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I. ORIGIN, STRUCTURE AND ATRIBUTIONS OF THE COURT

A. ESTABLISHMENT

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

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

B. ORGANIZATION

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

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

The judges are elected by the States Parties by secret ballot and by the vote of an absolute majority during the OAS General Assembly immediately before the expiry of the terms of the outgoing judges. Vacancies on the Court caused by death, permanent disability, resignation or dismissal shall be filled, if possible, at the next session of the OAS General Assembly (Article 6(1) and 6(2) of the Statute).

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



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

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

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

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

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

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

C. COMPOSITION

The following judges, listed in order of precedence, sat on the Court in 2006:

Sergio García Ramírez (Mexico), President
Alirio Abreu Burelli (Venezuela), Vice President
Oliver Jackman (Barbados)
Antônio A. Cançado Trindade (Brazil)
Cecilia Medina Quiroga (Chile)
Manuel E. Ventura Robles (Costa Rica), and
Diego García-Sayán (Peru).

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

Respondent States have exercised their right to appoint a judge *ad hoc* in three cases that are pending before the Court (Article 55 of the Convention). The following is the list of the judges *ad hoc* and the cases for which they were appointed in 2006:

Juan Carlos Esguerra Portocarrero	Case of "Pueblo Bello Massacre" (Colombia)
Javier de Belaunde López de Romaña	Case of Acevedo Jaramillo <i>et al.</i> (Peru)
Fernando Vidal Ramírez	Case of "La Cantuta" (Peru)

D. ATRIBUTIONS

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

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

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

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

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



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

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

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

Fourteen contentious cases were lodged before the Court during the current year, and it delivered 23 judgments.¹ In three of these it ruled on preliminary objections, merits, reparations and costs together; in 14 on merits and the corresponding reparations and, in six on interpretation of judgment. Thus, the Court decided 17 contentious cases in their entirety, adopting a final decision on preliminary objections, merits and reparations, with no ruling pending on any dispute set out in the application. At present, the Court is processing 88 contentious cases, of which 75 are at the stage of monitoring compliance with judgment, seven at the initial processing stage, four at the stage of preliminary objections and possible merits, reparations and costs, and two at the stage of merits and possible reparations and costs.

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

Twenty-one States Parties have recognized the obligatory jurisdiction of the Court. They are: Costa Rica, Peru, Venezuela, Honduras, Ecuador, Argentina, Uruguay, Colombia, Guatemala,

1 The Court delivered judgment in the following contentious cases: *Pueblo Bello Massacre v. Colombia* (preliminary objection, merits, reparations and costs), *López Álvarez v. Honduras* (merits, reparations and costs), *Yakye Axa Indigenous Community v. Paraguay* (interpretation of judgment), *Raxcacó Reyes v. Guatemala* (interpretation of judgment), *Acevedo Jaramillo et al. v. Peru* (preliminary objections, merits, reparations and costs), *Moiwana Community v. Suriname* (interpretation of judgment), *Sawhoyamaxa Indigenous Community v. Paraguay*, (merits, reparations and costs), *Baldeón García v. Peru* (merits, reparations and costs), *Ituango Massacres v. Colombia* (merits, reparations and costs), *Ximenes Lopes v. Brazil* (merits, reparations and costs), *Montero Aranguren et al. (Catia Detention Center) v. Venezuela* (merits, reparations and costs), *Claude Reyes et al. v. Chile* (merits, reparations and costs), *Servellón García v. Honduras* (merits, reparations and costs), *Goiburú et al. v. Paraguay* (merits, reparations and costs), *Vargas Areco v. Paraguay* (merits, reparations and costs), *Almonacid Arellano v. Chile* (preliminary objections, merits, reparations and costs), *Juárez Cruzat v. Peru* (merits, reparations and costs), *Dismissed Congressional Employees v. Peru* (merits, reparations and costs), *Acevedo Jaramillo et al. v. Peru* (interpretation of judgment), *Pueblo Bello Massacre v. Colombia* (interpretation of judgment), *Yean and Bosico v. the Dominican Republic* (interpretation of judgment), *Nogueira Carvalho v. Brazil* (merits, reparations and costs), and “*La Cantuta*” *v. Peru* (merits, reparations and costs).

Suriname, Panama, Chile, Nicaragua, Paraguay, Bolivia, El Salvador, Haiti, Brazil, Mexico, the Dominican Republic and Barbados.

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

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

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

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

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

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

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

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

During the year, 13 requests for provisional measures were submitted to the Court's consideration; of these, four were rejected and nine adopted. Currently, 44 provisional measures are active.



E. BUDGET

Article 72 of the Convention provides that “the Court shall draw up its own budget and submit it for approval to the General Assembly through the General Secretariat. The latter may not introduce any changes in it”. In accordance with Article 26 of its Statute, the Court administers its own budget. The 2006 budget of the Court was US\$1,391,300.00 (one million three hundred and ninety-one thousand three hundred United States dollars).

At its thirty-sixth regular session held in Santo Domingo, Dominican Republic, from June 4 to 6, 2006, the General Assembly of the Organization of American States adopted the Court’s budget for 2007 in the amount of US\$1,656,300.00 (one million six hundred and fifty-six thousand three hundred United States dollars).

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

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

G. RELATIONS WITH SIMILAR REGIONAL ORGANIZATIONS

The Court has close institutional links with the Inter-American Commission. These ties have been strengthened through meetings between the members of the two bodies, held on the recommendation of the General Assembly (*infra* III). The Court also maintains close relations with the Inter-American Institute of Human Rights, established under an agreement between the Government of Costa Rica and the Court, which entered into force on November 17, 1980. The Institute is an autonomous, international academic institution, with a global, interdisciplinary approach to the teaching, research and promotion of human rights. The Court also maintains institutional relations with the European Court of Human Rights, created by the European Convention for the Protection of Human Rights and Fundamental Freedoms and established by the Council of Europe with similar functions to those of the Inter-American Court.

II. JURISDICTIONAL AND ADVISORY ACTIVITIES OF THE COURT

A. Seventieth Regular Session of the Court

The Court held its seventieth session from January 30 to February 9, 2006,² at its seat in San Jose, Costa Rica, with the following members: Judge Sergio García Ramírez (Mexico), President; Judge Alirio Abreu Burelli (Venezuela), Vice President; Judge Oliver Jackman (Barbados); Judge

² The European Union was the main source of financing for the seventieth regular session.

Antônio A. Cançado Trindade (Brazil); Judge Cecilia Medina Quiroga (Chile); Judge Manuel E. Ventura Robles (Costa Rica), and Judge Diego García Sayán (Peru). The following judges *ad hoc* also participated: Juan C. Esguerra Portocarrero, appointed by the State of Colombia for the case of *Pueblo Bello Massacre*; Javier de Belaunde López de Romaña, appointed by the State of Peru, for the case of *Acevedo Jaramillo et al.* Also present were the Secretary of the Court, Pablo Saavedra Alessandri (Chile), and the Deputy Secretary, Emilia Segares Rodríguez (Costa Rica).

During this session, the Court delivered six judgments and held a public hearing concerning one contentious case. It also issued six orders on provisional measures, held a public hearing in this regard, and issued three orders on monitoring compliance with judgment. The matters considered by the Court during this session are described below:

1. Case of the Pueblo Bello Massacre (Colombia): Judgment on Merits, Reparations and Costs. On January 31, 2006, the Court delivered judgment on merits, reparations and costs in this case, and decided that the State of Colombia had violated the rights embodied in Articles 4(1) (Right to Life), 5(1) and 5(2) (Right to Humane Treatment), 7(1) and 7(2) (Right to Personal Liberty) of the Convention, in relation to Article 1(1) (Obligation to Respect Rights) thereof, to the detriment of Juan Luis Escobar Duarte, José Leonel Escobar Duarte, Andrés Manuel Peroza Jiménez, Jorge David Martínez Moreno, Ricardo Bohórquez Pastrana and Ovidio Carmona Suárez; and the same Articles 4(1) (Right to Life), 5(1) and 5(2) (Right to Humane Treatment), 7(1) and 7(2) (Right to Personal Liberty) of the Convention, in relation to Article 1(1) (Obligation to Respect Rights) thereof, to the detriment of Manuel de Jesús Montes Martínez, Andrés Manuel Flórez Altamiranda, Juan Bautista Meza Salgado, Ariel Dullis Díaz Delgado, Jorge Fermín Calle Hernández, Santiago Manuel González López, Raúl Antonio Pérez Martínez, Juan Miguel Cruz, Genor José Arrieta Lora, Célamo Arcadio Hurtado, José Manuel Petro Hernández, Cristóbal Manuel Arroyo Blanco, Luis Miguel Salgado Berrío, Ángel Benito Jiménez Julio, Benito José Pérez Pedroza, Pedro Antonio Mercado Montes, Carmelo Manuel Guerra Pestana, César Augusto Espinoza Pulgarín, Miguel Ángel López Cuadro, Miguel Ángel Gutiérrez Arrieta, Diómedes Barrera Orozco, José Encarnación Barrera Orozco, Urías Barrera Orozco, José del Carmen Álvarez Blanco, Camilo Antonio Durango Moreno, Carlos Antonio Melo Uribe, Mario Melo Palacio, Víctor Argel Hernández, Fermín Agresott Romero, Jesús Humberto Barbosa Vega, Benito Genaro Calderón Ramos, Jorge Arturo Castro Galindo, Wilson Uberto Fuentes Marimón, Miguel Antonio Pérez Ramos, Elides Manuel Ricardo Pérez, Luis Carlos Ricardo Pérez and Lucio Miguel Urzola Sotelo. In addition, the State had violated the rights embodied in Articles 5(1) (Right to Humane Treatment) of the Convention, in relation to Article 1(1) (Obligation to Respect Rights) thereof, to the detriment of the next of kin of the persons disappeared and deprived of life; 8(1) (Right to a Fair Trial) and 25 (Judicial Protection) of the Convention, in relation to Article 1(1) (Obligation to Respect Rights) thereof, to the detriment of the next of kin of the persons disappeared and deprived of life. The Court also declared that the State had not violated Article 13 (Freedom of Thought and Expression) of the American Convention, to the detriment of the said next of kin.

Regarding reparations, the Court decided that, among other matters, the State must: take forthwith the necessary measures to activate and complete effectively the investigation to determine the responsibility of all the participants in the massacre, as well as that of those responsible, by act or omission, for the failure to comply with the State's obligation to guarantee the violated rights; adopt the pertinent measures to ensure that the human rights violations committed are effectively investigated in proceedings that guarantee judicial rights, in order to avoid the repetition of such grave facts as those that occurred in the Pueblo Bello massacre; adopt forthwith the pertinent measures to seek and identify the disappeared victims and return

their mortal remains to their next of kin and also pay their burial expenses; provide medical and psychological care, as applicable, to all the next of kin of the 37 persons disappeared and the six deprived of life who require this; take the necessary measures to guarantee security conditions so that the next of kin of the persons disappeared and deprived of life, and other former inhabitants of Pueblo Bello who have been displaced, can return there, if they so wish, including a program to provide decent housing; organize a public act of apology and acknowledgment of international responsibility, with the presence of high-ranking State authorities, concerning the violations declared herein and in reparation to the persons disappeared, deprived of life, and their next of kin, because it failed to comply with its obligation to guarantee the rights to life, humane treatment and personal liberty of those persons, as a result of its failure to comply with its prevention, protection and investigation obligations, and also due to the violation of the rights of access to justice, judicial protection and judicial guarantee committed to their detriment; erect an appropriate and proper monument recalling the facts of the Pueblo Bello massacre; pay compensation to the next of kin of the persons disappeared and deprived of life for pecuniary and non-pecuniary damage, and pay specified costs and expenses.

2. Case of López Álvarez (Honduras): *Judgment on Merits, Reparations and Costs.* On February 1, 2006, the Court delivered judgment on merits, reparations and costs in this case and decided that the State of Honduras had violated the rights embodied in Articles 7(1), 7(2), 7(3), 7(4) and 7(6) (Right to Personal Liberty) of the American Convention, in relation to Article 1(1) (Obligation to Respect Rights) thereof, to the detriment of Alfredo López Álvarez; 5(1), 5(2) and 5(4) (Right to Humane Treatment) of the Convention, in relation to Article 1(1) (Obligation to Respect Rights) of this instrument, to the detriment of Alfredo López Álvarez; 8(1), 8(2), 8(2)(b), 8(2)(d), 8(2)(g) (Right to a Fair Trial) and 25(1) (Judicial Protection) of the Convention, in relation to Article 1(1) (Obligation to Respect Rights) thereof, to the detriment of Alfredo López Álvarez; 13 (Freedom of Thought and Expression), 24 (Right to Equal Protection) and 1(1) (Obligation to Respect Rights) of the Convention, to the detriment of Alfredo López Álvarez; and 5(1) (Right to Humane Treatment) of the American Convention, in relation to Article 1(1) (Obligation to Respect Rights), to the detriment of Teresa Reyes Reyes, Alfa Barauda López Reyes, Suamein Alfred López Reyes, Gustavo Narciso López Reyes, Alfred Omaly López Suazo, Deikel Yanell López Suazo, Iris Tatiana López Bermúdez, José Álvarez Martínez, Joseph López Harolstohn, José Jaime Reyes Reyes, María Marcelina Reyes Reyes, Apolonia Álvarez Aranda, Catarino López, Alba Luz García Álvarez, Rina Maribel García Álvarez, Marcia Migdalia García Álvarez, Mirna Suyapa García Álvarez and Joel Enrique García Álvarez.

Regarding reparations, the Court decided, among other matters, that the State must: investigate the facts of this case and take the measures deriving from this investigation with regard to those responsible for the facts; publish once in the official gazette and in another daily newspaper with national circulation, Chapter VII on the proven facts, and the operative paragraphs of the judgment; adopt measures to create conditions that permit those interned in Honduran prisons to receive adequate nutrition, medical care, and physical and sanitary conditions in keeping with the pertinent international standards, and implement a human rights training program for officials who work in the prisons; pay Alfredo López Álvarez compensation for pecuniary and non-pecuniary damage; pay Teresa Reyes Reyes, Alba Luz García Álvarez, Rina Maribel García Álvarez, Marcia Migdalia García Álvarez and Joel Enrique García Álvarez compensation for pecuniary damage; pay Teresa Reyes Reyes, Alfa Barauda López Reyes, Suamein Alfred López Reyes, Gustavo Narciso López Reyes, Alfred Omaly López Suazo, Deikel Yanell López Suazo, Iris Tatiana López Bermúdez, José Álvarez Martínez, Joseph López Harolstohn, José Jaime Reyes Reyes, María Marcelina Reyes Reyes, Apolonia Álvarez Aranda, Catarino López, Alba Luz García Álvarez, Rina Maribel García

Álvarez, Marcia Migdalia García Álvarez, Mirna Suyapa García Álvarez and Joel Enrique García Álvarez compensation for non-pecuniary damage, and pay Alfredo López Álvarez specified costs and expenses.

Judges García Ramírez and Cançado Trindade informed the Court of their Separate Opinions and Judge Medina Quiroga informed the Court of her Dissenting Opinion, which accompany the Judgment.

3. Matter of the Peace Community of San José de Apartadó (Colombia): Provisional Measures. On February 2, 2006, the Court issued an Order for provisional measures in this matter, in which it decided, among other matters, to reiterate to the State that it should: maintain the measures that it had adopted and order forthwith any necessary measures to protect effectively the life and personal integrity of all the members of the Peace Community of San José de Apartadó; continue investigating the facts that gave rise to the adoption of the provisional measures in order to identify those responsible and impose the corresponding sanctions; allow the beneficiaries of the measures or their representatives to participate in the planning and implementation of the protection measures and, in general, keep them informed of progress in the measures ordered by the Inter-American Court of Human Rights.

Judge Cançado Trindade informed the Court of his Concurring Opinion, which accompanies the Order.

4. Matter of Haitians and Dominicans of Haitian Origin in the Dominican Republic (Dominican Republic): Provisional Measures. On February 2, 2006, the Court issued an Order for provisional measures in this matter, in which it decided, among other matters, to ratify the order of the President of the Inter-American Court of October 5, 2005, ordering the State to expand and implement the necessary measures to protect the life and personal integrity of the four children of Solain Pie or Solain Pierre or Solange Pierre; to reiterate the decisions contained in the Court's orders of August 18 and November 12, 2000, and May 26, 2001, that the State must maintain the measures it has adopted and order forthwith those necessary to protect effectively the life and personal integrity of Benito Tide Méndez, Antonio Sension, Janty Fils-Aime, William Medina Ferreras, Rafaelito Pérez Charles, Berson Gelim, the priest, Pedro Ruquoy, and Andrea Alezy and Solain Pie or Solain Pierre or Solange Pierre. In addition, the Court decided to require the State to: provide the appropriate conditions for Solain Pie or Solain Pierre or Solange Pierre and her four children to return to their home in the Dominican Republic and, as soon as she does so, to adopt all necessary measures to protect her life and personal integrity; to implement all pertinent measures to ensure that the measures of protection ordered are planned and implemented with the participation of the beneficiaries of the measures or their representatives, so that these measures are provided diligently and effectively and, in general, to keep them informed about progress in their implementation, particularly regarding the establishment of an appropriate joint coordination and planning mechanism for the implementation and adoption of the measures; and to investigate the facts that led to the adoption, maintenance and expansion of the measures and, if applicable, identify those responsible and impose the corresponding sanctions and, particularly, to investigate the facts that led to the adoption of measures in favor of the four children of Solain Pie or Solain Pierre or Solange Pierre, and the incident involving Berson Gelim and Janty Fils-Aime, according to the parameters established in the American Convention.

5. Matter of García Uribe et al. (Mexico): Request for Provisional Measures. On February 2, 2006, the Court issued an Order concerning the request for provisional measures presented by

the Inter-American Commission on Human Rights in this matter, in which it decided not to process this request until a petition had been lodged with the Inter-American Commission in the terms of Articles 44 and 46 to 48 of the American Convention on Human Rights.

Judges Cançado Trindade and Ventura Robles informed the Court of their Joint Separate Opinion, which accompanies the Order.

6. Case of Yakye Axa Indigenous Community (Paraguay): *Interpretation of the Judgment on Merits, Reparations and Costs.* On February 6, 2006, the Court delivered Judgment on the request for interpretation of the judgment on merits, reparations and costs in this case, and decided to determine the meaning and scope of the terms of the sixth operative paragraph of the judgment on merits, reparations and costs; and the meaning and scope of the terms of the eighth operative paragraph of the judgment on merits, reparations and costs.

Judge Antônio A. Cançado Trindade informed the Court of his Separate Opinion which accompanies the Judgment.

7. Case of Raxcacó Reyes (Guatemala): *Interpretation of the Judgment on Merits, Reparations and Costs.* On February 6, 2006, the Court delivered Judgment on the request for interpretation of the judgment on merits, reparations and costs in this case, and decided to reject as unfounded the request for interpretation of the judgment on merits, reparations and costs in this case.

8. Case of Acevedo Jaramillo et al. (Peru): *Judgment on Preliminary Objections, Merits, Reparations and Costs.* On February 7, 2006, the Court delivered Judgment on the preliminary objections filed by the State, and merits, reparations and costs in this case, and decided to reject the two preliminary objections filed by the State of Peru and to admit the State's acknowledgement of international responsibility during the proceedings before the Inter-American Commission on Human Rights. In addition, it declared that the State had violated the right embodied in Article 25(1) and 25(2)(c) (Judicial Protection) of the American Convention, in relation to Article 1(1) (Obligation to Respect Rights) thereof.

Regarding reparations, the Court decided, among other matters, that the State should: within one year, guarantee to the injured parties the enjoyment of their rights and freedoms that had been violated, by executing the *amparo* [protection] judgments which the Court declared had not been not been complied with; if the judgments ordering the reinstatement of the workers in the same or similar jobs are not executed, reinstate the victims in these jobs and, if this is not possible, offer them alternative employment respecting the conditions, salary and other remuneration they had when they were dismissed and, if it is not possible to reinstate them in their jobs or in other similar ones, the State must proceed to pay compensation for unjustified termination of employment; pay the dismissed workers regarding whom the *amparo* judgments ordering their reinstatement have not been executed, or their successors, compensation for loss of earnings; and determine, pursuant to domestic law and the corresponding mechanisms, who are the victims who have a right to retirement, based on either their age or health or any other circumstance established in domestic law. In the case of the victims who are deceased, the competent State authorities must determine, pursuant to domestic law and the corresponding mechanisms, who are the beneficiaries of the corresponding pension for the surviving spouse. In addition, the Court decided that the State should: pay the dismissed workers regarding whom the *amparo* judgments ordering their reinstatement have not been executed, the corresponding retirement pensions;

pay the successors of the dismissed workers who are deceased and regarding whom the *amparo* judgments ordering their reinstatement have not been executed, the corresponding pension for the surviving spouse; adopt all necessary measures to ensure that the workers who were not reinstated in compliance with the *amparo* judgments have access to the social security system; pay compensation for non-pecuniary damage to the victims beneficiaries of *amparo* judgments ordering reinstatement that were not executed, or their successors; pay specified costs and expenses, to be shared in equal parts between the Peruvian *Centro de Asesoría Laboral* (CEDAL) and the seven groups of representatives of the victims accredited before the court; establish a specific mechanism to provide support to the victims when processing the matters referred to in the judgment and offer them competent legal advice, all free of charge; and publish once in the official gazette and in another national newspaper with widespread circulation the chapter of the judgment on the proven facts without the corresponding footnotes, and its operative paragraphs.

Judge Cançado Trindade and Judge Medina Quiroga informed the Court of their Separate Opinions, which accompany the Judgment.

9. Matter of the Jiguamiandó and the Curbaradó Communities (Colombia): *Provisional Measures.* On February 7, 2006, the Court issued an Order on provisional measures in this matter, in which it decided, among other matters, to reiterate to the State that it should: maintain any measures it had adopted and order forthwith all those necessary to protect effectively the life and personal integrity of all the members of the Jiguamiandó Community Council and the Curbaradó families; continue investigating the facts that gave rise to the adoption of the provisional measures and their maintenance, in order to identify those responsible and impose the corresponding sanctions and, particularly, investigate and identify those responsible for the death of Orlando Valencia and Alfonso Ibáñez; and permit the beneficiaries of the measures or their representatives to take part in the planning and implementation of the protection measures and, in general, keep them informed on advances in the measures ordered by the Inter-American Court of Human Rights.

Judge Cançado Trindade informed the Court of his Concurring Opinion, which accompanies the Order.

10. Case of Juan Humberto Sánchez (Honduras): *Request for Provisional Measures.* On February 7, 2006, the Court issued an Order concerning a request for provisional measures presented by the representatives of the next of kin of Juan Humberto Sánchez, for the Court to require the State to adopt measures to deliver the victim's remains to his next of kin and thus guarantee them the right to humane treatment embodied in Article 5 of the Convention. In the order, the Court decided to reject the representatives' request, because the matter submitted to the Court was not an issue for provisional measures in the terms of Article 63(2) (Competence and Functions) of the Convention, but related to a measure of reparation ordered in the eleventh operative paragraph of the judgment on preliminary objections, merits and reparations in the case delivered on June 7, 2003, which is at the stage of monitoring compliance. In addition, the Court decided to reiterate to the State the requirement that it adopt all necessary measures to give effect to and comply promptly with all the matters pending compliance that were ordered by the Court in the said judgment and in the orders of November 17, 2004, and September 12, 2005, in accordance with the provisions of Article 68(1) (Procedure) of the American Convention.

11. Matter of Ramírez Hinostroza et al. (Peru): Provisional Measures. On February 7, 2006, the Court issued an Order on provisional measures in this matter, in which it decided, among other matters, to require the State: to maintain the measures it had adopted and to adopt, forthwith, all necessary measures to protect the life and personal integrity of Luis Alberto Ramírez Hinostroza, his wife Susana Silvia Rivera Prado, and their three daughters: Yolanda Susana Ramírez Rivera, Karen Rose Ramírez Rivera and Lucero Consuelo Ramírez Rivera, required in its order of September 21, 2005, and, to this end, it should take into account the gravity of the situation and the specific danger of the circumstances; to maintain for three months, from notification of the order, the necessary measures to protect the life and personal integrity of Carlos Rivera Paz; to permit the beneficiaries of the measures, their representatives and the Commission to take part in the planning and implementation of the protection measures and, in general, keep them informed of progress in their execution; and to investigate the facts that gave rise to the adoption of the provisional measures in order to identify those responsible and impose the corresponding sanctions.

12. Case of the Moiwana Community (Suriname): Interpretation of the Judgment on Preliminary Objections, Merits and Reparations. On February 8, 2006 the Court delivered Judgment on the request for interpretation of the Judgment of June 15, 2005, on preliminary objections, merits and reparations in this case, and decided to respond to the request submitted by the State of Suriname and the representatives of the victims' next of kin, that it clarify aspects of this judgment and continue monitoring the State's compliance therewith.

Judge Cançado Trindade advised the Court of his Separate Opinion, which accompanies the Judgment.

13. Case of Nogueira de Carvalho (Brazil): Preliminary Objections and Possible Merits, Reparations and Costs. On February 8, 2006, the Court held a public hearing, during which it received the statements of a witness proposed by the Inter-American Commission on Human Rights and two witnesses proposed by the State of Brazil. The Court also heard the final oral arguments of the Commission, the representatives of the alleged victims and Brazil on preliminary objections and possible merits, reparations and costs in this case.

14. Matter of the Monagas Judicial Detention Center ("La Pica") (Venezuela): Provisional Measures. On February 9, 2006, the Court held a public hearing during which it heard the arguments of the Inter-American Commission, the representatives of the beneficiaries of the urgent measures, and the State of Venezuela on the request for provisional measures submitted by the Commission in favor of the those interned in the Monagas Judicial Detention Center, known as "La Pica," as well as of any future internees in this detention center.

The same day, the Court issued an Order on provisional measures in this matter, in which it decided, among other matters, to require the State: to maintain and expand the measures it had advised it was already adopting, and also to adopt forthwith any complementary measures necessary to avoid effectively and definitively the violence in the Monagas Judicial Detention Center ("La Pica"), to ensure that no intern or any person within the Detention Center died or had their personal integrity harmed; to adopt the necessary measures to: (a) substantially reduce the overcrowding in the Monagas Judicial Detention Center ("La Pica"); (b) confiscate the weapons in the possession of the interns; (c) separate the interns who are being prosecuted from those who have been convicted; (d) adapt the detention conditions of the Detention Center to the international standards for this type of establishment; and (e) provide the necessary medical care

to the interns, to guarantee their right to humane treatment; and to take all pertinent steps to ensure that the protection measures in favor of the persons deprived of liberty in the Monagas Judicial Detention Center ("La Pica") are planned and implemented with the participation of the representatives of the beneficiaries of the measures. In addition, the Court decided to request the State: to forward the Court an updated list of all the persons detained in the prison detailing the characteristics of their detention; to investigate the facts that gave rise to the adoption of the provisional measures and, if applicable, to identify those responsible and impose on them the corresponding penalties, including administrative and disciplinary sanctions; and to present to the Court a report on the provisional measures adopted to comply with the order.

Judge García Ramírez informed the Court of his Concurring Opinion, and Judges Cançado Trindade and Ventura Robles informed the Court of their Joint Separate Opinion, which accompany the Order.

15. Compliance with Judgments: During this session, the Court issued Orders on compliance with judgment in the following cases: Constitutional Court (Peru), 19 Tradesmen (Colombia) and Ricardo Canese (Paraguay).

B. Twenty-seventh Special Session of the Court

The Court held its twenty-seventh special session from March 28 to 31, 2006,³ in Brasilia, Brazil, with the following members: Judge Sergio García Ramírez (Mexico), President; Judge Alirio Abreu Burelli (Venezuela), Vice President; Judge Oliver Jackman (Barbados); Judge Antônio A. Cançado Trindade (Brazil); Judge Cecilia Medina Quiroga (Chile); Judge Manuel E. Ventura Robles (Costa Rica), and Judge Diego García Sayán (Peru). The Secretary of the Court, Pablo Saavedra Alessandri (Chile) was also present. On March 28, 2006, the twenty-seventh special session was officially inaugurated in the Plenary Session Chamber of the Superior Court of Justice of Brazil, with the participation of the judges and officials of both courts, as well as representatives of the Ministry of Foreign Relations and special guests. During the ceremony, the President of the Inter-American Court, the President of the Superior Court of Justice of Brazil, and the Special Secretary for Human Rights addressed those present, and commemorative plaques were exchanged.

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

1. Case of Sawhoyamaxa Indigenous Community (Paraguay): *Judgment on Merits, Reparations and Costs.* On March 29, 2006, the Court delivered Judgment on merits, reparations and costs in this case, and declared that the State of Paraguay had violated the rights embodied in Articles 8 (Right to a Fair Trial) and 25 (Judicial Protection) of the American Convention on Human Rights, in relation to Articles 1(1) (Obligation to Respect Rights) and 2 (Domestic Legal Effects) thereof; 21 (Right to Property) of the Convention, in relation to Articles 1(1) (Obligation to Respect Rights) and 2 (Domestic Legal Effects) thereof, all of them to the detriment of the members of the Sawhoyamaxa Indigenous Community. In addition, the Court declared that the

³ The European Union was the main source of financing for the twenty-seventh special session.

State had violated the rights embodied in Article 4(1) (Right to Life) of the Convention, in relation to Articles 1(1) (Obligation to Respect Rights) and 19 (Rights of the Child) thereof; and Article 3 (Right to Juridical Personality) of the Convention, in relation to Article 1(1) (Obligation to Respect Rights) of this instrument, to the detriment of NN [no first name] Galarza, Rosana López, Eduardo Cáceres, Eulalio Cáceres, Esteban González Aponte, NN González Aponte, Niño Yegros, Jenny Toledo, Guido Ruiz Díaz, NN González, Luis Torres Chávez, Diego Andrés Ayala, Francisca Britez, Silvia Adela Chávez, Derlis Armando Torres, Juan Ramón González, Arnaldo Galarza and Fátima Galarza.

Regarding reparations, the Court decided, among other matters, that the State should: adopt all the legislative, administrative and any other measures necessary to return physically and formally to the members of the Sawhoyamaxa Community their traditional land, within a maximum of three years; establish a community development fund and pay compensation for non-pecuniary damage and costs and expenses, within one year of notification of the judgment. In addition, the Court decided that the State should: while the members of the Sawhoyamaxa Indigenous Community are without land, provide them with the necessary basic services and goods for their subsistence; establish in the Santa Elisa and Kilómetro 16 Settlements of the Sawhoyamaxa Community a communication system that allows the victims to contact the competent health authorities; implement a registration and documentation program; and adopt in domestic law, within a reasonable time, the legislative, administrative and any other measures necessary to establish an effective mechanism for members of the indigenous peoples who authenticate their rights over their traditional lands to claim their ancestral lands; make the publications indicated in paragraph 236 of the judgment within one year of notification thereof, and finance the broadcasting by radio of the judgment in the terms of paragraph 236 thereof.

Judges Sergio García Ramírez, Antônio A. Cançado Trindade and Manuel E. Ventura Robles informed the Court of their Concurring Opinions, which accompany the Judgment.

2. Case of Almonacid Arellano (Chile): Preliminary Objections and Possible Merits, Reparations and Costs. On March 29, 2006, the Court held a public hearing during which it heard the statements of the witnesses and expert witnesses proposed by the Inter-American Commission on Human Rights, the representatives of the alleged victims, and the Chilean State, as well as the arguments of the parties on the preliminary objections and possible merits, reparations and costs in this case. Judge Cecilia Medina (Chile) disqualified herself from taking part in this case.

3. Case of Vargas Areco (Paraguay): Merits and Possible Reparations and Costs. On March 30, 2006, the Court held a public hearing during which it heard the statements of the witness and expert witness proposed by the representatives of the alleged victim and his next of kin, as well as the arguments of the Inter-American Commission on Human Rights, the representatives of the alleged victims, and the Paraguayan State on the merits and possible reparations and costs in this case.

During the said public hearing, the State repeated its acquiescence to the Commission's application and added that "bearing in mind the special characteristics of the case, it would not contest any claims additional to those presented by the Commission."

4. Matter of the Mendoza Prisons (Argentina): Provisional Measures. On March 30, 2006, the Court held a public hearing during which it heard the arguments of the Inter-American Commission on Human Rights, the representatives of the beneficiaries of the provisional measures

and the State of Argentina on the status of the implementation of the provisional measures that had been ordered by the Court as of November 22, 2004, in this matter.

The same day, the Court issued an Order on provisional measures, in which it decided, among other matters, to require the State: to adopt immediately and obligatorily, the necessary and effective provisional measures to protect effectively the life and safety of all the persons deprived of liberty in the Mendoza Provincial Prison and in the Gustavo André de Lavalle Unit, as well as all the persons who are within these institutions, particularly to eliminate the risk of violent death and the inadequate conditions of internal control and safety in the prisons; to ensure that the provisional measures ordered are effective, by implementing them in transparent and genuine coordination with the provincial and federal authorities; and to provide specific information to the Inter-American Court, every two months as of its last report, on the measures adopted to comply with the Court's orders, particularly, by reports that contain concrete results based on the specific needs of protection of the beneficiaries of the measures. In that regard, the Court considered that the supervisory role of the Inter-American Commission was especially important to provide adequate and effective monitoring of the implementation of the measures ordered.

Judges García Ramírez and Cançado Trindade informed the Court of their Separate Opinions and Judge García-Sayán informed the Court of his Concurring Opinion, which accompany the Order.

5. Matter of the Capital Region Yare I and Yare II Penitentiary Center (Yare Prison) (Venezuela): *Provisional Measures.* On March 30, 2006, the Court issued an Order concerning provisional measures in this matter, in which it decided, among other matters, to require the State: to adopt forthwith the necessary measures to avoid effectively and definitively the violence in the Yare Prison, to ensure that no one who is within this Center died or had their personal integrity harmed; to adopt the necessary measures to: (a) confiscate the weapons in the possession of the interns; (b) separate the interns who are being prosecuted from those who have been convicted; and (c) adapt the detention conditions of the prison to the pertinent international standards; to take all pertinent steps to ensure that the protection measures in favor of the persons deprived of their liberty in the Yare Prison are planned and implemented with the participation of the representatives of the beneficiaries of the measures, and, in general, keep them informed of progress in their implementation; to forward the Court an updated list of all the persons interned in the Prison, indicating the precise characteristics of their detention; and to investigate the facts that gave rise to the adoption of provisional measures and, if applicable, identify those responsible and impose the corresponding penalties, including administrative and disciplinary sanctions.

6. Other activities: On March 29, 2006, the members of the Court attended a luncheon offered by the Justices of the Superior Court of Justice of Brazil and, on March 30, a luncheon offered by the Ministry of Foreign Affairs and the Special Secretariat for Human Rights, in the Itamaraty Palace. On March 31, 2006, a seminar on the present and future challenges of the inter-American system for the promotion and protection of human rights was organized in the External Auditorium of the Supreme Court of Justice for State officials, representatives of civil society and students. It was offered by Judges Antônio A. Cançado Trindade, Manuel E. Ventura Robles and Alirio Abreu Burelli; Wilson Dipp, Minister of the Superior Court of Justice, acted as moderator. Lastly, the same day, a visit was made to the President of the Supreme Federal Court of Brazil.

C. Twenty-eighth Special Session of the Court

The Court held its twenty-eighth special session from April 3 to 6, 2006⁴ in Buenos Aires, Argentina, with the following members: Judge Sergio García Ramírez (Mexico), President; Judge Alirio Abreu Burelli (Venezuela), Vice President; Judge Oliver Jackman (Barbados); Judge Antônio A. Cançado Trindade (Brazil); Judge Cecilia Medina Quiroga (Chile); Judge Manuel E. Ventura Robles (Costa Rica), and Judge Diego García Sayán (Peru). The Secretary of the Court, Pablo Saavedra Alessandri (Chile), was also present.

During this session, the Court delivered one judgment and held two public hearings concerning contentious cases. It also issued an order on provisional measures. The matters considered by the Court during this session are described below:

1. Case of Claude Reyes et al. (Chile): Merits and Possible Reparations and Costs. On April 3, 2006, the Court held a public hearing during which it heard the statements of the two witnesses and the opinions of three expert witnesses proposed by the Inter-American Commission on Human Rights, the representative of the alleged victims, and the Chilean State, as well as the arguments of the parties on the merits and possible reparations and costs in this case.

2. Case of Montero Aranguren et al. (Venezuela): Preliminary Objections and Possible Merits, Reparations and Costs. On April 4, 2006, the Court held a public hearing during which it heard the statements of the witnesses proposed by the Inter-American Commission on Human Rights and the representatives of the alleged victims and their next of kin, as well as the oral arguments of the Commission, the representatives of the alleged victims, and the Venezuelan State on the preliminary objections and possible merits, reparations and costs in this case.

During this public hearing, the State of Venezuela acknowledged its international responsibility for the facts established in the application lodged by the Inter-American Commission and in the representatives' requests and arguments brief, as well as the alleged human rights violations and the reparations requested.

3. Case of Baldeón García (Peru): Judgment on Merits, Reparations and Costs. On April 6, 2006, the Court delivered Judgment on merits, reparations and costs in this case, and decided to admit the acknowledgment of international responsibility made by the State of Peru for the violation of the rights embodied in Articles 4 (Right to Life), 5 (Right to Humane Treatment) and 7 (Right to Personal Liberty) of the American Convention, in relation to Article 1(1) (Obligation to Respect Rights) thereof, to the detriment of Bernabé Baldeón García; also the State's acknowledgement of international responsibility for the violation of the right embodied in Article 8(1) (Right to a Fair Trial) of the Convention, in relation to Article 1(1) (Obligation to Respect Rights) of this instrument, to the detriment of Guadalupe Yllaconza Ramírez de Baldeón and Crispín, Fidela, Roberto, Segundina, Miguelita, Perseveranda, Vicente and Sabina, all Baldeón Yllaconza.

The Court also declared that the State had violated the rights embodied in Articles 4(1) (Right to Life) of the Convention, in relation to Article 1(1) (Obligation to Respect Rights) thereof, to the detriment of Bernabé Baldeón García; 5(2) (Right to Humane Treatment) of the Convention, in relation to Article 1(1) (Obligation to Respect Rights) thereof, to the detriment of Bernabé

4 The European Union was the main source of financing for the twenty-eighth special session.

Baldeón García; 5(1) (Right to Humane Treatment) of the American Convention, in relation to Article 1(1) (Obligation to Respect Rights) thereof, to the detriment of Guadalupe Yllaconza Ramírez de Baldeón, Crispín, Fidela, Roberto, Segundina, Miguelita, Perseveranda, Vicente and Sabina, all Baldeón Yllaconza; and 8(1) (Right to a Fair Trial) and 25 (Judicial Protection) of the Convention, in relation to Article 1(1) (Obligation to Respect Rights) of this instrument, to the detriment of Guadalupe Yllaconza, Crispín, Fidela, Roberto, Segundina, Miguelita, Perseveranda, Vicente and Sabina, all Baldeón Yllaconza. In addition, the Court declared that the State had failed to comply with the obligation to investigate and punish torture established in Articles 1, 6 and 8 of the American Convention to Prevent and Punish Torture, as of April 28, 1993.

Regarding reparations, the Court decided, among other matters, that the State should: initiate all the necessary actions to identify, prosecute and punish all the masterminds and perpetrators of the violations committed to the detriment of Bernabé Baldeón García, with full respect for judicial guarantees and within a reasonable time; publish once in the official gazette and in another newspaper with national circulation, the chapter of the judgment on the proven facts; organize an act in which it made a public apology and acknowledged its international responsibility, in the presence of the most senior State authorities; name a street, square or school in memory of Bernabé Baldeón García; provide medical, psychological or psychiatric care, as applicable, to the next of kin of Bernabé Baldeón García; pay Guadalupe Yllaconza Ramírez de Baldeón, Crispín, Roberto, Segundina, Miguelita, Perseveranda, Vicente, Sabina and Fidela, all Baldeón Yllaconza, compensation for pecuniary and non-pecuniary damage; and pay specific costs and expenses arising in the domestic sphere and in the international proceedings before the inter-American system for the protection of human rights, to Crispín Baldeón Yllaconza.

Judge Cançado Trindade informed the Court of his Separate Opinion, which accompanies the Judgment.

4. Case of the Serrano Cruz Sisters (El Salvador): *Request for Provisional Measures.* On March 27, 2006, the representatives of the victims and their next of kin submitted to the Inter-American Court, pursuant to Articles 63(2) (Competence and Functions) of the American Convention on Human Rights and 25 (Provisional measures) of the Court's Rules of Procedure, a request for provisional measures in favor of José Mario Sánchez González, for the Court to require the State "to halt any possible deportation of Mario Sánchez González until the application for renewal of his temporary residence has been resolved." On April 4, 2006, the representatives of the victims and their next of kin presented a brief in which they requested the Court "to discontinue processing the request for provisional measures in favor of Mario Sánchez," since the latter "had not been deported on March 28, 2006, as the members of the *Asociación Pro-Búsqueda de Niños y Niñas Desaparecidos* had feared."

On April 6, 2006, the Court issued an Order regarding this request for provisional measures, in which it decided to accept the request of the representatives of the victims and their next of kin in the Serrano Cruz Sisters case to discontinue the processing of the request for provisional measures filed in favor of Mario Sánchez.

5. Other activities: On April 3, 2006, members of the Inter-American Court had a meeting with the President of the Supreme Court of Justice of Argentina, Dr. Enrique Santiago Petracchi, and Justices of the Supreme Court during which a cooperation agreement between the two institutions was signed. The same day, the Vice President of the Court made a presentation during the inauguration of the International Seminar on Security and Human Rights, organized by the

Inter-American Institute of Human Rights and the Office of the Argentine Ombudsman. On April 4, 2006, there was an exchange of commemorative plaques with the Supreme Court of Justice. On April 5, 2006, the Minister of Foreign Affairs and Worship, Jorge Taiana, offered a reception in honor of the Court in the Palace of San Martín. On April 6, 2006, meetings were held with the President of the Argentine Republic, Néstor Kirchner, at the Casa Rosada, the Secretary for Human Rights, Eduardo Duhalde, and the Minister of Foreign Affairs and Worship, Jorge Taiana. In addition, two inter-institutional cooperation agreements were signed, one with Parlatino and the other with the Universidad Católica de Buenos Aires. The President and Secretary of the Court also met with the Legislation, Justice and Human Rights Commission of the National Congress.

On April 7, 2006, a seminar was held at the Universidad de La Plata, with the participation of Judges Antônio A. Cançado Trindade and Manuel E. Ventura Robles, together with the Secretary of the Court. The same day, Judge Cecilia Medina Quiroga, together with the lawyers, Francisco Quintana and Alejandra Gonza, took part in two seminars, one of which was held in the Law and Social Sciences Faculty of the Universidad Nacional de Tucumán and the other in the Catalina's Park Hotel in that city. The same day, Judge Alirio Abreu Burelli and the lawyer, Oswaldo Ruiz, offered a seminar in the city of Neuquén. These activities were coordinated by the Argentine Secretary for Human Rights.

D. Twenty-ninth Special Session of the Court

The Court held its twenty-ninth special session from June 26 to 28, 2006⁵ in San Salvador, El Salvador, with the following members:⁶ Judge Sergio García Ramírez (Mexico), President; Judge Alirio Abreu Burelli (Venezuela), Vice President; Judge Antônio A. Cançado Trindade (Brazil); Judge Cecilia Medina Quiroga (Chile); Judge Manuel E. Ventura Robles (Costa Rica), and Judge Diego García Sayán (Peru). Also present were the Secretary of the Court, Pablo Saavedra Alessandri (Chile), and the Deputy Secretary, Emilia Segares Rodríguez (Costa Rica). This special session was inaugurated at a ceremony held in the Auditorium of the Supreme Court of Justice of El Salvador attended by the judges and officials of the Inter-American Court, as well as senior authorities of the State of El Salvador, including the President of the Republic, the President of the Supreme Court of Justice, the President of the Legislative Assembly, and the Deputy Minister of Foreign Affairs. Following the ceremony, the President of the Republic of El Salvador, Elías Antonio Saca, met with the judges of the Inter-American Court accompanied by the Secretary and Deputy Secretary.

During this session, the Court held two public hearings concerning contentious cases. The matters considered by the Court during this session are described below:

1. Case of the Miguel Castro Castro Prison (Peru): Merits and Possible Reparations and Costs. On June 26 and 27, 2006, the Court held a public hearing during which it heard the statements of five witnesses and two expert witnesses proposed by the Inter-American Commission on Human Rights, and the joint intervenor for the representatives of the alleged victims and the State, as well as the arguments of the parties on merits and possible reparations and costs in this case. Judge Diego García-Sayán (Peru) disqualified himself from taking part in this case.

⁵ The European Union was the main source of financing for the twenty-ninth special session.

⁶ Judge Oliver Jackman informed the Court that, for reasons beyond his control, he would be unable to attend the twenty-ninth special session.

2. Case of the Dismissed Congressional Employees (Peru): Preliminary Objections and Possible Merits, Reparations and Costs. On June 27, 2006, the Court held a public hearing during which it heard the arguments of the Inter-American Commission on Human Rights, and the joint intervenors proposed by the representatives of the alleged victims and the State of Peru on preliminary objections and possible merits, reparations and costs in this case.

3. Other activities: On the evening of June 26, 2006, the Minister of Foreign Affairs of the Republic of El Salvador, represented by his Deputy Minister, offered a reception in honor of the Court, during which commemorative plaques were exchanged between the Ministry and the Inter-American Court. On June 27, 2006, a working breakfast was held with the Minister of Foreign Affairs; in addition to the Minister, the event was attended by the Deputy Ministers of Foreign Affairs, officials from this Ministry, and the Judges and Secretaries of the Inter-American Court. On June 27, 2006, the President of the Inter-American Court gave a press conference accompanied by the Representative of the European Union for Central America, during which the President expressed his gratitude for the agreement between the Inter-American Court and the European Union to "Strengthen and increase the jurisdictional action of the Inter-American Court of Human Rights on the American continent"; the Court held the session in El Salvador within the framework of this agreement, in addition to executing many other activities that the President described.

On June 28, 2006, the President and Secretary of the Court made an official visit to the Legislative Assembly of the Republic of El Salvador, during which they met with the International Affairs Commission and the Justice and Human Rights Commission. The same day, the Judges of the Court gave seminars at: the Universidad Centroamericana José Simeón Cañas, the Universidad de El Salvador and the Universidad José Matías Delgado. In addition, institutional cooperation agreements were signed between the Inter-American Court and these universities. The Judges of the Court also held a working meeting with the Justices of the Salvadoran Supreme Court of Justice, during which they exchanged commemorative plaques. On June 28, 2006, the President of the Court took part in the inauguration of the "Fourth Inter-American Congress of Public Defenders and the Second Congress of the IADEF."

E. Seventy-first Regular Session of the Court

The Court held its seventy-first session from June 29 to July 6, 2006,⁷ at its seat in San Jose, Costa Rica, with the following members:⁸ Judge Sergio García Ramírez (Mexico), President; Judge Alirio Abreu Burelli (Venezuela), Vice President; Judge Antônio A. Cançado Trindade (Brazil); Judge Cecilia Medina Quiroga (Chile); Judge Manuel E. Ventura Robles (Costa Rica), and Judge Diego García Sayán (Peru). Also present were the Secretary of the Court, Pablo Saavedra Alessandri (Chile), and the Deputy Secretary, Emilia Segares Rodríguez (Costa Rica).

During this session, the Court delivered three judgments concerning contentious cases. It also issued 10 orders on provisional measures, held a public hearing in this regard, and issued four orders on monitoring compliance with judgment. The matters considered by the Court during this session are described below:

⁷ The European Union was the main source of financing for the seventy-first session.

⁸ Judge Oliver Jackman informed the Court that, for reasons beyond his control, he would be unable to attend the seventy-first session.

1. Case of the Ituango Massacres (Colombia): *Judgment on Preliminary Objections, Merits, Reparations and Costs.* On July 1, 2006, the Court delivered Judgment on merits, reparations and costs in this case, deciding to admit the acknowledgment of international responsibility made by the State of Colombia for the violation of the rights embodied in Articles 4 (Right to Life) of the Convention to the detriment of William de Jesús Villa García, María Graciela Arboleda Rodríguez, Héctor Hernán Correa García, Jairo de Jesús Sepúlveda Arias, Arnulfo Sánchez Álvarez, José Darío Martínez Pérez, Olcris Fail Díaz Pérez, Wilmar de Jesús Restrepo Torres, Omar de Jesús Ortiz Carmona, Fabio Antonio Zuleta Zabala, Otoniel de Jesús Tejada Jaramillo, Omar Iván Gutiérrez Nohavá, Guillermo Andrés Mendoza Posso, Nelson de Jesús Palacio Cárdenas, Luis Modesto Múnera Posada, Dora Luz Areiza Arroyave, Alberto Correa, Marco Aurelio Areiza Osorio and Elvia Rosa Areiza Barrera; 7 (Right to Personal Liberty) of the Convention to the detriment of Jairo de Jesús Sepúlveda Arias, Marco Aurelio Areiza Osorio and Elvia Rosa Areiza Barrera; 5 (Right to Humane Treatment) of the Convention to the detriment of Marco Aurelio Areiza Osorio and Elvia Rosa Areiza Barrera; and 21 (Right to Property) of the Convention to the detriment of Luis Humberto Mendoza, Libardo Mendoza, Francisco Osvaldo Pino Posada, Omar Alfredo Torres Jaramillo, Ricardo Alfredo Builes Echeverry and Bernardo María Jiménez Lopera, all in relation to Article 1(1) (Obligation to Respect Rights) of this instrument, with the legal consequences as regards reparations. The Court also decided to reject the preliminary objected filed by the State.

The Court also declared that the State had violated the rights embodied in the following articles of the American Convention: 4 (Right to Life) in relation to Article 1(1) (Obligation to Respect Rights) to the detriment of William de Jesús Villa García, María Graciela Arboleda Rodríguez, Héctor Hernán Correa García, Jairo de Jesús Sepúlveda Arias, Arnulfo Sánchez Álvarez, José Darío Martínez Pérez, Olcris Fail Díaz Pérez, Wilmar de Jesús Restrepo Torres, Omar de Jesús Ortiz Carmona, Fabio Antonio Zuleta Zabala, Otoniel de Jesús Tejada Jaramillo, Omar Iván Gutiérrez Nohavá, Guillermo Andrés Mendoza Posso, Nelson de Jesús Palacio Cárdenas, Luis Modesto Múnera Posada, Dora Luz Areiza Arroyave, Alberto Correa, Marco Aurelio Areiza Osorio and Elvia Rosa Areiza Barrera; 6(2) (Freedom from Slavery) in relation to Article 1(1) (Obligation to Respect Rights) to the detriment of Francisco Osvaldo Pino Posada, Omar Alfredo Torres Jaramillo, Rodrigo Alberto Mendoza Posso, Noveiri Antonio Jiménez Jiménez, Milciades De Jesús Crespo, Ricardo Barrera, Gilberto Lopera, Argemiro Echavarría, José Luis Palacio, Román Salazar, William Chavarría, Libardo Carvajal, Eduardo Rua, Eulicio García, Alberto Lopera, Tomás Monsalve and Felipe "Pipe" Gomez; 7 (Right to Personal Liberty) in relation to Article 1(1) (Obligation to Respect Rights) to the detriment of Francisco Osvaldo Pino Posada, Omar Alfredo Torres Jaramillo, Rodrigo Alberto Mendoza Posso, Noveiri Antonio Jiménez Jiménez, Milciades De Jesús Crespo, Ricardo Barrera, Gilberto Lopera, Argemiro Echavarría, José Luis Palacio, Román Salazar, William Chavarría, Libardo Carvajal, Eduardo Rua, Eulicio García and Alberto Lopera; 21 (Right to Property) in relation to Article 1(1) (Obligation to Respect Rights) to the detriment of those who lost property in El Aro; 11(2) (Right to Privacy) with regard to the prohibition of arbitrary or abusive interference with private life and home, in relation to Articles 21 (Right to Property) and 1(1) (Obligation to Respect Rights), to the detriment of those whose homes were destroyed in El Aro; 22 (Freedom of Movement and Residence) in relation to Article 1(1) (Obligation to Respect Rights) to the detriment of those who were displaced from El Aro and La Granja; 19 (Rights of the Child) in relation to Article 1(1) (Obligation to Respect Rights) to the detriment of the children, Wilmar de Jesús Restrepo Torres, Jorge Correa Sánchez, Omar Daniel Pérez Areiza, José Leonel Areiza Posada and Marco Aurelio Areiza Posada; 5 (Right to Humane Treatment) in relation to Article 1(1) (Obligation to Respect Rights) to the detriment of the victims executed in El Aro and La Granja and their next of kin; 5 (Right to Humane Treatment) in relation to Articles

6 (Freedom from Slavery), 7 (Right to Personal Liberty), 11(2) (Right to Privacy), 21 (Right to Property), 22 (Freedom of Movement and Residence) and 1(1) (Obligation to Respect Rights) to the detriment of the persons indicated in paragraphs 269, 270, 276 and 277 of the judgment; 5 (Right to Humane Treatment) in relation to Article 1(1) (Obligation to Respect Rights) to the detriment of all the inhabitants of La Granja and El Aro; and 8(1) (Right to a Fair Trial) and 25 (Judicial Protection) in relation to Article 1(1) (Obligation to Respect Rights) to the detriment of all the persons whose rights were violated, and who were not guaranteed full access to justice, and who are indicated in paragraph 344 of the judgment.

Regarding reparations, the Court decided, among other matters, that the State must: take the necessary measures to provide justice in this case; provide, free of charge, and through the national health services, the appropriate treatment required by the next of kin of the victims executed in this case; take the necessary measures to guarantee safe conditions for the former inhabitants of El Aro and La Granja, who were forced to displace, to return to El Aro or La Granja, as applicable and if they so desire; organize a public act to acknowledge international responsibility for the facts of this case, in the presence of senior authorities; implement a housing program, to provide appropriate housing to the surviving victims who lost their homes and who require this; erect a plaque in an appropriate public place in La Granja and in El Aro, so that the new generations know about the events that took place in this case; implement, within a reasonable time, permanent training programs on human rights and international humanitarian law for the Colombian Armed Forces; publish once, within six months, in the official gazette and in another newspaper with national circulation, the chapter on the proven facts in this judgment, without the corresponding footnotes, and the operative paragraphs of the judgment; pay the persons indicated in Appendixes I and III of this judgment, within one year, compensation for pecuniary damage; pay the persons indicated in Appendixes I, II and III of this judgment compensation for non-pecuniary damage; and pay specific costs and expenses arising in the domestic sphere and in the international proceedings before the inter-American system for the protection of human rights, to be delivered, as applicable, to the *Grupo Interdisciplinario de Derechos Humanos* and the *Comisión Colombiana de Juristas*.

Judges García Ramírez and Cançado Trindade informed the Court of their Separate Opinions, which accompany the Judgment.

2. Case of Ximenes Lopes (Brazil): Judgment on Merits, Reparations and Costs. On July 4, 2006, the Court delivered Judgment on merits, reparations and costs in this case, deciding to accept the partial acknowledgement of international responsibility made by the State of Brazil for the violation of the rights embodied in Articles 4(1) (Right to Life) and 5(1) and 5(2) (Right to Humane Treatment) of the American Convention, in relation to Article 1(1) (Obligation to Respect Rights) thereof, to the detriment of Damião Ximenes Lopes. In addition, the Court decided that the State had violated, as it had acknowledged, the rights embodied in Articles 4(1) (Right to Life) and 5(1) and 5(2) (Right to Humane Treatment) of the American Convention, in relation to Article 1(1) (Obligation to Respect Rights) thereof, to the detriment of Damião Ximenes Lopes. The Court also decided that the State had violated the rights embodied in Articles 5 (Right to Humane Treatment) of the Convention, in relation to Article 1(1) (Obligation to Respect Rights) of this instrument, to the detriment of Albertina Viana Lopes and Irene Ximenes Lopes Miranda and Francisco Leopoldino Lopes and Cosme Ximenes Lopes, next of kin of Damião Ximenes Lopes; and 8(1) (Right to a Fair Trial) and 25(1) (Judicial Protection) of the Convention, in relation to Article 1(1) (Obligation to Respect Rights) thereof, to the detriment of Albertina Viana Lopes and Irene Ximenes Lopes Miranda, next of kin of Damião Ximenes Lopes.

Regarding reparations, the Court decided, among other matters, that the State must: guarantee, within a reasonable time, that the domestic proceedings to investigate and sanction those responsible for the facts of this case are effective; publish once in the official gazette and in another newspaper with widespread national circulation, chapter VII of the judgment on the proven facts, without the corresponding footnotes, and the operative paragraphs thereof; continue to implement a training program for medical, psychiatric, psychological, and nursing personnel and all those persons involved in mental health care, particularly with regard to the principles that should govern the treatment of people with mental disabilities, in accordance with the relevant international standards and those established in the judgment; pay, in cash, to Albertina Viana Lopes and Irene Ximenes Lopes Miranda, compensation for pecuniary damage; pay, in cash, to Albertina Viana Lopes, Irene Ximenes Lopes Miranda, Francisco Leopoldino Lopes and Cosme Ximenes Lopes, compensation for non-pecuniary damage; and pay, in cash, specific costs and expenses arising in the domestic sphere and in the international proceedings before the inter-American system for the protection of human rights, to Albertina Viana Lopes.

Judges Sergio García Ramírez and Antônio Augusto Cançado Trindade informed the Court of their Separate Opinions, which accompany the Judgment.

3. Case of Raxcacó Reyes *et al.* (Guatemala): Provisional Measures. On July 4, 2006, the Court issued an Order on provisional measures in this case, in which it decided, among other matters, to conclude the provisional measures ordered in favor of Hugo Humberto Ruiz Fuentes, and to require the State to present a report on the measures it had adopted to comply with the provisional measures ordered in favor of Bernardino Rodríguez Lara and Pablo Arturo Ruiz Almengor, by August 21, 2006, at the latest; also, that, after it had forwarded this report, it should continue reporting to the Inter-American Court, every two months, on compliance with the measures adopted.

4. Matter of Guerrero Gallucci and Martínez Barrios (Venezuela): Provisional Measures. On July 4, 2006, the Court issued an Order on a request for provisional measures submitted by the Inter-American Commission, in which it decided, among other matters, to require the State to adopt, forthwith, the necessary provisional measures to protect the right to life and personal integrity of María del Rosario Guerrero Gallucci and Adolfo Segundo Martínez Barrios and, to this end, it should take into consideration the gravity of the situation and the specific danger of the circumstances; to investigate the facts that gave rise to the adoption of provisional measures and, if applicable, identify those responsible and impose the corresponding sanctions; to take all pertinent steps to ensure that the measures of protection required in the order are planned and implemented with the participation of the beneficiaries of the measures or their representatives, so that these measures are provided diligently and effectively by adequately trained and qualified personnel, who do not form part of the security agencies that have been denounced by the beneficiary, María del Rosario Guerrero Gallucci, and to keep the beneficiaries informed of progress in the implementation of the said measures.

5. Matter of the Children and Adolescents Deprived of Liberty in the FEBEM “Tataupé Complex” (Brazil): Provisional Measures. On July 4, 2006, the Court issued an Order on provisional measures in this matter, in which it decided, among other matters, to reiterate to the State that it should: maintain and adopt forthwith, the necessary measures to protect the life and personal integrity of all the children and adolescents resident in the FEBEM “Tataupé Complex, as well as of all persons inside this complex; continue adopting all necessary measures to prevent the outbreaks of violence, and also to guarantee the security of the interns and maintain order

and discipline in this complex; maintain the necessary measures to prevent the young interns being subjected to cruel, inhuman and degrading treatment, including prolonged confinement and physical ill-treatment; and maintain and adopt all necessary measures to: (a) substantially reduce overcrowding in the "Tataupé Complex; (b) confiscate the weapons in the possession of the young people; (c) separate the interns, according to the pertinent international standards and taking into account the best interests of the child, and (d) provide the necessary medical care to the children interned, in order to guarantee their right to humane treatment. In this regard, the State should periodically monitor the detention conditions and physical and emotional condition of the children who are detained, with the participation of the representatives of the beneficiaries of the provisional measures.

The Court also decided to order the State: to take all necessary steps to ensure that the protection measures are planned and implemented with the participation of the representatives of the beneficiaries of the measures and, in general, keep them informed about progress in their implementation; to facilitate the entry of the representatives of the beneficiaries of the measures to the units of the "Tataupé Complex, and communication between them and the young people who reside in the "Tataupé Complex and, also, to provide precise information on: (a) the identity of the children; (b) the day and hour of entry, any transfer or release, and (c) whether the adolescents who are being prosecuted and those whose legal situation has already been decided by the Judiciary are physically located in different sections of the Center; and to investigate both the facts that gave rise to the adoption of the provisional measures and the violent acts that occurred following the measures, in order to identify those responsible and impose the corresponding sanctions, including disciplinary sanctions; also, to forward information regarding the circumstances of the death of the youth, Ricardo Pereira Cunha, the steps taken to investigate the facts, and the measures taken to avoid a repetition of such facts. The Court also decided to reject the request for expansion of provisional measures in favor of Conceição Paganele.

6. Case of the 19 Tradesmen (Sandra Belinda Montero Fuentes and family, Salomón Flórez and family, Luis José Pundor Quintero and family, Ana Diva Quintero Quintero de Pundor and family) (Colombia): *Provisional Measures.* On July 4, 2006, the Court issued an Order on provisional measures in this case, in which it decided, among other matters, to ratify all the terms of the order of the President of the Inter-American Court of Human Rights of April 28, 2006, and, consequently, to require the State of Colombia to maintain the measures it had adopted and adopt, forthwith, the necessary measures to protect the right to life and personal integrity of Salomón Flórez Contreras, José Pundor Quintero, Ana Diva Quintero Quintero de Pundor, and their respective families; to reiterate to the State that it should adopt and maintain the necessary measures to protect the right to life and personal integrity of Sandra Belinda Montero Fuentes and of her children, Juan Manuel Ayala Montero and María Paola Casanova Montero; and to require the State to investigate the facts that gave rise to the adoption of the provisional measures and, if applicable, identify those responsible and impose the corresponding sanctions.

7. Matter of Ramírez Hinostrroza et al. (Peru): *Provisional Measures.* On July 4, 2006, the Court issued an Order on provisional measures in this matter, in which it decided, among other matters, to lift and terminate the provisional measures adopted by the Court in its order of September 21, 2005, in favor of Carlos Rivera Paz; and to require the State to maintain the measures it had adopted and adopt, forthwith, all necessary measures to protect the life and personal integrity of Luis Alberto Ramírez Hinostrroza, his wife, Susana Silvia Rivera Prado, and

his three daughters: Yolanda Susana Ramírez Rivera, Karen Rose Ramírez Rivera and Lucero Consuelo Ramírez Rivera, required in its order of September 21, 2005.

8. Matter of Marta Colomina and Liliana Velásquez (Venezuela): *Provisional Measures.* On July 4, 2006, the Court issued an Order on provisional measures in this matter, in which it decided, among other matters, to declare that the State had failed to comply with its obligation to inform the Inter-American Court specifically and in detail about the implementation of the measures it had ordered; to lift the provisional measures with regard to Liliana Velásquez; to reiterate to the State that it should adopt, forthwith, all necessary measures to protect the life, personal integrity and freedom of expression of Marta Colomina; to reiterate to the State that it must continue allowing the beneficiary to participate in the planning and implementation of the measures of protection and, in general, keep her informed about progress in the measures ordered; to declare that, under the provisional measures procedure, it will not begin to consider matters related to the filing of the investigation into the facts that gave rise to these measures, nor to the alleged negligence of the State in this investigation, because this corresponds to the examination of the merits of the case, which will be dealt with at the opportune stage of the processing of case 519/03, currently before the Inter-American Commission on Human Rights; and to require the State to inform the Inter-American Court, specifically and in detail, by August 30, 2006, at the latest, about the implementation and execution of the provisional measures adopted. This report should include the information requested by the Court's Secretariat on April 24, 2006.

9. Case of Caballero Delgado and Santana (Colombia): *Provisional Measures.* On July 4, 2006, the Court issued an Order on provisional measures in this case, in which it decided, among other matters, to lift the provisional measures ordered by the Court in favor of Élide González Vergel, in its order of April 16, 1997, and repeated in its order of June 3, 1999; to require the State to maintain and adopt the necessary measures to protect the life and personal integrity of María Nodelia Parra and Gonzalo Arias Alturo; to reiterate to the State that it should investigate the facts that gave rise to the maintenance of the provisional measures and, if applicable, identify those responsible and impose the corresponding sanctions; and to reiterate to the State that it should permit the beneficiaries to take part in the planning and implementation of the measures of protection and, in general, keep them informed about progress in the measure ordered by the Inter-American Court.

10. Matter of the Forensic Anthropology Foundation of Guatemala (Guatemala): *Provisional Measures.* On July 4, 2006, the Court issued an Order on provisional measures in this matter, in which it decided, among other matters, to ratify all the terms of the order of the President of the Court of April 21, 2006, and consequently, to require the State of Guatemala to maintain the measures that it had adopted and to adopt, forthwith, all necessary measures to protect the rights to life and personal integrity of the following persons, and to this end, it should take into consideration the gravity of the situation and the specific danger of the circumstances: Fredy Armando Peccerelli Monterroso, Adriana Gabriela Santos Bremme, Alan Gabriel Robinsón Cañedo, Alma Nydia Vásquez Almazán, Álvaro Luis Jacobo González, Ana Dolores Arriola Carrillo, Beatriz Díaz Arreaga, Blanca Noemí Barcenas Albizurez, Byron Estuardo García Méndez, Carlos Rene Jacinto, Claudia Eugenia Rivera Fernández, Dania Marianela Rodríguez Martínez, Danny A. Guzmán Castellanos, Dominga Alejandra Varel Sequeira, Edgar Herlindo Hernández Sánchez, Edwin Giovanni Peruch Conòs, Elder Rodolfo Urbina Urizar, Erick Oswaldo Duque Hernández, Estuardo Guevara, Fernando Arturo López Antillon, Flavio Abel Montufar Dardon, Fredy Arnoldo Cumes Erazo, Gillian Margater Fowler, Gladis Amparo Martinez Ruiz, Guillermo E. Vásquez

Escobar, Gustavo Cosme Godinez, Heidy Hirua Quezada Arriaga, Irma Yolanda Morales Bucu, Jaime Enrique Ruiz Castellanos, Jessika Marisela Osorio Galindo, Jorge Luis Romero de Paz, José Fernando Alonzo Martínez, José Samuel Suasnavar Bolaños, Juan Carlos Gatica Pérez, Juan Carlos Patzán Morales, Juan Ramón Donado Vivar, Katia Victoria Orantes Poza, Leonel Estuardo Paiz Diez, Liesl Marie Cohn de León, Lourdes Lorena Herrera Sipaque, Lourdes Sofía Chew Pazos, Manuel Antonio Meneses Ruiz, Marco Tulio Pérez Tánchez, María Raquel Doradea, Mario Bernabé Ramírez Alarcón, Mario Nájera, Mynor Adán Silvestre Aroche, Mynor Alexander Urizar Chavarría, Myrna Graciela Díaz Gularte, Nancy Yadira Valdez Vielman, Omar Bertoni Girón de León, Oscar Ariel Ixpatá, Oswaldo Alexander García Pérez, Ramiro Edmundo Martínez Lemus, Raúl H. Archila García, Reina Patricia Ixcot Chávez, Renaldo Leonel Acevedo Álvarez, Sergio Oswaldo García López, Shirley Carola Chacón, Silvia Beatriz Pellecer Montiel and Tomasa Cifuentes Cifuentes, Jeannette Peccerelli, Ashley Corienne Peccerelli del Valle, Tristán Collin Peccerelli del Valle, Fredy Armando Peccerelli Tenas, María del Carmen Monterroso de Peccerelli, Bianka Irina Peccerelli de Girón, Gianni Paolo Peccerelli Monterroso and Luisa Fernanda Martínez de Peccerelli; to require the State to investigate the facts that gave rise to the adoption of the provisional measures and, if applicable, identify those responsible and impose the corresponding sanctions; and to require the State to take all pertinent steps to ensure that the measures of protection ordered are planned and implemented with the participation of the beneficiaries of the measures or their representatives, so that these measures are provided diligently and effectively and, in general, keep them informed about progress in their execution.

11. Case of Montero Aranguren et al. (Venezuela): Judgment on Merits, Reparations and Costs. On July 5, 2006, the Court delivered Judgment on merits, reparations and costs in this case, deciding to admit the acknowledgment of international responsibility made by the State of Venezuela for the violation of the rights embodied in Articles 4(1) (Right to Life) and 5(1), 5(2) and 5(4) (Right to Humane Treatment) of the American Convention, in relation to Article 1(1) (Obligation to Respect Rights) thereof, to the detriment of the 37 persons indicated in paragraph 60(26) of the judgment; to admit the State's acknowledgement of responsibility for the violation of the rights embodied in Articles 5(1) (Right to Humane Treatment), 8(1) (Right to a Fair Trial) and 25 (Judicial Protection) of the American Convention, in relation to Article 1(1) (Obligation to Respect Rights) thereof, to the detriment of the next of kin of the victims, who are individualized in paragraph 60(26) of the judgment; to admit the State's acknowledgement of responsibility for failure to comply with the obligation imposed by Article 2 (Domestic Legal Effects) of the American Convention; to declare that the State had waived the preliminary objection it had filed; and to declare that the State had violated the rights embodied in Articles 4 (Right to Life), 5(1), 5(2) and 5(4) (Right to Humane Treatment), 8 (Right to a Fair Trial) and 25 (Judicial Protection) of the American Convention, and failed to comply with the general obligations contained in Articles 1(1) (Obligation to Respect Rights) and 2 (Domestic Legal Effects) thereof, to the detriment of the persons individualized in paragraph 60(26) of the judgment.

Regarding reparations, the Court decided, among other matters, that the State must: undertake, with full observance of the right to a fair trial and within a reasonable time, all the actions necessary to identify, prosecute and punish all those responsible for the violations committed to the detriment of the victims in this case; implement, forthwith, all necessary and appropriate procedures to ensure the location and return, within a reasonable time, of the bodies of José León Ayala Gualdrón and Edgar José Peña Marín; adapt its domestic laws to the terms of the American Convention, within a reasonable time; adopt the necessary measures to ensure that prison conditions are adapted to the pertinent international standards, within a reasonable time; provide appropriate training to the members of the security agencies to ensure

the right to life, and avoid the disproportionate use of force; design and implement a training program on human rights and international standards with regard to persons deprived of liberty for police and prison agents; organize, within six months of notification of the judgment, an act to acknowledge international responsibility and make a public apology for the violations declared in the judgment; publish once in the official gazette and in another newspaper with widespread national circulation, within six months of notification of the judgment, the chapter on the proven facts of the judgment, without the corresponding footnotes, and the operative paragraphs thereof; and make the payments of the compensation for pecuniary and non-pecuniary damage, and also for specific costs and expenses within one year of notification of the judgment.

12. Matter of Mery Naranjo et al. (Colombia): Provisional Measures. On July 5, 2006, the Court issued an Order on provisional measures in this matter, in which it decided, among other matters, to require the State: to adopt, forthwith, the necessary measures to protect the rights to life and personal integrity of the following persons: Mery Naranjo Jiménez and her next of kin, Juan David Naranjo Jiménez, Alejandro Naranjo Jiménez, Sandra Janeth Naranjo Jiménez, Alba Mery Naranjo Jiménez, Erika Johann Gómez, Javier Augusto Torres Durán, Heidi Tatiana Naranjo Gómez, Sebastián Naranjo Jiménez, María Camila Naranjo Jiménez, Aura María Amaya Naranjo, Esteban Torres Naranjo and María del Socorro Mosquera Londoño; to require the State to adopt, forthwith, the necessary measures to require the Inter-American Commission and the beneficiaries or their representative to inform the Inter-American Court, within ten days from notification of the order, about the actual situation of the child, Luisa María Escudero, so that the Court could assess whether to maintain the measures adopted in her favor; to require the State to ensure that the measures of protection are not provided by the “security agencies” that, according to the beneficiaries, were involved in the reported facts, so that their designation should be made with the participation of the beneficiaries or their representative; to require the State to provide the necessary permanent measures of protection to provide security to the place of residence of Mery Naranjo Jiménez and her family; and to require the State to adopt the necessary measure to ensure that María del Socorro Mosquera Londoño, who was forced to move, can return safely to her home, and adopt all necessary measures to protect her life and personal integrity. If Mrs. Mosquera Londoño cannot return home, the Inter-American Commission and the beneficiaries or their representative are required to inform the Court, within ten days of notification of the order, of the whereabouts of Mrs. Mosquera Londoño so that the State can provide the appropriate protection wherever she is. In addition, the Court decided to require the State to investigate the facts that gave rise to the adoption of the provisional measures and, if applicable, identify those responsible and impose the corresponding sanctions, and to take all pertinent steps to ensure that the measures of protection ordered are planned and implemented with the participation of the beneficiaries or their representative, so that these measures are provided diligently and effectively and, in general, keep them informed about progress in their execution.

13. Matter of María Leontina Millacura Llaipén et al. (Argentina): Provisional Measures. On July 6, 2006, the Court held a public hearing during which it heard the arguments of the Inter-American Commission, the representatives of the beneficiaries of the urgent measures, and the State on the request for provisional measures submitted by the Commission in order to protect the life and personal integrity of the following 13 people: María Leontina Millacura Llaipén, her children Marcos and Valeria Torres, her son-in-law Juan Pablo Caba, Gerardo Colín, Patricio Oliva, Tamara Bolívar, Walter Mansilla, Silvia de los Santos, Verónica Heredia, Miguel Ángel Sánchez, and Viviana and Sonia Hayes.

The same day, the Court issued an Order on provisional measures in this matter, in which it decided, among other matters, to ratify all the terms of the order of the President of the Inter-American Court of Human Rights of June 21, 2006, and consequently, to require the State to maintain the measures it had adopted and adopt, forthwith, all necessary measures to protect the rights to life and personal integrity of María Leontina Millacura Llaipén, Marcos and Valeria Torres, Juan Pablo Caba, Gerardo Colín, Patricio Oliva, Tamara Bolívar, Walter Mansilla, Miguel Ángel Sánchez, Silvia de los Santos, Verónica Heredia, and Viviana and Sonia Hayes, and to this end, it should take into consideration the gravity of the situation and the specific danger of the circumstances; to require the State to adopt, forthwith, all necessary measures to protect the rights to life and personal integrity of the granddaughters of María Leontina Millacura Llaipén (daughters of Marcos and Valeria Torres), of Marcela ("the wife of Marcos Torres"), Alberto and Noelia Hayes, and Luis Alberto Gajardo, and to this end it should take into consideration the gravity of the situation and the specific danger of the circumstances; to require the State to investigate the facts that gave rise to the adoption of the provisional measures and, if applicable, identify those responsible and impose the corresponding sanctions; and to require the State to permit the beneficiaries of the measures or their representatives to participate in their planning and implementation and, in general, keep them informed about progress in their execution.

14. Compliance with Judgments: During this session, the Court issued Orders on compliance with judgment in the following cases: El Amparo (Venezuela), Bámaca Velásquez (Guatemala), the "Children's Rehabilitation Institute" (Paraguay) and the "Five Pensioners" (Peru).

F. Seventy-second Regular Session of the Court

The Court held its seventy-second session from September 18 to 30, 2006, at its seat in San Jose, Costa Rica, with the following members:⁹ Judge Sergio García Ramírez (Mexico), President; Judge Alirio Abreu Burelli (Venezuela), Vice President; Judge Antônio A. Cançado Trindade (Brazil); Judge Cecilia Medina Quiroga (Chile); Judge Manuel E. Ventura Robles (Costa Rica), and Judge Diego García Sayán (Peru). Also present were the Secretary of the Court, Pablo Saavedra Alessandri (Chile), and the Deputy Secretary, Emilia Segares Rodríguez (Costa Rica).

During this session, the Court delivered five judgments and held a public hearing concerning one contentious case. It also issued three orders on provisional measures, held a public hearing in this regard, and issued 10 orders on monitoring compliance with judgment and two on implementation of provisional measures. The matters considered by the Court during this session are described below:

1. Case of Claude Reyes et al. (Chile): *Judgment on Merits, Reparations and Costs.* On September 19, 2006, the Court delivered Judgment on merits, reparations and costs in this case, declaring that the State of Chile had violated the rights embodied in Article 13 (Freedom of Thought and Expression) of the American Convention, in relation to Articles 1(1) (Obligation to Respect Rights) and 2 (Domestic Legal Effects) thereof, to the detriment of Marcel Claude Reyes and Arturo Longton Guerrero; Article 8(1) (Right to a Fair Trial) of the Convention, regarding the administrative authority's decision not to provide information, in relation to Article 1(1) (Obligation

⁹ Judge Oliver Jackman informed the Court that, for reasons beyond his control, he would be unable to attend the seventy-second session.

to Respect Rights) thereof, to the detriment of Marcel Claude Reyes and Arturo Longton Guerrero; and Articles 8(1) (Right to a Fair Trial) and 25 (Judicial Protection) of the Convention, with regard to the judicial decision concerning the protection recourse, in relation to Article 1(1) (Obligation to Respect Rights) of this instrument, to the detriment of Marcel Claude Reyes, Arturo Longton Guerrero and Sebastián Cox Urrejola.

Regarding reparations, the Court decided, among other matters, that the State must: provide the information requested by the victims, if appropriate, or adopt a justified decision in this regard; publish once in the official gazette and in another newspaper with extensive national circulation, the chapter on Proven Facts of the judgment, without the corresponding footnotes, and the operative paragraphs thereof; adopt the necessary measures to ensure the right of access to State-held information, pursuant to the general obligation to adopt provisions of domestic law established in Article 2 (Domestic Legal Effects) of the American Convention on Human Rights; provide training to public entities, authorities and agents responsible for responding to requests for access to State-held information on the laws and regulations governing this right, incorporating the parameters established in the Convention concerning restrictions to access to this information; and pay specific costs and expenses to Marcel Claude Reyes, Arturo Longton Guerrero and Sebastián Cox Urrejola.

Judges Abreu Burelli and Medina Quiroga informed the Court of their Joint Dissenting Opinion and Judge García Ramírez informed the Court of his Concurring Opinion, which accompany the Judgment.

2. Case of Servellón García (Honduras): Judgment on Merits, Reparations and Costs. On September 21, 2006, the Court delivered Judgment on merits, reparations and costs in this case, deciding to admit the acknowledgment of international responsibility made by the State of Honduras for the violation of the rights embodied in Articles 7(1), 7(2), 7(3), 7(4) 7(5) and 7(6) (Right to Personal Liberty), 5(1) and 5(2) (Right to Humane Treatment), 4(1) (Right to Life), 8(1) and 8(2) (Right to a Fair Trial) and 25(1) (Judicial Protection) of the American Convention, to the detriment of Marco Antonio Servellón García, Rony Alexis Betancourth Vásquez, Orlando Álvarez Ríos and Diomedes Obed García Sánchez; and 5(5) (Right to Humane Treatment) of the Convention, in relation to Article 19 (Rights of the Child) of this instrument, to the detriment of Marco Antonio Servellón García and Rony Alexis Betancourth Vásquez, all in relation to Article 1(1) (Obligation to Respect Rights) thereof. The Court also decided to admit the State's acknowledgment of international responsibility for the violation of the rights embodied in Articles 8(1) (Right to a Fair Trial) and 25(1) (Judicial Protection) of the American Convention, in relation to Article 1(1) (Obligation to Respect Rights) thereof, to the detriment of the next of kin of Marco Antonio Servellón García, Rony Alexis Betancourth Vásquez, Orlando Álvarez Ríos and Diomedes Obed García Sánchez.

Furthermore, the Court declared that the State had violated the rights embodied in Articles 7(1), 7(2), 7(3), 7(4) and 7(5) (Right to Personal Liberty), 5(1) and 5(2) (Right to Humane Treatment), and 4(1) (Right to Life) of the American Convention, in relation to Article 1(1) (Obligation to Respect Rights) thereof, to the detriment of Marco Antonio Servellón García, Rony Alexis Betancourth Vásquez, Orlando Álvarez Ríos and Diomedes Obed García Sánchez; 5(5) (Right to Humane Treatment) of the Convention, in relation to Article 19 (Rights of the Child) of this instrument, in relation to Article 1(1) (Obligation to Respect Rights) thereof, to the detriment of Marco Antonio Servellón García and Rony Alexis Betancourth Vásquez; 5(1) (Right to Humane Treatment) of the American Convention, in relation to Article 1(1) (Obligation to

Respect Rights) thereof, to the detriment of the next of kin of Marco Antonio Servellón García: Reyes Servellón Santos (father), Bricelda Aide García Lobo (mother) and Marja Ibeth Castro García (sister); of the next of kin of Rony Alexis Betancourth Vásquez: Manases Betancourth Núñez Santos (father), Hilda Estebana Hernández López (mother), Zara Beatris Bustillo Rivera (daughter) and Ana Luisa Vargas Soto (companion), and of the sister of Orlando Álvarez Ríos, Dilcia Álvarez Ríos; 8(1) and 8(2) (Right to a Fair Trial), 7(6) (Right to Personal Liberty) and 25(1) (Judicial Protection) of the Convention, in relation to Article 1(1) (Obligation to Respect Rights) thereof, to the detriment of Marco Antonio Servellón García, Rony Alexis Betancourth Vásquez, Orlando Álvarez Ríos and Diomedes Obed García Sánchez; and 8(1) (Right to a Fair Trial) and 25(1) (Judicial Protection) of the Convention, in relation to Article 1(1) (Obligation to Respect Rights) thereof, to the detriment of the next of kin of Marco Antonio Servellón García: Reyes Servellón Santos (father), Bricelda Aide García Lobo (mother) and Marja Ibeth Castro García, Pablo Servellón García and Héctor Vicente Castro García (siblings); of the next of kin of Rony Alexis Betancourth Vásquez: Manases Betancourth Núñez (father), Hilda Estebana Hernández López (mother), Zara Beatris Bustillo Rivera (daughter), Ana Luisa Vargas Soto (companion) and Juan Carlos Betancourth Hernández, Manaces Betancourt Aguilar, Emma Aracely Betancourth Aguilar, Enma Aracely Betancourth Abarca and Lilian María Betancourt Álvarez (siblings); of the next of kin of Orlando Álvarez Ríos: Antonia Ríos (mother) and Dilcia Álvarez Ríos (sister); and of the next of kin of Diomedes Obed García Sánchez: Diomedes Tito García Casildo (father) and Esther Patricia García Sánchez, Jorge Moisés García Sánchez and Fidelia Sarahí García Sánchez (siblings).

Regarding reparations, the Court decided, among other matters, that the State must: undertake genuinely all the necessary actions to identify, prosecute and, if applicable, punish all the masterminds and perpetrators of the violations committed to the detriment of Marco Antonio Servellón García, Rony Alexis Betancourth Vásquez, Orlando Álvarez Ríos and Diomedes Obed García Sánchez, for the criminal or any other responsibility that may result from the investigation into the facts and, to this end, it should remove all the *de facto* and *de jure* obstacles and mechanisms that maintain impunity in this case; publish once in the official gazette and in another newspaper with widespread national circulation, the chapter of the judgment on the proven facts; organize a public act acknowledging its international responsibility; name a street or square in Tegucigalpa, in memory of Marco Antonio Servellón García, Rony Alexis Betancourth Vásquez, Diomedes Obed García Sánchez and Orlando Álvarez Ríos and set up a plaque thereon with the names of these four victims; establish a training program for police, judicial and prison personnel and members of the Attorney General's Office (*Ministerio Público*) on the special protection that the State must provide to children and adolescents, the principle of the right to equal protection and non-discrimination, and also the principles and norms concerning the human rights protection in relation to the application of international detention standards, respect for their rights and judicial guarantees, the treatment they should receive, their detention conditions, medical supervision and treatment, the right to have access to a lawyer, to receive visits, and that minors and adults, and the accused and the convicted, should be lodged in separate installations; organize a campaign to raise the awareness of Honduran society about the importance of the protection of children and adolescents and inform society about the specific protection obligations that correspond to the family, society and the State, and explain to the population that children and adolescents in situations of social risk should not be identified with offenders and also issue a postage stamp that alludes to the protection that the State and society owes to at-risk children and adolescents to avoid them becoming victims of violence; create a consolidated database among all the institutions involved in the investigation, identification and sanction of those responsible for the violent deaths of at-risk children and adolescents; pay the

next of kin of Marco Antonio Servellón García, Rony Alexis Betancourth Vásquez, Diomedes Obed García Sánchez and Orlando Álvarez Ríos, as successors, compensation for pecuniary and non-pecuniary damage; pay Bricelda Aide García Lobo, Hilda Estebana Hernández López and Dilcia Álvarez Ríos, compensation for pecuniary damage; pay Reyes Servellón Santos, Bricelda Aide García Lobo, Marja Ibeth Castro García, Manases Betancourth Núñez, Hilda Estebana Hernández López, Zara Beatris Bustillo Rivera, Ana Luisa Vargas Soto and Dilcia Álvarez Ríos, compensation for non-pecuniary damage; and pay specific costs and expenses arising in the domestic sphere and in the international proceedings before the inter-American system for the protection of human rights.

Judge Antônio A. Cançado Trindade informed the Court of his Separate Opinion, which accompanies the Judgment.

3. Case of Goiburú *et al.* (Paraguay): *Judgment on Merits, Reparations and Costs.* On September 22, 2006, the Court delivered Judgment on merits, reparations and costs in this case, unanimously deciding to admit the acknowledgment of international responsibility made by the State of Paraguay for the violation of the rights embodied in Articles 7 (Right to Personal Liberty), 5(1) and 5(2) (Right to Humane Treatment) and 4(1) (Right to Life) of the American Convention, in relation to Article 1(1) (Obligation to Respect Rights) thereof, to the detriment of Agustín Goiburú Giménez, Carlos José Mancuello Bareiro, Rodolfo Ramírez Villalba and Benjamín Ramírez Villalba; and the State's partial acknowledgement of international responsibility for the violation of the rights embodied in Articles 8(1) (Right to a Fair Trial) and 25 (Judicial Protection) of the Convention, in relation to Article 1(1) (Obligation to Respect Rights) thereof.

The Court also declared unanimously, that the State had violated the rights embodied in Articles 4(1) (Right to Life), 5(1), 5(2) (Right to Humane Treatment) and 7 (Right to Personal Liberty) of the American Convention, in relation to Article 1(1) (Obligation to Respect Rights) thereof, to the detriment of Agustín Goiburú Giménez, Carlos José Mancuello Bareiro, Rodolfo Ramírez Villalba and Benjamín Ramírez Villalba; 5(1) (Right to Humane Treatment) of the Convention, in relation to Article 1(1) (Obligation to Respect Rights) thereof, to the detriment of Elva Elisa Benítez Feliu de Goiburú, Rogelio Agustín Goiburú Benítez, Rolando Agustín Goiburú Benítez, Patricia Jazmín Goiburú Benítez, Rosa Mujica Giménez, Gladis Ester Ríos de Mancuello, Claudia Anahí Mancuello Ríos, Carlos Marcelo Mancuello Ríos, Ana Arminda Bareiro de Mancuello, Mario Mancuello, Ana Elizabeth Mancuello Bareiro, Hugo Alberto Mancuello Bareiro, Mario Andrés Mancuello Bareiro, Emilio Raúl Mancuello Bareiro, Fabriciana Villalba de Ramírez, Lucrecia Francisca Ramírez de Borba, Eugenia Adolfiná Ramírez de Espinoza, Sotera Ramírez de Arce, Sara Diodora Ramírez Villalba, Mario Artemio Ramírez Villalba, Herminio Arnoldo Ramírez Villalba, Julio Darío Ramírez Villalba and María Magdalena Galeano; and 8(1) (Right to a Fair Trial) and 25 (Judicial Protection) of the American Convention, in relation to Article 1(1) (Obligation to Respect Rights) of this instrument, to the detriment of Agustín Goiburú Giménez, Carlos José Mancuello Bareiro, Rodolfo Ramírez Villalba, Benjamín Ramírez Villalba, and of their next of kin Elva Elisa Benítez Feliu de Goiburú, Rogelio Agustín Goiburú Benítez, Rolando Agustín Goiburú Benítez, Patricia Jazmín Goiburú Benítez, Rosa Mujica Giménez, Gladis Ester Ríos de Mancuello, Claudia Anahí Mancuello Ríos, Carlos Marcelo Mancuello Ríos, Ana Arminda Bareiro de Mancuello, Mario Mancuello; Ana Elizabeth Mancuello Bareiro, Hugo Alberto Mancuello Bareiro, Mario Andrés Mancuello Bareiro, Emilio Raúl Mancuello Bareiro, Fabriciana Villalba de Ramírez, Lucrecia Francisca Ramírez de Borba, Eugenia Adolfiná Ramírez de Espinoza, Sotera Ramírez de Arce, Sara Diodora Ramírez Villalba, Mario Artemio Ramírez Villalba, Herminio Arnoldo Ramírez Villalba, Julio Darío Ramírez Villalba and María Magdalena Galeano.

Regarding reparations, the Court decided, unanimously, that, among other matters, the State must: immediately carry out the necessary procedures to activate and conclude effectively, within a reasonable time, the investigation to determine the masterminds and perpetrators of the acts committed to the detriment of Agustín Goiburú Giménez, Carlos José Mancuello Bareiro, Rodolfo Ramírez Villalba and Benjamín Ramírez Villalba, and also complete the criminal proceedings that have been filed; in addition these results should be published by the State within a reasonable time; in this regard, the State should adopt the necessary measures of a diplomatic or judicial nature to prosecute and punish all those responsible for the violations committed, furthering by all possible means the necessary extradition requests under the pertinent domestic norms or international law; moreover, Paraguay and the other States Parties to the Convention should collaborate to eliminate the impunity of the violations committed in this case by the prosecution and, if applicable, punishment of those responsible, and should collaborate in good faith, either through the extradition of those responsible for the facts or by prosecuting them on their own territory. The Court also decided that the State must proceed immediately to seek and locate Agustín Goiburú Giménez, Carlos José Mancuello, Rodolfo Ramírez Villalba and Benjamín Ramírez Villalba and, if their remains are found, it must deliver them to their next kin forthwith and cover the costs of their burial; organize a public act acknowledging responsibility and in reparation; publish once in the official gazette and in another newspaper with widespread national circulation, certain paragraphs of the chapter on the partial acquiescence, the proven facts of the judgment, without the corresponding footnotes, the chapter entitled "the State's international responsibility in the context of this case," specific considering paragraphs, and the operative paragraphs thereof; provide all the next of kin of Agustín Goiburú Giménez, Carlos José Mancuello, Rodolfo Ramírez Villalba and Benjamín Ramírez Villalba with appropriate treatment including medicines, after they have given their corresponding consent, as of notification of this judgment and for all the time necessary, without any charge; erect a monument in memory of Agustín Goiburú Giménez, Carlos José Mancuello, Rodolfo Ramírez Villalba and Benjamín Ramírez Villalba; implement, within a reasonable time, permanent programs of human rights training in the Paraguayan police forces, at all levels; adapt the definition of the crimes of torture and "involuntary" (*forzosa*) disappearance of persons contained in articles 236 and 309 of the current Penal Code to the applicable provisions of international human rights law; pay in cash to the next of kin of Agustín Goiburú Giménez, Carlos José Mancuello, Rodolfo Ramírez Villalba and Benjamín Ramírez Villalba compensation for pecuniary and non-pecuniary damage; pay in cash specific costs and expenses incurred in the domestic sphere and in the international proceedings before the inter-American system for the protection of human rights to Elva Elisa Benítez Feliú de Goiburú, Ana Arminda Bareiro de Mancuello, and Julio Darío Ramírez Villalba, to be delivered to their representatives.

Judges Sergio García Ramírez and Antônio Augusto Cançado Trindade informed the Court of their Separate Opinions, which accompany the Judgment.

4. Matter of Mery Naranjo et al. (Colombia): Provisional Measures. On September 22, 2006, the Court issued an Order on provisional measures in this matter, in which it decided, among other matters, to reiterate the order of the Inter-American Court of Human Rights of July 5, 2006; to reiterate to the State the order to maintain the measures adopted and order, forthwith, those necessary to protect effectively the life and personal integrity of the following persons: Mery Naranjo Jiménez and her next of kin: Juan David Naranjo Jiménez, Alejandro Naranjo Jiménez, Sandra Janeth Naranjo Jiménez, Alba Mery Naranjo Jiménez, Erika Johann Gómez, Javier Augusto Torres Durán, Heidi Tatiana Naranjo Gómez, Sebastián Naranjo Jiménez, María Camila Naranjo Jiménez, Aura María Amaya Naranjo, and Esteban Torres Naranjo; to reiterate to the State the order that it maintain the measures adopted and order, forthwith, those necessary to protect

effectively the life and personal integrity of the child, Luisa María Escudero Jiménez; to require the State, when María del Socorro Mosquera Londoño had returned to her home, to adopt, forthwith, all necessary measure to protect her life and personal integrity; to require the State to ensure the measures of protection were not provided by the “security agencies” that, according to the beneficiaries, had been involved in the reported facts, so that their appointment should be made with the participation of the beneficiaries or their representative; to reiterate to the State that it should maintain and, if applicable, order, forthwith, the necessary permanent measures of protection to provide security in the place of residence of Mery Naranjo Jiménez and her family; to require the State to investigate the facts that gave rise to the adoption of provisional measures and, if applicable, identify those responsible and impose the corresponding sanctions; and to require the State to permit the beneficiaries of the measures to participate in their planning and implementation and, in general, keep them informed about progress in the implementation of the measures ordered by the Inter-American Court.

Judge Antônio A. Cançado Trindade informed the Court of his Separate Opinion, which accompanies the Order.

5. Case of Vargas Areco (Paraguay): *Judgment on Merits, Reparations and Costs.* On September 26, 2006, the Court delivered Judgment on merits, reparations and costs in this case, deciding to admit the acknowledgment of international responsibility made by the State of Paraguay for the violation of the rights embodied in Articles 4 (Right to Life) and 5(1) (Right to Humane Treatment) of the American Convention on Human Rights, in relation to Article 1(1) (Obligation to Respect Rights) thereof, and Articles 6 and 8 of the American Convention to Prevent and Punish Torture, as of March 26, 1993, to the detriment of the next of kin of Gerardo Vargas Areco. The Court also decided to admit the State’s acknowledgment of international responsibility for the violation of the right embodied in Article 5(1) (Right to Humane Treatment) of the American Convention, in relation to Article 1(1) (Obligation to Respect Rights) thereof, as of March 26, 1993, to the detriment of the next of kin of Gerardo Vargas Areco; and the State’s acknowledgment of international responsibility for the violation of the rights embodied in Articles 8(1) (Right to a Fair Trial) and 25 (Judicial Protection) of the Convention, in relation to Article 1(1) (Obligation to Respect Rights) thereof, as of March 26, 1993, to the detriment of the next of kin of Gerardo Vargas Areco. In addition, the Court decided not to admit the State’s acknowledgment of international responsibility for the alleged violation of the right embodied in Article 19 (Rights of the Child) of the American Convention, in relation to Articles 1(1) (Obligation to Respect Rights), 2 (Domestic Legal Effects) and 7 (Right to Personal Liberty) thereof, to the detriment of the children of Paraguay and the child Gerardo Vargas Areco.

Furthermore, the Court declared that the State had violated the rights embodied in Articles 4 (Right to Life) and 5(1) (Right to Humane Treatment) of the American Convention, in relation to Articles 1(1) (Obligation to Respect Rights) thereof, and 6 and 8 of the American Convention to Prevent and Punish Torture, to the detriment of the next of kin of Gerardo Vargas Areco; 5(1) (Right to Humane Treatment) of the Convention, in relation to Article 1(1) (Obligation to Respect Rights) thereof, to the detriment of the next of kin of Gerardo Vargas Areco; and 8(1) (Right to a Fair Trial) and 25 (Judicial Protection) of the Convention, in relation to Article 1(1) (Obligation to Respect Rights) thereof, to the detriment of the next of kin of Gerardo Vargas Areco, all as of March 26, 1993.

Regarding reparations, the Court decided, among other matters, that the State must: undertake all the actions necessary to identify, prosecute and punish all those responsible for the

violations committed in this case, with full respect for the right to a fair trial; organize an act to make a public apology and acknowledge international responsibility in relation to the violations declared in the judgment, in the community where Gerardo Vargas Areco's family lives and in the presence of the family and the State's civil and military authorities, during which a plaque should be unveiled in memory of the child, Vargas Areco; provide medical, psychological and psychiatric treatment, as necessary, to De Belén Areco, Pedro Vargas, and Juan, María Elisa, Patricio, Daniel, Doralicia, Mario, María Magdalena, Sebastián and Jorge Ramón, all Vargas Areco, if they require this and for the necessary time; design and implement training programs and regular courses on human rights for all the members of the Paraguayan Armed Forces; publish in the official gazette and in another newspaper with national circulation, the chapter of the judgment on the proven facts, and its operative paragraphs; adapt its domestic laws on the recruitment of children under the age of 18 years into the Paraguayan Armed Forces, in accordance with the relevant international standards; pay to De Belén Areco and Pedro Vargas compensation for pecuniary damage; pay De Belén Areco, Pedro Vargas, and Juan, María Elisa, Patricio, Daniel, Doralicia, Mario, María Magdalena, Sebastián and Jorge Ramón, all Vargas Areco, compensation for non-pecuniary damage, and pay specific costs and expenses generated in the domestic sphere and in the international proceedings before the inter-American system for the protection of human rights to De Belén Areco and Pedro Vargas.

Judge Sergio García Ramírez informed the Court of his Reasoned Opinion, which accompanies the Judgment.

6. Case of Almonacid Arellano (Chile): *Judgment on Preliminary Objections, Merits, Reparations and Costs.* On September 26, 2006, the Court delivered Judgment on the preliminary objections, merits, reparations and costs in this case, deciding to reject the preliminary objections filed by the State of Chile, and declare that the State had failed to comply with its obligations deriving from Articles 1(1) (Obligation to Respect Rights) and 2 (Domestic Legal Effects) of the American Convention, and had violated the rights embodied in Articles 8(1) (Right to a Fair Trial) and 25 (Judicial Protection) thereof, to the detriment of Elvira del Rosario Gómez Olivares, and Alfredo, Alexis and José Luis Almonacid Gómez; and that, by attempting to grant amnesty to those responsible for crimes against humanity, Decree Law No. 2,191 was incompatible with the American Convention and, consequently, had no legal effect in light of the Convention.

Regarding reparations, the Court decided, among other matters, that the State must: ensure that Decree Law No. 2,191 does not continue to be an obstacle for pursuing the investigations into the extrajudicial execution of Almonacid Arellano and for the identification and, if applicable, punishment of those responsible; ensure that Decree Law No. 2,191 does not continue to be an obstacle for the investigation, prosecution and, if applicable, punishment of those responsible for other similar violations that occurred in Chile; reimburse costs and expenses, and carry out the publications indicated in paragraph 162 of the judgment.

Judge Antônio A. Cançado Trindade informed the Court of his Separate Opinion, which accompanies the Judgment. Judge Cecilia Medina (Chile) disqualified herself from taking part in this case.

7. Case of Gloria Giralte de García Prieto (El Salvador): *Provisional Measures.* On September 26, 2006, the Court issued an Order on provisional measures in this case, in which it decided, among other matters, to require the State: to adopt, forthwith, the necessary measures to protect the life and integrity of the following persons: Gloria Giralte de García Prieto, José Mauricio García

Prieto, María de los Ángeles García Prieto de Charur, José Benjamín Cuellar Martínez, Matilde Guadalupe Hernández de Espinoza and José Roberto Burgos Viale, including providing permanent protection of the home of each of the beneficiaries, as well as the offices of the Human Rights Institute of the Universidad Centroamericana, and that the personnel who provide security have had specialized training and are supplied with adequate equipment; to allow the beneficiaries of the measures or their representatives to take part in their planning and implementation and, in general, keep them informed about progress in their execution; and to establish the origin of the telephone calls the beneficiaries have received, so as to avoid a repetition of the threats and harassment that gave rise to the adoption of the provisional measures.

Judge Antônio A. Cançado Trindade informed the Court of his Separate Opinion, which accompanies the Order.

8. Matter of the Persons Deprived of Liberty in the “Dr. Sebastião Martins Silveira” Prison in Araraquara, São Paulo (Brazil): Provisional Measures. On September 28, 2006, the Court held a public hearing during which it heard the arguments of the Inter-American Commission on Human Rights, the representatives of the beneficiaries of the measures, and the State of Brazil, concerning the request for provisional measures in this matter.

On September 30, 2006, the Court issued an Order on provisional measures in this matter, in which it decided, among other matters, to ratify all the terms of the order of the President of the Inter-American Court of Human Rights and, consequently to require the State to maintain the measures it had adopted and adopt, forthwith, all necessary measures to protect the life and integrity of the persons in whose favor, on July 28, 2006, an order was issued that measures of protection should be adopted when they were confined in the Araraquara prison; to require the State to adopt the necessary measures to guarantee that the beneficiaries of the measures are administered and treated with strict respect for human rights, and that care is taken to avoid acts of undue force by State agents; to require the State to maintain and adopt the necessary measures to provide detention conditions that are compatible with a decent life, in the prisons where the beneficiaries of the measures are interned, which should include: (a) the necessary medical care, particularly for those who suffer from infectious-contagious diseases or serious health problems; (b) provisions of food, clothes and hygiene products in sufficient quantity and of an adequate quality; (c) detention without overcrowding; (d) separation of the interns by categories, according to international standards; (e) visits by the next of kin of the beneficiaries of the measures; (f) access and communication of the defense lawyers with the beneficiaries of the provisional measures, and (g) access to the representatives of the beneficiaries of the provisional measures; to require the State to provide information, officially and immediately, to the next of kin of the persons deprived of liberty, beneficiaries of the measures, about their transfers and relocation in the corresponding prisons; to require the State to provide specific information to the Court on the actual status of the beneficiaries of the measures who were detained in the Araraquara Prison on July 28, 2006; and to require the State to investigate the facts that gave rise to the adoption of the provisional measures, identify those responsible and, if applicable, impose the corresponding sanctions.

Judge Antônio A. Cançado Trindade informed the Court of his Reasoned Opinion, which accompanies the Order.

9. Case of “La Cantuta” (Peru): Merits and Possible Reparations and Costs. On September 29, 2006, the Court held a public hearing during which it heard the statements of some of the

witnesses proposed by the Inter-American Commission on Human Rights and the representatives of the next of kin of the alleged victims. The Court also heard the final oral arguments of the Commission, the representatives, and the State of Peru on merits and possible reparations and costs in this case.

10. Compliance with Judgments and Provisional Measures: During this session, the Court issued Orders relating to monitoring compliance with judgment in the following cases: *Herrera Ulloa v. Costa Rica*, *Lori Berenson Mejía v. Peru*, *Huilca Tecse v. Peru*, *Gómez Paquiyauri Brothers v. Peru*, *Ricardo Canese v. Paraguay*, *Cesti Hurtado v. Peru*, *Loayza Tamayo v. Peru*, *Serrano Cruz Sisters v. El Salvador*, *Tibi v. Ecuador*, and *Fermín Ramírez v. Guatemala*. The Court also issued Orders on implementation of provisional measures in the case of *Gómez Paquiyauri Brothers* with regard to Peru, and in the matter of *Carlos Nieto Palma et al.* with regard to Venezuela.

G. Seventy-third Regular Session of the Court

The Court held its seventy-third regular session from November 20 to December 1, 2006, at its seat in San Jose, Costa Rica, with the following members:¹⁰ Judge Sergio García Ramírez (Mexico), President; Judge Alirio Abreu Burelli (Venezuela), Vice President; Judge Antônio A. Cançado Trindade (Brazil); Judge Cecilia Medina Quiroga (Chile); Judge Manuel E. Ventura Robles (Costa Rica), and Judge Diego García Sayán (Peru). The following judges *ad hoc* also took part in the session: Juan C. Esguerra Portocarrero, appointed by the State of Colombia for the case of *Pueblo Bello Massacre*; Javier de Belaunde López de Romaña, appointed by the State of Peru for the case of *Acevedo Jaramillo et al.*; and Fernando Vidal Ramírez, appointed by the State of Peru for the case of *La Cantuta*. Also present were the Secretary of the Court, Pablo Saavedra Alessandri (Chile), and the Deputy Secretary, Emilia Segares Rodríguez (Costa Rica).

During this session, the Court delivered seven judgments concerning contentious cases. It also issued two orders regarding provisional measures and an order on monitoring compliance with judgment. The matters heard by the Court during this session are described below:

1. Case of The Yean and Bosico Children (Dominican Republic): *Interpretation of the Judgment on Preliminary Objections, Merits, Reparations and Costs.* On November 23, 2006, the Court delivered Judgment on the request for interpretation of the judgment on preliminary objections, merits, reparations and costs in this case delivered by the Court on September 8, 2005, and decided to reject the request for interpretation of judgment filed by the State of the Dominican Republic as inadmissible, because it was not adapted to the provisions of Article 67 of the American Convention on Human Rights or Articles 29(3) and 59 of the Court's Rules of Procedure.

2. Case of the Dismissed Congressional Employees (Aguado Alfaro et al.) (Peru): *Judgment on Preliminary Objections, Merits, Reparations and Costs.* On November 24, 2006, the Court delivered judgment on the preliminary objections, merits, reparations and costs in this case. It decided to reject the preliminary objections filed by the State of Peru and declared that the State had violated the rights embodied in Articles 8(1) (Judicial Guarantees) and 25 (Judicial Protection) of the American Convention, in relation to Articles 1(1) (Obligation to Respect Rights)

¹⁰ Judge Oliver Jackman informed the Court that, for reasons beyond his control, he would be unable to attend the seventy-third session.

and 2 (Domestic Legal Effects) thereof, to the detriment of the 257 persons listed in the Appendix to the Judgment.

Regarding reparations, the Court ordered, among other matters, that the State must: guarantee to the 257 victims listed in the Appendix to the judgment access to a simple, prompt and effective recourse and, to this end, establish, as soon as possible, an independent and impartial body with powers to decide in a binding and final manner, whether or not the said persons were dismissed in a justified and regular manner from the Congress of the Republic, and to establish the corresponding legal consequences, including, if applicable, the relevant compensation based on the specific circumstances of each individual; pay the compensation established in the judgment for non-pecuniary damage to the 257 victims listed in its Appendix; and pay specific costs.

Judges Sergio García Ramírez and Antônio Augusto Cançado Trindade informed the Court of their separate opinions, which accompany the Judgment.

3. Case of Acevedo Jaramillo *et al.* (Peru): Interpretation of the Judgment on Preliminary Objections, Merits, Reparations and Costs. On November 24, 2006, the Court delivered Judgment on the three requests for interpretation of the judgment on preliminary objections, merits, reparations and costs in this case, and decided: to declare inadmissible the requests for interpretation or clarification of the judgment on preliminary objections, merits and reparations delivered by the Court on February 7, 2006, which were submitted when the time established in Article 67 of the American Convention had expired; to determine the meaning and scope of the provisions of paragraphs 232, 235, 236, 245, 248, 249, 253, 259, 265, 270 and 275, and the third operative paragraph of the judgment on preliminary objections, merits and reparations delivered by the Court, regarding the victims in the case; to reject as inadmissible the requests for interpretation of the judgment on preliminary objections, merits and reparations delivered by the Court, concerning the requests to include victims, because they are not adapted to the provisions of Article 67 of the Convention, or Articles 29(3) and 59 of the Court's Rules of Procedure; and to determine the meaning and scope of the provisions of paragraphs 321 and 322 and the twelfth and thirteenth operative paragraphs of the judgment on preliminary objections, merits and reparations delivered by the Court, concerning the time limits for the State to make the payments for non-pecuniary damage and reimbursement of costs and expenses.

4. Case of the Miguel Castro Castro Prison (Peru): Judgment on Merits, Reparations and Costs. On November 25, 2006, the Court delivered Judgment on merits, reparations and costs in this case, declaring that it admitted the State's partial acknowledgment of international responsibility for the events of May 6 to 9, 1992, and that the judgment included and the Court ruled on both the events of May 6 to 9, 1992, and those that occurred subsequently. The Court also decided that the State had violated: Article 4 (Right to Life) of the Convention, in relation to Article 1(1) (Obligation to Respect Rights) thereof, to the detriment of the 41 deceased interns, whose names are included in Appendix 1 to the judgment; Article 5(1) and 5(2) (Right to Humane Treatment) of the Convention, in relation to Article 1(1) (Obligation to Respect Rights) thereof and related to Articles 1, 6 and 8 of the Inter-American Convention to Prevent and Punish Torture, to the detriment of the 41 deceased interns who have been identified, and the interns who survived whose names are included in Appendix 2 of the judgment; Article 5(1) (Right to Humane Treatment) of the Convention, in relation to Article 1(1) (Obligation to Respect Rights) thereof, to the detriment of the next of kin of the interns determined in paragraphs 336, 337, 340 and 341 and identified in Appendix 2 of the judgment; and Articles 8(1) (Judicial Guarantees) and 25 (Judicial Protection) of the Convention, in relation to Article 1(1) (Obligation to Respect Rights)

thereof, related to Articles 7(b) of the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women, and 1, 6 and 8 of the Inter-American Convention to Prevent and Punish Torture, to the detriment of immediate next of kin of the 41 deceased interns who have been identified, of the surviving interns, and of the next of kin of the interns determined in paragraphs 336, 337, 340 and 341 and identified in Appendix 3 of the Judgment.

With regard to reparations, the Court ordered, among other matters, that the State should: investigate effectively the facts denounced in the case; identify and, if applicable, punish those responsible and, to this end, institute the pertinent proceedings and conduct competently the criminal proceedings that are underway as well as any that may be filed in the future; adopt all necessary measures to allow the facts of the case to be clarified, in order to determine the criminal responsibilities of the masterminds and perpetrators of the violations, and publish the results of these criminal proceedings; establish the mechanisms necessary to ensure that the information and documentation relating to police investigations concerning such serious facts is conserved so that it is possible to conduct the corresponding investigations; implement all necessary and adequate measures to ensure the return of the remains of the victim, Mario Francisco Aguilar Vega, to his next of kin and cover all the expenses relating to the return and burial that the next of kin could incur; adopt all necessary measures to ensure that all the interns who died as a result of the attack are identified and their remains returned to their next of kin, in accordance with domestic laws and, should other deceased interns be identified, their next of kin may make the corresponding claims under domestic law; organize a public act to acknowledge its international responsibility for the violations declared in the judgment to make reparation to the victims and to satisfy their next of kin, in a public ceremony in the presence of high-ranking State authorities and of the victims and their next of kin, and disseminate this act through the media, including broadcasting it on the radio and television; provide, free of charge, through its specialized health care institutions, the medical and psychological treatment required by the victims and their next of kin, including any medication they may require, taking into account the medical complaints of each of them following individual assessment; pay compensation to the victims who demonstrate that they are domiciled abroad and prove, before the competent domestic bodies, that they require appropriate medical or psychological treatment as a result of the facts of the case; design and implement human rights education programs for agents of the Peruvian security forces on international standards for the treatment of prisoners; ensure that all the persons who have been declared deceased victims in the judgment are represented on the monument known as "*El Ojo que Llora*" and, to this end, coordinate with the said victims' next of kin the organization of an act, during which the latter can incorporate an appropriate inscription with the name of the victim in accordance with the characteristics of this monument; publish once in the official gazette and in another newspaper with widespread national circulation the chapter on Proven Facts of the judgment, without the footnotes, and its operative paragraphs, and also broadcast these parts of the judgment on a radio station and a television channel, both with extensive national coverage, at least twice with an interval of two weeks between each broadcast; pay the amount established in the judgment as compensation for the pecuniary damage caused to the 41 deceased interns who have been identified; pay the amounts established in the judgment as compensation for the pecuniary damage caused to the surviving interns; pay the amounts established in the judgment as compensation for pecuniary damage caused to the next of kin of the interns in relation to search and burial expenses; pay the amounts established in the judgment as compensation for the non-pecuniary damage caused to each of the 41 deceased victims who have been identified and the surviving victims; pay the amounts established in the judgment as compensation for non-pecuniary damage corresponding to the immediate next of kin of the 41 deceased victims who have been identified; and pay the amounts established in the judgment as compensation for

non-pecuniary damage corresponding to the next of kin who have been declared victims of the violation of Article 5 of the American Convention, who are determined in paragraphs 336, 337, 340 and 341 and identified in Appendix 2 of the Judgment.

Judges García Ramírez and Cançado Trindade informed the Court of their Separate Opinions on the sixth operative paragraph, which accompany the Judgment. Judge Diego García-Sayán (Peru) disqualified himself from taking part in the case.

5. Case of the Pueblo Bello Massacre (Colombia): *Interpretation of the Judgment on Merits, Reparations and Costs.* On November 25, 2006, the Court delivered Judgment on the requests for interpretation of the judgment on merits, reparations and costs in this case, submitted by State of Colombia and the representatives of the next of kin, deciding to reject as inadmissible the request for interpretation of the judgment on merits, reparations and costs, submitted by the representatives; that the meaning and scope of the provisions of paragraph 240(a) of this judgment, in relation to the sixteenth and seventeenth operative paragraphs thereof, has been determined in paragraphs 32 to 35 of the judgment on interpretation; and that the meaning and scope of the provisions of paragraphs 275, 276 and 287 of the said judgment, in relation to the twelfth operative paragraph thereof, has been determined in paragraphs 39 to 49 of the judgment on interpretation.

6. Case of the Members of the Community Studies and Psychosocial Action Team (ECAP) (Case of Plan de Sánchez Massacre) (Guatemala): *Provisional Measures.* On November 25, 2006, the Court issued an Order on provisional measures in this case, in which it decided, among other matters, to ratify all the terms of the order of the President of the Court of October 20, 2006, and, consequently, to require the State of Guatemala to maintain the measures that it had adopted and to adopt forthwith all necessary measures to protect the life and integrity of the following persons: Eugenia Judith Erazo Caravantes, Leonel Meoño, Carlos Miranda, Evelyn Lorena Morales, Dorcas Mux Casia, Víctor Catalan, Fredy Hernández, Olga Alicia Paz, Nieves Gómez, Paula María Martínez, Bonifacio Osorio Ixpatá, Gloria Victoria Sunun, Dagmar Hilder, Magdalena Guzmán, Susana Navarro, Inés Meneses, Olinda Xocop, Felipe Sarti, María Chen Manuel, Andrea González, María Isabel Torresi, Celia Aidé López López, Jesús Méndez, Juan Alberto Jiménez, Fernando Suazo, Manuel Román, Mónica Pinzón, Maya Alvarado, Gloria Esquit, Carlos Paredes, Santiago Tziquic, Franc Kernaj, Lidia Pretzantzin Yoc, Bruce Osorio, Paula María López, Adder Samayoa, Glendy Mendoza, Jacinta de León, Pedro López, Claudia Hernández, Amalia Sub Chub, Anastasia Velásquez, Cruz Méndez, Isabel Domingo, Marisol Rodas, Luz Méndez, Magdalena Pedro Juan, Vilma Chub, Petrona Vásquez, Mariola Vicente, Joel Sosof, Ana Botán, Cristian Cermeño, Margarita Giron, Juan Carlos Martínez, Daniel Barczay and Evelyn Moreno; to require the State to investigate the facts that gave rise to the adoption of the provisional measures, to identify those responsible and, if applicable, impose the corresponding sanctions; and to require the State to take all pertinent measures to ensure that the measures of protection required in the order are planned and implemented with the participation of the beneficiaries of the measure or their representatives, so that the measures are provided diligently and effectively and that, in general, they are kept informed about progress in implementation.

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

7. Case of Nogueira de Carvalho (Brazil): *Judgment on Preliminary Objections and Merits.* On November 28, 2006, the Court delivered Judgment on preliminary objections and merits in

this case, and declared that it rejected the two preliminary objections filed by the State and that, owing to the limited factual evidence before the Court, it had not been shown that the State had violated the rights embodied in Articles 8 (Judicial Guarantees) and 25 (Judicial Protection) of the American Convention, for the reasons set forth in paragraphs 74 to 81 of the judgment; and decided to close the case file.

8. Case of “La Cantuta” (Peru): Judgment on Merits, Reparations and Costs. On November 29, 2006, the Court delivered Judgment on merits, reparations and costs in this case, in which it decided to admit the acknowledgment of international responsibility made by the State of Peru for the violation of the rights embodied in Articles 4 (Right to Life), 5 (Right to Humane Treatment) and 7 (Right to Personal Liberty) of the Convention, in relation to Article 1(1) (Obligation to Respect Rights) thereof, to the detriment of Hugo Muñoz Sánchez, Dora Oyague Fierro, Marcelino Rosales Cárdenas, Bertila Lozano Torres, Luis Enrique Ortiz Perea, Armando Richard Amaro Cóndor, Robert Edgar Teodoro Espinoza, Heráclides Pablo Meza, Juan Gabriel Mariños Figueroa and Felipe Flores Chipana; and to admit the State’s partial acknowledgement of international responsibility for the violation of the rights embodied in Articles 8(1) (Judicial Guarantees) and 25 (Judicial Protection) of the Convention, in relation to Article 1(1) (Obligation to Respect Rights) thereof. The Court also declared that the State had violated the rights embodied in Articles 4(1) (Right to Life), 5(1) and 5(2) (Right to Humane Treatment) and 7 (Right to Personal Liberty) of the Convention, in relation to Article 1(1) (Obligation to Respect Rights) thereof, to the detriment of Hugo Muñoz Sánchez, Dora Oyague Fierro, Marcelino Rosales Cárdenas, Bertila Lozano Torres, Luis Enrique Ortiz Perea, Armando Richard Amaro Cóndor, Robert Edgar Teodoro Espinoza, Heráclides Pablo Meza, Juan Gabriel Mariños Figueroa and Felipe Flores Chipana; that there are no facts that would allow the Court to conclude that the State had violated the right embodied in Article 3 (Right to Juridical Personality) of the Convention; that the State had violated the right embodied in Article 5(1) (Right to Humane Treatment) of the Convention, in relation to Article 1(1) (Obligation to Respect Rights) thereof, to the detriment of Antonia Pérez Velásquez, Margarita Liliana Muñoz Pérez, Hugo Alcibíades Muñoz Pérez, Mayte Yu yin Muñoz Atanasio, Hugo Fedor Muñoz Atanasio, Carol Muñoz Atanasio, Zorka Muñoz Rodríguez, Vladimir Ilich Muñoz Sarria, Rosario Muñoz Sánchez, Fedor Muñoz Sánchez, José Esteban Oyague Velazco, Pilar Sara Fierro Huamán, Carmen Oyague Velazco, Jaime Oyague Velazco, Demesia Cárdenas Gutiérrez, Augusto Lozano Lozano, Juana Torres de Lozano, Víctor Andrés Ortiz Torres, Magna Rosa Perea de Ortiz, Andrea Gisela Ortiz Perea, Edith Luzmila Ortiz Perea, Gaby Lorena Ortiz Perea, Natalia Milagros Ortiz Perea, Haydee Ortiz Chunga, Alejandrina Raida Cóndor Saez, Hilario Jaime Amaro Ancco, María Amaro Cóndor, Susana Amaro Cóndor, Carlos Alberto Amaro Cóndor, Carmen Rosa Amaro Cóndor, Juan Luis Amaro Cóndor, Martín Hilario Amaro Cóndor, Francisco Manuel Amaro Cóndor, José Ariol Teodoro León, Edelmira Espinoza Mory, Bertila Bravo Trujillo, José Faustino Pablo Mateo, Serafina Meza Aranda, Dina Flormelania Pablo Mateo, Isabel Figueroa Aguilar, Román Mariños Eusebio, Rosario Carpio Cardoso Figueroa, Viviana Mariños Figueroa, Marcia Claudina Mariños Figueroa, Margarita Mariños Figueroa de Padilla, Carmen Chipana de Flores and Celso Flores Quispe; that the State had violated the rights embodied in Articles 8(1) (Judicial Guarantees) and 25 (Judicial Protection) of the Convention, in relation to Article 1(1) (Obligation to Respect Rights) thereof, to the detriment of Antonia Pérez Velásquez, Margarita Liliana Muñoz Pérez, Hugo Alcibíades Muñoz Pérez, Mayte Yu yin Muñoz Atanasio, Hugo Fedor Muñoz Atanasio, Carol Muñoz Atanasio, Zorka Muñoz Rodríguez, Vladimir Ilich Muñoz Sarria, Rosario Muñoz Sánchez, Fedor Muñoz Sánchez, José Esteban Oyague Velazco, Pilar Sara Fierro Huamán, Carmen Oyague Velazco, Jaime Oyague Velazco, Demesia Cárdenas Gutiérrez, Augusto Lozano Lozano, Juana Torres de Lozano, Víctor Andrés Ortiz Torres, Magna Rosa Perea de Ortiz, Andrea Gisela Ortiz Perea, Edith Luzmila Ortiz Perea, Gaby Lorena Ortiz Perea, Natalia Milagros Ortiz Perea, Haydee Ortiz Chunga, Alejandrina

Raida Córdor Saez, Hilario Jaime Amaro Ancco, María Amaro Córdor, Susana Amaro Córdor, Carlos Alberto Amaro Córdor, Carmen Rosa Amaro Córdor, Juan Luis Amaro Córdor, Martín Hilario Amaro Córdor, Francisco Manuel Amaro Córdor, José Ariol Teodoro León, Edelmira Espinoza Mory, Bertila Bravo Trujillo, José Faustino Pablo Mateo, Serafina Meza Aranda, Dina Flormelania Pablo Mateo, Isabel Figueroa Aguilar, Román Mariños Eusebio, Rosario Carpio Cardoso Figueroa, Viviana Mariños Figueroa, Marcia Claudina Mariños Figueroa, Margarita Mariños Figueroa de Padilla, Carmen Chipana de Flores and Celso Flores Quispe; that the State had failed to comply with its obligation established in Article 2 (Domestic Legal Effects) of the Convention, to adapt its domestic law to the provisions of the American Convention on Human Rights, in relation to Articles 4 (Right to Life), 5 (Right to Humane Treatment), 7 (Right to Personal Liberty), 8(1) (Judicial Guarantees), 25 (Judicial Protection) and 1(1) (Obligation to Respect Rights) thereof, during the period in which the amnesty "laws" No. 26,479 of June 14, 1995, and No. 26,492 of June 28, 1995, were applied in the case; and that, following this period, and currently, it has not been demonstrated that the State has failed to comply with this obligation contained in Article 2 (Domestic Legal Effects) of the Convention, since it has adopted pertinent measures to eliminate the effects that, at one time, could have resulted from the amnesty "laws," which have not been able to have cause effects, do not cause effects currently, and could not cause them in future.

With regard to reparations, the Court ordered, among other matters, that the State should: take forthwith all appropriate measures to complete effectively the investigations that have been opened and the criminal proceedings instituted in the ordinary criminal jurisdiction, and also implement, if applicable, those necessary to determine the corresponding criminal responsibilities of all the authors of the acts committed to the detriment of Hugo Muñoz Sánchez, Dora Oyague Fierro, Marcelino Rosales Cárdenas, Bertila Lozano Torres, Luis Enrique Ortiz Perea, Armando Richard Amaro Córdor, Robert Edgar Teodoro Espinoza, Heráclides Pablo Meza, Juan Gabriel Mariños Figueroa and Felipe Flores Chipana; in addition, in order to prosecute and, if applicable, punish all those responsible for the violations committed, the State should continue to adopt all necessary judicial and diplomatic measures and to foster the corresponding extradition requests, pursuant to the pertinent domestic norms or international law; proceed forthwith to seek and locate the mortal remains of Hugo Muñoz Sánchez, Dora Oyague Fierro, Marcelino Rosales Cárdenas, Armando Richard Amaro Córdor, Robert Edgar Teodoro Espinoza, Heráclides Pablo Meza, Juan Gabriel Mariños Figueroa and Felipe Flores Chipana and, if their remains are found, return them to their next of kin as soon as possible and cover the burial costs; organize a public act to acknowledge international responsibility; ensure that the 10 persons declared to be victims of execution or enforced disappearance in the judgment are represented on the monument known as "*El Ojo que Lloro*" if they are not already represented there and this is the wish of their next of kin and, to this end, it should coordinate with these next of kin to organize an act during which they can incorporate an appropriate inscription with the name of each victim in accordance with the characteristics of this monument; publish once in the official gazette and in another newspaper with widespread national circulation paragraphs 37 to 44 and 51 to 58 of the chapter on partial acquiescence, the proven facts of the judgment without the corresponding footnotes, paragraphs 81 to 98, 109 to 116, 122 to 129, 135 to 161 and 165 to 189 on the Court's findings, and the operative paragraphs of the judgment; provide adequate treatment, including medication, to the next of kin of Hugo Muñoz Sánchez, Dora Oyague Fierro, Marcelino Rosales Cárdenas, Bertila Lozano Torres, Luis Enrique Ortiz Perea, Armando Richard Amaro Córdor, Robert Edgar Teodoro Espinoza, Heráclides Pablo Meza, Juan Gabriel Mariños Figueroa and Felipe Flores Chipana, once they have given their corresponding consent, as of notification of the judgment and for the time necessary, free of charge and through the national health care services; implement permanent human rights education programs for the members of the intelligence services, the Armed Forces

and the National Police, as well as for prosecutors and judges; pay the amount established in the judgment as compensation for pecuniary damage in favor of Andrea Gisela Ortiz Perea, Antonia Pérez Velásquez, Alejandrina Raida Cóndor Saez, Dina Flormelania Pablo Mateo, Rosario Muñoz Sánchez, Fedor Muñoz Sánchez, Hilario Jaime Amaro Ancco, Magna Rosa Perea de Ortiz, Víctor Andrés Ortiz Torres, José Ariol Teodoro León, Bertila Bravo Trujillo and José Esteban Oyague Velazco; pay the compensation established in the judgment for non-pecuniary damage in favor of Antonia Pérez Velásquez, Margarita Liliana Muñoz Pérez, Hugo Alcibíades Muñoz Pérez, Mayte Yuyin Muñoz Atanasio, Hugo Fedor Muñoz Atanasio, Carol Muñoz Atanasio, Zorka Muñoz Rodríguez, Vladimir Ilich Muñoz Sarria, Rosario Muñoz Sánchez, Fedor Muñoz Sánchez, José Esteban Oyague Velazco, Pilar Sara Fierro Huamán, Carmen Oyague Velazco, Jaime Oyague Velazco, Demesia Cárdenas Gutiérrez, Augusto Lozano Lozano, Juana Torres de Lozano, Víctor Andrés Ortiz Torres, Magna Rosa Perea de Ortiz, Andrea Gisela Ortiz Perea, Edith Luzmila Ortiz Perea, Gaby Lorena Ortiz Perea, Natalia Milagros Ortiz Perea, Haydee Ortiz Chunga, Alejandrina Raida Cóndor Saez, Hilario Jaime Amaro Ancco, María Amaro Cóndor, Susana Amaro Cóndor, Carlos Alberto Amaro Cóndor, Carmen Rosa Amaro Cóndor, Juan Luis Amaro Cóndor, Martín Hilario Amaro Cóndor, Francisco Manuel Amaro Cóndor, José Ariol Teodoro León, Edelmira Espinoza Mory, Bertila Bravo Trujillo, José Faustino Pablo Mateo, Serafina Meza Aranda, Dina Flormelania Pablo Mateo, Isabel Figueroa Aguilar, Román Mariños Eusebio, Rosario Carpio Cardoso Figueroa, Viviana Mariños Figueroa, Marcia Claudina Mariños Figueroa, Margarita Mariños Figueroa de Padilla, Carmen Chipana de Flores y Celso Flores Quispe; y pagar determinadas costas y gastos a favor de Andrea Gisela Ortiz Perea and Alejandrina Raida Cóndor Saez.

Judges Sergio García Ramírez and Antônio Augusto Cançado Trindade informed the Court of their Separate Opinions and Judge *ad hoc* Fernando Vidal Ramírez informed the Court of his Concurring Opinion, which accompany the Judgment.

9. Matter of Giraldo Cardona (Colombia): Provisional Measures. On November 29, 2006, the Court issued an Order on provisional measures in this matter, in which it decided, among other matters, to require the State to maintain and adopt the necessary measures to protect the life and personal integrity of Sister Noemy Palencia (as soon as she returns to El Meta), Islena Rey and Mariela de Giraldo and the latter's two daughters who are minors, Sara and Natalia Giraldo; to reiterate to the State that it should investigate the reported facts that gave rise to the measures in order to discover those responsible and, if applicable, punish them, and inform the Court; to reiterate to the State that it should provide information on the efforts made to achieve the re-opening of the El Meta Human Rights Civic Committee; and to reiterate to the State that it should allow the beneficiaries to take part in the planning and implementation of the measures of protection and, in general, keep them informed about progress in the measures ordered by the Inter-American Court of Human Rights.

10. Compliance with Judgment: During the session, the Court issued an Order on compliance with judgment in the YATAMA case (Nicaragua).

H. MONITORING COMPLIANCE WITH JUDGMENTS AND IMPLEMENTATION OF PROVISIONAL MEASURES

In order to monitor compliance with the undertaking made by the States "to comply with the judgment of the Court in any case to which they are parties" (Article 68 of the Convention) and, in particular, to inform the General Assembly of "the cases in which a State has not complied with

its judgments” (Article 65 of the Convention), the Court needs to know the extent to which States have complied with its rulings. Accordingly, the Court must monitor that the States concerned comply with the reparations it has ordered, before informing the OAS General Assembly about any failure to comply with its decisions.

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

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

1. Contentious cases

The Court issued a series of orders that reflect the degree of compliance with judgment: case of Constitutional Court (Peru), the case of the 19 Tradesmen (Colombia), case of Ricardo Canese (Paraguay); case “El Amparo” (Venezuela), case of Bámaca Velásquez (Guatemala), case of “Children’s Rehabilitation Institute” (Paraguay), case of “Five Pensioners” (Peru), case of Herrera Ulloa (Costa Rica), case of Lori Berenson Mejía (Peru), case of Huilca Tecse (Peru), case of Gómez Paquiyauri Brothers (Peru), case of Ricardo Canese (Paraguay), case of Cesti Hurtado (Peru), case of Loayza Tamayo (Peru), case of Serrano Cruz Sisters (El Salvador), case of Tibi (Ecuador), case of Fermín Ramírez (Guatemala) and the case of YATAMA (Nicaragua).

2. Provisional measures

The Court issued a series of orders in the following cases and matters that reflect the degree of compliance with and implementation of the provisional measures it had ordered: Haitians and Dominicans of Haitian Origin in the Dominican Republic with regard to the Dominican Republic; the Peace Community of San José de Apartadó with regard to Colombia; the Jiguamiandó and the Curbaradó Communities with regard to Colombia; Ramírez Hinostrroza *et al.* with regard to Peru; the Mendoza Prisons with regard to Argentina; the Children and Adolescents Deprived of Liberty in the FEBEM “Tataupé Complex” with regard to Brazil; the 19 Tradesmen (Sandra Belinda Montero Fuentes and family, Salomón Flórez and family, Luis José Pundor Quintero and family, Ana Diva Quintero Quintero de Pundor and family) with regard to Colombia; Marta Colomina and Liliana Velásquez with regard to Venezuela; Caballero Delgado and Santana with regard to Colombia; Mery Naranjo *et al.* with regard to Colombia; the Gómez Paquiyauri Brothers with regard to Peru; Carlos Nieto Palma *et al.* with regard to Venezuela; the Capital Region Yare I and Yare II Penitentiary Center (Yare Prison) with regard to Venezuela; the Monagas Judicial Detention Center (“La Pica”) with regard to Venezuela, and the Forensic Anthropology Foundation of Guatemala with regard to Guatemala.

In addition, the Court ordered the partial lifting of the provisional measures ordered in the following: case of Raxcacó Reyes *et al.* with regard to Guatemala; matter of Ramírez Hinostrroza *et al.* with regard to Peru; matter of Marta Colomina and Liliana Velásquez with regard to Venezuela, and case of Caballero Delgado and Santana with regard to Colombia. The lifting of provisional

measures in these cases was considered to be partial, because they were lifted for some of the beneficiaries, while being retained for other beneficiaries.

I. SUBMISSION OF NEW CONTENTIOUS CASES

During 2006, the following fourteen new cases were submitted to the Court's consideration:

1. Case of Ramón Mauricio García Prieto Giralt v. El Salvador

On February 9, 2006, pursuant to Articles 51 and 61 of the American Convention on Human Rights, the Inter-American Commission on Human Rights lodged an application against the State of El Salvador in the Ramón Mauricio García Prieto Giralt case (No. 11,697). The application concerns the alleged failure to investigate the murder of Ramón Mauricio García Prieto Giralt that occurred in San Salvador on June 10, 1994, and also the alleged threats of which his next of kin were subsequently victims, in relation to their role in the investigation.

In the application, the Inter-American Commission requested the Court to declare the State responsible for the violation of the rights embodied in Articles 5 (Right to Humane Treatment), 8 (Right to a Fair Trial) and 25 (Judicial Protection) of the American Convention, in relation to the obligation established in Article 1(1) (Obligation to Respect Rights) thereof, to the detriment of the next of kin of Ramón Mauricio García Prieto Giralt: José Mauricio García Prieto Hirlemann, Gloria Giralt de García Prieto and Carmen Estrada de García Prieto.

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

2. Case of "La Cantuta" v. Peru

On February 14, 2006, pursuant to Articles 51 and 61 of the American Convention on Human Rights, the Inter-American Commission on Human Rights lodged an application against the State of Peru in the "La Cantuta" case (No. 11,045). The application concerns the alleged violation of the human rights of Professor Hugo Muñoz Sánchez and the students, Bertila Lozano Torres, Dora Oyague Fierro, Luis Enrique Ortiz Perea, Armando Richard Amaro Córdor, Robert Edgar Teodoro Espinoza, Heráclides Pablo Meza, Felipe Flores Chipana, Marcelino Rosales Cárdenas and Juan Gabriel Mariños Figueroa, and of their next of kin. In the application, the Commission stated that the alleged violations occurred owing to the alleged abduction of the alleged victims, which took place in the Universidad Nacional de Educación "Enrique Guzmán y Valle," in La Cantuta, Lima, during the early hours of July 18, 1992, with the participation of members of the Peruvian Army, who allegedly abducted the alleged victims and subsequently disappeared them and summarily executed some of them. In addition, the Commission stated that the facts have not been investigated with due diligence, and justice has been denied.

In the application, the Inter-American Commission requested the Court to declare the State responsible for the violation of the rights embodied in Articles 3 (Right to Juridical Personality), 4 (Right to Life), 5 (Right to Humane Treatment), 7 (Right to Personal Liberty), 8 (Right to a Fair Trial) and 25 (Judicial Protection) of the American Convention, in relation to the obligations

established in Articles 1(1) (Obligation to Respect Rights) and 2 (Domestic Legal Effects) thereof, to the detriment of the alleged victims; and 5 (Right to Humane Treatment), 8 (Right to a Fair Trial) and 25 (Judicial Protection) of the Convention, in relation to the said obligations established in Articles 1(1) (Obligation to Respect Rights) and 2 (Domestic Legal Effects) thereof, to the detriment of the next of kin of the alleged victims.

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

3. Case of Cantoral Huamaní and García Santa Cruz v. Peru

On February 21, 2006, pursuant to Articles 51 and 61 of the American Convention on Human Rights, the Inter-American Commission on Human Rights lodged an application against the State of Peru in the Cantoral Huamaní case (No. 10,435). The application concerns the alleged abduction, torture and extrajudicial execution of Saúl Isaac Cantoral Huamaní and Consuelo Trinidad García Santa Cruz on February 13, 1989, in Lima, Peru, and the alleged total impunity of the facts, more than 17 years after they occurred.

In the application, the Inter-American Commission requested the Court to declare the State responsible for the violation of the rights embodied in Articles 7 (Right to Personal Liberty), 5 (Right to Humane Treatment), 4 (Right to Life), 8 (Right to a Fair Trial), 25 (Judicial Protection) and 16 (Freedom of Association) of the American Convention, in relation to the obligation established in Article 1(1) (Obligation to Respect Rights) thereof, to the detriment of the said alleged victims. The Commission also requested the Court to declare that the State had violated the rights embodied in Articles 5 (Right to Humane Treatment), 8 (Right to a Fair Trial) and 25 (Judicial Protection) of the Convention in relation to Article 1(1) (Obligation to Respect Rights) thereof, to the detriment of the next of kin of the alleged victims, and also the obligations established in Articles 1, 6 and 8 of the American Convention to Prevent and Punish Torture, as of March 28, 1991.

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

4. Case of “La Rochela Massacre” v. Colombia

On March 10, 2006, pursuant to Articles 51 and 61 of the American Convention on Human Rights, the Inter-American Commission on Human Rights lodged an application against the State of Colombia in the “La Rochela Massacre” case (No. 11,995). The application concerns the alleged extrajudicial execution of Mariela Morales Caro, Pablo Antonio Beltrán Palomino, Virgilio Hernández Serrano, Carlos Fernando Castillo Zapata, Luis Orlando Hernández Muñoz, Yul Germán Monroy Ramírez, Gabriel Enrique Vesga Fonseca, Benhur Iván Guasca Castro, Orlando Morales Cárdenas, César Augusto Morales Cepeda, Arnulfo Mejía Duarte and Samuel Vargas Páe; and the alleged harm of the personal integrity of Arturo Salgado Garzón, Wilson Humberto Mantilla Castilla and Manuel Libardo Díaz Navas, while they were carrying out a probative procedure in their capacity as officials of the administration of justice in the district of “La Rochela,” in Bajo Simacota, Department of Santander, Colombia, as well as the alleged partial impunity in this case.

In the application, the Inter-American Commission requested the Court to declare the State responsible for the violation of the rights embodied in Articles 4 (Right to Life) of the American Convention, in relation to the obligation established in Article 1(1) (Obligation to Respect Rights) thereof, to the detriment of the first twelve said victims; 5 (Right to Humane Treatment) of the Convention, in relation to the obligation established in Article 1(1) (Obligation to Respect Rights) thereof, to the detriment of the last three said victims, and of the next of kin of the alleged victims who were murdered; and 8 (Right to a Fair Trial) and 25 (Judicial Protection) of the Convention, in relation to the obligation established in Article 1(1) (Obligation to Respect Rights) thereof, to the detriment of the alleged victims and their next of kin owing to the alleged partial impunity regarding the "La Rochela Massacre."

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

5. Case of Bueno Alves v. Argentina

On March 31, 2006, pursuant to Articles 51 and 61 of the American Convention on Human Rights, the Inter-American Commission on Human Rights lodged an application against the State of Argentina in the Juan Francisco Bueno Alves case (No. 11,425). The application concerns the alleged torture to which Juan Francisco Bueno Alves was subjected while in State custody, and the alleged failure of the judicial system to provide the required judicial protection and judicial guarantees.

In the application, the Inter-American Commission requested the Court to declare the State responsible for the violation of Articles 5 (Right to Humane Treatment), 8 (Right to a Fair Trial) and 25 (Judicial Protection) of the American Convention, in relation to the obligation established in Article 1(1) (Obligation to Respect Rights) thereof, to the detriment of Juan Francisco Bueno Alves.

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

6. Case of Escué Zapata v. Colombia

On May 16, 2006, pursuant to Articles 51 and 61 of the American Convention on Human Rights, the Inter-American Commission on Human Rights lodged an application against the State of Colombia in the Germán Escué Zapata case (No. 10.171). The application concerns the alleged illegal detention, torture and extrajudicial execution of the indigenous leader, Germán Escué Zapata, and the alleged subsequent lack of due diligence in the investigation into the facts, as well as the alleged denial of justice to the detriment of the next of kin of the alleged victim.

In the application, the Inter-American Commission requested the Court to declare the State responsible for the violation of the rights embodied in Articles 4 (Right to Life), 5 (Right to Humane Treatment) and 7 (Right to Personal Liberty) of the American Convention, in relation to the obligation established in Article 1(1) (Obligation to Respect Rights) thereof, to the detriment of Germán Escué Zapata; and 5 (Right to Humane Treatment) of the Convention, to the detriment of the next of kin of the alleged victim. In addition, the Commission requested the Court to

declare the State's international responsibility for the violation of the rights embodied in Articles 8 (Right to a Fair Trial) and 25 (Judicial Protection) of the Convention, in relation to the obligation established in Article 1(1) (Obligation to Respect Rights) thereof, to the detriment of the alleged victim and his next of kin.

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

7. Case of Chaparro Álvarez and Lapo Iñiguez v. Ecuador

On June 23, 2006, pursuant to Articles 51 and 61 of the American Convention on Human Rights, the Inter-American Commission on Human Rights lodged an application against the State of Ecuador in the Chaparro Álvarez and Lapo Iñiguez case (No. 12,091). The application concerns the alleged arbitrary detention of Juan Carlos Chaparro Álvarez and Hernán Lapo Iñiguez on November 15, 1997, in Guayaquil, and also the alleged subsequent violations they suffered during the processing of the proceedings against them.

In the application, the Inter-American Commission requested the Court to declare the State responsible for the violation of the rights embodied in Articles 5 (Right to Humane Treatment), 7 (Right to Personal Liberty), 8 (Right to a Fair Trial), 21 (Right to Property) and 25 (Judicial Protection) of the American Convention, in relation to the obligation established in Article 1(1) (Obligation to Respect Rights) thereof, to the detriment of Juan Carlos Chaparro Álvarez and Hernán Lapo Iñiguez. In addition, the Commission asked the Court to declare that the State failed to comply with the obligation established in Article 2 (Domestic Legal Effects) of the Convention, to the detriment of Lapo Iñiguez.

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

8. Case of Boyce *et al.* v. Barbados

On June 23, 2006, pursuant to Articles 51 and 61 of the American Convention on Human Rights, the Inter-American Commission on Human Rights lodged an application against the State of Barbados in the Boyce *et al.* case (No. 12,480). The application concerns the alleged unjust sentencing to death of Lennox Boyce, Jeffrey Joseph, Fredrick Benjamin Atkins and Michael Huggins, as the compulsory punishment for the crime of assassination, so that the Courts of first, second and third instance of Barbados could not assess whether the death penalty was the appropriate penalty, taking into account the particular circumstances of the accused, and also of the crime committed. The Commission also alleged that the presumed victims had been subjected to inhuman prison conditions and overcrowding. Their detention in these conditions, together with the fact that their death sentences had been delivered when their appeals were being processed, has allegedly caused them psychological and mental suffering and anguish. One of the alleged victims, Mr. Atkins, died while in the State's custody, for causes which have not yet been determined.

In the application, the Inter-American Commission requested the Court to declare the State responsible for the violation of the rights embodied in Articles 2 (Domestic Legal Effects),

4(1) and 4(2) (Right to Life), 5(1) and 5(2) (Right to Humane Treatment) and 8(1) (Right to a Fair Trial) of the Convention, in relation to the obligation established in Article 1(1) (Obligation to Respect Rights) thereof, to the detriment of Lennox Boyce, Jeffrey Joseph, Fredrick Benjamin Atkins and Michael Huggins.

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

9. Case of The Twelve Saramaka Clans v. Suriname

On June 23, 2006, pursuant to Articles 51 and 61 of the American Convention on Human Rights, the Inter-American Commission on Human Rights lodged an application against the State of Suriname, in the Twelve Saramaka Clans case (No. 12,338). The application concerns the alleged violation of the right to property to the detriment of the Saramaka people, owing to the failure to adopt effective measures to acknowledge their right to communal ownership of the land they have traditionally used and occupied, without prejudice to other tribal and indigenous communities. This is due to the absence of a domestic legal system that establishes or recognizes a collective property title for the tribal or indigenous peoples, and because the State has granted mining and forestry exploitation concessions in Saramaka territory, which have produce serious environmental damage that has harmed them, and which were granted without consulting this people. The application also concerns the alleged violation of the right to judicial protection, since they were not provided with effective access to justice to protect their fundamental rights.

In the application, the Inter-American Commission requested the Court to declare the State responsible for the violation of the rights embodied in Articles 21 (Right to Property) and 25 (Judicial Protection) of the American Convention, and also the obligations embodied in Articles 1 (Obligation to Respect Rights) and 2 (Domestic Legal Effects) thereof.

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

10. Case of Cornejo *et al.* v. Ecuador

On July 5, 2006, pursuant to Articles 51 and 61 of the American Convention on Human Rights, the Inter-American Commission on Human Rights lodged an application against the State of Ecuador, in the Cornejo *et al.* case (No. 12,406). The application concerns the attempt by Carmen Susana Cornejo de Albán and Bismark Wagner Albán Sánchez, to get the authorities to examine formally the death of Laura Susana Albán Cornejo, allegedly as a result of malpractice, since, for many years they have been seeking justice to clarify the homicide of their daughter and the punishment of those responsible for her death.

In the application, the Inter-American Commission requested the Court to declare the State responsible for the violation of the rights embodied in Articles 8 (Right to a Fair Trial) and 25 (Judicial Protection) of the American Convention, in relation to the obligation established in Article 1(1) (Obligation to Respect Rights) and 2 (Domestic Legal Effects) thereof, to the detriment of Carmen Susana Cornejo de Albán and Bismark Wagner Albán Sánchez.

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

11. Case of Zambrano Vélez *et al.* v. Ecuador

On July 24, 2006, pursuant to Articles 51 and 61 of the American Convention on Human Rights, the Inter-American Commission on Human Rights lodged an application against the State of Ecuador in the Zambrano Vélez *et al.* case (No. 11,579). The application concerns the alleged extrajudicial execution of Wilmer Zambrano Vélez, Segundo Olmedo Caicedo and José Miguel Caicedo, on March 6, 1993, in Guayaquil, Ecuador, and the subsequent alleged failure to investigate the facts.

In the application, the Inter-American Commission requested the Court to declare the State responsible for the violation of the rights embodied in Articles 27 (Suspension of Guarantees), 4 (Right to Life), 8 (Right to a Fair Trial) and 25 (Judicial Protection) of the American Convention, in relation to the obligations established in Article 1(1) (Obligation to Respect Rights) and 2 (Domestic Legal Effects) thereof, to the detriment of the alleged victims; and 8 (Right to a Fair Trial) and 25 (Judicial Protection) of the Convention, in relation to Articles 1(1) (Obligation to Respect Rights) and 2 (Domestic Legal Effects) thereof, to the detriment of the next of kin of the alleged victims.

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

12. Case of Ana María Ruggeri Cova, Perkins Rocha Contreras and Juan Carlos Apitz (“First Administrative-law Court”) v. Venezuela

On November 29, 2006, pursuant to Articles 51 and 61 of the American Convention on Human Rights, the Inter-American Commission on Human Rights lodged an application against the State of Venezuela in the Ana María Ruggeri Cova, Perkins Rocha Contreras and Juan Carlos Apitz case (“First Administrative-law Court”) (No. 12,489). The application concerns the alleged removal of the former judges of the First Administrative-law Court, Ana María Ruggeri Cova, Perkins Rocha Contreras and Juan Carlos Apitz on October 30, 2003, in Caracas, Venezuela, regarding which the Commission alleged that “they were removed because they had committed an alleged inexcusable judicial error when, in reality, it was a reasonable and reasoned difference in possible legal interpretations concerning a specific procedural mechanism, in an alleged grave violation of their right to due process owing to the alleged failure to justify the decision that removed them and the fact that there was no simple, prompt and effective recourse available to rule on their removal.”

In the application the Inter-American Commission requested the Court to declare the State responsible for the violation of the rights embodied in Articles 8 (Judicial Guarantees) and 25 (Judicial Protection) of the American Convention, in relation to the obligation established in Article 1(1) (Obligation to Respect Rights) and 2 (Domestic Legal Effects) thereof, to the detriment of the alleged victims.

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

13. Case of Yvon Neptune v. Haiti

On December 15, 2006, pursuant to Articles 51 and 61 of the American Convention on Human Rights, the Inter-American Commission on Human Rights lodged an application against the State of Haiti in the Yvon Neptune case (No. 12,514). The application related to the following alleged facts: the State did not notify the alleged victim of the accusations against him; it did not bring him before a judge or other judicial official authorized by law to exercise judicial powers, without delay; it did not grant him a recourse before a competent tribunal to review the legality of his arrest; and it did not ensure Mr. Neptune's physical, mental and moral integrity or his right to be separated from those who had been convicted. The application referred also to the alleged conditions and treatment during his detention in the National Penitentiary; to the failure to grant him adequate time and means to prepare his defense, and to the fact that the alleged victim was accused of an act that is not classified as an offence under Haitian laws.

In the application the Inter-American Commission requested the Court to declare the State responsible for the violation of the rights embodied in Articles 5 (Right to Humane Treatment), 7 (Right to Personal Liberty), 8 (Judicial Guarantees), 9 (Freedom from Ex Post Facto Laws) and 25(1) (Judicial Protection), of the American Convention, and for failure to comply with the obligation established in Article 1(1) (Obligation to Respect Rights) thereof.

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

14. Case of Salvador Chiriboga v. Ecuador

On December 12, 2006, pursuant to Articles 51 and 61 of the American Convention on Human Rights, the Inter-American Commission on Human Rights lodged an application against the State of Ecuador in the Salvador Chiriboga case (No. 12,054). The application referred to the State's alleged international responsibility arising from the alleged expropriation of a plot of land owned by the siblings, María Salvador Chiriboga and Guillermo Salvador Chiriboga, through a procedure by which they were deprived of its use and enjoyment without receiving the fair compensation that corresponded to them under Ecuadorian laws and the American Convention.

In the application, the Inter-American Commission requested the Court to declare the State responsible for the violation of the rights embodied in Articles 8 (Judicial Guarantees), 21 (Right to Property) and 25 (Judicial Protection) of the American Convention, in relation to the obligations established in Articles 1(1) (Obligation to Respect Rights) and 2 (Domestic Legal Effects) thereof, to the detriment of the alleged victims.

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

J. NEW PROVISIONAL MEASURES

During 2006, thirteen new requests for provisional measures were submitted to the Court's consideration:

1. Request for provisional measures in the case of Juan Humberto Sánchez (Honduras)

On January 25, 2006, pursuant to Articles 63(2) of the American Convention on Human Rights and 25 of the Court's Rules of Procedure, the representatives of the next of kin of the victim, Juan Humberto Sánchez, submitted a request for provisional measures with regard to the State of Honduras, for the Court to require the State to adopt, urgently, provisional measures in favor of the next of kin of the victim, to guarantee them the right to humane treatment embodied in Article 5 of the Convention.

On February 7, 2006, the Court issued an Order on provisional measures, in which it decided, among other matters, to reject the request for provisional measures filed by the representatives of the next of kin of Juan Humberto Sánchez, because the matter submitted to the Court was not an issue for provisional measures in the terms of Article 63(2) (Competence and Functions) of the Convention, but related to a measure of reparation ordered in the eleventh operative paragraph of the judgment on preliminary objections, merits and reparations of June 7, 2003, in this case, compliance with which is being monitored.

2. Provisional measures in the matter of the Monagas Judicial Detention Center ("La Pica") (Venezuela)

On December 29, 2005, pursuant to Articles 63(2) of the American Convention on Human Rights, 25 of the Court's Rules of Procedure and 74 of the Commission's Rules of Procedure, the Inter-American Commission on Human Rights submitted to the Court a request for provisional measures with regard to the State of Venezuela, in order to protect the life and personal integrity of the persons deprived of liberty in the Monagas Judicial Detention Center, known as "La Pica." Among the most significant facts alleged by the Commission, in 2005, 43 interns had died and 25 had been injured owing to several uprisings and acts of violence in the prison.

On January 13, 2006, the President of the Court issued an Order on urgent measures, in which he decided, among other matters, to require the State to maintain and expand the measures that it was adopting, and also to adopt, forthwith, the necessary complementary measures to avoid violence in the Monagas Judicial Detention Center ("La Pica") effectively and definitively, to ensure that no intern or any other person within the prison died or had their personal integrity harmed.

On February 9, 2006, the Court issued an Order on provisional measures, in which it decided, among other matters, to all upon the State: to maintain and expand the measures it had advised it was adopting and also to adopt, forthwith, the necessary complementary measures to avoid violence in the Monagas Judicial Detention Center ("La Pica") effectively and definitively, to ensure that no intern or any other person within the prison died or had their personal integrity harmed; and to adopt the necessary measures to: (a) substantially reduce the overcrowding in the Monagas Judicial Detention Center ("La Pica"); (b) confiscate the weapons in the possession of the interns; (c) separate the interns who are being prosecuted from those who have been

convicted; (d) adapt the prison detention conditions to the relevant international standards, and (e) provide the necessary medical care to the interns, to guarantee their right to humane treatment. The Court also decided to request the State to forward to the Court an updated list of all the persons confined in the prison detailing the characteristics of their detention; and to investigate the facts that gave rise to the adoption of the provisional measures and, if applicable, identify those responsible and impose the corresponding sanctions, including administrative and disciplinary sanctions.

3. Request for provisional measures in the matter of *García Uribe et al.* (Mexico)

On January 31, 2006, pursuant to Articles 63(2) of the American Convention on Human Rights, 25 of the Court's Rules of Procedure and 74 of the Commission's Rules of Procedure, the Inter-American Commission on Human Rights submitted a request for provisional measures with regard to the State of Mexico, for the State to take the necessary steps to protect the life and physical integrity of Víctor Javier García Uribe, Miriam García Lara and their legal representatives.

On February 2, 2006, the Court issued an Order on provisional measures, in which it decided not to process the request for provisional measures until a petition had been lodged with the Inter-American Commission in the terms of Articles 44 and 46 to 48 of the American Convention on Human Rights.

4. Provisional measures in the matter of *María Leontina Millacura Llaipén et al.* (Argentina)

On January 20, 2006, pursuant to Articles 63(2) of the American Convention on Human Rights, 25 of the Court's Rules of Procedure and 74 of the Commission's Rules of Procedure, the Inter-American Commission on Human Rights submitted to the Court a request for provisional measures with regard to the State of Argentina, in order to protect the life and personal integrity of the following persons: María Leontina Millacura Llaipen, her children Marcos and Valeria Torres, her son-in-law Juan Pablo Caba, Gerardo Colín, Patricio Oliva, Tamara Bolívar, Walter Mansilla, Silvia de los Santos, Verónica Heredia, Miguel Ángel Sánchez, and also Viviana and Sonia Hayes.

On June 21, 2006, the President of the Court issued an Order on urgent measures, in which he decided, among other matters, to require the State to adopt, forthwith, all necessary measures to protect the rights to life and personal integrity of the persons indicated in the order; to this end, it should take into consideration the gravity of the situation and the specific danger of the circumstances.

On July 6, 2006, the Court issued an Order on provisional measures, in which it decided, among other matters, to ratify all the terms of the order of the President of the Court of June 21, 2006, and, consequently, to require the State to maintain the measures adopted and to adopt, forthwith, all necessary measures to protect the rights to life and personal integrity of the persons indicated in the order; to this end, it should take into consideration the gravity of the situation and the specific danger of the circumstances; to require the State to adopt, forthwith, all necessary measures to protect the rights to life and personal integrity of the granddaughters of María Leontina Millacura Llaipén (daughters of Marcos and Valeria Torres), of Marcela ("wife of Marcos Torres"), of Alberto and Noelia Hayes, and of Luis Alberto Gajardo; to this end, it should take into consideration the gravity of the situation and the specific danger of the circumstances;

and to require the State to investigate the facts that gave rise to the adoption of the provisional measures and, if applicable, identify those responsible and impose the corresponding sanctions.

5. Provisional measures in the matter of the Capital Region Yare I and Yare II Penitentiary Center (Yare Prison) (Venezuela)

On January 27, 2006, pursuant to Articles 63(2) of the American Convention on Human Rights, 25 of the Court's Rules of Procedure and 74 of the Commission's Rules of Procedure, the Inter-American Commission on Human Rights submitted to the Court a request for provisional measures with regard to the State of Venezuela, for the State to adopt the necessary measures to protect the life and personal integrity of the persons deprived of liberty in the Capital Region Yare I and Yare II Penitentiary Center ("Yare Prison").

On March 30, 2006, the Court issued an Order on provisional measures in which it decided, among other matters, to require the State to adopt, forthwith, the necessary measures to avoid, effectively and definitively, the violence in the Yare Prison, to ensure that no intern or any other person in the Center died or had their personal integrity harmed; and to adopt the necessary measures to: (a) confiscate the weapons in the possession of the interns; (b) separate the interns who are being prosecuted from those who have been convicted, and (c) adapt the detention conditions in the prison to the relevant international standards.

6. Request for provisional measures in the case of Raxcacó Reyes *et al.* (Guatemala)

On April 7, 2006, pursuant to Articles 63(2) of the American Convention on Human Rights and 25 of the Court's Rules of Procedure, the representatives of the beneficiaries of the provisional measures submitted to the Court a request for the expansion of provisional measures to protect the life and personal integrity of Tirso Román Valenzuela Ávila.

On April 20, 2006, the President of the Court issued an Order on urgent measures, in which he decided, among other matters, to reject the request for the expansion of provisional measures in favor of Tirso Román Valenzuela Ávila filed by the representatives of the beneficiaries of the provisional measures, as inadmissible.

On July 4, 2006, the Court issued an Order on provisional measures, in which it decided, among other matters, to conclude the provisional measures ordered in favor of Hugo Humberto Ruiz Fuentes, and to require the State to present a report on the measures it had adopted to comply with the provisional measures ordered in favor of Bernardino Rodríguez Lara and Pablo Arturo Ruiz Almengor.

7. Provisional measures in the matter of the Forensic Anthropology Foundation of Guatemala (Guatemala)

On April 10, 2006, pursuant to Articles 63(2) of the American Convention on Human Rights, 25 of the Court's Rules of Procedure and 74 of the Commission's Rules of Procedure, the Inter-American Commission on Human Rights presented to the Court a request for provisional measures with regard to the State of Guatemala, to protect the officials of the Forensic Anthropology Foundation of Guatemalan and the next of kin of its Executive Director from imminent violation of their life and personal integrity.

On April 21, 2006, the President of the Court issued an Order on urgent measures, in which he decided, among other matters, to require the State to maintain the measures it had advised that it had already adopted and to adopt, forthwith, the necessary complementary measures to protect the rights to life and personal integrity of the persons indicated in the order and, to this end, it should take into consideration the gravity of the situation and the specific danger of the circumstances; and to investigate the facts that gave rise to the adoption of the urgent measures and, if applicable, identify those responsible and impose the corresponding sanctions.

On July 4, 2006, the Court issued an Order on provisional measures, in which it decided, among other matters, to ratify all the terms of the order of the President of the Court of April 21, 2006, and, consequently, to require the State to maintain the measures it had advised that it had already adopted, and also to adopt, forthwith, the necessary complementary measures to protect the rights to life and personal integrity of the persons indicated in the order and, to this end, it should take into consideration the gravity of the situation and the specific danger of the circumstances; and to investigate the facts that gave rise to the adoption of the urgent measures and, if applicable, identify those responsible and impose the corresponding sanctions.

8. Request for provisional measures in the case of Miguel Castro Castro Prison (Peru)

On May 2, 2006, pursuant to Articles 63(2) of the American Convention on Human Rights and 25 of the Court's Rules of Procedure, Douglass Cassel, one of the representatives of the alleged victims and their next of kin in the Miguel Castro Castro Prison v. Peru case, although not the joint intervenor of the representatives, submitted a request for provisional measures to the Court, in which he did not indicate specifically for whom he was requesting the measures, or the rights that needed to be protected.

On May 31, 2006, the President of the Court issued an Order on urgent measures, in which he decided to reject the request for provisional measures submitted by Douglass Cassel, representative of a group of alleged victims and next of kin in the Miguel Castro Castro Prison case.

9. Provisional measures in the matter of Guerrero Galluci and Martínez Barrios (Venezuela)

On June 20, 2006, pursuant to Articles 63(2) of the American Convention on Human Rights, 25 of the Court's Rules of Procedure and 74 of the Commission's Rules of Procedure, the Inter-American Commission on Human Rights submitted to the Court a request for provisional measures with regard to the State of Venezuela, in order to protect María del Rosario Guerrero Gallucci and Adolfo Segundo Martínez Barrios from the alleged imminent violation of life and personal integrity.

On July 4, 2006, the Court issued an Order on provisional measures, in which it decided, among other matters, to require the State to adopt, forthwith, the necessary provisional measures to protect the rights to life and personal integrity of María del Rosario Guerrero Gallucci and Adolfo Segundo Martínez Barrios, to this end it should take into consideration the gravity of the situation and the specific danger of the circumstances; and to investigate the facts that gave rise to the adoption of the provisional measures and, if applicable, identify those responsible and impose the corresponding sanctions.

10. Provisional measures in the matter of the “Dr. Sebastião Martins Silveira” Prison in Araraquara, São Paulo (Brazil)

On July 25, 2006, pursuant to Articles 63(2) of the American Convention on Human Rights, 25 of the Court’s Rules of Procedure and 74 of the Commission’s Rules of Procedure, the Inter-American Commission on Human Rights submitted to the Court a request for provisional measures with regard to the State of Brazil, among other matters, for the State to protect the life and personal integrity of all the persons deprived of liberty in the Dr. Sebastião Martins Silveira Prison, in Araraquara, in the state of São Paulo, as well as of any persons who may, in future, enter this prison center as prisoners or detainees. The Commission indicated in its request that 1,600 persons deprived of liberty in the Araraquara Prison were originally transferred to one of the sections of the Provisional Detention Center, which has a capacity for only 160 persons, the cells of which were destroyed in an uprising in May 2006. It indicated that the prison officials withdrew and welded the doorway shut, isolating the detainees in an open patio.

On July 28, 2006, the President of the Court issued an Order on urgent measures in this matter, in which he decided, among other matters, to require the State to adopt, forthwith, all necessary measures to protect the life and integrity of all the persons deprived of liberty in the “Dr. Sebastião Martins Silveira Prison, in Araraquara,” in the state of São Paulo, Brazil, as well as of any persons who may, in future, enter this prison center as prisoners or detainees. To this end, it should adopt the necessary measures, with strict respect for the human rights of the persons deprived of liberty, particularly their lives and integrity, and care to avoid acts of undue force by its agents, so that the latter can regain control and restore order in the Araraquara Prison.

On September 30, 2006, the Court issued an Order on provisional measures, in which it decided, among other matters, to ratify all the terms of the order of the President of the Court and, consequently, to require the State to maintain the measures it had adopted and to adopt, forthwith, all necessary measures to protect the life and integrity of the persons in whose favor the adoption of measures of protection was ordered on July 28, 2006, when they were confined in the Araraquara Prison; to require the State to adopt the necessary measures to guarantee that the beneficiaries of the measures were administered and treated with strict respect for human rights, and that care was taken to prevent acts of undue force by the State’s agents; and to require the State to maintain and adopt all necessary measures to provide detention conditions compatible with a decent life, in the prisons where the beneficiaries of the measures are confined, which should include: (a) the necessary medical care, particularly for those who are suffering from infectious-contagious diseases or serious health problems; (b) provisions of food, clothes and hygiene products in sufficient quantity and of an adequate quality; (c) detention without overcrowding; (d) separation of those deprived of liberty by categories, according to international standards; (e) visits by the next of kin of the beneficiaries of the measures; (f) access and communication of the defense lawyers with the beneficiaries of the provisional measures, and (g) access to the representatives of the beneficiaries of the provisional measures.

11. Provisional measures in the matter of Mery Naranjo *et al.* (Colombia)

On July 3, 2006, pursuant to Articles 63(2) of the American Convention on Human Rights, 25 of the Court’s Rules of Procedure and 74 of the Commission’s Rules of Procedure, the Inter-American Commission on Human Rights submitted to the Court a request for provisional measures with regard to the State of Colombia, for the State to adopt the necessary measures to protect

the life and personal integrity of Mery Naranjo Jiménez and her family and to investigate the acts perpetrated against her and María del Socorro Mosquera Londoño.

On July 5, 2006, the Court issued an Order on provisional measures, in which it decided, among other matters, to require the State to adopt, forthwith, all necessary measures to protect the rights to life and personal integrity of the persons indicated in the order; to require the State to adopt, forthwith, all necessary measures to protect the rights to life and personal integrity of Luisa María Escudero Jiménez; to require the Inter-American Commission and the beneficiaries or their representatives to inform the Inter-American Court about the actual situation of the child, Luisa María Escudero, so that the Court could opportunely assess the maintenance of the measures adopted in her favor; to require the State to ensure that the protection measures were not provided by the "security agencies" that, according to the beneficiaries had been involved in the reported facts, so that their designation should be made with the participation of the beneficiaries or their representative; to require the State to provide the necessary permanent protection measures in the place of residence of Mery Naranjo Jiménez and her family; and to require the State to adopt the necessary measures for María del Socorro Mosquera Londoño, who had been forced to move, to be able to return safely to her home, and to adopt all necessary measures to protect her life and personal integrity.

On September 22, 2006, the Court issued an Order on provisional measures, in which it decided, among other matters, to reiterate the order of the Inter-American Court of Human Rights of July 5, 2006; to reiterate to the State the order to maintain any measures it had adopted and order, forthwith, the measures necessary to protect effectively the life and personal integrity of the following persons: Mery Naranjo Jiménez and her next of kin, Juan David Naranjo Jiménez, Alejandro Naranjo Jiménez, Sandra Janeth Naranjo Jiménez, Alba Mery Naranjo Jiménez, Erika Johann Gómez, Javier Augusto Torres Durán, Heidi Tatiana Naranjo Gómez, Sebastián Naranjo Jiménez, María Camila Naranjo Jiménez, Aura María Amaya Naranjo and Esteban Torres Naranjo; to reiterate to the State the order that it maintain the measures it had adopted and order, forthwith, those necessary to protect effectively the life and personal integrity of the child, Luisa María Escudero Jiménez; to require the State, once María del Socorro Mosquera Londoño had returned to her home, to adopt immediately all necessary measures to protect her life and personal integrity; to reiterate to the State that it should ensure that the protection measures were not provided by the "security agencies" that, according to the beneficiaries had been involved in the reported facts, so that their designation should be made with the participation of the beneficiaries or their representative; and to reiterate to the State that it maintain and, if applicable, order, forthwith, the necessary permanent protection measures to ensure the security of the place of residence of Mery Naranjo Jiménez and her family.

12. Provisional measures in the case of Gloria Giralte de García Prieto *et al.* (El Salvador)

On September 25, 2006, pursuant to Articles 63(2) of the American Convention on Human Rights, 25 of the Court's Rules of Procedure and 74 of the Commission's Rules of Procedure, the Inter-American Commission on Human Rights submitted to the Court a request for provisional measures with regard to the State of El Salvador, for the State to adopt the necessary measures to protect the life and integrity of the following persons: Gloria Giralte de García Prieto, José Mauricio García Prieto Hirlemann, María de los Angeles García Prieto de Charur, José Benjamín Cuéllar Martínez, Matilde Guadalupe Hernández de Espinoza, Paulino Espinoza and José Roberto Burgos Viale.

On September 26, 2006, the Court issued an Order on provisional measures, in which it decided, among other matters, to require the State to adopt, forthwith, the necessary measures to protect the rights to life and integrity of Gloria Giralt de García Prieto, José Mauricio García Prieto Hirlemann, María de los Ángeles García Prieto de Charur, José Benjamín Cuéllar Martínez, Matilde Guadalupe Hernández de Espinoza and José Roberto Burgos Viale, including the provision of permanent protection of the homes of each of the beneficiaries, as well as the offices of the Human Rights Institute of the Universidad Centroamericana, and that the personnel who provide security have had specialized training and are supplied with adequate equipment; and to require the State to establish the origin of the telephone calls the beneficiaries have been receiving, so as to avoid a repetition of the threats and harassment that gave rise to the adoption of the provisional measures.

On December 3, 2006, the President of the Court issued an order on urgent measures in which he decided, among other matters, to require the State to adopt, forthwith, all necessary measures to protect the life and personal integrity of Ricardo Alberto Iglesias Herrera; to require the State to take all pertinent steps to ensure that the measures of protection required in the order were planned and implemented with the participation of the beneficiaries or their representatives, so that the measures were provided diligently and effectively and that, in general, they were kept informed about progress in implementation; and to require the State to investigate the facts that gave rise to the adoption of the urgent measures, identify those responsible and, if applicable, impose the corresponding punishment.

13. Provisional measures in the case of the Members of the Community Studies and Psychosocial Action Team (ECAP) (Case of Plan de Sánchez Massacre) (Guatemala)

On October 15, 2006, pursuant to Articles 63(2) of the American Convention on Human Rights and 25 of the Court's Rules of Procedure, the *Centro para la Acción Legal en Derechos Humanos* (CALDH) submitted to the Court a request for provisional measures with regard to the State of Guatemala, for the State to protect the life and personal integrity of the members of the Community Studies and Psychosocial Action Team Civic Association who are providing support to the reparation process for the victims and survivors of the Plan de Sánchez Massacre.

On October 20, 2006, the President of the Court issued an Order on urgent measures, in which he decided, among other matters, to require the State to adopt, forthwith, the necessary measures to safeguard and protect the life and personal integrity of Nieves Gómez Dupuis, Bonifacio Osorio Ixtapá and the other members of Community Studies and Psychosocial Action Team Civic Association; to require the *Centro para la Acción Legal en Derechos Humanos* to send the Court a list with the names of the members of the Community Studies and Psychosocial Action Team Civic Association in whose favor the State should adopt these measures of protection within seven days from notification of the order, and to require the State to investigate the facts that gave rise to the adoption of the urgent measures, identify those responsible and, if applicable, impose the corresponding sanctions.

On November 26, 2006, the Court issued an Order on provisional measures, in which it decided, among other matters, to ratify all the terms of the order of the President of the Inter-American Court of Human Rights of October 20, 2006, and, consequently, to require the State of Guatemala to maintain the measures it had adopted and to adopt, forthwith, all necessary measures to protect the life and integrity of the persons indicated in that order; to require the

State to investigate the facts that gave rise to the adoption of the provisional measures, identify those responsible and, if applicable, impose the corresponding punishments; and to require the State to take all pertinent steps to ensure that the required measures of protection were planned and implemented with the beneficiaries or their representatives, so that the measures were provided diligently and effectively and that, in general, they were kept informed about progress in the implementation of the measures.

K. STATUS OF MATTERS BEFORE THE COURT

1. Contentious cases

	Name	Respondent State	Current stage
1.	19 Tradesmen case	Colombia	Monitoring compliance with judgment
2.	Acevedo Jaramillo <i>et al.</i> case	Peru	Monitoring compliance with judgment
3.	Acosta Calderón case	Ecuador	Monitoring compliance with judgment
4.	Almonacid Arellano case	Chile	Monitoring compliance with judgment
5.	Ana María Ruggeri Cova, Perkins Rocha Contreras and Juan Carlos Apitz case ("First Administrative-law Court")	Venezuela	Initial processing
6.	Baena Ricardo <i>et al.</i> case	Panama	Monitoring compliance with judgment
7.	Baldeón García case	Peru	Monitoring compliance with judgment
8.	Bámaca Velásquez case	Guatemala	Monitoring compliance with judgment
9.	Barrios Altos case	Peru	Monitoring compliance with judgment
10.	Benavides Cevallos case	Ecuador	Monitoring compliance with judgment
11.	Blake case	Guatemala	Monitoring compliance with judgment
12.	Blanco Romero <i>et al.</i> case	Venezuela	Monitoring compliance with judgment
13.	Boyce <i>et al.</i> case	Barbados	Initial processing
14.	Bueno Alves case	Argentina	Initial processing
15.	Bulacio case	Argentina	Monitoring compliance with judgment
16.	Caballero Delgado and Santana case	Colombia	Monitoring compliance with judgment
17.	Caesar case	Trinidad and Tobago	Monitoring compliance with judgment
18.	Cantoral Benavides case	Peru	Monitoring compliance with judgment

19.	Cantoral Huamaní and García Santa Cruz case	Peru	Preliminary objections and possible merits, reparations and costs
20.	Cantos case	Argentina	Monitoring compliance with judgment
21.	Carpio Nicolle <i>et al.</i> case	Guatemala	Monitoring compliance with judgment
22.	Castillo Páez case	Peru	Monitoring compliance with judgment
23.	Castillo Petruzzi case	Peru	Monitoring compliance with judgment
24.	Cesti Hurtado case	Peru	Monitoring compliance with judgment
25.	“Five Pensioners” case	Peru	Monitoring compliance with judgment
26.	Claude Reyes <i>et al.</i> case	Chile	Monitoring compliance with judgment
27.	Sawhoyamaxa Indigenous Community case	Paraguay	Monitoring compliance with judgment
28.	Yakye Axa Indigenous Community case	Paraguay	Monitoring compliance with judgment
29.	Mayagna (<i>Sumo</i>) Awas Tingni Community case	Nicaragua	Monitoring compliance with judgment
30.	Moiwana Community case	Suriname	Monitoring compliance with judgment
31.	Cornejo <i>et al.</i> case	Ecuador	Initial processing
32.	Chaparro Álvarez and Lapo Iñiguez case	Ecuador	Initial processing
33.	De La Cruz Flores case	Peru	Monitoring compliance with judgment
34.	Mapiripán Massacre case	Colombia	Monitoring compliance with judgment
35.	Pueblo Bello Massacre case	Colombia	Monitoring compliance with judgment
36.	Serrano Cruz Sisters case	El Salvador	Monitoring compliance with judgment
37.	Ituango Massacres case	Colombia	Monitoring compliance with judgment
38.	“La Rochela Massacre” case	Colombia	Initial processing
39.	Yean and Bosico Children case	Dominican Republic	Monitoring compliance with judgment
40.	“Street Children” case (Villagrán Morales <i>et al.</i>)	Guatemala	Monitoring compliance with judgment
41.	El Caracazo case	Venezuela	Monitoring compliance with judgment
42.	Miguel Castro Castro Prison case	Peru	Monitoring compliance with judgment
43.	Constitutional Court case	Peru	Monitoring compliance with judgment

44.	Durand and Ugarte case	Peru	Monitoring compliance with judgment
45.	El Amparo case	Venezuela	Monitoring compliance with judgment
46.	Escué Zapata case	Colombia	Initial processing
47.	Fermín Ramírez case	Guatemala	Monitoring compliance with judgment
48.	García Asto and Ramírez Rojas case	Peru	Monitoring compliance with judgment
49.	García Prieto Giralt case	El Salvador	Preliminary objections and possible merits, reparations and costs
50.	Garrido and Baigorria case	Argentina	Monitoring compliance with judgment
51.	Goiburú <i>et al.</i> case	Paraguay	Monitoring compliance with judgment
52.	Gómez Palomino case	Peru	Monitoring compliance with judgment
53.	Gutiérrez Soler case	Colombia	Monitoring compliance with judgment
54.	Gómez Paquiyauri Brothers case	Peru	Monitoring compliance with judgment
55.	Herrera Ulloa case	Costa Rica	Monitoring compliance with judgment
56.	Hilaire, Constantine and Benjamin <i>et al.</i> case	Trinidad and Tobago	Monitoring compliance with judgment
57.	Huilca Tecse case	Peru	Monitoring compliance with judgment
58.	"Children's Rehabilitation Institute" case	Paraguay	Monitoring compliance with judgment
59.	Ivcher Bronstein case	Peru	Monitoring compliance with judgment
60.	Juan H. Sánchez case	Honduras	Monitoring compliance with judgment
61.	La Cantuta case	Peru	Monitoring compliance with judgment
62.	Las Palmeras case	Colombia	Monitoring compliance with judgment
63.	Loayza Tamayo case	Peru	Monitoring compliance with judgment
64.	López Álvarez case	Honduras	Monitoring compliance with judgment
65.	Lori Berenson Mejía case	Peru	Monitoring compliance with judgment/ Interpretation of judgment
66.	Maritza Urrutia case	Guatemala	Monitoring compliance with judgment
67.	Plan de Sánchez Massacre case	Guatemala	Monitoring compliance with judgment
68.	Molina Theissen case	Guatemala	Monitoring compliance with judgment
69.	Montero Aranguren <i>et al.</i> case	Venezuela	Monitoring compliance with judgment

70.	Myrna Mack Chang case	Guatemala	Monitoring compliance with judgment
71.	Neira Alegría <i>et al.</i> case	Peru	Monitoring compliance with judgment
72.	Nogueira de Carvalho case	Brazil	Monitoring compliance with judgment
73.	Palamara Iribarne case	Chile	Monitoring compliance with judgment
74.	Paniagua Morales <i>et al.</i> case	Guatemala	Monitoring compliance with judgment
75.	Raxcacó Reyes case	Guatemala	Monitoring compliance with judgment
76.	Ricardo Canese case	Paraguay	Monitoring compliance with judgment
77.	Salvador Chiriboga case	Ecuador	Initial processing
78.	Servellón García <i>et al.</i> case	Honduras	Monitoring compliance with judgment
79.	Suárez Rosero case	Ecuador	Monitoring compliance with judgment
80.	Tibi case	Ecuador	Monitoring compliance with judgment
81.	The Dismissed Congressional Employees case	Peru	Monitoring compliance with judgment
82.	Trujillo Oroza case	Bolivia	Monitoring compliance with judgment
83.	Twelve Saramaka Clans case	Suriname	Initial processing
84.	Vargas Areco case	Paraguay	Monitoring compliance with judgment
85.	Ximenes Lopes case	Brazil	Monitoring compliance with judgment
86.	YATAMA case	Nicaragua	Monitoring compliance with judgment
87.	Yvon Neptune case	Haiti	Initial processing
88.	Zambrano <i>et al.</i> case	Ecuador	Initial processing

2. Provisional measures

	Name	State regarding which they have been adopted
1.	19 Tradesmen (Sandra Belinda Montero Fuentes and family, Salomón Flórez and family, Luis José Pundor Quintero and family, and Ana Diva Quintero Quintero de Pundor and family)	Colombia
2.	Álvarez <i>et al.</i>	Colombia
3.	Bámaca Velásquez <i>et al.</i>	Guatemala
4.	Boyce <i>et al.</i>	Barbados

5.	Caballero Delgado and Santana	Colombia
6.	Urso Branco Prison	Brazil
7.	Carlos Nieto <i>et al.</i>	Venezuela
8.	Carpio Nicolle <i>et al.</i>	Guatemala
9.	Capital Region Yare I and Yare II Prison (Yare Prison)	Venezuela
10.	Colotenango	Guatemala
11.	Peace Community of San José de Apartadó	Colombia
12.	Jiguamiandó and Curbaradó Communities	Colombia
13.	Mayagna (<i>Sumo</i>) Awas Tigni Community	Nicaragua
14.	"El Nacional" and "Así es la Noticia" Newspapers	Venezuela
15.	Eloisa Barrios <i>et al.</i>	Venezuela
16.	"Globovisión" television stations	Venezuela
17.	Forensic Anthropology Foundation of Guatemala	Guatemala
18.	Gallardo Rodríguez	Mexico
19.	Giraldo Cardona	Colombia
20.	Gómez Paquiyauri	Peru
21.	Guerrero Gallucci and Martínez Barrios	Venezuela
22.	Gutiérrez Soler <i>et al.</i>	Colombia
23.	Haitians and Dominicans of Haitian Origin in the Dominican Republic	Dominican Republic
24.	Helen Mack <i>et al.</i>	Guatemala
25.	Monagas Detention Center ("La Pica")	Venezuela
26.	Ivcher Bronstein	Peru
27.	James <i>et al.</i>	Trinidad and Tobago
28.	Liliana Ortega <i>et al.</i>	Venezuela
29.	López Alvarez <i>et al.</i>	Honduras
30.	Luis Uzcátegui	Venezuela
31.	Luisiana Ríos <i>et al.</i>	Venezuela

32.	Lysias Fleury	Haiti
33.	María Leontina Millacura Llaipén <i>et al.</i>	Argentina
34.	Marta Colomina and Liliana Velásquez	Venezuela
35.	Mapiripán Massacre	Colombia
36.	Mery Naranjo <i>et al.</i>	Colombia
37.	Children and Adolescents deprived of liberty in the FEBEM "Tataupé Complex"	Brazil
38.	Araraquara Prison	Brazil
39.	Mendoza Prisons	Argentina
40.	Pilar Noriega García <i>et al.</i>	Mexico
41.	Kankuamo Indigenous People	Colombia
42.	Kichwa of Sarayaku Indigenous People	Ecuador
43.	Ramírez Hinojosa <i>et al.</i>	Peru
44.	Raxcacó <i>et al.</i>	Guatemala
45.	Gloria Giralt de García Prieto <i>et al.</i>	El Salvador
46.	Members of the Community Studies and Psychosocial Action Team (ECAP) (Case of Plan de Sánchez Massacre)	Guatemala

III. OTHER ACTIVITIES OF THE COURT

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

Presentation of the 2005 Annual Report on the Work of the Inter-American Court of Human Rights

On March 10, 2006 the President of the Court, accompanied by the Vice President and the Secretary of the Court presented the 2005 Annual Report on the work of the Inter-American Court to the OAS Committee on Juridical and Political Affairs (CAJP). During this activity, Judge García Ramírez first presented a "Summary of the 2005 exercise."

Then, on June 11, 2006, CAJP issued "Observations and Recommendations of the Permanent Council on the Annual Report of the Inter-American Court of Human Rights," in resolution AG/doc. 4637/06.

Thirty-sixth Regular Session of the General Assembly of the Organization of American States

The thirty-sixth regular session of the OAS General Assembly was held in Santo Domingo, Dominican Republic, from June 4 to 6, 2006. The Inter-American Court was represented by its President, Vice President and Secretary.

On June 6, 2006, the President of the Court addressed the plenary session of the Assembly and, among other matters, referred to the importance of the international protection of human rights retaining the highest priority on the Organization's political agenda; to the hope that the States which had not yet acceded to the American Convention would become parties to it, and to acceptance of the criteria established by the Court in the domestic law of the States Parties. He referred to the increase in the number of contentious cases, and requests for advisory opinions and provisional measures submitted to the Court, which represented one of the greatest and most challenging factors for the inter-American jurisdiction, and also to recognition of the importance of compliance with the Court's decisions and the efforts of the States to ensure that they are fully respected.

The same day, the OAS General Assembly adopted the Court's 2005 Annual Report in Resolution AG/RES. 2223 (XXXVI-O/05). In this resolution the General Assembly resolved:

1. To adopt the observations and recommendations of the Permanent Council on the Annual Report of the Inter-American Court of Human Rights (AG/doc.4637/06); and to forward them to that organ.
2. To reaffirm the essential value of the work of the Inter-American Court of Human Rights in enhancing the protection and defense of human rights in the Hemisphere.
3. To reiterate that the judgments of the Inter-American Court of Human Rights are final and may not be appealed and that the states parties to the American Convention on Human Rights undertake to comply with the decisions of the Court in all cases to which they are party.
4. To reiterate the need for states parties to provide, in a timely fashion, the information requested by the Court in order to enable it to fully meet its obligation to report to the General Assembly on compliance with its judgments.
5. To reaffirm the importance of:
 - a. The advisory function of the Inter-American Court of Human Rights for the development of inter-American jurisprudence and international human rights law and, in that context, to take note of Advisory Opinion OC-19/05, "Control of Legality in the Exercise of the Functions of the Inter-American Commission on Human Rights"; and
 - b. The jurisprudence of the Inter-American Court of Human Rights for the effective exercise of and respect for human rights in the Hemisphere; and consequently the importance of the dissemination of its decisions by the member states, as they deem it appropriate.

6. To instruct the Permanent Council to:
 - a. Continue its consideration of the issue of "Access of victims to the Inter-American Court of Human Rights (*jus standi*) and its application in practice," including its financial and budgetary implications, taking into account the report of the Inter-American Court of Human Rights entitled "Bases for a Draft Protocol to the American Convention on Human Rights to Strengthen Its Mechanism for Protection – Volume II"; the proposal presented by the Government of Costa Rica, "Draft Optional Protocol to the American Convention on Human Rights"; the revised Rules of Procedure of the Inter-American Court of Human Rights and of the Inter-American Commission on Human Rights; and taking into account the need to maintain procedural equity and to redefine the role of the Commission in proceedings before the Court;
 - b. Continue to consider means of encouraging compliance by member states with the judgments of the Court; and
 - c. Instruct the Permanent Council to continue analyzing ways to achieve an effective increase of the financial resources allocated to the Inter-American Court of Human Rights in the program-budget of the Organization. To that effect, to thank the Secretary General of the Organization for his work and urge him to continue his efforts and present additional proposals for achieving adequate funding for the Inter-American Court of Human Rights in the program-budget of the Organization.
7. To thank those member states (Brazil, Colombia, Costa Rica, Mexico, and Paraguay) and institutions (the European Union, the Inter-American Development Bank – IDB, and the Office of the United Nations High Commissioner for Refugees – UNHCR) that have made voluntary contributions to the Inter-American Court of Human Rights. In addition, to urge member states to contribute to the Specific Fund for Strengthening the Inter-American System for the Protection and Promotion of Human Rights; and to encourage permanent observers and institutions to make voluntary contributions to the Inter-American Court of Human Rights.
8. To encourage member states to continue to invite the Inter-American Court of Human Rights to hold special sessions away from its headquarters.
9. To urge the Inter-American Court of Human Rights, the Inter-American Commission on Human Rights, and the Inter-American Institute of Human Rights to continue to hold specialized seminars on the inter-American system for the promotion and protection of human rights for government officials.
10. To invite the Inter-American Court of Human Rights to continue to participate, with its judges, in the dialogue with member states in the reflection process on strengthening the inter-American human rights system, within the context of the Committee on Juridical and Political Affairs.
11. To urge member states to consider the signature and ratification of, ratification of, or accession to, as the case may be, the American Convention on Human Rights and other instruments of the system, including acceptance of the binding jurisdiction of the Inter-American Court of Human Rights.

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

That same day, the General Assembly of the Organization adopted Resolution AG/RES. 2220 (XXXVI-O/06) entitled "Strengthening of Human Rights Systems pursuant to the Mandates arising from the Fourth Summit of the Americas," in which it resolved:

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

a. Universalization of the inter-American human rights system by considering the signature and ratification or ratification of, or accession to, as soon as possible and as the case may be, all universal and inter-American human rights instruments;

b. Compliance with the judgments of the Inter-American Court of Human Rights and follow-up of the recommendations of the Inter-American Commission on Human Rights;

c. Improvement of access by individuals to the mechanisms of the inter-American human rights system;

d. Adequate financing of the Inter-American Court of Human Rights and the Inter-American Commission on Human Rights, including the fostering of voluntary contributions, so that they may continue to address their activities and responsibilities; and

e. Examination of the possibility that the Inter-American Court of Human Rights and the Inter-American Commission on Human Rights may come to operate on a permanent basis, taking into account, among other things, the views of those organs.

2. To recognize the following progress made in the specific areas of the inter-American human rights system, namely:

a. The broad process of reflection on the inter-American system for the promotion and protection of human rights, within the Committee on Juridical and Political Affairs (CAJP) of the Permanent Council;

b. The dialogue held, within the CAJP, between member states and the organs of the inter-American human rights system (Inter-American Court of Human Rights and Inter-American Commission on Human Rights), as recorded in the report of the meeting (CP/CAJP-2311/05 add. 2 and 2-a);

c. The approval, through resolution AG/RES. 2074 (XXXV-O/05), of the "Standards for the Preparation of Periodic Reports pursuant to Article 19 of the Protocol of San Salvador";

d. The deposit by Honduras of the instrument of ratification of the Inter-American Convention on Forced Disappearance of Persons, and the signing by Jamaica and deposit of the instrument of ratification of the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women, "Convention of Belém do Pará"; and

e. The voluntary contributions to facilitate the work of the organs of the inter-American human rights system made by Brazil, Colombia, Costa Rica, Mexico, and Paraguay, and the European Union, the Inter-American Development Bank, and the Office of the United Nations High Commissioner for Refugees (UNHCR) to the Inter-American Court of Human Rights; and by Brazil, Canada, Chile, Colombia, Costa Rica, Mexico, the United States, France, Ireland, Italy, Spain, Sweden, the Commonwealth Secretariat, and the European Commission to the Inter-American Commission on Human Rights.

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

a. Continuing the broad process of reflection on the inter-American system for the promotion and protection of human rights, initiated within the CAJP, in consultation with the member states, specialized agencies of the inter-American human rights system, nongovernmental organizations, national human rights institutes, academic institutions, and experts in the field, regarding:

- i. The major challenges facing the inter-American system for the promotion and protection of human rights in the Hemisphere;
- ii. Possible actions to strengthen and improve the system; and
- iii. The advisability of convening an inter-American human rights conference;

b. Continuing to examine, principally through the Committee on Administrative and Budgetary Affairs (CAAP) of the Permanent Council, ways to bring about adequate financing of the organs of the inter-American human rights system in the program-budget of the Organization;

c. Supporting any initiatives taken by the Inter-American Court of Human Rights and the Inter-American Commission on Human Rights to request funding from international and regional agencies to further the activities of the organs of the inter-American system for the promotion and protection of human rights;

d. Encouraging, in addition, member states to contribute to the Specific Fund for Strengthening the Inter-American System for the Protection and Promotion of Human Rights;

e. Continuing to consider ways to promote compliance with the judgments of the Inter-American Court of Human Rights and follow-up of the recommendations of the Inter-American Commission on Human Rights by member states;

f. Continuing to analyze the priorities for improvement of the inter-American human rights system, including consideration of the possibility that the Inter-American Court of Human Rights and the Inter-American Commission on Human Rights may come to operate on a permanent basis, taking into account related information provided by the presidents of both organs;

g. Holding each year, within the CAJP, the dialogue between the member states and the members of the Inter-American Commission on Human Rights and the judges on the Inter-American Court of Human Rights on how the inter-American human rights system operates. The CAJP will establish the agenda for said meeting at least two months in advance; and

h. Requesting the Inter-American Court of Human Rights and the Inter-American Commission on Human Rights to:

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

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

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

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

Joint meeting with the Inter-American Commission on Human Rights

On March 11, 2006, members of the Inter-American Court of Human Rights and the Inter-American Commissions on Human Rights held a meeting in Washington, D.C. During the meeting they discussed issues such as: the measures of protection of the two organs; the structures of

representation before the Commission and the Court; the implementation of recommendations and judgments, and the Commission's role in the proceedings before the Inter-American Court. Judges and the Secretaries of the Court took part in the meeting, and the Commissioners and officials of the Commission.

The two institutions hold this type of meeting periodically, mandated by the OAS General Assembly, in order to program and coordinate their work

Second Specialized Course for State Officials on the Use of the Inter-American System for the Protection of Human Rights

From September 25 to 30, 2006, the "Second Specialized Course for State Officials on the Use of the Inter-American System for the Protection of Human Rights" was held in San José, Costa Rica. It was organized jointly by the Court, the Inter-American Commission on Human Rights and the Inter-American Institute of Human Rights. During the course, which was attended by 60 officials from various Latin American States, Judges Sergio García Ramírez, Alirio Abreu Burelli, Antônio A. Cançado Trindade, Manuel E. Ventura Robles and Diego García-Sayán, together with officials of the Court, the Commission and the Institute gave presentations.

Third Session for the Study of International Humanitarian Law

On December 1, 2006, the "Third Session for the Study of International Humanitarian Law" was held at the seat of the Court. It was attended by officials of the International Committee of the Red Cross (ICRC), and also several of the Court's Judges and officials. Among the issues discussed were: the problem of disappeared persons and their next of kin, and the challenges for the protection of persons in situations of internal conflict and instability.

IV. INTER-INSTITUTIONAL COOPERATION AGREEMENTS

During the year, the Inter-American Court of Human Rights signed seven cooperation agreements with different institutions of the Americas. The agreements were signed with: the National Human Rights Commission of Mexico, the "Tecnológico de Monterrey", the American University, the Universidad de El Salvador, the Universidad Centroamericana "José Simeón Cañas" of El Salvador, the Universidad Doctor José Matías Delgado of El Salvador, the Law School of the Pontificia Universidad Católica of Argentina, the Supreme Court of Justice of Argentina, the Latin American Parliament, the Supreme Court of Justice of Costa Rica, the Argentine Federation of the Judiciary, Santa Clara University of the United States, Human Rights Commission of the Federal District of Mexico and the "Bloque de Defensores Públicos Oficiales del Mercosur". The purpose of these agreements is to establish a basis for collaboration in order to carry out joint activities with these institutions in the area of human rights research, teaching, divulgation and extension.

V. ADMINISTRATIVE AND FINANCIAL AFFAIRS

The Inter-American Court's financial statements for the 2005 financial year were audited by the independent external auditing firm, Venegas, Pizarro, Ugarte & Co., authorized public accountants, who represent HLB International in Costa Rica.

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

According to the March 3, 2006, report of the authorized public accountants, the Court's financial statements adequately reflect the institution's financial situation and net assets, and also the income, expenditure and cash flows for the 2005 period, which are in accordance with consistently applied and generally accepted accounting principles for non-profit organizations, such as the Court.

The report of the independent auditors shows that the internal accounting control system used by the Court is adequate for recording and controlling transactions and that reasonable commercial practices are used to ensure the most effective use of its funds.

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

International Cooperation

During 2006, the project signed by the Court with the European Commission for the sum of €800,000.00 (€600,000.00 contributed by the European Union and €200,000.00 counterpart funds from the Court) was concluded. The technical, financial and audit reports on this project were submitted to the regional headquarters of the European Commission in Nicaragua. The project financed by the Inter-American Development Bank (IDB) in the amount of US\$125,000.00 (one hundred and twenty-five thousand United States dollars) with the main purpose of strengthening the joint library with the Inter-American Institute of Human Rights was also concluded, and the respective technical, financial and audit reports were submitted.

In addition, an independent contribution of US\$1,600.00 was received from the University of Santa Clara in California. The United Nations High Commissioner for Refugees (UNHCR) made two contributions to the Court, the first for US\$5,492.80 and the second for US\$5,000.00. On November 6, 2006, a cooperation framework agreement was signed with the Spanish International Cooperation Agency (AECI), to strengthen the Court's operations. On November 10, 2006, Mexico's Permanent Mission to the OAS made a donation of US\$125,000.00 to the Court. On December 7, 2006, a cooperation agreement for US\$3,319,390.25 to strengthen the Court's operations was signed with the Ministry of Foreign Affairs of Norway and an initial disbursement of US\$845,141.61 was made. In addition, on December 29, 2006, a note from the OAS Secretary General was received announcing a special contribution from the State of Colombia to the General



Secretariat and other OAS organs and entities, which included a donation of US\$300,000.00 for the Court; this should be disbursed at the beginning of 2007.

The Organization of American States increased the regular budget allocated to the Court by US\$265,000.00 for a new total of US\$1,656,300.00, with the commitment to maintain this level in coming years. The Government of Costa Rica maintained its annual quota of US\$100,000.00 in accordance with the provisions of Law 6889 on the Headquarters Agreement. This was remitted monthly with no delay. Both the Government of Costa Rica and the OAS have already informed the Court that the budget amounts for 2007 will be kept at the same level as the budget allocated in 2006.

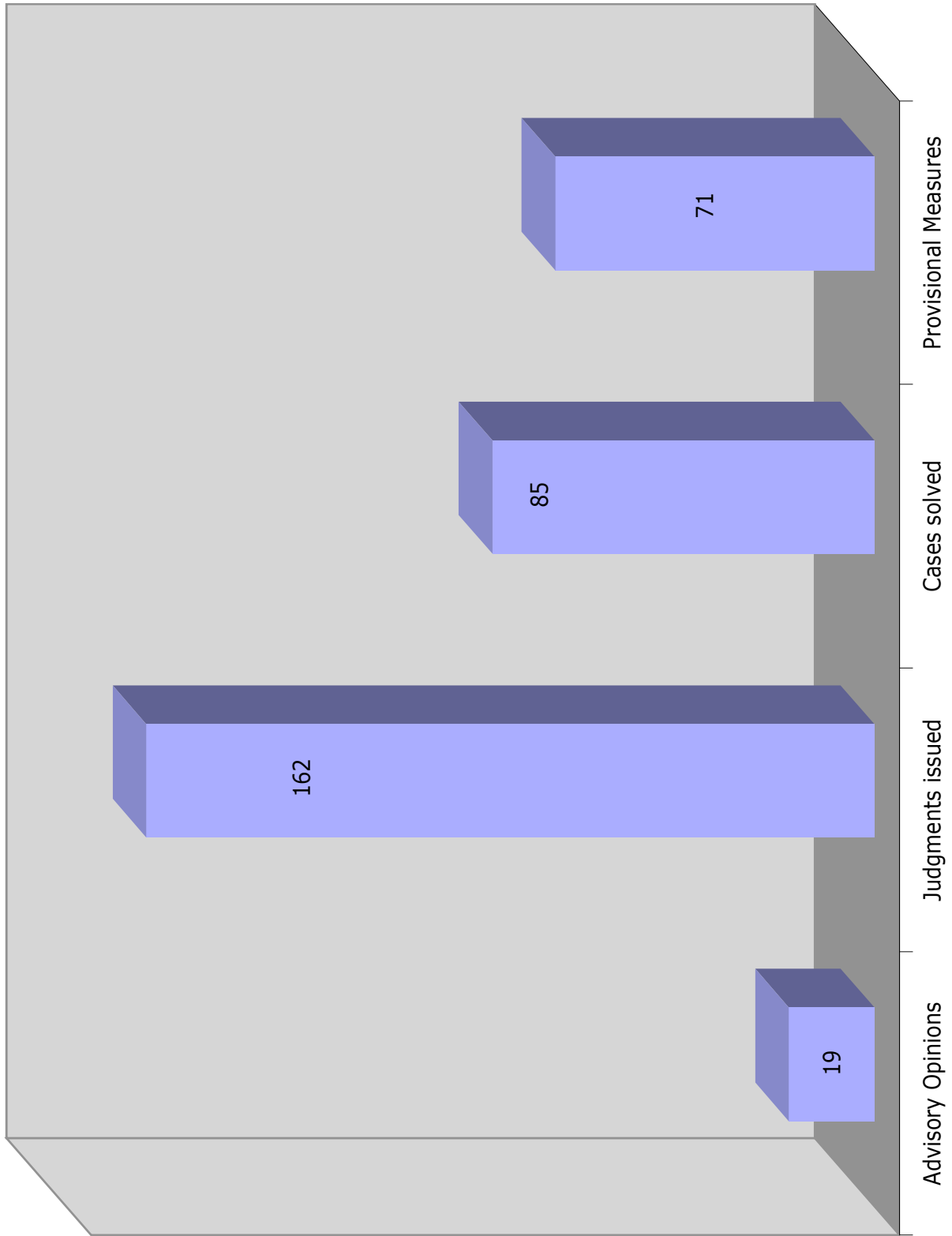
Internships

During 2006, the Court received 55 interns from the following 21 countries at its seat: Argentina, Australia, Austria, Brazil, Canada, Chile, Colombia, Costa Rica, England, France, Germany, Guatemala, Italy, Mexico, Paraguay, Peru, Spain, Trinidad and Tobago, United States of America, Uruguay and Venezuela. The following website can be consulted for further information on the Court's Internships and Professional Visits Program: <http://www.corteidh.or.cr/pasantias.cfm>

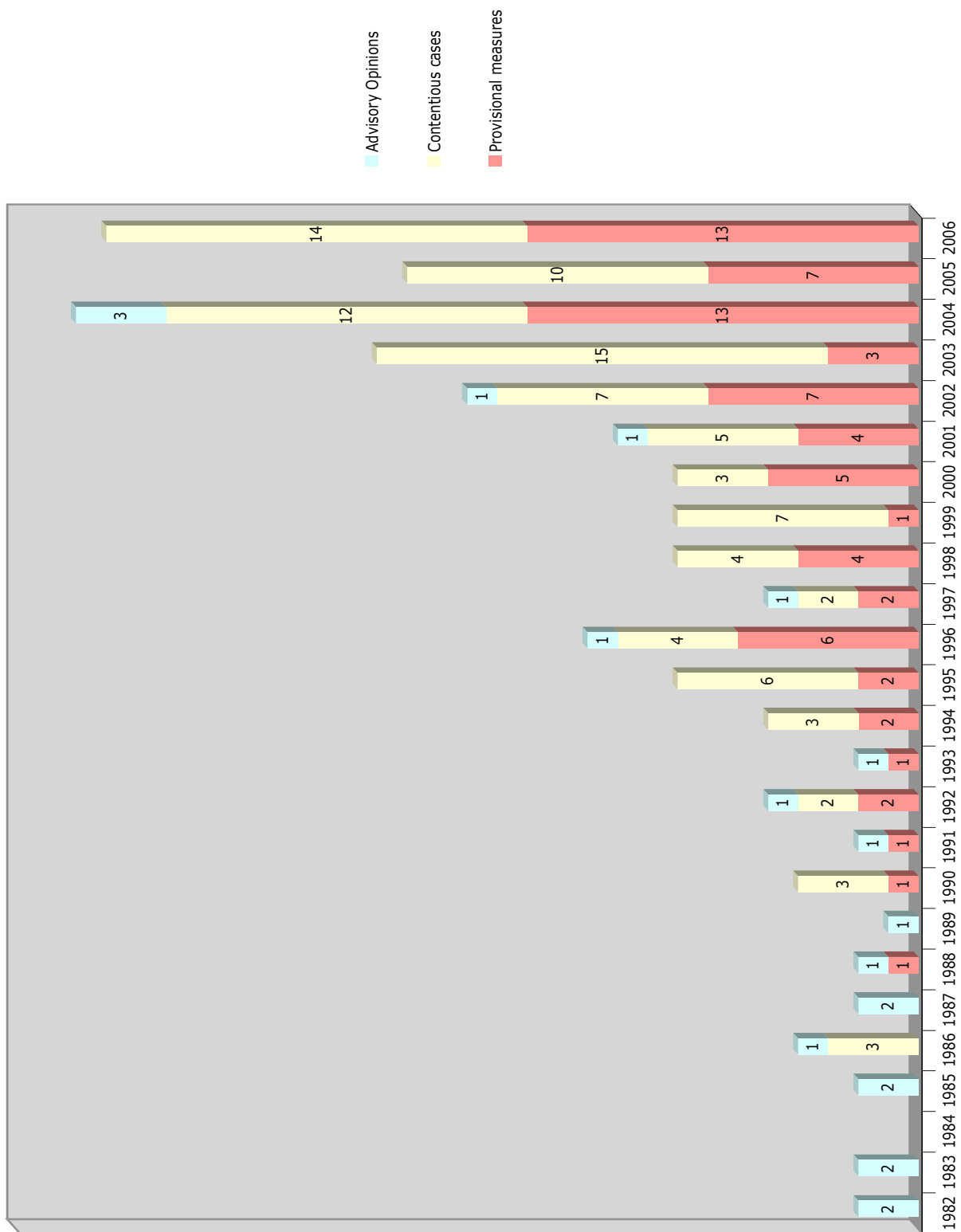
VI. STATISTICS OF THE COURT

The following 26 tables illustrate the activities of the Inter-American Court of Human Rights, and its current status:

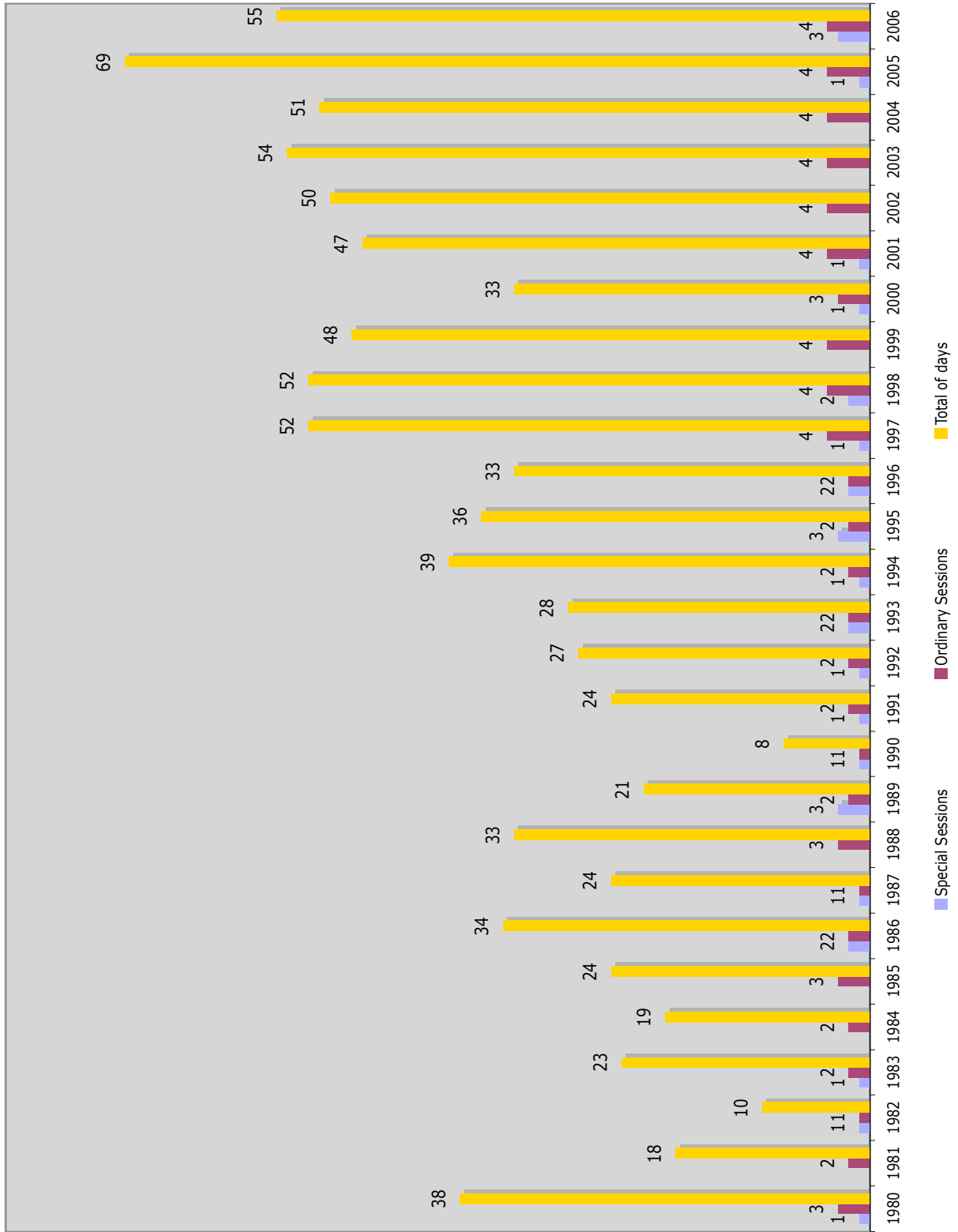
The Inter-American Court of Human Rights (1979 - 2006)



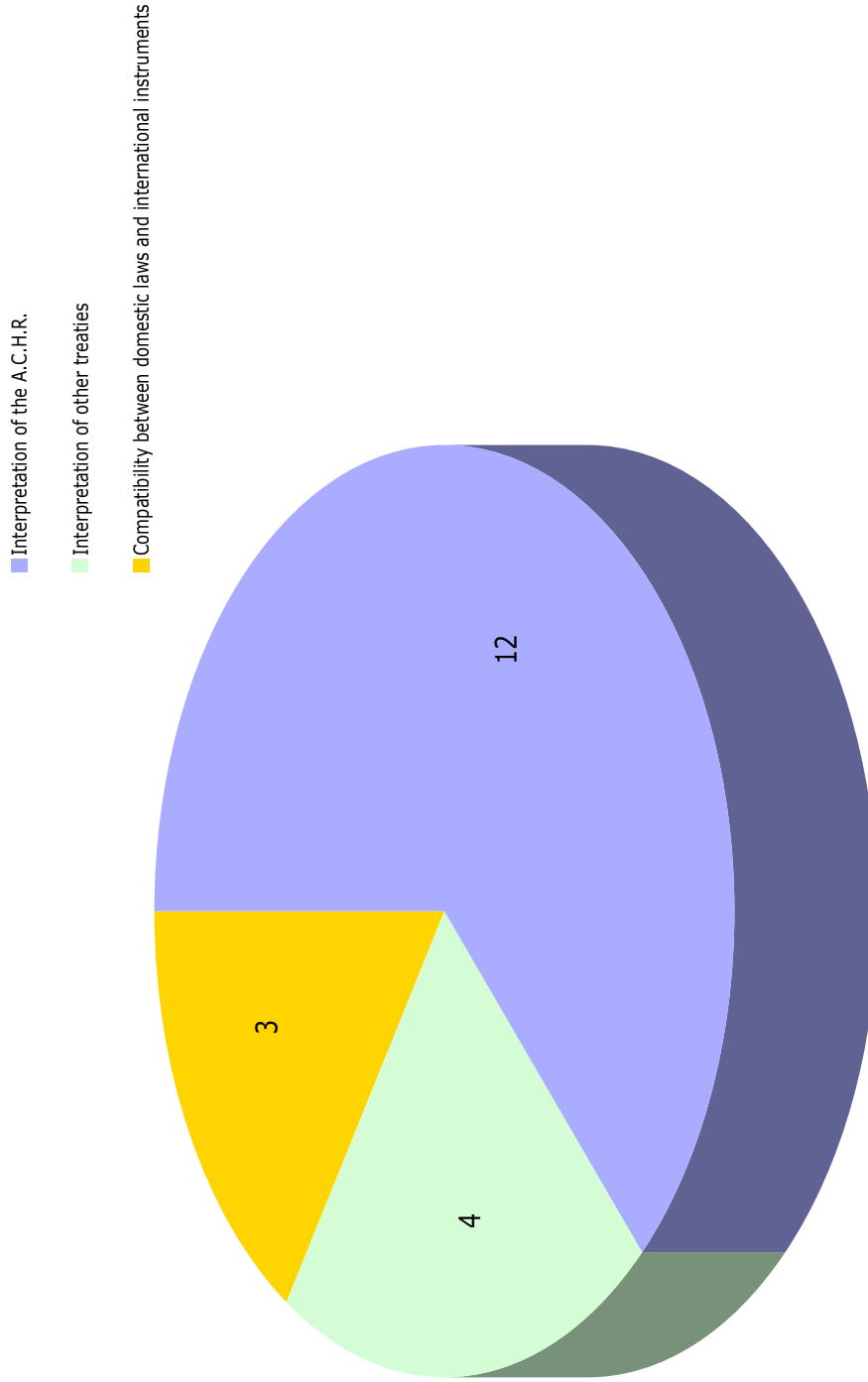
Submission of advisory opinions, contentious cases and provisional measures



Periods of sessions

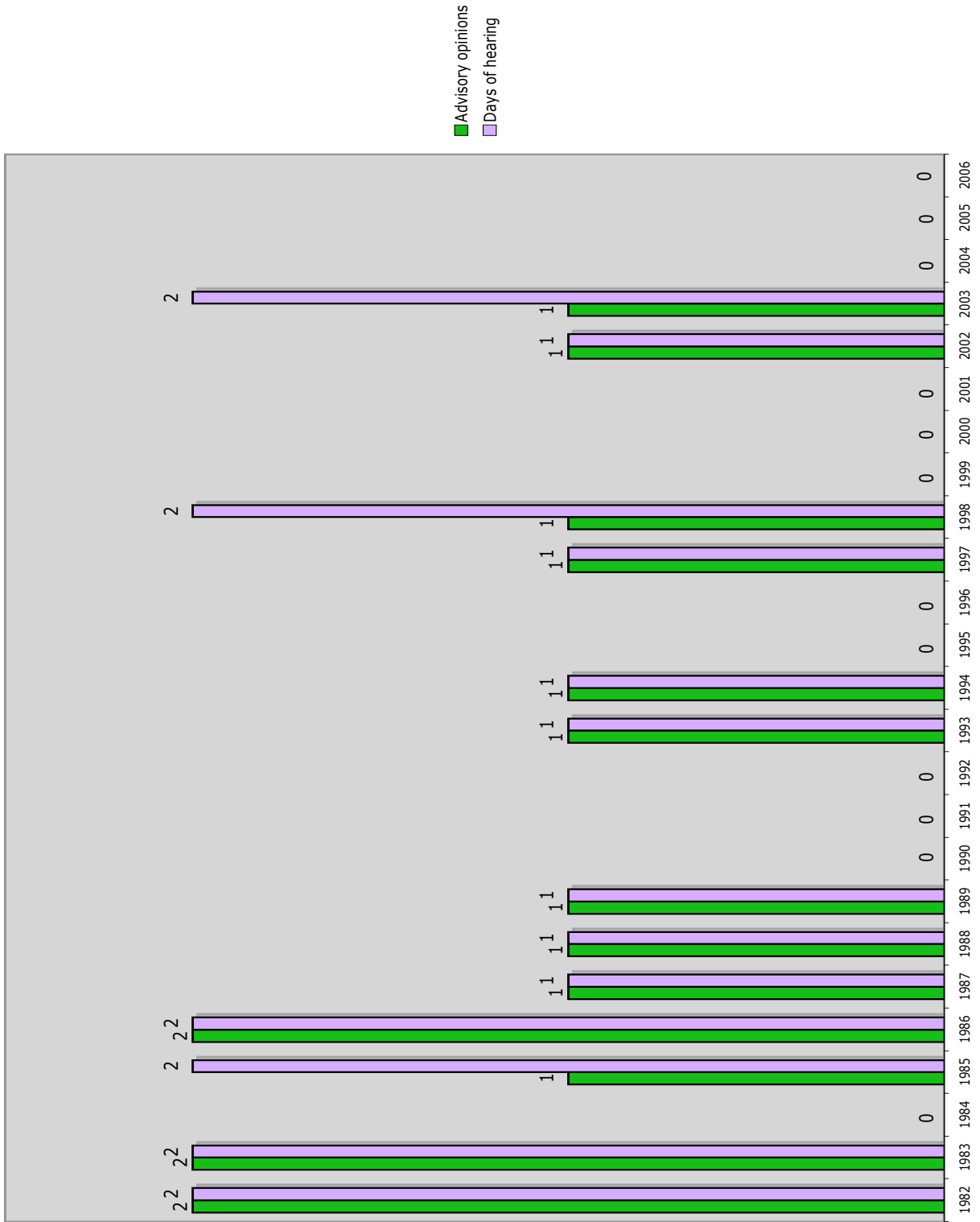


Subjects of the advisory opinions



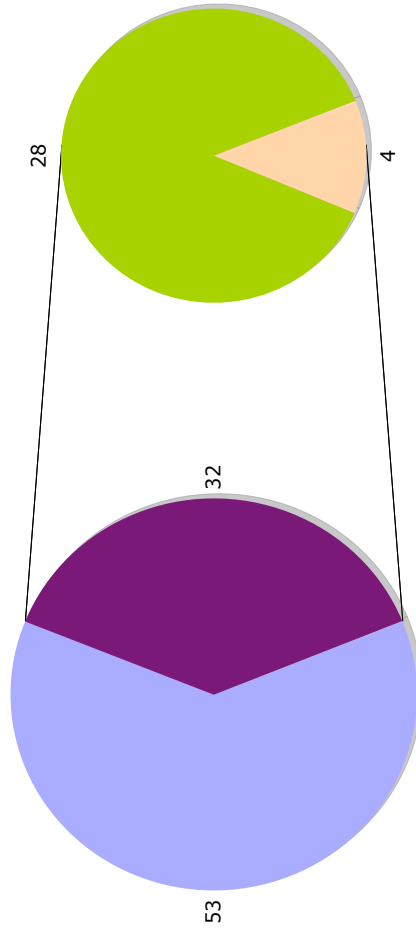
- 13 advisory opinions were requested by member States of the OAS and 6 by the Inter-American Commission on Human Rights.

Public hearings on advisory opinions



Preliminary objections

- Cases in which no objection was presented
- Cases in which objections were presented
- Cases in which the Court admitted objections*
- Cases in which the order of the Court rejected the objections

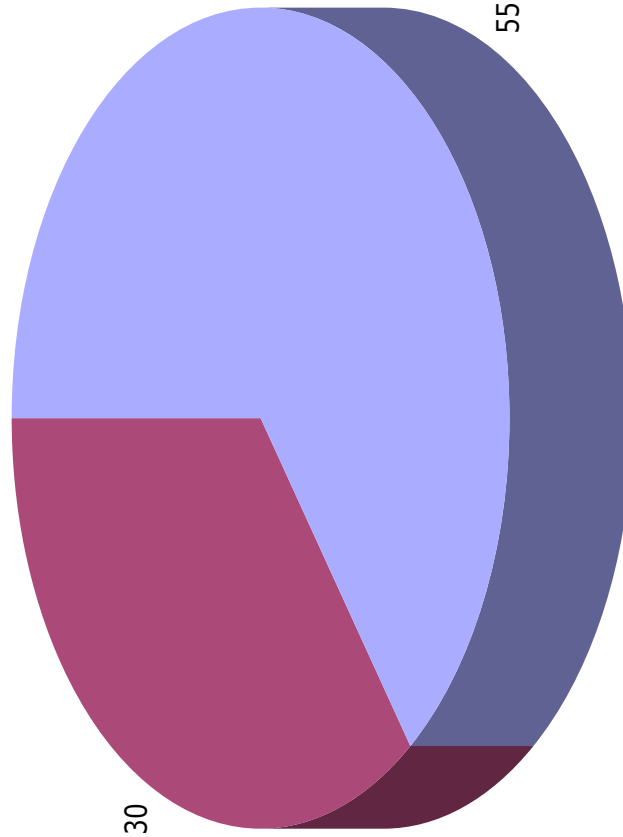


* In one occasion the Court ordered the filing of the case after admitting the preliminary objection presented by the State.

Acquiescence or acknowledgement of international responsibility

In the 35.3% of the contentious cases, the States have acquiesced or acknowledged completely or in part, their international responsibility. These cases are:

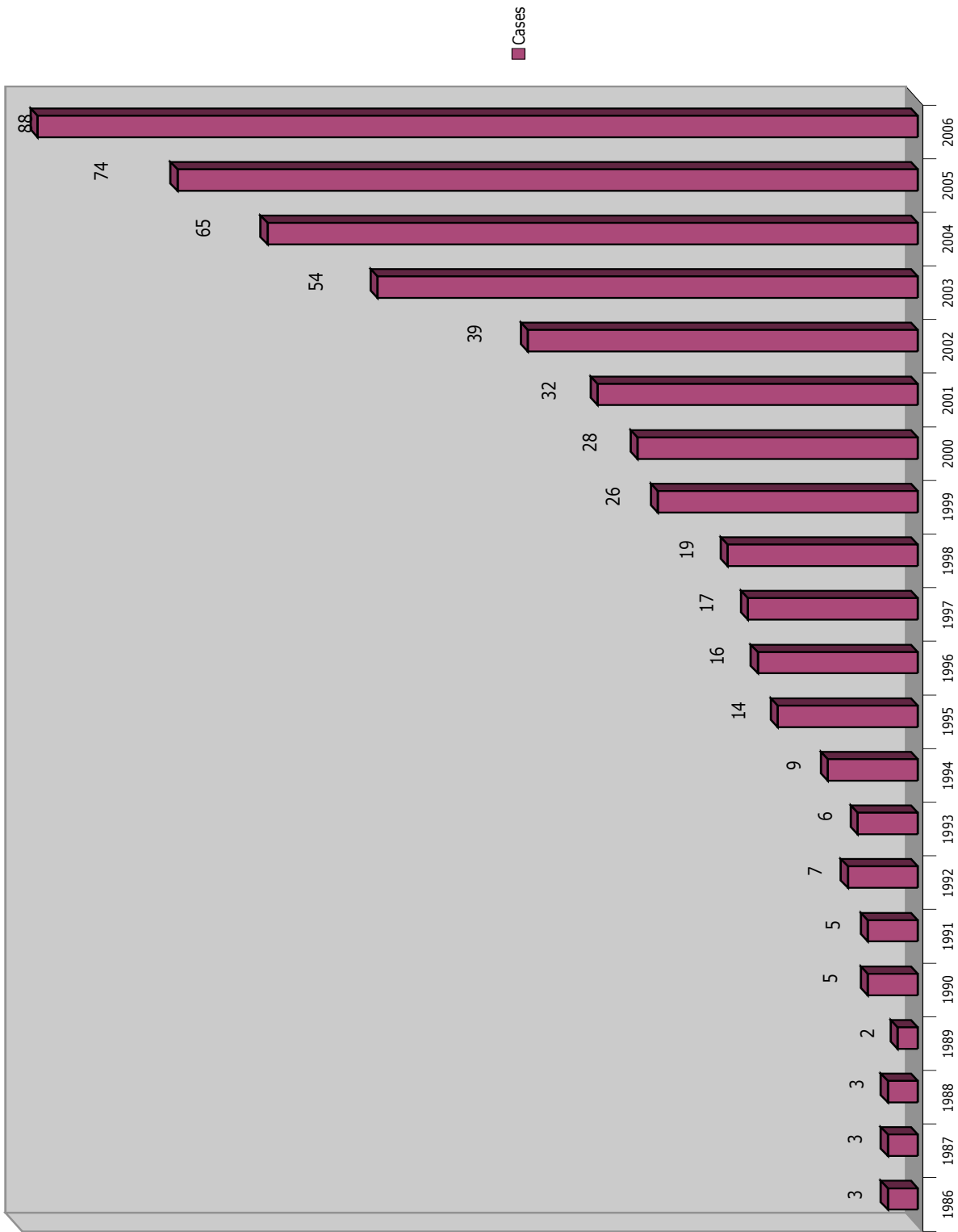
- Acevedo Jaramillo *et al.* v. Peru
- Alobeoetoe *et al.* v. Suriname
- Baldeón García v. Peru
- Barríos Altos v. Peru
- Benavides Cevallos v. Ecuador
- Blake v. Guatemala
- Blanco Romero v. Venezuela
- Bulacio v. Argentina
- Caracazo v. Venezuela
- Carpio Nicolle *et al.* v. Guatemala
- "El Amparo" v. Venezuela
- García Asto and Ramirez Rojas v. Peru
- Garrido and Baigorria v. Argentina
- Goiburú *et al.* v. Paraguay
- Gómez Palomino v. Peru
- Gutiérrez Soler v. Colombia
- Huilca Tecse v. Peru
- Ituango Massacres v. Colombia
- "La Cantuta" v. Peru
- Maritza Urrutia v. Guatemala
- Mapiripán Massacre v. Colombia
- Miguel Castro Castro Prison v. Peru
- Molina Theissen v. Guatemala
- Montero Aranguren *et al.* v. Venezuela
- Myrna Mack Chang v. Guatemala
- Plan de Sánchez Massacre v. Guatemala
- Servellón García *et al.* v. Honduras
- Trujillo Oroza v. Bolivia
- Vargas Areco v. Paraguay
- Ximenes Lopes v. Brazil



■ Ordinary processing

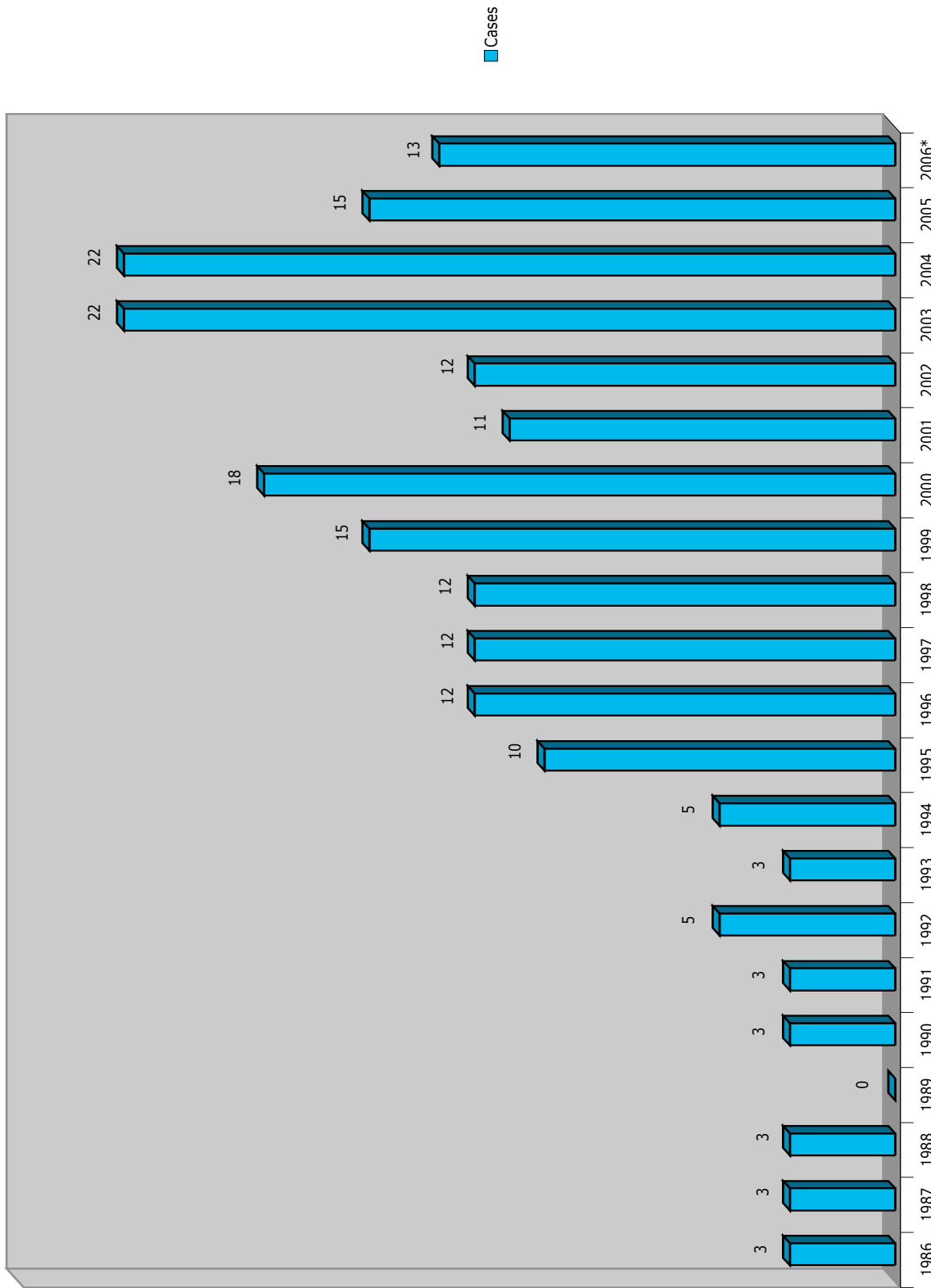
■ Acknowledgement of international responsibility by the State

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



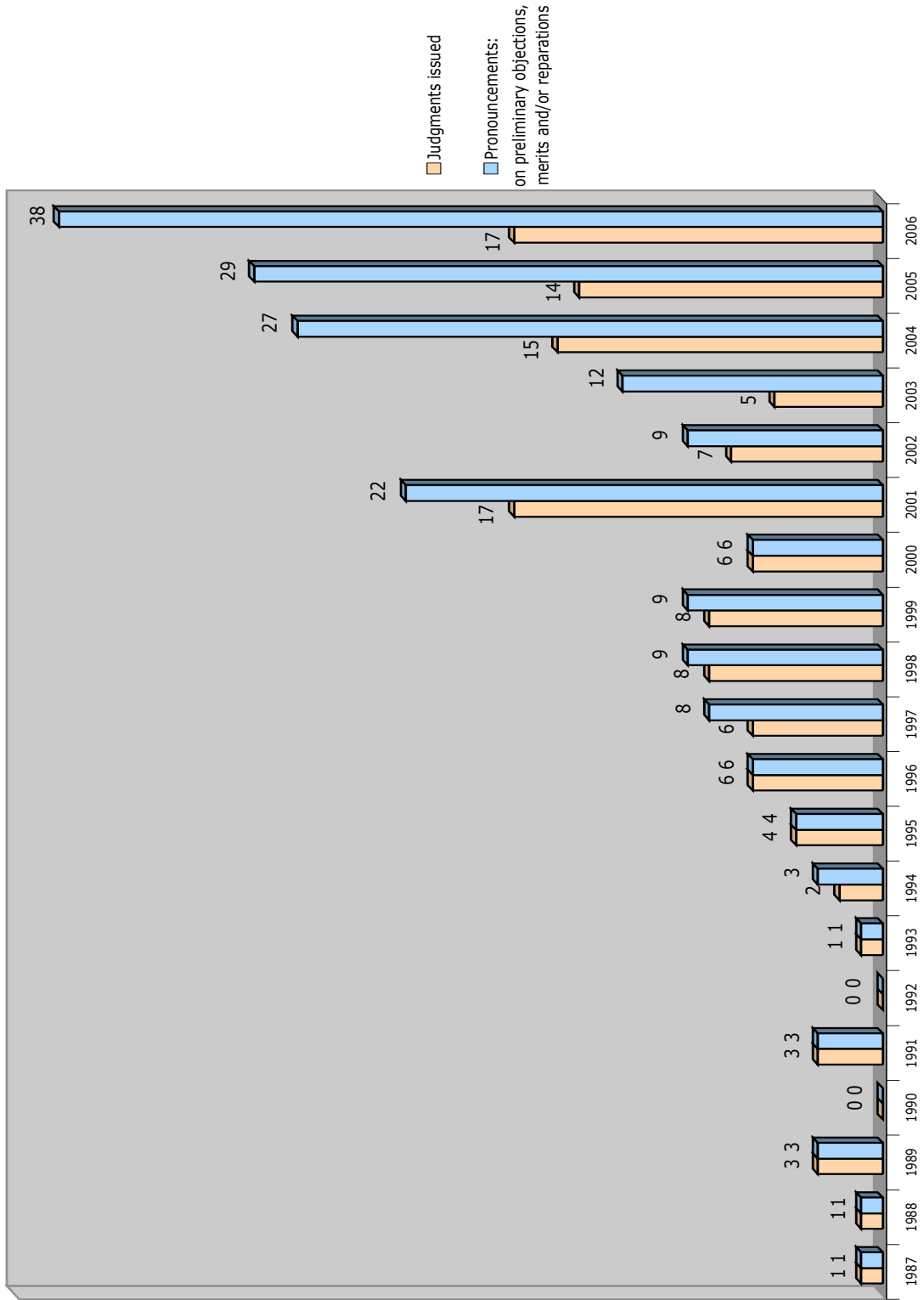
- This chart includes the cases in which no judgment has been issued and the cases in which the judgment has been issued and are in stage of monitoring compliance with judgment.

Contentious cases without judgment at the end of the mentioned years



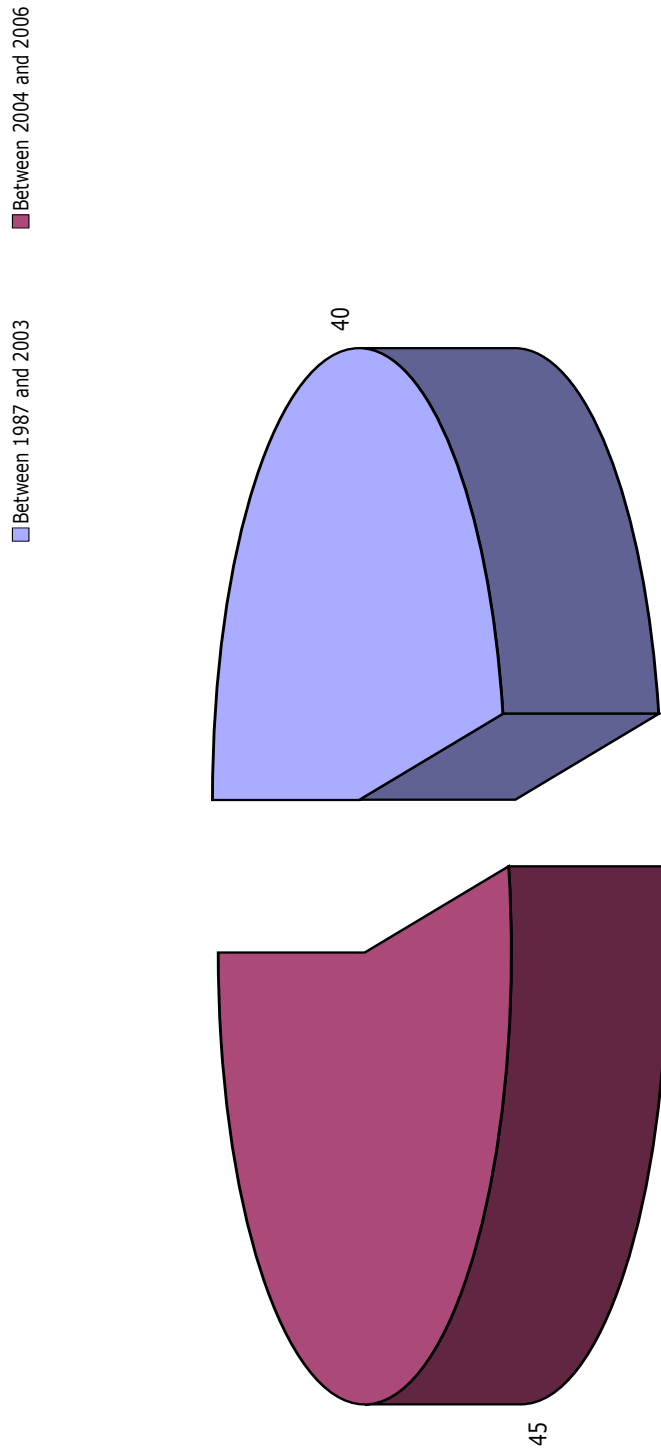
* At the end of the year 2006 the cases that are without judgment are all cases submitted to the Court during the present year.

Judgments and pronouncements issued in contentious cases



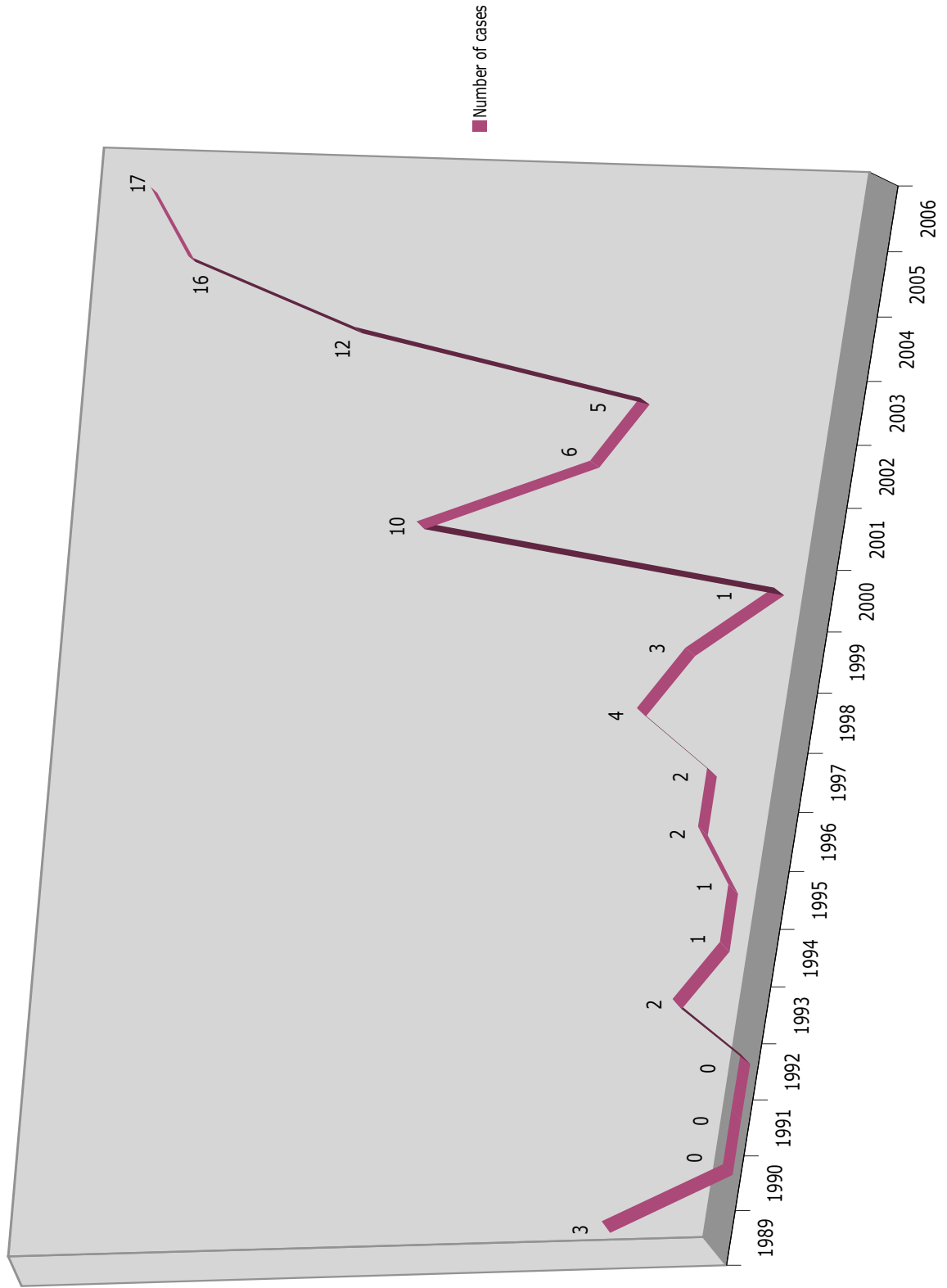
- This chart includes only the judgments and pronouncements issued by the Court on preliminary objections, merits and reparations.
 - It does not include separate orders on competence, interpretation and execution.

Solution of contentious cases

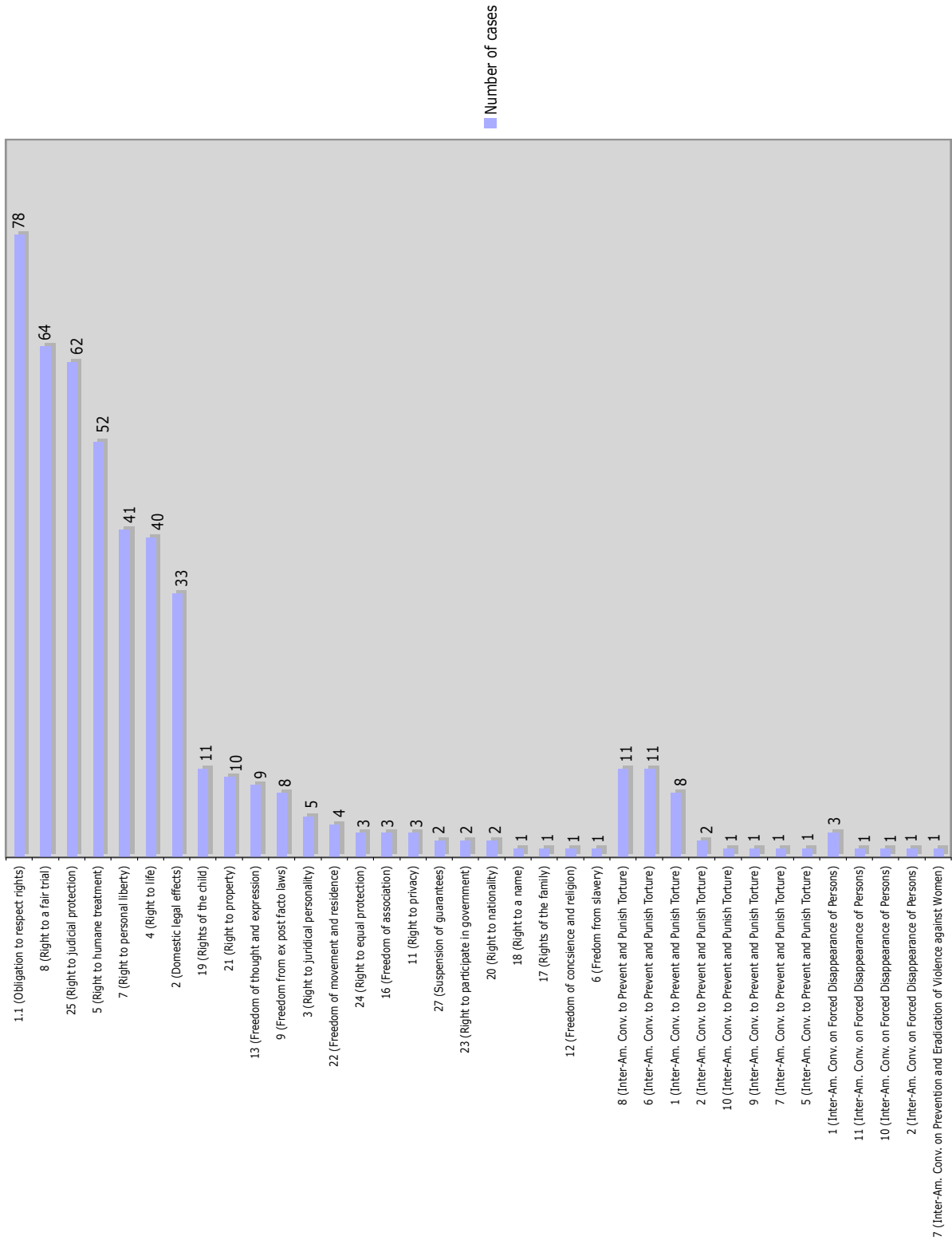


- Includes the cases solved on preliminary objections, merits and reparations, independently of the posterior stage of monitoring compliance with judgment.

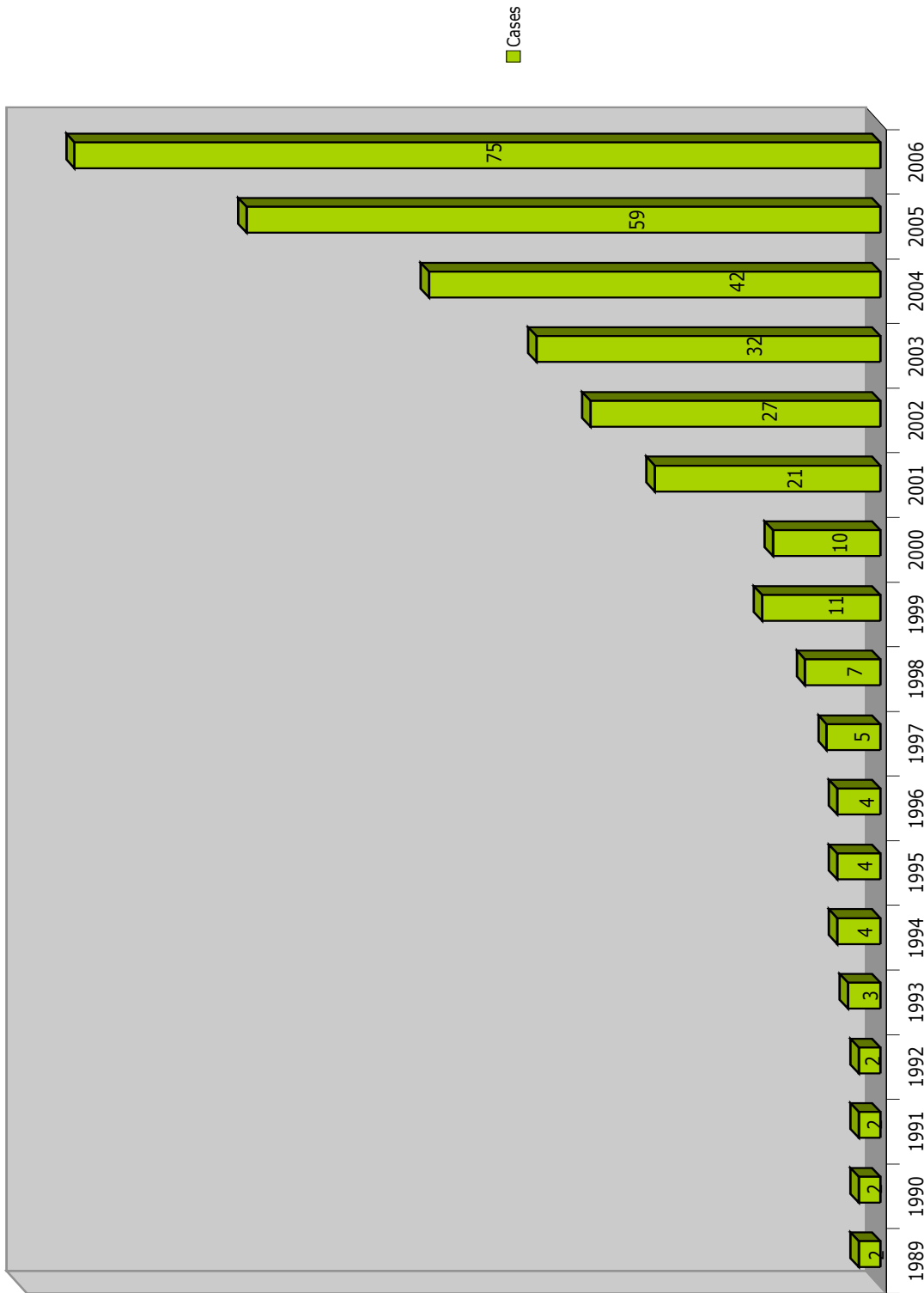
Increase in the solution of contentious cases per year



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

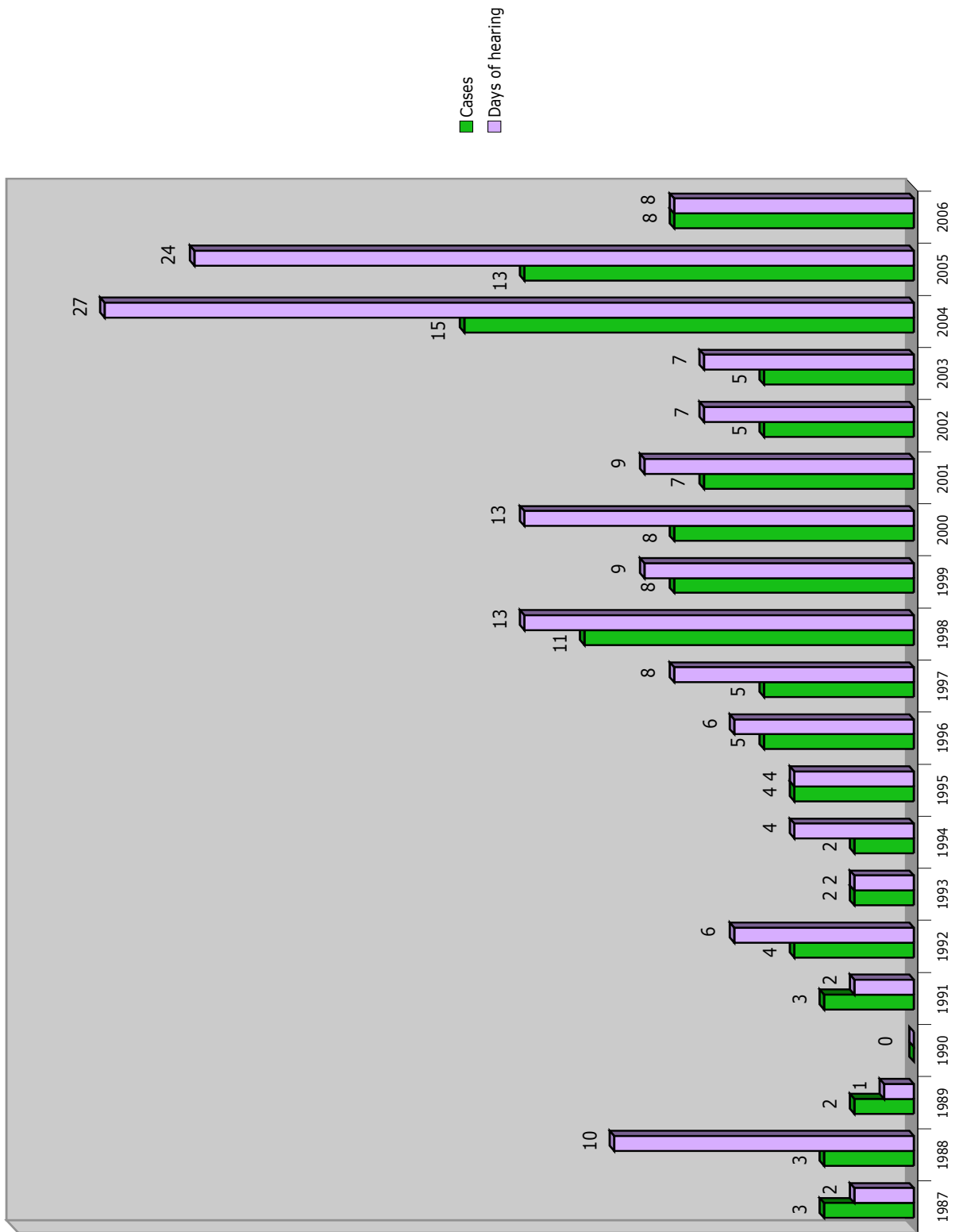


Contentious cases on stage of monitoring compliance with judgment

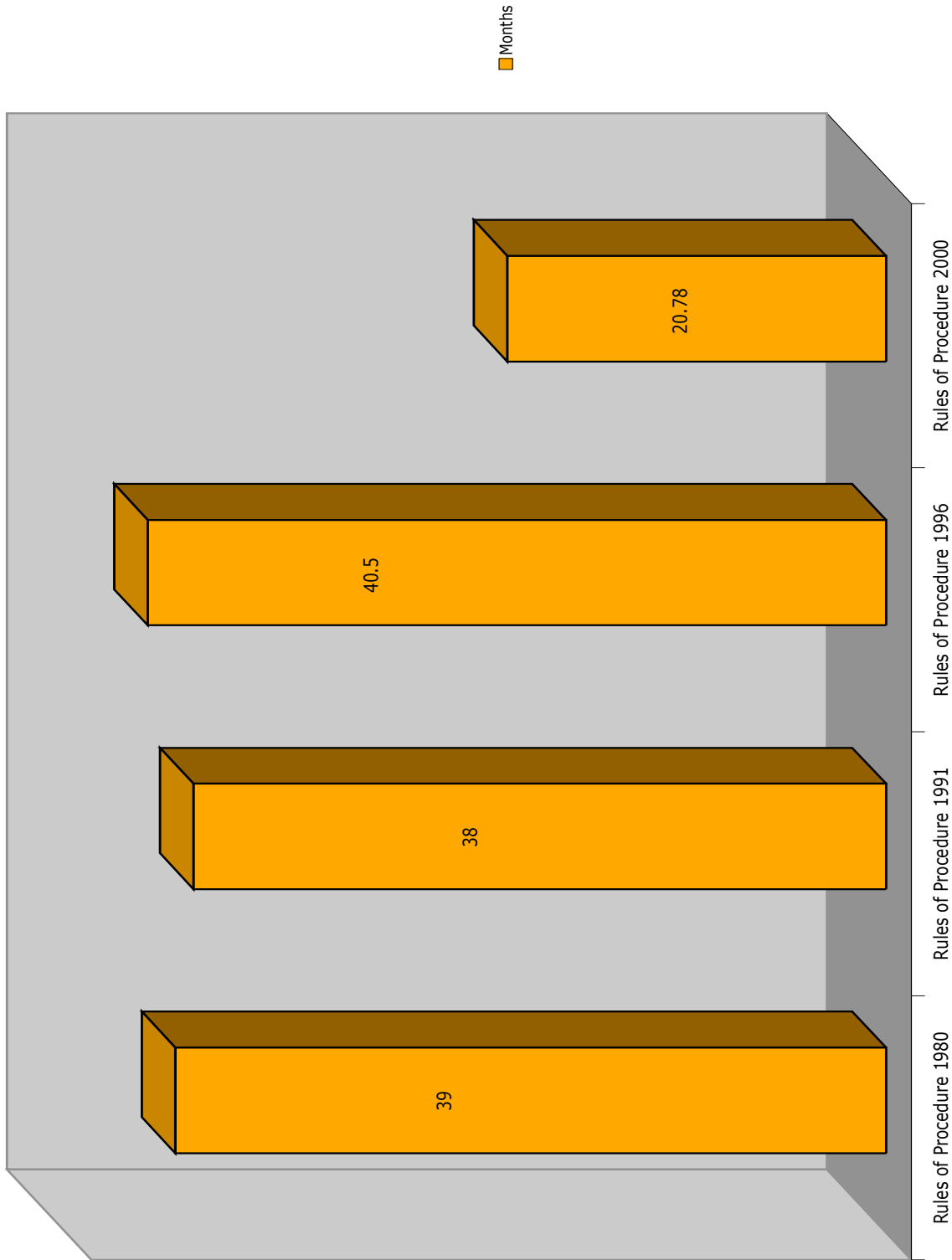


- It is considered that a case is in the stage of monitoring compliance with judgment when the Court has already solved the case and some extreme of the judgment is pending compliance, by the condemned State. Only when the Court considers that the State has complied with each and every of the obligations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

Public hearings on contentious cases

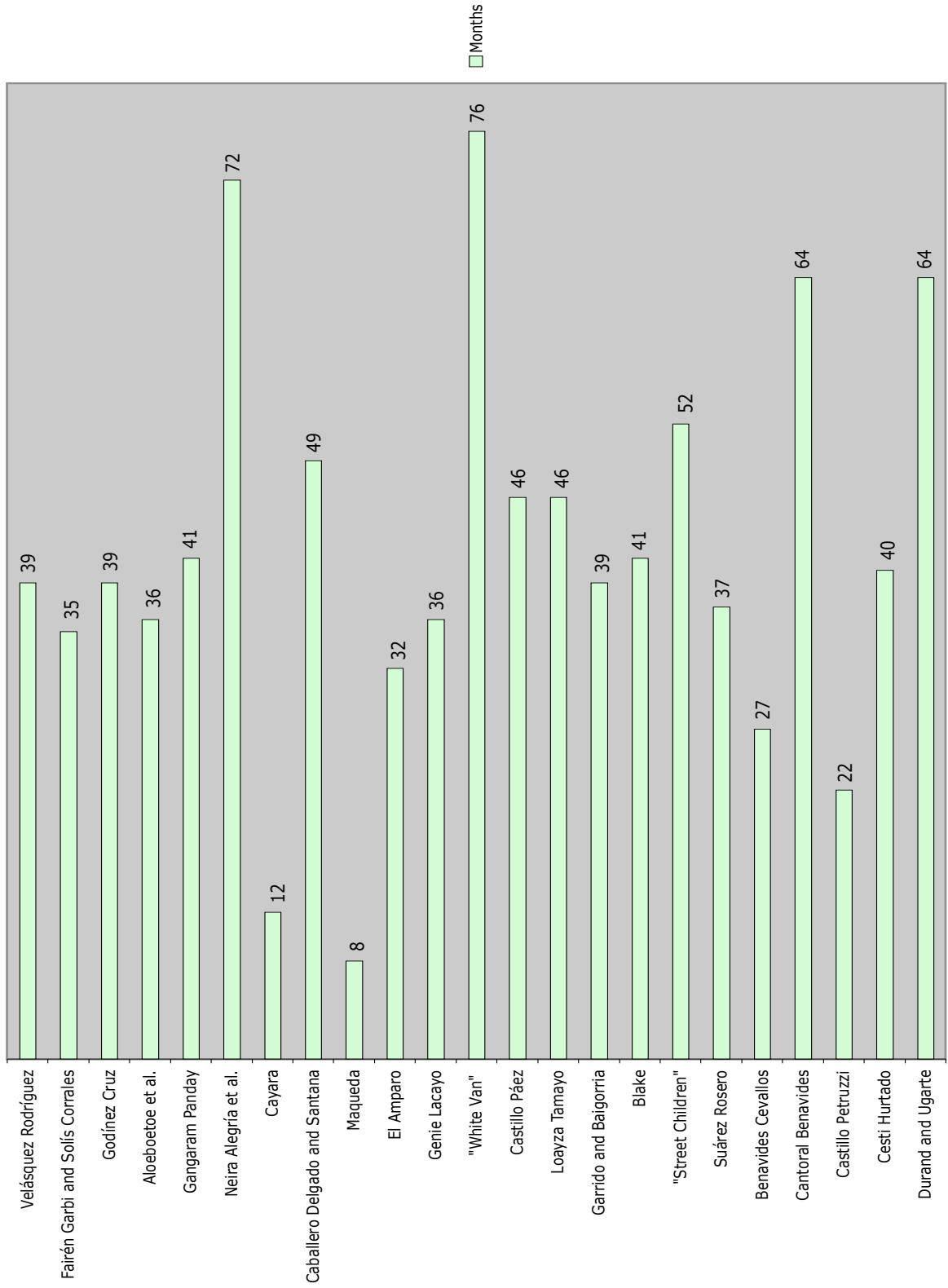


Average time of the proceeding on contentious cases

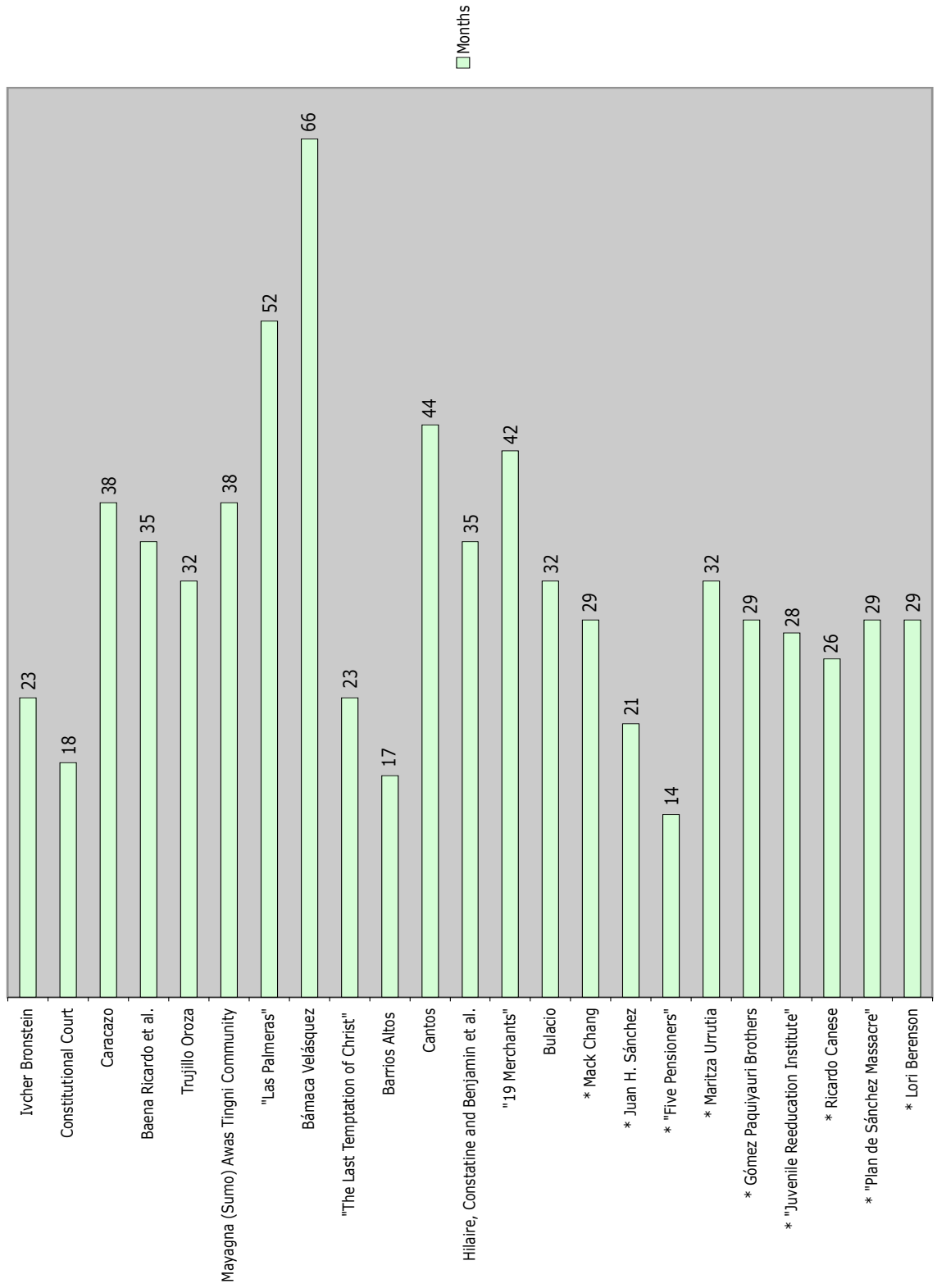


- The average time of the proceeding has been counted since the presentation of the application, until the date of the judgment on reparations (or the judgment that includes the pronouncement on reparations).

Time of the processing of contentious cases
Chart No. 1

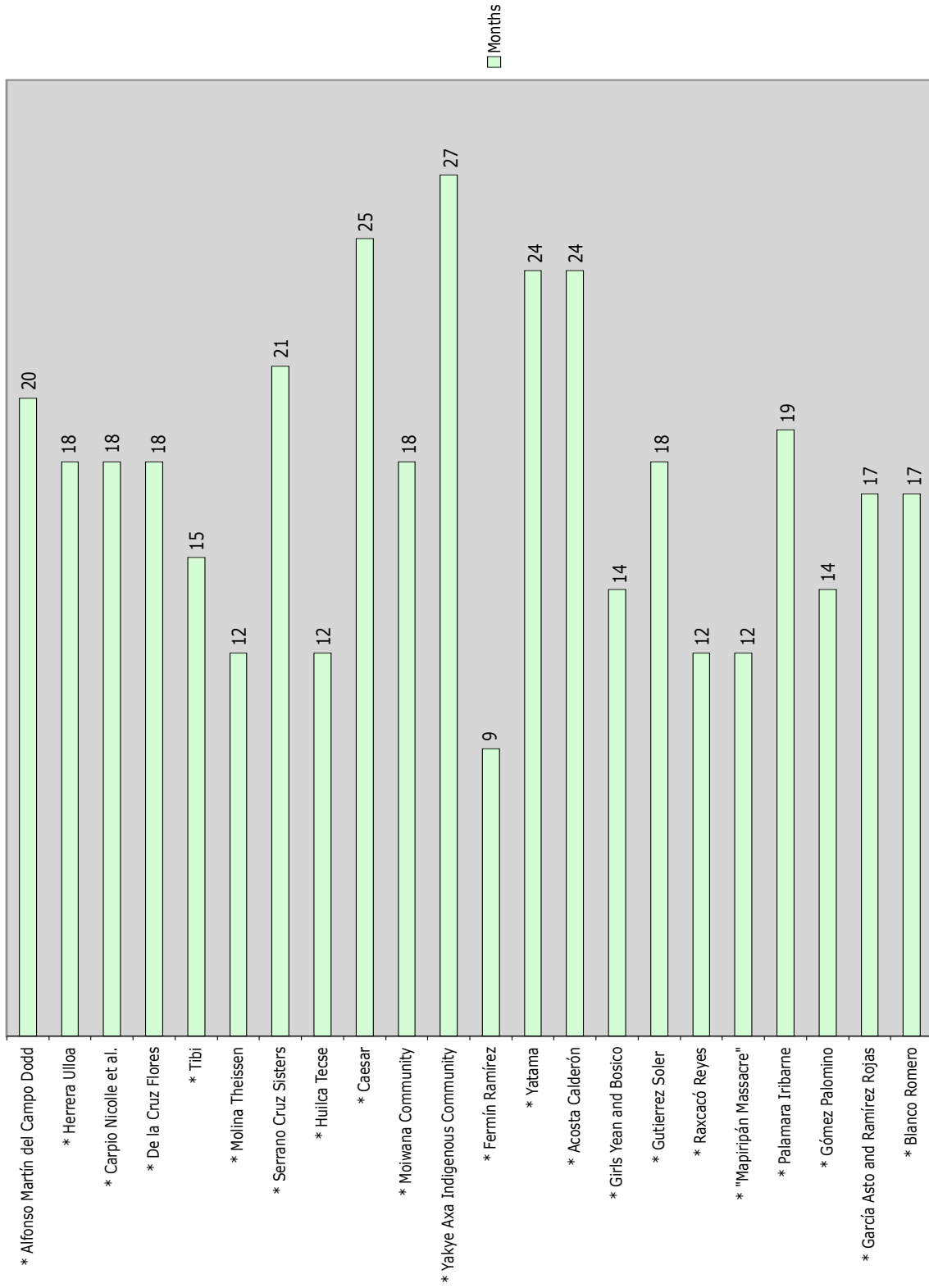


**Time of the processing of contentious cases
Chart No. 2**



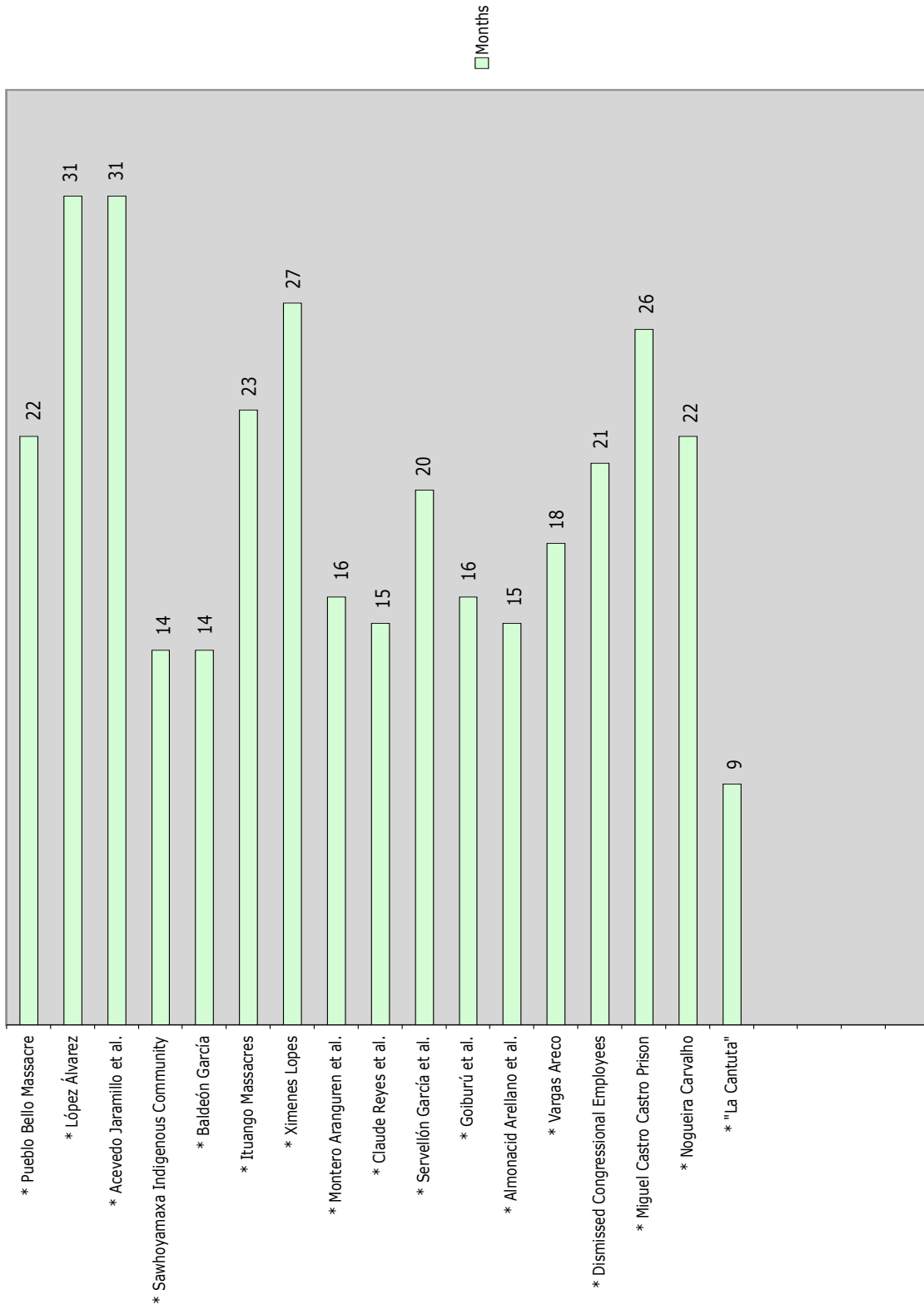
* Contentious cases processed with the Rules of Procedure of the year 2000.

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



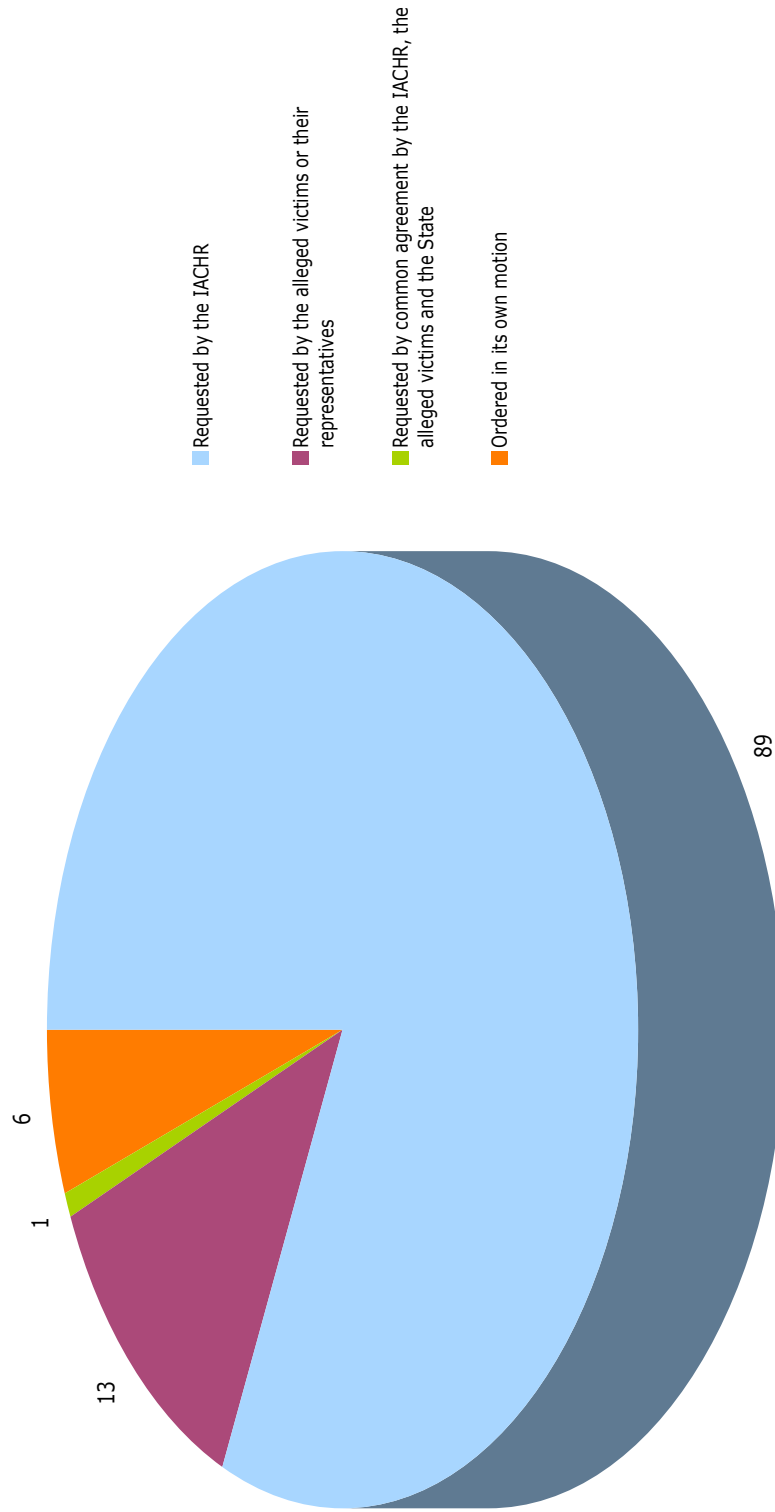
* Contentious cases processed with the Rules of Procedure of the year 2000.

**Time of the processing of contentious cases
Chart No. 4**



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

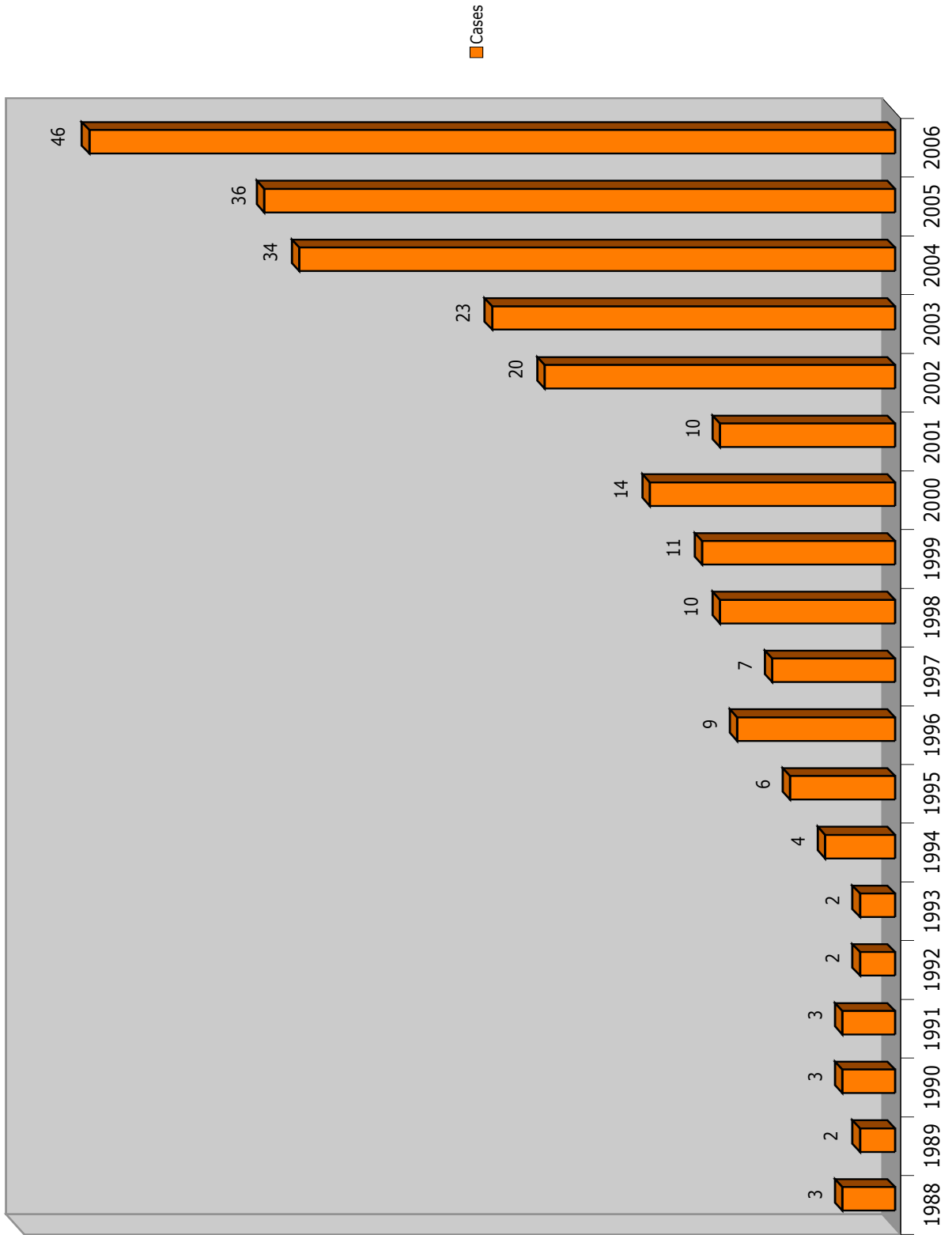
Request for provisional measures



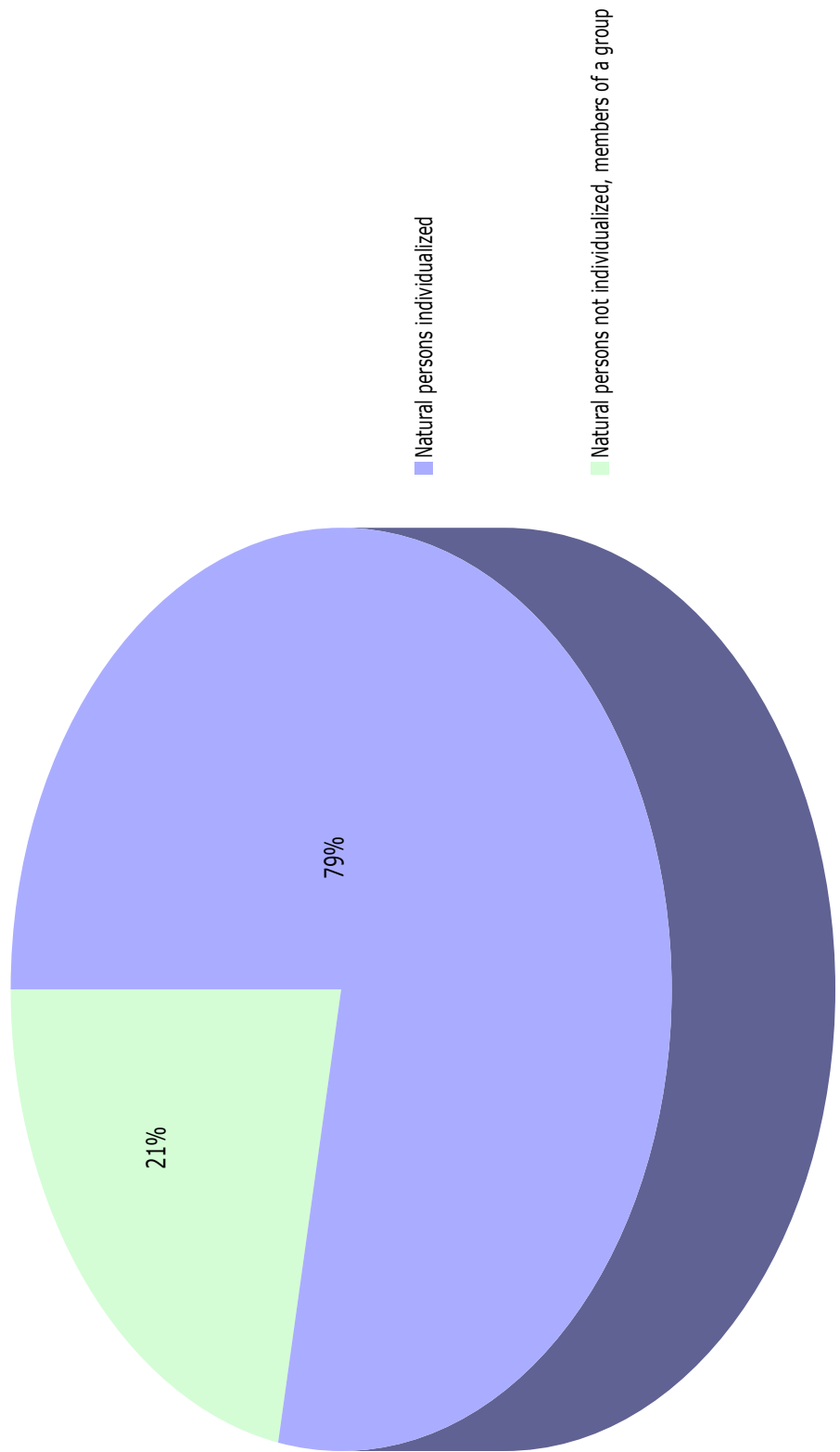
- The 26.6% of the provisional measures requested are related to contentious cases processed before the Court. The other 73.4% correspond to proceedings before the Commission.

- This chart includes 109 requests for provisional measures. In 7 cases the measures requested were rejected and 31 belong to requests of expansion of provisional measures already adopted by the Tribunal.

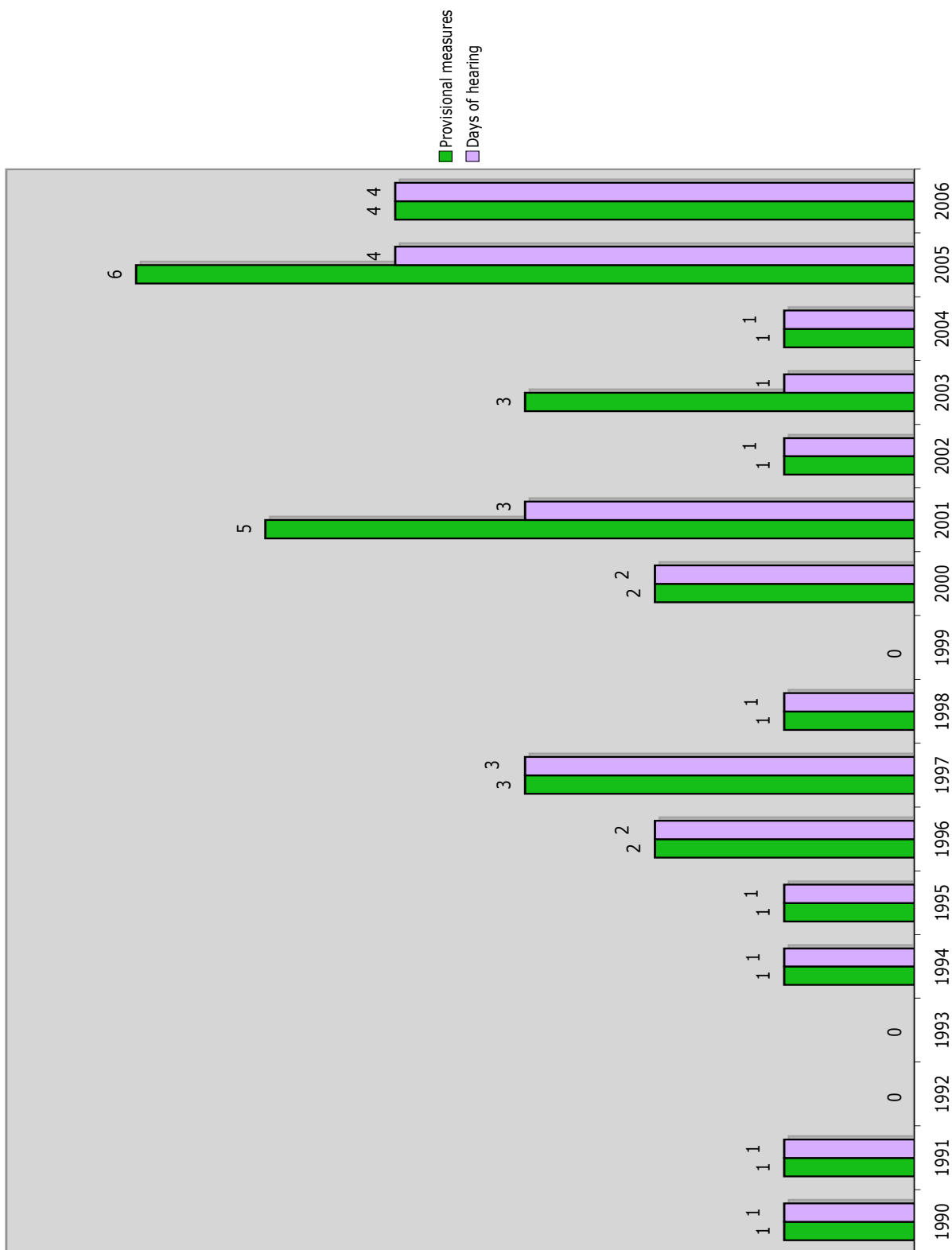
Provisional measures ordered



Beneficiaries of the provisional measures



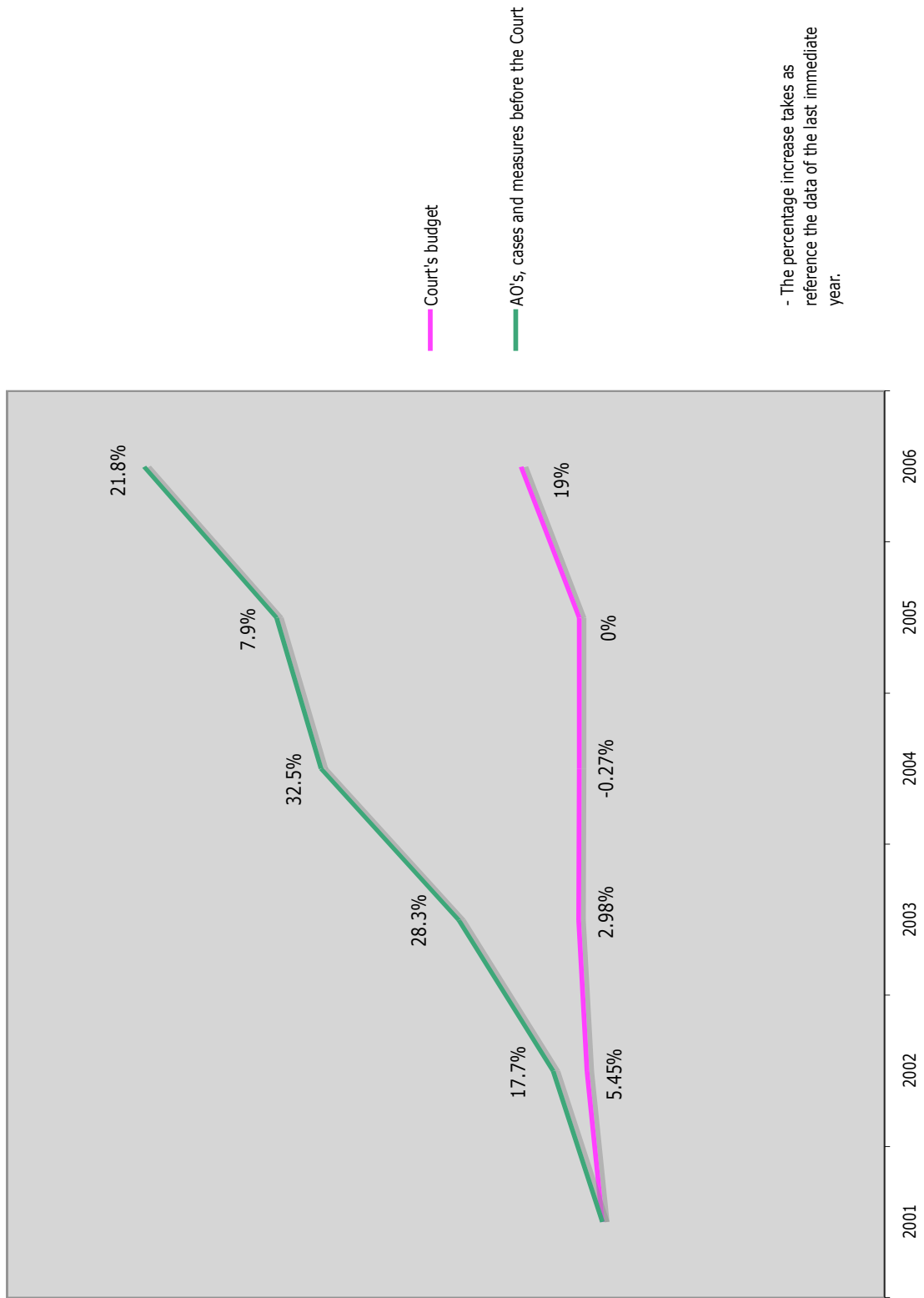
Public hearings on provisional measures



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



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



THE ORGANIZATION OF AMERICAN STATES

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

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

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

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

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