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## I. ORIGIN, STRUCTURE AND JURISDICTION OF THE COURT

### A. ESTABLISHMENT OF THE COURT

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

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

### B. ORGANIZATION OF THE COURT

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

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

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

Judges whose terms have expired shall continue to serve with regard to the cases they have begun to hear and that are still pending (Article 54(3) of the Convention).

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

States parties to a case are represented in the proceedings before the Court by the agents they designate (Article 21 of the Rules of Procedure).

The judges are at the disposal of the Court, which holds as many regular sessions a year as may be necessary for the proper discharge of its functions. Special sessions may also be called by the President of the Court (hereinafter “the President”) or at the request of the majority of the judges. Although the judges are not required to reside at the seat of the Court, the President shall render his service on a permanent basis (Article 16 of the Statute).

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

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

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

### **C. COMPOSITION OF THE COURT**

In 2002, the following judges, listed in order of precedence, sat on the Court:

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

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

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

Rafael Nieto Navia (Colombia)  
 Charles N. Brower (United States)  
 Julio A. Barberis (Argentina)

The 19 Tradesmen case  
 Trujillo Oroza case  
 Las Palmeras case  
 Cantos case

## D. JURISDICTION OF THE COURT

The Convention confers contentious and advisory functions on the Court. The first function involves the competence to decide cases in which it is alleged that one of the States Parties has violated the Convention and the second function involves the right of the Member States of the Organization to consult the Court regarding the interpretation of the Convention or “other treaties concerning the protection of human rights in the American States”. Within their spheres of competence, the organs of the OAS mentioned in its Charter may also consult the Court.

### 1. The Contentious Jurisdiction of the Court

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

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

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

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

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

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

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

Article 63(2) of the Convention indicates that:

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

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

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

## **2. The Advisory Jurisdiction of the Court**

Article 64 of the Convention reads as follows:

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

The right to request an advisory opinion is not limited to the States Parties to the Convention. Any OAS Member State may request such an opinion.

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

## **3. Recognition of the Contentious Jurisdiction of the Court**

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

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

The status of ratification and accessions to the Convention can be found at the end of this report ([Appendix XXXVI](#)).

## E. BUDGET

Article 72 of the Convention provides that “the Court shall draw up its own budget and submit it for approval to the General Assembly through the General Secretariat. The latter may not introduce any changes in it”. Pursuant to Article 26 of its Statute, the Court administers its own budget.

## F. RELATIONS WITH OTHER SIMILAR REGIONAL ORGANIZATIONS

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

# II. JURISDICTIONAL AND ADVISORY ACTIVITIES OF THE COURT

## A. FIFTY-FOURTH REGULAR SESSION OF THE COURT

The Court held its fifty-fourth regular session at its seat in San José, Costa Rica, from February 18 to March 1, 2002, with the following members: Antônio A. Cançado Trindade (Brazil), President; Alirio Abreu Burelli (Venezuela), Vice President; Hernán Salgado Pesantes (Ecuador); Oliver Jackman (Barbados); Sergio García Ramírez (Mexico) and Carlos Vicente de Roux Rengifo (Colombia). Charles N. Brower took part in the *Trujillo Orozco* case, as Judge *ad hoc*, appointed by the State of Bolivia. The Secretary of the Court was Manuel E. Ventura Robles and the Deputy Secretary was Pablo Saavedra Alessandri. The Court considered the following matters at this session:

1. **Gallardo Rodríguez case (Mexico): Provisional measures.** On February 18, 2002, the Court issued an order ([Appendix I](#)) in which it decided to ratify all the provisions of the orders of the President of the Court of December 20, 2001, and February 14, 2002, and,

accordingly, to call on the State to maintain all necessary measures to protect the life and safety of General José Francisco Gallardo Rodríguez, without detriment to any other measures that it was pertinent to establish.

These provisional measures were ordered because, on December 18, 2001, the Inter-American Commission submitted a request for provisional measures in order to avoid irreparable damage to the life, physical, mental and moral safety of General José Francisco Gallardo Rodríguez and to his freedom of expression, linked to his life.

**2. Hilaire, Constantine and Benjamin *et al.* case (Trinidad and Tobago): *Merits and possible reparations.*** On February 20 and 21, 2002, a public hearing was held to hear the statements of the experts proposed by the Commission, together with the arguments of the latter and the representatives of the alleged victims on the merits of the case, and also on possible reparations. The State of Trinidad and Tobago did not appear at the audience even though it had been summoned.

On September 1, 2001, the Court had delivered judgment on preliminary objections in the Hilaire, Constantine *et al.*, and Benjamin *et al.* cases, rejecting in its entirety the preliminary objection filed by the State of Trinidad and Tobago. Subsequently, by an order of November 30, 2001, the Court decided to order the joinder of the three cases which became known as: Hilaire, Constantine and Benjamin *et al.* vs. Trinidad and Tobago.

**3. Bámaca Velásquez case (Guatemala): *Reparations.*** The Court delivered judgment on reparations on February 22, 2002 ([Appendix II](#)), and decided unanimously that the State should locate the remains of Efraín Bámaca Velásquez; that it should investigate the facts that gave rise to the violations of the American Convention and the Inter-American Convention to Prevent and Punish Torture; that it should identify and punish those responsible and publish the results of the investigation, and that the State should adopt legislative measures to adapt Guatemalan legislation to norms of international humanitarian law and human rights, and make those norms fully effective in the domestic sphere, in accordance with Article 2 of the Convention.

It decided that the State should compensate José León Bámaca Hernández, Egidia Gebia Bámaca Velásquez, Josefina Bámaca Velásquez and Jennifer Harbury, as the successors of Efraín Bámaca Velásquez, for pecuniary and non-pecuniary damage.

It also decided that the State should compensate Jennifer Harbury as established in paragraphs 65(a) and 66 of the judgment, and for lost income over the period March 12, 1992, to January 1997, and for the expenses resulting from harm to her health as a result of the facts of the case and for the expenditure that she incurred when trying to determine the whereabouts of Efraín Bámaca Velásquez, as established in paragraphs 54 and 55 of the judgment. It also ordered other pecuniary reparations for the victim's next of kin and for costs and expenses; that the State should comply with the measures of reparation ordered in the judgment within six month of its notification, and that the Court would monitor compliance with the judgment and would file the case when the State had fully complied with all its terms.

Judges Cançado Trindade and García Ramírez issued their separate opinions, which accompany the judgment.

**4. Trujillo Oroza case (Bolivia): Reparations.** The Court delivered judgment on reparations on February 27, 2002 ([Appendix III](#)), and decided unanimously that the State should locate the remains of the victim and deliver them to his next of kin; that it should typify the offense of forced disappearance of persons in its domestic legislation and should investigate, identify and punish those responsible for the facts and adopt measures to protect human rights in order to avoid a recurrence of such harmful acts as those of the instant case. It decided that the State should officially designate an educational center in Santa Cruz with the name of José Carlos Trujillo Oroza.

The Court also decided that the State should compensate the victim's mother, Gladys Oroza de Solón Romero, spouse and children, as successors of José Carlos Trujillo Oroza, for the non-pecuniary damage they had suffered and should compensate the same persons, as successors, for pecuniary damage. It decided that the State should compensate Gladys Oroza de Solón Romero and the Center for Justice and International Law (CEJIL), representative of the victim and his next of kin, for costs and expenses; that it should comply with the measures of reparation ordered in the judgment within six months of its notification, and that the payments ordered would be free of any existing or future tax or charge. The Court will monitor compliance with the judgment and will file the case when the State has fully complied with all its terms.

Judges Cançado Trindade, García Ramírez and Brower issued their separate opinions, which accompany the judgment.

**5. Other matters:** The Court adopted its Annual Report for 2001. It considered various measures in pending cases and examined the reports submitted by the Commission and the States in cases in which provisional measures had been adopted. It also examined the reports presented by the Commission, the States and the victims or their representatives in those cases that were at the stage of compliance with judgment. In addition, it dealt with various administrative matters.

## B. FIFTY-FIFTH REGULAR SESSION OF THE COURT

The Inter-American Court held its fifty-fifth regular session at its seat in San José, Costa Rica, from June 6 to 21, 2002, with the following members: Antônio A. Cançado Trindade (Brazil), President; Alirio Abreu Burelli (Venezuela), Vice President; Hernán Salgado Pesantes (Ecuador); Oliver Jackman (Barbados); Sergio García Ramírez (Mexico) and Carlos Vicente de Roux Rengifo (Colombia). Rafael Nieto Navia took part in the case of *the 19 Tradesmen* as Judge *ad hoc*, appointed by the State of Colombia. Julio A. Barberis took part in the *Las Palmeras* and *Cantos* cases as Judge *ad hoc*, appointed by the States of Colombia and Argentina, respectively. The Secretary of the Court was Manuel E. Ventura Robles and the Deputy Secretary was Pablo Saavedra Alessandri. The Court considered the following matters during this session:

**1. The case of the 19 Tradesmen (Colombia): Preliminary objections.** On June 11, 2002, the Court held a public hearing on the preliminary objection filed by the State of Colombia in this case, which was contested by the Inter-American Commission on Human Rights. The preliminary objection was that of “violation of due process owing to failure to execute procedures adopted in good faith in order to comply with the purposes of the American Convention on Human Rights.” In its preliminary objection, Colombia stated that the Court should have rejected the application in this case *in limine*, because the Commission had not complied adequately with the procedure established in Article 50 of the American Convention before submitting the application to the Court.

The Court deliberated and, on June 12, 2002, delivered judgment on the preliminary objection ([Appendix IV](#)), in which it decided unanimously to reject the preliminary objection filed by the State of Colombia and to continue hearing the case.

**2. The case of the Peace Community of San José de Apartadó (Colombia): Provisional measures.** On June 13, 2002, the Court held a public hearing on provisional measures and heard the arguments of the Inter-American Commission and the State of Colombia on the recent events at the Peace Community of San José de Apartadó, about which the Inter-American Commission had informed the Court.

The Court examined the reports submitted by the State of Colombia, the comments on those reports and additional information presented by the Inter-American Commission, and also the arguments of both parties during the public hearing and, on June 18, 2002, issued an order ([Appendix V](#)). In this order, the Court decided to call on the State to maintain all necessary measures to protect the life and safety of all the members of the Peace Community of San José de Apartadó, to adopt all necessary measures to protect the life and safety of all those who provide services to the members of the Peace Community of San José de Apartadó, and to investigate the facts that resulted in the expansion of these provisional measures so as to identify those responsible and impose the corresponding punishment.

It also decided to call on the State to maintain all necessary measures to ensure that the persons benefiting from these measures may continue to live in their usual place of residence and to continue ensuring the necessary conditions for those members of the Peace Community of San José de Apartadó, who have been forced to move to other zones of the country, to return to their homes; to continue allowing the beneficiaries of the provisional measures or their representatives to take part in the planning and implementation of such measures; and, in collaboration with the beneficiaries or their representatives, to establish a continuous safety and monitoring mechanism in the Peace Community of San José de Apartadó.

Judge Cançado Trindade informed the Court of his concurring opinion, which accompanies the order.

**3. Las Palmeras case (Colombia): Reparations.** On June 14, 2002, the Court held a public hearing to receive the statements of the witnesses and the expert witness proposed by the representatives of the victims’ next of kin, and endorsed by the Inter-American Commission, and to hear the final arguments of the representatives of the victims’ next of



kin, the Inter-American Commission and the State of Colombia on reparations and costs in this case.

The hearing on reparations was held pursuant to the judgment on merits of December 6, 2001, in which the Court had decided unanimously, “[t]o open the reparations phase, to which end, it commission[ed] its President to duly adopt any necessary measures.” The State did not offer any testimonial or expert evidence at this stage of the proceedings.

**4. Cantos case (Argentina): Merits and possible reparations.** On June 17, 2002, the Court held a public hearing to hear the arguments of the alleged victim’s representatives, the Inter-American Commission and the State of Argentina on merits and possible reparations in this case, and also the statements of the witnesses proposed by the Commission. The State did not offer either testimonial or expert evidence at this stage of the proceedings.

This hearing was held pursuant to the judgment on preliminary objections of September 7, 2001, in which the Court had decided unanimously not to admit the preliminary objection of lack of jurisdiction *ratione personae* based on Article 1(2) of the American Convention and to accept partially the preliminary objection on lack of competence, in the sense that the Court could only exercise its contentious jurisdiction with regard to the category of facts that included the proceedings before the Supreme Court of Justice of Argentina after the State had accepted this jurisdiction (September 5, 1984), if it were alleged that the said proceedings could constitute *per se* violations of the American Convention, and to continue hearing and processing this case.

**5. Request for Advisory Opinion OC-17.** On June 21, 2002, the Court held a public hearing concerning the request for advisory opinion OC-17, resulting from a petition submitted by the Inter-American Commission, and heard the comments of the United Mexican States, Costa Rica, the Inter-American Commission, the Rafael Preciado Hernández Foundation, the Mexican University Institute for Human Rights, A.C., the Center for Justice and International Law (CEJIL) and the United Nations Latin American Institute for the Prevention of Crime and the Treatment of Offenders (ILANUD), as *amici curiae*.

In the request for an advisory opinion presented on March 30, 2001, pursuant to Article 64(1) of the American Convention, the Inter-American Commission asked the Court to interpret Articles 8 and 25 of the Convention in order to determine whether these provisions constituted “limits to the discretion of States to order special measures of protection” for children, in the light of Article 19 thereof. It also requested the Court to formulate general criteria that were valid within the framework of the Convention.

**6. Hilaire, Constantine, Benjamín et al. case (Trinidad and Tobago): Merits and reparations.** On June 21, 2002, the Court delivered the judgment on merits ([Appendix VI](#)) in which it decided unanimously: that the State had violated the right to life embodied in Article 4(1) and 4(2), in relation to Article 1(1) of the American Convention; that the State had failed to comply with the obligation established in Article 2 of the American Convention; that the State had violated the right to a hearing within a reasonable time embodied in Article 7(5) and 8(1), in relation to Articles 1(1) and 2 of the American Convention; that the State had violated the right to an effective recourse embodied in Articles 8 and 25, in relation to Article 1(1) of the American Convention; that the State had

violated the right to humane treatment embodied in Article 5(1) and 5(2) in relation to Article 1(1) of the American Convention; that the State had violated the right of all those condemned to death to apply for amnesty, pardon or commutation of sentence embodied in Article 4(6), in relation to Articles 8 and 1(1) of the American Convention; and that the State had arbitrarily deprived Joey Ramiah of the right to life in violation of Article 4 of the American Convention.

With regard to reparations, the Court decided unanimously: that the State should abstain from applying the 1925 *Offences against the Person Act* and, within a reasonable time, should modify it, adapting it to international norms for the protection of human rights; that the State should repeat the criminal proceedings for the offenses allegedly committed by the victims in this case, applying the criminal legislation resulting from the reform to the 1925 *Offences against the Person Act*; and that the State should recommend the review of the cases of the victims in this case to the competent authority, through the Advisory Committee on the Power of Pardon.

The Court also decided that, in fairness, the State should abstain from executing the victims in this case, under any circumstances and whatsoever the result of future trials; that it should provide compensation for non-pecuniary damage to Joey Ramiah's wife, Carol Ramcharan, for the support and education of their son, Joanus Ramiah; that it should compensate Joey Ramiah's mother, Moonia Ramiah, to repair non-pecuniary damage; that it should modify the conditions of its prison system so as to adapt them to applicable international standards for the protection of human rights; and that it should compensate the victims' representatives to reimburse them for the expenses they incurred in processing this case before the Inter-American Court.

The Court also decided that the State should provide the Inter-American Court with a report on the measures taken to comply with the judgment every six months after its notification, and that it would monitor compliance with the judgment and would file the case when the State had fully complied with the terms of the judgment.

Judge Cançado Trindade informed the Court of his concurring opinion and Judges García Ramírez and de Roux Rengifo of their separate opinions, all of which accompany the judgment.

**7. Durand and Ugarte case (Peru): Compliance with judgment.** The Court examined the briefs submitted by the State of Peru on May 17 and June 12, 2002, in which it reported on compliance with the judgments on merits and reparations in this case, delivered by the Court on August 16, 2000, and December 3, 2001, respectively. In the second report, the State of Peru requested the Court to indicate whether "it had been released from its responsibility established in the corresponding judgment." Consequently, on June 13, 2002, the Court issued an order in which it decided: that, pursuant to the principle *pacta sunt servanda* and in accordance with the provisions of Article 68(1) of the American Convention, the State had the obligation to comply immediately with all the terms of the judgments in this case delivered by the Inter-American Court on August 16, 2000, and December 3, 2001; and to call on the State to continue investigating the facts, to prosecute and punish those responsible and, to this end, to re-open the respective legal proceedings.

In addition, it decided to call on the State of Peru to continue taking all possible steps to locate and identify the remains of Nolberto Durand Ugarte and Gabriel Pablo Ugarte Rivera and deliver them to their next of kin; to call on the State of Peru to submit the receipts relating to the payment of compensation to the victims' next of kin by July 15, 2002, at the latest; and to grant the representatives of the victims' next of kin and the Inter-American Commission one month from the date on which they receive notification of the order to forward any comments they consider pertinent concerning the status of compliance with the above judgments.

**8. Baena Ricardo *et al.* case (Panama): *Compliance with judgment.*** The Court examined the briefs submitted by the State, the Inter-American Commission, and the victims and their representatives concerning compliance with the judgment in this case delivered by the Court on February 2, 2001, and, on June 21, 2002, it issued an order in which it decided that the State should present a detailed report to the Court, by August 15, 2002 at the latest, and that the victims or their legal representatives and the Inter-American Commission should present their comments on the State's report within seven week of receiving it.

**9. The Urso Branco Prison case (Brazil): *Provisional measures.*** On June 18, 2002, the Court issued an order ([Appendix VII](#)) in which it called on the State to adopt all necessary measures to protect the life and safety of all those held in the Urso Branco Prison and to investigate the facts that prompted the adoption of these provisional measures in order to identify those responsible and impose the corresponding penalties.

These provisional measures were adopted because, on June 6, 2002, the Inter-American Commission filed an application for provisional measures in respect of the State of Brazil, in favor of those held in the José Mario Alves Prison – known as the “Urso Branco Prison” – in Porto Velho, State of Rondonia, Federative Republic of Brazil, “to ensure that those detained [in that prison] do not continue to die.” In this respect, the Commission requested the Court to order the State to adopt immediately all necessary measures to protect the life and safety of all those held in the “Urso Branco Prison” and to take “immediately all necessary measures to confiscate any arms in the possession of those held in the said prison.”

**10. Other matters:** The Court considered various measures in pending cases and examined the reports submitted by the Inter-American Commission and the States concerned in cases in which provisional measures had been adopted. It also examined the reports presented by the Commission, the respective States and the victims or their representatives in cases that were at the compliance with judgment stage. In addition, the Court considered various administrative matters.

### C. FIFTY-SIXTH REGULAR SESSION OF THE COURT

The Inter-American Court held its fifty-sixth regular session at its seat in San José, Costa Rica, from August 26 to September 7, 2002, with the following members: Antônio A. Cançado Trindade (Brazil), President; Alirio Abreu Burelli (Venezuela), Vice President; Máximo Pacheco Gómez (Chile); Hernán Salgado Pesantes (Ecuador); Oliver Jackman (Barbados); Sergio García Ramírez (Mexico) and Carlos Vicente de Roux Rengifo

(Colombia). Javier Mario de Belaúnde López de Romaña took part in *the Five Pensioners* case as judge *ad hoc* proposed by the State of Peru. Also present were the Secretary of the Court, Manuel E. Ventura Robles, and the Deputy Secretary, Pablo Saavedra Alessandri. The Court considered the following matters during the session:

**1. The Urso Branco Prison case (Brazil): Provisional measures.** After examining the State's first report on the provisional measures and the corresponding comments of the Inter-American Commission, the Court issued an order on August 19, 2002 (**Appendix VIII**), in which it decided to call on the State to continue adopting all necessary measures to protect the life and safety of all those held in the Urso Branco Prison; to call on the State to submit information on the grave events that had occurred with regard to those held in the Urso Branco Prison since the Court had ordered the adoption of provisional measures of protection in its order of June 18, 2002, and to request the State and the Inter-American Commission to take the necessary steps to establish an appropriate mechanism to coordinate and monitor compliance with the provisional measures ordered by the Court, so as to ensure free communication between the detainees and the authorities and organizations responsible for monitoring compliance with the measures, and that no reprisals should be taken against detainees who provided information in that respect.

It also decided to call on the State to investigate the facts that resulted in the adoption of the provisional measures in this case in order to identify those responsible and impose the corresponding penalties, including investigation of the grave events that occurred in the Urso Branco Prison after the Court had issued its order of June 18, 2002; to call on the State to inform the Inter-American Commission, in response to the latter's request, of the names of all the prison officers and military police who were in the Urso Branco Prison on July 16, 2002, and of the names of those who are currently working in that public institution; to call on the State to adapt the prison conditions to the applicable international standards for the protection of human rights in order to safeguard the life and safety of those held in the Urso Branco Prison; and to call on the State, when remitting the complete list of all those held in the Urso Branco Prison, to indicate the number and names of the detainees who are serving sentences and of the detainees who have not yet been convicted, and also to indicate whether those who have been convicted and those who have not been convicted are located in different sections.

**2. Helen Mack *et al.* case (Guatemala): Provisional measures.** On August 9, 2002, the Inter-American Commission filed a request for provisional measures in favor of Helen Mack Chang, sister and representative of the alleged victim in the Myrna Mack case, and officers of the Myrna Mack Foundation. In the request for provisional measures, the Commission called on the Court to adopt "effective protection measures to protect the life and safety of Helen Mack Chang and the members of the Myrna Mack Foundation", owing to threats they had received because of their human rights work, the situation of a gradual increase in attacks on "defenders, justice agents, witnesses and social leaders that has been recorded [in Guatemala] during 2002", and information about the existence of a plan to assassinate Helen Mack in Guatemala.

After consulting the judges of the Court, and since he considered that, *prima facie*, there was a situation of immediate danger, on August 14, 2002, the President of the Court issued an order for urgent measures in response to the request for provisional measures. The Court

examined the briefs submitted by the parties and on August 26, 2002, issued an order ([Appendix IX](#)) in which it decided to ratify all the terms of the order of the President of the Court of August 14, 2002; to call on the State to adopt forthwith all necessary measures to protect the life and safety of Helen Mack Chang, Viviana Salvatierra, América Morales Ruiz, Luis Roberto Romero Rivera and the other members of the Myrna Mack Foundation; to allow the petitioners to take part in the planning and implementation of the measures and, in general, to keep them informed about the status of the measures ordered by the Court.

The Court also decided to call on the State to investigate the alleged facts that gave rise to these measures in order to identify those responsible and punish them, and to continue informing the Inter-American Court, every two months, on the provisional measures adopted; and to call on the representatives of the alleged victims to submit their comments on the corresponding reports within four weeks of receiving them, and on the Commission to present its comments on the reports within six weeks of receiving them.

**3. The *La Nación* newspaper case (Costa Rica): Provisional measures.** On August 26, 2002, the Court issued an order ([Appendix X](#)) in which it decided to maintain the provisional measures it had ordered previously. This referred specifically to the immediate adoption of all necessary measures to annul the registration of Mauricio Herrera Ulloa on the Judicial Record of Offenders until the organs of the inter-American system for the protection of human rights had made a final ruling on the case; suspension of the order to publish the operative paragraphs of the condemnatory judgment delivered by the Criminal Trial Court of the First Judicial Circuit of San José on November 12, 1999, in the *La Nación* newspaper; and suspension of the order to establish a link on *La Nación Digital* between the articles that were the subject of the proceeding and the operative paragraphs of the Court's ruling.

**4. Request for Advisory Opinion OC-17.** On August 28, 2002, the Court delivered Advisory Opinion OC-17 ([Appendix XI](#)) on the legal and human rights status of children, requested by the Inter-American Commission.

In this regard, the Court considered that, according to contemporary norms of international human rights law, pursuant to which Article 19 of the American Convention is formulated, children are holders of rights and not merely the object of protection; that the expression "best interests of the child", embodied in Article 3 of the Convention on the Rights of the Child, implies that the development of the child and the full exercise of its rights should be considered guiding principles for elaborating and applying norms in all matters related to the life of the child; that the principle of equality established in Article 24 of the American Convention does not impede the adoption of specific rules and measures concerning children, who require a different treatment because of their special conditions, and that the family is the primordial environment for the development of the child and the exercise of its rights. Accordingly, the State should support and strengthen the family, providing the different mechanisms it requires in order to better fulfill its natural function in this respect.

The Court also considered that the permanence of the child in its family unit should be safeguarded and privileged, unless there are specific reasons to separate it from its family, based on the best interests of the child; that, to provide childcare, the State should use institutions with appropriate personnel, adequate installations, appropriate means and

proven experience in this type of task; that, as far as children are concerned, respect for the right to life involves not only the prohibitions established in Article 4 of the American Convention, including that of arbitrary detention, but also the obligation to adopt all necessary measures to ensure that children can develop under suitable conditions; that the real and full protection of children implies that they can enjoy fully all their rights, including the economic, social and cultural rights assigned to them in different international instruments, and that the States parties to international human rights treaties are obliged to adopt positive measures to ensure the protection of all the rights of the child.

Lastly, the Court considered that, in accordance with Articles 19 and 17, in relation to Article 1(1) of the American Convention, the States Parties thereto have the obligation to take all positive measures to ensure the protection of children against abuse in their relations with public authorities or non-State entities, or in inter-individual relationships; that, in legal or administrative proceedings to decide on the rights of the child, the principles and norms of due process should be observed; that children under 18 years of age who are accused of committing an offense should be subject to different jurisdictional bodies than those for adults, and that alternate means of resolving conflicts concerning children may be used, but the application of such alternate means should be regulated with special care to ensure that children's rights are neither modified nor lessened.

Judge Jackman informed the Court of his dissenting opinion and judges Cançado Trindade and García Ramírez of their concurring opinions, which accompany the advisory opinion.

**5. El Caracazo case (Venezuela): Reparations.** On August 29, 2002, the Court delivered judgment in this case ([Appendix XII](#)), deciding unanimously that the State should initiate an effective investigation into the facts of the case, identify those responsible, both masterminds and perpetrators, and also possible accessories, and punish them administratively and penally, as pertinent; that the victims' next of kin and the surviving victims should have full access and capacity to act, at all the stages and in all the processes of these investigations, in accordance with domestic law and the provisions of the American Convention; and that the results of the investigations should be published.

It also decided that the State should locate, exhume, identify using appropriate techniques and tools, and deliver to their next of kin, the remains of the 18 victims who had been identified; that the costs of the burial of the remains of the persons indicated in the judgment in the place chosen by the next of kin should be paid by the State; that the State should adopt all necessary measures to avoid a repetition of the circumstances and facts of this case, and that it should adopt the necessary measures to train all members of its armed forces and security agencies in the principles and norms of human rights protection, and the limitations to which the use of arms by officials responsible for ensuring respect for the law should be subject, even in states of emergency.

It also decided unanimously that the State should adapt its operational plans for dealing with disturbances of the public order to the requirements of the respect for and protection of such rights; adopting, among other measures, those designed to control the conduct of all members of security units at the site of such acts so as to avoid excesses; that, if it should be necessary to use physical force to deal with disturbances of the public order, it should ensure that members of its armed forces and security units use only that which is essential to

control such situations in a rational and proportionate manner, respecting the right to life and personal safety.

Regarding reparations, the Court decided that the State should provide compensation for pecuniary damage; for damage related to the expenses of the funerary services incurred by the next of kin of the 23 victims of homicide whose bodies were handed over by the authorities; for the expenses resulting from seeking and locating the 37 victims of homicide and disappeared in different agencies, and the expenses resulting from the past or future medical treatment required by these victims' next of kin; for damage related to the loss of earning of the 37 victims of homicide and disappeared; for damage related to past or future expenses for medical treatment and to acquiring the necessary elements to alleviate the disabilities that the facts of the case caused to the three victims of violations of their personal well-being; for damage related to the loss of earnings of the three victims of violations of their personal well-being; and to compensate non-pecuniary damage.

**6. James *et al.* case (Trinidad and Tobago): Provisional measures.** The Court examined the briefs presented by the Inter-American Commission from January to April 2002 on the situation of Christopher Bethel and Anderson Noel, beneficiaries of the provisional measures that the Court had directed the State of Trinidad and Tobago to take, and in which the Commission indicated that the circumstances of vulnerability to or imminent danger of irreparable damage no longer existed. On September 3, 2002, the Court issued an order ([Appendix XIII](#)) in which it decided to lift the order to adopt provisional measures decided in its orders of June 14 and August 29, 1998, May 25, 1999, and August 16 and November 24, 2000, in favor of Christopher Bethel and Anderson Noel.

It also decided to call on Trinidad and Tobago to continue all necessary measures to protect the life and safety of Wenceslaus James, Anthony Garcia, Darrin Roger Thomas, Haniff Hilaire, Denny Baptiste, Wilberforce Bernard, Naresh Boodram, Clarence Charles, Phillip Chotalal, George Constantine, Rodney Davis, Natasha De Leon, Mervyn Edmund, Alfred Frederick, Nigel Mark, Wayne Matthews, Steve Mungroo, Vijay Mungroo, Wilson Prince, Martin Reid, Noel Seepersad, Gangadeen Tahaloo, Keiron Thomas, Samuel Winchester, Peter Benjamin, Kevin Dial, Andrew Dottin, Anthony Johnson, Amir Mowlah, Allan Phillip, Krishendath Seepersad, Narine Sooklal, Mervyn Parris, Francis Mansingh, Balkissoon Roodal, Sheldon Roach, Arnold Ramlogan, Beemal Ramnarace and Takoor Ramcharan.

**7. The Five Pensioners case (Peru): Merits and possible reparations.** On September 3 and 4, 2002, the Court held a public hearing at its seat to hear the arguments of the Inter-American Commission, the representatives of the alleged victims, and the State of Peru on merits and possible reparations in this case. It also heard the statements of the witnesses and the expert proposed by the Inter-American Commission, and the alleged victims' representatives. The State did not offer either testimonial or expert evidence.

The Inter-American Commission submitted this case to the Court's consideration on December 4, 2001, under Article 51 of the American Convention. *Five Pensioners vs. Peru* (No. 12,034) concerns the alleged "modification by the State of Peru of the pension regime that Carlos Torres Benvenuto, Javier Mujica Ruiz-Huidobro, Guillermo Álvarez Hernández, Reymert Bartra Vásquez and Maximiliano Gamarra Ferreira had been enjoying under Peruvian legislation up until 1992 and the failure to comply with the judgments of the

Supreme Court of Justice of Peru and the Peruvian Constitutional Court, which ordered that these persons should be paid a pension for an amount calculated in accordance with the legislation in force when they began to enjoy a specific pension regime.” According to the application, for the pensioners, “[t]his situation has implied a violation of the rights to judicial protection, property and the progressive development of economic, social and cultural rights embodied in Articles 25, 21 and 26 of the American Convention, respectively, together with the obligations established in Articles 1(1) and 2 thereof.”

**8. The case of the Mayagna (*Sumo*) Awas Tingni community (Nicaragua):** *Provisional measures.* On July 19, 2002, the victims’ representatives requested the adoption of provisional measures in this case, in accordance with Article 63(2) of the American Convention and article 25 of the Court’s Rules of Procedure. The victims’ representatives alleged that “provisional measures are necessary to ensure compliance with the Court’s judgment on merits in this case and to reduce the immediate, grave and irreparable damage that is occurring in the Community’s territory, which will worsen if [the State] does not act diligently to put a stop to the activities of third parties on the lands of the Awas Tingni Community” (*supra* II.G.2).

After examining the briefs presented by the parties in this case, the Court issued an order on September 6, 2002 (**Appendix XIV**), in which it decided to call on the State of Nicaragua to adopt forthwith all necessary measures to protect the use and enjoyment of the property of the lands belonging to the Mayagna Awas Tingni Community and the natural resources that exist therein and, specifically, measures aimed at avoiding immediate and irreparable damage resulting from the activities of third parties who had settled in the Community’s territory or who were exploiting the natural resources that exist therein, until the final delimitation and demarcation of the lands and the award of title ordered by the Court have been carried out; to allow the petitioners to take part in the planning and implementation of the measures and, in general, to keep them informed on the status of the measures ordered by the Inter-American Court.

The Court also decided to call on the State to investigate the facts that had been reported and which resulted in these measures in order to identify those responsible and punish them; to call on the State, the Community’s representatives, and the Inter-American Commission to inform the Court about the measures adopted to implement the “agreement on the provisional recognition of the Community’s rights of use, occupation and exploitation” as soon as they were executed and to call on the State to inform the Inter-American Court, every two months, about the provisional measures adopted, and to call on the Community’s representatives to submit their comments on the corresponding reports within four weeks of receiving them, and on the Inter-American Commission to present its comments on the reports within six weeks of receiving them.

**9. Lori Berenson case (Peru):** The Court examined the application presented by the Inter-American Commission and the brief submitted by the State of Peru (*supra* II.E.5) and, on September 6, 2002, issued an order (**Appendix XV**) in which it decided to admit the application submitted by the Inter-American Commission in this case and allow the brief forwarded by the State of Peru to be processed within the same proceeding as the application submitted by the Inter-American Commission.



**10. Other matters:** On September 4, 2002, the Court held a meeting with a delegation of four senators from the Canadian Senate Standing Committee on Human Rights, during which the functioning of the inter-American human rights system and the advisability of Canada ratifying the American Convention and recognizing the jurisdiction of the Court was discussed. The senators also attended the public hearing in *the Five Pensioners* case.

The Inter-American Commission visited the seat of the Court on September 6 and 7, 2002, for the joint annual meeting with the Inter-American Court mandated by the OAS General Assembly. The following persons took part on behalf of the Court: Antônio A. Cançado Trindade, President; Alirio Abreu Burelli, Vice President; Máximo Pacheco Gómez; Hernán Salgado Pesantes; Oliver Jackman; Sergio García Ramírez; Carlos Vicente de Roux Rengifo; Manuel E. Ventura Robles, Secretary, and Pablo Saavedra Alessandri, Deputy Secretary. The Commission was represented by the following: Juan E. Méndez, Chairman; Marta Altoaguirre Larraondo, Vice Chairman; Robert K. Goldman; Julio Prado Vallejo; Clare Kamau Roberts; José Zalaquett; Susana Villarán, Santiago Canton, Executive Secretary, and Ariel Dulitzky, Deputy Executive Secretary. The main topic of this meeting was an evaluation of the implementation of the Court's new Rules of Procedure and the Commission's new Regulations, which entered into force in May and June 2001, respectively.

The Court also considered various measures in pending cases and examined the reports submitted by States involved in the cases in which provisional measures had been adopted, as well as the comments on these reports by the Inter-American Commission and, when applicable, the beneficiaries. It also examined the reports presented by the Inter-American Commission, the respective States, and the victims or their representatives in cases at the compliance with judgment stage. In addition, the Court considered various administrative matters.

#### **D. FIFTY-SEVENTH REGULAR SESSION OF THE COURT**

The Inter-American Court held its fifty-seventh regular session at its seat in San José, Costa Rica, from November 18 to 30, 2002, with the following members: Antônio A. Cançado Trindade (Brazil), President; Alirio Abreu Burelli (Venezuela), Vice President; Máximo Pacheco Gómez (Chile); Hernán Salgado Pesantes (Ecuador); Oliver Jackman (Barbados); Sergio García Ramírez (Mexico) and Carlos Vicente de Roux Rengifo (Colombia). Julio Barberis took part in the *Las Palmeras* and *Cantos* cases as Judge *ad hoc*, proposed by the States of Colombia and Argentina, respectively. Also present were the Secretary of the Court, Manuel E. Ventura Robles, and the Deputy Secretary, Pablo Saavedra. The Court considered the following matters during this session:

**1. Liliana Ortega et al. case (Venezuela): Provisional measures.** On November 27, 2002, the Court issued an order ([Appendix XVI](#)) in which it decided to call on the State to adopt forthwith all necessary measures to protect the life and safety of Liliana Ortega, Yris Medina Cova, Hilda Páez (Gilda Páez), Maritza Romero, Aura Liscano (Lizcano), Alicia de González and Carmen Alicia Mendoza, all of them members of the non-governmental organization, Committee of Next of Kin of Victims of the events of February-March 1989 (COFAVIC), and also to investigate the alleged facts that gave rise to these measures in order to identify those responsible and punish them.

These provisional measures were ordered because, that same day, the Inter-American Commission had submitted to the Court a request for provisional measures in favor of Liliana Ortega, Yris Medina Cova, Hilda Páez, Maritza Romero, Aura Liscano, Alicia de González and Carmen Alicia Mendoza, all of them members of the non-governmental organization, Committee of Next of Kin of Victims of the events of February-March 1989, pursuant to Article 63(3) of the American Convention and Article 74 of the Commission's Regulations.

**2. Luis Uzcátegui case (Venezuela):** *Provisional measures.* On November 27, 2002, the Court issued an order ([Appendix XVII](#)) in which it decided to call on the State to adopt forthwith all necessary measures to protect the life and safety of Luis Enrique Uzcátegui Jiménez, and also to investigate the alleged facts that gave rise to these measures in order to identify those responsible and punish them.

These provisional measures were ordered because, that same day, the Inter-American Commission had submitted to the Court a request for provisional measures in favor of Luis Enrique Uzcátegui Jiménez, pursuant to Article 63(3) of the American Convention and Article 74 of the Commission's Regulations.

**3. Luisiana Ríos et al. case (Venezuela):** *Provisional measures.* On November 27, 2002, the Court issued an order ([Appendix XVIII](#)) in which it decided to call on the State to adopt forthwith all necessary measures to protect the life and safety of Luisiana Ríos, Armando Amaya, Antonio José Monroy, Laura Castellanos and Argenis Uribe, employees of Radio Caracas Televisión (RCTV), and also to investigate the alleged facts that gave rise to these measures in order to identify those responsible and punish them.

These provisional measures were ordered because, that same day, the Inter-American Commission had submitted to the Court a request for provisional measures in favor of Luisiana Ríos, Armando Amaya, Antonio José Monroy, Laura Castellanos and Argenis Uribe, employees of Radio Caracas Televisión (RCTV), pursuant to Article 63(3) of the American Convention and Article 74 of the Commission's Regulations.

**4. Las Palmeras case (Colombia):** *Reparations.* On November 26, 2002, the Court delivered the judgment on reparations in this case ([Appendix XIX](#)) in which it decided unanimously that, in the terms of paragraphs 67 to 70 of the judgment, the State should conclude once and for all the criminal proceeding underway concerning the events relating to the death of the victims, which gave rise to the violations of the American Convention in this case, identify the masterminds and perpetrators as well as any possible accessories, and punish them, and publish the outcome of the proceeding; that, in the terms of paragraphs 71 to 73 of the judgment, the State should take all necessary measures to identify N.N./Moisés, within a reasonable period, and locate, exhume and deliver his remains to his next of kin. In addition, the State should take all necessary steps to locate the next of kin of N.N./Moisés and, to this end, should broadcast on at least three non-consecutive days on a national radio station and television station and publish in a national newspaper, an announcement indicating that they were being sought in order to make reparation to them in relation to the facts of this case, which occurred on January 23, 1991, on the Las Palmeras Road, Municipality of Mocoa, Putumayo.

The Court also decided that the State should publish once in the official Gazette and in a press communiqué of the Colombian National Police and Armed Forces the judgment on merits, which it had delivered on December 6, 2001, and chapter VI of this judgment on reparations, entitled Facts, together with operative paragraphs 1 to 4, in the terms of paragraph 75 of the judgment, and that the State should return the remains of Hernán Lizcano Jacanamijoy to his next of kin, so that they could bury them appropriately.

With regard to pecuniary reparations, the Court decided that the State should compensate the next of kin of N.N./Moisés; that the State should compensate the next of kin of Julio Milciades Cerón Rojas, Wilian Hamilton Cerón Rojas, Edebraes Norverto Cerón Rojas, Hernán Javier Cuarán Muchavisoy and Artemio Pantoja Ordóñez for damage related to the violation of Articles 8(1) and 25(1) of the American Convention; that the State should compensate the next of kin of Hernán Lizcano Jacanamijoy for damage related to the violation of Articles 8(1) and 25(1) of the American Convention, and that the State should provide compensation to reimburse the Colombian Jurists Commission and the Center for Justice and International Law (CEJIL) for costs and expenses.

**5. Cantos case (Argentina): Merits and reparations.** On November 27, 2002, the Court delivered the judgment on merits and reparations in this case ([Appendix XX](#)), in which it decided unanimously that the State should abstain from charging José María Cantos the court costs and the fine for failing to pay these on time; that the State should establish a reasonable amount for the fixed fees in the Argentine Supreme Court of Justice case C-1099; that the State should assume payment of the fees and costs corresponding to all the experts and lawyers of the State and the Province of Santiago del Estero, under the conditions established in the preceding point, and that the State should lift the embargoes, the general prohibition and the other measures ordered against the commercial activities and property of José María Cantos to guarantee payment of the court costs and the fixed fees.

Regarding pecuniary reparations, the Court decided that the State should compensate the victim's representatives for the expenses arising from the international proceeding before the inter-American system for the protection of human rights, and to reject the other claims in the application, considering them to be without merit.

**6. Other matters:** During this session, the Court issued orders concerning compliance with judgment in the following cases: Amparo, Garrido and Baigorria, Loayza Tamayo, Neira Alegría *et al.*, "The Last Temptation of Christ" (Olmedo Bustos *et al.*), Benavides Cevallos, Caballero Delgado and Santana, Castillo Páez, Blake, Baena Ricardo *et al.*, Barrios Altos, and Durand and Ugarte. The Court also issued an order concerning compliance with provisional measures in the *La Nación* newspaper case.

In addition, the Court considered various measures in pending cases and examined the reports submitted by the States concerned in the cases in which provisional measures had been adopted, as well as the comments on these reports by the Inter-American Commission and by the beneficiaries, when pertinent. The Court also examined the different reports presented by the Inter-American Commission, the respective States, and the victims or their representatives in cases at the compliance with judgment stage, and considered various matters of an administrative nature.

## **E. SUBMISSION OF NEW CONTENTIOUS CASES**

During 2002, the following cases were submitted to the Court's consideration:

### **1. MARITZA URRUTIA *VS.* GUATEMALA**

On January 9, 2002, the Inter-American Commission submitted the case of Maritza Urrutia vs. Guatemala (No. 11,043) to the Court's consideration, pursuant to Article 51 of the American Convention. The application relates to the alleged arbitrary detention and torture of Maritza Ninette Urrutia García, "who was held in a clandestine detention center for eight days and obliged to broadcast a communiqué that had been prepared by her captors, so that the rights to personal liberty, humane treatment, freedom of expression, judicial guarantees and judicial protection of the victim and her next of kin were violated, in accordance with Articles 7, 5, 13, 8 and 25, respectively, of the American Convention, together with the generic obligation established in Article 1(1) thereof to respect and ensure the rights recognized therein. The application also requests the Court to declare that articles 1, 6 and 8 of the Inter-American Convention to Prevent and Punish Torture have been violated.

In its application, the Commission also requests the Court to declare that the State of Guatemala is obliged to repair the consequences of these violations and compensate the alleged victim and her next of kin, as well as reimbursing them for the expenses and costs they have incurred by the measures they have taken at the international level in processing this case before the Commission, as well as those resulting from processing the application before the Court.

### **2. GÓMEZ PAQUIYAUURI *VS.* PERU**

On February 5, 2002, the Inter-American Commission submitted an application against the State of Peru in relation to case No. 11,016. This application refers to the alleged arbitrary detention, torture and assassination of the youths, Emilio Moisés and Rafael Samuel Gómez Paquiyaauri, by agents of the Peruvian National Police, and also to "the absence of a due investigation into the whereabouts of the mastermind of the assassination [...] and, consequently, the failure to prosecute and punish that person," in violation of the rights to judicial protection, a fair trial, life, humane treatment, personal liberty, and to special measures of protection for children embodied in Articles 25, 8, 4, 5, 7 and 19 of the American Convention, respectively, all of them in relation to the provisions of Article 1(1) thereof. In the application, the Court is also requested to declare that articles 1, 6 and 8 of the Inter-American Convention to Prevent and Punish Torture have been violated.

In its application, the Commission also requests the Court to declare that the State of Guatemala is obliged to repair the consequences of these violations and compensate the alleged victims and their next of kin, as well as to reimburse the expenses and costs they have incurred by the measures they have taken at the international level in processing this case before the Commission, as well as those resulting from processing the application before the Court.

### 3. THE CHILDREN'S REHABILITATION CENTER VS. PARAGUAY

On May 20, 2002, the Inter-American Commission submitted the Elvio Epifanio Acosta Ocampos *et al.* case ("Panchito López" Children's Rehabilitation Institute) vs. Paraguay (No. 11,666) to the consideration of the Court, pursuant to Article 51 of the American Convention. This application relates to the living conditions in which children and adolescents were held in the "Colonel Panchito López" Children's Rehabilitation Institute, "which represented using a detention system that was contrary to all international standards for the detention of children and adolescents." It adds that, as a result of the alleged inhumane detention conditions, three fires occurred in which the following lost their lives: Elvio Epifanio Acosta Ocampos, Marcos Antonio Giménez, Diego Walter Valdez, Sergio Daniel Vega Figueredo, Sergio David Poletti Domínguez, Mario Alvarez Pérez, Juan Alcides Román Barrios, Antonio Damián Escobar Morinigo, Carlos Raúl De la Cruz and Benito Augusto Adorno; and the following were injured: Abel Achar Acuña, José Milicades Cañete, Ever Ramón Molinas Zárate, Arsenio Joel Barrios Báez, Alfredo Duarte Ramos, Sergio Vincent Navarro Moraez, Raúl Esteban Portillo, Ismael Méndez Aranda, Pedro Iván Peña, Osvaldo Daniel Sosa, Walter Javier Riveros Rojas, Osmar López Verón, Miguel Coronel, Cesar Ojeda, Heriberto Zaráte, Franciso Noé Andrada, Jorge Daniel Toledo, Pablo Emmanuel Rojas, Sixto González Franco, Francisco Ramón Adorno, Antonio Delgado, Claudio Coronel Quiroga, Clemente Luis Escobar González, Julio César García, José Amado Jara Fernando, Alberto David Martínez, Miguel Angel Martínez, Osvaldo Espínola Mora, Hugo Antonio Quintana Vera, Juan Carlos Vivero Zarza, Eduardo Vera, Ulises Zelaya Florez, Hugo Olmedo, Rafael Aquino Acuña, Nelson Rodríguez, Demetrio Silguero, Aristides Ramón Ortiz B. and Carlos Raúl Romero Giacomo.

As a result, the Commission requested the Court to declare that the State of Paraguay is responsible for violating the right to humane treatment, personal liberty, judicial guarantees, judicial protection, and to the special measures to protect children, embodied in Articles 5, 7, 8, 25 and 19 of the American Convention, respectively, all in relation to the provisions of Article 1(1) thereof, with regard to all the children and adolescents held in the "Panchito López" Institute during the period from August 1996 to July 2001. Regarding those mentioned above who died in the fires, it requested the Court to declare that the said rights had been violated and also the right to life embodied in Article 4 of the Convention.

The Commission also requested the Court to declare that the State of Paraguay is obliged to ensure to the alleged victims and their next of kin the enjoyment of the rights that had been violated and to adopt all the pecuniary and non-pecuniary reparations described in the application. Among the latter, the most important are the adaptation of its legislation on the detainment of children and adolescents to the respective international norms, the removal of children and adolescents from adult prisons, a review of all current proceedings against the children held in the Panchito López Institute; that those responsible for the alleged violations should be investigated, prosecuted and punished; that the non-pecuniary and pecuniary damage should be remedied to the victims and their next of kin, and that a reparations fund should be established for all the children deprived of their liberty in the said detention center.

#### 4. RICARDO CANESE *VS.* PARAGUAY

On June 12, 2002, the Inter-American Commission filed an application against the Republic of Paraguay (No. 12,032) concerning the conviction of Ricardo Canese (engineer) and the restriction on his leaving the country resulting from statements made while he was a presidential candidate. According to the facts alleged by the Commission, Mr. Canese was convicted on March 22, 1994, because, in August 1992, when Juan Carlos Wasmosy launched his candidacy for the presidency, the alleged victim (who was also a presidential candidate) cast doubts on him by pointing to his links to the former dictator, Alfredo Stroessner, and saying that, through the firm, CONEMPA (the Paraguayan Entrepreneurial Consortium), Mr. Wasmosy was General Stroessner's front man for the Itaipú hydroelectric dam initiative. The Commission indicated that Mr. Canese was tried and subsequently convicted, as a result of these statements and based on a complaint filed by members of CONEMPA, who had not been named in the statements. The Commission added that Ricardo Canese is currently sentenced to two months imprisonment and a fine for the offence of slander, and is not allowed to leave the country freely.

In its application, the Commission requested the Court to declare that the Republic of Paraguay had violated Articles 13 (Freedom of Thought and Expression), 8 (Right to a Fair Trial), 9 (Freedom from *Ex Post Facto* Laws) and 22 (Freedom of Movement and Residence), all in relation to Article 1(1) (Obligation to Respect Rights) of the American Convention and, pursuant to Article 63 thereof, to declare that the State of Paraguay was obliged to make reparation to Ricardo Canese, which should include both "pecuniary compensation and non-pecuniary reparations, which should be proportionate to the damage suffered and the right violated."

As measures of reparation, the Commission requested in its application that the Court should order the State: (a) to annul the criminal proceeding against Ricardo Canese initiated "as a result of the exercise of his freedom of expression," and also to eliminate any legal effects that it might have caused – in other words, that it eliminate the punishment imposed from any record of criminal activity; that it annul all other legal effects, "if there should be any," and that it lift the permanent restriction on Mr. Canese from abandoning the country; (b) that it ensure that all State authorities complied fully with the modification of domestic legislation concerning crimes against honor, which had been included in the 1998 Penal Code, in accordance with the respective international norms; in particular, that it should establish that "the expression of opinions on matters of public interest should not and cannot be penalized"; (c) that it should not make excessive use of measures that restrict rights in order to ensure a person's appearance at his trial, and that such measures should not become an anticipatory punishment, not provided for in the law; (d) that it should make a public apology for "the human rights violations that it ha[d] committed and that it publish the judgment that the Court will deliver"; (e) that, when possible, it ensure that, pursuant to international standards, the use of criminal proceedings in crimes against honor and the use of measures that restrict rights in order to ensure that a person appears at his trial are proportionate and appropriate and, particularly, that it implement mechanisms that do not endanger rights for an indefinite or overlong time; (f) that it pay an amount that the Court shall establish in fairness, "for the violations suffered during eight years, as of the judgment in the first trial, taking into account the possible loss of earnings caused by limiting his right to abandon the country and the time used in defending his case before the Paraguayan

courts and the inter-American system”; (g) that it pay an amount that the Court shall establish in fairness for non-pecuniary damage, and to determine this, “the suffering caused by the years of prosecution and the resulting losses” shall be considered; and (h) that these reparations shall be made directly to Mr. Canese.

Lastly, the Commission requested the Court to order the State of Paraguay to pay the costs arising at the national level from processing the legal actions filed by the alleged victim under the domestic justice system as well as those arising at the international level from processing the case before the Inter-American Commission and this application before the Inter-American Court.

## 5. **LORI BERENSON VS. PERU**

On July 19, 2002, the Inter-American Commission submitted to the Court the application in *Lori Helene Berenson vs. the State of Peru* (No. 11,876). According to the Commission, this application refers to the “violations of the human rights of Lori Helene Berenson Mejía that occurred in the context of a trial to which she was subjected under the military justice system and a second one to which she was subjected under the ordinary criminal justice system, as well as for the inhumane detention conditions to which she was subjected in the Yanamayo prison.” According to the facts set out by the Commission in its application, the United States citizen, Lori Helene Berenson Mejía, was arrested in Lima, Peru, on November 30, 1995, and brought to trial under the military justice system for the offense of “treason”. The provisions of Decree Law No. 25,659 had been applied in this trial; accordingly, the alleged victim had been tried by “faceless” military judges, and her right to a defense had been restricted. On March 12, 1996, Lori Berenson had been sentenced to life imprisonment, accused of having committed the offense of treason. When Ms. Berenson filed a special appeal for review of the final judgment, the Supreme Council of Military Justice decided that Lori Berenson “was not one of the leaders of the said terrorist organization; that, consequently, the criminal conduct of the petitioner was not consistent with the hypotheses contained in the Decree Law [No. 25659] that regulates the offense of treason.” According to the Commission’s application, this Court then annulled the supreme final judgment of March 12, 1996, in a ruling of August 18, 2000. The Commission continues describing the facts and indicates that, following this judgment, copies of the case record were forwarded to the ordinary justice system, where, on August 28, 2000, a new trial was commenced against Ms. Berenson, which ended in a judgment of June 20, 2001, in which Ms. Berenson was convicted of the offense of collaborating with terrorism, established in article 4(a) and (b) of Decree Law No. 25475, and sentenced to 20 years’ imprisonment. This sentence was confirmed by the Supreme Court of Justice of Peru on February 13, 2002. Lastly, the Commission indicated that Ms. Berenson had been held in the Yanamayo Prison from January 17, 1996, to October 7, 1998, during which time, according to the Commission, she had been subjected to “inhumane detention conditions.” In the Commission’s opinion, these facts resulted in the violation “of Ms. Berenson’s rights to a fair trial, freedom from ex post facto laws, and to humane treatment embodied in Articles 8, 9 and 5 of the American Convention, respectively, all of them in relation to the State of Peru’s obligation, established in Article 1(1), to respect and ensure the rights recognized in the Convention.” In its application, the Commission also considered that “[t]he legislation under which Ms. Berenson was tried and convicted implic[ed] the State of Peru’s violation of its obligation to adopt domestic legislative measures, in the terms of Article 2 of the American

Convention.” The Commission requested the Court to conclude and declare that the State of Peru is responsible for these violations and that “it has the international obligation to make reparation to Lori Berenson for the violations of her human rights committed by the State of Peru through its agents.” In this respect, the Commission requested the Court to order the State of Peru “in accordance with the provisions of its domestic law, to adopt immediately all necessary measures to cease the violations of the human rights of Lori Berenson [...] and, specifically, to ensure that Lori Berenson may enjoy her human rights that were violated.” Regarding pecuniary and non-pecuniary damage, the Commission indicated in its application that “the [alleged] victim [would] specify her claims [...], in accordance with Article 63 of the American Convention, and Article 23 and other concordant articles of the Court’s Rules of Procedure.” The Commission also requested the Court to order the State, as a guarantee of non-repetition, “to adopt the necessary measures to reform Decree-Laws 25675 and 25659, in order to make them compatible with the American Convention on Human Rights.” Lastly, the Commission requested the Court to order the State of Peru to pay admissible costs arising at the national level, and also at the international level from processing the case before the Commission, as well as those resulting from processing the application before the Inter-American Court.

On July 22, 2002, the State of Peru presented a “complaint with regard to Report 36/02 of the Inter-American Commission on Human Rights – Lori Berenson Mejía case,” because Lori Berenson Mejía was “sentenced in Peru to 20 years imprisonment for the offense of collaborating with terrorism by the ordinary justice system in a judgment of June 20, 2001, which became *res judicata* by a writ of execution of the Supreme Court of Justice of February 13, 2002. In addition, the sentence imposed civil reparation of 100,000.00 new soles.” In its brief, the State requested the Court to declare: (a) that the State of Peru had proceeded in accordance with the standards established by the Convention and the Court’s case law by annulling the sentences delivered against Lori Berenson Mejía by the military justice system; (b) that the State of Peru had proceeded in accordance with the standards established by the Convention and the Court’s case law by recognizing that the jurisdiction to try Lori Berenson Mejía was the ordinary justice system; (c) that there were no grounds in the Convention or in the Court’s case law for concluding, as the Inter-American Commission had done in Report 36/02, that the human rights of Lori Berenson Mejía had been violated during the proceeding before the ordinary justice system; (d) that the State of Peru had proceeded in accordance with standards established by the Convention and the Court’s case law when, on August 31, 2000, it modified the prison regime of Lori Berenson Mejía, transferring her from the Socabaya Prison in Arequipa to the Women’s Prison in Chorrillos, in Lima; e) that the State of Peru had proceeded in accordance with standards established by the Convention and the Court’s case law when, on December 21, 2001, it transferred Lori Berenson Mejía, who had then been convicted, to the Huacariz Prison, in Cajamarca. In its brief, the State indicated that “it is not submitting to the Court the matter arising from the trial of Lori Berenson Mejía by the military jurisdiction for aggravated terrorism [or] the matter arising from the rights to compensation that the Commission has calculated in favor of [Ms.] Berenson.” The State indicated that “it base[d] its claim on Articles 1, 2, 5, 8, 9, 51(1) and 61 of the Convention and Articles 26, 32 and 33 of the Court’s Rules of Procedure.” Lastly, in its brief, the State alleged that, in view of the *de facto* and *de jure* grounds set out therein, “as of August 24, 2000, the human rights of Berenson Mejía established in Articles 5, 8 and 9 of the Convention have not been violated and are not being violated.”



## 6. THE “PLAN DE SÁNCHEZ MASSACRE” VS. GUATEMALA

On July 31, 2002, the Inter-American Commission submitted an application against the Republic of Guatemala with regard to case No. 11,763 (the “Plan de Sánchez Massacre”) concerning “the denial of justice and other acts of intimidation and discrimination that impaired the rights to humane treatment, freedom of conscience and religion, and property of the survivors and the next of kin of the [alleged] victims of the massacre of 268 persons [...], most of them members of the Mayan indigenous population in the village of Plan de Sánchez, Municipality of Rabinal, Department of Baja Verapaz, [allegedly] carried out by members of the Guatemalan army and civilian collaborators, under the leadership of the army, on Sunday, July 18, 1982, in Guatemala.” In its application, the Commission requested the Court to declare “the international responsibility of the State of Guatemala for violations to the right to humane treatment, a fair trial, judicial protection, equal protection, freedom of conscience and religion, and the right to property, in relation to the obligation to respect rights, all embodied in Articles 5, 8, 25, 24, 12, 21 and 1(1) of the American Convention.” The Commission also requested the Court to conclude and declare that “[t]he State of Guatemala is obliged to repair the consequences of these violations individually and collectively and compensate the surviving victims of the massacre and the next of kin of those who were extrajudicially executed, and also to reimburse the expenses and costs which they have incurred due to the measures they have taken at the international level in processing the case before the Commission and those that will result from processing the [...] application before the [...] Court.”

## 7. THE MOIWANA COMMUNITY VS. SURINAME

On December 20, 2002, pursuant to Article 51 of the American Convention, the Inter-American Commission submitted to the Court the case of the Moiwana Community vs. the Republic of Suriname, arising from petition No. 11,821, received by the Secretariat of the Commission on June 27, 1997, owing to the extrajudicial execution of more than 40 residents of the Maroon community in Moiwana, the “intentional destruction of the property of the inhabitants by soldiers of the Surinamese Army,” and the failure to investigate the facts and punish those responsible.

The Republic of Suriname accepted the contentious jurisdiction of the Inter-American Court in 1987; that is after the attack on the Moiwana Community. However, in the Commission’s opinion, to date, the State has denied justice with regard to its obligation to investigate what occurred during the said attack.

The Commission requested the Court to declare that Articles 8, 25 and 1(1) of the American Convention have been violated and that the State of Suriname is obliged to remedy the consequences of these violations and compensate the alleged victims and their next of kin and also reimburse the expenses and costs they have incurred in the steps they have taken in the domestic sphere and in the international sphere by processing the case before the Commission as well as those that arise from processing the application before the Court.

## F. SUBMISSION OF A NEW REQUEST FOR AN ADVISORY OPINION

1. **Advisory Opinion OC-18:** On May 10, 2002, the United Mexican States submitted a request for an advisory opinion in relation to the “interpretation of various treaties concerning the protection of human rights in the American States.” Specifically, the consultation related to the “deprivation of the enjoyment and exercise of specific labor rights and the compatibility of this with the obligation of the American States to guarantee the principles of legal equality, non-discrimination, and equal and effective protection by the law, embodied in international instruments for the protection of human rights [to migrant workers]; and also to the subordination or conditioning of the observance of the obligations imposed by international human rights law, including those of an *erga omnes* nature, to the attainment of certain domestic policy objectives of an American State.” The consultation also related to the “attributes that the principles of legal equality, non-discrimination and equal and effective protection of the law have acquired in the context of the progressive development of international human rights law and its codification.”

## G. SUBMISSION OF NEW REQUESTS FOR PROVISIONAL MEASURES

### 1. Provisional measures in the Urso Branco Prison case (Brazil)

On June 6, 2002, the Inter-American Commission filed an application for provisional measures in respect of the State of Brazil, in favor of those held in the José Mario Alves Prison – known as the “Urso Branco Prison” – in Porto Velho, State of Rondonia, Federative Republic of Brazil, “to ensure that those detained [in that prison] do not continue to die.” In this respect, the Commission requested the Court to order the State to adopt immediately all necessary measures to protect the life and safety of all those held in the “Urso Branco Prison” and to take “immediately all necessary measures to confiscate any arms in the possession of those held in the said prison.”

As a result of this request, on June 18, 2002, the Court issued an order in which it called on the State to adopt all necessary measures to protect the life and safety of all those held in the Urso Branco Prison and to investigate the facts that prompted the adoption of these provisional measures in order to identify those responsible and impose the corresponding penalties.

### 2. Provisional measures in the case of the Mayagna (*Sumo*) Awas Tingni Community (Nicaragua)

On July 19, 2002, the victims’ representatives requested the adoption of provisional measures in this case, in accordance with Article 63(2) of the American Convention and Article 25 of the Court’s Rules of Procedure. The victims’ representatives alleged that “provisional measures are necessary to ensure compliance with the Court’s judgment on merits in this case and to reduce the immediate, grave and irreparable damage that is

occurring in the Community's territory, which will worsen if [the State] does not act diligently to put a stop to the activities of third parties on the lands of the Awas Tingni Community."

As a result of this request, on September 6, 2002, the Court issued an order in which it decided to call on the State of Nicaragua to adopt forthwith all necessary measures to protect the use and enjoyment of the property of the lands belonging to the Mayagna Awas Tingni Community and the natural resources that exist therein and, specifically, measures aimed at avoiding immediate and irreparable damage resulting from the activities of third parties who had settled in the Community's territory or who were exploiting the natural resources that exist therein, until the final delimitation and demarcation of the lands and the award of title ordered by the Court have been carried out; to allow the petitioners to take part in the planning and implementation of the measures and, in general, to keep them informed on the status of the measures ordered by the Inter-American Court.

### **3. Provisional measures in the Helen Mack *et al.* case (Guatemala)**

On August 9, 2002, the Inter-American Commission filed a request for provisional measures in favor of Helen Mack Chang, sister and representative of the alleged victim in the Myrna Mack case, and officers of the Myrna Mack Foundation. In the request for provisional measures, the Commission called on the Court to adopt "effective protection measures to protect the life and safety of Helen Mack Chang and the members of the Myrna Mack Foundation", owing to threats they had received because of their human rights work, the situation of a gradual increase in attacks on "defenders, justice agents, witnesses and social leaders that have been recorded [in Guatemala] during 2002," and information about the existence of a plan to assassinate Helen Mack in Guatemala.

After consulting the judges of the Court and, since he considered that, *prima facie*, there was a situation of immediate danger, on August 14, 2002, the President of the Court issued an order for urgent measures in response to the request for provisional measures. In this order, the President decided to call on the State to adopt forthwith all necessary measures to protect the life and safety of Helen Mack Chang and the members of the Myrna Mack Foundation; to allow the petitioners to take part in the planning and implementation of the measures and, in general, to keep them informed on the status of the measures ordered by the Court. The President also called on the State to investigate the alleged facts that resulted in these measures in order to discover those responsible and punish them. Lastly, the President requested the State to inform the Court of the measures it had adopted to comply with the order for urgent measures before August 22, 2002, and the Commission to submit its comments on this report within a week of receiving it.

As a result of this request, the Court examined the briefs submitted by the parties and on August 26, 2002, issued an order in which it decided to ratify all the terms of the order of the President of the Court of August 14, 2002; to call on the State to adopt forthwith all necessary measures to protect the life and safety of Helen Mack Chang, Viviana Salvatierra, América Morales Ruiz and Luis Roberto Romero Rivera and the other members of the Myrna Mack Foundation; to allow the petitioners to take part in the planning and

implementation of the measures and, in general, to keep them informed on the status of the measures ordered by the Court.

**4. Provisional measures in the Liliana Ortega *et al.* case (Venezuela)**

On November 27, 2002, the Inter-American Commission submitted to the Court a request for provisional measures in favor of Liliana Ortega, Yris Medida Cova, Hilda Páez, Maritza Romero, Aura Liscano, Alicia de González and Carmen Alicia Mendoza, all of them members of the non-governmental organization, the Committee of Next of Kin of Victims of the events of February-March 1989, pursuant to Article 63(3) of the American Convention on Human Rights and Article 74 of the Commission's Regulations.

The same day, the Court issued an order in which it decided to call on the State to adopt forthwith all necessary measures to protect the life and safety of Liliana Ortega, Yris Medina Cova, Hilda Páez (Gilda Páez), Maritza Romero, Aura Liscano (Lizcano), Alicia de González and Carmen Alicia Mendoza, all of them members of the non-governmental organization, the Committee of Next of Kin of Victims of the events of February-March 1989 (COFAVIC), and also to call on the State to investigate the alleged facts that gave rise to these measures in order to identify those responsible and punish them.

**5. Provisional measures in the Luis Uzcátegui case (Venezuela)**

On November 27, 2002, the Inter-American Commission submitted to the Court a request for provisional measures in favor of Luis Enrique Uzcátegui Jiménez, pursuant to Article 63(3) of the American Convention on Human Rights and Article 74 of the Commission's Regulations.

The same day, the Court issued an order in which it decided to call on the State to adopt forthwith all necessary measures to protect the life and safety of Luis Enrique Uzcátegui Jiménez, and also to call on the State to investigate the alleged facts that gave rise to these measures in order to identify those responsible and punish them.

**6. Provisional measures in the Luisiana Ríos *et al.* case (Venezuela)**

On November 27, 2002, the Inter-American Commission submitted to the Court a request for provisional measures in favor of Luisiana Ríos, Armando Amaya, Antonio José Monroy, Laura Castellanos and Argenis Uribe, all of them employees of the television station, Radio Caracas Televisión (RCTV), pursuant to Article 63(3) of the American Convention on Human Rights and Article 74 of the Commission's Regulations.

The same day, the Court issued an order in which it decided to call on the State to adopt forthwith all necessary measures to protect the life and safety of Luisiana Ríos, Armando Amaya, Antonio José Monroy, Laura Castellanos and Argenis Uribe, employees of Radio

Caracas Televisión (RCTV), and also to call on the State to investigate the alleged facts that gave rise to these measures in order to identify those responsible and punish them.

#### 7. **New request for provisional measures in the Bámaca Velásquez case (Guatemala)**

On December 12, 2002, the Center for Justice and International Law (CEJIL), representing the victims, submitted to the Court a request for provisional measures in favor of the members of the Bámaca Velásquez family, pursuant to Article 63(3) of the American Convention and Article 25.1 of the Court's Rules of Procedure.

On December 20, 2002, the Court issued an order ([Appendix XXI](#)) in which it decided to call on the State to adopt forthwith all necessary measures to protect the life and safety of José León Bámaca Hernández, Egidia Gebia Bámaca Velásquez, Josefina Bámaca Velásquez, Alberta Velásquez, Rudy López Velásquez and other members of the Bámaca Velásquez family residing permanently in Guatemala.

### H. STATUS OF MATTERS BEFORE THE COURT

#### 1. Contentious cases

	<b>Name of the case</b>	<b>Respondent State</b>	<b>Current stage</b>
1.	El Amparo case	Venezuela	Monitoring compliance with judgment
2.	Neira Alegría <i>et al.</i> case	Peru	Monitoring compliance with judgment
3.	Caballero Delgado and Santana case	Colombia	Monitoring compliance with judgment
4.	Benavides Cevallos case	Ecuador	Monitoring compliance with judgment
5.	Garrido and Baigorria case	Argentina	Monitoring compliance with judgment
6.	Loayza Tamayo case	Peru	Monitoring compliance with judgment
7.	Castillo Paéz case	Peru	Monitoring compliance with judgment
8.	Suárez Rosero case	Ecuador	Monitoring compliance with judgment
9.	Blake case	Guatemala	Monitoring compliance with judgment
10.	Castillo Petruzzi case	Peru	Monitoring compliance with judgment
11.	Constitutional Court case	Peru	Monitoring compliance with judgment
12.	Baena Ricardo <i>et al.</i> case	Panama	Monitoring compliance with judgment

13.	“The Last Temptation of Christ case (Olmedo Bustos <i>et al.</i> )	Chile	Monitoring compliance with judgment
14.	Ivcher Bronstein case	Peru	Monitoring compliance with judgment
15.	“White Van” case (Paniagua Morales <i>et al.</i> )	Guatemala	Monitoring compliance with judgment
16.	“Street Children” case (Villagrán Morales <i>et al.</i> )	Guatemala	Monitoring compliance with judgment
17.	Cesti Hurtado case	Peru	Monitoring compliance with judgment
18.	The Mayagna ( <i>Sumo</i> ) Awas Tingni Community case	Nicaragua	Monitoring compliance with judgment
19.	Barrios Altos case	Peru	Monitoring compliance with judgment
20.	Cantoral Benavides case	Peru	Monitoring compliance with judgment
21.	Durand and Ugarte case	Peru	Monitoring compliance with judgment
22.	Bámaca Velásquez case	Guatemala	Monitoring compliance with judgment
23.	Trujillo Oroza case	Bolivia	Monitoring compliance with judgment
24.	Hilaire, Constantine and Benjamin <i>et al.</i> case	Trinidad and Tobago	Monitoring compliance with judgment
25.	El Caracazo case	Venezuela	Monitoring compliance with judgment
26.	Las Palmeras case	Colombia	Monitoring compliance with judgment
27.	Cantos case	Argentina	Monitoring compliance with judgment
28.	“19 Tradesman” case	Colombia	Merits/Possible Reparations
29.	Bulacio case	Argentina	Merits/Possible Reparations
30.	Mack Chang case	Guatemala	Preliminary Objections/Merits/Possible Reparations
31.	Juan H. Sánchez case	Honduras	Preliminary Objections/Merits/Possible Reparations
32.	“Five Pensioners” case	Peru	Merits/Possible Reparations
33.	Maritza Urrutia case	Guatemala	Merits
34.	Gómez Paquiyauri case	Peru	Merits
35.	The Children’s Rehabilitation Center case	Paraguay	Merits
36.	Ricardo Canese case	Paraguay	Merits
37.	Lori Berenson case	Peru	Merits

38.	The “Plan de Sánchez Massacre” case	Guatemala	Preliminary Objections/Merits/Possible Reparations
39.	Moiwana Community case	Suriname	Preliminary stage

## 2. Advisory Opinions

Name	Applicant	Current status
OC-18	United States of Mexico	Observations stage

## 3. Provisional Measures

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

### **III. OTHER ACTIVITIES OF THE COURT**

#### **1. VISIT OF THE SECRETARY GENERAL OF THE MINISTRY OF FOREIGN AFFAIRS OF THE FEDERATIVE REPUBLIC OF BRAZIL**

On February 14, 2002, the President of the Court, Judge Antônio Augusto Cançado Trindade, received a delegation from the Ministry of Foreign Affairs of the Federative Republic of Brazil at the seat of the Court. The delegation, composed of the Secretary General of the Brazilian Ministry of Foreign Affairs, Ambassador Osmar Chohfi, Minister Fernando Cimas Magalhães and Carlos Luis D.C. Pérez, both Advisors to the Deputy Minister of Foreign Affairs, and the Ambassador of Brazil to Costa Rica, Luiz Fernando de Oliveira e Cruz Benedini, made this visit while they were in Costa Rica taking part in the meetings of the Rio Group Foreign Ministers.

During the visit, Ambassador Chohfi recalled his visit to the seat of the Court in June 2001, referred to the Government of Brazil's support for the work of the Court and stressed that Brazil considered it a great honor that this international tribunal was presided by a Brazilian jurist. The President of the Court underscored the importance of the ratification of the American Convention by all the States of the hemisphere and the unreserved acceptance of the contentious jurisdiction of the Inter-American Court by all the States Parties to the Convention. He also referred to the need for all the States Parties to automatize the obligatory jurisdiction of the Inter-American Court and to adopt the necessary measures to implement the Convention, in order to ensure that its provisions are directly applicable in the domestic law of the States Parties.

#### **2. VISIT OF THE MINISTER OF FOREIGN AFFAIRS OF THE BOLIVARIAN REPUBLIC OF VENEZUELA**

On February 15, 2002, the President and Vice President of the Court, Judges Antônio Augusto Cançado Trindade and Alirio Abreu Burelli, respectively, received Luis Alfonso Dávila García, Minister of Foreign Affairs of the Bolivarian Republic of Venezuela, accompanied by Dulce María Parra Fuentes, Chargé d'Affaires of the Embassy of Venezuela in Costa Rica, at the seat of the Court. Minister Dávila, who was in Costa Rica for the meetings of the Rio Group Foreign Ministers, indicated that he was delighted to visit the Court and reiterated his Government's support for its work.

#### **3. VISIT OF THE DEPUTY MINISTER OF FOREIGN AFFAIRS OF THE REPUBLIC OF CHILE**

On the occasion of the meetings of the Rio Group Foreign Ministers, the Deputy Minister of Foreign Affairs of the Republic of Chile, Ambassador Cristian Barros, accompanied by the Ambassador of Chile to Costa Rica, Guillermo Yunge Bustamante, visited the seat of the Court on February 15, 2002. The delegation was received by the President of the Court,



Judge Antônio Augusto Cançado Trindade, and by the Vice President of the Court, Judge Alirio Abreu Burelli, who expressed their appreciation for the visit.

**4. VISIT OF THE DEPUTY SECRETARY FOR LATIN AMERICA AND THE CARIBBEAN OF THE MINISTRY OF FOREIGN AFFAIRS OF THE UNITED MEXICAN STATES**

On February 15, 2002, Ambassador Gustavo Iruegas, Deputy Secretary for Latin America and the Caribbean of the Ministry of Foreign Affairs of the United Mexican States visited the Court, accompanied by the Mexican Ambassador to Costa Rica, Carlos Pujalte Piñeiro. Ambassador Iruegas was received by the President of the Court, Judge Antônio Augusto Cançado Trindade and by the Vice President, Judge Alirio Abreu Burelli, who thanked for the visit of the distinguished delegation from the Mexican Ministry of Foreign Affairs and discussed the nature of the work of the Inter-American Court and various matters of interest to the Mexican Government.

**5. MEETING WITH REPRESENTATIVES OF THE STATE OF PANAMA**

On February 25, 2002, at 8:30 a.m., a meeting was held with representatives of the State of Panama at the seat of the Court. The Court was represented by Judge Antônio Augusto Cançado Trindade, President; Judge Alirio Abreu Burelli, Vice President; Manuel E. Ventura Robles, Secretary, and Emilia Segares Rodríguez, lawyer; and the State of Panama was represented by the Ambassador of the Republic of Panama to Costa Rica, Virginia Burgoa Solanas; the Director General of Foreign Policy of the Ministry of Foreign Affairs of Panama, Ambassador Alfredo Castellero Hoyos; the Deputy Minister of Labor, Jaime Moreno; the Deputy Minister of Economy and Finance, Eduardo Quiroz; the Minister Councilor of the Embassy, Luis Enrique Martínez Cruz, and the Attaché of the Embassy of Panama in Costa Rica, Doris Sosa de González. Various matters were discussed concerning compliance with the judgment on merits and reparations in *Baena Ricardo et al. vs. Panama*, delivered by the Court on February 2, 2001.

**6. MEETING WITH VICTIMS AND THE VICTIMS' REPRESENTATIVES IN BAENA RICARDO ET AL. VS. PANAMA**

On February 25, 2002, at 3:00 p.m., a meeting was held at the seat of the Court with victims and the victims' representatives in *Baena Ricardo et al. vs. Panama*. During this meeting, the Court was represented by Judge Antônio Augusto Cançado Trindade, President; Judge Alirio Abreu Burelli, Vice President; Manuel E. Ventura Robles, Secretary, and Emilia Segares Rodríguez, lawyer. The following victims in the case were present: Luis Sosa, Erick González, Ricardo Trujillo, Sergio Marín and Manrique Mejía. The following officials of the Center for Justice and International Law (CEJIL) were present, representing the victims: Soraya Long and Lugelly Cunillera. Max Lópex, representing the Office of the Panamanian Ombudsman, was also present. As in the meeting held that morning with representatives of the State of Panama, various matters were discussed concerning compliance with the

judgment on merits and reparations in *Baena Ricardo et al. vs. Panama*, delivered by the Court on February 2, 2001.

#### **7. VISIT OF A DELEGATION FROM THE IBERO-AMERICAN OMBUDSMAN FEDERATION (FIO)**

On February 26, 2002, the full Court received a delegation from the Ibero-American Ombudsman Federation (FIO) at its seat. The delegation was composed of Eduardo Mondino, Argentine Ombudsman and President of FIO; Raúl Jiménez, Advisor to the Argentine Ombudsman; Beatrice de Alamanni, Ombudsman of El Salvador and Vice President of FIO, and Jaime Cinco Soto, Chairman of the Human Rights Committee of the State of Sinaloa, Mexico, among others. During the visit, Mr. Mondino mentioned his satisfaction with the visit and the Federation's appreciation of the Inter-American Court's work. The President of the Court, Judge Antônio Augusto Cançado Trindade, referred to the importance of the role of the Ombudsman in the protection and promotion of human rights in each State.

#### **8. VISIT OF A DELEGATION FROM THE AMERICAN BAR ASSOCIATION (ABA)**

On February 28, 2002, a delegation from the American Bar Association (ABA) visited the seat of the Court and was received by the full Court. The members of the delegation were: Robert E. Lutz, Head of the International Law and Practice Section, William G. Paul, former President of ABA, Lane Porter, Ricardo Barreto, Jennifer Dabson, Paul L. Frantz, Michael Gordon, Renate Harrison, Armando Lasa-Ferrer, Larry B. Pascal, Karla Pascarella, Jimmy Reyna and an invited group of Costa Rica lawyers. During the visit, the President of the Court, Judge Antônio A. Cançado Trindade, indicated his satisfaction with the visit of such an important delegation and mentioned various aspects of the functioning of the inter-American system for the protection of human rights, and expressed his hope that all the States of the region will become parties to the American Convention on Human Rights. Robert E. Lutz referred to the American Bar Association's recognition of the Inter-American Court's work and underscored the importance of its task of protecting human rights in the hemisphere.

#### **9. SIGNATURE OF AN INTERNATIONAL COOPERATION AGREEMENT WITH THE MINISTRY OF FOREIGN AFFAIRS OF THE REPUBLIC OF FINLAND**

On May 2, 2002, an international cooperation agreement was signed between the Ministry of Foreign Affairs of the Republic of Finland and the Inter-American Court, at the seat of the Court. The purpose of the agreement is to support the Court's publications area. On this occasion, the Republic of Finland was represented by the Deputy Secretary of State, Doctor Pertti Majanen, the Ambassador of Finland to Costa Rica, Inger Hirvela López, and the Chargé d'Affaires a.i. of the Embassy of Finland in Nicaragua, Sirpa Maenpaa. The Court

was represented by the Secretary, Manuel E. Ventura Robles, and the Deputy Secretary, Pablo Saavedra ([Appendix XXII](#)).

## **10. RIO GROUP SUMMIT MEETING**

The Presidents of the Rio Group countries met in San José, Costa Rica, on April 11 and 12, 2002, since Costa Rica was exercising the Presidency *pro tempore* of the Group. The Government of Costa Rica invited the President of the Court, Judge Antônio A. Cançado Trindade, and the Secretary, Manuel E. Ventura Robles, to attend the inauguration and closure of this important meeting. The principal topics on the agenda were combating extreme poverty and strengthening the international protection of human rights.

The Presidents of several American nations were in San José, Costa Rica, for the meeting, and the following four visited the seat of the Court: Jorge Luis Batlle Ibañez, President of the Oriental Republic of Uruguay; Alejandro Toledo Manrique, President of the Republic of Peru; Ricardo Lagos Escobar, President of the Republic of Chile, and Vicente Fox Quesada, President of the United Mexican States.

## **11. VISIT OF THE PRESIDENT OF THE ORIENTAL REPUBLIC OF URUGUAY**

On April 10, 2002, the President of the Court, Judge Antônio Augusto Cançado Trindade, received the President of the Oriental Republic of Uruguay, Jorge Luis Batlle Ibañez, at the seat of the Court. Also present were the Minister of Foreign Affairs of Uruguay, Didier Operti Badán, the Ambassador of Uruguay to Costa Rica, Jorge María Carvalho Santini, the Director of the Inter-American Institute of Human Rights, Roberto Cuéllar, the Secretary of the Court, Manuel E. Ventura Robles, the Deputy Secretary, Pablo Saavedra Alessandri, members of the President's delegation, and officials of the Court's Secretariat.

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

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

President Batlle reiterated his support for the work of the Court, whose contribution to the rule of law in the region, through its judgments and advisory opinions, represents one of the most significant and transcendental achievements of the inter-American system for the protection of human rights. He added that further efforts should be made to attain the universality of the inter-American system, the acceptance of the Court's obligatory jurisdiction by all OAS Member States, and the incorporation of the substantive norms of the American Convention into the domestic law of the States Parties, so that justice would be enriched with the collaboration of all the States of the hemisphere.

## **12. VISIT OF THE PRESIDENT OF THE REPUBLIC OF PERU**

On April 11, 2002, the President of the Republic of Peru, Alejandro Toledo Manrique, visited the seat of the Court, accompanied by the Ambassador of Peru to Costa Rica, Fernando Rojas Samanez. The presidential delegation was received by the President of the Court, Judge Antônio Augusto Cançado Trindade, accompanied by the Director of the Inter-American Institute of Human Rights, Roberto Cuéllar, the Secretary of the Court, Manuel E. Ventura Robles, and the Deputy Secretary, Pablo Saavedra Alessandri.

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

The President of the Court underscored the rich juridical tradition of Peru, which was one of the first States to ratify the American Convention on Human Rights on July 28, 1978, and which, on January 21, 1981, accepted the contentious jurisdiction of the Court. He also indicated that the Court had received with great satisfaction the State of Peru's decision, in January 2001, to normalize its relations with the Court, in accordance with the principles that inspired the ratification of the American Convention and compliance in good faith with this instrument for the international protection of human rights, and indicated that this decision symbolized the return of Peru to its best legal thought and tradition in the field of human rights.

President Toledo expressed his gratitude to the Inter-American Court of Human Rights for its work in defense of human rights, the reign of the rule of law, and the strengthening of democracy. He also indicated that each State was responsible for the fundamental task of ensuring the respect and protection of the human rights of its citizens, in accordance with the commitments made to the different systems for the protection of human rights, and also to the international community. Lastly, he expressed his Government's clear political will to submit to the decisions of the Inter-American Court of Human Rights and its support for the Court's work.

### **13. VISIT OF THE PRESIDENT OF THE REPUBLIC OF CHILE**

On April 11, 2002, the President of the Court, Judge Antônio Augusto Cançado Trindade, received the President of the Republic of Chile, Ricardo Lagos Escobar, at the seat of the Court. Dr. Lagos was accompanied by his Minister of Foreign Affairs, María Soledad Alvear Valenzuela, and the Ambassador of Chile to Costa Rica, Guillermo Yunge Bustamante. Also present were the Director of the Inter-American Institute of Human Rights, Roberto Cuéllar, the Secretary of the Court, Manuel E. Ventura Robles, the Deputy Secretary, Pablo Saavedra Alessandri, and officials of the Court's Secretariat.

In his welcoming address, the President of the Court emphasized the State of Chile's rich juridical tradition and indicated that this visit was another historic event for the Court and confirmed a healthy trend of respectful collaboration and constructive dialogue between the States that created the inter-American system for the protection of human rights and the organs responsible for ensuring faithful compliance with the provisions of the American Convention on Human Rights and other relevant norms on human rights in the hemisphere.

Judge Cançado Trindade referred to the importance of the ratification of the American Convention by all the States of the hemisphere and the unreserved acceptance of the contentious jurisdiction of the Inter-American Court by all the States Parties to the Convention. Lastly, he referred to the need for all the States Parties to automatize the obligatory jurisdiction of the Inter-American Court and to adopt the necessary measures to implement the Convention, in order to ensure that its provisions are directly applicable in the domestic law of the States Parties.

President Lagos underlined the contribution of the Inter-American Court's contribution to the defense of human dignity and the re-establishment of human rights that had been violated through its case law and writings. He indicated that the judgments and advisory opinions of the Court had led the countries of the Americas to improve their national laws and adapt them to international legislation. He also mentioned the importance of the American Convention, as a basic instrument for the protection of fundamental rights and an expression of national aspirations in relation to representative democracy, the rule of law, and the protection of human rights. Lastly, he stated that ratification of the American Convention and acceptance of the Court's jurisdiction should be universal in order to strengthen the system and he underscored the importance of States Parties accepting the rulings of the Court and tackling the problem of financing the inter-American system for the protection of human rights.

### **14. VISIT OF A MINISTER OF THE SUPERIOR COURT OF JUSTICE OF BRAZIL**

On April 11, 2002, Minister Sálvio de Figueiredo Teixeira, from the Superior Court of Justice (SCJ) of the Federative Republic of Brazil, visited the seat of the Court. Minister de Figueiredo Teixeira was received by the President of the Court, Judge Antônio Augusto Cançado Trindade, the Director of the Inter-American Institute of Human Rights, Roberto Cuéllar, the Secretary of the Court, Manuel E. Ventura Robles, the Deputy Secretary, Pablo Saavedra Alessandri, and officials of the Court's Secretariat. During the visit, the President

of the Court referred to Minister de Figueiredo Teixeira's distinguished legal career and gave him a memento as a reminder of the first visit of a judge of a Brazilian Superior Court to the Inter-American Court. He also remembered the Inter-Institutional Cooperation Agreement between the Inter-American Court and the Superior Court of Justice of Brazil, signed on October 08, 1999.

#### **15. VISIT OF THE PRESIDENT OF THE UNITED MEXICAN STATES**

On April 12, 2002, the President of the United Mexican States, Vicente Fox Quesada, visited the seat of the Court accompanied by the Minister of Foreign Affairs of Mexico, Jorge G. Castañeda, and the Ambassador of Mexico to Costa Rica, Carlos Pujalte Piñeiro. The Mexican delegation was received by the President of the Court, Judge Antônio Augusto Cançado Trindade, the Director of the Inter-American Institute of Human Rights, Roberto Cuéllar, the Secretary of the Court, Manuel E. Ventura Robles, and the Deputy Secretary, Pablo Saavedra Alessandri.

In his welcoming address, the President of the Court indicated that this visit was another historic event for the Inter-American Court and confirmed a healthy trend of respectful collaboration and constructive dialogue between the States that created the inter-American system for the protection of human rights and the organs responsible for ensuring faithful compliance with the provisions of the American Convention on Human Rights and other relevant norms on human rights in the hemisphere.

Judge Cançado Trindade stated that Mexico is a Member State of the Organization of American States with a rich legal tradition and that it had constantly demonstrated its firm support for the inter-American system for the protection of human rights. He also recalled that, four years previously, on December 16, 1998, the State of Mexico had accepted the Inter-American Court's contentious jurisdiction, which had given the Court great satisfaction.

President Fox stated that the Court's work has been pivotal in the construction and strengthening of democratic regimes that guaranteed the full exercise of human rights. He also indicated his support for constructive dialogue on the inter-American system for the protection of human rights and the importance of creating the necessary mechanisms within the domestic jurisdiction of the States Parties to ensure immediate and effective compliance with the Court's judgments.

#### **16. VISIT OF THE PRESIDENT AND THE VICE PRESIDENT OF THE COURT TO WASHINGTON, D.C.**

The President of the Court, Antônio A. Cançado Trindade, accompanied by the Vice President, Judge Alirio Abreu Burelli, the Secretary, Manuel E. Ventura Robles, and the Deputy Secretary, Pablo Saavedra Alessandri, visited Washington, D.C. from April 15 to 23, 2002, in order to present various reports to different political organs of the OAS. During the visit they met with several Ambassadors, Permanent Representatives to the OAS of

different States, with the OAS Secretary General, César Gaviria Trujillo, and his senior advisor on human rights, Peter Quilter; with the Chairman and Vice Chairman of the Inter-American Commission, Juan E. Méndez and Martha Altolaguirre, respectively, who were accompanied by the Commission's Secretary, Santiago Cantón, and other Secretariat officials; with the Director of the OAS Office of Summit Follow-Up, Jaime Aparicio, and other OAS officials.

**17. PRESENTATION OF A REPORT TO THE JOINT SESSION OF THE COMMITTEE ON ADMINISTRATIVE AND BUDGETARY AFFAIRS AND THE COMMITTEE ON JURIDICAL AND POLITICAL AFFAIRS**

On Tuesday, April 16, the President of the Court, Judge Antônio A. Cançado Trindade, took part in a joint working session of the Committee on Administrative and Budgetary Affairs and the Committee on Juridical and Political Affairs at the invitation of their Chairmen, Ambassadors Esteban Tomich and Valter Percly Moreira, Permanent Representatives of Chile and Brazil, respectively, where he made a statement on the financing of the inter-American system for the protection of human rights and, in particular, the Court's budget. The President handed over a document on this subject, which was distributed to the representatives of the States. A copy of the document is attached ([Appendix XXIII](#)).

**18. PRESENTATION OF THE PRESIDENT OF THE COURT TO THE OAS PERMANENT COUNCIL**

The following day, Wednesday, April 17, 2002, the President of the Court, Judge Antônio A. Cançado Trindade, addressed the OAS Permanent Council at the invitation of its Chair, Ambassador Margarita Escobar, Permanent Representative of El Salvador, present an exposition about the strengthening and financing of the inter-American system for the protection of human rights, particularly the Court. The text of his address is attached ([Appendix XXIV](#)).

**19. PRESENTATION OF THE ANNUAL REPORT AND THE COURT'S RECOMMENDATIONS TO STRENGTHEN THE INTER-AMERICAN SYSTEM FOR THE PROTECTION OF HUMAN RIGHTS**

Lastly, on Friday, April 19, 2002, the President of the Inter-American Court, Judge Antônio A. Cançado Trindade presented the Annual Report on the Court's work during 2001 to the Committee on Juridical and Political Affairs of the OAS Permanent Council ([Appendix XXV](#)) and then took part in a working session of this Committee, with the Chairman of the Inter-American Commission on Human Rights, Juan E. Méndez, in order to discuss the strengthening of the inter-American system for the protection of human rights. Following his statement ([Appendix XXVI](#)), President Cançado Trindade answered questions posed by the Permanent Representatives of the States accredited to the Committee.

Subsequently, on May 8 and 16, 2002, the Committee on Juridical and Political Affairs adopted the draft resolutions on the Annual Report of the Court's work and on the strengthening of the inter-American system for the protection of human rights that it would transmit to the Organization's Permanent Council, and they were subsequently adopted by the General Assembly (*supra* III.21).

**20. PARTICIPATION IN THE CIVIL SOCIETY ORGANIZATIONS FORUM ORGANIZED BY THE INTER-AMERICAN INSTITUTE OF HUMAN RIGHTS PRIOR TO THE THIRTY-SECOND GENERAL ASSEMBLY OF THE OAS**

On the occasion of the thirty-second General Assembly of the Organization of American States, held in Bridgetown, Barbados, the Inter-American Institute of Human Rights organized a forum of civil society organizations on June 1, 2002. The President of the Court, Judge Antonio Augusto Cançado Trindade, took part in the panel on "The Inter-American Court of Human Rights and the inter-American system", where he made a presentation about the topic and held a dialogue with representatives of Organizations of the Civil Society of the Caribbean.

**21. THIRTY-SECOND REGULAR SESSION OF THE GENERAL ASSEMBLY OF THE ORGANIZATION OF AMERICAN STATES**

The General Assembly of the Organization of American States held its thirty-second regular session in Bridgetown, Barbados, from June 2 to 4, 2002. The Inter-American Court was represented by its President, Judge Antônio Augusto Cançado Trindade, and Vice President, Judge Alirio Abreu Burelli, and by the judges Hernán Salgado Pesantes, Oliver Jackman, Sergio García Ramírez and Carlos Vicente de Roux Rengifo. The Secretary of the Court, Manuel E. Ventura Robles, was also present.

The President of the Court, Judge Antonio A. Cançado Trindade, addressed the General Committee of the General Assembly on June 3, 2002, and presented the Annual Report of the Court's work for 2001, which the Assembly adopted by Resolution AG/RES 1850. On this occasion, several delegations spoke in support of the Court's work. In the said resolution, the General Assembly resolved:

1. To receive and transmit to the Inter-American Court of Human Rights the observations and recommendations of the OAS Permanent Council on the annual report.
2. To reiterate that the judgments of the Court are final and may not be appealed and that the States Parties to the Convention undertake to comply with the judgments of the Court in all cases to which they are party.
3. To instruct the Permanent Council to submit to the General Assembly at its thirty-third regular session a proposed budget for 2004 that includes an effective and adequate increase in the economic resources allocated to the Court in light of the needs and goals set out in the document presented by the President of the Inter-American Court of Human Rights (CP/CAJP-1921/02 corr. 1).



4. To urge the OAS member states to consider, as early as possible, 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.
5. To thank the Inter-American Court of Human Rights for its work during the period covered by this report.

The same day, the President of the Court, Judge Antônio A. Cançado Trindade, and the Court's Secretary, Manuel E. Ventura Robles, accompanied by the Chairman and the Secretary of the Inter-American Commission on Human Rights, Juan Méndez and Santiago Cantón, respectively, were received by the President of the OAS General Assembly, the Minister of Foreign Affairs of Barbados, Billie A. Miller.

On June 4, 2002, the President of the Court, Judge Antônio A. Cançado Trindade made a brief presentation to the plenary session of the General Assembly in which he underlined the need for a mechanism to monitor compliance with the judgments of the Inter-American Court and for the inter-American system for the protection of human rights to be strengthened, giving individuals direct access to the Court and granting it the additional resources it needed as a result of the entry into force of its new Rules of Procedure and to increase its professional staff ([Appendix XXVII](#)). That day, the General Assembly adopted Resolution AG/RES 1895, in which it resolved:

1. To instruct the Permanent Council to continue the consideration of the issue of the access of victims to the Inter-American Court of Human Rights (*ius standi*) and its application in practice, taking into account the report of the Court, the proposal presented by the Government of Costa Rica, as well as the revised rules of procedure of the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights.
2. To request the Permanent Council to invite the Inter-American Court of Human Rights, the Inter-American Commission on Human Rights, and civil society to participate in the consideration of this topic during the second half of 2002, with a view to submitting a report to the General Assembly at its thirty-third regular session.
3. To request the Permanent Council to report to the General Assembly at its thirty-third regular session on the implementation of this resolution

In addition, on June 4, 2002, the General Assembly adopted Resolution AG/RES 1890 concerning evaluation of the functioning of the inter-American system for the protection and promotion of human rights to ensure its improvement and strengthening. In this resolution, the General Assembly resolved:

1. To reaffirm the intent of the Organization of American States to continue taking concrete measures aimed at implementing the mandates of the Heads of State and Government on the strengthening and improvement of the inter-American human rights system, as set forth in the Plan of Action of the Third Summit of the Americas:
  - a. Universalization of the inter-American human rights system;
  - b. Compliance with judgments of the Court and follow-up of the recommendations of the Commission;
  - c. Facilitation of access for individuals to the inter-American human rights system;

- d. A substantial increase in the budget of the Court and of the Commission so that, within a reasonable time, the organs of the system may address their growing 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 instruct the Permanent Council to continue taking concrete measures that will make it possible to fulfill the mandates of the Heads of State and Government, namely:

- a. To continue its exchange of experiences and views so as to move ahead with consideration of the topic of universalization and implementation of the inter-American human rights system;
- b. To continue to consider the participation of victims in proceedings before the Inter-American Court of Human Rights;
- c. To study, with the support of the General Secretariat, and taking into account the views of both the Court and the Commission, the relationship between the rules of procedure of those organs and the provisions of their statutes and of the American Convention on Human Rights;
- d. To continue promoting the exchange of experiences and best practices in adjusting domestic law to the provisions of international human rights law; and facilitate the exchange of information on institutional experiences and the development of national mechanisms for the protection of human rights, so as to obtain an overview, in the framework of the Organization, of the link that should exist between national systems for the protection of human rights and the inter-American system;
- e. To continue to develop close collaboration, coordination, and dialogue with the Inter-American Court of Human Rights, the Inter-American Commission on Human Rights, and Inter-American Juridical Committee with a view to coordinated progress on measures to strengthen and improve the inter-American human rights system; and
- f. To continue close cooperation with nongovernmental organizations so as to move forward with strengthening and improving the inter-American human rights system.

3. To urge the OAS member states, in accordance with the Plan of Action of the Third Summit of the Americas, to:

- a. Focus their efforts on the universalization of the inter-American human rights system, by increasing the number of countries that have acceded to its basic instruments and, to that end, consider signing, ratifying, or acceding to, as soon as possible and as appropriate, the American Convention on Human Rights and other instruments of the system;
- b. To adopt such legislative or other measures as are necessary to ensure the application of inter-American human rights provisions within the states;
- c. Take the necessary steps to comply with the decisions or judgments of the Inter-American Court of Human Rights and make their best efforts to follow up on the recommendations of the Inter-American Commission on Human Rights;
- d. Continue to take appropriate action in connection with the annual reports of the Court and the Commission, in the framework of the Permanent Council and the General Assembly of the Organization, and to study possible means to address the state of compliance with the judgments of the Court and the observance of the recommendations of the Commission by the member states of the Organization; and

- e. Contribute to the Specific Fund for Strengthening the Inter-American System for the Protection and Promotion of Human Rights, intended to encourage voluntary contributions to the organs of the system.
4. To transmit this resolution to the Inter-American Court of Human Rights and the Inter-American Commission on Human Rights.
  5. To request the Permanent Council to report to the General Assembly at its thirty-third regular session on the implementation of this resolution.

## **22. VISIT TO THE CHIEF JUSTICE OF THE SUPREME COURT OF JUSTICE OF BARBADOS**

While they were in Bridgetown, Barbados, for the thirty-second regular session of the OAS General Assembly, the President of the Court, Judge Antonio Augusto Cançado Trindade, together with Judge Oliver Jackman and the Secretary of the Court, Manuel E. Ventura Robles, paid a courtesy visit to the Chief Justice of the Supreme Court of Justice of Barbados, the Honorable Sir David Simmons, on June 4, 2002.

## **23. VISIT OF THE DEPUTY MINISTER OF JUSTICE OF THE REPUBLIC OF PERU**

On June 12, 2002, the Deputy Minister of Justice of the Republic of Peru, Pedro Cateriano Bellido, visited the seat of the Inter-American Court. He was received by the President of the Court, Judge Antonio Augusto Cançado Trindade, the Secretary of the Court, Manuel E. Ventura Robles, and the Deputy Secretary, Pablo Saavedra Alessandri. This official meeting formed part of the constructive dialogue that, for some years, the Inter-American Court has been holding with the States that established the inter-American system for the protection of human rights.

## **24. VISIT OF THE REGIONAL REPRESENTATIVE FOR LATIN AMERICA OF THE OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS**

On June 19, 2002, the Regional Representative for Latin America of the Office of the United Nations High Commissioner for Human Rights, Roberto Garretón, visited the Court and was received by the Court's judges. The President of the Court, Judge Antônio A. Cançado Trindade, indicated his appreciation for the visit and took advantage of the occasion to underscore the importance of the relationship between the Inter-American Court and organs of the United Nations System, dedicated to the international promotion and protection of human rights.

## **25. VISIT OF THE PRESIDENT OF THE CONSTITUTIONAL COURT OF ECUADOR**

On June 20, 2002, the judges of the Inter-American Court were honored to receive the President of the Constitutional Court of the Republic of Ecuador, Marco Morales Tobar, at

the seat of the Court, accompanied by Justices Oswaldo Cevallos Bueno and Carlos Helou Cevallos, and also the Ambassador of Ecuador to Costa Rica, Pío Oswaldo Cueva Puertas. The President of the Court, Judge Antônio Augusto Cançado Trindade, referred to the rich legal tradition of the State of Ecuador and to the importance of respectful collaboration and dialogue between the jurisdictional organs of the States that have created the inter-American system for the protection of human rights and the organs responsible for supervising faithful compliance with the provisions of the American Convention and other norms on the protection of human rights in the hemisphere.

## **26. VISIT OF THE PRESIDENT OF THE COURT TO STRASBOURG**

The President of the Inter-American Court, Judge Antônio A. Cançado Trindade, was invited to be a guest speaker by the International Human Rights Institute, with headquarters in Strasbourg, France, from July 10 to 25, 2002. While there, he met with the President of the European Court of Human Rights, Judge Luzius Wildhaber, the Court's Judges, Luzius Caflisch, Jean Paul Costa and Antonella Mularoni, and the Court's Secretary, Paul Mahoney. During the meetings, there was a useful discussion on the shared experiences of the two human rights courts and their case law contributions to the inter-American and European system for the protection of human rights.

In Strasbourg, the President of the Court, Judge A. A. Cançado Trindade, also met with the President, former Vice President and Secretary General of the International Institute of Human Rights, Professors Gérard Cohen-Jonathan, Alexandre-Charles Kiss and Jean-François Flauss, respectively, to follow up on the cooperation agreement between the two institutions, under which Inter-American Court lawyers receive grants to take part in the Institute's annual study session in Strasbourg.

Finally, the President of the Inter-American Court, Judge A. A. Cançado Trindade, met with the Director of the Venice Commission, Dr. Gianni Buquicchio, and members of this Commission at the Council of Europe, to promote a plan for institutional cooperation between the Inter-American Court and the Venice Commission to ensure worldwide dissemination of the Inter-American Court's case law. The President of the Inter-American Court also met with the Head of the Council of Europe's Monitoring Department, Andrew Drzemczewski, and the Secretary of the African Commission on Human and Peoples' Rights, Germain Baricako, to share experiences and discuss inter-institutional cooperation.

## **27. VISIT OF A DELEGATION FROM THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES**

On July 29, 2002, the Secretary of the Court, Manuel E. Ventura Robles, and the Deputy Secretary, Pablo Saavedra Alessandri, received a delegation from the Office of the United Nations High Commissioner for Refugees (UNHCR) at the seat of the Court. The delegation comprised Hope Hanlan, Director of the Office for the Americas, Luis Varese, Principal Officer of Geographical Area of the Office for the Americas, Andrés Ramírez, Chief of the Mission in Costa Rica, and Juan Carlos Murillo, Officer in charge of International Refugee Law Training. During the visit, there was a useful exchange of ideas

and opinions on two aspects of the protection of the individual: human rights and the rights of refugees.

## **28. PARTICIPATION OF THE PRESIDENT OF THE COURT IN THE INTERNATIONAL LAW COURSE OF THE INTER-AMERICAN JURIDICAL COMMITTEE**

The President of the Court, Judge Antônio A. Cançado Trindade, was a professor at the twenty-ninth international law course organized by the Inter-American Juridical Committee in Río de Janeiro, Brazil, on August 15 and 16, 2002. President Cançado Trindade made two presentations on “*Contemporary international law education: re-evaluation of the classical theory of its sources.*” On that occasion, the President of the Court was received by all the members of the OAS Inter-American Juridical Committee and informed them of recent developments in the Inter-American Court’s case law. The President of the Court also met with the European Union’s Legal Advisor, Professor Daniel Vignes, in Río de Janeiro.

## **29. SIGNATURE OF AN INSTITUTIONAL COOPERATION AGREEMENT WITH THE CONSTITUTIONAL COURT OF THE REPUBLIC OF ECUADOR**

On August 21, 2002, an institutional cooperation agreement was signed between the Constitutional Court of the Republic of Ecuador and the Inter-American Court ([Appendix XVIII](#)). This agreement was signed by the President of the Constitutional Court of Ecuador, Marco Morales Tobar, and by the President of the Inter-American Court, Judge Antônio Augusto Cançado Trindade. The purpose of this agreement is to support the design and execution of specific initiatives destined to increase the quality and efficiency of justice administration systems and consolidate peace and respect for human rights throughout the hemisphere; to foster mutual assistance in judicial and professional training, to encourage the exchange of fundamental instruments for the promotion and defense of human rights, and to provide for a permanent exchange of information in administrative and technological areas that are relevant to jurisdictional activities in the countries of the Americas.

## **30. DONATION OF A WORK OF ART BY THE EMBASSY OF THE BOLIVARIAN REPUBLIC OF VENEZUELA**

On August 26, 2002, the judges of the Court and the Secretariat staff attended a reception offered by the Embassy of the Bolivarian Republic of Venezuela in Costa Rica, on the occasion of the latter’s donation to the Court of a work of art entitled “Sucre, the Humanist.” During this event, the President of the Court, Judge Antônio Augusto Cançado Trindade, underscored the important contribution that Latin American jurists had made to the evolution of International Public Law and International Human Rights Law; he also emphasized the relevance of the contribution made by the Inter-American Court’s writings to legal science in the twentieth century. The Vice President of the Court, Judge Alirio Abreu Burelli, described Marshall Sucre’s qualities as a founding father of international humanitarian law.

**31. VISIT OF THE VICE PRESIDENT OF THE CONGRESS OF THE REPUBLIC OF PERU**

On August 30, 2002, the President of the Court, Judge Antônio Augusto Cançado Trindade, was honored to receive the Vice President of the Congress of the Republic of Peru, Jorge del Castillo, at the seat of the Court. President Cançado Trindade took advantage of this official visit to give the Vice President the Court's most recent publications, while underscoring the importance of collaboration and constructive dialogue between the Inter-American Court and the member States of the inter-American system for the protection of human rights.

**32. VISIT OF THE AGENT APPOINTED BY PERU IN THE DURAND AND UGARTE, AND GOMEZ PAQUIYURI CASES**

On September 2, 2002, the President of the Court, Judge Antônio Augusto Cançado Trindade, met with Julio Quintanilla Loaiza, the agent appointed by Peru in the Durand and Ugarte, and Gómez Paquiyauri cases, while the latter was visiting the Court to review the case files.

**33. VISIT OF THE AMBASSADOR OF THE ARGENTINE REPUBLIC**

On September 2, 2002, the President of the Court, Judge Antônio Augusto Cançado Trindade, received a courtesy visit from Juan José Arcuri, Ambassador of the Republic of Argentina to Costa Rica. He thanked the Ambassador for Argentina's constant support and its collaboration with the Court.

**34. VISIT OF THE HEAD OF THE HUMAN RIGHTS AND SOCIAL AFFAIRS DEPARTMENT OF THE MINISTRY OF FOREIGN AFFAIRS OF BRAZIL**

On September 2, 2002, the Head of the Human Rights and Social Affairs Department of the Ministry of Foreign Affairs of the Federative Republic of Brazil, Ambassador Hildebrando Tadeu Nascimento Valladares, made a courtesy visit to the seat of the Inter-American Court and was received by the President of the Court, Judge Antônio Augusto Cançado Trindade, who stressed the importance of respectful dialogue and collaboration with the States that had established the system and its organs.

**35. VISIT OF THE CANADIAN SENATE STANDING COMMITTEE ON HUMAN RIGHTS**

On September 4, 2002, members of the Canadian Senate Standing Committee on Human Rights visited the seat of the Inter-American Court. The Canadian delegation was composed of Senator Raynell Andreychuk, President of the Human Rights Committee, Senator Gérald A. Beaudoin, Senator Mobina S.B. Jaffer, Senator Joseph A. Day, Vivienne Poy, Till Heyde,

Assistant to the delegation, Carol Hillings, researcher and Ted Mackay, Political Counselor of the Canadian Embassy in Costa Rica. The Canadian Senate Standing Committee on Human Rights is responsible for studying the implementation of Canada's human rights obligations and, among other matters, the possibility of Canada acceding to the American Convention on Human Rights.

During the morning, the members of the Canadian Senate Standing Committee were able to attend the Court's public hearing on *Five Pensioners vs. Peru* at the merits and possible reparations stage. In the afternoon, the delegation had a working meeting with the judges of the Inter-American Court, coordinated by the President of the Court, Judge Antônio Augusto Cançado Trindade, and by the Chair of the Canadian Senate Standing Committee on Human Rights, Senator Raynell Andreychuk. During this meeting, the Canadian senators asked the judges of the Court a series of questions and discussed with them the functioning and future of the inter-American system for the protection of human rights.

At the end of the discussion, the President of the Court, on his behalf and of all the Court's judges, urged the senators to work towards Canada's integration into the inter-American system for the protection of human rights and indicated that the Court would follow up on this meeting during the visit that the President and the Secretary of the Court would make to Quebec, Canada, in October.

### **36. JOINT MEETING OF THE COURT AND THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS**

On September 5 and 6, 2002, the joint annual meeting of the Inter-American Court and the Inter-American Commission on Human Rights, mandated by the OAS General Assembly, was held at the seat of the Court in San José, Costa Rica. The following persons took part in the meeting:

#### **For the Inter-American Court of Human Rights:**

Antônio Augusto Cançado Trindade, President; Alirio Abreu Burelli, Vice President; Hernán Salgado Pesantes, Judge; Oliver Jackman, Judge; Sergio García Ramírez, Judge; Carlos Vicente de Roux Rengifo, Judge; Manuel E. Ventura Robles, Secretary, Pablo Saavedra Alessandri, Deputy Secretary, and members of the Secretariat staff.

#### **For the Inter-American Commission on Human Rights:**

Juan E. Méndez, Chairman; Martha Altolaguirre Larraondo, Vice Chairman; Robert K. Goldman, Commissioner; Julio Prado Vallejo, Commissioner; Clare K. Roberts, Commissioner; José Zalaquett, Commissioner; Susana Villagrán, Commissioner; Santiago Cantón, Secretary; Ariel Dulitzky, Principal Expert; Mario López, Principal Expert and Ignacio Alvarez, Principal Expert.

The agenda for the joint meeting was as follows:

1. The problem of identifying alleged victims, and their rights. Extension of time limits for alleged victims.
2. The Court's provisional measures and the Commission's precautionary measures.
3. Unsigned briefs submitted by the representatives of the alleged victims, which are forwarded by the Commission or presented directly by the former.
4. A substantial increase in funds for the Court and the Commission. Common strategy for the General Assembly. Increase in the number of cases that the Commission will submit to the Court as a result of the changes in its Regulations.
5. Publication of an application and the report under Article 50 that accompanies an application.
6. Article 50 report. Transmittal of the report to the petitioners.
7. Evidentiary system in the Court and the Commission.
8. Reparations, and monitoring compliance with judgments.

During this meeting, the President of the Court and the Chairman of the Commission agreed to address a letter to the OAS Secretary General, César Gaviria Trujillo ([Appendix XXIX](#)), informing him of the results of the meeting. The text of this letter is as follows:

It is public knowledge that the Court and the Commission have responded to the requests of the Heads of State and Government, expressed in resolutions adopted by the General Assemblies of Windsor, Canada (2000), and San José, Costa Rica (2001), by reforming their rules and regulations in order to make them more efficient and adapt them to the new requirements.

These regulatory changes, added to the new mandates assigned to the Court and the Commission by the Summits of the Americas process, could only be complied with effectively if they were accompanied by the corresponding increase in the regular budget of the organs of the system. Accordingly, the leaders instructed the OAS to increase substantially the funds allocated to the Court and the Commission so that they could duly fulfill their respective mandates and maintain their current operations. Accordingly, both the Commission and the Court provided information on their budgetary needs in the short, medium and long-term.

In accordance with the new requirements and in the understanding that the Commission and the Court would receive additional resources, both organs reformed their rules and regulations and began to carry out the new mandates assigned to them by the process of the Summits of the Americas and the General Assemblies. However, the essential increase in budget to fulfill these new functions has not been implemented, and this has caused serious difficulties for the functioning of the Court and the Commission.

[...]

Consequently, we reiterate the urgent need for the States to fulfill their commitment to increase the budget required by the organs of the system. In this respect, we appeal to the Secretary General to make every possible effort to achieve this goal. In



particular, initiatives should be taken that lead to discussion of this problem in the different competent bodies of the inter-American system, such as the Summit of the Americas, the OAS General Assembly and the Permanent Council, in order to find a prompt solution to the situation. Also, based on his attributions, the Secretary General should consider administrative and budgetary reforms that would lead to an improvement in the resources of the organs.

**37. VISIT OF THE MINISTER OF FOREIGN AFFAIRS OF THE REPUBLIC OF COSTA RICA ON THE OCCASION OF THE JOINT MEETING OF THE COURT AND THE COMMISSION**

On September 6, 2002, the Minister of Foreign Affairs and Worship of the Republic of Costa Rica, Roberto Tovar Faja, visited the seat of the Court on the occasion of the joint meeting between the Inter-American Court and Commission. In his welcoming address, the President of the Court, Judge Antônio Augusto Cançado Trindade, indicated the importance of this meeting, which is held every year, mandated by the OAS General Assembly, and during which the two organs of the inter-American system for the protection of human rights discuss topics of vital importance for the system's development. He also expressed appreciation for the valuable support that Costa Rica, the Court's host country, has provided for strengthening the inter-American system for the protection of human rights. The Chairman of the Commission, Juan E. Méndez, emphasized the excellent way in which this meeting was conducted and the importance of the agreements and consensuses achieved. Lastly, Minister Tovar referred to his Government's satisfaction that the meeting had been held in Costa Rica, and also to the obligation of States to support the two organs of the inter-American system for the protection of human rights.

**38. SIGNATURE OF AN INTER-INSTITUTIONAL COOPERATION AGREEMENT WITH THE GRADUATE SCHOOL OF INTERNATIONAL SCIENCES OF THE UNIVERSIDAD CENTRAL OF ECUADOR**

On September 6, 2002, an inter-institutional cooperation agreement was signed between the Inter-American Court of Human Rights, represented by its President, Judge Antônio Augusto Cançado Trindade, and the Graduate School of International Sciences of the Universidad Central of Ecuador, represented by Professor Julio Prado Vallejo ([Appendix XXX](#)). The purpose of the agreement is to establish a basis for collaboration so that the two institutions can carry out joint research, teaching, dissemination and extension activities relating to human rights.

**39. SIGNATURE OF AN INTER-INSTITUTIONAL COOPERATION AGREEMENT WITH THE UNIVERSIDAD DO VALE DO RIO DOS SINOS, BRAZIL**

On September 16, 2002, an inter-institutional cooperation agreement was signed between the Inter-American Court of Human Rights and the Universidad do Vale do Rio dos Sinos (UNISINOS) ([Appendix XXXI](#)). The Court was represented by its President, Judge

Antônio Augusto Cançado Trindade, and UNISINOS by its President, Aloysio Bohnen. The purpose of the agreement is to establish a basis for collaboration so that the Court and the UNISINOS Legal Sciences Center can carry out joint research, teaching, dissemination and extension activities relating to human rights.

#### **40. VISIT OF THE PRESIDENT OF THE COURT TO THE SENATE OF THE UNITED MEXICAN STATES**

During his visit to Mexico as a guest speaker, invited by The Hague Academy of International Law (thirtieth session of its external program), the President of the Inter-American Court of Human Rights, Judge Antonio Augusto Cançado Trindade, was received in solemn session by the Senate of the Republic at 6:00 p.m. on October 8, 2002.

To receive the President of the Court, were present Senators of several States of México and representatives of the following Commissions of the Senate: Foreign Affairs Commission, represented by the Senators Fernando Margáin Berlanga, Federico Ling Altamirano, Eduardo Ovando Martínez and Eric Rubio Barthell; Government Commission, represented by the Senators, Gildardo Gómez Verónica and Antonio García Torres; Human Rights Commission, represented by the Senators Miguel Sadot Sánchez Carreño, Leticia Burgos Ochoa and Guillermo Herbert Pérez; Justice Commission, represented by the Senators Jorge Zermeño Infante and Jesús Galván Muñoz; and also Senators that do not belong to the mentioned Commissions: Lidia Madero García, Ricardo Alaniz Posada, Jorge Nordhansen González, Gustavo Cárdenas Gutiérrez and José Alberto Castañeda Pérez. By the end of his presentation about the jurisprudence of the Interamerican Court, the President A. A. Cançado Trindade received a homage of the Senate of the United States of Mexico for his contribution to the International Human Rights Law.

#### **41. THE PRESIDENT'S SECOND VISIT TO THE SEAT OF THE OAS IN WASHINGTON, D.C.**

In order to follow up on the following resolutions of the OAS General Assembly held in Bridgetown, Barbados, in June 2002: Resolution AG/RES. 1850 (XXXII-O/02) entitled "*Observations and recommendation of the member States to the Annual Report of the Inter-American Court of Human Rights*", Resolution AG/RES 1890 (XXXII-O-02) entitled "*Evaluation of the workings of the inter-American system for the protection and promotion of human rights with a view to its improvement and strengthening*" and Resolution AG/RES. 1895 (XXXII-O-02) entitled "*Study on the access of persons to the Inter-American Court of Human Rights*", the President of the Court, Judge Antônio A. Cançado Trindade, together with the Vice President, Judge Alirio Abreu Burelli, and the Secretary, Manuel E. Ventura Robles, visited the seat of the OAS in Washington, D.C. from October 14 to 21, 2002. On that occasion, the President of the Court, addressed the OAS Permanent Council and the Permanent Council's Committee on Juridical and Political Affairs, and met with the Chairman and Vice Chairman of the Committee on Administrative and Budgetary Affairs. He also took advantage of the occasion to meet with the OAS Secretary General, César Gaviria Trujillo, and his human rights advisor, Peter Quilter, the OAS Assistant Secretary for Management, General James Harding, and the Head of the Department of Program-Budget, Alfonso Munévar. Meetings were also held with several

Ambassadors, Permanent Representatives to the OAS of member States, and members of civil society organizations. An important working meeting was also held with the Chairman, the Secretary, and other officials of the Inter-American Commission on Human Rights.

In his presentation to the Permanent Council, the President of the Court, Judge Antônio A. Cançado Trindade, explained in detail the chronic lack of resources, both human and financial, which the Court has endured since its inception and the need to remedy this situation in view of the increase in the number of cases that it is and will be receiving, as a result of the reforms to the rules and regulations of the Court and the Commission, which were ordered by the General Assembly itself. The document presented by the President of the Court, entitled "*The Right to Access to International Justice and the Conditions Required to Implement this in the Inter-American System for the Protection of Human Rights*," is attached ([Appendix XXXII](#)).

#### **42. VISIT OF THE PRESIDENT OF THE COURT TO CANADA**

The President of the Court, Judge Antônio A. Cançado Trindade, accompanied by the Secretary, Manuel E. Ventura Robles, visited Montreal, Quebec, Canada, at the invitation of Professor Daniel Turp, President of the Council of the Quebec International Law Association, and Michèle Rivet, President of the Quebec Human Rights Court, to take part in the symposium "*L'Accès Direct des Individus aux Tribunaux Internationaux et Nationaux des Droits de la Personne*" [Direct access of individuals to international and national human rights courts], which was held on October 24, 2002. During this event, the President of the Court spoke about the direct access of individuals to the Inter-American Court of Human Rights. Judge Michèle Rivet acknowledged the President of the Court's participation in this event in a note addressed to him on October 29, 2002, which is attached to this report ([Appendix XXXIII](#)). During his visit to Montreal, the President visited Senator Gérard Beaudoin, President of the Canadian Senate Standing Committee on Human Rights, with whom he held a meeting of nearly two hours on the possibility of Canada acceding to the American Convention on Human Rights.

#### **43. VISIT OF THE PRESIDENT OF THE REPUBLIC OF COSTA RICA**

On Monday, November 18, 2002, the judges of the Inter-American Court were honored to receive the President of the Republic of Costa Rica, Abel Pacheco de la Espriella, at a lunch at the seat of the Court. The following persons attended this event: Roberto Tovar Faja, Minister of Foreign Affairs and Worship, Judges Antônio Augusto Cançado Trindade (President), Alirio Abreu Burelli (Vice President), Hernán Salgado Pesantes, Oliver Jackman, Sergio García Ramírez and Carlos Vicente de Roux Rengifo, the Secretary of the Court, Manuel E. Ventura Robles, the Deputy Secretary, Pablo Saavedra Alessandri, and other members of the Court's Secretariat.

During the meeting there was a constructive dialogue between the judges of the Court and the President and the Minister of Foreign Affairs of the Republic of Costa Rica about the current and future challenges to the inter-American system for the protection of human

rights. On behalf of all the judges, the President of the Court expressed appreciation for the steps taken by the State of Costa Rica within the Organization of American States (OAS) towards strengthening the inter-American system, and also the recent approval of a contribution of \$600,000.00 for adapting the Court's infrastructure to its current needs.

#### **44. CLOSURE OF THE COURT'S LEGAL YEAR AND PRESENTATION OF THE PORTRAIT OF GUSTAVO GUERRERO**

On November 28, 2002, an academic event was held on the occasion of the closure of the Inter-American Court's legal year and the presentation of a portrait of Gustavo Guerrero, former President of the International Court of Justice, a national of El Salvador. The event was attended by the Court's judges, Ambassador Javier Sancho, Director General of Foreign Policy, representing the Minister of Foreign Affairs and Worship of the Republic of Costa Rica, the President of the Hispano-Luso-American Institute of International Law (IHLADI), Alfredo Martínez Moreno, from El Salvador, members of the diplomatic corps and international organizations accredited to the Republic of Costa Rica, members of the Inter-American Institute of Human Rights, and officials from the Court's Secretariat.

The presentation of the portrait was made by Alfredo Martínez, who emphasized José Gustavo Guerrero's contribution to the evolution of international law and paid homage to his exemplary career and his humanism. The President of the Court, Judge Antônio Augusto Cançado Trindade, referred to Latin America's contributions to international law and justice and underscored the important Latin American legacy to international law, while reiterating the determination of Latin American international jurists to continue contributing to the construction of a new *jus gentium* for the twenty-first century ([Appendix XXXIV](#)). At the end of the event, those present were given six fascicles of the most recent judgments published by the Inter-American Court this year.

#### **45. SECOND STUDY AND EXCHANGE WORKSHOP ON INTERNATIONAL HUMANITARIAN LAW AND RELATED ISSUES**

On November 29, 2002, the "Second Study and Exchange Workshop on International Humanitarian Law (IHL) and Related Issues" was held at the seat of the Court, presided by the President of the Court, Judge Antônio Augusto Cançado Trindade. The Court's judges and secretaries took part in the workshop, together with the following officials of the International Committee of the Red Cross (ICRC): Cristina Pellandini, Legal Advisor for Latin America; Marie-José d'Aprile, Legal Advisor of the Legal Department at the seat of the ICRC in Geneva; Tathiana Flores Acuña, Legal Advisor of the Regional Delegation for Mexico, Central America, the Spanish-speaking Caribbean and Haiti; Graziela Leite Piccolo, Communications Coordinator of the ICRC Office in Lima, Peru; Françoise Zambellini, Head of the Communications Department of the ICRC in Bogotá, Colombia, and Luis Alonso Serrano, Assistant in the Legal Department of the ICRC in San José, Costa Rica. Were also present the Professors Alfredo Martínez Moreno and Julio A. Barberis. During the workshop, topics such as information on ICRC initiatives in Peru, the application of international humanitarian law in the Colombian conflict, terrorism, the so called "war"

against terrorism and international humanitarian law, updated information on biological, bacteriological and chemical weapons, and international humanitarian law in the case law of the Inter-American Court were discussed.

#### **46. VISIT OF OFFICIALS FROM THE UNITED NATIONS DEVELOPMENT PROGRAMME IN HAITI**

On November 28, 2002, two senior officials of the United Nations Development Programme (UNDP) in Haiti, Arsène K. Capo-Chichi, UNDP International Consultant, and Charles Charleston, UNDP expert national jurist in Haiti, visited the seat of the Court. They were received by the President of the Court, Judge Antônio Augusto Cançado Trindade, accompanied by Judge Oliver Jackman and the Secretary of the Court, Manuel E. Ventura Robles.

During the visit, various topics were discussed; these included the current reform of the Penal Code and Criminal Procedure in the Republic of Haiti and the most recent judgments delivered by the Court. The President of the Court gave the representatives of UNDP copies of the Court's case law that was pertinent to the issue of penal reform on which the visitors were working.

#### **47. FIFTIETH ANNIVERSARY OF THE COURT OF JUSTICE OF THE EUROPEAN COMMUNITIES**

The President of the Inter-American Court, Judge Antônio A. Cançado Trindade, and the Secretary, Manuel E. Ventura Robles, were invited to take part in the events to commemorate the fiftieth anniversary of the Court of Justice of the European Communities in Luxembourg on December 3 and 4, 2002. On December 3, the President of the Inter-American Court spoke at a Colloquium of Presidents of International Tribunals, held in Luxembourg, about the cooperation between the Court of Justice and European national jurisdictional bodies ([Appendix XXXV](#)), and he took part in the formal proceedings on December 4, 2002.

During this visit, he also held conversations with the President of the Court of Justice of the European Communities, Judge Gil Carlos Rodríguez Iglesias, the President of the International Court of Justice, Judge Gilbert Guillaume, the President of the European Court of Human Rights, Judge Luzius Wildhaber, the President of the Court of Justice of the Andean Community, Judge Ricardo Vigil Toledo, and the President of the Central American Court of Justice, Judge Chamorro Mora.

#### **48. VISIT OF THE PRESIDENT OF THE COURT TO THE MAX-PLANCK INSTITUTE FOR COMPARATIVE PUBLIC LAW AND INTER-NATIONAL LAW**

On December 5, 2002, the President of the Court, Judge Antônio A. Cançado Trindade, visited the one of the most important European academic international law institutions, the

Max-Planck Institute for Comparative Public Law and International Law in Heidelberg, Germany, where he met with the current Director, Professor Rüdiger Wolfrum, and the incoming Director, Professor Armin von Bogdandy, with a view to establishing an inter-institutional agreement between the Inter-American Court and the Institute so that the latter would disseminate the Court's case law in Europe and the Court would receive the Institute's publications for its library. After that, he directed a Seminar with the post graduate investigators of the Max-Planck Institute in Heidelberg.

#### **49. VISIT OF THE PRESIDENT OF THE COURT TO THE UNIVERSITY OF NOTTINGHAM'S HUMAN RIGHTS LAW CENTRE**

On December 9 and 10, 2002, the President of the Court, Judge Antônio A. Cançado Trindade, visited the Human Rights Law Centre of the University of Nottingham, in the United Kingdom, where he met with the Director, Professor David Harris, and with Professor Robert McCorquodale, with whom he discussed the possibility of increasing cooperation between the Inter-American Court and the Centre, particularly in the area of publications and other academic activities. Judge Cançado Trindade also made the Annual Public Human Rights Presentation to the University of Nottingham's students of international law on the inter-American system for the protection of human rights and the Inter-American Court of Human Rights.

#### **50. VISIT OF THE PRESIDENT OF THE COURT TO FINLAND**

The President of the Court, Judge Antônio A. Cançado Trindade, and the Secretary, Manuel E. Ventura Robles, visited Helsinki, Finland, on December 12 and 13, 2002, to meet officials from the Ministry of Foreign Affairs of Finland, as that country had contributed \$100,000.00 towards the costs of printing the Court's publications from July 2002 to June 2003. The President of the Court also made a presentation on the Inter-American Court of Human Rights and the inter-American system for the protection of human rights to Finnish civil society.

The Ambassador of Finland to Costa Rica, Inger Hirvelä López, accompanied the President and the Secretary of the Court during the visit. Meetings were held with the Parliamentary Ombudsman, Riitta-Leena Paunio, and the Deputy Parliamentary Ombudsman, Ilkka Rautio; with the President of the Supreme Court of Justice, Leif Sevón, the President of Parliament's Human Rights Group, Kari Uotila, and other members of Parliament; with the President of Parliament, Riitta Uosukainen, the Deputy Minister of Foreign Affairs, Pertti Majanen, and other Ministry officials; with the Minister of Justice, Paavo Nikula, and also with the Professor Martti Koskenniemi and several Finnish university academic authorities and professors.

#### IV. ACADEMIC ACTIVITIES OF THE JUDGES

Judge Antônio A. Cançado Trindade delivered three lectures on "*The Inter-American System of Protection of Human Rights*" at the University of Seville, Spain (18-20.03.2002), and two lectures at the University of Deusto in Bilbao, Spain (one of them integrating the *Forum Deusto 2002*), on "*The Free Circulation of Persons and Ideas in the Contemporary World*" (21-22.03.2002).

Judge Antônio A. Cançado Trindade taught a course of three lectures and two seminars on "*L'État Actuel et Perspectives du Système Interaméricain de Protection des Droits de l'Homme / Current State and Perspectives of the Inter-American System of Protection of Human Rights*" ("The Present State and Perspectives of the Inter-American System of Protection of Human Rights"), at the XXXII Study Session of the International Institute of Human Rights, held in Strasbourg, France (15-18.07.2002).

Judge Antônio A. Cançado Trindade delivered two lectures on "*The Formation of Contemporary International Law: A Reassessment of the Classic Theory of Its Sources*", in the XXIX Course of International Law organized by the Inter-American Juridical Committee/OAS in Rio de Janeiro, Brazil (15-16.08.2002).

Judge Antônio A. Cançado Trindade taught a course of five lectures and two seminars, on "*The Inter-American Court of Human Rights*", in the XXX Session of the External Programme of the Hague Academy of International Law, at the Universidad Iberoamericana in Mexico City, Mexico (07-11.10.2002).

Judge Antônio A. Cançado Trindade gave a special lecture at the Supreme Court of El Salvador, in San Salvador, on "*The Direct Access of the Human Being to International Justice*" (10.09.2002). Subsequently, he delivered a lecture on "*The Case-Law of the Inter-American Court of Human Rights*", in a solemn session held at the Senate of the Republic, in Mexico City, at the end of which he received a tribute from the Mexican Senate (09.10.2002).

Judge Antônio A. Cançado Trindade delivered a lecture on the theme "*Vers la consolidation de la capacité juridique internationale des pétitionnaires dans le système interaméricain de protection des droits de la personne humaine*", in the international Colloquy on "*L'accès direct des individus aux tribunaux internationaux et nationaux des droits de la personne*", cosponsored by the *Société québécoise de droit international* and the *Tribunal des droits de la personne du Québec*, and held in Montréal, Québec, Canada (24.10.2002).

Judge Antônio A. Cançado Trindade delivered the Human Rights Annual Public Lecture, on "*Recent Developments in the Case-Law of the Inter-American Court of Human Rights*", at the Human Rights Centre of the University of Nottingham, in Nottingham, United Kingdom (09.12.2002). Moreover, during the year 2002, Judge Antônio A. Cançado Trindade gave special lectures at the University of Brasília (16.01.2002), at the Federal University of Minas Gerais in Brazil (26.04.2002), at the Universidad Centroamericana (UCA) in San Salvador, El Salvador (13.09.2002), in the International Seminario of the Finnish League for Human Rights, in Helsinki, Finland (12.12.2002), on the International Law of Human Rights.

During the year 2002, Judge Antônio A. Cançado Trindade also participated in the Ibero-American Congress of Constitutional Law (UNAM, Mexico City, February); in a board of examiners of a doctoral thesis at the University of Strasbourg, France (July); in a roundtable on the theme "*Mesures Provisoires de Protection dans la Pratique des Tribunaux Internationaux*", cosponsored by the International Institute of Human Rights and by the University of Paris-II (July); in the XXII Congress of the *Instituto Hispano-Luso-Americano y Filipino de Derecho Internacional* (IHLADI, held in San Salvador, El Salvador, in September), in which he was elected member of its Board of Directors for the two-year period 2003-2004; in the Seminar on "*The Inter-American System of Protection of Human Rights*", with the doctoral research fellows at the Max-Planck Institut für ausländisches öffentliches Recht, in Heidelberg, Germany (December).

Judge Antônio A. Cançado Trindade was condecorated by the Judiciary of the State of Mato Grosso in Brazil, as well as by the Government of the State of Mato Grosso (honorary citizenship), in Cuiabá, Brazil (05.04.2002); Judge Antônio A. Cançado Trindade was also condecorated by the Federal University of Minas Gerais (UFMG), in Belo Horizonte, Brazil (19.09.2002).

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Judge Alirio Abreu Burelli participated in the following conferences throughout the year of 2002: "Human Rights and Peace Justice", which took place on January 15, 2002, in Maturin, state of Monagas; "Procedure before the Inter-American Court of Human Rights", organized by the Judicial School in Caracas on March 20, 2002; "Human Rights and Peace Justice", carried out at the seminar convoked by the "Justice Consortium" in the presence of Hans Jurgen Brandt, specialist in the subject matter. The conference took place in August of 2002 in the Ateneo, Caracas; "The Municipality, its History and Development. Legislation on Municipal Law", carried out in La Puerta, Trujillo, on August 9, 2002; "Procedurales Topics. Law of Civil Procedure", organized by the *Universidad Católica Andrés Bello* in Extensión Barquisimeto on the 1<sup>st</sup> and 2<sup>nd</sup> of November, 2002; and "The Constitution and Alternative Conflict Resolution Measures", which took place in Granare, state of Portuguesa, on November 3, 2002.

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From 1 to 3 September 2002, Judge Máximo Pacheco Gómez participated, in Palermo, Italy, in the "*Encuentro Internacional por la Paz, Religión y Cultura- Conflicto y Diálogo*", organized by the San Egidio Community.

Judge Pacheco Gómez also participated in Rome, Italy, in a Conference organized by the *Pontificia Universidad de la Santa Cruz del Opus Dei*, about the "Protection of Human Rights in the International Justice in Latin América" on November 7, 2002.

Judge Pacheco Gómez participated in Rome, Italy, in the Conference "The Inter.-American Court of Human Rights" realized in the Embassy of Argentina before the Vatican, on November 12, 2002.



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Judge Hernán Salgado Pesantes participated as Lecturer in the post-graduate program at the *Universidad de Castilla-La Mancha* (Toledo) from January 7<sup>th</sup> to 12<sup>th</sup>, 2002, on *Human Rights and Their Constitutional Protection*. Presented reports at: the 7<sup>th</sup> Ibero-American Congress of Constitutional Law, Mexico, February 12-15, and at the international seminar on *Constitutional Justice at the present time*, in Quito, April 22-26. Presided at the observational visit of the organs of European constitutional justice: Constitutional Tribunal of Spain, Constitutional Council of France and Constitutional Court of Italy. September 24 – October 4. Conferences on Human Rights and the Inter-American System for the officials of the Staff of the Ecuadorian Armed Forces. Educational activity at the *Pontificia Universidad Católica del Ecuador*, Quito, in the Constitutional Law course and in the postgraduate course of the *Universidad Andina Simón Bolívar* on Jurisdiction Proceedings of a supranational character. Labours as Vice-President magistrate of the Constitutional Court of Ecuador.

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In 2002, Judge Sergio García Ramírez published four new books: *Los derechos humanos y la jurisdicción interamericana* [Human rights and the inter-American jurisdiction], Instituto de Investigaciones Jurídicas, Universidad Autónoma de México; *La Corte Penal Internacional* [The International Criminal Court], Instituto Nacional de Ciencias Penales, Mexico; *Temas de Derecho* [Legal issues], Instituto de Investigaciones Jurídicas, UNAM/Universidad Autónoma del Estado de México/Seminario de Cultura Mexicana; and *Derechos de los servidores públicos* [The rights of civil servants], Instituto de Investigaciones Jurídicas, UNAM/Instituto Nacional de Administración Pública, as well as new editions of several previous works: *Los personajes del cautiverio. Prisiones, prisioneros y custodios* [The principal elements of imprisonment: prisons, prisoners and guards], Ed. Porrúa, second edition; *Delincuencia organizada. Antecedentes y regulación penal en México* [Organized crime: background and criminal regulation in Mexico], Ed. Porrúa/Instituto de Investigaciones Jurídicas, UNAM, third edition; and *Prontuario del proceso penal mexicano* [Compendium of Mexican criminal proceedings], co-author, Ed. Porrúa, tenth edition.

In 2002, Judge García Ramírez was elected Vice President of the National Public Administration Institute and Permanent Secretary of the Governing Council of the Universidad Autónoma de México, and became a member of the Advisory Council of the Licentiate in Law of the Universidad Iberoamericana (Puebla), the Academic Committee of the graduate program in Human Rights of the Universidad Iberoamericana (Mexico City) and the General Assembly of the Inter-American Institute of Human Rights (San José, Costa Rica). In November 2002, the Senate of the United Mexican States re-elected him for a second period as a member of the Advisory Council of the National Human Rights Commission.

Judge Sergio García Ramírez also received several honors, for example: the Plenary Chamber of the Superior Agrarian Court (Mexico) was named the “Dr. Sergio García Ramírez” Chamber; recognition by the Council for Young Offenders of Mexico City (fiftieth anniversary of the foundation of the Children’s Court) and the auditorium of this institution

was given his name; and the “Tepantlató Award” of the UNAM, Aragón Campus, Alumni Legal Sciences Institute, for his merits as a legal researcher, educator and jurist in the area of human rights.

## V. ACADEMIC ACTIVITIES OF SECRETARIAT OFFICIALS

The Secretary of the Inter-American Court of Human Rights, Manuel E. Ventura Robles, was a special guest at the thirty-seventh graduation ceremony of the Universidad Internacional de las Américas, San José, Costa Rica, on March 7, 2002. During the ceremony, Lic. Ventura made a presentation on education and human rights in the twenty-first century.

On May 3, 2002, at the seat of the Court, the Secretary of the Inter-American Court, Manuel E. Ventura Robles, and lawyers from the Court’s Legal Area received the visit of a delegation of graduate students and professors from the Law and Social Sciences Faculty of the Universidad Autónoma del Estado de Morelos, Mexico, headed by Miguel Ángel Falcón Vega, and explained various aspects of the functioning of the Inter-American Court to them.

The Secretary of the Inter-American Court, Manuel E. Ventura Robles, was a speaker at the posthumous homage that the Ministry of Foreign Affairs and Worship of Costa Rica organized on Friday, May 3, 2002, in memory of Rodolfo E. Piza Escalante, Costa Rican jurist, who had been the first president of the Inter-American Court of Human Rights. Secretary Ventura Robles referred to Dr. Piza Escalante’s contributions to the Court and to the inter-American system for the protection of human rights during his time at the Court from 1979 to 1988.

On May 7, 2002, the Secretary of the Inter-American Court, Manuel E. Ventura Robles, and the lawyer, Paula Lizano, were guest speakers of the Center for Justice and International Law (CEJIL), at a workshop on the new rules and regulations of the organs of the inter-American system for the protection of human rights. The Secretary referred to the Court’s new Rules of Procedure and Lic. Lizano spoke about processing a case before the Court.

On June 25, 2002, the Secretary of the Inter-American Court, Manuel E. Ventura Robles, spoke at the Second International University Meeting organized by the Helsinki-Spain Foundation entitled “The knowledge society and human rights.” The Secretary of the Court took part in a roundtable on “Technology and society: institutional and entrepreneurial application, the case of the Inter-American Court of Human Rights” in which he spoke about the latest advances in communication technology available to the Court.

The Secretary of the Inter-American Court, Manuel E. Ventura Robles, spoke at the twentieth Interdisciplinary Course on Human Rights “Rodolfo E. Piza Escalante”, organized by the Inter-American Institute of Human Rights, which took place in San José, Costa Rica, from July 22 to August 2, 2002. On Wednesday, July 24, the Secretary gave a presentation entitled, *Sistema Interamericano de Protección de los Derechos Humanos: la Corte Interamericana de Derechos Humanos* [The inter-American system for the protection of human rights: the Inter-American Court of Human Rights]. That afternoon, he took part in a roundtable on the

protection of human rights in the inter-American system, together with the Deputy Secretary of the Court, Pablo Saavedra Alessandri, and several lawyers from the Court's Secretariat.

The Secretary of the Court, Manuel E. Ventura Robles, gave the keynote address in the inaugural event of the diploma course on the promotion and dissemination of human rights and international humanitarian law, organized by the Pontificia Universidad Javeriana, in Santafé de Bogotá, Colombia, on August 16, 2002.

The Secretary of the Court, Manuel E. Ventura Robles, gave a presentation on the inter-American system at the third Inter-American Course on Civil Society and Human Rights, organized by the Inter-American Institute of Human Rights in San José, Costa Rica, from October 28 to November 1, 2002.

## VI. UPDATE OF THE COURT'S PUBLICATIONS

During 2002, the Inter-American Court published nine fascicles on the Court's jurisprudence and also the English version of the Compendium of Provisional Measures No. 3. It also published for the first time a compendium on the systematization of the Court's procedural decisions, in three tomes. Lastly, in collaboration with the United Nations High Commissioner for Refugees (UNHCR), it published the updated second edition of *La Nueva Dimensión de las Necesidades de Protección del Ser Humano en el Inicio del Siglo XXI* [The new dimension of the individual's need for protection at the dawn of the twenty-first century].

### Series C

ICourtHR, *Constitutional Court case*. Judgment of January 31, 2001. Series C No. 71.

ICourtHR, *Baena Ricardo et al. case*. Judgment of February 2, 2001. Series C No. 72.

ICourtHR, *"The Last Temptation of Christ" case (Olmedo Bustos et al.)*. Judgment of February 5, 2001. Series C No. 73.

ICourtHR, *Ivcher Bronstein case*. Judgment of February 6, 2001. Series C No. 74.

ICourtHR, *Barrios Altos case*. Judgment of March 14, 2001. Series C No. 75.

ICourtHR, *The "White Van" case (Paniagua Morales et al.)*. *Reparations* (Article 63(1), American Convention on Human Rights). Judgment of May 25, 2001. Series C No. 76.

ICourtHR, *The "Street Children" case (Villagrán Morales et al.)*. *Reparations* (Article 63(1), American Convention on Human Rights). Judgment of May 26, 2001. Series C No. 77.

ICourtHR, *Cesti Hurtado case*. *Reparations* (Article 63(1), American Convention on Human Rights). Judgment of May 31, 2001. Series C No. 78.

ICourtHR, *Barrios Altos case. Interpretation of the judgment on merits.* (Article 67, American Convention on Human Rights). Judgment of September 3, 2001. Series C No. 83.

### **Series E**

No. 3. Compendium of provisional measures July 2000-June 2001 (English).

### **Series F**

ICourtHR, *Sistematización de las Resoluciones Procesales de la Corte Interamericana de Derechos Humanos. Compendio Agosto 1986 – Junio 2001. Serie F No. 1. (Tomos I, II y III)* [Systematization of the Procedural Decisions of the Inter-American Court of Human Rights. Compendium August 1986 – June 2001. Series F. No. 1. (Tomes I, II and III)]

### **Other**

Cançado Trindade, Antônio Augusto and Ruiz de Santiago, Jaime: *La Nueva Dimensión de las Necesidades de Protección del Ser Humano en el Inicio del Siglo XXI* [The new dimension of the individual's need for protection at the dawn of the twenty-first century]. Second edition, San José, ICourtHR/UNHCR, 2002.

## **VII. ADMINISTRATIVE AND FINANCIAL AFFAIRS**

The Inter-American Court's financial statements for the 2001 financial year were audited by the independent external auditing firm, Venegas, Pizarro, Ugarte y 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 February 7, 2002, 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 2000 period, which are in accordance with consistently applied and generally accepted accounting principles for non-profit organizations, such as the Court.

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

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

### **International Cooperation**

In the area of international cooperation, during the present year, the Court signed an International Cooperation Agreement with the Ministry of Foreign Affairs of the Republic of Finland, with the purpose of financing the publications of the Court.

### **Approval of the Court's budget for the year 2003**

On June 2, 2002, during its thirty-second regular session, held in Bridgetown, Barbados, the General Assembly of the Organization of American States approved the Court's budget for 2003, amounting to US\$1,420,000.00 (one million four hundred and twenty thousand United States dollars). Besides, on November 6, 2002, the Organization of American States approved an entry of US\$600,000.00 through the Resolution CP/RES 831 (1342/02) to be used by the Court specifically for non recurrent expenses.

Although the Court's budget is financed by the OAS, the Government of Costa Rica also contributes an annual amount of US\$100,000.00 (one hundred thousand United States dollars), as part of the commitment it made on signing the headquarters agreement in 1983. The Government of Costa Rica has included this amount in its budget for 2003.