



I/A Court H.R.
Protecting Rights



INTER-AMERICAN COURT OF HUMAN RIGHTS

**ANNUAL
REPORT
2023**

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I

Foreword



I. Foreword

On behalf of the Inter-American Court of Human Rights Judges, as well as the Court's Secretariat, I have the honor of presenting the Annual Report for the year 2023. This report highlights the most significant tasks carried out by the Court during the year, along with the most relevant developments in its case law on human rights.

This is the last annual report that I present as President of the Court and it reflects the hard work undertaken by its judges and the Secretariat. It also reflects the policy that I have promoted of making this an "open-door" Court for everyone.

I hand over my duties to Judge Nancy Hernández López, who, together with the Vice President, Judge Rodrigo Mudrovitsch, will begin their term on January 1, 2024. I am confident that both will exercise strong leadership at such a crucial time for human rights as experienced in the region.

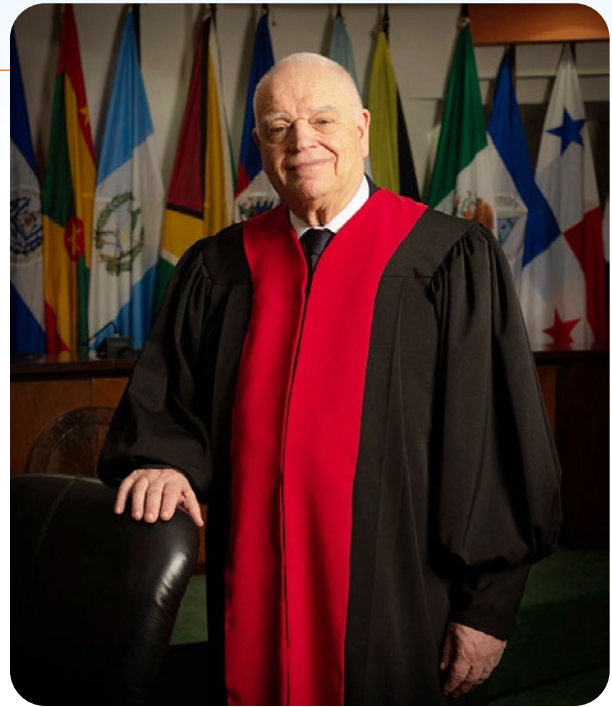
With regard to the Court's activities, nine regular sessions took place in 2023, using a hybrid approach that combined virtual and in-person sessions held over 22 weeks of the year. In addition, one special session took place. The Court held two sessions away from its headquarters, in Chile and Colombia. The fact that countries allow the Court to hold sessions in their territories demonstrates their commitment to the Inter-American system and the defense of human rights.

During 2023, the Court delivered a total of 33 judgments, including 26 judgments on preliminary objections, merits, reparations, and costs, and seven interpretation judgments, this being the year in which the largest number of judgments on merits was issued. It also issued 28 resolutions on provisional measures and 68 resolutions on monitoring compliance with judgment. In addition, the Court held 24 public hearings on contentious cases, one evidentiary procedure on a contentious case, and one hearing on an advisory opinion. The Court made three on-site visits (Honduras, Chile, and Brazil) which enabled it to gain direct insight into the status of various cases or provisional measures under the jurisdiction of the Court.

In 2023, 3 cases and two advisory opinions were submitted. I would like to highlight the advisory opinions, given their scope and importance in the hemispheric discussions on climate change and the right to care.

Through its judgments on the merits, the Court addressed a wide range of issues such as the role of business in the protection of human rights, the right to a healthy environment and intergenerational equity, the right to health, freedom of expression, gender-based violence, due process guarantees, the scope and application of pretrial detention, and the notion of reasonable time in cases of adoption, guardianship, and custody of children and adolescents. In addition, the Court considered matters such as limits to intelligence activities based on the scope of human rights, the right to informational self-determination, the rights of assembly and movement in contexts of social protest, the obligation to delimit, demarcate, and grant collective property titles to the territories of indigenous and tribal communities, as well as various measures of comprehensive reparation.

In 2023, the Court organized a dialogue with the European Court of Human Rights and the African Court on Human and Peoples' Rights at its headquarters in San José. This meeting addressed issues such as the



Judge Ricardo C. Pérez Manrique
President of the Inter-American Court of
Human Rights

right to a healthy environment, climate change, judicial independence, and the rule of law. The Court also hosted a meeting of the region's Constitutional Courts and Chambers.

In 2023, the Court promoted the creation of the Training Center of the Inter-American Court of Human Rights. During this year, the Court implemented 23 face-to-face, hybrid, and virtual trainings on a wide range of topics related to the jurisdiction of the Court, along with eight trainings in five States Parties and fourteen virtual training sessions. In addition, 28 self-taught courses were developed. These projects facilitated the training mainly of civil society and government authorities in the region.

In addition, the Court established its own television channel, called Corte IDH TV. This space provides a platform for audiovisual dissemination that allows the Court to share information on its work, its case law, and public hearings. It also serves as a vehicle for human rights education through audiovisual language. This channel is permanently available online, both in streaming and on-demand mode and shares its programming with the television channels of the region's judicial authorities.

During this period, the Court adopted a special Protocol for the Attention of Victims. Thanks to this protocol, when deemed necessary, an alleged victim can be provided with adequate psychological care and accompaniment during his or her appearance before the Court.

As I conclude my term as President of the Inter-American Court, I am grateful for the trust placed in me to lead the Court during the 2022-2023 period, especially, to the Judges Humberto Antonio Sierra Porto and Eduardo Ferrer Mac-Gregor Poisot, who were Vice Presidents for the years 2022 and 2023, respectively. I will remain committed to the promotion and protection of human rights as a member and judge of this Court.

Ricardo C. Pérez Manrique

President of the Inter-American Court of Human Rights
December 2023



II

The Court: Structure and Attributions



II. The Court: Structure and Attributions

A. Creation

The Inter-American Court of Human Rights (hereinafter, “the Court”) was formally established on September 3, 1979, following the entry into force of the American Convention on Human Rights (hereinafter “the Convention” or “the American Convention”) on July 18, 1978. The Court’s Statute (hereinafter, “the Statute”) establishes that it is an “autonomous judicial institution” mandated to interpret and apply the American Convention.



B. Organization and Composition

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

1 American Convention on Human Rights, Article 52. Statute of the Inter-American Court of Human Rights, Article 4.

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

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

In 2023, Judge Ricardo C. Pérez Manrique, an Uruguayan national, continued as President. Judge Eduardo Ferrer Mac-Gregor Poisot, a Mexican national, assumed the Vice-presidency. Consequently, the composition of the Court for 2023 was as follows (in order of precedence):⁵

- ▶ Judge Ricardo C. Pérez Manrique (Uruguay), President
- ▶ Judge Eduardo Ferrer Mac-Gregor Poisot (Mexico), Vice President
- ▶ Judge Humberto Antonio Sierra Porto (Colombia)
- ▶ Judge Nancy Hernández López (Costa Rica)
- ▶ Judge Verónica Gómez (Argentina)
- ▶ Judge Patricia Pérez Goldberg (Chile); and
- ▶ Judge Rodrigo Mudrovitsch (Brazil).

During the 163rd Regular Session of the Inter-American Court of Human Rights, Judge Nancy Hernández López, a Costa Rican national, was elected as its new President. During the same session, Judge Rodrigo Mudrovitsch, a Brazilian national, was elected as the new Vice President. The President and Vice President elected will begin their term of office on January 1, 2024, and will conclude their term on December 31, 2025.

The judges are assisted in the exercise of their functions by the Court’s Secretariat. The Registrar of the Court is Pablo Saavedra Alessandri (Chile), and the Deputy Registrar is Romina I. Sijniensky (Argentina).

2 Idem.

3 Idem.

4 Statute of the Inter-American Court of Human Rights, Article 12.

5 According to Article 13(1) and (2) of the Statute of the Inter-American Court of Human Rights, “Elected judges shall take precedence after the President and Vice-President according to their seniority in office” and “Judges having the same seniority in office shall take precedence according to age.”



States Parties⁶

In 2023, of the 35 OAS Member States, the following 20 have accepted the Court's contentious jurisdiction: Argentina, Barbados, Bolivia, Brazil, Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Suriname and Uruguay.

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

Regarding Venezuela, various cases are under the Court's consideration. Through these cases, the controversy arises as to whether the Court is competent to consider the facts that occurred after the denunciation was lodged.

CONTENTIOUS FUNCTION OF THE COURT



C. | Functions

According to the American Convention, the Court exercises three main functions: (i) the contentious function; (ii) the function of ordering provisional measures, and (iii) an advisory function.

Contentious function:

In cases submitted to its jurisdiction, this function enables the Court to determine whether a State has incurred international responsibility for the violation of any of the rights recognized in the American Convention or in any other human rights treaty applicable under the inter-American system and, if so, to order the necessary measures of reparation to redress the consequences of the violation of such rights.

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

A. Contentious Stage

This stage has six phases:

- 1. Initial briefs;**
- 2. Oral phase or public hearing and reception of statements;**
- 3. Final written arguments of the parties and observations of the Commission;**
- 4. Evidentiary procedures;**
- 5. Deliberation and delivery of the judgment, and**
- 6. Interpretation requests.**

a. Initial written phase

A1) Submission of the case by the Inter-American Commission on Human Rights⁷

The proceedings begin with the submission of the case by the Inter-American Commission on Human Rights (“the Inter-American Commission” or “the Commission”). To ensure the appropriate processing of the case, the Court’s Rules of Procedure require that the brief presentation of the case include, *inter alia*:⁸

⁷ According to Article 61 of the American Convention, States also have the right to submit a case to be decided by the Court, in which case the provisions of Article 36 of the Court’s Rules of Procedure will be observed.

⁸ Rules of Procedure of the Inter-American Court of Human Rights, Article 35.

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

Once the case has been presented, the President of the Court makes a preliminary examination to verify that the essential requirements for its presentation have been fulfilled. If this is so, the Secretariat notifies the case⁹ to the defendant State and to the presumed victim, to his/her representatives, or to the inter-American defender, if applicable. A judge rapporteur is now appointed to the case, in chronological order, and, with the support of the Court's Secretariat, the rapporteur examines the respective case.

A2) Designation of an inter-American Public Defender:

When a presumed victim does not have legal representation in a case and/or lacks financial resources and indicates his/her wish to be represented by an Inter-American defender, the Court will inform the AIDEF General Coordinator of the Inter-American Association of Public Defenders (AIDEF) so that, within 10 days, the latter may appoint the defenders who will assume the legal representation and defense. The AIDEF General Secretariat will select two defenders and one substitute¹⁰ from among the Inter-American public defenders to represent the presumed victim before the Court. The chosen defenders then receive the documentation relating to the submission of the case to the Court, so that they may assume the legal representation of the presumed victim before the Court from then on and throughout the processing of the case.

A3) Presentation of the brief with pleadings, motions, and evidence by the alleged victims:

Once the case has been notified to the parties, the alleged victims or their representatives have a non-renewable period of two months following the date of notification of the presentation of the case and its annexes to submit their autonomous brief with pleadings, motions, and evidence (also known as "the pleadings and motions brief"). This brief must include, inter alia:¹¹

- ▶ a description of the facts within the factual framework established by the Commission;
- ▶ the evidence offered, in the correct order, indicating the facts and arguments to which it relates; and
- ▶ the claims, including those relating to reparations and costs.

A4) Presentation of the answering brief by the respondent State

From the time it receives the pleadings and motions brief and its attachments, the State has two months to present its answer to this brief and to the brief submitting the case presented by the Commission and the alleged victims or their representatives. Its answering brief must indicate, inter alia:

9 Ibid. Articles 38 and 39.

10 Article 12 of the "Standardized Regulations for the actions of the AIDEF before the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights," approved on June 7, 2013, by the AIDEF Board, and entered into force, pursuant to Article 27 of these regulations, on June 14, 2013.

11 Ibid. Article 40.

- ▶ whether it files preliminary objections;
- ▶ whether it accepts the facts and the claims or contests them;
- ▶ the evidence offered, in the correct order, indicating the facts and the arguments to which it relates;
- ▶ the legal arguments, the observations on the reparations and costs requested, and the pertinent conclusions; and
- ▶ the possible proposals of expert witnesses, indicating the purpose of their opinions, and accompanied by their curriculum vitae.

This answering brief is then forwarded to the Commission and the alleged victims or their representatives.¹²

A5) Presentation of the brief with observations on preliminary objections filed by the State:

If the State files preliminary objections, the Commission and the alleged victims or their representatives can submit their respective observations within 30 days of receiving notice of the objections.¹³

A6) Presentation of the brief with observations on the State's acknowledgment of responsibility:

If the State makes a partial or total acknowledgment of responsibility, the Commission and the representatives of the presumed victims are granted time to forward any observations they deem pertinent.

A7) Possibility of taking other measures in the context of the written proceedings:

Following submission of the principal briefs, and before the oral proceedings start, the Commission, the presumed victims or their representatives, and the respondent State may ask the President to take other measures in the context of the written proceedings. If the President considers this pertinent, he/she will establish time frames for the presentation of the respective documents.¹⁴

A8) Reception of amicus curiae briefs:

Any interested person or institution may submit amicus curiae briefs to the Court. These are briefs prepared by third persons who are not parties to a case, and who voluntarily offer their opinion on some aspect of the case in order to collaborate with the Court in its deliberations. In contentious cases, this type of brief can be presented at any moment of the proceedings, but no more than 15 days after the public hearing. In cases in which no public hearing is held, such briefs must be sent within 15 days of the order setting a deadline for forwarding the final arguments. Amicus curiae briefs may also be submitted in proceedings on monitoring compliance with judgment and on provisional measures.¹⁵

12 Ibid. Article 41.

13 Ibid. Article 42(4).

14 Ibid. Article 43.

15 Ibid. Article 44.

b. Oral phase or public hearing

The oral phase or public hearing begins with the submission by the parties and the Commission of the final lists of deponents. When these lists have been received, they are forwarded to the other party so that the latter may forward any observations or objections it deems pertinent.¹⁶

The Court or its President calls for a hearing in an order in which any observations, objections, or recusals presented by the parties are taken into consideration if this is deemed necessary. This order defines the purpose and the method of providing the testimony of each declarant,¹⁷ which may be offered orally or in form of an affidavit. The hearings are public unless the Court considers it desirable that they be totally or partially private.¹⁸

The public hearing begins with a presentation by the Commission in which it explains the grounds for the report under Article 50 of the Convention and for the submission of the case to the Court, as well as any other matter that it considers relevant for the case.¹⁹ The judges of the Court then hear the presumed victims, witnesses, and expert witnesses convened by the above-mentioned order, who are examined by the parties and, if appropriate, by the judges. The Commission may question certain expert witnesses in exceptional circumstances under the provisions of Article 52(3) of the Court's Rules of Procedure; that is, when the inter-American public order of human rights is notably affected and when their opinion refers to an issue contained in an expert opinion offered by the Commission. After this, the President gives the floor to the parties so that they may present their arguments on the merits of the case. Subsequently, the President grants them the opportunity for a reply and a rejoinder. Once the arguments have concluded, the Commission presents its final observations, and then the judges pose their concluding questions to the representatives of the State, of the alleged victims, and of the Inter-American Commission.²⁰ This hearing usually lasts a day and a half and is live streamed via the Court's social networks.

The recordings of the public hearings can be found [here](#).

c. Phase of final written arguments of the parties and final written observations of the Commission

During this phase, the presumed victims or their representatives, and the respondent State present their final written arguments. The Commission presents final written observations if it deems this pertinent.²¹

d. Evidentiary procedures

Pursuant to Article 58 of its Rules of Procedure, the Court may, "at any stage of the proceedings," require the following evidentiary procedures, without prejudice to the arguments and documentation submitted by the parties:

- ▶ obtain, on its own motion, any evidence it considers helpful and necessary;
- ▶ require the submission of any evidence or any explanation or statement that, in the Court's opinion, may be useful;
- ▶ request any entity, office, organ, or authority of its choice to obtain information, express an opinion, or issue a report or opinion on any given point; and
- ▶ commission one or more of its members to take steps to advance the proceedings, including hearings at the headquarter of the Court or elsewhere.

16 Ibid. Article 46.

17 Ibid. Article 46.

18 Ibid. Article 15.

19 Ibid. Article 51.

20 Ibid. Article 51.

21 Ibid. Article 56.

e. Phase of deliberation and delivery of judgment

During the phase of deliberation and delivery of judgment, the judge rapporteur of each case, supported by the Court's Secretariat and based on the arguments and evidence provided by the parties, presents a draft judgment to the full Court for its consideration. The judges then deliberate on this draft judgment. During these deliberations, the draft is discussed and approved until the operative paragraphs of the judgment are reached; these are then voted on by the Court's judges. In some cases, the judges submit their dissenting or concurring opinions. After the Court has delivered the judgment, it is published and notified to the parties.

f. Requests for interpretation and rectification

The Court's judgments are final and non-appealable.²² Nevertheless, the parties and the Commission have 90 days in which they may request clarification of the meaning or scope of the judgment in question. Pursuant to Article 67 of the Convention, the Court decides this matter by means of an interpretation of judgment. The interpretation may be made at the request of any of the parties, provided it is submitted within 90 days of notification of the judgment.²³ In addition, the Court may, on its own motion, or at the request of one of the parties submitted within one month of notification of the judgment, rectify any obvious clerical errors or errors in calculation. If a rectification is made, the Court will notify the Commission and the parties.²⁴

g. Stage of Monitoring Compliance with Judgment

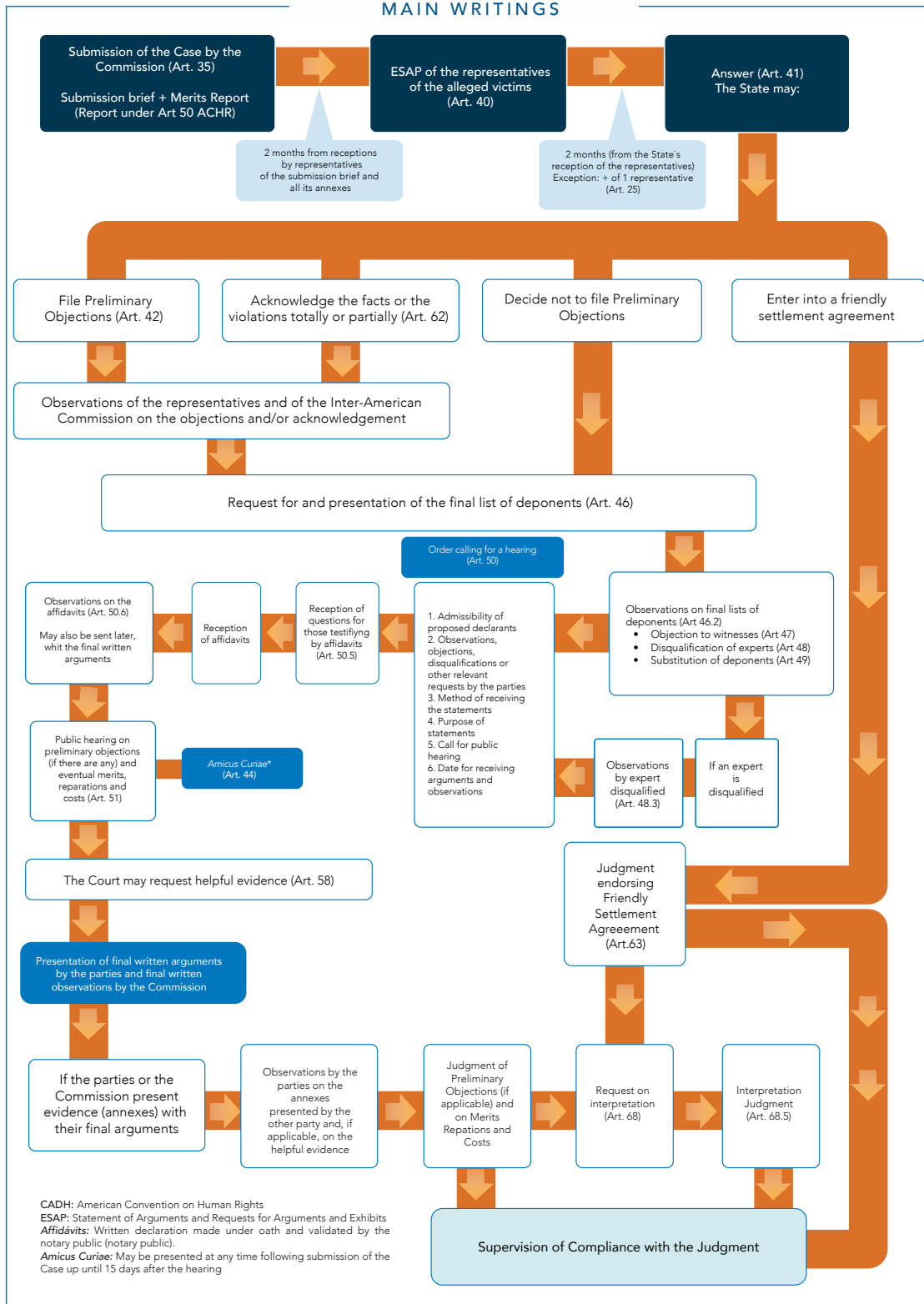
The Inter-American Court is responsible for monitoring compliance with its judgments, pursuant to Articles 33, 62(1), 62(3), and 65 of the Convention, Article 69 of the Court's Rules of Procedure, and Article 30 of its Statute. The purpose of monitoring the compliance of judgments is to ensure that the reparations ordered by the Court in each specific case are executed and fully complied with. See, Section V for a detailed analysis of the Court's activity in the area of monitoring compliance with judgments.

22 American Convention on Human Rights, Article 67.

23 *Idem*.

24 Rules of Procedure of the Inter-American Court of Human Rights, Article 76.

OUTLINE OF THE PROCEDURE BEFORE THE INTER-AMERICAN COURT



Function of ordering Provisional Measures

The Court orders provisional measures of protection in order to guarantee the rights of specific individuals or groups of individuals who are in a situation of: a) extreme gravity; b) urgency and, c) at risk of suffering irreparable harm.²⁵ These three requirements must be met for the Court to grant such measures.

The Inter-American Commission may request provisional measures at any time, even if the case has not yet been submitted to the Court's jurisdiction. In addition, the representatives of the presumed victims can request provisional measures, provided they are related to a case that the Court is examining, either at the merits stage or at the stage of monitoring compliance with the judgment. The Court may also order such measures *ex officio* at any stage of the proceedings.

These measures are monitored through the presentation of reports by the State, the corresponding comments by the beneficiaries or their representatives and by the Commission, and also by requesting reports from other sources of information. In addition, the Court or its President may decide to call for a public or private hearing to verify the implementation of provisional measures, and even order any procedures that are required, such as on-site visits to verify the actions that the State is taking or to request information from different state entities.

Advisory Function



This function allows the Court to respond to requests by OAS Member States or organs for the interpretation of the American Convention or other treaties for the protection of human rights in the Americas. Furthermore, at the request of an OAS Member State, the Court may issue its opinion on the compatibility of domestic norms with the instruments of the inter-American system.²⁶

The main purpose of the advisory opinion is to assist Member States of the inter-American system to comply

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

²⁶ *Ibid.* Article 64.

with their commitments in the area of human rights. In other words, their objective is to help the States and their organs to comply with and apply human rights treaties, without subjecting them to contentious proceedings.

Although circumscribed by the limits indicated in the American Convention, the Court has established that its advisory function is as broad as necessary to safeguard human rights. Moreover, it should be emphasized that the Court is not obliged to issue advisory opinions on every aspect and that, based on the admissibility criteria, it may refrain from ruling on certain issues, and reject requests.

All the organs of the Organization of American States may request advisory opinions as well as all the OAS Member States, whether or not they are parties to the Convention. The organs of the inter-American system recognized in the OAS Charter are:

- ▶ The General Assembly
- ▶ The Meeting of Consultation of Ministers for Foreign Affairs
- ▶ The Councils
- ▶ The Inter-American Juridical Committee
- ▶ The Inter-American Commission on Human Rights
- ▶ The General Secretariat
- ▶ The Specialized Conferences, and
- ▶ The Specialized Organizations

The procedure for advisory opinions is regulated in Article 73 of the Court's Rules of Procedure. First, the OAS States or organs must forward to the Court a request for an advisory opinion that meets certain requirements.

The formal requirements for requests for an advisory opinion are established in Articles 70, 71, and 72 of the Court's Rules of Procedure. The requests must state with precision the specific questions on which the Court's opinion is sought; indicate the provisions to be interpreted and the international norms other than those of the American Convention that also require interpretation; the considerations giving rise to the request, and the names and addresses of the agent or the delegates. If the advisory opinion is sought by an OAS organ other than the Commission, the request must also specify how it relates to the sphere of competence of the organ in question. In addition, Article 72 of the Rules of Procedure establishes the requirements for requests related to the interpretation of domestic laws. In that case, the request must include the provisions of domestic law and of the Convention or of other international treaties to which the request relates.

Upon receipt of the request, the Court's Secretariat transmits it to the Member States, the Commission, the Permanent Council, the Secretary-General, and the organs of the OAS. In the communication, the President establishes a time limit for interested parties to forward written observations and, if pertinent, the Court will decide whether a public hearing should be held and will set a date. The Court also issues a wide-ranging invitation to submit observations to universities, human rights clinics, non-governmental organizations, professional associations, interested persons, state organs, and international organizations.

Lastly, the Court proceeds to deliberate in closed session on the matters presented in the request and to issue the advisory opinion. In addition, the judges have the right to issue a concurring or dissenting opinion on the request, which will form an integral part of the opinion.

III

Sessions held in 2023



III. Sessions held in 2023

A. Introduction

The Court holds collegiate meetings during a certain number of Sessions each year. These collegiate meetings may be held in person or virtually. The in-person collegiate meetings take place both at the Court's headquarters in San José, Costa Rica, and also in other countries of the region. During each Session, the Court conducts different activities such as:

- ▶ Holding hearings on contentious cases, and monitoring compliance with Judgments or provisional measures
- ▶ Deliberating contentious cases
- ▶ Delivering judgment on contentious cases
- ▶ Issuing orders on monitoring compliance with judgment
- ▶ Issuing orders on provisional measures
- ▶ Monitoring compliance with judgments and implementation of provisional measures
- ▶ Dealing with different procedures in matters pending before the Court, as well as administrative matters
- ▶ Conducting evidentiary procedures

B. Summary of the Sessions

During 2023, the Court held nine (9) regular sessions, over a total of 22 weeks. Of these, two were held away from the Court's seat, in the cities of Santiago, Chile, and Bogotá, Colombia. The Court also held one (1) special session.

Details of these sessions follow below:

SCHEDULE OF SESSIONS FOR THE YEAR 2023

155

REGULAR SESSION

The Inter-American Court of Human Rights held its 155th Regular Session from January 23 to February 9, 2023

160

REGULAR SESSION

The Inter-American Court of Human Rights held its 160th Regular Session from August 21 to September 8, 2023

156

REGULAR SESSION

The Inter-American Court of Human Rights held its 156th Regular Session from March 6 to 24, 2023

161

REGULAR SESSION

The Inter-American Court of Human Rights held its 161st Regular Session from September 18 to 29, 2023

157

REGULAR SESSION

The Inter-American Court of Human Rights held its 157th Regular Session from April 17 to 28, 2023

162

REGULAR SESSION

The Inter-American Court of Human Rights held its 162nd Regular Session from October 9 to 20, 2023

158

REGULAR SESSION

The Inter-American Court of Human Rights held its 158th Regular Session from May 15 to 26, 2023

163

REGULAR SESSION

The Inter-American Court of Human Rights held its 163rd Regular Session from November 13 to December 1, 2023

159

REGULAR SESSION

The Inter-American Court of Human Rights held its 159th Regular Session from June 12 to 30, 2023.

SESSION
EXTRAORDINARY

The Inter-American Court held extraordinary session December 12, 2023



155th Regular Session

The Court held its 155th Regular Session from January 23 to February 9, 2023, using a hybrid method that combined in-person and virtual activities.

► Inauguration of the Inter-American Judicial Year

On February 7th, the new Board of the Inter-American Court was sworn in, composed of the President, Judge Ricardo C. Pérez Manrique, and the Vice President, Judge Eduardo Ferrer Mac-Gregor Poisot, of Uruguayan and Mexican nationality respectively. During the Inauguration of the Inter-American Judicial Year, the President of the Court, Judge Ricardo C. Pérez Manrique, and the First Vice President of the Republic of Costa Rica, Stephan Neibig, addressed the participants. In addition, the President of the Superior Court of Justice of Brazil, Justice Maria Thereza Rocha, and the former President and former Judge of the Inter-American Court, Sergio García Ramírez, gave keynote speeches.



► Judicial activities

The Court held eight (8) in-person hearings on contentious cases,²⁷ deliberated three (3) judgments,²⁸ carried out one (1) virtual public procedure,²⁹ held four (4) hearings on monitoring compliance with judgment,³⁰ and deliberated five (5) orders for provisional measures.³¹

27 Case of López Sosa v. Paraguay; Case of Guzmán Medina v. Colombia; Case of Vega González et al. v. Chile; Case of the Rama and Kriol Peoples, the Monkey Point Community, and the Black Creole Indigenous Community of Bluefields v. Nicaragua; Case of Nuñez Naranjo et al. v. Ecuador; Case of Cajahuanca Vásquez v. Peru; Case of Gutiérrez Navas et al. v. Honduras; Case of Airton Honorato et al. v. Brazil.

28 Case of García Rodríguez and Reyes Alpízar v. Mexico; Case of Aguinaga Aillón v. Ecuador; Case of Olivera Fuentes v. Peru.

29 Case of Baptiste Willer et al. v. Haiti.

30 Case of the Gómez Paquiyauri Brothers v. Peru; Case of Azul Rojas Marín et al. v. Peru; Case of "Five Pensioners" v. Peru; Case of López Lone et al. v. Honduras.

31 Matter of Juan Sebastián Chamorro and others regarding Nicaragua; Case of Revilla Soto v. Venezuela; Case of Tabares Toro v. Colombia; Matter of the Socio-Educational Internment Unit regarding Brazil; Matter of Castro Rodríguez regarding Mexico.

► Protocol activities



The President of the Court, Judge Ricardo C. Pérez Manrique, the Registrar of the Court, Pablo Saavedra Alessandri, and the Deputy Registrar, Romina I. Sijniensky, welcomed the President of Costa Rica, Rodrigo Chaves Robles, at the seat of the Inter-American Court. During his visit to the Court, the President of Costa Rica recalled his country's historic tradition of relations with the Court and affirmed that the State would continue to strengthen its cooperation with the Inter-American Court.

The plenary of Court held a meeting with the President of the Caribbean Court of Justice, Judge Adrián Saunders. At this meeting, participants emphasized the importance of strengthening knowledge of the work of the Inter-American Court in the Caribbean countries, and especially its work with the Caribbean Court of Justice.

The entire Court also held a meeting with the Latin American Federation of Magistrates. The President of the Court, Judge Ricardo C. Pérez Manrique, met with Juan Carlos Larrea, General Attorney of the Republic of Ecuador.

Finally, three (3) cooperation agreements were signed with the following institutions: the Illustrious National Bar Association of Mexico, the National Council of the Public Prosecutor's Office of Brazil, and the Institute for the Reform of Business-State Relations of Brazil.



Further information is available [here](#).



156th Regular Session

The Court held its 156th Regular Session from March 6th to 24th, using a hybrid method that combined in-person and virtual activities.



► Jurisdictional activities

The Court held three (3) public hearings on contentious cases,³² deliberated three (3) judgments,³³ began deliberations on two (2) judgments,³⁴ and held two (2) hearings on monitoring compliance with judgment³⁵ and one on provisional measures.³⁶ It also issued seven (7) orders on monitoring compliance with judgment³⁷ and four (4) orders on provisional measures.³⁸

► Protocol activities

During this session, the Inter-American Court signed a cooperation agreement with the Judiciary of the State of Mato Grosso, Brazilian Court of Justice.

Further information is available [here](#).



1157th Regular Session

The Court held its 157th Regular Session from April 17 to 28. The Court met virtually from April 17 to 21 and in person at the headquarters of the Constitutional Court of Chile from April 24 to 28, at the invitation of the State of Chile.

32 Case of Viteri Ungaretti et al. v. Ecuador; Case of Rodríguez Pacheco et al. v. Venezuela; Case of Beatriz et al. v. El Salvador.

33 Case of Hendrix v. Guatemala; Case of Scot Cochran v. Costa Rica; Case of Álvarez v. Argentina.

34 Case of the Garífuna Community of San Juan and its Members v. Honduras; Case of the Maya Q'eqchi Indigenous Community of Agua Caliente v. Guatemala.

35 Case of García and Family Members v. Guatemala; Case of Radilla Pacheco v. Mexico.

36 Case of Gudiel Álvarez et al. ("Diario Militar") v. Guatemala.

37 Case of Gutiérrez and family v. Argentina; Case of Barbosa of Souza et al. v. Brazil; Case of Vera Rojas et al. v. Chile; Case of Norín Catrimán et al. (Leaders, Members and Activist of the Mapuche Indigenous People) v. Chile; Case of the Afro-descendant Communities Displaced from the Cacarica River Basin (Operation Genesis) v. Colombia; Case of Tibi v. Ecuador g) Case of the Sawhoyamaxa Indigenous Community v. Paraguay.

38 Matter of individuals deprived of liberty at the Evaristo Moraes Penitentiary (PEM) regarding Brazil; Members of the Group of Citizens seeking Human Rights Equality (Acdiidh) regarding Haiti; Matter of Matter of the Members of the Team of Journalists at Radio "La Costeñísima" regarding Nicaragua; Case of Molina Theissen v. Guatemala.

► Jurisdictional activities

The Court held four (4) public hearings on contentious cases,³⁹ deliberated one judgment,⁴⁰ held three (3) hearings on monitoring compliance with judgment and provisional measures,⁴¹ and conducted one on-site procedure regarding compliance with a judgment issued in a case against the State of Chile.⁴² It also issued eight (8) orders on monitoring compliance with judgment.⁴³

► Protocol and academic activities

On April 24th, the Opening Ceremony of the Sessions was held at the Ministry of Foreign Affairs of Chile. The President of the Inter-American Court, Judge Ricardo C. Pérez Manrique, the President of the Supreme Court of Justice of Chile, Juan Eduardo Fuentes Belmar, the President of the Constitutional Court of Chile, Nancy Yáñez Fuenzalida, the Minister of Foreign Affairs of Chile, Alberto van Klaveren, and the Minister of Justice and Human Rights, Luis Cordero, participated. As part of the Opening Ceremony, a Tribute to the Former Judge and Former Vice President of the Court, Eduardo Vio Grossi, was held.



The plenary of the Inter-American Court held meetings with the President of the Republic of Chile, Gabriel Boric, the full bench of the Supreme Court of Justice of Chile, the full bench of the Constitutional Court of Chile, with the Minister of Foreign Affairs, Alberto Van Klaveren, and with the Minister of Justice and Human Rights, Luis Cordero.



39 Case of the U'wa Indigenous People and its Members v. Colombia; Case of Quilombola Communities of Alcântara v. Brazil; Case of Córdoba et al. v. Paraguay; Case of Bendezú Tuncar v. Peru.

40 Case of the Maya Q'eqchi Indigenous Community of Agua Caliente v. Guatemala.

41 Case of Maldonado Vargas et al. v. Chile; Case of Poblete Vilches et al. v. Chile; Case of Pavez Pavez v. Chile.

42 Visit to the Sótero del Río Hospital.

43 Case of Fontevecchia and D'Amico v. Argentina; Case of Pavez Pavez v. Chile; Case of Maldonado Vargas et al. v. Chile; Case of Trueba Arciniega et al. v. Mexico; Case of Noguera et al. v. Paraguay; Case of Ríos Avalos et al. v. Paraguay; Case of the Xákmok Kásek Indigenous Community v. Paraguay; Case of Maidanik et al. v. Uruguay.



The International Seminar on “The Impact of the Inter-American Court’s Jurisprudence in Chile and its Challenges” took place, with the participation of the judges of the Inter-American Court and distinguished academics. The seminar included a tribute to the work and achievements of former President and former Judge of the Inter-American Court, Cecilia Medina Quiroga, with the participation of the President of the Inter-American Court, Judge Ricardo C. Pérez Manrique, the Minister of Foreign Affairs of Chile, Alberto van Klaveren and the Rector of the University of Chile, Rosa Deves.

A workshop on “The transformative impact of compliance with the decisions of the Inter-American Court in Chile” was organized jointly with the Ministry of Foreign Affairs of Chile and the Max Planck Institute for Comparative Public Law and International Law.

In addition, a training course was held for inter-American public defenders, organized jointly with the Inter-American Association of Public Defender’s Offices and the Public Defender’s Office of Chile.

Finally, the Court signed cooperation agreements with the Supreme Court of Justice of Chile, the Constitutional Court of Chile, the Ministry of Foreign Affairs of Chile, the University of Chile, University Adolfo Ibañez, University Alberto Hurtado, University of Concepción, University Diego Portales, University of the Andes, and the Chilean Association of Journalists.

Further information is available [here](#)



158th Regular Session

The Court held its 158th Regular Session from May 15 to 26, in person.

► Jurisdictional activities

The Court held one (1) public hearing on a contentious case,⁴⁴ deliberated five (5) judgments,⁴⁵ and issued one (1) order on monitoring compliance with judgment.⁴⁶

44 Case of Arboleda Gómez v. Colombia.

45 Case of the Maya Q’eqchi Indigenous Community of Agua Caliente v. Guatemala; Case of López Sosa v. Paraguay; Case of Núñez Naranjo et al. v. Ecuador; Case of Boleso v. Argentina; Case of Tabares Toro v. Colombia.

46 Case of Hernández v. Argentina.

► Dialogue between the Regional Human Rights Courts (Inter-American Court of Human Rights, European Court of Human Rights, and African Court on Human and Peoples' Rights)



On May 25 and 26, the Inter-American Court, the European Court of Human Rights, and the African Court on Human and Peoples' Rights held the "Dialogue of the Three Regional Human Rights Courts" in San José, Costa Rica. The three Presidents of the highest human rights courts participated in this event: Judge Imani Daud Aboud, President of the African Court on Human and Peoples' Rights; Judge Síofra O'Leary, President of the European Court of Human Rights; and Judge Ricardo C. Pérez Manrique, President of the Inter-American Court of Human Rights. In addition, the following judges of the three High Courts participated in the Dialogue: from the African Court on Human and Peoples' Rights, Blaise Alphonse Tchikaya, Vice-President; Rfaaa Ben Achour, Judge; Ntyam Ondo Mengue, Judge; Stella Isibhakhomen Anukam, Judge; and Sacko Modibo, Judge; from the European Court of Human Rights, Arnfinn Bårdsen, Judge; María Elósegui, Judge; Darian Pavli, Judge; and Anja Seibert Fohr, Judge; and from the Inter-American Court of Human Rights, Eduardo Ferrer Mac-Gregor Poisot, Vice President; Humberto Antonio Sierra Porto, Judge; Nancy Hernández López, Judge; Verónica Gómez, Judge; Patricia Pérez Goldberg, Judge; and Rodrigo Mudrovitsch, Judge. Also participating from the African Court on Human and Peoples' Rights was Raymond Henry Diouf, Deputy Registrar; and from the Inter-American Court of Human Rights, Pablo Saavedra Alessandri, Registrar, and Romina I. Sijniensky, Deputy Registrar. The Dialogue also included various invited experts,⁴⁷ who discussed issues related to the environment, climate change, judicial independence, and the rule of law.

The event concluded with the signing of the Declaration of San José (II), in which the Regional Courts reaffirmed their commitment to the principles and objectives contained in their respective regional human rights instruments. Furthermore, in this Declaration, the Courts agreed that the States of the three regions under their respective jurisdictions must ensure the effective protection of democracy, human rights, and sustainable development, as these are essential to preserve peace and respect for the dignity of the human being. Within the framework of this Dialogue between the Courts, an International Seminar on "Regional Systems for the Protection of Human Rights and their Challenges" took place with the participation of the Presidents of the three Courts at the University of Costa Rica. This event was made possible thanks to the support of the GIZ.

Further information is available [here](#).

⁴⁷ In particular, participaron del event Diego García-Sayán, former judge and President of the Inter-American Court and former United Nations Rapporteur on the independence of judges and lawyers; David R. Boyd, United Nations Rapporteur on the Environment; Nikki Reisch, Director of the Climate and Energy Program of the Center for International Environmental Law (CIEL); Michael Gerrard, Director of the Sabin Center, Columbia University and Armin von Bogdandy, Director of the Max Planck Institute.

► Protocol activities

A cooperation agreement was signed between the Inter-American Court of Human Rights, the Regional Electoral Court of the Federal District of Brazil, and the Federal Magistrates School of the First Region of Brazil.

The book entitled “Commentary on the Proceedings Before the Inter-American Human Rights System” was presented with the participation of judges and specialists.

Further information is available [here](#).



159th Regular Session

The Court held its 159th Regular Session from June 12 to 29, using a hybrid method that combined in-person and virtual activities.



During this session, the Court held three (3) public hearings on contentious cases,⁴⁸ deliberated one (1) judgment,⁴⁹ continued with the analysis of two (2) judgments,⁵⁰ issued seven (7) orders on monitoring compliance with judgment,⁵¹ and deliberated four (4) orders on provisional measures.⁵²

Further information is available [here](#).

48 Case of González Méndez et al. v. Mexico; Case of Members of the Consolidated Workers' Union of ECASA – SUTECASA v. Peru; Case of Dos Santos Nascimento et al. v. Brazil.

49 Case of Meza v. Ecuador.

50 Case of María et al. v. Argentina; Case of the Garífuna Community of San Juan and its Members v. Honduras.

51 Case of the Xucuru Indigenous People and its Members v. Brazil; Case of the Teachers of Chañaral and other Municipalities v. Chile; Case of Moya Chacón et al. v. Costa Rica; Case of Garzón Guzmán et al. v. Ecuador; Case of Manuela et al. v. El Salvador; Case of Alvarado Espinoza et al. v. Mexico; Case of Digna Ochoa and Family Members v. Mexico.

52 Matter of four members of the Mayangna Indigenous People deprived of liberty regarding Nicaragua; Extension of measures in the Matter of the Miskito Indigenous People of the Northern Caribbean Coast Region regarding Nicaragua; Case of García Rodríguez et al. v. Mexico.



160th Regular Session

The Court held its 160th Regular Session from August 21 to September 8, using a hybrid method that combined in-person and virtual activities.

▶ Jurisdictional activities

The Court held one (1) public hearing on a contentious case,⁵³ deliberated nine (9) judgments⁵⁴ and five (5) interpretation judgments,⁵⁵ held one (1) private hearing on monitoring compliance,⁵⁶ and one (1) virtual private hearing on a request for provisional measures.⁵⁷

The Court issued seven (7) orders on monitoring compliance with judgment,⁵⁸ deliberated three (3) orders on a request for provisional measures,⁵⁹ and discussed one (1) resolution on lifting provisional measures.⁶⁰

▶ Protocol and academic activities

The plenary of the Court received the visit of the President of Colombia, Gustavo Petro Urrego, at the seat of the Inter-American Court. During his visit, the President of Colombia reaffirmed his country's commitment to mandatory compliance with the judgments issued by the Court. The Plenary also thanked President Gustavo Petro for the opportunity offered to the Court to hold a session in Colombian territory in October 2023.



53 Case of Yangali Iparraguirre v. Peru.

54 Case of Guzmán Medina et al. v. Colombia; Case of Baptiste et al. v. Haiti; Case of María et al. v. Argentina; Case of Córdoba et al. v. Paraguay; Case of Bendezú Tuncar v. Peru; Case of the Garífuna Community of San Juan and its Members v. Honduras; Case of Rodríguez Pacheco et al. v. Venezuela; Case of Tavares Pereira et al. v. Brazil; Case of the Members of the José Alvear Restrepo Lawyers Collective Corporation (CAJAR) v. Colombia.

55 Case of Nissen Pessolani v. Paraguay; Case of Valencia Campos et al. v. Bolivia; Case of Leguizamón Zaván et al. v. Paraguay; Case of Mina Cuero v. Ecuador; Case of Sales Pimenta v. Brazil.

56 Case of Heliodoro Portugal v. Panama.

57 Matter of Salas Arenas et al. regarding Peru.

58 Case of López et al. v. Argentina; Case of Sales Pimenta v. Brazil; Case of the Ituango Massacres v. Colombia; Case of the Afro-descendant Communities Displaced from the Cacarica River Basin (Operation Genesis) v. Colombia; Case of Carvajal Carvajal v. Colombia; Case of Cortez Espinoza v. Ecuador; Case of Escaleras Mejía et al. v. Honduras.

59 Case of Molina Theissen v. Guatemala; Case of Vera Rojas et al. v. Chile; Matter of Salas Arenas et al. regarding Peru.

60 Case of Kawas Fernández v. Honduras. Provisional measures in favor of Dencen Andino Alvarado.

The plenary Court also received a visit from the President of the Inter-American Commission on Human Rights, Commissioner Margarette May Macaulay. This visit allowed for an exchange of views on the achievements and challenges faced by the Inter-American System for the Protection of Human Rights.



Lastly, five (5) cooperation agreements were signed with various institutions and universities in the region, including the Ombudsman's Office of Colombia,⁶¹ the Board of Directors of the College of Psychology Professionals of Costa Rica, Universidad Católica de Santa María of Peru, the Ministry of the Superior Court of Justice of Brazil, the National School for the Training and Improvement of Magistrates of Brazil, and the Latin American Council of International and Comparative Law Scholars of the Dominican Republic.

Further information is available [here](#).



161st Regular Session

The Court held its 161st Regular Session from September 18 to 26, using a hybrid method that combined in-person and virtual activities.

▶ Jurisdictional activities

The Court deliberated two (2) judgments,⁶² issued two (2) orders on monitoring compliance with judgment,⁶³ and deliberated one (1) order on the extension of provisional measures.⁶⁴

▶ Meeting of Tribunals, Courts, and Constitutional Chambers of Latin America

The President of the Inter-American Court, Judge Ricardo C. Pérez Manrique, and Judge Nancy Hernández López participated in the Twenty-seventh Meeting of Tribunals, Courts and Constitutional Chambers of Latin America and the Caribbean held in San José, Costa Rica. This event was organized jointly by the Rule of Law Program for Latin America of the KAS Foundation, the Supreme Court of Justice of Costa Rica, and the Inter-American Court of Human Rights.

61 This cooperation agreement was renewed.

62 Case of the Members of the José Alvear Restrepo Lawyers Collective Corporation (CAJAR) v. Colombia; Case of Tavares Pereira et al. v. Brazil.

63 Case of Ximenes Lopes v. Brazil; Case of Omeara Carrascal et al. v. Colombia.

64 Matter of Juan Sebastián Chamorro et al. regarding Nicaragua.



► Protocol activities

The Court received a visit from the President of the Federal Constitutional Court of Germany, Stephan Harbarth, accompanied by his assistant, Dirk Sander, the German Ambassador in Costa Rica, Daniel Kriener, and the Director of the Rule of Law Program of the KAS Foundation, Hartmut Rank. The German delegation held a meeting with the President of the Court, Judge Ricardo C. Pérez Manrique, and with its Registrar Pablo Saavedra Alessandri, in order to exchange information on the scope of the jurisprudence of both courts and discuss the challenges facing both institutions.



The Court also received a visit from the President of the Constitutional Court of Peru, Francisco Morales Saravia, who was accompanied by the Director General of the Center for Constitutional Studies of Peru, Helder Domínguez Haro, and Peru's Ambassador in Costa Rica, Juan F. Jiménez Mayor.

Finally, the Court signed one (1) cooperation agreement with the Supreme Court of Mexico.

Further information is available [here](#).



162nd Regular Session

The Court held its 162nd Regular Session took place from October 9 to 20, 2023. This session was held in person in Bogotá, Colombia, at the invitation of the State, between October 9 and 13; and it continued virtually from October 16 to 20.

► Jurisdictional activities

The Court held three (3) public hearings on contentious cases,⁶⁵ and (5) five private hearings on monitoring compliance with judgment.⁶⁶ It issued (5) five orders on monitoring compliance with judgment⁶⁷ and deliberated two (2) orders on provisional measures⁶⁸ and one judgment.⁶⁹ Lastly, the Court began the deliberation of two (2) judgments.⁷⁰



► Protocol and academic activities

On October 9, 2023, the Opening Ceremony of the 162nd Regular Session was held at the Ministry of Foreign Affairs, of Colombia. Participants included the President of the Inter-American Court, Judge Ricardo C. Pérez Manrique; the Foreign Minister of Colombia, Álvaro Leyva Durán; the President of the Constitutional Court of Colombia, Diana Fajardo Rivera; the President of the Supreme Court of Justice of Colombia, Fernando Castillo Cadena; the President of the Council of State of Colombia, Jaime Enrique Rodríguez Navas; the President of the Superior Council of the Judiciary, Aurelio Enrique Rodríguez Guzmán; the Minister of Justice and Law of Colombia, Néstor Iván Osuna; the President of the Special Jurisdiction for Peace, Roberto Carlos Vidal; and the Director of the National Agency for the Legal Defense of the State, Martha Lucía Zamora.

65 Case of Huilcaman Paillama et al. v. Chile; Case of Pérez Lucas et al. v. Guatemala; Case of Leite de Souza et al. v. Brazil.

66 Private hearing on Monitoring compliance with judgment in the Case of Isaza Uribe et al. v. Colombia; Private hearing on monitoring compliance with judgment in the Case of the Ituango Massacres v. Colombia; Private hearing on monitoring compliance with judgment in the Case of Vereda La Esperanza v. Colombia; Private hearing on monitoring compliance with judgment in the Case of the Afro-descendant Communities displaced from the Cacarica River Basin (Operation Genesis) v. Colombia; Private hearing on monitoring compliance with judgment in the Case of Bedoya Lima et al. v. Colombia.

67 Case of Argüelles et al. v. Argentina; Case of Fornerón and Daughter v. Argentina; Case of the Workers of Hacienda Brazil Verde v. Brazil; Case of Flor Freire v. Ecuador; Case of the National Association of Discharged and Retired Employees of the National Tax Administration Superintendence (ANCEJUB-SUNAT) v. Peru.

68 Case of the Members of Chichupac Village and Neighboring Communities of the Municipality of Rabinal, Case of Molina Theissen and 12 other cases v. Guatemala; Matter of the Nicaraguan Center for Human Rights and the Permanent Commission of Human Rights (CENIDH-CPDH) regarding Nicaragua.

69 Case of the Members of the José Alvear Restrepo Lawyers Collective Corporation (CAJAR) v. Colombia.

70 Case of the Community of La Oroya v. Peru; Case of Airton Honorato et al. v. Brazil.



The plenary of the Inter-American Court held meetings with the President of Colombia along with various Ministers of State, the plenary of the Constitutional Court of Colombia, the plenary of the Council of State of Colombia, the plenary of the Supreme Court of Justice of Colombia, and the plenary of Magistrates of the Special Jurisdiction for Peace. In addition, the Court held meetings with Colombian Deputy Prosecutor, Martha Janeth Mancera, Attorney General, Margarita Cabello Blanco, and Ombudsman Carlos Ernesto Camargo Assis.



The International Seminar: “75 years after the American Declaration and 45 years after the American Convention on Human Rights: Achievements and Challenges” took place at the Universidad Externado, in which the plenary of the Court participated along with several academics. Also, the “Round Table: Progress and Challenges in Compliance with the Judgments of the Inter-American Court of Human Rights in Colombia” was held. Finally, a training session was held for officials of the Special Jurisdiction for Peace of Colombia.

In addition, a cooperation agreement was signed with the plenary of Magistrates of Colombia’s Special Jurisdiction for Peace.

Further information is available [here](#)



163rd Regular Session

The Court held its 163rd Regular Session from November 13 to 29, 2023, using a hybrid method that combined in-person and virtual activities.



► Jurisdictional activities

The Court deliberated (6) judgments on contentious cases⁷¹ and two (2) interpretation judgments.⁷² It held one (1) public hearing on one contentious case⁷³ and one (1) public hearing on a request for an advisory opinion.⁷⁴ In addition, the Court issued thirteen (13) orders on monitoring compliance with judgment⁷⁵ and deliberated two (2) orders on provisional measures⁷⁶.

Further information is available [here](#).

► Election of the new Board

The Court elected Judge Nancy Hernández López, a Costa Rican national, as its new President. It also elected Judge Rodrigo Mudrovitsch, a Brazilian national, as its new Vice President. Pablo Saavedra Alessandri was reelected as Registrar of the Court.

Further information is available [here](#).

71 Case of the Community of La Oroya v. Peru, Case of Airton Honorato et al. v. Brazil, Case of Tavares Pereira et al. v. Brazil, Case of Viteri Ungaretti et al. v. Ecuador, Case of Cahahuanca Vásquez v. Peru and Case of Gutiérrez Navas et al. v. Honduras.

72 Case of Olivera Fuentes v. Peru and Case of Benites Cabrera et al. v. Peru.

73 Case of Cuéllar Sandoval et al. v. El Salvador.

74 Request for an advisory opinion on “The activities of private companies engaged in the firearms industry and their effects on human rights.”

75 Case of Torres Millacura et al. v. Argentina. Order to reimburse the Victims’ Legal Assistance Fund, Case of 19 Tradesmen v. Colombia, Case of Members and Militants of the Patriotic Union v. Colombia, Case of Guevara Díaz v. Costa Rica, Case of Palacio Urrutia et al. v. Ecuador, Case of Massacre of Los Josefinos Village v. Guatemala, Case of Chinchilla Sandoval et al. v. Guatemala, Case of the “White Van” (Paniagua Morales et al.) v. Guatemala, Case of the Former Employees of the Judiciary v. Guatemala, Case of Muelle Flores v. Peru, Case of Rosadio Villavicencio v. Peru, Case of Chocrón Chocrón v. Venezuela, and Case of the Landaeta Mejías Brothers et al., Case of López Soto et al. and Case of Díaz Loreto et al. v. Venezuela.

76 Case of the Dos Erres Massacre v. Guatemala and Matter of the Members of the Miskitu Indigenous People of the Northern Caribbean Coast Region regarding Nicaragua.

▶ Protocol and academic activities

The Court signed a cooperation agreement with the Public Prosecutor's Office of Labor of Brazil. In addition, AIDEF and the Court presented the book entitled *Impacto de la Jurisprudencia de la Corte Interamericana de Derechos Humanos desde la perspectiva de la Defensa Pública* (Impact of the Jurisprudence of the Inter-American Court of Human Rights from the perspective of the Public Defense).

Further information is available [here](#).

Special Session

The Court began deliberation of one (1) interpretation judgment of a contentious case⁷⁷ and adopted two (2) orders on provisional measures.⁷⁸

Further information is available [here](#).

▶ Sessions of the Inter-American Court away from its headquarters

Since 2005, the Inter-American Court has held Sessions away from its headquarters in San José, Costa Rica. In order to hold these sessions, the Court has traveled to Argentina (twice), Barbados, Bolivia and Brazil (3 times), Chile (twice), Colombia (6 times), Ecuador (3 times), El Salvador (twice), Guatemala (twice), Honduras (twice), Mexico (3 times), Panama (twice), Paraguay (twice), and Peru, Dominican Republic and Uruguay (3 times).

Holding sessions away from its seat allows the Court to efficiently combine two objectives: on the one hand, to increase its jurisdictional activities and, on the other, to disseminate more effectively the work of the Court, in particular, and of the inter-American system for the protection of human rights, in general. As mentioned previously, in 2023 the Court held two sessions away from its seat, one in Chile and another one in Colombia.

CHILE



COLOMBIA



77 Case of Members and Militants of the Patriotic Union v. Colombia.

78 Matter of Members of the Yanomami, Ye'kwana and Munduruku Indigenous Peoples regarding Brazil and Matter of the Members of the Choréachi Indigenous Community regarding Mexico.

SESSIONS OF THE INTER-AMERICAN COURT AWAY FROM ITS SEAT

2005-2023



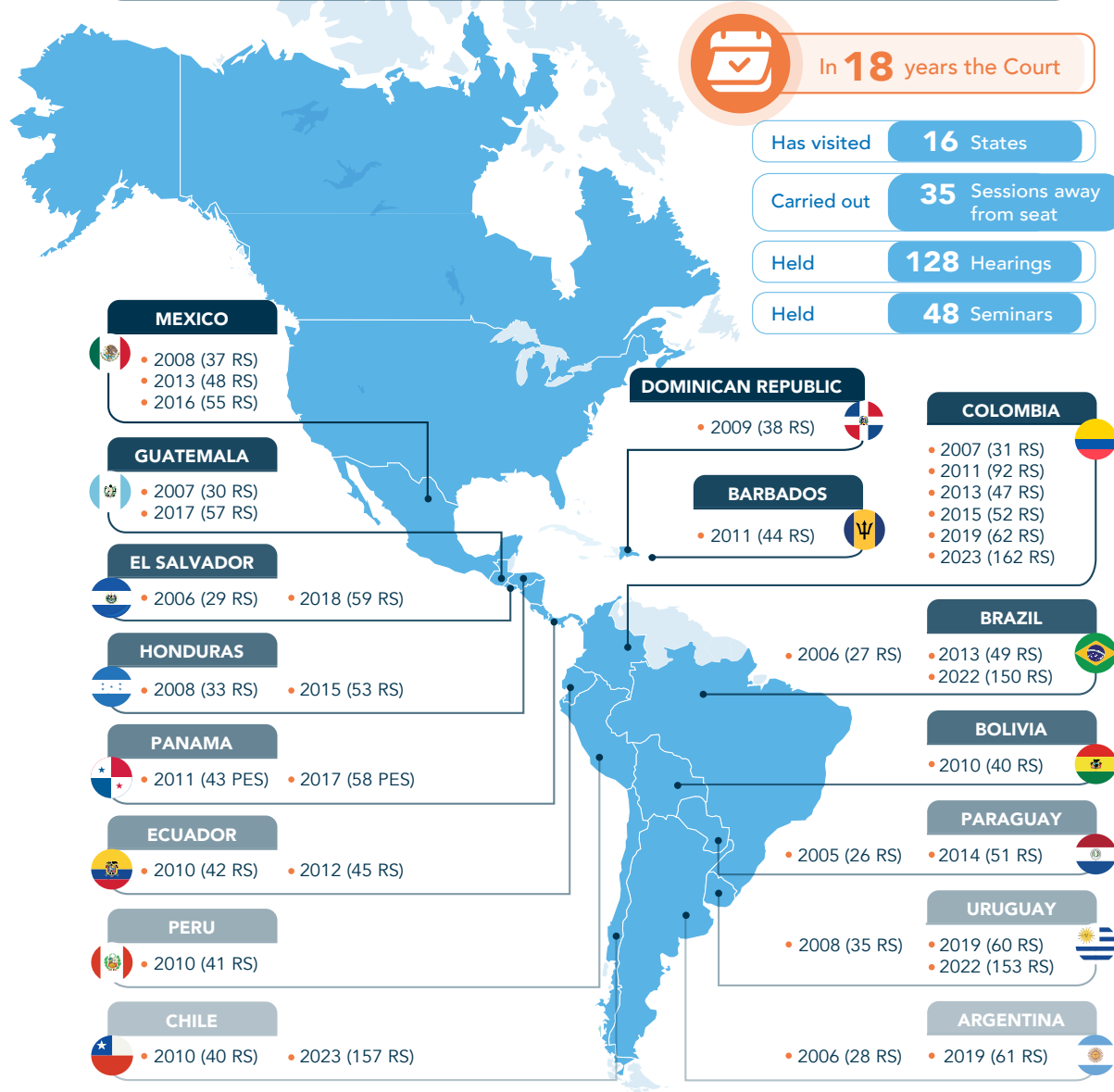
In **18** years the Court

Has visited **16** States

Carried out **35** Sessions away from seat

Held **128** Hearings

Held **48** Seminars



IV

Contentious Function



IV. Contentious Function

A. Cases submitted to the Court

During 2023, 34 new contentious cases were submitted to the Court's consideration:

1. Case of Andía Neira et al v. Peru

The Inter-American Commission submitted this case to the Court on January 11. It relates to the alleged international responsibility of the Peruvian State for the application of anti-terrorist laws and policies in the Republic of Peru. The Admissibility and Merits Report No. 378/20 covers seventeen cases, of which seven contain more than one individual petition. In total, the Commission evaluated and ruled on 64 individual petitions. The Commission's decision to merge these cases was adopted pursuant to Article 29.5 of its Rules of Procedure, after concluding *prima facie*, that the facts alleged for the petitioners do not constitute isolated events, but that all these share certain common aspects in view of the applicable temporal, spatial and legal framework, as well as in view of the allegations presented in the cases and of the systematic patterns of human rights violations. In this context, the Commission conducted an individual analysis of the evidence contained in each of the petitions to determine how the specific circumstances of each petitioner translated into violations of their rights.

2. Case of Di-Gianluca Sebastiani v. Venezuela

The Inter-American Commission submitted this case to the Court on March 21. It relates to the alleged international responsibility of the Venezuelan State for the violation of the right of defense of the siblings Doménico and Angela Di Gianluca Sebastiani, within the framework of a criminal proceeding against them, including the restriction of their possibility of appointing a defense counsel and having access to the case file and the charges. On May 31, 2023, the alleged victims reported that "for personal reasons," they had decided to withdraw this case from the Inter-American Court. Having regard to Article 61 of the Court's Rules of Procedure, the withdrawal of the case was accepted and it was decided not to continue processing it before the Court, it was returned to the Inter-American Commission so that, if appropriate, it could consider the application of Article 51 of the Convention.

3. Case of the Manaure Flores Brothers et al. v. Venezuela

The Inter-American Commission submitted this case to the Court on March 31. It relates to the alleged international responsibility of Venezuela for the extrajudicial executions of Israel Benjamín Manaure Flores, Martín Daniel Manaure Flores, Leonel David Manaure Flores, and Leonardo José Manaure Flores in 2017, as well as the failure to investigate the facts. The Commission indicated that the facts occurred against a background of extrajudicial executions carried out during citizen security operations in the state of Aragua, Venezuela. The Commission identified similarities with previous cases analyzed by the Court, pointing out that the executions occurred in the context of irregular actions by the security forces, which particularly targeted young men from low-income backgrounds in poorer neighborhoods. The Commission affirmed that these executions, justified under the pretext of citizen security, tended to occur during raids carried out without a warrant, with simulated clashes and possible tampering with the crime scene.

4. Case of Gattass Sahih v. Ecuador

The Inter-American Commission submitted this case to the Court on May 20. It concerns the alleged responsibility of the State of Ecuador for the violation of the rights to personal liberty, judicial guarantees, right of movement and residence, and judicial protection of Elías Gattass Sahih in the context of an administrative process to revoke his immigrant visa in 2001. The Commission states that Mr. Gattass obtained an immigrant visa in 2001, following his marriage to an Ecuadorian citizen. However, his partner filed a complaint months later alleging a hostile and threatening attitude on the part of Mr. Gattass and later filed a petition to have his visa revoked. The State of Ecuador decided to revoke his visa and initiated a deportation process, for which reason Mr. Gattass was arrested. Despite his subsequent release, the decision to revoke the visa was confirmed by the Criminal Court and the Constitutional Court, and Mr. Gattass was forced to leave Ecuador and go to the United States.

5. Case of Lynn v. Argentina

The Inter-American Commission submitted this case to the Court on May 28. It relates to the alleged international responsibility of Argentina for violations of the rights to personal integrity, personal liberty, judicial guarantees, and judicial protection to the detriment of Guillermo Patricio Lynn while he served his sentence at a prison in Buenos Aires province. The Commission indicated that Mr. Patricio Lynn was convicted and sentenced to life imprisonment on March 26, 1990, for aggravated homicide, but during the time he was held in the Penal Colony of Ezeia he obtained the benefit of temporary release. According to the State's version, disputed by the petitioners, after an outing, he allegedly returned to the prison intoxicated, for which reason, the following day he was notified that he would be sanctioned with solitary confinement. Fifteen minutes after he was notified of the decision, a hearing took place before the director of the prison, in which Mr. Lynn was not accompanied by a defense counsel and was unable to present evidence. Due to the disciplinary sanction, the prison director revoked the benefit of temporary outings (day release), a measure confirmed by the Enforcement Judge two days later.

6. Case of Ramos Durand et al. v. Peru

The Inter-American Commission submitted this case to the Court on June 5. It relates to the alleged international responsibility of the Peruvian State for violations of the right to life, personal integrity, judicial guarantees, private and family life, access to information, equality before the law, judicial protection, and the rights to sexual and reproductive health to the detriment of Celia Edith Ramos Durand. The Commission stated that these violations occurred as a consequence of Ms. Ramos' death as a result of the sterilization procedure to which she was subjected without her consent, as part of the National Program on Reproductive Health and Family Planning in 1997. The Commission alleges that this Program acted in a manner based on gender stereotypes. Consequently, the State failed to provide protection by allowing measures that discriminated against women in their sexual and reproductive rights. Furthermore, the Commission argues that the necessary requirements and conditions to obtain her free, prior, and informed consent were not met, and that the place where Ms. Ramos Durand was sterilized did not have the appropriate means to carry out the procedure safely. Also, it stated that the surgery practiced was aimed at the permanent loss of her reproductive capacity, which constituted an arbitrary interference in Ms. Ramos' private life. The Commission further argued that Ms. Ramos Durand was the victim of intersectional discrimination due to her gender and financial situation and that she was subjected to involuntary sterilization, which constituted an act of violence against this woman.

7. Case of Melinho v. Brazil

The Inter-American Commission submitted this case to the Court on June 7. It concerns the alleged international responsibility of Brazil for violations of the rights to health, personal integrity, private life, equality,

and non-discrimination of Luiza Melinho, in the context of the performance of “sexual affirmation” surgery. The Commission found that Luiza Melinho, a person who had sought medical treatment related to her gender identity since 1997, faced numerous obstacles and discrimination in gaining access to medical care. The Commission argued that the lack of access to adequate and timely medical treatment affected Melinho’s physical and mental health since she made three suicide attempts and suffered from depression, anxiety, and the mutilation of her scrotum. Despite legal efforts to obtain the necessary surgery, the courts initially rejected her case. Although a judicial ruling was eventually issued at the national level that recognized the right to gender affirmation surgery in the public health system, Melinho experienced prolonged delays in gaining access to the appropriate medical care, forcing her to seek treatment in the private sector.

8. Case of Félix Humberto Peralta Armijos v. Ecuador

The Inter-American Commission submitted this case to the Court on June 9. It relates to the alleged international responsibility of Ecuador for the violation of the rights to judicial guarantees and judicial protection to the detriment of Félix Humberto Peralta Armijos. According to the Commission, this case concerns the judicial proceedings related to a request for promotion in the National Fisheries Institute of Ecuador (INP) in 1997 and the violations committed during administrative and judicial proceedings that resulted in Peralta’s dismissal from his position as officer in January 2005. Following his dismissal, Peralta filed an appeal before District Court No. 2 for contentious administrative matters, which ruled that his dismissal was unlawful and ordered his reinstatement. However, the court decided that the payment of unpaid salaries was not appropriate, due to the illegality of the dismissal, concluding that Peralta did not have access to an effective judicial remedy to obtain compensation for his unjustified dismissal.

9. Case of Ascencio Rosario et al. v. Mexico

The Inter-American Commission submitted this case to the Court on June 12. It relates to the alleged international responsibility of Mexico for violations of the rights to life, health, personal integrity, honor, dignity, and the right of women to live free of violence to the detriment of Ernestina Ascencio Rosario, who was raped by police officers in 2007. In addition, Mexico was held responsible for violations of the rights to judicial guarantees, judicial protection, and equality by failing to prevent, punish, and eradicate violence against women. The Mexican State was also allegedly responsible for failing to investigate acts of torture. The Commission noted that the repeated rape caused intentional mistreatment, intense physical and mental suffering and that the situation was especially serious, given the number of attackers, the victim’s advanced age, and the fact that state agents were involved.

10. Case of Cley Mendes et al. v. Brazil

The Inter-American Commission submitted this case to the Court on June 19. It relates to the State of Brazil’s alleged international responsibility for violations of the rights to personal integrity of the victim’s next of kin, judicial guarantees, rights of the child, and judicial protection to the detriment of the adolescents Max Cley Mendes, Marciley Roseval Melo Mendes and Luís Fábio Coutinho da Silva, who were murdered on December 13, 1994. The Commission stated that the alleged victims were threatened, beaten, and murdered by Military Police agents in the Tapanã neighborhood of the city of Belém, capital of the state of Pará. Subsequently, the Military Police opened an investigation into the facts. The Prosecutor’s Office brought charges against 21 agents for their participation in the operation that resulted in the death of the three adolescents. All the accused were acquitted by a popular jury due to insufficient evidence in the case. The Public Prosecutor’s Office did not file an appeal against the judgment of acquittal, which became final. Therefore, the Commission argued that the Brazilian State was responsible for the violation of the rights of the alleged victims, and their families.

11. Case of Bravo Garvich et al. (Workers Dismissed from the “Empresa Nacional de Puertos S.A.”) v. Peru

The Inter-American Commission submitted this case to the Court on June 23. It relates to the alleged international responsibility of Peru for the violation of the rights to judicial guarantees, judicial protection, and the right to work to the detriment of Ernesto Yovera Álvarez, Gloria Cahua Ríos, and César Bravo Garvich. The Commission indicated that, in the 1990s, the Peruvian government issued regulations that allowed the dismissal of workers from the Empresa Nacional de Puertos S.A.- ENAPU (National Ports Company) including the alleged victims. Despite opposition from the Fentenapu Federation, the domestic courts rejected their claims, arguing that ENAPU had followed the legally established procedure. Subsequently, with the arrival of the transition government in the year 2000, legal changes were introduced that allowed a review of the collective dismissals. This led to the reinstatement of the three persons affected between 2003 and 2004.

12. Case of the Campesino Movement of Aguán v. Honduras

The Inter-American Commission submitted this case to the Court on July 4. It concerns the alleged international responsibility of the Republic of Honduras for violations of the rights to life, personal integrity, personal liberty, freedom of expression, freedom of association, and private property to the detriment of members of the United Campesino Movement of Aguán (MUCA). According to the Commission, the 1962 Agrarian Reform Law of Honduras assigned lands in an irregular manner. This led to the formation of the MUCA in 2001 to reclaim those rights. The Commission argues that, as a consequence of MUCA's demands, the region experienced high levels of violence, with numerous deaths, threats, and evictions. Despite the creation of the Unit of Violent Deaths of Bajo Aguán (UMVIBA), the State did not provide adequate protection. Several violent evictions were carried out with support from the armed forces and the police. The Commission also alleged violations of the rights to judicial guarantees and judicial protection to the detriment of the rural communities in the Aguán region. The victims, in this case, belong to peasant populations in the area of Bajo Aguán in Honduras, who have faced a situation of violence and uncertainty with respect to their property and homes as a result of conflicts over land ownership.

13. Case of Gamboa García et al. v. Peru

The Inter-American Commission submitted this case to the Court on July 6. It concerns the alleged international responsibility of the Peruvian State for the detention, torture, and rape of Georgina Gamboa García, a 17-year-old Quechua indigenous woman, by the Peruvian police on January 17, 1981, and the lack of due diligence in the investigation of the facts and the punishment of those responsible. It is alleged that the State is responsible for the violation of the right to personal integrity, personal liberty, judicial guarantees, privacy, and family life, the rights of the child, and the right to judicial protection to the detriment of the alleged victim and her family.

14. Case of the Community of Salango v. Ecuador

The Inter-American Commission submitted this case to the Court on July 10. It relates to the alleged international responsibility of Ecuador for the violation of the right to legal personality, judicial guarantees, collective property, equality before the law, judicial protection, and cultural rights to the detriment of the Salango Community. The Commission argues that the State of Ecuador failed to ensure protection for the ancestral property of the Salango Community during a land sale and purchase process involving a foreign businessman between 2000 and 2002. It noted the lack of adequate regulation, which led to the initial registration of the community as a commune in 1979, instead of receiving constitutional protection for indigenous peoples. The Commission argued that the State should have ensured respect for the traditional systems of land transfer rights and that the registration of the territory in favor of a third party led to the privatization of ancestral roads,

affecting the community's traditional activities. It also alleged the violation of the right to judicial protection, since the authorities dismissed the claims as matters of "mere legality" and adopted an administrative silence without conducting the analysis required for processes linked to collective property.

15. Case of García Romero et al. v. Ecuador

The Inter-American Commission submitted this case to the Court on July 10. It concerns the alleged international responsibility of the State of Ecuador for the violation of the rights to life, personal integrity, judicial guarantees, freedom of expression, the right of assembly, and judicial protection to the detriment of Julio García Romero. The Commission noted that on April 19, 2005, Mr. García attended a protest in Quito as part of his work as a photojournalist. The police had launched a brutal attack against the protesters and released large quantities of tear gas. This situation resulted in the suffocation and death of Mr. García. The Commission argued that Ecuador is responsible for his death and for the lack of a diligent and effective investigation of the facts. The case is framed in the context of an institutional crisis and the excessive use of force in the repression of the protests that took place in 2005. The Commission also determined that the absence of a legal framework to regulate the actions of the security forces during mass protests violates obligations in this regard.

16. Case of Ramírez Mejía et al. v. Peru

The Inter-American Commission submitted this case to the Court on July 25. It concerns the alleged responsibility of the State of Peru for the violation of the right to life, personal integrity, judicial guarantees, and judicial protection in relation to the death and injuries of members of a peasant patrol (ronda campesina) in February 1992. The Commission stated that on February 3, 1992, a peasant patrol from the community of Challhuayaco, department of Ancash, arrested Román González Leyva and accused him of the crime of cattle-rustling, within the framework of the powers granted to them by law. Four days later, following a complaint by Mr. Gonzalez's family, police officers entered this community and took him away. On February 8, 1992, several people from the community, including members of the peasant patrol, went to the police station in the town of Chavón, where Mr. González was being held. According to the petitioners, they intended to request that he be judged according to the practices of the peasant patrols. However, after the community leader refused an invitation to enter the station to discuss the matter, the police agents used tear gas and fired shots causing the death of five people and injuring 22 others.

17. Case of Guevara Rodríguez et al. v. Venezuela

The Inter-American Commission submitted this case to the Court on August 16. It concerns the alleged international responsibility of the Venezuelan State for the violation of the right to recognition of legal personality, personal integrity, personal liberty, judicial guarantees, and judicial protection to the detriment of Juan Bautista Guevara Rodríguez, Rolando Jesús Guevara Pérez, and Otoniel José Guevara Pérez. The Commission stated that this case related to the illegal and arbitrary detention of these individuals in November 2004, as well as acts of torture and lack of judicial guarantees. The Commission considers that the State is responsible for the violation of the right to personal liberty, stressing the illegal nature of their detention due to the lack of a warrant or flagrancy. It considered that the detentions were arbitrary since they were initially recorded, but the alleged victims were then taken to an unknown destination, where they were subjected to torture before being secretly freed without an order for release. Furthermore, the Commission argued that the victims were not informed of the reasons for their arrest nor brought before a competent judicial authority, adding that this situation constituted a forced disappearance during the period when their whereabouts were unknown. The victims also denounced acts of torture, such as beatings, suffocation, electrocution, threats, and isolation.

18. Case of Rondón Gallardo v. Venezuela

The Inter-American Commission submitted this case to the Court on August 23. It relates to the alleged international responsibility of the State of Venezuela for the violation of the rights to personal integrity, freedom of expression, movement, and residence, equality before the law, judicial guarantees, and judicial protection to the detriment of Jesús Rondón Gallardo. The Commission stated that Mr. Rondón is a human rights defender of the LGBTI community. On May 11 and 12, 2016, the alleged victim publicly denounced the lack of access to anti-retroviral medications for 30 people with HIV in Mérida, reported the lack of formula milk for the children of mothers with HIV, and a shortage of reagents for tests to monitor persons diagnosed HIV positive. As a consequence of these complaints, the alleged victim allegedly experienced numerous episodes of violence and threats by armed groups and was considered at risk because of his work as a human rights defender, a gay person, and with HIV. The Commission noted that these events occurred in the context of a wider pattern of violence against human rights defenders and the LGBTI population in Venezuela. Despite the fact that Rondón denounced the facts before the local authorities, the latter allegedly refused to process and record the complaints, suggesting that the State was aware of the risk to which he was exposed.

19. Case of Silva Reyes et al. v. Nicaragua

The Inter-American Commission submitted this case to the Court on August 31. It concerns the alleged international responsibility of the Republic of Nicaragua for the violation of the rights to legal personality, life, personal integrity, personal liberty, judicial guarantees, and judicial protection to the detriment of José Ramón Silva Reyes. The Commission states that Mr. Silva was a retired colonel of Nicaragua's National Guard. Following the triumph of the Sandinista Revolution on July 18, 1979, Mr. Silva and his family went to the Embassy of the Republic of Guatemala in Managua to request political asylum and protection. During his time in asylum, Mr. Silva repeatedly requested safe conduct, but this was not granted. On October 31, 1983, the Government of Nicaragua reported that Mr. Silva had escaped from the embassy, but in 1985 it was revealed that he had been captured along with other persons in asylum, and murdered by members of Department F-1 under specific orders. His family denounced his disappearance, torture, and execution, but were harassed by the Prosecutor's Office and had to flee Nicaragua due to death threats. The Commission affirms that Mr. Silva's disappearance constituted a forced disappearance and that the State failed to conduct the necessary investigations to determine the truth.

20. Case of Rojas Riega v. Venezuela

The Inter-American Commission submitted this case to the Court on September 8. It relates to the alleged international responsibility of the State of Venezuela for the violation of the rights to personal integrity, personal liberty, judicial guarantees, and the right to assembly and to judicial protection of Jorge Rojas Riera. The Commission affirms that Mr. Rojas was arrested on September 19, 2003, in Plaza Francia de Altamira, in the city of Caracas, by agents of the Directorate of Intelligence and Prevention Services during a peaceful protest and was taken to the Helicoide Detention Center. During his detention, he was interrogated about other people who had participated in the protest and suffered physical violence, as confirmed by the forensic doctor. In 2003, the judicial authority ordered the pretrial detention of Mr. Rojas, which was maintained until January 2004. On August 9, 2004, the court hearing his case convicted him and sentenced him to a prison term of four years, six months and fifteen days. Subsequently, the expiration of his criminal liability was declared in 2009.

21. Case of Cuadra Bravo v. Peru

The Inter-American Commission submitted this case to the Court on September 11. It relates to the alleged international responsibility of the State of Peru for the violation of the rights to judicial guarantees, judicial

protection, social security, personal integrity, and private property to the detriment of Eduardo Nicolás Cuadra Bravo. The Commission affirms that Mr. Cuadra began his job at the Banco de la Nación in 1979. In 1991, he was incorporated into the pension scheme in which he was granted 20 years, 5 months, and 28 days of service until November 1990. However, this decision was annulled in 1992 after the applicable pension system was questioned. From 1994 to 2003, Mr. Cuadra pursued several administrative and judicial procedures before the authorities demanding the payment of his pension benefits. In 2003, the 17th Special Civil Court of Lima accepted his claim and ordered the payment of severance benefits with legal interest. However, the dispute regarding the payment continued over time. Therefore, the Commission argues that Peru is responsible for failing to ensure compliance with judicial rulings that recognized Mr. Cuadra's right to receive a pension in accordance with the applicable pension regime, as well as the failure to take measures for their enforcement.

22. Case of Pérez et al. (Massacre of El Junquito) v. Venezuela

On October 11, the Inter-American Commission submitted this case to the Court. It concerns the alleged responsibility of the Venezuelan State for the violation of the rights to life, personal integrity, judicial guarantees, freedom of conscience and religion, and judicial protection of Oscar Pérez and six others. According to the Commission, Mr. Pérez and the other victims were executed by agents of the State in 2018, in the so-called massacre of "El Junquito" village. The Commission held that Oscar Pérez, an active officer in the country's Scientific, Criminal, and Forensic Corps (CICPC), was a vocal critic of the government of Nicolás Maduro. He also demanded his resignation in a video published on YouTube. Subsequently, he founded the "Movimiento Equilibrio Nacional", a group critical of the government. As part of his activism, Pérez and other members of the movement stormed the barracks of the Bolivarian National Guard in San Pedro de los Altos and seized some weapons. Pérez described this action as "Operation Genesis" and justified it by citing the National Constitution. In response, Maduro ordered his forces to combat the "terrorist group" with lethal force. The security forces surrounded the house where Pérez and six other members of the movement were staying. Although they surrendered and indicated their willingness to negotiate, the authorities entered the house using heavy weapons and grenade launchers. None of the seven victims survived this operation.

23. Case of Fiallos Navarro v. Nicaragua

The Inter-American Commission submitted this case to the Court on October 24. It relates to the alleged international responsibility of the Nicaraguan State for the violation of the rights to personal liberty, judicial guarantees, political rights, and judicial protection to the detriment of Alejandro Fiallos Navarro. The Commission noted that Mr. Fiallos held several public positions in Nicaragua during the government of Enrique Bolaños Geyer. In 2004, proceedings were initiated against him, and in August 2004 he was arrested and disqualified from office without Mr. Fiallos being aware of the conviction against him. The Commission considers that Mr. Fiallos' detention was illegal, since the judge ordered his arrest before notifying the conviction judgment of the first instance and without giving the defense an opportunity to appeal, in breach of domestic laws and procedures. Despite the defense's request for a personal bond, this was delayed for eight days, and culminated with an illegal detention. As for the judicial guarantees, the Commission noted irregularities in the proceedings, such as the violation of the right of defense and the principle of presumption of innocence. The Commission also considered that the judgments lacked sufficient grounds and gave weight to witness statements based on hearsay, without corroboration.

24. Case of Tenorio Morales et al. (“Ervin Abarca Jimenez” Union for Higher Education Professionals of the National Engineering University) v. Nicaragua

The Inter-American Commission submitted this case to the Court on October 31. It relates to the alleged international responsibility of Nicaragua for the violation of the rights to freedom of association, trade union rights, collective bargaining, judicial guarantees, and judicial protection, to the detriment of 42 members of the “Ervin Abarca Jimenez” Union for Higher Education Professionals of the National Engineering University (SIPRES-UNI-ATD), established on February 17, 1993: According to the Commission, the union’s governing board, represented by Julio Canales, requested special audits from the National Engineering University on December 18, 2001: This request was denied, triggering a legal dispute and the formation of parallel governing boards. In spite of several judicial rulings in favor of the board represented by Julio Canales, in 2002, the university authorities refused to recognize it and did not execute any of the court rulings, thereby affecting the union’s financial situation. The Commission found that the failure to recognize the governing board presided by Julio Canales, as well as failure to comply with court rulings and to retain the quotas prevented union members from exercising their rights to freedom of association and trade union rights for more than 20 years. This situation affected both their individual and collective rights, preventing the free election and representation of union leaders.

25. Case of Lalinde et al. v. Colombia

The Inter-American Commission submitted this case to the Court on November 6. It relates to the Colombian State’s alleged international responsibility for violations of the right to judicial guarantees and judicial protection for the situation of impunity regarding the detention and subsequent death of Luis Fernando Lalinde by state agents in 1984. Mr. Lalinde was detained and subsequently murdered with impunity by the Infantry Battalion of Ayacucho. His remains were buried without identification. Despite the investigations, the case was archived due to lack of evidence. In 2014, the Supreme Court ordered a review of the case file, but the investigation proceeded slowly and there was no trial. The family sought compensation for the detention and death of Lalinde, obtaining favorable rulings in 2000 and 2016, which awarded payment for moral and pecuniary damage. The Commission emphasized that the investigation by the military, which conducted most of the procedures, should have taken place in the ordinary courts. The Commission concluded that the State failed in its duty to ensure a proper investigation and that the 37-year delay also violated the rights of Lalinde’s family, affecting their mental and moral integrity, which was further aggravated by reprisals.

26. Case of Maleno v. Venezuela

The Inter-American Commission submitted this case to the Court on November 8. It concerns the international responsibility of the State of Venezuela for the violations of judicial guarantees and judicial protection in the criminal proceedings against Dianora Maleno, and for subjecting her to inhuman conditions of detention and the rape she suffered while deprived of her liberty. The Commission affirmed that, in 2001, Ms. Maleno was arrested for the alleged homicide of her daughter, but was denied a psychiatric assessment requested by her defense attorney. As a consequence, she was sent to a detention center with serious problems of overcrowding and deficient infrastructure, where women faced risks of gender-based violence, including sexual violence. In 2002, she was the victim of a rape perpetrated by five inmates. Despite her complaint, she was transferred without adequate medical attention to another facility with equally precarious conditions. The Prosecutor’s Office opened an investigation into a reported simulation of a crime, but there is no information on its progress. In 2003, her pretrial detention was replaced with a precautionary measure, but the criminal process has remained inactive since 2007 without a first-instance judgment. The Commission concluded that the detention of Maleno was arbitrary and unjustifiably prolonged, without an adequate psychiatric evaluation. Moreover, her prison conditions were inhuman and degrading, constituting cruel and inhuman treatment, and the gang rape she suffered was considered torture. The State failed to take effective measures to protect her rights and to investigate the facts.

27. Case of Galdeano Ibáñez v. Nicaragua

The Inter-American Commission submitted this case to the Court on November 9. It relates to the alleged responsibility of the State of Nicaragua for the lack of guarantees and due judicial protection in a criminal investigation to the detriment of José María Galdeano Ibáñez, a Spanish citizen. The Commission affirmed that Mr. Galdeano suffered physical injuries at the hands of Mark Anthony Andrews, a United States citizen, outside the Hotel Oasis in Granada, Nicaragua in January 2009. After filing a complaint, the National Police arrested Andrews who was then released despite the fact that Mr. Galdeano's injuries were confirmed. The Commission argued that the State of Nicaragua did not justify the factual and legal reasons for not bringing criminal charges in connection with the injuries suffered by Mr. Galdeano, and should therefore be declared responsible.

28. Case of the Garifuna Community of Cayos Cochinos and its Members v. Honduras

The Inter-American Commission submitted this case to the Court on November 16. It relates to the alleged international responsibility of the State of Honduras for violations of the right to personal integrity, procedural guarantees, freedom of thought and expression, collective property, the right to participate in the conduct of public affairs, judicial protection, and cultural rights to the detriment of the Garifuna Community of Cayos Cochinos and its members. The Commission argued that the State's actions impeded the full titling of community lands between 2002 and 2005. The Commission further noted that in November 1993, the State declared Cayos Cochinos a protected area, without authorization from the community, imposing conservation measures and military surveillance that restrict its activities. In July 2003, the archipelago was designated a "Natural Marine Monument," without previously consulting the Garifuna Community, and its administration was entrusted to external entities. These measures imposed restrictions on fishing, which affected the community's subsistence and led to acts of harassment and violence against the Garifuna Community.

29. Case of Chavarría Morales et al. v. Nicaragua

The Inter-American Commission submitted this case to the Court on November 17. It relates to the alleged international responsibility of the State of Nicaragua for the violations of the right to personal integrity, judicial guarantees, and judicial protection to the detriment of Chavarría Alonso's family, his wife, and children. The Commission stated that in 2008, Jaime Antonio Chavarría Morales, a candidate for councilor in Nicaragua, suffered physical violence and threats, together with his family, during the process of citizen verification for the municipal elections. The complaints filed before various electoral and police bodies, as well as the legal remedies, did not yield effective actions to protect his family or to investigate the facts. The Commission also indicated that the threats and the violence persisted, especially after Mr. Chavarría filed a petition before the Commission, forcing his son to seek refuge in the United States. The Commission determined that the State failed in its duty to protect the personal integrity of Chavarría and his family, emphasizing the State's failure to intervene to halt the acts of violence and effectively investigate the complaints.

30. Case of Navarro López v. Venezuela

The Inter-American Commission submitted this case to the Court on November 17. It relates to the alleged international responsibility of the Venezuelan State for the violation of the rights to personal integrity, personal liberty, judicial guarantees, honor and dignity, freedom of movement and residence, and judicial protection to the detriment of Víctor Alfonso Navarro López, who was a human rights defender at the time of the events. The Commission states that in January 2018, Mr. Navarro, aged 22, who worked at the "Embajadores Comunitarios" foundation and the "Corazón Salvaje" project, was subject to criminal proceedings for his alleged participation

in public order offenses. The authorities presented a report that falsely linked the foundation with violent activities and recommended the control and neutralization of its members. Consequently, agents of the Bolivarian National Intelligence Service (SEBIN) entered his home without a warrant and illegally arrested him. He was taken to the Helicoide Detention Center, where he was beaten, threatened, and subjected to inhuman conditions, such as overcrowding, lack of access to ventilation, light, water, and adequate medical assistance. Mr. Navarro was released on June 2, 2018. On May 3, 2019, he crossed the border to Colombia, and on May 10, 2019, he entered Argentina where the National Commission for Refugees recognized his refugee status.

31. Case Zapata v. Colombia

The Inter-American Commission submitted this case to the Court on December 16. It relates to the alleged international responsibility of Colombia for the violation of the rights to life, personal integrity, judicial guarantees, honor and dignity, freedom of thought and expression, freedom of association, freedom of movement and residence, and judicial protection to the detriment of Jesús Ramiro Zapata. The Commission considered that the State of Colombia was responsible for the murder of Mr. Zapata, a human rights defender in the municipality of Segovia, Department of Antioquia on May 3, 2000. The Commission noted that the facts of this case took place against a background of political violence resulting from the armed conflict in Colombia, which extended to the municipality of Segovia. Mr. Zapata was a teacher and a human rights defender. The Commission had already granted him precautionary measures in 1998, recognizing his situation of risk. However, he was murdered by individuals who identified themselves as members of the “Autodefensas Unidas de Colombia” (AUC). The Commission considers that the Colombian State failed in its duty to protect Mr. Zapata’s human rights, and did not ensure a diligent investigation, given that this process took more than 19 years. Furthermore, the Commission argues that Mr. Zapata was subjected to judicial harassment and hostile situations that forced him into displacement, affecting his rights to personal integrity, honor, and dignity, and his freedom of expression, association, and movement.

32. Case of Graffe Henríquez v. Venezuela

The Inter-American Commission submitted this case to the Court on December 20. It relates to the alleged international responsibility of the Venezuelan State for the violation of the rights to personal integrity, personal liberty, judicial guarantees, honor and dignity, freedom of expression, judicial protection, and health, to the detriment of Carlos Enrique Graffe Henríquez. The Commission argued that on June 7, 2017, Deputy Diosdado Cabello described Mr. Graffe as a “terrorist” responsible for certain acts of violence in the “La Isabelica” urbanization. Subsequently, on July 13, 2017, Mr. Graffe was arrested by state agents without a warrant and without being in flagrante delicto. He was charged with instigation of rebellion and theft of military property and subjected to a military judicial process. Finally, on November 15, 2021, a precautionary alternative measure of liberty with restrictions was imposed on him. Based on these facts, the Commission held that the detention of Mr. Graffe Henríquez was arbitrary and illegal and that the conditions of detention impacted his rights to personal integrity and health. The Commission also indicated that judicial guarantees and judicial protection were violated.

33. Case of Navarro Hevia v. Venezuela

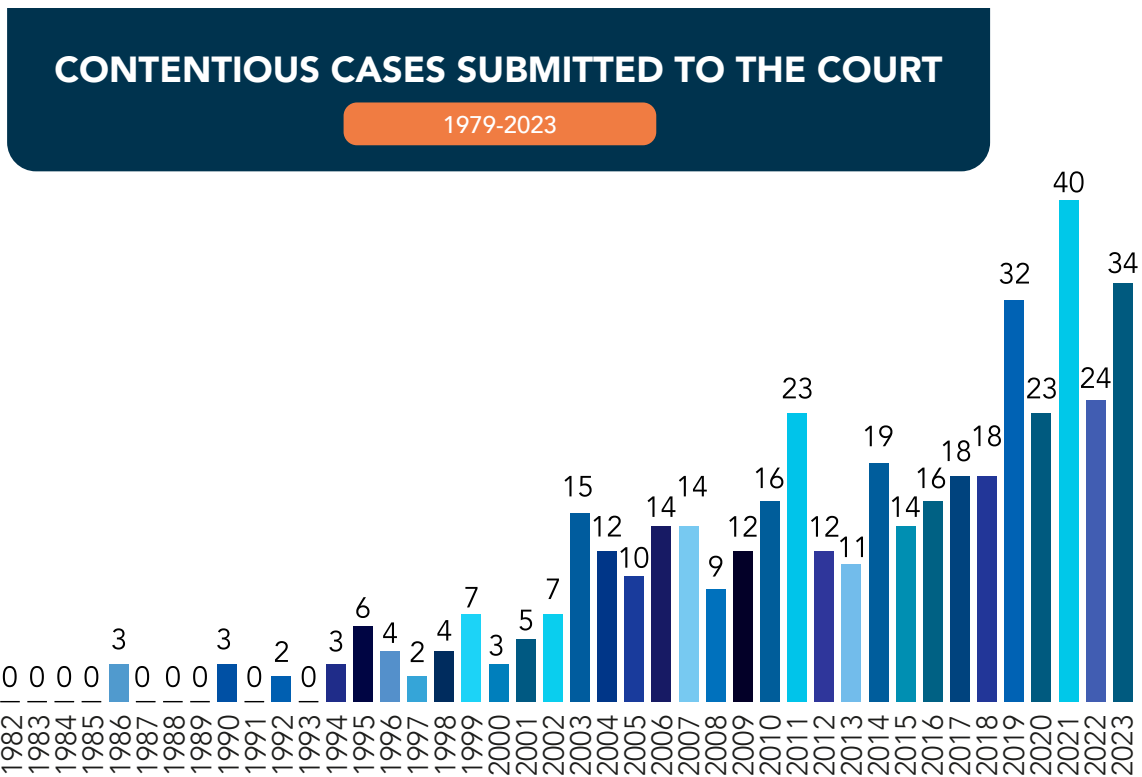
The Inter-American Commission submitted this case to the Court on December 26. It relates to the alleged international responsibility of the Venezuelan State for the violation of the rights to judicial guarantees, the principle of legality, freedom of thought and expression, judicial protection, and the right to work, to the detriment of José Antonio Navarro Hevia. The Commission indicated that Mr. Navarro was an official at the Venezuelan Ministry of Defense from 1978 until 2001. In January 2000, he faced an administrative investigation for denouncing acts of corruption within that institution. Consequently, he was rebuked, dismissed from his

position, and suspended with pay while investigations were carried out. Faced with these facts, the Commission argued that the State violated the principle of legality by applying a sanction arbitrarily. The Commission also noted irregularities in the implementation of the administrative process. Finally, the Commission argued a lack of reasonable time in as much as the organs of the Administration in Venezuela took nine years to issue a final decision.

34. Case of García Andrade et al. v. Mexico

The Inter-American Commission submitted this case to the Court on December 28. It relates to the alleged international responsibility of the Mexican State for the disappearance and subsequent discovery of the dead body of Lilia Alejandra García Andrade in 2001, in a context of violence against women in Ciudad Juárez, state of Chihuahua, and for the lack of due diligence in the investigation. The Commission stated that Lilia Alejandra García Andrade was 17 years old when she disappeared on February 14, 2001, after leaving her job in Ciudad Juárez. She had lived with Ricardo Barreto Aranda for approximately one year, with whom she had two children. Following her separation from Barreto Aranda, she lived with her mother, Norma Esther Andrade. The Commission argues that Mexico is internationally responsible for the violation of the rights to personal integrity, judicial guarantees, protection of the family, and judicial protection recognized in the American Convention, as well as the duty to punish and eradicate violence against women established in the Convention of Belém do Pará, to the detriment of Ms. Norma Andrade and the children of Lilia Alejandra García Andrade.

Further information on the contentious cases currently being processed is available [here](#)



As of December 31, 2023, 69 cases were pending a decision by the Court:

NO.	NAME OF THE CASE	COUNTRY	DATE SUBMITTED
1	Tagaeri and Taromenane Indigenous Peoples	Ecuador	30-09-2020
2	U'wa Indigenous People	Colombia	21-10-2020
3	Members of the Consolidated Workers' Union of ECASA–SUTECASA	Peru	16-11-2020
4	Active Memory Civil Association (victims and family members of the victims of the terrorist attack of July 18, 1994, on the headquarters of the Israeli-Argentine Mutual Association)	Argentina	25-03-2021
5	Yangali Iparraguirre	Peru	23-05-2021
6	Gadea Mantilla	Nicaragua	05-06-2021
7	Poggioli Pérez	Venezuela	18-06-2021
8	Dos Santos Nascimento and Ferreira Gomes	Brazil	29-07-2021
9	Aguas Acosta et al.	Ecuador	15-09-2021
10	Arboleda Gómez	Colombia	30-09-2021
11	Vega González et al.	Chile	22-11-2021
12	Da Silva et al.	Brazil	26-11-2021
13	Rama and Kriol Peoples, Monkey Point Community, and Black Creole Indigenous Community of Bluefields and their members	Nicaragua	26-11-2021
14	Adolescents held in short and long-term facilities run by the National Children's Service (SENAME)	Chile	17-12-2021
15	Beatriz et al.	El Salvador	05-01-2022
16	Quilombolas Communities of Alcántara	Brazil	05-01-2022
17	Aguirre Magaña	El Salvador	12-01-2022
18	González Méndez	Mexico	22-02-2022
19	Huilcaman Pailana et al.	Chile	27-02-2022

NO.	NAME OF THE CASE	COUNTRY	DATE SUBMITTED
20	Galetovic Sapunar	Chile	15-02-2022
21	Chirinos Salamanca et al.	Venezuela	16-02-2022
22	Carrión et al.	Nicaragua	22-02-2022
23	Hidalgo et al.	Ecuador	30-03-2022
24	Leite de Souza et al.	Brazil	22-04-2022
25	Capriles	Venezuela	28-04-2022
26	Revilla Soto	Venezuela	09-05-2022
27	Cuéllar Sandoval et al.	El Salvador	14-05-2022
28	Collen Leite et al.	Brazil	17-05-2022
29	Lares Rangel et al.	Venezuela	06-07-2022
30	Muniz Da Silva	Brazil	29-08-2022
31	Camejo Blanco	Venezuela	01-09-2022
32	Pérez Lucas et al.	Guatemala	26-09-2022
33	Ubaté et al.	Colombia	26-10-2022
34	Reyes Mantilla et al.	Ecuador	23-11-2022
35	Hernández Norambuena	Brazil	30-11-2022
36	Rodríguez Pighi	Peru	06-12-2022
37	Andina Neira et al.	Peru	13-01-2023
38	Manaure Flores et al.	Venezuela	29-03-2023
39	Gattass Sahih	Ecuador	20-05-2023
40	Lynn	Argentina	28-05-2023

NO.	NAME OF THE CASE	COUNTRY	DATE SUBMITTED
41	Ramos Durand et al.	Peru	05-06-2023
42	Luiza Melinho	Brazil	07-06-2023
43	Félix Humberto Peralta Armijos	Ecuador	09-06-2023
44	Ascencio Rosario et al.	Mexico	12-06-2023
45	Cley Mendes et al.	Brazil	19-06-2023
46	Bravo Garvich et al. (Dismissed Workers of the Empresa Nacional de Puertos S.A. ENAPU)	Peru	23-06-2023
47	Campesino Movements of Aguán	Honduras	04-07-2023
48	Gamboa García et al.	Peru	06-07-2023
49	Community of Salango	Ecuador	10-07-2023
50	García Romero et al.	Ecuador	10-07-2023
51	Ramírez Mejía et al.	Peru	25-07-2023
52	Guevara Rodríguez et al.	Venezuela	16-08-2023
53	Rondón Gallardo	Venezuela	23-08-2023
54	Silva Reyes et al.	Nicaragua	31-08-2023
55	Rojas Riera	Venezuela	08-09-2023
56	Cuadra Bravo	Peru	11-09-2023
57	Pérez et al. (Massacre of El Junquito)	Venezuela	11-10-2023
58	Fiallos Navarro	Nicaragua	24-09-2023
59	Tenorio Morales et al. (Union for Higher Education Professionals "Ervin Abarca Jimenez" of the National Engineering University)	Nicaragua	31-10-2023
60	Lalinde et al.	Colombia	06-11-2023
61	Maleno	Venezuela	08-11-2023

NO.	NAME OF THE CASE	COUNTRY	DATE SUBMITTED
62	Galdeano Ibáñez	Nicaragua	09-11-2023
63	Garifuna Community of Cayos Cochinos and its members	Honduras	16-11-2023
64	Chavarría Morales et al.	Nicaragua	17-11-2023
65	Navarro López	Venezuela	17-11-2023
66	Ramiro Zapata	Colombia	16-12-2023
67	Graffe Henríquez	Venezuela	20-12-2023
68	Navarro Hevia	Venezuela	26-12-2023
69	García Andrade	Mexico	28-12-2023

B. | Hearings

In 2023, the Court held 24 public hearings and one (1) evidentiary procedure in contentious cases, as follows:

NO.	HEARING	MATTER	DATE
1	Case Baptiste et al. v. Haiti	Procedure	January 26, 2023
2	Case López Sosa v. Paraguay	Contentious case	January 27, 2023
3	Case of Guzmán Medina et al. v. Colombia	Contentious case	January 31, 2023
4	Case of Vega González et al. v. Chile	Contentious case	February 1, 2023
5	Case of Rama and Kriol Peoples et al. v. Nicaragua	Contentious case	February 2, 2023
6	Núñez Naranjo et al. v. Ecuador	Contentious case	February 3, 2023
7	Cajahuanca Vásquez v. Peru	Contentious case	February 6, 2023
8	Gutiérrez Navas et al. v. Honduras	Contentious case	February 6-7, 2023

NO.	HEARING	MATTER	DATE
9	Airton Honorato et al. v. Brazil	Contentious case	February 8-9 2023
10	Viteri Ungaretti et al. v. Ecuador	Contentious case	March 20, 2023
11	Rodríguez Pacheco et al. v. Venezuela	Contentious case	March 21, 2023
12	Beatriz et al. v. El Salvador	Contentious case	March 22-23, 2023
13	Bendezú Tuncar v. Peru.	Contentious case	April 21, 2023
14	Uwa Indigenous Peoples and their members v. Colombia	Contentious case	April 25-26, 2023
15	Quilombolas Communities Alcântara v. Brazil	Contentious case	April 26 – 27, 2023
16	Córdoba et al. v. Paraguay	Contentious case	April 28, 2023
17	Arboleda Gómez v. Colombia	Contentious case	May 19, 2023
18	González Méndez et al. v. Mexico	Contentious case	June 21, 2023
19	Dos Santos Nascimento et al. v. Brazil	Contentious case	June 28-29, 2023
20	Members of ECASA -SUTECASA Workers' Union v. Peru	Contentious case	June 27-28, 2023
21	Yangali Iparraguirre v. Peru	Contentious case	August 31, 2023
22	Leite Souza v. Brazil	Contentious case	October 12, 2023
23	Pérez Lucas et al. v. Guatemala	Contentious case	October 11, 2023
24	Huilcaman Paillama v. Chile	Contentious case	October 10, 2023
25	Cuéllar Sandoval et al. v. El Salvador	Contentious case	November 22, 2023

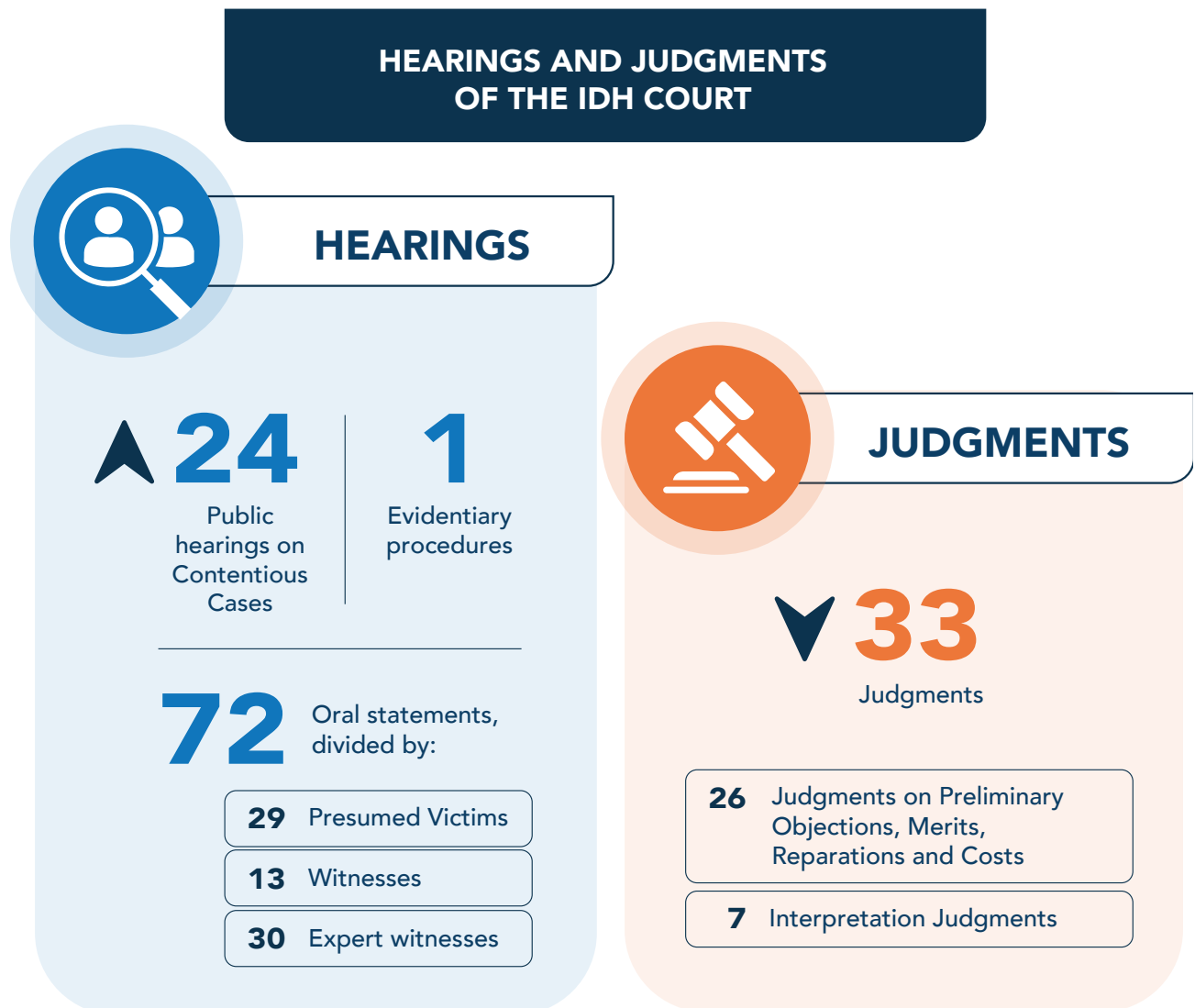
The hearings were transmitted on different social networks: [Facebook](#), [X](#) (@CorteIDH for the account in Spanish and @IACourtHR for the account in English) [YouTube](#), [LinkedIn](#), and [Corte IDH TV](#).

These can be accessed [here](#).

C. | Judgments

During 2023, the Court issued a total of 33 judgments, of which 26 were judgments on preliminary objections, merits, reparations, and costs, and 7 were interpretation judgments.

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



C.1. Judgments in Contentious Cases

1. Case of *García Rodríguez et al. v. Mexico. Preliminary objections, merits, reparations and costs. Judgment of January 25, 2023*

- ▶ **Summary:** The Inter-American Commission submitted this case on May 6, 2021. It was related to the analysis of two legal concepts regulated under Mexican law: arraigo and official preventive detention in the context of the arrest and imprisonment of Daniel García and Reyes Alpízar. On February 25, 2002, Daniel García was arrested in Mexico City and taken to make a statement before the Public Prosecutor's Office regarding the homicide of the mayor of the municipality of Atizapán de Zaragoza, María de los Ángeles Tamés Pérez, on September 5, 2001. Mr. García was questioned and a measure of arraigo was ordered against him on the same day of his arrest. The arraigo measure involved his confinement for 47 days until the formal order of imprisonment (auto formal de prisión) was issued on April 16, 2002. In addition, on October 25, 2002, Reyes Alpízar was also linked to the homicide of the mayor of Atizapán and was arrested after being asked for identification by police and trying to escape. That same day he was questioned and a measure of arraigo was ordered against him, which lasted for 34 days until the formal order of imprisonment was issued for the crimes of aggravated homicide, bribery, and organized crime, on November 30, 2002. Both men were held in pretrial detention for more than 17 years. On August 23, 2019, they were released but remained subject to the tracking and localization system. On May 12, 2022, the judgment was issued in which they were convicted of the crime of homicide and were sentenced to 35 years in prison. Daniel García and Reyes Alpízar reported having been subjected to severe mistreatment during the period of arraigo to obtain their confessions in relation to the murder of mayor María de los Ángeles Tamés Pérez. In the process, the State of Mexico acknowledged responsibility for the described events.
- ▶ **Ruling:** On January 25, the Inter-American Court of Human Rights delivered a judgment in which it declared the international responsibility of the State of Mexico for the violation of the rights to personal integrity, personal liberty, judicial guarantees, equality before the law, and judicial protection, contained in Articles 5, 7, 8, 24 and 25 of the American Convention on Human Rights, in relation to the obligations to respect and adopt provisions of domestic law contained in Articles 1(1) and 2 of the same instrument, as well as of Articles 1, 6 and 8 of the Inter-American Convention to Prevent and Punish Torture. These violations of the Convention were committed to the detriment of Daniel García Rodríguez and Reyes Alpízar Ortiz, and occurred during their arrest, detention, and deprivation of liberty, as well as during the criminal proceedings to which they were subjected, the measure of arraigo imposed on them, and the period during which they were held in pretrial detention which lasted for more than 17 years. The facts of the case began on February 25, 2002, and continued until 2023.

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

2. Case of *Aguinaga Aillón v. Ecuador. Merits, reparations, and costs. Judgment of January 30, 2023*

- ▶ **Summary:** The Inter-American Commission submitted this case on May 20, 2021. It was related to the dismissals of members of the Constitutional Court, the Supreme Electoral Tribunal, and the Supreme Court of Ecuador, which occurred in November and December of 2004. The Court has already addressed these dismissals in the cases of *The Supreme Court of Justice (Quintana Coello et al.) v. Ecuador* and *The Constitutional Court (Camba Campos et al.) v. Ecuador*. The dismissals were conducted by the National Congress over the course of 14 days in an atmosphere of political instability. This case focused on the dismissal of one of the members of the Supreme Electoral Tribunal (TSE) on November 25, 2004, through Resolution 25-160 issued by the National Congress. In this resolution, the Congress indicated that members of the Supreme Electoral Tribunal were being dismissed "because they were appointed without consideration for the provisions of Article 209 of the Constitution of

Ecuador, regarding the means of appointment, and to proceed to appoint members pursuant to this constitutional text, based on the outcome of the October 20, 2002, elections.” Mr. Aguinaga was a member of the TSE and therefore was dismissed by the aforementioned resolution. On November 26, 2004, the Congress appointed new principal and alternate members of the Supreme Electoral Tribunal.

On December 2, 2004, the Constitutional Court, made up of the regular members appointed after the Congress adopted Resolution 25-160, issued a ruling on December 2, 2004, in response to a request from the President “to prevent trial judges from admitting constitutional motions against Congressional Resolution 25-160, adopted by the National Congress on November 25, 2004.” The ruling established that “the only admissible action to suspend the effects of a congressional resolution, including No. 25-160 adopted by the National Congress on November 25, 2004, for the alleged violation of the Constitution, in substance or in form, is a motion of unconstitutionality that must be filed before the Constitutional Court [...], and if any such constitutional remedy against this resolution should be filed in the country’s lower courts, it must be rejected outright by the judges and not admitted, because otherwise they would be hearing a case contrary to an explicit law and this would be liable to judicial action.” By virtue of the Constitutional Court’s decision, Mr. Aguinaga Aillón did not lodge a constitutional motion.

- ▶ **Ruling:** On January 30, the Inter-American Court of Human Rights delivered its judgment which declared the international responsibility of the State of Ecuador for the violation of several rights to the detriment of Carlos Julio Aguinaga Aillón. In particular, the Court found that Mr. Aguinaga was dismissed from his position as a member of the Supreme Electoral Tribunal through Congressional Resolution 25-160 and that the Constitutional Court of Ecuador issued a ruling that prevented its judges from admitting constitutional motions against Resolution 25-160. The Court considered that the Congress acted beyond its powers by dismissing Mr. Aguinaga Aillón and that the ruling of the Constitutional Court restricted his possibility of obtaining a judicial remedy for the protection of his rights. Thus, the Court concluded that the dismissal was carried out in violation of his judicial guarantees, judicial independence, political rights, the right to work, and the right to judicial protection, to the detriment of Mr. Aguinaga Aillón. Consequently, and given the State’s partial acknowledgment of responsibility, the Court concluded that the State is responsible for the violation of Articles 8(1), 8(2), 23, 25, and 26 of the American Convention on Human Rights, in relation to Articles 1(1) and 2 of the same instrument.

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

3. Case of *Olivera Fuentes v. Peru*. Preliminary objections, merits, reparations and costs. Judgment of February 4, 2023

- ▶ **Summary:** The Inter-American Commission submitted this case on June 4, 2021. It was related to the events that occurred on August 11, 2004, when Crissthian Manuel Olivera Fuentes and his same-sex romantic partner were in a cafeteria located inside the Supermercado Santa Isabel de San Miguel, in Lima. During his visit to the commercial establishment, Mr. Olivera and his partner engaged in displays of affection. A customer at the establishment made a complaint to the supermarket manager, saying he felt “uncomfortable and annoyed” by the “attitude” of Mr. Olivera and his partner. As a result of this complaint, the store manager, together with members of the security staff, approached the couple and asked them to “cease their amorous scenes out of respect for the other customers,” since one of them was complaining because “there were children passing nearby for the games.” The store manager told them that they had to buy items from the cafeteria and refrain from their affectionate behavior so as not to disturb the clientele, or else they had to leave the establishment. Mr. Olivera voiced his disagreement with what he considered to be “discriminatory treatment,” pointing out that, unlike heterosexual couples, homosexual couples could not display affection in the establishment.

- ▶ **Ruling:** On February 4, the Inter-American Court of Human Rights delivered its judgment which declared the international responsibility of the State of Peru for the violation of the rights to personal liberty, judicial guarantees, private life, equality before the law, and judicial protection to the detriment of Mr. Olivera Fuentes, due to the administrative and judicial responses of the national authorities to his complaint alleging that on August 11, 2004, he suffered discrimination in the cafeteria of a supermarket because of his sexual orientation.

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

4. Case of Hendrix v. Guatemala. Merits. Judgment of March 7, 2023

Summary: The Inter-American Commission submitted this case on November 25, 2020. It was related to the refusal by the Lawyers' Association of Guatemala to allow Steven Edward Hendrix, a national of the United States, to exercise his profession as a notary. Mr. Hendrix obtained a juris doctorate degree from the University of Wisconsin-Madison in the United States of America in 1987. Subsequently, on September 19, 1997, Mr. Hendrix submitted a request for recognition of his juris doctorate degree issued by the University of Wisconsin-Madison (USA) to the Universidad de San Carlos de Guatemala (USAC). On November 17, 1997, the Board of the USAC Faculty of Legal and Social Sciences admitted his request, and, on March 30, 1998, he was declared a member of the Faculty of Legal and Social Sciences and awarded the title of Doctor in Legal and Social Sciences. On August 17, 1998, the Board of the USAC School of Legal and Social Sciences authorized Mr. Hendrix to carry out legal practice so that he could continue with the necessary procedures to take the Technical Professional Examination. On September 18, 2000, the USAC awarded Mr. Hendrix the title of Doctor in Legal and Social Sciences with the titles of Attorney and Notary", since he had complied with the legal requirements of the documentation and incorporation.

On November 22, 2000, Mr. Hendrix filed a request to register as an attorney and notary with the Professional Association of Lawyers and Notaries of Guatemala (CANG). However, on February 6, 2001, its governing board decided only to register him and swear him in as a lawyer, since domestic legislation establishes that all notaries must be Guatemalan by birth. Mr. Hendrix initiated various administrative and judicial procedures to appeal this decision. On April 21, 2004, the Constitutional Court declared the appeal admissible, revoked the judgment, and declared that Mr. Hendrix should be authorized to exercise the profession of notary, on condition that he obtain Guatemalan nationality.

- ▶ **Ruling:** On March 7, the Inter-American Court of Human Rights delivered a judgment in which it found that the State is not internationally responsible for the violation of the rights to equality before the law and to judicial protection, contained in Articles 24 and 25(1) of the American Convention on Human Rights, in relation to Articles 1(1) and 2 of the same instrument, to the detriment of Mr. Steven Edward Hendrix.

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

5. Case of Scot Cochran v. Costa Rica. Preliminary objections and merits. Judgment of March 10, 2023

- ▶ **Summary:** The Inter-American Commission submitted this case to the Court on June 6, 2021. It relates to the arrest of Thomas Scot Cochran in 2003. On the afternoon of January 20, 2003, at the request of the Public Prosecution Service Office, the Special Criminal Court of San José ordered the pretrial detention of Scot Cochran for six months. On August 17, 2004, the Criminal Trial Court of the First Judicial Circuit of San José declared with the unanimous vote of its three judges, in judgment No.851-04, that Scot Cochran was responsible for the crimes of: "violation of the Law on Narcotics, Psychotropic Substances, Drugs of Unauthorized Use, and Related Activities, by supplying drugs to minors, to the detriment of public health [...]; fabrication or production of pornography, and dissemination of

pornography, both committed to the detriment of [a number of minors][. . .]; paid sexual relations with minors, and corruption,” all these crimes committed cumulatively (en concurso material). Consequently, the accused was sentenced to 154 years’ imprisonment which, under the rules for cumulative crimes established in Article 22 of the Costa Rican Criminal Code, was reduced to 45 years’ imprisonment.

- ▶ **Ruling:** On March 10, the Inter-American Court of Human Rights delivered its judgment which declared that the Republic of Costa Rica was not internationally responsible for the violation of the rights to personal liberty and judicial guarantees, specifically the right to information and effective access to consular assistance and the guarantee of an impartial judge, as well as the right to appeal a ruling before a higher judge or court, recognized in Articles 7(4), 8(1), 8(2) and 8(2)(h) of the American Convention on Human Rights, in relation to Article 1(1) of the same instrument, to the detriment of Thomas Scot Cochran.

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

6. Case of *Álvarez v. Argentina. Preliminary objection, merits, and reparations. Judgment of March 24, 2023*

- ▶ **Summary:** The Inter-American Commission submitted this case on March 27, 2021. It relates to the trial conducted against Mr. Álvarez and another person for various crimes in which irregularities were allegedly committed. This included a decision by the Oral Juvenile Court (Tribunal Oral de Menores-TOM) of October 12, 1999, not to grant the accused a term to appoint as defense counsel an attorney of his own choosing, due to the revoking of the power granted to the person that was representing him in the processing of the case. Rather, it decided that he would be represented by the official public defender who was helping another person jointly accused in the proceedings. In addition, Mr. Álvarez was handcuffed throughout the duration of the oral trial, and the court denied his defense attorney’s request to extend the suspension of the trial in order to prepare an appropriate defense strategy, and rejected an appeal against this decision. For this reason, Mr. Alvarez decided not to testify and stated his intention to appeal in cassation, since he could not choose a defense counsel he trusted. On October 13, 18, 19, and 25, 1999, the witnesses testified in the absence of the defendants, at their request. On October 28, 1999, the TOM issued a judgment by which it sentenced Mr. Alvarez to life imprisonment plus the accessory penalty of imprisonment for an indeterminate period of time to be served, legal accessories, and costs. Argentina acknowledged its responsibility for the facts related to the restraining measures (handcuffs) imposed on Mr. Álvarez during the oral proceedings, as well as for the inaction of the defense and the inadequate substantiation of the appeals filed, and the lack of action by the courts to remedy the deficiencies of the defense.
- ▶ **Ruling:** On March 24, the Inter-American Court of Human Rights delivered a judgment in which it declared Argentina internationally responsible for the violation of the rights to judicial guarantees and judicial protection to the detriment of Guillermo Antonio Álvarez, in the context of a criminal trial followed against him before the Oral Juvenile Court No. 1. The Court declared that Argentina is responsible for the violation of Articles 8(1), 8(2) (c), 8(2) (d), 8(2) (e), 8(2) (f) and 25(1) of the American Convention on Human Rights, in relation to Article 1(1) of the same instrument. It also declared the State responsible for the violation of Article 8(2) (h) of the Convention, in relation to Articles 1(1) and 2 thereof.

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

7. Case of the *Maya Q’eqchi Agua Caliente Indigenous Community v. Guatemala. Merits, reparations, and costs. Judgment of May 16, 2023*

- ▶ **Summary:** The Inter-American Commission submitted this case on August 7, 2020. It was related to the State’s alleged failure to recognize the collective property rights of the Maya Q’eqchi’ Community of Agua Caliente to ancestral lands known as “Lot 9,” located in El Estor, Department of Izabal. Over time,

the community's traditional lands were designated as "Lot 9" and handed over to private individuals for agricultural activities. Despite having met the land titling requirements in 2002, the Community faced administrative obstacles to obtaining the title deed and transferring ownership. In parallel, the mining company Exploraciones y explotaciones mineras Izabal, Sociedad Anónima" was granted a license for mining exploration in 2004, without prior consultation, directly affecting the community's lands. Furthermore, between 2006 and 2019, there were reports of violence, attacks, harassment, and threats, as well as evictions in communities near Agua Caliente.

- ▶ **Ruling:** On May 16, the Inter-American Court of Human Rights issued a judgment in which it declared the international responsibility of the State of Guatemala for its failure to ensure the proper delimitation, demarcation, and titling of the communal territory of the Maya Q'eqchi' Agua Caliente indigenous community known as "Lot 9." It also determined that the State did not engage in a prior and informed consultation of the Community regarding a mining project that affected their territory. Lastly, the Court established that various acts of violence, threats, and harassment related to the territorial conflict adversely affected the communal life and moral integrity of all members of the Community. Consequently, it found that Guatemala violated the rights to the acknowledgment of legal personality, personal integrity, judicial guarantees, property, access to information, political rights, and the right to judicial protection to the detriment of the entire Community. It also found that failure to acknowledge collective property and to ensure prior consultation were linked to shortcomings in domestic law. The State's conduct prior to June 2020, in relation to the consultation on mining activities, was also considered discriminatory.

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

8. Case of López Sosa v. Paraguay. Merits, reparations, and costs. Judgment of May 17, 2023

- ▶ **Summary:** The Inter-American Commission submitted this case to the Court on November 20, 2021. It was related to the detention of Jorge Luis López Sosa during the coup d'état in Paraguay in May 2000. Mr. López Sosa, a junior officer of the National Police at the time of the events, was summoned by his superior and taken to the Metropolitan Police Station 11, where he was disarmed, bound, blindfolded, and beaten. He was interrogated on his alleged participation in the attempted coup d'état. He was then transferred to the Specialized Group of the National Police and held in precarious conditions. On May 21, he was taken to the Marine Infantry barracks, where he was again blindfolded and interrogated in the presence of the Interior Minister, W.B.

Mr. López Sosa was subjected to a police disciplinary procedure and a criminal proceeding for his alleged participation in the attempted coup d'état. Regarding the police disciplinary proceeding, in a ruling issued on June 19, 2000, the Fourth Instruction Court described the "offense" committed by Mr. López Sosa as "serious" and imposed an administrative sanction on him, along with other officers, dismissing him from the service. Subsequently, by Presidential Decree No. 9249 of July 20, 2000, Mr. López Sosa was discharged for "serious misconduct committed in the performance of his duties." With regard to the criminal proceeding, Mr. López Sosa was held in preventive detention until December 14 of the same year, when this measure was replaced by house arrest. On May 28, 2003, the Criminal Court of Asunción declared the expiration of the criminal action against Mr. López Sosa and ordered the definitive dismissal of the case. On December 12, 2003, the victim was reinstated in the National Police with the rank of Inspector Officer, the same rank he held prior to his discharge.

- ▶ **Ruling:** On May 17, the Inter-American Court of Human Rights delivered a judgment in which it declared the international responsibility of the State of Paraguay for the torture to which Mr. Jorge Luis López Sosa was subjected on May 19, 2000, when he worked as a police inspector - and the consequent violation of his rights to personal integrity, personal liberty, judicial guarantees, and judicial protection.

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

9. Case of Boleso v. Argentina. Preliminary objections, merits, reparations and costs. Judgment of May 22, 2023

- ▶ **Summary:** The Inter-American Commission submitted this case on September 21, 2021. It was related to the delay by the State of Argentina in complying with the decision of an appeal related to the remuneration of Mr. Héctor Hugo Boleso, a labor judge of the First Trial Court of the province of Corrientes. On February 21, 1990, Mr. Boleso filed an appeal against the province of Corrientes alleging infringement of the inviolability of his remuneration as a judge, following a decrease in his remuneration as a result of hyperinflation. In August 1992, a second instance decision admitted his appeal. The province of Corrientes then filed an extraordinary federal appeal against that decision, which was rejected in August 1997. However, when Mr. Boleso sought the enforcement of the Amparo ruling, the Superior Court of Justice of Corrientes informed him that the decision was merely “declaratory” and that there was no payment order. After filing several motions, the Supreme Court of Justice, issued a decision in August 2003 ordering the invalidation of the judgment that affirmed the declaratory nature of the Amparo, and ordering a new ruling in accordance with what had been decided in the original judgment. In June 2004, the Superior Court of Justice of Corrientes issued a new ruling ordering the payment of the amount owed, which occurred in March 2011, in accordance with the settlement agreed by Mr. Boleso.
- ▶ **Ruling:** On May 22, the Inter-American Court of Human Rights delivered a judgment in which it declared Argentina responsible for the violation of the rights, guarantees, and judicial protections enshrined in Articles 8(1) and 25(1) of the American Convention on Human Rights, in relation to the obligation to respect and guarantee rights, contained in Article 1(1) of the same instrument, to the detriment of Mr. Boleso.

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

10. Case of Tabares Toro et al. v. Colombia. Merits, reparations, and costs. Judgment of May 23, 2023

- ▶ **Summary:** The Inter-American Commission submitted this case to the Court on May 25, 2021. It was related to the disappearance of Oscar Iván Tabares Toro on December 28, 1997. Mr. Tabares, a soldier of the Colombian National Army, disappeared after an incident in which gunshots and an explosion were heard during a military camp. Despite his mother’s efforts to find him, military authorities gave contradictory versions of his whereabouts. Internal investigations and judicial proceedings were initiated, but at the date of issuance of the judgment, no information emerged about his fate or whereabouts of his remains. The judicial proceedings included a military investigation that concluded with an acquittal, a complaint before the Human Rights Office of the Departmental Attorney General’s Office, and complaints before the ordinary criminal justice system. Despite these efforts, the judicial processes were hampered by delays, changes in the assignment of the case, and a lack of due diligence in the investigation. Although inspections were carried out at the scene of the incident, the criminal proceedings are still in the investigation stage.

The search for information on the whereabouts of Oscar Tabares led his mother to leave their home for long periods of time, leaving his younger sisters in the care of the older sister. The family also suffered threats and harassment, which forced them to change residence several times and caused them economic hardship. In 2022, the mother and sister of Oscar Tabares, along with other family members, were forced to leave Colombia for exile due to these circumstances.

- ▶ **Ruling:** On May 23, the Inter-American Court of Human Rights delivered a judgment in which it declared the international responsibility of the Colombian State for the forced disappearance of the soldier Oscar Iván Tabares Toro, as well as for the violation of the rights to judicial guarantees and judicial

protection, to the detriment of Mr. Tabares Toro and his family. In addition, the Court declared the violation of the following rights: to know the truth, personal integrity, protection of honor, protection of the family, and the rights of the child, to the detriment of his next of kin. It should be noted that Colombia acknowledged its international responsibility with respect to the violations of the following rights: the rights to juridical personality, life, personal integrity, and personal liberty, for the forced disappearance of Oscar Iván Tabares Toro; the rights to judicial guarantees and judicial protection; and the rights to personal integrity, protection of honor and dignity and protection of the family, due to the State's lack of response to Oscar Tabares' family in their efforts to obtain justice, their displacement and the stigmatization they suffered as a result of these events.

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

11. Case of Núñez Naranjo et al. v. Ecuador. Merits, reparations, and costs. Judgment of May 23, 2023

- ▶ **Summary:** The Inter-American Commission submitted this case to the Court on July 10, 2021. It was related to the disappearance of Fredy Núñez Naranjo. On July 15, 2001, Fredy Núñez Naranjo was arrested and taken to the police station in the canton of Quero (Tungurahua province) due to his involvement in a quarrel with Mr. OM. Approximately one hour later, a group of around 400 people from the communities of Puñachizag and Shaushi arrived at the police station, released OM and took as hostages Fredy Núñez Naranjo, his mother, Gregoria Naranjo and his sister, Marcia Núñez Naranjo. There is no record that the police officers who were present took any action to prevent the kidnapping of members of the Núñez Naranjo family, who were taken to the community of Puñachizag, where they were subjected to physical violence. Subsequently, Gregoria Naranjo and Marcia Núñez Naranjo were driven to the village of Shaushi where they were released, while Fredy Núñez Naranjo was forced into a vehicle and taken to "an unknown destination." Since then his whereabouts remain unknown.

Following Mr. Núñez Naranjo's disappearance, an investigation was initiated, including a preliminary inquiry, and charges were brought against seven individuals for the crime of abduction. However, the pretrial detention of the accused was revoked and the case was provisionally filed due to lack of evidence. For more than 13 years no new procedures were carried out, until April 2018, when an investigation was opened into the forced disappearance and alleged torture of Fredy's mother and sister. These investigations are currently at the preliminary stage.

- ▶ **Ruling:** On May 23, the Inter-American Court of Human Rights issued a judgment in which it declared the international responsibility of the State of Ecuador for the forced disappearance of Fredy Núñez Naranjo, for the violation of his and his family's rights to judicial guarantees and judicial protection owing to the failure to conduct an immediate search and to investigate and punish those responsible. In addition, the Court declared the violation of the rights to know the truth and to personal integrity of Mr. Núñez Naranjo's next of kin. The Court also declared the violation of the rights to judicial guarantees and judicial protection of the mother and one of the sisters of Fredy Núñez Naranjo due to the lack of a timely investigation into the injuries they allegedly suffered. Although the State disputed that a forced disappearance had occurred, it acknowledged its international responsibility for the violation of the rights to judicial guarantees and judicial protection, owing to the inadequate investigation into the kidnapping of Fredy Núñez Naranjo.

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

12. Case of Meza v. Ecuador. Preliminary objection, merits, reparations, and costs. Judgment of June 14, 2023

- ▶ **Summary:** The Inter-American Commission submitted this case on September 9, 2021. It was related to the human rights violations arising from the failure to comply with a domestic ruling ordering the

Sport Emelec Football Club to pay salaries and financial compensation to the Argentine football player, Juan José Meza. On November 19, 1991, Mr. Meza filed a labor complaint against Sport Emelec Club due to an unjustified layoff. When this was rejected, he filed an appeal in relation to payment of the amounts owed, including the bonus established in his contract. This appeal was admitted, and the ruling was referred to the Fourth Labor Court of Guayas for execution. However, following several challenges and modifications in the calculation of the sums to be paid, the case was closed on May 28, 2007.

- ▶ **Ruling:** On June 14, the Inter-American Court of Human Rights delivered a judgment in which it declared the international responsibility of the State of Ecuador for failure to ensure a reasonable time in the process of executing the judgment ordering the Sport Emelec Football Club to pay salaries and compensation to the football player Juan José Meza. Accordingly, the Court determined that Ecuador violated the rights to judicial guarantees and judicial protection, recognized in Articles 8(1) and 25(2) (c) of the American Convention on Human Rights, in relation to Article 1(1) thereof, to the detriment of Mr. Meza.

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

13. Case of María et al. v. Argentina. Merits, reparations, and costs. Judgment of August 22, 2023

- ▶ **Summary:** The Inter-American Commission submitted this case to the Court on April 25, 2022. It was related to the facts surrounding María's pregnancy and the subsequent placement for adoption of her child. On May 30, 2014, 12-year-old María was diagnosed with a pregnancy of 28 weeks gestation. She lived with her mother in a situation of poverty and family violence. María was admitted to a public maternity clinic, where the staff pressured her to give up her unborn child for adoption. On July 23, 2014, María and her mother signed a document without legal representation in which they agreed to hand over the newborn child in pre-adoptive guardianship and subsequent adoption. On August 1, 2014, the Provincial Ombudswoman for Children and Adolescents initiated the adoption procedure, characterized by several irregularities, and the Family Court judge issued a simple unreasoned order to hand over the newborn child to a married couple called López. On August 23, 2014, Mariano was born in the public maternity clinic. María was deprived of basic care during the three days she spent at the clinic, and was only allowed to receive visits from her mother; other family members were prevented from visiting her. María expressed her desire not to give her son up for adoption to various judicial, social work, and mental health officials. It was not until April 1, 2016, that a contact regime was established between María and Mariano, which was notable for its rigidity and the existence of multiple obstacles. María and her mother filed several appeals against the decisions of the authorities with the aim of recovering Mariano. At the time of the deliberation of the judgment, all appeals had been rejected except for the complaint, which was still pending resolution.
- ▶ **Ruling:** On August 22, the Inter-American Court of Human Rights delivered a judgment declaring the international responsibility of the State of Argentina for the violation of several rights in the context of an administrative and judicial process that resulted in the separation of the child Mariano from his mother María, 13 years old at the time of his birth, and his placement with a family other than his biological family for more than eight years and up to the present. The Court declared the violation of the rights to family life, protection of the family, judicial guarantees, and judicial protection to the detriment of María, her mother, and Mariano. In addition, it declared the violation of the rights of the child to the detriment of María and Mariano. Furthermore, it considered that the State also violated the rights to personal integrity, equality and to live a life free from violence to the detriment of María and Mariano's right to identity.

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

14. Case of Guzmán Medina et al. v. Colombia. Merits, reparations, and costs. Judgment of August 23, 2023

- ▶ **Summary:** The Inter-American Commission submitted this case to the Court on September 5, 2021. It was related to the forced disappearance of Arles Edisson Guzmán Medina in Medellín, Colombia, on November 30, 2002. In 2002, the Colombian State conducted “Operation Orion” which resulted in forced disappearances, arbitrary detentions, murders, attacks, death threats, and displacements. At the time of the events, Arles Edisson was 29 years old, married, and lived with Luz Enith Franco Noreña. He was abducted by two men dressed as civilians who arrived in a taxi at the place where he was working. Several proceedings were initiated in the domestic jurisdiction to investigate the events of November 30, 2002. However, in 2004, the authorities decided to suspend and archive the investigation due to the long period that had elapsed without identifying those responsible. In 2005, this suspension was revoked. At the date of the issuance of the judgment the investigation was ongoing and Mr. Guzmán’s whereabouts remained unknown.
- ▶ **Ruling:** On May 23, the Inter-American Court of Human Rights delivered a judgment in which it declared the international responsibility of Colombia for the forced disappearance of Arles Edisson Guzmán Medina, and for the violation of the rights to judicial guarantees and judicial protection, to the detriment of Mr. Guzmán Medina and his next of kin. The Court also declared the violation of the right to know the truth, to personal integrity, and to the protection of the family, to the detriment of his family members. The State of Colombia acknowledged its international responsibility for the violation of the following rights: recognition of legal personality, life, personal integrity and personal liberty, judicial guarantees, judicial protection, and the protection of the family.

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

15. Case of the Garifuna Community of San Juan and its Members v. Honduras. Preliminary objections, Merits, reparations, and costs. Judgment of August 29, 2023

- ▶ **Summary:** The Inter-American Commission submitted this case to the Court on August 12, 2020. It was related to the Garifuna Community of San Juan located in the department of Atlántida, municipality of Tela, on the Caribbean coast of Honduras. In 1979, the State of Honduras began to grant property titles to land in favor of the community of Triunfo San Juan and its members. In 1997, 1998, 2000 and 2002, the Garifuna community of San Juan made several applications for ownership titles of a territory, a situation that caused several problems, including i) the judicial and administrative processes presented by Community representatives related to requests for titling; ii) the sale and adjudication to third parties of lands claimed by the community; iii) the extension of the urban radius of the Municipality of Tela in 1989, which encompassed part of the territory claimed by the community and recognized as such by the State, and iv) the creation of the protected area “Parque Janeth Kawas” in part of the Community’s territory. The investigations related to deaths, violence, and threats against members of the Community of San Juan were also analyzed.
- ▶ **Ruling:** On August 29, the Inter-American Court of Human Rights delivered a judgment, in which it declared the State of Honduras responsible for the violation of the right to collective property, the obligation to guarantee participation in public affairs and access to public information, recognized in Articles 21, 23 and 13 of the American Convention on Human Rights, to the detriment of the Garifuna Community of San Juan and its members. These violations occurred because the State failed in its obligations to grant titles, delimit and demarcate the Community’s territory, to guarantee its use and enjoyment of this communal property, and did not ensure the community’s participation in public affairs that affected them. Similarly, the Court considered that the State was responsible for the violation of

judicial guarantees and judicial protection recognized in Articles 8(1) and 25 of the Convention to the detriment of the Community and its members, considering that some requests for full ownership submitted and processed for the Community did not receive a reply from the authorities, and for failure to investigate the acts denounced by the Community and its members. The State was also declared responsible for the violation of the personal integrity of members of the Garifuna Community of San Juan due to the atmosphere of threats and violence against it.

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

16. Case of Bendezú Tuncar v. Peru. Preliminary objections and merits. Judgment of August 29, 2023

- ▶ **Summary:** This case was submitted to the Court by the Inter-American Commission on August 20, 2021. It was related to the dismissal of Leónidas Bendezú Tuncar from the University of San Martín de Porras (USMP). On March 21, 1996, a student sent a letter to the Dean accusing Mr. Bendezú Tuncar of adulterating documents concerning the process of updating her registration. The USMP began disciplinary proceedings against the victim and, on April 15, 1996, sent Mr. Bendezú “a notarized letter of notice of dismissal.” On April 24, he presented his defense, and five days later he received a notarized letter of dismissal for serious misconduct. The dismissal became effective on May 13, 1996, and on June 2, Mr. Bendezú reported the situation to the Ministry of Labor and Social Promotion. Mr. Bendezú filed three legal actions seeking reparation for his dismissal, which he considered contrary to his rights. None of these proceedings resulted in a favorable outcome for Mr. Bendezú.
- ▶ **Ruling:** On August 29, the Inter-American Court of Human Rights delivered a judgment in which it declared that the State is not internationally responsible for the violation of the rights to judicial guarantees and judicial protection, contained in Articles 8(1), 8(2) and 8(2)(c) and 25(1) of the American Convention on Human Rights, to the detriment of Mr. Leónidas Bendezú Tuncar.

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

17. Case of Baptiste et al. v. Haiti. Merits and reparations. Judgment of September 1, 2023

- ▶ **Summary:** The Inter-American Commission submitted this case to the Court on May 19, 2020. It relates to the attacks and threats suffered by Mr. Willer Baptiste and his family. On February 4, 2007, at around 9:00 AM, as he made his way to the pharmacy to buy medicines, a group of people tried to attack Mr. Willer Baptiste, who managed to hide in the patio of his business. That same day, between 5:00 and 6:00 pm, the same group murdered his younger brother, Frédo Guirand, aged 16, in the street. After this episode, Mr. Baptiste and his family continued to receive death threats and threats against their security. On October 19, 2016, as he left a laundry, Mr. Baptiste was attacked by two unidentified men, who also threatened to kill him. This last incident prompted him to go into exile in the United States on November 3, 2016, where he still lives. The rest of his family members were still living in Haiti when the judgment in this case was issued.
- ▶ **Ruling:** On September 1, the Inter-American Court of Human Rights delivered a judgment in which it declared the international responsibility of Haiti for failing to protect the rights of Mr. Willer Baptiste and his family, following numerous threats and murder attempts to which they subjected between 2007 and 2009, as well as for the lack of due diligence in the investigation and the alleged impunity surrounding the death of his 16-year-old brother, Frédo Guirand, and the aforementioned death threats and murder attempts.

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

18. Case of Rodríguez Pacheco et al. v. Venezuela. Preliminary objections, merits, reparations and costs. Judgment of September 1, 2023

- ▶ **Summary:** The Inter-American Commission submitted this case to the Court on March 22, 2021. It was related to a series of surgical procedures that constituted medical malpractice to the detriment of Mrs. Rodríguez Pacheco. On August 12, 1998, Mrs. Rodríguez Pacheco, who was 39 weeks pregnant, went to the private clinic of “La Concepcion, Centro Materno C.A.” for a prenatal checkup with Dr. J.C.Z.P. The doctor warned that her pregnancy was high-risk and agreed to perform an elective cesarean. This operation, which resulted in medical malpractice, led to several surgical interventions in which Mrs. Rodríguez underwent a total hysterectomy, ligation of her ureters and organ perforations, reconstruction of the ureters and urinary system, and “a condition of hypophysis-gonadal dysfunction, hypothyroidism, and post-surgical menopause.” As a result, in 2000, the Disability Evaluation Commission of the Venezuelan Social Security Institute issued a report in which it concluded that Mrs. Pacheco had a “permanent partial work disability of 50%.”

In 1999, Mrs. Rodríguez Pacheco filed a complaint for medical malpractice before the Lara State Delegation of the Technical Judicial Police Corps for medical malpractice. The case passed through several courts, with delays and errors in the proceedings. In 2003, the Constitutional Chamber of the Supreme Court ordered that the trial be transferred to the courts of Caracas. In Caracas, charges were brought against several doctors, but the dismissal of some defendants was requested due to the statute of limitations. In 2012, the case was dismissed and confirmed on appeal in 2013. In addition, complaints were filed for related offenses in connection with the case.

- ▶ **Ruling:** On September 1, 2023, the Inter-American Court of Human Rights delivered a judgment that declared the international responsibility of the State of Venezuela for shortcomings in the judicial proceedings held in relation to a complaint for alleged acts of obstetric violence and medical malpractice that occurred in a private hospital and the consequent violation of the rights to judicial guarantees and judicial protection, in relation to the right to personal integrity and the right to health, as well as the violation of subparagraphs b), f) and g) of Article 7 of the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women.

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

19. Case of Córdoba v. Paraguay. Merits, reparations, and costs. Judgment of September 5, 2023

- ▶ **Summary:** The Inter-American Commission submitted this case to the Court on January 7, 2022. It concerns the infant son of Arnaldo Javier Córdoba, who was taken to Paraguay by his mother. Mr. Córdoba, an Argentine national, was married to Ms. M. a Paraguayan national, and they established their marital home in Argentina. On February 26, 2004, the couple’s only son, “D”, was born in Buenos Aires. On January 21, 2006, when the child was one year and eleven months old, Ms. M. removed him from Buenos Aires (Argentina) and took him to Atyrá (Paraguay), without the father’s consent. On January 22, 2006, Mr. Córdoba denounced the unlawful removal of his son and initiated a procedure for the international return of the child. On September 28, 2008, a court hearing for the return of the child was held, which Ms. M. did not attend. On May 22, 2015, following the offer of a reward by the Argentine State, INTERPOL located “D” and his mother in Paraguay. Ms. M. was preventively detained, while the child “D” informed the competent authorities that he wished to stay in Paraguay. Subsequently, efforts were made to reestablish contact between father and son, but the latter expressed his lack of interest in doing so. On May 10, 2019, the Inter-American Commission on Human Rights granted precautionary measures in response to the facts described. Within the framework of the precautionary measures file, on July 2, 2019, the State presented several proposals for the reunification between father and son, which did not materialize.

- ▶ **Ruling:** On September 4, 2023, the Inter-American Court of Human Rights delivered a judgment in which it declared the State of Paraguay responsible for the violation of the rights to personal integrity, private and family life, and enforcement of judicial rulings, recognized in Articles 5(1), 11(2), 17 and 25(2) (c) of the American Convention on Human Rights, in relation to the obligations established in Articles 1(1) and 2 thereof, to the detriment of Mr. Arnaldo Javier Córdoba.

Find [here](#) the judgment and the official summary [here](#) (both only in Spanish).

20. Case of the Members of the José Alvear Restrepo Lawyers' Collective Corporation (CAJAR) v. Colombia. Preliminary objections, merits, reparations and costs, Judgment October 18, 2023

- ▶ **Summary:** The Inter-American Commission submitted this case to the Court on July 8, 2020. It was related to acts of violence, intimidation, harassment, and threats committed against members of the José Alvear Restrepo Lawyers' Collective Corporation (CAJAR) since the 1990s and up to the present day, linked to their work in defense of human rights. Through various agencies, the Colombian State, including the Administrative Department of Security (DAS), carried out various actions related to intelligence work, surveillance, and monitoring of communications of CAJAR members, without legal justification or judicial control. The protection measures provided by the State were insufficient, in addition to the lack of clarification of the facts, impunity, and stigmatizing statements by officials. This affected the freedom of expression and freedom of association of CAJAR members. Moreover, the State did not carry out an adequate investigation to clarify the facts, or to identify, prosecute and punish those responsible. The victims did not have adequate recourse to access the information about them contained in the intelligence files. Finally, it was noted that the situation caused well-founded fear and led to the exile of several CAJAR members and their families, including children and adolescents.
- ▶ **Ruling:** On October 18, 2023, the Inter-American Court of Human Rights delivered a judgment declaring the State's international responsibility for the violation of the following rights, to the detriment of the members of CAJAR and their families: the rights to life, personal integrity, private life, freedom of thought and expression, informational self-determination, the right to know the truth, honor, judicial guarantees, judicial protection, freedom of association, movement and residence, the protection of the family, the rights of the child and the right to defend human rights. Consequently, the Court declared that Colombia is responsible for the violation of Articles 4(1), 5(1), 5(2), 8(1), 11(1), 11(2), 11(3), 13(1), 16(1), 17(1), 19, 22(1), 25(1) of the American Convention on Human Rights, in relation, respectively, to the obligations to respect and guarantee rights and to adopt provisions of domestic law established in Articles 1(1) and 2 of the same instrument, and to refrain from any action or practice of violence against women contained in Article 7(a) of the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (Convention of Belém do Pará).

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

21. Case of Tavares Pereira et al. v. Brazil. Preliminary objections, merits, reparations and costs. Judgment of November 16, 2023

- ▶ **Summary:** The Inter-American Commission submitted this case to the Court on February 6, 2021. It concerns the homicide of a rural worker, Antonio Tavares Pereira, by military police agents, as well as the injuries allegedly suffered by many other workers of the Landless Rural Workers' Movement (MST). The events took place on May 2, 2000, in the state of Paraná, during a march by rural workers to demand agrarian reform. The police actions to prevent the march included the use of force, firearms, rubber bullets, clubs, dogs, and physical force. These actions resulted in the bullet fired by the soldier

J.L.S.A. ricocheting off the asphalt and hitting Antonio Tavares Pereira, who died as a result of acute hemorrhage.

On May 4, 2000, the Military Police of the state of Paraná opened an investigation about the death of Mr. Tavares Pereira. On October 5, 2000, the Military Prosecutor's Office requested that the investigation be closed. On October 10 of the same year, the Military Judge Advocate decided to archive the investigation. In addition, a police investigation began in the ordinary criminal jurisdiction on May 3, 2000. On April 17, 2003, the Court of Justice of Paraná decided to dismiss the criminal action. Finally, in December 2002, the widow of Mr. Tavares Pereira and his children filed an action for compensation against the state of Paraná to obtain civil reparation for the moral and pecuniary harm caused. These reparations have not been duly paid.

- ▶ **Ruling:** On November 16, 2023, the Inter-American Court of Human Rights delivered a judgment in which it declared the Federative Republic of Brazil internationally responsible for the disproportionate use of force by military police agents on May 2, 2000, against Antônio Tavares Pereira and other rural workers who sought to protest peacefully and publicly, resulting in the violation of their rights to life, personal integrity, freedom of thought and expression, assembly, movement and rights of the child. The Court also found Brazil internationally responsible for the violation of the rights established in Articles 8(1) and 25(1) of the American Convention, to the detriment of the families of Mr. Tavares Pereira and the 69 injured rural workers, due to the lack of due diligence in the investigation and criminal proceedings. The Court also considered that the lengthy duration of the civil suit filed by the family members of Mr. Tavares Pereira in order to obtain reparation for the moral and pecuniary damage caused, violated the judicial guarantee of reasonable time, established in Article 8(1) of the American Convention. Lastly, the Court found the State responsible for the violation of Article 5 (1) of the American Convention, given the effects on the personal integrity of Mr. Tavares Pereira's family resulting from his death and the subsequent failure to investigate, prosecute, and punish those responsible.

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

22. Case of Airton Honorato v. Brazil. Preliminary objections, merits, reparations and costs. Judgment of November 27, 2023

- ▶ **Summary:** The Inter-American Commission submitted this case to the Court on May 28, 2021. It relates to a series of state actions that culminated in the homicide of 12 people through excessive use of force by the military police, on March 5, 2002, in the context of "Operation Castelhinho", and the impunity surrounding the deaths of G.L.S., M.M. and R.C.C. These individuals had been sentenced to imprisonment but were authorized by court order to leave prison temporarily in order to collaborate with the Group for the Repression and Analysis of Intolerance Crimes (GRADI). Part of their work in this operation involved infiltrating an illegal activity. On this occasion, a group of at least 53 military police officers were waiting for them. On March 5, 2002, upon arriving with the rest of the people at the agreed place in a convoy, the police surrounded the bus and opened fire for approximately 10 minutes. The bus was hit with bullets that left 114 entry holes and 20 exit holes. The 12 victims, who were on the bus and in the vans that followed it, died as a result of internal bleeding caused by gunshot wounds.

Following an investigation, on December 4, 2003, the Public Prosecutor's Office filed criminal charges against 55 persons: 53 police officers and 2 prison inmates, charging them with twelve crimes of aggravated homicide. On November 4, 2014, a verdict of acquittal was handed down. On January 15, 2015, the Public Prosecutor's Office of São Paulo appealed the decision and on February 14, 2017, the Court of Justice of the state of São Paulo dismissed the appeal. In addition, the relatives of some of the executed persons filed civil suits for reparations. The evidence in the case file shows that six of the civil actions filed were processed between 2002 and 2005. Only some of the lawsuits filed by family members were admitted, while others were declared inadmissible.

- ▶ **Ruling:** On November 27, 2023, the Inter-American Court of Human Rights delivered a judgment declaring the Federative Republic of Brazil internationally responsible for the extrajudicial execution of 12 persons by the military police during “Operation Castelinho” on March 5, 2002. The Court declared a violation of the right to life, contained in Article 4 of the American Convention, to the detriment of these 12 persons, and of the rights established in Articles 8(1), 25(1), and 25(2)(c) of the American Convention, to the detriment of their next of kin, due to the lack of due diligence and guarantees of reasonable time in the investigation and criminal proceedings initiated, the violation of the right to the truth and the violation of the right to compliance with judicial rulings in relation to the civil actions filed by the next of kin. Finally, the Court concluded that the State is responsible for the violation of Article 5(1) of the American Convention, due to the harm caused to the personal integrity of the next of kin of the executed persons, as a consequence of their violent murder committed by State agents and the subsequent failure to investigate, prosecute and punish those responsible.

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

23. Case of Cajahuanca Vásquez v. Peru. Preliminary objections and merits. Judgment of November 27, 2023

- ▶ **Summary:** The Inter-American Commission submitted this case to the Court on May 12, 2021. It relates to violations of conventional rights that occurred in the context of a disciplinary process that ended with the dismissal of Mr. Humberto Cajahuanca Vásquez as a judge of the Superior Court of Justice of Huánuco. In June 1995, the President of the Superior Court of Justice of Huanuco, Mr. Cajahuanca, convened a meeting of the full court and appointed a judge to replace another judge. This judge, Héctor Fidel Cordero Bernal, granted unconditional release to two persons prosecuted for drug trafficking, which led to an investigation by the Office of Control of the Judiciary. As a result, the removal of the President of the Court was proposed. The Executive Council of the Judiciary approved the dismissal in October 1995, and the National Council of Magistrates executed the order in August 1996. The dismissed judge filed legal appeals, but all of them were rejected.
- ▶ **Ruling:** On November 27, 2023, the Inter-American Court of Human Rights issued a judgment declaring that the State of Peru is not internationally responsible for the violation of the rights to judicial guarantees, the principle of legality and retroactivity, political rights and judicial protection recognized in Articles 8, 9, 23 and 25 of the American Convention on Human Rights, in relation to the obligations to respect and guarantee such rights and to adopt provisions of domestic law, enshrined in Articles 1(1) and 2 of the same instrument, to the detriment of Mr. Humberto Cajahuanca Vásquez.

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

24. Case of Viteri Ungaretti et al. v. Ecuador. Preliminary Objections, Merits, Reparations, and Costs. Judgment of November 27, 2023

- ▶ **Summary:** On July 5, 2021, the Inter-American Commission submitted to the consideration of the Court the case of Julio Viteri Ungaretti and Family v. Ecuador. The case relates to the reprisals taken against Navy Captain Julio Rogelio Viteri Ungaretti and his family: his wife, Ligia Rocío Alarcón Gallegos, his children Sebastián and Michelle Rocío, both Alarcón Gallegos and his mother-in-law, Rosa María Gallegos Pozo, in retaliation for having reported serious irregularities in the public administration and acts of corruption within the Armed Forces in November 2001. The case concerns the right to freedom of expression as a means to denounce acts of corruption. The Commission also noted that Mr. Viteri was subjected to several sanctions of arrest and that the writ of habeas corpus presented by the alleged victim was denied.

- ▶ **Ruling:** On November 27, the Court delivered a judgment in which it declared the State of Ecuador responsible for the violation of the rights to freedom of expression, personal liberty, judicial protection, the right to work, and political rights, established in Articles 13(1), 13(2), 7(1), 7(3), 7(6), 25(1), 26 and 23 of the American Convention on Human Rights, in relation to Articles 1(1) and 2 thereof, to the detriment of Julio Rogelio Viteri Ungaretti. It also found the State responsible for the violation of the rights to freedom of movement and residence, personal integrity, and protection of the family, enshrined in Articles 22, 5(1) and 17 of the American Convention, in relation to Article 1(1) thereof, to the detriment of Julio Rogelio Viteri Ungaretti, Ligia Rocío Alarcón Gallegos, and Sebastián and Michelle Rocío Alarcón Gallegos, and Rosa María Gallegos Pozo. Furthermore, the State was found responsible for the violation of the rights of the child, enshrined in Article 19 of the American Convention on Human Rights, in relation to Article 1(1), to the detriment of Sebastián and Michelle Rocío Alarcón Gallegos.

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

25. Case of the Community of La Oroya v. Peru. Preliminary objections, merits, reparations and costs. Judgment of November 27, 2023

- ▶ **Summary:** The Inter-American Commission submitted this case to the Court on September 30, 2021. It relates to a series of alleged human rights violations to the detriment of a group of residents of La Oroya as a consequence of alleged pollution caused by the Metallurgical Complex of La Oroya. The Inter-American Commission alleged that the State had failed in its duty of due diligence regarding the regulation, supervision, and inspection of the CMLO's activities with respect to the rights to a healthy environment, health, life, and personal integrity. Similarly, it alleged that the State had failed in its obligation to progressively achieve the realization of the rights to health and a healthy environment as a result of the amendment of the air quality standards approved by the State. It also held that Peru is responsible for the violation of the rights of the child, and noted that the State did not ensure public participation by the alleged victims, who did not receive relevant information on measures that affected their rights. It also noted that the State violated the right to judicial protection, because more than 14 years had elapsed since the Constitutional Court issued a ruling ordering measures of protection for the community, yet the State had not taken effective measures to fully implement all the points mentioned in the judgment, and had not taken steps to ensure compliance. Finally, the Commission indicated that the State is also responsible for failing to conduct a thorough and effective investigation into alleged acts of harassment, threats, and reprisals that were reported by some alleged victims.
- ▶ **Ruling:** On November 27, 2023, the Inter-American Court delivered a judgment that declared the international responsibility of Peru for the human rights violations committed against 80 inhabitants of La Oroya. The violations resulted from the air, water, and soil pollution caused by mining and metallurgical activities at the Metallurgical Complex of La Oroya (CMLO), and by the State's failure to regulate and oversee its activities. These actions and omissions violated the right to a healthy environment, as well as the rights to health, life, and personal integrity of the victims. The Court also concluded that the State failed in its obligation to foster progressive development of the right to a healthy environment resulting from the modification of the air quality standards approved by the State, which constituted a regressive measure in the protection of the environment. Furthermore, it found the State responsible for the violation of the rights of the child, owing to the lack of adequate protection measures, considering the differentiated impact that the pollution had on the children of La Oroya. Moreover, it considered that the State did not ensure the victims' right to participate in this matter and did not provide them with sufficient information on measures that affected their rights. It also determined that the State violated the right to judicial protection since although more than 17 years have elapsed since the Constitutional Court's ruling requiring the protection of the inhabitants of La Oroya, the State has not taken effective measures to comply with the judgment. Finally, the Court concluded that the State is responsible for failing to investigate the alleged acts of harassment,

threats, and reprisals reported by some victims. Consequently, the Court concluded that the State is responsible for the violation of Articles 26, 5, 4(1), 8(1), 13, 19, 23, and 25 of the American Convention, in relation to Articles 1(1) and 2 of that instrument.

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

26. Case of Gutiérrez Navas et al. v. Honduras. Merits, reparations, and costs. Judgment of November 29, 2023

- ▶ **Summary:** The Inter-American Commission submitted this case to the Court on November 25, 2021. It relates to the dismissal of José Antonio Gutiérrez Navas, José Francisco Ruiz Gaekel, Gustavo Enrique Bustillo Palma, and Rosalinda Cruz Sequeira, who at the time were judges of the Constitutional Chamber of the Supreme Court of Justice of Honduras, and whose dismissal the Commission described as arbitrary and unlawful. The case also concerns the alleged failure to investigate the threats and harassment to which these judges were subjected.
- ▶ **Ruling:** On November 29, the Inter-American Court of Human Rights delivered a judgment declaring the State of Honduras responsible for the violation of judicial guarantees, the principle of legality, political rights, the right to judicial protection, and the right to job stability, established in Articles 8(1), 8(2) (b), (c), (d) and (h), 9, 23(1) (c), 25(1) of the American Convention, in relation to the obligations established in Articles 1(1) and 2 of the same instrument. It also found the State responsible for the violation of the right to job stability, recognized in Article 26 of the American Convention, in relation to the obligations established in Articles 1(1) and 2 thereof. Finally, the State was found responsible for the violation of the rights to personal integrity, judicial guarantees, and judicial protection, recognized in Articles, 5(1), 8(1), and 25(1) of the American Convention on Human Rights, in relation to Article 1(1), to the detriment of José Antonio Gutiérrez Navas, José Francisco Ruíz Gaekel, Gustavo Enrique Bustillo Palma and Rosalinda Cruz Sequeira.

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

C.2. Interpretation Judgments

1. Case of Valencia Campos et al. v. Bolivia. Interpretation of the judgment on preliminary objection, merits, reparations, and costs. Judgment of August 30, 2023

- ▶ **Summary:** On April 17, 2023, the State of Bolivia submitted a request for interpretation regarding the scope of the payment for costs and expenses of one of the representatives and the measure related to medical, psychological, and/or psychiatric treatment.
- ▶ **Ruling:** On August 30, 2023, the Inter-American Court of Human Rights admitted the request for interpretation of the judgment inasmuch as it was filed within the corresponding term. However, it declared inadmissible the requests for interpretation with respect to the payment of costs and expenses and the rehabilitation measure ordered. Finally, it ordered notification to the representatives of the victims and the Inter-American Commission on Human Rights.

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

2. Case of Nissen Pessolani v. Paraguay. Interpretation of the judgment on merits, reparations, and costs. Judgment of August 30, 2023

- ▶ **Summary:** On February 20, 2023, the State of Paraguay submitted a request for interpretation of the judgment in which it called for “the rectification of an error of calculation made to determine the amount of compensation set for pecuniary damage.”
- ▶ **Ruling:** On August 30, 2023, the Inter-American Court of Human Rights declared admissible the request for interpretation, since it was submitted within the corresponding term. However, it rejected as inadmissible the request for interpretation regarding the rectification of an error made in the calculation to determine the amount of compensation set for pecuniary damage, since the State’s request did not correspond to a simple rectification of a material error or to the cases of interpretation established in Article 67 of the Convention, but rather sought to modify the amount established for pecuniary damage in the judgment on the basis of new information that was not brought to the Court’s attention at the appropriate procedural moment. Finally, it ordered the Secretariat to notify the victims’ representatives and the Inter-American Commission on Human Rights.

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

3. Case of Leguizamón Zaván et al. v. Paraguay. Interpretation of the judgment on merits, reparations, and costs. Judgment of August 30, 2023

- ▶ **Summary:** On January 30, 2023, the representatives of the victims submitted a request for interpretation on the scope of paragraphs 97 and 98 of the judgment, regarding the obligation to investigate.
- ▶ **Ruling:** On August 30, 2023, the Inter-American Court of Human Rights declared the request for interpretation admissible, in the terms indicated by the judgment, to interpret the creation and characteristics of the Working Group referred to in paragraphs 97 and 98 of the Judgment as part of the reparation measures on which the Court will monitor compliance, include the sixth operative paragraph in the judgment on merits and reparations, order the State to create a Working Group to establish the circumstances of Mr. Leguizamón Zaván’s murder, amend the numbering of operative paragraphs 6 to 16 of the judgment on merits, reparations and costs issued in the case of Leguizamón Zaván et al. v. Paraguay, and order the notification of the judgment to the Republic of Paraguay, to the representatives of the victims and to the Inter-American Commission on Human Rights.

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

4. Case of Mina Cuero v. Ecuador. Interpretation of the judgment on preliminary objection, merits, reparations, and costs. Judgment of August 30, 2023

- ▶ **Summary:** On March 9, 2023, the representative of Víctor Henry Mina Cuero submitted a request for interpretation of the judgment on the scope of the reparations ordered, specifically regarding (i) the right to social benefits of Mr. Mina Cuero, with a view to future retirement, and (ii) the validity of the sanction against him that resulted in his discharge from the police service.

- ▶ **Ruling:** On August 30, 2023, the Inter-American Court of Human Rights declared the request for interpretation admissible as it met the required deadline for its submission. Regarding the merits, the Court dismissed the request because the amounts established for both categories included all the elements inherent to or derived from the labor relationship in the corresponding period, and because the representative refers in his request for interpretation to aspects that were not analyzed in the judgment due to the lack of specific arguments during the processing of this case. The Court also ordered the Secretariat to notify the judgment of interpretation to the Republic of Ecuador, to the representative of the victim, and to the Inter-American Commission on Human Rights.

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

5. Case of Sales Pimenta v. Brazil. Interpretation of the judgment on preliminary objections, merits, reparations, and costs. Judgment of August 30, 2023

- ▶ **Summary:** On January 9, 2023, the representatives submitted a request for interpretation regarding the scope of the twelfth and seventeenth operative paragraphs of the judgment.
- ▶ **Ruling:** On August 30, 2023, the Inter-American Court of Human Rights declared the request for interpretation admissible in the terms set forth in the judgment, clarified the judgment on the point that refers to the place where the public memorial should be erected, and, regarding the twelfth operative paragraph of the judgment, it rectified the material error related to the creation of a public memorial in the city of Belo Horizonte. Furthermore, it declared inadmissible the request for interpretation with respect to the measure of reparation to investigate the facts of the case and to identify, prosecute and, if appropriate, punish those responsible. Finally, it ordered the Secretariat of the Court to notify the interpretation of the judgment of the Federative Republic of Brazil, the representatives of the victims, and the Inter-American Commission on Human Rights.

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

6. Case of Olivera Fuentes v. Peru. Interpretation of the judgment on preliminary objections, merits, reparations, and costs. Judgment of November 28, 2023

- ▶ **Summary:** On July 10, 2023, the State of Peru submitted to the Court a request for interpretation of the judgment. First, it requested clarification on which guarantees contemplated in Article 8(1) of the American Convention on Human Rights had allegedly been violated in order to establish the State's responsibility in the terms of the third operative paragraph of the judgment. Second, it asked the Court to grant a specific time limit for the victim or his representatives to submit their request to receive or not to receive the psychological and/or psychiatric treatment ordered in paragraph 140 of the Judgment and to clarify the duration of such treatment. Third, it requested that the Court clarify the nature of the "educational plan" referred to in paragraph 155 of the judgment. Finally, it requested that the Court clarify the meaning of the term "require companies" used in paragraph 156 of the judgment, in view of the alleged impossibility within the Peruvian legal system of imposing obligations on third parties through a public policy.
- ▶ **Ruling:** On November 28, 2023, the Inter-American Court of Human Rights issued an interpretation judgment in which it declared admissible the request for interpretation of the judgment since it complied with the deadline for its presentation. However, on the merits, the Court declared the request for interpretation inadmissible because the wording of the judgment is clear and precise, and because several of the arguments presented correspond in reality to arguments that should be presented at the

stage of monitoring compliance with the judgment. It recalled the international obligation according to which the States cannot allege domestic reasons for not assuming the international responsibility already established. It clarified, by means of an interpretation, the rehabilitation measure ordered in the fifth operative paragraph, indicating that psychological and/or psychiatric care should be provided “for as long as necessary,” and ordered the Secretariat of the Court to notify the Republic of Peru, the representatives of the victims and the Inter-American Commission on Human Rights of the interpretation judgment.

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

7. Case of Benites Cabrera et al. v. Peru. Interpretation of the judgment on preliminary objections, merits, reparations, and costs. Judgment of November 28, 2023

- ▶ **Summary:** On April 25, 2023, the Peruvian State submitted a request for interpretation of the content of the judgment with respect to the rights to judicial guarantees and judicial protection; the right to work; the measure of satisfaction regarding the requirement to register in the National Registry of Irregularly Dismissed Workers; and costs and expenses.
- ▶ **Ruling:** On November 28, 2023, the Inter-American Court of Human Rights declared the request for interpretation admissible as to compliance with the deadline for interpretation, but declared the request for interpretation inadmissible as it refers to the submission of matters on which the Court has already ruled, and ordered the Secretariat of the Court to notify the interpretation judgment to the Republic of Peru, the representative of the victims and the Inter-American Commission on Human Rights.

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

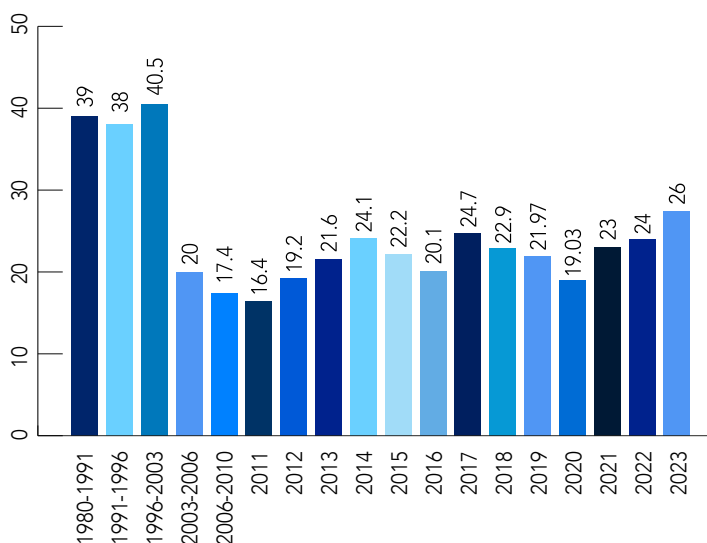
D. | Average time to process cases

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

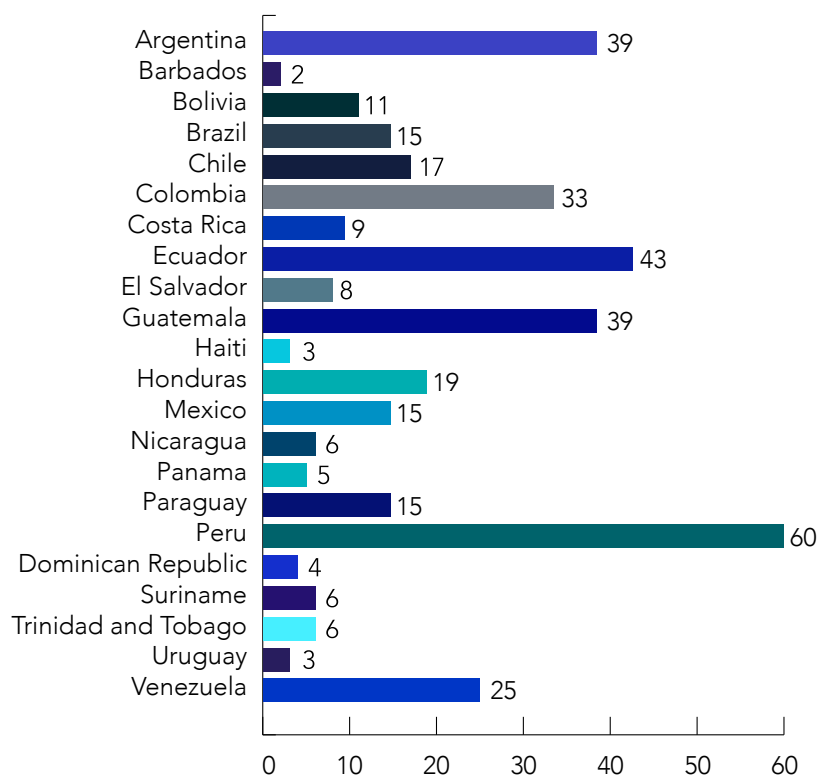
In 2023, the average time required to process cases before the Court was 26 months.

AVERAGE DURATION OF CASES BEFORE THE COURT (MONTHS)

1980-2023



TOTAL CASES RESOLVED BY STATE AT THE END OF 2023



Merits and Interpretation Judgments in 2023



ARGENTINA

- Inter-American Court of Human Rights. Case of Álvarez V. Argentina. Preliminary Objections, Merits, Reparations and Costs. Judgment of March 24 of 2023
- Inter-American Court of Human Rights. Case of Boleso V. Argentina. Preliminary Objections, Merits, Reparations and Costs. Judgment Of May 22 of 2023
- Inter-American Court of Human Rights. Case of María et al. V. Argentina. Merits, Reparations and Costs. Judgment Of August 22 of 2023

BRAZIL

- Inter-American Court of Human Rights. Case of Tavares Pereira et al. V. Brazil. Preliminary Objections, Merits, Reparations and Costs. Judgment of November 16 of 2023
- Inter-American Court of Human Rights. Case of Honorato et al. V. Brazil. Preliminary Objections, Merits, Reparations and Costs. Judgment Of November 27 of 2023

COLOMBIA

- Inter-American Court of Human Rights. Case of Tabares Toro et al. V. Colombia. Merits, Reparations and Costs. Judgment Of May 23 of 2023
- Inter-American Court of Human Rights. Case of Guzmán Medina et al. V. Colombia. Merits, Reparations and Costs. Judgment of August 23 of 2023
- Inter-American Court of Human Rights. Case of Members of the Cooperation Collective of Lawyers "Jose Alvear Restrepo" V. Colombia. Preliminary Objections, Merits, Reparations and Costs. Judgment of October 18 of 2023

COSTA RICA

- Inter-American Court of Human Rights. Case of Scot Cochran V. Costa Rica. Preliminary Objections and Merits Judgment Of March 10, 2023

ECUADOR

- Inter-American Court of Human Rights. Case Of Aguinaga Aillón V. Ecuador. Merits, Reparations and Costs. Judgment of January 30, 2023
- Inter-American Court of Human Rights. Case of Nuñez Naranjo et al. V. Ecuador. Merits, Reparations and Costs. Judgment of May 23 of 2023
- Inter-American Court of Human Rights. Case of Mesa



GUATEMALA

- Inter-American Court of Human Rights. Case of Hendrix V. Guatemala. Merits. Judgment Of March 7, 2023
- Inter-American Court of Human Rights. Case of Indigenaous Maya Community Q'eqchi Agua Caliente V. Guatemala. Merits, Reparations and Costs. Judgment of May 16m of 2023

HONDURAS

- Inter-American Court of Human Rights. Case of Garífuna Community of San Juan and members. V. Honduras. Preliminary Objections, Merits, Reparations and Costs. Judgment of August 29 of 2023
- Inter-American Court of Human Rights. Case of Gutiérrez Navas et al. V. Honduras. Merits, Reparations and Costs. Judgment of November 29 of 2023

HAITI

- Inter-American Court of Human Rights. Case of Baptiste etal V. Haiti. Merits, and Reparations. Judgment of September 1 of 2023

PARAGUAY

- Inter-American Court of Human Rights. Case of López Sosa V. Paraguay. Merits, reparations, and costs. Judgment of May 17, 2023.
- Inter-American Court of Human Rights. Case of Córdoba V. Paraguay. Merits, Reparations and Costs. Judgment of September 4 of 2023

PERU

- Inter-American Court of Human Rights. Case Of Olivera Fuentes V. Peru. Preliminary Objections, Merits, Reparations and Costs. Judgment of February 4, 2023
- Inter-American Court of Human Rights. Case Bendezú Tucnar V. Peru Preliminary Objections, and Merits. Judgment of August 29 of 2023
- Inter-American Court of Human Rights. Case Cajahuanca Vásquez V. Peru. Preliminary Objections, and Merits. Judgment of November 7 of 2023
- Inter-American Court of Human Rights. Case of La Oroya habitantes V. Peru. Preliminary Objections, Merits, Reparations and Costs. Judgment of November 27 of 2023

V

Monitoring compliance with judgments



V. Monitoring compliance with judgments

A. Summary of the work of monitoring compliance

Monitoring compliance with the Court's judgments has become one of the most demanding activities of the Court because each year there is a considerable increase in the number of cases at this stage. Numerous measures of reparation are ordered in each judgment,⁷⁹ and the Court monitors their implementation, rigorously and continually, until every reparation ordered has been fully complied with. When assessing compliance with each reparation, the Court makes a thorough examination of the way in which the different components are executed, and how they are implemented regarding each victim who benefits from the measures, because there are numerous victims in most cases. At the end of 2023, **295 cases**⁸⁰ were in the state of monitoring compliance, which entails monitoring **1577 measures of reparation**.

Both the number of reparations ordered, and also their nature and complexity have an impact on the time a case may remain at the stage of monitoring compliance. Compliance with some measures entails a greater degree of difficulty. Before the Court is able to close a case, the State that has been found internationally responsible must have complied with every measure of reparation. Therefore, it is not unusual that, in some cases at the stage of monitoring compliance with judgment, only one measure of reparation is pending,⁸¹ while in others, numerous reparations remain pending implementation. Consequently, even though, in many cases, numerous measures have been executed, the Court keeps this stage open until it considers that the State has complied fully with the judgment.

In the original judgment the Court requires the State to present an initial report on the implementation of its decisions, generally within one year.⁸² It then monitors compliance with the judgment by issuing orders, holding hearings, conducting on-site procedures in the State found responsible, and daily monitoring in the form of notes issued by the Court's Secretariat. In 2015, the Secretariat established a unit dedicated exclusively to monitoring compliance with judgments (the Unit for Monitoring Compliance with Judgments), in order to follow up more thoroughly on State compliance with the diverse measures of reparation ordered.

In 2022, the Court adopted important changes in the methodology used as well as work policies for cases at the stage of monitoring compliance with judgment. Judge rapporteurs were established by country, and it was decided to delegate the different procedures (on-site visits and hearings) to them, individually or in commissions, as well as meetings, both during and outside the Court's sessions. This methodology has the

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

80 This list of 288 cases at the stage of monitoring compliance includes cases to which the Court had previously applied Article 65 of the American Convention and in which the situation has not varied.

81 As of December 2023, in 26% of the cases at the monitoring stage (77 cases), one or two measures of reparation were pending. Most of these refer to reparations that are complex to execute, such as the obligation to investigate, prosecute and punish, as appropriate, those responsible for the human rights violations; the search for the whereabouts and/or identification of the remains, and guarantees of non-repetition.

82 In addition, in the case of the measures relating to the publication and dissemination of the judgment, the Court may require the State, regardless of the one-year time frame for presenting its first report, to advise the Court immediately when each publication ordered in the respective judgment has been made.

advantage of allowing the Court to conduct more continuous monitoring of a greater number of cases at that procedural stage than the full Court is able to conduct during its sessions. Also, as a policy for this work, the Court considers it essential to conduct monitoring activities in the territory of the States found responsible, as this allows it to interact with the different actors involved in the implementation of the judgments. To this end, from 2015 to 2023, it has enjoyed the support and collaboration of twelve States and will continue its efforts to maintain this rapprochement with States and victims.

During 2023, in collaboration with the Max Planck Institute for Comparative Public Law and International Law, the Court began to organize, in the territory of the States responsible, roundtables to discuss the advances and challenges in compliance with the judgments, with the participation of authorities and officials from different state entities and representatives of victims in cases at the monitoring compliance with judgment stage.

Added to this, the Court considers it important to publicize its case law on monitoring compliance and best practices in the implementation of reparations. In 2023, the Court, in conjunction with the MERCOSUR Institute of Public Policies on Human Rights, launched the first edition of the International Course on “Compliance with Judgments of the Inter-American Court of Human Rights and Public Policies for their implementation,” which is aimed at state officials who have influence regarding compliance with reparations ordered by the Court, representatives of victims in proceedings before the Inter-American system of Human Rights and members of civil society and academia with an interest in the implementation of the reparations ordered by the Court. In addition, in 2023, the Court published, for the first time, Journals of Jurisprudence on compliance and the impact of the Court’s judgments.

The Court executes its supervisory function by monitoring each case individually, and also through joint monitoring of the measures of reparation ordered in judgments in several cases against the same State. The Court employs this strategy when it has ordered the same or similar reparations in the judgments in several cases and when compliance with them faces common factors, challenges, or obstacles. The joint hearings and monitoring orders have had positive repercussions for those involved in implementing the measures. This joint specialized monitoring mechanism allows the Court to have a greater impact because it can address an issue that is common to several cases involving the same State, approaching it comprehensively, at one and the same time, instead of having to monitor the same measure in several cases separately. This also enables the Court to encourage discussion among the different representatives of the victims in each case and results in a more dynamic participation by the State officials responsible for implementing the reparations at the domestic level. In addition, it provides an overview of the advances made and the factors impeding progress in the State concerned, identifies the reparations regarding which a significant dispute exists between the parties, and those to which they can achieve greater agreement and make more progress in the implementation.

In recent years the information available in the Court’s Annual Report, on its official website, and through the publication of journals of jurisprudence, has gradually been increased in order to provide more information on the status of compliance with the reparations ordered in the judgments delivered by the Inter-American Court and to give this aspect more visibility.

In the case of the website (www.corteidh.or.cr), the menu on the home page includes a link to “Monitoring compliance with judgment,” which has information on this function of the Court. A link is also included to “Cases closed” due to compliance with the reparations and another to “Cases at the stage of monitoring compliance”, which includes a chronological table of the judgments delivered, organized by State, with direct links to:

- ▶ the reparations established in the judgment in each case;
- ▶ the orders issued at the monitoring compliance stage in each case;
- ▶ a column on Reparations, containing links to the “Reparations declared completed” (differentiating those partially completed from those totally complete) and “Reparations pending compliance”, and
- ▶ the column: “public documents pursuant to Court Decision 1/19 of March 11, 2019.”

On the last point, it should be mentioned that in 2019, the Court adopted Decision 1/19 on “Clarifications on the publication of the information contained in the files of cases at the stage of monitoring compliance with judgment,” which states that it will make public the information presented during this stage related to: (i) the execution of the guarantees of non-repetition ordered in the Court’s judgments, both those presented by the parties and the Commission, and those presented by “other sources” that are not parties to the international proceedings, or in expert opinions under the application of Article 69(2) of the Court’s Rules of Procedure; and (ii) the amicus curiae briefs.⁸³ In Decision 1/19, the Court emphasized, among other matters, that compliance with its judgments could benefit from the involvement of organs, human rights organizations, and domestic courts that, under their terms of reference, could require the corresponding public authorities to execute the measures of reparation ordered in the judgments, in particular, the guarantees of non-repetition. To this end, it is essential that the Court provides access to information on the implementation of this type of measure of reparation.

During 2023, the Court continued to update the information on the said table on its website, which allows the different users of the inter-American system to have a simple and flexible tool to consult and to learn about the reparations that the Court is monitoring and those that have already been executed by the States, and to obtain updated information on the implementation status of the guarantees of non-repetition. Also, in 2023, the Court launched the Inter-American Case Law Database, developed with artificial intelligence (IA) and subject to an ongoing editorial process of systematization and analysis of information with descriptors and metadata. This tool facilitates a search for specific information contained in the Court’s case law on cases at the stage of monitoring compliance with judgment (<https://bit.ly/Jurisprudence-List>).

In the course of 2023, the Inter-American Court held a total of **26 hearings related to 24 cases at the stage of monitoring compliance:**

- ▶ **25 hearings** were held to receive updated and detailed information from the States concerned on the implementation of the measures of reparation ordered, together with the observations of the victims’ representatives and the Inter-American Commission. Fifteen of these hearings were virtual and ten were held in-person. Of these hearings, 24 were private, while one was public. Two of these hearings were held to jointly monitor two cases concerning Paraguay⁸⁴, while the other 24 hearings monitored

83 Article 69(2) of the Court’s Rules of Procedure establishes: “The Court may require relevant information on the case from other sources of information in order to evaluate compliance. To that end, it may also request the expert opinions or reports it considers appropriate.”

84 Joint private hearings for the cases of the Yakyé Axa and Xákmok Kásek Indigenous Communities v. Paraguay, on monitoring compliance with judgments, held virtually.

individual cases concerning Brazil⁸⁵, Chile⁸⁶, Colombia,⁸⁷ Guatemala,⁸⁸ Honduras,⁸⁹ Mexico,⁹⁰ Panama,⁹¹ Paraguay,⁹² and Peru.⁹³ The three hearings of cases concerning Brazil, the two cases concerning Chile, and the five cases concerning Colombia were held in the territories of those States.

- ▶ **1 hearing** was held to receive information and observations on the implementation of provisional measures in a case concerning Guatemala,⁹⁴ which is at the stage of monitoring compliance with judgment. This hearing was held in person at the seat of the Court and was public.
- ▶ With regard to orders on monitoring compliance with judgment, during 2023, the Court or its President issued 68 orders. These orders had different contents and purposes:
 - ▶ 61 orders were issued to monitor compliance⁹⁵ with some or all the reparations ordered in the judgments on 74 cases,⁹⁶ and to order the reimbursement of the Victims' Legal Assistance Fund of the Court for expenses incurred for assistance to victims and their representatives at a hearing;
 - ▶ to close eight cases following full compliance with the reparations ordered;
 - ▶ to rule on four requests for provisional measures presented in relation to five cases currently at the stage of monitoring compliance with judgment and, as appropriate, to monitor the reparation measures referred to in those requests;
 - ▶ to monitor the implementation of the provisional measures ordered in 14 cases that relate to the obligation to prosecute and punish, and
 - ▶ declare compliance with reimbursements to the Victims' Legal Assistance Fund.

85 Private Hearings on Monitoring Compliance in the Cases of: Favela Nova Brazilia, Case of the Workers of the Fireworks Factory in Santo Antônio de Jesus and their Families, and the case of Herzog et al. v. Brazil, held in person during the visit of the Court's delegation to Brazilia, Brazil.

86 Private Hearings on Monitoring Compliance in the Cases of Maldonado Vargas et al. and Poblete Vilches et al. v. Chile, held in person in Santiago, Chile, during the Court's 157th Regular Session held in that country.

87 Private Hearings on Monitoring Compliance in the Cases of: Isaza Uribe et al., the Ituango Massacres, Vereda La Esperanza, the Afro-descendant Communities displaced from the Cacarica River Basin (Operation Genesis) and the case of Bedoya Lima et al. cv. Colombia, held in person in Bogotá, Colombia, during the Court's 162nd Regular Session held in that country.

88 Public Hearings on Monitoring Compliance in the Cases of García and family members v. Guatemala, held virtually.

89 Private Hearings on Monitoring Compliance in the Cases of López Lone et al. v. Honduras, held virtually.

90 Private Hearings on Monitoring Compliance in the Cases of: Radilla Pacheco, Alvarado Espinoza et al., Fernández Ortega et al., and Rosendo Cantú et al. v. Mexico, held virtually.

91 Private Hearings on Monitoring Compliance in the Cases of Helidoro Portugal v. Panama, held virtually.

92 Private Hearings on Monitoring Compliance in the Cases of the Sawhoyamaya Indigenous Community v. Paraguay, held virtually.

93 Private Hearings on Monitoring Compliance in the Cases of: Gómez Paquiyauri Brothers, Azul Rojas Marín et al., and "Five Pensioners" v. Peru, held virtually.

94 Public Hearings on Monitoring Compliance with Provisional Measures in the Case of Gudiel Álvarez et al. ("Diario Militar") v. Guatemala, held in person.

95 In order to assess the degree of compliance with reparations, request detailed information regarding the steps taken to comply with certain reparations measures, urge States to comply and provide guidance on compliance with the reparations measures ordered, provide instructions for compliance, and clarify aspects on which there is controversy between the parties regarding the execution and implementation of reparations, all in the interest of ensuring full and effective implementation of its decisions.

96 In 2023, the Court declared full compliance and partial compliance or progress in the implementation of 78 measures of reparation. It also declared the monitoring of 2 reparations completed.

In addition to monitoring compliance by means of these orders and hearings, during 2023, the Commission and the parties were asked to provide information or observations in notes sent by the Court's Secretariat, on the instructions of the Court or its President, in 168 cases at the stage of monitoring compliance with judgment.

In 2023, the Court received 502 reports and attachments from the States in 200 cases at the stage of monitoring compliance with judgment. Additionally, over the course of the year, the Court received 612 briefs with observations, from either the victims or their legal representatives, or from the Inter-American Commission in 198 cases at the stage of monitoring compliance with judgment. All these briefs were forwarded to the parties and the Commission.

Also, during 2023, the Court continued to implement the mechanism of joint monitoring with regard to the following measures of reparation:

- ▶ the adaptation of domestic law with regard to the right to appeal before a higher judge or court in two cases against Argentina;
- ▶ the provision of medical and psychological treatment to the victims in nine cases against Colombia;
- ▶ guarantees of non-repetition related to the search for the whereabouts of disappeared children and young people in two cases against El Salvador;
- ▶ the obligation to investigate, prosecute, and, as appropriate, punish those responsible for serious human rights violations in 14 cases against Guatemala;
- ▶ guarantees of non-repetition aimed at investigating with due diligence femicide and other crimes of violence against women, as well as preventing and eradicating gender-based discrimination against women in two cases against Guatemala;
- ▶ measures to guarantee the use and enjoyment of the ancestral lands of two Garifuna communities and to create appropriate mechanisms to regulate the land registration system in order to avoid violations of rural property, in two cases against Honduras;
- ▶ the adaptation of domestic law to international standards and those of the Convention regarding the guarantee of an ordinary judge in relation to the military criminal jurisdiction in four cases against Mexico;
- ▶ guarantees of non-repetition related to investigating and providing attention in cases of sexual violence against women with due diligence and with a gender and ethnic perspective, in two cases against Mexico;
- ▶ the payment of compensation and/or reimbursement of costs and expenses in five cases against Peru in which these are the only measures pending;
- ▶ measures relating to providing scholarships in seven cases against Peru, and
- ▶ the obligation to investigate, prosecute, and punish serious human rights violations in two cases against Peru, specifically in relation to the pardon granted "on humanitarian grounds" to Alberto Fujimori Fujimori, who was found criminally responsible for the gross violations in those cases.

B. Visits and hearings concerning cases at the stage of monitoring compliance with judgment held during 2023

During 2023, the Inter-American Court held 26 hearings in 24 cases at the stage of monitoring compliance. Of these, 10 hearings were held in private and in person in the territory of the States responsible for the violations declared in the judgments: in Chile, Colombia, and Brazil. One hearing was held in person at the seat of the Court. The remaining 15 hearings were held virtually in the course of several regular sessions held by the Court. Of these 15 hearings, 14 were held in private and one was a public hearing.

B.1. Visit and hearings held in the territory of the responsible States

Starting in 2015, the Court has implemented the important initiative of conducting visits and holding hearings on monitoring compliance in the territory of the responsible States. However, this requires the acquiescence of those States. This type of procedure has the following advantages: it facilitates closer ties with victims and with the authorities and officials in charge of implementing the reparations; it enables the Court to directly ascertain conditions in relation to the execution of the measures, as well as ensuring greater participation by victims, their representatives, and the different state officials and authorities directly responsible for executing the diverse reparations ordered in the judgments; and it increases willingness to make commitments aimed at the prompt execution of the reparations. It also provides an opportunity to establish direct talks between the parties in order to obtain specific commitments. In addition, these activities in the territory of the responsible States represent an opportunity for the Court to hold meetings with different state authorities in order to contribute to compliance with its decisions.

These procedures can be conducted during sessions held by the Court away from its seat or during visits to the States made by the full Court, a delegation from the Court, or a judge, in order to monitor compliance with judgments.

Between 2015 and 2022, procedures and hearings were conducted in Argentina, Costa Rica, Colombia, El Salvador, Guatemala, Honduras, Mexico, Panama, Paraguay and Uruguay.⁹⁷ In 2023, the Court continued to carry out these activities, this time in Chile, Colombia, and Brazil, thanks to the consent and significant collaboration of those States.

⁹⁷ In 2015, a visit and a hearing took place in Panama, in the territory of the Ipetí and Piriati Communities of the Emberá of Bayano, on monitoring compliance with the judgment in the case of the Emberá of Bayano. That same year, a hearing was held in Honduras to monitor, jointly, compliance with the judgments in six cases relating to: (i) prison conditions; training for officials, and records of persons detained; (ii) protection of human rights defenders, particularly environmental defenders, and (iii) obligation to investigate, prosecute and punish, as appropriate, the human rights violations. In 2016, the Court held two monitoring hearings in Mexico in relation to the cases of Radilla Pacheco, Cabrera García and Montiel Flores. In 2017, on-site visits were made to Guatemala in relation to the cases of the Plan de Sánchez and Río Negro Massacres and, in Paraguay, visits were made to the Yakyé Axa, Sawhoyamaxa and Xákmok Kásek indigenous communities. Monitoring hearings were held on those three cases, and also in the case of the Juvenile Re-education Institute, in Asunción. In 2018, an on-site visit was made to El Salvador in relation to the case of the Massacres of El Mozote and neighboring places, together with a procedure at the court in charge of the criminal investigation. In 2019, hearings on monitoring compliance were held in Argentina and Colombia; the Court also visited a new health center of the Costa Rican Social Security Institute that provides IVF treatment. In 2020 and 2021, three activities were suspended due to the health restrictions imposed as a result of the COVID-19 pandemic. In 2022, the Court conducted one field visit and one hearing on monitoring the implementation of provisional measures in Panama in the case of Vélez Llor, as well as hearings and meetings to monitor compliance with judgments in Uruguay (case of Gelman) and Argentina (case of Bulacio, case of Torres Millacura et al., and case of Mendoza et al.).

B.1.i CHILE



On April 24, 25, and 27, in the context of the Court's 157th Regular Session held in Santiago, Chile, Vice President Eduardo Ferrer Mac-Gregor Poisot, acting on behalf of the Court, carried out several procedures on monitoring compliance with judgments. The Vice President was accompanied by the Deputy Registrar of the Court and by the Director and a lawyer of the Secretariat's Unit for Monitoring Compliance with Judgments.

1. Hearing in the case of Maldonado Vargas et al. v. Chile

On April 24, a private hearing took place on monitoring compliance with judgment in the Case of Maldonado Vargas et al. v. Chile. The purpose of the hearing was to receive from the State updated information on compliance with the only measure of reparation still pending in this case, related to "continuing and concluding, effectively, within a reasonable time and with due diligence, the investigations related to the acts of torture perpetrated against the victims in this case, in order to identify and, if appropriate, prosecute and punish those responsible." The purpose of the hearing was also to receive the observations of the victims' representatives and the opinion of the Inter-American Commission in this regard.

2. Case of Poblete Vilches et al. v. Chile

2.1 Visit to the Sótero del Río Hospital

On April 24, the Court visited the Sótero del Río Hospital, located in the Metropolitan Region of Santiago. The purpose of the visit was to monitor in situ and receive information directly from the authorities and officials on compliance with the guarantee of non-repetition ordered in the judgment, as follows:

to ensure, through sufficient and necessary measures, that the Sótero del Río Hospital has the essential infrastructure to provide adequate, opportune, and quality care to its

patients, particularly in emergency health care situations, providing increased protection to older persons. To this end, the Court asks the State to report, in one year's time, on: (a) improvements implemented at the date of the report in the infrastructure of the hospital's Intensive Care Unit; b) the protocols in force on care for medical emergencies, and (c) actions implemented to improve the medical care of patients in the ICU, particularly older persons – from a geriatric perspective – and in light of the standards of this judgment.

A large delegation from the State participated in the visit, including officials from the different ministries involved in the implementation of the measure, as well as officials of the aforementioned medical facility. The representatives of the victims and a lawyer of the Secretariat of the Inter-American Commission also participated.

The delegation visited several areas of the hospital, including the emergency unit, the intensive care unit for adults, and the geriatric unit. During their visit, the delegation members received explanations from public officials accredited by the State. Access to each area was conditional upon the acquiescence of the patients and the health teams, in order to ensure respect for their privacy and the effective performance of the medical teams. During the tour of the hospital, members of the delegation asked the questions they considered pertinent with respect to the implementation of the guarantee of non-repetition ordered.

2.2 Hearing

On April 25, a private hearing was held on monitoring compliance with judgment in the Case of Poblete Vilches et al. v. Chile. The purpose of the hearing was to receive updated information on compliance with five measures of reparation: (i) provide medical and psychological care to the victims; (ii) implement permanent education and training programs for medical students and medical professionals, as well as all the personnel of the health care and social security systems, on the appropriate treatment of older persons in health-related matters; (iii) "ensure, through sufficient and necessary measures, that the Sótero del Río Hospital has the essential infrastructure to provide adequate, opportune and quality care to its patients, particularly in emergency health care situations, providing increased protection to older persons;" (iv) design a publication or leaflet outlining the rights of the older person in relation to health care, and (v) design an overall policy for the comprehensive protection of older persons.

3. Meeting in the case of Pavez Pavez v. Chile

On April 27, a private meeting was held with officials of the Directorate of Human Rights of the Foreign Ministry of Chile, the Ministry of Education, and the Sub-secretariat of Human Rights of the Ministry of Justice and Human Rights regarding the implementation of the guarantee of non-repetition ordered in the judgment in the Case of Pavez Pavez v. Chile, the adequacy of regulations on the remedy, procedure and judicial competence for challenging the decisions of public educational establishments regarding the appointment or removal of religious education teachers as a result of the issuance or revocation of a certificate of suitability.

B.1.ii COLOMBIA



On October 9 and 13, in the context of the Court's 162nd Regular Session held in Bogotá, Colombia, five private hearings were held on monitoring compliance with judgment. The three hearings held on October 9 were conducted by the President of the Court, Judge Ricardo C. Pérez Manrique, and the two hearings on October 13 were held before the full Court.⁹⁸

1. Case of the Ituango Massacres v. Colombia

In the hearing on October 9, the Court received information and observations on compliance with the following measures of reparation: (i) take the necessary measures to provide justice in this case; (ii) take the necessary measures to guarantee safe conditions for the former inhabitants of El Aro and La Granja, who were forcibly displaced, to return to El Aro or La Granja, as applicable and if they so desire, and (iii) erect a plaque in an appropriate public place in La Granja and in El Aro, so that the new generations know about the events that took place in this case.

2. Case of Vereda La Esperanza v. Colombia

In the hearing held on October 9, the Court received information and observations on compliance with two measures of reparation, as follows: (i) continue with the corresponding investigations and judicial proceedings underway in order to determine the facts and the corresponding responsibilities, and (ii) conduct a rigorous search using appropriate means, and make every effort to determine, as soon as possible, the whereabouts of the twelve victims whose fate remains unknown.

3. Case of Isaza Uribe et al. v. Colombia

In the hearing held on October 9, the Court received information and observations on compliance with four measures of reparation, as follows: (i) continue with the investigations and judicial proceedings underway in order to determine the facts and the corresponding responsibilities; (ii) conduct a rigorous search to determine, as soon as possible, the whereabouts of Víctor Manuel Isaza Uribe; (iii) provide psychological or psychiatric treatment to the victims who request it, and (iv) strengthen the mechanisms of protection for trade unionists, representatives, and trade union organizations.

⁹⁸ Judge Humberto Antonio Sierra Porto, a Colombian national, did not participate in these hearings, pursuant to Article 19(1) of the Court's Rules of Procedure. Judge Verónica Gómez did not participate in the hearing on the case of the Afro-descendant Communities Displaced from the Cacarica River Basin v. Colombia, since she recused herself from hearing the case under the terms of Article 19(2) of the Statute, which was accepted by the President.

4. Case of the Afro-descendant Communities displaced from the Cacarica River Basin (Operation Genesis) v. Colombia

In the hearing held on October 13, the Court received information and observations on compliance with six measures of reparation, namely: (i) continue, effectively and with the greatest diligence, the investigations that have been opened, as well as open any that are necessary in order to individualize, prosecute and eventually punish all those responsible for the facts of this case, and remove all the obstacles, de facto and de jure, that may maintain impunity; (ii) provide the appropriate and priority medical treatment required by the victims of this case, in the context of the reparation programs established by domestic law; (iii) restore the effective use, enjoyment and possession of the territories recognized by domestic law to the Afro-descendant communities assembled in the Community Council of the Communities of the Cacarica River Basin; (iv) ensure that conditions in the territories that are restored to the victims in this case, as well as in the place where they are living currently, are adequate for the safety and decent life of both those who have returned and of those who have not yet done so; (v) pay compensation for pecuniary and non-pecuniary harm caused to the victims of forced displacement; and (vi) pay the amounts established in the judgment for pecuniary and non-pecuniary harm caused to Mr. Marino López Mena and his next of kin.

5. Case of Bedoya Lima et al. v. Colombia

In the hearing held on October 13, the Court received information and observations on compliance with the following seven measures of reparation: (i) prioritize and continue the investigations necessary to identify, prosecute and, as appropriate, punish the remaining persons responsible for the acts of violence and torture suffered by Jineth Bedoya on May 25, 2000; (ii) prioritize and continue the investigations necessary to identify, prosecute and, as appropriate, punish the remaining persons responsible for the threats suffered by Ms. Bedoya before and after the facts of May 25, 2000, as well as those responsible for the attack on Jineth Bedoya and her mother, Luz Nelly Lima, on May 27, 1999; (iii) adopt all measures necessary to protect the lives, personal integrity, and security of Jineth Bedoya and of her mother, Luz Nelly Lima; (iv) guarantee the dissemination of the cross-media program “No es hora de callar”; (v) establish the “No es Hora de Callar” Investigative Center for the memory and dignity of all women victims of sexual violence in the context of the armed conflict and investigative journalism, with specific recognition of the work of women journalists; (vi) design immediately and implement, within one year, through the corresponding State agency, a system for the collection of data and figures on cases of violence against journalists, as well as gender-based violence against women journalists; and (vii) create a fund to finance programs aimed at prevention, protection and support of women journalists who are victims of gender-based violence.

B.1.iii BRAZIL



On October 26 and 27, a delegation of the Inter-American Court held a series of private hearings on monitoring compliance with judgment in the city of Brazilia, Brazil. The delegation was composed of the President of the

Court, Judge Ricardo C. Pérez Manrique, its Vice President, Judge Eduardo Ferrer Mac-Gregor Poisot, and Judge Nancy Hernández López. They were accompanied by the Court's Registrar, Pablo Saavedra Alessandri, as well as by the Director and a lawyer of the Secretariat's Unit for Monitoring Compliance with Judgments.

1. Hearing on the Case of Favela Nova Brazilia v. Brazil

In a hearing held on October 26, the Court received information and observations on eight of the reparations ordered in the judgment, namely: (i) continue with the investigation into the facts related to the deaths that occurred in the 1994 raid, in order to identify, prosecute and punish, as appropriate, those responsible, and open or reopen an effective investigation into the deaths that occurred in the 1995 raid; (ii) investigate the acts of sexual violence; (iii) provide the psychological and psychiatric treatment required by the victims; (iv) publish an official annual report with data on the deaths that occur during police operations in all the country's states; (v) to establish the necessary legal mechanisms so that, in situations of presumed deaths, torture or sexual violence resulting from a police intervention in which *prima facie* it appears possible that police agents could be involved, immediately following the *notitia criminis*, the investigation is entrusted to an independent body, distinct from the police force involved in the incident, such as a judicial authority or the Public Prosecution Service, assisted by police, criminalistics and administrative personnel unrelated to the law enforcement agency to which the possible perpetrator or perpetrators belong; (vi) take the necessary steps to ensure that the state of Rio de Janeiro establishes goals and policies to reduce police lethality and violence; (vii) adopt the legislative or other measures required to permit victims of offenses or their family members to take part, formally and effectively, in the investigation of crimes conducted by the police or the Public Prosecution Service, and (viii) adopt the measures necessary to harmonize the expression "bodily injury or homicide as a result of a police intervention" in the reports and investigations of the police or the Public Prosecution Service in cases of death or injuries caused by the actions of the police.

During the hearing, the Court heard directly from the three victims in this case and one family member, who stated their requests regarding the implementation of the measures of reparation ordered in the judgment. Also, in the application of Article 69(2) of the Court's Rules of Procedure, which allows the Court to obtain information from "other sources" that are not parties to the case, the National Council of Justice of Brazil provided an oral report, within its area of competence, on compliance with the aforementioned measures of reparation.

2. Hearing on the Case of the Workers of the Fireworks Factory in Santo Antonio de Jesús and their families v. Brazil

In a hearing held on October 27, the Court received information and observations on seven of the reparations ordered in the judgment, namely: (i) continue the criminal proceedings that are underway in order to prosecute and, as appropriate, punish those responsible for the explosion in the fireworks factory; (ii) continue the civil cases on compensation for pecuniary and non-pecuniary damage and the labor proceedings that are underway, in order to conclude them and, if appropriate, facilitate full execution of the judgments, (iii) provide medical, psychological or psychiatric treatment to the victims; (iv) inspect those sites where fireworks are manufactured, systematically and periodically; (v) provide a progress report on the legislative processing of Brazilian Federal Senate Bill PL 7433/2017; (vi) design and execute a socio-economic development program, in consultation with the victims and their next of kin, in order to facilitate the insertion of those working in the manufacture of fireworks into other labor markets and to enable the creation of other economic alternatives, and (viii) provide a report on the application of the National Guidelines on Business and Human Rights. During the hearing, the Court heard directly from victims of the explosion and their families and members of the "December 11 Movement", about the implementation of the measures of reparation ordered in the judgment.

3. Hearing on the Case of Herzog et al. v. Brazil

In a hearing held on October 27, the Court received information and observations on five reparations ordered in the judgment, namely: (i) reopen the criminal investigation and proceedings in relation to the events that

occurred on October 25, 1975, to identify, prosecute and, as appropriate, punish those responsible for the torture and death of Vladimir Herzog, in view of the nature of these events as crimes against humanity and their corresponding legal consequences under international law; (ii) adopt the most appropriate measures, in accordance with its institutions, to recognize, without exception, the non-applicability of statutes of limitations to actions arising from crimes against humanity and international crimes, in accordance with this [...] judgment and the relevant international standards; (iii) organize a public act to acknowledge international responsibility for the facts of this case and to honor the memory of Vladimir Herzog; (iv) publish the entire judgment in the Official Gazette, the official summary of this judgment prepared by the Court, in a national newspaper with widespread circulation, and the entire judgment and its summary on the official website of the Brazilian Army; and (v) pay the amounts established as compensation for pecuniary and non-pecuniary damage. During the hearing, the Court heard directly from the victim, Ivo Herzog, who stated his requests for the implementation of the measures of reparation ordered in the judgment. Additionally, in the application of Article 69(2) of the Court's Rules of Procedure, which allows the Court to request information from "other sources" that are not parties to the case, the National Council of Justice of Brazil provided an oral report, within its area of competence, on compliance with the guarantee of non-repetition regarding recognition of the non-applicability of statutes of limitations to actions arising from crimes against humanity and international crimes.

B.2. Hearing held in person at the seat of the Court

1. Case of Gudiel Álvarez et al. ("Diario Militar") v. Guatemala

On March 20, during its 156th Regular Session, the Court held a public hearing on monitoring the implementation of the provisional measures adopted in this case. The purpose of the hearing was to receive information and observations from the State, the representatives of the beneficiary of the measures, and the Inter-American Commission, on the implementation of the provisional measures ordered by the Court in the ruling of September 9, 2022, in which it required the State "to guarantee the right of access to justice of the victims in the case of Gudiel Álvarez et al., also known as "Diario Militar", continue to adopt all appropriate measures to effectively protect the rights to life and personal integrity of Judge Miguel Ángel Gálvez Aguilar, presiding judge of High Risk Court B of the Guatemalan Judiciary, as well as his direct family, and to adopt the measures necessary to guarantee the judicial independence of Judge Gálvez Aguilar. It also required the State to "adopt the measures necessary to address the pattern of events that gave rise to the increased risk for Judge Gálvez Aguilar, in accordance with the provisions of said order."

B.3. Virtual hearings

1. Case of the Gómez Paquiyauri Brothers v. Peru

The private hearing held on January 31, during the Court's 155th Regular Session, was conducted by Judge Humberto Antonio Sierra Porto. The purpose of the hearing was to receive information and observations on compliance with the measure of reparation regarding the establishment of a scholarship for studies up to the university level in favor of Nora Emely Gómez Peralta.

2. Case Azul Rojas Marín et al. v. Peru

The private hearing held on January 31, during the Court's 155th Regular Session, was conducted by Judge Humberto Antonio Sierra Porto. The purpose of the hearing was to receive information and observations on compliance with the following measures of reparation: provide medical, psychological, and/or psychiatric treatment to Azul Rojas Marín, and pay the amounts established in the judgment as compensation for pecuniary and non-pecuniary damage, as well as the reimbursement of costs and expenses.

3. Case of "Five Pensioners" v. Peru

The private hearing, held on January 31, during the Court's 155th Regular Session, was conducted by Judge Humberto Antonio Sierra Porto. The purpose of the hearing was to receive information and observations on

compliance with the provisions of the fifth and second operative paragraphs of the orders on monitoring compliance of October 20, 2016, and November 25, 2021, respectively, in terms of confirming that the pension payments to Guillermo Álvarez Hernández and the widows of the deceased victims are being made “under the same conditions set forth in the judgments issued by the Constitutional and Social Law Chamber of the Supreme Court of Justice of Peru in 1994, and the country’s Constitutional Court between 1998 and 2000,” as well as to reimburse them for “the corresponding amounts.”

4. Case of López Lone et al. v. Honduras

The private hearing, held on February 1, during the Court’s 155th Regular Session, was conducted by Judge Patricia Pérez Goldberg. The purpose of the hearing was to discuss the sole component of the measure of restitution ordered in the sixteenth operative paragraph of the judgment that is currently being monitored, regarding the payment of quotas to the National Institute of Retirement and Pensions corresponding to two victims.

5. Case of López Lone et al. v. Honduras

On March 1, Judge Patricia Pérez Goldberg held another hearing on monitoring compliance in this case, in order to follow up on and receive information from the State on the results of the actions and internal consultations that it had agreed to carry out, in accordance with the matter discussed at the hearing of February 1, 2023.

6. Case of García and Family Members v. Guatemala

On March 13, during the Court’s 156th Regular Session, the Court held a public hearing on monitoring compliance with judgment. In application of Article 6(2) of the Court’s Rules of Procedure, the hearing took place before a Commission of judges, composed of the Vice President of the Court, Judge Eduardo Ferrer MacGregor Poisot, together with Judges Nancy Hernández López, Verónica Gómez, and Rodrigo Mudrovitsch. The purpose of the hearing was to receive information and observations on compliance with the following measures of reparation pending in this case: continue and conclude the necessary investigations and proceedings and, if appropriate, punish those responsible for the forced disappearance of Edgar Fernando García; conduct a genuine search, making every effort to determine the whereabouts of Edgar Fernando García; carry out the publications of the judgment; organize a public act of acknowledgment of international responsibility for the facts of this case; facilitate the initiative known as the ‘Concord Memorial,’ under which the State must promote the construction of commemorative and cultural spaces to dignify the memory of the victims of human rights violations during the internal armed conflict; include the name of Edgar Fernando García on the plaque that is placed in the park or plaza to be constructed in compliance with the measure ordered in the seventh operative paragraph of the judgment in the case of Gudiel Alvarez et al (“Diario Militar”) v. Guatemala; deliver ten “study grants” to be granted by the members of Edgar Fernando García’s family to children or grandchildren of persons forcibly disappeared; and promote the approval of the bill for the creation of the National Commission for the Search for Victims of Forced Disappearance and other Forms of Disappearance.

7. Case of Radilla Pacheco v. Mexico

A private hearing on this case was held on March 13, during the Court’s 156th Regular Session. The purpose of the hearing was to receive information and observations on compliance with the following measures of reparation: effectively carry out, with due diligence and within a reasonable period of time, the investigation and, if applicable, the criminal proceedings with regard to the arrest and subsequent forced disappearance of Mr. Rosendo Radilla Pacheco, in order to determine the corresponding criminal responsibilities and effectively apply the punishments and consequences established by law; continue with the effective search and the immediate location of Mr. Rosendo Radilla-Pacheco or, if applicable, of his remains; and, provide free psychological and/or psychiatric case immediately, adequately, and effectively, through specialized public

health institutions, to the victims declared in this judgment, if they request it. Also, in application of Article 69(2) of the Court's Rules of Procedure, which allows the Court to obtain information from "other sources" that are not parties to the case, the National Human Rights Commission of Mexico provided an oral report, within its area of competence, on compliance with the aforementioned measures of reparation.

8. Case of Heliodoro Portugal v. Panama

The private hearing, held on August 24, during the Court's 160th Regular Session, was conducted by its President, Judge Ricardo C. Pérez Manrique, on behalf of the Court. The purpose of the hearing was to receive information and observations on compliance with the following measures of reparation: investigate the facts that gave rise to the violations in the instant case, and identify, prosecute, and, if applicable, punish those responsible; and, provide the medical and psychological care required by the victims, particularly with respect to Patria Portugal in her situation of deprivation of liberty.

9. Case of Alvarado Espinoza et al. v. Mexico

The private hearing, held on September 6, was conducted by Judge Patricia Pérez Goldberg. The purpose of the hearing was to receive information and observations on compliance with the measures of reparation ordered, namely: conduct a rigorous and systematic search using the appropriate human, technical and financial resources, making every effort to determine the whereabouts of Nitza Paola Alvarado Espinoza, Rocío Irene Alvarado Reyes and José Ángel Alvarado Herrera; carry out and continue the investigations required to identify, prosecute and punish, as appropriate, those responsible for the forced disappearance of Nitza Paola Alvarado Espinoza, Rocío Irene Alvarado Reyes and José Ángel Alvarado Herrera; include the families or their representatives, who request this, in programs or benefits with the intention of contributing to repair their life project; create a single and updated list of disappeared persons which generates statistical data that allows cases of "forced disappearance" to be determined clearly; continue the human rights training for the Armed Forces and the Police, incorporating the standards on safeguards for public security; adopt sufficient and necessary measures to protect the life and personal integrity of the victims in this case; provide guarantees for the return or relocation of the displaced victims who require this; and provide psychological and/or psychiatric treatment to the victims.

10. Case of Fernández Ortega v. Mexico

The private hearing was held on September 7 and was conducted by Judge Patricia Pérez Goldberg. The purpose of the hearing was to receive information and observations on compliance with the following measures of reparation: facilitate the necessary resources so that the indigenous Me'paa community of Barranca Tecoani may establish a community center, to be considered a Women's Center, where educational activities related to human rights and women's rights can be carried out; and, adopt measures so that the girls of the community of Barranca Tecoani who are pursuing middle school studies in the city of Ayutla de los Libres, have adequate housing and food facilities, so that they can continue receiving education in the institutions they attend.

11. Case of Rosendo Cantú v. Mexico

The private hearing, held on September 7, was conducted by Judge Patricia Pérez Goldberg. The purpose of the hearing was to receive information and observations on compliance with the guarantee of non-repetition regarding the need to continue to provide treatment services to women victims of sexual violence through the Caxitepec health center, which should be strengthened through the provision of material and human resources.

12. Cases of the Yakye Axa and Xákmok Kásek Indigenous Communities v. Paraguay

The private hearing, held on May 11, was conducted by the President of the Court, Judge Ricardo C. Pérez Manrique, and Judge Rodrigo Mudrovitsch. The purpose of the hearing was to receive information and observations on compliance with the following measures of reparation: return to the members of the Yakye Axa and Xákmok Kásek Communities their traditional territories, and build an access road to the alternative lands of the Yakye Axa Community; provide them with the basic supplies and services required for their subsistence; ensure that the land of the Xákmok Kásek Community is not harmed “by the actions of the State itself or of private third parties;” establish a permanent healthcare center and communication system in the locality of “25 de febrero”, and move these to the location of the definitive settlement of the Xákmok Kásek Community “once it has recovered its traditional land.”

13. Joint hearing on the cases of the Yakye Axa and Xákmok Kásek Indigenous Communities v. Paraguay

The private hearing, held on July 26, was conducted by the President of the Court, Judge Ricardo C. Pérez Manrique, and Judge Rodrigo Mudrovitsch. The purpose of the hearing was to follow up on and receive updated information from the State on the progress achieved since the hearing on May 11, 2023.

14. Case of the Sawhoyamaxa Indigenous Community v. Paraguay

The private hearing, held on May 11, was conducted by the President of the Court, Judge Ricardo C. Pérez Manrique, and Judge Rodrigo Mudrovitsch. The purpose of the hearing was to receive information and observations on compliance with the following measures of reparation: adopt all legislative, administrative, and other measures necessary to formally and physically deliver to the members of the Sawhoyamaxa Community their traditional lands; and provide them with the basic goods and services required for their subsistence while they are without land.

15. Case of the Sawhoyamaxa Indigenous Community v. Paraguay

The private hearing, held on July 26, was conducted by the President of the Court, Judge Ricardo C. Pérez Manrique, and Judge Rodrigo Mudrovitsch. The purpose of the hearing was to receive information from the State and to follow up on the progress and planning achieved since the hearing on May 11, 2023.

C. Orders issued in cases at the stage of monitoring compliance with judgment in 2023

In 2023, the Court or its President issued 68 orders in cases at the stage of monitoring compliance with judgment. The 61 orders on monitoring compliance with judgment adopted by the Court to monitor the implementation of all or several reparations ordered in the judgment in each case can be found [here](#). The order on monitoring the implementation of the provisional measures ordered in 14 cases of Guatemala, and the three that refer to requests for provisional measures are available [here](#). The two orders concerning compliance with reimbursements to the Victims’ Legal Assistance Fund are available [here](#), while those concerning the adoption of urgent measures issued by the President of the Court can be found [here](#).

The orders are described below, in chronological order, and in categories according to their content and purpose.

C.1. Orders on monitoring compliance with the judgment

LIST OF CASES

1. Case of Rodríguez Vera et al. (Disappeared at the Palace of Justice) v. Colombia. Order of February 7, 2023.
2. Case of the Miguel Castro Castro Prison v. Peru. Order of February 7, 2023.
3. Case of Indigenous Communities Members of the Lhaka Honhat (Our Land) Association v. Argentina. Order of February 7, 2023.
4. Case of García and Family Members v. Guatemala. Order of February 7, 2023.
5. Case of Gorigoitia v. Argentina. Order of February 7, 2023.
6. Case of Grijalva Bueno v. Ecuador. Order of February 7, 2023.
7. Case of Cuya Lavy et al. v. Peru. Order of February 7, 2023.
8. Case of Bedoya Lima et al. v. Colombia. Order of February 7, 2023.
9. Case of Barbosa de Souza et al. v. Brazil. Order of March 21, 2023.
10. Case of Vera Rojas et al. v. Chile. Order of March 21, 2023.
11. Case of Norín Catrimán et al. (Leaders, Members and Activist of the Mapuche Indigenous People) v. Chile. Order of March 21, 2023.
12. Case of the Sawhoyamaxa Indigenous Community v. Paraguay. Order of March 21, 2023.
13. Case of Gutiérrez and Family v. Argentina. Order of March 21, 2023.
14. Case of the Afro-descendant Communities Displaced from the Cacarica River Basin (Operation Genesis) v. Colombia. Order of March 21, 2023.
15. Case of Tibi v. Ecuador. Order of March 21, 2023.
16. Case of Fontevecchia and D'Amico v. Argentina. Order of April 19, 2023.
17. Case of the Xákmok Kásek Indigenous Community v. Paraguay. Order of April 19, 2023.
18. Case of Maldonado Vargas et al. v. Chile. Order of April 19, 2023.
19. Case of Trueba Arciniega et al. v. Mexico. Order of April 19, 2023.
20. Case of Maidanik et al. v. Uruguay. Order of April 19, 2023.
21. Case of Pavez Pavez v. Chile. Order of April 19, 2023.
22. Case of Ríos Ávalos and et al. v. Paraguay. Order of April 19, 2023.

23. Case of Noguera et al. v. Paraguay. Order of April 19, 2023.
24. Case of Hernández v. Argentina. Order of May 24, 2023.
25. Case of Garzón Guzmán et al. v. Ecuador. Order of June 26, 2023.
26. Case of Digna Ochoa and Family Members v. Mexico. Order of June 26, 2023.
27. Case of the Teachers of Chañaral and other Municipalities v. Chile. Order of June 26, 2023.
28. Case of Moya Chacón et al. v. Costa Rica. Order of June 26, 2023.
29. Case of the Xucuru Indigenous People and its Members v. Brazil. Order of June 26, 2023.
30. Case of Alvarado Espinoza et al. v. Mexico. Order of June 26, 2023.
31. Case of Manuela et al. v. El Salvador. Order of June 26, 2023.
32. Case of the Ituango Massacres v. Colombia. Order of August 30, 2023.
33. Case of the Afro-descendant Communities Displaced from the Cacarica River Basin (Operation Genesis) v. Colombia. Order of August 30, 2023.
34. Case of Carvajal et al. v. Colombia. Order of August 30, 2023.
35. Case of Escaleras Mejía et al. v. Honduras. Order of August 30, 2023.
36. Case of Cortez Espinoza v. Ecuador. Order of August 30, 2023.
37. Case of Sales Pimenta v. Brazil. Order of August 30, 2023.
38. Case of Vera Rojas et al. v. Chile. Order of September 1, of 2023.
39. Case of López et al. v. Argentina. Order of September 4, of 2023.
40. Case of Omeara Carrascal et al. v. Colombia. Order September 25, 2023.
41. Case of Ximenes Lopes v. Brazil. Order September 25, 2023.
42. Case of Fornerón and Daughter v. Argentina. Order of October 18, 2023.
43. Case of Argüelles et al. v. Argentina. Order of October 18, 2023.
44. Case of the National Association of Discharged and Retired Employees of the National Tax Administration Superintendence (ANCEJUB-SUNAT) v. Peru. Order of October 18, 2023.
45. Case of the Workers of Hacienda Brazil Verde v. Brazil. Order of October 18, 2023.
46. Case of Flor Freire v. Ecuador. Order of October 18, 2023.

47. Case of Palacio Urrutia et al. v. Ecuador. Order of November 21, 2023.
48. Case of Rosadio Villavicencio v. Peru. Order of November 21, 2023.
49. Case of Torres Millacura et al. v. Argentina. Order of November 21, 2023.
50. Case of the “White Van” (Paniagua Morales et al.) v. Guatemala. Order of November 21, 2023.
51. Case of Muelle Flores v. Peru. Order of November 21, 2023.
52. Case of Chinchilla Sandoval et al. v. Guatemala. Order of November 21, 2023.
53. Case of Members and Militants of the Patriotic Union v. Colombia. Order of November 21, 2023.
54. Case of the Former Employees of the Judiciary v. Guatemala. Order of November 21, 2023.
55. Case of Guevara Díaz v. Costa Rica. Order of November 21, 2023.
56. Case of “19 Tradesmen” v. Colombia. Order of November 21, 2023.
57. Case of the Los Josefinos Village Massacre v. Guatemala. Order of November 21, 2023.
58. Case of Muelle Flores v. Peru. Order of November 21, 2023.
59. Case of Chocrón Chocrón v. Venezuela. Order of November 21, 2023.
60. Case of the Landaeta Mejías Brothers et al., Case of López Soto et al. and Case of Díaz Loreto et al. v. Venezuela. Order of November 28, 2023.

ORDERS OF THE INTER-AMERICAN COURT – MONITORING THE IMPLEMENTATION OF PROVISIONAL MEASURES

1. Case of the Members of Chichupac Village and neighboring communities of the Municipality of Rabinal, Case of Molina Theissen and 12 Other Cases v. Guatemala. Order October 20, 2023.

ORDERS OF THE INTER-AMERICAN COURT ON REQUESTS FOR PROVISIONAL MEASURES AND MONITORING COMPLIANCE

1. Case of Molina Theissen v. Guatemala. Order of March 24, 2023.
2. Case of Molina Theissen v. Guatemala. Order of September 4, of 2023.
3. Case of the Dos Erres Massacre v. Guatemala. Order of November 29, 2023.
4. Case of Barrios Altos and Case of La Cantuta v. Peru. Order of December 19, 2023.

**COMPLIANCE WITH REIMBURSEMENT OF THE VICTIMS' LEGAL ASSISTANCE FUND
[ORDERS OF PRESIDENT ON COMPLIANCE WITH REIMBURSEMENT OF THE VICTIMS' LEGAL ASSISTANCE FUND]**

1. Case of Tzompaxtle Tecpile et al. v. Mexico. Order of the President of December 13, 2023.
2. Case of Olivera Fuentes v. Peru. Order of the President of December 13, 2023.

**ADOPTION OF URGENT MEASURES
[ORDERS OF THE PRESIDENT ON ADOPTION OF URGENT MEASURES IN CASES AT THE STAGE OF MONITORING COMPLIANCE IN WHICH A REQUEST FOR PROVISIONAL MEASURES WAS PRESENTED]**

1. Case of Barrios Altos and Case of La Cantuta v. Peru. Order of the President of December 5, 2023.

D. Requests for provisional measures presented in cases at the stage of monitoring compliance with judgment and monitoring implementation of the provisional measures ordered

During 2023, the Court ruled on the following **4 requests** for provisional measures made by victims or their representatives in **5 cases** at the stage of monitoring compliance with judgment, related to compliance with specific measures of reparation:

1. Case of Molina Theissen v. Guatemala
2. Case of Vera Rojas et al. v. Chile
3. Case of the Dos Erres Massacre v. Guatemala
4. Case of Barrios Altos and Case of La Cantuta v. Peru

As a general rule, the Court has considered that the assessment of information related to compliance with measures of reparation ordered in the judgment should be made in the context of monitoring compliance with judgment. However, exceptionally, if the request is related to the purpose of the case, the Court has analyzed whether the requirements of extreme gravity, urgency, and the risk of irreparable harm are met that are necessary for the adoption of provisional measures.

In the **Case of Molina Theissen v. Guatemala**, on March 24, 2023, the Court issued an order in which it required the State, as a “no-change” provisional measure to prevent irreparable harm to the victims’ right of access to justice, to refrain from making any changes to the precautionary situation of the persons criminally convicted in the first instance court, until this Court could rule on the request for provisional measures. Subsequently, judicial decisions were adopted in Guatemala that granted the alternative measure of house arrest without surveillance and without restriction of movement in the departments of Guatemala and Alta Verapaz to those convicted in the court of first instance. In an order issued on September 4, 2023, the Court decided that “[i]n application of Article 65 of the American Convention on Human Rights and Article 30 of the Statute of the

Court, to include in [its] Annual Report [...] for 2023 Guatemala's failure to comply with the restraining order issued by this Court in the context of this process of monitoring compliance with judgment."

In the **Case of Vera Rojas et al. v. Chile**, the Court issued an order on September 1, 2023, in which it decided to conduct a "strengthened monitoring" of the reparations related to the signing of a legal agreement in which the State undertakes to ensure the continuation of Martina Vera Rojas' medical treatment, both in terms of her current situation and any treatments she might need in the future due to her illness. The State shall ensure this treatment in the event of her parent's death or their inability to pay for the ISAPRE health plan or to pay the deductible for special coverage for catastrophic diseases (CAEC), due to illness, old age, or salary level. The Court took into account Martina's fragile health since she suffers from mitochondrial and neurodegenerative disease and needs to receive medical treatment under a "home hospitalization" regime, and the fact that her parents were unable to continue paying for the health plan provided by ISAPRE. It also considered the specific actions and the willingness expressed by the State to ensure the continuation of Martina's medical treatment from the moment the coverage of her health plan with the ISAPRE ceases. The aim of this "strengthened monitoring" is to ensure a constant monitoring of compliance with the aforementioned measure of reparation, in a differentiated manner with respect to the other two reparations pending compliance in this case.

In the **Case of the Dos Erres Massacre v. Guatemala**, on November 29, 2023, the Court issued an order requiring that the State, as a "no change" provisional measure to prevent irreparable harm to the victims, "to refrain from executing the order of the First Court for Criminal Matters, Drug Trafficking and Crimes against the Environment with competence to hear High Risk Proceedings, Group 'E', of Guatemala [given in the first instance acquittal for the crimes of murder and crimes against humanity], on 'the destruction of material evidence', until such time as this international Court can decide on the request for provisional measures." The Court also granted the State a period of time to present its observations on the request for provisional measures submitted by the victims' representatives, so that the Court could then rule on the merits.

In the **Cases of Barrios Altos and La Cantuta v. Peru**, the President of the Court issued an order on December 5, 2023, adopting "no change" urgent measures, in which it required the State to "refrain from executing the ruling of the Constitutional Court of Peru, of December 4, 2023, ordering the 'immediate release' of Alberto Fujimori Fujimori, until the Inter-American Court of Human Rights has been able to decide whether this decision meets the conditions established in the Court's order of April 7, 2022." In the order on April 7, 2022, the Court ordered the State of Peru:

[...] to refrain from executing the judgment issued by the Constitutional Court of Peru on March 17, 2022, which restores the effects of the pardon 'for humanitarian reasons' granted to Alberto Fujimori Fujimori on December 24, 2017, because it did not comply with the conditions established in the order on compliance with judgment of May 30, 2018 [...].

In an order of December 19, 2023, the Inter-American Court determined that "the execution of the judgment of the Constitutional Court of March 17, 2022, based on that court's position regarding the orders of November 21 and December 4, 2023, and the consequent release of Alberto Fujimori Fujimori on December 6, 2023, amounted to contempt for this international Court's orders on monitoring compliance of May 30, 2018 and April 7, 2022 and the order to adopt "no change" urgent measures issued by the President of this Court on December 5, 2023." Such contempt and non-compliance occurred because the State executed the judgment issued by the Constitutional Court of Peru on March 17, 2022, which restored the effects of the pardon "for humanitarian reasons" granted to Alberto Fujimori Fujimori on December 24, 2017 by the President of the Republic, despite the fact that the Court had ordered that it should "refrain from implementing [it]" because it did not comply with the standards of international law that should be taken into account when carrying out a jurisdictional control of said pardon.

Furthermore, in that order of December 19, 2023, the Court stated:

3. Pursuant to Article 65 of the American Convention on Human Rights and Article 30 of the Statute of the Court, include in the 2023 Annual Report of the Inter-American Court of Human Rights the non-compliance by the State of Peru with the Order of “no change” urgent measures issued by the President of the Inter-American Court on December 5, 2023, and the Order of the Inter-American Court of April 7, 2022 [...].

The Court also decided to carry out a “strengthened monitoring” of the obligation to investigate, prosecute and punish gross human rights violations in the Cases of Barrios Altos and La Cantuta, particularly in relation to the pardon “for humanitarian reasons” granted to Alberto Fujimori Fujimori, and set a date for the State to submit a report.

On October 20, 2023, the Court issued an order in the **Case of the Members of Chichupac Village and neighboring communities of the Municipality of Rabinal, and in the Case of Molina Theissen et al. and 12 other Guatemalan Cases v. Guatemala**, in which it monitored the implementation of the provisional measures ordered in those **14 cases** on March 12, 2019. The Court also ruled on requests made by the victims’ representatives. The Court decided to “[r]ecognize that the State has proceeded to archive the initiative of Law 5377, which sought to grant an amnesty for all serious violations committed during the internal armed conflict, which was required in the [mentioned] order on provisional measures” of 2019. Likewise, the Court decided to “[r]equest that the State of Guatemala, through its three branches of government, take the necessary actions to ensure that bills such as 5920 and 6099, which grant amnesty for the serious violations committed during the internal armed conflict, and which provide for the criminal prosecution of justice operators who continue to advance in the investigation and prosecution of the 14 cases that have a judgment of the Court or who intend to carry out a control of conventionality.”

E. | Closure of cases due to compliance with the judgment

During 2023, the Court declared the closure of eight cases (two concerning Argentina, once concerning Brazil, two concerning Costa Rica, two concerning Ecuador, and one concerning Paraguay) due to full compliance with the reparations ordered in the judgments. Costa Rica currently has no cases at the stage of monitoring compliance with judgment. It is important to note that 2023 is the year in which the Court closed the largest number of cases due to compliance with judgments.

1. Case of Ríos Avalos et al. v. Paraguay

On April 19, the Court issued an order in which it decided to close this case because Paraguay had fully executed all the measures of reparation ordered in the judgment of 19 August 2021, as follows:

- i. carry out the publications of the judgment and the official summary, as indicated in paragraph 190;
- ii. regularize the retirement plan of both victims;
- iii. pay Bonifacio Ríos Ávalos the amount established in the judgment as restitutive compensation given the impossibility of reinstating him in his post;

- iv. pay Bonifacio Ríos Ávalos and the widow and heirs of Carlos Fernández Gadea, who died before the judgment was issued, the amounts established in the judgment as compensation for pecuniary and non-pecuniary damage, and
- v. pay Bonifacio Ríos Ávalos and the widow and heirs of the deceased victim the amounts established in the judgment as reimbursement of costs and expenses.

The Order of April 19, 2023, is available [here](#).(only in Spanish)

2. Case of Hernández v. Argentina

On May 24, the Court issued an order in which it decided to close this case because Argentina had fully executed all the measures of reparation ordered in the judgment, namely:

- i. carry out the publications indicated in the judgment and the official summary;
- ii. design and implement a training program for public officials and employees working in the detention centers of Buenos Aires province, during which medical personnel specialized in the treatment of tuberculosis provide them with training on specific aspects related to that disease, as indicated in the judgment;
- iii. improve the conditions of the prison system in Buenos Aires province, particularly in the prevention, diagnosis, and adequate and timely treatment of tuberculosis and diseases of a similar nature among the prison population;
- iv. pay the compensation established in the judgment for pecuniary and non-pecuniary damage in favor of the victims, and
- v. pay the representatives of the victims the amount established in the judgment as reimbursement for costs and expenses.

The order of May 24, 2023, is available [here](#). (only in Spanish)

3. Case of Moya Chacón et al. v. Costa Rica

On June 26, the Court issued an order in which it decided to close this case because Costa Rica had fully implemented all the measures of reparation ordered in the judgment of May 23, 2022, as follows:

- i. annul the attribution of civil liability against Ronald Moya Chacón and Freddy Parrales Chaves, imposed by a ruling of the Criminal Court on January 10, 2007, confirmed by the Third Chamber of the Supreme Court of Justice by the judgment of December 20 of the same year;
- ii. carry out the publication of the judgment and its official summary, as indicated in paragraph 106;
- iii. pay both victims the amount established in the judgment as compensation for non-pecuniary damage; and
- iv. pay the representatives of the victims the amount established in the judgment for reimbursement of costs and expenses.

The order of June 26, 2023, is available [here](#). (only in Spanish)

4. Case of Cortez Espinoza v. Ecuador

On August 30, the Court issued an order in which it decided to close the case because Ecuador had fully implemented all the measures of reparation ordered in the judgment of August 31, 2016, namely:

- i. carry out the publications of the judgment and the official summary, as indicated in paragraph 169 thereof;
- ii. pay the amount established in paragraph 184 of the judgment in favor of the victim for psychological and/or psychiatric care;
- iii. pay the amounts established in paragraphs 182 and 184 of the judgment in favor of the victim as compensation for pecuniary and non-pecuniary damage; and
- iv. pay the amount established in paragraph 187 of the judgment for reimbursement of costs and expenses in favor of the representatives of the victim.

The order of August 30, 2023, is available [here](#) (only in Spanish).

5. Case of Ximenes Lopes v. Brazil

On September 25, the Court issued an order in which it recalled that, in 2021, it had declared that Brazil had failed to comply with the obligation to investigate, prosecute, and punish, as appropriate, those responsible for the facts of this case, and stated the reasons for concluding the monitoring of compliance with that measure. Also, in that order of 2023, the Court decided to close the case, since Brazil had fully implemented the remaining measures of reparation ordered in the judgment of July 4, 2006, namely:

- i. carry out the publications of the judgment indicated in paragraph 249;
- ii. implement a training and education program for medical, psychiatric, psychological, and nursing personnel, as well as nursing assistants and all persons involved in providing mental health care, in particular, regarding the principles that should govern the treatment of persons who suffer intellectual disabilities;
- iii. pay the victims the amounts established in the judgment as compensation for pecuniary and non-pecuniary damage; and
- iv. pay Mrs. Albertina Viana Lopes, mother of Damião Ximenes Lopes, the amount established in paragraph 253 of the judgment for reimbursement of costs and expenses.

The order of September 25, 2023, is available [here](#). (only in Spanish)

6. Case of Argüelles et al. v. Argentina

On October 18, the Court issued an order in which it decided to close the case because Argentina had fully executed all the measures of reparation ordered in the judgment of November 20, 2014, namely:

- i. publish the official summary of the judgment as indicated in paragraph 254;
- ii. pay compensation for non-pecuniary damage established in the judgment in favor of the victims; and
- iii. pay the representatives of the victims the amount established in the judgment for reimbursement of costs and expenses.

The order of October 18, 2023, which declares the case closed, is available [here](#). (only in Spanish)

7. Case of Flor Freire v. Ecuador

On October 18, the Court issued an order in which it decided to close the case because Ecuador had fully executed all the measures of reparation ordered in the judgment of August 31, 2016, related to:

- i. grant Mr. Flor Freire the rank that corresponds to his cohort at the time of compliance with this measure and place him in the situation of a soldier who has taken voluntary retirement or is on passive service, granting him all the social rights and social security benefits that correspond to that rank;
- ii. recognize Mr. Flor Freire and pay the social security benefits (for purposes of future retirement and severance) to which he would be entitled if he had voluntarily retired from the institution at the time the State makes such payment, based on the rank of his cohort at the time of this payment;
- iii. ensure that no administrative act or decision adopted in the disciplinary process declared in violation of the rights recognized in the American Convention produces any legal effect on the social and/or social security rights that would correspond to Mr. Flor Freire if he had voluntarily retired from the Ecuadorian Armed Forces;
- iv. publish the judgment and the official summary, as indicated in paragraph 231;
- v. implement continuous and ongoing training programs for members of the Armed Forces and officers in charge of military disciplinary procedures on the prohibition of discrimination based on sexual orientation, in order to ensure that sexual orientation, whether real or perceived, in no way constitutes grounds for discriminatory treatment; and
- vi. pay the amounts established in the judgment in favor of the victim as compensation for pecuniary and non-pecuniary damage.

The order of October 18, 2023, is available [here](#) (only in Spanish).

8. Case of Guevara Díaz v. Costa Rica

On November 21, the Court issued an order in which it decided to close the case because Costa Rica had fully implemented all the measures of reparation ordered in the judgment of June 2022, namely:

- i. to appoint Luis Fernando Guevara Díaz to a position of equal or higher rank than the one for which he had applied, or to another position that suits his aptitudes and needs or, in the event that the victim decides not to be appointed to any position, to pay him the amount established in the judgment as restitutive compensation;
- ii. publish and disseminate the judgment and the official summary, as indicated in paragraph 92;
- iii. create and implement, during a period of three years, a training plan for officials of the Ministry of Finance on equality and non-discrimination against persons with disabilities;
- iv. pay the victim the amounts established in the judgment as compensation for pecuniary and non-pecuniary damage; and
- v. pay the representative of the victim the amount established in the judgment to reimburse costs and expenses

The order of November 21, 2023, is available [here](#) (only in Spanish).

F. | Compliance with guarantees of non-repetition

In 2023, the Court assessed compliance (total or partial) with various measures of reparation that constitute guarantees of non-repetition, which it considers desirable to highlight, in order to disseminate the progress achieved and the best practices of States. Owing to the type of structural changes entailed by the implementation of these measures, they benefit both the victims in each case and also society as a whole. Compliance with them calls for amendments to the law, modifications of case law, the design and execution of public policies, changes in administrative practices, and other actions that are particularly complex.

In 2023, the Court declared compliance (totally or partially) by the States of Argentina, Brazil, Costa Rica, Ecuador, and Paraguay.

a. **Argentina: Human Rights training for the Federal Police Argentina, the Police of Buenos Aires province, and the Judicial Police of said province**

In the judgment in the Case of Gutiérrez and family, delivered on November 25, 2013, the Court found Argentina responsible for violating the right to life, judicial guarantees, and judicial protection, for the participation of state agents in the execution of Assistant Commissioner Jorge Omar Gutiérrez, as well as in the obstruction of the investigation. Therefore, as a guarantee of non-repetition, the Court ordered the State to include in the training courses or study plans of the Federal Police of Argentina, the police of Buenos Aires province, and the Judicial Police of that province, training courses on the obligations to respect and guarantee human rights, particularly the right to life, and on the obligation to investigate with due diligence and effective judicial protection, as well as the control of conventionality, referring to the present case and the judgment.

In the order of March 21, 2023, the Court declared partial compliance with this guarantee of non-repetition, having confirmed that the State complied with the requirement to include in the curriculum of the police of Buenos Aires province the study of the specific topics ordered in the judgment. The Court found the following matters pending, requiring the State: (i) to make certain clarifications requested in that order regarding the contents of the training courses of the Federal Police, on the inclusion of the study the booklet that was prepared on the present case and the judgment in the training plans of this police unit, and (ii) to submit information regarding compliance with this reparation measure with respect to the Judicial Police of Buenos Aires province.

b. **Argentina: Regulation of the transfer of convicted persons deprived of liberty**

In the judgment in the Case of López et al., issued on November 25, 2019, the Court stated that, by transferring the inmates Néstor López, Hugo Blanco, Miguel González, and José Muñoz to prisons located far from the province of Neuquén, without prior or subsequent evaluation of the impacts on their private lives and family circumstances, the State failed to comply with its obligation to take actions to protect persons from arbitrary or illegal interference in their private and family lives, as well as its obligation to foster effective respect for family life. In this regard, the Court also analyzed the incompatibility with the American Convention of Article 72 of the National Criminal Enforcement Law of Argentina, which was applied to the victims in this case for their transfer from one federal prison to another. Thus, the Court concluded that this rule is not compatible with the principle of legality established in Article 30 of the American Convention. Accordingly, as a guarantee of non-repetition, it ordered the State to adopt the necessary measures to guarantee to all persons deprived of liberty (whether convicted or not), "the maximum contact with their families, their representatives, and the outside world," to the extent possible. This implies, inter alia, the duty to avoid unjustified separations between persons deprived of liberty and their families, which could arise, as in this case, through the transfer of persons deprived of liberty to prisons located very far away from their families.

In the order of September 4, 2023, the Court monitored this guarantee of non-repetition and declared its partial compliance. The Court recognized that the State has made significant progress, since it approved an administrative measure (“Protocol for the Transfer of Persons Deprived of Liberty in the Federal Prison Service”) that regulates the transfer of persons deprived of liberty between federal penitentiaries, in accordance with the American Convention and the standards developed in the judgment. However, the Court emphasized that this protocol is not a rule of legal rank and article 72 of the National Criminal Enforcement Law remains in effect in the same terms as when the Court assessed its incompatibility with the American Convention in the judgment of this case. In this regard, the Court requested Argentina to indicate in its next report whether there is any legislative initiative aimed at reforming or regulating article 72 of the National Criminal Enforcement Law, in terms consistent with the Convention and the judgment.

c. Brazil: training of personnel involved in the care of persons with intellectual disabilities on the rights and principles that should govern their treatment

In the judgment in the Case of Ximenes Lopes, issued on July 4, 2006, the Court, taking into account the partial acknowledgment of international responsibility made by Brazil, declared the violation of the rights to life and personal integrity “for failure to ensure respect, prevention, and protection, in relation to the death and cruel, inhuman and degrading treatment suffered by Mr. Damião Ximenes Lopes” while he was interned at the “Casa de Reposo Guararapes” psychiatric care center, a private hospital contracted by the State to provide psychiatric care services. As a guarantee of non-repetition, the Court ordered Brazil to develop a training program for medical, psychiatric, psychological, and nursing staff as well as nursing assistants and all those involved in mental health care, on the principles that should govern the treatment of patients with mental disabilities, in accordance with international standards and the provisions of the judgment.

In the order of September 25, 2023, the Court declared full compliance with this reparation, given that Brazil began to implement the course on “Human Rights and Mental Health - Permanent Course Damião Ximenes Lopes,” which is “open to the public with a focus on health professionals, especially those working in the area of mental health, and is available on the platform of the Virtual School of Government.” The Court considered positive that the course includes the study of the international standards contained in the main international human rights instruments applicable to persons with mental disabilities, including the International Convention on the Rights of Persons with Disabilities, and the judgment in the present case. The Court also highlighted as positive the dissemination activities carried out on the official website of the Ministry of Human Rights and Citizenship, as well as on its social networks.

d. Costa Rica: Training plan for officials of the Ministry of Finance on equality and non-discrimination of persons with disabilities

In the judgment in the Case of Guevara Díaz, delivered on June 22, 2022, taking into account Costa Rica’s acknowledgment of international responsibility, the Court concluded that the State was responsible for violating the rights to equal protection before the law and to work, as well as to judicial guarantees and judicial protection to the detriment of Luis Fernando Guevara Díaz since he suffered discrimination based on his mental disabilities. As a guarantee of non-repetition, the Court ordered the State to develop a training plan for officials of the Ministry of Finance on equality and non-discrimination against persons with disabilities, specifically addressing the essential content of the State’s obligation to respect and guarantee the right to work of persons with disabilities in hiring, selection, promotion, and dismissal, as well as the special duties arising when handling allegations alleging acts of discrimination based on disability. The Court also ordered that this plan be implemented for three years.

In the order of November 21, 2023, the Court declared Costa Rica's full compliance with this measure, given that in February 2023 the government approved the "Institutional Education and Training Program on Equality and Non-discrimination of Persons with Disabilities, in the Ministry of Finance," which began to be implemented in August 2023, using a "virtual modality." The Court confirmed that this program "is directed at all staff members of the Ministry of Finance" and addresses the contents stipulated in the judgment, including "diversity, inclusion, equity, human rights and the obligations of the State"; the "principal national and international legal standards related to the rights of persons with disabilities"; and "the employment situation of persons with disabilities in the Costa Rican labor market and its repercussions." The Court considered it positive that the State promoted "the participation of persons with disabilities" in teaching such courses and that, in addition to addressing the aforementioned topics, the courses included "practical exercises" on situations involving persons with disabilities in the labor sphere. In assessing compliance with this measure, the Court noted that, although the three-year period of implementation ordered in the judgment had not expired, the training program was planned to be executed over "the next three years" and has defined annual goals.

e. Ecuador: Training programs for members of the Armed Forces on the prohibition of discrimination based on sexual orientation

In the judgment in the Case of Flor Freire, delivered on August 31, 2016, the Court ruled that Mr. Homero Flor Freire was discharged from his position as an officer in the Ecuadorian Army based on a disciplinary proceeding that violated his rights to equality before the law, prohibition of discrimination and the guarantee of impartiality, for allegedly having committed homosexual acts within military installations. In the proceedings against him, internal regulations were applied that punished "homosexual acts" more severely compared with non-homosexual acts. As a guarantee of non-repetition, the Court ordered Ecuador to implement continuous and ongoing training programs for members of the Armed Forces and for officers in charge of military disciplinary procedures on the prohibition of discrimination based on sexual orientation, in order to ensure that sexual orientation, actual or perceived, in no way constitutes grounds for discriminatory treatment.

In the order of October 18, 2023, the Court declared Ecuador's full compliance with this reparation, given that the State created a "Human Rights Module" for inclusion in the permanent training programs for military personnel. Its contents include three broad topics: (i) "The nature of sexual orientation", (ii) "Prohibition of discrimination based on sexual orientation," and (iii) the "Case Study" of the judgment in the case of Flor Freire v. Ecuador. Implementation of this training module began in 2023.

f. Ecuador: training plan for judicial officials on the rights to freedom of expression, judicial guarantees, and judicial protection

In the judgment in the Case of Palacio Urrutia et al., delivered on November 24, 2021, the Court declared the international responsibility of Ecuador for the violation of freedom of expression to the detriment of journalist Emilio Palacio Urrutia and of three directors of El Universo newspaper, who were convicted of "serious slanderous insult against an authority" and issued with a civil sanction for publishing an opinion article on a matter of public interest. As a guarantee of non-repetition, the Court ordered Ecuador to "create and implement [...] a training plan for public officials, to ensure that they have the necessary knowledge in the field of human rights. The training should focus on the analysis of the case law in the Inter-American System for the Protection of Human Rights in relation to freedom of expression, as well as the rights to judicial guarantees and judicial protection." It also required that these programs be specifically directed at members of the Judiciary, including prosecutors and judges.

In the order of October 18, 2023, the Court declared full compliance with this measure, given that Ecuador created and implemented a virtual workshop on "Freedom of expression and human rights" directed at prosecutors and judges, as well as other officials, within the term stipulated in the judgment. As to its contents, the Court confirmed that the workshop included the study of international standards related to freedom of

expression, judicial guarantees, and judicial protection, as well as the judgment in the instant case. Furthermore, the Court appreciated the fact that the State reported that it was making additional efforts to include the study of this judgment in the permanent training programs for prosecutors and judges and to create a permanent virtual course on these topics.

g. Paraguay: include human rights programs in the academic curricula of military training colleges on the State's obligations to all persons who perform military service

In the judgment in the Case of Noguera et al., issued on March 9, 2020, the Court took into account Paraguay's partial acknowledgment of international responsibility and concluded that the State violated the rights to life, personal integrity and the rights of the child to the detriment of Vicente Noguera because the authorities failed to clarify the circumstances of his death at a military establishment. In addition, they were unable to refute the evidence regarding the possibility of a violent death. As a guarantee of non-repetition, the Court ordered the State to include, within one year from notification of the judgment, human rights training programs, "with an emphasis on international standards and the State's special role as guarantor of all persons who perform military service," within the academic military training curriculum of the General Staff College (Escuela de Estado Mayor) and the Officers' Training Colleges of the three Armed Forces."

In the order of April 19, 2023, the Court declared the State's full compliance with this measure, having confirmed that the "Human Rights and International Humanitarian Law Program for the Armed Forces of the Nation" forms part of the obligatory curricula of the different academic training institutions of the Armed Forces, including the Military Cadets Training Centre, the Reserve Officers' College and the General Staff College of the Army, the Air Force and the Navy. Regarding the contents of the program, the Court noted that it covers aspects such as the "essential rights" of "military personnel on active duty", as well as the merits report issued by the Inter-American Commission on Human Rights in this case, and urged the State to include, inter alia, the study of the judgment issued in this case.

G. Compliance with the obligation to investigate, prosecute and punish, as appropriate

The obligation to investigate is one of the measures that States must adopt to guarantee the rights recognized in the American Convention, as well as to contribute to the reparation of victims and their next of kin. In particular, it is the obligation of the States to guarantee the rights to life, integrity, and personal liberty through the effective investigation of the facts that affected such rights and, if applicable, the punishment of those responsible.⁹⁹ This obligation has been ordered in a multiplicity of the Court's judgments, and is one of the most difficult measures for States to comply with, given the numerous difficulties faced in its implementation, including legal obstacles such as the ongoing application of amnesty laws; failings in the justice systems; cover-ups, pacts of silence or coercion by those responsible; lack of access to records to obtain evidence; failure to obtain evidence at the appropriate moment or failings in the chain of custody of evidence; the time

⁹⁹ This obligation implies that States must remove all obstacles, of fact and of law, that impede the due investigation of the facts, and use all available means to expedite such investigation and the respective procedures, in order to avoid the repetition of violations. The Inter-American Court has established that this is an obligation of means and not of result, that must be assumed by the State as its own legal duty and not as a simple formality condemned in advance to be fruitless, or as a mere handling of private interests, that depends on the procedural initiative of the victims, of their relatives or of the private contribution of evidential elements.

elapsed since the events occurred and the timing of the investigation; and lack of personnel or insufficient resources to drive forward the investigations.

For this reason, it is important to highlight those cases in which the Inter-American Court has determined that the State's efforts have been sufficient to declare full or partial compliance with this obligation.¹⁰⁰ The cases in which the Court declared partial compliance with this obligation during 2023 are described below.

a. Case of Gutiérrez and Family v. Argentina: determining the criminal responsibility of two police agents for the extrajudicial execution of Mr. Jorge Omar Gutiérrez

In the judgment in the Case of Gutiérrez and Family, issued on November 25, 2013, the Court found Argentina responsible for violations of the right to life, judicial guarantees, and judicial protection, due to the participation of state agents in the murder of Assistant Commissioner Jorge Omar Gutiérrez, and the obstruction of the investigation. In this regard, the Court found that the criminal investigation was "plagued with irregularities and omissions [...] in the gathering of evidence, in following logical lines of inquiry and in the analysis of the facts of the case," and that there were "serious obstructions and threats toward witnesses," which remain in impunity. Therefore, it ordered the State to undertake, with due diligence and within a reasonable time, the appropriate investigations and criminal proceedings, in order to identify, prosecute and, if appropriate, punish the perpetrators and the intellectual perpetrators involved in the murder of the victim, and to establish the truth of the facts, considering the criteria regarding investigations in these types of cases.

In the order of March 21, 2023, the Court declared partial compliance with this measure. In this regard, the Court was encouraged by the fact that the State has made progress in determining criminal responsibility and in the conviction of two police officers for the murder of Mr. Gutiérrez. These individuals were investigated as possible perpetrators since the investigations into the facts of this case began in 1994. At the time of the order, the convictions were not final, due to appeals filed by the convicted persons. Therefore, the Court requested the State to provide updated and detailed information on the judicial decision regarding these appeals against the aforementioned conviction, or on the status of their processing, as well as to adopt the necessary measures to ensure that they are resolved with due diligence and as soon as possible.

b. Case of Hacienda Brazil Verde v. Brazil: determination of criminal responsibility of the owner and manager of the hacienda for the crime of reduction of a condition analogous to a slave and other crimes

In the judgment delivered on October 20, 2016, the Court ordered Brazil to "re-open, with due diligence, the relevant investigations and/or criminal proceedings for the facts verified in March 2000, in this case in order to identify, prosecute and punish, as appropriate, those responsible, within a reasonable time." In particular, the Court ordered the State to conduct an investigation and, if appropriate "reestablish (or reconstruct) the criminal proceedings [...] opened in 2001, before the Second Jurisdiction of the Marabá Federal Justice Department, state of Pará."

¹⁰⁰ Prior to 2023, the Court declared full compliance with the obligation to investigate in two cases (one against Colombia and another against Peru), and partial compliance in 17 cases (three against Argentina, one against Bolivia, one against Brazil, three against Colombia, four against Guatemala, one against Mexico, three against Peru and one against Uruguay).

In the order of October 18, 2023, the Court declared partial compliance with this obligation. The Court appreciated the fact that Brazil created the “Brazil Verde Working Group” within the Federal Public Prosecutor’s Office, in order to move forward with the investigation that was reopened, and that the criminal proceeding progressed until a judgment was issued on June 27, 2023, in which the owner and the manager of the Hacienda Brazil Verde were convicted for the crimes of keeping “workers in conditions analogous to slavery” and “unlawful recruitment of workers from one part of the national territory to another,” to the detriment of the victims in this case, and sentenced to seven years and six months imprisonment, in addition to payment of a fine. The Court also considered it positive that, in the course of the criminal proceedings, the Fourth Chamber of the Federal Regional Court of the First Region, which in 2018 rejected the writ of habeas corpus filed by the defendants, relied on international law and the “constant case law” of the Inter-American Court to declare that the statute of limitations for criminal action is “inadmissible and inapplicable [...] when it concerns serious human rights violations [...]” Similarly, this criterion was reaffirmed by the Federal Civil and Criminal Judge of the Judiciary Subsection of Redención-PA in the conviction issued in June 2023. In order to conclude that the statute of limitations did not apply in the present case, he based his decision on the jurisprudence of said Federal Court and on what was ordered by this Court in the Judgment. Taking into account that the aforementioned convictions were not final because the appeals filed against them had not been resolved, the Court decided to continue with the monitoring of this measure so that the State would submit information on the decision resolving said appeals.

H. Partial compliance with the obligation to search for, locate, identify, and hand over the remains of disappeared persons

In its case law, the Court has recognized the States’ obligation to search for and locate disappeared persons. This obligation must be undertaken efficiently, appropriately, and diligently, and separately from the criminal investigations. The Court has also established that this obligation is related to the right of the next of kin of disappeared victims to know the truth about the fate or whereabouts of their loved ones. The Court has reiterated that it is of the utmost importance for the victims’ families to establish the whereabouts of the disappeared, to determine where their remains are, and ensure that they are reliably identified and handed over to their next of kin because it allows them to bury their loved ones according to their beliefs. This constitutes a measure of reparation that helps them close the grieving process and alleviates the anguish and suffering caused by the uncertainty over the whereabouts of their loved ones. Compliance with this measure also entails major challenges and difficulties.

For these reasons, it is important to highlight those cases in which the Inter-American Court has been able to confirm total or partial compliance with this obligation.¹⁰¹ The cases in which the Court has declared partial compliance with that obligation during 2023 are shown below:

a. Case of Rodríguez Vera et al. (Disappeared of the Palace of Justice) v. Colombia

In the judgment in the Case of Rodríguez Vera et al. (Disappeared of the Palace of Justice), issued on November 14, 2014, taking into account the partial acknowledgment of responsibility made by the Republic of Colombia, the Court concluded that the State was internationally responsible for certain human rights violations

¹⁰¹ Prior to 2023, the Court had declared full compliance with the search for the whereabouts of persons in a case against Peru and partial compliance in five cases (two involving El Salvador and three involving Peru).

committed in the context of the events known as “the taking” and “the retaking” of the Palace of Justice, in the city of Bogotá on November 6 and 7, 1985. The Court found the State responsible, inter alia, for the forced disappearance of seven employees of the cafeteria in the Palace of Justice (Carlos Augusto Rodríguez Vera, Cristina del Pilar Guarín Cortés, David Suspes Celis, Bernardo Beltrán Hernández, Héctor Jaime Beltrán Fuentes, Gloria Stella Lizarazo Figueroa, Luz Mary Portela León), two visitors (Lucy Amparo Oviedo Bonilla and Gloria Anzola de Lanao) and one M-19 guerrilla (Irma Franco Pineda), as well as for the forced disappearance and extrajudicial execution of auxiliary magistrate Carlos Horacio Urán Rojas. The Court also declared Colombia responsible for failing to ensure the right to life and failure to determine the whereabouts of Norma Constanza Esguerra Forero at the date of the judgment. Accordingly, it ordered the State to conduct a rigorous search, making every effort to determine the whereabouts of the eleven victims who are still disappeared, including the “ten victims who were forcibly disappeared and Norma Constanza Esguerra.”

In the order of February 7, 2023, the Court declared partial compliance with this measure. It noted with satisfaction that the State had designed and implemented a specific search plan for the case (“Search Plan for the Disappeared of the Palace of Justice”). In the context of the implementation of this plan, by August 2022, the remains of 47 victims of the events at the Palace of Justice had been identified and had gradually been handed over to their respective families in different parts of the country. The Court considered it positive that, among the remains that have been located and reliably identified, are those belonging to six of the eleven victims in this case (Cristina del Pilar Guarín Cortés, Bernardo Beltrán Hernández, Héctor Jaime Beltrán Fuentes, Luz Mary Portela León, Lucy Amparo Oviedo Bonilla and Gloria Anzola of Lanao). It also noted that the remains of these six victims were handed over during procedures that were agreed upon with their respective family members, which included the funerals and were preceded by meetings in which they were provided with a technical-scientific explanation of the findings. The Court kept open the monitoring of compliance with this measure of reparation because the State has yet to determine the whereabouts of the five remaining victims (Carlos Augusto Rodríguez Vera, Irma Franco Pineda, David Suspes Celis, Gloria Stella Lizarazo and Norma Costanza Esguerra).

b. Case of 19 Tradesmen v. Colombia

In the judgment on merits, reparations, and costs in the Case of 19 Tradesmen, issued on July 5, 2004, the Court confirmed that after the death of the 17 tradesmen, their bodies were dismembered and thrown into the waters of the stream of “El Ermitaño,” a tributary of the Magdalena River, near the site of “Palo de Mango.” It also confirmed that around 15 days after their disappearance, the victims Juan Alberto Montero Fuentes and José Ferney Fernández Díaz went in search of the disappeared tradesmen and that during that search, members of the “paramilitary” group that operated in the Municipality of Puerto Boyacá detained them and then, “they suffered the same fate as the first seventeen (17) disappeared.” The Court recognized that “due to the way in which the remains of the 19 tradesmen were treated, and the fact that more than sixteen years have passed since their disappearance, it was very probable that their remains would not be found.” It was also confirmed that “Colombia did not carry out a proper search” and that “the omissions of the State, at the time when it was still probable that the remains of the victims could be found, has meant that locating the remains is now a very difficult and improbable task. Despite this, the State declared that it has “the procedural obligation” to “take steps to locate the remains of the victims and deliver them to their next of kin.” Consequently, the judgment ordered the State “to conduct a genuine search, making every possible effort to determine with certainty what happened to the remains of the victims and, if possible, to return these to their next of kin.”

In the order of November 21, 2023, the Court declared that the State has been complying with this measure, and must continue to do so, because the State demonstrated that it has made efforts to try to determine with certainty the fate of the victims disappeared in this case. Although it did not obtain positive results in terms of locating the remains of the victims, the Court considered it positive that between 2009 and 2015, the Attorney General’s Office devised and implemented a specific “Search Plan” for this case, which was carried out with the approval and participation of the Colombian Commission of Jurists, an organization that is a civil party in the criminal investigation of the facts of this case and represents the victims in this international proceeding. This

search plan was developed in different stages. Also, in 2016, in response to a request by the representatives and in coordination with them, several efforts were made to inform the victims' families of the progress made in the search plan for this case. These actions included the preparation of various documents on the search and the organization of a "national event" in the city of Bucaramanga during which, among other activities, documents and reports related to the investigation and search were handed over to the victims' families, together with a report on the historic background to this case. In addition, the Court noted that in 2020 the State reported that the prosecutor's office had ordered a new search. However, at the time the order was issued, it was not known whether or not this effort had been carried out and its results.

The Court stated that, although it recognized the immense pain that the victims' families have endured for more than 36 years, for the forced disappearance of their loved ones, as well as their frustration over the negative results obtained after implementing the search plan with respect to locating their remains, it cannot ignore the fact that the State has been complying with the reparation measures ordered in the judgment. The Court decided to continue monitoring this measure of reparation, considering that from the information provided by the State, it was clear that search actions have been identified that still need to be carried out by the Prosecutor General's Office, and asked the State to submit information in this regard. It also ordered the State to report, *inter alia*, whether the search for the whereabouts of the victims in this case is included in the massive search plans being carried out by State entities of an extrajudicial nature.

I. Application of Article 65 of the American Convention to inform the OAS General Assembly on non-compliance

At present, 21 cases are subject to the application of Article 65 of the American Convention (two cases involving Haiti, two cases involving Nicaragua, two cases involving Trinidad and Tobago, and 15 cases involving Venezuela). The list of cases can be found [here](#).

Regarding the application of Article 65 of the American Convention on Human Rights, it should be recalled that this article establishes that, in the Annual Report on its work that the Court submits to the consideration of the OAS General Assembly, "[i]t shall specify, in particular, the cases in which a State has not complied with its judgments, making any pertinent recommendations." Also, Article 30 of the Inter-American Court's Statute stipulates that, in this Annual Report, "[i]t shall indicate those cases in which a State has failed to comply with the Court's ruling." As can be seen, the States Parties to the American Convention have established a system of collective guarantee. Thus, it is in the interests of each and every State to uphold the system for the protection of human rights that they themselves have created and to prevent inter-American justice from becoming illusory by leaving it to the discretion of a State's internal decisions.

When the Court has determined that Article 65 of the Convention and Article 30 of the Statute should be applied in cases of non-compliance with its judgments, and has informed the General Assembly of the Organization of American States by means of its Annual Report, unless the States have demonstrated that they are adopting the necessary measures to comply with the reparations ordered in the judgment, or the victims' representatives or the Commission have provided information on the implementation of, and compliance with, the provisions of the judgment that the Court must assess.

During 2023, the Court issued two orders applying Article 65 of the American Convention in three cases at the stage of monitoring compliance with judgment, in which provisional measures had been requested.

In the **Case of Molina Theissen v. Guatemala**, the Court issued an order on September 4, 2023, in which it decided:

In application of Articles 65 of the American Convention on Human Rights and 30 of the Statute of the Court, to include in the 2023 Annual Report [...] non-compliance by Guatemala with the “no change” measure issued by this Court in the context of the process of monitoring compliance with judgment [...]. [Emphasis added]

This “no change” provisional measure was ordered by the Court on March 24, 2023, so as to prevent irreparable harm to the right of access to justice of the victims. In relation to compliance with the obligation to investigate, prosecute, and punish the forced disappearance of the child Marco Antonio Molina Theissen, the Court ordered Guatemala to refrain from making any changes to the precautionary situation of the persons criminally convicted in the first instance court, until this Court could rule on the request for provisional measures presented by the victims’ representatives. In its order of September 4, 2023, the Court confirmed that judicial decisions were adopted in Guatemala that granted the alternative measure of house arrest without surveillance and restriction of movement in the departments of Guatemala and Alta Verapaz to those convicted in the court of first instance.

In the **Cases of Barrios Altos and La Cantuta v. Peru**, the Court issued an order on December 19, 2023, establishing that “the execution of the judgment of the Constitutional Court of March 17, 2022, based on the position that said court maintained in the orders of November 21 and December 4, 2023, and the consequent release of Alberto Fujimori Fujimori on December 6, 2023, amounted to contempt for this Court’s orders on monitoring compliance of May 30, 2018, and April 7, 2022, ordering “no change” urgent measures issued by the President of this Court on December 5, 2023.”

Furthermore, in that order of December 19, 2023, the Court ordered:

3. In application of Articles 65 of the American Convention on Human Rights and 30 of the Statute of the Court, include, in the Annual Report of the Inter-American Court of Human Rights for 2023, non-compliance by the State of Peru with the order of “no change” urgent measures issued by the President of the Inter-American Court on December 5, 2023, and with the order of the Inter-American Court of April 7, 2022 [...]. [Emphasis added]

In the order issued on December 5, 2023, the President of the Court had required the State, as a “no change” urgent measure, to “refrain from executing the order of the Constitutional Court of Peru of December 4, 2023, called for the ‘immediate release’ of Alberto Fujimori Fujimori, until the Inter-American Court of Human Rights has all the elements necessary to determine whether this decision complies with the conditions established in the Court’s order of April 7, 2022.” In this order of April 7, 2022, Peru was ordered to “refrain from executing the judgment issued by the Constitutional Court of Peru on March 17, 2022, which restores the effects of the pardon ‘for humanitarian reasons’ granted to Alberto Fujimori Fujimori on December 24, 2017, because it did not comply with the conditions established in the order on compliance with judgment of May 30, 2018.”

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

Starting in 2015, the Court has used the authority established in Article 69(2)¹⁰² of its Rules of Procedure to request relevant information on the implementation of reparations from “other sources” that are not parties

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

to a case. This has allowed it to obtain direct information from specific State organs and institutions that have a competence or function that is relevant for the implementation of the reparation or for requiring its implementation at the domestic level. This information differs from that provided by the State, as a party to the proceedings, at the stage of monitoring compliance.

During 2023, the Court applied this provision in the following cases:

- a. In the Case of the Xucuru Indigenous People and its members v. Brazil, on April 17, 2023, the National Council Justice of Brazil forwarded a brief on compliance with the measures related to guarantee immediately and effectively the right to collective property of the Xucuru Indigenous People over their territory and conclude the regularization process of the Xucuru indigenous territory. The President of the Court decided to include this brief in the case file as another source of information, in the application of Article 69(2) of the Rules of Procedure.
- b. In the Case of the Workers of Hacienda Brazil Verde v. Brazil, on July 11, 2023, the National Council of Justice of Brazil forwarded a brief on compliance with the reparation regarding the investigation of the facts. The President of the Court decided to include this brief in the case file as another source of information, pursuant to Article 69(2) of the Rules of Procedure.
- c. In the Case of Favela Nova Brazilia v. Brazil, at the request of the President of the Court, the National Council of Justice provided an oral report on the private hearing on monitoring compliance held in Brazilia, Brazil on October 26, 2023, in which it presented the information it considered relevant, within its terms of reference, regarding compliance with several reparations. Subsequently, the President of the Court considered it timely to ask the National Council of Justice for a written report on compliance with the measures of reparation that were the subject of this hearing.
- d. In the Case of Herzog et al. v. Brazil, at the request of the President of the Court, the National Council of Justice provided an oral report on the private hearing on monitoring compliance held in Brazilia, Brazil on October 26, 2023, in which it presented information it considered relevant, within its terms of reference, on compliance with the guarantee of non-repetition regarding recognition of the non-application of the statute of limitations to actions involving crimes against humanity and international crimes. Subsequently, the President of the Court requested the National Council of Justice to provide a written report on compliance with that guarantee of non-repetition, as well as on the investigation of the facts.
- e. In the Case of the Workers of the Fireworks Factory in Santo Antônio de Jesus and their Families v. Brazil, on December 7, 2023, the President of the Court considered it timely to require the National Council of Justice of Brazil to report on compliance with the measure to provide medical, psychological or psychiatric treatment.
- f. In the Case of Sales Pimenta v. Brazil, on December 14, 2023, the National Council of Justice filed a brief on compliance with the reparation related to the creation of a working group to identify the causes of structural impunity related to violence against defenders of the human rights of rural workers. The President of the Court decided to include this brief in the case file as another source of information, in the application of Article 69(2) of the Rules of Procedure.
- g. In the Case Petro Urrego v. Colombia, on December 21, 2023, the Office of the Attorney General of Colombia submitted a brief on “the progress, and challenges faced by the constitutional oversight body in complying with the judgment” in this case. The President of the Court decided to include this brief in the case file as another source of information, in the application of Article 69(2) of the Rules of Procedure.
- h. In the Case Radilla Pacheco v. Mexico, at the request of the President of the Court, the National Human Rights Commission provided an oral report during a private hearing on monitoring compliance, held on May 13, 2023, in which it presented the information that it considered relevant, within its terms of reference, regarding compliance with three measures of reparation.

- i. In the Case of the Gómez Paquiyauri Brothers v. Peru, the President of the Court considered it timely to require the Ministry of Education of Peru to report on compliance with the measure of reparation related to the establishment of a scholarship for studies up to university level in favor of Nora Emely Gómez Peralta.
- j. In the Case of Acevedo Buendía et al. v. Peru, on January 19, 2023, the Comptroller General of the Republic submitted information on compliance with the measure regarding the execution of the judgments of the Constitutional Court of Peru of October 21, 1997, and January 26, 2001, with respect to the reimbursement of unpaid salaries to the victims.

It is particularly important to highlight the work carried out by the National Council of Justice of Brazil in relation to compliance with the judgments of the Inter-American Court, for which purpose it even created the “Human Rights Observatory,” which includes the “Working Group to monitor and oversee compliance with the judgments of the Inter-American Court of Human Rights.”

K. | Informal meetings held by the Court with state agents

During 2023, the Court continued with the positive experience of holding virtual or in-person meetings with state agents to provide them with information or to discuss the status of cases at the stage of monitoring compliance with judgment. This type of meeting was held with agents of Argentina, Brazil, Chile, Colombia, El Salvador, and Mexico. These are informal meetings, rather than monitoring hearings, but they have a positive impact by increasing communication on matters such as the different reparations that States must comply with, deadlines for the presentation of reports, requests submitted by the State for the Court to assess compliance with reparations, and objections presented by representatives of the victims and the Commission, among other matters.

L. | Roundtables for dialogue on compliance with judgments

In 2023, the Court recognized the importance of organizing non-judicial activities that allow for an informal discussion on the advances and challenges faced in compliance with its judgments. Last year, the Court co-organized, with the Max Planck Institute and the States of **Chile and Colombia**, two “roundtables” in those countries. These events provided opportunities to discuss improvements and progress in the task of monitoring compliance and the actions necessary for the implementation of reparations.

The event in Chile took place on April 26, 2023, during the Court’s 157th Regular Session held in Santiago. The roundtable in Colombia took place on October 12, during the Court’s 162nd Regular Session, held in Bogotá.

Both events were attended by Members of the Court and its Secretariat, including Judge Rodrigo Mudrovitsch and the Director and lawyers of the Unit for Monitoring Compliance with Judgments of the Court’s Secretariat. In addition, authorities and officials from different public institutions participated, as well as representatives of the victims of the different cases at the monitoring stage of the States of Chile and Colombia.

M. | Participation and support of academia and civil society

The interest in the execution of the Inter-American Court’s judgments shown by academia, non-governmental organizations, and other members of civil society is also extremely important.

The filing of amicus curiae briefs (Article 44(4) of the Court's Rules of Procedure) gives third parties, who are not party to the proceedings, an opportunity to provide the Court with their opinion or information on legal considerations concerning aspects that relate to compliance with reparations. In 2023, the Court received amicus curiae briefs in relation to compliance with the judgments in the following cases: Radilla Pacheco v. Mexico, Alvarado Espinoza et al. v. Mexico, Digna Ochoa and family members v. Mexico.

Similarly, the contribution that organizations and academia can make in their respective areas of work is vital, through activities and initiatives for the dissemination of judicial standards and others aimed at studying, expressing opinions, and discussing essential aspects and challenges regarding both the impact of and compliance with the Court's rulings, as well as promoting such compliance. Examples of such initiatives are the seminars, meetings, workshops, and projects organized to this end, as well as the "Observatories" on the inter-American system of human rights or to follow up on compliance with judgments.¹⁰³

The most important activities carried out in 2023 included:

- ▶ **June 19 to 20** -Guadalajara, Mexico: Meeting of experts on "Compliance with International Decisions on Human Rights: Challenges and Proposals," organized jointly by Jesuit University Guadalajara ITESO and USADI (United States Agency for International Development).
- ▶ **December 4 to 8:** In the context of the Court's joint collaboration with the Max Planck Institute and the Konrad Adenauer Foundation, the Inter-American Court co-organized two seminars and a colloquium in Heidelberg, Germany, at the Max Planck Institute for Public Comparative Law and International Law. These activities covered different aspects related to the impact of human rights rulings, monitoring compliance with judgments, and the strengthening of democracy. On behalf of the Court, the President, Judge Ricardo C. Pérez Manrique, the Registrar, Pablo Saavedra Alessandri, and the Director of Monitoring Compliance with Judgments, Gabriela Pacheco Arias, participated. In addition, a memorandum of understanding was signed between the Inter-American Court and the Max Planck Institute.

N. | List of cases at the stage of monitoring compliance with judgment

The Court ended 2023 with 295 cases at the stage of monitoring compliance with judgment; of these:

- In 72 cases¹⁰⁴ (27%), one or two reparations are pending compliance.
- Article 65 of the American Convention has been applied in 21 cases (7%).

The updated list of cases at the stage of monitoring compliance with judgment is available [here](#).

During 2023, 26 judgments were handed down ordering 176 measures of reparation. In addition, in 2023, eight

¹⁰³ Such as: the "Observatory on the inter-American system of human rights" at the UNAM Legal Research Institute; the "Observatory of the Inter-American Association of Public Defenders (AIDEF) on compliance with the judgments of the Inter-American Court of Human Rights"; the "Permanent Observatory on compliance with judgments of the Inter-American Court of Human Rights in Argentina and monitoring of the inter-American system of human rights" of the Faculty of Legal and Social Sciences of the Universidad Nacional del Litoral, Argentina; the "Paola Guzmán Albarracín Observatory" composed of "Civil Society and Academic Organization of Ecuador and the whole region [...] in order to follow up on the measures established in the guarantee of non-repetition ordered" in the judgment in the case of Guzmán Albarracín v. Ecuador.

¹⁰⁴ Excluding those subject to application of Article 65 of the Convention.

cases were closed because all the reparations ordered in the respective judgments had been completed. The list of cases closed due to full compliance can be found [here](#).

The cases in which the Court is monitoring compliance with judgment appear below in three lists. The first list includes the 202 cases with more than two measures pending compliance. The second list specifies the 72 cases with 1 or 2 measures pending compliance. The third list comprises the 21 cases in which the Court has applied Article 65 of the American Convention, without noting any change in the situation.

LIST OF CASES AT THE MONITORING STAGE WITH MORE THAN 2 REPARATIONS PENDING COMPLIANCE [EXCLUDING THOSE TO WHICH ARTICLE 65 OF THE CONVENTION HAS BEEN APPLIED]			
Number Total	Number by State	Name of the Case	Date of judgment establishing reparations
ARGENTINA			
1	1	Bayarri	October 30, 2008
2	2	Torres Millacura et al.	August 26, 2011
3	3	Furlan and Family	August 31, 2012
4	4	Mendoza et al.	May 14, 2013
5	5	López et al.	November 25, 2019
6	6	Jenkins	November 26, 2019
7	7	Indigenous Communities members of the Lhaka Honhat (Our Land) Association	February 6, 2020
8	8	Acosta Martínez et al.	August 31, 2020
9	9	Fernández Prieto and Tumbeiro	September 1, 2020
10	10	Almeida	November 17, 2020
11	11	Julien Grisonas et al.	September 23, 2021
12	12	Brítez Arce et al.	November 16, 2022
13	13	Álvarez	March 24, 2023
14	14	Boleso	May 22, 2023
15	15	María et al.	August 22, 2023
BOLIVIA			
16	1	Ticona Estrada et al.	November 27, 2008
17	2	Ibsen Cárdenas and Ibsen Peña	September 1, 2010
18	3	Flores Bedregal et al.	October 17, 2022
19	4	Valencia Campos et al.	October 18, 2022
20	5	Angulo Losada	November 18, 2022
BRAZIL			
21	1	Gomes Lund et al.	November 24, 2010
22	2	Workers of the Hacienda Brazil Verde	October 20, 2016
23	3	Favela Nova Brazilia	February 16, 2017
24	4	Herzog et al.	March 15, 2018

**LIST OF CASES AT THE MONITORING STAGE WITH MORE THAN 2 REPARATIONS PENDING COMPLIANCE
[EXCLUDING THOSE TO WHICH ARTICLE 65 OF THE CONVENTION HAS BEEN APPLIED]**

Number Total	Number by State	Name of the Case	Date of judgment establishing reparations
25	5	Workers of the Fireworks Factory of Santo Antônio de Jesus	July 15, 2020
26	6	Barbosa de Souza et al.	September 7, 2021
27	7	Sales Pimenta	June 30, 2022
28	8	Tavares Pereira et al.	November 16, 2023
29	9	Airton Honorato et al.	November 27, 2023
CHILE			
30	1	Palamara Iribarne	November 22, 2005
31	2	Norín Catrimán et al. (Leaders, Members and Activist of the Mapuche Indigenous People)	May 29, 2014
32	3	Poblete Vilches et al.	March 8, 2018
33	4	Vera Rojas et al.	October 1, 2021
34	5	Teachers of Chañaral and other Municipalities	November 10, 2021
35	6	Pavez	February 4, 2022
36	7	Baraona Bray	November 24, 2022
COLOMBIA			
37	1	Las Palmeras	November 26, 2002
38	2	19 Tradesmen	July 5, 2004
39	3	Gutiérrez Soler	September 12, 2005
40	4	Mapiripán Massacre	September 15, 2005
41	5	Pueblo Bello Massacre	January 31, 2006
42	6	Ituango Massacres	July 1, 2006
43	7	La Rochela Massacre	May 11, 2007
44	8	Valle Jaramillo et al.	November 27, 2008
45	9	Manuel Cepeda Vargas	May 26, 2010
46	10	Vélez Restrepo and Family	September 3, 2012
47	11	Afro-descendant Communities of the Río Cacarica Basin (Operation Genesis)	November 20, 2013
48	12	Rodríguez Vera et al. (Disappeared of the Palace of Justice)	November 14, 2014
49	13	Yarce et al.	November 22, 2016
50	14	Vereda La Esperanza	August 31, 2017
51	15	Villamizar Durán et al.	November 20, 2018

**LIST OF CASES AT THE MONITORING STAGE WITH MORE THAN 2 REPARATIONS PENDING COMPLIANCE
[EXCLUDING THOSE TO WHICH ARTICLE 65 OF THE CONVENTION HAS BEEN APPLIED]**

Number Total	Number by State	Name of the Case	Date of judgment establishing reparations
52	16	Isaza Uribe et al.	November 20, 2018
53	17	Omeara Carrascal et al.	November 21, 2018
54	18	Petro Urrego	July 8, 2020
55	19	Bedoya Lima et al.	August 26, 2021
56	20	Movilla Galarcio et al.	June 22, 2022
57	21	Members and Militants of the Patriotic Union	July 27, 2022
58	22	Tabares Toro et al.	May 23, 2023
59	23	Guzmán Medina et al.	August 23, 2023
60	24	Members of the José Alvear Restrepo Lawyers Collective Corporation (CAJAR)	October 18, 2023
ECUADOR			
61	1	Kichwa Indigenous People of Sarayaku	June 27, 2012
62	2	Gonzales Lluy et al.	September 1, 2015
63	3	Herrera Espinoza et al.	October 28, 2016
64	4	Montesinos Mejía	January 27, 2020
65	5	Carranza Alarcón	February 3, 2020
66	6	Guachalá Chimbó et al.	March 26, 2021
67	7	Villarroel et al.	August 24, 2021
68	8	Garzón Guzmán	September 1, 2021
69	9	Casierra Quiñonez et al.	May 11, 2022
70	10	Mina Cuero v. Ecuador	September 7, 2022
71	11	Huacón Baidal et al.	October 4, 2022
72	12	Aroca Palma et al.	November 8, 2022
73	13	Aguinaga Aillón	January 30, 2023
74	14	Núñez Naranjo et al.	May 23, 2023
75	15	Meza	June 14, 2023
76	16	Viteri Ungaretti et al.	November 27, 2023
EL SALVADOR			
77	1	Serrano Cruz Sisters	March 1, 2005
78	2	García Prieto et al.	November 20, 2007
79	3	Contreras et al.	August 31, 2011
80	4	Massacres of El Mozote and nearby places	October 25, 2012
81	5	Rochac Hernández et al.	October 14, 2014

**LIST OF CASES AT THE MONITORING STAGE WITH MORE THAN 2 REPARATIONS PENDING COMPLIANCE
[EXCLUDING THOSE TO WHICH ARTICLE 65 OF THE CONVENTION HAS BEEN APPLIED]**

Number Total	Number by State	Name of the Case	Date of judgment establishing reparations
82	6	Ruano Torres et al.	October 5, 2015
83	7	Manuela et al.	November 2, 2021
GUATEMALA			
84	1	Bámaca Velásquez	February 22, 2002
85	2	Molina Theissen	July 3, 2004
86	3	Massacre Plan de Sánchez	November 19, 2004
87	4	Carpio Nicolle et al.	November 22, 2004
88	5	Fermín Ramírez	July 20, 2005
89	6	Raxcacó Reyes	September 15, 2005
90	7	Dos Erres Massacre	November 24, 2009
91	8	Chitay Nech et al.	May 25, 2010
92	9	Río Negro Massacres	September 4, 2012
93	10	Gudiel Álvarez et al. ("Diario Militar")	November 20, 2012
94	11	García and Family Members	November 29, 2012
95	12	Véliz Franco et al.	May 19, 2014
96	13	Human Rights Defender et al.	August 28, 2014
97	14	Velásquez Paiz et al.	November 19, 2015
98	15	Members of Chichupac Village and neighboring communities of the Municipality of Rabinal	November 30, 2016
99	16	Ramírez Escobar et al.	March 9, 2018
100	17	Coc Max et al. (Xamán Massacre)	August 22, 2018
101	18	Cuscul Pivaral et al.	August 23, 2018
102	19	Ruiz Fuentes et al.	October 10, 2019
103	20	Valenzuela Ávila	October 11, 2019
104	21	Rodríguez Revolorio et al.	October 14, 2019
105	22	Gómez Virula et al.	November 21, 2019
106	23	Maya Kaqchikel Indigenous Peoples of Sumpango et al.	October 6, 2021
107	24	Los Josefinos Massacre	November 3, 2021
108	25	Maya Q'eqchi' Indigenous Community of Agua Caliente	May 16, 2023

**LIST OF CASES AT THE MONITORING STAGE WITH MORE THAN 2 REPARATIONS PENDING COMPLIANCE
[EXCLUDING THOSE TO WHICH ARTICLE 65 OF THE CONVENTION HAS BEEN APPLIED]**

Number Total	Number by State	Name of the Case	Date of judgment establishing reparations
HAITI			
109	1	Baptiste et al.	September 1, 2023
HONDURAS			
110	1	Juan Humberto Sánchez	June 7, 2003
111	2	López Álvarez	February 1, 2006
112	3	Pacheco Teruel et al.	April 27, 2012
113	4	Garífuna Community of Triunfo de la Cruz and its members	October 8, 2015
114	5	Garífuna Community of Punta Piedra and its Members	October 8, 2015
115	6	Pacheco León et al.	November 15, 2017
116	7	Escaleras Mejía et al.	September 25, 2018
117	8	Vicky Hernández et al.	March 26, 2021
118	9	Lemoth Morris et al. (Miskito Divers)	August 31, 2021
119	10	Deras García et al.	August 25, 2022
120	11	Garífuna Community of San Juan and its members	August 29, 2023
121	12	Gutiérrez Navas et al.	November 29, 2023
MEXICO			
122	1	González et al. ("Cotton field")	November 16, 2009
123	2	Radilla Pacheco	November 23, 2009
124	3	Fernández Ortega et al.	August 30, 2010
125	4	Rosendo Cantú et al.	August 31, 2010
126	5	Cabrera García and Montiel Flores	November 26, 2010
127	6	Trueba Arciniega et al.	November 27, 2018
128	7	Women Victims of Sexual Torture in Atenco	November 28, 2018
129	8	Alvarado Espinoza et al.	November 28, 2018
130	9	Digna Ochoa and Family Members	November 25, 2021
131	10	Tzompaxtle Tecpile et al.	November 7, 2022
132	11	García Rodríguez et al.	January 25, 2023
NICARAGUA			

**LIST OF CASES AT THE MONITORING STAGE WITH MORE THAN 2 REPARATIONS PENDING COMPLIANCE
[EXCLUDING THOSE TO WHICH ARTICLE 65 OF THE CONVENTION HAS BEEN APPLIED]**

Number Total	Number by State	Name of the Case	Date of judgment establishing reparations
133	1	Acosta et al.	March 25, 2017
134	2	V.R.P., V.P.C. et al.	March 8, 2018
PANAMA			
135	1	Vélez Loor	November 23, 2010
PARAGUAY			
136	1	"Juvenile Reeducation Institute"	September 2, 2004
137	2	Yakye Axa Indigenous Community	June 17, 2005
138	3	Sawhoyamaxa Indigenous Community	March 29, 2006
139	4	Goiburú et al.	September 22, 2006
140	5	Xákmok Kásek Indigenous Community	August 24, 2010
141	6	Noguera et al.	March 9, 2020
142	8	Leguizamón Zaván et al.	November 15, 2022
143	9	Nissen Pessolani	November 21, 2022
144	10	López Sosa	May 17, 2023
145	11	Córdoba	September 4, 2023
PERU			
146	1	Loayza Tamayo	November 27, 1998
147	2	Cesti Hurtado	May 31, 2001
148	3	Barrios Altos	November 30, 2001
149	4	Cantoral Benavides	December 3, 2001
150	5	Durand and Ugarte	December 3, 2001
151	6	De la Cruz Flores	November 18, 2004
152	7	Gómez Palomino	November 22, 2005
153	8	García Asto and Ramírez Rojas	November 25, 2005
154	9	Acevedo Jaramillo et al.	February 7, 2006
155	10	Baldeón García	April 6, 2006
156	11	Penal Miguel Castro	November 25, 2006
157	12	La Cantuta	November 29, 2006
158	13	Cantoral Huamaní and García Santa Cruz	July 10, 2007
159	14	Anzualdo Castro	September 22, 2009
160	15	Osorio Rivera and family members	November 26, 2013
161	16	J.	November 27, 2013
162	17	Espinoza Gonzáles	November 20, 2014

**LIST OF CASES AT THE MONITORING STAGE WITH MORE THAN 2 REPARATIONS PENDING COMPLIANCE
[EXCLUDING THOSE TO WHICH ARTICLE 65 OF THE CONVENTION HAS BEEN APPLIED]**

Number Total	Number by State	Name of the Case	Date of judgment establishing reparations
163	18	Cruz Sánchez et al.	April 17, 2015
164	19	Peasant Community of Santa Bárbara	September 1, 2015
165	20	Galindo Cárdenas et al.	October 2, 2015
166	21	Quispialaya Vilcapoma	November 23, 2015
167	22	Tenorio Roca et al.	June 22, 2016
168	23	Pollo Rivera et al.	October 21, 2016
169	24	Munárriz Escobar et al.	August 20, 2018
170	25	Terrones Silva et al.	September 26, 2018
171	26	Muelle Flores	March 6, 2019
172	27	Rosadio Villavicencio	October 14, 2019
173	28	National Association of Discharged and Retired Employees of the National Tax Administration Superintendence (ANCEJUB-SUNAT)	November 21, 2019
174	29	Azul Rojas Marín et al. a	March 12, 2020
175	30	Casa Nina	November 24, 2020
176	31	Cuya Lavy et al.	September 28, 2021
177	32	National Federation Maritime and Port Workers (FEMAPOR)	February 1, 2022
178	33	Benites Cabrera et al.	October 4, 2022
179	34	Olivera Fuentes	February 4, 2023
180	35	Cajahuanca Vásquez	
181	36	Community of La Oroya	November 27, 2023
DOMINICAN REPUBLIC			
182	1	González Medina and Family	February 27, 2012
183	2	Nadege Dorzema et al.	October 24, 2012
184	3	Expelled Dominicans and Haitians	August 28, 2014
SURINAME			
185	1	Moiwana Community	June 15, 2005
186	2	Saramaka People	November 28, 2007
187	3	Kaliña and Lokono Peoples	November 25, 2015
TRINIDAD AND TOBAGO			
188	1	Dial et al.	November 21, 2022
URUGUAY			
189	1	Gelman	February 24, 2011

**LIST OF CASES AT THE MONITORING STAGE WITH MORE THAN 2 REPARATIONS PENDING COMPLIANCE
[EXCLUDING THOSE TO WHICH ARTICLE 65 OF THE CONVENTION HAS BEEN APPLIED]**

Number Total	Number by State	Name of the Case	Date of judgment establishing reparations
190	2	Maidanik et al.	November 15, 2021
VENEZUELA			
191	1	Chocrón	July 1, 2011
192	2	Landaeta Mejías Brothers et al.	August 27, 2014
193	3	Ortiz Hernández et al.	August 22, 2017
194	4	San Miguel Sosa et al.	February 8, 2018
195	5	López Soto et al.	September 26, 2018
196	6	Álvarez Ramos	August 30, 2019
197	7	Díaz Loreto et al.	November 19, 2019
198	8	Olivares Muñoz et al.	November 10, 2020
199	9	Mota Abarullo et al.	November 18, 2020
200	10	Guerrero, Molina et al.	June 3, 2021
201	11	González et al.	September 20, 2021
202	12	Rodríguez Pacheco et al.	September 1, 2023

**LIST OF CASES AT THE MONITORING STAGE WITH 1 OR 2 REPARATIONS PENDING COMPLIANCE
[EXCLUDING THOSE IN WHICH ARTICLE 65 OF THE CONVENTION WAS APPLIED]**

Number Total	Number by State	Name of the Case	Date of the Judgment that determines Reparations
ARGENTINA			
1	1	Garrido and Baigorria	August 27, 1998
2	2	Bulacio	September 18, 2003
3	3	Bueno Alves	May 11, 2007
4	4	Fontevicchia and D'Amico	November 29, 2011
5	5	Fonerón and Daughter	April 27, 2012
6	6	Gutiérrez and Family	November 25, 2013

**LIST OF CASES AT THE MONITORING STAGE WITH 1 OR 2 REPARATIONS PENDING COMPLIANCE
[EXCLUDING THOSE IN WHICH ARTICLE 65 OF THE CONVENTION WAS APPLIED]**

Number Total	Number by State	Name of the Case	Date of the Judgment that determines Reparations
7	7	Gorigoitía	September 2, 2019
8	8	Spoltore	June 9, 2020
9	9	Valle Ambrosio et al.	July 20, 2020
BARBADOS			
10	1	Dacosta Cadogan	September 24, 2009
BOLIVIA			
11	1	Trujillo Oroza	February 27, 2002
12	2	I.V.	November 30, 2016
BRAZIL			
13	1	Garibaldi	September 23, 2009
14	2	Xucuru Indigenous People and its Members	February 5, 2018
CHILE			
15	1	Almonacid Arellano et al.	September 26, 2006
16	2	Atala Riffo and Daughters	February 24, 2012
17	3	García Lucero et al.	August 28, 2013
18	4	Maldonado Vargas et al.	September 2, 2015
19	5	Órdenes Guerra et al.	November 29, 2018
20	6	Urrutia Laubreaux	August 27, 2020
COLOMBIA			

**LIST OF CASES AT THE MONITORING STAGE WITH 1 OR 2 REPARATIONS PENDING COMPLIANCE
[EXCLUDING THOSE IN WHICH ARTICLE 65 OF THE CONVENTION WAS APPLIED]**

Number Total	Number by State	Name of the Case	Date of the Judgment that determines Reparations
21	1	Caballero Delgado and Santana	January 29, 1997
22	2	Escué Zapata	July 4, 2007
23	3	Santo Domingo Massacre	November 30, 2012
24	4	Carvajal et al.	March 13, 2018
25	5	Martínez Esquivia	October 6, 2020
ECUADOR			
26	1	Benavides Cevallos	June 19, 1998
27	2	Suárez Rosero	January 20, 1999
28	3	Tibi	September 7, 2004
29	4	Zambrano Vélez et al.	July 4, 2007
30	5	Chaparro Álvarez and Lapo Íñiguez	November 21, 2007
31	6	Vera Vera et al.	May 19, 2011
32	7	Vásquez Durand et al.	February 15, 2017
33	8	Guzmán Albarracín et al.	June 24, 2020
34	9	Grijalva Bueno	June 3, 2021
35	10	Palacio Urrutia et al.	November 24, 2021
GUATEMALA			
36	1	Blake	January 22, 1999

**LIST OF CASES AT THE MONITORING STAGE WITH 1 OR 2 REPARATIONS PENDING COMPLIANCE
[EXCLUDING THOSE IN WHICH ARTICLE 65 OF THE CONVENTION WAS APPLIED]**

Number Total	Number by State	Name of the Case	Date of the Judgment that determines Reparations
37	2	"White Van" (Paniagua Morales et al.)	May 25, 2001
38	3	"Street Children" (Villagrán Morales et al.)	May 26, 2001
39	4	Myrna Mack Chang	November 25, 2003
40	5	Maritza Urrutia	November 27, 2003
41	6	Tiu Tojín	November 26, 2008
42	7	Chinchilla Sandoval et al.	February 29, 2016
43	8	Gutiérrez Hernández et al.	August 24, 2017
44	9	Girón et al.	October 15, 2019
45	10	Former Employees of the Judiciary	November 17, 2021
HONDURAS			
46	1	Servellón García et al.	September 21, 2006
47	2	Kawas Fernández	April 3, 2009
48	3	Luna López	October 10, 2013
49	4	López Lone et al.	October 5, 2015
MEXICO			
50	1	García Cruz and Sánchez Silvestre	November 26, 2013
PANAMA			

**LIST OF CASES AT THE MONITORING STAGE WITH 1 OR 2 REPARATIONS PENDING COMPLIANCE
[EXCLUDING THOSE IN WHICH ARTICLE 65 OF THE CONVENTION WAS APPLIED]**

Number Total	Number by State	Name of the Case	Date of the Judgment that determines Reparations
51	1	Heliodoro Portugal	August 12, 2008
52	2	Kuna Indigenous Communities of Madungandí and Emberá of Bayano and their Members	October 14, 2014
PARAGUAY			
53	1	Vargas Areco	September 26, 2006
PERU			
54	1	Neira Alegría et al.	September 19, 1996
55	2	Castillo Páez	November 27, 1998
56	3	Constitutional Court	January 31, 2001
57	4	Ivcher Bronstein	February 6, 2001
58	5	"Five Pensioners"	February 28, 2003
59	6	Gómez Paquiyauri Brothers	July 8, 2004
60	7	Huilca Tecse	March 3, 2005
61	8	Dismissed Congressional Employees (Aguado Alfaro et al.)	November 24, 2006
62	9	Acevedo Buendía et al. ("Dismissed and Retired Employees of the Comptroller")	July 1, 2009
63	10	Tarazona Arrieta et al.	October 15, 2014

LIST OF CASES AT THE MONITORING STAGE WITH 1 OR 2 REPARATIONS PENDING COMPLIANCE [EXCLUDING THOSE IN WHICH ARTICLE 65 OF THE CONVENTION WAS APPLIED]			
Number Total	Number by State	Name of the Case	Date of the Judgment that determines Reparations
64	11	Canales Huapaya et al.	June 24, 2015
65	12	Wong Ho Wing	June 30, 2015
66	13	Zegarra Marín	February 15, 2017
67	14	Lagos del Campo	August 31, 2017
68	15	Dismissed Workers of Petro Peru et al.	August 22, 2018
69	16	Moya Solís	June 3, 2021
DOMINICAN REPUBLIC			
70	1	Girls Yean and Bosico	September 8, 2005
TRINIDAD AND TOBAGO			
71	1	Bissoon et al.	November 14, 2022
URUGUAY			
72	1	Barbani Duarte et al.	October 13, 2011

LIST OF CASES AT THE MONITORING STAGE IN WHICH ARTICLE 65 OF THE CONVENTION HAS BEEN APPLIED AND THE SITUATION HAS NOT CHANGED			
Total Number	Number by State	Name of the Case	Date of the judgment establishing Reparations
HAITI			
1	1	Yvon Neptune	May 6, 2008
2	2	Fleury et al.	November 23, 2011
NICARAGUA			
3	1	Yatama	June 23, 2005
4	2	Roche Azaña et al.	June 3, 2020
TRINIDAD AND TOBAGO			

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

Total Number	Number by State	Name of the Case	Date of the judgment establishing Reparations
5	1	Hilaire, Constantine and Benjamin et al.	June 21, 2002
6	2	Caesar	March 11, 2005
VENEZUELA			
7	1	El Amparo	September 14, 1996
8	2	Caracazo	August 29, 2002
9	3	Blanco Romero et al.	November 28, 2005
10	4	Montero Aranguren et al. (Detention Center of Catia)	July 5, 2006
11	5	Apitz Barbera et al. ("First Court of Administrative Disputes")	August 5, 2008
12	6	Ríos et al.	January 28, 2009
13	7	Perozo et al.	January 28, 2009
14	8	Reverón Trujillo	June 30, 2009
15	9	Barreto Leiva	November 17, 2009
16	10	Usón Ramírez	20 November 2009
17	11	López Mendoza	September 1, 2011
18	12	Barrios Family	November 24, 2011
19	13	Díaz Peña	June 26, 2012
20	14	Uzcátegui et al.	September 3, 2012
21	15	Granier et al. (Radio Caracas Televisión)	June 22, 2015

LIST OF CASES CLOSED DUE TO COMPLIANCE WITH JUDGMENT

Number Total	Number by State	Name of the Case	Date of the judgment establishing reparations	Date of the order that closed the case
ARGENTINA				
1	1	Kimel	May 2, 2008	February 5, 2013
2	2	Mohamed	November 23, 2012	November 13, 2015
3	3	Mémoli	August 22, 2013	February 10, 2017
4	4	Cantos	November 28, 2002	November 14, 2017
5	5	Perrone and Preckel	October 8, 2019	November 17, 2021
6	6	Romero Feris	November 15, 2019	October 4, 2022
7	7	Hernández	November 22, 2019	May 24, 2023
8	8	Argüelles et al.	November 20, 2014	October 18, 2023

LIST OF CASES CLOSED DUE TO COMPLIANCE WITH JUDGMENT

Number Total	Number by State	Name of the Case	Date of the judgment establishing reparations	Date of the order that closed the case
BARBADOS				
9	1	Boyce et al.	November 20, 2007	March 9, 2020
BOLIVIA				
10	1	Pacheco Tineo Family	November 25, 2013	April 17, 2015
11	2	Andrade Salmón	December 1, 2016	February 5, 2018
BRAZIL				
12	1	Ximenes Lopes	July 4, 2006	September 25, 2023
13	2	Escher et al.	July 6, 2009	June 19, 2012
CHILE				
14	1	Last Temptation of Christ (Olmedo Bustos et al.)	November 5, 2001	November 28, 2003
15	2	Claude Reyes et al.	September 19, 2006	November 24, 2008
COLOMBIA				
16	1	Duque	February 26, 2016	March 12, 2020
COSTA RICA				
17	1	Herrera Ulloa	July 2, 2004	November 22, 2010
18	2	Artavia Murillo et al. (In vitro fertilization)	November 28, 2012	November 22, 2019
19	3	Gómez Murillo et al.	November 29, 2016	November 22, 2019
20	4	Amrhein et al.	April 25, 2018	October 7, 2019
21	5	Moya Chacón et al.	May 23, 2022	June 26, 2023
22	6	Guevara Díaz	June 22, 2022	November 21, 2023
ECUADOR				
23	1	Acosta Calderón	June 24, 2005	February 7, 2008
24	2	Mejía Idrovo	July 5, 2011	September 4, 2012
25	3	Albán Cornejo et al.	November 22, 2007	August 28, 2015
26	4	Suárez Peralta	May 21, 2013	August 28, 2015
27	5	Salvador Chiriboga	March 3, 2011	May 3, 2016
28	6	Constitutional Court (Camba Campos et al.)	August 28, 2013	June 23, 2016
29	7	García Ibarra et al.	November 17, 2015	November 14, 2017
30	8	Valencia Hinojosa et al.	November 29, 2016	March 14, 2018
31	9	Supreme Court of Justice (Quintana Coello et al.)	August 23, 2013	January 30, 2019

LIST OF CASES CLOSED DUE TO COMPLIANCE WITH JUDGMENT

Number Total	Number by State	Name of the Case	Date of the judgment establishing reparations	Date of the order that closed the case
32	10	Cortez Espinoza	October 18, 2022	August 30, 2023
33	11	Flor Freire	August 31, 2016	October 18, 2023
EL SALVADOR				
34	1	Colindres Schonenberg	February 4, 2019	November 18, 2020
GUATEMALA				
35	1	Maldonado Ordóñez	May 3, 2016	August 30, 2017
36	2	Villaseñor Velarde et al.	February 5, 2019	June 24, 2020
37	3	Martínez Coronado	May 10, 2019	December 19, 2022
HONDURAS				
38	1	Velásquez Rodríguez	July 21, 1989	September 10, 1996
39	2	Godínez Cruz	August 17, 1990	September 10, 1996
MEXICO				
40	1	Castañeda Gutman	August 6, 2008	August 28, 2013
NICARAGUA				
41	1	Genie Lacayo	January 29, 1997	August 29, 1998
42	2	Mayagna (Sumo) Awas Tingni Community	August 31, 2001	April 3, 2009
PANAMA				
43	1	Tristán Donoso	January 27, 2009	September 1, 2010
44	2	Baena Ricardo et al.	February 2, 2001	September 1, 2021
PARAGUAY				
45	1	Ricardo Canese	August 31, 2004	August 6, 2008
46	2	Ríos Avalos et al.	August 19, 2021	April 19, 2023
PERU				
47	1	Lori Berenson Mejía	November 25, 2004	June 22, 2012
48	2	Abrill Alosilla et al.	November 21, 2011	May 22, 2013
49	3	Castillo Petruzzi et al.	May 30, 1999	September 20, 2016
SURINAME				
50	1	Aloeboetoe et al.	September 10, 1993	February 5, 1997
51	2	Gangaram Panday	January 21, 1994	November 27, 1998
52	3	Liakat Ali Alibux	January 30, 2014	March 9, 2020

VI

Provisional
measures



VI. Provisional measures

During 2023, the Court issued 28 orders on provisional measures involving: (i) the adoption of provisional or urgent measures; (ii) the continuation or, where appropriate, extension of provisional measures; (iii) requests for provisional measures channeled through compliance monitoring; (iv) the maintenance of measures; (v) requests for information; (vi) the rejection of requests for provisional measures; (vii) the total or partial lifting of provisional measures; (viii) contempt of court and presentation of the situation before the Permanent Council of the OAS and the General Assembly.

A. Adoption of Provisional Measures

1. Case of Tabares Toro et al. v. Colombia

On December 7, 2022, the representatives of the alleged victims asked the Court to adopt provisional measures because “ever since María Elena Toro, mother of Óscar [Iván] Tabares [Toro], began trying to ascertain her son’s whereabouts, she and the other members of her family have been followed and subjected to intimidation, harassment, and other actions that pose a threat to their safety. Due to the family’s unwavering determination to find out what happened, third parties, state agencies, and the Colombian Army have allegedly tried to prevent progress from being made with the legal proceedings aimed at uncovering the truth and investigating, prosecuting, and punishing those responsible.”

On February 8, 2023, the Court decided to grant provisional measures in favor of Leidy Julieth Gallego, Jhon Alber Urrego, María Bibiancy Tabares, Víctor Alonso León, María Camila Henao and Miguel Ángel Orozco. It rejected the request for provisional measures for the family members who were not in Colombia. The Court also required the State of Colombia to immediately adopt the necessary measures to effectively protect the life and personal integrity of the individuals concerned.

You can access the order of February 8, 2023, [here](#) (only in Spanish).

2. Matter of Persons Deprived of Liberty in the Evaristo de Moraes Penitentiary regarding Brazil

On December 27 and 28, 2022, the Inter-American Commission on Human Rights asked the Court to order provisional measures requiring the Federative Republic of Brazil to adopt the necessary measures to protect the life, personal integrity, health, and access to quality food and water of individuals deprived of their liberty at the Evaristo de Moraes Penitentiary in Brazil.

On March 21, 2023, the Court required the State of Brazil to immediately adopt all necessary measures to effectively protect the life, personal integrity, health, and access to water and food of all persons deprived of their liberty in the Evaristo de Moraes Penitentiary. It also required the State to adopt all necessary measures to reduce overpopulation levels and eradicate overcrowding in the Evaristo de Moraes Penitentiary. Brazil was furthermore required to keep the representatives informed of the steps taken to comply with the provisional measures ordered and to guarantee them full and unrestricted access to the Evaristo de Moraes Penitentiary.

You can access the order of March 21, 2023, [here](#) (only in Spanish).

3. Matter of Members of the Team of Journalists of “Radio La Costeñísima” regarding Nicaragua

On February 22, 2023, the Inter-American Commission on Human Rights asked the Court to order provisional measures requiring the Republic of Nicaragua to implement protection measures in favor of the team of journalists who work for Radio La Costeñísima, a radio station in Nicaragua, and the members of their families. Radio La Costeñísima is the only independent media outlet in the South Caribbean region of Nicaragua, and its employees have been intimidated and harassed, and its facilities subjected to constant surveillance.

On March 22, 2023, the Court granted provisional measures to the employees of Radio La Costeñísima and their families in Nicaragua. It ordered the State to immediately adopt the necessary measures, taking gender and LGBTI+ considerations into account where appropriate, to protect the life and integrity of the employees of Radio La Costeñísima and their families, and to permit the staff of the media outlet to exercise their right to freedom of expression and carry out their activities as independent journalists without being subjected to acts of violence, intimidation, threats, or harassment in the performance of their work.

You can access the order of March 22, 2023, [here](#).

4. Matter of Members of the Citizens’ Collective dedicated to Investigations of Human Rights Equality (ACDIIDH) regarding Haiti

On March 9, 2023, the Inter-American Commission asked the Court to order provisional measures to protect the right to life and personal integrity of the people referenced in the Matter of Members of the Citizens’ Collective dedicated to Investigations of Human Rights Equality (ACDIIDH) regarding Haiti.

On March 24, 2023, the Court ordered the State of Haiti to immediately adopt the necessary measures to effectively protect the life and personal integrity of the members of the ACDIIDH organization.

You can access the order of March 24, 2023, [here](#) (only in French).

As of November 21, 2023, the State had not responded to any of the Court’s communications. Therefore, on November 21, 2023, the Court declared that the position adopted by Haiti and the country’s failure to implement the measures required in the order of March 24, 2023, constituted an act of permanent contempt for the binding nature of the Court’s decisions, contrary to the international principle that countries should comply with their convention obligations in good faith, and a breach of the duty to inform the Court.

The Court decided to express its concern at the state’s failure to comply with what was required in the order of March 24, 2023, maintain the provisional measures ordered, and require the State to immediately and effectively adopt all necessary measures to protect and guarantee the life, liberty and personal integrity of the beneficiaries of the provisional measures.

You can access the order of November 21, 2023, [here](#) (only in Spanish and French).

5. Matter of Four Members of the Mayangna Indigenous People Deprived of Liberty regarding Nicaragua

On June 22, 2023, the Inter-American Commission on Human Rights asked the Court to order provisional measures requiring the Republic of Nicaragua to implement protection measures in favor of D.R.Z., D.A.B.A., A.C.L., and I.C.L., members of the Mayangna indigenous people, who, according to the information provided, are deprived of their liberty.

On June 27, 2023, the Court decided to grant provisional measures to A.C.L., I.C.L., D.A.B.A., and D.R.Z., members of the Mayangna indigenous people, who are deprived of their liberty in the “La Modelo” prison in Nicaragua and ordered the State to release them at once and adopt the necessary measures to effectively protect their life, personal integrity, health, and personal freedom. It also required the State to guarantee them dignified treatment by affording them immediate access to health services, medication, and adequate food, and to enable them to contact their family members and lawyers. However, the order was not to be used to delay the release of the beneficiaries.

You can access the order of June 27, 2023, [here](#) (only in Spanish).

6. Matter of Jorge Luis Salas and his family regarding Peru

On July 18, 2023, the Commission asked the Court to order provisional measures requiring the Republic of Peru to adopt the necessary measures to protect the life and personal integrity of Jorge Luis Salas Arenas, Chief Justice of the Supreme Court of Justice of the Republic of Peru, who at that time was also President of the National Election Jury (JNE), and the members of his family.

On September 4, 2023, the Court ordered the State to immediately adopt all necessary measures to effectively protect the life and personal integrity of Jorge Luis Salas Arenas, Dolly Carmela Manrique Zúñiga, Pamela del Carmen Salas, Héctor Salas Arenas, and Dulmis Fresia Manrique Zúñiga. It also required the State to maintain the security and protection arrangements in place for the family; to continue to investigate the harassment and threats to which the family had been subjected and thereby reduce the threats to the life and personal integrity of Mr. Salas Arenas and his family; and to take pertinent steps to ensure that the measures to protect the life and personal integrity of Mr. Salas Arenas and his family were planned and implemented with the participation of the beneficiaries’ representatives.

You can access the order of September 4, 2023, [here \(only in Spanish\)](#).

B. | Urgent measures

1. Matter of Brooklyn Rivera Bryan, Nancy Elizabeth Henríquez James and their families regarding Nicaragua

On December 19, 2023, the Inter-American Commission on Human Rights asked the Court to order provisional measures in favor of the lawmakers who acted as witnesses in the YATAMA Case, in which the court delivered a judgment. The Commission mentioned that it had documented repressive actions against opposition parties and the criminalization of social and political leaders. It also highlighted the fact that Brooklyn Rivera Bryan and Nancy Henríquez are indigenous Miskitu leaders and part of the political organization. In relation to the lawmakers’ situation, the Commission mentioned that Brooklyn Rivera was prevented from entering the country and was also persecuted by the National Police, due to the complaints made about the situation of indigenous and Afro-descendant peoples in Nicaragua.

On December 22, 2023, the President decided to grant urgent measures to guarantee the right to life, health, personal integrity, and personal freedom in favor of Brooklyn Rivera Bryan and Nancy Elizabeth Henríquez James. It also ordered the State to provide official information about the whereabouts and conditions of detention of the people affected. Furthermore, the State was required to guarantee the beneficiaries contact with their families, immediately release the beneficiaries, and adopt necessary measures to allow the beneficiaries to continue exercising their political rights as indigenous regional lawmakers. Finally, the President required the State to refrain from prosecuting and carrying out reprisals against the beneficiaries, family members, and representatives because of the information provided to the Court.

You can access the order of December 22, 2023, [here](#) (only in Spanish).

C. | Extensions and/or Joinders of Provisional Measures

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

On February 16, 2023, representatives of CENIDH reported on a series of supervening facts related to the situation of the beneficiaries Vilma Núñez de Escorcía and Gonzalo Carrión. Subsequently, the Inter-American Commission on Human Rights submitted its observations.

On October 20, 2023, the Court declared that Nicaragua's position and its failure to comply with the Court's orders of July 12 and October 14, 2019, and September 1 and October 14, 2021, constituted an act of permanent contempt for the binding nature of the Court's decisions.

The Court also decided to declare the State's non-compliance with the measures required in the orders of July 12 and October 14, 2019, and September 1 and October 14, 2021; to maintain the provisional measures it ordered; to reiterate to the State that it should immediately and effectively adopt all necessary measures to protect and guarantee the life, freedom and personal integrity of the beneficiaries of the provisional measures and ensure the continuity of their work in defense of human rights without being subject to harassment, threats or attacks; to reiterate to the State that it should guarantee that specific protection measures be established with the participation of the beneficiaries. However, to the extent possible, those measures should not be provided by the security officials who, according to the beneficiaries, are involved in the facts of the case.

You can access the order of October 20, 2023, [here](#) (only in Spanish).

2. Matter of Juan Sebastián Chamorro et al. regarding Nicaragua

In various decisions, the Court has analyzed the provisional measures in favor of Juan Sebastián Chamorro et al., considering the following:

2.1. Provisional measures during the years 2021 and 2022

On June 24, 2021, the Court granted provisional measures and ordered the State of Nicaragua to proceed immediately to release Juan Sebastián Chamorro García, José Adán Aguerri Chamorro, Félix Alejandro Maradiaga Blandón and Violeta Mercedes Granera Padilla, and adopt the necessary measures to effectively protect the life, integrity and personal freedom of the aforementioned individuals and their families.

The Court's orders of September 9, 2021, November 4, 2021, May 25, 2022, and October 4, 2022, maintained and extended the beneficiaries of the provisional measures. Likewise, on November 22, 2022, the Court maintained the provisional measures adopted previously and declared Nicaragua's failure to comply with its decisions.

On December 28, 2022, the Commission asked the Court to extend the provisional measures in favor of 11 persons deprived of their liberty and their families.¹⁰⁵

¹⁰⁵ Cf. Matter of Juan Sebastián Chamorro et al. regarding Nicaragua. Provisional measures. Orders of the Inter-American Court of Human Rights of June 24, 2021, September 9, 2021, November 4, 2021, November 22, 2021, May 25, 2022, October 4, 2022, and November 22, 2022.

2.2. Provisional measures during 2023

i Resolution of January 10, 2023

On January 10, 2023, the President of the Court issued an order granting urgent measures to protect and guarantee the right to life, health, access to adequate food, and personal integrity of those 11 persons deprived of their liberty, and requiring the State to release them immediately. Urgent protection measures were also granted to the families of the individuals concerned, and the State was required to refrain from prosecuting and carrying out reprisals against the family members and representatives because of the information that had been provided to the Court in the request for an extension of the provisional measures and any future information submitted to the Court.

You can access the resolution of January 10, 2023, [here](#) (only in Spanish).

ii Resolution of February 8, 2023

In its order of February 8, 2023, the Court adopted provisional measures in favor of the 11 persons deprived of their liberty and their families and decided to add them to the proceedings in the Matter of Juan Sebastián Chamorro et al. and 45 persons deprived of their liberty in 8 detention centers regarding Nicaragua.¹⁰⁶

You can access the resolution of February 8, 2023, [here](#) (only in Spanish).

iii Resolution of September 25, 2023

On September 18, 2023, the Inter-American Commission on Human Rights asked the Court to extend the provisional measures to effectively protect the life, integrity, health, and freedom of "J.N.S.R.", and order his immediate release in light of the serious and inhumane conditions of detention, the lack of medical care, and the deterioration in his physical and mental health.¹⁰⁷

Lastly, on September 25, the Court decided to grant provisional measures in favor of J.N.S.R. and require the State to release him immediately. In addition, it ordered the State to immediately adopt the necessary measures to effectively protect the life, integrity, personal freedom, health, and adequate nutrition of J.N.S.R. It also required the State to immediately release the beneficiary of the extension of provisional measures; to proceed to unequivocally inform his family and trusted lawyers of his whereabouts; to facilitate his immediate contact with family members and lawyers; and to guarantee immediate access to health services, medication and adequate food. It further ordered the State to guarantee the trusted lawyers of the beneficiary of the extension of provisional measures access to the entire file of the case brought against him, and to the online judicial information system. It also required the State to refrain from prosecuting and carrying out reprisals against the family members and representatives because of the information provided to the Court in the request for an extension of the provisional measures, and any future information submitted to the Court.

You can access the order of September 25, 2023, [here](#) (only in Spanish).

106 Matter of adoption of urgent measures for 11 persons deprived of liberty in 3 detention centers and their families, within the framework of the provisional measures adopted in the matters of Juan Sebastián Chamorro et al. and 45 persons deprived of liberty in 8 detention centers regarding Nicaragua.

107 Matter of Juan Sebastián Chamorro et al. regarding Nicaragua, Order of September 25, 2023.

2.3. Monseñor Rolando José Álvarez Lagos regarding Nicaragua

On June 21, 2023, the Inter-American Commission on Human Rights asked the Court to extend the provisional measures and order the Republic of Nicaragua to protect the life, personal integrity, health, and freedom of the priest and Bishop of Matagalpa, Rolando José Álvarez Lagos.

On June 27, 2023, the Court decided to require the State of Nicaragua to immediately release Monsignor Rolando José Álvarez Lagos, Bishop of Matagalpa, and adopt effective measures to protect his life, health, and personal integrity. It also ordered the State, while the necessary administrative procedures for the immediate release of Monseñor Álvarez Lagos were being completed, to proceed to guarantee him dignified treatment through immediate access to health services, medication, and adequate food, and to facilitate his contact with his relatives and lawyers. The order was not to be used to delay the release of the beneficiary.

You can access the order of June 27, 2023, [here](#) (only in Spanish).

3. Matter of Members of the Miskitu and Mayangna Indigenous Peoples of the North Caribbean Coast regarding Nicaragua

On April 26, 2023, the Inter-American Commission submitted a request asking the Court to expand the provisional measures in favor of the members of the Musawas and Wilú indigenous communities of the Mayangna Sauni as a territory on the North Caribbean Coast, in the framework of the Provisional Measures requested on September 1, 2016, on the matter of reference.

On June 27, 2023, the Court issued a resolution extending the existing provisional measures and requiring the State of Nicaragua to adopt adequate necessary measures to protect the life and personal integrity of the members of the Musawas and Wilú Communities and guarantee their participation in the implementation of the measures ordered. It also required the State to adopt the necessary measures to protect the rights to life and personal integrity of the members of the Mayangna indigenous people who live in the Wilú Community. The measures called for included guaranteeing the protection of the belongings, properties, and harvested crops left behind in the community when its members were displaced, as well as the security measures required for them to return. The Court also extended the provisional measures, ordering the State of Nicaragua to immediately include the measures contained in the orders of September 1 and November 23, 2016, June 30 and August 22, 2017, 23 August 2018, February 6, 2020, and October 14, 2021, in favor of the members of the Mayangna indigenous people who live in the Musawas and Wilú Communities.

You can access the order of June 27, 2023, [here](#) (only in Spanish).

4. Matter of Members of the Choréachi Indigenous Community regarding Mexico

On November 27, 2023, the representatives of the beneficiaries reported on recent events that had occurred and requested an extension of the provisional measures requiring the Mexican State to perform the necessary tasks as soon as possible, in order to guarantee the safety and personal integrity of Isela González Díaz, the director of the Alianza Sierra Madre A.C. organization.

On December 12, 2023, the Court granted provisional measures to Ms. Isela González Díaz, director of the Alianza Sierra Madre A.C. organization, and required the State to immediately proceed to adopt the necessary measures to effectively protect her rights to life and personal integrity. It also ordered the State to take all appropriate steps to ensure that the protection measures ordered were planned and implemented with the participation of the beneficiary and to provide the means to keep them informed about progress with the implementation of the measures concerned. The Court also decided to extend the provisional measures

issued in this case, ordering the Mexican State to immediately include Ms. Isela González Díaz in the measures contained in the orders of March 25, 2017, June 10, 2020, and September 23, 2021.

You can access the order of December 12, 2023, [here](#) (only in Spanish).

D. | Requests for provisional measures in cases channeled through monitoring compliance with judgments

The Court has processed five (5) requests for provisional measures in cases channeled through the monitoring of compliance with judgments:

1. Case of Molina Theissen v. Guatemala
2. Case of Vera Rojas et al. v. Chile
3. Case of the Las Dos Erres Massacre v. Guatemala
4. Cases of Barrios Altos and La Cantuta v. Peru
5. Case of Members of the Chichupac Village and neighboring communities of the Municipality of Rabinal, Case of Molina Theissen and 12 other Guatemalan Cases v. Guatemala

For further details of the Court's rulings, please refer to section V of this report on the work of monitoring compliance with judgments.

E. | Maintenance of provisional measures

1. Matter of the Socio-Educational Internment Facility (UNIS) regarding Brazil

In an order issued on November 15, 2017, the Court required the Federative Republic of Brazil to continue adopting the necessary measures to effectively protect the life and personal integrity of all children and adolescents deprived of their liberty in the UNIS, and of all other persons detained there.

On December 22, 2017, and November 17, 2022, Brazil submitted its report on compliance with the provisional measures. The representatives of the beneficiaries, the Inter-American Commission on Human Rights, the Public Defender's Office of the State of Espírito Santo, and the National Council of Justice (CNJ) also submitted various documents containing their observations on the State's reports and reporting new facts. Therefore, the Court deemed it pertinent to issue an order evaluating the implementation of the provisional measures and the pertinence of keeping them.

On February 8, 2023, the Court ordered Brazil to continue to immediately adopt all necessary measures to eradicate situations of risk and protect the life and personal, mental, and moral integrity and health of children and adolescents deprived of their liberty in the Socio-Educational Internment Unit, and of all persons detained there. It also ordered the State to take the pertinent steps to ensure that the measures concerned were planned and implemented with the participation of the beneficiaries' representatives, and to keep them informed of the progress made in implementing them.

You can access the order of February 8, 2023, [here](#) (only in Spanish).

2. Matter of Castro Rodríguez regarding Mexico

In an order issued in 2020, the Court decided to maintain the provisional measures issued in favor of Luz Estela Castro Rodríguez. Subsequently, on February 8, 2023, the Court decided to evaluate the implementation of the measures.

On February 8, 2023, the Court decided to require the representatives to report back on whether Ms. Castro Rodríguez would return to the city of Chihuahua, and provide any other information regarding her current situation, and to order the State to continue to provide the Inter-American Court of Human Rights with four-monthly updates once it had submitted its report on the provisional measures adopted.

You can access the order of February 8, 2023, [here](#) (only in Spanish).

3. Matter of Members of the Yanomami, Ye'kwana and Munduruku Indigenous Peoples regarding Brazil



On July 1, 2022, the Court adopted provisional measures to protect members of the Yanomami, Ye'kwana, and Munduruku indigenous peoples who had been victims of a series of threats, physical and sexual violence, acts of vandalism, and shootings, as well as pollution of their rivers, impacting their health and access to drinking water and food. Such incidents appeared to be on the rise due to the presence of unauthorized individuals and a surge in so-called "illegal mining" activities in the indigenous peoples' territories.

On October 24, 2023, the Court carried out an onsite visit to the Yanomami Indigenous Territory. During the visit, the Court's delegation visited the Fuduwaadunha community in the Auaris region, where it held a hearing in order to hear the testimony of indigenous leaders from various Yanomami and Ye'Kwana communities. They spoke, among other things, of reports of threats, violent incidents, and a general climate of fear as some illegal miners were beginning to return to the indigenous territories.

On December 12, 2023, the Court ordered the State of Brazil to speed up the adoption of the necessary measures to effectively protect the life, personal integrity, health, and access to food and drinking water of the members of indigenous peoples, applying a culturally appropriate perspective. The Court also required the State to intensify the adoption of culturally appropriate measures to prevent the spread of diseases, mitigate their transmission, and provide effective treatment. The diseases that especially affect the beneficiary indigenous peoples are malaria, COVID-19, and those caused by mercury pollution.

You can access the order of December 12, 2023, [here](#) (in Spanish and in Portuguese).

F. | Requests for provisional measures rejected

1. Case of Revilla Soto v. Venezuela

On October 4, 2022, the representatives asked the Inter-American Court of Human Rights to adopt provisional measures against alleged orders from members of the government to “criminalize” the alleged victim, Milton Gerardo Revilla Soto, and his son, Jesús Miguel Revilla Zambrano.

After analyzing the factual and legal bases of the request, on February 8, 2023, the Court decided to reject the request for provisional measures in favor of Mr. Milton Gerardo Revilla Soto and members of his family.

You can access the order of February 8, 2023, [here](#) (only in Spanish).

2. Case of García Rodríguez et al. v. Mexico

On March 27, 2023, the representatives asked the Court to adopt provisional measures to prevent the arrest, apprehension, return to a detention center, or any similar kind of action designed to deprive Daniel García Rodríguez of his freedom.

After analyzing the factual and legal bases, on June 26, 2023, the Court decided to reject the request for provisional measures in favor of Daniel García Rodríguez and Reyes Alpízar Ortiz and wait for the evaluation of compliance with the reparation measures ordered as part of the monitoring of compliance with the judgment in the case of García Rodríguez et al. v. Mexico.

You can access the order of June 26, 2023, [here](#) (only in Spanish).

G. | Total or partial lifting of provisional measures

1. Case of Kawas Fernández v. Honduras

On August 31, 2023, the Court decided to lift the provisional measures ordered in the Case of Kawas Fernández v. Honduras, as the beneficiary had passed away. The State reported that Mr. Andino Alvarado, the beneficiary of the provisional measures, died of natural causes at approximately 1:30 a.m. on June 28, 2023. The Court verified that the State had sent copies of the death certificate and photographs confirming that Mr. Andino Alvarado had passed away.

You can access the order of August 31, 2023, [here](#) (only in Spanish).

H. | Contempt of court and presentation of the situation to the OAS Permanent Council and General Assembly (application of Article 65)

Bearing in mind the scope of the provisional measures concerned, in 2023 the Court decided to declare certain States in contempt and report the development to the Permanent Council of the OAS and the General Assembly. This action was taken with respect to the following cases, details of which were given above:

- ▶ Matter of Juan Sebastián Chamorro et al. regarding Nicaragua
- ▶ Matter of Members of the Citizens' Collective dedicated to the Investigation of Human Rights Equality (ACDIIDH) regarding Haiti
- ▶ Matter of Members of the Nicaraguan Center for Human Rights and the Permanent Human Rights Commission (CENIDH-CPDH) regarding Nicaragua
- ▶ Case of Molina Theissen v. Guatemala¹⁰⁸

I. | Current status of provisional measures

NO.	NAME	STATE	YEAR
1	Case of Torres Millacura et al.	Argentina	2017
2	Matter of Milagro Sala	Argentina	2017
3	Matter of the Socio-Educational Internment Facility	Brazil	2011
4	Matter of the Penitentiary Complex of Curado	Brazil	2014
5	Matter of the Penitentiary Complex of Pedrinhas	Brazil	2014
6	Matter of the Criminal Institute of Plácido de Sá Carvalho	Brazil	2017
7	Case of Tavares Pereira et al.	Brazil	2021
8	Matter of Members of the Yanomami, Ye'kwana and Munduruku Indigenous Peoples	Brazil	2022
9	Matter of Persons Deprived of Liberty in Evaristo de Moraes Penitentiary	Brazil	2023

¹⁰⁸ For details of the scope of the provisional measure in this case, please refer to section V of this Annual Report.

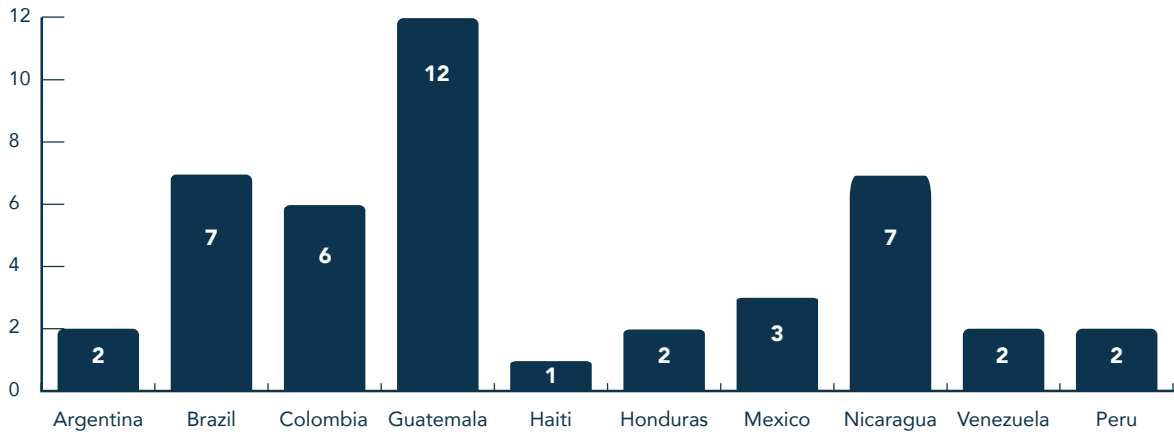
NO.	NAME	STATE	YEAR
10	Matter of Almanza Suárez	Colombia	1997
11	Matter of the Peace Community of San José de Apartadó	Colombia	2000
12	Matter of Mery Naranjo et al.	Colombia	2006
13	Case of the 19 Traders	Colombia	2010
14	Matter of Danilo Rueda	Colombia	2014
15	Case of Tabares Toro et al.	Colombia	2023
16	Case of Bámaca Velásquez	Guatemala	1998
17	Matter of the Forensic Anthropology Foundation	Guatemala	2007
18	Matter of Mack Chang et al.	Guatemala	2009
19	Case of Members of the Village of Chichupac, Case of Molina Theissen, and another 12 cases against Guatemala	Guatemala	2019
20	Case of Valenzuela Ávila and Ruíz Fuentes et al.	Guatemala	2021
21	Case of Gudiel Álvarez et al. ("Diario Militar")	Guatemala	2022
22	Case of Maritza Urrutia	Guatemala	2022
23	Case of the Plan de Sánchez Massacre	Guatemala	2022

NO.	NAME	STATE	YEAR
24	Case of Chitay Nech et al.	Guatemala	2022
25	Case of the Río Negro Massacres	Guatemala	2022
26	Case of the Las Dos Erres Massacre	Guatemala	2023
27	Case of Molina Theissen	Guatemala	2023
28	Matter of Members of the Citizens' Collective dedicated to Investigations of Human Rights Equality (ACDIIDH)	Haiti	2023
29	Case of the Garífuna Community of Punta Piedra and its members and the Garífuna Community of Triunfo de la Cruz and its members	Honduras	2021
30	Case of Vicky Hernández et al.	Honduras	2020
31	Case of Fernández Ortega et al.	Mexico	2012
32	Matter of Castro Rodríguez	Mexico	2013
33	Matter of the Choréachi Indigenous Community	Mexico	2017
34	Matter of Members of the Miskitu Indigenous People	Nicaragua	2016
35	Matter of Members of the Nicaraguan Human Rights Center and the Permanent Human Rights Commission (CENIDH-CPDH) regarding Nicaragua	Nicaragua	2019

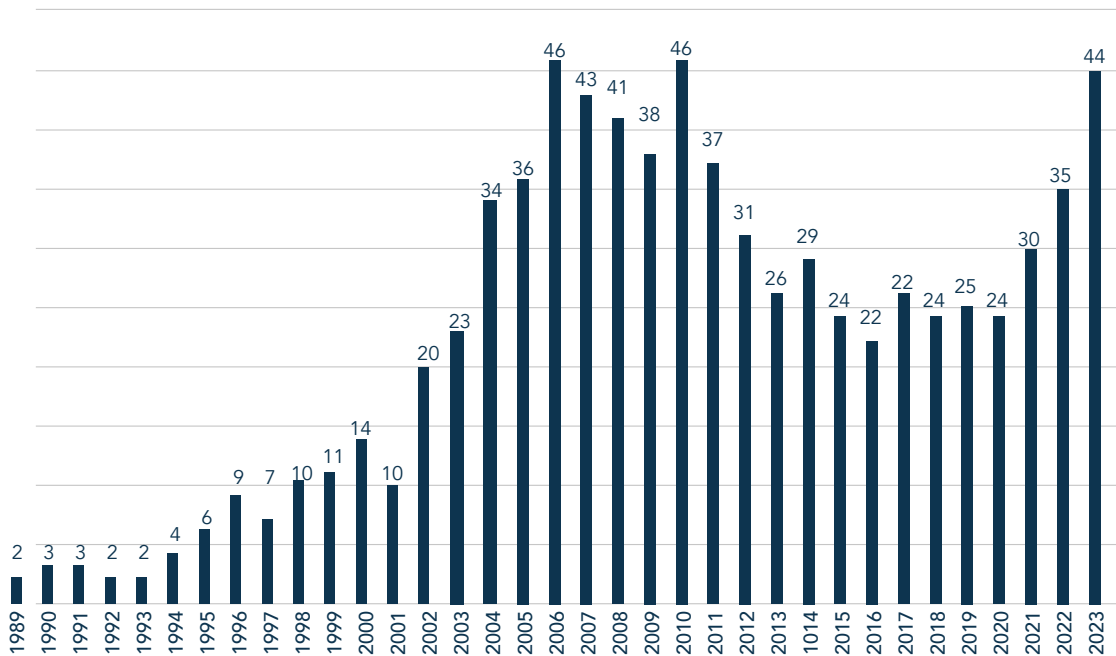
NO.	NAME	STATE	YEAR
36	Matter of Juan Sebastián Chamorro et al. ¹⁰⁹	Nicaragua	2021
37	Matter of Monsignor Rolando José Álvarez Lagos	Nicaragua	2021
38	Matter of Members of the Team of Journalists of "Radio La Costeñísima"	Nicaragua	2023
39	Matter of Four Members of the Mayangna Indigenous People Deprived of Liberty	Nicaragua	2023
40	Matter of Brooklyn Rivera Bryan and Nancy Elizabeth Henríquez James and their families	Nicaragua	2023
41	Matter of Salas Arenas et al.	Peru	2023
42	Cases of Barrios Altos and La Cantuta	Peru	2023
43	Case of the Barrios Family	Venezuela	2004
44	Matter of Certain Penitentiary Centers	Venezuela	2009

¹⁰⁹ Includes the joinder with the Matter of 11 Persons Deprived of Liberty in 3 Detention Centers and their Families, as part of the provisional measures adopted in the matters of Juan Sebastián Chamorro et al. and 45 Persons Deprived of Liberty in 8 Detention Centers, and extensions of provisional and urgent measures linked to this case. In addition to the measures in favor of Monsignor Rolando José Álvarez Lagos regarding Nicaragua. These measures are described in the "Extensions and/or Joinders of Provisional Measures" section above.

ACTIVE INTERIM MEASURES, BY STATE, BY THE END OF 2023



Active interim measures per year by the end of 2023



CURRENT STATUS OF PROVISIONAL MEASURES



VII

Advisory Role



VII. Advisory Role

In 2023, the Court received two requests for advisory opinions. The first was submitted by the Republics of Chile and Colombia and concerned the climate emergency and human rights. The second was submitted by the Republic of Argentina and concerned the scope and substance of the right to care, as well as its relationship to other rights. The Court had received a request for an advisory opinion from the State of Mexico in 2022 concerning the activities of private arms companies and their effects on human rights.



Thus, in 2023, the Court was processing three (3) requests for advisory opinions on the following topics:

1. The activities of private arms companies and their effects on human rights

On November 11, 2022, the State of Mexico presented to the Court a request for an advisory opinion on the activities of private arms companies and their effects on human rights.

The deadline to submit observations was August 21, 2023. Sixty-four observations were received. On November 28 and 29, 2023, public hearings were held on this advisory opinion.

The advisory opinion request and the observations submitted by various parties can be found [here](#).

2. Climate Emergency and Human Rights

On January 9, 2023, the Republic of Colombia and the Republic of Chile submitted to the Court a request for an advisory opinion to clarify the extent to which states—acting individually and collectively—are obligated, according to international human rights law, to address the climate

emergency, giving special consideration to the differentiated harm caused by that emergency to individuals of different regions and population groups, to nature, and the prospects for human survival on our planet.

Initially, the deadline for submitting observations on this request for an advisory opinion was August 18, 2023. The Court later granted two (2) extensions, moving the deadline to December 18, 2023. Two hundred and sixty-two observations were received.

The advisory opinion request and the observations submitted by various parties can be found [here](#).





3. The scope and substance of the right to care and its relationship to other rights

On January 20, 2023, the Republic of Argentina submitted to the Court a request for an advisory opinion on the scope and substance of the right to care as a human right, as well as its relationship to other rights.

The deadline for submitting observations on this request for an advisory opinion was November 7, 2023. One hundred and twenty-eight observations were received.

The advisory opinion request and the observations submitted by various parties can be found [here](#).

VIII

Developments in the Court's Case Law



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This section highlights recent developments in the Court's case law during the year 2023, and it also encompasses criteria that reaffirm the established case law by the Court. These developments establish relevant standards for State bodies and authorities at the domestic level when conducting control of conventionality within their respective jurisdictions.

In this regard, the Court has established that all State authorities are obliged to exercise a "control of conventionality" ex officio to ensure conformity between domestic law and the American Convention, evidently within their respective spheres of competence. This relates to the analysis that the State's organs and agents must make (in particular, judges and other agents of justice) of the compatibility of domestic norms and practices with the American Convention and the jurisprudence of the I/A Court H.R.

In their specific decisions and actions, these organs and agents must comply with the general obligation to safeguard the rights and freedoms protected by the American Convention, ensuring that they do not apply domestic legal provisions that violate this treaty, and also that they apply the treaty correctly, together with the Case Law standards developed by the Inter-American Court, ultimate interpreter of the American Convention. This section is divided into the substantive rights established in the American Convention on Human Rights that incorporate these standards and develop their meaning and scope. In addition, subtitles have been included that highlight the issues presented, and the content includes references to specific judgments from which the Case Law was extracted.

1. Articles 1 and 2

▶ Human rights and business: standards on equality and non-discrimination based on sexual orientation, gender identity, and gender expression

The Court highlighted three pillars of the Guiding Principles on Business and Human Rights: protect, respect, and remedy. This implies that States have a duty to protect human rights, companies must respect them, and access to remedies must be guaranteed. It is crucial that companies adopt policies to protect human rights, incorporate good corporate governance practices, conduct due diligence to prevent violations and remedy any harm. In particular, they must ensure remedies in cases that affect people living in poverty or vulnerable groups.

Regarding the LGBTQ+ community, the Court noted that stigma and stereotypes perpetuate discrimination in various spheres. To achieve real equality, the business sector needs to be involved. Businesses should take responsibility for respecting the rights of LGBTQ+ people, both at work and in their business relationships, through inclusive policies and diligence to prevent negative impacts. States should develop policies and regulatory activities to ensure that companies eliminate discriminatory practices, formulate inclusive policies, conduct due diligence to prevent and mitigate negative impacts and establish effective remedies for affected persons.¹¹⁰

▶ Impacts of corruption on democracy and human rights

The Court highlighted that international organizations agree that corruption has a negative impact on human rights, affecting the rule of law, democracy, and human rights in general. Corruption, present in a variety of contexts, not only harms the individuals directly affected but also undermines trust in the government and the

¹¹⁰ Cf. Case of Olivera Fuentes v. Peru. Preliminary objections, Merits, Reparations, and costs. Judgment of February 4, 2023. Series C No. 484, paras. 97, 100 - 104

democratic order. It particularly impacts vulnerable groups such as minorities, indigenous people, migrants, people with disabilities, refugees, people deprived of their liberty, women, children, the elderly, and people living in poverty, who are the most affected by its consequences.¹¹¹

▶ **Right to defend human rights as an autonomous right**

The Court has emphasized the importance of human rights defenders in a democratic society, noting that respect for human rights in a state governed by the rule of law depends on effective guarantees so that they can conduct their activities freely. These activities, such as monitoring, reporting, and education, are essential to protect human rights and act as barriers against impunity, complementing the role of States and the Inter-American System.

The right to defend human rights is considered autonomous and encompasses various activities aimed at promoting and protecting human rights without limitations or risks. The quality of a defender does not depend on the frequency, scope, or type of activity performed, but on the very nature of these actions. States have a special duty to protect defenders, which includes recognizing, promoting, and guaranteeing their rights, as well as creating a safe environment for their work and investigating and punishing any attacks against them.

This special duty implies that States must refrain from imposing illegitimate obstacles to the work of defenders, adopt adequate protection measures, and ensure thorough investigation and punishment of any threats or attacks. In addition, they must formulate and implement public policies and legal provisions to ensure the free and safe exercise of the activities of human rights defenders.¹¹²

2. Article 7 (Right to Personal Liberty)

▶ **The right not to be unlawfully deprived of liberty**

The Court recalled that Article 7(2) of the American Convention establishes that “[n]o one shall be deprived of his physical liberty except for the reasons and under the conditions established beforehand by the Constitution of the State Party concerned, or by a law established pursuant thereto.” As a consequence, by referring to the Constitution and laws established “pursuant thereto,” must be examined to determine whether they are compatible with Article 7(2) of the American Convention. This entails an analysis of compliance with the requirements established as precisely as possible and “beforehand” in such laws concerning the “grounds” and “conditions” for depriving an individual of their physical liberty. If domestic provisions have not been observed, either materially or formally, when an individual is deprived of their liberty, such deprivation will be unlawful and contrary to the American Convention, in light of Article 7(2).¹¹³

▶ **The right to be informed about the reasons for detention**

The Court reiterated its consistent case law stating that Article 7(4) of the American Convention encompasses two guarantees for the detained individual: i) oral or written information on the reasons for the detention, and ii) notification of the charges, which must be in writing. The information on the “grounds” for the detention must be provided “at the time of the arrest,” as a mechanism to prevent unlawful or arbitrary detentions from the very moment of the deprivation of liberty and, also, to ensure the individual’s right of defense. The Court has also indicated that the agent who makes the arrest must provide information in simple, jargon-free

111 Cf. Case of Viteri Ungaretti et al. v. Ecuador. Preliminary objections, Merits, Reparations, and Costs. Judgment of November 27, 2023, paras. 81 and 82.

112 Cf. Case of Members of the “José Alvear Restrepo” Lawyers Collective v. Colombia. Merits, Reparations, and Costs. Judgment of October 18, 2023, paras. 973, 977- 980.

113 Cf. Case of García Rodríguez et al. v. Mexico. Preliminary objections, Merits, Reparations, and costs. Judgment of January 25, 2023. Series C No. 482, para. 126.

language of the essential facts and legal grounds on which the detention is based. Thus, Article 7(4) of the Convention is not satisfied if only the legal basis is mentioned.¹¹⁴

▶ **The right to be brought promptly before “a judge or other officer authorized by law to exercise judicial power”**

The Court recalls that Article 7(5) of the Convention requires that a detained person “be brought” before “a judge or other officer authorized by law to exercise judicial power.” This implies that the judge must hear the detainee in person and consider all the explanations provided by the latter, in order to decide whether to release him or to maintain the deprivation of liberty.¹¹⁵

The Court recalled that immediate judicial oversight is a measure designed to prevent arbitrary or unlawful detentions, bearing in mind that in a State governed by the rule of law, it is the responsibility of the judge to guarantee the rights of the detained person, authorizing the adoption of precautionary or coercive measures when strictly necessary and, in general, ensuring that the accused is treated in a manner consistent with the presumption of innocence. In that case, the victims were brought before a judicial authority 47 and 31 days after their detention, for which reason the Court considered that it could not reasonably be inferred that these periods of detention without being brought before a judge complies with the provision American Convention.¹¹⁶

▶ **Pre-Trial Detention**

The Court reaffirmed that, according to the American Convention, no detention or imprisonment should be incompatible with respect for the fundamental rights of the individual, even when they are deemed lawful. The law, procedure, and general principles are required to be compatible with the Convention. The concept of “arbitrariness” goes beyond being “contrary to law” to include elements of impropriety, injustice, and unpredictability. For a precautionary measure restricting liberty to be legitimate and respect the right to the presumption of innocence, it must meet certain requirements: (i) It must be based on material assumptions related to an unlawful act and the link of the person being prosecuted to that act; (ii) it must pass the “proportionality test,” ensuring that the measure is legitimate, suitable, necessary, and proportional; and (iii) the decision imposing it must be sufficiently reasoned.

Deprivation of liberty should be applied exceptionally and only when necessary to ensure the development of the procedure and to prevent evasion of justice. Alternative measures should be available and should be considered before imposing measures that restrict liberty. In addition, restrictions on freedom must be limited in time and must have a clear and reasoned justification to respect the presumption of innocence. Any measure restricting liberty must be proportional, necessary, justified, and compatible with the principles of the American Convention, guaranteeing the right to the presumption of innocence and avoiding arbitrariness.¹¹⁷

▶ **Automatic or Mandatory Pre-Trial Detention**

The Court analyzed a domestic legal and constitutional regulation that establishes the automatic application of pre-trial detention for certain serious crimes without considering the individual circumstances of the case. This practice, known as automatic or mandatory pre-trial detention, lacks a precautionary purpose and becomes an anticipated sentence. It also limits the judge’s independence and denies the accused the opportunity to challenge the measure.

The automatic application of mandatory pre-trial detention creates a differentiated treatment for those accused of certain crimes, violating the right to equality before the law and the minimum guarantees of due

114 Cf. Case of García Rodríguez et al. v. Mexico, supra, para. 136.

115 Cf. Case of García Rodríguez et al. v. Mexico, supra, para. 139 to 141.

116 Cf. Case of García Rodríguez et al. v. Mexico, supra, para. 139 to 141.

117 Cf. Case of García Rodríguez et al. v. Mexico, supra, para. 155 - 160.

process established in the American Convention. The Court considered that this practice does not conform to international human rights standards and constitutes a violation of the fundamental rights of the accused.¹¹⁸

▶ **Arraigo (confinement or detention for investigative purposes) as a pretrial liberty-restricting measure in Mexico**

Regarding the concept of arraigo, the Court reiterated that, in general terms, any pre-procedural measure that restricts a person's liberty in order to investigate a crime that he or she allegedly committed is intrinsically contrary to the provisions of the American Convention and clearly violates the rights to personal liberty and the presumption of innocence.¹¹⁹

▶ **Duty of custody of persons deprived of personal liberty**

The Court noted that the Inter-American Convention on Forced Disappearance of Persons and other international norms do not cover all possible modalities of forced disappearance. Thus, the analysis based on traditional elements may be insufficient in certain cases.

In the specific case of the disappearance of Fredy Núñez Naranjo, which occurred while he was in state custody, the Court recalled that the State had a duty to protect him due to his situation. The lack of clarification by the State may be sufficient to assess evidence and clues suggesting the commission of enforced disappearance, especially when the disappeared person was under State custody. In this context, the State's defense cannot be based on the lack of evidence, given that it has control over the means to investigate the facts.¹²⁰

▶ **Force Majeure**

In analyzing the kidnapping of a person, the State alleged that the circumstances in which the kidnapping took place constituted force majeure because the police officers "lacked the physical and technical capacity to prevent and/or avoid the kidnapping [...] making it impossible to comply with the State's obligation to provide guarantees."¹²¹ The Court emphasized that, due to its exceptional nature, force majeure places the burden of proving the unforeseen, irresistible, and uncontrollable nature of the circumstances that qualify as constituting force majeure on the party alleging it. Likewise, the recognition of force majeure requires proving that such circumstances made it impossible to comply with the obligations of the party claiming such force majeure.

Based on this criterion, the Court analyzed the specific case in order to determine whether the alleged fact (the kidnapping of an individual detained in a police station by third parties who forcibly entered) constituted one of the characteristics that would allow it to refer to a situation of force majeure. Thus, it analyzed the unforeseen nature of the situation, the characteristics of the kidnapping, and the evidence presented by the State, determining that in the specific case, the State failed to prove the circumstances constituting force majeure that would exempt it from its international responsibility.¹²²

3. Articles 8 and 25 (Judicial Guarantees)

▶ **Principle of non-retrogression in the context of the right to judicial independence**

The Court considered that the mechanism for selecting and removing electoral judges must be consistent with the democratic political system as a whole. Indeed, non-compliance of the independence of electoral courts not only affects electoral justice but also the effective exercise of representative democracy, which is

118 Cf. Case of García Rodríguez et al. v. Mexico, *supra*, para. 168, 170-171, 173.

119 Cf. Case of García Rodríguez et al. v. Mexico, *supra*, para. 146.

120 Cf. Case of Nuñez Naranjo et al. v. Ecuador. Judgment of May 23, 2023. Merits, Reparations, and Costs, paras. 94 - 95, 97.

121 Cf. Case of Nuñez Naranjo et al. v. Ecuador, *supra*, para. 89.

122 Cf. Case of Nuñez Naranjo et al. v. Ecuador, *supra*, paras. 91 - 92.

the foundation of the Rule of Law. The co-optation of electoral bodies by other public powers transversely affects the entire democratic institutional framework, and to that extent constitutes a risk to the control of political power and the guarantee of human rights, as it undermines the institutional guarantees that allow for the control of arbitrary exercise of power. Thus, the existence of judicial mechanisms able to safeguard the protection of political rights ceases to exist, which is why guarantees of irremovability and stability of electoral judges must be buttressed. The Court therefore deems that any weakening or regression in the guarantees of independence, stability, and irremovability of electoral tribunals is a violation of the Convention, as it could produce a systematic, similarly regressive impact on the rule of law, institutional guarantees, and the exercise of fundamental rights overall. The protection of judicial independence in this sphere is particularly critical today, given current trends in the world and the region toward the erosion of democracy, where formal powers are being used to promote anti-democratic values, hollowing out institutions and leaving only their outward image intact.¹²³

▶ **The rule excluding evidence obtained under coercion (Article 8(3))**

The Court reaffirmed that the confession of an accused is only valid if it is made without coercion of any kind, in accordance with Article 8(3) of the American Convention. It emphasized that any form of coercion that affects the spontaneous expression of a person's will requires the exclusion of coercively obtained evidence from the judicial process. This measure not only discourages the use of coercion but also guarantees a fair trial. It was emphasized that statements obtained under duress often lack truthfulness, as the person seeks to put an end to cruel treatment or torture. Therefore, accepting or giving probative value to such statements constitutes a violation of human rights. In addition, it was affirmed that the exclusion of evidence obtained under coercion extends to procedural acts, such as the determination of the appropriateness of precautionary measures depriving liberty in criminal proceedings.¹²⁴

▶ **Right to Defense (Article 8(2) d, e, and f of the American Convention).**

The Court recalled that the right to defense in criminal proceedings includes the possibility for the accused to defend himself personally or to be assisted by legal counsel of his own choosing. In the event of failure to do so, he is entitled to a defense attorney provided by the State, whether paid or not, according to domestic law. This right guarantees an effective defense, including access to technical defense from the first statement made. Not allowing this assistance severely limits the right to defense and unbalances the process, leaving the individual unprotected against the punitive power. The appointment of a public defender only to comply with procedural formalities would be tantamount to having no technical defense. Therefore, it is crucial that public defenders undergo training and operate with functional autonomy. In addition, the right to examine witnesses is a minimum guarantee which embodies the principles of adversarial proceedings and procedural equality, allowing the accused to examine witnesses both for and against him.¹²⁵

▶ **Right to the Presumption of Innocence (Article 8(2))**

The Court reaffirmed the right to the presumption of innocence under Article 8(2) of the American Convention, which establishes that everyone charged with a crime has the right to be presumed innocent until proven guilty according to law. This provision implies that judicial and other authorities should be discreet and prudent in their public statements about a criminal proceeding prior to the individual being tried and convicted. It also pointed out that the dissemination of information about a case by the media cannot be automatically attributed to the State unless proven otherwise. According to Article 8(5) of the Convention, criminal proceedings shall be public, except insofar as may be necessary to protect the interests of justice. The publicity of the process

123 Cf. Case of Aguinaga Aillón v. Ecuador. Merits, Reparations, and Costs. Judgment of January 30, 2023, para. 71.

124 Cf. Case of García Rodríguez et al. v. Mexico, supra, para. 242, 245.

125 Cf. Case of García Rodríguez et al. v. Mexico, supra, para. 245- 247.

guarantees transparency, impartiality, and confidence in the courts of justice, allowing access to the information of the process by the parties involved and third parties.¹²⁶

▶ **Right of the indicted to appoint a defense attorney of his choice**

The Court reaffirmed that the right to defense entails treating the individual as a subject of the legal process and not as an object thereof, and this manifests itself in two aspects: the material defense, where the accused actively participates in the process, and the technical defense, provided by an attorney. According to Article 8(2)(d) and (e) of the American Convention, the accused has the right to defend himself personally or to be assisted by counsel of his own choosing, or to have counsel provided by the State. The Court determined that it is crucial to allow the defendant time to appoint counsel, considering the need to establish a relationship of trust and the necessary preparation for the defense.¹²⁷

▶ **Right of the accused to adequate time and means for the preparation of his defense**

The Court reaffirmed that the right to prepare a defense, according to Article 8(2)(c) of the Convention, implies that the State must allow the individual access to the case file against him, respecting the principle of adversarial proceedings. This includes the right to be involved in the analysis of the evidence and to present relevant materials and evidence. The Court assessed whether the State guaranteed this right by analyzing the time limits granted in a specific case, focusing on the time allowed for preparation of the defense.¹²⁸

▶ **Right of the defense to question witnesses present in court**

The Court reaffirmed the right of the defense to cross-examine witnesses and get others to appear who may shed light on the facts, as a fundamental guarantee of due process. However, in one specific case, the Court pointed out that the judicial authority allowed witnesses to testify in the absence of the accused without due motivation and without considering the prejudice to the defense. This affected the accused parties' right to examine witness statements and prepare their defense strategy. The Court emphasized that, although in certain cases it may be admissible for witnesses not to confront the accused directly, this measure must be exceptional and duly grounded, guaranteeing procedural equality and adopting countermeasures to balance the limitation of the accused's right to defense.¹²⁹

▶ **Lack of promotion of challenges**

The Court recalled that the international responsibility of the State may be compromised by the response provided through judicial bodies to actions or omissions attributable to the public defense. In cases in which it is evident that the public defense acted without due diligence, the judicial authorities have a duty of protection or control. Indeed, the judicial function must ensure that the right to defense is not rendered illusory through ineffective legal assistance. In this regard, the role of the judicial authorities in safeguarding due process is essential.¹³⁰

▶ **Rejection of the complaint**

The Court pointed out that an improper substantiation exclusively attributable to the private technical defense is not a situation that causes domestic liability for the State. This is due to the fact that it is not up to the courts to correct the argumentative deficiencies by the litigants in that which is within their strict jurisdiction. For

126 Cf. Case of García Rodríguez et al. v. Mexico, *supra*, para. 258, 260- 261.

127 Cf. Case of Álvarez v. Argentina. Preliminary Objection, Merits, and Reparations. Judgment of March 24, 2023. Series C No. 487, paras. 108- 109, 114.

128 Cf. Case of Álvarez v. Argentina, *supra*, para. 117, 120- 123.

129 Cf. Case of Álvarez v. Argentina, *supra*, para. 128, 130- 131.

130 Cf. Case of Álvarez v. Argentina, *supra*, para. 150.

example, in the case under analysis, this would refer to the grounds of the challenge formulated, because if they did so, the judicial authority would replace the defense, thereby compromising its impartiality.¹³¹

▶ Right to Judicial Protection

The right to judicial protection recognized in Article 25 of the American Convention on Human Rights requires that States provide effective judicial remedies that are not mere formalities and that make it possible to examine the reasons invoked by the plaintiff. Notwithstanding the foregoing, “the mere fact that a domestic remedy does not produce a result favorable to the claimant does not, by itself, demonstrate a violation of the right to an effective remedy, since ‘for instance, it could be the case that the claimant did not promptly pursue the correct procedure.’”¹³²

In this regard, “for reasons of legal security and for the proper application and functioning of the justice system, as well as the effective protection of rights, ‘States can and should establish budgets and criteria for the admissibility of domestic remedies, whether judicial or otherwise. Therefore, while these domestic remedies must be available to the interested party and must effectively and reasonably resolve the matter raised, as well as eventually provide adequate reparation, it should not be considered that domestic organs and courts must always and under any circumstances resolve the merits of the matter brought before them, without needing to verify the formal requirements of admissibility and admissibility of the particular remedy sought.’”¹³³

▶ Representation of the alleged victim in the proceedings

The Court established that an alleged victim may change his legal counsel and position during the course of the proceedings, provided that said person’s manifestation of will in this regard is clear, genuine, and free. In the case of Indigenous and Tribal Peoples, in the exercise of their right to self-determination, they have the power to make decisions related to the defense of their rights, in accordance with their own forms of organization and cultural decisions. The possibility of filing a petition before the Inter-American Commission does not require prior authorization from authorities or community leaders, and it is up to the indigenous people or community to decide on its organizational structures and representation. Therefore, the Court determined that it will be up to the Indigenous or Tribal People, or community, to determine what is appropriate with respect to their organizational structures, leadership, and representation. The determination to be made by the Court refers strictly to the representation of the Indigenous or Tribal People, or an indigenous, ancestral, or other type of community in the case before the Inter-American Court, and does not extend to any other aspect, nor does it imply a ruling by the Court in relation to community leaders or authorities.¹³⁴

▶ Right to judicial protection (Article 25)

The Court recalled that one of the components of the right to judicial protection, established in Article 25 of the American Convention, is that the States guarantee the means to execute the respective decisions and final judgments issued by competent authorities. This way, the rights that have been declared or recognized are effectively protected. This duty, specifically, is based on Article 25(2)(c) of the Convention, which establishes the right ‘to ensure that the competent authorities shall enforce such remedies when granted’ referred to in the first paragraph of that article. The Court affirmed that this right includes enforcement of the decision without hindrance or undue delay.¹³⁵ Thus, an unjustified delay in the execution of a judicial decision may imply a violation of the right to be tried within a reasonable period of time.¹³⁶

131 Cf. Case of *Álvarez v. Argentina*, supra, para. 152.

132 Cf. Case of *Bendezú Tuncar v. Peru*. Preliminary Objections and Merits. Judgment of August 29, 2023. Series C No. 497, para. 114

133 Cf. Case of *Bendezú Tuncar v. Peru*, supra, para. 127.

134 Cf. Case of the *Maya Q’eqchi’ Indigenous Community of Agua Caliente v. Guatemala*. Merits, Reparations, and Costs. Judgment of May 16, 2023. Series C No. 488., paras. 35- 43.

135 Cf. Case of *Meza v. Ecuador*. Preliminary Objection, Merits, Reparations, and Costs. Judgment of 14 June 2023, para 59.

136 Cf. Case of *Meza v. Ecuador*, supra, para 62.

▶ Reasonable time in proceedings related to adoption, guardianship, and custody of children and adolescents.

The Court emphasized the importance of diligence and celerity in procedures related to the protection of the rights of children and adolescents, especially in cases of adoption, guardianship, and custody of children in their early childhood. The Court emphasized that the time that has elapsed may irreversibly affect the situation of the minors and their families, which requires exceptional attention from the authorities.

Regarding the right to reasonable periods of time, the Court reiterated that this must be evaluated in each specific case considering the complexity of the case, the procedural activity of the interested party, the conduct of the judicial authorities, and the impact on the legal situation of the alleged victim.

However, it stressed that considering eight months as a reasonable time period in an international child return process does not establish a general standard, as each case must be evaluated individually. The importance of complying with the deadlines established in international treaties such as the Hague Convention and the Inter-American Convention was stressed, given the sensitivity and urgency of matters related to children's rights.

In addition, in the Case of Córdoba v. Paraguay, the Court found that the decision to return the child to Argentina never materialized and that the lack of diligence and exceptional speed in complying with the return order, and in adopting measures aimed at building a bond between father and son, facilitated the consolidation of an unlawful situation to the detriment of Mr. Córdoba, in violation of the provisions of Article 25(2)(c) of the American Convention.¹³⁷

▶ Judicial Independence

The Court stressed the importance of the judicial independence of electoral tribunals in a democratic system, as they are fundamental to ensuring fair and credible elections. The protection of this independence prevents undue interference by other branches of government, especially the executive branch, in the jurisdictional control processes that safeguard the political rights of voters and candidates.

The Court also stressed that the mechanism for the selection and dismissal of electoral judges must be in line with the democratic political system as a whole. The violation of the independence of these courts affects not only electoral justice but also the effective functioning of representative democracy and the rule of law. Therefore, it is crucial to strengthen the guarantees of independence, stability, and irremovability of electoral tribunals in order to preserve democratic institutions and protect fundamental rights in general, especially in a global context of democratic erosion.¹³⁸

▶ Conduct of Judges

The Court emphasized that preserving the dignity of the office and maintaining judicial integrity is not only essential for the performance of judicial functions, but also stands as a cornerstone of judicial systems and is a fundamental requirement for the rule of law, the right to a fair trial, and public trust in the judiciary, which implies that judges and prosecutors must "ensure that their conduct is beyond reproach in the perspective of a reasonable observer."¹³⁹

▶ The principle of legality in disciplinary matters and the duty to state the reasons for disciplinary action

The Court pointed out that the rules of case assignment constitute a guarantee for the independence and

137 Cf. Case of Córdoba v. Paraguay. Merits, Reparations, and Costs. Judgment of September 5, 2023. Series C No. 505, paras. 87 and 96.

138 Cf. Case of Aguinaga Aillón v. Ecuador. Merits, Reparations, and Costs. Judgment of January 30, 2023. Series C No. 483, paras. 70-71.

139 Cf. Case of Cajahuanca Vásquez v. Peru. Preliminary Objections and Merits. Judgment of November 27, 2023, para. 95.

impartiality of the administration of justice and that, therefore, their transgression through an irregular decision could affect the principle of the lawful judge.¹⁴⁰ Likewise, the Court reiterated that the principle of the lawful judge is one of the guarantees of due process, which has even been recognized by certain parts of doctrine as a presupposition of due process. It held that this principle implies that persons have the right to be judged, in general, by ordinary courts, in accordance with legally established procedures and that this aims to prevent manipulation of the court, to ensure the impartiality of the judges, and, ultimately, the legitimacy of justice.¹⁴¹

▶ **The principle of application of the most favorable sanctioning law**

The Court recalled that Article 9 of the Convention refers to the principle of legality and the principle of application of the most favorable sanctioning law. The latter indicates that it is not possible “to impose a more severe penalty than the one applicable at the time of the commission of the crime” and that “if after the commission of the crime the law provides for the imposition of a lighter penalty, the offender shall benefit from it.” The Court recalled that a more favorable law must be interpreted as that which (i) establishes a lesser sanction; (ii) eliminates the consideration of a previously punishable conduct; or (iii) creates a new cause of justification, inculpability, or impediment to the operation of the sanction, though this does not constitute an exhaustive list.¹⁴²

4. Article 11 (Right to Privacy)

▶ **Limitations on intelligence activities based on the scope of human rights.**

The analysis of intelligence activities requires consideration of both human rights and the legitimate limitations that may be imposed on them. State intelligence activities aim to protect individuals and their rights, but they also involve an intrusion into the sphere of private life, which requires delimiting requirements and controls to ensure compatibility with the rule of law and the American Convention.

The Court’s case law has established that Article 11 of the Convention prohibits any arbitrary or abusive interference with privacy, including aspects such as family, domicile, and correspondence privacy. Although the right to privacy is not absolute, it may be limited by States, provided that such limitations are provided for by law, pursue a legitimate aim, and comply with the principles of good standing, necessity, and proportionality.¹⁴³

▶ **Necessary legal provision for intelligence activities: the principle of legal confidentiality**

The Court referred to the legal framework of intelligence activities, the purposes to be pursued, and the powers of the competent bodies and authorities. In this sense, regulations on this matter must avoid the violation of the right to privacy through intelligence activities. Such a law, necessarily enacted by the Legislative Power (in other words, a law in the formal sense), must foresee, as precisely as possible, the different threats that determine the need to undertake intelligence activities by the State agents with competence in the matter, whose powers must also be clearly and exhaustively established, in order to effectively limit their actions, prevent arbitrariness in their actions, and make it possible for them to control and, eventually, the eventual attribution of responsibilities.¹⁴⁴ This first requirement, referring to the “principle of reserve of law” and characteristic of “democratic constitutionalism,” as the Court has stated, constitutes “an essential element for the rights [...] to be legally protected and to exist fully in reality,” while at the same time “effectively guarantee[ing] [...] adequate control over the exercise of the powers of the organs” of the State.¹⁴⁵ The need

140 Cf. Case of Cajahuanca Vásquez v. Peru, para. 107.

141 Cf. Case of Cajahuanca Vásquez v. Peru, para. 108.

142 Cf. Case of Cajahuanca Vásquez v. Peru, para. 114.

143 Cf. Case of Members of the “José Alvear Restrepo” Lawyers Collective v. Colombia, para. 520-521.

144 Cf. Case of Members of the “José Alvear Restrepo” Lawyers Collective v. Colombia, para. 528.

145 Cf. Case of Members of the “José Alvear Restrepo” Lawyers Collective v. Colombia, para. 529.

for the law to be accessible to the public means that, unlike the intelligence activities themselves, the legal framework that authorizes and regulates them can never be of a reserved nature, thus allowing individuals to understand the powers of the State in this area and, based on that, to be able to foresee that such activities could eventually affect their own sphere of rights.¹⁴⁶

▶ **Intelligence activities must pursue a legitimate and necessary purpose in a democratic society.**

The Court has established that the legitimacy of intelligence activities is conditioned to the pursuit of legitimate purposes, which must be clearly defined by domestic legislation and in accordance with the principles of a democratic society. These purposes may include the protection of national security, the maintenance of public order, the safeguarding of public health, and the protection of human rights. It is essential that the law establish these objectives in a precise and delimited manner to avoid the risk of arbitrariness on the part of the intelligence agencies. Furthermore, these activities may not be aimed at discrimination on grounds such as race, color, sex, religion, or any other social condition, and any discriminatory action based on political ideology, religious belief, economic position or other characteristics must be prohibited.¹⁴⁷

▶ **Intelligence activities must comply, in the circumstances of the specific case, with the principles of good standing, necessity, and proportionality.**

The third requirement imposed on intelligence activities is that they comply with the requirements of good standing, necessity, and proportionality, that is, with the elements of the “proportionality test,” which inter-American jurisprudence has consistently applied in the evaluation and weighing of any measure restricting human rights.¹⁴⁸

▶ **The controls and limitations to which intelligence activities must be subjected.**

It is also necessary for domestic legislation to provide for “a well-defined and comprehensive system for authorizing, monitoring, and supervising” intelligence activities in specific situations. In this regard, particularly focusing on the measures, actions, and strategies available to the intelligence agencies for the collection and gathering of information, it is necessary that the domestic law clearly set out, as precisely as possible, the following aspects: a) the types of measures and actions for obtaining and collecting information authorized in intelligence matters; b) the objectives pursued with such measures; c) the classes of persons and activities in respect of which it is permitted to obtain and collect information, depending, of course, on the identification of threats to the realization of the legitimate purposes identified above; d) the degree of suspicion that may justify the gathering and collection of information; e) the time limits within which the use of such measures and strategies is permitted; and f) methods that can be used for updating, monitoring, and reviewing the measures and actions employed for gathering and collecting information.¹⁴⁹

▶ **Supervision of intelligence services and the possibility of filing complaints against arbitrary actions**

The Court has indicated that the legal framework should establish a civilian institution independent of the intelligence services and the Executive Branch, with powers to oversee intelligence activities. This institution must have full access to the necessary information and its mandate must cover aspects such as law enforcement, efficiency of activities, financial situation, and administrative methods of the intelligence services. At the

146 Cf. Case of Members of the “José Alvear Restrepo” Lawyers Collective v. Colombia, para. 530.

147 Cf. Case of Members of the “José Alvear Restrepo” Lawyers Collective v. Colombia, para. 531 - 535.

148 Cf. Case of Members of the “José Alvear Restrepo” Lawyers Collective v. Colombia, para. 536.

149 Cf. Case of Members of the “José Alvear Restrepo” Lawyers Collective v. Colombia, para. 538.

international level, it is necessary to provide mechanisms for those affected by arbitrary intelligence activities to obtain effective redress, including compensation for damages. These mechanisms must offer a simple, rapid, and effective remedy to the courts of justice, whose decisions must be fully complied with and enforced.¹⁵⁰

▶ **The powers, limitations, and controls of intelligence agencies with respect to the collection and management of personal data**

In accordance with the above, the protection of the autonomy of the individual, his privacy, intimacy, and reputation, which in terms of the American Convention are safeguarded in the recognition of the rights to privacy and honor (Article 11), require providing a framework for action by the authorities in the area of the collection and use of personal data, in order to prevent their collection, use, retention, disclosure, and exchange in an inappropriate manner or incompatible with those rights. In this regard, although the standards that will be detailed below could be applied in the spheres of competence of the entire public administration and of private actors that lawfully collect and manage personal data, their inclusion in this judgment, due to the subject matter of the process under trial, is limited to the work of the intelligence services.¹⁵¹

The Court clarifies that in this Judgment the concept of “personal data” is used in accordance with the definition included in the updated Principles of the Inter-American Juridical Committee on Privacy and the Protection of Personal Data, with Annotations, in the sense that it covers “information that identifies or can reasonably be used to identify a natural person directly or indirectly,” which includes the different “factors referring specifically to his physical, physiological, genetic, mental, economic, cultural, or social identity [...] expressed in numerical, alphabetical, graphic, photographic, alphanumeric, acoustic, electronic, visual, or any other form.”¹⁵²

▶ **Compilation, storage, and processing of personal data**

International standards on personal data protection require that the collection, storage, processing, and disclosure of personal data be carried out only with the free and informed consent of the owner or through a regulatory framework that allows it. States must adopt policies to prohibit the processing of personal data without legitimization or informed consent, informing individuals of their legal rights and conditions. Authorities, when collecting and storing personal data, should limit themselves to obtaining truthful, relevant, and necessary data, retaining such items in accordance with their purpose and for the necessary amount of time. In addition, they must guarantee the data is updated, secured, and protected. The law must precisely regulate the powers of intelligence services when it comes to collecting personal data, limiting their actions, and establishing parameters for their use, conservation, and disclosure.¹⁵³

▶ **Periodic evaluation of the relevance and accuracy of personal data, and necessary monitoring of their management and processing.**

Intelligence agencies should periodically assess the need to retain personal data in their files and, where necessary, corroborate the accuracy of such information. Consequently, the authorities are required to update or rectify such data, in the event of any inaccuracy, or to delete them, if their conservation is no longer necessary for the fulfillment of their duties. These specific provisions and their effective enforcement are essential safeguards to mitigate the ongoing interference with the right to privacy implied by the existence and preservation of intelligence files that include personal data.¹⁵⁴

At the international level, the need for an institution independent of the intelligence agencies to be in charge of supervising the use made by these authorities of all personal information and data is also pointed out.

150 Cf. Case of Members of the “José Alvear Restrepo” Lawyers Collective v. Colombia, para. 564-565.

151 Cf. Case of Members of the “José Alvear Restrepo” Lawyers Collective v. Colombia, para. 571.

152 Cf. Case of Members of the “José Alvear Restrepo” Lawyers Collective v. Colombia, para. 572.

153 Cf. Case of Members of the “José Alvear Restrepo” Lawyers Collective v. Colombia, para. 573.

154 Cf. Case of Members of the “José Alvear Restrepo” Lawyers Collective v. Colombia, para. 580.

For this purpose, in addition to being able to access intelligence files, the institution with supervisory duties must be empowered to order the competent authorities, depending on each case and in consideration of the legality and necessity of their preservation, to eliminate their records or the information contained therein, or the disclosure of this information to the affected individuals.¹⁵⁵

▶ Access to and control of personal data: the right to informational self-determination

The Court has emphasized that international standards on personal data protection establish the right to access and control data in public archives, guaranteeing autonomy and freedom for self-determination. This right includes: (i) knowing what data is in public records, how it was obtained, and what it is used for. (ii) requesting the rectification, amendment, or updating of inaccurate, incomplete, or outdated data, (iii) demanding the deletion of illegal or unjustified data for its conservation, as long as it does not affect other rights, (iv) objecting to the processing of data that causes harm or when regulations so require, (v) receiving the data in a structured format and requesting its transmission.

This right is recognized as informational self-determination and it is protected by the American Convention. According to the American Convention, States must establish streamlined and efficient mechanisms to handle requests for access to and control of data. In addition, they must guarantee judicial remedies to protect this right.

Restrictions on access to intelligence information must comply with the principles of good standing, necessity, and proportionality. Mechanisms for purging and declassifying intelligence files must be established to allow public access to information when its confidential nature is no longer justified, ensuring the confidentiality of sensitive data. States should provide judicial remedies to object to denials of access to data, ensuring the review of these decisions by administrative or judicial instances when necessary.¹⁵⁶

5. Article 11 (Right to Family Life)

▶ The right of children and adolescents to remain in their family of origin, unless there are reasons based on their best interests to opt for their removal.

The Court determined that children and adolescents must remain in their family of origin, unless there are decisive reasons, based on their best interests, to separate them from their family. On the possibility of separation, the Court referred to the Committee on the Rights of the Child, which held that “[b]efore resorting to separation, the State must provide support to parents to fulfill their parental responsibilities and restore or enhance the family’s capacity to care for the child, unless separation is necessary to protect the child. Economic motives should never serve as justification for separating a child from their parents.” Similarly, the Court recalled that the Commission has stated that “when the parents are young adolescents under 18 years of age and have expressed their willingness to temporarily or permanently relinquish their parental responsibilities, there is a special duty of protection in favor of the parents since they themselves deserve the protection afforded to them by Article 19 of the ACHR and VII of the ADHR (American Declaration of Human Rights) given that they are persons under 18 years of age.” Therefore, the State must take measures not only in favor of the child but also in favor of his or her parents, who are also subject to special protection.¹⁵⁷

▶ Protection of private and family life

In the Cases of Córdoba v. Paraguay and María et al. v. Argentina, the Court defined a series of standards related to the protection of private and family life. Firstly, it recalled that any arbitrary or abusive interference in family life by third parties or the State is prohibited and that it is the duty of the latter to adopt positive

155 Cf. Case of Members of the “José Alvear Restrepo” Lawyers Collective v. Colombia, para. 581.

156 Cf. Case of Members of the “José Alvear Restrepo” Lawyers Collective v. Colombia, paras. 585 - 608.

157 Cf. Case of María et al. v. Argentina. Merits, Reparations, and Costs. Judgment of August 22, 2023. Series C No. 494, para. 89.

and negative actions to protect individuals from this type of conduct.¹⁵⁸ Secondly, the Court affirmed that the family to which every child has a right is primarily his or her biological family, which must provide his protection. Thus, the Court recalled that children must remain with their direct families unless there are decisive reasons, based on the children’s best interests, to separate them. Since there is no single model of family, this standard should not be restricted to a traditional notion of family, but rather relatives with close personal ties may also be entitled to this right.¹⁵⁹ Thirdly, it recalled that protection of the family implies not only arranging and directly implementing measures for the protection of children, but also promoting, in the broadest sense, the development and strength of the family nucleus.¹⁶⁰ Finally, the Court held that, in situations or contexts of separation, States have the duty to adopt measures aimed at promoting and guaranteeing family reunification. In this regard, it recalled that “the State must take measures to favor family reunification, including providing support to the children’s families to avoid separation or its perpetuation, as well as the possibility of visits or other forms of maintaining contact or personal relations between parents and children.” Furthermore, in the Court’s opinion, family reunification should not only be understood as the reestablishment of legal ties after arbitrary terminations but also implies the adoption of short and long-term measures that promote a progressive rapprochement between family members who were arbitrarily separated, through the creation of spaces for connection.¹⁶¹

6. Article 13 (Freedom of Thought and Expression)

► Impacts of corruption on the right to freedom of expression

The Court ruled on the link between freedom of expression and the quality of democracy, emphasizing that expressions related to reports of alleged acts of corruption made by public officers or other persons in public office, should enjoy greater protection given their critical role in the functioning of democracy. The Court considered that democratic control fosters transparency and accountability of officials, thus promoting a broad and necessary debate in society. In addition, the Court established that the reporting of acts of corruption constitutes specially protected speech under the right to freedom of expression. The Court also noted that, in certain cases, regulations imposing a duty of confidentiality may conflict with the right to freedom of expression, especially when it comes to allegations of corruption. In such cases, the duty of confidentiality must be precisely and clearly limited to information that represents a real and significant risk to a legitimate national security interest.¹⁶²

To guarantee the right to freedom of expression and promote the reporting of corruption, the Court indicated that States must provide adequate channels to facilitate and encourage reporting, both internal and external, to the institutions involved. These channels must be independent, and impartial, and guarantee the confidentiality of the identity of the whistleblower and the information received. In addition, States must establish protection mechanisms for whistleblowers, including measures to preserve humane treatment and to prevent reprisals.¹⁶³

158 Cf. Case of Cordoba v. Paraguay, *supra*, para. 99 and Case of María et al. v. Argentina para. 88.

159 Cf. Case of Cordoba v. Paraguay, *supra*, para. 100 and Case of María et al. v. Argentina para. 89.

160 Cf. Case of Cordoba v. Paraguay, *supra*, para. 101.

161 Cf. Case of Cordoba v. Paraguay, *supra*, 102.

162 Cf. Case of Viteri Ungaretti et al. v. Ecuador. Merits, Preliminary Objections, Reparations, and Costs. *supra*, paras. 6 and 98.

163 Cf. Case of Viteri Ungaretti et al. v. Ecuador. Merits, Preliminary Objections, Reparations, and Costs. *supra*, paras. 73.

7. Article 15 (Right of Assembly)

▶ Right to Protest

The Court highlighted the obligation of States to facilitate the peaceful demonstration of protest, ensuring access to public spaces and protecting protesters against external threats, especially those from marginalized groups. The Court also stressed the State's responsibility to protect children during these demonstrations, guaranteeing their rights of movement, assembly, freedom of thought, expression, and association. During protests, state agents must uphold peace and protect people and their property.

That said, the rights of assembly and movement are not absolute, as they may be subject to restrictions established by law and necessary in a democratic society, which could include the need to protect national security, public order, public health or morals, or the rights and liberty of others. Restrictions based on "public safety" must only be applied if there is a significant and immediate risk to the life or physical integrity of individuals or to prevent serious damage to property. Restrictions based on "public order" or "national security" must be justified in detail and never specifically target certain categories of protesters based on nationality, race, ethnicity, age, sexual orientation, gender identity, or political opinion.¹⁶⁴

The Court highlighted that peaceful protests should not automatically be considered a threat to public order, in efforts to promote political participation by citizens. However, the use of force by protesters may justify state intervention to protect those involved. It is crucial to handle demonstrations in a manner that minimizes injuries, upholds human rights, employs graduated restrictions, and refrains from the indiscriminate use of firearms. Law enforcement officers must be properly trained and equipped, and clear protocols must be established for accountability and immediate medical attention if needed.¹⁶⁵

8. Article 19 (Rights of the Child)

▶ International restitution of children

The Court noted that the international return of children is regulated by a series of universal and inter-American norms that seek to ensure the prompt return of children when they are transferred internationally in violation of custody or visitation rights.¹⁶⁶ The Court indicated that in cases of international child abduction, the following concepts apply: (i) wrongful removal or retention is deemed wrongful when it violates custody rights; (ii) wrongful removal or retention is harmful to the child; and (iii) the authorities of the State of habitual residence are better suited to determine custody and access rights. Accordingly, it argued that, in the context of restitution proceedings, substantive issues related to custody and visitation are of a confidential nature to the country of habitual residence, indicating that a return application is different from a custody proceeding.¹⁶⁷

164 Cf. *Tavares Pereira et al v. Brazil*. Merits, Reparations, and Costs, Judgment of November 16, 2023, para. 91 - 94.

165 Cf. *Tavares Pereira et al v. Brazil*. Merits, Reparations, and Costs, Judgment of November 16, 2023, para. 91 - 94.

166 Cf. *Case of Córdoba v. Paraguay*, *supra*, para. 71.

167 Cf. *Case of Cordoba v. Paraguay*, para. 73.

▶ Rights of the child linked to environmental and intergenerational equity issues

The Court considers that the special protection of children, as a particularly vulnerable group to the effects of environmental pollution, is of special relevance considering the principle of intergenerational equity. By virtue of this principle, the right to a healthy environment is a universal interest owed to both present and future generations. In this sense, it has been pointed out that the rights of future generations place a responsibility on States to hold and ensure the fulfillment of children's human rights and to refrain from any conduct that endangers their rights in the future. In this sense, the Committee on the Rights of the Child, in its General Comment No. 26 has considered that, in accordance with the concept of "intergenerational equity," States must take into account the needs of future generations, as well as the short, medium, and long-term effects of measures related to children's development.¹⁶⁸

The Court considers that the principle of best interest constitutes a mandate to prioritize the rights of children over any decision that may affect them (positively or negatively) in the judicial, administrative, and legislative spheres. Therefore, and by virtue of the principle of intergenerational equity, the State must prevent the polluting activities of companies from affecting the rights of children, and must consequently implement special protective measures to mitigate the effects of environmental pollution, particularly when it poses a significant risk to children. Additionally, measures should be taken to provide assistance for those impacted by such pollution and prevent the continuation of associated risks. In particular, where the pollution generated by business operations poses a significant risk to children's rights, States should demand a more stringent due diligence process and effective monitoring system¹⁶⁹.

In addition, the Court highlights the relationship between the protection of children and actions against the climate emergency. Since the Paris Agreement, ratified by Peru on July 22, 2016, it has been recognized that "climate change is a problem of all humanity." The United Nations has pointed out that mining and other industrial processes involving the burning of coal, oil, or gas produce greenhouse gases, which contribute to climate change and thus constitute a risk to human health. In this regard, the Committee on the Rights of the Child has noted that children may be particularly affected by climate change, "both in the way they experience its effects and in the way, climate change is likely to affect them throughout their lives." The Court finds that, for this reason, States have a reinforced duty to protect children and actions against risks to their health produced by the emission of polluting gases that contribute to climate change¹⁷⁰.

9. Article 21 (Right to Property)

▶ Right to Property

In the Case of *Boleso v. Argentina*, the Court restated its case law emphasizing that salary remunerations constitute part of individuals' assets.¹⁷¹ Similarly, it pointed out that Article 21 of the American Convention on Human Rights provides that "[n]o one shall be deprived of his property except upon payment of just compensation, for reasons of public utility or social interest, and in the cases and according to the forms established by law."¹⁷²

168 Cf. Case of *La Oroya Population v. Peru*. Preliminary objections, Merits, Reparations, and costs. Judgment of November 27, 2023, para. 141.

169 Cf. Case of *La Oroya Population v. Peru*, supra, para. 142.

170 Cf. Case of *La Oroya Population v. Peru*, supra, para. 143.

171 Cf. Case of *Boleso v. Argentina*. Preliminary objections, Merits, Reparations, and costs. Judgment of May 22, 2023. Series C No. 490, para. 55.

172 Cf. Case of *Boleso v. Argentina*, para. 53.

▶ Right to Communal Property

The Court highlighted the importance of the communal property of indigenous and tribal communities, protected by Article 21 of the American Convention. This protection extends to the intimate connection of these peoples with their lands and natural resources, which are fundamental to their culture, subsistence, and worldview. The intrinsic connection between territory and natural resources must be preserved to guarantee the physical and cultural survival of these communities, as well as respect for their identity and traditions. Furthermore, the Court pointed out that condominium property does not provide adequate legal certainty to indigenous communities, since it is potentially divisible and was granted in exchange for conditions imposed by the State, instead of recognizing a pre-existing right based on the possession of the land and the indigenous identity of the community.¹⁷³

▶ The obligation to delimit, demarcate, and grant collective property titles to the territories of indigenous and tribal communities.

The Court established that the duty of States to ensure the right to property of indigenous and tribal peoples implies delimiting, demarcating, and titling their territories. This requires the implementation of legislative and administrative measures to establish an effective mechanism for the formal recognition of communal property, ensuring legal certainty against third parties or state agents. The Court's case law also emphasizes that traditional possession of indigenous lands is equivalent to a freehold title and grants the right to demand official recognition and registration of property. In addition, States are obligated to guarantee the effective utilization and enjoyment of indigenous property and may employ measures such as legal warranty. It is crucial to respect the autonomy and self-determination of indigenous communities over their lands, which implies recognizing their legal personality and adapting domestic law to enable them to exercise their rights in alignment with their traditions and organizational structures.¹⁷⁴

10. Article 23 (Political Rights)

▶ The Right to Participation and Prior Consultation

The Court stressed the importance of the right to prior consultation of indigenous and tribal peoples, not only as a conventional norm but also as a general principle of international law, rooted in their intimate connection with the territory and respect for their collective property and cultural identity. In a pluralistic and democratic society, this implies that States must guarantee the participation of these peoples in decisions that may affect their rights, including their right to communal property, in accordance with their values and organizational structures. This obligation, in line with ILO Convention 169, implies consulting indigenous peoples through appropriate procedures whenever legislative or administrative measures that directly affect them are envisaged.

On the other hand, the Court highlighted that prior consultation is related to the general duty of the State to guarantee the full and free exercise of the rights recognized in the American Convention. This requires that States organize their governmental apparatus and structure their norms and institutions in such a way that consultation with indigenous communities can be conducted effectively, in accordance with international standards. Furthermore, consultations must be conducted in advance and good faith, with

173 Cf. I/A Court H.R. Case of the Maya Q'eqchi' Indigenous Community of Agua Caliente v. Guatemala. Merits, Reparations, and Costs. Judgment of May 16, 2023. Series C No. 488, para. 218.

174 Cf. Case of the Garifuna Community of San Juan and its members v. Honduras, *supra*, para. 94 - 99.

the aim of reaching a mutually agreeable outcome, and must provide access to relevant information, thus linking the right to consultation with the right of access to information recognized in the Convention.¹⁷⁵

▶ **The Right to Prior Consultation and its Linkage to the Right to Communal Property**

The Court established that the State, in order to safeguard the right to collective property, must guarantee the right to consultation and participation in any project or measure that could impact the territory of an indigenous community, as well as other rights crucial to their survival as a people. This should be done from the earliest stages of the development or planning of the proposed project or measure, so that indigenous peoples can truly participate and influence the decision-making process, in accordance with relevant international standards.¹⁷⁶ Following the above guidelines, it is also necessary by virtue of the right of indigenous peoples to participate in decisions that affect their rights. In this sense, the Court has indicated that, due to the 'political rights' of participation, enshrined in Article 23 of the Convention, indigenous peoples must be consulted in an appropriate manner through their own representative institutions and procedures, when faced with the use or exploitation of natural resources in their traditional territory.¹⁷⁷

▶ **On the right to prior consultation and the right to access information**

The Court highlighted the importance of access to information in the context of consultations with indigenous peoples, linking this right to the right to participation and transparency in public administration. In particular, the Court stressed that access to information on environmental issues and projects that may affect indigenous communities is crucial for informed and effective participation in prior consultation processes. Furthermore, it emphasized the need to provide information in the indigenous peoples' own language to ensure active participation and prevent exclusion.

The Court also highlighted the significance of facilitating the active participation of indigenous communities in consultations, fostering a dialogue founded on mutual trust and respect. This implies allowing the free participation of the community as a whole, as well as its leaders or legitimate representatives, respecting their organizational structure and decision-making. The Court emphasized that there is no single model for consultation and that it must be adapted to national circumstances and the specific characteristics of the indigenous communities, prioritizing their genuine, free, and effective participation in the decision-making process that affects them.¹⁷⁸

11. Article 26 (Economic, Social, and Cultural Rights)

▶ **Right to a Healthy Environment**

The Court reiterates that the right to a healthy environment is of universal interest and constitutes a fundamental right for the preservation of humanity. This also comprises a set of procedural and substantive elements. From the former arise obligations in terms of access to information, political participation, and access to justice. The latter include air, water, food, ecosystem, and climate, among others.¹⁷⁹

175 Cf. Case of the Garifuna Community of San Juan and its members v. Honduras, *supra*, para. 119 - 123.

176 Cf. Case of the Maya Q'eqchi' Indigenous Community of Agua Caliente v. Guatemala, *supra*, para. 250.

177 Cf. Case of the Maya Q'eqchi' Indigenous Community of Agua Caliente v. Guatemala, *supra*, para. 251.

178 Cf. Case of the Maya Q'eqchi' Indigenous Community of Agua Caliente v. Guatemala, *supra*, para. 252 - 275.

179 Cf. Case of La Oroya Population v. Peru, *supra*, para. 118.

States have recognized the right to a healthy environment, which entails an obligation of protection that concerns the international community as a whole. It is challenging to envision international obligations of greater significance than those safeguarding the environment against unlawful or arbitrary conduct that causes serious, extensive, lasting, and irreversible damage to the environment in a scenario of the climate crisis that threatens the survival of species. Given the above, international protection of the environment requires the progressive recognition of the prohibition of such conduct as a peremptory norm (*jus cogens*) that gains the recognition of the international community as a whole as a norm from which no derogation is permitted. This Court has pointed out the significance of the legal expressions of the International Community whose superior universal value is crucial to ensure essential or fundamental values. In this regard, ensuring the interest of both present and future generations and the preservation of the environment against its radical degradation is fundamental for the survival of humanity.¹⁸⁰

▶ Right to air and water as components of a healthy environment

The Court warned that air and water pollution may constitute a cause of adverse effects on the existence of a healthy and sustainable environment. Likewise, it can affect rights that include the right to a healthy environment, life, health, food, housing, and a dignified life when it produces significant damage to the basic goods protected by such rights.¹⁸¹

The Court indicated that individuals enjoy the right to breathe clean air as a substantive component of the right to a healthy environment, and therefore, the State is obliged to: (i) establish laws, regulations, and policies that regulate air quality standards that do not constitute health risks; (ii) monitor air quality and inform the population of possible health risks; (iii) conduct action plans to control air quality that include the identification of the main sources of air pollution, and implement measures to enforce air quality standards. In this regard, States must design standards, plans, and measures for air quality control in accordance with the best available science and with the criteria of availability, accessibility, sustainability, quality, and adaptability, even when this comes through international cooperation.¹⁸²

The Court indicated that people enjoy the right to have water free from levels of contamination that constitute a significant risk to the enjoyment of their human rights, particularly the rights to a healthy environment, the right to health, and the right to life¹⁸³.

Furthermore, the Court considered that States must design standards, plans, and measures for air quality control in accordance with the best available science and in accordance with the criteria of availability, accessibility, sustainability, quality, and adaptability, even when this comes through international cooperation.¹⁸⁴

Regarding the normative content of the right to water as an autonomous right, the Court has expressed that “access to water [...] includes ‘consumption, sanitation, washing, food preparation, and personal and domestic hygiene,’ as well as for some individuals and groups also [...] ‘additional water resources due to health, climate, and working conditions.’” Also, “access to water” implies “obligations of progressive realization,” but “nevertheless, States have immediate responsibilities,

180 Cf. Case of La Oroya Population v. Peru, *supra*, para. 129.

181 Cf. Case of La Oroya Population v. Peru, *supra*, para. 119.

182 Cf. Case of La Oroya Population v. Peru, *supra*, para. 120.

183 Cf. Case of La Oroya Population v. Peru, *supra*, para. 121.

184 Cf. Case of La Oroya Population v. Peru, *supra*, para. 121.

such as guaranteeing [such access] without discrimination and adopting measures to achieve its full realization.” Furthermore, that States must provide protection against acts of private parties, so that third parties do not impair the enjoyment of the right to water, as well as “guaranteeing a minimum essential water supply,” in those “particular cases of persons or groups of persons who are unable to access water themselves [...], for reasons beyond their control.”¹⁸⁵

The right to water, as a fundamental aspect of the right to a healthy environment, is closely interconnected with the right to water as an autonomous entitlement. The first aspect protects water bodies as elements of the environment that inherently hold value, as a universal interest, and because of their importance for other living organisms, including human beings. The second aspect recognizes the determining role that water plays in human beings and their survival and therefore protects its access and use by human beings. Thus, the Court understands that the substantive aspect of the right to a healthy environment that protects this component is based on an ecocentric premise, while -for example- the right to drinking water and its sanitation is based on an anthropocentric vision. Both aspects are interrelated, however, noncompliance with one does not always imply noncompliance with the other. Thus, the protection of one of these rights is not conditioned to the affectation of the other.¹⁸⁶

On the other hand, the Court recalled that the right to a healthy environment includes the right to clean air and water. This right is covered by the obligation to respect and guarantee, provided for in Article 1(1) of the Convention. Preventing violations is one of the ways observance is upheld. This obligation extends to the private sphere in order to prevent third parties from violating the protected legal rights and encompasses all legal, political, administrative, and cultural measures that promote the safeguarding of human rights and ensure that any violations are effectively considered and treated as unlawful acts. Along these lines, the Court pointed out that in certain instances, States are obligated to establish adequate mechanisms to monitor and oversee specific activities with the aim of safeguarding human rights, protecting them from actions by both public entities and private individuals¹⁸⁷.

▶ Right to health and environmental pollution

The Court noted that health constitutes a state of complete physical, mental, and social well-being and not merely the absence of disease or infirmity. Health requires certain preconditions for a healthy life and is therefore directly related to access to food and water. Therefore, environmental pollution can, in turn, seriously alter the preconditions of human health, and can lead to violations of the right to health as it can affect soil, water, and air. Thus, the guarantee of the right to health includes protection against serious damage to the environment.¹⁸⁸

The Court considers that in cases where a) it is proven that certain environmental pollution is a significant risk to the health of persons; b) the individuals were exposed to such pollution under conditions that endangered them; and c) the State is responsible for the breach of its duty to prevent such environmental pollution, it is not necessary to prove direct causality between the acquired diseases and their exposure to pollutants. In these cases, to establish State liability for violations of

185 Cf. Case of La Oroya Population v. Peru, supra, para. 123.

186 Cf. Case of La Oroya Population v. Peru, supra, para. 124.

187 Cf. Case of La Oroya Population v. Peru, supra, para. 125.

188 Cf. Case of La Oroya Population v. Peru, supra, para. 133.

the right to health, it is sufficient to establish that the State allowed the existence of pollution levels that pose significant health risks to the people and that the people were effectively exposed to environmental pollution, thus endangering their health. Thus, it will be up to the State to demonstrate that it was not responsible for the existence of high levels of contamination and that this did not pose a significant risk to individuals.¹⁸⁹.

Finally, the Court recalled that States must act in accordance with the precautionary principle to prevent the violation of the rights of individuals in cases where there are plausible indicators that an activity could cause serious and irreversible damage to the environment, even in the absence of scientific certainty. For this reason, the Court considered that the lack of scientific certainty about the particular effects that environmental pollution may have on people's health cannot be a reason for States to postpone or avoid the adoption of preventive measures, nor can it be invoked as a justification for the failure to adopt measures of general protection for the population¹⁹⁰.

189 Cf. Case of La Oroya Population v. Peru, *supra*, para. 204.

190 Cfr. Caso Habitantes de La Oroya v. Perú, *supra*, párr. 207.

IX

**Financial
Management**



IX. Financial Management

A. Income

The Inter-American Court has four main sources of income:

- the OAS Regular Fund,
- voluntary contributions from Member States,
- international cooperation projects, and
- other extraordinary income.

The Court received a total income of US\$7,049,732.12 during the 2023 fiscal period. Of this total, US\$5,024,000.00 (71.27%) originated from the OAS Regular Fund.¹⁹¹ Similarly, US\$127,619.81 (1.81%) corresponds to voluntary contributions from Member States¹⁹² and US\$1,898,112.31 (26.85%) from international cooperation projects.

The following table shows the details of the income received by the Inter-American Court during the 2023 period:

The distribution of income received by the Inter-American Court of Human Rights during the period 2023 is detailed below as a percentage.

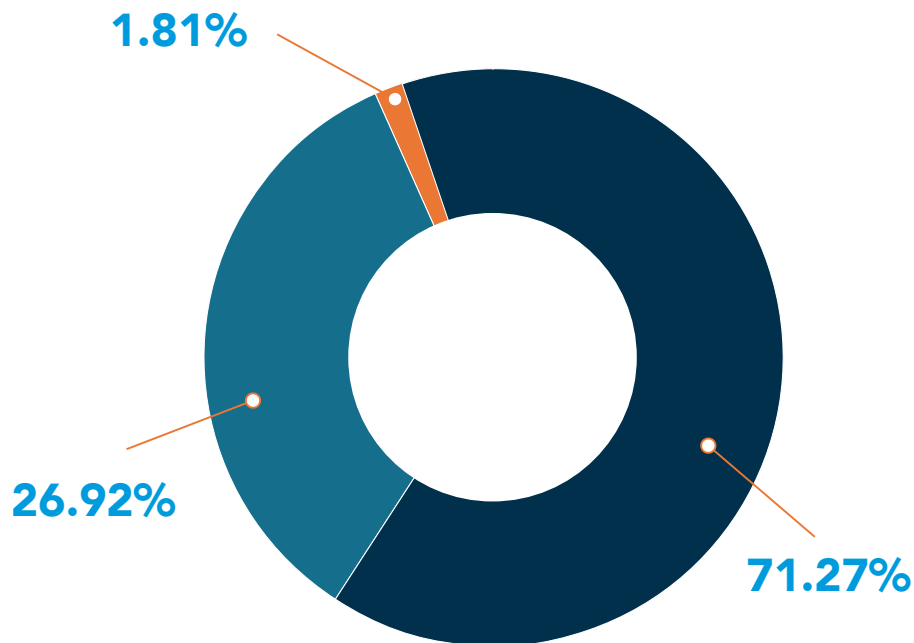
INCOME 2023	
OAS REGULAR FUND	\$5,024,000.00
MEMBER STATES (voluntary contributions)	\$127,619.81
República de Costa Rica	\$102,430.44
República del Perú	\$15,189.37
República de Chile	\$10,000.00
INTERNATIONAL COOPERATION	\$1,898,112.31
Spanish Agency for International Development Cooperation (AECID)	\$149,086.00
Norwegian Ministry of Foreign Affairs	\$464,544.36
European Commission	\$79,664.65
Swiss Agency for Development and Cooperation COSUDE	\$280,000.00
Deutsche Gesellschaft Für Internationale Zusammenarbeit (GIZ), Federal Ministry of Economic Cooperation and Development (BMZ)	\$20,606.15
Swedish International Development Cooperation Agency	\$729,011.15
Ministry of Foreign Affairs of the State of the Netherlands	\$170,000.00
UNESCO	\$5,200.00
TOTAL	\$7,049,732.12

¹⁹¹ Of the funds allocated by the General Assembly for the 2023 Draft Budget, the Inter-American Court of Human Rights received US\$5,024,000 through the OAS General Secretariat, corresponding to 100% of the approved amount.

¹⁹² On November 29, 2022, the Inter-American Court received a voluntary contribution in the amount of US\$400,000.00 from the State of Mexico, through its Embassy in Costa Rica. These funds were allocated for the execution of the 2023 budget.

INCOME RECEIVED

Year 2023



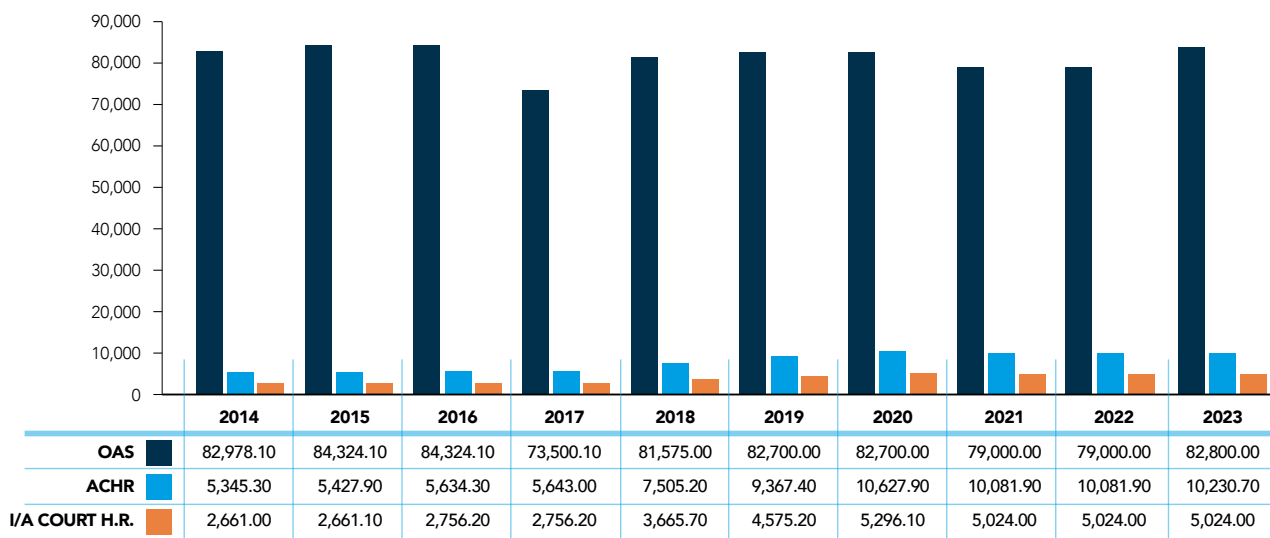
1. Income: OAS Regular Fund

During the Fifty-Second Regular Session of the OAS General Assembly held in person, in the City of Lima, Peru, on October 5, 6, and 7, 2022, Resolution No. AG/RES. 2985 (LII-O/22) approved the Organization of American States' Program Budget for the accounting period of the year 2023. Said program budget assigned the Court the sum of US\$5,024,000.00.

The following table shows a historical comparison between the total budget of the OAS and the budget allocations granted to the Inter-American Court of Human Rights and the Inter-American Commission on Human Rights over the last ten years.

In the chart:

COMPARATIVE BUDGET ALLOCATIONS TO THE I/A COURT H.R. BY THE OAS 2014-2023



2. Income from voluntary contributions by OAS member states¹⁹³

During the year 2023, the Inter-American Court received voluntary contributions from three OAS member states for the sum of US\$127,619.81, which represented 1.81% of the Court's total income, as follows:

MEMBER STATE ¹⁹⁴	US\$127,619.81
Republic of Costa Rica	102,430.44
Republic of Peru	15,189.37
Republic of Chile	10,000.00

3. Income from International Cooperation Projects

Income received from International Cooperation for 2023 amounted to US\$1,898,112.3, being 26.92% of the total income for that year, and consisted of the following contributions:

¹⁹³ On November 29, 2022, the Inter-American Court received a voluntary contribution of US\$400,000.00 from the State of Mexico, through its Embassy in Costa Rica. These funds were allocated to the execution of the 2023 budget.

¹⁹⁴ Se precisa que 29 de noviembre de 2022 la Corte IDH recibió una contribución voluntaria por la suma de US\$400,000.00 por parte del Estado de México, a través de su Embajada en Costa Rica. Estos fondos fueron asignados para la ejecución del presupuesto del año 2023.

1. Spanish Agency for International Development Cooperation (AECID): US\$149,086.00

In April 2023, the Court submitted, through the General Secretariat of the OAS, a proposal for the project “Strengthening access and efficiency of the jurisdictional activity of the Inter-American Court of Human Rights through mobile sessions and judicial proceedings in the States Parties” to the AECID. It was approved in May 2023, with a budget of US\$212,980.00 and a duration of 12 months, to be implemented between May 25, 2023, and May 25, 2024.

On April 17 and June 16, 2023, the Court received, through the General Secretariat of the OAS, the amount of US\$149,086.00 from the AECID, corresponding to 70% of the total project, as a first installment to begin the activities.

2. Norwegian Ministry of Foreign Affairs: US\$464,544.36

In September 2020, the Norwegian Ministry of Foreign Affairs and the Inter-American Court signed the project “Strengthening the Jurisdictional and Communication Capacities of the Inter-American Court of Human Rights, 2020–2024”, with financing of up to NOK 20,000,000.00, for equivalent approximately US\$1,995,740.00, with a duration of four years, from July 2020 to June 2024.

The initial contribution for this new project was received in September 2020, for the sum of USD\$266,050.67.

During the 2021 period, the Court received deposits of NOK 991,136.00 (US\$116,736.08) and NOK 4,008,864 (US\$485,652.12), on April 9 and June 10, respectively.

For the year 2022, NOK 5,000,000 was received divided into two deposits, the first on April 20 for the sum of US\$156,613.85 (NOK 1,372,000) and the second for US\$372,813.78 (NOK 3,628,000), on August 8.

In 2023, contributions to the project amounted to NOK 5,000,000, equivalent to US\$464,544.36, the first contribution received on June 26, and the second on August 29, for NOK 3,078,507.96 (US\$285,099.83) and NOK 1,921,492.03 (US\$179,444.5), respectively.

A separate external financial audit and internal control report was issued for this Fund, on March 21, 2023.

3. European Commission: US\$79,664.65

On April 1, 2019, the European Commission and the Court signed the project “Improving the capability of the Inter-American Court of Human Rights to administer prompt international justice to victims of human rights violations, especially those belonging to vulnerable and traditionally discriminated groups, and to disseminate its jurisprudence and work in an amicable manner that facilitates its observance and use among national actors,” with the financing of 750,000.00 Euros for the 24 months of project execution, starting in May 2019, subsequently extended to 39 months.

The project was developed without setbacks during the 39-month execution period. The final technical and financial report was presented on November 1, 2022. Subsequently, the project’s final disbursement for 75,000 euros (US\$79,664.65) was received on March 27, 2023.

4. Deutsche Gesellschaft Für Internationale Zusammenarbeit (GIZ) under the Regional International Law and Access to Justice in Latin America Program III (Dirajus III), financed by the Federal Ministry of Economic Cooperation and Development (BMZ): US\$20,606.15

Based on the DIRAJus agreement, on December 16, 2021, the Deutsche Gesellschaft für Internationale Zusammenarbeit GmbH (GIZ) and the Inter-American Court signed a special agreement for the project: "Enhancing sustainable Inter-American E-Justice for Human Rights / Reforzar la justicia interamericana para los derechos humanos de forma electrónica y sostenible", actions for which were planned between December 27, 2021, and October 31, 2022, with approved funding of 1,000,000.00 EUR.

The first disbursement for US\$1,023,963.08, equivalent to 914,575 euros, was received in January 2022. No disbursements were submitted for this contract in 2023. However, between July and August 2023 the project was subject to a financial audit by GIZ, as stipulated in the conditions of the agreement. The Inter-American Court continues to await the final approval of the report and the partner's final settlement for the project.

Similarly, under the DIRAJus III Program, on March 24, 2023, the fourth financing contract was signed, the objective of which was to strengthen and disseminate the work of the Inter-American Court of Human Rights by holding sessions in Chile. Said contract was executed for the amount of US\$20,606.15, being the only amount received in 2023. The contract dates were from March 27 to May 29, 2023, allowing all scheduled activities to be completed.

External financial audit and internal control reports were issued separately for this Fund, on October 4, 2023.

5. Swiss Agency for Development and Cooperation COSUDE: US\$280,000.00

As part of the "Strengthening Governance and the Protection of Human Rights in Central America" Program, in October 2022, the third Memorandum of Understanding was signed for joint work between both institutions, under Phase III of "Strengthening the protection of human rights and the rule of law through jurisprudential dialogue, optimization of capacities and compliance with the judgments of the Inter-American Court of Human Rights in El Salvador, Guatemala, Honduras and Nicaragua". The project had a duration of 18 months, starting October 1, 2022, with US\$700,000 in funding.

The first disbursement of phase III of the program was received in October 2022, for the sum of US\$300,000.

According to the programming of the agreement, in May 2023 the sum of US\$140,000.00 for the second disbursement was received and in November of that same year, the third disbursement was received for US\$140,000.00.

6. Swedish International Development Cooperation Agency: US\$729,011.15

In May 2023, the Swedish International Development Cooperation Agency, Sida, represented by the Embassy of Sweden in Colombia and the Inter-American Court of Human Rights signed the agreement "Institutional strengthening of the Inter-American Court of Human Rights 2023 - 2025", with funding of up to SEK 24,000,000.00, equivalent to an amount of US\$ 2,168,346.60, to be used in the project implementation, running from January 1, 2023 to December 31, 2025 and the purpose of which is to contribute to improving the situation of human rights in the States parties to the American Convention, by strengthening the institutional and jurisdictional activities of the Court.

The first contribution equivalent to SEK 4,000,00.00 was credited to the Court on June 5, 2023, for an amount of US\$370,902.68.

In October 2023, the Court received the second disbursement, in accordance with the programming of the agreement of understanding, the amount of which corresponded to US\$358,108.47, equivalent to SEK 4,000,00.00.

7. Ministry of Foreign Affairs of the State of the Netherlands: US\$170,000.00

The Netherlands, represented by the Ambassador in Costa Rica, and the Court, signed the project “Institutional Strengthening of the Inter-American Court of Human Rights for the optimization of their training capabilities”, with funding of \$600,000.00 for 24 months of the project execution, starting on November 1, 2023, and ending on October 31, 2026.

The project’s initial disbursement was received in November 2023 for the sum of US\$170,000.00.

8. United Nations Educational, Scientific and Cultural Organization - UNESCO: US\$5,200.00

On November 17, 2021, the United Nations Educational, Scientific and Cultural Organization - UNESCO, with an office in Uruguay and the Inter-American Court of Human Rights, signed the contract No. 4500448811, RED DIALOGA: Local Meeting and Training Course for Journalists in the Inter-American Human Rights System (IAHRS). The project seeks to advise and train journalists within the framework of the IAHRS and provide a networking space between the IAHRS and journalists in the hemisphere.

The signed contract was established for a period of one year from the date of signing, with a funding amount of US\$24,200.00.

On December 16, 2021, the Court received the first disbursement of US\$10,000.00, in accordance with the conditions outlined in the contract. A second disbursement of US\$9,000 was received by the Court in October 2022.

At the closing of the project, on November 30, 2022, the respective progress and financial reports were submitted and approved. The transfer for the completion of this project was received on February 13, 2023, for the sum of US\$5,200.00.

A separate financial external audit and internal control report was issued for this Fund, dated October 4, 2023.

B. | Technical Cooperation

- ▶ The Federal Ministry for Economic Cooperation and Development (BMZ) of the Federal Republic of Germany, through the Deutsche Gesellschaft für Internationale Zusammenarbeit GmbH (GIZ), continued the development of the DIRAJus project, which includes the work of a German lawyer who carries out research on access to justice and develops an important tool called “Digest”, which is detailed in greater detail in section XIV of this report.
- ▶ Thanks to the technical cooperation of the Konrad Adenauer Foundation, the realization of the Latin American Human Rights Research Hub (Bringing young people closer to the Inter-American Court of Human Rights) was made possible. The Latin American Research Hub is a program aimed at advanced students in the legal profession (60% of the degree completed) from various universities in the region, with basic knowledge of human rights, and a vocation to internalize and contribute to the work of the I/A Court H.R., as detailed in section XII of this report.
- ▶ The Max Planck Institute for Comparative Public Law and International Law cooperated with the Court, through the financing of two research scholarships for doctoral students, each lasting one month, on topics of particular relevance to the work of monitoring compliance with judgments.
- ▶ A student attorney from the University of Notre Dame joined a work team in the Court’s legal area for a period of one year, beginning August 7, 2023. The University of Notre Dame through the Notre Dame Reparations Design and Compliance Lab provided technical collaboration with research on compliance with the reparations ordered by the Court and prepared several reports on topics such as

the impact of hearings on monitoring compliance with judgments and kept an updated database on compliance with reparation measures, published in 2021.

- ▶ In addition, during 2023, three intern lawyers from Harvard, Yale and Georgetown Universities joined the Court's team, beginning their work in August and September 2023 for a period of one year.

C. | Regular Fund Budget approved for 2024

During the Fifty-Third Regular Session of the OAS General Assembly, held in person from June 21 to 23, 2023, in Washington, DC, the 2024 budget for the Inter-American Court of Human Rights was approved for the sum of US\$5,325,400.00¹⁹⁵. It should be remembered that, during the General Assembly, held in Cancún, Mexico in June 2017, the States decided, through Resolution AG/RES. 2908 (XLVII-O/17)¹⁹⁶, that the budget granted to the Inter-American Court of Human Rights should be doubled within a three-year period. That is, by 2024 the amount assigned by the OAS should amount to US\$5,512,400.00. However, it is necessary to highlight that this amount does not correspond to a doubling of the budget approved in the City of Cancún in 2017, as decided by the OAS General Assembly.

D. | Audit of the Financial Statements

In 2024, an external audit was carried out on the Inter-American Court's financial statements for the fiscal year 2023, which included all the funds administered by the Court, including funds from the OAS, the contribution from the Government of Costa Rica, international cooperation funds, Victims Legal Assistance Fund, as well as contributions from States, universities and other international organizations. The audit report corresponding to fiscal year 2023 will be issued in March 2024.

In addition, each international cooperation project is subject to an independent audit to ensure the most effective use of said resources, and each of the reports is submitted to the corresponding cooperation agency responsible for the contract signed for each project.

195 Organization of American States. General Assembly. (2023). Declarations and resolutions (Regular Sessions). Program-Budget of the Organization for 2024" (Approved in the first plenary session held on June 22, 2023, subject to review by the Style Commission). AG/RES. 3011 (LIII-O/23). See: <https://www.oas.org/en/council/AG/ResDec/>

196 The General Assembly decided: "to request that the Committee on Administrative and Budgetary Affairs, considering existing resources, double the resources of the Regular Fund allocated to the organs of the inter-American human rights system: Inter-American Commission on Human Rights and Inter-American Court of Human Rights, within a period of three years" Promotion and Protection of Human Rights, Article xvi. "Financing of the organs of the inter-American human rights system through the program budget of the Organization 2



Mechanisms

to promote access to
inter-American justice:

Victims' Legal Assistance Fund (FALV) and
Inter-American Defender (DI)



X. Mechanisms to promote access to inter-American justice: Victims' Legal Assistance Fund (FALV) and Inter-American Defender (DI)

A. | Victims' Legal Assistance Fund (FALV)

1. Procedure

The Court's Rules for the Operation of the Victims' Legal Assistance Fund (hereinafter, "the Fund") were issued on February 4, 2010, and entered into force on June 1, 2010. The Fund's purpose is to facilitate access to the Inter-American Human Rights System for those who do not have sufficient resources to bring their case before the Court.

Once the case has been put before the Court, any victim who does not have the necessary financial resources to cover the expenses arising from the proceedings may expressly request access to the Fund. In accordance with the Rules, any alleged victim who wishes to access the Fund must notify the Court in their brief with pleadings, motions, and evidence. In addition, they must demonstrate to the Court, through sworn statements and other suitable means of evidence that satisfy the Court, that they lack sufficient financial resources to cover the costs of the litigation and indicate precisely which aspects of their participation require the use of resources from the Fund. The President of the Court will be in charge of evaluating each application made, determining their admissibility, and indicating, where appropriate, which aspects of the participation can be covered by the Victims' Legal Assistance Fund.

The Court Secretariat is in charge of administering the Fund. Once the President decides on the admissibility of the request and the applicant has been notified, the Secretariat opens an expense file for the specific case, in which it documents each of the expenditures made in accordance with the parameters authorized by the President. Subsequently, the Secretariat informs the respondent State of the expenditures made from the Fund, so that it can submit its observations, if it so wishes, within the timeframe established for this purpose. As indicated above, at the time of delivering a judgment the Court will evaluate whether it is admissible to order the respondent State to reimburse the Fund for the expenditures incurred and will indicate the total amount owed.

2. Donations to the fund

It should be noted that this fund does not receive resources from the OAS regular budget. This has led the Court to seek voluntary contributions to ensure its existence and operation. To date, these funds come from cooperation projects, as well as from voluntary contributions from States.

During 2023, a contribution of US\$25,450.46 was received from the Norwegian Ministry of Foreign Affairs. As can be seen, as of December 2023, cash contributions to the fund amount to a total of US\$521,063.22.

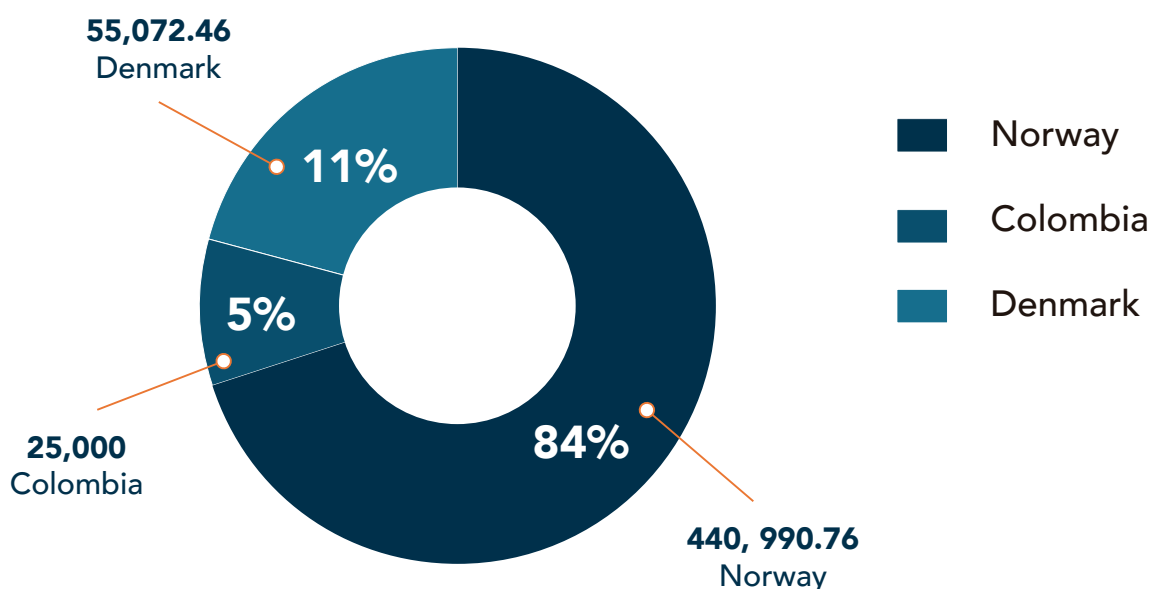
The list of donor countries to date is:

CONTRIBUTIONS TO THE FUND

State	Year	Contribution in US\$
Norway	2010-2012	210,000.00
Colombia	2012	25,000.00
Norway	2013	30,363.94
Denmark	2013	5,661.75
Norway	2014	19,621.88
Denmark	2014	30,571.74
Norway	2015	15,532.50
Denmark	2015	18,838.97
Norway	2016	15,000.00
Norway	2017	24,616.07
Norway	2018	24,764.92
Norway	2019	24,539.80
Norway	2021	8,117.95
Norway	2022	42,983.24
Norway	2023	25,450.46
SUBTOTAL		US\$521,063.22

Contributions to FALV as of December 31, 2023

Total amount: US\$521,063.22



3. Application of the Victims' Legal Assistance Fund

3.1 Expenses approved in 2023

In 2023, the President of the Court issued resolutions approving access to the Victims' Legal Assistance Fund in relation to the following cases¹⁹⁷:

CASE	DATE OF FUND APPROVAL	ITEM
Rodríguez Pacheco et al v. Venezuela	February 17, 2023	To cover the expenses for the presentation of a maximum of three statements, either at a hearing or by affidavit, as well as, eventually, the appearance of the Inter-American Defenders at the hearing.

¹⁹⁷ In the Airton Honorato case, its resolution was issued during the year 2022.

CASE	DATE OF FUND APPROVAL	ITEM
Vitteri Ungaretti et al v. Ecuador	February 21, 2023	To cover the expenses for the presentation of four statements, either at a hearing or by affidavit, and the appearance of two legal representatives. Financial assistance from the Legal Assistance Fund was provided to cover the reasonable travel and accommodation expenses necessary for Mr. Julio Rogelio Viteri Ungaretti and two of the legal representatives who will appear before the Court at the hearing to be held in the case. It was also decided to cover the reasonable expenses of the three remaining statements with resources from the Legal Assistance Fund.
Boleso v. Argentina	March 06, 2023	To cover the reasonable expenses of preparing and sending the affidavits of the alleged victim, the witnesses, and the expert proposed by the representatives.
Córdoba v. Paraguay	March 22, 2023	To cover the expenses for the presentation of a maximum of three statements, including that of the alleged victim, either in a hearing or by affidavit as well as the eventual attendance of a maximum of two representatives at the public hearing held in the case.
Bendezú Tuncar v. Peru	March 23, 2023	To cover the reasonable and necessary expenses incurred by the defenders. The amount, destination, and specific purpose of the financial assistance will be specified in a timely manner when deciding on the examination of the evidence put forward and the eventual opening of the oral procedure, pursuant to Article 50 of the Court's Rules of Procedure.
González Méndez et al v. México	May 3, 2023	To cover expenses related to a maximum of three statements, oral or written. The amount, destination, and specific purpose of the financial assistance will be specified in a timely manner when deciding on the examination of the evidence put forward and the eventual opening of the oral procedure, pursuant to Article 50 of the Court's Rules of Procedure.

CASE	DATE OF FUND APPROVAL	ITEM
Case of the Members of the Single Workers Union ECASA – SUTECASA v. Peru	May 29, 2023	To cover the reasonable expenses of travel and necessary stay of an alleged victim and the first group of Inter-American Public Defenders in the case, as well as the reasonable expenses of preparing and sending the affidavits of five alleged victims and three expert opinions proposed.
Case of Leite de Souza et al v. Brazil	August 8, 2023	To cover the expenses for the presentation of a maximum of six statements, either in a public hearing or before a notary. The specific amount, destination, and purpose of said assistance will be detailed at the time of deciding on the statements offered, the testimonial and expert evidence, and the possible opening of the oral stage, in accordance with Article 50 of the Court’s Rules of Procedure.
Manaure Flores et al v. Venezuela	November 3, 2023,	To cover the reasonable and necessary expenses incurred for the presentation of four statements, either at a hearing or before a notary public (affidavit), as well as the costs incurred by the participation of one of the representatives of the alleged victim in the public hearing eventually called.
Lynn v. Argentina	November 24, 2023,	To cover the reasonable and necessary expenses incurred for the presentation of three statements, either in a public hearing or before a notary public (affidavit).
Reyes Mantilla et al v. Ecuador	December 26, 2023	To cover the travel expenses of up to three declarants in order for them to appear before the Court either during the eventual public hearing of this case or by means of a statement before a notary public.

3.2 FALV Fund expenses for 2023

During the 2023 period, the Secretariat of the Inter-American Court made payments to alleged victims, experts, other witnesses, and representatives, covering the expense amounts for the preparation of affidavits and reimbursement of various expenses in 14 cases. The details of these disbursements are shown in the following table:

VICTIMS' LEGAL ASSISTANCE FUND
DISBURSEMENTS IN 2023

TOTAL	CASES	AMOUNT
VICTIMS' LEGAL ASSISTANCE FUND		
1	Beatriz et al. v. El Salvador	2,042.42
2	Cajahuanca Vásquez v. Peru	3,563.51
3	Dos Santos Nascimento et al. v. Brazil	3,810.02
4	Guzmán Medina et al. v. Colombia	4,312.54
5	Members of the Single Workers' Union of ECASA (SUTECASA) v. Peru	10,726.47
6	Case of the Rama and Kriol Peoples, Community of Monkey Point and the Black Creole Indigenous Community of Bluefields and their members v. Nicaragua	3,285.94
7	Viteri Ungaretti et al. v. Ecuador	4,779.29
8	Airton Honorato et al. v. Brazil	7,006.58
9	Community of la Oroya v. Peru	88.24
10	Córdoba v. Paraguay	6,584.83
11	Leite de Souza et al. v. Brazil	3,639.46
12	María et al. v. Argentina	371.94
13	The U'wa Indigenous Peoples and its Members v. Colombia	4,063.75
14	Rodríguez Pacheco et al. v. Venezuela	4,522.90
TOTAL		58,797.89
FINANCIAL EXPENSES		
Financial Expenses (Audit and exchange difference)		1,519.14
TOTAL		1,519.14
TOTAL DISBURSEMENTS FOR 2023		US\$60,317.03

3.3 Approved expenses and respective reimbursements from 2010 to 2023

From 2010 to 2023, the Court's Victims' Legal Assistance Fund has been accessed in 122 cases. As established in the Rules of Operation, States are obliged to reimburse the Fund for the resources used, when the Court so orders through the corresponding judgment or relevant order.

A report on the Fund's movements, in relation to these 122 cases, is detailed in the following graphs and table.

- ▶ In 86 of the cases, the respective States have complied and reimbursed the Fund.
- ▶ In 2 cases, the Court did not order the State to reimburse the Fund by the State as it was not found internationally responsible in the judgment.
- ▶ In 34 cases, reimbursement to the Fund is still pending. However, in 6 of these 34 cases, their deadline has not expired, in 10 a judgment or order requiring reimbursement by the State has not yet been issued and 1 corresponds to an ex officio case requested by this Court.

**VICTIMS' LEGAL ASSISTANCE FUND
REIMBURSEMENTS TO THE FUND / ACCUMULATED TO DECEMBER 2023**

No.	Case	State	Reimbursement (in dollars)	Interest (in dollars)	Exchange difference (in dollars)
1	Torres et al. v. Argentina	Argentina	10,043.02	4,286.03	0.00
2	Fornerón and Daughter v. Argentina	Argentina	9,046.35	3,075.46	0.00
3	Mohamed v. Argentina	Argentina	7,539.42	1,998.30	0.00
4	Furlán and Family v. Argentina	Argentina	13,547.87	4,213.83	0.00
5	Mendoza et al. v. Argentina	Argentina	3,393.58	967.92	0.00
6	Argüelles et al. v. Argentina	Argentina	7,244.95	4,170.64	0.00
7	Torres Millacura et al. v. Argentina (Hearing on Monitoring Compliance)	Argentina	7,969.08	0.00	0.00
8	López et al. v. Argentina	Argentina	3,277.62	2,567.73	0.00
9	Furlán and Family v. Argentina (Hearing on Monitoring Compliance)	Argentina	4,025.58	346.02	0.00
10	Jenkins v. Argentina	Argentina	6,174.66	2,355.06	0.00

**VICTIMS' LEGAL ASSISTANCE FUND
REIMBURSEMENTS TO THE FUND / ACCUMULATED TO DECEMBER 2023**

No.	Case	State	Reimbursement (in dollars)	Interest (in dollars)	Exchange difference (in dollars)
11	Acosta Martínez et al. v. Argentina	Argentina	2,718.75	482.17	0.00
12	Spoltore v. Argentina	Argentina	4,340.58	994.02	0.00
13	Fernández Prieto and Tumbeiro v. Argentina	Argentina	3,251.84	645.46	0.00
14	Julien Grisonas et al. v. Argentina	Argentina	358.98	369.66	0.00
15	DaCosta Cadogan v. Barbados	Barbados	1,999.68	0.00	0.00
16	Familia Pacheco Tineo v. Bolivia	Bolivia	9,564.63	0.00	0.00
17	I.V. v. Bolivia	Bolivia	1,623.21	0.00	0.00
18	Valencia Campos et al. v. Bolivia	Bolivia	6,264.80	56.38	0.00
19	Favela Nova Brasília v. Brazil	Brazil	7,367.51	156.29	0.00
20	Herzog et al. v. Brazil	Brazil	4,260.95	0.00	554.89
21	Barbosa de Souza et al. v. Brazil	Brazil	1,579.20	0.00	0.00
22	Norín Catrimán et al. v. Chile	Chile	7,652.88	0.00	0.00
23	Poblete Vilches et al. v. Chile	Chile	10,939.93	0.00	0.00
24	Ángel Alberto Duque v. Colombia	Colombia	2,509.34	1,432.96	0.00
25	Isaza Uribe et al. v. Colombia	Colombia	1,172.70	0.00	0.00

**VICTIMS' LEGAL ASSISTANCE FUND
REIMBURSEMENTS TO THE FUND / ACCUMULATED TO DECEMBER 2023**

No.	Case	State	Reimbursement (in dollars)	Interest (in dollars)	Exchange difference (in dollars)
26	Villamizar Durán et al. v. Colombia	Colombia	6,404.37	0.00	0.00
27	Vereda La Esperanza v. Colombia	Colombia	2,892.94	0.00	0.00
28	Yarce et al. v. Colombia	Colombia	4,841.06	4,099.64	0.00
29	Bedoya Lima et al. v. Colombia	Colombia	104.88	0.00	0.00
30	Amrhein et al. v. Costa Rica	Costa Rica	5,856.91	0.00	0.00
31	Kichwa Indigenous People of Sarayaku v. Ecuador	Ecuador	6,344.62	0.00	0.00
32	Suárez Peralta v. Ecuador	Ecuador	1,436.00	0.00	0.00
33	Vásquez Durand v. Ecuador	Ecuador	1,674.35	466.59	0.00
34	Montesinos Mejía v. Ecuador	Ecuador	176.00	0.00	0.00
35	Flor Freire v. Ecuador	Ecuador	4,788.25	412.08	0.00
36	Gonzales Lluy et al. v. Ecuador	Ecuador	4,649.54	2,872.20	0.00
37	Guachalá Chimbo et al. v. Peru	Peru	60.74	0.00	0.00
38	Cortez Espinoza v. Ecuador	Ecuador	80.46	0.00	0.00
39	Contreras et al. v. El Salvador	El Salvador	4,131.51	0.00	0.00
40	The Massacres of El Mozote and Nearby Places v. El Salvador	El Salvador	6,034.36	0.00	0.00

**VICTIMS' LEGAL ASSISTANCE FUND
REIMBURSEMENTS TO THE FUND / ACCUMULATED TO DECEMBER 2023**

No.	Case	State	Reimbursement (in dollars)	Interest (in dollars)	Exchange difference (in dollars)
41	Rochac Hernández et al. v. El Salvador	El Salvador	4,134.29	0.00	0.00
42	Ruano Torres et al. v. El Salvador	El Salvador	4,555.62	0.00	0.00
43	Véliz Franco et al. v. Guatemala	Guatemala	2,117.99	0.00	0.00
44	Chinchilla Sandoval et al. v. Guatemala	Guatemala	993.35	0.00	0.00
45	Ramírez Escobar et al. v. Guatemala	Guatemala	2,082.79	0.00	0.00
46	Cuscul Pivaral et al. v. Guatemala	Guatemala	2,176.36	0.00	0.00
47	Villaseñor Velarde et al. v. Guatemala	Guatemala	4,688.10	0.00	0.00
48	Martínez Coronado v. Guatemala	Guatemala	280.00	0.00	0.00
49	Ruíz Fuentes v. Guatemala	Guatemala	1,943.20	0.00	0.00
50	Valenzuela Ávila v. Guatemala	Guatemala	1,620.53	0.00	0.00
51	Rodríguez Revolorio et al. v. Guatemala	Guatemala	1,943.20	0.00	0.00
52	Girón et al. v. Guatemala	Guatemala	1,271.54	0.00	0.00
53	Garífuna Community of Triunfo de la Cruz and its Members v. Honduras	Honduras	1,662.97	0.00	0.00
54	Garífuna Community of Punta Piedra and its Members v. Honduras	Honduras	8,528.06	0.00	0.00

**VICTIMS' LEGAL ASSISTANCE FUND
REIMBURSEMENTS TO THE FUND / ACCUMULATED TO DECEMBER 2023**

No.	Case	State	Reimbursement (in dollars)	Interest (in dollars)	Exchange difference (in dollars)
55	Alvarado Espinoza et al. v. México	Mexico	5,444.40	226.32	0.00
56	Women Victims of Sexual Torture at Atenco v. Mexico	Mexico	4,214.09	0.00	0.00
57	Digna Ochoa and Family v. México	Mexico	715.15	0.00	12.67
58	Tzompaxtle Tecpile et al. v. México	Mexico	4,372.75	140.31	0.00
59	V.R.P. and V.P.C. et al. v. Nicaragua	Nicaragua	13,862.51	0.00	0.00
60	The Kuna Indigenous People of Madungandí and the Emberá Indigenous People of Bayano and their Members v. Panama	Panama	4,670.21	0.00	0.00
61	Ríos Ávalos et al. v. Paraguay	Paraguay	685.32	0.00	0.00
62	Osorio Rivera and Family v. Peru	Peru	3,306.86	0.00	0.00
63	J. v Peru	Peru	3,683.52	0.00	0.00
64	The Miguel Castro Castro Prison v. Peru	Peru	2,756.29	0.00	0.00
65	Espinoza Gonzáles v. Peru	Peru	1,972.59	0.00	0.00
66	Cruz Sánchez et al. v. Peru	Peru	1,685.36	0.00	0.00
67	Peasant Community of Santa Bárbara v. Peru	Peru	3,457.40	0.00	0.00
68	Canales Huapaya et al. v. Peru	Peru	15,655.09	0.00	0.00

**VICTIMS' LEGAL ASSISTANCE FUND
REIMBURSEMENTS TO THE FUND / ACCUMULATED TO DECEMBER 2023**

No.	Case	State	Reimbursement (in dollars)	Interest (in dollars)	Exchange difference (in dollars)
69	Valdemir Quispialaya Vicalpoma v. Peru	Peru	1,673.00	0.00	0.00
70	Tenorio Roca et al. v. Peru	Peru	2,133.69	0.00	0.00
71	Tarazona Arrieta et al. v. Peru	Peru	2,030.89	0.00	0.00
72	Pollo Rivera et al. v. Peru	Peru	4,330.76	15.40	0.00
73	Zegarra Marín v. Peru	Peru	8,523.10	0.06	0.00
74	Lagos del Campo v. Peru	Peru	1,336.71	23.70	0.00
75	Dismissed Workers of Petroperú et al. v. Peru	Peru	3,762.54	18.01	0.00
76	Terrones Silva et al. v. Peru	Peru	5,095.99	0.12	0.00
77	Munárriz Escobar et al. v. Peru	Peru	1,100.76	0.72	0.00
78	Muelle Flores v. Peru	Peru	2,334.04	0.00	0.00
79	Azul Rojas Marín et al. v. Peru	Peru	886.23	0.00	0.00
80	Rosadio Villavicencio v. Peru	Peru	2,286.24	0.00	0.00
81	Casa Nina v. Peru	Peru	704.46	0.00	0.00
82	Olivera Fuentes v. Peru	Peru	5,560.07	0.00	0.00
83	Barrios Family v. Venezuela	Venezuela	3,232.16	0.00	0.00

**VICTIMS' LEGAL ASSISTANCE FUND
REIMBURSEMENTS TO THE FUND / ACCUMULATED TO DECEMBER 2023**

No.	Case	State	Reimbursement (in dollars)	Interest (in dollars)	Exchange difference (in dollars)
84	Néstor José and Luis Uzcátegui et al. v. Venezuela	Venezuela	4,833.12	0.00	0.00
85	Hermanos Landaeta Mejías et al. v. Venezuela	Venezuela	2,725.17	0.00	0.00
86	Barrios Family v. Venezuela (Hearing on Monitoring Compliance)	Venezuela	1,326.33	0.00	0.00
SUBTOTAL			\$345,697.90	\$36,590.74	\$567.56
TOTAL RECOVERED (EXPENSES, INTEREST AND EXCHANGE DIFFERENCE)					\$382,856.20

The following table shows details of the 34 cases in which reimbursement to the Fund by the States remains pending:

**VICTIMS LEGAL ASSISTANCE FUND
DISBURSEMENTS, BY CASE, PENDING REIMBURSEMENT BY THE STATE ON DECEMBER 31, 2023**

Total	Number by State	Case	Amount	Date on which payment was ordered
ARGENTINA				
1	1	Gorigoitía v. Argentina	987.36	September 2, 2019
2	2	* Torres Millacura et al. v. Argentina (Hearing on Monitoring Compliance)	6,094.88	November 21, 2023
3	3	* María et al. v. Argentina	1,088.94	August 22, 2023

**VICTIMS LEGAL ASSISTANCE FUND
DISBURSEMENTS, BY CASE, PENDING REIMBURSEMENT BY THE STATE ON DECEMBER 31, 2023**

Total	Number by State	Case	Amount	Date on which payment was ordered
4	4	* López et al. v. Argentina (Hearing on Monitoring Compliance)	1,128.40	September 4, 2023
TOTAL			9,299.58	
BOLIVIA				
5	1	Flores Bedregal et al. v. Bolivia	6,641.79	October 17, 2022
TOTAL			6,641.79	
BRAZIL				
6	1	Airton Honorato et al. v. Brazil	7,006.58	Judgment in this case has not yet been delivered
7	2	Leite de Souza et al. v. Brazil	3,639.46	Judgment in this case has not yet been delivered
8	3	Dos Santos Nascimento et al. v. Brazil	3,810.02	Counsel requested by the Court
TOTAL			14,456.06	
COLOMBIA				
9	1	Matter of the Peace Community of San José de Apartadó regarding Colombia	1,116.46	The order for reimbursement has not been issued
10	2	Members and Activists of the Patriotic Union v. Colombia	671.55	July 27, 2022
11	3	* Guzmán Medina et al. v. Colombia	4,312.54	August 23, 2023

**VICTIMS LEGAL ASSISTANCE FUND
DISBURSEMENTS, BY CASE, PENDING REIMBURSEMENT BY THE STATE ON DECEMBER 31, 2023**

Total	Number by State	Case	Amount	Date on which payment was ordered
12	4	U'wa Indigenous Peoples and its Members v. Colombia	4,063.75	Judgment in this case has not yet been delivered
TOTAL			10,164.30	
ECUADOR				
13	1	Viteri Ungaretti et al. v. Ecuador	4,779.29	November 27, 2023
TOTAL			4,779.29	
EL SALVADOR				
14	1	Beatriz et al. v. El Salvador	2,042.42	Judgment in this case has not yet been delivered
TOTAL			2,042.42	
GUATEMALA				
15	1	Village of los Josefinos Massacre v. Guatemala	1,578.11	November 3, 2021
TOTAL			1,578.11	
NICARAGUA				
16	1	Acosta et al. v. Nicaragua	2,722.99	March 25, 2017
17	2	Roche Azaña et al. v. Nicaragua	3,188.10	June 3, 2020
18	3	Rama and Kriol Peoples, Community of Monkey Point and the Black Creole Indigenous Community of Bluefields and their members v. Nicaragua	3,285.94	Judgment in this case has not yet been delivered
TOTAL			9,197.03	

**VICTIMS LEGAL ASSISTANCE FUND
DISBURSEMENTS, BY CASE, PENDING REIMBURSEMENT BY THE STATE ON DECEMBER 31, 2023**

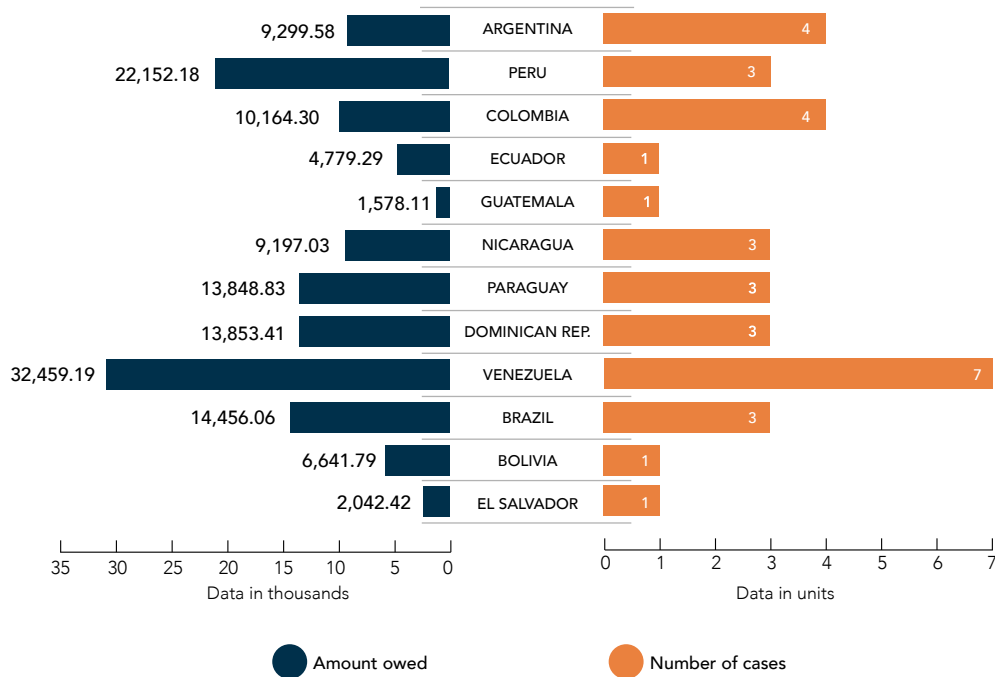
Total	Number by State	Case	Amount	Date on which payment was ordered
PARAGUAY				
19	1	Noguera et al. v. Paraguay	1,994.88	March 9, 2020
20	2	Nissen Pessolani v. Paraguay	5,269.12	November 21, 2022
21	3	* Córdoba v. Paraguay	6,584.83	September 5, 2023
TOTAL			13,848.83	
PERU				
22	1	Community of La Oroya v. Peru	7,862.20	November 27, 2023
23	2	Cajahuanca Vásquez v. Peru	3,563.51	November 27, 2023
24	3	Members of the Single Workers Unión of ECASA (SUTECASA) v. Peru	10,726.47	Judgment in this case has not yet been delivered
TOTAL			22,152.18	
DOMINICAN REPUBLIC				
25	1	Gonzáles Medina and Family v. Dominican Republic	2,219.48	February 27, 2012
26	2	Nadege Dorzema et al. v. Dominican Republic	5,972.21	October 24, 2012
27	3	Tide Méndez et al. v Dominican Republic	5,661.75	August 28, 2014
TOTAL			13,853.44	

**VICTIMS LEGAL ASSISTANCE FUND
DISBURSEMENTS, BY CASE, PENDING REIMBURSEMENT BY THE STATE ON DECEMBER 31, 2023**

Total	Number by State	Case	Amount	Date on which payment was ordered
VENEZUELA				
28	1	Ortiz Hernández et al. v. Venezuela	11,604.03	August 22, 2017
29	2	López Soto et al. v. Venezuela	7,310.33	September 26, 2018
30	3	Álvarez Ramos v. Venezuela	4,805.40	August 30, 2019
31	4	Díaz Loreto et al. v. Venezuela	3,476.97	November 19, 2019
32	5	Guerrero Molina et al. v. Venezuela	64.56	June 3, 2021
33	6	González et al. v. Venezuela	675.00	September 20, 2021
34	7	*Rodríguez Pacheco et al. v. Venezuela	4,522.90	September 1, 2023
TOTAL			32,459.19	
TOTAL AMOUNT			\$ 140,472.22	

* Corresponds to cases that are within the deadline for reimbursement, granted to each country in the judgment.

BALANCES PENDING REIMBURSEMENT TO THE VICTIMS' FUND US DOLLARS AS OF DECEMBER 31, 2023



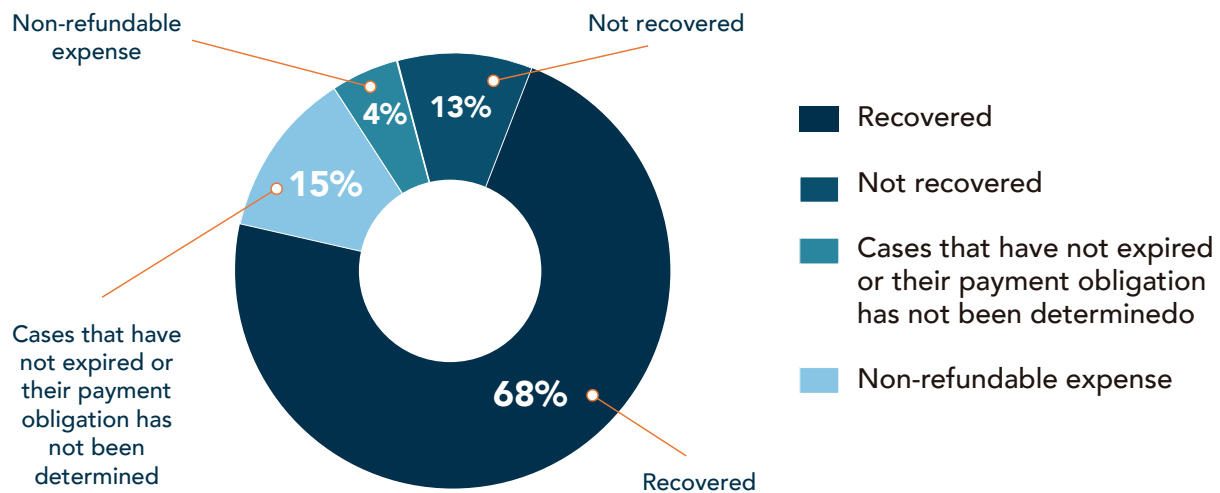
Finally, the following table provides details of the disbursements that States are not obliged to reimburse to the Fund according to the respective Judgments delivered by the Court:

VICTIMS' LEGAL ASSISTANCE FUND EXPENSES THAT DO NOT HAVE TO BE REIMBURSED TO THE FUND			
Case	Case	Reimbursement (in dollars)	Description
1	Torres et al. v. Argentina	2,214.03	Item that does not have to be reimbursed
2	Castillo González et al. v. Venezuela	2,956.95	Case not required to reimburse the Fund
3	Miguel Castro Castro Prison v. Peru	1,445.15	Item that does not have to be reimbursed
4	Arrom Suhurt et al. v Paraguay	1,360.25	Case not required to reimburse the Fund
TOTAL EXPENSES US\$7,976.38			

The following table presents the current situation of the Victims' Legal Assistance Fund, as explained by the preceding tables, according to their headings, namely: Reimbursements made to the Fund accumulated on December 31, 2023; Disbursements, by case, pending reimbursement by each State on December 31, 2023, and Disbursements where the State is not required to reimburse the Fund.

Current status of the FALV as of December 31, 2023

Total executed: US\$508,848.00



* Non-reimbursable expenses are composed of non-reimbursable expenses in the amount of US\$7,976.38 and administrative and financial expenses in the amount of US\$14,879.60.

The Statement of Income and Expenses of December 31, 2023, is as shown below:

STATEMENT OF INCOME AND EXPENSES

January 01, 2010 to December 31, 2023

(In US\$)

INCOME

Contributions to the Fund:	521,063.22
Reimbursements by States:	345,697.90
Interest paid on arrears:	36,590.74
Income from differences in exchange:	567.56
Interest on bank accounts:	8,655.20
(**) Payment to the fund:	30,000.00

TOTAL INCOME: \$ 942,574.62

EXPENSES

Disbursements to beneficiaries of the fund:	(485,992.02)
Non-reimbursable expenses:	(7,976.38)
Financial and administrative expenses: <small>(Audit, banking commission and exchange differential)</small>	(14,879.60)

TOTAL EXPENSES: \$ (508,848.00)

POSITIVE BALANCE TO DATE: \$ 433,726.62

** Compensation not claimed by three victims, pursuant to paragraph 253 of the Judgment of September 01, 2016, in relation to the Case of Herrera Espinoza et al. v. Ecuador.

3.4 Audit of Accounts

The financial statements of the Victims Legal Assistance Fund have been audited by the firm Venegas y Colegiados, Authorized Public Accountants, members of Nexia International. In this regard, the audited financial statements for the fiscal periods ending in December 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021 and 2022 have been favorably approved indicating that, in all important aspects, they present, income and available funds, in accordance with generally accepted accounting and auditing principles. During the first half of 2024, an external audit will be carried out on the financial statements of this fund for 2023.

B. | Inter-American Public Defender

The Court's Rules of Procedure, in force since January 1, 2010, introduced the concept of the Inter-American Public Defender. The aim of this mechanism is to guarantee access to inter-American justice by granting free legal assistance to alleged victims who lack financial resources or legal representation before the Court.

In order to implement the concept of the Inter-American Public Defender, in 2009 the Court signed a Memorandum of Understanding with the Inter-American Association of Public Defenders (hereinafter, "AIDEF")¹⁹⁸, which entered into force on January 1, 2010. Under the agreement, in cases in which the alleged victims lack financial resources and/or legal representation before the Court, the AIDEF will appoint an inter-American public defender belonging to said Association to assume their legal representation and defense throughout the entire proceedings. To this end, when an alleged victim does not have legal representation in a case and expresses his or her willingness to be represented by an Inter-American Public Defender, the Court will notify the General Coordinator of the Association, so that within a period of 10 days he or she may appoint the defender who will assume the legal representation and defense. In addition, the Court will notify the AIDEF member designated as an inter-American public defender, of the documentation relating to the submission of the case before the Court so that, from then on, he or she may assume the legal representation of the alleged victim before the Court throughout the entire proceedings.

As mentioned above, legal representation before the Inter-American Court by the person designated by the AIDEF is provided free of charge and only the expenses incurred by the defense will be covered. The Inter-American Court will contribute by paying, to the extent possible, the reasonable and necessary expenses incurred by the designated inter-American public defender through the Victims' Legal Assistance Fund. In addition, on June 7, 2013, the new "Unified Rules of Procedure for the actions of the AIDEF before the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights" were approved by the AIDEF Board of Directors. To date, the AIDEF has provided legal assistance through this mechanism to a total of 39 cases:

CASES IN WHICH THE AIDEF HAS PROVIDED LEGAL ASSISTANCE			
1	Pacheco Tineo Family v. Bolivia;	21	González et al. v. Venezuela
2	Furlan and Family v. Argentina;	22	Cordero Bernal v. Peru
3	Mohamed v. Argentina;	23	Willer et al. v. Haiti
4	Argüelles et al. v. Argentina;	24	Casierra Quiñonez et al. v. Ecuador

¹⁹⁸ AIDEF is an organization composed of state institutions and associations of public defenders, whose objectives include, among others, providing the necessary assistance and representation to individuals and ensuring the rights of defendants to allow comprehensive defense and access to Justice, with due quality and excellence.

CASES IN WHICH THE AIDEF HAS PROVIDED LEGAL ASSISTANCE

5	Canales Huapaya et al. v Peru	25	Boleso v. Argentina
6	Ruano Torres et al. v. El Salvador	26	Case of Cajahuanca Vásquez v. Peru
7	Pollo Rivera et al. v. Peru	27	Case of the Members of the Single Workers u/ nion of Ecasa (SUTECASA) v. Peru
8	Zegarra Marín v. Peru	28	Valencia Campos v. Bolivia
9	Ortiz Hernández et al. v. Venezuela	29	Scot Cochran v. Costa Rica
10	Poblete Vilches et al. v. Chile	30	Hidalgo et al. v. Ecuador
11	V.R.P., V.P.C. et al. v. Nicaragua	31	Rodríguez Pacheco et al. v. Venezuela
12	Amrhein et al. v. Costa Rica	32	Nissen Pessolani v. Paraguay
13	Jenkins v. Argentina	33	Bravo Garvich et al.(Dismissed Workers of the Empresa Nacional de Puertos S.A./National Ports Company) v. Peru
14	Girón et al. v. Guatemala	34	Revilla Soto v. Venezuela
15	Martínez Coronado v. Guatemala	35	Bendezú Tuncar v. Peru
16	Rodríguez Revolorio et al. v. Guatemala	36	Caso Baptiste et al. v. Haiti
17	Villaseñor Velarde et al. v. Guatemala	37	Rodríguez Pacheco et al. v. Venezuela
18	Muelle Flores v. Peru	38	Scott Cochran v. Costa Rica
19	Cuya Lavy v. Peru	39	Hidalgo et al. v. Ecuador
20	López et al. v. Argentina		

Additionally, on May 14, 2019, an Agreement of Understanding was signed between the Inter-American Court and the Inter-American Association of Public Defenders (AIDEF) for the appointment of Inter-American defenders in the supervision stage of sentence compliance. This agreement allows the Court to request AIDEF's appointment of an Inter-American public defender to represent victims in cases where they do not have legal representation during the supervision stage of compliance, if the victims so wish.

As a result, starting in 2019, AIDEF has appointed Inter-American defenders for the first time in the supervision stage in the following cases:

- ▶ Case Heliodoro Portugal v. Panama
- ▶ Case Indigenous Community Sawhoyamaya v. Paraguay
- ▶ Case Carpio Nicolle et al. v. Guatemala
- ▶ Case Flores Bedregal et al. v. Bolivia
- ▶ Case Blake v. Guatemala

XI

Other Activities of the Court



XI. Other Activities of the Court

Various activities carried out during 2023 are detailed below. To learn more about the scope of these activities and others carried out by the Court, click [here](#).

A. Inauguration of the 2023 Inter-American Judicial Year

On February 7, the Inter-American Court's bench of presiding judges for the period of 2023 took office, comprising the President, Judge Ricardo C. Pérez Manrique, and the Vice President, Judge Eduardo Ferrer Mac-Gregor Poisot, of Uruguayan and Mexican nationalities, respectively. The Inauguration of the Inter-American Judicial Year included addresses by the President of the Court, Judge Ricardo C. Pérez Manrique, and the First Vice President of the Republic of Costa Rica, Stephan Neibig. Additionally, the President of the Supreme Court of Justice of Brazil, Minister Maria Thereza Rocha, and the Former President and Former Judge of the Inter-American Court, Sergio García Ramírez gave keynote speeches.



B. Dialogue with organs of the Organization of American States – OAS

Presentation to the Permanent Council of the OAS



On March 29, the President of the Court, Judge Ricardo C. Pérez Manrique, addressed the Permanent Council of the OAS to comply with the resolution adopted on November 22, 2022, by which the Court ordered that its President report on the permanent disregard by the State of Nicaragua for the order made by the Inter-American Court granting provisional measures to a group of people in detention and their family units. This is the Matter known in the file as “Matter of Juan Sebastián Chamorro and persons deprived of liberty in eight detention centers in Nicaragua”, which covers a total of 88 people.

Presentation of the 2022 Annual Report to the OAS

On March 30, the President of the Court, Judge Ricardo C. Pérez Manrique, presented the Court's Annual Report for 2022 to the Committee on Legal and Political Affairs of the Permanent Council of the Organization of American States.

Find out more about the appearance [here](#). To view the presentation of the report, please enter [here](#).

Presentation of the Annual Report to the General Assembly of the OAS

On June 23, the Board of Directors of the Court, comprised of its President, Judge Ricardo C. Pérez Manrique, and the Vice President, Judge Eduardo Ferrer Mac-Gregó, along with the Secretary, Pablo Saavedra Alessandri, participated in the 53rd General Assembly of the Organization of American States held in Washington DC, where the Court's Annual Report on its activities was presented to the General Assembly.

To learn more about the details of the appearance, you can access it [here](#).



Meetings with the Inter-American Commission on Human Rights

On June 8, the President of the Inter-American Commission on Human Rights, Margarette May Macaulay, and the President of the Court, Judge Ricardo C. Pérez Manrique, met in Uruguay to exchange opinions on the current situation and challenges of the inter-American human rights system.

On June 22, 2023, President Judge Ricardo C. Pérez Manrique, Vice President Eduardo Ferrer Mac-Gregor Poisot, and the Court Registrar, Pablo Saavedra Alessandri, held a meeting with members of the Commission, specifically, President Margarette May Maucalay, the first Vice President Commissioner Esmeralda Arosemena, the second Vice President Roberta Clarke, and the DESCA Rapporteur, Soledad García Muñoz during the 53rd General Assembly of the OAS.

On August 30, 2023, the Plenary Court received the President of the Inter-American Commission, Commissioner Margarette May Macaulay.



C. | Dialogue with the United Nations

Working meeting with Human Rights Treaty Bodies

On February 24, 2023, the Plenary Session of the Court and the Presidents of the United Nations Human Rights Treaty Bodies held a virtual working meeting with the aim of strengthening their cooperation and sharing experiences in the defense of human rights.

To learn more about the outcomes of the meeting, please click [here](#).

Meeting with the United Nations Secretary-General

On July 18, 2023, the President of the Court, Judge Ricardo C. Pérez Manrique, together with the Vice President, Judge Eduardo Ferrer Mac-Gregor Poisot, met with António Guterres, Secretary-General of the United Nations, during their visit to the United States.



D. | Meeting between the Regional Courts of Human Rights

On May 25 and 26, 2023, the Inter-American Court, the European Court of Human Rights, and the African Court on Human and Peoples' Rights held a dialogue between the three Regional Human Rights Courts in San José, Costa Rica. The event came to a close with the signing of the Declaration of San José, through which the High Courts reaffirmed their commitment to the defense of Human Rights in the various regions.

To learn more about the outcomes of the meeting, please click [here](#)



E. Dialogue with Presidents, Vice Presidents, and Ministries of Foreign Affairs of the region.

Meeting with the President of the Republic of Costa Rica

On January 30, the President of the Court, Judge Ricardo C. Pérez Manrique, and the President of the Republic of Costa Rica, Rodrigo Chaves Robles, held a working meeting at the Court's headquarters.



Meeting with the Chilean Minister of Foreign Affairs

On April 24, the Court held a meeting with the Minister of Foreign Affairs, Alberto van Klaveren, and authorities from the Chilean Foreign Ministry with the aim of analyzing problems in the inter-American System.

Meeting with the President of the Republic of Chile

On April 25, the Court held a meeting with the President of the Republic of Chile, Gabriel Boric, in which they discussed the challenges of human rights in the region.



Meeting with the Uruguayan Minister of Foreign Affairs

On May 10, the President of the Court, Judge Ricardo C. Pérez Manrique held a meeting with the Uruguayan Minister of Foreign Affairs, Ambassador Francisco Bustillo.

Visit of Gustavo Petro Urrego, President of the Republic of Colombia

On August 28, the Judges of the Court and the Deputy Registrar, Romina I. Sijniensky, received the President of the Republic of Colombia, Gustavo Petro Urrego, at the Court's headquarters. During the meeting, the Colombian President had the opportunity to talk with the Judges of the Court about the importance of the inter-American human rights system for countries in the region and its fundamental role in the defense of human rights.



Likewise, on October 9, the Plenary Session of the Inter-American Court and the Secretariat met with the President of the Republic of Colombia, Gustavo Petro Urrego, within the framework of the 162nd Ordinary Period of Sessions held in Colombia, to discuss the challenges of human rights in the region. The Colombian State reiterated its commitment to complying with the obligations contained in the Court's Sentences.



Meeting with the Chancellor and Vice-Chancellor of the Republic of Colombia

On October 9, the Plenary Court met with the Minister of Foreign Affairs of the Republic of Colombia, Álvaro Leyva Durán, and the Vice Minister of Foreign Affairs, Elizabeth Taylor Jay. During this meeting, they discussed Colombia's historical relationship with the inter-American human rights system and specifically with the Inter-American Court.



Meeting with the Vice President of Colombia, Francia Márquez Mina

On October 16, the President of the Court, Judge Ricardo C. Pérez Manrique held a work meeting with the Vice President of Colombia, Francia Márquez Mina, during the 162nd Regular Session. During the meeting, they exchanged ideas regarding the work carried out by the Court in Colombia.



Meeting with the Minister of Foreign Affairs of Costa Rica

On December 19, Judge Nancy Hernández López held a meeting with Arnaldo André, Minister of Foreign Affairs of the Republic of Costa Rica. During the meeting, she reflected on the great challenges facing the region and the decisive impact of the Inter-American System and its mechanisms.



F. | Judicial Dialogue with National Courts of Justice

Working meeting with the President of the Caribbean Court of Justice

During the 155th Regular Session, from January 23 to February 9, the Plenary Session of the Court held a work meeting with the President of the Caribbean Court of Justice, Judge Adrián Saunders.



Opening Ceremony of the Judicial Year of the Supreme Court of Justice of Costa Rica

On March 27, the President of the Court, Judge Ricardo C. Pérez Manrique, participated in the opening ceremony of the 2023 judicial year of the Supreme Court of Justice of Costa Rica.

Meeting in the plenary session of the Constitutional Court of Chile

On April 27, 2023, the Plenary Court and the Secretariat held a meeting with the plenary of judges of the Constitutional Court of Chile.



Meeting in the Plenary Session of the Supreme Court of Justice of Chile

On April 27, 2023, the full Court and the Secretariat held a meeting with the plenary of the Chilean Supreme Court of Justice.



Meeting with the Electoral Court of the Judicial Branch of the Mexican Federation

On September 7, the President of the Court, Judge Ricardo C. Pérez Manrique, Judge Eduardo Ferrer, and the Registrar, Pablo Saavedra Alessandri met with a Delegation of the Electoral Court of the Judicial Branch of the Mexican Federation, composed of Mónica Aralí Soto Fregoso, Magistrate and Aidé Macedo Barceinas, Secretary of Consideration and Account.

Meeting with the Judiciary of the Provinces of Corrientes and Chaco

On September 14, the President of the Court, Judge Ricardo C. Pérez Manrique held meetings with the Judiciary of the Provinces of Corrientes and Chaco, in Argentina.

Meeting with the President of the Constitutional Court of Peru

On September 18, the President of the Court, Judge Ricardo C. Pérez Manrique, and the Registrar, Pablo Saavedra Alessandri, met with Francisco Morales Saravia, President of the Constitutional Court of Peru, Helder Domínguez Haro, General Director of the Center of Constitutional Studies of Peru and Juan F. Jiménez Mayor, Ambassador of Peru in Costa Rica, at the Court's headquarters.

Visit by the President of the Federal Constitutional Court of Germany

On September 20, the President of the Inter-American Court, Judge Ricardo C. Pérez Manrique, together with the Registrar, Pablo Saavedra Alessandri, and the Consulting Attorney, Milagros Mutsios, received the President of the Federal Constitutional Court of Germany, Stephan Harbarth at the Court's headquarters. Mr. Harbarth was accompanied by his assistant, Dirk Sander, the German Ambassador to Costa Rica, Daniel Kriener, and Hartmut Rank, Director of the KAS Rule of Law Program. During the meeting, they discussed the case law and functioning of both Courts and the challenges they face.

Learn more about the meetings with the German authorities [here](#).

Meeting of Constitutional Tribunals, Courts, and Chambers of Latin America and the Caribbean

In the framework of the 161st Session, on September 21, the President of the Court, Judge Ricardo C. Pérez Manrique, and Judge Nancy Hernández López participated in the XXVIII Meeting of Tribunals, Courts and Constitutional Chambers of Latin America and the Caribbean held in San José, Costa Rica, co-organized by the Rule of Law Program for Latin America of the KAS Foundation, the Supreme Court of Justice of Costa Rica and the Inter-American Court of Human Rights.

Meeting with the State Council of the Republic of Colombia

On October 10, the full Court and the Secretariat met with the State Council of the Republic of Colombia.



Meeting with the Constitutional Court of the Republic of Colombia

On October 11, 2023, the Plenary of judges and the Court Registrar made a protocol visit to the Constitutional Court of the Republic of Colombia where they were received by the plenary of Magistrates.



Meeting with the Supreme Court of Justice of the Republic of Colombia

On October 12, the full Court visited the Supreme Court of Justice of the Republic of Colombia where they were received by the Magistrates. At this meeting, both Courts discussed various topics of interest in the field of human rights.



Meeting and Signing of Agreement with the Special Jurisdiction for Peace

On October 13, the Inter-American Court and the Special Jurisdiction for Peace (JEP) signed a memorandum of understanding for the exchange of knowledge, experiences, and best practices.

The agreement was signed by the President of the Court, Judge Ricardo C. Pérez Manrique, and the President of the SJP, Magistrate Roberto Vida, during the closing of the 162nd Regular Session of the Court.

Meeting with the Brazilian Ministry of Justice, the Federal Supreme Court of Brazil, and the Superior Court of Justice of Brazil

On October 27, during the Court's visit to Brazil, the President, Judge Ricardo C. Pérez Manrique, Judge Eduardo Ferrer Mac-Gregor Poisot, Vice President of the Court, Judge Nancy Hernández López, and Judge Rodrigo Mudrovitsch, accompanied by the Court Registrar, Pablo Saavedra Alessandri, met with authorities of the Executive and Judicial Branches of Brazil, including the Brazilian Minister for Justice, Flavio Dino, the President of the Federal Supreme Court, Minister Luís Roberto Barroso and the President of the Superior Court of Justice of Brazil, Minister Maria Thereza Rocha de Assis Moura.

Judge Nancy Hernández López visits Mexico for the First Work Report of the President, Minister Norma Piña Hernández

On December 17, 2023, Judge Nancy Hernández López visited Mexico for the First Work Report of Minister Norma Piña Hernández, President of the Supreme Court of Justice of the Nation, and the Federal Judiciary Council.



G. | Other activities

Meeting with the Attorney General of the Republic of Ecuador

On January 31, the President of the Court, Judge Ricardo C. Pérez Manrique held a meeting at the Court's headquarters with Juan Carlos Larrea, Attorney General of the State of Ecuador.

Meeting with the German Minister of Economic Cooperation and Development

On March 29, German Minister of Economic Cooperation and Development Svenja Schulze and Judge Eduardo Ferrer Mac-Gregor Poisot, Vice President of the Court, met prior to the opening of the Latin America and Caribbean Week in Berlin. During the meeting, the two discussed the importance of strengthening human rights and gender equality in Latin American countries. They agreed that future cooperation should help disseminate the work of the Court in the region.



Work meeting at the Chilean Ministry of Justice and Human Rights

On April 27, the plenary of judges of the Inter-American Court held a working meeting with the Chilean Minister of Justice and Human Rights, Luis Cordero Vega.



Meeting with the Plenary and Secretariat of the Federal Criminal Cassation (Appeal) Chamber of the Argentine Republic

On May 10, Judge Patricia Pérez Goldberg held a meeting with the Plenary and the Secretariat of the Federal Chamber of Criminal Cassation of the Argentine Republic, where she presented her most recent publication on “Women Deprived of Liberty and the Capabilities Approach”.

Meeting with the United States Ambassador-at-large for Global Criminal Justice

On June 7, the Court Registrar, Pablo Saavedra Alessandri met Beth Van Schaack, United States Ambassador-at-Large for Global Criminal Justice. At their meeting, they exchanged information regarding the work of the Court regarding the protection of human rights.

Visit to the Court headquarters by the Attorney General of Colombia

On June 7, Francisco Barbosa, the Attorney General of the Nation of Colombia, visited the headquarters of the Court and was received by the Registrar, Pablo Saavedra Alessandri.

Visit of Deputy of the Federal Republic of Germany

On September 12, Mr. Axel Echeverría, Representative of the Federal Republic of Germany visited the headquarters of the Inter-American Court of Human Rights with a delegation from the Friedrich Ebert Foundation.

Participation in the establishment of the Identity and/or Relationship Verification Commission ordered in the judgment “Members and Activists of the Patriotic Union v. Colombia”

On October 11, the President of the Court, Judge Ricardo C. Pérez Manrique attended the establishment of the Identity and/or Relationship Verification Commission ordered in the judgment “Members and Activists of the Patriotic Union v. Colombia.”

Visit by a Delegation of the Kingdom of the Netherlands to the Seat of the Inter-American Court

On October 23, Lawyers of the Court met with the Human Rights Ambassador of the Kingdom of the Netherlands, Wim Geerts, accompanied by the country’s Ambassador for Central America, Christine Pirenne, along with a delegation of officials of the Embassy and the Ministry of Foreign Affairs on a visit to the seat of the Inter-American Court of Human Rights.

Swedish Delegation visits the Court's Seat

On October 24, Court staff met with the Counselor and Head of Regional Cooperation in Latin America of the Swedish Embassy in Colombia, Karin Metell Cueva, and Susan Batres, Program Officer of the Swedish Embassy in Guatemala, during their visit to the Court's seat.

Meeting with the Board of Directors of the Inter-American Association of Public Defenders and Public Defenders in the region

On November 22, the judges of the Court met with the Board of Directors of the Inter-American Association of Public Defenders and representatives of Public Defense in the region as part of the presentation of the book prepared by AIDEF and the Court.

H. | Conferences and Seminars

Inaugural Ceremony of the Second Cohort of the Specialization in Human Rights and Access to Justice of the National University of San Luis

On February 24, the President of the Court, Judge Ricardo C. Pérez Manrique participated in the Inaugural Ceremony of the Second Cohort of the Specialization in Human Rights and Access to Justice of the National University of San Luis, Argentina, with the virtual conference "Access to justice in light of international human rights law".

Inauguration of the Academic Year at the Pontifical Catholic University of Valparaíso

On April 6, Court Judge Patricia Pérez Goldberg gave a Keynote Lecture at the Inauguration of the Academic Year of the Pontifical Catholic University of Valparaíso.

Lecture on "Freedom of Expression and Case Law of the Inter-American Court"

On April 20, the President of the Court, Judge Ricardo C. Pérez Manrique gave a lecture on "Freedom of Expression and Case Law of the Inter-American Court" within the framework of the VI edition of the Diploma in Human Rights for Journalists.

Conference: "Spaces for women's participation, representation and leadership."

On March 8, the Court organized a conference in commemoration of International Women's Day, featuring introductory remarks by the President of the Inter-American Court, Judge Ricardo C. Pérez Manrique, and moderation by Judge Nancy Hernández López. In attendance were the Minister of Foreign Affairs of Chile, Antonia Urrejola Noguera, Judge Patricia Pérez Goldberg, Former Special Rapporteur on the Independence of Magistrates and Lawyers, Diego García-Sayán, Executive Secretary of the CIM, Alejandra Mora Mora, General Secretary of Parliamentarians for Global Action, Mónica Adame and the Vice Minister of Talent and Social Appropriation of Knowledge of Colombia, Yesenia Olaya Requene.

Special Session of the Committee on Juridical and Political Affairs of the Permanent Council of the OAS

On March 15, 2023, Court Judge Nancy Hernández López and the Former Judge and Former President of the Inter-American Court, Cecilia Medina, participated in the Special Session of the Committee on Juridical and Political Affairs of the Permanent Council of the OAS: "Best Practices on Gender Parity and Geographic and Legal System Representation in the IACHR and the Court."

International Symposium “Indigenous Peoples: Nature and Justice”

On April 18, the President of the Court, Judge Ricardo C. Pérez Manrique, participated in the International Symposium “Indigenous Peoples: Nature and Justice” organized by the Supreme Court of Justice of Brazil. In his participation, the President highlighted the Court’s main lines of case law in relation to indigenous and tribal peoples.

International Seminar “The Impact of the Inter-American Court’s case law in Chile and its challenges”

On April 24, the Plenary Session of the Court participated in this Seminar within the framework of the activities carried out during the 157th Regular Session. A tribute was paid to the career of the Former President and Former Judge of the Inter-American Court, Cecilia Medina Quiroga, with the participation of the President of the Inter-American Court, Judge Ricardo C. Pérez Manrique, the Minister of Foreign Affairs of Chile, Alberto Van Klaveren, and the Rector of the University of Chile, Rosa Deves.

Workshop “The transformative impact of compliance with the Court’s decisions”

On April 26, Court Judge Rodrigo Mudrovitsch and the Director of Monitoring Compliance with Judgments, Gabriela Pachecho, participated in the workshop “The Transformative Impact of Compliance with the Court’s Decisions”, an event co-organized with the Ministry of Foreign Affairs of Chile and the Max Planck Institute of Comparative Public Law and International Law.

International Seminar held at the Supreme Court of Justice, Chile

On May 17, Court Judge Patricia Pérez Goldberg participated in the International Seminar “The challenges of incorporating the gender perspective in the administration of justice in Latin America,” held at the Supreme Court of Justice, Chile.

International Seminar: “Regional Systems for the Protection of Human Rights and their Challenges”

On May 25, the International Seminar “Regional Systems for the Protection of Human Rights and their Challenges” was held at the Faculty of Law at the University of Costa Rica, with the participation of the three Presidents of Regional Human Rights Courts.

Workshop on Right to Identity, Nationality and Statelessness

On May 30, the President of the Court, Judge Ricardo C. Pérez Manrique, participated in the Workshop on the Right to Identity, Nationality and Statelessness organized by UNHCR and the National Human Rights Institution of Uruguay.

VI Edition of the International Public Policy Course

On June 1, Court Judge Verónica Gómez participated in the Panel: “Human Rights and Democracy, Lessons from the Past and Challenges for the Future” within the framework of the VI Edition of the International Course on Public Policies on Human Rights of the MERCOSUR’s Institute of Public Policies on Human Rights (IPPDH) in Buenos Aires, Argentina.

Seminar of Judicial Prosecutors of Chile

On June 9, Court Judge Patricia Pérez Goldberg participated in the First Seminar of Judicial Prosecutors of Chile in which she gave the presentation “Women Deprived of Liberty and the Capabilities Approach.” The activity was held in the Court of Appeals of Valparaíso.

Virtual seminar organized by the Judicial Academy of Chile

On June 13, Court Judge Patricia Pérez Goldberg participated in the online seminar “New manifestations of gender-based violence: vicarious violence, economic violence and institutional violence against women in detention”, organized by the Judicial Academy of Chile.

Training on “Afro-descendants in the Americas”

On June 13, Court Judge Verónica Gómez participated in a training on “Afro-descendants in the Americas”, at the School of Lawyers of the State of Argentina at the invitation of the President of the Inter-American Commission on Rights Humans Margarete May Macaulay who was on an official work visit in Buenos Aires.

XI Lisbon Legal Forum “Risks for the rule of law and defense of democracy

On June 26, Judge of the Court Rodrigo Mudrovitsch chaired the panel of the XI Lisbon Legal Forum, with the participation of the Minister of Justice and Public Security of Brazil Flávio Dino, the Governor of the State of São Paulo, Tarcisio de Freitas and other lecturers from Brazil and Portugal. The panel was titled “Risks for the rule of law and defense of democracy.”

Seminar “Judiciary and human rights: Promoting human rights in judicial work”

On July 5, Court Judge Patricia Pérez Goldberg participated in the Seminar “Judiciary and human rights: Promoting human rights in judicial work”, organized by the Judicial Branch of Chile.

Presentation “Social reintegration and humane treatment of persons in detention”

On July 18, Judge of the Court Patricia Pérez Goldberg participated in the presentation “Social reintegration and humane treatment of persons in detention”, organized by the Chilean Gendarmerie. The Judge commented on the incorporation of the Mandela Rules in the Court’s case law and on Advisory Opinion 29 of differentiated approaches regarding certain groups of persons in detention.

Webinar “Transparency, democracy, and human rights: Comparative jurisprudence on access to public information in Latin America

On August 11, the President of the Court, Judge Ricardo C. Pérez Manrique participated in the Webinar “Transparency, Democracy and Human Rights: Comparative Jurisprudence on Access to Public Information in Latin America”, co-organized with the United Nations Organization for Education, Science and Culture (UNESCO).

Conversation “Women Deprived of liberty: Equality and non-discrimination

On August 11, Judge of the Court Patricia Pérez Goldberg participated in the discussion “Women Deprived of liberty: Equality and non-discrimination”, highlighting some reflections taking into account penitentiary policy neutrality and central human capabilities.

Seminar “Woman and Prison: Reflections in the Context of the Virgin of Mercy”

On September 27, Judge of the Court Patricia Pérez Goldberg participated in the ‘Women and Prison Seminar: Reflections in the Context of the Virgin of Mercy’, organized by the School of Government of the Pontifical Catholic University of Chile.

Judge Pérez shared reflections on her investigations carried out on women deprived of liberty in her country of Chile.

Seminar “The Importance of the Online Space for Access to Information”

On September 28, the International Day of the Right to Universal Access to Information, the President of the Court, Judge Ricardo C. Pérez Manrique, participated in the event: “The Importance of the Online Space for Access to Information”, in panel 3: “Judicial and Information Regulators’ Perspective on Accessibility and Internet Connectivity”. The event was organized by the United Nations Educational, Scientific and Cultural Organization and the University of Oxford.

Symposium on International Law and Freedom of Expression

On September 29, the President of the Court, Judge Ricardo C. Pérez Manrique participated in the event: International Judicial Symposium on Freedom of Expression, organized by the United Nations Educational, Scientific and Cultural Organization.

“75 years since the American Declaration and 45 years since the American Convention on Human Rights: Achievements and Challenges”

On October 9, 2023, the Plenary Session of the Court participated in the round table “Progress and challenges in compliance with the judgments of the Inter-American Court of Human Rights in Colombia” within the activities scheduled for the 162nd Regular Session.

Training for psychology professionals

On October 12, 17, and 19, 2023, lawyers from the Court trained psychology professionals on the Psychological Accompaniment Service that will be provided from January 1, 2024.

XXVI International Congress of Constitutional Law “Judicial independence and democracy from an international perspective”

On October 19, Court Judge Rodrigo Mudrovitsch participated in the XXVI International Congress of Constitutional Law with the topic “Judicial independence and democracy from an international judicial perspective”.

Journalism, Justice, and Human Rights Seminar

On October 20, the Journalism, Justice, and Human Rights Seminar began, with the panel “Violations to press freedom and freedom of expression. From local practice to international experience in turbulent times” held on the opening day. The President of the Court, Judge Ricardo C. Pérez Manrique, welcomed the participants of the Seminar and highlighted the importance of this space for dialogue and reflection to strengthen the protection of human rights in the region.

International Seminar: “Innocence Project: Error, damage, and reparation. 10 years after its creation”

On October 25, the Judge of the Inter-American Court, Patricia Pérez Goldberg participated in the International Seminar “Innocence Project: Error, damage, and reparation. 10 years after its creation”, during the module: Dignity and rights of the innocent.

Seminar “Criminalization and violence against community and indigenous media in Latin America and the Caribbean

On November 1, the President of the Inter-American Court of Human Rights, Judge Ricardo C. Pérez Manrique, participated in the Seminar “Criminalization and violence against community and indigenous media in Latin America and the Caribbean, challenges and responses.”

Presentation of the book “Impact of the Jurisprudence of the Inter-American Court of Human Rights from the Public Defenders’ Perspective”

On November 21, the launch of the book “Impact of the Jurisprudence of the Inter-American Court of Human Rights from the Public Defenders’ perspective” took place at the headquarters of the Court by the Inter-American Association of Public Defenders, with the participation of the General Defender, Stella Maris and the Director, Juan Carlos Pérez and for the Inter-American Court, the President Judge Ricardo C. Pérez and Judge Patricia Pérez Goldberg.

Seminar: “Institutional Prison Violence. Reflections for an Effective Approach

On December 12, Judge Patricia Pérez Goldberg participated in the first panel of the Seminar: “Institutional Prison Violence, Reflections for an Effective Approach” organized by the Public Criminal Defender’s Office of Chile.

XII

Training

I/A Court H.R.
Education Center



XII. Training – I/A Court H.R. Education Center

In 2022, the Inter-American Court formally began the process of centralizing all its training activities in what it called its Education Center. This space, designed to offer training on the Inter-American Court's case law, caters to public institutions and the general public. It has three components: an audio and video room, an online training environment (a website and a classroom virtual) and it is anticipated that, in the future, it will have physical facilities. During 2023, the installation of the technological equipment in the audio and video room was completed, making this space operational. On December 10, the Education Center's website and Virtual Classroom were launched, which included, in the first stage, the launch of 28 self-training courses.

During 2023, the Inter-American Court and its Education Center carried out more than 23 in-person, hybrid, and virtual training procedures in human rights on different topics of its case law using various resources and methodologies. This year, registration for the Inter-American Court courses was massive (more than 27,000 people registered), and, counting only those who completed all the courses by December 2023, 5,084 people received training. It should be noted that these individuals come almost entirely from judicial institutions and state bodies linked to the protection of human rights in the state parties.

Regarding face-to-face and hybrid training activities, 8 training processes were developed in five States Parties, including within the framework of cooperation projects of Switzerland and the European Commission. Some 365 people participated in these training activities.

14 virtual training courses were carried out (11 self-training and 3 synchronous) that were concluded (taking only the synchronous ones into consideration) by 4,799 people. In these virtual training processes in the various modalities (synchronous and asynchronous), some were carried out for the benefit of the Supreme Court of Justice of the Province of Buenos Aires (Argentina), the Public Prosecutor's Ministries of the region (co-organized with the Argentine Association of Prosecutors) and the Public Defender's Offices of the region (co-organized with the Argentine Public Ministry of Defense and FLACSO).

In 2023, work was carried out on the development of 28 self-training courses, 24 courses in Spanish, 3 in English, and 1 in Portuguese.

With the support of international cooperation, it is expected that in the next three years, the Education Center's Virtual Classroom will have 30 self-training courses in Portuguese and 21 in English, as well as the commencement of translation of the most important self-training courses into French. In their first 48 hours of existence, the virtual classroom courses of the Inter-American Court Education Center received more than 2,300 registrations from people in 24 countries.

The development of all these activities required a team of experts in international human rights law. In 2023, as has been the case since 2018 onwards, the teaching staff was made up of 66% women and 33% men. Specific information is provided below on the various training processes carried out by the Inter-American Court.

Learn more about the Court Education Center [here](#).

A. | In-person and hybrid training

1. Training activities from the projects of the Swiss Agency for Development and Cooperation (COSUDE, Phase III)

A substantial part of the project implemented by the Inter-American Court with the support of COSUDE aimed to strengthen judiciaries, public prosecutor's ministries, public defender's offices, human rights attorney's offices, and other key institutions for the protection of human rights in El Salvador, Guatemala, and Honduras.

1.1 Refresher Course on the Inter-American Court of Human Rights Case Law

The Refresher Course on the Inter-American Court of Human Rights Case Law is a training process that takes approximately two (2) months and delves into the main lines of the Court's case law, emphasizing the jurisprudential standards on access to justice. (Articles 8 and 25 of the American Convention).

The training activity is aimed at officials of the judiciary, the Public Prosecutor's Office, the Public Defense, the Attorney General's Offices, and other key actors in the protection of human rights at the state level.

The hybrid methodology allows people to participate in two (2) in-person modules of two (2) days of face-to-face classes each - the first and third part of the Diploma -, and one (1) virtual self-training module of four (4) weeks - the second part of the Diploma - which includes sixteen (16) presentations recorded by lawyers of the Court and reading materials that are available on the Inter-American Court training platform.

In total, more than approximately 50 effective hours of training are given.

During 2023, Refresher Diploma Courses were held in the following countries:

a. Honduras

From May 10 to August 9, in Tegucigalpa, Honduras, the Court held the V Edition of the Refresher Diploma Course. This course had the active participation of 62 officials from the administration of justice.

The inauguration of the course was led by the President of the Inter-American Court, Judge Ricardo C. Pérez Manrique, who highlighted the importance of training in human rights for operators of the administration of justice. There was additional participation by the lawyer Francisca Villela Zavala, Magistrate of the Constitutional Chamber of the Supreme Court of Justice of Honduras, and lawyer Elsa Calderón Godoy, Director of the "Dr. Francisco Salomón Jiménez Castro" judicial school. The in-person modules of the course were carried out at the facilities of the Judicial School of Honduras.

Further details are available [here](#).

b. El Salvador

From May 16 to August 15, the Court held the V Update Program on the Court's case law in San Salvador, El Salvador, with the active participation of 28 officials from the Judiciary, the Public Prosecutor's Office, the Attorney General's Office, the Public Defense, and the Attorney General's Office for the Defense of Human Rights, among other key officials for the protection of human rights in El Salvador.

The inauguration was led by the Registrar of the Inter-American Court, Pablo Saavedra Alessandri, who highlighted the support of the judicial administration bodies that have uninterruptedly delivered the training process since 2019. Additionally, Attorney Bessy Aguirre from Flores, Acting Director of the "Dr. Arturo Zeledón Castrillo" also participated.

The in-person modules of the Refresher Course were held at the Judicial Training School's facilities.

Further details are available [here](#).

1.2 II Specific Course on Women's Rights in the Case Law of the Inter-American Court of Human Rights

As part of the project's third phase (2022-2024), sponsored by the Swiss Agency for Development and Cooperation (COSUDE), the Court held the II Specific Course on Women's Human Rights in the Case Law of the Inter-American Court of Human Rights for 2023, in Honduras and El Salvador.

This course is part of the short-term training courses in which participants have the opportunity to attend two days of in-person classes with experts in the field. This activity seeks to strengthen the institutional capacities of the administration of justice through the training of its officials in jurisprudential standards of the Inter-American Court on the human rights of women.

These courses included more than 14 hours of theoretical work, through face-to-face classes that presented the most relevant lines of the Inter-American Court's case law on the matter. In addition, participants were able to interact with the teachers through question-and-answer sessions and had access to the mandatory and suggested bibliography complementing the course.

a. Honduras

On August 10 and 11, the Court held the II Course on women's human rights in Tegucigalpa, Honduras. The training was developed at the "Francisco Salomón Jiménez Castro" Judicial School of Honduras and saw the participation of 27 judicial administration officers from the Judiciary, the Public Prosecutor's Office, the Public Defender's Office, and the Attorney General's Office, among other key institutions for the protection of women's rights in this country.

Further details are available [here](#).

b. El Salvador

On August 17 and 18, the Court held the II Course on women's human rights in San Salvador, El Salvador. The training was carried out at the "Dr. Arturo Zeledón Castrillo" Judicial Training School and was inaugurated by Bessy Aguirre de Flores, director of the training institution attached to the National Council of the Judiciary (CNJ), with the participation of 40 judicial administration officers belonging to the Judiciary, the Public Prosecutor's Office and the Attorney General's Office of the Republic, among other key institutions for the protection of the rights of women, girls and adolescents in the country.

Further details are available [here](#).

2. "Refresher Course on the Inter-American Court of Human Rights Case Law", Judicial School, Costa Rica

Between June 8 and July 13, included in the Initial Training Course for candidates to the Judiciary (FIAJ) of the Judicial School of Costa Rica was the Human Rights Protection Module, taught during the third edition of the "Refresher Course on the Inter-American Court of Human Rights' Case Law." Some 13 candidates for the judiciary of Costa Rica participated in this activity.

The training consisted of three modules, one in-person and two virtual modules (and, of these, one synchronous and one asynchronous), in which the participants were able to refresh and deepen their knowledge about the Court's case law in various subjects. The activity's opening was led by Judge Nancy Hernández López and the Judicial School's Director, Rebeca Guardia Morales. This human rights training activity is part of the collaboration agreement between the Inter-American Court and the Édgar Cervantes Villalta Judicial School of the Costa Rican judiciary.

3. Course for officers of the Special Jurisdiction for Peace (SJP) - Colombia

On October 11, during the 162nd Regular Session held in Bogotá, Colombia, joint training on the Court's case law was held in conjunction with the Special Jurisdiction for Peace (SJP) for the benefit of the latter institution.

The course was inaugurated by Dr. Alexei Julio Estrada, Legal Director of the Inter-American Court, who gave a keynote lecture on the "Overview of how International Human Rights Law contributes towards compliance with the mandate of the SJP." Additionally, various aspects of the Inter-American System and the Inter-American Court of Human Rights and their case law were discussed. Three roundtables for dialogue and discussion were held on comprehensive reparation, conventionality control, and inter-American standards for investigating, prosecuting, and punishing serious human rights violations.

The training was carried out at the SJP facilities and 70 people participated in person, including judges, judicial assistants, and courtroom legal staff. In addition, the event featured the participation of Judge Roberto Carlos Vidal López, president of the Special Jurisdiction for Peace, judges Alexandra Sandoval Mantilla and Xiomara Balanta Moreno, president, and vice president of the Amnesty or Pardon Chamber of the SJP, Judge Oscar Parra Vera, member of the Chamber for Recognition of Truth, Responsibility and Determination of Facts and Conduct of the SJP, deputy magistrate, Ana María Mondragón Duque, deputy magistrate, Juan Pablo Cardona Chávez, SJP attorney, Santiago Medina Villareal, attorney Juana María Ibáñez Rivas and SJP General Rapporteur, Dilia Lozano Suárez. The course was broadcast through the SJP's internal channels, where it was followed virtually by officers from its headquarters in Bogotá.

4. Course for the Professional Association of Psychologists in Costa Rica

On October 12, 17, and 19, the Office of the Court Registrar and the Professional Association of Psychologists in Costa Rica, organized joint training for a group of 10 professionals in the discipline selected by the Association, who will be responsible for providing the psychological support service for deponents before the Inter-American Court. The training was held both virtually and in person at the Court's seat and addressed, among other topics, an introduction to the functioning of the Inter-American Court, its procedure, and public hearings. It should be noted that, in agreement with the Association, it was decided to strengthen training and carry out a second module at the beginning of 2024 to reinforce legal knowledge and issues related to psychological support by the participating professionals.

5. Regional Training on Artificial Intelligence and the Rule of Law – UNESCO – Costa Rica

The Inter-American Court Education Center co-organized the Regional Training event on Artificial Intelligence and the Rule of Law, an initiative of the UNESCO Regional Office.

The course was held at the Court's seat from November 15 to 17, 2023, and addressed, among other topics, an introduction to Artificial Intelligence (AI) and the rule of law, the adoption of AI in the judicial sector, the legal

and ethical challenges of deploying AI in the judicial sector, and human rights and AI: governance, regulation and policy. At the request of the Inter-American Court Training Center, representatives of the Judicial Schools that make up the Ibero-American Network of Judicial Schools (RIAEJ) were invited.

6. Course on “Compliance with Judgments of the Inter-American Court and Public Policies for their Implementation”

On November 27, the Court and the MERCOSUR Institute of Public Policies on Human Rights (IPPDH) co-organized the 1st Edition of the International Course “Compliance with Judgments of the Inter-American Court and Public Policies for their Implementation.” The course runs for 11 weeks in a mixed format (virtual and in-person), with synchronous virtual conferences and with a face-to-face week in Buenos Aires, Argentina, from February 5 to 9, 2024. The teaching team consists of professionals from the Secretariat of the Inter-American Court, experts in the inter-American System, and in the design and implementation of IPPDH public policies with a human rights focus.

This course was co-organized under an agreement signed in 2023 between both institutions with the objective of “promoting coordinated actions, facilitating and encouraging mutual collaboration to promote a human rights focus in the public policies of the MERCOSUR countries.” The objective of the course is to train participants on the different forms of reparation ordered by the Inter-American Court in its judgments, the procedure and mechanisms it uses to monitor compliance, and the impact that the design and implementation may have on public policies with a human rights focus by States in the implementation of reparations. It also aims to facilitate the exchange of experiences regarding good practice, challenges, and resolution of problems that arise in the implementation of the reparations ordered in the judgments and seeks to promote training in the management of public policies from a human rights perspective, all this within a space for discussion and reflection.

This first edition registered more than 80 participants from various countries in the region, chosen from more than 1,900 applications. Among those selected were state officers or people working in institutions that undertake States’ legal representation in proceedings before the Inter-American Court, and public officials in charge of the implementation or execution of reparation measures ordered by the Inter-American Court. Also included were: those responsible for the design, management, execution, and evaluation of the reparations ordered by the Inter-American Court, national human rights institutions of the States Parties in the American Convention with interest in influencing the fulfillment of reparations ordered by the Inter-American Court at the domestic level, representatives of alleged victims in proceedings before the inter-American System, inter-American public defenders, people from civil society and academia with interest in the implementation of the reparations ordered by the Inter-American Court and in the monitoring stage of compliance with judgments.

B. | Virtual training

1. Online self-training courses of the Institutional Strengthening Project of the Inter-American Court to optimize its capabilities (ASDI)

On February 15, 2023, thanks to the support of Swedish cooperation, the Inter-American Court launched three courses on basic issues of international human rights law, namely, “Introduction to the inter-American Human Rights System and the Inter-American Court of Human Rights.”, “Access and procedure before the Inter-American Commission and Court of Human Rights” and an introduction on “The right to equality and the principle of non-discrimination”.

The call for registration in these three courses ran from December 21, 2022, to January 30, 2023, a period in which around 13 thousand people registered. However, applications continued to be received until the following February 13, so it was decided to extend the registration period to include another 3,000 people who registered after the initial deadline. This allowed more than 16,000 people to register for the three self-training courses.

Each course is made up of 10 video masterclasses taught by an expert and readings and other support materials that are available on the Training Center website, inaugurated in 2023.

2. Course on “Public Defense in Equity: Gender and intersectionality perspectives for effective action”, National Public Defender’s Office, FLACSO and Konrad Adenauer Foundation

Between May 2 and June 11, 2023, the second edition of the course “Public Defense in Equity: gender and intersectionality perspectives for effective action. A virtual learning and experimentation experience” was held virtually in asynchronous mode, organized by the Inter-American Court of Human Rights, the Public Prosecutor’s Office of Argentina and FLACSO, with the support of the Konrad Adenauer Foundation. The course had the active participation of 22 official public defenders and officials from the public defender’s offices from Argentina, Brazil, Paraguay, Dominican Republic, Chile, Honduras, Costa Rica, Mexico, Peru, Uruguay, Ecuador, and Panama. The course tutoring was provided by personnel from the Secretariat of the Inter-American Court and the Ministry of Public Defense of Argentina.

The course included 30 hours, spread over 6 weeks, with 8 online activities that were based on work on hypothetical cases related to women’s human rights narrated via multimedia. The content of the hypothetical cases allowed the gender perspective to be applied by examining, through role plays, access to various fundamental rights by the cases’ women protagonists, such as the guarantees of due process, the right to adequate technical defense, the right to protest and the right to personal integrity, among others. The objective of each activity was to encourage each participant to study, explore alternatives, make decisions, and reflect on their own actions when intervening in the public defense of the case.

The course also offered a wide repertoire of international instruments, and judgments from the Inter-American Court of Human Rights related to women’s rights from a practical perspective, facilitating the application of inter-American standards as a tool for public defense.

3. Course “International Standards for the issuance and review of coercive measures”, Supreme Court of Justice of the Province of Buenos Aires, Argentina

From August 16 to September 13, 2023, the virtual course International Standards for the issuance and review of coercive measures was held, organized by the Inter-American Court of Human Rights Education Center, the Institute of Judicial Studies of the Supreme Court of Justice of the Province of Buenos Aires, Argentina, the provincial Public Prosecutor’s Office, and the Implementation and Monitoring Authority of the “Verbitsky” Judgment Compliance Program. This course was aimed at more than 4,000 officials from various judicial institutions in the Province of Buenos Aires.

The course was taught by two lawyers from the Secretariat of the Inter-American Court, its Legal Director, and the Deputy Court Registrar. It should be noted that this course was declared mandatory by the Supreme Court of the Province of Buenos Aires and uploaded to a training website so that it can be completed by those who did not complete it at the time and those who entered the judiciary. As of December 2023, 6,205 officers from the provincial justice administration had enrolled in this course with 4,575 people having passed.

4. Course “The Inter-American Court of Human Rights and the Public Prosecutor’s Office”, Argentine Association of Prosecutors, Argentina

From October 11 to November 1, 2023, the course The Inter-American Court of Human Rights and the Public Prosecutor’s Office was held, organized by the Inter-American Court Training Center and the Argentine Association of Prosecutors (AAF). More than 1,400 people from 13 States in the region enrolled in this synchronous online course, an average of more than 300 prosecutors and members of Public Prosecutor’s Offices participated in its sessions, of which 202 completed the entire process. The course was taught by three lawyers from the Secretariat, the professor and former prosecutor of Colombia, Dr. Angela Buitrago, and the then President of the Inter-American Court, Ricardo C. Pérez Manrique.

5. First edition of the International Course “Compliance with I.A. Court H.R. Judgments and public policies for their implementation”

On November 27, 2023, the 1st Edition of the International Course “Compliance with I.A. Court H.R. Judgments and Public Policies for their Implementation”, co-organized by the Inter-American Court and the Institute for Public Policies on Human Rights (IPPDH) of MERCOSUR, began. The course has a duration of 11 weeks in a mixed format (virtual and face-to-face), with synchronous virtual conferences and a face-to-face week in Buenos Aires, Argentina, from February 5 to 9, 2024. More information on this course is provided in the Training chapter of this Report (below). The teaching team is made up of professionals from the Judgment Compliance Monitoring Unit of the Secretariat of the I.A. Court H.R., experts in the Inter-American System, and the design and implementation of public policies with a human rights approach from the IPPDH.

This course was co-organized within the framework of an agreement signed in 2023 between both institutions with the objective of “promoting coordinated actions, facilitating and encouraging mutual collaboration to promote the human rights approach in the public policies of the MERCOSUR countries”.

The objective of the course is to train participants on the different forms of reparations ordered by the I.A. Court H.R. in its judgments, the procedures and mechanisms used by the Court to monitor compliance, and the impact that the design and implementation of public policies with a human rights approach by the States can have on the implementation of reparations. It also aims to facilitate the exchange of experiences regarding good practices, challenges, and problem-solving in the implementation of reparations ordered in the Judgments. In addition, it seeks to train in the management of public policies from a human rights perspective, all within the framework of a space for discussion and reflection.

More than 80 people from different countries in the region participated in this first edition, chosen from among more than 1,900 applications. Among those selected were state agents or persons working in institutions that exercise legal representation of the States in proceedings before the I.A. Court H.R.; public officials responsible for the implementation or execution of reparations measures ordered by the I.A. Court H.R.; public officials responsible for the design, direction, execution, and evaluation of reparations ordered by the I.A. Court H.R.; officials of national human rights institutions of the States Parties to the American Convention with an interest in influencing compliance with reparations ordered by the I.A. Court H.R. at the domestic level; representatives of alleged victims and victims in proceedings before the Inter-American system; inter-American public defenders; and persons from civil society and academia with an interest in the implementation of reparations ordered by the Inter-American Court of Human Rights. reparations ordered by the I.A. Court H.R. and in the stage of supervision of compliance with the judgment.

C. The Inter-American Court of Human Rights education center

Throughout 2023, the Court continued the process of establishing a Human Rights Training Center. In this regard, efforts were concentrated on:

- ▶ Establishing an audio, video, and television recording room used for the production of audio-visual resources and as the Court's television channel to broadcast training events live, and produce high-quality recordings of classes and other training resources;
- ▶ Developing and implementing a Virtual Classroom and a website that offers self-training courses and teaching resources for the promotion and education in human rights, and
- ▶ producing, in the initial stage, 28 additional self-training courses on the Court's various lines of case law in order to promote and meet the growing demand for training received by the Court.

1. Audio, video, and television recording room of the Education Center

CENTRO DE FORMACIÓN
CORTE IDH
Protegiendo Derechos

Corte IDH
Protegiendo Derechos

Schweizerische Eidgenossenschaft
Confédération suisse
Confederazione Svizzera
Confederaziun svizra

Agencia Suiza para el Desarrollo
y la Cooperación COSUDE

CLASE 2

**LA CONVENCION SOBRE
LOS DERECHOS DEL NIÑO:
PREÁMBULO, ESTRUCTURA Y
PRINCIPIOS FUNDAMENTALES**

**En esta clase se abordarán los
siguientes contenidos:**

- Igualdad y no discriminación
- Vida, supervivencia y desarrollo
- Interés superior
- Participación

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199 Website of the Inter-American Court Education Center: <https://www.corteidh.or.cr/cdf/index.html>.

3. Production of self-training courses

The production of the self-training courses in the Virtual Classroom catalog began at the end of 2022 with the preparation and recording of the three courses sponsored by Swedish cooperation and published in February 2023. They were joined, thanks again to Swedish support, by the production of three courses in English and one in Portuguese, which will be published in 2024.

This work continued throughout 2023 thanks to the cooperation of Switzerland, with which it was agreed to produce another 18 self-training courses in Spanish on the Court's various lines of case law. From the second semester, three more courses were added thanks to Swedish cooperation. As a result, during 2023, the Inter-American Court worked on the production of 28 self-training courses, of which 11 were published on December 10, 2023, and the rest were in production as of December 31, 2023. During the year 2023, The following self-training courses were offered in the Virtual Classroom:

NO.	NAME OF COURSE	LAUNCH
1	Introduction to the inter-American system of Human Rights	13 Feb 2023
2	Access and procedure to the Inter-American Commission and Court of Human Rights	13 Feb 2023
3	Equality and non-discrimination I	13 Feb 2023
4	Equality and non-discrimination II	10 Dec 2023
5	Persons with disabilities	10 Dec 2023
6	Indigenous and Tribal Peoples	10 Dec 2023
7	Freedom of Expression	10 Dec 2023
8	Right to life	10 Dec 2023
9	Right to Personal Freedom	10 Dec 2023
10	Children and adolescents	10 Dec 2023
11	Women's human rights	10 Dec 2023

To improve the training processes developed by the Education Centre and to support the strengthening of the training capacities of the Inter-American Court in the medium and long term, a pedagogical assessment was undertaken by the State Distance University for the Development and Promotion of Distance Education (FUNDEPREDI) Foundation in November 2023. The purpose of this advice is to review the study programs, video classes, and teaching materials produced (and in production) by the Inter-American Court's Training Facility, the identification of areas for improvement, the preparation of proposals for improvement, and the support of their expertise for the general optimization of the pedagogical aspects of the self-training courses.

4. First Meeting on Human Rights Training in the Region's Law Schools

On October 30 and 31, the first Meeting on Human Rights Training in the Law Schools of the region was held at the Court's seat. This meeting saw the participation of Deans and other high-ranking authorities from universities in Honduras, El Salvador, Guatemala, and Costa Rica. It allowed the formation of a network of the region's Law Faculties and the Inter-American Court's Education Center to develop various joint activities, beginning on December 10, the launch date of the Virtual Classroom of the Inter-American Court Training Centre. This activity was made possible thanks to the support of the Swiss Agency for Development and Cooperation COSUDE.

5. Education Center incorporated into the Ibero-American Network of Judicial Schools – RIAEJ

On November 12, the Court Education Center joined the Ibero-American Network of Judicial Schools. The decision was adopted unanimously by the judicial schools participating in the XII General Assembly, held in the city of León, Spain. As part of this incorporation, the Education Center made a proposal to the RIAEJ for the formulation of a basic training program on the Court, for the benefit of the judicial schools in the network, and a series of training events to be developed during the year 2024.

6. Collaboration with other training initiatives on the Inter-American Court's work and case law.

In addition to the aforementioned training work, carried out directly by the Inter-American Court, other human rights training initiatives were supported, among which the following stand out.

6.1 "Héctor Fix Zamudio" Training Diploma in the Inter-American Human Rights System

Within the framework of a Collaboration Agreement signed in 2013 and renewed in 2021 between the General Secretariat of the Organization of American States and the National Autonomous University of Mexico, the UNAM Legal Research Institute, in coordination with the Institution's Office of the General Advocacy, the Inter-American Commission on Human Rights, the Court, the Office of the United Nations High Commissioner in Mexico and the International Committee of the Red Cross, the 2023 edition of the "Héctor Fix Zamudio" Training Diploma in the Inter-American human rights system was held.

The Fix Zamudio Diploma is a specialized and high-level academic training activity in the inter-American system of human rights for students, members of civil society organizations, public officials, and anyone interested in the subject.

6.2 Latin American Human Rights Research Hub

The Latin American Human Rights Research Hub was held in 2023, offering young people from Latin America and the Caribbean the opportunity to delve into the work of the Inter-American Court of Human Rights. In this course, fundamental topics were addressed such as the construction of inter-American standards and jurisprudential dialogue with States and other human rights systems. In the workshops and meetings, various aspects of human rights were explored in depth, particularly reparations in the Inter-American human rights system. The sessions generated valuable debates that contributed to the dissemination of the Inter-American human rights system. This initiative, promoted by the Inter-American Court, the Human Rights Center of the University of Buenos Aires, and the Konrad Adenauer Foundation Rule of Law Program for Latin America, achieved its objective of bringing young people closer to the Inter-American Court of Human Rights case law.

D. | Publications

In 2023, the Court produced and edited nine new publications and supported the launch of a series of publications by the Supreme Court of Mexico and a publication by the State of Costa Rica.

1. Inauguration of the 2023 Inter-American Judicial Year

The Court published the proceedings of the inauguration of the Inter-American Judicial Year, which took place on February 7, 2023. This document brings together the speeches given during the inauguration ceremony by then-President of the Court Ricardo C. Pérez Manrique; Vice President of the Republic of Costa Rica Stephen Brunner Neibig; President of the Superior Court of Justice of Brazil, Minister Maria Thereza Rocha de Assis Moura; and ex-President of the Inter-American Court Sergio García Ramírez. The proceedings were published on December 8, 2023, and disseminated by the Court on social media.²⁰⁰

2. Case Law Bulletins of the Inter-American Court of Human Rights

The Court's Case Law Bulletins are an important instructional tool as well as a means of disseminating case law. They are used as resources for the Court's growing number of educational activities, and they are also used by various courts, institutions, and organizations in the region. They play an educational role for those involved with—or interested in—the inter-American human rights system, facilitate access to international justice and increase awareness of the Court's work.

The series currently includes 40 bulletins in Spanish and 5 in Portuguese. In addition, bulletins were revised in 2023 as part of the ongoing improvement process; progress was made on updates to the bulletins on Nicaragua, Honduras, Bolivia, Guatemala, and others.

In this regard, in 2023, ___ booklets were issued.

200 Social media dissemination: <https://twitter.com/CortelDH/status/1733267026280341652>

3. Series on reparations compliance monitoring and impacts of the I/A Court H.R.'s judgments

In 2023, the Court began to publish a series on reparations compliance monitoring and the impacts of the I/A Court H.R.'s judgments. This series is intended to disseminate the Court's case law on compliance monitoring, organizing it by type of reparation. The aim here is to shed light on the actions, laws, domestic decisions, and public policies implemented by States to make the reparations ordered. Organizing this information also makes it possible to do comparisons to identify the best practices or domestic mechanisms that are the most effective compliance measures for different types of reparations, which could then be replicated in other States.

This series also publicizes information on the impacts of the Inter-American Court's decisions. To that end, legal decisions and domestic laws are identified in which the Convention-based standards developed by the I/A Court H.R. in its judgments are incorporated domestically by other States that were not parties to those disputes. This highlights the important areas in which constructive dialogues between the international court and domestic bodies and institutions have emerged, and it shows the impact of the I/A Court H.R.'s judgments on the implementation of structural changes that protect and ensure the human rights enshrined in the American Convention on Human Rights and other inter-American agreements beyond a particular case.

In 2023, the first two documents of this series were published with the support of the Max Planck Institute for Comparative Public Law and International Law.

3.1 Reparations related to invalidating domestic judgments and creating mechanisms for reopening judicial processes

This publication addresses two distinct measures of reparation:

- a. the measure of restitution to invalidate domestic judgments the Court has found to be in violation of the Convention and to eliminate any corresponding law enforcement, judicial, administrative, or criminal record against the victims. This kind of measure is ordered in cases in which proceedings and rulings against the victims violated rights such as the freedom of thought and expression, the right to defense, and the principle of legality; and
- b. the guarantee of non-repetition related to creating mechanisms that permit the reopening of investigations or judicial proceedings when the I/A Court H.R. has found that the State failed to fulfill its obligation to investigate human rights violations. This kind of measure was ordered for the first time in 2022 in cases in which the rights to judicial guarantees and judicial protection were violated due to the State's failure to fulfill its obligation to investigate the death and torture of victims.

3.2 Reparations related to adapting domestic law to the Convention, with respect to the right to appeal a judgment before a higher judge or court

This publication is the second in the series, and it addresses the right to appeal a judgment before a higher judge or court, which is established in Article 8(2)(h) of the American Convention. This right ensures non-repetition through the adaptation of States' legal systems to the Convention with respect to that right so that States adequately protect and safeguard it.

4. Collaboration with States Parties on publications

4.1 Infographic of the Case of Guevara Díaz v. Costa Rica

In the last few years, the Inter-American Court has created and published infographics on some of its decisions with the aim of making the information accessible to more of the public, especially those who do not have legal training or extensive knowledge of human rights. The infographics visually convey the most important information and data concerning the Court's judgments and advisory opinions, combining different image and text elements that simplify and summarize the I/A Court H.R.'s decisions. This line of publications is intended to reach members of the public who have little to no engagement with the Inter-American Court, as well as to complement the Court's publications that are intended for a more specialized audience (such as the institutional books and Case Law Bulletins).

In 2023, in response to a request from the State of Costa Rica, the I/A Court H.R. provided advice and assistance in the development of an infographic by that country's Ministry of Foreign Affairs and Culture on the Case of Guevara Díaz v. Costa Rica. It is noteworthy that this publication was not ordered by the Inter-American Court in its judgment; rather, it was an additional initiative proposed by the State to raise awareness in society and among public officials, as a complement to the training of Ministry of Finance officials ordered in the judgment. The infographic was presented on June 21, 2023, in the Ministry of Foreign Affairs and Culture of Costa Rica, and it can be found on that ministry's website.

4.2 Line of Precedents of the Inter-American Court of Human Rights – Supreme Court of Mexico

December 7, 2023, marked the publication of the first volume in the series Lines of Precedent of the Inter-American Court of Human Rights: No. 1 Judicial Independence, which was produced by the Supreme Court of Mexico with the support of the Secretariat of the Inter-American Court. This collection supplements the Case Law Bulletins of the I/A Court H.R.

XIII

Communications



XIII. Communications

In 2023, the Inter-American Court continued to implement its “Court of Open Doors” outreach strategy. Proactive communications on the part of the Court have enabled citizens in Member States to be more involved with the Court’s work in their daily lives. The primary communications initiatives of the Inter-American Court are described here.

The Court’s outreach strategy has included the following components:

A. | I/A Court H.R. TV

I/A Court H.R. TV, the Inter-American Court’s audiovisual platform, began broadcasting content in May of 2023. This outreach initiative was launched as part of the Court of Open Doors strategy in order to better communicate the work of the Court to the people of the Americas. I/A Court H.R. TV programming has included broadcasts of public hearings for cases and advisory opinions; interviews with judges, legal academics, and human rights defenders; and a series titled “Redressing Wrongs,” which communicates the impact of the Court’s rulings on people’s lives through the testimonies of individuals and organizations connected to cases analyzed by the Court.



To access the I/A Court H.R. TV portal, [click here](#).

To access the “Redressing Wrongs” series, [click here](#).

B. | The Inter-American Court on social media

The Court continues to leverage various channels of public communication by participating actively on social media platforms such as Facebook, X, Instagram, LinkedIn, and YouTube. The use of digital platforms allows the Court to inform the public about its activities and to engage with the public. The Court has over 1.5 million followers on these platforms, broadening the reach of its communications about its rulings and events in a dynamic way.

This shows the high level of public interest in the I/A Court H.R.’s publications. Social media posts include content related to cases and events of the full Court as well as content from individual members of the Court, which enables the Court to communicate the scope of its activities in non-legal language to different audiences.

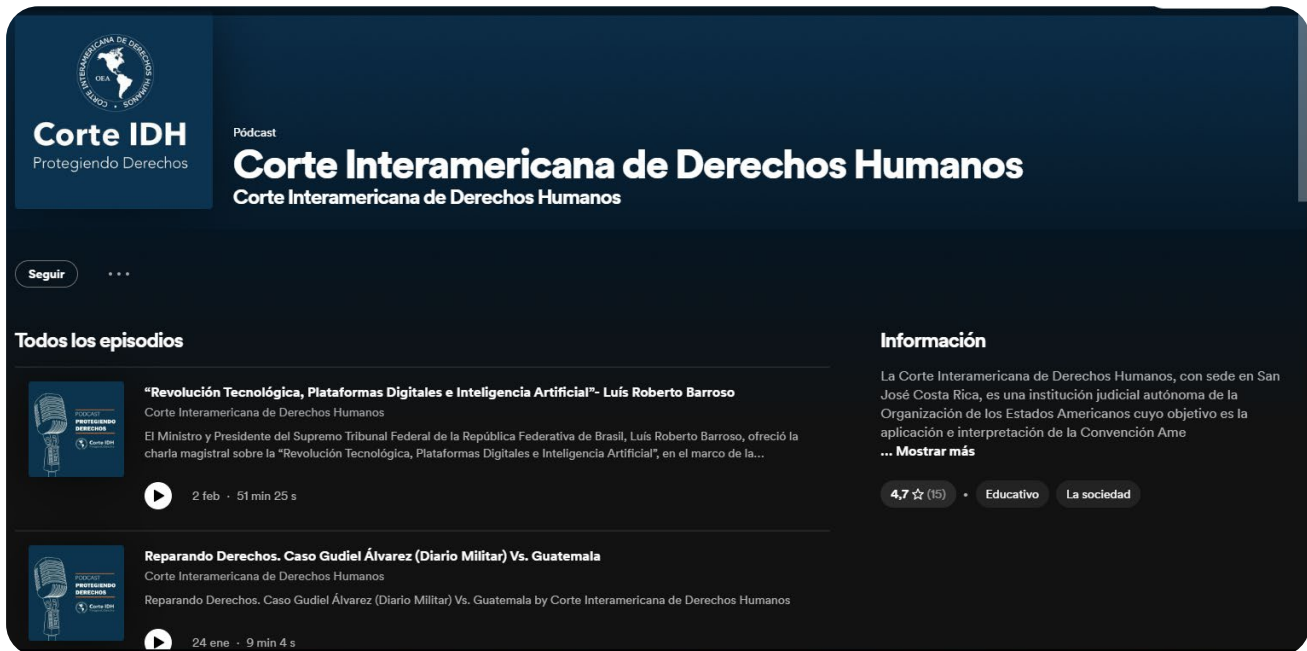
Every two months, a “Safeguarding Rights” newsletter is published in Spanish, English, and Portuguese and is disseminated to human rights specialists around the world. Six newsletters were published in 2023.

C. | Live broadcasts

Live broadcasts of public hearings and the dissemination of content on social media have prompted more interactions between the Court and the public in countries across the world. The Court's live broadcasts have reached over 500,000 users across all platforms. The Court's public hearings have been streamed on Twitter, Facebook, and I/A Court H.R. TV.

D. | "Protecting Rights" podcast

The Court's #ProtectingRights podcast includes information on its rulings and activities and is disseminated through social media. In 2023, 41 episodes of this podcast were published on SoundCloud and Spotify.



The screenshot shows the Spotify profile for the 'Corte IDH' podcast. The profile header includes the logo of the Corte Interamericana de Derechos Humanos (Corte IDH) and the text 'Corte IDH Protegiendo Derechos'. Below the header, there is a 'Seguir' button and a list of episodes. The first episode is titled '"Revolución Tecnológica, Plataformas Digitales e Inteligencia Artificial"- Luís Roberto Barroso' and is 51 minutes long. The second episode is titled 'Reparando Derechos. Caso Gudiel Álvarez (Diario Militar) Vs. Guatemala' and is 9 minutes long. To the right of the episode list, there is an 'Información' section that provides details about the Corte Interamericana de Derechos Humanos, including its location in San José, Costa Rica, and its role in the Organization of American States. The information section also includes a rating of 4.7 stars (15 reviews) and tags for 'Educativo' and 'La sociedad'.



To access the podcast, [click here](#).

E. Classes and other activities for journalists in the Americas

In 2023, the sixth iteration of the Certificate Program in Human Rights for Journalists was conducted. Eighty journalists from 20 Latin American countries and the Caribbean participated. The participants received instruction in the functioning of the Inter-American human rights system—with a particular focus on the I/A Court H.R.—in areas such as the right to freedom of expression; violence against women; migrants; discrimination on the basis of sexual orientation; indigenous communities; economic, social, cultural, and environmental rights; and reparations for human rights violations.

To find out more about these activities, [click here](#).

In an effort to foster regular communication among journalists in the region, the Court created the #DIALOGUE Network of Journalists, which has over 7,000 journalists in Latin America and the Caribbean connected through information on the work of the I/A Court H.R. in the region.

To find out more about the Network of Journalists, [click here](#).

The second round of the Scholarship Program for Investigative Journalism of the DIALOGA Network of Human Rights Journalists took place with the support of the Konrad Adenauer Foundation (KAS). Three (3) journalists,²⁰¹ selected out of more than 500 applicants, carried out investigative journalism focused on the Inter-American Court’s rulings for three (3) months at the Court’s headquarters.

To find out more about the Scholarship Program, [click here](#).

201 María Fernanda Matus, Gustavo Ahumada and Pilar Cuartas Rodríguez.

F. Educational Communications and Awareness-Raising Campaigns

The Court implemented the “#Data for #HumanRights” Project, which involved explaining the I/A Court H.R.’s work and case law through infographics and videos.

The Court also carried out specific awareness-raising campaigns on Case Law Bulletins and produced videos on activities that took place during each session as well as summaries of its judgments.

The Court continues to promote on social media its informational animated videos, which explain in simple terms the work and functioning of the Inter-American Court of Human Rights. The content is based on the questions most commonly received by the Court.

G. Judgment Announcements

As part of its Court of Open Doors strategy, the Court continued to issue judgment notifications publicly through online announcements with the participation of the parties to the case. These announcements are disseminated through social media. In this way, the information can reach a broader audience, and members of the press can be involved in announcing the judgment.



H. Website of the Inter-American Court in Spanish, English, and Portuguese

The website displays audiovisual content in a cross-cutting way using plain language so that the public can understand the various roles of the Inter-American Court. Video subtitles are included, as well as explanatory audio for the hearing-impaired.

I. Channels for public inquiries

In keeping with its policy of transparency and public access to information, the Court has a variety of mechanisms for serving interested members of the public. The Court answers questions and provides requested information via INFO MAIL as well as via messaging on MESSENGER, INSTAGRAM, and WHATSAPP. In 2023, it responded to 6,000 questions and requests from the public.

XIV

Information
and Knowledge
Management



XIV. Information and Knowledge Management

Information and Knowledge Management plays a key role by fostering innovation and facilitating access to and analysis of the Court's information and knowledge. Its mission includes serving the needs of the various parts of the organization as well as external actors. This work area includes two essential units: the [Library](#) and [the Archive](#).

A. | Library

The Library, as an information unit, is an exemplar of knowledge management. It serves the entire inter-American human rights system and reaches a broad range of users, ensuring that its resources are available and accessible. Its ongoing editorial work on the Court's case law provides a solid foundation for the case law database and the Themis Digest of the Inter-American Court, which harnesses artificial intelligence to facilitate information access and analysis.

1. Case Law Database

The Inter-American Court reached an important milestone with the launch of its new Case Law Database, a comprehensive resource that enhances access to and analysis of legal decisions in the area of human rights. This innovative tool was developed using artificial intelligence (AI) and is continually refined through an editorial process involving organization and analysis, as well as enrichment of the information with descriptors and metadata.²⁰²

This new platform's features significantly improve the experience of those viewing, analyzing, and using the case law, providing better accessibility and a variety of search options to facilitate access to the information.



Sobre la Corte IDH | Noticias | Biblioteca



Jurisprudencia de la Corte IDH



²⁰² The Inter-American Court of Human Rights wishes to thank the Swedish International Development Cooperation Agency for its support in the creation of this database of Inter-American human rights case law.

2. Themis Digest²⁰³

The Digest was designed as a public document in which all of the Court's legal rulings related to specific articles of the Convention can be found in one place.

Its main purpose is to facilitate access to the ACHR's legal framework through the Court's case law, demonstrating the contributions of individual judgments to the interpretation of specific provisions of the ACHR. Each digest includes a table of contents, and sources are duly referenced in the footnotes. This tool is always being updated and expanded.

Artificial intelligence (AI) plays a critical role in the creation and maintenance of the Digest by efficiently gathering and organizing the Court's legal rulings related to each article of the ACHR.

3. Inter-American Thesaurus of Human Rights²⁰⁴

The Inter-American Thesaurus of Human Rights is a tool for facilitating the management of legal information. It is a useful conceptual reference for guiding and facilitating content selection by users through search, recovery, analysis, indexing, and linking with other information systems.

The Thesaurus helps reduce semantic ambiguity to clarify the different meanings of homonyms, as well as to improve consistency through synonym review. These improvements ensure access to information by creating a structure that connects semantically related terms while taking into consideration variations in the usage of legal terms across the region.

203 The THEMIS methodology is a joint and comprehensive effort by the Legal area, the Information and Knowledge Management area of the Corte IDH, and the Regional International Law and Access to Justice in Latin America program (DIRAJUS) of the German cooperation/GIZ (Bundesministerium für wirtschaftliche Zusammenarbeit und Entwicklung/Deutsche Gesellschaft für Internationale Zusammenarbeit GmbH). The basis of the cooperation is an agreement between the Organization of American States (OAS) and the German government on the promotion of access to justice in Latin America.

204 Developed with the support of the Regional International Law and Access to Justice in Latin America Program (DIRAJUS) of the German Agency for International Cooperation/GIZ (Bundesministerium für wirtschaftliche Zusammenarbeit und Entwicklung/Deutsche Gesellschaft für Internationale Zusammenarbeit GmbH). This initiative is based on an agreement between the Organization of American States (OAS) and the German government for the promotion of access to justice in Latin America.

4. Literary Newsletter

In order to highlight the newest acquisitions and bibliographic developments, the Library publishes a weekly newsletter called "DerHum: Literary News." (Actualidad Literaria DerHum). This publication is emailed to approximately 12,439 subscribers throughout the world. During 2023, 50 newsletters were produced offering detailed information and access to 300 highlighted bibliographic resources.

B. | Archive

The Archive work area plays a crucial role by receiving and logging the various documents submitted by the parties before the I/A Court H.R. It is also responsible for processing and managing the use of digitized case documents, provisional measures, and advisory opinions, and for supervising the publication of the main case briefs on the Court's website. In 2023, 5290 electronic documents were processed. In addition, 539 inquiries related to the files were handled.

A virtual server was purchased on which to save and organize the digitized legal files of concluded cases in order to preserve the Court's institutional memory by safeguarding legal documents. This comprehensive approach ensures the efficient administration and preservation of important documents for the Court, thereby helping to fulfill the Court's legal and administrative obligations.

The Filing Protocol was developed jointly with Legal Affairs and is aimed at standardizing the creation, maintenance, use, and preservation of the Court's files. The rules established in this Protocol have made it possible to systematize the practices involved in preserving physical and digital files, keep the personal and private information of the parties in cases confidential, and improve access to information.

Certification process ISO 9001:2015 for Quality Management Systems (QMS) for Digital Records of the I/A Court H.R.

With the aim of enhancing and implementing standardized processes and best practices, as well as promoting ongoing improvements in the activities and procedures involving the various digitized documents, we initiated in August the Quality Management Systems process for ISO 9001:2015.

XV

Agreements and Relationships with other bodies



XV. Agreements and relationships with other bodies

A. | Agreements with national and international bodies

The Court has cooperative agreements with certain national and international bodies, according to which the parties have committed to implement the following activities, among others: (i) training events such as conferences, seminars, conventions, academic forums, colloquiums, and symposiums; (ii) specialized internships and professional visits to the headquarters of the Inter-American Court of Human Rights for national officials; (iii) joint research activities; and (iv) the provision of the case law of the Inter-American Court to national bodies.

In 2023, agreements were signed with the following universities.

- ▶ Association of Women Judges of Argentina
- ▶ Association of Journalists of Chile
- ▶ Association of Psychology Professionals of Costa Rica
- ▶ Puebla Human Rights Commission
- ▶ Latin American Council of Comparative International Law Scholars (CODALIC)
- ▶ National Council of the Office of the Attorney General of Brazil
- ▶ Supreme Court of Chile
- ▶ Office of the Ombudsman of Colombia
- ▶ Federal Judiciary School of the First Circuit of Brazil
- ▶ National School of Magistrate Training and Professional Development of Brazil
- ▶ The Netherlands
- ▶ Illustrious National Association of Attorneys of Mexico
- ▶ MERCOSUR Institute for Human Rights Policies
- ▶ Brazilian Institute for the Reform of Public-Private Relationships (IREE)
- ▶ Special Jurisdiction for Peace
- ▶ Ministry of Foreign Affairs of Chile
- ▶ Ministry of Labor of Brazil
- ▶ Supreme Court of Mexico
- ▶ Constitutional Court of Chile
- ▶ Court of Justice of the Federal District and Territories of Brasília
- ▶ Court of Justice of the State of Mato Grosso, Brazil
- ▶ Regional Electoral Court of the Federal District of Brazil

B. | Agreements with universities

The Court has cooperative agreements with several academic institutions. Under these agreements, the parties have committed to work together to carry out the following activities, among others: (i) conferences and seminars and (ii) professional activities at the headquarters of the Inter-American Court of Human Rights for staff and students of these institutions.

In 2023, agreements were signed with the following universities.

- ▶ Universidad Alberto Hurtado, Private Law Council
- ▶ Universidad Adolfo Ibáñez
- ▶ Universidad Católica de Santa María de Arequipa
- ▶ Universidad de Chile
- ▶ Universidad de Concepción
- ▶ Universidad de Los Andes
- ▶ Universidad Diego Portales
- ▶ Yale Law School

XVI

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Inter-American Court
of Human Rights



XVI. Staff of the Inter-American Court of Human Rights

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