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I. ORIGIN, STRUCTURE AND COMPETENCE OF THE COURT

A. ESTABLISHMENT

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

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

B. ORGANIZATION

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

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

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



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

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

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

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

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

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

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

C. COMPOSITION

The following judges, listed in order of precedence, sat on the Court in 2008:

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

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

During 2008, five judges *ad hoc* served on the Court; namely:

Name	Case	Participation
Juan A. Tejada Espino	Case of Heliodoro Portugal (Panama)	Public hearing and deliberation of the judgment
Álvaro Castellanos Howell	Case of Tiu Tojín (Guatemala)	Public hearing and deliberation of the judgment
Diego Rodríguez Pinzón	Case of Salvador Chiriboga (Ecuador)	Deliberation of the judgment
Pier Paolo Pasceri Scaramuzza	Cases of Perozo <i>et al.</i> , and Luisiana Ríos <i>et al.</i> (Venezuela)	Public hearings
Claus Wobeser Hoepfner	Case of Castañeda Gutman (Mexico)	Public hearing and deliberation of the judgment

Furthermore, during the year, respondent States exercised their right to appoint a judge *ad hoc* in the following cases:

Name	Case
Víctor Oscar Shiyin García Toma	Case of the Dismissed and Retired Employees of the Office of the Comptroller General; Case of Anzualdo Castro (Peru)
Ramón Cadena Rámila	Case of the Dos Erres Massacre (Guatemala)
Rosa María Álvarez	Case of González <i>et al.</i> ("Cotton Field") (Mexico)
Roberto de Figueredo Caldas	Case of Séptimo Garibaldi (Brazil)

D. JURISDICTION

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



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

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

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

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

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

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

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

Nine contentious cases were lodged before the Court during the current year, and it delivered eighteen judgments.¹ In five judgments it ruled on preliminary objections, merits, reparations and

¹ The Court delivered judgment in the following contentious cases: the La Rochela Massacre v. Colombia (interpretation of the judgment on merits, reparations and costs), Cantoral Huamaní and García Santa Cruz v.

costs together; in five others it ruled on merits and the corresponding reparations and, in eight on interpretation of judgment. Thus, the Court decided ten contentious cases in their entirety, by adopting a final decision on preliminary objections, merits and reparations in relation to all the points in dispute set out in the application. The Court is currently processing one hundred and ten contentious cases, of which ninety-four are at the stage of monitoring compliance with judgment, nine at the initial processing stage and seven at the stage of preliminary objections and possible merits, reparations and costs.

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

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

The status of ratifications of and accessions to the Convention is included at the end of this report.

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

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

Peru (interpretation of the judgment on preliminary objection, merits, reparations and costs), *Kimel v. Argentina* (merits, reparations and costs), *Escué Zapata v. Colombia* (interpretation of the judgment on merits, reparations and costs), *Salvador Chiriboga v. Ecuador* (preliminary objection, merits, reparations and costs), *Yvon Neptune v. Haiti* (merits, reparations and costs), *Miguel Castro Castro Prison v. Peru* (interpretation of the judgment on merits, reparations and costs), *Apitz Barbera et al. v. Venezuela* (preliminary objection, merits, reparations and costs), *Albán Cornejo et al. v. Ecuador* (interpretation of the judgment on merits, reparations and costs), *Castañeda Gutman v. Mexico* (preliminary objections, merits, reparations and costs), the *Saramaka People v. Suriname* (interpretation of the judgment on preliminary objections, merits, reparations and costs), *Heliodoro Portugal v. Panama* (preliminary objections, merits, reparations and costs), *Bayarri v. Argentina* (preliminary objection, merits, reparations and costs), *Chaparro Álvarez and Lapo Iñiguez v. Ecuador* (interpretation of the judgment on preliminary objection, merits, reparations and costs), *Valle Jaramillo et al. v. Colombia* (merits, reparations and costs), *Tiu Tojín v. Guatemala* (merits, reparations and costs), *Ticona Estrada v. Bolivia* (merits, reparations and costs) and *García Prieto et al. v. El Salvador* (interpretation of the judgment on preliminary objection, merits, reparations and costs).



The right to request an advisory opinion is not limited to the States Parties to the Convention. Any OAS Member State may request such an opinion. The advisory jurisdiction of the Court enhances the Organization's capacity to deal with matters arising from the application of the Convention, because it enables the organs of the OAS to consult the Court, within their spheres of competence.

One request for an advisory opinion was submitted to the consideration of the Court during the year, but the Court has not yet made a ruling in this regard.

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

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

During the year, two requests for provisional measures were submitted to the Court's consideration and were adopted. In addition, five provisional measures were totally lifted and four partially lifted. Currently, forty one provisional measures are active.

E. BUDGET

Article 72 of the Convention provides that "the Court shall draw up its own budget and submit it for approval to the General Assembly through the General Secretariat. The latter may not introduce any changes in it." In accordance with Article 26 of its Statute, the Court administers its own budget. The 2008 budget of the Court was US\$1,756,300.00 (one million seven hundred and fifty-six thousand three hundred United States dollars).

At its thirty-sixth special session held in Washington, D.C., on September 30, 2008, the General Assembly of the Organization of American States adopted the Court's budget for 2009 in the amount of US\$1,780,500.00 (one million seven hundred and eighty thousand five hundred United States dollars).

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

During the year, the Court was in close communication with the OAS General Secretariat concerning administrative and financial matters, and could always rely on its collaboration and support for the Court's activities.

G. RELATIONS WITH SIMILAR REGIONAL ORGANIZATIONS

The Court enjoys close institutional ties with the Inter-American Commission. These ties have been strengthened through meetings between the members of the two bodies, held on the

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

II. JURISDICTIONAL AND ADVISORY ACTIVITIES OF THE COURT

A. Seventy-eighth regular session of the Court

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

During this session, the Court held four public hearings concerning contentious cases, seven private hearings on monitoring compliance with judgment, one procedure concerning helpful evidence in a contentious case, five public hearings on provisional measures and one private hearing on provisional measures. It also delivered two judgments on interpretation, eleven orders on provisional measures and thirteen orders on monitoring compliance with judgment. The matters considered by the Court during the session are described below:

1. Case of the La Rochela Massacre (Colombia): *Interpretation of the judgment on merits, reparations and costs.* On January 28, 2008, the Court handed down judgment on the request for interpretation of the judgment on merits, reparations and costs in this case that the Court had delivered on May 11, 2007, deciding, *inter alia*, to declare admissible the request for interpretation of the judgment on merits, reparations and costs in this case, delivered by the Court on May 11, 2007, and to determine the scope of the contents of paragraphs 270, 295 and 305 of the said judgment.

2. Case of Cantoral Huamaní and García Santa Cruz (Peru): *Interpretation of the judgment on preliminary objection, merits, reparations and costs.*² On January 28, 2008, the

² Judge Diego García-Sayán excused himself from hearing this case pursuant to Article 19(2) of the Court's Statute and Article 19 of its Rules of Procedure.

Court delivered judgment on the request for interpretation of the judgment on preliminary objection, merits, reparations and costs in this case that the Court had handed down on July 10, 2007, deciding, *inter alia*, to declare inadmissible the first and third points of the request for interpretation of the judgment on preliminary objection, merits, reparations and costs in the case of Cantoral Huamaní and García Santa Cruz filed by the State, because they were not in keeping with the provisions of Articles 67 of the Convention and 29(3) and 59 of the Rules of Procedure; and to declare admissible the second point of this request for interpretation; namely, with regard to the integration or correction of paragraph 187 of the judgment on merits, the meaning and scope of which was determined by the Court in the judgment on interpretation.

3. Case of the Miguel Castro Castro Prison (Peru): Request for provisional measures. On January 29, 2008, the Court issued an order regarding a request for provisional measures filed by the representatives of a group of victims in this case, in which it decided to reject the request for provisional measures.

4. Case of Heliodoro Portugal (Panama): Preliminary objections and possible merits, reparations and costs. At a public hearing held on January 29 and 30, 2008, the Court received the testimony of the witnesses proposed by the Inter-American Commission on Human Rights, the representatives of the alleged victim and his next of kin, and the State. The Court also heard the final oral arguments of the Commission, the representatives of the alleged victim and his next of kin, and the State of Panama on the preliminary objections and possible merits, reparations and costs in this case.

5. Case of the Miguel Castro Castro Prison (Peru): Request submitted by the common intervenor of the representatives of the victims and their next of kin. On January 29, 2008, the Court issued an order on the said request in this case, in which it decided to reject the request filed by the common intervenor in the case of the Miguel Castro Castro Prison.

6. Matter of the Globovisión" Television Station (Venezuela): Provisional measures. On January 29, 2008, the Court issued an order on provisional measures in this matter, deciding, *inter alia*, to ratify all aspects of the order of the President of the Inter-American Court of Human Rights of December 21, 2007, and, therefore, to reject the request for expansion of the provisional measures that was filed on December 17, 2007; and to require the State to maintain the provisional measures decided in the order of the Inter-American Court of Human Rights of September 4, 2004.

7. Case of Yvon Neptune (Haiti): Merits and possible reparations and costs. On January 30, 2008, the Court held a procedure concerning helpful evidence, in the form of a public hearing during which it received the testimony of Yvon Neptune, the alleged victim, and another deponent who merely provided information, as well as information presented by the State of Haiti, the Inter-American Commission on Human Rights, and the representative of the alleged victim on several aspects relating to the merits and possible reparations.

8. Matter of Mery Naranjo (Colombia): Provisional measures. On January 31, 2008, the Court issued an order on provisional measures in this matter, in which it decided: to declare that the provisional measures adopted by the order of the Inter-American Court of September 22, 2006, had become unnecessary with regard to Javier Augusto Torres Durán, because he was now deceased; to require the State to adopt forthwith any necessary measures and to maintain those that it had already adopted to provide effective protection to the life and integrity of the

following persons: Mery Naranjo Jiménez and her next of kin: Juan David Naranjo Jiménez, Alejandro Naranjo Jiménez, Sandra Janeth Naranjo Jiménez, Alba Mery Naranjo Jiménez, Erika Johann Gómez, Heidi Tatiana Naranjo Gómez, Sebastián Naranjo Jiménez, María Camila Naranjo Jiménez, Aura María Amaya Naranjo, Esteban Torres Naranjo and the child, Luisa María Escudero Jiménez; to reiterate to the State that it should adopt all necessary measures to protect the life and personal integrity of María del Socorro Mosquera Londoño; to reiterate to the State that it should ensure that the measures of protection were not provided by the "security units" that, according to the beneficiaries, were involved in the reported facts and, consequently, that they be appointed with the participation of the beneficiaries or their representative, and to reiterate to the State that it should maintain the permanent custody measures required to provide security to the place of residence of Mery Naranjo Jiménez and her family.

In addition, the Court decided, *inter alia*, to require the State of Colombia to report to the Inter-American Court of Human Rights about the measures it had adopted to comply with the order; in this report, the State should refer to the alleged murder of Javier Augusto Torres Durán and the alleged detention of Juan David Naranjo; to require the representatives and the Inter-American Commission to present their observations on the State's report; in addition, the Court reiterated to the State that it should allow the beneficiaries of the measures to take part in their planning and implementation and, in general, keep them informed of progress in the execution of the measures ordered by the Court.

9. Case of Ruggieri et al. (Venezuela): Preliminary objections and possible merits, reparations and costs. On January 31 and February 1, 2008, during a public hearing, the Court received the testimony of the witnesses and expert witnesses proposed by the Inter-American Commission, the representatives of the alleged victims, and the State. In addition, the Court heard the final oral arguments of the Commission, the representatives of the alleged victims, and the State of Venezuela on the preliminary objections and possible merits, reparations and costs in this case.

10. Case of Caballero Delgado and Santana (Colombia): Provisional measures. On February 4, 2008, during a public hearing the Court heard the arguments of the Inter-American Commission on Human Rights, the representatives of the beneficiaries of the provisional measures, and the State, concerning the provisional measures in force in this case.

On February 6, 2008, the Court issued an order on provisional measures in this case, in which it decided, *inter alia*, to require the State to maintain and adopt the necessary measures to protect the life and personal integrity of María Nodelia Parra and Gonzalo Arias Alturo; to reiterate to the State that it should investigate the facts that originated and justified maintaining the provisional measures and, if applicable, identify those responsible and impose the corresponding sanctions; and to reiterate to the State that it should allow the beneficiaries to participate in the planning and implementation of the measures of protection and, in general, keep them informed of progress in the measures ordered by the Court.

11. Matter of Álvarez et al. (Colombia): Provisional measures. On February 4, 2008, during a public hearing, the Court heard the arguments of the Inter-American Commission on Human Rights, the representatives of the beneficiaries of the provisional measures and the State of Colombia, concerning the provisional measures in force in this matter.

On February 8, 2008, the Court issued an order on provisional measures in this matter, in which it decided, *inter alia*, to require the State to adopt the necessary provisional measures to

protect the life and personal integrity of all the members of ASFADDES, by protecting the offices of this organization; to require the State to adopt the necessary measures to safeguard the right to life and personal integrity of María Eugenia López, Adriana Diosa, Astrid Manrique, Erik Arellana Bautista, Daniel Prado, Silvia Quintero, María Eugenia Cárdenas, Álvaro Guisao Usuga, Florentino Guisao Usuga, Gloria Gómez, Verónica Marín and Nemecio Oquendo; to reiterate to the State that it should allow the beneficiaries to participate in the planning and implementation of the measures of protection and, in general, keep them informed of progress in the measures ordered by the Court; and to request the representatives to forward specific information on the situation of María Eugenia López, Adriana Diosa, Astrid Manrique, Erik Arellana Bautista, Daniel Prado, Silvia Quintero, María Eugenia Cárdenas, Álvaro Guisao Usuga, Florentino Guisao Usuga, Gloria Gómez, Verónica Marín and Nemecio Oquendo. This information should include a precise report on whether a situation subsists of extreme gravity and urgency and the need to avoid irreparable damage to these persons.

12. Matter of the Peace Community of San José de Apartadó (Colombia): *Provisional measures.* On February 4, 2008, during a public hearing, the Court heard the arguments of the Inter-American Commission on Human Rights, the representatives of the beneficiaries of the provisional measures, and the State of Colombia, concerning the provisional measures in force in this matter.

On February 6, 2008, the Court issued an order on provisional measures in this matter, in which it decided, *inter alia*, to reiterate to the State that it should maintain any measures it had adopted and order immediately those necessary to provide effective protection to the life and personal integrity of all the members of the Peace Community of San José de Apartadó; to require the State to report on the investigations into the facts that gave rise to the adoption of these provisional measures; to reiterate to the State that it should make every effort to allow the beneficiaries of the measure or their representatives to take part in the planning and implementation of the measures of protection and, in general, keep them informed of progress in the measures ordered by the Court; and to authorize the President of the Inter-American Court of Human Rights to duly convene the State, the Inter-American Commission on Human Rights and the representatives of the beneficiaries of the provisional measures to a hearing to monitor the implementation of the provisional measures.

13. Matter of Pilar Noriega et al. (Mexico): *Provisional measures.* On February 5, 2008, during a public hearing, the Court heard the arguments of the Inter-American Commission on Human Rights, the representatives of the beneficiaries of the provisional measures, and the State of Mexico, concerning the provisional measures in force in this matter.

On February 6, 2008, the Court issued an order on provisional measures in this matter, in which it decided, *inter alia*, to lift the provisional measures decided by the Inter-American Court in its orders of November 30 2001, April 20, 2004, June 29, 2005, and November 24, 2005, with regard to Pilar Noriega García, Bárbara Zamora López, Eusebio Ochoa López, Irene Alicia Plácido Evangelista, and Carmen, Jesús, Luz María, Eusebio, Guadalupe, Ismael, Elia, Estela, Roberto, Juan Carlos, Ignacio and Agustín, all Ochoa and Plácido; to require the State to maintain the necessary measures to safeguard the life and personal integrity of Leonel Rivero Rodríguez, María de los Ángeles Espinosa Sánchez, Augusto César Sandino Rivero Espinosa, Luisa Amanda Rivero Espinosa and María Katherina Rivero Espinosa; to require the State to continue investigating the facts that gave rise to the provisional measures ordered in favor of the persons mentioned in the second operative paragraph, in order to identify those responsible and to impose the

corresponding sanctions on them; and to require the State to allow the beneficiaries or their representatives to take part in the planning and implementation of the measures of protection and, in general, keep them informed of progress in the provisional measures ordered by the Inter-American Court of Human Rights.

14. Matter of the Jiguamiandó and the Curbaradó Communities (Colombia): *Provisional measures.* On February 5, 2008, during a private hearing, the Court received the request for autonomous representation and recognition submitted by the representative of 32 families of Puerto Lleras and Pueblo Nuevo in the valley of the Jiguamiandó River and the representative of 177 families of the Curbaradó Community Council, concerning these provisional measures. During this hearing, the Court also heard the respective observations of the State, the representatives of the beneficiaries of the provisional measures, and the Inter-American Commission. After the private hearing, and during a public hearing, the Court heard the arguments of the Inter-American Commission on Human Rights, the representatives of the beneficiaries of the provisional measures, and the State of Colombia, concerning the provisional measures in force in this matter.

The same day, the Court issued two orders on provisional measures concerning these matters, in which it decided, *inter alia*, to reiterate to the State of Colombia that it should adopt, forthwith, the necessary measures to protect the life and personal integrity of the members of the communities constituted by the Jiguamiandó Community Council and the families of the Curbaradó who are beneficiaries of these measures; to adopt the necessary measures to safeguard the life and integrity of Ligia María Chaverra and Manuel Dennis Blandón, allowing these beneficiaries and their representative full participation in devising the measures: to reiterate to the State of Colombia that it should adopt all necessary measures to ensure that the persons benefiting from these measures could continue dwelling in their current localities, without any type of coercion or threat; to reiterate to the State of Colombia that it should establishing a continuous monitoring mechanism in the so-called "humanitarian refuge zones"; and to reiterate to the State of Colombia that it should allow the representatives appointed by the beneficiaries of the measures to take part in the planning and implementation of the measures and, in general, keep them informed of progress in the measures ordered by the Inter-American Court of Human Rights.

In addition, the Court decided to maintain the provisional measures decided by the Court in its orders of March 6, 2003, November 17, 2004, March 15, 2005, and February 7, 2006, in relation to the obligation of the State to adopt, forthwith, the necessary measures to protect the life and personal integrity of all the members of the communities constituted by the Community Council of the Jiguamiandó and the families of the Curbaradó.

15. Case of Valle Jaramillo et al. (Colombia): *Merits and possible reparations and costs.* On February 6 and 7, 2008, during a public hearing, the Court received the testimony of the witnesses, expert witnesses and deponent merely providing information, proposed by the Inter-American Commission, the representatives of the alleged victims and the State. The Court also heard the final oral arguments of the Commission, the representatives of the alleged victims, and the State of Colombia on merits and possible reparations and costs in this case.

16. Matter of Millacura Llaipén et al. (Argentina): *Provisional measures.* On February 6, 2008, the Court issued an order on provisional measures in this matter, in which it declared that the provisional measures adopted by the order of the Inter-American Court of because he was now deceased and decided, *inter alia*: to reiterate to the State of Argentina that it should maintain the measures it had adopted and adopt any measures necessary to safeguard the rights to life

and personal integrity of María Leontina Millacura Llaipén, Marcos and Valeria Torres, Juan Pablo Caba, Gerardo Colín, Patricio Oliva, Tamara Bolívar, Miguel Ángel Sánchez, Silvia de los Santos, Verónica Heredia, and Viviana and Sonia Hayes, and also the granddaughters of María Leontina Millacura Llaipén (daughters of Marcos and Valeria Torres), of Marcela ("wife of Marcos Torres"), Alberto and Noelia Hayes, and Luis Alberto Fajardo and, to this end, it should take into account the gravity of the situation and the specific conditions of danger they faced; to require the State of Argentina, in its next report, to present an assessment of the dangerous situation faced by each of the beneficiaries of these measures, describing the measures that have been implemented to deal with this dangerous situation; to require the State of Argentina, in its next report, to describe the facts and circumstances that led to the death of Walter Mansilla; to declare that, in the context of this proceeding on provisional measures, it would not analyze the effectiveness of the investigations into the facts that gave rise to the measures, because that corresponded to the examination of the merits of the matter, which was being conducted by the Inter-American Commission on Human Rights; to reject the request for expansion of the provisional measures in favor of Cristian Gamín, Iván Eladio Torres, Miguel Antonio Gallardo, Mauricio Agüero, Luis Alberto Alcaína and Diego Álvarez; and to require the State of Argentina to evaluate appropriate mechanisms for the effective protection of the rights to life and integrity of the beneficiaries, in coordination with the representatives and the beneficiaries of the measures.

17. Case of Castañeda Gutman (Mexico): *Preliminary objections and possible merits, reparations and costs.* On February 8, 2008, during a public hearing, the Court received the testimony of the alleged victim. The Court also heard the final oral arguments of the Commission, the representatives of the alleged victim and the State of Mexico on the preliminary objections and possible merits, reparations and costs in this case.

18. Matter of the Capital Judicial Detention Center El Rodeo I and El Rodeo II (Venezuela): *Provisional measures.* On February 8, 2008, the Court issued an order on provisional measures in this matter, in which it decided, *inter alia*, to require the State to adopt the provisional measures necessary to protect the life and personal integrity of all the persons deprived of liberty in the Capital Judicial Detention Center El Rodeo I and El Rodeo II, in particular, to avoid violent deaths and injuries; and to request the State to report to the Inter-American Court on the provisional measures adopted in compliance with the order, and the representatives of the beneficiaries and the Inter-American Commission on Human Rights to present their observations on the said report.

19. Hearings on monitoring compliance with judgment: During this session, the Court held a series of private hearings on monitoring compliance with the judgments handed down in the following cases: Cantoral Benavides *v.* Peru, Loayza Tamayo *v.* Peru, Caballero Delgado and Santana *v.* Colombia, Ricardo Canese *v.* Paraguay, Children's Rehabilitation Institute *v.* Paraguay, Sawhoyamaxa Indigenous Community *v.* Paraguay, and Yakye Axa Indigenous Community *v.* Paraguay.

20. Orders on monitoring compliance with judgment: During this session, the Court issued orders on monitoring compliance with judgment in the following cases: Servellón García *et al.* *v.* Honduras, López Álvarez *v.* Honduras, Cantoral Benavides *v.* Peru, Yakye Axa Indigenous Community *v.* Paraguay, Sawhoyamaxa Indigenous Community *v.* Paraguay, Caballero Delgado and Santana *v.* Colombia, Ricardo Canese *v.* Paraguay, Children's Rehabilitation Institute *v.* Paraguay, Huilca Tecse *v.* Peru, Baldeón García *v.* Peru, Acosta Calderón *v.* Ecuador, Gutiérrez Soler *v.* Colombia, and Loayza Tamayo *v.* Peru.

B. Thirty-third special session of the Court

The Court held its thirty-third special session in Tegucigalpa, Honduras, from April 28 to May 1, 2008,³ with the following members: Cecilia Medina Quiroga (Chile), President; Diego García-Sayán (Peru), Vice President; Sergio García Ramírez (Mexico); Manuel E. Ventura Robles (Costa Rica); Leonardo A. Franco (Argentina); Margarete May Macaulay (Jamaica), and Rhadys Abreu Blondet (Dominican Republic). Judge *ad hoc* Alvaro Castellanos Howell, appointed by the State of Guatemala for the case of *Tiu Tojín*, also took part in the session. Also present were the Secretary of the Court, Pablo Saavedra Alessandri (Chile), and the Deputy Secretary, Emilia Segares Rodríguez (Costa Rica).

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

1. Case of Bayarri (Argentina): *Preliminary objections and possible merits, reparations and costs.* On April 29, 2008, during a public hearing, the Court received the testimony of the witnesses and expert witnesses proposed by the Inter-American Commission and the representatives of the alleged victim. The Court also heard the final oral arguments of the Commission, the representatives of the alleged victim, and the State of Argentina on the preliminary objections and possible merits, reparations and costs in this case.

2. Case of Tiu Tojín (Guatemala): *Merits and possible reparations and costs.* On April 30, 2008, during a public hearing, the Court received the testimony of the witnesses and expert witnesses proposed by the Inter-American Commission and the representatives of the alleged victims. The Court also heard the final oral arguments of the Commission, the representatives of the alleged victims, and the State of Guatemala on merits and possible reparations and costs in this case.

3. Case of Escué Zapata (Colombia): *Request for interpretation of judgment.* On May 1, 2008, the Court deliberated on a request filed by the State of Colombia for interpretation of the judgment on merits, reparations and costs in this case handed down by the Court on July 4, 2007, and considered the possibility of delivering a ruling.

4. Other activities: a seminar on current and future challenges faced by the inter-American system for the protection of human rights was held from April 28 to 30, 2008. On the afternoon of April 30, the judges of the Court took part in the seminar as invited speakers. The event was held in the Convention Center, Plaza San Carlos, San Martín Hotel District, Tegucigalpa, Honduras.

C. Seventy-ninth regular session of the Court

The Court held its seventy-ninth regular session in San José, Costa Rica, from May 2 to 9, 2008, with the following members: Cecilia Medina Quiroga (Chile), President; Diego García-Sayán (Peru), Vice President; Sergio García Ramírez (Mexico); Manuel E. Ventura Robles (Costa Rica); Leonardo A. Franco (Argentina); Margarete May Macaulay (Jamaica), and Rhadys Abreu Blondet (Dominican Republic). The following Judges *ad hoc* also took part in the session: Diego Rodríguez Pinzón, appointed by the State of Ecuador for the case of *Salvador Chiriboga* and Pier

³ Funding for the thirty-third special session was provided by the Ministry of Foreign Affairs of Norway.

Paolo Pasceri Scaramuzza, appointed by the State of Venezuela, for the case of *Perozo et al.* Also present were the Secretary of the Court, Pablo Saavedra Alessandri (Chile), and the Deputy Secretary, Emilia Segares Rodríguez (Costa Rica).

During this session, the Court held one public hearing and four private hearings concerning contentious cases. It also delivered three judgments on contentious cases, one judgment on interpretation, four orders on provisional measures and six orders on monitoring compliance with judgment. The matters considered by the Court during the session are described below:

1. Case of Kimel (Argentina): Judgment on merits, reparations and costs.⁴ On May 2, 2008, the Court delivered judgment on the merits, reparations and costs in this case, declaring, *inter alia*, that it accepted the acknowledgement of international responsibility made by the State and indicating that the State had violated the rights embodied in Article 13(1) and 13(2) (Freedom of Thought and Expression) of the American Convention on Human Rights, in relation to Articles 1(1) (Obligation to Respect Rights) and 2 (Domestic Legal Effects) thereof; Article 8(1) (Right to a Fair Trial) of the American Convention, in relation to Article 1(1) (Obligation to Respect Rights) thereof, Article 9 (Freedom from Ex Post Facto Laws) of the Convention, in relation to Articles 1(1) (Obligation to Respect Rights) and 2 (Domestic Legal Effects) thereof, all to the detriment of Eduardo Kimel. In addition, the Court declared that it accepted the withdrawal of representatives' allegations concerning the right to be heard by an impartial judge established in Article 8(1) (Right to a Fair Trial), the right to appeal the judgment before a higher court, embodied in Article 8(2)(h) (Right to a Fair Trial), and the right to judicial protection stipulated in Article 25 (Right to Judicial Protection) of the American Convention on Human Rights.

Regarding reparations, *inter alia*, the Court ordered the State: to pay the amounts established in the judgment for pecuniary and non-pecuniary damage, and reimbursement of costs and expenses; to annul the criminal conviction against Mr. Kimel and any of its consequences; to eliminate immediately Mr. Kimel's name from any public records in which it appeared with a criminal record related to this case; to make the publications indicated in paragraph 125 of the judgment; to carry out a public act to acknowledge its responsibility and, within a reasonable time, to adapt its domestic laws to the American Convention on Human Rights, in order to correct the ambiguity acknowledged by the State so as to satisfy the requirements of legal certainty and, consequently, so that this ambiguity did not have an adverse impact on the exercise of the right to freedom of expression.

Judges Diego García-Sayán and Sergio García Ramírez informed the Court of their concurring opinions, which accompany the judgment.

2. Matter of the Urso Branco Prison (Brazil): Provisional measures. On May 2, 2008, the Court issued an order on provisional measures in this matter, in which it decided, *inter alia*, to reiterate to the State that it should adopt immediately, all necessary measures to safeguard the life and integrity of all the persons detained in the Urso Branco Prison, as well as all those who enter the prison, including the visitors, and the security agents working in the prison; to reiterate to the State that it should take the necessary steps to ensure that the measures to protect life and

⁴ On May 7, 2007, Judge Leonardo A. Franco, an Argentine national, informed the Court that he was inhibited from hearing this case. This inhibition was accepted the same day by the President, in consultation with the judges of the Court. Consequently, on May 7, 2007, the State was informed that, within 30 days, it could appoint a judge *ad hoc* to take part in this case. The time elapsed without the State making this appointment.

personal integrity are planned and implemented with the participation of the beneficiaries or their representatives, and that, in general, keep them informed on progress in the implementation of the measures, and to require the State, in the next report it presents to the Court, to provide information on compliance with the measures indicated; particularly on the measures adopted immediately to prevent the murder or acts against the integrity of the persons detained in the prison or those who enter the prison premises for any reason. Attached to this report, the State was asked to submit an updated list of all the individuals who had died violently since the first order of the Inter-American Court of Human Rights was issued in this matter.

3. Case of Baena Ricardo *et al.* (Panama): *Monitoring compliance with judgment.* On May 3, 2008, during a private hearing, the Court heard the arguments of the parties on compliance with the judgment on merits, reparations and costs in this case delivered by the Court on February 2, 2001.

4. Case of Mayagna (*Sumo*) Awas Tingni Community (Nicaragua): *Monitoring compliance with judgment.* On May 3, 2008, during a private hearing, the Court heard the arguments of the parties on compliance with the judgment on merits, reparations and costs in this case delivered by the Court on August 31, 2001.

5. Case of the Gómez Paquiyauri Brothers (Peru): *Provisional measures.*⁵ On May 3, 2008, the Court issued an order on provisional measures in this case, in which it decided, *inter alia*, to lift the provisional measures ordered by the Inter-American Court of Human Rights in its orders of May 7, 2004, and September 22, 2006, with regard to Ricardo Samuel Gómez Quispe, Marcelina Paquiyauri Illanes de Gómez, Lucy Rosa Gómez Paquiyauri, Miguel Ángel Gómez Paquiyauri, Ricardo Emilio Gómez Paquiyauri, Carlos Pedro Gómez Paquiyauri, Marcelina Haydée Gómez Paquiyauri, Jacinta Peralta Allccarima and Nora Emely Gómez Peralta; to require the State to maintain the necessary measures to safeguard the life and personal integrity of Angel del Rosario Vásquez Chumo and the members of his family who live with him for an additional period of at least six months calculated from the date of notification of the order, after which the Court would assess the pertinence of maintaining them in force; to request Ángel del Rosario Vásquez Chumo and the members of his family who live with him, or their representative, to submit their observations on the continuation and existence of the presumptions of extreme gravity and urgency and of possible irreparable damage that would justify the need to maintain the provisional measures in force; and to require the State to present a report to the Court, detailing the arguments and evidence based on which it considered that the measures ordered in favor of Mr. Vásquez Chumo and his family should be maintained in force, and to require the Inter-American Commission to present its observations on the said report of the State, as well as the observations of Ángel del Rosario Vásquez Chumo and his family.

6. Case of the Mapiripán Massacre (Colombia): *Provisional measures.* On May 3, 2008, the Court issued an order on provisional measures in this case, in which it decided, *inter alia*, to require the State of Colombia to maintain the provisional measures decided in the order of the Court of June 27, 2005; to require the representatives to forward the observations that were pending as soon as possible and in particular, to provide specific information on the situation of the beneficiaries of the provisional measures ordered. The observations should include a clear indication of whether a situation of extreme gravity and urgency subsisted that required measures

⁵ Judge Diego García-Sayán, a Peruvian national, excused himself from hearing this case pursuant to Article 19(2) of the Court's Statute and Article 19 of its Rules of Procedure.

to avoid irreparable damage to these persons, so that the Court could assess the need for the measures of protection; if the information requested was not presented within the time frame that the Court established, the Court would assess whether the provisional measures should be lifted, and to request the State to present a report on the implementation of the provisional measures, in particular detailed information on the danger faced by each of the beneficiaries, the measures of protection provided to each of them and the current status and results of the investigations conducted into the facts that gave rise to the measures. Following this report, the State should continue informing the Inter-American Court about the provisional measures adopted every two months.

7. Case of Escué Zapata (Colombia): *Interpretation of the judgment on merits, reparations and costs.* On May 5, 2008, the Court ruled on interpretation in this case, and decided, *inter alia*, to declare admissible the request for interpretation of the judgment on merits, reparations and costs delivered on July 4, 2007; and to determine the scope of the provisions of paragraphs 166, 168, 170 and 188 of this judgment.

Judge *ad hoc* Diego Eduardo López Medina informed the Court of his concurring opinion, which accompanies the judgment.

8. Case of Salvador Chiriboga (Ecuador): *Judgment on preliminary objection, merits, reparations and costs.* On May 6, 2008, the Court delivered judgment on the preliminary objection, merits, reparations and costs in this case, in which it decided, *inter alia*, to reject the preliminary objection of failure to exhaust domestic remedies filed by the State and to declare that the State had violated the right embodied in Article 21(2) (Right to Property) of the American Convention, in relation to Articles 8(1) (Right to a Fair Trial) and 25(1) (Right to Judicial Protection) thereof, all in relation to Article 1(1) (Obligation to Respect Rights) of the Convention. In addition, the Court declared that it had not been proved that the State had violated Articles 24 (Right to Equal Protection) and 29 (Restrictions regarding Interpretation) of the American Convention on Human Rights, or that the State had failed to comply with Article 2 (Domestic Legal Effects) of the Convention, to the detriment of María Salvador Chiriboga.

Regarding reparations, the Court decided that determination of the amount and payment of fair compensation for the expropriation of property, as well as any other measure designed to repair the violations that had been declared in the judgment, should be made by mutual agreement between the State and the representatives, and that it reserved the power to verify whether that agreement was consistent with the American Convention and to take any necessary decision. If no agreement could be reached, the Court will determine the corresponding reparations and expenses and costs and, to that end, will conduct the respective proceeding.

Judge Quiroga Medina informed the Court of her partially dissenting opinion, Judge Ventura Robles informed the Court of his concurring opinion, and Judge *ad hoc* Rodríguez Pinzón informed the Court of his partially dissenting opinion, all of which accompany the judgment.

9. Case of Yvon Neptune (Haiti): *Judgment on merits, reparations and costs.* On May 6, 2008, the Court delivered judgment on merits, reparations and costs in this case, declaring, *inter alia*, that the State had violated the rights embodied in Articles 8(1) (Right to a Fair Trial) and 25 (Right to Judicial Protection) of the American Convention, in relation to Article 1(1) (Obligation to Respect Rights) thereof, and Articles 7(1), 7(2), 7(3), 7(4) and 7(5) (Right to Personal Liberty) of the Convention, in relation to Article 1(1) (Obligation to Respect Rights) thereof, all to the

detriment of Yvon Neptune. In addition, the Court declared that the State had not violated the right embodied in Article 9 (Freedom from Ex Post Facto Laws) of the Convention, to the detriment of Yvon Neptune, and that the State had violated the rights embodied in Article 5(1), 5(2) and 5(4) (Right to Humane Treatment) of the Convention, in relation to Article 1(1) (Obligation to Respect Rights) thereof, to the detriment of Yvon Neptune.

Regarding reparations, the Court decided, *inter alia*, that the State should: adopt the judicial and any other necessary measures to ensure that the legal situation of Yvon Neptune is totally defined as regards the criminal proceedings filed against him, as soon as possible. If the State decides to submit him to another trial, this should be conducted in accordance with the applicable legal and constitutional procedures, satisfy the requirements of due process, and fully guarantee the right to defense of the accused, in the terms of the American Convention; adopt the legislative and any other measures to regulate the proceedings of the High Court of Justice, in order to define the respective competences, procedural norms and minimum guarantees of due process; publish once in the official gazette and in another daily newspaper with broad national circulation paragraphs 1 to 10, 16 to 21, 36 to 155, 161, 163, 167, 168 and 170 to 183 of the judgment and the operative paragraphs thereof; adopt the legislative, administrative and any other measures necessary to make a substantial improvement in prison conditions in Haiti, adapting them to international human rights norms, and pay the amounts established in the judgment for pecuniary and non-pecuniary damage, as well as reimbursement of costs and expenses.

10. Case of Gabriela Perozo *et al.* (Venezuela): *Preliminary objections and possible merits, reparations and costs.* On May 7 and 8, 2008, during a public hearing, the Court received the testimony of the witnesses and expert witnesses proposed by the Inter-American Commission on Human Rights, the representatives of the alleged victims and the State of Venezuela. In addition, the Court heard the final oral arguments of the Commission, the representatives and the State of Venezuela on the preliminary objections and on the possible merits, reparations and costs.

11. Cases of Fermín Ramírez and Raxcacó Reyes (Guatemala): *Monitoring compliance with judgments and provisional measures.* On May 8, 2008, during a private hearing, the Court received the arguments of the parties on compliance with the judgment on merits, reparations and costs delivered by the Court on June 20, 2005, in the case of Fermín Ramírez and on September 15, 2005, in the case of Raxcacó Reyes. As regards the latter, the Court also heard the arguments of the parties on a request for expansion of the provisional measures ordered by the Court.

In addition, on May 9, 2008, the Court issued an order on monitoring compliance with judgment in Fermín Ramírez *v.* Guatemala and Raxcacó Reyes *v.* Guatemala, and on provisional measures in the case of Raxcacó Reyes with regard to Guatemala. In the case of Fermín Ramírez, the Court declared, *inter alia*, that the State had complied with the obligations set out in the following operative paragraphs of the judgment on merits and reparations delivered by the Court on June 20, 2005: to make the payment for reimbursement of expenses in favor of the Guatemalan *Instituto de Estudios Comparados de Ciencias Penales* (thirteenth operative paragraph); to hold, within a reasonable time, a new trial of Fermín Ramírez that satisfies the requirements of due process, with full guarantees of a hearing and defense for the accused (seventh operative paragraph); and to abstain from executing Fermín Ramírez, whatever the result of the trial referred to in the seventh operative paragraph (ninth operative paragraph). In addition, the Court declared that it would keep open the procedure of monitoring compliance with the points pending total fulfillment, namely: to abstain from applying that part of article 132 of the Guatemalan

Penal Code that refers to the danger represented by the agent and to adapt it to the Convention within a reasonable time (eighth operative paragraph); to adopt the necessary legislative and administrative measures to establish a procedure so that any person condemned to death has the right to request a pardon or commutation of sentence (tenth operative paragraph); to provide Fermín Ramírez with appropriate treatment (eleventh operative paragraph); and to adopt, within a reasonable time, the necessary measures to ensure that prison conditions are adapted to international human rights standards (twelfth operative paragraph).

In the case of Raxcacó Reyes, the Court declared that the State had complied totally with the following operative paragraphs of the judgment on merits and reparations of September 15, 2005: to annul the death sentence imposed on Raxcacó Reyes (*eighth operative paragraph of the judgment*); to publish the pertinent parts of the judgment handed down in this case (*thirteenth operative paragraph of the judgment*); and to pay the amounts established as reimbursement of costs and expenses (*fourteenth operative paragraph of the judgment*). In addition, the Court declared that the State had complied partially with the following operative paragraph of the judgment handed down in the case of Raxcacó Reyes: to provide adequate medical care to Raxcacó Reyes (*tenth operative paragraph of the judgment*) and that it would maintain the procedure of monitoring compliance open in relation to the following pending points of the judgment handed down in the case of Raxcacó Reyes: to modify article 201 of the Guatemalan Penal Code (*fifth operative paragraph of the judgment*); to abstain from applying the death penalty and executing those convicted of the offense of abduction or kidnapping (*sixth operative paragraph of the judgment*); to adopt a procedure guaranteeing that any person condemned to death has the right to request and, if applicable, to obtain a pardon (*seventh operative paragraph of the judgment*); to adopt the necessary measures to ensure that the prisons are adapted to international standards (*ninth operative paragraph of the judgment*); to adopt the necessary measures to enable Raxcacó Reyes to receive periodic visits from Olga Isabel Vicente (*eleventh operative paragraph of the judgment*); and to adopt the educational, work-related and other measures necessary to ensure that Raxcacó Reyes can reincorporate society once he has served his sentence (*twelfth operative paragraph of the judgment*).

The Court also decided to require the State of Guatemala to adopt all necessary measures to comply effectively and promptly with the pending points of the judgments handed down in the Fermín Ramírez and Raxcacó Reyes cases; to request the State of Guatemala to submit a report on each case to the Court indicating all the measures adopted to comply with the reparations ordered by the Court that were pending compliance; to request the representatives of the victims and the Inter-American Commission to present any observations they deemed pertinent on the State's reports; to reject the request for the expansion of provisional measures submitted by the representatives of the beneficiaries; to reiterate to the State that it should maintain the provisional measures required to protect the life of Bernardino Rodríguez Lara so as not to obstruct the processing of his case before the inter-American system for the protection of human rights; to require the State to submit a report on the measures it had adopted to comply with the provisional measures ordered in favor of Bernardino Rodríguez Lara and to continue informing the Inter-American Court about the implementation of the measures adopted; and to require the beneficiary of the provisional measures or his representatives to present their observations on the State's reports and the Inter-American Commission to submit its observations on the said reports.

12. Orders on monitoring compliance with judgment: During this session, the Court issued orders on compliance with judgment in the following cases: Claude Reyes *et al.* v. Chile,

Mayagna (*Sumo*) Awas Tingni Community v. Nicaragua, Gómez Paquiyauri Brothers v. Peru, Ximenes Lopes v. Brazil, Fermín Ramírez v. Guatemala and Raxcacó Reyes v. Guatemala.

D. Thirty-fourth special session of the Court

The Court held its thirty-fourth special session in San José, Costa Rica, on August 2, 2008. The members of the Court for this judgment on interpretation were as follows: Sergio García Ramírez (Mexico), acting President for this case, Antônio Augusto Cançado Trindade (Brazil), Cecilia Medina Quiroga (Chile), Manuel E. Ventura Robles (Costa Rica) and Leonardo A. Franco (Argentina). Also present were the Secretary of the Court, Pablo Saavedra Alessandri (Chile), and the Deputy Secretary, Emilia Segares Rodríguez (Costa Rica).

During this session, the Court delivered one judgment on interpretation, which is described below:

1. Case of the Miguel Castro Castro Prison (Peru): *Interpretation of the judgment on merits, reparations and costs.*⁶ On August 2, 2008, the Court delivered judgment on interpretation in this case,⁷ in which it decided, *inter alia*, to declare admissible the request for interpretation of the judgment on merits, reparations and costs in the case of the Miguel Castro Castro Prison filed by the State; to declare admissible the request for interpretation of the judgment on merits, reparations and costs in this case filed by the representatives; and to determine the meaning and scope of the provisions of the judgment on merits, reparations and costs.

Judges Sergio García Ramírez, Antônio A. Cançado Trindade and Manuel E. Ventura Robles informed the Court of their separate opinions, which accompany the judgment.

E. Eightieth regular session of the Court

The Court held its eightieth regular session in San José, Costa Rica, from August 4 to 8, 2007, with the following members: Cecilia Medina Quiroga (Chile), President; Diego García-Sayán (Peru), Vice President; Sergio García Ramírez (Mexico); Manuel E. Ventura Robles (Costa Rica); Leonardo A. Franco (Argentina); Margarette May Macaulay (Jamaica), and Rhadys Abreu Blondet (Dominican Republic). The following Judges *ad hoc* also took part in the session: Claus von Wobeser Hoepfner, appointed by the United Mexican States for the case of *Castañeda Gutman* and Pier Paolo Pasceri Scaramuzza, appointed by the Bolivarian Republic of Venezuela for the case of *Luisiana Ríos et al.* Also present were the Secretary of the Court, Pablo Saavedra Alessandri (Chile), and the Deputy Secretary, Emilia Segares Rodríguez (Costa Rica).

⁶ Judge Diego García-Sayán excused himself from hearing this case, pursuant to Article 19(2) of the Court's Statute and Article 19 of its Rules of Procedure.

⁷ Judge Sergio García Ramírez was the President of the Court when the judgment on merits, reparations and costs in this case was delivered; consequently, for the effects of this judgment, he retains this position. Also, in an order of May 3, 2008, the Court accepted Judge Alirio Abreu Burelli's request to waive his participation in hearing this case, for reasons beyond his control. Consequently, Judge Leonardo A. Franco sat on the Court to hear this proceeding on interpretation of judgment, pursuant to Article 16(1) of the Rules of Procedure.

During this session, the Court held one public hearing concerning a contentious case, delivered two judgments on contentious cases, and one judgment on interpretation. In addition, the Court issued two orders on provisional measures and ten orders on monitoring compliance with judgment. The matters considered by the Court during the session are described below:

1. Case of Apitz Barbera *et al.* (“First Administrative Court”) (Venezuela): *Judgment on preliminary objection, merits, reparations and costs.*⁸ On August 5, 2008, the Court delivered judgment on the preliminary objection, merits, reparations and costs in this case, and decided, *inter alia*, to reject the preliminary objection filed by the State and to declare that the State did not violate the right of Juan Carlos Apitz Barbera, Perkins Rocha Contreras and Ana María Ruggeri Cova to a hearing by a competent court; but that the State had violated the right to a hearing by an impartial court established in Article 8(1) (Right to a Fair Trial) of the American Convention, in relation to Articles 1(1) (Obligation to Respect Rights) and 2 (Domestic Legal Effects) of the Convention, to the detriment of Juan Carlos Apitz Barbera, Perkins Rocha Contreras and Ana María Ruggeri Cova; that the State had not violated Article 8(1) (Right to a Fair Trial) of the Convention by not hearing Juan Carlos Apitz Barbera, Perkins Rocha Contreras and Ana María Ruggeri Cova in the proceedings to remove the case to the Political and Administrative Chamber of the Supreme Court of Justice, and not to hear Juan Carlos Apitz Barbera and Perkins Rocha Contreras at a public hearing in the course of the appeals they filed; that the State failed to comply with its obligation to justify the charges that derives from the guarantees established in Article 8(1) (Right to a Fair Trial) of the American Convention, in relation to Article 1(1) (Obligation to Respect Rights) thereof, to the detriment of Juan Carlos Apitz Barbera, Perkins Rocha Contreras and Ana María Ruggeri Cova; that it has not been proved that the Judiciary as a whole lacks independence; that the State violated the right to a hearing by an independent court, pursuant to Article 8(1) (Right to a Fair Trial) of the American Convention, in relation to Articles 1(1) (Obligation to Respect Rights) and 2 (Domestic Legal Effects) thereof, to the detriment of Juan Carlos Apitz Barbera, Perkins Rocha Contreras and Ana María Ruggeri Cova; that the State violated the right to a hearing within a reasonable time, embodied in Article 8(1) (Right to a Fair Trial) of the American Convention, in relation to Article 1(1) (Obligation to Respect Rights) thereof, to the detriment of Juan Carlos Apitz Barbera and Perkins Rocha Contreras; that the State violated the right to a simple, prompt and effective recourse, embodied in Article 25(1) (Right to Judicial Protection) of the Convention, in relation to Article 1(1) (Obligation to Respect Rights) thereof, to the detriment of Juan Carlos Apitz Barbera and Perkins Rocha Contreras; that the State did not violate the right of Ana María Ruggeri Cova to judicial protection, embodied in Article 25(1) (Right to Judicial Protection) of the American Convention; that the State did not violate the right of Juan Carlos Apitz Barbera,

8 On January 28, 2008, Judge Diego García-Sayán, a Peruvian national, informed the Court that he was inhibited from hearing this case, “considering that it would be in the best interests of the Court.” He indicated that he is a “member of the Andean Commission of Jurists” and that he holds a “management position in this institution.” He considered that, “although the specific functions of this position are not directly related to institutional communications or opinions on substantive matters, [...] he should excuse himself from continuing to participate in hearing this case so that the perception of the Court’s absolute independence would not be affected in any way.” The President of the Court considered that there was no evidence that Judge García Sayán had participated in this case in any way or that he had given an opinion, publicly or privately about the litigation underway, its causes, development and possible solutions, or even about the parties to the case. However, the President, in consultation with the other Judges, and pursuant to Article 19(2) of the Court’s Statute, found it reasonable to accept Judge García-Sayán’s motives for his decision so that “the perception of the Court’s absolute independence would not be affected in any way” and, consequently, accepted his inhibition. Judge García-Sayán’s inhibition and the President’s decision were notified to the parties on January 29, 2008.

Perkins Rocha Contreras and Ana María Ruggeri Cova to equal protection, embodied in Article 24 (Right to Equal Protection) of the Convention; that the State did not violate the right of Juan Carlos Apitz Barbera, Perkins Rocha Contreras and Ana María Ruggeri Cova to have access, under general conditions of equality, to the public service of their country, embodied in Article 23(1)(c) (Right to Participate in Government) of the American Convention; that the State did not violate the general clause on non-discrimination contained in Article 1(1) (Obligation to Respect Rights) of the American Convention, in relation to the substantive right to be heard within a reasonable time embodied in Article 8(1) (Right to a Fair Trial) thereof; and that the alleged violation of Article 29(c) and 29(d) (Restrictions regarding Interpretation) of the American Convention, in relation to Article 3 of the Inter-American Democratic Charter, was inadmissible.

Regarding reparations, the Court decided, *inter alia*, that the State should: pay the amounts established in the judgment for pecuniary and non-pecuniary damage, and reimbursement of costs and expenses; reincorporate Juan Carlos Apitz Barbera, Perkins Rocha Contreras and Ana María Ruggeri Cova into the Judiciary, if they so wish, in a position with equivalent remuneration, social benefits and rank to those they would have had today if they had not been dismissed. If, for justifiable reasons, contrary to the wish of the victims, the State should be unable to reincorporate them into the Judiciary, it must pay each of the victims the amount established in paragraph 246 of the judgment; make the publications indicated in the judgment, and adopt the necessary measures to ensure the adoption of the Ethics Code for Venezuelan Judges.

2. Case of Albán Cornejo et al. (Ecuador): Request for interpretation of the judgment on merits, reparations and costs. On August 5, 2008, the Court ruled on a request filed by the representatives of the victims in this case for interpretation of the judgment on merits, reparations and costs delivered by the Court on November 22, 2007, in which it decided to reject as inadmissible the request for interpretation of the judgment on merits, reparations and costs delivered on November 22, 2007, in relation to the issues raised by the representatives, because they were not in keeping with the provisions of Articles 67 of the Convention and 29(3) and 59 of the Rules of Procedure.

3. Matter of Carlos Nieto Palma and another (Venezuela): Provisional measures. On August 5, 2008, the Court issued an order on provisional measures in this matter, in which it decided, *inter alia*, to require the State to maintain the necessary measures to safeguard the life and personal integrity of Carlos Nieto Palma and Ivonne Palma Sánchez for at least six months, following which the Court would assess the pertinence of maintaining them in force; and to request Carlos Nieto Palma or his representatives to submit their observations on the continuation and existence of the presumptions of extreme gravity and urgency and of possible irreparable damage that would justify the need to maintain the provisional measures in force.

4. Case of Castañeda Gutman (Mexico): Judgment on preliminary objections, merits, reparations and costs.⁹ On August 6, 2008, the Court delivered judgment on the preliminary objections, merits, reparations and costs in this case, in which it decided to reject the preliminary objections filed by the State and to declare that the State had violated the right embodied in Article 25(1) (Right to Judicial Protection) of the Convention, in relation to Articles 1(1) (Obligation to Respect Rights) and 2 (Domestic Legal Effects) thereof, to the detriment of Jorge Castañeda

⁹ On May 7, 2007, Judge Sergio García Ramírez, a Mexican national, excused himself from hearing this case, pursuant to Article 19(2) of the Court's Statute and Article 19 of its Rules of Procedure; the Court accepted his recusal.

Gutman; that the State had not violated the political right to be elected embodied in Article 23(1)(b) (Right to Participate in Government) of the American Convention, in relation to Articles 1(1) (Obligation to Respect Rights) and 2 (Domestic Legal Effects) thereof, to the detriment of Jorge Castañeda Gutman; and that the State had not violated the right embodied in Article 24 (Right to Equal Protection) of the Convention, in relation to Article 1(1) (Obligation to Respect Rights) thereof, to the detriment of Jorge Castañeda Gutman.

Regarding reparations, the Court ordered, *inter alia*, that the State should: complete the adaptation of its domestic laws to the Convention, in order to adapt the secondary legislation and the norms that regulate the action for protection of the rights of the citizen to comply with the provisions of the constitutional reform of November 13, 2007, so that, using this recourse, citizens are guaranteed the possibility of questioning the constitutionality of the legal regulation of the right to participate in government; publish once in the official gazette and in another newspaper with widespread circulation paragraphs 77 to 133 of the judgment, without the footnotes, and the operative paragraphs thereof; and reimburse Jorge Castañeda Gutman for costs and expenses.

5. Matter of Leonel Rivero *et al.* (previously Pilar Noriega García *et al.*) (Mexico): Provisional measures. On August 6, 2008, the Court issued an order on provisional measures in this matter, in which it decided, *inter alia*, to require the State to maintain the necessary measures to safeguard the life and personal integrity of Leonel Rivero Rodríguez, María de los Ángeles Espinosa Sánchez, Augusto César Sandino Rivero Espinosa, Luisa Amanda Rivero Espinosa and María Katherina Rivero Espinosa, until December 15, 2008, in the terms of the order of the Court of February 6, 2008; and to order a change in the name of this matter, to be known hereafter as the "matter of Leonel Rivero *et al.*"

6. Case of Luisiana Ríos *et al.* (Venezuela): Preliminary objection and possible merits, reparations and costs. On August 7, 2008, during a public hearing, the Court received the testimony of the three witnesses proposed by the Inter-American Commission on Human Rights, the representatives of the alleged victims and the State of Venezuela. In addition, the Court heard the final oral arguments of the parties on the preliminary objection and the possible merits, reparations and costs in this case.

7. Orders on monitoring compliance with judgment: During this session, the Court issued orders on monitoring compliance with its judgments in the following cases: *Canese v. Paraguay*, *Goiburú et al. v. Paraguay*, *Servellón García et al. v. Honduras*, *Plan de Sánchez Massacre v. Guatemala*, *Constitutional Court v. Peru*, *Durand and Ugarte v. Peru*, *Barrios Altos v. Peru*, *Cesti Hurtado v. Peru*, *Yatama v. Nicaragua*, and *Las Palmeras v. Colombia*.

F. Thirty-fifth special session of the Court

The Court held its thirty-fifth special session in Montevideo, Uruguay from August 11 to 15, 2008, with the following members:¹⁰ Diego García-Sayán (Peru), Vice President; Sergio García Ramírez (Mexico); Manuel E. Ventura Robles (Costa Rica); Leonardo A. Franco (Argentina); Margarette May Macaulay (Jamaica), and Rhadys Abreu Blondet (Dominican Republic). Also present was the Secretary of the Court, Pablo Saavedra Alessandri (Chile).

¹⁰ For reasons beyond their control, Judge Cecilia Medina Quiroga and Deputy Secretary Emilia Segares Rodríguez were unable to take part in the thirty-fifth special session.

During this session, the Court held two public hearings on contentious cases, two private hearings on monitoring compliance with judgment, and two public hearings on provisional measures. In addition, the Court issued judgment on a contentious case and a judgment on interpretation. The matters considered by the Court during the session are described below:

1. Case of Heliodoro Portugal (Panama): *Judgment on preliminary objections, merits, reparations and costs.*¹¹ On August 12, 2008, the Court delivered judgment on the preliminary objections, merits, reparations and costs in this case, in which it decided, *inter alia*, to reject the preliminary objection of failure to exhaust domestic remedies filed by the State; to declare partially admissible and to reject partially the preliminary objection relating to competence *ratione temporis* filed by the State; and to reject the preliminary objection relating to competence *ratione materiae* filed by the State. In addition, the Court declared that the State had violated the rights embodied in Article 7 (Right to Personal Liberty) of the Convention, in relation to Article 1(1) (Obligation to Respect Rights) thereof, and had failed to comply with its obligations under Article I of the Inter-American Convention on Forced Disappearance of Persons, in relation to Article II thereof, to the detriment of Heliodoro Portugal; 8(1) (Right to a Fair Trial) and 25(1) (Right to Judicial Protection) of the American Convention, in relation to Article 1(1) (Obligation to Respect Rights) of the said instrument, to the detriment of Graciela De León, Patria Portugal and Franklin Portugal; and 5(1) (Right to Humane Treatment) of the Convention, in relation to Article 1(1) (Obligation to Respect Rights) thereof, to the detriment of Graciela De León, Patria Portugal and Franklin Portugal. In addition, the Court declared that the State had failed to comply with its obligation to define the offense of forced disappearance, as stipulated in Articles II and III of the Inter-American Convention on Forced Disappearance of Persons; and had failed to comply with its obligation to define the offense of torture, as stipulated in Articles 1, 6 and 8 of the Inter-American Convention to Prevent and Punish Torture.

Regarding reparations, the Court ordered, *inter alia* that the State should: pay Graciela De León, Patria Portugal and Franklin Portugal compensation for pecuniary and non-pecuniary damage; investigate the facts that resulted in the violations in this case, and identify, prosecute and, if applicable, punish those responsible; publish once in the official gazette and in another newspaper with widespread national circulation, Chapters I, III, VI, VII, VIII, IX and X of the judgment, without the corresponding footnotes, and the operative paragraphs thereof; organize a public act to acknowledge its international responsibility for the violations declared in the judgment; provide, free of charge and immediately, through its specialized health institutions, the medical and psychological treatment required by Graciela De León de Rodríguez, Patria Portugal and Franklin Portugal; define the offenses of forced disappearance of persons and torture, and make the payment for reimbursement of costs and expenses.

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

¹¹ On May 9, 2008, Juan Antonio Tejada Espino, who had been appointed Judge *ad hoc* for the State of Panama, asked the President of the Court to excuse him from hearing this case. The same day, the President of the Court accepted his recusal, in consultation with the judges of the Court. Also, for reasons beyond their control, Judge Cecilia Medina Quiroga and Deputy Secretary Emilia Segares Rodríguez were unable to take part in the deliberation and signature of the judgment in the case of Heliodoro Portugal. Pursuant to Article 5(1) of the Court's Rules of Procedure, the acting President for this judgment was Judge Diego García-Sayán.

2. Case of the Saramaka People (Suriname): *Interpretation of the judgment on preliminary objections, merits, reparations and costs.*¹² On August 12, 2008 the Court ruled on interpretation in this case, in which it decided, *inter alia*, to declare admissible the request filed by the State for interpretation of the judgment on preliminary objections, merits, reparations and costs in the case of the Saramaka People handed down on November 28, 2007; and to determine the scope of the provisions of operative paragraphs 5 to 9 of the judgment on preliminary objections, merits, reparations and costs handed down on November 28, 2007.

3. Case of Tristán Donoso (Panama): *Preliminary objection and possible merits, reparations and costs.* On August 12, 2008, during a public hearing, the Court received the testimony of the alleged victim, proposed by the Inter-American Commission on Human Rights and by his representatives, and the reports of two expert witnesses, one proposed by the Inter-American Commission and the representatives, and the other by the State. In addition, the Court heard the final oral arguments of the parties on the preliminary objection and the possible merits, reparations and costs in this case.

4. Case of Ticóna Estrada (Bolivia): *Merits and possible reparations and costs.* On August 13, 2008, during a public hearing, the Court received the testimony of a witness proposed by the Inter-American Commission on Human Rights and the representatives of the alleged victims. In addition, the Court heard the final oral arguments of the parties on merits and possible reparations and costs in this case.

5. Matter of the Persons Deprived of Liberty in the “Dr. Sebastião Martins Silveira” Prison, in Araraquara, São Paulo (Brazil): *Provisional measures.* On August 13, 2008, during a public hearing, the Court heard the arguments of the Inter-American Commission on Human Rights, the representatives of the beneficiaries of the provisional measures, and the State of Brazil concerning the provisional measures in force in this matter.

6. Matter of the Children and Adolescents Deprived of Liberty in the “Tatuapé Complex” of the CASA Foundation (Brazil): *Provisional measures.* On August 13, 2008, during a public hearing, the Court heard the arguments of the Inter-American Commission on Human Rights, the representatives of the beneficiaries of the provisional measures, and the State of Brazil concerning the provisional measures in force in this matter.

7. Case of Claude Reyes et al. (Chile): *Monitoring compliance with judgment.* On August 14, 2008, the Court held a private hearing in order to obtain information from the State of Chile on compliance with the points pending fulfillment of the judgment on merits, reparations and costs in this case delivered by the Court on September 19, 2006, and to receive the observations of the Inter-American Commission on Human Rights and the representatives of the victims.

8. Case of Bulacio (Argentina): *Monitoring compliance with judgment.* On August 14, 2008, the Court held a private hearing in order to obtain information from the State of Argentina on compliance with the points pending fulfillment of the judgment on merits, reparations and costs in this case delivered by the Court on September 18, 2003, and to receive the observations

12 For reasons beyond their control, Judge Cecilia Medina Quiroga, Judge Manuel E. Ventura Robles and Deputy Secretary Emilia Segares Rodríguez were unable to take part in the deliberation and signature of this judgment. Pursuant to Article 59(3) of the Court’s Rules of Procedure, the acting President for this judgment was Judge Sergio García Ramírez.

of the Inter-American Commission on Human Rights and the representatives of the victim and his next of kin.

9. Other activities: The Court held a series of protocol visits to various authorities of the Oriental Republic of Uruguay. On August 11, 2008, a public seminar was held when the following issues were discussed: the State obligations arising from the American Convention; the incorporation of international standards into comparative case law, the experience of the countries; the forced disappearance of persons in the case law of the Inter-American Court of Human Rights and reparations before the inter-American human rights system.

G. Thirty-sixth special session of the Court

The Court held its thirty-sixth special session en San José, Costa Rica, on October 29 and 30, 2008, with the following members: Cecilia Medina Quiroga (Chile), President; Diego García-Sayán (Peru), Vice President; Sergio García Ramírez (Mexico); Manuel E. Ventura Robles (Costa Rica); Leonardo A. Franco (Argentina); Margarette May Macaulay (Jamaica), and Rhadys Abreu Blondet (Dominican Republic). Also present was the Secretary of the Court, Pablo Saavedra Alessandri (Chile).

During this session, the Court delivered judgment on a contentious case, and two orders on monitoring compliance with judgment. The matters considered by the Court during the session are described below:

1. Case of Bayarri (Argentina): *Judgment on preliminary objection, merits, reparations and costs.*¹³ On October 30, 2008, the Court delivered judgment on the preliminary objection, merits, reparations and costs in this case, in which it decided, to reject the preliminary objection filed by the State of a “substantial change in the purpose of the application” in relation to the failure to exhaust domestic remedies, and declared that the State had violated the rights embodied in Article 7(1), 7(2) and 7(5) (Right to Personal Liberty), 5(1) and 5(2) (Right to Humane Treatment), 8(1), 8(2) and 8(2)(g) (Right to a Fair Trial) and 25(1) (Right to Judicial Protection) of the American Convention, in relation to Article 1(1) (Obligation to Respect Rights) thereof, all to the detriment of Juan Carlos Bayarri. In addition, it declared that the State had failed to comply with its obligation to investigate the torture to which Juan Carlos Bayarri had been subjected with due diligence, as stipulated in Articles 1, 6 and 8 of the Inter-American Convention to Prevent and Punish Torture.

Regarding reparations, the Court decided, *inter alia*, that the State should: pay Juan Carlos Bayarri compensation for pecuniary and non-pecuniary damage, and the reimbursement of costs and expenses; provide the medical treatment required by Juan Carlos Bayarri, free of charge, immediately and for the time necessary; conclude the criminal action that had been filed based on the facts that gave rise to the violations in this case and hand down judgment as provided by law; publish once in the official gazette and in two other newspapers with widespread national

¹³ On September 11, 2007, Judge Leonardo A. Franco, an Argentine national, informed the Court that he was inhibited from hearing this case. This inhibition was accepted the same day by the President, in consultation with the judges of the Court. Consequently, on September 17, 2007, the State was informed that, within 30 days, it could appoint a judge *ad hoc* to take part in this case. The time elapsed without the State making this appointment.

circulation, chapters I, VII, VIII and IX of the judgment, without the corresponding footnotes, and the operative paragraphs thereof; ensure the immediate elimination of the name of Juan Carlos Bayarri from all public records where it appears with a criminal record and, insofar as it has not one so to date, incorporate members of the security forces, the investigative units and the administration of justice into training and dissemination activities on the prevention of torture and cruel, inhuman or degrading treatment or punishment.

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

2. Orders on monitoring compliance with judgment: During this session, the Court issued orders on monitoring compliance with its judgments in the following cases: Vargas Areco *v.* Paraguay and Baena Ricardo *et al. v.* Panama.

3. Other activities: on October 29, 2008, the new Annex to the Court's premises was inaugurated at the seat of the Court in the presence of the President of the Republic of Chile, Michelle Bachelet, and the Present of the Republic of Costa Rica, Oscar Arias Sánchez, together with senior officials of both Governments and members of the diplomatic corps.

H. Eighty-first regular session of the Court

The Court held its eighty-first regular session in San José, Costa Rica, from November 24 to 29, 2007, with the following members: Cecilia Medina Quiroga (Chile), President; Diego García-Sayán (Peru), Vice President; Sergio García Ramírez (Mexico); Manuel E. Ventura Robles (Costa Rica); Leonardo A. Franco (Argentina); Margarette May Macaulay (Jamaica), and Rhadys Abreu Blondet (Dominican Republic). Judge *ad hoc* Álvaro Castellanos Howell also took part in the session, appointed by the State of Guatemala for the case of *Tiu Tojín*. Also present was the Secretary of the Court, Pablo Saavedra Alessandri (Chile).

During this session, the Court delivered three judgments on contentious cases, and two judgments on interpretation. In addition, the Court issued six orders on provisional measures and two orders on monitoring compliance with judgment. The matters considered by the Court during the session are described below:

1. Case of García Prieto *et al.* (El Salvador): *Interpretation of the judgment on preliminary objections, merits, reparations and costs.*¹⁴ On November 24, 2008, the Court delivered judgment on the request for interpretation of the judgment on preliminary objections, merits, reparations and costs delivered by the Court in this case on November 20, 2007, deciding to reject the request for interpretation of this judgment as inadmissible.

2. Case of Claude Reyes *et al.* (Chile): *Compliance with judgment.* On November 24, 2008, the Court issued an order on monitoring compliance with judgment in this case in which it declared that the State had complied with the obligation: (1) to adopt, within a reasonable time, the necessary measures to guarantee the right of access to information controlled by the State pursuant to the general obligation to adopt domestic legal provisions established in Article

¹⁴ Judge Diego García-Sayán excused himself from hearing this case pursuant to Article 19(2) of the Court's Statute and Article 19 of its Rules of Procedure.

2 of the American Convention on Human Rights; and (b) to provide, within a reasonable time, training to the public bodies, authorities and agents responsible for responding to requests for access to information controlled by the State on the norms that regulate this right, incorporating the parameters embodied in the Convention that must be respected with regard to restrictions of access to such information. Consequently, the State of Chile has fully complied with the judgment of September 19, 2006, in the case of Claude Reyes *et al.*, in accordance with the provisions of Article 68(1) of the American Convention on Human Rights that impose on the States Parties to the American Convention on Human Rights the obligation to comply with the judgments of the Court. The Court therefore decides to consider the case of Claude Reyes *et al.* concluded, since the State of Chile has complied integrally with all aspects of the judgment handed down by the Inter-American Court of Human Rights of September 19, 2006, and to file the case records.

3. Matter of Lysias Fleury (Haiti): Provisional measures. On November 25, 2008, the Court issued an order on provisional measures in this matter, in which it decided, *inter alia*, that the provisional measures ordered by the Inter-American Court of Human Rights in its orders of March 18, June 7 and December 2, 2003, in favor of Lysias Fleury have become meaningless, because he had left Haiti – this decision was without detriment to any steps the Inter-American Commission might deem pertinent in the context of processing his case; and to reject the request for expansion of the provisional measures in favor of the next of kin of Mr. Fleury.

4. Matter of Leonel Rivero *et al.* (Mexico): Provisional measures. On November 25, 2008, the Court issued an order on provisional measures in this matter, in which it decided, *inter alia*, to lift the provisional measures ordered by the Inter-American Court of Human Rights in its orders of June 29 and November 24, 2005, and February 6 and August 6, 2008, with regard to Leonel Rivero Rodríguez, María de los Ángeles Espinosa Sánchez, Augusto César Sandino Rivero Espinosa, Luisa Amanda Rivero Espinosa and María Katherina Rivero Espinosa and to file the records of this matter.

5. Matter of the “El Nacional” and “Así es la Noticia” Newspapers (Venezuela): Provisional measures. On November 25, 2008, the Court issued an order on provisional measures in this matter, in which it decided, *inter alia*, to lift and terminate the provisional measures ordered by the Court in its order of July 6, 2004, and to file the records of this matter.

6. Matter of the Children and Adolescents Deprived of Liberty in the “Tatuapé Complex” of the CASA Foundation (Brazil): Provisional measures. On November 25, 2008, the Court issued an order on provisional measures in this matter, in which it decided, *inter alia*, to lift the provisional measures ordered by the Inter-American Court of Human Rights in its orders of November 30, 2005, July 4, 2006, and July 3, 2007, with regard to the children and adolescents deprived of liberty in the “Tatuapé Complex” of the CASA Foundation and to file the records of this matter.

7. Matter of the Persons Deprived of Liberty in the “Dr. Sebastião Martins Silveira” Prison, in Araraquara, São Paulo (Brazil): Provisional measures. On November 25, 2008, the Court issued an order on provisional measures in this matter, in which it decided to lift the provisional measures ordered by the Inter-American Court of Human Rights in its orders of July 28 and September 30, 2006, with regard to the persons deprived of liberty in the “Dr. Sebastião Martins Silveira” Prison, in Araraquara, São Paulo, and to file the records of this matter.

8. Case of Chaparro Álvarez and Lapo Iñiguez (Ecuador): *Interpretation of judgment on preliminary objections, merits, reparations and costs.* On November 26, 2008, the Court delivered judgment on the request for interpretation of the judgment on preliminary objections, merits, reparations and costs delivered by the Court in this case on November 21, 2007, deciding to declare the request for interpretation of the said judgment inadmissible.

9. Case of Tiu Tojín (Guatemala): *Judgment on merits, reparations and costs.* On November 26, 2008, the Court delivered judgment on the merits and the possible reparations and costs in this case, in which it declared, *inter alia*, that: it accepted the State's acknowledgement of international responsibility and declared the State responsible for violating the rights embodied in Articles 4(1) (Right to Life); 5(1) and 5(2) (Right to Humane Treatment); 7(1), 7(2), 7(4), 7(5) and 7(6) (Right to Personal Liberty); 8(1) (Right to a Fair Trial) and 25(1) (Right to Judicial Protection) of the American Convention on Human Rights, in relation to Article 1(1) (Obligation to Respect Rights) thereof, and Article I of the Inter-American Convention on Forced Disappearance of Persons, to the detriment of María Tiu Tojín; it accepted the State's acknowledgement of international responsibility and declared the State responsible for violating the rights embodied in Articles 4(1) (Right to Life); 5(1) and 5(2) (Right to Humane Treatment); 7(1) and 7(2) (Right to Personal Liberty); 8(1) (Right to a Fair Trial) and 25(1) (Right to Judicial Protection) of the American Convention, in relation to Articles 1(1) (Obligation to Respect Rights) and 19 (Rights of the Child) thereof and Article I of the Inter-American Convention on Forced Disappearance of Persons to the detriment of the child, Josefa Tiu Tojín; it accepted the State's acknowledgement of international responsibility and declared the State responsible for violating the rights established in Articles 5(1) (Right to Humane Treatment), 8(1) (Right to a Fair Trial) and 25(1) (Right to Judicial Protection) of the American Convention, in relation to Article 1(1) (Obligation to Respect Rights) thereof, to the detriment of Victoriana Tiu Tojín; and it accepted the State's acknowledgement of international responsibility and declared the State responsible for violating the rights embodied in Articles 8(1) (Right to a Fair Trial) and 25(1) (Right to Judicial Protection) of the American Convention, in relation to Article 1(1) (Obligation to Respect Rights) thereof, to the detriment of Josefa Tiu Imul, Rosa Tiu Tojín, Pedro Tiu Tojín, Manuel Tiu Tojín and Juana Tiu Tojín.

Regarding reparations, the Court ordered, *inter alia*, that the State of Guatemala should: investigate the facts that gave rise to the violations in this case, and identify, prosecute and, if applicable, punish those responsible; proceed immediately to seek and find María and Josefa Tiu Tojín; publish once in the official gazette and in another national newspaper with widespread circulation Chapters I, IV, and VI and paragraphs 67 to 120 of Chapter VII of the judgment, without the corresponding footnotes, and its operative paragraphs, within six months of the notification of the judgment; broadcast once by radio, in the K'iche' and Spanish languages, Chapters I, IV, and VI and paragraphs 67 to 120 of Chapter VII of the judgment, without the corresponding footnotes, and its operative paragraphs, within one year of the notification of the judgment; and make the payment for reimbursement of costs and expenses, within one year of the notification of the judgment.

Judge *ad hoc* Álvaro Castellanos Howell advised the Court of his concurring opinion, which accompanies the judgment.

10. Case of Ticona Estrada (Bolivia): *Judgment on merits, reparations and costs.* On November 27, 2008, the Court delivered judgment on the merits and the possible reparations and costs in this case, in which it declared, *inter alia*: that it accepted the State's partial acknowledgment

of international responsibility; that the State had violated the rights embodied in Articles 7 (Right to Personal Liberty), 5(1), 5(2) (Right to Humane Treatment) and 4(1) (Right to Life) of the American Convention on Human Rights, in relation to Article 1(1) (Obligation to Respect Rights) thereof, in addition to failing to comply with its obligation under Article I(a) of the Inter-American Convention on Forced Disappearance of Persons, to the detriment of Renato Ticona Estrada; that the State had not violated the right embodied Article 3 (Right to Juridical Personality) of the American Convention; that it had not been proved that the State had failed to comply with its obligations under Article XI of the Inter-American Convention on Forced Disappearance of Persons; that the State had violated the rights embodied in Articles 8(1) (Right to a Fair Trial) and 25(1) (Right to Judicial Protection) of the American Convention, in relation to Article 1(1) (Obligation to Respect Rights) thereof, and had also failed to comply with its obligations under Article 1(b) of the Inter-American Convention on Forced Disappearance of Persons, to the detriment of Honoria Estrada de Ticona, César Ticona Olivares, Hugo Ticona Estrada, Betzy Ticona Estrada and Rodo Ticona Estrada; that the State had violated the right embodied in Article 5(1) (Right to Humane Treatment) of the American Convention, in relation to Article 1(1) (Obligation to Respect Rights) thereof, to the detriment of Honoria Estrada de Ticona, César Ticona Olivares, Hugo Ticona Estrada, Betzy Ticona Estrada and Rodo Ticona Estrada; that the State had violated the rights embodied in Articles 8(1) (Right to a Fair Trial) and 25(1) (Right to Judicial Protection) of the American Convention, in relation to Article 1(1) thereof, to the detriment of Hugo Ticona Estrada; and that the State had failed to comply with the obligations established in Articles I(d) and III of the Inter-American Convention on Forced Disappearance of Persons, in relation to Article 2 of the American Convention on Human Rights.

Regarding reparations, the Court ordered, *inter alia*, that the State of Bolivia should: continue processing the criminal proceedings for the forced disappearance of Renato Ticona Estrada, in order to conclude them as soon as possible following the notification of this judgment; investigate the facts that occurred to Hugo Ticona Estrada, and identify, prosecute and, if applicable, punish those responsible, as soon as possible following the notification of this judgment; proceed to search for Renato Ticona Estrada promptly and effectively; publish once in the official gazette and in another national newspaper with widespread circulation the title and paragraphs 1 to 5 of Chapter I; the title and paragraphs 12, 14, 22 to 27 of Chapter III, Chapter VI, the title and corresponding subtitles and paragraphs 73 to 76, 82 to 85, 87 to 88, and 95 to 98 of Chapter VII, and the title and paragraphs 104 and 105 of Chapter VIII of the judgment, without the corresponding footnotes, and also the operative paragraphs thereof, within six months of the notification of the judgment; implement the agreements concerning the provision of the medical and psychological treatment required by Honoria Estrada de Ticona, César Ticona Olivares, Hugo Ticona Estrada, Betzy Ticona Estrada and Rodo Ticona Estrada; allocate the necessary human and material resources to the Inter-institutional Council for the Clarification of Forced Disappearances within a reasonable time and, to this end, the State should establish, within one year, a specific proposal with a planning and action program on compliance with this aspect; and pay Honoria Estrada de Ticona, César Ticona Olivares, Hugo Ticona Estrada, Betzy Ticona Estrada and Rodo Ticona Estrada compensation for pecuniary and non-pecuniary damage and reimbursement of costs and expenses, within one year from the notification of the judgment.

Judges García-Sayán and García Ramírez advised the Court of their joint separate opinion, which accompanies the judgment.

11. Case of Valle Jaramillo et al. (Colombia): *Judgment on merits, reparations and costs.* On November 27, 2008, the Court delivered judgment on the merits and the possible reparations

and costs in this case, declaring that: it accepted the State's partial acknowledgement of international responsibility and stated that the State had violated the rights embodied in Articles 7(1) (Right to Personal Liberty), 5(1) (Right to Humane Treatment) and 4(1) (Right to Life) of the American Convention on Human Rights, in relation to Article 1(1) (Obligation to Respect Rights) thereof, to the detriment of the human rights defender, Jesús María Valle Jaramillo; it accepted the State's partial acknowledgement of international responsibility and stated that the State had violated the rights embodied in Articles 7(1) (Right to Personal Liberty) and 5(1) (Right to Humane Treatment) of the American Convention, in relation to Article 1(1) (Obligation to Respect Rights) thereof, to the detriment of Nelly Valle Jaramillo and Carlos Fernando Jaramillo Correa; it accepted the State's partial acknowledgement of international responsibility and stated that the State had violated the right embodied in Article 5(1) (Right to Humane Treatment) of the American Convention, in relation to Article 1(1) (Obligation to Respect Rights) thereof, to the detriment of María Leticia Valle Jaramillo, Ligia Valle Jaramillo, Luzmila Valle Jaramillo, Magdalena Valle Jaramillo, Romelia Valle Jaramillo, Marina Valle Jaramillo, Darío Valle Jaramillo, Octavio Valle Jaramillo, Alfonso Montoya Restrepo, Luis Fernando Montoya Valle, Gloria Lucía Correa, Carlos Enrique Jaramillo Correa, María Lucía Jaramillo Correa, Ana Carolina Jaramillo Correa, Jesús Emilio Jaramillo Barrera, Adela Correa de Jaramillo, Blanca Lucía Jaramillo Correa, Romelia Jaramillo Correa, Nellyda Jaramillo Correa, José María Jaramillo Correa, Luis Eugenio Jaramillo Correa, Gloria Elena Jaramillo Correa and Adriana María Jaramillo Correa; it accepted the State's acknowledgement of international responsibility and stated that the State had violated the right embodied in Article 22(1) (Freedom of Movement and Residence) of the American Convention, in relation to Article 1(1) (Obligation to Respect Rights) thereof, to the detriment of Carlos Fernando Jaramillo Correa, his wife, Gloria Lucía Correa, his son, Carlos Enrique Jaramillo Correa and his daughters, María Lucía Jaramillo Correa and Ana Carolina Jaramillo Correa; it accepted the State's partial acknowledgement of international responsibility and stated that the State had violated the rights embodied in Articles 8(1) (Right to a Fair Trial) and 25(1) (Right to Judicial Protection) of the American Convention, in relation to Article 1(1) (Obligation to Respect Rights) thereof, to the detriment of Nelly Valle Jaramillo, Alfonso Montoya Restrepo, Luis Fernando Montoya Valle, Carlos Fernando Jaramillo Correa, Gloria Lucía Correa, Carlos Enrique Jaramillo Correa, María Lucía Jaramillo Correa, Ana Carolina Jaramillo Correa, Jesús Emilio Jaramillo Barrera, Adela Correa de Jaramillo, Blanca Lucía Jaramillo Correa, Romelia Jaramillo Correa, Nellyda Jaramillo Correa, José María Jaramillo Correa, Luis Eugenio Jaramillo Correa, Gloria Elena Jaramillo Correa, Adriana María Jaramillo Correa, María Leticia Valle Jaramillo, Ligia Valle Jaramillo, Luzmila Valle Jaramillo, Magdalena Valle Jaramillo, Romelia Valle Jaramillo, Marina Valle Jaramillo, Darío Valle Jaramillo and Octavio Valle Jaramillo;

The Court also declared that: the State had violated the right embodied in Article 5(1) (Right to Humane Treatment) of the American Convention on Human Rights, in relation to Article 1(1) (Obligation to Respect Rights) thereof, to the detriment of Blanca Inés Valle Jaramillo, Gonzalo de Jesús Jaramillo Correa, Juan Guillermo Valle Noreña, John Jairo Valle Noreña and Luz Adriana Valle Noreña; during the proceedings, it had not been proved that the State had violated the right embodied in Article 5(1) (Right to Humane Treatment) of the American Convention, in relation to Article 1(1) (Obligation to Respect Rights) thereof, to the detriment of the following persons: Mauricio Alberto Herrera Valle, Claudia Helena Herrera Valle, Liliana María Herrera Valle, Berta Lucía Valle Noreña, Adriana María Londoño Del Valle, Ana María Valle Villegas, Andrés Felipe Valle Villegas, Claudia María García Valle, Diana Patricia García Valle, Francisco Javier García Valle, Franklin Henao Valle, Fredy Henao Valle, Jairo Alberto Londoño Del Valle, Jeannette Henao Valle, John Alberto Henao Valle, Juliana Patricia Londoño Del Valle, María Victoria García Valle and Marta Luz García Valle (next of kin of Jesús María Valle Jaramillo); or of Alejandro Jaramillo Mejía,

Ana Catalina Hoyos Jaramillo, Andrés Felipe Ochoa Jaramillo, César Augusto Jaramillo Gutiérrez, Diego Alejandro Ochoa Jaramillo, Gabriela Gómez Jaramillo, Jorge Mario Jaramillo Gutiérrez, José Miguel Jaramillo Gutiérrez, Juan Camilo Jaramillo Gutiérrez, Juan Gonzalo Jaramillo Mejía, Juliana Jaramillo Tobón, Luis Jairo Jaramillo Gutiérrez, Luisa María Gómez Jaramillo, María Isabel Jaramillo Mejía, Oscar Fernando Hoyos Jaramillo, Luis Santiago Jaramillo Tobón and Victoria Alejandra Gómez Jaramillo (next of kin of Carlos Fernando Jaramillo Correa); during the proceedings, it had not been proved that the State had violated the right embodied in Article 11(1) and 11(2) (Right to Privacy) of the American Convention; during the proceedings, it had not been proved that the State had violated the right embodied in Article 17 (Rights of the Family) of the American Convention; it was not incumbent on the Court to rule on the alleged violation of the rights embodied in Articles 5 (Right to Humane Treatment), 13 (Freedom of Thought and Expression) and 16 (Freedom of Association) of the American Convention, to the detriment of human rights defenders, since they were not considered alleged victims in the case; and, during the proceedings, it had not been proved that the State had violated the right embodied in Article 13 (Freedom of Thought and Expression) of the American Convention on Human Rights.

Regarding reparations, the Court ordered, *inter alia*, that the State of Colombia should: pay the amounts established in the judgment for pecuniary and non-pecuniary damage, and reimbursement of costs and expenses within one year of the notification of the judgment; investigate the facts that gave rise to the violations in this case; publish once in the official gazette and in another national newspaper with widespread circulation paragraphs 2 to 4, 6, 29, 47, 70 to 78, 80 to 97, 104 to 107, 109, 110, 115, 122, 125 to 128, 130, 132, 140 to 144, 147, 160, 161, 165 to 170, 176 to 180, 184, 190, 191, 196, 197 and 200 of the judgment, without the corresponding footnotes and with the titles of the respective chapters, and also the operative paragraphs thereof, within one year of the notification of the judgment; carry out a public act in the Universidad de Antioquia to acknowledge its international responsibility for the violations declared in this case, within one year of the notification of the judgment; place a plaque in memory of Jesús María Valle Jaramillo in the *Palacio de Justicia* [main courthouse] of the Department of Antioquia, within one year of the notification of the judgment; provide, free of charge and immediately, through its specialized health care institutions, the psychological and psychiatric treatment required by the victims; grant Nelly Valle Jaramillo and Carlos Fernando Jaramillo Correa, within one year of the notification of the judgment, an educational grant to undertake studies or training in a profession, and to guarantee his safety if Carlos Fernando Jaramillo Correa decides to return to Colombia

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

12. Case of Kawas Fernández (Honduras): Provisional measures. On November 29, 2008, the Court issued an order on provisional measures in this case, in which it decided to require the Republic of Honduras: to adopt forthwith, all necessary measures to safeguard the life and personal integrity of Dencen Andino Alvarado; to adopt all necessary measures to ensure that Dencen Andino Alvarado would not be harassed or threatened owing to his participation as a witness in the investigation being conducted by the authorities into the murder of Blanca Jeannette Kawas Fernández; and to ensure that the measures of protection decided in the order were planned and implemented with the participation of the beneficiaries of the measures or their representatives

13. Order on monitoring compliance with judgment: During this session, the Court issued an order on monitoring compliance with the judgment handed down in *Bulacio v. Argentina*.

I. Thirty-seventh special session of the Court

The Court held its thirty-seventh special session in Mexico, D.F., from December 1 to 5, 2008, with the following members: Cecilia Medina Quiroga (Chile), President; Diego García-Sayán (Peru), Vice President; Sergio García Ramírez (Mexico); Manuel E. Ventura Robles (Costa Rica); Leonardo A. Franco (Argentina); Margarette May Macaulay (Jamaica); and Rhadys Abreu Blondet (Dominican Republic). The following Judges *ad hoc* also took part in the session: Leo Valladares Lanza, appointed by the State of Honduras for the case of *Kawas Fernández* and Roberto de Figueiredo Caldas, appointed by the State of Brazil for the case of *Escher et al.* Also presented was the Secretary of the Court, Pablo Saavedra Alessandri (Chile).

During this session, the Court held two public hearings concerning contentious cases and two public hearings on provisional measures. The Court also issued one order on provisional measures.

1. Case of Tyrone DaCosta Cadogan (Barbados): Provisional measures. On December 2, 2008, the Court issued an order on provisional measures in this matter, in which it decided, *inter alia*, to ratify all aspects of the order of the President of the Inter-American Court of Human Rights of November 4, 2008, and to require the State to maintain the necessary provisional measures to protect the life and personal integrity of Tyrone DaCosta Cadogan, in order not to obstruct the processing of this case before the inter-American system

2. Case of Kawas Fernández (Honduras): Preliminary objections and possible merits, reparations and costs. On December 2, 2008, during a public hearing, the Court received the testimony of the witnesses and expert witnesses proposed by the Inter-American Commission on Human Rights, the representatives of the alleged victims, and the Honduran State. The Court also heard the final oral arguments of the parties on the preliminary objections and the possible merits, reparations and costs in this case.

3. Case of Escher et al. (Brazil): Preliminary objections and possible merits, reparations and costs. On December 3, 2008, during a public hearing, the Court received the testimony of the witnesses and expert witnesses proposed by the Inter-American Commission on Human Rights and the representatives of the alleged victims, and the State. The Court also heard the final oral arguments of the parties on the preliminary objections and the possible merits, reparations and costs in this case.

4. Matter of the Kankuamo Indigenous People (Colombia). Provisional measures. On December 4, 2008, during a public hearing, the Court heard the arguments of the Inter-American Commission on Human Rights, the representatives of the beneficiaries of the provisional measures, and the State, concerning the provisional measures in force in this matter.

5. Matter of the Mendoza Prisons (Argentina): Provisional measures. On December 4, 2008, during a public hearing, the Court heard the arguments of the Inter-American Commission on Human Rights, the representatives of the beneficiaries of the provisional measures, and the State, concerning the provisional measures in force in this matter.

6. Academic activities: During this special session the second training program on the inter-American system for official Public Defenders of the Americas was held in conjunction

with the Inter-American Association of Public Defenders (AIDEF). In addition, a public seminar on the current and future challenges for the inter-American system for the protection of human rights was held on December 1, 2008, and a public seminar on national incorporation of international human rights law and the case law of the Inter-American Court of Human Rights on December 5.

The public hearings and the December 1 seminar were held in the Palacio de Minería in Calle Tacuba, in Mexico City's Historic Center. The public seminar on December 5 was held at the Universidad Nacional Autónoma de México (UNAM) Juridical Research Institute.

7. Other activities: On December 1, 2008, the Court participated in the commemoration of the tenth anniversary of Mexico's acceptance of the compulsory jurisdiction of the Inter-American Court. The Court also held several working meetings during the session with: the Inter-American Commission on Human Rights, members of the Supreme Court of Justice, the Prosecutor General (*Procurador General*), the Minister of Governance, the Executive Secretary of the National Human Rights Commission, the Federal District Human Rights Commission, and authorities of the UNAM Juridical Research Institute.

J. SUBMISSION OF NEW CONTENTIOUS CASES

In the course of 2008, nine new contentious cases were submitted to the consideration of the Court:

1. Case of Kawas Fernández v. Honduras

On February 4, 2008, pursuant to Articles 51 and 61 of the American Convention on Human Rights, the Inter-American Commission on Human Rights lodged an application against the State of Honduras, concerning the case of Kawas Fernández. The application relates to the alleged extrajudicial execution of the environmentalist, Blanca Jeannette Kawas, the alleged lack of due diligence in investigating and punishing those responsible for her death and, in general, the presumed obstruction of justice, as well as the failure to make adequate reparation to her next of kin.

In the demand, the Commission requested the Court to declare the State responsible for violating the right embodied in Article 4 (Right to Life) of the American Convention, in relation to Article 1(1) (Obligation to Respect Rights) thereof, to the detriment of Blanca Jeannette Kawas Fernández. In addition, it requested that the Court declare the State responsible for violating the rights embodied in Articles 8 (Right to a Fair Trial) and 25 (Right to Judicial Protection) of the Convention, in relation to Articles 1(1) (Obligation to Respect Rights) and 2 (Domestic Legal Effects), thereof, to the detriment of the next of kin of Blanca Jeannette Kawas Fernández. Furthermore, the Commission considered that the case revealed the vulnerable situation of environmentalists and defenders of natural resources in Honduras, the attacks on these individuals, and the obstacles to investigating the acts of harassment and abuse.

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

2. Case of Radilla Pacheco v. Mexico

On March 15, 2008, pursuant to Articles 51 and 61 of the American Convention on Human Rights, the Inter-American Commission on Human Rights lodged an application against the United Mexican States, concerning the case of Radilla Pacheco. The application relates to the alleged forced disappearance of Rosendo Radilla Pacheco which began on August 25, 1974, the total impunity that allegedly reigns with regard to this act, the alleged failure to clarify his whereabouts, and also the alleged failure to make reparation to his next of kin for the losses caused and for the alleged prolonged denial of justice.

In the demand, the Commission requested the Court to declare the State of Mexico responsible for violating the rights embodied in Articles 3 (Right to Juridical Personality), 4 (Right to Life), 5 (Right to Humane Treatment), 7 (Right to Personal Liberty), 8 (Right to a Fair Trial) and 25 (Right to Judicial Protection) of the American Convention, in relation to Article 1(1) (Obligation to Respect Rights) thereof, to the detriment of Rosendo Radilla Pacheco. In addition, the Commission requested that the Court declare the State responsible for violating Articles 8 (Right to a Fair Trial) and 25 (Right to Judicial Protection) of the Convention, in relation to Articles 1(1) (Obligation to Respect Rights) and 2 (Domestic Legal Effects) thereof, to the detriment of the next of kin of Rosendo Radilla.

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

3. Case of the Discharged and Retired Employees of the Office of the Comptroller General v. Peru

On April 1, 2008, pursuant to Articles 51 and 61 of the American Convention on Human Rights, the Inter-American Commission on Human Rights, lodged an application against the State of Peru, concerning the case of members of the National Association of Discharged and Retired Employees of the Office of the Comptroller General of the Republic. The application relates to the alleged failure to enforce the judgments of Peru's Constitutional Court of October 21, 1997, and January 26, 2001, ordering the Office of the Comptroller General of the Republic to grant the Association members who are the plaintiffs in this case the same salaries, bonuses and benefits paid to active employees of that office performing functions identical, similar or equivalent to those that the discharged or retired employees performed in the case of 273 members of the National Association of Discharged and Retired Employees of the Office of the Comptroller General of the Republic.

In the demand, the Commission requested the Court to declare the State responsible for violating the rights embodied in Articles 21 (Right to Property) and 25 (Right to Judicial Protection) of the American Convention, in relation to Article 1(1) (Obligation to Respect Rights) thereof, to the detriment of these 273 presumed victims.

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

4. Case of Anzualdo Castro v. Peru

On July 11, 2008, pursuant to Articles 51 and 61 of the American Convention on Human Rights, the Inter-American Commission on Human Rights, lodged an application against the State of Peru, concerning the case of Anzualdo Castro. The application relates to the State's alleged responsibility for the forced disappearance perpetrated by State agents as of December 16, 1993, of the student, Kenneth Ney Anzualdo Castro, whose whereabouts and the circumstances in which his disappearance took place have still not been clarified; the alleged suffering caused to his next of kin, and the subsequent lack of an investigation into the facts and the prosecution and punishment of those responsible.

In the demand, the Commission asked the Court declare the State of Peru responsible for violating the rights embodied in Articles 3 (Right to Juridical Personality), 4 (Right to Life), 5 (Right to Humane Treatment), 7 (Right to Personal Liberty), 8 (Right to a Fair Trial) and 25 (Right to Judicial Protection) of the American Convention on Human Rights, in relation to Articles 1(1) (Obligation to Respect Rights) and 2 (Domestic Legal Effects) thereof, as well as the violation of Article I of the Inter-American Convention on Forced Disappearance of Persons, to the detriment of Kenneth Ney Anzualdo Castro. In addition, the Commission alleged that the State is responsible for violating the rights embodied in Articles 5 (Right to Humane Treatment), 8 (Right to a Fair Trial) and 25 (Right to Judicial Protection) of the Convention, in relation to Articles 1(1) (Obligation to Respect Rights) and 2 (Domestic Legal Effects) thereof, to the detriment of the next of kin of the alleged victim, namely: Félix Vicente Anzualdo Vicuña, father; Iris Isabel Castro Cachay de Anzualdo (deceased) mother, and his siblings, Marly Arleny Anzualdo Castro and Rommel Darwin Anzualdo Castro.

In view of the above, pursuant to Article 63(1) (Obligation to make Reparation) of the Convention, the Commission asked the Court to order the State to adopt specific measures of reparation indication in the application.

5. Case of Usón Ramírez v. Venezuela

On July 25, 2008, pursuant to Articles 51 and 61 of the American Convention on Human Rights, the Inter-American Commission on Human Rights, lodged an application against the State of Venezuela, concerning the case of Usón Ramírez. The application relates to the alleged filing of a criminal action in the military jurisdiction for the offense of insults to the National Armed Forces, to the detriment of General (retired) Francisco Usón Ramírez and his subsequent sentencing to five years and six months' imprisonment, as a result of certain alleged declarations that Mr. Usón made during a television interview concerning facts that were allegedly the topic of public discussion and controversy at the time.

In the demand, the Commission asked the Court to declare the State responsible for violating the rights embodied in Articles 13 (Freedom of Thought and Expression), 7 (Right to Personal Liberty), 8 (Right to a Fair Trial) and 25 (Right to Judicial Protection) of the American Convention, in relation to Articles 1(1) (Obligation to Respect Rights) and 2 (Domestic Legal Effects) thereof, to the detriment of Francisco Usón Ramírez.

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

6. Case of the Las Dos Erres Massacre v. Guatemala

On July 30, 2008, pursuant to Articles 51 and 61 of the American Convention on Human Rights, the Inter-American Commission on Human Rights, lodged an application against the State of Guatemala, concerning the case of the Dos Erres Massacre. The application relates to the State's presumed responsibility arising from the alleged lack of due diligence in the investigation, prosecution and punishment of those responsible for the massacre of 251 inhabitants of the *Parcelamiento* (land divided into lots) of Las Dos Erres, municipality of La Libertad, Department of Petén, allegedly perpetrated by members of the Guatemalan Army between December 6 and 8, 1982.

In the demand, the Commission asked the Court to declare the State of Guatemala responsible for violating the rights embodied in Articles 8 (Right to a Fair Trial) and 25 (Right to Judicial Protection) of the American Convention, in relation to Article 1(1) (Obligation to Respect Rights) thereof, to the detriment of two survivors of the massacre and 155 next of kin of the persons who died in the massacre.

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

7. Case of Tyrone DaCosta Cadogan v. Barbados

On October 31, 2008, pursuant to Articles 51 and 61 of the American Convention on Human Rights, the Inter-American Commission on Human Rights, lodged an application against the State of Barbados, concerning the case of Tyrone DaCosta Cadogan. The application relates to the alleged death sentence imposed on Tyrone DaCosta Cadogan without taking into consideration the particular circumstances of the crime committed or possible attenuating circumstances. The Commission alleged that on May 18, 2005, the Supreme Court of Barbados declared Tyrone DaCosta Cadogan guilty of murder and sentenced him to death by hanging, under the 1994 Offenses against the Person Act, which prescribes capital punishment for perpetrators of this crime. As a result of an exclusion clause in the Constitution of Barbados, domestic courts are allegedly prohibited from declaring that the automatic imposing of the death penalty is invalid, even when this violates fundamental rights protected by the Constitution of Barbados and the American Convention on Human Rights.

In the demand, the Commission asked the Court to declare the State responsible for violating the rights embodied in Articles 4(1) and 4(2) (Right to Life), 5(1) and 5(2) (Right to Humane Treatment) and 8 (Right to a Fair Trial) of the American Convention, in relation to Articles 1(1) (Obligation to Respect Rights) and 2 (Domestic Legal Effects) thereof, to the detriment of Tyrone DaCosta Cadogan

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

8. Case of Barreto Leiva v. Venezuela

On October 31, 2008, pursuant to Articles 51 and 61 of the American Convention on Human Rights, the Inter-American Commission on Human Rights, lodged an application

against the State of Venezuela, concerning the case of Barreto Leiva. The application relates to the criminal action as a result of which Oscar Barreto Leiva was sentenced to a year and two months' imprisonment for offenses against public patrimony, arising from his term as Sectoral Director General of Administration and Services of the Ministry of the Secretariat of the Presidency of the Republic. According to the Commission, during the processing before the Supreme Court of Justice of the criminal action against the then President of the Republic, a senator and a deputy, Mr. Barreto was summoned to testify as a witness and, subsequently, a warrant for his arrest was issued. The Commission alleges that, during these proceedings, Mr. Barreto was not provided with detailed notification of the offenses he was charged with owing to the secret nature of the pre-trial stage before the warrant for his arrest was issued. In addition, the Commission alleged that his right to defense had been impaired because he was not permitted: the assistance of a defense counsel of his choice during the pre-trial proceedings or during the statements he made after he had been charged; to cross-examine witnesses, to obtain information on the evidence that was being collected, and to present evidence that could throw light on his version of the facts and invalidate the body of evidence against him. Furthermore, the Commission alleged the impossibility of appealing the conviction, because Mr. Barreto had been subjected to an action in which there was no appeal from the judgment rendered, before an authority that was not his natural judge, and also the arbitrariness of his preventive detention, taking into account that it had been decided based exclusively on indications of guilt, without the possibility of obtaining provisional release on bail and without any justification being provided for the procedural purposes sought by the application of this mechanism. In this regard, the Commission added that Mr. Barreto had been subjected to preventive detention for 16 days more than the punishment that was imposed, which disregards the guarantees of reasonable time and the presumption of innocence. Moreover, it indicated that, during the criminal action, norms were applied that were incompatible with the Convention; they included norms that provided that proceedings during the pre-trial stage were secret for the accused and his lawyer until an arrest warrant had been executed, and that established the general application of preventive detention whenever there were indications of criminal responsibility.

In the demand the Commission requested the Court to declare the State responsible for violating the rights embodied in Articles 7 (Right to Personal Liberty), 8 (Right to a Fair Trial) and 25 (Right to Judicial Protection) of the American Convention, in relation to Articles 1(1) (Obligation to Respect Rights) and 2 (Domestic Legal Effects) thereof, to the detriment of the alleged victim.

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

9. Case of Manuel Cepeda Vargas v. Colombia

On November 14, 2008, pursuant to Articles 51 and 61 of the American Convention on Human Rights, the Inter-American Commission on Human Rights, lodged an application against the State of Colombia, concerning the case of Manuel Cepeda Vargas. The application relates to the alleged extrajudicial execution of Senator Manuel Cepeda Vargas, leader of the National Directorate of the Colombian Communist Party and prominent figure of the Patriotic Union political party, which occurred in Bogotá on August 9, 1994, and also to the presumed lack of due diligence in investigating and punishing those responsible for the execution of the alleged victim, as well

as the obstruction of justice and the failure to make adequate reparation to the victim's next of kin.

In the demand, the Commission asked the Court to declare the State of Colombia responsible for violating the rights embodied in Articles 4 (Right to Life), 5 (Right to Humane Treatment), 8 (Right to a Fair Trial), 11 (Right to Privacy), 13 (Freedom of Thought and Expression), 16 (Freedom of Association), 23 (Right to Participate in Government) and 25 (Right to Judicial Protection) of the American Convention on Human Rights, in relation to Article 1(1) (Obligation to Respect Rights) thereof, to the detriment of Manuel Cepeda Vargas. In addition, the Commission alleged that the State was responsible for violating the rights embodied in Article 5 (Right to Humane Treatment), 11 (Right to Privacy), 8 (Right to a Fair Trial) and 25 (Right to Judicial Protection) of the American Convention, in relation to Article 1(1) (Obligation to Respect Rights) thereof, to the detriment of the following next of kin of the victim: Iván Cepeda Castro (son), María Cepeda Castro (daughter), Olga Navia Soto (permanent companion), Claudia Girón Ortiz (daughter-in-law), and María Estrella Cepeda Vargas, Ruth Cepeda Vargas, Gloria María Cepeda Vargas, Álvaro Cepeda Vargas and Cecilia Cepeda Vargas (deceased) (siblings). Lastly, the Commission asked the Court to declare the State responsible for the alleged violation of Article 22 (Freedom of Movement and Residence) of the American Convention, in relation to Article 1(1) (Obligation to Respect Rights) thereof, to the detriment of the following next of kin of the victim: Iván Cepeda Castro (son), María Cepeda Castro (daughter), and his direct nuclear family.

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

K. NEW PROVISIONAL MEASURES

During 2008, two new requests for provisional measures were submitted to the consideration of the Court:

1. Provisional measures in the case of Tyrone DaCosta Cadogan with regard to Barbados

On October 31, 2008, pursuant to Articles 63(2) of the American Convention on Human Rights, 25 of the Rules of Procedure of the Court and 74 of the Rules of Procedure of the Commission, the Inter-American Commission on Human Rights, submitted to the Court a request for provisional measures to protect the life and personal integrity of Tyrone DaCosta Cadogan, who had been sentenced to death by hanging.

On November 4, 2008, the President of the Court issued an order concerning this request for provisional measures, in which she decided: to order the State to adopt the necessary provisional measures to protect the life and personal integrity of Tyrone DaCosta Cadogan and not to obstruct the processing of this case before the inter-American system; and to require the State to inform the Court of the measures implemented to comply with the order.

On November 26, 2008, the Court issued an order on provisional measures in this matter, in which it decided, *inter alia*, to ratify all aspects of the order of the President of the Inter-American Court of Human Rights of November 4, 2008, and to require the State to maintain

the necessary provisional measures to protect the life and personal integrity of Tyrone DaCosta Cadogan, in order not to obstruct the processing of this case before the inter-American system

2. Provisional measures in the case of Kawas Fernández with regard to Honduras

On November 28, 2008, pursuant to Articles 63(2) of the American Convention on Human Rights and 25 of the Rules of Procedure of the Court, the Center for Justice and International Law (CEJIL), submitted to the Court a request for provisional measures to protect the life and personal integrity of Dencen Andino Alvarado.

On November 29, 2008, the Court issued an order on provisional measures in this case, in which it decided require the Republic of Honduras: to adopt forthwith all necessary measures to ensure the protection of the life and personal integrity of Dencen Andino Alvarado; to adopt all necessary measures to guarantee that Dencen Andino Alvarado would not be harassed or threatened owing to his participation as a witness in the investigations undertaken by the authorities in the case of the murder of Blanca Jeannette Kawas Fernández; and that the measures of protection ordered should be planned and implemented with the participation of the beneficiaries of the measures or their representatives.

L. NEW ADVISORY OPINION

1. Advisory opinion OC-21

On August 14, 2008, the Federal Republic of Argentina submitted a request for an advisory opinion concerning the "interpretation of Article 55 of the American Convention on Human Rights" in relation to "the judge *ad hoc* and the equality of arms in the proceedings before the Inter-American Court in the context of a case arising from an individual petition," as well as with regard to "the nationality of the judges [of the Court] and the right to an independent and impartial judge."

M. MONITORING COMPLIANCE WITH JUDGMENT AND IMPLEMENTATION OF PROVISIONAL MEASURES

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

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

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

1. Contentious cases

The Court issued thirty-three orders concerning the degree of compliance with the judgments handed down in the following case: *Servellón García et al. v. Honduras*, *López Álvarez v. Honduras*, *Cantoral Benavides v. Peru*, *Yakye Axa Indigenous Community v. Paraguay*, *Sawhoyamaxa Indigenous Community v. Paraguay*, *Caballero Delgado and Santana v. Colombia*, *Ricardo Canese v. Paraguay*, *Children's Rehabilitation Institute v. Paraguay*, *Huilca Tecse v. Peru*, *Baldeón García v. Peru*, *Acosta Calderón v. Ecuador*, *Gutiérrez Soler v. Colombia*, *Loayza Tamayo v. Peru*, *Claude Reyes et al. v. Chile*, *Mayagna (Sumo) Awas Tingni Community v. Nicaragua*, *Gómez Paquiyauri Brothers v. Peru*, *Ximenes Lopes v. Brazil*, *Fermín Ramírez v. Guatemala*, *Raxcacó Reyes v. Guatemala*, *Canese v. Paraguay*, *Goiburú et al. v. Paraguay*, *Servellón García et al. v. Honduras*, *Plan de Sánchez Massacre v. Guatemala*, *Constitutional Court v. Peru*, *Durand and Ugarte v. Peru*, *Barrios Altos v. Peru*, *Cesti Hurtado v. Peru*, *Yatama v. Nicaragua*, *Las Palmeras v. Colombia*, *Vargas Areco v. Paraguay*, *Baena Ricardo et al. v. Panama*, *Claude Reyes et al. v. Chile* and *Bulacio v. Argentina*.

In addition, the Court continued its practice of organizing private hearings on monitoring compliance with its judgments. In this regard, it held thirteen private hearings in the following cases: *Cantoral Benavides v. Peru*, *Loayza Tamayo v. Peru*, *Caballero Delgado and Santana v. Colombia*, *Ricardo Canese v. Paraguay*, *Children's Rehabilitation Institute v. Paraguay*, *Sawhoyamaxa Indigenous Community v. Paraguay* and *Yakye Axa Indigenous Community v. Paraguay*, *Baena Ricardo et al. v. Panama*, *Mayagna (Sumo) Awas Tingni Community v. Nicaragua*, *Fermín Ramírez v. Guatemala*, *Raxcacó Reyes v. Guatemala*, *Claude Reyes et al. v. Chile*, and *Bulacio v. Argentina*.

2. Provisional measures

The Court issued seventeen orders that reflect the degree of compliance with and implementation of the provisional measures it had ordered in the following cases: the matter of the "Globovisión" Television Station with regard to Venezuela, matter of Mery Naranjo with regard to Colombia, case of Caballero Delgado and Santana with regard to Colombia, matter of *Álvarez et al.* with regard to Colombia, matter of the Peace Community of San José de Apartadó with regard to Colombia, matter of *Pilar Noriega et al.* with regard to Mexico, matter of the communities of the Jiguamiandó and of the Curbaradó with regard to Colombia, matter of *Millacura Llaipén et al.* with regard to Argentina, matter of the Capital Detention Center El Rodeo I and El Rodeo II with regard to Venezuela, matter of the Urso Branco Prison with regard to Brazil, case of the Gómez Paquiyauri Brothers with regard to Peru, case of the Mapiripán Massacre with regard to Colombia, case of Fermín Ramírez with regard to Guatemala, case of Raxcacó Reyes with regard to Guatemala, matter of Carlos Nieto Palma and another with regard to Venezuela, matter of Leonel Rivero *et al.* (previously matter of *Pilar Noriega et al.*) with regard to Mexico, and matter of Lysias Fleury with regard to Haiti.

In addition, the Court ordered the partial lifting of four provisional measures that it had ordered: matter of *Pilar Noriega et al.* with regard to Mexico, case of the Gómez Paquiyauri Brothers with regard to Peru, matter of *Millacura Llaipén et al.* with regard to Argentina, and

matter of Mery Naranjo with regard to Colombia; they were considered partial because the Court ordered the measures lifted only with regard to some of the beneficiaries, while maintaining the measures active for other beneficiaries. In addition the Court ordered the total lifting of five provisional measures: matter of Lysias Fleury with regard to Haiti, matter of Leonel Rivero *et al.* with regard to Mexico, matter of the "El Nacional" and "Así es la Noticia" Newspapers with regard to Venezuela, matter of the Children and Adolescents Deprived of Liberty in the "Tatuapé Complex" of the CASA Foundation with regard to Brazil, and matter of the Persons Deprived of Liberty in the "Dr. Sebastião Martins Silveira" Prison in Araraquara, São Paulo with regard to Brazil.

In addition, the Court continued its practice of organizing private hearings on monitoring compliance with the provisional measures it had ordered. In this regard, it held three private hearings in the following cases: matter of the Communities of the Jiguamiandó and of the Curbaradó with regard to Colombia, case of Fermín Ramírez with regard to Guatemala, and case of Raxcacó Reyes with regard to Guatemala.

N. STATUS OF MATTERS BEING PROCESSED BY THE COURT

1. Contentious cases

At the end of 2008, 16 cases are pending the Court's judgment; of these, nine are at the initial processing stage, and seven at the stage of preliminary objections and possible merits, reparations and costs. In addition, 94 cases are at the stage of monitoring compliance with judgment, which means that a total of 110 cases are being processed before the Court.

1.a Contentious cases pending judgment:

	Name	Date of submission	Respondent State	Current stage
1.	Case of Gabriela Perozo <i>et al.</i>	12/04/07		Preliminary objections and possible merits, reparations and costs
2.	Case of Luisiana Ríos <i>et al.</i>	20/04/07	Venezuela	Preliminary objections and possible merits
3.	Case of Tristán Donoso	28/08/07	Panama	Preliminary objections and possible merits
4.	Case of the Cotton Field (Ramos Monárrez <i>et al.</i>)	04/11/07	Mexico	Preliminary objections and possible merits
5.	Case of Reverón Trujillo	09/11/07	Venezuela	Preliminary objections and possible merits
6.	Case of Arley José Escher <i>et al.</i>	20/12/07	Brazil	Preliminary objections and possible merits

7.	Case of Sétimo Garibaldi	24/12/07	Brazil	Preliminary objections and possible merits
8.	Case of Kawas Fernández	04/02/08	Honduras	Initial processing
9.	Case of Radilla Pacheco	15/03/08	Mexico	Initial processing
10.	Case of the Dismissed and Retired Employees of the Comptroller's Office	01/04/08	Peru	Initial processing
11.	Case of Anzualdo Castro	11/07/08	Peru	Initial processing
12.	Case of Usón Ramírez	25/07/08	Venezuela	Initial processing
13.	Case of the Dos Erres Massacre	30/07/08	Guatemala	Initial processing
14.	Case of Barreto Leiva	31/10/08	Venezuela	Initial processing
15.	Case of Tyrone DaCosta Cadogan	31/10/08	Barbados	Initial processing
16.	Case of Manuel Cepeda Vargas	17/11/08	Colombia	Initial processing

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

	Name	Respondent State	Current stage
1.	Case of the 19 Tradesmen	Colombia	Monitoring compliance with judgment
2.	Case of Acevedo Jaramillo <i>et al.</i>	Peru	Monitoring compliance with judgment
3.	Case of Acosta Calderón	Ecuador	Monitoring compliance with judgment
4.	Case of Albán Cornejo <i>et al.</i>	Ecuador	Monitoring compliance with judgment
5.	Case of Almonacid Arellano	Chile	Monitoring compliance with judgment

6.	Case of Apitz Barbera <i>et al.</i>	Venezuela	Monitoring compliance with judgment
7.	Case of Baena Ricardo <i>et al.</i>	Panama	Monitoring compliance with judgment
8.	Case of Baldeón García	Peru	Monitoring compliance with judgment
9.	Case of Bámaca Velásquez	Guatemala	Monitoring compliance with judgment
10.	Case of Barrios Altos	Peru	Monitoring compliance with judgment
11.	Case of Bayarri	Argentina	Monitoring compliance with judgment
12.	Case of Benavides Cevallos	Ecuador	Monitoring compliance with judgment
13.	Case of Blake	Guatemala	Monitoring compliance with judgment
14.	Case of Blanco Romero <i>et al.</i>	Venezuela	Monitoring compliance with judgment
15.	Case of Boyce <i>et al.</i>	Barbados	Monitoring compliance with judgment
16.	Case of Bueno Alves	Argentina	Monitoring compliance with judgment
17.	Case of Bulacio	Argentina	Monitoring compliance with judgment
18.	Case of Caballero Delgado and Santana	Colombia	Monitoring compliance with judgment
19.	Case of Caesar	Trinidad and Tobago	Monitoring compliance with judgment
20.	Case of Cantoral Benavides	Peru	Monitoring compliance with judgment
21.	Case of Cantoral Huamaní and García Santa Cruz	Peru	Monitoring compliance with judgment
22.	Case of Cantos	Argentina	Monitoring compliance with judgment
23.	Case of Carpio Nicolle <i>et al.</i>	Guatemala	Monitoring compliance with judgment
24.	Case of Castañeda Gutman	Mexico	Monitoring compliance with judgment
25.	Case of Castillo Páez	Peru	Monitoring compliance with judgment

26.	Case of Castillo Petruzzi <i>et al.</i>	Peru	Monitoring compliance with judgment
27.	Case of Cesti Hurtado	Peru	Monitoring compliance with judgment
28.	Case of the “Five Pensioners”	Peru	Monitoring compliance with judgment
29.	Case of Claude Reyes <i>et al.</i>	Chile	Monitoring compliance with judgment
30.	Case of the Sawhoyamaxa Indigenous Community	Paraguay	Monitoring compliance with judgment
31.	Case of the Yakyé Axa Indigenous Community	Paraguay	Monitoring compliance with judgment
32.	Case of the Mayagna (<i>Sumo</i>) Awas Tingni Community	Nicaragua	Monitoring compliance with judgment
33.	Case of the Moiwana Community	Suriname	Monitoring compliance with judgment
34.	Case of Chaparro Álvarez and Lapo Iñiguez	Ecuador	Monitoring compliance with judgment
35.	Case of La Cruz Flores	Peru	Monitoring compliance with judgment
36.	Case of the Mapiripán Massacre	Colombia	Monitoring compliance with judgment
37.	Case of the Pueblo Bello Massacre	Colombia	Monitoring compliance with judgment
38.	Case of the Serrano Cruz Sisters	El Salvador	Monitoring compliance with judgment
39.	Case of the Ituango Massacres	Colombia	Monitoring compliance with judgment
40.	Case of the “La Rochela Massacre”	Colombia	Monitoring compliance with judgment
41.	Case of the Yean and Bosico Children	Dominican Republic	Monitoring compliance with judgment
42.	Case of the “Street Children” (Villagrán Morales <i>et al.</i>)	Guatemala	Monitoring compliance with judgment
43.	Case of El Caracazo	Venezuela	Monitoring compliance with judgment
44.	Case of the Miguel Castro Castro Prison	Peru	Monitoring compliance with judgment
45.	Case of the Constitutional Court	Peru	Monitoring compliance with judgment

46.	Case of Durand and Ugarte	Peru	Monitoring compliance with judgment
47.	Case of El Amparo	Venezuela	Monitoring compliance with judgment
48.	Case of Escué Zapata	Colombia	Monitoring compliance with judgment
49.	Case of Fermín Ramírez	Guatemala	Monitoring compliance with judgment
50.	Case of García Asto and Ramírez Rojas	Peru	Monitoring compliance with judgment
51.	Case of García Prieto and another	El Salvador	Monitoring compliance with judgment
52.	Case of Garrido and Baigorria	Argentina	Monitoring compliance with judgment
53.	Case of Goiburú <i>et al.</i>	Paraguay	Monitoring compliance with judgment
54.	Case of Gómez Palomino	Peru	Monitoring compliance with judgment
55.	Case of Gutiérrez Soler	Colombia	Monitoring compliance with judgment
56.	Case of Heliodoro Portugal	Panama	Monitoring compliance with judgment
57.	Case of the Gómez Paquiyauri Brothers	Peru	Monitoring compliance with judgment
58.	Case of Herrera Ulloa	Costa Rica	Monitoring compliance with judgment
59.	Case of Hilaire, Constantine Benjamin <i>et al.</i>	Trinidad and Tobago	Monitoring compliance with judgment
60.	Case of Huilca Tecse	Peru	Monitoring compliance with judgment
61.	Case of the "Children's Rehabilitation Institute"	Paraguay	Monitoring compliance with judgment
62.	Case of Ivcher Bronstein	Peru	Monitoring compliance with judgment
63.	Case of Juan H. Sánchez	Honduras	Monitoring compliance with judgment
64.	Case of Kimel	Argentina	Monitoring compliance with judgment
65.	Case of La Cantuta	Peru	Monitoring compliance with judgment

66.	Case of Las Palmeras	Colombia	Monitoring compliance with judgment
67.	Case of Loayza Tamayo	Peru	Monitoring compliance with judgment
68.	Case of López Álvarez	Honduras	Monitoring compliance with judgment
69.	Case of Lori Berenson Mejía	Peru	Monitoring compliance with judgment
70.	Case of Maritza Urrutia	Guatemala	Monitoring compliance with judgment
71.	Case of the Plan de Sánchez Massacre	Guatemala	Monitoring compliance with judgment
72.	Case of Molina Theissen	Guatemala	Monitoring compliance with judgment
73.	Case of Montero Aranguren <i>et al.</i>	Venezuela	Monitoring compliance with judgment
74.	Case of Myrna Mack Chang	Guatemala	Monitoring compliance with judgment
75.	Case of Neira Alegría <i>et al.</i>	Peru	Monitoring compliance with judgment
76.	Case of Palamara Iribarne	Chile	Monitoring compliance with judgment
77.	Case of Paniagua Morales <i>et al.</i>	Guatemala	Monitoring compliance with judgment
78.	Case of the Saramaka People	Suriname	Monitoring compliance with judgment
79.	Case of Raxcacó Reyes	Guatemala	Monitoring compliance with judgment
80.	Case of Ricardo Canese	Paraguay	Monitoring compliance with judgment
81.	Case of Salvador Chiriboga	Ecuador	Monitoring compliance with judgment
82.	Case of Servellón García <i>et al.</i>	Honduras	Monitoring compliance with judgment
83.	Case of Suárez Rosero	Ecuador	Monitoring compliance with judgment
84.	Case of Tibi	Ecuador	Monitoring compliance with judgment
85.	Case of Ticona Estrada	Bolivia	Monitoring compliance with judgment

86.	Case of Tiu Tojín	Guatemala	Monitoring compliance with judgment
87.	Case of the Dismissed Congressional Employees	Peru	Monitoring compliance with judgment
88.	Case of Trujillo Oroza	Bolivia	Monitoring compliance with judgment
89.	Case of Valle Jaramillo <i>et al.</i>	Colombia	Monitoring compliance with judgment
90.	Case of Vargas Areco	Paraguay	Monitoring compliance with judgment
91.	Case of Ximenes Lopes	Brazil	Monitoring compliance with judgment
92.	Case of YATAMA	Nicaragua	Monitoring compliance with judgment
93.	Case of Yvon Neptune	Haiti	Monitoring compliance with judgment
94.	Case of Zambrano Vélez <i>et al.</i>	Ecuador	Monitoring compliance with judgment

2. Provisional measures

At the beginning of 2008, forty-six provisional measures were active. Of these five were lifted during the year and, at the end of the year, forty-one provisional measures were active.

2. a. Provisional measures lifted:

	Name	State regarding which they were adopted
1.	"El Nacional" and "Así es la Noticia" Newspapers	Venezuela (Lifted)
2.	Lysias Fleury	Haiti (Lifted)
3.	Children and Adolescents Deprived of Liberty in the "Tatuapé Complex" of the CASA Foundation	Brazil (Lifted)
4.	Persons Deprived of Liberty in the "Dr. Sebastião Martins Silveira" Prison in Araraquara, São Paulo	Brazil (Lifted)
5.	Pilar Noriega <i>et al.</i>	Mexico (Lifted)

2. b. Active provisional measures:

	Name	State regarding which they were adopted
1.	19 Tradesmen (Sandra Belinda Montero Fuentes and family, Salomón Flórez and family, Luis José Pundor Quintero and family, and Ana Diva Quintero Quintero de Pundor and family)	Colombia
2.	Adrián Meléndez Quijano <i>et al.</i>	El Salvador
3.	Álvarez <i>et al.</i>	Colombia
4.	Bámaca Velásquez <i>et al.</i>	Guatemala
5.	Caballero Delgado and Santana	Colombia
6.	Urso Branco Prison	Brazil
7.	Capital El Rodeo I and El Rodeo II Detention Center	Venezuela
8.	Carlos Nieto and another	Venezuela
9.	Carpio Nicolle <i>et al.</i>	Guatemala
10.	Central Occidental Region Penitentiary (Uribana Prison)	Venezuela
11.	Capital Region Penitentiary Center Yare I and Yare II (Yare Prison)	Venezuela
12.	Peace Community of San José de Apartadó	Colombia
13.	Communities of the Jiguamiandó and of the Curbaradó	Colombia
14.	Eloisa Barrios <i>et al.</i>	Venezuela
15.	"Globovisión" Television Station	Venezuela
16.	Guatemalan Forensic Anthropology Foundation	Guatemala
17.	Giraldo Cardona	Colombia
18.	Gloria Giralt de García Prieto <i>et al.</i>	El Salvador
19.	Gómez Paquiyauri	Peru

20.	Guerrero Gallucci and Martínez Barrios	Venezuela
21.	Gutiérrez Soler <i>et al.</i>	Colombia
22.	Haitians and Dominicans of Haitian origin in the Dominican Republic	Dominican Republic
23.	Helen Mack <i>et al.</i>	Guatemala
24.	Members of the Community Studies and Psychosocial Action Team (ECAP) (the Plan de Sánchez Massacre case)	Guatemala
25.	Monagas Detention Center ("La Pica")	Venezuela
26.	James <i>et al.</i>	Trinidad and Tobago
27.	Kawas Fernández	Honduras
28.	Liliana Ortega <i>et al.</i>	Venezuela
29.	López Alvarez <i>et al.</i>	Honduras
30.	Luis Uzcátegui	Venezuela
31.	Luisiana Ríos <i>et al.</i>	Venezuela
32.	María Leontina Millacura Llaipén <i>et al.</i>	Argentina
33.	Marta Colomina and Liliana Velásquez	Venezuela
34.	Mapiripán Massacre	Colombia
35.	Mery Naranjo <i>et al.</i>	Colombia
36.	Mendoza Prisons	Argentina
37.	Kankuamo Indigenous People	Colombia
38.	Kichwa Indigenous People of Sarayaku	Ecuador
39.	Ramírez Hinojosa <i>et al.</i>	Peru
40.	Raxcacó <i>et al.</i>	Guatemala
41.	Tyrone Dacosta Cadogan	Barbados

III. OTHER ACTIVITIES OF THE COURT

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

Presentation of the 2007 Annual Report on the Work of the Inter-American Court of Human Rights

On April 3, 2008, the President of the Court, accompanied by the Vice President and the Secretary of the Court presented the 2007 Annual Report on the work of the Inter-American Court to the OAS Committee on Juridical and Political Affairs (CAJP). During this activity, Judge Medina Quiroga presented a “Summary of the 2007 exercise”.

Subsequently, on May 12, 2008, resolution CP/CAJP. 2628/08 was adopted approving “Observations and Recommendations of the Permanent Council on the Annual Report of the Inter-American Court of Human Rights.”

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

The thirty-eighth regular session of the OAS General Assembly was held in Medellín, Colombia, from June 1 to 3, 2008. The Inter-American Court was represented by its President, Vice President and Secretary.

On June 3, 2008, the President of the Court addressed the plenary session of the Assembly and, *inter alia*, referred to the importance of the international protection of human rights retaining the highest priority on the Organization’s political agenda; to the hope that the States which had not yet acceded to the American Convention would become parties to it, and to incorporation of the criteria established by the Court into the domestic law of the States Parties. She also referred to the increase in the number of contentious cases, and requests for advisory opinions and provisional measures submitted to the Court, which represented one of the greatest and most challenging factors for the inter-American jurisdiction, and also to recognition of the importance of compliance with the Court’s decisions and the efforts of the States to ensure that they are fully respected.

The same day, the OAS General Assembly adopted the Court’s 2007 Annual Report in Resolution AG/RES. 2408 (XXXVIII-O/08). In this resolution the General Assembly resolved:

1. To adopt the observations and recommendations of the Permanent Council on the Annual Report of the Inter-American Court of Human Rights (CP/CAJP-2628/08) and to forward them to that organ.
2. To reaffirm the essential value of the work of the Inter-American Court of Human Rights in enhancing the protection and defense of human rights in the Hemisphere.

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

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

5. To reaffirm the importance of:

a. The advisory function of the Inter-American Court of Human Rights for the development of inter-American jurisprudence and international human rights law;

b. The jurisprudence of the Inter-American Court of Human Rights for the effective exercise of and respect for human rights in the Hemisphere; and consequently the importance of the dissemination of its decisions by the member states, as they deem it appropriate;

c. The special sessions of the Inter-American Court of Human Rights held away from its headquarters, given their importance in disseminating information on the inter-American human rights system and especially on the work of the Inter-American Court; and

d. The training activities conducted by the Inter-American Court for judges and others involved in the administration of justice.

6. To instruct the Permanent Council to:

a. Continue its consideration of the issue of "Access of victims to the Inter-American Court of Human Rights (*jus standi*) and its application in practice," including its financial and budgetary implications, taking into account the need to maintain procedural equity and to redefine the role of the Commission in proceedings before the Court;

b. Continue to consider means of encouraging compliance by member states with the judgments of the Court; and

c. Instruct the Permanent Council to continue analyzing ways to achieve an effective increase of the financial resources allocated to the Inter-American Court of Human Rights in the program-budget of the Organization. To that end, thank the Secretary General of the Organization for his work and urge him to continue his efforts and present additional proposals for achieving adequate funding for the Inter-American Court of Human Rights in the program-budget of the Organization.

7. To thank the member states (Colombia, Costa Rica, and Mexico) and permanent observers (the European Union, Norway, and Spain) and the Office of the



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

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

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

10. To support the initiative of the Inter-American Court of Human Rights to hold a seminar on the present and future challenges to the inter-American human rights system.

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

12. Also to invite the Inter-American Court to bear in mind the proposals and comments issued by the member states in the framework of the dialogue, between the member states and the members of the IACHR and the Court, on the functioning of the inter-American human rights system, on April 4, 2008, as well as the contributions by civil society, as set out in the report of that meeting (CP/CAJP-2644/08), and to adopt the measures it deems appropriate in the framework of its autonomy and independence.

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

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

15. To request the Permanent Council to report to the General Assembly at its thirty-ninth regular session on the implementation of this resolution, the execution of which shall be subject to the availability of financial resources in the program-budget of the Organization and other resources.

The same day, the OAS General Assembly adopted Resolution AG/RES. 2407 (XXXVIII-O/08) entitled "Strengthening of Human Rights Systems pursuant to the mandates arising from the Summits of the Americas," in which it resolved:

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

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

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

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

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

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

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

a. The broad process of reflection on the inter-American system for the promotion and protection of human rights, within the Committee on Juridical and Political Affairs (CAJP) of the Permanent Council and the importance of the informal meetings held in the framework of the CAJP and of the exchange of proposals and comments between the member states and the organs of the inter-American human rights system, regarding ways to strengthen and improve it;

b. Also, that those meetings contributed to the "dialogue on the workings of the inter-American human rights system between member states and the members of the Inter-American Commission on Human Rights and the judges of the Inter-American Court of Human Rights," on April 4, 2007, at which were received, as well, contributions from civil society organizations in accordance with the guidelines for civil society participation in OAS activities, as recorded in the report of the meeting (CP/CAJP-2644/08);

c. The deposit by Mexico, on August 20, 2007, of its instrument of accession to the Protocol to the American Convention on Human Rights to Abolish the Death Penalty;

d. The voluntary contributions to facilitate the work of the organs of the inter-American human rights system, made by Canada, Chile, Colombia, Costa Rica, Mexico, and the United States; by Denmark, Finland, France, Ireland, Italy, Norway, the Republic of Korea, Spain, and Sweden; and also by the European Union, the Inter-American Development Bank, the Office of the United Nations High Commissioner for Refugees, the Save the Children Foundation, and the University of Notre Dame; and

e. To recognize the effort made by the IACHR in beginning the process of consultation on the proposed amendments to its Rules of Procedure in 2007, and to receive the contributions of member states and of civil society, all of which redounds in improved performance and protection of the inter-American human rights system.

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

a. Continuing the broad process of reflection on the inter-American system for the promotion and protection of human rights, as a matter of special importance in the work program of the CAJP adopted each year, and that, to that end, meetings are scheduled taking account of the proposals put forward in the discussions that took place in said Committee. Said process of reflection will continue in consultation with the member states, specialized agencies of the inter-American human rights system, nongovernmental organizations, national human rights institutes, academic institutions, and experts in the field, regarding:

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

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

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

d. Encouraging, in addition, member states to contribute to the Specific Fund for Strengthening the Inter-American System for the Protection and Promotion of Human Rights, as well as to the Oliver Jackman Fund established by resolution AG/RES. 2329 (XXXVII-O/07);

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

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

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

h. Requesting the Inter-American Court of Human Rights and the Inter-American Commission on Human Rights to continue to report on the impact and the meaning in practice of these regulatory reforms for the work of both organs and for the strengthening of the system.

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

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

6. To request the Permanent Council to report to the General Assembly at its thirty-ninth regular session on the implementation of this resolution, the execution of which will be subject to the availability of financial resources in the program-budget of the Organization and other resources.

Inauguration of the Annex to the current premises of the seat of the Court

On October 29, 2008, the new annex to the current premises of the Court were inaugurated with the participation of the President of the Republic of Chile, Michelle Bachelet, the President of the Republic of Costa Rica, Oscar Arias Sánchez, together with senior officials of both Governments and members of the diplomatic corps.

IV. INTER-INSTITUTIONAL COOPERATION AGREEMENTS

During 2008, the Inter-American Court of Human Rights concluded cooperation agreements with the following nine institutions of the American continent: Human Rights Commission of the State of Chihuahua, Mexico, the Universidad Autónoma de Chihuahua, Mexico, the Chilean Constitutional Studies Center of the Universidad de Talca, the Permanent Arbitration Court, the Supreme Court of Justice of Honduras, the Office of the Attorney General (*Ministerio Público*) of Honduras, the Universidad San Martín de Porres, Peru, the Matías Romero Institute of the Ministry of Foreign Affairs of Mexico and the Barra Mexicana Colegio de Abogados, A.C. The purpose of these agreements is to establish the bases for collaboration in order to promote joint activities with the said institutions with regard to human rights research, teaching, dissemination and extension work.

V. ADMINISTRATIVE AND FINANCIAL AFFAIRS

The Inter-American Court's financial statements for the 2007 financial year were audited by the independent external auditing firm, Venegas, Pizarro, Ugarte & Co., authorized public accountants, who represent HLB International in Costa Rica.

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

According to the March 12, 2008, report of the authorized public accountants, the Court's financial statements adequately reflect the institution's financial situation and net assets, and also the income, expenditure and cash flows for the 2007 period, which are in accordance with consistently applied and generally accepted accounting principles for non-profit organizations, such as the Court.

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

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

International cooperation

Execution of international cooperation projects continued during 2008. The Government of Norway, through the Norwegian Ministry of Foreign Affairs, donated US\$965,141.61 for the project Strengthening the Inter-American Court of Human Rights and US\$320,000.00 for the project to provide Support for Victims/Public Defense. In addition, the Spanish International Cooperation Agency (AECI) donated US\$513,610.00 for the project Support for the Inter-American Court of Human Rights, and US\$118,105.82 for the Itinerant Court project.

In addition, the Court received several independent contributions: the United Nations High Commissioner for Refugees (UNHCR) gave ¢3,750,000.00; the Permanent Mission of Mexico to the OAS donated US\$125,000.00 to the Court; the Permanent Mission of Colombia to the OAS donated US\$100,000.00 to the Court; the Government of Chile, through its Embassy in Costa Rica, made a donation of US\$10,000.00; and Santa Clara University, California, contributed US\$2,100.00.

The Government of Costa Rica maintained its annual contribution of US\$100,000.00, and the OAS adopted a budget for 2008 of US\$1,756,300.00 from regular funds approved by the General Assembly held in Panama City.

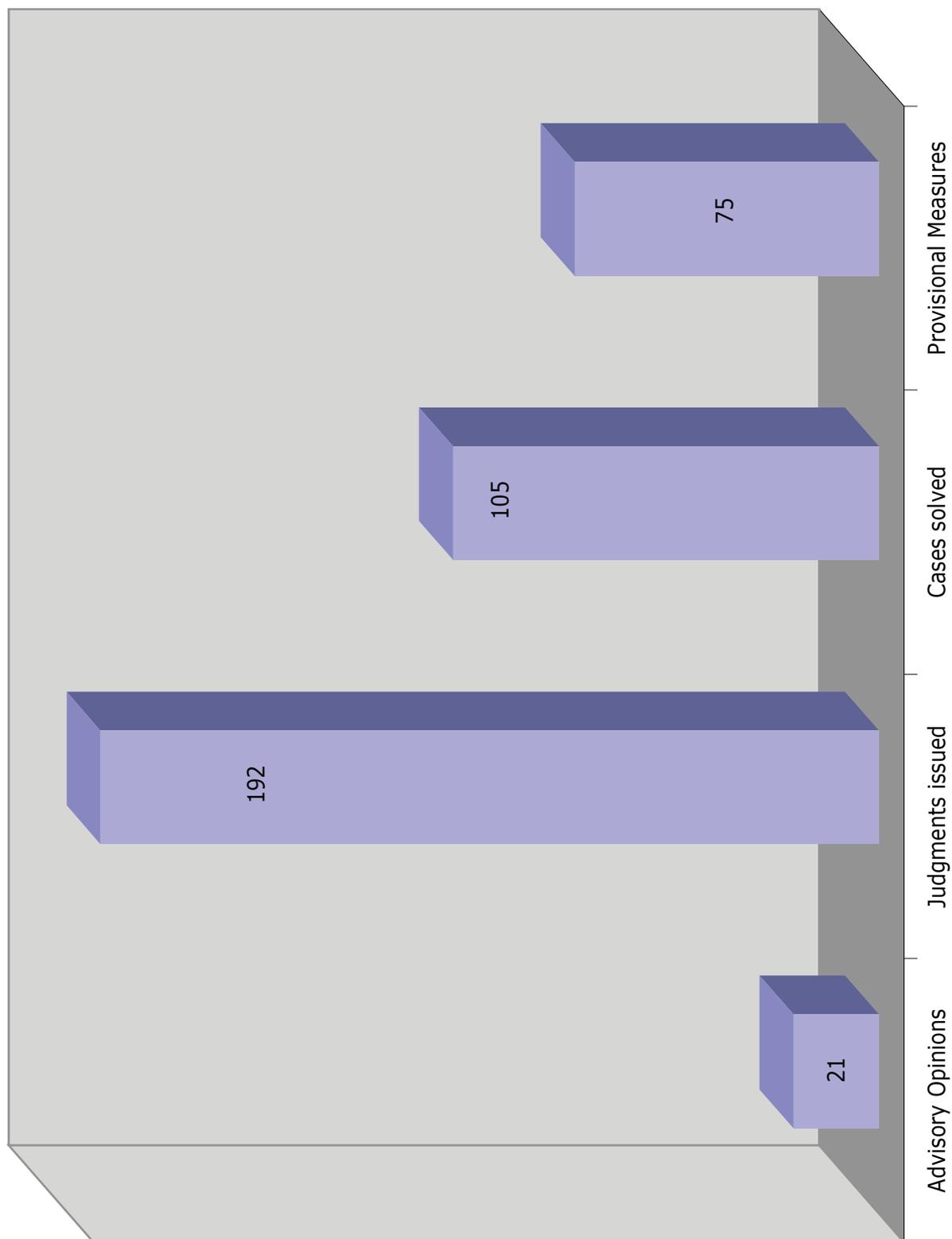
Internships

During 2008, the Court received 47 interns and professional visitors from the following 18 countries at its seat: Argentina, Bolivia, Brazil, Canada, Chile, Colombia, Costa Rica, Dominican Republic, France, Honduras, Mexico, Peru, Puerto Rico, South Korea, Spain, Switzerland, United States and Uruguay. The following website can be consulted for further information on the Court's Internships and Professional Visits Program: <http://www.corteidh.or.cr/pasantias.cfm>

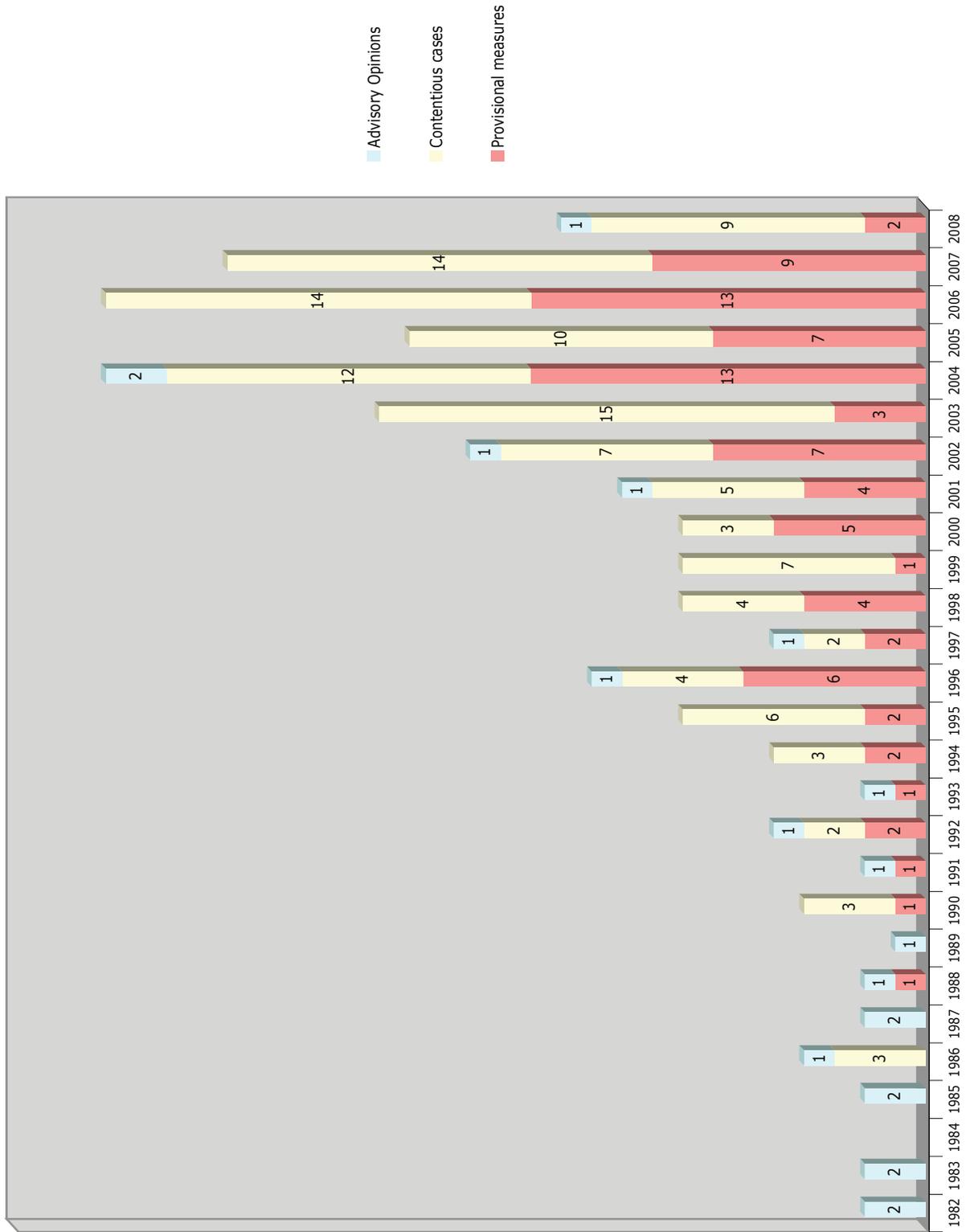
VI. STATISTICS OF THE COURT

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

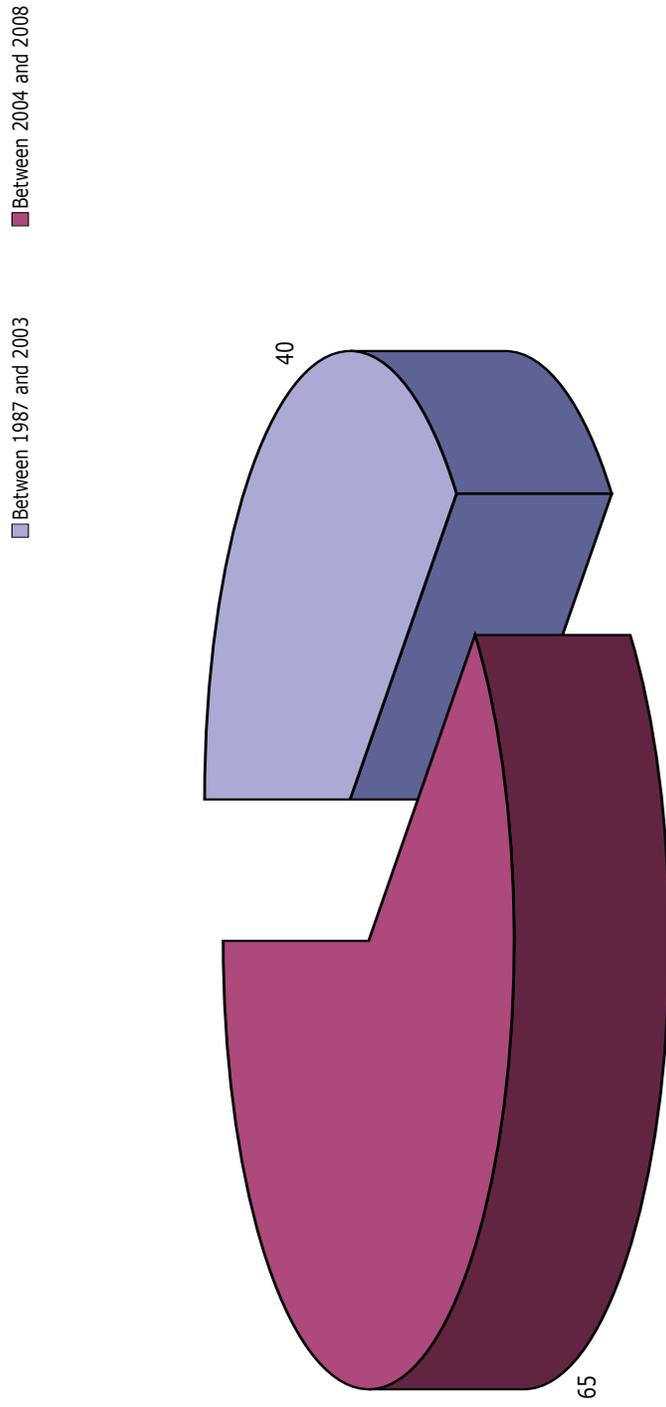
The Inter-American Court of Human Rights (1979 - 2008)



Submission of advisory opinions, contentious cases and provisional measures

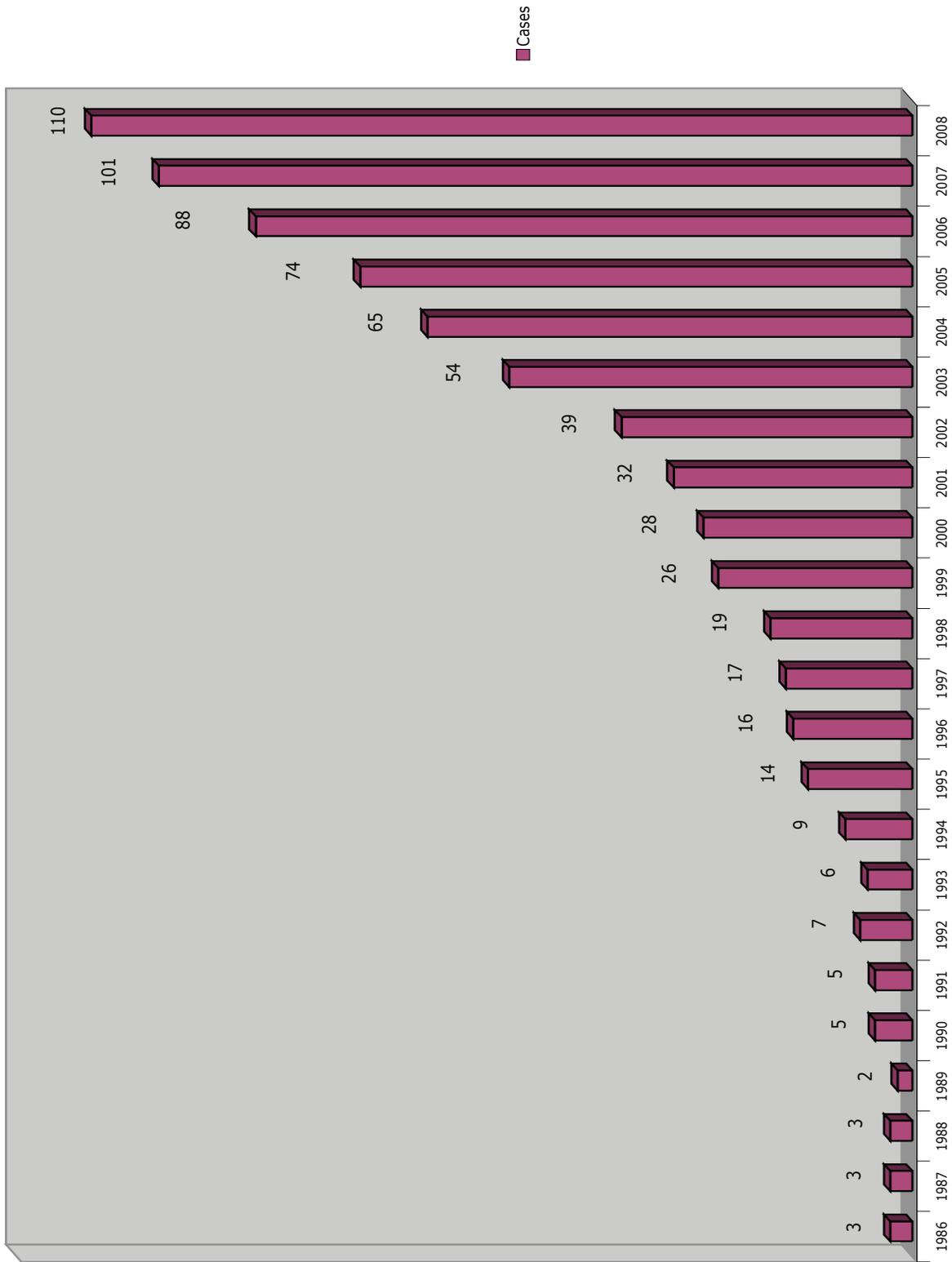


Solution of contentious cases



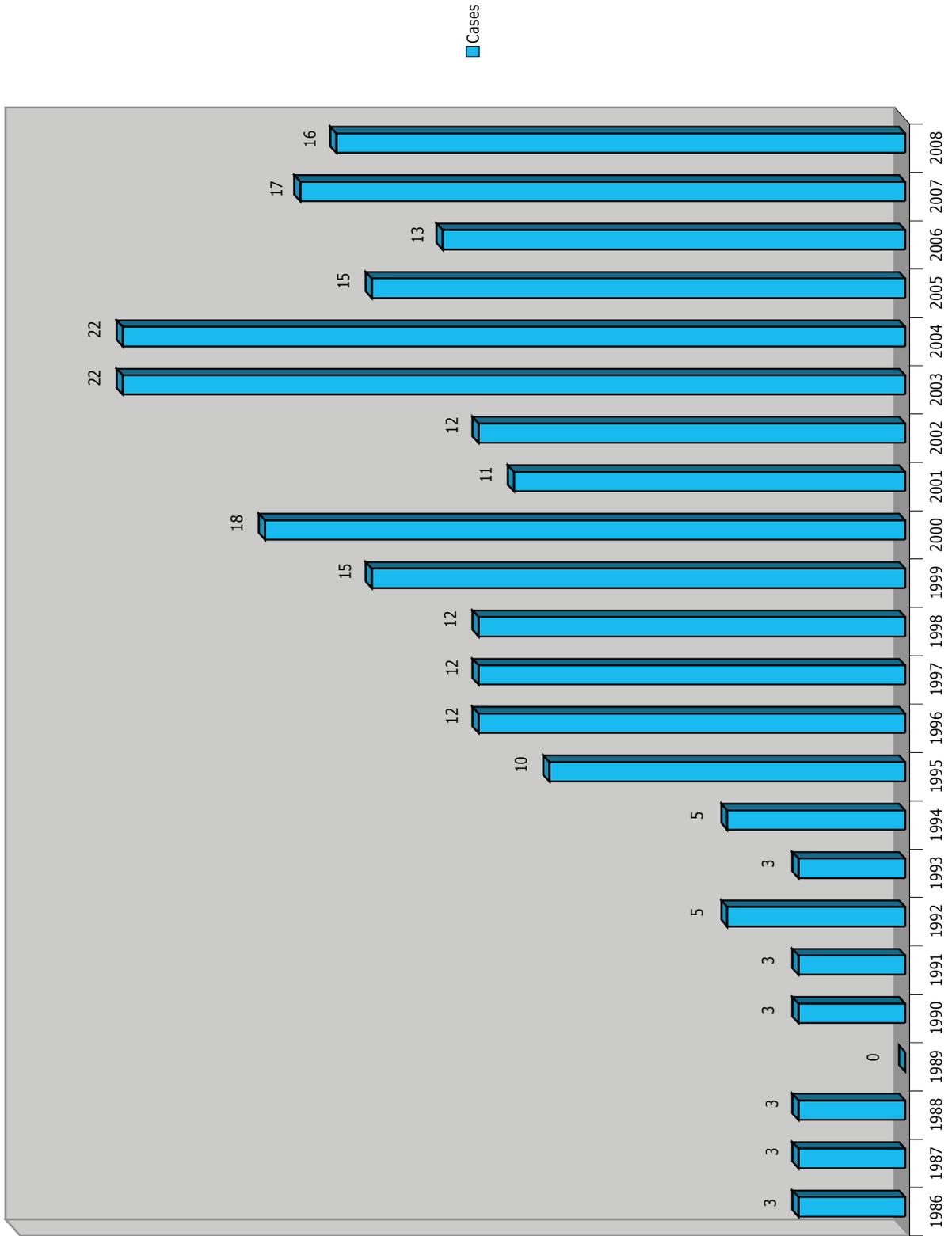
- Includes the cases solved on preliminary objections, merits and reparations, independently of the posterior stage of monitoring compliance with judgment.

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

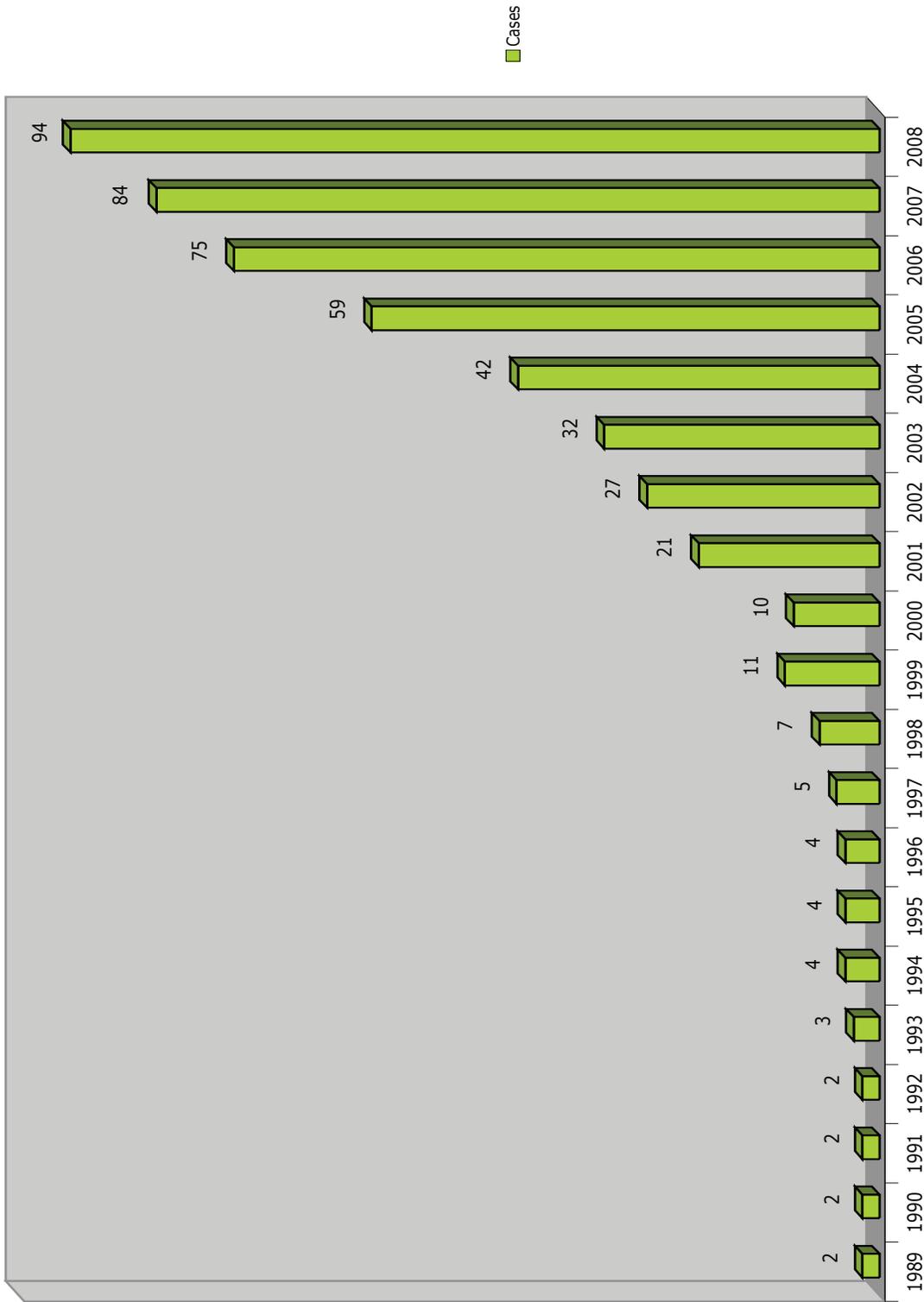


- This chart includes the cases in which no judgment has been issued and the cases in which the judgment has been issued and are in stage of monitoring compliance with judgment.

Contentious cases without judgment at the end of the mentioned years

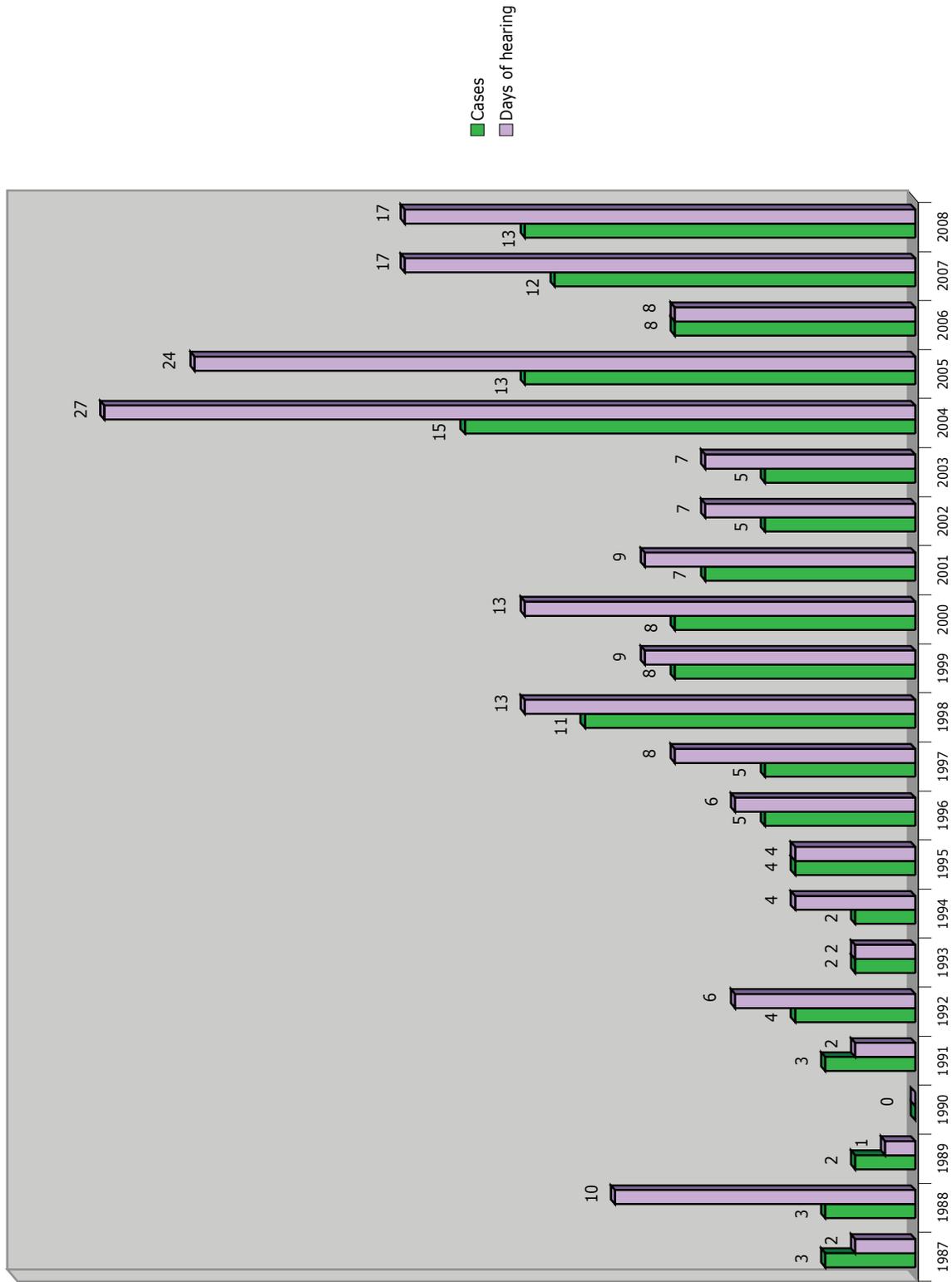


Contentious cases on stage of monitoring compliance with judgment



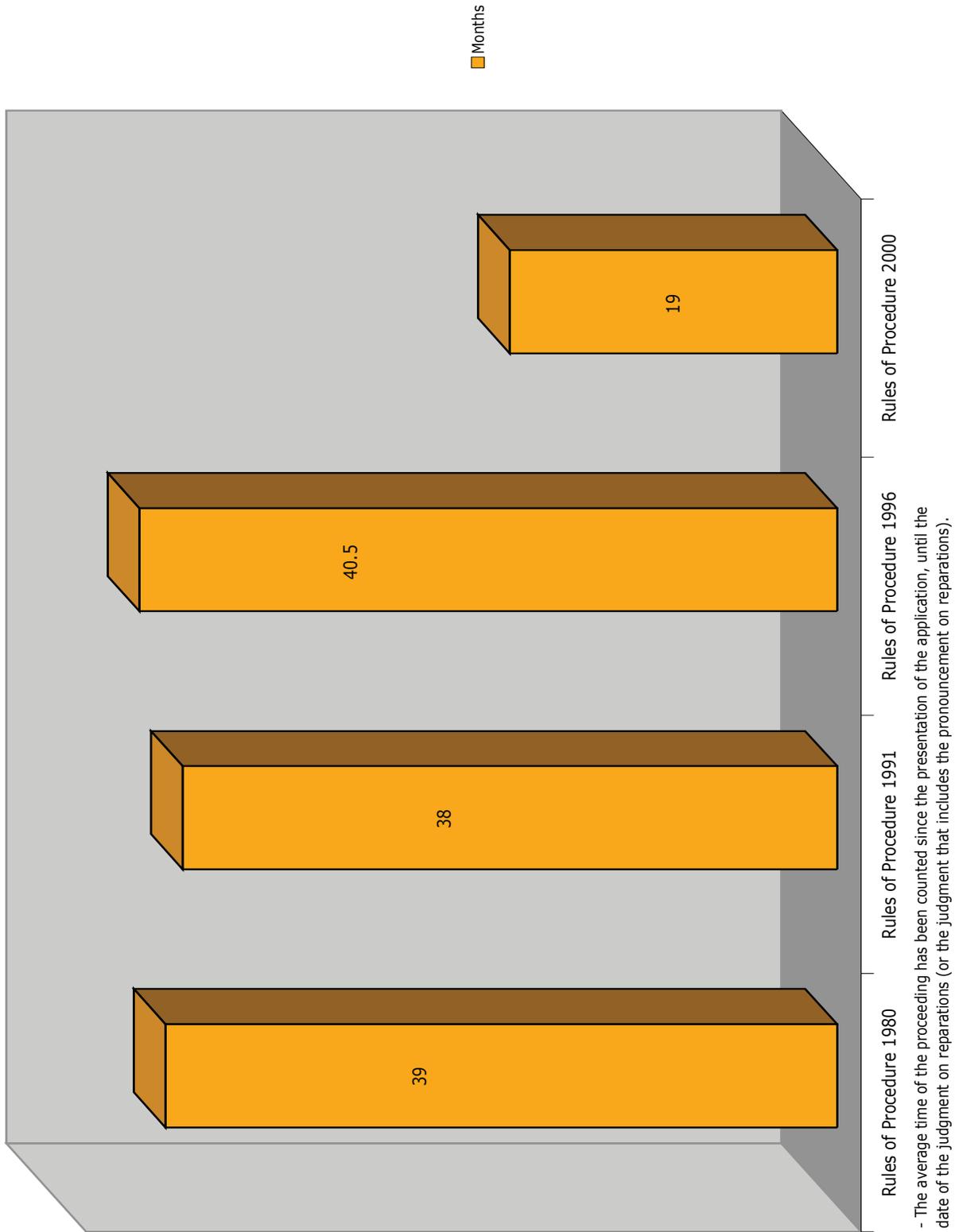
- It is considered that a case is in the stage of monitoring compliance with judgment when the Court has already solved the case and some extreme of the judgment is pending compliance, by the condemned State. Only when the Court considers that the State has complied with each and every of the obligations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

Public hearings on contentious cases

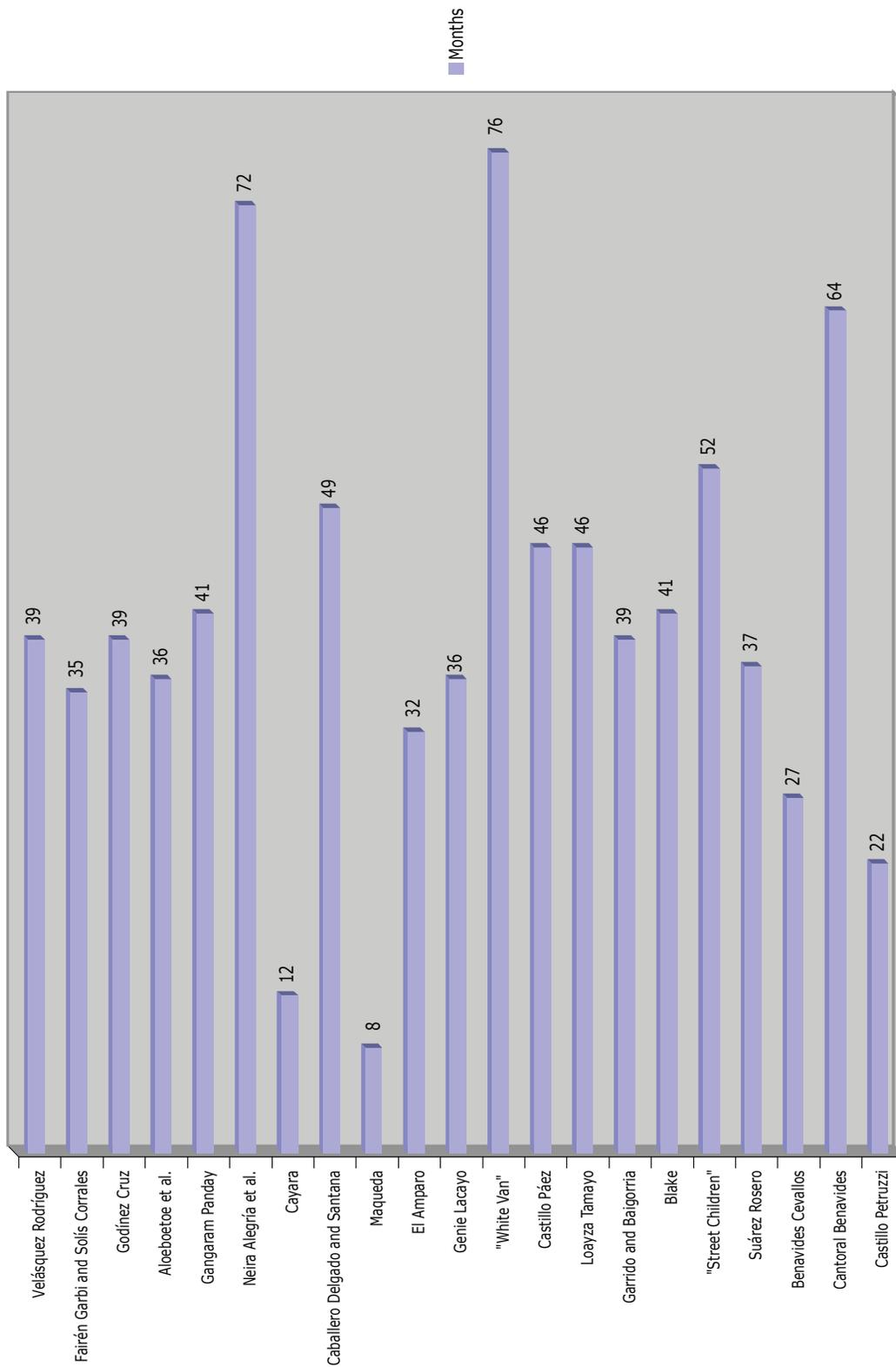


* On the year 2008 was carried out one hearing to receive requested evidence in one particular case.

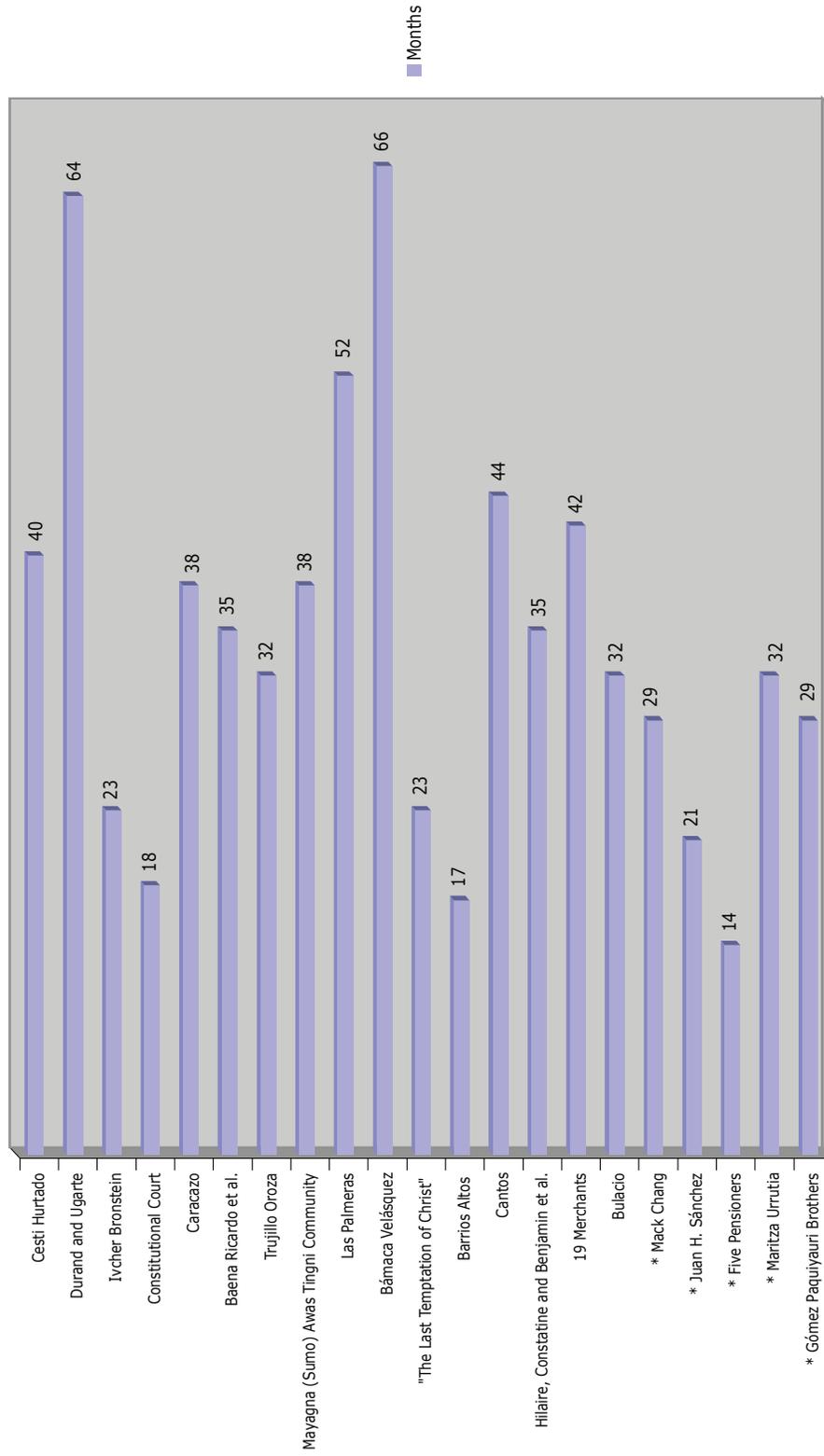
Average time of the proceeding on contentious cases



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

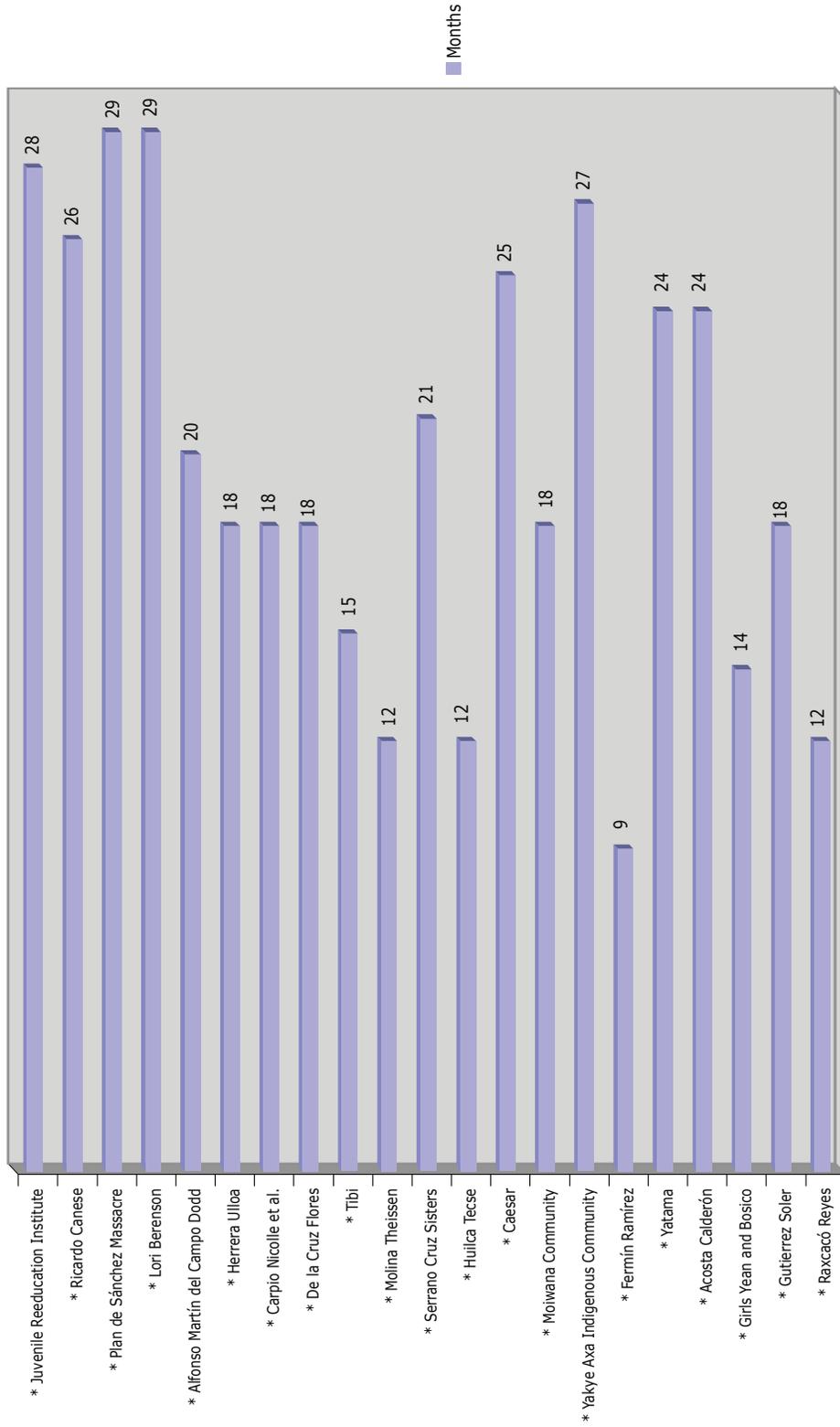


Time of the processing of contentious cases
Chart No. 2



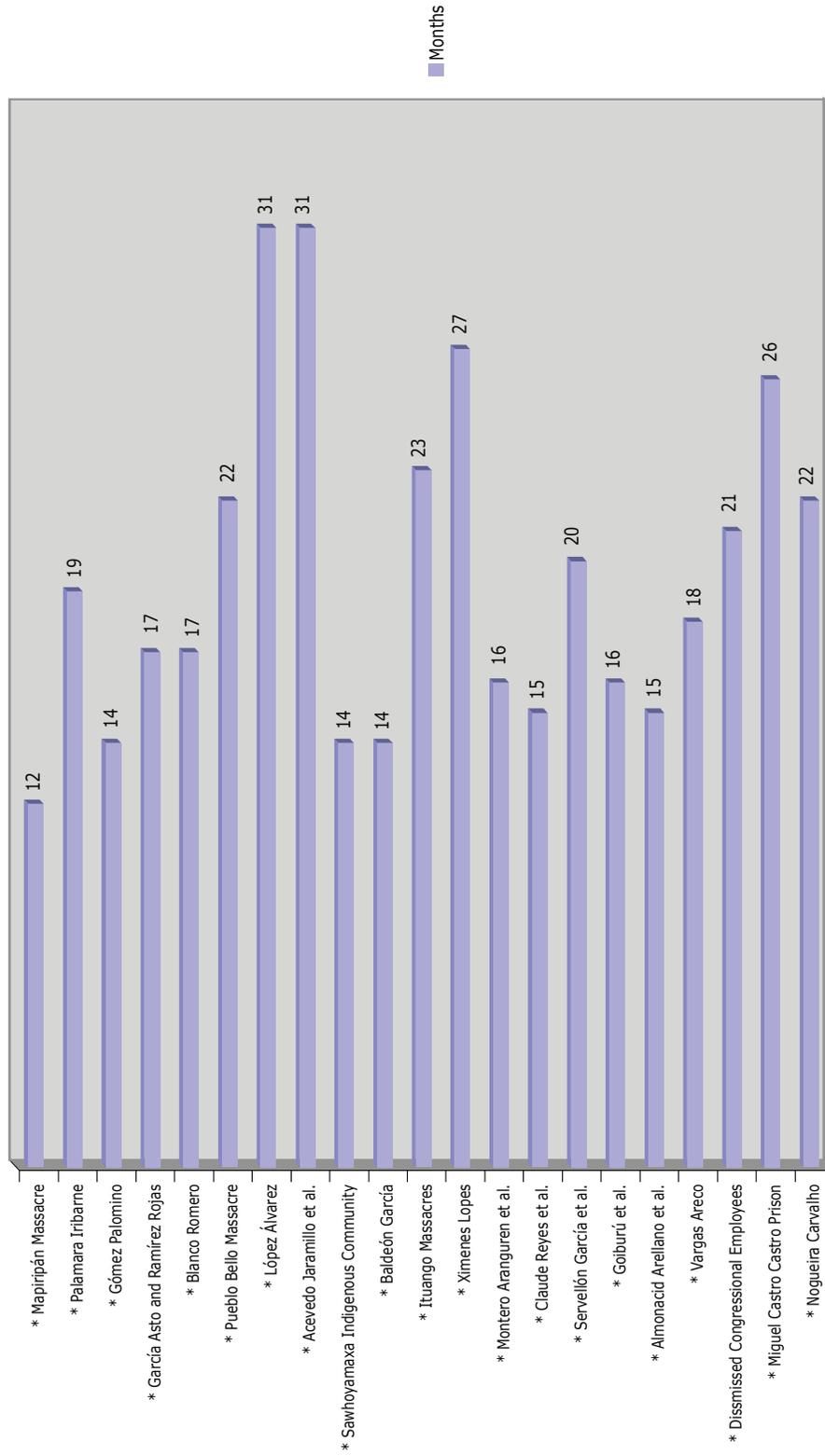
* Contentious cases processed with the Rules of Procedure of the year 2000.

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



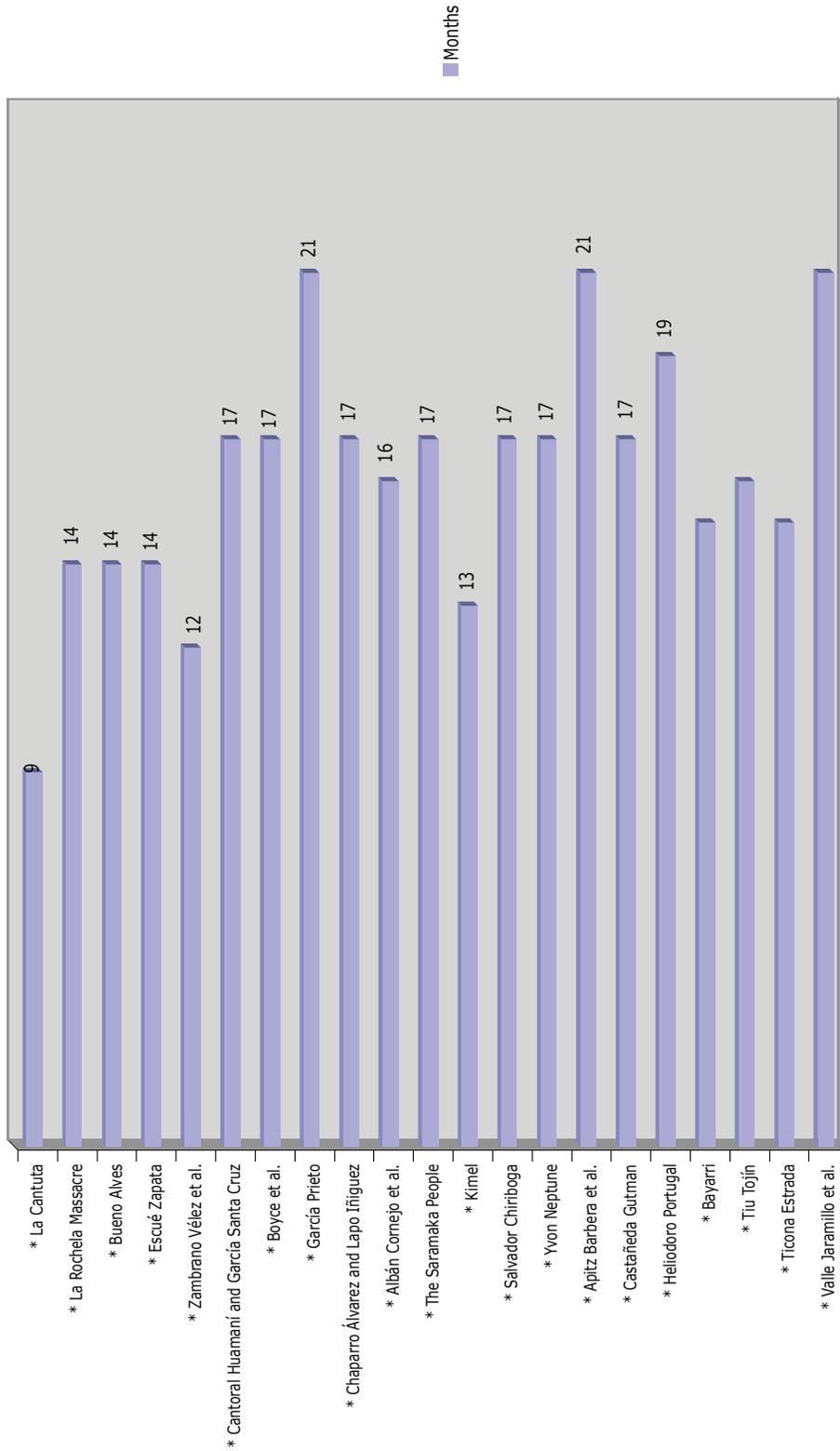
* Contentious cases processed with the Rules of Procedure of the year 2000.

Time of the processing of contentious cases
Chart No. 4



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

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

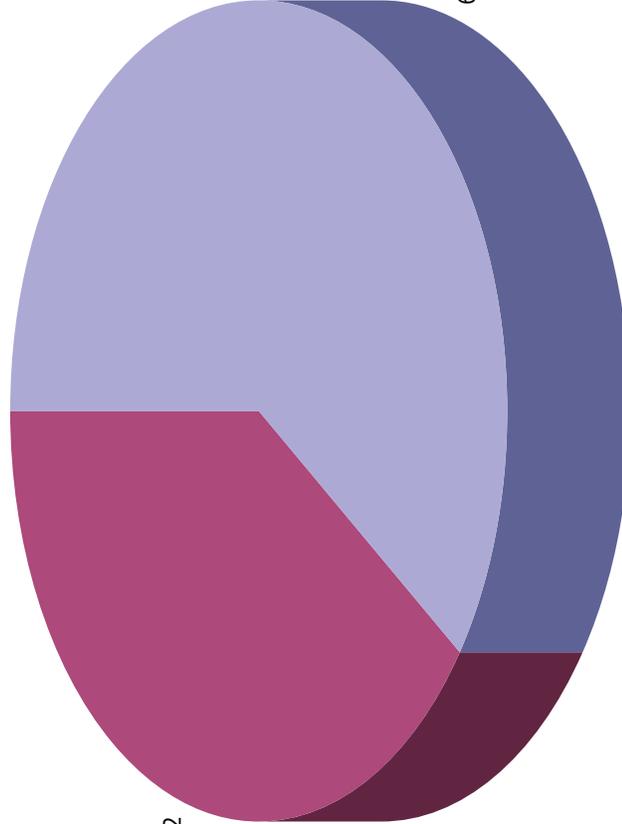


* Contentious cases processed with the Rules of Procedure of the year 2000.

Acquiescence or acknowledgement of international responsibility

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

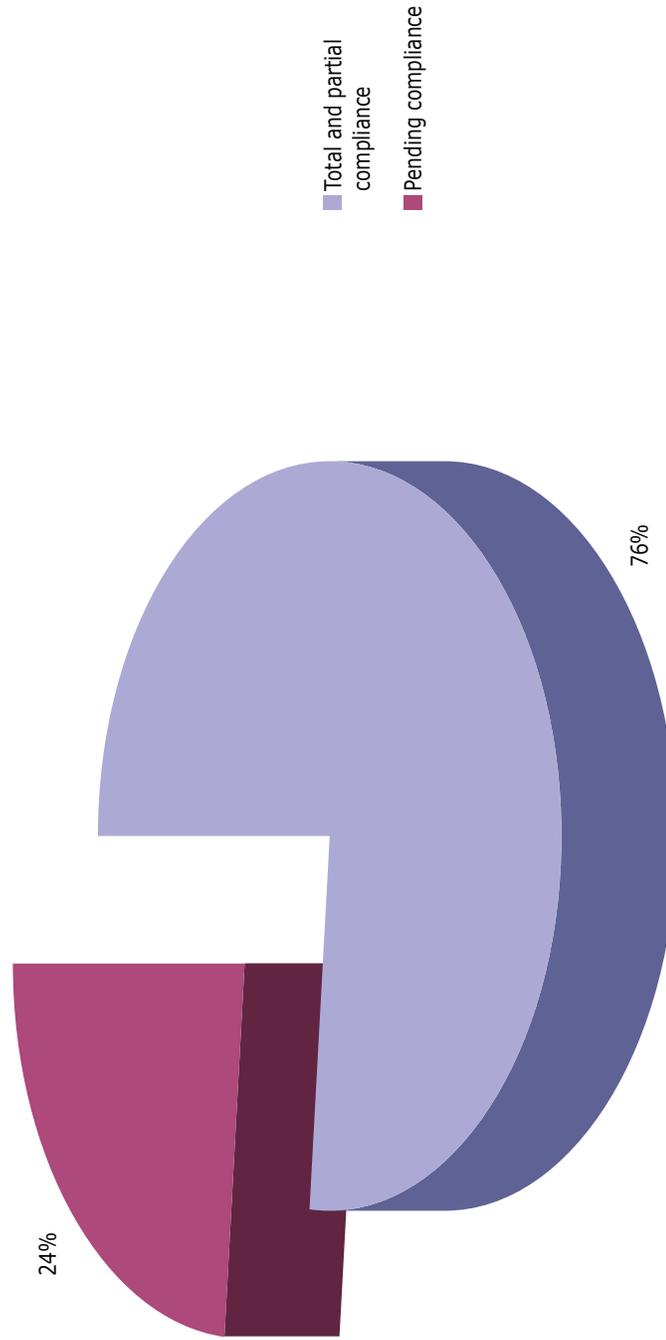
- Acevedo Jaramillo et al. v. Perú
- Albán Cornejo et al. v. Ecuador
- Aboetoe et al. v. Suriname
- Balcón García v. Perú
- Barrios Altos v. Perú
- Benavides Cevallos v. Ecuador
- Blake v. Guatemala
- Blanco Romero v. Venezuela
- Bueno Alves v. Argentina
- Bulacio v. Argentina
- Cantoral Huamani and García Santa Cruz v. Perú
- Caracazo v. Venezuela
- Carpio Nicolle et al. v. Guatemala
- Chaparro Álvarez v. Ecuador
- El Amparo v. Venezuela
- Escué Zapata v. Colombia
- García Asto and Ramírez Rojas v. Perú
- García Prieto v. El Salvador
- Garrido and Baigorria v. Argentina
- Góburú et al. v. Paraguay
- Gómez Palomino v. Perú
- Gutiérrez Soler v. Colombia
- Huilca Tecse v. Perú
- Ituango Massacres v. Colombia
- Kimel v. Argentina
- La Cantuta v. Perú
- La Rochela Massacre v. Colombia
- Maritza Urrutia v. Guatemala
- Mapiripán Massacre v. Colombia
- Miguel Castro Castro Prison v. Perú
- Molina Theissen v. Guatemala
- Montero Aranguren et al. v. Venezuela
- Myrna Mack Chang v. Guatemala
- Plan de Sánchez Massacre v. Guatemala
- Servellón García et al. v. Honduras
- Ticona Estrada v. Bolivia
- Tiu Tojin v. Guatemala
- Trujillo Oroza v. Bolivia
- Valle Jaramillo et al. v. Colombia
- Vargas Areco v. Paraguay
- Ximenes Lopes v. Brasil
- Zambrano Vélez et al. v. Ecuador



■ Ordinary processing

■ Acknowledgement of international responsibility by the State

State of compliance of the costs and expenses ordered



* This chart takes into account 51 contentious cases that were matter of study at the time this statistic was created.

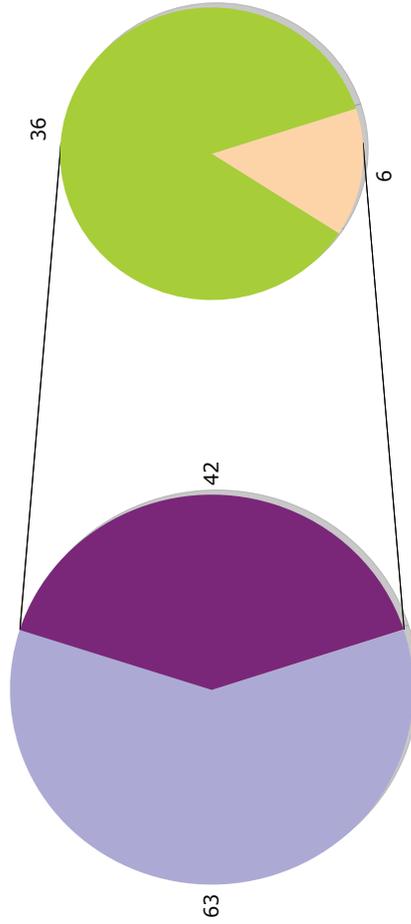
State of compliance of the indemnizations ordered



* This chart takes into account 58 contentious cases that were matter of study at the time this statistic was created.

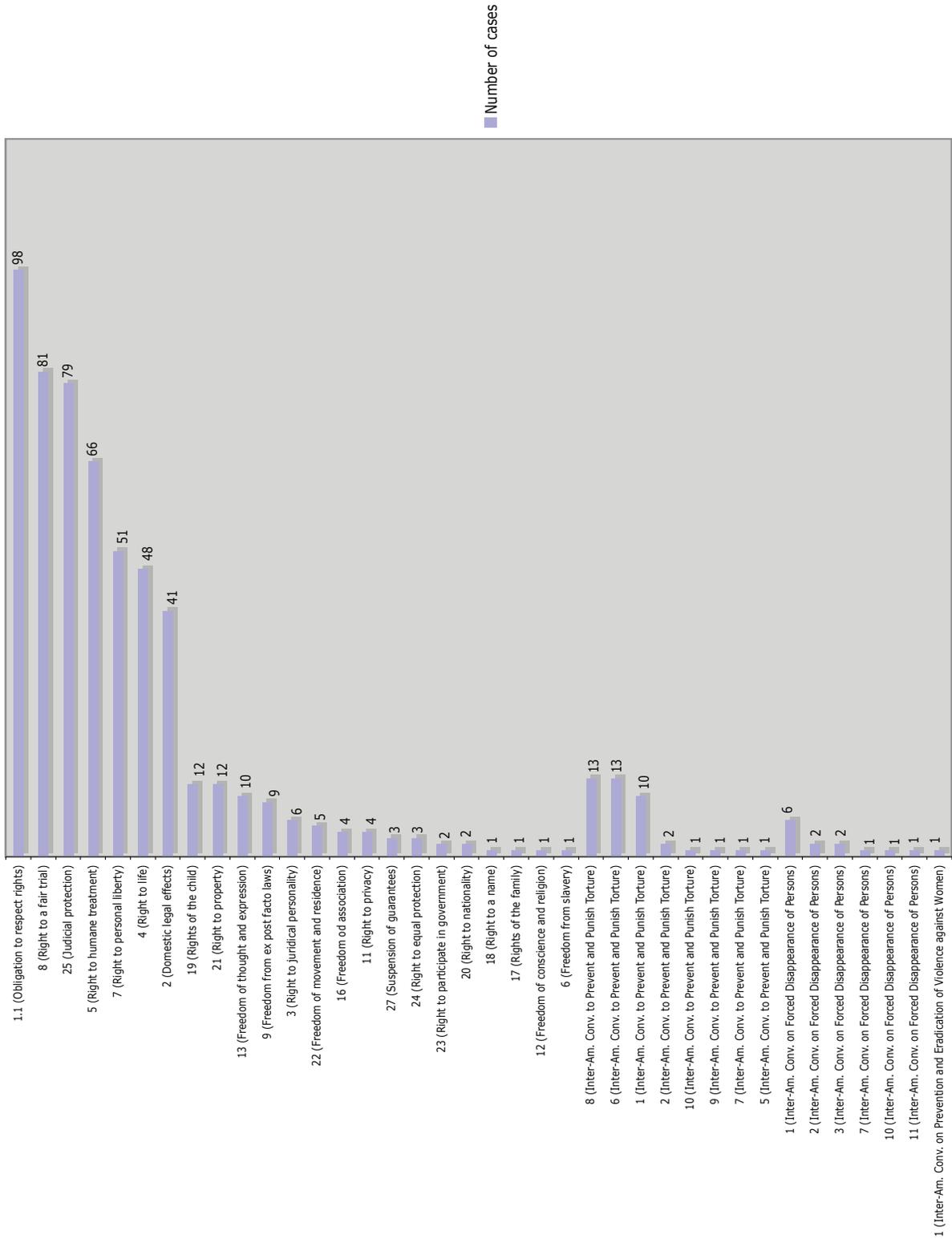
Preliminary objections

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

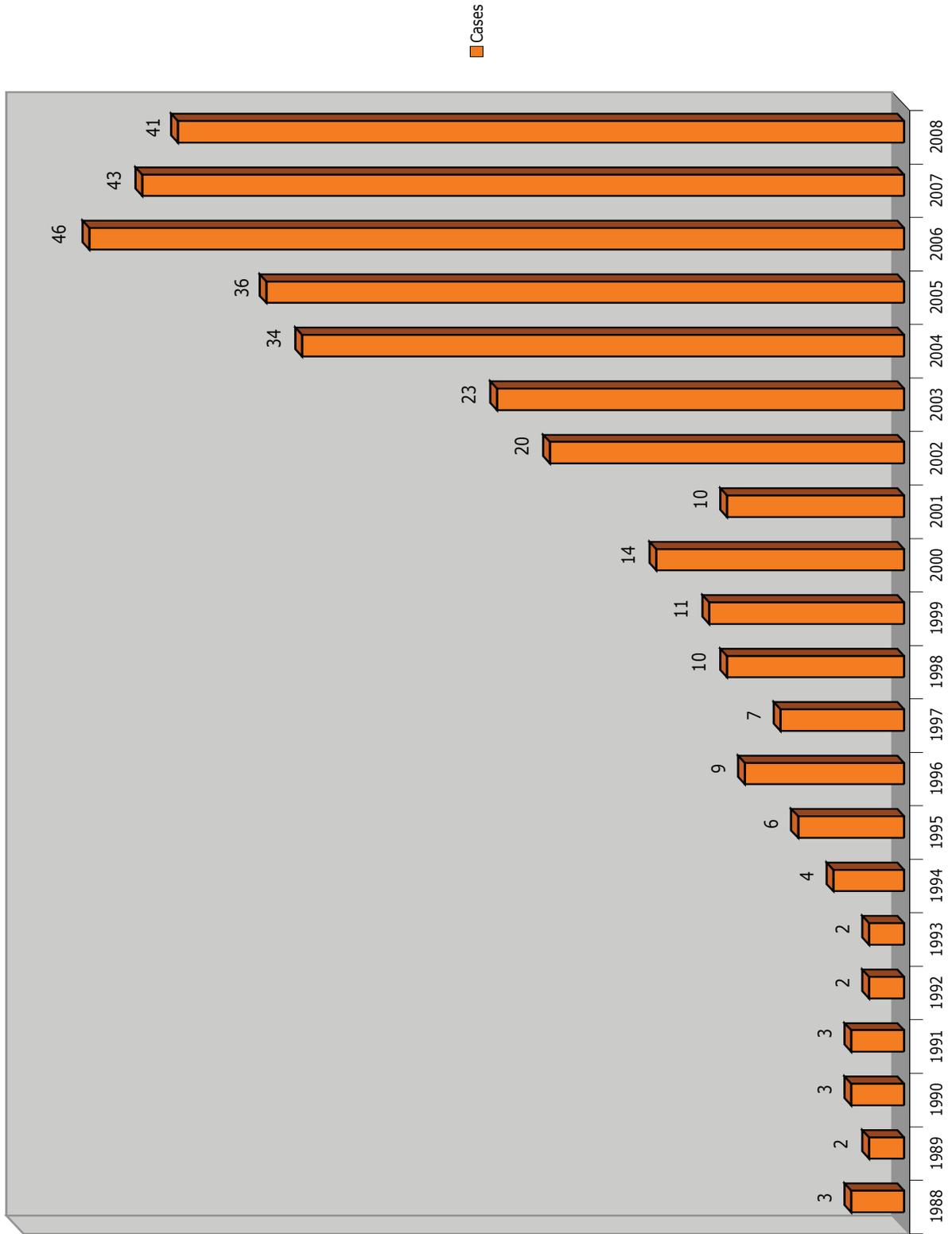


* In one occasion the Court ordered the filing of the case after admitting the preliminary objection presented by the State.

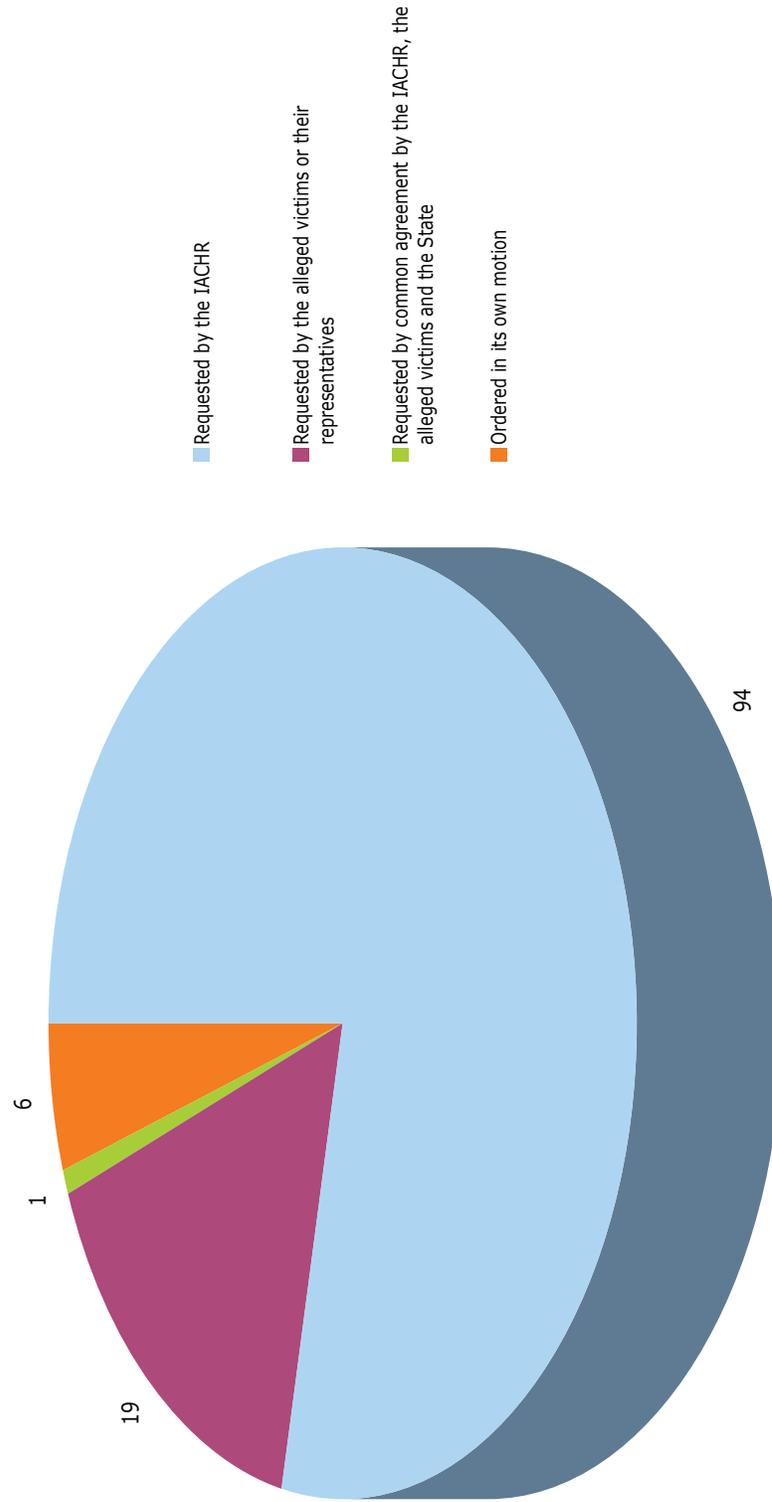
Articles of the A.C.H.R. and other treaties, which violation was declared in judgment of the Court



Provisional measures ordered



Request for provisional measures



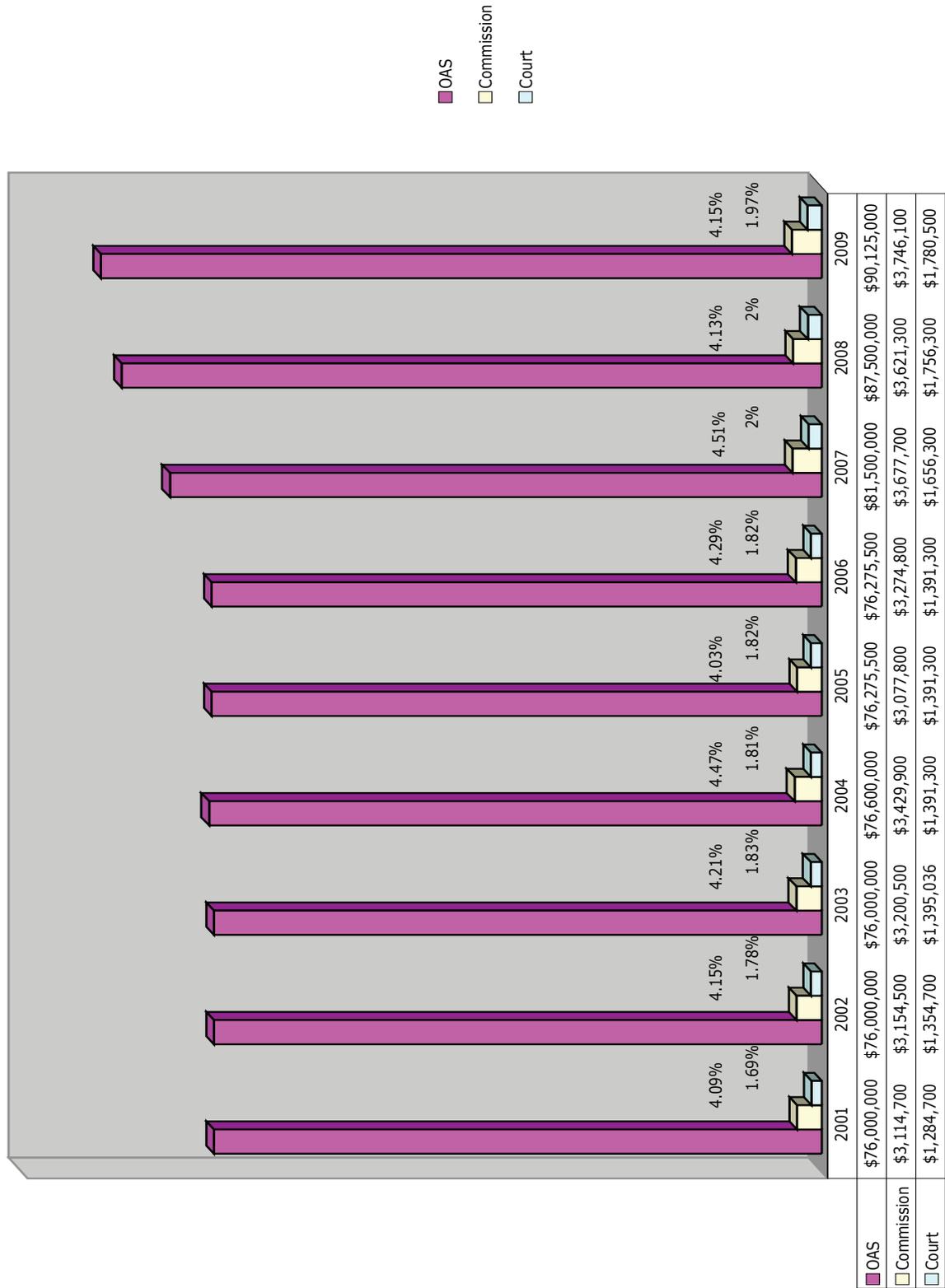
- The 26% of the provisional measures requested are related to contentious cases processed before the Court. The other 74% correspond to proceedings before the Commission.

- This chart includes 120 requests for provisional measures. In 13 cases the measures requested were rejected and 32 belong to requests of expansion of provisional measures already adopted by the Tribunal.

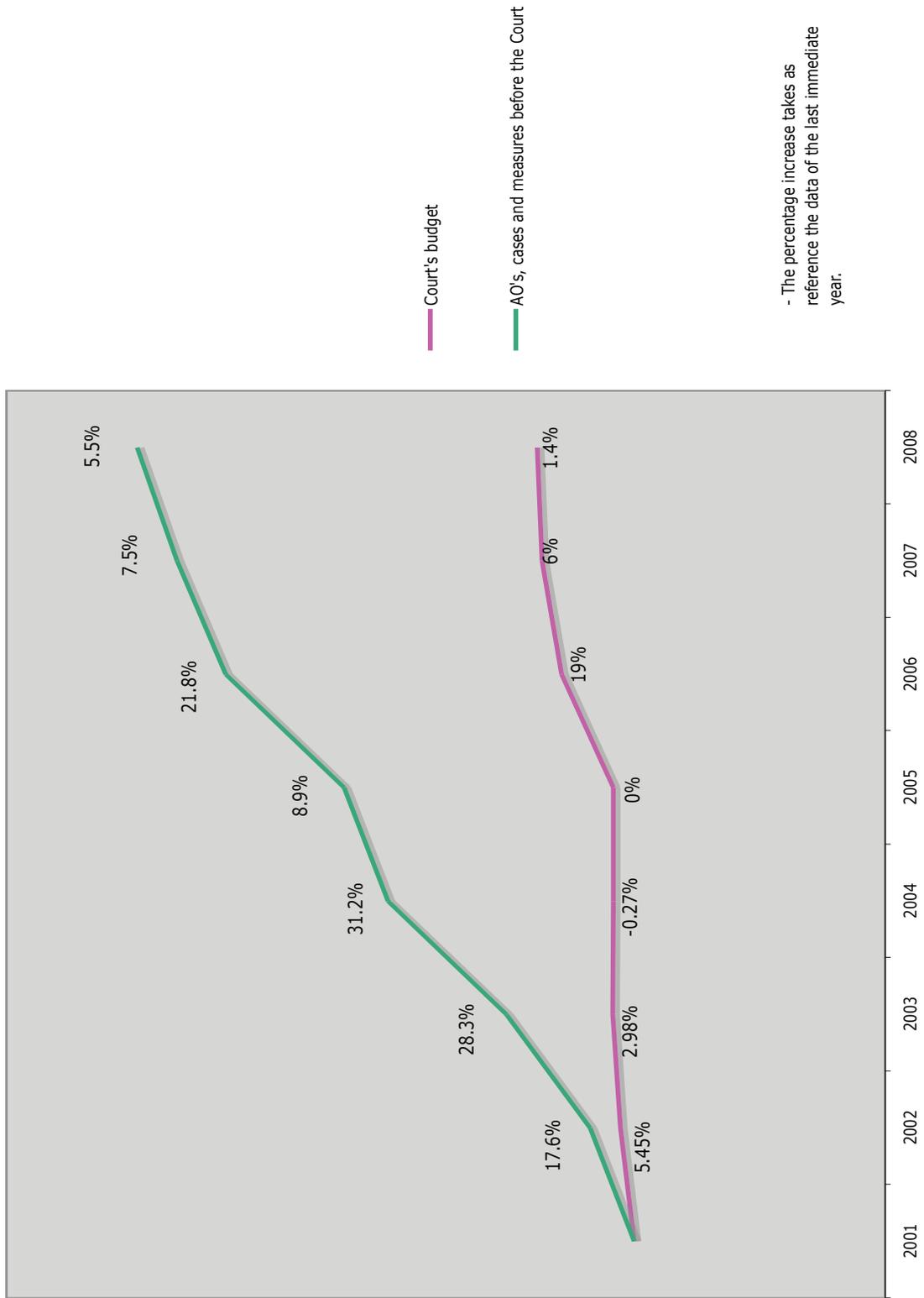
Subjects of the advisory opinions



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



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



THE ORGANIZATION OF AMERICAN STATES

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

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

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

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

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