who were under its effective control, regardless of where they were in the land territory, territorial waters or airspace of the State. That provision included the actions of border and immigration authorities, as well as of diplomatic officials. Thus, the Court concluded that the receiving State must provide all the necessary means to protect the person in case of a real danger to life, integrity, liberty or safety if he or she were to be handed over or removed to the territorial State or if there was a risk that this latter State might subsequently expel, return, or extradite the person to another State where the said real risk existed.

The Court also asserted that the legal situation of a person seeking asylum could not remain in limbo or continue indefinitely. That said, the fact that the person could not be returned did not mean *per se* that the State must necessarily grant asylum in its diplomatic seat, but rather that other obligations remained that

¹⁴² *The institution of asylum and its recognition as a human right under the inter-American system of protection. Advisory Opinion OC-25/18 of May 30, 2018. Series A No. 25, supra, para. 170.*

¹⁴³ *Ibid.*, para. 173.

¹⁴⁴ *Ibid.*, para. 177.

¹⁴⁵ *Ibid.*, para. 177.



meant that the State must take diplomatic measures, including requesting the territorial State to issue a safe-conduct, or measures of any other kind that it could take, pursuant to international law, to guarantee the treaty-based rights to those seeking asylum.

I. Political rights (Article 23 of the American Convention)

1. Political rights of human rights defenders

In the case of *Escalera Mejía et al. v. Honduras*, the Court recalled that Article 23 of the Convention protected not only the right to be elected, but also the right to have the real possibility of exercising the function for which the official had been elected, which was an individual and also a collective right. In this regard, the Court considered that, in the implementation of representative political participation, those elected exercised their function in representation of a collectivity, which was expressed both in the right of the individual who exercised the mandate or appointment (direct participation), and in the right of the collectivity to be represented.¹⁴⁶ On this point, the Court reiterated that the Inter-American Democratic Charter emphasized the importance of civic participation as a permanent process that strengthened democracy, when it indicated that “representative democracy is strengthened and deepened by permanent, ethical, and responsible participation of the citizenry within a legal framework conforming to the respective constitutional order.”¹⁴⁷

Consequently, the Court considered that this right constituted an end in itself and an essential mechanism in democratic society to ensure the other human rights recognized in the American Convention on Human Rights. Indeed, political rights and their exercise strengthened democracy and political pluralism.¹⁴⁸ Also, as in other cases, the Court noted that political participation was one of the rights that made it possible to exercise the task of the defense of human rights.¹⁴⁹

2. Right to request and take part in a recall procedure as a political right

In the case of *San Miguel Sosa et al. v. Venezuela*, related to the arbitrary termination of the work contracts that Rocío San Miguel Sosa, Magally Chang Girón and Thais Coromoto Peña had with the National Border Council, an agency attached to the Ministry of Foreign Affairs of Venezuela, because they had signed a request for a referendum to revoke the mandate of the President of the Republic at that time, Hugo Chávez Frías, the Court considered that the right to request and to take part in a recall procedure was a political right protected by Article 23(1)(a) and (b) of the American Convention on Human Rights, and that the individual, as a citizen, was authorized to request this individually or within the framework of a civic organization that collected signatures and presented them to the electoral organ.

¹⁴⁶ Case of Escaleras Mejía and Otros Vs, Honduras, supra, para. 72.

¹⁴⁷ *Ibid.*, para. 73.

¹⁴⁸ *Ibid.*, para. 74.

¹⁴⁹ *Ibid.*, para. 76.



According to the Inter-American Democratic Charter the effective exercise of democracy in the States of the Americas was an international legal obligation and the States had sovereignly agreed that this exercise was no longer a matter of internal, domestic or exclusive jurisdiction. Thus, the Court concluded that the act of signing a request for a referendum to revoke the mandate of a high-level public official, such as the President of the Republic, entailed participation in a procedure that set in motion a mechanism of direct democracy recognized in domestic law and, as such, the intrinsic exercise of a right to political participation.¹⁵⁰

3. Prohibition of political discrimination

Also in the case of *San Miguel Sosa et al. v. Venezuela*, the Court reaffirmed that, in a democratic society, an individual could never be discriminated against based on his or her political opinions or for legitimately exercising political rights. In this case, it was alleged that the victims were discriminated against by the termination of their work contracts with a State entity because they had signed a request for a referendum, and the Court, therefore, reiterated that the existence of discriminatory treatment could be presumed when this was based on a prohibited category for differentiated treatment established in Article 1(1) of the Convention.¹⁵¹

The Court also indicated that, in certain cases, it was necessary to establish whether, over and above the faculties or the powers invoked by the State authority in order to act, evidence existed to consider that the reasons or the real purpose of the termination of a person's contract was to exercise some form of hidden reprisal, persecution or discrimination against them. In other words, when a hidden act of reprisal, persecution, discrimination or arbitrary interference in the exercise of a right was alleged, the reason or purpose behind the specific action of the State authorities was significant for the legal analysis of a case, because a reason or purpose that differed from the norm that granted the State authority the powers to act could reveal whether the action should be considered an arbitrary action or an abuse of power.¹⁵²

4. Minimum guarantee of confidentiality in the collection of signatures to request a recall referendum

Also in the case of *San Miguel Sosa et al. v. Venezuela*, in relation to the need for, and scope of, guarantees of the confidentiality of the information and identity of the signatories in procedures to collect signatures for referendums, the Court considered that, according to the circumstances of the case, this could result in an analysis of whether the publication of the signatures, as a possible restriction of the rights of those requesting a referendum, was a legal measure that responded to a legitimate purpose and, as such, was necessary and proportionate in a democratic society in order to verify the validity of the signatures and thus safeguard the rights of the official whose mandate could be revoked, of the signatories, and of those who did not sign.¹⁵³

¹⁵⁰ *Case of San Miguel Sosa et al. v. Venezuela, supra*, paras. 113 a 117.

¹⁵¹ *Ibid.*, para. 116 and 117.

¹⁵² *Ibid.*, paras. 118, 120 and 121.

¹⁵³ *Ibid.*, para. 128.



Thus, in principle, the competent electoral organ, as the lead entity in the matter, had the authority and the obligation to provide access to the information it held on the signatories of the request to hold a referendum, if the person who requested it was the official whose mandate was in question, in exercise of a minimum guarantee of due process in the matter, because that person could have a legitimate interest in verifying this information. However, when evaluating the pertinence and need to hand over this information to the interested person, the competent authority should also weight the possible consequences of the eventual dissemination of the information in the specific context, to eliminate the real and reasonable possibility that such dissemination could give rise to threats, harassment or reprisals by the Government or even by third parties or private individuals against the signatories. Thus, the competent electoral body should analyze whether it was necessary to determine that the information had a restricted, reserved, confidential or privileged nature, under the responsibility of the person receiving it. In other words, whether, in the particular context, it should order safeguard measures to ensure a minimum reasonable protection for the signatories, so that the information was not used or exploited for the purposes of intimidation, persecution or reprisals.¹⁵⁴

In this way, the handing over by the electoral body of the signatures with the information on the identity of the signatories to a person authorized by the official whose mandate might be revoked could be perceived, in contexts of great instability, political polarization and intolerance of dissent, as involving a lack of legal safeguards against possible and eventual acts of reprisal or threats of reprisal, because the publication of the identity of the signatories could be exploited for the purpose of intimidation to discourage participation and political dissent. This could favor or promote an environment for reprisals, political persecution and discrimination against those who were perceived as political opponents, which was incompatible with the obligation of the State, under Article 23.1 of the Convention, to establish measures that safeguard or protect against undue pressure and reprisals in the context of electoral processes and political participation.¹⁵⁵

J. Economic, social, cultural and environmental rights - Progressive development (Article 26 of the American Convention)

1. The right to health as an autonomous right

In the case of *Poblete Vilches et al. v. Chile*,¹⁵⁶ the Court ruled, for the first time, on the autonomous right to health as an integral part of the economic, social, cultural and environmental rights (ES CER). The Court proceeded to confirm the establishment of this right as a right that was justiciable in light of the Convention owing to: (a) its derivation from the OAS Charter, under Articles 34(i) and (l), and 45(h) thereof, and (b)

¹⁵⁴ *Ibid.*, para. 130.

¹⁵⁵ *Ibid.*, para. 133.

¹⁵⁶ Case of *Poblete Vilches et al. v. Chile*. Merits, reparations and costs. Judgment of March 8, 2018. Series C No. 349.



Article XI of the American Declaration, based on the interpretation of Article 29(d) of the American Convention.

The Court established that health was a fundamental human right that was essential for the adequate exercise of the other human rights. Every human being had the right to enjoy the highest attainable standard of health conducive to living a life in dignity, understanding health as a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity, resulting from a lifestyle that allowed the individual to achieve an overall balance. The general obligation resulted in a State obligation to ensure that everyone had access to essential health services, ensuring high-quality and efficient medical services, and also promoting the improvement of the population's health.

The Court asserted that, in the case of emergency medical services, States must guarantee, at least, the following standards:

- a) Regarding *quality*, they must have the adequate infrastructure required to meet basic and emergency needs. This included any kind of life support machine or instrument, as well as skilled human resources to respond to medical emergencies.
- b) Regarding *accessibility*,¹⁵⁷ health facilities, goods and services for health emergencies had to be accessible to everyone. Accessibility was understood to have the overlapping dimensions of non-discrimination, physical accessibility, economic accessibility, and access to information, in order to provide an inclusive health system based on human rights.
- c) Regarding *availability*, public health and health-care facilities, goods and services had to be available in sufficient quantity, as well as comprehensive health care programs. Coordination among the system's health care facilities was relevant to provide widespread coverage for the basic needs of the population.
- d) Regarding *acceptability*, all health facilities, goods and services must be respectful of medical ethics and culturally appropriate. In addition, they must be sensitive to gender and life-cycle requirements. The patient must be informed of his diagnosis and treatment and his wishes be respected in this regard.

2. The health-related rights of the older person

The Court stressed the importance of considering the older person as a subject of rights requiring special protection and, consequently, comprehensive care, respecting his or her autonomy and independence. It therefore considered that, regarding older persons as a group in a situation of vulnerability, there was an enhanced obligation to respect and ensure their right to health. This translated into the obligation to provide them with the necessary health care services in an efficient and continuous manner. Consequently, failure to comply with this obligation arose when they were refused access to health care or their protection was

¹⁵⁷ The Court has indicated that States have the obligation to ensure access to basic health care. Cf. *Case of Ximenes López v. Brazil, supra*, para. 128.



not guaranteed, which could also result in the violation of other rights. In addition, the Court determined that age was also a protected category under the American Convention. Thus, the prohibition of age-based discrimination in the case of the older person was protected and required, among other matters, the application of inclusive policies for the whole of this population and easy access to public services.

3. Violation of the principle of non-retrogressivity

In the case of *Cuscul Pivaral et al. v. Guatemala*,¹⁵⁸ the Court found the State of Guatemala responsible, *inter alia*, for violating the rights to health, life, personal integrity, judicial guarantees and judicial protection of several persons who were living or had lived with HIV. In particular, the Court considered that the Guatemalan State had failed to comply with its duty to provide adequate medical treatment to the victims, and as a result they had developed opportunistic infections and, in some cases, had died.

The Court took advantage of the occasion to develop its jurisprudence on the economic, social, cultural and environmental rights, using a literal, systematic and teleological interpretation of Article 26 of the Convention, as well as supplementary methods of interpretation, all of which led it to the conclusion that Article 26 of the American Convention protected the rights that arose from the economic, social, educational, scientific and cultural provisions contained in the OAS Charter.¹⁵⁹ The scope of such rights should be understood in relation to the other articles of the American Convention and they were therefore subject to the general obligations contained in Article 1(1) and 2 of the Convention and could be supervised by the Court in the terms of Articles 62 and 63 of this instrument. This conclusion was based not only on formal issues, but resulted from the interdependence and indivisibility of the civil and political rights and the economic, social, cultural and environmental rights, as well as their compatibility with the object and purpose of the Convention, which was the protection of the fundamental rights of the individual.¹⁶⁰

In addition, the Court concluded that the right to health referred to the right of every human being to enjoy the highest attainable standard of physical, mental and social well-being. This right encompassed prompt and appropriate health care provided in keeping with the principles of availability, accessibility, acceptability and quality. The State's compliance with its obligation to respect and ensure this right should include special care for vulnerable and marginalized groups, and should be provided progressively in accordance with available resources and applicable domestic law.¹⁶¹

In this regard, the Court considered that it revealed an obligation – although a conditioned obligation – of non-retrogressivity, which should not always be understood as a prohibition of measures that restricted the exercise of a right. The Court referred back to the words of the UN Committee on Economic, Social and Cultural Rights that “any deliberately retrogressive measures in that regard would require the most careful

¹⁵⁸ Case of *Cuscul Pivaral et al. v. Guatemala*. Preliminary objection, merits reparations and costs. Judgment of August 23, 2018. Series C No. 359.

¹⁵⁹ *Ibid.*, para. 97.

¹⁶⁰ *Idem.*

¹⁶¹ *Ibid.*, para. 107.



consideration and would need to be fully justified by reference to the totality of the rights provided for in the [International Covenant on Economic, Social and Cultural Rights] and in the context of the full use of the maximum available resources.”¹⁶²

Furthermore, for the first time, the Court concluded that the inaction of the State in relation to protecting the health of the population living with HIV in Guatemala constituted a violation of the principle of progressivity established in Article 26 of the American Convention. Consequently, owing to State inaction with regard to protection of the right to health of the population of persons living with HIV, despite the existence of an international obligation and a State regulation, the Court declared that the State was responsible for violating the principle of progressivity contained in Article 26 of the Convention, in relation to Article 1(1) of this instrument.¹⁶³

4. Scope of the right to health of persons living with HIV

The Court indicated that an effective response to HIV required a comprehensive approach that included a sustained sequence of prevention, treatment, care and support. First, this obligation called for the availability of sufficient quantities of antiretroviral drugs and other pharmaceutical products to treat the HIV or opportunistic infections. Accordingly, the antiretroviral treatment should be strictly monitored and be provided for life once the illness has been diagnosed, because discontinuance of treatment could cause viral rebound with the aggravating factor that the new viral strains would be resistant to the drugs that a patient was taking. Consequently, the antiretroviral treatment must be permanent and constant based on the health status of patients and their medical and clinical requirements.

The Court reiterated that the State’s obligation to ensure the right to health of persons living with HIV required diagnostic tests to treat the infection, as well as the diagnosis and treatment of any related opportunistic infections that might arise. In addition, care for persons living with HIV included good nutrition and social and psychological support, as well as family, community and home care. Indeed, the care and support of persons living with HIV was not limited to the drugs and the formal systems of health care; to the contrary, the different needs of persons living with HIV had to be taken into account. In particular, social support, which included the supply of food, emotional support and psychosocial counseling, improving compliance with antiretroviral therapy and improving the quality of life of persons living with HIV. Similarly, nutritional support contributed to maintaining the immune system, managing HIV-related infections, improving HIV treatment, maintaining levels of physical activity, and supporting an optimum quality of life.

¹⁶² *Ibid.*, para. 143.

¹⁶³ *Ibid.*, para. 148.



The Court also indicated that HIV-prevention technologies included condoms, lubricants, sterile injection materials, and [antiretroviral drugs](#) (for example, to prevent mother-to-child transmission or for post-exposure prophylaxis) and, when HIV occurred, safe and efficient vaccines and microbicides. Universal access, based on human rights principles, required that all the said goods, services and information should not only be available, acceptable and of good quality, but also that they be physically available to everyone. Likewise, the Court considered that access to medical treatment should take into consideration technical advances in medical science

5. Right to work in cases of arbitrary termination of the employment relationship as a form of abuse of power and political discrimination

In the case of *San Miguel Sosa et al. v. Venezuela*, the Court considered that the arbitrary termination of an employment relationship as a form of abuse of power and political discrimination in a context of reports of similar dismissals and other forms of reprisal, could have the concealed intention to suppress and discourage political dissent. Consequently, and given the failure to ensure the rights of access to justice and to effective judicial protection in the case of arbitrary dismissals, the State could be responsible for violating the right to work recognized in Article 26 of the Convention, in relation to the right to political participation, freedom of expression, and access to justice, and to the principle of non-discrimination.¹⁶⁴

¹⁶⁴ *Case of San Miguel Sosa et al. v. Venezuela, supra*, paras. 221 and 222.



IX. Financial management

A. Income

During the 2018 accounting exercise, the Inter-American Court of Human Rights received an income of US\$5,251,100.22, of which US\$3,588,236.25 (68.0%) was provided by the OAS Regular Fund and US\$1,662,863.97 (32.0%) by special contributions.

It should be pointed out that, in the case of the budget of the 2018 Regular Fund that was approved by the OAS General Assembly and that amounted to US\$3,665,700.00, the OAS did not transfer the sum of US\$137,463.75 which was used for the OAS General Secretariat's general expenses, based on a directive issued by the Secretariat. On January 18, 2019, the Court received US\$60,000.00 towards reimbursement of this deduction; the balance of US\$77,463.75 remains pending.

The following table shows the income received from both the OAS Regular Fund and from special contributions:

SOURCE OF INCOME	INCOME IN US\$ 2018
ORDINARY INCOME – OAS REGULAR FUND	3,588,236.25
SPECIAL INCOME	1,662,863.97
Spanish Agency for International Cooperation and Development	291,664.70
Government of the Republic of Chile	20,000.00
Government of the Republic of Costa Rica	102,381.73
Government of the Republic of Colombia	48,486.00
Government of the United Mexican States	400,000.00
Government of the Republic of Peru	24,725.28



Norwegian Ministry of Foreign Affairs	494,965.34
The United Nations High Commissioner for Refugees	24,161.97
Swiss Agency for Development and Cooperation (COSUDE)	150,000.00
Deutsche Gesellschaft Für Internationale Zusammenarbeit (GIZ) GmbH, German Federal Ministry for Economic Cooperation and Development (BMZ)	93,378.95
Heinrich Böll Stiftung Foundation (BMZ Germany)	9,100.00
RENTAL OF FACILITIES	4,000.00
HIVOS, Humanist Institute for Cooperation with Developing Countries	1,000.00
Universidad de Santa Clara	3,000.00
GRAND TOTAL	5,251,100.22

1. Income - OAS Regular Fund

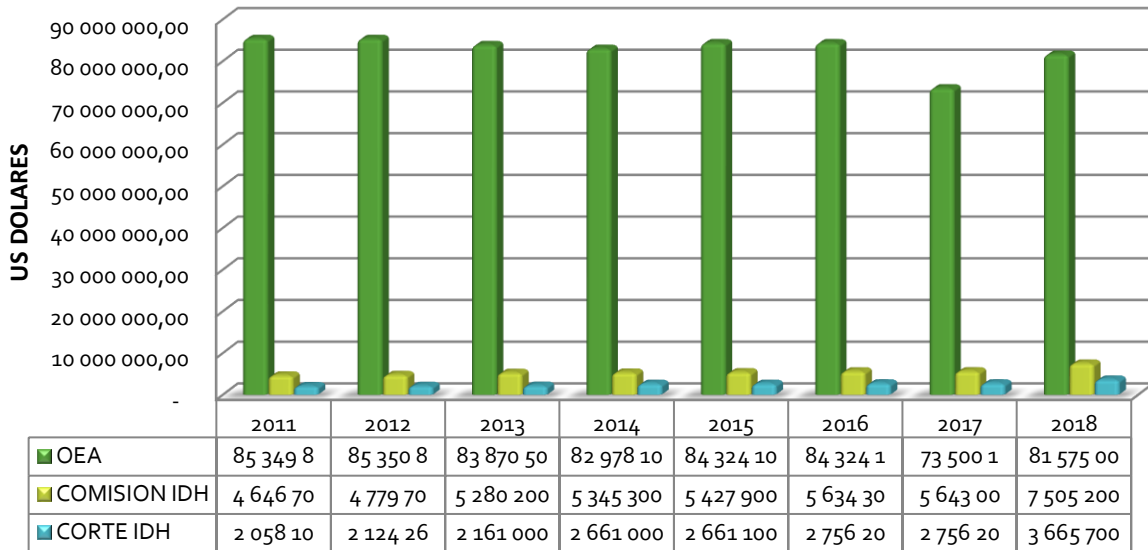
The fifty-second Special General Assembly of the OAS held in Washington, D.C., on October 30, 2017, approved a budget of US\$3,665,700.00 for the Inter-American Court of Human Rights for 2018.

The income received from the OAS Regular Fund, which amounted to US\$3,588,236.25, represented 68% of the Court's total income for the 2018 financial exercise.

The following table provides a historical overview of the budgetary amounts allocated to the Inter-American Court of Human Rights by the Organization of American States over the last eight years.



COMPARATIVE ALLOCATION FROM THE OAS REGULAR BUDGET TO
THE I/A COURT : 2011-2018



2. Special income

Special income is provided by voluntary contributions from States, international cooperation projects, and voluntary contributions from various other entities. In 2018, the total amount received as special income was US\$1,662,863.97. This voluntary income was composed as follows:

a) Voluntary contributions from OAS Member States

During 2018, the Court received voluntary contributions from OAS Member States amounting to US\$595,593.01, as described below. This represented 11.34% of the budget.



MEMBER STATE	INCOME IN US\$
	2018
Government of the Republic of Costa Rica, under the headquarters agreement	102,381.73
Government of the Republic of Chile	20,000.00
Government of the United Mexican States	400,000.00
Government of the Republic of Peru	24,725.28
Government of the Republic of Colombia	48,486.00
TOTAL	595,593.01

b) Contributions from international cooperation projects

**SPANISH AGENCY FOR INTERNATIONAL COOPERATION AND DEVELOPMENT (AECID):
US\$94,005.00**

Project started in 2017 and concluded in 2018 on “Upholding the capacities of the Inter-American Court to decide cases and provide advisory opinions that contribute to the protection of vulnerable groups, by issuing standards on the environment, indigenous peoples’ rights, the special obligations of protection for children, asylum, sexual violence, and non-discrimination based on sexual orientation and gender identity, and also to disseminate hearings of cases and advisory opinions (CDH-1601).” The total amount for this project was US\$313,350.00, for one year from March 29, 2017, to March 28, 2018. During 2017, the Court received US\$219,345.00, equivalent to 70% of the total. The final disbursement of US\$94,005.00 was received on February 9, 2018.

**SPANISH AGENCY FOR INTERNATIONAL COOPERATION AND DEVELOPMENT (AECID):
US\$197,659.70**

Project started in 2018, to end in 2019 on “Enhancing the protection standards of the Inter-American Court of Human Rights concerning due process, judicial independence, use of preventive detention, right to health, and gender violence, and dissemination of the activities of the Court and its President among the actors of the inter-American system for the protection of human rights (CDH-1701).” The project was signed for one year, from August 13, 2018, to August 12, 2019, for US\$282,371.00. During 2018, the Court IDH received the sum of US\$197,659.70, equivalent to 70% of the total.

NORWEGIAN MINISTRY OF FOREIGN AFFAIRS: US\$494,965.34



Project “Strengthening the judicial capacities of the Inter-American Court of Human Rights and the dissemination of its work 2017-2019,” Program CAM 2665, CAM 16/0001 for US\$1,463,400.00 over three years. The contribution corresponding to the first half of the second year (US\$245,499.34) was received in November 2017. For the second year of project execution (2018), the contribution for the second half of the year (US\$249,466.00) was also received. In addition, funds were received (US\$238,600.01) for implementation of the project during the first half of 2019.

DEUTSCHE GESELLSCHAFT FÜR INTERNATIONALE ZUSAMMENARBEIT (GIZ) GMBH UNDER THE PROGRAM ON REGIONAL INTERNATIONAL LAW AND ACCESS TO JUSTICE IN LATIN AMERICA II (DIRAJUS II), FINANCED BY THE FEDERAL MINISTRY OF ECONOMIC COOPERATION AND DEVELOPMENT (BMZ): US\$93,378.95

Mandated by the Federal Ministry of Economic Cooperation and Development (BMZ) of the German Federal Republic, the German cooperation agency Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH has provided support to the Inter-American Court of Human Rights since 2013 when the first Memorandum of Understanding was signed. On November 15, 2017, the two institutions signed a second Memorandum of Understanding on joint undertakings under the program “Regional international law and access to justice in Latin America (DIRAJUS II).” The purpose of this agreement is “to continue supporting the strengthening of access to justice.” GIZ agreed to provide the Court with 250,000.00 euros, to be contributed under specific contracts during 2017, 2018 and 2019.

Under this Memorandum of Understanding for joint undertakings, on October 4, 2018, a funding contract was signed on “Strengthening the information and computing skills of the Inter-American Court”, with the purpose of optimising the treatment, protection and back-up system of the Court’s data, as well as the administration of data bases and tools such as “Themis” and “Digesto” with the aim of preserving and strengthen the accessibility of the Court’s information and dissemination tool. This contract, for the sum of US\$93,378.95, began on October 9 and ended on November 30, 2018.

PARTNERSHIP AGREEMENT FOR PROJECTS UNDER THE PROGRAM OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES (UNHCR): US\$24,161.97

On November 1, 2017, the Court signed a project entitled “Institutional and technological strengthening for the Inter-American Court of Human Rights” under the Agreement with the United Nations High Commissioner for Refugees (UNHCR). The purpose of this project was “to strengthen the efficiency and effectiveness of information generation by the Inter-American Court.” The agreement allowed the Court to acquire the technological equipment required to process the Court’s files and to provide digital access to them. The total amount of the project funds that were executed was US\$24,161.97, and activities were implemented between January 9 and February 10, 2018.



COOPERATION AGREEMENT WITH BMZ (GERMAN FEDERAL MINISTRY OF ECONOMIC COOPERATION AND DEVELOPMENT) – HEINRICH BÖLL STIFTUNG FOUNDATION : US\$9,100.00

The German Federal Ministry of Economic Cooperation and Development provided support to the Inter-American Court through the cooperation agreement signed between the Heinrich Böll Stiftung Foundation and the Court for the project entitled “Seminar held on the occasion of the fifty-ninth special session, San Salvador, and monitoring compliance with judgments: on-site visit to El Mozote, El Salvador, August 30 and 31, 2018,” implemented from August to November 2018. The budget for the project was set at US\$13,000.00, and the total amount was used in the project activities. The first tranche of the budget (US\$9,100.00) was received in September 2018 and this represented 70% of the contract. In December 2018, the narrative and financial reports were submitted to the Heinrich Böll Stiftung Foundation in San Salvador, El Salvador, for approval. The Court is awaiting the final tranche and balance of the project funds once the Foundation has revised and approved the reports in order to close the project.

SWISS AGENCY FOR DEVELOPMENT AND COOPERATION (COSUDE): US\$150,000.00

Under the Program “Strengthening governance and human rights with emphasis on vulnerable populations in the countries of Central America,” a one-year project was signed on “Strengthening the protection of human rights and the rule of law through jurisprudential dialogue, optimization of capacities, and compliance with the judgments of the Inter-American Court of Human Rights in El Salvador, Guatemala and Honduras” for the period from October 1, 2018, to September 30, 2019, with a budget of US\$300,000.00. On November 1, 2018, the first tranche of US\$150,000.00 was received.

RENTAL OF FACILITIES: US\$4,000.00

The Court received the sum of US\$3,000.00 from the Law School of Santa Clara University, California, United States of America, because the University’s Law School held its summer program on International Human Rights Law on the Court’s premises. In addition, it received US\$1,000.00 from the Humanist Institute for Cooperation with Developing Countries (HIVOS) in May 2018, because this organization also held an academic activity on the Court’s premises.

TECHNICAL SUPPORT TO THE SECRETARIAT OF THE INTER-AMERICAN COURT

The **Konrad Adenauer Foundation and its Rule of Law Program for Latin America** organized and supported the institutional visit of the Inter-American Court to Europe during November, during which a visit was made to the Max Planck Institute for Comparative Public Law and International law, the Court of Justice of the European Union, the Federal Constitutional Court of Germany, the German Federal Court of Justice, the European Court of Human Rights, the Council of Europe’s Economic and Social Committee and its Department for the Execution of Judgments of the European Court of Human Rights.

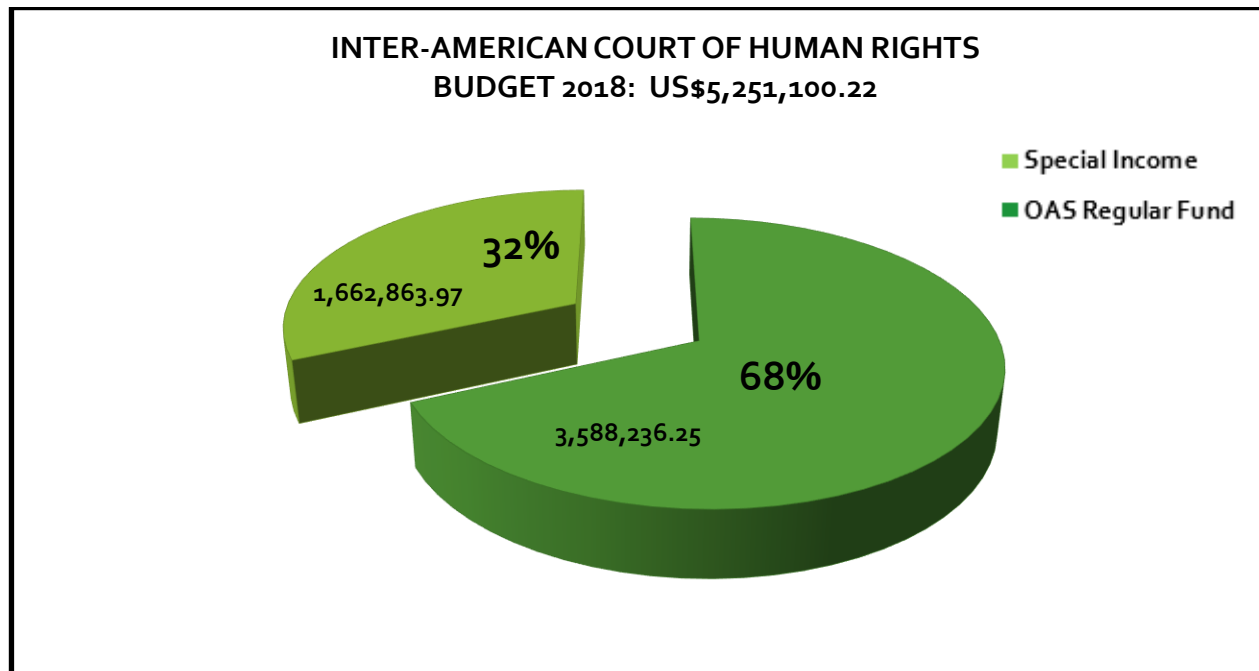
In addition, the Rule of Law Program for Latin America supported several of the Court’s initiatives to commemorate its 40th anniversary, such as the elaboration of a commemorative logo, the celebration of the



40th anniversary of the Court in San José, Costa Rica, in July, when the documentary “40 años de la Corte Interamericana de Derechos Humanos, una voz desde las víctimas” [40 years of the Inter-American Court of Human Rights, giving the victims a voice] was exhibited, and seminars in Colombia and Mexico. It also supported the training seminar for inter-American defenders held in San José, Costa Rica.

The Federal Ministry of Economic Cooperation and Development (BMZ) of the German Federal Republic, through the Center for International Migration and Development, a working group formed by the Deutsche Gesellschaft für Internationale Zusammenarbeit GmbH (GIZ) and the German Employment Agency, continued to provide technical assistance to the Court by assigning a lawyer to work in the Court’s Secretariat. In addition, the BMZ through the GIZ has continued to implement the DIRAJus project, which includes the work of a German lawyer who conducted research on access to justice and is developing an important tool known as the *Digesto*, which is described in point XI of this report on Dissemination of the Court’s Jurisprudence.

The **University of Notre Dame** provided technical assistance through partial financial support for a lawyer who is working in the Secretariat for one year.





B. Response of the States to the financial situation

As can be seen, a large part of the Court's budget (32%) corresponds to special income, which includes voluntary contributions from States, international cooperation projects, and contributions from other institutions. This means that the Court's budget remains unpredictable.

This situation reached a crisis point during 2015, aggravated by the fact that at the end of the year, the Court was notified of the suspension of various international cooperation agreements and voluntary contributions. Nevertheless, the Court took concrete steps to try and mitigate the potential impact of this withdrawal of some of the international cooperation.

The Inter-American Court responded to these circumstances by undertaking various administrative, political and diplomatic measures to improve the situation. It set up a working group, together with the Inter-American Commission, and joint proposals were submitted to the OAS political organs. On several occasions, the President, the Vice President and the Secretary visited the Permanent Council and met with the permanent representatives of different States, an initiative that continued during 2018 to complement the effort made on July 21, 2017, during the OAS General Assembly in Cancún, Mexico, when, in two resolutions,¹⁶⁵ the States of the Americas decided to double the resources of the Regular Fund allocated to the organs of the Inter-American system.

This was a landmark decision that permitted a gradual increase of 33% a year to each organ. This meant that the regular budget allocated by the OAS would double after three years. The General Assembly resolutions were an important step towards changing and stabilizing the current budgetary situation, so that the Commission and the Court no longer have to depend excessively on voluntary financial contributions and donations which could affect their sustainability, planning ability, and predictability.

The Inter-American Court greatly appreciates the consensus achieved in the adoption of this historic and unprecedented decision. In particular, the Court acknowledges the countries that co-sponsored and supported the resolutions. Without any doubt, this represents a significant step towards the effective strengthening of the inter-American human rights system, which also, crucially, requires the support of civil society and the regional human rights community

C. Regular Fund budget approved for 2019

During its fifty-third Special Session held in Washington, D.C., on October 30, 2018, the OAS General Assembly approved the 2019 budget for the Inter-American Court of Human Rights, which amounted to US\$4,575,200.00.¹⁶⁶

¹⁶⁵ AG/RES. 2908 (XLVII-O/17) "Promotion and protection of human rights," and AG/RES. 2912 (XLVII-O/17) "Financing of the 2018 Program-Budget of the Organization."

¹⁶⁶ Organization of American States. "Program-budget of the Organization for 2019" (Adopted at the plenary session



D. Audit of the financial statements

During 2018, an external audit was conducted of the Inter-American Court's financial statements for the 2017 financial year. It covered all the funds administered by the Court, including the funds from the OAS, the contribution of the Costa Rican Government, the funds from international cooperation, the Victims' Legal Assistance Fund, 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 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 16, 2018, report of *Venegas y Colegiados, Auditors and Consultants*, the Court's financial statements adequately reflected the institution's financial situation and net assets, and also the income, expenditure and cash flows for 2017, 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 Secretary General, the OAS Financial Services Department, the Organization's Inspector General and the Board of External Auditors. In addition, each cooperation project is subject to an independent audit to ensure the most effective use of the resources.

held on October 30, 2018, subject to review by the Style Committee) [AG/RES. 1 \(LIII-E/18\)](#).

X. Mechanisms to promote access to inter-American justice: Victims' Legal Assistance Fund (FAV) and Inter-American Defender (DI)

In 2010, the Court incorporated into its Rules of Procedure two new mechanisms designed to enable victims to access inter-American justice, and to ensure that those who lack sufficient financial resources or who do not have a legal representative are not excluded from access to the Inter-American Court. These mechanisms are: the Victims' Legal Assistance Fund (FAV) and the Inter-American Defender (DI).

A. Victims' Legal Assistance Fund

1. Procedure

On February 4, 2010, the Court's Rules for the Operation of the Victims' Legal Assistance Fund (hereinafter, "the Fund") were issued and they entered into force on June 1, 2010. The purpose of 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.

When a case has been submitted to the Court, any victim who does not have the necessary financial resources to cover the costs arising from the proceedings may expressly request access to the Fund. According to the Rules, the presumed victims who wish to avail themselves of the Fund must 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 satisfactory to the Court, that they lack sufficient financial resources to cover the costs of litigation before the Court and indicate precisely which aspects of their participation require the use of resources from the Fund.¹⁶⁷ The President is responsible for evaluating each application to determine whether or not it is admissible, and will indicate which aspects of the participation can be covered by the Victims' Legal Assistance Fund.¹⁶⁸

The Court's Secretariat is in charge of administering the 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 specific case, in which it records each disbursement made, in accordance with the parameters authorized by the President. Subsequently, the Court's Secretariat informs the respondent State of the disbursements made from the Fund, so that it can submit any observations it wishes within the time frame established to this effect. As indicated above, when delivering judgment, the Court will assess the admissibility of ordering the respondent State to reimburse the Fund any disbursement made and will indicate the amount owed.

¹⁶⁷ *Ibid.*, Article 2.

¹⁶⁸ *Ibid.*, Article 3.



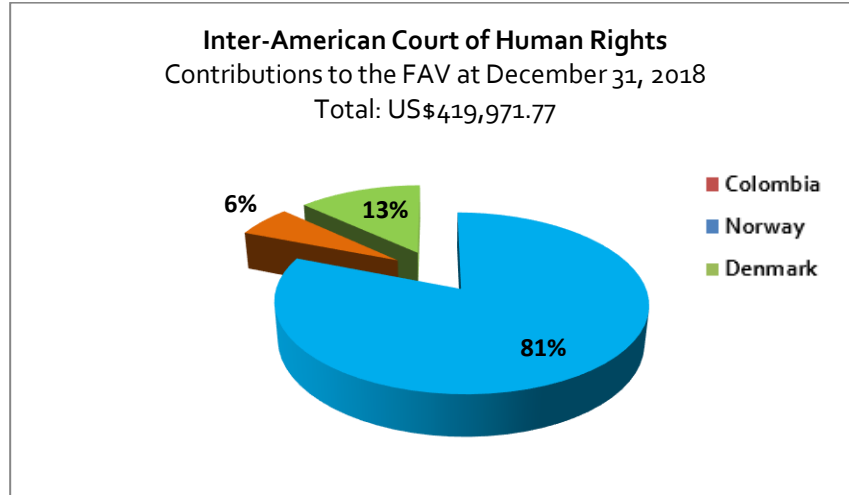
2. Donations to the fund

It should be underlined that this Fund does not receive resources from the regular budget of the OAS. This has led the Court to seek voluntary contributions to ensure its existence and operation. To date, the funds have come from several cooperation projects and from voluntary contributions from States.

Initially, the funds only came from a cooperation project signed with Norway for the period 2010-2012, which provided US\$210,000.00 and from the donation of US\$25,000.00 to the Fund by Colombia. During 2012, based on new cooperation agreements signed with Norway and Denmark, the Court obtained commitments for additional funding for 2013-2015 of US\$65,518.32 and US\$55,072.46 respectively. In 2016, the Court received US\$15,000.00 from Norway, in 2017, US\$24,616.07 and, finally, for execution of the 2018 budget, US\$24,764.92.

Based on the foregoing, at December 2018, total contributions to the fund amounted to US\$419,971.77. The list of donor countries to date is as follows:

CONTRIBUTIONS AND DONATIONS TO THE FUND		
State	Year	Contributions in US\$
Norway	2010-2012	210,000.00
Colombia	2012	25,000.00
Norway	2013	30,363.94
Denmark	2013	5,661.75
Norway	2014	19,621.88
Denmark	2014	30,571.74
Norway	2015	15,532.50
Denmark	2015	18,838.97
Norway	2016	15,000.00
Norway	2017	24,616.07
Norway	2018	24,764.92
	SUB-TOTAL	US\$ 419,971.77



3. Application of the Victims' Legal Assistance Fund

a) Expenses approved in 2018

During 2018, the President of the Inter-American Court of Human Rights issued orders approving access to the Victims' Legal Assistance Fund in the following cases:

CASES APPROVED FOR ACCESS TO THE FUND IN 2018		
Case	Order or letter	Description of the disbursements covered
Álvarez Ramos v. Venezuela	February 12, 2018	Presentation of a maximum of five statements either at the hearing or by affidavit.
Munárriz Escobar <i>et al.</i> v. Peru	February 16, 2018	Presentation of one statement either at the hearing or by affidavit.
Muelle Flores v. Peru	July 27, 2018	Presentation of statements by affidavit, expenses for travel to a meeting, and other possible reasonable and necessary expenses incurred by the representatives.
Rosadio Villavicencio v. Peru	September 17, 2018	Presentation of one statement either at the hearing or by affidavit, as well as appearance of a legal representative at an eventual public hearing.



Díaz Loreto <i>et al.</i> v. Venezuela	September 18, 2018	Presentation of a maximum of two statements either at the hearing or by affidavit.
López <i>et al.</i> v. Argentina	October 11, 2018	Presentation of the statement of the presumed victim and appearance of two legal representatives at an eventual public hearing.
Ruíz Fuentes v. Guatemala	October 12, 2018	Presentation of three deponents either at a hearing or by affidavit.
Arrom Suhurt <i>et al.</i> v. Paraguay	October 24, 2018	Presentation of a maximum of three statements either at the hearing or by affidavit.
Montesinos Mejía v. Ecuador	October 31, 2018	Presentation of two deponents with at the hearing or by affidavit.
Jenkins v. Argentina	December 19, 2018	Presentation of five statements at the hearing, expenses of a meeting, and expenses incurred in mailing briefs to the Court.

b) FAV disbursements in 2018

During 2018, the Court's Secretariat made payments to presumed victims, expert witnesses, public defenders and representatives; also, for the notarization of affidavits and the reimbursement of different expenses in 9 cases that had been previously approved and an order issued. Details of the disbursements made are shown in the following table:

VICTIMS' LEGAL ASSISTANCE FUND		
Disbursements in 2018		
Total number	Cases	Amount
DISBURSEMENTS FROM THE NORWEGIAN CONTRIBUTION TO THE VICTIMS' LEGAL ASSISTANCE FUND		
1	López Soto <i>et al.</i> v. Venezuela	7,310.33
2	Isaza Uribe <i>et al.</i> v. Colombia	1,172.70



3	Terrones Silva <i>et al.</i> v. Peru	5,095.99
4	Cuscul Pivaral <i>et al.</i> v. Guatemala	2,176.36
5	Alvarado Espinoza <i>et al.</i> v. Mexico	5,574.73
6	Munárriz Escobar <i>et al.</i> v. Peru	1,100.76
7	Muelle Flores v. Peru	2,334.05
TOTAL		24,764.92
VICTIMS' LEGAL ASSISTANCE FUND		
6	Villaseñor Velarde <i>et al.</i> v. Guatemala	4,688.10
7	Álvarez Ramos v. Venezuela	2,846.73
TOTAL		7,534.83
FINANCIAL EXPENSES		
	Financial expenses (Audit and exchange rate differential)	1,950.27
TOTAL		1,950.27
TOTAL DISBURSEMENTS 2018		US\$34,250.02

c) Expenses approved and respective reimbursements from 2010 to 2018

From 2010 to 2018, access to the Victims' Legal Assistance Fund of the Court has been granted in 70 cases. As established in the Rules of Operation, States are bound to reimburse the Fund's resources that are used when the Court establishes this in the judgment or pertinent order. Regarding this total of 70 cases, the records show that:

In 40 cases, the respective States have reimbursed the Fund.

In one case the Court did not order the State to reimburse the Fund, because it was not found internationally responsible in the judgment.

In 29 cases reimbursement of the Fund remains pending. However, of these 29 cases, in four cases the judgment or order requiring the State to make the reimbursement has not yet been issued



Victims' Legal Assistance Fund				
Reimbursements made to the Fund / Accumulated to December 2018				
	Case	State	Reimbursement (in US\$)	Interest (in US\$)
1	Mendoza <i>et al.</i>	Argentina	3,393.58	967.92
2	Mohamed	Argentina	7,539.42	1,998.30
3	Fornerón and daughter	Argentina	9,046.35	3,075.46
4	Furlan and family members	Argentina	13,547.87	4,213.83
5	Torres Millacura <i>et al.</i>	Argentina	10,043.02	4,286.03
6	Argüelles <i>et al.</i>	Argentina	7,244.95	4,170.64
7	Favela Nova Brasília	Brazil	7367.51	156.29
8	Pacheco Tineo Family	Bolivia	9,564.63	0.00
9	I.V.	Bolivia	1,623.21	0.00
10	Norín Catrimán <i>et al.</i> (Leaders, members and activist of the Mapuche Indigenous People)	Chile	7,652.88	0.00
11	Poblete Vilches <i>et al.</i>	Chile	10,939.93	0.00
12	Kichwa Indigenous People of Sarayaku	Ecuador	6,344.62	0.00
13	Suárez Peralta	Ecuador	1,436.00	0.00
14	Contreras <i>et al.</i>	El Salvador	4,131.51	0.00
15	Massacres of El Mozote and neighboring places	El Salvador	6,034.36	0.00
16	Rochac Hernández <i>et al.</i>	El Salvador	4,134.29	0.00
17	Ruano Torres <i>et al.</i>	El Salvador	4,555.62	0.00
18	Veliz Franco <i>et al.</i>	Guatemala	2,117.99	0.00



19	Chinchilla Sandoval <i>et al.</i>	Guatemala	993.35	0.00
20	Triunfo de la Cruz Garífuna Community and its members	Honduras	1,662.97	0.00
21	Punta Piedra Garífuna Community and its members	Honduras	8,528.06	0.00
22	Kuna Indigenous People of Madungandí and Emberá Indigenous People of Bayano and their members	Panama	4,670.21	0.00
23	Osorio Rivera and family	Peru	3,306.86	0.00
24	J.	Peru	3,683.52	0.00
25	Miguel Castro Castro Prison	Peru	2,756.29	0.00
26	Espinoza Gonzáles	Peru	1,972.59	0.00
27	Cruz Sánchez <i>et al.</i>	Peru	1,685.36	0.00
28	Santa Bárbara Campesino Community	Peru	3,457.40	0.00
29	Canales Huapaya <i>et al.</i>	Peru	15,655.09	0.00
30	Quispialaya Vicalpoma	Peru	1,673.00	0.00
31	Tenorio Roca <i>et al.</i>	Peru	2,133.69	0.00
32	Tarazona Arrieta <i>et al.</i>	Peru	2,030.89	0.00
33	Pollo Rivera <i>et al.</i>	Peru	4,330.76	15.40
34	Zegarra Marín	Peru	8,523.10	0.06
35	Lagos del Campo	Peru	1,336.71	23.70
36	Dismissed Employees of PetroPeru <i>et al.</i>	Peru	3,762.54	18.01
	Interest paid by the State of Peru	Peru	0.00	197.66
37	Barrios Family	Venezuela	3,232.16	0.00
38	Uzcategui <i>et al.</i>	Venezuela	4,833.12	0.00
39	Landaeta Mejías <i>et al.</i>	Venezuela	2,725.17	0.00



40	Barrios Family (Monitoring compliance)	Venezuela	1,326.33	0.00
SUB-TOTAL			\$200,996.91	\$19,123.30
TOTAL RECOVERED (EXPENSES AND INTEREST)				US\$220,120.21

Victims' Legal Assistance Fund		
Case which is not obliged to reimburse the fund		
Number	Case	Reimbursement (in US\$)
1	Castillo González <i>et al.</i> v. Venezuela	2,956.95
TOTAL FOR THE CASE: US\$2,956.95		

Victims' Legal Assistance Fund				
Expenses pending reimbursement, by case and by State, at December 31, 2018				
Total number	Number by State	Case	Amount	Date payment was ordered
ARGENTINA				
1	1	Furlan and family members	4,025.58	November 4, 2016
		TOTAL	4,025.58	
BARBADOS				
2	1	Dacosta Cadogan and Boyce <i>et al.</i>	1,999.60	November 14, 2016
		TOTAL	1,999.60	
BRAZIL				
3	2	*Herzog <i>et al.</i>	4,260.95	March 15, 2018
		TOTAL	4,260.95	



COLOMBIA				
4	1	Vereda La Esperanza	2,892.94	August 31, 2017
5	2	Yarce <i>et al.</i>	4,841.06	November 22, 2016
6	3	Duque	2,509.34	February 26, 2016
7	4	*Villamizar Durán <i>et al.</i>	6,404.37	November 20, 2018
8	5	**Matter of the Peace Community of San José de Apartadó	1,116.46	No order has been issued, so the obligation of reimbursement has not yet been determined
9	6	*Isaza Uribe <i>et al.</i>	1,172.70	November 20, 2018
		TOTAL	18,936.87	
COSTA RICA				
10	1	Amrhein <i>et al.</i>	5,789.30	April 25, 2018
		TOTAL	5,789.30	
ECUADOR				
11	1	Gonzales Lluy <i>et al.</i>	4,649.54	September 1, 2015
12	2	Vásquez Durand <i>et al.</i>	1,674.35	February 15, 2017
13	3	Flor Freire	4,788.25	August 31, 2016
		TOTAL	11,112.14	
GUATEMALA				
14	1	Ramírez Escobar <i>et al.</i>	2,082.79	March 9, 2018
15	2	Cuscul Pivaral <i>et al.</i>	2,176.36	August 23, 2018
16	3	**Villaseñor <i>et al.</i>	4,688.10	Judgment has not been delivered, so the obligation of reimbursement has not yet been determined
		TOTAL	8,947.25	



MEXICO				
17	1	*Women Victims of Sexual Torture in Atenco	4,214.20	November 28, 2018
18	2	*Alvarado Espinoza <i>et al.</i>	5,574.73	November 28, 2018
		TOTAL	9,788.93	
NICARAGUA				
19	1	Acosta <i>et al.</i>	2,722.99	March 25, 2017
20	2	V.R.P. and V.P.C.	13,862.51	March 25, 2017
		TOTAL	16,585.50	
PERU				
21	1	*Terrones Silva <i>et al.</i>	5,095.99	September 26, 2018
22	2	Munárriz Escobar <i>et al.</i>	1,100.76	August 20, 2018
23	3	**Muelle Flores v. Peru	2,334.05	No order has been issued, so the obligation of reimbursement has not yet been determined
		TOTAL	8,530.80	
DOMINICAN REPUBLIC				
24	1	González Medina	2,219.48	February 27, 2012
25	2	Nadege Dorzema <i>et al.</i>	5,972.21	October 24, 2012
26	3	Expelled Dominicans and Haitians	5,661.75	August 28, 2014
		TOTAL	13,853.44	
VENEZUELA				
27	1	Ortiz Hernández <i>et al.</i>	11,604.03	August 22, 2017
28	2	*López Soto <i>et al.</i>	7,310.33	September 26, 2018
29	3	***Álvarez Ramos	2,846.73	Hearing to be held in January 2019



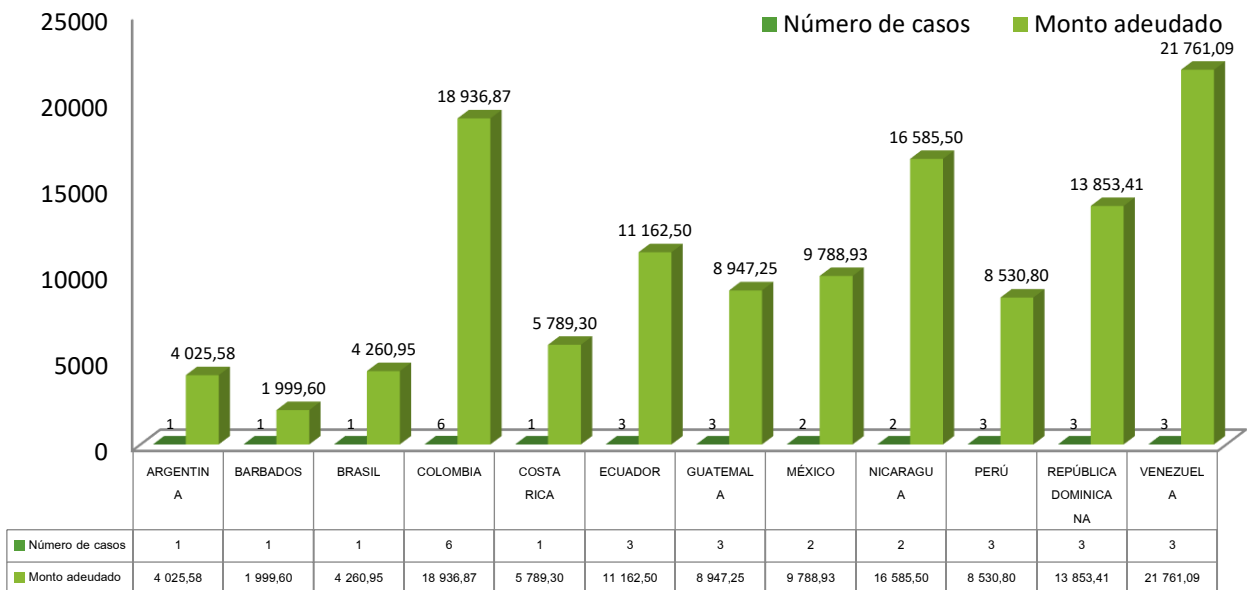
		TOTAL	21,761.09	
		TOTAL AMOUNT	US\$125,594.45	

* Cases where the time frame granted to the State in the respective judgement to make the payment has not yet expired.

** Cases in which the obligation to make the reimbursement has not been determined.

*** Disbursements made for the hearing to be held in January 2019.

**INTER-AMERICAN COURT OF HUMAN RIGHTS
BALANCES PENDING REIMBURSEMENT TO THE VICTIMS' FUND
US\$ AT DECEMBER 31, 2018**

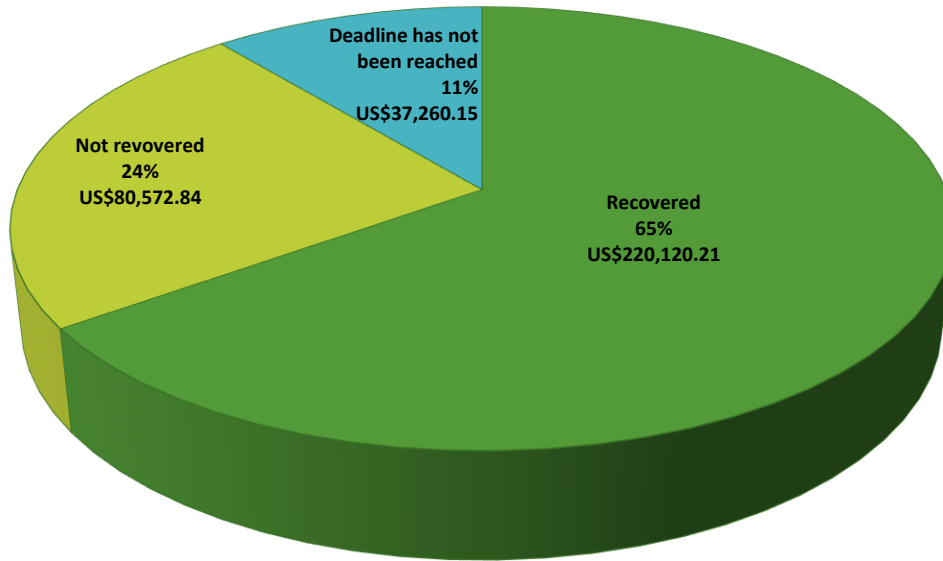




Inter-American Court of Human Rights

Actual status of reimbursements to the Fund
at December 31, 2018

Total executed: US\$337,953.20





Inter-American Court of Human Rights

Victims' Legal Assistance Fund

Statement of income and expenditure

From January 1, 2010 to December 31, 2018

(in US\$)

Income:

Contributions to the Fund:	419,971.77
Reimbursements to the Fund by States:	200,996.91
Interest earned on arrears paid to Fund:	19,123.30
Interest earned on the Fund's bank accounts:	2,895.62
Total Income:	\$ 642,987.60

Expenses:

Disbursements to beneficiaries of the Fund:	(328,316.19)
Financial and administrative expenses:	(1,950.27)
Non-reimbursable expenses:	(7,686.74)
Total Expenditure	\$ (337,953.20)
Surplus (Deficit) to date:	\$ 305,034.40



d) Audit of accounts

The Victims' Legal Assistance Fund has been audited by the external auditors of the Inter-American Court, *Venegas and Colegiados*, Auditors and Consultants, a member of Nexia International. In this regard, the audited financial statements for the financial exercises ending in December 2010, 2011, 2012, 2013, 2014, 2015, 2016 and 2017 have been approved, indicating that, in all important aspects, they present the income and available funds in keeping with generally accepted accounting and auditing principles. The 2018 audit report remains pending and will be issued during the first quarter of 2019 and included in the 2019 Annual Report. The auditor's reports also state that the disbursements have been administered correctly, that no illegal activities or corruption have been discovered, and that the funds have been used exclusively to cover the expenses of the Victims' Fund operated by the Court.

B. Inter-American Public Defender

The most recent amendment to the Court's Rules of Procedure, in force since January 1, 2010, introduced the mechanism of the Inter-American Defender. The purpose of this recent mechanism is to guarantee access to inter-American justice by granting free legal aid to presumed victims who did not have the financial resources or lacked legal representation before the Court.

To implement the concept of inter-American defender, in 2009, the Court signed a Memorandum of Understanding with the Inter-American Association of Public Defenders (hereinafter "the AIDEF"),¹⁶⁹ which entered into force on January 1, 2010. Under this agreement, in those cases in which the presumed victims lack 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. To this end, when a presumed victim does not have legal representation in a case and indicates his or her wish to be represented by an inter-American defender, the Court 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. In addition, the Court will notify the documentation relating to the submission of the case to the Court to the member of the AIDEF appointed as the public defender so that the latter may, from then on, assume the legal representation of the presumed victim before the Court throughout the processing of the case.

As mentioned above, 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. Furthermore, on June 7, 2013, the AIDEF Board approved the new "Unified Rules of Procedure for

¹⁶⁹ AIDEF is an organization composed of State institutions and associations of public defenders. Its objectives include providing the necessary assistance and representation to individuals and ensuring the rights of defendants, that permit a full defense and access to justice, with the due quality and excellence.



the actions of the AIDEF before the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights.” To date, the AIDEF has provided legal assistance through this mechanism in 18 cases and the Court has already delivered judgment in 12 of them:

1. Pacheco Tineo Family v. Bolivia;
2. Furlan and family members v. Argentina;
3. Mohamed v. Argentina;
4. Argüelles et al. v. Argentina;
5. Canales Huapaya et al. v. Peru;
6. Ruano Torres et al. v. El Salvador;
7. Pollo Rivera et al. v. Peru;
8. Zegarra Marín v. Peru;
9. Ortiz Hernández et al. v. Venezuela;
10. Poblete Vilches et al. v. Chile;
11. V.R.P. and V.P.C. v. Nicaragua, and
12. Amrhein et al. v. Costa Rica.

Also, the following cases in which judgment remains pending have also been defended by the mechanism of the Inter-American Defender:

1. *Jenkins v. Argentina*;
2. *Girón et al. v. Guatemala*;
3. *Martínez Coronado v. Guatemala*;
4. *Rodríguez Revolorio et al. v. Guatemala*;
5. *Villaseñor Velarde et al. v. Guatemala*, and
6. *Muelle Flores v. Peru*.



XI. Other activities of the Court

A. Dialogue with the OAS

1. OAS Permanent Council

On March 22, the President of the Inter-American Court of Human Rights, Judge Eduardo Ferrer Mac-Gregor, accompanied by the Vice President, Judge Eduardo Vio Grossi, and the Secretary, Pablo Saavedra Alessandri, presented the 2017 Annual Report of the Inter-American Court to the Committee on Juridical and Political Affairs of the OAS Permanent Council.

2. OAS General Assembly

On June 4 and 5, the forty-eighth OAS General Assembly was held in Washington. It was attended by the President of the Court, Judge Eduardo Ferrer Mac-Gregor, the Vice President, Eduardo Vio Grossi, Judges Humberto Sierra Porto, Patricio Pazmiño Freire, Elizabeth Odio Benito, and Eugenio Raúl Zaffaroni, and the Secretary, Pablo Saavedra Alessandri, in order to present the Court's Annual Report.

During the Assembly, on June 5, Judge Eduardo Ferrer Mac-Gregor and Judge Humberto Sierra Porto were re-elected as judges of the Inter-American Court for the period 2019-2024, and Judge Ricardo Pérez Manrique was elected as a new judge of the Inter-American Court for the same period.

B. Dialogue with the United Nations

1. 40th Anniversary of the American Convention and the Inter-American Court

On July 16, António Guterres, the United Nations Secretary-General, visited the seat of the Court and met with all its members. The meeting was also attended by the President of the Republic of Costa Rica, Carlos Alvarado Quesada, and the Presidents and several members of the European Court of Human Rights and the African Court of Human and Peoples' Rights.



The United Nations Secretary-General took part in the inaugural ceremony of the 40th Anniversary of the entry into force of the American Convention on Human Rights and the creation of the Court, and underscored that this institution, together with the Inter-American Commission on Human Rights had “made a significant contribution to the wave of democratization of the continent.



In addition, Mr. Guterres defined the Inter-American Court as an institution that provides moral leadership and that acts to eliminate human rights violations and to punish those that perpetrate them, urging it to remain vigilant and determined in order “to protect and promote human rights throughout the American continent.”

2. Other activities

In addition, on November 30, one of the Court’s lawyers took part in a meeting of regional courts organized by the United Nations Committee against Torture. He made a presentation on measures of reparation in cases involving torture and on the Inter-American Court’s case law in this regard. Also, on December 7, a lawyer from the Court participated in a coordination meeting of the Focal Points of Regional Human Rights Mechanisms organized by the United Nations in Washington D.C. Lastly, on December 8, one of the Court’s lawyers took part in the Regional Consultation of the Americas on racism, racial discrimination, xenophobia



and other forms of intolerance, organized jointly by the Office of the High Commissioner for Human Rights and the Inter-American Commission on Human Rights.

C. Dialogue with the Inter-American Commission on Human Rights

On September 1, the members of the Court and the Commission met to hold their annual meeting. At that time, they analyzed current and future challenges for the organs of the inter-American system. They also presented their points of view on the actual challenges to processing cases before the inter-American system and agreed to set up a working group composed of judges, commissioners and technical personnel from the two institutions in order to identify structural solutions that ensured the smooth running of the case system.

D. Dialogue with institutions of the Council of Europe

1. European Court of Human Rights

On July 17, an event was held at the seat of the Court with the participation of the highest representatives of the Inter-American Court of Human Rights, the African Court of Human and Peoples' Rights and the European Court of Human Rights. This was a private working meeting to promote dialogue and cooperation between the three regional human rights courts.





On July 18, the Presidents of the African Court of Human and Peoples' Rights, the European Court of Human Rights and the Inter-American Court signed the "[San José Declaration](#)", the purpose of which was to establish a Permanent Forum for Institutional Dialogue among the said regional courts, contains further information in this regard).

On November 9, a delegation from the Inter-American Court, consisting of the President, Judge Eduardo Ferrer Mac-Gregor, Judge Humberto Sierra Porto, Judge Patricio Pazmiño, and the Secretary, Pablo Saavedra, visited the seat of the European Court of Human Rights (ECHR). The delegation was received by the Court's President, Judge Guido Raimondi, the Registrar, Roderick Liddell, the Head of the President's Office, Patrick Titun, and the lawyers Guillem Cano Palomares and Rachael Kondak. During the visit, the Inter-American Court's judges, together with the judges of the European Court and several invited academics, were panelists in the international human rights seminar entitled "Optimization of a methodology for the resolution of large-scale human rights violations," organized jointly by the Court and the ECHR.

2. European Committee of Social Rights of the Council of Europe

On November 8, the Inter-American Court visited several institutions of the Council of Europe, located in Strasbourg, France. During the visits, the Court's delegation held a meeting with the European Committee of Social Rights in order to hold discussions and exchange points of view on similarities and differences in the protection of the economic, social and environmental rights under the regional human rights systems in Europe and the Americas. The Committee was represented by its President, Giuseppe Palmisano; Raul Canosa, member of the Committee; Jan Malinowski, Executive Secretary; Henrik Kristensen, Deputy Executive Secretary, and Amaya Úbeda, lawyer. The program of visits was made possible with the institutional support of the Konrad Adenauer Foundation and its Rule of Law Program for Latin America.





3. Department for Execution of Judgments of the Council of Europe

On the same November 8, the Court's delegation met with Christos Giakoumopoulos, Director General for Human Rights and Rule of Law, and with senior officials of the Department for Execution of Judgments of the European Court of Human Rights of the Council of Europe. The purpose of the meeting was to share experiences and instruments to improve execution of the judgments handed down by the European and the Inter-American Courts of Human Rights, as well as to exchange experiences on the achievements and current challenges faced by the two institutions. The program of visits was made possible with the institutional support of the Konrad Adenauer Foundation and its Rule of Law Program for Latin America.



E. Dialogue with the African Court of Human and Peoples' Rights

On July 17, an event was held at the seat of the Court with the participation of the highest representatives of the Inter-American Court of Human Rights, the African Court of Human and Peoples' Rights and the European Court of Human Rights. This was a private working meeting to promote the dialogue and cooperation between the three regional human rights courts

On July 18, the Presidents of the three regional human rights courts signed the "[San José Declaration](#)", the purpose of which was to establish a permanent forum for institutional dialogue among the said regional courts.

Also, following up on the [San José Declaration](#) signed by the Presidents of the African, European and Inter-American Courts of Human Rights, on July 18, one of the Court's lawyers took part in the Meeting to validate the reparation guidelines of the African Court of Human and Peoples' Rights, held in Arusha, Tanzania, on September 1, 2018.



F. Dialogue with the Court of Justice of the European Union

On November 5, the Inter-American Court visited the seat of the Court of Justice of the European Union in Luxemburg. During the meeting, the two institutions undertook to strengthen their institutional relations and, in particular, judicial dialogue. The Inter-American Court's delegation attended several meetings with judges and senior officials of the Court of Justice, during which they were able to learn about the evolution and functioning of this high court. The delegation also took part in a very productive discussion with the Vice President of the Court of Justice, Silva de Lapuerta, and the judges, M. A. Rosas and D. Šváby.

On November 6, the Court's delegation met with the President of the Court of Justice, M. K. Lenaerts. During that meeting, the President of the Inter-American Court indicated its interest in increasing institutional relations between the two supranational organs.

The program of visits was made possible with the institutional support of the Konrad Adenauer Foundation and its Rule of Law Program for Latin America.



G. Dialogue with national courts

1. Council of State of Colombia

On March 16, the Court received the visit of the justices of the Third Section of the Council of State of Colombia. The President of the Court, Judge Eduardo Ferrer Mac-Gregor, underlined that it was very positive that the Council of State of Colombia used the jurisprudence of the Inter-American Court on full reparation to redress the harm to persons at the domestic level. The Court was represented during the discussions by the President, the Vice President, Eduardo Vio Grossi, Judge Humberto Sierra Porto, the Secretary, Pablo Saavedra Alessandri, the Deputy Secretary, Emilia Segares Rodríguez, and the Legal Counsel, Alexei Julio; and the Council of State by the President of the Third Section, Danilo Rojas Betancourth and Justices Ramiro



Pazos Guerrero, Martha Nubia Velásquez Rico, María Adriana Marín, Guillermo Sánchez Luque and Carlos Alberto Zambrano Barrera.

2. Supreme Court of Justice of El Salvador

On August 14, in commemoration of the 30th anniversary of the Additional Protocol to the American Convention in the Area of Economic, Social and Cultural Rights, Pact of San Salvador, the President and the Secretary of the Inter-American Court visited the Supreme Court of Justice of El Salvador, where they were received by its acting President, José Oscar Armando Pineda Navas.

On August 27, within the framework of the fifty-ninth special session, Judge Eduardo Ferrer Mac-Gregor, President of the Inter-American Court, Judge Humberto Sierra Porto, Judge Elizabeth Odio Benito, Judge Raúl Zaffaroni, Judge Patricio Pazmiño, the Secretary of the Court, Pablo Saavedra, and the Deputy Secretary, Emilia Segares, met with the justices of the Supreme Court of Justice in order to foster interaction and dialogue between the two courts. The program of visits was made possible with the institutional support of the Konrad Adenauer Foundation and its Rule of Law Program for Latin America.

3. Federal Constitutional Court of Germany

On November 7, the Inter-American Court visited the seat of the German Federal Constitutional Court, where it met with Andreas Voßkuhle, President of the Federal Constitutional Court and with Justice Doris König, and Max Schönthal, the Press Spokesperson. The program of visits was made possible with the institutional support of the Konrad Adenauer Foundation and its Rule of Law Program for Latin America.



4. Federal Court of Justice of Germany

On November 7, a delegation from the Inter-American Court visited the German Federal Court of Justice where a roundtable meeting was held with President Limperg, Justices Schmalz, Derstadt, and Müller-Teckhof. The program of visits was made possible with the institutional support of the Konrad Adenauer Foundation and its Rule of Law Program for Latin America.



H. Dialogue with Heads of State and Government

1. **President of the Republic of Costa Rica (to May 2018)**

On January 30, on the occasion of the inauguration of the 2018 inter-American judicial year, the full Court received Luis Guillermo Solís Rivera, then President of the Republic of Costa Rica and Manuel González Sanz, then Minister for Foreign Affairs, for a discussion prior to the inauguration ceremony.

2. **Eighth Summit of the Americas**

On April 13 and 14, the President of the Court traveled to Lima, Peru, to take part in the Eighth Summit of the Americas, where the Heads of State and Government of the Americas addressed the central topic of the eighth summit “Democratic Governance against Corruption.”

3. **President of the Republic of Costa Rica (inaugurated May 2018)**

On May 8, the President and the Secretary of the Court attended the inauguration of the new President of the Republic, Carlos Alvarado Quesada.

On May 21, the President of the Court, Judge Elizabeth Odio Benito and the Secretary visited the Costa Rica presidential palace where they were received by President Alvarado. The purpose of the meeting was to congratulate the President on his recent inauguration, and to discuss the current and future challenges facing human rights in the region.

Then, on July 16, the President of the Republic of Costa Rica visited the seat of the Inter-American Court of Human Rights, where he met with the full Court. António Guterres, the United Nations Secretary-General



was also present, together with the Presidents and several members of the European Court of Human Rights and the African Court of Human and Peoples' Rights.



4. President of the Republic of Ecuador

On May 7, the President of the Inter-American Court, Judge Eduardo Ferrer Mac-Gregor Poisot, and Judge Elizabeth Odio Benito received the visit of the President of the Republic of Ecuador, Lenín Moreno. The meeting was also attended by the Ecuadorian Minister for Foreign Affairs, María Fernanda Espinosa; the National Secretary for Communications, Andrés Michelena; the Ecuadorian Ambassador to Costa Rica, Claudio Alejandro Cevallos Berrazueta; the Secretary of the Inter-American Court, Pablo Saavedra Alessandri, and the Deputy Secretary, Emilia Segares Rodríguez. During the meeting, the Ecuadorian President affirmed Ecuador's commitment to continue working to improve the Inter-American Court's funding in order to strengthen its work of imparting justice.







5. President of the Republic of El Salvador

On May 14, the President of the Court met with Salvador Sánchez Cerén, President of the Republic of El Salvador, in order to discuss the progress and efforts made by that country in the area of human rights, and to coordinate preparations for the Court's fifty-ninth special session held in that country in August.

On August 27, during the fifty-ninth special session, the President of the Court and Judges Humberto Sierra Porto, Elizabeth Odio Benito, Raúl Zaffaroni and Patricio Pazmiño met with Salvador Sánchez Cerén, President of the Republic of El Salvador, in the Ministry of Foreign Affairs of El Salvador. The purpose of the meeting was to express the Court's gratitude to President Sánchez Cerén for the invitation to hold a session on the territory of El Salvador, as well as to discuss the current challenges in the area of human rights in El Salvador and in the region.

6. President of the Kingdom of Spain

On August 31, Pedro Sánchez Pérez Castejón, President of the Kingdom of Spain, was received at the Court's seat by the President of the Court, Judge Eduardo Ferrer Mac-Gregor, and the Secretary, Pablo Saavedra Alessandri. The purpose of the visit was to strengthen ties between the Spanish Government and the Court, and also to provide continuity to the evident commitment that Spain has shown over recent years to the promotion and protection of human rights in the Americas and, in particular, to the work of the Inter-American Court of Human Rights.



Pedro Sánchez underscored the crucial role played by the Court throughout its 40 years of existence as an essential organ for the defense of human rights and the rule of law in the region. He also reiterated the Spanish Government's commitment to continue supporting the Court's work and stressed that the defense and promotion of human rights in Latin America and in the rest of the world was a priority of its foreign policy.

7. President of the Republic of Colombia



On October 16, the President of the Court, Judge Eduardo Ferrer Mac-Gregor, and Judges Humberto Sierra Porto and Patricio Pazmiño Freire and the Secretary held a meeting with Iván Duque, President of the Republic of Colombia, during which those present shared their opinions on the current and future challenges facing the inter-American system for the protection of human rights, and agreed to promote the ties between the Court and the Colombian State in order to advance in the mutual task of achieving the full realization of human rights in the region.

I. Dialogue with national authorities

1. National Association of Justices of the Chilean Judiciary

On March 8, Judge Eduardo Ferrer Mac-Gregor Poisot, President of the Inter-American Court, Judge Humberto Sierra Porto and the Secretary, Pablo Saavedra, met with Alejandro Vera Quilidrán, Vice President of the National Association of Justices of the Chilean Judiciary.

2. Under-Secretary for Foreign Affairs of Mexico

On May 4, the President and the Secretary of the Court held a meeting with Miguel Ruiz Cabañas, Under-Secretary for Foreign Affairs of Mexico.

3. Minister for Foreign Affairs of Chile

On May 8, the President of the Court received the visit of Roberto Ampuero, Minister for Foreign Affairs of Chile, to discuss the current and future challenges facing the inter-American system for the protection of human rights.

4. Minister for Foreign Affairs of El Salvador

On May 15, the President of the Court and the Head of Administrative Affairs, Arturo Herrera, met with Hugo Roger Martínez Bonilla, then Minister for Foreign Affairs of El Salvador. The purpose of the meeting was to coordinate different aspects of the preparations for the fifty-ninth special session held in that country in August.

On August 29, during the fifty-ninth special session, the President of the Court met with Carlos Alfredo Castaneda Magaña, the new Minister for Foreign Affairs of El Salvador.

5. Vice President and Minister for Foreign Affairs and Worship of Costa Rica

On May 22, the President of the Court, Judge Eduardo Ferrer Mac-Gregor, Judge Elizabeth Odio Benito and the Secretary, Pablo Saavedra Alessandri, held a meeting with Epsy Campbell Barr, Vice President and Minister for Foreign Affairs and Worship of Costa Rica, in order to discuss possibilities for cooperation between the Inter-American Court and the Costa Rican State.



6. Ombudsperson of El Salvador

On August 13, on the occasion of the fifty-ninth special session, the President and the Secretary of the Inter-American Court met with the Ombudsperson, Raquel Caballero de Guevara, in San Salvador, to establish closer ties in order to promote full compliance with the judgments handed down by the Inter-American Court.

J. Commemoration of the 40th anniversary of the American Convention and the Inter-American Court of Human Rights

During 2018 a series of event took place in different American and European countries to commemorate the 40th anniversary of the entry into force of the American Convention on Human Rights and the creation of the Inter-American Court of Human Rights.

1. Costa Rica

The 125th Period of Ordinary Sessions was devoted to commemorating the 40th anniversary of the entry into force of the American Convention on Human Rights and the creation of the Inter-American Court of Human Rights. During this session, a ceremony was held to inaugurate the 40th anniversary celebrations, together with a closed-door dialogue between the three regional human rights courts, and then an international seminar.

2. El Salvador

On August 29, on the occasion of the fifty-ninth special session held in El Salvador, the Inter-American Court held a free public international seminar on 40 years of the jurisprudence of the Inter-American Court of Human Rights with regard to vulnerable groups and its impact, which was attended by more than 1,000 people.

3. Chile

On September 5 and 6, the Court participated in the Seventh International Congress of the Inter-American Association of Public Defenders (AIDEF), entitled “On the 40th anniversary of the Convention and of the Inter-American Court: a new era for human rights.” Judge elect Ricardo Pérez Manrique also took part in the congress, the purpose of which was to commemorate the 40th anniversary of the American Convention on Human Rights and the Court.

4. Colombia

On October 16, the Court organized a seminar in Bogotá, in collaboration with the Colombian Attorney General’s Office, entitled “40 years of the Inter-American Court and its impact in Colombia.” Judges Eduardo Ferrer, Humberto Sierra and Patricio Pazmiño, and the Secretary, Pablo Saavedra, and the Legal Counsel, Alexei Julio, were panelists in the event.



On December 10, in commemoration of the 70th anniversary of the adoption of the American Declaration of the Rights and Duties of Man and Human Rights Day, as well as the 40th anniversary of the entry into force of the Pact of San José and the creation of the Inter-American Court, the Court and the Inter-American Commission organized the second edition of the Forum of the inter-American human rights system under the heading of Promotion of a discussion on the future of the inter-American human rights system, in Bogotá, Colombia.

5. Mexico

On December 3 and 4, Judges Eduardo Ferrer, Humberto Sierra and Patricio Pazmiño, and the Court's Secretary, Pablo Saavedra, took part in the seminar on the jurisprudence of the Inter-American Court of Human Rights and its impact in Mexico: State obligations in the face of the forced disappearance of persons.

In addition, on November 13, 2018, the National Lottery for Public Assistance (LOTENAL) dedicated its Special Draw No. 212 to the 40 Anniversary of the Inter-American Court of Human Rights.

6. Germany

On November 2, during a visit to Europe, the President of the Court, Judge Eduardo Ferrer Mac-Gregor Poisot, Judge Humberto Sierra Porto, Judge elect Ricardo Pérez Manrique and the Secretary, Pablo Saavedra Alessandri, took part in the international seminar "On the 40th anniversary of the Inter-American Court of Human Rights: a European perspective," organized by the Max-Planck Institute of Comparative Public Law and International Law (MPIL) in Heidelberg (Germany).

K. Training and dissemination activities

Throughout the year, the Court organizes numerous training and dissemination activities on the inter-American system's instruments for the protection of human rights. In addition, the Court organized a series of dissemination activities in different countries to commemorate the 40th anniversary of the Convention and of the Court. To date, these acts of commemoration and dissemination have been held in Costa Rica, El Salvador, Chile, Mexico and Colombia.

Some of the most important are described below:

On January 19, the President, Judge Eduardo Ferrer Mac-Gregor, took part in the Regional Forum on migration and international protection held in Mexico City, where he called on the different actors to unite and coordinate efforts to ensure improved living conditions for those who, based on different circumstances, are forced to abandon their homes.

On January 30, within the framework of the inauguration of the 2018 Inter-American Judicial Year, the Inter-American Court organized a forum on challenges for human rights in the twenty-first century, in which Judge



Cançado Trindade and Rigoberta Menchú made presentations on the challenges that human rights defenders face at the present time. The activity was moderated by Judge Elizabeth Odio Benito.

On February 20, Judge Elizabeth Odio Benito participated in the high-level session to commemorate 90 years of the Inter-American Commission on Women. The event was organized by this institution and the OAS Permanent Council and took place in Washington.

From March 12 to 16, the Court, in coordination with the Inter-American Association of Public Defenders and with the support of the Konrad Adenauer Foundation and its Rule of Law Program for Latin America, held a training seminar for 21 members of the 2016-2019 group of Inter-American Public Defenders to update them on litigation before the inter-American human rights system and inter-American public defense.

On March 14, Judge Eduardo Vio Grossi gave a presentation on the inter-American human rights system at the Universidad Católica de Costa Rica.

On March 27, Judge Raúl Zaffaroni took part in a discussion panel on judicial independence and the current situation.

From April 12 to 16, Judge Patricio Pazmiño Freire visited the Spanish Constitutional Court and delivered two lectures on implementation of conventionality control in the inter-American system, and on recent developments in jurisprudence in the area of cultural rights.

From May 16 to 18, the President of the Court participated in Panamá in the Twelfth Meeting of the Ibero-American Conference on Constitutional Justice, which incorporates all the courts, tribunals and chambers that impart constitutional justice in the Spanish- and Portuguese-speaking countries of the Americas and Europe, and was a member of a panel on economic, social and cultural rights.

On May 22, the President of the Court met with a large group of Costa Rican university authorities to discuss the possibility of establishing a program of academic links between the universities and the Court.

On June 15, the President of the Court lectured at the Academy on Human Rights and Humanitarian Law at the American University in Washington.

On July 12 and 13, the Fifth International Seminar on monitoring, compliance with and impact of the inter-American human rights system was held in Heidelberg, Germany. It was jointly organized by the Max Planck Institute and the Rule of Law Program for Latin America of the Konrad Adenauer Foundation.

On July 18 and 19, the Inter-American Court held an international seminar open to the public that was attended by more than 1,500 people including the judges of the world's three regional courts, former judges of the Court, high-level State authorities from numerous parts of the Americas, academics with vast professional experience, representatives of civil society and victims. The purpose of the event was to reflect,



together with all the key actors, on the past, present and future of the universal systems for the protection of human rights.

On July 23, the President of the Court was a speaker at the First International Congress on the transversality of human rights in the constitutional systems of the twenty-first century, held in Mexico.

On July 30, the President of the Inter-American Court was an honorary observer at the constitution of the Mexican Academy on Constitutional Law and Human Rights.

On August 2, Judge Raúl Zaffaroni was a speaker at a seminar on democracy and media coverage of criminal proceedings in Porto Alegre, Brazil.

From August 3 to 10, the Second International Festival of Human Rights and Environmental Cinema took place in San José, Costa Rica, with the support of the Inter-American Court which made its facilities available for the projection of a film during the festival. Thus, on August 8, the film "Pripjura," a 2017 Brazilian documentary directed by Mariana Oliva, Bruno Jorge and Renata Terra, was shown in the courtroom of the Court.

On August 6, under a cooperation agreement, the Inter-American Court and the Costa Rican International Law Association held a workshop at the seat of the Court on the environment and human rights: emerging perspectives in the inter-American system.

On August 8, the President of the Court participated in the event held in Querétaro, Mexico, on Ageing with dignity: living a full life, which sought to promote the older person's enjoyment of human rights, focusing on health, financial security, gender, stereotypes and discrimination, social participation and civil protection.

On August 14, the President of the Court attended the acts to commemorate 30 years of the Additional Protocol to the American Convention in the area of Economic, Social and Cultural Rights, Protocol of San Salvador, held in El Salvador, where he gave a keynote address on the rulings of the Inter-American Court of Human Rights concerning economic, social, cultural and environmental rights.

On August 29, on the occasion of the fifty-ninth special session held in El Salvador, the Inter-American Court held a free public international seminar on 40 years of the jurisprudence of the Inter-American Court of Human Rights with regard to vulnerable groups and its impact, which was attended by more than 1,000 people.

From August 29 to September 12, the Court's judges and lawyers participated in the "Héctor Fix-Zamudio" diploma training course on the inter-American system of human rights, which addresses essential issues relating to the inter-American system of human rights, as well as practical skills for the use of human rights standards.



On August 31, Judge Elizabeth Odio, Judge Patricio Pazmiño and the Deputy Secretary took part in the work shop on Inter-American standards: impact and effectiveness of the inter-American system of human rights, held in Mexico City.

On September 5 and 6, the Court participated in the Seventh International Congress of the Inter-American Association of Public Defenders (AIDEF), entitled “On the 40th anniversary of the Convention and of the Inter-American Court: a new era for human rights.” Judge elect Ricardo Pérez Manrique also took part in the congress, the purpose of which was to commemorate the 40th anniversary of the American Convention on Human Rights and the Court.

From September 6 to 8, the President of the Court, Judge Patricio Pazmiño Freire, and the Secretary, participated in the Twenty-ninth Meeting of Presidents and Justices of Constitutional Tribunals, Courts and Chambers of Latin America” in Peru. The President took part in a panel on execution, compliance and implementation of the judgments of the Inter-American Court of Human Rights, while Judge Pazmiño took part in the panel on the constitutional judge: role, competence and challenges in the twenty-first century.

On September 14, Judge Humberto Sierra Porto participated in the XXIV Meeting on the contentious jurisdiction held in Colombia and spoke on the control of conventionality.

On September 20, the President of the Court took part in the virtual seminar on the Inter-American Court’s advisory opinion on human rights and the environment and spoke on the importance of Advisory Opinion OC-23 in the inter-American human rights system, and advances and impacts in the protection of human rights in the Americas.

On September 25, the President of the Court participated in the inauguration of the XXXVI Interdisciplinary Course on Human Rights on the topic of “A year of significant commemorations of human rights” organized by the Inter-American Institute of Human Rights (IHR). In addition, on September 28, he gave a lecture to participants and then, together with the Secretary, Pablo Saavedra, he met with the IHR Executive Director, José Thompson, and the Coordinator of the Area of Education, Jorge Padilla, to discuss the elaboration and implementation of a joint work plan for activities, projects and processes for the promotion of human rights.

From October 8 to 10, Judge elect Ricardo Pérez Manrique took part in the J20 Judicial Conference of the Supreme Courts of the G20, where he spoke on the Court’s jurisprudence in the area of economic, social, cultural and environmental rights and on the ethical and legal commitments of the 2030 Sustainable Development Goals for the exercise of human rights.

On October 11, the President of the Court gave a lecture at Boston College on “The protection of human rights by the Inter-American Court: main challenges and perspectives.”

On October 12, the President of the Court gave a lecture on the impacts of, and challenges faced by, the inter-American human rights system at Harvard University.



On October 16, the Court organized a seminar in Bogotá, in collaboration with the Colombian Attorney General's Office, entitled "40 years of the Inter-American Court and its impact in Colombia." Judges Eduardo Ferrer, Humberto Sierra and Patricio Pazmiño, and the Secretary, Pablo Saavedra, and the Legal Counsel, Alexei Julio, were panelists in the event.

On October 17, the President Judge Eduardo Ferrer, and Judges Humberto Sierra and Patricio Pazmiño, the Secretary, Pablo Saavedra, and the Legal Counsel, Alexei Julio, took part in the plenary session on the role of judges during transition periods of the Constitutional Law Symposium on "The Constitutional State in jeopardy?" in Bogotá, Colombia.

On October 18, the President of the Court gave a presentation on 40 years of the Inter-American Court and its jurisprudence during the XII National Congress on Constitutional Law, held in Trujillo, Peru.

On October 18, a Secretariat lawyer took part in the XV Meeting of the Latin American and Caribbean Council for Civil Registry, Identity and Vital Statistics held in Cartagena, Colombia, and described the content and arguments of the Advisory Opinion on gender identity and its relationship to civil identity.

On October 19, a Secretariat lawyer took part in the Fourth Regional Forum on Immigration and International Protection on challenges for access to justice for children and adolescents in the context of migration, held in Mexico, and spoke on the pertinent jurisprudence of the Inter-American Court.

On October 22, the President of the Court participated in the Second Congress of the Ibero-American Union of Universities and Constitutional Supreme Courts of Ibero-America held in Mexico City and gave a keynote address on the Court's jurisprudence in light of its 40 years of existence.

On October 22 and 23, the President of the Court and Judge elect Ricardo Pérez Manrique took part in the Third International Meeting of Experts and Networks of the inter-American system of human rights, held in Mexico.

On October 23, the President participated in the international forum on economic, social, cultural and environmental rights and the 2030 Agenda for Sustainable Development in Mexico City.

On October 25, Judge Eduardo Vio Grossi was a panelist on the inaugural panel of the Eighth Student Congress on Law and the Judiciary organized by the Faculty of Law at the Pontificia Universidad Católica de Valparaíso, Chile, on the topic of vulnerable groups and access to justice.

On October 24 and 25, the President of the Court and Judge elect Ricardo Pérez Manrique participated in the Ninth Mexican Congress on Constitutional Procedural Law, on the issue of the alignment of the Constitution with the Convention, 40 years after the Pact of San José entered into force.

On October 25, the President of the Court gave a talk during the seminar on the democratic institutional structure and the 2018 electoral process, in Mexico City.



On October 29, the President of the Court took part in the Third International UBA – UNAM Law Congress on international human rights law: constitutional – procedural protection.

On November 2, during a visit to Europe, the President of the Court, Judge Eduardo Ferrer Mac-Gregor Poisot, Judge Humberto Sierra Porto, Judge elect Ricardo Pérez Manrique and the Secretary, Pablo Saavedra Alessandri, took part in the international seminar “On the 40th anniversary of the Inter-American Court of Human Rights: a European perspective,” organized by the Max-Planck Institute of Comparative Public Law and International Law (MPIL) in Heidelberg (Germany).

On November 7, following her investiture as *Doctor Honoris Causa* by the Universidad de Buenos Aires, Judge Elizabeth Odio Benito gave a keynote address on “Towards the comprehensive protection of the fundamental rights: new contributions by the Inter-American Court of Human Rights.”

On November 9, during the Inter-American Court’s visit to the European Court of Human Rights, the judges of the two courts participated, together with several guest academics, as panelists in the international human rights seminar entitled “Optimization of a methodology for the resolution of large-scale human rights violations,” organized jointly by the Court and the ECHR. The seminar attracted a large number of participants and resulted not only in the exchange of opinions and methodologies, but also in a continuation of the close collaboration and judicial dialogue between the two regional human rights courts.



On November 14, the President took part in the diploma course on “Fundamental rights: a comparative analysis of the European and inter-American protection systems,” held in Mexico.

On November 15, during an international symposium to commemorate the 70th anniversary of the Universal Declaration of Human Rights held in Mexico, the President of the Court gave a keynote address on the importance of regional organs in ensuring the respect for, and promotion of, the human rights contained in the Universal Declaration of Human Rights.



On November 30, the Inter-American Court was the seat for the final of the Eduardo Jimenez Arréchaga, “Moot Court” Competition with the participation of students from 15 universities located in 10 different countries. Judges Eduardo Ferrer Mac-Gregor Poisot and Humberto Antonio Sierra Porto, together with the Court’s Secretary, Pablo Saavedra Alessandri, acted as judges for the competition.

On December 3 and 4, Judges Eduardo Ferrer, Humberto Sierra and Patricio Pazmiño, and the Court’s Secretary, Pablo Saavedra, took part in the seminar on the jurisprudence of the Inter-American Court of Human Rights and its impact in Mexico: State obligations in the face of the forced disappearance of persons.

On December 6, the Secretary of the Court took part in the Global Conference on Judicial Independence held in Strasbourg, which examined the jurisprudential dialogue between the three regional human rights courts.

On December 10, in commemoration of Human Rights Day and the 40th anniversary of the Inter-American Court, the First International Exhibition of Films on Migrants was held in the courtroom of the Court.

On December 10, in commemoration of the 70th anniversary of the adoption of the American Declaration of the Rights and Duties of Man and Human Rights Day, as well as the 40th anniversary of the entry into force of the Pact of San José and the creation of the Inter-American Court, the Court and the Inter-American Commission organized the second edition of the Forum of the inter-American human rights system under the heading of Promotion of a discussion on the future of the inter-American human rights system, in Bogotá, Colombia.

On December 10, in commemoration of the 70th anniversary of the Universal Declaration of Human Rights, Judge Elizabeth Odio Benito made a presentation in the Universidad de Costa Rica on human rights: a life ethic and a parameter for the legitimacy of the rule of law.

On December 11, the Inter-American Court played an active part as an observer in the hearing to analyze compliance with the orders issued by the Inter-American Court of Human Rights, and in the seminar on the Inter-American Court of Human Rights and compliance with its orders: a dialogue between judges and representatives of victims, held on the second day of the event “Two days dedicated to human rights” held in commemoration of the 70th anniversary of the adoption of the American Declaration of the Rights and Duties of Man and Human Rights Day, in Cartagena, Colombia.

L. Program of Professional Visits and Internships

The training of the human capital and the facilitation of exchanges of experience is essential for strengthening the inter-American system of human rights. This includes the training of future human rights defenders, public servants, members of the legislature, agents of justice, academics, and members of civil society, among others. It is to this end that the Court has implemented a successful program of internships



and professional visits in order to disseminate the work of the Court and the inter-American human rights system.

The program offers students and professionals from the areas of law, international relations, political science, journalism, social communication and similar disciplines, the opportunity to gain experience at the seat of the Inter-American Court of Human Rights, as part of a working group in the legal area of the Secretariat.

Among other functions, the work consists in researching human rights issues, writing legal reports, analyzing international human rights jurisprudence, collaborating in the processing of contentious cases, advisory opinions and provisional measures, and the monitoring of compliance with the Court's judgments, and providing logistic assistance during public hearings. Owing to the large number of applicants, selection is very competitive. At the end of the program, the intern or visitor receives a diploma certifying that he or she has successfully completed the internship or visit. The Court is aware of the importance of its program of internships and professional visits nowadays, Over the last 14 years, the Court has received at its seat a total of 882 interns of 43 nationalities, in particular, academics, public servants, law students, and human rights defenders.

In 2018, the Court received at its seat 97 interns and visiting professionals from the following 21 countries: Argentina, Bolivia, Brazil, Canada, Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, Germany, Guatemala, Honduras, Italy, Mexico, Panama, Peru, Spain, Switzerland, United States of America, Uruguay and Venezuela.

Further information on the program of internships and professional visits offered by the Inter-American Court of Human Rights can be found [here](#).



PROGRAM OF INTERNSHIPS AND PROFESSIONAL VISITS

From 2005 to 2018

882 Interns and Visiting Professionals

43 countries from 4 continents



	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
Germany	1	2	0	1	1	2	0	1	0	2	1	0	0	1
Andorra	0	0	0	0	0	0	0	0	0	0	1	0	0	0
Argentina	6	2	2	9	2	8	6	4	6	5	5	4	12	15
Austria	0	2	0	0	1	0	0	0	0	0	0	0	0	0
Bolivia	0	0	0	1	1	1	0	0	1	0	0	1	2	0
Brazil	1	2	5	4	6	5	4	1	1	3	3	3	3	7
Canada	0	1	3	1	0	1	1	0	0	1	2	1	2	2
Chile	2	0	2	4	1	3	2	2	4	3	4	3	5	6
Colombia	3	4	6	5	6	8	7	9	8	9	8	8	14	12
South Korea	0	0	0	1	0	0	1	0	0	0	0	0	0	0
Costa Rica	0	1	1	1	0	1	4	4	1	2	5	3	3	6
Cuba	0	0	0	1	0	0	0	0	0	0	0	0	0	0
Ecuador	0	1	0	1	2	1	1	2	3	5	4	2	3	6
El Salvador	0	0	0	1	1	0	0	0	0	0	0	1	0	0
Scotland	0	0	0	0	0	0	1	0	0	0	0	0	0	0
Spain	0	1	0	2	5	1	2	0	4	3	3	5	3	1
United States of America	14	3	16	4	5	13	5	11	6	7	3	5	3	3
France	1	0	2	2	4	3	1	2	5	1	1	2	1	0
Greece	0	0	0	0	0	1	0	0	0	0	0	0	0	0
Guatemala	0	0	0	0	0	0	1	2	1	0	1	1	1	1
Haiti	0	0	1	0	0	0	1	0	0	0	0	0	0	0
The Netherlands	0	0	0	0	1	0	1	0	0	0	0	1	1	0

	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
Honduras	0	0	0	1	0	0	1	0	1	0	0	1	2	1
England	0	0	0	0	0	0	1	1	1	1	0	2	0	0
Israel	0	0	1	0	0	0	0	0	0	0	0	0	0	0
Ireland	0	0	0	0	0	0	0	0	0	0	1	0	0	0
Italy	1	2	0	0	1	1	2	2	1	0	2	0	0	2
Jamaica	0	0	0	0	1	0	1	0	0	0	0	0	0	0
Kenya	0	0	0	0	0	0	0	0	1	0	0	0	0	0
Mexico	3	3	9	8	13	12	9	9	12	18	23	21	19	21
Nicaragua	1	0	0	0	0	0	0	0	0	0	0	0	0	0
Norway	0	0	0	0	0	0	1	0	0	0	0	1	0	0
Panama	0	0	1	0	1	0	0	1	0	0	0	0	0	2
Paraguay	0	1	2	0	0	0	0	0	0	1	0	0	0	0
Peru	2	1	5	1	1	5	8	3	1	1	1	4	8	0
Poland	0	0	0	0	0	1	0	0	0	0	0	0	0	0
Portugal	2	0	1	0	1	0	0	0	0	0	0	0	0	0
Puerto Rico	0	0	0	3	0	0	0	0	1	0	0	0	0	0
Dominican Republic	0	0	0	3	4	2	2	2	4	0	0	0	0	1
Switzerland	2	0	0	0	0	0	0	0	1	0	1	0	0	1
Trinidad and Tobago	0	2	0	0	0	0	0	0	0	0	1	0	0	0
Uruguay	0	2	0	1	0	0	0	0	1	0	1	0	0	1
Venezuela	0	3	0	0	1	0	0	0	2	2	1	1	1	3



M. Visits of professionals and academic establishments to the seat of the Court

As part of the work of disseminating its activities, and also to allow present and future professionals to learn about the functioning of the Court, each year the Inter-American Court receives delegations of students from different academic establishments, and also professionals in the field of law and other similar areas. In the course of their visits, these professionals not only get to know the Court's facilities, but also receive talks on the functioning of the inter-American system for the protection of human rights, its history and its impact in the region and in the rest of the world. In 2018, the Inter-American Court received 79 delegations of university students, lawyers, justices and civil society organizations, from different countries.¹⁷⁰

¹⁷⁰ January 6, Officials from Parla Sur; January 24, Argentine Human rights defenders (Plaza de Mayo Mothers Movement) and Amnesty International, Canada; January 24, President of the Argentine Red Cross; January 26, Students from the Law School at the Pontificia Universidad Javeriana, Cali, Colombia, and the Peace University; February 11, Officials from the National Police of Colombia; February 13, Officials from the Morelos Colegio de Juristas and the Instituto de Justicia Procesal Pela, AC; February 15, Students from the Law School at the Universidad Iberoamericana, Mexico City, Mexico; February 15, Students from the Universidad Veritas, Costa Rica; February 26, Officials from Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ); March 2, Activity for heads of the National Institute for Women, INAMU, Costa Rica; March 5 to 10, Winners of the human rights competition of the Inter-American Human Rights Academy; March 19, Students from the master's degree program in international relations and human rights at the Universidad Nacional, Costa Rica; March 20, Students from the International Center for Development Studies (ICDS); April 12, Officials from the Dominican Republic's Administration of Justice System; April 12, Officials from the Human Rights Institute at the Universidad de San Carlos de Guatemala; April 12, Students from international trade and commerce course at the Universidad Nacional, Costa Rica; April 13, Students from the Law School at the Universidad de la Salle, Mexico; April 13, Students from the Human Right Department at the Universidad de La Salle, Costa Rica; April 16, Students from the Law School at the Universidad del Valle de Mexico, Veracruz campus; April 19, Students from International Relations Faculty at ULACIT, Costa Rica; April 27, Students from the Law School at the Universidad de Guanajuato; May 9, Students from Yurusty School Costa Rica; May 10, Training course for officials of the Costa Rican Judicial Investigation Agency, given by the Colombian National Police; May 11, Human rights course of the Inter-American Institute of Human Rights (IIHR), University of Montreal, Canada, and Universidad de Costa Rica; May 16, Students from the Central Michigan University; May 17, Officials from Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ); May 21, Costa Rican Public Defenders; May 21, Inter-American Center for Global Health; June 4, Students of the Institutional Program for the Older Person, Costa Rica; June 13, Students from the Universidad Veritas, Costa Rica; June 4, Students from the Law School at the Universidad de Costa Rica, Group from the course on Investigation systems and legal reasoning; June 4, Training course for Officials from the Costa Rican Judicial Investigations Agency, given by the Colombian National Police; June 15, Students from the Law School at the Instituto Tecnológico de Monterrey, Mexico; June 26, Training course for Officials from the Costa Rican Judicial Investigations Agency, given by the Colombian National Police; June 29, Prosecutors from the Costa Rican Public Prosecution Service; July 5, Visitors from the United Nations Latin American Institute for the Prevention of Crime and Criminal Justice; July 6, Students and officials of FUNDEPRODE, Costa Rica; July 15, Training course for officials of the Costa Rican Judicial Investigation Agency, given by the Colombian National Police; July 17 to 19, Officials from the Mexican Institute of the Federal Judiciary; July 31, Students from DePaul University; August 3, Students from the Law School at the Universidad de Costa Rica; August 10, International Business students from the Universidad de Mondragón, Mexico; August 13, Training course for officials of the Costa Rican Judicial Investigation Agency, given by the Colombian National Police; August 22, Inter-American Institute of Social Responsibility and Human Rights. Course for judges from the Quintana Roo Court; August 28, Visitors from the Inter-American Institute of Human Rights; August 28, Officials from Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ); September 10, Students from the Law School at the Universidad de Mondragón, Mexico; September 25, Students from the School for Social Sciences and Government, Guadalajara campus, Instituto Tecnológico de Monterrey; September 27, Students from the Law School at the Escuela Libre de Derecho, Puebla; September 28, Participants in the XXXVI Interdisciplinary Course on Human Rights at IIHR; October 1 to 5, Students from the master's course on the judiciary from the Universidad Austral, Argentina, and Students from the master's course on human rights at the Universidad Externado, Colombia; October 8, Students from Long Island



XII. Agreements and relations with other entities

A. Agreements with national State entities

The Court signed framework cooperation agreements with certain entities under which the signatories agreed to carry out the following activities, *inter alia*: (i) to organize and implement training events, such as congresses, seminars, conferences, academic forums, colloquiums and symposiums; (ii) to participate in specialized internships and professional visits by national officials at the seat of the Inter-American Court of Human Rights; (iii) to conduct joint research activities; (iv) to make available to the national entities the Inter-American Court's advanced human rights search engine.

- Electoral Tribunal of the Mexican Federal Judiciary. 2018-2019 Program of Professional Visits and Internships, January 11, 2018.
- Judicial Academy of Chile, May 29, 2018.
- National Association of Justices of the Chilean Judiciary, July 18, 2018.
- National Institution of Human Rights and Public Defense of the Oriental Republic of Uruguay, August 21, 2018
- Ombudsperson of El Salvador, August 27, 2018.
- Supreme Court of Justice of the Republic of El Salvador, August 27, 2018.
- National Judicial Council of the Republic of El Salvador, August 29, 2018.

University, Brooklyn, New York; October 9, Brazilian Professors and judges involved in environmental matters, together with the Universidad Nacional, Costa Rica; October 16, Students from the Law School at the Universidad de Costa Rica, western campus (San Ramón); October 16, Students from the Law School at the Universidad de Santa Lucía, Costa Rica; October 22, Students from the Law School at the Universidad Mariano Gálvez, Guatemala; October 22, Students from the Universidad de Costa Rica; October 23, Visitors from the United Nations Latin American Institute for the Prevention of Crime and Criminal Justice, and the Costa Rican Judiciary; October 24, Students from the Law School at the Universidad Fidélitas, Costa Rica; October 24, Officials from the Peruvian Congress; October 25, Students and professor from the Schools of International Relations at the Universidad Nacional, Costa Rica, and the Universidad Rafael Landívar, Guatemala; October 25, Officials from the Center for Justice and International Law, CEJIL, and from Bread for the World; October 26, Students from the Universidad de Costa Rica; November 1, Students from the Institutional Program for the Older Person, Costa Rica; November 6, Officials from the Colombian Council of State and the Colombian Attorney General's Office; November 6, Diplomatic delegation from the Colombian Embassy in Costa Rica and Colombian State officials; November 7, Students from the Research Program in environmental law in the risk society at the Universidad Federal de Santa Catalina, and the Universidad de Costa Rica; November 9, Students from the School of Social Sciences and Government at the Instituto Tecnológico de Monterrey, Querétaro campus, Mexico; November 9, Students from the Law School at the Universidad de La Salle, Costa Rica; November 12, Training course for officials of the Costa Rican Judicial Investigation Agency, given by the Colombian National Police; November 13, Officials from the Peruvian Judiciary; November 15, Officials from the Judiciary of the state of Mexico; November 22, Students from the Universidad Veritas, Costa Rica; November 30, Students from the Law School at the Universidad Tecnológica de Honduras, Choluteca campus; November 30, Students from the Law School at the Universidad Fidélitas, Heredia campus, Costa Rica; December 14, Students from the master's program at the Escuela Superior de Administración Pública, Colombia, and the Peace University; December 17, Students from the Universidad de Panama. Added to this, within the framework of the celebration of the 40th anniversary of the entry into force of the American Convention and of the creation of the Inter-American Court, on Thursday, July 19 and Friday, July 20, a total of 150 persons were received at the seat of the Court. They included a Justice from the Colombian Constitutional Court, Presidents and Officials from the State Human Rights Commissions of the states of Baja California and Sinaloa, Mexico, and also Officials from the Costa Rican Judiciary, the Paraguayan Ombudsperson, Officials from the Ombudsman's Office and Students from the universities of: San Carlos de Guatemala, Autónoma de Mexico and Costa Rica.



B. Agreements with international entities

On July 18, 2018, in the context of the commemoration of the 40th anniversary of the signature of the American Convention and the creation of the Court, the Court signed a new agreement with the Inter-American Association of Public Defenders (AIDEF) to enhance cooperation between the two institutions.

C. Agreements with universities and other academic establishments

The Court signed framework cooperation agreements and agreements with a series of academic establishments, under which the signatories agreed to collaborate on the following activities, *inter alia*: (i) organization of congresses and seminars, and (ii) professional internships for officials and students of the said institutions at the seat of the Inter-American Court of Human Rights.

- Universidad Fidélitas, Costa Rica, July 16, 2018.
- Universidad de La Salle, Costa Rica, July 16, 2018.
- Universidad Complutense, Madrid, July 18, 2018.
- Universidad Autónoma “Benito Juárez,” Oaxaca, Mexico, July 18, 2018.
- Universidad La Salle, Brazil, August 21, 2018
- Universidad Católica de El Salvador, August 29, 2018.
- Universidad Centroamericana José Simeón Cañas, El Salvador, August 29, 2018.
- Universidad Doctor Andrés Bello, El Salvador, August 29, 2018.
- Universidad de Oriente “UNIVO”, El Salvador, August 29, 2018.
- Universidad Autónoma de Centro América (UACA), Costa Rica, September 26, 2018.
- Universidad Nacional de Colombia, October 17, 2018.
- Universidad de Especialidades Espíritu Santo, Ecuador, November 21, 2018.
- Universidad Pedagógica de El Salvador “Dr. Luis Alonso Aparicio”, November 29, 2018.

XIII. Dissemination of the Court's jurisprudence and activities

A. Case law bulletins

During 2018, five case law bulletins were published. They contain a user-friendly summary of the Court's rulings so that researchers, students, human rights defenders and all those who are interested may read about the Court's work and the human rights standards that it is developing.

The [interactions that exist between international human rights law and international humanitarian law](#), whose complementarity is emphasized in the Court's jurisprudence, is the subject of **Bulletin No. 17** of the series. The International Committee of the Red Cross (ICRC), Regional Delegation for Mexico, Central America and Cuba, collaborated in this issue which was edited by Dr. Elizabeth Salmón Gárate.

Bulletin No. 18 is a special number, because it is the first to systematize the contentious case law of the Inter-American Court with regard to a State Party, and this was on the occasion of the fifty-ninth special session of the Court held in El Salvador on August 28 to 31, 2018, within the framework of the commemoration of the 40th anniversary of the entry into force of the American Convention on Human Rights and the creation of the Court in San José. Consequently, in addition to systematizing the Court's contentious case law in the cases involving El Salvador, the bulletin includes some aspects of that visit. The bulletin entitled [Jurisprudencia contenciosa sobre El Salvador](#) was prepared with a generous contribution from the Heinrich Böll Foundation for Central America and the efforts of the Secretariat of the Inter-American Court of Human Rights.

In addition, and on the occasion of the commemoration of Human Rights Day, the Inter-American Court published three new bulletins, **No. 19** on [Derechos de las Personas LGTBI](#); **No. 20** on [Derechos Políticos](#) and **No. 21** on [Derecho a la Vida](#). These numbers were produced based on collaboration between the Inter-American Court and the German Technical Cooperation Agency Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) and were compiled and edited by Dr. Claudio Nash. Plus, thanks to the support of the German Technical Cooperation Agency Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ), six bulletins were updated: a) right to personal integrity, b) right of the indigenous people, c) women's rights and gender, d) rights of the child and the adolescent, e) right to judicial protection and f) right to freedom of expression.

These case law bulletins are published periodically on the Internet, in Spanish, English and Portuguese, which allows them to reach more people throughout the world.

The case law bulletins can be found [here](#).



B. Quarterly newsletter

In 2018, the Inter-American Court began the practice of distributing a quarterly informative newsletter covering its most relevant jurisdictional and protocol activities, as well as topics of public interest.

The newsletter can be found [here](#).

C. 40 Years Protecting Rights

Thanks to the German cooperation, implemented through the Germany International Cooperation Agency (GIZ), and within the framework of the events commemorating the 40th anniversary of the entry into force of the American Convention on Human Rights and the creation of the Inter-American Court of Human Rights, the book "[40 Years Protecting Rights](#)" was published in Spanish, French, English and Portuguese. This is a joint publication between the Court and the DIRAJus Program of the GIZ which seeks the dissemination of basic data of the Court along its 40 years of existence.

D. "Digesto"

The *Digesto* is a tool to publicize the jurisprudence of the Inter-American Court, and it has been conceived as a public document that contains all the legal rulings of the Inter-American Court of Human Rights with regard to a specific article of the American Convention on Human Rights. These rulings are arranged by legal concepts, ranging from the most abstract to the most concrete rulings in light of the corresponding interpretation made by the Court.

Its purpose is to facilitate access to the provisions of the American Convention in light of the Court's jurisprudence in order to appreciate the contributions made by the Inter-American Court's judgments to the interpretation of a specific provision of the Convention. Each *Digesto* has a table of contents and the sources are cited in the footnotes. At present, editions of the *Digesto* have been prepared for Articles 1, 2, 8 and 25 of the American Convention on Human Rights, which are the most relevant to the legal concept of access to justice.

The purpose of this tool is for different users to take advantage of it, evaluate it, and give us their comments and suggestions, which will be taken into account when preparing the final version.

The *Digesto* is a joint effort of the legal area of the Inter-American Court and the Program of Regional Law and Access to Justice in Latin America (DIRAJus) of the German cooperation agency: GIZ (Bundesministerium für wirtschaftliche Zusammenarbeit und Entwicklung/Deutsche Gesellschaft für Internationale Zusammenarbeit GmbH). This cooperation is based on an agreement between the Organization of American States and the German Government to promote access to justice in Latin America.



The *Digesto* can be found [here](#).

E. Website

The website of the Inter-American Court of Human Rights provides access to all the information and knowledge produced by the Court with the immediacy supplied by the new technologies. This site contains all the Court's jurisprudence, and also the judicial actions ordered by the Court, as well as academic and official activities. This free and immediate access to the Court's jurisprudence allows the member States of the inter-American system to apply the Court's decision in their domestic law and also offers other interested parties the possibility of learning about its jurisprudence for the protection of human rights.

During the year, 28 judgments in contentious cases, 19 provisional measures, 33 orders on compliance with judgment, and Advisory Opinion No. 23 on the institution of asylum and its recognition as a human right under the inter-American protection system (interpretation and scope of Articles 5, 22(7) and 22(8), in relation to Article 1(1) of the American Convention on Human Rights), were uploaded to the website.

On the website, it is also possible to consult the main briefs of cases that are at the stage of monitoring compliance or that have been archived, as well as the list of cases at the stage of monitoring, excluding those in which Article 65 of the Convention has been applied, and the list of cases at the stage of monitoring that have been archived because all the reparations have been executed. In addition, there is information on the systematization of provisional measures and the list of cases at the merits stage or pending judgment.

During 2018, the Inter-American Court livestreamed the public hearings on its website, and also different academic and protocol activities held at its seat in San José, Costa Rica, and during the fifty-ninth special session held in San Salvador, El Salvador.

The videos and photographs of the public hearings, and academic and protocol activities are available in the [galería multimedia](#).

F. Social networking

The Court also uses social networking to disseminate its activities, and this allows for a dynamic and effective interaction with users of the inter-American system. The Court has both Facebook and Twitter accounts, and the number of followers of these mechanisms has increased considerably over the past year.



For example, from January to December 2018, 1,142,934, interactions were recorded on the Court's Facebook page, almost 100,000 more than in 2017. Meanwhile, currently its Twitter account has more than 267,000 followers, 62,000 more than in 2017.

Furthermore, it should be pointed out that, as of September 2018, the Court is publishing information in English about its most recent case law and activities, through press releases and Facebook, and also on a Twitter account recently created for this purpose (@IACourtHR) which, when this Report went to print, already had more than 2,000 followers.

These numbers reveal the real interest that the public has to know and share the contents of the Inter-American Court's publications. These publications relate to all the activities of this Court, including press releases, judgments handed down and orders issued, the livestreaming of hearings, and academic activities.



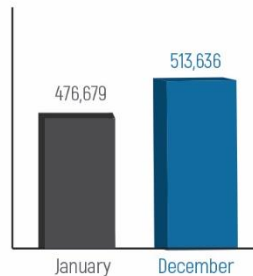
DISSEMINATION USING SOCIAL NETWORKS

From January - December, 2018

Facebook

Followers

From January to December, 2018 the Facebook page had a growth of **36 957** followers for a total of **513 636** followers new



Interactions

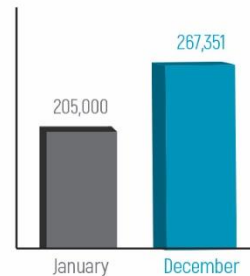
The total of interactions registered from January to December, 2018 on the Court's Facebook page was 1.142.934, almost **100.000** more interactions in relation to 2017



Twitter

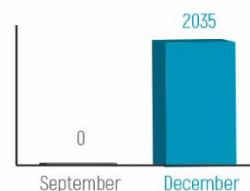
Followers on the Spanish page

From January to December, 2018 the Twitter page in Spanish had a growth of **62 351** followers for a total of **267 351** followers new



Followers on the English page

This year a new Twitter account was opened for the English-speaking world. From September to December **2035** followers new



G. Digital file and archive

It should be underscored that the Court uses electronic means to process cases by uploading all the briefs that it receives related to contentious cases, monitoring compliance with judgment, requests for provisional measures and advisory opinions. Furthermore, it creates daily electronic reports on the briefs that arrive at the Court. A total of 2872 document have been uploaded. From 2015 to date the system has recorded 11,497 documents distributed to the **web logs** of the staff responsible for the different cases. Regarding the entry of new documents, 205 inquiries have been answered.



The uploaded files are available on the Court's website, available to all those who are interested. In 2018, 38 main briefs were published in cases in which the contentious stage had concluded.

H. The Library

Founded in 1981, the Library of the Inter-American Court provides information services to the Inter-American Court of Human Rights and to national and international researchers who visit its facilities each day, as well as through virtual channels. It also provides services to the Court's officials for the processing of files, their conservation, as well as the management, dissemination and archive of the audiovisual material produced by the Court's hearings and academic activities.

The Library possesses a wide-ranging specialized content in the area of public international law, international human rights law, and international humanitarian law, among other subjects.

Services for the public are provided in person and also by virtual means through the website, and by services such as Chats, WhatsApp, IP calls using Skype and emails responding to queries in real time.

In 2018, 227 users visited the Library in person, while 3,123 people used the digital platforms to access the services of the Court's Library.

As part of its function of making a selective dissemination of information, during 2018, the Library of the Inter-American Court distributed the listing of new acquisitions by email. It now has a total of 7,825 subscribers around the world. Every year, it sends out 45 listings using 360 digital and printed resources.

Regarding its bibliographic material, during 2018, **1,649** new documents were registered of which **74% are available on line**, as listed in the online catalogue. The online catalogue is available through the Court's website and has a large number of digital resources to assist both internal and external users.



XIV. Staff members of the Inter-American Court of Human Rights

Saavedra Alessandri, Pablo
SECRETARY

Segares Rodríguez, Emilia
DEPUTY SECRETARY

Julio Estrada, Alexei
LEGAL DIRECTOR

Herrera Porras, Arturo
ADMINISTRATION AND FINANCE DIRECTOR

LAWYERS

Aguirre Garabito, Ana Lucía
Aguirre Castro, Pamela
Brenes Barahona, Amelia
Calderón Gamboa, Jorge
Cabrera Martín, Marta
Cichero, Agustina
Errandonea Medin, Jorge
Gaio, Carlos Eduardo
González Espinoza, Olger
González Domínguez, Pablo
La Hoz Barrera, Cecilia
Mariezcurrena, Javier
Martín, Agustín
Pacheco Arias, María Gabriela
Pérez, Edward Jesús
Recinos, Julie Diane
Sijniensky, Romina
Solano Monge, María Auxiliadora
Tarre Moser, Patricia María

LEGAL ASSISTANTS

Gómez Fontecha, Fidel
Haug Sevilla, María José
Molina Delgado, Cristhian Esteban
Ordóñez Araya, Tsáitami
Orozco Fonseca, Steven
Rodríguez Orué, Jose Daniel
Rucavado Rojas, Diana
Valverde Jiménez, María del Milagro
Von Herold Maklouf, Gloriana

SECRETARIES

Campos Cordero, Alicia
Campos Vásquez, Marlyn
Lewis Fisher, Sandra
Lizano Carvajal, Paula Cristina
Urbina Álvarez, Yerlin Tatiana

ADMINISTRATION

Calvo Conejo, Josué
Castillo Redondo, Viviana
Mejía Redondo, Christian Marcelo
Méndez Jiménez, Ana Lucía
Moya Carvajal, Siria
Pereira Elizondo, Claudio
Sagot Muñoz, José Bernardo
Villalobos Rojas, Tatiana

ACCOUNTING

Barquero Mata, Johana
Hernández Sánchez, Marta
Jiménez Valerín, Pamela
Méndez Díaz, Marcela

DATA INFORMATION AND KNOWLEDGE MANAGEMENT

Calderón Jiménez, Patricia
Fernández Castro, Jessica Mabel
Guevara Acón, Gabriela
Hernández Mora, Francella
Méndez Solano, Ivonne
Montanaro Ching, Esteban
Ramírez Azofeifa, Ana Rita
Ramírez Sandi, Magda
Saborío Arguedas, Julliana
Sánchez López, Hannia
Sancho Guevara, María Gabriela
Valverde Castro, Víctor Manuel

TECNOLOGÍAS DE INFORMACIÓN

Aponte Gutiérrez, Luis Mario
Rojas Fernández, Bryan Steve
Quesada Delgado, Steven