ANNUAL REPORT 2015

INTER-AMERICAN COURT OF HUMAN RIGHTS

ANNUAL REPORT 2015

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I. FOREWORD

On behalf of the judges of this Court, I have the honor to present the Annual Report of the Inter-American Court of Human Rights, which describes its most relevant case law and institutional activities during 2015.

The Court held six regular sessions at its seat in San José de Costa Rica, and two special sessions, one in Cartagena de Indias, Colombia, and the other in Tegucigalpa, Honduras. It held thirteen public hearings on contentious cases, and three probative procedures in the context of processing contentious cases. In the course of monitoring compliance with judgments, eight public hearings and one probative procedure were held. In addition, the Court held a public hearing on an advisory opinion.

During the year, the Court delivered seventeen judgments: fifteen of them on preliminary objections and merits, and two on interpretation. It also issued thirty-six orders on monitoring compliance with judgment, and twenty-two orders on provisional measures. The Inter-American Commission submitted fourteen new contentious cases to the consideration of the Inter-American Court and, at December 2015, twenty-five contentious cases remained pending a decision.

Since its creation in 1979, the work of Inter-American Court has centered on the effective protection and promotion of the human rights recognized in the American Convention and the other international treaties under its jurisdiction. By its examination of the cases and matters submitted to its consideration, the Court protects both the individual and the collective rights of the peoples of the Americas.

In this way, the Court has developed an important body of case law on issues such as the rights of children, the enforced disappearance of persons, freedom of expression, and political rights. The Court has also responded to the new challenges facing the societies of the Americas, and its case law has evolved in line with the reality. Throughout the year, the Court has played a pioneering role in the protection of human rights, deciding contemporary issues of global interest such as: the rights of persons with HIV/AIDS; the rights of indigenous and tribal peoples; State responsibility and the obligation to conduct a diligent investigation in cases of violence against women; due process of law in extradition proceedings, and the prohibition to extradite anyone who might be subject to the death penalty; the use of force by state agents, and the rights of members of the armed forces.

Constantly striving to reach out to the peoples of the Americas, the Inter-American Court has continued its practice of holding sessions away from its seat, traveling to the territories of the States Parties. Since 2005, the year in which it initiated this procedure, the Court has held twenty-four special sessions in sixteen different States. In 2015, the Court held two sessions away from its seat: in April, in Cartagena de Indias, Colombia, and, in August, in Tegucigalpa, Honduras. During these sessions, thousands of people have been able to attend public hearings on contentious cases, and participate in diverse workshops, conferences, seminars and academic activities that seek to disseminate developments in international human rights law and the case

law of the Inter-American Court. I would like to underline the widespread response to these sessions that, exceptionally, enabled the members of the Court to share information and experiences with human rights defenders, state agents, civil society organizations, students, academics, and victims of human rights violations.

The three judicial procedures conducted in 2015 should also be highlighted. They consisted in on-site visits to territories that were in dispute during the processing of contentious cases on territorial rights of indigenous and tribal peoples. These procedures were fundamental in order to obtain first-hand knowledge about those territories, and to talk to the villagers, indigenous leaders, authorities and state agents who accompanied our delegation during the visits. In cases of this type, I believe that an on-site visit is extremely important for the judge, because it provides him with increased understanding and a better perspective when deliberating and ruling, and gives a sense of reality to the dispute that is the subject-matter of the proceedings.

Furthermore, it is important to emphasize the new practice that the Court has adopted in the process of monitoring compliance with judgment. To help the Court provide appropriate support to the States and to the victims' representatives during the process of complying with its decisions, and implementing the reparations it has ordered, in 2015, a unit of the Court's Secretariat was established dedicated exclusively to monitoring compliance with judgment. Previously this task was divided between the different working groups of the legal area of the Court's Secretariat.

The Court has also continued its practice of monitoring jointly certain similar measures of reparation in several cases with regard to the same State so as to identify the structural problems or the common obstacles or challenges hindering compliance. Moreover, in 2015, for the first time, the Court held hearings on monitoring compliance with judgment in the territory of the States that had been found internationally responsible in those judgments; these hearings were held in Honduras and Panama. In addition, in the course of monitoring compliance with judgment, the Inter-American Court conducted a judicial procedure on the territory of an indigenous community in Panama in order to observe that territory directly and to receive information on the obstacles to compliance with the reparations ordered in the judgment. During these hearings and the judicial procedure in the territory of the States, the Court was able to receive information directly and opportunely on the challenges and possible solutions to the implementation of reparations from the victims' representatives, state officials, interested third parties, and the Inter-American Commission.

One of my main policies over these two years of my presidency has been to continue enhancing relationships with, and extending new bridges towards, different national and international courts. To this end, in 2014, we visited the seat of the European Court of Human Rights in Strasbourg, and now have an exchange program between officials of the two courts. Also, in 2015, we visited the seat of the African Court of Human and Peoples' Rights in Arusha, Tanzania, for an exchange of information and experiences between the judges of the two regional human rights courts. We also continue to build ties with the national high courts of the States under our jurisdiction by means of diverse judicial meetings held throughout the year. For example, in February, judicial dialogues were held at the *Universitat Pompeu Fabra* in Barcelona, with the

participation of 43 judges from 12 countries of Latin America and Europe, in order to discuss the challenges facing the inter-American system. Then, in June, in conjunction with the Konrad Adenauer Foundation, we organized the XXI Annual Meeting of Presidents and Justices of Constitutional Courts, Tribunals and Chambers of Latin America in San José, Costa Rica, to continue this discussion. Today, judicial dialogue is of vital importance and will continue to be one of the main aspects of the work of the Inter-American Court.

In the academic sphere, the Inter-American Court participated in the organization of seminars and conferences in collaboration with prestigious European and Latin American academic establishments. In this regard, we should stress the organization, in October, in conjunction with UNESCO and the Inter-American Commission on Human Rights, of the international conference entitled "Ending impunity in crimes against journalists," with the participation of experts from 30 countries.

The Court also continues its successful practice of receiving interns and professional visitors from countries within and outside the American continent who, while incorporating the Court's working groups, also contribute to, and benefit from, an intense academic, cultural and professional exchange program.

The need to expand and circulate information on the Court's case law has led to the publication of two new dissemination tools in 2015: the case law handbooks and the case law bulletins of the Inter-American Court. These documents provide systematized information on the Court's activities and the case law it develops. Both documents are updated periodically and distributed electronically through the Court's information channels.

The Inter-American Court uses the new technologies to reach every inhabitant of the continent. To this end, over the past year, we have continued improving the content of the website. All the public hearings are transmitted live on the website, and all our activities are disseminated on the social networks, where we see increasing interaction among the users of the inter-American system.

At the end of 2015, Judge Manuel Ventura Robles of Costa Rica, Judge Diego García Sayán of Peru, and Judge Alberto Pérez Pérez of Uruguay concluded their mandate. I would like to extend my thanks to these three colleagues who, for six years, have carried out their jurisdictional work with such dedication and steadfastness, revealing total independence and impartiality when taking their decisions, and strong commitment to the defense and promotion of human rights. At the same time, I would like to congratulate Judge Eduardo Vio Grossi of Chile on his re-election and the three new judges who will accompany us starting in 2016: Judge Elizabeth Odio Benito, Judge Euguenio Raúl Zaffaroni and Judge Patricio Pazmiño Freire. I am sure that, based on their distinguished careers, these jurists will enhance the work of the Inter-American Court with their knowledge and expertise.

Lastly, I would like to thank my colleagues for having placed their trust in me during my two years as President. Heading the Inter-American Court has been an unprecedented experience that has allowed me to get to know the peoples of the Americas better and to make a small contribution to the defense of human rights. I will continue my work as a judge with the

conviction that Judge Roberto F. Caldas, who assumes the presidency, will continue this significant work with the dedication, impartiality and independence that characterizes him.

I would venture to say that 2015 was a year of renewed commitment to the peoples and institutions of the Americas through the spirit of dialogue and openness. The Inter-American Court has adopted dialogue as one of the main approaches for carrying out its work of defending and promoting the human rights of all the peoples of the Americas.

Humberto Antonio Sierra Porto
President of the Inter-American Court of Human Rights
December 31, 2015

II. THE COURT: STRUCTURE AND FUNCTIONS

A. CREATION

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

B. ORGANIZATION AND COMPOSITION

As stipulated in Articles 3 and 4 of its Statute, the seat of the Court is in San José, Costa Rica, and it is composed of seven judges, nationals of Member States of the Organization of American States (hereinafter "OAS").[1]

The judges are elected by the States Parties by secret ballot and by the vote of an absolute majority during the OAS General Assembly immediately before the expiry of the terms of the outgoing judges. Judges are elected in an individual capacity from among jurists of the highest moral authority and of recognized competence in the field of human rights. In addition, they must possess the qualifications required for the exercise of the highest judicial functions, in accordance with the law of the State of which they are nationals or of the State that proposes them as candidates.[2]

Judges are elected for a term of six years and may be re-elected only once. Judges whose terms have expired shall continue to serve with regard to the "cases they have begun to hear and that are still pending judgment,"[3] and, to this end, they will not be replaced by the judges newly-elected by the OAS General Assembly. The President and the Vice President are elected by the judges themselves for a two-year period and may be re-elected.[4]

During the 112th regular session held in San José (Costa Rica), the Court elected its new Board for the period 2015-2016, designating Judge Roberto F. Caldas as President of the Court and Judge Eduardo Ferrer Mac-Gregor as Vice President.

1 American Convention on Human Rights, Article 52.
2 American Convention on Human Rights, Article 52. *Cf.* Statute of the Inter-American Court of Human Rights, Article 4.
3 American Convention on Human Rights, Article 54(3). *Cf.* Statute of the Inter-American Court of Human Rights, Article 5.
4 Statute of the Inter-American Court of Human Rights, Article 12.

In 2015, the composition of the Court was as follows (in order of precedence[5]):

- Humberto Antonio Sierra Porto (Colombia), President
- Roberto de Figueiredo Caldas (Brazil), Vice President
- Manuel E. Ventura Robles (Costa Rica)
- Diego García-Sayán (Peru)
- Alberto Pérez Pérez (Uruguay)
- Eduardo Vio Grossi (Chile)
- Eduardo Ferrer Mac-Gregor Poisot (Mexico)

The judges are assisted in the exercise of their functions by the Court's Secretariat. The Secretary of the Court is Pablo Saavedra Alessandri (Chile) and the Deputy Secretary is Emilia Segares Rodríguez (Costa Rica).

The mandates of Judges Manuel E. Ventura Robles (Costa Rica), Diego García-Sayán (Peru) and Alberto Pérez Pérez (Uruguay) ended on December 31, 2015. During the forty-fifth OAS General Assembly, held in June 2015, Judge Eduardo Vio Grossi (Chile) was re-elected, and three new judges were elected. The judges elect are Elizabeth Odio Benito (Costa Rica), Eugenio Raúl Zaffaroni (Argentina), and Patricio Pazmiño Freire (Ecuador), and their mandate will commence on January 1, 2016.

In 2016, the composition of the Court will be as follows:

- Roberto de Figueiredo Caldas (Brazil), President
- Eduardo Ferrer Mac-Gregor Poisot (Mexico), Vice President
- Eduardo Vio Grossi (Chile)
- Humberto Antonio Sierra Porto (Colombia)
- Elizabeth Odio Benito (Costa Rica),
- Eugenio Raúl Zaffaroni (Argentina), and
- Patricio Pazmiño Freire (Ecuador)

C. STATE PARTIES

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

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

D. FUNCTIONS

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

1. CONTENTIOUS FUNCTION

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

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

A) CONTENTIOUS STAGE

This stage includes four phases:

(1) Initial written phase

(2) Oral phase or public hearing;

(3) Phase of the final written arguments of the parties and observations of the Commission, and

(4) Phase of the deliberation and delivery of judgment

(1) INITIAL WRITTEN PHASE

1.1 The phase of submission of the case by the Commission

The contentious stage begins with the submission of the case to the Court by the Commission. To ensure that the Court and the parties have all the information required for the appropriate processing of the proceedings, the Court's Rules of Procedure require that the brief presenting the case include, *inter alia*:[6]

[6] Rules of Procedure of the Inter-American Court of Human Rights, Article 35.

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

Once the case has been presented, the President makes a preliminary examination to verify that the essential requirements for its presentation have been fulfilled. If this is so, the Secretariat notifies the case to the defendant State and to the presumed victim, his or her representatives or the inter-American defender, if appropriate.[7] During this stage, a judge rapporteur is appointed to the case and, with the support of the Court's Secretariat and together with the President of the Court, he examines the respective case.

1.2 Presentation of the brief with pleadings, motions and evidence by the presumed victims

Following notification of the case, the presumed victim or his or her representatives have two months as of the date of notification of the presentation of the case and its annexes to submit their autonomous brief with pleadings, motions and evidence. This brief must include, *inter alia:*[8]

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

1.3. Presentation of the brief answering the two preceding briefs by the defendant State and the briefs responding to the preliminary objections filed by the State, when applicable

When the brief with pleadings, arguments and evidence has been notified, the State has two months from the time it receives this brief and its attachments to answer the briefs presented by the Commission and by the representatives of the presumed victims, indicating, *inter alia:*[9]

- Whether it accepts the facts and the claims or contests them;
- The evidence offered, in proper order, indicating the facts and the arguments to which it refers, and
- The legal arguments, the observations on the reparations and costs requested, and the pertinent conclusions.

This answer is forwarded to the Commission and to the representatives of the presumed victim. If the State files preliminary objections, the Commission and the presumed victims or their representatives can submit their respective observations within 30 days of receiving

7 *Ibid.* Article 38.
8 *Ibid.* Article 40.
9 *Ibid.* Article 41.

notice of them.[10] If the State makes a partial or total acknowledgement of responsibility, the Commission and the representatives of the presumed victims are granted time to forward any observations they consider pertinent.

Following the reception of the brief submitting the case, the brief with pleadings, motions and evidence, and the State's answering brief, and before the oral proceedings start, the Commission, the presumed victims or their representatives, and the defendant State may ask the President to take other measures in the context of the written proceedings. If the President considers this pertinent, he will establish the time limits for presentation of the respective documents.[11]

1.4 Presentation of the brief with final list of deponents and order to convene a public hearing

Once the Court has received the final lists of deponents and expert witnesses, these are forwarded to the parties so that they may present their observations and, if appropriate, their objections to the said deponents.[12] The President of the Court then issues an "order convening a public hearing" in which, based on the observations of the parties, and making an analysis of them and of the information in the case file, he decides which of the victims, witnesses and expert witnesses will provide their testimony at the public hearing of the case, and which of them will testify by affidavit, as well as the purpose of each deponent's testimony. In this Order, the President establishes a specific day and time to hold the said hearing and summons the parties and the Commission to take part in it.[13]

(2) Oral phase or public hearing

The public hearing begins with the presentation by the Commission in which it explains the grounds for the report under Article 50 of the Convention and for the submission of the case to the Court, as well as any other matter that it considers relevant for deciding the case.[14] The judges of the Court then hear the presumed victims, witnesses and expert witnesses convened by the said order, who are examined by the parties and, if appropriate, by the judges. The Commission may examine certain expert witnesses in exceptional circumstances in accordance with the provisions of Article 52(3) of the Court's Rules of Procedure. After this, the President gives the floor to the presumed victims or their representatives and to the defendant State so that they may present their arguments on the merits of the case. Subsequently, the President grants the d victims or their representatives and the State, respectively, the opportunity for a reply and a rejoinder. Once the arguments have been submitted, the Commission presents its final observations and then the judges pose their concluding question to the representatives,

10 Rules of Procedure of the Inter-American Court of Human Rights, Article 42(4).
11 *Ibid*. Article 43.
12 *Ibid*. Article 47.
13 *Ibid*. Article 50.
14 *Ibid*. Article 51.

the victims and the Inter-American Commission.[15] This hearing usually lasts a day and a half and is transmitted online via the Court's website.

(3) Phase of written arguments of the parties and observations of the Commission

Once the previous phase has been completed, the third phase begins during which the presumed victims or their representatives, and the defendant State present their final written arguments. The Commission presents final written observations, if it deems pertinent.

(4) Phase of deliberation and delivery of the judgment

When the final written arguments of the parties have been received, the Court may request additional probative measures (Article 58 of the Rules of Procedure).

It should be noted that, as indicated in Article 58 of its Rules of Procedure, the Court may, "at any stage of the proceedings," request probative measures, without prejudice to the arguments and documentation submitted by the parties. Thus it may: 1. Obtain, on its own motion, any evidence it considers helpful and necessary; 2. Require the submission of any evidence or any explanation or statement that, in the Court's opinion, may be useful; 3. Require any entity, office, organ, or authority of its choice to obtain information, express an opinion, or deliver a report or pronouncement on any given point; 4. Commission one or more of its members to take steps in the advancement of the proceedings, including hearings at the seat of the Court or elsewhere.

During 2015, the Court conducted three judicial probative procedures, one in Suriname and two in Honduras in the course of processing of three contentious case.

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

The judgments handed down by the Court are final and non-appealable.[16] Nevertheless, if any of the parties to the proceedings requests clarification of the meaning or scope of the judgment in question, the Court will elucidate it in an interpretative judgment. This interpretation is made at the request of any of the parties, provided the request is submitted within 90 days of notification of the judgment.[17] In addition, the Court may, on its own

15 *Ibid*. Article 51.
16 American Convention on Human Rights, Article 67.
17 *Ibid.* Article 67.

initiative, or at the request of one of the parties submitted within one month of notification of the judgment, rectify any obvious clerical errors or errors in calculation. The Commission, the victims or their representatives, the defendant State, and, if applicable, the petitioning State shall be notified if an error is rectified.[18]

B) Stage of monitoring compliance with judgments

The Inter-American Court is responsible for monitoring compliance with its judgments. The authority to monitor its judgments is inherent in the exercise of its jurisdictional powers, and the legal grounds can be found in Articles 33, 62(1), 62(3) and 65 of the Convention, as well as in Article 30 of the Court's Statute. Furthermore, the procedure is regulated in Article 69 of the Court's Rules of Procedure and its purpose is to ensure that the reparations ordered by the Court in each specific case are implemented and complied with.

Monitoring compliance with the Court's judgments implies, first, that it must periodically request information from the States on the measures taken to comply with the said judgments, and then obtain the observations of the Commission and of the victims or their representatives. When the Court has received this information, it can assess whether the State has complied with the measures ordered, provide guidance for the actions taken by the State to that end and, if appropriate, convene a monitoring hearing. In the context of such hearings, the Court does not merely take note of the information presented by the parties and the Commission, but also endeavors to establish collaboration between the parties suggesting options to resolve difficulties, encourages compliance with the judgment, calls attention to a lack of willingness to comply, and promotes the establishment of timetables for compliance by all those involved.

It should be noted that the Court began to hold hearings on monitoring compliance with judgments in 2007. Since then, favorable results have been achieved, with significant progress being made in fulfillment of the reparations ordered by the Court. This has also been noted by the OAS General Assembly in its resolution on "Observations and recommendations on the Annual Report of the Inter-American Court of Human Rights," in which the General Assembly recognized "that the private hearings held on the monitoring of compliance with the Court's judgments have been important and constructive and have yielded positive results."[19]

Moreover, in the same spirit of implementing procedures to improve compliance with its decisions, the Court has adopted the practice of holding joint hearings to monitor compliance with the judgments in several cases against a same State, when similar reparations have been ordered, or in cases in which it has verified the existence of structural difficulties or problems that could hinder the implementation of specific measures of reparation. This allows the Court to deal with such problems transversally in different cases, and to obtain a general overview of the progress made by the State, and any impediments to such progress. This practice also has a direct impact on the principle of procedural economy.

[18] Rules of Procedure of the Inter-American Court of Human Rights, Article 76.
[19] Resolution No. AG/RES.2759 (XLII-0/12).

Furthermore, in 2015, the Court initiated the practice of holding hearings on monitoring compliance with judgment in the territory of the States, as well as on-site visits. On August 28, 2015, the Court held a hearing in Honduras on monitoring compliance with the judgments in the cases of Juan Humberto Sánchez, López Álvarez, Servellón García *et al.*, Kawas Fernández, Pacheco Teruel *et al.*, and Luna López. On October 15, 2015, the Court held a hearing in Panama on monitoring compliance in the case of the *Kuna Indigenous Peoples of Madungandí and the Emberá Indigenous Peoples of Bayano and their members v. Panama.* In addition, the Court conducted a first on-site visit to Panamanian territory in the context of the proceeding of monitoring compliance in this case.

2. POWER TO ORDER PROVISIONAL MEASURES

The Court orders provisional measures of protection in order to guarantee the rights of specific individuals or groups of individuals who are in a situation of extreme gravity and urgency, and to prevent them from suffering irreparable harm, mainly of the rights to life and to personal integrity.[20] The three requirements – extreme gravity, urgency and the risk of irreparable harm – have to be justified satisfactorily for the Court to decide to grant these measures which must be implemented by the State concerned.

The Inter-American Commission can request provisional measures at any time, even if the case has not yet been submitted to the jurisdiction of the Court, and the representatives of the alleged victims can do so, provided the measures relate to a case that the Court is examining. The Court may also order such measures *ex officio*.

These measures are monitored by the presentation of reports by the State, on which the beneficiaries or their representatives may make any comments they deem pertinent. The Commission also presents observations on the State's reports and on the comments made by the beneficiaries.[21] Then, based on the reports forwarded by the States and the corresponding observations, the Inter-American Court evaluates the status of the implementation of the measures, and whether it is pertinent to summon those involved to a hearing[22] during which the parties describe the status of the measures adopted, or to issue orders relating to compliance with the measures decided.

The activity of monitoring implementation of the provisional measures ordered by the Court, contributes to enhancing the effectiveness of the Court's decisions and allows it to receive from the parties more specific information on the status of compliance with each measure decided in its judgments and orders; encourages the States to take concrete measures to

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

[21] Rules of Procedure of the Inter-American Court of Human Rights, Article 27(7).

[22] During a hearing on provisional measures, the representatives of the beneficiaries and the Inter-American Commission have the opportunity to prove, when appropriate, the continued existence of situations that led to the adoption of provisional measures. Meanwhile, the State must present information on the measures adopted in order to overcome these situations of extreme gravity and urgency and, if possible, prove that these circumstances no longer exist.

execute the said measures, and even persuades the parties to reach agreements in order to ensure improved compliance with the measures ordered.

3. ADVISORY FUNCTION

This function allows the Court to respond to consultations by OAS Member States or the organs of the Organization on the interpretation of the American Convention or other treaties for the protection of human rights in the States of the Americas.[23] Furthermore, at the request of an OAS Member State, the Court may issue its opinion on the compatibility of domestic norms with the instruments of the inter-American system.[24]

To date, the Court has issued 21 advisory opinions, which have given it the opportunity to rule on essential issues related to the interpretation of the American Convention and other treaties relating to the protection of human rights

At the present time, the Court is examining a request for an advisory opinion presented by the Republic of Panama on April 28, 2014.

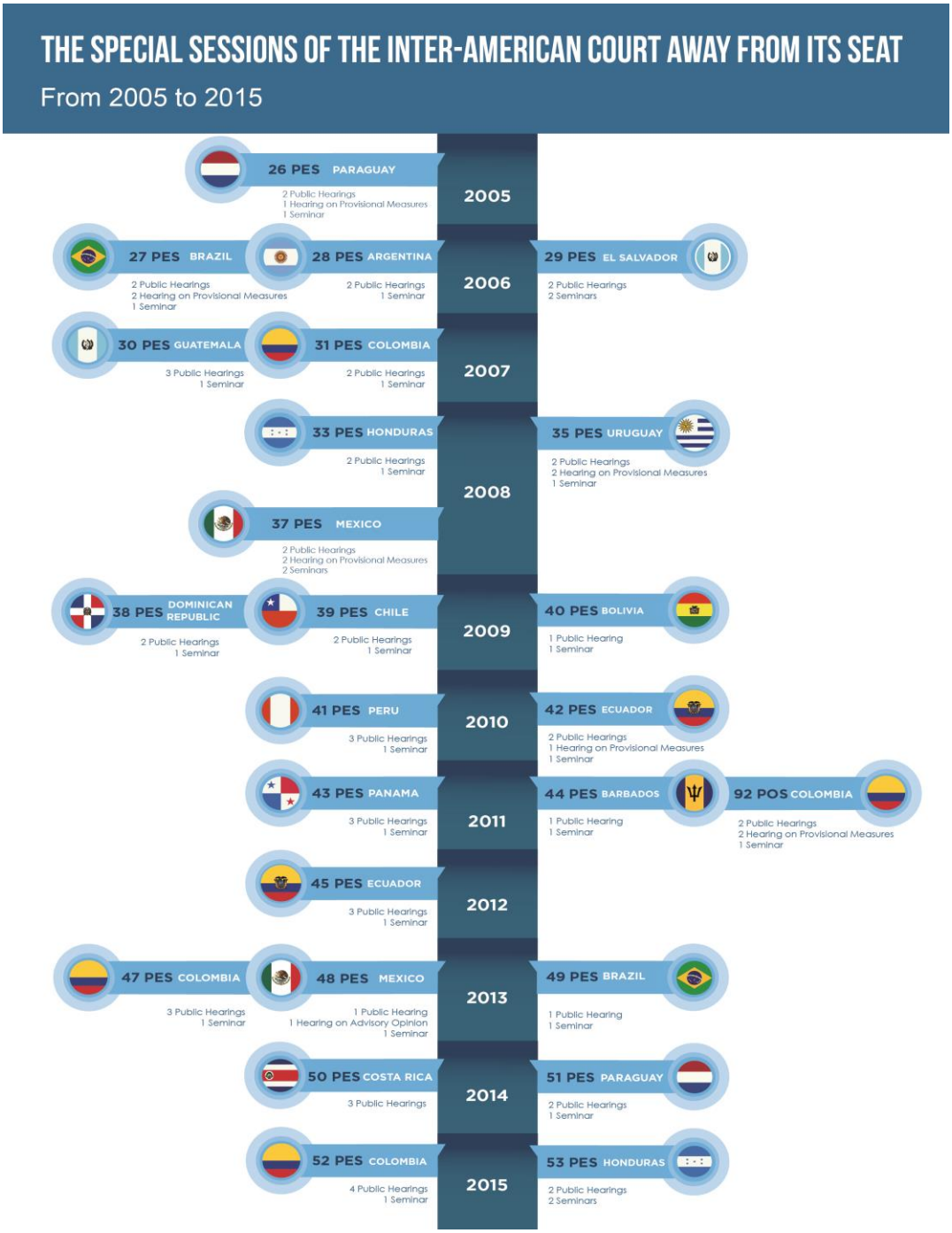
This request for an advisory opinion requires that the Court rule on a series of questions related to the possibility of legal persons being able to hold different rights protected by the American Convention; specifically, that it determine "the interpretation and the scope of Article 1(2) of the Convention, in relation to Articles 1(1), 8, 11(2), 13, 16, 21, 24, 25, 29, 30, 44, 46 and 62(3) of this instrument, as well as of the right to strike and to form federations and confederations established in Article 8 of the Protocol of San Salvador."

All the advisory opinions may be found on the Court's website at:
http://www.corteidh.or.cr/cf/Jurisprudencia2/index.cfm?lang=es

[23] American Convention on Human Rights, Article 64(1).
[24] *Ibid.* Article 64(2).

E. THE SPECIAL SESSIONS OF THE INTER-AMERICAN COURT AWAY FROM ITS SEAT

Starting in 2005, the Inter-American Court has held special sessions away from its seat in San José Costa Rica. In order to hold such sessions, the Court has travelled to Argentina, Barbados, Bolivia, Brazil, Chile, Colombia, Dominican Republic, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Panama, Paraguay, Peru and Uruguay. The Court is able to combine two objectives with this initiative: on the one hand, to increase its activities and, on the other, to disseminate the important work of the Inter-American Court in particular, and the inter-American system for the protection of human right in general. During 2015, two special sessions were held: one in Cartagena de Indias, Colombia, from April 20 to 24, and the other in Tegucigalpa, Honduras, from August 24 to 29.


THE SPECIAL SESSIONS OF THE INTER-AMERICAN COURT AWAY FROM ITS SEAT
From 2005 to 2015
2005
26 PES PARAGUAY
2 Public Hearings
1 Hearing on Provisional Measures
1 Seminar
2006
27 PES BRAZIL
2 Public Hearings
2 Hearing on Provisional Measures
1 Seminar
28 PES ARGENTINA
2 Public Hearings
1 Seminar
29 PES EL SALVADOR
2 Public Hearings
2 Seminars
2007
30 PES GUATEMALA
3 Public Hearings
1 Seminar
31 PES COLOMBIA
2 Public Hearings
1 Seminar
2008
33 PES HONDURAS
2 Public Hearings
1 Seminar
35 PES URUGUAY
2 Public Hearings
2 Hearing on Provisional Measures
1 Seminar
37 PES MEXICO
2 Public Hearings
2 Hearing on Provisional Measures
2 Seminars
2009
38 PES DOMINICAN REPUBLIC
2 Public Hearings
1 Seminar
39 PES CHILE
2 Public Hearings
1 Seminar
40 PES BOLIVIA
1 Public Hearing
1 Seminar
2010
41 PES PERU
3 Public Hearings
1 Seminar
42 PES ECUADOR
2 Public Hearings
1 Hearing on Provisional Measures
1 Seminar
2011
43 PES PANAMA
3 Public Hearings
1 Seminar
44 PES BARBADOS
1 Public Hearing
1 Seminar
92 POS COLOMBIA
2 Public Hearings
2 Hearing on Provisional Measures
1 Seminar
2012
45 PES ECUADOR
3 Public Hearings
1 Seminar
2013
47 PES COLOMBIA
3 Public Hearings
1 Seminar
48 PES MEXICO
1 Public Hearing
1 Hearing on Advisory Opinion
1 Seminar
49 PES BRAZIL
1 Public Hearing
1 Seminar
2014
50 PES COSTA RICA
3 Public Hearings
51 PES PARAGUAY
2 Public Hearings
1 Seminar
2015
52 PES COLOMBIA
4 Public Hearings
1 Seminar
53 PES HONDURAS
2 Public Hearings
2 Seminars

III. SESSIONS HELD IN 2015

1. INTRODUCTION

During its sessions, the Court carries out different activities. Among the most relevant are:

- Holding hearings and adopting judgments in contentious cases
- Holding hearings and issuing orders on monitoring compliance with judgment
- Holding hearings and issuing orders on provisional measures
- Considering different measures in matters pending before the Court, and dealing with administrative matters.

2. SUMMARY OF THE SESSIONS

During 2015 the Court held six regular sessions, and two special sessions; the latter took place in Cartagena de Indias, Colombia, and Tegucigalpa, Honduras. Details of these sessions appear below:

➢ **107th regular session**

The Court held its 107th regular session in San José, Costa Rica, from January 26 to February 6, 2015. During the session, the Court held five public hearings on contentious cases,[25] four private hearings on monitoring compliance with judgment[26] and one public hearing on provisional measures.[27] It also issued three orders on monitoring compliance with judgment,[28] five orders on compliance with the obligation to reimburse the Victims' Legal Assistance Fund,[29] and three orders with regard to provisional measures.[30]

In addition, during this regular session, the Inter-American Court received official visits by the Presidents of Ecuador, Guatemala and Panama, and by the President and the Minister for Foreign Affairs of Paraguay. These visits were made in response to an invitation issued by the

[25] Case of the Campesino Community of Santa Barbara *v.* Peru; Case of Galindo Cárdenas *v.* Peru; Case of López Lone *et al. v.* Honduras; Case of the Kaliña and Lokono Peoples *v.* Suriname, and García Ibarra and family *v.* Ecuador.

[26] Case of the Barrios Family *v.* Venezuela; Case of the Pueblo Bello Massacre *v.* Colombia; Case of Furlan and family members *v.* Argentina; and Case of Veléz Loor *v.* Panama.

[27] Public hearing on Matters of certain Venezuelan Penitentiary Centers, which includes the joinder for procedural processing of the measures adopted in the matters of the Monagas Detention Center ("La Pica"); the Capital Region Penitentiary Center Yare I and Yare II (Yare Prison); the Occidental Region Penitentiary Center (Uribana Prison), the Capital Detention Center El Rodeo I and El Rodeo II; the Aragua Penitentiary Center "Tocorón Prison," the Ciudad Bolivar Judicial Detention Center "Vista Hermosa Prison."

[28] Order on monitoring compliance with judgment in the case of Luna López *v.* Honduras; Order on monitoring compliance with judgment in the case of Chaparro Álvarez and Lapo Íñiguez *v.* Ecuador, and Order on monitoring compliance with judgment in the case of Acevedo Buendía *et al.* ("Discharged and Retired Employees of the Comptroller's Office") *v.* Peru.

[29] Joint order on five cases against Argentina; Case of the Pacheco Tineo Family *v.* Bolivia; Case of Norín Catrimán *et al.* (Leaders, members and activist of the Mapuche Indigenous People) *v.* Chile; Case of Suárez Peralta *v.* Ecuador, and Case of Véliz Franco *et al. v.* Guatemala

[30] Case of Mack Chang *et al.* with regard to Guatemala; Case of Gloria Giralt *et al.* with regard to El Salvador, and Matter of Giraldo Cardona *et al.* with regard to Colombia.

Inter-American Court to all the States that have accepted the Court's jurisdiction. The purpose of the visits was to continue strengthening the relationship between the Inter-American Court and the States Parties to the American Convention, in order to enhance the dialogue between national and international institutions to promote the defense and protection of human rights.

Also, on January 29, 2015, the full Inter-American Court received the visit of the OAS Secretary General, José Miguel Insulza, and his Chief of Staff, Hugo Zela Martínez. The purpose of the visit was for José Miguel Insulza to say farewell to the Court before the end of his mandate as Secretary General of the OAS in March 2015.

Furthermore, on February 5, 2015, the full Inter-American Court visited the Legislative Assembly of Costa Rica, for a working breakfast with the members of the Legislative Board of the Legislative Assembly of Costa Rica and the party leaders in the Legislative Assembly, in order to discuss present and future challenges in the area of human rights.

- **Fifty-second special session**

The Court held its fifty-second special session in Cartagena, Colombia, from April 20 to 24, 2015. During this session, the Court held four public hearings on contentious cases.[31]

In addition, the Court organized two seminars. The first, entitled "Inter-American system for the protection of human rights and its importance in the Americas," was held in the amphitheater of the Law School of the Universidad de Cartagena, for students, academics, lawyers, judges, prosecutors and the general public. It was offered by lawyers from the Inter-American Court's Secretariat and comprised two panel sessions: ''Introduction to the inter-American human rights system'' and ''Main case law developments of the Inter-American Court with regard to groups requiring special protection, and other issues covered by its case law."

The second, entitled ''Transitional Justice and the Inter-American Court of Human Rights,'' was held in the Cartagena Conventions Center, with the participation of senior Colombian authorities and international experts in this area, for students, academics, lawyers, judges, prosecutors and the general public. The President of the Republic of Colombia, Juan Manuel Santos, attended the inauguration of the seminar, and also held a meeting with all the judges of the Court, who also met with the Minister for Foreign Affairs of Colombia, María Ángela Holguín.

In addition, a lawyer from the Court's Secretariat offered a workshop on "Impact of the case law of the Inter-American Court of Human Rights in the region" at the Fundación Universitaria de Comfenalco. The same day, a lawyer from the Court's Secretariat offered a workshop on ''Introduction to the inter-American system for the protection of human rights" at the Universidad TECNAR. Also, on April 21, 2015, two lawyers from the Court's Secretariat offered two workshops on "Control of conventionality and jurisprudential dialogue" and on "Case law on judicial guarantees," at Unicolombio and at the

[31] Case of Gonzáles Lluy (TGGL) and family *v.* Ecuador; Case of Velásquez Páiz *et al. v.* Guatemala; Case of Omar Humberto Maldonado Vargas *et al. v.* Chile, and Case of Ruano Torres and family *v.* El Salvador.

Universidad Libre, respectively. Then, on April 22, 2015, two lawyers from the Court's Secretariat offered two workshops on ''Procedural aspects and control of conventionality" and on "International humanitarian law and international human rights law," at the Corporación Universitaria Rafael Núñez and at Unicolombo, respectively. Lastly on April 23, 2015, two lawyers from the Court's Secretariat offered two workshops on "Control of conventionality, jurisprudential dialogue and recent case law on integral reparation," and on ''Line of case law on women's rights, gender and LGBTI people," at the seat of the Judiciary of the department of Bolívar and at the Corporación Universitaria Rafael Núñez, respectively.

- **108th regular session**

The Court held its 108th regular session in San José, Costa Rica, from April 13 to 17, 2015. During this session, the Court delivered one judgment on preliminary objections, merits, reparations and costs.[32] It also examined various cases that it was hearing, as well as provisional measures, and compliance with judgments, and dealt with administrative matters.

In addition, on April 14, the Court and the Max Planck Institute for Comparative Public Law and International Law of Heidelberg, Germany, organized a lecture entitled "*Ius Constitucionale Commune*," given by Professor Armin von Bogdandy in the courtroom of the Inter-American Court.

- **109th regular session**

The Court held its 109th regular session from June 18 to July 1, 2015. During this session, the Court held two public hearings on contentious cases.[33] It also delivered three judgments on preliminary objections, merits, reparations and costs,[34] and two judgments on interpretation.[35] In addition, the Court issued two orders on monitoring compliance with judgment,[36] one order on reimbursement of the Victims' Legal Assistance Fund,[37] and seven orders with regard to provisional measures.[38]

Furthermore, from June 18 to 20, 2015, the XXI Annual Meeting of Presidents and Justices of Latin American Constitutional Tribunals, Courts and Chambers was held with the participation of 23 justices from constitutional tribunals, courts and chambers of Bolivia, Brazil, Chile, Colombia, Costa Rica, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Peru,

32 Case of Cruz Sánchez *et al. v.* Peru. Preliminary objections, merits, reparations and costs. Judgment of April 17, 2015. Series C No. 292

33 Case of Chinchilla Sandoval *et al. v.* Guatemala and Case of Yarce *et al. v.* Colombia.

34 Case of Granier *et al.* (Radio Caracas Television) *v.* Venezuela. Preliminary objections, merits, reparations and costs. Judgment of June 22, 2015. Series C No. 293; Case of Canales Huapaya *et al. v.* Peru. Preliminary objections, merits, reparations and costs. Judgment of June 24, 2015. Series C No. 296, and Case of Wong Ho Wing *v.* Peru. Preliminary objection, merits, reparations and costs. Judgment of June 30, 2015. Series C No. 297.

35 Case of Argüelles *et al. v.* Argentina. Interpretation of the Judgment on preliminary objection, merits, reparations and costs. Judgment of June 23, 2015. Series C No. 294 and Case of Espinoza Gonzáles *v.* Peru. Interpretation of the Judgment on preliminary objections, merits, reparations and costs. Judgment of June 23, 2015. Series C No. 295

36 Joint order on monitoring compliance with regard to the measures relating to the identification, delivery and titling of the lands of the respective communities in the cases of the Yakye Axa, Sawhoyamaxa and Xákmok Kásek Indigenous Communities, all against Paraguay; and Order on monitoring compliance with judgment in the case of Salvador Chiriboga *v.* Ecuador.

37 Case of Rochac Hernández *et al. v.* El Salvador. Order of the Inter-American Court of Human Rights. Reimbursement of the Victims' Legal Assistance Fund of June 23, 2015.

38 Matter of Alvarado Reyes with regard to Mexico; Matter of Castro Rodríguez with regard to Mexico; Matter of the Socio-educational Confinement Unit (UNIS) with regard to Brazil; Case of Kawas Fernández with regard to Honduras; Case of Rosendo Cantú *et al.* with regard to Mexico; Matter of Meléndez Quijano *et al.* with regard to El Salvador, and Case of Torres Millacura *et al.* with regard to Argentina.

Panama and Uruguay, as well as the Inter-American Court of Human Rights, the Caribbean Court of Justice, and the German Constitutional Court, and several international experts.

- **Fifty-third special session**

The Court held its fifty-third special session in Tegucigalpa, Honduras, from August 24 to 29, 2015. During the visit it held two public hearings on contentious cases,[39] one private hearing on joint monitoring of compliance with judgment,[40] and two judicial procedures in two cases against Honduras.[41]

In addition, the Court organized two seminars, and also two workshops. The first seminar was entitled: "Inter-American justice and jurisprudential dialogue" and was held in the Río Blanco Auditorium of the Universidad Tecnológica de Honduras, San Pedro Sula. The seminar was given by judges and lawyers of the Inter-American Court of Human Rights, and was attended by senior Honduran authorities, students, academics, lawyers, judges and prosecutors. The second seminar was entitled "The Inter-American Court of Human Rights: Impact and case law with regard to vulnerable groups," and featured the participation of senior Honduran authorities, lawyers of the Inter-American Court, and international experts in this area, and was addressed at students, academics, lawyers, judges and prosecutors. Also, in advance of the fifty-third special session, the Secretariat of the Inter-American Court held two workshops for journalists entitled "Introduction to the inter-American system for the protection of human rights," one of them was held at the seat of the Ministry of Foreign Affairs in Tegucigalpa, while the other was held at the Universidad Tecnológica de Honduras in San Pedro Sula.

Among the activities carried out during the visit, the full Inter-American Court was received by the President of the Republic of Honduras, Juan Orlando Hernández, on August 24, 2015. In addition to all the judges of the Court and President Hernández, the President of the Supreme Court of Justice, Jorge Rivera Áviles; the Minister for Foreign Affairs and International Cooperation, Arturo Corrales Álvarez; the Minister for Human Rights, Justice, the Interior and Decentralization, Rigoberto Chang Castillo; the Attorney General, Abraham Alvarenga, and the Vice Minister for Human Rights and Justice, Karla Cueva, attended this meeting. The Inter-American Court also met with the full Supreme Court of Honduras at the seat of the Judiciary in Tegucigalpa.

- **110th regular session**

The Court held its 110th regular session in San José, Costa Rica, from August 31 to September 4, 2015. During this session it delivered three judgments,[42] issued five orders on

[39] Case of Quispialaya Vilcapoma *v.* Peru, and Case of Ángel Alberto Duque *v.* Colombia

[40] Cases of Juan Humberto Sánchez, López Álvarez, Servellón García *et al.*, Kawas Fernández, Pacheco Teruel *et al.,* and Luna López all against Honduras.

[41] Case of the Garífuna Community of Triunfo de la Cruz and its members *v.* Honduras, and Case of the Garífuna Community of Punta Piedra and its members *v.* Honduras

[42] Case of Gonzales Lluy *et al. v.* Ecuador. Preliminary objections, merits, reparations and costs. Judgment of September 1, 2015. Series C No. 298; Case of Omar Humberto Maldonado Vargas *et al. v.* Chile. Merits, reparations and costs. Judgment of September 2, 2015. Series C No. 300, and the Judgment in the Case of the Campesina Community of Santa Barbara *v.* Peru to be notified shortly.

monitoring compliance with judgment,[43] and held two hearings on monitoring compliance with judgment,[44] among other matters.

- **111th regular session**

The Court held its 111th regular session in San José, Costa Rica, from September 28 to October 9, 2015. During this session, it delivered five judgments,[45] held one public hearing on provisional measures,[46] and issued one order.[47]

In addition, on October 9 and 10, it organized a conference entitled "Ending impunity in crimes against journalists" in conjunction with UNESCO and the Inter-American Commission on Human Rights, and with 19 organizations from around the world that work in the area of freedom of expression and human rights.

- **112th regular session**

The Court held its 112th regular session in San José, Costa Rica, from November 11 to 27, 2015. During this session, it delivered four judgments, and issued nine orders on monitoring compliance with judgment,[48] and seven orders with regard to provisional measures.[49]

Also, the full Inter-American Court of Human Rights elected the judge and actual Vice President, Roberto F. Caldas, a Brazilian national, as its new President. At the same time, Judge Eduardo Ferrer Mac-Gregor Poisot, a Mexican national, was elected Vice President. The President and Vice President elect will commence their mandate on January 1, 2016.

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[43] Order on monitoring compliance with judgment in the Case of Fontevecchia and D'amico *v.* Argentina; Order on monitoring compliance with judgment in the case of the Human Rights Defender *et al. v.* Guatemala; Order on monitoring compliance with judgment in the case of De la Cruz Flores *v.* Peru; Order on monitoring compliance with judgment in the Case of the Barrios Family *v.* Venezuela, and Order on monitoring compliance with judgment in the case of the La Rochela Massacre *v.* Colombia.

[44] Case of Artavia Murillo *et al.* (*In vitro* fertilization) *v.* Costa Rica, and joint hearing for the cases of Boyce *et al.* and DaCosta Cadogan, both against Barbados.

[45] Case of López Lone *et al. v.* Honduras. Preliminary objection, merits, reparations and costs. Judgment of October 5, 2015. Series C No. 302; Case of Ruano Torres *et al. v.* El Salvador. Merits, reparations and costs. Judgment of October 5, 2015. Series C No. 303; Case of Galindo Cárdenas *et al. v.* Peru. Preliminary objections, merits, reparations and costs. Judgment of October 2, 2015. Series C No. 301; Case of the Garífuna Community of Punta Piedra and its members *v.* Honduras. Preliminary objections, merits, reparations and costs. Judgment of October 8, 2015. Series C No. 304, and Case of the Garífuna Community o Triunfo de la Cruz and its members *v.* Honduras. Merits, reparations and costs. Judgment of October 8, 2015. Series C No. 305.

[46] Matter of the Curado Prison Complex with regard to Brazil.

[47] Case of Wong Ho Wing *v.* Peru. Order of the Inter-American Court of Human Rights of October 7, 2015.

[48] Mohamed *v.* Argentina; Joint monitoring of 12 cases against Guatemala with regard to the obligation to investigate, prosecute and punish, as appropriate, those responsible for the human rights violations (Blake, "White Van", "Street Children", Bámaca Velásquez, Myrna Mack Chang, Maritza Urrutia, Molina Theissen, Plan de Sánchez Massacre, Carpio Nicolle *et al.*, Tiu Tojín, Las Dos Erres Massacre, and Chitay Nech); Fleury *v.* Haiti; Chocrón Chocrón, Díaz Peña and Uzcátegui *et al. v.* Venezuela (joint order for the three cases); Yvon Neptune *v.* Haiti; Hilaire, Constantine and Benjamin *et al.,* and Caesar *v.* Trinidad and Tobago (joint order for the two cases); López Mendoza *v.* Venezuela; El Amparo, Blanco Romero *et al.*, Montero Aranguren *et al.* (Retén de Catia), Barreto Leiva, and Usón Ramírez *v.* Venezuela (joint order for the five cases), and Ríos *et al.*, Perozo *et al,.* and Reverón Trujillo *v.* Venezuela (joint order for the three cases).

[49] Matter of the Curado Prison Complex with regard to Brazil; Matter of Rojas Madrigal in relation to the case of Amrhein *et al. v.* Costa Rica; Case of García Prieto *et al. v.* El Salvador; Matter of the Guatemalan Forensic Anthropology Foundation with regard to Guatemala; Matter of Almonte Herrera *et al.* with regard to Dominican Republic; Matter of the "Globovisión" Television Station with regard to Venezuela, and Matter of certain Penitentiary Centers with regard to Venezuela.

IV. CONTENTIOUS FUNCTION

1. CASES SUBMITTED TO THE COURT

During 2015, fourteen new contentious cases were submitted to the Court's consideration:

- **Case of Lupe Andrade *v.* Bolivia**

On January 8, 2015, the Inter-American Commission submitted this case to the Court. It refers to the supposed international responsibility of the State for alleged violations of the American Convention on Human Rights during three of the six criminal proceedings instituted against María Nina Lupe del Rosario Andrade Salmón for presumed mismanagement of public financial resources during the time she held the positions of Councilor, President of the Municipal Council, and Municipal Mayor of La Paz, Bolivia. Specifically, owing to her supposed unlawful and arbitrary detention in the context of two proceedings. The Commission alleged that Ms. Andrade's right of access to a simple and effective remedy in order to dispute one of the measures of pre-trial detention had been violated, because the application for *habeas corpus* had been executed five months after it had been decided, and following an extremely complex procedure. It was also alleged that the judicial authorities had not provided an individualized reasoning for the amounts established for bail and had not taken Ms. Andrade's financial possibilities into account. Consequently, it was argued that the State had violated the right to personal liberty in relation to the right to property.

In addition, the Commission argued that the restriction order imposed on Ms. Andrade, preventing her from leaving the country for more than 10 years, did not comply with inter-American standards on restrictions in the exercise of rights. Therefore, this situation had adversely affected her right to personal liberty in relation to her right to freedom of movement. Lastly, it was alleged that the duration of three of the criminal proceedings had not been reasonable owing to the alleged deficient actions of the judicial authorities who had not taken important judicial measures to determine the legal situation of Ms. Andrade.

- **Case of Pollo Rivera *v.* Peru**

On February 8, 2015, the Inter-American Commission submitted this case to the Court. It refers to a series of alleged violations of the human rights of Luis Williams Pollo Rivera starting with his initial arrest on November 4, 1992, and during the whole time he was in State custody in the context of the proceedings instituted against him for the crime of terrorism. The Commission alleged that the initial arrest was unlawful and arbitrary, and failed to comply with the obligation to provide detailed information on the reasons for the arrest; moreover, it was not subject to judicial control. Since these facts occurred during a raid, there had also been arbitrary interference in the home. According to the allegations,

the pre-trial detentions ordered had also been arbitrary because they were not based on procedural objectives. In addition, due to the applicable legal framework, Mr. Pollo Rivera was prevented from filing an application for *habeas corpus*. In addition, it was alleged that the abuse suffered at the time of his arrest, and in the DINCOTE offices, amounted to acts of torture, that the supposed extreme detention conditions had violated his personal integrity, and that all these facts remained unpunished.

Furthermore, it was alleged that the criminal proceedings instituted for the crime of treason, and the two proceedings for the crime of terrorism, had violated numerous guarantees of due process, including the right to be tried by a competent, independent and impartial court, the right of defense, the right to be presumed innocent, and the right to the public nature of the proceedings. It was alleged that the State had violated the principle of legality for having prosecuted and convicted Mr. Pollo Rivera for providing medical assistance. It was also alleged that the State had violated the right to be heard within a reasonable time in the context of Mr. Pollo Rivera's request for a humanitarian pardon.

- **Case of Valencia Hinojosa *v.* Ecuador**

On February 19, 2015, the Inter-American Commission submitted this case to the Court. It refers to the death of police agent Luis Jorge Valencia Hinojosa, in the course of a police operation during which he was pursued by other police agents. According to the Commission, the criminal investigation conducted failed to comply with the State's obligations to clarify and provide justice in relation to acts such as those involved in this case. Furthermore, it argued that the use of the police criminal justice system constituted a disregard for the right to an independent and impartial judge. In addition, the Commission alleged that the investigation was not conducted with due diligence or within a reasonable time, and that the State had not made the necessary effort to clarify whether a presumed suicide was involved, as alleged by the police agents concerned, or whether it involved an extrajudicial execution.

- **Case of the Trabalhadores da Fazenda Brasil Verde *v.* Brazil**

On March 4, 2015, the Inter-American Commission submitted this case to the Court. It refers to presumed negligence and failure to conduct an investigation into a supposed practice of forced labor and debt bondage slavery at the Fazenda Brasil Verde, located in the northern part of the State of Pará, as well as the disappearance from the estate of two workers. According to the allegations, the facts of the case occurred in a context in which many thousands of workers were subjected to slave labor each year. In this context, in February 1989, March 1993, November 1996, April and November 1997, and March 2000, the state authorities visited and inspected the Fazenda Brasil Verde to verify the conditions of the workers. It is alleged that workers who were able to escape testified about the existence of death threats if anyone abandoned the estate and that they were unable to leave freely, the lack of wages or the payment of a paltry wage, the debts to the estate owner, and the lack of decent housing, food and health care, among other matters. It is also alleged that the State of Brazil is internationally responsible for this situation, because

it had been aware of the existence of these practices in general, and specifically at the Fazenda Brasil Verde, since 1989 and, despite this awareness, had not taken reasonable measures of prevention and response, or provided the victims with an effective judicial remedy to protect their rights, to punish those responsible, and to obtain redress. In addition, the State's international responsibility was alleged owing to the disappearance of two adolescents, which had been reported to the state authorities on December 21, 1988, without any effective measures being taken to discover their whereabouts.

- **Case of I.V. *v.* Bolivia**

On April 23, 2015, the Inter-American Commission submitted this case to the Court. It refers to the supposed international responsibility of the State of Bolivia for the operation that I.V. underwent in a public hospital on July 1, 2000. It is alleged that this operation, which consisted in tubal ligation had been performed even though it was not an emergency situation, and without the informed consent of I.V., who thereby suffered the permanent and forced loss of her reproductive function. The operation had allegedly constituted a violation of the physical and mental integrity of I.V., as well as of her rights to live free of violence and discrimination, of access to information, and to private and family life, understanding reproductive autonomy as part of those rights. It is also alleged that the State had not provided the presumed victim with an effective judicial remedy to obtain redress for these violations.

- **Case of Ortiz Hernández *v.* Venezuela**

On May 13, 2015, the Inter-American Commission submitted this case to the Court. It refers to the supposed international responsibility of the State of Venezuela for the death, on February 15, 1998, as the result of gunshot wounds of Johan Alexis Ortiz Hernández, who was a student of the National Guard Training School of Cordero (ESGUARNAC). The incident occurred on the premises of the Caño Negro Rural Commandos, during a "simulation" exercise that had been conducted with real bullets within the military facility, supposedly as a requirement to complete officer training at the institution. It is alleged that the State did not respond adequately or promptly to the injuries suffered by Johan Alexis Ortiz Hernández, because it did not have the specialized medical personnel or an ambulance on site that would have allowed him to receive medical care while he was being transferred to a medical center. This was particularly serious as the exercises were taking place at a remote location. From 1998 to 2001, the investigation and the judicial proceedings against those potentially responsible were handled by the military justice system, in alleged violation of the principles of independence and impartiality. Moreover, the Commission alleged that numerous irregularities had been committed that revealed the presumed lack of due diligence in the investigation. Lastly, the Commission established that the repeated complaints alleging acts of torture before the death of Johan Alexis Ortiz Hernández, had not been investigated in the domestic sphere.

- **Case of Cosme Rosa Genoveva *et al.* (Favela Nova Brasilia) *v.* Brazil**

On May 19, 2015, the Inter-American Commission submitted this case to the Court. It refers to the presumed extrajudicial executions of 26 persons – including six children – during police raids carried out by the Civil Police of Rio de Janeiro on October 18, 1994, and May 8, 1995, in the Favela Nova Brasilia. It is alleged that the judicial authorities justified these deaths by attestations alleging "resistance to arrest." In addition, in the context of the raid on October 18, 1994, three presumed victims, two of them minors, were allegedly tortured and suffered acts of sexual violence at the hands of police officers. Also, it is alleged that these events occurred in a context and within a pattern of excessive use of force and extrajudicial executions carried out by the Brazilian police, especially in Rio de Janeiro. Lastly, the Commission indicated that both the deaths of the 26 persons and the acts of torture and sexual violence had remained unpunished and, at this time, the criminal actions relating to most of the incidents of the case were barred by the statute of limitations under domestic law.

- **Case of Vásquez Durand and family *v.* Ecuador**

On July 8, 2015, the Inter-American Commission submitted this case to the Court. It refers to the presumed forced disappearance of Jorge Vásquez Durand, a Peruvian merchant, in the context of the conflict of the Alto Cenepa between Ecuador and Peru. According to the Commission, in this context, the security forces of Ecuador detained several Peruvian citizens. After traveling overland from Peru to Ecuador, Mr. Vásquez Durand called his wife, María Esther Gomero de Vásquez, for the last time on January 30, 1995, telling her that he was worried about getting his merchandise through customs in Huaquillas. The Inter-American Commission alleges that there are testimonies indicating that the same day he was detained in Huaquillas by members of the Ecuadorian Intelligence Service, and that he had been seen in the Teniente Ortiz Military Barracks in poor physical shape in mid-June 1995. The Ecuadorian police and military authorities have denied that Mr. Vásquez Durand was in State custody.

- **Case of Gutiérrez Hernández and family *v.* Guatemala**

On July 15, 2015, the Inter-American Commission submitted this case to the Court. It refers to the presumed disappearance of Mayra Angelina Gutiérrez Hernández on April 7, 2000, and the alleged lack of a serious, diligent and prompt investigation into what happened. The Commission alleged that, while it did not have sufficient evidence to characterize what happened to the victim as a forced disappearance, the State of Guatemala had incurred international responsible due to its failure to protect the victim's rights to life and to personal integrity from the time it became aware of her disappearance. It also alleged that, as of that moment, it should have been abundantly clear to the authorities that the victim was in a situation of extreme danger. Despite this, during the first 48 hours after her disappearance was reported, the State failed to take any step to look for her and, over the ensuing weeks, the investigative procedures carried out were minimal and unrelated to the facts and evidence that emerged from the time she was reported missing.

- **Case of Acosta *et al.* *v.* Nicaragua**

On July 15, 2015, the Inter-American Commission submitted this case to the Court. It refers to supposed negligence in investigating the murder of the husband of María Luisa Acosta. It is alleged that the State did not conduct a diligent investigation into the motive for the murder. Specifically, it is alleged that the context, the work of Mrs. Acosta, and the information in the domestic case file clearly pointed to the hypothesis that the murder of Mrs. Acosta's husband may have been committed because of her activities in defense of the rights of the indigenous peoples.

- **Case of Dismissed Employees of PetroPeru, the Ministry of Education, the Ministry of Economy and Finance, and National Port Authority *v.* Peru.**

On August 13, 2015, the Inter-American Commission submitted this case to the Court. It refers to the presumed violation of the rights to judicial guarantees and judicial protection of 84 employees of PetroPeru, 39 of the Ministry of Education, 15 of the Ministry of Economy and Finance, and 25 of the National Port Authority, as a result of the presumed lack of an adequate and effective judicial response to their collective dismissals in the context of the downsizing process carried out by the public agencies for which they worked in the 1990s.

- **Case of Carvajal Carvajal and family *v.* Colombia**

On October 22, 2015, the Inter-American Commission submitted this case to the Court. It refers to the murder of the journalist, Nelson Carvajal Carvajal, allegedly related to the practice of his profession, the alleged lack of a serious, diligent and prompt investigation into what happened, in a presumed context of serious threats and harassment of the members of the journalist's family which resulted in them leaving Colombia. According to the allegations, there is sufficient and consistent evidence to conclude that the murder of Nelson Carvajal Carvajal was committed to silence his work as a journalist in exposing wrongful acts committed under the protection of local authorities, and that a series of indications pointed to the involvement of State agents in these facts that were not investigated with due diligence. It is alleged that the supposed non-compliance with the obligation of due diligence when conducting the investigation was revealed by the failure to take the necessary measures of protection in view of the threats against Nelson Carvajal's family and witnesses who came forward during the investigations; the alleged absence of adequate procedures in the collection of evidence; the undue delay and lack of substantial progress in the investigations, and the presumed ineffectiveness of the criminal proceedings to identify all those responsible.

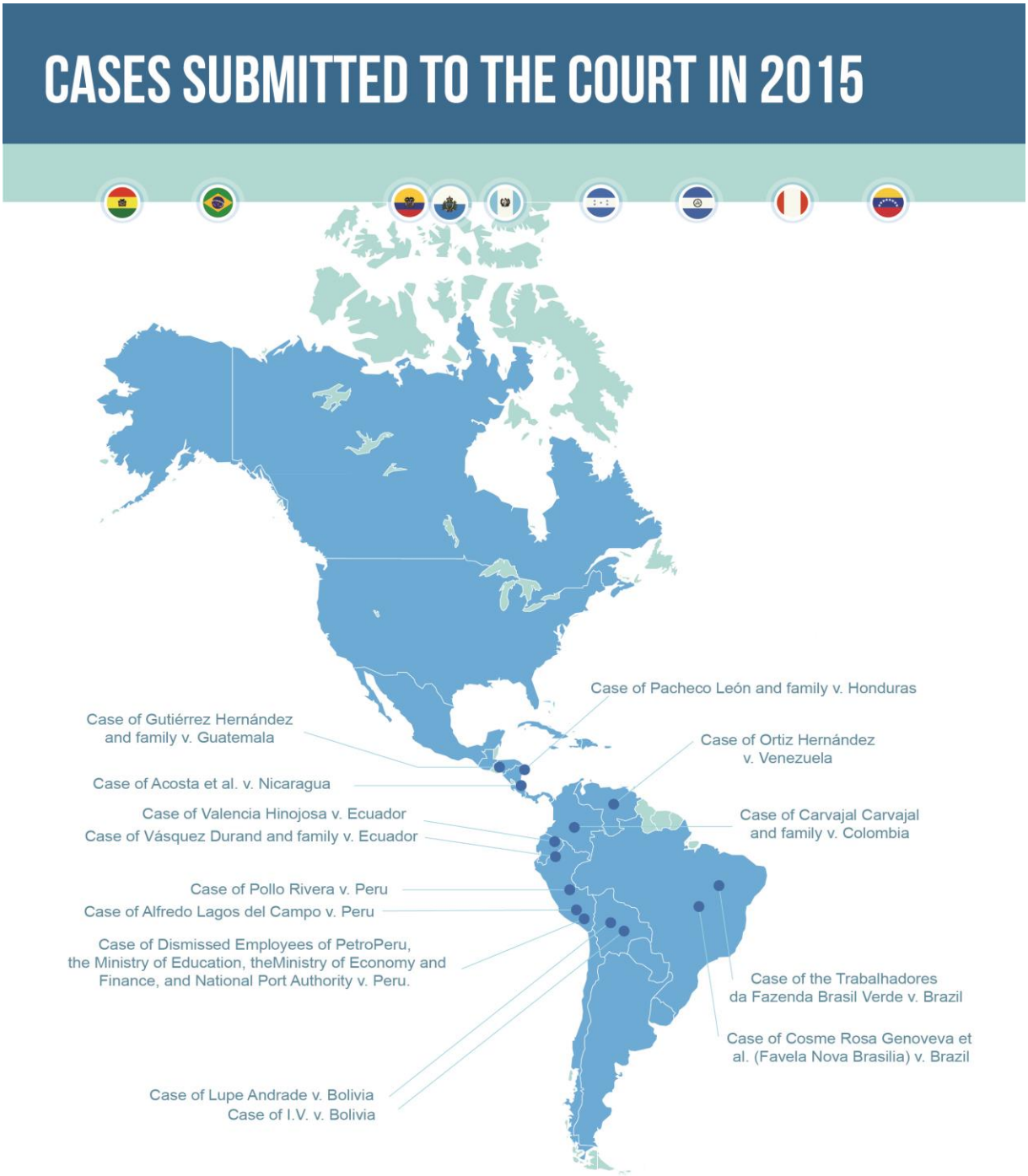
- **Case of Pacheco León and family *v.* Honduras**

On November 13, 2015, the Inter-American Commission submitted this case to the Court. It refers to the murder of Ángel Pacheco León on November 23, 2001, in the context of his campaign as the National Party candidate for a seat in the National Congress of Honduras, and the supposed impunity surrounding his murder. Specifically, it is alleged that the Honduran State failed to comply with its duty to investigate with due diligence because: (i)

serious irregularities were allegedly committed in the early stages of the investigation; (ii) logical and timely lines of inquiry were not pursued, including those relating to evidence of the involvement of State agents, and (iii) other obstacles had been revealed such as reprisals and pressure that had not been properly investigated. It was also alleged that the State had not complied with its obligation to investigate within a reasonable time.

Case of Alfredo Lagos del Campo *v.* Peru

On November 28, 2015, the Inter-American Commission submitted this case to the Court. It refers to the dismissal of Mr. Lagos del Campo from an industrial manufacturing company. It is alleged that the dismissal was carried out due to alleged statements he legitimately made as President of the Electoral Committee of a body representing the employees. It is also alleged that the presumed victim's dismissal was an act that sought to dissuade all the employees of the company in which he worked from exercising their rights vis-à-vis their employers in the context of internal elections. Furthermore, it is alleged that the processing of the action for review of the dismissal and the application for *amparo* filed by the presumed victim had supposedly been characterized by violations of due process. Consequently, the Peruvian State was responsible for the presumed violation of the right to judicial guarantees and the right to freedom of expression of Mr. Lagos del Campo.


CASES SUBMITTED TO THE COURT IN 2015
Case of Pacheco León and family v. Honduras
Case of Gutiérrez Hernández and family v. Guatemala
Case of Ortiz Hernández v. Venezuela
Case of Acosta et al. v. Nicaragua
Case of Valencia Hinojosa v. Ecuador
Case of Vásquez Durand and family v. Ecuador
Case of Carvajal Carvajal and family v. Colombia
Case of Pollo Rivera v. Peru
Case of Alfredo Lagos del Campo v. Peru
Case of Dismissed Employees of PetroPeru, the Ministry of Education, theMinistry of Economy and Finance, and National Port Authority v. Peru.
Case of the Trabalhadores da Fazenda Brasil Verde v. Brazil
Case of Cosme Rosa Genoveva et al. (Favela Nova Brasilia) v. Brazil
Case of Lupe Andrade v. Bolivia
Case of I.V. v. Bolivia

As can be seen from the following graph, the Inter-American Commission submitted 14 cases in 2015.

2. HEARING

During 2015, thirteen public hearings were held on contentious cases. During these hearings, the oral statements of fourteen presumed victims, six witnesses, and twenty expert witnesses were received; this represents a total of forty statements.

All the hearings were transmitted live on the Court's website, and the files of the hearings are available at: http://vimeo.com/corteidh

- **Case of the Campesina Community of Santa Barbara *v.* Peru**

On January 26 and 27, 2015, during its 107th regular session, the Court heard one presumed victim and one expert witness proposed by the representatives, and one witness proposed by the State. The Court also heard the final oral arguments of the parties, and the final observations of the Commission on the preliminary objections and eventual merits, reparations and costs.

The order convening the hearing is available at:
http://www.corteidh.or.cr/docs/asuntos/comunidadcampesina_04_12_14.pdf.

- **Case of Galindo Cárdenas *v.* Peru**

On January 29, 2015, during its 107th regular session, the Court heard one presumed victim and one witness proposed by the representatives, and one expert witness proposed by the Inter-American Commission. The Court also heard the final oral arguments of the parties and the final observations of the Commission on the preliminary objections and eventual merits, reparations and costs.

The order convening the hearing is available at:
http://www.corteidh.or.cr/docs/asuntos/galindo_28_11_14.pdf

- **Case of López Lone *et al. v.* Honduras**

On February 2 and 3, 2015, during its 107th regular session, the Court heard one presumed victim and two expert witnesses proposed by the representatives. The Court also heard the final oral arguments of the parties and the final observations of the Commission on the preliminary objection and the eventual merits, reparations and costs.

The order convening the hearing is available at:
http://www.corteidh.or.cr/docs/asuntos/lopezlone_26_01_15.pdf

- **Case of the Kaliña and Lokono Peoples *v.* Suriname**

On February 3 and 4, 2015, during its 107th regular session, the Court heard two presumed victims and one expert witness proposed by the representatives, as well as one expert witness proposed by the Inter-American Commission. The Court also heard the final oral arguments of the parties and the final observations of the Commission on the preliminary objection and the eventual merits, reparations and costs.

The order convening the hearing is available at:
http://www.corteidh.or.cr/docs/asuntos/kali%C3%B1aylokono_18_12_14.pdf

- **García Ibarra and family *v.* Ecuador**

On February 4 and 5, 2015, during its 107th regular session, the Court heard one presumed victim propose by the representatives, one expert witness proposed by the Inter-American Commission, and one expert witness proposed by the State. The Court also heard the final oral arguments of the parties and the final observations of the Commission on the preliminary objections and the eventual merits, reparations and costs.

The order convening the hearing is available at:
http://www.corteidh.or.cr/docs/asuntos/garciaibarra_10_12_14.pdf

- **Case of González Lluy (TGGL) and family *v.* Ecuador**

On April 20 and 21, 2015, during its fifty-second special session held in Cartagena, Colombia, the Court heard the statements of one presumed victim and three expert witnesses proposed by the representatives of the presumed victims, the State and the Inter-American Commission. The Court also heard the final oral arguments of the parties and the final observations of the Commission on the preliminary objections and eventual merits, reparations and costs.

The order convening the hearing is available at:
http://www.corteidh.or.cr/docs/asuntos/gonzaleslluy_11_02_15.pdf

- **Case of Velásquez Páiz *et al. v.* Guatemala**

On April 21 and 22, 2015, during its fifty-second special session, the Court heard the statements of one presumed victim and one expert witness proposed by the representatives. The Court also heard the final oral arguments of the parties and the final observations of the Commission on the preliminary objections and eventual merits, reparations and costs.

The order convening the hearing is available at:
http://www.corteidh.or.cr/docs/asuntos/velasquez_19_03_15.pdf

- **Case of Omar Humberto Maldonado Vargas *et al. v.* Chile**

On April 22 and 23, 2015, during its fifty-second special session, the Court heard the statements of one presumed victim, proposed by the common intervener, and of one witness and one expert witness, proposed by the State, as well as of one expert witness proposed by the Inter-American Commission. The Court also heard the final oral arguments of the parties and the final observations of the Commission on merits and eventual reparations and costs.

The order convening the hearing is available at:
http://www.corteidh.or.cr/docs/asuntos/maldonado_10_03_15.pdf

- **Case of Ruano Torres and family *v.* El Salvador**

On April 23, 2015, during its fifty-second special session, the Court heard the statement of the presumed victim. The Court also heard the final oral arguments of the parties and the final observations of the Commission on eventual merits, reparations and costs.

The order convening the hearing is available at:
http://www.corteidh.or.cr/docs/asuntos/ruano_11_03_15.pdf

- **Case of Chinchilla Sandoval *et al. v.* Guatemala**

On June 22 and 23, 2015, during its 109th regular session, the Court heard the statements of one presumed victim, proposed by the representatives, and one expert witness proposed by the Inter-American Commission. The Court also heard the final oral arguments of the parties and the final observations of the Commission on the preliminary objection and eventual merits, reparations and costs.

The order convening the hearing is available at:
http://www.corteidh.or.cr/docs/asuntos/chinchilla_12_05_15.pdf

- **Case of Yarce *et al. v.* Colombia**

On June 26, 2015, during its 109th regular session, the Court heard the statements of one presumed victim and one expert witness proposed by the representatives, as well as of one witness and one expert witness proposed by the State. The Court also heard the final oral arguments of the parties, and the final observations of the Commission on the preliminary objection and eventual merits, reparations and costs.

The order convening the hearing is available at:
http://www.corteidh.or.cr/docs/asuntos/yarce_26_05_15.pdf

- **Case of Quispialaya Vilcapoma *v.* Peru**

On August 24, 2015, during its fifty-third special session, the Court heard the statements of the presumed victim proposed by his representatives, and of one witness proposed by the

State. The Court also heard the final oral arguments of the parties and the final observations of the Commission on the preliminary objections and eventual merits, reparations and costs.

The order convening the hearing is available at:
http://www.corteidh.or.cr/docs/asuntos/quispialaya_24_06_15.pdf

- **Case of Ángel Alberto Duque *v.* Colombia**

On August 25, 2015, during its fifty-third special session, the Court heard the statements of the presumed victim and of one expert witness proposed by the representatives, and of one witness and one expert witness proposed by the State, as well as of one expert witness proposed by the Inter-American Commission. The Court also heard the final oral arguments of the parties and the final observations of the Commission on the preliminary objections and eventual merits, reparations and costs.

The order convening the hearing is available at:
http://www.corteidh.or.cr/docs/asuntos/duque_02_07_15.pdf

3. PROBATIVE PROCEDURES

Under the provisions of Article 58 of the Court's Rules of Procedure, the Court may require, "at any stage of the proceedings," that probative procedures be carried out in the context of the processing of a contentious case. Based on this authority, during 2015, the Court carried out three judicial procedures in the context of processing the cases of the Kaliña and Lokono Peoples *v.* Suriname, the Garífuna Community of Triunfo de la Cruz and its members *v.* Honduras and the Garífuna Community of Punta Piedra and its members *v.* Honduras in the territory of the States of Honduras and Suriname.

A. Case of the Kaliña and Lokono Peoples *v.* Suriname

From August 16 to 20, a delegation from the Court, composed of the President, Judge Humberto Sierra Porto, the Deputy Secretary, Emilia Segares Rodríguez, and two Secretariat lawyers, together with the representatives of the presumed victims, the State and the Inter-American Commission made an on-site visit to different areas that were the subject of litigation in the case of the *Kaliña and Lokono Peoples v. Suriname.* In order to make this visit, the delegation had to travel to various villages of the region by land and water. Taking advantage of the invitation, and the presence of a large number of villagers, the President and the delegation were able to receive information from, and hear the opinions of, the local population, leaders and authorities who accompanied them on their visits during the judicial procedure. The delegation was received by a traditional indigenous ceremony and held meetings in which the representatives of the State, the victims, and the Inter-American Commission took part.


B. Garífuna Community of Triunfo de la Cruz and its members *v.* Honduras

On August 21 and 22, 2015, a delegation from the Inter-American Court, composed of the President of the Inter-American Court, Judge Humberto Sierra Porto, the General Counsel of the Inter-American Court, Alexei Julio, and two Secretariat lawyers, together with the representatives of the presumed victims, the State and the Inter-American Commission made an on-side visit to different parts of the territory claimed by the Garífuna Community of Triunfo de la Cruz that are the subject of litigation in this case.

The delegation interviewed the parties, diverse local authorities, and the villagers. In addition, the delegation, together with the parties and the Inter-American Commission went, by boat, on foot, and by vehicle to different areas in order to observe *in situ* the territory in dispute. Taking advantage of the invitation and the presence of a large number of villagers, the President and the delegation were able to have spontaneous conversations with local inhabitants, leaders and authorities who accompanied them on their visits during the judicial procedure.


At the beginning of the visit, the delegations from the Court, the State, and the Commission met with the local population in the Old Building of the Tela Railroad Company in the format of a spontaneous open assembly presided by the President of the Court, where they heard from municipal authorities, members of the Triunfo de la Cruz Community, and third parties interested in the case. A traditional welcoming ceremony was held in the community center of the Triunfo de la Cruz Garifuna Community, during which the community offered a performance of dance and artistic presentations. Following this, the delegations walked around the community and then crossed the Plátano River by boat in order to inspect several areas that were the subject of litigation in this case.

C. Case of the Garífuna Community of Punta Piedra and its members *v.* Honduras

On August 25, 2015, a delegation from the Inter-American Court, composed of the President of the Court, Judge Humberto Sierra Porto, the General Counsel, Alexei Julio, and two lawyers, together with the representatives of the presumed victims, the State and the Inter-American Commission, made an on-site visit to different parts of the territory claimed by the Garífuna Community of Punta Piedra that are the subject of litigation in this case.

The Court delegation was taken to the territory of the Punta Piedra Community by helicopter, which allowed it fly over the area that is the subject of litigation in this case. In addition, meetings were held with the parties, various local authorities, and members of the local population. Taking advantage of the invitation and the presence of a large number of villagers, the President and the delegation were able to receive information from, and hear the opinions of, the local population, leaders and authorities who accompanied them on their visits during the judicial procedure. The community received the delegation at the landing area and, following this, a welcome ceremony was held with the community in the auditorium of the village of Punta Piedra, with traditional dances and a prayer. Then an assembly was held during which the delegation heard the statements of several villagers in the Garífuna language with interpretation into Spanish. After this, the delegation walked around to identify and observe at first hand the territories that were the subject of litigation in this case.

The photographic record of these visits is available at: http://www.corteidh.or.cr/index.php/es/al-dia/galeria-multimedia

4. JUDGMENTS

During 2015, the Court delivered eighteen judgments; sixteen judgments were deciding preliminary objections, merits and reparations, and two were interpretation judgments.

All the judgments are available on the Court's website at:
http://www.corteidh.or.cr/cf/Jurisprudencia2/index.cfm?lang=es

A) JUDGMENTS IN CONTENTIOUS CASES

- **Case of Cruz Sánchez *et al.* *v.* Peru. Preliminary objections, merits, reparations and costs. Judgment of April 17, 2015. Series C No. 292**

➢ **Summary**: The Inter-American Commission submitted this case on December 13, 2011. It relates to presumed extrajudicial executions in the context of the operation known as "Chavín de Huántar," planned and carried out by the Peruvian Armed Forces and National Intelligence Service in order to rescue the 72 hostages held by the MRTA in the residence of the Japanese Ambassador.

➢ **Ruling**: On April 17, 2015, the Inter-American Court of Human Rights delivered judgment declaring Peru responsible for violating the right to life of Eduardo Nicolás Cruz Sánchez. It also declared the State responsible for violating the rights to judicial guarantees and to judicial protection, in relation to Article 1(1) of the Convention, of the next of kin of Eduardo Nicolás Cruz Sánchez, Herma Luz Meléndez Cueva and Víctor Salomón Peceros Pedraza, as well as for violating the right to personal integrity of Edgar Odón Cruz Acuña, brother of Eduardo Nicolás Cruz Sánchez. In addition, the Court determined that there was insufficient evidence to determine the international responsibility of the State for violating the right to life of Herma Luz Meléndez Cueva and Víctor Salomón Peceros Pedraza.

The judgment in this case is available at:
http://www.corteidh.or.cr/docs/casos/articulos/seriec_292_esp.pdf

Also, the official summary of the judgment in this case is available at:
http://www.corteidh.or.cr/docs/casos/articulos/summary_292_esp.pdf

- **Granier *et al.* (Radio Caracas Television) *v.* Venezuela. Preliminary objections, merits, reparations and costs. Judgment of June 22, 2015. Series C No. 293**

➢ **Summary**: The Inter-American Commission submitted this case on February 28, 2013. It relates to the impact on the freedom of expression of the shareholders, management and journalists of Radio Caracas de Televisión (RCTV) of the Venezuelan State's decision not to renew its concession, as well as the State's substantive and procedural obligations in relation to the assignment and renewal of concessions.

➢ **Ruling**: On June 22, 2015, the Court delivered judgment declaring the violation of the right to freedom of expression, because there had been an indirect restriction of its exercise that prejudiced various RCTV employees and shareholders. The Court also declared the violation of the right to freedom of expression in relation to the obligation not to discriminate against these persons. Lastly, the Court found that the rights of the different victims to due process, a reasonable time, and to be heard had been violated.

The judgment in this case is available at:
http://www.corteidh.or.cr/docs/casos/articulos/seriec_293_esp.pdf

Also, the official summary of the judgment in this case is available at:
http://www.corteidh.or.cr/docs/casos/articulos/summary_293_esp.pdf

- **Case of Canales Huapaya *et al.* *v.* Peru. Preliminary objections, merits, reparations and costs. Judgment of June 24, 2015. Series C No. 296**

➢ **Summary**: The Inter-American Commission submitted this case on December 5, 201. It relates to the violation of the rights to judicial guarantees and judicial protection of Carlos Alberto Canales Huapaya, José Castro Ballena and María Gracia Barriga Oré, as a result of the absence of an appropriate and effective judicial response to their dismissals as permanent officials of the Congress of the Republic of Peru. The facts of this case have essentially the same characteristics as the case of the Dismissed Employees of the Congress of Peru (which occurred in the context of a legal framework that prevented the victims from knowing the remedy they should use to contest their dismissal).

➢ **Ruling**: On June 24, 2015, the Inter-American Court delivered judgment declaring the Peruvian State responsible for the legal and practical obstacles to ensuring real access to justice for Carlos Alberto Canales Huapaya, José Castro Ballena and María Gracia Barriga Oré, as well as for difficulties relating to lack of certainty and clarity regarding the remedy the presumed victims could use to contest the collective dismissal. However, the Court did not find grounds to declare a violation of the right to equality before the law or the right to property alleged by the victims.

The judgment in this case is available at:
http://www.corteidh.or.cr/docs/casos/articulos/seriec_278_esp.pdf
Also, the official summary of the judgment in this case is available at:
http://www.corteidh.or.cr/docs/casos/articulos/summary_296_esp.pdf

- **Case of Wong Ho Wing *v.* Peru. Preliminary objection, merits, reparations and costs. Judgment of June 30, 2015. Series C No. 297**

➢ **Summary:** The Inter-American Commission submitted this case on October 30, 2013. It relates to the request of the People's Republic of China that Peru extradite Wong Ho Wing due to the presumed perpetration of the offenses under Chinese law of smuggling ordinary merchandise, bribery, and money-laundering. In 2008, when Wong Ho Wing's extradition was requested, one of the possible sanctions established for the offense of smuggling ordinary merchandise was the death penalty. The Inter-American Commission and Wong Ho Wing's representative argued that, if he was extradited to China, he could be subject to the death penalty or to treatment contrary to the prohibition of torture and other cruel, inhuman or degrading treatment.

➢ **Ruling**: On June 30, 2015, the Inter-American Court delivered judgment declaring that, if it extradited Wong Ho Wing, the State of Peru would not be responsible for the violation of its obligation to ensure the rights to life and personal integrity, or of the obligation of non-refoulement owing to a risk for these rights, because it had not been proved that, at the present time, there is a real, predictable and personal risk to the rights to life and personal integrity of Wong Ho Wing. However, the Court considered that the State had incurred international responsibility for violating the guarantee of a reasonable time and the right to personal liberty, owing to the excessive delay in the processing of the extradition procedure and the deprivation of liberty of Wong Ho Wing, as well as to the arbitrary nature of the detention, and the ineffectiveness of the applications for *habeas corpus* and requests for release filed by Wong Ho Wing.

The judgment in this case is available at:
http://www.corteidh.or.cr/docs/casos/articulos/seriec_297_esp.pdf

Also, the official summary of the judgment in this case is available at:
http://www.corteidh.or.cr/docs/comunicados/cp_29_15.pdf

- **Case of Gonzales Lluy *et al. v.* Ecuador. Preliminary objections, merits, reparations and costs. Judgment of September 1, 2015. Series C No. 298**

➢ **Summary**: The Inter-American Commission submitted this case on March 18, 2014. It relates to the impact on the rights of Talía González Lluy to a decent life and personal integrity resulting from her infection with HIV following a blood transfusion on June 22, 1998, when she was three years old. The blood used for the transfusion came from the Azuay Red Cross Blood Bank, and it is alleged that the State had not complied adequately with the obligation to ensure, specifically, its role of supervision and monitoring of private entities that provide health care services.

➢ **Ruling**: On September 1, 2015, the Court delivered judgment finding that Ecuador was responsible for violating the rights of Talía Gabriela Gonzales Lluy to life and personal integrity, to education, and to the judicial guarantee of a reasonable time in the criminal proceedings. The Court also found that the State was responsible for violating the right to personal integrity of Teresa Lluy and Iván Mauricio Lluy. However, the Court did not find grounds for declaring the violation of the judicial guarantee of a reasonable time in the civil proceedings, or the right to judicial protection.

The judgment in this case is available at:
http://www.corteidh.or.cr/docs/casos/articulos/seriec_298_esp.pdf

Also, the official summary of the judgment in this case is available at:
http://www.corteidh.or.cr/docs/casos/articulos/summary_298_esp.pdf

- **Case of Omar Humberto Maldonado Vargas *et al. v.* Chile. Merits, reparations and costs. Judgment of September 2, 2015. Series C No. 300**

➢ **Summary**: The Inter-American Commission submitted this case on April 12, 2014. It relates to 12 members of the Air Force and a civilian employee who worked for that entity, who, between 1973 and 1975 were detained and subject to courts martial. In addition, they were subjected to ill-treatment and torture in order to extract confessions to the crimes with which they had been charged and of which they were convicted. Subsequently, they remained deprived of liberty for up to five years and, ultimately, the punishment was commuted to exile.

➢ **Ruling**: On September 2, 2015, the Inter-American Court delivered judgment, declaring the State internationally responsible for the violation of the right to judicial protection of several victims because they had not been provided with an effective remedy to annul criminal proceedings that took into account evidence and confessions obtained under torture and, by which, they had been convicted during the military dictatorship in Chile. The Court also considered that the State was responsible for the excessive delay in opening an investigation into the torture suffered by some of the victims.

The judgment in this case is available at:
http://www.corteidh.or.cr/docs/casos/articulos/seriec_300_esp.pdf

Also, the official summary of the judgment in this case is available at:
http://www.corteidh.or.cr/docs/casos/articulos/summary_300_esp.pdf

- **Case of López Lone *et al. v.* Honduras. Preliminary objection, merits, reparations and costs. Judgment of October 5, 2015. Series C No. 302**

➢ **Summary**: The Inter-American Commission submitted this case on March 17, 2014. It relates to the disciplinary proceedings held against the judges Adán Guillermo López Lone, Luis Alonso Chévez de la Rocha, Ramón Enrique Barrios Maldonado and Tirza del Carmen Flores Lanza. As a result of these proceedings, the four judges were dismissed and three of them were debarred. These disciplinary proceedings were instituted for actions of the victims in defense of democracy and the rule of law in the context of the coup d'état that took place in Honduras in June 2009. In addition, all the victims were members of the *Asociación de Jueces por la Democracia*, which also protested against the coup d'état and in favor of the restitution of the rule of law.

➢ **Ruling**: On October 5, 2015, the Inter-American Court delivered judgment declaring the State of Honduras responsible for violating freedom of expression, the right of assembly, political rights, freedom of association, judicial guarantees, judicial protection, the right to remain in a function under equal conditions, and the principle of legality, in the context of the disciplinary proceedings held against the judges Adán Guillermo López Lone, Luis Alonso Chévez de la Rocha, Ramón Enrique Barrios Maldonado, and Tirza del Carmen Flores Lanza.

The judgment in this case is available at:
http://www.corteidh.or.cr/docs/casos/articulos/seriec_302_esp.pdf

Also, the official summary of the judgment in this case is available at:
http://www.corteidh.or.cr/docs/casos/articulos/summary_302_esp.pdf

- **Case of the Campesina Community of Santa Barbara *v.* Peru. Preliminary objections, merits, reparations and costs. Judgment of September 1, 2015. Series C No. 299**

➢ **Summary**: The Inter-American Commission submitted this case on July 8, 2013. It relates to the forced disappearance of 15 persons, most of whom were members of two families, and who included seven children between the ages of eight months and seven years. The events were perpetrated by members of the Peruvian army and took place on July 4, 1991, in the community of Santa Barbara, province of Huancavelica. Even though the domestic investigations proved the criminal responsibility of the soldiers who had been charged, and even in the military jurisdiction six members of the armed forced were found responsible, on January 14, 1997, the Supreme Court of

Justice applied Amnesty Law No. 26479. Following the re-opening of the criminal proceedings in 2005, the facts remain in impunity.

➢ **Ruling**: On September 1, 2015, the Inter-American Court delivered judgment declaring the State of Peru internationally responsible for the forced disappearance of 15 victims. In this regard, the State was declared internationally responsible for violating the rights to personal liberty, personal integrity, life, recognition of juridical personality, judicial guarantees and judicial protection, all to the detriment of the 15 victims of enforced disappearance. In addition, the Court declared that these violations also occurred in relation to the right to special protection of children to the detriment of six victims who were children at the time of their disappearance. The Court also declared the international responsibility of Peru for violating the rights to property, and private and family life to the detriment of the 14 victims of enforced disappearance, as well as of two of their family members. It also declared the violation of the right to personal liberty of one victim and his family. Lastly, it declared the international responsibility of the State for violating the rights to judicial guarantees and judicial protection, the right to know the truth, and the right to personal integrity of the next of kin of the victims of enforced disappearance, as well as of those who have died since 2000.

The judgment in this case is available at:
http://www.corteidh.or.cr/docs/casos/articulos/seriec_299_esp.pdf

Also, the official summary of the judgment in this case is available at:
http://www.corteidh.or.cr/docs/casos/articulos/summary_299_esp.pdf

• **Case of Ruano Torres *et al. v.* El Salvador. Merits, reparations and costs. Judgment of October 5, 2015. Series C No. 303**

➢ **Summary**: The Inter-American Commission submitted this case on February 13, 2014. It relates to the accusation, detention and subsequent conviction of José Agapito Ruano Torres for the offense of abduction committed on August 22, 2000, with a series of doubts about whether he was really the person known as El Chopo who, it was alleged, had taken part in the perpetration of the offense. This case does not refer, however, to the guilt or innocence of Mr. Ruano Torres or any of the other individuals who were tried with him, but rather to the conformity of the criminal proceedings and of the actions of certain public officials in this case to the provisions of the American Convention.

➢ **Ruling**: On October 5, 2015, the Inter-American Court of Human Rights delivered judgment declaring the Republic of El Salvador internationally responsible for violating the right to personal integrity and the prohibition of torture, the right to personal liberty, the presumption of innocence, the right of defense and to be heard with due guarantees, and the right to judicial protection, as well as for the failure to ensure the right to personal integrity in relation to the obligation to investigate the acts of torture committed against José Agapito Ruano Torres. It also declared the State internationally responsible for violating the right to personal integrity of the members of his family.

The judgment in this case is available at:
http://www.corteidh.or.cr/docs/casos/articulos/seriec_303_esp.pdf

Also, the official summary of the judgment in this case is available at:
http://www.corteidh.or.cr/docs/casos/articulos/summary_303_esp.pdf

- **Case of Galindo Cárdenas *et al. v.* Peru. Preliminary objections, merits, reparations and costs. Judgment of October 2, 2015. Series C No. 301**

➢ **Summary**: The Inter-American Commission submitted this case on January 19, 2014. It relates to the deprivation of liberty of the lawyer, Luis Antonio Galindo Cárdenas, in the Yanac military barracks, where he remained for at least 30 days and was subjected to a proceeding in application of the Repentance Law. This law established the terms for granting the benefits of either reduction, exemption, remission or lessening of the punishment of those who had committed the crime of terrorism. The case also relates to the State's failure to investigate immediately the alleged acts of "psychological torture" presumably committed against Mr. Galindo while he was deprived of liberty.

➢ **Ruling**: On October 2, 2015, the Inter-American Court of Human Rights delivered judgment declaring the international responsibility of the State for the violation of the rights to personal liberty and to judicial guarantees of Luis Antonio Galindo Cárdenas. The Court also found that the State was responsible for violating the right to personal integrity of Luis Antonio Galindo Cárdenas, his wife, Irma Díaz de Galindo, and his son, Luis Idelso Galindo Díaz. In addition, the Court declared that Peru had violated the right to judicial guarantees and judicial protection. The Court concluded that Peru had not violated the principle of legality, or its obligation to adopt domestic legal provisions.

The judgment in this case is available at:
http://www.corteidh.or.cr/docs/casos/articulos/seriec_301_esp.pdf

Also, the official summary of the judgment in this case is available at:
http://www.corteidh.or.cr/docs/casos/articulos/summary_301_esp.pdf

- **Case of the Garífuna Community of Punta Piedra and its members *v.* Honduras. Preliminary objections, merits, reparations and costs. Judgment of October 8, 2015. Series C No. 304**

➢ **Summary**: The Inter-American Commission submitted this case on October 1, 2013. It relates to the Garífuna Community of Punta Piedra located in the municipality of Iriona, department of Colón, on the shores of the Caribbean Sea. In 1993, the State awarded a property title to the Punta Piedra community and this was later expanded in 1999. However, when the title was awarded, part of the territory was occupied by inhabitants of the Rio Miel village. Consequently, various conciliatory procedures were carried out and, in 2001, the State undertook to reclaim the territory in favor of the Punta Piedra community, by paying for improvements and relocating the inhabitants of Rio Miel. Nevertheless, these commitments were not implemented and this led to a conflictive situation between the two communities. During the conflict, acts of violence and intimidation occurred, including the death of Félix Ordóñez Suazo, a member of the Punta Piedra community. Furthermore, the Court was advised that a mining concession had been granted that affected part of the territory titled to the Punta Piedra community.

➢ **Ruling**: On October 8, 2015, the Inter-American Court of Human Rights delivered judgment determining that the State was responsible for violating the right to collective property, owing to the failure to ensure the Punta Piedra community the use and enjoyment of their territory, by reclaiming it for them, and the failure to adopt domestic legal provisions in order to ensure the right to consultation and cultural identity. It also declared that the State had violated the rights to judicial protection and judicial guarantees, because the remedies available were not effective to protect the alleged rights of the Garífuna community of Punta Piedra and its members.

The judgment in this case is available at:
http://www.corteidh.or.cr/docs/casos/articulos/seriec_304_esp.pdf

Also, the official summary of the judgment in this case is available at:
http://www.corteidh.or.cr/docs/casos/articulos/summary_304_esp.pdf

- **Case of the Garífuna Community of Triunfo de la Cruz and its members *v.* Honduras. Merits, reparations and costs. Judgment of October 8, 2015. Series C No. 305**

➢ **Summary**: The Inter-American Commission submitted this case on February 21, 2013. It relates to the Garífuna Community of Triunfo de la Cruz located in the department of Atlántida, municipality of Tela. The Court was able to verify that various problems had arisen with regard to the community's territory in relation to: (i) the expansion of the urban area of the municipality of Tela that now covers part of the territory claimed as traditional by the community; (ii) the sale of lands that the State had recognized as traditional territory; (iii) the transfer of land located in the territory claimed by the community to the Municipal Employees and Workers Labor Union by the Tela Municipal Corporation; (iv) the establishment of a protected area, the "Punta Izopo National Park," on part of the traditional territory of the community, and (v) the development of tourism projects in the area recognized as traditional territory of the community. The facts of the case also refer to actions concerning requests to grant title to different territories, to the sale and award of traditional lands to third parties, and also to investigations into the presumed threats and the deaths of four members of the community.

➢ **Ruling**: On October 8, 2015, the Inter-American Court of Human Rights delivered judgment determining that the State was internationally responsible for violating the right to collective property of the Garífuna Community of Triunfo de la Cruz and its members. The Court also found that the State was responsible for having violated its obligation to adapt its domestic laws because, prior to 2004, it had not established domestic laws or practices that would guarantee the right to consultation. In addition, the Court found that the State was responsible for the violation of the judicial guarantees and judicial protection of the Garífuna Community of Triunfo de la Cruz and its members.

The judgment in this case is available at:
http://www.corteidh.or.cr/docs/casos/articulos/seriec_305_esp.pdf

Also, the official summary of the judgment in this case is available at:
http://www.corteidh.or.cr/docs/casos/articulos/summary_305_esp.pdf

- **Case of García Ibarra *et al. v.* Ecuador. Preliminary objections, merits, reparations and costs. Judgment of November 17, 2015. Series C No. 306**

➢ **Summary**: The Inter-American Commission submitted this case on November 23, 2013. It relates to the violation of the right to life of the adolescent, José Luis García Ibarra, who was deprived of his life on September 15, 1992, in a district of the town of Esmeraldas, when he was 16 years of age, by an agent of the National Police of Ecuador who shot him with an official police weapon, without any evidence that the latter had put up any resistance or taken any action against the life or integrity of that police agent or of third parties. The domestic criminal proceedings culminated more than nine years after it was initiated with a conviction of the said police agent to 18 months' imprisonment for the offense of "unintentional" (culpable) homicide.

➢ **Ruling**: On November 17, 2015, the Inter-American Court of Human Rights delivered judgment determining that the State was responsible for violating the right to life of the adolescent, José Luis García Ibarra. It also considered that the State had failed to comply with its obligation to ensure the rights of his next of kin of access to justice and to know the truth about the facts, contained in the right to judicial guarantees and judicial protection.

The judgment in this case is available at:
http://www.corteidh.or.cr/docs/casos/articulos/seriec_306_esp.pdf

Also, the official summary of the judgment in this case is available at:
http://www.corteidh.or.cr/docs/casos/articulos/summary_306_esp.pdf

- **Case of Velásquez Paiz *et al. v.* Guatemala. Preliminary objections, merits, reparations and costs. Judgment of November 19, 2015. Series C No. 307**

➢ **Summary**: The Inter-American Commission submitted this case on March 5, 2014. It relates to the death of Claudina Isabel Velásquez Paiz on August 13, 2005, in a context in which the State was aware of an increase of homicidal violence against women in Guatemala. The lifeless body of Claudina Isabel Velásquez Paiz revealed various injuries and indications of sexual violence and/or rape. More than 10 years after the facts of the case occurred and since the opening of the investigation, the truth of what happened has still not been established.

➢ **Ruling**: On November 19, 2015, the Inter-American Court of Human Rights delivered judgment determining that the State was internationally responsible for violating the obligation to ensure the free and full exercise of the rights to life and personal integrity of Claudina Isabel Velásquez Paiz. The Court also found that the State was responsible for violating the rights to judicial guarantees, judicial protection, and equality before the law of the mother, father and brother of Claudina Velásquez. All the said rights were also violated in relation to the obligations established in Article 7 of the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women. In addition, the Court declared the violation of the rights of the next of kin of Claudina Velásquez to personal integrity, and to respect for honor and dignity. Lastly, it determined that it was not necessary to rule on the alleged violations of the rights to privacy, freedom of expression, and freedom of movement of Claudina Velásquez.

The judgment in this case is available at:
http://www.corteidh.or.cr/docs/casos/articulos/seriec_307_esp.pdf

Also, the official summary of the judgment in this case is available at:
http://www.corteidh.or.cr/docs/casos/articulos/summary_307_esp.pdf

- **Case of Quispialaya Vilcapoma *v.* Peru. Preliminary objections, merits, reparations and costs. Judgment of November 23, 2015. Series C No. 308**

➢ **Summary**: The Inter-American Commission submitted this case on August 5, 2014. It relates, above all, to the attack on Valdemir Quispialaya Vilcapoma on January 26, 2001, during shooting practice in the course of his military service, when his superior officer hit him on the forehead and in the right eye with the butt of a rifle. As a result of the injury, Mr. Quispialaya lost the vision of his right eye and his mental health was also affected. The Court noted that the conduct described formed

part of a context of physical and mental ill-treatment during military service based on a deep-rooted culture of violence and abuse in the application of military discipline and authority. The investigation into the facts was conducted in both the ordinary and the military jurisdiction; however, the corresponding responsibilities have yet to be determined.

➢ **Ruling**: On November 23, 2015, the Inter-American Court of Human Rights delivered judgment determining that the State was internationally responsible for violating the right to personal integrity and the rights to judicial guarantees and judicial protection, in relation to Article 1(1) of the American Convention, and to the obligations established in Articles 1, 6 and 8 of the Inter-American Convention to Prevent and Punish Torture, to the detriment of Valdemir Quispialaya Vilcapoma and Victoria Vilcapoma Taquia. The Court also considered that the State was not responsible for the violation of the obligation to adopt domestic legal provisions.

The judgment in this case is available at:
http://www.corteidh.or.cr/docs/casos/articulos/seriec_308_esp.pdf

Also, the official summary of the judgment in this case is available at:
http://www.corteidh.or.cr/docs/casos/articulos/summary_308_esp.pdf

- **Case of the Kaliña and Lokono Peoples v. Suriname. Merits, Reparations and Costs. Judgment of November 25, 2015. Series C No. 309**

➢ **Summary**: The Inter-American Commission submitted this case on January 28, 2014. It relates, above all, to to the actions taken by the Kaliña and Lokono peoples to obtain the State's recognition of their collective juridical personality and their right to collective ownership of their traditional territories, land for which titles have not been issued. Parts of the territory claimed adjoin settlements of the N'djuka Maroon tribe and some non-indigenous third parties were granted property titles in other claimed areas located on lots bordering the Marowijne River.

➢ **Ruling**: On November 25, 2015, the Inter-American Court of Human Rights delivered judgment determining that the State was internationally responsible for the violation of the rights to recognition of juridical personality, to collective property, to political rights, and to cultural identity, and of the duty to adopt domestic legal provisions. As a result of these violations, the Kaliña and Lokono peoples do not have a territory that is delimited, demarcated and titled in their favor, and part of the territory claimed is owned by third parties; their effective participation in the nature reserves that the State has established on part of this territory has not been guaranteed and, with regard to a mining project in one of the reserves, their right to participation, by means of a consultation process, has not been respected. The State has also violated the right to judicial protection in relation to the obligation to adopt domestic legal provisions and the right of access to information, since these peoples do not have appropriate or effective remedies to claim the said rights. All the above has prejudiced the Kaliña and Lokono peoples and their members.

The judgment in this case is available at:
http://www.corteidh.or.cr/docs/casos/articulos/seriec_309_esp.pdf

Also, the official summary of the judgment in this case is available at:
http://www.corteidh.or.cr/docs/casos/articulos/resumen_309_esp.pdf

B) INTERPRETATIVE JUDGMENTS

- **Case of Argüelles *et al.* *v.* Argentina. Interpretation of the Judgment on preliminary objection, merits, reparations and costs. Judgment of June 23, 2015. Series C No. 294**

➢ On December 16, 2014, the representatives, Mauricio Cueto and Alberto De Vita, submitted a request for interpretation of the judgment in relation to the payment of costs and expenses ordered by the Court. Also, on December 22, 2014, the Inter-American Defenders presented a request for interpretation of the judgment with regard to a request for reimbursement of expenses.

➢ On June 23, 2015, the Court delivered judgment on the request for interpretation, and concluded that the requests for interpretation were inadmissible because they constituted re-evaluations of matters that had been decided by the Court in its judgment. Specifically, it indicated that, with regard to the first request, the judgment was clear that the sum of US$10,000.00 was the total for the representatives, and could not be interpreted to mean US$10,000 each. With regard to the second request, it indicated that the judgment had established only the reimbursement of the expenses over and above those authorized from the Victims' Legal Assistance Fund, and not of other expenses supposedly incurred prior to the legal representation by the Inter-American Defenders in the case.

➢ The judgment in this case is available at:
http://www.corteidh.or.cr/docs/casos/articulos/seriec_294_esp.pdf

- **Case of Espinoza Gonzáles *v.* Peru. Interpretation of the judgment on preliminary objections, merits, reparations and costs. Judgment of June 23, 2015. Series C No. 295**

➢ On March 18, 2015, the State submitted to the Court a request for interpretation of three aspects of the judgment, namely: (A) whether the Court had declared a violation of the right to equality before the law; (B) the prohibition to use the principle of non-retroactivity of the criminal law to exempt itself from the obligation to investigate the facts, and (C) the reasons why it was concluded that the stereotype identified in the case had had a direct impact on the decision not to investigate the facts and on the education and training of those responsible for criminal prosecution and litigation.

➢ On June 23, 2015, the Court delivered an interpretative judgment in which it rejected, as inadmissible, the questions raised by the State on the prohibition to use the principle of non-retroactivity of the criminal law to exempt itself from the obligation to investigate the facts; on whether the Court had declared a violation of the right to equality before the law, and on the reasons why it was concluded that the stereotype identified in the case had had a direct impact on the decision not to investigate the facts and on the education and training of those responsible for criminal prosecution and litigation.

The judgment in this case is available at:
http://www.corteidh.or.cr/docs/casos/articulos/seriec_295_esp.pdf

5. AVERAGE TIME REQUIRED TO PROCESS CASES

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

In 2015, the average time required to process cases before the Court was 22.2 months.

6. CONTENTIOUS CASES BEING PROCESSED

At December 31, 2015, the following twenty-five cases were pending a decision:

No.	Name	State	Date submitted
1	Yarce *et al.*	Colombia	03-06-2014
2	Members of the Village of Chichupac and Neighboring Communities of the Municipality of Rabinal	Guatemala	05-08-2014
3	Chinchilla Sandoval	Guatemala	19-08-2014
4	Zegarra Marín	Peru	22-08-2014
5	Tenorio Roca *et al.*	Peru	01-09-2014
6	Angel Alberto Duque	Colombia	21-10-2014
7	Herrera Espinoza *et al.*	Ecuador	21-11-2014
8	Manfred Amrhein *et al.*	Costa Rica	28-11-2014
9	Olga Yolanda Maldonado Ordóñez	Guatemala	03-12-2014
10	Homero Flor Freire	Ecuador	11-12-2014
11	Vereda la Esperanza	Colombia	13-12-2014
12	Lupe Andrade	Bolivia	8-1-2015
13	Pollo Rivera	Peru	8-2-2015
14	Valencia Hinojosa	Ecuador	19-2-2015
15	Trabalhadores da Fazenda Brasil Verde	Brazil	4-3-2015
16	I.V.	Bolivia	23-4-2015
17	Ortiz Hernández	Venezuela	13-5-2015
18	Cosme Rosa Genoveva *et al.* (Favela Nova Brasilia)	Brazil	19-5-2015
19	Vásquez Durand and family	Ecuador	8-6-2015
20	Gutiérrez Hernández and family	Guatemala	15-6-2015
21	Acosta *et al.*	Nicaragua	29-7-2015
22	Dismissed Employees of PetroPeru, the Ministry of Education, the Ministry of Economy and Finance, and the National Port Authority	Peru	13-8-2015
23	Carvajal and family	Colombia	22-10-2015
24	Pacheco León and family	Honduras	13-11-2015
25	Alfredo Lagos del Campo	Peru	28-11-2015

Inter-American Court of Huma

V. MONITORING COMPLIANCE WITH JUDGMENTS

A. SUMMARY OF THE WORK OF MONITORING COMPLIANCE

Monitoring compliance with the Court's judgments has become one of the most demanding activities of the Court, because each year there is a considerable increase in the number of cases at this stage. Numerous measures of reparation are ordered in each judgment,[50] and the Court monitors every reparation ordered promptly and in detail. Both the number of reparations ordered, and also their nature and complexity have an impact on the time that the case may remain at the stage of monitoring compliance. For the Court to be able to close a case, the State must have complied with each and every measure of reparation. In some of the cases at the stage of monitoring compliance with judgment only one measure of reparation is pending while, in others, compliance with numerous reparations remains pending. Consequently, despite the fact that, in many cases, most of the measures have been fulfilled, the Court keeps this stage open until it considers that a judgment has been complied with fully and completely.

The Inter-American Court or its President monitors compliance with the judgments by issuing orders, holding hearings, and monitoring on a daily basis by means of notes issued by the Court's Secretariat. During 2015, a unit of the Secretariat began operations that is dedicated exclusively to monitoring compliance with judgments (the Unit for Monitoring Compliance with Judgments), so as to follow-up more closely on the level of compliance by the States with the different measures of reparation established by the Court, a task that, up until then, was divided up among the different working groups from the legal area of the Court's Secretariat, which are also responsible for working on the contentious cases pending judgment, following up on provisional measures, and working on advisory opinions.

During 2015, the Inter-American Court held **eight hearings** on monitoring compliance with judgment, in which it **monitored compliance with the judgments in 14 cases**, in order to receive updated and detailed information on compliance with the measures of reparation ordered from the States concerned, and to hear the observations of the representatives of the victims and the Inter-American Commission. As described below, the Court holds different types of hearings on monitoring compliance with judgment:

1) *Monitoring hearings on individual cases:* the Court held six hearing to monitor compliance with the judgments in six cases. Each hearing related to one case. Five of these hearings were private and one public;
2) *Joint hearings to monitor several cases against the same State:* in which the Court monitors compliance with one or several reparations ordered in judgments in several cases against the same

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

State, when the reparations ordered were the same or similar. The Court held two hearings of this type: one to monitor compliance with two judgments, and the other to monitor compliance with six judgments, and

3) *Monitoring hearings away from the seat of the Court,* in the territory of the respective States. In 2015, private hearings were held in Honduras and in Panama, with significant collaboration from these two States.

Regarding **orders**, during 2015, the Court issued 36 orders on monitoring compliance with judgment in which it monitored compliance with judgment in 61 cases, in order to: assess the degree of compliance with the reparations ordered; request detailed information on the measures taken to comply with certain measures of reparation; urge the States to comply and guide them on compliance with the measures of reparation ordered; give instruction for compliance, and clarify aspects on which there is a dispute between the parties regarding the execution and implementation of the reparations, all of this in order to ensure the full and effective implementation of its decision. The orders on monitoring compliance of judgment issued by the Court in 2015 had different contents and purposes:

1) To monitor compliance in individual cases of all or several reparations ordered in the judgment. The Court issued 23 orders of this nature, monitoring compliance with the corresponding 23 different judgments;
2) To jointly monitor compliance with one or several equal or similar reparations ordered in the judgments of several cases in relation to the same State found responsible. The Court issued four orders of this type, monitoring specific reparations ordered in 22 different judgments;
3) To monitor compliance with the obligation of the State found responsible to reimburse the Victims' Legal Assistance Fund of the Court. The Court issued six orders to monitor this obligation in 10 cases. One of these orders jointly monitored reimbursement in four cases with regard to the same State;
4) To close cases owing to full compliance with the reparations ordered. The Court ordered that four cases be closed;
5) To declare non-compliance by three States with the obligation to report on implementation of the reparations in five cases. One of these orders declared non-compliance by the same State in three cases, and
6) To apply Article 65 of the American Convention in order to inform the OAS General Assembly of the non-compliance by four States in relation to 13 judgments. In the case of two States, the Court issued joint orders to assess the application of the said Article 65 in several cases.

In addition, for the first time at the stage of monitoring compliance, the Court carried out an **on-site procedure** at the request of a State in relation to monitoring compliance with the judgment in a case (infra).

In addition to monitoring by means of the above-mentioned orders and hearings, during 2015, the Commission was asked to provide information or observations on different cases by notes sent by the Court's Secretariat, on the instructions of the Court or its President. Information or observations were requested in 121 of the 154[51] cases at the stage of monitoring compliance with judgment.

[51] The 154 cases are those in which, prior to 2015 or during the year, the one-year time limit established in the judgment for the State to present its first report on compliance had expired. There are also excluded the cases Benavides Cevallos V. Ecuador and Apitz Barbera et al

In 2015, the Court received reports and attachments from the States in 104 of the 154 cases at the stage of monitoring compliance with judgment. In many of these case several reports were received during the year. In addition, in most cases, the Court received numerous briefs with **observations from the victims or their legal representatives and from the Inter-American Commission**.

It is worth noting that, in 2015, the Court continued to implement the **strategy of holding joint monitoring hearings and issuing joint orders** on compliance with similar or the same pending measures of reparation in several cases concerning the same State, because this has had a positive impact and repercussions on those involved in implementing the measures. The Court employs this strategy when it has ordered the same or similar reparations in the judgments in several cases and when, at times, compliance with them faces common factors, challenges or obstacles. This specialized joint monitoring of compliance mechanism allows the Court to have a greater impact by dealing at one and the same time with an issue that is common to several cases in relation to the same State and approaching it globally, instead of having to monitor the same measure in several cases separately. It also enables the Court to encourage discussions among the different representatives of the victims in each case and results in a more dynamic participation by the State officials responsible for implementing the reparations at the domestic level. In addition, it provides an overview of the progress made and the factors impeding progress in the State concerned, identifies the elements of reparation regarding which a significant dispute exists between the parties, and those to which they can give most attention and make most progress. To date, this joint monitoring mechanism has been implemented with regard to the following measures of reparation:

(i) The obligation to investigate, prosecute and punish, as appropriate, those responsible for the human rights violations in *twelve (12) cases against Guatemala*. In November 2015, the Court issued an order on monitoring in which it assessed the progress made by the State in some of the cases; however, it underscored that the criminal proceedings in 11 of them remained at the criminal investigation stage, identified structural obstacles common to the 12 cases, and asked the State to define, as soon as possible, the measures required to combat those obstacles;

(ii) Measures to identify, transfer and grant title to lands of three indigenous communities ordered in *three (3) cases against Paraguay*. In June 2015, the Court issued an order monitoring these measures in which it determined that the State had complied with one of the measures ordered – as regards removing formal obstacles to granting title to part of the lands to one of the communities – but declared that all the other reparations relating to the transfer of the lands of the three indigenous communities remained pending;

(iii) Provide medical and psychological treatment to the victims in *ten (10) cases against Colombia*. In 2015, the Court asked the State to send a report, and the victims' representatives and the Inter-American Commission to forward their observations.

(iv) The adaptation of domestic law to international standards and those of the Convention as regards the guarantee of an ordinary judge in relation to the military criminal jurisdiction, and the adoption of the pertinent amendments to provide individuals affected by the intervention of the military jurisdiction with an effective remedy to contest the competence of that jurisdiction, ordered in *four (4) cases against Mexico*. In April 2015, the Court issued an order assessing partial compliance with the first of these reparations and declaring complete compliance with the second;

V. Venezuela since, in previous years to 2015, article 65 of the American Convention was applied and the observed situation has not yet changed.

(v) The adaptation of domestic law concerning protection of the right to life in the context of the obligatory imposition of the death penalty for the crime of murder in *two (2) cases against Barbados*. In September 2015, a hearing on monitoring compliance was held, and

(vi) Guarantees of non-repetition in *six (6) cases against Honduras* concerning:
i) prison conditions, training of prison officials, and registration of detainees;
ii) protection of human rights defenders, in particular defenders of the environment, and
iii) obligation to investigate, prosecute and punish, as appropriate, the human rights violations that had occurred in these cases. In August 2015, a hearing on monitoring compliance was held in Tegucigalpa, Honduras.

B. HEARINGS ON MONITORING COMPLIANCE WITH JUDGMENT HELD IN 2015

The Inter-American Court held eight hearing on monitoring compliance with judgment during 2015, in which it monitored compliance with judgment in 14 cases. Of these, seven were private and one public. In this regard, it should be highlighted that the Court held hearings on monitoring compliance with judgments away from its seat; these took place in Honduras and Panama.

1. HEARINGS ON MONITORING COMPLIANCE WITH JUDGMENT IN INDIVIDUAL CASES

a) Case of the Barrios Family *v.* Venezuela

On February 5, 2015, during its 107th regular session, this hearing was held to monitor the following measures of reparation: (i) conduct the criminal investigation into the facts of this case effectively in order to clarify them, to determine the corresponding criminal responsibilities and to apply the legal sanctions and consequences; (ii) examine, under the pertinent disciplinary norms, the possible procedural and investigative irregularities related to this case and, as appropriate, sanction the conduct of the corresponding public servants; (iii) provide medical and psychological treatment to the victims; (iv) publish and disseminate the judgment; (v) hold a public act to acknowledge international responsibility for the facts of this case; (vi) award scholarships to certain victims; (vii) continue the training actions that have been undertaken, and implement a compulsory course or program as part of the general and continuing training for all ranks of the police of the state of Aragua on the principles and norms for the protection of human rights, including the rights to life, to personal integrity and to personal liberty, as well as on the limitations they are subject to when arresting someone, and (viii) pay the amounts established in the judgment as compensation for pecuniary and non-pecuniary damage, to reimburse costs and expenses and to reimburse the Victims' Legal Assistance Fund.

b) Case of the Pueblo Bello Massacre *v.* Colombia

On February 5, 2015, during its 107th regular session, this hearing was held to monitor the following measures of reparation: (i) expedite and complete the investigation to determine the responsibility of all the participants in the massacre, as well as those who may have been responsible, by act or omission, for non-compliance with the State's obligation to ensure the rights that were violated; (ii) take the pertinent measures to ensure that the human rights violations are investigated effectively in proceedings held with all judicial guarantees, in order to prevent a recurrence of the egregious acts that occurred during the massacre; (iii) search for and identify the disappeared victims, and return their mortal remains to the families, and cover the burial costs; (iv) ensure that the corresponding official entities use the pertinent international laws in order to search for and identify the persons disappeared or deprived of liberty; (v) guarantee safe conditions for the next of kin of the persons disappeared and deprived of life, as well as other former inhabitants of Pueblo Bello who have been displaced, to return there, if they so wish; (vi) erect an appropriate, dignified monument to recall the events of the Pueblo Bello massacre, and (vii) pay the amounts established in the judgment as compensation for pecuniary and non-pecuniary damage and to reimburse costs and expenses.

c) Case of Furlan and family members *v.* Argentina

On February 5, 2015, during its 107th regular session, this hearing was held to monitor the following measures of reparation: (i) provide medical and psychological or psychiatric treatment to the victims in the case who request this; (ii) establish an inter-disciplinary group that, taking into account the opinion of Sebastián Furlan, determines the most appropriate measures of protection and assistance for his social, educational, vocational and employment inclusion; (iii) publish and disseminate the judgment; (iv) ensure that when an individual is diagnosed with serious problems or consequences related to a disability, either he or his family receive a charter of rights summarizing the benefits established in Argentine law in a clear and accessible manner, and (v) pay the amounts established in the judgment as compensation for pecuniary and non-pecuniary damage and to reimburse costs and expenses.

d) Case of Vélez Loor *v.* Panama

On February 5, 2015, during its 107th regular session, this hearing was held to monitor the following measures of reparation: (i) continue, and conduct with the greatest diligence and within a reasonable time, the criminal investigation opened into the facts denounced by Mr. Vélez Loor in order to determine the corresponding criminal responsibilities and apply, as appropriate, the legal sanctions and consequences; (ii) make available establishments with sufficient capacity to accommodate individuals whose detention, for migratory reasons in this specific case, is necessary and proportionate and, in particular, that are adapted to these purposes, that offer material conditions and a regime adapted to migrants, with properly qualified and trained civilian staff; (iii) implement an education and training program for the personnel of the National Immigration and Naturalization Service, as well as for other officials who, owing to their terms of reference, deal with migrants, on the international standards relating to the human rights of migrants, the guarantees of due process, and the right to consular assistance, and (iv) implement training programs on the obligation to open investigations *ex officio* whenever a complaint is made or there is a well-founded reason to believe that an act of torture has been committed within the State's jurisdiction for members of the Public Prosecution Service, the Judiciary, the National Police, and personnel from the health sector with competence in this type of case and who, based on their functions, are the first persons called on to care for victims of torture.

e) Case of Artavia Murillo *et al.* (*In vitro* fertilization) *v.* Costa Rica

On September 3, 2015, during its 110th regular session, the public hearing corresponding to this case was held. At this hearing, the following measures of reparation were monitored: (i) adopt the appropriate measures to annul the prohibition to practice *in vitro* fertilization in Costa Rica; (ii) regulate the aspects required in order to implement this, and also establish inspection and quality control systems for the institutions and trained professionals who perform this assisted reproduction technique; (iii) make IVF available under the health care system's infertility programs and treatments, and (iv) implement permanent education and training programs and courses on human rights, reproductive rights, and non-discrimination for judicial officials from all areas and at all levels of the Judiciary.

During the hearing, pursuant to the provisions of Article 69(2) of its Rules of Procedure, the Court also heard the Ombudsperson of the Republic of Costa Rica, as a source of different information from that provided by the State in its capacity as a party to the proceedings. She referred to the guarantees of non-repetition ordered in this case.

This hearing is available at: https://vimeo.com/album/3554165.

f) Case of the Kuna Indigenous People of Madungandí and the Emberá Indigenous People of Bayano *v.* Panama (infra 3C)

2. HEARINGS ON MONITORING COMPLIANCE WITH JUDGMENT IN ORDER TO MONITOR JOINTLY SEVERAL CASES AGAINST THE SAME STATE

a) Joint monitoring of compliance with the judgments in the cases of Juan Humberto Sánchez, López Álvarez, Servellón García *et al.*, Kawas Fernández, Pacheco Teruel *et al.* and Luna López, all against Honduras (infra 3C)

b) Joint monitoring of compliance with the judgments in the cases of Boyce *et al*. and DaCosta Cadogan, both against Barbados

A private hearing was held on September 3, 2015, during the 110th regular session. At this private hearing the following measures, among others, were monitored: (i) adopt […] the legislative or other measures necessary to ensure that the imposition of the death penalty does not violate the rights and freedoms guaranteed in the Convention, and specifically that it is not imposed as an obligatory punishment for the crime of murder; and (ii) adopt the legislative or other measures necessary to […] eliminate the effect of article 26 of the Constitution of Barbados, which establishes an "exclusion clause" as regards the possibility of contesting or reviewing the constitutionality of laws enacted before the entry into force of the Constitution (November 30, 1966).

3. MONITORING HEARINGS HELD AWAY FROM THE SEAT OF THE COURT, IN THE TERRITORY OF THE STATES HELD RESPONSIBLE

In 2015, the Court was able to hold private hearings in Honduras and Panama, due to substantial collaboration by those States.

a) Joint monitoring of compliance with the judgments in the cases of Juan Humberto Sánchez, López Álvarez, Servellón García *et al.*, Kawas Fernández, Pacheco Teruel *et al.* and Luna López, all against Honduras

On August 28, 2015, a joint private hearing of these cases was held before the full Court during the fifty-third special session which took place in Tegucigalpa, Honduras. In these cases, the Court monitored the pending measures of reparation with regard to:

i) prison conditions, training of prison officials and registration of detainees;
ii) protection of human rights defenders, in particular defenders of the environment, and
iii) obligation to investigate, prosecute and punish, as appropriate, the human rights violations that had occurred in these cases.

The victim of one of the cases took part in this hearing, as well as the representatives of the victims from several civil society organizations. Honduran officials from various institutions, such as the Attorney General's Office, the National Prison Institute, the Secretariat of State for Security; the Secretariat for Justice, Human Rights, the Interior, and Decentralization; the Public Prosecution Service, and the Supreme Court of Justice also took part in the hearing. In addition, legal advisers from the Secretariat of the Inter-American Commission were also present.

b) Case of the Kuna Indigenous People of Madungandí and the Emberá Indigenous People of Bayano *v.* Panama

On October 15, 2015, a private hearing on monitoring compliance with this case was held in Panama City. The hearing was held at the request of the State of Panama, which agreed to cover the costs. That same day, prior to the hearing, a visit was made to the territory of the Ipetí and Piriatí Emberá Communities of Bayano . The visit was made by a delegation of the Court composed of its President, Judge Humberto Antonio Sierra Porto, and three lawyers from the Secretariat. During both procedures, the Court monitored the measures of reparation in relation to the State's obligation to ensure the right to collective property of the Ipetí and Piriatí Emberá Communities. In addition, during the hearing, the State provided information on compliance with other measures of reparation ordered in the judgment, as regards: (i) organize a public act to acknowledge international responsibility in relation to the facts of this case, and (ii) pay the amounts established in the judgment for pecuniary and non-pecuniary damage and to reimburse costs and expenses.

The hearing held in Panama was preceded by an on-site procedure held the same day (*infra* C).

C. ON-SITE PROCEDURE IN THE CONTEXT OF MONITORING COMPLIANCE WITH JUDGMENT

Case of the Kuna Indigenous People of Madungandí and the Emberá Indigenous People of Bayano *v.* Panama

On October 15, 2015, for the first time, a delegation of the Court conducted an on-site procedure in the context of monitoring compliance with judgment. The visit was carried out in Panama; specifically, to the territory of the Ipetí and Piriatí Emberá Communities of Bayano in the context of the proceeding on monitoring compliance with the judgment in this case. The visit was made at the request of the State of Panama, which agreed to cover the costs, and its purpose was for the Court to receive direct information on the challenges, obstacles and proposed solutions in relation to the implementation of the two reparations concerning the State's obligation to ensure the right to collective property of the Ipetí and Piriatí Emberá Communities. In addition to the delegation of the Inter-American Court and a legal adviser from the Secretariat of the Inter-American Commission, the following people participated: for the victims, among others, the Emberá Cacique General of Alto Bayano, the Second Emberá Cacique General, two Nokos and a former Emberá cacique of Alto Bayano and, for the State, officials from the Legal Affairs and International Treaties Directorate of the Ministry of Foreign Affairs, and from the National Land Management Authority.

The Court's delegation were able to receive information and explanations from the traditional leaders and the State authorities who accompanied it during the procedure, as well as to hold a meeting in the Piriatí community hall during which members of the community were also present. There, the traditional authorities spoke in Emberá with interpretation into Spanish and the President's intervention in Spanish was translated into Emberá. Following this, members of the community presented a cultural activity.

D. ORDERS ON MONITORING COMPLIANCE WITH JUDGMENT ISSUED IN 2015

All the orders on monitoring compliance with judgment issued by the Court are available at: http://www.corteidh.or.cr/cf/Jurisprudencia2/index.cfm?lang=es

The Court issued 36 orders on monitoring compliance with judgment in which it monitored 61 cases. These orders are described below based on the order in which they were issued and classifying them according to their content and purposes.

1. INDIVIDUAL MONITORING OF CASES (COMPLIANCE WITH ALL OR SEVERAL REPARATIONS ORDERED IN THE JUDGMENT IN EACH CASE)

- **Case of Chaparro Álvarez and Lapo Íñiguez *v.* Ecuador**. Order of January 27, 2015. Available at: http://www.corteidh.or.cr/docs/supervisiones/chaparro_27_01_15.pdf

- **Case of Luna López *v.* Honduras.** Order of January 27, 2015. Available at: http://www.corteidh.or.cr/docs/supervisiones/lopez_27_01_15.pdf

- **Case of Acevedo Buendía ("Discharged and Retired Employees of the Comptroller's Office) *v.* Peru**. Order of January 28, 2015. Available at: http://www.corteidh.or.cr/docs/supervisiones/acevedo_28_01_15.pdf

- **Case of the Pacheco Tineo Family *v.* Bolivia.** Order of April 17, 2015. Also cited *infra* D.4. Available at: http://www.corteidh.or.cr/docs/supervisiones/pachecotineo_17_04_15.pdf

- **Case of García Lucero *et al.* *v.* Chile.** Order of April 17, 2015. Available at: http://www.corteidh.or.cr/docs/supervisiones/garcia_lucero_17_04_15.pdf

- **Case of Suárez Rosero *v.* Ecuador.** Order of April 17, 2015. Available at: http://www.corteidh.or.cr/docs/supervisiones/suarez_17_04_15.pdf

- **Case of the Miguel Castro Castro Prison *v.* Peru.** Order of April 17, 2015. Available at: http://www.corteidh.or.cr/docs/supervisiones/penalcastro_17_04_15.pdf

- **Case of Salvador Chiriboga *v.* Ecuador.** Order of June 23, 2015. Available at: http://www.corteidh.or.cr/docs/supervisiones/chiriboga_23_06_15.pdf

- **Case of Albán Cornejo *et al.* *v.* Ecuador.** Order of August 28, 2015. Also cited *infra* D.4. Available at: http://www.corteidh.or.cr/docs/supervisiones/cornejo_28_08_15.pdf

- **Case of Suárez Peralta *v.* Ecuador.** Order of August 28, 2015. Also cited *infra* D.4. Available at: http://www.corteidh.or.cr/docs/supervisiones/suarez_28_08_15.pdf

- **Case of the La Rochela Massacre *v.* Colombia.** Order of August 31, 2015. Available at: http://www.corteidh.or.cr/docs/supervisiones/rochela_31_08_15.pdf

- **Case of the Human Rights Defender *et al.* *v.* Guatemala.** Order of September 2, 2015. Available at: http://www.corteidh.or.cr/docs/supervisiones/defensor_02_09_15.pdf

- **Case of the Barrios Family *v.* Venezuela.** Order of September 2, 2015. Available at: http://www.corteidh.or.cr/docs/supervisiones/barrios_02_09_15.pdf

- **Case of De La Cruz Flores *v.* Peru.** Order of September 2, 2015. Available at: http://www.corteidh.or.cr/docs/supervisiones/cruz_02_09_15.pdf

- **Case of Wong Ho Wing *v.* Peru.** Order of October 7, 2015. Available at: http://www.corteidh.or.cr/docs/supervisiones/wong_07_10_15.pdf

- **Case of Mohamed *v.* Argentina.** Order of November 13, 2015. Also cited *infra* D.4. Available at: http://www.corteidh.or.cr/docs/supervisiones/mohamed_04_12_15.pdf

2. JOINT MONITORING OF CASES (COMPLIANCE WITH ONE OR SEVERAL REPARATIONS ORDERED IN SEVERAL JUDGMENTS WITH REGARD TO THE SAME STATE)

- **Joint order for the cases Radilla Pacheco, Fernández Ortega *et al.*, and Rosendo Cantú *et al.* *v.* Mexico.** Order of April 17, 2015. Available at: http://www.corteidh.or.cr/docs/supervisiones/radilla_17_04_15.pdf

- **Case of Cabrera García and Montiel Flores *v.* México**. Order of April 17, 2015. Available at: http://www.corteidh.or.cr/docs/supervisiones/cabrera_17_04_15.pdf

- **Joint order for the cases of the Yakye Axa, Sawhoyamaxa, and Xákmok Kásek Indigenous Communities *v.* Paraguay.** Order of June 24, 2015. Available at: http://www.corteidh.or.cr/docs/supervisiones/yakie_24_06_15.pdf

- **Joint monitoring of 12 cases against Guatemala** with regard to the obligation to investigate, prosecute and punish, as appropriate, those responsible for the human rights violations (cases of Blake, "White Van," "Street Children," Bámaca Velásquez, Myrna Mack Chang, Maritza Urrutia, Molina Theissen, Plan de Sánchez Massacre, Carpio Nicolle *et al.*, Tiu Tojín, Las Dos Erres Massacre, and Chitay Nech)**.** Order of November 24, 2015. Available at: http://www.corteidh.or.cr/docs/supervisiones/12_casos_24_11_15.pdf

3. MONITORING COMPLIANCE WITH REIMBURSEMENT OF THE VICTIMS' LEGAL ASSISTANCE FUND OF THE COURT

- **Case of Véliz Franco *et al.* *v.* Guatemala.** Order of January 26, 2015. Available at: http://www.corteidh.or.cr/docs/supervisiones/veliz_26_01_15.pdf

- **Case of Norín Catrimán *et al.* (Leaders, members and activities of the Mapuche Indigenous People) *v.* Chile.** Order of January 26, 2015. Available at: http://www.corteidh.or.cr/docs/supervisiones/norin_26_01_15.pdf

- **Case of the Pacheco Tineo Family *v.* Bolivia.** Order of January 26, 2015. Available at: http://www.corteidh.or.cr/docs/supervisiones/familia_26_01_15.pdf

- **Case of Suárez Peralta *v.* Ecuador.** Order of January 26, 2015. Available at: http://www.corteidh.or.cr/docs/supervisiones/suarez_26_01_15.pdf

- **Joint order for the case of Torres Millacura *et al.*, Fornerón and daughter, Furlan and family members, Mohamed, and Mendoza *et al.* *v.* Argentina.** Order of January 26, 2015. Available at: http://www.corteidh.or.cr/docs/asuntos/torres_forneron_furlan_mohamed_fv_2015.pdf

- **Case of Rochac Hernández *et al.* *v.* El Salvador.** Order of June 23, 2015. Available at: http://www.corteidh.or.cr/docs/asuntos/rochac_fv_15.pdf

- **Case of the Kuna Indigenous People of Madungandí and the Emberá Indigenous People of Bayano and their members *v.* Panamá.** Order of August 28, 2015. Available at: http://www.corteidh.or.cr/docs/asuntos/kuna_fv_15.pdf

4. CASES CLOSED DUE TO COMPLIANCE WITH THE JUDGMENT

During 2015, full compliance with the judgment was declared in four cases corresponding to Bolivia, Ecuador and Argentina.

- **Case of Pacheco Tineo Family *v.* Bolivia**

On April 17, 2015, the Court issued an order in which it decided to close and archive this case because Bolivia had complied with each reparation ordered in the judgment delivered on November 25, 2013. The Court noted that Bolivia had: (a) complied with the publications and dissemination of the judgment; (b) paid the compensation for pecuniary and non-pecuniary damage to the victims and, to this end, had taken the necessary steps to pay them in Chile, the country where they resided, even organizing an "official ceremony" when delivering the compensation at the Bolivian Consulate in Santiago; (c) reimbursed the amount specified to the Victims' Legal Assistance Fund of the Court, and (d) elaborated and started to implement the training program "Innovations in Immigration Control (2nd version)," to train officials of the National Immigration Directorate and the National Refugee Commission, as well as officials of other entities whose terms of reference included attending to migrants and refugees. The Court took into account that the program covered issues relating to international standards for the human rights of migrants, the guarantees of due process, and international refugee law, and included a specific course on the judgment in this case, and that Bolivia guaranteed that a budget had been allocated for continuing the program in 2015. The Court appreciated that Bolivia had complied with the provisions of the judgment within the established time frame.

The order of April 17, 2015, is available at:
http://www.corteidh.or.cr/docs/supervisiones/pachecotineo_17_04_15.pdf

- **Case of Suárez Peralta *v.* Ecuador**

On August 28, 2015, the Court issued an order in which it decided to close and archive this case because Ecuador had complied with each reparation ordered in the judgment on preliminary objections, merits, reparations and costs delivered on May 21, 2013. The Court noted that Ecuador had: (a) complied with the publication and dissemination of the judgment; (b) paid Mrs. Suárez Peralta the amounts established in the judgment for her future medical care; (c) paid Mrs. Suárez Peralta and Mrs. Peralta Mendoza the compensation established in the judgment for pecuniary and non-pecuniary damage; (d) reimbursed the costs and expenses to the victims' representatives, and (e) reimbursed the amount specified to the Victims' Legal Assistance Fund of the Court. Ecuador complied with the provisions of the judgment within the established time frame.

The order of August 28, 2015, is available at:
http://www.corteidh.or.cr/docs/supervisiones/suarez_28_08_15.pdf

- **Case of Albán Cornejo *et al. v.* Ecuador**

On August 28, 2015, the Court issued an order in which it decided to close and archive this case because Ecuador had complied with each reparation ordered in the judgment on merits, reparations and costs issued on November 22, 2007. The Court noted that Ecuador had: (a) made the publications of the judgment; (b) disseminated the rights of patients widely, using adequate communication media and taking into account the existing laws of Ecuador and international

standards; (c) implemented training programs for agents of justice and health care professionals on the laws and regulations that Ecuador has implemented with regard to patients' rights, and the sanctions for failing to comply with them; (d) paid Carmen Cornejo de Albán and Bismarck Albán Sánchez the amount established in the judgment as compensation for pecuniary and non-pecuniary damage, and (e) paid Carmen Cornejo de Albán the amount established in the judgment for costs and expenses.

The order of August 28, 2015, is available at:
http://www.corteidh.or.cr/docs/supervisiones/cornejo_28_08_15.pdf

- **Case of Mohamed *v.* Argentina**

The Court issued an order on November 13, 2015, in which it decided to close and archive this case because Argentina had complied with each reparation ordered in the judgment on preliminary objections, merits, reparations and costs delivered on November 23, 2012.

The Court's decision to conclude the monitoring of compliance with the reparations ordered in the judgment in this case was made after taking into account the willingness of the victim to exempt the State from complying with the measures of reparation relating to: (a) taking the necessary measures to guarantee Oscar Alberto Mohamed the right to appeal the conviction handed down by the First Chamber of the National Criminal and Correctional Appeals Chamber on February 2, 1995, and (b) taking the necessary measures to ensure that the conviction handed down by the First Chamber of the National Criminal and Correctional Appeals Chamber on February 2, 1995, and, in particular, his criminal record, were suspended until a decision had been taken on the merits, guaranteeing the right of Oscar Alberto Mohamed to appeal the conviction.

In addition, the Court noted that Argentina had: (a) made the publications established in paragraph 155 of the judgment, and (b) paid Oscar Alberto Mohamed the amounts established in paragraphs 171 and 177 of the judgment as compensation for pecuniary and non-pecuniary damage and to reimburse costs and expenses.

The order of November 13, 2015, is available at:
http://www.corteidh.or.cr/docs/supervisiones/mohamed_04_12_15.pdf

5. NON-COMPLIANCE WITH THE REPORTING OBLIGATION

The Court determined that, in five cases, the States were failing to comply with the obligation to report on the measures taken to comply with the judgments, which constitutes non-compliance with the obligations established in Articles 67 and 68(1) of the Convention. The Court also determined that, consequently, it had no evidence that would allow it to consider that those States had taken measures to comply with the reparations ordered in the respective judgments. It therefore required those State to present a report to the Inter-American Court of Human Rights indicating the measures taken to comply with the reparations ordered by the Court.

- **Case of Fontevecchia and D'Amico *v.* Argentina**

On September 1, 2015, the Court issued an order on monitoring compliance with the judgment on merits, reparations and costs delivered on November 29, 2011. The Court considered that the failure to present the report on compliance, now that two years and eight months had passed since the deadline established in the judgment for presenting the report had expired, added to the State's failure to respond to the numerous requests by the Court and its President that it present information, constituted non-compliance by Argentina with the obligation to report to the Court.

This order is available at: http://www.corteidh.or.cr/docs/supervisiones/fontevecchia_01_09_15.pdf

- **Case of Fleury *et al. v.* Haiti**

In an order of November 20, 2015, the Court determined that, even though almost three years had passed since the deadline established in the judgment had expired, and despite three requests made by the President of the Court, the State had not presented any information on the implementation of the judgment or forwarded any brief to the Court. This constituted non-compliance by Haiti with the obligation to report to the Court.

This order is available at: http://www.corteidh.or.cr/docs/supervisiones/fleury_20_11_15.pdf

- **Joint order for the cases of Chocrón Chocrón, Díaz Peña, and Uzcátegui *v.* Venezuela**

In an order of November 20, 2015, the Court indicated that, in the case of Chocrón Chocrón, three years and three months had passed since the expiry of the one-year time frame established in the judgment for the State to present a report on compliance with its provisions and, on three occasions, the Court had requested that the State present the required report. In the case of Díaz Peña, two years and four months had passed since the expiry of the one-year time frame established in the judgment for the State to present a report on compliance with its provisions and it was again asked to present the report. In the case of Uzcátegui *et al.*, two years and one month had passed since the expiry of the one-year time frame established in the judgment for the State to present a report on compliance with its provisions and it was again asked to present the report. Venezuela failed to comply with these requests.

This order is available at: http://www.corteidh.or.cr/docs/supervisiones/chocron_20_11_15.pdf

E. APPLICATION OF ARTICLE 65 OF THE AMERICAN CONVENTION TO INFORM THE OAS GENERAL ASSEMBLY ON NON-COMPLIANCE

Article 65 of the American Convention on Human Rights establishes that, in the annual report on its work, the Court shall submit to the consideration of the OAS General Assembly "in particular, the cases in which a State has not complied with its judgments, making any pertinent recommendations." Also, Article 30 of the Statute of the Inter-American Court stipulates that, in this report on its work,

"[i]t shall indicate those cases in which a State has failed to comply with the Court's ruling." As can be seen, the State Parties to the American Convention have established a system of collective guarantee. Thus, it is in the interests of each and every State to uphold the system for the protection of human rights that they themselves have created and to prevent inter-American justice becoming illusory by leaving it to the discretion of a State's internal decisions. The Inter-American Court issued the following orders in which it decided to apply the provisions of Article 65 and, thus, inform the OAS General Assembly of non-compliance with the reparations ordered in the judgments in 13 cases, requesting the General Assembly, in keeping with its effort to protect the practical effects of the American Convention, to urge the corresponding States to comply.

- **Case of Yvon Neptune *v.* Haiti**

In an order of November 20, 2015, the Court decided to apply the provisions of Article 65 of the American Convention because it had verified, *inter alia*, that Haiti had failed to comply with its obligation to report on execution of the judgment delivered on May 6, 2008, and that it had assumed an attitude of evident contempt as regards the binding nature of that judgment. The Court noted that, in 2008, the State had indicated that the judgment was "unjust" and "inappropriate" and contested the conclusions reached by the Court concerning the rights that had been violated. Furthermore, the State had failed to respond in any way to the request made by the President of the Court in August 2015 that it indicate if it maintained the position taken in the said brief of September 2008, and, subsequently, it had not presented any information on compliance with the judgment, more than seven years after its notification.

This order is available at: http://www.corteidh.or.cr/docs/supervisiones/yvon_20_11_15_esp.pdf

- **Case of YATAMA *v.* Nicaragua**

In an order of November 20, 2015, the Court decided to apply the provisions of Article 65 of the American Convention because it had verified, *inter alia*, that Nicaragua had not provided any information on the implementation of the pending reparations or sent any brief to the Court, even though more than five years had elapsed since the deadline established in the order on monitoring compliance of May 28, 2010, had expired. In addition, the State had not appeared at the 2013 monitoring hearing, without providing any explanation in this regard or responding to the numerous requests made by the Court and its President and in notes from the Secretariat.

This order is available at: http://www.corteidh.or.cr/docs/supervisiones/yatama_20_11_15.pdf

Joint order in the cases of El Amparo, Blanco Romero *et al.*, Montero Aranguren *et al.*, Barreto Leiva, and Usón Ramírez *v.* Venezuela

In an order of November 20, 2015, the Court decided to apply the provisions of Article 65 of the American Convention because it had verified, *inter alia*, that:

- In the *cases of El Amparo, Blanco Romero et al.,* and *Montero Aranguren et al.,* Venezuela had not presented the reports on the implementation of the pending reparations, as requested in orders on monitoring compliance of 2011 and February 2012, or forwarded any brief to the Court. More than

five years have elapsed since the last time the State reported on compliance with the judgments in these three cases.

- In the *cases of Barreto Leiva* and *Usón Ramírez*, Venezuela had not reported on the implementation of the reparations ordered, or sent any brief to the Court, even though almost five years have elapsed since the deadlines established in the judgments in the two cases for the presentation of the reports had expired, and despite numerous requests made by the Court or its President.

This order is available at: http://www.corteidh.or.cr/docs/supervisiones/5casos_20_11_15.pdf

Joint order in the cases Ríos *et al.*, Perozo *et al.* and Reverón Trujillo *v.* Venezuela

In an order of November 20, 2015, the Court decided to apply the provisions of Article 65 of the American Convention because it had verified, *inter alia*, that Venezuela had not reported on the implementation of the pending reparations, or sent the Court any brief even though more than five years had elapsed since the expiry of the deadlines established in the judgments in the three cases for the presentation of the reports, and despite the repeated requests of the President of the Court.

This order is available at: http://www.corteidh.or.cr/docs/supervisiones/rios_20_11_15.pdf

- **Case of López Mendoza *v.* Venezuela**

In an order of November 20, 2015, the Court decided to apply the provisions of Article 65 of the American Convention because it had verified, *inter alia*, that Venezuela had failed to comply with its obligation to report on the execution of the judgment delivered on September 1, 2011, and had assumed an attitude of evident contempt as regards the binding nature of that judgment. The Court noted that the Constitutional Chamber of the Supreme Court of Justice of Venezuela had issued a decision affirming that the judgment delivered by this Court was "unenforceable" and, with regard to the State's position in relation to this domestic judicial decision and its impact on compliance with the judgment, the State agent in the international proceedings responded that "it would be illegal and unconstitutional to execute the judgment of the Inter-American Court directly," because "the Supreme Court of Justice sitting as the Constitutional Chamber […] had decided […] that it was unenforceable."

This order is available at: http://www.corteidh.or.cr/docs/supervisiones/lopez_20_11_15.pdf

- **Cases of Hilaire, Constantine and Benjamin *et al.* and Caesar *v.* Trinidad and Tobago.**

In an order of November 20, 2015, the Court decided to apply the provisions of Article 65 of the American Convention because it had verified, *inter alia*, that even though more than twelve years and more than nine years had passed since the deadlines established in the judgments in the cases of Hilaire, Constantine, Benjamin *et al.* and Caesar, respectively, had expired, and despite the requests made by the Court or its President, the State had not presented any report on the implementation of the judgments.

This order is available at: http://www.corteidh.or.cr/docs/supervisiones/2casos_20_11_15.pdf

In addition to these cases, in previous years the Court has informed the OAS General Assembly, in application of Article 65 of the American Convention, of non-compliance verified in the case of *Benavides Cevallos v. Ecuador,*[52] and in the case of *Apitz Barbera et al. (First Contentious Administrative Court) v. Venezuela,*[53] and the situation verified has not changed.

F. LIST OF CASES AT THE STAGE OF MONITORING COMPLIANCE WITH JUDGMENT

The Court ended 2015, with **171 contentious cases** at the stage of monitoring compliance with judgment.

The updated list of cases at the stage of monitoring compliance with judgment is available at: http://www.corteidh.or.cr/cf/jurisprudencia2/casos_en_etapa_de_supervision.cfm

The cases in which the Court is monitoring compliance with judgment appear below in two lists. The second list contains the cases in which the Court has applied Article 65 of the American Convention, without any change in the situation verified. Those cases also continue at the stage of monitoring compliance with judgment.

1. LIST OF CASES AT THE STAGE OF MONITORING COMPLIANCE, EXCLUDING THOSE IN WHICH ARTICLE 65 OF THE CONVENTION HAS BEEN APPLIED

No.	Number by State	Name of the Case	Date of the judgment establishing reparations
	ARGENTINA		
1.	1	Garrido and Baigorria	August 27, 1998.
2.	2	Cantos	November 28, 2002
3.	3	Bulacio	September 18, 2003
4.	4	Bueno Alves	May 2, 2008
5.	5	Bayarri	October 30, 2008
6.	6	Torres Millacura *et al.*	August 26, 2011
7.	7	Fontevecchia and D'Amico	November 29, 2011
8.	8	Fornerón and daughter	April 27, 2012
9.	9	Furlan and family members	August 31, 2012

[52] *Cf.* 2013 Annual Report of the Court, pp. 44 and 45, available at: http://www.corteidh.or.cr/sitios/informes/docs/ENG/eng_2013.pdf, and Order of the Court of November 27, 2003, available at: http://www.corteidh.or.cr/docs/supervisiones/benavides_27_11_03.pdf.

[53] *Cf.* 2012 Annual Report of the Court, p. 68, available at: http://www.corteidh.or.cr/sitios/informes/docs/ENG/eng_2012.pdf, and Order of the Court of November 23, 2011, available at: http://www.corteidh.or.cr/docs/supervisiones/aptiz_23_11_12.pdf.

10.	10	Mendoza *et al.*	May 14, 2013
11.	11	Mémoli	August 22, 2013
12.	12	Gutiérrez and family	November 25, 2013
13.	13	Arguelles *et al.*	November 20, 2014
BARBADOS			
14.	1	Boyce *et al.*	November 20, 2007
15.	2	Dacosta Cadogan	September 24, 2009.
BOLIVIA			
16.	1	Trujillo Oroza	February 27, 2002.
17.	2	Ticona Estrada *et al.*	November 27, 2008.
18.	3	Ibsen Cárdenas and Ibsen Peña	September 1, 2010
BRAZIL			
19.	1	Ximenes Lopes	November 30, 2005
20.	2	Garibaldi	September 23, 2009
21.	3	Gomes Lund *et al.* ("Guerrilha do Araguaia")	November 24, 2010
CHILE			
22.	1	Palamara Iribarne	November 22, 2005
23.	2	Almonacid Arellano *et al.*	September 26, 2006
24.	3	Atala Riffo and daughters	February 24, 2012
25.	4	García Lucero	August 28, 2013
26.	5	Norín Catrimán *et al.*	May 29, 2014
27.	6	Omar Humberto Maldonado Vargas *et al.*	September 2, 2015
COLOMBIA			
28.	1	Caballero Delgado and Santana	January 29, 1997
29.	2	Las Palmeras	November 26, 2002
30.	3	19 Traders	July 5, 2004
31.	4	Gutiérrez Soler	September 12, 2005
32.	5	Mapiripán Massacre	September 15, 2005
33.	6	Pueblo Bello Massacre	January 31, 2006
34.	7	Ituango Massacres	July 1, 2006
35.	8	La Rochela Massacre	May 11, 2007.
36.	9	Escué Zapata	July 4, 2007.
37.	10	Valle Jaramillo *et al.*	November 27, 2008.
38.	11	Cepeda Vargas	May 26, 2010.
39.	12	Vélez Restrepo and family	September 3, 2012
40.	13	Santo Domingo Massacre	November 30, 2012.
41.	14	Afro-descendant Communities displaced from the Cacarica River Basin (Operation Genesis)	November 20, 2013
42.	15	Case of Rodríguez Vera *et al.* ("the Disappeared from the Palace of Justice")	November 14, 2014.
COSTA RICA			
43.	1	Artavia Murillo *et al.*	November 28, 2012
ECUADOR			
44.	1	Suárez Rosero	January 20, 1999
45.	2	Tibi	September 7, 2004
46.	3	Zambrano Vélez *et al.*	July 4, 2007
47.	4	Chaparro Álvarez and Lapo Íñiguez	November 21, 2007

48.	5	Salvador Chiriboga	March 3, 2011
49.	6	Vera Vera *et al.*	May 19, 2011
50.	7	Kichwa Indigenous People of Sarayaku	June 27, 2012
51.	8	Quintana Coello *et al.*	August 23, 2013
52.	9	Camba Campos	August 28, 2013
53.	10	Gonzáles Lluy *et al.*	September 1, 2015
54.	11	García Ibarra *et al.*	November 17, 2015
EL SALVADOR			
55.	1	Serrano Cruz Sisters	March 1, 2005
56.	2	García Prieto *et al.*	November 20, 2007
57.	3	Contreras *et al.*	August 31, 2011
58.	4	Massacres of El Mozote and neighboring places	October 25, 2012
59.	5	Rochac Hernández	October 14, 2014.
60.	6	Ruano Torres *et al.*	October 5, 2015
GUATEMALA			
61.	1	Blake	January 22, 1999.
62.	2	"White Van" (Paniagua Morales *et al.*)	March 8, 1998
63.	3	"Street Children" (Villagrán Morales *et al.*)	February 22, 2002
64.	4	Bámaca Velásquez	November 25, 2000
65.	5	Myrna Mack Chang	November 25, 2003
66.	6	Maritza Urrutia	November 27, 2003
67.	7	Molina Thiessen	July 3, 2004
68.	8	Plan de Sánchez Massacre	November 19, 2004
69.	9	Carpio Nicole *et al.*	November 22, 2004
70.	10	Fermín Ramírez	June 20, 2005
71.	11	Raxcacó Reyes	September 15, 2005
72.	12	Tiu Tojín	November 26, 2008
73.	13	Las Dos Erres Massacre	November 24, 2009
74.	14	Chitay Nech *et al.*	May 25, 2010
75.	15	Río Negro Massacres	September 4, 2012
76.	16	Gudiel Álvarez *et al.* ("Diario Militar")	November 20, 2012
77.	17	García and family members	November 29, 2012
78.	18	Veliz Franco	May 19, 2014
79.	19	Human Rights Defender	August 28, 2014
80.	20	Velásquez Paiz *et al.*	November 19, 2015
HAITI			
81.	1	Fleury	November 23, 2011
HONDURAS			
82.	1	Juan Humberto Sánchez	June 7, 2003
83.	2	López Álvarez	February 1, 2006
84.	3	Servellón García	September 21, 2006
85.	4	Kawas Fernández	April 3, 2009
86.	5	Pacheco Teruel *et al.*	April 27, 2012
87.	6	Luna López	October 10, 2013
88.	7	López Lone *et al.*	October 5, 2015
89.	8	Garífuna Community of Punta Piedra and its members	October 8, 2015
90.	9	Garífuna Community of Triunfo de la Cruz	October 8, 2015

		and its members	
MEXICO			
91.	1	González *et al.* ("Cotton Field")	November 16, 2009
92.	2	Radilla Pacheco	November 23, 2009
93.	3	Fernández Ortega *et al.*	August 30, 2010
94.	4	Rosendo Cantú *et al.*	August 31, 2010
95.	5	Cabrera García and Montiel Flores	November 26, 2010
96.	6	García Cruz and Sanchez Silvestre	November 26, 2013
PANAMA			
97.	1	Baena Ricardo *et al.*	February 2, 2001.
98.	2	Heliodoro Portugal	August 12, 2008
99.	3	Vélez Loor	November 23, 2010
100.	4	Kuna Indigenous People of Madungandí and Emberá Indigenous People of Bayano and their members	October 14, 2014
PARAGUAY			
101.	1	"Children's Re-education Institute"	September 2, 2004
102.	2	Yakye Axa Indigenous Community	June 17, 2005
103.	3	Sawhoyamaxa Indigenous Community	March 29, 2006
104.	4	Goiburú *et al.*	September 22, 2006
105.	5	Vargas Areco	September 26, 2006
106.	6	Xákmok Kásek Indigenous Community	August 24, 2010
PERU			
107.	1	Neira Alegría *et al.*	September 19, 1996
108.	2	Loayza Tamayo	November 27, 1998
109.	3	Castillo Paez	November 27, 1998
110.	4	Castillo Petruzzi *et al.*	May 30, 1999
111.	5	Constitutional Court	January 31, 2001
112.	6	Ivcher Bronstein	February 6, 2001
113.	7	Cesti Hurtado	May 31, 2001
114.	8	Barrios Altos	November 30, 2001
115.	9	Cantoral Benavides	December 3, 2001
116.	10	Durand Ugarte	December 3, 2001
117.	11	Five Pensioners	February 28, 2003
118.	12	Gómez Paquiyauri Brothers	July 8, 2004
119.	13	De la Cruz Flores	November 18, 2004
120.	14	Huilca Tecse	March 3, 2005
121.	15	Gómez Palomino	November 22, 2005
122.	16	García Asto and Ramírez Rojas	November 25, 2005
123.	17	Acevedo Jaramillo *et al.*	February 7, 2006
124.	18	Baldeón García	April 6, 2006
125.	19	Dismissed Congressional Employees (Aguado Alfaro *et al.*)	November 24, 2006
126.	20	Miguel Castro Castro Prison	November 25, 2006
127.	21	La Cantuta	November 29, 2006
128.	22	Cantoral Huamaní and García Santa Cruz	July 10, 2007
129.	23	Acevedo Buendía (Discharged and Retired Employees of the Comptroller's Office)	July 1, 2009
130.	24	Anzualdo Castro	September 22, 2009

131.	25	Osorio Rivera	November 26, 2013
132.	26	Case of J	November 27, 2013
133.	27	Tarazona Arrieta	October 15, 2014
134.	28	Espinoza Gonzáles	November 20, 2014
135.	29	Cruz Sánchez *et al.*	April 17, 2015
136.	30	Canales Huapaya *et al.*	June 24, 2015
137.	31	Wong Ho Wing	June 30, 2015
138.	32	Campesina Community of Santa Barbara	September 2, 2015
139.	33	Galindo Cárdenas *et al.*	October 2, 2015
140.	34	Quispialaya Vilcapoma	November 23, 2015
DOMINICAN REPUBLIC			
141.	1	Yean and Bosico Girls	September 8, 2005
142.	2	González Medina and family members	February 27, 2012
143.	3	Nadege Dorzema *et al.*	October 24, 2012
144.	4	Expelled Dominicans and Haitians	August 28, 2014
SURINAME			
145.	1	Moiwana Community	June 15, 2005
146.	2	Saramaka People	November 28, 2007
147.	3	Liakat Ali Alibux	January 30, 2014
148.	4	Kaliña and Lokono Peoples	November 25, 2015
URUGUAY			
149.	1	Gelman	February 24, 2011
150.	2	Barbani Duarte *et al.*	October 13, 2011
VENEZUELA			
151.	1	El Caracazo	August 29, 2002
152.	2	Chocrón Chocrón	July 1, 2011
153.	3	Barrios Family	November 24, 2011
154.	4	Díaz Peña	June 26, 2012
155.	5	Uzcátegui *et al.*	September 3, 2012
156.	6	Landaeta Mejía Brothers	August 27, 2014
157.	7	Granier *et al.* (“Radio Caracas de Television”)	June 22, 2015

2. LIST OF CASES AT THE STAGE OF MONITORING COMPLIANCE IN WHICH ARTICLE 65 OF THE CONVENTION HAS BEEN APPLIED AND THE SITUATION VERIFIED HAS NOT CHANGED

Ecuador			
1	1	Benavides Cevallos	June 19, 1998
Haiti			

2	1	Yvon Neptune	May 6, 2008
Nicaragua			
3	1	YATAMA	June 23, 2005
Trinidad and **Tobago**			
4	1	Hilaire, Constantine, Benjamin *et al.*	June 21, 2002
5	2	Caesar	March 11, 2005
Venezuela			
6	1	El Amparo	September 14, 1996
7	2	Blanco Romero *et al.*	November 28, 2005
8	3	Montero Aranguren *et al.*	July 5, 2006
9	4	Apitz Barbera *et al.* ("First Contentious Administrative Court)	August 5, 2008
10	5	Ríos *et al.*	January 28, 2009
11	6	Perozo *et al.*	January 28, 2009
12	7	Reverón Trujillo	June 30, 2009
13	8	Barreto Leiva	November 17, 2009
14	9	Usón Ramírez	November 20, 2009
15	10	López Mendoza	September 1, 2011

VI. PROVISIONAL MEASURES

During 2015, the Court held two public hearings on provisional measures in the matters of *Certain Penitentiary Centers with regard to Venezuela* and the *Curado Prison Complex with regard to Brazil*.

Also, during 2015, the Court issued twenty-two (22) orders on provisional measures. These orders had different purposes, such as: (i) continuation or, as appropriate, expansion or partial lifting of provisional measures; (ii) complete lifting of provisional measures, and (iii) denial of provisional measures.

1. CONTINUATION OR EXPANSION OF PROVISIONAL MEASURES AND PARTIAL LIFTING OR MEASURES THAT HAVE CEASED TO HAVE EFFECTS FOR CERTAIN PERSONS

- **Case of Mack Chang *et al. v.* Guatemala.**

In its last order dated January 26, 2015, after determining that, in the case of certain beneficiaries, "at least during the most recent years that these provisional measures have been in force, it has not been demonstrated that they have suffered incidents directly related to the purpose of these measures," the Court decided "[t]o lift the provisional measures ordered by the Inter-American Court for Zoila Esperanza Chang Lau, Marco Antonio Mack Chang, Vivian Mack Chang, Ronald Mack Chang Apuy, and Lucrecia Hernández Mack and her children." However, the Court decided "[t]o maintain, as relevant, the provisional measures ordered […] for Helen Mack Chang, and the members of the Myrna Mack Chang Foundation."

The order is available at: http://www.corteidh.or.cr/docs/medidas/mackchang_se_08.pdf

- **Matter of Meléndez Quijano *et al.* with regard to El Salvador**

In an order of June 30, 2015, the Court considered that "in light of the new facts that have been reported, there is a situation of extreme gravity and urgency and of possible irreparable harm to the persons who are the current beneficiaries of the measures, and also for Gloria Tránsito Quijano, widow of Meléndez, and Sandra Ivette Meléndez Quijano." It therefore decided "to re-establish the provisional measures in favor of Gloria Tránsito Quijano, widow of Meléndez, and Sandra Ivette Meléndez Quijano, for an additional term to expire on January 27, 2016."

The order is available at: http://www.corteidh.or.cr/docs/medidas/melendez_se_09.pdf

- **Matter of the Socio-educational Internment Unit with regard to the Federative Republic of Brazil**

In an order of June 23, 2015, the Court considered that the State had not provided the information requested in the President's order of September 26, 2014, and therefore decided to maintain the provisional measures in force in the terms of the first order.

The order is available at: http://www.corteidh.or.cr/docs/medidas/socioeducativa_se_09.pdf

- **Matter of Castro Rodríguez with regard to Mexico**

In an order of June 23, 2015, the Court decided "[t]hat the State should maintain the measures that it was implementing, and also amend those that were ineffective and take, immediately and definitively, the supplementary measure that were necessary and effective to protect the rights to life and to personal integrity of Luz Estela Castro Rodríguez, in accordance with *consideranda* 18 and 24 of this order."

The order is available at: http://www.corteidh.or.cr/docs/medidas/castrorodriguez_se_03.pdf

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

In an order of June 23, 2015, the Court decided "[t]hat the State should maintain the measures implemented and take, immediately, the necessary measures to determine, as soon as possible, the whereabouts of Rocío Irene Alvarado Reyes, Nitza Paola Alvarado Espinoza and José Ángel Alvarado Herrera, as well as to protect their life, and personal liberty and integrity." It also considered that the State should "take, immediately and definitively, the supplementary measure that were necessary and effective to protect the rights to life and to personal integrity" of several other individuals. Furthermore, it decided that the State should maintain the measures for seven beneficiaries who were outside its territory, […] to be applied with immediate effect as soon as they enter Mexican territory. In addition, the Court lifted "the provisional measure ordered in favor of Manuel Reyes Lira."

The order is available at: http://www.corteidh.or.cr/docs/medidas/alvarado_se_06.pdf

- **Case of Rosendo Cantú *et al.* with regard to Mexico**

In an order of June 23, 2015, the Court decided "[t]o maintain the provisional measures ordered in favor of Valentina Rosendo Cantú and Yenis Bernardino Rosendo for an additional period to expire on December 23, 2015, and, therefore, required the State to continue adopting the necessary measures to protect their life and personal integrity, taking into consideration the particular circumstances and situation of the case." In a note of the Secretariat of November 18, 2015, "[o]n the instructions of the full Court, it was decided to maintain the provisional measures ordered in favor of Valentina Rosendo Cantú and Yenis Bernardino Rosendo for an additional period to expire on April 30, 2016, in order to receive the observations on the State's report and evaluate the pertinence of maintaining the measures."

The order is available at: http://www.corteidh.or.cr/docs/medidas/rosendo_se_03.pdf

- **Case of Kawas Fernández *v.* Honduras**

In an order of June 23, 2015, the Court ruled on the State's request to lift or to amend the provisional measures. However, the Court decided "[t]o reject the request to lift these provisional measures filed by the State of Honduras and to keep them in force in favor of Dencen Andino Alvarado."

The order is available at: http://www.corteidh.or.cr/docs/medidas/kawas_se_03.pdf

- **Matter of the Curado Prison Complex with regard to Brazil**

In an order of October 7, 2015, the Court considered that "a situation of extreme gravity and urgency with the risk of irreparable harm persists in the Curado Prison Complex, and therefore it was in order to keep the provisional measures in force."

In its latest order of November 18, 2015, the Court found it necessary "to expand the provisional measures issued in this matter so that the State adopt the necessary measures to

protect the life and personal integrity of Wilma Melo.'' It also reiterated "to the State that it should continue taking, immediately, all necessary measures to protect the life and personal integrity of the persons deprived of liberty in the Curado Complex, as well as of any other person who is within that establishment, including the prison guards, officials and visitors, in the terms of the order of October 7, 2015."

These orders are available at: http://www.corteidh.or.cr/docs/medidas/curado_se_02.pdf http://www.corteidh.or.cr/docs/medidas/curado_se_03.pdf

- **Matters of certain Venezuelan Penitentiary Centers with regard to Venezuela.**

In an order of November 13, 2015, the Court decided "[t]o maintain the provisional measures ordered by the Court in its orders of November 24, 2009, July 6, 2011, and September 6, 2012. In addition, it reiterated to the State that it should "take all necessary measures to protect the life and personal integrity of the beneficiaries Humberto Prado, Marianela Sánchez Ortiz, Hernán Antonio Bolívar, Anthony Alberto Bolívar Sánchez and Andrea Antonela Bolívar Sánchez."

The order is available at: http://www.corteidh.or.cr/docs/medidas/centrospenitenciarios_se_05.pdf

- **Case of the Guatemalan Forensic Anthropology Foundation with regard to Guatemala**

In an order of November 18, 2015, the Court ruled on the representatives' request that the Court require the State to take the necessary measures to safeguard the life and integrity of Freddy José Agusto Muñoz Morán, who is not a beneficiary of these provisional measures, but who, at the time of the facts, was a member of the Foundation, because "since he is a members of the [FAFG,] he should benefit from these provisional measures." In its order, the Court considered that, under Article 27(2) of the Court's Rules of Procedure, the Court may, at the request of the Commission, order the adoption of provisional measures in matters that have not been submitted to its consideration, such as this one. Thus, "without an express request by the Commission, the Court is unable to extend the protection of the provisional measures ordered in this case." Consequently, it decided "to deny the request to expand these provisional measures presented by the beneficiaries' representatives." It also requested the State to "continue adopting all necessary measures to protect the rights to life and to personal integrity of [various] employees of the Guatemalan Forensic Anthropology Foundation,'' beneficiaries of the provisional measures in this case.

The order is available at: http://www.corteidh.or.cr/docs/medidas/antropo_se_08.pdf

2. TOTAL LIFTING OF PROVISIONAL MEASURES

During 2015, provisional measures were lifted completely in two cases.

1. Matter of Giraldo Cardona *et al.* with regard to Colombia.

In an order of January 28, 2015, the Court underlined that the State had provided information "on the existence of domestic mechanisms, in particular in relation to the National Protection Unit, an entity that is already intervening in this matter" and, therefore, decided "[t]o lift the provisional measure in favor of Islena Rey Rodríguez".

This order is available at: http://www.corteidh.or.cr/docs/medidas/giraldo_se_14.pdf

2. Case of Wong Ho Wing with regard to Peru

On June 30, 2015, the Court delivered the judgment on preliminary objection, merits, reparations and costs in this case in which it indicated that "[t]he provisional measures ordered in this case were annulled, insofar as they are replaced by the measures of reparation ordered in this judgment following the date of its notification."

The judgment is available at: http://www.corteidh.or.cr/docs/casos/articulos/seriec_297_esp.pdf

3. Matter of Juan Almonte Herrera *et al.* with regard to Dominican Republic

In an order of November 13, 2015, the Court considered that "the Commission and the representatives have not provided any information at all that would substantiate the interest or desire of the beneficiaries to maintain the measures in force or prove the persistence of the situation of extreme gravity and urgency that gave rise to them." It therefore decided "to lift the provisional measures ordered by the Inter-American Court of Human Rights starting on May 25, 2010, to protect the life, and personal liberty and integrity of Juan Almonte Herrera, and the life and integrity of Yuverky Almonte Herrera, Joel Almonte, Genaro Rincón, Francisco de León Herrera and Ana Josefa Montilla, notwithstanding the subsistence of the general obligations of the State under Article 1(1) of the American Convention on Human Rights."

This order is available at: http://www.corteidh.or.cr/docs/medidas/almonte_se_04.pdf

4. Case of García Prieto *et al.* with regard to El Salvador

In an order of January 26, 2015, the Court indicated that, "since the last order that was issued […]; in other words, for four years, no incidents have been reported with regard to María de los Ángeles García Prieto de Charur, José Benjamín Cuéllar Martínez and Ricardo Alberto Iglesias Herrera; [therefore,] it considered it appropriate to lift [these] provisional

measures.'' However, it found it necessary to maintain "the provisional measures […] in favor of Gloria Giralt de García Prieto and José Mauricio García Prieto Hirlemann for an additional period to expire on November 21, 2015.''

In its latest order dated November 20, 2015, the Court found it "reasonable to presume that the situation with regard to the said beneficiaries was no longer covered by the presumptions indicated in Article 63(2) of the Convention." Therefore, it decided ''to lift the provisional measures ordered by the Court in favor of Gloria Giralt de García Prieto and José Mauricio García Prieto Hirlemann."

These orders are available at:
http://www.corteidh.or.cr/docs/medidas/giralt_se_06.pdf
http://www.corteidh.or.cr/docs/medidas/giralt_se_07.pdf

5. Matter of the "Globovisión" Television Station with regard to Venezuela.

In an order of November 13, 2015, the Court considered that "it had no evidence that would prove the need to keep these measures in force because, since 2011, no information has been presented on any situation of urgency and gravity for the beneficiaries." Therefore, it decided ''to lift the provisional measures ordered by the Court in favor of the journalists, management and employees of Globovisión, and of the other individuals who are in the offices of this communication medium or who are directly connected to its journalistic operations."

This order is available at: http://www.corteidh.or.cr/docs/medidas/globovision_se_05.pdf

3. REQUESTS FOR PROVISIONAL MEASURES DENIED DURING 2015

During 2015, the Court denied five requests for provisional measures:

1. Case of Gonzales Lluy *et al.* with regard to Ecuador.

On July 16, 2015, during the processing of the contentious case, the victim's representative presented a request for provisional measures in which, among other matters, he asked the Court to "adopt the necessary measures to ensure that Talía [Gonzales Lluy] receives good quality, user-friendly adequate emergency care, in places acceptable to Talía, including the possibility of using private services and receiving medication appropriate to her health."

In an order of September 2, 2015, the Court considered that "the request for provisional measures [was] closely related to a contentious case in which the Court ha[d] ordered various reparations associated with the medical treatment that should be granted to Talía

Gonzales Lluy,'' and therefore decided ''[t]o deny the request for provisional measures filed by the representative in favor of Talía Gonzales Lluy."

This order is available at: http://www.corteidh.or.cr/docs/medidas/Lluy_se_01.pdf

2. Case of Torres Millacura *et al.* with regard to Argentina

On February 18, 2015, during the proceeding on monitoring compliance with the judgment in this case, María Leontina Millacura Llaipén and Roberto Llaiquel advised the Court of "new acts" of "permanent harassment and psychological torture by the Argentine State" and, consequently, the "deterioration of the victim, María [Leontina Millacura Llaipén]."

In an order of June 23, 2015, the Court indicated that it was not possible to determine *prima facie* that María Leontina Millacura Llaipén, her family, and the civil association *Grupo Pro Derecho de los Niños* were in a situation of "extreme gravity and urgency" of suffering "irreparable harm," in the terms of Article 63(2) of the American Convention, related to the facts of the contentious case heard by the Court. Therefore, it decided ''[t]o deny the request for provisional measures in favor of María Leontina Millacura Llaipén, her family, and the civil association *Grupo Pro Derecho de los Niños."*

This order is available at: http://www.corteidh.or.cr/docs/medidas/torres_se_01.pdf

3. Case of Wong Ho Wing *v.* Peru

On September 18, 2015, the representative of the victim in this case asked the Court to adopt provisional measures in favor of the victim, so that the State would "abstain from extraditing Wong Ho Wing until the competent Peruvian authorities have decided on the binding effect of the [final judgment of the Constitutional Court of Peru in case 02278-2010-HC]."

In an order of October 7, 2015, the Court ''declared that the request for provisional measures presented by the victim's representative was inadmissible because the matter submitted to the Court related to compliance with the judgment in the case of Wong Ho Wing *v.* Peru delivered on June 30, 2015."

This order is available at: http://www.corteidh.or.cr/docs/supervisiones/wong_07_10_15.pdf

4. Matter of Rojas Madrigal in relation to the Case of Amrhein *et al. v.* Costa Rica

On July 8, 2015, Rafael Antonio Rojas Madrigal, presumed victim in the *Case of Amrhein et al. v. Costa Rica* submitted to the Court a request for provisional measures. In an order of November 18, 2015, the Court observed, among other matters, that, "in this specific case, no *prima facie* circumstances had been demonstrated to substantiate the fact that the alleged detention conditions constitute an imminent risk to the life and person integrity of

Rafael Rojas." In addition, it considered that the alleged existence of acts against Mr. Céspedes León, as described by Mr. Rojas and as revealed by the information provided by the State, did not constitute a situation of "extreme gravity and urgency" in which it was necessary to avoid "irreparable harm." Therefore, the Court denied "the request for provisional measures filed in favor of Rafael Antonio Rojas Madrigal and Carlos Alberto Céspedes León.''

This order is available at: http://www.corteidh.or.cr/docs/medidas/rojas_se_01.pdf

- **Case of Acevedo Jaramillo *et al.* *v.* Peru**

In an order of August 28, 2015, the Court decided to "declare inadmissible the request for provisional measures presented by Manuel Saavedra Rivera, Héctor Paredes Márquez and Cristina Rojas Poccorpachi, common interveners of the victims' representatives, because the matter submitted to the Court was not a matter for provisional measures in the terms of Article 63(2) of the American Convention on Human Rights, but w[ould] be evaluated when monitoring compliance with the judgment." However, the Court determined that the information provided by the applicants was "relevant" for monitoring compliance with judgment and ordered the State to present the corresponding observations. In addition, the Court ordered the State to "take all necessary measures to comply effectively and promptly with the measures of reparations ordered" in the judgment.

This order is available at: http://www.corteidh.or.cr/docs/medidas/acevedo_se_02.pdf

4. CURRENT STATUS OF PROVISIONAL MEASURES

Currently, the Court is monitoring the following twenty-four provisional measures.

No.	Name	State regarding which the provisional measures have been adopted
1	Socio-educational Internment Unit	Brazil
2	Matter of the Curado Prison Complex	Brazil
3	Matter of the Pedrinhas Prison Complex	Brazil
4	19 Traders	Colombia
5	Almanza *et al.*	Colombia
6	Peace Community of San José de Apartadó	Colombia
7	La Rochela Massacre	Colombia
8	Mery Naranjo *et al.*	Colombia

9	Matter of Danilo Rueda	Colombia
10	Adrián Meléndez Quijano *et al.*	El Salvador
11	Bámaca Velásquez *et al.*	Guatemala
12	Guatemalan Forensic Anthropology Foundation	Guatemala
13	Helen Mack *et al.*	Guatemala
14	Andino Alvarado (Kawas Fernández)	Honduras
15	Gladys Lanza Ochoa	Honduras
16	José Luis Galdámez Álvarez *et al.*	Honduras
17	Alvarado Reyes *et al.*	Mexico
18	Fernández Ortega *et al.*	Mexico
19	Rosendo Cantú *et al.*	Mexico
20	Castro Rodríguez	Mexico
21	Matter of certain Venezuelan Penitentiary Centers, which includes the joinder for procedural processing of the measures adopted in the matters of the Monagas Detention Center ("La Pica"); the Capital Region Penitentiary Center Yare I and Yare II (Yare Prison); the Occidental Region Penitentiary Center (Uribana Prison), the Capital Detention Center El Rodeo I and El Rodeo II; the Aragua Penitentiary Center "Tocorón Prison," the Ciudad Bolivar Judicial Detention Center "Vista Hermosa Prison" and the Andean Region Prison, as well as with regard to Humberto Prado and Marianela Sánchez Ortiz, her husband Hernán Antonio Bolívar, their son Anthony Alberto Bolívar Sánchez and their daughter Andrea Antonela Bolívar Sánchez.	Venezuela
22	Barrios Family	Venezuela
23	Luis Uzcátegui *et al.*	Venezuela
24	Luisiana Ríos *et al.* (RCTV)	Venezuela

SITUATION OF PREOCUTIONARY MEASURES

1 Brazil
Socio-educational Internment Unit
Matter of the Curado Prison Complex
Matter of the Pedrinhas Prison Complex

2 Colombia
19 Traders
Almanza et al.
Peace Community of San José de Apartadó
La Rochela Massacre
Mery Naranjo et al.
Matter of Danilo Rueda

3 El Salvador
Adrián Meléndez Quijano et al.

4 Guatemala
Bámaca Velásquez et al.
Guatemalan Forensic Anthropology Foundation
Helen Mack et al.

5 Honduras
Andino Alvarado (Kawas Fernández)
Gladys Lanza Ochoa
José Luis Galdámez Álvarez et al.

6 México
Alvarado Reyes et al.
Fernández Ortega et al.
Rosendo Cantú et al.
Castro Rodríguez

7 Venezuela
Matter of certain Venezuelan Penitentiary Centers, which includes the joinder for proceduralprocessing of the measures adopted in the matters of the Monagas Detention Center ("La Pica"); the Capital Region Penitentiary Center Yare I and Yare II (Yare Prison); the Occidental Region Penitentiary Center (Uribana Prison), the Capital Detention Center El Rodeo I and El Rodeo II; the Aragua Penitentiary Center "Tocorón Prison," the Ciudad Bolivar Judicial Detention Center "Vista Hermosa Prison" and the Andean Region Prison, as well as with regard to Humberto Prado and Marianela Sánchez Ortiz, her husband Hernán Antonio Bolívar, their son Anthony Alberto Bolívar Sánchez and their daughter Andrea Antonela Bolívar Sánchez.

Barrios Family
Luis Uzcátegui et al.
Luisiana Ríos et al. (RCTV)

VII. ADVISORY FUNCTION

1. **OC-22/15 on the interpretation and scope of Article 1(2) of the Convention in relation to Articles 1(1), 8, 11(2), 13, 16, 21, 24, 25, 29, 30, 44, 46 and 62(3) of this instrument, and also Article 8(1)(a) and (b) of the Protocol of San Salvador.**

On April 28, 2014, the Republic of Panama presented a request for an advisory opinion. The purpose of the request is that the Court rule on a series of questions related to the possibility that legal persons may be holders of different rights protected by the American Convention; and specifically on, "the interpretation and scope of Article 1(2) of the Convention, in relation to Articles1(1), 8, 11(2), 13, 16, 21, 24, 25, 29, 30, 44, 46 and 62(3) of this instrument, as well as on the right to strike and to form federations and confederations established in Article 8 of the Protocol of San Salvador."

The complete text of this request is available at:
http://www.corteidh.or.cr/solicitudoc/solicitud_14_11_14_esp.pdf

Pursuant to Articles 73(1), 73(2) and 73(3) of the Court's Rules of Procedure, on November 17, 2014, by a publication on the Court's website, the Secretariat of the Court, on the instructions of the President of the Court, advised all the OAS Member States, the OAS Secretary General, the President of the OAS Permanent Council, the Inter-American Commission on Human Rights, and all those interested, that the President of the Court had established January 30, 2015, as the deadline for the presentation of written observations on the above-mentioned request. On January 28, this deadline was extended until March 30, 2015. The Court received 46 briefs with comments on the request and they are available at: http://www.corteidh.or.cr/index.php/es/observaciones-panama.

On April 28, 2015, the Court held a public hearing on this request for an advisory opinion. The purpose of the hearing was to receive the State's oral arguments on the said request, the observations of some of the OAS Member States and of the Inter-American Commission on Human Rights, and also of some international and State agencies, national and international associations, non-governmental organizations, and academic institutions that had submitted written observations.

VIII. DEVELOPMENTS IN THE COURT'S CASE LAW

This section highlights some of the developments in the Court's case law during 2015, as well as some of the criteria that reaffirms the case law already established by the Court.

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

A. RIGHTS OF PERSONS WITH HIV

Availability, accessibility, acceptability and quality of health care for persons with HIV within the framework of the right to life and to personal integrity

The Court has established that the right to personal integrity is directly and immediately linked to health care, and the lack of adequate medical treatment may result in a violation of Article 5(1) of the Convention. Thus, the Court has affirmed that the protection of the right to personal integrity supposes the regulation of health care services in the domestic sphere, as well as the implementation of a series of mechanisms designed to protect the effectiveness of this regulation.[54]

The Court observed that persons living with HIV required a comprehensive approach that included a continuum of prevention, treatment, care and support. Thus, a limited response as regards access to antiretroviral drugs and other medicines did not comply with the obligations of prevention, treatment, care and support arising from the right to the highest attainable standard of health, These aspects of the quality of health are related to the State obligation to ensure "safe and secure environments, especially for young girls, expanding good quality youth-friendly information and sexual health education and counselling services, strengthening reproductive and sexual health programmes, and involving families and young people in

[54] *Cf.* Case of Gonzales Lluy *et al. v.* Ecuador. Preliminary objections, merits, reparations and costs. Judgment of September 1, 2015. Series C No. 298, para. 171

planning, implementing and evaluating HIV and AIDS prevention and care programmes, to the extent possible."[55]

State obligations inherent in the right to education of persons with HIV/AIDS

There are three obligations inherent in the right to education in the case of persons living with HIV/AIDS: (i) the right to have timely, prejudice-free information on HIV/AIDS; (ii) the prohibition to prevent access to educational establishments to persons with HIV/AIDS, and (iii) the right that education should promote their inclusion and non-discrimination by their social milieu.[56]

HIV as a reason for which discrimination is prohibited under the American Convention and the need for a strict assessment of proportionality

In the context of the *corpus iuris* on the matter, the Court considered that HIV is a condition based on which discrimination is prohibited under the term "any other social condition" established in Article 1(1) of the American Convention. This protection against discrimination under "any other social condition" also includes the situation of persons with HIV as an aspect that may lead to discrimination in those cases in which, in addition to the physical effects of HIV, economic, social and other barriers derived from HIV exist that affect their development and participation in society.[57]

The Court underscored that the direct legal effect of the fact that a condition or characteristic of a person falls within the categories included in Article 1(1) of the Convention is that judicial scrutiny should be stricter when assessing differences in treatment based on these categories. The authorities have a limited possibility of differentiating based on these doubtful criteria, and only in those cases in which they prove that there are overriding needs and that using differentiation is the sole way of achieving those overriding needs, might it be possible to admit the use of that category.[58]

If a difference in treatment is stipulated on the basis of a medical condition or illness, this difference in treatment must be made based on medical criteria and the real health status, taking into account each specific case, evaluating the real and proved harm or risks, and not the speculative or imaginary ones. Therefore, speculations, presumptions, stereotypes or general consideration on persons with HIV/AIDS or any other type of illness cannot be admissible, even if these prejudices are shielded by reasons that appear to be legitimate, such as the protection of the right to life or public health.[59]

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55 *Cf.* Case of Gonzales Lluy *et al. v.* Ecuador. Preliminary objections, merits, reparations and costs. Judgment of September 1, 2015. Series C No. 298, para. 197.

56 *Cf.* Case of Gonzales Lluy *et al. v.* Ecuador. Preliminary objections, merits, reparations and costs. Judgment of September 1, 2015. Series C No. 298, para. 241.

57 *Cf.* Case of Gonzales Lluy *et al. v.* Ecuador. Preliminary objections, merits, reparations and costs. Judgment of September 1, 2015. Series C No. 298, para. 255.

58 *Cf.* Case of Gonzales Lluy *et al. v.* Ecuador. Preliminary objections, merits, reparations and costs. Judgment of September 1, 2015. Series C No. 298, para. 256.

59 *Cf.* Case of Gonzales Lluy *et al. v.* Ecuador. Preliminary objections, merits, reparations and costs. Judgment of September 1, 2015. Series C No. 298, para. 258.

The analysis of whether or not a child with HIV, owing to a hematological condition, should be dismissed from an educational establishment should be made strictly and rigorously in order to ensure that this differentiation is not considered discrimination. It is the State's responsibility to determine whether there is, indeed, a reasonable and objective cause for having made the distinction. In this regard, in order to establish whether a difference in treatment was based on a suspicious category and to determine whether it constituted discrimination, it is necessary to examine the arguments of the domestic authorities, their conduct, the language used, and the context in which the decision was taken.[60]

The Court underlined that the protection of essential or important interests such as the personal integrity of the individual, owing to supposed risks to the health of others, should be carried out based on the specific evaluation of the said health status and the real and proven risks, and not the speculative or imaginary ones that it could give rise to. Speculations, presumptions and stereotypes concerning the risks of certain illnesses are inadmissible, particularly when they reproduce the stigma surrounding such illnesses.[61]

The Court concluded that since, in abstract, the "collective interest" and the "integrity and life" of the children is a legitimate objective, merely referring to this without specifically proving the risks and harm that could be caused by the health status of a child who is in school with other children, cannot be an adequate reason to restrict the right to education of a child who is an HIV carrier, or to be able to exercise all human rights without any discrimination owing to a medical condition. The best interests of the child cannot be used to protect discrimination against a child owing to her health status.[62]

Intersectionality of discrimination against a child with HIV and living in poverty

The Court noted that certain groups of women suffer discrimination throughout their life based on more than one factor combined with their sex, which increases their risk of enduring acts of violence and other violations of their human rights. In the case of women with HIV/AIDS, the gender perspective requires understanding living with the illness in the context of the roles and expectations that affect the life of individuals, their options and interactions (especially in relation to their sexuality, desires and behavior).[63]

The Court noted in the specific case of a child HIV carrier, numerous factors of vulnerability and risk of discrimination intersected that were associated with her condition as a minor, a female, a person living in poverty, and a person living with HIV. The discrimination she experienced was caused not only by numerous factors, but also arose from a specific form of

[60] *Cf.* Case of Gonzales Lluy *et al. v.* Ecuador. Preliminary objections, merits, reparations and costs. Judgment of September 1, 2015. Series C No. 298, para. 260.
[61] *Cf.* Case of Gonzales Lluy *et al. v.* Ecuador. Preliminary objections, merits, reparations and costs. Judgment of September 1, 2015. Series C No. 298, para. 264.
[62] *Cf.* Case of Gonzales Lluy *et al. v.* Ecuador. Preliminary objections, merits, reparations and costs. Judgment of September 1, 2015. Series C No. 298, para. 265.
[63] *Cf.* Case of Gonzales Lluy *et al. v.* Ecuador. Preliminary objections, merits, reparations and costs. Judgment of September 1, 2015. Series C No. 298, para. 288.

discrimination that resulted from the intersection of these factors; in other words, if one of those factors had not existed, the discrimination would have been different. Indeed, the poverty had an impact on the initial access to health care that was not of the best quality and that, to the contrary, resulted in the infection with HIV. The situation of poverty also had an impact on the difficulties to gain access to the educational system and to lead a decent life. Subsequently, since she was a child with HIV, the obstacles that she suffered in access to education had a negative impact for her overall development, which was also a differentiated impact taking into account the role of education in overcoming gender stereotypes. As a child with HIV, she required greater support from the State to implement her life project. In sum, this case illustrates that stigmatization related to HIV does not affect everyone in the same way and that the impact is more severe on members of vulnerable groups.[64]

B. GENDER AND VIOLENCE AGAINST WOMEN

Due diligence in the investigation of the disappearance of a woman in the context of violence against women

The Court recalled that it had frequently indicated that, when there is a context of violence against women, an obligation of rigorous due diligence is required in response to reports of their disappearance and as regards searching for them during the first hours and days. This obligation of means, since it is strict, requires conducting thorough search activities. In particular, the prompt and immediate action of police authorities, prosecutors, and judicial authorities is essential, ordering the prompt and necessary measures to determine the victim's whereabouts. Appropriate procedures should exist to respond to reports, which should lead to an effective investigation from the very first moment. The authorities should presume that the disappeared person is still alive until the uncertainty about their fate is ended.[65]

Gender stereotypes in cases of violence against women

The Court also reiterated that gender stereotyping refers to a preconception of attributes, conducts or characteristics possessed by, or roles that are or should be played by, men and women, and that, in the practice, may be associated with the subordination of women based on socially-predominant and socially- persistent gender stereotypes. Thus the establishment and use of gender stereotypes is one of the causes and consequences of gender-based violence against women, a situation that is exacerbated when it is implicitly or explicitly reflected in policies and practices, particularly in the perception and language of State authorities.[66]

64 *Cf.* Case of Gonzales Lluy *et al. v.* Ecuador. Preliminary objections, merits, reparations and costs. Judgment of September 1, 2015. Series C No. 298, para. 290.

65 *Cf.* Case of Velásquez Paiz *et al. v.* Guatemala. Preliminary objections, merits, reparations and costs. Judgment of November 19, 2015. Series C No. 307, para. 122.

66 *Cf.* Case of Velásquez Paiz *et al. v.* Guatemala. Preliminary objections, merits, reparations and costs. Judgment of November 19, 2015. Series C No. 307, para. 180.

The Court declared that it recognized, underscored and rejected gender stereotyping, based on which, in cases of violence against women, the victims were assumed to be either a gang member and/or a prostitute and/or a "loose woman," and it was considered that such cases were not sufficiently important to be investigated, because it was concluded that the woman was responsible for the attack, or deserved it. The Court also rejected any State practice that justified violence against women and blamed them, because that type of value judgments revealed a discretionary and discriminatory standard based on the origin, condition and/or behavior of the victim merely because she was a woman. Consequently, the Court considered that such gender stereotyping was incompatible with international human rights law, and measures should be taken to eradicate it when it occurred.[67]

Gender-based approach in criminal investigations

The Court has indicated that the obligation to investigate has additional implications in the case of a woman who has been killed or suffered ill-treatment or harm to her personal liberty in a general context of violence against women. In practice, it is often difficult to prove that a murder or violent attack on a woman has been perpetrated based on her gender. This difficulty sometimes results in the absence of a thorough and effective investigation of the violent incident and its causes by the authorities. This is why the State authorities have the obligation to investigate *ex officio* any possible gender-based discriminatory connotations of a violent act perpetrated against a woman, especially when there are specific indications of sexual violence or any evidence of cruelty to the woman's body (for example, mutilation), or when the act has taken place in a context of violence against women in a specific region or country. In addition, the criminal investigation should include a gender perspective and be conducted by officials who have received training on similar cases and in dealing with victims of gender-based discrimination and violence.[68]

The Court has also established that in cases of gender-based murder, the State's obligation to investigate with due diligence includes the duty to order *ex officio* the necessary expert appraisals and tests to verify whether the murder had a sexual motive or whether any type of sexual abuse had occurred. Thus, the investigation into a presumed gender-based murder should not be limited to the victim's death, but should also include other specific harm to personal integrity, such as torture and acts of sexual violence. In a criminal investigation of sexual violence, it is necessary to document and coordinate the investigative measures and to handle the evidence diligently, taking sufficient samples, performing tests to identify the possible author of the act, securing other evidence such as the victim's clothes, inspecting the scene of the crime immediately, and guaranteeing the proper chain of custody.[69]

[67] *Cf.* Case of Velásquez Paiz *et al. v.* Guatemala. Preliminary objections, merits, reparations and costs. Judgment of November 19, 2015. Series C No. 307, para. 183.
[68] *Cf.* Case of Velásquez Paiz *et al. v.* Guatemala. Preliminary objections, merits, reparations and costs. Judgment of November 19, 2015. Series C No. 307, para. 146.
[69] *Cf.* Case of Velásquez Paiz *et al. v.* Guatemala. Preliminary objections, merits, reparations and costs. Judgment of November 19, 2015. Series C No. 307, para. 147.

The initial stages of the investigation may be especially crucial in cases of the gender-based murder of women, because any errors made in the procedures, such as the autopsy and the collection and conservation of physical evidence may prevent or hinder the possibility of proving relevant aspects, such as whether sexual violence occurred. With regard to autopsies performed in a context of gender-based murder, the Court has specified that the genital and para-genital area should be examined carefully looking for signs of sexual abuse; also oral, vaginal and rectal liquid and the pubic and external hairs of the victims should be preserved. In addition, the Court has indicated that States have the obligation to adopt laws and regulations and implement the necessary measures, pursuant to Article 2 of the American Convention and Article 7(c) of the Convention of Belém do Pará, to allow the authorities to investigate cases of presumed violence against women with due diligence.[70]

C. RIGHTS OF INDIGENOUS AND TRIBAL PEOPLE

Right to recognition of collective juridical personality of indigenous and tribal peoples

The Court reiterated that the right of indigenous and tribal peoples that the State recognize their juridical personality is one of the special measures that should be implemented in order to ensure that such peoples may enjoy their territories in accordance with their traditions. This is the natural consequence of the recognition of the right of members of indigenous and tribal groups to enjoy certain rights collectively. Thus, the Court found that this recognition could be achieved by adopting legislative or other measures that recognized and took into account the specific way in which an indigenous people sees itself as able to exercise and to enjoy the right to property collectively. Consequently, the State should establish the necessary legal and administrative conditions to ensure that their juridical personality can be recognized, by means of consultations, fully respecting their customs and traditions, and in order to ensure them the use and enjoyment of their territory in accordance with their system of communal ownership, as well as the right of access to justice and equality before the law.[71]

Protection of indigenous peoples and tribal communities irrespective of their classifications as such or their recognition by the State

The Court reiterated that the protection offered by Article 21 of the Convention and ILO Convention No. 169 to the right to collective property is the same, regardless of the classification of the holders of this right as an indigenous or tribal people or community, so that the State's failure to recognize the community as an original people has no impact on the

[70] *Cf.* Case of Velásquez Paiz *et al. v.* Guatemala. Preliminary objections, merits, reparations and costs. Judgment of November 19, 2015. Series C No. 307, para. 148.

[71] *Cf.* Case of the Kaliña and Lokono Peoples v. Suriname. Merits, reparations and costs. Judgment of November 25, 2015. Series C No. ?, para. 107.

rights of which the community and its members are holders, or on the corresponding State obligations.[72]

Content of the right to communal ownership of indigenous lands

The Court has established that the State's failure to delimit and demarcate the territory over which there is a collective property right of an indigenous people may create a permanent climate of uncertainty for the members of the people concerned, because they are unsure of the geographic extension of their right to communal property and, consequently, they do not know where they can freely use and enjoy the respective rights and resources.[73]

The Court also reiterated that the territorial rights of the indigenous peoples encompassed a different and broader concept that is related to their collective right to survival as an organized people with control over their habitat as an essential condition for the reproduction of their culture, for their very survival, and to implement their life projects. Ownership of the land ensures that the members of indigenous communities conserve their cultural heritage.[74]

However, the Court clarified that when delimiting, demarcating and granting title to the traditional territory, States should recall that the right to property of the indigenous and tribal peoples included full guarantees over the territories they had traditionally owned, occupied and used in order to ensure their particular way of life, and their subsistence, traditions, culture, and development as peoples. Nevertheless, there may be other complementary or additional traditional areas that they have had access to for their traditional or subsistence activities (areas that may have other purposes), regarding which they should be ensured, at least, the necessary access and use.[75]

Right to claim the restitution of territory when individual titles exist in favor of third non-indigenous and non-tribal parties

The Court found it necessary to reiterate that the physical and spiritual foundations of the identity of the indigenous peoples are based mainly on their unique relationship with their traditional lands, so that, while this relationship exists, the right to request the restitution of those lands remains valid. If this relationship should have extinguished, that right would also extinguish.[76]

To determine the existence of the relationship of the indigenous peoples with their traditional land, the Court has established that: (i) this may be expressed in different ways, according to

[72] *Cf.* Case of the Garífuna Community of Punta Piedra and its members *v.* Honduras. Preliminary objections, merits, reparations and costs. Judgment of October 8, 2015. Series C No. 304, para. 91.
[73] *Cf.* Case of the Garífuna Community of Punta Piedra and its members *v.* Honduras. Preliminary objections, merits, reparations and costs. Judgment of October 8, 2015. Series C No. 304, para. 169.
[74] *Cf.* Case of the Kaliña and Lokono Peoples v. Suriname. Merits, reparations and costs. Judgment of November 25, 2015. Series C No. 309, para. 138.
[75] *Cf.* Case of the Kaliña and Lokono Peoples v. Suriname. Merits, reparations and costs. Judgment of November 25, 2015. Series C No. 309 , para. 139.
[76] *Cf.* Case of the Kaliña and Lokono Peoples v. Suriname. Merits, reparations and costs. Judgment of November 25, 2015. Series C No. 309 , para. 150.

the indigenous people in question and their specific circumstances, and (ii) the relationship with the land must be possible. The ways in which this relationship is expressed could include traditional use or presence by spiritual or ceremonial ties; sporadic settlements or crops; seasonal or nomadic hunting, fishing or gathering; use of natural resources connected to their customs, and any other element characteristic of their culture. The second element means that the members of the indigenous peoples are not prevented, for reasons beyond their control, from carrying out those activities that reveal the persistence of the relationship with their traditional territories.[77]

Similarly, the Court reiterated its case law that both the property of private individuals and the collective property of the members of the indigenous communities are protected by Article 21 of the American Convention. In this regard, the Court has indicated that, when there is a conflict of interests in relation to indigenous claims, or a real or apparent conflict between the right to indigenous communal property and the property of private individuals, the legality, necessity, proportionality and attainment of a legitimate objective in a democratic society (public utility and social interest) must be assessed on a case-by-case basis, in order to restrict the right to property, on the one hand, or the right to traditional lands, on the other, without the restriction of the latter preventing the survival of the members of the indigenous communities as a people.[78] In this regard, the Court found that it was not incumbent on it to decide whether the right to collective property of the indigenous peoples should take precedence over the right to private property, because it was not a domestic court of law that decided disputes between private individuals. That task corresponded exclusively to the State, which must execute it without any discrimination and taking into account the above-mentioned criteria and circumstances, including the special relationship that the indigenous peoples have with their lands.[79]

Furthermore, the Court considered that the fact that the lands claimed were in the hands of private individuals did not constitute, *per se,* a sufficient reason to deny *prima facie* the indigenous claims. That would place the indigenous peoples in a vulnerable situation where the rights to individual property could prevail over the rights to communal property.[80]

Compatibility of the rights of the indigenous peoples with the protection of the environment

For the first time, the Court examined in greater detail the compatibility of the rights of the indigenous peoples with the protection of the environment as an element of the public interest. In this regard, the Court found it relevant to refer to the need to ensure the compatibility of safeguarding protected areas with the adequate use and enjoyment of the traditional

[77] *Cf.* Case of the Kaliña and Lokono Peoples v. Suriname. Merits, reparations and costs. Judgment of November 25, 2015. Series C No. 309, para. 151.
[78] *Cf.* Case of the Kaliña and Lokono Peoples v. Suriname. Merits, reparations and costs. Judgment of November 25, 2015. Series C No. 309, para. 155.
[79] *Cf.* Case of the Kaliña and Lokono Peoples v. Suriname. Merits, reparations and costs. Judgment of November 25, 2015. Series C No. 309, para. 156.
[80] *Cf.* Case of the Kaliña and Lokono Peoples v. Suriname. Merits, reparations and costs. Judgment of November 25, 2015. Series C No. 309, para. 157.

territories of indigenous peoples. In this regard, the Court found that a protected area consisted not only of its biological dimension, but also of its socio-cultural dimension and that, therefore, it required an interdisciplinary, participatory approach. Thus, in general, the indigenous peoples could play a relevant role in nature conservation, since certain traditional uses entailed sustainable practices and were considered essential for the effectiveness of conservation strategies. Consequently, respect for the rights of the indigenous peoples could have a positive impact on environmental conservation.[81]

The Court took into account relevant instruments applicable to the State of Suriname, and concluded that, in principle, the protection of natural areas and the right of the indigenous and tribal peoples to the protection of the natural resources in their territories were compatible, emphasizing that, owing to their interrelationship with nature and their ways of life, the indigenous and tribal peoples could make a relevant contribution to such conservation. Thus, the criteria of effective participation, access and use of their traditional territories, and the possibility of receiving benefits from conservation — all of the foregoing provided it was compatible with protection and sustainable use – were essential elements to achieve this compatibility which should be evaluated by the State. Consequently, the State must have adequate mechanisms to implement those criteria as part of ensuring a decent life and their cultural identity to the indigenous and tribal peoples in relation to the protection of the natural resources in their traditional territories.[82]

Control and administration of nature reserves

The Court determined, for the first time, that, in light of the previously mentioned standards, "the monitoring, access and participation in areas of a reserve by the indigenous and tribal peoples is compatible, but it is also reasonable that the State retain the supervision, access and management of areas of general and strategic interest, and for safety reasons, that allow it to exercise its sovereignty, and/or protect the borders of its territory."[83] Therefore, it found that, when a nature reserve existed, the State must, based on its national and international commitments, endeavor to ensure compatibility between the protection of the environment and the collective rights of the indigenous peoples, in order to: (a) ensure access to and use of their ancestral territories for their traditional ways of life in the nature reserves, and (b) provide the means for them to participate effectively in the objectives of the reserves; mainly in their care and conservation, and (c) to participate in the benefits derived from conservation.[84]

Appropriate and effective remedies to protect the rights of indigenous and tribal peoples

[81] *Cf.* Case of the Kaliña and Lokono Peoples v. Suriname. Merits, reparations and costs. Judgment of November 25, 2015. Series C No. 309, para. 173.
[82] *Cf.* Case of the Kaliña and Lokono Peoples v. Suriname. Merits, reparations and costs. Judgment of November 25, 2015. Series C No. 309, para. 181.
[83] *Cf.* Case of the Kaliña and Lokono Peoples v. Suriname. Merits, reparations and costs. Judgment of November 25, 2015. Series C No. 309, para. 191.
[84] *Cf.* Case of the Kaliña and Lokono Peoples v. Suriname. Merits, reparations and costs. Judgment of November 25, 2015. Series C No. 309, para. 192.

The Court indicated that, based on its case law, as well as on the relevant international standards, the domestic remedies must be interpreted and applied in order to ensure the human rights of the indigenous peoples "taking the following criteria into account:

1. The recognition of collective legal personality as indigenous and tribal peoples, as well as individual legal personality as members of such peoples;

2. The recognition of legal standing to file administrative, judicial or any other type of action collectively, through their representatives, or individually, taking into account their customs and cultural characteristics;

3. The guarantee of access to justice for the victims – as members of an indigenous or tribal people – without discrimination, and in keeping with the rules of due process; hence, the available remedy must be:

a) Accessible, simple and within a reasonable time. This means, among other matters, establishing special measures to ensure effective access and the elimination of obstacles to access to justice. In other words:

i) Ensure that the members of the community can understand and be understood during the legal proceedings undertaken, providing them with interpreters or other means that are effective in this regard;

ii) Give the indigenous and tribal peoples access to technical and legal assistance in relation to their right to collective property, if they are in a vulnerable situation that would prevent them from obtaining this, and

iii) Facilitate physical access to the administrative or judicial institutions, or to the bodies responsible for ensuring the right to collective property of the indigenous and tribal peoples, and also facilitate their participation in judicial, administrative or any other proceedings, without this entailing exaggerated or excessive efforts, due either to the distances or to the channels for accessing such institutions, or to the elevated cost of the proceedings.

b) Appropriate and effective to protect, ensure and promote the rights over their indigenous lands, by means of which they can implement the processes of recognition, delimitation, demarcation, and titling and, if appropriate, secure the use and enjoyment of their traditional territories;

4. The granting of effective protection that takes into account the inherent particularities that differentiate them from the general population and that accord with their cultural identity, their economic and social characteristics, their possible vulnerability, their customary law, values, uses and customs, as well as their special relationship to the land, and

5. Respect for the internal mechanisms for deciding disputes on indigenous issues, which are in harmony with human rights."[85]

[85] *Cf.* Case of the Kaliña and Lokono Peoples v. Suriname. Merits, reparations and costs. Judgment of November 25, 2015. Series C No.309, para. 251.

D. USE OF FORCE AND THE APPLICABILITY OF INTERNATIONAL HUMANITARIAN LAW IN THE CONTEXT OF ARMED CONFLICTS

Legitimate use of force by State agents

The Court reiterated its case law in the sense that Article 4(1) of the American Convention establishes that no one may be deprived of his life arbitrarily. In other words, not every deprivation of life would be considered contrary to the Convention; but only deprivation of life produced arbitrarily; for example, because it occurred due to unlawful, excessive or disproportionate use of force.[86]

The Court has recognized that States are obliged to ensure safety and maintain public order within their territory and, therefore, have the legitimate right to use force to re-establish public order if this becomes necessary. Nevertheless, even though State agents may resort to the use of force and, in some circumstances, even lethal force may be required, the State's powers in order to achieve its objectives are not unlimited, whatever the gravity of certain actions and the guilt of the authors.[87]

In this regard, the Court has maintained that the exceptional use of lethal force must be established by law and must be interpreted restrictively in order to minimize it in any circumstance, and must only be that which is "absolutely necessary" in relation to the force or threat that must be resisted.[88]

The American Convention does not establish a list of cases and/or circumstances in which a death produced by the use of force may be considered justified, because it is absolutely necessary in the circumstances of the specific case. Hence, the Court has had recourse to different international instruments on this matter and, in particular, to the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, and the Code of Conduct for Law Enforcement Officials, in order to provide content to the obligations arising from Article 4 of the Convention. All things considered, the international norms and the Court's case law have established that "State agents must make a distinction between individuals who, owing to their actions, represent an imminent threat of death or serious injury and those individuals who do not pose this threat, and use force only against the former."[89]

[86] *Cf.* Case of Cruz Sánchez *et al. v.* Peru. Preliminary objections, merits, reparations and costs. Judgment of April 17, 2015. Series C No. 292, para. 261.
[87] *Cf.* Case of Cruz Sánchez *et al. v.* Peru. Preliminary objections, merits, reparations and costs. Judgment of April 17, 2015. Series C No. 292, para. 262.
[88] *Cf.* Case of Cruz Sánchez *et al. v.* Peru. Preliminary objections, merits, reparations and costs. Judgment of April 17, 2015. Series C No. 292, para. 263.
[89] *Cf.* Case of Cruz Sánchez *et al. v.* Peru. Preliminary objections, merits, reparations and costs. Judgment of April 17, 2015. Series C No. 292, para. 264.

Taking this into account, the Court has established that, compliance with the standards for action if the use of force becomes essential entails respecting the principles of legality, absolute necessity, and proportionality as follows:

> *Legality*: the use of force must be aimed at achieving a legitimate objective, and a regulatory framework must exist that establishes how to act in that situation.
>
> *Absolute necessity*: the use of force must be limited to the inexistence or unavailability of other means to protect the life and integrity of the person or situation that it is intended to protect, according to the circumstances of the case.
>
> *Proportionality*: the means and method used must be in keeping with the resistance offered and the danger that exists. Therefore, agents must apply a standard of differentiated and progressive use of force, determining the degree of cooperation, resistance or aggression of the individual against whom they intend to intervene, using tactics of negotiation, control or use of force, as required.[90]

Applicability of international humanitarian law in the analysis of State obligations when using lethal force during a military operation

The Court emphasized three characteristics that must be taken into account in order to define the applicable criteria for analyzing the State's obligations in relation to the use of lethal force in the Chavín de Huántar operation in light of Article 4 of the American Convention: first, the existence of a non-international armed conflict; second, the context in which force was used against the members of the MRTA – that is, during an operation to rescue hostages – and, third, that contrary to other cases, the presumed victims in this case were not civilians, but members of the MRTA who played an active role in the hostilities.[91]

In this regard, the Court considered that, since the hostage-taking occurred during an internal armed conflict, it was useful and appropriate, considering the specificity of the matter, to take into account Article 3 common to the four Geneva Conventions and customary international humanitarian law.[92]

Nevertheless, it indicated that it was indisputable that the provisions of the American Convention concerning the right to life remained in force and were applicable in situations of armed conflict, because that right is part of the nucleus of convention-based rights that cannot be suspended under any circumstances, even those that are considered the most urgent for the independence or security of a State Party. The Court has already affirmed that this fact – the existence of an internal armed conflict when the facts of this case occurred – instead of

90 *Cf.* Case of Cruz Sánchez *et al. v.* Peru. Preliminary objections, merits, reparations and costs. Judgment of April 17, 2015. Series C No. 292, para. 265.

91 *Cf.* Case of Cruz Sánchez *et al. v.* Peru. Preliminary objections, merits, reparations and costs. Judgment of April 17, 2015. Series C No. 292, para. 266.

92 *Cf.* Case of Cruz Sánchez *et al. v.* Peru. Preliminary objections, merits, reparations and costs. Judgment of April 17, 2015. Series C No. 292, para. 270.

exonerating the State from its obligations to respect and to ensure human rights, obliged it to act in conformity with those obligations.[93]

Consequently, and owing to the particular context of the case, the Court noted that international humanitarian law does not supplant the applicability of Article 4 of the Convention, but rather supports the interpretation of this article which prohibits the arbitrary deprivation of life because the facts occurred in the context of an armed conflict and due to this. The International Court of Justice has also considered that, "[i]n principle, the right not to be arbitrarily deprived of one's life applies also in hostilities. The test of what is an arbitrary deprivation of life, however, then falls to be determined by the applicable *lex specialis*, namely, the law applicable in armed conflict which is designed to regulate the conduct of hostilities. […]." Similarly, the European Court of Human Rights has affirmed that "Article 2 must be interpreted insofar as possible in light of the general principles of international law, including the rules of international humanitarian law which play an indispensable and universally accepted role in mitigating the savagery and inhumanity of armed conflict."[94]

Therefore, in view of the fact that the American Convention does not expressly define the scope that the Court should grant to the concept of arbitrariness, which would classify a deprivation of life as contrary to this instrument in situations of armed conflict, it is pertinent to resort to the *corpus iuris* of applicable international humanitarian law in order to determine the scope of the State's obligations concerning the respect and guarantee of the right to life in such situations. The analysis of the possible violation of Article 4 of the American Convention must, consequently, consider the principle of distinction, the principle of proportionality, and the principle of precaution, among others.[95]

If the victims were civilians and had played an active part in the hostilities, they could, potentially, benefit from the safeguards contained in Article 3 common to the four Geneva Conventions, provided that they had ceased to take part in the hostilities and could be identified as *hors de combat*. The Court noted that, according to customary international humanitarian law, this situation could occur in the case of an individual in three circumstances: "(a) anyone who is in the power of an adverse party; (b) anyone who is defenseless because of unconsciousness, shipwreck, wounds or sickness, or (c) anyone who clearly expresses an intention to surrender, provided he or she abstains from any hostile act and does not attempt to escape." The Court considers that these criteria to determine whether a persons was *hors de combat* and, therefore, deserved the protection established in Article 3 common to the four Geneva Conventions was applicable at the time of the facts.[96]

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93 *Cf.* Case of Cruz Sánchez *et al. v.* Peru. Preliminary objections, merits, reparations and costs. Judgment of April 17, 2015. Series C No. 292, para. 271.

94 *Cf.* Case of Cruz Sánchez *et al. v.* Peru. Preliminary objections, merits, reparations and costs. Judgment of April 17, 2015. Series C No. 292, para. 272.

95 *Cf.* Case of Cruz Sánchez *et al. v.* Peru. Preliminary objections, merits, reparations and costs. Judgment of April 17, 2015. Series C No. 292, para. 273.

96 *Cf.* Case of Cruz Sánchez *et al. v.* Peru. Preliminary objections, merits, reparations and costs. Judgment of April 17, 2015. Series C No. 292, para. 277.

Thus, and as established in Article 3 common to the four Geneva Conventions, the State should provide individuals who are not playing a direct role in the hostilities or who have become *hors de combat* for any reason, with humane treatment and without any negative distinction. In particular, international humanitarian law prohibits, at any time and in any place, attacks on the life and personal integrity of those mentioned above.

E. EXTRADITION PROCEDURES

Obligation to ensure the right to life, personal integrity, and the principle of non-discrimination in an extradition procedure

The Court ruled for the first time on the obligations of the State Parties to the American Convention in the context of extradition procedures.

In this regard, the Court recalled that when an individual alleges before a State that he is in danger if he is returned, either by deportation or extradition, the competent State authorities must, at least, interview him and make a preliminary assessment in order to determine whether or not that risk exists if he should be expelled. This signifies that the basic judicial guarantees must be respected as part of the opportunity given to the individual to explain the reasons why he should not be expelled and, if the risk is verified, the individual should not be returned to the country where the danger exists.[97]

The Court established that, in keeping with the obligation to ensure the right to life, States that have abolished the death penalty, may not expose a person to the real risk of its application and, therefore, may not expel a person under their jurisdiction, by deportation or extradition, if it could reasonably be anticipated that they may be condemned to death, without requiring guarantees that this punishment will not be applied. Also, the States Parties to the Convention that have not abolished the death penalty may not jeopardize, by deportation or extradition, the life of any person under their jurisdiction who runs a real and foreseeable risk of being sentenced to death, unless this is for the most serious crimes for which the death penalty is currently imposed in the requested State Party. Consequently, States that have not abolished the death penalty may not expel anyone under their jurisdiction, by deportation or extradition, who may face the real and foreseeable risk of the application of the death penalty for offenses that are not punished with the same sanction within their jurisdiction, without requiring the necessary and sufficient assurances that this punishment will not be applied.[98]

In addition, the obligation to ensure the right to personal integrity, together with the principle of non-refoulement recognized in Article 13(4) of the Inter-American Convention to Prevent and Punish Torture (ICPPT), imposes on States the obligation not to expel, by extradition, any

[97] *Cf.* Case of Wong Ho Wing *v.* Peru. Preliminary objection, merits, reparations and costs. Judgment of June 30, 2015. Series C No. 297, para. 129.

[98] *Cf.* Case of Wong Ho Wing *v.* Peru. Preliminary objection, merits, reparations and costs. Judgment of June 30, 2015. Series C No. 297, para. 134.

individual under their jurisdiction when there are substantial grounds for believing that he will face a real, foreseeable and personal risk of suffering treatment contrary to the prohibition of torture or cruel, inhuman or degrading treatment.[99]

In addition, the Court determined that, in cases where extradition or expulsion has not yet taken place, all the information available when the Court is examining the case should be examined. In this regard, it explained that the nature of the State's international responsibility in this type of case, according to the criteria established above, consisted in exposing an individual under its jurisdiction to a foreseeable risk of suffering violations of the rights protected by the Convention. In cases in which this conduct has not occurred by the removal of the person from the jurisdiction of the requested State, the analysis of the possible risk faced by that person requires that all the information available when the Court makes its analysis must be evaluated and assessed.[100]

The Court also noted that the examination of the State's responsibility in cases in which the extradition or deportation has not yet occurred (but the decision or its execution is imminent), is conditional on the granting and implementation of the eventual extradition. According to Article 62 of the Convention, this Court has jurisdiction to hear all cases concerning the interpretation and application of the provisions of the Convention. Furthermore, Article 44 of the Convention establishes the right to "lodge petitions with the Commission containing denunciations or complaints of violation of this Convention by a State Party." Consequently, it is not normally for this Court to pronounce on the existence of potential violations of the Convention. However, when the presumed victim claims that, if he is expelled or, in this case, extradited, he would be subject to treatment contrary to his rights to life and personal integrity, it is necessary to ensure his rights and to prevent the occurrence of grave and irreparable harm. Since the ultimate aim of the Convention is the international protection of human rights, it must be permissible to analyze this type of case before the violation takes place. Therefore, the Court must rule on the possibility that such harm may occur if the person is extradited. Thus, since the extradition has not occurred yet (which would constitute the internationally wrongful act if a foreseeable risk to the rights of Wong Ho Wing existed), the Court must examine the State's responsibility conditionally, in order to determine whether or not there would be a violation of the rights to life and personal integrity of the presumed victim should he be extradited.[101]

Therefore, in cases in which extradition or expulsion has not occurred (but in which its acceptance or implementation is imminent), the analysis made by the Court consists in determining whether, based on the information available at the time the Inter-American Court considers the case, the State was, or should have been, aware that the extradition of the

[99] *Cf.* Case of Wong Ho Wing *v.* Peru. Preliminary objection, merits, reparations and costs. Judgment of June 30, 2015. Series C No. 297, para. 135.
[100] *Cf.* Case of Wong Ho Wing *v.* Peru. Preliminary objection, merits, reparations and costs. Judgment of June 30, 2015. Series C No. 297, paras. 140 and 141.
[101] *Cf.* Case of Wong Ho Wing *v.* Peru. Preliminary objection, merits, reparations and costs. Judgment of June 30, 2015. Series C No. 297, para. 142.

presumed victim, if granted and implemented, would be a violation of the American Convention.[102]

Regarding the possible risk to the presumed victim if he were extradited, the Court recalled that when examining the principle of non-refoulement in relation to possible risks to the rights to life or liberty of an individual, the risk "must be real; in other words, it must be a foreseeable consequence. Thus, the State must make an individualized analysis in order to verify and evaluate the circumstances cited by the individual which reveal that he may suffer harm to his life or liberty in the country to which it is sought to return him (that is, his country of origin), or that, if he is expelled to a third country, he runs the risk of being sent to the place where he runs this risk. If his explanation that he could face a situation of risk is credible, convincing and coherent, the principle of non-refoulement should be observed."[103]

The Court indicated that, owing to the absolute nature of the prohibition of torture, the specific obligation not to extradite when there is a risk of treatment contrary to personal integrity established in Article 13(4) of the ICPPT and the obligation of States Parties to the American Convention to take all necessary measures to prevent torture or other cruel, inhuman or degrading treatment, States Parties to the Convention must assess this possibility during their extradition proceedings when this risk is alleged by those subject to extradition.[104] The Court clarified that States had the obligation to examine all the available information in order to determine the possible situation of risk of the person who might be extradited. If, having examined the information provided, the State determines that the arguments lack adequate grounds or the necessary evidence, then it may reject the situation of risk alleged by the presumed victim. This is the second step that requires the State to assess the risks alleged by the presumed victim, and then, if appropriate, reject them owing to lack of adequate grounds.[105]

In addition, the Court established that, in order to determine whether there is a risk of torture or other forms of cruel, inhuman or degrading treatment, it is necessary to examine the relevant conditions in the requesting State, the particular circumstances of the presumed victim and, as an additional factor, the diplomatic assurances, if they have been provided.[106]

(i) With regard to the alleged situation of risk in the requesting State, the Court clarified that it was necessary to examine the conditions in the destination country which were the grounds for the alleged risk, and compare the information presented with the standards derived from the American Convention.[107] Nevertheless, it noted that this did not mean

[102] *Cf.* Case of Wong Ho Wing *v.* Peru. Preliminary objection, merits, reparations and costs. Judgment of June 30, 2015. Series C No. 297, para. 143.
[103] *Cf.* Case of Wong Ho Wing *v.* Peru. Preliminary objection, merits, reparations and costs. Judgment of June 30, 2015. Series C No. 297, para. 155.
[104] *Cf.* Case of Wong Ho Wing *v.* Peru. Preliminary objection, merits, reparations and costs. Judgment of June 30, 2015. Series C No. 297, para. 163.
[105] *Cf.* Case of Wong Ho Wing *v.* Peru. Preliminary objection, merits, reparations and costs. Judgment of June 30, 2015. Series C No. 297, para. 164.
[106] *Cf.* Case of Wong Ho Wing *v.* Peru. Preliminary objection, merits, reparations and costs. Judgment of June 30, 2015. Series C No. 297, para. 167.
[107] *Cf.* Case of Wong Ho Wing *v.* Peru. Preliminary objection, merits, reparations and costs. Judgment of June 30, 2015. Series C No. 297, para. 169.

that it was judging the conditions in the destination country or signify that it was establishing responsibility with regard to the requesting State. When establishing violations by means of this analysis in the context of processes of extradition, any liability incurred would correspond to the State Party to the Convention, whose act or omission exposed or would expose an individual under its jurisdiction to a risk contrary to the prohibition of torture or cruel, inhuman or degrading treatment.[108]

In addition, it established that, when examining a possible situation of risk to the human rights of the person to be extradited in the requesting State, it is possible to refer to national sources, as well as reports of international agencies and non-governmental organizations.[109] It also clarified that the real conditions in that country must be taken into account, and not merely the formal conditions, so that the ratification of treaties alone is insufficient to ensure that he would not be subjected to torture. Furthermore, the existence of domestic norms that ensure respect for human rights or the prohibition of torture and other forms of cruel, inhuman or degrading treatment, was insufficient, in itself, to ensure adequate protection against treatment contrary to the Convention.[110]

In addition, the Court noted that, when analyzing a possible situation of risk in the destination country, it was not sufficient to refer to the general situation of human rights in the respective State, but rather it was necessary to demonstrate the particular circumstances of the person to be extradited that would expose him to a real, foreseeable and personal risk of being subject to treatment contrary to the prohibition of torture or cruel, inhuman or degrading treatment if he were extradited, such as membership in a persecuted group, prior experience of torture or ill-treatment in the requesting State, and the type of offense for which he was sought, among other matters, depending on the specific circumstances in the destination country.[111]

(ii) Regarding the diplomatic assurances provided by the requesting State, the Court considered that they constituted a common practice among States in the context of extradition processes and it was usually presumed that they are given in good faith. Such diplomatic undertakings consist in promises or guarantees given by the requesting State to the requested State that the individual whose extradition is requested will received treatment or punishment in keeping with the international human rights obligations of the requested State.[112] When examining cases of return, deportation, extradition or any form of expulsion of individuals from the jurisdiction of a State Party, it is necessary to accord

[108] *Cf.* Case of Wong Ho Wing *v.* Peru. Preliminary objection, merits, reparations and costs. Judgment of June 30, 2015. Series C No. 297, para. 169.
[109] *Cf.* Case of Wong Ho Wing *v.* Peru. Preliminary objection, merits, reparations and costs. Judgment of June 30, 2015. Series C No. 297, para. 171.
[110] *Cf.* Case of Wong Ho Wing *v.* Peru. Preliminary objection, merits, reparations and costs. Judgment of June 30, 2015. Series C No. 297, para. 172.
[111] *Cf.* Case of Wong Ho Wing *v.* Peru. Preliminary objection, merits, reparations and costs. Judgment of June 30, 2015. Series C No. 297, para. 173.
[112] *Cf.* Case of Wong Ho Wing *v.* Peru. Preliminary objection, merits, reparations and costs. Judgment of June 30, 2015. Series C No. 297, para. 178.

> relative value to the diplomatic assurances provided by the States,[113] and also to bear in mind that they constitute a further relevant factor to be considered by the Court that must be evaluated prudently and taking into consideration all the particular circumstances of each specific case.[114]

The Court considered that, when assessing diplomatic assurances, the quality of the assurances and their reliability must be analyzed, taking into account the different factors and elements described in its judgment.[115]

The reasonable time in extradition procedures

The Court reiterated that in proceedings that may culminate in the expulsion or deportation of aliens, the State may not issue administrative acts or adopt judicial decisions without respecting certain basic guarantees, the content of which coincides substantially with those established in Article 8 of the Convention. Although extradition processes are mechanisms for international cooperation between States in criminal matters, the Court reiterated that they must observe the international human rights obligations of the States, insofar as the respective decision may affect the rights of the individual.[116]

The Court reiterated the need to analyze four elements to determine whether the time is reasonable: (i) the complexity of the matter; (ii) the procedural activity of the interested party; (iii) the conduct of the judicial authorities, and iv) the effects on the legal situation of the person involved in the proceedings.[117] The Court took into account criteria such as, *inter alia,* the complexity of the evidence, the number of procedural subjects, the number of victims, the time elapsed since the violation, the characteristics of the remedies established by domestic law, the context in which the violation occurred, and the number of remedies filed in the proceedings, in order to determine the complexity of the matter. The Court recognized that an extradition process between States with different legal systems and languages, and that involved diplomatic relations and communications, as well as the participation of numerous different entities of both States might be complex.[118] In addition, it reiterated that the filing of remedies is an objective factor that should not be attributed to either the presumed victim or to the defendant State, but should be taken into account as an objective element when determining whether the duration of the proceedings exceeded a reasonable time.[119] It also noted that the processing of this case before the inter-American system and the fact that the provisional measures were in force did

113 *Cf.* Case of Wong Ho Wing *v.* Peru. Preliminary objection, merits, reparations and costs. Judgment of June 30, 2015. Series C No. 297, para. 178.
114 *Cf.* Case of Wong Ho Wing *v.* Peru. Preliminary objection, merits, reparations and costs. Judgment of June 30, 2015. Series C No. 297, paras. 178, 179 and 182.
115 *Cf.* Case of Wong Ho Wing *v.* Peru. Preliminary objection, merits, reparations and costs. Judgment of June 30, 2015. Series C No. 297, para. 180.
116 *Cf.* Case of Wong Ho Wing *v.* Peru. Preliminary objection, merits, reparations and costs. Judgment of June 30, 2015. Series C No. 297, para. 208.
117 *Cf.* Case of Wong Ho Wing *v.* Peru. Preliminary objection, merits, reparations and costs. Judgment of June 30, 2015. Series C No. 297, para. 209.
118 *Cf.* Case of Wong Ho Wing *v.* Peru. Preliminary objection, merits, reparations and costs. Judgment of June 30, 2015. Series C No. 297, para. 210.
119 *Cf.* Case of Wong Ho Wing *v.* Peru. Preliminary objection, merits, reparations and costs. Judgment of June 30, 2015. Series C No. 297, para. 211.

not constitute a reasonable justification for the delay in the extradition proceedings.[120] Lastly, it noted that the State authorities must act with due diligence and respecting the obligation of promptness required by the deprivation of liberty on an individual, who has been detained while awaiting a decision on his extradition.[121]

Right to personal liberty in extradition procedures

The Court emphasized that, regardless of the reason for the detention, insofar as it relates to a deprivation of liberty executed by a State Party to the Convention, this deprivation of liberty must be strictly in keeping with the relevant provisions of the American Convention and domestic law, provided that the latter is compatible with the Convention.[122]

The Court established that the detention of individuals sought in extradition processes will be arbitrary when the competent authorities order the individual's detention without verifying whether, in the objective and evident circumstances of the case, this is necessary to achieve the legitimate purpose of the measure; that is, the possibility that this person may evade extradition. This analysis must be made in each specific case and by an individualized and reasoned assessment.[123] Also, regarding the predictability of a detention for extradition purposes, the Court indicated that the inclusion of time limits for a detention was a safeguard against the arbitrariness of the deprivation of liberty and, in this case, its omission under domestic law, permitted the excessive duration of the detention.[124]

The Court considered that Article 7(5) of the American Convention did not establish a limitation to the exercise of that guarantee based on the reasons or circumstances why the person had been detained, so that this provision was also applicable to detention for extradition purposes.[125] In cases relating to preventive or pre-trial detention in the context of criminal proceedings, the Court has indicated that this norm imposes time limits on the duration of preventive detention and, consequently, the authority of the State to ensure the purposes of the proceedings by means of this preventive measure. When the length of the preventive detention exceeds a reasonable time, the State may restrict the liberty of the accused with other less harmful measures that ensure his appearance at trial other than the deprivation of liberty. This right of the individual is accompanied by a judicial obligation to process the criminal proceedings during

120 *Cf.* Case of Wong Ho Wing *v.* Peru. Preliminary objection, merits, reparations and costs. Judgment of June 30, 2015. Series C No. 297, para. 213.

121 *Cf.* Case of Wong Ho Wing *v.* Peru. Preliminary objection, merits, reparations and costs. Judgment of June 30, 2015. Series C No. 297, paras. 222 and 223.

122 *Cf.* Case of Wong Ho Wing *v.* Peru. Preliminary objection, merits, reparations and costs. Judgment of June 30, 2015. Series C No. 297, para. 235.

123 *Cf.* Case of Wong Ho Wing *v.* Peru. Preliminary objection, merits, reparations and costs. Judgment of June 30, 2015. Series C No. 297, para. 251.

124 *Cf.* Case of Wong Ho Wing *v.* Peru. Preliminary objection, merits, reparations and costs. Judgment of June 30, 2015. Series C No. 297, para. 255.

125 *Cf.* Case of Wong Ho Wing *v.* Peru. Preliminary objection, merits, reparations and costs. Judgment of June 30, 2015. Series C No. 297, para. 269.

which the accused is deprived of his liberty with greater diligence and promptness.[126] The Court established that these standards were also applicable to detention for extradition purposes.[127]

Furthermore, the Court established that, if the extradition proceedings are not conducted within a reasonable time, the person must be released, without prejudice to other less harmful measures than deprivation of liberty being adopted that ensure his appearance before the court.[128]

Lastly, the Court indicated that the existence of precautionary and provisional measures could not be used to justify the excessive duration of the extradition proceedings or the detention.[129] The Court stressed that orders for provisional measures must be interpreted taking into account the American Convention and the Court's case law. Therefore, due diligence in the extradition process was required to ensure that the measures adopted were not arbitrary.[130]

F. RIGHTS OF MEMBERS OF THE ARMED FORCES

Duty of the State as guarantor in relation to members of the armed forces on active service confined to barracks

The Court concluded that members of the armed forces on active service confined to barracks were in a situation of subjection similar to persons deprived of liberty. Therefore, it considered that the State's position and duty as a guarantor with regard to persons deprived of liberty was also applicable to members of the armed forces on active service confined to barracks. Thus, towards such persons in a special situation of subjection, the State has the obligation: (i) to safeguard the health and well-being of soldiers on active service; (ii) to ensure that the manner and method of training does not exceed the inevitable level of suffering inherent in that situation, and (iii) to provide a satisfactory and convincing explanation for the health problems suffered by those on military service. Consequently, it is in order to presume that the State is responsible for the harm to personal integrity suffered by anyone who has been under the authority and control of State officials, as on military service.[131]

Torture and cruel, inhuman or degrading treatment or punishment inflicted on a member of the armed forces on active duty confined to barracks

126 *Cf.* Case of Wong Ho Wing *v.* Peru. Preliminary objection, merits, reparations and costs. Judgment of June 30, 2015. Series C No. 297, para. 268.
127 *Cf.* Case of Wong Ho Wing *v.* Peru. Preliminary objection, merits, reparations and costs. Judgment of June 30, 2015. Series C No. 297, para. 269.
128 *Cf.* Case of Wong Ho Wing *v.* Peru. Preliminary objection, merits, reparations and costs. Judgment of June 30, 2015. Series C No. 297, para. 270.
129 *Cf.* Case of Wong Ho Wing *v.* Peru. Preliminary objection, merits, reparations and costs. Judgment of June 30, 2015. Series C No. 297, para. 273.
130 *Cf.* Case of Wong Ho Wing *v.* Peru. Preliminary objection, merits, reparations and costs. Judgment of June 30, 2015. Series C No. 297, para. 273.
131 *Cf.* Case of Quispialaya Vilcapoma *v.* Peru. Preliminary objections, merits, reparations and costs. Judgment of November 23, 2015. Series C No. 308, para. 124.

This Court reiterated that torture and cruel, inhuman or degrading treatment or punishment is strictly prohibited by international human rights law. This prohibition is absolute and non-derogable, even under the most difficult circumstances, such as war, threat of war, the fight against terrorism and any other crime, state of siege or emergency, internal conflict or disturbance, suspension of constitutional guarantees, internal political instability or other public emergencies or disasters.[132]

The Court also reiterated that there are different levels of violation of an individual's right to physical and mental integrity that range from torture to other types of humiliation or cruel, inhuman or degrading treatment, the physical and mental aftereffects of which vary in intensity in accordance with endogenous and exogenous factors (such as duration of the treatment, age, sex, health, context and vulnerability), which must be analyzed in each specific situation. In other words, the personal characteristics of the presumed victim of torture or cruel, inhuman or degrading treatment must be taken into account when determining whether his personal integrity was violated, because these characteristics may change the individual's perception of reality and, consequently, increase the suffering and the feeling of humiliation when being subjected to certain types of treatment.[133]

The Court also reiterated that the use of force that is not strictly necessary owing to the conduct of the person in State custody constitutes an attack on human dignity in violation of Article 5 of the American Convention.

G. FREEDOM OF EXPRESSION

Exercise of the right to freedom of expression through legal entities

The Court reiterated that the media are genuine instruments of freedom of expression that help implement this right and play an essential role as vehicles for the exercise of the social dimension of this freedom in a democratic society; thus, they must be able to gather the most diverse opinions and information. In this regard, the Court agreed with the Commission that, in general, the media are associations of individuals who have grouped together to exercise their freedom of expression in a sustained manner. Consequently, nowadays it is unusual that a medium is not registered in the name of a legal person, because the production and distribution of information requires an organizational and financial structure that responds to the requirements of the demand for information. Similarly, just as labor unions are instruments for the exercise of the right to freedom of association of workers, and political parties are vehicles for the exercise of the political rights of citizens, the media are

132 *Cf.* Case of Quispialaya Vilcapoma *v.* Peru. Preliminary objections, merits, reparations and costs. Judgment of November 23, 2015. Series C No. 308, para. 126.

133 *Cf.* Case of Quispialaya Vilcapoma *v.* Peru. Preliminary objections, merits, reparations and costs. Judgment of November 23, 2015. Series C No. 308, para. 127.

mechanisms for the exercise of the right to freedom of expression of those who use them as a means of disseminating their opinions or information.[134]

The Inter-American Court considered that restrictions to freedom of expression are frequently implemented by actions of the State or private individuals that affect, not only the legal person that constitutes a medium of communication, but also all the natural persons, such as the company's shareholders or the journalists who work there and communicate through that medium and whose rights may also be violated. The Court also emphasized that, in order to determine whether an action by the State that affected the medium as a legal person also had a negative, certain and substantial impact on the freedom of expression of the natural persons, owing to connection of the latter to the legal person, it is necessary to analyze the role played by the presumed victims within the respective medium and, in particular, the way in which they contributed to the channel's communication mandate.[135]

Indirect restrictions to the right to freedom of expression – scope of Article 13(3) of the American Convention

The Court emphasized that Article 13(3) of the American Convention referred expressly to indirect restrictions when indicating that: "[t]he right of expression may not be restricted by indirect methods or means, such as the abuse of government or private controls over newsprint, radio broadcasting frequencies, or equipment used in the dissemination of information, or by any other means tending to impede the communication and circulation of ideas and opinions." The scope of Article 13(3) of the Convention results from reading it in conjunction with Article 13(1) of the Convention, in the sense that a broad interpretation of this norm permits considering that it specifically protects the communication, dissemination, and circulation of ideas and opinions, so that the use of "indirect methods or means" to restrict this is prohibited.[136]

In addition, the Court indicated that Article 13(1) seeks to illustrate the more subtle means of restricting the right to freedom of expression by State authorities or private individuals. Indeed, in previous cases, the Court had the opportunity to declare the indirect restriction produced, for example, by a decision that "annulled the naturalization" of the majority shareholder of a television channel, or by "the criminal proceedings, the consequent sentence imposed […] of more than eight years, and the restrictions to leaving the country for eight years," against a presidential candidate.[137]

Broadcasting standards

134 *Cf.* Case of Granier *et al.* (Radio Caracas Television) *v.* Venezuela. Preliminary objections, merits, reparations and costs. Judgment of June 22, 2015. Series C No. 293, 148.

135 *Cf.* Case of Granier *et al.* (Radio Caracas Television) *v.* Venezuela. Preliminary objections, merits, reparations and costs. Judgment of June 22, 2015. Series C No. 293, para. 151.

136 *Cf.* Case of Granier *et al.* (Radio Caracas Television) *v.* Venezuela. Preliminary objections, merits, reparations and costs. Judgment of June 22, 2015. Series C No. 293, para. 161.

137 *Cf.* Case of Granier *et al.* (Radio Caracas Television) *v.* Venezuela. Preliminary objections, merits, reparations and costs. Judgment of June 22, 2015. Series C No. 293, para. 162.

The Court recognized the authority and the need of States to regulate broadcasting activities, which included not only the possibility of defining the way in which the concession, renewal or revocation of licenses is carried out, but also the authority and the need to plan and implement public policies concerning this activity, provided that the standards imposed by the right to freedom of expression are respected.[138] The Court also found that, in view of the fact that broadcasting frequencies are limited, the number of media that can access them is restricted; hence, it is necessary to ensure that, the media represent a diversity of opinions or positions. The Court underlined that the pluralism of ideas in the media cannot be measured based on the number of media, but rather the ideas and information transmitted must be truly diverse and approached from different positions, without there being a single vision or position. The foregoing should be taken into account when granting or renewing broadcasting concessions or licenses.[139] The Court also stressed the need for the State to regulate clearly and precisely the procedures for the granting or renewal of concessions or licenses related to broadcasting activities, using objective criteria that avoided arbitrariness.[140]

Misuse of power

The Court considered it necessary to take into account that the reason for, or purpose of, a specific act of the State authorities is relevant for the legal analysis of a case, because a reason or purpose that deviates from the law that grants the State authority the power to act may reveal whether the action can be considered an arbitrary act or misuse of power.[141]

The Court reiterated that there is a misuse of power when the authority granted to the State is used in order to ensure that the editorial line of a communication medium is aligned with the Government.[142] The Court also stated that the declared misuse of power had an impact on the exercise of the freedom of expression not only of the channel's employees and management, but also on the social dimension of that right; that is, on the population who were deprived of access to the editorial line. Indeed, the real purpose was to silence voices that were critical of the Government, which, together with pluralism, tolerance and a spirit of openness, constitute the requirements of a democratic discussion which is precisely what the right to freedom of expression seeks to protect.[143]

Discrimination based on political opinions

138 *Cf.* Case of Granier *et al.* (Radio Caracas Television) *v.* Venezuela. Preliminary objections, merits, reparations and costs. Judgment of June 22, 2015. Series C No. 293, para. 165.
139 *Cf.* Case of Granier *et al.* (Radio Caracas Television) *v.* Venezuela. Preliminary objections, merits, reparations and costs. Judgment of June 22, 2015. Series C No. 293, para. 170.
140 *Cf.* Case of Granier *et al.* (Radio Caracas Television) *v.* Venezuela. Preliminary objections, merits, reparations and costs. Judgment of June 22, 2015. Series C No. 293, para. 171.
141 *Cf.* Case of Granier *et al.* (Radio Caracas Television) *v.* Venezuela. Preliminary objections, merits, reparations and costs. Judgment of June 22, 2015. Series C No. 293, para. 189.
142 *Cf.* Case of Granier *et al.* (Radio Caracas Television) *v.* Venezuela. Preliminary objections, merits, reparations and costs. Judgment of June 22, 2015. Series C No. 293, para. 197.
143 *Cf.* Case of Granier *et al.* (Radio Caracas Television) *v.* Venezuela. Preliminary objections, merits, reparations and costs. Judgment of June 22, 2015. Series C No. 293, para. 198.

In addition, the Court considered that the editorial line of a television channel may be considered a reflection of the political opinions of its management and employees insofar as they are involved in and decide the content of the information that is transmitted by the channel. Thus, it could be understood that the critical position of a channel is a reflection of the critical position of its management and employees involved in deciding the type of information transmitted.[144]

In this regard, the Court reaffirmed the importance of the prohibition of discrimination based on the political opinions of an individual or a group of individuals and the consequent obligation of States to respect and ensure the rights contained in the American Convention without any discrimination for this reason. The Court underscored that, in the case of the prohibition of discrimination based on one of the protected categories established in Article 1(1) of the Convention, the possible restriction of a right requires a weighty and rigorous justification, and also reverses the burden of proof, which means that it falls on the authority to prove that its decision did not have a discriminatory purpose or effect.[145]

This Court emphasized that, since the Government accorded a differentiated treatment based on its pleasures or displeasure at the editorial line of the channel, this had a dissuasive, intimidating and inhibiting effect on those who exercised their freedom of expression, because it sent a threatening message to the other media as regards what could happen to them if they followed an editorial line similar to that of the channel in question.[146]

H. DEMOCRACY, FREEDOM OF EXPRESSION AND POLITICAL RIGHTS

Considerations on democracy and human rights

The Court emphasized that representative democracy is one of the pillars of the system that the Conventions forms part of, and constitutes a principle reaffirmed by the States of the Americas in the OAS Charter, a fundamental instrument of the inter-American system. Thus, the OAS Charter, constituting the organization to which Honduras has been a party since February 7, 1950, established as one of its essential purposes, "[t]o promote and consolidate representative democracy, with due respect for the principle of non-intervention."[147]

The Court also indicated that, under the inter-American system, the relationship between human rights, representative democracy, and political rights in particular, is established in the

144 *Cf.* Case of Granier *et al.* (Radio Caracas Television) *v.* Venezuela. Preliminary objections, merits, reparations and costs. Judgment of June 22, 2015. Series C No. 293, para. 224.
145 *Cf.* Case of Granier *et al.* (Radio Caracas Television) *v.* Venezuela. Preliminary objections, merits, reparations and costs. Judgment of June 22, 2015. Series C No. 293, para. 228.
146 *Cf.* Case of Granier *et al.* (Radio Caracas Television) *v.* Venezuela. Preliminary objections, merits, reparations and costs. Judgment of June 22, 2015. Series C No. 293, para. 234.
147 *Cf.* Case of López Lone *et al. v.* Honduras. Preliminary objection, merits, reparations and costs. Judgment of October 5, 2015. Series C No. 302, para. 149.

Inter-American Democratic Charter adopted at the first plenary session of the twenty-eighth special General Assembly of the Organization of American States on September 11, 2001.[148]

Political rights, freedom of expression, right of assembly, and freedom of association of judges in the context of a coup d'état

The Court recognized the relationship that exists between political rights, freedom of expression, the right of assembly, and freedom of association, and that these rights, taken together, make the democratic process possible. In situations of the collapse of the institutional order following a coup d'état, the relationship between these rights is especially evidence; in particular when they are exercised together in order to protest against the actions of the State authorities that are contrary to the constitutional order and to demand the return of democracy. Demonstrations and related actions in favor of democracy should receive the highest possible protection and, depending on the circumstances, may be related to all or some of the above-mentioned rights.[149]

The Court indicated that the effective exercise of political rights constituted an end in itself and, also, an essential means that democratic societies had to guarantee the other human rights recognized in the Convention. Moreover, according to Article 23 of this instrument, the holders of these rights – that is, the citizens – should not only enjoy these rights, but also "opportunities." The latter term implies the obligation to ensure, with positive measures, that every individual who is formally a holder of political rights, has the real opportunity of exercising them. Political rights and their exercise reinforce democracy and political pluralism.[150]

Consequently, the State must encourage the conditions and mechanisms to ensure that the said political rights may be exercised effectively, respecting the principle of equality and non-discrimination. Political participation may include a wide range of different activities that can be carried out individually or through an organization, in order to intervene in the election of those who will govern a State or be in charge of administering public affairs, as well as to influence the elaboration of state policies through direct participation mechanisms or, in general, to intervene in matters of public interest such as the defense of democracy.[151]

From this perspective, the right to defend democracy constitutes a specific implementation of the right to participate in government and also includes the exercise of other rights such as freedom of expression and the right of assembly, as explained below.[152]

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148 *Cf.* Case of López Lone *et al. v.* Honduras. Preliminary objection, merits, reparations and costs. Judgment of October 5, 2015. Series C No. 302, para. 150.

149 *Cf.* Case of López Lone *et al. v.* Honduras. Preliminary objection, merits, reparations and costs. Judgment of October 5, 2015. Series C No. 302, para. 160.

150 *Cf.* Case of López Lone *et al. v.* Honduras. Preliminary objection, merits, reparations and costs. Judgment of October 5, 2015. Series C No. 302, para. 162.

151 *Cf.* Case of López Lone *et al. v.* Honduras. Preliminary objection, merits, reparations and costs. Judgment of October 5, 2015. Series C No. 302, para. 163.

152 *Cf.* Case of López Lone *et al. v.* Honduras. Preliminary objection, merits, reparations and costs. Judgment of October 5, 2015. Series C No. 302, para. 164.

The Court recalled that freedom of expression, particularly in matters of public interest, "was a cornerstone of the very existence of a democratic society." Without an effective guarantee of freedom of expression, the democratic system was weakened, and pluralism and tolerance were impaired; the mechanisms for citizen control and denunciation may become inoperative and, in sum, a fertile grounds is created for authoritarian systems to take root.

In relation to the dissemination of information and ideas, not only those that are received favorably or considered inoffensive or indifferent should be guaranteed, but also those that are unpleasant for the State or any sector of the public. In addition, Articles 3 and 4 of the Inter-American Democratic Charter stress the importance of freedom of expression in a democratic society, when establishing that "[e]ssential elements of representative democracy include, *inter alia*, respect for human rights and fundamental freedoms" and that "[t]ransparency in government activities, probity, responsible public administration on the part of governments, respect for social rights, and freedom of expression and of the press are essential components of the exercise of democracy."[153]

Similarly, Article 15 of the American Convention recognizes "[t]he right of peaceful assembly, without arms." This right includes both private meetings and meetings in public areas, either stationary or moving. The possibility of demonstrating publicly and peacefully in one of the most accessible ways of exercising the right of freedom of expression, in order to demand the protection of other rights. Therefore, the right of assembly is a fundamental right in a democratic society and should not be interpreted restrictively.

Nevertheless, according to the Convention itself, the right to participate in government, freedom of expression and the right of assembly are not absolute rights and can be subject to restrictions. In its case law, the Court has established that a right may be restricted provided that the interference is not abusive or arbitrary; hence, it must be established by law, pursue a legitimate purpose, and comply with the requirements of suitability, necessity and proportionality.[154]

The Court had not ruled on the right to participate in government, freedom of expression and the right of assembly of persons who exercise jurisdictional functions until the case of López Lone *et al*. In this regard, the Court emphasized that the American Convention guaranteed these rights to everyone, regardless of any other consideration, so that they should not be restricted or considered in relation to a specific profession or group of persons. However, as indicated previously, these rights are not absolute, so that they may be subject to restrictions compatible with the Convention. Owing to their function of the administration of justice, under

[153] *Cf.* Case of López Lone *et al. v.* Honduras. Preliminary objection, merits, reparations and costs. Judgment of October 5, 2015. Series C No. 302, para. 165.

[154] *Cf.* Case of López Lone *et al. v.* Honduras. Preliminary objection, merits, reparations and costs. Judgment of October 5, 2015. Series C No. 302, para. 168.

normal conditions of the rule of law, judges may be subject to different restrictions in a way that would not affect other individuals, including other public officials.[155]

The general purpose of ensuring independence and impartiality is, in principle, a legitimate purpose for restricting certain rights of judges. Article 8 of the American Convention establishes that "[e]very person has the right to a hearing, with due guarantees and within a reasonable time, by a competent, independent, and impartial tribunal." Thus, the State has the obligation to ensure that its judges and courts comply with these principles. Therefore, it is in keeping with the American Convention to restrict certain conducts of judges, in order to protect independence and impartiality in the exercise of justice, as a "right or liberty of everyone else."[156]

In this regard, the Court recognized that a regional consensus existed that it was necessary to restrict the participation of judges in party politics and, in some States, more generally any participation in politics was prohibited, except for voting in elections. However, the State's authority to regulate or restrict these rights is not discretionary, and any limitation of the rights recognized in the Convention should be interpreted restrictively. The restriction of judges from participating in party politics should not be interpreted broadly, so that it prevents judges from taking part in any discussion of a political nature.[157]

The Court concluded that, at times of serious crises, the norms that normally restrict their right to participate in politics are not applicable to the actions of judges in defense of the democratic order. Thus, it would be contrary to the very independence of the different branches of the State, as well as of the State's international obligations resulting from its membership in the OAS, that judges could not rule against a coup d'état. The actions of the presumed victims based on which disciplinary proceedings were instituted cannot be considered contrary to their obligations as judges and, thus, infringements of the disciplinary regime that was ordinarily applicable to them. To the contrary, those actions should be understood as a legitimate exercise of their rights as citizens to take part in politics, and of freedom of expression, and the right of assembly and demonstration, as applicable to the specific actions taken by each of them.[158]

Furthermore, the Court has indicated with regard to criminal proceedings that they may generate "an intimidating or inhibiting effect on the exercise of freedom of expression, contrary to the State's obligation to ensure the free and full exercise of this right in a democratic society." The application of this consideration depends on the specific facts of each case. In the case of López Lone *et al. v.* Honduras, even though criminal proceedings were not involved, the Court considered that the mere fact of instituting disciplinary proceedings against the judges for their actions against the coup d'état and in favor of the rule of law, could have

[155] *Cf.* Case of López Lone *et al. v.* Honduras. Preliminary objection, merits, reparations and costs. Judgment of October 5, 2015. Series C No. 302, para. 169.
[156] *Cf.* Case of López Lone *et al. v.* Honduras. Preliminary objection, merits, reparations and costs. Judgment of October 5, 2015. Series C No. 302, para. 171.
[157] *Cf.* Case of López Lone *et al. v.* Honduras. Preliminary objection, merits, reparations and costs. Judgment of October 5, 2015. Series C No. 302, para. 172.
[158] *Cf.* Case of López Lone *et al. v.* Honduras. Preliminary objection, merits, reparations and costs. Judgment of October 5, 2015. Series C No. 302, para. 174.

had the intimidating effect mentioned above and, therefore, constituted an undue restriction of their rights.[159]

Principle of legality in disciplinary proceedings

The Court underscored that Article 9 of the American Convention, which establishes the principle of legality, is applicable to administrative sanctions. In this regard, it is necessary to take into account that administrative sanctions, in the same way as criminal sanctions, are an expression of the punitive powers of the State and that, at times, they are similar in nature to the latter, because they both entail an impairment, deprivation or alteration of the rights of the individual concerned. Therefore, under a democratic system it is essential to exercise extreme care to ensure that such measures are adopted with strict respect for the basic rights of the individual and following a careful verification that a wrongful conduct really exists. Also, to ensure legal certainty, it is crucial that the penal norm exists and is known, or could be known, before the occurrence of the act or omission that infringed it and that it is intended to punish. Consequently, the Court considered that the principle of legality was also in force in disciplinary matters, even though its scope depended to a great extent on the matter regulated. The definition of a sanction in a disciplinary matter may be different from the definition required by the principle of legality in criminal matters, owing to the nature of the disputes that each one is destined to resolve.[160]

The Court reiterated that the guarantee of tenure for judges requires that they should not be dismissed or removed from their functions, unless this was based on conducts that were clearly wrongful; in other words, extremely serious reasons of misconduct or incompetence. Therefore, based on the guarantee of judicial tenure, the reason for which judges may be removed from their functions must be established by law or in the regulations, precisely, specifically and beforehand, and respect the principle of extreme seriousness. The protection of judicial independence requires that the dismissal of a judge is considered to be the *ultima ratio* in judicial disciplinary matters. In addition, bearing in mind that dismissal or removal from functions is the most restrictive and most severe measure that can be adopted in disciplinary matters, the possibility of its application must be predictable, either because it is expressly established by law for the punishable conduct, or because the law delegates its assignment to the judge or to a lesser norm than the law, under objective criteria that limit the scope of discretionality.[161]

The Court also indicated that, in the case of disciplinary sanctions imposed on judges, the requirement that they must be reasoned is even greater, because the purpose of the disciplinary control is to assess the conduct, suitability, and performance of a judge as a public official and, consequently, the severity of the conduct and the proportionality of the

159 *Cf.* Case of López Lone *et al. v.* Honduras. Preliminary objection, merits, reparations and costs. Judgment of October 5, 2015. Series C No. 302, para. 176.

160 *Cf.* Case of López Lone *et al. v.* Honduras. Preliminary objection, merits, reparations and costs. Judgment of October 5, 2015. Series C No. 302, para. 257.

161 *Cf.* Case of López Lone *et al. v.* Honduras. Preliminary objection, merits, reparations and costs. Judgment of October 5, 2015. Series C No. 302, para. 259.

punishment must be analyzed. In the disciplinary sphere, it is essential to indicate precisely what constitutes a misdemeanor and develop arguments that allow the conclusion to be reached that the wrongful conducts are of sufficient importance to justify removing a judge from his functions.[162]

I. ACCESS TO INFORMATION IN THE HANDS OF THE STATE

Confidentiality of information in the hands of the State in truth commission files

Regarding access to information in the hands of the State, the Court recalled that it had already established that, in cases of human rights violations, State authorities may not hide behind mechanisms such as State secret or the confidentiality of information, or reasons of public interest or national security, to fail to provide the information required by the administrative or judicial authorities responsible for pending investigations or proceedings. In addition, the Court noted that those precedents did not refer specifically to the files of truth commissions responsible for seeking the extrajudicial truth about gross human rights violations, so that it needed to determine whether those precedents were applicable to situations such as those of the present case.[163]

The Court also recalled that, in previous cases, it had indicated that restrictions to the right of access to information controlled by the State were allowed, but these must be established by law, issued "for reasons of general interest, and the purpose for which they were established," should respond to a purpose allowed by the Convention and be necessary in a democratic society, "which depends on them being designed to satisfy an essential public interest." In addition, among the different options to achieve that objective, the one that least restricts the protected right should be chosen. Lastly, the restriction should be proportionate to the interest that justifies it, and should be conducive to achieving that legitimate objective, interfering as little as possible with the effective exercise of the right.[164]

Consequently, the Court indicated that, in order to determine whether the restriction of access to information contained in the file of the truth commission was contrary to the American Convention, it was necessary to analyze whether this restriction: "(i) was legal; (ii) fulfilled a legitimate purpose; (iii) was necessary, and (iv) was strictly proportionate."[165]

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162 *Cf.* Case of López Lone *et al. v.* Honduras. Preliminary objection, merits, reparations and costs. Judgment of October 5, 2015. Series C No. 302, para. 267.

163 *Cf.* Case of Omar Humberto Maldonado Vargas *et al. v.* Chile. Merits, reparations and costs. Judgment of September 2, 2015. Series C No. 300, para. 89.

164 *Cf.* Case of Omar Humberto Maldonado Vargas *et al. v.* Chile. Merits, reparations and costs. Judgment of September 2, 2015. Series C No. 300, para. 90.

165 *Cf.* Case of Omar Humberto Maldonado Vargas *et al. v.* Chile. Merits, reparations and costs. Judgment of September 2, 2015. Series C No. 300, para. 91.

J. RIGHT TO A TECHNICAL DEFENSE AS PART OF DUE PROCESS

The right of defense is a central component of due process that obliges the State, at all times, to treat the individual as a real subject of the proceedings, in the broadest sense of this concept, and not simply as an object of those proceedings. It must necessarily be possible to exercise the right of defense from the moment an individual is named as the possible perpetrator or participant in a wrongful act and only ends when the proceedings conclude, including, when applicable, the stage of execution of the punishment. The right of defense is exercised in two ways within the criminal proceedings: on the one hand, by the acts of the accused, above all the possibility of providing an unsworn statement concerning the acts attributed to him and, on the other hand, by means of a technical defense, by a law professional, who counsels the person under investigation of his rights and duties, and performs, *inter alia*, a critical control and a control of legality in the production of evidence. The American Convention provides specific guarantees for the exercise of both the right to a material defense, for example by the right not to be obliged to testify against oneself (Article 8(2)(g)) or the conditions under which a confession may be valid (Article 8(3)), and the right to a technical defense, in the following terms.[166]
In this regard, subparagraphs (d) and (e) of Article 8(2) indicate, within the list of basic guarantees in criminal matters, that the accused has the right "to defend himself personally or to be assisted by legal counsel of his own choosing" and, if he does not do so, he has "the inalienable right to be assisted by counsel provided by the State, paid or not as the domestic law provides."[167]

Although the norm establishes different options for the design of the mechanisms that guarantee these rights, when the individual who requires legal assistance does not have resources, the State must necessarily provide this free of charge. However, in cases such as this one that refer to a criminal matter – in which it is established that a technical defense is an inalienable right, owing to the significance of the rights involved and the intention to ensure both equality of arms and total respect for the presumption of innocence – the requirement of having a lawyer to exercise the technical defense in order to participate in the proceedings adequately, means that the defense counsel provided by the State is not limited merely to those cases when there is a lack of resources.[168]

In this regard, the Court recognized that a distinctive feature of most of the State Parties to the Convention is the development of an institutional framework and public policy that guaranteed to individuals who require it, and at all stages of the proceedings, the inalienable right to a technical defense in a criminal case by public defenders, thus contributing to the guarantee of access to justice for the most disadvantaged regarding whom the selectivity of the criminal proceedings generally functions. In this regard, the OAS General Assembly has affirmed "the fundamental importance of cost-free legal counsel services for promoting and

166 *Cf.* Case of Ruano Torres *v.* El Salvador. Merits, reparations and costs. Judgment of October 5, 2015. Series C No. 303, para. 153.
167 *Cf.* Case of Ruano Torres *v.* El Salvador. Merits, reparations and costs. Judgment of October 5, 2015. Series C No. 303, para. 154.
168 *Cf.* Case of Ruano Torres *v.* El Salvador. Merits, reparations and costs. Judgment of October 5, 2015. Series C No. 303, para. 155.

protecting the right of access to justice for everyone, particularly those who are especially vulnerable." The institution of public defense, by providing free public legal aid services evidently compensates satisfactorily for the procedural inequality of those facing the punitive power of the State, as well as for the vulnerable situation of those deprived of liberty, and ensures them effective access to justice on equal terms.[169]

However, the Court had considered that appointing a public defender merely in order to comply with a procedural formality would be equal to not having a technical defense, so that it was essential that this defender acted diligently in order to protect the accused's procedural guarantees and thus prevent his rights being harmed and breaching the relationship of trust. To this end, the public defense service, as the means by which the State ensures the inalienable right of everyone accused of an offense to be assisted by a defense counsel, must have sufficient guarantees to enable it to act efficiently and with equality of arms to the prosecution. The Court has recognized that, in order to comply with this duty, the State must take all necessary measures. These include having suitably training defenders who can act with functional autonomy.[170]

In order to evaluate a possible violation of the right of defense by the State, the Court analyzed whether the act or omission of the public defender constituted inexcusable negligence or a clear error in the exercise of the defense that had or could have a decisive negative effect on the interests of the accused. In this regard, the Court indicated that it would need to examine all the proceedings, unless a specific act or omission was so serious that, of itself, it constituted a violation of the guarantee.[171]

In addition, it was pertinent to clarify that a non-substantial disagreement with the defense strategy or with the result of a proceeding would not be sufficient to impair the right of defense; rather, inexcusable negligence or an evident error would have to be proved. In cases decided in different countries, the domestic courts had identified a series of non-exhaustive presumptions that were indicative of a violation of the right of defense and that, owing to their importance, had resulted in the annulment of the respective proceedings:

a) Failing to take any action to obtain evidence.
b) Failing to argue in favor of the interests of the accused.
c) Lack of technical and legal knowledge of criminal proceedings.
d) Failure to file remedies, thus prejudicing the rights of the accused.
e) Failing to provide appropriate grounds for the remedies filed.
f) Abandonment of the defense.[172]

The Court found that the State's international responsibility may also be produced, due to the response of the judicial organs to the acts and omissions that can be attributed to the public defender. If it is evident that the public defender acted without due diligence, the judicial

169 *Cf.* Case of Ruano Torres *v.* El Salvador. Merits, reparations and costs. Judgment of October 5, 2015. Series C No. 303, para. 156.
170 *Cf.* Case of Ruano Torres *v.* El Salvador. Merits, reparations and costs. Judgment of October 5, 2015. Series C No. 303, para. 157.
171 *Cf.* Case of Ruano Torres *v.* El Salvador. Merits, reparations and costs. Judgment of October 5, 2015. Series C No. 303, para. 164.
172 *Cf.* Case of Ruano Torres *v.* El Salvador. Merits, reparations and costs. Judgment of October 5, 2015. Series C No. 303, para. 166.

authorities have an obligation of protection and control. Evidently, the judiciary must ensure that the right of defense does not become illusory due to ineffectual legal assistance. In this regard, the function of safeguarding due process, which the judicial authorities should exercise, is essential. This obligation of protection and control has been recognized by the courts of our continent that have invalidated proceedings when there has been an evident error in the technical defense.[173]

Thus, the international responsibility of the State will also be established if the inexcusable negligence or manifest error of the defense counsel should have been evident to the judicial authorities, or they were informed of this and failed to take the necessary and sufficient measures to prevent and/or rectify the violation of the right of defense, so that the situation resulted in a violation of due process that could be attributed to the State.[174]

[173] *Cf.* Case of Ruano Torres *v.* El Salvador. Merits, reparations and costs. Judgment of October 5, 2015. Series C No. 303, para. 168.
[174] *Cf.* Case of Ruano Torres *v.* El Salvador. Merits, reparations and costs. Judgment of October 5, 2015. Series C No. 303, para. 172.

IX. BUDGET

A. INCOME

The total income received by the Court for its operations during the 2015 accounting exercise was US$4,565,842.50. This amount came from regular income and special income.

1. REGULAR INCOME

The Court's regular income from the OAS Budget approved by the General Assembly was US$2,661,100.00 for 2015.[175]

It should be noted that the amount provided by the OAS represented only 58.28% of the Court's income, while the remainder is covered by special income.

[175] See "Program–Budget of the Organization," approved during the forty-eighth special session, October 2014, AG/RES.1 (XLVIII-E/14), available at http://www.oas.org/budget/

2. SPECIAL INCOME

Special income is provided by voluntary contributions from States, international cooperation projects, and contributions from various other entities. In 2015, the total amount received as special income was US$1,904,742.50. This voluntary income is composed as follows:

1. Voluntary contributions from States

In 2015, the Court received voluntary contributions to its operations amounting to US$533,211.70, from the following States:

- Government of Costa Rica, under the headquarters agreement: US$108,043.27.
- Government of Chile, through the Permanent Mission to the OAS: US$30,100.00.
- Government of Colombia, through the Permanent Mission to the OAS: US$50,000.00.
- Government of Peru, through the Permanent Mission to the OAS: US$11,735.10.
- During the OAS General Assembly in Asunción, Paraguay, Ecuador announced a donation of US$1,000.000. At the close of 2015, the Government of Ecuador, through its Permanent Mission to the OAS had transferred: US$333,333.33; in 2014, it had contributed the same amount. In total, it has transferred US$666,666.66 to the Court.

The Government of Mexico announced that it would provide the Inter-American Court with $300,000. However, at the end of 2015, this contribution had not been received.

2. Contributions from international cooperation projects

- **Spanish International Development Cooperation Agency (AECID)**
  Project "Strengthening the capacities of the Inter-American Court to evaluate the existence of and status of compliance with provisional measures and to decide particularly complex contentious cases" (CDH - 1302). For 2015, the funds were transferred in two tranches. The first for US$90,000.00 from a transfer that was pending from 2014 and received in 2015. The second, for US$194,324.20, corresponded to the transfer of the first 60% corresponding to the same Project for the 2015 financial year. In summary, the contribution received from AECID for this Project in 2015 was US$284,324.20.

- **Norwegian Ministry of Foreign Affairs**
  Project "Strengthening the judicial capacities of the Inter-American Court of Human Rights and the dissemination of its work 2013-2015," Program CAM 2665, CAM 12/0005. The income for the 2015 budget was US$663,595.20. These funds were received in two tranches deposited as follows: US$394,280.17 in December 2014 and US$269,315.03 in July 2015. On November 13, 2015, the addendum No. 3 to the contract for this project was signed, extending its validity until December 2016.

- **Government of the Kingdom of Denmark**

Regional Human Rights Program in Central America, Pro-Derechos 2013-2015: the income for 2015 was US$202,891.77 which covered the budget previously approved by Danish cooperation for the same amount.

- **European Commission**
  Cooperation project between the European Commission, the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights: "Support for and strengthening of the work of the inter-American human rights system by the promotion and protection of the rights of the most vulnerable and excluded groups and communities in the Americas." In principle, this project was planned to cover 24 months as of May 2014, but it was amended in order to extend it and it will now end in December 2016. In April 2014, the European Commission donated the first tranche of US$222,500.10. At the close of 2015, a final tranche of US$171,590.75 remained pending.

- **Cooperation agreement with Deutsche Gesellschaft für Internationale Zusammenarbeit GmbH (GIZ)**
  On September 3, 2013, the Court signed a "Memorandum of understanding" with Deutsche Gesellschaft für Internationale Zusammenarbeit GmbH (GIZ) on joint efforts in the context of the program "Regional international law and access to justice in Latin America (DIRAJus)." The agreement is designed "to support the strengthening of access to justice." The agreement includes the assignment of a German lawyer/consultant, who is already working at the Court's Secretariat, and whose functions focus on conducting research on access to justice; all his expenses are covered by GIZ. In addition, the project is accompanied by a financial contribution of 350,000.00 euros, which was received over the 2014-2015 biennium. During 2015, three funding contracts were signed, and one signed in 2014 was expanded, as follows:

  - The first contract corresponded to the contribution to support the fifty-second special session of the Court held in Cartagena, Colombia, for the sum of US$80,000.00, of which US$77,993.97 has been disbursed, equal to 97.5% of the total, which was the amount executed for this project.
  - The second contract corresponded to the contribution to support the fifty-third special session of the Court held in Tegucigalpa, Honduras, for the sum of US$32,000.00, of which US$18,967.85 was executed; equal to 59.2% of the total assigned to this project.
  - The third contract was entitled "Dialogue between the Inter-American Court of Human Rights and the African Court on Human and Peoples' Rights." This contract was signed for the sum of US$103,000.00, of which US$92,700.00 was disbursed; equal to 90% of the project.
  - The extension of a contract signed in 2014 to support the area of Information and Communication Technologies is equivalent to the sum of US$110,000.00, of which US$99,000.00 was disbursed as follows: US$59,400 in 2014 and US$39,600 in 2015. A total of US$100,935.52 has been disbursed.

3. Contributions from other institutions and technical assistance agreements

- Konrad Adenauer Foundation: US$5,000.00.
- Santa Clara University: US$1,600.00.
- The German Federal Republic provided technical assistance to the Court during 2015 by assigning a lawyer who works at the Court's Secretariat.

- The University of Notre Dame provided technical assistance by partial financial support for a lawyer who worked at the Secretariat until August 2015, when another lawyer was appointed to work at the Secretariat until August 2016 under the same agreement.
- Under an agreement signed with the ECHR, a lawyer from the Secretariat of the European Court makes an exchange visit, incorporating a working group at the Secretariat of the Inter-American Court for three months.

B. TOTAL BUDGET 2015

The Inter-American Court's total budget for 2015 amounted to US$4,565,842.50, composed of ordinary income from the OAS Regular Fund (58%), and special income (42%), as shown in the following table:

The Inter-American Court would like to call the attention of the OAS Member States and the international community to the serious budgetary situation of the Court which could jeopardize its normal functioning and have a considerable impact on its jurisdictional activities. This situation has been exacerbated because, in 2015, the Court was notified of the definitive suspension, in September 2016, of the cooperation it has been receiving from Denmark, and the termination of the cooperation from Norway in December 2016. The Court notes this scenario with concern, because this surprising situation could compromise its budgetary and institutional stability, since the Court has to depend not only on the willingness, but also on the eventual financial possibilities of third States, some of which are outside the inter-American human rights system. Without these voluntary contributions, the Inter-American Court will inevitably have to make drastic reductions in its jurisdictional activities, irreversibly undermining the protection of human rights in the Americas.

It should be noted that, as revealed above, of the total budget of the Court, almost half (42%) corresponds to special income from: (i) voluntary contributions from States; (ii) international cooperation projects, and (iii) contributions from other institutions under technical assistance agreements. This means that the Inter-American Court depends significantly on income that is neither permanent nor regular. Consequently, the Court emphasizes the importance of

increasing the funds from regular income, consisting in those allocated by the OAS each year. Accordingly, the Inter-American Court urges the OAS Member States to consider the possibility of increasing the envelope corresponding to the regular income allocated to the Court.

The decrease of special income in the Court's budget negatively impacts the jurisdictional activities of the Court in different ways. For example, the number of professionals working at the Court will need to be reduced, as well as the special sessions of the Court held away from its seat.

C. BUDGET FROM THE REGULAR FUND APPROVED FOR 2016

During its fiftieth special session, held in Washington, D.C. on November 23, 2015, the OAS General Assembly approved a budgetary envelope for the Court of US$2,756,200.00 for 2016.[176] This amount represents an increase of 3.57% in relation to the amount approved for 2015.

D. AUDIT OF THE FINANCIAL STATEMENTS

During 2015, an audit was conducted of the Inter-American Court's financial statements for the 2014 financial year. It covered all the funds administered by the Court, including the funds from the OAS, the contribution of the Costa Rican Government, the funds from international cooperation, and also the contributions from other States, universities and other international agencies, as well as the Victims' Legal Assistance Fund.

The financial statements are prepared by the administrative unit of the Inter-American Court and the audit was made in order to obtain an opinion confirming the validity of the Court's financial transactions, taking into account generally accepted international accounting and auditing principles. According to the March 18, 2015, report of *Venegas and Colegiados,* Auditors and Consultants*,* the Court's financial statements adequately reflect the institution's financial situation and net assets, and also the income, expenditure and cash flows for 2014, which are in keeping with generally accepted and consistently applied accounting principles for non-profit organizations (such as the Court). The report of the independent auditors shows that the internal accounting control system used by the Court is adequate for recording and controlling transactions and that reasonable business practices are used to ensure the most effective use of the funds provided.

A copy of the report was sent to the OAS Secretary General, the OAS Financial Services Department, the Organization's Inspector General and the Board of External Auditors. In

[176] See "Program–Budget of the Organization for 2015-2016" approved by the General Assembly during the fiftieth special session, November 2015, AG/RES.1 (L-E/15), available at: http://www.oas.org/budget/

addition, each cooperation project is subject to an independent audit to ensure the most effective use of the resources.

X. MECHANISMS TO PROMOTE ACCESS TO INTER-AMERICAN JUSTICE: VICTIMS' LEGAL ASSISTANCE FUND (FAV) AND INTER-AMERICAN DEFENDER (DPI)

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

A. VICTIMS' LEGAL ASSISTANCE FUND

1. PROCEDURE

On February 4, 2010, the Court's Rules for the Operation of the Victims' Legal Assistance Fund (hereinafter, "the Fund") were issued and they entered into force on June 1, 2010. The purpose of the Fund is to facilitate access to the inter-American human rights system to those persons who, at the present time, do not have the necessary resources to bring their case before the Court. Once the presumed victim proves that he or she does not have sufficient financial resources, the Court may decide to approve, by means of an Order, disbursement to cover the expenses arising from the proceedings.

In some cases, the respondent State must reimburse the said amounts, because, in keeping with the provisions of the Rules, when delivering judgment, the Court is empowered to order the respondent State to reimburse the Fund the disbursements made during the processing of the respective case.[177]

Once a case has been submitted to the Court, any victim who does not have the necessary financial resources to cover the expenses resulting from proceedings may expressly request access to the Fund. According to the Rules, the presumed victims who wish to avail themselves of the Fund must inform the Court in their brief with pleadings, motions and evidence. In addition, they must authenticate, by means of a sworn declaration or other appropriate means of proof that is satisfactory to the Court, that they lack sufficient financial resources to cover the costs of litigation before the Court and indicate precisely which aspects of their

[177] *Cf.* The Court's Rules for the Operation of the Fund, article 5.

participation require the use of resources from the Fund.[178] The President is responsible for evaluating each application to determine whether or not it is admissible, and will indicate which aspects of the participation can be covered by the Victims' Legal Assistance Fund.[179]

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

2. DONATIONS TO THE FUND

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

Initially, the funds only came from a cooperation Project signed with Norway for the period 2010-2012, which provided US$210,000.00 to the Legal Assistance Fund, and from the donation of US$25,000.00 to the Fund by Colombia. During 2012, based on new cooperation agreements signed with Norway and Denmark, the Court obtained commitments for additional funding for 2013-2015 of US$65,518.32 and US$55,072.46 respectively. Finally, for execution of the 2015 budget, the Court received US$15,532.50 from Norway and US$18,838.97 from Denmark.

Based on the foregoing, at December 2015, total contributions to the fund amounted to US$ 355,590.78.

The list of donor countries to date is as follows:

Contributions or donations to the Fund

State	Year	Contribution in US$
Norway	2010-2012	210.000,00
Colombia	2012	25.000,00
Norway	2013	30.363.94

178 *Ibid*. article 2.
179 *Ibid*. article 3.

Denmark	2013	5.661.75
Norway	2014	19.621.88
Denmark	2014	30.571.74
Norway	2015	15.532.50
Denmark	2015	18.838.97
	SUB TOTAL	**355,590.78**

3. EXPENSES INCURRED BY THE FUND

A) EXPENSES APPROVED IN 2015

During 2015, the President of the Inter-American Court of Human Rights issued the following orders approving access to the Fund in these cases:

	Case	Order[180]	Description of disbursements covered
1	Barrios Family *v.* Venezuela (at monitoring compliance with judgment stage)	January 9, 2015	Reasonable and necessary travel and accommodation for one person to attend the hearing on monitoring compliance on February 5, 2015
2	Chinchilla Sandoval *et al. v.* Guatemala	January 28, 2015	Presentation of one statement and possible appearance at the public hearing

[180] These orders are available at:: http://corteidh.or.cr/index.php/es/fondo-victimas

3	Yarce *et al*. *v.* Colombia	February 3, 2015	Presentation of a maximum of five deponents and appearance of two representatives at the eventual public hearing
4	Ángel Alberto Duque *v.* Colombia	May 5, 2015	Presentation of a maximum of five statements
5	Flor Freire *v.* Ecuador	July 3, 2015	Presentation of two statements and appearance of the representative and of the presumed victim at the eventual public hearing
6	Vereda La Esperanza *v.* Colombia	December 1, 2015	Presentation of a maximum of six statements
7	Cosme Rosa Genoveva, Evandro de Oliveira *et al.* (Favela Nova Brasília) *v.* Brazil	December 3, 2015	Presentation of five statements
8	Dacosta Cadogan *v.* Barbados	August 3, 2015	

It

It should be repeated that, following the approval of the expenses, the final amount is determined following the judgment.

B) Expenses approved and respective reimbursements from 2010 to 2015

From 2010 to 2015, the President of the Inter-American Court of Human Rights has declared the application by the presumed victims to access the Victims' Legal Assistance Fund of the Court admissible in 43 cases. As established in the Rules of Operation, States are bound to reimburse the Fund's resources that are used when the Court establishes this in the judgment or pertinent order. Thus, in 14 cases the respective States have complied with the

reimbursement of the Fund. However, in another 16 this obligation remains pending compliance and the time frame granted for this compliance has expired.

Of the 43 cases in which resources from the Fund have been granted to presumed victims, the Court has taken a decision that the resource must be reimbursed to the Fund in 36 of them, while in one the Court did not order reimbursement because the judgment did not declare the international responsibility of the State for any violations of the American Convention. Also, of these 36 cases in which the Court ordered reimbursement of the Fund, in 6 the time frame granted to the respective State to comply with this reimbursement has not yet expired.

	Case	Order[181]	Description of expenditure	Amount	Decision ordering reimbursement [182]	Reimbursed at December 31, 2015
1	González Medina and family members *v.* Dominican Republic	February 23, 2011	To cover the expenses of travel and accommodation for one victim and one witness to attend the public hearing; expenses of one statement presented by affidavit.	US$ 2,219.48	February 27, 2012	**0%**
2	Kichwa Indigenous People of Sarayaku *v.* Ecuador	March 3, 2011	To cover the expenses of travel and accommodation for four victims to attend the public hearing.	US$ 6,344.62	June 27, 2012	**100%**
3	Uzcátegui *et al. v.* Venezuela	June 1, 2011	To cover the expenses of travel and accommodation for two victims to attend the public hearing; expenses of one statement presented by affidavit.	US$ 4,833.12	September 3, 2012	**0%**
4	Contreras *et al. v.* El Salvador	March 4, 2011	To cover the expenses of travel and accommodation for two victims and one expert witness to attend the public hearing.	US$ 4,131.51	August 31, 2011	**100%**
5	Torres Millacura *et al. v.* Argentina	April 14, 2011	To cover the expenses of travel and accommodation for one victim, one expert witness and one representative	US$ 10,043.02 + US$ 4.286,03	August 26, 2011	**100%**

[181] Order approving the necessary disbursements in the respective case.
[182] Judgment or order determining the final expenses covered.

			to attend the public hearing.	(interest on arrears)		
6	Barrios Family *v.* Venezuela	April 15, 2011	To cover the expenses of travel and accommodation for one victim and one expert witness to attend the public hearing; expenses of one statement presented by affidavit.	US$ 3.232,16	November 24, 2011	**0%**
7	Fornerón and daughter *v.* Argentina	May 31, 2011	To cover the expenses of travel and accommodation for one victim and one representative to attend the public hearing; expenses of one statement presented by affidavit.	US$ 9,046.35 + US$ 3,075.46 (interest on arrears)	April 27, 2012	**100%**
8	Furlan and family members *v.* Argentina	November 23, 2011	To cover the expenses of travel and accommodation for two inter-American defenders, one victim and two expert witnesses to attend the public hearing; expenditure of preparing affidavits; present and future expenses of inter-American defenders.	US$ 13,547.87 + US$ 4,213.83 (interest on arrears)	August 31, 2012	**100%**
9	Castillo González *et al. v.* Venezuela	November 28, 2011	To cover the expenses of travel and accommodation for one victim and one expert witness to attend the public hearing; expenses of two statements presented by affidavit.	The judgment did not establish the State's international responsibility and, therefore, did not order the State to reimburse the Fund.		
10	Nadege Dorzema *et al. v.* Dominican Republic	December 1, 2011	To cover the expenses of travel and accommodation for two victims and one representative to attend the public hearing; expenses of one statement presented by affidavit.	US$ 5,972.21	October 24, 2012	**0%**
11	Massacres of El Mozote and nearby places *v.* El Salvador	December 1, 2011	To cover the expenses of travel and accommodation for three victims and one expert witness to attend the public hearing.	US$ 6,034.36	October 25, 2012	**100%**
12	Mendoza *et al. v.* Argentina	May 8, 2012	To cover the expenses of travel and accommodation for one victim and one	US$ 3,693.58 +	May 14, 2013	**100%**

			expert witness to attend the public hearing; expenses of two expert opinions provided by affidavit.	US$ 668.02 (interest on arrears)		
13	Norín Catrimán *et al. v.* Chile	May 18, 2012	To cover the expenses of travel and accommodation for two victims, one witness and one expert witness to attend the public hearing.	US$ 7,652.88	May 29, 2014	**100%**
14	Mohamed *v.* Argentina	June 4, 2012	To cover the expenses of travel and accommodation for two inter-American defenders and one expert witness to attend the public hearing; expenses for the statement of one expert witness and one victim by affidavit.	US$ 7,539.42 + US$ 1,998.30 (interest on arrears)	November 23, 2012	**100%**
15	Suárez Peralta *v.* Ecuador	September 14, 2012	To cover the expenses of travel and accommodation for one witness to attend the public hearing; expenses of three statements presented by affidavit.	US$ 1,436.00	May 21, 2013	**100%**
16	J *v.* Peru	October 24, 2012	To cover the expenses of travel and accommodation for one witness and one representative to attend the public hearing; expenses of one statement presented by affidavit.	US$ 3,683.52	November 27, 2013	**0%**
17	Osorio Rivera *et al. v.* Peru	March 12, 2012	To cover the expenses of travel and accommodation for one victim and one expert witness to attend the public hearing; expenses of one affidavit.	US$ 3,306.86	November 26, 2013	**0%**
18	Véliz Franco *v.* Guatemala	January 8, 2013	To cover the expenses of travel and accommodation for one victim and one expert witness to attend the public hearing; expenses of two statements presented by affidavit.	US$ 2,117.99	May 19, 2014	**100%**
19	Landaeta Mejías Brothers *et al. v.* Venezuela	February 13, 2013	To cover the expenses of travel and accommodation for one victim to attend the public hearing.	US$ 2,725.17	August 27, 2014	**0%**

20	Pacheco Tineo Family *v.* Bolivia	February 19, 2013	To cover the expenses of travel and accommodation for two victims and two inter-American defenders to attend the public hearing; travel expenses to interview the victims; expert opinion expenses.	US$ 9,564.63	November 25, 2013	**100%**
21	Miguel Castro Castro Prison *v.* Peru	July 29, 2013	To cover the expenses of travel and accommodation for one victim and common intervener of the representatives of the victims and their families to attend the private hearing on monitoring compliance with judgment.	US$ 2,756.29	March 31, 2014	**0%**
22	Espinoza Gonzáles *et al. v.* Peru	February 21, 2013	To cover the expenses of travel and accommodation for one witness to attend the public hearing; expenses of two statements presented by affidavit.	US$1,972.59	November 20, 2014	**0%**
23	Expelled Dominicans and Haitians *v.* Dominican Republic	March 1, 2013	To cover the expenses of travel and accommodation for three victims to attend the public hearing.	US$5, 661.75	August 28, 2014	**0%**
24	Argüelles *et al. v.* Argentina	June 12, 2013	To cover the expenses of travel and accommodation for one expert witness and two inter-American defenders to attend the public hearing.	US$7,244.95	November 20, 2014	**0%**
25	Rochac Hernández *et al. v.* El Salvador	December 12, 2013	To cover the expenses of travel and accommodation for two victims and one expert witness to attend the public hearing; expenses of two statements presented by affidavit.	US$ 4,134.29	October 14, 2014	**100%**
26	Tarazona Arrieta *et al. v.* Peru	January 22, 2014	To cover the expenses of travel and accommodation for one victim to attend the public hearing; expenses of one statement presented by affidavit.	US$ 2,030.89	October 15, 2014	**0%**
27	Kuna Indigenous People of	March 3, 2014	To cover the expenses of travel and accommodation for three victims to	US$ 4,525.49	October 14, 2014	**100%**

	Madungandí and Emberá Indigenous People of Bayano *v.* Panama		attend the public hearing; expenses of one statement presented by affidavit.			
28	Cruz Sánchez *et al. v.* Peru	August 28, 2012, and December 19, 2013	Appearance of an expert witness at the public hearing and preparation and presentation of two affidavits.	US$ 1,685.36	April 17, 2015	**0%**
29	Canales Huapaya *et al. v.* Peru	August 29, 2014	To cover the expenses of travel and accommodation for three victims and the representative, as well as one expert witness and preparation and presentation of two affidavits.	US$ 15,655.09	June 24, 2015	**0%**
30	Gonzales Lluy *et al. v.* Ecuador	October 7, 2014	To cover the expenses of travel and accommodation for the representative, the victim and one expert witness, and preparation and presentation of two affidavits.	US$ 4,649.54	September 1, 2015	**0%**

In the following cases, a decision exists ordering reimbursement of the Fund. However, at the end of 2015, the time limit for this reimbursement established in the respective decision had not yet expired.

	Case	Order	Description of expenditure	Amount	Decision ordering reimbursement
31	Furlan and family members *v.* Argentina	October 14, 2014	Appearance at hearing on monitoring compliance with judgment		
32	Campesina Community of Santa Barbara *v.* Peru	June 9, 2014	To cover the expenses of travel and accommodation for one witness and one expert witness during the public hearing; preparation and presentation of one affidavit.	$3,457.40	September 1, 2015
33	Ruano Torres *et al. v.* El Salvador	March 11, 2015	To cover the expenses of travel and accommodation for a witness and the victim, as well as of the inter-American	US$ 4,555.62	October 5, 2015

			defenders and preparation and presentation of three affidavits.		
34	Garífuna Community of Triunfo de la Cruz and its members *v.* Honduras	December 18, 2013	To cover the expenses of travel and accommodation for the victim and one witness.	US$ 1,677.97	October 8, 2015
35	Garífuna Community of Punta Piedra and its members *v.* Honduras	May 30, 2014	To cover the expenses of travel and accommodation for one victim and one witness, and the representatives.	US$ 8,543.06	October 8, 2015
36	Quispialaya Vilcapoma *v.* Peru	March 19, 2015	To cover the expenses of travel and accommodation for the victim, and preparation and presentation of one affidavit.	US$ 1,673.00	November 23, 2015

Summary of the Fund's activities	
At December 31, 2015	
(in US$)	
Income	
Contributions:	355,590.78
Disbursements to beneficiaries of the Fund (expenses):	(193,023.92)
Sub-total Income	**162,566.86**
Other Income	
Reimbursements by the States:	89,656,73
Interest earned on arrears:	14,541.54
Interest earned on bank accounts**:**	1,975.88
Sub-total Other Income	**106,174.15**
Non-reimbursable expenses	
Financial administration expenses:	(1,519.29)
Non-reimbursable expenses:	(670115)
Sub-total Non-reimbursable expenses	**(8,220.44)**
Balance in the Fund	**$ 260,520.57**

4. AUDIT OF ACCOUNTS

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

A copy of these reports and of those corresponding to the financial exercise ending in December 2014 have been sent to the General Secretariat of the OAS and to the OAS Office of Audit Services.

B. INTER-AMERICAN DEFENDER

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

In order to implement the concept of inter-American defender, in 2010, the Court signed a Memorandum of Understanding with the Inter-American Association of Public Defenders (hereinafter "the AIDEF"[183]), which entered into force on January 1, 2010. Under this agreement, in those cases in which the presumed victims lack financial resources and/or legal representation before the Court, the AIDEF will appoint a public defender who belongs to the Association to assume their legal representation and defense during the entire proceedings. To this end, when a presumed victim does not have legal representation in a case and indicates his or her wish to be represented by an inter-American defender, the Court will inform the AIDEF General Coordinator so that, within 10 days, the latter may appoint the defender who will assume the legal representation and defense. In addition, the Court will notify the documentation relating to the submission of the case to the Court to the member of the AIDEF appointed as the

[183] The AIDEF is an organization composed of State institutions and associations of public defenders, and its objectives include providing the necessary assistance and representation to the persons and the rights of the justiciables that permit a comprehensive defense and access to justice, with the appropriate quality and excellence.

public defender so that the latter may, from then on, assume the legal representation of the presumed victim before the Court throughout the processing of the case.

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

Furthermore, on June 7, 2013, the AIDEF Board approved the new "Unified Rules of Procedure for the actions of the AIDEF before the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights."

To date, the AIDEF has provided legal assistance through this mechanism to eleven cases and the Court has already delivered judgment in six of them:

1. *Pacheco Tineo v. Bolivia*
2. *Furlan and family members v. Argentina*
3. *Mohamed v. Argentina*
4. *Argüelles v. Argentina*
5. *Canales Huapaya v. Peru, and*
6. *Ruano Torres and family v. El Salvador*

The following cases in which judgment remains pending have also been defended by the mechanisms of the Inter-American Defender:

1. *Manfred Amrhein et al. v. Costa Rica*
2. *Pollo Rivera v. Peru*
3. *Ortiz Hernández v. Venezuela, and*
4. *Zegarra Marín v. Peru*

XI. DISSEMINATION OF THE COURT'S CASE LAW AND ACTIVITIES AND USE OF THE NEW TECHNOLOGIES

A. INTRODUCTION OF THE CASE LAW HANDBOOKS AND THE CASE LAW BULLETINS

During 2015, the Inter-American Court of Human Rights introduced two important tools for disseminating and expanding awareness of its case law.

A) Case law handbooks

During 2015, the Court began to publish the case law handbooks. The handbooks contain extracts from the most relevant paragraphs of the contentious cases, advisory opinions, and provisional measures on the different issues dealt with by the Court. At the end of 2015, nine case law handbooks had been published on the following topics: the death penalty; migrants; displaced persons; gender; children; enforced disappearance; control of conventionality; personal liberty, and persons deprived of liberty.

These handbooks will be updated periodically as the Court rules on the issues. The updates will be communicated on the Court's website, and by Twitter and Facebook.

The case law handbooks are available at:
http://www.corteidh.or.cr/index.php/es/todos-los-libros

B) The Inter-American Court's case law bulletins

In 2015, the Court commenced publication of case law bulletins containing a user-friendly summary of the rulings of the Court so that researchers, students, human rights defenders and all those who are interested may read about the Court's work and the human rights standards that it is developing.

These case law bulletins are published periodically online in Spanish, English and Portuguese, which allows them to reach more people in the region and throughout the world. By the end of 2015, three issues of these bulletins had been published, corresponding to August to October 2014; November 2014 to April 2015, and May to August 2015.

The case law bulletins are published on the Court's website, Twitter and Facebook.

The bulletins are available at:
http://www.corteidh.or.cr/index.php/es/todos-los-libros

B. DISSEMINATION BY THE NEW INFORMATION AND COMMUNICATION TECHNOLOGIES (WEBSITE, SOCIAL NETWORKS, DIGITAL FILE) AND SHARED LIBRARY

The Inter-American Court's website seeks to provide access to, and communication and dissemination of, information with the immediacy provided by the new technologies. Among other matters, the website contains all the Court's case law, as well as other judicial actions ordered by the Court, together with the academic and official activities organized by the Court. During 2015, the Inter-American Court offered live transmissions of the public hearings via its website, as well as of different academic and official activities at its seat in San José, Costa Rica, and also, during the fifty-second and fifty-third special sessions held in Cartagena de Indias, Colombia, and Tegucigalpa, Honduras, respectively. In addition, the multimedia gallery, which can be accessed through the website, contains the Court's collection of photographs and videos.

In this way, the Court uses social networking to disseminate its activities and this allows the Court to interact dynamically and efficiently with users of the inter-American system. The Court has Facebook and Twitter accounts. The number of followers using these mechanisms has increased considerably over the last year, reaching 340,074 persons at the end of 2015. In addition, a total of 350,498 interactions were recorded on the Court's Facebook from January to December 2015. These numbers reveal that the public is very interested in learning about and sharing the content of the Court's messages. These messages relate to all kinds of different activities of the Court, including press communiqués, judgments, and orders, live transmission of hearings, and academic activities.

It is worth noting that the Court uses digital means to process the cases under its jurisdiction, and has continued to upload all the files on the cases in which it has delivered judgment. The digital files are available on the Court's website to all those who are interested.

The Court also has a Library with comprehensive specialized content on international human rights law that is available to the public in person or online.

XII. OTHER ACTIVITIES OF THE COURT

A. DIALOGUE WITH INTERNATIONAL COURTS, UNITED NATIONS HUMAN RIGHTS AGENCIES, DOMESTIC COURTS AND ACADEMIC INSTITUTIONS.

- **Judicial discussions within the inter-American system for the protection of human rights**

From February 25 to 27, 2015, the event "Judicial discussions within the inter-American system for the protection of human rights" was held at the Universitat Pompeu Fabra in Barcelona, Spain. There were 254 participants in the event, including lawyers, academics and judges – in particular, 43 judges of the highest courts of 12 countries of Latin America and Europe – as well as the President of the Inter-American Court, Judge Humberto Sierra Porto, the Vice President, Judge Roberto F. Caldas, Judge Diego García-Sayán and Judge Alberto Pérez Pérez. In addition to the presentations on current issues relating to the challenges facing the inter-American system for the protection of human rights, working sessions and workshops were held in order to encourage discussions among the different participants.

- **XXI Annual Meeting of Presidents and Justices of Latin American Constitutional Tribunals, Courts and Chambers**

From June 18 to 20, 2015, the XXI Annual Meeting of Presidents and Justices of Latin American Constitutional Tribunals, Courts and Chambers was held in San José, Costa Rica. This judicial event was organized by the Inter-American Court and the Konrad Adenauer Foundation's Rule of Law Program for Latin America. The meeting was attended by 23 justices and judges of Constitutional Tribunals, Courts and Chambers of the States of Latin America, the Inter-American Court of Human Rights, the Caribbean Court of Justice, and the Constitutional Court of Germany, as well as several international experts.

The discussion related to the following issues above all: control of conventionality, freedom of expression and access to information, the migrant population, and the State in crisis? This meeting of members of the Judiciary is a closed event that encourages frank discussions, in private, on complex international, constitutional, and conventional matters in Latin America, among national and international justices and judges and a few international experts.

The meeting was attended by justices from: the Plurinational Constitutional Court of Bolivia; the Constitutional Court of Chile; the Constitutional Court of Colombia; the Constitutional Chamber of the Supreme Court of Justice of Costa Rica; the Constitutional Court of Ecuador; the Constitutional Chamber of the Supreme Court of Justice of the Republic of El Salvador; the Constitutional Court of the Republic of Guatemala; the Constitutional Chamber of the Supreme Court of Honduras; the Constitutional Chamber of the Supreme Court of Justice of Nicaragua; the Supreme Court of Justice of Mexico; the Supreme Court of Justice of the Republic of Panama; the Supreme Court of Justice of the Republic of Paraguay; the Constitutional Court of Peru; the Supreme Court of Justice of the Oriental Republic of Uruguay; the Constitutional Court of the German Federal Republic, and the Caribbean Court of Justice.

- **Dialogue with the Inter-American Commission on Human Rights**

On February 9, 2015, a meeting was held in Brasilia between the Inter-American Commission and the Inter-American Court in order to continue the institutional dialogue between the two organs, which has been enhanced and expanded in recent years. Among the issues discussed were the challenges arising from procedural delays as a result of the structural problem of the Inter-American Commission's lack of adequate funding, as well as current and future challenges in the area of human rights.

On September 7, 2015, the Inter-American Commission and the Inter-American Court held another meeting in the context of the institutional dialogue between the two organs. The Commission informed the Court of some of the initiatives it had undertaken in order to overcome the procedural delay to the extent possible with the limited resources available. Other issues relating to the operations of the two organs and the challenges they faced were also reviewed. Furthermore, they discussed the importance of making joint efforts as regards financing, the current and future challenges faced by the inter-American human rights system, and the importance of strengthening their relationship with the OAS General Secretariat, all within the framework of their autonomy and independence.

- **Joint meeting of the Inter-American Commission and Court with the OAS Secretary General**

On September 7, 2015, a meeting was held between the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights and the OAS

Secretary General, Luis Almagro, in Mexico City. The Inter-American Court was represented by the President, Judge Humberto Antonio Sierra Porto, the Vice President, Judge Roberto Caldas, and Judges Eduardo Ferrer Mac-Gregor, Manuel Ventura Robles and Alberto Pérez Pérez, together with the Secretary, Pablo Saavedra Alessandri, and Secretariat personnel. Meanwhile the Commission was represented by First Vice-President James Cavallaro, Second Vice-President José de Jesús Orozco Henríquez, Commissioners Felipe González, Paulo Vannuchi, Tracy Robinson and Rosa María Ortiz, and also the Executive Secretary Emilio Álvarez Icaza, the Deputy Executive Secretary Elizabeth Abi-Mershed and Secretariat personnel. The Secretary General's adviser, Ideli Salvatti, also took part in the meeting.

During the meeting, the relationship between the Commission, the Court and the OAS General Secretariat was discussed, underscoring that the inter-American human rights system represents a basic pillar of the OAS. The importance of the autonomy and independence of the two organs of the inter-American system to ensure their effective functioning was also stressed. In addition, issues relating to the significant impact and importance of the inter-American human rights system in the region were reviewed and the budgetary challenges faced by the Commission and the Court to comply effectively with the mandates with which they have been entrusted by the States and, consequently, the urgent need to increase the funding for the two organs. The Secretary General indicated his commitment to increase the financial resources of the two organs significantly.

- **Visit to the African Court on Human and Peoples' Rights and the Second African Judicial Dialogue "Connecting National and International Justice"**

A delegation from the Inter-American Court of Human Rights visited the seat of the African Court on Human and Peoples' Rights in Arusha, Tanzania, on November 4, 2015. The Inter-American Court's delegation consisted of Judges Humberto Antonio Sierra Porto, President; Roberto F. Caldas, Vice President; Diego García-Sayán and Eduardo Ferrer MacGregor; the Secretary, Pablo Saavedra Alessandri, and the lawyer Bruno Rodríguez Reveggino. Judges Agustino Ramadhani, President; Elsie N. Thompson, Vice President; Duncan Tambala, Sylvain Ore, Elhadj Guisse, Ben Kioko, Solomy Bossa, Angelo Matusse, and the Registrar Robert Eno were present on behalf of the African Court.

Among other issues, those present discussed the role of the victims before the two Courts; the relationship between the Court and other organs for the protection of human rights; present and future challenges in the area of human rights on the two continents; monitoring compliance with judgments, and also issues relating to the processing of cases and administrative matters.

The Court's delegation also took part in the Second African Judicial Dialogue "Connecting National and International Justice" from November 4 to 6, 2015. The

purpose of this event was to permit discussions between national, regional and international courts on the application of international human rights standards and, in particular, the application and interpretation of the African Charter on Human and Peoples' Rights. More than 200 judges from different countries of the African continent took part in the event. Among other issues, participants discussed judicial reforms for access to justice in the area of human rights; recent developments in the area of human rights by regional and international organs and courts; judicial education and court administration, as well as experiences of the courts on other continents.

- **Relations with the European Court of Human Rights**

On October 20, 2015, the Vice President of the Inter-American Court, Judge Roberto F. Caldas visited the seat of the European Court of Human Rights, where he met with its President, Dean Spielmann. The purpose of the visit was to continue the dialogue between the two courts and to explore the possibilities of cooperation in different areas.

The exchange program with the European Court of Human Rights continued in 2015, based on an agreement signed by the two courts. Under the program one lawyer from each international organ makes a professional visit for several months to conduct research in order to obtain a better understanding of the two regional systems and to encourage continuing collaboration between the two courts. The Court designated the lawyer, Romina Sijniensky, to take part in this exchange, while the European Court was represented by the lawyer, Ekaterina Bykhovskaya. The two lawyers incorporated work teams and proceedings of the respective court, and undertook activities to disseminate the main procedural aspects relating to the management and processing of cases, as well as the case law of the Inter-American Court. In addition, they identified a series of best procedural practices that could be incorporated into the daily tasks of the two courts.

- **Visit by officials of the African Commission on Human and Peoples' Rights**

From August 17 to 21, 2015, the Secretariat of the Inter-American Court received the visit of a delegation from the Secretariat of the African Commission on Human and Peoples' Rights, composed of the Secretary, Mary Maboreke, and the officials Marie Saine, Hubert Gouleyo, Eva Heza, Bruno Menzan and Estelle Nkounkou.

During the visit, lawyers from the Inter-American Court's Secretariat offered a workshop to the African delegation. Among other topics, the workshop dealt with structural and procedural aspects of the inter-American system and case law of the Inter-American Court, as well as administrative, financial and budgetary matters.

- **Cooperation with the United Nations**

On June 22 and 23, 2015, the Inter-American Court met with the chairpersons of the United Nations treaty bodies during their annual meeting which was held in San José Costa Rica. During the meeting, those present discussed how to improve cooperation between the inter-American system and the United Nations treaty bodies, the importance of using the decisions of the Inter-American Court and of the treaty bodies to develop appropriate international standards, and the issue of reprisals against those who cooperate with international human rights bodies.

On October 20 and 21, 2015, the Vice President of the Court, Judge Roberto F. Caldas and a Secretariat lawyer took part in the workshop on cooperation between the United Nations and regional and subregional human rights courts. The event was attended by 30 participants from different parts of the world representing, among other entities: the European Court of Human Rights, the African Court on Human and Peoples' Rights, the United Nations universal human rights system, the United Nations treaty bodies, civil society, and government representatives.

Participants discussed issues relating to cooperation between human rights courts and bodies, and also best practices and the challenges faced in complying with their mandates. The substantive matters discussed included access to justice for vulnerable groups, and gender stereotypes in judicial proceedings in cases of violence, as well as implementation of the decisions of the human rights courts and bodies.

On October 23, 2015, the Vice President of the Court, Judge Roberto F. Caldas met with the United Nations High Commissioner for Human Rights in Geneva, Zeid Ra'ad Al Hussein. He also met with several officials of the High Commission and visited different departments.

The same day, the Vice President was received by the members of the United Nations Human Rights Committee. On that occasion, the members of the Committee, Fabián Omar Savioli, Nigel Rodley, Sarah Cleveland and Victor Manuel Rodríguez-Rescia expressed their appreciation for the visit from a members of the Inter-American Court, praised the history of the Inter-American Court and the leading role it had played over the years, and suggested the possibility of organizing a joint meeting between the two entities in the future.

- **Cooperation with the Max Planck Institute for Comparative Public Law and International Law**

Under the cooperation agreement signed by the Inter-American Court and the Max Planck Institute for Comparative Public Law and International Law, from November 5 to December 5, 2015, the lawyer from the Court's Secretariat, Mariana Clemente, carried out a research internship at the Max Planck Institute in Heidelberg. In addition, the lawyer made a presentation on "The case law of the Inter-American Court in the area of economic, social and cultural rights," on December 5, 2015, during the

international seminar "*Ius Constitutinoale Commune* in human rights in Latin America and international economic law," organized by the Max Planck Institute for Comparative Public Law and International Law. Also, under this cooperation agreement, from September to November 2015, the judges of the Court participated in a diploma course on the inter-American system held in San José, Costa Rica, and organized jointly by the Court, the United Nations University for Peace, and the Max Planck Institute of Germany.

B. OTHER OFFICIAL ACTS

- On January 29, 2015, all the judges of the Inter-American Court received the visit of the Secretary General of the Organization of American States (OAS), José Miguel Insulza, and his Chief of Staff, Hugo Zela Martínez. The purpose of the visit was for José Miguel Insulza to say farewell to the Court before the end of his mandate as Secretary General of the OAS in March 2015.

- On January 29, 2015, the Inter-American Court of Human Rights received the Colombian Ombudsman, Jorge Armando Otálora Gómez, who visited the seat of the Court in order to sign an institutional cooperation agreement between the Colombian Ombudsman's Office and the Inter-American Court.

- On February 2, 2015, the Inter-American Court of Human Rights received the visit of the President of the Constitutional Court of Ecuador, Patricio Pazmiño Freyre, who called on the Court in order to sign an institutional cooperation agreement between the Inter-American Court and the Constitutional Court of Ecuador.

- During the 107th regular session held from January 26 to February 6, 2015, the Court received official visits from the following Presidents and senior State authorities: the President of the Republic of Ecuador, Rafael Correa; the President of the Republic of Guatemala, Otto Pérez Molina; the President of the Republic of Panama, Juan Carlos Varela, and Ambassador Eladio Loizaga, Minister for Foreign Affairs of the Republic of Paraguay. These visits were made in response to an invitation issued by the Inter-American Court to all the States that have accepted the Court's jurisdiction. The purpose of the visits was to continue strengthening the relationships between the Inter-American Court and the States Parties to the American Convention.

- On February 5, 2015, all the judges of the Inter-American Court visited the Legislative Assembly of Costa Rica for a working breakfast with the members of the Legislative Board of the Legislative Assembly of Costa Rica and the party leaders in the Legislative Assembly, in order to discuss present and future challenges in the area of human rights.

- On February 27, 2015, the Deputy Minister for Foreign Affairs of Norway, Morten Høglund, and the Norwegian Ambassador, Jan Gerhard Lassen, visited the seat of the Court, together with a group of officials from that country. During their visit to the Court, the Norwegian delegation was received by Judge Manuel Ventura Robles and the Secretary of the Court, Pablo Saavedra Alessandri, and the situation of human rights in Latin America, Norway's cooperation projects with the Court and their importance, and the challenges faced by the Inter-American Court were discussed.

- On April 16, 2015, the judges of the Inter-American Court received the visit of the justices of the Constitutional Chamber of Costa Rica: Gilbert Armijo Sancho, President, Fernando Castillo Víquez, Paul Rueda Leal, Luis Fernando Salazar Alvarado, Yerma Campos Calvo and Anamari Garro Vargas.

- On July 15, 2015, the Inter-American Court received the Francisco de Vitoria medal from the city council of Vitoria Gasteiz and the Universidad del País Vasco for its contribution to the protection and effective exercise of human rights and the development of international human rights law. The medal was awarded in a ceremony that took place in Vitoria, in the presence of, among others, the President of the Inter-American Court, Judge Humberto Sierra Porto, and Judge Eduardo Ferrer MacGregor, the head of the city council of Álava, Ramiro González; the acting mayor of Vitoria-Gasteiz, Borja Belandia; the Vice Rector of the Universidad del País Vasco, Javier Garaizar Candina; the Vice Dean of the Lawyers' Association of Vitoria, Natalia Barbadillo Ansorregui; eight councilors of the Vitoria city council, and 150 law professionals from 15 Latin American countries, who attend the Universidad del País Vasco.

- On September 1, 2015, the President of the Inter-American Court, Judge Humberto Antonio Sierra Porto, and Judge Eduardo Ferrer Mac Gregor received the visit of the President of the State Human Rights Commission of Nuevo León, Minerva Martínez Garza, in order to sign a cooperation agreement between the Commission and the Inter-American Court.

- On September 9, 2015, the President of the Inter-American Court, Judge Humberto Antonio Sierra Porto, the Vice President, Roberto F. Caldas, and the Secretary, Pablo Saavedra Alessandri, visited the offices of the National Human Rights Commission of Mexico, where they renewed the cooperation agreement between the Inter-American Court and the Commission

- On October 16, 2015, the President of the Inter-American Court of Human Rights, Judge Humberto Antonio Sierra Porto, met with the Panamanian Minister for Foreign Affairs, Isabel de Saint Malo de Alvarado, in Panama City. The President was also received by several members of the Supreme Court of Panama, with whom he discussed issues related to indigenous justice.

C. TRAINING AND DISSEMINATION ACTIVITIES

Throughout 2015, the Court organized a series of training and dissemination activities on human rights in order to expand the understanding of the functioning of the Court and the inter-American human rights system. These activities are described below:

1. SEMINARS, CONFERENCES AND TRAINING COURSES

- From February 25 to 27, 2015, the event, "Judicial dialogues within the inter-American system for the protection of human rights" was held at the Universitat Pompeu Fabra in Barcelona, Spain.

- On March 2 and 3, 2015, a series of conferences were held on the 35 years of the Inter-American Court of Human Rights at the Center for Political and Constitutional Studies, in Madrid, Spain.

- On March 16, 2015, the President of the Inter-American Court, Judge Humberto Antonio Sierra Porto, and the Secretary, Pablo Saavedra Alessandri, delivered a lecture at the Universidad del Norte in Barranquilla, Colombia.

- On April 8, 2015, during its 108th regular session, the Inter-American Court organized a lecture entitled "*Ius Constitucionale Commune*" delivered by Professor Armin von Bogdandy, in the courtroom of the Inter-American Court. This lecture was organized by the Court and the Max Planck Institute for Comparative Public Law and International Law of Heidelberg, Germany.

- On May 18, 2015, the Secretary of the Inter-American Court and a lawyer took part in a seminar entitled "The case law of the Inter-American Court of Human Rights and it application under domestic law," organized by the Office of the Antofagasta Regional Defense Service, sponsored by the Universidad Católica del Norte and the Universidad de Antofagasta, Chile.

- From June 8 to 10, 2015, lawyers from the Inter-American Court's Secretariat taught several courses as part of a human rights program offered by the Law School of Santa Clara University, United States, in San José, Costa Rica.

- On August 6, 13, 20 and 27, 2015, lawyers from the Secretariat of the Inter-American Court offered, by videoconference, a training program to officials of the Constitutional Court of Ecuador on procedural aspects and the main lines of the Inter-American Court's case law.

- From August 27 to September 11, 2015, the Inter-American Court organized in conjunction with the Inter-American Commission on Human Rights, the Legal Research Institute of the Universidad Nacional Autónoma de Mexico (UNAM), the Ibero-American Institute for Constitutional Law, the Institute of the Federal Judicature, the Office of the General Counsel of the UNAM, and the Max Planck Institute for Foreign and International Criminal Law, the *"Dr. Héctor Fix-Zamudio course on the inter-American human rights system,"* in Mexico City, Mexico.

- On October 9 and 10, 2015, the Inter-American Court, in conjunction with UNESCO and the Inter-American Commission on Human Rights, organized an international conference entitled "Ending Impunity in Crimes against Journalists," during which participants from 30 countries and diverse social spheres, such as senior State authorities, members of civil

society, and representatives of international agencies, met to reflect on the challenges and the best protection mechanisms, as well as on the protection of journalists against acts of violence and standards for preventing such acts. Participants included the President of the Inter-American Court of Human Rights, the President of the African Court on Human and Peoples' Rights, the President of the Inter-American Commission on Human Rights, the President of the Supreme Court of Costa Rica, the Special Rapporteur for freedom of expression, judges of the Supreme Courts of Jamaica, Pakistan, Paraguay and Philippines, the Prosecutor General of Colombia and a Brazilian Federal Prosecutor, as well as the Governor of the state of Coahuila, Mexico, and representative of the Council of Europe, a member of the Human Rights Committee, representatives of civil society organizations, and members of academia.

- On October 16, 2015, the President of the Inter-American Court of Human Rights, Humberto Antonio Sierra Porto, and one of the lawyers of the Court's Secretariat made a presentation on "Control of conventionality and impact of the judgments of the Inter-American Court," in the Salón Bolívar of the Ministry of Foreign Affairs of the Republic of Panama. The lecture was addressed at State officials, from the Legal Directorates of several Ministries and the Supreme Court of Justice of Panama.

- In October and November 2015, several lawyers from the Court's Secretariat participated as lecturers in a training program of the Judicial School of Costa Rica.

- From September to November 2015, the judges of the Court took part in a diploma course on the inter-American system held in San José, Costa Rica, co-organized by the Court, the United Nations University for Peace, and the Max Planck Institute of Germany.

2. PROGRAM OF PROFESSIONAL VISITS AND INTERNSHIPS

An essential element of the strengthening of the regional system is training the human capital that, in future, will be working in the area of human rights, such as: future human rights defenders, public servants, members of the legislature, agents of justice, academics, members of civil society, etc. Consequently, the Court has implemented a successful program of internships and professional visits in order to disseminate the work of the Court and the inter-American human rights system.

This program offers students and professionals from the areas of law, international relations, political science and similar disciplines, the opportunity to gain experience at the seat of the Inter-American Court of Human Rights, carrying out international judicial tasks, as part of a working group in the legal area of the Inter-American Court's Secretariat.

Among other functions, the work consists in researching human rights issues, writing legal reports, analyzing international human rights case law, collaborating in the

processing of the contentious cases, advisory opinions, provisional measures, and monitoring of compliance with the Court's judgments, and providing logistical help during the public hearings.

Owing to the large number of applicants, selection is very competitive. At the end of the program, the intern or visitor receives a diploma certifying that he or she has successfully completed the internship or visit. The Court is aware of the importance of its program of internships and professional visits nowadays. Over the last five years, the Court has received at its seat a total of 392 interns of 37 nationalities,[184] in particular, academics, public servants, law students, and human rights defenders.

During 2015, the Court received 75 interns and professional visitors at its seat from the following 23 countries: Andorra, Argentina, Bolivia, Brazil, Canada, Chile, Colombia, Costa Rica, Ecuador, France, Germany, Guatemala, Ireland, Italy, Mexico, Peru, Spain, Switzerland, Trinidad and Tobago, United Kingdom, United States of America, Uruguay and Venezuela.

Further information on the program of Internships and Professional Visits offered by the Inter-American Court of Human Rights is available at:
http://www.corteidh.or.cr/index.php/es/acerca-de/programa-pasantias

[184] Andorra, Argentina, Bolivia, Brazil, Canada, Colombia, Chile, Costa Rica, Dominican Republic, Ecuador, El Salvador, England, France, Germany, Greece, Guatemala, Haiti, Honduras, Italy, Jamaica, Kenya, Mexico, Netherlands, Nicaragua, Norway, Panama, Peru, Poland, Portugal, Puerto Rico, Scotland, South Korea, Spain, Switzerland, Trinidad and Tobago, United States of America, Uruguay, and Venezuela.

PROGRAM OF PROFESSIONAL VISITS AND INTERNSHIPS

From 2005 to 2015

635 635 Interns and visiting professionals

43 Countries of 4 different continents

	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
Germany	1	2	0	1	1	2	0	1	0	2	1
Andorra	0	0	0	0	0	0	0	0	0	0	1
Argentina	6	2	2	9	2	8	6	4	6	5	55
Austria	0	2	0	0	1	0	0	0	0	0	0
Bolivia	0	0	0	1	1	1	0	1	0	0	1
Brazil	1	2	5	4	6	5	4	1	1	3	3
Canada	0	1	3	1	0	1	1	0	0	1	2
Colombia	3	4	6	5	6	8	7	9	8	9	8
South Korea	0	0	0	1	0	0	1	0	0	0	0
Costa Rica	0	1	1	1	0	1	4	4	1	2	5
Chile	2	0	2	4	1	3	2	2	4	3	4
Cuba	0	0	0	1	0	0	0	0	0	0	0
Ecuador	0	1	0	1	2	1	1	2	3	5	4
El Salvador	0	0	0	1	1	0	0	0	0	0	0
Scotland	0	0	0	0	0	0	0	1	0	0	0
Spain	0	1	0	2	5	1	2	0	4	3	3
United States of America	14	3	16	4	5	13	5	11	6	7	3
France	1	0	2	2	4	3	1	2	5	1	1
Greece	0	0	0	0	0	1	0	0	0	0	0
Guatemala	0	0	0	0	0	0	1	2	1	0	1
Haiti	0	0	1	0	0	0	1	0	0	0	0
The Netherlands	0	0	0	0	1	0	1	0	0	0	0

	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
Honduras	0	0	0	1	0	0	1	0	1	0	0
United Kingdom	0	0	0	0	0	0	1	1	1	0	2
Israel	0	0	1	0	0	0	0	0	0	0	0
Ireland	0	0	0	0	0	0	0	0	0	0	1
Italy	1	2	0	0	1	1	2	2	1	0	2
Jamaica	0	0	0	0	1	0	1	0	0	0	0
Kenya	0	0	0	0	0	0	0	0	1	0	0
Mexico	3	3	9	8	13	12	9	9	12	18	23
Nicaragua	1	0	0	0	0	0	0	0	0	0	0
Norway	0	0	0	0	0	0	1	0	0	0	0
Panama	0	0	1	0	1	0	0	1	0	0	0
Paraguay	0	1	2	0	0	0	0	0	0	1	0
Peru	2	1	5	1	1	5	8	3	1	1	1
Poland	0	0	0	0	0	1	0	0	0	0	0
Portugal	2	0	1	0	1	0	0	0	0	0	0
Puerto Rico	0	0	0	3	0	0	0	0	1	0	0
República Dominicana	0	0	0	3	4	2	2	2	4	0	0
Switzerland	2	0	0	0	0	0	0	0	1	0	1
Trinidad and Tobago	0	2	0	0	0	0	0	0	0	0	1
Uruguay	0	2	0	1	0	0	0	0	1	0	1
Venezuela	0	3	0	0	1	0	0	0	2	2	1

3. VISITS OF PROFESSIONALS AND ACADEMIC ESTABLISHMENTS TO THE SEAT OF THE COURT

As part of the work of disseminating its activities, and also to allow present and future professionals to learn about the functioning of the Court, each year the Inter-American Court receives delegations of students from different academic establishments, and also professionals in the field of law and other similar areas. In the course of their visits, these professionals not only get to know the Court's facilities, but also receive talks on the functioning of the inter-American system for the protection of human rights, its history and its impact in the region and in the rest of the world. In 2015, the Inter-American Court received 40 delegations of university students, lawyers, justices, and civil society organizations[185] from 11 different countries.[186]

XIII. AGREEMENTS AND RELATIONS WITH OTHER ENTITIES

A. AGREEMENTS WITH NATIONAL PUBLIC INSTITUTIONS

The Court signed framework cooperation agreements with the following entities, under which the signatories agreed to carry out the following activities, *inter alia*:

[185] Universidad Veritas (Costa Rica), January 16; Law School of the Universidad Latina (Costa Rica), January 29; Universidad Autónoma de Chiapas, Mexico, March 17; Universidad de San José (Costa Rica), April 10; Universidad CES (Colombia), April 16; Universidad Libre (Colombia), under an agreement with IIDH, May 14; Universidad Rafael Landívar (Guatemala), May 15; Public Law Master's Program of the Law School of the Universidad de Costa Rica (UCR), May 18; Students from the UCR and the Université de Montréal, May 19; Central Michigan University (CMU), May 22; Law School of the Universidad de La Salle, Bajío, León, Guanajuato, (Mexico), May 22; International Business and Trade Faculty of the International Relations School of the Universidad Nacional (Costa Rica), May 27; Institute for Women's Studies of the Universidad Nacional (Costa Rica), June 3; GIZ representatives, June 4; Universidad de Xalapa (Mexico), June 8; Environmental Law Program of Florida University and the Organization for Tropical Studies (OTS), June 23; Colegio de Estudios Jurídicos de México (Mexico), June 25; Universidad de El Salvador (El Salvador), June 26; Law School of the ULACIT (Costa Rica), June 26; Law School of the UCR (Costa Rica), June 26; Civil Police Force of Costa Rica, July 13; Students and Professors of the Osnabruck Summer School (Germany), July 21; Law School of the Universidad Mondragón (Mexico), August 3; DePaul University, Chicago, Illinois (United States), August 4; GIZ representatives, August 11; Justices from the Peruvian Judiciary, August 21; University of Denver (United States), August 26; Arias Foundation for Peace and Human Progress (Cuban human rights defenders), August 27; Justices from the Peruvian Judiciary, September 4; Universidad Nacional (Costa Rica), September 7; Universidad Nacional, Sarapiquí Campus (Costa Rica), September 9; Inter-American Institute for Human Rights (IIHR) course on human rights for State officials, October 2; Universidad de la Salle (Mexico and Costa Rica), October 7; Colombian peace activists under an agreement with CATIE (Costa Rica), October 9; Universidad de Guatemala Mariano Gálvez, October 20; Interns from the Center for Justice and International Law (CEJIL), October 26; Judicial agents from the Dominican Republic in coordination with the Universidad Nacional (Costa Rica), October 28; Justices from the Peruvian Judiciary, October 30.

[186] Brazil, Colombia, Costa Rica, Cuba, El Salvador, Germany, Guatemala, Honduras, Mexico, Peru and the United States.

(i) joint organization and implementation of training events, such as congresses, seminars, conferences, academic forums, colloquiums and symposiums; (ii) specialized internships and professional visits by national officials to the seat of the Inter-American Court of Human Rights; (iii) joint research activities; (iv) making available to the national entities the advanced human rights search engine of the Inter-American Court.

- National Human Rights Commission of Mexico
- National Human Rights Commissioner of Honduras
- State Human Rights Commission of Nuevo León, Mexico
- Judiciary of the state of Durango, Mexico
- Office of the Ombudsman of Colombia
- Constitutional Court of Ecuador

B. AGREEMENTS WITH UNIVERSITIES AND OTHER ACADEMIC ESTABLISHMENTS

The Court signed framework cooperation agreements and agreements with the following academic establishments, under which the signatories agreed to carry out the following activities, *inter alia*, together: (i) organization of congresses and seminars, and (ii) professional internships for professionals and students of the said institutions at the seat of the Inter-American Court of Human Rights.

- Institute of Government and Strategic Development Studies (ICGDE) of the Universidad Autónoma de Puebla, Mexico
- Universidad Simón Bolívar of Barranquilla, Colombia
- Pontificia Universidad Católica del Peru
- Universidad Surcolombiana, Colombia.