



A. ORGANIZATION OF AMERICAN STATES

**ANNUAL REPORT
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I. ORIGIN, STRUCTURE AND JURISDICTION OF THE COURT

A. ESTABLISHMENT OF THE COURT

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 Jose, 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 took place from November 7 to 22, 1969, in San Jose, Costa Rica.

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 commitments made by the States Parties to the Convention.

B. ORGANIZATION OF THE COURT

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, and its purpose is the application and interpretation of the Convention.

The Court consists of seven Judges, nationals of OAS Member States, who act in an individual capacity and are elected “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.

The judges are elected by the States Parties for a term of six years. The election is by secret ballot and judges are elected by an absolute majority vote in 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 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 a quorum of the Court, the States Parties shall appoint one or more interim judges (Article 6(3) of the Statutes). The judge who is a national of any of the States that are parties to a case submitted to the Court shall retain the right to hear the case. If one of the judges called to hear a case is a national of one of the States that are a party to the case, another State party in the same case may appoint a person to serve the Court as an *ad hoc* judge. If, among the judges called to hear a case, none of them is a national of the States parties to the case, each of the States parties may appoint an *ad hoc* judge (Article 10(1), 10(2) and 10(3) of the Statute).

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).

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. Special sessions may also be called by the President of the Court (hereinafter “the President”) 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 (hereinafter “the Permanent Commission”) composed of the President, the Vice President and any other judges that the President deems appropriate, according to the needs of the Court. The Court may also establish other commissions for specific matters (Article 6 of the Rules of Procedure).

The Secretariat functions under the direction of a Secretary, elected by the Court (Article 14 of the Statute).

C. COMPOSITION OF THE COURT

In 2003, the following judges, listed in order of precedence, sat on the Court:

Antônio A. Cançado Trindade (Brazil), President
Sergio García Ramírez (Mexico), Vice President
Hernán Salgado Pesantes (Ecuador)
Máximo Pacheco Gómez (Chile)
Oliver Jackman (Barbados)
Alirio Abreu Burelli (Venezuela) and
Carlos Vicente de Roux Rengifo (Colombia).

The Secretary of the Court is Manuel E. Ventura Robles (Costa Rica) and the Deputy Secretary is Pablo Saavedra Alessandri (Chile).

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

Javier Mario de Belaúnde López de Romaña (Peru)	The “Five Pensioners” case
Ricardo Gil Lavedra (Argentina)	Bulacio case
Arturo Martínez Gálvez (Argentina)	Mack Chang case
	Maritza Urrutia case

D. JURISDICTION OF THE COURT

The Convention confers contentious and advisory functions on the Court. The first function involves the competence to decide cases in which it is alleged that one of the States Parties has violated the Convention and the second function involves the right of the Member States of the Organization to consult the Court regarding the interpretation of 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. The Contentious Jurisdiction of the Court

Article 62 of the Convention, which establishes the contentious jurisdiction of the Court, reads as follows:

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.

Since States Parties may accept the Court's contentious jurisdiction at any time, a State may be invited to do so for a specific case.

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:

[i]f 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.”

Article 63(2) of the Convention indicates that:

[i]n 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.

The judgment rendered by the Court is “final and not subject to appeal”. Nevertheless, “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).

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).

2. The Advisory Jurisdiction of the Court

Article 64 of the Convention reads as follows:

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.

Likewise, 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.

3. Recognition of the Contentious Jurisdiction of the Court

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

The status of ratification and accessions to the Convention can be found at the end of this report (**Annex LXVII**).

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”. Pursuant to Article 26 of its Statute, the Court administers its own budget.

F. RELATIONS WITH OTHER SIMILAR REGIONAL ORGANIZATIONS

The Court has close institutional links with the 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, which was established by the Council of Europe with similar functions to those of the Inter-American Court.

II. JURISDICTION AND ADVISORY ACTIVITIES OF THE COURT

B. FIFTY-EIGHTH REGULAR SESSION OF THE COURT

The Inter-American Court of Human Rights held its fifty-eighth regular session at its seat in San José, Costa Rica, from February 17 to March 8, 2003, with the following members: Antônio A. Cançado Trindade (Brazil), President; Sergio García Ramírez (Mexico), Vice President; Hernán Salgado Pesantes (Ecuador); Oliver Jackman (Barbados); Alirio Abreu Burelli (Venezuela); and Carlos Vicente de Roux Rengifo (Colombia). Judge Máximo Pacheco Gómez advised the Court that, owing to circumstances beyond his control, he would be unable to take part in the fifty-eighth regular session of the Court. As Judges *ad hoc*, Arturo Martínez Gálvez, appointed by the State of the Republic of Guatemala, took part in the *Mack Chang* and *Maritza Urrutia* cases; Javier Mario de Belaúnde López de Romaña,

appointed by the State of Peru, took part in the *“Five Pensioners” case*; and Ricardo Gil Lavedra, appointed by the State of the Republic of Argentina, took part in the *Bulacio case*. The Secretary of the Court was Manuel E. Ventura Robles (Costa Rica) and the Deputy Secretary was Pablo Saavedra Alessandri (Chile). The Court considered the following matters at this session:

1. Mack Chang case (Guatemala): *Merits and Possible Reparations*. On February 17, 2003, in a “brief modifying the response of the State of Guatemala to the application submitted by the Inter-American Commission on Human Rights in case No. 10,636, Myrna Mack Chang, of July 26, 2001,” the State of Guatemala informed the Court that “it f[ound] it necessary to desist from the preliminary objections filed on September 26, 2001” and “partially acquiesced to the facts affirmed by the petitioner to the extent that the latter affirms that the State of Guatemala does not have the institutional capacity to accept those facts, or all those regarding which the Commission made its own extensive interpretation [...]”.

The representatives of the next of kin of the alleged victim requested that the public hearing should be held nonetheless, given that, in its acknowledgement of responsibility, the State did not refer to several facts related to the death of Myrna Mack Chang and the processing of the criminal proceeding, and these must be determined in order to establish the truth in this case. The Inter-American Commission stated that the partial acknowledgement of responsibility that the State had made before the Court had already been made before the Commission; that it was essential to hold the public hearing to examine the merits of the case, and that the Court should consider the significance of this partial and general acknowledgment when delivering the judgment on merits.

On February 18, 2003, at the public hearing, the Court heard the statements of the State of Guatemala, the representatives of the next of kin of the alleged victim, and the Inter-American Commission on Human Rights on the “partial acknowledgement of the facts and rights” by the State. That same day, it issued an order in which it decided to receive, for all effects, the State’s waiver of the preliminary objections it had filed; to continue with the public hearing convened in the Order of the President of the Inter-American Court of Human Rights of November 30, 2002, and with all the other procedural acts concerning the proceedings on merits and possible reparations in this case; and to notify the Order to the State, the Inter-American Commission on Human Rights and the representatives of the next of kin of the alleged victim.

That same day, and on February 18, 19 and 20, 2003, the Court held the public hearing at its seat, during which it heard the statements of the witnesses and the reports of the expert witnesses proposed by the representatives of the next of kin of the alleged victim and the Inter-American Commission. The State did not offer any testimonial or expert evidence. The Court also heard the final oral arguments of the representatives of the next of kin of the alleged victim, the Inter-American Commission on Human Rights, and the State of Guatemala on the stage of merits and reparations in this case.

2. Luis Uzcátegui case (Venezuela): *Provisional Measures*. On February 17, 2003, at a public hearing, the Court heard the arguments of the Inter-American Commission on Human Rights and the State of Venezuela in relation to the provisional measures ordered.

During the public hearing, the Commission delivered a copy of a sworn statement by Luis Uzcátegui.

On February 20, 2003 the Court issued an Order (**Appendix I**), in which it decided to declare that the State had not implemented effectively the provisional measures ordered by the Inter-American Court in its Order of November 27, 2002; to reiterate to the State the requirement that it adopt, forthwith, all necessary measures to protect the life and safety of Luis Enrique Uzcátegui Jiménez; to reiterate to the State the requirement that it allow the petitioners to participate in the planning and implementation of the measures of protection, and that, in general, it keep them informed on progress in the measures ordered by the Inter-American Court of Human Rights; and to reiterate to the State the requirement that it investigate the reported facts that gave rise to these measures in order to identify those responsible and punish them.

3. Luisiana Ríos et al. case (Venezuela): Provisional Measures. On February 17, 2003, at a public hearing, the Court heard the statements of Armando Amaya and Luisiana Ríos, and also the arguments of the Inter-American Commission on Human Rights and the State of Venezuela with regard to the provisional measures that had been ordered.

On February 20, 2003 the Court issued an Order (**Appendix II**), in which it decided to declare that the State had not implemented effectively the provisional measures ordered by the Inter-American Court of Human Rights in its Order of November 27, 2002; to reiterate to the State the requirement that it adopt, forthwith, all necessary measures to protect the lives and safety of Luisiana Ríos, Armando Amaya, Antonio José Monroy, Laura Castellanos and Argenis Uribe; to reiterate to the State the requirement that it allow the petitioners to participate in the planning and implementation of the measures of protection and that, in general, it keep them informed of progress in the measures ordered by the Inter-American Court of Human Rights; and to reiterate to the State the requirement that it investigate the facts reported that gave rise to these measures in order to identify those responsible and punish them.

4. Liliana Ortega et al. case (Venezuela): Provisional Measures. On February 17, 2003, at a public hearing, the Court heard the testimony of Liliana Ortega, and also the arguments of the Inter-American Commission on Human Rights and the State of Venezuela with regard to the provisional measures that had been ordered.

On February 21, 2003, the Court issued an Order (**Appendix III**), in which it decided to declare that the State had not implemented effectively the provisional measures ordered by the Inter-American Court in its Order of November 27, 2002; to reiterate to the State the requirement that it adopt, forthwith, all necessary measures to protect the lives and safety of Liliana Ortega, Yris Medina Cova, Hilda Páez, Maritza Romero, Aura Liscano, Alicia de González and Carmen Alicia Mendoza; to reiterate to the State the requirement that it allow the petitioners to participate in the planning and implementation of the measures of protection and that, in general, it keep them informed of progress in the measures ordered by the Inter-American Court of Human Rights; and to reiterate to the State the requirement that it investigate the facts reported that gave rise to these measures in order to identify those responsible and punish them.

5. Helen Mack Chang *et al.* case (Guatemala): *Expansion of Provisional Measures.* During the public hearing in the Mack Chang case, held on February 18, 19 and 20, 2003, the representatives of the next of kin of the alleged victim asserted that a situation of extreme gravity and urgency existed for the lives and safety of the next of kin of Myrna Mack Chang: Zoila Esperanza Chang Lau (mother); Marco Antonio Mack Chang (brother); Freddy Mack Chang (brother); Vivian Mack Chang (sister); Ronnie Mack Apuy (cousin); Lucrecia Hernández Mack (daughter) and the latter's children. Likewise, during this hearing, the expert witness, Iduvina Hernández, stated that she could be subject to reprisals as a result of her statement before the Court. In consideration of the foregoing, and since it can act *de officio* in cases of extreme gravity and urgency to avoid irreparable damage to persons, the Court decided to expand the provisional measures in favor of the said persons.

Therefore, on February 21, 2003 the Court issued an Order (**Appendix IV**) in which it decided to ratify the Orders of the President of the Inter-American Court of Human Rights and of the Inter-American Court of Human Rights of August 14 and 26, 2002, respectively; to call upon the State to maintain the necessary measures to protect the lives and safety of Helen Mack Chang, Viviana Salvatierra, América Morales Ruiz and Luis Roberto Romero Rivera, and the other members of the Myrna Mack Foundation; to call upon the State to expand, forthwith, the necessary measures to protect the lives and safety of the next of kin of Myrna Mack Chang: Zoila Esperanza Chang Lau (mother), Marco Antonio Mack Chang (brother), Freddy Mack Chang (brother), Vivian Mack Chang (sister), Ronnie Mack Apuy (cousin), Lucrecia Hernández Mack (daughter) and the latter's children; and to call upon the State to expand, forthwith, the necessary measures to protect the life and safety of Iduvina Hernández.

The Court also decided to call upon the State to plan and implement the provisional measures in agreement with the beneficiaries of the measures or their representatives and that, in general, it should keep them informed of progress in the measures ordered by the Inter-American Court of Human Rights; and to call upon the State to inform the Court within 15 days of being notified of this Order about the provisional measures adopted to comply with it.

6. Maritza Urrutia case (Guatemala): *Merits and Possible Reparations.* On February 20 and 21, 2003, the Court held a public hearing at its seat, during which it heard the statements of the witnesses and the report of the expert witness proposed by the representatives of the alleged victim and her next of kin and the Inter-American Commission. The State did not offer any testimonial or expert evidence. The Court also heard the final oral arguments of the representatives of the alleged victim and her next of kin, the Inter-American Commission on Human Rights, and the State of Guatemala on the merits and reparations stage of the case.

The application in this case was filed by the Commission on January 9, 2002, owing to the alleged arbitrary detention and torture of Maritza Ninette Urrutia García, "who remained detained in a clandestine center of detention for eight days and was obliged to issue to public opinion a communiqué that had been prepared previously by her captors, which involved the violation of the rights to personal liberty, humane treatment, freedom of express, to a fair trial and to judicial protection of the victim and her next of kin, in accordance with Articles 7, 5, 13, 8 and 25, respectively, of the American Convention, together with the

general obligation established in its Article 1(1) to respect and ensure the rights recognized therein.” In the application, the Court was also requested to declare the violation of Articles 1, 6 and 8 of the Inter-American Convention to Prevent and Punish Torture. On January 30, 2002, the representatives of the alleged victim and her next of kin presented their autonomous brief with requests, arguments and evidence. In this brief, the representatives submitted their assessment of the facts of the case and, in addition to the aspects requested by the Commission, asked the Court to declare that Article 11 of the Convention (Right to Privacy) had been violated to the detriment of the alleged victim and her next of kin. On March 21, 2002, the State of Guatemala answered the application and stated that, owing to the statement made by the President of the Republic on August 9, 2000, it acknowledged the facts of the case and the respective “institutional responsibility.” It also indicated that the State remained willing to seek a friendly settlement in this case and made some comments on the reparations requested by the representatives of the alleged victim and her next of kin.

7. Bámaca Velásquez case (Guatemala): Provisional Measures. On December 20, 2002, the President of the Court adopted an order for urgent measures to protect the lives and safety of the members of the Bámaca Velásquez family, in accordance with Article 63(2) of the American Convention on Human Rights and Article 25 of the Rules of Procedure of the Court.

On February 21, 2003, the Court issued an Order (**Appendix V**) in which it decided to ratify all the terms of the Order of the President of the Inter-American Court of Human Rights of December 20, 2002; to call upon the State of Guatemala to adopt, forthwith, all necessary measures to protect and lives and safety of José León Bámaca Hernández, Egidia Gebia Bámaca Velásquez, Josefina Bámaca Velásquez, Alberta Velásquez, Rudy López Velásquez and other members of the Bámaca Velásquez family who reside permanently in Guatemala; and to call upon the State of Guatemala to adopt, forthwith, all necessary measures to ensure that the beneficiaries of these measures may continue to live in their usual place of residence.

8. Request for Advisory Opinion OC-18. On February 24, 2003, the Court held a public hearing in order to hear the oral arguments of the participating OAS member States and of the Inter-American Commission on Human Rights.¹ This public hearing was convened by an Order of the President of the Court of January 16, 2003.

On May 10, 2002, the United Mexican States submitted a request for an advisory opinion on the “interpretation of different treaties concerning the protection of human rights in the American States.” The request was related to “the deprivation of the enjoyment and exercise of certain labor rights and the compatibility of this with the obligation of the American States to guarantee the principles of legal equality, non-discrimination and equal and effective protection of the law, embodied in international instruments for the protection of human rights [to migratory workers]; and also to the subordination or conditioning of the

¹ The participants in the public hearing were: the United Mexican States, the Inter-American Commission on Human Rights, the State of Honduras, the State of Nicaragua, the State of El Salvador, and the State of Costa Rica. The observers were: the State of the Oriental Republic of Uruguay, the State of Paraguay, the State of the Dominican Republic, the State of Brazil, the State of Panama, the State of Argentina, the State of Peru, and the United Nations Special Rapporteur on the Human Rights of Migrants.

observance of the obligations imposed by international human rights law, including those of an *erga omnes* character, to the attainment of certain domestic policy goals of an American State.” The request also referred to “the status that the principles of legal equality, non-discrimination and the equal and effective protection of the law have attained in the context of the progressive development of international human rights law and its codification.”

9. The “Five Pensioners” case (Peru): *Merits and Reparations*. On February 28, 2003, the Court delivered the judgment on merits and Reparations in this case (**Appendix VI**), in which it unanimously declared that the State had violated the right to property embodied in Article 21 of the American Convention on Human Rights, to the detriment of Carlos Torres Benvenuto, Javier Mujica Ruiz-Huidobro, Guillermo Álvarez Hernández, Maximiliano Gamarra Ferreyra and Reymert Bartra Vásquez; that the State had violated the right to judicial protection embodied in Article 25 of the American Convention on Human Rights, to the detriment of Carlos Torres Benvenuto, Javier Mujica Ruiz-Huidobro, Guillermo Álvarez Hernández, Maximiliano Gamarra Ferreyra and Reymert Bartra Vásquez; that the State had failed to comply with the general obligations of Articles 1(1) and 2 of the American Convention on Human Rights, in connection with the violations of the substantive rights indicated in the preceding operative paragraphs; that the judgment constituted *per se* a form of reparation for the victims; and that the possible patrimonial consequences of the violation of the right to property should be established under domestic legislation, by the competence national bodies.

It also decided that the State must conduct the corresponding investigation and apply the pertinent punishments to those responsible for failing to abide by the judicial decisions delivered by the Peruvian courts during the actions to protect constitutional rights filed by the victims; that the State must pay the four victims and the widow of Maximiliano Gamarra Ferreyra, in accordance with the provisions of paragraph 180 of the judgment, the sum of US\$ 3,000.00 (three thousand United States dollars) for non-pecuniary damage; that the State must pay the sum of US\$13,000.00 (thirteen thousand United States dollars) for expenses and the sum of US\$3,500.00 (three thousand five hundred United States dollars) for costs; that the payment of compensation for non-pecuniary damage and for costs and expenses established in the judgment could not be subject to any current or future tax or charge; that the State must comply with the judgment within one year of receiving notification thereof; that, should the State fall in arrears with the payments, it must pay interest on the amount owed corresponding to bank interest on payments in arrears in Peru; and that it would monitor compliance with the judgment and consider the case closed when the State had complied fully with its provisions.

Judge Cançado Trindade advised the Court of his Concurring Opinion, Judge García Ramírez also advised the Court of his Separate Concurring Opinion, and Judge de Roux Rengifo advised the Court of his Separate Opinion, all of which accompany the judgment.

10. Juan Humberto Sánchez case (Honduras): *Preliminary Objections and Possible Proceedings on Merits and Reparations*. On March 3, 4 and 5, 2003, at a public hearing, the Court heard the witnesses and expert witnesses offered by the representatives of the alleged victim and his next of kin, the Inter-American Commission on Human Rights, and the State of Honduras, and also the final oral arguments of the representatives, the Commission, and the

State of Honduras on the preliminary objections and possible proceedings on merits and reparations in this case, in accordance with the Order of the President of the Court of November 30, 2002.

On September 8, 2001, the Inter-American Commission submitted the Juan H. Sánchez case (No. 11,073) *v.* Honduras to the consideration of the Court, pursuant to Articles 51 and 61 of the American Convention, owing to the alleged arbitrary detention, torture and extra-judicial execution of Juan Humberto Sánchez, on July 11, 1992 “which violated the rights to life, humane treatment, personal liberty, a fair trial and judicial protection of the victim and his next of kin, in accordance with Articles 4, 5, 7, 8 and 25, respectively, of the American Convention, in relation to the general obligation established in its Article 1(1) to respect and ensure the rights recognized therein.” On December 7, 2001, the Court received from the representatives of the alleged victim and his next of kin, their autonomous brief with requests, arguments and evidence concerning the application in this case. In this brief, the representatives presented their assessment of the facts of the case and, in addition to the elements requested by the Commission, asked the Court to declare the additional violation of the right to truth and of Article 2 of the American Convention (Domestic Legal Effects). On January 11, 2002, the State of Honduras presented its answer to the application in which it filed a preliminary objection to the competence of the Court to hear this case, because it considered that “domestic remedies had not been exhausted.” The State alleged that “the different domestic remedies provided for in the Code of Criminal Procedure are still available within the legal system, [namely] reconsideration and appeal, including, if appropriate, the special remedy of cassation; remedies relating to amparo, unconstitutionality and revision were also available.”

11. Bulacio case (Argentina): *Merits and Possible Reparations.* On March 3, 2003, the representatives of the alleged victim and his next of kin, the Inter-American Commission on Human Rights, and the State of the Argentina Republic, presented a friendly settlement, the first paragraph of which establishes:

The agreement entered into on February 26, 2003 [...] has ended the dispute on the merits of the case and on all the issues of fact [...].

[A] mutual agreement was reached on all the matters in litigation as a result of which the litigation had stalled. [...].

This agreement expresses the political decision of the Argentine Government, and also the will of the petitioners to end the dispute, delimiting the matters that are submitted to the jurisdiction of the Inter-American Court of Human Rights and on which the final judgment should be delivered. [...].

Accordingly, the case is limited to establishing the financial reparations in favor of the family of Walter David Bulacio and to non-pecuniary issues [...].

And, consequently, the Court was requested to rule on the matter.

On March 6, 2003, at a public hearing, the Court heard an explanation of the friendly settlement entered into by the representatives of the alleged victim and his next of kin, the Inter-American Commission on Human Rights and the State of the Argentine Republic, during which basic facts that gave rise to the violation of Articles 2, 4, 5, 7, 8 and 25 of the American Convention de Derechos Humanos were acknowledged.

That same March 6, 2003, the Court issued an Order, in which it decided that, having heard all the parties, it considered that they had reached a basic understanding on the facts that gave rise to the violations of the American Convention, which were also acknowledged by the parties. Accordingly, it was in order to continue processing the reparations stage of the case.

It also decided to continue the public hearing of the case with regard to reparations. Accordingly, in the public hearing convened by the President of the Court, the Court heard the witness and the expert witnesses offered by the Inter-American Commission on Human Rights and, subsequently, the final oral arguments of the Inter-American Commission on Human Rights, the representatives of the alleged victim and his next of kin, and the State of Argentina on the reparations stage in this case.

The application in this case (No. 11,752) was submitted on January 24, 2001, by the Inter-American Commission and refers to events that occurred on April 19 1991, when the youth, Walter Bulacio, was detained by the Argentine Federal Police and, allegedly, owing to the detention conditions and the treatment received in the installations of this police unit, died on April 26 that year. The Commission filed the application for the Court to decide that the Argentine State had violated Articles 4 (Right to Life), 5 (Right to Humane Treatment), 7 (Right to Personal Liberty) and 19 (Right of the Child) of the American Convention with regard to Walter Bulacio. The Commission also requested the Court to declare the violation of Articles 8 (Right to a Fair Trial) and 25 (Judicial Protection) with regard to Walter Bulacio and his next of kin. The Commission alleged that the violation of the said articles gave rise to non-compliance with Article 1(1) (Obligation to Respect Rights) of the American Convention. Lastly, it requested that the Court order the State to conduct a complete, impartial and effective investigation into the circumstances of the case and to punish those responsible, in accordance with Argentine legislation; to adopt the necessary measures to ensure that places of detention for minors are appropriate; to publicly acknowledge its responsibility and to provide full compensation for pecuniary and non-pecuniary damages caused to the next of kin of the youth, Walter Bulacio, as established in Article 63(1) of the Convention; and to pay the costs and expenses incurred as well as the professional fees of those who assist the Commission. On July 18, 2001, the State forwarded its answer to the application, rejecting the violations alleged by the Commission.

12. The case of the Communities of the Jiguamiandó and the Curbaradó (Colombia): *Provisional Measures.* On March 5, 2003, the Inter-American Commission on Human Rights submitted to the Inter-American Court, pursuant to Article 63(2) of the American Convention on Human Rights, a request for the adoption of provisional measures in favor of the members of the Afro-descendant communities constituted by the Community Council of the Jiguamiandó and the families of the Curbaradó, located in the Municipality of Carmen del Darién, Department of Chocó, in the Republic of Colombia.

On March 6, 2003, the Court issued an order on provisional measures (**Appendix VII**), in which it decided to call upon the State of Colombia to adopt, forthwith, the necessary measures to protect the lives and safety of all the members of the communities made up of the Community Council of the Jiguamiandó and the families of the Curbaradó; to call upon

the State of Colombia to investigate the facts that gave rise to the adoption of these provisional measures in order to identify those responsible and impose the corresponding punishments; and to call upon the State of Colombia to adopt all necessary measures to ensure that the beneficiaries of these measures may continue to reside in the places that they live in, without any type of coercion or threat.

The Court also decided to call upon the State of Colombia, in accordance with the provisions of the American Convention on Human Rights, to grant special protection to the so-called “humanitarian refuge zones” established by the communities constituted by the Community Council of the Jiguamiandó and the families of the Curbaradó, and to this effect to adopt the necessary measures to ensure that they receive all the humanitarian assistance that is sent to them; to call upon the State to guarantee the safety conditions necessary for the persons of the communities constituted by the Community Council of the Jiguamiandó and the families of the Curbaradó who have been forced to displace to jungle zones or other regions, to be able to return to their homes or to the “humanitarian refuge zones” established by the said communities; to call upon the State of Colombia to establish a mechanism for continual monitoring and permanent communication in the so-called “humanitarian refuge zones,” in accordance with the terms of the Order; and to call upon the State of Colombia to allow the representatives to participate.

Judge Cançado Trindade advised the Court of his Concurring Opinion, and Judges García Ramírez and Abreu Burelli advised the Court of their Joint Concurring Opinion, which accompany the Order.

13. Other matters:

On February 17, 2003, the Court agreed to accept Judge Alirio Abreu Burelli’s decision to decline, for personal reasons, the position of Vice President of the Inter-American Court of Human Rights. Judge Sergio García Ramírez was unanimously elected Vice President of the Inter-American Court of Human Rights and exercised the position from that moment until the first regular session in 2004, in accordance with the corresponding regulatory provision.

The Court considered various matters that were pending and examined the different reports presented by the Inter-American Commission on Human Rights and the States involved in cases in which provisional measures had been adopted. The Court also examined the different reports submitted by the Inter-American Commission on Human Rights, the States concerned, and the victims or their representatives in the cases that are at the compliance with judgment stage. Furthermore, the Court considered various administrative matters.

B. FIFTY-NINTH REGULAR SESSION OF THE COURT

The Inter-American Court of Human Rights held its fifty-ninth regular session from June 4 to 12, 2003, in Santiago, Chile, with the following composition: Antônio A. Cançado Trindade (Brazil), President; Sergio García Ramírez (Mexico), Vice President; Máximo Pacheco Gómez (Chile); Hernán Salgado Pesantes (Ecuador); Oliver Jackman (Barbados) and Alirio Abreu Burelli (Venezuela). Judge Carlos Vicente de Roux Rengifo (Colombia),

advised the Court that, owing to circumstances beyond his control, he would be unable to attend the fifty-ninth regular session of the Court. The Secretary of the Court was Manuel E. Ventura Robles (Costa Rica) and the Deputy Secretary was Pablo Saavedra Alessandri (Chile). During this session, the Court considered the following matters:

1. Request for Advisory Opinion OC-18. On June 4, 2003, the Court held a public hearing – at Catedral 1158, in the Conference Hall of the former Chamber of Deputies, Ministry of Foreign Affairs of Chile (former National Congress) Santiago, Chile – on the request for Advisory Opinion OC-18, submitted by the United Mexican States. The Court heard the oral arguments of the individuals, organizations and universities that had presented *amicus curiae* briefs concerning this request, which included nine civil society organizations: the Faculty of Law and the Institute of Juridical Research of the Universidad Nacional Autónoma de México (UNAM); the Harvard Immigration and Refugee Clinic of Greater Boston Legal Services and Harvard Law School, the Working Group on Human Rights in the Americas of Harvard and Boston College Law Schools and the Global Justice Center; the Sayre and Chavez Law Office; the Labor, Civil Rights and Immigrants’ Rights Organizations in the United States; the Center for International Human Rights of Northwestern University, School of Law; the Center for Justice and International Law (CEJIL); the Center for Legal and Social Studies (CELS), the Ecumenical Service for the Support and Orientation of Immigrants and Refugees (CAREF) and the Legal Clinic for the Rights of Immigrants and Refugees of the School of Law of the Universidad de Buenos Aires; the Central American Council of Ombudsmen, and the United Nations High Commissioner for Refugees (UNHCR).

The request related to the “deprivation of the enjoyment and exercise of certain labor rights and the compatibility of this with the obligation of the American States to guarantee the principles of legal equality, non-discrimination and equal and effective protection of the law, embodied in international instruments for the protection of human rights [to migratory workers]; and also to the subordination or conditioning of the observance of the obligations imposed by international human rights law, including those of an *erga omnes* character, to the attainment of certain domestic policy goals of an American State.” The request also referred to “the status that the principles of legal equality, non-discrimination and the equal and effective protection of the law have attained in the context of the progressive development of international human rights law and its codification.”

2. Blake case (Guatemala): Provisional Measures. On June 6, 2003, the Court issued an Order (**Appendix VIII**) in which it decided to lift and conclude the provisional measures ordered by the Inter-American Court of Human Rights in its Orders of September 22, 1995, April 18, 1997, August 18, 2000, and June 2, 2001, in favor of Justo Victoriano Martínez Morales and to call upon the State to maintain the necessary measures to protect the lives and safety of Floridalma Rosalina López Molina, Víctor Hansel Morales López, Edgar Ibal Martínez López and Sylvia Patricia Martínez López.

3. Helen Mack et al. case (Guatemala): Provisional Measures. On June 6, 2003, the Court issued an Order (**Appendix IX**) on expansion of the provisional measures in this case, in which it decided to ratify all the terms of the Order of the President of the Inter-American Court of Human Rights of April 25, 2003; to call upon the State to expand, forthwith, the necessary measures to protect the lives and safety of Jorge Guillermo Lemus

Alvarado and his next of kin; to call upon the State to maintain the necessary measures to protect the lives and safety of Helen Mack Chang, Viviana Salvatierra, América Morales Ruiz, Luis Roberto Romero Rivera and the other members of the Myrna Mack Foundation; of the next of kin of Myrna Mack Chang: Zoila Esperanza Chang Lau (mother), Marco Antonio Mack Chang (brother), Freddy Mack Chang (brother), Vivian Mack Chang (sister), Ronnie Mack Apuy (cousin), Lucrecia Hernández Mack (daughter) and the latter's children, and of Iduvina Hernández; and to call upon the State to plan and implement the measures ordered in agreement with the beneficiaries of the measures or their representatives and that, in general, it should keep them informed on the progress of the measures ordered by the Inter-American Court of Human Rights, among other matters.

4. **Lysias Fleury case (Haiti):** *Provisional Measures.* On June 7, 2003, the Court issued an Order (**Appendix X**), in which it decided to ratify all the terms of the Order of the President of the Inter-American Court of Human Rights of March 18, 2003; to declare that the State had not implemented effectively the urgent measures ordered by the President of the Inter-American Court in his Order of March 18, 2003; and to call upon the State to adopt, forthwith, all necessary measures to protect the life and safety of Lysias Fleury.

5. **Juan Humberto Sánchez case (Honduras):** *Preliminary Objections, Merits and Reparations.* On June 7, 2003, the Court delivered judgment on the preliminary objection, merits and reparations in this case (**Appendix XI**), in which it decided to reject the preliminary objection filed by the State and declare that the State had violated the right to personal liberty embodied in Article 7.1, 7(2), 7(3), 7(4), 7(5), 7(6), and the latter in conjunction with Article 25, of the American Convention on Human Rights, to the detriment of Juan Humberto Sánchez and the right to personal liberty embodied in Article 7 of the American Convention on Human Rights to the detriment of Juan José Vijil Hernández; that the State violated the right to humane treatment embodied in Article 5 of the American Convention on Human Rights, to the detriment of Juan Humberto Sánchez, María Dominga Sánchez, Juan José Vijil Hernández, Reina Isabel Sánchez, María Milagro Sánchez, Rosa Delia Sánchez, Domitila Vijil Sánchez, María Florinda Vijil Sánchez, Juan Carlos Vijil Sánchez, Celio Vijil Sánchez, Julio Sánchez, Donatila Argueta Sánchez, Breidy Maybeli Sánchez Argueta, Velvia Lastenia Argueta Pereira and Norma Iveth Sánchez Argueta; that the State violated the right to life embodied in Article 4(1) of the American Convention on Human Rights, to the detriment of Juan Humberto Sánchez; and that the State violated the rights to a fair trial and to judicial protection embodied in Articles 8 and 25, respectively, of the American Convention on Human Rights, to the detriment of Juan Humberto Sánchez and of his next of kin, María Dominga Sánchez, Juan José Vijil Hernández, Reina Isabel Sánchez, María Milagro Sánchez, Rosa Delia Sánchez, Domitila Vijil Sánchez, María Florinda Vijil Sánchez, Juan Carlos Vijil Sánchez, Celio Vijil Sánchez, Julio Sánchez, Donatila Argueta Sánchez, Breidy Maybeli Sánchez Argueta, Velvia Lastenia Argueta Pereira and Norma Iveth Sánchez Argueta.

The Court also declared that the State had failed to comply with the obligation to respect rights embodied in Article 1(1) in relation to Articles 4, 5, 7, 8 and 25 of the American Convention on Human Rights, to the detriment of Juan Humberto Sánchez; the State had failed to comply with the obligation to respect rights embodied in Article 1(1) in relation to Articles 5, 7, 8 and 25 of the American Convention on Human Rights to the detriment of

Juan José Vijil Hernández; and the State had failed to comply with the obligation to respect rights embodied in Article 1(1) in relation to Articles 5, 8 and 25 of the American Convention on Human Rights to the detriment of María Dominga Sánchez, Reina Isabel Sánchez, María Milagro Sánchez, Rosa Delia Sánchez, Domitila Vijil Sánchez, María Florinda Vijil Sánchez, Julio Sánchez, Juan Carlos Vijil Sánchez, Celio Vijil Sánchez, Donatila Argueta Sánchez, Breidy Maybeli Sánchez Argueta, Velvia Lastenia Argueta Pereira and Norma Iveth Sánchez Argueta, and that the judgment constituted, *per se*, a form of reparation for the victims.

With regard to reparations, the Court decided that the State must pay a total of US\$39,700.00 (thirty-nine thousand seven hundred United States dollars) or the equivalent in Honduran currency, as compensation for pecuniary damage; that the State must pay a total of US\$245,000.00 (two hundred and forty-five thousand United States dollars) or the equivalent in Honduran currency, as compensation for non-pecuniary damage.

Lastly, the Court decided that the State must continue to investigate effectively the facts of this case, identify both the intellectual authors and the perpetrators and possible accessories, and punish them administratively and criminally, as appropriate; that the next of kin of the victims must have full access and capacity to act at all stages and in all instances of these investigations, in accordance with domestic law and the provisions of the American Convention on Human Rights, and that the results of the investigations must be published; that the State must provide the necessary conditions to transfer the remains of Juan Humberto Sánchez to the place chosen by his next of kin, with no cost to them; that the State must establish a list of persons who are detained, which allows the legality of the detentions to be controlled; that the State must publicly acknowledge its responsibility with regard to the facts of the case and, in reparation to the victims must publish once in the official gazette or in another national newspaper, the operative paragraphs of this judgment and the chapter on the facts that have been proved; and that the State must pay a total of US\$19,000.00 (nineteen thousand United States dollars) or the equivalent in Honduran currency for costs and expenses.

6. Other matters:

The Court considered various matters that were pending and examined the different reports presented by the Inter-American Commission on Human Rights and the States involved in cases in which provisional measures had been adopted. The Court also examined the different reports submitted by the Inter-American Commission on Human Rights, the States concerned and the victims or their representatives in the cases that are at the compliance with judgment stage. Furthermore, the Court considered various administrative matters.

C. SIXTIETH REGULAR SESSION OF THE COURT

The Inter-American Court of Human Rights held its sixtieth regular session at its seat in San José, Costa Rica, from September 8 to 20, 2003, with the following members: Antônio A. Cançado Trindade (Brazil), President; Sergio García Ramírez (Mexico), Vice President; Hernán Salgado Pesantes (Ecuador); Oliver Jackman (Barbados) and Alirio Abreu Burelli (Venezuela). Judge Máximo Pacheco Gómez advised the Court that, owing to circumstances

beyond his control, he would be unable to attend the sixtieth regular session of the Court. Judge Carlos Vicente de Roux Rengifo (Colombia), only took part in the deliberation and rendering of Advisory Opinion OC-18/03. Ricardo Gil Lavedra took part in the *Bulacio case* as Judge *ad hoc*, appointed by the State of Argentina. The Secretary of the Court was Manuel E. Ventura Robles and the Deputy Secretary was Pablo Saavedra Alessandri. The Court considered the following matters at this session.

1. **Marta Colomina and Liliana Velásquez case (Venezuela):** *Provisional Measures.* On September 8, 2003 the Court issued an Order (**Appendix XII**) in which it decided to ratify all the terms of the Order of the President of the Inter-American Court of Human Rights of July 30, 2003 (**Appendix XIII**), and to call upon the State to adopt and maintain all necessary measures to protect the lives, safety and freedom of expression of the journalists, Marta Colomina and Liliana Velásquez.
2. **Benavides Cevallos case (Ecuador):** *Compliance with Judgment.* On September 9, 2003, the Court issued an order on compliance with judgment in this case (**Appendix XIV**), in which it decided that the State had the obligation to take all necessary measures to comply effectively and promptly with the judgment of June 19, 1998 delivered by the Inter-American Court of Human Rights in the Benavides Cevallos case, in accordance with the provisions of Article 68(1) of the American Convention on Human Rights.
3. **The case of the “19 Tradesmen” (Colombia):** *Merits and Possible Reparations.* The public hearing scheduled for September 15, 16 and 17, 2003, was suspended by an Order of the Court of September 8, 2003, owing to a request by the Inter-American Commission on Human Rights, which is pending the Court’s decision.
4. **Request for Advisory Opinion OC-18.** On September 17, 2003 the Court rendered Advisory Opinion OC-18 (**Appendix XV**), requested by the United Mexican States, on the juridical status and rights of undocumented migrants.

In this respect, the Court considered that States had the general obligation to respect and ensure the fundamental rights and, to this end, they must take affirmative action, avoid taking measures that limit or infringe a fundamental right, and eliminate measures and practices that restrict or violate a fundamental right; that non-compliance by the State with the general obligation to respect and ensure human rights, owing to any discriminatory treatment, gives rise to international responsibility; that the principle of equality and non-discrimination is fundamental for the safeguard of human rights in both international law and domestic law; that the fundamental principle of equality and non-discrimination forms part of general international law, because it is applicable to all States, regardless of whether or not they are a party to a specific international treaty. At the current stage of the development of international law, the fundamental principle of equality and non-discrimination has entered the domain of *jus cogens*.

The Court also considered that the fundamental principle of equality and non-discrimination, which is of a peremptory nature, entails obligations *erga omnes* of protection that bind all States and generate effects with regard to third parties, including individuals; that the general obligation to respect and guarantee human rights binds States, regardless of any circumstance or consideration, including the migratory status of a person; that the right

to due process of law must be recognized as one of the minimum guarantees that should be offered to any migrant, irrespective of his migratory status. The broad scope of the preservation of due process encompasses all matters and all persons, without any discrimination; that the migratory status of a person cannot constitute a justification to deprive him of the enjoyment and exercise of human rights, including those of a labor-related nature. When assuming an employment relationship, the migrant acquires rights that must be recognized and ensured because he is an employee, irrespective of his regular or irregular status in the State where he is employed. These rights are a result of the employment relationship.

Lastly, the Court considered that the State has the obligation to respect and guarantee the labor human rights of all workers, irrespective of their status as nationals or aliens, and not to tolerate situations of discrimination that are harmful to the latter in the employment relationships established between private individuals (employer-worker). The State must not allow private employers to violate the rights of workers, or the contractual relationship to violate minimum international standards; that workers, being possessors of labor rights, must have all the appropriate means to exercise them. Undocumented migrant workers possess the same labor rights as other workers in the State where they are employed, and the latter must take the necessary measures to ensure that this is recognized and complied with in practice; and that States may not subordinate or condition observance of the principle of equality before the law and non-discrimination to achieving their public policy goals, whatever these may be, including those of a migratory character.

Judges Cançado Trindade, García Ramírez, Salgado Pesantes and Abreu Burelli informed the Court of their Concurring Opinions, which accompany the Advisory Opinion.

5. Bulacio case (Argentina): *Merits and Reparations*. On September 18, 2003, the Court delivered the judgment in this case (**Appendix XVI**), in which it decided to accept the State's acknowledgement of international responsibility; adopt the agreement on merits and some aspects of reparations of February 26, 2003, and the document clarifying this agreement of March 6, 2003, both signed by the State, the Inter-American Commission on Human Rights, and the next of kin of the victim and their legal representatives.

The Court also declared that, according to the terms of the State's acknowledgement of international responsibility, the latter violated the rights embodied in Articles 4, 5, 7 and 19 of the American Convention on Human Rights to the detriment of Walter David Bulacio, and the rights embodied in Articles 8 and 25 of the American Convention on Human Rights to the detriment of Walter David Bulacio and his next of kin, all in relation to Articles 1(1) and 2 of the American Convention on Human Rights.

The Court also decided that the State must continue and conclude the investigation of all the facts of the case and punish those responsible; that the victim's next of kin must have full access and capacity to act at all stages and in all the instances of these investigations, in accordance with domestic law and the provisions of the American Convention on Human Rights, and that the results of the investigations must be published; that the State must ensure that facts, such as those of this case, are not repeated, adopting legislative or any other measures necessary to adapt domestic law to international human rights norms, and make them fully effective, in accordance with Article 2 of the American Convention on Human Rights; and that the State must publish Chapter VI and the operative paragraphs of

the judgment once in the official gazette.

With regard to reparations, the Court decided that the State must pay a total of US\$124,000.00 (one hundred and twenty-four thousand United States dollars) or the equivalent in Argentine currency, in compensation for pecuniary damage and a total of US\$210,000.00 (two hundred and ten thousand United States dollars) or the equivalent in Argentine currency, in compensation for non-pecuniary damage.

Judges Cañado Trindade, García Ramírez, and Gil Lavedra informed the Court of their Separate Opinions, which accompany the judgment.

6. Other matters:

The Inter-American Court of Human Rights elected the Chilean lawyer, Pablo Saavedra Alessandri, as its new Secretary; he is currently Deputy Secretary of the Court. He will replace Manuel E. Ventura Robles, who was elected a judge of the Court on June 9, 2003, during the last General Assembly of the Organization of American States (OAS). Pablo Saavedra will assume his new functions as Secretary on January 1, 2004.

On September 17, 2003, the judges of the Court received the visit of Dr. Prometeo Cerezo, Secretary of the Hispano-Luso American Institute of International Law (IHLADI). The functioning of the Court and the inter-American system for the protection of human rights, and also the principal challenges of international law were discussed during the meeting.

On September 9, 2003, the Court received the visit of Jaime Ruiz de Santiago, Head of the Mission of the United Nations High Commissioner for Human Rights (UNHCR) in Poland. This meeting resulted in a useful and constructive discussion on current and future challenges to the inter-American system for the protection of human rights.

During September 2003, the Governments of Argentina and Paraguay invited the Court to hold a regular session in their respective countries in 2004.

Lastly, the Court considered various matters that were pending and examined the different reports presented by the Inter-American Commission on Human Rights and the States involved in cases in which provisional measures had been adopted. The Court also examined the different reports submitted by the Inter-American Commission on Human Rights, the States concerned, and the victims or their representatives in the cases that are at the compliance with judgment stage. Furthermore, the Court considered various administrative matters.

D. SIXTY-FIRST REGULAR SESSION OF THE COURT

The Inter-American Court of Human Rights held its sixty-first regular session at its seat in San José, Costa Rica, from November 20 to December 4, 2003, with the following members: Antônio A. Cañado Trindade (Brazil), President; Sergio García Ramírez (Mexico), Vice President; Máximo Pacheco Gómez (Chile); Hernán Salgado Pesantes (Ecuador); Oliver

Jackman (Barbados); Alirio Abreu Burelli (Venezuela) and Carlos Vicente de Roux Rengifo (Colombia). Arturo Martínez Galvez took part in the *Mack Chang* case as Judge *ad hoc*, appointed by the State of Guatemala. The Secretary of the Court was Manuel E. Ventura Robles and the Deputy Secretary was Pablo Saavedra Alessandri. The Court considered the following matters at this session.

1. **Luisiana Ríos *et al.* case (Venezuela): Provisional Measures.** On November 21, 2003, the Court issued an Order (**Appendix XVII**) in which it decided to ratify the Order of the President of the Court of October 2, 2003, expanding the measures of protection

2. **Mack Chang case (Guatemala): Merits and Reparations.** On December 19, 2003, the Court delivered the judgment on merits and reparations in this case (**Appendix XVIII**), in which it decided to take note of the State's acquiescence, in which it acknowledged international responsibility in relation to this case unconditionally and, having assessed all the elements of the evidence, in the terms of paragraphs 111 to 116 of the judgment, it declared that the State had violated the right to life embodied in Article 4(1) of the American Convention on Human Rights, in relation to Article 1(1) thereof, to the detriment of Myrna Mack Chang; that the State had violated the rights to a fair trial and to judicial protection embodied in Articles 8 and 25 of the American Convention on Human Rights, in relation to Article 1(1) thereof, to the detriment of the following next of kin of Myrna Mack Chang: Lucrecia Hernández Mack, Yam Mack Choy, Zoila Chang Lau, Helen Mack Chang, Marco Mack Chang, Freddy Mack Chang and Ronald Chang Apuy; and that the State had violated the right to humane treatment embodied in Article 5(1) of the American Convention on Human Rights, in relation to Article 1(1) thereof, to the detriment of the following next of kin of Myrna Mack Chang: Lucrecia Hernández Mack, Yam Mack Choy, Zoila Chang Lau, Helen Mack Chang, Marco Mack Chang, Freddy Mack Chang and Ronald Chang Apuy.

The Court also decided that the judgment constituted, *per se*, a form of reparation; that the State must investigate effectively the facts of this case, in order to identify, prosecute and punish all the intellectual authors and perpetrators and any other persons responsible for the extra-judicial execution of Myrna Mack Chang, and for the cover-up of the extra-judicial execution and the other facts of this case, irrespective of the person who has already been punished for these facts; and that the results of the investigations must be published; that the State must remove all *de facto* and *de jure* obstacles and mechanisms that maintain impunity in the case, grant sufficient guarantees for the safety of the judicial and fiscal authorities, the witnesses, the justice personnel, and the next of kin of Myrna Mack Chang and use all possible measures to advance the process; and that the State must publish the proven facts included in the judgment at least once in the official gazette and in another national newspaper, within three months of receiving notification of this judgment.

The Court also ordered the State to organize a public act to acknowledge its responsibility with regard to the facts of this case and to redress the memory of Myrna Mack Chang and her next of kin, with the presence of the highest authorities of the State; that the State must publicly honor the memory of José Mérida Escobar, police investigator, with regard to the facts of this case; that the State must include material on human rights and international humanitarian law in the training courses for members of the armed forces, the police and security agencies; that the State must establish a study grant with the name of Myrna Mack Chang; and that the State must give a well-known square or street in Guatemala City the name of Myrna Mack Chang and place a memorial plaque alluding to her activities at the site

where she died or nearby.

Regarding reparations, the Court decided that the State must pay a total of US\$266,000.00 or the equivalent in Guatemalan currency in compensation for pecuniary damage; that the State must pay a total of US\$350,000.00 or the equivalent in Guatemalan currency in compensation for non-pecuniary damage; that the State must pay a total of US\$163,000.00 (one hundred and sixty-three United States dollars) for costs and expenses, and the sum of US\$5,000.00 for future expenses; that the State must pay the total amount of the compensation for pecuniary damage, non-pecuniary damage, and costs and expenses established in the judgment, without imposing any current or future tax or charge; that the State must comply with the measures of reparation ordered in the judgment within one year of receiving notification thereof; and that, should the State delay such payment, it must pay interest on the amount owed corresponding to bank interest on arrears in Guatemala.

Judge Cançado Trindade informed the Court of his Separate Opinion, Judge García Ramírez informed the Court of his Separate Concurring Opinion, Judge Salgado Pesantes informed the Court of his Separate Concurring Opinion, Judge Abreu Burelli informed the Court of his Concurring Opinion and Judge Martínez Gálvez informed the Court of his Separate and Partially Dissenting Opinion, all of which accompany the judgment.

3. Juan Humberto Sánchez case (Honduras): Interpretation of Judgment. On December 26, 2003, the Court delivered the judgment on interpretation of judgment in this case (**Appendix XIX**), in which it decided to reject as being without grounds the appeal for review of the judgment of June 7, 2003, in the Juan Humberto Sánchez case, filed by the State; to reject as being without grounds the State's claim for interpretation of the judgment of June 7, 2003, in the Juan Humberto Sánchez case contained in the request, *in toto*; and to continue monitoring compliance with of the judgment of June 7, 2003.

4. Maritza Urrutia case (Guatemala): Merits and Reparations. On December 19, 2003, the Court delivered the judgment on merits and reparations in this case (**Appendix XX**), in which it decided to declare that the State had violated the right to personal liberty embodied in Article 7 of the American Convention on Human Rights, in relation to Article 1(1) thereof, to the detriment of Maritza Urrutia García; that the State had violated the right to humane treatment embodied in Article 5 of the American Convention on Human Rights, in relation to Article 1(1) thereof, and the obligations established in Articles 1 and 6 of the Inter-American Convention to Prevent and Punish Torture, to the detriment of Maritza Urrutia García; and that the State had violated the rights to a fair trial and to judicial protection embodied in Articles 8 and 25 of the American Convention on Human Rights, in relation to Article 1(1) thereof, and the obligations established in Article 8 of the Inter-American Convention to Prevent and Punish Torture, to the detriment of Maritza Urrutia García.

The Court also decided that the judgment constituted, *per se*, a form of reparation for the victim; and that the State must investigate effectively the facts of this case that gave rise to the violations of the American Convention on Human Rights and non-compliance with the obligations of the Inter-American Convention to Prevent and Punish Torture; identify,

prosecute and punish those responsible and publish the results of the respective investigation.

Regarding reparations, the Court ordered that the State must pay a total of US\$10,000.00 or its equivalent in Guatemalan currency in compensation for pecuniary damage, and that the State must pay a total of US\$44,000.00 or its equivalent in Guatemalan currency in compensation for non-pecuniary damage; that the State must pay a total of US\$6,000.00 or its equivalent in Guatemalan currency for costs and expenses; that the State must pay the total amount of compensation for pecuniary damage, non-pecuniary damage, and costs and expenses established in the judgment, without imposing any current or future tax or charge; that the State must comply with the measures of reparation ordered in the judgment within one year of receiving notification thereof; and that, should the State delay such payment, it must pay interest on the amount owed corresponding to bank interest on arrears in Guatemala.

Judge Cançado Trindade informed the Court of his Concurring Opinion, Judge García Ramírez of his Separate Concurring Opinion, Judge De Roux Rengifo of his Separate Opinion and Judge Martínez Gálvez of his Separate and Partially Dissenting Opinion.

5. Baena Ricardo *et al.* case (Panama): *Monitoring Compliance with Judgment.* On November 28, 2003, the Court delivered the judgment on competence in this case (**Appendix XXI**), in which it declared that the Inter-American Court of Human Rights was competent to monitor compliance with its decisions; that, in the exercise of its competence to monitor compliance with its decisions, the Inter-American Court of Human Rights was authorized to request responsible States to present reports on the steps they have taken to implement the measures of reparation ordered by the Court, to assess the said reports, and to issue instructions and orders on compliance with its judgments. Furthermore, it decided to reject as inadmissible the State's questioning of the competence of the Court to monitor compliance with its judgments and to continue monitoring full compliance with the judgment of February 2, 2001, in the Baena Ricardo *et al.* case.

6. On November 25, 2003, the Court issued an order (**Appendix XXII**) in which it decided:

1. To reform **Article 8** of the Rules of Procedure in the following way:

1. The Deputy Secretary shall be appointed on the proposal of the Secretary, in the manner prescribed in the Statute. He shall assist the Secretary in the performance of his functions and replace him during his temporary absences.

2. If the Secretary and the Deputy Secretary are both unable to perform their functions, the President may appoint an Interim Secretary.

3. If the Secretary and the Deputy Secretary are both temporarily away from the seat of the Court, the Secretary may appoint a lawyer of the Secretariat to be in charge of the Court in their absence.

2. To reform **Article 25** of the Rules of Procedure in the following way:

1. At any stage of the proceedings involving cases of extreme gravity and urgency, and when necessary to avoid irreparable damage to persons, the Court may, at the request of a

party or on its own motion, order such provisional measures as it deems pertinent, pursuant to Article 63(2) of the Convention.

2. With respect to matters not yet submitted to it, the Court may act at the request of the Commission.

3. In contentious cases already submitted to the Court, the victims or alleged victims, their next of kin, or their duly accredited representatives, may present a request for provisional measures directly to the Court.

4. The request may be made to the President, to any judge of the Court, or to the Secretariat, by any means of communication. In every case, the recipient of the request shall immediately bring it to the President's attention.

5. If the Court is not sitting, the President, in consultation with the Permanent Commission and, if possible, with the other judges, shall call upon the government concerned to adopt such urgent measures as may be necessary to ensure the effectiveness of any provisional measures that may be ordered by the Court at its next session.

6. The beneficiaries of urgent measures or provisional measures ordered by the President may address their comments on the report made by the State directly to the Court. The Inter-American Commission of Human Rights shall present observations to the State's report and to the observations of the beneficiaries or their representatives.

7. The Court, or its President if the Court is not sitting, may convoke the parties to a public hearing on provisional measures.

8. In its Annual Report to the General Assembly, the Court shall include a statement concerning the provisional measures ordered during the period covered by the report. If those measures have not been duly implemented, the Court shall make such recommendations as it deems appropriate.

3. To reform **Article 26** of the Rules of Procedure in the following way:

1. The application, the reply thereto, **the written brief containing pleadings, motions, and evidence**, as well as any other written material addressed to the Court, may be presented in person, by courier, facsimile, telex, mail or any other method generally used. When any such material is transmitted to the Court by electronic means, **the original documents, as well as accompanying evidence, shall be submitted within 7 days.**

2. **The original application, the reply thereto, the written brief containing pleadings, motions and evidence (Article 36 of the Rules of Procedure), the reply to the preliminary objections (Article 36(4) of the Rules of Procedure), as well as all respective attachments, shall be accompanied by 3 identical copies.**

3. The President may, in consultation with the Permanent Commission, reject any communication from the parties which he considers patently inadmissible, and shall order that it be returned to the interested party, without further action.

4. To reform **Article 33** of the Rules of Procedure in the following way:

The brief containing the application shall indicate:

1. the claims (including those relating to reparations and costs); the parties to the case; a statement of the facts; the orders on the opening of the proceeding and the admissibility of the petition by the Commission; the supporting evidence, indicating

the facts on which it will bear; the particulars of the witnesses and expert witnesses and the subject of their statements; the legal arguments, and the pertinent conclusions. In addition, the Commission shall include the name and address of the original petitioner, and also the name and address of the alleged victims, their next of kin or their duly accredited representatives, when this is possible.

2. the names of the Agents or the Delegates.
3. **the names and addresses of the representatives of the alleged victims and their next of kin. If this information is not provided in the application, the Commission shall act on behalf of the alleged victims and their next of kin in its capacity as guarantor of the public interest under the American Convention on Human Rights to ensure that they have the benefit of legal representation.**

If the application is filed by the Commission, it shall be accompanied by the report referred to in Article 50 of the Convention.

5. To reform **Article 35**, paragraph 4, of the Rules of Procedure to read as follows:

Article 36. Written Brief Containing Pleadings, Motions and Evidence

1. When the application has been notified to the alleged victim, his next of kin or his duly accredited representatives, they shall have a period of 2 months, which may not be extended, to present autonomously to the Court their pleadings, motions and evidence.

6. Since a new Article 36 was created in the Rules of Procedure, the numeration of the Articles that follow it has changed.

7. To reform **Article 37** of the Rules of Procedure to read as follows:

Article 38. Answer to the application

1. The respondent shall answer the application in writing **within a period of 4 months of the notification, which may not be extended.** The requirements indicated in Article 33 of these Rules shall apply. The Secretary shall communicate the said answer to the persons referred to in Article 35(1) above. **Within this same period, the respondent shall present its comments on the written brief containing pleadings, motions and evidence. These observations may be included within the answer to the application or within a separate brief.**

2. In its answer, the respondent must state whether it accepts the facts and claims or whether it contradicts them, and the Court may consider accepted those facts that have not been expressly denied and the claims that have not been expressly contested.

8. To reform **Article 42** of the Rules of Procedure to read as follows:

Article 43. Minutes of the Hearings

1. **Summarized** minutes shall be taken at each hearing and shall contain the following:

- a. the names of the judges present;

- b. the names of those persons referred to in Articles 21, 22 and 23 of these Rules, who are present at the hearing;
- c. the names and personal information of the witnesses, expert witnesses and other persons appearing at the hearing;
- d. statements made expressly for the record by the States Parties, by the Commission, by the victims or alleged victims, by their next of kin or their duly accredited representatives;
- e. the text of any decisions rendered by the Court during the hearing.

2. **The Secretariat shall record the hearings and attach a copy of the recording to the case file.**

3. The Agents, Delegates, victims or alleged victims, their next of kin or their duly accredited representatives shall receive a copy of **the recording of the public hearing at its conclusion, or within a period of 15 days.**

9. To reform **Article 44** of the Rules of Procedure to read as follows:

Article 45. Procedure for Taking Evidence

The Court may, at any stage of the proceedings:

- 1. Obtain, on its own motion, any evidence it considers helpful. In particular, it may hear as a witness, expert witness, or in any other capacity, any person whose evidence, statement or opinion it deems to be relevant.
- 2. Request the parties to provide any evidence within their reach or any explanation or statement that, in its opinion, may be useful.
- 3. Request any entity, office, organ or authority of its choice to obtain information, express an opinion, or deliver a report or pronouncement on any given point. The documents may not be published without the authorization of the Court.
- 4. Commission one or more of its members to hold hearings, **including preliminary hearings, either at the seat of the Court or elsewhere**, for the purpose of gathering evidence.

10. To reform **Article 46** of the Rules of Procedure to read as follows:

Article 47. Convocation of Witnesses and Expert Witnesses

- 1. The Court shall determine when the parties are to call their witnesses and expert witnesses whom the Court considers it necessary to hear. **Furthermore, the summons shall indicate the name of the witness or expert witness as well as the object of the testimony.**
- 2. **The party proposing testimonial or expert evidence shall bear the costs of the appearance of its witness or witnesses before the Tribunal.**
- 3. **The Court may require, for reasons of procedural economy, that particular witnesses and expert witnesses offered by the parties give their testimony through sworn declarations or affidavits. Once the sworn declaration or affidavit is received, it shall be transmitted to the other parties in order for them to present their**

observations.

11. To reform **Article 52** of the Rules of Procedure to read as follows:

Article 53. Discontinuance of a Case

1. When the party that has brought the case notifies the Court of its intention not to proceed with it, the Court shall, after hearing the opinions of the other parties thereto, decide whether to discontinue the hearing and, consequently, to strike the case from its list.

2. If the respondent informs the Court of its acquiescence to the claims of the party that has brought the case **as well as the to claims of the representatives of the alleged victims, his next of kin or representatives**, the Court, after hearing the opinions of the other parties to the case whether such acquiescence and its juridical effects are acceptable. In that event, the Court shall determine the appropriate reparations and indemnities.

12. That the present reforms adopted by the Court on November 25, 2003, during its LXI Ordinary Period of Sessions, shall enter into force on January 1, 2004.

7. During this session the Court issued orders on compliance with judgment in the following cases: Blake (Guatemala) (**Appendix XXIII**), Benavides Cevallos (Ecuador) (**Appendix XXIV**), Barrios Altos (Peru) (**Appendix XXV**), Caballero Delgado and Santana (Colombia) (**Appendix XXVI**), Garrido and Baigorria (Argentina) (**Appendix XXVII**), Bámaca Velásquez (Guatemala) (**Appendix XXVIII**), Hilaire, Constantine and Benjamin *et al.* (Trinidad and Tobago) (**Appendix XXIX**), the “White Van” (Paniagua Morales *et al.*) (Guatemala) (**Appendix XXX**), Cantoral Benavides (Peru) (**Appendix XXXI**), Loayza Tamayo (Perú) (**Appendix XXXII**), the “Street Children” (Villagrán Morales *et al.*) (Guatemala) (**Appendix XXXIII**), Suárez Rosero (Ecuador) (**Appendix XXXIV**), Castillo Páez (Peru) (**Appendix XXXV**) and the Constitutional Court (Peru) (**Appendix XXXVI**). The Court issued an order on compliance with judgment in the “Last Temptation of Christ” case (Olmedo Bustos *et al.*) (Chile) (**Appendix XXXVII**), deciding to conclude the case and file the dossier. The Court issued orders on compliance with provisional measures in the following cases: Marta Colomina and Liliana Velásquez (Venezuela) (**Appendix XXXVIII**), Luis Uzcátegui (Venezuela) (**Appendix XXXIX**), Luisiana Ríos *et al.* (Venezuela) (**Appendix XL**), Liliana Ortega *et al.* (Venezuela) (**Appendix XLI**), Bámaca Velásquez (Guatemala) (**Appendix XLII**), Lysias Fleury (Haiti) (**Appendix XLIII**), and James *et al.* (Trinidad and Tobago) (**Appendix XLIV**). The Court also issued an order on compliance with provisional measures in the Clemente Teherán *et al.* case (“Zenú” Indigenous Community) (Colombia) (**Appendix XLV**), in which it decided to lift and conclude the provisional measures ordered by the Court in that case.

8. During its sixty-first regular session, the Court elected a new President and a new Vice President for the period 2004-2006. The new President and Vice President of the Court will take office on the first day of the first session in 2004.

The President elect of the Court is Judge Sergio García Ramírez, of Mexican nationality. Judge García Ramírez has a doctorate in law from the Universidad Autónoma de Mexico; he is a senior researcher at its Institute for Juridical Research; full professor of the Faculty of Law of this University and President (founder) of the Administrative Council of the National

Criminal Science Institute. He has held various public offices since 1961: Procurator General of Justice (*Procurador General de Justicia*) of the Federal District, Secretary of Labor and Social Welfare, and Attorney General of the Republic (*Procurador General*), also Deputy Secretary of the Secretariats for National Patrimony, the Interior, Public Education and Patrimony, and Industrial Promotion. He has also been the Director of the Penitentiary Center of the state of Mexico, judge of the Minors' Court of that entity, Director of the Mexico City Preventive Prison, and President of the Federal District Prison Commission. His last public office was that of President (founder) of the Superior Agrarian Court, which existed from 1992 to 1995. Furthermore, he has written more than 40 books on juridical, political and literary topics, as well as numerous articles in academic, professional and general publications in Mexico and abroad. In 1998, he was elected judge of the Inter-American Court of Human Rights and was elected Vice President for the first time in 2003.

The new Vice President of the Court is Judge Alirio Abreu Burelli, of Venezuelan nationality. Judge Abreu Burelli has a doctorate in law from the Universidad de los Andes; he is a professor at the Universidad de Santa María, the Universidad Central de Venezuela and the Universidad Católica Andrés Bello; for 40 years he was a judge in his own country and held important positions in the Supreme Court of Justice of Venezuela, including Third Alternate member and Principal Justice of the Court of Civil Cassation. He was elected judge of the Inter-American Court of Human Rights in 1994 and was elected Vice President for the first time in 2000.

9. Other matters:

On November 25, 2003, a ceremony was held on the occasion of the closure of the legal year of the Inter-American Court of Human Rights at which tribute was paid to the judges of the Court who were terminating their mandate. During the ceremony, the President of the Court, Judge Antônio Augusto Cançado Trindade, paid homage to Judges Máximo Pacheco Gómez (Chile), Hernán Salgado Pesantes (Ecuador) and Carlos Vicente de Roux Rengifo (Colombia), and gave them various mementos.

On December 5, 2003, the "Third workshop on international humanitarian law (IHL) and related topics" was held, chaired by the President of the Court, Judge Antônio Augusto Cançado Trindade. The President of the Court, Judges Pacheco Gómez, Abreu Burelli and de Roux Rengifo, the Secretary of the Court, Manuel E. Ventura Robles, and the Deputy Secretary of the Court, Pablo Saavedra Alessandri, took part in the workshop. The International Committee of the Red Cross (ICRC) was represented by: Anton Camen, Legal Adviser of the IHL Advisory Service of ICRC in Mexico; Adolfo Beteta, Head of the ICRC Sub-Delegation in Mexico; Marie José d'Aprile, ICRC Legal Adviser in Geneva and Bogota, and Brigitte Oerderlin, ICRC Legal Adviser in Washington, D.C. Also present were Delia Revoredo Marsano, Justice of the Constitutional Court of Peru; Arnaldo Oliveira, of Editorial del Rey in Brazil, as well as officials of the Secretariat of the Court and the ICRC Office in Costa Rica.

During the workshop, the topics discussed included, the action of ICRC in Mexico, current issues related to the application of IHL by the parties in armed conflicts, with special reference to Colombia; the action of ICRC in relation to those detained in the context of the

“fight against terrorism,” the action of ICRC with regard to the situation in Bolivia, and also IHL in the case law of the Inter-American Court of Human Rights.

Also on December 5, 1993, the State of Peru made an official donation of an oil painting of José Luis Bustamante y Rivero, a judge of the International Court of Justice in The Hague from 1961 until 1970 and its President from 1968 to 1970. The donation was made by the Ambassador of Peru to Costa Rica, Fernando Rojas Samanez, in representation of the Bustamante y Rivero family and the Peruvian State. The same day, the President of the Court, Judge Antônio Augusto Cançado Trindade, donated to the Court a portrait of the Brazilian international jurist, Raúl Fernandes.

The Court considered various matters that were pending and examined the different reports presented by the Inter-American Commission on Human Rights and the States involved in cases in which provisional measures had been adopted. The Court also examined the different reports submitted by the Inter-American Commission on Human Rights, the States concerned, and the victims or their representatives in the cases that are at the compliance with judgment stage. Furthermore, the Court considered various administrative matters.

E. MONITORING COMPLIANCE WITH JUDGMENTS AND OF IMPLEMENTATION OF PROVISIONAL MEASURES

In order to monitor compliance with the obligation assumed 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 must first be aware of the status of compliance with its decisions. To this end, the Court must monitor that responsible States comply effectively with the reparations ordered by the Court, before informing the OAS General Assembly about non-compliance with a decision.

Monitoring compliance with the decisions of the Court implies, first, that the Court must request the State to provide information on the activities conducted to ensure compliance, and also ask for the comments of the Commission and the victims or their representatives. When the Court has this information, it can assess whether its decisions have been complied with, guide the State’s actions to this end, 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 in exercise of the authority inherent in its jurisdictional function of monitoring compliance with its judgments, the Court now proceeds to provide information on compliance in various contentious cases and provisional measures.

A. Contentious cases

1. Full compliance with the judgments of the Court

In “The Last Temptation of Christ” case (“Olmedo Bustos *et al.* v. Chile”) the Court issued an Order in which it decided to order that the case be filed because the State of Chile had complied fully with the reparations ordered by the Court in this case (**Appendix XXXVII**).

2. Partial compliance with the judgments of the Court and application of Article 65 of the American Convention.

After assessing all the information provided by the parties in “Consuelo Benavides *v.* Ecuador”, in accordance with Article 65 of the American Convention, the Court has decided to inform the OAS General Assembly that the Republic of Ecuador has complied partially with the judgment delivered by the Court, because, despite several notifications by the Court, its decision concerning the investigation of the facts and the punishment of those responsible is pending compliance (**Appendix XXIV**).

The Court urges the OAS General Assembly to require the State of Ecuador to comply fully with the judgment delivered by the Court in this case.

3. Lack of compliance with the obligation to report to the Court.

In “Hilaire, Constantine, Benjamin *et al. v.* Trinidad and Tobago,” the State has not complied with the obligation to inform the Court about the measures it has adopted to comply effectively with the decision of the Court in its judgment on merits and reparations in this case (**Appendix XXIX**).

In this regard, the Court urges the OAS General Assembly to require the State of Trinidad and Tobago to inform the Court about the measures adopted to comply with its judgment.

4. Partial compliance

The Court delivered a series of orders concerning the status of compliance with its judgments: Castillo Paéz *v.* Peru (**Appendix XXXV**), Garrido and Baigorria *v.* Argentina (**Appendix XXVII**), Paniagua Morales *et al. v.* Guatemala (**Appendix XXX**), Bámaca Velásquez *v.* Guatemala (**Appendix XXVIII**), Baena Ricardo *et al. v.* Panama (**Appendix XXI**), Constitutional Court *v.* Peru (**Appendix XXXVI**), Loayza Tamayo *v.* Peru (**Appendix XXXII**), Cantoral Benavides *v.* Peru (**Appendix XXXI**), Caballero Delgado and Santana *v.* Colombia (**Appendix XXVI**), Suárez Rosero *v.* Ecuador (**Appendix XXXIV**), Blake *v.* Guatemala (**Appendix XXIII**), the “Street Children” *v.* Guatemala (**Appendix XXXIII**), and Barrios Altos *v.* Peru (**Appendix XXV**).

B. Provisional Measures

1. Lifting of provisional measure

In the provisional measures, “Clemente Teherán *et al.* with respect to Colombia”, after examining the information provided by the parties, the Court decided to order that they be lifted (**Appendix XLV**).

2. Lack of compliance with the obligation to report to the Court.

In the provisional measures ordered by the Court in the cases: Luis Uzcátegui with respect to Venezuela (**Appendix XXXIX**), Liliana Ortega *et al.* with respect to Venezuela

(**Appendix XLI**), Luisiana Ríos *et al.* with respect to Venezuela (**Appendix XL**), Lysias Fleury with respect to Haiti (**Appendix XLIII**), James *et al.* with respect to Trinidad and Tobago (**Appendix XLIV**), Bámaca Velásquez with respect to Guatemala (**Appendix XLII**), and Marta Colomina and Liliana Velásquez with respect to Venezuela (**Appendix XXXVIII**); The States referred to have not informed the Court about the measures they have adopted to implement the said measures ordered by the Court. Accordingly, the Court urges the OAS General Assembly to require the States of Venezuela, Trinidad and Tobago, and Haiti to inform the Court about the measures adopted to implement effectively the provisional measures it has ordered.

F. SUBMISSION OF NEW CONTENTIOUS CASES

At the end of 2002 and during 2003, the following cases were submitted to the Court's consideration:

1. Mapiripán *v.* Colombia

On September 5, 2002, the Inter-American Commission on Human Rights, pursuant to Articles 51 and 61 of the American Convention on Human Rights, submitted an application against the State of Colombia with regard to this case. In the application, the Commission requested the Court to declare that the State of Colombia was responsible for violating Articles 4 (Right to Life), 5 (Right to Humane Treatment) and 7 (Right to Personal Liberty) of the American Convention on Human Rights to the detriment of "at least" "49 civilians in the Department of Meta" and Articles 8(1) (Right to a Fair Trial) and 25 (Judicial Protection) thereof to the detriment of the alleged victims and their next of kin, in relation to Article 1(1) (Obligation to Respect Rights) of the Convention. The application referred to the alleged facts that occurred "between July 15 and 20, 1997, [when] approximately 100 members of the United Self Defense Forces of Colombia [...] with the collaboration and acquiescence of State agents, deprived of their freedom, tortured and assassinated at least 49 civilians, after which they destroyed their bodies and threw the remains into the Guaviare River in the Municipality of Mapiripán, Department of Meta." Consequently, the Commission requested the Court, in accordance with Article 63 of the American Convention, to order the State of Colombia to adopt specific measures of reparation indicated in the application

2. The "La Nación" newspaper *v.* Costa Rica

On January 28 2003, the Inter-American Commission on Human Rights submitted to the Inter-American Court of Human Rights an application against the State of Costa Rica, with regard to the "La Nación" newspaper (Caso No. 12,367), the facts of which refer fundamentally to "the [alleged] violation committed by the Costa Rican State, by having criminally convicted Mauricio Herrera Ulloa and declared him to be the author of four offenses of publishing libel with all the juridical and practical effects derived therefrom. These effects involve including the judgment convicting Mauricio Herrera in the Judicial Record of Offenders, ordering withdrawal of the link in "La Nación" Digital Internet site between the last name Przedborski and articles written by Mauricio Herrera Ulloa, and

demanding that Fernán Vargas Rohrmoser comply with the judgment with the express warning about the possibility of incurring in contempt of court.”

The Commission considered that these facts violated Article 13 (Freedom of Thought and Expression) of the American Convention on Human Rights, in relation to Articles 1(1) (Obligation to Respect Rights) and 2 (Domestic Legal Effects) thereof. Consequently, the Commission requested the Court, in accordance with Article 63 of the American Convention, to order the State of Costa Rica to adopt the measures of reparation indicated in the application.

3. Alfonso Martín del Campo Dodd v. Mexico

On January 30, 2003, the Inter-American Commission on Human Rights submitted an application to the Court against the United Mexican States with regard to the Alfonso Martín del Campo case (No. 12,228). In the application, the Commission requested the Court to declare that the State of Mexico was responsible for the violation of Articles 7 (Right to Personal Liberty), 8 (Right to a Fair Trial), 25 (Judicial Protection), 5 (Right to Humane Treatment) and 1(1) (Obligation to Respect Rights) of the American Convention on Human Rights and of Articles 6, 8 and 10 of the Inter-American Convention to Prevent and Punish Torture to the detriment of Alfonso Martín del Campo Dodd. This application “was related to the [alleged] arbitrary deprivation of freedom and the denial of justice that Alfonso Martín del Campo Dodd suffered and continues to suffer.” The Commission also requested that the State repair the consequences of the violations and compensate the alleged victim and his next of kin. Lastly, it requested the Court to order the State to pay the expenses and costs arising from processing the case under domestic law and before the bodies of the inter-American system for the protection of human rights. Following a preliminary examination of the application, it was notified to the United Mexican States on February 17, 2003, and the written proceeding in this case has commenced.

4. Caesar v. Trinidad and Tobago

On February 26, 2003, the Inter-American Commission on Human Rights, pursuant to Articles 51 and 61 of the American Convention on Human Rights, submitted an application against the State of Trinidad and Tobago with regard to this case. The facts in the application refer essentially to the alleged violation of Articles 5(1) and 5(2) (Right to Humane Treatment), 7(5) (Right to Personal Liberty), 8(1) (Right to a Fair Trial), 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. According to the application, legislation in force in Trinidad and Tobago allows corporal punishment. Under the 1943 Corporal Punishment (offenders over 16) Act, a court may order any person who has been criminally convicted and who is over 16 years of age to be flogged with a whip known as a “cat-o-nine tails,” in addition to any other punishment imposed for committing certain offenses. The same act establishes that the flogging may be carried out as soon as possible and, never later than six months after the conviction. The alleged victim in this case, Winston Caesar, was convicted by the Supreme Court of Trinidad and Tobago of attempted rape and convicted to 20 years’ imprisonment, to carry out forced labor, and to receive 15 lashes. The Appeal Court of Trinidad and Tobago confirmed the judgment and

23 month after final confirmation of judgment, the whipping was carried out. Consequently, the Commission requested the Court, in accordance with Article 63 of the American Convention, to order the State of Trinidad and Tobago to adopt the measures of reparation indicated in the application.

5. The Yakye Axa Community v. Paraguay

On March 17, 2003, the Inter-American Commission on Human Rights, pursuant to Articles 51 and 61 of the American Convention on Human Rights, submitted an application against the State of Paraguay with regard to this case. In the application, the Commission requested the Court to declare that the State of Paraguay was responsible for violating Articles 1(1) (Obligation to Respect Rights), 2 (Domestic Legal Effects), 4 (Right to Life), 8 (Right to a Fair Trial), 21 (Right to Property) and 25 (Judicial Protection) of the American Convention on Human Rights, to the detriment of the Yakye Axa Indigenous Community of the People of the Enxet Language. This application refers to the alleged “human rights violations committed by the State [of Paraguay] to the detriment of [the said] Community [...] and its members, owing to the failure to guarantee the property rights of the Community with regard to their ancestral territory, [which] has made it impossible for the Community and its members to accede to the property and possession of their territory and has implied their continued vulnerability as regards food, medical services and healthcare [...].” The Commission also requested the Court to order the State to repair the consequences of the alleged violations “individually and collectively,” to compensate the members of the Community and to reimburse the expenses and costs they have incurred in the measures they have taken before the bodies of the inter-American system for the protection of human rights.

6. De la Cruz Flores v. Peru

On June 11, 2003, the Inter-American Commission on Human Rights, pursuant to Articles 51 and 61 of the American Convention on Human Rights, submitted an application against the State of Peru with regard to this case. The facts in the application refer essentially to the alleged “violation of the human rights of María Teresa De La Cruz Flores [...], that occurred in the context of a criminal proceeding to which she was submitted for the crime of terrorism.” Accordingly, the Commission considered that these facts violate Articles 7 (Right to Personal Liberty), 8 (Right to a Fair Trial), 9 (Freedom from Ex Post Facto Laws), 24 (Right to Equal Protection) and 2 (Domestic Legal Effects) of the American Convention on Human Rights, in relation to Article 1(1) (Obligation to Respect Rights) thereof. Consequently, the Commission requested the Court, in accordance with Article 63 of the American Convention, to order the State of Peru to adopt specific measures of reparation indicated in the application.

7. Carpio Nicolle et al. v. Guatemala

On June 13, 2003, the Inter-American Commission on Human Rights, pursuant to Articles

51 and 61 of the American Convention on Human Rights, submitted an application against the State of Guatemala with regard to this case. The facts in the application refer essentially to the alleged arbitrary execution of Jorge Carpio Nicolle, Juan Vicente Villacorta, Alejandro Ávila Guzmán and Rigoberto Rivas González and the alleged violation of the physical integrity of the minor, Sydney Shaw, during events that occurred on July 3, 1993, in the Department of Quiché, jurisdiction of the Municipality of Chichicastenango. The Commission considers that these facts violate Articles 4 (Right to Life), 5 (Right to Humane Treatment), 8 (Right to a Fair Trial), 13 (Freedom of Thought and Expression), 19 (Right of the Child) and 25 (Judicial Protection) of the American Convention, in relation to Article 1(1) (Obligation to Respect Rights) thereof. Consequently, the Commission requested the Court, in accordance with Article 63 of the American Convention, to order the State of Guatemala to adopt the pecuniary and non-pecuniary measures of reparation indicated in the application.

8. The Serrano Cruz sisters v. El Salvador

On June 14, 2003, the Inter-American Commission on Human Rights, pursuant to Articles 51 and 61 of the American Convention on Human Rights, submitted an application against the State of El Salvador with regard to this case. In the application, the Commission requested the Court to declare that the State of El Salvador was responsible for violating Articles 4, (Right to Life), 5 (Right to Humane Treatment), 7 (Right to Personal Liberty), 8 (Right to a Fair Trial), 17 (Rights of the Family), 18 (Right to a Name), 19 (Right of the Child) and 25 (Judicial Protection) of the American Convention on Human Rights, in relation to Article 1(1) (Obligation to Respect Rights) thereof, to the detriment of the sisters Ernestina and Erlinda Serrano Cruz and their next of kin. This application refers to the alleged “facts that occurred in June 1982 and that resulted in the capture, abduction and enforced disappearance of Ernestina and Erlinda Serrano Cruz, who were then children of 7 and 3 years of age, respectively, [...] by soldiers, members of the ‘Atlatl’ Battalion of the Salvadoran Army during an operation that took place in the Municipality of San Antonio de la Cruz, Department of Chalatenango.” The Commission requested that specific reparations should be ordered.

9. Yatama v. Nicaragua

On June 17, 2003, the Inter-American Commission on Human Rights, pursuant to Articles 51 and 61 of the American Convention on Human Rights, submitted an application against the State of Nicaragua with regard to this case. The facts in the application refer essentially to alleged violation of the American Convention on Human Rights, “to the detriment of the candidates for mayor, deputy mayor and councilors put forward by the indigenous regional political party Yapti Tasba Masraka Nanih Asla Takanka, YATAMA [...] in the Autonomous Region of the North Atlantic [...] and [in] the Autonomous Region of the South Atlantic [...], for not establishing a remedy that would have allowed them to protect their right to participate and be elected in the municipal elections of November 5, 2000, in [the said Regions], and for not adopting the legislative or other measures necessary to make the rights established in the American Convention effective, particularly, for not establishing norms in the electoral legislation to facilitate the political participation of indigenous organization in

the electoral processes of the Autonomous Region of the Atlantic Coast of Nicaragua, in accordance with customary law, and the values, practices and customs of the indigenous peoples who live there.” The Commission considered that these facts violate Articles 8 (Right to a Fair Trial), 23 (Right to Participate in Government), 25 (Judicial Protection), in relation to Articles 1(1) and 1(2) (Obligation to Respect Rights) of the American Convention on Human Rights. Consequently, the Commission requested the Court, in accordance with Article 63 of the American Convention, to order the State of Nicaragua adopt specific measures of reparation indicated in the application.

10. Acevedo Jaramillo *et al.* v. Peru

On June 25, 2003, the Inter-American Commission on Human Rights, pursuant to Articles 51 and 61 of the American Convention on Human Rights, submitted an application against the State of Peru with regard to this case. In the application, the Commission requested the Court to declared that the State of Peru was responsible for the violation of Article 25 (Judicial Protection) of the American Convention on Human Rights, in relation to Article 1(1) (Obligation to Respect Rights) thereof, to the detriment of 1,734 workers, members of the Lima Municipal Workers Union (SITRAMUN), for the alleged “failure to comply with judicial rulings delivered by the national courts in favor of the members of SITRAMUN”. Consequently, the Commission requested the Court, in accordance with Article 63 of the American Convention, to order the State of Peru to adopt specific measures of reparation indicated in the application.

11. Acosta Calderón v. Ecuador

On June 25, 2003, the Inter-American Commission on Human Rights, pursuant to Articles 51 and 61 of the American Convention on Human Rights, submitted an application against the State of Ecuador with regard to this case. In the application, the Commission requested the Court to declare that the Ecuadorian State was responsible for violating Articles 2 (Domestic Legal Effects), 7(3) and 7(5) (Right to Personal Liberty), 8(1), 8(2), 8(2)(d) and 8(2)(e) (Right to a Fair Trial), 24 (Right to Equal Protection) and 25 (Judicial Protection) of the American Convention on Human Rights, in relation to Article 1(1) (Obligation to Respect Rights) thereof, to the detriment of Rigoberto Acosta Calderón. This application referred to the alleged violation of due process of law committed to the detriment of Mr. Acosta Calderón, of Colombian nationality, who was arrested on November 15, 1989, by the Military Customs Police under suspicion of drug-trafficking. The alleged victim’s statement was purportedly received by a judge two years after his detention; he was not notified of his right to consular assistance; he was convicted on December 8, 1994, and freed in July 1996, because he had served part of his sentence while he was in pre-trial detention. The Commission requested the Court to order specific reparations.

12. Daniel David Tibi v. Ecuador

On June 25, 2003, the Inter-American Commission on Human Rights, pursuant to Articles

51 and 61 of the American Convention on Human Rights, submitted an application against the State of Ecuador with regard to this case. In this application, the Commission requested the Court to declare that the State of Ecuador was responsible for violating Articles 2 (Domestic Legal Effects), 5(2) (Right to Humane Treatment), 7(2), 7(3), 7(4), and 7(5) (Right to Personal Liberty), 8(1), 8(2), 8(2)(b), 8(2)(d), 8(2)(e), 8(2)(g) and 8(3) (Right to a Fair Trial), 21(1) and 21(2) (Right to Property), and 25 (Judicial Protection) of the American Convention on Human Rights, in relation to Article 1(1) (Obligation to Respect Rights) thereof, to the detriment of Daniel David Tibi, a French national. The application refers to the alleged arbitrary detention of Mr. Tibi by Quito Police officials on September 27, 1995, and his transfer to a prison in Guayaquil where he remained until January 2, 1998 (28 months) in pre-trial detention for his alleged participation in a drug-trafficking case. During his detention, Mr. Tibi was allegedly tortured on seven occasions by Police officials to force him to confess to the facts. The Commission requested that specific reparations should be ordered.

13. Marco Molina Theissen v. Guatemala

On July 4, 2003, the Inter-American Commission on Human Rights, pursuant to Articles 51 and 61 of the American Convention on Human Rights, submitted an application against the State of Guatemala with regard to this case. In this application, the Commission requested the Court to declare that the State of Guatemala was responsible for violating Articles 4 (Right to Life), 5 (Right to Humane Treatment), 7 (Right to Personal Liberty), 8 (Right to a Fair Trial), 19 (Right of the Child) and 25 (Judicial Protection) of the American Convention on Human Rights, in relation to Article 1(1) (Obligation to Respect Rights) thereof and for failure to comply with Article I and I(b) of the Inter-American Convention on Forced Disappearance of Persons. This application is related to the alleged “forced disappearance of Marco Antonio Molina Theissen, a child of 14 years of age, who was abducted from the house of his parents by members of the Guatemalan Army on October 6, 1981.” The Commission requested that specific reparations should be ordered.

14. López Álvarez v. Honduras

On July 7, 2003, the Inter-American Commission on Human Rights, pursuant to Articles 51 and 61 of the American Convention on Human Rights, submitted an application against the State of Honduras with regard to this case. The facts in the application are related above all to the alleged arbitrary deprivation of the freedom of Alfredo López Álvarez as of April 27, 1997 “as a result of a trap set because of his work as a social leader and in order to prevent his activities as a Garifuna community leader.” The Commission considered that these facts violate Articles 5 (Right to Humane Treatment), 7 (Right to Personal Liberty), 8 (Right to a Fair Trial), 24 (Right to Equal Protection) and 25 (Judicial Protection) of the American Convention, in relation to Articles 1(1) (Obligation to Respect Rights) and 2 (Domestic Legal Effects) thereof. Consequently, the Commission requested the Court, in accordance with Article 63 of the American Convention, to order the State of Honduras to adopt the pecuniary and non-pecuniary measures of reparation indicated in the application.

15. The girl children Yean and Bosico v. the Dominican Republic

On July 11, 2003, the Inter-American Commission on Human Rights, pursuant to Articles 51 and 61 of the American Convention on Human Rights, submitted an application against the State of the Dominican Republic with regard to this case. The facts in the application refer essentially to the Dominican authorities denying Dominican nationality to the girl children Dilcia Yean and Violeta Bosico, even though they had been born on Dominican territory. The Commission considered that these facts violated Articles 3 (Right to Juridical Personality), 8 (Right to a Fair Trial), 19 (Right of the Child), 20 (Right to Nationality), 24 (Right to Equal Protection) and 25 (Judicial Protection) of the American Convention, in relation to Articles 1(1) (Obligation to Respect Rights) and 2 (Domestic Legal Effects) thereof. Consequently, the Commission requested the Court, in accordance with Article 63 of the American Convention, to order the State of the Dominican Republic to adopt specific measures of reparation indicated in the application.

G. SUBMISSION OF NEW REQUESTS FOR PROVISIONAL MEASURES

1. Provisional Measures in the case of the Communities of the Jiguamiandó and the Curbaradó (Colombia)

On March 5, 2003, the Inter-American Commission on Human Rights submitted a request for provisional measures to the Inter-American Court, in accordance with Article 63(3) of the American Convention, with respect to the Republic of Colombia in favor of the members of the communities constituted by the Community Council of the Jiguaminadó and the families of the Curbaradó, located in the Municipality of Carmen del Darién, Department of Chocó.

As a result of the request, on March 6, 2003, the Court issued an order in which it called upon the State of Colombia to adopt all necessary measures to protect the lives and safety of all the members of the communities constituted by the Community Council of the Jiguaminadó and the families of the Curbaradó; to investigate the facts that gave rise to these provisional measures in order to identify those responsible and impose the corresponding punishments, and to adopt all necessary measures to ensure that the beneficiaries of these provisional measures can continue to reside in the communities they live in, without any type of coercion or threat.

The Court also called upon the State of Colombia, as established in the American Convention, to grant special protection to the so called “humanitarian refuge areas”; to adopt all necessary measures to ensure the beneficiaries receive all the humanitarian assistance that is sent to them; to ensure the security conditions necessary for these communities who have been forced to displace, to be able to return to their homes or to the “humanitarian refuge areas” established in those communities; to set up a continuous monitoring mechanism and to allow representatives to take part in it.

2. Provisional Measures in the Lysias Fleury case (Haiti)

On March 13, 2003, the Inter-American Commission on Human Rights presented a request for provisional measures to the Inter-American Court, in accordance with Article 63(2) of the American Convention on Human Rights, with respect to the Republic of Haiti in favor of Lysias Fleury.

As a result of this request, on March 18, 2003, the President of the Court issued an order in which he called upon the State of Haiti to adopt, forthwith, all necessary measures to protect the life and safety of Mr. Fleury; to investigate the facts that gave rise to the adoption of the urgent measures in order to identify those responsible and impose the corresponding sanctions; to allow the beneficiary to participate in the measures and to keep him informed about progress in their execution; to inform the Court, within 15 days of notification of the Order, on the urgent measures it had adopted to comply with it; and upon Inter-American Commission to present its comments within two weeks of receiving the State's report.

On June 7, 2003, the Court issued another order in which it decided to ratify all the terms of the preceding order; to declare that the State had not implemented effectively the urgent measures; to call upon the State to adopt, forthwith, the necessary measures to protect the life and safety of Lysias Fleury; that the State should continue informing the Inter-American Court every 30 days about the measures adopted, and to call upon the Inter-American Commission to present its comments on those reports within two weeks of receiving them.

3. Provisional Measures in the Marta Colomina and Liliana Velásquez case (Venezuela)

On July 21, 2003, the Inter-American Commission on Human Rights presented a request for provisional measures to the Inter-American Court, in accordance with Article 63(2) of the American Convention on Human Rights and Article 25 of the Rules of Procedure of the Court, with respect to the Bolivarian Republic of Venezuela in favor of the journalists, Marta Colomina and Liliana Velásquez.

On July 30, 2003, the President of the Court issued an Order in which it called upon the State of Venezuela to adopt, forthwith, all necessary measures to protect the lives, safety and freedom of expression of both journalists; that it allow the beneficiaries to participate in the planning and implementation of the measures of protection and that, in general, it keep them informed of progress in the measures ordered, and that it investigate the reported facts that gave rise to these measures in order to identify those responsible and punish them. The Court also called upon the Inter-American Commission on Human Rights to present to the Inter-American Court any comments it deemed pertinent, within a week of receiving the State's report.

H. STATUS OF MATTERS BEFORE THE COURT

1. Contentious cases

	Name of the case	Respondent State	Current stage
1.	Neira Alegría <i>et al</i> case	Peru	Monitoring compliance with judgment
2.	Caballero Delgado and Santana case	Colombia	Monitoring compliance with judgment
3.	El Amparo case	Venezuela	Monitoring compliance with judgment
4.	Loayza Tamayo case	Peru	Monitoring compliance with judgment
5.	Castillo Páez case	Peru	Monitoring compliance with judgment
6.	Garrido and Baigorria case	Argentina	Monitoring compliance with judgment
7.	Blake case	Guatemala	Monitoring compliance with judgment
8.	Suárez Rosero case	Ecuador	Monitoring compliance with judgment
9.	Benavides Cevallos case	Ecuador	Monitoring compliance with judgment
10.	Castillo Petruzzi <i>et al</i> case	Peru	Monitoring compliance with judgment
11.	Baena Ricardo <i>et al</i> case	Panama	Monitoring compliance with judgment
12.	“The Last Temptation of Christ” case (Olmedo Bustos <i>et al.</i>)	Chile	Archived
13.	Ivcher Bronstein case	Peru	Monitoring compliance with judgment
14.	The Constitutional Court case	Peru	Monitoring compliance with judgment
15.	The “White Van” case (Paniagua Morales <i>et al.</i>)	Guatemala	Monitoring compliance with judgment
16.	The “Street Children” case (Villagrán Morales <i>et al.</i>)	Guatemala	Monitoring compliance with judgment
17.	Cesti Hurtado case	Peru	Monitoring compliance with judgment
18.	The case of the Mayagna (<i>Sumo</i>) Awas Tingni Indigenous Community	Nicaragua	Monitoring compliance with judgment
19.	Cantoral Benavides case	Peru	Monitoring compliance with judgment
20.	Durand and Ugarte case	Peru	Monitoring compliance with judgment
21.	Bámaca Velásquez case	Guatemala	Monitoring compliance with judgment
22.	Trujillo Oroza case	Bolivia	Monitoring compliance with

			judgment
23.	Hilaire, Constantine and Benjamin <i>et al.</i> case	Trinidad and Tobago	Monitoring compliance with judgment
24.	Barrios Altos case	Peru	Monitoring compliance with judgment
25.	Las Palmeras case	Colombia	Monitoring compliance with judgment
26.	El Caracazo case	Venezuela	Monitoring compliance with judgment
27.	Bulacio case	Argentina	Monitoring compliance with judgment
28.	Cantos case	Argentina	Monitoring compliance with judgment
29.	Juan Humberto Sánchez case	Honduras	Monitoring compliance with judgment
30.	The “Five Pensioners” case	Peru	Monitoring compliance with judgment
31.	Mack Chang case	Guatemala	Monitoring compliance with judgment
32.	Maritza Urrutia case	Guatemala	Monitoring compliance with judgment
33.	The “19 Tradesmen” case	Colombia	Merits/ Possible Reparations
34.	Gómez Paquiyauri case	Peru	Merits/ Possible Reparations
35.	The case of the Minors Rehabilitation Center	Paraguay	Preliminary Objections/ Merits/ Possible Reparations
36.	Ricardo Canese case	Paraguay	Merits/ Possible Reparations
37.	“The Plan de Sánchez massacre” case	Guatemala	Preliminary Objections/ Merits/ Possible Reparations
38.	The case of the Moiwana Community	Suriname	Preliminary Objections/ Merits/ Possible Reparations
39.	Lori Berenson case	Peru	Merits/ Possible Reparations
40.	Alfonso Martín del Campo Dodd case	Mexico	Preliminary Objections/ Merits/ Possible Reparations
41.	Caesar case	Trinidad and Tobago	Merits/ Possible Reparations
42.	The “La Nación” newspaper case	Costa Rica	Preliminary Objections/ Merits/ Possible Reparations
43.	Carpio Nicolle case	Guatemala	Merits/ Possible Reparations
44.	Yatama case	Nicaragua	Preliminary Objections/ Merits/ Possible Reparations
45.	De La Cruz Flores case	Peru	Merits/ Possible Reparations
46.	Acevedo Jaramillo case (SITRAMUN)	Peru	Merits/ Possible Reparations
47.	“The Mapiripán massacre” case	Colombia	Merits/ Possible Reparations
48.	The Serrano Cruz sisters case	El Salvador	Preliminary Objections/ Merits/

			Possible Reparations
49.	Acosta Calderón case	Ecuador	Merits/ Possible Reparations
50.	Daniel Tibí case	Ecuador	Preliminary Objections/ Merits/ Possible Reparations
51.	Marco Molina Theissen case	Guatemala	Preliminary Objections/ Merits/ Possible Reparations
52.	The Yakye Axa Community case	Paraguay	Merits/ Possible Reparations
53.	The case of the girl children Yean and Bosico	Dominican Republic	Preliminary Objections/ Merits/ Possible Reparations
54.	López Álvarez case	Honduras	Merits/ Possible Reparations

2. Provisional Measures

	Name of the case	State with regard to which they have been adopted	Current status
1.	Colotenango case	Guatemala	Active
2.	Carpio Nicolle case	Guatemala	Active
3.	Giraldo Cardona case	Colombia	Active
4.	Álvarez <i>et al.</i> case	Colombia	Active
5.	James <i>et al.</i> case	Trinidad and Tobago	Active
6.	Clemente Teherán <i>et al.</i> case	Colombia	Archived
7.	Case of Haitians and Dominicans of Haitian Origin in the Dominican Republic	Dominican Republic	Active
8.	Bámaca Velásquez case	Guatemala	Active
9.	Blake case	Guatemala	Active
10.	Caballero Delgado and Santana case	Colombia	Active
11.	The Peace Community of San José de Apartadó case	Colombia	Active
12.	The “La Nación” newspaper case	Costa Rica	Active
13.	The Miguel Agustín Pro Juárez Human Rights Center <i>et al.</i> case	Mexico	Active
14.	Gallardo Rodríguez case	Mexico	Active
15.	The Urso Branco Prison case	Brazil	Active
16.	The case of the Mayagna (<i>Sumo</i>) Awas Tingni Community	Nicaragua	Active
17.	Helen Mack <i>et al.</i> case	Guatemala	Active
18.	Luis Uzcátegui case	Venezuela	Active
19.	Lilliana Ortega <i>et al.</i> case	Venezuela	Active
20.	Luisiana Ríos <i>et al.</i> case	Venezuela	Active
21.	Lysias Fleury case	Haiti	Active
22.	Marta Colomina and Lilliana Velásquez case	Venezuela	Active
23.	The case of the Communities of the Jiguamiandó and the Curbaradó	Colombia	Active

III. OTHER ACTIVITIES OF THE COURT

1. Presence of the President of the Inter-American Court at the inauguration ceremonies for the President of Brazil

In response to the special invitation, the President of the Court, Judge Antônio A. Cançado Trindade, took part in the inaugural ceremonies for the President of Brazil, Luiz Inácio Lula da Silva, on January 1, 2003, in Brasília, Brazil. The President of the Court presented his compliments to President Lula da Silva and confirmed the visit to the Court of the National Human Rights Secretary, Minister Nilmário Miranda in February 2003.

2. Meeting of the President of the Inter-American Court with the President of Peru

On the occasion of the inaugural ceremony of the new President of Brazil, the President of the Court, Judge Antônio A. Cançado Trindade, met with the President of Peru, Alejandro Toledo, and the Peruvian Minister of Foreign Affairs, Allan Wagner Tizón, and Minister of Justice, Fausto Alvarado Doderó. They discussed matters regarding the relations between the State of Peru and the Inter-American Court, and the visit of the Minister of Justice to the Court in February 2003 was confirmed.

3. Inter-institutional Cooperation Agreement between the Inter-American Court of Human Rights and the University of Brasília

On January 30, 2003, the President of the Court, Judge Antônio A. Cançado Trindade, signed an inter-institutional cooperation agreement (**Appendix XLVI**) with the Rector of the Universidad de Brasília, Lauro Morhy. Based on the agreement, the two institutions will exchange publications and documentation to encourage teaching and research on human rights in the Universidad de Brasília, and also the dissemination of the case law of the Inter-American Court of Human Rights in Portuguese in Brazil.

4. Election of the Vice President of the Court

On February 17, 2003, the Court accepted the decision of Judge Alirio Abreu Burelli to decline the position of Vice President of the Inter-American Court of Human Rights for personal reasons. Judge Sergio García Ramírez was elected Vice President of the Inter-American Court of Human Rights by consensus, and took office immediately and until the first regular session of 2003, in accordance with the corresponding regulatory provision.

5. Visit of a member of the United Nations Human Rights Committee

On February 17, 2003 the judges of the Court received Dr. Martin Sheinin, a Finnish national, who is a member of the United Nations Human Rights Commission at the seat of the Court. During Dr. Sheinin's visit, the judges of the Court expressed their satisfaction for the first visit of a member of this Committee to the seat of the Inter-American Court and emphasized the importance of a constructive dialogue between the Court and the specialized

bodies of the United Nations for the protection of human rights. The President of the Court, Judge Antônio Augusto Cançado Trindade, handed Dr. Sheinin the Inter-American Court's latest publications.

6. Meeting with the Secretary of the European Court of Human Rights

On February 24, 2003, a meeting was held at the seat of the Court between the judges, the Secretary, the Deputy Secretary and officials of the Court's Legal Department and the Secretary of the European Court of Human Rights, Dr. Paul Mahoney. During this meeting, there was a useful discussion, in which the officials of the two institutions exchanged opinions and criteria on case law and the work of the two regional human rights courts.

7. Visit of the Special Secretary for Human Rights of the Federative Republic of Brazil

On Monday, February 24, 2003, the judges of the Court received the visit of the Special Secretary of Human Rights of the Federative Republic of Brazil, Minister Nilmário Miranda, who visited the seat of the Court on the occasion of a public hearing on Advisory Opinion OC-18, concerning the human rights of migratory workers. During his visit, Secretary Miranda manifested the desire of the new Government of President Luiz Ignacio Lula da Silva to strengthen cooperation between the Brazilian State and the Court.

8. Academic act on the occasion of the signature of an inter-institutional cooperation agreement with the Supreme Court of Justice of the Republic of El Salvador and donation of a portrait of Dr. José Luis Bustamante y Rivero

On February 25, 2003, an academic act was held at the seat of the Court on the occasion of the signature of an inter-institutional cooperation agreement with the Supreme Court of Justice of the Republic of El Salvador and the donation of a portrait of Dr. José Luis Bustamante y Rivero, former President of the Republic of Peru and former President of the International Court of Justice at The Hague

The act was attended by the judges of the Inter-American Court of Human Rights; the President of the Central American Court of Justice, Dr. Rafael Chamorro Mora; the President of the Supreme Court of El Salvador, Dr. Agustín García Calderón; the President of the Supreme Court of Justice of Costa Rica, Dr. Luis Paulino Mora Mora; the Minister of Justice of Peru, Dr. Fausto Alvarado Doderó; the Secretary of the European Court of Human Rights, Dr. Paul Mahoney; Dr. Fernando Vidal Ramírez, representing the family of Dr. José Luis Bustamante, as well as representatives of the diplomatic corps accredited to the Republic of Costa Rica and officials of the Inter-American Court. During the act, the President of the Court, Judge Antônio Augusto Cançado Trindade, underscored the importance of constructive dialogue and exchanges between the Inter-American Court and the jurisdictional organs of the States Parties to the American Convention, and also highlighted the memorable achievements of the Peruvian jurist, Dr. José Luis Bustamante,

former President of the International Court of Justice and his contribution to Latin American thought on international law.

9. Visit of the Minister of Justice of the Republic of Peru

On February 26, 2003, the President of the Court, Judge Antônio Augusto Cançado Trindade, accompanied by the Vice President, Judge Sergio García Ramírez, and the Secretary, Manuel E. Ventura Robles, received the visit of the Minister of Justice of the Republic of Peru, Dr. Fausto Alvarado Doderó. Minister Alvarado was in the country on the occasion of the donation of the portrait of Dr. José Luis Bustamante y Rivero and for a meeting with his Costa Rican counterpart. During the meeting at the Court, Dr. Alvarado Doderó referred to progress in adapting Peruvian counter-terrorism legislation to international standards, as a task undertaken by the High Level Commission that he presided, as Minister of Justice, and which was created by the Government, in exercise of the authority granted by the Peruvian Parliament. The President of the Court referred to the importance of constructive and respectful dialogue between the Court and the States that form part of the inter-American system for the protection of human rights.

10. Visit of a Delegation from the State of Panama

On February 27, 2003, a delegation from the State of Panama visited the Court, composed as follows: Ambassador Virginia Isabel Burgoa, Ambassador of Panama to Costa Rica; Lawrence Chewning Fábrega, Director General of Foreign Policy of the Ministry of Foreign Affairs; Iana Quadri de Ballard, Director General of Legal Advisory Services and Treaties of the Ministry of Foreign Affairs; Rafael Carvajal Arcia, Director of Legal Advisory Services of the Ministry of Labor and Employment Development; Fernando Gómez Arvelaez, Director of the Public Policy Technical Unit of the Ministry of Economy and Finance; and Luis E. Martínez-Cruz, Minister-Counselor of the Panamanian Embassy in Costa Rica. The delegation was received by the President of the Court, Judge Antônio A. Cançado Trindade, the Secretary, Manuel E. Ventura Robles, and the lawyer, Emilia Segares Rodríguez. During this meeting, the Panamanian State presented the Court with a brief on compliance with the judgment delivered by the Court in the Baena Ricardo *et al.* case, and manifested some concerns in that respect. The Court's delegation listened to the concerns of the State's delegation and informed it that it would consider the said brief.

11. Visit of the Regional Representative for Mexico and Central America of the Office of the United Nations High Commissioner for Refugees (UNHCR)

On February 28, 2003, the Regional Representative for Mexico and Central America of the Office of the United Nations High Commissioner for Refugees (UNHCR), Mérida Morales O'Donnell, visited the seat of the Court, accompanied by Juan Carlos Murillo, UNHCR Training Officer in Costa Rica. Mrs. Morales was received by the President of the Court, Judge Antônio Augusto Cançado Trindade, and by the Secretary of the Court, Manuel E. Ventura Robles. During the meeting, they discussed issues such as the results of the inter-

institutional cooperation agreement signed by the Court and UNHCR, implementation of the cooperation program, publications issued under the agreement and possible promotional activities to be carried out during 2003.

12. Visit of the Minister of Foreign Affairs of the Republic of Guatemala

On March 3, 2003, the Minister of Foreign Affairs of the Republic of Guatemala, Dr. Edgar Armando Gutiérrez Girón, visited the seat of the Court. During his visit Minister Gutiérrez was received by the President of the Court, Judge Antônio Augusto Cançado Trindade, the Vice President, Judge Sergio García Ramírez, and the Secretary of the Court, Manuel E. Ventura Robles. The reason for this visit was to clarify the true extent of the acknowledgment of responsibility by the State of Guatemala in the Myrna Mack case, which is being processed before the Court. Minister Gutiérrez explained to the Court that the State of Guatemala had recently examined this and other cases pending before the Inter-American Commission, in order to increase the effectiveness of the human rights policy announced by the Guatemalan Government.

13. Inter-institutional Cooperation Agreement between the Inter-American Court of Human Rights and the University for Peace

On March 6, 2003, the President of the Court, Judge Antônio A. Cançado Trindade, signed an inter-institutional cooperation agreement (**Appendix XLVII**) with the Rector of the University for Peace, Dr. R. Martin Lees, based on which, their institutions will promote research, teaching and dissemination of topics related to peace and human rights.

14. Inter-institutional Cooperation Agreement between the Inter-American Court of Human Rights and the Max Planck Institute for Comparative Public Law and International Law of Heidelberg

On March 7, 2003, by an exchange of notes, the President of the Court, Judge Antônio A. Cançado Trindade, signed an inter-institutional cooperation agreement (**Appendix XLVIII**) with the Director of the Max Planck Institute for Comparative Public Law and International Law of Heidelberg, Professor Rüdiger Wolfrum, which established a system for the exchange of documentation and promotion of academic research in the field of international human rights law.

15. Visit of the President, the Vice President and the Secretary of the Court to Washington, D.C.

The President of the Court, Judge Antônio A. Cançado Trindade, accompanied by the Vice President, Judge Sergio García Ramírez, and the Secretary, Manuel E. Ventura Robles, visited Washington, D. C. From April 23 to May 2, 2003, in order to present the Annual Report on the work of the Court to the OAS political organs. During their visit, they met with various Ambassadors, Permanent Representatives of several States before the OAS,

with Dr. Peter Quilter, Human Rights Adviser to the OAS Secretary General, and Dr. Jean-Michel Arrighi, Director of the OAS Department of International Law, and also with Paulo Paiva, Edmundo Jarquín and José Carlos Quirce, officials of the Inter-American Development Bank (IDB).

16. Presentation of the Annual Report on the Work of the Court to the OAS Committee on Juridical and Political Affairs

On Thursday, April 24, 2003, the President of the Inter-American Court, Judge Antônio A. Cançado Trindade, accompanied by the Vice President, Judge Sergio García Ramírez, and the Secretary of the Court, Manuel E. Ventura Robles, presented the Annual Report on the Court's work to the Committee on Juridical and Political Affairs of the OAS Permanent Council (CAJP) (**Appendix XLIX**). Following the presentation, Judge Cançado Trindade answered questions from several of the Permanent Representatives of the States accredited to the Committee.

17. Discussion on the strengthening of the inter-American system for the protection of human rights

On Thursday, May 1, 2003, the President of the Court, Judge Antônio A. Cançado Trindade, accompanied by the Secretary, Manuel E. Ventura Robles, had an extensive and productive discussion with the representatives of OAS member States, members of the OAS Committee on Juridical and Political Affairs, regarding the strengthening of the inter-American system for the protection of human rights. During the meeting, the President of the Court spoke about the system's principal needs and also about the efforts and progress made by the Court to strengthen the system.

18. Visit of the President of the Court to Washington, D.C.

The President of the Court Judge Antônio Augusto Cançado Trindade, took advantage of his presence in Washington, D.C. for a series of presentations at the Washington College of Law, to deliver two letters to the General Secretariat of the Organization of American States on May 30, 2003, since the Secretary General was abroad on a mission. The same day, the President of the Court met with the OAS Assistant Secretary for Legal Affairs, Dr. Enrique Lagos, and the Director of the Department of International Law, Dr. Jean-Michel Arrighi. Then, in the evening, the President of the Court, Judge Cançado Trindade, inaugurated the "mirror site" of the Inter-American Court of Human Rights, containing the complete case law of the Court to date, for dissemination in university circles in the United States, at the American University's Washington College of Law, during a ceremony organized by the Dean, Claudio Grossman.

19. Participation in the thirty-third regular session of the General Assembly of the Organization of American States, held in Santiago, Chile

The Court took part in the thirty-third regular session of the General Assembly of the Organization of American States (OAS), held in Santiago, Chile, from June 8 to 10, 2003. During this session of the OAS General Assembly, the following were elected as new judges of the Court: Manuel E. Ventura Robles, Costa Rica (20 votes); Cecilia Medina Quiroga, Chile (19 votes); Sergio García Ramírez, Mexico (re-elected with 19 votes), and Diego García Sayán, Peru (19 votes). The new composition of the Court will apply as of January 1, 2004.

The President of the Court, Judge Antônio A. Cançado Trindade, took the floor before the plenary session of the OAS General Assembly on June 10 (**Appendix L**); in his presentation, he urged all the member States of the Organization to ratify the American Convention on Human Rights and to accept the contentious jurisdiction of the Inter-American Court, and supported the adoption of a protocol modifying the American Convention, in order to strengthen its protection mechanisms by granting individual petitioners direct access to the Inter-American Court. The 2002 Annual Report of the Court was adopted by the General Assembly of the Organization by Resolution AG/RES 1918, in which the Assembly decided:

1. To endorse the observations and recommendations of the Permanent Council on the annual report of the Inter-American Court of Human Rights and to transmit them to that organ.
2. To reaffirm the essential value of the work of the Inter-American Court of Human Rights in enhancing the promotion 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 Convention commit to abiding by the decisions of the Court in all cases to which they are party.
4. To instruct the Permanent Council to continue its consideration of the issue of “access of victims to the Inter-American Court of Human Rights (*ius 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”; and the revised Rules of Procedure of the Inter-American Court of Human Rights and of the Inter-American Commission on Human Rights.
5. To instruct the Permanent Council to continue to examine ways to bring about an effective and adequate increase in the financial resources allocated to the Court in the program-budget of the Organization.
6. In addition, to encourage the OAS member states, nonetheless, to contribute to the Specific Fund for Strengthening the Inter-American System for the Protection and Promotion of Human Rights.
7. To urge the OAS member states to consider signing and ratifying, ratifying, or acceding 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.

On June 11, 2003, the Court took advantage of the fact that it was holding its session in

Santiago, Chile, to meet with the President of the Republic of Chile, Dr. Ricardo Lagos; the President of the Supreme Court of Justice of Chile, Dr. Mario Enrique Astrob Garrido Montt; the Minister of Justice, Doctor Luis Bates Hidalgo and the Attorney General, Dr. Guillermo Piedrabuena Richard. The same day, in the Conference Hall (Sala Magna) of the Faculty of Law of the Universidad de Chile, the judges and the Secretary made a presentation on the Court and the inter-American system for the protection of human rights, to the professors, judges, students and Chilean civil society non-governmental organizations. On June 12, 2003, the Court also met with the President of the Senate and the Chairs of the Chilean Senate Committees.

A few weeks after the OAS General Assembly, the President of the Court, Judge Antônio A. Cançado Trindade, returned to Santiago, Chile, where he received a doctorate *Honoris Causa* from the Universidad de Chile, in an act held in the office of the Rector of the University on August 8, 2003. During the ceremony, the President of the Court gave a speech entitled *La Consolidación de la Personalidad y Capacidad Jurídicas Internacionales del Ser Humano en la Agenda de los Derechos Humanos del Siglo XXI* [The strengthening of the international juridical personality and capacity of the individual on the human rights agenda of the twenty-first century] (**Appendix LI**), in which he expressed his satisfaction and gratitude for the award, and also the value that the Inter-American Court of Human Rights attributed to the academy and the important role played by universities in transmitting genuine values from one generation to the next.

20. Inter-institutional Cooperation Agreement between the Inter-American Court of Human Rights and the International Studies Institute of the Universidad de Chile

On June 13, 2003, the President of the Court, Judge Antônio A. Cançado Trindade, signed an inter-institutional cooperation agreement (**Appendix LII**) with the Director of the International Studies Institute of the Universidad de Chile, Dr. Jeannette Irigoín Barrene. Under the agreement, the two institutions will exchange publications and documentation to promote teaching and research on human rights in the Universidad de Chile, and the dissemination of the case law of the Inter-American Court.

21. Visit of the President of Colombia to the seat of the Court

On June 19, 2003, the President of the Court, Judge Antônio A. Cançado Trindade, together with the Secretary and Judge elect of the Court, Manuel E. Ventura Robles, received at the seat of the Court in San José, Costa Rica, the President of the Republic of Colombia, Álvaro Uribe Vélez, accompanied by the Minister of Foreign Affairs, Carolina Barco, the Colombian Ambassador to Costa Rica, Julio Aníbal Riaño Velandio, and several Colombian Government Ministers. The delegation was accompanied by the Minister of Foreign Affairs and Worship of Costa Rica, Roberto Tovar Faja, and the Costa Rican Ambassador to Colombia, Melvin Sáenz Biolley.

In his welcoming address, the President of the Court referred to the visit as an historic event, which confirmed the healthy trend of respectful collaboration and constructive dialogue between the States that have created the inter-American system for the protection of human rights and the organs responsible for ensuring faithful compliance with the provisions of the American Convention on Human Rights and other human rights norms in the hemisphere.

The President of the Court also referred to the rich legal tradition of the Republic of Colombia, which has made a significant and acknowledged contribution to the development of Latin American thought on international law. He also emphasized the importance of the ratification of the American Convention by all the States of the hemisphere, as well as the unrestricted acceptance of the contentious jurisdiction of the Inter-American Court by all the States Parties to the Convention. Lastly, he referred to the need for all the States Parties to automatize the obligatory jurisdiction of the Inter-American Court and to adopt the necessary measures to implement the Convention, in order to ensure that its provisions are directly applicable in the domestic law of the States Parties.

President Uribe reiterated his support for the work of the Court, whose contribution to the rule of law in the region, through its judgments and advisory opinions, was one of the most significant and transcendental achievements of the inter-American system for the protection of human rights. He added that a more extensive action was required to achieve the universality of the inter-American system, the acceptance of the obligatory jurisdiction of the Court by all the OAS member States, and the incorporation of the substantive norms of the American Convention into the domestic law of the States Parties, so that justice would be enriched with the collaboration of all the States of our hemisphere.

22. Election of the new Secretary of the Court

During its sixtieth regular session, the Inter-American Court of Human Rights elected as its new Secretary the Chilean lawyer, Pablo Saavedra Alessandri, who is currently the Deputy Secretary of the Court. Dr. Saavedra replaces Dr. Manuel E. Ventura Robles, who was elected a judge of the Court during the last General Assembly of the Organization of American States(OAS). Dr. Saavedra will assume his new duties as Secretary on January 1, de 2004.

23. Visit of the President of the Inter-American Court to Strasbourg

The President of the Inter-American Court, Judge Antônio A. Cançado Trindade, was invited to be a guest speaker by the International Human Rights Institute, with headquarters in Strasbourg, France, from July 8 to 19, 2003. While there, he met with the President of the European Court of Human Rights, Judge Luzius Wildhaber, with whom he discussed matters of interest to the two international human rights courts. The President of the Inter-American Court also met with Judges Luzius Cafilisch, Jean Paul Costa, Françoise Tulkens and Christos Rozakis, as well as with Doctor Paul Mahoney, Secretary of that Court. During the meetings, there was a useful discussion on experiences shared by the two international

human rights courts and their contributions to the inter-American and European systems for the protection of human rights through their case law.

In Strasbourg, the President of the Court, Judge A. A. Cançado Trindade, also met with the President, former Vice President, and Secretary General of the International Human Rights Institute, Gérard Cohen-Jonathan, Alexandre-Charles Kiss and Jean-François Flauss, respectively, in order to follow up on the cooperation agreement between the two institutions, under which lawyers of the Inter-American Court are awarded grants to participate in the Institute's annual study session in Strasbourg. Lastly, the President of the Inter-American Court met with the Head of the Council of Europe's Monitoring Department, Dr. Andrew Drzemczewski.

24. Visit of the President of the Inter-American Court to Salzburg

The President of the Inter-American Court, Judge Antônio A. Cançado Trindade, was invited to take part in the International Seminar for Judges of International Courts held in Salzburg, Austria, sponsored by Brandeis University, with the support of the Office of Legal Affairs of the United Nations, from July 20 to 26, 2003. While there, he met with several judges of other international courts, including the Vice President of the International Tribunal for the Law of the Sea, Judge Budislav Vukas; the President of International Tribunal for Rwanda, Judge Erik Mose; the Vice President of the International Criminal Tribunal for the former Yugoslavia, Judge Fausto Pocar; Judge John Hedigan of the European Court of Human Rights, and the Legal Counsel of the United Nations, Dr. Hans Corell. The meetings led to a useful discussion on matters of common interest to all the international courts represented at this international seminar.

25. Participation of the President of the Inter-American Court in the International Law Course of the Inter-American Juridical Committee

The President of the Court, Judge Antônio A. Cançado Trindade, was a professor at the thirtieth international law course organized by the Inter-American Juridical Committee in Rio de Janeiro, Brazil, on August 4, 5 and 6, 2003. President Cançado Trindade made three presentations on "*Los Fundamentos del Derecho Internacional: Los Principios Generales del Derecho Internacional 33 Años Después de la Declaración de Principios de Naciones Unidas de 1970*" [The principles of international law: the general principles of international law 33 years after the Declaration of Principles of the United Nations in 1970]. On this occasion, the President of the Court was received by all the members of the OAS Inter-American Juridical Committee. He informed them of recent developments in the Inter-American Court's case law, and had a useful discussion with them on contemporary issues of international public law and international human rights law.

26. Visit of the President of the Inter-American Court to the International Tribunal for the Law of the Sea in Hamburg

The President of the Inter-American Court de Derechos Humanos, Judge Antônio A. Cançado Trindade, made an official visit to the United Nations International Tribunal for the Law of the Sea, at its seat, in Hamburg, Germany, on August 18 and 19, 2003. The President of the Inter-American Court was received by the President of the Tribunal for the Law of the Sea, Judge Dolliver Nelson, and by the Tribunal's Secretary, Phillippe Gautier, and Deputy Secretary, Doo-young Kim. During the visit, the President of the Inter-American Court met with all the members of the Legal Area of the Tribunal for the Law of the Sea, with whom he had a useful discussion on the provisional protection measures adopted by the two international courts.

The Presidents of the two international courts signed a cooperation agreement on areas of reciprocal interest, including the exchange of case law.

During his official visit, the President of the Inter-American Court Judge Antônio A. Cançado Trindade, was also received by the directors of the Max Planck Institute of International Private Law in Hamburg, and also by the members of the Senate of the Free Hanseatic City of Hamburg; there, he was welcomed by the Secretary of State of the Hamburg Justice Department, Henning Horstmann, and by the Senate's Special Representative before the International Tribunal for the Law of the Sea, Jörg Bredenbach. During the visit, he was accompanied by the President and Secretary of the International Tribunal for the Law of the Sea.

27. Invitation to the Court from the Paraguayan State to hold a session in Paraguay

On September 5, 2003, the President of the Inter-American Court de Derechos Humanos, Judge Antônio A. Cançado Trindade, the Secretary, Manuel E. Ventura Robles, and the Deputy Secretary, Pablo Saavedra Alessandri, received the Ambassador of Paraguay, Mario Sandoval, at the seat of the Court. During his visit, the Ambassador delivered a note from the Paraguayan Minister of Foreign Affairs, Ambassador Leila Rachid, with an invitation to the Court to visit Paraguay in 2003 and hold a session there. The Ambassador also reiterated Paraguay's commitment to the inter-American human rights system and, particularly, to the Court. Referring to the current and future challenges to the inter-American system, the President of the Court, Judge Cançado Trindade, thanked the Government of Paraguay for this significant invitation.

28. Visit of the Representative of the United Nations High Commissioner for Refugees (UNHCR) in Poland to the Inter-American Court

On September 9, 2003, the whole Court received the visit of Dr. Jaime Ruiz de Santiago, UNHCR representative in Poland. While welcoming him on behalf of the Court, the President of the Court, Judge Antônio A. Cançado Trindade, indicated the importance of the agreement signed four years previously between the Inter-American Court and UNHCR, which had achieved very positive results to date. Dr. Jaime Ruiz de Santiago made a presentation on the human rights problems of the population flows in East Europe and, in

particular, on the conflict in Chechnya. The President of the Court referred to similar problems on the American continent. This was followed by a useful discussion with the judges of the Court, after which, a ceremony was held with the Court personnel and the UNHCR delegation in Costa Rica, represented by Juan Carlos Murillo and other UNHCR officials.

29. Academic Act to Commemorate the Second Anniversary of the Adoption of the Inter-American Democratic Charter

In an act held on September 11, 2003, at the Ministry of Foreign Affairs and Worship of Costa Rica, the second anniversary of the adoption of the Inter-American Democratic Charter was commemorated. The ceremony was presided by the President of the Republic of Costa Rica, Abel Pacheco de la Espriella, and the principal guests were the President of the Inter-American Court of Human Rights, Judge Antônio A. Cançado Trindade, the Minister of Foreign Affairs and Worship of the Republic of Costa Rica, Roberto Tovar Faja; the Vice Minister of Foreign Affairs of the Republic of Peru, Ambassador José Manuel Rodríguez Cuadros, and the President of the Inter-American Institute of Human Rights, Sonia Picado Sotela.

On taking the floor during this act, the President of the Inter-American Court of Human Rights, Judge Antonio A. Cançado Trindade, situated the Inter-American Democratic Charter in the context of recent initiatives in different parts of the world to strengthen democracy and the democratic rule of law in the international legal system (**Appendix LIII**).

30. Invitation to the Court by the Argentine State to hold a session in Argentina

On September 12, 2003, the President of the Inter-American Court of Human Rights, Judge Antônio A. Cançado Trindade, the Secretary, Manuel E. Ventura Robles, and the Deputy Secretary, Pablo Saavedra Alessandri, received the Ambassador of the Argentine Republic, Juan José Arcuri, who delivered a note from the Minister of Foreign Affairs of Argentina, Jorge E. Taiana, inviting the Court to visit Argentina in 2004 and to hold a session there. The Ambassador manifested Argentina's commitment to the inter-American human rights system and, particularly, to the Court. Referring to the current future challenges to the inter-American system, the President of the Court, Judge Cançado Trindade, thanked the Argentine Government for this significant invitation.

31. Visit of the Secretary General of the Hispano-Luso-American Institute of International Law (IHLADI)

On September 17, 2003, the whole Inter-American Court received the visit of the Secretary General of the Hispano-Luso-American Institute of International Law (IHLADI), Prometeo Cerezo. In his welcoming address, the President of the Court, Judge Antônio A. Cançado Trindade, expressed satisfaction for the visit and recalled the extensive record of IHLADI in

the promotion and dissemination of international public and private law in Latin America and the Iberian peninsula. Judge Cançado Trindade added that the culture of international law was becoming increasingly important at this time of world crisis, which was also a crisis in values. The Secretary General of IHLADI said that he was honored to be received by the whole Court, and expressed his organization's recognition of the Inter-American Court's recent case law. At the end of the visit, it was agreed that the Court and IHLADI would sign an inter-institutional cooperation agreement.

32. Inter-institutional Cooperation Agreement between the Inter-American Court of Human Rights and the Hispano-Luso American Institute of International Law (IHLADI)

On October 10, 2003, through an exchange of notes, the President of the Inter-American Court of Human Rights, Judge Antônio A. Cançado Trindade, and the Secretary General of the Hispano-Luso-American Institute of International Law (IHLADI), Prometeo Cerezo, signed an inter-institutional cooperation agreement (**Appendix LIV**). Under the agreement, the Court and IHLADI agreed on a regular exchange of their official publications and other information of mutual interest for incorporation into their respective libraries in San José, Costa Rica, and Madrid, Spain.

33. Special Conference on Security organized by the Organization of American States (OAS)

On October 27 and 28, 2003, the President of the Court, Judge Antônio Augusto Cançado Trindade, and the Vice President of the Court, Judge Sergio García Ramírez, accompanied by the Secretary of the Court, Manuel E. Ventura Robles, took part in the Special Conference on Security organized by the Organization of American States (OAS), in Mexico City. During the conference, participants considered a draft declaration based on the Permanent Council's recommendations. At the end of the conference, the Declaration on Security in the Americas was adopted.

34. Visit of the President of the Court to Peru

On Monday, November 17, 2003, while visiting Peru to fulfill a series of invitations, the President of the Inter-American Court of Human Rights, Judge Antônio A. Cançado Trindade, was received in the Palace of Government by the President of the Republic of Peru, Alejandro Toledo, and the Minister of Foreign Affairs, Allan Wagner. During the extended meeting, President Toledo informed the President of the Court of the contents of the final report of the National Truth and Reconciliation Committee, and his perception of the document. He referred to the national effort to end impunity and strengthen the rule of law in Peru and acknowledged the important role played by the Inter-American Court of Human Rights by informing the international community that what happened in the country under the previous regime could not be tolerated. He reaffirmed the determination of the Peruvian State to continue supporting the valuable work of the Inter-American Court.

The President of the Court, Judge Antônio A. Cançado Trindade, thanked President Toledo for his hospitality and courtesy, and for the Peruvian State's continued support for the work of the Court by the presentation of reports to the competent organs of the OAS. He also reiterated his gratitude for President Toledo's recent visit to the seat of the Inter-American Court in San José, Costa Rica. President Toledo manifested the Peruvian State's determination to comply faithfully with the judgments and decisions of the Court and referred to the State's efforts to make reparations in light of the report of the National Truth and Reconciliation Committee.

The President of the Court, Judge A. A. Cançado Trindade, indicated that there were many forms of reparation, both pecuniary and non-pecuniary. With regard to the latter, he observed that the measures taken to guarantee non-repetition of the acts that harmed human rights, even as a form of reparation, are much more relevant than might appear at first sight. Lastly, he commented that collective reparations are the acknowledgement of collective responsibility.

At the end of the extended meeting, President Toledo, the Minister of Foreign Affairs, Allan Wagner, and Judge Antônio A. Cançado Trindade expressed their immense satisfaction for the open, frank and cordial discussions over recent months towards strengthening the inter-American system for the protection of human rights.

In the afternoon of November 17, and on November 18, Judge A.A. Cançado Trindade took part in different academic acts in Lima, in the launching of collective works co-sponsored by the International Committee of the Red Cross and the Pontificia Universidad Católica del Perú, and met with representatives of non-governmental human rights organizations and of academic establishments. At mid-day on November 18, in a ceremony at the Pontificia Universidad Católica del Perú, presided by its Rector, Salomón Lerner Febres, President of the Peruvian National Truth and Reconciliation Committee, Judge Antônio A. Cançado Trindade received a doctorate *Honoris Causa* (**Appendix LV**) awarded by that University. The ceremony was attended by numerous Peruvian academics, members of non-governmental human rights organizations and representatives of the diplomatic corps.

Lastly, during the evening of November 18, the President of the Court met with the Justices of the Constitutional Court of Peru (**Appendix LVI**).

35. Closure of the 2003 legal year, homage to the outgoing Judges of the Court and signature of an inter-institutional cooperation agreement with the Inter-American Institute for Cooperation on Agriculture (IICA)

On November 25, 2003, a ceremony was held on the occasion of the closure of the legal year of the Inter-American Court of Human Rights and a homage to the judges of the Court who were concluding their mandates. During this ceremony, homage was paid to judges Máximo Pacheco Gómez (Chile), Hernán Salgado Pesantes (Ecuador) and Carlos Vicente de Roux Rengifo (Colombia). The President of the Court, Judge Antônio Augusto Cançado Trindade, addressed them and gave them various mementos.

The same day, the President of the Court, Judge Antônio A. Cançado Trindade, signed an inter-institutional cooperation agreement (**Appendix LVII**) with the Director General of the Inter-American Institute for Cooperation on Agriculture (IICA), Chelston W.D. Brathwaite. Under this agreement, the two institutions will make a more effective contribution to strengthening the inter-American system, as an instrument of cooperation for the OAS member States, and will have a legal framework so that they can both promote more effectively issues such as: rural development processes, equality of rights between rural and urban zones, and social peace and democracy in the member States of the inter-American system.

36. Inter-institutional Cooperation Agreement between the Inter-American Court of Human Rights and the Universidad Central de Chile

On November 28, 2003, the President of the Court, Judge Antônio A. Cançado Trindade, signed an inter-institutional cooperation agreement (**Appendix LVIII**) with the Rector of the Universidad de Chile, Dr. Luis Lucero Alday. Under this agreement, the two institutions will exchange publications and documentation to promote teaching and research on human rights at the Universidad Central de Chile, as well as the dissemination of the case law of the Inter-American Court.

37. Inter-institutional Cooperation Agreement between the Inter-American Court of Human Rights and the Human and Civil Rights Center of Notre Dame University

On December 1, 2003, the President of the Court, Judge Antônio Augusto Cançado Trindade, signed an inter-institutional cooperation agreement (**Appendix LIX**) with the Director of the Human and Civil Rights Center of Notre Dame University, Dr. Juan Méndez. Under this agreement, the two institutions will exchange publications and documentation to promote teaching and research on human rights at the Human and Civil Rights Center of Notre Dame University, as well as the dissemination of the case law of the Inter-American Court. The agreement also includes the possibility of internships at the Court for students of the Human and Civil Rights Center.

38. Inter-institutional Cooperation Agreement between the Inter-American Court of Human Rights and the Council of State of the Republic of Colombia

On December 5, 2003, the President of the Court, Judge Antônio Augusto Cançado Trindade, signed an inter-institutional cooperation agreement (**Appendix LX**) with the President of the Council of State of the Republic of Colombia, Dr. Ricardo Hoyos Duque.

Under the agreement, the two institutions established a cooperation framework to contribute to the design and implementation of activities intended to increase the quality and efficiency of the systems for the administration of justice, and to contribute to enhancing peace and justice in the hemisphere, as well as to encourage reciprocal assistance for the promotion and defense of human rights, and relevant information on judicial activities in the countries of the hemisphere.

39. Third Workshop on International Humanitarian Law and Related Issues

On December 5, 2003, the third workshop on international humanitarian law (IHL) and related issues was held, chaired by the President of the Court, Judge Antônio Augusto Cançado Trindade. The President of the Court, Judges Pacheco Gómez, Abreu Burelli and de Roux Rengifo, the Secretary of the Court, Manuel E. Ventura Robles, and the Deputy Secretary of the Court, Pablo Saavedra Alessandri, took part in the workshop. The International Committee of the Red Cross (ICRC) was represented by: Anton Camen, Legal Adviser of the IHL Advisory Service of ICRC in Mexico; Adolfo Beteta, Head of the ICRC Sub-Delegation in Mexico; Marie José d'Aprile, ICRC Legal Adviser in Geneva and Bogota, and Brigitte Oerderlin, ICRC Legal Adviser in Washington, D.C. Also present were Delia Revoredo Marsano, Justice of the Constitutional Court of Peru; Arnaldo Oliveira, of Editorial del Rey in Brazil, as well as officials of the Court Secretariat and the ICRC Office in Costa Rica.

The workshop examined topics such as the action of ICRC in Mexico, current matters related to the application of IHL by the parties to armed conflicts with special reference to Colombia, the action of ICRC in relation to persons detained in the context of “counter-terrorism, the action of ICRC in relation to the situation in Bolivia, and IHL in the case law of the Inter-American Court of Human Rights.

40. Donation by the State of Peru of an oil painting of Dr. José Luis Bustamante y Rivero and donation by the President of the Court of a portrait of Dr. Raúl Fernandes

On December 5, 1993, the State of Peru made an official donation of an oil painting of José Luis Bustamante y Rivero, who was a judge of the International Court of Justice in The Hague from 1961 until 1970 and its President from 1968 to 1970. The donation was made by the Ambassador of Peru to Costa Rica, Fernando Rojas Samanez, in representation of the Bustamante y Rivero family and the Peruvian State. The same day, the President of the Court, Judge Antônio Augusto Cançado Trindade, donated to the Court a portrait of the Brazilian international jurist, Raúl Fernandes, former Member of Committee of Jurists which wrote the Statute of the Permanent International Court of Justice of The Hague, in 1920.

41. Inter-institutional Cooperation Agreement between the Inter-American Court of Human Rights and the Universidad Católica “Nuestra Señora de la Asunción” of Paraguay

On December 10, 2003, the President of the Court, Judge Antônio Augusto Cançado Trindade, signed an inter-institutional cooperation agreement (**Appendix LXI**) with the Rector of the Universidad Católica “Nuestra Señora de la Asunción” of Paraguay, Dr. Antonio Tellechea Solís. Under this agreement, the two institutions established a framework for the exchange of information produced by the Court and the Universidad Católica, in order to further the goals of the two institutions.

42. Inter-institutional Cooperation Agreement between the Inter-American Court of Human Rights and the Office of the Attorney General (*Ministerio Público*) of the Republic of Chile

On December 22, 2003, the President of the Court, Judge Antônio Augusto Cançado Trindade, signed an inter-institutional cooperation agreement (**Appendix LXII**) with the Attorney General of the Republic of Chile, Dr. Guillermo Piedrabuena Richard. Under this agreement, the two institutions established a framework for cooperation in order to carry out joint activities in the area of research, teaching, dissemination and outreach on human rights, and also to promote mutual assistance in the promotion and defense of human rights and relevant information on judicial activities in the countries of the hemisphere.

IV. ACADEMIC ACTIVITIES OF THE JUDGES

Judge Antônio A. Cançado Trindade delivered a special lecture at the National Autonomous University of Mexico (UNAM), on 13 February 2003, at the end of which he was awarded in a ceremony the Medal Isidro Fabela, for which he thanked the Law Faculty of the UNAM; the ceremony took place at the Palace of Minería, in Mexico City, Mexico.

Judge Antônio A. Cançado Trindade delivered the inaugural lecture of the Course of International Relations of the University of Brasília, on 19.03.2003, in Brasília, Brazil, and the closing lecture of the same Course, on 12.11.2003, in Brasília, Brazil.

Judge Antônio A. Cançado Trindade delivered the closing lecture of the II International Congress of Criminal Prevention, Public Security and Administration of Justice, on 27.03.2003, in the city of Fortaleza, Brazil.

Judge Antônio A. Cançado Trindade delivered a course of five lectures on “*The Evolution of the Inter-American System of Protection of Human Rights*”, at the Academy of Human Rights and International Humanitarian Law, Washington College of Law, American University, Washington D.C., United States (27.05.03 until 02.06.2003).

Judge Antônio A. Cançado Trindade delivered a course of three lectures and two seminars on “*L’Etat Actuel et Perspectives du Systeme Interamericain de Protection des Droits de l’Homme / Current State and Perspectives of the Inter-American System of Protection of Human Rights*”, at the XXXIII Study Session of the International Institute of Human Rights, held in Strasbourg, France (15-18.07.2003).

Judge Antônio A. Cançado Trindade participated, between 25 August and 01 September 2003, of the 71st Session (the “Session of Bruges”) of the Institut de Droit International, in which he integrates the Commissions of Study on “Rights and Duties *Erga Omnes* in International Law” and “Humanitarian Assistance”, respectively; the Session took place in Bruges, Belgium.

Judge Antônio A. Cançado Trindade gave three lectures, on “*Reassessment of the Fundamental Principles of Contemporary International Law*”, at the XXX Course of International Law organized by the Inter-American Juridical Committee of the OAS, in Rio de Janeiro, Brazil, on 04-06 August 2003.

Judge Antônio A. Cançado Trindade delivered a special lecture on “*The Consolidation of the International Legal Personality and Capacity of the Human Being in the Agenda of Human Rights of the XXIst Century*”, at the Rector’s Office of the Central University of Chile, in Santiago of Chile, on 08 August 2003, at the end of which he was awarded the title of Doctor *Honoris Causa* by that University.

Judge Antônio A. Cançado Trindade presented the book, *Las Tres Vertientes de la Protección Internacional de los Derechos de la Persona Humana* [The three facets of the international protection of the rights of the individual], at the Universidad Iberoamericana in Mexico City on October 27, 2003. The book, co-authored by Drs. Antônio A. Cançado Trindade, Gérard Peytrignet and Jaime Ruiz de Santiago, was commented on and presented by Loretta Ortiz Ahif, Santiago Corcuera Cabezut, Dr. Héctor Fix-Zamudio, Dr. Sergio García Ramírez and Dr. Fernando Serrano Migallón. Representatives of the Inter-American Court of Human Rights, the United Nations High Commissioner for Human Rights (UNHCR), the International Committee of the Red Cross (ICRC), and the Center for Justice and International Law (CEJIL) were also present.

On October 28, 2003, Judge Antônio A. Cançado Trindade, accompanied by the Secretary of the Court, Manuel E. Ventura Robles, met with students of the Faculty of Law of the Universidad Nacional Autónoma de Mexico (UNAM). During the meeting, which lasted over two hours, there was a fruitful discussion on the inter-American system for the protection of human rights, the case law of the Inter-American Court of Human Rights, and international law in general.

Judge Antônio A. Cançado Trindade delivered a special lecture on “*Towards the New Jus Gentium of the XXIst Century: The Universal Law of Humankind*”, at the Rector’s Office of the Catholic University of Peru, in Lima, Peru, on 18 November 2003, at the end of which he was awarded the title of Doctor *Honoris Causa* by that University.

Judge Antônio A. Cançado Trindade gave the special closing lecture, on “*Democracy and Human Rights in the Hemispheric Agenda: The Contribution of the International Case-Law*”, at the Commemorative Course of the XX Aniversario of the Centre of Electoral Advice and Promotion (CAPEL), of the Inter-American Institute of Human Rights (IIDH), in San José of Costa Rica, on 04.12.2003.

During the year of 2003, Judge Antônio A. Cançado Trindade also participated in round-table discussion on the subject “*Droit International, Droits de l’Homme et Juridictions Internationales*”, cosponsored by the International Institute of Human Rights and by the University of Paris-II (on 10.07.2003); he participated in two seminars on International Refugee Law, at the Ibero-American University and at the National Autonomous University of Mexico (UNAM), in Mexico City, on 27-28.10.2003; he participated in two seminars on International Humanitarian Law, of the Catholic University of Peru, in Lima, Peru, on 17-18.11.2003; furthermore, he participated in the Journeys of International Law of the OAS, in Lima, Peru, on 18.11.2003.

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Judge Sergio García Ramírez continued carrying out his activities as a university professor and researcher; these included the publication of books and articles in Mexico and other countries, and participation in national and international academic courses and meetings. He took part in administrative bodies of academic and professional organizations and received several distinctions.

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Judge Hernán Salgado Pesantes carried out diverse academic activities inherent to his chair at the Pontificia Universidad Católica del Ecuador. He also took part in various seminars in Ecuador on issues related to human rights, constitutional law and the inter-American system for the protection of human rights. These included: seminars in Quito and Cuenca on strengthening constitutional justice (June 2003), a post-graduate course at the Universidad Andina “Simón Bolívar” in Quito (August 2003) and at the Universidad de Azuay in Cuenca (June 2003).

Judge Salgado Pesantes visited the United States Supreme Court and some federal Courts to observe matters related to judicial review and due process; he also visited the Human Rights Department at Harvard University (October 2003).

Judge Salgado Pesantes was one of the speakers at the Eighth Ibero-American Congress on Constitutional Law, held in Spain, sponsored by the Universidad de Sevilla (December 2003).

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Judge Alirio Abreu Burelli participated in the Freedom of Expression Seminar organized by the Office of the Venezuelan Ombudsman, in March 2003, and gave the keynote address on freedom of expression, international human rights instruments that embody it, and case law of the Inter-American Court of Human Rights.

Judge Abreu Burelli took part in the course on human rights for judges organized by the Judicial Academy in Caracas (Venezuela), in April 2003 and developed the topic of the procedure before the Inter-American Court of Human Rights.”

Judge Abreu Burelli also took part in the course for judges on the Rome Statute of the International Criminal Court, organized by the Judicial Academy in May 2003, with a presentation on general guidelines of the procedure before the International Criminal Court.

On the occasion of the Week of the Lawyer, Judge Abreu Burelli took part in the acts organized by the Lawyers’ Association of the State of Falcón (Coro, Venezuela) in June 2003.

Judge Abreu Burelli participated in the course on Civil Procedural Law organized by the Juridical Studies Institute of the State of Falcón, in August 2003, with a presentation on the topic of the civil judgment and the cassation.

Likewise, Judge Alirio Abreu Burelli took part in the criminal law course, organized by the Judicial Academy of Venezuela, in San Juan de los Morros, Guárico State (Venezuela) in August 2003, with a presentation on the procedure before the International Criminal Court.

Judge Abreu Burelli, together with the jurists, Héctor Faundez and Raúl Arrieta, helped coordinate the jury to examine the thesis “States of emergency in the framework of the American Convention on Human Rights”; an event held at the Universidad Central de Venezuela on November 3, 2003.

Lastly, Judge Abreu Burelli has been working on the preparation of a study on the role of the judge in the protection of human rights; the profile of the judge: independence, impartiality, aptness, competence, training; the judge as a public official: duties and rights; some key concepts associated with the administration of justice: due process, impunity, reparation and compensation; the protection of collective interests. This study will form part of a manual for judges, sponsored by Amnesty International and the Judicial Academy of Venezuela, and also by the United Nations Development Programme (UNDP)

V. ACADEMIC ACTIVITIES OF THE SECRETARIAT OFFICIALS

On February 7, 2003, the Secretary of the Court, Manuel E. Ventura Robles, made a presentation at the meeting of the Multilaw Americas Regional Conference, held in San José, Costa Rica, from February 6 to 8, 2003, on recent developments in the case law of the Inter-American Court of Human Rights.

The Secretary of the Court, Manuel E. Ventura Robles, took part, as an observer in the “*Conferencia Regional sobre Personas Desaparecidas en relación con un Conflicto Armado o una Situación de Violencia Interna*” [Regional Conference on persons disappeared in the context of an armed conflict or a situation of internal violence] co-organized by the Ministry of Foreign Affairs of Peru and the International Committee of the Red Cross (ICRC), held in Lima, Peru, from

May 28 to 30, 2003.

The Secretary of the Court, Manuel E. Ventura Robles, together with several of the Court's judges, took part in a conference on the Inter-American Court of Human Rights, which was held at the Faculty of Law of the Universidad de Chile, when the fifty-ninth regular session of the Court was held in Santiago, Chile.

The Secretary of the Court, Manuel E. Ventura Robles, participated as a guest professor in the twenty-first Interdisciplinary Human Rights Course held at the Inter-American Institute of Human Rights in San José, Costa Rica, from June 23 to July 4, 2003. He presented the topic: "The Inter-American Court of Human Rights" on June 25.

The Secretary of the Court, Manuel E. Ventura Robles, took part as an observer in the Third Regional Conference on *Justicia y Desarrollo en América Latina y el Caribe: Principales Tendencias en la Última Década y Hacia Dónde Vamos* [Justice and development in Latin America and the Caribbean: principal trends over the last decade and where are we going], held in Quito, Ecuador, on July 24, 25 and 26, 2003. This conference, organized by the Ecuadorian Government and the Inter-American Development Bank (IDB), was attended by important jurists, officials of the Judiciaries of several countries of the Americas and IDB officials.

On October 7, 2003, the Secretary of the Court, Manuel E. Ventura Robles, made a presentation at the DePaul University College of Law in Chicago, Illinois, on "Recent Developments in the Jurisprudence of the Inter-American Court of Human Rights." Secretary Ventura was invited to make a two-day visit to this university on October 7 and 8, 2003; while there, he also met with professors and students, as well as members of the Hispanic Lawyers Association of Illinois.

On November 13, 2003, the Secretary of the Court, Manuel E. Ventura Robles presented: *Algunas Reflexiones sobre el Derecho Internacional y sobre el Sistema Interamericano de Protección de los Derechos Humanos, con ocasión del XXV Aniversario de la Entrada en Vigor de la Convención Americana sobre Derechos Humanos* [Some reflections on international law and the inter-American system for the protection of human rights, on the twenty-fifth anniversary of the entry into force of the American Convention on Human Rights]. This activity was organized by the Universidad La Salle, in San José, Costa Rica, to honor Lic. Ventura Robles, on the occasion of his election as a judge of the Court, by the OAS General Assembly.

On December 10, 2003, the Secretary of the Court, Manuel E. Ventura Robles, spoke on human rights and the rule of law, on the occasion of the commemoration of the fifty-fifth anniversary of the Universal Declaration of Human Rights and the award of the National Human Rights Prize, organized by the Office of the Ombudsman of El Salvador, in San Salvador. During the act, in addition to the Secretary of the Court, the distinguished guests also included Carlos Quintanilla Schmidt, Vice President of the Republic of El Salvador; Manuel Melgar, Vice President of the Legislative Assembly, and Beatrice Alamanni de Carrillo, Ombudsman.

VI. UPDATE OF THE COURT'S PUBLICATIONS

During 2002, the Inter-American Court published eleven fascicles of the Court's case law corresponding to *Series C*, and also the Compendium of Provisional Measures No. 4 in Spanish and English, corresponding to *Series E*. The second edition of the volume *El Sistema Interamericano de Protección de los Derechos Humanos en el Umbral del Siglo XXI*, Tomes I and II was published, and also the volumes, *El Futuro de la Corte Interamericana de Derechos Humanos* and *Doctrina Latinoamericana del Derecho Internacional*, Tomes I and II. Lastly, the Court published *Basic documents on Human Rights in the Inter-American System*, in Spanish and English.

Series C

ICourtHR, *The case of the Mayagna (Sumo) Awas Tingni Community*. Judgment of August 31, 2001. Series C No. 79.

ICourtHR, *Hilaire case. Preliminary Objections*. Judgment of September 1, 2001. Series C No. 80.
ICourtHR, *Benjamin et al. case. Preliminary Objections*. Judgment of September 1, 2001. Series C No. 81.

ICourtHR, *Constantine et al. case. Preliminary Objections*. Judgment of September 1, 2001. Series C No. 82.

ICourtHR, *Ivcher Bronstein case. Interpretation of the judgment on merits*. (Art. 67 of the American Convention on Human Rights). Judgment of September 4, 2001. Series C No. 84.

ICourtHR, *Cantos case. Preliminary objections*. Judgment of September 7, 2001. Series C No. 85.

ICourtHR, *Cesti Hurtado case. Interpretation of the judgment on reparations*. (Art. 67 of the American Convention on Human Rights). Judgment of November 27, 2001. Series C No. 86.

ICourtHR, *Barrios Altos case. Reparations* (Art. 63(1) of the American Convention on Human Rights). Judgment of November 30, 2001. Series C No. 87.

ICourtHR, *Cantoral Benavides case. Reparations* (Art. 63(1) of the American Convention on Human Rights). Judgment of December 3, 2001. Series C No. 88.

ICourtHR, *Durand and Ugarte case. Reparations* (Art. 63(1) of the American Convention on Human Rights). Judgment of December 3, 2001. Series C No. 89.

ICourtHR, *Las Palmeras case*. Judgment of December 6, 2001. Series C No. 90.

Series E

Compendium of provisional measures June 2001-July 2003. Series E No. 4 (Spanish).

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VII. ADMINISTRATIVE AND FINANCIAL AFFAIRS

The independent external auditors, Venegas, Pizarro, Ugarte & Co., authorized public accountants, Costa Rican representatives of HLB International, audited the financial statements of the Inter-American Court for the 2002 fiscal period.

The audit included both the funds from the OAS and the contribution of the State of Costa Rica for the same 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 February 14, 2003, report of the authorized public accountants, the Court's financial statements adequately reflect the institution's financial situation and net assets, as well as its income, expenditure and cash flows for the 2002 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

In the area of international cooperation, during the present year, the cooperation agreement signed with the Ministry of Foreign Affairs of the Republic of Finland was implemented and concluded; its purpose was to finance the Court's publications. The Court continued providing financial support to the second stage of the project "*Educación en Derechos Humanos y Derecho Internacional Humanitario, Reedición 2004*", Module I-Children, "*Conociendo mis derechos, respeto los tuyos*", which is being carried out by the Universidad Nacional Mayor de San Marcos in Peru, based on the cooperation agreement signed by both institutions on December 3, 2001.

Approval of the Court's budget for 2004

During its thirty-third regular session held in Santiago, Chile, from June 8 to 10, 2003, the General Assembly of the Organization of American States approved the Court's budget for 2004, amounting to US\$1,374,636.00 (one million three hundred and seventy-four thousand six hundred and thirty-six United States dollars).

Although the budget of the Inter-American Court is financed by the OAS, the Government of Costa Rica also donates the sum of US\$100,000.00 (one hundred thousand United States dollars) each year, as part of the commitment it made when it signed the headquarters agreement in 1983. This amount has already been approved by the Government of Costa Rica in the budget for 2004.

On May 22, 2003, the President of the Court, Judge Antônio A. Cançado Trindade, addressed a letter to the Secretary General of the Organization of American States, César Gaviria Trujillo (**Appendix LXIII**), expressing his concern about the reduction in the budget granted by the Organization for the fourth quarter this year. In this letter, the President of the Court expressed his surprise at this decision, since it was contradictory to General Assembly Resolutions Nos. 1827, 1828, 1850 and 1890; consequently, he requested the Secretary General to make the respective reimbursement to the Court's budget.

Likewise, on June 9, 2003 the judges of the Court addressed a letter to the OAS Secretary General (**Appendix LXIV**), in order to reiterate the terms of the note of May 22, 2003, sent by the President of the Court, Judge Antônio A. Cançado Trindade. In their letter, the judges of the Court expressed their concern about the cut in the budget imposed by the OAS and repeated that the Inter-American Court is the principal instance of the hemisphere for the safeguard of human rights and that, in order to carry out its work effectively, it cannot be at the mercy of financial decisions that appear to disregard the essence of a court of this nature.

The same day, the President of the Court, Judge Antonio A. Cançado Trindade, and the President of the Inter-American Commission on Human Rights, Commissioner Marta

Altolaquirre Larraondo, addressed a letter to the President of the OAS General Assembly (**Appendix LXV**). In this letter, the Presidents of the two institutions described at length the efforts that the Court and the Commission have made to enhance the inter-American system for the protection of human rights, in accordance with the mandate expressed by the Summit of the Americas and the General Assembly itself. According to the requirements of these new times, and in the understanding that the Court and the Commission would receive additional resources, both organs reformed their rules of procedure and began to comply with their new mandates. Owing to the said budgetary cuts, both organs reiterated, to the President of the General Assembly, the need for the States to comply urgently with the commitment they assumed to increase the budget required by the organs of the system, and to this end, they requested the President of the OAS General Assembly to make every effort within her means to ensure this.

Lastly, on November 20, 2003, the whole Court addressed a letter to the OAS Secretary General, César Gaviria Trujillo (**Appendix LXVI**), protesting the freezing of its budget by the OAS, in flagrant non-compliance with the successive resolutions of the General Assembly of the Organization. The note pointed out that, owing to the cuts in the budget, the Inter-American Court's work would soon come to a standstill in 2004. The letter called upon the Secretary General and, through him, upon the OAS member States, to ensure that the political commitment they had repeatedly manifested be made reality, in order to avoid the system, which has brought such prestige to the Organization, losing credibility before the men and women of the hemisphere.