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ANNUAL REPORT
OF THE
INTER-AMERICAN COURT OF HUMAN RIGHTS

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

The two organs for the protection of Human Rights provided for under Article 33 of the American Convention are the Inter-American Commission on Human Rights (hereinafter “the Commission” or “the Inter-American Commission”) and the Court. The function of these organs is to ensure compliance with the commitments undertaken 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, one or more interim judges may be appointed by the States Parties (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 a judge *ad hoc* (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 considers appropriate, according to the needs of the Court. The Court may also create other commissions for specific matters (Article 6 of the Rules of Procedure).

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

C. COMPOSITION OF THE COURT

The following judges, listed in order of precedence, sat on the Court in 2001:

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

The Secretary of the Court is Manuel E. Ventura Robles (Costa Rica) and Renzo Pomi (Uruguay) was the Deputy Secretary until June 2001. As of August 1, 2001, he was replaced by Pablo Saavedra Alessandri.

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

Edgar E. Larraondo Salguero (Guatemala)	Paniagua Morales <i>et al.</i> case
Fernando Vidal Ramírez (Peru)	Durand and Ugarte case and Cantoral Benavides case
Julio A. Barberis (Argentina)	Cantos case
Alejandro Montiel Argüello (Nicaragua)	The Mayagna community case
Charles N. Brower (United States)	Trujillo Oroza case
Ricardo Gil Lavedra (Argentina)	Bulacio case
Rafael Nieto Navia (Colombia)	The “19 Tradesmen” case

D. JURISDICTION OF THE COURT

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

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

The status of ratifications of and accessions to the American Convention on Human Rights can be found at the end of this report (**Appendix LX**).

E. BUDGET

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

F. RELATIONS WITH 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. 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 and has similar functions to those of the Inter-American Court.

II. JURISDICTIONAL AND ADVISORY ACTIVITIES OF THE COURT

A. FIFTIETH REGULAR SESSION OF THE COURT

The Court held its fiftieth regular session from January 29 to February 10, 2001, at its seat in San Jose, Costa Rica, with the following members: Antônio A. Cançado Trindade (Brazil), President; Máximo Pacheco Gómez (Chile), Vice President; Hernán Salgado Pesantes, (Ecuador); Oliver Jackman, (Barbados); Alirio Abreu Burelli, (Venezuela); Sergio García Ramírez, (Mexico) and Carlos Vicente de Roux Rengifo, (Colombia). Also present were the Secretary of the Court, Manuel E. Ventura Robles, and the Deputy Secretary, Renzo Pomi. During this session, the Court considered the following matters:

1. The Constitutional Court case (Peru): *Merits*. On January 31, 2001, the Court delivered judgment on the merits of this case (**Appendix I**) and unanimously decided to

find that the State had violated the rights of Manuel Aguirre Roca, Guillermo Rey Terry and Delia Revoredo Marsano to a fair trial and to judicial protection embodied in Articles 8 and 25 of the American Convention, and that it had not complied with the general obligation of Article 1(1) of the Convention concerning the substantive rights indicated in the operative paragraphs of the judgment. It also decided that the State must order an investigation, publish the results and punish those responsible for the violations; that it must pay the amounts corresponding to the arrears of salary and other benefits that legally correspond to the victims and also reimburse them for the costs and expenses they incurred; and lastly, that it would monitor that the judgment is complied with and, only then, close the case.

2. Baena Ricardo *et al.* case (Panama): *Merits.* On February 2, 2001, the Court delivered judgment on the merits of this case (**Appendix II**) and unanimously decided to find that the State violated the principles of legality and non-retroactivity established in Article 9 of the American Convention and also the rights to a fair trial and judicial protection embodied in Articles 8(1), 8(2) and 25 with regard to 270 workers; that it did not violate the right of assembly embodied in Article 15 of the Convention, or the freedom of association established in Article 16.

It also decided that the State failed to comply with the general obligations of Article 1(1) and 2 of the Convention with regard to the violations of the substantive rights indicated in the operative paragraphs; that it should pay the 270 workers the amounts corresponding to the salaries in arrears and other work-related rights that legally correspond to them and, in the case of the workers who had died, that this payment should be made to their successors. Also, that the State should establish the respective compensatory amounts, in accordance with the pertinent domestic procedures, so that the victims and, where appropriate, their successors would receive such amounts within 12 months at the latest from the date the judgment was notified.

It decided that the 270 workers must be reinstated and, if this was not possible, that they should be offered other employment that respected the conditions, wages and remunerations they were receiving when they were dismissed; otherwise, the compensation corresponding to the termination of working relations under domestic labor laws should be paid. Also, that each of the 270 workers should be paid the amount of US\$3,000.00 (three thousand United States dollars) for non-pecuniary damages, that this payment should be made within 90 days at the latest from the date the judgment was notified, and that all the 270 workers should be reimbursed for the costs and expenses incurred by the victims and their representatives as a result of the domestic proceedings and the international proceeding before the inter-American protection system; the latter amounts to be paid through the Inter-American Commission. The Court will monitor that the judgment is complied with and, only then, close the case.

3. “The Last Temptation of Christ” case (Olmedo Bustos *et al.*) (Chile): *Merits.* On February 5, 2001, the Court delivered judgment on the merits of this case (**Appendix III**) and unanimously decided that the State had violated the right to freedom of thought and expression embodied in Article 13 of the American Convention of Juan Pablo Olmedo Bustos, Ciro Colombara López, Claudio Márquez Vidal, Alex Muñoz Wilson, Matías Insunza Tagle and Hernán Aguirre Fuentes; that it had not violated these persons’

right to freedom of conscience and religion embodied in Article 12 of the Convention. Also, that it had failed to comply with the general obligations of Article 1(1) and 2 of the Convention in relation to the violation of the freedom of thought and expression; and that, within a reasonable period of time, it must amend its internal legislation to suppress prior censorship in order to allow exhibition of the film “The Last Temptation of Christ”, and report to the Inter-American Court on the measures taken in that respect. Lastly, it decided that, in fairness, the State should pay an amount to reimburse the expenses arising from the measures taken by the victims and their representatives during the domestic proceedings and during the international proceeding before the inter-American protection system and that this amount would be paid through the Inter-American Commission. The Court will monitor that the judgment is complied with and, only then, close the case.

Judge Cançado Trindade advised the Court of his concurring opinion and Judge de Roux Rengifo of his separate opinion, which accompany the judgment.

4. Ivcher Bronstein case (Peru): *Merits.* On February 6, 2001, the Court delivered judgment on the merits of this case (**Appendix IV**) and unanimously decided to find that the State had violated the following rights of Baruch Ivcher Bronstein: to nationality, established in Article 20(1) and 20(3); to a fair trial, established in Article 8(1) and 8(2); to judicial protection, established in Article 25(1); to property, established in Article 21(1) and 21(2); and to freedom of expression, established in Article 13(1) and 13(3) of the American Convention.

The Court also decided that the State had failed to comply with the general obligation of Article 1(1) of the Convention in relation to the violations of the substantive rights indicated in the judgment; that it must investigate the facts that gave rise to the said violations in order to identify and punish those responsible, and create the conditions to enable Baruch Ivcher Bronstein to take the necessary steps under domestic legislation to recover the use and enjoyment of his rights as majority shareholder of the television channel, *Latinoamericana de Radiodifusión S.A.*, as he had been until August 1, 1997.

In fairness, the Court decided that the State must pay Baruch Ivcher Bronstein compensation for non-pecuniary damages and reimburse him for the costs and expenses in the domestic and international jurisdictions. Lastly, it decided that it would monitor that the judgment is complied with and, only then, close the case.

5. Paniagua Morales et al. case (Guatemala): *Provisional Measures.* On January 29, 2001, the Court issued an order (**Appendix V**) in which it requested that all necessary measures should be adopted to protect the life and safety of Manuel de Jesús González Chinchilla and called on the State of Guatemala to investigate and report on this person’s situation.

6. Loayza Tamayo case (Peru): *Provisional Measures.* On February 3, 2001, the Court issued an order (**Appendix VI**) in which it ratified the urgent measures adopted by the President in favor of María Elena Loayza Tamayo and called on the State of Peru to maintain all necessary measures to effectively allow Mrs. Loayza Tamayo to return to the country and to ensure her physical and mental safety.

7. **Villagrán Morales *et al.* case (the “Street Children” case) (Guatemala):** *Order of the President.* On February 9, 2001, the President of the Court issued an order (**Appendix VII**) in which he decided to convene the representatives of the victims’ next of kin, the Inter-American Commission and the State of Guatemala to a public hearing to be held at the seat of the Inter-American Court on March 12, 2001, to hear the statements and reports of the witnesses and expert witnesses in the case.

8. **Other matters:** The President adopted procedural decisions with regard to the *Bámaca Velásquez vs. Guatemala* case.

B. TWENTY-FIFTH SPECIAL SESSION OF THE COURT

The Inter-American Court held its twenty-fifth special session at its seat in San José, Costa Rica, from March 12 to 16, 2001, with the following members: Antônio A. Cançado Trindade (Brazil), President; Máximo Pacheco Gómez (Chile), Vice President; Hernán Salgado Pesantes (Ecuador); Alirio Abreu Burelli (Venezuela), Sergio García Ramírez (Mexico) and Carlos Vicente de Roux Rengifo (Colombia). The Secretary of the Court, Manuel E. Ventura Robles, and the Deputy Secretary, Renzo Pomi, were also present. During this session, the following matters were considered:

1. **Villagrán Morales *et al.* case (the “Street Children” case) (Guatemala):** *Reparations.* On March 12, 2001, a public hearing was held to hear the statements of the witnesses and the reports of the experts as well as the closing arguments of the representatives of the victims’ next of kin, the Inter-American Commission and the State of Guatemala in this case.

2. **Bámaca, Carpio Nicolle, and Colotenango cases (Guatemala):** *Provisional Measures.* On March 13, 2001, a public hearing was held to hear the statements of the parties on compliance with the provisional measures ordered by the Inter-American Court in these cases.

3. **Barrios Altos case (Peru):** *Merits.* On March 14, 2001, a public hearing was held to hear the opinions of the Inter-American Commission and the State of Peru on the brief presented by the latter on February 19, 2001, in which it acknowledged its international responsibility in this case. Subsequently, the Court delivered the judgment on merits (**Appendix VIII**) and decided to accept the State’s acknowledgement of international responsibility and find that, in accordance with the terms of this acknowledgement, the State had violated the right to life embodied in Article 4 of the American Convention of the fifteen victims in the case; the right to humane treatment embodied in Article 5 of the American Convention of the four persons who were injured during the event, and the right to a fair trial and judicial protection embodied in Articles 8 and 25 of the American Convention of the next of kin of the victims, owing to the promulgation and application of Amnesty Laws No. 26479 and No. 26492.

The Court also found that, under the terms of the State's acknowledgement of responsibility, the latter failed to comply with Articles 1(1) and 2 of the American Convention by promulgating and applying the above-mentioned amnesty laws and by violating the articles of the American Convention indicated in the second operative paragraph of the judgment. Also that the said Amnesty Laws No. 26479 and No. 26492 are incompatible with the American Convention and are unenforceable.

Lastly, it found that the State of Peru must investigate the facts, identify those responsible for the human rights violations, publish the results of the investigation and punish those responsible. It ordered that reparations should be established by mutual agreement between the defendant State, the Inter-American Commission and the victims, their next of kin or their duly accredited legal representatives, within three months of notification of the judgment.

Judges Cançado Trindade and García Ramírez advised the Court of their concurring opinions, which accompany the judgment.

4. Ivcher Bronstein case (Peru): *Provisional Measures.* On March 14, 2001, the Court issued an order (**Appendix IX**) in which it decided to lift the provisional measures required by the Inter-American Court in its orders of November 21 and 23, 2000, in favor of Baruch Ivcher Bronstein, his wife, Neomy Even de Ivcher, and his daughters, Dafna Ivcher Even, Michal Ivcher Even, Tal Ivcher Even and Hadaz Ivcher Even, and also of Rosario Lam Torres, Julio Sotelo Casanova, José Arrieta Matos, Emilio Rodríguez Larraín, Fernando Viaña Villa, Menachem Ivcher Bronstein and Roger González; to inform the State of Peru and the Inter-American Commission of this order, and to close the file on provisional measures in this case.

5. The Constitutional Court case (Peru): *Provisional Measures.* On March 14, 2001, the Court issued an order (**Appendix X**) in which it decided to lift the provisional measures ordered by the Inter-American Court in its order of August 14, 2000, in favor of Delia Revoredo Marsano, to advise the State of Peru and the Inter-American Commission, and to close the case file.

6. Other matters: The Court also issued an order (**Appendix XI**) establishing transitory provisions for the Rules of Procedure adopted on November 24, 2000, as follows:

1. The cases that are before the Court when these Rules of Procedure, adopted on November 24, 2000, enter into force shall continue to be processed in accordance with the provisions of the Rules of Procedure of September 16, 1996, until the respective procedural stage is concluded.

2. The alleged victims shall take part in the stage that commences after the entry into force of these Rules of Procedure, adopted on November 24, 2000, in accordance with Article 23 therein.

C. FIFTY-FIRST REGULAR SESSION OF THE COURT

The Court held its fifty-first regular session at its seat in San José, Costa Rica, from May

21 to June 2, 2001, with the following members: Antônio A. Cançado Trindade (Brazil), President; Hernán Salgado Pesantes, (Ecuador); Oliver Jackman, (Barbados); Alirio Abreu Burelli, (Venezuela); Sergio García Ramírez, (Mexico) and Carlos Vicente de Roux Rengifo, (Colombia). Edgar E. Larraondo Salguero participated as judge *ad hoc* in the Paniagua Morales *et al.* case. Fernando Vidal Ramírez participated as judge *ad hoc* in the Durand and Ugarte case. Julio A. Barberis participated as judge *ad hoc* in the Cantos case. The Secretary of the Court, Manuel E. Ventura Robles, and the Deputy Secretary, Renzo Pomi, were also present. During this session the Court heard the following matters:

1. The *La Nación* Newspaper case (Costa Rica): Provisional Measures. On May 21, 2001, the Court issued an order in which, with regard to the request for provisional measures filed by the Commission on March 28, 2001, it convened the witness proposed by the Inter-American Commission, Mauricio Herrera Ulloa, to receive his statement, exclusively in relation to the gravity and urgency of the situation he was experiencing and the probability of it causing him irreparable damage.

On May 22, 2001, the Court held a public hearing at its seat in order to hear the points of view of the Inter-American Commission and the State of Costa Rica, as well as the statement of the said witness.

On May 23, 2001, the Court issued an order (**Appendix XII**) in which it decided to grant the State of Costa Rica until August 16, 2001, to present a report indicating “the possibilities provided by the domestic legislation of Costa Rica [...] to avoid or, where appropriate, remedy the damage in question.” It also ratified the order of the President of the Court of April 6, 2001 (*infra* H.2), and called on the State of Costa Rica to abstain from carrying out any action that would alter the *status quo* of the matter until it had presented the required report and the Court could deliberate and decide on it during its next regular session.

2. Paniagua Morales *et al.* case (Guatemala): Reparations. The Court delivered the judgment on reparations on May 25, 2001 (**Appendix XIII**), in which it decided unanimously to order the State of Guatemala to pay compensation for the loss of earnings of Anna Elizabeth Paniagua Morales, Julián Salomón Gómez Ayala, William Otilio González Rivera, Pablo Corado Barrientos and Manuel de Jesús González López, the corresponding amounts to be distributed and delivered to their next of kin, as established in the judgment. It also ordered payment for non-pecuniary damages caused to the victims and their next of kin and ordered that the next of kin be reimbursed for the expenses incurred in searching for and burying the victims. Among other matters, the Court decided unanimously that the State of Guatemala must investigate the facts that gave rise to the violations of the American Convention in this case, identify and punish those responsible, provide the resources and adopt the other necessary measures for the transfer of the mortal remains of Pablo Corado Barrientos and their subsequent burial in the place chosen by his next of kin; that, in accordance with Article 2 of the American Convention, it must adopt in its domestic legislation, the legislative, administrative and any other kind of measures necessary to ensure the reliability of the register of detainees and publicize it; that, in fairness, it must reimburse the lawyers representing the next of kin of the victims for the expenses and costs incurred in

the inter-American jurisdiction. And also that it must comply with the measures of reparation ordered within six months of notification of the judgment. Lastly, the Court decided that it would monitor compliance with the judgment and close the case when the State of Guatemala had fully complied with all its provisions.

Judge Carlos Vicente de Roux Rengifo informed the Court of his concurring opinion, which accompanies the judgment.

3. Villagrán Morales *et al.* case (the “Street Children” case) (Guatemala): *Reparations.* On May 26, 2001, the Court delivered judgment on reparations (**Appendix XIV**) and decided unanimously that the State of Guatemala should pay compensation to the next of kin of the victims for the pecuniary damage resulting from the deaths of Anstraun Aman Villagrán Morales, Henry Giovanni Contreras, Julio Roberto Caal Sandoval, Federico Clemente Figueroa Túnchez and Jovito Josué Juárez Cifuentes. Also, that it should pay compensation for the non-pecuniary damage suffered by the victims and that these amounts would be received by their successors, as indicated and established in the judgment.

The Court decided unanimously that, in accordance with Article 2 of the American Convention on Human Rights, the State of Guatemala must adopt in its domestic legislation, the legislative, administrative and any other measures necessary to adapt Guatemalan legislation to Article 19 of the Convention; and that it must provide the resources and adopt the other measures needed for the transfer of the mortal remains of Henry Giovanni Contreras and their subsequent interment in the place chosen by his next of kin, as established in the judgment.

It also decided that the State must designate an educational center with a name allusive to the young victims in this case and place, in this center, a plaque with the names of Henry Giovanni Contreras, Julio Roberto Caal Sandoval, Federico Clemente Figueroa Túnchez, Jovito Josué Juárez Cifuentes and Anstraun Aman Villagrán Morales, as established in paragraph 103 of the judgment. Lastly, among other provisions, it ordered the State to investigate the facts of this case, identify and punish those responsible and adopt the provisions needed to ensure compliance with this obligation in its domestic legislation.

Judges Cançado Trindade and de Roux Rengifo submitted their separate opinions, which accompany the judgment.

4. Cesti Hurtado case (Peru): *Reparations.* On May 31, 2001, the Court delivered judgment on reparations (**Appendix XV**) and decided unanimously to order that the State of Peru should compensate Gustavo Adolfo Cesti Hurtado for the pecuniary damage he was caused by the violations declared in the judgment on merits of September 29, 1999, and that, following the pertinent national procedures, it was in order to establish the corresponding compensatory amounts, so that he would receive them within a reasonable period of time; to order the State to pay him compensation for non-pecuniary damages and also to pay compensation for non-pecuniary damages to Carmen Cardó Guarderas de Cesti, Margarita del Carmen Cesti Cardó de Lama and Gustavo Guillermo Cesti Cardó. The Court also decided that the State should pay Gustavo Adolfo Cesti Hurtado, as compensation for the costs and expenses incurred in the domestic jurisdiction and in the inter-American jurisdiction, the sum of US\$ 20,000.00 (twenty thousand United States dollars), an amount

that included professional fees; that it should investigate the facts of the case, identify and punish those responsible and adopt any provisions of domestic law necessary to ensure compliance with this obligation. Lastly, the Court decided unanimously to monitor compliance with the judgment and to close the case when the State of Peru had fully applied all its provisions.

5. Durand and Ugarte case (Peru): Reparations. On May 25, 2001, the Court held a public hearing at its seat on reparations in this case, during which it heard the arguments on compensation and expenses of the victims' next of kin, the Inter-American Commission and the State of Peru.

The hearing on reparations was held pursuant to the judgment on merits of August 16, 2000, in which the Court found unanimously "that the State should repair the damages resulting from the violations."

6. Las Palmeras case (Colombia): Merits. On May 28, 2001, the Court issued an order (**Appendix XVI**) regarding the substitution of a witness proposed by the State and, consequently, convened Pedro Elías Díaz Romero to give testimony. On May 28 and 29, 2001, the Court held a public hearing on the merits of the case at its seat, to hear the witnesses and experts proposed by the Inter-American Commission and the State, who made statements on what they knew about the facts in the application and related issues.

On May 30, 2001, the Court issued an order (**Appendix XVII**) in which it decided to require the exhumation of the mortal remains of the alleged victims, N/N Moisés or N/N Moisés Ojeda and Hernán Lizcano Jacanamejoy, before July 5, 2001, that date to be considered non-extendible; and that the exhumation and the transfer of the remains of the alleged victims to the place stipulated for their examination was to be conducted under the supervision of the experts, Silvana Turner and Darío Mariano Olmo, members of the Argentine Forensic Anthropology Team, and the experts appointed by the State. It also decided to order the State to take the necessary logistic and security measures for the execution of the said exhumation.

It also decided to authorize the Secretariat of the Court to ensure the presence of the Inter-American Court at this procedure; that the expert report should be forwarded to the Court by the experts appointed for this purpose, that the report would be communicated to the parties by the Secretariat and that they should submit their comments to the Court, within 30 days of being notified of the report. Lastly, the Court ordered that, in accordance with Article 45 of the Court's Rules of Procedure, the expenses of this procedure should be defrayed by the party who proposed it.

7. Cantos case (Argentina): Preliminary Objections. On May 30, 2001, the Court held a public hearing at its seat on the preliminary objections filed by the State of Argentina. The objections, refuted by the Inter-American Commission, were based on the Court's lack of competence to hear the instant case because the relevant facts had occurred before Argentina had accepted the contentious jurisdiction of the Court (competence *ratione temporis*) and because the subject of the violations did not correspond to the concept of victim established in Article 1(2) of the Convention (competence *ratione personae*).

The application in this case was filed by the Inter-American Commission on March 10, 1999; it refers to the alleged violation of the human rights of José María Cantos, by the State of Argentina, owing to the search, seizure and confiscation of documents relating to his business activities from the headquarters of his companies by the Revenue Department of the Province of Santiago del Estero in March 1972, due to an alleged violation of the Stamp Act.

8. Blake case (Guatemala): *Provisional Measures.* The Court examined the reports presented by the State of Guatemala and the Inter-American Commission on the provisional measures adopted by the Court in this case and, on June 2, 2001, issued an order (**Appendix XVIII**) in which it decided to call on the State of Guatemala to maintain all necessary measures to protect the life and safety of Justo Victoriano Martínez Morales, Floridalma Rosalina López Molina, Víctor Hansel Morales López, Edgar Ibal Martínez López and Sylvia Patricia Martínez López; to inform the Court about the measures it had adopted by July 2, 2001, and to investigate the threats in order to identify those responsible and punish them.

The Court also decided to instruct the Secretariat to transmit the State's report to the Inter-American Commission and to request the latter to forward its observations on the said report to the Court, within one month of being notified of it. Lastly, to call on the State to continue presenting a report on the provisional measures it had adopted every six months and on the Inter-American Commission to present its observations on those reports within six weeks of receiving them.

9. Álvarez et al. case (Colombia): *Provisional Measures.* The Court examined the information remitted by the Inter-American Commission in its observations of May 25, 2001, and May 30, 2001, and issued an order (**Appendix XIX**) in which it decided to request that, in compliance with the orders of the Inter-American Court of August 10 and November 12, 2000, and in accordance with the new circumstances of the case, the State of Colombia must maintain the provisional measures ordered in favor of the 46 persons and their next of kin protected by these measures and adopt, forthwith, whatever measures were necessary to ensure that the persons who work in or visit the offices of the Association of Relatives of Detainees-Disappeared Persons of Colombia (ASFADDES) can perform their functions or conduct their business without danger to their lives and safety.

It also decided to call on the State of Colombia to expand its periodical reports in order to include information on the provisional measures adopted in compliance with this order, and to continue presenting them every two months; and on the Inter-American Commission to forward its observations on the said reports to the Court, within six weeks of receiving them at the latest.

10. The case of Haitians and Dominicans of Haitian Origin in the Dominican Republic: *Provisional Measures.* The Court examined the reports presented by the State of the Dominican Republic and the Inter-American Commission on the provisional measures adopted in this case and, in an order of May 26, 2001 (**Appendix XX**), decided to request the State to maintain the measures required by the Inter-American Court in its orders of August 18 and November 12, 2000, in favor of Benito Tide Méndez, Antonio Sension, Andrea Alezy, Janty Fils-Aime, William Medina Ferreras, Rafaelito Pérez Charles, Berson

Gelim, Father Pedro Ruquoy and Solange Pierre; and to submit detailed information on the status of the provisional measures and on the situation of all the protected persons by June 11, 2001, at the latest. It also requested the Inter-American Commission to present its observations on this report within 15 days of receiving it.

Furthermore, the Court decided to request the State to notify the competent authorities in writing that the said persons were beneficiaries of provisional measures of protection ordered by the Court to prevent them from being deported or expelled, to grant them identity documents indicating their status of beneficiaries, and to continue following up on the investigations initiated by the competent authorities in relation to the said persons. Also, that, in its reports on the provisional measures required by the Court in its orders (*supra*), the State should provide information on the provisional measures that it adopts in compliance with this order. It also requested the Inter-American Commission to submit its comments on the Dominican Republic's reports within six weeks of receiving them.

11. Castillo Páez, Loayza Tamayo, Castillo Petruzzi *et al.*, Ivcher Bronstein, and the Constitutional Court cases (Peru): *Compliance with Judgment.* The Court examined the reports presented by the State of Peru on the progress made in complying with the judgments delivered in the above-mentioned cases and, on June 1, 2001, issued an order (**Appendix XXI**) in which it decided to take note of the State of Peru's compliance with the judgments on competence of September 24, 1999, in the *Constitutional Court* and *Ivcher Bronstein* cases and of the progress made up until the issue of the said order in complying with the judgments delivered by the Court in the *Castillo Páez, Loayza Tamayo, Castillo Petruzzi et al., Ivcher Bronstein* and *Constitutional Court* cases. It also decided to notify the order to the State of Peru, the Commission, and the victims or their representatives, as appropriate.

12. Other matters: On May 24, 2001, based on Article 14(3) of its Statute and Article 8(1) of its Rules of Procedure, the Court decided to elect Pablo Saavedra Alessandri as the new Deputy Secretary, to take office on August 1, 2001, owing to the resignation of the Deputy Secretary, Renzo Pomi, who will be moving to New York to fulfill new professional responsibilities. Mr. Saavedra is a lawyer of Chilean nationality; he studied law at the Diego Portales University in Santiago, Chile, received a master's degree in international law from Notre Dame University, and is a doctoral candidate in law at the same university.

The Court considered various administrative and other pending matters and examined the different reports presented by the Inter-American Commission and the States involved in these matters.

On June 2, 2001, the Court held a working meeting at its seat with representatives of the European Court of Human Rights. The European Court's delegation comprised Elisabeth Palm, Vice President of the Court, and Michael O'Boyle, member of the Court's Secretariat.

D. FIFTY-SECOND REGULAR SESSION OF THE COURT

The Inter-American Court held its fifty-second regular session at its seat from August 27 to September 7, 2001, with the following members: Antônio A. Cançado Trindade

(Brazil), President; Máximo Pacheco Gómez (Chile), Vice President; Hernán Salgado Pesantes (Ecuador); Oliver Jackman (Barbados); Alirio Abreu Burelli (Venezuela); Sergio García Ramírez (Mexico) and Carlos Vicente de Roux Rengifo (Colombia). Alejandro Montiel Argüello participated as judge *ad hoc* in the Mayagna Community case. Fernando Vidal Ramírez participated as judge *ad hoc* in the Cantoral Benavides case. Julio A. Barberis participated as judge *ad hoc* in the Cantos case. Charles N. Brower participated as judge *ad hoc* in the Trujillo Oroza case. The Secretary of the Court, Manuel E. Ventura Robles, and the Deputy Secretary, Pablo Saavedra Alessandri, were also present. During the session, the Court considered the following matters:

1. The Mayagna (Sumo) Awas Tingni Community case (Nicaragua): *Merits.* On August 31, 2001, the Court delivered judgment on merits and reparations (**Appendix XXII**) and, by seven votes to one, it found that the State had violated the right to judicial protection embodied in Article 25 and the right to property embodied in Article 21 of the American Convention, in relation to Articles 1(1) and 2 of the Convention of the members of the Mayagna (Sumo) Awas Tingni Community. Judge Montiel Argüello dissented. It decided unanimously that, in accordance with Article 2 of the Convention, the State must adopt the necessary legislative, administrative and other measures under its domestic legislation to create an effective mechanism for delimiting, demarcating and awarding land titles to the properties of the indigenous communities, in accordance with common law. The Court also found that the judgment constituted, *per se*, a form of reparation for the members of the Mayagna (Sumo) Awas Tingni Community; that, every six months after notification of the judgment, the State must submit a report to the Inter-American Court on the measures taken, that it would monitor compliance with the judgment and that it would close the case when the State had fully complied with the provisions of the judgment.

Judges Cançado Trindade, Pacheco Gómez and Abreu Burelli informed the Court of their joint separate opinion; Judges Salgado Pesantes and García Ramírez informed the Court of their separate opinions and Judge Montiel Argüello informed the Court of his dissenting opinion.

2. Hilaire case (Trinidad and Tobago): *Preliminary Objections.* On September 1, 2001, the Court delivered judgment (**Appendix XXIII**) and decided unanimously to reject the preliminary objection filed by the State, to continue hearing and processing the case, and to authorize its President to duly convene the State and the Inter-American Commission to a public hearing on the merits of the case to be held at the seat of the Court.

Judges Cançado Trindade, Salgado Pesantes and García Ramírez informed the Court of their separate opinions.

3. Constantine *et al.* case (Trinidad and Tobago): *Preliminary Objections.* On September 1, 2001, the Court delivered judgment (**Appendix XXIV**) and decided unanimously to reject the preliminary objection filed by the State, to continue hearing and processing the case and to authorize its President to duly convene the State and the Inter-American Commission to a public hearing on the merits of the case to be held at the seat of the Court.

Judges Cançado Trindade, Salgado Pesantes and García Ramírez informed the Court of their separate opinions.

4. **Benjamin *et al.* case (Trinidad and Tobago): Preliminary Objections.** On September 1, 2001, the Court delivered judgment (**Appendix XXV**) and decided unanimously to reject the preliminary objection filed by the State, to continue hearing and processing the case and to authorize its President to duly convene the State and the Inter-American Commission to a public hearing on the merits of the case to be held at the seat of the Court.

Judges Cançado Trindade, Salgado Pesantes and García Ramírez informed the Court of their separate opinions.

5. **Barrios Altos case (Peru): Interpretation of Judgment on Merits.** On September 3, 2001, the Court delivered judgment (**Appendix XXVI**) and decided unanimously that the request for interpretation of the judgment of March 14, 2001 (*supra* B.3, Appendix VIII), filed by the Inter-American Commission was admissible and that, owing to the nature of the violation constituted by Amnesty Laws No. 26479 and No. 26492, the operative paragraphs of the judgment on merits had general effects.

6. **Ivcher Bronstein case (Peru): Interpretation of Judgment.** On September 4, 2001, the Court delivered judgment (**Appendix XXVII**) and decided unanimously that the requests for interpretation of the judgment of February 6, 2001 (*supra* A.4, Appendix IV), filed by the Inter-American Commission and Baruch Ivcher Bronstein were admissible and that, to determine compensation, it would be necessary to take into consideration what is appropriate under Peruvian legislation, submitting the respective claims to the competent national authorities.

7. **Cantos case (Argentina): Preliminary Objections.** On September 7, 2001, the Court delivered judgment (**Appendix XXVIII**) and decided unanimously not to admit the first preliminary objection on lack of competence based on Article 1(2) of the Convention; to admit partially the second preliminary objection on lack of competence and to continue to hear and process the case. It also authorized its President to convene the State and the Commission to a public hearing on merits to be held at the seat of the Court.

8. **General order on provisional measures:** On August 29, 2001 (**Appendix XXIX**), the Court decided that it would receive and hear autonomously the requests, arguments and evidence of the beneficiaries of the provisional measures adopted by the Court in those cases in which an application had been submitted to it, although this did not exonerate the Inter-American Commission from providing information to the Court, when the latter so requests, in the context of its obligations under the Convention. Furthermore, only the Commission can provide the Court with information on those measures ordered by the Court when an application has not been submitted to it.

9. **Paniagua Morales *et al.* case (Guatemala): Provisional Measures.** In an order of August 28, 2001 (**Appendix XXX**), the Court decided to lift and terminate the provisional measures required in its order of January 29, 2001 (*supra* A.5, Appendix V), inform the State and the Commission accordingly, and close the case file.

10. **Loayza Tamayo case (Peru):** *Provisional Measures*. In an order of August 28, 2001 (**Appendix XXXI**), the Court decided to lift and terminate the provisional measures required in its order of February 3, 2001 (*supra* A.6, Appendix VI), inform the State and the Commission accordingly, and close the case file.

11. **Digna Ochoa y Plácido et al. case (Mexico):** *Provisional Measures*. In an order of August 28, 2001 (**Appendix XXXII**), the Court decided to lift and terminate the provisional measures required in its order of November 17, 1999, in favor of the victims, members of the Miguel Agustín Pro Juárez Human Rights Center, and the persons who work or visit those offices, inform the State and the Commission accordingly, and close the case file.

12. **Colotenango case (Guatemala):** *Provisional Measures*. In an order of September 5, 2001 (**Appendix XXXIII**), the Court decided to request the State to maintain the provisional measures to protect the life and safety of the persons protected by its orders of June 22 and December 1, 1994, September 19, 1997 and February 2, 2000. It also decided that the State should inform the Court about the specific measures adopted to comply with the provisional measures ordered; that it should continue allowing the petitioners to participate in planning and implementing the measures and that it should keep them informed on the status of the measures ordered by the Court.

13. **Carpio Nicolle case (Guatemala):** *Provisional Measures*. In an order of September 5, 2001 (**Appendix XXXIV**), the Court decided to request the State to maintain the provisional measures adopted by the Court on September 19, 1995, February 1 and September 10, 1996, June 19 and November 27, 1998, and September 30, 1999, in favor of Marta Elena Arrivillaga de Carpio and Karen Fischer de Carpio, and to continue informing the Court every two months on the measures taken. It also requested the Commission to continue forwarding its observations on this information to the Court.

14. **Bámaca Velásquez case (Guatemala):** *Provisional Measures*. In an order of September 5, 2001 (**Appendix XXXV**), the Court decided to request the State to maintain the provisional measures adopted by the Court on August 29, 1998, in favor of Alfonso Cabrera Viagres, María Victoria López, Blanca Cabrera, Carmelinda Cabrera, Teresa Aguilar Cabrera, Olga Maldonado and Carlos Alfonso Cabrera and reiterated that it should investigate the facts and inform the Court about the provisional measures adopted in this case every two months; it also requested the Commission to present its observations on these reports within six weeks of receiving them.

15. **The *La Nación* Newspaper case (Costa Rica):** *Provisional Measures*. During this session, the Court issued an order on September 7, 2001 (**Appendix XXXVI**), in which it decided to request the State of Costa Rica to adopt forthwith any measures necessary to annul the registration of Mauricio Herrera Ulloa in the Judicial Record of Offenders until the organs of the inter-American human rights system had reached a final decision in the case.

16. **Trujillo Oroza case (Bolivia):** *Reparations*. On August 27, 2001, the President issued an order in which he convened the witness, Gladis Oroza de Solón Romero, proposed by the Inter-American Commission and the Center for Justice and International Law (CEJIL), as a representative of the victims, to receive her statement on the pecuniary and non-

pecuniary damages and other damage suffered as a result of the detention, torture and forced disappearance of her son, José Carlos Trujillo Oroza. On September 6, 2001, the Court held a public hearing at which it heard the testimony of Gladis Oroza de Solón Romero and the arguments on reparations of the victim's representatives, the Commission and the State of Bolivia.

17. Cantoral Benavides case (Peru): Reparations. On September 6, 2001, the Court held a public hearing and heard the statements of Luis Alberto Cantoral Benavides, Gladys Benavides López, Mr. Cantoral's widow, and Eloy Urso Cantoral Huamaní, and the reports of the experts, Oscar Maldonado and Ana Luiza Vasconcellos, as well as the concluding arguments on reparations of the representatives of the victim's next of kin, the Commission and the State. This hearing had been convened by the order of the President of August 27, 2001, so that, among other matter, the expert, Ana Luiza Vasconcellos, proposed by the Ecumenical Foundation for Development and Peace (FEDEPAZ), as the representative of Luis Alberto Cantoral Benavides, could provide an expert report on the psychological treatment that he received and the state of his health.

18. Other matters: The Court reviewed pending contentious cases and provisional measures and considered several administrative matters.

The also made the Internet address that gives access to its official web site available to users. Among other matter, the site includes up to date information, in English and Spanish, on jurisprudence, advisory opinions, the members of the Court, the basic documents of the inter-American system for the protection of human rights and other general information. The internet address is: www.corteidh.or.cr.

E. FIFTY-THIRD REGULAR SESSION OF THE COURT

The Court held its fifty-third regular session at its seat from November 26 to December 7, 2001, with the following members: Antonio A. Cançado Trindade (Brazil), President; Máximo Pacheco Gómez (Chile), Vice President; Hernán Salgado Pesantes (Ecuador); Alirio Abreu Burelli (Venezuela); Sergio García Ramírez (Mexico) and Carlos Vicente de Roux Rengifo (Colombia). Fernando Vidal Ramírez, appointed by the State of Peru, participated in the Cantoral Benavides and Durand and Ugarte cases as Judge *ad hoc*. Julio A. Barberis, appointed by the State of Colombia, participated in the Las Palmeras case as Judge *ad hoc*. Manuel E. Ventura Robles is the Secretary of the Court and Pablo Saavedra Alessandri is the Deputy Secretary. During the session, the Court considered the following matters.

1. Cesti Hurtado case (Peru): Reparations. Interpretation of the judgment on reparations. On November 27, 2001, the Court delivered judgment on interpretation of the judgment on reparations (**Appendix XXXVII**) and decided unanimously that the request filed by Gustavo Adolfo Cesti Hurtado for interpretation of the judgment of May 31, 2001, in this case was admissible and that Mr. Cesti's request for a public hearing on the request for interpretation of the judgment on reparations was not in order. Also, that the State of Peru should proceed to determine the compensation owing to him.

2. Barrios Altos case (Peru): Reparations. On September 17, 2001, the State submitted an "Agreement on comprehensive reparations for the victims and the next of kin of the

victims of the Barrios Altos case”, signed on August 22, 2001, by the State, the victims, their next of kin and their representatives. During the session, the Court considered and endorsed the agreement and, on November 30, 2001, delivered judgment on reparations in this case (**Appendix XXXVIII**) and decided unanimously to adopt the above-mentioned agreement on reparations. Also, that the State of Peru must make all the payments corresponding to these reparations during the first quarter of the 2002 financial year, and that it must publish the Court’s judgment in the official gazette, *El Peruano*, and publicize its contents in other media “that are deemed appropriate for this effect, within 30 days of the signature of the agreement.”

Judge García Ramírez provided his concurring opinion, which accompanies the judgment.

3. Cantoral Benavides case (Peru): Reparations. On December 3, 2001, the Court delivered judgment on reparations (**Appendix XXXIX**) and decided unanimously that the State must pay Luis Cantoral Benavides and his next of kin for pecuniary and non-pecuniary damages, and also that it must pay the victim’s representatives for expenses and costs. In addition, the State must publish the operative paragraphs of the judgment on merits of August 18, 2000, once in the official gazette and in another national newspaper, and arrange a public apology acknowledging its responsibility in this case so as to ensure that these events do not happen again. The Court will monitor compliance with the judgment and will close the case when the State has fully complied with all its provisions.

Judge Cançado Trindade informed the Court of his separate opinion, which accompanies the judgment.

4. Durand and Ugarte case (Peru): Reparations. On November 26, 2001, the State presented an “Agreement on comprehensive reparations for the next of kin of the victims of the Durand and Ugarte case”, signed that same day by the State, the next of kin of the victims and their representatives. The Court considered and endorsed the agreement and, on December 3, 2001, delivered judgment on reparations (**Appendix XL**). In this judgment, it decided unanimously to endorse the above-mentioned agreement; that the State must publish the Court’s judgment on merits of August 16, 2000, in the official gazette, *El Peruano*, and publicize its contents in other appropriate media; that the State must provide the Court with a report on compliance with the reparations and that it would monitor compliance with the obligations and close the case when the State had fully complied with the provisions of the judgment.

5. Las Palmeras case (Colombia): Merits. On December 6, 2001, the Court delivered judgment on the merits of this case (**Appendix XLI**) and unanimously found that the State’s responsibility for the death of Artemio Pantoja Ordóñez, Hernán Javier Cuarán Muchavisoy, Julio Milciades Cerón Gómez, Wilian Hamilton Cerón Rojas and Edebraes Norverto Cerón Rojas, corresponding to the violation of Article 4 of the American Convention, had been established by two final judgments of the Council of State’s Court for actions under administrative law of December 14, 1993, and January 15, 1996. It also decided that the State was responsible for the death of N/N Moisés or N/N Moisés Ojeda in violation of Article 4 of the American Convention; that there was insufficient evidence to allow it to affirm that Hernán Lizcano Jacanamejoy had been executed in combat or extrajudicially by State agents in violation of Article 4 of the Convention. Also, that the

State had violated the right to a fair trial and judicial protection embodied in Articles 8(1) and 25.1 of the American Convention of the next of kin of Artemio Pantoja Ordóñez, Hernán Javier Cuarán Muchavisoy, Julio Milciades Cerón Gómez, Wilian Hamilton Cerón Rojas, Edebraes Norverto Cerón Rojas, N/N Moisés or N/N Moisés Ojeda and Hernán Lizcano Jacanamejoy. It decided to open the reparations stage and, to that end, authorized its President to duly adopt all necessary measures.

Judges Cançado Trindade and Pacheco Gómez informed the Court of their joint separate opinion, Judges García Ramírez, Salgado Pesantes and Abreu Burelli informed the Court of their joint separate opinion and Judge Barberis informed the Court of his statement, all of which accompany the judgment.

6. James *et al.* case (Trinidad and Tobago): *Provisional Measures.* The Court studied the various reports on the provisional measures adopted in this case presented by the parties and, in an order of November 26, 2001 (**Appendix XLII**), decided to expand the measures, ratifying the order of the President of the Court of October 25, 2001, that required Trinidad and Tobago to adopt all necessary measures to safeguard the life and safety of Balkissoon Roodal, Sheldon Roach, Arnold Ramlogan, Beemal Ramnarace and Takoor Ramcharan, so as not to hinder the processing of the case before the inter-American system, and to provide information on the implementation of the provisional measures ordered in favor of the victims every 30 days, and requested the Inter-American Commission to present its observations on these reports to the Court within 15 days of being notified of them. Also, that both the State of Trinidad and Tobago and the Commission should inform the Court forthwith of any significant development in the situation of Balkissoon Roodal, Sheldon Roach, Arnold Ramlogan, Beemal Ramnarace and Takoor Ramcharan.

7. Hilaire, Constantine *et al.* and Benjamin *et al.* cases (Trinidad and Tobago): *Joinder of cases.* On November 30, 2001, the Court decided to order the joinder of the Hilaire, Constantine *et al.* and Benjamin *et al.* cases, and also their proceedings (**Appendix XLIII**). Consequently, the case resulting from the joinder is now called Hilaire, Constantine and Benjamin *et al.* vs. Trinidad and Tobago.

8. Giraldo Cardona case (Colombia): *Provisional Measures.* The Court examined the reports presented by the Republic of Colombia and the Inter-American Commission on the provisional measures that the Court had adopted in this case and, in a resolution of December 3, 2001 (**Appendix XLIV**), decided to call on the State and the Commission to cease sending information on Gonzalo Zárate Triana, for whom the Court had ordered provisional measures on February 5, 1997, and lifted them on June 19, 1998. It also called on the State to continue presenting reports on the provisional measures taken in favor of the persons protected in this case every two months and on the Inter-American Commission to present its observations on these reports within six weeks of receiving them.

9. Caballero Delgado and Santana case (Colombia): *Compliance with Judgment.* On December 4, 2001, the Court issued an order (**Appendix XLV**) in which it decided that the State of Colombia should inform the Court, within 30 days of notification of the order, why the term deposit certificate corresponding to the payment of amounts owed to the minors,

Andrés Caballero Parra and Ingrid Carolina Caballero Martínez, had not been established in the name of the representatives of the said minors, as would have appeared appropriate, but rather in the name of the Ministry of Defense. Also the reasons why Ana Vitelma Ortíz had not been paid the interest earned from January 1998 to May 2001 on the amount of money that the Court had established as compensation for non-pecuniary damage for the next of kin of María del Carmen Santana. Once the respective explanations have been provided, the Court will take the pertinent decisions.

10. Request for provisional measures in the case of the Miguel Agustín Pro Juárez Human Rights Center *et al.* (United Mexican States): The President of the Court, in consultation with the other judges, issued an order on October 25, 2001, calling on the State to adopt urgent measures in this case, and convened the Inter-American Commission and the United Mexican States to a public hearing at the seat of the Court, in order to hear their points of view on the facts and circumstances that gave rise to the adoption of urgent measures. This hearing was held on November 26, 2001.

On November 30, 2001, the Court issued an order on provisional measures (**Appendix XLVI**), in which it decided to ratify all the provisions of the President's order of October 25, 2001, and to call on the State to maintain all necessary measures to protect the life and safety of the members of the Miguel Agustín Pro Juárez Human Rights Center and the lawyers, Pilar Noriega García, Bárbara Zamora López and Leonel Rivero Rodríguez. It also required the State to expand forthwith, the necessary measures to protect the life and safety of Eusebio Ochoa López and Irene Alicia Plácido Evangelista, the parents of Digna Ochoa y Plácido, and her siblings, Carmen, Jesús, Luz María, Eusebio, Guadalupe, Ismael, Elia, Estela, Roberto, Juan Carlos, Ignacio and Agustín, all of them Ochoa y Plácido; and, lastly, to investigate the facts that resulted in the adoption of these provisional measures in order to identify those responsible and impose the corresponding sanctions.

11. Suárez Rosero case (Ecuador): *Compliance with Judgment.* On December 4, 2001, the Court issued an order (**Appendix XLVII**) in which it decided that, as indicated in the judgment on reparations in this case, the State must establish a trust fund in favor of Micaela Suárez Ramadán; this implies that the State must defray the expenses generated by the trust fund and not the beneficiary of the reparation.

12. The *La Nación* Newspaper case (Costa Rica): *Provisional Measures.* In an order of December 6, 2001 (**Appendix XLVIII**), the Court decided to take note of the contents of the State of Costa Rica's brief of December 4, 2001, which stated that "the Department of Judicial Files and Records has already taken the corresponding measures to finally end the uncertainty surrounding the situation of Mr. Herrera Ulloa and ensure [...] that, under no circumstances, will a similar situation recur with regard to certifications issued as of this date". Also, that the State should continue to apply the provisional measures required by the Court in its order of September 7, 2001 (*supra* D.15, Appendix XXXVI) and, particularly, that it should annul the effects of the registration of Mauricio Herrera Ulloa in the Judicial Record of Offenders.

13. Bámaca Velásquez case (Guatemala): *Reparations.* The Court held a public hearing on reparations in this case at its seat, on November 28 and 29, 2001, and received

the testimonial and expert evidence proposed by the Inter-American Commission and by the representatives of the next of kin of the victims. It also heard the arguments of the parties concerning compensation and expenses as ruled by the Court in its judgment on merits of November 25, 2000, and it decided unanimously “*that the State must repair the damages caused by the violations indicated in the operative paragraphs of the said judgment.*”

14. Other matters: During the fifty-third regular session, the Inter-American Court re-elected its President and elected a new Vice President for the period 2002-2003. Judge Antônio A. Cançado Trindade, of Brazilian nationality, will continue as President. Judge Cançado Trindade has a doctorate (Ph.D.) in international law from Cambridge University, Great Britain; he is a full professor at the University of Brasilia and at the Rio Branco Diplomatic Academy; he has been a guest speaker at numerous universities, congresses and specialized international law courses in many countries, including The Hague Academy of International Law (1987) and the specialized international law courses organized by the Inter-American Juridical Committee. He is a member of the Governing Council of the Inter-American Institute of Human Rights, of which he was the Executive Director (1994-1996), and of the International Institute of Human Rights (Strasbourg) and a full member of the Institute of International Law. As a jurist, Judge Cançado Trindade has held various posts such as Legal Adviser to the Ministry of Foreign Affairs of Brazil (1985-1990); member of the group of senior legal advisers to the United Nations Environment Programme (1990-1992); member of the OAS Commission of Jurists for Nicaragua (1993-1994); Director of the bulletin of the Brazilian International Law Association (since 1985). From 1992 to 1995, he provided legal advisory services to international organizations such as UNHCR, ICRC and the Council of Europe in Strasbourg. Judge Cançado Trindade has published 25 books, and more than 300 monographs in the principal international law publications worldwide. He was elected judge of the Court in 1995 and elected its President for the first time in 1999.

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

The Court considered various measures relating to the pending matters and examined the reports on provisional measures presented by the Commission and the States. It also examined various reports presented by the Commission, the respective States and the victims or their representatives in cases at the compliance with judgment stage. Lastly it considered various matters of an administrative nature.

F. SUBMISSION OF NEW CONTENTIOUS CASES

During 2001, the following cases were submitted to the Court’s consideration:

1. “19 Tradesmen” vs. Colombia: In this case (No. 11,603), the Inter-American Commission filed the application on January 24, 2001. It refers to events that occurred

on October 6 and 18, 1987, when 19 tradesmen were allegedly detained, disappeared and, subsequently executed in the municipality of Puerto Boyacá, Department of Boyacá, in the Magdalena Medio region. These acts were allegedly planned jointly by the paramilitary group operating in the zone and by members of the Army's Fifth Brigade. The Commission considers that these acts violate Articles 4 (Right to Life) and 7 (Right to Personal Liberty) of the American Convention with regard to Álvaro Lobo Pacheco, Gerson Rodríguez, Israel Pundor, Ángel Barrera, Antonio Florez Ochoa, Carlos Arturo Riatiga, Víctor Ayala, Alirio Chaparro, Huber Pérez, Álvaro Camargo, Rubén Pineda, Gilberto Ortiz, Reinaldo Corso Vargas, Hernán Jáuregui, Juan Bautista, Alberto Gómez, Luis Sauza, Juan Montero and Ferney Fernández. The Commission also considers that Article 5 (Right to Humane Treatment) of the American Convention was violated as regards the next of kin of the victims, and that Articles 8(1) (Right to a Fair Trial), 25 (Judicial Protection) and 1(1) (Obligation to Respect Rights) of the Convention were violated with regard to both the alleged victims and their next of kin.

2. Bulacio vs. Argentina: The Inter-American Commission submitted the application in this case (No. 11,752) on January 24, 2001. It refers to facts that occurred on April 19, 1991, when the youth, Walter Bulacio, was allegedly detained by the Argentine Federal Police and died on April 26 that year, as a result of the conditions of his detention and the torture he was subjected to in the installations of this police force.

The Commission filed the application and requested the Court to decide that the State of Argentina had violated Articles 4 (Right to Life), 5 (Right to Humane Treatment), 7 (Right to Personal Liberty) and 19 (Rights of the Child) of the American Convention with regard to Walter Bulacio. The Commission also requested the Court to declare that Articles 8 (Right to a Fair Trial) and 25 (Judicial Protection) had been violated with regard to Walter Bulacio and his next of kin; it argued that the violation of these articles resulted in failure to comply with Article 1(1) (Obligation to Respect Rights) of the Convention. Finally, it requested that the State should be ordered to conduct a complete, impartial and effective investigation into the circumstances of the case; that those responsible should be punished in accordance with Argentine legislation; that the next of kin of the youth, Walter Bulacio, should be fully compensated, as established in Article 63(1) of the Convention, and that the State should be ordered to pay the respective costs and expenses and the professional fees of those who assist the Commission.

3. Mack Chang vs. Guatemala: On June 19, 2001, pursuant to Article 51 of the American Convention, the Inter-American Commission submitted the Mack Chang *vs.* Guatemala case (No. 10,636) to the consideration of the Court, owing to the alleged extrajudicial execution of Myrna Mack Chang in Guatemala City on September 11, 1990, "which has implied the violation of the rights to life, a fair trial and judicial protection of the victim and her next of kin, under Articles 4, 8 and 25 of the American Convention, together with the general obligation established in Article 1(1) of the Convention to respect and ensure all the rights recognized therein." In its application, the Commission also requested the Court to order the State of Guatemala to agree to all the pecuniary and non-pecuniary reparations indicated therein and pay damages for the violations caused to the alleged victim and her next of kin and, lastly, to order Guatemala to pay the costs arising from prosecuting

the case at both the domestic level and the international level before the Commission, as well as any arising from processing the application before the Court.

4. Juan Sánchez vs. Honduras: *Merits*. On September 8, 2001, pursuant to Articles 51 and 61 of the American Convention, the Inter-American Commission submitted the Juan H. Sánchez *vs.* Honduras case (No. 11,073) to the consideration of the Court, owing to the alleged arbitrary detention, torture and extrajudicial execution of Juan Humberto Sánchez on July 11, 1992, “which violated the rights to life, humane treatment, personal liberty, fair trial and judicial protection of the victim and his next of kin, pursuant to Articles 4, 5, 7, 8 and 25, respectively, of the American Convention, together with the general obligation established in Article 1(1) of the Convention to respect and guarantee the rights established therein.” In its application, the Commission requested the Court to order the State to agree to all the pecuniary and non-pecuniary reparations indicated in the application and compensate the damage that the violations had caused to the alleged victim and his next of kin and, lastly, to order Honduras to pay the costs arising from prosecuting the case at the national level and the international level before the Commission and those arising from processing the case before the Court.

5. Torres Benvenuto *et al.* vs. Peru: On December 4, 2001, pursuant to Article 51 of the American Convention, the Inter-American Commission submitted to the Court the Torres Benvenuto *et al.* *vs.* Peru case (No. 12,034), concerning the alleged “modification by the State of Peru of the pension regime that Carlos Torres Benvenuto, Javier Mujica Ruiz-Huidobro, Guillermo Alvarez Hernández, Reymert Bartra Vásquez and Maximiliano Gamarra Ferreira had been enjoying under Peruvian legislation 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 be paid a pension for an amount calculated in accordance with the legislation in force when they began to enjoy a specific pension regime.” The application also indicated that “[f]or the pensioners, this 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 Article 1(1) and 2 thereof.” In its application, the Commission also requested the Court to order the State to guarantee the alleged victims and their next of kin the enjoyment of their rights that had allegedly been violated “and the consequent payment that the State [...] should make to the [alleged] victims and their next of kin of the difference in the amount of their pensions that it has omitted to pay them since November 1992, and also the payment of their pensions at their future value.” The Commission also requested the Court to order the State to annul and terminate the effects of Article 5 of Decree Law No. 25792 of October 23, 1992, retroactively, considering it incompatible with the American Convention. Finally, the Commission asked the Court to order the State to investigate those responsible for the alleged violations of the human rights indicated in the application and to pay the costs deriving from the domestic judicial proceedings filed by the alleged victims, and also those arising at the international level from processing the case before the Inter-American Commission and Court.

G. SUBMISSION OF A NEW REQUEST FOR AN ADVISORY OPINION

1. Advisory Opinion OC-17: On March 30, 2001, the Inter-American Commission submitted to the Court a request for an advisory opinion, in accordance with Article 64(1) of the American Convention. In this request, the Commission asked the Court to interpret Articles 8 and 25 of the Convention in order to determine whether these provisions constituted “restrictions to the discretion of the States to order special measures of protection” with regard to children, in the light of Article 19 of the Convention. It also requested the Court to elaborate relevant general criteria applicable in the context of the Convention.

H. SUBMISSION OF NEW REQUESTS FOR PROVISIONAL MEASURES

1. Provisional measures in the Paniagua Morales *et al.* case (Guatemala)

On January 26, 2001, the Inter-American Commission submitted a brief to the Court in the Paniagua Morales *et al.* case, which was then at the reparations stage. In this document it reported “an alarming attack on the witness Manuel González” on December 25, 2000, as a result of which, the latter received two bullet wounds and, although a complaint had been made to the authorities, there was no information about those responsible for the fact at the date of the brief. Consequently, the Commission asked the Court to call on the State of Guatemala “to submit information urgently on the investigation into the said attack, the measures adopted to ensure this is carried out promptly and effectively, and the results.”

On January 29, 2001, the Court issued an order (*supra* A.5, Appendix V) in which it requested that all necessary measures should be taken to protect the life and safety of Manuel de Jesús González Chinchilla and called on the State of Guatemala to conduct an investigation and report on this person’s situation.

In an order of August 28, 2001 (*supra* D.9, Appendix XXX), the Court decided to lift and terminate the provisional measures that it had decided in the order of January 29, 2001, advise the State and the Commission, and file the case. This decision was based on the request that these measures should be lifted in a letter from the victim’s representative and in the Commission’s brief of August 6, 2001, in which it agreed that the measures should be lifted.

2. Provisional measures in the *La Nación* Newspaper case (Costa Rica)

On March 28, 2001, the Inter-American Commission submitted to the Court a request for provisional measures in the *La Nación* newspaper case pending before the Commission. These measures were requested in favor of Mauricio Herrera Ulloa and Fernán Vargas Rohrmoser, journalist and legal representative, respectively of the *La Nación* newspaper of Costa Rica, so that the Court would order the State of Costa Rica to protect the freedom of expression of the said persons. On April 6, 2001, the President of the Court, Judge Antônio A. Cançado Trindade, issued an order in which he convened the parties to a public hearing and ordered the State of Costa Rica, as an urgent measure, to abstain from carrying out any

action that would alter the *status quo* of the matter until the public hearing had been held and the Court had deliberated and decided whether the provisional measures requested by the Commission were admissible.

On May 22, 2001, the Court held a public hearing at its seat in order to hear the opinions of the Inter-American Commission and the State of Costa Rica and also the statement of the witness, Mauricio Herrera Ulloa.

On May 23, 2001, the Court issued an order (*supra* C.1, Appendix XII) in which it considered that the public hearing had shown that it was necessary to obtain further information with regard to the non-reparability of the damage that Mauricio Herrera Ulloa could suffer if his name was included in the Costa Rican Judicial Record of Offenders and, consequently, decided to grant the State of Costa Rica until August 16, 2001, to present a report indicating “the possibilities included in the domestic legislation of Costa Rica [...] to avoid or remedy, if appropriate, the damage in question.” It also ratified the above-mentioned order of the President of the Court of April 6, 2001, and called on the State of Costa Rica to abstain from executing any action that might alter the *status quo* of the matter until it had presented the requested report.

On September 7, 2001, the Court issued an order (*supra* D.15, Appendix XXXVI) in which it decided to call on the State of Costa Rica to adopt, forthwith, any necessary measures to annul the registration of Mauricio Herrera Ulloa in the Judicial Record of Offenders until the organs of the inter-American human rights system had taken a final decision in the case.

In an order of December 6, 2001 (*supra* E.12, Appendix XLVIII), the Court declared that the State should continue to apply the provisional measures ordered by the Court in its order of September 7, 2001, and, in particular, that the registration of Mauricio Herrera Ulloa in the Judicial Record of Offenders should continue to be annulled.

3. Provisional measures in the Miguel Agustín Pro Juárez Human Rights Center *et al.* case (United Mexican States)

On October 25, 2001, the President of the Court, in consultation with the other judges, issued an order in which he called on the State to adopt urgent measures in this case, and convened the Inter-American Commission and the United Mexican States to a public hearing at the seat of the Court in order to hear their opinions on the facts and circumstances that justified the adoption of urgent measures. The hearing was held on November 26, 2001.

On November 30, 2001, the Court issued an order on provisional measures (*supra* E.10, Appendix XLVI) in which it decided to ratify all the provisions of the order of October 25, 2001, and call on the State to maintain all necessary measures to protect the lives and safety of the members of the Miguel Agustín Pro Juárez Human Rights Center and the lawyers, Pilar Noriega García, Bárbara Zamora López and Leonel Rivero Rodríguez; to extend forthwith any necessary measures to protect the lives and safety of Eusebio Ochoa López and Irene Alicia Plácido Evangelista, the parents of Digna Ochoa y Plácido, and her siblings, Carmen, Jesús, Luz María, Eusebio, Guadalupe, Ismael, Elía, Estela, Roberto, Juan Carlos, Ignacio and Agustín, all of them Ochoa y Plácido; and also to investigate the facts that

motivated the adoption of these provisional measures in order to identify those responsible and punish them.

4. Urgent measures in the Gallardo Rodríguez case (United Mexican States)

On December 18, 2001, the Inter-American Commission presented a request for provisional measures in favor of José Francisco Gallardo Rodríguez.

As a result of this request, the President of the Inter-American Court, after consulting with the other judges, issued an order on December 20, 2001, in which he called on the State to adopt forthwith any necessary measures to protect the life and safety of General José Francisco Gallardo Rodríguez. It also convened the Inter-American Commission and the United Mexican States to a public hearing at the seat of the Court in order to hear their opinions on the facts and circumstances that motivated the request for provisional measures.

I. STATUS OF MATTERS BEFORE THE COURT

1. Contentious cases

	Name of the case	Respondent State	Current stage
1.	Neira Alegria <i>et al.</i> case	Peru	Monitoring compliance
2.	Caballero Delgado and Santana case	Colombia	Monitoring compliance
3.	El Amparo case	Venezuela	Monitoring compliance
4.	Garrido and Baigorria case	Argentina	Monitoring compliance
5.	Castillo Páez case	Peru	Monitoring compliance
6.	Loayza Tamayo case	Peru	Monitoring compliance
7.	Paniagua Morales <i>et al.</i> case	Guatemala	Monitoring compliance
8.	Blake case	Guatemala	Monitoring compliance
9.	Suárez Rosero case	Ecuador	Monitoring compliance
10.	Benavides Cevallos case	Ecuador	Monitoring compliance
11.	Cantoral Benavides case	Peru	Monitoring compliance
12.	Durand and Ugarte case	Peru	Monitoring compliance
13.	Bámaca Velásquez case	Guatemala	Reparations
14.	Villagrán Morales <i>et al.</i> case (the "Street Children" case)	Guatemala	Monitoring compliance
15.	Castillo Petruzzi <i>et al.</i> case	Peru	Monitoring compliance
16.	Cesti Hurtado case	Peru	Reparations
17.	Baena Ricardo <i>et al.</i> case	Panama	Monitoring compliance
18.	The Mayagna (Sumo) Awas Tingni Community case	Nicaragua	Monitoring compliance
19.	Las Palmeras case	Colombia	Reparations
20.	Olmedo Bustos <i>et al.</i> case. (The Last Temptation of Christ)	Chile	Monitoring compliance
21.	Cantos case	Argentina	Merits
22.	Ivcher Bronstein case	Peru	Monitoring compliance
23.	Constitutional Court case	Peru	Monitoring compliance
24.	Hilaire, Constantine and Benjamin <i>et al.</i> case ¹	Trinidad and Tobago	Merits and reparations

¹ In an order of November 30, 2001, the Court decided to order the joinder of the [Hilaire, Constantine *et al.*](#) and [Benjamin *et al.*](#) cases, and their proceedings. The case resulting from the joinder is now known as: [Hilaire, Constantine and Benjamin *et al.* vs. Trinidad and Tobago](#).

25.	El Caracazo case	Venezuela	Reparations
26.	Trujillo Oroza case	Bolivia	Reparations
27.	Barrios Altos case	Peru	Monitoring compliance
28.	“19 Tradesmen” case	Colombia	Preliminary objections
29.	Bulacio case	Argentina	Merits
30.	Mack Chang case	Guatemala	Preliminary objections/ merits/reparations
31.	Juan Sánchez case	Honduras	Preliminary stage
32.	Torres Benvenuto <i>et al.</i> case	Peru	Preliminary stage

2. Advisory Opinions

Name	Applicant	Current status
O.C. 17	Inter-American Commission on Human Rights	Observations stage concluded

3. Provisional Measures

Name	State with regard to which they have been adopted	Current status
1. Álvarez <i>et al.</i> ²	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> ³	Trinidad and Tobago	Active
10. Digna Ochoa y Plácido <i>et al.</i>	United Mexican States	Lifted ⁴
11. Haitians and Dominicans of Haitian origin in the Dominican Republic	Dominican Republic	Active
12. Constitutional Court	Peru	Lifted ⁵
13. The Peace Community of San José de Apartadó	Colombia	Active
14. Ivcher Bronstein	Peru	Lifted ⁶
15. Paniagua Morales <i>et al.</i>	Guatemala	Lifted ⁷

² In an order of May 30, 2001, among other matters, the Court decided to expand the provisional measures ordered in the *Álvarez et al.* case and called on Colombia to adopt all necessary measures to safeguard the right to life and safety of the next of kin of *Francisco García*.

³ In an order of November 26, 2001, the Court decided to expand the provisional measures ordered in the *James et al.* case and called on Trinidad and Tobago to adopt all necessary measures to safeguard the lives and safety of *Balkissoon Roodal, Sheldon Roach, Arnold Ramlogan, Beemal Ramnarace* and *Takoor Ramcharan* in order not to hinder the processing of the case before the inter-American system for the protection of human rights.

⁴ In an order of August 28, 2001, the Court decided to lift and terminate the provisional measures in the *Digna Ochoa y Plácido et al.* case, and to close the respective case file.

⁵ In an order of March 14, 2001, the Court decided to lift and terminate the provisional measures in the Constitutional Court case and to close the respective case file.

⁶ In an order of March 14, 2001, the Court decided to lift and terminate the provisional measures in the *Ivcher Bronstein* case and to close the respective case file.

16.	Loayza Tamayo	Peru	Lifted ⁸
17.	The <i>La Nación</i> newspaper	Costa Rica	Active
16.	Miguel Agustín Pro Juárez Human Rights Center <i>et al.</i>	United Mexican States	Active

4. Urgent measures

	Name	State with regard to which they were adopted	Current status
1.	Gallardo Rodríguez	United Mexican States	Active

J. STATUS OF COMPLIANCE WITH THE JUDGMENTS OF THE COURT

1. Benavides Cevallos vs. Ecuador

In response to a request made by the Court on November 23, 2000, the State of Ecuador presented a report on compliance with the judgment in this case on February 15, 2001.

On April 12, 2001, the Inter-American Commission forwarded its observations on this report and requested that, if the State did not demonstrate any positive progress in its obligation to identify and punish those responsible, the Court should consider indicating the State's failure to comply in its report to the OAS General Assembly, pursuant to Article 30 of the Court's Statute.

On December 6, 2001, the Court requested the State of Ecuador to submit a report on compliance with the Court's June 19, 1998, judgment, before January 7, 2002.

2. Blake vs. Guatemala

On August 15, 2000, the State was requested to provide information on compliance with the judgment on reparations in relation to the provisions of the first operative paragraph of this judgment.

On March 9, 2001, Richard Blake, the victim's brother, submitted a brief in which he indicated that Guatemala had not fully complied with the judgment on reparations as regards investigating the facts concerning the disappearance of his brother and punishing those responsible.

On March 26, 2001, the Secretariat again requested the State to present a report that included supplementary information on the persons allegedly responsible for the facts in

⁷ In an order of August 28, 2001, the Court decided to lift and terminate the provisional measures in the *Paniagua Morales et al.* case and to close the respective case file.

⁸ In an order of August 28, 2001, the Court decided to lift and terminate the provisional measures in the *Loayza Tamayo* case and to close the respective case file.

this case.

On May 30, 2001, on the instructions of the Court and so that it could adopt a decision on compliance with the judgment on reparations of January 22, 1999, the Secretariat once again requested the State to present a report on compliance with the judgment on reparations and, in particular, on the other persons who had been prosecuted or who were being investigated, because they were allegedly responsible for the death of Nicholas Blake. It also requested Guatemala to present supplementary information on the status of the case in which Vicente Cifuentes López had been convicted.

On July 3, 2001, Guatemala forwarded the corresponding information indicating that the State had complied with the payment of the compensation ordered for the victim's next of kin and that the domestic courts had sentenced Vicente Cifuentes López to 28 years imprisonment for the crime of *asesinato en forma continuada* [Note: assassination involving a continued violation of human rights, because it was committed in the context of the forced disappearance of the victim]. Consequently, Guatemala considers that it has complied fully with the Court's judgment of January 22, 1999. It also advised that, in the action filed by the Attorney General's Office (*Ministerio Público*), a criminal suit had been brought against Vicente Cifuentes or Vicente Cifuentes López, Candelario López Herrera, Hipólito Ramos García and Mario Cano Saucedo, and that it had not been possible to determine the whereabouts of the other accused persons, although information existed that could lead to finding at least one of them. The State requested the Court to take note that it had complied fully with the said judgment, and to decide to close the case and relieve it of the obligations imposed by the judgment. The State must present a report on compliance by January 3, 2002.

3. Caballero Delgado and Santana vs. Colombia

On August 21, 2000, on the instructions of the full Court, the Secretariat requested the State to explain why it had not proceeded to pay the compensation established in the Court's judgment on reparations to María del Carmen Santana's nearest relative. On October 2, 2000, the State presented a report. On November 6, 2000, the Commission submitted its observations. On December 28, 2000, the State presented an additional report. On May 30, 2001, on the instructions of the Court, the Secretariat requested the Commission to forward its observations on the State's last report "concerning the payment owed to the next of kin of María del Carmen Santana, specifically Ana Vitelma Ortiz," by July 2, 2001, at the latest. On July 12, 2001, the Commission submitted its observations.

On December 4, 2001, the Court issued an order in which it decided that the State of Colombia must indicate to the Court, within 30 days of notification of the order, "the reasons why the term deposit certificate corresponding to the payment of the amounts owing to the minors, Andrés Caballero Parra and Ingrid Carolina Caballero Martínez, was not established, as would have been appropriate in principle, in the name of the representatives of the said minors, but rather in the name of the Ministry of Defense [, ...] the reasons why Ana Vitelma Ortiz has not been paid the interest earned from January 1998 to May 2001, on the sum of money that the Court established as

compensation for non-pecuniary damages for the next of kin of María del Carmen Santana [, ...] the measures taken to locate the remains of the victims and deliver them to the next of kin, and also the progress of the judicial proceedings leading to the identification and punishment of those responsible for the facts of the case.”

4. Castillo Páez vs. Peru

The period for complying with the judgment on reparations of November 27, 1998, expired on June 3, 1999. On February 9, 2001, the State appointed a new agent and deputy agent. In briefs of March 30 and May 7, 2001, the State advised that it had paid the compensation and the corresponding interest to the parents of Ernesto Rafael Castillo Páez and that it was waiting for his sister to return to Peru in May in order to give her the compensation that had been credited to her name in a financial institute. Regarding the investigation and punishment of those responsible for the facts, it indicated that it had initiated the relevant criminal proceeding and that the victims’ next of kin were collaborating with the Government in this respect.

On June 1, 2001, the Court adopted an order concerning compliance with the judgments in the Castillo Páez, Loayza Tamayo, Castillo Petruzzi *et al.*, Ivcher Bronstein and Constitutional Court cases (*supra* C.11, Appendix XXI).

On December 4, 2001, on the instructions of the Court, the Secretariat requested the parties to forward any information they had about compliance with the Court’s November 27, 1998, judgment on reparations in this case, by January 7, 2002, at the latest.

5. Castillo Petruzzi *et al.* vs. Peru

The period for complying with the judgment of May 30, 1999, expired on December 2, 1999. On February 9, 2001, the State appointed a new agent and deputy agent for the case.

Peru forwarded information on compliance with this judgment on April 18, indicating that it had filed an appeal for review after execution of judgment before the Supreme Council of Military Justice, so that this authority would annul the Plenary Chamber’s decision of June 11, 1999, declaring that the Inter-American Court’s above-mentioned judgment was “non-executable”; also that it would annul the proceedings in the criminal action for the crime of treason against the victims in this case, and that it would disqualify itself from hearing the case. Lastly, the Council was requested to send the case to the competent criminal judge ordinary so that a new criminal proceeding, adapted to the guarantees of the American Convention, could be conducted.

The State also indicated that it had taken steps to pay the compensation for expenses and costs. However, it requested the Court to ask the Commission to identify the persons who should receive this compensation.

The State advised that it had once again informed the President of Congress that the anti-

terrorist legislation mentioned in the Court's judgment should be reformed.

On May 16, 2001, the State provided information on the judgment of May 14, 2001, of the Plenary Chamber of the Supreme Council of Military Justice (file No. 078-TP-93-L-ZJFAP), which declared that both the action filed in the military jurisdiction against Jaime Francisco Sebastián Castillo Petruzzi, María Concepción Pincheira Sáez, Lautaro Enrique Mellado Saavedra and Alejandro Luis Astorga Valdez and the decision of the Plenary Chamber of June 11, 1999, were annulled. The State also indicated that the proceedings had been forwarded to the Special Provincial Criminal Prosecutor of Lima and that the victims had been made available to the civil judges so that "the corresponding criminal proceeding could be conducted."

On June 5, 2001, the Commission indicated that the judgment on annulment made no mention of the substantive criminal legislation under which Castillo Petruzzi *et al.* had originally been prosecuted and punished and did not specify whether the appointment of the judge ordinary for the new case had been made respecting guarantees of independence and impartiality. The President therefore requested the State to provide information on the Commission's observations

On June 25, 2001, the State indicated that the judgment annulling the military proceedings represented "progress towards compliance with one of the provisions" of the Court's judgment. With regard to the legislation, it indicated that in the new proceeding under ordinary justice against the four Chileans, the amended terrorist legislation and guarantees of due process would be applied. It also described several measures that Congress had taken to readapt Peruvian legislation to the requirements of the American Convention and stated that the National Council of the Magistracy had adopted measures to eliminate the temporary nature of judges' appointments and that the judge assigned to the Chileans' case held a permanent position.

In a brief of June 28, 2001, the Commission gave the names of the next of kin who had incurred costs and expenses owing to the case. The following day, the Secretariat forwarded this information to the State for appropriate action.

On June 1, 2001, the Court adopted an order concerning compliance with the judgments in the Castillo Páez, Loayza Tamayo, Castillo Petruzzi *et al.*, Ivcher Bronstein and Constitutional Court cases (*supra* C.11, Appendix XXI).

Several of the victims' next of kin submitted briefs with their observations on what was happening in the new proceeding against the victims. In these briefs, they indicated that the victims' due process was not being respected.

On December 4, 2001, on the instructions of the Court, the Secretariat requested the parties to forward any available information on compliance with the Court's May 30, 1999, judgment on reparations in this case, by January 7, 2002, at the latest.

6. El Amparo vs. Venezuela

On November 20, 2000, the Court issued an order in which it urged the State of Venezuela and the Inter-American Commission to come to an agreement on the disputed aspects of compliance with the judgment on reparations. On July 30, 2001, the Commission submitted its final report on compliance. On September 11, 2001, the State presented a brief in which it referred to its intention to comply with the judgment on reparations.

7. Garrido and Baigorria vs. Argentina

On November 20, 2000, the Court issued an order in which it called on the State to present a report on the measures that it had taken to comply with those aspects of the judgment on reparations of August 27, 1998, that were still pending. On December 6, 2000, and February 7, 2001, the State presented reports on compliance with the Court's judgment on reparations in this case. On April 23, 2001, the Commission submitted its observations on the State's reports.

On December 4, 2001, on the instructions of the Court, the Secretariat advised the State that the Court had taken note of the statements by the parties to the effect that the State had taken various measures to locate and identify the extramarital children of Raúl Baigorria. It also asked the State to provide information on "the results obtain from the 60 bones found in a well in Papagayo on August 11, 2000, which the State advised had been send to the Judiciary's Forensic Medicine Unit; and the status of the former police personnel who, according to report of the *ad hoc* commission, had intervened in the facts that led to the disappearance of the victims and who, according to the State, had been dismissed". Accordingly, it stipulated that the Government of Argentina should present a report that included a detailed description of the measures taken with regard to the said elements. The State was granted until January 7, 2002, to present its report on compliance.

8. Loayza Tamayo vs. Peru

On December 24 and 30, 2000, the victim provided information on the measures that her lawyer had taken in Peru in relation to compliance with the judgment on reparations.

In briefs of April 6, 10 and 11, 2001, the State advised that, by Legislative Resolution No. 27401 of January 19, 2001, Peru had acknowledged the validity and executionable nature of the Court's judgments of November 27, 1998, and June 3, 1999, and its orders of November 17, 1999, and February 3, 2001, in this case. In this respect, it described the different measures that Peru was implementing to comply with the Court's decisions, in particular, in the judgment on reparations; however, it indicated that some aspects of this judgment could only be complied with when Mrs. Loayza Tamayo returned to Peru. The State also reiterated its willingness to act in strict compliance with its international obligation in order to comply with the Court's decisions.

On June 1, 2001, Peru advised that on April 26, 2001, it had complied with payment of the compensation ordered by the Court in favor of the victim and her next of kin, and also with the payment of fees and expenses in favor of Carolina Loayza Tamayo. Also, with regard to the restitution measures, it indicated that, on April 20, 2001, the Ministry of Education had advised that there was a position available for María Elena Loayza

Tamayo, but it had not proceeded to reincorporate Mrs. Loayza Tamayo owing to her health problems; it was therefore urgent that she present a medical certificate so that she could be granted the corresponding leave. It also advised that State agents had filed a brief before the Permanent Criminal Chamber requesting the revision and annulment of the resolution issued by Criminal Chamber C of the Supreme Court of Justice on June 15, 1999, to ensure that no adverse resolution issued in the proceeding to which the victim had been submitted under civil jurisdiction should take effect. Lastly, the State requested that the parties should be informed that the judgment had been complied with.

On June 1, 2001, the Court adopted an order concerning compliance with the judgments in the Castillo Páez, Loayza Tamayo, Castillo Petruzzi *et al.*, Ivcher Bronstein and Constitutional Court cases (*supra* C.11, Appendix XXI).

On August 23, 2001, the State presented a brief in which it advised that on February 8, 2001, a complaint had been submitted to the Attorney General's Office (*Ministerio Público*) against those who were responsible for the crimes committed against María Elena Loayza Tamayo. However, on May 28, 2001, the office of the Provincial Criminal Prosecutor of Lima decided to file this complaint concerning crimes against life, body and health, against personal freedom and against the public administration, due to the extinguishment of the criminal proceeding, and ordered a preliminary investigation into the crime of violation of sexual freedom within 30 days by the Investigation and Criminal Affairs Department. In the same brief, it also advised that it had ordered the Office of the Inspector General of the Peruvian National Police Force to conduct an administrative investigation into the functional responsibility for all the facts.

On September 27, 2001, the State presented a brief in which it advised that, with regard to other types of reparation, by a Supreme Resolution of December 4, 2000, the Executive had established a commission to examine and revise the legislation enacted since April 5, 1992, and it had concluded that Decrees 25375 (the crime of terrorism) and 25659 (the crime of treason) were anti-constitutional and should be revoked.

On October 15, 2001, Michelangela Scalabrino, representing María Elena Loayza Tamayo, presented a brief in which she advised that, with regard to the restitution measures, the State had only reincorporated the victim into her position as a secondary schoolteacher formally, leaving the school responsible for paying her, and had not taken any measure to ensure that payment was effected. To date, nothing had been done to reincorporate her into any other position relating to her field of study (National School of Dramatic Art or the private University of San Martín de Porres) or to substitute this by work in a public entity, or to ensure that she received her total income adjusted to current rates. She had not received her salary and social or work-related benefits since the date of the judgment, and this obliged her to remain in exile. Mrs. Scalabrino also indicated that the victim has not received the salary and work-related benefits she is entitled to since November 17, 1997, for the activities that were interrupted and that the victim was only granted six months' leave for illness, so that she would be forced to retire due to disability if she did not return to her teaching activities before October 26, 2001. With regard to the victim's criminal sentence to 20-years imprisonment, she indicated that this has still not been annulled.

9. Neira Alegría *et al.* vs. Peru

On November 6, 2000, the State submitted a note indicating that “it was not possible to fully identify the deceased [, therefore] orders had been given that they should be registered in the respective Death Records.” On November 22, 2000, FEDEPAZ, in its capacity of representative of the victims’ next of kin, sent a note in which it indicated that the State had made no effort to comply with the identification of the victims’ remains.

On December 4, 2001, on the Court’s instructions, the Secretariat requested the State to submit a report, by January 7, 2002, at the latest, providing information on the measures it had taken to locate and identify the victims’ remains and deliver these to the next of kin.

10. Suárez Rosero vs. Ecuador

On November 21, 2000, on the instructions of the full Court, the Secretariat sent a note to the State of Ecuador, in which it referred to the current status of compliance with the judgments on merits and reparations in the Suárez Rosero case, delivered by the Court on November 12, 1997 and January 20, 1999, respectively. It also requested the State to instruct the pertinent departments to present a detailed report on the aspects of the judgments that were pending compliance. On February 15, 2001, the State presented this report. On April 6, 2001, Alejandro Ponce Villacís, representing the victim and his next of kin, submitted a communication in this respect and on April 20, 2001, the Commission presented its observations on the State’s report.

On May 30, 2001, the Secretariat informed the parties that, during its fifty-first regular session, the Court had examined the State’s reports in detail, together with the observations of the Commission and those of the victim and his next of kin, and that, since this examination revealed contradictory information concerning compliance with various aspects of the Court’s judgments, it requested the State to forward a report by July 2, 2001, at the latest. On August 29, 2001, the State presented this report.

On December 4, 2001, the Court issued an order in which it decided that, as indicated in the judgment on reparations in this case, the State must establish a trust fund in favor of Micaela Suárez Ramadán, which implies that the State must defray the expenses generated by the trust fund and not the beneficiary of the reparation and that, as the Court had ordered in the judgments on reparations and on interpretation of the judgment on reparations, the trust fund in favor of the minor, Micaela Suárez Ramadán, should not be subject to any charge or tax.

11. Baena Ricardo *et al.* vs. Panama

On February 2, 2001, the Court delivered the judgment on merits in which it determined reparations. The State has 12 months in which to comply with the judgment, with the exception of the payment of non-pecuniary damages, which must be made within 90

days.

On August 14, 2001, Manrique Mejía, Estebana Nash, Ivanor Alonso, Eugenio Tejada, Euribiades Marín, Hildebrando Ortega, Miguel Prado and Alfredo Berrocal submitted a brief to the Court advising that the State had paid the amount corresponding to non-pecuniary damages, but that that it had been paid with a delay of two months and twenty days.

On August 29, 2001, the State presented a brief in which it referred to the payment of non-pecuniary damages.

On October 19, 2001, CEJIL presented a report to the Court on compliance with the judgment. The Secretariat granted the Commission and the State of Panama until November 5, 2001, to submit their observations on the report; however, no communication was received.

12. “The Last Temptation of Christ” (Olmedo Bustos *et al.*) vs. Chile

On February 5, 2001, the Court delivered the judgment on merits in which it determined that, within six months, the State must provide a report on the amendment of Chilean legislation in order to suppress prior censorship so as to allow exhibition of the film “The Last Temptation of Christ.” On August 7, 2001, Chile presented this report. The victims submitted their observations on the report on October 12, 2001, and the Commission on October 15, 2001.

13. Ivcher Bronstein vs. Peru

On February 6, 2001, the Court delivered the judgment on merits in this case, in which it determined the corresponding reparations.

On April 18, 2001, the State presented a report in which it indicated that the compensation for non-pecuniary damage and reimbursement of legal costs and expenses had been deposited in a judicial administrative account in the Banco de la Nación for collection by Mr. Bronstein.

On June 1, 2001, the Court adopted an order concerning compliance with the judgments in the Castillo Páez, Loayza Tamayo, Castillo Petruzzi *et al.*, Ivcher Bronstein and Constitutional Court cases (*supra* C.11, Appendix XXI).

On September 4, 2001, the Court delivered the judgment on interpretation of the judgment on merits in this case (*supra* D.6). On January 29, 2002, the Secretariat of the Court requested the State of Peru to present a report on compliance with the judgment delivered by the Court on February 6, 2001, in accordance with the eleventh operative paragraph of that judgment concerning the Court's authority to supervise total compliance with the judgment. To this end, it granted the State until February 25, 2002.

14. The Constitutional Court vs. Peru

On January 31, 2001, the Court delivered the judgment on merits in which it determined

the reparations. The period for complying with these expired on August 5, 2001; however, on April 18, 2001, the State presented a report on the payment for expenses and costs and the measures adopted to pay the compensation for pecuniary damages, salaries in arrears and work-related benefits that the victims had not received during the period in which they were improperly separated from their functions.

On June 1, 2001, the Court adopted an order concerning compliance with the judgments in the Castillo Páez, Loayza Tamayo, Castillo Petruzzi *et al.*, Ivcher Bronstein and Constitutional Court cases (*supra* C.11, Appendix XXI).

On December 4, 2001, on the instructions of the Court, the Secretariat requested the parties to forward any available information concerning compliance with the Court's January 31, 2001, judgment on reparations in this case, by January 7, 2002.

On December 18 and 21, 2001, the victims in this case, Delia Revoredo Marsano, Manuel Aguirre Roca and Guillermo Rey Terry, submitted briefs in which they agreed that the State of Peru had restituted them to their positions as justices of the Constitutional Court and had paid them the amount corresponding to legal costs and expenses. They also stated that they did not know whether any investigation had been undertaken to determine the persons responsible for the declared violations and they also advised that they had not received any amount in compensation for salaries in arrears, although that amount "had already been officially calculated and [...] the State had been duly and officially informed of this."

15. Paniagua Morales *et al.* vs. Guatemala

On May 25, 2001, the Court delivered judgment on reparations in this case. The period for complying with the judgment expired on December 13, 2001.

16. Villagrán Morales *et al.* vs. Guatemala

On May 26, 2001, the Court delivered judgment on reparations in this case. The period for complying with the judgment expired on December 13, 2001.

17. Cesti Hurtado vs. Peru

On May 31, 2001, the Inter-American Court delivered judgment on reparations in this case. The period for complying with the judgment expired on December 13, 2001.

18. The Mayagna (Sumo) Awas Tingni Community vs. Nicaragua

On August 31, 2001, the Inter-American Court delivered judgment on reparations in this case. The period for complying with the judgment expires on March 17, 2002.

On October 5, 2001, the victims' representatives presented a request that the Court reconsider its judgment of August 31, 2001, in relation to the decisions on reparations, and a clarification concerning a brief presented by the petitioners on August 22, 2001. On

December 4, 2001, when the full Court had examined the communication, it informed the victims' representatives that, under the rules of procedure, it was not possible to reconsider the judgment and described the criteria used in relation to the above-mentioned brief.

On December 7, 2001, the Commission informed the Court that it had asked for a meeting with the Nicaraguan authorities in order to start discussing a plan of action to comply with the Court's judgment.

19. Barrios Altos vs. Peru

On November 30, 2001, the Court delivered judgment on reparations in this case. The period for complying with the judgment expires on June 11, 2002.

20. Cantoral Benavides vs. Peru

On December 3, 2001, the Court delivered judgment on reparations in this case. The period for complying with the judgment expires on June 17, 2002.

21. Durand and Ugarte vs. Peru

On December 3, 2001, the Court delivered judgment on reparations in this case. The period for complying with the judgment expires on June 17, 2002.

III. OTHER ACTIVITIES OF THE COURT

1. VISIT OF THE MINISTER OF JUSTICE OF THE REPUBLIC OF PERU

The President of the Inter-American Court, Judge Antônio A. Cançado Trindade, the Vice-President, Judge Máximo Pacheco Gómez, and the Secretary, Manuel E. Ventura Robles, received the Minister of Justice of the State of Peru, Dr. Diego García-Sayán Larrabure, accompanied by the Ambassador of Peru to Costa Rica, Fernando Rojas, at the seat of the Court in San José, Costa Rica, on February 9, 2001.

During the visit, the Minister of Justice handed the President of the Court a copy of the note signed by the President of the Council of Ministers and the Minister for Foreign Affairs of Peru, Javier Pérez de Cuéllar, which had been delivered to the Secretary General of the Organization of American States, César Gaviria Trujillo, in which Peru declared that "the acceptance of the contentious jurisdiction of the Court [...] by Peru on October 20, 1980, was in full force, that the State of Peru was bound by its legal effects, and that it should be understood that this declaration had been in force without interruption since it was deposited before the Secretariat of the Organization of American States (OAS), on January 21, 1981." Minister García-Sayán also delivered two notes signed by himself and addressed to the President of the Court in which the State of Peru "expressly acknowledged the responsibility that corresponds [to it ...] for the violation of the rights" of the justices of the Constitutional Court, Mr. Aguirre Roca, Mr. Rey Terry and Mrs. Revoredo Marsano, who had been dismissed, and also in the case of Baruch Ivcher Bronstein (judgments of the Court

of January 31 and February 6, 2001, respectively), and presented information on the measures that the State of Peru was taking to re-establish the rights of the said persons (**Appendixes XLIX, L and LI**).

Both the President of the Court and the Minister of Justice of Peru addressed those present at the meeting. The President of the Court thanked the Minister of Justice for his visit and underscored its symbolic importance, because Peru was one of the first Latin American States to ratify the American Convention, on July 28, 1978, and to accept the contentious jurisdiction of the Court, as of January 21, 1981. Therefore, this historic visit to the seat of the Court by the Minister of Justice symbolized “the return of Peru to its best legal thought and tradition in the field of human rights”. President Cançado Trindade added that the normalization of relations between Peru and the Court “helps to ensure that all the inhabitants of Peru will have an additional guarantee that their rights are protected, strengthens the inter-American protection system with the contribution of Peru, and converts human rights into the common language of all Latin American countries and peoples.” Finally, the President of the Court underlined Minister García-Sayán’s extensive and distinguished career in the sphere of the protection of human rights at both the national and the international level, and concluded that his visit “is important at a time when the ideal of international justice is steadily gaining ground.”

The Minister of Justice of Peru thanked the President of the Court for the hospitality with which he had been received and emphasized the current Government of Peru’s commitment to the exercise of human rights. He made clear that Peru had never really “withdrawn” from the Court, as attested by the latter’s judgments on competence in the Ivcher Bronstein and Constitutional Court cases (both of September 24, 1999). He added that this visit represented the full normalization of relations between Peru and the Inter-American Court. With regard to the recent judgments on merits in the two above-mentioned cases delivered by the Court on January 31 and February 6, 2001, respectively, Minister García-Sayán indicated that the decisions of the Court “coincided fully, in substance, with the measures that the current Government of Peru was taking to resolve both cases.” Lastly, he added that, from now on, Peru, with its full participation, would make a positive contribution to the inter-American protection system and expressed his support for the allocation of greater resources so that the Court could function on a permanent basis.

2. FIFTIETH ANNIVERSARY OF UNHCR: “*THE STATE OF THE WORLD’S REFUGEES*”

During the celebration of the fiftieth anniversary of UNHCR, the Inter-American Court of Human Rights and the United Nations High Commissioner for Refugees held an activity to present the book “The State of the World’s Refugees” at the seat of the Court in San José, Costa Rica, on February 16, 2001.

The President of the Court, Judge Antônio A. Cançado Trindade, presided the event and he was accompanied on the podium by Jaime Ruiz de Santiago, UNHCR Head of Mission in Costa Rica; Virginia Trimarco, Resident Representative of the United Nations Development Programme in Costa Rica; Cristina Zeledón, in charge of the Immigration Program of the

Inter-American Institute of Human Rights, representing Roberto Cuéllar, Executive Director; Eduardo Vílchez, Director General of Immigration and Aliens, and Juan Carlos Murillo, in charge of training on international refugee law, UNHCR.

The book explains how the international laws on refugees were drawn up – from the historical and chronological perspective of this agency, which is responsible for safeguarding this sector – and how the institutions devoted to protecting refugees and other displaced persons were established, and gives a detailed account of the events leading up to the principal crises in which UNHCR has been involved since its creation 50 years ago. It stresses the need to find long-lasting solutions to the problems arising from forced displacements, because, as UNHCR says, without safety, there can be no peace or stability.

3. VISIT OF THE PRESIDENT TO WASHINGTON, D.C.

The President of the Court, Judge Antônio A. Cançado Trindade, together with the Secretary, Manuel E. Ventura Robles, visited Washington, D. C., prior to the arrival of the remainder of the Court's judges, to meet with the Inter-American Commission and submit the Court's Annual Report to the OAS Commission on Juridical and Political Affairs.

On March 5, 6 and 7, they held private meetings with the Chairman of the Inter-American Commission, with several Ambassadors, Permanent Representatives to the OAS, with senior officials of the Organization, and with various non-governmental organizations. During these meetings, they explained the Court's opinion on the reform and improvement of the inter-American system for the protection of human rights, and stated that President Cançado Trindade would present these criteria to the Commission on Juridical and Political Affairs on April 5, 2001, and to the OAS General Assembly.

4. PRESENTATION OF THE ANNUAL REPORT OF THE COURT TO THE COMMISSION ON JURIDICAL AND POLITICAL AFFAIRS

On March 9, 2001, taking advantage of their presence in Washington D.C. to meet with the Inter-American Commission, all the members of the Court accompanied the President, Judge Antônio A. Cançado Trindade, to present the Court's Annual Report to the Commission on Juridical and Political Affairs of the OAS Permanent Council, chaired by Ambassador Margarita Escobar, Permanent Representative of El Salvador to the Organization.

During the meeting, which lasted three and a half hours, President Cançado Trindade called on those States that had not done so to ratify the American Convention and accept the obligatory jurisdiction of the Court in contentious cases “so that our system to protect human rights may be enhanced by its global composition in its regional sphere of operation.” Judge Cançado Trindade added that he was “firmly convinced that the true commitment of a country to internationally recognized human rights is measured by its initiative and determination to become part of the human rights treaties, thus assuming the protection obligations they embody.” Following President Cançado Trindade's statement, various delegations expressed their opinion on the Court's Annual Report and reiterated their support for the Court's work in protecting the full exercise of human rights in the hemisphere.

5. JOINT MEETING OF THE COURT AND THE INTER-AMERICAN COMMISSION

On March 7, 2001, the Court traveled to the seat of the OAS in Washington, D.C., for the annual joint meeting that it holds with the Inter-American Commission, by mandate of the General Assembly. The following persons took part in this meeting, which was held on March 8, 2001:

For the Inter-American Court of Human Rights

Antônio A. Cançado Trindade, President, Máximo Pacheco Gómez, Vice President, Hernán Salgado Pesantes, Alirio Abreu Burelli, Sergio García Ramírez, Carlos Vicente de Roux, Manuel E. Ventura Robles and Renzo Pomi.

For the Inter-American Commission on Human Rights

Claudio Grossman, Chairman, Juan Méndez, First Vice Chairman, Marta Altolaguirre, Second Vice Chairman, Hélio Bicudo, Robert K. Goldman, Peter Laurie, Julio Prado Vallejo, Jorge E. Taiana and David J. Padilla.

The agenda of the joint meeting was as follows:

1. Implementation of the regulatory reforms recently adopted by both supervisory bodies;
2. Compliance with the judgments of the Court and the recommendations of the Commission;
3. Improvement of the inter-American system for the protection of human rights;
4. Continuous coordination between the two treaty bodies for the faithful performance of their functions; and
5. Joint search for increased financing for the operation of both supervisory bodies.

The same day, the President of the Court and the Chairman of the Commission addressed a letter to the Secretary General of the OAS, César Gaviria Trujillo (**Appendix LII**), informing him of the results of the meeting. The substantive part of this letter reads as follows:

We hereby express the common conviction of all the members of the Inter-American Commission and Court concerning the significance of the joint meeting held today. The members of both treaty bodies have had a useful exchange of ideas in an environment of friendship and with an elevated juridical content.

The supervisory bodies have underscored that it is important that both the States and civil society organization, petitioners, and beneficiaries of the protection system in general, study the new Rules of Procedure of the Court and Regulations of the Commission in detail, so as

to be able to make a more effective use of the procedures they govern, to ensure the full protection of human rights.

We also agree that it is important that the political organs of the OAS should develop mechanisms which ensure adequate monitoring that the Members States of the Organization fully comply with the judgments and decisions of the Court and the recommendations and resolutions of the Commission.

We also consider it very positive that OAS Member States are continuing to incorporate norms of international human rights law into their respective domestic legal systems, and also that the Judiciaries of the States of the region are making more extensive use of international jurisprudence, by applying the human rights treaties which bind them.

Finally, the two treaty bodies have expressed their support for the gradual and significant increase of the funds that the Organization allocates to the inter-American system for the protection of human rights, so that, as soon as possible, these resources represent at least 10% of the regular budget of the OAS.

6. PRESENTATION OF THE BOOKS: “LA NUEVA DIMENSIÓN DE LAS NECESIDADES DE PROTECCIÓN DEL SER HUMANO EN EL INICIO DEL SIGLO XXI” AND “MEMORIAS DEL II Y III ENCUENTRO DE MOVILIDAD HUMANA – MIGRANTE Y REFUGIADO”

On March 14, 2001, an act was held at the Court, in collaboration with the United Nations High Commissioner for Refugees – during the celebration of the fiftieth anniversary of UNHCR – to present these books. This project represents the efforts of both institutions and the Inter-American Institute of Human Rights to better understand and resolve one of the pervasive problems that affects humanity, the displacement of persons, taking into account its many, distressing aspects, such as economic migrants, refugees and the internally displaced due to violence.

“La Nueva Dimensión de las Necesidades de Protección del Ser Humano en el Inicio del Siglo XXI” [The new dimension of the individual’s needs for protection at the start of the twenty-first century], may be considered a work in three parts that envisages the solution from three perspectives. The first part makes a contribution to doctrine, through two complementary articles relating to the urgent need to increase the relationship between the protection of human rights and the protection of refugees at the international level, without ignoring the protection granted by international humanitarian law. Both doctrinary contributions are authored by Antônio A. Cançado Trindade and Jaime Ruiz de Santiago respectively.

The second part includes documents on basic international legislation for the protection of refugees in Latin America and the third part reproduces three recent decisions of the Court - jurisprudence consistent with the subject matter of the doctrinal contributions included in the book.

“Las Memorias del II y III Encuentro de Movilidad Humana – Migrante y Refugiado” [Proceedings of the second and third meeting on human mobility – migrants and refugees], whose central topic is economic migrants and refugees, has allowed specific regional actions to be taken in favor of the protected persons.

During the activity, a farewell ceremony was held for Jaime Ruiz de Santiago, outgoing UNHCR Head of Mission in Costa Rica, presided by Judge Antônio A. Cançado Trindade, President of the Court. He was accompanied by Monsignor Ángel Sancasimiro, Bishop of the Diocese of San Carlos and President of *Pastoral Social Cáritas de Costa Rica*; Claudio Grossman, Chairman of the Inter-American Commission on Human Rights; Andrés Ramírez, incoming UNHCR Head of Mission in Costa Rica; Roberto Cuéllar, Director of the Inter-American Institute of Human Rights, and Manuel E. Ventura Robles, Secretary of the Court.

7. VISIT OF THE PRESIDENT OF THE COURT TO WASHINGTON, D.C.

The President of the Court, Judge Antônio A. Cançado Trindade, accompanied by the Secretary, Manuel E. Ventura Robles, visited Washington, D.C. from April 12 to 16, 2001, to take part in a discussion on the reform and improvement of the inter-American human rights system organized by the Commission on Juridical and Political Affairs of the OAS Permanent Council, at the invitation of its Chair, Ambassador Margarita Escobar, Permanent Representative of El Salvador to the OAS. President Cançado Trindade presented his report during the morning of Thursday, April 5. A copy of his report in the four official languages of the OAS is included with this report (**Appendix LIII**).

During their visit they also met with the OAS Secretary General, César Gaviria Trujillo, his Senior Adviser on human rights, Doctor Peter Quilter, the OAS Assistant Secretary General, Luigi Einaudi, the Chair of the OAS Permanent Council, Ambassador Humberto de la Calle, Permanent Representative of Colombia to the OAS, and other ambassadors, Permanent Representatives to the OAS, with whom they discussed the need to increase the Court's human and financial resources and also the Court's opinion on the reform and improvement of the human rights system and its supervisory bodies, the Commission and the Court.

8. DONATION OF BOOKS BY THE FRENCH MINISTRY OF FOREIGN AFFAIRS

In the context of the documentary support and juridical cooperation provided by the French Ministry of Foreign Affairs, on April 18, 2001, in the installations of the Court's library, the Ambassador of France to Costa Rica, Nicole Tramond, and Joel Dine, the Attaché for Scientific and Technological Cooperation in Central America of the French Embassy in Costa Rica, donated 33 books on civil law, criminal law, economic and human rights law. The Secretary and the Deputy Secretary of the Court, Manuel E. Ventura Robles and Renzo Pomi, respectively, and other Court personnel attended the event. The books cover the most recent French juridical reforms related to the situation of human rights in the framework of the agreements to which France is a signatory within the Council of Europe and the European Court of Human Rights.

9. VISIT OF THE PRESIDENT OF THE COURT TO CHILE

The President of the Court, Judge Antônio A. Cançado Trindade, accompanied by the Vice-President, Judge Máximo Pacheco Gómez, who lives in that country, and the Secretary, Manuel E. Ventura Robles, made an official visit to Chile on May 14, 15 and 16, 2001.

As part of their official activities, they met with the President of the Supreme Court of Justice of Chile, Judge Hernán Álvarez García, during the morning of Tuesday, May 14, and, in the afternoon, with the Minister of Justice, José Antonio Gómez. They discussed matters relating to the work of the Inter-American Court and compliance with the judgment in “The Last Temptation of Christ” vs. Chile case with both officials.

In the evening, they took part in the launch of the book “*El Derecho Internacional de los Derechos Humanos en el Siglo XXI*” [*International Human Rights Law in the Twenty-first Century*], at the Editorial Jurídica de Chile. The President of the Court is the author of the book and the Vice President wrote the prologue. Prominent members of Chile’s academic and diplomatic circles attended the event.

During the visit, meetings were also held with professors of the University of Chile and the Catholic University, when the work of the Inter-American Court was discussed.

10. PRESENTATION OF THE “MEMORIA DEL FORO: DESARROLLO HUMANO Y DERECHOS HUMANOS”

SIGNATURE OF A COOPERATION AGREEMENT BETWEEN THE UNIVERSITY OF SEVILLE, SPAIN, AND THE COURT

On June 1, 2001, an event was held at the seat of the Court to present “*Memoria del Foro Desarrollo Humano y Derechos Humanos*” [*Proceedings of the Forum on Human Development and Human Rights*], which contains the deliberations of the forum held jointly by the United Nations Development Programme (UNDP) and the Inter-American Court, in the context of the agreement between the two institutions.

The *Memoria* contains the deliberations of the panel on “Human Development and Human Rights”, an activity organized to launch the *Human Development Report 2000* (August 7, 2001). The panel was conceived to complement the report, which examines a crucial element of human development each year and, in 2001, this element was human rights.

During the activity, a cooperation agreement was signed between the Inter-American Court of Human Rights and the University of Seville, Spain, for the exchange of academic activities and publications between the two institutions (**Appendix LIV**). Thus another agreement for the exchange of institutional experiences was added to those already signed with the United Nations High Commissioner for Refugees (UNHCR); the United Nations Development Programme (UNDP); and the BANCAJA International Center for Peace and Development of the Caja Castellón Foundation, Spain, among others.

Judge Antônio A. Cançado Trindade, President of the Inter-American Court, presided the event, accompanied by the Ambassador of the Kingdom of Spain to Costa Rica, Víctor Ibáñez-Martín Mellado, and by Ligia Elizondo, UNDP Resident Representative in Costa

Rica; Jaime Barros Leal, President of the Brazilian Institute of Human Rights and Manuel E. Ventura Robles, Secretary of the Court.

At the end of the activity, there was a farewell ceremony for the Court officials, Renzo Pomi, who had been the Deputy Secretary in recent years, and Ana Lissa Amado from the Legal Area. They will be undertaking new professional obligations.

11. MEETING WITH A DELEGATION FROM THE EUROPEAN COURT OF HUMAN RIGHTS

Since the thirty-first regular session of the OAS General Assembly was held in San José, Costa Rica, where the Court has its seat, a delegation from the European Court of Human Rights visited the city to take part in the General Assembly as observers and also to meet with all the members of the Inter-American Court, who were attending the meeting.

The delegation was composed of the Vice President of the European Court of Human Rights, Judge Elisabeth Palm from Sweden, and by the Secretary of the chamber that she presides in that Court, Michael O'Boyle. They held a useful meeting with the judges of the Inter-American Court on Saturday, June 2, and discussed the application of Protocol 11 to the European Convention on Human Rights. The inter-American judges, headed by their President, Antônio A. Cançado Trindade, expressed their gratitude for the information provided by their European colleagues, which they said would be very useful for the reform and improvement of the inter-American system for the protection of human rights.

12. VISIT OF THE MINISTER FOR FOREIGN AFFAIRS OF THE DOMINICAN REPUBLIC

During the afternoon of Saturday, June 2, 2001, Hugo Tolentino Dipp, Permanent Secretary of State for Foreign Affairs of the Dominican Republic, accompanied by Marino Villanueva Callot, Ambassador, Responsible for the UN-OAS Division, International Conferences and Organizations, Ramón Quiñones, Ambassador, Alternate Representative to the OAS, Margarita Toribio de Aquino, Ambassador to the Government of Costa Rica, Yessenia Soto Thorman, Minister Counselor, Alternate Representative to the OAS, and Marina Cáceres de Estévez, Minister Counselor, Assistant to the Secretary of State for Foreign Affairs, made a courtesy visit to the Inter-American Court.

The Dominican Republic delegation was received by the full Court headed by its President, Antônio A. Cançado Trindade, and, during the visit, a discussion was held on the process to strengthen and reform the inter-American human rights system being carried out within the OAS. The Minister for Foreign Affairs told the Court that, through him, his Government expressed its full support for the important work carried out by the Court for all the peoples of the hemisphere.

13. VISIT OF THE MINISTER FOR FOREIGN AFFAIRS OF THE FEDERATIVE REPUBLIC OF BRAZIL

On the occasion of his participation in the OAS General Assembly in San José, Costa Rica, the Minister for Foreign Affairs of the Federative Republic of Brazil, Ambassador Celso

Lafer, visited the Inter-American Court and its library on June 5, 2001, accompanied by Omar Chohfi, Ambassador, Head of Cabinet of the Minister for Foreign Affairs, Luiz Fernando de Oliveira e Cruz Benedini, Ambassador to the Government of Costa Rica, and Carlos Alberto Simas Magalhães, Minister, Special Adviser to the Mercosur Office.

The Brazilian delegation was received by the President of the Court, Judge Antônio A. Cançado Trindade, and by the Secretary, Manuel E. Ventura Robles. The Brazilian Minister for Foreign Affairs expressed his appreciation of the visit to the installations of the Court, offered the Brazilian Government's full support to the institution and underscored that it is a great honor for Brazil that the inter-American Court is presided by a Brazilian.

14. VISIT OF THE AGENT OF THE BOLIVARIAN REPUBLIC OF VENEZUELA

The new Agent appointed by the Government of Venezuela to handle cases pending before the Inter-American Court of Human Rights, Doctor Hermann Escarrá, visited the Court on June 6, 2001, accompanied by Dulce María Parra Fuentes, Counselor of the Embassy of Venezuela to the Government of Costa Rica. They were received by the President of the Court, Judge Antônio A. Cançado Trindade, by Judge Alirio Abreu Burelli and by the Secretary, Manuel E. Ventura Robles, with whom they held a working meeting that lasted more than an hour.

15. VISIT OF THE MINISTER FOR FOREIGN AFFAIRS OF THE ORIENTAL REPUBLIC OF URUGUAY

On June 6, 2001, on the occasion of an official visit to Costa Rica, the Minister for Foreign Affairs of Uruguay, Didier Opertti Badán, visited the Inter-American Court accompanied by Álvaro Moerzinger, Ambassador, Director of Political Affairs, and Jorge Carvalho, Ambassador to the Government of Costa Rica. They were received by the President of the Court, Judge Antônio A. Cançado Trindade, by Judge Alirio Abreu Burelli and by the Secretary, Manuel E. Ventura Robles, with whom they held a long discussion about previous and future meetings of the Inter-American Specialized Conference on Private International Law (CIDIP) and also the reform and improvement of the inter-American human rights system, owing to Minister Opertti's extensive experience in the area of Private International Law. President Cançado Trindade was very pleased to receive, at the seat of the Court, Minister Opertti Badán, who is also Professor of International Law.

16. MEETING OF EXPERTS CONVENED BY UNHCR

The Office of the United Nations High Commissioner for Refugees (UNHCR) held a regional meeting of experts in order to initiate global consultations for the international protection of refugees at the Inter-American Court, on June 7 and 8, 2001, within the framework of the agreement between the Court and UNHCR (see Annual Report 2000, page 777, Appendix LIV). The following persons attended this high-level meeting, which was chaired by the President of the Court, Judge Antônio A. Cançado Trindade:

EXPERTS

Antônio A. Cançado Trindade	President, Inter-American Court of Human Rights
Hernán Salgado Pesantes	Inter-American Court of Human Rights
Alirio Abreu Burelli	Inter-American Court of Human Rights
Manuel E. Ventura Robles	Inter-American Court of Human Rights
Renzo Pomi	Inter-American Court of Human Rights
Juan Méndez	Inter-American Commission on Human Rights
Pedro Nikken	Inter-American Institute of Human Rights
Roberto Cuéllar	Inter-American Institute of Human Rights
Elizabeth Odio Benito	Second Vice President of the Republic of Costa Rica
Rodolfo Piza Escalante	Constitutional Chamber, Supreme Court of Justice of Costa Rica
Manuel Ángel Castillo	College of Mexico
Jaime Esponda	Former Director, Office for the Return of Exiles of the Government of Chile
Joan Fitzpatrick	Washington University
Leonardo Franco,	Facilitator, Lanus National University
Gustavo Gallón	Colombian Jurists Commission
Viviana Krsticevic	Center for Justice and International Law (CEJIL)
Leanne MacMillan	International Secretariat, Amnesty International
Ricardo Méndez Silva	National Autonomous University of Mexico
Bernadette Passade Cissé	Office of Policies on Migration and Refugees of the American Catholic Conference
Simon Russell	International Council of Voluntary Agencies (ICVA)
César San Juan	Deputy Minister of Human Rights, Ministry of Justice and Human Rights of Argentina

UNHCR

Carlos Maldonado	Coordinator, Americas Office, Geneva, Switzerland
Francisco Galindo-Vélez	Rapporteur, Regional Office for Mexico, Guatemala, El Salvador, Honduras, Belize and Cuba, Mexico, D.F., Mexico
Alejandro Cedeño	International Protection Department, Geneva, Switzerland
Mark Manly	Liaison Office, San José, Costa Rica
Juan Carlos Murillo	Liaison Office, San José, Costa Rica
Andrés Ramírez	Liaison Office, San José, Costa Rica
Virginia Trimarco	Regional Office for the North of South America and Panama, Caracas, Venezuela.

During the meeting, there was an in-depth discussion of the following issues: convergence and complementarity between international human rights law and international refugee law; complementarity between the supervisory role of UNHCR and the supervisory roles of the Inter-American Court of Human Rights and the Inter-American Commission on Human Rights; challenges of State international responsibility, and improving the inter-American system for the protection of human rights.

At the end of the meeting a series of important conclusions and recommendations were adopted that are included in this report (**Appendix LV**). The global consultations initiated at this meeting at the Inter-American Court will be followed up at Cambridge University, United Kingdom in July 2001.

17. THIRTY-FIRST REGULAR SESSION OF THE GENERAL ASSEMBLY OF THE ORGANIZATION OF AMERICAN STATES

The OAS General Assembly held its thirty-first regular session in San José, Costa Rica, from June 3 to 5, 2001.

The Inter-American Court was represented by its President, Judge Antônio A. Cançado Trindade, and also by Judges Hernán Salgado Pesantes, Alirio Abreu Burelli, Sergio García Ramírez and Carlos Vicente de Roux Rengifo. The Secretary of the Court, Manuel E. Ventura Robles, and the Deputy Secretary, Renzo Pomi, also attended the meeting.

The President of the Court, Judge Antônio A. Cançado Trindade, addressed the plenary session of the General Assembly on Monday, June 4, 2001, with a brief statement (**Appendix LVI**) in which he underlined the need to improve the inter-American system for the protection of human rights by giving the individual direct access to the Inter-American

Court and providing the Court with the additional resources it needs, owing to the entry into force of the new Rules of Procedure and in order to increase its professional staff. On the same day, he also presented in detail the Annual Report on the Court's work in 2000 (*supra* III.7, Appendix LIII) to the General Assembly, which was adopted by the resolution, AG/RES. 1827 (XXXI-O/01). At that time, several delegations took the floor in the General Committee of the Assembly to support the work of the Court. 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 acknowledge with satisfaction that on January 31, 2001, the Government of Peru deposited with the OAS General Secretariat an instrument by which it reaffirmed that the recognition of the contentious jurisdiction of the Inter-American Court of Human Rights issued by Peru on October 20, 1980, was fully in effect and binding in all senses on the Peruvian state, and that the effectiveness of that declaration of recognition should be understood to have been uninterrupted since its deposit with the OAS General Secretariat on January 21, 1981.
3. To note with satisfaction that, during the period covered by this report, the Government of Barbados recognized the binding jurisdiction of the Inter-American Court of Human Rights, under the terms set forth in Article 62(1) of the American Convention on Human Rights.
4. To reiterate that the judgments of the Inter-American Court of Human Rights are final and may not be appealed and that the States Parties to the Convention undertake to comply with the rulings of the Court in all cases to which they are party.
5. To urge the member states, in keeping with the Plan of Action of the Third Summit of the Americas, to focus on the universalization of the inter-American human rights system by increasing the number of accessions to its basic instruments and, in that connection, to give consideration, as soon as possible and as the case may be, to signing and ratifying, ratifying, or acceding to the American Convention on Human Rights and the other instruments of the system, and to accepting the binding jurisdiction of the Inter-American Court of Human Rights.
6. To instruct the Permanent Council to promote in the coming fiscal periods an adequate increase in the resources allocated to the Inter-American Court of Human Rights, given that the promotion and protection of human rights is a fundamental priority of the Organization.
7. To thank the Inter-American Court of Human Rights for its work during the period covered by this report and, in particular, for amending its Rules of Procedure, in keeping with resolution AG/RES. 1701 (XXX-O/00).

With regard to the access of individuals to the Inter-American Court of Human Rights, the General Assembly adopted Resolution AG/RES. 1833 (XXXI-O/01). In this Resolution it resolved:

1. To instruct the Permanent Council to initiate the study on the access of victims to the Inter-American Court of Human Rights (*ius standi*) and its application in practice.

2. To instruct the Permanent Council to take into account in its consideration of the aforementioned study, as one of the reference documents, the study conducted by the Government of Costa Rica (AG/CP/doc.629/01), as well as the recent changes in the rules of procedure of the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights, regarding the access of persons to the inter-American human rights system.

3. To request the Permanent Council to consider initiating discussion of this study, with the support of the Inter-American Court of Human Rights, the Inter-American Commission on Human Rights, and civil society, during the second half of 2001, with a view to forwarding it, as soon as possible, to the States Parties to the American Convention on Human Rights, for consideration by the General Assembly at its thirty-second regular session.

4. To request the Permanent Council to report to the General Assembly at its thirty-second regular session on the implementation of this resolution.

On the topic of the evaluation of the operation of the inter-American system for the promotion and protection of human rights in order to improve and strengthen it, it adopted Resolution AG/RES. 1828 (XXXI-O/01), that resolved:

1. To instruct the Permanent Council to begin taking concrete steps aimed at implementing the mandates from the Heads of State and Government on strengthening and improvement of the inter-American system for the promotion and protection of human rights set forth in the Plan of Action of the Third Summit of the Americas, focusing on:
 - a. Universalization of the inter-American human rights system;
 - b. Implementation of the decisions of the Inter-American Court of Human Rights and follow-up of the recommendations of the Inter-American Commission on Human Rights;
 - c. Greater access for individuals to the inter-American human rights system;
 - d. A substantial increase in the budgets of the Court and of the Commission, by devising a plan through which, within a reasonable time, the organs of the system may address their growing activities and responsibilities and ensure the effectiveness of the system and of the use of allocated resources; and establishment of a specific fund to strengthen the inter-American system for the promotion and protection of human rights intended to encourage voluntary contributions to benefit the organs of the system and to enhance their efforts to promote the system and achieve its universalization;
 - 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:

- a. Continue to consider the participation of victims in proceedings before the Inter-American Court of Human Rights;
- b. 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 bodies and the provisions of their statutes and the American Convention on Human Rights;
- c. Promote the exchange of experiences and best practices in adjusting the provisions of international human rights law to domestic law;
- d. Continue to intensify the dialogue on the inter-American human rights system with a view to its improvement and strengthening, by ensuring the participation of the Inter-American Court of Human Rights and the Inter-American Commission on Human Rights; inviting the Inter-American Institute of Human Rights and representatives of non-governmental organizations; and promoting the participation of national institutions involved in the promotion and protection of human rights, taking into consideration for such purposes the register of national institutions (CP/CAJP-1749/01 and adds. 1 and 2);
- e. Study the possibility of establishing a specific body under the aegis of the Permanent Council to address issues related to human rights; and
- f. Promote, within the Committee on Juridical and Political Affairs, the exchange of information on institutional experiences and the development of national mechanisms for the protection of human rights, 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.

3. To urge the OAS member states to:

- a. Focus their efforts on the universalization of the inter-American human rights system, pursuant to the Plan of Action of the Third Summit of the Americas, by increasing the number of countries that have acceded to its basic instruments and, to that end, consider signing and ratifying, ratifying, or acceding to, as soon as possible and as appropriate, the American Convention on Human Rights and other instruments of the system;
- b. Take such legislative steps 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 every effort to implement the recommendations of the Inter-American Commission on Human Rights; and
- d. 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, in order to fulfill their duty as states to guarantee compliance with the obligations set forth in the instruments of the system.

4. To thank the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights for presenting new rules of procedure, which entered into force on May 1 and June 1, 2001, respectively.

5. To invite the Commission and the Court to continue supporting the strengthening of the inter-American system for the protection and promotion of human rights and, in particular, to consider the possibility of:

- a. Including in its annual reports information on compliance by the States with the recommendations, decisions, or judgments issued by the two organs during the period under consideration. The General Assembly will study that information;
- b. Presenting to the Permanent Council regular evaluations and reports on the results of application of the amendments to the rules of procedure of the two organs, so as to ensure the proper working of the system; and
- c. Providing the Permanent Council with statistical information reflecting the degree of accessibility to the inter-American human rights system and enabling it to be assessed, by type of appellant or petitioner; the right on which the petitions or appeals are based; and,

where applicable, the type of offense for which proceedings were brought under domestic law.

6. To acknowledge the participation and contributions of the Inter-American Institute of Human Rights and non-governmental organizations in the dialogue on strengthening the system and to urge them to continue to participate in that dialogue.
7. To request the Inter-American Juridical Committee to contribute to the work of the Committee on Juridical and Political Affairs (CAJP) with respect to the dialogue on the inter-American system for the protection and promotion of human rights, when the CAJP so requests.
8. To transmit this resolution to the Inter-American Court of Human Rights and the Inter-American Commission on Human Rights.
9. To request the Permanent Council to report to the General Assembly at its thirty-second regular session on the implementation of this resolution.

The General Assembly also reiterated its support for the inter-American human rights instruments in Resolution AG/RES. 1829 (XXXI-O/01), which resolved:

1. To request the Permanent Council, through the Committee on Juridical and Political Affairs, to foster an exchange of views regarding the signature, signature and ratification, or ratification of, or accession to, as the case may be, all hemispheric human rights instruments, and to continue to promote the adoption of concrete measures to strengthen and improve the inter-American human rights system, concentrating on universalization of the system and on its implementation.
2. To recommend to the Permanent Council that it prepare and convene, prior to the thirty-second regular session of the General Assembly, a specialized technical meeting, with the participation of government experts, other organs of the inter-American system, eminent jurists and experts, and civil society, to study possibilities and actions to be taken to achieve universalization of the inter-American human rights system and its implementation.
3. To instruct the Permanent Council to encourage voluntary contributions to the specific fund created through resolution AG/RES. 1828 (XXXI-O/01) intended to finance totally or in part the aforementioned technical meeting.
4. To request the Permanent Council to report to the General Assembly at its thirty-second regular session on initiatives taken and progress made in implementing this resolution.

The General Assembly also adopted the 2002 budget of the Court in Resolution AG/RES. 1839 (XXXI-O/01).

With regard to the Inter-American cooperation program to prevent and remedy cases of the international parental child abduction, the General Assembly adopted Resolution AG/RES 1835 (XXXI-O/01), which resolved:

1. To urge member states to sign and ratify, ratify, or accede to, as soon as possible and as the case may be, the Hague Convention on the Civil Aspects of International Child Abduction, of October 25, 1980; the Inter-American Convention on the International

Return of Children, of July 15, 1989; and the Hague Convention on Protection of Children and Co-operation in respect of Intercountry Adoption, of May 29, 1993, and to call on States Parties to comply with their obligations under these conventions in order to prevent and remedy cases of international parental child abduction.

2. To instruct the Permanent Council, with the support and under the auspices of the Inter-American Children's Institute (IACI), to review the possibility of convening, in the near future, in accordance with the resources allocated in the program-budget and other resources, a meeting of government experts on the subject of the international abduction of children by one of their parents, which will report to the Permanent Council.

3. To recommend, further, that the meeting of government experts should consider preparing an inter-American program on cooperation to prevent and remedy cases of international abduction of minors by one of their parents, with specific objectives, including the establishment of a network for the exchange of information and for cooperation among the competent national bodies in member states on the different regulatory and legal aspects involved in preventing and settling cases of abduction.

4. To request the Permanent Council to invite the Inter-American Commission on Human Rights, the Inter-American Court of Human Rights, and the Inter-American Juridical Committee to lend their support and legal and technical assistance, within their respective spheres of competence, for the organization and holding of the meeting of government experts.

5. To request the Inter-American Children's Institute, to prepare a report on the status in the Americas of the international abduction of minors by one of their parents, to be presented to the meeting of government experts.

6. To invite member states, permanent observers, international organizations, multilateral financial institutions, and civil society organizations to collaborate and cooperate with the meeting of government experts.

7. To direct that the recommendations of the meeting of government experts be submitted to the 77th Meeting of the IACI Directing Council, and that the decisions taken by the Directing Council in fulfillment of this resolution be forwarded to the General Assembly for consideration at its thirty-second regular session.

19. VISIT OF THE PRESIDENT OF THE COURT TO STRASBOURG

On the occasion of an invitation to be a guest speaker at the International Institute of Human Rights, the President of the Court, Judge Antônio A. Cançado Trindade, met with Judges Georg Ress, Matti Pellonpää and John Hedigan, of the European Court of Human Rights, and with Paul Mahoney, Secretary, and Michael O'Boyle, Legal Adviser, to this Court, at its seat in Strasbourg, France, on July 17, 2001. During the meeting, a useful discussion was held on the common experiences of the two international human rights Courts and their contributions to the jurisprudence of the inter-American and European systems for the protection of human rights.

On July 18 and 20, 2001, the President of the Court, Judge A.A. Cançado Trindade, met with the Vice President and the Director of the International Institute of Human Rights,

Professors Alexandre-Charles Kiss and Jean-François Flauss, at its seat, to follow up on the cooperation agreement between the two institutions, under which the lawyers of the Inter-American Court are given grants to take part in the Institute's annual study session in Strasbourg.

19. PARTICIPATION OF THE PRESIDENT AND THE SECRETARY IN THE INTERNATIONAL LAW COURSE OF THE INTER-AMERICAN JURIDICAL COMMITTEE

The President of the Court, Judge Antônio A. Cançado Trindade, and the Secretary, Manuel E. Ventura Robles, were among the professors for the twenty-eighth International Law Course held by the Inter-American Juridical Committee, from July 30 to August 24, 2001. The subject of the course was *La Persona Humana en el Derecho Internacional Contemporáneo* [*The Individual in Contemporary International Law*]. President Cançado Trindade and Secretary Ventura Robles made their presentations on Wednesday, August 8, and Thursday, August 9, 2001. The former spoke on "The individual's access to international justice in the inter-American system" and the latter on "The Inter-American Court of Human Rights: towards a permanent court".

20. MEETING OF THE PRESIDENT OF THE COURT WITH THE MEMBERS OF THE INTER-AMERICAN JURIDICAL COMMITTEE

During his visit to Río de Janeiro to lecture at the International Law Course of the Inter-American Juridical Committee, the President of the Court, Judge Antônio A. Cançado Trindade, accompanied by the Secretary of the Court, Manuel E. Ventura Robles, was received by all the members of the Inter-American Juridical Committee.

The President of the Committee, João Grandino Rodas, welcomed Judge Cançado Trindade and Secretary, Manuel Ventura, and asked the President of the Court to inform them about the most recent changes in the inter-American system for the protection of human rights. President Cançado Trindade then answered questions posed by members of the Committee, following which he thanked this prestigious OAS juridical organ for receiving him.

21. VISIT OF THE ASSISTANT SECRETARY FOR ADMINISTRATIVE AFFAIRS OF THE PRESIDENCY OF THE DOMINICAN REPUBLIC

On August 23, 2001, Víctor Céspedes, Assistant Secretary for Administrative Affairs of the Presidency of the Dominican Republic and Director of the Law School of the Autonomous University of Santo Domingo made a courtesy visit to the Court. Dr. Céspedes took advantage of the occasion to explore possibilities for cooperation between the Court and his University. He was received by the Deputy Secretary of the Court, Pablo Saavedra Alessandri.

22. VISIT OF THE PRESIDENT OF THE CONSTITUTIONAL COURT OF THE REPUBLIC OF GUATEMALA

On August 30, 2001, the President of the Constitutional Court of Guatemala, Rodolfo Rohrmoser, accompanied by Carlos Luna, Alternate Justice, visited the Court, in order to reach an agreement on an exchange of jurisprudence between the Constitutional Court and

the Inter-American Court. During the visit, President Rohrmoser, who was received by the Secretary of the Court, Manuel E. Ventura Robles, delivered the jurisprudence of the Guatemalan Constitutional Court. The Inter-American Court subsequently forwarded its jurisprudence to the Constitutional Court in Guatemala City.

23. VISIT OF THE MINISTER AND THE DEPUTY MINISTER OF JUSTICE OF PERU

On Monday, September 3, 2001, during its fifty-second regular session, the full Court received Fernando Olivera Vega and Pedro Cateriano Bellido, Minister and Deputy Minister of Justice of Peru, respectively, accompanied by the Ambassador of Peru to Costa Rica, Fernando Rojas Samanez. Minister Olivera Vega told the Court that his first official visit as a Minister was being made to the Inter-American Court of Human Rights as an indication of appreciation and support for the Court, which represented the only hope of many Peruvians during the difficult times of President Fujimori's government. On behalf of all the members of the Court, its President, Judge Antônio A. Cançado Trindade, thanked Minister Olivera for his support and told him that, the following week, when visiting to Lima to take part in the twenty-eighth special General Assembly of the OAS, he would pay a courtesy visit on President Alejandro Toledo.

24. VISIT OF A JUSTICE OF THE CONSTITUTIONAL COURT OF BOLIVIA

On Thursday, September 6, 2001, Felipe Tredinnick, Justice of the Constitutional Court of Bolivia, visited the Inter-American Court. Justice Tredinnick was received at the Court by its President, Judge Antônio A. Cançado Trindade. During the visit, they discussed the work of their respective courts in favor of human rights and exchanged publications.

25. TWENTY-EIGHTH SPECIAL GENERAL ASSEMBLY OF THE ORGANIZATION OF AMERICAN STATES

The President of the Court, Judge Antônio A. Cançado Trindade, and the Secretary, Manuel E. Ventura Robles, represented the Court at the twenty-eighth special General Assembly of the OAS, held in Lima, Peru, on September 10 and 11, 2001, during which the highest political organ of the OAS adopted the Inter-American Democratic Charter.

26. OFFICIAL VISIT TO PERU OF THE PRESIDENT AND THE SECRETARY OF THE COURT

After taking part in the OAS General Assembly, the President of the Court, Judge Antônio A. Cançado Trindade, and the Secretary, Manuel E. Ventura Robles, remained in Lima for two more days, September 12 and 13, 2001, in response to an invitation from the Government of Peru. During the visit they met with the constitutional President of the Republic, Alejandro Toledo, the Minister for Foreign Affairs, Diego García-Sayán, the Minister and Deputy Minister of Justice, Fernando Olivera Vega and Pedro Cateriano Bellido, the Justice Commission of the Congress of the Republic, the justices of the Constitutional Court, Manuel Aguirre Roca, Guillermo Rey Terry and Delia Revoredo de

Mur, and also various prominent members of the country's political and academic circles. During all these meetings, the Peruvian officials informed President Caçado Trindade of their gratitude to the Inter-American Court for its firm and honorable attitude in defense of human rights during President Fujimori's government, even when the latter attempted to withdraw Peru from the contentious jurisdiction of the Court with immediate effect.

During a moving ceremony at the offices of the Rector of the Universidad Mayor de San Marcos, on the evening of Thursday, September 13, attended by the Rector of the University, Manuel Burga Díaz, the Dean of the Faculty of Law, Ulises Montoya Alberti, the Judge *ad hoc* of the Inter-American Court, Fernando Vidal Ramírez, and eminent members of the faculty and the diplomatic corps, President Antônio A. Caçado Trindade was honored and named Honorary Professor of the Universidad Mayor de San Marcos, during the activities to celebrate the four hundred and fiftieth anniversary of the foundation of the University, doyen of the Americas. Judge Caçado Trindade's address during the ceremony is included with this report (**Appendix LVII**).

27. VISIT OF THE PRESIDENT OF THE SUPREME COURT OF JUSTICE OF THE UNITED MEXICAN STATES

On October 3, 2001, the Inter-American Court received a delegation from the Supreme Court of Justice of the United Mexican States, headed by its President, Genaro David Góngora Pimentel, and composed of Guillermo Ortiz Mayagoitia, Minister of the Supreme Court; Adolfo O. Aragón Mendía, Adviser to the Federal Judicature; Edgar Corzo Sosa, Director General of the International Relations Department of the Supreme Court; Julio César Vázquez Mellado, Director of the Federal Judicature Institute; Jorge Camargo Zurita, General Coordinator of Social Communication, and Lieutenant Isaías Ramírez Martínez, Director of Security of the institution. They were accompanied by the Ambassador of Mexico to Costa Rica, Carlos Pujalte Piñeiro, and by José Luis Calderón, official of the Supreme Court of Justice of Costa Rica. Judge Sergio García Ramírez welcomed them on behalf of the Inter-American Court and Genaro David Góngora Pimentel, as President of the Supreme Court of his country, responded. Judge García Ramírez gave Doctor Góngora Pimentel a gift in remembrance of the visit.

28. VISIT OF THE MINISTER FOR FOREIGN AFFAIRS OF THE REPUBLIC OF FINLAND

On November 28, 2001, the President of the Court, Judge Antônio Augusto Caçado Trindade, and Judges Salgado Pesantes, Abreu Burelli, García Ramírez and de Roux Rengifo, received the Minister for Foreign Affairs of the Republic of Finland, Erkki Tuomioja, at the Court's seat in San José, Costa Rica.

The Minister for Foreign Affairs was accompanied by a high-level delegation, which included the Political Adviser to the Minister, Tarja Kantola, the Ambassador of Finland, Inger Hirvela López, the Attaché, Mikko Kivikoski, and the Honorary Consul of Finland, Ricardo Nieto.

During this visit, the Finnish delegation was able to observe a public hearing at the Court. Subsequently, the delegation had a private meeting with the judges and secretaries of the Court during which they agreed to collaborate more closely.

29. SIGNATURE OF AN INTER-INSTITUTIONAL COOPERATION AGREEMENT WITH THE UNIVERSIDAD MAYOR DE SAN MARCOS OF PERU

On December 3, 2001, an inter-institutional cooperation agreement with the Universidad Mayor de San Marcos del Peru was signed at the seat of the Court (**Appendix LVIII**). The University was represented by the Dean of the Faculty of Law, Ulises Montoya Alberti.

In his address, the President of the Court, Judge Antônio A. Cançado Trindade, recalled his visit to the Universidad Mayor de San Marcos in Lima, Peru, on September 13 that year, when he was named Honorary Visiting Professor. He said that he understood the distinction to be a recognition of the Court as a whole for its work in recent contentious cases concerning the State of Peru and that the positive changes which had taken place recently were due, above all, to the mobilization of Peruvian civil society. He observed that this agreement had symbolic value, not merely because it indicated the end of a cycle in the history of the Court and the beginning of a new era, but also because it illustrated the importance that the Court accorded to contacts with the academic sphere – the *Universitas* – and also the fundamental role of education in the prevention of human rights violations in the medium and long-term.

Doctor Montoya also recalled the visit of the President and the Secretary of the Court in September 2001 and emphasized the Court's work and its contribution to the protection of human rights and the rule of law in the hemisphere, together with the importance of education in enhancing democratic values and respect for human rights.

30. WORKSHOP ON INTERNATIONAL HUMANITARIAN LAW

A “Workshop to study and discuss international humanitarian law and related topics” presided by the President of the Court, Judge Antônio A. Cançado Trindade was held at the Court on December 5, 2001. The judges and secretaries of the Court took part in this workshop, together with senior officials of the International Committee of the Red Cross, including Thierry Meyrat, Regional Delegate for Mexico, Central America and the Caribbean; Cristina Pellandini, Legal Adviser of the International Humanitarian Law Advisory Service; Marie-Claude Roberge, Delegate; Tatiana Flores, Legal Adviser and Luis Alonso Serrano, Assistant to the Legal Department.

The international regulations on the use of certain weapons in situations of armed conflicts, applicable principles and limitations imposed by international humanitarian law on ways and means of making war, the United Nations Convention on Certain Conventional Weapons and its protocols, the use of biological, bacteriological and chemical weapons, definitions and interpretation of war crimes, the study of common law norms of international humanitarian law, and international humanitarian law in the

jurisprudence of the Inter-American Court of Human Rights were discussed during the workshop.

31. VISIT OF THE PRESIDENT OF THE REPUBLIC OF ECUADOR

On December 6, 2001, the judges of the Inter-American Court received the President of the Republic of Ecuador, Gustavo Noboa Bejarano, at the Court's seat in San José, Costa Rica.

The President of the Republic of Ecuador was accompanied by a high-level delegation that included the Minister for Foreign Affairs, Heinz Moeller Freile, the Ambassador of Ecuador to the Government of Costa Rica, Pío Oswaldo Cueva Puerta, and several Ministers of the Ecuadorean Government.

In his welcoming address, the President of the Court, Judge Cançado Trindade, indicated that this visit was a 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 and legislation on human rights in the hemisphere.

The President of the Court referred to Ecuador'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 also the unrestricted acceptance of the contentious jurisdiction of the Inter-American Court by all the States parties to the Convention. Lastly, he referred to the need for all the States parties to automatize the obligatory jurisdiction of the Inter-American Court and to adopt the necessary measures to implement the Convention, in order to ensure that its provisions are directly applicable in the domestic law of States parties.

President Noboa reiterated his appreciation and support for the work of the Court, whose contribution to the rule of law in the region, through its judgments and advisory opinions, represented one of the most significant and transcendent achievements of the inter-American system for the protection of human rights. He emphasized that Ecuador's Constitution, adopted in June 1998, was one of the most progressive in the region as regards human rights, because it established that all human rights were indivisible and integrated, and fully recognized the rights of the indigenous peoples and other minorities. He added that, a more extensive action was needed in order to achieve 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 provisions of the American Convention into the domestic law of the States parties, so that the justice would be enhanced with the help of all the States of the hemisphere (**Appendix LIX**).

32. VISIT OF THE RECTOR OF THE UNIVERSITY OF PARAIBA (UNIPE), BRAZIL

On November 23, 2001, the President of the Court, Judge Cançado Trindade, received the Rector of the University of Paraíba (UNIPE), Monsignor Marcos Augusto Trindade. During the meeting, they agreed on a plan to disseminate the jurisprudence of the Inter-American Court in university circles in northeastern Brazil.

33. PARTICIPATION IN THE “INTERNATIONAL LAW WORKSHOP”, ORGANIZED BY THE JURIDICAL RESEARCH INSTITUTE OF THE UNAM, MEXICO, AND THE OAS

The President of the Court, Judge Antônio A. Cançado Trindade, accompanied by Judge Sergio García Ramírez, and by the former President of the Court, Héctor Fix-Zamudio, took part in the “International Law Workshop” organized by the Juridical Research Institute of the Autonomous National University of Mexico (UNAM) and the OAS, held in Mexico City from December 11 to 14, 2001. During the workshop, on December 13, President Cançado, Judge García and former President Fix-Zamudio presented the topic “The future of the Inter-American Court of Human Rights”.

34. SIGNATURE OF A COOPERATION AGREEMENT WITH THE SUPREME COURT OF JUSTICE OF MEXICO

On December 14, 2001, the President of the Court, Judge Antônio A. Cançado Trindade, Judge Sergio García Ramírez and the former President of the Court, Héctor Fix-Zamudio, attended a working breakfast with the Minister of the Supreme Court of Justice of Mexico, which culminated in the signature of an inter-institutional cooperation agreement between the Inter-American Court of Human Rights, represented by its President, Judge Cançado Trindade, and the Supreme Court of Justice of Mexico, represented by its President, Genaro David Góngora Pimentel. That same day, President Cançado, Judge García and former President Fix-Zamudio attended the presentation of the President of the Supreme Court of Justice of Mexico’s Annual Report, in the presence of the President of Mexico and the President of the Mexican Congress.

IV. ACADEMIC ACTIVITIES OF THE JUDGES

Judge Antônio A. Cançado Trindade delivered a course of three lectures and two seminars on “*Current State and Perspectives of the Inter.-American System of Protection of Human Rights / L’État Actuel et Perspectives du Système Interaméricain de Protection des Droits de l’Homme*”, at the XXXII Study Study Session of the International Institute of Human Rights, held in Strasbourg, France, from 16 to 20 July 2001.

Judge Antônio A. Cançado Trindade delivered two lectures, on “*The Locus Standi of Individuals before the Inter-American Court of Human Rights Under Its New Rules of Procedure*”, at the XXVIII Course of International Law organized by the Inter.-

American Juridical Committee of the OAS, in Rio de Janeiro, Brazil, on 08-10 August 2001.

Judge Antônio A. Cançado Trindade delivered the opening lecture, on the “*Functions and Case-Law of the Inter-American Court of Human Rights*”, of the Law Courses of the University of Paraíba (UNIPE) in João Pessoa, Brazil, on 07 May 2001, and the closing lecture, on the same subject, in the Human Rights Seminar sponsored by the Secretariat of Justice of the State of São Paulo, in São Paulo, Brazil, on 11 June 2001.

Judge Antônio A. Cançado Trindade delivered a lecture on the International Protection of Economic, Social and Cultural Rights, in Havana, Cuba, on 13 February 2001, cosponsored by the Inter-American Institute of Human Rights (IHR) and the National Union of Jurists of Cuba (NUJC).

Judge Antônio A. Cançado Trindade participated, between 19 and 26 August 2001, of the 70th. Session (The “Vancouver Session”) of the Institute of International Law (*Institut de Droit International*), in which he integrates the Commissions of Studies on “Rights and Duties *Erga Omnes* in International Law” and “Humanitarian Assistance”, respectively; the Session took place in Vancouver, Canada.

Judge Antônio A. Cançado Trindade was granted the title of Honorary Professor of the *Universidad Nacional Mayor de San Marcos*, of Peru, in a ceremony held in the evening of 13 September 2001, at the Rector’s Office of that University, in Lima, Peru.

Judge Antônio A. Cançado Trindade was awarded the “Gran-Cruz” of the Order of the *Inconfidência*, in Ouro Preto, Minas Gerais, Brazil, on 21 April 2001, and the “Gran-Cruz” of the Order of Rio-Branco, in Brasília, Brazil, on 10 October 2001.

During the year 2001, Judge Antônio A. Cançado Trindade delivered a course on International Human Rights Law at the University of Brasília, and, furthermore, a course on Public International Law at the Diplomatic Institute Rio-Branco, in Brasília.

Judge Antônio A. Cançado Trindade delivered a lecture on the Inter-American Court of Human Rights in the Seminar of International Law held at the National Autonomous University of Mexico (UNAM), in Mexico City, on 13 December 2001.

On April 4, 2001, the President of the Republic of Chile, Ricardo Lagos Escobar, appointed the Vice President of the Inter-American Court, Judge Máximo Pacheco Gómez, to be the Republic of Chile's Ambassador to the Vatican.

Judge Salgado Pesantes has performed the activities inherent in his duties as Justice and Vice President of the Constitutional Court of Ecuador and as full-time professor of the Pontifical Catholic University of Ecuador in the department of Constitutional Law and Fundamental Rights.

During the year examined in this report, Judge Sergio García Ramírez continued his activities as a researcher at the National Autonomous University of Mexico (UNAM) and carried out

functions as professor, guest speaker, and member of Government bodies and editorial boards of various academic and professional institutions.

Judge García Ramírez also published several books on juridical issues, and numerous articles in Mexico and abroad. The books are entitled: a) “La responsabilidad penal del Médico” (UNAM/Editorial Porrúa, Mexico, 2001, 417 pages); b) “Las reformas penales de los últimos años en México. 1995-2000” (joint coordinator) (UNAM, 2001, 249 pages); c) “El nuevo procedimiento penal mexicano” (Third edition, extensively revised and expanded, Editorial Porrúa, Mexico, 2001, 506 pages); and d) “La jurisprudencia de la Corte Interamericana de Derechos Humanos” (coordinator) (UNAM/CorteIDH, Mexico, 2001, 1200 pages). The latter includes the Court’s advisory jurisprudence and case law up until its third session of 2001, classified, and with several indexes. It also incorporates an introductory chapter and a final chapter on the inter-American jurisdiction.

During 2001, Judge García Ramírez was named “Distinguished university professor” by the University of Colima. The Fifth National Congress on Juvenile Offenders was named in his honor.

During the reporting period, Judge Abreu Burelli conducted the following activities: Course on Human Rights in the Naval School of War, Caracas, Venezuela; lectures to the Human Rights Symposium for public ombudsmen in the cities of Caracas, Mérida and Maracay, Venezuela; lectures on the Constitution of Venezuela and Human Rights in the cities of Barcelona, Maturín and Maracay, Venezuela; lecture on International Responsibility and Reparations in the Naval School of War, Caracas, Venezuela; participant in the Course on Human Rights for Judges and Judicial Personnel in the School of the Judiciary of Venezuela; advisor for several theses on human rights at the Universidad Católica Andrés Bello of Venezuela; and a keynote speech to the Legislative Council of the State of Carabobo, Valencia, on the occasion of the 53rd Anniversary of the Universal Declaration of Human Rights, 10 December 2001.

Throughout the course of the year, Judge de Roux Rengifo coordinated a group of analysts addressing the peace process in Colombia. The group was made up of political leaders, business leaders, scholars, journalists and civil servants (including two of the Government’s negotiators with the FARC). This group regularly framed recommendations for the parties during the on-going process. The project is funded by the Government of Germany.

In the framework of an agreement between UNICEF and the Social Foundation, Judge de Roux Rengifo was also active throughout the year in coordinating an observatory on the Colombian situation, from the standpoint of international humanitarian law. As part of this activity, he coordinated a team of experts in international humanitarian law and published a periodical newsletter, “Vigía del Fuerte.”

Judge de Roux Rengifo directed preparatory work and served as coordinator for the international forum “Economic, Social and Cultural Rights and Public Policies,” held under the terms of an agreement between ECLAC, the Social Foundation and the Colombia Office

of the United Nations High Commissioner for Human Rights, held from November 19 to 20.

During the course of the year, Judge de Roux Rengifo gave a number of human rights lectures to diverse audiences, including some of the following entities in Colombia: Friedrich Ebert Foundation of Colombia (FESCOL): a lecture on uncovering the truth and applying justice regarding human rights violations in the process of resolving domestic armed conflicts (March); Ministry of National Defense: a lecture to high-ranking military officers on the situation of human rights in the framework of the domestic armed conflict, and on public policies that should be adopted to promote and protect these rights (May); Diplomatic Academy of the Ministry of Foreign Affairs: a lecture on the inter-American system for the protection of human rights, given in a course for career diplomatic officers up for promotion (June); Universidad Javeriana: lecture on the national and international human rights agenda in the framework of the Colombian peace process, given during a meeting of Society of Jesus church workers from several countries (July); Office of the National Prosecuting Attorney: a lecture for the Deputy Prosecutor and prosecutor delegates on the relationship between human rights and international humanitarian law and the application of both systems in Colombia (August); “El Tiempo” newspaper: served as a panelist in a public forum on the International Criminal Court and Colombia’s adherence to the Statute of Rome (September); Personería de Bogotá (State Prosecuting Attorney for Capital City): lecture to 1200 Bogota school employees on the role they can play in protecting the human rights of children (September); Diocese of Sincelejo: led a workshop on mechanisms for the promotion and protection of economic, social and cultural rights in the department and in the municipality, targeting social outreach workers and civil servants of the Department of Sucre (October); UNICEF / Social Foundation: participation on a panel of experts concerning recent legislative developments in Colombia and their relationship to international humanitarian law applicable to non-international armed conflicts (November); ECLAC / Social Foundation: lecture on economic, social and cultural rights, given in the framework of the international forum “Economic, Social and Cultural Rights and Public Policy” (November).

V. ACADEMIC ACTIVITIES OF SECRETARIAT OFFICIALS

On March 14, 2001, the Secretary of the Inter-American Court of Human Rights, Manuel E. Ventura Robles, was a speaker at the activity held by the Inter-American Court and UNHCR to celebrate the latter’s fiftieth anniversary during which the books “*La Nueva Dimensión de las Necesidades de Protección del Ser Humano en el Inicio del Siglo XXI*” [*The new dimension of the individual’s needs for protection at the start of the twenty-first century*] and “*Las Memorias del II y III Encuentro de Movilidad Humana – Migrante y Refugiado*” [*Proceedings of the second and third meeting on human mobility – migrants and refugees*] were launched. The latter represented a joint effort by the two institutions and the Inter-American Institute of Human Rights. During the event, there was a farewell ceremony for Jaime Ruiz de Santiago, outgoing UNHCR Head of Mission in Costa Rica (*supra* III 6.).

On April 23, 2001, the Secretary of the Court, Manuel E. Ventura Robles, took part in an event held at the Ministry of Foreign Affairs to award the Manuel María de Peralta Prize for

2001 to Rodolfo Piza Escalante. This prize is awarded every year by the Phillip C. Jessup Costa Rican International Law Association to prominent national figures who have devoted their lives to the study, promotion and dissemination of international law to the benefit of the country. Secretary Ventura Robles described Mr. Piza Escalante from a humanistic perspective, which was very apt for someone who had been a judge of the Inter-American Court and its first President, from the year of its creation in 1979 and until 1981, and who has held senior positions in the international domain and in Costa Rica.

On April 27, 2001, the Secretary of the Court, Manuel E. Ventura Robles, was a guest speaker at the Lincoln Model United Nations. He gave a talk on the Inter-American Court to delegations of students from all the American schools of Costa Rica and Central America.

On July 16, 2001, the Court's lawyers, Lilly Ching and Paula Lizano gave a talk on the operation of the inter-American system for the protection of human rights to a group of 15 students from the master's degree program in criminal sciences of the University of Costa Rica's Faculty of Law. This talk was part of the obligatory material of the master's program. The activity was held at the Supreme Court of Justice of Costa Rica.

The Secretary of the Court, Manuel E. Ventura Robles, took part as a professor in the Nineteenth Interdisciplinary Human Rights Course organized by the Inter-American Institute of Human Rights, in San José, Costa Rica, from June 18 to 29, 2001. On Wednesday, June 20, he presented the topic: *The Inter-American Court of Human Rights*.

From October 14 to 19, 2001, the fifth edition of the Eduardo Jiménez de Aréchaga Inter-American Human Rights Competition was held in Costa Rica. The competition consists of a simulation of a hypothetical case submitted to the Inter-American Court of Human Rights for the alleged violation of the fundamental rights of one or more individuals, international responsibility for which is attributed to a fictitious State party to the American Convention on Human Rights. The competition takes place in two stages, one written and the other oral, during which the teams defend both the position of the Inter-American Commission on Human Rights and that of the fictitious State, in national and international rounds before judges who are experts in international law and international human rights law.

This activity, organized at the international level by the Costa Rican International Law Association (ACODI), a non-profit, apolitical, academic association, is aimed at promoting and publicizing the inter-American system for the protection of human rights and the work of the system's organs, particularly the Inter-American Court of Human Rights, in the universities of the hemisphere and throughout the world. The general topics are the substantive and procedural regulation of human rights, the Court's rules of procedure and the Commission's regulations, as well as other elements of international law, which have specific relevance.

The competition has now become a very high-level academic activity throughout the hemisphere and, each year, the level of the national representation has increased. This year, teams from universities in Argentina, Colombia, Costa Rica, Ecuador, Guatemala, Mexico, Panama and Venezuela participated. In several of these countries, eliminatory rounds were held to identify the team of university students who would represent their country in the international rounds in Costa Rica, which shows the interest that the activity has aroused.

The activity is supported and sponsored by the Inter-American Court of Human Rights, the Inter-American Institute of Human Rights, non-governmental organizations and many experts in international law. Information about the competition was published on the Court's web page as of June 2001 and the hypothetical case was prepared by the former Deputy Secretary, Renzo Pomi, together with one of the Court's lawyers and two of its legal assistants. The competition was organized by an official of the Court's Legal Area and the Court's lawyers and assistants, including the Court's Secretaries, Manuel Ventura Robles and Pablo Saavedra Alessandri, took part in the evaluation panels during the eliminatory rounds, semi-finals and final. The semi-final and final rounds were held at the Court on October 18 and 19, respectively.

On October 31, 2001, the Secretary of the Court, Manuel E. Ventura Robles, gave a lecture on the role of international organizations at the Faculty of Social Sciences of the National University in Heredia, Costa Rica. The lecture was given in the context of an exchange of students in the international relations programs of the National University of Panama and the National University in Heredia, Costa Rica.

VI. UPDATE OF THE PUBLICATIONS ON THE JURISPRUDENCE OF THE COURT

During 2001, the series of publications on the Court's jurisprudence was completely updated, with the publication and distribution of the fascicles on the following decisions of the Court:

Series C

ICourtHR, *Trujillo Orozco case*. Judgment of January 26, 2000. Series C No. 64.

ICourtHR, *Cesti Hurtado case. Interpretation of the Judgment on Merits*. (Article 67, American Convention on Human Rights). Judgment of January 29, 2000. Series C No. 65.

ICourtHR, *The Mayagna (Sumo) Awas Tingni Community case, Preliminary Objections*. Judgment of February 1, 2000. Series C No. 66.

ICourtHR, *Las Palmeras case, Preliminary Objections*. Judgment of February 4, 2000. Series C No. 67.

ICourtHR, *Durand and Ugarte case*. Judgment of August 16, 2000. Series C No. 68.

ICourtHR, *Cantoral Benavides case*. Judgment of August 18, 2000. Series C No. 69.

ICourtHR, *Bámaca Velásquez case*. Judgment of November 25, 2000. Series C No. 70.

Series E

No. 3. Compendium of Provisional Measures July 2000 - June 2001.

Others

The Inter-American System for the Protection of Human Rights on the Threshold of the Twenty-first Century: Report: Basis for a draft protocol to the American Convention on Human Rights to strengthen its protection mechanism.

Rapporteur: Antônio Augusto Cançado Trindade. 2001.

VII. ADMINISTRATIVE AND FINANCIAL AFFAIRS

The Inter-American Court's financial statements for the 2000 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 28, 2001, 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, execution of the "Installation of the inter-American Judicial Human Rights Information System" project continued satisfactorily; it is executed with international cooperation funds obtained by the Costa Rican Government.

Approval of the Court's budget for 2002

On June 5, 2001, during its twenty-seventh regular session, held in San José, Costa Rica, the General Assembly of the Organization of American States approved the Court's budget for

2002, amounting to US\$1,354,700.00 (one million three hundred and fifty-four thousand seven hundred United States dollars).

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 2002.