



# ANNUAL Report

Inter-American Court  
of Human Rights



**2019**  
**I/A Court H.R.**  
Protecting Rights



# **I/A Court H.R.** Protecting Rights

## **Annual Report 2019**

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# I. Foreword



President of the I/A Court H.R.  
Judge Eduardo Ferrer Mac-Gregor Poisot

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 2019 Annual Report, which describes the most significant tasks accomplished during the year and the most relevant developments in the area of human rights

On July 18, 2018, the date on which the 40th anniversary of the American Convention and the installation of the Inter-American Court of Human Rights was commemorated, we started out on a path leading us throughout Latin America and the world. The first major event took place in the Costa Rican National Theater, the place where the American Convention was adopted and where the words still resound of the first President of the Inter-American Court who, in this same place in 1978, stated that “we are embarking on a new stage in the history of our American continent.”

On this occasion, we were accompanied by the Secretary-General of the United Nations, Mr. António Guterres and the President of the Republic of Costa Rica, Mr. Carlos Alvarado, as well as victims of human rights violations, the Presidents of the European and African Courts of Human

Rights, justices of high courts, former Judges of the Inter-American Court, State officials and academics. In other words, all the relevant actors to initiate the path of dialogue and reflection that we continue on today.

This path has led us to Argentina, Chile, Colombia, Costa Rica, Ecuador, El Salvador, Germany, Guatemala, Honduras, Mexico, Panama, Spain and Uruguay. In our travels we have held discussions with a wide range of actors and have been making a collective assessment of these 40 years and the possibilities, challenges and obstacles faced by the Inter-American Court of Human Rights. I am very grateful that this time of commemoration has coincided with the years of my Presidency because it has allowed us, on the one hand, to reflect and also to listen to individuals, civil society organizations and States. While, on the other hand, we have been able to renew our energy, rekindle our hopes, and reaffirm the vocation of this Court, as established in the Preamble to the American Convention “to consolidate in this hemisphere, within the framework of democratic institutions, a system of personal liberty and social justice based on respect for the essential rights of [the individual].”

In the Court, and throughout my Presidency, we have reaffirmed the importance of a multi-level dialogue that allows the convergence of all the actors and all the substantive aspects of international human rights law. 2019 has also been a year during which we have invested heavily in strengthening dialogue with national and international courts and institutions that have an impact on the promotion and protection of human rights. Here, I would like to emphasize the significant meeting between the world’s three regional Courts of Human Rights to follow up on the [Declaration of San José](#). This meeting was held in Kampala, Uganda, in the month of October and it constituted an important space for dialogue on the challenges faced by our jurisdictions and allowed us to reveal the vision of the Inter-American Court when deciding cases, always thinking of the victims and their full reparation. This aforementioned gathering led to the adoption of the [Kampala Declaration](#), an important instrument which, in addition to crystallizing the will of the three regional courts of the world to maintain a dialogue, materializes it through specific activities. These activities include, inter alia, an annual publication of the most important developments in jurisprudence of the three Courts,

as well as holding the Third International Forum on Human Rights, which will be taking place in Strasbourg on 2021. I must also highlight the celebration of the III Inter-American Forum of the Inter-American System of Human Rights, which was held in Quito, Ecuador, in conjunction with the Inter-American Commission, which opened a fruitful dialogue with institutions and civil society regarding the future of the Inter-American System Protection of Human Rights, as well as the common challenges between the two bodies.

The year 2019 has been a busy year for the Inter-American Court, and this has been reflected in the fact that this year has seen the greatest jurisdictional production in the history of the Court. We are referring to the 21 judgments on merits, and 4 on interpretation, as well as the record 51 orders on monitoring compliance with judgment and 18 orders on provisional measures. In recent years, the Court has been reinforcing its work of monitoring compliance, an extremely important function because it allows the Court to ensure that the reparations ordered in the judgments are executed and, thus, materializes Inter-America justice. Furthermore, this year, the advisory function has been revitalized as the Court has received four requests for advisory opinions raising major contemporary issues and that attempt to respond to current challenges in the area of human rights providing meaning and scope to the obligations contained in the American Convention and other international treaties.

Regarding activities, the Court held four Regular Sessions at its seat in San José, Costa Rica, and three Special Sessions in Uruguay, Argentina and Colombia. In addition, 18 public hearings were held on contentious cases, and 16 on monitoring compliance. It is also worth highlighting the on-site visits carried out in two cases. On the one hand, at the contentious stage, visits to the Indigenous Communities of the Lhaka Honkat Association in Argentina and, on the other, at the stage of monitoring compliance, a visit was made to the new facilities of the High-risk Reproductive Medicine Unit built by the Costa Rican State to provide the IVF reproduction technique in the public health sector, in compliance with the judgment in the case of *Artavia Murillo et al. (In Vitro Fertilization) v. Costa Rica*.

The work of the Inter-American Court is possible owing to concerted efforts by both States and civil society. Here, I would like to emphasize the political and financial support of the OAS Member States to strengthen the Court's finances. In this regard, it is important to recall that, in 2017, the States took the political decision to double the resources of the Regular Fund allocated to the organs of the Inter-American Human Rights System within three years. In 2019, we have received the last part of this gradual increase, which has allowed us to strengthen the Court's institutional framework. In this way, based on the efforts made and the increase in the budget we have arrived at the point that, in 2020, collegiate meetings of the judges will be held for 16 weeks. This is a milestone in the history of our Court and reveals a trend. I firmly believe that the time has come for the Court to have full-time Judges.

In the area of jurisprudence this year, it should be pointed out that the Court has 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 limitations to the imposition of the death penalty and the guarantees of due process. We have also expanded the standards with regard to preventive detention, as well as the guarantees of due process in cases relating to judges, and also the meaning and scope of the principles of judicial independence and impartiality. The Court has also developed new and very important standards in the area of freedom of expression and the protection of statements made by journalists when denouncing irregularities in the public sphere. We have also continued developing the economic, social, cultural and environmental rights. In this regard, the Court had the occasion to rule on the right to social security; in particular, the right to a pension as an autonomous and justiciable right, its specific content, and the specific violations it could potentially suffer. The Court also reaffirmed its jurisprudence concerning the autonomy and justiciability of the right to health, developing the content of this right, as well as its applicability to situations in which individuals are deprived of their liberty.

I must congratulate the Court's new Board for the 2020-2021 period. We will have the privilege of having Judge Elizabeth Odio Benito as President and Judge Patricio Pazmiño as Vice President. This is the second time in its history that a woman will preside over the Court. A situation that reflects the urgent need for gender equality in international instances and, in general, in all decision-making positions in both the public and the private spheres. We wish them every success in the leadership of our Court.

Lastly, I wish to thank my colleagues for having put their trust in me over the two years of my Presidency, which end on December 31 this year. I would also like to thank the Inter-American Court's Secretariat for the excellent work it does. Over these two years I have had occasion to meet and hold discussions with members of civil society, victims and academics, as well as State representatives all of whom are truly committed to the defense and promotion of human rights. It has been a time of hard work and challenges, but also of satisfactions and objectives fulfilled. I will now continue my work as a Judge of the Inter-American Court, reaffirming my commitment to the unrestricted exercise of human rights throughout our hemisphere.

*Judge Eduardo Ferrer Mac-Gregor Poisot  
President of the Inter-American Court of Human Rights  
December 31, 2019*

# The Court: Structure and functions

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## 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.



Seat of the Court in San José, Costa Rica



## 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”).<sup>1</sup>

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.<sup>2</sup>

Judges are elected for a term of six years and may be re-elected only once. Judges whose terms have expired shall continue to service with regard to the “cases they have begun to hear and that are still pending judgment”<sup>3</sup> for Ind, 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<sup>4</sup>. Para In 2019, the composition of the Court was as follows (in order of precedence).<sup>5</sup>

- Eduardo Ferrer Mac-Gregor Poisot (Mexico), President;
- Eduardo Vio Grossi (Chile), Vice President;
- Humberto Antonio Sierra Porto (Colombia);
- Elizabeth Odio Benito (Costa Rica);
- Eugenio Raúl Zaffaroni (Argentina);
- Patricio Pazmiño Freire (Ecuador); and
- Ricardo Pérez Manrique (Uruguay).

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, while Judge Ricardo Pérez Manrique (Uruguay) was appointed as a new Judge of the Inter-American Court. The mandate of the re-elected Judges and the new Judge is from January 1, 2019, to December 31, 2024.

During the 132nd Regular Session, the Court elected a new Board. Judge Elizabeth Odio Benito (Costa Rica) was elected President and Judge Patricio Pazmiño Freire (Ecuador), Vice President. The mandate of the President and Vice President elect will commence on January 1, 2020, and end on December 31, 2021.

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).

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

<sup>2</sup> *Idem.*

<sup>3</sup> *Idem.*

<sup>4</sup> Statute of the Inter-American Court of Human Rights, Article 12.

<sup>5</sup> 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.”





In front from left to right : Judge, Elizabeth Odio Benito; Judge, Eduardo Vio Grossi, Vice President; Judge, Eduardo Ferrer Mac-Gregor Poisot, President; and Judge, Humberto Antonio Sierra Porto. Behind front left to right: Judge, Patricio Pazmiño Freire; Judge, Eugenio Raúl Zaffaroni; and Judge, Ricardo Pérez Manrique.

### C. States Parties<sup>6</sup>

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.

## CONTENTIOUS JURISDICTION OF THE COURT



<sup>6</sup> On May 26, 1998, Trinidad and Tobago presented an instrument denouncing the American Convention on Human Rights to the Secretary General of the Organization of American States (OAS). Pursuant to Article 78(1) of the American Convention the denunciation took effect one year later, on May 26, 1999. Also, on September 10, 2012, Venezuela presented an instrument denouncing the American Convention on Human Rights to the OAS Secretary General. The denunciation took effect on September 10, 2013.

## 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: **(a) the contentious stage** and **(b) the stage of monitoring compliance with judgment.**

#### 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 procedures;
- e) Deliberation and delivery of judgment, and;
- f) Interpretation requests.

#### a) Initial written phase

- a.1) Submission of the case by the Inter-American Commission on Human Rights<sup>7</sup>

The proceedings begin with the submission of the case by the Inter-American Commission on Human Rights (“the Inter-American Commission” or “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*<sup>8</sup>:

- 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.

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<sup>9</sup>. 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.

<sup>7</sup> 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.

<sup>8</sup> Rules of Procedure of the Inter-American Court of Human Rights, Article 35.

<sup>9</sup> *Ibid.*, Article 38 and 39

#### 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 substitute<sup>10</sup> 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*<sup>11</sup>:

- la 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;
- The evidence offered, in the correct order, indicating the facts and the arguments to which it relates;
- The legal arguments, observations on the reparations and costs requested, and the pertinent conclusions, and
- When Inter-American public law is affected in a relevant manner, the possible proposal of expert witnesses, indicating the purpose of their opinions and accompanied by their curriculum vitae.

This answer is forwarded to the Commission and to the presumed victims or their representatives<sup>12</sup>.

#### 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<sup>13</sup>.

#### a.6) Presentation of the brief with observations on the State's acknowledgement of responsibility

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.

<sup>10</sup> 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.

<sup>11</sup> *Ibid.*, Article 40.

<sup>12</sup> *Ibid.*, Article 41.

<sup>13</sup> *Ibid.*, Article 42.4.

#### 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 documents<sup>14</sup>.

#### 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 measure<sup>15</sup>.

#### 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<sup>16</sup>.

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<sup>17</sup>. The hearings are public unless the Court considers it desirable that they be totally or partially private<sup>18</sup>.

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<sup>19</sup>. 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<sup>20</sup>. 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<sup>21</sup>.

14 *Ibid.*, Article 43.

15 *Ibid.*, Article 44..

16 *Ibid.*, Article 46..

17 *Ibid.*, Article 50.

18 *Ibid.*, Article 15

19 *Ibid.*, Article 51..

20 *Ibid.*, Article 51.

21 *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-appealable<sup>22</sup>. 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 judgment<sup>23</sup>. 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<sup>24</sup>.

### **Stage of monitoring compliance with judgments**

The Inter-American Court 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 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.

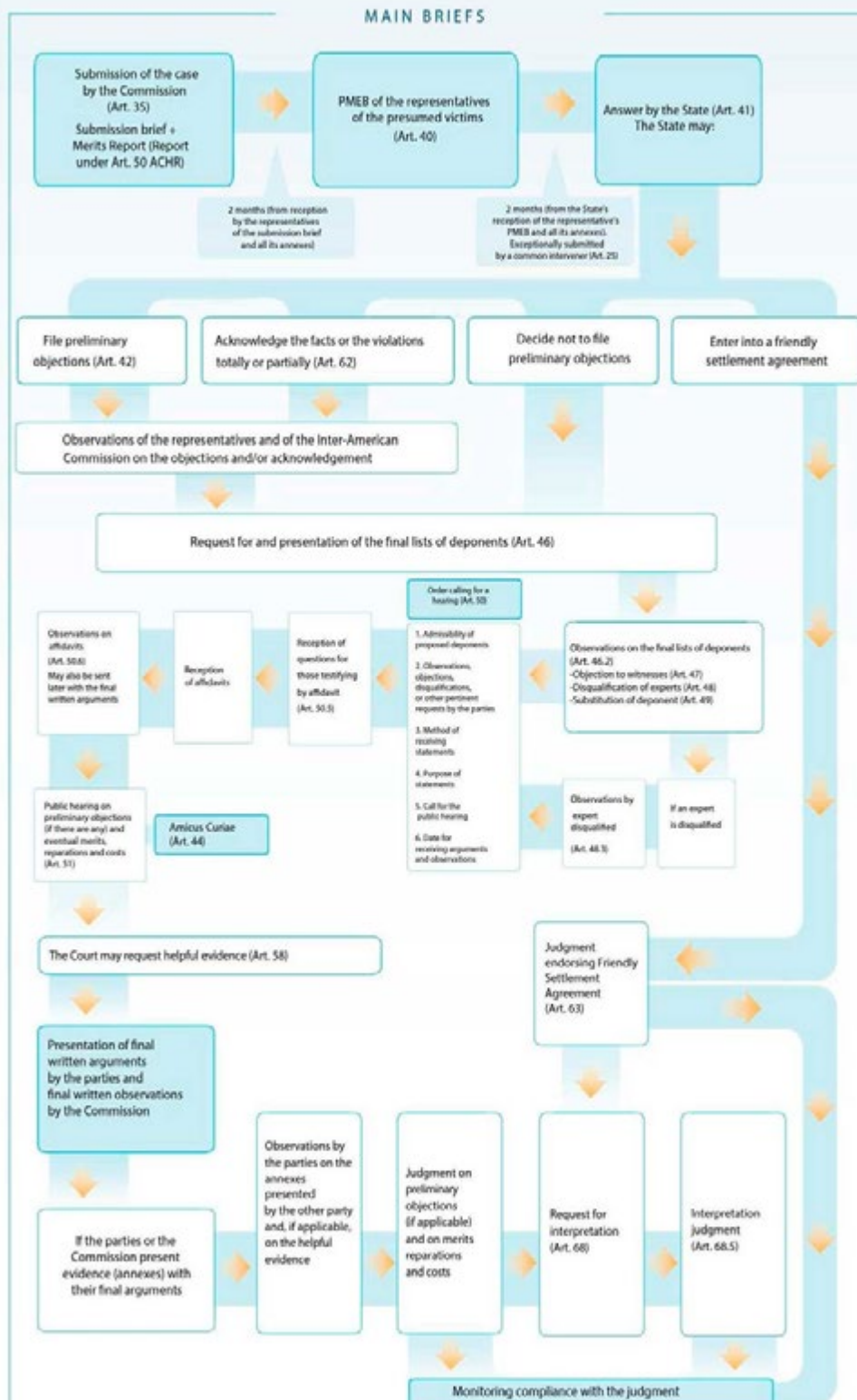
<sup>22</sup> American Convention of Human Rights, Article 67.

<sup>23</sup> *Idem*.

<sup>24</sup> Rules of Procedure of the Inter-American Court of Human Rights, Article 76



## OUTLINE OF THE PROCEDURE BEFORE THE IACHR



## 2. Authority to order Povisional 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<sup>25</sup>. 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<sup>26</sup>.

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 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.

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 for 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.

<sup>25</sup> American Convention on Human Rights, Article 63(2). Cf. Rules of Procedure of the Inter-American Court of Human Rights, Article 27.

<sup>26</sup> *Ibid.*, Article 64.

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.

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.

# Sessions held in 2019

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### III. Sessions held in 2019

#### 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.
- deliberating contentious cases.
- delivering judgment on contentious cases.
- issuing orders on monitoring compliance with judgment.
- issuing orders on provisional measures.
- monitoring compliance with judgments and implementation of provisional measures.
- dealing with different procedures in matters pending before the Court, as well as administrative matters.
- holding meetings with national and international authorities.

#### B. Summary of the Sessions

The Court held four Regular Sessions in San José, Costa Rica, and three Special Sessions in Montevideo, Uruguay; Buenos Aires, Argentina, and Barranquilla and Bogotá, Colombia.



The details of these sessions appears below.

## 1. 129<sup>th</sup> Regular Session

# 129

## Regular Session

The Court held its 129<sup>th</sup> Regular Session in San José, Costa Rica, from January 28 to February 8. The Session commenced with the ceremony to inaugurate the 2019 Inter-American Judicial Year. The event was attended by the President of the Republic of Costa Rica, Mr. Carlos Alvarado Quesada, the First Lady of the Republic, Mrs. Claudia Dobles Camargo, the Minister for Foreign Affairs and Worship of the Republic of Costa Rica, Mr. Manuel Ventura Robles, the Minister of the Presidency, Mr. Rodolfo Piza Rocafort, and the Vice President of the Court of Justice of the European Union, Mrs. Rosario Silva de Lapuerta. The ceremony was also attended by Costa Rican authorities, representatives of universities and civil society, and members of the Diplomatic Corps accredited to Costa Rica.

During this ceremony, Mr. Ricardo C. Pérez Manrique, who was elected as a Judge of the Inter-American Court by the General Assembly of the Organization of American States on June 5, 2018, was sworn in. After the ceremony, the President of the Inter-American Court addressed those present and then the Vice President of the Court of Justice of the European Union, Mr. Rosario Silva de Lapuerta gave the inaugural conference entitled “the Court of Justice of the European Union and the protection of human rights: main achievements and current challenges.”

During this session, the Court held six public hearings on contentious cases<sup>27</sup> and one on monitoring compliance with judgment<sup>28</sup>. It also issued two judgments in contentious cases<sup>29</sup>, three orders on provisional measures<sup>30</sup> and five orders on monitoring compliance with judgment<sup>31</sup>.

Also, in the context of the ceremony to inaugurate the 2019 Inter-American Judicial Year, a collaboration agreement was signed with the Consejo General de la Abogacía Mexicana, A.C

An overview of the inaugural speeches and conference can be found at the following [link](#) (Only in Spanish).

27 Case of Álvarez Ramos v. Venezuela; Case of Perrone and Preckel v. Argentina; Case of Díaz Loreto et al. v. Venezuela; Case of Jenkins v. Argentina; Case of Rosadio Villavicencio v. Peru, and Case of Arrom Suhurt et al. v. Paraguay.

28 Case of the Girls Yean and Bosico and Case of expelled Dominicans and Haitians v. Dominican Republic.

29 Case of Colindres Schonenberg v. El Salvador. Merits, Reparations and Costs. Judgment of February 4, 2019. Series C No. 373, and Case of Villa Señor Velarde et al. v. Guatemala. Merits, Reparations and Costs. Judgment of February 5, 2019. Series C No. 374.

30 Case of Petro Urrego v. Colombia. Request for Provisional Measures. Order of the Inter-American Court of Human Rights de February 6, 2019; Case of Arrom Suhurt et al. v. Paraguay. Request for Provisional Measures. Order of the Inter-American Court of Human Rights de February 6, 2019, and Case of Coc Max et al. (Xamán Massacre) v. Guatemala.

31 Case of Raxcacó Reyes v. Guatemala. Monitoring Compliance with Judgment. Order of the Inter-American Court of Human Rights of January 30, 2019; Case of Dismissed Employees of Petroperú et al. v. Peru. Reimbursement of the Victims' Legal Assistance Fund. Order of the Inter-American Court of Human Rights of January 30, 2019; Case of Argüelles et al. v. Argentina. Monitoring Compliance with Judgment. Order of the Inter-American Court of Human Rights of January 30, 2019; Case of the Supreme Court of Justice (Quintana Coello et al.) v. Ecuador. Monitoring Compliance with Judgment. Order of the Inter-American Court of Human Rights of January 30, 2019, and Case of Fermín Ramírez v. Guatemala. Monitoring Compliance with Judgment. Order of the Inter-American Court of Human Rights of February 6, 2019.





Inaugural conference “The Court of Justice of the European Union and the protection of human rights: main achievements and current challenges”



Case of Jenkins v. Argentina

## 2. 130<sup>th</sup> Regular Session



The Inter-American Court held its 130th Regular Session in San José, Costa Rica, from March 4 to 15. During this session the Court held five public hearings on contentious cases<sup>32</sup> and two public hearings on monitoring compliance with judgment<sup>33</sup>. Additionally, the Court issued a judgment in one contentious case<sup>34</sup> and issued six order on monitoring compliance with judgment<sup>35</sup> and four orders on provisional measures<sup>36</sup>.

During the Session, the Inter-American Court received the visit of the Deputy Secretary General for Political Affairs and Director of the European External Action Service, Mr. Jean-Christophe Belliard, and the Ambassador for the European Union, Mr. Pelayo Castro Zuzuárregui, and a productive meeting was held with members of the Inter-American Court and its Secretariat.

Also, during this Session, collaboration agreements were signed with the *Universidad Central del Valle del Cauca*, Colombia, the Human Rights Commission of the State of Mexico, and the *Escuela Libre de Derecho de Puebla*, Mexico.

32 Case of Ruiz Fuentes et al. v. Guatemala; Case of Valenzuela Ávila v. Guatemala; Case of Rodríguez Revolorio et al. v. Guatemala; Case of López et al. v. Argentina, and Case of Indigenous Communities of the Lhaka Honhat Association v. Argentina.

33 Case of Molina Theissen v. Guatemala, and Case of Acosta et al. v. Nicaragua.

34 Case of Muelle Flores v. Peru. Preliminary Objections, Merits, Reparations and Costs. Judgment of March 6, 2019. Series C No. 375.

35 Case of the Members of the Village of Chichupac and neighboring communities of the Municipality of Rabinal, Case of Molina Theissen and 12 other Guatemalan's Cases v. Guatemala. Provisional Measures and Monitoring Compliance with Judgment. Order of the Inter-American Court of Human Rights of March 12, 2019; Case of Molina Theissen v. Guatemala. Monitoring Compliance with Judgment. Order of the Inter-American Court of Human Rights of March 14, 2019; Case of Herrera Espinoza et al. v. Ecuador. Monitoring Compliance with Judgment. Order of the Inter-American Court of Human Rights of March 4, 2019; Case of Cruz Sánchez et al. v. Peru. Monitoring compliance with judgment. Order of the Inter-American Court of Human Rights of March 4, 2019; Case of Tarazona Arrieta et al. v. Peru. Monitoring Compliance with Judgment. Order of the Inter-American Court of Human Rights of March 4, 2019; Cases of the Girls Yean and Bosico, and the expelled Dominicans and Haitians v. Dominican Republic. Monitoring Compliance with Judgments and Jurisdiction. Order of the Inter-American Court of Human Rights of March 12, 2019.

36 Matter of Mery Naranjo et al. with regarding Colombia. Provisional Measures. Order of the Inter-American Court of Human Rights of March 13, 2019; Case of Mack Chang et al. v. Guatemala. Provisional Measures. Order of the Inter-American Court of Human Rights of March 5, 2019; Case of the Members of the Village of Chichupac and neighboring communities of the Municipality of Rabinal, Case of Molina Theissen and 12 other Guatemalan's Cases v. Guatemala. Provisional Measures and Monitoring Compliance with Judgment. Order of the Inter-American Court of Human Rights of March 12, 2019; Case of Fernández Ortega et al. v. Mexico. Provisional Measures. Order of the Inter-American Court of Human Rights of March 13, 2019.





Case of the Indigenous Communities of the Lhaka Honhat Association v. Argentina



Case of Molina Theissen v. Guatemala

### 3. Sixtieth Special Session, held in Uruguay



The Inter-American Court held its Sixtieth Special Session in Montevideo, Uruguay, from May 6 to 10, as the result of an invitation from the Government, and with technical support provided by the German Cooperation Agency, GIZ. The hearings were public, and took place in the Plenary Chamber of the Mercosur Building from May 6 and 8, and in the Auditorium of the *Universidad de la República de Uruguay* on May 10, 2019. Mr. Rodolfo Nin Novoa, Minister for Foreign Affairs, Justice Mr. Luis Tosi Boeri, President of the Supreme Court of Justice, and Judge Eduardo Ferrer Mac-Gregor Poisot, President of the Inter-American Court, participated in the inaugural ceremony.

During this Session, the Court held four public hearings on contentious cases<sup>37</sup>, and adopted a judgment in a contentious case<sup>38</sup>.

Also, during the Session, various official meetings were held. On Monday, May 6, the plenary of the Inter-American Court, together with its Secretary, met with the President of the Oriental Republic of Uruguay, Mr. Tabaré Vázquez, and the Minister for Foreign Affairs, Mr. Rodolfo Nin Novoa. Then, on Tuesday, May 7, the President of the Court, Judge Eduardo Ferrer Mac-Gregor, Judge Ricardo Pérez Manrique and the Secretary Pablo Saavedra Alessandri met with Mr. Víctor Alberto Giorgi, Director General of the Inter-American Children's Institute, a specialized body of the Organization of American States for children, in order to strengthen the relationship between the two institutions. On Wednesday, May 8, the President of the Inter-American Court, Judge Eduardo Ferrer Mac-Gregor Poisot, Judge Humberto Antonio Sierra Porto, Judge Elizabeth Odio Benito, Judge L. Patricio Pazmiño Freire, Judge Ricardo C. Pérez Manrique and the Court's Secretary, Pablo Saavedra Alessandri, held discussions with members of civil society concerning current challenges in the area of human rights in the region. On Thursday, May 9, the President of the Inter-American Court, Judge Eduardo Ferrer Mac-Gregor Poisot, the Vice President, Judge Eduardo Vio Grossi, Judge Humberto Antonio Sierra Porto, Judge Elizabeth Odio Benito, Judge L. Patricio Pazmiño Freire, Judge Ricardo C. Pérez Manrique and the Secretary, Pablo Saavedra Alessandri, held a meeting at the Legislative Palace with the President of the Chamber of Representatives, Mrs. Cecilia Bottino. Subsequently, they met with the political party coordinators of the Senate. Lastly, the Court's delegation met with Mrs. Lucía Topolansky, Vice President of the Republic, President of the General Assembly and the Senate.

In addition, the Court carried out several training activities relating to the dissemination of its case law. On Tuesday, May 7, a workshop was organized by the Uruguayan Center for Judicial Studies (CEJU) and the Judiciary for judges, prosecutors and those training for these posts, with the participation of the President of the Court, Judge Eduardo Ferrer Mac-Gregor Poisot, together with Judge L. Patricio Pazmiño Freire, Judge Eugenio Raúl Zaffaroni and the Secretary, Pablo Saavedra Alessandri.

As part of the training activities, on Friday, May 10, the Inter-American Court imparted an international seminar in the Auditorium of the *Universidad de la República de Uruguay* entitled "The Inter-American Court: 40 years protecting rights," which was very well attended. The event was inaugurated by Judge Eduardo Ferrer Mac-Gregor Poisot, President of the Inter-American Court of Human Rights, Ms. Eduardo Turell Araquistain, President of the Supreme

<sup>37</sup> Case of *Hernández v. Argentina*; Case of the National Association of Discharged and Retired Employees of the National Tax Administration Superintendence (ANCEJUB-SUNAT) v. Peru, Case of *Gorigoitia v. Argentina*, and Case of *Romero Feris v. Argentina*.

<sup>38</sup> Case of *Martínez Coronado v. Guatemala*. Merits, Reparations and Costs. Judgment of May 10, 2019. Series C No. 376.



Court of Justice of Uruguay, Ms. Rodrigo Arim, Rector of the *Universidad de la República de Uruguay* and Mrs. Cristina Mangarelli, Dean of the Law School of the *Universidad de la República de Uruguay*.

During the seminar, Judge Vice President Eduardo Vio Grossi, Judge Elizabeth Odio Benito and Judge Ricardo Pérez Manrique, presided panel discussions in which other experts in the area of human rights took part.

At the end of the international seminar, the Inter-American Court paid a posthumous tribute to Mr. Alberto Pérez Pérez, a Judge of the Inter-American Court from 2010 to 2015, with the participation of the President of the Inter-American Court, Judge Eduardo Ferrer Mac-Gregor Poisot, the Vice President, Judge Eduardo Vio Grossi, Judge Humberto Antonio Sierra Porto, the former President of the Court, Mr. Diego García-Sayán, and the Dean of the Law School of the *Universidad de la República de Uruguay*, Mrs. Cristina Mangarelli. Also present were the children, grandchildren, family and friends of the former Judge.

In addition, during this Session collaboration agreements were signed with the following organs of the Judiciary: the Supreme Court of Justice of Uruguay, the Office of the Prosecutor General of the Nation, the Magistrate's Association of Uruguay, the Lawyers' Professional Association of Uruguay and the Ibero-American Judicial Summit. Such agreements were also signed with the Centro Latinoamericano de Economía Humana (CLAEH), the *Universidad de la República de Uruguay*, the *Universidad Católica del Uruguay*, the *Universidad de Montevideo*, and the *Universidad de la Empresa*.



Sixtieth Special Session, held in Uruguay

## 4. Sixty-first Special Session, held in Argentina

### Special Session



Buenos Aires, Argentina

The Inter-American Court held its Sixty-first Special Session in Buenos Aires, Argentina, from May 13 to 17, at the invitation of the Government. The inaugural ceremony took place in the Palace of Justice, with the participation of the President of the Court, Judge Eduardo Ferrer Mac-Gregor Poisot, and the President of the Supreme Court of Argentina, Mr. Carlos Rosenkrantz, and also the Minister for Justice, Mr. Germán Garavano, and other senior authorities of the country.

During this session, five private hearings on monitoring compliance with judgment were held<sup>39</sup>. Also, the Court delivered three judgments, one in a contentious case<sup>40</sup> and two on interpretation of judgment<sup>41</sup>, it also issued ten orders on monitoring compliance with judgment<sup>42</sup> and one order on provisional measures<sup>43</sup>.

In the context of this session, various official meetings were held. On Wednesday, May 15, the President of the Inter-American Court, Judge Eduardo Ferrer Mac-Gregor Poisot, the Vice President, Judge Eduardo Vio Grossi and the Secretary Pablo Saavedra Alessandri met with the President of the Republic of Argentina, Mr. Mauricio Macri, in his office in the Casa Rosada. Also, on Monday, May 13, following the inaugural ceremony, the plenary of the Inter-American Court met with the plenary of the Supreme Court of Justice of the Argentine Nation. Then, on Tuesday, May 14, the President of the Court, Judge Eduardo Ferrer Mac-Gregor Poisot, together with Judge Ricardo C. Pérez Manrique and the Secretary Pablo Saavedra Alessandri met with the General Coordinator of the Inter-American Association of Public Defenders, Mrs. Nydia Arévalo and its members to sign an agreement between the two institutions. Also, on Wednesday, May 15, the President of the Inter-American Court, Judge Eduardo Ferrer Mac-Gregor Poisot and the Secretary Pablo Saavedra Alessandri held a meeting with the Regional Representative for South America of the Office of the United Nations High Commissioner for Human Rights, Birgit Gerstenberg. Lastly, on Thursday, May 16, the President of the Inter-American Court, Judge Eduardo Ferrer Mac-Gregor Poisot, the Vice President, Judge Eduardo Vio Grossi, Judge Elizabeth Odio Benito, Judge Eugenio Raúl Zaffaroni, Judge Ricardo C. Pérez Manrique and the Secretary Pablo Saavedra Alessandri met with different civil society organizations.

In addition, the Court carried out several training activities relating to the dissemination of its case law. On May 15 and 16, the Inter-American Court, in conjunction with the Human Rights Center of the Law School of the Universidad de Buenos Aires (UBA) imparted an international seminar on “40 years protecting rights: jurisprudential development

39 Case of Torres Millacura et al. v. Argentina, Case of Furlan and family v. Argentina, Case of Fornerón and daughter v. Argentina, Case of Garrido and Baigorria v. Argentina and Case of Bueno Alves v. Argentina.

40 Case of Arrom Suhurt et al. v. Paraguay. Merits. Judgment of May 13, 2019. Series C No. 377.

41 Case of Cuscul Pivaral et al. v. Guatemala. Interpretation of the judgment on Preliminary Objection, Merits, Reparations and Costs. Judgment of May 14, 2019. Series C No. 378 and Case of López Soto et al. v. Venezuela. Interpretation of the Judgment on Merits, Reparations and Costs. Judgment of May 14, 2019. Series C No. 379.

42 Case of Munárriz Escobar et al. v. Peru. Monitoring Compliance with Judgment. Order of the Inter-American Court of Human Rights of May 14, 2019; Case of Poblete Vilches et al. v. Chile. Monitoring Compliance with Judgment. Order of the Inter-American Court of Human Rights of May 14, 2019; Case of the Garífuna Community of Triunfo de la Cruz ad its members v. Honduras. Monitoring Compliance with Judgment. Order of the Inter-American Court of Human Rights of May 14, 2019; Case of Goiburú et al. v. Paraguay. Monitoring Compliance with Judgment. Order of the Inter-American Court of Human Rights of May 14, 2019; Case of the Xákmok Kásek Indigenous Community v. Paraguay. Monitoring Compliance with Judgment. Order of the Inter-American Court of Human Rights of May 14, 2019; Case of the Sawhoyamaya Community v. Paraguay. Monitoring Compliance with Judgment. Order of the Inter-American Court of Human Rights of May 14, 2019; Case of the Garífuna Punta Piedra Community and its members v. Honduras. Monitoring Compliance with Judgment. Order of the Inter-American Court of Human Rights of May 14, 2019; Case of Cantoral Huamaní and García Santa Cruz v. Peru. Monitoring Compliance with Judgment. Order of the Inter-American Court of Human Rights of May 14, 2019; Case of the Yakye Axa Indigenous Community v. Paraguay. Monitoring Compliance with Judgment. Order of the Inter-American Court of Human Rights of May 14, 2019; Cases of Gómez Palomino, Anzualdo Castro, Osorio Rivera and family, and Tenorio Roca et al. v. Peru. Monitoring Compliance with Judgment. Order of the Inter-American Court of Human Rights of May 14, 2019.

43 Case of Arrom Suhurt et al. v. Paraguay.



and challenges.” The seminar took place in the Auditorium of the university’s Law School. The Inter-American Court is grateful for the support provided to this event by the Human Rights Center and the Law School, and the Rule of Law Program for Latin America of the Konrad Adenauer Stiftung Foundation. The activity was inaugurated by Judge Eduardo Ferrer Mac-Gregor Poisot, President of the Inter-American Court of Human Rights, and Mr. Alberto J. Bueres, Dean of the Law School of the *Universidad de Buenos Aires*. Judge Vice President Eduardo Vio Grossi, Judge Humberto Antonio Sierra Porto, Judge Elizabeth Odio Benito, Judge L. Patricio Pazmiño Freire and Judge Ricardo C. Pérez Manrique acted as panelists and moderators, together with experts in the field of human rights. Also, on Thursday, May 16, the President of the Inter-American Court, Judge Eduardo Ferrer Mac-Gregor Poisot, took part in a discussion on the functioning of the Court in the Lawyers’ Professional Association of the City of Buenos Aires.

Furthermore, on May 17 and 18, a delegation of the Inter-American Court visited the territory of the communities in the department of Rivadavia, province of Salta, in the context of the proceedings relating to the Case of the Indigenous Communities of the Lhaka Honhat Association v. Argentina. The delegations consisted of the Judges Humberto Antonio Sierra Porto, Patricio Pazmiño Freire, the Director for Legal Affairs, Alexei Julio Estrada, and Agustín Martín. The purpose of the visit was to gather information on the territorial problems based on direct contact with those who live there, indigenous people whose communities are formally part of the Lhaka Honhat Association, indigenous people whose communities are not formally part of this Association, and “criollos,” non-indigenous villagers. The visit was also addressed at observing part of the territory where construction work has been executed by the State or private individuals, as well as activities carried out in the area.



Sixty-first Special Session, held in Argentina

## 5. Sixty-second Special Session, held in Colombia



The Inter-American Court held its Sixty-second Special Session in Barranquilla and Bogotá, Colombia, from August 26 to September 6, on the invitation of the Government. The Court is grateful for the support provided by the *Universidad del Norte*, the German cooperation agency, Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) and the Government of Norway. The Court sat in Barranquilla from August 26 to September 3, at the Universidad del Norte in that city, and carried out other jurisdictional activities in Bogotá from September 4 to 6.

### a) Barranquilla

The inaugural ceremony took place on August 26, in the auditorium of the *Universidad del Norte*, and included speeches by the President of the Republic of Colombia, Mr. Iván Duque Márquez, the President of the Inter-American Court of Human Rights, Judge Eduardo Ferrer Mac-Gregor Poisot and the Rector of the *Universidad del Norte*, Mr. Adolfo Meisel Roca. Also, seated on the main table were the Minister of Justice and Law, Mrs. Margarita Leonor Cabello Blanco, and the Minister for Foreign Affairs, Mr. Carlos Holmes.

Following the inauguration, the Inter-American Court, in conjunction with the Ministry of Foreign Affairs imparted an international seminar on “The role of the Inter-American Court of Human Rights in the guarantee of human rights in the hemisphere.” The event took place in the Auditorium of the *Universidad del Norte* and was inaugurated by Judge Eduardo Ferrer Mac-Gregor Poisot, President of the Inter-American Court of Human Rights, and Mr. Carlos Holmes Trujillo Minister for Foreign Affairs of the Republic of Colombia. It consisted of three panel sessions: “40 years of interpretation and application of the American Convention on Human Rights: contribution of the Inter-American Court to international human rights law”; “25 years of the Convention of Belem do Pará: Inter-American standards for the prevention, punishment and eradication of violence against women,” and “Challenges to the application of the American Convention on Human Rights: migration and the environment.” A closing ceremony was held at the end of the seminar.

During this Session, the Court held three public hearings on contentious cases<sup>44</sup>. The Court also delivered three judgments in contentious cases<sup>45</sup> and one on interpretation of judgment<sup>46</sup>. It also deliberated on contentious cases<sup>47</sup> and issued an order on a request for provisional measures and monitoring compliance with judgment<sup>48</sup>.

Several official meetings were held. In Barranquilla, on Monday, August 26, the President of the Inter-American Court, Judge Eduardo Ferrer Mac-Gregor Poisot, the Vice President, Judge Eduardo Vio Grossi, Judge Humberto Antonio Sierra Porto, Judge L. Patricio Pazmiño Freire and Judge Ricardo C. Pérez Manrique, and the Secretary Pablo

<sup>44</sup> Case of Rojas Marín et al. v. Peru, Case of Noguera et al. v. Paraguay and Case of Montesinos Mejía v. Ecuador.

<sup>45</sup> Case of Álvarez Ramos v. Venezuela. Preliminary Objection, Merits, Reparations and Costs. Judgment of August 30, 2019. Series C No. 380; Case of Gorioitía v. Argentina. Preliminary Objection, Merits, Reparations and costs. Judgment of September 2, 2019. Series C No. 382, and Case of Rico v. Argentina. Preliminary Objection and Merits. Judgment of September 2, 2019. Series C No.

<sup>46</sup> Case of Alvarado Espinoza et al. v. Mexico. Interpretation of the Judgment on Merits, Reparations and Costs. Judgment of August 30, 2019. Series C No. 381

<sup>47</sup> Case of Rosadio Villavicencio v. Peru, and Case of Perrone and Preckel v. Argentina.

<sup>48</sup> Case of the Massacres of El Mozote and surrounding areas v. El Salvador. Request for Provisional Measures and Monitoring Compliance with Judgment. Order of the Inter-American Court of Human Rights of September 3, 2019.

Saavedra Alessandri met with the President of the Republic of Colombia, Mr. Iván Duque Márquez. The purpose of the meeting was to thank President Duque for the invitation to hold a session in Colombia, to go over the jurisdictional activities that the Court would carry out in Colombia and discuss the challenges faced by the Inter-American Human Rights System.

In addition, the Court carried out several training activities relating to the dissemination of its case law. On Friday, August 30, two lawyers from the Secretariat of the Inter-American Court of Human Rights gave a conference on judicial guarantees and a gender perspective in the investigation, prosecution and punishment of violence against women at the *Universidad Americana* in Barranquilla. Also, on Monday, September 2 and Tuesday, September 3, Judge Raúl Zaffaroni gave two master classes on the “Challenges for American criminal law and human rights” at the *Universidad del Norte* in Barranquilla.



Sixty-second Special Session, held in Colombia, Case of Noguera et al. v. Paraguay



## b) Bogota

Jurisdictional and official activities took place in Bogota from September 4 to 6. On Wednesday, September 4, the President of the Inter-American Court, Judge Eduardo Ferrer Mac-Gregor Poisot, the Vice President, Judge Eduardo Vio Grossi, Judge Humberto Antonio Sierra Porto, Judge L. Patricio Pazmiño Freire and Judge Ricardo C. Pérez Manrique, together with the Secretary Pablo Saavedra Alessandri, were received by the justices of the Special Jurisdiction for Peace. Subsequently, the President of the Inter-American Court, Judge Eduardo Ferrer Mac-Gregor Poisot, the Vice President, Judge Eduardo Vio Grossi, Judge Humberto Antonio Sierra Porto and the Secretary Pablo Saavedra Alessandri met with several members of the Constitutional Court. Later, the President of the Inter-American Court, Judge Eduardo Ferrer Mac-Gregor Poisot, the Vice President, Judge Eduardo Vio Grossi, Judge Humberto Antonio Sierra Porto and the Secretary Pablo Saavedra Alessandri also met with members of the Supreme Court of Justice of Colombia. In addition, on Thursday, September 5, the President of the Inter-American Court, Judge Eduardo Ferrer Mac-Gregor Poisot, the Vice President, Judge Eduardo Vio Grossi, Judge Humberto Antonio Sierra Porto, Judge L. Patricio Pazmiño Freire and Judge Ricardo C. Pérez Manrique, together with the Secretary Pablo Saavedra Alessandri met with the Minister for Foreign Affairs, Mr. Carlos Holmes Trujillo.

The Inter-American Court held eight private hearings on monitoring compliance with judgment in Bogota<sup>49</sup>.

Lastly, on Wednesday, September 4, the Judges of the Inter-American Court, Raúl Zaffaroni, Patricio Pazmiño Freire and Ricardo Pérez Manrique, together with the Director for Legal Affairs, Alexei Julio, participated in the discussion on the Inter-American System organized by the Constitutional Law Department of the Law School at the *Universidad Externado de Bogotá*, during which a keynote address was given on “Criminal law and human rights.” Also, Judge Patricio Pazmiño spoke about the Court’s case law on economic, social, cultural and environmental rights, while Judge Pérez Manrique spoke on the rights of migrant children.



Sixty-second Special Session, held in Colombia,  
Private Hearing on Monitoring Compliance with Judgment

<sup>49</sup> Case of Bulacio v. Argentina, Case of the 19 Tradesmen v. Colombia, Case of the Mapiripán Massacre v. Colombia, Case of Las Palmeras v. Colombia, Case of Rodríguez Vera et al. (The Disappeared from the Palace of Justice) v. Colombia, Monitoring Compliance with Judgment together with cases relating to others who have disappeared in Colombia, Monitoring Compliance with Judgment together with cases relating to medical and psychological treatment, and Case of Gelman v. Uruguay.

## 6. 131 Regular Session

# Regular Session

# 131 RS

## Costa Rica | October 7 to 18, 2019

The Inter-American Court held its 131st Regular Session in San José, Costa Rica, from October 7 to 17. During this Session, the Court delivered judgment in seven contentious cases<sup>50</sup> and one on interpretation of judgment<sup>51</sup>. It also issued twelve orders on monitoring compliance with judgment<sup>52</sup>, five orders on provisional measures<sup>53</sup> and two order on both Provisional Measures and Monitoring Compliance with Judgment<sup>54</sup>. In addition, it began to deliberate on one judgment<sup>55</sup>.

50 Case of Romero Feris v. Argentina. Merits, Reparations and Costs. Judgment of October 15, 2019. Series C No. 391; Case of Perrone and Preckel v. Argentina. Preliminary Objections, Merits, Reparations and Costs. Judgment of October 8, 2019. Series C No. 384; Case of Girón et al. v. Guatemala. Preliminary Objection, Merits, Reparations and Costs. Judgment of October 15, 2019. Series C No. 390; Case of Ruiz Fuentes et al. v. Guatemala. Preliminary Objection, Merits, Reparations and Costs. Judgment of October 10, 2019. Series C No. 385; Case of Rodríguez Revolorio et al. v. Guatemala. Preliminary Objection, Merits, Reparations and Costs. Judgment of October 14, 2019. Series C No. 387; Case of Valenzuela Ávila v. Guatemala. Merits, Reparations and Costs. Judgment of October 11, 2019. Series C No. 386, and Case of Rosadio Villavicencio v. Peru. Preliminary Objections, Merits, Reparations and Costs. Judgment of October 14, 2019. Series C No. 388.

51 Case of Ormea Carrascal et al. v. Colombia. Interpretation of the Judgment on Merits, Reparations and Costs. Judgment of October 14, 2019. Series C No. 389.

52 Case of Favela Nova Brasília v. Brazil. Monitoring Compliance with Judgment. Order of the Inter-American Court of Human Rights of October 7, 2019; Case of Carvajal et al. v. Colombia. Monitoring Compliance with Judgment. Order of the Inter-American Court of Human Rights of October 7, 2019; Case of Amrhein et al. v. Costa Rica. Monitoring Compliance with Judgment and Reimbursement of the Victims' Legal Assistance Fund. Order of the Inter-American Court of Human Rights of October 7, 2019; Case of Chinchilla Sandoval et al. v. Guatemala. Monitoring Compliance with Judgment. Order of the Inter-American Court of Human Rights of October 7, 2019; Case of Flor Freire v. Ecuador. Monitoring Compliance with Judgment. Order of the Inter-American Court of Human Rights of October 7, 2019; Case of Gudiel Álvarez et al. ("Diario Militar") v. Guatemala. Monitoring Compliance with Judgment. Order of the Inter-American Court of Human Rights of October 7, 2019; Case of Kawas Fernández v. Honduras. Monitoring Compliance with Judgment. Order of the Inter-American Court of Human Rights of October 7, 2019; Case of Fornerón and daughter v. Argentina. Monitoring Compliance with Judgment. Order of the Inter-American Court of Human Rights of October 7, 2019; Case of Women Victims of Sexual Torture in Atenco v. Mexico. Reimbursement of the Victims' Legal Assistance Fund. Order of the Inter-American Court of Human Rights of October 7, 2019; Case of Alvarado Espinoza et al. v. Mexico. Reimbursement of the Victims' Legal Assistance Fund. Order of the Inter-American Court of Human Rights of October 7, 2019; Case of Munárriz Escobar et al. v. Peru. Reimbursement of the Victims' Legal Assistance Fund. Order of the Inter-American Court of Human Rights of October 7, 2019, and Case of Terrones Silva et al. v. Peru. Reimbursement of the Victims' Legal Assistance Fund. Order of the Inter-American Court of Human Rights of October 7, 2019.

53 Matter of the Penitentiary Complex of Pedrinhas regarding Brazil. Provisional Measures. Order of the Inter-American Court of Human Rights of October 14, 2019; Case of the Members of the Village of Chichupac and neighboring communities of the Municipality of Rabinal; Case of Molina Theissen and 12 other Guatemalan's Cases v. Guatemala. Provisional measures and Monitoring Compliance with Judgment. Order of the Inter-American Court of Human Rights of October 14, 2019; Matter of seventeen persons deprived of liberty regarding Nicaragua. Provisional Measures. Order of the Inter-American Court of Human Rights of October 14, 2019; Matter of the Nicaraguan Center for Human Rights and the Permanent Commission of Human Rights (CENIDH-CPDH) regarding Nicaragua. Provisional Measures. Order of the Inter-American Court of Human Rights of October 14, 2019, and Case of Cesti Hurtado v. Peru. Request for Provisional Measures and Monitoring Compliance with Judgment. Order of the Inter-American Court of Human Rights of October 14, 2019.

54 Case of Cesti Hurtado v. Peru. Request for Provisional Measures and Monitoring Compliance with Judgment. Order of the Inter-American Court of Human Rights of October 14, 2019, and Case of the Members of the Village of Chichupac and neighboring communities of the Municipality of Rabinal, Case of Molina Theissen and 12 other Guatemalan's Cases v. Guatemala. Provisional Measures and Monitoring Compliance with Judgment. Order of the Inter-American Court of Human Rights of October 14, 2019.

55 Case of Hernández v. Argentina.

## 7. 132 Regular Session



The Inter-American Court held its 132nd Regular Session in San José, Costa Rica, from November 18 to 27. During this Session, the Court delivered judgment in six contentious cases<sup>56</sup>, and issued seventeen orders on monitoring compliance with judgment<sup>57</sup> and also two orders on provisional measures<sup>58</sup>. It also began deliberation of a judgment<sup>59</sup>.

In addition, the new Board was elected during the Session. The Inter-American Court elected Judge Elizabeth Odio Benito, a Costa Rican national, as its new President, and Judge Patricio Pazmiño Freire, an Ecuadorian national, as the new Vice President. The mandate of the President and Vice President elect will start on January 1, 2020, and end on December 31, 2021.

Furthermore, various activities were carried out in the context of commemorating the 30th anniversary of the Convention on the Rights of the Child. On Wednesday, November 20, at the Children's Museum in San José, Costa Rica, an event was held on "The voice of children and adolescents before the Inter-American Court: 30 years of the Convention on the Rights of the Child," with the participation of all the Judges of the Court together with children representing various countries of Latin America. On November 21 and 22, a seminar was held on "The Inter-American Court of Human Rights and the rights of the child: 30 years after the adoption of the Convention on the Rights of the Child."

<sup>56</sup> Case of Hernández v. Argentina. Preliminary Objection, Merits, Reparations and Costs. Judgment of November 22, 2019. Series C No. 395; Case of Jenkins v. Argentina. Preliminary Objections, Merits, Reparations and Costs. Judgment of November 26, 2019. Series C No. 397; Case of López et al. v. Argentina. Preliminary Objections, Merits, Reparations and Costs. Judgment of November 25, 2019. Series C No. 396; Case of Gómez Virula et al. v. Guatemala. Preliminary Objection, Merits, Reparations and Costs. Judgment of November 21, 2019. Series C No. 393; Case of the National Association of Discharged and Retired Employees of the National Tax Administration Superintendence (ANCEJUB-SUNAT) v. Peru. Preliminary Objections, Merits, Reparations and Costs. Judgment of November 21, 2019. Series C No. 394, and; Case of Díaz Loreto et al. v. Venezuela. Preliminary Objections, Merits, Reparations and Costs. Judgment of November 19, 2019. Series C No. 392.

<sup>57</sup> Case of Colindres Schonenberg v. El Salvador. Monitoring Compliance with Judgment. Order of the Inter-American Court of Human Rights of November 22, 2019; Case of Villamizar Durán et al. v. Colombia. Monitoring Compliance with Judgment and Reimbursement of the Victims' Legal Assistance Fund. Order of the Inter-American Court of Human Rights of November 22, 2019; Case of Isaza Uribe et al. v. Colombia. Monitoring Compliance with Judgment and Reimbursement of the Victims' Legal Assistance Fund. Order of the Inter-American Court of Human Rights of November 22, 2019; Case of the Xucuru Indigenous People and its members v. Brazil. Monitoring Compliance with Judgment. Order of the Inter-American Court of Human Rights of November 22, 2019; Case of Gómez Murillo et al. v. Costa Rica. Monitoring Compliance with Judgment. Order of the Inter-American Court of Human Rights of November 22, 2019; Case of Acosta et al. v. Nicaragua. Monitoring Compliance with Judgment. Order of the Inter-American Court of Human Rights of November 22, 2019; Case of the Hacienda Brasil Verde Workers v. Brazil. Monitoring Compliance with Judgment. Order of the Inter-American Court of Human Rights of November 22, 2019; Case of Duque v. Colombia. Monitoring Compliance with Judgment and Reimbursement of the Victims' Legal Assistance Fund. Order of the Inter-American Court of Human Rights of November 22, 2019; Case of Yarce et al. v. Colombia. Monitoring Compliance with Judgment. Order of the Inter-American Court of Human Rights of November 22, 2019; Case of Gutiérrez and family v. Argentina. Monitoring Compliance with Judgment. Order of the Inter-American Court of Human Rights of November 22, 2019; Case of Fleury et al. v. Haiti. Monitoring Compliance with Judgment. Order of the Inter-American Court of Human Rights of November 22, 2019; Case of García Asto and Ramírez Rojas v. Peru. Monitoring Compliance with Judgment. Order of the Inter-American Court of Human Rights of November 22, 2019; Case of Caballero Delgado and Santana v. Colombia. Monitoring Compliance with Judgment. Order of the Inter-American Court of Human Rights of November 22, 2019; Case of Artavia Murillo et al. (In Vitro Fertilization), Case of Gómez Murillo et al. v. Costa Rica. Monitoring Compliance with Judgments. Order of the Inter-American Court of Human Rights of November 22, 2019; Case of Nadege Dorzema et al. v. Dominican Republic. Monitoring Compliance with Judgment. Order of the Inter-American Court of Human Rights of November 22, 2019; Cases of Díaz Peña and of Uzcátegui et al. v. Venezuela. Monitoring Compliance with Judgment. Order of the Inter-American Court of Human Rights of November 22, 2019, and Case of González Medina and family members v. Dominican Republic. Monitoring Compliance with Judgment. Order of the Inter-American Court of Human Rights of November 22, 2019.

<sup>58</sup> Case of Fernández Ortega et al. v. Mexico. Provisional Measures. Order of the Inter-American Court of Human Rights of November 22, 2019, and Matter of Cristina Arrom Suhurt regarding the Case of Arrom Suhurt et al. v. Paraguay. Order of the Inter-American Court of Human Rights of November 26, 2019.

<sup>59</sup> Case of the Indigenous Communities of the Lhaka Honhat Association v. Argentina.



In the context of the 40th anniversary of the American Convention on Human Rights, the Costa Rican Post Office and the Philatelic Museum of Costa Rica issued four postage stamps. They were presented to the President of the Inter-American Court of Human Rights, Judge Eduardo Ferrer Mac-Gregor Poisot, at the seat of the Inter-American Court of Human Rights, by Mr. Antonio López Escarré, representing the Board of Directors of the Costa Rican Post Office, and Ligia Oviedo, Director of the Philatelic Museum. In addition, on November 26, the Embassy of the Republic of Argentina in Costa Rica presented the *Rosa de La Paz* (Peace Rose), which symbolizes the relationship between justice and peace, to the Inter-American Court of Human Rights. Also, in the context of the 40th anniversary of the American Convention, the Ambassador of the Republic of Argentina to Costa Rica, Mrs. Patricia Giménez, presented the Rosa de La Paz to Judge Eduardo Vio Grossi, Vice President of the Inter-American Court of Human Rights.



The Rosa de la Paz



Presenttion of the Rosa de La Paz



Stamps: Hommage by the Costa Rican Post Office and the Philatelic Museum of Costa Rica

# RESULTS OF THE SESSIONS

## HEARINGS



**34**  
hearings



### 18 HEARINGS ON CONTENTIOUS CASES

129 RS	130 RS	60 SS	61 SS	62 SS	131 RS	132 RS
6	5	4	0	3	0	0

### 16 HEARINGS ON MONITORING COMPLIANCE WITH JUDGMENTS

129 RS	130 RS	60 SS	61 SS	62 SS	131 RS	132 RS
1	2	0	5*	8*	0	0

### 21 JUDGMENTS ON MERITS

129 RS	130 RS	60 SS	61 SS	62 SS	131 RS	132 RS
2	1	1	1	3	7	6

### 4 JUDGMENTS ON INTERPRETATION

129 RS	130 RS	60 SS	61 SS	62 SS	131 RS	132 RS
0	0	0	2	1	1	0

## JUDGMENTS



**25**  
Judgments

## ORDERS



**69**  
hearings



### 18 ORDERS ON PROVISIONAL MEASURES

129 RS	130 RS	60 SS	61 SS	62 SS	131 RS	132 RS
3	4	0	1	1**	7**	2

### 51 ORDERS ON MONITORING COMPLIANCE WITH JUDGMENT

129 RS	130 RS	60 SS	61 SS	62 SS	131 RS	132 RS
5	6	0	10	1**	14**	17

\* Private Hearings.

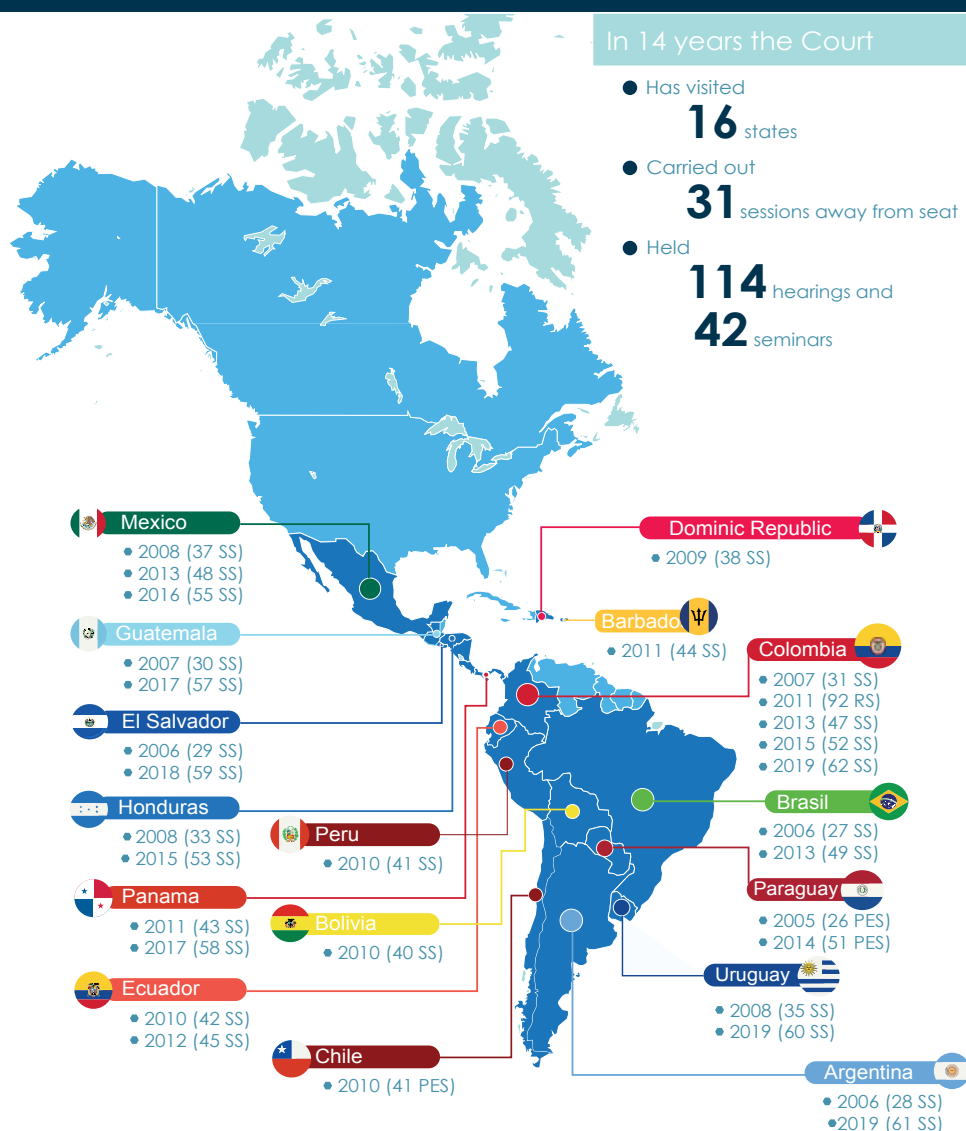
\*\* Order on Provisional Measures and Monitoring Compliance with Judgment.

## C. The 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 (twice), Barbados, Bolivia, Brazil (twice), Chile, Colombia (5 times), Dominican Republic, Ecuador (3 times), El Salvador (twice), Guatemala (twice), Honduras (twice), Mexico (3 times), Panama (twice), Paraguay (twice), Peru and Uruguay (twice). 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 Rights in general. In 2019, three Special Sessions were held in the cities of Montevideo, Uruguay; Buenos Aires, Argentina, and Barranquilla and Bogotá, Colombia.

### SESSIONS OF THE INTER-AMERICAN COURT AWAY FROM ITS SEAT

2005-2019 Period



# Contentious Function

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## IV. Contentious Function

### A. Cases submitted to the Court

During 2019, **32 new contentious cases** were submitted to the Court's consideration:

#### 1. Case of Spoltore v. Argentina

On January 23, 2019, the Inter-American Commission submitted this case to the Court. It relates to the alleged delay and denial of justice to Victorio Spoltore in the context of labor proceedings resulting from his claim for compensation due to a professional illness against Cacique Camping S.A, processed before the No. 3 Labor Court. This proceeding began on June 30, 1988, and culminated on August 16, 2000, when the Supreme Court of Justice of the province of Buenos Aires rejected the appeals filed by Mr. Spoltore against the first instance judgment that had denied his claim for compensation. It was also alleged that the proceedings took 12 years, 1 month and 16 days, and that the State had been unable to justify this time frame of more than 12 years for the judicial claim for compensation filed by the presumed victim in the labor jurisdiction, which was, therefore, excessive and violated the guarantee of a reasonable time. It was also alleged that the proceeding did not constitute an effective remedy for Mr. Spoltore to make a claim regarding what he considered was his right under domestic law.

#### 2. Case of Urrutia Laubreaux v. Chile

On February 1, 2019, the Inter-American Commission submitted this case to the Court. It relates to alleged human rights violations in the context of the disciplinary procedure that culminated in a penalty of a motion of censure which was later reduced to a private reprimand against Judge Daniel Urrutia Laubreaux for presumably forwarding a piece of academic writing to the Supreme Court of Justice on November 30, 2004, criticizing its actions during the Chile's military dictatorship. It is alleged that the State violated the rights to prior detailed knowledge of the accusation being made, as well as to adequate time and means to prepare a defense. It is also alleged that the State violated the right to an impartial disciplinary authority and the right to judicial protection, as well as the principle of legality. Lastly, it was alleged that the State had violated the right to freedom of thought and expression by presumably arbitrarily sanctioning the exercise of freedom of expression, by imposing subsequent liability that failed to comply with the requirements set out in the American Convention.

#### 3. Case of Guzmán Albarracín et al. v. Ecuador

On February 7, 2019, the Inter-American Commission submitted this case to the Court. It relates to the alleged sexual violence suffered by the child, Paola del Rosario Guzmán Albarracín, and her subsequent suicide. It is alleged that the presumed victim had been subjected to sexual violence by the Vice Rector and the doctor of the college she attended, both public officials, and that there was a causal nexus between this and her decision to take her own life on December 12, 2002. It is argued that, in addition to presumably violating the obligation to respect human rights, the State had failed to comply with the prevention component of its obligation to ensure rights because, presumably, it did not have appropriate "prevention and early detection instruments" that were appropriate for situations such as those in this case.

#### 4. Case of Mota Abarullo et al. v. Venezuela

On March 29, 2019, the Inter-American Commission submitted this case to the Court. It relates to the deaths of José Gregorio Mota Abarullo, Gabriel de Jesús Yáñez Sánchez, Rafael Antonio Parra Herrera, Cristián Arnaldo Molina Córdova and Johan José Correa, that occurred owing to a fire in a cell on June 30, 2005. The presumed victims were inmates of the "Monseñor Juan José Bernal" Diagnosis and Treatment Center, which houses adolescents subject to criminal proceedings. It is alleged that the State violated the rights to life and personal integrity of the victims who died in the fire, in relation to its obligations towards children and in view of its failure to comply with its obligation to prevent such deaths and also the suffering caused by death by asphyxiation, suffocation and burns. Furthermore, it is alleged that a series of factors revealed the lack of a detention policy to prevent critical situations at the INAM-San Félix.



This was manifest in the living conditions at the Center at the time of the events, particularly overcrowding and deficiencies in the infrastructure.

### 5. Case of Olivares Muñoz et al. v. Venezuela

On April 1, 2019, the Inter-American Commission submitted this case to the Court. It relates to the presumed violation of the right to life and to personal integrity of Orlando Edgardo Olivares Muñoz, Joel Rinaldi Reyes Nava, Orangel José Figueroa, Héctor Javier Muñoz Valerio, Pedro Ramón López Chaurán, José Gregario Bolívar Corro and Richard Alexis Núñez Palma. They had all been deprived of their liberty in the Vista Hermosa Prison in Ciudad Bolívar, Venezuela, and then executed extrajudicially. These executions were allegedly carried out by members of the National Guard on November 20, 2003, when a further 27 inmates were injured. It is alleged that the use of force had been unlawful and that the State had failed to adequately explain how the deaths and injuries occurred. It is also alleged that there was a violation of the rights to judicial guarantees and judicial protection, because a thorough investigation was not conducted; the autopsies did not comply with the applicable international standards; the context of the deaths had not been analyzed, and the investigation into the events, which remains pending, has not been conducted within a reasonable time.

### 6. Case of Acosta Martínez et al. v. Argentina

On April 18, 2019, the Inter-American Commission submitted this case to the Court. It relates to the alleged international responsibility of the Argentine State for the detention and subsequent death of José Delfín Acosta, on April 5, 1996. Mr. Acosta was an Afro-descendant and a Uruguayan national. It is alleged that his detention had been unlawful, arbitrary and discriminatory. It is also alleged that since the death and the injuries to Mr. Acosta occurred while he was in the custody of the State, its international responsibility should be presumed. It is also alleged that the State authorities did not provide the immediate assistance that the presumed victim required at the time of his detention, and took no steps to safeguard his physical integrity and his life, despite its special position as guarantor of those detained. On this basis, it is alleged that the rights of José Delfín Acosta to life, personal integrity, personal liberty and equality and non-discrimination were violated.

### 7. Case of Roche Azaña et al. v. Nicaragua

On April 24, 2019, the Inter-American Commission submitted this case to the Court. It relates to the extrajudicial execution of Pedro Bacilio Roche Azaña and the injuries caused to his brother, Patricio Roche Azaña, on April 14, 1996, as a result of shots fired at the vehicle in which they were traveling, supposedly having passed through two immigration checkpoints without respecting the order to stop. It is alleged that there were no indications that the migrants or the driver were armed and they had not committed any act of aggression that could be interpreted as a threat against the State, or any other form of violence that posed a threat to human life and thus warranted the use of lethal armed force. It is alleged that, in the case of migrants, the use of lethal weapons at police or immigration checkpoints when a vehicle tries to flee will always be arbitrary and contrary to the principles of legality, absolute necessity and proportionality, unless there has been an act of aggression or signs that someone's life was in danger.

### 8. Case of Hernández et al. v. Honduras

On April 30, 2019, the Inter-American Commission submitted this case to the Court. It relates to the presumed extrajudicial execution of Vicky Hernández, a trans woman and human rights defender, during the night of June 29 and the early morning hours of June 29, 2009, while the curfew was in force. It is alleged that the death of Vicky Hernández took place against the backdrop of two key factors. First, the context of violence and discrimination against lesbian, gay, bisexual and trans (LGBT) people in Honduras, with a high incidence of acts committed by law enforcement agents and, second, the context of the 2009 coup d'état. Taking these contexts into account, and the fact that the streets were under the total control of law enforcement agents, as well as the lack of judicial clarification of the events, it is alleged that there were sufficient reasons to conclude that the State was directly responsible for the death of Vicky Hernández, and that it was an act of violence prompted by prejudice based on the presumed victim's gender identity and expression. Furthermore, it is alleged that the Honduran State did not investigate the facts of the case adequately, with due diligence and within a reasonable time, and thus the facts remain unpunished.



## 9. Case of Martínez Esquivia v. Colombia

On May 21, 2019, the Inter-American Commission submitted this case to the Court. It relates to an alleged series of violations of due process in the context of proceedings that culminated in the dismissal of the presumed victim from her position as deputy prosecutor at the Criminal Courts of the Cartagena Circuit. It is alleged that prosecutors should enjoy special employment stability as a guarantee of the independence of their work. Consequently, the fact that length of the victim's appointment and its conditions were not stipulated was incompatible with the Convention.

## 10. Case of Lemoth Morris et al. v. Honduras

On May 24, 2019, the Inter-American Commission submitted this case to the Court. It relates to the alleged violation of numerous rights of a group of individuals belonging to the Miskito Indigenous People living in the department of Gracias a Dios, Honduras. It is alleged that the State violated the right to personal integrity of 34 Miskito divers who met with accidents due to deep dives they were making which caused them to suffer decompression sickness between 1992 and 2004. It is also alleged that the State had violated the right to life of 12 Miskito divers who died immediately after these accidents. The State's presumed disregard of and indifference towards the problem of labor exploitation by fishing companies and of the prevalence of diving in dangerous conditions, which led to these accidents, was revealed by the presumed lack of adequate monitoring and oversight.

## 11. Case of Guerrero et al. v. Venezuela

On May 24, 2019, the Inter-American Commission submitted this case to the Court. It relates to the presumed international responsibility of the State of Venezuela for the extrajudicial executions of Jimmy Guerrero and his uncle, Ramón Molina, on March 29, 2003, by agents of the Armed Police Forces of Falcón state in Venezuela.

## 12. Case of the Massacre of Los Josefinos village v. Guatemala

On July 10, 2019, the Inter-American Commission submitted this case to the Court. It relates to facts that occurred on April 29 and 30, 1982, in the village of Los Josefinos, department of Petén, Guatemala, in the context of the internal armed conflict. It is alleged that, during this armed conflict the State had a policy that sought to carry out massacres, scorched earth operations and forced disappearances, with the main purpose of the destruction of complete families and their communities, in order to sow terror, inflict punishment on anyone perceived as having ties with the guerrilla, and suppress any attempt to support the insurgents. In addition, this context constituted a widespread and systematic attack against the civilian population by the State, that included massive human rights violations.

## 13. Case of Guachalá Chimbo et al. v. Ecuador

On July 11, 2019, the Inter-American Commission submitted this case to the Court. It relates to the disappearance of Luis Eduardo Guachalá Chimbó, who had a mental disability, in January 2004, while he was a patient at a public mental health care center in Quito, Ecuador. It is alleged that the State violated Mr. Guachalá's right to legal standing by institutionalizing him in a mental health care center without obtaining his informed consent. It is also alleged that this amounted to an arbitrary deprivation of liberty and a form of discrimination based on his disability. In addition, it is alleged that the State also violated Mr. Guachalá's rights to life and personal integrity owing to failure to comply with its obligation to conduct a serious investigation into the facts in order to clarify them, and also owing to the presumption of responsibility when a person in the State's custody disappears.

## 14. Case of Barbosa de Souza et al. v. Brazil

On July 11, 2019, the Inter-American Commission submitted this case to the Court. It relates to the presumed violation of the mental and moral integrity of the mother and father of Márcia Barbosa de Souza, who was murdered by a former state deputy in June 1998. It is alleged that his parliamentary immunity had caused an exorbitant delay in the investigation and the criminal proceedings, which had taken nine years. In addition, the violation of the rights to judicial guarantees and judicial protection and the principles of equality and non-discrimination, in relation to the right to life, are alleged.

### 15. Case of Bedoya Lima et al. v. Colombia

On July 16, 2019, the Inter-American Commission submitted this case to the Court. It relates to a series of human rights violations arising from the kidnapping, torture and rape of journalist Jineth Bedoya Lima in May 2000, presumably for reasons related to her professions, and the alleged failure of the State to adopt appropriate and timely measures to protect her and prevent the said events, despite the fact that she had received threats previously. The journalist was kidnapped in front of a State prison while carrying out her professional task in the context of an investigation into a confrontation between members of the paramilitary and common criminal groups inside this prison which had resulted in a number of deaths.

### 16. Case of Grijalva Bueno v. Ecuador

On July 25, 2019, the Inter-American Commission submitted this case to the Court. It relates to the presumed arbitrary dismissal of Vicente Aníbal Grijalva Bueno as Port Captain of the Ecuadorian Navy in 1993, as well as for the alleged failure to provide judicial guarantees in the disciplinary procedure to dismiss him and the military criminal proceedings against him for “crimes against military good faith.” It is alleged that, the reports used to dismiss Mr. Grijalva had been prepared by a military agent who, a few months previously, the victim had accused of committing serious human rights violations. It is also alleged that the participation of this agent in the issue of these reports infringed the guarantee of impartiality in the procedure that resulted in Mr. Grijalva’s dismissal. Therefore, it is alleged that the State violated the right of Mr. Grijalva to an impartial authority during the dismissal procedure.

### 17. Case of Garzón Guzmán v. Ecuador

On July 26, 2019, the Inter-American Commission submitted this case to the Court. It relates to the presumed forced disappearance of César Gustavo Garzón Guzmán starting on November 9, 1990, in Quito, Ecuador, allegedly by members of the National Police. This occurred in a general context of forced disappearances perpetrated by State agents against individuals identified as rebels, in particular alleged members of the groups known as “*Alfaro Vive Carajo*” and “*Montoneras Patria Libre*.” The case was documented as a forced disappearance committed by the National Police in the report issued by Ecuador’s Truth Commission. It is alleged that there is sufficient evidence to conclude that César Gustavo Garzón Guzmán was deprived of liberty by State agents. Also, the refusal of the authorities to acknowledge his detention, in the context at that time and taking into account the evidence in the case file, allegedly amounted to a cover-up of the facts.

### 18. Case of the National Federation of Maritime and Port Workers (FEMAPOR) v. Peru

On July 26, 2019, the Inter-American Commission submitted this case to the Court. It relates to the alleged violation of the right to judicial protection owing to the failure to execute an amparo ruling of the Supreme Court of the Republic of Peru, handed down on February 12, 1992, which established how to calculate the additional increase in wages in favor of 4,106 former maritime, port and river workers. It is alleged that the mere fact that payments provided for in a Supreme Court decision only started to be paid out 12 years later, in 2004, was, in itself, a violation of the right to effective judicial protection of all the workers who were beneficiaries of the court ruling, which had left them defenseless and in a situation of legal uncertainty, and had prevented them from obtaining adequate reinstatement of labor rights recognized by the competent authorities.

### 19. Case of Manuela et al. v. El Salvador

On July 29, 2019, the Inter-American Commission submitted this case to the Court. It relates to a series of presumed violations in criminal proceedings that culminated in the presumed victim’s conviction for the crime of aggravated murder in the context of the criminalization of abortion in El Salvador. It is alleged that the State violated the right to personal liberty owing to the unlawful detention of the presumed victim, who was arrested on February 28, 2008, on the grounds of being caught *in flagrante delicto*, without having met the requirements for this, and while she was received medical care in the National Hospital of San Francisco de Gotera. Furthermore, it is alleged that the State violated the right not to be arbitrarily deprived of liberty, the principle of the presumption of innocence, and the right to judicial protection because the decision to commit her to preventive detention was taken based on the seriousness of the crime and by applying a legal provision establishing that the substitution of preventive detention for another precautionary measure was not admissible in the case of the crime of aggravated murder. In addition, it was alleged that the rights of defense and to judicial protection had been violated because the presumed victim had not had

defense counsel during the preliminary proceedings on February 28, 2008, and also, there were shortcomings in the legal defense services that had an impact on her rights, including a serious flaw which consisted in the failure to file an appeal against the judgment that sentenced her to 30 years' imprisonment. Also, some of the information provided to the authorities, such as the victim's sexual history, bore no relationship to the purposes sought by the obligation to report. It is also alleged that the State violated the right to life, the right to health, and the rights to judicial guarantees and judicial protection, because the victim did not receive a comprehensive medical diagnosis when she was deprived of liberty, and nor was she provided with timely and adequate medical care, which would have prolonged her life, since she died after suffering from a disease for which she had begun to exhibit symptoms in 2007. Lastly, the victim's death in State custody was not clarified by means of an appropriate investigation.

## 20. Case of Casa Nina v. Peru

On August 6, 2019, the Inter-American Commission submitted this case to the Court. It relates to a presumed series of violations in the context of disciplinary proceedings that culminated with the dismissal of Julio Casa Nina from his position as provisional deputy prosecutor of the Second Criminal Prosecution Office of the province of Huamanga Ayacucho, Peru, in 2003. It is alleged that the State violated the right to be heard, the right of defense, and the principle of legality, taking into account that the appointment of the victim to an open-ended, unconditional contract, limited only by general references to the position's requirements, was incompatible with the guarantees of enhanced employment stability that should protect prosecutors, who should only be dismissed for serious disciplinary reasons or when their contract formally expires. Also, owing to the way in which he was dismissed, the presumed victim did not have access to a procedure that provided the basic guarantees required by the right of defense.

## 21. Case of Cuya Lavy et al. v. Peru

On August 6, 2019, the Inter-American Commission submitted this case to the Court. It relates to a presumed series of violations in the context of the evaluation and ratification process to which the National Council of Magistrates (CNM) subjected the victims in this case, who were prosecutors and judges, in 2001 and 2002. It is alleged that the State violated the victims' right to prior, detailed knowledge of the accusations against them, and to have adequate time and means to prepare a defense because, during the evaluation and ratification procedure, the CNM never pressed formal charges against them, or advised them of the complaints against them, to allow them to present exculpatory evidence.

## 22. Case of Almeida v. Argentina

On August 7, 2019, the Inter-American Commission submitted this case to the Court. It relates to the presumed international responsibility of the State owing to the failure to compensate Rufino Jorge Almeida for the time that he was kept under de facto supervised release during the civil-military dictatorship. It is alleged that Mr. Almeida was kidnapped on June 5, 1978, by members of the Armed Forces and unlawfully detained for 54 days in the "El Banco" clandestine detention center where he was allegedly tortured. Furthermore, it is presumed that following his release he was subjected to de facto supervised release until April 30, 1983.

## 23. Case of González et al. v. Venezuela

On August 8, 2019, the Inter-American Commission submitted this case to the Court. It relates to the presumed unlawful and arbitrary detention of Olimpiades González and his family members, María Angélica González, Belkis Mirelis González, Fernando González, Wilmer Antonio Barliza and Luis Guillermo González in November 1998 and January 1999, by State agents. It is alleged that there is no document in the case file that proves that, at the time of these detentions, an individualized court order had been issued against these persons by a competent authority. Regarding the possibility that they were *in flagrante delicto*, the State did not cite this cause and there is no evidence indicating that this was the case at the time of the detentions.

## 24. Case of Cordero Bernal v. Peru

On August 16, 2019, the Inter-American Commission submitted this case to the Court. It relates to a series of presumed violations in the context of the disciplinary procedure that culminated in the dismissal of Héctor Fidel Cordero Bernal from his position as a judge of the Criminal Court of the city of Huánuco, Peru, in 1996, as the result of a decision in which he granted a prisoner unconditional release.

## 25. Case of Vera Rojas v. Chile

On September 6, 2019, the Inter-American Commission submitted this case to the Court. It relates to the presumed responsibility of the State for the lack of regulation, control and adequate complaints system to monitor the decision to remove medical treatment from the child, Martina, added to the lack of protection in the context of the State's position as guarantor of the rights of the child, resulting in risks to her life and health contrary to its obligations in the area of social security. It is alleged that the State of Chile permitted, and validated judicially, by a judgment of the Supreme Court of Justice of January 26, 2011, the decision of the health insurance company (Isapre MásVida) to unilaterally and arbitrarily end the essential regime of "home hospitalization" that the child Martine Vera, diagnosed with Leigh syndrome, required for her survival.

## 26. Case of Pavez Pavez v. Chile

On September 11, 2019, the Inter-American Commission submitted this case to the Court. It relates to the presumed international responsibility of the State of Chile for the disqualification of Sandra Cecilia Pavez Pavez from working as a teacher of religion in a public education establishment – a position that she had held for more than 22 years – supposedly based on her sexual orientation.

## 27. Case of Villarroel Merino et al. v. Ecuador

On September 13, 2019, the Inter-American Commission submitted this case to the Court. It relates to the presumed unlawful and arbitrary detention of the then officers of the National Police, Jorge Villarroel Merino, Mario Rommel Cevallos Moreno, Jorge Coloma Gaybor, Fernando López Ortiz, Amilcar Ascazubi Albán and Patricio Vinuesa Pánchez in May 2003, as well as the violation of judicial guarantees committed in the proceedings instituted against them for the offense of embezzlement.

## 28. Case of Ochoa et al. v. Mexico

On October 2, 2019, the Inter-American Commission submitted this case to the Court. It relates to the presumed lack of a diligent and effective investigation into the death of the human rights defender, Digna Ochoa and Plácido, on October 19, 2001. It is alleged that her death occurred in a context of threats and attacks against human rights defenders, which was also marked by the high rates of impunity in cases that involved members of the armed forces.

## 29. Case of Ríos Ávalos et al. v. Paraguay

On October 3, 2019, the Inter-American Commission submitted this case to the Court. It relates to the alleged responsibility of the State for the presumed violations of judicial guarantees in the context of the political trial against Bonifacio Ríos Ávalos. It is alleged that he had not been allowed to challenge the disciplinary organ – in other words, question its impartiality – which was particularly important in this case because the victims alleged that the procedure was based on discriminatory grounds. It is also alleged that the principles of judicial independence, legality, and the right to have duly reasoned decisions had been violated, because the decision that dismissed the victims had not included the reasons and merely indicated that the motion to remove them was adopted. In addition, it is alleged that the State had violated the right to appeal the judgment and the right to judicial protection, because the regulations for processing a political trial established that the decisions of the Senate, sitting as a court, cannot be appealed. Despite this, the victims had filed actions on unconstitutionality, which had been decided in their favor by the Supreme Court of Justice on December 30, 2009, more than six years later, without the State having justified this delay.

## 30. Case of Urrutia et al. v. Ecuador

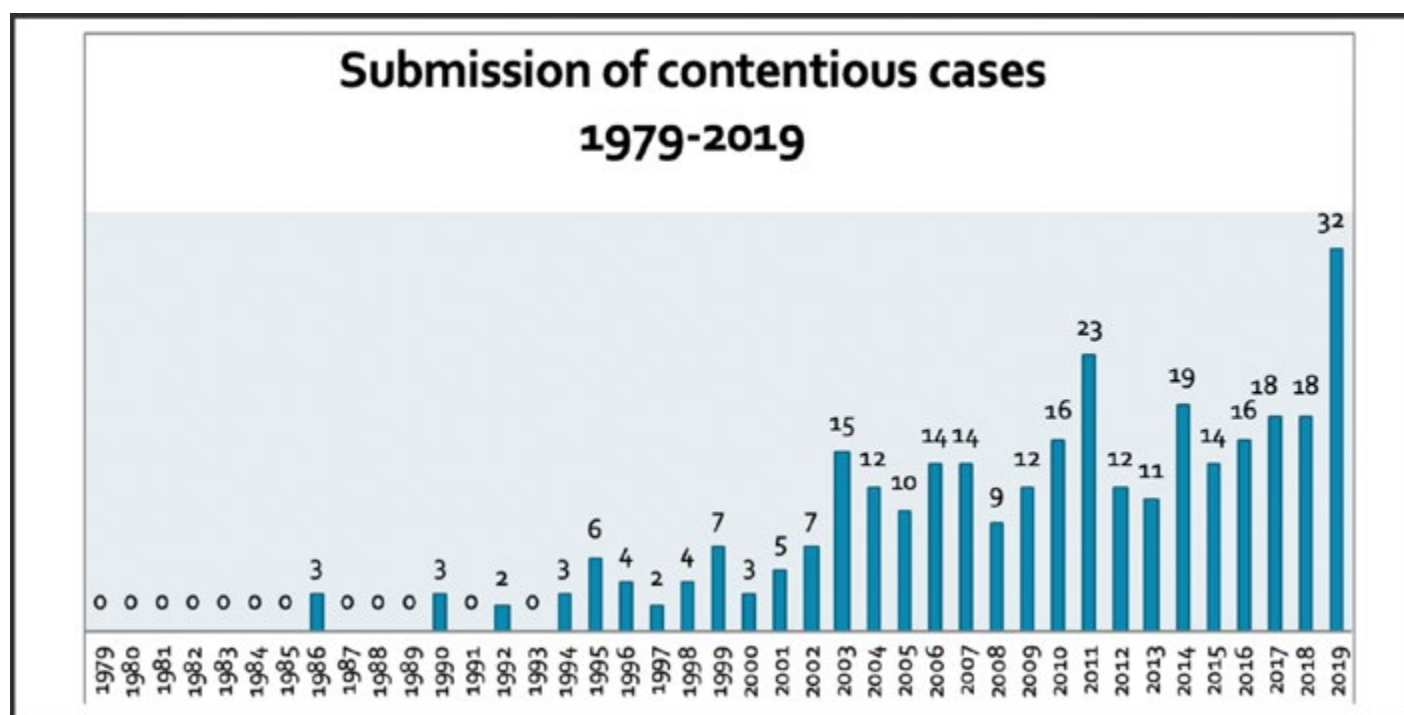
On October 16, 2019, the Inter-American Commission submitted this case to the Court. It relates to a series of presumed human rights violations resulting from the criminal proceedings filed by a former President against the journalist, Emilio Palacios Urrutia, and the executives of the newspaper, El Universo, Carlos Nicolás Pérez Lapentti, César Enrique Pérez Barriga and Carlos Eduardo Pérez Barriga, based on the publication of an opinion piece on a matter of great public interest in relation to the events surrounding the political crisis of September 2010 in Ecuador and the actions of the former President and other authorities during this crisis.

### 31. Case of Julien-Grisonas et al. v. Argentina

On December 4, 2019, the Inter-American Commission submitted this case to the Court. It relates to the presumed international responsibility of the State for the alleged forced disappearance of Mario Roger Julien Cáceres and Victoria Lucía Grisonas Andrijauskaite during a police and military operation on September 26, 1976, at the time of the Argentina dictatorship. The case also refers to the alleged lack of adequate investigation, punishment and reparation in relation to these facts, as well as for the presumed torture, forced disappearance from September 26, 1976, to August 2, 1979, and other violations to the detriment of Anatole and Victoria, the couple's children as a result of this same operation.

### 32. Case of the Teachers of Chañaral and other municipalities v. Chile

On December 13, 2019, the Inter-American Commission submitted this case to the Court. It relates to the presumed violation of the right to judicial protection owing to the failure to comply with 13 final judgments delivered in favor of 848 teachers in the context of the municipalization of the education system and the transfer of teachers to the private sector during the military regime in Chile in the 1980s. The said judgments included sums that the corresponding municipalities should have paid the teachers for social security contributions.



## B. Hearings

In 2019, eighteen public hearings on contentious cases were held. During these hearing, oral testimony was received from 15 presumed victims, 8 witnesses, 19 expert witnesses and 3 deponents for information purposes, for a total of 45 statements.

Hearings are livestreamed on the Court's website: <http://www.corteidh.or.cr> and are archived for public consultation in the same place.



## C. Judgments

During 2019, the Court delivered 25 judgments, including 21 judgments on preliminary objections, merits, reparations and costs, and four interpretation judgments.

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

# THE COURT'S HEARINGS AND JUDGMENTS

## HEARINGS

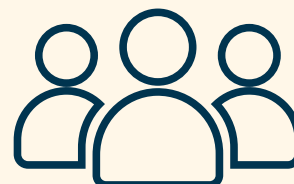


18

public hearings on  
contentious cases

45 Oral testimony divided into:

- 15 Presumed Victims
- 8 Witnesses
- 19 Expert witnesses
- 3 Deponents for information purposes



- 21 Judgments on preliminary objections, merits, reparations and costs
- 4 Interpretation judgments

## JUDGMENTS



25

Judgments

### C.1. Judgments in contentious cases

Case of Colindres Schonenberg v. El Salvador. Merits, Reparations and Costs. Judgment of February 4, 2019.

**Summary:** This case was submitted by the Inter-American Commission on September 8, 2017, and relates to the arbitrary dismissal of Eduardo Benjamín Colindres Schonenberg from his position as justice of the Supreme Electoral Tribunal because he was removed by an organ without competence and in the absence of a previously established procedure.



**Ruling:** The Court declared that El Salvador was internationally responsible for the violation of the rights of Mr. Colindres Schonenberg to judicial guarantees, judicial protection, and to remain in the position in equal conditions, and also the obligations to respect and ensure rights and to adopt domestic legal provisions.

The Judgment can be found [here](#) (Only in Spanish) and the official summary [here](#) (Only in Spanish).

### Case of Villaseñor Velarde et al. v. Guatemala. Merits, Reparations and Costs. Judgment of February 5, 2019.

**Summary:** This case was submitted by the Inter-American Commission on March 15, 2017, and relates to acts of intimidation and threats against María Eugenia Villaseñor Velarde, when she was a judge during the 1990s and up until 2013, as well as the lack of effective measures of protection and an investigation to clarify these facts and to identify and punish those responsible.

**Ruling:** The Court declared that the State of Guatemala was internationally responsible for the violation of the rights to personal integrity, to judicial guarantees and to judicial protection of María Eugenia Villaseñor Velarde. The Court also determined that the State was not responsible for the violation of the right to personal integrity of Beatriz Eugenia Villaseñor Velarde, Francis Antonio Villaseñor Velarde and Rosa Antonieta Villaseñor Velarde, who are, respectively, Mrs. Villaseñor's daughter, sister and brother. In addition, the Court did not find that Guatemala was responsible for the violation of the right to protection of honor and dignity in relation to any of those named.

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

### Case of Muelle Flores v. Peru. Preliminary Objections, Merits, Reparations and Costs. Judgment of March 6, 2019.

**Summary:** This case was submitted by the Inter-American Commission on July 13, 2017, and relates to the violation of the right to effective judicial protection as the result of failure to comply, for 24 years, with a judicial ruling on an application for amparo in favor of Mr. Muelle Flores ordering his reincorporation into the pension regime under Decree Law No. 20530.

**Ruling:** The Court declared the international responsibility of the State del Peru for the violation of the rights recognized in Articles 8(1), 25(1), 25(2)(c), 26, 5, 11(1), 21(1), and 21(2) of the American Convention, in relation to Article 1(1), to the detriment of Oscar Muelle Flores. In addition, it found the State responsible for the violation to adopt domestic legal provisions established in Article 2 of the American Convention, to the detriment of Oscar Muelle Flores.

The judgment can be found [here](#) (Only in Spanish) land the official summary [here](#) (Only in Spanish).

### Case of Martínez Coronado v. Guatemala. Merits, Reparations and Costs. Judgment of May 10, 2019.

**Summary:** This case was submitted by the Inter-American Commission on November 30, 2017, and relates to a series of violations of due process committed during the criminal proceedings against Manuel Martínez Coronado for the murder of seven persons in the village of El Palmar on May 16, 1995.

**Ruling:** The Court declared the State of Guatemala responsible for: (i) violation of the principle of legality established in Article 9 of the American Convention on Human Rights, in relation to the obligation to ensure rights established in Articles 1(1) and 2 of the Convention, and violation of Articles 4(1) and 4(2) of the American Convention on Human Rights, in relation to the obligation to ensure rights established in Article 1(1), and (ii) violation of the right to judicial guarantees established in Articles 8(2)(c) and 8(2)(e) of the American Convention on Human Rights, in relation to the obligation to ensure rights established in Article 1(1) of the Convention, all to the detriment of Manuel Martínez Coronado.

The judgment can be found [here](#) (Only in Spanish) and the official summary [here](#) (Only in Spanish)

### Case of Arrom Suhurt et al. v. Paraguay. Merits. Judgment of May 13, 2019.

**Summary:** This case was submitted by the Inter-American Commission on December 12, 2017, and relates to the alleged forced disappearance and torture of Juan Francisco Arrom Suhurt and Anuncio Martí Méndez, leaders of the political party *Patria Libre*, between January 17 and 30, 2002.

**Ruling:** The Court declared that the State of Paraguay was not internationally responsible for the presumed forced disappearance of Juan Francisco Arrom Suhurt and Anuncio Martí Méndez. Consequently, it did not find the State responsible for the violation of: (i) Articles 3, 4, 5 and 7 of the American Convention in relation to Article 1(a) of the Inter-American Convention on Forced Disappearance of Persons and Articles 1 and 6 of the Inter-American Convention to Prevent and Punish Torture; (ii) the violation of Articles 8(1) and 25(1) of the American Convention in relation to Article 1(1) of this instrument, Article I(b) of the Inter-American Convention on Forced Disappearance of Persons and Articles 1, 6, and 8 of the Inter-American Convention to Prevent and Punish Torture, and (iii) the violation of Article 5 in relation to Article 1(1) of the American Convention. Since it had not established the international responsibility of the State, the Court considered that it was not in order to rule on reparations, costs and expenses.

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

### Case of Álvarez Ramos v. Venezuela. Preliminary Objection, Merits, Reparations and Costs. Judgment of August 30, 2019.

**Summary:** This case was submitted by the Inter-American Commission July 5, 2017, and relates to the international responsibility of the State of Venezuela in the criminal proceedings against Mr. Alvarez Ramos for the crime of “ongoing aggravated defamation.”

**Ruling:** The Court declared that the State of Venezuela was internationally responsible for the violation of the rights of Tulio Álvarez Ramos to freedom of expression, to participate in government, freedom of movement, judicial guarantees and judicial protection owing to the criminal proceedings filed against him and his consequent conviction based on the publication of an opinion piece regarding supposed irregularities in the administration of the Savings Fund of the Venezuelan National Assembly.

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

### Case of Gorigoitia v. Argentina. Preliminary Objection, Merits, Reparations and Costs. Judgment of September 2, 2019

**Summary:** This case was submitted by the Inter-American Commission on March 16, 2018, and relates to the inexistence of an ordinary remedy permitting the full review of the judgment convicting Oscar Raúl Gorigoitia for the crime of simple homicide in criminal proceedings in the province of Mendoza, Argentina, in 1997.

**Ruling:** The Court declared the international responsibility of the State of Argentina for the violation of the right of Oscar Raúl Gorigoitia to appeal the judgment before a higher judge or court and for failing to comply with the obligation to adopt domestic legal provisions in relation to the regulation of the remedy of cassation in the province of Mendoza at the time the facts of the case occurred.

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

### Case of Rico v. Argentina. Preliminary Objection and Merits. Judgment of September 2, 2019.

**Summary:** This case was submitted by the Inter-American Commission on November 10, 2017, and relates to the alleged international responsibility of the State owing to the dismissal of Eduardo Rico as a judge of the 6th Labor Court of the San Isidro Judicial District in Argentina.

**Ruling:** The Court declared that the State of Argentina was not responsible for the violation of judicial guarantees (Article 8), the principle of legality (Article 9), the right to participate in government (Article 23), and the right to judicial protection (Article 25), all of the American Convention, to the detriment of Mr. Rico in the context of the proceedings to

dismiss him from his position as a labor judge before a jury for the prosecution of magistrates, and the appeals against that decision filed before the Supreme Court of Justice of Buenos Aires and before the Supreme Court of Justice of the Nation.

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

### Case of Perrone and Preckel v. Argentina. Preliminary Objections, Merits, Reparations and Costs. Judgment of October 8, 2019.

**Summary:** This case was submitted by the Inter-American Commission on October 19, 2017, and relates to the violation of the right to judicial guarantees and judicial protection in the administrative and judicial proceedings filed by Elba Clotilde Perrone and Juan José Preckel to require the payment of salaries and social benefits they failed to receive from the State entity for which they worked, as a result of their arbitrary deprivation of liberty by State agents in 1976 during the military dictatorship.

**Ruling:** The Court declared that the State of Argentina was responsible for violating the guarantee of a reasonable time established in Article 8(1) of the American Convention to the detriment of Elba Clotilde Perrone and Juan José Preckel. In addition, the Court concluded that the State was not responsible for the violation of Articles 8(1) and 25 of the American Convention, in relation to the general obligations established in Article 1(1) of this instrument, with regard to Elba Clotilde Perrone and Juan José Preckel, due to the inappropriate reasoning of the judicial decisions that rejected their claims or for the lack of access to an effective judicial remedy.

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

### Case of Ruiz Fuentes et al. v. Guatemala. Preliminary Objection, Merits, Reparations and Costs. Judgment of October 10, 2019.

**Summary:** This case was submitted by the Inter-American Commission on November 30, 2017, and relates to a series of violations of due process committed in the criminal proceedings against Hugo Humberto Ruiz Fuentes for the crime of kidnapping, which culminated in sentencing him to death. The case also relates to the acts of torture perpetrated at the time of his detention.

**Ruling:** The Court declared the international responsibility of the State of Guatemala for: (i) imposing the death penalty on Hugo Humberto Ruiz Fuentes; (ii) his subsequent death after escaping from the “El Infiernito” prison in 2005; (iii) the acts of torture to which he was subjected at the time of his detention on August 6, 1997; (iv) the violation of the right to judicial guarantees in the proceedings that culminated in the death sentence; (v) subjecting him to the phenomenon known as “death row”; (vi) the violation of the right to judicial guarantees and judicial protection owing to the absence of a proper investigation into the torture and subsequent death of Mr. Ruiz Fuentes, and (vii) the violation of the right to personal integrity of his sister. Consequently, the Court concluded that the State of Guatemala was responsible for violating the rights recognized in Articles 2, 4(1), 4(2), 4(6), 5(1), 5(2), 8(1), 8(2)(c), 8(2)(h), and 25 of the American Convention, in relation to Article 1(1), and also of Articles 1, 6 and 8 of Inter-American Convention to Prevent and Punish Torture to the detriment of Mr. Ruiz Fuentes. It also concluded that the State was responsible for the violation of Article 5(1) of the American Convention, in relation to Article 1(1) of this instrument, to the detriment of the sister of Mr. Ruiz Fuentes.

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

### Case of Valenzuela Ávila v. Guatemala. Merits, Reparations and Costs. Judgment of October 11, 2019.

**Summary:** This case was submitted by the Inter-American Commission on May 10, 2018, and relates to a series of violations of due process committed in the criminal proceedings against Tirso Román Valenzuela Ávila for the crime of murder, which culminated in sentencing him to death, as well as the alleged acts of torture perpetrated at the time of his detention and after he was recaptured following two escape attempts in 1998 and 2001.

**Ruling:** The Court declared that the State of Guatemala was responsible for: (a) violation of the right to judicial guarantees in the context of the proceedings that culminated in the sentencing of Tirso Román Valenzuela Ávila to the death penalty; (b) violation of the right to judicial guarantees and judicial protection owing to the absence of a proper investigation into the torture; (c) violation of judicial guarantees and judicial protection owing to the failure to investigate his death; (d) violation of the right to life and the principle of legality owing to the death penalty based on “future dangerousness”; (e) violation of the right to life owing to the victims death following his escape from the “El Infiernito” prison in 2005; (f) acts of torture to which he was subjected at the time of his detention on May 27, 1998, and on June 17 and 18, 2001, and the cruel, inhuman and degrading treatment that he suffered by not receiving adequate medical care; (g) violation of personal privacy owing to the rape he suffered, and (h) violation of his integrity owing to subjecting him to the phenomenon known as “death row.” Consequently, the Court concluded that the State was responsible for the violation of the rights recognized in Articles 1(1), 2, 4(1), 4(2), 5(1), 5(2), 7(1), 7(2), 7(5), 8(1), 8(2), 8(2)(g), 8(2)(h), 9, 11(1) and 25(1) of the American Convention on Human Rights and Articles 1, 6 and 8 of the Inter-American Convention to Prevent and Punish Torture, to the detriment of Mr. Valenzuela Ávila.

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

### Case of Rodríguez Revolorio et al. v. Guatemala. Preliminary Objection, Merits, Reparations and Costs. Judgment of October 14, 2019.

**Summary:** This case was submitted by the Inter-American Commission on January 26, 2018, and relates to a series of violations of due process committed during the criminal proceedings against the victim for the crime of kidnapping that culminated in sentencing him to death, as well as the alleged acts of torture perpetrated at the time of his detention.

**Ruling:** The Court declared the international responsibility of the State of Guatemala for: (i) imposing the death penalty on Aníbal Archila Pérez; (ii) violation of the right to personal integrity of Miguel Ángel Rodríguez Revolorio, Miguel Ángel López Calo and Aníbal Archila Pérez owing to the prison conditions in which they were kept and subjecting them to the phenomenon known as “death row,” and (iii) violation of the right to appeal the judgment. Consequently, the Court concluded that the State of Guatemala was responsible for the violation of the rights recognized in Articles 2, 4(2), 8(2)(h) and 9 of the American Convention, in relation to Article 1(1), as well as Articles 5(1), 5(2) in relation to Articles 1(1) and 6 of the Inter-American Convention to Prevent and Punish Torture. The Court also concluded that the State was not responsible for the violation of the right to life and the principle of legality established in Articles 4(1), 4(2) and 9 of the American Convention to the detriment of Miguel Ángel Rodríguez Revolorio and Miguel Ángel López Calo, or for the alleged violation of Articles 8(1) and 8(2) of the American Convention, to the detriment of Miguel Ángel Rodríguez Revolorio, Miguel Ángel López Calo and Aníbal Archila Pérez.

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

### Case of Rosadio Villavicencio v. Peru. Preliminary Objections, Merits, Reparations and Costs. Judgment of October 14, 2019.

**Summary:** This case was submitted by the Inter-American Commission on September 22, 2017, and relates to a series of violations of judicial guarantees, the principle of *ne bis in idem* and personal liberty in the ordinary criminal proceedings, the military criminal proceedings and the military disciplinary procedure conducted against Mr. Rosadio Villavicencio.

**Ruling:** The Court established that the State had violated: (a) the principle of *ne bis in idem* in relation to the ordinary and the military criminal proceedings; (b) the right to have prior detailed information on the charges and of the reasons for the detention during the military criminal proceedings, the ordinary criminal proceedings, and the military disciplinary procedure; (c) the guarantee of an impartial judge during the military criminal proceedings, and (d) the right not to be subjected to arbitrary detention and the presumption of innocence owing to the preventive detention to which Mr. Rosadio Villavicencio was subjected during the ordinary criminal proceedings and the military criminal proceedings. However, the Court declared that the State of Peru was not responsible for the violation of: (a) the principle of *ne bis in idem* in relation to the disciplinary procedure; (b) the right to the presumption of innocence in the context of the military disciplinary procedure; (c) the principle of legality in the military disciplinary procedure; (d) the obligation to provide the reasons for judgments in the context of the ordinary criminal proceedings; (e) the right to defense counsel in the military criminal proceedings, and (f) Article 7(6) and 25 of the Convention.

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

### Case of Girón et al. v. Guatemala. Preliminary Objection, Merits, Reparations and Costs. Judgment of October 15, 2019.

**Summary:** This case was submitted by the Inter-American Commission on November 30, 2017, and relates to a presumed series of violations of due process committed in the context of the criminal proceedings against the presumed victims, which culminated in sentencing them to death and their execution by a firing squad, which was televised.

**Ruling:** The Court declared the State of Guatemala responsible for: (a) imposing the death penalty and the execution by firing squad of Roberto Girón and Pedro Castillo Mendoza; (b) having subjected to them to “death row” and transmitted their execution by television, and (c) violation of the right to judicial guarantees owing to the absence of defense counsel at the start of the criminal proceedings and, then, assigning law students to defend them. Consequently, the Court concluded that the State was responsible for the violation of the rights recognized in Articles 2, 4(1), 4(2), 5(1), 5(2), 8(2)(d), and 8(2)(e) of the Convention Americana, in relation to Article 1(1) of the Convention, to the detriment of Roberto Girón and Pedro Castillo Mendoza.

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

### Case of Romero Feris v. Argentina. Merits, Reparations and Costs. Judgment of October 15, 2019.

**Summary:** This case was submitted by the Inter-American Commission on June 20, 2018, and relates to the unlawful and arbitrary detention of Raúl Rolando Romero Feris in Argentina in 1999, as well as for the violations of due process in the criminal proceedings against him.

**Ruling:** The Court declared that the State of Argentina was responsible for the violation of personal liberty (Article 7) and the presumption of innocence (Article 8(2)) both of the American Convention, due to the unlawful and arbitrary detention of Raúl Rolando Romero Feris. However, the Court found that the State had not violated the right to judicial protection during the four criminal actions instituted against him.

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

### Case of Díaz Loreto et al. v. Venezuela. Preliminary Objections, Merits, Reparations and Costs. Judgment of November 19, 2019.

**Summary:** This case was submitted by the Inter-American Commission on December 6, 2017, and relates to the violation of the right to life of Robert Ignacio Díaz Loreto, David Octavio Díaz Loreto, and Octavio Ignacio Díaz Álvarez, owing to events that resulted in their death at the hands of police officers of Aragua state.

**Ruling:** The Court declared that the State of Venezuela was responsible for the violation of the right to life (Article 4 of the American Convention) to the detriment of Robert Ignacio Díaz Loreto, David Octavio Díaz Loreto, and Octavio Ignacio Díaz Álvarez owing to events that resulted in their death at the hands of police officers of Aragua state. It also found the State responsible for violating the rights to personal integrity and personal liberty (Articles 5 and 7 of the American Convention) of Robert Ignacio Díaz Loreto due to the facts that occurred when he was placed in a police vehicle after being injured. In addition, the Court indicated that the State had violated the guarantees of due process (Article 8(1) of the Convention) and the right to personal integrity of the next of kin of Robert Ignacio Díaz Loreto, David Octavio Díaz Loreto and Octavio Ignacio Díaz Álvarez because it had not complied with its duty to investigate, because of the suffering they were caused by these deaths, and because of the acts of intimidation and the threats of which they were victims as a result of the facts.

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



### Case of Gómez Virula et al. v. Guatemala. Preliminary Objection, Merits, Reparations and Costs. Judgment of November 21, 2019.

**Summary:** This case was submitted by the Inter-American Commission on November 17, 2017, and relates to the violation of the rights to judicial guarantees and judicial protection of Alexander Yovany Gómez Virula, Antonio Gómez Areano and Paula Virula Dionicio.

**Ruling:** The Court declared that the State of Guatemala was responsible for the violation of the rights to judicial guarantees and judicial protection of Alexander Yovany Gómez Virula, Antonio Gómez Areano and Paula Virula Dionicio. In addition, the Court concluded that the State had not violated the rights to life, personal integrity, personal liberty, and freedom of association of Mr. Gómez Virula, or the right to personal integrity of Antonio Gómez Areano and Paula Virula Dionicio.

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

### Case of the National Association of Discharged and Retired Employees of the National Tax Administration Superintendence (ANCEJUB-SUNAT) v. Peru. Preliminary Objections, Merits, Reparations and Costs. Judgment of November 21, 2019.

**Summary:** This case was submitted by the Inter-American Commission on September 15, 2017, and relates to the violations of various social rights committed to the detriment of 598 members of the National Association of Discharged and Retired Employees of the National Tax Administration Superintendence (ANCEJUB-SUNAT).

**Ruling:** The Court declared that the State of Peru was responsible for the unjustified delay in executing the judgment of the Constitutional and Social Law Chamber of the Supreme Court of Justice of October 25, 1993, which constituted a violation of the right to an effective judicial remedy and the guarantee of a reasonable time (Articles 8 and 25). In addition, the Court determined that the State had failed to comply with its obligation to ensure the right to social security by failing to pay the reimbursements ordered by the said judgment, and also for not have provided the victims with sufficient information on their right to a pension, and for the effect that this had on the exercise of other rights. Lastly, the Court concluded that the violation of the rights to judicial guarantees, judicial protection and social security had had an impact on the victims' rights to a decent life and to property.

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

### Case of Hernández v. Argentina. Preliminary Objection, Merits, Reparations and Costs. Judgment of November 22, 2019.

**Summary:** This case was submitted by the Inter-American Commission on February 8, 2018, and relates to the violation of the rights to personal integrity, health, personal liberty, the presumption of innocence, and to judicial guarantees of José Luis Hernández, as well as the right to personal integrity of his mother, Raquel San Martín de Hernández.

**Ruling:** The Court declared that the State of Argentina was responsible because the personal integrity and health of Mr. Hernández, who suffered from tuberculous meningitis, were violated as a result of his detention conditions, as well as owing to the lack of adequate medical care (Article 5). In addition, the Court determined that the application of preventive detention did not have a legitimate purpose and constituted prejudgment in violation of the rights to personal liberty and the presumption of innocence (Articles 7 and 8). Furthermore, the Court concluded that the failure to comply with the orders addressed at guaranteeing the right to health of Mr. Hernández constituted a violation of the right to judicial protection (Article 25). Lastly, the Court concluded that the State had violated the right to personal integrity of the mother of Mr. Hernández.

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

### Case of López et al. v. Argentina. Preliminary Objections, Merits, Reparations and Costs. Judgment of November 25, 2019.

**Summary:** This case was submitted by the Inter-American Commission on January 11, 2018, and relates to the violation of the rights to humane and decent treatment, to the punishment being addressed at re-socialization, not to suffer arbitrary interference in family life, and to the protection of the family.

**Ruling:** The Court declared the international responsibility of the State of Argentina for violating the rights to personal integrity, to the essential purpose of the punishment being the social rehabilitation of the person convicted, not to be subject to arbitrary or abusive interference in private and family life, and to the rights of the family established in Articles 5(1), 5(6), 11(2) and 17(1) of the American Convention on Human Rights, to the detriment of Néstor López, Hugo Blanco, José Muñoz Zabala and Miguel Ángel González. It also declared that the State was responsible for violating the prohibition of the punishment affecting persons other than the offender, the rights to personal integrity and not to suffer arbitrary interference in private and family life, and the rights of the family, to the detriment of certain members of the families of Messrs. López and Blanco.

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

### Case of Jenkins v. Argentina. Preliminary Objections, Merits, Reparations and Costs. Judgment of November 26, 2019.

**Summary:** This case was submitted by the Inter-American Commission on September 22, 2017, and relates to the international responsibility of the State of Argentina for the arbitrary deprivation of liberty of Gabriel Oscar Jenkins from June 8, 1994, to November 13, 1997, in the context of the case known as “Padilla Echeverry et al.” before the 6th Federal Oral Criminal Court for the offenses of drug-trafficking and unlawful association, of which he was finally acquitted.

**Ruling:** The Court declared the international responsibility of the State of Argentina for: (i) the failure to provide the reasons for the order requiring the preventive detention of Óscar Gabriel Jenkins; (ii) the duration of the preventive detention; (iii) the ineffectiveness of the remedies to contest the deprivation of liberty, and (iv) the violation of the reasonable time in the context of proceedings for damages and compensation. Consequently, the Court concluded that the State of Argentina was responsible for the violation of the rights recognized in Articles 7(1), 7(3), 7(6), 8(1) and 8(2), in relation to Article 1(1), as well as Articles 7(1), 7(3), 7(5), 8(2) and 24 of the American Convention, in relation to Articles 1(1) and 2, to the detriment of Mr. Jenkins.

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

## C.2. Interpretation judgments

### Case of Cuscul Pivaral et al. v. Guatemala. Interpretation of the Judgment on Preliminary Objection, Merits, Reparations and Costs. Judgment of May 14, 2019.

**Summary:** On January 23, 2019, the representatives presented a request for interpretation of the judgment in relation to a lack of clarity or precision regarding the identity of the victims of the violations declared in the judgment and the facts considered proven by the Court, specifically with regard to some of the next of kin of the victims in the case. The Court decided that the judgment was sufficiently clear as regards: the fact that some of the victims' next of kin are referred to in Annex 3 of the judgment does not signify that they must necessarily be included in Annex 2. The determination of whether the facts that occurred to the next of kin of the victims constituted violations of their personal integrity is a matter for assessment by the Court in light of Article 63(1) of the Convention, and is reflected in Chapter VIII-3 and consequently in Annex 2.

**Ruling:** The Court rejected the request presented by the victims' representatives for interpretation of the judgment on preliminary objection, merits, reparations and costs in the case of Cuscul Pivaral et al. v. Guatemala, as inappropriate, pursuant to paragraphs 15 to 17.

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

### Case of López Soto et al. v. Venezuela. Interpretation of the Judgment on Merits, Reparations and Costs. Judgment of May 14, 2019.

**Summary:** On February 15, 2019, the victims' representatives presented a request for interpretation of the judgment for the Court to clarify the fifteenth operative paragraph of the judgment.

**Ruling:** The Court rejected the request presented by the victims' representatives for Interpretation of the judgment on merits, reparations and costs in the case of López Soto et al. v. Venezuela, as inappropriate, pursuant to paragraphs 21, 22, 28 and 29.

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

### Case of Alvarado Espinoza et al. v. Mexico. Interpretation of the Judgment on Merits, Reparations and Costs. Judgment of August 30, 2019.

**Summary:** On March 14, 2019, the victims' representatives presented a request for interpretation concerning: (a) the scope and obligations relating to the determination of the whereabouts of Nitza Paola, José Ángel and Rocío Irene Alvarado, and (b) the scope and time frame of the measure relating to the register of disappeared persons.

**Ruling:** The Court declared the request for interpretation of the judgment on merits, reparations and costs in the case of Alvarado Espinoza et al. v. Mexico, presented by the victims' representatives, admissible, and decided: (a) to clarify the second question raised as established in paragraph 24 of the interpretation judgment. However, it rejected as inappropriate the request for interpretation presented by the victims' representatives with regard to the first question, pursuant to paragraphs 18, 25, and 26 of this judgment.

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

### Case of Omeara Carrascal et al. v. Colombia. Interpretation of the Judgment on Merits, Reparations and Costs. Judgment of October 14, 2019.

**Summary:** On March 18, 2019, the victims' representatives presented a request for interpretation to clarify the scope of the provision establishing the payment, in equity, for indirect damage. Also, on March 18, 2019, the State submitted a request for interpretation regarding the investigation of the alleged acts of torture with regard to Manuel Guillermo Omeara Miraval.

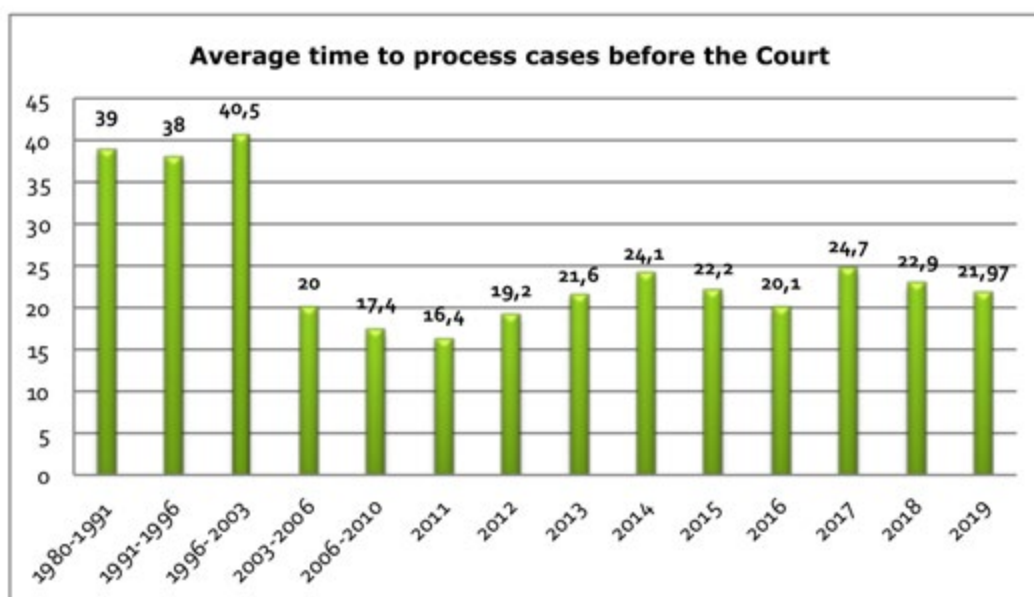
**Ruling:** The Court rejected both requests for interpretation of the judgment on merits, reparations and costs in the case of Omeara Carrascal et al. v. Colombia, as inappropriate, specifically the request presented by the victims' representatives pursuant to paragraphs 14 and 15 of the judgment, and the State's request pursuant to its paragraphs 18 to 20.

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

## 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 2019, the average time required to process cases before the Court was 21,97 months.



Average time to process cases before the Court in 2019			
Case	Submission of cases by IACHR	Judgment delivered by the Court	Months (approx)
Colindres Schonenberg v. El Salvador	08-09-2017	04-02-2019	16.90
Villaseñor Velarde et al. v. Guatemala	15-03-2017	05-02-2019	22.75
Muelle Flores v. Peru	13-07-2017	06-03-2019	19.76
Martínez Coronado v. Guatemala	30-11-2017	10-05-2019	17.29
Arrom Suhurt et al v. Paraguay	12-12-2017	13-05-2019	17.00
Álvarez Ramos v. Venezuela	05-07-2017	30-08-2019	25.84
Gorigoitía v. Argentina	16-03-2017	02-09-2019	29.59
Rico v. Argentina	10-11-2017	02-09-2019	21.73
Perrone and Preckel v. Argentina	19-10-2017	08-10-2019	23.64
Ruiz Fuentes et al. v. Guatemala	30-11-2017	10-10-2019	22.32
Valenzuela Ávila v. Guatemala	10-05-2018	11-10-2019	17.06
Rodríguez Revolorio et al. v. Guatemala	26-01-2018	14-10-2019	20.59
Rosadio Villavicencio v. Peru	22-09-2017	14-10-2019	24.72
Girón et al. v. Guatemala	30-11-2017	15-10-2019	22.49
Romero Feris v. Argentina	20-06-2018	15-10-2019	15.85
Díaz Loreto et al. v. Venezuela	06-12-2017	19-11-2019	23.44
Gómez Virula et al. v. Guatemala	17-11-2017	21-11-2019	24.13
National Association of Discharged and Retired Employees of the National Tax Administration Superintendence v. Peru	15-09-2017	21-11-2019	26.20
Hernández v. Argentina	08-02-2018	22-11-2019	21.44
López et al. v. Argentina	11-01-2018	25-11-2019	22.46
Jenkins v. Argentina	22-09-2017	26-11-2019	26.14



# JUDGMENTS ON MERITS OR INTERPRETATION IN 2019



## ARGENTINA

- I/A Court H.R., Case of Gorioitía v. Argentina. Preliminary objection, merits, reparations and costs. Judgment of September 2, 2019. Series C No. 382.
- I/A Court H.R., Case of Rico v. Argentina. Preliminary objection and merits. Judgment of September 2, 2019. Series C No. 383.
- I/A Court H.R., Case of Perrone and Preckel v. Argentina. Preliminary objections, merits, reparations and costs. Judgment of October 8, 2019. Series C No. 384.
- I/A Court H.R., Case of Romero Feris v. Argentina. Merits, reparations and costs. Judgment of October 15, 2019. Series C No. 391.
- **I/A Court H.R., Case of Hernández v. Argentina. Preliminary objection, merits, reparations and costs. Judgment of November 22, 2019. Series C No. 395.**
- I/A Court H.R., Case of López et al. v. Argentina. Preliminary objections, merits, reparations and costs. Judgment of November 25, 2019. Series C No. 396.
- I/A Court H.R., Case of Jenkins v. Argentina. Preliminary objections, merits, reparations and costs. Judgment of November 26, 2019. Series C No. 397.

## COLOMBIA

- I/A Court H.R., Case of Omeara Carrascal et al. v. Colombia. Interpretation of the judgment on merits, reparations and costs. Judgment of October 14, 2019. Series C No. 389.

## EL SALVADOR

- I/A Court H.R., Case of Colindres Schonenberg v. El Salvador. Merits, reparations and costs. Judgment of February 4, 2019. Series C No. 373.

## GUATEMALA

- I/A Court H.R., Case of Villaseñor Velarde et al. v. Guatemala. Merits, reparations and costs. Judgment of February 5, 2019. Series C No. 374.
- I/A Court H.R., Case of Martínez Coronado v. Guatemala. Merits, reparations and costs. Judgment of May 10, 2019. Series C No. 376.
- I/A Court H.R., Case of Cuscul Pivaral et al. v. Guatemala. Interpretation of the judgment on preliminary objection, merits, reparations and costs. Judgment of May 14, 2019. Series C No. 378.
- I/A Court H.R., Case of Ruiz Fuentes et al. v. Guatemala. Preliminary objection, merits, reparations and costs. Judgment of October 10, 2019. Series C No. 385.
- I/A Court H.R., Case of Valenzuela Ávila v. Guatemala. Merits, reparations and costs. Judgment of October 11, 2019. Series C No. 386.
- I/A Court H.R., Case of Rodríguez Revolorio et al. v. Guatemala. Preliminary objection, merits, reparations and costs. Judgment of October 14, 2019. Series C No. 387.
- I/A Court H.R., Case of Girón et al. v. Guatemala. Preliminary objection, merits, reparations and costs. Judgment of October 15, 2019. Series C No. 390.
- I/A Court H.R., Case of Gómez Virula et al. v. Guatemala. Preliminary objection, merits, reparations and costs. Judgment of November 21, 2019. Series C No. 393.

## MEXICO

- I/A Court H.R., Caso Alvarado Espinoza y otros Vs. México. Interpretación de la Sentencia de Fondo, Reparaciones y Costas. Sentencia de 30 de agosto de 2019. Serie C No. 381.

## PARAGUAY

- I/A Court H.R., Case of Arrom Suhurt et al. v. Paraguay. Merits. Judgment of May 13, 2019. Series C No. 377.

## PERU

- I/A Court H.R., Case of Muelle Flores v. Peru. Preliminary objections, merits, reparations and costs. Judgment of March 6, 2019. Series C No. 375.
- I/A Court H.R., Case of Rosadio Villavicencio v. Peru. Preliminary objections, merits, reparations and costs. Judgment of October 14, 2019. Series C No. 388.
- I/A Court H.R., Case of the National Association of Discharged and Retired Employees of the National Tax Administration Superintendence (ANCEJUB-SUNAT) v. Peru. Preliminary objections, merits, reparations and costs. Judgment of November 21, 2019. Series C No. 394.

## VENEZUELA

- I/A Court H.R., Case of López Soto et al. v. Venezuela. Interpretation of the judgment on merits, reparations and costs. Judgment of May 14, 2019. Series C No. 379.
- I/A Court H.R., Case of Álvarez Ramos v. Venezuela. Preliminary objection, merits, reparations and costs. Judgment of 30 August de 2019. Series C No. 380.
- I/A Court H.R., Case of Díaz Loreto et al. v. Venezuela. Preliminary objections, merits, reparations and costs. Judgment of November 19, 2019. Series C No. 392.

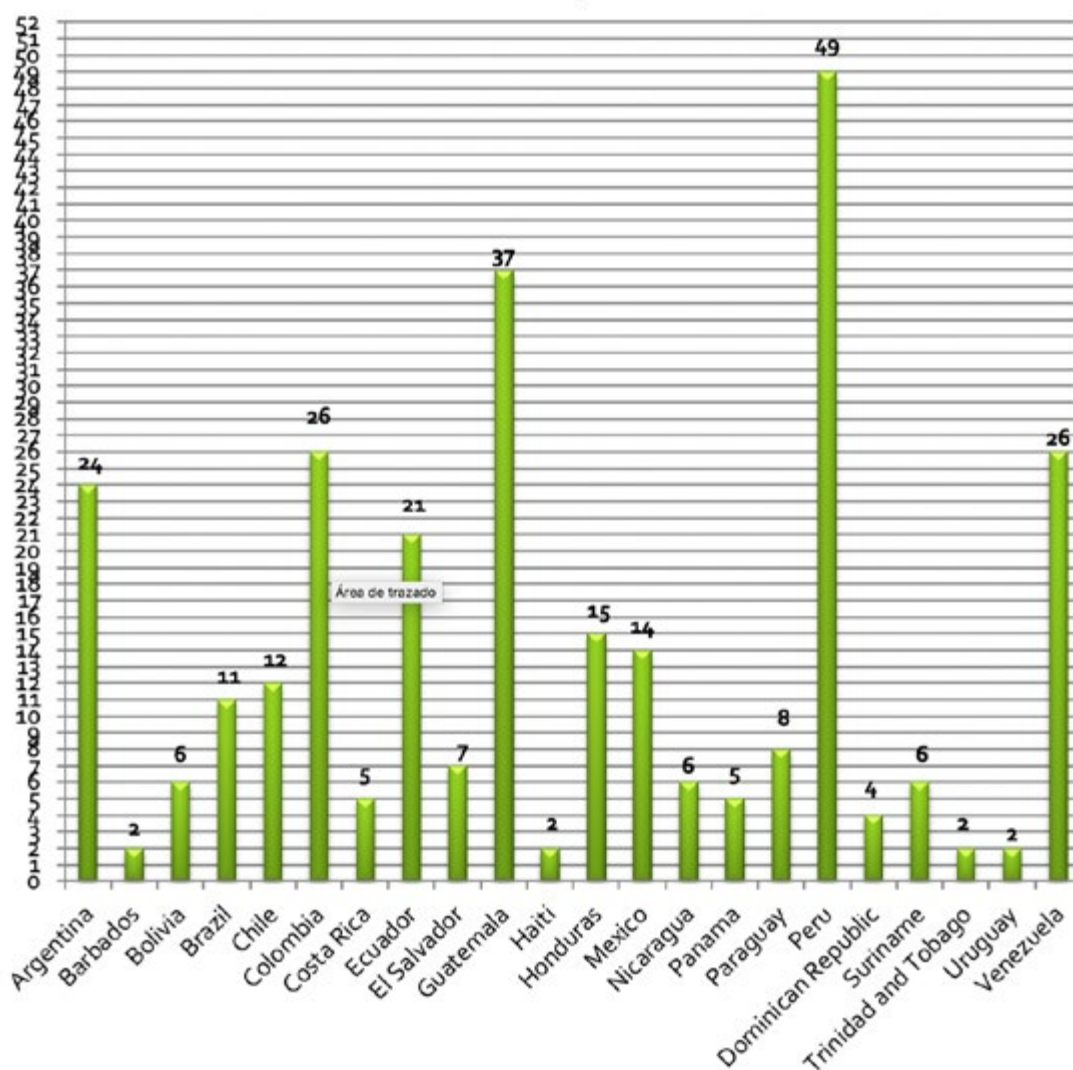
## E. Contentious cases being processed

At December 31, 2019, the following 43 cases were pending a decision by the Court:

No.	Name of the case	Date submitted
1	Indigenous Communities of the Lhaka Honhat (Our Land) Association v. Argentina	1-02-2018
2	Carranza Alarcón v. Ecuador	29-03-2018
3	Montesinos Mejía v. Ecuador	18-04-2018
4	Officials and Members of the Patriotic Union (UP) v. Colombia	29-06-2018
5	Noguera et al. v. Paraguay	02-07-2018
6	Petro Urrego v. Colombia	07-08-2018
7	Rojas Marín et al. v. Peru	22-08-2018
8	Valle Ambrosio et al. v. Argentina	04-09-2018
9	Employees of the Fireworks Factory in Santo Antônio de Jesus et al. v. Brazil	19-09-2018
10	Flóres Bedregal et al. v. Bolivia	18-10-2018
11	Fernández Prieto et al. v. Argentina	14-11-2018
12	Spoltore v. Argentina	23-01-2019
13	Urrutia Laubreaux v. Chile	01-02-2019
14	Guzmán Albarracín et al. v. Ecuador	07-02-2019
15	Mota Abarullo et al. v. Venezuela	29-03-2019
16	Olivares Muñoz et al. v. Venezuela	01-04-2019
17	Acosta Martínez et al. v. Argentina	18-04-2019
18	Roche Azaña et al. v. Nicaragua	24-04-2019
19	Hernández et al. v. Honduras	30-04-2019
20	Martínez Esquivia v. Colombia	21-05-2019
21	Lemoth Morris et al. v. Honduras	24-05-2019
22	Guerrero et al. v. Venezuela	24-05-2019
22	Masacre de la Aldea Los Josefinos Vs. Guatemala	10-07-2019
24	Guachalá Chimbo et al. v. Ecuador	11-07-2019
25	Barbosa de Souza et al. v. Brazil	11-07-2019
26	Bedoya Lima et al. v. Colombia	16-07-2019
27	Grijalva Bueno v. Ecuador	25-07-2019
28	Garzón Guzmán v. Ecuador	26-07-2019
29	National Federation of Maritime and Port Workers (FEMAPOR) v. Peru	26-07-2019
30	Manuela et al. v. El Salvador	29-07-2019
31	Casa Nina v. Peru	06-08-2019
32	Cuya Lavy et al. v. Peru	06-08-2019
33	Almeida v. Argentina	07-08-2019
34	González et al. v. Venezuela	08-08-2019
35	Cordero Bernal v. Peru	16-08-2019
36	Vera Rojas v. Chile	06-09-2019
37	Pavez Pavez v. Chile	11-09-2019

38	Villarreal Merino et al. v. Ecuador	13-09-2019
39	Ochoa et al. v. Mexico	02-10-2019
40	Ríos Avalos et al. v. Paraguay	03-10-2019
41	Urrutia et al. v. Ecuador	16-10-2019
42	Julien Grisonas et al. v. Argentina	04-12-2019
43	Teachers of Chañaral and other municipalities v. Chile	13-12-2019

**Total number of cases decided, by State, at the end of 2019**



# Monitoring compliance with judgments

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## 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<sup>60</sup>, 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, **223 cases**<sup>61</sup> are at the stage of monitoring compliance and this entails monitoring **11,153 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,<sup>62</sup> 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<sup>63</sup>. 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 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

<sup>60</sup> To understand the wide range of measures ordered by the Court, they can be grouped into the following forms of reparation: measures to ensure to the victims of the right violated: restitution, rehabilitation, satisfaction, search for the whereabouts and/or identification of the remains, guarantees of non-repetition, the obligation to investigate, prosecute and punish, as appropriate, those responsible for the human rights violations, compensation and reimbursement of costs and expenses.

<sup>61</sup> At December 2019, in approximately 25% of the cases at the monitoring stage (54 cases), one or two measures of reparation were pending. Most of these refer to reparations that are complex to execute, such as the obligation to investigate, prosecute and punish, as appropriate, those responsible for the human rights violations, the search for the whereabouts and/or identification of the remains, or guarantees of non-repetition, fundamentally those related to the adaptation of domestic law to international standards.

<sup>62</sup> The list of 223 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, as well as those in which this article was applied in 2019.

<sup>63</sup> 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.



which a significant dispute exists between the parties, and those to which they can give most attention and make most progress.

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, in recent years 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](http://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](http://www.corteidh.or.cr/cf/jurisprudencia2/casos_en_etapa_de_supervision.cfm)) (Only in Spanish), 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,
- the "Reparations" column that contains links to the "Reparations declared completed" (differentiating those partially completed from those totally completed) and "Reparations pending compliance," and
- the column of "public documents pursuant to Court Decision 1/19 of March 11, 2019."

Regarding the last point, it should be mentioned that, since mid-2019, the Court's above-mentioned webpage is publishing the information presented during the stage of monitoring compliance with judgments that relates to the execution of the guarantees of non-repetition ordered in the Court's judgments. In addition, the Court has also determined to publish information on the said guarantees of non-repetition that are presented by "other sources" that are not parties to the international proceedings, or by expert opinions pursuant to the application of Article 69(2) of the Court's Rules of Procedure<sup>64</sup>. This is because the Court adopted **Decision 1/19 on "Clarifications on the publication of information contained in the files of cases at the stage of monitoring compliance with judgment,"** in which it emphasized, among other matters, that compliance with its judgments could benefit from the involvement of organs, human rights organizations, and domestic courts that, with their terms of reference, could require the corresponding public authorities to execute the measures of reparation ordered in the judgments, in particular, the guarantees of non-repetition. To this end, it is essential that the Court provide access to information on the implementation of this type of measure of reparation. The complete text may be accessed [here](#).

During 2019, the Court continued to update the information on this webpage, which allows the different users of the inter-American system to have a simple and flexible tool to consult and to learn about the reparations that the Court is monitoring and those that have already been executed by the States, and to obtain updated information on the implementation status of the guarantees of non-repetition.

The home page ([www.corteidh.or.cr](http://www.corteidh.or.cr)) also includes a link to "Cases at the monitoring stage archived due to full compliance" ([http://www.corteidh.or.cr/cf/jurisprudencia2/casos\\_en\\_etapa\\_de\\_supervision\\_archivados\\_cumplimiento.cfm?lang=en](http://www.corteidh.or.cr/cf/jurisprudencia2/casos_en_etapa_de_supervision_archivados_cumplimiento.cfm?lang=en)) (Only in Spanish), which contains a table organized by State, in the chronological order in which the judgments were delivered, with the respective direct links to judgment that determined the reparations and the orders issued in each case during the stage of monitoring compliance until full execution. At the end of 2019, **35 cases** had been archived due to full compliance.

During 2019, the Inter-American Court held **16 hearings on monitoring compliance with judgments, at which it monitored compliance with the judgments in 30 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.

Three of these hearings were held at the seat of the Court in San José, Costa Rica, while the other 13 were held away from the seat: five in Argentina and eight in Colombia. Three of these hearings were public and thirteen were private. Also, three of these hearing were held jointly for, respectively, cases with regard to Dominican Republic<sup>65</sup>

<sup>64</sup> Article 69(2) of the Court's Rules of Procedure establishes: "The Court may require relevant information on the case from other sources of information in order to evaluate compliance. To that end, it may also request the expert opinions or reports it considers appropriate."

<sup>65</sup> Public hearing de monitoring Compliance with Judgment in the Case of the Girls Yean and Bosico v. Dominican Republic and Case expelled Dominicans and Haitians v. Dominican Republic.

and Colombia<sup>66</sup>, while the other 13 hearings monitored individual cases with regard to Argentina<sup>67</sup>, Colombia<sup>68</sup>, Guatemala<sup>69</sup>, Nicaragua<sup>70</sup> and Uruguay<sup>71</sup>.

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 2019, the Court issued **54 orders** in which it monitored compliance with the judgments handed down in **68 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 2019 had different contents and purposes:

- To monitor compliance in individual cases of all or several reparations ordered in a judgment<sup>72</sup>, including reimbursement of the 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;
- To close four cases following full compliance with the reparations ordered;
- To declare the non-compliance of two States with the obligation to report on the execution of the reparations in five cases. The Court issued four orders of this type; and
- To apply Article 65 of the American Convention to inform the OAS General Assembly of non-compliance of two States with regard to three judgments.

In addition to monitoring by means of the above-mentioned orders and hearings, during 2019, 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 92 of the 223<sup>73</sup> cases at the stage of monitoring compliance with judgment.

In 2019, the Court received 271 reports and attachments from the States in 113 of the 223<sup>74</sup> cases at the stage of monitoring compliance with judgment. This means that in many of these 113 cases, several reports were received during the year. Additionally, over the course of the year, the Court received 418 briefs with observations from either the victims or their legal representatives, or from the Inter-American Commission in 134 of the 223 cases at the stage of monitoring compliance with judgment. All these briefs were promptly forwarded to the other parties.

66 Joint private hearings on monitoring compliance with judgment in the cases relating to seeking the whereabouts of victims (*Case of Caballero Delgado and Santana v. Colombia*, *Case of Las Palmeras v. Colombia*, *Case of the 19 Tradersmen v. Colombia*, *Case of the Pueblo Bello Massacre v. Colombia*, *Case of Vereda La Esperanza v. Colombia* and *Case of Isaza Uribe et al. v. Colombia*) and relating to medical and psychological treatment (*Case of the 19 Traders v. Colombia*, *Case of Gutiérrez Soler v. Colombia*, *Case of the Mapiripán Massacre v. Colombia*, *Case of the Pueblo Bello Massacre v. Colombia*, *Case of the Ituango Massacres v. Colombia*, *Case of the La Rochela Massacre v. Colombia*, *Case of Escué Zapata v. Colombia*, *Case of Valle Jaramillo et al. v. Colombia* and *Case of Cepeda Vargas v. Colombia*).

67 Private monitoring hearing for: *Case of Torres Millacura et al. v. Argentina*, *Case of Furlan and family v. Argentina*, *Case of Fornerón and daughter v. Argentina*, *Case of Garrido and Baigorria v. Argentina*, *Case of Bueno Alves v. Argentina*, and *Case of Bulacio v. Argentina*.

68 Private monitoring hearing for: *Case of the 19 Tradersmen v. Colombia*, *Case of the Mapiripán Massacre v. Colombia*, *Case of Las Palmeras v. Colombia*, and *Case of Rodríguez Vera et al. (The Disappeared from the Palace of Justice) v. Colombia*.

69 Public monitoring hearing for the *Case of Molina Theissen v. Guatemala*.

70 Public monitoring hearing for the *Case of Acosta et al. v. Nicaragua*.

71 Private hearing for the *Case of Gelman v. Uruguay*.

72 In 2019, the Court declared full compliance and partial compliance or progress in compliance in the case of 81 measures of reparation. It also declared that the monitoring of three reparations had concluded.

73 The list of 223 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.

74 The list of 223 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.

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), in 2019, the Court monitored compliance in 100% of the 223 cases at the stage of monitoring compliance.

In addition, during 2019, the Court continued to implement the said mechanism of joint monitoring 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 cases against Guatemala;
- Measures to identify, transfer and grant title to the lands of three indigenous communities ordered in three cases against Paraguay;
- The provision of medical and psychological treatment to the victims in nine 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 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 cases against Barbados;
- Guarantees of non-repetition in two cases against Honduras concerning protection for human rights defenders, in particular environmentalists;
- 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 cases against Costa Rica; and
- The search for the whereabouts or identification of remains in six cases against Colombia.

## B. Hearings on monitoring compliance with judgment held in 2019

During 2019, the Inter-American Court held **16 hearings** on monitoring compliance with judgments, in the course of which I monitored compliance with judgment in **30 cases**. Of these hearings, three were public and held at the seat of the Court, while 13 were private and held away from its seat in Argentina and Colombia. Eleven of those hearings were held in the territory of the States responsible for the violations declared in the judgments being monitored.

### B.1. Hearings held at the seat of the Court

#### 1. Joint hearing for the Case of the Girls Yean and Bosico and Case of expelled Dominicans and Haitians, both against Dominican Republic

On February 8, 2019, during the 129th Regular Session, a public hearing was held on monitoring compliance with judgment. The purpose of the hearing was to receive updated information from Dominican Republic on compliance with the two pending measures of reparation in the *Case of the Girls Yean and Bosico*, concerning the organization of a public act to acknowledge international responsibility and the adoption of domestic legal provisions to regulate the procedure and requirements for acquiring Dominican nationality by a late declaration of birth, and to receive information, for the first time, on compliance with the ten measures of reparation ordered in the judgment in the *Case of expelled Dominicans and Haitians*, as well as to hear the observations of the victims' representatives and the opinion of the Inter-American Commission in this regard. The State of the Dominican Republic did not send an official delegation to represent it, and was not present at this public hearing. In addition, the representative of the Inter-American Commission, who was in San José, Costa Rica, was unable to take part in the hearing for health reasons beyond her control. Therefore, the Court was only able to hear the opinion of the victims' representatives





Case of the Girls Yean and Bosico and Case of expelled Dominicans and Haitians v. Dominican Republic

## 2. Case of Molina Theissen v. Guatemala

On March 11, 2019, during the 130th Regular Session, this public hearing was held on monitoring compliance with judgment. The purpose of the hearing was to receive updated information from the State of Guatemala on compliance with all the pending measures of reparation. In particular, the State was asked to refer to the allegations of the victims' representatives regarding the possible amendment of the National Reconciliation Law and its impact on the measure of reparation corresponding to the obligation to investigate the facts of this case. Specifically, the following measures were monitored: discovery and return to his family of the mortal remains of Marco Antonio Molina Theissen; effective investigation into the facts of this case in order to identify, prosecute and punish the masterminds and perpetrators of the forced disappearance of the youth Molina Theissen, and publication of the results of this procedure; creation of an expedite procedure to obtain the declaration of absence and presumption of death due to forced disappearance, and adoption of the necessary administrative, legislative or any other measures to create a genetic information system. In addition, the purpose of the hearing was to hear the observations of the victim's representative and the opinion of the Commission in this regard.

## 3. Case of Acosta et al. v. Nicaragua

On March 11, 2019, during the 130th Regular Session, this public hearing was held on monitoring compliance with judgment. The purpose of the hearing was to receive information on the investigation into the facts and the elaboration of protection and investigation mechanisms to deal with attacks on human rights defenders. The State informed the Court that it would not attend the hearing and submitted a written report. During the hearing, the Court heard the observations of the victims' representatives and the opinion of the Commission in this regard.



Case of Acosta et al. v. Nicaragua

## B.2. Hearings held away from the seat of the Court

In 2015, the Court began the positive initiative of holding hearings in the territory of the States found responsible. This type of hearing facilitates the participation of a greater number of victims and the different State officials and authorities directly responsible for the execution of the different reparations ordered in the judgments<sup>75</sup>. Owing to the important collaboration of the States of Argentina and Colombia, in 2019, it was possible to hold this type of monitoring hearing during the Sixty-first Special Session held in Buenos Aires, and the Sixty-second Special Session held in Bogotá.

### 1. Case of Torres Millacura et al. v. Argentina

On May 15, 2019, during the Sixty-first Special Session, a private hearing was held on monitoring compliance with judgment. The purpose of the hearing was to receive updated information from the State of Argentina on compliance with three pending measures of reparation relating to: (i) initiate, conduct and conclude the investigations and proceedings required to establish the truth of the facts and identify and, as appropriate, punish all those responsible for what happened to Iván Eladio Torres Millacura; (ii) continue the search to discover the whereabouts of Iván Eladio Torres Millacura, and (iii) implement a compulsory program or course on human rights for police agents at all levels in the province of Chubut. The purpose of the hearing was also to hear the observations of the victim's representative and the opinion of the Commission in this regard.

### 2. Case of Furlan and family v. Argentina

On May 15, 2019, during the Sixty-first Special Session, a private hearing was held on monitoring compliance with judgment. The purpose of the hearing was to receive updated information from the State of Argentina on compliance with three pending measures of reparation relating to: (i) provide medical and psychological or psychiatric treatment to the victims, free of charge and immediately, in an appropriate and effective manner; (ii) create an interdisciplinary group that, taking into account the opinion of Sebastián Furlan, will determine the most appropriate measures of protection and assistance for his social, educational, vocational and employment inclusion, and (iii) take the necessary measures to ensure that, when a person is diagnosed with serious problems or aftereffects related to a disability, that person or his family group is given a letter outlining his or her rights, which describes in a summarized, clear and accessible manner the benefits established in Argentine law. On this point, Argentina has complied with the elaboration of this letter, and it only remains pending that it demonstrate the measures it is taking to ensure that it is distributed as provided for in the judgment. The purpose of the hearing was also to hear the observations of the victim's representative and the opinion of the Commission in this regard.

### 3. Case of Fornerón and daughter v. Argentina

On May 15, 2019, during the Sixty-first Special Session, a private hearing was held on monitoring compliance with judgment. The purpose of the hearing was to receive updated information from the State of Argentina on compliance with the three pending measures of reparation relating to: (i) the establishment of a procedure to ensure the effective connection between Mr. Fornerón and his daughter M.; (ii) verify, based on the pertinent disciplinary regulations and within a reasonable time, the legality of the conduct of the officials who intervened in the different internal proceedings related to this case and, as applicable, establish the corresponding responsibilities, and (iii) take the necessary

<sup>75</sup> In 2015, a hearing was held and a visit made in Panama 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 hearings were held in Guatemala, Paraguay and Panama. In 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. Also, a hearing was held in the Case of Vélez Loor in Panama. Finally, during 2019, in the context of judicial procedures conducted in El Salvador with regard to the Case of the Massacres of El Mozote and surrounding areas v. El Salvador, a private hearing on monitoring compliance was held on the measure of reparation concerning the payment of compensation for pecuniary and non-pecuniary damage to the victims, which was held in San Salvador. The Court also received information on the measure concerning the identification of victims through the "Single Register of Victims and families of victims of egregious human rights violations during the massacres of El Mozote and surrounding areas."



measures to criminalize the sale of children, so that the act of handing over a child in exchange for remuneration or any other compensation, whatsoever its manner or purpose, constitutes a criminal offense pursuant to the international standards and the provisions of the judgment. The purpose of the hearing was also to hear the observations of the representative of the victim, Leonardo Fornerón, and the opinion of the Commission in this regard.

#### 4. Case of Garrido and Baigorria v. Argentina

On May 16, 2019, during the Sixty-first Special Session, a private hearing was held on monitoring compliance with judgment. The purpose of the hearing was to receive updated information from the State of Argentina on compliance with the only pending measure of reparation relating to the investigation of the facts that resulted in the disappearance of Adolfo Garrido and Raúl Baigorria, and to prosecute and punish the perpetrators, accomplices, accessories and all those who took part in the facts. The purpose of the hearing was also to hear the observations of the victims' representative and the opinion of the Commission in this regard.

#### 5. Case of the 19 Tradesmen v. Colombia

On September 5, 2019, during the Sixty-first Special Session, a private hearing was held on monitoring compliance with judgment. The purpose of the hearing was to receive updated information from the State on compliance with the measures of reparation relating to: (i) the effective investigation into the facts of the case in order to identify, prosecute and punish all the masterminds and perpetrators of the violations committed to the detriment of the 19 traders; (ii) pay the amounts established in the judgment for loss of earnings for each of the 19 victims, the expenses incurred by the next of kin of 11 victims, and compensation for non-pecuniary damage. The purpose of the hearing was also to hear the observations of the victims' representative and the opinion of the Commission in this regard.

#### 6. Case of the Mapiripán Massacre v. Colombia

On September 5, 2019, during the Sixty-first Special Session, a private hearing was held on monitoring compliance with judgment. The purpose of the hearing was to receive updated information from the State on compliance with the measures of reparation relating to: (i) take the necessary steps to re-activate and complete, within a reasonable time, the investigation to determine the masterminds and perpetrators of the massacre, as well as the persons whose collaboration and acquiescence made it possible; (ii) take the necessary steps immediately to individualize and identify, within a reasonable time, the victims who were executed and disappeared, as well as their next of kin; (iii) take the necessary steps to ensure that the conditions are safe for the families of the victims, and also the other former Mapiripán villagers who were displaced, to be able to return to Mapiripán, if they so wish, and (iv) build an appropriate and dignified monument to recall the facts of the massacre of Mapiripán. The purpose of the hearing was also to hear the observations of the victims' representatives and the opinion of the Commission in this regard.

#### 7. Case of Las Palmeras v. Colombia

On September 6, 2019, during the Sixty-first Special Session session, a private hearing was held on monitoring compliance with judgment. The purpose of the hearing was to monitor the measure relating to: "conclude the criminal proceedings that are underway for the facts relating to the death of the victims that resulted in violations of the American Convention in this case; identify the masterminds and perpetrators, as well as any possible accessories, and punish them" (first operative paragraph of the judgment). The purpose of the hearing was also to hear the observations of the victims' representatives and the opinion of the Commission in this regard.

#### 8. Case of Rodríguez Vera et al. (The disappeared from the Palace of Justice) v. Colombia

On September 6, 2019, during the Sixty-first Special Session, a private hearing was held on monitoring compliance with judgment. The purpose of the hearing was to receive updated information from the State on compliance with the measures of reparation relating to: (i) conduct the wide-ranging, systematic and thorough investigations required to establish the truth of the facts, as well as identify, prosecute and punish, as appropriate, all those responsible for the forced disappearances of the victims named in the third operative paragraph of the judgment; for the forced disappearance and subsequent extrajudicial execution of Carlos Horacio Urán Rojas, and also for the detentions, and torture or cruel and degrading treatment suffered by Yolanda Santodomingo Albericci, Eduardo Matson Ospino, and José Vicente Rubiano Galvis y Orlando; (ii) conduct the investigations required to determine and clarify the facts

relating to Norma Constanza Esguerra Forero and Ana Rosa Castiblanco Torres; (iii) conduct a thorough search, making every effort necessary to determine the whereabouts of the 11 victims who remain disappeared; (iv) provide medical, psychological or psychiatric treatment to the victims who request this and, if applicable, pay the amount established for the cost of this treatment for those victims who reside outside Colombia; (v) transmit the judgment by television; (vi) make an audiovisual documentary on the facts of the case, the victims, and the search for justice by their families, and (vii) pay the amounts established in the judgment as compensation for pecuniary and non-pecuniary damage and to reimburse costs and expenses. The purpose of the hearing was also to hear the observations of the victims' representative and the opinion of the Commission in this regard.

#### 9. Joint hearing for six cases against Colombia relating to the search for whereabouts or identification of remains

On September 5, 2019, during the Sixty-first Special Session, a private hearing was held on monitoring compliance with judgment. The purpose of the hearing was to monitor jointly compliance with the measure of reparation relating to determining the whereabouts of the victims, or finding, identifying and returning the mortal remains ordered in the judgments in six cases against Colombia: Case of Caballero Delgado and Santana, Case of Las Palmeras, Case of the 19 Traders, Case of the Pueblo Bello Massacre, Case of Vereda La Esperanza, and Case of Isaza Uribe et al. The purpose of the hearing was also to hear the observations of the victims' representatives and the opinion of the Commission in this regard. In addition, the Ombudsman of the Republic of Colombia and the Unit for the Search for Persons considered Disappeared in the context of and due to the armed conflict in Colombia (UBPD) were asked to present any information they considered relevant, within their respective terms of reference, with regard to the implementation of this measure.

#### 10. Joint hearing for nine cases against Colombia relating to medical or psychological treatment

On September 5, 2019, during the Sixty-first Special Session, a private hearing was held on joint monitoring compliance with judgment. The purpose of the hearing was to monitor jointly compliance with the measure of reparation relating to the medical and psychological treatment ordered in the judgments in the following cases against Colombia: Case of the 19 Traders, Case of Gutiérrez Soler, Case of the Mapiripán Massacre, Case of the Pueblo Bello Massacre, Case of the Ituango Massacres, Case of the La Rochela Massacre, Case of Escué Zapata, Case of Valle Jaramillo et al., and Case of Cepeda Vargas. The purpose of the hearing was also to hear the observations of the victims' representative and the opinion of the Commission in this regard. In addition, the Colombian Ombudsman was asked to present any information he considered relevant, within his terms of reference, with regard to the implementation of this measure.

#### 11. Case of Bulacio v. Argentina

On September 5, 2019, during the Sixty-first Special Session, a private hearing was held on monitoring compliance with judgment. The purpose of the hearing was to receive updated information from the State of Argentina on compliance with the measures of reparation relating to: (i) "continue and conclude the investigation into all the facts of this case and punish those responsible for them [...]," and (ii) "ensure that facts such as those of the instant case are not repeated, by adopting the legislative or any other measures that are necessary to adapt domestic law to international human rights law, and to ensure that such measures are effective, pursuant to Article 2 of the American Convention on Human Rights, in accordance with paragraphs 122 to 144 of the [...] judgment." The purpose of the hearing was also to hear the observations of the victims' representative and the opinion of the Commission in this regard.

### C. *On-site* procedure in the context of monitoring compliance with judgments

In 2015, the Court began to conduct *on-site* procedures in the context of monitoring compliance with judgments.

This type of procedure has the advantage of enabling the Court to verify the implementation status of the measures directly, and gives greater participation to the victims, their representatives, and the various State officials and authorities directly responsible for the implementation of the different reparations ordered in the judgments. It also increases willingness to assume commitments addressed at prompt compliance with the reparations and allows direct and immediate communication between the victims and senior State officials, so that, in the act, the latter can commit to taking concrete actions aimed at making progress in compliance with the measures. In addition, the victims' opinions on the progress and shortcomings can be heard.

Since its implementation in 2015 and up until 2018, it has been possible to conduct this type of procedure in El Salvador, Guatemala, Panama and Paraguay, owing to important collaboration from these States<sup>76</sup>. In 2019, one procedure of this type was carried out in relation to two cases against Costa Rica, and this is described below.

#### Visit of the Court to a new health center of the Costa Rican Social Security Institute that offers In Vitro Fertilization

On July 1, 2019, a delegation of the Court and its Secretariat were able to conduct a judicial procedure *in situ* to verify directly the level of compliance with the reparations ordered in the *Cases of Artavia Murillo et al. (In Vitro Fertilization) and Gómez Murillo et al.*, both against Costa Rica.

Both cases related to the prohibition of executing the technique of In Vitro Fertilization (IVF) that had existed in Costa Rica since the year 2000, and the resulting "arbitrary and excessive" interference in the rights to privacy and family life of the victims in the two cases, in particular, the right to reproductive autonomy as regards the decision whether to have biological offspring using this technique. Consequently, in its judgments, the Court had ordered three measures of reparation addressed at ensuring that the said prohibition of IVF would cease to have legal effects in the country, protecting the rights of the victims and guaranteeing non-repetition of the violations. Among the measures ordered to ensure non-repetition, the Court required Costa Rica to include the availability of IVF among the infertility programs and treatments offered by the State's social security health services.

The visit was made at the invitation of the State of Costa Rica, and allowed the Court to verify, on site and directly, the actions taken by the State to provide IVF among its health care services. The delegation consisted of Judge L. Patricio Pazmiño Freire and lawyers from the Monitoring Compliance with Judgments Unit of the Court's Secretariat.

The Court delegation was able to visit some of the facilities of the High-complexity Reproductive Medicine Unit built by the State to offer the IVF reproductive technique in the public health sector starting in July 2019, thereby complying with the reparation ordered in these cases. The visit was conducted by the Unit's Medical Coordinator and the Embryology Coordinator. During the visit, members of the Court's delegation were able to ask any questions they considered necessary.

The program included time for hearing from the State's representatives, consisting of agents appointed in the international proceedings before the Court, an adviser to the Legal Directorate of the Ministry for Foreign Affairs and Worship, and a representative of the General Manager of the Costa Rican Social Security Institute. The Court also heard the observations of the victims' representatives and the opinion of the Commission and, in general, they

<sup>76</sup> In 2015, the Court visited and held a hearing in the territory of the Ipetí and Piriati Embera Communities of Bayano in Panama to monitor Compliance with the Judgment in the Case of Kuna Indigenous Peoples of Madungandí and the Emberá Indigenous People of Bayano and their members. In 2017, monitoring visits were carried out in Guatemala and Paraguay. In Guatemala, a visit was made to 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 Massacres of Plan de Sánchez and Río Negro. 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. In 2018, judicial procedures were carried out in San Salvador and in El Mozote to verify, *in situ* and directly, the level of compliance with the reparations ordered in the Judgment in the Case of the Massacres of El Mozote and surrounding areas v. El Salvador.

indicated their satisfaction with the actions taken by Costa Rica. Two victims in the Case of Artavia Murillo et al. (In vitro fertilization) were also present.

Judge L. Patricio Pazmiño highlighted the willingness of the State of Costa Rica to comply with the judgments of the Inter-American Court and indicated that the visit to monitor compliance had been very encouraging.

Following this visit, on November 22, 2019, the Court issued an order on monitoring compliance with judgment for both cases, in which it noted that, during this visit, the Court had been able to verify that Costa Rica now included the availability of IVF in the infertility programs and treatments of its State health care sector. To this end, the Costa Rican Social Security Institute had issued the respective protocol and built a specialized medical unit to offer IVF nationwide; taken measures to train the technical personnel, and to establish technology and quality standards to guarantee reproductive rights through access to this technique. Based on these verifications, the Court declared that this guarantee of non-repetition had been complied with fully, recognizing the magnitude of the different actions that Costa Rica had taken to this end. The said order is available [here](#) (Only in Spanish).



The Court's visit to the new medical center of the Costa Rican Social Security Institute that offers the IVF technique





## D. Orders on monitoring compliance with judgment issued in 2019

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

The Court issued **54 orders** on monitoring compliance with judgment, in which it monitored **68 cases**. These orders are described below, in the order in which they were issued and by categories based on their content and purpose.

### D.1. Individual monitoring of cases (evaluating 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
1. Case of Raxcacó Reyes v. Guatemala. Order of January 30, 2019.	<a href="#">Here</a>
2. Case of the Supreme Court of Justice (Quintana Coello et al.) v. Ecuador. Order of January 30, 2019.	<a href="#">Here</a>
3. Case of Argüelles et al. v. Argentina. Order of January 30, 2019.	<a href="#">Here</a>
4. Case of Dismissed Employees of Petroperú et al. v. Peru. Order of January 30, 2019.	<a href="#">Here</a>
5. Case Fermín Ramírez v. Guatemala. Order of February 6, 2019.	<a href="#">Here</a>
6. Case of Herrera Espinoza et al. v. Ecuador. Order of March 4, 2019.	<a href="#">Here</a>
7. Case of Tarazona Arrieta et al. v. Peru. Order of March 4, 2019.	<a href="#">Here</a>



8. Case of Cruz Sánchez et al. v. Peru. Order of March 4, 2019.	<a href="#">Here</a>
9. Case of Molina Theissen v. Guatemala. Order of March 14, 2019.	<a href="#">Here</a>
10. Case of Munárriz Escobar et al. v. Peru. Order of May 14, 2019.	<a href="#">Here</a>
11. Case of the Xákmok Kásek Indigenous Community v. Paraguay. Order of May 14, 2019.	<a href="#">Here</a>
12. Case of the Sawhoyamaya Indigenous Community v. Paraguay. Order of May 14, 2019.	<a href="#">Here</a>
13. Case of the Yakye Axa Indigenous Community v. Paraguay. Order of May 14, 2019.	<a href="#">Here</a>
14. Case of Goiburú v. Paraguay. Order of May 14, 2019.	<a href="#">Here</a>
15. Case of the Garífuna Triunfo de la Cruz Community and its members v. Honduras. Order of May 14, 2019.	<a href="#">Here</a>
16. Case of the Garífuna Punta Piedra Community and its members v. Honduras. Order of May 14, 2019.	<a href="#">Here</a>
17. Case of Poblete Vilches et al. v. Chile. Order of May 14, 2019.	<a href="#">Here</a>
18. Case of Cantoral Huamaní and García Santa Cruz v. Peru. Order of May 14, 2019.	<a href="#">Here</a>
19. Case of the Massacres of El Mozote and surrounding areas v. El Salvador. Urgent Measures and Monitoring Compliance with Judgment. Order of President of the Inter-American Court of Human Rights of May 28, 2019.	<a href="#">Here</a>
20. Case of the Massacres of El Mozote and surrounding areas v. El Salvador. Request for Provisional Measures and Monitoring Compliance with Judgment. Order of September 3, 2019	<a href="#">Here</a>
21. Caso of Chinchilla Sandoval et al. v. Guatemala. Order of October 7, 2019.	<a href="#">Here</a>
22. Case of Flor Freire v. Ecuador. Order of October 7, 2019.	<a href="#">Here</a>
23. Case of Amrhein et al. v. Costa Rica. Order of October 7, 2019.	<a href="#">Here</a>
24. Case of Carvajal Carvajal et al. v. Colombia. Order of October 7, 2019.	<a href="#">Here</a>
25. Case of Favela Nova Brasília v. Brazil. Order of October 7, 2019.	<a href="#">Here</a>

26. Case of Alvarado Espinoza et al. v. Mexico. Order of October 7, 2019.	<a href="#">Here</a>
27. Case of Women Victims of Sexual Torture in Atenco v. Mexico. Order of October 7, 2019.	<a href="#">Here</a>
28. Case of Munárriz Escobar et al. v. Peru. Order of October 7, 2019.	<a href="#">Here</a>
29. Case of Terrones Silva et al. v. Peru. Order of October 7, 2019.	<a href="#">Here</a>
30. Case of Kawas Fernández v. Honduras. Order of October 7, 2019.	<a href="#">Here</a>
31. Case of Gudiel Álvarez et al. ("Diario Militar") v. Guatemala. Order of October 7, 2019.	<a href="#">Here</a>
32. Case of Fornerón and daughter v. Argentina. Order of October 7, 2019.	<a href="#">Here</a>
33. Case of Cesti Hurtado v. Peru. Request for Provisional Measures and Monitoring Compliance with Judgment. Order of October 14, 2019.	<a href="#">Here</a>
34. Case of Colindres Schonenberg v. El Salvador. Order of November 22, 2019.	<a href="#">Here</a>
35. Case of Villamizar Durán et al. v. Colombia. Order of November 22, 2019.	<a href="#">Here</a>
36. Case of Isaza Uribe et al. Vs. Colombia. Order of November 22, 2019.	<a href="#">Here</a>
37. Case of the Xucuru Indigenous People and its members v. Brazil. Order of November 22, 2019.	<a href="#">Here</a>
38. Case of Gómez Murillo et al. Vs. Costa Rica. Order of November 22, 2019.	<a href="#">Here</a>
39. Case of Acosta et al. v. Nicaragua. Order of November 22, 2019.	<a href="#">Here</a>
40. Case of the Hacienda Brasil Verde Workers v. Brazil. Order of November 22, 2019.	<a href="#">Here</a>
41. Case of Duque v. Colombia. Order of November 22, 2019.	<a href="#">Here</a>
42. Case of Gutiérrez and family v. Argentina. Order of November 22, 2019.	<a href="#">Here</a>
43. Case of Yarce et al. v. Colombia. Order of November 22, 2019.	<a href="#">Here</a>
44. Case of Fleury et al. v. Haiti. Order of November 22, 2019.	<a href="#">Here</a>

45. Case of García Asto and Ramírez Rojas v. Peru. Order of November 22, 2019.	<a href="#">Here</a>
46. Case of Caballero Delgado and Santana v. Colombia. Order of November 22, 2019.	<a href="#">Here</a>
47. Case of Nadege Dorzema et al. v. Dominican Republic. Order of November 22, 2019.	<a href="#">Here</a>
48. Case of Gonzalez Medina and family v. Dominican Republic. Order of November 22, 2019.	<a href="#">Here</a>

## D.2. Joint monitoring of cases (compliance with one or several reparations ordered in several judgments relating 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
49. Case of the Members of the Village of Chichupac and neighboring communities of the Municipality of Rabinal, Case of Molina Theissen and 12 other Guatemalan's Cases v. Guatemala. Provisional Measures and Monitoring Compliance with Judgment. Order of March 12, 2019.	<a href="#">Here</a>
50. Case of the Girls Yean and Bosico and Case of expelled Dominicans and Haitians v. Dominican Republic. <a href="#">Monitoring Compliance with Judgment and Competence</a> . Order of March 12, 2019.	<a href="#">Here</a>
51. Cases of the Gómez Palomino, Anzualdo Castro, Osorio Rivera and family and Tenorio Roca et al. v. Peru. Monitoring Compliance with Judgment. Order of May 14, 2019.	<a href="#">Here</a>
52. Case of the Members of the Village of Chichupac and neighboring communities of the Municipality of Rabinal, Case of Molina Theissen and 12 other Guatemalan's Cases v. Guatemala. Provisional Measures and Monitoring Compliance with Judgment. Order of October 14, 2019.	<a href="#">Here</a>
53. Case of <a href="#">Artavia Murillo et al.</a> (In Vitro Fertilization) and Case of Gómez Murillo et al. v. Costa Rica. Monitoring Compliance with Judgments. Order of November 22, 2019.	<a href="#">Here</a>
54. Cases of Díaz Peña and <a href="#">Uzcátegui et al.</a> v. Venezuela. Monitoring Compliance with Judgment. Order of November 22, 2019.	<a href="#">Here</a>

## D.3. Cases closed due to compliance with the judgments

During 2019, closure of the case due to full execution of the judgment was declared in four cases, three corresponding to Costa Rica and the other to Ecuador

a) Case of the Supreme Tribunal of Justice (Quintana Coello et al.) v. Ecuador

On January 30, 2019, 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 August 23, 2013. Based on the verifications made in this order and in the order issued on October 20, 2016, the Court declared that Ecuador had complied with the reparations relating to: (i) payment of compensation to the 27 victims who were justices of the Supreme Tribunal of Justice of Ecuador owing to the impossibility of reinstating them in their functions as justices; (ii) payment of compensation to the victims for pecuniary and non-pecuniary damage resulting from the violations; (iii) reimbursement of costs and expenses to the victims' representatives, and (iv) publication and dissemination of the judgment and its official summary.

The order of January 30, 2019, can be found [here](#) (Only in Spanish).

b) Case of Amrhein et al. v. Costa Rica

On October 7, 2019, the Court issued an order in which it decided to conclude and archive this case because Costa Rica had complied with all the reparations ordered in the judgment handed down on April 25, 2018. Costa Rica had complied with the reparations relating to: (i) publication and dissemination of the judgment and its official summary; (ii) payment of compensation to the victim for pecuniary and non-pecuniary damage resulting from the violation, and (iii) reimbursement of costs and expenses to the victim's representative.

The order of October 7, 2019, can be found [here](#) (Only in Spanish).

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

On November 22, 2019, the Court issued an order in which it decided to conclude and archive this case because Costa Rica had complied with all the reparations ordered in the judgment handed down on November 28, 2012. Based on the verifications made in this order and in the order issued on February 26, 2016, the Court declared that Costa Rica had complied with the reparations relating to: (i) elimination of the prohibition to practice *in vitro fertilization* (IVF), so that those who wish to use this assisted reproduction technique may do so without finding impediments to the exercise of the rights that were found to have been violated in the judgment; (ii) regulation of the aspects necessary for the implementation of IVF and establishment of inspection and quality control systems for the qualified professionals and institutions that carry out this type of assisted reproduction technique; (iii) inclusion of the availability of IVF among the infertility programs and treatments offered by its health care system; (iv) provision of free and immediate psychological care, for up to four years, for the victims, through the specialized state health care institutions; (v) publication and dissemination of the judgment and its official summary; (vi) implementation of permanent education and training programs and courses on human rights, reproductive rights and non-discrimination for judicial officials in all areas and ranks of the Judiciary; (vii) payment of compensation to the victims for pecuniary and non-pecuniary damage resulting from the violations, and (viii) reimbursement of costs and expenses to the victims' representatives.

The order of November 22, 2019, can be found [here](#) (Only in Spanish).

d) Case of Gómez Murillo et al. v. Costa Rica

On November 22, 2019, the Court issued two orders in which it decided to conclude and archive this case because Costa Rica had complied with all the reparations ordered in the judgment handed down on November 29, 2016. Costa Rica had complied with the reparations relating to: (i) guaranteeing the possibility of access to the IVF technique and, to this effect, keeping in force Executive Decree No. 39210-MP-S entitled "Authorization to carry out the assisted reproduction technique of *in vitro fertilization* and embryo transfer," of September 11, 2015; (ii) ensuring, through the Costa Rican Social Security Institute, that the IVF technique is available among the infertility programs and treatments offered by its health care system; (iii) publication and dissemination of the judgment and its official summary; (iv) facilitating meetings between the Ombudsman and academic institutions, and also international human rights organizations to establish human rights training programs for officials of the different powers of the State and the Costa Rican Social Security Institute; (v) reinforcing educational programs that provide training on human rights;



(vi) initiating a wide-ranging and participatory discussion on surrogacy as a procreation procedure; (vii) payment of compensation to the victims for pecuniary and non-pecuniary damage resulting from the violations, and (viii) reimbursement of costs and expenses to the victims' representatives.

The order of November 22, 2019, can be found [here](#) (Only in Spanish).

#### D.4. Compliance with guarantees of non-repetition

During 2019, the Court has assessed compliance (total or partial) with different measures of reparation that constitute guarantees of non-repetition, and it considers it convenient to highlight them in order to publicize these good practices and advances made by the States. In view of the structural changes that the execution of these measures entails, they benefit both the victims in the cases and society as a whole. Compliance with such measures calls for actions that involve amendments to the law, changes in jurisprudence, the design and execution of public policies, and changes in administrative and other practices that are especially complex.

These measures were executed (totally or partially) by the States of Costa Rica, Guatemala and Peru.

##### a) Costa Rica: Eliminate the prohibition of IVF, regulate this assisted reproduction technique, and make it available among the infertility programs and treatments provided by the social security health care services<sup>77</sup>

In the judgments in the *Case of Artavia Murillo et al. (In Vitro Fertilization)*<sup>78</sup> and *Case of Gómez Murillo et al.*,<sup>79</sup> the Court ordered guarantees of non-repetition relating to the elimination of the prohibition of the IVF technique in the country, the regulation of its implementation, and its availability among the infertility programs and treatment offered by the public health care system.

Regarding the measure to eliminate the prohibition of IVF in Costa Rica, the Court verified in its order of November 22, 2019, that following the order on monitoring compliance of February 2016 in the *Case of Artavia Murillo et al. (In vitro fertilization)*, the prohibition of IVF no longer had legal force in Costa Rica; accordingly, as of that date, Costa Rica has guaranteed the right to reproductive autonomy as regards deciding whether to have biological offspring by using the IVF technique, thus complying fully with this reparation<sup>80</sup>. The Court noted that this is revealed by the fact that, based on a law issued by the State in 2015 (*infra*), it was possible to offer access to this assisted reproduction technique in both the public and the private sector. In the private sector, the Ministry of Health authorized two private clinics to carry out IVF and, at October 2019, it was recorded that 228 babies had been born using this technique in this sector. In the

<sup>77</sup> Case of Artavia Murillo et al. (In Vitro Fertilization) and Case of Gómez Murillo et al. v. Costa Rica. Monitoring Compliance with Judgments. Order of the Inter-American Court of Human Rights of November 22, 2019, consideranda 10 to 12, 17 to 22 and 26 to 38.

<sup>78</sup> In the second, third and fourth operative paragraphs of the judgment in this case, the Court ordered the following guarantees of non-repetition: (i) "adopt [...] the appropriate measures to eliminate the prohibition of the practice of IVF and so that those who wish to use this assisted reproduction technique do so without any impediment to the exercise of the rights that were found to have been violated in the [...] judgment"; (ii) "regulate, as soon as possible, any aspects considered necessary for the implementation of IVF, taking into account the principles established in the [...] judgment, and [...] establish quality control and inspection systems for the qualified professionals and institutions that carry out this type of assisted reproduction technique," and (iii) "include the availability of IVF among the infertility programs and treatments offered by its public health services, pursuant to the obligation to guarantee respect for the principle of non-discrimination."

<sup>79</sup> This was the second submitted to the Inter-American Court on the general prohibition of IVF in Costa Rica. In the judgment, the Court endorsed a friendly settlement agreement reached by the State and the victims. Among the measures endorsed, were those ordered in the sixth and seventh operative paragraph relating to: (i) "ensure, through the Costa Rican Social Security Institute, that the obligations and time frames established in articles 7 and 1437, as well as Transitory article 1, all of Executive Decree No. 39210-MP-S of September 11, 2015, are strictly complied with, [which] means that, on September 11, 2017, this treatment must be available among the infertility programs and treatments offered by its public health services," and (ii) "implement the possibility of access to the IVF technique and, to this end, ensure that Executive Decree No. 39210-MP-S remains in force, without prejudice to the Legislature issuing any subsequent regulation that accords with the standards indicated in the judgment in the *Case of Artavia Murillo et al. (In vitro fertilization)* v. Costa Rica, recognizing that the prohibition of in vitro fertilization may not produce legal effects in Costa Rica or constitute an impediment for the exercise of the right to decide to have biological offspring through access to *In Vitro Fertilization*."

<sup>80</sup> In this order, the Court, considering that, at that time, more than three years had passed since delivery of the judgment. So it valued the actions that the executive, legislative and judicial branches of Costa Rica have taken in relation to this obligation. It has also verified that "Costa Rica had failed to comply with the measure ordered in the second operative paragraph and the prohibition of IVF, despite being incompatible with the American Convention, continued to represent an obstacle to the exercise of the rights that had been found violated in the judgment". The Court concluded that "in light of the American Convention and the reparation ordered in the judgment, it should be understood that IVF is authorized in Costa Rica and, immediately, the exercise of the rights must be permitted, [...] in both the private and the public sector, without the need for a legal norm that recognizes this possibility or regulates implementation of the technique."



public sector, in June 2019, the Ministry of Health authorized the High-complexity Reproductive Medicine Unit of the Costa Rican Social Security Institute to provide this assisted reproduction technique as a public health care service. Since the inauguration of the Unit in June 2019 and up until October 2019, 36 couples had begun treatment, and the first three pregnancies had been confirmed.

Regarding the measure concerning the regulation of IVF, in the said order of November 2019, the Court verified that the State had complied fully with this, because Executive Decree No. 39210-MP-S entitled “Authorization to carry out the assisted reproduction technique of in vitro fertilization and embryo transfer,” of September 11, 2015, remained in force. Also, it was verified that, in 2016, Costa Rica issued two decrees to ensure the proper implementation of the practice of the IVF technique in the country<sup>81</sup>. The Court found that, with these three decrees, the State had not only regulated those aspects it considered necessary for the implementation of IVF in both public and private health establishments, but had also established a system of inspection and control by the Ministry of Health to periodically monitor all the public and private health clinics that carry out this assisted reproduction technique, as ordered by this Court.

Lastly, regarding the measure concerning the availability of IVF among the infertility programs and treatments offered by the public health care system, the Court verified in the order of November 2019 that Costa Rica had complied fully with this, and recognized the magnitude of the different actions that it had had to implement. In this regard, the Court noted that, in this regard, the Costa Rican Social Security Institute had issued a protocol on the clinical care for people who were infertile and required assisted reproduction techniques of low and high complexity, and had built the High-complexity Reproductive Medicine Unit (supra Section C), which is a specialized medical unit to provide IVF nationwide; it had also taken measures to train technical personnel and to establish quality and technology standards aimed at guaranteeing reproductive rights by access to this technique. In addition, the Court assessed positively that Costa Rica’s efforts to include IVF among its infertility treatments had achieved positive results in the first pregnancies resulting from this technique in the public health care sector.

## b) COSTA RICA: Training and education in sexual and reproductive rights<sup>82</sup>

In the judgment in the *Case of Gómez Murillo et al.*, the Court endorsed a friendly settlement agreement reached by the State and the victims in this case. The measures endorsed included the guarantees of non-repetition ordered in the sixth operative paragraph, subparagraphs (c) and (d) relating, respectively, to: (i) facilitate [...] meetings between the Ombudsman and academic institutions, and also international human rights organizations to establish human rights training programs for officials of the different powers of the State and the Costa Rican Social Security Institute,” and (ii) reinforce [...] educational programs addressed at providing training on human rights.” Regarding the latter measures, in the friendly settlement agreement endorsed by the Court, the parties agreed that, “through the Ministry of Public Education,” the State “will seek to reinforce educational programs to provide training on human rights, non-discrimination, and respect for freedom of choice.”

In the order of November 22, 2019, the Court considered that the actions taken by the State were sufficient to declare full compliance with both measures.

Regarding the measure concerning facilitating meetings to establish training programs for officials of the different Powers of the State and the Costa Rican Social Security Institute, the Court appreciated the meetings held by the State with the Ombudsman, the Costa Rican Judicial Academy, the Costa Rican Social Security Institute, and different academics and members of civil society to continue its efforts to provide training on human rights and, in particular on sexual and reproductive rights.

The Court also emphasized that the State had decided to take advantage of the efforts already made to comply with the measure of reparation relating to the training of judicial officials ordered in the judgment in the *Case of Artavia Murillo et al. (In Vitro Fertilization)*, to also implement the measure ordered in this case. In the former case, the Court had declared that the reparations on “implement permanent education and training programs and courses on human rights, reproductive rights and non-discrimination for judicial officials” had been fully complied with, considering that

<sup>81</sup> Decree No. 39616-S entitled “Regulation for health care establishments that carry out the assisted reproduction technique of In Vitro Fertilization and Embryo transfer (IVF)” and Decree No. 39646-S entitled “Regulation for the authorization of health care establishments to carry out the assisted reproduction technique of In Vitro Fertilization and Embryo Transfer (IVF-ET).”

<sup>82</sup> Case of Gómez Murillo et al. v. Costa Rica. Monitoring Compliance with Judgment. Order of the Inter-American Court of Human Rights of November 22, 2019, consideranda 9 to 16 and 19 to 27.

Costa Rica had designed and put in practice, on a permanent basis, a workshop entitled “Sexual and reproductive human rights,” for judicial officials, imparted by the Costa Rican Judicial Academy. The actions implemented by the State to comply with the reparation ordered in the judgment in the *Case of Artavia Murillo et al.* paved the way to other relevant actors in fields other than the Judiciary, mainly from the Costa Rican Social Security Institute, to receive training by means of this workshop.

With regard to the measure concerning strengthening educational programs on human rights, the Court took note of the actions and reforms in educational programs, mainly at the secondary level, that the State had implemented, both before and after delivery of the judgment. The Court considered that, with such actions, Costa Rica was endeavoring to provide comprehensive training on sexuality and affectivity at all levels of education, from pre-school up until high school and that this training was imparted based on the level of development of the students at each level. In addition, the Court took note of the actions that Costa Rica was implementing to guarantee the permanence of the training on human rights in public institutions.

### c) GUATEMALA: Measures related to refraining from imposing the death penalty in certain circumstances or crimes<sup>83</sup>

In the judgment in the *Case of Raxcacó Reyes v. Guatemala*, the Court established several guarantees of non-repetition relating to the State's obligation to refrain from imposing the death penalty in certain circumstances or crimes, including: (i) Guatemala must “refrain from imposing the death penalty and executing those convicted, exclusively, of the crime of abduction or kidnapping” until it has complied with amending article 201 of the Criminal Code<sup>84</sup>, y ii) and (ii) the State must adopt, “within a reasonable time, [...] a procedure that guarantees that anyone condemned to death has the right to request and, when applicable, obtain a pardon or commutation of the sentence, pursuant to a regulation establishing the authority empowered to grant this, the assumptions for the procedure, and the respective process; in such cases, the sentence must not be executed while the decision on the requested pardon or commutation is pending.” This latter measure was also established in the judgment in the *Case of Fermín Ramírez v. Guatemala*.

Regarding the measure that the State must refrain from imposing the death penalty and executing anyone convicted of the crime of abduction or kidnapping, the Court verified that the State of Guatemala had not applied the death penalty for either the crime of abduction or kidnapping or for any other crime since 2002, because there is no applicable law that regulates the right to request a pardon or commutation of the sentence to death. The Court considers, therefore, that the State has been complying with the said reparation and required Guatemala to continue complying with this measure until it has implemented the measure relating to the amendment of the definition of the crime corresponding to abduction or kidnapping established in article 201 of the Criminal Code as indicated in the Judgment.

In addition, regarding the measure relating to the adoption of a procedure to guarantee that anyone condemned to death has the right to request a pardon or commutation of the sentence, the Court indicated that this measure of reparation has two parts: (i) first, not to apply the death penalty until the right to a pardon has been regulated as indicated in the judgment, and (ii) second, to adopt a procedure to recognize the right to request a pardon or commutation of the sentence. With regard to the former, the Court reiterates that, in execution of the judgment in the two cases, the death penalty had not been applied to anyone in Guatemala since 2002 and, therefore, the State had been complying with this point. In the case of the latter, the Court observed that, this procedure had not yet been regulated in Guatemala.

The Court noted, however, that the Guatemalan Constitutional Court had issued a ruling in October 2017 in which it included relevant considerations on the imposition of the death penalty for various crimes, which could have an impact on this measure of reparation. Therefore, in order to assess compliance with this aspect of the reparation, the Court required the State to forward the said judgment of the Constitutional Court, owing to its possible impact.

<sup>83</sup> Case of *Caso Raxcacó Reyes v. Guatemala*. Monitoring Compliance with Judgment. Order of the Inter-American Court of Human Rights of January 30, 2019, consideranda 16, 17 and 20 to 26, and Case of *Fermín Ramírez v. Guatemala*. Monitoring Compliance with Judgment. Order of the Inter-American Court of Human Rights of February 6, 2019, consideranda 17 to 24.

<sup>84</sup> In the judgment in this case, the Court also determined that the State must amend article 201 of the Criminal Code “to criminalize different and specific acts determining the different forms of abduction or kidnapping, based on their characteristics, the severity of the facts, and the circumstances of the crime, with the corresponding establishment of different punishments, proportionate to the said acts, as well as empowering the judge to individualize the punishments according to the information concerning the act and the perpetrator, within the minimum and maximum limits that should be established for any criminal sentence.” It also indicated that “this amendment shall in no case expand the list of crimes subject to the death penalty established prior to the ratification of the American Convention...”

d) **GUATEMALA: Amend article 132 of the Criminal Code and eliminate the reference to the dangerousness of the agent included in this article**<sup>85</sup>

In the judgment in the *Case of Fermín Ramírez v. Guatemala*, the Court established that the State must “refrain from applying that part of article 132 of the Guatemalan Criminal Code that refers to the dangerousness of the agent, and amend this provision within a reasonable time, adapting it to the American Convention, pursuant to Article 2 of this instrument, in order to guarantee respect for the principle of legality established in Article 9 of the Convention.” It also indicated that “[t]he reference to the dangerousness of the agent established in this article should also be eliminated.”

Regarding the first element of this measure, the Court noted that, when the order was issued, no one had been sentenced to death, and this punishment had not been imposed in Guatemala since 2002. The Court took note that there had been a general suspension of the imposition of this punishment, which related to compliance with the measure of reparation on the duty to regulate pardons in the Guatemalan jurisdiction. In addition, regarding the State’s duty to adapt article 132 of the Criminal Code to the American Convention eliminating the reference to the “dangerousness of the agent,” the Court verified that, the Constitutional Court had issued a ruling on February 11, 2016, in which it declared that the second paragraph of article 132 of the Criminal Code establishing that the death penalty could be imposed based on the concept of the dangerousness of the agent was unconstitutional. Furthermore, this domestic ruling established that it had “general” effects and had entered into force. In this regard, the Court recalls that, owing to the way in which the measure of reparation was established, Guatemala was not necessarily required to amend its laws, but rather that the measures adopted by the State would guarantee sufficient legal certainty that the death penalty would not be imposed in Guatemala for the crime of murder based on the “dangerousness” of the perpetrator. In the case in question, the Court observed that the Constitutional Court’s ruling had declared that the penultimate paragraph of article 132 of the Criminal Code regarding the dangerousness of the agent as a criterion for imposing the death penalty was unconstitutional and, therefore, concluded that the State had complied fully with the said reparation.

e) **PERU: Adaptation of the definition of the crime of forced disappearance**<sup>86</sup>

In the judgment in the Cases of Gómez Palomino, Anzualdo Castro, Osorio Rivera and family, and Tenorio Roca et al., the Court established that Peru should adopt the necessary measures “to amend [the definition of forced disappearance in] its criminal laws” in order to make it compatible with the relevant international standards. In addition, in the judgment in the case of Anzualdo Castro, the Court established that this amendment should be made paying “special attention to the provisions of the American Convention and the Inter-American Convention on Forced Disappearance of Persons.”

In the order issued in May 2019, the Court noted that Peru had complied with this reparation, which had been ordered in these four cases, by the amendments made to article 320 of the Criminal Code which defined the crime of forced disappearance of persons. The Court appreciated that the State had amended the definition of the crime of forced disappearance of persons to include the changes relating to the three elements that the Court had indicated in the judgments in the four cases, and in the terms used by the Court.

## D.5. Non-compliance with the duty to provide reports

The Court identified four cases against Dominican Republic and one case against Guatemala in which these States had failed to fulfill their obligation to inform the Inter-American Court of the measures adopted to comply with the judgments, which constitutes non-compliance with the obligations established in Articles 67 and 68(1) of the American Convention. It also determined that, in consequences, it had no evidence that allowed it to affirm that these States had taken measures aimed at complying with the reparations ordered in the judgments. The Court required the said States to present reports to the Inter-American Court of Human Rights indicating the measures adopted to comply with the reparations ordered in each case.

<sup>85</sup> Case of Case of Fermín Ramírez v. Guatemala. Monitoring Compliance with Judgment. Order of the Inter-American Court of Human Rights of February 6, 2019, consideranda 8 to 14

<sup>86</sup> Cases of Gómez Palomino, Anzualdo Castro, Osorio Rivera and family, and Tenorio Roca et al. v. Peru. Monitoring Compliance with Judgment. Order of the Inter-American Court of Human Rights of May 14, 2019, consideranda 8 to 34.

This Court has emphasized in its case law that the obligation of the States Parties “to comply with the judgment of the Court in any case to which they are parties,” established in Article 68(1) of the American Convention of Human Rights, includes the duty of the States to provide information on the measures taken to comply with each element ordered by the Court, and that this is essential in order to assess the status of compliance with the Judgment as a whole.

#### a) Non-compliance by Dominican Republic with the duty to provide reports in four Cases at the stage of monitoring compliance

On March 12 and November 22, 2019, the Court issued orders on monitoring compliance with judgment in the *cases of the Girls Yean and Bosico, expelled Dominicans and Haitians, Nadege Dozema et al. and González Medina and family members*, all against Dominican Republic, in which it noted that, for years, this State had failed to comply with its obligation to report to the Court on the measures adopted to comply with the reparations ordered in the said judgments. The Court placed on record that, despite the numerous requests made by the full Court and its President, Dominican Republic has presented no information on these four cases since July 2014<sup>87</sup>.

In addition, in the order of March 12, 2019, issued jointly for the Case of the Girls Yean and Bosico and the Case of expelled Dominicans and Haitians, in addition to referring to the State’s failure to present written information regarding compliance with these two judgment, the Court underscored that the State had not attended the public hearing held in February 2019.

Furthermore, in this order, the Court ruled on the Inter-American Court’s jurisdiction with regard to Dominican Republic because, it took note of Decision TC-256-14 issued on November 4, 2014, by the Constitutional Court of the Dominican Republic, in which it “declare[d] the unconstitutional nature of the instrument accepting the jurisdiction of the Inter-American Court of Human Rights.” In this regard, the Court points out that “[n]on-compliance [...] with the duty to provide reports and the obligation to execute the pending measures established by the Court [...] is particularly serious because it appears to represent a position of disregard by Dominican Republic of the compulsory nature of the judgments of this Court – fundamentally after 2014 – because the failure to report coincides chronologically with the delivery of the [said] judgment of the Constitutional Court of the Dominican Republic.” The Court decided that the said judicial ruling “and any consequences deriving from it have no legal effect under international law,” and that “[t]he Court retains its contentious jurisdiction over Dominican Republic, pursuant to Article 62 of the American Convention, and its jurisdictional authority to monitor compliance with its judgments.”

In the orders on monitoring compliance issued on November 22, in the Case of Nadege Dorzema et al. and the Case of González Medina and family members, the Court reiterated that non-compliance with the duty to provide reports and the obligation to execute the pending measures established by the Court in these cases was particularly serious, taking into consideration not only the prolonged time since the delivery of the respective judgments, but also because it appeared to be a generalized position of Dominican Republic with regard to the cases at the stage of monitoring compliance with judgment before the Court, fundamentally starting in 2014, when the said ruling of the Constitutional Court of the Dominican Republic was issued.

#### b) Non-compliance by Guatemala with the duty to provide reports in one case at the stage of monitoring compliance

On October 7, 2019, in the Case of Chinchilla Sandoval et al., the Court issued an order on monitoring compliance with the judgment of February 29, 2016, in which it indicated that one year and eleven months had passed since the expiry of the one-year time limit established in the judgment for the State to present the report on compliance with the reparations ordered therein, and the Court had already requested its presentation on two previous occasions. It was noted that, despite the time that had passed and the requests made, Guatemala had not presented information on compliance with the reparations.

<sup>87</sup> (i) In the Case of the Girls Yean and Bosico, the last time that the State referred to the implementation of the judgment was during the hearing on monitoring compliance held in May 2013; (ii) in the Case of González Medina and family members, the last time that 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 required in the eleventh operative paragraph of the judgment, which should have been submitted by 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 required in the twenty-second operative paragraph of the judgment, which should have been submitted by October 23, 2015.



## D.6. Application of Article 65 of the American Convention to inform the OAS General Assembly regarding non-compliance

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.

On November 22, 2019, the Court issued orders applying the said article in one case against Haiti (*Case of Fleury et al. v. Haiti*) and two cases against Venezuela (*Case of Díaz Peña and Case of Uzcátegui v. Venezuela*). The Court took this decision, taking into account that, despite the prolonged time that had passed since the expiry of the time limit established in the respective judgments for the presentation of the report on the measures taken to comply with the reparations ordered in the respective judgments<sup>88</sup>, of the requests made by the Court in its orders of November 2015 and 2016, in which it declared serious non-compliance with the obligation to report of these States, and of the requests made by the President of the Court in subsequent years, Haiti and Venezuela have continued not to submit any reports on the implementation of these Judgments.

Pursuant to the decisions taken in the said orders, when the Court has decided to apply Articles 65 of the Convention and 30 of its Statute in cases of failure to comply with its judgments, and has reported this, in its Annual Report, to the General Assembly of the Organization of American States, the Court will continue including this non-compliance in its Annual Report every year, unless the State prove that they are adopting the necessary measures to comply with the reparations ordered in the judgment, or the representatives of the victims or the Commission provide information on implementation and compliance with the points of the Judgment that must be assessed by this Court.

## E. Requests for reports from sources that are not parties (Article 69(2) of the Rules of Procedure)

Starting in 2015, the Court has used the authority established in Article 69(2)<sup>89</sup> 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 2019, the Court applied this provision in the following cases:

a) In the *Case of Molina Theissen v. Guatemala*, by a note of the Secretariat, on the instructions of the President of the Court, the Prosecutor General of the Republic of Guatemala was requested to provide a report on compliance with the measure of reparation concerning the obligation to investigate, prosecute and punish, as appropriate, those responsible for the facts of the said case. In particular, he was asked to refer to the bill to amend the National Reconciliation Law and its impact on the Case of Molina Theissen, as well as on compliance with the obligation to investigate ordered in other judgments handed down by the Inter-American Court. The information presented by the Prosecutor General was assessed by the Court in its order on monitoring compliance issued on March 14, 2019.

<sup>88</sup> (i) In the Case of Fleury et al. v. Haiti, seven years have passed since the expiry of the time frame granted in the judgment, and the State has not presented the report, and (ii) in the Case of Díaz Peña v. Venezuela, six years and four months have passed, and in Case of Uzcátegui et al. v. Venezuela, six years and one month have passed since the expiry of the time frame granted in the respective judgments for the presentation of the reports

<sup>89</sup> This article establishes that: “[t]he Court may require from other sources of information relevant data regarding the case in order to evaluate compliance therewith. To that end, the Tribunal may also request the expert opinions or reports that it considers appropriate.”



b) In the said order on monitoring compliance with judgment issued by the Court in March 2019 in the Case of *Molina Theissen v. Guatemala*, the Court asked the Guatemalan Forensic Anthropology Foundation (FAFG) to present an expert opinion on the measures it considered that the State should adopt to comply fully with the reparation ordered in the judgment in this case concerning “to adopt the legislative, administrative and any other kind of measure required to create a system of genetic information that permits determining and clarifying the parentage of disappeared children and identifying them.” The Court considered that this opinion could provide useful elements to understand the series of actions that, in the context of Guatemala, were required to comply with this reparation. The FAFG presented the expert opinion requested in September 2019, and the Court asked the State for its opinion in this regard, and also asked for the respective observations of the victims’ representatives and the Commission.

c) In the *Cases against Colombia*<sup>90</sup>, the Colombian Ombudsman presented a report entitled “Expanding the horizon of justice for victims. State report on compliance with the judgments of the Inter-American Court of Human Rights against Colombia.” This report, which followed up on a process initiated by this institution in 2018<sup>91</sup> presented the main conclusions derived from information provided by State authorities, victims and their representatives with regard to the implementation of the judgments delivered by the Court against this State. The Ombudsman structured the information based on what he considered were the principal aspects of the measures of reparation ordered by the Court: (i) access to justice; (ii) compensation; (iii) health; (iv) education, and (v) other measures of reparation. He also included recommendations for the implementation of the judgments.

d) In the *Case of the Massacres of El Mozote and surrounding areas v. El Salvador*, the Ombudsman of El Salvador forwarded a brief in June 2019 in which he referred to the bill on the National Reconciliation Law, focusing on: (i) the procedure to adopt the bill; (ii) its impact on compliance with international human rights standards; (iii) elements of the bill; (iv) prior control of the constitutionality of bills in El Salvador, and (v) execution of the judgment of the Constitutional Chamber of the Supreme Court of Justice of El Salvador declaring the unconstitutionality of the Amnesty Law, among other matters. This information was assessed by the Court in its order on monitoring compliance of September 3, 2019.

e) For the hearings organized on joint monitoring of compliance of cases against Colombia relating to the search for the whereabouts of victims or the identification of remains, and medical and psychological treatment (see section B.2 above), the Court asked the Unit for the Search for Persons considered Disappeared in the context of and due to the armed conflict in Colombia, and the Colombian Ombudsman to provide an oral report during the said joint hearings on monitoring compliance, with any information they considered relevant, within their terms of reference, with regard to the implementation of the said measures. The Ombudsman provided a report at both hearings.

## F. Informal meetings with victims and/or State agents

During 2019, the Court obtained positive results from holding meetings with State agents to provide them with information or to discuss the status of cases at the stage of monitoring compliance with judgment. This type of meeting was held with agents from Argentina, Ecuador and Panama. These are informal meetings that are not of the same nature as monitoring hearings, but they have a positive impact as regards increased communication on matters such as the different reparations that the States must comply with, the time frames for presenting reports, and observations presented by victims’ representatives and the Commission, among other matters.

Additionally, on February 22, 2019, in Panama City, a meeting to monitor compliance with judgment was held in the

<sup>90</sup> Case of *Caballero Delgado and Santana v. Colombia*, *Las Palmeras v. Colombia*, *19 Tradesmen v. Colombia*, *Gutiérrez Soler v. Colombia*, *Case of the Mapiripán Massacre v. Colombia*, *Case of the Pueblo Bello Massacre v. Colombia*, *Case of the Ituango Massacres v. Colombia*, *Case of the La Rochela Massacre v. Colombia*, *Case of Escué Zapata v. Colombia*, *Case of Valle Jaramillo et al. v. Colombia*, *Case of Cepeda Vargas v. Colombia*, *Case of Vélez Restrepo and family members v. Colombia*, *Case of the Santo Domingo Massacre v. Colombia*, *Case of the Afro-descendant Communities displaced from the Cacarica River Basin (Operation Genesis) v. Colombia*, *Case of Rodríguez Vera et al. (The Disappeared from the Palace of Justice) v. Colombia*, *Case of Duque v. Colombia*, *Case of Yarce et al. v. Colombia*, *Case of Vereda La Esperanza v. Colombia*, *Case of Carvajal Carvajal et al. v. Colombia*, *Case of Isaza Uribe et al. v. Colombia*, *Case of Villamizar Durán et al. v. Colombia*, and *Case of Omeara Carrascal et al. v. Colombia*.

<sup>91</sup> During 2018, the Colombian Ombudsman held discussions with victims and legal representatives of victims in the cases of Colombia at the stage of monitoring compliance with judgment in order to obtain their opinion on the State’s compliance with the reparations. Subsequently, he carried out an “Ombudsman’s hearing” entitled “Assessment of compliance with the orders of the Inter-American Court of Human Rights,” to obtain information also from senior authorities, public officials and State entities with regard to compliance with the said judgments, in order to propose recommendations with an impact on compliance with the measures ordered by the Inter-American Court.

case of *Baena Ricardo et al. v. Panama*. The meeting was attended by the Secretary of the Court, lawyers from the Unit for Monitoring Compliance with Judgments of the Court's Secretariat, and several victims in the case together with their legal representatives, and State authorities from various institutions. The meeting was decided in an order of the President of the Court of November 21, 2018, so that the Court could have further information on the steps being taken by the State of Panama to respond to the claims of the victims regarding payment to the social security system of the employee-employer contributions of the 270 workers victims in this case, before the Court ruled on the State's request to declare that the judgment had been fully complied with and to close the case.



Meeting on monitoring compliance with the Judgment in the Case of *Baena Ricardo et al. v. Panama*

## G. 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 comply 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, which 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, together with 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 bodies and Ombudsmen. For example, in May 2019, the Colombian Ombudsman presented a report to the Court entitled "Expanding the horizon of justice for victims. State report on compliance with the judgments of the Inter-American Court of Human Rights against Colombia." This report, which followed up on a process initiated by this institution in 2018, presented the main conclusions derived from information provided by State authorities, victims and their representatives on the implementation of the judgments handed down by the Court against that State. The Ombudsman structured

the information based on what he considered were the main aspects of the measures of reparation ordered by the Court: (i) access to justice; (ii) compensation; (iii) health; (iv) education, and (v) other measures of reparation. He also included recommendations for the implementation of the judgments (*supra* Section G). In addition, the Office of the Ombudsman of El Salvador, a public institution of constitutional rank, whose powers include “to ensure the respect and guarantee of human rights,” forwarded a brief for the Case of the Massacres of El Mozote and neighboring places v. El Salvador in which he referred to the bill on the National Reconciliation Law (*supra* Section G).

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 2019, the Court emphasized rulings made by domestic courts in Argentina<sup>92</sup>, Colombia<sup>93</sup>, Guatemala<sup>94</sup> y Peru<sup>95</sup> that enabled progress in, or compliance with, reparations ordered in the Court’s judgments; in particular, the obligations to investigate, prosecute and punish, as appropriate.

## H. 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 concerning aspects that relate to compliance with reparations. For example, in 2019, the Court received amicus curiae in relation to the joint monitoring of the measure of reparation concerning medical and psychological treatment ordered in nine cases against Colombia, as well as with the regard to compliance with the judgments in the *Case of Gelman v. Uruguay* and the *Case of Acosta et al. v. Nicaragua*.

The support that organizations and academia can provide in their respective fields is also essential, by organizing activities and initiatives to disseminate judicial standards, or 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 seminars<sup>96</sup>, meetings and projects organized to this end, as well as the “Observatories” on the inter-American system of human rights or to follow up on compliance with judgments<sup>97</sup>. Among the most important actions by the latter are the “First report prepared by the Committee of the Observatory of the Inter-American Association of Public Defenders (AIDEF) for compliance with the judgments of the Inter-American Court of Human Rights,” which was presented to this Court in August 2019.

In order to encourage the involvement of human rights organs and institutions and national courts, together with the participation of academia and civil society, in matters relating to compliance with the reparations ordered by the Inter-American Court, above all, the guarantee of non-repetition, the Court adopted Decision 1/19 on “Clarifications on the publication of information contained in the files of the cases at the stage of monitoring compliance with judgment” (*supra* Section A) in March 2019, allowing publication of the information concerning guarantees of non-repetition in the files of cases at the stage of monitoring compliance with Judgment.

92 In this regard, see the order on Monitoring Compliance of November 22, 2019, issued by the Court in the Case of Gutiérrez and family v. Argentina ([here](#)) (Only in Spanish).

93 In this regard, see the order on Monitoring Compliance of November 22, 2019, issued by the Inter-American Court in the Case of Caballero Delgado and Santana v. Colombia ([here](#)) (Only in Spanish).

94 In this regard, see the order on monitoring compliance of February 6, 2019, issued by the Court in the Case of Fermín Ramírez v. Guatemala ([here](#)) (Only in Spanish).

95 In this regard, see the order on Monitoring Compliance of May 14, 2019, issued by the Court in the Case of Cantoral Huamaní and García Santa Cruz v. Peru ([here](#)) (Only in Spanish).

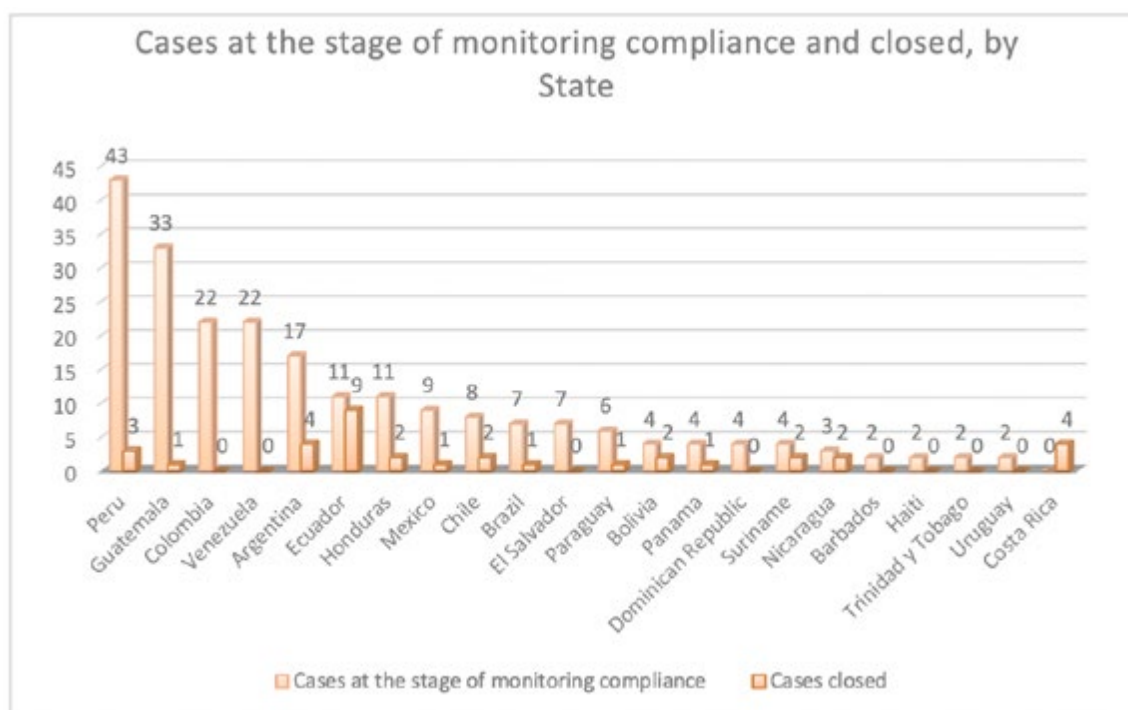
96 In July 2019, the international seminar on the “Transformational impact of the inter-American human rights system in Latin America” was held in Heidelberg, Germany, organized by the Max Planck Institute with the cooperation of the Rule of Law Program for Latin America of the Konrad Adenauer Foundation.

97 Such as, the “Observatory of the inter-American human rights system” at the UNAM Legal Research Institute the “Permanent Observatory on compliance with judgments of the Inter-American Court of Human Rights in Argentina and Monitoring of the inter-American human rights system” of the Faculty of Legal and Social Sciences at the Universidad del Litoral.

## I. List of Cases at the stage of Monitoring Compliance with judgment

The Court ended 2019 with 223 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](#).

In addition, 2019 ended with a total of 35 Cases closed because each and every reparation ordered in the respective judgment had been completed.



**\*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 206 cases where compliance with judgment continues pending and is monitored by the Court. The second list contains the 17 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.



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
<b>ARGENTINA</b>			
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 et al.	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 et al.	May 14, 2013
10	10	Gutiérrez and family	November 25, 2013
11	11	Argüelles et al.	November 2, 2014
12	12	Gorigoitía	September 2, 2019
13	13	Perrone and Preckel	October 8, 2019
14	14	Romero Freis	October 15, 2019



15	15	Hernández	November 22, 2019
16	16	López et al.	November 25, 2019
17	17	Jenkins	November 26, 2019
<b>BARBADOS</b>			
18	1	Boyce et al.	November 20, 2007
19	2	Dacosta Cadogan	September 24, 2009
<b>BOLIVIA</b>			
20	1	Trujillo Oroza	February 27, 2002
21	2	Ticona Estrada et al.	November 27, 2008
22	3	Ibsen Cárdenas and Ibsen Peña	September 1, 2010
23	4	I.V.	November 30, 2016
<b>BRAZIL</b>			
24	1	Ximenes Lopes	July 4, 2006
25	2	Garibaldi	September 23, 2009
26	3	Gomes Lund et al.	November 24, 2010
27	4	Workers of the Hacienda Brazil Verde	October 20, 2016
28	5	Favela Nova Brasília	February 16, 2017
29	6	Xucuru Indigenous People and its members	February 5, 2018
30	7	Herzog et al.	March 15, 2018

CHILE			
31	1	Palamara Iribarne	November 22, 2005
32	2	Almonacid Arellano et al.	September 26, 2006
33	3	Atala Riffo and daughters	February 24, 2012
34	4	García Lucero et al.	August 28, 2013
35	5	Norín Catrimán et al. (Leaders, members and activist of the Mapuche Indigenous People)	May 29, 2014
36	6	Maldonado Vargas et al.	September 2, 2015
37	7	Poblete Vilches et al.	March 8, 2018
38	8	Órdenes Guerra et al.	November 29, 2018
COLOMBIA			
39	1	Caballero Delgado and Santana	January 29, 1997
40	2	Las Palmeras	November 26, 2002
41	3	19 Traders	July 5, 2004
42	4	Gutiérrez Soler	September 12, 2005
43	5	Mapiripán Massacre	September 15, 2005
44	6	Pueblo Bello Massacre	January 31, 2006
45	7	Ituango Massacres	July 1, 2006
46	8	La Rochela Massacre	May 11, 2007
47	9	Escué Zapata	July 4, 2007
48	10	Valle Jaramillo et al.	November 27, 2008

49	11	Cepeda Vargas	May 26, 2010
50	12	Vélez Restrepo and family members.	September 3, 2012
51	13	Santo Domingo Massacre	August 19, 2013
52	14	Afro-descendant Communities displaced from the Río Cacarica Basin (Operation Genesis)	November 20, 2013
53	15	Rodríguez Vera et al.	November 14, 2014
54	16	Duque	February 26, 2016
55	17	Yarce et al.	November 22, 2016
56	18	Vereda La Esperanza	August 31, 2017
57	19	Carvajal Carvajal et al.	March 13, 2018
58	20	Villamizar Durán et al.	November 20, 2018
59	21	Isaza Uribe et al.	November 20, 2018
60	22	Omeara Carrascal et al.	November 21, 2018
ECUADOR			
61	1	Benavides Cevallos	June 19, 1998
62	2	Suárez Rosero	January 20, 1999
63	3	Tibi	September 7, 2004
64	4	Zambrano Vélez et al.	July 4, 2007
65	5	Chaparro Álvarez and Lapo Ñiquez	November 21, 2007
66	6	Vera Vera et al.	May 19, 2011
67	7	Kichwa Indigenous People of Sarayaku	June 27, 2012

68	8	Gonzales Lluy et al.	August 23, 2013
69	9	Flor Freire	September 1, 2015
70	10	Herrera Espinoza et al.	August 31, 2016
71	11	Vásquez Durand et al.	September 1, 2016
<b>EL SALVADOR</b>			
72	1	Serrano Cruz Sisters	March 1, 2005
73	2	García Prieto et al.	November 20, 2007
74	3	Contreras et al.	August 31, 2011
75	4	Massacres of El Mozote and neighboring places	October 25, 2012
76	5	Rochac Hernández et al.	October 14, 2014
77	6	Ruano Torres et al.	October 5, 2015
78	7	Colindres Schonenberg	February 4, 2019
<b>GUATEMALA</b>			
79	1	"White Van" (Paniagua Morales et al.)	March 8, 1998
80	2	Blake	January 22, 1999
81	3	"Street Children" (Villagrán Morales et al.)	May 26, 2001
82	4	Bámaca Velásquez	February 22, 2002
83	5	Myrna Mack Chang	November 25, 2003
84	6	Maritza Urrutia	November 27, 2003
85	7	Molina Theissen	July 3, 2004

86	8	Plan de Sánchez Massacre	November 19, 2004
87	9	Carpio Nicolle et al.	November 22, 2004
88	10	Fermín Ramírez	July 20, 2005
89	11	Raxcacó Reyes	September 15, 2005
90	12	Tiu Tojín	November 26, 2008
91	13	Las Dos Erres Massacre	November 24 2009
92	14	Chitay Nech et al.	May 25, 2010
91	13	Las Dos Erres Massacre	November 24 2009
92	14	Chitay Nech et al.	May 25, 2010
93	15	Río Negro Massacres	September 4, 2012
94	16	Gudiel Álvarez et al. ("Diario Militar")	November 20, 2012
95	17	García and family members	November 29, 2012
96	18	Véliz Franco et al.	May 19, 2014
97	19	Human Rights Defender et al.	August 28, 2014
98	20	Velásquez Paiz et al.	November 19, 2015
99	21	Chinchilla Sandoval et al.	February 29, 2016
100	22	Members of the Village of Chichupac and neighboring communities of the municipality of Rabinal	November 30, 2016
101	23	Gutiérrez Hernández et al.	August 24, 2017
102	24	Ramírez Escobar et al.	March 9, 2018
103	25	Coc Max et al. (Xamán Massacre)	August 22, 2018
104	26	Cuscul Pivaral et al.	August 23, 2018
105	27	Villaseñor Velarde et al.	February 5, 2019



106	28	Martínez Coronado	May 10, 2019
107	29	Ruiz Fuentes et al.	October 10, 2019
108	30	Valenzuela Ávila	October 11, 2019
109	31	Rodríguez Revolorio et al.	October 14, 2019
110	32	Girón et al.	October 15, 2019
111	33	Gómez Virula et al.	October 21, 2019
HONDURAS			
112	1	Juan Humberto Sánchez	June 7, 2003
113	2	López Álvarez	February 1, 2006
114	3	Servellón García et al.	September 21, 2006
115	4	Kawas Fernández	April 3, 2009
116	5	Pacheco Teruel et al.	April 27, 2012
117	6	Luna López	October 10, 2013
118	7	López Lone et al.	October 5, 2015
119	8	Triunfo de la Cruz Garífuna Community and its members	October 8, 2015
120	9	Punta Piedra Garífuna Community and its members	October 8, 2015
121	10	Pacheco León et al.	November 15, 2017
122	11	Escaleras Mejía et al.	September 26, 2018
MEXICO			
123	1	González et al. ("Cotton Field")	November 16, 2009
124	2	Radilla Pacheco	November 23, 2009

125	3	Fernández Ortega et al.	August 30, 2010
126	4	Rosendo Cantú et al.	August 31, 2010
127	5	Cabrera García and Montiel Flores	November 26, 2010
128	6	García Cruz and Sánchez Silvestre	November 26, 2013
129	7	Trueba Arciniega et al.	November 27, 2018
130	8	Women Victims of Sexual Torture in Atenco v. Mexico	November 28, 2018
131	9	Alvarado Espinoza et al.	November 28, 2018
NICARAGUA			
132	1	Acosta et al.	March 25, 2017
133	2	V.R.P., V.P.C. et al.	March 8, 2018
PANAMA			
134	1	Baena Ricardo et al.	November 2, 2001
135	2	Heliodoro Portugal	August 12, 2008
136	3	Vélez Lóor	November 23, 2010
137	4	Case of the Kuna Indigenous People of Madungandí and the Emberá Indigenous People of Bayano and their members	October 14, 2014
PARAGUAY			
138	1	"Juvenile Re-education Institute"	September 2, 2004
139	2	Yakye Axa Indigenous Community	June 17, 2005
140	3	Sawhoyamaya Indigenous Community	March 29, 2006
141	4	Goiburú et al.	September 22, 2006
142	5	Vargas Areco	September 26, 2006

143	6	Xákmok Kásek Indigenous Community	August 24, 2010
PERU			
144	1	Neira Alegría et al.	September 19, 1996
145	2	Loayza Tamayo	November 27, 1998
146	3	Castillo Páez	November 27, 1998
147	4	Constitutional Court	January 31, 2001
148	5	Ivcher Bronstein	February 6, 2001
149	6	Cesti Hurtado	May 31, 2001
150	7	Barrios Altos	November 30, 2001
151	8	Cantoral Benavides	December 3, 2001
152	9	Durand and Ugarte	December 3, 2001
153	10	"Five Pensioners"	February 28, 2003
154	11	Gómez Paquiyauri Brothers	July 8, 2004
155	12	De La Cruz Flores	November 18, 2004
156	13	Huilca Tecse	March 3, 2005
157	14	Gómez Palomino	November 22, 2005
158	15	García Asto and Ramírez Rojas	November 25, 2005
159	16	Acevedo Jaramillo et al.	February 7, 2006
160	17	Baldeón García	April 6, 2006
161	18	Dismissed Congressional Employees (Aguado Alfaro et al.)	November 24, 2006
162	19	Miguel Castro Castro Prison	November 25, 2006
163	20	La Cantuta	November 29, 2006

164	21	Cantoral Huamani and García Santa Cruz	July 10, 2007
165	22	Acevedo Buendía et al. ("Dismissed and Retired Employees of the Office of the Comptroller")	July 1, 2009
166	23	Anzualdo Castro	September 22, 2009
167	24	Osorio Rivera and family members	November 26, 2013
168	25	Case of J	November 27, 2013
169	26	Tarazona Arrieta et al.	October 15, 2014
170	27	Espinoza Gonzáles	November 20, 2014
171	28	Cruz Sánchez et al.	April 17, 2015
172	29	Canales Huapaya et al.	June 24, 2015
173	30	Wong Ho Wing	June 30, 2015
174	31	Santa Bárbara Campesino Community	September 1, 2015
175	32	Galindo Cárdenas et al.	October 2, 2015
176	33	Quispialaya Vilcapoma	November 23, 2015
177	34	Tenorio Roca et al.	June 22, 2016
178	35	Pollo Rivera et al.	October 21, 2016
179	36	Zegarra Marín	February 15, 2017
180	37	Lagos del Campo	August 31, 2017
181	38	Dismissed Employees of PetroPeru et al.	November 23, 2017
182	39	Munárriz Escobar et al.	August 20, 2018
183	40	Terrones Silva et al.	September 26, 2018
184	41	Muelle Flores	March 6, 2019

185	42	Rosadio Villavicencio	October 14, 2019
186	43	National Association of Discharged and Retired Employees of the National Tax Administration Superintendence	November 21, 2019
DOMINICAN REPUBLIC			
187	1	Yean and Bosico Girls	September 8, 2005
188	2	González Medina and family	February 27, 2012
189	3	Nadege Dorzema et al.	October 24, 2012
190	4	Expelled Dominicans and Haitians	August 28, 2014
SURINAME			
191	1	Moiwana Community	June 15, 2005
192	2	Saramaka People	November 28, 2007
193	3	Liakat Ali Alibux	January 30, 2014
194	4	Kaliña and Lokono Peoples	November 25, 2015
URUGUAY			
195	1	Gelman	February 24, 2011
196	2	Barbani Duarte et al.	October 13, 2011
VENEZUELA			
197	1	El Caracazo	August 29, 2002
198	2	Chocrón Chocrón	July 1, 2011
199	3	Barrios Family	November 24, 2011
200	4	Landaeta Mejías Brothers et al.	August 27, 2014
201	5	Granier et al. (Radio Caracas Televisión)	June 22, 2015



202	6	Ortiz Hernández et al.	August 22, 2017
203	7	San Miguel Sosa et al.	February 8, 2018
204	8	López Soto et al.	September 26, 2018
205	9	Álvarez Ramos	August 30, 2019
206	10	Díaz Loreto et al.	November 19, 2019

List of cases at the monitoring stage. In which Article 65 of the Convention has been applied and the situation verified has not change.

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
2	2	Fleury et al.	November 23, 2011
NICARAGUA			
3	1	Yatama	June 23, 2005
4	1	Hilaire, Constantine and Benjamin et al.	June 21, 2002
5	2	Caesar	March 11, 2005
6	1	El Amparo	September 14, 1996
7	2	Blanco Romero et al.	November 28, 2005
8	3	Montero Aranguren et al. (Retén de Catia)	July 5, 2006
9	4	Apitz Barbera et al. ("First Administrative Contentious Court")	August 5, 2008
10	5	Ríos et al.	January 28, 2009
11	6	Perozo et al.	January 28, 2009
12	7	Reverón Trujillo	June 30, 2009
13	8	Barreto Leiva	November 17, 2009
14	9	Usón Ramírez	November 20, 2009
15	10	López Mendoza	September 1, 2011
16	11	Díaz Peña	June 26, 2012
17	12	Uzcátegui et al.	September 3, 2012

## List of cases closed following compliance with judgment.

List of cases closed following compliance with judgment				
Total number	Number by State	Cases closed following compliance	Date of judgment ordering reparations	Date of order closing case
<b>ARGENTINA</b>				
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
<b>BOLIVIA</b>				
5	1	Pacheco Tineo Family	November 25, 2013	April 17, 2015
6	2	Andrade Salmón	December 1, 2015	February 5, 2018
<b>BRAZIL</b>				
7	1	Escher et al.	July 6, 2009	June 19, 2012
<b>CHILE</b>				
8	1	"The Last Temptation of Christ" (Olmedo Bustos et al.)	February 5, 2001	November 28, 2003
9	2	Claude Reyes et al.	September 19, 2006	November 24, 2008
<b>COSTA RICA</b>				
10	1	Herrera Ulloa	July 2, 2004	November 22, 2010
11	2	Amrhein et al.	April 25, 2018	October 7, 2019
12	3	Artavia Murillo et al. (in vitro fertilization)	November 28, 2012	November 22, 2019
13	4	Gómez Murillo et al.	November 29, 2016	November 22, 2019
<b>ECUADOR</b>				
14	1	Acosta Calderón	June 24, 2005	February 6, 2008
15	2	Albán Cornejo et al.	November 22, 2007	August 28, 2015
16	3	Salvador Chiriboga	March 3, 2011	May 3, 2016
17	4	Mejía Idrovo	July 5, 2011	September 4, 2012
18	5	Suárez Peralta	May 21, 2013	August 28, 2015
19	6	Constitutional Tribunal (Camba Campos et al.)	August 28, 2013	June 23, 2016
20	7	García Ibarra et al.	November 17, 2015	November 14, 2017
21	8	Valencia Hinojosa et al.	November 29, 2016	March 14, 2018
22	9	Supreme Court of Justice (Quintana Coello et al.)	August 23, 2013	January 30, 2019
<b>GUATEMALA</b>				
23	1	Ma'donado Ordóñez	May 3, 2016	August 30, 2017
<b>HONDURAS</b>				
24	1	Velásquez Rodríguez	July 21, 1989	September 10, 1996
25	2	Godínez Cruz	September 10, 1993	September 10, 1996
<b>MEXICO</b>				
26	1	Castañeda Gutman	August 6, 2008	August 28, 2013
<b>NICARAGUA</b>				
27	1	Genie Lacayo	January 21, 1997	August 29, 1998
28	2	Mayagna (Sumo) Awas Tingni Community	August 31, 2001	April 3, 2009
<b>PANAMA</b>				
29	1	Tristán Donoso	January 27, 2009	September 1, 2010
<b>PARAGUAY</b>				
30	1	Ricardo Canese	August 31, 2004	August 6, 2008
<b>PERU</b>				
31	1	Castillo Petruzzi et al.	May 30, 1999	September 20, 2016
32	2	Lori Berenson Mejía	November 25, 2004	June 10, 2012
33	3	Abrill Alosilla et al.	November 21, 2011	May 22, 2013
<b>SURINAME</b>				
34	1	Aloeboetoe et al.	July 20, 1989	February 5, 1997
35	2	Gangaram Panday	January 21, 1994	November 27, 1998



Case of the 19 Tradesmen v. Colombia



Case of Bueno Alves v. Argentina.



Case of Bulacio v. Argentina



Case of Gelman v. Uruguay



Case of Furlan and family v. Argentina



Case of Garrido and Baigorria v. Argentina





Case of the Mapiripán Massacre v. Colombia



Joint hearing for six cases against Colombia relating to the search for whereabouts or identification of remains.



Case of Fornerón and daughter v. Argentina



Case of Torres Millacura et al. v. Argentina.



Joint hearing for nine cases against Colombia relating to medical or psychological treatment.

# Provisional Measures

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## VI. Provisional Measures

In 2019, the Court issued 20 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<sup>98</sup>.

### A. Adoption of new provisional measures

#### 1. Case of the Members of the Village of Chichupac and neighboring communities of the Municipality of Rabinal, Case of Molina Theissen and 12 other Guatemalan's Cases v. Guatemala.

On February 13, 2019, the victims' representatives in the Case of the Members of the village of Chichupac and neighboring communities of the municipality of Rabinal requested the Court to adopt measures "in favor of the victims and the families of victims recognized in the judgment [in this case] of November 30, 2016," and also asked that the Court order the State "to refrain from continuing to process Bill 5377, which establishes a general amnesty for serious human rights violations."

In an order of March 12, 2019, the Court noted, first, that the requirements of extreme gravity and urgency had been met owing to the risk of irreparable harm occurring with regard to nine women victims in the case who appear as aggrieved parties in the domestic proceedings investigating presumed acts of rape. Consequently, it required the State to adopt, immediately, the measures of protection that were necessary and effective to ensure their rights to life and to personal integrity.

Second, in this order, the Court considered that a grave and urgent situation existed, which could lead to irreparable damage, as a result of the possible adoption of Bill 5377, intended to amend the 1996 National Reconciliation Law by granting an amnesty for all the egregious human rights violations committed during the internal armed conflict. The Court noted that the adoption of this bill would have a negative and irreparable impact on the right of access to justice of the victims in 14 cases<sup>99</sup> in which the Court had delivered judgment and ordered the investigation, prosecution and eventual punishment of egregious human rights violations committed or that allegedly occurred during the internal armed conflict. In this regard, the Court stipulated that the adoption of this bill would constitute disregard by Guatemala of the Court's order that amnesties could not be applied to the investigation, prosecution and punishment in these cases, and also that the State would violate an international *res judicata*. Therefore, the Court required the State of Guatemala to halt the legislative processing of Bill 5377 and to archive it.

Subsequently, on August 5, 2019, the representatives requested the expansion of the provisional measures in favor of three justices of the Constitutional Court of Guatemala who, in a decision of July 18, 2019, voted in favor of granting a "provisional amparo" ordering the halting of the procedure of the drafting, adoption and enactment of Bill 5377. However, as a result of this decision a pre-trial procedure had been opened against the three justices.

<sup>98</sup> Matter of Members of the Miskitu Indigenous Peoples of the North Caribbean Coast Region regarding Nicaragua and Case of Durand and Ugarte v. Peru (Monitoring Compliance with Judgment and Request for Provisional Measures).

<sup>99</sup> These Cases are: Bámaca Velásquez, Myrna Mack Chang, Maritza Urrutia, Plan de Sánchez Massacre, Molina Theissen, Carpio Nicolle et al., Tiu Tojín, Las Dos Erres Massacre, Chitay Nech et al., Río Negro Massacres, Gudiel Álvarez et al. ("Diario Militar"), García and family, Members of the village of Chichupac and neighboring communities of the Municipality of Rabinal, and Coc Max et al. (Xamán Massacre).

In an order of October 14, 2019, the Court established, first, that it would maintain the provisional measures ordered in favor of the nine women victims in the case of the Members of the village of Chichupac and neighboring communities of the municipality of Rabinal. Second, it declared that the State had failed to comply with the measure relating to halting the legislative processing of Bill 5377 and reiterated to the State that it must comply, immediately and effectively with the measure indicated. Third, it rejected the request to expand the provisional measures in favor of three justices of the Constitutional Court, because it considered that the requirement of urgency was not met in the terms of Article 63(2) of the American Convention, since the pre-trial procedure was in its initial stage before the Supreme Court of Justice, which had to decide whether to admit or reject it. If the case was admitted, the file would be forwarded to the Congress of the Republic to continue the procedure; however, according to the laws of Guatemala, Congress did not have the authority to dismiss, disqualify or suspend the justices of the Constitutional Court; rather, first, an investigation and criminal proceeding had to be conducted so that it was the courts that determined whether they had committed an offense.

The order of March 12, 2019, is available [here](#) (Only in Spanish), and that of October 14, 2019 [here](#) (Only in Spanish).

## 2. Matter of the Nicaraguan Center for Human Rights and the Permanent Commission of Human Rights (CENIDH - CPDH) regarding Nicaragua

On June 27, 2019, the Inter-American Commission on Human Rights forwarded a request for provisional measures, in which it described and provided evidence on the threats received by numerous members of the Nicaraguan Human Rights Center (CENIDH) and Permanent Human Rights Commission (CPDH).

Having examined the request, the observations of the State, and other evidence provided in the context of this request, in an order of July 12, 2019, the President of the Inter-American Court considered that there was sufficient evidence to determine the existence of a situation of extreme gravity. Therefore, he determined the urgent need to adopt the necessary measures to avoid irreparable harm to the rights to life and integrity of the members of these organizations, in order to ensure the continuity of their work in defense of human rights, free of harassment, threats and violence.

Subsequently, in an order of October 14, 2019, the Inter-American Court decided to ratify the order for urgent measures issued by the President on July 12, 2019, and, consequently, to require the State to adopt immediately the measures required to provide effective protection to the life and integrity of the members of these organizations, and to ensure the continuity of their work in defense of human rights, free of harassment, threats or violence.

The order of the President of July 12, 2019, is available [here](#) (Only in Spanish), and the order of October 14, 2019 [here](#) (Only in Spanish).

## B. Adoption and subsequent lifting during 2019

### 1. Matter of seventeen persons deprived of liberty regarding Nicaragua

On May 15, 2019, the Inter-American Commission on Human Rights presented a request for Provisional Measures to protect the health, life and personal integrity of 17 persons who, initially, were deprived of liberty in “La Modelo” and “La Esperanza” prisons.

Having examined the request presented, the observations of the State, and other evidence provided in the context of this request, in an order of May 21, 2019, the President of the Court considered that there was sufficient evidence to determine the existence of a situation of extreme gravity and, therefore, the urgent need to adopt the measures required to avoid irreparable harm to the rights to health, life and personal integrity, in order to fully guarantee the safety of the applicants in the place where they were confined. Consequently, the President decided that Nicaragua should adopt immediately the measures needed to provide effective protection to the health, life and personal integrity of these 17 persons.

Subsequently, on October 14, 2019, the Inter-American Court, having verified that the persons detained had been released, considered that the situation of extreme gravity and the urgency of avoiding irreparable harm to the health, personal integrity and life of the beneficiaries had ceased to exist, and therefore proceeded to lift the provisional measures. This decision does not prejudice the State’s responsibility for the facts reported while the beneficiaries were detained or after their release.

The order of the President of May 21, 2019 is available [here](#) (Only In Spanish), and the order of the Court of October 14, 2019 [here](#) (Only in Spanish).

## 2. Case of the Massacres of El Mozote and surrounding areas v. El Salvador

On May 24, 2019, the Inter-American Court received a request for Provisional Measures owing to the “risk of irreparable harm and the extreme gravity and urgency that the right of access to justice of the victims of the Massacres of El Mozote and neighboring places, as well as of the victims of human rights violations under the internal armed conflict as a whole would be violated,” owing to the “imminent approval by the Legislative Assembly” of “the bill on the Special Law on Transitional and Restorative Justice for National Reconciliation.”

Having examined the request of the victims’ representatives, the observations of the State and the Commission, and other evidence provided in the context of this request, in an order for urgent measures issued on May 28, 2019, the President of the Inter-American Court considered that the requirements of extreme gravity, urgency and the irreparable nature of the harm had been met. He therefore required the State to suspend immediately the legislative processing of the bill on the “Special Law on Transitional and Restorative Justice for National Reconciliation,” which was before the Political Committee of the Legislative Assembly until the full Court could examine and rule on the request for provisional measures during its next Session.

Subsequently, in an order of September 3, 2019, the Inter-American Court took into consideration the information presented following the order issued by the President, to the effect that: (i) the Constitutional Chamber had extended the time limit allowed to the Legislative Assembly to issue legislation on national reconciliation; (ii) the President of the Legislative Assembly had stated that two bills were being examined and the Legislature was willing to establish a participative process for the elaboration of this national reconciliation legislation; (iii) the President of the Republic of El Salvador had stated that any bill presented would be analyzed from the crucial perspective of the rights of the victims of egregious human rights violations committed during the Salvadoran internal armed conflict, and (iv) there were mechanism by which the Constitutional Chamber of the Supreme Court of Justice could eventually rule on the constitutionality of the legislation. Therefore, it decided not to order the State to adopt provisional measures in favor of the victims in this case.

The order of the President of May 28, is available [here](#) (Only in Spanish), and the order of the Court of September 3, 2019, [here](#). (Only in Spanish)

## C. Continuation or expansion of Provisional Measures and partial lifting, or measures that ceased to have effect for certain persons

### 1. Case of Fernández Ortega et al. v. Mexico

In orders dated March 13 and November 22, 2019, the Court required the State required the State to maintain the provisional measures ordered favor of Inés Fernández Ortega and her next of kin, Otilia Eugenio Manuel and her next of kin, the 40 members of the indigenous organization, Tlapaneco/Me’phaa A.C (OPIM) and the 10 members of the Human Rights Center of the Tlachinollan Mountain.

The order of March 13, 2019 is available [here](#) (Only in Spanish), and that of November 22, 2019 [here](#) (Only in Spanish).

### 2. Matter of Mery Naranjo et al. regarding Colombia

In an order of March 13, 2019, the Court required the State to maintain the provisional measures decided in its orders of July 5 and September 22, 2006, January 31, 2008, November 25, 2010, March 4, 2011, and August 6, 2017, in favor of María del Socorro Mosquera Londoño and Mery Naranjo Jiménez and their next of kin: Juan David Naranjo Jiménez, Alejandro Naranjo Jiménez, Sandra Janeth Naranjo Jiménez, Alba Mery Naranjo Jiménez, Erika Johann Gómez, Heidi Tatiana Naranjo Gómez, María Camila Naranjo Jiménez, Aura María Amaya Naranjo, Esteban Torres

Naranjo, Luisa María Escudero Jiménez, Lubin Arjadi Mosquera, Hilda Milena Villa Mosquera, Iván Alberto Herrera Mosquera, Marlon Daniel Herrera Mosquera, Luisa María Mosquera Guisao, Luis Alfonso Mosquera Guisao, Daniel Steven Herrera Vera, Luisa Fernanda Herrera Vera, Sofía Flores Montoya and María Eugenia Guisao González.

The order of March 13, 2019 is available [here](#) (Only in Spanish).

### 3. Case of Mack Chang et al. v. Guatemala

In an order of March 5, 2019, the Court considered that the situation of extreme gravity and urgency and the need to prevent irreparable harm persisted. Consequently, the Court found it appropriate to maintain the provisional measures in favor of Helen Mack Chang and the members of the Myrna Mack Chang Foundation. Therefore, the Court required the State to maintain and, if appropriate, adopt and implement all necessary measures to protect the life and personal integrity of these beneficiaries.

The order is available [here](#) (Only in Spanish).

### 4. Matter of the Penitentiary Complex of Pedrinhas regarding Brazil

In an order of March 14, 2018, the Court underlined 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 actions. Nevertheless, it noted that the situation of the beneficiaries in the areas mentioned continued to cause concern, and called for urgent structural changes. In particular, the Court highlighted two problems that affect Brazil's prison system. First, the increase in the prison population makes it difficult to make these structural changes and facilitates the violation of the rights of those deprived of liberty. Also, this increase means that measures taken to increase vacancies in the prisons are ineffective and continue to be insufficient in view of the high number of new prisoners. Second, the lack of access to services of health care and hygiene endangers the life and personal integrity of those deprived of liberty, the employees and the visitors to the Penitentiary Complex of Pedrinhas, as does the failure to provide the inmates with hygiene kits and clothes periodically.

Therefore, the Court required the State to adopt, immediately, all necessary measures to provide effective protection to the life and personal integrity of all those deprived of liberty in the Pedrinhas Prison Complex, and also of anyone who is inside this establishment, including prison guards, officials and visitors.

The order is available [here](#) (Only in Spanish).

## D. Requests for provisional measures denied

### 1. Case of Petro Urrego v. Colombia

On December 12, 2018, the representatives in this case submitted to the Court a request for Provisional Measures, asking the Court to order the State of Colombia to protect the political rights of Gustavo Francisco Petro Urrego.

In an order of February 6, 2019, the Court considered that, at that time, the situation of extreme gravity and urgency that allows the Court to consider the need to order Provisional Measures pursuant to Article 63(2) of the Convention, had not been proved and, consequently, denied the request for provisional measures.

The order is available [here](#) (Only in Spanish).

### 2. Case of Muelle Flores v. Peru

On September 27, 2018, the representatives requested the Court to adopt “measures to ensure the immediate access to public health services in the same conditions as all pensioners under the regime of Decree 20,530” to Oscar Ruben Muelle Flores and to grant him, immediately and provisionally, a pension of 800 soles until the State had implemented the final duly updated pension. On December 20, 2018, the State advised that the Ministry of Economy and Finance

had decided *ex officio* to reinstate Mr. Muelle Flores' pension for the monthly sum of 800 new soles, subject to the legal deductions, as of January 1, 2018, and until the Court delivers the corresponding judgment.

In an order of March 6, 2019, the Court considered that, in the judgment on preliminary objections, merits, reparations and costs handed down by the Court on March 6, 2019, the State had been declared internationally responsible for violations of Articles 5, 8(1), 11, 25(1), 25(2)(c), 26, 21(1), 21(2) and 2 of the American Convention, in relation to Article 1(1) of this instrument, to the detriment of Oscar Muelle Flores and, consequently, it had ordered different measures of reparation, including the reinstatement of the payment of Mr. Muelle Flores' pension and the continuation of the health care coverage, as well as measures of satisfaction and compensation for pecuniary and non-pecuniary damage. Based on the delivery of the judgment in the contentious case, and taking into consideration the actions undertaken by the State, the Court considered that this request for provisional measures was no longer relevant.

The said order is available [here](#) (Only in Spanish).

### 3. Case of Arrom Suhurt et al. v. Paraguay

On January 3, 2019, the victims' representative presented a request for Provisional Measures for the Court to order the State of Paraguay to adopt the necessary measures to ensure the rights of Juan Francisco Arrom Suhurt and Anuncio Martí Méndez in the situation in which they find themselves, having refugee status in the Federative Republic of Brazil. On January 11 and 12, 2019, the representative expanded the request alleging new facts and asked that Víctor Antonio Colmán Ortega and Esperanza Martínez also be covered by the measures.

After examining the facts and circumstances that substantiate the request, the Court considered that, in this case, it was not possible to appreciate, *prima facie*, that Juan Francisco Arrom Suhurt, Anuncio Martí Méndez, Víctor Antonio Colmán Ortega and Esperanza Martínez were, in the terms of Article 63(2) of the Convention, in a situation of "extreme gravity and urgency" related to the possibility of irreparable harm. With regard to Juan Arrom Suhurt, Anuncio Martí and Víctor Antonio Colmán Ortega, the Court notes that they reside in Brazil, where they are under the protection of that State owing to their refugee status and, consequently, it finds that it is not possible to infer that the mere fact that Paraguay has asked Brazil to revoke their refugee status signifies, in itself, a threat to their rights, taking into account that both the said request by Paraguay and the response that Brazil adopts in this regard correspond to the exercise of the powers established in the international legal order relating to asylum. Therefore, the Court decides to deny this request for Provisional Measures.

On March 16 and 29, 2019, the representatives of the victims alleged that Cristina Haydée Arrom Suhurt had been subjected to harassment and requested the adoption of provisional measures. In an order of January 13, 2019, the Court considered that, based on the facts, it was not possible to appreciate, *prima facie*, that Cristina Haydée Arrom Suhurt was, in the terms of Article 63(2) of the Convention, in a situation of "extreme gravity and urgency" related to the possibility of irreparable harm. It therefore denied this request for Provisional Measures.

The said order is available [here](#) (Only in Spanish).

### 4. Case of Cesti Hurtado v. Peru

On August 5, 2019, within the framework of monitoring compliance with the judgment in the Case of Cesti Hurtado v. Peru, the victim and his representative presented a request for provisional measures for "the State of Peru, through its different organs and officials, to refrain from re-victimizing him, and requiring him to refund the sum of money that was paid to him in partial payment of the reparation for pecuniary damage for the violations of which he was a victim," as well as to "refrain from violating the international *res judicata* [...], by considering that the compensation for pecuniary damage had been partially paid."

In an order of October 14, 2019, the Inter-American Court considered that the information and arguments submitted by the victim and his representative in their request for provisional measures should be evaluated in the context of monitoring compliance with judgment. Consequently, the Court found that it was inappropriate to adopt the Provisional Measures requested in this case.

The said order is available [here](#) (Only in Spanish)



## E. Lifting of 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 protection to ensure the life and personal integrity of five persons.

In an order of February 6, 2019, the Court considered that nearly a year had passed since the public hearing in this case had been held, and provisional measures had been adopted, and it had not received any information on acts of harassment, attacks, threats or circumstances of any kind that would denote the existence of a risk to the beneficiaries. Consequently, and taking into account the necessary rigor in determining the pertinence of these measures, the Court considered it pertinent to order the lifting of the provisional measures ordered in favor of Efraín Grave Morente, Maynor Estuardo Alvarado Galeano, Karla Lorena Campos Flores, Natividad Sales Calmo and Tomás Grave Morente.

The said order is available [here](#) (Only in Spanish).

## F. Measures related to article 53 of the Rules of Procedure

### 1. Matter of Cristina Arrom Suhurt regarding to the Case of Arrom Suhurt et al. v. Paraguay (order related to article 53 of the Court's Rules of Procedure)

On February 15 and 19, 2019, the representative of the presumed victims in the Case of Arrom Suhurt et al. v. Paraguay informed the Court that a complaint had been filed against Cristina Haydée Arrom Suhurt based on her statement before the Court during the contentious proceedings in the Case of Arrom Suhurt et al. v. Paraguay, and requested the adoption of the pertinent measures.

In an order of March 14, 2019, the Court reiterated that Article 53 of the Court's Rules of Procedure prohibit, in general, the prosecution or the adoption of reprisals based on "statements, opinions or legal defense" before the Court. Subsequently, in an order of November 16, 2019, the Court noted that, according to the information presented by the representatives on November 8, 2019, the complaint against Mrs. Arrom Suhurt had been admitted. Therefore, it reiterated the contents of its order of March 14 and considered that the admission of the complaint constituted an action that could be attributed to the State. Consequently, the opening of criminal proceedings entailed by the admission of the complaint against Mrs. Arrom Suhurt based on her statements before this Court signifies that the State has failed to comply with the Court's order of March 14, 2019, in violation of Article 53 of the Rule of Procedure. Therefore, it ordered the State to adopt the necessary measures to terminate the criminal proceedings instituted against Cristina Haydée Arrom Suhurt based on her statements before the Court.

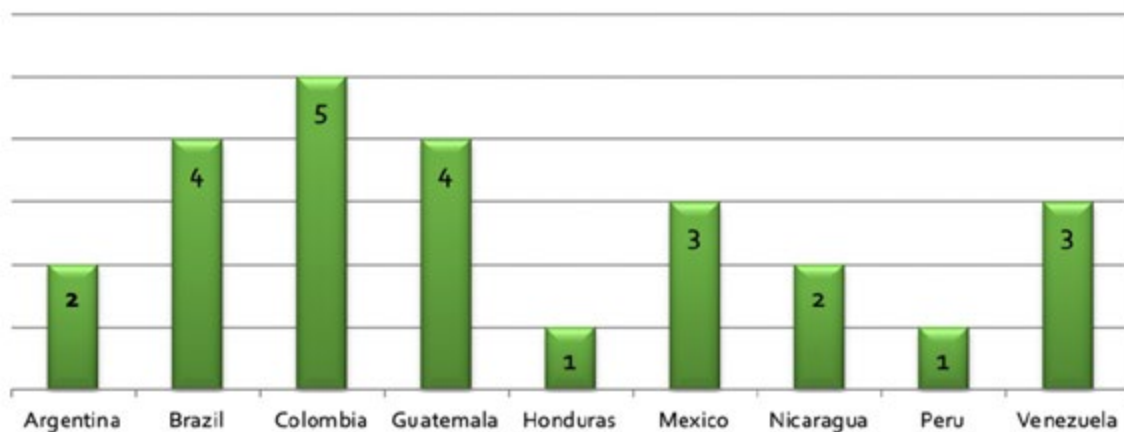
## G. Current status of provisional measures

Currently, the Court is monitoring the following 25 Provisional Measures. The Provisional Measures under monitoring of the Court are the following:

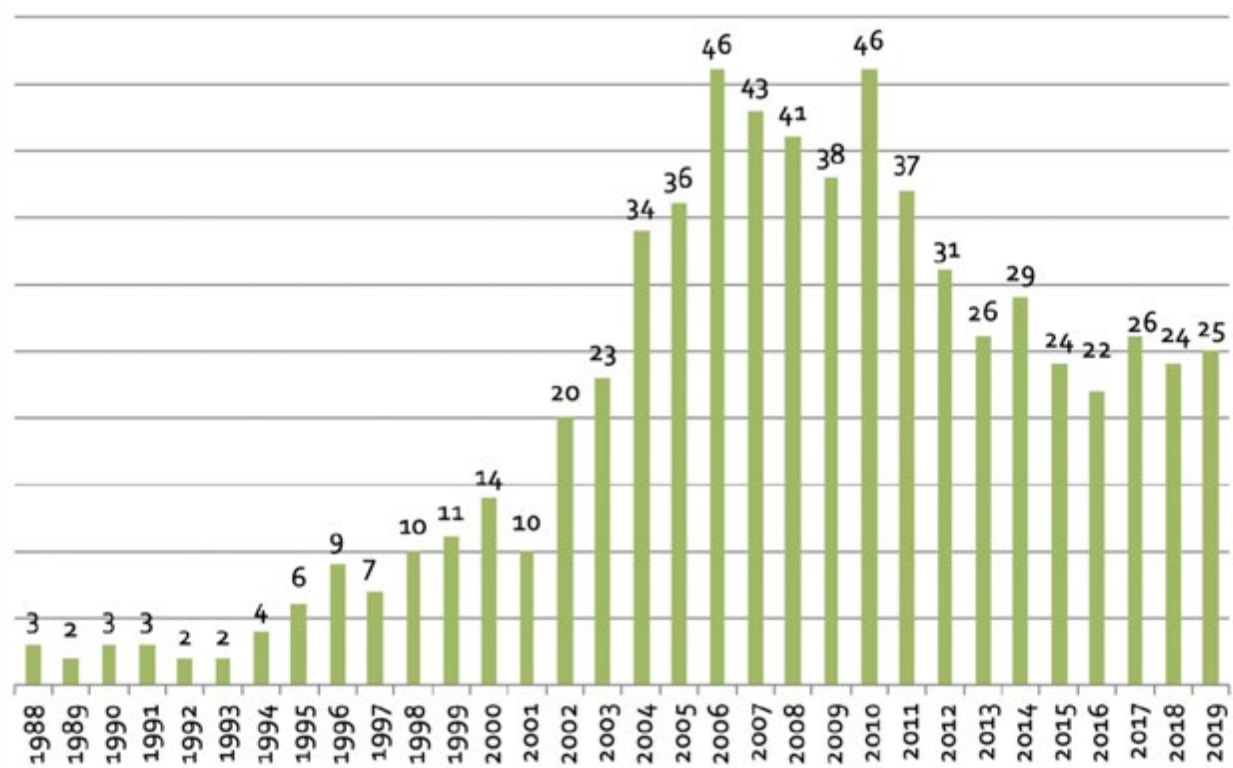
Current status of Provisional Measures		
Number	Name of the case or matter	State regarding which the provisional measures have been adopted
1.	Milagro Sala	Argentina
2.	Torres Millacura et al.	Argentina
3.	Socio-Educational Internment Facility	Brazil
4.	Penitentiary Complex of Curado	Brazil
5.	Penitentiary Complex of Pedrinhas	Brazil
6.	Criminal Institute of Plácido de Sá Carvalho	Brazil
7.	19 Tradesmen	Colombia
8.	Peace Community of San José de Apartadó	Colombia
9.	Álvarez et al.	Colombia
10.	Danilo Rueda	Colombia
11.	Mery Naranjo et al.	Colombia
12.	Case of the Members of the Village of Chichupac and neighboring communities of the Municipality of Rabinal, Case of Molina Theissen and 12 other Guatemalan's Cases	Guatemala
13.	Bámaca Velásquez	Guatemala
14.	Forensic Anthropology Foundation	Guatemala
15.	Mack Chang	Guatemala
16.	Kawas Fernández	Honduras
17.	Castro Rodríguez	Mexico

18.	Fernández Ortega et al.	Mexico
19.	Members of the Choréachi Indigenous Community	Mexico
20.	Matter of the Nicaraguan Center for Human Rights and the Permanent Commission of Human Rights (CENIDH-CPDH)	Nicaragua
21.	Members of the Miskitu indigenous peoples of the North Caribbean Coast Autonomous Region	Nicaragua
22.	Durand and Ugarte	Peru
23.	Certain Penitentiary Centers of Venezuela	Venezuela
24.	Barrios Family	Venezuela
25.	Uzcátegui et al.	Venezuela

**Active Provisional Measures, by State, at the close of 2019**



**Active Provisional Measures, by year**



# CURRENT STATUS OF PROVISIONAL MEASURES



- 1 Argentina**  
Milagro Sala  
Torres Millacura et al.
- 2 Brazil**  
Socio-Educational Internment Facility  
Penitentiary Complex of Curado  
Penitentiary Complex of Pedrinhas
- 3 Colombia**  
19 Tradesmen  
Peace Community of San José de Apartadó  
Álvarez et al.  
Danilo Rueda  
Mery Naranjo et al.
- 4 Guatemala**  
Case of the Members of the Village of Chichupac and neighboring communities of the Municipality of Rabinal,  
Case of Molina Theissen  
12 Guatemalan's Cases  
Bámaca Velásquez  
Forensic Anthropology Foundation  
Mack Chang
- 5 Honduras**  
Kawas Fernández
- 6 Mexico**  
Castro Rodríguez  
Fernández Ortega et al.  
Members of the Choréachi Indigenous Community
- 7 Nicaragua**  
Nicaraguan Center for Human Rights and the  
Permanent Commission of Human Rights (CENIDH-CPDH)  
Members of the Miskitu Indigenous Peoples  
of the North Caribbean Coast
- 8 Peru**  
Durand and Ugarte
- 9 Venezuela**  
Certain Penitentiary Centers Venezuelan  
Barrios family  
Uzcátegui et al.



# Advisory Function

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## VII. Advisory Function

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During 2019, the Court did not issue any Advisory Opinions. However, during the year it received four requests for advisory opinions, which are being processed.

- Request for an Advisory pinion presented by the Republic of Colombia

On May 6, 2019, the State of Colombia presented a request for an Advisory Opinion to the Inter-American Court of Human Rights, asking the Court to interpret the “*Human rights obligations of a State that denounces the American Convention on Human Rights and attempts to withdraw from the Organization of American States.*” The complete text of the request is available [here](#) (Only in Sapnish).

The purpose of this request for an Advisory Opinion was to obtain from the Court an interpretation of three general aspects: (1) The scope of the international obligations of an OAS Member State that has denounced the American Convention in relation to the protection and promotion of human rights; (2) The effects on such obligations of the fact that the said State, subsequently, takes the extreme measure of denouncing the instrument constituting the regional Organization and seeks to withdraw from it, and (3) The mechanisms available, on the one hand to the international community and, in particular, the OAS Member States, to require compliance with the said obligations and to make them effective and, on the other hand, to the individuals subject to the jurisdiction of the denouncing State party, to require the protection of their human rights in a situation in which these rights are seriously and systematically violated.

In this regard, pursuant to Article 73(3) of the Inter-American Court’s Rules of Procedure, all interested parties were invited to present their written opinion on the issues submitted to consultation. Originally, this brief should have been forwarded before September 10, 2019, but on September 6, the time limit was extended to December 16, 2019.

- Request presented by the Inter-American Commission on Human Rights

On July 31, 2019, under Article 64(1) of the American Convention, the Inter-American Commission on Human Rights submitted a request for an Advisory Opinion to the Inter-American Court of Human Rights asking the Court to interpret the “Scope of State obligations, under the inter-American system, in relation to the guarantees of freedom of association, its relationship with other rights, and its application from a gender perspective.” The complete text is available [here](#) (Only in Spanish).

Among other aspects, the request asks the Court to clarify the meaning and scope of the obligations relating to guarantees in the processes for the establishment of trade unions, and their election and internal governance procedures, and the expressions of the relationship between freedom of association, the right to strike and the right of assembly. It also referred to determination of the scope of the obligations relating to specific guarantees to ensure freedom of association vis-à-vis practices of gender-based discrimination or violence in the workplace and to ensure the effective participation of women as trade union members and leaders in compliance with the principle of equality and non-discrimination.

In this regard, pursuant to Article 73(3) of the Inter-American Court’s Rules of Procedure, all interested parties were invited to present their written opinion on the issues submitted to consultation. This brief should be forwarded before **January 15, 2020**, the date determined by the President of the Court as the deadline for presentation of written observations.

- Request for an Advisory Opinion presented by Colombia

On October 21, 2019, the State of Colombia presented a request for an advisory opinion to the Inter-American Court of Human Rights asking the Court to interpret “*the mechanism of indefinite presidential re-election in the context of the inter-American human rights system.*” The Inter-American Court is currently making a preliminary examination of the request.

- Request for an Advisory Opinion presented by the Inter-American Commission on Human Rights

On November 25, 2019, the Inter-American Commission on Human Rights presented a request for an advisory opinion to the Inter-American Court of Human Rights asking the Court to interpret the “differentiated approaches regarding persons deprived of liberty.” The Inter-American Court is currently making a preliminary examination of the request.

# Developments in the Court's case law

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## VIII. Developments in the Court's case law

This section highlights some of the innovative developments in the Court's jurisprudence during 2019, 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. Right to life (article 4 of the American Convention)

#### • The death penalty

##### • Apro-abolition trend

In the Cases of Martínez Coronado, Ruiz Fuentes et al. and Girón et al, all against Guatemala, the Court emphasized that Article 4 incorporates an inclination to abolish the death penalty in its second paragraph, which prohibits imposing it "on crimes to which it does not presently apply," and according to paragraph 3, "[t]he death penalty shall not be reestablished in States that have abolished it."<sup>100</sup> The Court recalls that "the goal pursued is to advance towards a definitive prohibition of this type of criminal punishment, by a gradual and irreversible process in States that have signed the American Convention," so that the decision of a State Party to the American Convention, whenever this was taken, to abolish the death penalty, "becomes, ipso jure, a final and irrevocable decision."<sup>101</sup> Furthermore, the Court observed that, to date, 13 States have signed the Protocol to the American Convention on Human Rights to Abolish the Death Penalty and urged the States that have not yet signed the Protocol to do so, and to proscribe this type of punishment.<sup>102</sup>

##### • Expansion of the list of crimes punished by the death penalty

In the Case of Ruiz Fuentes et al. v. Guatemala, the Court observed that, when Guatemala ratified the American Convention, Decree No. 17/73 (Criminal Code) was in force, and its article 201 imposed the death penalty on kidnapping followed by the death of the person kidnapped. This provision was amended on several occasions, and finally the victim in the case was applied the provisions established in Legislative Decree No. 81/96 of September 25, 1996, which established the imposition of the death penalty for the masterminds and perpetrators of the crime of abduction or kidnapping, eliminating the requirement of the subsequent death of the person kidnapped. The Court indicated that, although the *nomen iuris* of abduction or kidnapping remained unaltered from the time that Guatemala ratified the Convention, the factual assumptions contained in the corresponding definitions of the crime changed substantially, making it possible to apply the death penalty for actions that had not received this punishment

<sup>100</sup> Case of Martínez Coronado v. Guatemala. Merits, Reparations and Costs. Judgment of May 10, 2019. Series C No. 376, para. 63, Case of Ruiz Fuentes et al. v. Guatemala. Preliminary Objection, Merits, reparations and costs. Judgment of October 10, 2019. Series C No. 385, para. 80.

<sup>101</sup> *Idem*.

<sup>102</sup> Case of Martínez Coronado v. Guatemala. Merits, Reparations and Costs. Judgment of May 10, 2019. Series C No. 376, para. 65, Case of Ruiz Fuentes et al. v. Guatemala. Preliminary Objection, Merits, Reparations and Costs. Judgment of October 10, 2019. Series C No. 385, para. 80.



previously. This signified the violation of Article 4(2) of the American Convention, because, if the contrary interpretation were accepted, this would mean that a crime could be substituted or altered with the inclusion of new factual assumptions, despite the express prohibition to extend capital punishment contained in the said Article 4(2).<sup>103</sup>

- Automatic and compulsory imposition of the death penalty

Furthermore, the Court noted in the Case of Ruiz Fuentes et al. v. Guatemala that the regulation for the crime of abduction or kidnapping in the Guatemalan Criminal Code ordered the application of the death penalty automatically and, in general, to the authors of this wrongful act. As in the case of Raxcacó Reyes v. Guatemala, the Court observed that article 201 of the Criminal Code, as it was drafted, had the effect of subjecting those accused of the crime of abduction or kidnapping to criminal proceedings in which no consideration was ever given to the specific circumstances of the crime and of the accused, such as the criminal record of the accused and of the victim, the motive, the extent and intensity of the harm caused, the possible mitigating or aggravating circumstances, among other considerations regarding the perpetrator and the crime. The Court concluded that when certain laws impose the obligation to apply the death penalty automatically, this does not allow differentiating between the different degrees of severity or the particular circumstances of the specific crime, which is incompatible with the limitation of the death penalty to the most egregious crimes, as established in Article 4(2) of the Convention.<sup>104</sup> The same reasoning was applied in the judgment in the Case of Girón et al. v. Guatemala, in which the Court analyzed article 175 of the Criminal Code (regulating the crime of statutory rape), which imposed the death penalty without taking into consideration the possible mitigating or aggravating circumstances of the case.<sup>105</sup>

- Use of the “future dangerousness” standard

The Court again ruled on the application of Article 132 of the Guatemalan Criminal Code and the concept of “future dangerousness” under which the death penalty was applied “if the circumstances of the act, and of the occasion, the way in which it was committed, and the determinant motives revealed a greater and particular dangerousness of the agent.” The Court observed that the use of the standard of the dangerousness of the agent, both in the definition of the facts of the wrongful act and in the determination of the corresponding punishment was incompatible with the principle of legality established in the American Convention. The examination of the dangerousness of the agent involved an assessment by the judge of a fact that had not occurred and, therefore, involved a punishment based on an opinion about the offender’s personality and not about the criminal acts he was accused of based on the definition of the crime.<sup>106</sup> Consequently, the Court found that the State was responsible for the violation of Articles 4(2) and 9 of the American Convention, in relation to Articles 1(1) and 2 of the Convention.

- Principle of subsidiarity, reparation of the violation and control of conventionality

The Court recalled that, under the inter-American system, there is a dynamic and complementary control of the State’s treaty-based obligations to respect and to ensure human rights, that is exercised jointly by the domestic authorities (those primarily obliged) and the international instances (in a complementary manner), so that the decision criteria and the protection mechanisms, both national and international, may be brought into conformity and adapted to each other.<sup>107</sup> In this regard, State responsibility under the Convention can only be required at the international level after the State has had the opportunity to acknowledge a violation of a right, if applicable, and to repair the harm caused by its own means.<sup>108</sup> The Court observed, in particular, in the Case of Rodríguez Revolorio et al. v. Guatemala that the alleged violations that eventually resulted in the imposition of the death penalty on Messrs. Rodríguez Revolorio and López Calo were acknowledged and redressed on July 2, 2012, the date on which the Supreme Court partially annulled the sentence imposed on them commuting the death penalty for imprisonment. In particular, the Court noted

103 Case of Ruiz Fuentes et al. v. Guatemala. Preliminary Objection, Merits, Reparations and Costs. Judgment of October 10, 2019. Series C No. 385, para. 86.

104 Case of Ruiz Fuentes et al. v. Guatemala. Preliminary Objection, Merits, Reparations and Costs. Judgment of October 10, 2019. Series C No. 385, para. 88.

105 Case of Girón et al. v. Guatemala. Preliminary Objection, Merits, Reparations and Costs. Judgment of October 15, 2019. Series C No. 390, para. 70.

106 Case of Martínez Coronado v. Guatemala. Merits, Reparations and Costs. Judgment of May 10, 2019. Series C No. 376, para. 70, Case of Rodríguez Revolorio et al. v. Guatemala. Preliminary Objection, Merits, Reparations and Costs. Judgment of October 14, 2019. Series C No. 387, para. 64, and Case of Valenzuela Ávila v. Guatemala. Merits, reparations and costs. Judgment of October 11, 2019. Series C No. 386, para. 154.

107 Case of Rodríguez Revolorio et al. v. Guatemala. Preliminary Objection, Merits, Reparations and Costs. Judgment of October 14, 2019. Series C No. 387, para. 59.

108 Idem.

that, on the said July 2, 2012, the Supreme Court declared admissible the appeal for review filed by Messrs. Rodríguez Revolorio and López Calo and decided to partially annul the sentence of capital punishment, and imposed the next most severe punishment which was 30 years' imprisonment non-commutable. The Court also noted that the Supreme Court had argued, *inter alia*, that, following the judgment of the Inter-American Court in the Case of Fermín Ramírez v. Guatemala, it was obliged "by mandate of the Constitution of the Republic and of the American Convention of Human Rights" to admit the appeal that had been filed. Therefore, the Court noted that, owing to the said judgment of July 2, 2012, the violations caused by imposing the death penalty were acknowledged and the harm was repaired adequately because the punishment was amended, which constituted an opportune and adequate control of conventionality.<sup>109</sup> Consequently, and pursuant to the principle of complementarity, the Court concluded that the State was not responsible for the alleged violations of the Convention that would have resulted from imposing the death penalty on these victims.

## B. Right to personal integrity (article 5 of the American Convention)

### • *Right to personal integrity and deprivation of liberty*

#### • *Right to personal integrity and the objective of the rehabilitation of those convicted*

In the *Case of López et al. v. Argentina*, the Court indicated that, in addition to the right to personal liberty, an unavoidable consequence of the deprivation of liberty was often the infringement of the enjoyment of other human rights; for example, the rights to privacy and family life might also be restricted. However, this restriction of rights, which results from the deprivation of liberty or is a collateral effect, must be rigorously limited because any restriction of a human right can only be justified under international law when it is necessary in a democratic society.<sup>110</sup>

Regarding Article 5 of the Convention, the Court has affirmed that, among other guarantees, the State must guarantee visiting rights in prison. Confinement with a restricted visiting regime may be contrary to personal integrity, depending on the circumstances. Also, the restriction of visits may have effects on the personal integrity of the individual deprived of liberty and on the members of his family. The purpose of Article 5(3) is precisely to ensure that the effects of the deprivation of liberty do not needlessly extend to anyone other than the convicted man, other than strictly necessary.<sup>111</sup>

Furthermore, regarding Article 5(6) of the Convention, in the *Case of Mendoza et al. v. Argentina*, the Court established that "[s]entences to deprivation of liberty shall have the essential purpose of the reform and social rehabilitation of those convicted." Thus, the punishments imposed on children for committing offenses should pursue the child's reintegration into society. In addition, the European Court of Human Rights has understood that maintaining family ties has an impact on the social rehabilitation of those in prison.<sup>112</sup>

Also, in the *Case of Pacheco Teruel v. Honduras*, the Court accepted the State's acknowledgement of responsibility with regard to the violation of Article 5(6) of the Convention because it had not allowed some inmates to carry out productive activities. In this regard, the Court established that measures such as permitting those deprived of liberty to work in prison is a form of guaranteeing Article 5(6), and that unjustified or disproportionate restrictions to this could possibly result in a violation of the said article.<sup>113</sup>

### • *The death penalty*

In the *Case of Girón et al. v. Guatemala*<sup>114</sup> the Court reiterated that Article 5(1) of the Convention establishes, in general terms, the right to physical, mental and moral personal integrity. Meanwhile, Article 5(2) establishes, specifically, the absolute prohibition of subjecting someone to torture or to cruel, inhuman or degrading punishment

109 Case of Rodríguez Revolorio et al. v. Guatemala. Preliminary Objections, Merits, Reparations and Costs. Judgment of October 14, 2019. Series C No. 387, para. 60.

110 Ibid., para. 60.

111 Case of López et al. v. Argentina. Preliminary Objections, Merits, Reparations and Costs. Judgment of November 25, 2019. Series C No. 396, para. 92.

112 Case of López et al. v. Argentina. Preliminary Objections, Merits, Reparations and Costs. Judgment of November 25, 2019. Series C No. 396, para. 94.

113 Case of López et al. v. Argentina. Preliminary Objections, Merits, Reparations and Costs.. Judgment of November 25, 2019. Series C No. 396, para. 95.

114 Case of Girón et al. v. Guatemala. Preliminary Objections, Merits, Reparations and Costs. Judgment of October 15, 2019, para. 78.

or treatment. The Court understood that any violation of Article 5(2) of the American Convention necessarily resulted in the violation of Article 5(1) thereof.<sup>115</sup> The violation of the right to physical and mental integrity of the individual has different connotations of degree that range from torture to other types of ill-treatment or cruel, inhuman or degrading treatment, the physical and mental effects of which vary in intensity based on endogenous and exogenous factors (such as duration of the treatment, age, sex, health status, context and vulnerability) which must be analyzed in each specific situation<sup>116</sup>.

The Court has had occasion to rule on the so-called “phenomenon of death row” in the Case of Hilaire, Constantine and Benjamin et al. v. Trinidad and Tobago and in the Case of Raxcacó Reyes v. Guatemala. In both these cases, the Court assessed the expert opinions provided concerning the specific detention conditions of those condemned to death and victims in these cases, as well as the particular impact on them, which resulted in a violation of Articles 5(1) and 5(2) of the American Convention in relation to Article 1(1) of this instrument.<sup>117</sup> In addition, the European Court of Human Rights, the universal system of human rights and some domestic courts note that the so-called “death row” violates the right to personal integrity owing to the anguish suffered by those condemned to death, a situation that results in psychological trauma owing to the ever-present and increasing presence of the implementation of the maximum punishment; consequently, it is considered cruel, inhuman and degrading treatment. Therefore, to determine the existence of a violation of personal integrity as a result of the “death row,” it is necessary to analyze the personal and particular circumstances of the case in order to be able to assess whether remaining on death row achieves the level of severity to qualify as cruel, inhuman or degrading treatment<sup>118</sup>.

In addition, regarding the method used to carry out the death penalty, the Court notes that various specialized bodies, as well as the criteria of the universal system and other regional systems for the protection of human rights expressly prohibit the methods of carrying out capital punishment that cause the most pain and suffering. In this regard, it is important to note that any method may inflict “pain” or “intense suffering” and, therefore, if a State carries out the death penalty, it must do so in a way that causes the least suffering possible, because whatever the method, the extinction of life entails physical pain.

Furthermore, various international bodies have indicated that methods of execution such as “stoning, injection of untested lethal drugs, gas chambers, burning and burying alive, and public executions [together with ...] other painful and humiliating methods of execution,” constitute cruel, inhuman and degrading treatment that violates the right to personal integrity.

In addition, the Special Rapporteur on extrajudicial, summary or arbitrary executions has indicated that public executions constitute non-compliance with the prohibition of cruel, inhuman and degrading treatment. Meanwhile, the Commission on Human Rights Committee has indicated that “where capital punishment occurs, it shall [...] not be carried out in public or in any other degrading manner.” In this regard, the Human Rights Council has urged States to refrain from carrying out public executions, because “public executions are [...] incompatible with human dignity.”

### C. Evidence of forced disappearance (Rights to personal liberty: article 7, Personal integrity: Article 5, life: Article 4, and recognition of juridical personality: Article 3)

In the *Case of Arrom Suhurt et al. v. Paraguay*, the Inter-American Court considered that, to constitute a violation of the American Convention, the acts or omissions that resulted in that violation must be attributable to the respondent State. Such acts or omissions may have been by any of the State’s powers or organs, irrespective of their rank. Taking into account the dispute that existed in this case, the Court analyzed whether the facts that were alleged could be attributed to the State and, then, where necessary, determined whether they constituted violations of the American Convention and the other international treaties mentioned.<sup>119</sup>

115 Cf. *Case of Yvon Neptune v. Haiti*, Merits, Reparations and Costs. Judgment of May 6, 2008. Series C No. 180, para. 129, and *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, para. 177.

116 Cf. *Case of Loayza Tamayo v. Peru*. Merits. Judgment of September 17, 1997. Series C No. 33, paras. 57 and 58, and *Case of Women Victims of Sexual Torture in Atenco v. Mexico*, supra, para. 177.

117 Cf. *Case of Hilaire, Constantine and Benjamin et al. v. Trinidad and Tobago*, supra, paras. 167 to 172, and *Case of Raxcacó Reyes v. Guatemala* supra, paras. 97 to 102.

118 Cf. *Case of Caso Girón et al. v. Guatemala*. Preliminary Objection, Merits, Reparations and Costs. Judgment of October 15, 2019, para. 78.

119 Cf. *Case of Arrom Suhurt et al. v. Paraguay*. Merits. Judgment of May 13, 2019, para. 94.

In the *Case of Arrom Suhurt et al.*, where there was no direct evidence of the State's action, the Court emphasized that it was legitimate to use circumstantial evidence, indications and presumptions to substantiate a judgment, provided that consistent conclusions about the facts could be inferred from them. In this regard, the Court has indicated that, in principle, the plaintiff has the burden of proving the facts on which his allegations are based; however, it has also underlined that, in proceedings on human rights violations, the State's defense cannot rest on the impossibility of the plaintiff presenting evidence when it is the State that controls the means to clarify facts that occurred in its territory.<sup>120</sup>

The Court noted that in this case, contrary to other cases heard by this Court, the events did not take place in a context of a systematic and generalized practice of forced disappearances, political persecution or other human rights violations, so that it was not possible to use this to corroborate other elements of proof. In addition, there was no evidence in this case that proved that the presumed victims were in the hands of State agents before the alleged facts occurred. Therefore, a presumption that the State was involved in what happened is not applicable. In this regard, contrary to the consideration of the Inter-American Commission, the State did not have the obligation to present an alternative thesis about what happened to the presumed victims<sup>121</sup>.

## D. Personal liberty and preventive detention (article 7 of the American Convention)

In the *Case of Romero Feris v. Argentina*, the Court recalled its case law on personal liberty and precautionary measures involving deprivation of liberty. The Court recalled that, for a precautionary measure that restricts a person's freedom not to be arbitrary, it is necessary that: (i) substantive presumptions are presented regarding the existence of a wrongful act and the connection to this act of the persons accused; (ii) the measures comply with the four elements of the "proportionality test"; namely, that the purpose of the measures must be legitimate (compatible with the American Convention), appropriate to comply with the purpose sought, necessary, and strictly proportionate, and (iii) the decision taken contains sufficient reasoning to allow an evaluation of whether it is in keeping with the said conditions.<sup>122</sup>

Regarding the substantive presumptions regarding the existence of the wrongful act and the connection of the person accused, the Court clarified that, in order to comply with the requirements to restrict the right to personal liberty by a precautionary measure, such as preventive detention, there must be sufficient evidence that allowed it to be reasonably supposed that a wrongful act had occurred and that the person accused and prosecuted could have participated in that act.<sup>123</sup> On this point, the Court emphasized that the said presumption did not, in itself, constitute a legitimate purpose for applying a precautionary measure that restricted freedom, nor could it contravene the principle of the presumption of innocence contained in Article 8(2) of the Convention. Moreover, as indicated in the comparative law of several countries, and as is the practice of international courts, the presumption is additional to the other requirement concerning the legitimate purpose, appropriateness, necessity and proportionality, and functions as a supplementary guarantee when proceeding to apply a precautionary measure that restricts a person's freedom.<sup>124</sup>

In addition, the Court underlined that this should be understood taking into account that, in principle and in general, the decision should not have any effect for the judge as regards the responsibility of the accused, because it is usually taken by different judge or judicial authority to the one who finally decides on the merits of the case.<sup>125</sup>

Furthermore, regarding such presumptions, the Court has considered that the suspicion or sufficient indications, which leads to a reasonable supposition that the person prosecuted could have participated in the wrongful act that is investigated, must be founded and communicated based on specific facts; in other words, not on mere conjectures or abstract intuitions. This means that the State should not detain someone and then investigate them; to the contrary, it is only authorized to deprive a person of liberty when it has amassed sufficient information to be able to commit them to trial. In this regard, the European Court has considered that the terms "suspicion or reasonable indication" presupposes the existence of facts or information that an objective observer would consider provided sufficient indication that the person accused could have committed the crime.<sup>126</sup>

120 Cf. *Case of Arrom Suhurt et al. v. Paraguay*. Merits. Judgment of May 13, 2019, para. 95.

121 Cf. *Case of Arrom Suhurt et al. v. Paraguay*. Merits. Judgment of May 13, 2019, para. 96.

122 Cf. *Case of Romero Feris v. Argentina*. Merits, Reparations and Costs. Judgment of October 15, 2019. Series C No. 391, para. 92.

123 Cf. *Case of Romero Feris v. Argentina*. Merits, Reparations and Costs. Judgment of October 15, 2019. Series C No. 391, para. 93.

124 Cf. *Case of Romero Feris v. Argentina*. Merits, Reparations and Costs. Judgment of October 15, 2019. Series C No. 391, para. 94.

125 Cf. *Case of Romero Feris v. Argentina*. Merits, Reparations and Costs. Judgment of October 15, 2019. Series C No. 391, para. 95.

126 Cf. *Case of Romero Feris v. Argentina*. Merits, Reparations and Costs. Judgment of October 15, 2019. Series C No. 391, para. 96..



## • Personal liberty and preventive detention: verification of the legitimate purposes for ordering and maintaining the precautionary measure

The Court reiterated its consistent case law according to which the legitimate purposes for preventive detention are only those that are directly linked to the efficient implementation of the proceedings; in other words, that are related to the risk that the accused might abscond, as directly established in Article 7(5) of the American Convention, or that seek to avoid the accused obstructing the course of justice.<sup>127</sup> In addition, the Court has asserted that the gravity of the offense involved is not, in itself, sufficient justification for preventive detention.<sup>128</sup>

The Court added that, based on the principle of the presumption of innocence, the elements that reveal the existence of the legitimate purposes cannot be presumed; rather the judge must base his decision on well-founded and objective circumstances of the specific case, and these must be proved by the person instituting the criminal prosecution and not the accused, who must be allowed to exercise the right of defense and be duly assisted by a lawyer<sup>129</sup>.

Citing the European Court of Human Rights, the Court also referred to the way in which the elements that constitute legitimate purposes must be assessed. In particular it asserted that the risk that an accused might abscond cannot be assessed taking into consideration only the gravity of the possible punishment. It must also be evaluated in relation to a series of other relevant factors that may confirm the existence of a risk of flight, such as those related to the home, occupation, possessions, family ties, and other kinds of ties with the country in which the accused is being prosecuted. It has also indicated that the risk of the accused obstructing the course of justice cannot be inferred in abstracto, and must be supported by objective evidence.<sup>130</sup>

In addition, the Court recalled that the analysis of the use of force necessarily entails a determination of whether this has a legitimate purpose. On this point, the Court recalled that the United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials clearly state that law enforcement officials shall not use firearms against persons except (a) in self-defense or defence of other against the imminent threat of death or serious injury, or (b) to prevent the perpetration of a particularly serious crime involving grave threat to life, (c) to arrest a person presenting such a danger and resisting their authority, or (d) to prevent his or her escape, and only when less extreme means are insufficient to achieve these objectives.<sup>131</sup>

The Court also indicated that, in order to analyze the legitimacy of the use of force, it was irrelevant to determine where the action of the police occurred in a situation of in flagrante delicto in order to arrest the author of the offense, which, at that time, did not represent a serious threat for someone's life. The only relevant aspect consisted in determining whether or not that use of force took place during a confrontation and, if applicable, whether it was in keeping with the principles of necessity and strict proportionality.<sup>132</sup>

## E. Right to judicial guarantees (Article 8 of the American Convention)

### • Judicial independence and autonomy

- Due process in cases that entail the removal from office of judges

In the *Case of Colindres Schonenberg v. El Salvador* the Court reiterated that Article 8 of the Convention establishes the guidelines for due process of law, which consist of a series of requirements that must be observed by the procedural instances to ensure that individuals are able to defend their rights adequately vis-à-vis any act of the State that may affect them.<sup>133</sup>

<sup>127</sup> Cf. Case of Romero Feris v. Argentina. Merits, Reparations and Costs. Judgment of October 15, 2019. Series C No. 391, para. 102.

<sup>128</sup> Cf. Case of Romero Feris v. Argentina. Merits, Reparations and Costs. Judgment of October 15, 2019. Series C No. 391, para. 101.

<sup>129</sup> Cf. Case of Romero Feris v. Argentina. Merits, Reparations and Costs. Judgment of October 15, 2019. Series C No. 391, para. 101.

<sup>130</sup> Cf. Case of Romero Feris v. Argentina. Merits, Reparations and Costs. Judgment of October 15, 2019. Series C No. 391, para. 105.

<sup>131</sup> Cf. Case of Díaz Loreto et al. v. Venezuela. Preliminary objections, merits, reparations and costs, Judgment of November 19, 2019, Series C No. 392, para. 70.

<sup>132</sup> Cf. Case of Díaz Loreto et al. v. Venezuela. Preliminary Objections, Merits, Reparations and Costs, Judgment of November 19, 2019, Series C No. 392, para. 71.

<sup>133</sup> Case of Colindres Schonenberg v. El Salvador. Merits, Reparations and Costs. Judgment of February 4, 2019, para. 63. Cf. Judicial Guarantees in States of Emergency (Arts. 27(2), 25 and 8 American Convention on Human Rights). Advisory Opinion OC-9/87 of October 6, 1987. Series A No. 9, para. 27, and Case of Ruano Torres et al. v. El Salvador. Merits, Reparations and Costs. Judgment of October 5 2015. Series C No. 303, para. 151.



According to Article 8(1) of the Convention, every person has the right to a hearing, “with due guarantees”, for the determination of his rights and obligations of a civil, labor, fiscal, or any other nature, that ensure the right to due process of law whatever the procedure involved. Non-compliance with those guarantees results in a violation of this article of the Convention.<sup>134</sup>

In this regard, the Court has indicated that the guarantees established in Article 8(1) of the Convention are also applicable to the situation in which a non-judicial authority adopts decisions that affect the determination of an individual's rights, bearing in mind that the guarantees required of a jurisdictional organ cannot be required of such authorities; however, they must comply with those guarantees aimed at ensuring that their decisions are not arbitrary.<sup>135</sup>

In the *Case of Colindres Schonenberg v. El Salvador*, the Court considered that the dismissal of the victim in this specific case involved a determination of his rights, because it resulted in his immediate removal from his office as a justice. Therefore, the Court examined whether the proceedings held by the Legislative Assembly conformed to the guarantees of due process established in Article 8(1) of the American Convention.<sup>136</sup>

According to the Court's case law, in proceedings against judges, the scope of the judicial guarantees and effective judicial protection of judges must be analyzed in relation to the standards on judicial independence. The Court has stipulated that judges have specific guarantees owing to the necessary independence of the Judiciary, which the Court has understood as “essential for the exercise of the judicial function”.<sup>137</sup> The following guarantees arise from the need for judicial independence: an adequate appointment procedure, tenure, and the guarantee against external pressure.<sup>138</sup>

Specifically, regarding the guarantee of the stability or tenure of judges, the Court has established that this means that: (i) removal from office is the result, exclusively, of the permitted causes, through either a procedure that complies with judicial guarantees, or because the mandate has terminated; (ii) judges may only be dismissed owing to serious disciplinary offenses or incompetence, and (iii) any procedure against a judge must be decided pursuant to the established standards of judicial conduct and by fair proceedings that ensure objectivity and impartiality pursuant to the Constitution or the law.<sup>139</sup>

## • Right of judges to remain in office under general conditions of equality (article 23 of the American Convention)

In the *Case of Colindres Schonenberg v. El Salvador*, the Court reiterated that Article 23(1)(c) of the Convention established the right to have access, under general conditions of equality, to public service. The Court has interpreted that this access, under conditions of equality, would constitute an insufficient guarantee unless it was accompanied by the effective protection of stability or tenure in office.<sup>140</sup>

In cases of the arbitrary removal of judges, the Court has considered that this right relates to the judge's guarantee of stability or tenure. The respect and guarantee of this right is complied with when the criteria and procedures for the appointment, promotion, suspension and dismissal are reasonable and objective, and when judges are not discriminated against when exercising this right. In this regard, the Court has indicated that equal opportunities in access to, and stability in, office guarantee freedom from any political pressure or interference.<sup>141</sup>

134 Case of Colindres Schonenberg v. El Salvador. Merits, Reparations and Costs. Judgment of February 4, 2019, para. 64. Cf. Case of Claude Reyes et al. v. Chile. Merits, Reparations and Costs. Judgment of September 19, 2006. Series C No. 151, para. 119, and Case of Barbani Duarte et al. v. Uruguay. Merits, Reparations and Costs. Judgment of October 13, 2011. Series C No. 234, para. 117.

135 Case of Colindres Schonenberg v. El Salvador. Merits, Reparations and Costs. Judgment of February 4, 2019, para. 65. Cf. Case of Claude Reyes et al. v. Chile. Merits, Reparations and Costs. Judgment of September 19, 2006. Series C No. 151, para. 119, and Case of Flor Freire v. Ecuador. Preliminary objection, merits, reparations and costs. Judgment of 31 August de 2016. Series C No. 315, para. 165.

136 Case of Colindres Schonenberg v. El Salvador. Merits, Reparations and Costs. Judgment of February 4, 2019, para. 66.

137 Cf. Case of Reverón Trujillo v. Venezuela. Preliminary Objection, Merits, Reparations and Costs. Judgment of June 30, 2009. Series C No. 197, para. 67, and Case of López Lone et al. v. Honduras. Preliminary Objection, Merits, Reparations and Costs. Judgment of October 5, 2015. Series C No. 302, para. 190.

138 Case of Colindres Schonenberg v. El Salvador. Merits, Reparations and Costs Judgment of February 4, 2019, para. 67. Cf. Case of the Constitutional Court v. Peru. Merits, Reparations and Costs. Judgment of January 31, 2001, para. 75, and Case of López Lone et al. v. Honduras. Preliminary Objection, Merits, Reparations and Costs Judgment of October 5, 2015. Series C No. 302, para. 191.

139 Case of Colindres Schonenberg v. El Salvador. Merits, Reparations and Costs Judgment of February 4, 2019, para. 68.

140 Case of Colindres Schonenberg v. El Salvador. Merits, Reparations and Costs. Judgment of February 4, 2019, para. 93.

141 Case of Colindres Schonenberg v. El Salvador. Merits, Reparations and Costs. Judgment of February 4, 2019, para. 94.

In the *Case of Colindres Schonenberg v. El Salvador*, the Court considered that the victim's dismissal constituted an arbitrary removal because it was decided by an incompetent body and by a procedure that was not established by law. Therefore, this arbitrary removal unduly affected the right to tenure, under conditions of equality, in violation of Article 23(1)(c) of the American Convention.<sup>142</sup>

- **Guarantee of judicial independence against external pressure (Right to personal integrity: article 5, Judicial guarantees: article 8, Protection of honor and dignity: article 11, and Judicial protection: article 25)**

In the *Case of Villaseñor Velarde et al. v. Guatemala*, the Court indicated that “the guarantee of judicial independence includes the guarantee against external pressure. Thus, the State must refrain from any undue interference with the Judiciary or its members and adopt actions to avoid such interference being committed by persons or organs external to the Judiciary”<sup>143</sup>.

Based on the circumstances, the repetition and continuation of different acts, even when, individually, not all of them need to be investigated, may reveal an “intimidating or related continuity of acts” that cause the authorities to consider “the need to exhaust efforts to individualize the sources and motivation.” In this regard, States must prevent external pressures on judicial activities and investigate and punish those who exert them.<sup>144</sup> This is true even if the acts in question were presumably committed by private individuals. Conducting investigations and providing security may be pertinent to guarantee a judge's rights in cases of external pressure that could affect judicial independence.<sup>145</sup> Regarding the link between the obligation to guarantee rights and the obligation to investigate, “in the circumstances of the case, in which a series of acts indicated a situation of risk that continued over time, the opportune implementation of the obligation to investigate could result in determining the circumstances of the alleged risk or, eventually, to its decrease or cessation.”<sup>146</sup>

In cases such as the *Case of Villaseñor Velarde et al. v. Guatemala* in which, presumably, there were a series of intimidating acts against a judge in relation to his function, the obligation to investigate was related not only to the rights to judicial guarantees and protection of the judge who was the victim of the acts, but was relevant to guarantee substantive rights and judicial independence, a matter that exceeded individual interests.<sup>147</sup>

Regarding the way in which the investigation should be conducted, “since the acts probably related to the judge's activity, the State must take into account this activity to identify the interests that might be affected in the exercise of the judge's work, conducting a thorough search for all relevant information, and designing and executing an investigation that leads to the correct analysis of the theories of authorship, by act or omission, at different levels, exploring all pertinent lines of investigation to identify the authors.”<sup>148</sup>

- **Political trials**

- *Political trials and judicial guarantees*

The Court recalled that it was not possible to affirm, in the abstract, that the mechanism for the removal of judges by a political trial was contrary to the American Convention and, in particular, to the principle of judicial independence. It was necessary to analyze to what extent the factual circumstances constituted violations of the guarantees of due process. In this regard, the Court indicated that political trials in which the removal of members of the Judiciary were examined were not contrary to the Convention, per se, provided they complied with the guarantees of Article 8 and respected criteria limiting the discretionality of the adjudicator so as to protect the guarantee of independence.<sup>149</sup>

142 Case of Colindres Schonenberg v. El Salvador. Merits, Reparations and Costs. Judgment of February 4, 2019, para. 95.

143 Case of Villaseñor Velarde et al. v. Guatemala. Merits, Reparations and Costs. Judgment of February 5, 2019. Series C No. 374, para. 84.

144 Case of Villaseñor Velarde et al. v. Guatemala. Merits, Reparations and Costs. Judgment of February 5, 2019. Series C No. 374, para. 91.

145 Case of Villaseñor Velarde et al. v. Guatemala. Merits, Reparations and Costs. Judgment of February 5, 2019. Series C No. 374, para. 102.

146 Case of Villaseñor Velarde et al. v. Guatemala. Merits, Reparations and Costs. Judgment of February 5, 2019. Series C No. 374, para. 129.

147 Case of Villaseñor Velarde et al. v. Guatemala. Merits, Reparations and Costs. Judgment of February 5, 2019. Series C No. 374, para. 130.

148 Case of Villaseñor Velarde et al. v. Guatemala. Merits, Reparations and Costs. Judgment of February 5, 2019. Series C No. 374, para. 115.

149 Cf. Case of Rico v. Argentina. Preliminary Objection and Merits. Judgment of September 2, 2019. Series C No. 383, para. 57.

In the *Case of Rico v. Argentina* the Court found that it was not possible to affirm that the proceeding before a Trial Jury did not provide procedural mechanisms to ensure the guarantees of due process, owing to the composition of the jury. To the contrary, in the Court's opinion, it could be maintained that the functions of the jury were not exercised subjectively or based on political discretionality because the law and the provincial Constitution contained prior, clear and objective criteria that limited the activity of the jury and strengthened the control exercised.<sup>150</sup>

• *Reasoning of jurisdictional decisions and trials by jury*

In the *Case of Rico v. Argentina*, the Court reiterated the case law developed in the *Case of V.R.P., V.P.C. et al. v. Nicaragua* that the verdict of the jury, in the classic sense, did not require a reasoning or articulation of the grounds. The Court considered that the absence of the articulation of the grounds for the verdict did not, in itself, violate the guarantee of a reasoned decision, because any verdict has a reason even if, as in the case of a jury, this was not expressed<sup>151</sup>.

The Court also indicated that the system of a decision taken by firm belief or conviction did not, in itself, violate the right to a fair trial, provided that, based on all the actions executed during the proceedings, the interested party could understand the reasons for the decision. It also recalled that firm belief is not an arbitrary standard. The free assessment of the facts made by the jury is not substantially different from the assessment that the professional judicial authority could make, only it is not expressed<sup>152</sup>.

## F. Persons deprived of liberty and relationship with their family members (articles 11 and 17 of the American Convention)

### • Rights not to be victims of interference in family life, and protection of the family

In the *Case of López et al. v. Argentina*, the Court indicated that the rights recognized in Articles 11(2) and 17(1) of the Convention provide direct protection to family life in a complementary manner. Thus, arbitrary interference in family life protected by Article 11(2) may have a negative impact on the close family and violate the guarantee provided by Article 17(1).<sup>153</sup>

Regarding Article 11(2), the Court has indicated that private life is not limited to the right to privacy because it encompasses a series of factors related to the dignity of all individuals including, for example, the ability to develop their own personality and aspirations; determine their own identity and define their own personal relationships. The concept of private life also encompasses aspects of physical and social identity, including the right to personal autonomy and personal development and the right to develop and establish relationships with other human beings and with the external world. In addition, the effectiveness of the exercise of the right to private life is decisive for the possibility of exercising personal autonomy in relation to the future course of events relevant for an individual's quality of life.<sup>154</sup>

In this regard, in the case of Article 17, the Court has indicated that the family, without established any specific model, is the natural and fundamental element of society and warrants protection by society and the State. Given the importance of that right, the Court has established that the State is obliged to promote the development and strength of the family unit. Thus, it is obliged to take positive and negative steps to protect individuals against arbitrary or unlawful interference in their family and to promote effective respect for family life.<sup>155</sup>

In addition, the Court has understood that, among the most severe interferences with the family that the State may execute are those actions that result in its separation or break-up. This situation is especially serious when the rights of the child are affected by this separation.<sup>156</sup>

150 Cf. *Case of Rico v. Argentina*. Preliminary Objection and Merits. Judgment of September 2, 2019. Series C No. 383, para. 66.

151 Cf. *Case of Rico v. Argentina*. Preliminary Objection and Merits. Judgment of September 2, 2019. Series C No. 383, para. 76.

152 Cf. *Case of Rico v. Argentina*. Preliminary Objection and Merits. Judgment of September 2, 2019. Series C No. 383, para. 77.

153 *Case of López et al. v. Argentina*. Preliminary Objections, Merits, Reparations and Costs. Judgment of November 25, 2019. Series C No. 396, para. 96.

154 *Case of López et al. v. Argentina*. Preliminary Objections, Merits, Reparations and Costs. Judgment of November 25, 2019. Series C No. 396, para. 97.

155 *Case of López et al. v. Argentina*. Preliminary Objections, Merits, Reparations and Costs. Judgment of November 25, 2019. Series C No. 396, para. 98.

156 *Case of López et al. v. Argentina*. Preliminary Objections, Merits, Reparations and Costs. Judgment of November 25, 2019. Series C No. 396, para. 99.

As already mentioned, adverse effects inherent in prison and punishment do not signify violations of the American Convention. However, the anguish that exceeds the suffering inherent in the punishment may result in violations of the rights established in the American Convention, such as the guarantees established in its Article 5, among others.<sup>157</sup>

The Court also stressed that “among the difficulties in keeping up relationships between those deprived of liberty and their family members may be that inmates are kept in prisons that are very far from their homes or difficult to access owing to the geographical conditions and the transport links, which make it very expensive and complicated for the family to make periodic visits, and could eventually result in a violation of both the right to protection of the family and of other rights, such as the right to personal integrity, depending on the particularities of each case. Therefore, States must, insofar as possible, facilitate the transfer of inmates to the prison nearest to the place where their family lives. In the case of indigenous peoples deprived of liberty, this measure is especially important given the significance of their connection to their place of origin and their communities”.<sup>158</sup>

The Court considered that the provision of Article 5(6) that “[p]unishments consisting of deprivation of liberty shall have as an essential aim the reform and social re-adaptation of the prisoners” applied to this case resulted in the right of the person deprived of liberty and the consequent obligation of the State to guarantee the maximum contact possible with his family, his representatives and the world outside. This is not an absolute right, but the administrative or judicial decision that establishes the place where the sentence will be served or the transfer of the person deprived of liberty should take into consideration, among other factors, that: (i) the punishment should have the main purpose of the rehabilitation or reintegration of the inmate; (ii) contact with the family and the external world is fundamental for the social rehabilitation of those deprived of liberty. This includes the right to receive visits from family members and legal representatives; (iii) visiting restrictions may have an effect on the personal integrity of the person deprived of liberty and his family members; (iv) separating those deprived of liberty from their families unfairly involve a violation of Article 17(1) of the Convention and, possibly, also of Article 11(2); (v) if a transfer has not been requested by the person deprived of liberty, insofar as possible, he should be consulted each time a transfer is envisaged, allowing him to contest this administrative decision, and even, contest it judicially if necessary.<sup>159</sup>

## G. Freedom of expression and incompatibility of the use of criminal law against the dissemination of a note of public interest regarding a public official (Article 13)

In the *Case of Álvarez Ramos v. Venezuela*, the Inter-American Court reiterated its consistent case law that the right to freedom of thought and expression is established in Article 13 of the Convention. Also, Article 4 of the Inter-American Democratic Charter, an instrument that interprets the OAS Charter and the Convention itself, considers this a fundamental component of democracy.<sup>160</sup>

The Court has indicated previously, with regard to the content of freedom of thought and expression, that those who are protected by the Convention have the right to seek, receive and impart ideas and information of all kinds, as well as to receive and learn about the information and ideas of others. Consequently, freedom of expression has both an individual and a social dimension:

It requires, on the one hand, that no one be arbitrarily limited or impeded in expressing his own thoughts. In that sense, it is a right that belongs to each individual. Its second aspect, on the other hand, implies a collective right to receive any information whatsoever and to have access to the opinions expressed by others.<sup>161</sup>

<sup>157</sup> Case of López et al. v. Argentina. Preliminary Objections, Merits, Reparations and Costs. Judgment of November 25, 2019. Series C No. 396, para. 100.

<sup>158</sup> Case of López et al. v. Argentina. Preliminary Objections, Merits, Reparations and Costs. Judgment of November 25, 2019. Series C No. 396, para. 102.

<sup>159</sup> Case of López et al. v. Argentina. Preliminary Objections, Merits, Reparations and Costs. Judgment of November 25, 2019. Series C No. 396, para. 118.

<sup>160</sup> Case of Álvarez Ramos v. Venezuela. Preliminary Objections, Merits, Reparations and Costs. Judgment of August 30, 2019, para. 91.

<sup>161</sup> Cf. Compulsory Membership in an Association Prescribed by Law for the Practice of Journalism (Arts. 13 and 29 American Convention on Human Rights). Advisory Opinion OC-5/85 of November 13, 1985. Series A, No. 5, para. 30; and Case of Carvajal Carvajal et al. v. Colombia. Merits, Reparations and Costs. Judgment of March 13, 2018, Series C, No. 352, para. 172.



In addition, the Court reiterated that:

The different regional systems for the protection of human rights and the universal system agree on the essential role played by freedom of expression in the consolidation and dynamics of a democratic society. Without effective freedom of expression, exercised in all its forms, democracy is enervated, pluralism and tolerance start to deteriorate, the mechanisms for control and complaint by the individual become ineffectual and, above all, a fertile ground is created for authoritarian systems to take root in society.<sup>162</sup>

In this regard, the Court has indicated that the first dimension of freedom of expression “is not exhausted with the theoretical recognition of the right to speak or write, but also includes, inseparably, the right to use any appropriate medium to impart ideas so that they reach the greatest possible number of recipients”.<sup>163</sup> Thus, the expression and dissemination of thought and ideas are indivisible, so that a restriction of the possibilities of dissemination represents directly, and to the same extent, a limit on the right to express oneself freely.<sup>164</sup>

Regarding the second dimension of the right to freedom of expression; that is, the social dimension, it should be pointed out that freedom of expression is a means of exchanging ideas and information between individuals; it includes the right to try and communicate one's own opinions to others, but also involves the right of everyone to know the opinions, information and news disseminated by others. For the man on the street it is as important to know the opinion of others or the information they have as the right to impart his own.<sup>165</sup>

The American Convention guarantees this right to everyone, regardless of any other consideration, so that it cannot be considered that it is restricted to a specific profession or group of individuals. Freedom of expression is an essential component of freedom of the press, without their being synonymous or the exercise of the former being conditional on the latter.<sup>166</sup>

Given the importance of freedom of expression in a democratic society, the State should not only minimize the restrictions to the circulation of information, but should also balance, insofar as possible, the participation of the different sources of information circulating in public discussions, promoting the pluralism of information. Consequently, fairness should govern the flow of information.<sup>167</sup>

The Court has also understood that both dimensions possess equal importance and should be guaranteed simultaneously to ensure the total effectiveness of the right to freedom of thought and expression as established in Article 13 of the Convention.<sup>168</sup>

## • The permitted restrictions to freedom of expression and subsequent imposition of liability

The Court has reiterated that freedom of expression is not an absolute right. Article 13(2) of the Convention, which prohibits prior censorship, also establishes the possibility of the subsequent imposition of liability due to the abusive exercise of this right, to the extent necessary to ensure “respect for the rights or reputation of others” (Article 13(2) (a)). Such restrictions are exceptional and should not limit the full exercise of freedom of expression more than strictly

<sup>162</sup> Case of Álvarez Ramos v. Venezuela. Preliminary Objection, Merits, Reparations and Costs. Judgment of August 30, 2019, para. 93 Cf. Case of Herrera Ulloa v. Costa Rica, Judgment of July 2, 2004, Series C, No. 107, para. 116.

<sup>163</sup> Cf. Case of “The Last Temptation of Christ” (Olmedo Bustos et al.) v. Chile, Judgment of February 5, 2001, Series C, No. 73, para. 65; Case of Carvajal Carvajal et al. v. Colombia, para. 172.

<sup>164</sup> Case of Álvarez Ramos v. Venezuela. Preliminary Objection, Merits, Reparations and Costs. Judgment of August 30, 2019, para. 95. Cf. Case of “The Last Temptation of Christ” (Olmedo Bustos et al.) v. Chile, para. 66; Case of Carvajal Carvajal et al. v. Colombia, para. 172.

<sup>165</sup> Case of Álvarez Ramos v. Venezuela. Preliminary Objection, Merits, Reparations and Costs. Judgment of August 30, 2019, para. 95. Cf. Case of “The Last Temptation of Christ” (Olmedo Bustos et al.) v. Chile, para. 66; Case of Carvajal Carvajal et al. v. Colombia, para. 172.

<sup>166</sup> Case of Case of Álvarez Ramos v. Venezuela. Preliminary Objection, Merits, Reparations and Costs. Judgment of August 30, 2019, para. 96. Cf. Case of Tristán Donoso v. Panama, para. 114.

<sup>167</sup> Case of Álvarez Ramos v. Venezuela. Preliminary Objection, Merits, Reparations and Costs. Judgment of August 30, 2019, para. 97. The Court has indicated that “the plurality of the media is essential, and also the prohibition of any monopoly in this area, whatever form it takes.” Compulsory Membership in an Association Prescribed by Law for the Practice of Journalism, para. 34. See also, *mutatis mutandi* Case of Kimel v. Argentina, para. 57.

<sup>168</sup> Case of Álvarez Ramos v. Venezuela. Preliminary Objection, Merits, Reparations and Costs. Judgment of August 30, 2019, para. 98. Cf. Case of “The Last Temptation of Christ” (Olmedo Bustos et al.) v. Chile, para. 89.



necessary and become a direct or indirect mechanism of prior censorship. In this regard, the Court has established that such subsequent liabilities can be imposed, if the right to honor and reputation has been violated.<sup>169</sup>

Indeed, Article 11 of the Convention establishes that everyone has the right to have his honor respected and his dignity recognized. The Court has indicated that the right to honor “recognizes that everyone has the right to respect for his honor, prohibits any unlawful attack on honor or reputation, and imposes on States the duty to provide legal protection against such attacks. In general, the Court has indicated that the right to honor is related to self-esteem and self-worth, while reputation refers to the opinion that other have of a person”.<sup>170</sup>

In this regard, the Court has affirmed that “both freedom of expression and the right to honor – rights protected by the Convention – are extremely important and it is therefore necessary to guarantee both these rights so that they coexist harmoniously.” Each fundamental right must be exercised respecting and safeguarding the other fundamental rights. Consequently, the Court has indicated that “the solution of a conflict between these two rights requires weighing the merits of each one, and to this end, each case must be examined based on its characteristics and circumstances in order to appreciate the existence and intensity of the elements on which a decision is taken”.<sup>171</sup>

In this regard, the Court has reiterated in its case law that Article 13(2) of the American Convention establishes that subsequent liability for the exercise of freedom of expression must comply with the following requirements concurrently: (i) it shall be previously established by law, formally and substantively; (ii) respond to a purpose permitted by the American Convention (“respect for the rights or reputations of others” or the protection of national security, public order, or public health or morals), and (iii) be necessary in a democratic society (and to this end it must comply with the requirements of appropriateness, necessity and proportionality).<sup>172</sup>

In the case of the first requirement, strict legality, the Court has established that any restrictions must be previously established by law as a way to ensure that they are not imposed at the discretion of the public powers. To this end, the definition of the conduct in law must be clear and precise, especially in the case of criminal rather than civil offenses.<sup>173</sup>

Regarding the second factor, that is, permitted or legitimate purposes, these are set out in Article 13(2) of the Convention. Since the Case of *Álvarez Ramos v. Venezuela* dealt with the limitation of the right to freedom of expression based on an accusation made by a private individual, the Court only developed the purpose found in paragraph (a) of the said article; namely, respects for the rights or reputations of others.<sup>174</sup>

The Court has found that when this legitimate purpose is sought, the State must weigh the right to freedom of expression of the communicator and the right to honor of the person affected. To this is added the State’s obligation to provide judicial remedies so that anyone whose honor has been affected may claim its protection.<sup>175</sup>

Finally, in relation to the proportionality and necessity of the measure, the Court has understood that restrictions imposed on the right to freedom of expression must be proportionate to the interest that justify them and closely adapted to the achievement of this objective, interfering as little as possible in the effective enjoyment of the right. Thus, it is not sufficient that it has a legitimate purpose, but the measure in question must respect proportionality and necessity when affecting freedom of expression. In other words, “in this last stage of the analysis, it is necessary to consider whether the restriction is strictly proportionate, so that the sacrifice inherent in it is not exaggerated or disproportionate in relation to the advantages obtained by this limitation”.<sup>176</sup>

169 Case of *Álvarez Ramos v. Venezuela*. Preliminary Objection, Merits, Reparations and Costs. Judgment of August 30, 2019, para. 99. Case of *Mémoli v. Argentina*. Preliminary Objection, Merits, Reparations and Costs. Judgment of August 22, 2013, Series C, No. 265, para. 123.

170 Case of *Álvarez Ramos v. Venezuela*. Preliminary Objection, Merits, Reparations and Costs. Judgment of August 30, 2019, para. 100. Cf. Case of *Tristán Donoso v. Panama*, para. 57; and Case of the *Santo Domingo Massacre v. Colombia*, Series C, No. 259, para. 286.

171 Case of *Álvarez Ramos v. Venezuela*. Preliminary Objection, Merits, Reparations and Costs. Judgment of August 30, 2019, para. 100. Cf. Case of *Kimel v. Argentina*, para. 51, and Case of *Granier et al. v. Venezuela*, para. 144.

172 Case of *Álvarez Ramos v. Venezuela*. Preliminary Objection, Merits, Reparations and Costs. Judgment of August 30, 2019, para. 102. Cf. Case of *Tristán Donoso v. Panama*, para. 56; and Case of *Lagos del Campo v. Peru*, para. 102.

173 Case of *Álvarez Ramos v. Venezuela*. Preliminary Objection, Merits, Reparations and Costs. Judgment of August 30, 2019, para. 103. *Mutatis mutandis*, Cf. Case of *Fontevicchia and D’Amico v. Argentina*. Merits, reparations and costs. Judgment of November 29, 2011, Series C, No. 238, para. 89.

174 Case of *Álvarez Ramos v. Venezuela*. Preliminary Objection, Merits, Reparations and Costs. Judgment of August 30, 2019, para. 104.

175 Case of *Álvarez Ramos v. Venezuela*. Preliminary Objection, Merits, Reparations and Costs. Judgment of August 30, 2019, para. 105. Cf. Case of *Mémoli v. Argentina*, para. 125.

176 Case of *Álvarez Ramos v. Venezuela*. Preliminary Objection, Merits, Reparations and Costs. Judgment of August 30, 2019, para. 106. Cf. Case of *Kimel v. Argentina*, para. 83.

That said, having determined the content of the right to freedom of thought and expression, the Court stressed the importance of freedom of expression in a democratic society, and established the requirements to ensure that any restrictions that may be imposed on this right are compatible with the American Convention, the Court analyzed the facts of the case.<sup>177</sup>

In this case, criminal proceedings were filed against Mr. Álvarez to protect the honor and reputation of a public official who had resorted to the courts to defend himself. The Court has ruled on this situation in previous cases, indicating that the fact that freedom of expression has a greater margin of appreciation in relation to issues that are part of the public debate does not mean in any way that the honor of public officials or public persons should not be legally protected.<sup>178</sup>

Article 13(2) of the American Convention indicates that the exercise of the right to freedom of expression cannot be subject to prior censorship, but shall be subject to subsequent imposition of liability. That said, this precept does not establish the nature of the liability that can be required, but this Court's case law has indicated that criminal prosecution is the most restrictive measure for freedom of expression; therefore, its use in a democratic society should be exceptional and reserved for those eventualities in which it is strictly necessary to protect fundamental rights from attacks that harm them or endanger them, because, to the contrary, this would suppose an abusive use of the State's punitive powers.<sup>179</sup>

In other words, of the range of possible measures to claim subsequent liability for the possible abusive exercise of the right to freedom of expression, criminal prosecution will only be admissible in those exceptional cases when it is strictly necessary to protect an essential social need.<sup>180</sup>

It is understood that, in the case of a statement that is protected owing to its public interest, such as one that relates to conducts of public officials in the exercise of their functions, the State's punitive response to protect the honor of the official by means of criminal law is not admissible under the Convention.<sup>181</sup>

Indeed, the use of criminal law to respond to the dissemination of information of this nature would produce, directly or indirectly, an intimidating effect that, definitively, would limit freedom of expression and, also, prevent conducts that infringe the legal order, such as corruption, abuse of authority etc., from being held up to public scrutiny. Ultimately, this would weaken the public's control over the powers of the State, with evident prejudice for democratic pluralism. In other words, the protection of honor by criminal law, which might be legitimate in other cases, does not conform to the Convention in the situation described above.<sup>182</sup>

In this regard, the Court understood that, in the case of accusations against journalists, offenses of crimes against honor call for careful interpretation. Thus, it is necessary to emphasize that the definition of every offense stipulates a prohibitive norm, which logically determines a prohibited social sphere. However, the simple norm inferred from the definition of the offense is not sufficient to establish this sphere, because the prohibitive norms form part of a legal order or, at least, they must be understood in this way by the judges.

A basic principle of interpretive rationale stipulate that one norm cannot prohibit what another norm orders because, in that case, the individual would have no legal guidance. However, it cannot be ignored that numerous norms exist that promote conducts – for example, regarding sporting activities or the practice of medicine – that can potentially conflict with other norms that prohibit activities that are harmful to safety or health. In that situation, it would be irrational to understand that those norms prohibit what other norms promote. The activities that are promoted include the exercise of freedom of expression because this is an essential activity in a pluralistic society for public control over the acts of the Government and the administration. Consequently, in cases such as *Álvarez Ramos v. Venezuela*, involving

177 Case of *Álvarez Ramos v. Venezuela*. Preliminary Objection, Merits, Reparations and Costs. Judgment of August 30, 2019, para. 107.

178 Case of *Álvarez Ramos v. Venezuela*. Preliminary Objection, Merits, Reparations and Costs. Judgment of August 30, 2019, para. 108 Cf. Case of *Herrera Ulloa v. Costa Rica*, para. 128, and Case of *Palamara Iribarne v. Chile*. Merits, Reparations and Costs. Judgment of November 22, 2005. Series C No. 135, para. 82.

179 Case of *Álvarez Ramos v. Venezuela*. Preliminary Objection, Merits, Reparations and Costs. Judgment of August 30, 2019, para. 109 Cf. Case of *Kimel v. Argentina*, para. 76; Case of *Mémoli v. Argentina*, para. 139.

180 Case of *Álvarez Ramos v. Venezuela*. Preliminary Objection, Merits, Reparations and Costs. Judgment of August 30, 2019, para. 110.

181 Case of *Álvarez Ramos v. Venezuela*. Preliminary Objection, Merits, Reparations and Costs. Judgment of August 30, 2019, para. 111.

182 Case of *Álvarez Ramos v. Venezuela*. Preliminary Objection, Merits, Reparations and Costs. Judgment of August 30, 2019, para. 112.

criticism of the public conduct of officials, the control of which is of public interest, this relates to the exercise of an activity expressly protected by the American Convention and, consequently, it cannot be considered that it conforms to conduct defined by criminal law.<sup>183</sup>

This does not mean that, eventually, the actions of journalists cannot lead to liability in another legal sphere, such as under civil law, or rectification or a public apology, for example, in cases of possible abuses or excesses in bad faith. In any case, since this is an activity protected by the Convention, its definition under criminal law is excluded and, consequently, the possibility that it be considered a crime and the subject of punishment. In this regard, it should be made clear that this does not refer to an exclusion of the prohibition based on justification or a special permission, but rather to the free exercise of an activity that the Convention protects because it is essential to safeguard democracy.<sup>184</sup>

In addition, the Court considered that it was not admissible that a public official whose honor was supposedly affected by the exercise of freedom of expression by a journalist, file a lawsuit as a private citizen in order to avoid the provisions of the Convention and the Court's case law. What was at issue in this case was not the application of Article 11 of the Convention, concerning the protection of honor and dignity, but the contents of its Article 13 concerning freedom of thought and expression.<sup>185</sup>

## H. Right to social security (article 26 of the American Convention)

In the *Case of Muelle Flores v. Peru*<sup>186</sup> the Court considered that the legal problem related to the scope of the right to social security understood as an autonomous right derived from Article 26 of the American Convention. In this case, the Court followed the approach it had taken starting with the *Case of Lagos del Campo v. Peru*,<sup>187</sup> and continued in subsequent decisions.<sup>188</sup> In this regard, the Court recalled that, already, in the *Case of Poblete Vilches et al. v. Chile* it had indicated the following:

Thus, it should clearly be interpreted that the American Convention incorporated the so-called economic, social, cultural and environmental rights (ESCER) into the list of rights it protects, derived from the norms recognized in the Charter of the Organization of American States (OAS), as well as from the rules of interpretation established in Article 29 of the Convention. And, particularly, that they prevent limiting or excluding the enjoyment of the rights established in the American Declaration and even those recognized domestically. Also, based on a systematic, teleological and evolutive interpretation, the Court has had recourse to the national and international corpus iuris in this area to give specific content to the scope of the rights protected by the Convention in order to derive the scope of the specific obligations relating to each right.<sup>189</sup>

In the *Case of Muelle Flores v. Peru*, the Court ruled, for the first time, on the right to social security and, in particular, on the right to a pension, autonomously, as an integral part of the ESCER and, to this end, made the following analysis: (a) the right to social security as an autonomous and justiciable right; (b) the content of the right to security, and (c) the violation of the right to social security in this case<sup>190</sup>.

### a) Right to social security as an autonomous and justiciable right

To identify those rights that may be derived, by interpretation, from Article 26, it should be considered that this article refers directly to the economic, social, educational, scientific and cultural norms contained in the OAS Charter. From examining that instrument, the Court notes that it recognizes social security in its Article 3(j)<sup>191</sup> when it indicates

183 Case of Álvarez Ramos v. Venezuela. Preliminary Objection, Merits, Reparations and Costs. Judgment of August 30, 2019, para. 112.

184 Case of Álvarez Ramos v. Venezuela. Preliminary Objection, Merits, Reparations and Costs. Judgment of August 30, 2019, para. 113.

185 Case of Álvarez Ramos v. Venezuela. Preliminary Objection, Merits, Reparations and Costs. Judgment of August 30, 2019, para. 116.

186 Case of Muelle Flores v. Peru. Preliminary Objection, Merits, Reparations and Costs. Judgment of March 6, 2019. Series C No. 375, para. 170.

187 Case of Lagos del Campo v. Peru, *supra*, paras. 141 to 150 and 154.

188 Cf. Environment and Human Rights (State obligations in relation to the environment in the context of the protection and guarantee of the rights to life and to personal integrity: interpretation and scope of Articles 4(1) and 5(1), in relation to Articles 1(1) and 2 of the American Convention on Human Rights). Advisory Opinion OC-23/17 of November 15, 2017. Series A No. 23, para. 57; Case of Dismissed Employees of PetroPeru et al. v. Peru, *supra*, para. 192; Case of San Miguel Sosa et al. v. Venezuela, *supra*, para. 220; Case of Poblete Vilches et al. v. Chile, *supra*, para. 100, and Case of Cuscul Pivaral et al. v. Guatemala, *supra*, para. 73.

189 Cf. Case of Poblete Vilches et al. v. Chile, *supra*, para. 103, and Case of Cuscul Pivaral et al. v. Guatemala, *supra*, para. 73.

190 Case of Muelle Flores v. Peru. Preliminary Objection, Merits, Reparations and Costs. Judgment of March 6, 2019. Series C No. 375, para. 171.

191 Article 3(j) of the OAS Charter establishes: "The American States reaffirm the following principles: (j) social justice and social security are bases

that “[s]ocial justice and social security are bases of lasting peace.” In addition, Article 45(b)<sup>192</sup> of the OAS Charter establishes that “[w]ork is a right and a social duty, it gives dignity to the one who performs it, and it should be performed under conditions, including a system of fair wages, that ensure life, health, and a decent standard of living for the worker and his family, both during his working years and in his old age, or when any circumstance deprives him of the possibility of working,” and Article 45(h)<sup>193</sup> of the Charter establishes that “[t]he Member States, convinced that man can only achieve the full realization of his aspirations within a just social order, along with economic development and true peace, agree to dedicate every effort to the application of the following principles and mechanisms: (h) Development of an efficient social security policy.” Meanwhile, in Article 46 of the Charter, the States recognize that “in order to facilitate the process of Latin American regional integration, it is necessary to harmonize the social legislation of the developing countries, especially in the labor and social security fields, so that the rights of the workers shall be equally protected, and they agree to make the greatest efforts possible to achieve this goal.”<sup>194</sup>

In this way, the Court considered that the references to the right to social security were sufficiently specific to derive its existence and implicit recognition in the OAS Charter. In particular, from the different references, it can be inferred that the purpose of the right to social security is to ensure life, health, and a decent standard of living for people in their old age, or in the case of events that deprive them of the possibility of working; that is, in relation to future events that could affect the conditions and quality of their lives. Consequently, the Court considered that the right to social security was a right protected by Article 26 of the Convention.<sup>195</sup>

The Court also determined the scope of the right to social security, in particular the right to a pension in the context of the facts of the *Case of Muelle Flores v. Peru*, in light of the international corpus iuris in this area.

The Court recalled that the obligations contained in Articles 1(1) and 2 of the American Convention are the definitive grounds for determining the international responsibility of a State for violations of the rights recognized in the Convention,<sup>196</sup> including those recognized pursuant to Article 26. However, the Convention itself refers expressly to the general provisions of international law for its interpretation and application, specifically in Article 29, which establishes the pro persona principle.<sup>197</sup> Thus, as has been the Court’s consistent practice,<sup>198</sup> when determining the compatibility of the acts and omissions of the State, or of its norms with the Convention or other treaties for which it has jurisdiction, the Court is able to interpret the obligations and rights they contain in light of other pertinent treaties and provisions.<sup>199</sup>

In this way, the Court used the sources, principles and criteria of the international corpus iuris as special law applicable to determine the content of the right to social security. The Court indicated that this special law to determine the right in question should be used as a complement to the provisions of the Convention. In this regard, the Court affirmed that it was not assuming jurisdiction over treaties for which it did not have jurisdiction, or granting an equal rank to the provisions of the Convention to provisions contained in other national or international instruments in the area of the ESCER.<sup>200</sup> To the contrary, the Court made an interpretation pursuant to the standards established by Article 29, and to its jurisprudential practice, which has updated the meaning of the rights derived from the OAS Charter that are recognized in Article 26 of the Convention. To determine the right to social security the Court gave special emphasis to the American Declaration, because as this Court has established:

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of lasting peace.”

192 Article 45(b) of the OAS Charter establishes: “[t]he Member States, convinced that man can only achieve the full realization of his aspirations within a just social order, along with economic development and true peace, agree to dedicate every effort to the application of the following principles and mechanisms: (b) [w]ork is a right and a social duty, it gives dignity to the one who performs it, and it should be performed under conditions, including a system of fair wages, that ensure life, health, and a decent standard of living for the worker and his family, both during his working years and in his old age, or when any circumstance deprives him of the possibility of working.”

193 Article 45(h) of the OAS Charter establishes: “[t]he Member States, convinced that man can only achieve the full realization of his aspirations within a just social order, along with economic development and true peace, agree to dedicate every effort to the application of the following principles and mechanisms: (h) [d]evelopment of an efficient social security policy.”

194 *Case of Muelle Flores v. Peru*. Preliminary Objection, Merits, Reparations and Costs. Judgment of March 6, 2019. Series C No. 375, para. 172.

195 *Case of Muelle Flores v. Peru*. Preliminary Objection, Merits, Reparations and Costs. Judgment of March 6, 2019. Series C No. 375, para. 173.

196 *Cf. Case of the Mapiripán Massacre v. Colombia*. Judgment of September 15, 2005. Series C No. 134, para. 107, and *Case of Cuscul Pivara et al. v. Guatemala*, *supra*, para. 100.

197 *Cf. Case of the Pacheco Tineo Family v. Bolivia*. Preliminary Objection, Merits, Reparations and Costs. Judgment of November 25, 2013. Series C No. 272, para. 143, and *Case of Cuscul Pivara et al. v. Guatemala*, *supra*, para. 100.

198 *Cf. Case of Poblete Vilches et al. v. Chile*, *supra*, para. 103; *Case of Lagos del Campo v. Peru*, *supra*, para. 145; *Case of I.V. v. Bolivia*. Preliminary Objection, Merits, Reparations and Costs. Judgment of November 30, 2016. Series C No. 329, para. 168; *Case of the Pacheco Tineo Family v. Bolivia*, *supra*, para. 129; *Case of Atala Rizzo and daughters v. Chile*. Merits, Reparations and Costs. Judgment of February 4, 2012. Series C No. 239, para. 83; *Case of Gelman v. Uruguay*. Merit and reparations. Judgment of February 24, 2011. Series C No. 221, para. 78 and 121, and *Case of Cuscul Pivara et al. v. Guatemala*, *supra*, para. 100.

199 *Case of Muelle Flores v. Peru*. Preliminary Objection, Merits, Reparations and Costs. Judgment of March 6, 2019. Series C No. 375, para. 174.

200 *Cf. Case of the Pacheco Tineo family v. Bolivia*, *supra*, para. 143 and *Case of Cuscul Pivara et al. v. Guatemala*, *supra*, para. 101.



[...] The States Members have understood that the Declaration contains and defines those essential human rights referred to in the Charter; thus, it is not possible to interpret and apply the Charter of the Organization in relation to human rights without integrating its pertinent provisions with the corresponding provisions of the Declaration, as a result of the practice followed by the OAS organs.<sup>201</sup>

The Court has also indicated on other occasions that human rights treaties are living instruments, and their interpretation must evolve with the times and actual living conditions. This evolutive interpretation is consequent with the general rules of interpretation established in Article 29 of the American Convention and in the Vienna Convention.<sup>202</sup> In addition, Article 31(3) of the Vienna Convention authorizes the use of means of interpretation such as agreements or practice or relevant rules of international law applicable in the relations between the parties, which are some of the methods related to an evolutive perspective of the treaty. Thus, in order to determine the scope of the right to social security and, in particular, the right to a pension in the context of a system of State contributive pensions, as derived from the economic, social, educational, scientific and cultural rights of the OAS Charter, the Court referred to the relevant instruments of the international *corpus iuris*.<sup>203</sup>

#### b) *The content of the right to social security*

As indicated above, Article 45(b) of the OAS Charter expressly indicates that work should be performed under conditions, including a system of fair wages, that ensure life, health, and a decent standard of living for the worker and his family, both during his working years and in his old age, or when any circumstance deprives him of the possibility of working.<sup>204</sup>

Furthermore, Article XVI of the American Declaration identifies the right to social security when establishing that “[e]very person has the right to social security which will protect him from the consequences of unemployment, old age, and any disabilities arising from causes beyond his control that make it physically or mentally impossible for him to earn a living”.<sup>205</sup>

Similarly, Article 9 of the Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights, “Protocol of San Salvador” establishes that: “(1) Everyone shall have the right to social security protecting him from the consequences of old age and of disability which prevents him, physically or mentally, from securing the means for a dignified and decent existence. In the event of the death of a beneficiary, social security benefits shall be applied to his dependents. (2) In the case of persons who are employed, the right to social security shall cover at least medical care and an allowance or retirement benefit in the case of work accidents or occupational disease and, in the case of women, paid maternity leave before and after childbirth.”<sup>206</sup>

In the universal sphere, Article 22 of the Universal Declaration of Human Rights establishes that: “[e]veryone, as a member of society has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.” While, Article 25 emphasizes that “[e]very one has the right to a standard of living adequate for the health and well-being of himself and his family [...] and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.” And, Article 9 of the International Covenant on Economic, Social and Cultural Rights also recognizes “the right of everyone to social security, including social insurance”.<sup>207</sup>

That said, from Article 45 of the OAS Charter, interpreted in light of the American Declaration and the other previously mentioned instruments, it is possible to derive elements that constitute the right to social security, such as that it is

201 Case of Muelle Flores v. Peru. Preliminary Objections, Merits, Reparations and Costs. Judgment of March 6, 2019. Series C No. 375, para. 174.

202 Cf. *The Right to Information on Consular Assistance within the Framework of the Guarantees of Due Process of Law*. Advisory Opinion OC-16/99 of October 1, 1999. Series A No. 16, para. 114, and *The Institution of Asylum and its Recognition as a Human Right in the Inter-America 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). Advisory Opinion OC-25/18 of May 30, 2018. Series A No. 25, para. 137.

203 Case of Muelle Flores v. Peru. Preliminary Objections, Merits, Reparations and Costs. Judgment of March 6, 2019. Series C No. 375, para. 175.

204 Case of Muelle Flores v. Peru. Preliminary Objections, Merits, Reparations and Costs. Judgment of March 6, 2019. Series C No. 375, para. 176.

205 Case of Muelle Flores v. Peru. Preliminary Objections, Merits, Reparations and Costs. Judgment of March 6, 2019. Series C No. 375, para. 177.

206 Case of Muelle Flores v. Peru. Preliminary Objections, Merits, Reparations and Costs. Judgment of March 6, 2019. Series C No. 375, para. 178.

207 Case of Muelle Flores v. Peru. Preliminary Objections, Merits, Reparations and Costs. Judgment of March 6, 2019. Series C No. 375, para. 179.



a right that seeks to protect the individual from future events which, if they occur, would have harmful consequences for that person, so that measures to protect him must be taken. In particular, and in the case in hand, the right to social security seeks to protect the individual from situations that occur when he reaches a certain age and is unable, either physically or mentally, to obtain the necessary means of subsistence to have adequate living conditions, which could also deprive him of his ability to exercise his other rights fully. This also reflects one of the elements of the right, because social security must be exercised so that it guarantees conditions that ensure life, health and a decent standard of living.<sup>208</sup>

Although the right to social security is widely recognized in the international corpus iuris, both the International Labour Organization (ILO) and the United Nations Committee on Economic, Social and Cultural Rights (CESCR), following the main instruments adopted by the ILO, have developed the content of the right to social security more clearly and this allowed the Court to interpret the content of the right and the State obligations based on the facts of the *Case of Muelle Flores v. Peru*.<sup>209</sup>

In general, the ILO has referred to the right to social security as “the protection that a society provides to individuals and households to ensure access to health care and to guarantee income security, particularly in cases of old age, unemployment, sickness, invalidity, work injury, maternity or loss of a breadwinner.”<sup>210</sup> In the specific case of the retirement pension derived from a system of contributions or quotas, it is a component of social security that seeks to meet the need for financial subsistence that persists for the person who stops working, for any of the above reasons, based on surviving beyond the prescribed age. In those cases, the old age pension is a type of deferred wage for the worker, an acquired right after having paid the quotas and worked for the required number of years.<sup>211</sup>

In its General Comment No. 19 on the right to social security, the CESCR established that this right encompassed the right to access and maintain benefits, whether in cash or in kind, without discrimination in order to secure protection, in different circumstances, in particular, due to the lack of work-related income owing to old age.<sup>212</sup>

Similarly, the CESCR General Comment No. 19 established the legal content of the right to social security and stressed that it includes the right not to be subjected to arbitrary and unreasonable restrictions of existing social security coverage, whether obtained publicly or privately, as well as the right to equal enjoyment of adequate protection from social risks and contingencies. Regarding its fundamental elements, it underscored the following:

**a) Availability:** The right to social security requires, for its implementation, that a system, whether composed of a single scheme or variety of schemes, is available and in place to ensure that benefits are provided for the relevant social risks and contingencies. The system should be established under domestic law, and public authorities must take responsibility for the effective administration or supervision of the system. The schemes should also be sustainable, including those concerning provision of pensions, in order to ensure that the right can be realized for present and future generations.

**b) Social risks and contingencies:** The social security system should provide for the coverage of the following nine principal branches: (a) health care; (b) sickness; (c) old age; (d) unemployment; (e) employment injury; (f) family and child support; (g) maternity; (h) disability, and (i) survivors and orphans. In the area of health care, States parties have an obligation to guarantee that health systems are established to provide adequate access to health services for all. And, with regard to old age, States parties should take appropriate measures to establish social security schemes that provide benefits to older persons, starting at a specific age, to be prescribed by national law.

**c) Adequacy:** Benefits, whether in cash or in kind, must be adequate in amount and duration in order that everyone may realize his or her rights to family protection and assistance, an adequate standard of living and adequate access to health care. States parties must also pay full respect to the principle of human dignity, and the principle of non-discrimination, so as to avoid any adverse effect on the levels of benefits and the form

208 Case of Muelle Flores v. Peru. Preliminary Objections, Merits, Reparations and Costs. Judgment of March 6, 2019. Series C No. 375, para. 181.

209 Case of Muelle Flores v. Peru. Preliminary Objections, Merits, Reparations and Costs. Judgment of March 6, 2019. Series C No. 375, para. 182.

210 ILO, “Facts on Social Security,” a publication of the International Labour Organization, Geneva, Switzerland, June 6, 2003, available at: [https://www.ilo.org/wcmsp5/groups/public/-/dgreports/-/dcomm/documents/publication/wcms\\_067592.pdf](https://www.ilo.org/wcmsp5/groups/public/-/dgreports/-/dcomm/documents/publication/wcms_067592.pdf) (Only in Spanish).

211 Case of Muelle Flores v. Peru. Preliminary Objections, Merits, Reparations and Costs. Judgment of March 6, 2019. Series C No. 375, para. 183.

212 Case of Muelle Flores v. Peru. Preliminary Objections, Merits, Reparations and Costs. Judgment of March 6, 2019. Series C No. 375, para. 186.

in which they are provided. Methods applied should ensure the adequacy of benefits. The adequacy criteria should be monitored regularly to ensure that beneficiaries are able to afford the goods and services they require to realize their Covenant rights. When a person makes contributions to a social security scheme that provides benefits to cover lack of income, there should be a reasonable relationship between earnings, paid contributions, and the amount of relevant benefit.

**d) Accessibility:** This includes: (i) Coverage: all persons should be covered by the social security system, without discrimination. In order to ensure universal coverage, non-contributory schemes will be necessary. (ii) Eligibility. Qualifying conditions for benefits must be reasonable, proportionate and transparent. (iii) Affordability: if a social security scheme requires contributions, those contributions should be stipulated in advance. The direct and indirect costs and charges associated with making contributions must be affordable for all, and must not compromise the realization of other rights. (iv) Participation and information: beneficiaries of social security schemes must be able to participate in the administration of the social security system. The system should be established under national law and ensure the right of individuals and organizations to seek, receive and impart information on all social security entitlements in a clear and transparent manner, and (v) Physical access: benefits should be provided in a timely manner and beneficiaries should have physical access to the social security services in order to access benefits and information, and make contributions where relevant [...].

**e) Relationship with other rights:** The right to social security plays an important role in supporting the realization of many of the economic, social and cultural rights.

In addition, General Comment No. 19 has established that the right of access to justice forms part of the right to social security, so any persons or groups who have experienced violations of their right to social security should have access to effective judicial or other appropriate remedies at both national and international levels, as well as to adequate reparation.<sup>213</sup>

Furthermore, States have the obligation to facilitate the exercise of the right to social security by adopting positive measures to assist individuals and communities to enjoy the right to social security. Not only must they facilitate the exercise of this right, but also guarantee that “before any action is carried out by the State party, or by any other third party, that interferes with the right of an individual to social security the relevant authorities must ensure that such actions are performed in a manner warranted by law, compatible with the Covenant, and include: (a) an opportunity for genuine consultation with those affected; (b) timely and full disclosure of information on the proposed measures; (c) reasonable notice of proposed actions; (d) legal recourse and remedies for those affected; and (e) legal assistance for obtaining legal remedies. [...]”<sup>214</sup>

That said, the Court considered that the nature and scope of the obligations derived from the protection of social security include aspects that are of immediate effect, as well as aspects that have a progressive nature<sup>215</sup>. In this regard, the Court recalls that, with regard to the former (immediate obligations), States must adopt effective measures to ensure access without discrimination to the benefits recognized for the right to social security, and that men and women have equal rights, among other matters. Regarding the latter (progressive obligations), progressive realization means that States Parties have the specific and constant obligation to advance as expeditiously and effectively as possible towards the full implementation of this right, to the extent of available resources, by legislative or other appropriate means. Also, there is an obligation of non-retrogressivity in relation to the rights achieved. Consequently, the treaty-based obligations of respect and guarantee, as well as to adopt domestic legal provisions (Article 1(1) and 2) are essential in order to achieve their effectiveness.<sup>216</sup>

Despite the foregoing, the Court noted that this case did not relate to the progressive obligations derived from Article 26 of the Convention, but referred to the failure to implement the right to a pension as an integral part of the right to social security of Mr. Muelle Flores, owing to failure to comply with and execute judgments delivered in his favor in the domestic sphere in the context of the privatization of a State company following his retirement. Mr. Muelle Flores acquired his right to a pension under a contributive regime administered by the State; thus, he acquired the right to receive a pension after making contributions during several years. The

213 Case of Muelle Flores v. Peru. Preliminary Objections, Merits, Reparations and Costs. Judgment of March 6, 2019. Series C No. 375, para. 185.

214 Case of Muelle Flores v. Peru. Preliminary Objections, Merits, Reparations and Costs. Judgment of March 6, 2019. Series C No. 375, para. 186.

215 Cf. *Mutatis mutandi*, Case of Poblete Vilches et al. v. Chile. Merits, Reparations and Costs. Judgment of March 8, 2018. Series C No. 349, para. 104 and Case of Cuscul Pivaral et al. v. Guatemala, *supra*, para. 98.

216 Case of Muelle Flores v. Peru. Preliminary Objections, Merits, Reparations and Costs. Judgment of March 6, 2019. Series C No. 375, para. 186.

legality of his incorporation into this regime was confirmed at the domestic level.<sup>217</sup>

In this regard, based on the criteria and elements that constitute the right to social security, and taking into account the facts and particularities of this case, the State obligations in relation to the right to a pension are: (a) to ensure the right to a pension after attaining the legal age and meeting the requirements established in domestic law, which presumes that a functioning system of social security exists that guarantees the benefits. This system must be administered by the State or supervised and monitored by the State (if it is administered by the private sector); (b) it must ensure that the benefits are sufficient in amount and duration to allow the pensioner to enjoy adequate living conditions and sufficient access to health care services, without discrimination; (c) obtaining a pension should be accessible; that is, the State should provide reasonable, proportionate and transparent conditions to access it. Also, the amount of the contributions should be affordable and the beneficiaries should receive clear and transparent information on the right, especially if a measure is taken that can affect it, such as the privatization of a company; (d) the benefits of a retirement pension should be guaranteed opportunely and without delays, taking into consideration the importance of this aspect for elderly people, and (e) the State must provide effective complaint mechanisms in cases of a violation of the right to social security, in order to ensure access to justice and effective judicial protection, which also encompasses the materialization of the right by the effective execution of favorable decisions delivered in the domestic sphere<sup>218</sup>.

## I. Right to property (article 21 of the American Convention)

In its case law,<sup>219</sup> the Court has developed a wide-ranging concept of private property that encompasses, among other matters, the use and enjoyment of property, defined as material possessions or intangible objects, as well as any right that may form part of a person's patrimony.<sup>220</sup> The Court ruled on the concept of property in the Case of Ivcher Bronstein v. Peru, in which it defined this as "material possessions, as well as any right that may form part of the a person's patrimony" and considered that "this concept includes all the movable and immovable assets, the tangible and intangible elements, and any other intangible object that has a value."<sup>221</sup>

In the *Cases of the "Five Pensioners" v. Peru* and *Acevedo Buendía et al. ("Dismissed and Retired Employees of the Office of the Comptroller) v. Peru*, the Court declared the violation of the right to property owing to patrimonial effects resulting from non-compliance with judgments that were aimed at protecting the right to a pension, which the victims had acquired pursuant to domestic law. In the Case of the "Five Pensioners," the Court indicated that, from the moment that a pensioner has paid his contributions to a pension fund and ceases to work for the institution concerned in order to accede to the legally-established pension regime, he acquires the right to his pension being regulated under the terms and conditions established in that law. In addition, in the Case of *Acevedo Buendía et al. ("Dismissed and Retired Employees of the Office of the Comptroller) v. Peru*<sup>222</sup>, it declared that the right to a pension acquired by this person had "patrimonial effects," which were protected by Article 21 of the Convention.<sup>223</sup>

Also, in the *Case of Muelle Flores v. Peru*, the Court underscored and agreed with the expert opinion provided by Christian Courtis that "[t]he benefits derived from social security, including the right to an old age pension, form part of the right to property and, therefore, must be protected against the arbitrary interference of the State. The right to property may even encompass the legitimate expectations of the holder of the right, in particular when he has paid the quotas of a contributive system. With even more reason, it encompasses acquired rights once the conditions have been met to obtain a benefit such as an old age pension, especially when that right has been recognized by a court judgment. Furthermore, among the range of interests protected by the right to property, the benefits of social security are particularly important owing to their nature as a substitute for the wage and to provide alimentation".<sup>224</sup>

217 Case of *Muelle Flores v. Peru*. Preliminary Objections, Merits, Reparations and Costs. Judgment of March 6, 2019. Series C No. 375, para. 187.

218 Case of *Muelle Flores v. Peru*. Preliminary Objections, Merits, Reparations and Costs. Judgment of March 6, 2019. Series C No. 375, para. 188.

219 Cf. Case of the "Five Pensioners" v. Peru. Merits, Reparations and Costs. Judgment of February 28, 2003. Series C No. 98, para. 173. Cf. Case of *Acevedo Jaramillo et al. v. Peru*, *supra*, para. 294, and Case of *Abrill Alosilla et al. v. Peru*, *supra*, para. 82.

220 Cf. Case of *Ivcher Bronstein v. Peru*. Reparations and costs. Judgment of February 6, 2001. Series C No. 74, paras. 120-122. Cf. Case of *Salvador Chiriboga v. Ecuador*. Preliminary Objection and Merits. Judgment of May 6, 2008. Series C No. 179, para. 55. Cf. Case of *Acevedo Buendía et al. ("Dismissed and Retired Employees of the Office of the Comptroller") v. Peru*. Preliminary Objections, Merits, Reparations and Costs. Judgment of July 1, 2009. Series C No. 198, para. 84, and Case of *Abrill Alosilla et al. v. Peru*, *supra*, para. 82.

221 Case of *Muelle Flores v. Peru*. Preliminary Objections, Merits, Reparations and Costs. Judgment of March 6, 2019. Series C No. 375, para. 212.

222 Cf. Case of *Acevedo Buendía et al. ("Dismissed and Retired Employees of the Office of the Comptroller") v. Peru*, *supra*, para. 85.

223 Case of *Muelle Flores v. Peru*. Preliminary Objections, Merits, Reparations and Costs. Judgment of March 6, 2019. Series C No. 375, para. 213.

224 Case of *Muelle Flores v. Peru*. Preliminary Objections, Merits, Reparations and Costs. Judgment of March 6, 2019. Series C No. 375, para. 214.

## J. Right to personal integrity and health of the persons deprived of liberty

In the *Case of Hernández v. Argentina*, the Court determined that the State was responsible for the violation of the personal integrity of the victim as a result of the prison conditions in which he was detained, as well for the alleged lack of adequate medical treatment while he was deprived of liberty and for the consequences that this treatment – or the lack of it – had on his health. The Court notes that neither the Commission nor the representatives had explicitly alleged the violation of Article 26 of the Convention in relation to the right to health. However, the Court ruled on the right to health based on the *iura novit curia* principle, which international case law has repeatedly used, in the sense that the judge has the authority to examine the possible violation of provisions of the Convention that have not been alleged in the briefs submitted to it, in the knowledge that the parties have had the opportunity to express their respective positions in relation to the facts that support that violation.<sup>225</sup>

### • The content of the right to personal integrity of persons deprived of liberty

In the *Case of Hernández v. Argentina*, the Court reiterated its case law to the effect that Article 5 of the American Convention recognizes that every person has the right to respect for his physical, mental and moral integrity, establishes that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment, and stipulates that all persons deprived of their liberty shall be treated with respect for the inherent dignity of the human person. The Court has established that the violation of personal integrity has different connotations of degree, and its physical and mental effects may vary in intensity based on endogenous and exogenous factors that must be proved in each specific situation. The Court has also indicated that the right to personal integrity is of such importance that it cannot be suspended under any circumstance. In addition, the Court has asserted that the general obligations to respect and to ensure rights established in Article 1(1) of the American Convention result in special duties that are determined based on the particular needs of protection of the subject of law, due either to his personal condition or to the specific situation in which he finds himself.<sup>226</sup>

Hence, regarding persons deprived of their liberty, the Court has determined that the State is in a special position of guarantor because the prison authorities exercise strong control over those who are in their custody. This is the result of the special interaction of subjection between the person deprived of liberty and the State, characterized by the particular strength with which the State can regulate the rights and obligations and owing to the circumstances inherent in incarceration, where the person deprived of liberty is prevented from satisfying for himself a series of basic needs that are essential for the development of a decent life. Consequently, pursuant to Article 5(1) and 5(2) of the Convention, every person deprived of liberty has the right to live in detention conditions that are compatible with his personal dignity. This entails the State's duty to safeguard the health and well-being of those deprived of liberty and to guarantee that the manner and method of deprivation of liberty do not exceed the inevitable level of suffering that is inherent in it.<sup>227</sup>

Furthermore, the Court has established that personal integrity is directly and immediately connected to care for human health and that a lack of adequate medical care may result in the violation of Article 5 of the Convention. The Court has indicated that it may be considered that the lack of adequate medical care for a person who is deprived of liberty and in the State's custody violates Article 5(1) and 5(2) of the Convention, depending on the particular circumstances of the specific person, such as the status of his or her health or the type of ailment suffered from, the time that has elapsed without receiving treatment, the accumulative physical and mental effects and, in some cases, a person's sex and age. The Court recalled that numerous decisions of international bodies cite the United Nations Standard Minimum Rules for the Treatment of Prisoners in order to interpret that the content of the right of persons deprived of liberty to decent and humane treatment refers to the basic norms concerning accommodation, hygiene, medical treatment and physical exercise, among other matters.<sup>228</sup>

225 Case of *Hernández v. Argentina*. Preliminary Objection, Merits, Reparations and Costs. Judgment of November 22, 2019. Series C No. 395, para. 54.

226 Case of *Hernández v. Argentina*. Preliminary Objection, Merits, Reparations and Costs. Judgment of November 22, 2019. Series C No. 395, para. 55.

227 Case of *Hernández v. Argentina*. Preliminary Objection, Merits, Reparations and Costs. Judgment of November 22, 2019. Series C No. 395, para. 56.

228 Case of *Hernández v. Argentina*. Preliminary Objection, Merits, Reparations and Costs. Judgment of November 22, 2019. Series C No. 395, para. 57.



## • The right to health

In the *Case of Hernández v. Argentina*, the Court addressed the issue of the right to health as an autonomous right derived from Article 26 of the American Convention. In this regard, the Court took the same approach as the one adopted in the *Case of Lagos del Campo v. Peru*,<sup>229</sup> and continued in subsequent decisions.<sup>230</sup> Thus, the Court recalled that, already in the *Case of Poblete Vilches et al. v. Chile* it had indicated the following:

Hence, it is evident to interpret that the American Convention incorporated in its list of protected rights the so-called economic, social, cultural and environmental rights, by derivation from the standards recognized in the Charter of the Organization of American States (OAS), as well as from the rules of interpretation established in Article 29 of the Convention; in particular, those that prevent limiting or excluding the enjoyment of the rights established in the American Declaration and even those recognized in domestic law. In addition, based on a systematic, teleological and evolutive interpretation, the Court has had recourse to the national and international corpus iuris in this matter to provide specific content to the scope of the rights protected by the Convention in order to derive the scope of the specific obligations that relate to each right.

## • The right to health as an autonomous and justiciable right

To identify those rights that may be derived by interpretation from Article 26, it is necessary to consider that this article remits directly to the economic, social, educational, scientific and cultural standards contained in the OAS Charter. From a reading of the latter, the Court notes that it recognizes health in Article 34(i)<sup>231</sup> and 34(i)<sup>232</sup> and establishes, among other basic objectives of integral development, that of the “[p]rotection of man’s potential through the extension and application of modern medical science” and also “conditions that offer the opportunity for a healthful, productive, and full life.” Meanwhile, Article 45(h)<sup>233</sup> emphasizes that “man can only achieve the full realization of his aspirations within a just social order,” so that the States “agree to dedicate every effort to the application of these principles, including: (h) [d]evelopment of an efficient social security policy.” Accordingly, the Court reiterated that this reference had the sufficient degree of specificity to derive the existence of the right to health recognized by the OAS Charter. Consequently, the Court considered that the right to health was a right protected by Article 26 of the Convention.

The Court reiterated the scope of the right to health; in particular the right to health of persons deprived of liberty in the context of the facts of this case, in light of the international corpus iuris on this matter. The Court recalled that, ultimately, the obligations contained in Articles 1(1) and 2 of the American Convention constitute the basis for determining the State’s international responsibility for violations of the rights recognized in the Convention, including those recognized pursuant to Article 26. However, the Convention itself explicitly mentions “the generally recognized principles of international law” for its interpretation and application, specifically in Article 29 which establishes the pro

<sup>229</sup> Cf. *Case of Lagos del Campo v. Peru*. Preliminary Objection, Merits, Reparations and Costs. Judgment of August 31, 2017. Series C No. 340, paras. 141–150 and 154.

<sup>230</sup> Cf. *Case of the Dismissed Employees of Petroperú et al. v. Peru*. Preliminary Objection, Merits, Reparations and Costs. Judgment of November 23, 2017. Series C No. 344, para. 192; *Case of San Miguel Sosa et al. v. Venezuela*. Merits, Reparations and Costs. Judgment of February 8, 2018. Series C No. 348, para. 220; *Case of Poblete Vilches et al. v. Chile*. Merits, Reparations and Costs. Judgment of March 8, 2018. Series C No. 349, para. 100, *Case of Cuscul Pivaral et al. v. Guatemala*. Preliminary Objection, Merits, Reparations and Costs. Judgment of August 23, 2018. Series C No. 359, para. 73, *Case of Muelle Flores v. Peru*. Preliminary Objections, Merits, Reparations and Costs. Judgment of March 6, 2019. Series C No. 375, para. 175.

<sup>231</sup> Article 34(l) of the OAS Charter establishes: “[t]he Member States agree that equality of opportunity, the elimination of extreme poverty, equitable distribution of wealth and income and the full participation of their peoples in decisions relating to their own development are, among others, basic objectives of integral development. To achieve them, they likewise agree to devote their utmost efforts to accomplishing the following basic goals: [...] (l) Urban conditions that offer the opportunity for a healthful, productive, and full life.”

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<sup>233</sup> Article 45(h) of the OAS Charter establishes: “[t]he Member States, convinced that man can only achieve the full realization of his aspirations within a just social order, along with economic development and true peace, agree to dedicate every effort to the application of the following principles and mechanisms: (h) Development of an efficient social security policy.”



persona principle. Hence, as has been the consistent practice of the Court when determining the compatibility of the State's acts and omissions, or its laws, with the Convention or other treaties for which it has jurisdiction, the Court is able to interpret the obligations and rights contained in them in light of other pertinent treaties and norms.<sup>234</sup>

In this way, the Court reiterated the sources, principles and criteria of the international corpus iuris as special law applicable in the determination of the content of the right to health. The Court indicated that it was using this law to determine the right in question to supplement the provisions of the Convention. In this regard, the Court affirmed that it was not assuming jurisdiction over treaties for which it did not have competence, or granting the principles contained in other national and international instruments relating to the ESCER equal rank to the Convention. To the contrary, the Court made an interpretation pursuant to the standards established in Article 29, and in conformity with its case law, that updated the meaning of the rights derived from the OAS Charter that are recognized in Article 26 of the Convention. The determination of the right to health gave special emphasis to the American Declaration, because as the Court has established:<sup>235</sup>

[...] the member states of the Organization have signaled their agreement that the Declaration contains and defines the fundamental human rights referred to in the Charter. Thus the Charter of the Organization cannot be interpreted and applied as far as human rights are concerned without relating its norms, consistent with the practice of the organs of the OAS, to the corresponding provisions of the Declaration.

Likewise, on other occasions, the Court has indicated that human rights treaties are living instruments and their interpretation must evolve with the times and current living conditions. This evolutive interpretation is consequent with the general rules of interpretation established in Article 29 of the American Convention, and also in the Vienna Convention on the Law of Treaties. Furthermore, Article 31(3) of the Vienna Convention authorizes the use of means of interpretation such as agreements or practice or relevant rules of international law that the States have agreed to regarding the application of the provisions of a treaty, which are some of the methods related to an evolutive vision of the treaty. Thus, in order to determine the scope of the right to health, in particular the right to health of persons deprived of liberty, as derived from the economic, social, educational, scientific and cultural standards of the OAS Charter, the Court referred to the relevant instruments of the international corpus iuris.<sup>236</sup>

## • The content of the right to health

As previously indicated, Article 34(i) and 34(l) of the OAS Charter establish, among the basic objectives of integral development, that of the “[p]rotection of man's potential through the extension and application of modern medical science,” as well as “conditions that offer the opportunity for a healthful, productive, and full life.” Also, Article 45(h) underlines that “man can only achieve the full realization of his aspirations within a just social order,” so that the States agree to dedicate every effort to the application of principles including: (h) Development of an efficient social security policy.”<sup>237</sup>

In addition, Article XI of the American Declaration allows the right to health to be identified when it establishes that “every persons has the right to the preservation of his health through sanitary and social measures relating to [...] medical care, to the extent permitted by public and community resources.”<sup>238</sup>

234 Case of Hernández v. Argentina. Preliminary Objection, Merits, Reparations and Costs. Judgment of November 22, 2019. Series C No. 395, para. 65.

235 Case of Hernández v. Argentina. Preliminary Objection, Merits, Reparations and Costs. Judgment of November 22, 2019. Series C No. 395, para. 66.

236 Case of Hernández v. Argentina. Preliminary Objection, Merits, Reparations and Costs. Judgment of November 22, 2019. Series C No. 395, para. 69.

237 Case of Hernández v. Argentina. Preliminary Objection, Merits, Reparations and Costs. Judgment of November 22, 2019. Series C No. 395, para. 69.

238 Case of Hernández v. Argentina. Preliminary Objection, Merits, Reparations and Costs. Judgment of November 22, 2019. Series C No. 395, para. 70.

Similarly, Article 10 of the Protocol of San Salvador establishes that everyone has the right to health, understood to mean the enjoyment of the highest level of physical, mental and social well-being, and indicates that health is a public good.<sup>239</sup> The same article establishes that the measures States must adopt to ensure the right to health include: “[u]niversal immunization against the principal infectious diseases,” “[p]revention and treatment of endemic, occupational and other diseases,” and “[s]atisfaction of the health needs of the highest risk groups and of those whose poverty makes them the most vulnerable.”<sup>240</sup>

In the universal sphere, Article 25 of the Universal Declaration of Human Rights establishes that “[e]veryone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.” Meanwhile, Article 12 of the International Covenant on Economic, Social and Cultural Rights recognizes the right of everyone to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.<sup>241</sup>

Additionally, the right to health is recognized in Article 5(e) of the International Convention on the Elimination of All Forms of Racial Discrimination; Article 12(1) of the Convention on the Elimination of All Forms of Discrimination against Women; Article 24(1) of the Convention on the Rights of the Child; Article 28 of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, and Article 25 of the Convention on the Rights of Persons with Disabilities. This right is also established in several regional human rights instruments, such as in Article 17 of the Social Charter of the Americas; Article 11 of the revised edition of the 1961 European Social Charter; Article 16 of the African Charter of Human and Peoples’ Rights and, recently, in the Inter-American Convention on Protecting the Human Rights of Older Persons. In addition, the right to health has been recognized in Section II, paragraph 41 of the Vienna Declaration and Programme of Action, and in other international instruments and decisions.<sup>242</sup>

Furthermore, the right to health is recognized at the constitutional level in Argentina (in article 42 of its Constitution), and the Court has observed a broad regional consensus to consolidate the right to health, which is explicitly recognized in different Constitutions and the domestic law of the States of the region, including: Barbados, Bolivia, Brazil, Colombia, Costa Rica, Chile, Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Suriname, Uruguay and Venezuela.<sup>243</sup>

## • Standards for the right to health

The Court has already recognized that health is a fundamental and essential human right for the adequate exercise of the other human rights and that everyone has the right to enjoy the highest possible level of health that allows him to have a decent life, understanding health not only as the absence of disease or infirmity, but as a state of complete physical, mental and social well-being, derived from a lifestyle that enables everyone to achieve overall balance. The Court has clarified that the general obligation to protect health results in the duty of the State to ensure that everyone has access to essential health services, guaranteeing the quality and efficiency of medical services, and to facilitate the improvement of the health of the whole population.<sup>244</sup>

239 Article 10(1) of the Protocol of San Salvador establishes: “[e]veryone shall have the right to health, understood to mean the enjoyment of the highest level of physical, mental and social well-being. 2. In order to ensure the exercise of the right to health, the States Parties agree to recognize health as a public good and, particularly, to adopt the following measures to ensure that right: (a) Primary health care, that is, essential health care made available to all individuals and families in the community; and (b) Extension of the benefits of health services to all individuals subject to the State’s jurisdiction.”

240 Case of Hernández v. Argentina. Preliminary Objection, Merits, Reparations and Costs. Judgment of November 22, 2019. Series C No. 395, para. 71.

241 Case of Hernández v. Argentina. Preliminary Objection, Merits, Reparations and Costs. Judgment of November 22, 2019. Series C No. 395, para. 72.

242 Case of Hernández v. Argentina. Preliminary Objection, Merits, Reparations and Costs. Judgment of November 22, 2019. Series C No. 395, para. 73.

243 Case of Hernández v. Argentina. Preliminary Objection, Merits, Reparations and Costs. Judgment of November 22, 2019. Series C No. 395, para. 74.

244 Case of Hernández v. Argentina. Preliminary Objection, Merits, Reparations and Costs. Judgment of November 22, 2019. Series C No. 395, para. 76.

Similarly, the Court has established that the implementation of this obligation begins with the duty to regulate it, and has indicated that States are responsible for establishing a permanent regulation of health services (both public and private) and executing national programs to achieve quality health services. The Court has taken into account General Comment No. 14 of the Committee on Economic, Social and Cultural Rights on the right to the highest attainable standard of health. In particular, this Comment emphasized that this right includes opportune and appropriate health care, as well as the following interrelated and essential elements of availability, accessibility acceptability and quality, the precise application of which will depend on the conditions prevailing in each State:<sup>245</sup>

a) Availability. Functioning public health and health-care facilities, goods and services, as well as programmes, have to be available in sufficient quantity within the State party. The precise nature of the facilities, goods and services will vary depending on numerous factors, including the State party's developmental level. They will include, however, the underlying determinants of health, such as safe and potable drinking water and adequate sanitation facilities, hospitals, clinics and other health-related buildings, trained medical and professional personnel receiving domestically competitive salaries, and essential drugs, as defined by the WHO Action Programme on Essential Drugs.

b) Accessibility. Health facilities, goods and services have to be accessible to everyone without discrimination, within the jurisdiction of the State party. Accessibility has four overlapping dimensions:

i) Non-discrimination: health facilities, goods and services must be accessible to all, especially the most vulnerable or marginalized sections of the population, in law and in fact, without discrimination on any of the prohibited grounds.

ii) Physical accessibility: health facilities, goods and services must be within safe physical reach for all sections of the population, especially vulnerable or marginalized groups, such as ethnic minorities and indigenous populations, women, children, adolescents, older persons, persons with disabilities and persons with HIV/AIDS. Accessibility also implies that medical services and underlying determinants of health, such as safe and potable water and adequate sanitation facilities, are within safe physical reach, including in rural areas. Accessibility further includes adequate access to buildings for persons with disabilities.

iii) Economic accessibility (affordability): health facilities, goods and services must be affordable for all. Payment for health-care services, as well as services related to the underlying determinants of health, has to be based on the principle of equity, ensuring that these services, whether privately or publicly provided, are affordable for all, including socially disadvantaged groups. Equity demands that poorer households should not be disproportionately burdened with health expenses as compared to richer households.

iv) Information accessibility: accessibility includes the right to seek, receive and impart information and ideas concerning health issues. However, accessibility of information should not impair the right to have personal health data treated with confidentiality.

c) Acceptability. All health facilities, goods and services must be respectful of medical ethics and culturally appropriate, i.e. respectful of the culture of individuals, minorities, peoples and communities, sensitive to gender and life-cycle requirements, as well as being designed to respect confidentiality and improve the health status of those concerned.

d) Quality. As well as being culturally acceptable, health facilities, goods and services must also be scientifically and medically appropriate and of good quality. This requires, inter alia, skilled medical personnel, scientifically approved and unexpired drugs and hospital equipment, safe and potable water, and adequate sanitation.

<sup>245</sup> Case of Hernández v. Argentina. Preliminary Objection, Merits, Reparations and Costs. Judgment of November 22, 2019. Series C No. 395, para. 77.

In this regard, the Court concluded that the right to health referred to the right of everyone to enjoy the highest attainable level of physical, mental and social well-being. This right includes opportune and appropriate health care, provided in keeping with the principles of availability, accessibility, acceptability and quality. When complying with the obligation to respect and ensure this right, the State must pay special attention to vulnerable and marginalized groups, and care must be provided progressively based on available resources and the applicable domestic law. Referring to the specific obligations that arise in the case of individuals suffering from tuberculosis, the Court noted that the concepts mentioned had been taken from diverse responsible sources, but that medical science is continually advancing in this regard and, consequently, the citations included as examples did not contradict or call into question more recent findings. Moreover, the Court does not take a stand in matters and discussions in the field of medical and biological sciences.<sup>246</sup>

Thus, regarding the medical care that should be guaranteed to those with tuberculosis, the Court considered that the International Standards for Tuberculosis Care published by the Tuberculosis Coalition for Technical Assistance (hereinafter “TCTA”) constituted an authoritative reference to clarify some of the State’s international obligations in this regard. In general, these standards establish that the basic principles of care for persons with tuberculosis are the same worldwide: (a) a diagnosis should be established promptly and accurately; (b) standardized treatment regimens of proven efficacy should be used with appropriate treatment support and supervision; the response to treatment should be monitored; and the essential public health responsibilities must be carried out. In particular, the TCTA indicated that an effective response to tuberculosis called for a series of actions in the area of diagnosis, treatment and public health responsibilities.<sup>247</sup>

First, adequate diagnosis requires that all persons with otherwise unexplained productive cough lasting two–three weeks or more should be evaluated for tuberculosis. Second, the treatment of tuberculosis required that all patients (including those with HIV infection) who have not been treated previously should receive an internationally accepted first-line treatment regimen using drugs of known bioavailability. The doses of antituberculosis drugs used should conform to international recommendations. All patients should be monitored for response to therapy. Third, regarding standards for public health responsibilities all providers of care for patients with tuberculosis should ensure that persons (especially children under 5 years of age and persons with HIV infection) who are in close contact with patients who have infectious tuberculosis are evaluated and managed in line with international recommendations.<sup>248</sup>

As it has reiterated in its recent case law, the Court considered that the nature and scope of the obligations derived from the protection of the right to health included aspects that must be enforced immediately, as well as aspects of a progressive nature. In this regard, the Court recalled that, regarding the former (obligations that are immediately enforceable), States must take effective measures to ensure access without discrimination to the services recognized by the right to health, guarantee that men and women have equal rights and in general, advance towards the full effectiveness of the ESCER. Regarding the latter (obligations of a progressive nature), progressive realization means that States Parties have the specific and constant obligation to move as rapidly and efficiently as possible towards the full effectiveness of the said right, based on available resources, and by legislative or other appropriate means. Furthermore, there is an obligation of non-retrogressivity with regard to the rights that have been realized. Consequently, the obligations to respect and ensure rights imposed by the Convention, as well as the adoption of measures under domestic law (Articles 1(1) and 2), are essential to achieve its effectiveness.<sup>249</sup>

## K. Violation of social security and a decent life

246 Case of *Hernández v. Argentina*. Preliminary Objection, Merits, Reparations and Costs. Judgment of November 22, 2019. Series C No. 395, para. 78.

247 Case of *Hernández v. Argentina*. Preliminary Objection, Merits, Reparations and Costs. . Judgment of November 22, 2019. Series C No. 395, para. 79.

248 Case of *Hernández v. Argentina*. Preliminary Objection, Merits, Reparations and Costs. Judgment of November 22, 2019. Series C No. 395, para. 80.

249 Case of *Hernández v. Argentina*. Preliminary Objection, Merits, Reparations and Costs. Judgment of November 22, 2019. Series C No. 395, para. 81.

In the case of the National Association of Discharged and Retired Employees of the National Tax Administration Superintendence (ANCEJUB-SUNAT) v. Peru, the Court reiterated that those persons or groups who have been victims of a violation of their right to social security should have access to judicial or other effective remedies, as well as to the corresponding reparation. In the case of the National Association of Discharged and Retired Employees of the National Tax Administration Superintendence (ANCEJUB-SUNAT), the Inter-American Court recognized that the simple acknowledgement of the victims' right to receive their linked pensions and the corresponding reimbursements did not mean that their right had been realized or implemented. To make it effective, it was essential that the domestic judgments handed down in their favor be executed and the pending amounts paid. Consequently, the Court concluded that the State had violated the right to social security.<sup>250</sup>

The Court also reiterated that, in this particular case, almost 18 years had elapsed since the Constitutional Court's judgment of August 9, 2011, before the State established, finally and as *res judicata*, the employment regime and remuneration to which the victim's pensions would be linked. This meant that, during all that time, the material content of the right to a linked pension was uncertain, because the State had not determined the mechanism to be used and, subsequently, what this represented financially. The failure to determine the method to implement the linking, resulted in the failure to determine the amount of the victim's pensions. These facts constituted a violation of the victims' right to social security because the Court considered that one of the State's immediate obligations for the full exercise of this right was that people must be able to know the financial resources they can count on to have a dignified life in their old age.<sup>251</sup>

The Court also noted that one of the elements that forms part of social security is accessibility, which includes 'the right of individuals and organizations to seek, receive and impart information on all social security entitlements in a clear and transparent manner.'<sup>252</sup>

Third, the Court underlined that another of the fundamental elements of social security was its relationship to the guarantee of other rights because, "to a great extent, it contributes to reinforce the exercise of many of the economic, social and cultural rights."<sup>253</sup> In this regard, the Court has indicated that the pension derived from a system of contributions or quotas is a component of social security. Furthermore, States must provide special services for older persons because the retirement pension is the only salary substitute they receive to supply their basic necessities. Ultimately, the pension and, in general, social security, constitutes a measure of protection to enjoy a decent life.<sup>254</sup>

Accordingly, the Court considered that, in the case of the National Association of Discharged and Retired Employees of the National Tax Administration Superintendence (ANCEJUB-SUNAT) v. Peru, the rights to social security and to a decent life were interrelated, a situation that was increased in the case of older persons. The Court has indicated that the absence of economic resources resulting from the failure to pay the monthly pension amounts directly impairs the dignity of older persons, because at that stage of their life, the pension constitutes the main source of financial resources to pay for their primary and basic necessities as human beings. The same could be said of other concepts that are directly related to the pension, such as the payment of the reimbursement owed. In this way, the violation of the right to social security owing to the failure to pay those reimbursement creates anguish, insecurity and uncertainty about the future for older persons owing to the possible lack of financial resources for their subsistence, because the deprivation of an income evidently leads to the deprivation of the development and improvement of their quality of life and personal integrity.<sup>255</sup>

<sup>250</sup> Case of the National Association of Discharged and Retired Employees of the National Tax Administration (ANCEJUB-SUNAT) v. Peru. Preliminary Objection, Merits, Reparations and Costs. Judgment of November 21, 2019. Series C No. 394, para. 179.

<sup>251</sup> Case of the National Association of Discharged and Retired Employees of the National Tax Administration (ANCEJUB-SUNAT) Superintendence v. Peru. Preliminary Objections, Merits, Reparations and Costs. Judgment of November 21, 2019. Series C No. 394, para. 181.

<sup>252</sup> Case of the National Association of Discharged and Retired Employees of the National Tax Administration (ANCEJUB-SUNAT) Superintendence v. Peru. Preliminary Objections, Merits, Reparations and Costs. Judgment of November 21, 2019. Series C No. 394, para. 182. Cf. Case of Muelle Flores v. Peru. Preliminary Objections, Merits, Reparations and Costs. Judgment of March 6, 2019. Series C No. 375, para. 187, and UN, Committee on Economic, Social and Cultural Rights. General Comment No. 19. The right to social security (Article 9), February 4, 2008, paras. 9 to 28.

<sup>253</sup> Caso Muelle Flores v. Peru. Preliminary objections, merits, reparations and costs. Judgment of March 6, 2019. Series C No. 375, para. 187

<sup>254</sup> Case of the National Association of Discharged and Retired Employees of the National Tax Administration (ANCEJUB-SUNAT) Superintendence v. Peru. Preliminary Objections, Merits, Reparations and Costs. Judgment of November 21, 2019. Series C No. 394, para. 184.

<sup>255</sup> Case of the National Association of Discharged and Retired Employees of the National Tax Administration (ANCEJUB-SUNAT) Superintendence v. Peru. Preliminary Objections, Merits, Reparations and Costs. Judgment of November 21, 2019. Series C No. 394, para. 185.



The Court recalled that the right to life is fundamental in the American Convention because the realization of the other rights depends on its safeguard. If this right is not respected, all the other rights disappear because the person entitled to rights is no longer. Owing to its fundamental nature, the Court has affirmed that strategies that restrict the right to life are not admissible and that this right includes not only the right of every human being not to be deprived of life arbitrarily, but also the right that conditions will not be imposed that prevent or obstruct access to a dignified existence. Hence, one of the obligations that the State must assume to protect and ensure the right to life, in its capacity as guarantor, is to create basic living conditions that are compatible with the dignity of the individual and not to establish conditions that obstruct or impede this. Consequently, the State has the obligation to adopt positive measures aimed at satisfying the right to a decent life, especially in the case of persons in a situation of vulnerability and risk, who require priority attention<sup>256</sup>, such as older persons.<sup>257</sup>

The Court also considered that the scope of the positive obligations of the State in relation to the protection of the right to a decent life of the older person should be understood in light of the relevant international corpus juris. In this way, the content of those obligations consisted of the contents of Article 4 of the American Convention, in relation to the general obligation of guarantee contained in Article 1(1) and to the obligation of progressive development contained in Article 26 of this instrument, and of Articles 9 (Right to Social Security), 10 (Right to Health), and 13 (Right to Education) of the Protocol of San Salvador. In addition, Article 11 of the International Covenant on Economic, Social and Cultural Rights recognizes the right of everyone to “an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions.”<sup>258</sup> In keeping with this, the Court noted that the United Nations Principles for Older Persons have established that States must incorporate into their national programmes principles that guarantee “[o]lder persons [...] access to adequate food, water, shelter, clothing and health care through the provision of income, family and community support and self-help.”<sup>259</sup>

256 Cf. Case of the Yakye Axa Indigenous Community v. Paraguay. Merits, reparations and costs. Judgment of June 17, 2005. Series C No. 125, para. 162.

257 Case of the National Association of Discharged and Retired Employees of the National Tax Administration (ANCEJUB-SUNAT) Superintendence v. Peru. Preliminary Objections, Merits, Reparations and Costs. Judgment of November 21, 2019. Series C No. 394, para. 186.

258 International Covenant on Economic, Social and Cultural Rights, adopted and opened for signature, ratification and accession by General Assembly Resolution 2200A (XXI) of December 16, 1966. Entry into force: January 3, 1976. Ratified by Peru on April 28, 1978, Article 11.

259 Case of the National Association of Discharged and Retired Employees of the National Tax Administration (ANCEJUB-SUNAT) Superintendence v. Peru. Preliminary Objections, Merits, Reparations and Costs. Judgment of November 21, 2019. Series C No. 394, para. 187.

# Financial Management

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## IX. Financial Management

### A. Income

The income of the Inter-American Court comes from: (a) the OAS Regular Fund, and (b) Special Income.

During the 2019 accounting exercise, the Inter-American Court of Human Rights received an income of US\$6,460,402.11, of which US\$4,635,200.00 (71.75%) was provided by the OAS Regular Fund.<sup>260</sup> Meanwhile, US\$1,825,202.11 (28.25%) come from Special Income provided by external sources, corresponding to international cooperation for the implementation of projects, as described below.

The following table shows the income received from both the OAS Regular Fund and from Special Income:

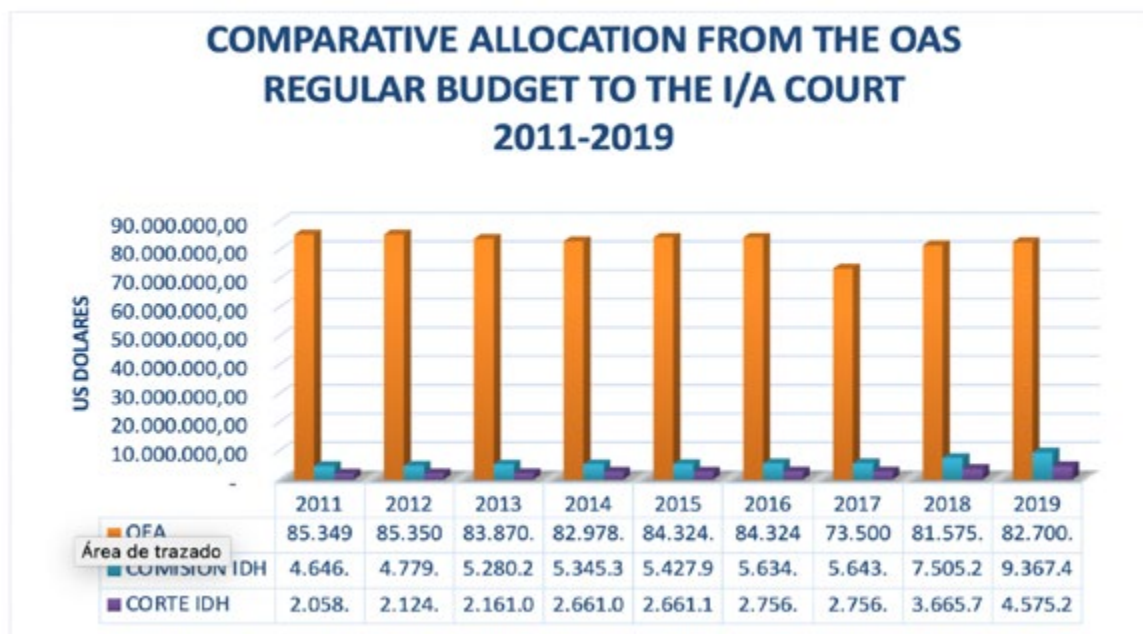
INCOME 2019	
<b>OAS REGULAR FUND</b>	<b>4,635,200.00</b>
<b>MEMBER STATES (voluntary contributions)</b>	<b>\$ 110,259.87</b>
Government of the Republic of Costa Rica	101,427.01
Government of the Republic of Peru	8,832.86
<b>INTERNATIONAL COOPERATION</b>	<b>1,711,942.24</b>
Spanish Agency for International Cooperation and Development	269,056.30
Norwegian Ministry of Foreign Affairs	561,797.88
Deutsche Gesellschaft Für Internationale Zusammenarbeit (GIZ) GmbH, German Federal Ministry for Economic Cooperation and Development (BMZ)	126,091.91
Heinrich Böll Stiftung Foundation (BMZ Germany)	10,861.54
European Commission	432,472.61
Swiss Agency for Development and Cooperation (COSUDE)	250,000.00
Federal Judiciary Institute of MEXICO	61,662.00
<b>RENTAL OF FACILITIES</b>	<b>3,000.00</b>
Universidad de Santa Clara	3,000.00
<b>GRAND TOTAL</b>	<b>\$ 6,460,402.11</b>

<sup>260</sup> Of the funds allocated by the OAS General Assembly for the 2019 Budget, the Inter-American Court of Human Rights received the sum of US\$4,575,200.00, through the OAS General Secretariat, which corresponds to 100% of the amount established in the budget. In addition, in January 2019, it received the sum of US\$60,000.00 from the OAS General Secretariat as a partial payment (2.89%) of the 5% retention applied to the 2018 budget. Thus, the OAS retained 2.11% of the budget approved for 2018.

## 1. Income – OAS Regular Fund

During the fifty-third OAS Special General Assembly held in Washington D.C., U.S.A., on October 30, 2018, the Program-Budget of the Organization of American States for the 2019 financial exercise was adopted in Resolution No. AG/RES.1 (LIII-E/18). The Program-Budget allocated the sum of US\$4,575,200.00 to the Inter-American Court.

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



## 2. Special income

Special income is provided by voluntary contributions from States, international cooperation projects, and voluntary contributions from various other entities. In 2019, the total amount received as special income was US\$1,825,202.11 (28.25%) of the total income for the year. This voluntary income was composed as follows:

### 2.1 Voluntary contributions from OAS Member States

During 2019, the Court received voluntary contributions from OAS Member States amounting to US\$110,259.87, which represented 1.71% of the Court's total income, as follows:

<b>MEMBER STATES (voluntary contributions)</b>	<b>\$ 110,259.87</b>
Government of the Republic of Costa Rica	101,427.01
Government of the Republic of Peru	8,832.86

At the beginning of December 2019, the Mexico Embassy in Costa Rica advised the Court, in a note addressed to the Secretary that it would be making a voluntary financial contribution of US\$400,000.00. This sum was received in January 2020 and will be registered in the 2020 budget.

## 2.2. Contributions from international cooperation projects

### **Spanish Agency for International Cooperation and Development (AECID): US\$269,056.30**

Project: “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)”: US\$84,711.30. This project was implemented for one year, from July 24, 2018, to July 24, 2019, with a budget of US\$282,371.00 for the 12 months of operation. In April 2019, the Court received the final contribution corresponding to the closure of the project from the AECID, through the OAS General Secretariat. This corresponded to 30% of the total approved for the said 12-month period.

Project: “Enhancing the protection standards of the Inter-American Court of Human Rights concerning the access to justice of persons in a situation of vulnerability and of its dissemination capacities to user of the inter-American system for the protection of human rights (CDH-1801)”: US\$184,345.00. The project was implemented for one year from August 28, 2019, to August 28, 2020, with a budget of US\$263,350.00 for the 12 months of operation. In October 2019, the Court received from the AECID, through the OAS General Secretariat, 70% of this total as an advance to initiate operations.

### **Norwegian Ministry of Foreign Affairs: US\$561,797.88**

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, signed between the Ministry of Foreign Affairs and the Inter-American Court, with funding up to NOK 12,000,000.00 (Norwegian Krone), equivalent to approximately US\$1,463,400.00 for the years 2017, 2018, 2019. The final contribution to the project, received in July 2019, amounted to US\$233,691.77.

On November 12, 2019, the Norwegian Ministry of Foreign Affairs and the Inter-American Court signed Amendment No 1 to Project CAM 2665-16/0001, extending the date of expiry, which had been established at December 31, 2019, to June 2020, and thus providing additional funding of NOK 3,023,000.00, equal to approximately US\$351,000.00. However, the amount received was US\$328,106.11 owing to fluctuations in the exchange rate. The purpose and objectives of the project remained the same, except for additional support for the section on the Court’s information technology.

### **European Commission: US\$432,472.61**

The European Commission and the Inter-American Court of Human Rights signed an agreement to implement the project: “Improvement to the capacity of the Inter American Court of Human Rights to administer prompt international justice to victims of human rights violations, especially those belonging to vulnerable and traditionally discriminated groups, and to disseminate its case law and work in an amicable manner that facilitates its observance and use among national actors.” The funding of 750,000.00 euros covered project execution over 24 months starting in May 2019.

In May 2019, the Inter-American Court of Human Rights received the first contribution to the project amounting to 392,658.40 euros, equal to US\$432,472.61.

### **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\$126,091.91**

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 second Memorandum of Understanding for joint undertakings mentioned above, on February 28, 2019, funding contract No. 83316700 was signed in order to disseminate the work of the Inter-American Court of Human Rights by updating the Case Law Bulletins and preparing new issues during 2019. This contract, for the sum of US\$10,000.00, began on March 4 and ended on August 5, 2019.

On February 28, 2019, a further funding contract was signed to strengthen and disseminate of the work of the Inter-American Court of Human Rights by holding the Court’s sixtieth regular session in Uruguay. This contract was executed for the sum of US\$65,878.40 between March 15 and August 15, 2019.

Finally, another funding contract was signed in order to strengthen and disseminate the work of the Inter-American Court of Human Rights by holding the Court’s sixty-first regular session in Colombia. The contract was executed for US\$50,213.51 between the dates of July 15 and October 31, 2019.

#### **Swiss Agency for Development and Cooperation (COSUDE): US\$250,000.00**

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. In July 2019, the second tranche of US\$100,000.00 was received.

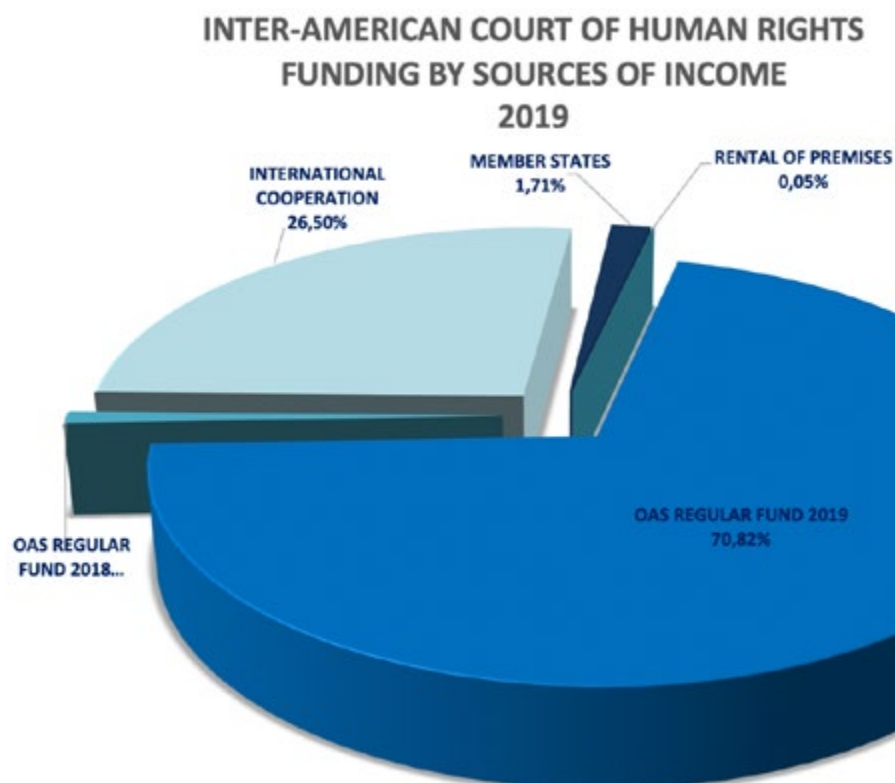
In October 2019, a second memorandum of understanding was signed on joint work between the two institutions under the program: “Strengthening governance and human rights with emphasis on vulnerable populations in the countries of Central America.” The purpose of the agreement is to provide continuity to the first phase of the Agreement 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.” The Swiss Agency for Development and Cooperation (COSUDE) has committed to make a contribution of US\$750,000 to the Court, to be distributed over the years from 2019 to 2022. In November 2018, the Court received the sum of US\$150,000.00 corresponding to the advance of 50% of the budget for the development of the activities during the first year, which runs from October 2019 to September 2020.

#### **Institute of the Federal Judicature of Mexico: US\$61,662.00**

On June 20, 2019, the Inter-American Court of Human Rights and the Institute of the Federal Judicature of Mexico, signed a framework cooperation agreement under which the two institutions undertook to carry out different activities aimed at the promotion of human rights. To give content to this Framework Agreement, the two institutions agreed to implement training activities and undertook to strengthen the jurisprudential dialogue between the Inter-American Court of Human Rights and Mexico’s federal judges and the officials involved in the administration of justice, and to optimize local capacities for the application of international human rights law and the case law of the Inter-American Court of Human Rights by the dissemination, exchange and updating of knowledge on the principal inter-American human rights standards. To achieve these objectives, on July 5, 2019, the Inter-American Court of Human Rights and the Institute of the Federal Judicature / Federal Judiciary of Mexico signed a specific Cooperation Agreement on Human Rights Training to be implemented between July 5 and December 31, 2019, funded by 1,201,572.40 Mexican pesos, payable in United States dollars; and at the exchange rate in force when the transfer was made by the Institute of the Federal Judicature, the represented US\$61,662.00. The project was implemented smoothly and the budget was executed in full.

### Rental of facilities US\$3,000.00

The Inter-American 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.



### Institutional and technical support to the Secretariat of the Inter-American Court

The Federal Ministry of Economic Cooperation and Development (BMZ) of the German Federal Republic, through Deutsche Gesellschaft für Internationale Zusammenarbeit GmbH (GIZ) continued to provide technical assistance to the Court by implementation of DIRAjus project, which includes the work of a German lawyer who conducts 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.

### University of Notre Dame

The University of Notre Dame provided technical assistance during 2019 through partial financial support for a lawyer who is working in the Legal Area of the Secretariat for one year.

### Heinrich Böll Stiftung Foundation: US\$10,861.54

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 "Training to reinforce capacities in relation to the inter-American system of human rights in academic circles in Guatemala, El Salvador and Honduras," to be implemented between June and September 2019. The project budget was set at US\$10,000.00. In June 2019, the first tranche (70%) of the budget was received: US\$7,000.00. Prior to the conclusion of the project activities, the parties signed an agreement to extend the project until November 2019.

In December 2019, the financial and narrative reports were submitted to the Heinrich Böll Stiftung Foundation in San Salvador, El Salvador. When the Foundation has reviewed and approved the reports, it will reimburse the pending balance for the project. This income will be registered in the 2020 financial exercise.

As reported in the 2018 Annual Report with regard to the project financed by this Foundation 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 between August and November 2018, with a budget of US\$13,000.00, the final balance of US\$3,861.54, was received on March 11, 2019, in order to close the project.

### Fundación Konrad Adenauer Foundation

The Court received the sum of US\$20,818.80 from the Konrad Adenauer Foundation to translate the judgments in the *Cases of Cuscul Pivaral et al. v. Guatemala* and the *Hacienda Brasil Verde Workers v. Brazil*.

## B. Response of the States to the financial situation

The Court greatly appreciates the consensus achieved by the 2017 General Assembly, ratified in 2018 and 2019, that resulted in the historic and unprecedented decision to double the Court's budget. In particular, the Court acknowledges the countries that co-sponsored and supported the resolutions that made this measure possible, and that reveals a significant commitment to the institutional framework of the Inter-American Court. This represented an important step forward towards reinforcing the independence and autonomy of the Inter-American Court in order to improve access to justice for the victims of human rights violations. Also, the Court must acknowledge the crucial support of civil society and the regional community that, from the outset, has mobilized the political and institutional will to strengthen the Inter-American System for the Protection of Human Rights.

## C. Regular Fund budget approved for 2020

During its forty-ninth General Assembly held on September 26, 2019, in Medellín, Colombia, the OAS adopted the 2020 budget for the Inter-American Court of Human Rights amounting to US\$5,296,100.00<sup>261</sup>. However, it should be pointed out that this sum does not correspond to twice the 2017 budget, as decided by the OAS General Assembly in 2017. In this regard, it should be recalled that, during the General Assembly, held in Cancun, Mexico, in June 2017, the States decided, by Resolution AG/RES. 2908 (XLVII-O/17)<sup>262</sup>, that the budget granted to the Inter-American Court of Human Rights should be doubled over a three-year period. In other words, by 2020, the amount allocated by the OAS should have risen to US\$5,512,400.00. However, the total amount allocated by the OAS for 2020 was US\$5,296,100.00. This reveals a shortfall of US\$216,300.00, that must be paid in order to comply fully with the decision taken by the States in 2017.

## D. Audit of the financial statements

During 2019, an external audit was conducted of the financial statements Secretariat of the Inter-American Court for the 2018 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 20, 2019, 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 2018, which are in keeping with generally accepted

<sup>261</sup> Organization of American States. Declarations and resolutions of the General Assembly (forty-ninth regular session) Program-budget of the Organization for 2020” (adopted at the plenary session held on June 27, 2019) AG/RES. 2940 (XLIX-O/19). Recovered from <http://www.oas.org/consejo/sp/AG/resoluciones-declaraciones.asp>.

<sup>262</sup> The General Assembly resolved “To request the Committee on Administrative and Budgetary Affairs, considering the existing resources, to double the amount of Regular Fund resources earmarked for the organs of the Inter-American Human Rights System: the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights, over a three-year period.” Promotion and protection of human rights, A/RES.2908 (XLVII-O-17) Item XVI. “Financing of the organs of the inter-American human rights system out of the program-budget of the Organization for 2018.”

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.

# Mechanisms to promote access to Inter-American justice: Victims' Legal Assistance Fund (VLAF) and Inter-American Defender (IAD)

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## X. Mechanisms to promote access to Inter-American justice: Victims' Legal Assistance Fund (VLAF) and Inter-American Defender (IAD)

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 (VLAF) and the Inter-American Defender (IAD).

### A. Victims' Legal Assistance Fund (VLAF)

#### 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.<sup>263</sup> 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.<sup>264</sup>

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.

#### 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, in 2018, US\$24,764.92 and finally, for execution of the 2019 budget a contribution of US\$24,539.80.

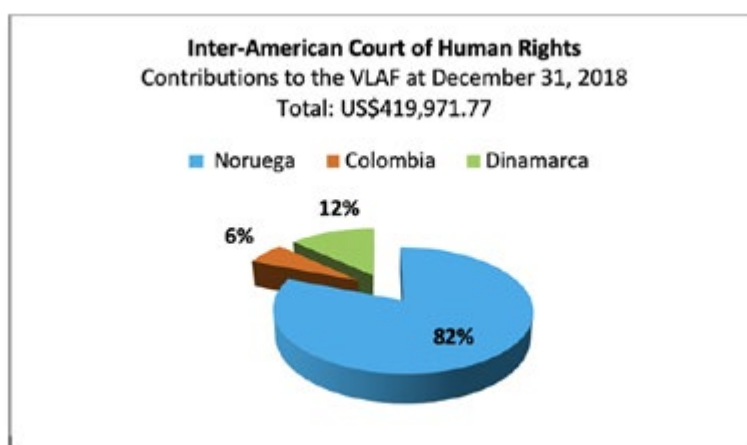
<sup>263</sup> Inter-American Court of Human Rights, Rules for the Operation of the Victims' Legal Assistance Fund, article 2.

<sup>264</sup> *Ibid.*, article 3.

Based on the foregoing, at December 2019, total contributions to the fund amounted to US\$444,511.57.

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
Norway	2019	24,539.80
SUB-TOTAL		US\$ 444,511.57



### 3. Application of the Victims' Legal Assistance Fund

#### 3.1 Cases in which access to the VLAFF was approved in 2019

In 2019, the President of the Inter-American Court of Human Rights approved access to the Victims' Legal Assistance Fund in five cases<sup>265</sup>:

#### 3.2 Expenses approved in 2019

During 2019, The Secretariat of the Inter-American Court made payments to presumed victims, expert witnesses, public defenders, representatives, and to prepare affidavits and to reimburse diverse expense in 16 cases which had previously been approved by an order. The details of the disbursements made appear in the following table:

Victims' Legal Assistance Fund		
Disbursements in 2019		
Total number	Cases	Amount
DISBURSEMENTS FROM THE 2019 NORWEGIAN CONTRIBUTION TO THE VICTIMS' LEGAL ASSISTANCE FUND		
1	Jenkins. v. Argentina	6,174.66
2	Díaz Loret <i>et al.</i> v. Venezuela	3,476.97
3	Rosadio Villacencio v. Peru	2,283.84
4	Arrom Suhurt <i>et al.</i> v. Paraguay	1,360.25
5	Rodríguez Revolorio <i>et al.</i> v. Guatemala	4,402.73
6	Valenzuela Avila v. Guatemala	1,620.53
7	Ruiz Fuentes <i>et al.</i> v. Guatemala	1,943.20
8.	López <i>et al.</i> v. Argentina	3,277.62
<b>TOTAL</b>		<b>24,539.80</b>
VICTIMS' LEGAL ASSISTANCE FUND		
9	Álvarez Ramos v. Venezuela	1,958.67
10	Martínez Coronado v. Guatemala	280.00
11	Gorigoitía v. Argentina	987.36
12	Torres Millacura v. Argentina (Monitoring hearing)	7,969.08
13	Girón <i>et al.</i> v. Guatemala	1,271.54
14	Rojas Marín <i>et al.</i> v. Peru	886.23
15	Noguera <i>et al.</i> v. Paraguay	1,994.88
16	Montesinos Mejía v Ecuador	176.00
<b>TOTAL</b>		<b>15,523.76</b>
FINANCIAL EXPENSES		
Financial expenses (Audit and exchange rate differential)		1,890.97
<b>TOTAL</b>		<b>1,890.97</b>
<b>TOTAL DISBURSEMENTS 2019</b>		<b>US\$41,954.53</b>

265 Cases of Rodríguez Revolorio *et al.* v. Guatemala; Rojas Marín v. Peru; Roche Azaña *et al.* v. Nicaragua; Spoltore v. Argentina, and Torres Millacura *et al.* v. Argentina.

### 3.3 Expenses approved and respective reimbursements from 2010 to 2019

From 2010 to 2019, access to the Victims' Legal Assistance Fund of the Court has been granted in 85 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 85 cases, the records show that:

- In 51 cases, the respective States have reimbursed the Fund Merits.
- In two cases the Court did not order the State to reimburse the Fund, because it was not found internationally responsible in the judgment.
- In 32 cases reimbursement of the Fund remains pending. However, of these 32 cases, in six 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	Angel Alberto Duque	Colombia	2,509.34	1,432.96
13	Isaza Uriber <i>et al.</i>	Colombia	1,172.70	0/00
14	Villamizar Duran <i>et al.</i>	Colombia	6,404.37	0.00
15	Vereda Ka Esperanza	Colombia	2,892.94	0.00
16	Kichwa Indigenous People of Sarayaku	Ecuador	6,344.62	0.00
17	Suárez Peralta	Ecuador	1,436.00	0.00
18	Contreras <i>et al.</i>	El Salvador	4,131.51	0.00

19	Massacres of El Mozote and surrounding areas	El Salvador	6,034.36	0.00
20	Rochac Hernández <i>et al.</i>	El Salvador	4,134.29	0.00
21	Ruano Torres <i>et al.</i>	El Salvador	4,555.62	0.00
22	Veliz Franco <i>et al.</i>	Guatemala	2,117.99	0.00
23	Chinchilla Sandoval <i>et al.</i>	Guatemala	993.35	0.00
24	Ramírez Escobar <i>et al.</i>	Guatemala	2,082.79	0.00
25	Garífuna Triunfo de la Cruz Community and its members	Honduras	1,662.97	0.00
26	Garífuna Punta Piedra Community and its members	Honduras	8,528.06	0.00
27	Alvarado Espinoza <i>et al.</i>	Mexico	5,444.40	182.32
28	Women Victims of Sexual Torture	Mexico	4,199.09	0.00
29	Kuna Indigenous People of Madungandí and Emberá Indigenous People of Bayano and their members	Panama	4,670.21	0.00
30	Osorio Rivera and family	Peru	3,306.86	0.00
31	J.	Peru	3,683.52	0.00
32	Miguel Castro Castro Prison	Peru	2,756.29	0.00
33	Espinoza Gonzáles	Peru	1,972.59	0.00
34	Cruz Sánchez <i>et al.</i>	Peru	1,685.36	0.00
35	Santa Bárbara Campesino Community	Peru	3,457.40	0.00
36	Canales Huapaya <i>et al.</i>	Peru	15,655.09	0.00
37	Quispialaya Vicalpoma	Peru	1,673.00	0.00
38	Tenorio Roca <i>et al.</i>	Peru	2,133.69	0.00
39	Tarazona Arrieta <i>et al.</i>	Peru	2,030.89	0.00
40	Pollo Rivera <i>et al.</i>	Peru	4,330.76	15.40
41	Zegarra Marín	Peru	8,523.10	0.06
42	Lagos del Campo	Peru	1,336.71	23.70
43	Dismissed Employees of Petroperu <i>et al.</i>	Peru	3,762.54	18.01
44	Terrones Silva <i>et al.</i>	Peru	5,095.99	0.00
45	Munárriz Escobar <i>et al.</i>	Peru	1,100.76	0.72



46	Muelle Flores	Peru	2,334.04	0.00
47	Barrios family	Venezuela	3,232.16	0.00
48	Uzcategui <i>et al.</i>	Venezuela	4,833.12	0.00
49	Landaeta Mejías <i>et al.</i>	Venezuela	2,725.17	0.00
50	Barrios family (Monitoring compliance)	Venezuela	1,326.33	0.00
SUB-TOTAL			\$240,090.24	\$20,739.42
TOTAL RECOVERED (EXPENSES AND INTEREST)				US\$260,829.66

Victims' Legal Assistance Fund				
Expenses pending reimbursement, by case and by State, at December 31, 2019				
Total number	Number by State	Cases	Amount	Date payment was ordered
ARGENTINA				
1	1	Furlan and family members	4,025.58	November 4, 2016
2	2	*Jenkins	6,174.66	November 26, 2019
3	3	*López <i>et al.</i>	3,277.62	November 25, 2019
4	4	*Gorigoitia	987.36	September 2, 2019
5	5	Torres Millacura	7,969.08	Cases in which the obligation to make the reimbursement has not been determined.
TOTAL			22,434.30	
BARBADOS				
6	1	Dacosta Cadogan and Boyce <i>et al.</i>	1,999.60	November 14, 2016
TOTAL			1,999.60	
BRAZIL				
7	1	Vladimir Herzog <i>et al.</i>	4,260.95	March 15, 2018
TOTAL			4,260.95	
COLOMBIA				
8	1	Yarce <i>et al.</i>	4,841.06	November 22, 2016
9	2	** Matter of Peace Community of San José de Apartadó	1,116.46	Cases in which the obligation to make the reimbursement has not been determined
TOTAL			5,957.52	

ECUADOR				
10	1	Gonzales Liuy et al.	4,649.54	September 1, 2015
11	2	Vásquez Durand	1,674.35	February 15, 2017
12	3	Flor Freire	4,788.25	August 31, 2016
13	4	**Montesinos Mejía	176.00	Cases in which the obligation to make the reimbursement has not been determined
TOTAL			11,288.14	
GUATEMALA				
14	1	Cuscul Pivaral et al.	2,176.36	August 23, 2018
15	2	Villaseñor et al.	4,688.10	February 5, 2019
16	3	*Rodríguez Revolorio et al.	4,402.73	October 14, 2019
17	4	*Valenzuela Ávila	1,620.53	October 11, 2019
18	5	*Ruiz Fuentes	1,943.20	October 10, 2019
19	6	Martínez Coronado	280.00	May 10, 2019
20	7	*Girón et al.	1,271.54	October 15, 2019
TOTAL			16,382.46	
NICARAGUA				
21	1	Acosta et al.	2,722.99	March 25, 2017
22	2	V.R.P. and V.P.C.	13,862.51	March 8, 2018
TOTAL			16,585.50	
PARAGUAY				
23	1	**Noguera et al.	1,994.88	Cases in which the obligation to make the reimbursement has not been determined
TOTAL			1,994.88	
PERU				
24	1	*Rosadio Villavicencio	2,283.84	October 14, 2019
25	2	**Rojas Marín et al.	886.23	Cases in which the obligation to make the reimbursement has not been determined
TOTAL			3,170.07	

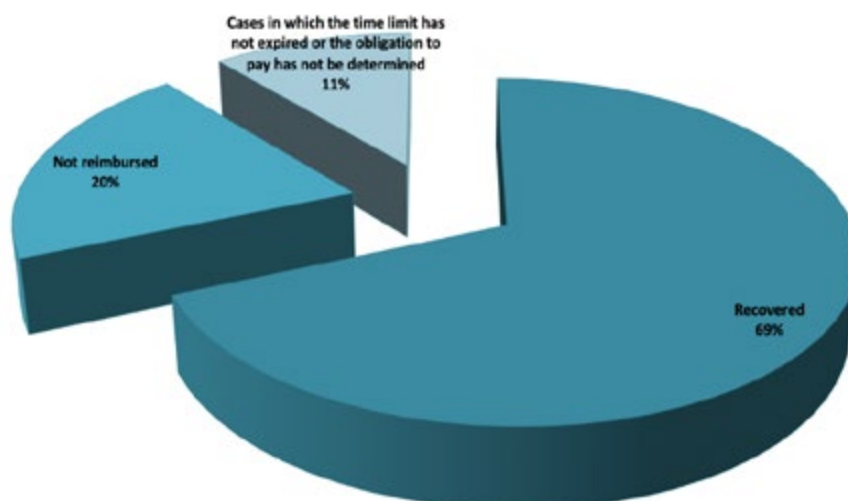
DOMINICAN REPUBLIC				
26	1	González Medina	2,219.48	February 27, 2012
27	2	Nadege Dorzema et al.	5,972.21	October 24, 2012
28	3	Expelled Dominicans and Haitians	5,661.75	August 28, 2014
TOTAL			13,853.44	
VENEZUELA				
29	1	Ortiz Hernández et al.	11,604.03	August 22, 2017
30	2	López Soto et al.	7,310.33	September 26, 2018
31	3	*Álvarez Ramos	4,805.40	August 30, 2019
32	4	*Díaz Loreto et al.	3,476.97	November 19, 2019
TOTAL			27,196.73	
TOTAL AMOUNT			US\$125,123.59	

\* 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.

Victims' Legal Assistance Fund			
Expenses in cases where the State is not obliged to reimburse the Fund			
Case	Case	Reimbursement (in \$)	Details
1	Torres <i>et al.</i> v. Argentina	2,214.03	Not obliged to reimburse the FAV
2	Castillo González <i>et al.</i> v. Venezuela	2,956.95	Not obliged to reimburse the FAV
3	Miguel Castro Castro Prison v. Peru	1,445.15	Not obliged to reimburse the FAV
4	Arrom Suhurt <i>et al.</i> v. Paraguay	1,360.25	Not obliged to reimburse the FAV
TOTAL EXPENSES		US\$7,976.38	

**Actual status of reimbursement of the Fund**  
**To December 31, 2019 :**  
Total executed: US\$379,907.73



**Victims' Legal Assistance Fund**  
**Statement of income and expenditure**  
From January 1, 2010 to December 31, 2018  
(in US\$)

**Income:**

Contributions to the Fund:	444,511.57
Reimbursements to the Fund by States:	240,090.24
Interest earned on arrears paid to Fund:	20,739.42
Interest earned on the Fund's bank accounts:	3,483.11

<b>Total Income:</b>	<b>\$</b>	<b>708,824.34</b>
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**Expenses:**

Disbursements to beneficiaries of the Fund:	(368,201.31)
Financial and administrative expenses:	(4,019.68)
Non-reimbursable expenses:	(7,686.74)

<b>Total Expenditure</b>	<b>\$</b>	<b>(379,907.73)</b>
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<b>Surplus (Deficit) to date:</b>	<b>\$</b>	<b>328,916.61</b>
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### 3.4 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, 2017 and 2018 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"),<sup>266</sup> 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 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 22 cases:

- |   |  |
|---|--|
| 1) Pacheco Tineo family v. Bolivia;     | 12) Amrhein et al. v. Costa Rica;            |
| 2) Furlan and family v. Argentina;      | 13) Jenkins v. Argentina;                    |
| 3) Mohamed v. Argentina;                | 14) Girón et al. v. Guatemala;               |
| 4) Argüelles et al. v. Argentina;       | 15) Martínez Coronado v. Guatemala;          |
| 5) Canales Huapaya et al. v. Peru;      | 16) Rodríguez Revolorio et al. v. Guatemala; |
| 6) Ruano Torres et al. v. El Salvador;  | 17) Villaseñor Velarde et al. v. Guatemala;  |
| 7) Pollo Rivera et al. v. Peru;         | 18) Muelle Flores v. Peru;                   |
| 8) Zegarra Marín v. Peru;               | 19) López et al. v. Argentina;               |
| 9) Ortiz Hernández et al. v. Venezuela; | 20) Arrom Suhurt et al. v. Paraguay;         |
| 10) Poblete Vilches et al. v. Chile;    | 21) Spoltore v. Argentina; and               |
| 11) V.R.P., V.P.C. et al. v. Nicaragua; | 22) Rojas Marín et al. v. Peru.              |

<sup>266</sup> 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.



Commemoration of the 40th  
anniversary of the American  
Convention on Human Rights and of  
the Inter-American Court

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## XI. Commemoration of the 40th anniversary of the American Convention on Human Rights and of the Inter-American Court

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Starting in 2018, a series of important commemorative events were held to celebrate the 40th anniversary of the Inter-American Court and the American Convention. It should be recalled that the American Convention on Human Rights was adopted in San José, Costa Rica, on November 22, 1969. Also, known as the “Pact of San José,” the American Convention entered into force on July 18, 1978, in an act that signified the creation of the Inter-American Court of Human Rights. Within this framework of reflection and dialogue, the Court organized events in Argentina, Chile, Colombia, Costa Rica, Ecuador, El Salvador, Germany, Honduras, Guatemala, Mexico, Panama, Spain and Uruguay. The events were open to a broad range of stakeholders, including members of civil society, academics, State officials, national and international judges, and other interested persons and, through dialogue, the Inter-American Court sought to take stock of the 40 years of its existence and the future challenges facing human rights in the region.

### 1. Costa Rica

The 125<sup>th</sup> Regular Session, held from July 16 and 19, 2018, was devoted to commemorating the “40th anniversary of the entry into force of the American Convention on Human Rights and of the creation of the Inter-American Court of Human Rights.” During this session, a ceremony was held to inaugurate the 40th anniversary, and also a closed dialogue between the three regional Courts of Human Rights, followed by an international seminar.

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

Continuing the program, on Tuesday, July 17, a judicial dialogue was held 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 and eminent academics. This was a private working meeting to promote dialogue and cooperation between the three regional Human Rights Courts and was possible due to the support of German cooperation through the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ).

On Wednesday and Thursday, July 18 and 19, 2019, an international seminar was held, open to the public, entitled “Successes and challenges to the regional Human Rights Systems.” It was attended by 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, and representatives of civil society. 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.

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 Mrs. Margarette May Macaulay; the President of the African Court of Human and Peoples’ Rights, Mr. Sylvain Oré; the President of the European Court of Human Rights, Mr. Guido Raimondi; the Honorary President of the Inter-American Institute of Human Rights and former Judge of the Inter-American Court, Mr. Thomas Buergenthal, and the President of the Republic of Costa Rica, Mr. Carlos Alvarado Quesada. This [link](#) the video of the seminar.

Following the inaugural panel, the historic “Declaration of San José” 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 all persons subject to their jurisdiction. The San José Declaration can be found at this [link](#).

## 2. El Salvador

On August 29, 2018, on the occasion of the Fifty-ninth Special Session which took place 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, 2018, the Court took part in the Seventh International Congress of the Inter-American Association of Public Defenders (AIDEF), entitled “On the 40<sup>th</sup> anniversary of the Convention and of the Inter-American Court: a new era for human rights.”

## 4. Colombia

On October 16, 2018, the Court organized in Bogotá, together with the Office of the Attorney General of Colombia, a seminar entitled “40 years of the Inter-American Court and its impact in Colombia,” with the participation of Judges Eduardo Ferrer, Humberto Antonio Sierra and Patricio Pazmiño Freire, the Secretary, Pablo Saavedra Alessandri, and the Director of Legal Affairs, Alexei Julio Estrada. Also, in Bogotá, on December 10, the Inter-American Court and the Inter-American Commission organized the second edition of the Forum of the Inter-American Human Rights System to promote a debate on the future of the system to commemorate the 70<sup>th</sup> anniversary of the adoption of the American Declaration of the Rights and Duties of Man and International Human Rights Day, together with the 40<sup>th</sup> anniversary of the entry into force of the Pact of San José and the creation of the Inter-American Court.

## 5. Germany

On November 2, 2018, while in Europe, the President of the Court, Judge Eduardo Ferrer Mac-Gregor Poisot, Judge Humberto Antonio Sierra Porto, Judge elect Ricardo Pérez Manrique, and the Secretary, Pablo Saavedra Alessandri, took part in the international seminar: “On the 40<sup>th</sup> anniversary of the Inter-American Court: a view from Europe,” organized by the Max Planck Institute for Comparative Public Law and International Law, Heidelberg.

## 6. Mexico

On December 3 and 4, 2018, Judges Eduardo Ferrer Mac-Gregor Poisot, Humberto Antonio Sierra and Patricio Pazmiño Freire, and the Court’s Secretary, Pablo Saavedra Alessandri, took part in the seminar on “The case law of the Inter-American Court and its impact in Mexico: State obligations in cases of the forced disappearance of persons.” In addition, on November 13, 2018, the National Lottery company (LOTENAL) dedicated Special Draw No. 212, to the 40<sup>th</sup> anniversary of the Inter-American Court of Human Rights.

## 7. Panama

On April 26, 2019, an event was held in Panama, in conjunction with the Attorney General’s Office, to commemorate the 40<sup>th</sup> anniversary of the Court, attended by the President of the Court, Judge Eduardo Ferrer Mac-Gregor. As a result of this event, the Attorney General’s Office and the Inter-American Court will publish the Case Law Bulletins on Panama in 2020.

## 8. Uruguay

On May 10, 2019, the Inter-American Court organized an international seminar on “The Inter-American Court: 40 years protecting rights,” in the auditorium of the Universidad de la República de Uruguay, which was extremely well attended. The seminar was inaugurated by Judge Eduardo Ferrer Mac-Gregor Poisot, President of the Inter-American Court of Human Rights, Eduardo Turell Araquistain, President of the Supreme Court of Justice of Uruguay, Rodrigo Arim, Rector of the Universidad de la República, and Cristina Mangarelli, Dean of the Law School at the Universidad de la República. Vice President Judge Eduardo Vio Grossi, Judge Elizabeth Odio Benito and Judge Ricardo Pérez Manrique participated in the seminar as panelists together with other human rights experts.

## 9. Argentina

On May 15 and 16, 2019, the Inter-American Court organized, together with the Human Rights Center of the Law School at the Universidad de Buenos Aires, an international seminar on 40 years protecting rights: case law development and challenges." The event was held in the auditorium of the Law School at the Universidad de Buenos Aires. Support for the event was provided by the Human Rights Center of the Law School at the Universidad de Buenos Aires, and also by the Rule of Law Program for Latin America of the Konrad Adenauer Stiftung Foundation. The activity was inaugurated by Judge Eduardo Ferrer Mac-Gregor Poisot, President of the Inter-American Court of Human Rights, and Alberto J. Bueres, Dean of the Law School at the Universidad de Buenos Aires. The panelists and moderators included Vice President Eduardo Vio Grossi, Judge Humberto Antonio Sierra Porto, Judge Elizabeth Odio Benito, Judge L. Patricio Pazmiño Freire and Judge Ricardo C. Pérez Manrique, as well as human rights experts. Also, on May 16, the President of the Inter-American Court, Judge Eduardo Ferrer Mac-Gregor Poisot, took part a discussion on the functioning of the Court at the Lawyers' Professional Association of the City of Buenos Aires.

## 10. Ecuador

On November 6 and 7, 2019, the Inter-American Court and the Inter-American Commission organized the Forum on the Inter-American System at the Pontificia Universidad Católica de Ecuador in Quito, during which the President of the Inter-American Court, Judge Eduardo Ferrer Mac-Gregor, reviewed the 40 years of the American Convention, and the present and future challenges for the Inter-American Court.

## 11. Spain

On November 14 and 15, 2019, the President of the Inter-American Court, Judge Eduardo Ferrer Mac-Gregor Poisot participated in the event to commemorate the 50<sup>th</sup> anniversary of the American Convention on Human Rights, organized together with the Universidad Pompeu Fabra in Barcelona, Spain. The event was attended by eminent academics and judges from the high courts of Ibero-America.

## 12. Costa Rica

On November 22, 2019, in the context of the 50th anniversary of the American Convention on Human Rights, the Costa Rican Post Office and the Philatelic Museum of Costa Rica issued a set of postage stamps, which were presented at the seat of the Inter-American Court of Human Rights.

## 13. Germany

On December 4, 2019, the President of the Court, Judge Eduardo Ferrer Mac-Gregor Poisot and the Secretary, Pablo Saavedra Alessandri, took part in the seminar "On the 50<sup>th</sup> anniversary of the American Convention on Human Rights. The impact of the case law of the Inter-American Court" at the Max Planck Institute for Comparative Public Law and International Law, at the University of Heidelberg.

## 14. OAS Permanent Council

On December 11, 2019, the Permanent Council of the Organization of American States held a special session to commemorate the 50<sup>th</sup> anniversary of the American Convention on Human Rights and the 40th anniversary of the installation of the Inter-American Court of Human Rights. The Secretary of the Court, Pablo Saavedra Alessandri, participated on behalf of the President of the Inter-American Court, Judge Eduardo Ferrer Mac-Gregor Poisot. The event was attended by the Minister for Foreign Affairs of the Republic of Costa Rica, Manuel Ventura Robles, and the OAS Secretary General, Luis Almagro.



40<sup>th</sup> Anniversary Opening Ceremony



Former President and former Judges  
of the Inter-American Court



Judges of the Court with the Presidents of the European, African and Inter-American Courts





Seminar: Dialogue between the Regional Human Rights Courts



International seminar to celebrate 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.  
“Successes and challenges for the Regional Human Rights Systems”



Signature of the Declaration of San José, Presidents of the African, European and Inter-American Courts



Signature of the Declaration of San José, Presidents of the African, European, Inter-American Courts and the Republic of Costa Rica

# Other activities of the Court

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## XII. Other activities of the Court

### A. Dialogue with Regional Human Rights Courts

#### International Forum on Human Rights between the world's three Regional Courts

On October 28 and 29, the International Forum on Human Rights was held in Kampala, Uganda, with the participation of the Inter-American Court of Human Rights, the African Court of Human and Peoples' Rights and the European Court of Human Rights. The Inter-American Court was represented by the President, Judge Eduardo Ferrer Mac-Gregor, Judge Patricio Pazmiño Freire and the presidential adviser, Mr. Bruno Rodríguez Reveggino.

The International Forum on Human Rights assembled the three Regional Courts for a dialogue on the most relevant global challenges for human rights, to share the most recent developments they have made in case law, and to share judicial experiences and practices. Two days of intense working meetings and discussions were held where the delegations of the three human rights courts discussed issues such as reparations, the effective execution of judgments, and the rights of indigenous peoples and groups in a situation of vulnerability.

The Declaration of Kampala was adopted at the end of the Forum. The main purpose of the Declaration is to give permanence to the International Forum on Human Rights, and to reinforce permanent opportunities for dialogue between the courts. It also establishes the possibility of exchanges of personnel between the Secretariats of the courts, the creation of a digital platform to share case law, and the publication of a digital yearbook on the principal developments in case law. The Declaration of Kampala is available [here](#).



International Forum on Human Rights.  
On the left, the President of the Inter-American Court, Judge Eduardo Ferrer Mac-Gregor Poisoit



## B. Dialogue with the Organization of American States (OAS)

### Permanent Council

On March 22, the President of the Inter-American Court of Human Rights, Judge Eduardo Ferrer Mac-Gregor Poisot, accompanied by the Vice President, Judge Eduardo Vio Grossi, and the Secretary, Pablo Saavedra Alessandri, presented the 2018 Annual Report to the Committee on Juridical and Political Affairs of the OAS Permanent Council.

On December 11, the Permanent Council of the Organization of American States held a special session to commemorate the 50<sup>th</sup> anniversary of the American Convention on Human Rights and the 40th anniversary of the installation of the Inter-American Court of Human Rights. The Secretary of the Court, Pablo Saavedra Alessandri, participated on behalf of the President of the Inter-American Court, Judge Eduardo Ferrer Mac-Gregor Poisot. The event was attended by the Minister for Foreign Affairs of the Republic of Costa Rica, Mr. Manuel Ventura Robles, and the OAS Secretary General, Mr. Luis Almagro.

### OAS General Assembly

On June 27 and 28, the Forty-ninth OAS General Assembly was held in Medellín, Colombia. The President of the Inter-American Court, Judge Eduardo Ferrer Mac-Gregor, the Vice President, Eduardo Vio Grossi, and the Secretary, Pablo Saavedra Alessandri, attended in order to present the Court's 2018 Annual Report.



### Dialogue with the Inter-American Children's Institute

On May 7, the President of the Court, Judge Eduardo Ferrer Mac-Gregor, Judge Ricardo Pérez Manrique and the Secretary, Pablo Saavedra Alessandri, met with Mr. Víctor Alberto Giorgi, Director General of the Inter-American Children's Institute, a specialized organization of the Organization of American States for children and adolescents, to reinforce relations between the two institutions.

## C. Dialogue with the United Nations

### United Nations Assistant Secretary-General for Human Rights

On October 7, the Plenum of the Inter-American Court of Human Rights met with the United Nations Assistant Secretary-General for Human Rights, Mr. Andrew Gilmour, to discuss the overall challenges to the universal system and the regional system of human rights, as well as to explore new opportunities for cooperation.

## Visit of the High Commissioner for Human Rights

On December 2, the United Nations High Commissioner for Human Rights, Mrs. Michelle Bachelet, visited the Inter-American Court of Human Rights and held a meeting with a working group headed by Judge Elizabeth Odio Benito and Judge Patricio Pazmiño Freire. The meeting between High Commissioner Bachelet and the members of the Court was held within the framework of the 50th anniversary of the American Convention on Human Rights and the 40th anniversary of the Inter-American Court of Human Rights. During the meeting, joint undertakings between the Inter-American Court of Human Rights and the United Nations system were reviewed. In addition, a discussion was held on the present and future challenges for human rights in the region and in the world.



## Special Rapporteur on Human Rights and the Environment

On October 7, the President, Judge Eduardo Ferrer Mac-Gregor, and the Vice President, Judge Eduardo Vio Grossi, met with the Special Rapporteur on human rights and the environment, Mr. David R. Boyd, to discuss the challenges facing human rights and the environment, and the international standards developed in the Court's Advisory Opinion OC-23 on the environment and human rights.

## Regional Representative for South America of the Office of the High Commissioner for Human Rights

On May 15, the President of the Inter-American Court, Judge Eduardo Ferrer Mac-Gregor Poisot, and the Secretary, Pablo Saavedra Alessandri, had a meeting with the Regional Representative for South America of the Office of the High Commissioner for Human Rights, Mrs. Birgit Gerstenberg.

## Committee against Torture

On November 30, a Secretariat lawyer took part in a video-conference meeting of regional courts organized by the United Nations Committee against Torture, and spoke on the measures of reparation in cases relating to torture and the case law of the Inter-American Court in this regard.



## The United Nations Educational, Scientific and Cultural Organization (UNESCO)

On October 2, the President of the Inter-American Court, Judge Eduardo Ferrer Mac-Gregor, and Judge Ricardo Pérez Manrique, met with the Director General of UNESCO, Mrs. Audrey Azoulay at the UNESCO headquarters in Paris. On the same day, they signed a Memorandum of Understanding to strengthen the protection of freedom of expression, press freedom, and the safety of journalists in the Latin American and Caribbean region. The agreement includes the organization of joint activities such as seminars, training workshops, and online courses on matters relating to freedom of expression.



## Dialogue with the United Nations Economic Commission for Latin America and the Caribbean (ECLAC)

On October 7, the Plenum of the Inter-American Court of Human Rights met with the Executive Secretary of the Economic Commission for Latin America and the Caribbean (ECLAC), Mrs. Alicia Bárcena, to discuss the challenges for social rights, as well as the ways to incorporate a human rights perspective into environmental commitments. In addition, the possibility of signing a cooperation agreement between the two institutions was discussed.



## Consultation on HIV and Human Rights organized by the Office of the High Commissioner for Human Rights

On February 12 and 13, Judge Patricio Pazmiño took part in the Consultation on HIV and Human Rights organized by the Office of the United Nations High Commissioner for Human Rights, in Geneva, Switzerland.

## Exchange of personnel with the United Nations

Patricia Tarre Moser, one of the Court's lawyers, was able to work in the Office of the United Nations High Commissioner for Human Rights under a cooperation program between the United Nations and the regional protection system: "Regional mechanisms fellowship program." While there, she met with the High Commissioner, and attended meetings of the Human Rights Council and the International Law Commission. She was also integrated into the working group of the Petitions Unit of the Treaty Bodies.

### D. Dialogue with the Organization of Ibero-American States (OEI)

On January 18, the President of the Court, Judge Eduardo Ferrer Mac-Gregor Poisot, and the Secretary, Pablo Saavedra Alessandri, met with the Assistant Secretary General of the Organization of Ibero-American States, Andrés Delich, in order to discuss future joint projects in the area of education and human rights.

### E. Dialogue with institutions of the Council of Europe and the European Union

#### Deputy Secretary General for Political Affairs of the European Union

On March 4, the Deputy Secretary General for Political Affairs of the European Union and Director of the European External Action Service, Jean-Christophe Belliard, and the Ambassador of the European Union to Costa Rica, Pelayo Castro Zuzuárregui, visited the seat of the Inter-American Court where they met with the President of the Court, Judge Eduardo Ferrer Mac-Gregor Poisot, the Vice President, Judge Eduardo Vio Grossi, and Judge Elizabeth Odio Benito, as well as the Secretary, Pablo Saavedra Alessandri. The purpose of the meeting was to discuss aspects of cooperation between the European Union and the Inter-American Court.

#### European Committee of Social Rights

On October 3 and 4, in Madrid, the President, Eduardo Ferrer Mac-Gregor, and Judges Patricio Pazmiño and Ricardo Pérez Manrique took part in the First Discussion Meeting between the Inter-American Court and the European Committee of Social Rights held in the Spanish Diplomatic School. Those present included the President of the European Committee of Social Rights, Giuseppe Palmisano, the Secretary of State for Foreign Affairs, Fernando Martín Valenzuela, the Minister of Labor and Social Security, Magdalena Valerio Cordero, Judge Branko Lubarda of the European Court of Human Rights, the Dean of the Law School at the Universidad Complutense, as well as members of the European Committee of Social Rights, and officials of the United Nations and of the International Labour Organization, and academics.

#### Social Rights

On October 3-4 in Madrid, the President Eduardo Ferrer Mac-Gregor and Judges Patricio Pazmiño and Ricardo Pérez Manrique joined the First Meeting of Dialogue between the Inter-American Court and the European Committee of Social Rights at the Diplomatic School of Spain. The President of the Committee Mr. Giuseppe Palmisano was present.

## F. Dialogue with civil society

### Civil society organizations in Uruguay

On May 8, the President of the Inter-American Court, Judge Eduardo Ferrer Mac-Gregor Poisot, Judge Humberto Antonio Sierra Porto, Judge Elizabeth Odio Benito, Judge L. Patricio Pazmiño Freire, Judge Ricardo C. Pérez Manrique and the Secretary, Pablo Saavedra Alessandri, held discussions with civil society actors in Uruguay on current challenges for human rights in the region.



### Civil society organizations in Argentina

On May 16, the President of the Inter-American Court, Judge Eduardo Ferrer Mac-Gregor Poisot, the Vice President, Judge Eduardo Vio Grossi, Judge Elizabeth Odio Benito, Judge Eugenio Raúl Zaffaroni, Judge Ricardo C. Pérez Manrique and the Secretary, Pablo Saavedra Alessandri, met with representatives of several civil society organizations in Argentina.





## Inter-American Association of Public Defenders

On May 14, the President of the Court, Judge Eduardo Ferrer Mac-Gregor Poisot, together with Judge Ricardo C. Pérez Manrique and the Secretary, Pablo Saavedra Alessandri, met with the General Coordinator of the Inter-American Association of Public Defenders, Nydia Arévalo, and its members to sign an agreement between the two institutions. The purpose of the agreement was to appoint inter-American public defenders when the Court verifies that victims are not represented at the stage of monitoring compliance with judgment.

### G. Dialogue with national courts

#### Supreme Court of Justice of the Argentine Nation

On May 13, following the inaugural ceremony for the sixty-first special session, the Plenum of the Inter-American Court met with the Plenum of the Supreme Court of Justice of the Argentine Nation.

#### Constitutional Court Colombia

On September 4, the President of the Inter-American Court, Judge Eduardo Ferrer Mac-Gregor Poisot, the Vice President, Judge Eduardo Vio Grossi, Judge Humberto Antonio Sierra Porto and the Secretary, Pablo Saavedra Alessandri, met with several members of the Constitutional Court of Colombia.

#### Supreme Court of Justice of Colombia

On September 4, the President of the Inter-American Court, Judge Eduardo Ferrer Mac-Gregor Poisot, the Vice President, Judge Eduardo Vio Grossi, Judge Humberto Antonio Sierra Porto and the Secretary Pablo, Saavedra Alessandri, met with several members of the Supreme Court of Justice of Colombia.

#### Special Peace Jurisdiction of Colombia

On September 4, the President of the Inter-American Court, Judge Eduardo Ferrer Mac-Gregor Poisot, the Vice President, Judge Eduardo Vio Grossi, Judge Humberto Antonio Sierra Porto, Judge L. Patricio Pazmiño Freire and Judge Ricardo C. Pérez Manrique, together with the Secretary, Pablo Saavedra Alessandri, were received by the justices of the Special Peace Jurisdiction.

#### XXV Meeting of Constitutional Tribunals, Courts and Chambers of Latin America and XIV Meeting of the Constitutional Jurisdiction of Colombia

From September 19 to 21, the XXV Annual Meeting of Presidents, Justices of Constitutional Tribunals, Courts and Chambers of Latin America and the XIV Meeting of the Constitutional Jurisdiction of Colombia was held. Judge Humberto Antonio Sierra Porto took part in both events, which assembled judges and justices from the 17 Constitutional Tribunals, Courts and Chambers in the region.



## African Judicial Dialogue

From October 30 to November 2, taking advantage of their visit to Uganda to take part in the meeting between the three regional courts, the President of the Inter-American Court, Eduardo Ferrer Mac-Gregor Poisot, and Judge Patricio Pazmiño Freire took part in the Fourth African Judicial Dialogue. The event was attended by the Presidents of the highest courts of each country of the African continent. The Inter-American Court was able to present its experience over 40 years of protecting human rights in the Americas, as well as sharing its case law on issues concerning the rights of indigenous and tribal peoples.



## H. Dialogue with Heads of State and Government

### The President of the Republic of Costa Rica

On January 28, the President of the Republic of Costa Rica, Mr. Carlos Alvarado Quesada, visited the seat of the Court and met with the Judges. Subsequently, he took part in the ceremony to inaugurate the 2019 Inter-American Judicial Year.





### The President of the Oriental Republic of Uruguay

On May 6, all the Judges of the Inter-American Court met with the President of the Oriental Republic of Uruguay, Mrs. Tabaré Vázquez, and the Minister for Foreign Affairs, Mrs. Rodolfo Nin Novoa.



### The Vice President of the Oriental Republic of Uruguay

On May 9, the President of the Inter-American Court, Judge Eduardo Ferrer Mac-Gregor Poisot, the Vice President, Judge Eduardo Vio Grossi, Judge Humberto Antonio Sierra Porto, Judge Elizabeth Odio Benito, Judge L. Patricio Pazmiño Freire, Judge Ricardo C. Pérez Manrique and the Secretary, Pablo Saavedra Alessandri, met with Mrs. Lucía Topolansky, Vice President of the Oriental Republic of Uruguay.

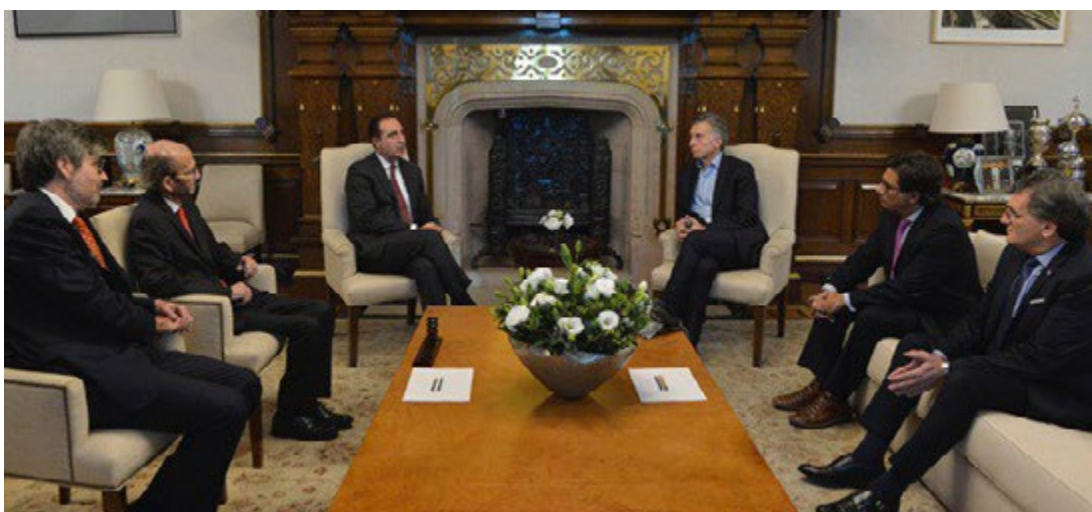


## Legislative authorities of the Oriental Republic of Uruguay

On May 9, the President of the Inter-American Court, Judge Eduardo Ferrer Mac-Gregor Poisot, the Vice President, Judge Eduardo Vio Grossi, Judge Humberto Antonio Sierra Porto, Judge Elizabeth Odio Benito, Judge L. Patricio Pazmiño Freire, Judge Ricardo C. Pérez Manrique and the Secretary, Pablo Saavedra Alessandri, held a meeting at the Legislative Palace with the President of the Chamber of Representatives of the Oriental Republic of Uruguay, Dr. Cecilia Bottino. Subsequently, they met with the coordinators of the political parties in the Senate.

## The President of the Argentine Republic

On May 15, the President of the Inter-American Court, Judge Eduardo Ferrer Mac-Gregor Poisot, the Vice President, Judge Eduardo Vio Grossi and the Secretary, Pablo Saavedra Alessandri, met with the President of the Argentine Republic, Mauricio Macri, in his office in the Casa Rosada.



## The President of the Republic of Colombia

On August 26, in Barranquilla, the President of the Inter-American Court, Judge Eduardo Ferrer Mac-Gregor Poisot, the Vice President, Judge Eduardo Vio Grossi, Judge Humberto Antonio Sierra Porto, Judge L. Patricio Pazmiño Freire and Judge Ricardo C. Pérez Manrique, together with the Secretary, Pablo Saavedra Alessandri, met with the Colombian Head of State, Mr. Iván Duque Márquez. The purpose of the meeting was to thank President Duque for the invitation to hold a session in Colombia, to review the Court's recent jurisdictional activities relating to Colombia, and to discuss the challenges to the Inter-American Human Rights System.



## The Minister for Foreign Affairs of the Republic of Colombia

On September 5, the President of the Inter-American Court, Judge Eduardo Ferrer Mac-Gregor Poisot, the Vice President, Judge Eduardo Vio Grossi, Judge Humberto Antonio Sierra Porto, Judge L. Patricio Pazmiño Freire and Judge Ricardo C. Pérez Manrique, together with the Secretary, Pablo Saavedra Alessandri, met with the Minister for Foreign Affairs of the Republic of Colombia, Mr. Carlos Holmes Trujillo.

### I. Conferences and seminars

#### Commemoration of the 30th anniversary of the Convention on the Rights of the Child

Between November 20 and December 10, the Inter-American Court organized various activities to commemorate the 30th anniversary of the Convention on the Rights of the Child. These activities were carried out in collaboration with the Costa Rican Children's Museum, the Paniamor Foundation of Costa Rica, and the La Libertad Park in San José, with the support of the Ministry of Public Education of Costa Rica, and Save the Children International.



#### "The voice of children and adolescents before the Inter-American Court, on the 30th anniversary of the United Nations Convention on the Rights of the Child"

On November 20, 2019, an event was held in the Children's Museum in San José, Costa Rica, on "The voice of children and adolescents before the Inter-American Court of Human Rights: on the 30th anniversary of the Convention on the Rights of the Child," with the participation of all the judges of the Court, together with children representing various countries of Latin America.

This was a pioneering activity for the Inter-American Court, during which a dialogue was undertaken between the judges and children from throughout the hemisphere in order to highlight their concerns and support them as holders of rights. The delegation of children was composed of representatives of Argentina, Chile, Colombia, Costa Rica, El Salvador and Nicaragua. After hearing their concerns regarding the human rights violations committed during migratory processes, the situation of the prison system, and during armed conflict, the judges expressed their satisfaction with this important pioneering discussion in the context of the commemoration of the 30th anniversary of the Convention on the Rights of the Child. Also, during this commemoration, the interactive education room on the human rights of children and adolescents was re-inaugurated at the Children's Museum.





### International seminar "The Inter-American Court of Human Rights and the rights of the child: on the 30th anniversary of the Convention on the Rights of the Child"

On November 21 and 22, a seminar was held on: "The Inter-American Court of Human Rights and the rights of the child: on the 30th anniversary of the Convention on the Rights of the Child."

The activity was held with the framework of the commemoration of the 30 years since the signature of the Convention and following a panel discussion on: "The voice of children and adolescents before the Inter-American Court of Human Rights," during which the Judges dialogued with children from all parts of the continent in order to highlight their aspirations and concerns as holders of rights.

The President of Inter-American Court of Human Rights, Judge Eduardo Ferrer Mac-Gregor Poisot gave the inaugural address. On the first day, a panel discussion was held to review the work of the different national and international courts in the area of case law applying the Convention, with the participation of Judge Ricardo Pérez Manrique. On November 22, a panel discussion was held on the challenges of childhood, with the participation of Judge Elizabeth Odio Benito, Commissioner Esmeralda Arosemena, President of the Inter-American Commission on Human Rights, Gordon Lewis of UNICEF Latin America, Mrs. Gilda Pacheco of the Paniamor Foundation, Mr. Francisco Furlani of the International Organization for Migration in Costa Rica, Mr. Milton Moreno, UNHCR representative in Costa Rica, and Mrs. Verónica Polit and Mr. Juan Manuel Sandoval from Terre des Hommes International Federation.



## Activity "Experiencing our rights"

On December 5, Judge Elizabeth Odio Benito, President of the Inter-American Court of Human Rights, together with a team of lawyers from the Court took part in the activity “Experiencing our rights” in the La Libertad Park in San José, Costa Rica, within the framework of the 30th anniversary of the Convention on the Rights of the Child. During the event, children were given the opportunity to talk about the rights that the Convention guarantees them in their daily life. Children and adolescents expressed in different art works the respect for their rights established in the Convention on the Rights of the Child.



## J. Other activities

- From February 18 to 20, Judge Eduardo Ferrer Mac-Gregor took part as a speaker in the Twenty-sixth Biennial Congress of the World Jurist Association in Madrid.
- On May 7, the President of the Court, Judge Eduardo Ferrer Mac-Gregor Poisot, Judge L. Patricio Pazmiño Freire, Judge Eugenio Raúl Zaffaroni, and the Secretary Pablo Saavedra Alessandri, took part in a workshop organized by the Judicial Studies Center of Uruguay (CEJU) and the Uruguayan Judiciary for judges, prosecutors and trainees.
- On May 10, the Inter-American Court organized an international seminar on “The Inter-American Court: 40 years protecting rights,” in the auditorium of the *Universidad de la República de Uruguay*.
- On May 15 and 16, the Inter-American Court organized, together with the Human Rights Center of the Law School at the Universidad de Buenos Aires, an international seminar on 40 years protecting rights: case law development and challenges.” The event was held in the auditorium of the Law School at the Universidad de Buenos Aires.
- On May 16, the President of the Inter-American Court, Judge Eduardo Ferrer Mac-Gregor Poisot, took part in a discussion on the functioning of the Court at the Lawyers’ Professional Association of the City of Buenos Aires.
- On July 16 and 17, a Secretariat lawyer participated in the VIth International Seminar “Transformational impact of the inter-American system of human rights in Latin America,” in Heidelberg, Germany, organized by the Max Planck Institute, the Konrad Adenauer Stiftung Foundation, the Inter-American Court and the Inter-American Commission.



- On August 26, the Inter-American Court, together with the Ministry of Foreign Affairs of Colombia, organized an international seminar on “The role of the Inter-American Court of Human Rights in the guarantee of human rights in the hemisphere.” The event was held in the auditorium of the *Universidad del Norte*.
- On August 30, two Secretariat lawyers gave a presentation on judicial guarantees and the gender perspective in the investigation, prosecution and punishment of violence against women at the *Universidad Americana in Barranquilla*.
- On September 2 and 3, Judge Raúl Zaffaroni imparted two master classes on the “Challenges of American Penal Law and Human Rights,” at the *Universidad del Norte in Barranquilla*.
- On September 4, the judges of the Inter-American Court, Raúl Zaffaroni, Patricio Pazmiño Freire, and Ricardo Pérez Manrique, together with the Director of Legal Affairs, Alexei Julio, took part in the discussion on the inter-American system held by the Department of Constitutional Law of the Law School at the Universidad Externado in Bogotá, Colombia. During this event, there was a Keynote address on “Criminal Law and Human Rights.” Also, Judge Patricio Pazmiño spoke about the Court’s case law in relation to the economic, social, cultural and environmental rights, and Judge Pérez Manrique made a presentation on the rights of migrant children.
- On September 12, 15 and 23, the President, Judge Elizabeth Odio, and also Judge Patricio Pazmiño, took part in the “Héctor Fix-Zamudio” Diploma course on the inter-American human rights system at the Legal Research Institute of the *Universidad Nacional Autónoma del México*
- On September 15, Judge Elizabeth Odio Benito received the “Fix-Zamudio” international award for her achievements in defense of human rights.
- On September 25 and 26, a Secretariat lawyer participated in the Fourth Annual Conference on Law and Development “Legal pluralism and development,” in Berlin, Germany, organized by the Konrad Adenauer Foundation.
- On September 25, Judge Elizabeth Odio Benito gave a presentation on “The struggle for gender justice: my experience as a Judge on three International Courts” at George Washington University, in the United States.
- On September 26 and 27, Judge Ricardo Pérez Manrique participated in the Seventh International Congress of Local and Federal Public Advocacy in Buenos Aires, Argentina.
- On October 6 and 7, at the seat of the Court, high level workshops and roundtable discussions were held within the framework of the events prior to the Conference of the Parties to the Paris Agreement (PreCOP), under the heading of “Integrating human rights into national climate commitments and international climate negotiations.” The event was organized by the Inter-American Court, the Ministry of Foreign Affairs of Costa Rica and the Office of the United Nations High Commissioner for Human Rights. Participants in these activities included the judges of the Inter-American Court of Human Rights, the Minister for Foreign Affairs of the Republic of Costa Rica, Mr. Manuel Ventura Robles, and also senior United Nations officials, such as the Assistant Secretary-General of the United Nations for Human Rights, Andrew Gilmour, the Executive Secretary of the Economic Commission for Latin America and the Caribbean, Mrs. Alicia Bárcena and the Special Rapporteur on Human Rights and the environment, Mr. David R. Boyd. National authorities involved in the implementation of environmental commitments and members of civil society also took part in the event.
- On October 15, the Court’s judges took part in the inaugural ceremony for the XXXVI Interdisciplinary Course on Human Rights, of the Inter-American Institute of Human Rights. The topic of the 2019 course was: “New dimensions of the justiciability of rights. On the 50th anniversary of the American Convention on Human Rights.” During the inaugural ceremony, the President of the Court, Judge Eduardo Ferrer Mac-Gregor, addressed those present. In addition, Judge Elizabeth Odio and Judge Raúl Zaffaroni imparted classes to the students who came from 18 countries of Latin America.

- On November 6 and 7, the Inter-American Court and the Inter-American Commission organized the Forum on the inter-American system at the Pontificia Universidad Católica de Ecuador in Quito, with the participation of the President of the Inter-American Court, Judge Eduardo Ferrer Mac-Gregor, and the presidential adviser, Bruno Rodríguez Revegino.
- From November 13 to 15, the Inter-American Court, together with the *Universidad Pompeu Fabra* and the Mexican Supreme Court of Justice of the Nation organized the Dialogues on the inter-American and European systems at the Pompeu Fabra in Barcelona, with participation of the President of the Inter-American Court, Judge Eduardo Ferrer Mac-Gregor, Judge Patricio Pazmiño Freire, Judge Ricardo Pérez Manrique and the Secretary, Pablo Saavedra Alessandri.
- On November 21 and 22, the seminar "The Inter-American Court of Human Rights and the rights of the child: On the 30th anniversary of the Convention on the Rights of the Child" was held at the seat of the Inter-American Court.
- On November 22, in the context of the 50th anniversary of the American Convention on Human Rights, the Costa Rican Post Office and the Philatelic Museum of Costa Rica issued a set of postage stamps, which were presented at the seat of the Inter-American Court of Human Rights
- On December 2, Judge Patricio Pazmiño participated in an event to commemorate the abolition of the army held in the Costa Rican National Assembly.
- On December 4, the Court's President, Judge Eduardo Ferrer Mac-Gregor Poisot, and Secretary, Pablo Saavedra Alessandri, took part in the seminar "On the 50th anniversary of the American Convention on Human Rights. The impact of the case law of the Inter-American Court" held at the Max Planck Institute for Comparative Public Law and International Law at the University of Heidelberg.
- On December 4, Judge Ricardo Pérez Manrique took part the panel discussion on "The Right to Science," during the celebration of the 70th anniversary of the UNESCO Regional Office in Montevideo.
- On December 9, Judge Ricardo Pérez Manrique participated in a conference at the Cadiz Judicial Academy on the inter-American and European Systems for the Protection of Human Rights.

# Human rights education and training programs

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## XIII. Human rights education and training programs

### A. Training programs for judicial agents

In 2019, the Inter-American Court began an ambitious training and refresher program on the Inter-America System for key institutions in the administration of justice in El Salvador, Guatemala and Honduras. These training programs were offered for judges, prosecutors, public defenders and other key individuals for the protection and guarantee of human rights in these countries. The programs were offered by a combination of on-site and virtual sessions, through the combined efforts of the Inter-American Court of Human Rights and local establishments that train those working in the administration of justice. In the second half of the year, Mexico joined these professional training initiatives.

#### Refresher program on the case law of the Inter-American Court of Human Rights in El Salvador, Guatemala and Honduras

The Inter-American Court implemented the *Refresher Program on the case law of the Inter-American Court of Human Rights* in El Salvador, Guatemala and Honduras for judges, prosecutors, public defenders and other key individuals for the protection of human rights. The program was offered owing to the cooperation of the Swiss Agency for Development and Cooperation (COSUDE).

The program methodology included two two-day on-site modules in the countries involved in the project, and a virtual module with eight sessions containing 16 presentations on rights recognized in the American Convention on Human Rights to which the Court has referred in its case law. **In total, 140.5 hours of lessons were offered.**

For the first two-day on-site module in each country, a team was established composed of lawyers from the Secretariat of the Inter-American Court, who imparted the general theoretical tools and basic knowledge relating to international human rights law, the principles of the international responsibility of States, the inter-American human rights system, and control of conventionality, among other issues.

On February 28 and March 1, 2019, the initial module of the *Refresher Program* was held in the facilities of the Honduran Judicial Training Academy with the participation of members of the Judiciary, the Public Prosecution Service, the Public Defense Service and the Office of the Attorney General. Among other senior authorities, the following took part in the event: Mr. Rolando Edgardo Argueta Pérez, President of the Supreme Court of Justice; Mrs. Lidia Estela Cardona Padilla, Attorney General; Mr. Carlos David Cáliz Vallecillo, Director of the Judicial Training of the Public Prosecution Service; Mr. Manuel Antonio Pacheco Valle, National Director of the Public Defense Service; Mr. Hermes Faustino Ramírez Ávila, Director of the Judicial Training Academy; Mrs. Chantal Felder, Deputy Head of International Cooperation of the Swiss Agency for Development and Cooperation, and Mr. Pablo Saavedra Alessandri, Secretary of the Inter-American Court of Human Rights.

On March 21 and 22, 2019, the Inter-American Court imparted the initial module of the *Refresher Program* in the Republic of Guatemala, in the Trial Chamber of the Constitutional Court of that country. This was attended by members of the Judiciary, the Public Prosecution Service and of the Criminal Public Defense Service. The following senior authorities participated in the inaugural ceremony: Justice Dina Josefina Ochoa Escribá, then President of the Constitutional Court; Mr. Hans-Ruedi Bortis, Ambassador of Switzerland to Guatemala; Mr. Alexei Julio Estrada, Director of Legal Affairs of the Inter-American Court, and Mrs. Nydia Lissette Arévalo Flores de Corzantes, Director of the Institute of Criminal Public Defense.

Finally, on March 27 and 28, 2019, the Inter-American Court imparted the initial module in El Salvador in the Judicial Training Academy of the National Council of the judicature, with the participation of members of the Judiciary, the Public Prosecution Service, the Public Defense Service, and the Judicial Academy, among key institutions for the protection of human rights in that country. Mr. Alcides Salvador Funes Teos, acting President of the National Council of the Judicature, and Pablo Saavedra Alessandri, Secretary of the Inter-American Court, inaugurated the event in the presence of senior authorities of the administration of justice and the participants in the course.



The virtual module consisted of 16 presentations on rights recognized in the American Convention and their interpretation in the case law of the Inter-American Court. These presentations were transmitted virtually in eight sessions to each of the countries participating in the project. Each session closed with a panel of lawyers from the Secretariat who, in real time, responded to the questions or concerns of participants in the course. The virtual modules were offered: (a) in Honduras on March 29 and June 28; (b) in El Salvador on May 8 and July 31, and (c) in Guatemala on May 22 and July 10, 2019,

The final stage of the training program was imparted in an on-site module dealing with issues related to due process and judicial protection recognized in Articles 8 and 25 of the American Convention, which were presented by personnel from the Inter-American Court's Secretariat and international experts.

The Inter-American Court imparted the third on-site module in Guatemala City from August 7 to 9, and closed the *Refresher Program on the case law of the Inter-American Court of Human Rights*. This module included two activities. First, on August 7, a public forum was held on "Justice, human rights and inclusion" with the participation of Patricio Pazmiño Freire, Judge of the Inter-American Court; Bonerge Mejía Orellana, President of the Guatemalan Constitutional Court; Fabián Salvioli, United Nations Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence; Mrs. Silvia Edith Martínez, Inter-American Public Defender, and Mrs. Hilda Morales, expert of the Monitoring Mechanisms of the Convention de Belém do Pará. This event was open to the public and more than 300 people attended including judges, senior national authorities, diplomatic representatives accredited to Guatemala, members of civil society and the academic community in general. On August 8 and 9, the third on-site stage was held, followed by the closure of the Refresher Program, which took place in the Trial Chamber of the Guatemalan Constitutional Court, with the participation of more than 120 officials from the Judiciary, the Public Prosecution Service, the Criminal Public Defense Service, and the Office of the Ombudsman, among other key institutions for the protection of human rights. Patricio Pazmiño Freire, Judge of the Inter-American Court; Mr. Bonerge Mejía Orellana, President of the Guatemalan Constitutional Court; Mr. Fabián Salvioli, United Nations Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence; professor Claudio Nash, and the Inter-American Public Defender, Mrs. Silvia Edith Martínez took part in this event.

The Inter-American Court imparted the third on-site module and the closure of the *Refresher Program* in Tegucigalpa on August 15 and 16 in the installations of the "Francisco Salomón Jiménez Castro" Judicial Academy, with the participation of around 45 officials from the Judiciary, the Public Prosecution Service, and the Public Defense Service, among other key institutions for the protection of human rights in the Republic of Honduras. The closing ceremony was attended by Patricio Pazmiño Freire, Judge of the Inter-American Court; Mrs. Rolando Edgardo Argueta Pérez, Justice and President of the Supreme Court of Justice; and also Mrs. Lorena González Pinto, professor and former Vice President of the United Nations Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, co-Director of the Academy of Human Rights and International Humanitarian Law and resident professor at the American University Washington College of Law.

Finally, on August 21 and 22, the Inter-American Court imparted the third on-site module of the Refresher Program in San Salvador, at the "Dr. Arturo Zeledón Castrillo" Judicial Training Academy of the National Council of the Judicature of the Republic of El Salvador, with the participation of more than 30 officials from the Judiciary, the Public Prosecution Service, and the Public Defense Service, among other key institutions for the protection of human rights in that country. Participants in this closing stage included Patricio Pazmiño Freire, Judge of the Inter-American Court; Víctor Rodríguez Rescia, professor and former member of the United Nations Human Rights Committee, and professor Claudio Nash, as well as Mrs. María Antonieta Josa de Parada, President of the National Council of the Judicature, and Mrs. Julieta Di Corleto, Deputy Official Public Defender of the General Public Defense Service of the Nation of Argentina.



## Refresher program on the case law of the Inter-American Court of Human Rights in the United Mexican States

Based on an agreement signed with the Mexican Supreme Court of Justice and the Council of the Federal Judicature, from July to December 2019, the Inter-American Court implemented a program on Strengthening institutional capacities for the protection of human rights in the administration of justice in Mexico. The event included a refresher program on the case law of the Inter-American Court of Human Rights, divided into three modules: (a) an initial two-day on-site module; (b) a ten-week virtual module, and (c) a final two-day on site module. The program took place at the Institute of the Federal Judicature located in Mexico City, and was transmitted to its branches in Jalisco, Puebla, Nuevo León and Yucatán.

The *on-site* and virtual presentations were imparted by personnel of the Inter-American Court of Human Rights and highly qualified international experts, with knowledge of the case law standards of the Inter-American Court. In addition, the former President of the Inter-American Court, Sergio García Ramírez, took part in the two on-site modules.

The program was aimed at officials from the Federal Judiciary and the legal community in general, and the participants were selected by the Institute of the Federal Judicature following a public announcement. To earn their diploma, participants had to attend 100% of the on-site sessions and 80% of the virtual sessions, and obtain a minimum of 8.0 in the final evaluation. According to information provided by the Institute of the Federal Judicature, more than 300 people applied to register for the course and, of these 153 were selected. 62 hours of lessons were offered and a total of 123 people complied with the requirements to earn a diploma.

### Specific training activities

#### Training to reinforce capacities relating to the inter-American human rights system among the academic communities of El Salvador, Guatemala and Honduras

In August and September 2019, the Inter-American Court organized the *Training Program to Reinforce Capacities Relating to the Inter-American Human Rights System* among the academic communities of Guatemala, El Salvador and Honduras, in order to disseminate information on the inter-American system of human rights and its general and specific standards in the faculties of law and social sciences of these countries.

The program, organized with the cooperation of the Heinrich Böll Foundation, began on August 14, 2019, in the Universidad Nacional Autónoma de Honduras (UNAH), where a one-day seminar was imparted on the inter-American human rights system, international standards and the case law of the Inter-American Court in relation to Honduras. The event took place in the facilities of the UNAH in Tegucigalpa with the support of the UNAH University Institute for Democracy, Peace and Security (IUDPAS). Speakers included Patricio Pazmiño Freire, Judge of the Inter-American Court; Esteban Ramos Mulsera, Coordinator of the Peace Area of IUDPAS, and professors Lorena González Pinto and Claudia Martín, as well as Court officials, who presented different aspects of the Court's work, the control of conventionality, and the contentious case law of the Inter-American Court with regard to Honduras. The event was attended by more than 40 people from the university community.

On August 20, 2019, the Inter-American Court imparted a one-day seminar at the Universidad Centroamericana “José Simeón Cañas” (UCA), in San Salvador, El Salvador, with the participation of Patricio Pazmiño Freire, Judge of the Inter-American Court; Víctor Rodríguez Rescia, professor; José María Tojeira, Director of the UCA Human Rights Institute, and Julieta Di Corleto, Argentine Deputy Official Public Defender. Court officials also participated and gave presentations on the inter-American system, the Court, and the control of conventionality, as well as on the case law of the Inter-American Court with regard to El Salvador. The event was attended by more than 40 people from the university community.

The Inter-American Court also imparted two introductory seminars on the inter-American human rights system and the Court's contentious case law on September 24 and 25, in the Law Clinic of the Universidad Rafael Landívar and in the Faculty of Political and Social Sciences of this university, in Guatemala City. Participants in the events included



Gabriela Mundo, Director of International Relations of the Office of the Guatemalan Ombudsman; Lorena González Pinto, university professor, and an official from the Court's Secretariat, who gave talks on the functioning of the inter-American system and the universal system for the protection of human rights. The activities were attended by more than 80 persons, including students, professors and the general public.

## B. 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. Also, during the program a series of conferences, seminars and discussions will be held with the Court's Judges and lawyers in order to expand the knowledge of the future professionals

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 in this day and age.

Over the last 15 years, the Court has received at its seat a total of 967 interns of 43 nationalities, in particular, academics, public servants, law students, and human rights defenders

In 2019, the Court received at its seat 85 interns and visiting professionals from the following 18 countries: Argentina, Bolivia, Brazil, Canada, Colombia, Costa Rica, Chile, Ecuador, France, Germany, Honduras, Italy, Mexico, Nicaragua, Peru, Spain, United States 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 INTERSHIPS AND PROFESSIONAL VISITS

Period 2005-2019

 **967** Interns and professional visitors

 **43** Countries from 4 continents





	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
Germany	1	2	0	1	1	2	0	1	0	2	1	0	0	1	2
Andorra	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0
Argentina	6	2	2	9	2	8	6	4	6	5	5	4	12	15	12
Austria	0	2	0	0	1	0	0	0	0	0	0	0	0	0	0
Bolivia	0	0	0	1	1	1	0	1	0	0	1	2	0	1	1
Brazil	1	2	5	4	6	5	4	1	1	3	3	3	3	7	2
Canada	0	1	3	1	0	1	1	0	0	1	2	1	2	2	1
Chile	2	0	2	4	1	3	2	2	4	3	4	3	5	6	6
Colombia	3	4	6	5	6	8	7	9	8	9	8	8	14	12	11
South Korea	0	0	0	1	0	0	1	0	0	0	0	0	0	0	0
Costa Rica	0	1	1	1	0	1	4	4	1	2	5	3	3	6	7
Cuba	0	0	0	1	0	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	1
El Salvador	0	0	0	1	1	0	0	0	0	0	0	1	0	0	0
Scotland	0	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	2
United States	14	3	16	4	5	13	5	11	6	7	3	5	3	3	2
France	1	0	2	2	4	3	1	2	5	1	1	2	1	0	2
Greece	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0
Guatemala	0	0	0	0	0	0	1	2	1	0	1	1	1	1	0
Haiti	0	0	1	0	0	0	1	0	0	0	0	0	0	0	0
Holland	0	0	0	0	1	0	1	0	0	0	0	1	1	0	0
Honduras	0	0	0	1	0	0	1	0	1	0	0	1	2	1	2
England	0	0	0	0	0	0	1	1	1	0	2	0	0	0	0
Israel	0	0	1	0	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	0
Italy	1	2	0	0	1	1	2	2	1	0	2	0	0	2	1
Jamaica	0	0	0	0	1	0	1	0	0	0	0	0	0	0	0
Kenya	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0
Mexico	3	3	9	8	13	12	9	9	12	18	23	21	19	21	22
Nicaragua	1	0	0	0	0	0	0	0	0	0	0	0	0	0	2
Norway	0	0	0	0	0	0	1	0	0	0	0	1	0	0	0
Panama	0	0	1	0	1	0	0	1	0	0	0	0	0	2	0
Paraguay	0	1	2	0	0	0	0	0	0	1	0	0	0	0	0
Peru	2	1	5	1	1	5	8	3	1	1	1	4	8	0	6
Poland	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0
Portugal	2	0	1	0	1	0	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	0
Dominican Republic	0	0	0	3	4	2	2	2	4	0	0	0	0	1	0
Switzerland	2	0	0	0	0	0	0	0	1	0	1	0	0	1	0
Trinidad and Tobago	0	2	0	0	0	0	0	0	0	0	1	0	0	0	0
Uruguay	0	2	0	1	0	0	0	0	1	0	1	0	0	1	0
Venezuela	0	3	0	0	1	0	0	0	2	2	1	1	1	3	3

## C. 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 84 delegations of university students, lawyers, justices and civil society organizations, from different countries<sup>267</sup>.

267 111 January, Exchange students from the Ural Federal University and the Universidad de Costa Rica. 17 January, students from the University of Connecticut, USA. 22 January, professional visitors from Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ). 1 February, students and professors from the Pontificia Universidad Javeriana, Colombia, and the University for Peace. 5 February, Law School at the Universidad del Espíritu Santo (Ecuador). 21 February, students from UMECIT, Panama. 21 February, lawyers and officials of the Peruvian Judiciary. 8 March, students from the Law School at the Universidad Iberoamericana, Mexico City, Mexico. 11 March, students from the Universidad Católica San Pablo, Peru. 18 March, students from the Law School at the Universidad Fidelitas, Costa Rica. 19 March, students from the Law School at the Universidad Internacional de la Américas (UIA), Costa Rica. 20 March, students from the Law School at the Universidad de Costa Rica. 21 March, students studying international relations at ULACID, Costa Rica. 21 March, students from the Law School at the Universidad Fidelitas, Costa Rica. 22 March, workshop for leaders of the National Institute for Women's Affairs (INAMU), Costa Rica. 22 March, students from Georgia State Law School and the University for Peace. 25 March, students from the International Relations School of the Universidad Nacional, Costa Rica. 26 March, students from the Law School at the Universidad Castro Carazo, Costa Rica. 28 March, officials of the Mediation Center of the Judiciary of the state of Mexico and of the Escuela Rodrigo Lara of the Colombian Judiciary. 4 April, students from the Law School at the Universidad Autónoma de Aguascalientes, Mexico. 10 April, students from the Law School at the Universidad de San José, Liberia campus, Costa Rica. 30 April, students from the CATIE Master's programs in Development and Conservation Practices, Tropical Agricultural Research and Higher Education Center, Costa Rica. 2 May, students from the Human Rights Master's degree program of the Universidad Autónoma de Chiriquí, Panama. 2 May, officials from the National Police of Colombia. 6 May, officials from the Costa Rican Judicial Investigations Organization and the National Police of Colombia. 9 May, officials from the Permanent Court of Arbitration. 14 May, students from the Law School at Universidad CETYS, Tijuana, Mexico. 15 May, students from the Law School at the Universidad La Salle, Sonora, Mexico. 16 May, students from the Universidad de Montreal, Canada and UCR, Costa Rica. 16 May, students from the Universidad de Florida and the Organization for Tropical Studies (OÉS). 16 May, students from the Law Schools of the Universidad de la Salle, Costa Rica, and Sinaloa, Mexico. 17 May, lawyers and intern from Center for Justice and International Law (CEJIL). 5 June, students from the Universidad Autónoma de México. 5 June, students from the University of Southern California and Harvard University. 6 June, students from the master's degree program in human rights and peace at ITESO, Mexico. 13 June, students from the Universidad Libre de Colombia and the Inter-American Institute for Human Rights (IHR). 17 June, exchange students from the Universidad Veritas, Costa Rica. 15 July, officials from the Peruvian Judiciary. 17 July, students from the Law School at the Universidad Católica de Honduras, Campus Jesús Sacramentado. 18 July, students from the Universidad Católica de Honduras, campus Dios Espíritu Santo, Choluteca. 25 July, students from the Instituto de Ciencias Jurídicas de Puebla A.C, Mexico. 29 July, students from the Law School at the Universidad Panamericana, Campus Aguascalientes, Mexico. 30 July, students from the Law School at the Universidad de La Salle, Costa Rica. 6 August, officials from the Office of the Attorney General, Colombia. 8 August, students from the Law School at the Universidad Metropolitana Castro Carazo, Costa Rica. 9 August, students from the Peoples' Republic of China and the University for Peace. 12 August, students from the Universidad Latina de Panama, Domingo Barrios campus, Santiago. 12 August, students from DePaul University, Chicago. 14 August, officials and visitors from the Arias Foundation for Peace and Human Development. 19 August, professional visitors from Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ). 23 August, students from the master's degree program in criminal law and criminal proceedings at the Universidad Mariano Gálvez, Guatemala. 28 August, students from the Universidad Tecnológica de Honduras. 28 August, students from the Colegio Saint Clare, Costa Rica. 30 August, students from the Instituto Interamericano de Responsabilidad Social y Derechos Humanos, Costa Rica. 4 September, Lawyers from the Inter-American Association for the Promotion and Defense of Human Rights, and the IIDHR. 6 September, students from the International Relations Faculty at the Universidad Católica de Honduras. 9 September, course for officials from the Training Unit of the Costa Rican Public Prosecution Service. 17 September, students and professors from the University of Kansas and UCR. 23 September, students studying human rights in Latin America at the International Center for Sustainable Development (ICDS). 26 September, students from the master's degree program in conflict resolution, peace and development at the University for Peace. 26 September, students from the Universidad Libre de Barranquilla and IHR. 2 October, Hugh Adsett (Canada) OAS. 15 October, students from the Law School at the Universidad de Costa Rica, San Ramón campus. 17 October, international relations students at Long Island University, Brooklyn. 24 October, course for INAMU leaders, Costa Rica. 24 October, students from the IHR Interdisciplinary course on human rights. 29 October, students from the Universidad Nacional de Costa Rica. 29 October, students from the United Nations Club of the International College SEK, Costa Rica. 29 October, students from the Universidad Veritas, Costa Rica. 31 October, professional visitors and lawyers from CEJIL and Bread for the World, Germany. 31 October, students from the Instituto Tecnológico y de Estudios Superiores de Monterrey, Central region, Mexico. 1 November, students from the master's degree program in human rights and education for peace, at the Universidad de El Salvador. 4 November, students from the Law School at the Universidad de Costa Rica. 6 November, students from the Centro Panamericano, Costa Rica. 8 November, students from the Universidad Autónoma Centroamericana (UACA), Costa Rica. 11 November, students from the Universidad de Caxias do Sul, Brazil. 11 November, students from the course of Philosophy and human rights of the School of Philosophy at the Universidad de Costa Rica. 11 November, participants in the Project Adelante, Ética Visionaria Foundation, Costa Rica. 14 November, judges of the Judicial Academy of the state of Mexico, Mexico. 25 November, lawyers and officials from the Peruvian Judiciary. 28 November, students from the Colegio Jurista in Cuernavaca, Morelos, Mexico. 28 November, lawyers from the American Bar Association Rule of Law Initiative. 29 November, officials from the Costa Rica Judicial Investigations Agency and the National Police of Colombia. 4 December, students from the Law School at the Universidad de Costa Rica.

# Publications

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## XIV. Publications

During 2019, the Inter-American Court increased the dissemination of its work in different types of publications addressed at different audiences, using specific methodologies based on the potential recipients of the texts. The main publications are described below.

### Case Law Bulletins of the Inter-American Court of Human Rights

The Court has continued expanding its collection of Case Law Bulletins, which constitute simple, practical tools for legal and similar professionals, as well as representatives of victims or human rights activists, to consult the principal standards developed by the Court on different issues.

In 2019, with the generous support of the German cooperation agency, GIZ, the Court published new *Case Law Bulletins on Economic, Social, Cultural and Environmental Rights (No. 22)* and *Corruption and Human Rights (No. 23)*. In addition, two Bulletins were updated; those corresponding to *Control of Conventionality (No. 7)* and *the Rights to Equality and Non-discrimination (No. 14)*.

Also in 2019, the Court presented and distributed by different media the *Bulletin of Case Law of the Inter-American Court of Human Rights No. 18: Contentious cases with regard to El Salvador*. This is the first bulletin that the Court has produced on its case law in relation to a specific country. This was produced with the generous support of the Heinrich Böll Foundation in the context of the commemoration of the 40th anniversary of the entry into force of the American Convention on Human Rights and the creation of the Inter-American Court. Also, the fifty-ninth special session of the Court was held in the Republic of El Salvador from August 27 to 31, 2018.

In addition, on December 10, 2019, under the cooperation agreement signed between the Inter-American Court and the Supreme Court of Justice and the Council of the Federal Judicature of the United Mexican States, the Inter-American Court prepared the second country bulletin: the *Bulletin of Case Law of the Inter-American Court of Human Rights No. 24: Case law with regard to Mexico*. This bulletin relates to all the contentious cases that the Court has heard with regard to Mexico, as well as the advisory opinions that this State has requested. It is available for consultation on the Court's website, as well as on the website of the Mexican Federal Judicature.

### Book: *"Violencias contra niñas, niños y adolescentes en América Latina y el Caribe"*

In December 2019, as part of its activities on the occasion of the 30<sup>th</sup> anniversary of the adoption of the United Nations Convention on the Rights of the Child, the Inter-American Court of Human Rights and the UNICEF Regional Office for Latin America and the Caribbean published the book *"Violencias contra niñas, niños y adolescentes en América Latina y el Caribe"*.

This publication discusses the Inter-American Court's case law in cases relating to the different forms of violence suffered by children and adolescents in our region and was produced with the generous support of the UNICEF Regional Office for Latin America and the Caribbean.

### Manual: *Propuesta de capacitación en derechos humanos para estudiantes de carreras universitarias no jurídicas*

Lastly, also in December 2019, in the context of the training program to reinforce capacities relating to the inter-American human rights system among the academic communities of Central America, implemented with the support of the Heinrich Böll Foundation, the Inter-American Court prepared, with the support of experts, a proposal to provide training on human rights to students of non-legal university degree courses. This publication consists in a short- and medium-term training program that allows all academic communities and all interested persons or institutions in the region to prepare training programs on human rights, and provides methodological guidelines for teaching personnel, as well as audiovisual and bibliographic training material, among other teaching tools. In this way, any interested person or institution can offer a training program on human rights following the guidelines and using the resources indicated in the text.

# Communications

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## XV. Communications

The Inter-American Court of Human Rights is permanently working on updates to the social networks and digital communication channels as spaces designed to ensure that people are better informed about the inter-American system for the protection of human rights, and the work of the Court.

### A. Website and access to legal and multimedia material

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.

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.

The Court uses digital file that, after the respective judgment has been delivered, are available on its website for consultation by the general public.

During 2019, the Inter-American Court livestreamed the public hearings held during the 129th, 130th and 131st regular sessions on its website, as well as different academic and protocol activities held at its seat in San José, Costa Rica, and also those held during the 60th, 61st and 62nd special sessions held in Uruguay, Argentina and Colombia respectively.

The videos and photographs of the public hearings, and academic and protocol activities are available in the [multimedia gallery](#). In addition, more than 2,000 audios are available corresponding to the hearings, organized in 295 albums. Access to the Court's Audioteca is available via the following link on the Soundcloud: <https://soundcloud.com/corteidh> and through the SoundCloud application for mobile phones indicating "Corte IDH" in the search engine.

### B. Social networks

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.

On the one hand, the Facebook account had 537,485 followers, 23,831 more than in 2018. Also, its Twitter account now has more than 350,058 followers, 82,717 more than in 2018.

The Instagram account was opened on May 1, 2019, and now has 6,908 followers.

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 3,018 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.

## SOCIAL NETWORKS

### Facebook



**537.485**

From January to December 2019, the Facebook page grew by **36,957** followers in relation to 2018.

### Twitter



**350.058**

From January to December 2019, the Twitter page in Spanish grew by **82,717** followers in relation to 2018.

**3.028**



From January to December 2019, the Twitter page in English grew by **993** followers in relation to 2018.

### Instagram



**6908**

The Instagram account was opened on May 1, 2019.

# Agreements and relations with other entities

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## XVI. Agreements and relations with other entities

### Agreements with national and international entities

The Court signed framework cooperation agreements with various 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.

- Human Rights Commission of the state of Mexico
- Supreme Court of Justice of Uruguay
- Office of the Prosecutor General of Uruguay
- Federal Council of the Judiciary and the Supreme Court of Justice of Mexico
- Permanent Secretariat of the Ibero-American Judicial Summit
- Office of the Solicitor General of the Republic of Panama
- Lawyers' Professional Association of Uruguay
- Inter-American Association of Public Defenders
- General Council of Mexican Lawyers
- United Nations Educational, Scientific and Cultural Organization (UNESCO)
- Association of Judges of Uruguay

### 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 Central del Valle del Cauca*, Colombia
- *Escuela Libre de Derecho de Puebla*, Mexico
- *Centro Latinoamericano de Economía Humana (CLAEH)*, Uruguay
- University of the Republic of Uruguay
- *Universidad Católica del Uruguay*
- *Universidad de Montevideo*, Uruguay
- *Universidad del Magdalena*, Colombia
- *Universidad Católica San Pablo*, Peru
- *Universidad de la Empresa*, Spain
- Universities of the Republic of Uruguay

# Library

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## XVII. Library

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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 2019, 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 2019, 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 2019, 1,649 new documents were registered of which 74% are available online, 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.

# Officials of the Inter-American Court of Human Rights

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## XVIII. Officials of the Inter-American Court of Human Rights

### Secretary

Pablo Saavedra Alessandri

### Director for Legal Affairs

Alexei Julio Estrada

### Director of Administration and Finance

Arturo Herrera Porras

#### Lawyers

Ana Lucía Aguirre Garabito  
Amelia Brenes Barahona  
Marta Cabrera Martín  
Agostina Cichero  
Jorge Errandonea Medina  
Carlos Eduardo Gaio  
Pablo González Domínguez  
Juan Góngora Maas  
Agustín Martín  
María Gabriela Pacheco Árias  
Bruno Rodríguez Revegino  
Romina Sijniensky  
Auxiliadora Solano Monge  
Patricia Tarre Moser

#### Assistants

J. Nayib Campos Salazar  
Adolfo Lara Aguilar  
Cristhian Esteban Molina Delgado  
Tsáitami Ordóñez Araya  
Steven Orozco Araya  
Jose Daniel Rodríguez Orúe  
Diana Rucavado Rojas  
María del Milagro Valderde Jiménez  
Gloriana von Herold Maklouf  
Dominique von Köller Agüero

#### Secretaries

Alicia Campos Cordero  
Marlyn Campos Vásquez  
Sandra Lewis Fisher  
Paula Cristina Lizano Carvajal  
Yerlin Tatiana Urbina Álvarez

#### International Cooperation

Javier Mariezcurrena  
Fidel Gómez Fontecha  
Ana Lucía Ugalde Jiménez

#### Human Resources

Marco Antonio Ortega Guevara

#### Administration

Viviana Castillo Redondo  
Christian Mejía Redondo  
Siria Moya Carvajal  
Claudio Pereira Elizondo  
José Bernardo Sagot Muñoz  
Tatiana Villalobos Rojas  
Laura Villalta Herrera

#### Accounting

Johana Barquero Mata  
Marta Hernández Sánchez  
Pamela Jiménez Valerín  
Marcela Méndez Díaz

#### Information and Knowledge Management

Jessica Mabel Fernández Castro  
Francella Hernández Mora  
Esteban Montanaro Ching  
Ana Rita Ramírez Azofeifa  
Magda Ramírez Sandí  
Julliana Saborío Arguedas  
Hannia Sánchez López  
Víctor Manuel Valverde Castro

#### Communications

Patricia Calderón Jiménez  
Matías Ponce Martínez  
María Gabriela Sancho Guevara

#### Information Technology

Luis Mario Aponte Gutiérrez  
Josué Calvo Conejo  
Osvaldo Murillo Guzmán  
Steven Quesada Delgado  
Bryan Rojas Fernández  
Douglas Valverde Fallas



# **I/A Court H.R.**

## Protecting Rights

**Annual Report 2019**  
**Inter-American Court of Human Rights**