



# INTER-AMERICAN COURT OF HUMAN RIGHTS

**Annual Report  
2007**



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# **I. ORIGIN, STRUCTURE AND COMPETENCE OF THE COURT**

## **A. ESTABLISHMENT**

The Inter-American Court of Human Rights (hereinafter “the Court or “the Inter-American Court”) was created by the entry into force of the American Convention on Human Rights or the “Pact of San José, Costa Rica” (hereinafter “the Convention” or “the American Convention”) on July 18, 1978, when the eleventh instrument of ratification by a Member State of the Organization of American States (hereinafter “the OAS” or “the Organization”) was deposited. The Convention was adopted at the Inter-American Specialized Conference on Human Rights, which was held in San José, Costa Rica, from November 7 to 22, 1969.

The two organs for the protection of human rights provided for under Article 33 of the American Convention are the Inter-American Commission on Human Rights (hereinafter “the Commission” or “the Inter-American Commission”) and the Court. The function of these organs is to ensure compliance with the obligations imposed by the Convention.

## **B. ORGANIZATION**

Under the terms of the Statute of the Court (hereinafter “the Statute”), the Court is an autonomous judicial institution with its seat in San Jose, Costa Rica; its purpose is the application and interpretation of the Convention

The Court consists of seven judges, nationals of OAS Member States, who are elected in an individual capacity “from among jurists of the highest moral authority and of recognized competence in the field of human rights, who possess the qualifications required for the exercise of the highest judicial functions, in conformity with the law of the State of which they are nationals or of the State that proposes them as candidates” (Article 52 of the Convention). Article 8 of the Statute provides that the Secretary General of the Organization of American States shall request the States Parties to the Convention (hereinafter “States Parties”) to submit a list of their candidates for the position of judge of the Court. In accordance with Article 53(2) of the Convention, each State Party may propose up to three candidates, nationals of the State that proposes them or of any other OAS Member State.

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. Vacancies on the Court caused by death, permanent disability, resignation or dismissal shall be filled, if possible, at the next session of the OAS General Assembly (Article 6(1) and 6(2) of the Statute).



Judges shall be elected for a term of six years and may be re-elected only once. Judges whose terms have expired shall continue to serve with regard to the cases they have begun to hear and that are still pending (Article 54(3) of the Convention).

If necessary, in order to maintain the Court's quorum, one or more interim judges may be appointed by the States Parties (Article 6(3) of the Statute). Furthermore, when none of the judges called on to hear a case is a national of the respondent State or when, although a judge is a national of the respondent State, he excuses himself from hearing the case, that State may, at the invitation of the Court, appoint a judge *ad hoc* to join it for deliberating on and deciding the case in question. States have taken advantage of this possibility in numerous cases before the Court.

States parties to a case are represented in the proceedings before the Court by the agents they designate (Article 21 of the Rules of Procedure) and the Commission is represented by the delegates that it appoints for this purpose. Under the 2001 reform to the Rules of Procedure, the alleged victims or their representatives may submit autonomously their requests, arguments and evidence, and also take part in the different proceedings and procedural stages before the Court.

The judges are at the disposal of the Court, which holds as many regular sessions a year as may be necessary for the proper discharge of its functions. They do not, however, receive a salary for the performance of their duties, but rather a per diem of US\$150 for each day they session. Currently, the Court holds four regular sessions each year. Special sessions may also be called by the President of the Court or at the request of the majority of the judges. Although the judges are not required to reside at the seat of the Court, the President shall render his service on a permanent basis (Article 16 of the Statute).

The President and Vice President are elected by the judges for a period of two years and may be reelected (Article 12 of the Statute).

There is a Permanent Commission of the Court composed of the President, the Vice President and any other judges that the President considers appropriate, according to the needs of the Court. The Court may also create other commissions for specific matters (Article 6 of the Rules of Procedure).

The Secretariat functions under the direction of a Secretary (Article 14 of the Statute) and a Deputy Secretary (Article 14 of the Statute).

## **C. COMPOSITION**

The following judges, listed in order of precedence, sat on the Court in 2007:

Sergio García Ramírez (Mexico), President  
Cecilia Medina Quiroga (Chile), Vice President  
Manuel E. Ventura Robles (Costa Rica)  
Diego García-Sayán (Peru)  
Leonardo A. Franco (Argentina)  
Margarette May Macaulay (Jamaica), and  
Rhadys Abreu Blondet (Dominican Republic)

The Secretary of the Court is Pablo Saavedra Alessandri (Chile) and the Deputy Secretary is Emilia Segares Rodríguez (Costa Rica).

Respondent States have exercised their right to appoint a judge *ad hoc* in five cases that are pending before the Court (Article 55 of the Convention). The following is the list of the judges *ad hoc* and the cases for which they were appointed in 2007:

Diego Eduardo López Medina	Case of Escué Zapata (Colombia)
Alwin René Baarh	Case of the Saramaka People (Suriname)
Diego Rodríguez Pinzón	Case of Salvador Chiriboga (Ecuador)
Alejandro Montiel Arguello <sup>1</sup>	Case of García Prieto <i>et al.</i> (El Salvador)
Fernando Vidal Ramírez	Case of La Cantuta (Peru)

The respondent States also designated judges *ad hoc* in the following cases, which are pending a decision by the Tribunal:

Claus Von Wobeser Hoepfner	Case of Castañeda Gutman (Mexico)
Pier Paolo Pasceri Scaramuzza	Case of Luisiana Ríos <i>et al.</i> (Venezuela)
Pier Paolo Pasceri Scaramuzza	Case of Gabriela Perozo <i>et al.</i> (Venezuela)
Juan Antonio Tejada Espino	Case of Heliodoro Portugal (Panama)

## D. JURISDICTION

The Convention confers contentious and advisory functions on the Court. The first function involves the power to decide cases submitted by the Inter-American Commission or a State Party alleging that one of the States Parties has violated the Convention. Pursuant to this function, the Court is empowered to order provisional measures of protection. The second function involves the prerogative of the Member States of the Organization to request that the Court interpret the Convention or "other treaties concerning the protection of Human Rights in the American States". Within their spheres of competence, the organs of the OAS mentioned in its Charter may also consult the Court.

**1. Contentious function:** this function enables the Court to determine whether a States has incurred international responsibility for having violated any of the rights embodied or established in the American Convention on Human Rights, because it has failed to comply with its obligations to respect and ensure these rights. The contentious competence of the Court is regulated in Article 62 of the American Convention which establishes:

<sup>1</sup> In a communication of June 15, 2007, Judge *ad-hoc* Alejandro Montiel Argüello formally renounced his position as judge *ad hoc* for reasons beyond his control.

1. A State Party may, upon depositing its instrument of ratification or adherence to this Convention, or at any subsequent time, declare that it recognizes as binding, *ipso facto*, and not requiring special agreement, the jurisdiction of the Court on all matters relating to the interpretation or application of this Convention.
2. Such declaration may be made unconditionally, on the condition of reciprocity, for a specified period, or for specific cases. It shall be presented to the Secretary General of the Organization, who shall transmit copies thereof to the other member states of the Organization and to the Secretary of the Court.
3. The jurisdiction of the Court shall comprise all cases concerning the interpretation and application of the provisions of this Convention that are submitted to it, provided that the States Parties to the case recognize or have recognized such jurisdiction, whether by special declaration pursuant to the preceding paragraphs, or by a special agreement.

According to Article 61(1) of the Convention “[o]nly the States Parties and the Commission shall have the right to submit a case to the Court.”

Article 63(1) of the Convention contains the following provision concerning the Court’s judgments:

If the Court finds that there has been a violation of a right or freedom protected by this Convention, the Court shall rule that the injured party be ensured the enjoyment of his right or freedom that was violated. It shall also rule, if appropriate, that the consequences of the measure or situation that constituted the breach of such right or freedom be remedied and that fair compensation be paid to the injured party.

Paragraph 2 of Article 68 of the Convention provides that: “[t]hat part of a judgment that stipulates compensatory damages may be executed in the country concerned in accordance with domestic procedure governing the execution of judgments against the State.”

The judgments rendered by the Court are “final and not subject to appeal.” In “case of disagreement as to the meaning or scope of the judgment, the Court shall interpret it at the request of any of the parties, provided the request is made within ninety days from the date of notification of the judgment” (Article 67 of the Convention). The States Parties “undertake to comply with the judgment of the Court in any case to which they are parties” (Article 68 of the Convention).

Fourteen contentious cases were lodged before the Court during the current year, and it delivered twelve judgments.<sup>2</sup> In five of these it ruled on preliminary objections, merits, reparations

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2 The Court delivered judgment in the following contentious cases: *La Rochela Massacre v. Colombia* (merits, reparations and costs), *Bueno Alves v. Argentina* (merits, reparations and costs), *Escué Zapata v. Colombia* (merits, reparations and costs), *Zambrano Vélez et al. v. Ecuador* (merits, reparations and costs), *Cantoral Huamaní and García Santa Cruz v. Peru* (preliminary objection, merits, reparations and costs), *García Prieto et al. v. El Salvador* (preliminary objection, merits, reparations and costs), *Boyce et al. v. Barbados* (preliminary objection, merits, reparations and costs), *Chaparro Álvarez and Lapo Iñiguez v. Ecuador* (preliminary objection, merits, reparations and costs), *Albán Cornejo et al. v. Ecuador* (merits, reparations and costs), *the Saramaka People v. Suriname* (preliminary objection, merits, reparations and costs), *La Cantuta v. Peru* (interpretation of the judgment on

and costs together; in five others on merits and the corresponding reparations and, in two on interpretation of judgment. Thus, the Court decided ten contentious cases in their entirety, adopting a final decision on preliminary objections, merits and reparations, with no ruling pending on any dispute set out in the application. The Court is currently processing one hundred and one contentious cases, of which eighty-four are at the stage of monitoring compliance with judgment, eleven at the initial processing stage, four at the stage of preliminary objections and possible merits, reparations and costs, and two at the stage of merits and possible reparations and costs.

The Court submits a report on its work to the General Assembly at each regular session, and it “[s]hall specify, in particular, the cases in which a State has not complied with its judgments” (Article 65 of the Convention).

Twenty-one States Parties have recognized the obligatory jurisdiction of the Court. They are: Costa Rica, Peru, Venezuela, Honduras, Ecuador, Argentina, Uruguay, Colombia, Guatemala, Suriname, Panama, Chile, Nicaragua, Paraguay, Bolivia, El Salvador, Haiti, Brazil, Mexico, the Dominican Republic and Barbados.

The status of ratifications of and accessions to the Convention can be found at the end of this report.

**2. Advisory function:** this function enables the Court to respond to consultations by Member States of the OAS or this Organization’s organs, in the terms of Article 64 of the Convention, which stipulates:

1. The member states of the Organization may consult the Court regarding the interpretation of this Convention or of other treaties concerning the protection of Human Rights in the American states. Within their spheres of competence, the organs listed in Chapter X of the Charter of the Organization of American States, as amended by the Protocol of Buenos Aires, may in like manner consult the Court.
2. The Court, at the request of a member state of the Organization, may provide that state with opinions regarding the compatibility of any of its domestic laws with the aforesaid international instruments.

The right to request an advisory opinion is not limited to the States Parties to the Convention. Any OAS Member State may request such an opinion. The OAS Member States are: Antigua and Barbuda, Argentina, Bahamas, Barbados, Belize, Bolivia, Brazil, Canada, Colombia, Costa Rica, Chile, Dominica, the Dominican Republic, Ecuador, El Salvador, Grenada, Guatemala, Guyana, Haiti, Honduras, Jamaica, Mexico, Nicaragua, Panama, Paraguay, Peru, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Suriname, Trinidad and Tobago, the United States of America, Uruguay and Venezuela.

The advisory jurisdiction of the Court enhances the Organization’s capacity to deal with questions arising from the application of the Convention, because it enables the organs of the OAS to consult the Court, within their spheres of competence.

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merits, reparations and costs) and the Dismissed Congressional Employees (*Aguado Alfaro et al.*) v. Peru (request for interpretation of the judgment on preliminary objections, merits, reparations and costs).

No request for an advisory opinion was submitted to for consideration of the Court during the year and the Court did not issue any ruling in this regard

**3. Provisional measures:** the Court may adopt any measures it deems pertinent in cases of extreme gravity and urgency, and when necessary to avoid irreparable damage to persons, both in cases which the Court is hearing and in cases not yet submitted to it, it may act at the request of the Inter-American Commission. Article 63(2) of the Convention stipulates that:

In cases of extreme gravity and urgency, and when necessary to avoid irreparable damage to persons, the Court shall adopt such provisional measures as it deems pertinent in matters it has under consideration. With respect to a case not yet submitted to the Court, it may act at the request of the Commission.

During the year, nine requests for provisional measures were submitted to the Court's consideration; of these, three were rejected, two were adopted, and four are pending a decision. In addition, four provisional measures were totally lifted and five partially lifted. Currently, forty-three provisional measures are active.

## **E. BUDGET**

Article 72 of the Convention provides that "the Court shall draw up its own budget and submit it for approval to the General Assembly through the General Secretariat. The latter may not introduce any changes in it". In accordance with Article 26 of its Statute, the Court administers its own budget. The 2007 budget of the Court was US\$1,656,300.00 (one million six hundred and fifty-six thousand three hundred United States dollars).

At its thirty-seventh regular session held in Panama City, Panama, from June 3 to 5, 2007, the General Assembly of the Organization of American States adopted the Court's budget for 2008 in the amount of US\$1,756,300.00 (one million seven hundred and fifty-six thousand three hundred United States dollars).

## **F. RELATIONS WITH THE SECRETARY GENERAL OF THE ORGANIZATION OF AMERICAN STATES (OAS)**

During the year, the Court was in close communication with the OAS Secretary General with regard to administrative and financial issues, and could always rely on his collaboration with and support for the Court's activities.

## **G. RELATIONS WITH SIMILAR REGIONAL ORGANIZATIONS**

The Court has close institutional links with the Inter-American Commission. These ties have been strengthened through meetings between the members of the two bodies, held on the recommendation of the General Assembly (*infra* III). The Court also maintains close relations with the Inter-American Institute of Human Rights, established under an agreement between the Government of Costa Rica and the Court, which entered into force on November 17, 1980. The Institute is an autonomous, international academic institution, with a global,

interdisciplinary approach to the teaching, research and promotion of human rights. The Court also maintains institutional relations with the European Court of Human Rights, created by the European Convention for the Protection of Human Rights and Fundamental Freedoms and established by the Council of Europe with similar functions to those of the Inter-American Court.

## II. JURISDICTIONAL AND ADVISORY ACTIVITIES OF THE COURT

### A. Seventy-fourth regular session of the Court

The Court held its seventy-fourth regular session in San José, Costa Rica, from January 22 to February 3, 2007, with the following members: Sergio García Ramírez (Mexico), President; Cecilia Medina Quiroga (Chile), Vice President; Manuel E. Ventura Robles (Costa Rica); Diego García-Sayán (Peru); Leonardo A. Franco (Argentina); Margarette May Macaulay (Jamaica), and Rhadys Abreu Blondet (Dominican Republic). The following Judge *ad hoc* also took part: Diego Eduardo López Medina, appointed by the State of Colombia for the case of *Escué Zapata*. Also present were the Secretary of the Court, Pablo Saavedra Alessandri (Chile), and the Deputy Secretary, Emilia Segares Rodríguez (Costa Rica).

During this session, the Court held five public hearings on contentious cases. It issued six orders for provisional measures, held one public hearing in this regard, and issued an order on monitoring compliance with judgment. The matters considered by the Court during this session are described below:

**1. The case of Cantoral Huamaní and García Santa Cruz (Peru): Preliminary Objection, Merits and Possible Reparations and Costs.** On January 23 and 24, 2007, at a public hearing, the Court heard the statements of three witnesses proposed by the Inter-American Commission on Human Rights. The Court also heard the final oral arguments of the Commission, the representatives of the next of kin of the alleged victims, and the State of Peru on the preliminary objection, merits and possible reparations and costs in this case.

**2. The case of García Prieto *et al.* (El Salvador): Preliminary Objections, and Possible Merits, Reparations and Costs.** On January 25 and 26, 2007, at a public hearing, the Court heard the statements of the witnesses proposed by the Inter-American Commission on Human Rights, the representatives of the alleged victims, and the State. The Court also heard the final oral arguments of the Inter-American Commission, the representatives, and the State of El Salvador on preliminary objections, and possible merits, reparations and costs in this case.

**3. The case of Gloria Giralt de García Prieto *et al.* (El Salvador): Provisional Measures.** On January 27, 2007, the Court issued an order on the expansion of the provisional measures in this case, in which it decided, among other matters, to ratify the order of the President of the Inter-American Court of Human Rights of December 3, 2006; and, consequently, to require the State: to maintain any measures it had adopted and to adopt, forthwith, all necessary measures to protect

the life and integrity of Ricardo Alberto Iglesias Herrera; and to maintain the necessary measures to protect the life and personal integrity of Gloria Giralt de García Prieto, José Mauricio García Prieto Hirlemann, María de los Ángeles García Prieto de Charur, José Benjamín Cuéllar Martínez, Matilde Guadalupe Hernández de Espinoza and José Roberto Burgos Viale. In addition, the Court decided to require the representatives of the beneficiaries of the provisional measures to provide specific details to the Inter-American Court concerning the need to adopt provisional measures in favor of the persons mentioned in the tenth considering paragraph and with regard to the current situation of Pedro José Cruz Rodríguez, in accordance with the eleventh considering paragraph, and to require the Inter-American Commission and the State to submit any observations they deemed pertinent in this regard; to require the State to take all necessary measures to ensure that the measures of protection decided in the order were planned and implemented with the participation of the beneficiaries or their representatives, so that the measures were provided diligently and effectively and, in general, to keep the latter informed of progress in implementation of the measures; and to require the State to investigate the facts that gave rise to the adoption of the provisional measures, identify those responsible and, if applicable, impose the corresponding sanctions.

**4. The matter of the Kankuamo Indigenous People (Colombia): Provisional Measures.** On January 26, 2007, at a public hearing, the Court heard the arguments of the Inter-American Commission, the representatives of the beneficiaries of the measures, and the State of Colombia concerning implementation of the provisional measures decided by the Court in an order issued on July 5, 2004.

On January 30, 2007, the Court issued an order on provisional measures in this matter, in which it decided, among other matters, to require the State: to maintain and adopt the necessary measures to continue protecting the life, personal integrity and personal liberty of all the members of the communities that compose the Kankuamo Indigenous People; to continue investigating and reporting to the Inter-American Court on the facts that gave rise to the measures in order to discover those responsible and, if applicable, punish them; to continue guaranteeing the necessary conditions of safety to ensure that the right to freedom of movement of the members of the Kankuamo Indigenous People are respected, and so that those who were forced to displace to other regions may return to their homes if they so wish; and to continue allowing the beneficiaries to take part in the planning and implementation of the measures of protection and, in general, keep them informed on progress in the measures ordered by the Inter-American Court.

**5. The case of Escué Zapata (Colombia): Merits and Possible Reparations and Costs.** On January 29 and 30, 2007, at a public hearing, the Court heard the statements of two witnesses proposed by the Inter-American Commission on Human Rights, one witness and one expert witness proposed by the representatives of the alleged victim and his next of kin, and one witness proposed by the State. The Court also heard the final oral arguments of the Commission, the representatives of the alleged victim and his next of kin, and the State of Colombia on merits and possible reparations and costs in this case.

**6. The case of the Miguel Castro Castro Prison (Peru): Request for Provisional Measures.** On January 30, 2007, the Court issued an order in relation to a request for provisional measures presented by Mónica Feria Tinta, common intervenor of the representatives of the victims and their next of kin in the case of the Miguel Castro Castro Prison, in which it decided to reject the request for provisional measures.



**7. The case of the “La Rochela Massacre” (Colombia):** *Merits and Possible Reparations and Costs.* On January 31 and February 1, 2007, at a public hearing, the Court heard the statements of two witnesses proposed by the Inter-American Commission on Human Rights and by the representatives of the alleged victims and their next of kin, two witnesses and an expert witness proposed by the representatives of the alleged victims and their next of kin, and two expert witnesses proposed by the State. The Court also heard the final oral arguments of the Commission, the representatives of the alleged victims and their next of kin, and the State of Colombia on merits and possible reparations and costs in this case.

**8. The case of Bueno Alves (Argentina):** *Merits and Possible Reparations and Costs.* On February 2, 2007, at a public hearing, the Court heard the final oral arguments of the Commission and the State of Argentina on merits and possible reparations and costs in this case.

The same day, the Court issued an order in relation to the request for provisional measures presented by the representative of the alleged victim in this case, in which it decided, among other matters, to dismiss the request for provisional measures as inadmissible.

**9. The matter of the Central Occidental Region Penitentiary Center (Uribana Prison) (Venezuela):** *Provisional Measures.* On February 2, 2007, the Court issued an order on provisional measures in this matter, in which it decided, among other matters, to require the State: to adopt, forthwith and definitively, all necessary provisional measures to avoid the loss of life or harm to the physical, mental and moral integrity of all those deprived of liberty in the Uribana Prison, of those who may enter the penitentiary center as prisoners, and also of those who work there and who enter the prison as visitors and, in addition to the measures that must be implemented immediately, to adopt the pertinent measures to adapt the situation described to the applicable international standards for the treatment of persons deprived of their liberty, in particular: (a) to confiscate the weapons in the possession of the inmates; (b) to reduce overcrowding and to improve detention conditions; (c) to provide sufficient trained personnel to ensure adequate and effective control, custody and supervisions of the penitentiary center; (d) to separate male and female inmates; (e) to separate inmates who have been convicted from those awaiting trial, and (f) to establish a mechanism for periodically monitoring the detention conditions.

**10. The case of Raxcacó Reyes et al. (Guatemala):** *Provisional Measures.* On February 2, 2007, the Court issued an order in relation to a request for the expansion of provisional measures made by the representatives of the beneficiaries in this case, in which it decided, among other matters, to reject the request for the expansion of provisional measures, and to reiterate to the State that it maintain the necessary measures to protect the life of Bernardino Rodríguez Lara and Pablo Arturo Ruiz Almengor so as not to hinder the processing of their cases before the inter-American system for the protection of human rights.

**11. Compliance with Judgment:** During this session, the Court issued an order on compliance with judgment in the case of the Sawhoyamaya Indigenous Community (Paraguay).

## **B. Seventy-fifth regular session of the Court**

The Court held its seventy-fifth regular session in San José, Costa Rica, from May 7 to 12, 2007, with the following members: Sergio García Ramírez (Mexico), President; Cecilia Medina Quiroga (Chile), Vice President; Manuel E. Ventura Robles (Costa Rica); Diego García-Sayán

(Peru); Leonardo A. Franco (Argentina); Margarette May Macaulay (Jamaica), and Rhadys Abreu Blondet (Dominican Republic). The following Judge *ad hoc* also took part: Alwin René Baarh, appointed by the State of Suriname for the case of *the Saramaka Community*. Also present were the Secretary of the Court, Pablo Saavedra Alessandri (Chile), and the Deputy Secretary, Emilia Segares Rodríguez (Costa Rica).

During this session, the Court delivered two judgments and held a public hearing on contentious cases. It also issued two orders for provisional measures. The matters considered by the Court during this session are described below:

**1. The case of the Saramaka Community (Suriname): Preliminary Objections, and Possible Merits, Reparations and Costs.** On May 9 and 10, 2007, at a public hearing, the Court heard the statements of the witnesses and expert witnesses proposed by the Inter-American Commission on Human Rights, the representatives of the alleged victims, and the State of Suriname, as well as the arguments of the parties on the preliminary objections, and the possible merits, reparations and costs in this case.

**2. The case of the La Rochela Massacre (Colombia): Judgment on Merits, Reparations and Costs.** On May 11, 2007, the Court delivered the judgment on the merits, reparations and costs in this case, in which it declared that it accepted the State's partial acknowledgement of international responsibility for the facts that occurred on January 19, 1989; and that the State of Colombia had violated the rights embodied in Articles 4 (Right to Life), 5(1) and 5(2) (Right to Humane Treatment), and 7 (Right to Personal Liberty) of the Convention, in relation to Article 1(1) (Obligation to Respect Rights) thereof, to the detriment of Mariela Morales Caro, Pablo Antonio Beltrán Palomino, Virgilio Hernández Serrano, Carlos Fernando Castillo Zapata, Luis Orlando Hernández Muñoz, Yul Germán Monroy Ramírez, Gabriel Enrique Vesga Fonseca, Benhur Iván Guasca Castro, Orlando Morales Cárdenas, César Augusto Morales Cepeda, Arnulfo Mejía Duarte, Samuel Vargas Páez, Arturo Salgado Garzón, Wilson Humberto Mantilla Castilla and Manuel Libardo Díaz Navas; Article 5 (Right to Humane Treatment) of the Convention, in relation to Article 1(1) (Obligation to Respect Rights) thereof, to the detriment of the next of kin of the victims identified in the annex to the judgment; Articles 8(1) (Judicial Guarantees) and 25 (Judicial Protection) of the Convention in relation to Article 1(1) (Obligation to Respect Rights) thereof, to the detriment of the surviving victims: Arturo Salgado Garzón, Wilson Humberto Mantilla Castilla and Manuel Libardo Díaz Navas, and of the next of kin of the deceased victims identified in the annex to the judgment.

Regarding reparations, the Court ordered, among other matters, ratification of the "partial agreement in relation to some measures of reparation," signed by the State and the representatives of the victims and their next of kin on January 31, 2007; and that the State: must conduct effectively the criminal proceedings underway and those that may be filed in future, and adopt all necessary measures leading to the clarification of the facts of the case in order to determine the responsibility of those who took part in the said violations; furthermore, the results of those proceedings must be published by the State, so that Colombian society can learn the truth about the facts of the case; must guarantee that judicial officials, prosecutors, investigators and others involved in the administration of justice have an adequate system of security and protection that allows them to perform their functions with due diligence, taking into account the circumstances of the cases for which they are responsible and their place of work, and must ensure the effective protection of witnesses, victims and next of kin in cases of grave human rights violations, in particular and immediately, with regard to the investigation into the facts of this case; must

provide, free of charge and immediately, the medical and psychological treatment required by the next of kin of the deceased victims and by the surviving victim, Arturo Salgado Garzón, and his next of kin; must continue implementing and, if applicable, develop permanent human rights training programs for the Colombian armed forces, and ensure their effective implementation; and must pay the amounts established in the judgment for pecuniary and non-pecuniary damage and reimbursement of costs and expenses.

Judge García Ramírez informed the Court of his concurring opinion, which accompanies the judgment.

**3. The case of Bueno Alves (Argentina): Judgment on Merits, Reparations and Costs.** On May 11, 2007, the Court delivered the judgment on merits, reparations and costs in this case, in which it declared that it accepted the State's acknowledgement of international responsibility, and that the State of Argentina had violated the rights embodied in Articles 5(1) and 5(2) (Right to Humane Treatment), 8(1) (Judicial Guarantees) and 25 (Judicial Protection) of the American Convention in relation to Article 1(1) (Obligation to Respect Rights) thereof, to the detriment of Bueno Alves. The Court also declared that it was not in possession of elements to modify what the Inter-American Commission had decided with regard to Article 7 (Right to Personal Liberty) of the Convention; that the State had violated the right embodied in 5(1) (Right to Humane Treatment) of the Convention, in relation to Article 1(1) (Obligation to Respect Rights) thereof, to the detriment of Tomasa Alves De Lima, Inés María del Carmen Afonso Fernández, Ivonne Miriam Bueno, Verónica Inés Bueno and Juan Francisco Bueno; and that the State had not violated the rights embodied in Articles 11 (Right to Privacy) and 24 (Right to Equal Protection) of the Convention.

Regarding reparations, the Court ordered the State: to pay the amounts established in the judgment for pecuniary and non-pecuniary damage and reimbursement of costs and expenses; to conduct the due investigations immediately to determine responsibilities for the facts of this case and to apply the consequences established by law; and to publish once in the official gazette and in another national newspaper with widespread circulation paragraphs 1 to 8, 71 to 74, 86, 95, 113 and 117 and the operative paragraphs of the judgment.

**4. The matter of Adrián Meléndez Quijano et al. (El Salvador): Provisional Measures.** On May 12, 2007, the Court issued an order on provisional measures in this matter, in which it decided, among other matters, to ratify the order of the President of the Inter-American Court of Human Rights of March 23, 2007; and, consequently, to require the State: to maintain any measures it had adopted and to adopt, forthwith, all necessary measures to protect the life and integrity of Adrián Meléndez Quijano, Marina Elizabeth García de Meléndez, Andrea Elizabeth Meléndez García, Estefani Mercedes Meléndez García, Pamela Michelle Meléndez García, Adriana María Meléndez García, Gloria Tránsito Quijano viuda de Meléndez, Sandra Ivette Meléndez Quijano, Eurípides Manuel Meléndez Quijano, Roxana Jacqueline Mejía Torres and Manuel Alejandro Meléndez Mejía; to adopt, immediately, all necessary measures to protect the rights to life and personal integrity of Benjamín Cuellar Martínez, José Roberto Burgos Viale and Henry Paul Fino Solórzano; and that the measures of protection ordered be planned and implemented with the participation of the beneficiaries of the measures or their representatives.

**5. The case of 19 Tradesmen (Colombia): Provisional Measures.** On May 12, 2007, the Court issued an order on the expansion of provisional measures in this case, in which it decided, among other matters, to ratify all aspects of the order of the President of the Inter-American

Court of Human Rights of February 6, 2007; and, consequently, to require the State: to maintain any measures it had adopted and to adopt, forthwith, all necessary measures to protect the rights to life and personal integrity of Wilmar Rodríguez Quintero and Yimmy Efraín Rodríguez Quintero and their next of kin, as follows: Nubia Saravia, wife of Yimmy Rodríguez Quintero; Karen Dayana Rodríguez Saravia and Valeria Rodríguez Saravia, daughters of Yimmy Rodríguez Quintero; William Rodríguez Quintero, brother of Wilmar and Yimmy Rodríguez Quintero; and Jhon Carlos Rodríguez Quintero, nephew of Wilmar and Yimmy Rodríguez Quintero; to adopt and maintain the necessary measures to protect the rights to life and personal integrity of Sandra Belinda Montero Fuentes, and her children Juan Manuel Ayala Montero and María Paola Casanova Montero; and of Salomón Flórez Contreras, Luis José Pundor Quintero and Ana Diva Quintero Quintero de Pundor, and their respective families; to investigate the facts that gave rise to the adoption of the provisional measures and, if applicable, identify those responsible and impose the corresponding sanctions; and to allow the beneficiaries of the measures or their representatives to take part in the planning and implementation of the measures and, in general, keep them informed of progress in implementation.

### **C. Thirtieth special session of the Court**

The Court held its thirtieth special session in Guatemala City, Guatemala, from May 14 to 17, 2007,<sup>3</sup> with the following members:<sup>4</sup> Sergio García Ramírez (Mexico), President; Cecilia Medina Quiroga (Chile), Vice President; Diego García-Sayán (Peru); Leonardo A. Franco (Argentina); Margarette May Macaulay (Jamaica), and Rhadys Abreu Blondet (Dominican Republic). Also present were the Secretary of the Court, Pablo Saavedra Alessandri (Chile), and the Deputy Secretary, Emilia Segares Rodríguez (Costa Rica).

During this session, the Court held three public hearings on contentious cases and issued an order on provisional measures. The matters considered by the Court during this session are described below:

**1. The case of Zambrano Vélez et al. (Ecuador):** *Merits and Possible Reparations and Costs.* On May 15, 2007, at a public hearing, the Court heard the statements of three witnesses proposed by the Inter-American Commission on Human Rights, and also the arguments of the Commission, the representative of the next of kin of the alleged victims, and the State of Ecuador on merits and possible reparations and costs in relation to this case.

**2. The case of Cornejo et al. (Ecuador):** *Merits and Possible Reparations and Costs.* On May 16, 2007, at a public hearing, the Court heard the statements of one alleged victim and one expert witness proposed by the Inter-American Commission on Human Rights and the representatives of the alleged victims, as well as the arguments of the parties on merits and possible reparations and costs in relation to this case.

**3. The case of Chaparro Álvarez and Lapo Íñiguez (Ecuador):** *Preliminary Objections, and Possible Merits, Reparations and Costs.* On May 17, 2007, at a public hearing, the Court heard the statements of the two alleged victims, as well as the arguments of the parties on the preliminary objections and the possible merits, reparations and costs in this case.

<sup>3</sup> The thirtieth special session was held with financing from the Ministry of Foreign Affairs of Norway.

<sup>4</sup> Judge Manuel E. Ventura Robles (Costa Rica) excused himself from taking part in the thirtieth special session.

**4. The matter of Ramírez Hinostroza et al. (Peru): Provisional Measures.** On May 17, 2007, the Court issued an order on provisional measures in this matter, in which it decided, among other matters, to require the State: to maintain any measures it had adopted and to adopt, forthwith, any necessary measures to protect the life and personal integrity of Luis Alberto Ramírez Hinostroza, his wife Susana Silvia Rivera Prado, and his three daughters: Yolanda Susana Ramírez Rivera, Karen Rose Ramírez Rivera and Lucero Consuelo Ramírez Rivera, as decided in its order of September 21, 2005; to expand the beneficiaries of the measures and to require the State to adopt, forthwith, the necessary measures to protect the rights to life and personal integrity of Raúl Ángel Ramos De la Torre and Cesar Manuel Saldaña Ramírez, Mr. Ramírez Hinostroza's lawyers; to require the State to continue investigating the facts that gave rise to the adoption of the provisional measures and, if applicable, identify those responsible and impose the corresponding sanctions, and to require the State to take the pertinent steps to ensure that the measures of protection ordered by the Court are planned and implemented with the participation of the beneficiaries of the measures or their representatives, so that these measures are provided diligently and effectively and, in general, to keep them informed of progress in the implementation of the measures.

**5. Other activities:** During this special session, the Court held various formal meetings with senior officials of the different branches of government of Guatemala. On May 14, the Court had a private meeting at the Presidential Palace with the President of the Republic, Oscar Berger, and the Vice President, Eduardo Stein, together with officials from the Ministry of Foreign Affairs and COPREDEH. The Court also visited the President of the Congress of the Republic, Rubén Darío Morales and met with different Government authorities, including the Ombudsman, Sergio Morales, the Chief Prosecutor (*Fiscal General*) of the Attorney General's Office (*Ministerio Público*), Juan Luís Florido Solís, the Special Prosecutor General (*Procurador General*), Mario Gordillo, and the Director of the Public Criminal Defense Institute, Blanca Stalling. In addition, the Court attended an official welcome event hosted by the Deputy Foreign Minister responsible for Human Rights, Marta Altolaguirre, at the Ministry of Foreign Affairs, to which members of the Diplomatic Corps, the three branches of government, and civil society were also invited. The Judges also held conversations on various issues at a private meeting with officials from the Embassy of Norway and members of the Dialogue Group composed of representatives of the United States, Canada, Japan, Norway, Germany, Sweden, Holland, Spain, Denmark, the Inter-American Development Bank, the World Bank, the International Monetary fund, and the United Nations system. On May 16, the Court held private conversations with the plenary of the Supreme Court of Justice at its seat and, the same day, a seminar was held on current and future challenges for the inter-American system for the protection of human rights, attended by more than 500 persons.

#### **D. Seventy-sixth regular session of the Court**

The Court held its seventy-sixth regular session in San José, Costa Rica, from July 2 to 14, 2007, with the following members: Sergio García Ramírez (Mexico), President; Cecilia Medina Quiroga (Chile), Vice President; Manuel E. Ventura Robles (Costa Rica); Diego García-Sayán (Peru); Leonardo A. Franco (Argentina); Margarette May Macaulay (Jamaica), and Rhadys Abreu Blondet (Dominican Republic). Also present were the Secretary of the Court, Pablo Saavedra Alessandri (Chile), and the Deputy Secretary, Emilia Segares Rodríguez (Costa Rica).

During this session, the Court delivered three judgments and held a public hearing on contentious cases. It also issued six orders on provisional measures and eight orders on



monitoring compliance with judgments. The matters considered by the Court during this session are described below:

**1. The matter of the Monagas Detention Center ("La Pica") (Venezuela): *Provisional Measures.*** On July 3, 2007, the Court issued an order on provisional measures in this matter, in which it decided, among other matters, to reiterate to the State that it must maintain the measures that it had reported it was adopting, and also adopt, forthwith, the necessary complementary measures to avoid violence in the Monagas Detention Center ("La Pica") effectively and definitively, so that no inmate or any person within the detention center dies or has his personal integrity affected; to reiterate to the State that, without detriment to the measures ordered to be implemented immediately, it must adopt those necessary to: (a) reduce the overcrowding in the Monagas Detention Center ("La Pica") substantially; (b) confiscate the weapons in the possession of the inmates; (c) separate inmates who have been convicted from those awaiting trial; (d) adapt detention conditions at the Center to the corresponding international standards, and (e) provide the necessary medical care to the inmates, so as to ensure their right to personal integrity and, in this regard, the State must monitor periodically the detention conditions and the emotional and physical condition of those detained, with the participation of the representatives of the beneficiaries of the provisional measures; to reiterate to the State that it must take all pertinent steps to ensure that the measures of protection in favor of the persons deprived of liberty in the Monagas Detention Center ("La Pica") are planned and implemented with the participation of the representatives of the beneficiaries of the measures and, in general, keep them informed of progress in implementation, and to reiterate to the State that it must forward to the Court an updated list of all the persons detained in the prison, indicating the exact characteristics of their detention.

**2. The case of Luisiana Ríos *et al.* (Venezuela): *Provisional Measures.*** On July 3, 2007, the Court issued an order on provisional measures in this case, in which it decided, among other matters, to ratify all aspects of the order of the President of the Inter-American Court of Human Rights of June 14, 2007; and, consequently, to reject the requests for provisional measures filed on May 26, and June 4 and 19, 2007; and to require the State to maintain the provisional measures decided in the orders issued by the Court on November 27, 2002, November 21, 2003, September 8, 2004, and September 12, 2005.

**3. The matter of Carlos Nieto Palma *et al.* (Venezuela): *Provisional Measures.*** On July 3, 2007, the Court issued an order on provisional measures in this matter, in which it decided, among other matters, to lift the provisional measures decided by the Inter-American Court of Human Rights in its order of September 22, 2006, in favor of Eva Teresa Nieto Palma and John Carmelo Laicono Nieto; to reiterate to the State that it must maintain any measures it had adopted and adopt immediately those necessary to protect the life, integrity and personal liberty of Carlos Nieto Palma, and the life and integrity of Yvonne Palma Sánchez; and to require the State to allow the beneficiaries of these measures to take part in the planning and implementation of the measures and, in general, to keep them informed of progress in implementation of the measures ordered by the Court.

**4. The matter of the Children and Adolescents Deprived of Liberty in the "Tatuapé Complex" of the CASA Foundation (Brazil). *Provisional Measures.*** On July 3, 2007, the Court issued an order on provisional measures in this matter, in which it decided, among other matters: to reiterate to the State that it must maintain and adopt immediately any necessary measures to protect the life and personal integrity of all the children and adolescents who reside in the

"Tatuapé Complex" of the "CASA Foundation," as well as of all those who are within the Complex and, to this end, it must continue adopting all necessary measures to prevent the outbursts of violence, and also guarantee the safety of the inmates and maintain order and discipline in the Complex; to reiterate to the State that it must maintain the necessary measures to prevent the young inmates being subjected to cruel, inhuman or degrading treatment, such as prolonged confinement and physical ill-treatment; to reiterate to the State that, without detriment to the measures that must be implemented immediately, it must maintain and adopt all necessary measures to: (a) reduce the overcrowding in the "Tatuapé Complex" substantially; (b) confiscate the weapons in the possession of the youths; (c) separate the inmates, in accordance with the respective international standards and taking into account the best interests of the child, and (d) provide the necessary medical care to the children who are inmates, so that their right to personal integrity is guaranteed. In this regard, the State must monitor the detention conditions and the physical and emotional condition of the detained children periodically, with the participation of the representatives of the beneficiaries of the provisional measures. The Court also decided to reiterate to the State that it should take the pertinent steps to ensure that the measures of protection are planned and implemented with the participation of the representatives of the beneficiaries of the measures and, in general, keep them informed of progress in implementation; to reiterate to the State that it must facilitate the entry of the representatives of the beneficiaries of the measures into the "Tatuapé Complex" units, and also communications between the representatives and the young inmates, which must be conducted in the most confidential manner possible so as to avoid intimidating the adolescents during the meetings; and to reiterate to the State that it must forward the Court an updated list of all the young people residing in the "Tatuapé Complex."

**5. The case of Escué Zapata (Colombia):** *Judgment on Merits, Reparations and Costs.* On July 4, 2007, the Court delivered the judgment on the merits and the reparations and costs in this case, in which it declared that: it accepted the acknowledgement of international responsibility made by the State of Colombia and established the violation of the rights embodied in Articles 4 (Right to Life), 5(1) and 5(2) (Right to Humane Treatment), and 7(1) and 7(2) (Right to Personal Liberty) of the American Convention, in relation to Article 1(1) (Obligation to Respect Rights) thereof, to the detriment of Germán Escué Zapata; and it accepted the State's acknowledgement of international responsibility and established the violation of the right embodied in Article 5(1) (Right to Humane Treatment) of the Convention, in relation to Article 1(1) (Obligation to Respect Rights) thereof, to the detriment of Etelvina Zapata Escué, Myriam Zapata Escué, Bertha Escué Coicue, Francya Doli Escué Zapata, Mario Pasu, Aldemar Escué Zapata, Yonson Escué Zapata, Ayénder Escué Zapata, Omar Zapata and Albeiro Pasu. The Court also declared that the State had violated the rights embodied in Article 11(1) (Right to Privacy) of the Convention, in relation to Article 1(1) (Obligation to Respect Rights) thereof, to the detriment of Germán Escué Zapata and his next of kin Etelvina Zapata Escué, Myriam Zapata Escué, Bertha Escué Coicue, Mario Pasu and Aldemar Escué Zapata; and Articles 8(1) (Judicial Guarantees) and 25 (Judicial Protection) of the American Convention, in relation to Article 1(1) (Obligation to Respect Rights) thereof, to the detriment of Germán Escué Zapata and his next of kin, Etelvina Zapata Escué, Myriam Zapata Escué, Bertha Escué Coicue, Francya Doli Escué Zapata, Mario Pasu, Aldemar Escué Zapata, Yonson Escué Zapata, Ayénder Escué Zapata, Omar Zapata and Albeiro Pasu. The Court also decided not to examine the alleged violation of Article 21 (Right to Property) in the terms of paragraphs 112 to 117 of the judgment and declared that Article 23 (Right to Participate in Government) had not been violated.

Regarding reparations, the Court decided, among other matters, that the State must: pay the amounts established in the judgment for pecuniary and non-pecuniary damage, and



reimbursement of costs and expenses; conduct the criminal proceedings that were being processed and that may be filed effectively in order to determine responsibilities for the facts of this case and apply the consequences established by law; deposit the amount established in paragraph 168 of the judgment in a fund named for Germán Escué Zapata, so that the community of Jambaló may invest it in construction work or services of collective interest to the community; award a university grant to Myriam Zapata Escué, as promptly as possible; to provide, free of charge, the adequate specialized treatment of a medical, psychiatric or psychological nature required by Etelvina Zapata Escué, Myriam Zapata Escué, Bertha Escué Coicue, Francya Doli Escué Zapata, Mario Pasu, Aldemar Escué Zapata, Yonson Escué Zapata, Ayénder Escué Zapata, Omar Zapata and Albeiro Pasu; arrange the publications indicated in paragraph 174 of the judgment, and organize a public act acknowledging its responsibility.

Judges García Ramírez and Ventura Robles informed the Court of their respective separate opinions, which accompany the judgment. Judge Medina Quiroga adhered to the opinion of Judge García Ramírez.

**6. The case of Zambrano Vélez et al. (Ecuador):** *Judgment on Merits, Reparations and Costs.* On July 4, 2007, the Court delivered the judgment on the merits, reparations and costs in this case, in which it declared that: it accepted the State's partial acknowledgement of international responsibility for the violation of the rights embodied in Articles 8(1) (Judicial Guarantees) and 25 (Judicial Protection) of the American Convention and for failure to comply with the obligations established in Article 27 (Suspension of Guarantees) of the American Convention; and that the State had failed to comply with the obligations established in Article 27(1), 27(2) and 27(3) (Suspension of Guarantees) of the American Convention, in relation to the rights embodied in Articles 1(1) (Obligation to Respect Rights), 2 (Domestic Legal Effects), 4 (Right to Life), 8(1) (Judicial Guarantees) and 25 (Judicial Protection) thereof. The Court also declared that the State had violated the rights embodied in Article 4(1) (Right to Life) of the American Convention, in relation to Article 1(1) (Obligation to Respect Rights) thereof, owing to the arbitrary deprivation of the life of Wilmer Zambrano Vélez, Segundo Olmedo Caicedo Cobeña and José Miguel Caicedo Cobeña, who were extrajudicially executed; and 8(1) (Judicial Guarantees) and 25 (Judicial Protection) of the Convention, in relation to Article 1(1) (Obligation to Respect Rights) thereof, to the detriment of Alicia Marlene Rodríguez Villegas, Karen Lisette Zambrano Rodríguez, Johanna Elizabeth Zambrano Abad, Jennifer Karina Zambrano Abad, Ángel Homero Zambrano Abad, Jessica Marlene Baque Rodríguez and Christian Eduardo Zambrano Ruales, next of kin of Wilmer Zambrano Vélez; Silvia Liza Macías Acosta, Vanner Omar Caicedo Macías, Olmedo Germán Caicedo Macías, Marjuri Narcisa Caicedo Rodríguez, Gardenia Marianela Caicedo Rodríguez, Elkis Mariela Caicedo Rodríguez, Richard Olmedo Caicedo Rodríguez, Iris Estrella Caicedo Chamorro and Mayerlin Chamorro, next of kin of Segundo Olmedo Caicedo Cobeña; and Teresa María Susana Cedeño Paz, María Magdalena Caicedo Cedeño, Jessica Soraya Vera Cedeño, Manuel Abelardo Vera Cedeño, Brimer Ramón Vera Cedeño, Kleber Miguel Caicedo Ponce, Mariuxi Mariela Caicedo Ponce, José Kelvin Caicedo Ponce, Cira Seneida Caicedo Ponce and Gina Loyobrigida Caicedo Ponce, next of kin of José Miguel Caicedo Cobeña.

Regarding reparations, the Court decided, among other matters, that the State must: immediately take the necessary steps and use all available means to expedite the investigation and the respective proceedings in the ordinary criminal jurisdiction to identify, prosecute and, if applicable, punish those responsible for the extrajudicial execution of Wilmer Zambrano Vélez, José Miguel Caicedo Cobeña and Segundo Olmedo Caicedo Cobeña, thus avoiding a repetition of facts such as those that occurred in this case, and also to satisfy the right to the truth of the

next of kin of the victims and ensure that they have full access and capacity to act at all stages and in all instances of these investigations and proceedings, pursuant to domestic law and the norms of the American Convention on Human Rights; organize a public act to acknowledge its responsibility for the extrajudicial execution of the victims and the other violations committed in this case; publish once in the official gazette and in another national newspaper with widespread circulation paragraphs 8 to 130 of the judgment and the operative paragraphs thereof; adopt all the necessary legal, administrative and other measures to avoid similar acts occurring in future and, in particular, adapt its domestic laws concerning states of emergency and suspension of guarantees, especially the provisions of the National Security Act, to the American Convention; implement permanent human rights education programs for members of the Armed Forces and the National Police of all ranks, emphasizing the legitimate use of force and states of emergency, and for prosecutors and judges on international standards for the judicial protection of human rights; pay directly to the next of kin of Wilmer Zambrano Vélez, Segundo Olmedo Caicedo Cobeña and José Miguel Caicedo, compensation for pecuniary and non-pecuniary damage, and pay certain costs and expenses directly to the Ecumenical Human Rights Commission (CEDHU).

Judge Manuel E. Ventura Robles informed the Court of his separate opinion, which accompanies the judgment.

**7. The case of Cantoral Huamaní and García Santa Cruz (Peru):** *Judgment on Preliminary Objection, Merits, Reparations and Costs.* On July 10, 2007, the Court delivered the judgment on the preliminary objection, merits and reparations and costs in this case, in which it decided that: it accepted the State's partial acknowledgement of international responsibility; and declared that the State had violated the rights embodied in Article 4 (Right to Life) of the Convention, in relation to Article 1(1) (Obligation to Respect Rights) thereof, to the detriment of Saúl Cantoral Huamaní and Consuelo García Santa Cruz; Article 5 (Right to Humane Treatment) of the Convention, in relation to Article 1(1) (Obligation to Respect Rights) thereof, to the detriment of Saúl Cantoral Huamaní and Consuelo García Santa Cruz; Article 7 (Right to Personal Liberty) of the Convention, in relation to Article 1(1) (Obligation to Respect Rights) of this instrument, to the detriment of Saúl Cantoral Huamaní and Consuelo García Santa Cruz; Article 16 (Freedom of Association) of the American Convention, in relation to Article 1(1) (Obligation to Respect Rights) thereof, to the detriment of Saúl Cantoral Huamaní and Consuelo García Santa Cruz; Article 5 (Right to Humane Treatment) of the Convention, in relation to Article 1(1) (Obligation to Respect Rights) thereof, to the detriment of specific next of kin of Saúl Cantoral Huamaní and Consuelo García Santa Cruz; and Articles 8(1) (Judicial Guarantees) and 25 (Judicial Protection) of the Convention, in relation to Articles 4 (Right to Life), 5 (Right to Humane Treatment), 7 (Right to Personal Liberty) and 1(1) (Obligation to Respect Rights) thereof, to the detriment of specific next of kin of Saúl Cantoral Huamaní and Consuelo García Santa Cruz.

Regarding reparations, the Court decided, among other matters, that the State must: immediately investigate the facts that generated the violations in this case, and identify, prosecute and, if applicable, punish those responsible, and the result of the proceedings must be published so that Peruvian society may know the judicial decision regarding the facts and those responsible in this case; publish once in the official gazette and in another national newspaper with widespread circulation chapters VII to X of the judgment without the corresponding footnotes, and the operative paragraphs thereof; organize a public act to acknowledge its international responsibility for the violations declared in the judgment and in reparation to the victims and to satisfy their next of kin, in a public ceremony, in the presence of State authorities and the next of kin who were declared victims in the judgment, and publicize this act in the media; grant a scholarship

in a Peruvian public institution to Ulises Cantoral Huamaní, Pelagia Mélida Contreras Montoya de Cantoral and the children of Saúl Cantoral Huamaní, that covers the costs of their education, from the moment the beneficiaries request the State to grant this scholarship until the conclusion of their technical or university higher education, training or refresher training; make it possible for Vanessa and Brenda Cantoral Contreras to continue receiving psychological treatment in the conditions in which they are receiving such treatment for as long as necessary, and provide, free of charge, immediately and for as long as necessary, the psychological and medical care required by the other next of kin who have been declared victims; and pay the amounts established in the judgment for pecuniary and non-pecuniary damage and reimbursement of costs and expenses, to the persons indicated in paragraphs 159 and 160 and as established in paragraphs 161, 171, 172, 174, 177, 180 to 183, 205 and 206 to 209 therein.

Judge Manuel E. Ventura Robles informed the Court of his separate opinion, which accompanies the judgment.

**8. The matter of Gallardo Rodríguez (Mexico): *Provisional Measures*.** On July 11, 2007, the Court issued an order on provisional measures in this matter<sup>5</sup>, in which, among other matters, it decided to lift the provisional measures ordered by the Inter-American Court of Human Rights on February 18, 2002, in favor of José Francisco Gallardo Rodríguez. The Court considered that a reasonable time had elapsed since Mr. Gallardo Rodríguez had received any threats or intimidation and that the statements of the representatives concerning judicial proceedings that were pending did not constitute circumstances of extreme gravity and urgency that would merit maintaining the actual provisional measures. The Court indicated that this does not mean that the State should not continue with the respective investigations in the domestic jurisdiction to identify and, if applicable, punish those responsible for the threats endured by Mr. Gallardo Rodríguez.

**9. The case of Colotenango (Guatemala): *Provisional Measures*.** On July 12, 2007, the Court issued an order on provisional measures in this case, in which, among other matters, it decided to lift the provisional measures ordered by the Inter-American Court of Human Rights in favor of the beneficiaries of those measures in the Court's orders of June 22 and December 1, 1994, September 19, 1997, February 2, 2000, and September 5, 2001; and to clarify that the lifting of the provisional measures did not mean that the State had complied fully with its Convention obligations described in Report No. 19/97 of the Inter-American Commission, or that the State was released from its obligation to continue with the respective investigations in the domestic jurisdiction to identify and, if applicable, punish those responsible for the facts, and that the Inter-American Commission was responsible for verifying effective compliance with these obligations.

**10. The case of Boyce et al. (Barbados): *Preliminary Objection and Possible Merits, Reparations and Costs*.** On July 11, 2007, at a public hearing, the Court heard the statements of the witnesses and expert witnesses proposed by the Inter-American Commission on Human Rights, the representatives of the alleged victims, and the State of Barbados, and also the arguments of the parties on the preliminary objection and possible merits, reparations and costs in relation to this case.

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<sup>5</sup> In a communication of July 9, 2007, Judge Sergio García Ramírez, a Mexican national, ceded the Presidency of the Inter-American Court for hearing the matter of Gallardo Rodríguez to the Vice President of the Court, Judge Cecilia Medina Quiroga, pursuant to Article 4(3) of the Court's Rules of Procedure. Judge García Ramírez also excused himself from intervening in the proceedings pursuant to Article 19 of the Court's Statute.

**11. Compliance with Judgments:** During this session, the Court issued orders on compliance with judgment in the following cases: the Serrano Cruz Sisters (El Salvador), Cantos (Argentina), the 19 Tradesmen (Colombia), Suárez Rosero (Ecuador), Carpio Nicolle *et al.* (Guatemala), Bámaca Velásquez (Guatemala), Molina Theissen (Guatemala), and García Asto and Ramírez Rojas (Peru)<sup>6</sup>.

## **E. Thirty-first special session of the Court**

The Court held its thirty-first special session in Bogotá, Colombia,<sup>7</sup> from October 17 to 20, 2007, with the following members: Sergio García Ramírez (Mexico), President; Cecilia Medina Quiroga (Chile), Vice President; Manuel E. Ventura Robles (Costa Rica); Diego García-Sayán (Peru); Leonardo A. Franco (Argentina); Margarette May Macaulay (Jamaica), and Rhadys Abreu Blondet (Dominican Republic). The Judge *ad hoc*, Diego Rodríguez Pinzón, also took part, appointed by the State of Ecuador for the case of *Salvador Chiriboga*. Also present were the Secretary of the Court, Pablo Saavedra Alessandri (Chile), and the Deputy Secretary, Emilia Segares Rodríguez (Costa Rica).

During this session, the Court held two public hearings on contentious cases, and issued two orders on provisional measures and one order on monitoring compliance with judgment. The matters considered by the Court during this session are described below:

**1. The case of Kimel (Argentina): Merits and Possible Reparations and Costs.** On October 18, 2007, at a public hearing,<sup>8</sup> the Court heard the statements of the witnesses and the expert witness proposed by the Inter-American Commission on Human Rights, the representatives of the alleged victim, and the State, and also the arguments of the parties on merits and possible reparations and costs in relation to this case.

**2. The case of Salvador Chiriboga *et al.* (Ecuador): Preliminary Objections and Possible Merits, Reparations and Costs.** On October 19, 2007, at a public hearing, the Court heard the statements of one alleged victim and two expert witnesses proposed by the Inter-American Commission on Human Rights, the representatives of the alleged victim, and the State of Ecuador, and also the arguments of the parties on the preliminary objection and possible merits, reparations and costs in relation to this case.

**3. The case of Luisiana Ríos *et al.* (Venezuela): Preliminary Objections, and Possible Merits, Reparations and Costs.** On October 18, 2007, the Court issued an order in this case in which it decided to accept the excuse presented by Judge Diego García-Sayán and to continue hearing this case until its conclusion with the following judges: President, Judge Sergio García Ramírez; Vice President, Judge Cecilia Medina Quiroga; Judge Manuel E. Ventura Robles; Judge

<sup>6</sup> Judge Diego García-Sayán, a Peruvian national, excused himself from hearing this case pursuant to Articles 19(2) of the Statute of the Court and 19 of the Court's Rules of Procedure.

<sup>7</sup> The thirty-first special session was financed entirely from the Spanish Fund for the Organization of American States (OAS), the Ministry of Foreign Affairs and Cooperation-Spanish International Cooperation Agency (AECI).

<sup>8</sup> Judge Leonardo A. Franco excused himself from taking part in the consideration and deliberation of the Kimel case.

Leonardo A. Franco; Judge Margarette May Macaulay; Judge Rhadys Abreu Blondet, and Judge *ad hoc* Pier Paolo Pasceri Scaramuzza.

**4. The case of Gabriela Perozo *et al.* (Venezuela): Preliminary Objections, and Possible Merits, Reparations and Costs.** On October 18, 2007, the Court issued an order in this case in which it decided to accept the excuse presented by Judge Diego García-Sayán and to continue hearing this case until its conclusion with the following judges: President, Judge Sergio García Ramírez; Vice President, Judge Cecilia Medina Quiroga; Judge Manuel E. Ventura Robles; Judge Leonardo A. Franco; Judge Margarette May Macaulay; Judge Rhadys Abreu Blondet, and Judge *ad hoc* Pier Paolo Pasceri Scaramuzza.

**5. Compliance with Judgment:** During this session, the Court issued an order on monitoring compliance with judgment in the case of Gómez Palomino (Peru).

**6. Other activities:** During this special session, the Court held various formal meetings with senior authorities of the different branches of government of Colombia. The First Inter-American Human Rights Congress was held from October 16 to 20; the Judges and Secretaries of the Court took part in this event during the morning of October 20. The public hearings and the seminar were held in the Auditorium of the *Gimnasio Moderno*, at Carrera 9 #74-99, Bogotá, Colombia.

## **F. Seventy-seventh regular session of the Court**

The Court held its seventy-seventh regular session in San José, Costa Rica, from November 19 to 30, 2007, with the following members: Sergio García Ramírez (Mexico), President; Cecilia Medina Quiroga (Chile), Vice President; Manuel E. Ventura Robles (Costa Rica); Diego García-Sayán (Peru); Leonardo A. Franco (Argentina); Margarette May Macaulay (Jamaica), and Rhadys Abreu Blondet (Dominican Republic). Also present were the Secretary of the Court, Pablo Saavedra Alessandri (Chile), and the Deputy Secretary, Emilia Segares Rodríguez (Costa Rica).

During this session, the Court delivered five judgments and held three private hearings on monitoring compliance with the judgments delivered in several contentious cases. It also issued ten orders on provisional measures and thirteen orders on monitoring compliance with judgments. The matters considered by the Court during this session are described below:

**1. Case of Boyce *et al.* (Barbados): Judgment on Preliminary Objection, Merits, Reparations and Costs.** On November 20, 2007, the Court delivered judgment on the preliminary objection, merits, reparations and costs in this case, declaring that the State of Barbados had violated the rights embodied in Articles 4(1) and 4(2) (Right to Life) of the American Convention, in relation to Article 1(1) (Obligation to Respect Rights) thereof, to the detriment of Lennox Ricardo Boyce, Jeffrey Joseph, Frederick Benjamin Atkins and Michael McDonald Huggins; Article 2 (Domestic Legal Effect) of the Convention, in relation to Articles 1(1) (Obligation to Respect Rights), 4(1) and 4(2) (Right to Life) and 25(1) (Judicial Protection) thereof; and Articles 5(1) and 5(2) (Right to Humane Treatment) of the American Convention, in relation to Article 1(1) (Obligation to Respect Rights) thereof, to the detriment of Lennox Ricardo Boyce, Jeffrey Joseph, Frederick Benjamin Atkins and Michael McDonald Huggins.

Regarding reparations, the Court ordered, among other matters, that the State must: commute the death sentence of Michael McDonald Huggins; adopt the necessary legislative or other measures to ensure that the death penalty is not imposed in a way that violates the rights



and freedoms guaranteed in the Convention and, in particular, that it not be imposed by means of a compulsory judgment; adopt the necessary legislative or other measures to ensure that the Constitution and the laws of Barbados comply with the American Convention and, in particular, eliminate the effect of Article 26 of the Constitution of Barbados regarding the impossibility of contesting the "existing laws"; and implement the necessary measures to ensure that the detention conditions of the victims in this case comply with the requirements of the American Convention. In addition, the Court decided that the State's obligations arising from the provisional measures ordered by the Court should be replaced by those ordered in the judgment. Lastly, the State must pay certain expenses.

**2. Case of García Prieto (El Salvador):** *Judgment on Preliminary Objections, Merits, Reparations and Costs.* On November 20, 2007, the Court delivered judgment on the preliminary objections, merits, reparations and costs in this case, and decided to partially reject the first preliminary objection filed by the State of El Salvador entitled "Lack of jurisdictional competence *ratione temporis*"; to reject the second preliminary objection filed by the State, entitled "Failure to exhaust domestic remedies"; and to reject the arguments concerning the informal nature of the application. The Court also declared that it had taken note of the "friendly settlement agreement" signed on January 23, 2007, by Carmen Alicia Estrada and the State, as well as Mrs. Estrada's waiver of the claims she had made during the proceedings. The Court also declared that the State had violated the rights embodied in Articles 8(1) (Right to a Fair Trial), 25(1) (Judicial Protection) and 5(1) (Right to Humane Treatment) of the American Convention, in relation to Article 1(1) (Obligation to Respect Rights) thereof, to the detriment of José Mauricio García Prieto Hirlemann and Gloria Giralt de García Prieto; Articles 8(1) (Right to a Fair Trial) and 25(1) (Judicial Protection) of the Convention, in relation to Articles 1(1) (Obligation to Respect Rights) and Article 5(1) (Right to Humane Treatment) thereof, owing to the failure to comply with the obligation to investigate the threats and harassment endured by José Mauricio García Prieto Hirlemann and Gloria Giralt de García Prieto.

Regarding reparations, the Court ordered, among other matters, that the State must: conclude the pending investigations into the murder of Ramón Mauricio García Prieto and the threats and harassment; publish once in the official gazette and in another important national newspaper: the operative paragraphs of the judgment, and also the following paragraphs: 1 to 3, 5 to 11 of Chapter I entitled "Introduction of the Case and Matter in Dispute"; and 76 to 160 of Chapter VIII entitled "Article 5 (Right to Humane Treatment), 8(1) (Right to a Fair Trial) and 25(1) (Judicial Protection) in relation to Article 1(1) (Obligation to Respect Rights)" of the Convention, including the names of each chapter and section and without the footnotes; provide the medical, psychiatric or psychological care required by José Mauricio García Prieto Hirlemann and Gloria Giralt de García Prieto, free of charge; pay José Mauricio García Prieto Hirlemann and Gloria Giralt de García Prieto compensation for non-pecuniary damage; and pay Gloria Giralt de García Prieto certain costs and expenses arising in the domestic sphere and in the international proceedings before the inter-American system for the protection of human rights.

Judge García Ramírez informed the Court of his separate opinion, which accompanies the judgment.

**3. Case of Chaparro Álvarez and Lapo Iñiguez (Ecuador):** *Judgment on Preliminary Objections, Merits, Reparations and Costs.* On November 21, 2007, the Court delivered judgment on the preliminary objections, merits, reparations and costs in this case. It decided to reject the preliminary objections filed by the State of Ecuador and declared that it accepted the State's

partial acknowledgement of international responsibility. The Court also declared that the State had violated the rights embodied in Articles 7(1), 7(2), 7(3), 7(5) and 7(6) (Right to Personal Liberty), 8(1), 8(2), 8(2)(c) and 8(2)(e) (Right to a Fair Trial), 5(1) and 5(2) (Right to Humane Treatment), and 21(1) and 21(2) (Right to Property) of the American Convention, in relation to Articles 1(1) (Obligation to Respect Rights) and 2 (Domestic Legal Effect) thereof, to the detriment of Juan Carlos Chaparro Álvarez. In addition, the Court declared that it was not necessary to rule on the alleged violation of the right embodied in Article 7(4) (Right to Personal Liberty) of the American Convention to the detriment of Freddy Hernán Lapo Iñiguez and that the right embodied in Article 25 (Judicial Protection) of the American Convention had not been violated to the detriment of Juan Carlos Chaparro Álvarez and Freddy Hernán Lapo Iñiguez.

Regarding reparations, the Court ordered, among other matters, that the State must: eliminate forthwith the names of Juan Carlos Chaparro Álvarez and Freddy Hernán Lapo Iñiguez from the public records in which they still appear with a criminal record; inform immediately the relevant private institutions that they must eliminate from their records any reference to Juan Carlos Chaparro Álvarez and Freddy Hernán Lapo Iñiguez as authors or suspects of the unlawful act of which they were accused in this case; publicize the judgment; adapt its laws to the parameters of the American Convention on Human Rights, and adopt forthwith all necessary administrative or other measures to eliminate *de oficio* the criminal record of those who are absolved or whose cases are dismissed, and implement pertinent legislative measures to this end. Furthermore, the State and Juan Carlos Chaparro Álvarez must enter into an arbitration procedure to establish the amounts corresponding to pecuniary damage; and the State must pay Juan Carlos Chaparro Álvarez and Freddy Hernán Lapo Iñiguez compensation for pecuniary and non-pecuniary damage and reimbursement of costs and expenses.

Judge García Ramírez informed the Court of his separate opinion, which accompanies the judgment.

**4. Matter of the “Globovisión” Television Station (Venezuela). *Provisional Measures.*** On November 21, 2007, the Court issued an Order on provisional measures in this matter, in which it decided to reject the request for expansion of the provisional measures filed on October 23, 2007, and require the State to maintain the provisional measures decided in the Order of the Court of September 4, 2004.

**5. Case of Raxcacó Reyes *et al.* (Guatemala): *Provisional Measures.*** On November 21, 2007 the Court issued an Order on provisional measures in this case, in which it decided, among other matters, to lift the provisional measures adopted by the Court in favor of Pablo Arturo Ruiz Almengor; to reiterate to the State that it must maintain the necessary measures to project the life of Bernardino Rodríguez Lara so as not to obstruct the processing of his case before the inter-American system for the protection of human rights; and to reiterate to the State that, in the judgment delivered by the Inter-American Court in *Raxcacó Reyes v. Guatemala* on September 15, 2005, as a measures of non-repetition it had ordered that the State abstain from applying the death penalty and executing those convicted of the crime of kidnapping or abduction.

**6. Matter of the Forensic Anthropology Foundation of Guatemala (Guatemala): *Provisional Measures.*** On November 21, 2007, the Court issued an Order on provisional measures in this matter, in which it decided, among other matters, to ratify all aspects of the Order of the President of the Court of August 21, 2007, and, consequently, to lift the provisional measures



adopted by the Order of the Inter-American Court of July 4, 2006, with regard to Fernando Arturo López Antillón.

**7. Case of Albán Cornejo et al. (Ecuador):** *Judgment on Merits, Reparations and Costs.* On November 22, 2007, the Court delivered judgment on merits, reparations and costs in this case, and declared that it accepted the partial acknowledgement of international responsibility made by the State of Ecuador for the violation of the rights embodied in Articles 8(1) (Right to a Fair Trial) and 25(1) (Judicial Protection) of the American Convention, in relation to Article 1(1) (Obligation to Respect Rights) thereof, to the detriment of Carmen Cornejo de Albán and Bismarck Albán Sánchez; and that the State had violated the rights embodied in Article 5(1) (Right to Humane Treatment) of the Convention, in relation to Article 1(1) (Obligation to Respect Rights) thereof, to the detriment of Carmen Cornejo de Albán and Bismarck Albán Sánchez; and Articles 8(1) (Right to a Fair Trial) and 25(1) (Judicial Protection) of the American Convention, in relation to Articles 4 (Right to Life), 5(1) (Right to Humane Treatment) and 1(1) (Obligation to Respect Rights) thereof, to the detriment of Carmen Cornejo de Albán and Bismarck Albán Sánchez.

Regarding reparations, the Court ordered, among other matters, that the State must: publish the operative paragraphs and some of the considering paragraphs of the judgment once in the official gazette and in another important national newspaper; publicize widely the rights of patients, using the appropriate media and taking into account the laws in force in Ecuador and the international standards; implement a program to educate and train justice officials and health professionals concerning the normative that Ecuador has developed on the rights of patients and the penalties for failing to comply with them; pay Carmen Cornejo de Albán and Bismarck Albán Sánchez compensation for pecuniary and non-pecuniary damage; and pay Carmen Cornejo de Albán certain costs and expenses generated in the domestic sphere and in the international proceedings before the inter-American system for the protection of human rights.

Judge García Ramírez informed the Court of his separate opinion, which accompanies the judgment.

**8. Case of Garrido and Baigorria (Argentina):** *Monitoring Compliance with Judgment.* On November 23, 2007, at a private hearing, the Court heard the arguments of the parties on compliance with the judgment on reparations and costs delivered by the Court in this case on August 27, 1998, and, on November 27, 2007, the Court issued an order in this regard (*infra* 19).

**9. Case of Blake (Guatemala):** *Monitoring Compliance with Judgment.* On November 23, 2007, at a private hearing, the Court heard the arguments of the parties on compliance with the judgments delivered by the Court in this case and, on November 27, 2007, the Court issued an order in this regard (*infra* 19).

**10. Case of the "White Van" (Paniagua Morales et al.) (Guatemala):** *Monitoring Compliance with Judgment.* On November 23, 2007, at a private hearing, the Court heard the arguments of the parties on compliance with the judgments delivered by the Court in this case and, on November 27, 2007, the Court issued an order in this regard (*infra* 19).

**11. Matter of Adrián Meléndez Quijano et al. (El Salvador):** *Provisional Measures.* On November 26, 2007, the Court issued an Order on provisional measures in this matter, in which it decided, among other matters, to reject as inadmissible the representatives' request that "all

administrative and judicial actions filed against Adrián Meléndez Quijano” be suspended; to ratify the Order of the Court of May 12, 2007; to require the State to maintain any measures it had adopted and to adopt, forthwith, all necessary measures to protect the life and personal integrity of Adrián Meléndez Quijano, Marina Elizabeth García de Meléndez, Andrea Elizabeth Meléndez García, Estefani Mercedes Meléndez García, Pamela Michelle Meléndez García, Adriana María Meléndez García, Gloria Tránsito Quijano widow of Meléndez, Sandra Ivette Meléndez Quijano, Eurípides Manuel Meléndez Quijano, Roxana Jacqueline Mejía Torres, Manuel Alejandro Meléndez Mejía, Benjamín Cuéllar Martínez, José Roberto Burgos Viale and Henry Paul Fino Solórzano; and to require the State to plan and implement the measures of protection called for in the Order with the participation of the beneficiaries of the measures or their representatives.

**12. Case of the Mayagna (Sumo) Awas Tingni Community (Nicaragua): Provisional Measures.** On November 26, 2007, the Court issued an Order on provisional measures in this case, in which it decided, among other matters, to lift the provisional measures ordered by the Court in favor of the members of the Mayagna (Sumo) Awas Tingni Community; and to continue monitoring compliance with the judgment delivered by the Inter-American Court in this case on August 31, 2001.

**13. Case of the Members of the Community Studies and Psychosocial Action Team (ECAP) (Guatemala): Provisional Measures.** On November 26, 2007, the Court issued an Order on provisional measures in this case, in which it decided, among other matters, to reiterate the pertinent parts of the Order of the Court of November 25, 2006; to lift the provisional measures ordered by the Inter-American Court in its Order of November 25, 2006, in favor of Bonifacio Osorio Ixtapá; to reiterate to the State that it should maintain any measures it had adopted and order forthwith those necessary to safeguard effectively the life, integrity and liberty of Eugenia Judith Erazo Caravantes, Leonel Meoño, Carlos Miranda, Evelyn Lorena Morales, Dorcas Mux Casia, Víctor Catalan, Fredy Hernández, Olga Alicia Paz, Nieves Gómez, Paula María Martínez, Gloria Victoria Sunun, Dagmar Hilder, Magdalena Guzmán, Susana Navarro, Inés Meneses, Olinda Xocop, Felipe Sarti, María Chen Manuel, Andrea González, María Isabel Torresi, Celia Aidé López López, Jesús Méndez, Juan Alberto Jiménez, Fernando Suazo, Manuel Román, Mónica Pinzón, Maya Alvarado, Gloria Esquit, Carlos Paredes, Santiago Tziquic, Franc Kernaj, Lidia Pretzantzin Yoc, Bruce Osorio, Paula María López, Adder Samayoa, Glendy Mendoza, Jacinta de León, Pedro López, Claudia Hernández, Amalia Sub Chub, Anastasia Velásquez, Cruz Méndez, Isabel Domingo, Marisol Rodas, Luz Méndez, Magdalena Pedro Juan, Vilma Chub, Petrona Vásquez, Mariola Vicente, Joel Sosof, Ana Botán, Cristian Cermeño, Margarita Giron, Juan Carlos Martínez, Daniel Barczay and Evelyn Moreno, pursuant to the Order of the Court of November 25, 2006; and to require the State to allow the beneficiaries of the measures to take part in their planning and implementation and, in general, to keep them informed of any progress in the implementation of the measures ordered by the Inter-American Court.

**14. Matter of the Mendoza Prisons (Argentina): Provisional Measures.** On November 27, 2007, the Court issued an Order on provisional measures in this matter, in which it decided, among other matters, to ratify all aspects of the Order of the President of the Court of August 22, 2007; to require the State to continue adopting any necessary provisional measures to safeguard effectively the life and integrity of all the persons deprived of liberty in the Mendoza Provincial Prison and in the Gustavo André Unit, of Lavalle, as well as all the persons who are on these premises and, particularly, to eliminate the risk of violent death and the inadequate internal security and monitoring conditions in the prisons, as required in the Order of the Court of March 30, 2006; and to require the State, every two months from the date of its last report, to provide

the Inter-American Court with specific, concrete information on the measures adopted to comply with all the aspects ordered by the Court. In particular, the Court considered it essential that the adoption of the priority measures indicated in the Order should be reflected in reports that describe concrete results based on the specific needs for protection of the beneficiaries of the measures. In this regard, it added that the supervisory role of the Inter-American Commission was particularly important in order to monitor the implementation of the measures ordered adequately and effectively.

**15. Case of Gutiérrez Soler (Colombia): Provisional Measures.** On November 27, 2007, the Court issued an Order on provisional measures in this case, in which it decided, among other matters: to require the State of Colombia to maintain and adopt the necessary measures: (a) to protect the life and personal integrity of María Elena Soler de Gutiérrez, Carlos Andrés Gutiérrez Rubiano and Leydi Caterin Gutiérrez Peña; and (b) to protect the life, personal integrity and personal liberty of Wilson Gutiérrez Soler and his son, Kevin Daniel Gutiérrez Niño, and also of Ricardo Gutiérrez Soler, Yaqueline Reyes, Leonardo Gutiérrez Rubiano, Ricardo Gutiérrez Rubiano, Sulma Tatiana Gutiérrez Rubiano, Paula Camila Gutiérrez Reyes and Luisa Fernanda Gutiérrez Reyes, if the latter should return to the country; to require the State, in its next report, to present an assessment of the situation of risk of the beneficiaries, María Elena Soler de Gutiérrez, Carlos Andrés Gutiérrez Rubiano and Leydi Caterin Gutiérrez Peña, and the measures that have been taken in relation to this situation of risk; and to require the State to allow the beneficiaries or their representatives to take part in the planning and implementation of the measures of protection and, in general, to keep them informed of any progress in the provisional measures ordered by the Inter-American Court of Human Rights.

**16. Case of the Saramaka People (Suriname): Judgment on Preliminary Objections, Merits, Reparations and Costs.** On November 28, 2007, the Court delivered judgment on the preliminary objections, merits, reparations and costs in this case, and declared that the State of Suriname had violated the rights embodied in Article 21 (Right to Property) of the American Convention, in relation to Articles 1(1) (Obligation to Respect Rights) and 2 (Domestic Legal Effect) thereof; Article 3 (Right to Juridical Personality) of the Convention, in relation to Articles 21 (Right to Property) and 25 (Judicial Protection) thereof, and in relation to Articles 1(1) (Obligation to Respect Rights) and 2 (Domestic Legal Effect) thereof; and Article 25 (Judicial Protection) of the Convention, in relation to Articles 21 (Right to Property) and 1(1) (Obligation to Respect Rights) thereof; all of them to the detriment of the members of the Saramaka People.

Regarding reparations, the Court ordered, among other matters, that the State must delimit, demarcate, and grant collective title to the land of the members of the Saramaka People, in accordance with their rights under customary law, and following effective and informed consultations with the Saramaka People, without detriment to other indigenous and tribal communities. Until this delimitation, demarcation or granting of collective title with regard to the Saramaka territory has been implemented, Suriname must abstain from carrying out any act that could result in State agents or third parties, acting with the consent or tolerance of the State, affecting the existence, value, use or enjoyment of the territory to which the members of the Saramaka People have a right, unless the State obtains the free, informed and prior consent of the Saramaka People. Regarding the concessions that have already been granted within traditional Saramaka territory, the State must review them in light of this judgment and the Court's case law in order to evaluate whether it is necessary to modify the rights of the concessionaires in order to ensure the survival of the Saramaka People. In addition, the Court ordered that the State must: grant the members of the Saramaka People legal recognition of collective juridical competence

corresponding to their community, in order to ensure them the full enjoyment and exercise of their right to communal property, as well as access to justice as a community, in accordance with their communal property system, customary law, and traditions; eliminate or modify the legal provisions that prevent protecting the right to property of the members of the Saramaka People and adopt in its domestic laws, following effective consultations that provide the Saramaka People with full information, the necessary legislative or other measures to recognize, protect, guarantee and make effective the right of the members of the Saramaka People to possess collective rights over the territory they have traditionally occupied and used, which includes the lands and the natural resources necessary for their social, cultural and economic survival, as well as to administer, distribute and control this territory effectively, according to their customary law and communal property system, and without detriment to other indigenous and tribal communities; adopt the necessary legislative, administrative or other measures to recognize and guarantee the right of the Saramaka People to be genuinely consulted, according to their traditions and customs or, if applicable, obtain their prior, free and informed consent regarding the development and investment projects that may affect their territory; and, if they are implemented, share, on a reasonable basis, the benefits deriving from these projects with the members of the Saramaka People, also, that the Saramaka People must be consulted during the procedure established to comply with this aspect of the reparations; ensure that environmental and social impact studies are conducted by independent and technically competent entities, prior to granting concessions for development or investment projects within the traditional Saramaka territory, and implement adequate measures and mechanisms to minimize the harm that these projects could cause to the social, economic and cultural survival of the Saramaka People; adopt the necessary legislative, administrative or other measures to provide the members of the Saramaka People with adequate and effective remedies to counter acts that violate their right to the use and enjoyment of property in accordance with their communal property system; to translate into Dutch and publish Chapter VII of the judgment, without the corresponding footnotes, and also the first to fifteenth operative paragraphs, in the State's official gazette and in another national newspaper; pay for two radio broadcasts, in the Saramaka language, of the contents of paragraphs 2, 4, 5, 17, 77, 80-86, 88, 90, 91, 115, 116, 121, 122, 127-129, 146, 150, 154, 156, 172 and 178, without the corresponding footnotes, and the first to fifteenth operative paragraphs of the judgment, on a radio station that is accessible to the Saramaka People; deposit in a community development fund, created and established for the benefit of the members of the Saramaka people in their own traditional territory, the compensation established for pecuniary and non-pecuniary damage; and pay certain costs and expenses.

**17. Matter of Guerrero Gallucci and Martínez Barrios (Venezuela): Provisional Measures.**

On November 29, 2007, the Court issued an Order on provisional measures in this matter, in which it decided, among other matters, to reiterate the relevant operative paragraphs of the Order of the Court of July 4, 2006; to lift the provisional measures ordered by the Court in favor of Adolfo Segundo Martínez Barrios, in the Order of the Court of July 4, 2006; to reiterate to the State the requirement that it maintain any measures it had adopted and order forthwith those necessary to protect effectively the rights to life and to personal integrity of María del Rosario Guerrero Gallucci, in accordance with the Order of the Court of July 4, 2006; and to require the State to take all pertinent steps to ensure that the measures of protection required in the Order are planned and implemented with the participation of the beneficiary or her representatives, so that the said measures are provided diligently and effectively by adequately trained and qualified personnel who do not form part of the security units that have been denounced by the beneficiary. The State must also keep the beneficiary informed of progress in the implementation of the said measures.

**18. Matter of the Yare I and Yare II Capital Region Penitentiary Center (Yare Prison) (Venezuela): Provisional Measures.** On November 30, 2007, the Court issued an Order on provisional measures in this matter, in which it decided, among other matters, to reiterate to the State that it must maintain the measures that it had reported it was already adopting, and also adopt forthwith the necessary complementary measures to avoid, effectively and definitively, the loss of life and the harm to the physical, mental and moral integrity of all the persons deprived of liberty in the Capital Region Penitentiary Center Yare I and Yare II (Yare Prison), of those persons who may, in the future, enter the prison as inmates, as well as those who work there, and those who enter as visitors, as required by the Court in the Order issued in this matter on March 30, 2006; to request the State to report on the availability of means and mechanisms whereby the persons deprived of liberty in the Capital Region Penitentiary Center Yare I and Yare II (Yare Prison) can obtain information on their rights and formulate petitions or complaints in this regard; and to reiterate to the State that it must take all pertinent steps to inform the representatives of the beneficiaries of the protection measures about progress in their implementation. In this regard, the State must facilitate the entry of the representatives of the beneficiaries of the measures into the Capital Region Penitentiary Center Yare I and Yare II (Yare Prison).

**19. Monitoring compliance with judgments:** During this session, the Court issued orders on monitoring compliance with judgment in the following cases: Palamara Iribarne (Chile), the Yean and Bosico Girl Children (Dominican Republic), the Plan de Sánchez Massacre (Guatemala), Blake (Guatemala), Myrna Mack Chang (Guatemala), De la Cruz Flores (Peru), Caesar (Trinidad and Tobago), the Moiwana Community (Suriname), Maritza Urrutia (Guatemala), Juan Humberto Sánchez (Honduras), Trujillo Oroza (Bolivia), Paniagua Morales *et al.* (Guatemala), and Garrido and Baigorria (Argentina).

## **G. Thirty-second special session of the Court**

On November 30 2007, the Court held its thirty-second special session in San José, Costa Rica, with the following members: Sergio García Ramírez (Mexico), President; Antônio Augusto Cançado Trindade (Brazil); Cecilia Medina Quiroga (Chile); Manuel E. Ventura Robles (Costa Rica); and Diego García-Sayán (Peru). The judge *ad hoc* Fernando Vidal Ramírez, appointed by the State of Peru for the case of *La Cantuta* also took part. Also present were the Secretary of the Court, Pablo Saavedra Alessandri (Chile), and the Deputy Secretary, Emilia Segares Rodríguez (Costa Rica).

During this session, the Court delivered two judgments on interpretation in relation to contentious cases. The matters considered by the Court during this session are described below:

**1. Case of the Dismissed Congressional Employees (Peru):<sup>9</sup> Request for Interpretation of the Judgment on Preliminary Objections, Merits, Reparations and Costs.** On November 30, 2007, the Court delivered judgment on the request for interpretation of the judgment on preliminary objections, merits, reparations and costs delivered by the Court on November 24, 2006, and decided, among other matters, to declare inadmissible the request for interpretation

<sup>9</sup> Judge Oliver Jackman who, for reasons beyond his control, had not taken part in the deliberation and signature of the judgment on merits, reparations and costs of November 24, 2006, died on January 25, 2007. Judge Alirio Abreu Burelli (Venezuela) presented his excuses to the Court for being unable to take part in the thirty-second special session.



of the judgment on preliminary objections, merits, reparations and costs delivered on November 24, 2006, in the *Dismissed Congressional Employees (Aguado Alfaro et al.) v. Peru*, submitted by Adolfo Fernández Saré, because it was not in keeping with the provisions of Article 67 of the Convention and Articles 29(3) and 59 of the Rules of Procedure.

Judge Antônio Augusto Cançado Trindade informed the Court of his dissenting opinion, which accompanies the judgment.

**2. Case of La Cantuta (Peru):**<sup>10</sup> *Interpretation of the Judgment on Merits, Reparations and Costs.* On November 30, 2007, the Court delivered judgment on the request for interpretation of the judgment on preliminary merits, reparations and costs delivered by the Court on November 29, 2006, deciding, among other matters, to determine the scope of the contents of paragraphs 206(i) and 220 in relation to paragraphs 80(106) and 129, as well as the fifth and seventeenth operative paragraphs of the judgment of November 29, 2006, on merits, reparations and costs in the *case of La Cantuta*; to request the State to take into account the complete name of Carmen Antonia Oyague Velazco de Huaman, which includes her married surname, for the effects of compliance with the judgment; to declare partially inadmissible the request for interpretation of the judgment on merits, reparations and costs of November 29, 2006, in the *case of La Cantuta*, because it was not in keeping with the provisions of Article 67 of the Convention and Articles 29(3) and 59 of the Rules of Procedure; and to determine the scope of the contents of paragraphs 161, 206(h) and 206(i) and the sixth operative paragraph of the judgment of November 29, 2006, on merits, reparations and costs in the *case of La Cantuta*, in the understanding that this does not prevent the victims' next of kin from being able to use the appropriate internal remedies to assert their rights, based on the decisions made in the judgment.

Judge Antônio Augusto Cançado Trindade informed the Court of his separate opinion, which accompanies the judgment.

## **H. SUBMISSION OF NEW CONTENTIOUS CASES**

During 2007, fourteen new contentious cases were lodged before the Court:

### **1. Case of Heliodoro Portugal v. Panama**

On January 23, 2007, pursuant to Articles 51 and 61 of the American Convention on Human Rights, the Inter-American Commission on Human Rights lodged an application against the State of Panama concerning the case of Heliodoro Portugal. The application relates to the alleged forced disappearance of Heliodoro Portugal in 1970 and his alleged extrajudicial execution, the alleged

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<sup>10</sup> Judge Diego García-Sayán, a Peruvian national, excused himself from hearing this case, pursuant to Articles 19(2) of the Court's Statute and 19 of the Rules of Procedure; consequently, in accordance with the provisions of Articles 10 of the Court's Statute and 18 of the Rules of Procedure, the State appointed Fernando Vidal Ramírez as judge *ad hoc* to take part in the consideration of the case, and he was a member of the Court on this occasion, as he had been in the judgment on merits, reparations and costs. Judge Oliver Jackman who, for reasons beyond his control, had not taken part in the deliberation and signature of the judgment on merits, reparations and costs of November 29, 2006, died on January 25, 2007. Judge Alirio Abreu Burelli (Venezuela) presented his excuses to the Court for being unable to take part in the thirty-second special session.

absence of an investigation and the punishment of those responsible for this fact, and the alleged absence of adequate reparation in favor of his next of kin.

In the application, the Inter-American Commission requested the Court to declare the State responsible for violating the rights embodied in Articles 4 (Right to Life), 5 (Right to Humane Treatment) and 7 (Right to Personal Liberty) of the American Convention, in relation to Article 1(1) (Obligation to Respect Rights) thereof, to the detriment of Heliodoro Portugal; Article 5 (Right to Humane Treatment) of the Convention, in relation to Article 1(1) (Obligation to Respect Rights) thereof, to the detriment of Graciela de León, Patria Portugal and Franklin Portugal; Articles 8 (Judicial Guarantees) and 25 (Judicial Protection) of the Convention, in relation to Article 1(1) (Obligation to Respect Rights) thereof, to the detriment of "the next of kin" of Heliodoro Portugal. The Commission also requested the Court to declare that the State was responsible for violating the obligation to define forced disappearance as an offense, in keeping with Article III of the American Convention on Forced Disappearance of Persons, and the obligations of investigating and punishing torture established in Articles 1, 6 and 8 of the Inter-American Convention to Prevent and Punish Torture.

In view of the above, the Commission requested the Court to order the State to adopt specific measures of reparation indicated in the application, pursuant to Article 63(1) (Obligation to Repair) of the Convention.

## 2. Case of Valle Jaramillo *et al.* v. Colombia

On February 13, 2007, pursuant to Articles 51 and 61 of the American Convention on Human Rights, the Inter-American Commission on Human Rights lodged an application against the State of Colombia concerning the case of Valle Jaramillo *et al.* The application relates to the alleged extrajudicial execution of Jesús María Valle Jaramillo; the alleged detention and alleged cruel, inhuman and degrading treatment supposedly suffered by Jesús María Valle Jaramillo, Nelly Valle Jaramillo and Carlos Fernando Jaramillo Correa; the alleged absence of an investigation and the punishment of those responsible for these facts; the alleged absence of adequate reparation in favor of the alleged victims and their next of kin, and the alleged forced displacement of Carlos Fernando Jaramillo Correa.

In the application, the Inter-American Commission requested the Court to declare the State responsible for violating the rights embodied in Articles 4 (Right to Life), 5 (Right to Humane Treatment) and 7 (Right to Personal Liberty) of the American Convention, in relation to Article 1(1) (Obligation to Respect Rights) thereof, to the detriment of Jesús María Valle Jaramillo; of Articles 5 (Right to Humane Treatment) and 7 (Right to Personal Liberty) of the American Convention, in relation to Article 1(1) (Obligation to Respect Rights) thereof, to the detriment of Nelly Valle Jaramillo and Carlos Fernando Jaramillo Correa; of Article 22 (Freedom of Movement and Residence) of the American Convention, in relation to Article 1(1) (Obligation to Respect Rights) thereof, to the detriment of Carlos Fernando Jaramillo Correa; and of Articles 8 (Judicial Guarantees) and 25 (Judicial Protection) of the American Convention, in relation to Article 1(1) (Obligation to Respect Rights) thereof, to the detriment of Nelly Valle Jaramillo and Carlos Fernando Jaramillo Correa, as well as of the next of kin of Jesús María Valle Jaramillo.

In view of the above, the Commission requested the Court to order the State to adopt specific measures of reparation indicated in the application, pursuant to Article 63(1) (Obligation to Repair) of the Convention



### **3. Case of Castañeda Gutman v. Mexico**

On March 21, 2007, pursuant to Articles 51 and 61 of the American Convention on Human Rights, the Inter-American Commission on Human Rights lodged an application against the State of Mexico concerning the case of Jorge Castañeda Gutman. The application relates to the alleged inexistence in the domestic sphere of a simple and effective recourse to uphold the constitutionality of political rights and the alleged consequent impediment for Jorge Castañeda Gutman to register as an independent candidate for the presidency of Mexico in the elections held in July 2006.

In the application the Commission requested the Court to declare that the State of Mexico was responsible for violating the right established in Article 25 (Judicial Protection) of the American Convention on Human Rights in relation to Articles 1(1) (Obligation to Respect Rights) and 2 (Domestic Legal Effects) thereof, to the detriment of Jorge Castañeda Gutman.

In view of the above, the Commission requested the Court to order the State to adopt specific measures of reparation indicated in the application, pursuant to Article 63(1) (Obligation to Repair) of the Convention.

### **4. Case of Kimel v. Argentina**

On April 10, 2007, pursuant to Articles 51 and 61 of the American Convention on Human Rights, the Inter-American Commission on Human Rights lodged an application against the State of Argentina concerning the case of Kimel. The application relates to the alleged violations of Mr. Kimel's rights because he was sentenced to a year's imprisonment and a fine of twenty thousand pesos as the author of the book "*La Masacre de San Patricio*." This sentence was allegedly imposed in the context of criminal proceedings for damages filed by a former judge who was criticized in the book owing to his actions during the investigation into a massacre committed during the Argentine military dictatorship.

In the application the Commission requested the Court to declare that the State was responsible for the violation of the rights embodied in Articles 8 (Right to a Fair Trial) and 13 (Freedom of Thought and Expression) of the American Convention in relation to Articles 1(1) (Obligation to Respect Rights) and 2 (Domestic Legal Effects) thereof, to the detriment of Mr. Kimel.

In view of the above, the Commission requested the Court to order the State to adopt specific measures of reparation indicated in the application, pursuant to Article 63(1) (Obligation to Repair) of the Convention.

### **5. Case of Gabriela Perozo et al. v. Venezuela**

On May 4, 2007, pursuant to Articles 51 and 61 of the American Convention on Human Rights, the Inter-American Commission on Human Rights lodged an application against the State of Venezuela concerning the case of Gabriela Perozo, Aloys Marín, Oscar Dávila Pérez *et al.* This brief was first received on April 12, 2007, via facsimile, without the attachments. The application relates to the alleged series of acts of harassment, persecution and aggression endured as of 2001 by 44 persons, including journalists, related technical personnel, employees and management associated with the Globovisión television station; and the alleged subsequent absence of due diligence in the investigation into these incidents. The Commission also alleged that, because

they had sought, received and disseminated information, the alleged victims were allegedly subjected to different attacks, including attacks with explosives on the offices of the Globovisión television channel, and the State had failed to take the necessary measures to prevent the acts of harassment and to investigate and sanction with due diligence.

In the application, the Inter-American Commission requested the Court to declare the State responsible for violating the rights embodied in Articles 5 (Right to Humane Treatment), 8 (Judicial Guarantees), 13 (Freedom of Thought and Expression) and 25 (Judicial Protection) of the American Convention, in relation to Article 1(1) (Obligation to Respect Rights) thereof, to the detriment of 44 persons associated with the Globovisión television station, including journalists, associated technical personnel, employees and management.

In view of the above, the Commission requested the Court to order the State to adopt specific measures of reparation indicated in the application, pursuant to Article 63(1) (Obligation to Repair) of the Convention.

## **6. Case of Luisiana Ríos *et al.* v. Venezuela**

On May 11, 2007, pursuant to Articles 51 and 61 of the American Convention on Human Rights, the Inter-American Commission on Human Rights lodged an application against the State of Venezuela concerning the case of Luisiana Ríos *et al.* This brief was first received on April 20, 2007, by facsimile, without the attachments. The application relates to the alleged restrictions to freedom of expression due to alleged threats, harassment, and verbal and physical aggression against Luisiana Ríos, Luis Augusto Contreras Alvarado, Eduardo Sapene Granier, Javier García, Isnardo Bravo, David Pérez Hansen, Wilmer Marcano, Winston Gutiérrez, Isabel Mavarez, Erika Paz, Samuel Sotomayor, Anahís Cruz, Herbigio Henríquez, Armando Amaya, Antonio José Monroy, Laura Castellanos, Argenis Uribe, Pedro Nikken, Noé Pernía and Carlos Colmenares; as well as alleged responsibility in relation to the subsequent lack of diligence in the investigation into these incidents, and the omission of actions of prevention by the State. The Commission also claimed that the alleged victims were journalists or social communication workers who were or had been associated with the Radio Caracas Television ("RCTV") station and that, in their work of seeking, receiving and disseminating information, they were allegedly subjected to different types of aggression, including injuries from bullets and attacks on the offices of the RCTV television station from 2001 to 2004, and that the State had not adopted the necessary measures to prevent the harassment and had not investigated it or sanctioned it with due diligence.

In the application, the Inter-American Commission requested the Court to declare the State responsible for violating the rights embodied in Articles 5 (Right to Humane Treatment), 8 (Judicial Guarantees), 13 (Freedom of Thought and Expression) and 25 (Judicial Protection) of the American Convention, in relation to Article 1(1) (Obligation to Respect Rights) thereof, to the detriment of Luisiana Ríos, Luis Augusto Contreras Alvarado, Eduardo Sapene Granier, Javier García, Isnardo Bravo, David Pérez Hansen, Wilmer Marcano, Winston Gutiérrez, Isabel Mavarez, Erika Paz, Samuel Sotomayor, Anahís Cruz, Herbigio Henríquez, Armando Amaya, Antonio José Monroy, Laura Castellanos, Argenis Uribe, Pedro Nikken, Noé Pernía and Carlos Colmenares.

In view of the above, the Commission requested the Court to order the State to adopt specific measures of reparation indicated in the application, pursuant to Article 63(1) (Obligation to Repair) of the Convention.

## **7. Case of Juan Carlos Bayarri v. Argentina**

On July 16, 2007, pursuant to Articles 51 and 61 of the American Convention on Human Rights, the Inter-American Commission on Human Rights lodged an application against the State of Argentina concerning the case of Juan Carlos Bayarri. The application relates to the alleged unlawful and arbitrary detention of Juan Carlos Bayarri on November 18, 1991, in the Province of Buenos Aires, Argentina, his alleged torture by police agents, his alleged preventive detention for almost 13 years, and the subsequent alleged denial of justice.

In the application, the Commission requested the Court to declare that the State was responsible for violating the rights embodied in Articles 7 (Right to Personal Liberty), 5 (Right to Humane Treatment), 8 (Right to a Fair Trial) and 25 (Judicial Protection) of the American Convention, in relation to Article 1(1) (Obligation to Respect Rights) thereof, to the detriment of Juan Carlos Bayarri.

In view of the above, the Commission requested the Court to order the State to adopt specific measures of reparation indicated in the application, pursuant to Article 63(1) (Obligation to Repair) of the Convention.

## **8. Case of María and Josefa Tiu Tojín v. Guatemala**

On July 28, 2007, pursuant to Articles 51 and 61 of the American Convention on Human Rights, the Inter-American Commission on Human Rights lodged an application against the State of Guatemala concerning the case of María and Josefa Tiu Tojín. The application relates to the alleged unlawful detention and forced disappearance of María Tiu Tojín and her daughter, Josefa Tiu Tojín; the subsequent lack of due diligence in the investigation into the facts, as well as the alleged denial of justice to the detriment of the next of kin of the victims. According to the Commission, on August 29, 1990, members of the Guatemalan Army accompanied by members of the Civil Self-Defense Patrols (PAC) entered the community of Santa Clara, Municipality of Chapul, Department of El Quiché and captured 86 persons, members of a *Comunidad de Población en Resistencia* [Community of Population in Resistance] known as "La Sierra," among them María Tiu Tojín and her daughter Josefa. The 86 persons detained were supposedly transferred to the military base in Santa María Nebaj, where María Tiu Tojín and her daughter Josefa were allegedly seen for the last time. The Commission states that, even though 16 years have elapsed since the alleged unlawful detention and forced disappearance of the alleged victims, the facts have not been duly investigated by the Guatemalan system of justice.

In the application, the Inter-American Commission requested the Court to declare the State responsible for violating the rights embodied in Articles 4 (Right to Life), 7 (Right to Personal Liberty), 5 (Right to Humane Treatment), 8 (Judicial Guarantees) and 25 (Judicial Protection) of the American Convention, in relation to Article 1(1) (Obligation to Respect Rights) thereof; and also Article I of the Inter-American Convention on Forced Disappearance of Persons, to the detriment of María and Josefa Tiu Tojín. The Commission also requested the Court to declare that the State was responsible for the alleged violation of the rights embodied in Article 19 (Rights of the Child) of the American Convention, to the detriment of the child, Josefa Tiu Tojín, as well as Articles 5 (Right to Humane Treatment), 8 (Judicial Guarantees) and 25 (Judicial Protection) of the Convention, to the detriment of the next of kin of the victims, all in relation to Article 1(1) (Obligation to Respect Rights) thereof.

In view of the above, the Commission requested the Court to order the State to adopt specific measures of reparation indicated in the application, pursuant to Article 63(1) (Obligation to Repair) of the Convention.

## **9. Case of Renato Ticona Estrada v. Bolivia**

On August 8, 2007, pursuant to Articles 51 and 61 of the American Convention on Human Rights, the Inter-American Commission on Human Rights lodged an application against the State of Bolivia concerning the case of Renato Ticona Estrada. The application relates to the alleged forced disappearance of Renato Ticona Estrada as of July 22, 1980, the date on which he was detained by an Army patrol near the Cala-Cala checkpoint in Oruro, Bolivia; the alleged total impunity of these facts more than 27 years after they occurred, and also the alleged absence of reparation for his next of kin for the damage produced as a result of the loss of their loved one and the prolonged denial of justice they have allegedly endured.

In the application, the Inter-American Commission requested the Court to declare the State responsible for violating the rights embodied in Articles 3 (Right to Juridical Personality), 4 (Right to Life), 5 (Right to Humane Treatment), 7 (Right to Personal Liberty), 8 (Judicial Guarantees) and 25 (Judicial Protection) of the American Convention, in relation to Article 1(1) (Obligation to Respect Rights) thereof; and also in Articles I, III and XI of the Inter-American Convention on Forced Disappearance of Persons, to the detriment of Renato Ticona Estrada. The Commission also alleged that the State had violated Articles 5 (Right to Humane Treatment), 8 (Judicial Guarantees) and 25 (Judicial Protection) of the American Convention, in relation to el Article 1(1) (Obligation to Respect Rights) thereof, to the detriment of the next of kin of Renato Ticona Estrada: his parents, César Ticona Olivares and Honoria Estrada de Ticona, and his siblings Hugo Ticona Estrada, Rodo Ticona Estrada and Betzy Ticona Estrada. In addition, the Commission alleged that the State had failed to comply with the obligation contained in Article 2 (Domestic Legal Effects) of the American Convention and in Articles I and III of the Inter-American Convention on Forced Disappearance of Persons, by failing to define the offense of forced disappearance of persons until 2006.

In view of the above, the Commission requested the Court to order the State to adopt specific measures of reparation indicated in the application, pursuant to Article 63(1) (Obligation to Repair) of the Convention.

## **10. Case of Tristán Donoso v. Panama**

On August 28, 2007, pursuant to Articles 51 and 61 of the American Convention on Human Rights, the Inter-American Commission on Human Rights lodged an application against the State of Panama concerning the case of Tristán Donoso. The application relates to the alleged interception, recording and dissemination of a telephone conversation of the lawyer, Santander Tristán Donoso, the subsequent filing of criminal proceedings for crimes against honor as an alleged reprisal for Tristán Donoso's complaints concerning the said divulgation, the absence of an investigation and the punishment of those responsible for these facts, and the lack of adequate reparation.

In the application, the Inter-American Commission requested the Court to declare the State responsible for violating the rights embodied in Articles 11(2) (Right to Privacy), 13 (Freedom of Thought and Expression), 8 (Judicial Guarantees) and 25 (Judicial Protection) of the American

Convention, in relation to Article 1(1) (Obligation to Respect Rights) thereof, and for failure to comply with Article 2 (Domestic Legal Effects) of the Convention to the detriment of Tristán Donoso.

In view of the above, the Commission requested the Court to order the State to adopt specific measures of reparation indicated in the application, pursuant to Article 63(1) (Obligation to Repair) of the Convention.

### **11. Case of the Cotton Field (*Ramos Monárrez et al.*) v. Mexico**

On November 4, 2007, pursuant to Articles 51 and 61 of the American Convention on Human Rights, the Inter-American Commission on Human Rights lodged an application against the State of Mexico concerning the joindered cases Nos. 12,496, 12,497 and 12,498, *the Cotton Field: Claudia Ivette González, Esmeralda Herrera Monreal and Laura Berenice Ramos Monárrez*. The application relates to “the [alleged] lack of measures of protection for the [alleged] victims, two of whom were children; the [alleged] failure to prevent these crimes, despite the [alleged] full knowledge of the existence of an [alleged] pattern of gender violence that had led to the murder of hundreds of women and girls; the [alleged] absence of a response from the authorities to the [alleged] disappearance of the victims; the [alleged] lack of due diligence in the investigation into the murder of Claudia Ivette González, Esmeralda Herrera Monreal and Laura Berenice Ramos Monárrez, as well as the [alleged] denial of justice and the absence of adequate reparation for their next of kin.”

Consequently, the Commission asked the Court to declare that the said facts constituted a violation of Articles 4 (Right to Life), 8(1) (Judicial Guarantees) and 25 (Judicial Protection) of the American Convention in relation to Articles 1(1) (Obligation to Respect Rights) and 2 (Domestic Legal Effects) thereof, and of Article 7 of the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (Convention of Belém do Pará) to the detriment of Claudia Ivette González, Esmeralda Herrera Monreal and Laura Berenice Ramos Monárrez; the violation of Article 19 (Rights of the Child) of the American Convention in relation to Articles 1(1) (Obligation to Respect Rights) and 2 (Domestic Legal Effects) thereof, and of Article 7 of the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (Convention of Belém do Pará) to the detriment of the girls, Esmeralda Herrera Monreal and Laura Berenice Ramos Monárrez; and violation of Articles 5 (Right to Humane Treatment), 8(1) (Judicial Guarantees) and 25 (Judicial Protection) of the American Convention in relation to Articles 1(1) (Obligation to Respect Rights) and 2 (Domestic Legal Effects) thereof, to the detriment of the next of kin of the victims.

In view of the above, the Commission requested the Court to order the State to adopt specific measures of reparation indicated in the application, pursuant to Article 63(1) (Obligation to Repair) of the Convention.

### **12. Case of Reverón Trujillo v. Venezuela**

On November 9, 2007, pursuant to Articles 51 and 61 of the American Convention on Human Rights, the Inter-American Commission on Human Rights lodged an application against the State of Venezuela, concerning the case of María Cristina Reverón Trujillo. The application relates to the fact that Mrs. Reverón Trujillo “did not have access to an effective judicial recourse to remedy her arbitrary dismissal.” According to the Commission, the alleged victim was arbitrarily

dismissed from her position as Fourteenth Interim Criminal Trial Judge of First Instance of the Criminal Circuit of the Metropolitan Area of Caracas on February 6, 2002, by the Committee on the Operation and Restructuring of the Judicial System. According to the Inter-American Commission, even though a recourse was available to contest this dismissal, it was not effective to provide adequate reparation. The Commission maintains that, although a favorable decision had been obtained from the Political-Administrative Chamber of the Supreme Court of Justice of Venezuela declaring the nullity of the action that arbitrarily dismissed her, the Supreme Court had not ordered her re-instatement in the position she occupied in the Judiciary or in another with the same rank and remuneration, or payment of the salary and benefits she had failed to receive.

In the application, the Commission asked the Court to declare that the State of Venezuela was responsible for the violation of Article 25(1) (Judicial Protection) of the American Convention in relation to Articles 1(1) (Obligation to Respect Rights) and 2 (Domestic Legal Effects) thereof, to the detriment of María Cristina Reverón Trujillo.

In view of the above, the Commission requested the Court to order the State to adopt specific measures of reparation indicated in the application, pursuant to Article 63(1) (Obligation to Repair) of the Convention.

### **13. Case of Arley José Escher *et al.* v. Brazil**

On December 20, 2007, pursuant to Articles 51 and 61 of the American Convention on Human Rights, the Inter-American Commission on Human Rights lodged an application against the Federative Republic of Brazil concerning the case of Arley José Escher *et al.* The application relates to the alleged responsibility of the State arising from the unlawful interception and monitoring of the telephone lines of Arley José Escher, Dalton Luciano de Vargas, Delfino José Becker, Pedro Alves Cabral, Celso Aghinoni and Eduardo Aghinoni, members of the social organizations: *Associação Comunitária de Trabalhadores Rurais* and *Cooperativa Agrícola de Conciliação Avante Ltda.*, two organizations associated with the Landless Rural Workers Movement allegedly implemented from April to June 1999, by the Military Police of the State of Paraná, and also to the alleged denial of justice and adequate reparation to the detriment of the victims.

In the application, the Commission asked the Court to declare the State responsible for the violation of the rights embodied in Articles 11 (Right to Privacy), 16 (Freedom of Association), 8(1) (Right to a Fair Trial) and 25 (Judicial Protection) of the American Convention in relation to Articles 1(1) (Obligation to Respect Rights) and 2 (Domestic Legal Effects) thereof, in consideration also of Article 28 (Federal Clause) thereof, to the detriment of the alleged victims.

In view of the above, the Commission requested the Court to order the State to adopt specific measures of reparation indicated in the application, pursuant to Article 63(1) (Obligation to Repair) of the Convention.

### **14. Case of Sétimo Garibaldi v. Brazil**

On December 24, 2007, pursuant to Articles 51 and 61 of the American Convention on Human Rights, the Inter-American Commission on Human Rights lodged an application against the Federative Republic of Brazil concerning the case of Sétimo Garibaldi. The application relates to the State's alleged responsibility arising from the failure to comply with the obligation to



investigate and sanction the murder of Sétimo Garibaldi that occurred on November 27, 1998, the date of which it is alleged that a group of approximately twenty gunmen carried out an extrajudicial operation to evict the families of landless workers, who occupied a farm located in the Municipality of Querencia del Norte, State of Paraná. The Commission added that these facts were reported to the police and that a police investigation was opened; however, this was subsequently filed, allegedly without removing the obstacles and mechanisms that maintain the alleged impunity in the case being. Moreover, adequate judicial guarantees were not granted to conduct the proceedings or to grant satisfactory reparation to the next of kin of Sétimo Garibaldi: Iracema Garibaldi and his children.

In the application, the Commission asked the Court to declare the State responsible for the violation of the rights embodied in Articles 8 (Right to a Fair Trial) and 2 (Judicial Protection) of the American Convention in relation to Articles 1(1) (Obligation to Respect Rights) and 2 (Domestic Legal Effects) thereof, in consideration also of Article 28 (Federal Clause) thereof, to the detriment of the alleged victims.

In view of the above, the Commission requested the Court to order the State to adopt specific measures of reparation indicated in the application, pursuant to Article 63(1) (Obligation to Repair) of the Convention

## **I. NEW PROVISIONAL MEASURES**

During 2007, five new requests for provisional measures were submitted to the Court's consideration:

### **1. Provisional measures in the matter of Adrián Meléndez Quijano (El Salvador)**

On March 21, 2007, pursuant to Articles 63(2) of the American Convention on Human Rights, 25 of the Court's Rules of Procedure and 74 of the Commission's Rules of Procedure, the Inter-American Commission on Human Rights submitted to the Court a request for provisional measures with regard to the State of El Salvador, in order to protect the life and personal integrity of Major Adrián Meléndez Quijano and his next of kin, and also of his brother and lawyer, Eurípides Manuel Meléndez Quijano and his next of kin.

On March 23, 2007, the President of the Court issued an order on urgent measures in which he decided, among other matters, to require the State to adopt, forthwith, all necessary measures to protect the rights to life and personal integrity of Adrián Meléndez Quijano, Marina Elizabeth García de Meléndez, Andrea Elizabeth Meléndez García, Estefani Mercedes Meléndez García, Pamela Michelle Meléndez García, Adriana María Meléndez García, Gloria Tránsito Quijano viuda de Meléndez, Sandra Ivette Meléndez Quijano, Eurípides Manuel Meléndez Quijano, Roxana Jacqueline Mejía Torres, and Manuel Alejandro Meléndez Mejía.

On May 12, 2007, the Court issued an order on provisional measures in this matter, in which it decided, among other matters, to ratify the order of the President of the Inter-American Court of Human Rights of March 23, 2007; and, consequently, to require the State: to maintain any measures it had adopted and to adopt, immediately, the measures necessary to protect the life and integrity of Adrián Meléndez Quijano, Marina Elizabeth García de Meléndez, Andrea Elizabeth Meléndez García, Estefani Mercedes Meléndez García, Pamela Michelle Meléndez

García, Adriana María Meléndez García, Gloria Tránsito Quijano viuda de Meléndez, Sandra Ivette Meléndez Quijano, Eurípides Manuel Meléndez Quijano, Roxana Jacqueline Mejía Torres and Manuel Alejandro Meléndez Mejía; to adopt, forthwith, the necessary measures to protect the rights to life and personal integrity of Benjamín Cuellar Martínez, José Roberto Burgos Viale and Henry Paul Fino Solórzano; and that the measures of protection ordered be planned and implemented with the participation of the beneficiaries of the measures or their representatives.

## **2. Request for provisional measures in the case of Bueno Alves (Argentina)**

On 22 January, 2007, pursuant to Articles 63(2) of the American Convention on Human Rights and 25 of the Court's Rules of Procedure, the representative of the alleged victim in this case submitted to the Court a request for provisional measures to protect the life and personal integrity of an expert witness in the case, members of the office of a notary public, and herself.

On February 2, 2007, the Court issued an order in relation to this request for provisional measures, in which it decided to reject it as inadmissible.

## **3. Request for provisional measures in the case of the Miguel Castro Castro Prison (Peru)**

On January 5, 2007, pursuant to Articles 63(2) of the American Convention on Human Rights and 25 of the Court's Rules of Procedure, Mónica Feria Tinta, common intervenor of the representatives of the victims and their next of kin in this case, submitted to the Court a request for provisional measures to protect her own life and personal integrity.

On January 30, 2007, the Court issued an order in relation to the request for provisional measures, submitted by the common intervenor for the representatives of the victims and their next of kin in this case, in which it decided to reject the request for provisional measures.

## **4. Provisional measures in the matter of the Central Occidental Region Penitentiary Center (Uribana Prison) (Venezuela)**

On February 1, 2007, pursuant to Articles 63(2) of the American Convention on Human Rights, 25 of the Court's Rules of Procedure and 74 of the Commission's Rules of Procedure, the Inter-American Commission on Human Rights submitted to the Court a request for provisional measures with regard to the State of Venezuela, in order to protect the life and personal integrity of the persons deprived of liberty in the Central Occidental Region Penitentiary Center, known as the "Uribana" Prison, as well as of all those who enter the prison, including next of kin and other visitors.

On February 2, 2007, the Court issued an order on provisional measures in this matter, in which it decided, among other matters, to require the State: to adopt, forthwith and definitively, the necessary provisional measures to avoid the loss of life or harm to the physical, mental and moral integrity of all those deprived of liberty in the Uribana Prison, of those who may enter the penitentiary center as prisoners, and also of those who work there and who enter the prison as visitors; and, in addition to the measures that must be implemented immediately, to adopt the pertinent measures to adapt the situation described to the applicable international standards for the treatment of persons deprived of liberty in particular: (a) to confiscate the weapons in the possession of the inmates; (b) to reduce overcrowding and improve the detention conditions; (c)

to provide sufficient trained personnel to ensure the adequate and effective control, custody and supervision of the penitentiary center; (d) to separate male and female inmates; (e) to separate inmates who have been convicted from those awaiting trial, and (f) to establish a mechanisms for periodically monitoring the detention conditions.

#### **5. Provisional measures in the matter of Humberto Prado *et al.* (Venezuela)**

On May 16, 2007, pursuant to Articles 63(2) of the American Convention on Human Rights, 25 of the Court's Rules of Procedure and 74 of the Commission's Rules of Procedure, the Inter-American Commission on Human Rights submitted to the Court a request for provisional measures, among other matters, for the Bolivarian Republic of Venezuelat to adopt immediately all necessary measures to safeguard the life and personal integrity of Humberto Prado Sifontes and his nuclear family, consisting of his wife Beatriz Carolina Girón de Prado and his children, Julio Cesar Prado Girón, Andrés Eduardo Prado Girón and Pedro Melchor Prado Flores. In several notes from the Secretariat, the Court has requested the State and the Inter-American Commission to provide information in order to assess the adoption of the requested measures.

#### **6. Request for expansion of provisional measures in the matter of the "Globovisión" Television Station (Venezuela)**

On October 23, 2007, pursuant to Articles 63(2) of the American Convention on Human Rights and 25 of the Court's Rules of Procedure, the representatives of the beneficiaries of the provisional measures submitted to the Court, "on their own behalf and on behalf of all the journalists, directors and other employees who work in Globovisión," a request for the expansion of the contents of the provisional measures ordered by the Court.

On November 21, 2007, the Court issued an Order on provisional measures in this matter, in which it decided to reject the request for expansion of the provisional measures filed on October 23, 2007, and to require the State to maintain the provisional measures decided in the Order of the Court of September 4, 2004.

#### **7. Matter of the El Rodeo I and El Rodeo II Capital Detention Center (Venezuela)**

On December 17, 2007, pursuant to Articles 63(2) of the American Convention on Human Rights, 25 of the Court's Rules of Procedure and 74 of the Commission's Rules of Procedure, the Inter-American Commission on Human Rights submitted to the Court a request for provisional measures for the Bolivarian Republic of Venezuela to protect the persons deprived of liberty who reside in the El Rodeo I and El Rodeo II Capital Detention Center, together with the visitors and those who work in this penitentiary establishment, from imminent and grave danger of irreparable damage to their life and their personal integrity.

#### **8. Request for provisional measures submitted by the representatives of a group of victims in the case of the Miguel Castro Castro Prison (Peru)**

On December 20, 2007, pursuant to Articles 63(2) of the American Convention on Human Rights and 25 of the Court's Rules of Procedure, the representatives of a group of victims in the case of the Miguel Castro Castro Prison submitted to the Court a request for provisional measures for the State of Peru to adopt the necessary measures to protect the personal integrity and security and the honor of the persons they represent. In this brief, the representatives stated that

the specific acts of violence and harassment perpetrated against persons identified as victims in the said case by the Court had worsened since the publication of the judgment issued on November 25, 2006.

**9. Request for provisional measures submitted by the common intervenor of the representatives of the victims and their next of kin in the case of the Miguel Castro Castro Prison (Peru)**

On January 4, 2008, pursuant to Articles 63(2) of the American Convention on Human Rights and 25 of the Court's Rules of Procedure, Monica Feria Tinta, common intervenor of the representatives of the victims and their next of kin in this case, and Zoe Harper, the applicant's legal assistant, submitted to the Court a request for provisional measures for the Court to order the State of Peru to annul immediately the international arrest warrant against her, because it was an instrument of the State's reprisals and persecution. They informed the Court that, on December 27, 2007, when Mrs. Feria Tinta was about to board a flight from Cologne (Germany) to London (England), she was detained under an international arrest warrant so as to obtain her extradition at the request of the State of Peru. In her brief, the applicant stated, among other matters, that, following the delivery of the judgment in the case of the Castro Castro Prison by the Inter-American Court on November 25, 2006, she suffered reprisals by the State as victim, complainant, witness and litigant in the case.

**J. MONITORING COMPLIANCE WITH JUDGMENTS AND IMPLEMENTATION OF PROVISIONAL MEASURES**

In order to monitor compliance with the undertaking made by the States "to comply with the judgment of the Court in any case to which they are parties" (Article 68 of the Convention) and, in particular, to inform the General Assembly of "the cases in which a State has not complied with its judgments" (Article 65 of the Convention), the Court needs to know the extent to which States have complied with its rulings. Accordingly, the Court must monitor that the States concerned comply with the reparations it has ordered, before informing the OAS General Assembly about any failure to comply with its decisions.

The Court's monitoring of compliance with its decisions implies, first, that it must request information from the State on the actions carried out to implement compliance, and then obtain the comments of the Commission and of the victims or their representatives. When the Court has received this information, it can assess whether the State has complied with its judgment, guide the State's actions to that effect, and comply with its obligation to inform the General Assembly, in the terms of Article 65 of the Convention.

In light of the above, and exercising the powers inherent in its jurisdictional function of monitoring compliance with its judgments, the Court will now report on compliance in several contentious cases and with regard to provisional measures:

**1. Contentious cases**

The Court issued a series of orders that reflect the degree of compliance with its judgments delivered in the following cases: the Sawhoyamaya Indigenous Community (Paraguay), the Serrano Cruz Sisters (El Salvador), Cantos (Argentina), the 19 Tradesmen (Colombia), Suárez Rosero

(Ecuador), Carpio Nicolle *et al.* (Guatemala), Bámaca Velásquez (Guatemala), Molina Theissen (Guatemala), García Asto and Ramírez Rojas (Peru),<sup>11</sup> Gómez Palomino (Peru), Palamara Iribarne (Chile), the Yean and Bosico Girl Children (Dominican Republic), the Plan de Sánchez Massacre (Guatemala), Blake (Guatemala), Myrna Mack Chang (Guatemala), De la Cruz Flores (Peru), Caesar (Trinidad and Tobago), the Moiwana Community (Suriname), Maritza Urrutia (Guatemala), Juan Humberto Sánchez (Honduras), Trujillo Oroza (Bolivia), the “White Van” (Paniagua Morales *et al.*) (Guatemala), and Garrido and Baigorria (Argentina).

In addition, during 2007, the Court commenced a new practice of holding private hearings on monitoring compliance with judgments delivered by the Court. In this regard, three private hearings were held in the cases of: Garrido and Baigorria (Argentina), Blake (Guatemala), and the “White Van” (Paniagua Morales *et al.*) (Guatemala).

## **2. Provisional measures**

The Court issued a series of orders that reflect the degree of implementation and compliance with the provisional measures ordered as follows: the matter of the Kankuamo Indigenous People with regard to Colombia, the matter of the Monagas Detention Center (“La Pica”) with regard to Venezuela, the matter of the Children and Adolescents Deprived of Liberty in the “Tatuapé Complex” of the CASA Foundation with regard to Brazil, the matter of the Yare I and Yare II Capital Region Penitentiary Center (Yare Prison) with regard to Venezuela, and the case of Gutiérrez Soler with regard to Colombia.

In addition, the Court ordered the partial lifting of the following provisional measures: the matter of Carlos Nieto Palma *et al.* with regard to Venezuela, the case of Raxcacó Reyes *et al.* with regard to Guatemala, the matter of the Forensic Anthropology Foundation of Guatemala with regard to Guatemala, the case of the Members of the Community Studies and Psychosocial Action Team (ECAP) with regard to Guatemala and the matter of Guerrero Gallucci and Martínez Barrios with regard to Venezuela. These are considered to be of a partial nature, because the lifting was ordered with regard to some of the beneficiaries of the measures, while they remain active for other beneficiaries of the measures. In addition, the Court ordered the total lifting of the following provisional measures: the matter of Gallardo Rodríguez with regard to Mexico, the case of Colotenango with regard to Guatemala, the Mayagna (*Sumo*) Awas Tingni Community with regard to Nicaragua, and Boyce *et al.* with regard to Barbados.

## **K. STATUS OF MATTERS BEFORE THE COURT**

### **1. Contentious cases**

At the end of 2007, one hundred and one cases are being processed by the Court. Seventeen of these are pending the Court’s judgment; of the seventeen, eleven are at the initial processing stage, four at the stage of preliminary objections and possible reparations and costs, and two at the stage of merits and possible reparations and costs. Eighty-four cases are at the stage of monitoring compliance with judgment.

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11 Judge Diego García-Sayán, a Peruvian national, excused himself from hearing this case pursuant to Articles 19(2) of the Statute of the Court and 19 of the Court’s Rules of Procedure.

**1.a. Contentious cases pending judgment:**

	<b>Name</b>	<b>Respondent State</b>	<b>Current stage</b>
<b>1.</b>	Case of Apitz Barbera <i>et al.</i>	Venezuela	Preliminary objections, and possible merits, reparations and costs
<b>2.</b>	Case of Arley José Escher <i>et al.</i>	Brazil	Initial processing
<b>3.</b>	Case of the Cotton Field (Ramos Monárrez <i>et al.</i> )	Mexico	Initial processing
<b>4.</b>	Case of Castañeda Gutman	Mexico	Preliminary objections, and possible merits, reparations and costs
<b>5.</b>	Case of Gabriela Perozo <i>et al.</i>	Venezuela	Preliminary objections, and possible merits, reparations and costs
<b>6.</b>	Case of Heliodoro Portugal	Panama	Preliminary objections, and possible merits, reparations and costs
<b>7.</b>	Case of Juan Carlos Bayarri	Argentina	Preliminary objections, and possible merits, reparations and costs
<b>8.</b>	Case of Kimel	Argentina	Merits and possible reparations and costs
<b>9.</b>	Case of Luisiana Ríos <i>et al.</i>	Venezuela	Preliminary objections, and possible merits, reparations and costs
<b>10.</b>	Case of María and Josefa Tiu Tojín	Guatemala	Initial processing
<b>11.</b>	Case of Renato Ticona Estrada	Bolivia	Merits and possible reparations and costs
<b>12.</b>	Case of Reverón Trujillo	Venezuela	Initial processing
<b>13.</b>	Case of Salvador Chiriboga	Ecuador	Preliminary objection, and possible merits, reparations and costs
<b>14.</b>	Case of Sétimo Garibaldi	Brazil	Initial processing
<b>15.</b>	Case of Tristán Donoso	Panama	Initial processing
<b>16.</b>	Case of Valle Jaramillo <i>et al.</i>	Colombia	Merits and possible reparations and costs
<b>17.</b>	Case of Yvon Neptune	Haiti	Merits and possible reparations and costs



### 1.b. Contentious cases at the stage of monitoring compliance with judgment

	Name	Respondent State	Current stage
1.	Case of the 19 Tradesmen	Colombia	Monitoring compliance with judgment
2.	Case of Acevedo Jaramillo <i>et al.</i>	Peru	Monitoring compliance with judgment
3.	Case of Acosta Calderón	Ecuador	Monitoring compliance with judgment
4.	Case of Albán Cornejo <i>et al.</i>	Ecuador	Monitoring compliance with judgment
5.	Case of Almonacid Arellano	Chile	Monitoring compliance with judgment
6.	Case of Baena Ricardo <i>et al.</i>	Panama	Monitoring compliance with judgment
7.	Case of Baldeón García	Peru	Monitoring compliance with judgment
8.	Case of Bámaca Velásquez	Guatemala	Monitoring compliance with judgment
9.	Case of Barrios Altos	Peru	Monitoring compliance with judgment
10.	Case of Benavides Cevallos	Ecuador	Monitoring compliance with judgment
11.	Case of Blake	Guatemala	Monitoring compliance with judgment
12.	Case of Blanco Romero <i>et al.</i>	Venezuela	Monitoring compliance with judgment
13.	Case of Boyce <i>et al.</i>	Barbados	Monitoring compliance with judgment
14.	Case of Bueno Alves	Argentina	Monitoring compliance with judgment
15.	Case of Bulacio	Argentina	Monitoring compliance with judgment
16.	Case of Caballero Delgado and Santana	Colombia	Monitoring compliance with judgment

<b>17.</b>	Case of Caesar	Trinidad and Tobago	Monitoring compliance with judgment
<b>18.</b>	Case of Cantoral Benavides	Peru	Monitoring compliance with judgment
<b>19.</b>	Case of Cantoral Huamaní and García Santa Cruz	Peru	Monitoring compliance with judgment
<b>20.</b>	Case of Cantos	Argentina	Monitoring compliance with judgment
<b>21.</b>	Case of Carpio Nicolle <i>et al.</i>	Guatemala	Monitoring compliance with judgment
<b>22.</b>	Case of Castillo Páez	Peru	Monitoring compliance with judgment
<b>23.</b>	Case of Castillo Petrucci <i>et al.</i>	Peru	Monitoring compliance with judgment
<b>24.</b>	Case of Cesti Hurtado	Peru	Monitoring compliance with judgment
<b>25.</b>	Case of the "Five Pensioners"	Peru	Monitoring compliance with judgment
<b>26.</b>	Case of Claude Reyes <i>et al.</i>	Chile	Monitoring compliance with judgment
<b>27.</b>	Case of the Sawhoyamaya Indigenous Community	Paraguay	Monitoring compliance with judgment
<b>28.</b>	Case of the Yakye Axa Indigenous Community	Paraguay	Monitoring compliance with judgment
<b>29.</b>	Case of the Mayagna ( <i>Sumo</i> ) Awas Tingni Community	Nicaragua	Monitoring compliance with judgment
<b>30.</b>	Case of the Moiwana Community	Surinam	Monitoring compliance with judgment
<b>31.</b>	Case of Chaparro Álvarez and Lapo Iñiguez	Ecuador	Monitoring compliance with judgment
<b>32.</b>	Case of De La Cruz Flores	Peru	Monitoring compliance with judgment
<b>33.</b>	Case of the Mapiripán Massacre	Colombia	Monitoring compliance with judgment
<b>34.</b>	Case of the Pueblo Bello Massacre	Colombia	Monitoring compliance with judgment
<b>35.</b>	Case of the Serrano Cruz Sisters	El Salvador	Monitoring compliance with judgment

<b>36.</b>	Case of the Ituango Massacres	Colombia	Monitoring compliance with judgment
<b>37.</b>	Case of the “La Rochela Massacre”	Colombia	Monitoring compliance with judgment
<b>38.</b>	Case of the Yean and Bosico Girls Children	Dominican Republic	Monitoring compliance with judgment
<b>39.</b>	Case of the “Street Children” (Villagrán Morales <i>et al.</i> )	Guatemala	Monitoring compliance with judgment
<b>40.</b>	Case of El Caracazo	Venezuela	Monitoring compliance with judgment
<b>41.</b>	Case of the Miguel Castro Castro Prison	Peru	Monitoring compliance with judgment
<b>42.</b>	Case of the Constitutional Court	Peru	Monitoring compliance with judgment
<b>43.</b>	Case of Durand and Ugarte	Peru	Monitoring compliance with judgment
<b>44.</b>	Case of El Amparo	Venezuela	Monitoring compliance with judgment
<b>45.</b>	Case of Escué Zapata	Colombia	Monitoring compliance with judgment
<b>46.</b>	Case of Fermín Ramírez	Guatemala	Monitoring compliance with judgment
<b>47.</b>	Case of García Asto and Ramírez Rojas	Peru	Monitoring compliance with judgment
<b>48.</b>	Case of García Prieto <i>et al.</i>	El Salvador	Monitoring compliance with judgment
<b>49.</b>	Case of Garrido and Baigorria	Argentina	Monitoring compliance with judgment
<b>50.</b>	Case of Goiburú <i>et al.</i>	Paraguay	Monitoring compliance with judgment
<b>51.</b>	Case of Gómez Palomino	Peru	Monitoring compliance with judgment
<b>52.</b>	Case of Gutiérrez Soler	Colombia	Monitoring compliance with judgment
<b>53.</b>	Case of the Gómez Paquiyauri Brothers	Peru	Monitoring compliance with judgment
<b>54.</b>	Case of Herrera Ulloa	Costa Rica	Monitoring compliance with judgment

<b>55.</b>	Case of Hilaire, Constantine Benjamin <i>et al.</i>	Trinidad and Tobago	Monitoring compliance with judgment
<b>56.</b>	Case of Huilca Tecse	Peru	Monitoring compliance with judgment
<b>57.</b>	Case of the "Children's Rehabilitation Institute"	Paraguay	Monitoring compliance with judgment
<b>58.</b>	Case of Ivcher Bronstein	Peru	Monitoring compliance with judgment
<b>59.</b>	Case of Juan H. Sánchez	Honduras	Monitoring compliance with judgment
<b>60.</b>	Case of La Cantuta	Peru	Monitoring compliance with judgment
<b>61.</b>	Case of Las Palmeras	Colombia	Monitoring compliance with judgment
<b>62.</b>	Case of Loayza Tamayo	Peru	Monitoring compliance with judgment
<b>63.</b>	Case of López Álvarez	Honduras	Monitoring compliance with judgment
<b>64.</b>	Case of Lori Berenson Mejía	Peru	Monitoring compliance with judgment
<b>65.</b>	Case of Maritza Urrutia	Guatemala	Monitoring compliance with judgment
<b>66.</b>	Case of the Plan de Sánchez Massacre	Guatemala	Monitoring compliance with judgment
<b>67.</b>	Case of Molina Theissen	Guatemala	Monitoring compliance with judgment
<b>68.</b>	Case of Montero Aranguren <i>et al.</i>	Venezuela	Monitoring compliance with judgment
<b>69.</b>	Case of Myrna Mack Chang	Guatemala	Monitoring compliance with judgment
<b>70.</b>	Case of Neira Alegría <i>et al.</i>	Peru	Monitoring compliance with judgment
<b>71.</b>	Case of Palamara Iribarne	Chile	Monitoring compliance with judgment
<b>72.</b>	Case of Paniagua Morales <i>et al.</i>	Guatemala	Monitoring compliance with judgment
<b>73.</b>	Case of the Saramaka People	Suriname	Monitoring compliance with judgment

<b>74.</b>	Case of Raxcacó Reyes	Guatemala	Monitoring compliance with judgment
<b>75.</b>	Case of Ricardo Canese	Paraguay	Monitoring compliance with judgment
<b>76.</b>	Case of Servellón García <i>et al.</i>	Honduras	Monitoring compliance with judgment
<b>77.</b>	Case of Suárez Rosero	Ecuador	Monitoring compliance with judgment
<b>78.</b>	Case of Tibi	Ecuador	Monitoring compliance with judgment
<b>79.</b>	Case of the Dismissed Congressional Employees	Peru	Monitoring compliance with judgment
<b>80.</b>	Case of Trujillo Oroza	Bolivia	Monitoring compliance with judgment
<b>81.</b>	Case of Vargas Areco	Paraguay	Monitoring compliance with judgment
<b>82.</b>	Case of Ximenes Lopes	Brazil	Monitoring compliance with judgment
<b>83.</b>	Case of YATAMA	Nicaragua	Monitoring compliance with judgment
<b>84.</b>	Case of Zambrano Vélez <i>et al.</i>	Ecuador	Monitoring compliance with judgment

## 2. Provisional measures

During 2007, forty-seven provisional measures were active. Of these, four were lifted during the year and forty-three remain active.

### 2.a. Requests for provisional measures rejected:

	<b>Name</b>	<b>State</b>
<b>1.</b>	Bueno Alves	Argentina
<b>2.</b>	The Miguel Castro Castro Prison	Peru
<b>3.</b>	"Globovisión" Television Station (request for expansion)	Venezuela

**2.b. Requests for provisional measures pending a decision:**

	<b>Name</b>	<b>State</b>
<b>1.</b>	Humberto Prado <i>et al.</i>	Venezuela
<b>2.</b>	El Rodeo I and El Rodeo II Capital Detention Center	Venezuela
<b>3.</b>	The Miguel Castro Castro Prison (request submitted by the representatives of a group of victims)	Peru
<b>4.</b>	The Miguel Castro Castro Prison (request submitted by the common intervenor of the representatives of the victims and their next of kin)	Peru

**2.c. Provisional measures lifted:**

	<b>Name</b>	<b>State regarding which they were adopted</b>
<b>1.</b>	Boyce <i>et al.</i>	Barbados (Lifted)
<b>2.</b>	Colotenango	Guatemala (Lifted)
<b>3.</b>	The Mayagna ( <i>Sumo</i> ) Awas Tigni Community	Nicaragua (Lifted)
<b>4.</b>	Gallardo Rodríguez	Mexico (Lifted)

**2.d. Active provisional measures:**

	<b>Name</b>	<b>State regarding which they were adopted</b>
<b>1.</b>	19 Tradesmen (Sandra Belinda Montero Fuentes and family, Salomón Flórez and family, Luis José Pundor Quintero and family, and Ana Diva Quintero Quintero de Pundor and family)	Colombia
<b>2.</b>	Adrián Meléndez Quijano <i>et al.</i>	El Salvador
<b>3.</b>	Álvarez <i>et al.</i>	Colombia
<b>4.</b>	Bámaca Velásquez <i>et al.</i>	Guatemala



5.	Caballero Delgado and Santana	Colombia
6.	The Urso Branco Prison	Brazil
7.	Carlos Nieto <i>et al.</i>	Venezuela
8.	Carpio Nicolle <i>et al.</i>	Guatemala
9.	Central Occidental Region Penitentiary Center (Uribana Prison)	Venezuela
10.	Yare I and Yare II Capital Region Penitentiary Center (Yare Prison)	Venezuela
11.	Peace Community of San José de Apartadó	Colombia
12.	Communities of the Jiguamiandó and the Curbaradó	Colombia
13.	"El Nacional" and "Así es la Noticia" Newspapers	Venezuela
14.	Eloisa Barrios <i>et al.</i>	Venezuela
15.	"Globovisión" Television Station	Venezuela
16.	Forensic Anthropology Foundation of Guatemala	Guatemala
17.	Giraldo Cardona	Colombia
18.	Gómez Paquiyauri	Peru
19.	Guerrero Gallucci and Martínez Barrios	Venezuela
20.	Gutiérrez Soler <i>et al.</i>	Colombia
21.	Haitians and Dominicans of Haitian Origin in the Dominican Republic	Dominican Republic
22.	Helen Mack <i>et al.</i>	Guatemala
23.	Monagas Detention Center ("La Pica")	Venezuela
24.	James <i>et al.</i>	Trinidad and Tobago

<b>25.</b>	Liliana Ortega <i>et al.</i>	Venezuela
<b>26.</b>	López Alvarez <i>et al.</i>	Honduras
<b>27.</b>	Luis Uzcátegui	Venezuela
<b>28.</b>	Luisiana Ríos <i>et al.</i>	Venezuela
<b>29.</b>	Lysias Fleury	Haiti
<b>30.</b>	María Leontina Millacura Llaipén <i>et al.</i>	Argentina
<b>31.</b>	Marta Colomina and Liliana Velásquez	Venezuela
<b>32.</b>	Mapiripán Massacre	Colombia
<b>33.</b>	Mery Naranjo <i>et al.</i>	Colombia
<b>34.</b>	Children and Adolescents deprived of liberty in the FEBEM "Tatuapé Complex"	Brazil
<b>35.</b>	Araraquara Prison	Brazil
<b>36.</b>	Mendoza Prisons	Argentina
<b>37.</b>	Pilar Noriega García <i>et al.</i>	Mexico
<b>38.</b>	Kankuamo Indigenous People	Colombia
<b>39.</b>	Kichwa Indigenous People of Sarayaku	Ecuador
<b>40.</b>	Ramírez Hinostroza <i>et al.</i>	Peru
<b>41.</b>	Raxcacó <i>et al.</i>	Guatemala
<b>42.</b>	Gloria Giralt de García Prieto <i>et al.</i>	El Salvador
<b>43.</b>	Members of the Community Studies and Psychosocial Action (ECAP) Team (the case of the Plan de Sánchez Massacre)	Guatemala

### **III. OTHER ACTIVITIES OF THE COURT**

The following is a description of the principal activities of the Court during the current year:

#### **Presentation of the 2006 Annual Report on the Work of the Inter-American Court of Human Rights**

On March 29, 2007, the President of the Court, accompanied by the Vice President and the Secretary of the Court presented the 2006 Annual Report on the work of the Inter-American Court to the OAS Committee on Juridical and Political Affairs (CAJP). During this activity, Judge García Ramírez first presented a "Summary of the 2006 exercise".

Subsequently, on June 2, 2006, CAJP issued "Observations and Recommendations of the Permanent Council on the Annual Report of the Inter-American Court of Human Rights," in resolution AG/doc. 4761/07.

#### **Thirty-seventh regular session of the General Assembly of the Organization of American States**

The thirty-seventh regular session of the OAS General Assembly was held in Panama City, Panama, from June 3 to 5, 2007. The Inter-American Court was represented by its President, Vice President and Secretary.

On June 5, 2007, the President of the Court addressed the plenary session of the Assembly, and, among other matters, referred to the importance of the international protection of human rights retaining the highest priority on the Organization's political agenda; to the hope that the States which had not yet acceded to the American Convention would become parties to it, and to incorporation of the criteria established by the Court into the domestic law of the States Parties. He referred to the increase in the number of contentious cases, and requests for advisory opinions and provisional measures submitted to the Court, which represented one of the greatest and most challenging factors for the inter-American jurisdiction, and also to recognition of the importance of compliance with the Court's decisions and the efforts of the States to ensure that they are fully respected.

The same day, the OAS General Assembly adopted the Court's 2006 Annual Report in Resolution AG/RES. 2292 (XXXVII-O/07). In this resolution the General Assembly resolved:

1. To adopt the observations and recommendations of the Permanent Council on the Annual Report of the Inter-American Court of Human Rights (AG/doc.4761/07) and to forward them to that organ.
2. To reaffirm the essential value of the work of the Inter-American Court of Human Rights in enhancing the protection and defense of human rights in the Hemisphere.

3. To reiterate that the judgments of the Inter-American Court of Human Rights are final and may not be appealed, and that the states parties to the American Convention on Human Rights undertake to comply with the decisions of the Court in all cases to which they are party.

4. To reiterate the need for states parties to provide, in a timely fashion, the information requested by the Court in order to enable it to fully meet its obligation to report to the General Assembly on compliance with its judgments.

5. To reaffirm the importance of:

- a. The advisory function of the Inter-American Court of Human Rights for the development of inter-American jurisprudence and international human rights law and, in that context, to take note of Advisory Opinion OC-19/05, "Control of Legality in the Exercise of the Functions of the Inter-American Commission on Human Rights"; and
- b. The jurisprudence of the Inter-American Court of Human Rights for the effective exercise of and respect for human rights in the Hemisphere; and consequently the importance of the dissemination of its decisions by the member states, as they deem it appropriate.

6. To instruct the Permanent Council to:

- a. Continue its consideration of the issue of "Access of victims to the Inter-American Court of Human Rights (*jus standi*) and its application in practice," including its financial and budgetary implications, taking into account the report of the Inter-American Court of Human Rights entitled "Bases for a Draft Protocol to the American Convention on Human Rights to Strengthen Its Mechanism for Protection – Volume II"; the proposal presented by the Government of Costa Rica, "Draft Optional Protocol to the American Convention on Human Rights"; the revised Rules of Procedure of the Inter-American Court of Human Rights and of the Inter-American Commission on Human Rights; and taking into account the need to maintain procedural equity and to redefine the role of the Commission in proceedings before the Court;
- b. Continue to consider means of encouraging compliance by member states with the judgments of the Court; and
- c. Instruct the Permanent Council to continue analyzing ways to achieve an effective increase of the financial resources allocated to the Inter-American Court of Human Rights in the program-budget of the Organization. To that end, thank the Secretary General of the Organization for his work and urge him to continue his efforts and present additional proposals for achieving adequate funding for the Inter-American Court of Human Rights in the program-budget of the Organization.

7. To thank the member states (Colombia, Costa Rica, and Mexico) and permanent observers (the European Union, Norway, and Spain) and the Office of the United Nations High Commissioner for Refugees (UNHCR), which have made voluntary contributions to the Inter-American Court of Human Rights. In addition, to urge member states to contribute to the Specific Fund for Strengthening the Inter-American System for the Protection and Promotion of Human Rights; and to encourage permanent observers and other donors in accordance with Article 74 of the General Standards to Govern the Operations of the General Secretariat to make voluntary contributions to the Inter-American Court of Human Rights.

8. To encourage member states to continue to invite the Inter-American Court of Human Rights to hold special sessions away from its headquarters.

9. To urge the Inter-American Court of Human Rights, the Inter-American Commission on Human Rights, and the Inter-American Institute of Human Rights to continue to hold specialized seminars on the inter-American system for the promotion and protection of human rights for government officials.

10. To invite the Inter-American Court of Human Rights to continue to participate, with its judges, in the dialogue with member states in the reflection process on strengthening the inter-American human rights system, within the context of the Committee on Juridical and Political Affairs.

11. To thank the Court for its willingness to dialogue with member states as part of the joint reflection process in the event of possible reforms to its Rules of Procedure.

12. To urge member states to consider the signature and ratification of, or accession to, as the case may be, the American Convention on Human Rights and other instruments of the system, including acceptance of the binding jurisdiction of the Inter-American Court of Human Rights.

13. To request the Permanent Council to report to the General Assembly at its thirty-eighth regular session on the implementation of this resolution, which will be carried out within the resources allocated in the program-budget of the Organization and other resources.

The same day, the General Assembly of the Organization adopted Resolution AG/RES. 2291 (XXXVII-O/07) entitled "Strengthening of Human Rights Systems pursuant to the mandates arising from the Summits of the Americas," in which it resolved:

1. To reaffirm the commitment of member states to continue strengthening and improving the inter-American system for the promotion and protection of human rights and, in that connection, to continue to take the following concrete measures aimed at implementing the respective mandates of the Heads of State and Government arising from the Summits of the Americas, in particular, the Third Summit (Quebec City, 2001) and the Fourth Summit (Mar del Plata, Argentina, 2005):

- a. Universalization of the inter-American human rights system by considering the signature and ratification or ratification of, or accession to, as soon as

possible and as the case may be, all universal and inter-American human rights instruments;

- b. Compliance with the judgments of the Inter-American Court of Human Rights and follow-up of the recommendations of the Inter-American Commission on Human Rights;
  - c. Improvement of access by victims to the mechanisms of the inter-American human rights system;
  - d. Adequate financing of the Inter-American Court of Human Rights and the Inter-American Commission on Human Rights, including the fostering of voluntary contributions, so that they may continue to address their activities and responsibilities; and
  - e. Examination of the possibility that the Inter-American Court of Human Rights and the Inter-American Commission on Human Rights may come to operate on a permanent basis, taking into account, among other things, the views of those organs.
2. To recognize the following progress made in the specific areas of the inter-American human rights system, namely:
- a. The broad process of reflection on the inter-American system for the promotion and protection of human rights, within the Committee on Juridical and Political Affairs (CAJP) of the Permanent Council;
  - b. The dialogue held on March 30, 2007, within the CAJP, between member states and the organs of the inter-American human rights system (Inter-American Court of Human Rights and Inter-American Commission on Human Rights), as recorded in the report of the meeting (CP/CAJP-2526/07);
  - c. The signature by Argentina of the Protocol to the American Convention on Human Rights to Abolish the Death Penalty; the deposit by Bolivia of the instrument of ratification of the Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights, "Protocol of San Salvador," and of the Inter-American Convention to Prevent and Punish Torture; the deposit by Ecuador of the instrument of ratification of the Inter-American Convention on Forced Disappearance of Persons; and the ratification by the Dominican Republic and by Venezuela of the Inter-American Convention on the Elimination of All Forms of Discrimination against Persons with Disabilities; and
  - d. The voluntary contributions to facilitate the work of the organs of the inter-American human rights system made by Brazil, Chile, Colombia, Costa Rica, the Dominican Republic, Mexico, the United States, and Venezuela; by Denmark, the European Union, Finland, France, Ireland, Italy, Norway, Spain, and Sweden; and also by the Commonwealth Secretariat, the Inter-



American Development Bank, the Open Society Foundation, and the Office of the United Nations High Commissioner for Refugees (UNHCR).

3. To instruct the Permanent Council to meet the objectives mentioned in operative paragraph 1 and to complement and consolidate the progress referred to in operative paragraph 2, by:

- a. Continuing the broad process of reflection on the inter-American system for the promotion and protection of human rights, initiated within the CAJP, in consultation with the member states, specialized agencies of the inter-American human rights system, nongovernmental organizations, national human rights institutes, academic institutions, and experts in the field, regarding:
  - i. The major challenges facing the inter-American system for the promotion and protection of human rights in the Hemisphere;
  - ii. Possible actions to strengthen and improve the system; and
  - iii. The advisability of convening an inter-American human rights conference;
- b. Continuing to examine, principally through the Committee on Administrative and Budgetary Affairs (CAAP) of the Permanent Council, ways to bring about adequate financing of the organs of the inter-American human rights system in the program-budget of the Organization;
- c. Supporting any initiatives taken by the Inter-American Court of Human Rights and the Inter-American Commission on Human Rights to request funding from international and regional agencies to further the activities of the organs of the inter-American system for the promotion and protection of human rights;
- d. Encouraging, in addition, member states to contribute to the Specific Fund for Strengthening the Inter-American System for the Protection and Promotion of Human Rights;
- e. Continuing to consider ways to promote compliance with the judgments of the Inter-American Court of Human Rights and follow-up of the recommendations of the Inter-American Commission on Human Rights by member states;
- f. Continuing to analyze the priorities for improvement of the inter-American human rights system, including consideration of the possibility that the Inter-American Court of Human Rights and the Inter-American Commission on Human Rights may come to operate on a permanent basis, taking into account related information provided by the presidents of both organs;
- g. Holding each year, within the CAJP, the dialogue between the member states and the members of the Inter-American Commission on Human Rights and judges on the Inter-American Court of Human Rights on how the inter-

American human rights system operates. The CAJP will establish the agenda for said meeting at least two months in advance; and

- h. Requesting the Inter-American Court of Human Rights and the Inter-American Commission on Human Rights to:
  - i. Continue to report on the correlation between, on the one hand, their respective Rules of Procedure and the amendments thereto that they adopt, and, on the other, the provisions of their respective Statutes and of the American Convention on Human Rights; and
  - ii. Continue to report on the impact and the meaning in practice of these regulatory reforms for the work of both organs and for the strengthening of the system.

4. To continue to promote the strengthening of national systems for the promotion and protection of human rights in member states; and, to that end, to urge the pertinent organs, agencies, and entities of the Organization to provide, in accordance with their capabilities and resources, cooperation and technical support to the member states that so request, in order to help enhance compliance with their international human rights obligations, and to develop cooperative relations and information exchange with, *inter alia*, the Ibero-American Federation of Ombudsmen, the Caribbean Ombudsmen's Association, the Network of National Human Rights Institutions of the Americas, the Andean Council of Ombudsmen, and the Central American Ombudsman Council.

5. To urge member states to consider signing and ratifying, ratifying, or acceding to, as the case may be, the Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights, "Protocol of San Salvador."

6. To request the Permanent Council to follow up on this resolution, which will be implemented within the resources allocated in the program-budget of the Organization and other resources, and to present a report on its implementation to the General Assembly at its thirty-eighth regular session.

## Report of the President of the Court

On November 27, 2006, the President of the Inter-American Court of Human Rights, Judge Sergio García Ramírez, who has held this position for four years (2004-2005 and 2006-2007), a period that concludes at the end of December 2007, referred to different elements of the Court's work over these four years. He underscored, among other matters, the 42.3 per cent increase in the matters submitted to the Court's consideration; the reduction in the average duration of the processing of cases from 40 to 19.9 months; the delivery of judgment in 58 per cent of the cases lodged before the Court in its 30 years of existence; the holding of six special sessions outside the Court's seat; the initiation of hearings on monitoring compliance with judgment; the 26.3 per cent increase in the Court's regular budget and the increase in the funds from external donations; the edition of various publications, and the offer of training courses, and also the data processing and publication on the Internet of the files of the cases processed before the Court in which a final judgment has been delivered.

The President of the Court also acknowledged and expressed his appreciation for the competent and supportive work of his colleagues in the service of the inter-American jurisdiction, and expressed his gratitude to the staff of the Secretariat and the administrative collaborators for their excellent work, a decisive factor in achieving the substantial progress made in the period referred to in the said report.

### **Election of the President and Vice President**

During its seventy-seventh regular session, the Inter-American Court of Human Rights proceeded to elect a new president and vice president. It unanimously decided to elect Judge Cecilia Medina Quiroga (Chile) as President, and Judge Diego García-Sayán (Peru) as Vice President; they will begin their mandates on the first day of the first session of 2008, as stipulated in Article 3(1) of the Court's Rules of Procedure.

Dr. Medina Quiroga has been a judge of the Inter-American Court of Human Rights since 2004. She is a Chilean jurist of international renown, with a long professional career in teaching and research in the area of international human rights law. She is a lawyer, with a licentiate in Juridical and Social Sciences from the Universidad de Chile and a doctorate in Law from Utrecht University, Holland. She is co-Director of the Human Rights Center of the Law Faculty of the Universidad de Chile. Judge Medina Quiroga was a member of the United Nations Human Rights Committee from 1995 to 2002, and its President in 1999 and 2000. Judge Medina Quiroga is also the author of various publications on human rights issues, and has taken part in many human rights forums.

Dr. García-Sayán had been a judge of the Inter-American Court of Human Rights since 2004. He is a Peruvian jurist of international renown with a long professional career in teaching and research in the area of international human rights law. He is a lawyer of the Pontificia Universidad Católica of Peru and a professor of law at this and other universities. He has been Minister of Foreign Affairs and Minister of Justice of Peru. In addition, he was Head of the Electoral Observation Mission to Guatemala of the Organization of American States (2007), and Director of the Human Rights Division of the United Nations in El Salvador (1992-1995). Judge García-Sayán is also the author of various publications on human rights issues, and has taken part in many human rights forums.

## **IV. INTER-INSTITUTIONAL COOPERATION AGREEMENTS**

During 2007, the Inter-American Court of Human Rights signed nine cooperation agreements with different institutions, eight of them in the Americas. These agreements were signed with: the Universidad San Francisco de Quito, Ecuador, the Universidad de Alcalá, Spain, the University of Maryland, United States, the Office of the Prosecutor General of Colombia, the Central American Court of Justice, the Universidad de Talca, Chile, the International Human Rights Law Institute of DePaul University, United States, the Universidad Iberoamericana Puebla, Mexico, and the United Nations Latin American Institute for the Prevention of Crime and the Treatment of Offenders (ILANUD). The purpose of these agreements is to establish the bases for

collaboration in order to promote joint activities with the said institutions with regard to human rights research, teaching, dissemination and extension work.

## V. ADMINISTRATIVE AND FINANCIAL AFFAIRS

The Inter-American Court's financial statements for the 2006 financial year were audited by the independent external auditing firm, Venegas, Pizarro, Ugarte & Co., authorized public accountants, who represent HLB International in Costa Rica.

The audit included both OAS funds and the State of Costa Rica's contribution for this period. The financial statements are prepared by the administrative unit of the Inter-American Court and the audit was made in order to confirm that the Court's financial transactions take into account generally accepted accounting and auditing principles.

According to the March 12, 2007, report of the authorized public accountants, the Court's financial statements adequately reflect the institution's financial situation and net assets, and also the income, expenditure and cash flows for the 2006 period, which are in accordance with consistently applied and generally accepted 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 commercial practices are used to ensure the most effective use of its funds.

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

### International Cooperation

The project "Strengthening the Inter-American Court of Human Rights" was initiated, financed by the Government of Norway through the Norwegian Ministry of Foreign Affairs in conjunction with the Embassy in Guatemala. The agreement was signed on December 7, 2006, and will provide a total of twelve million Norwegian kroners, equivalent to US\$1,970,799.32 (according to the exchange rate of 6.0889 kroners to the dollar published by the Costa Rican Central Bank on the day the agreement was signed). An initial disbursement of US\$845,141.61 was received on December 12, 2006. During 2007, the activities stipulated in the agreement were implemented satisfactorily, and the first progress report on technical and financial activities was submitted during the first week of November 2007, in compliance with the commitments made in the agreement. During the year an expansion to the agreement was negotiated. This was approved, and Amendment No. 1 signed on November 9, 2007, by the Chargé d'Affaires of the Norwegian Embassy in Guatemala provided for an additional US\$120,000.00.

The Spanish International Cooperation Agency (AECI), through the Spanish Fund administered by the OAS General Secretariat, approved two projects for the Inter-American Court of Human Rights. The first, for US\$300,000.00 over 12 months, supports the strengthening of the Court. This project commenced in April 2007 and its activities are being implemented according to the commitment made in the project document. A progress report was presented and has been approved by the Administrator of the Spanish Fund and the OAS Project Evaluation Committee. As a result of the Court's performance in the implementation of this project, on October 4, 2007, the thirtieth meeting of the Project Evaluation Committee held at OAS Headquarters approved a two-year second stage. A total of US\$463,626.00 was approved for the first year of this second stage. The second project will contribute US\$190,000.00 to raise awareness about the inter-American system for the protection of human rights through three itinerant sessions of the Court during 2007 and 2008. The itinerant session in Colombia was held during 2007.

In addition, the Court received several independent contributions. The United Nations High Commissioner for Refugees (UNHCR) gave US\$6,794.80 and the Permanent Mission of Mexico to the OAS made a donation of US\$125,000.00. The Government of Costa Rica maintained its annual quota of US\$100,000.00, as it has since the seat of the Court was installed in the country, and the OAS has made disbursements in accordance with the 2007 budget of US\$1,656,300.00 from regular funds approved by the General Assembly held in Panama.

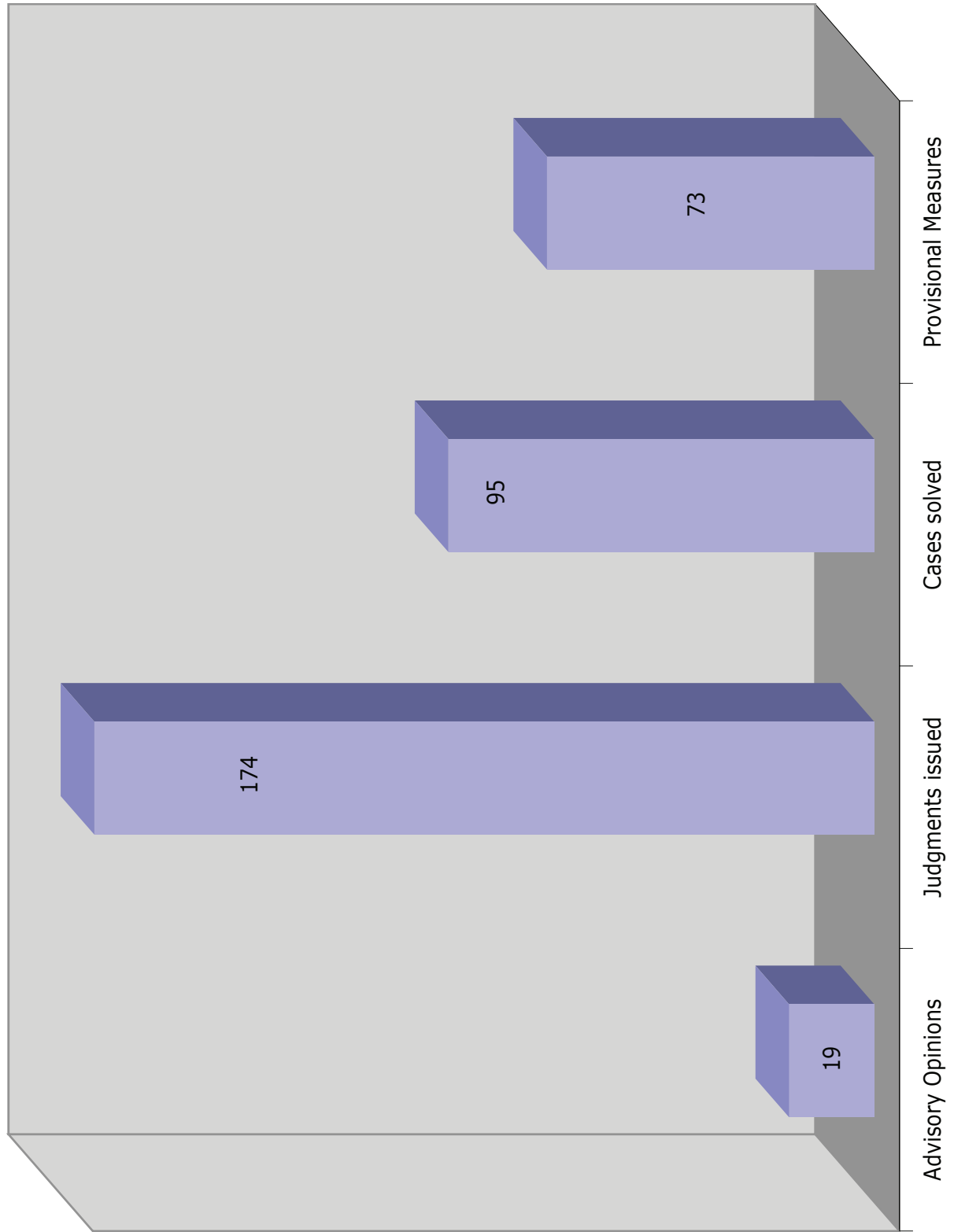
### **Internships**

During 2006, the Court received 44 interns from the following 15 countries at its seat: Brazil, Canada, Chile, Colombia, Costa Rica, United States, France, Haiti, Israel, Mexico, Panama, Paraguay, Peru, Portugal and Venezuela. The following website can be consulted for further information on the Court's Internships and Professional Visits Program: <http://www.corteidh.or.cr/pasantias.cfm>

## **VI. STATISTICS OF THE COURT**

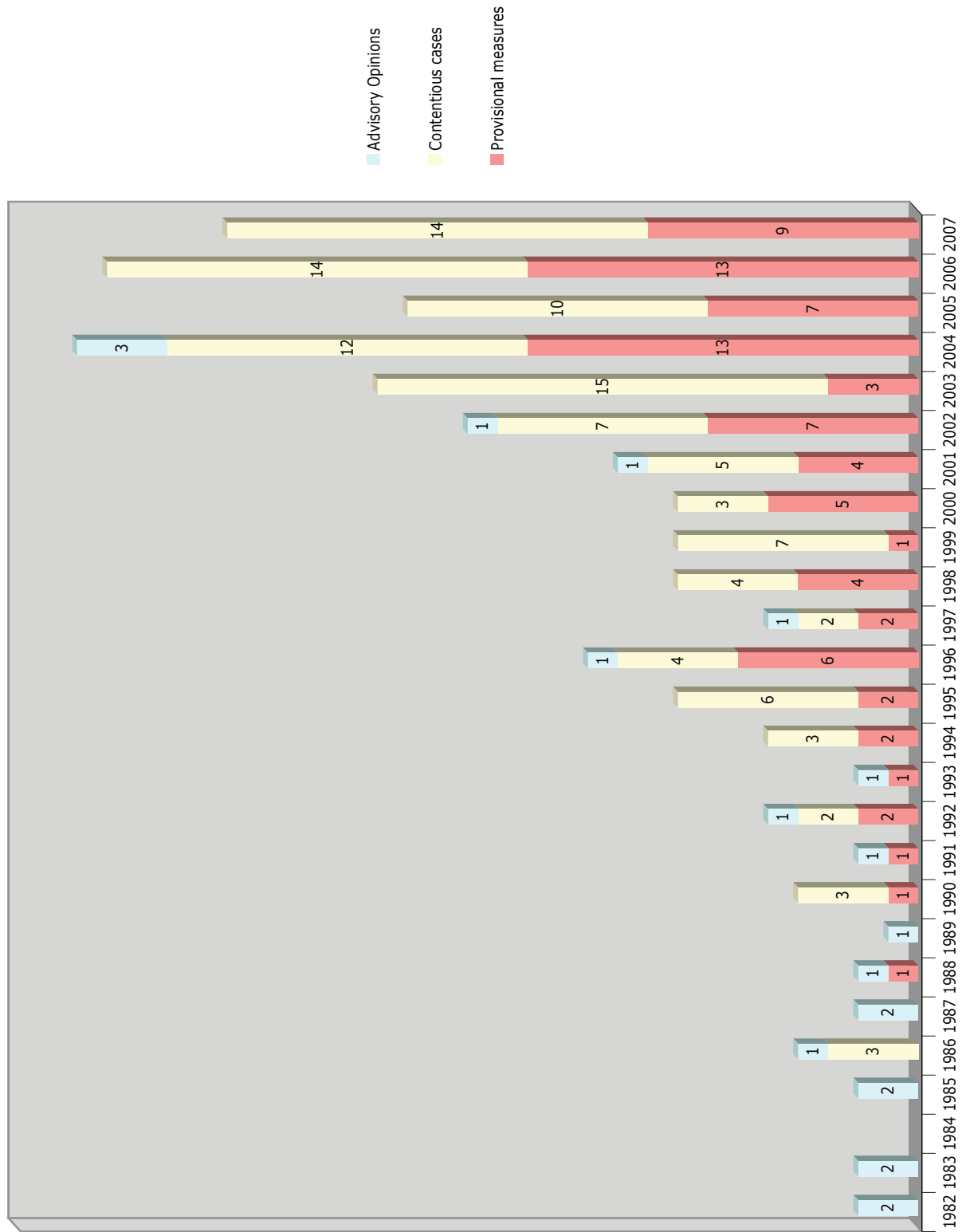
The following tables illustrate the activities of the Inter-American Court of Human Rights, and its current status:

### The Inter-American Court of Human Rights (1979 - 2007)

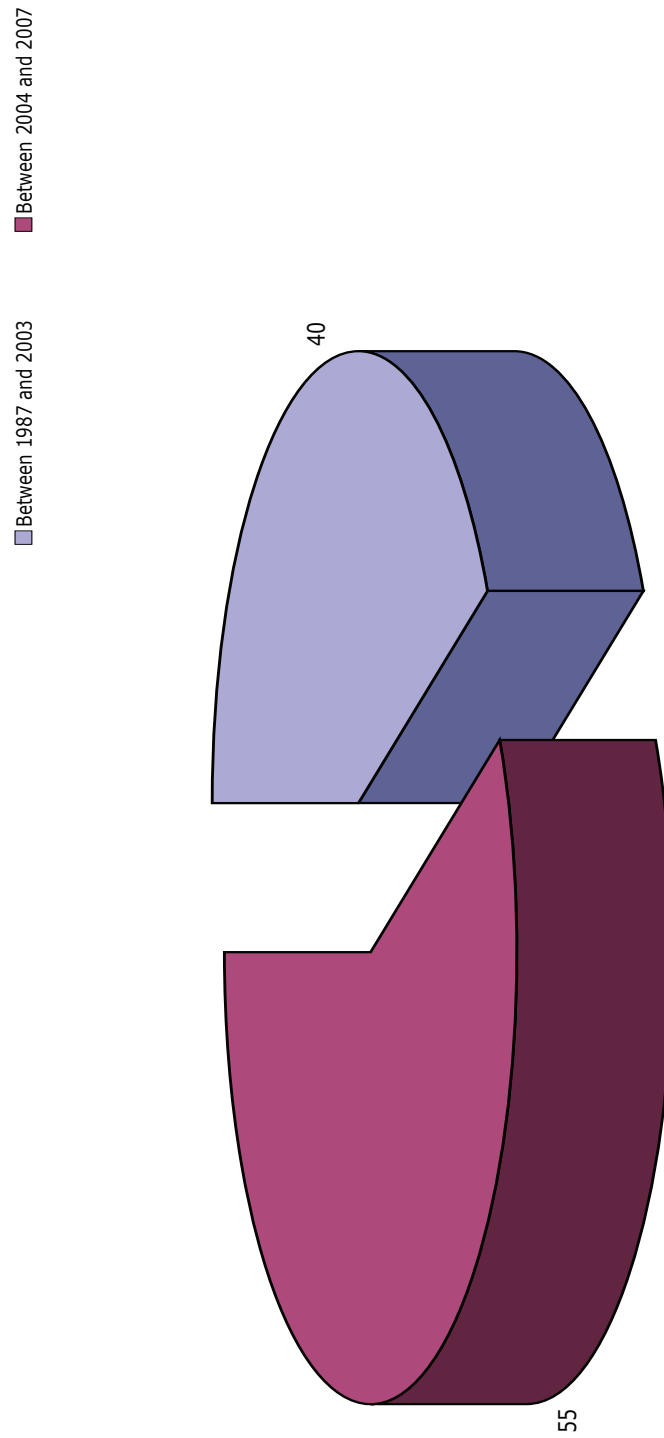




## Submission of advisory opinions, contentious cases and provisional measures

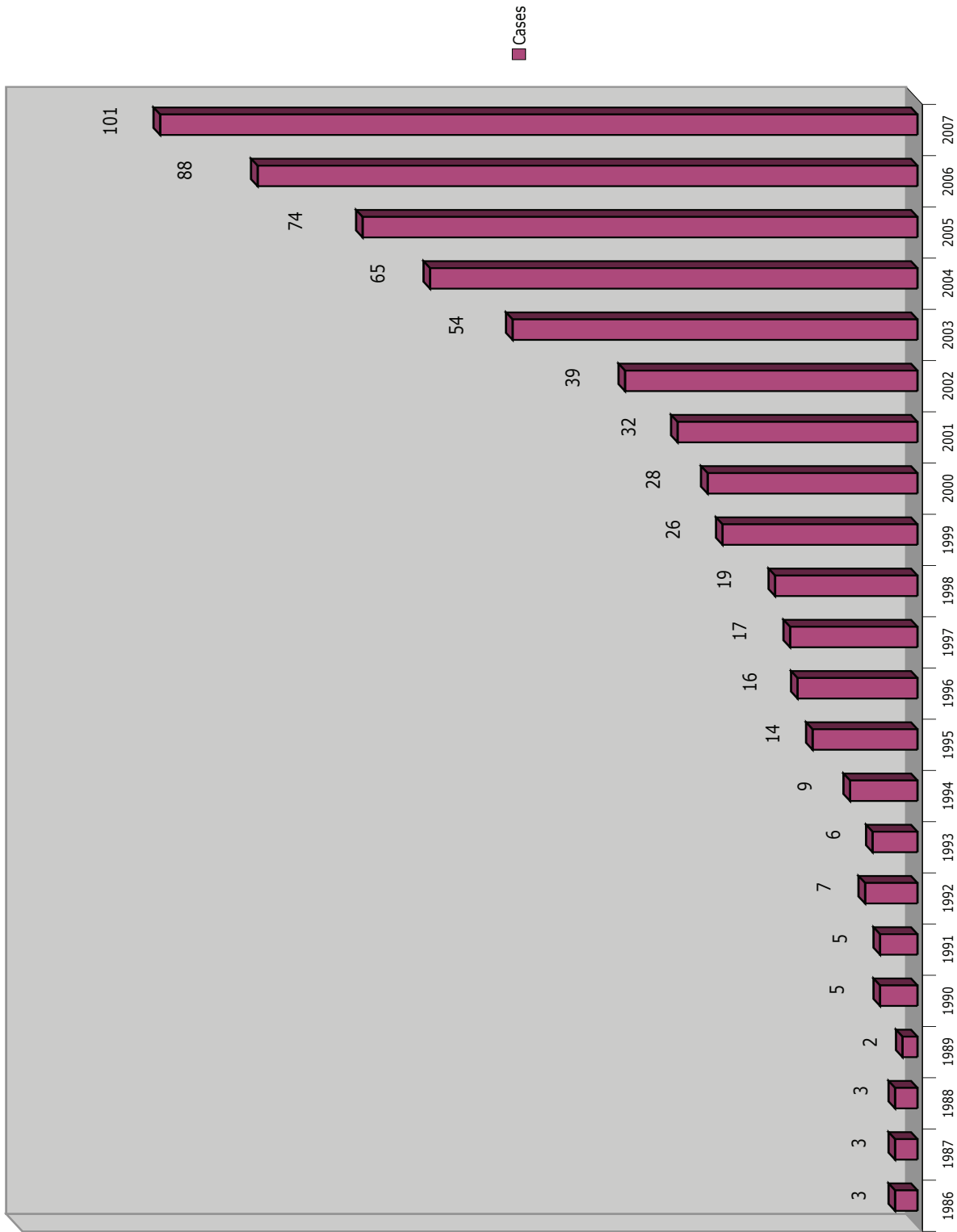


### Solution of contentious cases



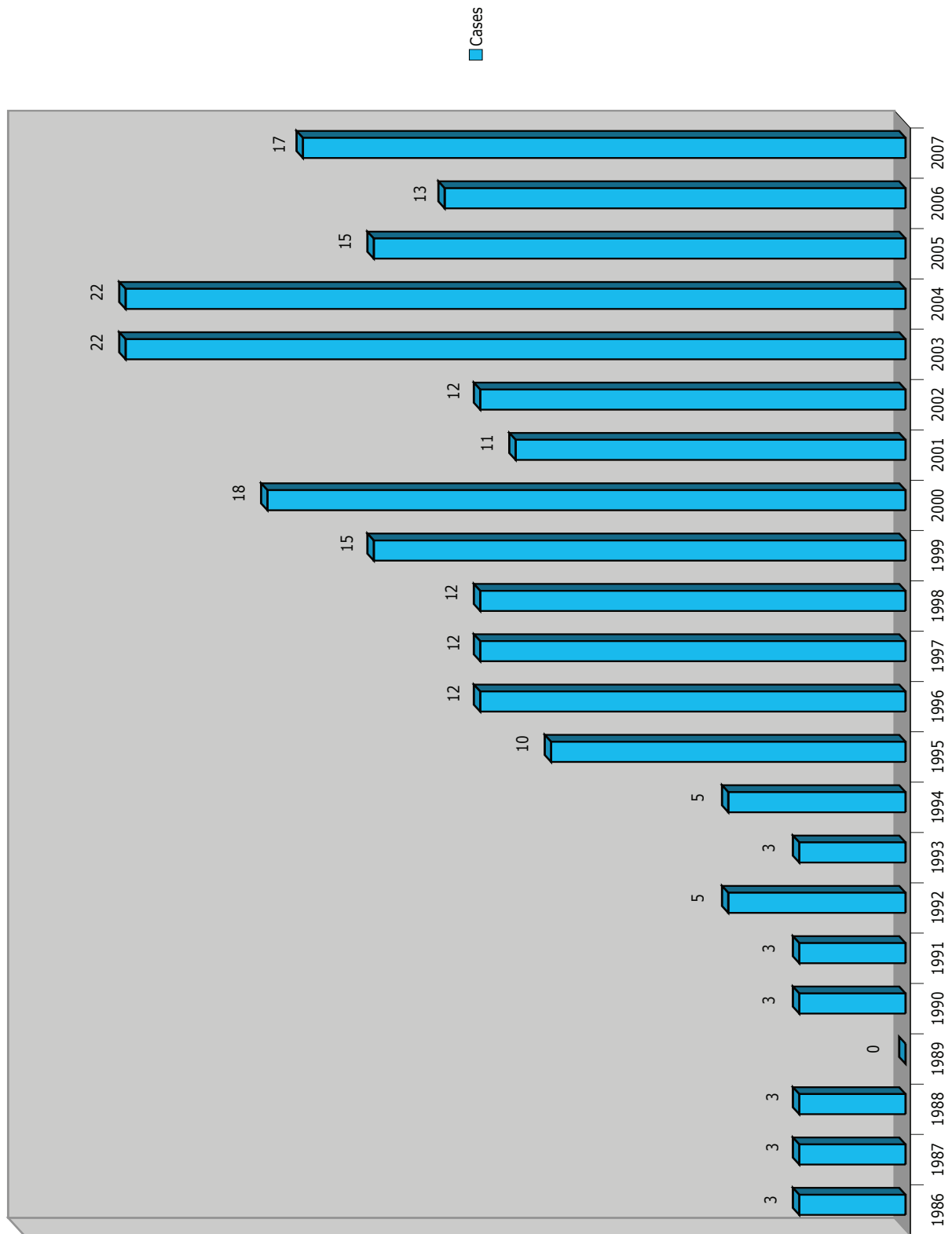
- Includes the cases solved on preliminary objections, merits and reparations, independently of the posterior stage of monitoring compliance with judgment.

## Contentious cases before the Court and in stage of monitoring compliance with judgment

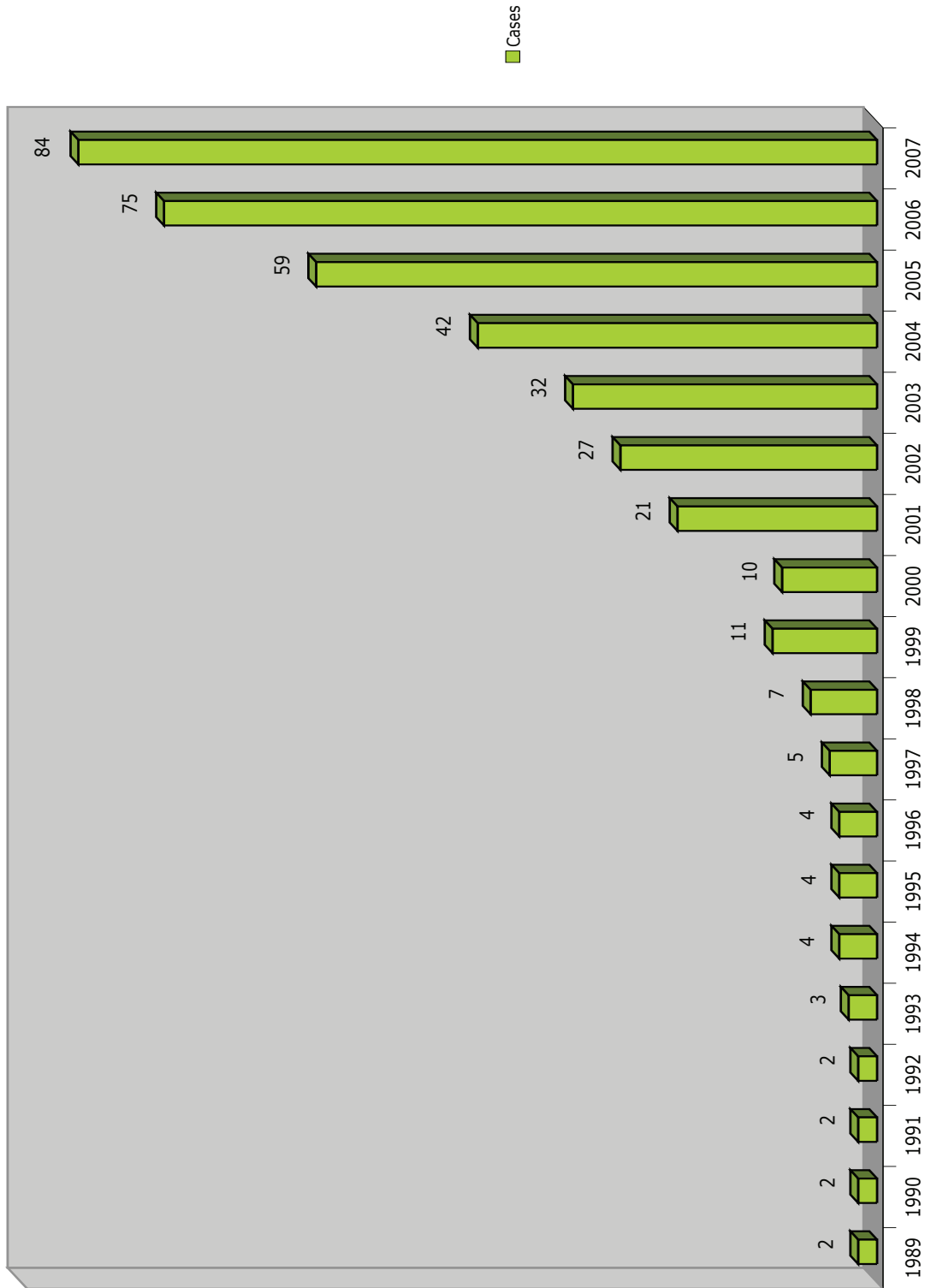


- This chart includes the cases in which no judgment has been issued and the cases in which the judgment has been issued and are in stage of monitoring compliance with judgment.

## Contentious cases without judgment at the end of the mentioned years

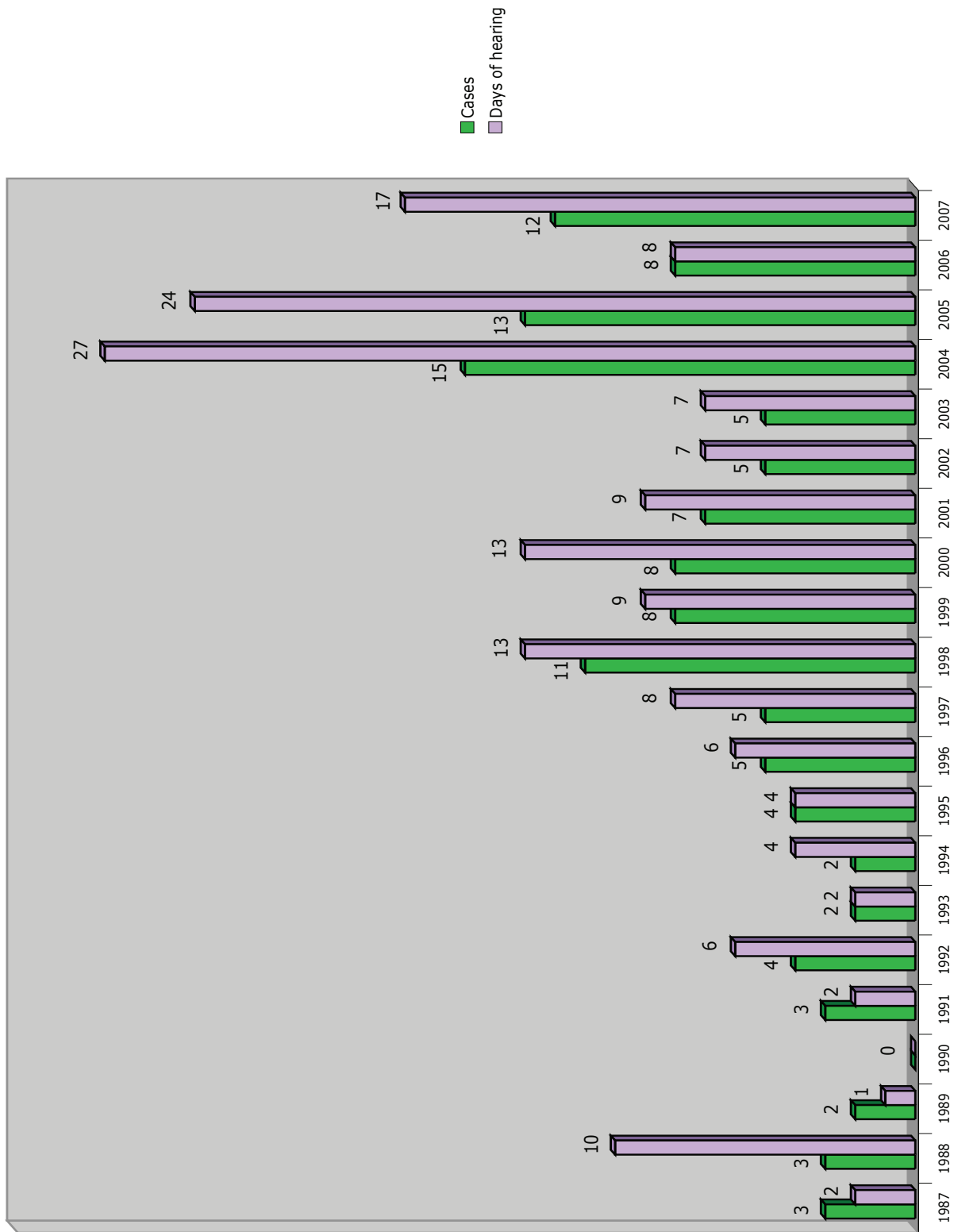


## Contentious cases on stage of monitoring compliance with judgment



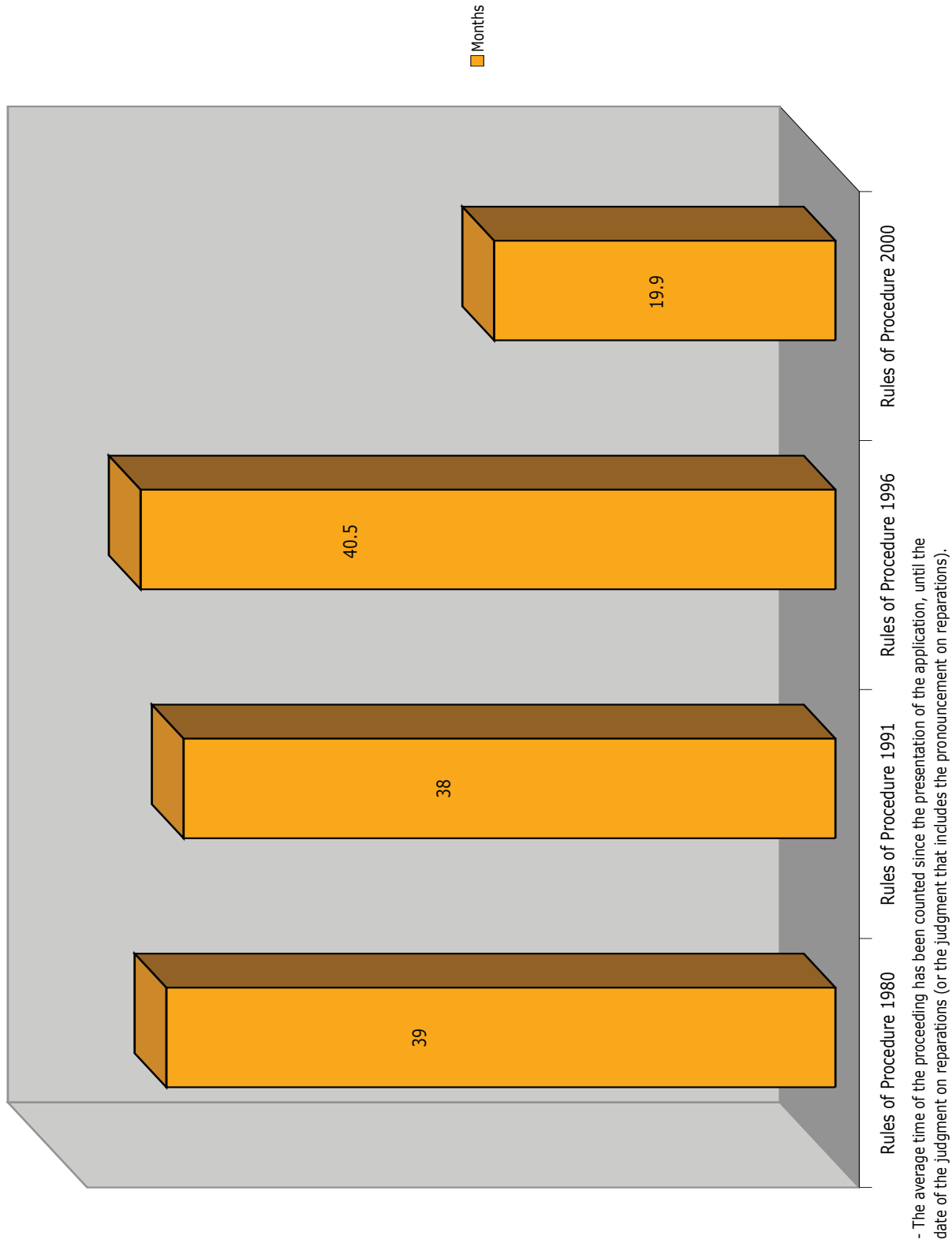
- It is considered that a case is in the stage of monitoring compliance with judgment when the Court has already solved the case and some extreme of the judgment is pending compliance, by the condemned State. Only when the Court considers that the State has complied with each and every of the obligations ordered in the judgment, it orders the archive of the case.

## Public hearings on contentious cases

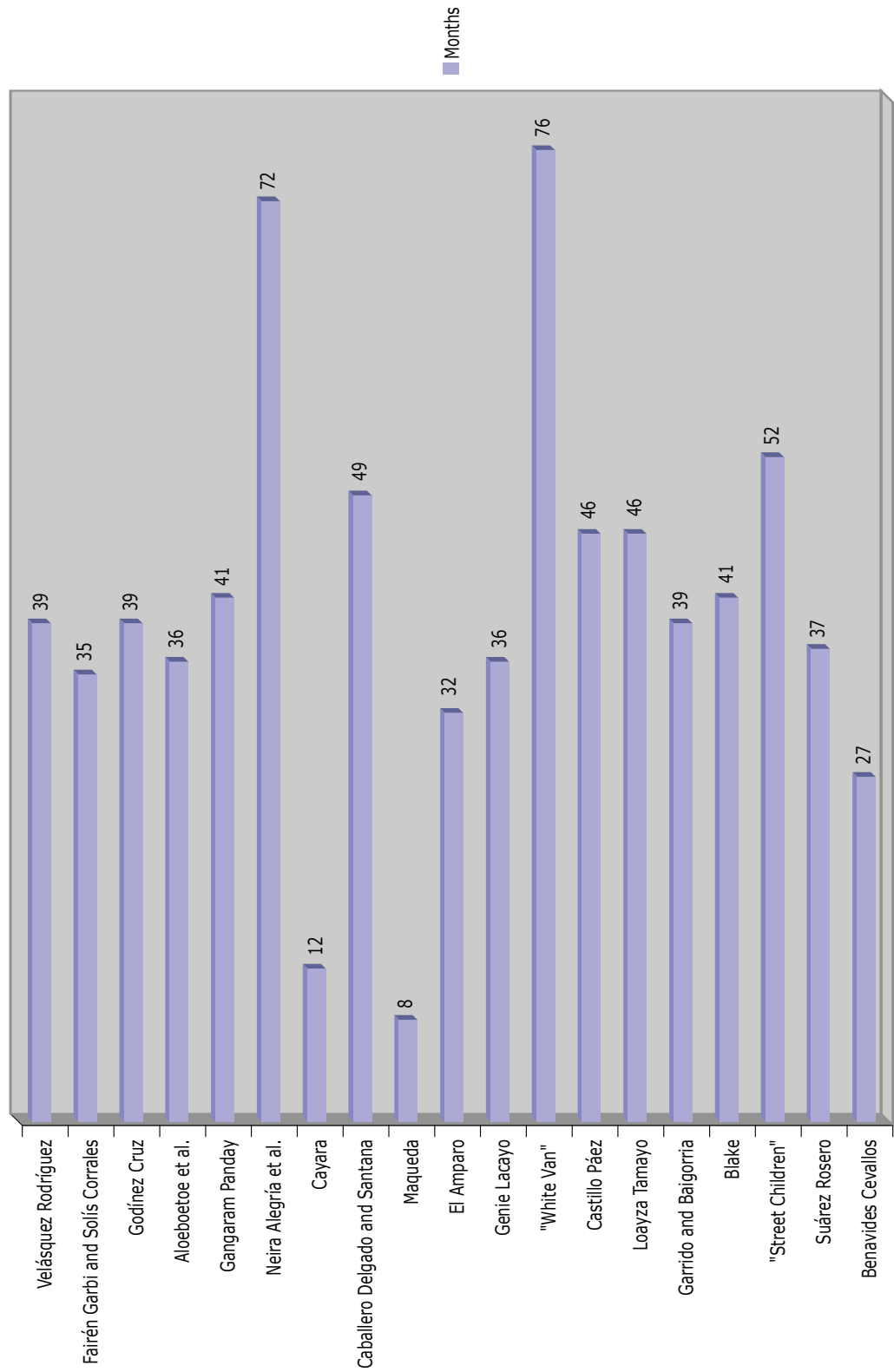




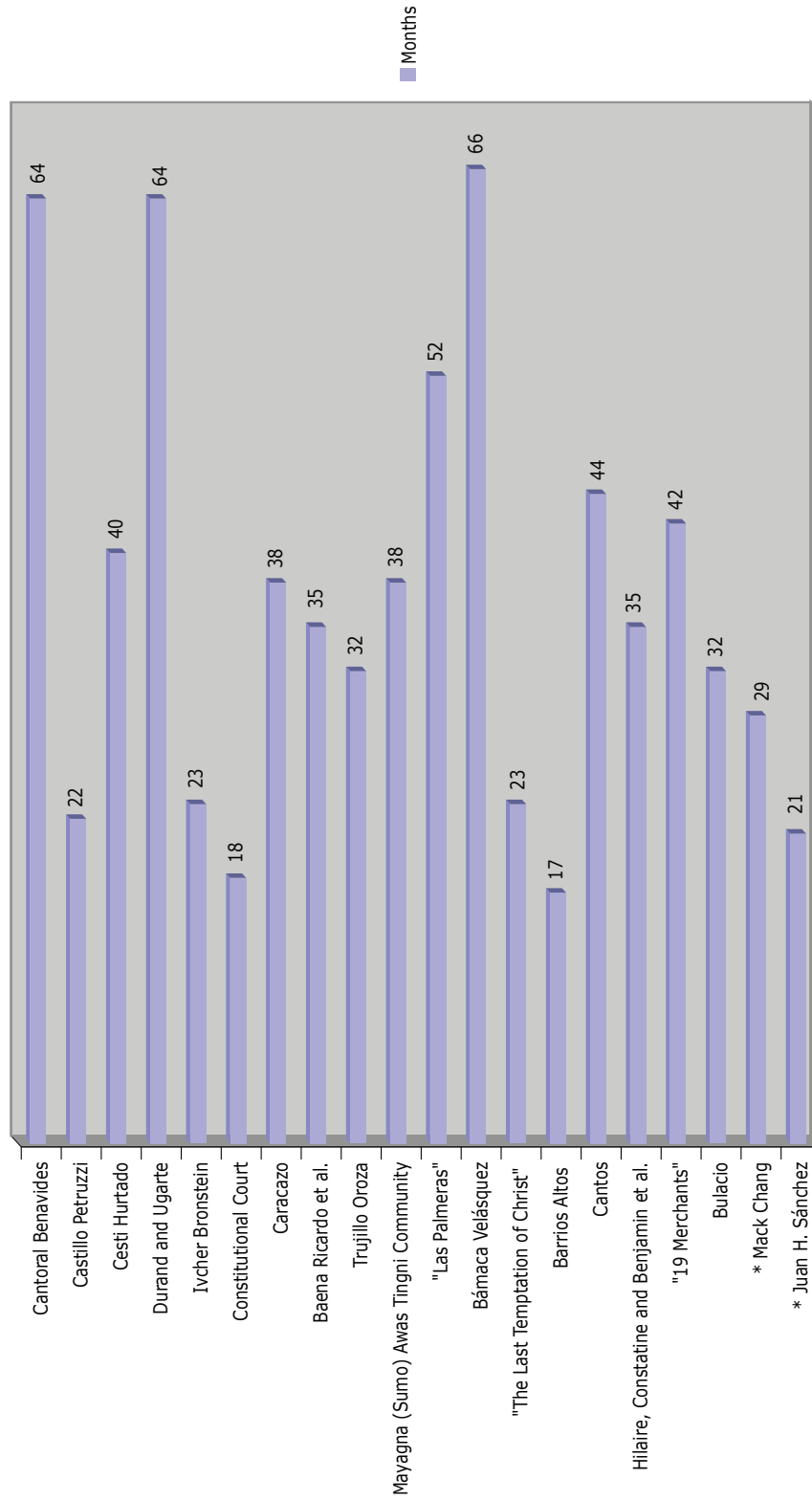
### Average time of the proceeding on contentious cases



**Time of the processing of contentious cases**  
**Chart No. 1**

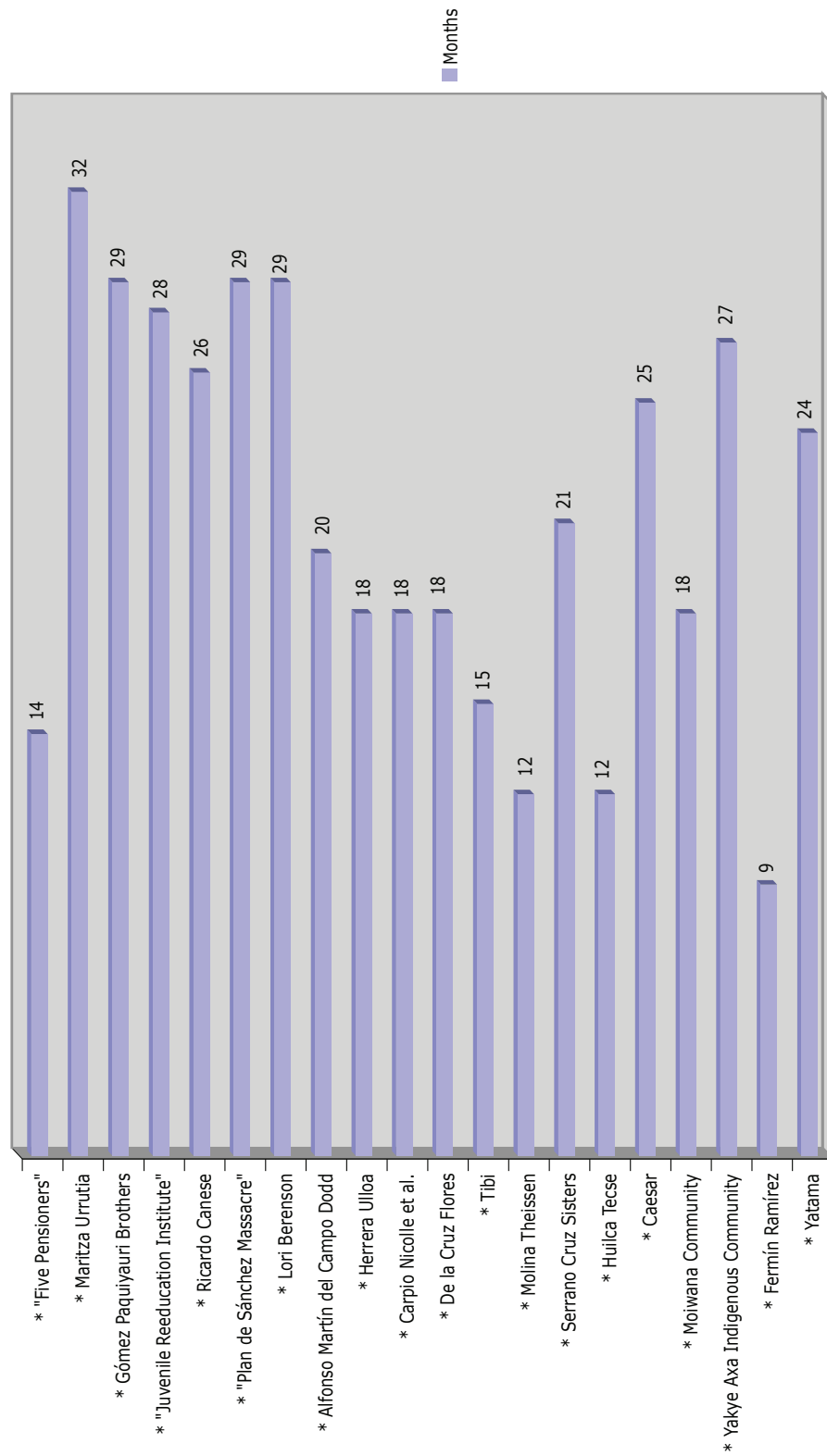


Time of the processing of contentious cases  
Chart No. 2



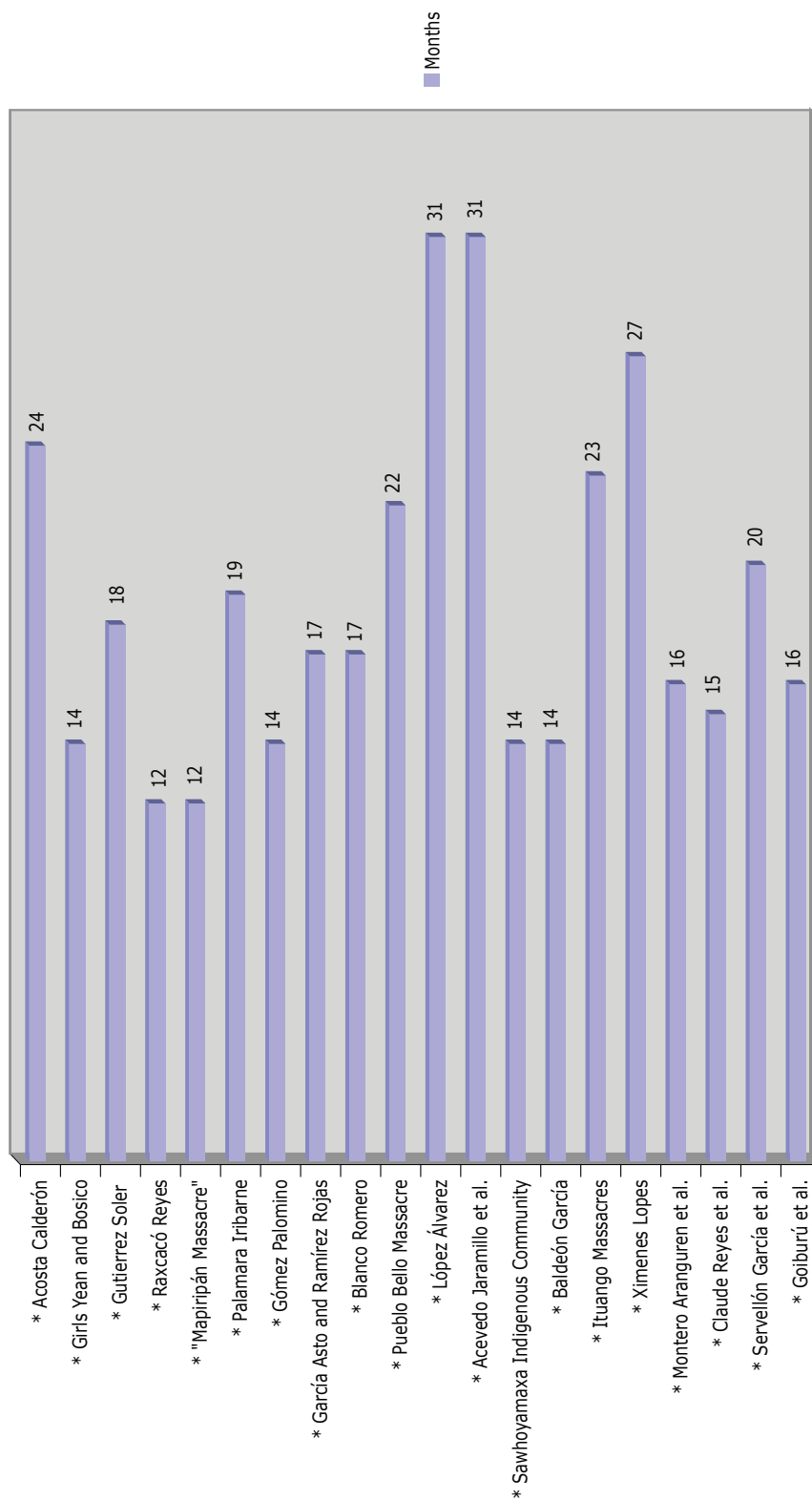
\* Contentious cases processed with the Rules of Procedure of the year 2000.

**Time of the processing of contentious cases**  
**Chart No. 3**



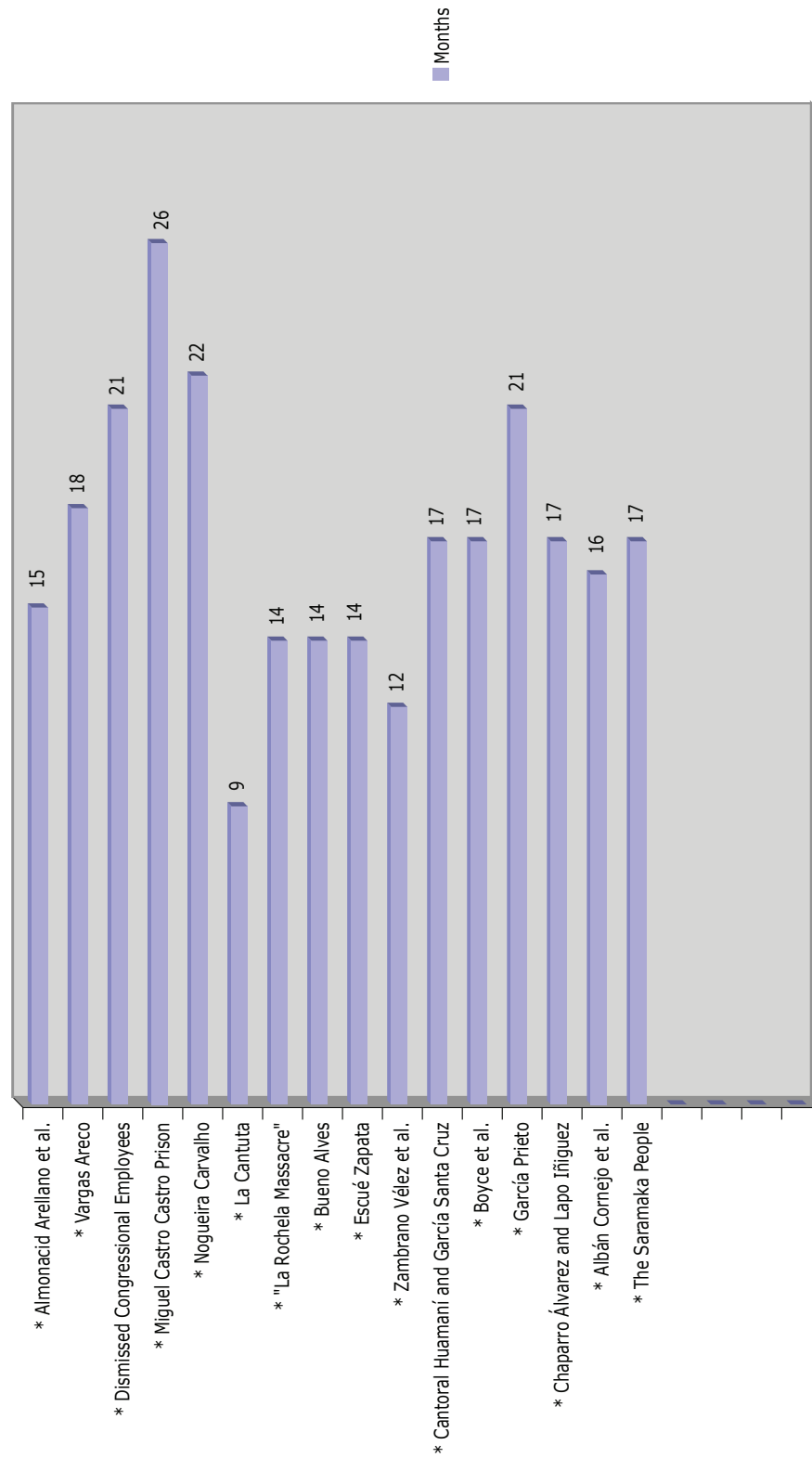
\* Contentious cases processed with the Rules of Procedure of the year 2000.

Time of the processing of contentious cases  
Chart No. 4



\* Contentious cases processed with the Rules of Procedure of the year 2000.

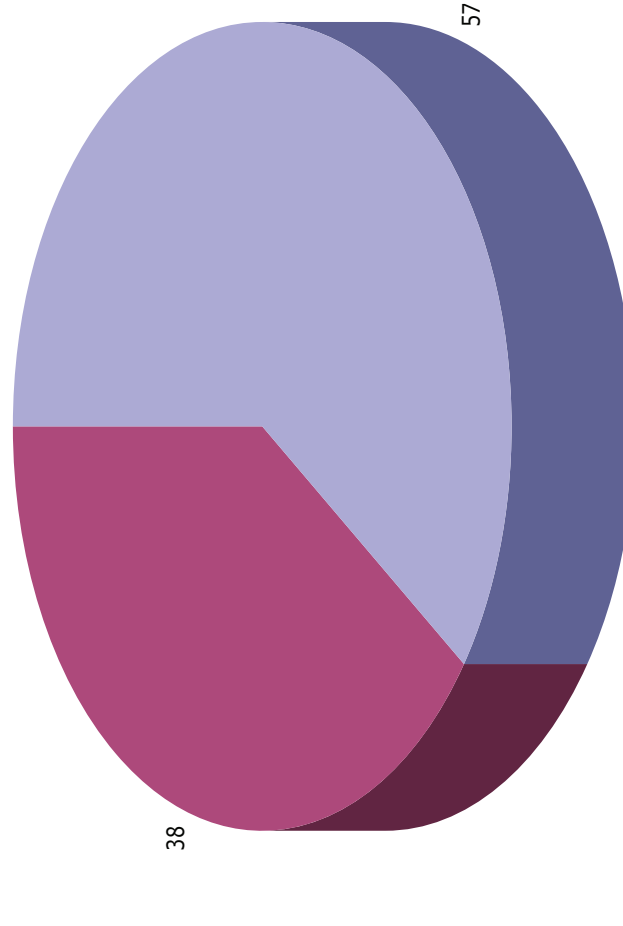
**Time of the processing of contentious cases**  
**Chart No. 5**



\* Contentious cases processed with the Rules of Procedure of the year 2000.



## Acquiescence or acknowledgement of international responsibility



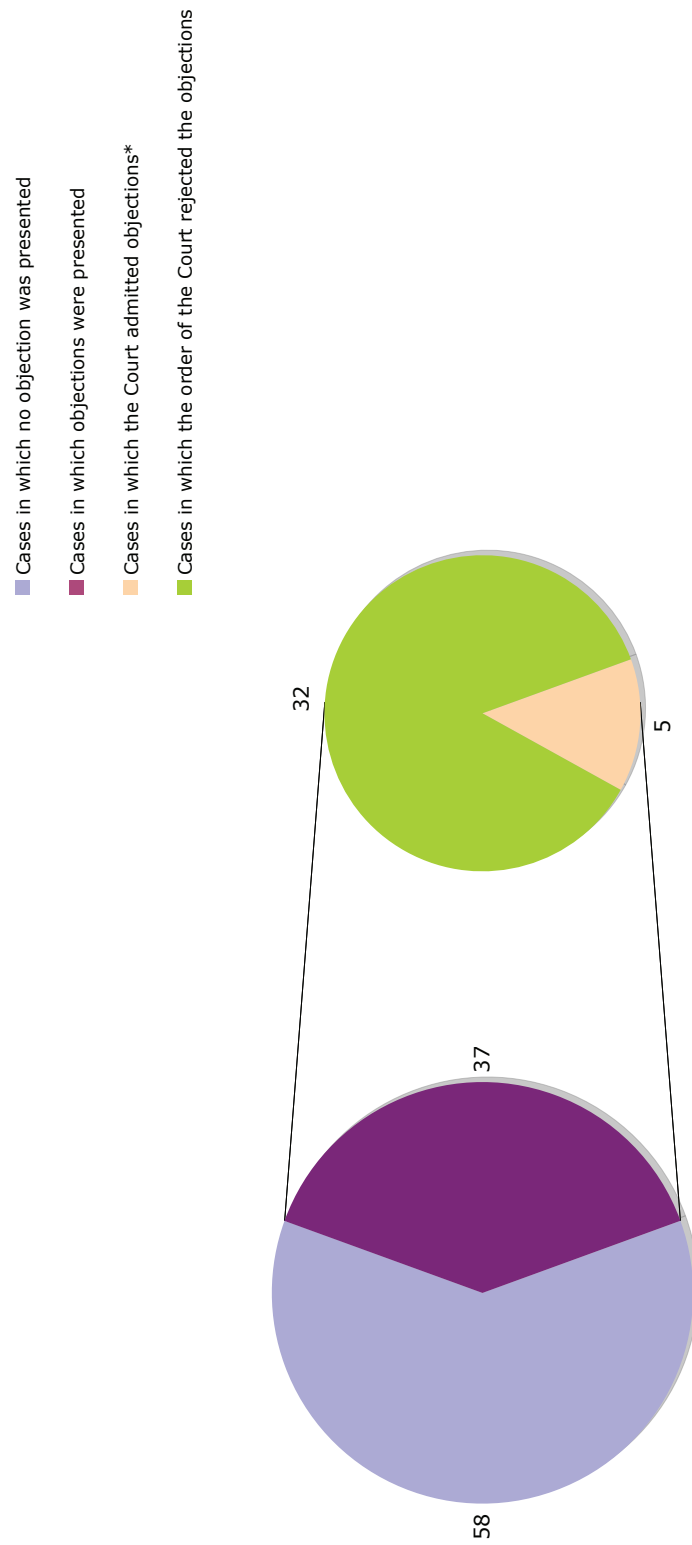
Ordinary processing

Acknowledgement of international responsibility by the State

In the 40% of the contentious cases, the States have acquiesced or acknowledged completely or in part, their international responsibility. These cases are:

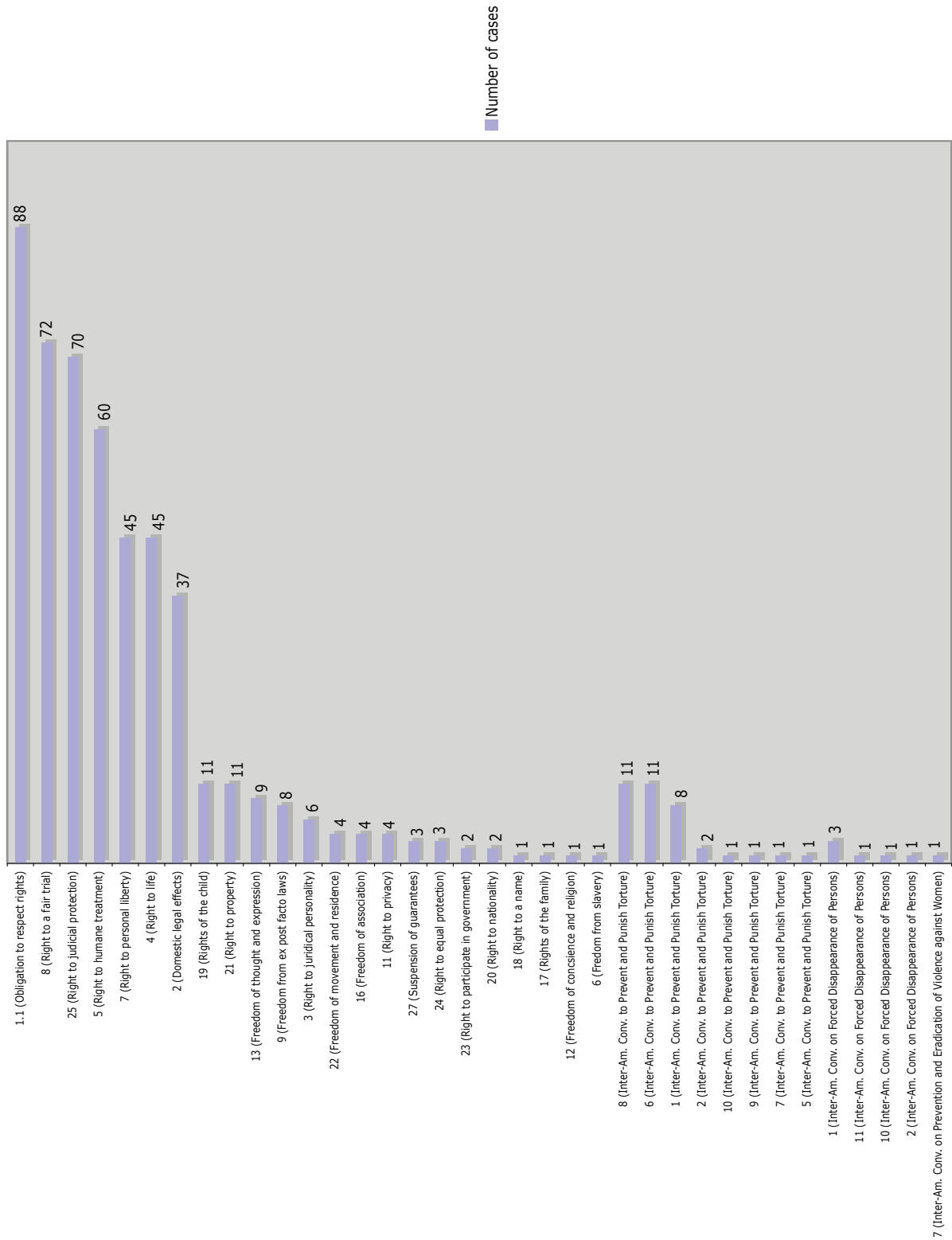
- Acevedo Jaramillo *et al.* v. Perú
- Albán Cornejo *et al.* v. Ecuador
- Aloebotoe *et al.* v. Suriname
- Baldeón García v. Perú
- Barrios Altos v. Perú
- Benavides Cevallos v. Ecuador
- Blake v. Guatemala
- Blanco Romero v. Venezuela
- Bueno Alves v. Argentina
- Bulacio v. Argentina
- Cantoral Huamaní y García Santa Cruz v. Perú
- Caracazo v. Venezuela
- Carpio Nicolle *et al.* v. Guatemala
- Chaparro Álvarez v. Ecuador
- El Amparo v. Venezuela
- Escué Zapata v. Colombia
- García Asto y Ramírez Rojas v. Perú
- García Prieto v. El Salvador
- Garrido y Baigorriá v. Argentina
- Golburú y otros v. Paraguay
- Gómez Palomino v. Perú
- Gutiérrez Soler v. Colombia
- Huilca Tecse v. Perú
- La Cantuta v. Perú
- Maritza Urrutia v. Guatemala
- La Rochela Massacre v. Colombia
- Mapiripán Massacre v. Colombia
- Plan de Sánchez Massacre v. Guatemala
- Ituango Massacres v. Colombia
- Molina Theissen v. Guatemala
- Montero Aranguren *et al.* v. Venezuela
- Myrna Mack Chang v. Guatemala
- Penal Miguel Castro Castro v. Perú
- Servellón García *et al.* v. Honduras
- Trujillo Oroza v. Bolivia
- Vargas Areco v. Paraguay
- Ximenes Lopes v. Brasil
- Zambrano Vélez *et al.* v. Ecuador

## Preliminary objections

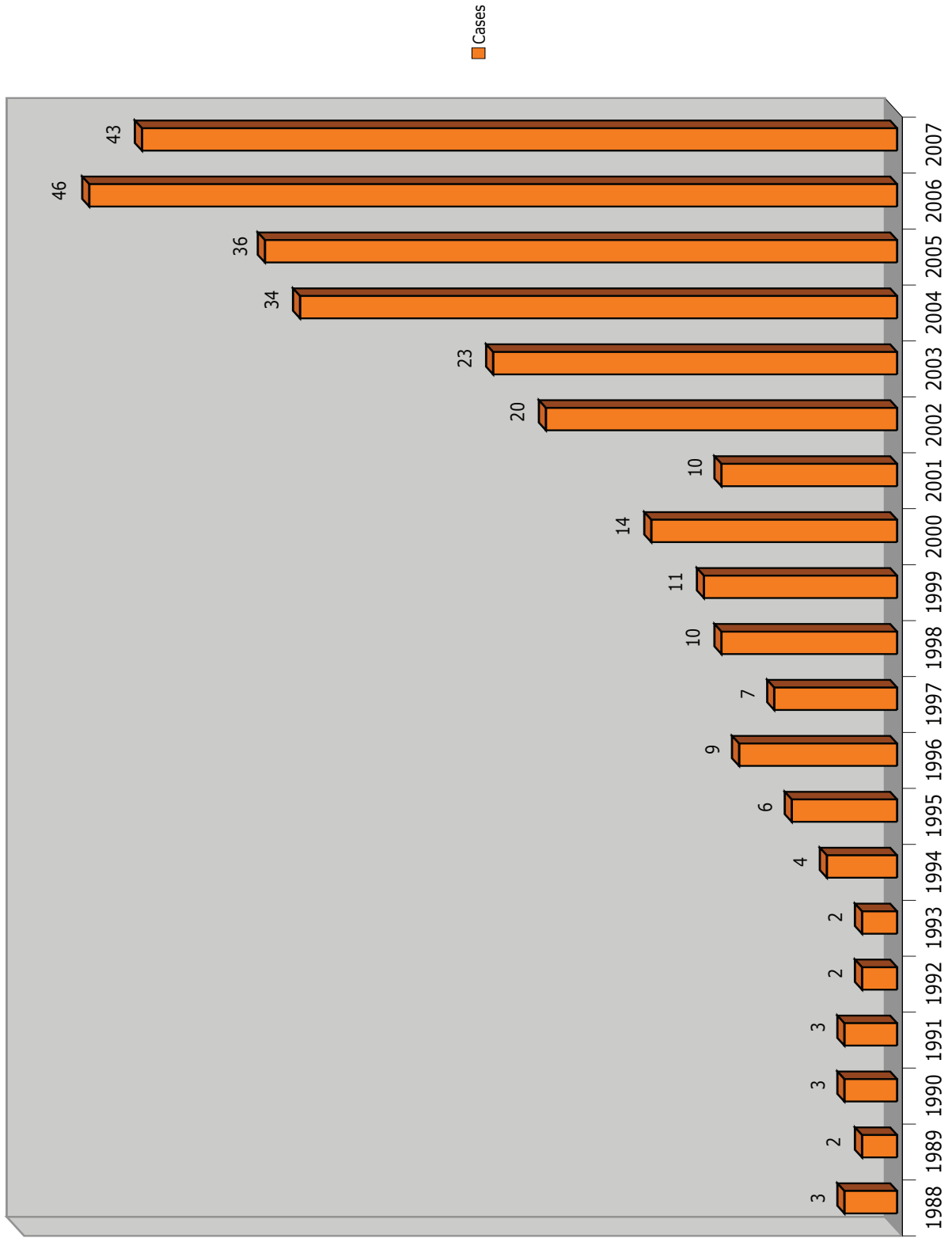


\* In one occasion the Court ordered the filing of the case after admitting the preliminary objection presented by the State.

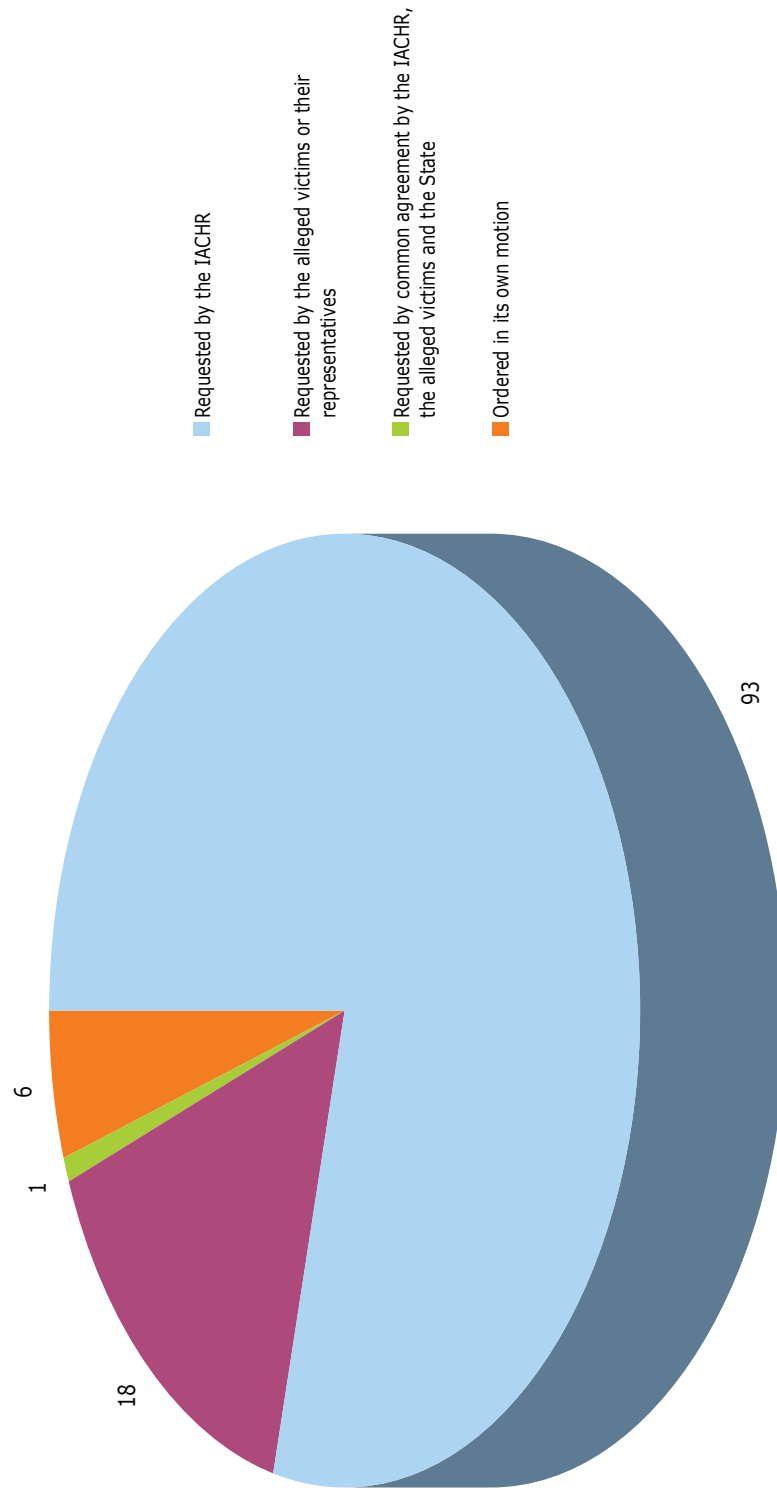
## Articles of the A.C.H.R. and other treaties, which violation was declared in judgment of the Court



## Provisional measures ordered



## Request for provisional measures



- The 26% of the provisional measures requested are related to contentious cases processed before the Court. The other 74% correspond to proceedings before the Commission.
- This chart includes 118 requests for provisional measures. In 10 cases the measures requested were rejected, 32 belong to requests of expansion of provisional measures already adopted by the Tribunal and 4 are pending to be resolved by the date of this report.

### Subjects of the advisory opinions



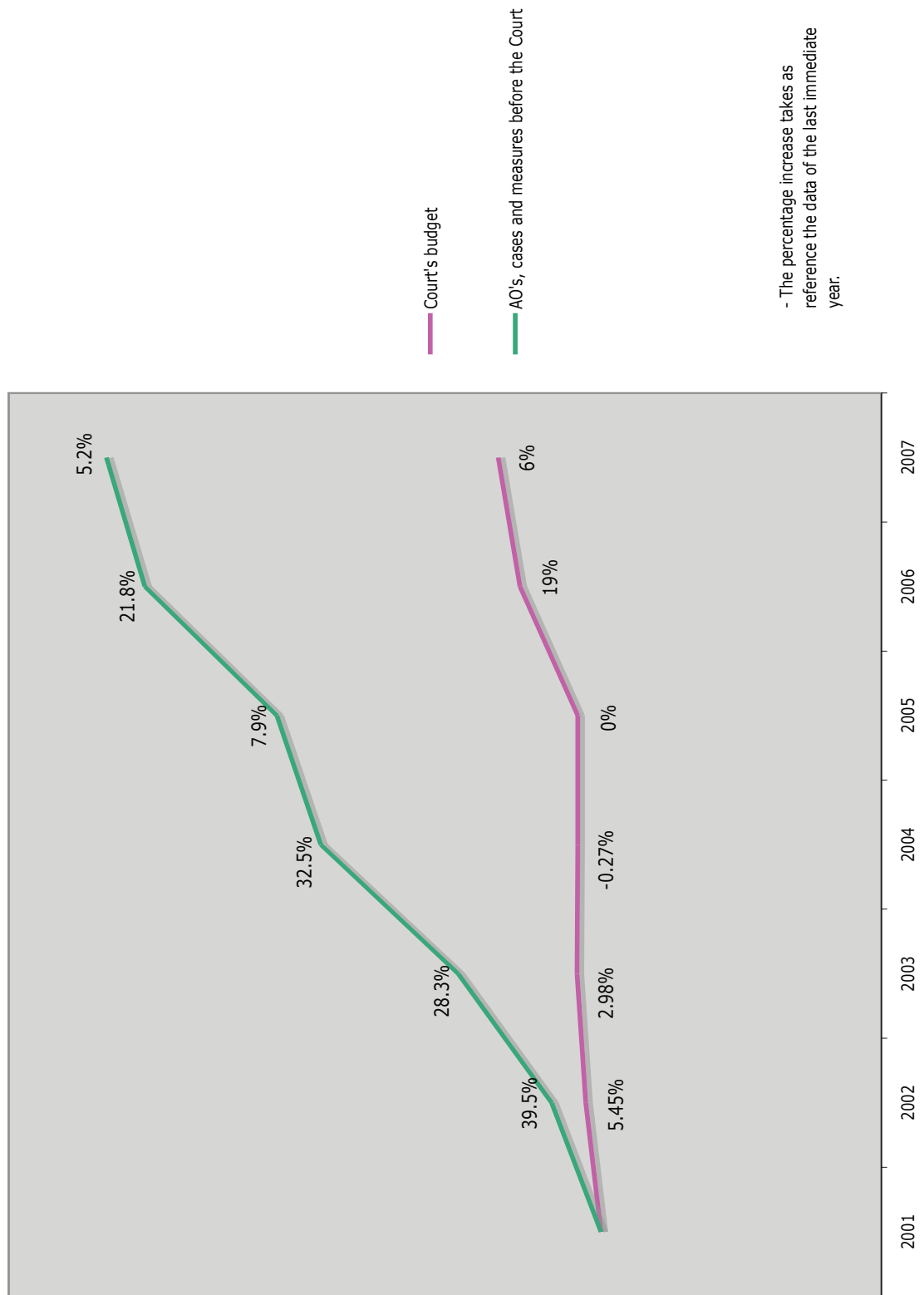
- 13 advisory opinions were requested by member States of the OAS and 6 by the Inter-American Commission on Human Rights.



### Regular annual fund of the OAS and annual budget of the Inter-American Commission and Court



### Regular budget of the Court and advisory opinions, contentious cases and provisional measures before the Court



## THE ORGANIZATION OF AMERICAN STATES

The Organization of American States (OAS) is the world's oldest regional organization, dating back to the First International Conference of American States, held in Washington, D.C., from October 1889 to April 1890. During that meeting, it was resolved to create the International American Conference. The Charter of the OAS was adopted in Bogota in 1948 and it entered into force in December 1951. The Charter was subsequently amended by the Protocol of Buenos Aires, signed in 1967, which entered into force in February 1970, by the Protocol of Cartagena de Indias, signed in 1985, which entered into force in November 1988, by the Protocol of Managua adopted in 1993, which entered into force on January 29, 1996, and by the Protocol of Washington, signed in 1992, which entered into force on September 25, 1997. Currently, the OAS has 35 Member States. Furthermore, the Organization has granted Permanent Observer status to more than 44 States and the European Union.

The basic purposes of the OAS are as follows: to strengthen the peace and security of the continent; to promote and consolidate representative democracy with due respect for the principle of non-intervention; to prevent the possible causes of difficulties and to ensure the peaceful settlement of disputes that may arise among its members; to provide for the common action of the Member States in the event of aggression; to seek the solution of political, juridical and economic problems that may arise among them; to promote, by cooperative action, their economic, social and cultural development, and to achieve an effective limitation of conventional weapons that will make it possible to devote the largest amount of resources to the economic and social development of the Member States.

The OAS accomplishes its purposes through the following organs: the General Assembly; the Meeting of Consultation of Ministers of Foreign Affairs; the Councils (the Permanent Council and the Inter-American Council for Integral Development; the Inter-American Juridical Committee; the Inter-American Commission on Human Rights; the General Secretariat; the Specialized Conferences; the Specialized Organizations, and other entities established by the General Assembly.

The General Assembly holds regular sessions once a year. In special circumstances, it meets in special sessions. The Meeting of Consultation is convened in order to consider matters of an urgent nature and of common interest and to serve as the Organ of Consultation for implementation of the Inter-American Treaty of Reciprocal Assistance (Rio Treaty), which is the principal instrument for common action in the event of aggression. The Permanent Council examines matters referred to it by the General Assembly or the Meeting of Consultation and executes the decisions of both these organs when implementation has not been assigned to any other entity; it monitors the maintenance of friendly relations among the Member States as well as the observance of the rules that govern the operation of the General Secretariat; it also acts provisionally as the Organ of Consultation for implementation of the Rio Treaty. The General Secretariat is the central, permanent organ of the OAS. The headquarters of both the Permanent Council and the General Secretariat is in Washington, D.C.

**MEMBER STATES: Antigua and Barbuda, Argentina, Bahamas** (*Commonwealth of the*), **Barbados, Belize, Bolivia, Brazil, Canada, Chile, Colombia, Costa Rica, Cuba, Dominica** (*Commonwealth of*), **Dominican Republic, Ecuador, El Salvador, Grenada, Guatemala, Guyana, Haiti, Honduras, Jamaica, Mexico, Nicaragua, Panama, Paraguay, Peru, St. Kitts and Nevis, St. Lucia, St. Vincent and the Grenadines, Surinam, Trinidad and Tobago, United States, Uruguay and Venezuela.**